



**APPROVED MINUTES OF THE REGULAR SESSION OF THE  
BUILDING BOARD OF APPEALS OF THE CITY OF ANN ARBOR  
SEPTEMBER 12, 2007- 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: (4) K. Winters, S. Callan, R. Hart and  
A. Milshteyn

Members Absent: (3) P. Darling, R. Reik and D. Darling

Staff Present: (5) A. Savoni, K. Chamberlain, M. Lloyd,  
K. Larcom and B. Acquaviva

**A - APPROVAL OF AGENDA**

**A-1** Approved as Presented

**B - APPROVAL OF MINUTES**

**B-1** Draft Minutes of the July 11, 2007 Regular Session – Approved as  
Presented

Moved by S. Callan, Seconded by A. Milshteyn, **“to approve the minutes of the  
July 11, 2007 Regular Session.”**

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

Draft Minutes of the August 8, 2007 Regular Session – Approved with  
Changes – Lines 342 through 345 (Wrong recommendation), Line 519  
(Strike “the winder depth/configuration” and previous sentence and replace  
with “Existing door on the second floor and at the top of the stair.”)

Moved by S. Callan, Seconded by R. Hart, **“to approve the minutes of the  
August 8, 2007 Regular Session.”**

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

**C - APPEALS & ACTION - None.**

**D - OLD BUSINESS**

**D-1 2007-B- 025 – 2015 Day Street – (Tabled from the July 2007 Session)  
Dawn Zuber of Studio Z Architecture is requesting variances from the  
following Sections of the 2003 Michigan Residential Code. The only  
remaining variances required are for Sections R311.5.2 and R311.5.4. All  
other remaining issues have been resolved.**

52 **Description and Petitioner Presentation:**

53

54 Dawn Zuber, applicant, and Robin Jacob, owner of the property were present to speak on behalf  
55 of the appeal. Ms. Zuber thanked the Board for working with them to approve the variances that  
56 they approved at the last meeting. She stated that they are still requesting additional approvals  
57 – the upstairs landing head clearance which is sloped and is 5’11” at the lowest point and is  
58 7’11” at its highest point and the actual portion that is under 6’4” is so close to the wall that we  
59 feel it would be very difficult to hit your head on that point, but the attic does slope up from there.

60

61 We’re also requesting a variance at the bottom of the attic stair. Mr. Winters pointed out at the  
62 July meeting that the headroom once we remove the door and frame is still a little low, and we  
63 didn’t confirm that it is under 6’4” until after the July meeting. We would have to adjust the  
64 headroom and the ceiling in order to achieve that. We’re requesting a variance for 6’4” as it  
65 would be difficult to get 6’8”.

66

67 In addition, the basement stairway existing structure is very strange, but we feel that we can  
68 modify it with some steel to achieve 6’4” – right now the current condition is 6’0”. One other  
69 issue came up when working with the structural engineer. We need to align at least one wall in  
70 the attic with a wall on the second floor, just because of the type of structure we’re putting in to  
71 support the structure on the third floor. Because of that, we request a variance of 2’10” landing  
72 in the direction of travel at the top of that attic stair. We may end up at 3’, but it could be as little  
73 as 2’10”, based on our preliminary measurements. We’re requesting a variance for that as well.

74

75 **Recommendation:**

76

77 A. Savoni - Staff is supportive of the variance for the headroom height at the stairs. We are  
78 concerned about the low headroom at the attic level, although it only occurs at a portion of the  
79 stairs and would be very expensive to modify, we would support this request. Secondly, it  
80 appears that the structural modification to the house will cause the upper landing to be 2’10”  
81 rather than the required 3’. If modifying, these changes would impose disproportionate costs,  
82 we would be in favor of this modification based on Appendix “J” of the Code.

83

84 K. Chamberlain – The Fire Department yields to the Building Department.

85

86 **Comments and Questions from the Board**

87

88 R. Hart (To Petitioner) – The clearance at the top of the stair – looking at the way this is framed,  
89 is there a way to make up that triangle by reframing this – in the rafter? (Petitioner – That is a  
90 possibility, I’d have to discuss it with the structural engineer. It’s made up of 2 x 6’s and then  
91 spanning the 48” distance with whatever the roof sheathing is – I believe it’s ¾”. That is a  
92 possibility.)

93

94 K. Winters – I want to try to make clear exactly what we’re doing here. Coming up the stairs to  
95 the attic level, we have a landing there that is only going to be a length of 2’10” at the top  
96 (Petitioner – Yes, perpendicular to the top riser.) That same stair has headroom of 6’ ¾” width,  
97 which is going to be 5’11” to 6’4” (correct.) Previously, we approved a handrail on the opposite  
98 side to direct people away from the low headroom (correct.) Does that same level, the attic –  
99 have egress windows? (Yes. The new windows along the back of the dormer in both offices  
100 will be egress windows.)

