



**APPROVED MINUTES OF THE REGULAR SESSION OF THE
BUILDING BOARD OF APPEALS OF THE CITY OF ANN ARBOR
MAY 14, 2008 - 1:30 P.M. – SECOND FLOOR – COUNCIL CHAMBERS
100 N. FIFTH AVENUE, ANN ARBOR, MI 48104**

MEETING CALLED TO ORDER at 1:32 p.m. by Chair Kenneth Winters

ROLL CALL

Members Present: (5) K. Winters, R. Hart, R. Reik,
P. Darling and S. Callan

Members Absent: (0)

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

A - APPROVAL OF AGENDA

A-1 Approved as Presented Without Opposition.

B - APPROVAL OF MINUTES

B-1 Draft Minutes of the April 9, 2008 Regular Session – **Not Available –
Postponed to the June 11, 2008 Regular Session**

C - APPEALS & ACTION

C-1 2008-B-015 – 1905 Dunmore Road

James McConville, owner of 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 that 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.

Description and Petitioner Presentation

Petitioner is remodeling the basement constructing a Family Room, Study and Bathroom. The proposed finished ceiling height will be 6 foot 10 inches. The finished ceiling under the soffit covering the ductwork will be 6 foot 4 inches. The soffit width is a maximum of 5 feet 4 inches. Petitioner is installing an egress window in the basement.

Mr. Alan Lutz of Alpha Remodeling was present to speak on behalf of the owner. They would like to replace the finishes in their basement along with code compliant egress. The current basement was finished by the former owner. The current ceiling height after remodeling will remain the same as it is at approximately 6'10" at its lowest point. The ductwork and beams of the basement currently have finishes at 6'2" and they can be raised to a minimum of 6'4" above the finished floor surface. Additionally, there is one area where the soffit will be wider than 4' – It will be 5'4" in width at that location.

52 **Recommendation:**

53

54 A. Savoni - Staff is supportive of this ceiling height request. We would suggest that if the Board
55 is supportive of granting any variance, a fully automatic, building wide smoke detection system
56 be a condition of the variance.

57

58 K. Chamberlain – The Fire Department would like to express concern about the soffit. The main
59 use will be in the family room and the study. Those points will be in the main path of egress to
60 the exit way stairs. (She asked where the egress windows would be installed.)

61

62 Mr. Lutz explained that the study area will have the egress window that will measure 48” x 48.”

63

64 **Comments and Questions from the Board**

65

66 R. Hart – Will the door out of the study have a head room issue as well – if the soffit is at 6’4”?
67 (Mr. Lutz stated that that was a good point, and that they may have to relocate that door to the
68 area where it is 6’10” and would accommodate a full-sized door. We would be willing to make
69 that change.

70

71 (To K. Chamberlain) – Would that make it more reassuring for the Fire Department if they
72 relocated that door so there is greater access to that window without going under the soffit?
73 (Yes, but they would still have to go under the soffit to get to the main egress stairs, which are
74 the most likely to be traveled in an emergency.)

75

76 P. Darling – Suggested that the petitioner could ‘flip’ the family room with the storage area and
77 then it would be on the right side of the beam.

78

79 K. Chamberlain – Just to clarify, I’m not ‘not’ recommending this; I’m just expressing a concern
80 regarding this particular means of egress.

81

82 P. Darling – With that concern, do you think it would be prudent to have a second egress
83 window out of the family room? (That would be acceptable.)

84

85 K. Winters – Questioned an area of the plan that appears to be a built in or furniture. (Mr. Lutz
86 explained that this was a snack bar with a light over the top. He stated that they could either
87 relocate the snack bar or put the door farther down the wall.)

88

89 P. Darling – The storage room would not contain a locking mechanism on the door? (No.)
90 What type of ceiling is proposed under the ductwork – is it drywall? (We’re using a suspended
91 ceiling there made of drywall or similar product.) Is it currently finished? (It’s partially finished.)

