



**APPROVED MINUTES OF THE REGULAR SESSION OF THE  
BUILDING BOARD OF APPEALS OF THE CITY OF ANN ARBOR  
AUGUST 8, 2007- 1:30 P.M. – SECOND FLOOR – CITY 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, P. Darling, R. Hart and R. Reik

Members Absent: (0)

Staff Present: (3) A. Savoni, K. Chamberlain 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 –

Postponed to the September 12, 2007 Regular Session – (More time for review was needed.)

**C - APPEALS & ACTION**

**C-1 2007-B- 014 – 504 Walnut Street**

**Scott Klaassen, contractor for this property, is requesting a variance from Sections R311.5.3.1, R311.5.4, R311.5.1 and R311.5.8.1 of the 2003 Michigan Residential Code.**

The applicant is requesting a variance from the following sections of the 2003 Michigan Residential Code

- Section R311.5.3.1 requires *“the maximum riser height shall be 8-1/4 inches. The greatest riser height within any flight of stairs shall not exceed the smallest by more than 3/8 inch.”*
- Section R311.5.4 which states *“There shall be a floor or landing at the top and bottom of each stairway. The width of each landing shall not be less than the stairway served. Every landing shall have a minimum dimension of 36 inches measured in the direction of travel.”*
- Section R 311.5.1 which states that *“Stairways shall not be less than 36 inches (914 mm) in clear width at all points above the permitted handrail height and below the required headroom height.”*
- Section R311.5.8.1 that states *“spiral stairways are permitted, provided the minimum width shall be 26 inches with each tread having a 7 ½ inches minimum tread depth at 12 inches from the narrower edge.”*

52 **Description and Petitioner Presentation:**

53

54 The subject property is located at 504 Walnut Street. Scott Klaassen, contractor for this  
55 property, was present to speak on behalf of the appeal. He stated that they are requesting a  
56 variance so that the basement can be used for living space. We're intending to add two  
57 bedrooms and a bathroom to the basement. We will be able to meet the other code  
58 requirements, except with respect to the stairway. Since I was here last and attending a few of  
59 these meetings, we've decided to eliminate the side door so that I can get the treads and risers  
60 to the proper requirements so that we don't need a variance for that issue. The variance I'm  
61 requesting is for the width of the stairway and the width of the landing (R311.5.4). We can attain  
62 at least 32" for the width of the stairway and the landing. The rise and run of the treads now  
63 meet code by eliminating the door and landing.

64

65 **Recommendation:**

66

67 A. Savoni – This is rental property. The Petitioner is proposing to finish the basement creating  
68 living space with bedrooms. The existing stairway does not meet code for the following  
69 reasons:

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- Existing width 32 inches—required width 36 inches.
- Existing rise varies from 6 inches to 8-1/2 inches—required maximum riser height is 8-1/4 inches. The rise also exceeds the 3/8-inch variance over each flight of stairs.
- Existing landing is 30 inches by 30 inches—code requires 36 inches by 36 inches.
- The spiral portion of the stairs do not meet the minimum code requirements

76 Petitioner states that all other code requirements will be met in the basement. Petitioner also  
77 states that he can rebuild the stairs so they are uniform but will not be able to comply with the  
78 code requirements. If it's found that the repair to the existing stairway would be difficult due to  
79 structural considerations, we would be supportive of the request based on Appendix "J" of the  
80 Code.

81

82 K. Chamberlain – The Fire Department concurs with the Building Department.

83

84 **Comments and Questions by the Board**

85

86 P. Darling – The 32 inches is the narrowest point between the foundation wall to the first floor  
87 wall to the basement that you spoke about? (Petitioner – Yes). Is the handrail going down  
88 attached to that? (Yes).

89

90 K. Winters – You're going to be rebuilding the stairs and the handrail (Petitioner – Yes – we  
91 have to move the current stairs and the landing and spiral stairs too so that we can get a  
92 stairway with a 9 ¼ " tread and the proper riser, but we still can't get the proper width.) So, we  
93 have a 32" width and no landing at the top? (Yes) Since there were no proposed drawings  
94 submitted for this, you'll have to supply those to the building department (Yes.)

95

96 R. Hart – When you finish rebuilding the stair, what will be the dimension of the landing at the  
97 top – (The landing at the top will be 36" wide, but it will only be most likely 32" in width at the  
98 narrowest – possibly 34".)

99

100 *(The Board made suggestions on how to increase the width of the stairs).*

101

102 R. Hart – Are you going to be able to make the minimum headroom at the bottom step? (Yes) –  
103 Because the way it's drawn, it looks like you'll only have about 6'5."

104

105

106 **MOTION**

107

108 Moved by R. Hart, Seconded by P. Darling “to grant a variance for Appeal Number 2007-B-  
109 014, 504 Walnut Street, from Sections R311.5.4 and R311.5.1 of the 2003 Michigan  
110 Residential Code, whereby the applicant will be permitted to reconstruct an existing stair  
111 from the basement to the first floor to a width of 32” and that the landing at the top of this  
112 stair also be permitted to have a minimum width of 32”. The applicant will submit to the  
113 building department architectural drawings demonstrating the final configuration of the  
114 stair, and that all other aspects of the stair reconstruction (i.e., rise, tread, etc.)  
115 dimensional uniformity will be met. A hard-wired, fully automatic interconnected smoke  
116 detection system shall be a condition of the variance, and installed to the satisfaction of  
117 the Fire Marshal. We find this to be equivalent to the requirements of the Code under  
118 Appendix “J.”

