



**APPROVED MINUTES OF THE REGULAR SESSION OF  
THE HOUSING BOARD OF APPEALS OF THE CITY OF ANN ARBOR, MI  
100 NORTH FIFTH AVENUE - SECOND FLOOR – CITY COUNCIL CHAMBERS  
FEBRUARY 5, 2008**

The meeting was called to order at 1:32 p.m. by Chair Ron Suarez

**ROLL CALL**

Members Present: (6) A. Stuart, K. Busch L. Wessinger  
C. Christiansen, D. Fleece and R. Suarez

Members Absent: (1) M. Goldstein

Staff Present: (3) R. Fulton, K. Chamberlain and  
B. Acquaviva

**A. APPROVAL OF AGENDA –**

Moved by A. Stuart, Seconded by D. Fleece, “**to Approve the Agenda as Presented**” -  
*Approved as Presented without Objection.*

**B, APPROVAL OF MINUTES**

Draft Minutes of the January 8, 2008 Regular Session

Moved by D. Fleece, Seconded by C. Christiansen, “**to approve the January 8, 2008  
Draft minutes as presented.**”

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

**C. APPEALS & ACTION**

**C-2 2008-H-001 – 1111 White Street**

The applicant, Robert Price, seeks to obtain Housing Board of Appeals Variances from the following Code:

1. Section 8:504 (4)(b)(2 and 7) – From the required minimum stairway headroom height of 6’0”. Currently has 5’8” in the stairs between the basement and first floor and has hardwired smoke detectors but are not interconnected.
2. Section 8:502 (1) – From the required 8% natural light for the basement southwest (front) room as habitable space. Required to have 8.6 s.f. and currently has 6.6 s.f.
3. Section 8:500 (14)(a) – From the required 7’ minimum width for the basement southwest (front) room as habitable space. Room is currently 6’5” x 16’10”.
4. Section 8:502 (1) – From the required 8% natural light for basement southeast (rear) room as habitable space. Required to have 8.8 s.f. and currently has 2.9 s.f.
5. Section 8:502 (2) - From the required 4% natural ventilation for basement southeast (rear) room as habitable space. Required to have 4.4 s.f. and currently has 2.9 s.f.
6. Section 8:504 (3)(c) – From the required emergency escape window for basement southeast (rear) room as habitable space.

**Background**

This inspection represents the first time that Planning and Development Services has inspected the building as residential rental. There are 3 legal bedrooms on the second floor. The petitioner is requesting variances to allow the existing finished space (2 rooms) in the basement to be used as habitable space.

For this report, staff is reviewing this basement space as two separate rooms. In order to review this space as one room, there would need to be a minimum of a 25 square foot unobstructed opening between the two areas.

An inspection was conducted and the results are summarized on the attached corrected "Addendum to violation letter dated 8/21/07". The owner has provided proof of radon testing in the basement which showed an average of 1.8, which is well below the 4.0 maximum allowable, as well as proof of sanitary sewer cleaning.

**Recommendation:**

Staff recommends the following motions:

1. Motion to deny variance request for basement stairway headroom because the Housing Code requirements can be met with the installation of hardwired interconnect smoke detectors with battery backup placed at the top of the basement, second floor and attic stairs.
2. Motion to deny variance request for required natural ventilation in the basement southwest (front) room.
3. Motion to deny variance request for required minimum room width in the basement southwest (front) room.
4. Motion to deny variance request for required natural ventilation in the basement southeast (rear) room.
5. Motion to deny variance request for required natural light in the basement southeast (rear) room.
6. Motion to deny variance request for emergency egress window in the basement, southeast (rear) room.

R. Fulton – The rooms are contiguous. The owner wishes these to be habitable space. Staff looked at these as two separate rooms due to their configuration. We are suggesting these be denied.

K. Chamberlain – Fire Department recommends the first request be denied (smoke detectors) (interconnected and/or radio controlled fire detectors are acceptable) – Requests 2-5, Defers to Housing. Request # 6 – Recommend denial, egress window to be provided.

**Petitioner Presentation:**

Mr. Robert Price was present to speak on behalf of the appeal. He stated that the only reason the room was occupied was because a previous inspector had approved it. When Rita inspected, she divulged the source of the problems and stated it was not habitable. I would ask the Board for enough time to not disrupt the student currently renting the room. I can put in the radio controlled fire detectors and the egress windows. He stated he preferred not to put in a window that differed from the rest of the home.

