



**APPROVED MINUTES OF THE REGULAR SESSION OF THE
BUILDING BOARD OF APPEALS OF THE CITY OF ANN ARBOR
JULY 9, 2008 - 1:30 P.M. – SECOND FLOOR – COUNCIL CHAMBERS
100 N. FIFTH AVENUE, ANN ARBOR, MI 48104**

MEETING CALLED TO ORDER at 1:40 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)

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

A - APPROVAL OF AGENDA

A-1 Approved as Revised without objection. (One additional item added)

B - APPROVAL OF MINUTES

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

K. Winters noted that a correction had been made on the Appeal for 1595 Meadowside Drive. The egress window height was corrected from 54" (a typographical error) to the actual 52", with an 8" approved platform, bringing the height to a compliant 44". That information has been verified by an inspector and corrected in these minutes.

Line Number 472, 1332 Culver, we had discussed a 'non-locking' door, and I don't think it was put into the motion. The contractor said it was a non-locking door, but I think it should be stated within the motion that it be maintained as a non-locking door as a condition of the variance."

Moved by S. Callan, Seconded by R. Hart, "that the Minutes of the April 9, 2008 Regular Session be approved as amended."

On a Voice Vote – MOTION TO APPROVE – PASSED - UNANIMOUS

B-2 Draft Minutes of the Regular Session of May 14, 2008.

Moved by P. Darling, Seconded by R. Hart, "that the Minutes of the May 14, 2008 Regular Session be approved as presented."

On a Voice Vote – MOTION TO APPROVE – PASSED - UNANIMOUS

C - APPEALS & ACTION

C-1 2008-B-025 – 805 Ivydale

Description and Petitioner Presentation

Alpha Remodeling, contractor for this property, is requesting a variance from Section R305.1 of the 2003 Michigan Residential Code.

52 The applicant is requesting a variance from Section R305.1 of the 2003 Michigan Residential
53 Code that requires a 7 foot 0 (zero) inch ceiling height in a basement with habitable space, and
54 allows beams/girders not less than 4 feet on center to project below, a maximum of 6 inches.
55

56 Petitioner is remodeling the basement constructing a Family Room, Study and Bathroom. The
57 proposed finished ceiling height will be 6 foot 10 inches. The finished ceiling under the soffit
58 covering the ductwork will be 6 foot 4 inches. The soffit width is a maximum of 5 feet 0 (zero)
59 inches. Petitioner is installing an egress window in the basement.
60

61 Alan Lutz and Randy Schrek of Alpha Remodeling were present to speak on behalf of the
62 appeal. Mr. Lutz stated that they are able to obtain a ceiling height of 6'10" throughout the
63 basement and all soffit areas are above 6'4", along with compliant egress windows. The
64 homeowner is aware that they may have to upgrade to fully automatic building wide smoke
65 detectors.
66

67 **Recommendation:**
68

69 A. Savoni – Staff is supportive of this ceiling height request. We would suggest that if the
70 Board is supportive of granting any variance, a fully automatic, building wide smoke detection
71 system be a condition of the variance.
72

73 K. Chamberlain – The Fire Department is concerned with the soffit area interfering with
74 headroom toward the exit.
75

76 **Comments and Questions from the Board**
77

78 R. Hart – The 6'10" headroom continues up to the stair? Is there a headroom issue at that last
79 step? (No, there is about a 2' gap.)
80

81 K. Winters – You have 6'10" except for the soffit? (Petitioner - Yes.) Both of those are no less
82 than 6'4"? (Yes, and they are 4' wide or less, except for one that is "L" shaped.)
83

84 And both of those are no more than 6'4"? (Correct) Can you alleviate the Fire Department's
85 concern with the egress exit? (There is a pole in that area. The main area is along the wall,
86 and is less likely they'll be walking where the "L" shaped soffit would be.) I'm satisfied that a
87 6'4" height at the drop would be acceptable.
88

89 S. Callan – What is the room that has the bathroom connected to it? (Storage.) Will there be
90 anyone sleeping down there? (No.)
91

92 **Discussion:**
93

94 **MOTION**
95

96 Moved by R. Reik, Seconded by R. Hart, "In the matter of Appeal Number 2008-B-025,
97 805 Ivydale Avenue, that an appeal be granted from Section R305.1 of the 2003 Michigan
98 Residential code to allow a finished ceiling height in the basement of 6'10" and a
99 finished ceiling height in the basement at the soffit of 6'4" with a soffit width for the "L"
100 shaped soffit in the middle of the family room of up to 7' wide. A fully automatic,
101 building wide smoke detection system shall be a condition of the variance and installed
102 to the satisfaction of the Fire Marshall. We find this to be equivalent to what the Code
103 requires. This habitable space shall NOT be used for sleeping purposes."
104

105 **On a Voice Vote – MOTION TO APPROVE - PASSED – UNANIMOUS**

Alpha Remodeling, contractor for this property, is requesting a variance from Section R305.1 of the 2003 Michigan Residential Code.

Description and Petitioner Presentation

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

Petitioner is remodeling the basement constructing a Family Room. The proposed finished ceiling height will be 6 foot 10 inches. The finished ceiling under the soffit covering the ductwork will be 6 foot 4 inches. The soffit width is a maximum of 4 feet 3 inches. Petitioner is installing an egress window in the basement.

Alan Lutz and Randy Schrek were present on behalf of the Contractor, Alpha Remodeling. They stated that they have a finished basement that has a ceiling height of 6'10" and one soffit at 6'4" and is 4'3" at its widest point. The basement has an egress window and has hard wired smoke detectors.

Recommendation:

A. Savoni - Staff is supportive of this ceiling height request. We would suggest that if the Board is supportive of granting any variance, a fully automatic, building wide smoke detection system be a condition of the variance.

K. Chamberlain – The Fire Department expressed concerns with how the area may be laid out, the soffit possibly interfering with the egress exit to the stairs.