119

120 **On a Voice Vote – MOTION PASSED – (4 Yeas and 1Nay) - Variance Granted**

121

122 **Yea (4) – K. Winters, R. Hart, R. Reik and P. Darling - Nay (1) - S. Callan**

123

124

125 **C-2 2007-B-022 – 2096 Greenview Drive**

126

127 **Stephan & Susan Mihans, owners of this property, are requesting a variance**  
128 **from Section R305.1, of the 2003 Michigan Residential Code.**

129

130 The applicant is requesting a variance from the following section R305.1 of the 2003 Michigan  
131 Residential Code which requires a 7 foot 0 (zero) inch ceiling height in a basement with  
132 habitable space, and allows beams/girders not less than 4 feet on center to project below, a  
133 maximum of 6 inches.

134

135 **Description and Petitioner Presentation:**

136

137 Allan Lutes of Alpha Construction and Steve Mihans, owner of the property, were present to  
138 speak on behalf of the application. Mr. Mihans stated that they are asking for a variance on the  
139 ceiling height and ductwork width in the basement. They purchased the home in 2004 and the  
140 basement is in need of remodeling due to mold growth and mice infestation within the walls.

141

142 Mr. Lutes questioned whether a variance was actually necessary, as he stated that this  
143 determination conflicts with determinations they’ve had in the past from both building and other  
144 departments. He stated that in basements where there is non-conformance and they were only  
145 updating furnishings and not changing wall or room dimensions or placements, they were told  
146 that they did not have to comply to bring up the basement to full conformance. He went on to  
147 say that although the basement is still non-conforming, they’ve improved that condition as there  
148 are ceiling heights at 6’2” and those will be 6’10” and soffits (the lowest point) is at 6’2”, some  
149 are 6’3” and 6’4”. There is also one soffit that is over 4’ wide, but it is over a space where that  
150 soffit expands from 6’10” to 4’2”, due to the width of the wall.

151

152 **Recommendation:**

153

154 Petitioner has a basement that is currently finished with a drop ceiling and paneling. They are  
155 planning on replacing the existing finishes. The current finished ceiling height is approximately  
156 6 foot 2 inches in most of the finished areas. Petitioner is planning to rework the finished ceiling  
157 to obtain a height of approximately 6 foot 10 inches. The finished ceiling height under the ducts  
158 will be approximately 6 foot 2 inches. The width of the proposed soffit varies from 8 inches to  
159 four foot 2 inches. Petitioner is installing an egress window in the basement.

160 A. Savoni - Staff is supportive of this ceiling height request in the majority of the basement and  
161 would suggest that if the Board is supportive of granting a variance, a fully automatic, building  
162 wide smoke detection system be a condition of the variance. Staff is not supportive of the ceiling  
163 height at the location of the ductwork. We would recommend that the ductwork be left exposed  
164 at this point for greater headroom and, if possible, be reconfigured to gain a minimum headroom  
165 of 6 foot 4 inches.

166  
167 K. Chamberlain – The Fire Department concurs with the Building Department; in addition, I  
168 would like to mention that what concerns me about this particular layout is that the soffits are at  
169 a low point where people would be traveling for a means of egress to the stairwell.

170  
171 **Comments and Questions by the Board**

172  
173 R. Hart – What type of ceiling are you putting in? (Petitioner – An acoustic drop ceiling  
174 throughout most areas and the soffits would be built with fiber cement board with a vinyl  
175 covering.) So that will be put in tight to the underside of the soffit? (Yes) What is the actual  
176 dimension under the ducts that you have to work with? (The lowest point under the ducts if they  
177 were unfinished from the concrete floor to the bottom of the duct is 6'2 ½ " – that is in one area  
178 where the floor is sloped. Most of the basement area is 6'3" or above.) At the point where you  
179 go up the stair, is that one of the worst conditions? (No. It is at the opposite end under the stair.  
180 It will be somewhere between 6'3" and 6'4".) Where the stairs go up – at the two crossing points  
181 you'll be able to hit 6'4"? (I can't guarantee 6'4" – I can guarantee 6'3".)

182  
183 K. Winters – That seems strange, as generally the floor slopes toward the drains on the interior  
184 of the floor and that gives you the least height between floor and ceiling. (Owner – The floor  
185 undulates like the ocean, it's very weird.) Are you going to be fixing the floor? (No.) What is  
186 the use of this space? (It would be used for an entertainment room and a place where I can  
187 conduct business – no one will be sleeping down there.)

188  
189 S. Callan – We appreciate that you stated that you were vertically challenged and that the  
190 ceiling height would not be a problem, but the next family that owns the home may not be, so  
191 this is a consideration for us. I don't think we've ever approved anything below 6'4".

192  
193 K. Winters – There are ways of getting additional space up there – by reworking the ductwork –  
194 even if it's to gain one inch, the ductwork can be made wider and less in height, and therefore  
195 move up closer to the joist space. Gaining an inch or an inch and a half will take it to 6'4".  
196 (Petitioner – Then we're wider than the allowed soffit width.) We can generally work with that for  
197 a variance. The other issue, as Kathleen pointed out – the Fire Department is concerned that  
198 the soffits are on both sides of the stairway, and the exit from the basement going to that stair is  
199 going to be going from 6'10" to whatever height the soffit space is. (Owner – Well, it's at 6'2"  
200 now, so you're two inches better off. We have a house that was designed over sixty years ago.)

201  
202 K. Winters – You can also possibly move the ductwork to the outside wall, and therefore a soffit  
203 would be made wider at the wall and the ducts redone in a lesser height. See a mechanical  
204 contractor or engineer as to what can be done. (Owner – That is a lot of expense for an inch of  
205 headroom). But going down to 6'2", 6'3" – is not something that the Board looks kindly upon.  
206 We can make the motion that you'll need 6'4", but that will be your responsibility along with the  
207 contractor to see that that happens, and coordinate with the Building Department and  
208 inspections.

