

ANN ARBOR BUILDING BOARD OF APPEALS

STAFF REPORT

Meeting Date: March 20, 2025

Type of Request: APPEAL

Building Board of Appeals Request **BBA25-0009** at 2015 Manchester Rd., ANN ARBOR, MI 48104

(Parcel Identification Number: **09-12-03-213-027**)

DESCRIPTION AND DISCUSSION

Property Owners Name and Address:

GRETCHEN PRESTON
4531 CONCOURSE DR.
ANN ARBOR, MI 48108

BACKGROUND

The property at 2015 Manchester Rd. is Use Group E building. A building permit application was submitted 12/16/2024 BLDGC24-0622 for work described as "Alterations to the interior of the building including wall demolition, new partition walls and changes to existing mechanical & electrical systems." At plan review it was noted per 2021 MPC 405.3.4 exception 2, toilet rooms in a childcare facility containing 2 or more water closets shall be permitted to have 1 water closet without an enclosing compartment. The submitted plans show no proposed enclosing compartments for any water closet within the bathroom group. The plan was required to be revised to show required water closet enclosure(s) per 2021 MPC. The applicant has indicated that in addition to the requested variance to eliminate required toilet compartments, they are also seeking a variance to eliminate the required grab bars, the lavatory within toilet room, and surrounding toilet room walls to be constructed to a height of 42". Applicant believes the true intent of the code has not taken small children's needs into consideration and these variances should be accepted at this location.

Standards for Approval:

- 1. 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 the proposed condition does not meet the minimum requirements of section 405.3.4 exception 2 of the 2021 Michigan Plumbing Code.

Section 405.3.4 exception 2 states:

405.3.4 Water closet compartment. Each water closet utilized by the *public* or employees shall occupy a separate compartment with walls or partitions and a door enclosing the fixtures to ensure privacy.

2. Toilet rooms located in child day care facilities and containing two or more water closets shall be permitted to have one water closet without an enclosing compartment.

The petitioner states:

"We propose building half walls with half height doors or no doors (for preschool) in the toilet rooms within the classrooms. We specifically are requesting relief from the requirement for full height walls and partition walls and doors within all toilet rooms in this center. We are also asking for relief from the requirement of placing the handwash sink within the toilet room. A large sink is provided immediately outside of the toilet rooms where childrens' handwashing can be supervised by a teacher. Relief is also requested for placement of grab bars around a toilet. These bars cannot be reached or used by our very young children."

The 2021 MPC has specific exceptions in place that addresses the situation regarding child supervision while using the toilet room, by not requiring an enclosure around 1 water closet if there are 2 or more.

405.3.4 Water closet compartment. Each water closet utilized by the *public* or employees shall occupy a separate compartment with walls or partitions and a door enclosing the fixtures to ensure privacy.

2. Toilet rooms located in child day care facilities and containing two or more water closets shall be permitted to have one water closet without an enclosing compartment.

[P] 1210.3.1 Water closet compartment. Each water closet utilized by the public or employees shall occupy a separate compartment with walls or partitions and a door enclosing the fixtures to ensure privacy.

Exceptions:

1. Water closet compartments shall not be required in a single-occupant toilet room with a lockable door.
2. Toilet rooms located in child day care facilities and containing two or more water closets shall be permitted to have one water closet without an enclosing compartment.

R 400.8350 Toilets; hand washing sinks.

Rule 350. (1) A center shall provide toilet and hand washing sinks as follows:

- (7) Toilet rooms for school-age children must provide for privacy.

Per MPC 2021 405.3.2 In employee and public toilet rooms the required lavatory must be located within the bathroom group. There are no published exceptions to this requirement.

405.3.2 Public lavatories. In employee and *public* toilet rooms, the required lavatory shall be located in the same room as the required water closet.

MPC 1210.2.2. Walls and Partitions within a toilet room are required to be a smooth nonabsorbent surface to the height of not less than 4 feet. 2015 MBC 1109.2 exception 7 requires toilet facilities to comply with children's provisions of ICC A117.1. Both these code sections, that are specific for children's toilet rooms, require both specific building materials and grab bars to be above the proposed wall height of 42"

1210.2.2 Walls and partitions. Walls and partitions within 2 feet (610 mm) of service sinks, urinals and water closets shall have a smooth, hard, nonabsorbent surface, to a height of not less than 4 feet (1219 mm) above the floor, and except for structural elements, the materials used in such walls shall be of a type that is not adversely affected by moisture.

609.4.2 Position of Children's Grab Bars. At water closets primarily for children's use complying with Section 604.11, grab bars shall be installed in a horizontal position 18 inches (455 mm) minimum and 27 inches (685 mm) maximum above the floor measured to the top of the gripping surface. A vertical grab bar shall be mounted with the bottom of the bar located between 21 inches (535 mm) minimum and 30 inches (760 mm) maximum above the floor and with the centerline of the bar located between 34 inches (865 mm) minimum and 36 inches (915 mm) maximum from the rear wall.

The basis of this appeal is that the intent of the code does not directly take into consideration small children's safety and needs. Staff believes the 2015 Michigan Building Code and 2021 Michigan Code are very clear as to the requirements of section 1210.3.1, 405.3.2. The intent of the code explicitly refers children's specific toilet rooms and provides guidance on how it should be configured.

This appeal does not meet the standards of approval. The submitted plan does not meet the requirements of the 2015 Michigan Building Code or the 2021 Michigan Plumbing Code, and the proposal is not equal to or better than the code requirements.

PROPOSED MOTION

APPEAL GRANTED

That in Case BBA25-0009, **the appeal of the Building Official's decision that 2015 Manchester Rd.. is GRANTED** relief from section [P] 1210.3.1, 405.3.2 of the 2021 Michigan Plumbing Code and 1109.2 exception 7 of the 2015 Michigan Building Code and not require water closet enclosures, grab bars, a lavatory within the toilet room, and floor to ceiling toilet room walls, the Building Board of Appeals **REVERSES** the Building Official's decision for the reason(s) that *[state reason in motion]*:

- ☐ (1) The 2015 Michigan Building Code and section 1109.2 exception7 governing the installation of ADA compliant grab bars at 2015 Manchester Rd. is not applicable or required.
- ☐ (2) The provisions of 2021 Michigan Plumbing Code section [P] 1210.3.1, and 405.3.2 requirement for water closet enclosures and a lavatory within the toilet room does not apply to the children's area toilet rooms at 2015 Manchester Rd.
- ☐ (3) The applicant has proposed an equal or better form of construction.

Stipulations – If Applicable:

[Chairman to check box(es) following vote]

OR
APPEAL DENIED

That in Case BBA25-0009 **the appeal of the Building Official's decision** that water closet enclosures, grab bars, a lavatory within the toilet room and floor to ceiling toilet room wall are required is **DENIED** and the Building Board of Appeals **AFFIRMS** the Building Official's decision for the reason(s) that *[state reason in motion]*:

- ☐ (1) 2015 Michigan Building Code and section 1109.2 exception 7 installation of grab bars in the toilet area are required and has been correctly interpreted by the Building Official
- ☐ (2) 2021 Michigan Plumbing Code section [P] 1210.3.1 water and 405.3.2 the requirement for water closet enclosures and a lavatory within the toilet room does apply to the children's area toilet room at 2015 Manchester Rd;
- ☐ (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 App