Comments and Questions from the Board

S. Callan – For clarification, the staff report states that this is for the appeal for 601 Dartmoor Road, but then states the previous address on Ivydale. (A. Savoni stated that the report is correct, but the reference to Ivydale should be changed to the Dartmoor address.) Staff noted and included here for relevance to the minutes and final appeal language.

K. Winters – The concern that the Fire Marshall has is that the soffit comes down to 6'4" in the family room, but the egress exit is other side of the room, so that seems to work well. Is there further concern there? (Addressed to the Fire Marshal.)

K. Chamberlain – They're completely different situations than the previous appeal. My concern is not as great here, but also the depth of the top part – the soffit to the wall. I don't have a direction here but I'll call it North for our purposes here. It's not as large an area – and would most likely be used as a sofa or seating area so that people wouldn't be standing directly there if they were going toward the stairs.

R. Hart – The condition at the bottom of the stairs is the same height? (Yes.) The track lighting will be mounted where? (On the sides.)

P. Darling – Will both these have finished ceilings? (Both have finished ceilings.)

157 **Discussion:**

158

159 **MOTION**

160

161 Moved by R. Hart, Seconded by P. Darling - **“In the matter of Appeal Number 2008-B-026,**
162 **601 Dartmoor Road, the Board grants a variance from Sections R305.1 of the 2003**
163 **Michigan Residential Code, to allow a finished ceiling height of 6’10” and a finished**
164 **soffit height of 6’4” and a maximum width across the soffit of 4’3”.** We find this to be
165 **equivalent to what the Code requires. A fully automatic, building wide smoke detection**
166 **system shall be a condition of the variance and installed to the satisfaction of the Fire**
167 **Marshal. The basement area is NOT to be used as sleeping quarters.**

168

169 **On a Voice Vote – MOTION PASSED - *UNANIMOUS (Variances Granted)***

170

171

172 **C-3 2007-B-027 – 518 Lawrence Street**

173

174 **Bill Sturgis of Arbor Maintenance, maintenance person for this property, is requesting a**
175 **variance from Section R305.1 of the 2003 Michigan Residential Code.**

176

177 **Description and Petitioner Presentation**

178

179 The applicant is requesting a variance from the following sections of the 2003 Michigan
180 Residential Code

181

- 182 • Section R305.1 that requires a 7 foot 0 (zero) inch ceiling height in a basement with
183 habitable space, and allows beams/girders not less than 4 feet on center to project
184 below, a maximum of 6 inches.
- 185 • Section R 311.5.1 that states *“Stairways shall not be less than 36 inches in clear width*
186 *at all points above the permitted handrail height and below the required headroom*
187 *height. Handrails shall not project more than 4.5 inches on either side of the stairway*
188 *and the minimum clear width of the stairway at and below the handrail height, including*
189 *treads and landings, shall not be less than 31.5 inches where a handrail is installed on 1*
190 *side.”*
- 191 • Section R311.5.2 that requires *“the minimum headroom in all parts of the stairway shall*
192 *not be less than 6 feet 8 inches measured vertically from the sloped plane adjoining the*
193 *tread nosing or from the floor surface of the landing or platform.”*
- 194 • Section #311.4 that states *“Interior doors shall be not less than 24 inches in width and 6*
195 *feet, 6 inches in height.”*

196

197 Residence is a rental property. Petitioner is proposing to convert two existing basement study
198 rooms into bedrooms. This space does not meet code for the following reasons:

199

- 200 • The ceiling height in one bedroom is 6 foot 9 inches and 6 foot 10 inches in the other
201 bedroom. The petitioner states the proposed ceiling height will be 6 foot 11 inches.
202 Code requires a minimum ceiling height of 7 foot 0 (zero) inches.
- 203 • The will be rebuilt to a width is 33 inches. Additional width will require restructuring of
204 the house. Code requires a minimum width of 36 inches.
- 205 • Stairway headroom is 5 foot 11 inches at one point in the stair. Code requires a
206 minimum of 6 foot 8 inches in all parts of the stairway.
- 207 • The door height at the bedroom entry doors is 6 foot 5 inches. Code requires a
208 minimum door height of 6 foot 6 inches.

209

210 Petitioner is installing an egress window in each of the bedrooms.
211 Mr. Greg Raye, Architect and Jane Belanger, owner of this property were present to speak on
212 behalf of the appeal. Mr. Raye stated that this is an older house with many constraints. The
213 existing stairs are narrow and have a headroom issue just beyond the landing in both
214 directions.

215
216 You can go up the stairs in one direction or down the stairs, and there are headroom issues in
217 both directions. We've tried to get as much headroom as possible. (*The petitioner requested*
218 *clarification on the code language of 'interior stairs.'*). The basement doors that lead into the
219 rooms are less than 6'8".

220
221 **Recommendation:**

222
223 A. Savoni - Staff is supportive of this ceiling height request.

224
225 With regard to the stair width Staff would be supportive of granting this request based on
226 Appendix J of the code which states: "*Where compliance with these provisions or with this*
227 *code as required by these provisions is technically infeasible or would impose disproportionate*
228 *costs because of structural, construction or dimensional difficulties, other alternatives may be*
229 *accepted by the building official.*"

230
231 Staff is not supportive of the headroom height request in the stair. The head room is too low
232 and could impede rescue efforts in the case of an emergency.

233
234 Finally, Staff is supportive of the reduced door headroom request. We would suggest that if
235 the Board is supportive of granting any variance, a fully automatic, building wide smoke
236 detection system be a condition of the variance.

237
238 K. Chamberlain – The Fire Department concurs with the Building Department. I want to add
239 that the stairway headroom, compounded by the narrow stairway impedes not only rescue
240 efforts but Fire operations. It's a very low height to operate in, even for our smaller fire
241 fighters.