209  
210 *(The Board discussed additional ways to increase the ceiling height.)*

211  
212  
213

214 **MOTION**

215

216 Moved by R. Reik, Seconded by S. Callan “to approve a variance for Appeal Number  
217 **2007-B-022, 2096 Greenview Drive, from Section R305.1 of the 2003 Michigan Residential**  
218 **Code, to permit a minimum ceiling height of 6 ft. 10 inches, and permit a soffit height of**  
219 **6’4” and a soffit width of up to 5’ wide and this is provided that a hard- wired,**  
220 **interconnected smoke detection system be installed throughout the house to the**  
221 **satisfaction of the Fire Marshall. We find this equivalent to what the Code requires.”**  
222

223

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

224

225 **C-3 2007-B-023 – 1418 Iroquois Place**

226

227 **Gary S. Richardson & Gina R. Poe, owners of this property, are requesting a**  
228 **variance from Section R305.1, of the 2003 Michigan Residential Code.**  
229

230

230 The applicant is requesting a variance from the following section R305.1 of the 2003 Michigan  
231 Residential Code which requires a 7 foot 0 (zero) inch ceiling height in a basement with  
232 habitable space, and allows beams/girders not less than 4 feet on center to project below, a  
233 maximum of 6 inches.  
234

235

235 **Description and Petitioner Presentation:**

236

237 Gina R. Poe, owner and Bruce Curtis of Washtenaw Woodwrights, Inc. were present to speak  
238 on behalf of the appeal. We originally contracted with someone to install an egress window, and  
239 the contractor noted that the vents from the heating system probably wouldn't comply with the  
240 proper code ceiling heights. We replaced the heating system and the hot water heater and  
241 relocated those as well as installing flatter ductwork for both that ran to the outside walls to  
242 avoid head clearance issues. This made the ceiling height better, but created a soffit area of  
243 about 5'7" wide. We're asking for a variance for that width and for the finished ceiling height in  
244 the basement which is 6'10 1/2 ".

245

246 Bruce Curtis of Washtenaw Woodwrights stated that when they took over the job from the  
247 former contractor, the lights were installed, the room was dry walled, the egress window  
248 installed, etc. The only work we did in this area was closet doors, shelving, flooring, smoke  
249 detectors and fixed a crooked wall. We did additional work in the other areas of the basement,  
250 but not related to this. We were chagrined when we called for a final inspection and failed on  
251 this particular room after knowing that the job passed rough inspections with the previous  
252 contractor. We're here trying to get this straightened out. Our low headroom area is out of the  
253 way and at the end of the room and will not obstruct any egress.  
254

255

255 **Recommendation:**

256

257 A. Savoni - Petitioner is creating a bedroom in the basement. The finished ceiling height in two  
258 thirds of the room is approximately 6 foot 10-1/2 inches. The remainder of the ceiling contains a  
259 soffit under the ductwork with a finished ceiling height of 6 foot 2-1/2 inches. The soffit is 5 foot  
260 7-1/2 inches wide. An egress window has been installed in the bedroom.  
261

262

262 Staff is supportive of the ceiling height request in the majority of the bedroom and would suggest  
263 that if the Board is supportive of granting a variance that a fully automatic, building wide smoke  
264 detection system be a condition of the variance. We are not supportive of the ceiling height  
265 variance at the ductwork; we would recommend that the ductwork be left exposed for greater  
266 headroom and/or be reconfigured to gain a minimum of 6'4".  
267

268 K. Chamberlain – (To Petitioner) Can you tell me the dimensions of this bedroom? (Petitioner –  
269 It is 14'10 ½ " by 9'9". I worked with a building inspector before we put in all the ductwork, and  
270 we agreed at the time that this was the only place that things could be vented out (that corner)  
271 because the south wall of the building has windows and doors along it and now the west wall  
272 has this new egress window.)

273  
274 The Fire Department concurs with the Building Department and in this case as mentioned, due  
275 to the location of the soffit, we have minimal opposition to this request.  
276

### 277 Comments and Questions by the Board

278  
279 K. Winters – Where is the stair and what is the rest of the basement like? (Petitioner –  
280 Presented the Board with some drawings.) What will the room be used for? (A bedroom.)  
281 There is also a rec-room, laundry room and a furnace room? (Yes.)  
282

283 R. Hart – Is the entire 5'7" width of this soffit packed with ductwork? (Yes, because we used the  
284 lower clearance ducts and the wallboard goes all the way to the bottom of that. The shallower  
285 duct is against the wall because it vents the heat and it is cylindrical.) (Contractor – This was  
286 covered when we started the project. We did cut this open to do something else (a cross  
287 section), and it is packed, as it has supply and return lines as well as piping.  
288

289 K. Winters – I would suggest that that ceiling at the soffit be taken out and see what can be  
290 rearranged or resized to get up to 6'4". (Petitioner – I did see this prior to being covered, and  
291 we went for the flattest you could get and packed those lines together as close as possible as  
292 we were keeping this in mind at the outset. As far as exposing it, it is a bedroom that we  
293 propose it to be and I'm afraid that the noises from the furnace and air conditioning would  
294 disturb the sleep – I'm a sleep researcher at U. of M.)  
295

296 *(The Board and Petitioner/Contractor discussed various ways to increase the headroom and*  
297 *suggested that Washtenaw Woodwrights pull a cross section of this area down to investigate*  
298 *what is behind the wallboard and if the ceiling height can be improved.)*  
299

300 K. Winters – A motion made for 6'2" may not pass the Board for a variance, and if you want time  
301 to investigate what the actual conditions in that soffit are and ways to increase the headroom -  
302 along with a plan, and we can table your issue until next month.  
303

304 Note: Ken Winters suggested that he didn't think that the Board could be swayed to approve  
305 their request as submitted, and again offered the petitioner a chance to table the issue. (The  
306 Petitioner requested that the Board vote on the petition as submitted).  
307

### 308 MOTION

309  
310 Moved by R. Hart, Seconded by R. Reik, **“to approve a variance for Appeal Number**  
311 **2007-B-023, 1418 Iroquois Place, to permit a 6'10 ½ inch general ceiling height in the**  
312 **basement bedroom as well as a 5'7 ½ inch wide soffit with a clear finished height of 6' 2**  
313 **½“ with the condition that a fully automatic, building wide smoke detection system be**  
314 **installed to the satisfaction of the Fire Marshall. We find this to be equivalent to what the**  
315 **Code requires.”**  
316

