



**APPROVED MINUTES OF THE REGULAR SESSION OF THE  
BUILDING BOARD OF APPEALS OF THE CITY OF ANN ARBOR  
OCTOBER 10, 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: (5) K. Winters, S. Callan, R. Hart, R. Reik and P. Darling

Members Absent: (0)

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

**A - APPROVAL OF AGENDA**

**A-1** Approved as Presented Without Opposition.

**B - APPROVAL OF MINUTES**

**B-1** Draft Minutes of the September 12, 2007 Regular Session – Approved as Presented

Moved by S. Callan, Seconded by P. Darling, **“to approve the minutes of the September 12, 2007 Regular Session.”**

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

**C - APPEALS & ACTION**

**C-1 2007-B-028 – 1131 Church Street**

**Charles Bultman, Architect for this property, is requesting a variance from Section 1025 of the 2003 Michigan Building Code.**

The applicant is requesting a variance from Section 1025 of the Michigan Building Code which requires that every sleeping room shall have at least one operable emergency escape and rescue opening. Emergency escape and rescue openings shall have the bottom of the clear opening not greater than 44 inches measured from the floor.

**Description and Petitioner Presentation**

Charles Bultman was present to speak on behalf of the appeal. Petitioner has obtained a permit and reworked the egress component for the basement bedrooms at this property as the result of a rental housing inspection. In the course of the inspection, it was determined that the window opening is 70 inches above the floor and is accessed by a 1 foot 9 inch high step above the floor to a 3 foot landing 1 foot 9 inches above the step. The drawings submitted for permit do not show this condition and the standard note requiring that the “bottom of clear opening not more than 44 inches above the floor” was added to the approved set.

52 The Certificate of Occupancy was not granted due to the condition of the egress windows. He  
53 stated that the windows are much improved over what they had been, and they interpreted the  
54 request by the Housing Inspector to have been fulfilled. He pointed out various pictures in the  
55 submitted packet to support his appeal. He displayed a series of photos that demonstrated that  
56 anyone in those basement rooms would have no problem using them to escape in an  
57 emergency. He stated that the windows were reworked under permit and in a good faith  
58 attempt to comply with the code. The foundation of the home is such that it would cause great  
59 damage to them if they had to rework the construction on the windows and wells.  
60

61 **Recommendation:**

62  
63 A. Savoni – Staff is not supportive of this request. The code specifically states that the bottom  
64 of the opening must be a maximum of 44 inches from the finished floor and does not allow for  
65 any provisions or exceptions for a platform located at the window. We are especially concerned  
66 about the low headroom at the landing in front of the window. This could impede entry or exit in  
67 the event of an emergency.  
68

69 K. Chamberlain – The Fire Department yields to the Building Department.  
70

71 **Comments and Questions from the Board**

72  
73 K. Chamberlain – Due to the height and window where it currently stands, for a strategic point of  
74 the Fire Department it permits for a good overview of what might be going on and who we might  
75 have to rescue.  
76

77 S. Callan – (To A. Savoni) – So there is no problem with the window (No) – the only question is  
78 the ‘step?’ (Yes. The only problem is that the code states that it has to be 44” from the floor).  
79 I would rather go up a step with this window size than worry about the step.  
80

81 K. Winters – The only concern I have is that when you’re up on that concrete ledge that is 3 ½  
82 feet high, is headroom. My concern is how the Fire Department gets in. (Petitioner – There are  
83 two means of egress – there is a stair to the back of the building and a stair to the front of the  
84 building. If you go into the main floor from the front door, you have to descend the stairs to get  
85 to the lower level. From the rear of the building, you enter the stair and descend directly down).  
86

87 P. Darling – This had a certificate of occupancy before, but now that the window is changed, it  
88 doesn’t comply? (A. Savoni – Any time you change the opening, you’ve converted that window  
89 to an egress window, which is a change, you have to meet egress requirements).  
90

91 R. Hart – Can you clarify what those dimensions are in that window? (Petitioner – Total height  
92 is approximately 6 ft. tall, but each window changes a few inches due to grade. There is enough  
93 room to stand up in that window and not have your shoulder hit the glass. Would I make it wider  
94 if I could? Absolutely).  
95

96 K. Winters – There are four of these. Theoretically, one of these could be made bigger for  
97 easier access for the Fire Department, correct? (Petitioner – Yes, with the caveat of going into  
98 the Michigan foundation, it is a better situation than it was). I would suggest you move the well  
99 out to give the Fire Department better access without altering the foundation. (Petitioner –  
100 Asked the contractor is there had been work done in that well – contractor stated that there was  
101 no work done on that well). I would suggest that you redo the one at the front to make it farther  
102 away from the existing wall to make easier access for the Fire Department. That would  
103 necessitate a new foundation there, relocate that window and then an extension of a new roof  
104 over there. It’s only about 5 ft. wide.  
105