92

93 **Discussion:**

94

95 **MOTION**

96

97 Moved by R. Reik, Seconded by S. Callan, **“That a variance be granted for Appeal Number**
98 **2008-B-015, 1905 Dunmore, to permit a variance from Section R305.1 of the 2003**
99 **Michigan Residential Code, to allow a finished ceiling height in the basement of 6’10” and**
100 **a finished ceiling height under the soffit of 6’4” and allow a soffit width of up to 5’4,”**
101 **provided that a fully automatic, building wide smoke detection system is installed to the**
102 **satisfaction of the Fire Marshall, and that the access door to the study is relocated to the**
103 **family room wall as opposed to the original plan of having it open under the soffit.”**

104

105 **On a Voice Vote – MOTION PASSED – UNANIMOUS (Variances Granted)**

106
107
108 **C-2 2008-B-016 – 811 Brookwood Place**
109

110 **Scott Klaassen, contractor/agent for this property, is requesting a variance from Sections**
111 **R311.5.1, R311.5.3.1 and R311.5.4 of the 2003 Michigan Residential Code.**
112

113 The applicant is requesting a variance from the following sections of the 2003 Michigan
114 Residential Code regarding stairways:
115

- 116 ▪ Section R 311.5.1 that states *“Stairways shall not be less than 36 inches in clear width at*
117 *all points above the permitted handrail height and below the required headroom height.*
118 *Handrails shall not project more than 4.5 inches on either side of the stairway and the*
119 *minimum clear width of the stairway at and below the handrail height, including treads*
120 *and landings, shall not be less than 31.5 inches where a handrail is installed on one*
121 *side.”*
- 122
- 123 ▪ Section R 311.5.3.1 that states *“The maximum riser height shall be 8-1/4 inches.”*
124
- 125 ▪ Section R 311.5.4 that states *“There shall be a floor or landing at the top and bottom of*
126 *each stairway. The width of each landing shall not be less than the stairway served.*
127 *Every landing shall have a minimum dimension of 36 inches measured in the direction of*
128 *travel.”*
- 129

130 **Description and Petitioner Presentation**
131

132 This is rental property. This stair goes from the first to the second floor. Previously there was a
133 spiral stair in this location. It was removed and replaced with the current non code compliant
134 stair. Petitioner states that this work was done by the previous owner. This stair does not meet
135 code for the following reasons:
136

- 137 • In one portion of the stairs the width is 24-1/2 inches. In another portion the width is 27-
138 1/2”. Code requires a minimum 36 inch stair width.
- 139 • The stair risers vary from 9-1/4 inches to 10-3/4 inches. Code requires a maximum 8-1/4
140 inch riser.
- 141 • There are two landings. One is 24-1/2 inches by 23 inches. The next is 35 inches by 24
142 inches. Code requires a minimum 36 inch by 36 inch landing.
- 143

144 Petitioner also states that there is a central hall on the second floor that connects to a second
145 exterior stair. Petitioner does not state whether there is an egress window in each of the two
146 second floor bedrooms.
147

148 Mr. Scott Klaassen was present to speak on behalf of the appeal. He stated that there was
149 previously a spiral stairway in this location that gave access to the bedrooms on the second
150 floor (**Note:** *There was a previous variance granted for the spiral staircase in 1989.*)
151 Somewhere along the line, the spiral staircase was removed, and a stairway was built in that
152 space. In order to get it to reach the second floor, it’s now narrower and steeper than code
153 allows. There is not enough area to rebuild the stairs to code, and without the variance, the
154 second floor cannot be used, according to the Ann Arbor Housing Inspector.
155

156 There is a second exterior stairway that was built to code, and that was probably part of the
157 condition of the previous variance to enable the spiral staircase to be used. We’re not sure who
158 removed it, but the Housing Inspector stated that the spiral was there to help meet code as was
159 previously granted, so we would have to get a variance from this Board in order to keep it and

160 use the upstairs as habitable rental space. We don't feel that it causes an unsafe condition
161 because there is a second means of egress through a normal doorway and hallway from the
162 second floor. The steps are 9 ¼ " rise and there are two smaller landings that have a 10 ¾ "
163 rise and are narrower and shorter than they need to be.

164
165 **Recommendation:**

166
167 A. Savoni - Staff would be supportive of granting this request based on Appendix J of the code
168 which states: *"Where compliance with these provisions or with this code as required by these*
169 *provisions is technically infeasible or would impose disproportionate costs because of structural,*
170 *construction or dimensional difficulties, other alternatives may be accepted by the building*
171 *official."* We would, however, like to see the stair be rebuilt if possible to obtain a more uniform
172 riser height, but this may not be possible due to head room issues.

173
174 If the board is supportive of granting these requests, a fully automatic, building wide smoke
175 detection system should be a condition of the variance.

176
177 K. Chamberlain – The Fire Department concurs with the Building Department.

