



**APPROVED MINUTES OF THE REGULAR MEETING OF  
THE BUILDING BOARD OF APPEALS  
OF THE CITY OF ANN ARBOR  
SEPTEMBER 13, 2006 CITY COUNCIL CHAMBERS**

I. **MEETING CALLED TO ORDER**

Chair Kenneth Winters called the meeting to order at 1:37 p.m.

II. **ROLL CALL**

Present: Kenneth Winters, Samuel Callan, Paul Darling, Roger Reik, Robert Hart and Alex Milshteyn (Alternate Observing – Non-Voting). (6)

Absent: Dennis Darling, Alternate (1)

Chair Kenneth Winters welcomed new Alternate Alex Milshteyn to the Board.

III. **APPROVAL OF MINUTES**

Regular Meetings of July 12 and August 9, 2006

July 12<sup>th</sup>, 2006 – Corrections: Lines 117 (S. Callan, not D. Callan), 119 (should state “to allow installation without the Type II Hood, as it is not required for the device when reheating previously cooked food,”) Line 452 (“where” the existing space.... And not ‘here’ the existing space).

“Moved by S. Callan, Seconded by K. Winters, **“to approve the July 12<sup>th</sup>, 2006 minutes as amended.”**”

**On a Voice Vote – MOTION PASSED – UNANIMOUS**

August 9<sup>th</sup>, 2006 – Corrections: Lines 165 (strike ‘exterior’ and add ‘interior’ sprinkler heads). Line 167 (strike “interior” and replace with “exterior”), Line 138 (strike “following” and add “allowing”).

Moved by Paul Darling, Seconded by R. Hart, **“to approve the August 9<sup>th</sup>, 2006 minutes as amended.”**”

**On a Voice Vote – MOTION PASSED – UNANIMOUS**

IV. **APPEALS & ACTION - UNFINISHED**

1. **2006-B-27 – 217 North Division Street**

Requesting a variance from Sections ~~1009.2~~, 1009.3, ~~1009.4~~ and 1009.11.5 of the 2003 Michigan Residential Code:

49 ~~1. 1009.2 – “Stairways shall have a minimum headroom clearance of 80 inches~~  
50 ~~measured vertically from a line connecting the edge of the nosings.”~~

51  
52 2. 1009.3 – “In occupancies within dwelling units in Group R-2 ... the maximum  
53 riser height shall be 7.75 inches and the minimum tread depth shall be 10  
54 inches.”

55  
56 ~~3. 1009.4 – “There shall be a floor or landing at the top and bottom of each~~  
57 ~~stairway. Doors opening onto a landing shall not reduce the landing to less than~~  
58 ~~one half the required width.”~~

59  
60 4. 1009.11.5 – “Handrails shall return to a wall, guard or the walking surface or  
61 shall be continuous to the handrail of an adjacent stair flight. Where handrails are  
62 not continuous between flights, the handrails shall extend horizontally at least 12  
63 inches beyond the top riser and continue to slope for the depth of one tread  
64 beyond the bottom riser.”

65  
66 Petitioner Scott Diels was present to speak on the variance. I was asked to look at the possibility  
67 of changing the stair and the other two issues were the handrail at the bottom of the stair and the  
68 door swinging on the landing. The stair is an internal stair and not an egress stair – within the unit  
69 itself. The owner is willing to make the door an accordion door, which would keep the doorway  
70 from obstructing the egress and still give privacy for the room on the third level.

71  
72 A. Savoni – By doing this, he’s meeting code. I’m still concerned with the door swing, but if  
73 modified, it’s not a concern.

74  
75 R. Heemstra – Request that building wide, hard-wired smoke detectors be installed throughout  
76 (Petitioner states that this is already installed in the rest of the home and will be installed on the  
77 third floor.)

78  
79 R. Hart – Question regarding the landing. K. Winters – Questions headroom.

80  
81 After discussion by the board, it was decided that only two out of the four originally requested  
82 variances are needed (see stricken variance language above). Variances will be on the rise and  
83 run and handrail extensions.

84  
85 **MOTION**

86  
87 Moved by P. Darling, Seconded by R. Reik, “that the board grant a Variance for Appeal  
88 Number 2006-B-27 – 217 North Division Street, from the 2003 Michigan Residential Building  
89 Code, Section 1009.3 and 1009.11.5 to allow the existing stairway to remain in place that  
90 has a 7 7/8” rise and an 8 ¾” run and we find this is compliant with Section 3406.3 of the  
91 existing building code and also allow the omission of the hand rail extension at the bottom  
92 of the stairway.”

93  
94 On a Voice Vote – MOTION PASSED – **UNANIMOUS – Variance Granted**

95  
96 2. **2006-B-23 – 910 Woodlawn Avenue**

97  
98 Requesting a variance from the following three sections of the 2003  
99 Michigan Residential Code: R305.1, R311.4.2.1 and R311.5.2.

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112
1. R305.1 which requires a 7 foot 0 (zero) inch ceiling height in a basement with habitable space, and allows beams/girders not less than 4 feet on center to project below, a maximum of 6 inches.
  2. R311.4.2.1 that requires interior doors be not less than 6 feet, 6 inches in height.
  3. R 311.5.2 which requires that the minimum headroom in all parts of the stairway shall not be less than 6 feet 8 inches measured vertically from the sloped plane adjoining the tread nosing or from the floor surface of the landing or platform.

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Howard Gold, Petitioner and Owner was present to speak on behalf of the appeal. Mr. Gold stated that the stairs have now been altered and approved by the building inspectors. A landing has been added with a header so that the lowest point, it measures 6ft. 4 ½ in. The last issue was the doorway into one of the proposed bedrooms, and petitioner explained what the hardship would be to only gain approximately ½ in. of headroom due to soffits, plywood and drywall above.

