

# ANN ARBOR BUILDING BOARD OF APPEALS

## STAFF REPORT

**Meeting Date: November 19, 2020**

**Type of Request: VARIANCE**

Building Board of Appeals Request **BBA20-004** at 950 Greene Road, ANN ARBOR, MI 48104.

(Parcel Identification Number: **09-09-32-110-017**)

### DESCRIPTION AND DISCUSSION

#### Property Owners Name and Address:

Hoover Greene Owner, LLC  
One Towne Square  
Southfield, MI 48076

### BACKGROUND

The building located at the corner of Greene and Hoover is a mixed-use building including A-3 Assembly, B, M, R-2 and S-2 use groups the area in question is 5A construction type and R-2 use.

The owner of the residence located at 950 Greene Rd., Ann Arbor, MI requests one variance:

**(1) Relief from Section 695.3 of the 2017 National Electrical Code:** Particularly Individual sources where reliable and were capable of carrying indefinitely the sum of the locked-motor current of the fire pump motor(s) and the pressure maintenance pump motor(s) and the full-load current of the associated fire pump accessory equipment to this power supply.

#### **Standards for Approval:**

- 1. Practical difficulties or unnecessary hardship;*
- 2. The variance does not violate the intent of this chapter; and*
- 3. The variance does not jeopardize public health and safety.*

### STAFF RECOMMENDATION

Staff recommends that the variance not be granted. The variance does not meet the standard for approval.

#### **1. Relief from Section 695.3 of the 2017 National Electrical Code:**

-While it is proposed that the inspector has misinterpreted the word indefinite the synonyms used leave out words like uncertain and unlimited. The intent of the code section is to make sure that the electrical service does not become the weak link in the performance of the fire pump. In the document provided DTE has verified that they could only accommodate the required loads for 1 hour.

-The code language uses indefinitely for a reason, if the intent was to accommodate loads for one hour that would be stated as it is in other areas of the code, where specified limits are acceptable. Please see article 695.3 of the 2017 National Electrical Code.

To look at the arguments point by point of the requested relief:

1. We have provided adequate documentation that the current fire pump power meets the NFPA of a reliable service:
  - Staff: What has been provided demonstrates the code requirements have not been met as DTE has confirmed that the loads could only be carried for one hour which does not meet the code requirement of “indefinitely” and does not meet the NFPA response that the intent is that the electrical supply “not become the weak link in the fire pump performance” per DTE this becomes the case after 1 hour.
2. The transformer operation time, under the loads required can be accomplished before fire pump safeties take it automatically offline:
  - Staff: The code does not state this as the requirement. If the intent of the code was to have this be the standard it would be worded in a way that would make that clear and the word indefinitely would not be used.
3. This is an AHJ interpretation and it was not requested at plan review.
  - Staff: This is a moot point as something being missed at plan review does not relieve the applicant of the code requirement.

**PROPOSED MOTION**

**APPEAL GRANTED**

That in Case BBA20-004, **the appeal of the Building Official's decision** that the work to be performed at 950 Greene Street is **GRANTED** relief from section 695.3 and the Building Board of Appeals **REVERSES** the Building Official's decision for the reason(s) that *[state reason in motion]*:

- (1) The true intent of the 2017 National Electric Code and section 695.3, governing the construction at 950 Greene Street have been incorrectly interpreted by the Building Official;
- (2) The provisions of 2017 National Electric Code 695.3 do not apply to the construction at 950 Greene Street;
- (3) The applicant has proposed an equal or better form of construction.

Stipulations – If Applicable:

A large, empty grey rectangular box intended for entering stipulations if applicable.

***[Chairman to check box(es) following vote]***

**OR**

## APPEAL DENIED

That in Case BBA20-004 **the appeal of the Building Official's decision** that the work to be performed at 950 Greene Street is **DENIED** and the Building Board of Appeals **AFFIRMS** the Building Official's decision for the reason(s) that *[state reason in motion]*:

- (1) The true intent of the 2017 National Electric Code and section 695.3 governing the construction at 950 Greene Street have been correctly interpreted by the Building Official;
- (2) The provisions of 2017 National Electric Code section 695.3 apply to the construction at 950 Greene Street;
- (3) The applicant has not proposed an equal or better form of construction;

Stipulations – if Applicable:

***[Chairman to check applicable box(es) following vote]***

Yeas:

Nays:

Absent for this vote:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Paul Darling, Chairperson  
Building Board of Appeals