106 K. Chamberlain – Stated that with the configuration and height of the window where it is – from  
107 a strategic standpoint for the Fire Department, won't give us that much of an advantage if it were  
108 changed. Even though the access is compromised, it has access into each one of the units.  
109  
110 R. Reik – (To Petitioner) What kind of replacement windows were put in? (Petitioner –  
111 Anderson casement windows). I think it is an improvement over what is there, and it would be a  
112 hardship to make any changes. Any changes they could make probably still wouldn't bring it up  
113 to code. I would be inclined to use Appendix "J." (A. Savoni – That is acceptable. It is a  
114 structural consideration that we have previously granted).

115  
116 **MOTION**

117  
118 Moved by R. Reik, Seconded by S. Callan, **“that Appeal Number 2007-B-028, 1131 Church**  
119 **Street be granted a variance from Section 10:25 of the 2003 Michigan Building Code to**  
120 **permit 5 non-compliant egress windows in the basement of the building to exist as they**  
121 **currently are based on the new installation which is a significant improvement over what**  
122 **was previously installed, We grant this variance based on Appendix “J” of the Code.**

123  
124 **On a Voice Vote – MOTION PASSED – UNANIMOUS**

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126  
127 **C-2 2007-B-029 – 512 East Huron Street**

128  
129 **Ann Arbor Nursery, tenant for this property, is requesting a variance from**  
130 **Section 1019.1.4 of the 2003 Michigan Building Code.**

131  
132 The applicant is requesting a variance from Section 1019.1.4 of the Michigan  
133 Building Code which states *“Exterior walls of a vertical exit enclosure shall comply*  
134 *with the requirements of Section 704 for exterior walls. Where non-rated walls or*  
135 *unprotected openings enclose the exterior of the stairway and the walls or*  
136 *openings are exposed by other parts of the building at an angle of less than 180*  
137 *degrees the building exterior walls within 10 feet horizontally of a non-rated wall or*  
138 *unprotected opening shall be constructed as required for a minimum 1-hour fire-*  
139 *resistance rating with ¾-hour opening protectives. This construction shall extend*  
140 *vertically from the ground to a point 10 feet above the topmost landing of the*  
141 *stairway or to the roof line, whichever is lower.”*

142  
143 **Description and Petitioner Presentation**

144  
145 Petitioner is locating a nursery to a portion of the second floor of the First Baptist Church. To  
146 meet building code requirements for egress, Petitioner is proposing to construct a non rated new  
147 enclosed exterior exit stairway for the nursery space. The stair is to be constructed  
148 perpendicular to the building. Per code, walls of the building at an angle of less than 180  
149 degrees within 10 feet of the stair must have a minimum 1-hour rating. The walls adjacent to  
150 these stairs are of masonry construction and thus meet the 1-hour requirement. However there  
151 are a number of windows within 10 feet of the stair. These windows must be eliminated or  
152 rated.

153  
154 Sahba La'al, Architect, was present to speak on behalf of the appeal. This is a church on  
155 Washington Street, and Ann Arbor Nursery Co-op wants to move into an area of this church on  
156 the second floor. The church has a number of stairways that go out of this area, yet one is fully  
157 enclosed and has all the emergency lights and exit lights (fire rated). The other stairway is  
158 enclosed, but as it ramps down into the main entry of the church, it is open.

159 The best (and least costly) solution for egress was to build another stairway coming out of that  
160 section. The church is old and does not have all the updated electrical and plumbing and it  
161 would be more expensive to update that. What we're providing is a set of smoke detectors with  
162 alarms and additional emergency exit lighting for the nursery area. We are suggesting one  
163 sprinkler head for this floor for the windows which are within 10 ft. of it and a sprinkler head on  
164 the westerly side of the building on the same level and one on level one (total of 3).

165  
166 **Recommendation:**

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168 A. Savoni – (Explained the egress stairs and the adjacent windows to those). With regard to the  
169 window openings, these types of requests have been previously presented to this Board. In  
170 each case, the appeal has been granted with the following contingencies:

171  
172 1. The Building shall be equipped with an automatic fire suppression system; additional  
173 heads shall be provided above on the interior of each opening in question. While the  
174 entire building is not sprinkled it is an existing building and retrofitting it for sprinklers is  
175 not required as a result of this change. Petitioner is proposing to install a limited sprinkler  
176 system in the stair. We would request that the sprinklers be installed at each window  
177 opening adjacent to the stair.