104 Questions of Staff by the Board  
105

106 R. Fulton – If he puts the same size egress window in that he has in the front room, he'll be fine  
107 with the ventilation, but 2.2 square feet short of the light requirements. (*Discussion by the Board*  
108 *on light, ventilation and egress requirements on room #1.*)  
109

110 Discussion by the Board  
111

112 L. Wessinger – Suggested that if the room is already shy of the light requirement that if they  
113 cannot meet the 25 feet of space required between those two rooms, that they try to put in a  
114 window in the second room that meets the other requirements (She consulted with K. Busch on  
115 how difficult it would be to change the header). The fact that widows match and/or don't match is  
116 not as an important issue as having adequate ventilation and light.  
117

118 K. Busch – From a construction standpoint, you're not talking about creating a hardship by  
119 making a larger opening from top to bottom, and leaving the width.  
120

121 MOTION #1  
122

123 Moved by A. Stuart, Seconded by D. Fleece, "to approve a variance for Appeal Number  
124 2008-H-001, 1111 White Street, from Section 8:504 (4)(b)(2 & 7), (*Minimum Stairway Height*)  
125 for the required minimum stairway headroom (six feet) – between the basement and the  
126 first floor (currently has 5'8"). An interconnected smoke detection system (located in the  
127 basement, top of second floor and attic stairs) will be a requirement of the variance.  
128 Basement detector does not have to be at top of basement stairs. Allow 90 days for the  
129 applicant to comply".  
130

131 On a Voice Vote – **MOTION PASSED** – *UNANIMOUS (Variance for Headroom – Approved)*  
132

133 MOTION #2 (Note: Granted provided that items in Motion 4 & 5 are finished and code compliant)  
134

135 Moved by A. Stuart, Seconded by L. Wessinger, "to approve a variance for Appeal Number  
136 2008-H-001, 1111 White Street, from Section 8:502 from the required 8 percent natural light  
137 for the basement in the southeast portion of the room as habitable space, provided the  
138 room meets required egress which will also meet light requirements. Allow 90 days for the  
139 applicant to comply".  
140

141 On a Voice Vote – **MOTION PASSED** – *UNANIMOUS (Variance for Natural Light – Approved)*  
142

143 MOTION #3  
144

145 Moved by A. Stuart, Seconded by L. Wessinger, "to approve a variance for Appeal Number  
146 2008-H-001, 1111 White Street, from Section 8:500 from the required 7 foot minimum width  
147 for the basement southwest front room as habitable space. The room is currently 6 feet 5  
148 inches x 16 feet 10 inches – provided that there is not a door placed between the  
149 southwest or southeast portions of the room. Interconnected smoke detectors throughout  
150 the home (including installation of detectors in both bedrooms) shall be a condition of the  
151 variance. Allow 90 days for the applicant to comply."  
152

153 On a Voice Vote – **MOTION PASSED** – *UNANIMOUS (Variance for Minimum Room*  
154 *Dimensions – Approved)*

155 **MOTION #4**

156  
157 Moved by A. Stuart, Seconded by D. Fleece, “to deny a variance for Appeal Number  
158 **2008-H-001, 1111 White Street, from Section 8:502 for the required 4 percent natural**  
159 **ventilation for the southeast portion of the basement bedroom as these requirements can**  
160 **be complied with. Allow 90 days for the applicant to comply.”**

161  
162 On a Voice Vote – **MOTION PASSED – UNANIMOUS – (Variance for Ventilation – Denied)**

163  
164 **MOTION #5**

165  
166 Moved by A. Stuart, Seconded by D. Fleece, “to deny the variance for Appeal Number **2008-**  
167 **H-001, 1111 White Street, from Section 8:504 for the required emergency escape (egress)**  
168 **window for the basement southeast portion of the room because the applicant can comply**  
169 **with these requirements. Allow 90 days for the applicant to comply.”**

170  
171 On a Voice Vote – **MOTION PASSED - UNANIMOUS – (Variance for Egress Window –**  
172 **Denied)**

173  
174  
175 **D. OLD BUSINESS - None.**

176  
177 **E. NEW BUSINESS - None.**

178  
179 **F. REPORTS & COMMUNICATIONS – None.**

180  
181 **G. AUDIENCE PARTICIPATION – GENERAL - None.**

182  
183 **ADJOURNMENT**

184  
185 Moved by K. Busch, Seconded by C. Christiansen, “that the meeting be adjourned.”

186  
187 **On a Voice Vote – MOTION TO ADJORN PASSED - UNANIMOUS**

188 Chair Ron Suarez adjourned the meeting at 2:55 p.m.

189  
190 **(Submitted by: Brenda Acquaviva, Administrative Support Specialist V –**  
191 **Housing Board of Appeals)**