317 **On a Voice Vote - MOTION FAILS – (Variance Denied) – 4 Nays and 1 Yea**  
318 **Yea (1) – R. Hart ----- Nays (4) – K. Winters, S. Callan, R. Reik and P. Darling**  
319  
320  
321

322 **C-4 2007-B-024 – 825 South Main Street**

323  
324 **Olivia Avenue Services, agent for this property, is requesting a variance**  
325 **from Sections R311.5.2 of the 2003 Michigan Residential Code.**

326  
327 The applicant is requesting a variance from Section R311.5.2 of the 2003 Michigan Residential  
328 Code that requires *“The minimum headroom in all parts of the stairway shall not be less than 6*  
329 *feet 8 inches measured vertically from the sloped plane adjoining the tread nosing or from the*  
330 *floor surface of the landing or platform.”*

331  
332 **Description and Petitioner Presentation:**

333  
334 Charles Hainstock, Agent for Olivia Services and 825 Main Street was present to speak on  
335 behalf of the appeal. He stated that after receiving the initial staff report, they went to the house  
336 and looked at fulfilling the recommendation of the Building Official. At the time we don't feel we  
337 can live up to that recommendation, so we would like to request to table the issue to allow us  
338 additional time to investigate the possibilities.

339  
340 **Recommendation:**

341  
342 A. Savoni - This is rental property. At the latest rental inspection, the Housing Inspector has  
343 required that the stair leading to the basement be rebuilt or replaced. Petitioner is planning to  
344 rebuild the stairs. The stairs currently lead to an unfinished basement containing a laundry  
345 room. In rebuilding the stairs, they will meet all code requirements for new stairs except the  
346 headroom requirement. The proposed headroom will be 6 feet 4 inches. Code requires a  
347 minimum of 6 foot 8 inches.

348  
349 K. Chamberlain – The Fire Department concurs with the Building Department.

350  
351 **Comments and Questions by the Board**

352  
353 R. Hart – Requested that the Board make a motion to table, but request additional more detailed  
354 drawings submitted to complete the picture on what the petitioner is requesting (i.e., floor plans  
355 – adjacent rooms, dimensions, etc.)

356  
357 **MOTION**

358  
359 Moved by P. Darling, Seconded by R. Reik, **“to table Appeal Number 2007-B-024, 825 South**  
360 **Main Street to be heard no later than October 10, 2007. Applicant is to supply staff with**  
361 **more detailed floor plans showing dimensions, adjacent rooms, headroom in the entire**  
362 **run of stairs and anything else that will assist the Board in its decision.”**

363  
364 **On a Voice Vote – MOTION TO TABLE – PASSED – *UNANIMOUS* (Motion Tabled**  
365 **for 60 Days)**

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367 **C-5 2007-B-025 – 2015 Day Street**

368  
369 **Robin and Brian Jacob, owners of this property, are requesting a variance**  
370 **from Sections R305.1, R311.5.1, R311.5.2, R311.5.3.2, R311.5.4 and R311.5.6.2**  
371 **of the 2003 Michigan Residential Code.**

372  
373 Petitioners are requesting variances for the following issues.

374  
375 **Basement:**

- 376 • Ceiling height is 6 foot 5 inches to 6 foot 11-3/4" inches, code requires a minimum 7 foot
- 377 0 (zero) inches.
- 378 • Headroom on the existing stairs is 6 foot 0 (zero) inches, code requires 6 foot 8 inches.
- 379 • Winder stair depth on the existing stair does not meet code.

380  
381 **First Floor**

- 382 • Stair width is 35 inches, code requires 36 inches.
- 383 • Winder stair depth on the existing stair does not meet code.

384  
385 **Second & Third Floor**

- 386 • Stair width is 35 inches, code requires 36 inches.
- 387 • Winder stair depth on the existing stair does not meet code.
- 388 • Headroom on the existing stairs is 5 foot 10 inches; code requires 6 foot 8 inches.
- 389 • Code requires a continuous handrail the full length of the flight of stairs. This cannot be
- 390 accomplished, as a door is installed two steps up from the second floor landing.

391  
392 **Description and Petitioner Presentation:**

393  
394 Dawn Zuber, architect on this project was present to speak on behalf of the appeal. She stated  
395 that they want to finish the basement and reconfigure the east side of the second floor into a  
396 master suite and add a master bath out over the existing one story bump-out in the back of the  
397 home. Finally, there is an unfinished attic, and we would like to put in a shed dormer along the  
398 back of the house and finish that space for two additional offices that could be used as  
399 bedrooms (so we would provide egress windows there) and a full bath. The home was built in  
400 1926 so there are many issues that don't comply with the current building code – including the  
401 winders on the stairs and stair widths are off in some places. There was a 'powder room'  
402 relocation done previously, and that affects the head issue for the basement stairs. The other  
403 issue is the headroom into the attic at the top of the stairs. This is below the 6'8" that is required  
404 (refers to drawings). The finished dimension there would be 5'10" if there were drywall only up  
405 to the rafters and would slope up to 6'8".

406  
407 **Recommendation:**

408  
409 A. Savoni - Staff is supportive of this ceiling height request in the basement.