178  
179 2. The openings on the wall shall not exceed that shown on the submitted sketch

180  
181 Staff feels that in doing this, an equivalent form of construction has been proposed and would  
182 support this request with these contingencies. (After some discussion, it was determined that  
183 the Petitioner would need five sprinkler heads in total).

184  
185 K. Chamberlain – The Fire Department yields to the Building Department.

186  
187 **Comments and Questions from the Board**

188  
189 S. Callan – They will need a 1 ½ to 2 inch water supply line coming into the building.  
190 (Discussion among the Board about how many 'compartments' they have).

191  
192 R. Hart – Is this a required egress stair? (Yes, he needs a second 'enclosed' stair). (A. Savoni  
193 – This is a daycare).

194  
195 K. Winters – (Asked what the stair is constructed of). (Petitioner – It's built with a steel frame  
196 with glass sides. The outside spans over the area outside). I did not see any type of insulation  
197 or finish between the outside air and the tread risers themselves. Is it not needed? (No, it's not  
198 necessary). (A. Savoni – He could just have an outside stair without an enclosure, but he's  
199 made an improvement by enclosing it).

200  
201 There was discussion regarding why there is no option to just enclose the existing stairway.  
202 Tish Campbell of the Co-op Nursery stated that this church has the 1950's and the 1960's wings  
203 and in the 60's, they tried to connect those two with one of those corridors which is a split-level.  
204 When you walk in the door it's six steps up and then six steps down, so on both ends it's open,  
205 and it leads from the sanctuary into the place where the people congregate, so if we were to try  
206 to close that off, it would interfere with their operations and wheelchair access. The church is  
207 not interested in doing this.

208  
209 K. Chamberlain – The Fire Department would require that the sprinkler plans be submitted for  
210 approval with the proper calculations. Are you familiar with that process? (Petitioner – No).  
211 There's a permit process and an approval review process with Fire that goes with the sprinklers  
212 as well as the smoke detectors.

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**MOTION**

Moved by R. Reik, Seconded by S. Callan, “to grant a variance for Appeal Number 2007-B-029, 512 East Huron Street, from Section 1019.1.4 of the 2003 Michigan Building Code to permit an exterior stair within ten feet of a non-rated wall or unprotected area, provided that a sprinkler system and smoke detection system are provided to the satisfaction of the Fire Marshall. A sprinkler head will be provided at each opening within ten feet of the stairs. This is a wall with a one hour rating and unprotected openings on the wall and shall not exceed those on the submitted sketch. We find this to be equivalent to what the Code requires.”

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

**D - OLD BUSINESS**

**D-1 2007-B- 024 – 825 South Main Street (Tabled at the July 2007 Session)**

**Olivia Avenue Services, agent for this property, is requesting a variance from Sections R311.5.2 of the 2003 Michigan Residential Code.**

The applicant is requesting a variance from Section R311.5.2 of the 2003 Michigan Residential Code that requires “*The minimum headroom in all parts of the stairway shall not be less than 6 feet 8 inches measured vertically from the sloped plane adjoining the tread nosing or from the floor surface of the landing or platform.*”

**Description and Petitioner Presentation**

This is rental property. At the latest rental inspection, the Housing Inspector has required that the stair leading to the basement be rebuilt or replaced. Petitioner is planning to rebuild the stairs. The stairs currently lead to an unfinished basement containing a laundry room. In rebuilding the stairs, they will meet all code requirements for new stairs except the headroom requirement. The proposed headroom will be 6 feet 4 inches. Code requires a minimum of 6 foot 8 inches.

Charles Hainstock, Representative was present to speak on behalf of the appeal. During the latest Housing Inspection, the Inspector declared the stairways down to the basement where the laundry and mechanical rooms are to be unapproved, and we were told to repair or replace those stairs. We had originally replaced those stairs and had them inspected and it was determined that these did not meet all of Housing Code or Building Code. The biggest issue is the minimum head height of 6 ft., 8 in. There are different proposals for solutions. The first were to put the original diagram of stairs back in (figure 1 on submitted drawings).

The revised drawing submitted would have the minimum tread as well as maximum riser height allowable, but would make the corner of the ceiling in question to lie over the second stairway and would give us about 78 in. Another possible option would be to have 8 inch treads for each of the seven stairs which would give us headroom between the second stair and the ceiling of 75 in. instead of 76 in.

