

# ANN ARBOR BUILDING BOARD OF APPEALS

## STAFF REPORT

**Meeting Date: July 17, 2025**

**Type of Request: APPEAL**

Building Board of Appeals Request **BBA25-0010** at 302 E. Liberty., ANN ARBOR, MI 48104

(Parcel Identification Number: **09-09-29-111-010**)

### DESCRIPTION AND DISCUSSION

#### Property Owners Name and Address:

302 Liberty LLC

302 E. Liberty St.

Ann arbor, MI 48104

Applicant : Rob Fowler on behalf of the property owner

### BACKGROUND

The property at 302 E. Liberty is a business use building. A building permit application was submitted 4/12/2024 and issued 6/26/2024 BLDGC24-0151 for work described as "Finish 3<sup>rd</sup> Floor to have three offices, reception area and 1 bathroom". At rough inspection Building inspector Jamie Worthington noted "2015 MBC Section 1011.5.2 max rise 7", minimum run 11" in type B occupancy. Stairs built at 7 3/4" rise, 10 1/8" run.DP to revise print to show newly constructed stairway from 2nd to 3rd floor, address if fire rated windows are going to be installed per print on all floors, and address if stairway wall is going to be reworked to 1 hour rating per print (currently existing stairway walls, nothing new done) JW". The stairs do not meet the requirements of Section 1011.5.2 or Section 1011.6 of the 2015 Michigan Building Code. The applicant has requested relief from sections 1011.5.2 and 1011.6 as they believe the stair geometry and landing as constructed is an equal/better form of construction.

#### **Standards for Approval:**

1. *The True intent of the code or the rules governing construction have been incorrectly interpreted.*
2. *The provisions of the code do not apply; and*
3. *An equal or better form of construction is proposed*

## **STAFF RECOMMENDATION**

Staff recommend this application be denied as it does not meet the standards for approval, the code has not been misinterpreted, the provisions of the code do apply, and the current condition is less safe than the minimum requirements of section 1011.5.2 and section 1011.6 of the 2015 Michigan Building Code. The basis of this appeal suggests, what is proposed is equal or better than what the code requires but is not proven as such by the information provided in this appeal. Based on the requirements of the 2015 Michigan Building Code section 1011.5.2 staff recommends the board deny this request and require new construction elements meet the minimum requirements of the 2015 Michigan Building Code as required by the 2015 Michigan Rehabilitation Code for Existing Buildings Section 801.3. The applicant states they cannot alter the structure because it is in the Historic district, but have not provided any information indicating that it is technically infeasible to reconfigure the interior to accommodate a code compliant stair geometry or a code compliant landing.

Section 1011.5.2 states:

**1011.5.2 Riser height and tread depth.** *Stair* riser heights shall be 7 inches (178 mm) maximum and 4 inches (102 mm) minimum. The riser height shall be measured vertically between the *nosings* of adjacent treads. Rectangular tread depths shall be 11 inches (279 mm) minimum measured horizontally between the vertical planes of the foremost projection of adjacent treads and at a right angle to the tread's *nosing*. *Winder* treads shall have a minimum tread depth of 11 inches (279 mm) between the vertical planes of the foremost projection of adjacent treads at the intersections with the walkline and a minimum tread depth of 10 inches (254 mm) within the clear width of the *stair*.

**1011.6 Stairway landings.** There shall be a floor or landing at the top and bottom of each *stairway*. The width of landings shall be not less than the width of *stairways* served. Every landing shall have a minimum width measured perpendicular to the direction of travel equal to the width of the *stairway*. Where the *stairway* has a straight run the depth need not exceed 48 inches (1219 mm). Doors opening onto a landing shall not reduce the landing to less than one-half the required width. When fully open, the door shall not project more than 7 inches (178 mm) into a landing. Where *wheelchair spaces* are required on the *stairway* landing in accordance with Section 1009.6.3, the *wheelchair space* shall not be located in the required width of the landing and doors shall not swing over the *wheelchair spaces*.

The petitioner states:

"Existing stairs were 8-12" rise 10" tread with a drop landing in the middle of floor"

With the desired relief:

"Allow 7-3/4" rise 11-1/4 tread 24" landing at bottom of stairs"

Code for Existing Buildings Level 2 alteration States:  
801.3 Compliance

All new construction elements, components, systems and spaces shall comply with the requirements of the International Building Code.