410  
411 With regard to the stair, if it is found that repair to the existing stair would be difficult due to  
412 structural considerations, staff would be supportive of this request based on the code section in  
413 Appendix 'J' - "Existing Buildings and Structures" which states: *"Where compliance with these*  
414 *provisions or with this code as required by these provisions is technically infeasible or would*  
415 *impose disproportionate costs because of structural, construction or dimensional difficulties,*  
416 *other alternatives may be accepted by the building official."* However, we would suggest that  
417 the Petitioner investigate the structure at the bottom of the stairs to try and obtain more  
418 headroom if possible.  
419



420 Finally, Petitioner does not actually request a variance from section R311.5.4 of the code.  
421 However, we feel one will be required. There is a door located two steps up from the second  
422 floor landing. This door separates the stair into two parts and we would interpret the code to  
423 require a landing at this point. Code further states that the door cannot open over the stair. We  
424 would not be in favor of granting this variance and would suggest that the door be relocated to  
425 the third floor

426  
427 We would suggest that if the Board is supportive of granting any variance, a fully automatic,  
428 building wide smoke detection system be a condition of the variance.  
429

430 K. Chamberlain – The Fire Department concurs with the Building Department, and we would  
431 prefer a door for the upper stairs, whether it is at the bottom or the top. This will aid in smoke  
432 impingement. The headroom for the upper stair (door) is extremely restrictive (5'8") – your  
433 average firefighter is at least 6' tall with a helmet, and with boots on, probably 6'2".  
434

### 435 **Comments and Questions by the Board**

436  
437 (Petitioner) – In response to A. Savoni's recommendation that we investigate the headroom  
438 issue at the basement stair, we did that (indicates photo #6). The lowest is the bottom of the  
439 first floor framing, and then it is stepped up to get a minimal amount of door framing under the  
440 cabinetry. The slope that is there is the back of the cabinet of the first floor powder room. It  
441 didn't look at through we could alter that without altering the first floor powder room.  
442

443 K. Winters – You believe there is part of the cabinet taken out for the stair construction?  
444 (Petitioner – Yes – There is only about 10 inches inside the cabinet before it begins to slope.)  
445 And the headroom there is 6'0"? (Yes – at the lowest point). That is not acceptable. Mr.  
446 Savoni's comment about investigating the actual construction – you'll have to take off some of  
447 the drywall and see what the condition is there with headers, floor construction, and if  
448 necessary, relocate that lavatory/sink. There is space inside of closets outside of the powder  
449 room.  
450

451 (Petitioner) – I wasn't able to get the drawings from the remodeling construction in 1993, but I  
452 did find a permit. If the original drawings show this the way it is, and it was approved then,  
453 would we still need a variance?  
454

455 P. Darling – I don't think so, but you're already doing a lot of other work in the basement.  
456 (Petitioner – We're not 're-doing' anything in the basement except for finishes. There was a  
457 sauna and a shower area in the basement. This will be the bathroom and redo the existing  
458 laundry area. We are just upgrading finishes.)  
459

460 A. Savoni – We can't verify when this other work was done. If you can find a permit, then we  
461 could verify that.  
462

463 K. Winters – Some of this other ceiling is at 6'9" and will require a variance as well as the soffit  
464 height.  
465

466 R. Hart – If the upper door and its related framing 'went away,' would other issues disappear as  
467 far as handrail continuity, etc.? (Yes.) The fact that the third floor rooms are all sequestered off  
468 with doors. With this condition, would we need to keep the door at the top of the stairs for fire  
469 issues – if this was just an open landing?  
470

471 K. Chamberlain – We would like to have that closed off so that fire or smoke don't spread  
472 through an open doorway to that area. Especially where it goes to the upper level, you get the  
473 chimney effect up the stairway to the roof if there is no door to stop it.

474 **MOTION #1**

475

476 Moved by R. Reik, Seconded by R. Hart, “to grant an appeal for 2007-B-025, 2015 Day  
477 Street, from Section R305.1 of the 2003 Michigan Residential Code to allow a ceiling  
478 height as low as 6’9” and a soffit height as low as 6’5”, provided hard-wired,  
479 interconnected smoke detectors are installed throughout the house to the satisfaction of  
480 the Fire Marshal. We find this to be equivalent to what the Code requires.”

481

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

483

484 **MOTION #2** (Headroom on bottom stair - going down to the basement)

485

486 Moved by R. Reik, Seconded by S. Callan, “to table Appeal Number 2007-B-025, 2015 Day  
487 Street the portion of the issue of headroom on the bottom stair to basement for 60 days,  
488 to allow the petitioner time to investigate reconfiguration and reconsideration of current  
489 plans.”

490

491 **On a Voice Vote – MOTION TO TABLE - PASSED – UNANIMOUS** (Tabled for 60 Days)

492

493

494 **MOTION #3** (Width of the attic and basement stairs)

495

496 Moved by P. Darling, Seconded by R. Hart, “to approve a variance for Appeal Number  
497 2007-B-025, 2015 Day Street, from Section R311.5.3.2 to allow the existing winder  
498 stairways from: Basement to First Floor; First Floor to Second Floor; and Second Floor  
499 to attic to remain in use. We find this to be in accordance with Appendix ‘J’ of the Code.

500

501 Section R311.5.1 to allow an existing 32” wide stairway from the First Floor to the Second  
502 Floor and Second Floor to attic to remain as is, and we find this is compliant with  
503 Appendix ‘J’ of the Code, provided that a handrail be installed at the widest part of the  
504 edge at the widest part of the stairway to the attic and to allow a 35” width instead of a  
505 36” width for the basement stair.

506

507 **On a Voice Vote – MOTION TO APPROVE – PASSED – UNANIMOUS (Variances Granted)**

508

509

510 **MOTION #4** (Headroom Issue at top of attic stairs and winder depth)

511

512 Moved by P. Darling, Seconded by R. Reik, “to table a portion of Appeal Number 2007-B-  
513 025, 2015 Day Street - the headroom at the existing door on the second floor and at the  
514 top of the stair for a sixty day period.”