242
243 **Comments and Questions from the Board**

244
245 K. Winters – The stairway headroom is 5'2" at the first landing. That is totally unacceptable.
246 You haven't submitted any plan for rebuilding that stair and/or a section drawing of what that
247 headroom height could be improved to. If rebuilding the stair provides 6'8" ceiling height all
248 the way up and down the stair, then you don't need that variance. (Petitioner – We understand
249 that. Our "plan 'B'" was option would be to run the stairs continuously down, but we would
250 have to permanently close the affected door. We would have to use up the landing which
251 would require that the door be unusable).

252
253 P. Darling - Do you currently use that door? (Yes, but there are two other means of egress).

254
255 R. Hart (to the Board) – Does anyone have any issues with the fact that in order to get out of
256 the bedrooms you have to go past an open furnace and through the laundry room?
257 Essentially, if the side door gets closed off, which is what will probably happen due to the 5'2"
258 headroom issue, you have to go past the furnace, past the dryer and up through the kitchen,
259 potentially, to get out. (Petitioner – Each bedroom has an egress window, and they can exit
260 that way). I understand that, but it's not ideal).

261
262 A. Savoni – There is nothing in the code to prevent that. You couldn't put a gas fired appliance
263 like a furnace in a bedroom due to combustion air, but it can be any place else.

264 P. Darling – There are headroom issues with the ductwork? (Yes, but they're minimal).

265

266 K. Winters – Suggested that if possible, that the furnace be isolated for added safety.

267

268 J. Belanger – We're trying to save enough space to have a common area. I'm concerned with
269 safety as well.

270

271 *(Discussion by the Board regarding other structures and dimensions in the same area).*

272

273 P. Darling – You would have to make certain there was no lock on the bedroom door to
274 prevent emergency egress.

275

276 K. Winters – The area in front of the shower – is there enough clearance? (A. Savoni – It has
277 to be 21" between the shower and the toilet. They have 24" in front of the shower, 21" in front
278 of the lavatory). (Petitioner stated that they do have the possibility of moving that bathroom
279 wall closer toward the dryer to create additional room, but there would be a small section with
280 a headroom problem).

281

282 K. Winters – So at this point, we can say that you'll be redesigning that area to be code
283 compliant. When you rebuild the stair, will the width of the stair be the same? (No, it will be
284 33"). You have one area that has a headroom issue of 6'2" – is there any way to improve that?
285 (Our goal is to provide 6'8", but I can't say for certain as I haven't seen everything behind the
286 finishes. There is some demolition to be done to open that up and do onsite calculations and
287 see what needs to be moved to accommodate that).

288

289 A. Savoni – (To the Board) – You accept 6'4"? (K. Winters – Yes). (Discussion by the Board
290 on dropping the headroom issue on the stairs if the petitioner rebuilds to an acceptable head
291 height, but they will need a variance on the stairs for the width of 33").

292

293 A. Savoni – Told the petitioner to resubmit their corrected drawings for this building permit, and
294 that staff would work with them to approve a revised plan.

295

296 **MOTION**

297

298 Moved by R. Hart, Seconded by S. Callan, **"In the matter of Appeal Number 2008-B-027,**
299 **518 Lawrence Street, the Board grants a variance from Section R305.1 of the 2003**
300 **Michigan Residential Code, to permit a bedroom ceiling height of 6'10" in bedroom #1**
301 **with two small soffit areas that will not be less than 6'4" clear in height and a 6'10"**
302 **ceiling height in bedroom #2 and a general ceiling height of 6'10" throughout the**
303 **basement area.**

304

305 **Further, the Board grants a variance permitting the interior door to bedroom #1 to be no**
306 **less than 6'9" in headroom, and the interior door to bedroom #2 to be no less than 6'5"**
307 **in headroom. An additional variance from Section R311.5.1, permitting a basement**
308 **stairway no less than 33" in width, with the provision that the stair will otherwise be**
309 **rebuilt to Code.**

310

311 **The existing basement bathroom will be reconfigured so that all fixture clearances**
312 **comply with current Code. Both bedroom doors must be non-locking. These variances**
313 **are granted provided that a fully automatic, building-wide smoke detection system be**
314 **installed to the satisfaction of the Fire Marshal. We find this to be equivalent to**
315 **Appendix "J" and what the Code requires."**

316

317 **On a Voice Vote – MOTION PASSED – UNANIMOUS (Variances Granted)**

318 **C-4 2008-B-028 – 1702 Covington Drive**

319
320 **Basement Experts of America, contractor for this property, is requesting a variance**
321 **from Section R305.1 of the 2003 Michigan Residential Code.**

322
323 **Description and Petitioner Presentation**

324
325 The applicant is requesting a variance from Section R305.1 of the 2003 Michigan Residential
326 Code that requires a 7 foot 0 (zero) inch ceiling height in a basement with habitable space, and
327 allows beams/girders not less than 4 feet on center to project below, a maximum of 6 inches.

328
329 Petitioner is remodeling the basement constructing a Family Room. The proposed finished
330 ceiling height will be 6 foot 10 inches. The finished ceiling under the soffit covering the
331 ductwork will be 6 foot 4 inches. Petitioner is installing an egress window in the basement.

332
333 **Recommendation:**

334
335 **NOTE: Petitioner was not present to present the appeal.**

336
337 **Comments and Questions from the Board**

338 **MOTION**

339
340 Moved by P. Darling, Seconded by R. Hart, **“to table Appeal Number 2008-B-028, 1702**
341 **Covington Drive until the August Regular Session.”**

342
343 **On a Voice Vote – MOTION TO TABLE - APPROVED – UNANIMOUS**

344 *(Tabled until August 13)*

345
346
347 **C-5 2008-B-029 – 2944 Philadelphia Drive**

348
349 **David Flores Jr., contractor for this property, is requesting a variance from Section**
350 **R305.1 of the 2003 Michigan Residential Code.**

351
352 **Description and Petitioner Presentation**

353
354 The applicant is requesting a variance from Section R305.1 of the 2003 Michigan Residential
355 Code that requires a 7 foot 0 (zero) inch ceiling height in a basement with habitable space, and
356 allows beams/girders not less than 4 feet on center to project below, a maximum of 6 inches.