265 **Recommendation:**

266 A. Savoni – (From original staff report) - Staff is not supportive of this ceiling height request.  
267 Staff would like the petitioner to continue to investigate the ceiling at the bottom of the stair to  
268 determine whether it could be raised to gain any additional headroom. We would suggest that if  
269 the Board is supportive of granting a variance, a fully automatic, building wide smoke detection  
270 system be a condition of the variance.

271  
272 **Since it appears that the petitioner has investigated the ceiling at the bottom of the stairs**  
273 **and reworking the stairs would be costly, we could be supportive of this request based**  
274 **on the code section in Appendix J “ Existing Buildings and Structures” which states:**  
275 **“Where compliance with these provisions or with this code as required by these**  
276 **provisions is technically infeasible or would impose disproportionate costs because of**  
277 **structural, construction or dimensional difficulties, other alternatives may be accepted by**  
278 **the building official.”** Secondly, petitioner is only using this space as a laundry room  
279 and utility room and tenants will not be in the basement for extended periods of time. We  
280 would suggest that if the Board is supportive of granting a variance, a fully automatic,  
281 building wide smoke detection system be a condition of the variance. Also we feel a  
282 provision should be added to the variance that if the petitioner ever finishes this space  
283 that the proper egress windows be added and that the stair be reconfigured to obtain  
284 minimum 6 foot 6 inch headroom.

285  
286 K. Chamberlain – The Fire Department concurs with the Building Department.

287  
288 **Comments and Questions from the Board**

289  
290 *(The Board discussed at length what could be done to accomplish what the petitioner needs –*  
291 *one option might be to make the landing smaller, or by building the stair into a “U” shape).*

292  
293 R. Hart – The one condition that isn’t feasible is the 5’8” headroom.

294  
295 *(The general feeling of the Board is that the petitioner should be allowed more time to design a*  
296 *modification that would accomplish at least 6’6” of headroom by relocating the bathtub above or*  
297 *borrowing some space from the thickness of the floor above).*

298  
299 **MOTION**

300  
301 Moved by S. Callan, Seconded by P. Darling, **“to table Appeal Number 2007-B-016,**  
302 **825 South Main Street until the November Regular Session to allow the petitioner**  
303 **time to investigate additional possibilities with clear drawings in plan and section to**  
304 **show what head height clearances are available as well as uniform heights on the**  
305 **stairs – MAXIMUM of 60 Days to return to the Board for resolution.**

306  
307 **On a Voice Vote – MOTION TO TABLE – PASSED - UNANIMOUS**

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310 **D-2 2007-B- 016 - 1008 Woodlawn Avenue (Tabled from June thru October)**

311  
312 **Bart Fisher, owner/manager for this property, is requesting a variance from**  
313 **Section R311.5.2 of the 2003 Michigan Residential Code.**

314  
315 The applicant is requesting a variance from Section R311.5.2 which states: *“The*  
316 *minimum headroom in all parts of the stairway shall not be less than 6 feet 8*  
317 *inches measured vertically from the sloped plane adjoining the tread nosing or*  
318 *from the floor surface of the landing or platform.”*

319 **Description and Petitioner Presentation**

320

321 Petitioner has obtained a permit for basement remodeling that was completed previously without  
322 a permit. Petitioner has low headroom at the existing basement stair. The headroom is 5 foot  
323 6-1/2 inches. Code requires a minimum of 6 feet 8 inches.

324

325 **Recommendation:**

326

327 **No recommendation change. Drawings were not submitted in time for Staff to review**  
328 **them.**

329

330 **(From the September Staff Report):**

331

332 *A. Savoni – Staff is not supportive of this request as the headroom is too low at the bottom of*  
333 *the stairs. Staff would like the petitioner to investigate the ceiling at the stair to determine*  
334 *whether it could be raised to gain any additional headroom. However, if the board is supportive*  
335 *of granting this request, a fully automatic, building wide smoke detection system should be a*  
336 *condition of the variance.*

337

338 **Petitioner has now submitted a drawing that he prepared showing the joist at the bottom**  
339 **of the stairs reconfigured to gain headroom of 6 foot 4 inches. These drawings have**  
340 **been sealed by an architect. Staff would be supportive of the request if the headroom at**  
341 **the bottom of the stairs is a minimum of 6 foot 4 inches. We would request that the**  
342 **petitioner or his architect prepare a more detailed drawing of the exact alteration that is**  
343 **being made to the joists before a final inspection is completed.**

344

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

346

347 **Comments and Questions from the Board**

348

349 R. Hart – You have a dimension from the basement to where this improvement is going to be  
350 that says 6'4" (I did notice that after I submitted it. That is meant to be shifted up to the top of  
351 the stairs. He did not draw that properly. The architect stamped my drawings and said they  
352 would be exactly the same, but I didn't notice that.

