



**APPROVED MINUTES OF THE REGULAR SESSION OF THE
BUILDING BOARD OF APPEALS OF THE CITY OF ANN ARBOR
JANUARY 09, 2008 - 1:30 P.M. – SECOND FLOOR – COUNCIL CHAMBERS
100 N. FIFTH AVENUE, ANN ARBOR, MI 48104**

MEETING CALLED TO ORDER at 1:32 p.m. by Chair Kenneth Winters

ROLL CALL

Members Present: (5) K. Winters, R. Hart, R. Reik,
A. Milshteyn and S. Callan

Members Absent: (1) **P. Darling**

Staff Present: (3) A. Savoni, R. Farrackand and B. Acquaviva

A - APPROVAL OF AGENDA

A-1 Approved as Revised Without Opposition.

B - APPROVAL OF MINUTES

B-1 Draft Minutes of the December 12, 2007 Regular Session – **Approved as Presented.**

Moved by R. Reik, Seconded by S. Callan, **“to approve the minutes of the December 12, 2007 Regular Session.”**

On a Voice Vote – MOTION PASSED - UNANIMOUS

C - APPEALS & ACTION

C-1 2008-B-001 – 1008 Woodlawn Avenue

Bart Fisher, owner/manager for this property, is requesting a variance from Section R311.5.2 of the 2003 Michigan Residential Code.

Description and Petitioner Presentation

The applicant is requesting a variance from Section R311.5.2 which states: *“The minimum headroom in all parts of the stairway shall not be less than 6 feet 8 inches measured vertically from the sloped plane adjoining the tread nosing or from the floor surface of the landing or platform.”*

Petitioner also has low headroom at the existing stair. Per the drawing the existing headroom is 6 foot 6 inches. The description however, states that the headroom is 6 foot 4 inches. Code requires a minimum of 6 feet 8 inches. Basement contains two studies.

Mr. Bart Fisher was present to speak on behalf of the appeal. He stated that he has a revised plan for the stairs in question with a headroom clearance of 6’6” down the entire run of stairs without any obstructions. The plan cuts back the 2 x 7 ½ “ joist and leaves two triangular sections to be hung back in place and new drywall to be placed on top.

52 A. Savoni – Your proposed plan that you submitted shows 6’4” – Am I going to assume that is a
53 typo and it should be 6’6”? (Petitioner – Yes).
54

55 **Recommendation:**
56

57 A. Savoni – Staff is supportive of this request with a headroom of 6 foot 6 inches. If the board is
58 supportive of granting this request, a fully automatic, building wide smoke detection system
59 should be a condition of the variance.
60

61 R. Farrackand – The Fire Department concurs with the Building Department.
62

63 **Comments and Questions from the Board**
64

65 K. Winters – You’re moving the joist? (Petitioner – It’s being cut back and moved over by
66 roughly eight inches). You don’t have to cut the joist, you’re just moving the joist to create the
67 clearance? (Yes). Are the stringers attached to the wall on each side or are they attached to
68 that joist? (They do not bear on the joist that is being modified. They bear on the outer two
69 joists which are being doubled up, and those are not being modified at all).
70

71 **MOTION #1**
72

73 Moved by R. Hart, Seconded by S. Callan, **“In the case of Appeal Number 2008-B-001, 1008**
74 **Woodlawn Avenue, that a variance be granted from Section R311.5.2 of the 2003**
75 **Michigan Residential Code, whereby the reconfigured stair will achieve a headroom of**
76 **6’6” clear from landing to landing and we find this to be equivalent to what the code**
77 **requires, provided a fully-automatic, hard wired smoke detections system is installed**
78 **throughout the house to the satisfaction of the Ann Arbor Fire Department.”**
79

80 **On a Voice Vote – MOTION PASSED – *UNANIMOUS (Variance Granted)***
81

82
83 **C-2 2008-B-002– 2126 Devonshire Road**
84

85 **Valerie Johnson, designer for this property, is requesting a variance from Sections**
86 **R311.5.3.1 and R311.5.3.2 of the 2003 Michigan Residential Code.**
87

