



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

July 11, 2001

The regular meeting of the Building Board of Appeals was held on Wednesday, July 11, 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 1:05 p.m. by Chairman Samuel Callan in the absence of Kenneth Winters.

II. Roll Call:

Members Present: (4) S. Callan, R. Reik, D. Darling, J. Wurst

Members Absent: (2) K. Winters, P. Darling

Staff Present: (3) C. Boulard, R. Heemstra, L. Bowen

III. Approval of minutes

Minutes were not available.

IV. APPEALS & ACTION - UNFINISHED

1. 2001-B-33, 807 Mt. Vernon

An exception from Chapter 98, Ann Arbor City Code to allow a new sump pump serving foundation drains to discharge to grade. (Chapter 98, Ann Arbor City Code P-1101.3) Zone R1C.

David Kaminsky was present to speak on behalf of this appeal.

Staff Report

The petitioner proposes to install a new sump pump serving footing drains to discharge to grade. Section P-1101.3 of the above ordinance requires that this discharge be connected to the storm sewer where available. Storm sewer is available in the Right-of-Way fronted by the property. The Building Department's grading inspector has examined the site and determined that surface discharge cannot be ruled out as a nuisance to the adjacent properties.

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 required is not as good or better than the requirements of the code.

Discussion

THIS APPEAL WAS WITHDRAWN

V. APPEALS & ACTION - OLD

1. 2001-B-34, 602 W. Washington

An exception from Chapter 98, Ann Arbor City Code to allow a new sump pump serving foundation drains to discharge to grade. (Chapter 98, Ann Arbor City Code P-1101.3) Zone R2A.

David Kaminsky was present to speak on behalf of this appeal.

Staff Report

The petitioner proposes to install a new sump pump serving footing drains to discharge to grade. Section P-1101.3 of the above ordinance requires that this discharge be connected to the storm sewer where available. Storm sewer is available in the Right-of-Way fronted by the property. The Building Department's grading inspector has examined the site and determined that surface discharge cannot be ruled out as a nuisance to the adjacent properties.

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 required is not as good or better than the requirements of the code.

Discussion

THIS APPEAL WAS WITHDRAWN

2. 2001-B-35, 2538 Easy Street

An exception from Chapter 98, Ann Arbor City Code to allow a new sump pump serving foundation drains to discharge to grade. (Chapter 98, Ann Arbor City Code P-1101.3) Zone R1B.

David Kaminsky was present to speak on behalf of this appeal.

Staff Report

The petitioner proposes to install a new sump pump serving footing drains to discharge to grade. Section P-1101.3 of the above ordinance requires that this discharge be connected to the storm sewer where available. Storm sewer is available in the Right-of-Way fronted by the property. The Building Department's grading inspector has examined the site and determined that surface discharge cannot be ruled out as a nuisance to the adjacent properties.

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 required is not as good or better than the requirements of the code.

Discussion

THIS APPEAL WAS WITHDRAWN

3. 2001-B-36, 611 Revena

An exception from Chapter 98, Ann Arbor City Code to allow a new sump pump serving foundation drains to discharge to grade. (Chapter 98, Ann Arbor City Code P-1101.3) Zone R1C.

David Kaminsky was present to speak on behalf of this appeal.

Staff Report

The petitioner proposes to install a new sump pump serving footing drains to discharge to grade. Section P-1101.3 of the above ordinance requires that this discharge be connected to the storm sewer where available. Storm sewer is available in the Right-of-Way fronted by the property. The Building Department's grading inspector has examined the site and determined that surface discharge cannot be ruled out as a nuisance to the adjacent properties.

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 required is not as good or better than the requirements of the code.

Discussion

THIS APPEAL WAS WITHDRAWN

4. 2001-B-26, 524 S. Main

An exception from 1996 BOCA 1020.1 and 717.1 to allow unprotected openings into a rated exit discharge enclosure. (Chapter 98, 1996 BOCA 1020.1, 717.1) Zone C2B/R.

Jerry Spears was present to speak on behalf of this appeal.