178
179 **Comments and Questions from the Board**

180
181 P. Darling – What is on the second floor? (Two bedrooms.)

182
183 S. Callan – Has any attempt been made to bring these stairs closer to code? (Because the
184 space was built to accommodate a spiral staircase, there isn't enough width or depth to do it. If
185 we made the stairway run longer and higher, we wouldn't have the headroom and would run into
186 the second floor. The kitchen and hallway walls adjoin those, along with the bathroom and the
187 additional two bedrooms on the first floor.)

188
189 P. Darling – Historically, they wouldn't have had a spiral stair in this house, so there must have
190 been some stair prior to that if the second floor was previously used. (Yes, but I looked at it,
191 and the only thing I can assume is that it went above over the basement stairs.) That may
192 potentially work, but you'd lose part of the closet or the closet in the first floor bedroom, but it
193 seems like you could get a straight run stair. (It doesn't work like that, because if you look at
194 where the stairway ends, it stops prior to that and runs into headroom clearances. It's almost
195 like a dormer on the home – it's built out.)

196
197 R. Reik – The exterior stair is built to code? (Yes.)

198
199 K. Winters – How old is that exterior stair, and what is the condition of the wood and wood
200 posts, etc.? (I didn't do any research on when it was built. There were permits pulled on that
201 stairway and it was built to code and it is in good condition. There is a full sized door that goes
202 out to it and then out to a landing.) It appears that that original wood is old, and there have been
203 supports added to it, but are those supports connected adequately? Is the handrail attached to
204 code? (Mr. Klaassen stated that the handrail was installed according to the previous code and
205 put into the riser area to keep the 'gap' down. The handrails are spaced less than 4" apart. The
206 wood is weathered, but is solid.)

207
208 K. Winters (To A. Savoni) - If we grant a variance, I would ask that the building inspector look at
209 the condition of that stairway – guardrail attachments, foundation underneath, etc.

210
211 R. Reik – If we approve it with the condition that the stair treads on the stairway within the
212 house, are you going to have a headroom issue? (I thought we could probably adjust it with the
213 treads a bit steeper – 9 ½ " – and you could probably get them uniform.)

214 (The Board and Petitioner discussed the internal and external stairways at length, and provided
215 some alternative solutions to the petitioner on how the internal stairs could be improved.)
216

217 **Discussion**

218 **MOTION**

219
220
221 Moved by S. Callan, Seconded by P. Darling - "In regard to 2008-B-016, 811 Brookwood
222 Place, to postpone this appeal until the June 2008 Regular Session, giving the petitioner
223 time to reevaluate the stairs and to provide an improvement plan for same."
224

225 **On a Voice Vote – MOTION TO POSTPONE – UNANIMOUS (Postponed until the June**
226 **Regular Session)**

227
228
229
230 **C-3 2007-B-017 – 1442 Greenview Drive (Petitioner was a No-Show)**

231
232 **Craig Nader, contractor for this property, is requesting a variance from Sections**
233 **R311.5.2 and R311.4 of the 2003 Michigan Residential Code.**

234
235 The applicant is requesting a variance from the following sections of the 2003 Michigan
236 Residential Code

- 237
- 238 • Section R311.5.2 that requires "the minimum headroom in all parts of the stairway shall
239 not be less than 6 feet 8 inches measured vertically from the sloped plane adjoining the
240 tread nosing or from the floor surface of the landing or platform."
241
 - 242 • Section #311.4 that states "Interior doors shall be not less than 24 inches in width and 6
243 feet, 6 inches in height."
244

245 **Description and Petitioner Presentation**

246
247 Petitioner is repairing an existing water damaged basement. Due to existing ductwork, the
248 ceiling height at the landing at the bottom of the stairs is below the required 6 feet 8 inches.
249 Petitioner does not state the exact ceiling at this location. Petitioner also has a door under this
250 ductwork which will be 6 foot 4 inches rather than the required 6 foot 6 inches.
251

252 **Recommendation:**

253
254 A. Savoni - Staff is supportive of this ceiling height request at the landing as long as the ceiling
255 height is a minimum of 6 foot 4 inches as this is a ceiling height which has been previously
256 approved under soffits. We would also be supportive of the door height request. We would
257 suggest that if the Board is supportive of granting any variance, a fully automatic, building wide
258 smoke detection system be a condition of the variance.
259

