



City of Ann Arbor

Meeting Minutes - Final

Building Board of Appeals

301 E. Huron St.
Ann Arbor, MI 48104
[http://a2gov.legistar.com/
Calendar.aspx](http://a2gov.legistar.com/Calendar.aspx)

Thursday, February 15, 2018

1:30 PM

Larcom City Hall, 301 E Huron St, Second
floor, City Council Chambers

A CALL TO ORDER

B ROLL CALL

Staff: 4 - G. Dempsey, M. Howell, D. Williams, R. Miller

Present: 5 - Paul Darling, Robert Hart, Chair Kenneth J. Winters,
Gordon Berry, and Hugh A. Flack Jr.

Absent: 1 - David Arnsdorf

C APPROVAL OF AGENDA

D APPROVAL OF MINUTES

D-1 [18-0317](#) Building Board of Appeals Minutes for October 19, 2017

Attachments: BBA Meeting Minutes 10-19-17.pdf

Approved as Amended

D-2 [18-0270](#) BBA MINUTES DECEMBER 19, 2017

Attachments: BBA Meeting Minutes 12-19-17.pdf

Approved as Amended

E PUBLIC COMMENTARY - GENERAL

F APPEALS, ACTIONS, AND SHOW CAUSE HEARINGS

F-1 [18-0271](#) BBA18-001 106 EAST LIBERTY STREET VARIANCE HEARING
FEBRUARY 15, 2018

Attachments: 106 E Liberty Packet- January _.pdf

G. Dempsey gave the staff report on this property. Mark Messmore, applicant and hopeful owner of the restaurant described the application process and the challenges with meeting the bathroom requirements. Board members and the applicant then discussed the property, including the need for approval from both the tenant and the landlord and the potential impact of the property in the long term.

R. Hart moves that in the matter of BBA18-001 at 106 East Liberty Street to permit an exception to the Michigan Plumbing Code 403.1 for a minimum number of fixtures and Michigan Plumbing Code 403.3.3 for location of toilet facilities, to allow the ground floor restaurant the use of the second floor tenant's space bathrooms, provided written permission is provided by the tenant and the landlord, granting use and, in effect, an easement for the use of those bathrooms. That those written permissions be furnished to the Building Department and that appropriate instructional signage is provided for staff and patrons on use of bathrooms. Further, in that regard, we move that the City will grant a temporary Certificate of Occupancy for the restaurant for 12 months to enable construction of a required second bathroom either on the second floor or within their space. We find this an acceptable alternate to the code, we further stipulate that the specific condition justifying the variance shall be neither so general nor recurrent in nature as to make an amendment of the code with respect to the condition reasonably practical or desirable and that, further, this variance shall be specific to this particular building and shall not be used as a precedent for other similar variances. Additionally, that upon construction, one bathroom one will be designated for men and the other designated for women, and the applicant will provide demonstration of intent to rectify the situation within six months of this hearing.

A motion was made by Hart, seconded by Darling, that the Variance be Approved. On a roll call, the vote was 3-2 declaring the motion carried.

Yeas: 3 - Hart, Chair Winters, and Flack Jr.

Nays: 2 - Darling, and Berry

Absent: 1 - Arnsdorf

G OLD BUSINESS

H NEW BUSINESS

I **ADJOURNMENT**

Adjourn