357
358 Petitioner is finishing the basement. The finished ceiling under the soffit covering the ductwork
359 will be 6 foot 9 inches. However, the width of the soffit is 5 foot 7 inches. Petitioner is
360 installing an egress window in the basement.

361
362 Mr. David Flores, contractor for this property was present to speak on behalf of the appeal. He
363 stated that they can maintain 7'1" headroom height throughout the basement ceiling, but that
364 the soffits are problematic, with one being 67" wide and 6'9" of headroom, and the other soffit
365 is 48" wide and 6'9" of headroom.

366
367 **Recommendation:**

368
369 A. Savoni – Staff is supportive of this soffit width request. We would suggest that if the Board
370 is supportive of granting any variance, a fully automatic, building wide smoke detection system
371 be a condition of the variance.

372 K. Chamberlain – The Fire Department concurs with the Building Department.

373

374 **Comments and Questions from the Board**

375

376 R. Hart – Your plan shows a stair coming down under one of the soffits? (That’s a doorway.
377 As you walk out that door, the ceiling height there is 20’ as it opens up into the second floor).

378

379 *(The Board discussed headroom clearances with the petitioner).*

380

381 **Discussion:**

382

383 **MOTION**

384

385 Moved by P. Darling, Seconded by R. Hart, “**That the Board grant a variance for Appeal
386 Number 2008-B-029, 2944 Philadelphia Drive, from Section R305.1 of the 2003 Michigan
387 Residential Code, to allow a soffit width of 67” and a height of not less than 6’9” in the
388 finished basement, provided that a fully automatic, building-wide smoke detection
389 system be installed to the satisfaction of the Fire Marshal.**”

390

391 **On a Voice Vote – MOTION TO APPROVE - PASSED – UNANIMOUS (Variances Granted)**

392

393

394 **C-6 2008-B-030 – 918 Sybil Street**

395

396 **Description and Petitioner Presentation**

397

398 **Mark Davalos, Property Manager for this property, is requesting a variance from Section
399 R305.1 of the 2003 Michigan Residential Code.**

400

401 The applicant is requesting a variance from Section R305 of the 2003 Michigan Residential
402 Code that requires a 7 foot 0 (zero) inch ceiling height in a bathroom. Bathrooms must also
403 have a minimum ceiling height of 6 foot 8 inches over the fixture and at the front clearance
404 area for fixtures.

405

406 Petitioner is finishing a basement bathroom. The finished ceiling in the bathroom is 6 foot 8
407 inches. Code requires a minimum ceiling height of 7 foot (zero) inches. A soffit is located in
408 the bathtub area. The ceiling height is 6 foot 3-1/2” under the soffit. Petitioner does not state
409 where the shower head and controls are located in the tub area.

410

411 Mr. Mark Davalos, contractor, was present to speak on behalf of the appeal. He stated that
412 the basement is currently unfinished, except for an existing unfinished bathroom. The
413 bathroom is approximately a 5’ x 10’ proposed finished space. There is a ceiling height issue
414 above the bathtub and outside girder at the soffit. The bathroom will be the only finished area
415 in the basement.

416

417 **Recommendation:**

418

419 A. Savoni – Staff is supportive of the ceiling height request in the bathroom.

420

421 Staff is not supportive of the ceiling height request over the tub. If the shower head and
422 controls are located under the soffit we would request they be moved to the opposite wall. If
423 they are currently in the opposite wall, a variance is not required. We would suggest that if the
424 Board is supportive of granting any variance, a fully automatic, building wide smoke detection
425 system be a condition of the variance.

426 K. Chamberlain – The Fire Department concurs with the Building Department.

427

428 **Comments and Questions from the Board**

429

430 K. Winters – (Asked about the fixture placement in the proposed bathroom).

431

432 P. Darling – (Asked about the drywall thickness in the ceiling and joist placement).

433

434 The petitioner described the placement of fixtures and the problems with the space.

435

436 K. Winters – The 6’3” headroom at the soffit is lower than what we approve, particularly
437 because it’s a bathtub and the according to this placement, you’d actually be reducing that
438 headroom to 6’2” inside the tub. I suggest you get the mechanicals redirected so that the
439 return air duct goes into the storage room, then you won’t be concerned with the bathroom
440 soffit.

441

442 **Discussion:**

443

444 **MOTION**

445

446 Moved by P. Darling, Seconded by R. Hart, “**That the Board grant a variance for Appeal**
447 **Number 2008-B-030, 918 Sybil Street, from Section R305.1 of the 2003 Michigan**
448 **Residential Code, to allow a finished ceiling in the basement bathroom of not less than**
449 **80” – including above all the fixtures and the tub. The rest of the basement will remain**
450 **unfinished (as it is not included in this approval). A fully automatic, building-wide**
451 **smoke detection system shall be installed to the satisfaction of the Fire Marshal. We**
452 **find this equivalent to what the Code requires.”**

453

454 **On a Voice Vote – MOTION TO APPROVE - PASSED – UNANIMOUS**

455

456

457 **D - OLD BUSINESS**

458

459 **D-1 2008-B-016 – 811 Brookwood Place** (*Postponed at the May Session*)

460

461 **Scott Klaassen, contractor/agent for this property, is requesting a variance from**
462 **Sections R311.5.1, R311.5.3.1 and R311.5.4 of the 2003 Michigan Residential Code.**

