



**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
JANUARY 8, 2008**

The meeting was called to order at 1:35 p.m. by Ron Suarez

ROLL CALL

Members Present: (5) A. Stuart, K. Busch
C. Christiansen, D. Fleece and R. Suarez

Members Absent: (2) L. Wessinger and M. Goldstein

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

A. APPROVAL OF AGENDA –

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

B, APPROVAL OF MINUTES

Draft Minutes of the September 11, 2007 Regular Session

Moved by D. Fleece, Seconded by C. Christiansen, “**to Approve the Draft Minutes of the September 11, 2007 Regular Session as Amended.**” (**Corrections - Page 7, Strike Lines 327-328, 327 & line 602 – Add “Determination.”**)

On a Voice Vote – MOTION PASSED – UNANIMOUS

C. APPEALS & ACTION

C-2 2007-H-009 – 915 East Huron Street

The applicant, Nick Else, seeks to obtain a Housing Board of Appeals Variance from Section 8:503 (6) – Cellar Occupancy for the southeast room.

Background

R. Fulton - An inspection was conducted and the results are summarized on the attached Cellar Requirements Worksheet. This is a single family house, currently certified as four bedrooms, maximum occupancy of six people. The applicant is requesting the cellar space become a legal bedroom, making this a five bedroom house and still maintain the limit of six persons allowed.

Standards for Approval

a. Practical difficulties or unnecessary hardship

The R4C zoning of this property allows a maximum occupancy of six people. Allowing the use of the cellar southeast room as a legal bedroom will change this unit from a 4 to a 5 bedroom unit but will not increase the allowable maximum occupancy of six people.

The variance does not violate the intent of this chapter

- a. The first purpose of the Ann Arbor Housing Code is to protect the health, safety and welfare of residents. Use of the cellar southeast room as a legal bedroom will not jeopardize the health, safety and welfare of the residents.
- b. **The variance does not jeopardize the public health and safety**
Public health and safety will not be jeopardized because smoke detector, egress, electrical, sanitary sewer and radon requirements have been met.

Recommendation:

R. Fulton - Motion to approve a variance from Section 8:503 (6) Cellar occupancy of the City of Ann Arbor Housing Code in order to allow the cellar southeast room to be used as a legal bedroom with the following contingencies:

1. Maintain battery operated smoke detectors located in the laundry area and immediately outside of the southeast cellar room.
2. Install a continuous finished ceiling in the laundry area and immediately outside of the southeast cellar room as required by Section 8:503(6)(j).
3. Maintain existing sprinkler heads located in the laundry area and immediately outside of the southeast cellar room.

Petitioner Presentation:

Mr. Nick Else was present to speak on behalf of the appeal. He stated that he seeks approval of cellar occupancy for the southeast basement room. The sprinkler system in question has been in the home since his parents purchased it in the late seventies. He stated that in terms of the building and the sprinkler system, that it would be very difficult to cover the ceiling because of the access to the mechanicals, that he would prefer to leave the sprinklers in place.

Questions of Staff by the Board

A. Stuart (to R. Farrackand) – When Rita states that the sprinkler heads should be ‘maintained,’ is there a way to check to make sure that those work properly? Do you flush them once per year? (Sprinkler contractors usually maintain those, and they’ll have documentation – either 6 months or a year. They normally do hydrostatic testing. This determines if the pipes are running freely).

R. Fulton – Typically, we don’t see these in a single-family house; we see them in fraternities, sororities, etc.

K. Busch – Is there a requirement for that test? (R. Fulton – When we have buildings with fire suppression systems, we have them checked annually – certification from a contractor). So that’s applicable here? (Yes).

C. Christiansen – Stated that she was inclined to not require the ceiling to be finished if the applicant would have the sprinkler system tested yearly, as finishing the ceiling would cause additional problems with dropping those heads down for functionality.

Discussion by the Board

Discussion at length by the Board and Staff regarding the site and the fire suppression system.

R. Farrackand – Discussed with the Board the requirements for sprinkler testing.

MOTION

Moved by C. Christiansen, Seconded by A. Stuart, “to approve a variance for Appeal Number 2007-H-009, 915 East Huron Street, from Section 8:503 (6) Cellar occupancy of the City of Ann Arbor Housing Code in order to allow the cellar southeast room to be used as a legal bedroom with the following contingencies:

1. Maintain battery operated smoke detectors located at the top of the stairs, laundry area and immediately outside of the southeast cellar room.
2. Maintain the existing sprinkler heads located in the laundry area and immediately outside the cellar room, in lieu of a continuous finished ceiling.
3. Have a certified sprinkler contractor perform a test of the existing sprinkler system to be certain it is functional, and install cages around the sprinkler heads. Documentation will be provided that this has been done and this is a one time only test as the sprinkler system is a ‘limited access’ system”.

On a Voice Vote – MOTION PASSED - UNANIMOUS – Variance Granted

D. **OLD BUSINESS** - None.

E. **NEW BUSINESS** - None.

F. **REPORTS & COMMUNICATIONS** –

R. Fulton – Inspections staff is looking at the Property Maintenance Code to update the City Housing Code – needs to be overhauled. This is ongoing.

The Board had general discussion on issues associated with the Housing Code.

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

ADJOURNMENT

Moved by C. Christiansen, Seconded by A. Stuart, “that the meeting be adjourned.”

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

Chair Ron Suarez adjourned the meeting at 2:27 p.m.

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