88 **Description and Petitioner Presentation**
89

90 No one was present to speak on behalf of the appeal. Due to lack of attendance of the
91 petitioner, the Board proposed the following:
92

93 **MOTION**
94

95 Moved by S. Callan, Seconded by A. Milshteyn, **“in the matter of 2008-B-002,**
96 **2126 Devonshire Road, to Table the issue until the February 13, 2008 Regular Session.”**
97

98 **On a Voice Vote – MOTION PASSED – *UNANIMOUS (TABLED UNTIL 2/13/08).***
99

100
101 **C-3 2008-B-003 – 804 Third Street**
102

103 **Mary Kalmes, Architect for this property, is requesting a variance from Section R305.1 of**
104 **the 2003 Michigan Residential Code.**
105

106 **Description and Petitioner Presentation**

107

108 The applicant is requesting a variance from Section R305.1 of the 2003 Michigan Residential
109 Code that requires a 7 foot 0 (zero) inch ceiling height in a basement with habitable space, and
110 allows beams/girders not less than 4 feet on center to project below, a maximum of 6 inches.

111

112 **Discussion:**

113

114 Petitioner is constructing a new two story addition to the property. As part of this project, the
115 ductwork in the existing finished basement has been reconfigured. This change resulted in a
116 ceiling height, in a portion of the basement, of 6 foot 10 inches and a finished ceiling height
117 under the new ductwork to range from 5 foot 11-1/2 inches to 6 foot 2-1/2 inches. The finished
118 space includes an egress window.

119

120 Mary Kalmes, architect on the project was present to speak on behalf of the appeal. (Note:
121 Chair Ken Winters disclosed that his employer does some work that involves the architect on
122 this project, but that he is not on the project and administration sees no conflict of interest).

123

124 Ms. Kalmes stated that this is an existing house which they added to the back of, and removed
125 the furnace. They were trying to move the existing ductwork into the new unfinished basement
126 at the rear of the home. Because it's a narrow house, they had difficulty doing this. She stated
127 that those areas in question are not being used as areas where people walk.

128

129 **Recommendation:**

130

131 A. Savoni - Staff is supportive of the 6 foot 10 inch ceiling height request. Staff is not supportive
132 of the ceiling height request under the ductwork—it is too low for safe occupancy of this space.
133 We would suggest that if the Board is supportive of granting any variance, a fully automatic,
134 building wide smoke detection system be a condition of the variance.

135

136 R. Farrackand – The Fire Department concurs with the Building Department.

137

138 **Comments and Questions from the Board**

139

140 R. Hart (To contractor) – What is the headroom under the steel beam? (Shawn Amos of Willow
141 Building) – The floor pitches from 4 ½ inches from west to east. The I beam sits a half inch
142 higher than the bottom or the ductwork now).

143

144 R. Reik – Worst case scenario, what is the lowest head room? (M. Kalmes – 6'1 ½" unfinished).

145

146 K. Winters – There is no way that you can push the ductwork up? (No, because we're dealing
147 with limited existing space and an existing bathroom – the ductwork is from **well wall** to beam).

148

149 **MOTION**

150

151 Moved by R. Reik, Seconded by S. Callan, **"In the matter of Appeal Number 2008-B-003,**
152 **804 Third Street, the Board grants a variance from Sections R305.1 and R311.4.2.1 of the**
153 **2003 Michigan Residential Code, to permit a ceiling height of 6'10 inches and a soffit**
154 **height of 6'4" and 2 doors – 1 into storage area and one into mud room at 6'4" provided a**
155 **building wide smoke detection system is installed to the satisfaction of the Fire Marshal.**
156 **We find this to be equivalent to what the code requires. (WALLS MUST BE**
157 **RECONFIGURED in the area of the storage closet from drawings that were submitted)."**

158

159 **On a Voice Vote – MOTION PASSED – UNANIMOUS (Variance Granted)**

160 **C-3 2007-B-004 – 211 East Washington Street**

161
162 **Habana LLC, owner of this property, is requesting a variance from Section 601.3 of the**
163 **2003 Michigan Rehabilitation Code for Existing Buildings.**

164
165 **Description and Petitioner Presentation**

166
167 No one was present to speak on behalf of the appeal.

