



**APPROVED MINUTES OF THE REGULAR SESSION OF
THE HOUSING BOARD OF APPEALS
CITY OF ANN ARBOR, MI
SEPTEMBER 19, 2006**

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

II. Roll Call:

Members Present: (5) J. Carlberg, D. Fleece, L. Wessinger, M. Goldstein,
C. Christiansen

Members Absent: (1) A. Stuart

Staff Present: (3) N. Sylvester, R. Heemstra, B. Acquaviva

III. **APPROVAL OF MINUTES**

Minutes from the June 6, 2006 Regular Session - Corrections: Lines 21 and 87 (Strike "S. Caya" as absent – Ms. Caya resigned from the HBA in early summer and notified the Board Support.), Line 103, strike "Granted" in "Variance Granted" and Insert "Variance Denied" (Motion passed, but motion was worded in the negative).

Moved by D. Fleece, Seconded by M. Goldstein **"to approve the minutes of January 17, 2006 as amended."**

On a Voice Vote – MOTION PASSED – UNANIMOUS

IV. **APPEALS & ACTION - UNFINISHED**

None.

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

2006-H-04 – 2857 Packard Road

Requesting a Variance from the requirements of **Section 8:504** (regarding stair tread depth)

J. Carlberg - Stated that the board had visited the site and had walked the stairs in question and that no one had experienced any problems. She asked for Staff Recommendations.

N. Sylvester – Staff recommends that this be approved with the installation of hard-wired, interconnected smoke detectors, (which have subsequently been installed – but need more input from the Fire Marshall). The electrical contractor that installed them has to get a permit for that work and a final inspection for that work.

54
55 R. Heemstra – One bedroom did not have a detector in it. If the board wants it
56 interconnected, fine, but at a minimum there has to be at least a battery operated one.
57

58 L. Wessinger – Mentioned that the steps seemed a bit slippery, and suggested nose
59 treads for the stairs. Carpeting the steps would also give the additional ½ inch
60 necessary to meet code and provide a less slippery surface.
61

62 The board discussed whether the battery-operated smoke detector would be acceptable
63 to the board as a whole.
64

65 (Additionally, the Fire Marshall has requested that the petitioner check the existing fire
66 alarms to see if someone has ‘inserted’ something into them which would cause them to
67 be ‘quiet.’ Generally, they should be about 70 decibels, and they currently are not.
68

69 **Moved by M. Goldstein, Seconded by D. Fleece, “that the Housing Board of**
70 **Appeals approve a variance from the requirements of Section 8:504 to allow the**
71 **existing 8 ½” tread depth on the stairway leading to the second floor contingent**
72 **upon the installation of hard wired, interconnected smoke detectors at the top of**
73 **the second floor and cellar stairways. In addition, battery operated smoke**
74 **detectors be required in all bedrooms per the Fire Marshall’s recommendations.**
75 **An electrical permit shall be required, along with a final inspection. The applicant**
76 **is given 60 days to comply with this directive.”**
77

78 **On a Voice Vote – MOTION PASSED – UNANIMOUS- Variance Granted**
79

80 VI. APPEALS & ACTION – CLARIFICATIONS
81

82 None.
83

84 VII. APPEALS & ACTION - NEW
85

86 1. 2006-H-03 – 1323 Cambridge Road
87

88
89 Requesting a Variance from Section 8:503(6) – Use of cellar as a habitable space.
90

91 Garrod Post (Manager of Post Realty) and Tom Wilson (Asst. Manager at Post Realty) were present
92 to speak on behalf of the appeal.
93

94 Discussion
95

96 J. Carlberg – We visited the site, and found concerns with the basement bedrooms. One needed an
97 egress window, and that was discussed on-site, and the other bedroom had a very narrow window
98 well that will require removing the grate and installing some safety measure around that, as well as a
99 ladder to get out and some sort of steps to exit the room if they needed to. What are Staff’s other
100 concerns about the basement?
101

102 N. Sylvester -
103

104 ❖ – We have the standard requirement that they need to clean the Sanitary Sewer.

- ❖ Provide acceptable Radon test results.
- ❖ The emergency escape window in the second bedroom that doesn't currently have *any* window.
- ❖ A minimum of 2 additional electrical outlets in the second room. (The first room, which has the window already had 4 outlets).
- ❖ Hard-wired smoke alarms should be installed because they're installing the emergency escape window in bedroom 2 (This is required due to building code).

R. Heemstra – As a basic requirement, we must have a detector in each bedroom, one in the hallway or common area just outside the bedrooms. Depending on how the door arrangements are going to be set, my recommendation would be that the whole house be interconnected together. If we do come to an understanding on how the apartment doors are going to be arranged, we can look at the apartments as individual units, and have them be interconnected per unit. From what I saw and what I heard on site, my recommendation is that the entire building be treated as one unit and interconnected throughout. I do have some other issues besides those.

The current smoke detectors that are down there are not in the proper location. Those have to be relocated until they get interconnected smokes.

The current windowsill in bedroom 1 is at 54 inches. You spoke about having a 'step up' to this, but in my opinion there should be some type of step or device permanently set up so that it brings the height to no higher than 44 inches. As far as getting out of the window once you reach it, the grates have to come off the top (as J. Carlberg mentioned). There also must be a stair or ladder from the window well up to ground level and a protective device around that so that it's easily removable.

