



**APPROVED MINUTES OF THE REGULAR SESSION OF
THE HOUSING BOARD OF APPEALS
CITY OF ANN ARBOR, MI**

**100 NORTH FIFTH AVENUE - SECOND FLOOR – CITY COUNCIL CHAMBERS
MARCH 6, 2007**

I. The meeting was called to order at 1:30 p.m. by Chair Ron Suarez.

II. **ROLL CALL**

Members Present: (5) R. Suarez, D. Fleece, L. Wessinger, A. Stuart,
C. Christiansen

Members Absent: (1) M. Goldstein

Staff Present: (5) N. Sylvester, K. Chamberlain, Al Perry, M. Lloyd and
B. Acquaviva

III. **APPROVAL OF MINUTES**

Minutes of the September 19, 2006 Regular Session –

Moved by L. Wessinger, Seconded by C. Christiansen **“to approve the minutes of
September 19, 2006 as presented.”**

*(*Note: Administration stated that there was a more detailed motion stated in the
minutes than the letter sent to the petitioner for Appeal Number 2006-H-001 (1323
Cambridge Road) due to a push to send the letter out a.s.a.p. It was decided to send
the petitioner a revised second letter with the verbiage that matched the motion
verbiage in the minutes.)*

On a Voice Vote – MOTION PASSED – UNANIMOUS

IV. **APPEALS & ACTION - UNFINISHED**

None.

V. **APPEALS & ACTIONS – TIME EXTENSIONS**

2007-H-001 – 411 North Division Street

Requesting a Variance from the requirements of **Chapter 105, Section 8:503(6)** of the
Ann Arbor Housing Code to allow occupancy of a basement bedroom (**a variance from
grade requirements in order to use a cellar room as a bedroom**).

Staff Description and Discussion:

An appeal was received by the Housing Board of Appeals from Geoff Gibson, owner of this property.
He is requesting a variance from **Section 8:503(6) of the Ann Arbor Housing Code to allow
occupancy of a basement bedroom** (a variance from grade requirements in order to use a cellar
room as a bedroom).

54
55 There are hardwired-interconnected smoke detectors in the cellar stairway, the first floor and the
56 second floor. A check of electrical permit records indicates that in the past year three additional
57 hardwired smoke detectors have been installed, two in the cellar and one at the top of the cellar
58 stairway. This is currently a four-bedroom house, with one bedroom on the first floor and three on
59 the second floor.

60
61 Section 8:503(6) of the Ann Arbor Housing Code prohibits the use of a cellar as habitable space
62 unless approved by the Housing Board of Appeals based on a City inspection report showing that
63 certain standards are met. At the time of the initial inspection of this property on June 20, 2005, Mr.
64 Gibson indicated he was considering applying for this variance, although he has not done so until
65 now. The Cellar Requirements Worksheet is attached.

66
67 **Standards for Approval:**

68
69 **a. Practical difficulties or unnecessary hardship**

70
71 The property is zoned R4C, which allows occupancy of up to six unrelated people in this
72 four bedroom house. Prohibiting the use of the cellar room as a bedroom would create an
73 unnecessary hardship in that a tenant would have to share one of the other four bedrooms.

74
75 **b. The variance does not violate the intent of this chapter**

76
77 The first purpose of the Ann Arbor Housing Code is to protect the health, safety and welfare
78 of residents. By complying with the Cellar Requirements Worksheet, this will be achieved.

79
80 **c. The variance does not jeopardize the public health and safety**

81
82 Public health and safety will not be jeopardized because the variance is dependent upon
83 the smoke detector, egress, electrical, sanitary sewer and radon requirements being met.

84
85 **Recommendation:**

86
87 Staff recommends the following motion:

88
89 Motion to approve a variance from section 8:503(6) of the Ann Arbor Housing Code to allow
90 occupancy of one cellar bedroom contingent on the following:

- 91
92 a. Have the sanitary sewer cleaned by a qualified contractor
93 b. Provide acceptable radon test results from a qualified contractor
94 c. Provide adequate natural light (building permit required)
95 d. Provide an approved emergency escape window (building permit required)
96 e. Provide approved risers in the stairway and at the entry to the bedroom
97 (Building permit required)
98 f. Provide adequate supply air to and return air from this bedroom (mechanical permit required)
99 g. Install additional electrical outlets and install a switch controlled outlet or light fixture at the
100 entry to the bedroom per the National Electrical Code
101 (Electrical permit required)
102 h. Install a partition wall to enclose the room and a doorway to create an entrance
103 (Building permit required)
104

105
106 K. Chamberlain (Safety Services) – I concur with N. Sylvester on her report, but I’m concerned with
107 the sill step. I would like to see a sign on that that states “Fire Step” so that people don’t use it for
108 storage and that it is accessible. There is a shelf that is infringing on the 27” width on the stairwell
109 going into the basement, and if that could be reduced by a fraction of an inch would be helpful in
110 opening that up more for egress. The door into the lower area into the laundry area – if the swing on
111 that door could be changed from the south side to the north side of the door jam.