168
169 **Recommendation:**

170
171 A. Savoni gave a brief report. The Board shared its concerns regarding the variance request.
172 Due to lack of attendance and input of the petitioner, the Board proposed the following:

173
174 **MOTION**

175
176 Moved by S. Callan, Seconded by A. Milshteyn, **“In the matter of 2008-B-003, 211 East**
177 **Washington Street, to Table the issue until the February 13, 2008 Regular Session.”**

178
179
180 **On a Voice Vote – MOTION PASSED – *UNANIMOUS (TABLED UNTIL 2/13/08.)***

181
182
183 **D - OLD BUSINESS**

184
185 A. Savoni gave a brief synopsis of information provided by the Building Inspections Supervisor,
186 Jeff Ellis. The following three cases were initially heard at the December 2007 meeting when
187 the petitioners were required to “Show Cause” why these buildings should not be demolished.

188
189 **D-1 2007-DBSC-003 – 544 Detroit Street**

190
191 *Mr. Carl Hueter, agent for the owner, was given 30 days from the December meeting to conduct*
192 *an inspection and prepare a report on the condition of the building. He was also to secure the*
193 *parking lot and prevent the site from being used for parking. He has complied with this directive.*
194 *Building Department staff was scheduled to meet with Carl Hueter on site on 1/0/08 to evaluate*
195 *the building. Following that investigation, Mr. Hueter will prepare a report for the Building*
196 *Official to review in conjunction with the inspection report from the attending building inspector.*
197 *Staff is satisfied that the petitioner is working to resolve the situation and recommend an*
198 *extension of 30 days to allow Mr. Hueter time to present a report and plan of action to the city.*

199
200 The Board considered the information and made the following:

201
202 **MOTION**

203
204 Moved by R. Reik, Seconded by A. Milshteyn, **“To grant a 30 day extension for the time**
205 **requirement for 2007-DBSC-003, 544 Detroit Street, for seeing project information to**
206 **fruition. Information in report form is due to the Building Official no later than**
207 **Wednesday, February 8, 2008.”**

208
209 **On a Voice Vote – MOTION TO APPROVE – *PASSED (30 DAY EXTENSION – GRANTED)***

210

211 **D-2 2007-DBSC-001 – 309 North Seventh Street**

212
213 *Mr. Edward Green, owner of the property, was directed by the Board to make arrangements*
214 *within 10 days of the December 12, 2007 meeting for city inspection staff to access the property*
215 *for purposes of evaluating the condition of the structure. In lieu of that directive, Mr. Green was*
216 *given the option of having the inspection done by a State Licensed Private Inspector. Following*
217 *the inspection, Mr. Green would have to provide the city with this report, and would be given a*
218 *list of code violations that needed to be completed within 30 days of the meeting. At Mr.*
219 *Green’s request, this department conducted an inspection on December 27, 2007 of the*
220 *basement wall replacement project only. This inspection was disapproved. This department*
221 *has received no other communication from Mr. Green regarding the Board’s determination.*

222
223 *Since Mr. Green has not contacted us regarding the building, the Building Department is*
224 *prepared to declare the building “Uninhabitable” and post it as such. Staff is not anxious to have*
225 *this building razed as it can be rehabilitated by an interested party. However, Mr. Green has not*
226 *demonstrated he is willing to make the necessary corrections to insure the building is free from*
227 *health and safety violations. Staff recommends that the Board support the city’s request to*
228 *declare this a dangerous building and a nuisance pursuant to Chapter 101 of the city code.*
229 *Staff further requests that an “**Order to Demolish**” the building at 309 North Seventh Street be*
230 *approved by the Board.*

231
232 J. Green - Neighbor – Stated that people moved into this home on Friday-Sunday, January 5th -
233 7th and by Wednesday, January 9th, Comcast Cable was installing cable to the home.

