



**MINUTES
OF
THE REGULAR MEETING OF
BUILDING BOARD OF APPEALS
OF
CITY OF ANN ARBOR**

FEBRUARY 14, 2001

The regular meeting of the Building Board of Appeals was held on Wednesday, February 14, 2001 at 1:00 p.m. in the Seventh Floor Conference Room of the City Center Building, 220 E. Huron, Ann Arbor, Michigan.

I. The meeting was called to order at 1:04 p.m. p.m. by Chairman Kenneth Winters.

II. Roll Call:

Members Present: (5) K. Winters, P. Darling, R. Reik, D. Darling, J. Wurst

Members Absent: (1) S. Callan

Staff Present: (3) C. Boulard, S. Rayburn, A. King

III. Approval of minutes

P. Darling moved, supported by R. Reik to approve the minutes of December 13, 2000. The minutes were approved unanimously.

P. Darling moved, supported by R. Reik to approve the minutes of January 10, 2001. The minutes were approved unanimously.

IV. APPEALS & ACTION - UNFINISHED

None.

V. APPEALS & ACTION - NEW

1. 2001-B-4, 1601 Pontiac Trail

Variance from 1996 BOCA 1204.1 to allow reduced ceiling heights in new finished residential basement spaces. (Chapter 98, 1996 BOCA 1204.1) Zone R1C.

Max Heirich and Mary Kerwin, owner of this property, were present to speak on behalf of this appeal.

Staff Report

The petitioner is proposing to finish portions of the basement of an existing residence for use as a family room, bedroom, study and laundry. The above referenced section of the Code requires a minimum 7'-0" ceiling height with soffits and the like less than 48" in width allowed to drop to 6'-6". The petitioner has indicated several areas where a ceiling height of 6'-10½" and 6'-3½" maximum will be available. No measures to provide equivalent levels of safety are proposed.

An application for an appeal needs to be based on a claim that:

- a. The true intent of the Code or the rules legally adopted have been incorrectly interpreted,
- b. The provisions of the Code do not fully apply, (or)
- c. An equivalent form of construction is to be used.

Staff

Staff does not support this request, as what is proposed is not as good or better than what the Code requires.

Discussion

M. Heirich stated that they are finishing the basement of this home. The main portion of the basement is code compliant. A height variance is being requested for a room in the basement that will be made into a guest bedroom. The room has an egress window.

Mr. Hierich would also like to insulate the furnace room area, so that the sound will not carry upstairs. The height in the furnace room area is just below 6.5 feet.

C. Boulard stated that the petitioner is finishing the basement to create a finished living space, that includes a bedroom, family room, study and laundry area. The ceiling height is required to be a minimum 7'0" for those uses. The soffits for ductwork, etc. may drop down to 6'6", provided that they are no more than 40" in width. The bedroom ceiling will dropped down to 6'-10½" and the beam/ductwork drops down to 6'3½".

M. Heirich stated that the home has hardwired-interconnected smoke detectors throughout the home and they will remain.

C. Boulard stated that the differences from the Code requirements are not great, no more than 2½", however, he still cannot support the variance.

After further discussion, the Board decided the following:

D. Darling moved, supported by J. Wurst, to grant a variance from 1996 BOCA 1204.1 for Appeal 2001-B-4, to allow reduced ceiling heights in a new finished residential basement spaces, based on the findings that this will be equivalent to what the Code requirements, with the following contingency:

- 1. Installation of hardwired spoke detectors in the basement interconnected with the existing detectors in the house per Fire Marshal's approval.**

The vote to grant the variance was as follows:

Ayes: (5) K. Winters, P. Darling, R. Reik, D. Darling, J. Wurst

Nays: (0) None

Absent: (1) S. Calan

Motion carried. Variance granted as stated.

- 2. 2001-B-6, 487 Dunnington**

A variance from 1996 BOCA 1204.1 to allow reduced ceiling heights in new finished residential spaces.

Jeff Brown, contractor, was present to speak on behalf of this appeal.

Staff

The petitioner is proposing to finish portions of the basement of an existing residence for use as an office and recreation room. The above referenced section of the Code requires a minimum 7'-0" ceiling height with soffits and the like less than 48" in width allowed to drop to 6'-6". The

petitioner has indicated several areas where a ceiling height of 6'-10" and 6'-3" maximum will be available. No measures to provide equivalent levels of safety are proposed.

An application for an appeal needs to be based on a claim that:

- a. The true intent of the Code or the rules legally adopted have been incorrectly interpreted,
- b. The provisions of the Code do not fully apply, (or)
- c. An equivalent form of construction is to be used.