112
113 *(Discussion by the Board on whether the door even needs to be there. Suggestions were made that*
114 *it be removed completely. N. Sylvester suggested that the swing from south to north be changed if*
115 *the door remains). - See Motion #4, Item #9.*

116
117 K. Chamberlain – I would also like to have the openings between the space where the duct work is t
118 to be closed up to make it more airtight. If the door is removed there, it wouldn’t be necessary, but
119 there are openings into the furnace room and it depends on what happens with that storage room so
120 that the furnace room remains airtight.

121
122 Concerning the unfinished ceiling – I would be satisfied if sprinklers were put in the laundry area, one
123 in the lower landing and one in the furnace room.

124
125 **Questions of Staff by the Board**

126
127 L. Wessinger – (To K. Chamberlain) Clarification – If the ceiling is not installed, you want sprinklers
128 instead – two? (Two in the laundry room and one at the lower landing into what will be the entrance
129 into what will be the cellar bedroom, because a doorway and wall will be placed there as well as one
130 in the furnace room, so four sprinklers total if a partition isn’t put into the bedroom space – if a
131 partition is put there, then one in the bedroom as well.

132
133 L. Wessinger – What if the petitioner puts in a ceiling in the hallway, landing/stairwell, etc. to the
134 bedroom, he doesn’t have to do the sprinklers? (K. Chamberlain – If he seals off the ceiling, and
135 created a rated corridor, the sprinklers wouldn’t be required).

136
137 N. Sylvester – The entry door does have a door closer, we just need to make sure it maintains the
138 ability to close and latch – the importance of that is to have an enclosure around that to make certain
139 that the heat builds up sufficiently in that room to set off the sprinkler system.

140
141 K. Chamberlain – It needs to be closed regardless – whether it’s with fire rating or just to maintain the
142 space.

143
144 *(Further discussion by the Board regarding the measurement of the stair risers).*

145
146 R. Suarez - Asked for clarification from staff (N. Sylvester stated that the code requires that the
147 maximum riser be 9” and one of the problems on this is the concrete steps – one is 9 1/2 inches and
148 the risers are not uniform. The maximum you would be allowed on a new stairway would be a 3/16
149 variance from one tread to the next, and an overall difference (all the differences added together) of
150 3/8 of an inch, and we’re exceeding that here).

151
152 *(Discussion by the board on variances and what is considered acceptable or the ‘practical difficulty’ of*
153 *the particular appeal).*

156
157 **Petitioner Presentation** –
158

159 G. Gibson - Mainly thought the egress window was the problem – doesn't have a problem getting up
160 and down the stairs.
161

162 **Questions for the Petitioner**
163

164 N. Sylvester – Mentions the original report/checksheet indicated inadequate light, because the
165 petitioner talked about putting in a partition which would not include that last window – if he does
166 include that window in the room, he won't need to worry about it.
167

168 A. Stuart – Usually have issues with light, but this seemed ok.
169

170 L. Wessinger – First three steps, not a problem for me (N. Sylvester – Coming off the kitchen? From
171 my math could be rebuilt to just over 7 inches a piece).
172

173 L. Wessinger – I don't think this should be such an onerous burden for the property owner.
174

175 A. Stuart – The issue is that they *can* be rebuilt correctly, and he's asking for something that will
176 increase the value of the house, too.
177

178 N. Sylvester - Someone brought up the need for a finished floor covering – we'd require it for part of
179 the code, unless you want to give a variance for it. It's part of our inspection.
180

181 C. Christiansen – I have a cracked bone in my ankle and hobbled down those stairs quite easily – the
182 cement stairs into the proposed bedroom were most difficult for me. I personally think we could give
183 a variance on the risers as they are – but the two cement stairs are going to be a sticking point with
184 me.
185

186 L. Wessinger – Suggests building out over the first concrete step – and down, approximately 3 risers.
187

188 (Further discussion by the Board regarding stairs, handrail issues (over 3 steps needs a handrail)).
189