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

261
262 **Comments and Questions from the Board**

263
264 **Discussion**

265
266
267

268 **MOTION**

269

270 Moved by R. Reik, Seconded by P. Darling, “to table the Appeal Number 2008-B-017, 1442
271 **Greenview Drive until the June 2008 Regular Session. The Board requests clearer**
272 **drawings outlining the appeal, including sections showing heights and other specific**
273 **dimensions and plans that demonstrate particularly where the door is as well as ceiling**
274 **height dimensions.**

275

276 **On a Voice Vote – MOTION TO TABLE – PASSED – UNANIMOUSLY (Tabled until the June**
277 **2008 Regular Session)**

278

279

280

C-4 2008-B-018 – 612 Hiscock Street

281

282 **Joseph Antis, contractor for this property, is requesting a variance from Section R305.1**
283 **of the 2003 Michigan Residential Code.**

284

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

288

289 **Description and Petitioner Presentation**

290

291 Petitioner is remodeling the basement constructing a Family Room, and Bathroom. The finished
292 ceiling under the soffit covering the ductwork and beam will be 6 foot 10-1/2” inches. The soffit
293 width is 5 feet 0 (zero) inches. Petitioner is installing an egress window in the basement.

294

295 Perkins construction was present to speak on behalf of the owner. They propose to finish the
296 basement. Existing ductwork is currently 7’ and we would like to cover that in drywall which
297 would bring the height to approximately 6’10 ½ “ and the entire soffit would be about 5’ wide.
298 There is no bedroom in the basement, but there is an existing egress window. This would be
299 family room area and a small bathroom.

300

301 **Recommendation:**

302

303 A. Savoni - Staff is supportive of this ceiling height request. We would suggest that if the Board
304 is supportive of granting any variance, a fully automatic, building wide smoke detection system
305 be a condition of the variance.

306

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

308

309 **Comments and Questions from the Board**

310

311 R. Reik – The ceiling height in the basement would be? (Approximately 7’6”).)

312

313 K. Winters – You’ve also have a request involving an interior door? (There is one to the
314 bathroom and one to the unfinished space and one to the closet.) Underneath the soffit area?
315 (Yes, the one to the bathroom.)

316

317 R. Hart – Can you get a 6’8” door underneath the soffit? (I think we can. It’s 6’10” finished.)

318 **Discussion**

319
320
321 **MOTION**

322
323 Moved by R. Hart, Seconded by P. Darling, “In regard to Appeal Number 2008-B-018, 612
324 Hiscock Street, to permit a variance from Section R305.1 of the 2003 Michigan Residential
325 Code, permitting a soffit of not less than 6’10 ½ “ high, under the soffit that is a maximum
326 of 5’ in width, provided a fully automatic, building wide smoke detection system be
327 installed to the satisfaction of the Fire Marshall. We find this to be equivalent to the
328 intent of the code.”

329
330 **On a Voice Vote – MOTION TO APPROVE – PASSED – UNANIMOUS (Variances Granted)**

331
332
333 **C-5 2008-B-020 – 109 Longman Lane**

334
335 **Vince Peters, contractor for this property, is requesting a variance from Sections**
336 **R311.5.1, R311.5.3.1 and R311.5.4 of the 2003 Michigan Residential Code.**

337 **Description and Petitioner Presentation**

338
339
340 The applicant is requesting a variance from the following sections of the 2003 Michigan
341 Residential Code regarding stairways:

- 342
343
- 344 • Section R 311.5.1 that states “*Stairways shall not be less than 36 inches in clear width at*
345 *all points above the permitted handrail height and below the required headroom height.*
346 *Handrails shall not project more than 4.5 inches on either side of the stairway and the*
347 *minimum clear width of the stairway at and below the handrail height, including treads*
348 *and landings, shall not be less than 31.5 inches where a handrail is installed on one*
349 *side.*”
 - 350 • Section R 311.5.2 that states “*The minimum headroom in all parts of the stairway shall*
351 *not be less than 6 feet 8 inches measured vertically from the sloped plane adjoining the*
352 *tread nosing or from the floor surface of the landing or platform.*”

353 **Description and Petitioner Presentation**

354
355 Petitioner is proposing to finish the basement but did not provide a proposed plan or state what
356 the space will be used for. The existing stair is not code compliant Petitioner proposes to
357 rebuild the stair but the following two items will still not meet code:

- 358
359
- 360 • Proposed stair width will be 35 inches. Code requires a minimum of 36 inches.
 - 361 • Proposed headroom in a portion of the stair will be approximately 6 foot 2 inches. Code
362 requires a minimum of 6 foot 8 inches.