353

354 R. Hart – With the modification of that header up above, you'll get 6'4" clear? (Petitioner – Yes.  
355 It's actually not even a header, it's framing).

356

357 P. Darling (To A. Savoni) – Does the headroom of the stairway end at the last nosing or does it  
358 require to go past that? As soon as you go past that nosing, you're going to hit your head.

359 (A. Savoni – It would be all parts of the stair, which would include that landing at the bottom of  
360 the stair and you would still have a projection there). That would be a problem.

361

362 K. Winters – It would be helpful if the drawing was not misleading. (To Petitioner) From the first  
363 nosing up to the ceiling, directly above that we have at least 6'4". (Yes – a little more after  
364 finish).

365

366 A. Savoni – We really didn't have a revised staff report for this because this drawing came in too  
367 late, but we did ask him for a detailed drawing of what is exactly going on here, and it appears  
368 that the architect has simply copied the petitioners' notes and not told us exactly what is going  
369 on. We asked for a 'blown up' drawing of what is going on here. I'm not clear on what you are  
370 doing structurally there – what are you doing to those joists. (Petitioner – Ripping them down) –  
371 You're telling me this, but what I want to see is written, documented detail that an inspector can  
372 look at to make certain this is being done to the architects direction and that it's safe.

373 Petitioner – Asked if he meant materials being removed from the joists?

374

375 A. Savoni – I'm looking for a BLOWN UP drawing of exactly what is happening here.

376

377 R. Hart – If you're not understanding what is happening, why don't you have your architect

378 H. Scott Deihls come in or draw something else.

379

380 Petitioner – Stated that if there was some way that he could get a variance now so that he could  
381 proceed and then turn in documentation.

382

383 S. Callan – We need to go back to square one – we need better drawings. There is a lot of  
384 money sitting here dealing with third rated drawings.

385

386 K. Winters – Architectural drawings that are not to scale and not showing everything properly.  
387 (Petitioner – I do see that those measurements are not shifted properly on the drawing, but the  
388 materials are fairly well reflected. A professional engineer looked at this, this gentleman has  
389 looked at these drawings that I did which were clearly sub-par, and no one had any issues with  
390 putting their name on it and saying that it was a safe structure as far as any of these  
391 modifications going on. I've tried my best to supply this Board with what is needed).

392

393 Petitioner – Would it help if the architect were here the next time? (S. Callan – Yes. Have him  
394 submit his drawings and then we can question him about those drawings).

395

### 396 **MOTION**

397

398 Moved by P. Darling, Seconded by R. Hart, “**to table Appeal Number 2007-B-016, 1008**  
399 **Woodlawn Avenue until the November Regular Session of the Building Board of**  
400 **Appeals. Petitioner’s architect is to provide more detailed plan documents and**  
401 **blown up section drawings of the areas in question along with a detailed**  
402 **description of the proposed solution as well as materials.”**

403

404 **On a Voice Vote – MOTION TO TABLE – PASSED – UNANIMOUS**

405

406 **The Board stated that if the applicant does not resubmit the required drawings within two**  
407 **weeks of today’s meeting, later submissions will not be accepted.**

408

409

410 **E. NEW BUSINESS – None.**

411

412 **F. REPORTS & COMMUNICATIONS**

413

414 S. Callan – Public Services complaint. He stated that he doesn't think that the right hand knows  
415 what the left hand is doing (as far as City Government). He knows that their issue is that the  
416 Water Department is afraid that people are stealing water from fire protection sprinkler systems,  
417 but you have a number of limited area sprinkler systems in this town.

418

419 The requirement used to be double detector checks. Now they want to put an assembly, which  
420 is more than just two check valves – so that they can remotely read it. The whole reason you  
421 have limited area systems is so that it's less costly and when you put the backflow in like they  
422 require, it changes the hydraulics in your system.

423

424 Our company received a call today from Leslie Science Center, and they're making them  
425 completely redo their system. I don't know how the city can go back on a system that was  
426 installed years ago and is still 'per code.'



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

**ADJOURNMENT**

Moved by K. Winters, Seconded by S. Callan, “that the meeting be adjourned.”

*(Meeting adjourned at 2:40 p.m.) Minutes prepared by B. Acquaviva, Administrative Support Specialist V*