515

516 **On a Voice Vote – MOTION TO TABLE - PASSED – UNANIMOUS** (Tabled for 60 Days)

517

518

519 **C-6 2007-B-026 – 821 Duncan Street**

520

521 **Basement Experts of America, contractor for this property, is requesting a**  
522 **variance from Section R305.1, of the 2003 Michigan Residential Code.**

523

524 The applicant is requesting a variance from the following section R305.1 of the 2003 Michigan  
525 Residential Code which requires a 7 foot 0 (zero) inch ceiling height in a basement with  
526 habitable space, and allows beams/girders not less than 4 feet on center to project below, a  
527 maximum of 6 inches.

528 **Description and Petitioner Presentation:**

529

530 Petitioner is finishing a portion of a basement creating habitable space. The existing floor joist  
531 are 6 foot 10 inches above the floor and the proposed finished ceiling height will be 6 foot 8  
532 inches. Petitioner is installing an egress window in the finished space.

533

534 Derrick Szepiela of Basement Experts of America was present to speak on behalf of the appeal.  
535 He stated that they want to finish the basement at this address, as it is damp and musty and the  
536 current use is only a laundry room. There is an existing floor joist in the basement of 6'10". We  
537 would like to install a moisture and mildew resistant drop ceiling, which would bring the ceiling  
538 height to about 6'8". The ceiling areas on the plan (indicated by shading) will be left open due to  
539 existing ductwork, plumbing, etc. The existing height in those areas are approximately 6'2 ¼".

540

541 **Recommendation:**

542

543 A. Savoni - Staff is supportive of the 6'8" ceiling height request and would suggest that if the  
544 Board is supportive of granting a variance, a fully automatic, building wide smoke detection  
545 system be a condition of the variance.

546

547 K. Chamberlain – The Fire Department concurs with the Building Department.

548

549 **Comments and Questions from the Board**

550

551 R. Hart – What is the area bounded by green in the drawing? (Petitioner – That is the existing  
552 ductwork that I spoke of. We'll be tying the 6'8" ceiling into that area and that will remain  
553 exposed and the homeowner will paint it. The lowest point from the floor to the ceiling is 6'2 ¼".

554

555 That is the shaded area, but the other areas on the plan that describe the soffits – left of the  
556 stair and another just below the furnace? (Petitioner – That should be shaded as well – that is  
557 the area near the beam as well. We'll be using a shelving board that is already finished to leave  
558 the ductwork exposed in that area.)

559

560 *K. Winters – (Clarified with the Petitioner that parts of the ceiling clearances near or at the soffits*  
561 *would be between 6'2 ¼" and 6'5". R. Hart confirmed that the posts on the stairs would be*  
562 *enclosed within the mechanical room.)*

563

564 K. Winters – The configuration of the basement, the location of the posts, the center beam and  
565 the stair doesn't give us a feeling that you'll be able to accomplish this appeal – not at 6'2 ¼".  
566 (Petitioner – We're not doing anything with that as it is existing, and is the worst case  
567 measurement).

568

569 This is understood, but there are ways of getting around that – by removing the beam, putting in  
570 additional posts and footings and a new shallower beam. (Petitioner – But doesn't the appeal  
571 state that it has to be a 'reasonable' fix?) 6' 2" is not reasonable. (Petitioner – In that line of  
572 thinking, we could actually raise the entire home and place block under that, but it's not a  
573 'reasonable' remedy.) Replacing the beam would be a bit more reasonable than having to raise  
574 the whole house or to lower the floor, but 6'2 ¼" is not reasonable.

575

576 *(Further discussion amongst the Board and the Petitioner regarding clearance issues and*  
577 *possible solutions.)*

578 **MOTION**

579

580 Moved by R. Reik, Seconded by P. Darling, “to grant a variance for Appeal Number  
581 **2007-B-026, 821 Duncan Street, from Section R305.1 of the 2003 Michigan Residential**  
582 **Building Code to allow a ceiling height in a basement of not less than 6’8” and a soffit**  
583 **height not less than 6’2 ¼”, with the stipulation that the ceiling at the soffit or other areas**  
584 **at that height be left exposed to gain greater head-room. As a condition of the variance,**  
585 **a hard-wired, interconnected smoke detection system shall be installed to the**  
586 **satisfaction of the Fire Marshal. We find this to be equivalent to what the Code requires.”**

587

588 **On a Voice Vote - MOTION FAILS – (Variance Denied) – 1 Yea and 4 Nays**

589 **Yea (1) – S. Callan ----- Nays (4) – K. Winters, R. Hart, R. Reik and P. Darling**

590

591 Petitioner asked the Board what exactly has failed – because the finished ceiling height would  
592 be 6’8” or because of the 6’2 ¼ “ beam running through the area?

593

594 R. Hart (and the Board) – Stated that it’s fair to say that it’s the 6’2 ¼ “area that is problematic.  
595 The fact that the stair is basically ‘boxed out’ by a 6’2 ¼ “ zone is the major drawback.  
596 (Petitioner asked what the Board felt could be done with that area without going to the extreme  
597 of raising the home or removing the beam and replacing it – if that is even feasible.)

598

599 P. Darling – Suggested that a second beam be installed near the furnace room and cut that  
600 piece of beam out, as there is a column at the other end and possibly put something else into  
601 the floor thickness for that four-foot span. You could still get to the proposed recreation room  
602 without going under the 6’2 ¼ “ area.

603

604 K. Winters - Six foot four is generally the lowest we’ve ever gone for a soffit or beam clearance.

605

606 **D - OLD BUSINESS**

607

608 **D-1 2007-B- 010 – 1210 Cambridge Court (Tabled from the June 2007**  
609 **Session)**

610

611 **Catherine Alawi, owner of this property, is requesting a variance from**  
612 **Section R307.1 of the 2003 Michigan Residential Code.**

613

614 The applicant is requesting a variance from Section R307.1 of the 2003 Michigan  
615 Residential Code (toilet fixtures - spacing). (Drawings and Fixtures revised).

616

617 **Description and Petitioner Presentation:**

618

619 Catherine Alawi was present to speak on behalf of the appeal. She stated that the new drawing  
620 she’s submitted shows the 27” x 46 ½ “ tub to replace the former one. She pointed out the clear  
621 space shown on the drawings in front of the toilet and around it, and that there is an overlap of  
622 the wall at the end of the tub (3” x 10”).

