

ANN ARBOR BUILDING BOARD OF APPEALS

STAFF REPORT

Meeting Date: August 17, 2023

Type of Request: APPEAL

Building Board of Appeals Request **BBA23-0004** at 2397 Veridian Cir., ANN ARBOR, MI 48104.

(Parcel Identification Number: **09-12-03-100-007**)

DESCRIPTION AND DISCUSSION

Property Owners Name and Address:

Avalon Nonprofit Housing Corporation
1327 Jones Dr., Suite 102
Ann Arbor, MI 48105

BACKGROUND

The buildings at 2369, 2383, 2391, 2397 Veridian Circle are part of a development with multiple buildings of R-2 Occupancy and 2380 Veridian Circle (Community Center) (see attachment 1 for list of addresses, units and Building Permits) is mixed use A-3 and B Occupancy Classification as described by the 2015 Michigan Building Code and as indicated on the signed sealed plans submitted with the permit applications. Per the 2018 Michigan Plumbing Code table 403.1 (see attachment 3) each R-2 building must have one automatic clothes washer connection per twenty dwelling units. The applicant is requesting relief from the requirement that the one per twenty dwelling unit connection per building and proposing the clothes washing equipment be in the Community Center. The petitioner is appealing based on the provisions of the code not being applicable.

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 recommends 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 locating washer connections in another building on the property is not equivalent or better than the requirements of

the 2018 Michigan Plumbing Code. The code is written to pertain to a building and the requirements are to be interpreted as such per Section 101.2 of the 2015 Michigan Building Code (see attachment 2). It is not the intention of the code that per building requirements be met in another building on the property. The applicant was informed that one connection in each unit would satisfy the requirement and be equivalent to, or better than what the code requires. It is staff's opinion having to move between buildings is not equivalent to having facilities in the building with your dwelling unit. Furthermore, the distribution of dwelling units that have automatic clothes washer connections and those without seems arbitrary.

PROPOSED MOTION

APPEAL GRANTED

That in Case BBA23-0004, **the appeal of the Building Official’s decision** that the work at 2369, 2383, 2391, 2397, and 2380 Veridian Circle be granted relief from Table 403.1 of the 2018 Michigan Plumbing Code and the Building Board of Appeals **REVERSES** the Building Official’s decision for the reason(s) that *[state reason in motion]*:

- (1) The true intent of the 2018 Michigan Plumbing Code table 403.1 have been incorrectly interpreted by the Building Official.
- (2) The provisions of 2018 Michigan Plumbing Code table 403.1 does not apply to the construction at the above stated addresses on Veridian Circle.
- (3) The applicant has proposed an equal or better form of construction.

Stipulations – If Applicable:

[Chairman to check box(es) following vote]

Yeas:

Nays:

Absent for this vote:

_____ Date

_____ Paul Darling, Chairperson
Building Board of Appeals

OR

APPEAL DENIED

That in Case BBA23-0004 **the appeal of the Building Official's decision** that the work at 2369, 2383, 2391, 2397, and 2380 Veridian Circle be granted relief from Table 403.1 of the 2018 Michigan Plumbing Code 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 2018 Michigan Plumbing Code table 403.1 governing the construction at the above stated addresses has been correctly interpreted by the Building Official.

- (2) The provisions of 2018 Michigan Plumbing Code table 403.1 applies to the construction at the above stated addresses.

- (3) The applicant has not proposed an equal or better form of construction.

Stipulations – If Applicable:

[Redacted area]

[Chairman to check box(es) following vote]

Yeas:

Nays:

Absent for this vote:

Date

Paul Darling, Chairperson
Building Board of Appeals

Address	Street	Unit	Building Permit Number
2369	Veridian Circle	11	BLDGC23-0142
2369	Veridian Circle	21	BLDGC23-0142
2383	Veridian Circle	11	BLDGC23-0140
2383	Veridian Circle	21	BLDGC23-0140
2391	Veridian Circle	10	BLDGC23-0138
2391	Veridian Circle	11	BLDGC23-0138
2391	Veridian Circle	12	BLDGC23-0138
2391	Veridian Circle	13	BLDGC23-0138
2391	Veridian Circle	14	BLDGC23-0138
2391	Veridian Circle	15	BLDGC23-0138
2391	Veridian Circle	20	BLDGC23-0138
2391	Veridian Circle	21	BLDGC23-0138
2391	Veridian Circle	22	BLDGC23-0138
2391	Veridian Circle	23	BLDGC23-0138
2391	Veridian Circle	24	BLDGC23-0138
2391	Veridian Circle	25	BLDGC23-0138
2397	Veridian Circle	10	BLDGC23-0137
2397	Veridian Circle	11	BLDGC23-0137
2397	Veridian Circle	12	BLDGC23-0137
2397	Veridian Circle	13	BLDGC23-0137
2397	Veridian Circle	20	BLDGC23-0137
2397	Veridian Circle	21	BLDGC23-0137
2397	Veridian Circle	22	BLDGC23-0137
2397	Veridian Circle	23	BLDGC23-0137
2380	Veridian Circle	Community Center	BLDGC23-0141
	Total Nuber of units in appeal	24	

SECTION 101

GENERAL

[A] **101.1 Title.** These rules shall be known as the Michigan building code, hereinafter referred to as “the code.”

R 408.30402

[A] **101.2 Scope.** The provisions of this code shall apply to the construction, *alteration*, relocation, enlargement, replacement, *repair*, equipment, use and occupancy, location, maintenance, removal and demolition **of every building** or structure or any appurtenances connected or attached to such buildings or structures.

SECTION 2901

GENERAL

2901.1 Scope. The provisions of this chapter and the Michigan plumbing code, R 408.30701 to R 408.30796, shall govern the erection, installation, alteration, repairs, relocation, replacement, addition to, use or maintenance of plumbing equipment and systems. Plumbing systems and equipment shall be constructed, installed, and maintained in accordance with the Michigan plumbing code, R 408.30701 to R 408.30796.

R 408.30453

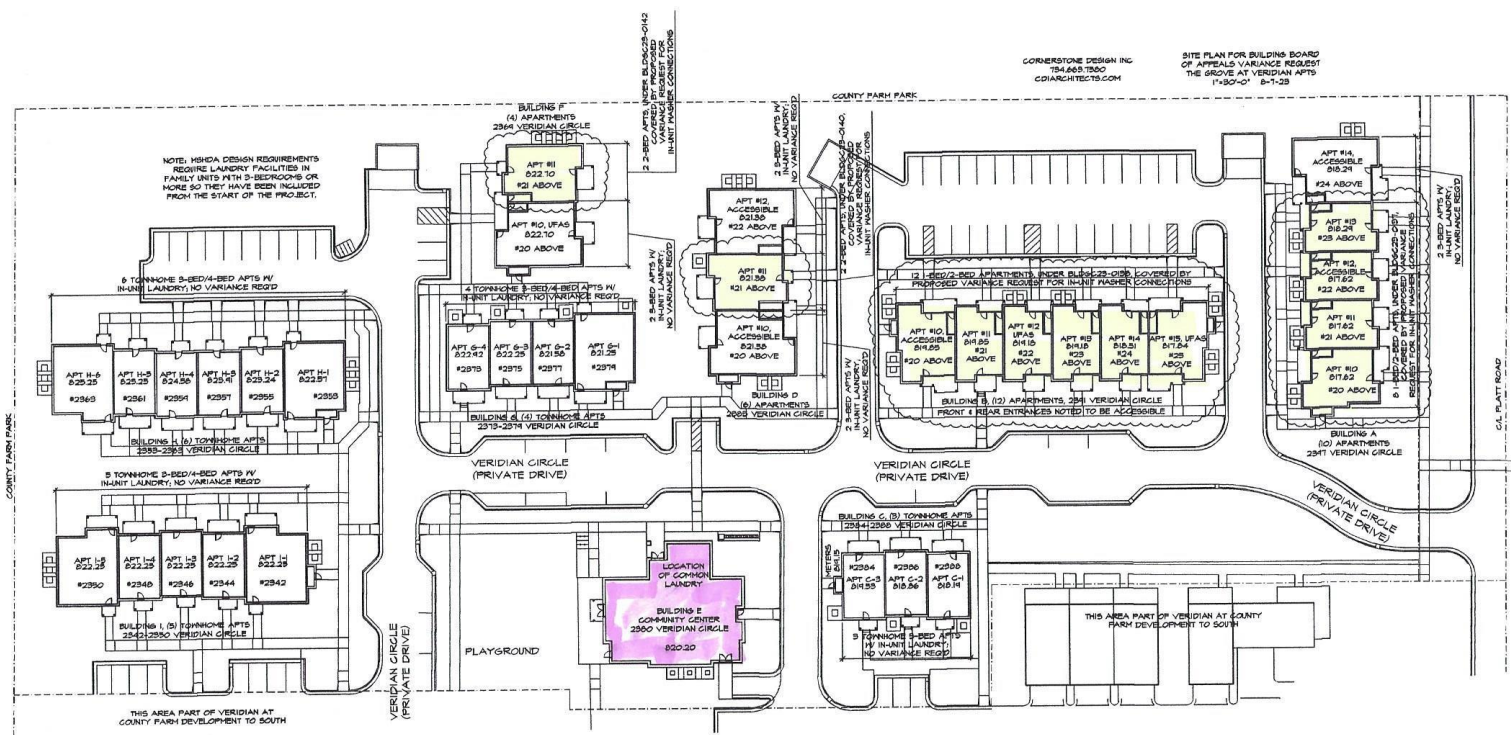
TABLE 403.1 —continued
MINIMUM NUMBER OF REQUIRED PLUMBING FIXTURES*
(See Sections 403.1.1 and 403.2)