463

464 **Description and Petitioner Presentation**

465

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

468

- 469 • Section R 311.5.1 that states “*Stairways shall not be less than 36 inches in clear width*
470 *at all points above the permitted handrail height and below the required headroom*
471 *height. Handrails shall not project more than 4.5 inches on either side of the stairway*
472 *and the minimum clear width of the stairway at and below the handrail height, including*
473 *treads and landings, shall not be less than 31.5 inches where a handrail is installed on*
474 *one side.”*
- 475 • Section R 311.5.3.1 that states “*The maximum riser height shall be 8-1/4 inches.”*
- 476 • Section R 311.5.4 that states “*There shall be a floor or landing at the top and bottom of*
477 *each stairway. The width of each landing shall not be less than the stairway served.*
478 *Every landing shall have a minimum dimension of 36 inches measured in the direction*
479 *of travel.”*

480 This is rental property. This stair goes from the first to the second floor. Previously there was
481 a spiral stair in this location. It was removed and replaced with the current non code compliant
482 stair. Petitioner states that this work was done by the previous owner. This stair does not
483 meet code for the following reasons:

- 484
- 485 • In one portion of the stairs the width is 24-1/2 inches. In another portion the width is 27-
486 1/2". Code requires a minimum 36 inch stair width.
- 487 • The stair risers vary from 9-1/4 inches to 10-3/4 inches. Code requires a maximum 8-
488 1/4 inch riser.
- 489 • There are two landings. One is 24-1/2 inches by 23 inches. The next is 35 inches by
490 24 inches. Code requires a minimum 36 inch by 36 inch landing.
- 491

492 Petitioner also states that there is a central hall on the second floor that connects to a second
493 exterior stair. Petitioner does not state whether there is an egress window in each of the two
494 second floor bedrooms.

495
496 ***Petitioner now proposes to rebuild the stair within the current walls. They would be***
497 ***rebuilt with a consistent rise and run. The treads would be 9-1/4" wide and would meet***
498 ***code. The risers would be 9-1/2" and would require a variance as they do not meet code***
499 ***requirements of a maximum of 8-1/4" rise. Petitioner will also reduce the width of the***
500 ***center wall between the two flights of stairs. This would allow a stair width of 27 inches***
501 ***throughout.***

502
503 Mr. Scott Klaassen, contractor, was present to speak on behalf of the revised appeal. He
504 stated that at the initial hearing, there was an issue with the stairs at this address that had
505 replaced a previously approved spiral staircase. This stair was too narrow to meet code. The
506 Board has asked me to go back to the location and investigate moving a wall in order to widen
507 the stair or other options.

508
509 Removing the wall is not an option. By the way the stairs go up, the wall can't be removed, but
510 I can reduce the wall thickness about 3", which would increase the space to about 27", then
511 rebuild the stairway so that there is a consistent rise, but the rise would now be 9 1/2 ". There is
512 not room to add another stair without encroaching on the headroom. It's a very tight space.
513 The stairs are all consistent, it's the two odd size 'steps' or 'landings' that are 10 3/4 " now. By
514 rebuilding the staircase and reducing the thickness of the center wall, we can achieve a width
515 of 27" on each staircase, and a consistent rise of 9 1/2 ". The run would be to code.

516
517 **Recommendation:**

518
519 A. Savoni – Staff would be supportive of granting this request based on Appendix J of the code
520 which states: *"Where compliance with these provisions or with this code as required by these*
521 *provisions is technically infeasible or would impose disproportionate costs because of*
522 *structural, construction or dimensional difficulties, other alternatives may be accepted by the*
523 *building official."* If the board is supportive of granting these requests, a fully automatic,
524 building wide smoke detection system should be a condition of the variance.

525
526 K. Chamberlain – The Fire Department concurs with the Building Department.

527
528 **Comments and Questions from the Board**

529
530 R. Hart – There is 6'6" headroom over one of the risers? (Yes.)

531
532 K. Winters – That's going to require a variance. (I think with the adjustment of the stairway, I
533 do need a variance for the 6'6" headroom). Section R311.5.2

534 R. Hart – Is that the worst that it gets? (Yes.)

535

536 K. Winters – The landing depth is only 24” on one and 23” on the other? (Yes). That’s very
537 small.

538

539 P. Darling – Would a circular stair be compliant? (A. Savoni – Yes). (Staff Note: *There was a*
540 *previous spiral stair in the home that was previously approved with a variance. At some point*
541 *in time, a new owner of this property removed that spiral stair and built the non-permitted, non-*
542 *code compliant stairs that currently exist, and was sold to the current owner in that condition*)

543

544 K. Winters – Is there another exit out of the upper floors? (Yes, shown in previous photos,
545 there is an outside staircase, which was a condition of the previously granted variance when
546 the spiral stairs were approved). What would prevent you from rebuilding that stair by taking
547 out a portion of the upper floor, down the hallway and into the attic space? That would allow
548 you greater width and greater depth at the landing. (I would have to build a wall supporting the
549 end of the dining area and we’ll still have the width issue). If he could meet the 36” landing
550 depth, we might accept the 27” width of stair and landing.

551

552 P. Darling – What is the second floor framing, 2 x 8? (Yes).

553

554 (*The Board and Petitioner discussed options for solving the request. The circular stair would*
555 *also still be an option*) (Staff Note: *There is currently a variance on file for a spiral staircase*).