363 Mr. Vince Peters of Dexter Builders was present on behalf of the owners. He stated that they
364 have done what they can to bring this issue into compliance. They’ve ripped out the stairs and
365 will reinstall those to get a consistent rise. Winder type stairs have to be installed as before, but
366 the previous riser heights varied from 6 ¾ “ to 10 ¼ “ – we’re making those just under 8” and
367 making the winders compliant. We’re removing the plaster and replacing those walls with
368 drywall to maximize the width, but the widest we can get it is 35” without the handrail. To get
369 additional space, we would have to remove the framing in the house. The head height
370 restriction is about the same. We’ve ripped out the basement floor, dug it out, lowered that 2”,
371 put in pea stone, installed smaller duct work for additional headroom as well as the plumbing.

372 **Recommendation:**

373
374 A. Savoni - Regarding the stair width variance, staff would be supportive of granting this request
375 based on Appendix J of the code which states: *"Where compliance with these provisions or with*
376 *this code as required by these provisions is technically infeasible or would impose*
377 *disproportionate costs because of structural, construction or dimensional difficulties, other*
378 *alternatives may be accepted by the building official."*

379
380 Regarding the headroom issue, staff feels that it is two low and would like the petitioner to
381 investigate the possibility of increasing it to a minimum of 6 foot 6 inches.

382
383 Staff feels that if the board is supportive of granting any of these requests, a fully automatic,
384 building wide smoke detection system should be a condition of the variance.

385
386 K. Chamberlain – What will the space be used for? (There will be a bedroom in the basement.
387 The homeowner's sister passed away recently and they have gained custody of her three
388 children, so they need additional space in the house. The two twelve year old twin girls would
389 be in the basement. We're installing an egress window and the smoke detector system is
390 already installed throughout the house.) The Fire Department would concur with the Building
391 Department that 6'2" concerns us for the exit way – but I see there is an additional stairway for
392 exit purposes.

393
394 **Comments and Questions from the Board**

395
396 K. Winters – Do we have a plan that shows the basement? It would have been best to have
397 submitted this with the appeal. (The petitioner stated that he did have one with him, and made it
398 available to the Board for review.)

399
400 P. Darling – Is it possible, based on the first floor plan that you've just provided, to take the
401 existing stair to the basement and shift it back one step so that it gives you more headroom up
402 to the next floor? (The pictures indicate the restriction. There is a hallway at the top of the
403 stairs that back up to the bathroom on the first floor. This is the only existing bathroom in the
404 house. That hallway is only 36" wide.)

405
406 R. Hart – Where is the 6'2" problem? (As you work your way down the stairs – and it gets to be
407 even less. As it is now, after we've made the modifications, it's improved.)

408
409 *(Additional discussion between the Board and the Petitioner regarding the pinch points on the*
410 *stairs and a way to develop a viable solution. The Board stated that it would be easier to aid the*
411 *petitioner if they had a plan of the entire house, as the information submitted is insufficient to*
412 *make an informed decision.)*

413
414 **Discussion**

415
416 **MOTION**

417
418 Moved by R. Reik, Seconded by S. Callan, **"to postpone Appeal Number 2008-B-020,**
419 **109 Longman Lane, until the June 2008 Regular Session to allow the petitioner time to**
420 **submit new drawings that show the entire home in addition to section drawings showing**
421 **the first floor, the doors and the stairway."**

422
423 **On a Voice Vote – MOTION TO POSTPONE - PASSED – UNANIMOUS**

424 **D - OLD BUSINESS**

425
426
427 **D-1 2008-B-019 – 616 Church Street**

428
429 **Carl O. Hueter, architect for this property, is requesting a variance from Sections**
430 **R311.5.1, R311.5.2, R311.5.3.1 and R311.5.3.2 of the 2003 Michigan Residential Code.**

431
432 The applicant is requesting a variance from the following sections of the 2003 Michigan
433 Residential Code regarding stairways:

