



**APPROVED MINUTES OF THE REGULAR SESSION OF THE
BUILDING BOARD OF APPEALS OF THE CITY OF ANN ARBOR
FEBRUARY 13, 2008 - 1:30 P.M. – SIXTH FLOOR – PLANNING & DEVELOPMENT
100 N. FIFTH AVENUE, ANN ARBOR, MI 48104**

MEETING CALLED TO ORDER at 1:36 p.m. by Chair Kenneth Winters

ROLL CALL

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

Members Absent: (0) None

Staff Present: (3) A. Savoni, K. Chamberlain and B. Acquaviva

A - APPROVAL OF AGENDA

A-1 Approved as Revised Without Opposition.

B - APPROVAL OF MINUTES

B-1 Draft Minutes of the January 9, 2008 Regular Session.

Corrections: Line 12 – Add '*P. Darling*' – Line 147, Clarification – ~~'well'~~ to beam,
should be '*wall*' to beam.

Moved by S. Callan, Seconded by P. Darling , **“to approve the minutes of the
January 9, 2008 Regular Session as amended.”**

On a Voice Vote – MOTION PASSED - UNANIMOUS

C - APPEALS & ACTION

C-1 2008-B-005 – 210 East Huron Street

**Wellspring Land Company LLC, owner for this property, is requesting a
variance from Section 1009.3 of the 2003 Michigan Building Code.**

Description and Petitioner Presentation

The applicant is requesting a variance from Section 1009.3 of the 2003 Michigan Building Code which states: *“Stair tread depths shall be 11 inches minimum. The tread depth shall be measured horizontally between the vertical planes of the foremost projection of adjacent treads and at right angle to the tread’s leading edge.”*

Mr. Dan Jacobs was present to speak on behalf of the appeal. He stated that he is a co-owner of the property along with his partner Jan Colbertson. We are architectural principals in a business that occupies the second floor of this building. About 1 ½ years ago, we decided that we would like to renovate our facility to be used by our office and the community as a sustainable design. The third portion of our addition was a roof top conference room – a ‘green’ roof. *(He explained in depth the project involving the meeting room).*

52 The stairway system had to be revised so that it can be an entranceway that people can enter
53 via a keypad system during 'off hours.' We put the staircase over the existing stair in order to
54 save floor space. Those existing are a 10 ½ inch tread; the stair above it has a point where
55 there is no physical way to move that to comply with code, or we will be infringing on the 6'8"
56 required head height. The tread depths are also a problem.

57
58 **Recommendation:**

59
60 A. Savoni – Staff is not supportive of this request. Petitioner has created a new stair to a new
61 third floor space. Adjustments should have been made to assure this stair be code compliant.

62
63 K. Chamberlain – The Fire Department yields to the Building Department. We do not have any
64 fire related concerns.

65
66 **Comments and Questions from the Board**

67
68 P. Darling – There will be less than 30 people up there? (Yes. The green roof has railings, but
69 we don't want to overtax the space).

70
71 The new stair is within the enclosure of the existing stair? (Yes. These walls that come up are
72 extensions of the walls below. It is now one hour fire rated all the way up).

73
74 P. Darling – The stairway manufacturer code you reference is for Residential use and not
75 Commercial use.

76
77 R. Hart – The exception they're quoting is for R3 Residential. (Petitioner – The organization that
78 makes metal stairs does not make stick frame construction. That particular one was a request
79 of someone regarding residential. We did call the manufacturer and discuss this).

80
81 K. Winters - Does it have handrails on both sides? (It does now).

82
83 R. Hart – Is the building sprinklered? (It is not sprinklered, but we added a whole building fire
84 alarm system that is interconnected from the first floor up). What is the finish on the stairs?
85 (Treads are rubber – wood construction).

86
87 R. Reik –We're looking for something above and beyond what is required to make an exception.

88
89 Petitioner – Stated that their building has interconnected fire alarms and that they removed the
90 carpeting from the stairs and installed safety treads. Emergency lighting is throughout the
91 building and has battery backup. We are a type three construction, and we blocked off all gaps
92 and penetrations between floors so that we don't end up with fire breaching (which was not
93 required). We've added 12 skylights to add light. The building only originally had two windows.

94
95 K. Winters – Are the safety treads required? (A. Savoni – No, the treads are an added factor).