There is no exception given with regards to stairways in this section, therefore the newly installed stairway is required without exception to Have a maximum 7" rise and a minimum 11" run with nosing that is a maximum of 1 1/4". The applicants request to allow a 7 3/4" rise and an 11 1/4" tread ( it is assumed the tread depth as measured per code requirement is not 11")

The configuration proposed by the applicant does not meet the minimum requirements of the 2015 Michigan Building code as it is required to by the 2015 Michigan Rehabilitation Code for Existing buildings. This appeal claims that what is proposed is equal or better form of construction, this is not the case because the stair geometry proposed does not meet the minimum requirements of the code therefore is not equal to the code requirements. No case is made to how stair geometry that does not meet the minimum code standards is better than the code requirements. This appeal should not be approved because it does not meet the standards for approval set forth in the 2015 Michigan building Code which states:

## **SECTION 113**

### **BOARD OF APPEALS**

**113.1 Means of appeal.** An interested person may appeal a decision of the enforcing agency to the board of appeals in accordance with the act. An application for appeal shall be based on a claim that the true intent of the code or the rules governing construction have been incorrectly interpreted, the provisions of the code do not apply, or an equal or better form of construction is proposed. The decision of a local board of appeals may be appealed to the construction code commission in accordance with the act and time frames.

**113.2 Limitations on authority.** An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The board shall not have authority to waive requirements of this code.

This appeal does not meet the standards of approval. The stairs as constructed do not meet the requirements of the 2015 Michigan Building Code, the code has not been misinterpreted, the provisions of the 2015 Michigan Building Code do apply, and the proposal is not equal to or better than the code requirements.

## **PROPOSED MOTION**

### **APPEAL GRANTED**

That in Case BBA25-0010, **the appeal of the Building Official's decision** that the newly constructed stairs at **302 E. Liberty** is **GRANTED** relief from section 1011.5.2 and section 1011.6 of the 2015 Michigan Building Code and a rise of 7 3/4 " and run of 11 1/4" and a 24" landing is a an equal of better form of construction , the Building Board of Appeals **REVERSES** the Building Official's decision for the reason(s) that *[state reason in motion]*:

#### **Stipulations – If Applicable:**

- ☐ (1) The true intent of the 2015 Michigan Building Code and section 1011.5.2 and 1011.6 governing the maximum stair rise and minimum tread depth proposed and landing requirements at 302 E. Liberty St. has been incorrectly interpreted by the Building Official;
- ☐ (2) The provisions of 2015 Michigan Building Code sections 1011.5.2 and 1011.6 do not apply to the new stairway between the second and third floor at 302 E. Liberty St. ;
- ☐ (3) The applicants proposed stair geometry with is an equal or better form of construction than what is required by section 1011.5.2 and 1011.6 of the 2015 Michigan Building Code.

***[Chairman to check box(es) following vote]***

**OR**  
**APPEAL DENIED**

That in Case BBA25-0010 **the appeal of the Building Official's decision** that newly constructed stairs must meet the minimum requirements of section 1011.5.2 and 1011.6 of the Michigan Building Code and that a 7 ¾" rise and a 24" landing is not equal to or better than what is required by section 1011.5.2. and 1011.6 the appeal is **DENIED** and the Building Board of Appeals **AFFIRMS** the Building Official's decision for the reason(s) that *[state reason in motion]*:

- ☐ (1) The true intent of the 2015 Michigan Building Code and section 1011.5.2 and 1011.6 for the required Stair geometry and landing requirements , have been correctly interpreted by the Building Official;
- ☐ (2) The provisions of 2015 Michigan Building Code section 1011.5.2 and 1011.6 do apply to the proposed new stairs at 302 E. Liberty St. and that what is proposed must meet the minimum requirements of the code;
- ☐ (3) The applicant has not proposed an equal or better form of construction;

Stipulations – if Applicable:

***[Chairman to check applicable box(es) following vote]***

Yeas:

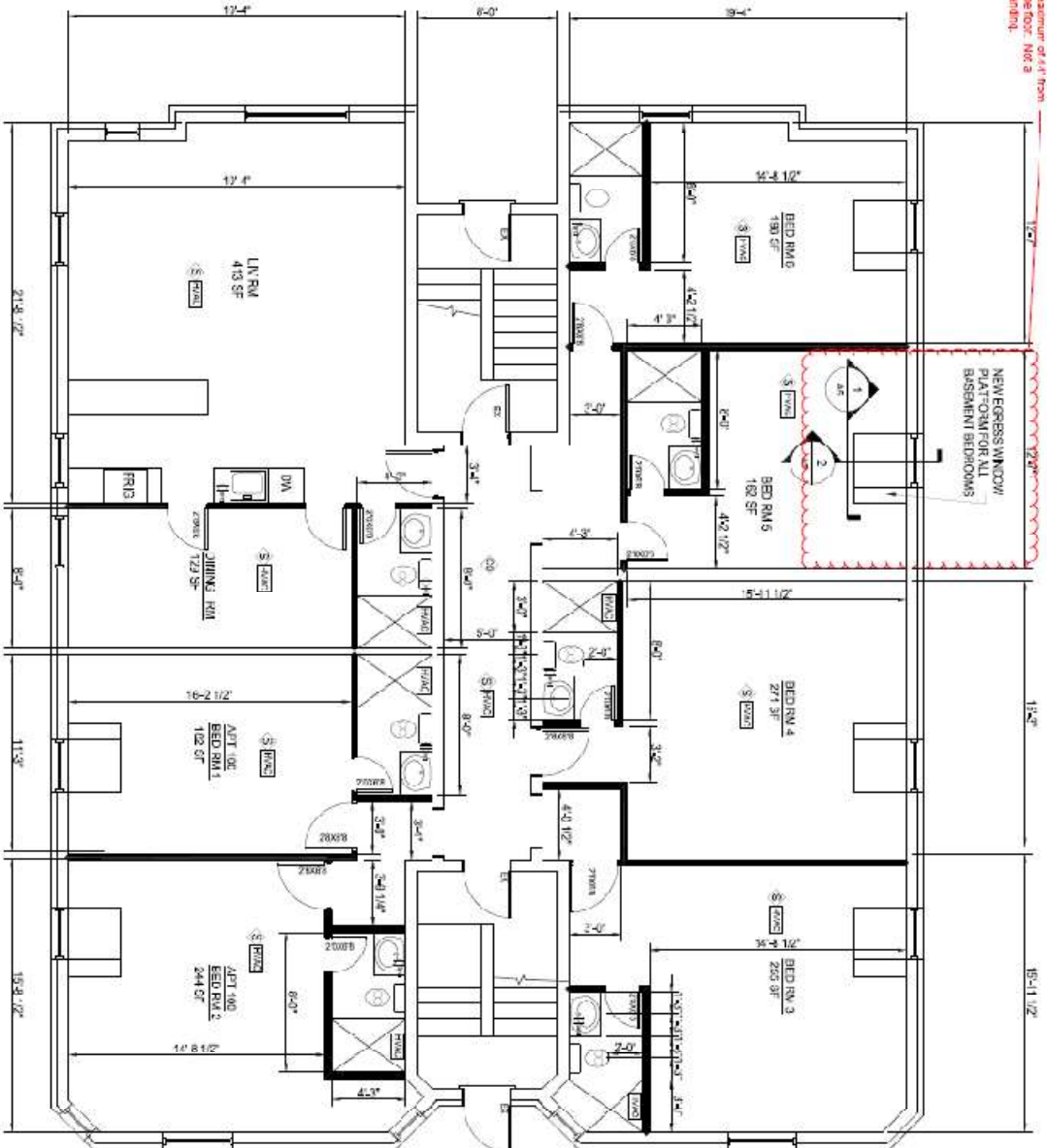
Nays:

Absent for this vote:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Paul Darling, Chairperson  
Building Board of Appeal







## PROJECT THE RENOVATION

200 N STATE STREET  
ANN ARBOR, MI

**SHEET TITLE**  
**EXISTING BASEMENT**  
**SCALE: 1/4"=1'-0"**

work	DATE	ISSUE SIZE	work	DATE	ISSUE SIZE	SHEET NO.
	11/8/23	DRAWN				11 OF 9
A	DEC. 8, 23	REVISION				11 OF 9
						A9