623

624 **Recommendation:**

625

626 A. Savoni - This property is rental housing. During the most recent housing inspection, it was  
627 found that the second floor bathroom does not meet code with relation to fixture clearances. At  
628 the June 2007 meeting, the drawings and inspections showed the toilet had only 6 inches in  
629 front of it to the tub/shower wall. Code requires a minimum clearance of 21 inches in front of the  
630 toilet. There is no permit on file for this work, and consequentially no inspection or final  
631 approval.

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As of August 2007, Petitioner has replaced the tub to gain more room in the bathroom. The wall at the end of the tub still overlaps the clear space in front of the toilet 3 inches by 10 inches as shown on the plan. Staff is not in support of this request; the wall still encroaches on the minimum required clearance in front of the toilet.

K. Chamberlain – The Fire Department concurs with the Building Department – this is a clear obstruction; however, it would not functionally impair the Fire Departments operation.

### **Comments and Questions from the Board**

K. Winters – You’re building this as a full height wall at the end of the tub/shower (Yes), which is now a shorter fixture? (Petitioner – Yes, it’s a 14” shorter tub.) My feeling is that this does not impede the fixture – there is room there now. This is a great improvement over the first appeal, and I, personally, could approve it. *(The Board briefly discussed the clearance issues. A. Savoni stated that this is significantly improved over the first request, it just doesn’t meet exact Code requirements.)*

### **MOTION**

Moved by S. Callan, Seconded by R. Hart, “to grant a variance for Appeal Number 2007-B-010, 1210 Cambridge Court, from Section R307.1 of the 2003 Michigan Residential Code (toilet fixtures - spacing), per the revised submitted plans that show the former tub/shower has been replaced by a shorter one (27” x 46 ½ “) and that the end of the tub still overlaps the clear space in front of the toilet - 3 inches by 10 inches.”

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

**D-2 2007-B-015 – 424 Cross Street** *(Tabled from the June 2007 Session)*

**NOTE: Petitioner has asked for an additional 30 day extension to complete and submit new plans.**

**Scott Klaassen, contractor for this property, is requesting a variance from Section R305.1 of the 2003 Michigan Residential Code.**

The applicant is requesting a variance from Section R305.1 of the 2003 Michigan Residential Code which requires a 7 foot 0 (zero) inch ceiling height in a basement with habitable space, and allows beams/girders not less than 4 feet on center to project below, a maximum of 6 inches.

K. Winters – This was the appeal with the 5’ 0” duct. He has presently had 60 days and has a previous Housing Variance for the basement which reads as follows: (Appeal Number 1981-H-009 - “Petitioner is asking that the bedroom be allowed to conform to the codes with the condition that the fruit cellars and the bathroom and the furnace room not be allowed to be occupied. The variance would be for the one occupied room only.”)

*(The Board discussed the issue and administration noted that nothing had been received in writing from the Petitioner and the Petitioner was not present to speak on behalf of his appeal – Only verbal conversation took place to administration regarding the extension. Petitioner was advised both in person and by telephone that he should either request this in writing and/or present his request in person before the Board. The Board agreed that they would vote on the previous appeal presented to the Board).*

686 **MOTION**

687

688 Moved by P. Darling, Seconded by R. Hart, “to grant a variance for Appeal Number 2007-B-  
689 015, 424 Cross Street, from the 2003 Michigan Residential Code, Section R305.1, to allow  
690 a 5’8” ceiling height and a 5’ 0” finished ceiling height below the existing ductwork in the  
691 proposed bedroom, provided that inter-connected, hard-wired smoke detectors be  
692 installed throughout the house to the satisfaction of the Fire Marshal. We find this  
693 equivalent to what the Code requires.”

694

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

696

697 *The Board requested that this property be inspected to make certain that no one else is living in*  
698 *this second unauthorized room.*

699

700

701 **D-3 2007-B-016 – 1008 Woodlawn Avenue**

702

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

706

707 **Description and Petitioner Presentation:**

708

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

713

714 Petitioner Bart Fisher was present to speak on behalf of the appeal. Since the presentation at  
715 the June meeting, I’ve submitted a new floor plan. I also had Dan Knight out to the property  
716 after removing the plaster and lath from the ceiling area. Another architect also looked at this,  
717 and he suggested some new plans, which Mr. Savoni had some concerns with. Dan said that  
718 this would work fine with him with the architects plans, but he came up with another plan which  
719 is to notch the area a bit differently which will give us just a hair over 6’4” for the clearance.

720

721 **Comments and Questions from the Board**

722

723 A. Savoni – Inquired as to where the revised plans are that show this notch? (Petitioner –  
724 Stated that instead of the turning of the beam, he actually didn’t submit them yet, as I had Dan  
725 Knight out and we talked about it. (K. Winters – Asked petitioner whom he talked to?) Dan  
726 Knight, city building inspector.

727

728 K. Winters – So, you’re putting a notch in the beam? (Petitioner – The floor joists run from the  
729 main beam of the house toward that stairwell and then parallel with it. There are two that center  
730 the stairwell and just outside, boxing that stairwell in, are two doubled up beams. Because the  
731 run is inside six foot, the floor joists are 7 ½ inches - they can be brought down to actually 5 ¾.  
732 With Dan’s plans (Dan Knight), they’d be brought down to six inches exactly.)

733

734 K. Winters – And Dan again is?? (A. Savoni – Dan is a City Building Inspector). One of the city  
735 building inspectors? (Petitioner – Yes.)