96
97 **MOTION**

98
99 Moved by R. Hart, Seconded by S. Callan, **"In the case of Appeal Number 2008-B-005, 210**
100 **East Huron Street, that a variance be granted from Section 1009.3 of the 2003 Michigan**
101 **Building Code to permit a stair tread depth of 10 ¼ inches in lieu of 11 inches.**
102 **We find this to be equivalent to the required stair code.**

103
104 **On a Voice Vote – MOTION PASSED – 4 Yea, 1 Nay (Variance Granted)**
105 **Yea (4) – K. Winters, R. Hart, R. Reik and S. Callan - Nay (1) – P. Darling**

106 **C-2 2007-B-006 – 2025 Crestland Drive**

107
108 **James Cambruzzi, owner of this property, is requesting a variance from**
109 **Sections R310.1 of the 2003 Michigan Residential Code.**

110
111 **Description and Petitioner Presentation**

112
113 The applicant is requesting a variance from Section R310.1 that states: *“Basements with*
114 *habitable space shall have at least one openable emergency escape and rescue opening.*
115 *Where emergency escape and rescue openings are required, they shall have a sill height of not*
116 *more than 44 inches above the floor.”*

117
118 Mary Cambruzzi, Owner and Peter Keeler of Keeler Construction were present to speak on
119 behalf of the appeal. Ms. Cambruzzi stated that they are proposing to add a step to access the
120 emergency egress window. Mr. Keeler stated that the step/platform will be 4 ft. x 3 ft. with an
121 approximate height of about 10 ½ inches (dependent on the height of the finished floor and the
122 sill material). The intent is that it won't be over 44 inches and will be a 'fixed' platform with an
123 affixed stair fastened to the floor. The space will be used as either a sitting area or adapted into
124 a bed platform.

125
126 **Recommendation:**

127
128 A. Savoni - Staff is not supportive of this request. The code specifically states that bottom of the
129 opening must be a maximum of 44 inches from the finished floor and does not have provisions
130 to allow exceptions. As to the step located at the window, I was concerned about the 10 ½
131 inches, but now that I know there is going to be an additional step, we would suggest that if the
132 Board is supportive of granting a variance that it be required to be permanently installed.

133
134 K. Chamberlain – The Fire Department concurs with the Building Department. Are there
135 interconnected smoke detectors? (Yes, there will be).

136
137 **Comments and Questions from the Board**

138
139 P. Darling – Is this a change in use? (Keeler – Redoing it. The windows there are new).
140 The window opening complies with egress requirement? (A. Savoni – Yes, other than the sill).

141
142 K. Winters – You mentioned using that as a platform bed? (Keeler – They're trying to work it
143 into the room. It will either be a fixed seating area or a platform bed that will always be available
144 to 'step out.) I'm not sure about using that as a bed. It's not ideal to be stepping on a mattress
145 to get out the window. Everything would have to be permanently attached.

146
147 M. Cambruzzi – Would it be a problem to use that area as a sitting room with a cushion on top
148 of the bench? (A. Savoni – You wouldn't want a mattress on that that can move and slip).

149
150 K. Winters – To be used as a 'bench,' it would have to be a hard surface with no cushions on
151 top. (Keeler – Since there were no guidelines on this, we were speculating what we could do).
152 What is the use of the rest of the area? (Keeler – A storage room and a recreation room/tv
153 room.)

154
155 P. Darling – You would have to install some type of signage showing this is a permanent step
156 and a means of egress platform. (K. Winters – On the wall or the step stating “do not remove,
157 egress platform.”)

158
159 R. Hart – There are two steps up? (Two risers – a step and a platform.)

160 **MOTION**

161

162 Moved by P. Darling Seconded by S. Callan, “In the matter of Appeal Number 2008-B-006,
163 **2025 Crestland Drive, that an appeal be granted from Section R310.1 of the 2003 Michigan**
164 **Residential Code, to allow installation of an egress platform in the front of the new**
165 **basement bedroom window per the attached drawing, provided that the steps leading up**
166 **to the platform conform to the requirements of a stairway (not to exceed a 7 inch riser).**
167 **A step will be provided to the platform and signage will be provided on the platform**
168 **stating that the step and platform will be permanently affixed and not to be removed in**
169 **order to provide proper egress to the window. Maximum sill height of 44 inches to the**
170 **egress window and interconnected smoke detectors will be installed to the satisfaction**
171 **of the Fire Marshall.”**

172

173 **On a Voice Vote – MOTION PASSED – 4 Yea, 1 Nay (*Variance Granted*)**
174 ***Yea (4) – K. Winters, P. Darling, R. Reik and S. Callan - Nay (1) – R. Hart***

175

176

177 **D. OLD BUSINESS –**

178

179 **D-1 2007-B-002 – 2126 Devonshire Road (*Tabled from the January Session*)**

180

181 **Valerie Robinson, designer for this property, is requesting a variance from**
182 **Sections R311.5.3.1 and R311.5.3.2 of the 2003 Michigan Residential Code.**

183

184 **Description and Petitioner Presentation**

185

186 The applicant is requesting a variance from the following sections of the 2003 Michigan
187 Residential Code regarding stairways:

188

- 189 • Section R 311.5.3.1 that states that “*The maximum riser height shall be 8-1/4*
190 *inches.*”
- 191 • Section R 311.5.3.2 that states “*The minimum tread depth shall be 9 inches.*”

192

193 Valerie Robinson of the Design Factory was present to speak on behalf of the appeal. We are
194 doing a renovation in this two story home by adding habitable space to the attic. There is
195 currently an opening from the lower level (in the laundry room) into the attic. We originally
196 presented an idea of having a stair on either side of the landing coming off the main corridor or
197 the laundry room, but the owners are concerned with that being in the main corridor due to
198 traffic flow and their small children. Going into the laundry is also not ideal, as this leads to the
199 master bedroom. The laundry room lies between two load bearing walls and there have been
200 former additions to this home.

201

202 We worked with a structural engineer where the corridor wall is, but this would reduce the head
203 room. We are asking for a variance to reduce the stair tread depth and the riser height which
204 would both be 8 and 5/8 inches.

205

206 **Recommendation:**

207

208 A. Savoni - Staff would be supportive of a variance based on Appendix “J” of the Code which
209 states that ‘where compliance with this code is technically infeasible or would impose
210 disproportionate costs because of structural or dimensional difficulties, other alternatives may be
211 accepted by the Building Official. If the Board is supportive of this request, we suggest that a
212 fully automatic building wide smoke detection system be a condition of the variance.

213

214 K. Chamberlain – The Fire Department concurs with the Building Department and we don't see
215 any significant fire suppression difficulties that would be presented by this.

216
217 **Comments and Questions from the Board**

218
219 R. Hart – Do you have an option to reconfigure the stairs so that the top tread actually became
220 part of the bearing wall, facing the riser? (We originally looked at that but due to limited space,
221 either the riser height or depth would not have met code.)

222
223 I would go for at least meeting one of the dimensions, and I think you can do that just judging by
224 what you've presented. You could pick up ½ to ¾ of an inch, which would be just enough to
225 make that 9 inch dimension. Do you have the proper head room? (We're still working with the
226 structural engineer.)

227
228 K. Winters – If you don't have the 6'8" headroom, you would have to come back. (If we can't get
229 that head room, the owners may not go forward with this, but they were concerned with the step
230 issue first). I think the Board would be more inclined to grant the variance if the stair had less
231 than a 45 degree angle and the stair tread could be 9 inches or close to it.

232
233 **MOTION**

234
235 Moved by P. Darling, Seconded by R. Hart, **“to grant a variance for Appeal Number**
236 **2008-B-002, 2126 Devonshire Road from the 2003 Michigan Residential Code, to allow an**
237 **increase in the allowable riser height (Section R311.5.3.1), to allow up to 8 5/8 inch riser**
238 **heights leading to this new attic stair habitable space, provided that interconnected**
239 **smoke detectors be installed throughout the house. We find that this is in accordance**
240 **with Appendix “J” of the Code (confined structural restraints).**

241
242 **On a Voice Vote – MOTION PASSED – *UNANIMOUS (Variance granted)***

243
244
245 **D-2 2008-B-004 - 211 East Washington Street (*Tabled from the January Session*)**

246
247 **Habana LLC, owner of this property, is requesting a variance from Section**
248 **601.3 of the 2003 Michigan Rehabilitation Code for Existing Buildings.**

249
250 **Description and Petitioner Presentation**

251
252 The applicant is requesting a variance from Section 601.3 of the 2003 Michigan Rehabilitation
253 Code for Existing Buildings which states that *“all new construction elements, components,*
254 *systems and spaces shall comply with the requirements of the international Building Code.”*
255 Exception 4 under this section requires *“the minimum ceiling height of the newly created*
256 *habitable and occupiable spaces and corridors shall be 7 feet.”*

257
258 **Note: Board member Paul Darling disclosed that he is employed by the same architectural firm**
259 **as the petitioner and is working with the client on an adjacent building, and therefore recuses**
260 **himself from the appeal due to conflict of interest.**

261
262 Mr. Patrick Roach of Quinn/Evans Architects was present to speak on behalf of the appeal for
263 Havana L.L.C. The existing condition is that there is a plumbing run within the area of concern
264 (15 ft. x 2 ft. 6 ½ in. soffit.) that does not meet code. The contractor went to great lengths to
265 improve the condition as much as possible by adjusting the height and run of the plumbing as
266 high as possible to maximize the head room. We have a 6 ft. 9 inch clearance at the low end
267 and it slopes up to 7 ft., after which the soffit is above the minimum required ceiling height.