556

557 *The Board told the Petitioner that it could take a vote on the request as submitted, or table the*
558 *appeal to allow the petitioner another redesign which might still require a stair width variance,*
559 *but would not entail an additional cost to the petitioner. If the Board votes the issue down, the*
560 *petitioner is welcome to submit a new appeal and appeal fee as long as that request is*
561 *different that what is currently submitted).*

562

563 *Mr. Klaassen stated that without doing major structural changes – by cutting out the second*
564 *floor or cutting out part of the first floor walls and rebuilding those, I think that narrowing the*
565 *thickness of the stair wall is the best alternative at this point. If that is not approved, then we*
566 *will have to reapply or put the spiral staircase back in).*

567

568 **Discussion:**

569

570 **MOTION**

571

572 Moved by R. Hart, Seconded by R. Reik, “**In the matter of Appeal Number 2008-B-016,**
573 **811 Brookwood Place, that a variance be granted from Sections R311.5.1, R311.5.3.1**
574 **and R311.5.4 of the 2003 Michigan Residential Code, whereby the existing stair will be**
575 **rebuilt to achieve a consistent stair tread of 9 ¼”, a consistent riser of 9 ½”, a**
576 **consistent width of 27” on each run, a landing that is 23” wide at its minimum and a**
577 **single minimum headroom clearance of 6’6” at one location. A fully automatic,**
578 **building-wide smoke detections system shall be installed to the satisfaction of the Fire**
579 **Marshal. We find this to be equivalent to Appendix “J” of the Code.”**

580

581 **On a Voice Vote – MOTION FAILED - UNANIMOUS (Variances Denied)**

582

583 **Board Member R. Reik leaves the meeting at this time.*

584

585

586

D-2 2008-B-017 – 1442 Greenview Drive (Postponed at the May Session)

587

588 **Description and Petitioner Presentation**

589

590 **Craig Nader, contractor for this property, is requesting a variance from Sections**
591 **R311.5.2 and R311.4 of the 2003 Michigan Residential Code.**

592

593 The applicant is requesting a variance from the following sections of the 2003 Michigan
594 Residential Code

595

- 596 • Section R311.5.2 that requires *“the minimum headroom in all parts of the stairway shall*
597 *not be less than 6 feet 8 inches measured vertically from the sloped plane adjoining the*
598 *tread nosing or from the floor surface of the landing or platform.”*
- 599 • Section #311.4 that states *“Interior doors shall be not less than 24 inches in width and 6*
600 *feet, 6 inches in height.”*

601

602 Petitioner is repairing an existing water damaged basement. Due to existing ductwork, the
603 ceiling height at the landing at the bottom of the stairs is below the required 6 feet 8 inches.
604 Petitioner does not state the exact ceiling at this location. Petitioner also has a door under this
605 ductwork which will be 6 foot 4 inches rather than the required 6 foot 6 inches.

606

607 **Recommendation:**

608

609 A. Savoni – Staff is supportive of this ceiling height request at the landing as long as the ceiling
610 height is a minimum of 6 foot 4 inches as this is a ceiling height which has been previously
611 approved under soffits. We would also be supportive of the door height request. We would
612 suggest that if the Board is supportive of granting any variance, a fully automatic, building wide
613 smoke detection system be a condition of the variance.

614

615 K. Chamberlain – The Fire Department concurs with the Building Department

616

617 **Comments and Questions from the Board**

618

619 Staff Note: The petitioner stated that due to conflicts with access to the premises, he was
620 unable to obtain additional information to support the variance request, and would therefore
621 not be supporting the request. He stated that the homeowner would reapply at another time.

622

623 **Discussion:**

624 **MOTION**

625

626 Moved by P. Darling, Seconded by R. Hart, **“in the matter of Appeal Number 2008-B-017,**
627 **1442 Greenview Drive, that the appeal be dismissed for lack of petitioner**
628 **representation.”**

629

630 **On a Voice Vote – MOTION TO DISMISS - PASSED – *UNANIMOUS (Variances Denied)***

631

632

633 **D-3 2008-B-021 – 2205 Brockman Blvd. (*Postponed at the June Session*)**

634

635 **Description and Petitioner Presentation**

636

637 **John Barrie, architect for this property, is requesting a variance from Section R311.5.2**
638 **of the 2003 Michigan Residential Code.**

639

640 The applicant is requesting a variance from Section R311.5.2 of the 2003 Michigan Residential
641 Code that requires *“the minimum headroom in all parts of the stairway shall not be less than 6*

642 feet 8 inches measured vertically from the sloped plane adjoining the tread nosing or from the
643 floor surface of the landing or platform.”
644

645 Petitioner is reworking the stair from the first to the second floor. The headroom in a portion of
646 this stair is a maximum of 6 foot 1-1/2”. Code requires a minimum headroom of 6 foot 8
647 inches. Petitioner states that there is a second stair to the second floor that does meet
648 headroom requirements. Petitioner also states that the new headroom is an improvement over
649 the existing headroom but does not state what the existing conditions are.
650

651 Staff Note: The petitioner has contacted staff and has stated that he will be out of the country
652 during the scheduled appeal time, and would ask the Board to grant another extension by
653 tabling the issue to the August regular session.
654

655 **Recommendation:**

656 **GRANTED FOR POSTPONEMENT until the August 13, 2008 Regular Session**
657

658
659 **D-5 2008-B-007 – 3333 Edgewood Drive**
660 ***(Postponed from the March Regular Session)***
661

662 **Description and Petitioner Presentation**
663

664 The applicant is requesting a variance from Section R305.1 of the 2003 Michigan Residential
665 Code that requires a 7 foot 0 (zero) inch ceiling height in a basement with habitable space, and
666 allows beams/girders not less than 4 feet on center to project below, a maximum of 6 inches.
667 Exception 4 states: “*Bathrooms shall have a minimum ceiling height of 6 feet 8 inches (2036*
668 *mm) over the fixture and at the front clearance area for fixtures.*”
669

670 Petitioner is repairing an existing damaged bathroom in a basement. The ceiling height in the
671 bathroom and over the fixtures is too low. This ceiling height in the bathroom and over the
672 fixtures ranges from 6 feet 2-1/2” to 6 foot 3 inches to the finished ceiling.
673

674 Petitioner is proposing to reframe the ceiling in the bathroom and will now achieve a ceiling
675 height of 6 foot 8 inches.
676

