

ANN ARBOR BUILDING BOARD OF APPEALS

STAFF REPORT

Meeting Date: December 19, 2024

Type of Request: APPEAL

Building Board of Appeals Request **BBA24-0007** at 1201 Island Drive Unit 202., ANN ARBOR, MI 48105

(Parcel Identification Number: **09-09-21-401-014**)

DESCRIPTION AND DISCUSSION

Property Owners Name and Address:

River House White Coat Rentals, LLC
1412 Fairway Dr.
Birmingham, MI 48009

BACKGROUND

The property at 1201 Island Dr is a multi-family building R-2. The building was constructed in 1964, A plumbing permit was applied for as a residential project (PLUMR24-1673) this permit was denied because it was the wrong work class, and a commercial plumbing permit was applied for and issued for work described "laundry box install" PLUMC24-0545. At the application for this permit it was indicated this was a commercial application and the contractor should have proceeded using the code requirements for this building type (R-2). The plumbing inspector failed the rough inspection because it did not meet the minimum standard of the applicable code (2021 Michigan Plumbing Code). A code compliant alternative was offered to the contractor which is to remove the standpipe and drain the washer into the laundry sink. Information on what fixtures are connected to this line on the lower floors was requested but not provided as of 12/13/2024.

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 the existing condition is not better than or equal to the code requirements.

Building Code and Residential Codes are standards established for specific building types. The residential Code only applies to R-3 Single Family, Duplexes, and townhouses. This is clearly stated in the introduction of the 2015 Michigan Residential Code (MRC):

PREFACE

Introduction

Internationally, code officials recognize the need for a modern, up-to-date residential code addressing the design and construction of one- and two-family dwellings and townhouses. The *International Residential Code®*, in this 2015 edition, is designed to meet these needs through model code regulations that safeguard the public health and safety in all communities, large and small. This comprehensive, stand-alone residential code establishes minimum regulations for one- and two-family dwellings and townhouses using prescriptive provisions. It is founded on broad-based principles that make possible the use of new materials and new building designs. This 2015 edition is fully compatible with all of the *International Codes®* (I-Codes®) published by the International Code Council® (ICC)®, including the *International Building Code®*, *International Energy Conservation Code®*, *International Existing Building Code®*, *International Fire Code®*, *International Fuel Gas Code®*, *International Green Construction Code®*, *International Mechanical Code®*, *ICC Performance Code®*, *International Plumbing Code®*, *International Private Sewage Disposal Code®*, *International Property Maintenance Code®*, *International Swimming Pool and Spa Code™*, *International Wildland-Urban Interface Code®* and *International Zoning Code®*. The *International Residential Code* provisions provide many benefits, among which is the model code development process that offers an international forum for residential construction professionals to discuss prescriptive code requirements. This forum provides an excellent arena to debate proposed revisions. This model code also encourages international consistency in the application of provisions.

1201 Island drive is not R-3 per the building code, it is not a single family residence, a duplex or a townhouse therefore the 2015 MRC is not intended to be applied to this building.

Per the 2015 Michigan Building Code (MBC):

310.4 Residential Group R-2. Residential Group R-2 occupancies containing *sleeping units* or more than two *dwelling units* where the occupants are primarily permanent in nature, including:

Apartment houses

Boarding houses (nontransient) with more than 16 occupants

Congregate living facilities (nontransient) with more than 16 occupants

Convents

Dormitories

Fraternities and sororities

Hotels (nontransient)

Live/work units

Monasteries

Motels (nontransient)

Vacation timeshare properties

Therefore 1201 Island Drive must meet the provisions of the MBC. Chapter 29 of the MBC states:

CHAPTER 29

PLUMBING SYSTEMS

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*

And the requirements of the 2021 Michigan Plumbing Code (MPC).

This appeal, is for the application of section 2015 MRC section P3004.1 in a commercial building in place of the 2021 MPC requirements of section 406.2. No information is provided on the impact to the rest of the plumbing system. The applicant also indicates the Association has approved the installation of washers and dryers which if this appeal is approved could have a compounded negative affect on the plumbing systems capability to function as necessary in a safe and sanitary manner.

2021 MPC section 406.2 states:

Chapter 4 Fixtures, Faucets and Fixture Fittings

Integral fixture fitting mounting surfaces on manufactured plumbing fixtures or plumbing fixtures constructed on-site shall meet the design requirements of ASME A112.19.2/CSA B45.1 or ASME A112.19.3/CSA B45.4.

SECTION 406

AUTOMATIC CLOTHES WASHERS

406.1 Water connection.

The water supply to an automatic clothes washer shall be protected against backflow by an air gap that is integral with the machine or a backflow preventer shall be installed in accordance with Section 608. Air gaps shall comply with ASME A112.1.2 or A112.1.3

406.2 Waste connection.

The waste from an automatic clothes washer shall discharge through an air break into a standpipe in accordance with Section 802.4.3 or into a laundry sink. The trap and fixture drain for an automatic clothes washer standpipe shall be not less than 2 inches (51 mm) in diameter. The fixture drain for the standpipe serving an automatic clothes washer shall connect to a 3-inch (76 mm) or larger diameter fixture branch or stack. Automatic clothes washers that discharge by gravity shall be permitted to drain to a waste receptor or an approved trench drain.

