



HERSCHMAN ARCHITECTS, INC.  
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Peter Pace  
City of Ann Arbor  
Construction and Building Department  
301 E Huron Street – Larcom City Hall  
Ann Arbor, MI 48104  
Email: [ppace@a2gov.org](mailto:ppace@a2gov.org)

RE: Existing Kmart  
Maple Village Shopping Center  
215 N Maple Road  
Ann Arbor, MI

January 4, 2016

Dear Mr. Pace

We are planning to renovate the existing K Mart space with new tenants and approximately 10,000 sf additions.

Per our conversation with Craig Strong on Friday, December 18, 2015, we are modifying the application as follows:

1. The Landlord has agreed to sprinkle all the un-sprinkled areas before November 1, 2016 or the approval of Certificate of Occupancy for any new tenants in the currently vacant K Mart, whichever comes first.
2. The shopping center building will be designated as an unlimited area building for purpose of any new development or modifications to the shopping center so that any plan review can be reviewed utilizing the unlimited area classification.
3. Please disregard the Sprinkler Timeline Spreadsheet previously submitted. All other exhibits apply as submitted.

Per our previous phone conversation, existing center that is to be designated as unlimited area consists two buildings (approximately 141,414 sf and 95,124 sf), Construction Type II B, use: Mercantile.

I believe this a good compromise that any building official and/or plans examiner can accept.

Please review and let me know if you need any other information.

Sincerely  
HERSCHMAN ARCHITECTS, INC.

Dushan Boucek



**CITY OF ANN ARBOR, MICHIGAN**  
Community Services Area  
Planning & Development Services Unit  
301 E. Huron St, P.O. Box 8647, Ann Arbor, Michigan 48107-8647  
[www.a2gov.org](http://www.a2gov.org)  
1-734-794-6263

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## STAFF REPORT

**DATE:** 01-05-16

**TIME:** 1:00 pm

**LOCATION:** 215 N Maple Road

**BUILDING OFFICIAL:** Peter Pace/Larry Pickle (Carlisle Wortman Associates)

### **Variance Request**

Mr. Brad Copp of Brixmor Holdings is requesting a variance from section 507.3 of the 2012 Michigan Building Code, which requires unlimited area buildings of Group B, F, M or S to be provided with an automatic sprinkler system throughout in accordance with section 903.3.1.1 (NFPA 13).

(Please also note the attached letter from Dushan Boucek of Herschman Architects, Inc. dated January 4, 2016 outlining details of this request).

### **Background: Michigan Building Code Section 507.3**

The Michigan Building Code allows certain types of buildings to be unlimited in area provided they conform to the characteristics of sections 507.2 through 507.12. Each of those sections outlines specific requirements such as limitations of occupancy classifications, construction type or requirements for the amount of open space that must be provided. There is, however, a common thread among the requirements for these facilities:

1. Except for limited factory and storage uses, the building must be equipped throughout with an automatic sprinkler system.
2. The building must be surrounded by sufficient open space, usually 60 feet in width, which in some cases is allowed to be reduced to 40 ft.
3. The buildings are limited to one or two stories above grade plane.
4. The building only houses low-hazard or moderate-hazard occupancies.

In all cases the open space can occur either within public ways surrounding the site, or by yards provided on the lot between the building and the lot lines. Two unlimited area buildings can be located on the same lot, but must be separated by a certain distance unless they are treated as a single, unlimited area building.

## **Project Description**

This site contains two large buildings aligned along the west and north sides of the property, along with several smaller out-buildings toward the center of the site. The area of the large, west building (portions of which contained the former K-Mart space and Dunham's) is 148,625 sq. ft. and the area of the large, north building (portions of which contains the Secretary of State office and Plum Market) is 94,707 sq. ft. Those two buildings are the subject of this appeal. The other buildings on the site are not being included in this request.

It is unclear whether either of the large buildings have ever been officially designated as "unlimited area" as defined in the code. The unlimited area concept has been included in the code since at least 1960, and much of the work in the center post-dates 1960. It is probable that these larger buildings were once much smaller and incremental additions and connections over the years created the single, large structures seen today. In the event incremental additions were made, it is also likely that there are various fire walls within each of the large structures which divided them into smaller components for the purposes of code compliance.

