



**APPROVED MINUTES OF THE REGULAR SESSION OF
THE HOUSING BOARD OF APPEALS OF THE CITY OF ANN ARBOR, MI
100 NORTH FIFTH AVENUE - SECOND FLOOR – CITY COUNCIL CHAMBERS
AUGUST 5, 2008**

The meeting was called to order at 1:35p.m. by Chair Ron Suarez

ROLL CALL

Members Present: (4) R. Suarez, C. Christiansen, D. Fleece and
A. Stuart

Members Absent: (3) K. Busch, L. Wessinger and M. Goldstein

Staff Present: (3) R. Fulton, K. Chamberlain and B. Acquaviva

A. APPROVAL OF AGENDA –

Moved by C. Christiansen, Seconded by M. Goldstein, **“to Approve the Agenda as Presented”** - *Approved as Presented without Objection.*

B, APPROVAL OF MINUTES

B-1 Draft Minutes of the July 8, 2008 Regular Session

Moved by C. Christiansen, Seconded by D. Fleece, **“to approve the July 8, 2008 Draft minutes as presented.”**

On a Voice Vote – MOTION PASSED – UNANIMOUS

C. APPEALS & ACTION

C-1 813 McKinley Avenue – HBA08-001

The applicant, John Criso, seeks to obtain Housing Board of Appeals Variance from:

1. Section 8:502 (1) – Required natural light for cellar finished room (required to have 7.68 s.f. and currently has 7.55 s.f.)
2. Section 8:503 (6) – Grade and Cellar Occupancy for cellar finished room to be used as a bedroom.

An inspection was conducted and the results are summarized on the Cellar Requirements Worksheet that is attached to the applicant’s Housing Board of Appeals Variance application.

Background & Staff Reports

R. Fulton - This is a single family home with four legal bedrooms. It was a two family, and the owner recently converted this to the single family four bedroom. The room in question in the cellar has been there and finished as is for quite a while (although no permits were found regarding this room), and it has always been considered a ‘study;’ Mr. Criso wishes to have it considered a legal bedroom. This would take this rental housing from four to five bedrooms. The maximum occupancy that he is allowed is six. It will not increase any more than six, he just gains an additional bedroom.

54 The only issues that are not compliant concerning this is natural light is deficient by 1.3 sq. feet
55 and he will also need a variance for grade and cellar occupancy.
56

57 K. Chamberlain (Fire Marshal) – The Fire Department concurs with the Building Department. We
58 don't have any code issues.
59

60 **Recommendation:**

61
62 Staff recommends the following motions:
63

- 64 1. Motion to approve a variance from Section 8:502 (1) – Required natural light of the City of
65 Ann Arbor Housing Code to allow the existing natural light of 7.55 s.f. in order to allow the
66 cellar finished room to be used as a legal bedroom.
67
- 68 2. Motion to approve a variance from the Section 8:503 (6) Grade and Cellar occupancy of
69 the City of Ann Arbor Housing Code in order to allow the cellar finished room to be used as
70 a legal bedroom with the following contingencies:
71
- 72 ➤ Maintain the interconnected smoke detector system.
 - 73
 - 74 ➤ Have an independent accredited contractor conduct a radon test and submit
75 documentation which indicates acceptable levels of radon in the room.
76
 - 77 ➤ Have the sanitary sewer cleaned and submit documentation.
78

79
80 **Petitioner Presentation:**

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82 Mr. John Criso, owner and petitioner was present to speak on behalf of the appeal. He stated
83 that the staff report summarized the situation well. We did a remodel last year in which we
84 upgraded a kitchen and bathroom and removed an upstairs kitchen. As staff stated, there was a
85 finished room in the basement and no changes have been done to that other than the addition of
86 additional smoke detectors. In the upgrade of the kitchen and the bathroom, we were able to
87 open up a number of walls, and that allowed us to add hard-wired, interconnected smoke alarms
88 for a portion of the house, and the other portion that is not hard wired is interconnected by
89 wireless, remote controlled interconnected alarms, all of which are functional.
90

91 None of the requirements put forth in the staff report are a problem. We do have recent
92 documentation of a sanitary sewer cleaning and have no problem performing the radon test that
93 has not been performed yet.
94

95 **Questions of Staff by the Board** – None.
96

97 **Discussion by the Board**

98
99 **MOTION**

100
101 Moved by D. Fleece, Seconded by C. Christiansen, **"In regard to Appeal Number 2008-H-001,**
102 **813 McKinley Avenue, the Board grants a variance from Section 8:502 (1) (Natural Light**
103 **Requirements – City of Ann Arbor Housing Code), to allow the existing natural light of 7.55**
104 **square feet, in order to allow the cellar finished room to be used as a legal bedroom. In**

105 addition, the Board approves an additional variance from Section 8:503.6 (Grade and
106 Cellar Occupancy – City of Ann Arbor Housing Code), to allow a cellar finished room to be
107 used as a legal bedroom with the following conditions:

- 108
- 109 ➤ **Maintain the interconnected smoke detector system.**
- 110
- 111 ➤ **Have an independent accredited contractor conduct a radon test and submit**
112 **documentation which indicates acceptable levels of radon in the room.**
- 113
- 114 ➤ **Have the sanitary sewer cleaned and submit documentation.**
- 115

116

117 **On a Voice Vote – MOTION TO APPROVE - PASSED – *UNANIMOUS (Variances Granted)***
118 ***(The petitioner is given sixty days from today to comply with the specified conditions).***

119

120

121

D. OLD BUSINESS

122

123 The Board mentioned that they would like to have additional dialogue with the Building Official,
124 Anthony Savoni, regarding the Building Code versus the Housing Code, and what discrepancies
125 exist.

126

127 Chair Ron Suarez summarized that there is ongoing discussion because issues that are given
128 variances at the HBA may not also comply with the current Building Codes, so the petitioners
129 may have to do several additional steps to comply with the variance issued by this Board. The
130 Board suggested that this meeting be discussed later in the year – possibly November.

131

132 R. Fulton – Suggested it NOT be a Tuesday, as this is normally “over the counter permit day” in
133 the Building Department, and they are very busy and would no be available for meetings. The
134 Board suggested this be discussed on a different day.

135

136 **E. NEW BUSINESS - None.**

137

138 **F. REPORTS & COMMUNICATIONS – None.**

139

140 **G. AUDIENCE PARTICIPATION – GENERAL - None.**

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ADJOURNMENT

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143

144 Moved by A. Stewart, Seconded by D. Fleece, “that the meeting be adjourned.”

145

146 **On a Voice Vote – MOTION TO ADJORN PASSED - *UNANIMOUS***

147 Chair Ron Suarez adjourned the meeting at 2:02 p.m.

148

149 ***(Submitted by: Brenda Acquaviva, Administrative Support Specialist V –***
150 ***Housing Board of Appeals)***