Staff

Staff does not support this request, as what is proposed is not as good or better than what the code requires.

Discussion

J. Brown stated that the main area of the basement has a ceiling height of 7-ft.1-inch. The beam in the middle of the basement is 6-ft. 4-in. and will drop down to 6-ft.3-in. with the built-in soffit. Behind the beam are two furnace rooms, which exceed 48 inches. Behind the furnace rooms is a drop ceiling concealing water pipes, which has a height of 6-ft.10-inches. There is an existing smoke detector at the bottom of the stairs; another one will be added outside the office door in the drop ceiling area. Giving a total of two smoke detectors in the basement.

C. Boulard confirmed that there would be no sleeping in the basement. Mr. Boulard was not in support the variance. However, should the Board grant a variance, he suggested installing hardwired-interconnected smoke detectors throughout the house.

After further discussion, the Board decided the following:

D. Darling moved, supported by R. Reik, to grant a variance from 1996 BOCA 1204.1 for Appeal 2001-B-6, to allow reduced ceiling heights in new finished residential basement spaces, based on the findings that this will be equivalent to what the Code requires, with the following contingencies:

- 1. Minimum two (2) hardwired-interconnected smoke detectors in the basement per Fire Marshal's approval.**
- 2. No sleeping will be allowed in the basement.**
- 3. Ceiling heights and room dimensions per drawing submitted with the variance application.**

The vote to grant the variance was as follows:

Ayes: (5) K. Winters, P. Darling, R. Riek, D. Darling, J. Wurst

Nays: (0) None

Absent: (1) S. Callan

Motion carried. Variance granted as stated.

3. 2001-B-5, 1329 Olivia

A variance from 1996 BOCA 503.1 to allow additions to an existing nonconforming third floor of an existing residence.

Car. O. Hueter, architect, was present to speak on behalf of this appeal.

Staff

The petitioner is proposing to alter the existing third floor finished space to create a bathroom and guestroom. The work includes replacement of an existing noncompliant stair and addition of dormers to increase the ceiling height.

The above referenced section of the Building Code limits R-3 uses of type 5B construction to two stories. Living space above two stories is allowed as a mezzanine and is limited to one-third of the area of the floor below, a limit that is exceeded in this case.

The petitioner is proposing to provide interconnected smoke detectors throughout the house and provide egress windows (minimum 1 required) serving the third floor space as alternative means of protection.

An application for an appeal needs to be based on a claim that:

- a. The true intent of the Code or the rules legally adopted have been incorrectly interpreted,
- b. The provisions of the Code do not fully apply, (or)
- c. An equivalent form of construction is to be used.

Staff

Staff does not support this request, as what is proposed is not as good or better than what the Code requires.

Discussion

C. Hueter stated that the attic floor level has been finished, is insulated, and has drywall and electrical wiring in it. It is accessed by a steep stairway with an 8-in. vertical and a 7½-in. horizontal run. The owners are presently using the upper level for storage and an exercise area. They would like to expand the attic, by raising the dormers and installing a three-quarter bath and a little more living space. A Code compliant stairway will be installed, as well as egress windows out of the third floor space. Interconnected smoke detectors will also be added per Code on all floor levels.

C. Boulard stated that this is an existing third floor space, which is beyond the limits of 5B construction. Mezzanines are allowed up to 1/3 of the area of the floor below, however this room exceeds that. Given that this is finished space and people will use the area, the situation would be made better if the Board requires that hardwired-interconnected smoke detectors throughout the residence on all levels.

S. Rayburn also suggested installing hardwired-interconnected smoke detectors throughout the house.

After further discussion, the Board decided the following:

P. Darling moved, supported by to grant a variance from Appeal 2001-B-5, from the 1996 BOCA 503.1 to allow additions to an existing noncompliant third floor of an existing residence, to allow an access of 1/3 of the mezzanine, based on the findings that this would be equivalent to what the Code requires, with the following contingency:

- 1. Installation of hardwired-interconnected smoke detectors throughout the building per Fire Marshal's approval.**

The vote to grant the variance was as follows:

Ayes: (5) K. Winters, P. Darling, R. Reik, D. Darling, J. Wurst

Nays: (0) None

Absent: (1) S. Callan

Motion carried. Variance granted as stated.

- 4. 2001-B-7, 807/827 Asa Gray**

Variance from 1996 BOCA 709.6 and 713.4 to allow unprotected openings in rated assemblies in new townhouse buildings. (Chapter 98, 1996 BOCA 709.6, 1996 BOCA 713.4) Zone PUD.