190 **MOTION #1**
191

192 Moved by A. Stuart, Seconded by L. Wessinger, **“that Appeal No. 2007-H-001, 411 North Division**
193 **Street be granted a variance for the natural light for the cellar bedroom, **provided the room***
194 ***include the small window and the egress window that are located on the south side of the***
195 ***room).* (**Friendly Amendment by L. Wessinger, accepted by A. Stuart*)
196**

197 **On a Voice Vote – MOTION PASSED - UNANIMOUS – Variance Granted**
198

199 **MOTION #2**
200

201 Moved by A. Stuart, Seconded by C. Christiansen **“that Appeal No. 2007-H-001, 411 North**
202 **Division Street be granted a variance for the stairways coming down from the kitchen to the**
203 **laundry room area only, provided that the interconnected smoke detectors that are in the**
204 **house be maintained.”**
205

206 **On a Voice Vote – MOTION PASSED - UNANIMOUS – Variance Granted**

MOTION #3

Moved by A. Stuart, Seconded by L. Wessinger, “that Appeal No. 2007-H-001, 411 North Division Street be denied for the stairs going from the laundry room down into the proposed bedroom as they need to be rebuilt to current code standards.”

On a Voice Vote – MOTION PASSED – UNANIMOUS – *Variance Denied*

MOTION # 4

Moved by A. Stuart, Seconded by C. Christiansen, “that Appeal No. 2007-H-002, 411 North Division Street be granted a variance from Section 8:503(6) of the Ann Arbor Housing Code to allow occupancy of one cellar bedroom, contingent on the following:

1. Having the sanitary sewers cleaned and radon testing performed by a qualified contractor.
2. Provide approved emergency escape window with a 12” deep step, maximum 18” high (so that the sill height is only 44” maximum).
3. Provide adequate supply air to the return air for this bedroom as well as combustion air (Mechanical permit required).
4. Install additional electrical outlets and switches and install a switch controlled outlet OR light fixture at the entry to the bedroom per the National Electrical Code (Electrical permit required).
5. Install a partition wall and a doorway to create an entrance (Building Permit Required).
6. Trim the shelf at the stair landing to provide a minimum 27” width in the main stairway.
7. Install a fire suppression system in the laundry room, furnace room and the area outside the furnace room (a Plumbing Permit and Fire Department Inspection and approval is required) OR comply with the Code by installing a ceiling and sealing off all open areas around duct work leading to the furnace room and other spaces. The door to the furnace room must be closeable.
8. Install a handrail going down the 3 steps from the kitchen to the landing and the landing to the laundry room with a gripable handrail.
9. Remove door going from the laundry room to the proposed bedroom or change the ‘swing’ of the door from north to south.
10. Install a permanent sign on the egress step (egress step to be non-movable) to be used for emergency access advising that this is a Fire Step and it shall have NO OBSTRUCTIONS.

On a Voice Vote – MOTION PASSED - UNANIMOUS – *Variance Granted*

(Petitioner asked for another variance on an existing room in the home (Discussion)).

MOTION #5

Moved by L. Wessinger, Seconded by A. Stuart, “that the first floor bedroom (the room adjacent to the dining room) that is slightly shy of the overall space requirement (approximately 68 1/2 square feet) be granted a variance from the Ann Arbor Housing Code.”

On a Voice Vote – MOTION PASSED - UNANIMOUS – *Variance Granted*

The Board discussed the issue of a completion date for the motions granted.

MOTION #6

Moved by L. Wessinger, Seconded by C. Christiansen “that the items in the previous motions concerning the basement bedroom must be completed and pass all related inspections prior to any occupancy of the room in question.”

On a Voice Vote – MOTION PASSED - UNANIMOUS

(A. Stuart – Departed at 2:50 p.m.)

The Board discussed a previous issue – Appeal No. 2007-H-003, 1323 Cambridge Road.

L. Wessinger welcomed City Council Member Ron Suarez as a new member and Chair as well as Safety Services staff representatives Kathleen Chamberlain and Al Perry to the Housing Board of Appeals.

VI. **APPEALS & ACTION – CLARIFICATIONS**

None.

VII. **APPEALS & ACTION - NEW**

None.

VIII. **UNFINISHED BUSINESS**

None.

IX. **NEW BUSINESS**

None.

X. **OLD BUSINESS**

None.

XI. **REPORTS & COMMUNICATIONS**

None.

XII. **AUDIENCE PARTICIPATION - GENERAL**

None.

XIII. **ADJOURNMENT**

Moved by C. Christensen, Seconded by D. Fleece “that the meeting be adjourned.”

On a Voice Vote – MOTION PASSED - UNANIMOUS

Chair Ron Suarez adjourned the meeting at 2:53 p.m.

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