Staff Report

The petitioner is constructing a new multi-story office building. One of the exit stair towers discharges to the exterior through an interior lobby space and per 1020.1 this space must be protected with fire separations equal to the stair enclosure, in this case, 1 Hour. Per 717.1 openings into this lobby must bear a 45 min. rating. The petitioner proposes to install a non-rated door and sidelight assembly and a sprinkler head on each side of this door as an equivalent to the Code.

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

J. Spears explained the request.

C. Boulard explained request in detail to the Board members

J. Spears stated there are sprinklers in portions of the building and there will also be sprinklers in the lobby.

R. Heemstra expressed his concern regarding the lobby area; Mr. Heemstra also mentioned there have been several complaints concerning fire doors being propped open.

R. Heemstra stressed again the importance of sprinkler heads.

D. Darling moved, supported by R. Reik to grant an exception from 1996 BOCA 1020.1 and 717.1 to allow unprotected openings into a rated exit discharge enclosure with the following contingencies:

1. **A sprinkler head installed on each side of the door assembly, and two sprinkler heads are installed in the vestibule area per Fire Marshall approval.**

The vote to grant the variance was as follows:

Ayes: (4) S. Callan, R. Reik, D. Darling, J. Wurst

Nays: (0) None

Absent: (2) K. Winters, P. Darling

Motion carried. Variance granted as stated.

VI. APPEALS & ACTION - NEW

1. 2001-B-39, 2612 White Oak

Variance from 1996 BOCA 1204.1 to allow reduced ceiling heights for new-finished areas in the basement of an existing residence. (Chapter 98, 1996 BOCA 1204.1) Zone R3.

Paul LaRoe was present to speak on behalf of this appeal.

Staff Report

The petitioner is proposing to finish portions of an existing residential basement for use as family room and workshop. The above referenced portion of the Code requires minimum 7'-0" ceiling height in the new finished areas. Beams, soffits and the like are allowed to protrude down to a minimum of 6'-6" above the finished floor provided the maximum width is less than 4'.

The petitioner has indicated reduced ceiling height is possible below a soffit approximately 5'-8" wide. Available height is not indicated. No alternative measures 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 does not exceed the requirements of the Code. If however, the Board should be inclined to grant an exception, staff suggests consideration be given to requiring hard-wired interconnected smoke detectors throughout the structure.

Discussion

P. LaRoe explained request

C. Boulard explained since there were only 4 members present, the petitioner has the right to request to postpone before the vote.

R. Heemstra asked how many smoke detectors were in the basement.

P. LaRoe stated, one in the mechanical room, the bedroom area and one in the recreation room area.

R. Heemstra asked if there were egress windows coming out of the bedroom.

P. LaRoe stated yes.

R. Heemstra stated he would prefer that there be no sleeping in the basement area.

After further discussion the Board decided.

R. Reik moved, supported by **J. Wurst** to grant a variance from 1996 BOCA 1204.1 to allow reduced ceiling heights for new-finished areas in the basement of an existing residence. To allow ceiling height of 6 ft. 10 inches under a soffit in the family recreation room which is approximately 5 ft. 8 inches wide and 6 ft. 10 inches under a soffit of 9 ft. 4 inches wide in the music room with the following contingencies:

1. **Installation of hardwired interconnected smoke detectors throughout the residence per Fire Marshall approval.**

D. Darling stated he didn't understand if there will be sleeping in the basement or not.

J. Wurst stated it shouldn't be a sleeping room.

P. LaRoe asked about the safety hazards, and stated he feels all bases are covered

J. Wurst asked if the inspection would be different if it was a bedroom

C. Boulard stated it was possible it could be different.

After further discussion, the previous motion was withdrawn and re-stated.

R. Reik moved, supported by J. Wurst to grant a variance from 1996 BOCA 1204.1 to allow reduced ceiling heights for new-finished areas in the basement of an existing residence. To allow ceiling height of 6 ft. 10 inches under a soffit in the family recreation room which is approximately 5 ft. 8 inches wide and 6 ft. 10 inches under a soffit of 9 ft. 4 inches wide in the music/bedroom room with the following contingencies:

- 1. Installation of hardwired interconnected smoke detectors throughout the residence per Fire Marshall approval.**
- 2. A sprinkler head will be installed in the mechanical room.**
- 3. Final Inspection verifies that all other code issues associated with the mechanical room adjacency to the bedroom have been met.**

The vote to grant the variance was as follows:

Ayes: (4) S. Callan, R. Reik, D. Darling, J. Wurst

Nays: (0) None

Absent: (2) K. Winters, P. Darling

Motion carried. Variance granted as stated.