Petitioner requested tabling this appeal until next month.

- 5. 2001-B-8, 315 N. Main**

Variance from 1996 BOCA 705.3 to allow unprotected openings in a rated exterior wall adjacent to a property line. (Chapter 98, BOCA 705.3) Zone C2B/R.

Michael Van Goor, architect, was present to speak on behalf of this appeal.

Staff Report

The petitioner is constructing an addition to an existing business building. The north wall of the addition is located 8" from the property line and per 705.2 is required to have a 2-hour rating. Per 705.3 unprotected openings such as windows are not allowed. The petitioner proposes to install unprotected window openings totaling 3.5% of the wall. A limited area sprinkling system with heads over the windows and interconnected smoke detectors throughout the building is proposed to provide additional measures of safety.

An application for an appeal needs to be based on a claim that:

- a. The true intent of the Code or the rules legally adopted have been incorrectly interpreted,
- d. The provisions of the Code do not fully apply, (or)
- e. An equivalent form of construction is to be used.

Staff

Staff cannot support this request, as what is required does not equal or exceed the Code requirements.

Discussion

D. Darling stated that his firm has worked with Van Goor Architects in the past, and felt that he did not need to be disqualified from voting on this appeal.

M. Van Goor stated that they would like to provide window openings in the north wall addition of the structure at 315 N. Main. Mr. Van Goor is proposing a limited area sprinkler system at the inside wall above each window opening to prevent the spread of fire from floor to floor and from building to building.

C. Boulard stated that the alarm system and the fire suppression do provide an additional level of safety, how much is not known. As a result, Mr. Boulard was unable to support the variance. Should the Board grant a variance, a condition should be included to require the openings to be filled in with rated construction if a building is built closer than the existing property line.

S. Rayburn stated that he is in support of the variance. The sprinkler system helps in protecting the window exposure as well as the interior of the building.

R. Reik moved, supported by P. Darling, to grant a variance from 1996 BOCA 705.3 to allow unprotected openings in a rated exterior wall adjacent to the property line, based on the findings that this is an equivalent form of construction, with the following contingencies:

- 1. Limited area sprinkler system with heads over openings in north elevation per Fire Marshal's approval.**

2. **Owner will infill noncompliant north wall openings with required rated construction if, at any time in the future, construction takes place on the adjacent property within 5'-0" of the property line.**
3. **Installation of hardwired-interconnected smoke detectors throughout the building per Fire Marshal's approval.**

The vote to grant the variance was as follows:

Ayes: (5) K. Winters, P. Darling, R. Reik, D. Darling, J. Wurst

Nays: (0) None

Absent: (1) S. Callan

Motion carried. Variance granted as stated.

6. 2001-B-9, 2128 Wallingford

A variance from 1996 BOCA 1204.1, 1005.3, 1606.0 and 1017.3 to allow conversion of an existing attic served by non-compliant egress to be finished as non-compliant living space.

Allan Lutes, contractor, and Robert Boonin, owner, were present to speak on behalf of this appeal.

Staff Report

The petitioner is proposing to finish portions of an existing unfinished attic for use as a bedroom and bathroom. The proposed space will be non-compliant in the following areas:

4. Ceiling Height: 1204.1.2. This section of the code requires minimum 7'-0" ceiling height for not less than one half of the ceiling area over 5'-0". Approximately 31% of the ceiling height of the new space would be 7'-0' or higher.
5. Means of Egress: 1005.3. Although the attic area surrounding the stair to the first floor is existing, this area provides egress for the proposed new finished space. A minimum of 80" head height is required at means of egress. In this case a portion of the existing ceiling over the egress path slopes to a minimum of 6'-2" along one side of the egress path.
6. Live Loads: 1606.0. The framing currently in place and proposed to remain below the new finished space is sufficient to carry the minimum floor live loads.
7. Sizes of Doors: 1017.3. Due to the above referenced ceiling height issues, a maximum 6'6" bedroom door height would be possible versus the required 6'8".

No measures above and beyond the minimum code requirements are proposed to provide increased levels of safety.

An application for an appeal needs to be based on a claim that:

- f. The true intent of the Code or the rules legally adopted have been incorrectly interpreted,
- g. The provisions of the Code do not fully apply, (or)
- h. An equivalent form of construction is to be used.

Staff

Staff cannot support these requests. Of particular concern are the floor structure inadequacies and the ceiling height issues. Financial hardship cannot be considered in decisions to grant a variance.