NO.	CLASSIFICATION	OCCUPANCY	DESCRIPTION	WATER CLOSETS (URINALS: SEE SECTION 419.2)		LAVATORIES		BATHTUBS/ SHOWERS	DRINKING FOUNTAIN ¹ (SEE SECTION 410)	OTHER
				MALE	FEMALE	MALE	FEMALE			
4	Factory and industrial	F-1 and F-2	Structures in which occupants are engaged in work fabricating, assembly or processing of products or materials	1 per 100		1 per 100		(see Section 411)	1 per 400	1 service sink
5	Institutional	I-1	Residential care	1 per 10		1 per 10		1 per 8	1 per 100	1 service sink
		I-2	Hospitals, ambulatory nursing home care recipient	1 per room ^c		1 per room ^c		1 per 15	1 per 100	1 service sink per floor
			Employees, other than residential care ^b	1 per 25		1 per 35		—	1 per 100	—
			Visitors, other than residential care	1 per 75		1 per 100		—	1 per 500	—
		I-3	Prisons ^b	1 per cell		1 per cell		1 per 15	1 per 100	1 service sink
			Reformatories, detention centers, and correctional centers ^b	1 per 15		1 per 15		1 per 15	1 per 100	1 service sink
I-4	Adult day care and child day care	1 per 15		1 per 15		1	1 per 100	1 service sink		
6	Mercantile		Retail stores, service stations, shops, salesrooms, markets and shopping centers	1 per 500		1 per 750		—	1 per 1,000	1 service sink ^d
7	Residential	R-1	Hotels, motels, boarding houses (transient)	1 per sleeping unit		1 per sleeping unit		1 per sleeping unit	—	1 service sink
		R-2	Dormitories, fraternities, sororities and boarding houses (not transient)	1 per 10		1 per 10		1 per 8	1 per 100	1 service sink
		R-2	Apartment house	1 per dwelling unit		1 per dwelling unit		1 per dwelling unit	—	1 kitchen sink per dwelling unit; 1 automatic clothes washer connection per 20 dwelling units
		R-3	Congregate living facilities with 16 or fewer persons	1 per 10		1 per 10		1 per 8	1 per 100	1 service sink
		R-3	One- and two-family dwellings and lodging houses with five or fewer guestrooms	1 per dwelling unit		1 per dwelling unit		1 per dwelling unit	—	1 kitchen sink per dwelling unit; 1 automatic clothes washer connection per dwelling unit