677 Owners James Amrine and Constance Colthorp were present to speak on behalf of the
678 appeal. Mr. Amrine stated that they are remodeling an existing bathroom in the basement and
679 at the lowest point for headroom they have 6’3 ½” and it was recommended that we look into
680 either raising the ceiling or lowering the floor. Because we don’t know how deep the concrete
681 floor is in the basement, that wasn’t an option. We spoke with an architect regarding raising
682 the ceiling and that information was submitted. The recommendation by was to use doubled
683 ribbed lvl’s and we have to retain the current ceiling joists because the floor above is fastened
684 to these joists. We’ll be installing the doubled lvl’s at a maximum of twelve inches on center
685 (some vary from that – it’s not consistent due to the existing beams). This will give us an
686 additional five inches of ceiling height. We should have 6’8” – and higher in some spots.
687

688 Ms. Colthorp added that keeping the existing joists, trimming them back, adding the lvl’s –
689 Margaret Wong came up with this plan and had a structural engineer review this.
690

691 **Recommendation:**

692 A. Savoni - **Staff is supportive of this ceiling height request.** We would suggest that if the
693 Board is supportive of granting any variance, a fully automatic, building wide smoke detection
694 system be a condition of the variance.
695

696 K. Chamberlain – The Fire Department concurs with the Building Department

697

698 **Questions from the Board to the Petitioner:**

699

700 P. Darling – What is the finished ceiling height when you're done? (Mr. Amrine – We have
701 decided on the finishing materials, but we're expecting ½ inch). There are no soffits that project
702 into that? (No).

703

704 K. Winters – So 6'8" is the headroom variance you're requesting? (Yes). Who will be doing
705 this work? (Petitioner introduced the Contractor). One concern would be that before you rip
706 out the existing floor joists, are you installing the new LVL's? (The contractor explained). I
707 think the analysis done by Paul Dannels is acceptable. This should hopefully be a very sturdy
708 floor.

709

710 **MOTION**

711

712 Moved by R. Hart, Seconded by R. Reik, "In the matter of Appeal Number 2008-B-007,
713 3333 Edgewood Drive, the Board grants a variance from the 2003 Michigan Residential
714 Code, Section R305.1, whereby a minimum ceiling height of 6'7" will be permitted in the
715 bathroom area (in the basement). A fully automatic, building-wide smoke detection
716 system shall be installed to the satisfaction of the Fire Marshal. We find this to be
717 equivalent to Appendix "J" of the Code."

718

719 **On a Voice Vote – MOTION PASSED - UNANIMOUS (Variance Approved)**

720

721

722 **D-5 2008-B-022 - 627 South Division Street**

723

724 **Description and Petitioner Presentation**

725

726 **Nancy Polmear-Swendris and James Swendris, owners of this property, are requesting**
727 **a variance from Sections R311.5.1, and R311.5.3.1 of the 2003 Michigan Residential**
728 **Code.**

729

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

732

733 • Section R 311.5.1 that states "Stairways shall not be less than 36 inches in clear width
734 at all points above the permitted handrail height and below the required headroom
735 height. Handrails shall not project more than 4.5 inches on either side of the stairway
736 and the minimum clear width of the stairway at and below the handrail height, including
737 treads and landings, shall not be less than 31.5 inches where a handrail is installed on
738 one side."

739 • Section R 311.5.3.1 that states "The maximum riser height shall be 8-1/4 inches. The
740 greatest riser height within any flight of stairs shall not exceed the smallest by more than
741 3/8 inch."

742

743 Petitioner is planning on renovating the existing third floor of the house for a bedroom. The
744 stairs leading to the third floor do not meet code for the following reasons.

745

- 746 • The width of the stair is 34 inches. Code requires a minimum 36 inch stair width.
- 747 • The stair risers are 10 inches. Code allows a maximum 8-1/4 inch riser height. In the
748 sketch, the risers appear to vary more than the allowed 3/8" distance.

749

750 **Petitioner proposes to rebuild the stair in the existing space and has submitted a**
751 **revised drawing and letter which state:**

- 752
- 753 • **The stair width will be a minimum 34 inches throughout (variance required).**
- 754 • **The headroom will be a minimum of 6 foot 8 inches throughout.**
- 755 • **The stair will have a minimum uniform tread of 9 inches throughout.**
- 756 • **The rise will be a uniform 9-1/2 inches throughout (variance required).**
- 757

758 Mr. James Swendris was present to speak on behalf of the appeal. He stated that this
759 presentation is a revision of that originally heard in June and tabled at that session in order to
760 allow him time to go back and revise the drawings and find alternate solutions to the problem.
761 He is requesting two variances for an area that they want to make a third floor bedroom in their
762 home. He explained his revised proposal.

763

764 **Recommendation:**

765

766 A. Savoni - Staff would be supportive of granting this request based on Appendix J of the code
767 which states: *“Where compliance with these provisions or with this code as required by these*
768 *provisions is technically infeasible or would impose disproportionate costs because of*
769 *structural, construction or dimensional difficulties, other alternatives may be accepted by the*
770 *building official.”* We would, however, like to see the stair be rebuilt if possible to obtain a more
771 uniform riser height **which the petitioner has done. The winder needs to have a minimum**
772 **depth of 10 inches because the drawings submitted shows this coming to a point.**

773

774 K. Chamberlain – The Fire Department concurs with the Building Department.

775

776 **Comments and Questions from the Board** – None.

777

778 **Discussion:**

779

780 R. Hart – The photograph submitted shows there was a doorway at the end of the stairs.
781 (Petitioner – Yes). When you’re finished, the door won’t be there and the casing that constricts
782 the width of the stair won’t be there? (No, and it’s 34” all the way up and the door will be
783 removed so as not to cause a headroom problem).