101

102 The stair as it is at the second floor – you’re removing the door? (Correct.) Are you also  
103 removing the door jambs? (Yes.) Then you’re going to modify that ceiling to get at least 6’4”?  
104 (Yes.) The basement stair at the back, you’re going to modify to get at least 6’4”? (Correct.)

105

106 R. Hart – Are you going to notch that header? (I know we couldn't notch the framing members  
107 that are there, but we could potentially header it off. I don't feel comfortable promising that  
108 without calculating out the loads. I'd be willing to talk to the engineer, but I'm not sure you'd  
109 want to table our issue again.)

110  
111 K. Winters – I'm not sure that structurally – we could use 1 x to span 48”?

112  
113 R. Hart – I'm just posing the question. If it is a major structural intervention, we can let it ride  
114 with what the proposal is for the variance.

115  
116  
117 **MOTION**

118  
119 Moved by R. Hart, Seconded by A. Milshteyn, “**in the matter of appeal 2007-B-025, 2015 Day**  
120 **Street, to permit a variance from Section R311.5.2 to permit a minimum headroom of 6’4”**  
121 **near the bottom of the basement stair, and a minimum dimensional height of 6’4” at the**  
122 **bottom of the third floor (attic) stair and permit a less than 6’4” dimension for a strip of 6**  
123 **3/4” of ceiling at the third floor stair landing and a variance from Section R311.5.4, a**  
124 **minimum of 2’10” width at the top landing of the third floor (attic) stairs and a less than**  
125 **6’8” height dimension for a section at the third floor (attic) landing to accommodate the**  
126 **existing roof slope condition, leaving a minimum of 6’4” for the balance of the rest of the**  
127 **landing ceiling height. We find this to be equivalent to Appendix “J” of the 2003**  
128 **Michigan Residential Code.”**

129  
130 **On a Voice Vote – MOTION TO APPROVE – PASSED – UNANIMOUS (Variance Granted)**

131  
132  
133 **D-2 2007-B-016 – 1008 Woodlawn Avenue**

134  
135 **Bart Fisher, owner/manager for this property, is requesting a variance**  
136 **from Section R311.5.2 of the 2003 Michigan Residential Code.**  
137 **(Tabled from the June, July and August 2007 Regular Sessions.)**

138  
139 **Description and Petitioner Presentation:**

140  
141 The applicant requests a variance from Section R311.5.2 which states: “*The minimum*  
142 *headroom in all parts of the stairway shall not be less than 6 feet 8 inches measured vertically*  
143 *from the sloped plane adjoining the tread nosing or from the floor surface of the landing or*  
144 *platform.”*”

145  
146 Petitioner Bart Fisher was present to speak on behalf of the appeal. He stated that since the  
147 presentation at the June meeting, he had submitted a new floor plan, which he drew up and had  
148 stamped and approved by a registered architect. “I also had Dan Knight out to the property after  
149 removing the plaster and lath from the ceiling area. Another architect also looked at this, and he  
150 suggested some new plans, which Mr. Savoni had some concerns with. Dan said that this  
151 would work fine with him with the architects plans, but he came up with another plan which is to  
152 notch the area a bit differently which will give us just a hair over 6’4” for the clearance.”

153  
154 **Recommendation:**

155  
156 A. Savoni – Petitioner has now submitted a drawing that he prepared showing the joist at the  
157 bottom of the stairs reconfigured to gain headroom of 6 foot 4 inches. These drawings have  
158 been sealed by an architect. Staff would be supportive of the request if the headroom at the  
159 bottom of the stairs is a minimum of 6 foot 4 inches.

160 We would request that the petitioner or his architect prepare a more detailed drawing of the  
161 exact alteration that is being made to the joists before a final inspection is completed.

162  
163 K. Chamberlain – The Fire Department concurs with the Building Department.  
164

165 **Comments and Questions from the Board**

166  
167 S. Callan – What A. Savoni stated about providing a more detailed, complete set of plans should  
168 go with the appeal.  
169

170 K. Winters (To Petitioner) – I'm not certain that I agree with your method of doing this.  
171 (Petitioner – We also had a structural engineer whose certification at the time the report was  
172 turned in had an expired license with the state. Their registration fee wasn't up to speed. I'm  
173 not sure if his license is now current, but the funds have been paid.)  
174

175 A. Savoni – I might also add that there was a letter that came in, explaining what was to be  
176 done, but we discovered that the engineer's registration was expired. He then brought in the  
177 sealed drawing, and I encouraged him to come in with some other complete drawings before  
178 this meeting, but we never received any. (Petitioner – I did ask the architect for those. He did  
179 come over again for the third time, measured it out and told me he would get those to me as  
180 soon as he could, but I have yet to receive those.)  
181