(continued)

CORNERSTONE DESIGN INC
 7844851300
 CDAIARCHITECTS.COM

SITE PLAN FOR BUILDING BOARD
 OF APPEALS VARIANCE REQUEST
 THE GROVE AT VERDIAN APTS
 1"=50'-0" 8-1-23



NOTE: KHSDA DESIGN REQUIREMENTS REQUIRE LAUNDRY FACILITIES IN FAMILY UNITS WITH 3-BEDROOMS OR MORE SO THEY HAVE BEEN INCLUDED FROM THE START OF THE PROJECT.

Community Center

units included in Appeal

Attachment: 4

APPLICANT SUMMARY OF APPEAL

This is a development of 50 apartments and community center in 9 total buildings, of which 26 units are 3 or 4 bed units which have in-unit washer/dryer per MSHDA standards (with fixtures provided by the Owner). The remaining 24 1-bed and 2-bed units were planned to use a common laundry in the community center, as was previously approved in Ann Arbor and other jurisdictions. This time, the plan reviewers flagged it as (in their view) contrary to MPC Table 403.1, saying that the required 1 washer connection per 20 units must be in each unit, or in a common area in each building, instead of a common area in a separate building on the same site. Based on Avalon's preferred designs, the apartment buildings have no common areas except small meter closets. In order to get through building plan review, which is a requirement to close on financing, we added water/drain/electrical connections for washers in storage rooms in each of the 24 1-bed and 2-bed apartments. Note that there is not a requirement in the code to provide the actual washers, nor to provide connections for dryers to accompany the washer connections. The common laundry in the community center (located central to the overall development) is vastly preferred by the Owner for ease of maintenance reasons. The additional connections in each unit are a likely source of moisture problems, as well as an unforeseen and unbudgeted expense.

We ask that the common laundry in the community center be allowed to meet the requirement of MPC Table 403.1 for washer connections; it provides 4 washers and 5 dryers, which far exceeds the 1/20 units standard in the table either for the 24 units which need laundry access, or for the 50 units in the development. If approved, the additional washer connections in each unit would be omitted.

We believe that the previous interpretations allowing the common laundry is a legitimate approach under the language of the code, and is preferable for tenants who would have the ability to do multiple loads at once, and to dry their laundry.



PLAN DETAILED REPORT BBA23-0004 FOR THE CITY OF ANN ARBOR

Plan Type: Building Board of Appeals	Project:	App Date: 08/01/2023
Work Class: Administrative Appeal	District: Ward 3	Exp Date: NOT AVAILABLE
Status: Fees Paid	Square Feet: 0.00	Completed: NOT COMPLETED
Valuation: \$0.00	Assigned To: Michael Lemieux	Approval Expire Date:

Description: Variance to allow common laundry facilities in a central community center of a multi-building apartment complex, in lieu of laundry facilities in each unit or each building.

Parcel: 09-12-03-100-007	Main	Address: 2397 Veridian Cir Suite: 10 Ann Arbor, MI 48104	Main	Zone: PUD(PUD)
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Property Owner Avalon Nonprofit Housing Corporation Wendy Carty-Saxon 1327 Jones Dr., Suite 102 Ann Arbor, MI 48105 Business: (734) 663-5858 Mobile: (734) 649-3958	Applicant David Esau 210 Collingwood St Ste 106 Ste 106 Ann Arbor, MI 48103 Business: 7346452778	General Contractor Tina M Bateman 2300 Bishop Circle East Dexter, MI 48130 Business: (734) 487-9640 Mobile: (810) 623-8983
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Type of Hold	Created By	Date Created	Comments	Active
Property Alert-Only	Ric Foley	07/07/2023	Site Compliance Alert Veridan Circle aka North Project Site Compliance review under BLDGC23-0137	Yes

Invoice No.	Fee	Fee Amount	Amount Paid
INV-00059089	BBA - Commercial Appeal	\$500.00	\$500.00
		Total for Invoice INV-00059089	\$500.00
		Grand Total for Plan	\$500.00