- 434
- 435 ▪ Section R 311.5.1 that states *“Stairways shall not be less than 36 inches in clear width at*
436 *all points above the permitted handrail height and below the required headroom height.*
437 *Handrails shall not project more than 4.5 inches on either side of the stairway and the*
438 *minimum clear width of the stairway at and below the handrail height, including treads*
439 *and landings, shall not be less than 31.5 inches where a handrail is installed on one*
440 *side.”*
 - 441
 - 442 ▪ Section R 311.5.2 that states *“The minimum headroom in all parts of the stairway shall*
443 *not be less than 6 feet 8 inches measured vertically from the sloped plane adjoining the*
444 *tread nosing or from the floor surface of the landing or platform.”*
 - 445
 - 446 ▪ Section R 311.5.3.1 that states *“The maximum riser height shall be 8¼ inches. The riser*
447 *shall be measured vertically between leading edges of the adjacent treads. The greatest*
448 *riser height within any flight of stairs shall not exceed the smallest by more than 3/8 inch.”*
 - 449
 - 450 ▪ Section R 311.5.3.2 that states *“The minimum tread depth shall be 9 inches. The*
451 *greatest tread depth within any flight of stairs shall not exceed the smallest by more than*
452 *3/8 inch.”*
- 453

454 **Description and Petitioner Presentation**

455
456 Petitioner is converting an older home that had been converted to office space back to
457 residential space. The home will now become a duplex. Petitioner states that the two units
458 contain the proper code compliant separation and all bedrooms have proper egress windows.
459 There are both a front and rear staircase to the second floor unit. There are currently problems
460 with these stairs:

461
462 **Front Stair:**

- 463 • Portions of the stair are 33-35 inches wide. Code requires a minimum 36 inch width.
 - 464 • Tread depth is approximately 8-3/4 to 9-1/4 inches. Code requires a minimum tread
465 depth of 9 inches with not more than a 3/8 inch difference between treads.
 - 466 • At one tread on the stairs, the headroom is 6 foot 7 inches. Code requires a minimum of
467 6 foot 8 inches.
- 468

469 **Rear Stair:**

- 470 • Riser height is approximately 7-3/4” to 8-1/4 inches. Code requires not more than a 3/8
471 inch difference between risers.
 - 472 • Tread depth is approximately 8-3/4 to 9 inches. Code requires a minimum tread depth of
473 9 inches.
 - 474 • Headroom at the door opening at the top of the stairs is 6 foot 4 inches. Code requires a
475 minimum 6 foot 8 inches.
- 476

477 Mr. Carl O. Hueter was present to speak on behalf of the appeal. He stated that the Board was
478 familiar with the history on this building, as it went through a former appeal process last year.
479 The buildings have gone through a number of transitions during its lifetime from a single-family
480 residence to an apartment building, to a business and an apartment building and then to all
481 business use, and now it is being renovated as part business and part residential and we
482 realized that this wasn't going to work as such.

483
484 Anthony Savoni wrote a letter stating that the ultimate use the building could be put to would be
485 as a duplex. Right now it's rented out as a single-family home, and the owner would like to
486 convert it into the duplex, but in order to do that we need to get several stair variances as
487 indicated. The building is broken up so that there is a first floor apartment with a front and rear
488 entry (a two bedroom) and those bedrooms have emergency egress windows. The second unit
489 is a second and third floor apartment with five bedrooms, and it has a front stairway to it, and
490 that front stairway has three code issues. One is a minor headroom issue, the top of the stairs
491 at the stairwell is open, but then it is enclosed, and that portion is 34" wide (code is 36"), and the
492 treads are non-conforming and vary greater to the 3/8 of an inch.

493
494 There is a second stairway that serves the second floor unit, and it has tread width and height
495 issues and there is a doorway internal to that apartment that is in the stairway that goes to the
496 third floor where the head of the door is 6'4."

497
498 **Recommendation:**

499
500 A. Savoni - Staff would be supportive of granting this request based on Appendix J of the code
501 which states: *"Where compliance with these provisions or with this code as required by these*
502 *provisions is technically infeasible or would impose disproportionate costs because of structural,*
503 *construction or dimensional difficulties, other alternatives may be accepted by the building*
504 *official."*

505
506 If the board is supportive of granting any of these requests, we would suggest a fully automatic,
507 building wide smoke detection system should be a condition of the variance.

508
509 K. Chamberlain – The Fire Department concurs with the Building Department.

510
511 **Comments and Questions from the Board**

512
513 P. Darling – Do these stairs all date to the original 1900 era construction? (Petitioner – The
514 front stair is definitely that time period, but I can't discern when the rear stair was put in. It
515 stacks over the basement stair. From the first floor to the second, it's all original; from the
516 second floor to the third, there was an apartment at one time and there was a renovation done
517 in the 70's, so I believe that that one was non-original. (Board member P. Darling asked the
518 Building Official if there was any possibility of this falling under the Rehabilitation Code as
519 they're existing?)

