



**APPROVED MINUTES OF THE REGULAR SESSION OF THE
BUILDING BOARD OF APPEALS OF THE CITY OF ANN ARBOR
NOVEMBER 14, 2007- 1:30 P.M. – SECOND FLOOR – COUNCIL CHAMBERS
100 N. FIFTH AVENUE, ANN ARBOR, MI 48104**

MEETING CALLED TO ORDER at 1:30 p.m. by Chair Kenneth Winters

ROLL CALL

Members Present: (4) K. Winters, R. Hart, R. Reik and
P. Darling

Members Absent: (1) S. Callan

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 October 10, 2007 Regular Session – Approved as Presented

Moved by P. Darling, Seconded by R. Reik, **“to approve the minutes of the October 10, 2007 Regular Session.”**

On a Voice Vote – MOTION PASSED - UNANIMOUS

C - APPEALS & ACTION

C-1 2007-B-030 – 1518 Granger Avenue

Quest Bacalis and Jennifer Hartson, owners of this property, are 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

Quest Bacalis, owner of this property, was present to speak on behalf of the appeal. Petitioner has replaced the existing stairs to the basement. Replacement stairs are to code, however the ceiling height at the landing at the bottom of the stairs is 6 foot 6-3/16 inches under the beam and 6 foot 7 inches under the duct. Code requires minimum 6 foot 8 inch headroom at this landing. Both the beam and duct have been replaced to gain maximum headroom at this location. He stated that the difficulty they have is that they don't have sufficient headroom at the landing for the stairway to the basement.

52 There is a side door at the top landing and then the additional landing which goes to the
53 basement. There is not enough room between the steel beam that supports the house and the
54 top and bottom landings for the stairway. There is no additional way to move the beam or ducts.
55 He stated that they have already replaced the original wooden beam that was 7 ½ inches tall
56 and replaced that with a 6 inch tall steel beam with an additional ¾ inch steel plate for the joist
57 to rest on. They are also currently replacing all the duct work – the previous were 8 inches tall
58 and we’re replacing those with custom made 6 inch ducts, giving us approximately 2 ¾ inches
59 additional headroom, but still don’t make the required 6 foot 8 inch headroom.

60

61 **Recommendation:**

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63 A. Savoni – Since the petitioner has investigated the ceiling at the bottom of the stairs and
64 reworked the beam and duct to the maximum height, staff would be supportive of this request
65 based on the code section in Appendix ‘J,’ *“Existing Buildings and Structures.”* We would
66 suggest that if the Board is supportive of granting a variance, a fully automatic, building wide
67 smoke detection system be a condition of the variance.

68

69 K. Chamberlain – The Fire Department agrees with the determination of the Building
70 Department.

71

72 **Comments and Questions from the Board**

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74 R. Hart – There are a lot of finished rooms being removed on your plan. Are you taking out
75 habitable space and returning it to raw space? (Petitioner – It was ‘minimally’ habitable. There
76 were finished walls and a drop ceiling in the basement. We removed the drop ceiling and have
77 no intention of using it as habitable space. We’re leaving exposed joists and we did re-drywall
78 the existing walls and remove an existing bathroom, off of which the previous owner installed
79 without a permit). The space under the joists will remain unfinished? (Yes).

80

81 **MOTION**

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83 Moved by R. Hart, Seconded by R. Reik, **“In the matter of Appeal Number 2007-B-030, 1518
84 Granger Avenue, the Board hereby grants a variance from Section R311.5.2 of the 2003
85 Michigan Residential Code to permit ceiling height at the landing at the bottom of the
86 basement stairs at 6’6” under the sealed beam and 6’7” under the reconfigured duct at
87 the landing/stair, and we find this to be equivalent to Appendix “J” of the Code. A fully-
88 automatic building wide smoke detection system will be a condition of the variance and
89 shall be installed to the satisfaction of the Fire Department.”**

90

91 **On a Voice Vote – MOTION PASSED – UNANIMOUS (Variance Granted)**

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94 **D - OLD BUSINESS**

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96 **D-1 2007-B- 016 - 1008 Woodlawn Avenue (Tabled from June thru November)**

97

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

100

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

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106 **Description and Petitioner Presentation**

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108 Mr. Bart Fisher was present to speak on behalf of the appeal. He stated that he was able to get
109 new plans drawn up but was unable to submit them in time for this meeting.

