



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

March 14, 2001

The regular meeting of the Building Board of Appeals was held on Wednesday, March 14, 2001 at 1:00 p.m. in the Seventh Floor Conference Room of the City Center Building, 107 N. Fifth Avenue, Ann Arbor, Michigan.

I. The meeting was called to order at 1:07 p.m. by Chairman Kenneth Winters.

II. Roll Call:

Members Present: (5) K. Winters, S. Callan, P. Darling, R. Reik,
D. Darling

Members Absent: (1) J. Wurst

Staff Present: (2) C. Boulard, A. King

III. Approval of minutes

Minutes not available.

IV. APPEALS & ACTION - UNFINISHED

None.

V. APPEALS & ACTION - NEW

1. 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 apartments buildings. (Chapter 98, 1996 BOCA 709.6, 1996 BOCA 713.4) Zone PUD.

G. Schwinn was present to speak on behalf of this appeal.

Staff Report

The petitioner is constructing two new apartment buildings. In order to achieve the desired height and sizes of the buildings in the desired construction type the Building Code requires automatic fire suppression per NFPA-13 and protected construction. 5A or protected combustible construction allows these increases in height and area due to the additional safety and property protection afforded by the enclosure of structural components in fire rated assemblies. As such, 709.6 and 713.4 of the code require that specified openings into these assemblies be provided with fire resistance measures such as penetration protections for piping and fire dampers for ductwork.

The petitioner proposes to eliminate duct fire dampers in rated assemblies within each unit and provide them only in partitions and floors between dwelling units.

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 is strongly opposed to the granting of this variance. Certainly actual emergency situations have shown that occupants cannot be guaranteed of being evacuated from buildings within the first few minutes following an emergency situation and very clearly what is proposed is not equal to or better than what the code requires. In addition to the fact that granting of an appeal would further reinforce what could be viewed as a dangerous precedent.

Discussion

G. Schwinn explained request, along with an additional letter from BOCA to pass to the Board members.

C. Boulard stated he spoke with Fire Marshall Rayburn regarding this variance and the Fire Marshal has no objections.

P. Darling expressed concern regarding the openings in the building.

After further discussion, the Board decided.

S. Callan moved, supported by, R. Reik to grant a variance from 1996 BOCA 709.6 and 713.4 to allow unprotected openings in rated assemblies in new apartment building. These unprotected openings are allowed for duct penetrations within the individual residential units only.

The vote to grant the variance was as follows:

Ayes: (4) K. Winters, S. Callan, P. Darling, D. Darling

Nays: (1) R. Reik

Absent: (1) J. Wurst

Motion carried. Variance granted as stated.

2. 2001-B-10, 220 E. Ann

Variance from 1996 BOCA 3203.4 to install decorative building elements projecting into the public Right of Way in excess of that allowed. (Chapter 98, 1996 BOCA 3203.4) Zone C2A.

David Esau and John Bowditch were present to speak on behalf of this appeal.

Staff Report

The petitioner is proposing to install a decorative sundial on the face of an existing building. The proposed structure extends a maximum of 9'-4" into the public right of way as opposed to the 12" maximum allowed by the Building Code.

The petitioner has indicated that the structure is approximately 25' above the sidewalk.

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

D. Esau explained request.

C. Boulard stated he was not sure if he could support this request based on the requirements of the code.

P. Darling asked if a sign would be able to stick out as far as this is requested.

C. Boulard stated, he thought signs were limited to less than the request.

K. Winters expressed concerned regarding the anchoring of the addition, and that it is secured.

After further discussion the Board decided.

S. Callan moved, supported by, P. Darling to grant a variance to install decorative building elements projecting into the public right of way in excess of that allowed by 1996 BOCA 3203.4 with the following contingencies:

- 1. The fixture mounting will be designed by a licensed design professional with a safety factor of 10.**

The vote to grant the variance was as follows:

Ayes: (5) K. Winters, S. Callan, P. Darling, R. Reik, D. Darling

Nays: (0) None

Absent: (1) J. Wurst

Motion carried. Variance granted as stated.

- 3. 2001-B-11, 1635 Plymouth Road**

Variance from 1996 BOCA 1014.6 to allow non-compliant stairs in a commercial building. (Chapter 98, 1996 BOCA 1014.6) Zone PUD.

Derrick Oxender was present to speak on behalf of this appeal.

Staff Report

The petitioner has constructed a new quick oil change facility and constructed a set of catwalk stairs with 8-1/4" risers and 10" treads. The above referenced section of the Building Code requires a maximum 7" riser and minimum 11" treads for stairs of this type. No alternatives to provide an equivalent level 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 cannot support this request, as what is proposed is not as good or better than what the code requires.

Discussion

D. Oxender explained request.

K. Winters expressed concern regarding the platform.

C. Boulard asked if a walkway could be added at the end of the platform.

D. Oxender stated there are oil tanks between the spaces in the basement.

After further discussion, the Board decided.

P. Darling moved, supported by, S. Callan to grant a variance from 1996 BOCA 1014.6 and 1022.2.3 to allow non-compliant stairs and guards in a commercial building with the following contingencies:

- 1. **The building is fully fire suppressed within the suite.**
- 2. **The treads and risers are 10" minimum, 8-1/4" maximum.**
- 3. **Access to the lower level is limited to employees.**
- 4. **Guard/handrail extensions will not block stair width.**

The vote to grant the variance was as follows:

Ayes: (5) K. Winters, S. Callan, P. Darling, R. Reik, D. Darling

Nays: (0) None

Absent: (1) J. Wurst

Motion carried. Variance granted as stated.