This request is for the Building Department to consider both structures as unlimited area under section 507.0 for purposes of a soon-to-be submitted redevelopment of the K-Mart space. Since sprinkler coverage in each is not complete, the petitioner would like to defer requirements for complete automatic sprinkler coverage until either November 1, 2016 or the approval of a certificate of occupancy for the first tenant space being developed in the currently vacant former K Mart space, whichever comes first. No formal plans have been submitted.

The open space requirements of sections 507.1, 507.3 & 507.5 are not a subject of this variance request and are assumed to be compliant as is the construction type.

However, the buildings do not, as mentioned, have a complete, fully automatic sprinkler system in accordance with 903.3.1.1. The current west building has an area of 15,250 sq. ft. (out of 148,625 sq. ft.) without sprinklers, and the current north building an area of 19,975 sq. ft. (out of 94,707 sq. ft.) without sprinklers.

When both buildings are considered as a single structure, 35,225 sq. ft. (out of 243,332 sq. ft.) does not have sprinklers, or approximately 14.4% of the total area.

## **Condition for Granting an Appeal:**

According to the Michigan Building Code section 113.1 an application for appeal must be based on a claim that:

- (1) The true intent of the code has been incorrectly interpreted,
- (2) That the rules of the code do not apply, or
- (3) That an equal or better form of construction is proposed.

(While the application requests a listing of "practical difficulties" or "unnecessary hardships" as conditions for granting a variance, the Board should only use one or more of the three claims above in their motion).

Petitioner is not alleging that the buildings do not require sprinklers, and is not alleging that the code does not apply. The appeal is requested in order to be allowed to have the redevelopment plans for spaces in the currently vacant K Mart space to be reviewed on the basis of the unlimited area provisions of the building code. Petitioner is

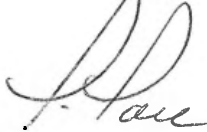
indicating that by November 1, 2016 both of the large buildings on the property will be completely sprinkled.

**Staff Discussion**

Staff feels that the concept of a time deadline for sprinklers being provided, based upon a current redevelopment plan for the property, is a reasonable solution.

The plan review for the current redevelopment can then receive the anticipated benefits of the unlimited area designation, and both the redevelopment and the sprinkler work can proceed within the same time frame. In the event the required sprinkler work is not completed by November 1, 2016 or by the time the first certificate of occupancy is needed, no approval will be given until such time as the sprinkler work is completed.

Thank you,

A handwritten signature in cursive script, appearing to read "P. Pace".

Peter Pace  
Interim Deputy Building Official  
City of Ann Arbor



**CITY OF ANN ARBOR, MICHIGAN**

Community Services Area  
Planning & Development Services Unit  
301 East Huron, P.O. Box 8647,  
Ann Arbor, Michigan 48107-8647  
Phone: (734) 794-6261  
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December 7, 2015

Brixmor Holdings 1 SPE, LLC  
953 Hempstead Rd  
Cincinnati, OH 45231

Re: 215 N Maple Rd, Ann Arbor, Michigan  
Parcel Identification Number ("PIN"): 09-08-25-102-015

Dear Brixmor Holdings 1 SPE, LLC:

Please consider this as a reminder to attend the Ann Arbor Building Board of Appeals meeting for your variance request in regards to the unsprinkled areas at 215 N Maple Rd.

The meeting will take place on Friday, December 18, 2015 at 1:30 PM in the Basement of City Hall. Please bring materials and interested parties to the meeting for your presentation of the variance request if needed.

Sincerely,

Craig Strong, Building Official  
City of Ann Arbor Construction Services  
cstrong@a2gov.org



## CITY OF ANN ARBOR, MICHIGAN

Community Services Area  
Planning & Development Services Unit  
301 East Huron, P.O. Box 8647,  
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January 4, 2016

Brixmor Holdings 1 SPE, LLC  
953 Hempstead Road  
Cincinnati, OH 45231

Re: 215 North Maple Road, Ann Arbor, Michigan  
Parcel Identification Number ("PIN"): 09-08-25-102-015

Dear Brixmor Holdings 1 SPE LLC:

Please consider this as a reminder to attend the Ann Arbor Building Board of Appeals meeting for your variance hearing for 215 North Maple Road.

The meeting will take place on **Wednesday, January 13, 2016 at 1:30 PM on the 2<sup>nd</sup> floor of City Hall in the City Council Chambers.** Please bring materials and interested parties to the meeting for your presentation to the Board if needed.

Sincerely,

Craig Strong, Building Official  
City of Ann Arbor Construction Services  
cstrong@a2gov.org  
(734)794-6261