182 K. Winters – Can you explain to me what is being done here? Are you adding something or??  
183 (Petitioner – We would notch the 2' x 7 ½ " joist. The inner ones, which the stairs above do not  
184 ride on – the outside joists are 2' x 7 ½ " and are doubled outside the stairwell. The stairs which  
185 come down from the first floor to the second floor ride on those outer members. The inner  
186 members support the floor up to the stairwell, and the portion that is notched would be 2" wide  
187 and greater than 6" tall. The grain is going the opposite way, so everyone felt that splitting  
188 wouldn't be an issue and it would in no way compromise the building code or the structure of the  
189 building or the integrity of the floor. The total span of those boards being notched are no more  
190 than 5' and code allows up to 9'6" for a 2 x 6.) As a joist. (Yes sir.) Ok.  
191

192 Is there only floor that is supported on these? (Yes. Hardi Plank and tile.) I'm just trying to  
193 decide if I would be satisfied with this once the Building Department gets the paperwork from  
194 you.  
195

196 R. Hart – I can't tell what's going on. This is the third time we've looked at this. How hard is it to  
197 produce a hard line drawing? There are three dimensions on here. One is 66 ½ " – Is this the  
198 basement floor? (*Pointing to drawing*). (Yes) Ok, so by doing this structural configuration at the  
199 first step, you're going to get 6'4" clear headroom from that point to the nose? (Yes.) So the  
200 second step up, it says 78", then it says 6'4" clearance? (Petitioner – The 78" is the actual  
201 measurement. The architect added 6'4" clearance there.) So, the 78" is existing? (Yes. It's  
202 clear once the old plaster and lath (which were removed for discovery purposes) were gone. As  
203 long as you skinned it with a thinner material, it won't be an issue.) So basically, the variance is  
204 going to be to permit less than 6'8" in the stairway. There will be 6'6" at the second step, and  
205 6'4" at the bottom step? That's the end result.  
206

207 A. Savoni – I thought we were just doing 6'4" at the bottom step.  
208

209 K. Winters – 78" is 6'6" – is that all the way up? (Yes sir. It's to the first landing. From there on,  
210 it's much higher.)  
211

212 Petitioner – I might add that the stairs are somewhat uneven as they are the original stairs. I  
213 would say it's 6'6" or greater the whole way.

214  
215 K. Winters – I think it is my feeling and that of the Board that the drawings need to be made  
216 more clear in the first place. A plan showing the stair and a better section to show the alteration.  
217 We can go ahead and vote and see what happens. (Petitioner – There’s no way we can table it  
218 again? Are there any questions that I can clarify before you vote?)  
219

220 S. Callan – I think we made it clear the last time that you needed to bring back a better set of  
221 drawings.  
222

223 R. Hart – Just so we’re clear on this, we’re looking for a drawing that’s similar to this example  
224 (*shows another set of drawings*) It needs to show the stair and the structural condition there.  
225

226 S. Callan – The plan view. (Petitioner – So, we don’t need anything as far as layout – just the  
227 stairway itself?)  
228

229 A. Savoni – We need a plan view with the whole basement showing, professionally drawn.  
230

231 **MOTION**

232  
233 Moved by A. Milshteyn, Seconded by S. Callan, “**to table Appeal Number 2007-B-016,**  
234 **1008 Woodlawn Avenue for one additional time – this issue to be heard on final**  
235 **appeal at the October 10, 2007 Regular Session. Petitioner will provide a detailed,**  
236 **professional Plan View drawing of the entire basement as well as the stairway.”**  
237

238 **On a Voice Vote – MOTION TO TABLE - PASSED – UNANIMOUS (Variance Tabled)**  
239

240  
241 **E. - NEW BUSINESS**

242  
243 **E-1 Presentation to the Building Board of Appeals –**  
244 **“Unoccupied and/or Dangerous Buildings”**  
245

246 Mark Lloyd, Planning and Development Services Manager, and Kristen Larcom,  
247 Assistant City Attorney gave a presentation to the Board regarding new city code  
248 to address unoccupied and dangerous buildings. It was explained that the new  
249 code will involve the Building Board of Appeals at various points in the procedure  
250 and what the Board’s role would be.  
251

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

253  
254 **G - AUDIENCE PARTICIPATION – GENERAL – None.**  
255

256 **ADJOURNMENT -**  
257

258 Moved by K. Winters, Seconded by S. Callan, “**that the meeting be adjourned.**”  
259 (*Meeting adjourned at 2:40 p.m.*) **Minutes prepared by B. Acquaviva, Administrative**  
260 **Support Specialist V**