234
235 A. Savoni - If you recall, Mr. Green stated that he had to move out of his current home and into
236 this one by January 12. Since people are now living here and were told in December that this
237 was not a habitable residence until they complied with the Board’s directive, the Planning and
238 Development Services Division will begin ticketing the owner.

239
240 *The Board discussed at length what their next step would be since the owner had not complied*
241 *with their directive set forth at the December 2007 Regular Session.*

242
243 The Board considered this information and made the following:

244
245 **MOTION**

246
247 Moved by A. Milshteyn, Seconded by R. Hart, “**that pursuant to Chapter 101 of the City**
248 **Code, the Board declares 309 N. Seventh Street a Nuisance and Dangerous Building, and**
249 **further, request an Order to Demolish the building at 309 N. Seventh Street.”**

250
251 **On a Voice Vote – MOTION TO APPROVE – PASSED – UNANIMOUS**
252 **(ORDER TO DEMOLISH - APPROVED).**

253
254 **D-3 2007-DBSC-001- 800 North Main Street**

255
256 *Rev. Melvin Lewis, owner of the property, was directed by the Board to clean up the site and*
257 *secure the building within 30 days of the December meeting. Rev. Lewis was also directed by*
258 *the Board to present a site plan prepared by a design professional within 60 days of the*
259 *December meeting. Staff has not been contacted by Rev. Lewis regarding the condition of the*
260 *building, nor has he cleaned up the site (staff presented the Board with pictures taken by an*
261 *inspector just previous to today’s meeting-1/9/2008). As the pictures attest, the site shows lack*
262 *of any progress towards clean up. Staff recommends that the Board support the city’s request*
263 *to declare this a dangerous building and a nuisance pursuant to Chapter 101 of the city code.*

264 Staff further requests that an **“Order to Demolish”** the building at 800 N. Main Street be
265 approved by the Board.

266
267 The Board discussed at length what their next step would be since the owner had not complied
268 with their directive set forth at the December 2007 Regular Session.

269
270 The Board considered this information and made the following:

271
272 **MOTION**

273
274 Moved by A. Milshteyn, Seconded by S. Callan, **“that pursuant to Chapter 101 of the City**
275 **Code, the Board declares 800 North Main Street a Nuisance and Dangerous Building, and**
276 **further, request an Order to Demolish the building at 800 N. Main Street.”**

277
278 **On a Voice Vote – MOTION TO APPROVE – PASSED – UNANIMOUS**
279 **(ORDER TO DEMOLISH - APPROVED).**

280
281 **D-4 2007-BSC-001 - 1917 Washtenaw Avenue – (Informational Update)**
282

283 Staff stated that the owner of this property, Kei Constantinov, failed to be present for a “Show
284 Cause” hearing for failure to comply with the required Permitting and Building Inspections. The
285 owner was sent additional notification of the Board’s action in December which revoked her
286 2006 Variance on the structure known as the “Tea House,” and was ordered to vacate the
287 building and city inspection staff and the Fire Department declared it ‘uninhabitable.’

288
289 The Planning and Development Services division posted notices on the building, and we have
290 received the certified mail receipts showing that Ms. Constantinov has received all notifications
291 of action pursuant to this property. **Staff recommends that this issue now be moved to the**
292 **Dangerous Buildings cases under Chapter 101 of the City Code.**

293
294 **E – NEW BUSINESS – None.**

295
296 **F - REPORTS & COMMUNICATIONS (Covered under Old Business).**

297
298 **F. AUDIENCE PARTICIPATION – GENERAL – None.**

299
300 **ADJOURNMENT**

301
302 Moved by S. Callan **“that the meeting be adjourned”**. The meeting was adjourned without
303 opposition at 2:35 p.m.

304
305 **Minutes prepared by B. Acquaviva, Administrative Support Specialist V**