736

737 K. Winters – We can’t give a variance on two things –

738

739 1. Something that you’re not showing us – you’re not showing us the plan with the framing,  
double joists, a notch in the header, etc;

740 2. We can't accept a notch in the header without a letter or an analysis from a structural  
741 engineer or an architect to verify that – that this has been investigated.  
742

743 Petitioner – Can I ask for a variance with those proper documents for the final inspection of the  
744 change in the ceiling height? (P. Darling – We could give a variance provided that he provides  
745 that documentation, that its been reviewed by an architect or an engineer.)  
746

747 A. Savoni – Whatever he does, even if he is going to put those on an angle, whatever he does,  
748 he needs to submit something to me. I'm not comfortable with that, but if an engineer wants to  
749 seal that, then there is nothing I can do. (Petitioner – I'll submit copies to you). Whatever he  
750 submits, he'll need to submit sealed drawings.  
751

752 K. Winters – Again, I'm uncomfortable giving a variance without knowing what the plans and  
753 details of what is going to be done. Since this has been tabled once, I think we may allow this  
754 with Mr. Savoni's blessing, but as Sam (Callan) has said before, we should have complete plans  
755 and details.  
756

757 R. Reik – I'm not even sure I understand what I'm looking at on the current plans. (Petitioner –  
758 It's a modification of the header and the joists in that area). I understand that, but I don't know  
759 what this is before us. (Petitioner – We recently opened the area up and looked at it, and went  
760 with the best data we had. We cut back the plaster and I had Dan come out after speaking with  
761 Tony. I did not know that you wanted the architects' stamp or engineer's stamp on anything.)  
762

763 A. Savoni – And the Building Inspector (Dan Knight) is not an engineer, so you can't rely on his  
764 design ability.  
765

766 R. Reik – I'm reluctant to approve something that someone may come back and say "It isn't  
767 safe." The 6'4" probably isn't an issue for me, but you're making a modification here, and I'm  
768 uncomfortable approving what I can't see.  
769

770 K. Winters – Asking for the variance then submitting the plans later is going about it 'backwards.'  
771 Shall we have a motion for tabling if that is acceptable to the petitioner? (Yes.)  
772

773 *(The Board suggested that the issue be tabled to provide time to get signed and sealed*  
774 *drawings along with a letter from a qualified engineer showing this would be structurally sound.)*  
775

### 776 **MOTION**

777  
778 Moved by S. Callan, Seconded by R. Reik, "**to table Appeal Number 2007-B-016, 1008**  
779 **Woodlawn Avenue until the September 12, 2007 Regular Session.**"  
780

781 **On a Voice Vote – MOTION TO TABLE - PASSED – UNANIMOUS (Variance Tabled)**  
782

### 783 **D-4 2007-B-020 – 1105 Birk Street**

784  
785  
786 **Thomas Mussio, contractor for this property, is requesting a variance from Sections**  
787 **R305.1 and R311.5.2 of the 2003 Michigan Residential Code.** *(Tabled from the July 2007*  
788 *Regular Session)*  
789

### 790 **Description and Presentation:**

791  
792 The applicant is requesting a variance from Section R305.1 of the 2003 Michigan Residential  
793 Code, which requires a 7' 0" ceiling height in a basement with habitable space and allows

794 beams and girders not less than 4' on center to project below a maximum of 6".  
795 This property is rental housing. Petitioner is proposing to convert an existing finished study  
796 room in a basement to a bedroom. We can find no evidence in our files that a permit was  
797 obtained to finish this space.

798  
799 Thomas Mussio, owner of Ann Arbor All-Trades was present to speak on behalf of the appeal.  
800 He presented revised drawings to the Board and stated that at the rough inspection, we  
801 changed the ductwork to provide as much headroom as possible, but that we can't take it any  
802 further due to structural issues.

803  
804 **Recommendation:**

805  
806 A. Savoni - Staff would support the ceiling height request; with regard to the stair, we would like  
807 the petitioner to investigate the ceiling at the bottom of the stair to determine whether that height  
808 can be increased. We would suggest if the Board is supportive of granting a variance that an  
809 interconnected, hard-wired smoke detection system be a condition of the variance.

810  
811 K. Chamberlain – The Fire Department concurs with the Building Department.

812  
813 **Comments/Questions from the Board**

814  
815 Mr. Mussio stated that a hard-wired smoke alarm system is currently in place, and that the stairs  
816 are 'stepped' above to provide the highest headroom possible. The last stair is the only point of  
817 contention. (The Board discussed possible solutions to the riser/headroom issue.)

818  
819 K. Winters – What is the use of the room? (Petitioner – A rec-room, and there is an egress  
820 window.)

821  
822 A. Savoni – Reminded the Board that this was the issue that was confusing due to the drawings,  
823 so he sent an inspector out to evaluate it. The only things that don't comply are the beam and  
824 the stair clearances. (Beam (soffit) is at 6'5" and the stair clearance to ceiling will need  
825 variances.)

826  
827 **MOTION**

828  
829 Moved by R. Reik, Seconded by S. Callan, **"to grant a variance for Appeal Number 2007-B-  
830 020, 1105 Birk Street from Section R305.1 to allow a soffit height of not less than 6'5" and  
831 a variance from Section R311.5.2, to allow a head clearance at the bottom basement  
832 stairs of not less than 6'4". This is contingent upon installation of a hard-wired,  
833 interconnected smoke detection system being installed throughout the home to the  
834 satisfaction of the Fire Marshall. We find this equivalent to what the Code requires."**

835  
836 **On a Voice Vote – MOTION TO APPROVE - PASSED – UNANIMOUS**

837  
838 **E. - NEW BUSINESS – None.**

839  
840 **F - REPORTS & COMMUNICATIONS – None.**

841  
842 **G - AUDIENCE PARTICIPATION – GENERAL – None.**

843  
844 **ADJOURNMENT -**

845 Moved by K. Winters, Seconded by S. Callan, **"that the meeting be adjourned."**  
846 *(Meeting adjourned at 4:30 p.m.) Minutes prepared by B. Acquaviva, Administrative*  
847 **Support Specialist V**