- 2. 2001-B-38, 337 Maynard**

Variance from 1996 BOCA 705.3 to allow unprotected openings in a rated exterior wall adjacent to a property line. (Chapter 98, 1996 BOCA 705.3)Zone C2A.

J. Spoon was present to speak on behalf of this appeal.

Staff Report

The petitioner is constructing a new mixed-use building. The east wall of the addition is located on the property line and per 705.2 is required to have up to a 2 Hour rating. Per 705.3 unprotected openings such as windows are not allowed. The petitioner proposes to install unprotected window openings totaling 12% of the wall. A deluge fire protection system over the windows is proposed to provide an additional measure of safety. The petitioner intends to consider a private alley on the adjacent property as maintaining an effective fire separation distance of 11'-0".

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 required does not equal or exceed the code requirements.

Discussion

J. Spoon explained request

C. Boulard asked Fire Marshal if there should be any additional sprinkler heads installed.

R. Heemstra stated, it would depend on the placement of the sprinkler heads.

After further discussion, the Board decided.

J. Wurst moved, supported by D. Darling to grant a variance from 1996 BOCA 705.3 to allow unprotected openings in a rated exterior wall adjacent to a property line was granted with the following contingencies:

- 1. If building construction takes place adjacent to the property in the alleyway, the openings will be closed with appropriate rated constructed.**
- 2. The window openings be protected by a deluge fire protection system.**

The vote to grant the variance was as follows:

Ayes: (4) S. Callan, R. Reikl, D. darling, J. Wurst

Nays: (0) None

Absent: (2) K. Winters, P. Darling

Motion carried. Variance granted as stated.

3. 2001-B-40, 1044 Olivia

Variance from 1996 BOCA 705.3 to allow unprotected openings in a rated exterior wall adjacent to a property line. (Chapter 98, 1996 BOCA 705.3) Zone R2A.

M. Rueter was present to speak on behalf of this appeal.

Staff Report

The petitioner is constructing an addition to an existing residence. The south wall of the addition is located 2'-2" from the property line and per 705.2 is required to have a 1 Hour rating. Per 705.3 unprotected openings such as windows are not allowed. The petitioner proposes to install unprotected window openings totaling 5% of the wall. A detached garage on the adjacent property is 8.5' from the proposed addition for an effective fire separation distance of 4.25'.

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 required does not equal or exceed the code requirements.

Discussion

M. Rueter explained request

Marjorie Checkoway also spoke also on behalf of this appeal as well as explaining why she wanted the bay window.

M. Rueter stated there is no adjacent house and the garage is approximately 8 ft. away from the property line.

R. Reik asked if there were any smoke detectors in the house.

M. Rueter stated, there are smoke detectors but they are not hardwired and interconnected.

R. Reik moved, supported by D. Darling to grant a variance from 1996 BOCA 705.3 to allow unprotected openings in a rated exterior wall adjacent to a property line with the following contingencies:

1. The windows openings will be closed, if building construction takes place close to the property line by the neighbors.
2. Installation of hardwired interconnected smoke detectors throughout the house per Fire Marshal's approval.

The vote to grant the variance was as follows:

Ayes: (4) S. Callan, R. Reik, D. Darling, J. Wurst

Nays: (0) None

Absent: (2) K. Winters, P. Darling

Motion carried. Variance granted as stated.

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, S. Callan moved that the meeting be adjourned. The meeting was adjourned at 2:05 p.m. by Chairman Samuel Callan in the absence of Kenneth Winters.

Respectfully submitted,

Lynn Bowen

Lynn Bowen, Secretary
Building Board of Appeals

Kenneth Winters, Chairman

Dated

7-11-01 BBA Minutes