268 The contractor reworked this area three times to get the greatest height. We're asking that
269 these conditions be allowed with the variance. The building does have a fire detection system.
270

271 **Staff Recommendation:**

272
273 Savoni – Staff is supportive of the ceiling height request. The soffit is very small and the
274 building is protected with an automatic sprinkler system as required by code.
275

276 K. Chamberlain – The Fire Department concurs with the Building Department.
277

278 **Comments and Questions from the Board**

279
280 K. Winters – This is a corridor space for people going to the front or back of the restaurant?
281 (Roach – Yes. There is furniture and the bar in the area, so this will be a natural flow of traffic.)
282 Some way of directing traffic away from the lower level (of the soffit) may be necessary – tables
283 or something to deter that.
284

285 *(The Board discussed the egress window, the soffit and the furniture arrangement, as there are*
286 *various places that the ceiling or soffit is not to code It was suggested by the petitioner that*
287 *some of the tables could be permanently mounted to the floor to deter the public from the lower*
288 *portions in question.)*
289

290 **MOTION**

291
292 Moved by R. Reik, Seconded by R. Hart, “**that a variance be granted for Appeal Number**
293 **2008-B-004, 211 East Washington Street from Section 601.3 of the 2003 Michigan**
294 **Rehabilitation Code for Existing Buildings to allow a soffit height as low as 6 ft. 9 inches**
295 **in an area that will be used for egress, provided that the building be sprinklered and that**
296 **the tables shown (on the drawings submitted) to the immediate south of the egress area**
297 **be permanently mounted to the floor, and we find this to be equivalent to what the Code**
298 **requires.”**
299

300 **On a Voice Vote – MOTION PASSED – UNANIMOUS (Variance granted)**
301 **(1) Recusal – P. Darling**
302
303

304 **E. NEW BUSINESS – None.**
305
306

307 **F. REPORTS & COMMUNICATIONS –**

308
309 A. Savoni – After consulting with the City Attorney’s office, the Board was a bit premature at the
310 last meeting by ordering the demolition of the buildings.
311

312 Current status of Dangerous Buildings issues:

- 313
314 **1. 544 Detroit Street – They have closed off access to the parking lot and put it up for**
315 **sale. This now takes this property off the Dangerous Buildings list and is no longer an**
316 **issue for the Board at present since they have met the criteria of putting it up for sale and**
317 **solving the zoning issues with the parking lot.**
318
319
320
321

322 **2. 309 North Seventh Street** – I’ve prepared a letter and sent it to the owner concerning
323 scheduling the required inspections that the Board directed him to have done at the
324 December 2007 meeting. As you know, the owner has moved in, and these inspections
325 were supposed to take place prior to any habitation of the home. I’ve stated in the letter
326 that we have scheduled inspections for him that will take place on Monday, February 5th,
327 2008 at 1:00 p.m. and all of the Inspections will need access to the home. If he does not
328 let them in on that date, we will obtain a search warrant to gain entry, and I will bring you
329 the results of those inspections at our March meeting.

330
331 **3. 800 North Main Street** – The owner has not complied with anything that the Board
332 set forth at the December 2007 meeting except for cleaning up the debris on the outside
333 of the building in question. I have sent him a letter notifying him that he needs to be at
334 the March meeting for a final show-cause hearing. At that time, if he cannot produce the
335 material you’re requested from him, then you can take further action.

336
337 P. Darling – Informed the Board that he attended a code update conference. Has the ‘Top 25’
338 changes listed, and will send those to the Board. *(The Board discussed various changes and*
339 *the affects those will have.)*

340
341 S. Callan – Water Tap fees. The city is charging water tap fees for sprinkler systems. It is bad
342 policy in this town to discourage sprinkling of major buildings. City Council should re-evaluate
343 the fees they’re implementing. The large building that burnt down in North Carolina could have
344 been saved (as well as lives) if the building had been sprinkled, but because the fees are so
345 high, the building went unprotected.

346
347 R. Hart – We recently went through this in the Village of Pinckney. The same consultants may
348 be setting the same standards. They gave up on the water tap fees, but they held on to the
349 higher number for fire suppression. They also wanted the fire suppression metered.

350
351 *It was suggested that the Board as well as individuals write letters and contact City Council*
352 *regarding these fees.*

353
354 K. Chamberlain – It’s established that sprinkler systems are most effective as opposed to fire
355 stopping, etc. I have heard comments about the expense. There are many places who might
356 consider upgrading their systems, but the cost is prohibitive.

357
358
359 **F. AUDIENCE PARTICIPATION – GENERAL – None.**

360 **ADJOURNMENT**

361
362
363 Moved by R. Hart, Seconded by P. Darling, **“that the meeting be adjourned.”**

364
365 *(Meeting adjourned at 3:30 p.m.) Minutes prepared by B. Acquaviva, Administrative*
366 *Support Specialist V*