520
521 A. Savoni – We could probably do that. He's not touching the stair, we're just changing the 'use'
522 of the building, but I would prefer that we just give him the variance on the books, because
523 we've gone through so many changes with this as it was here last year for practically the same
524 things. If it were to change use again, we'd be in the same predicament. This would also aid
525 the Housing Inspectors as well, as they wouldn't have to change what is evaluated depending
526 on what it's being used for.

527
528 K. Winters – We need a variance on the front stair as it is 33 to 35 inches wide and not 36. The
529 tread depth varies from 8 ¾ " to 9 ¾ " (yes, 3/8 of an inch) and with one tread, the headroom is
530 6' 7 ½ instead of 6'8." The rear stair is 7 ¾ to 8 ¼ ? (Yes.) Tread depth also varies? (Yes.)

531 **Discussion**

532
533 **MOTION**

534
535 Moved by R. Hart, Seconded by P. Darling, “**In the matter of Appeal Number 2008-B-019,**
536 **616 Church Street, that a variance be granted from Sections R311.5.1, R311.5.2,**
537 **R311.5.3.1 and R311.5.3.2 of the 2003 Michigan Residential Code, whereby the front stair**
538 **may have a width of 33 to 35 inches, the tread depth may vary from 8 ¾ “ to 9 ¼ “ and a**
539 **minimum headroom of 6’7” is permitted at one location on that same stair.**

540
541 **For the rear stair, the riser height is permitted to vary from 7 ¾ to 8 ¾,” the tread depth is**
542 **allowed to vary from 8 ¾ to 9,” and the head room at the door opening at the top of those**
543 **stairs is permitted to be 6’4” and we find this to be equivalent to Appendix “J” of the**
544 **code. Further, provided that a fully automatic, building wide smoke detection system will**
545 **be installed to the satisfaction of the Fire Marshal as a condition of this variance.**

546
547 **On a Voice Vote – MOTION TO APPROVE – PASSED – UNANIMOUS (Variances Granted)**

548
549
550 **D-2 2007-DBSC-001 – 800 North Main Street (Final Show Cause Hearing)**

551
552 **Melvin and Betty Lewis, owners of this property, are being given a final “Show Cause”**
553 **hearing as to why they have not complied with the “Notice of Dangerous Building and**
554 **Order to Take Corrective Action.”**

555
556 No one was present to speak at this final Show Cause hearing.

557
558 A. Savoni – Stated that the owner was sent another registered letter informing him of this
559 hearing, and this mailing was returned to us as undeliverable after three attempts by the post
560 office. We also sent him the same notice via regular U.S. Mail which was not returned to us. We
561 assume by not receiving that letter back that he did receive it. We also posted this same notice
562 on the building in question per advice of our attorney, Kristen Larcom.

563
564 Mr. or Mrs. Lewis have not contacted anyone in either the Building or Planning Departments to
565 discuss any plans for redeveloping this site (as was previously stated to the owner at the
566 December 2007 Regular Session. The owners have made no attempt to address this situation.
567 Per our Dangerous Building’s Ordinance, we’re now asking this Board to approve demolition.

568
569 Asst. City Attorney Kristen Larcom was present to speak on behalf of the city. She stated that
570 we are recommending demolition per the Dangerous Building Code. There are a number of
571 things that can make a building ‘dangerous.’ Among those is that a building is damaged by fire,
572 wind or flood, or is dilapidated and becomes an ‘attractive nuisance’ – either for children, or
573 harboring vagrants, etc., because it’s continually vacant. There is evidence in the record when
574 this building has not been secure.

575
576 Another basis for finding a building dangerous is that the building is ‘vacant, dilapidated and open
577 at door or window. Again, as I’ve mentioned, there have been times when it was open and
578 exposed. Merely being unoccupied and not listed for sale, lease or rent for more than one
579 hundred eighty days also qualifies this building as ‘dangerous.’ The only exceptions to that are
580 those mentioned – for sale, lease or rent. To our knowledge, it has not been listed for any of
581 these. We haven’t received any contact from him since the December 2007 ‘Show Cause’
582 hearing. (Ms. Larcom asked if there were any questions regarding this issue.)