784

785 *(It was discussed that the petitioner would make the stairs 9 ½” (riser height) in order to make*
786 *the run more consistent. This was not what was stated on the original drawings, but was*
787 *cleared for the language in the following motion:)*

788

789 **MOTION**

790

791 Moved by P. Darling, Seconded by S. Callan, **“In the matter of Appeal Number 2008-B-022,**
792 **627 South Division Street, that the Board grant a variance from the 2003 Michigan**
793 **Residential Code, Section R311.5.2 to allow a stairway with of 2 feet 10 inches and**
794 **Section R311.5.3.1, to allow a riser height of 9 ½ inches, with a 9 inch tread, provided**
795 **that a building wide hard-wired interconnected smoke detection system be installed to**
796 **the satisfaction of the Fire Marshal.”**

797

798 **On a Voice Vote – MOTION PASSED – UNANIMOUS (Variances Granted)**

799

800 **D-6 109 Longman Lane – 2008-B-020**
801 *(Postponed from the May Regular Session)*

802

803 **Description and Petitioner Presentation**

804 **Vince Peters, contractor for this property, is requesting a variance from Sections**
805 **R311.5.1 and R311.5.2 of the 2003 Michigan Residential Code.**
806

807 The applicant is requesting a variance from the following sections of the 2003 Michigan
808 Residential Code regarding stairways:
809

- 810 • Section R 311.5.1 that states *“Stairways shall not be less than 36 inches in clear width*
811 *at all points above the permitted handrail height and below the required headroom*
812 *height. Handrails shall not project more than 4.5 inches on either side of the stairway*
813 *and the minimum clear width of the stairway at and below the handrail height, including*
814 *treads and landings, shall not be less than 31.5 inches where a handrail is installed on*
815 *one side.”*
- 816 • Section R 311.5.2 that states *“The minimum headroom in all parts of the stairway shall*
817 *not be less than 6 feet 8 inches measured vertically from the sloped plane adjoining the*
818 *tread nosing or from the floor surface of the landing or platform.”*
819

820 Petitioner is proposing to finish the basement but did not provide a proposed plan or state what
821 the space will be used for. The existing stair is not code compliant Petitioner proposes to
822 rebuild the stair but the following two items will still not meet code:
823

- 824 • Proposed stair width will be 35 inches. Code requires a minimum of 36 inches.
- 825 • Proposed headroom in a portion of the stair will be approximately 6 foot 2 inches. Code
826 requires a minimum of 6 foot 8 inches.
827

828 Ms. Vansickle, homeowner and Vince Peters of Dexter Builders were present to speak on
829 behalf of the appeal. Mr. Peters stated that when they originally presented the appeal in May,
830 the Board had some concerns with understanding the layout of the house. The submittal didn't
831 make it clear what the restrictions were as to why they couldn't make the stair requirements.
832 They have since submitted revised floor plans and explained their efforts to the Board.
833

834 **Recommendation:**

835

836 A. Savoni – Regarding the stair width variance, staff would be supportive of granting this
837 request based on Appendix J of the code which states: *“Where compliance with these*
838 *provisions or with this code as required by these provisions is technically infeasible or would*
839 *impose disproportionate costs because of structural, construction or dimensional difficulties,*
840 *other alternatives may be accepted by the building official.”*
841

842 Regarding the headroom issue, staff feels that it is two low and would like the petitioner to
843 investigate the possibility of increasing it to a minimum of 6 foot 6 inches.
844

845 Staff feels that if the board is supportive of granting any of these requests, a fully automatic,
846 building wide smoke detection system should be a condition of the variance.
847

848 K. Chamberlain – The Fire Department states they have concerns with the head height in the
849 stairs as this is an emergency egress path.
850

851 **Comments and Questions from the Board**

852

853 P. Darling – Would you be open to just painting the underside of the area in question that has
854 the headroom problem as opposed to finishing off the ceiling? (Petitioner – That will give us a
855 ½ inch). That will also increase headroom at the bottom. (You're suggesting the ceiling of the
856 stairs?) Yes. (Owner – It wouldn't be as pretty as the rest of the house, but, if we have to....
857 But there is an egress window too).

858 K. Winters – What about rebuilding the upper stair? (The homeowner has already paid to rip
859 out the basement floor, lower it 4 inches to meet the 7 foot headroom, installed new, custom
860 made duct work to meet the soffit requirements, and we’re not doing any work on the second
861 floor. We still can’t fit it in. There’s no space on the second floor anyway. That would be
862 difficult). You said that it couldn’t be reworked due to a bathtub? (Yes. There is a bathtub
863 there).

864
865 *(Discussion by the Board and Petitioner regarding the bathroom and the upper stairs. The*
866 *Board made it clear that having 6’1” of headroom in that area would not be acceptable. The*
867 *petitioner suggested that if they increased the stair rise would enable them to get a better head*
868 *height, but they would then require a riser variance).*

869
870 **MOTION**

871
872 Moved by R. Hart, Seconded by P. Darling, “**In the matter of 2008-B-020, 109 Longman**
873 **Lane, to grant a variance from Sections R311.5.1, R311.5.2, permitting a stair width of**
874 **35”, a consistent riser height of not more than 8 5/8” and a minimum headroom within**
875 **the stair of not less than 6’4”.** We find this to be compliant according to Appendix “J”
876 **of the Code, provided that a building-wide smoke detection system will be installed to**
877 **the satisfaction of the Fire Marshall.”**

878
879 **ON a VOICE VOTE – MOTION PASSED – UNANIMOUS (Variances Granted).**

880
881 **E – NEW BUSINESS – None.**

882
883 **F - REPORTS & COMMUNICATIONS - None.**

884
885 **F. AUDIENCE PARTICIPATION – GENERAL – None.**

886
887 **ADJOURNMENT**

888
889 The meeting was adjourned without opposition at 3:43 p.m.

890
891 ***Minutes prepared by B. Acquaviva, Administrative Support Specialist V***