I would suggest some lightweight type of cover to keep snow and water out.

N. Sylvester – Need to consider if people may be walking near this window well that they may fall into it if it is not protected from the outside. It doesn't appear to be a high 'foot traffic' area.

R. Heemstra – The second option would be to put some posts with chain around it. With bedroom 2, smoke detector placement and until they get hard-wired smokes, the battery operated need to be relocated so they will work properly and the egress window installed in there. New construction codes must be met on this issue. As far as the common area at the top of the stairs, smoke detector placement will all depend on what they are going to do with the doors.

L. Wessinger – Clarification. The current smoke detectors are battery operated and only temporary until the hard-wired ones can be installed? (Yes).

R. Heemstra (to N. Sylvester) – Do they currently use either one of those rooms as bedrooms? (N. Sylvester – No, they should not be using any of them at all right now).

R. Heemstra – Then they need to remove the mattresses from the basement (standing on their sides against the wall). There is 'stuff' in both rooms and mattresses behind the couch in the common areas. I can't state specifically that someone is sleeping down there.

156
157 L. Wessinger – So the building is currently legal for 4. Two bedrooms upstairs that are legal for 2
158 each, so technically, you could call those two ‘study rooms.’ Those will continue to be used in one
159 way, shape or form. I’d like to see these as close to legal as we can make them.
160

161 N. Sylvester – The access for that second floor apartment is going to require some *additional* sort of
162 access so that they’re not accessing the apartment off the common area. Currently, if I’m in the first
163 floor apartment, and I want to go down to the cellar, I have to walk outside my door, into the common
164 area and go to another door down to the cellar. I’m walking out of the apartment to get to another
165 ‘part’ of the apartment. We discussed that the feasible solution would be to provide a new entry to
166 that second floor apartment, and then block off the interior access from that second floor apartment.
167

168 Looking at the most likely scenario would be a stairway entering the second floor living room area off
169 of what is currently a deck. I would caution the Board that they make that a contingency of the
170 variance if granted, as we don’t want to be in a position where we’re granting a variance for the rooms
171 down there, but then they really can’t ‘use’ them because they are not actually a ‘part of’ the
172 apartment.
173

174 L. Wessinger – We will leave it to the petitioner and his architect how he wants to do this, but we
175 could simply say ‘provide a separate and discreet entrance for the upstairs unit (Apt. 2).
176

177 J. Carlberg – We don’t want to design that for you, so you’ll go over that with the building department.
178

179 C. Christiansen - Question. Is the Radon test a one-time test? (N. Sylvester – Yes).
180

181 It was suggested that a circular stairway might provide a separate entrance that would qualify to meet
182 the needs of the separate entrance, or a separate staircase on the inside to the cellar (interior), but
183 you’d have to seal off the entrance to the first floor landing, as well as placement of the smoke
184 detectors, but that this could be discussed with the Architect and ultimately the Building Dept. Plan
185 Reviewer.
186

187 **Motion**
188

189 Moved by L. Wessinger, Seconded by D. Fleece **“that a variance be granted to 1323 Cambridge**
190 **Road, Appeal No. 2006-H-003, to approve the request for cellar occupancy with the following**
191 **contingencies.**
192

- 193 a. **The Sanitary Sewer must be cleaned.**
- 194 b. **Owner must provide acceptable Radon Testing results from a qualified contractor.**
- 195 c. **Install an approved emergency escape window in room 2 where there is currently no**
196 **window, and provide adequate light and ventilation in this room, which will require a**
197 **building permit and a final inspection.**
- 198 d. **Room No. 1 must have the existing grate over the window well removed.**
- 199 e. **Permanently install a step-up to the window inside of room 1, to create a height of no**
200 **more than 44 inches.**
- 201 f. **Install steps inside the window well for escape from the well to the outdoors outside**
202 **of room 1, and create an outer barrier to prevent people from falling into the window**
203 **well.**
204
205
206

g. Install interconnected, hard-wired smoke detectors as follows:

- 1 Inside each bedroom on the first floor;
- 1 In the first floor hallway outside of these bedrooms;
- 1 Inside each cellar bedroom;
- 1 In the common area outside these bedrooms

An Electrical Permit shall be required along with a final inspection through the Building Department and all smoke detectors shall be per the Fire Marshal's approval.

- h. As a temporary solution, that the existing, battery-operated smoke detectors be relocated per the Fire Marshall's instructions.
- i. That you install 2 additional electrical, ground resisting outlets in bedroom 2 (requiring an electrical permit and a final inspection).
- j. That you provide a separate and discreet entrance for Unit two upstairs, along with a building permit and a final inspection.

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

Note: The Board mentioned to the petitioner *again* that those rooms are not to be used and the mattresses removed immediately.

VIII. UNFINISHED BUSINESS

None.

IX. NEW BUSINESS

None.

X. OLD BUSINESS

None.

XI. REPORTS & COMMUNICATIONS

R. Heemstra discussed the new state laws regarding smoke detectors and passed information to the Board, stating these requirements will go in effect February 2007.

XII. AUDIENCE PARTICIPATION - GENERAL

None.

XIII. ADJOURNMENT

Moved by M. Goldstein, Seconded by D. Fleece "that the meeting be adjourned. Chair Jean Carlberg adjourned the meeting at 2:11 p.m."

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