583

584 R. Hart – Are the underground fuel tanks still in the ground? (K. Larcom – Yes and over the last
585 month or more we have received some communication from the Michigan Department of
586 Environmental Quality (MDEQ). They have a documented chronology of quite a few attempts by
587 that agency to get the owners to do something about the underground storage tank clean up.
588 They are on track to take some type of enforcement action. We believe that that enforcement
589 has to come from the MDEQ and not the city.)

590
591 A. Savoni – Tearing down the building wouldn't disturb the tanks since they are underground and
592 have no connections to the building.

593
594 K. Winters – How long was this building unoccupied prior to the December 2007 show cause
595 hearing? (A. Savoni – I can't say an exact date, but it has been many years.)

596
597 R. Reik – This building is just on a slab on-grade, isn't it? (A. Savoni - Yes. It was an old gas
598 station.)

599
600 K. Larcom – Advised the Board that any order would be to require the owners to take action on
601 this structure and not the city. It would be my recommendation that if the Board sees fit to take
602 this action, that they give the owners twenty eight calendar days to take action on your motion.
603 We will do everything we can to personally serve him with this notice. Indications are that they
604 have received notices from us (as the Building Official Anthony Savoni has mentioned), but we
605 will attempt to make personal service of any order to demolish. After that period of time, if no
606 action is taken by the owners, it's provided in the code that the city is to do the demolition and
607 place a lien on the property if they don't pay the invoice.

608
609 P. Darling – So within that twenty eight calendar day period, can the owners still rehabilitate this
610 structure? What are his options then?

611
612 K. Larcom – It depends on what the Board orders, as under the ordinance you can order 'up to'
613 demolition or you can order 'demolition" or otherwise make it safe. It's the Board's determination.

614
615 K. Winters – The owners have had five months since the December 2007 'Show Cause' hearing
616 to act on this, so after five months, our finding could be to order them to demolish it, or the city
617 will. (Yes.)

618
619 P. Darling – Do they take pictures before they demolish it? Just to document? (A. Savoni –
620 Stated that someone from Planning and Development Services unit would go out to take pictures
621 to document this.)

622
623 A. Savoni – Stated that in December of 2007, the Board had directed the owners to speak with
624 the Planning Department to get approval for this site to redevelop it. Since then, the owners
625 have cleaned up some of the exterior debris, but have not complied with what the Board has
626 asked him to do.

627
628 P. Darling – This structure is not in an Historic District, so there are no questions in that area?
629 (A. Savoni – No.)

630
631 K. Larcom – Assured the Board that we had sent numerous registered mail notices to the
632 owners, as well as posting the building and sending regular mail notices. These are the legal
633 requirements, and those have been satisfied. The city has done everything in its power to
634 communicate in good faith with the owners.

635
636 **MOTION**

637

638 Moved by R. Reik, Seconded by R. Hart, **With regard to case number 2007-DBSC-001, 800**
639 **North Main Street, we declare this property a dangerous and nuisance building due to the**
640 **dilapidated condition of the property which has remained unoccupied for a period**
641 **significantly in excess of one hundred eighty days in accordance with the Ann Arbor City**
642 **Ordinance, Chapter 101 (Dangerous Buildings), Section 8:32, Subsections 7, 8, 9 and 10.**
643

644 **And further, the owners have not met all of the conditions agreed to at the Building Board**
645 **of Appeals hearing of 12-12-2007, at which time the owners were required to have**
646 **completed all mandated work within sixty calendar days. Because of this inaction, we**
647 **find this to be an additional reason that the building is a nuisance to the property.**
648

649 **Therefore, we require that this building be demolished and debris removed within twenty**
650 **eight calendar days by the owners. If the owners fail to comply with the order to**
651 **demolish, the city will demolish the building and then invoice the owners for the**
652 **demolition. If the invoice for the demolition remains unpaid for more than thirty days, a**
653 **lien will be placed on this property.**
654

655 **On a Voice Vote - MOTION PASSED – UNANIMOUS (Order of Demolition – Approved)**
656

657
658 **E – NEW BUSINESS – None.**
659

660 **F - REPORTS & COMMUNICATIONS (Covered under Old Business).**
661

662 **F. AUDIENCE PARTICIPATION – GENERAL – None.**
663

664 **ADJOURNMENT**
665

666 Moved by R. Reik, Seconded by R. Hart, **“that the meeting be adjourned.”**

667 The meeting was adjourned without opposition at 3:15 p.m.
668

669 ***Minutes prepared by B. Acquaviva, Administrative Support Specialist V***