Discussion

A. Lutes stated that this home has a practically finished upper level. The roof is a gabled roof with a ridge board running through it. This created a sloping ceiling through the area. The ceiling height is a little over eight feet near the ridge board. The existing space and the proposed finished space will have a finished space of approximately 13'-6" to 13'-10", therefore obtaining over 50% of the floor area that has a ceiling height less than 7'. One outside wall is 56½" from floor to ceiling and the other outside wall is 58½ inches.

Mr. Lutes would like to finish the remaining portion of the space for a child's bedroom and bathroom area. This requires walking through the existing finished space to reach the bedroom. In addition to the ceiling height concern, based on the placement of the stairway, a portion of the egress pathway would be in the sloping ceiling area under seven feet. The floor joists in this area are 2 x 6 material that is spaced 16" on center. There are a couple of points in the floor where the span would exceed the existing live load span requirements of the BOCA Code. There is an egress window in the proposed bedroom, and there are hardwired-interconnected smoke detectors inside the bedroom and in the upper level. The rest of the structure is currently served by battery-operated smoke detectors.

Mr. Lutes is proposing to finish the space in the sloping ceiling and leave the existing finished space in its current state without making alterations.

C. Boulard stated that the Code requires the ceiling height to be a minimum of 7-ft. The means of egress has a requirement of a minimum of 6'2" ceiling height.

Mr. Boulard stressed with the ceiling height, means of egress, and the live loads issues, stating that they all are all very significant issues. Given the four requested variances, the only variance that he could support is the variance for the door heights.

S. Rayburn stated that hardwired-interconnected smoke detectors throughout the house are a good starting point. He was not in support of a variance for the live loads and the means of egress.

After further discussion with the Board, the following was decided:

- 1. R. Reik moved, supported by P. Darling, to grant a variance from 1996 BOCA 1204.1.2 to allow reduced ceiling heights per the attached drawing, based on the findings that the Code does not apply.**

The vote to grant the variance was as follows:

Ayes: (0) None

Nays: (5) K. Winters, P. Darling, R. Reik, D. Darling, J. Wurst

Absent: (1) S. Callan

Motion carried. Variance denied.

- 2. P. Darling moved, supported by R. Reik, to grant a variance from 1996 BOCA 1005.3 to allow a noncompliant means of egress to be a minimum of 6'2" along one side of the stairway, based on the findings that the Code does not apply.**

The vote to grant the variance was as follows:

Ayes: (0) None

Nays: (5) K. Winters, P. Darling, R. Reik, D. Darling, J. Wurst

Absent: (1) S. Callan

Motion carried. Variance denied.

- 3. P. Darling moved, supported by R. Reik, to grant a variance from 1996 BOCA 1606.0 to allow a reduction in the minimum live loads required for this space, based on the findings that the Code does not apply.**

The vote to grant the variance was as follows:

Ayes: (0) None

Nays: (5) K. Winters, P. Darling, R. Reik, D. Darling, J. Wurst

Absent: (1) S. Callan

Motion carried. Variance denied.

- 4. P. Darling moved, supported by R. Reik, to grant a variance from 1996 BOCA 1017.3 to allow a door height of 6'6" for the door leading into the bedroom, based on the findings that the Code does not apply, with the following contingency:**
 - a. Installation of hardwired-interconnected smoke detectors per Fire Marshal's approval.**

The vote to grant the variance was as follows:

Ayes: (0) K. Winters, P. Darling, R. Reik, D. Darling, J. Wurst

Nays: (5) None

Absent: (1) S. Callan

Motion carried. Variance granted as stated.

VI. UNFINISHED BUSINESS

None.

VII. NEW BUSINESS

None.

VIII. REPORTS & COMMUNICATIONS

C. Boulard informed the Board that Anissa King has taken on a new position with the City Clerk's Office. All communications should be given to Phyllis Green until a replacement is found for Anissa.

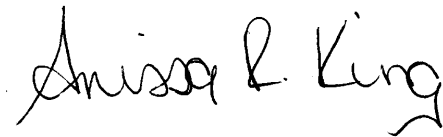
IX. AUDIENCE PARTICIPATION - GENERAL

None.

X. ADJOURNMENT

There being no further business to come before the Board, D. Darling moved that the meeting be adjourned. The meeting was adjourned at 2:10 p.m. by Chairman Kenneth Winters.

Respectfully submitted,



Anissa R. King, Secretary
Building Board of Appeals

Kenneth Winters, Chairman

Dated