The MRC is limited to Single family duplexes and townhouses because the prescriptive measures provided are deemed satisfactory in those limited circumstances.

The MBC and MPC specify proscriptive measures based on the considerations for all other building types, residential buildings like 1201 Island Dr. are classified R-2. If the intent of the code were to allow the MRC requirements be applied it would be the same requirement in both codes, also if the intent of the code was to treat R-2 differently than other uses in the Michigan Plumbing Code there would be an exception listed identifying R-2 buildings.

It is staff's recommendation that this be denied for several reasons. 1201 Island Dr. Unit: 2 is properly classified as R-2. The building department has required the proper permit work class for a commercial building. The plumbing inspector evaluated the project using the appropriate code (2021 MPC) for an R-2 building. Finally, there is nothing provided that demonstrates the impact of this installation on the plumbing system as a whole and at best is an assumption that it will function properly for unit #202 and no consideration for potential impacts to the other units downstream in the building.

This appeal does not meet the standards of approval. The violations documented do not meet the requirements of the 2021 Plumbing Code, the code has not been misinterpreted, the provisions of the 2021 Michigan Plumbing Code do apply, and the request to use the 2015 Michigan Residential Code are not equal or better than the requirements of the 2021 Michigan Plumbing code for this building.

Supplemental information provided by plumbing inspector Larry Craft

“Section 406.2 allows for a 2” trap but then the fixture drain must connect to a 3” or larger stack.

In this existing building they connected to a 2” stack in the wall and had an additional fixture (Laundry sink) connecting to a 2” stack that have other fixtures connected to it. In the residential code a 2” stack could be allowed depending on venting methods of the other fixtures connected but in the commercial code it is not. There is a code path (406.2) for approval (dependent on information of the other fixtures that were existing downstream) that I provided to the plumber and that is to remove the standpipe and then drain the washer into the laundry sink. The other issue is that this is on the second floor of multifamily building, and the contractor has not provided me with the information on what fixtures are connected to this on the floors beneath and how adding a laundry affects the other fixtures downstream.

-In the owner’s letter they are referencing the wrong code book. They are referencing the residential and not the commercial.

-a 2” stack can only receive 6 DFU’s (710.1 (2)) in 1 branch interval (every 8ft of pipe is considered a branch interval) in the photos they provided there is laundry standpipe (2 DFU’s) Laundry tray (2 DFU’s) and 1 lavatory (1 DFU) without knowing any of the fixtures downstream they could be overloading the system. Additional information is needed, and it was asked for in my inspection notes.”

Larry Craft, Development Service Inspector/ Plan Reviewer V

City of Ann Arbor | Guy C. Larcom City Hall | 301 E. Huron, 1st Floor • Ann Arbor • MI • 48104
734.794.6000 (O) • 734.794.0000 (F) | Internal Extension 42659

lcraft@a2gov.org | www.a2gov.org

PROPOSED MOTION

APPEAL GRANTED

That in Case BBA24-0007, **the appeal of the Building Official's decision** that Section 406.2 of the 2021 Michigan Plumbing Code applies to 1201 Island Dr. Unit 202 and not any provision of the 2015 Michigan Residential code applies is **GRANTED** relief from 406.2 of the 2021 Michigan Plumbing Code, and the Building Board of Appeals **REVERSES** the Building Official's decision for the reason(s) that:

- ☐ (1) The true intent of the 2021 Michigan plumbing Code section 406.2 governing automatic clothes washers at 1202 Island Rr. Unit:202 has been incorrectly interpreted by the Building Official;
- ☐ (2) The provisions of 2021 Michigan Plumbing Code section 406.2 do not apply to 1201 Island Dr. Unit 202;
- ☐ (3) The applicant has proposed an equal or better form of construction using the 2015 Michigan Residential Code.

Stipulations – if applicable

Yeas:

Nays:

Absent for this vote:

Date

Paul Darling, Chairperson
Building Board of Appeals

OR

APPEAL DENIED

That in Case BBA24-0007 **the appeal of the Building Official's decision** that section 406.2 of the 2021 Michigan Plumbing Code applies to 1201 Island Dr. unit:202. is **DENIED** and the Building Board of Appeals **AFFIRMS** the Building Official's decision for the reason(s) that:

- ☐ (1) The true intent of the 2021 Michigan plumbing Code section 406.2 has been correctly interpreted by the Building Official;
- ☐ (2) The provisions of 2021 Michigan Plumbing Code section 406.2 do not apply to 1201 Island Dr. Unit 202;
- ☐ (3) The applicant has proposed an equal or better form of construction using the 2015 Michigan Residential Code.

Stipulations – if applicable

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

Yeas:

Nays:

Absent for this vote:

Date

Paul Darling, Chairperson
Building Board of Appeals