



**APPROVED MINUTES OF THE REGULAR SESSION OF THE
HOUSING BOARD OF APPEALS OF THE CITY OF ANN ARBOR
JULY 6, 2010 - 1:30 P.M. – 2000 SOUTH INDUSTRIAL HWY,
CONFERENCE ROOM**

MEETING CALLED TO ORDER at 1:35 p.m. by Chair Sandy Smith.

ROLL CALL

Members Present: (4) S. Smith, C. Christiansen, A. Stuart & D. Fleece

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

Staff Present: (3) P. Winters, D. Warsinski & B. Acquaviva

A - APPROVAL OF AGENDA

A-1 Approved without objection.

B - APPROVAL OF MINUTES

B-1 Draft Minutes of the May 5, 2010 Regular Session Ann and Dick Regular Session

Moved by A. Stuart, Seconded by D. Fleece, **“That the draft minutes of the May 5, 2010 Regular Session be approved as presented.”**

On a VOICE VOTE – MOTION TO APPROVE – *PASSED (UNANIMOUS)*

C - APPEALS & ACTION

C-1 HBA09-003 – 118 W. Kingsley Street

Description and Petitioner Presentation

The applicant is requesting a variance from The owners, Mr. and Mrs. Robert Thompson, request the following variances from the requirements of Chapter 105, the Ann Arbor Housing Code:

1. Section 8:503(3)(b), which requires a minimum ceiling height of 7', or in the case of sloping ceilings a minimum average ceiling height of 7' over 50% of the floor area.
2. Section 8:503(1)(b), which requires sleeping rooms contain at least 70 square feet of habitable space.
3. Section 8:503(3)(d), which requires openings to habitable space shall be at least 6'2 high.

The petitioners, Robert and Adeline Thompson, Jr. are long term landlords in Ann Arbor and had previously lived in this house for several decades. The house is a pre-1900 single story home that has been a rental for several decades. It has one small bedroom, one bathroom, a small study, a very large living room (304 square feet), large dining room (156 square feet), large kitchen (147 square feet) and a side room(east room) which the owners desire to rent as a bedroom. The house has two approved means of egress (one front and one rear)..

51 **Section 8:503 of the Ann Arbor Housing Code**

52
53 This code requires a bedroom (habitable space) to meet a minimum ceiling height (7'), room
54 width (7') and entry door height (6'2"), all of which the East room currently does not comply with.
55 Though a small study (56 square feet) exists which appears to meet all but the square footage
56 requirements of a bedroom, the East room is a far larger room (104 square feet, including a 12
57 square foot closet) which very nearly meets all the requirements for a bedroom. The East room
58 has the following dimensions which do not meet the above three requirements:

- 59
- 60 1. The room is approximately 6'11" wide (by 9' in length), except in front of the closet where
61 it is approximately 4'11" in width (by 6' in length). The total open usable floor space is
62 approximately 92 square feet (62% of which has the widest dimension). The closet
63 measures 2' by 6' (12 square feet). Removing the closet would add 12 square feet to the
64 room on the side having the highest ceiling height. The total room size would then be
65 approximately 104 square feet (provided the ceiling height variance were granted).
- 66
- 67 2. The ceiling, which is sloped, measures 83" down to 73.5", with an average height of 6'6".
68 The ceiling height is approximately 6" too low.
- 69
- 70 3. The doorway entrance to the room measures 6'1" in height. The doorway opening is
71 approximately 1" too low, however, it is believed to be due to a structural member.
- 72

73 **Recommendation:**

74 Staff recommends the following motions:

75
76 **MOTION**

- 77
- 78 1. " I make a motion to grant a variance from the ceiling height requirements of Section
79 8:503 (3)(B) of Chapter 105 (Ann Arbor City Housing Code) to allow the existing sloped
80 ceiling height in the East room to remain as is(for use as a bedroom), contingent on the
81 following:
82
 - 83 a. Remove existing 2'x6' closet located along the central wall of the room (at the high
84 side of the ceiling) near the emergency egress window.
 - 85 b. Install Inteconnected smoke alarms (electrical permit required) in each bedroom,
86 in the dining room (at a central location between both bedroom doors) and in the
87 cellar.
- 88
- 89 2. I make a motion to grant a variance from the minimum living space requirement of
90 **Section 8:503(1) (b) of Chapter 105** (Ann Arbor City Housing Code) to allow the existing
91 room width contingent on a. and b. listed above.
- 92
- 93 3. "I make a motion to grant a variance from the openings to habitable space requirement of
94 Section 8:503(3)(d) of Chapter 105 (Ann Arbor City Housing Code) to allow the existing
95 entry door height in the East room to remain as is (for use as a bedroom), contingent on
96 a.and b. listed above.
- 97

98 Contingencies to be met prior to the East room being used as a bedroom."

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100 **Comments and Questions from the Board**

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102 *The Board discussed the appeal and put forth the following motions:*

104 **Discussion:**

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106 **MOTION #1**

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108 *Moved by D. Fleece, Seconded by A. Stuart “In regard to Appeal Number HBA10-003,*
109 *118 W. Kingsley Street, the Board grants a variance from the ceiling height*
110 *requirements of Section 8:503 (3)(B) of Chapter 105 (Ann Arbor City Housing Code)*
111 *to allow the existing sloped ceiling height in the East room to remain as is (for use*
112 *as a bedroom), and a variance from the minimum living space requirement of*
113 *Section 8:503(1) of Chapter 106 (Ann Arbor City Housing Code) to allow the*
114 *existing room width, contingent on the following:*

115
116 ***A. Install Inter-connected smoke alarms (electrical permit required) in each***
117 ***bedroom, in the dining room (at a central location between both bedroom***
118 ***doors) and in the cellar; And,***

119
120 **MOTION #2**

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122 *Moved by D. Fleece, Seconded by A. Stuart, “In regard to Appeal Number HBA10-003*
123 *the Board grants a variance from the openings to habitable space requirement of*
124 *Section 8:503(3)(d) of Chapter 105 (Ann Arbor City Housing Code) to allow the*
125 *existing entry door height in the East room to remain as is (for use as a bedroom),*
126 *contingency “A” listed above.*

127
128 ***Contingencies to be met prior to the East room being used as a bedroom.”***

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130 **MOTION #3**

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132 *Moved by D. Fleece, Seconded by A. Stuart, “In regard to Appeal Number*
133 *HBA10-003, the Board grants a variance from the openings to habitable space*
134 *requirement of Section 8:503(3)(d) of Chapter 105 (Ann Arbor City Housing Code)*
135 *to allow the existing entry door height in the East room to remain as is (for use as*
136 *a bedroom), contingent on a.as listed above.*

137
138 **On a Voice Vote – MOTION TO APPROVE – PASSED – UNANIMOUS**

139
140 **E - NEW BUSINESS**

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142 **F - REPORTS & COMMUNICATIONS – None.**

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

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146 **ADJOURNMENT**

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148 The meeting was adjourned without opposition at 1:48 p.m.

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

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