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111 **Recommendation:**

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113 (Administrative staff suggested that Mr. Fisher present these new drawings to the Board today
114 to see if they are acceptable for next month's meeting).

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116 **Comments and Questions from the Board**

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118 R. Hart - The distance from the step to the reconfigured beam is still less than 6 ft.? (Petitioner
119 – It's just over 6'4" from the top of the first step. The next step is 6'6").

120

121 P. Darling – Does this have enough information in it to accept for the next meeting?

122

123 K. Winters – Need more detail, plan documents and blown up section drawings of the areas in
124 question, along with a detailed description of the solution as well as materials. (K. Winters
125 clarified the procedure for measuring the stairs with A. Savoni).

126

127 K. Winters – Informed the petitioner that he needs to take a diagonal line, connecting all the
128 nosing's and then take a dimension from the ceiling, that is the dimension you need. (*The
129 Board explained that the line of measurement on his drawings are not done in that manner*).

130

131 Mr. Fisher stated that these were existing conditions, but A. Savoni stated that any time anyone
132 modifies a room (new construction), that there must be permits (which there were not) and it
133 must adhere to the current code.

134

135 The Board emphasized that incorrect drawings are the biggest single cause as to why they
136 could not help him with his solution. The Board once again stated that the petitioner must
137 secure a reputable architect and/or structural engineer and provide a proper solution and
138 drawings. R. Hart – Suggested that the stairway be reconfigured instead of the ceiling. The
139 petitioner stated that those steps are currently not to code anyway. A. Savoni asked why the
140 Building Inspector didn't take issue with that. This area should never have been designated as
141 'habitable space.' Many of these types of buildings have been built without permits and not built
142 to code. They are being discovered through housing inspections and made to meet code.

143

144 K. Winters – (Covered all areas *again* of the what petitioner needed to provide at next month's
145 meeting if he refiles for the variance – Detailed drawings to scale, showing the EXISTING
146 ACTUAL CONDITIONS and the proposed drawings of what he wants to alter and how he will
147 accomplish that. Blown up area drawings of the problem areas).

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149 **MOTION**

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151 Moved by R. Reik, Seconded by R. Hart, **“that a variance be granted for Appeal Number
152 2007-B-016, 1008 Woodlawn Avenue, from Section R311.2 of the 2003 Michigan
153 Residential Code to permit a stair with headroom of 6'4” (as show on submitted
154 drawings), provided that this is the consistent height for all of the stair run according to
155 Appendix ‘J’ in terms of hardship. A fully automatic, building wide smoke detection
156 system be installed as a condition of the variance. We find this to be equivalent to what
157 the code requires.**

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159 **On a Voice Vote – MOTION FAILED – UNANIMOUS (Variance Denied)**

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E. NEW BUSINESS

E-1 2007-BSC-001 – 1917 Washtenaw Avenue (*Original Variance 2006-B-025*)

Kai Constantinov, Owner/Operator of this property, is being requested to “Show Cause” why she has not complied with the 2003 Michigan Building Code, Section 105 (Inspections of Required Work).

Staff informed the Board that this was being presented to them to inform them of the chronology of this issue. The petitioner has not complied with the terms of the variance that the Board required, so the Planning and Development Services department has posted the building as uninhabitable (no permits were applied for and no inspections were requested), so this is informational to them and the Board that it will be heard next month to revoke the original variance if the petitioner does not make any response by next month.

E. NEW BUSINESS – None.

F. REPORTS & COMMUNICATIONS – None.

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**