4. 2001-B-12, 1522 Woodland Drive

Variance from 1996 BOCA 1204.1 to allow reduced ceiling heights in new-finished areas in an existing basement. (Chapter 98, 1996 BOCA 1204.1) Zone R1C.

Barry Miller and Mary Miller were present to speak on behalf of this appeal.

Staff Report

The petitioner proposes to finish areas of the basement of an existing single family residence for use as a study/den, bathroom, and recreation room. The Building Code requires a minimum 7'-0" ceiling height in spaces of this type with soffits and the like less than 48" wide allowed to drop to 6'-6". The petitioner has indicated that a maximum 6'-10" ceiling height is possible with a 82" wide soffit dropping to 6'-2". The petitioner has proposed three (3) smoke detectors wired to upstairs alarms and no basement sleeping as alternatives to compliance.

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

B. Miller explained the request.

C. Boulard gave a detailed explanation to the Board.

C. Boulard asked if there were smoke detectors in the bedrooms.

M. Miller stated there was a smoke detector in the hallway.

After further discussion, the Board decided.

P. Darling moved, supported by, S. Callan to grant a variance from 1996 BOCA 1204.1 to allow reduced ceiling heights in new finished areas in an existing basement to allow a soffit up to 82" wide to drop to a minimum of 6'-2" above the floor and a minimum 6'-10" ceiling height in the remainder of the space, with the following contingencies:

- a. No sleeping will be allowed in the basement.**
- b. Hard wired interconnected smoke detectors throughout the residence per Fire Marshal approval.**

The vote to grant the variance was as follows:

Ayes: (4) K. Winters, S. Callan, P. Darling, D. Darling

Nays: (1) R. Reik

Absent: (1) J. Wurst

Motion carried. Variance granted as stated.

5. 2001-B-13, 120 S. State

Variance from 1997 International Plumbing Code 405.3.1 to allow reduced stall length in a toilet stall not required to be accessible. (Chapter 98, 1997 IPC 405.3.1) Zone C2A/R.

Craig Spiegel was present to speak on behalf of this appeal.

Staff Report

The petitioner is making alterations to an existing building including upgrades of restrooms. In one area, the existing construction does not allow for installation of the required 60" toilet stall. A length of 4'-7" ± is indicated.

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 is not opposed to this request as this is not a life safety issue, the required accessible fixtures are provided, and the facilities as proposed are a great improvement to the previously existing situation.

Discussion

C. Spiegel explained request

D. Darling informed the Board he would not vote on this Appeal.

P. Darling asked if the stall could be made wider to make up the difference.

C. Spiegel stated it would be difficult to make the other stall wider, due to the location of the corridor wall.

After further discussion, the Board decided.

S. Callan moved, supported by, P. Darling to grant a variance to allow reduced stall length in a toilet stall not required to be accessible.

The vote to grant the variance was as follows:

Ayes: (4) K. Winters, S. Callan, P. Darling, R. Reik

Nays: (0) None

Absent: (1) J. Wurst

Motion carried. Variance granted as stated.

6. 2001-B-14, 3947 Research Park Drive

Variance from 1999 National Electrical Code 500-7 to allow reduced hazard requirements for equipment in an emissions testing area. (Chapter 98, 1999 NEC 500-7) Zone RE.

Adam Desmarais and Dennis Darling were present to speak on behalf of this appeal.

Staff Report

The petitioner proposes to construct a new automotive emissions testing facility within an existing building. This test procedure involves transport and transfer of several gallons of gasoline within the structure and into the vehicle. As such, the electrical equipment in the test area must comply with the requirements of a Class I, Division 1 location. The petitioner proposes that the specific configuration of the test apparatus provides an equivalent level 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,
- b. The provisions of the Code do not fully apply, (or)
- c. An equivalent form of construction is to be used.

Staff

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

Discussion

A. Desmarais explained request.

D. Darling stated, the fuel cart would only be brought in when a test is being done; also stating the fuel is stored in a separate room.

C. Boulard asked if it would be possible to wire the hydrocarbon sensors to a switch that would cut the power to any of the electrical equipment that is in the room below 42”.

A. Desmarais stated this could be done.

After further discussion, the Board decided.

S. Callan moved, supported by, P. Darling to grant a variance from 1999 National Electrical Code 500-7 to allow reduced hazard requirements for equipment in a room containing an emissions testing chamber with the following contingencies:

- a. **Hydrocarbon detectors installed outside the test chamber will de-energize all electrical conductors and equipment mounted less than 48" above the floor of the room containing the test chamber.**
- b. **A wall mounted emergency push disconnect switch will cut power to the equipment in (a) above and the fuel cart.**
- c. **Activation of smoke and fire detectors will shut down the room exhaust fan(s).**
- d. **Provide thresholds or door seals at room openings to contain vapors.**
- e. **Light switch(s) for room lighting must be outside the room.**

The vote to grant the variance was as follows:

Ayes: (4) K. Winters, S. Callan, P. Darling, R. Reik

Nays: (0) None

Absent: (1) J. Wurst

D. Darling abstained from voting on this appeal.

Motion carried. Variance granted as stated.

VI. UNFINISHED BUSINESS

The Board discussed Hidden Valley Dr.

VII. NEW BUSINESS

None.

VIII. REPORTS & COMMUNICATIONS

None.

IX. AUDIENCE PARTICIPATION - GENERAL

None.

X. ADJOURNMENT

There being no further business to come before the Board, moved that the meeting be adjourned. The meeting was adjourned at 2:56 p.m. by Chairman Kenneth Winters.

Respectfully submitted,

Lynn Bowen

Lynn Bowen, Secretary
Building Board of Appeals

Kenneth Winters, Chairman

Dated

3-14-01 BBA Minutes