



**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
May 5, 2010**

The meeting was called to order at 1:36 p.m. by Chair Sandi Smith

ROLL CALL

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

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

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

A. APPROVAL OF AGENDA –

“To Approve the Agenda as Presented” - Approved as Presented without Objection.

B. APPROVAL OF MINUTES

B-1 Draft Minutes of the March 2, 2010 Regular Session

Moved by C. Christiansen, Seconded by K. Busch, **“To approve the
March 2, 2010 Draft minutes as presented.”**

On a Voice Vote – MOTION PASSED – UNANIMOUS

C. APPEALS & ACTION

C-1 1304 GARDNER AVE. – HBA10-002

The petitioner, Kathy Petchell (representing Kelly Olson, owner), requests the following variance from the requirements of Chapter 105, the Ann Arbor Housing Code:

Section 8:504, which requires that interior stairways have a minimum tread depth of nine inches.

Staff Report

R. Fulton – In 2009, this property was inspected for the first time as a rental dwelling. A search of department records reveals that in 1949 a building permit was granted to build an addition and convert it from a single family to a two family dwelling. However, there are no further records to indicate if this conversion was ever made. It is currently a single family home.

There are two bedrooms and a study on the first floor. On the second floor are a bedroom, a study and a bathroom. The treads of the main stairway leading to the second floor are seven inches deep, two inches short of the code requirement. A second stairway exists, leading directly to the outside, and is accessed by passing through the second floor study. The headroom at the bottom of the main stairway is 5'9", which is allowed by code due of the presence of the second stairway

54 Typically, we would ask for interconnected smoke detectors to compensate for the headroom
55 issue at the bottom of the stairs, but because they have the second means of egress, that is not
56 required.

57
58 In order to provide code compliant treads the stairway would need to be rebuilt. This would lead
59 to a greater headroom deficiency at the bottom of the stairway if the stairs were extended into the
60 dining room. Alternatively, expanding the stairway into the room at the top of the stairs would
61 impede access to the second stairway and require the partial removal of a wall. Either alternative
62 would create a practical difficulty.

63
64 *The variance does not violate the intent of this chapter*

65
66 The intent of the Ann Arbor Housing Code is to protect the health, safety and welfare of residents.
67 Because there is a second stairway available for egress, and with the recommendations listed
68 below, this intent is met.

69
70 K. Chamberlain – I'm satisfied with this, except that I would like the interconnected smoke
71 detectors.

72
73 **Questions of Staff by the Board**

74
75 S. Smith – Is it a regular doorway going into the study? (R. Fulton – It's an opening that is bigger
76 than a regular doorway). It's not a room that could easily be a 'sleeping' room?

77
78 R. Fulton – It's not a very big room. Someone could sleep in there, but we don't want any door
79 due to that so that if they need to get out, they can get out. Right now they have a curtain held up
80 by a rod, but again, we don't want a door there that could impede someone's exit. This doorway
81 is wider than the average 36".

82
83 Petitioner – It doesn't have a closet, so we don't call it a bedroom.

84
85 *Discussion by the board regarding the 'study' area, the width of the door, etc.*

86
87 **Petitioner Presentation**

88
89 Kathy Petchell (Petitioner/Agent) – Stated that she was available to answer any questions that
90 the Board might have.

91
92 **MOTION**

93
94 Moved by A. Stuart, Seconded by K. Busch, **"That in regard to Appeal Number HBA10-002,
95 1304 Gardner Avenue, the Ann Arbor Housing Board of Appeals grants a variance from the
96 stairway tread depth requirements of Section 8:504 to allow the existing seven inch tread
97 depth in the main stairway to remain as is, contingent on the following:**

- 98
99 **1. Maintain the second stairway.**
100
101 **2. Maintain the open access to the second floor study by ensuring no door is installed**
102 **at the entry to the room.**
103

- 104 **3. Have a licensed electrical contractor install interconnected smoke alarms meeting**
105 **the approval of the Planning and Development Services Unit in the following**
106 **locations: one inside the second floor bedroom, one at the top of the second floor**
107 **stairway and one at the top of the cellar stairway. 90 Days to comply.**
108

109 **On a Voice Vote – MOTION TO APPROVE – PASSED – UNANIMOUS (Variance Granted)**
110

111
112 **NEW BUSINESS**
113

114 R. Fulton (Housing Inspector) Talked about the “Combustibles Ban” ordinance. *(An ordinance to*
115 *ban couches and other ‘combustible’ items from the front porches and outdoor areas in the City of*
116 *Ann Arbor.)*
117

118
119 K. Chamberlain – Talked about “Brendan’s Ordinance” *(Brendan LeMaster is the young man*
120 *age 22) who died in the recent ‘couch’ fire on State Street. We’ve asked the Attorney’s office to*
121 *approach the family to ask permission for that. An ordinance to ban couch’s from the front porch*
122 *and outdoor areas in the City of Ann Arbor.)*
123

124 R. Fulton – Stated she had been working on this issue adamantly for two or three years. Housing
125 is working with Fire and Police to come up with a viable ordinance solution.
126

127 C. Christiansen (To R. Fulton) – Can you refresh my memory as to why City Council turned down
128 the first ordinance years ago?
129

130 R. Fulton – It was presented to and tabled by City Council in 2004, then brought up again in 2005.
131 When I found out about this fire and his death, I was devastated, as I’ve been keeping records on
132 this and pushing this issue to get regulation on it, but did not get it done in time.
133

134 K. Chamberlain (Fire Marshall) – I think that it had to do with how it was put together and how it
135 was presented. The previous focus was very narrow and didn’t take into account a lot of the
136 emotional issues. This brought up negative issues that they were not able to get past.
137

138 K. Busch – Asked if this would be something included in the Housing Ordinance or a stand alone
139 ordinance. Inspector Fulton stated that they did not know yet – that is another aspect of the
140 discussion on this proposed ordinance that we haven’t decided yet.
141

142 K. Busch – Stated that he has never understood why there are double standards for housing
143 inspections within the city – i.e., rental housing as opposed to owner/occupied. If it’s not safe, it’s
144 not safe.
145

146 R. Fulton – Stated that the Housing Code is for all housing units, but most owner/occupied never
147 get inspected because they have no need to acquire one.
148

149 *Continued discussion within the Board regarding this issue.*
150

151 **REPORTS AND COMMUNICATIONS** – None
152

153 **AUDIENCE PARTICIPATION** – None.
154

155 Moved by A. Stuart. Seconded by K. Busch, “To adjourn the meeting”

156

157 **On a VOICE VOTE – MOTION TO AJOURN – PASSED - UNANIMOUS**

158

159 Meeting ended at 2:01: p.m.

160 ***Submitted by Brenda Acquaviva, Administrative Service Specialist V***