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A. Savoni stated that staff was in support of the 6' 11" ceiling height, but not the remainder of the rest of the request as the ceiling is too low at the location of the ductwork at the doors. With regard to the stairs and the recent increased headroom, staff would be supportive of this and if the board approves it we would request a fully automatic building wide smoke detection system be installed and a condition of the variance.

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126  
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R. Heemstra supports the previous statement by staff and we spoke about this previously – that this had already been done. Petitioner stated it had already been done.

128

The board asked questions and clarifications from staff as to the stair/ceiling heights.

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R. Heemstra stated that he would like to see a jam on the door so that smoke cannot penetrate the area. Petitioner suggested taking the door out and making an 'archway.' It was determined that that ceiling height is actually 6' 2 ½ ".

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**MOTION #1**

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Moved by P. Darling, Seconded by R. Hart, "that the board grant a Variance for Appeal Number 2006-B-23 – 910 Woodlawn Avenue, from Section 305.1 to allow a 6' 11" ceiling height in the finished rooms in the basement, and to allow a ~~soffit~~ soffit that reduces down to 6' 2 ½ " which is approximately 5' in width, provided the study room becomes the bedroom and the bedroom becomes the study room, by removing the door between the recreation room and the study room. In addition, interconnected, hard-wired smoke detectors are installed throughout the house. We find this equivalent to what the Code requires." (Note: Need to remove the door and the jam)

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145

**On a Voice Vote – MOTION PASSED – UNANIMOUS – Variance Granted**

145 **MOTION #2**

146  
147 Moved by P. Darling, Seconded by R. Reik, “that the board grant a Variance for Appeal  
148 **Number 2006-B-23 – 910 Woodlawn Avenue, from Section R311.5.2 to allow a minimum**  
149 **headroom of 6ft. 4 ½ “ at the second stair tread from the basement floor (to allow a**  
150 **finish of gypboard at that location) --- We find this is in compliance with appendix “J” of**  
151 **the 2003 Michigan Residential Building Code.”**

152  
153 **On a Voice Vote – MOTION PASSED – UNANIMOUS – Variance Granted**

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156 **3. 2006-B-30 - 517 Felch Street**

157  
158 **Requesting a variance from Section R305.1 of the 2003 Michigan**  
159 **Residential Code:**

- 160  
161 1. “Requires a 7 foot 0 (zero) inch ceiling height in a basement with habitable  
162 space, and allows beams/girders not less than 4 feet on center to project  
163 below, a maximum of 6 inches.”

164  
165 Karl Jaeckel was present to speak on behalf of the appeal. Currently remodeling the basement of  
166 a small home. One room is the mechanical room where no change is to take place. To the left of  
167 that is a recreation room type of area where there will be no protrusions below the joist base.  
168 Centerline of the basement is a joist beam, approximately 5” wide – floor to ceiling height would  
169 be approximately 6’ 3”. The balance of the basement is split up into a room and a bathroom.

170  
171 A. Savoni – This is a case that was tabled for lack of information, and considering the new  
172 information of 6’ 9 ½” ceiling height and leaving the beam exposed, staff would be in favor of the  
173 appeal.

174  
175 R. Hart questioned whether this would cause a problem over the plumbing fixtures?  
176 A. Savoni stated that this would cause a problem, as 6’ 8” is required over the fixture. The board  
177 discussed this issue.

178  
179 The board discussed the height of the beam and the soffit in the bathroom, and the possibility of  
180 using the mechanical room for some of these uses.

181  
182 K. Winters – We will grant the variance on these three things, but you will to submit modified  
183 drawings to the Building Department.

184  
185 **MOTION**

186  
187 Moved by P. Darling, Seconded by R. Reik, “that Appeal Number 2006-B-30 - 517 Felch Street  
188 **be granted a variance from the 2003 Michigan Residential Building Code to allow a 6’ 9 ½”**  
189 **finished ceiling in the basement bedroom, recreation room, bathroom and hallway, and to**  
190 **allow a ~~soffit~~ soffit over the bathroom side of the building that projects as low as 6’ 3” and**  
191 **the in the bedroom space and that the existing beam be left exposed and painted.**  
192 **Interconnected, hard-wired smoke detectors will be installed throughout the house, as well**  
193 **as updated, revised plans be submitted to the Building Department. We find this**  
194 **equivalent to what the code requires.”**

195  
196 **On a Voice Vote – MOTION PASSED – UNANIMOUS – Variance Granted**

197 V. **APPEALS & ACTION - NEW**

198  
199 **4. 2006-B-32, 3413 Strand Court**

200  
201 **Requesting a variance from the following two sections of the 2003**  
202 **Michigan Residential Code:**

- 203  
204 1. Section R305.1 which requires a 7 foot 0 (zero) inch ceiling height in a  
205 basement with habitable space, and allows beams/girders not less than 4 feet  
206 on center to project below, a maximum of 6 inches.
- 207  
208 2. Section R310.1 that states: *“Basements with habitable space and every*  
209 *sleeping room shall have at least one openable emergency escape and*  
210 *rescue opening. Where emergency escape and rescue openings are provided*  
211 *they shall have a sill height of not more than 44 inches above the floor.” –*

212  
213 Derrick Szepiela – Petitioner and representative from Owens-Corning Basement Experts of  
214 America was present to speak on behalf of the appeal. Mr. Szepiela stated that the home had this  
215 basement installed in 2003. The building department sent a letter stating that the work had not  
216 been finished out, so there were egress window and other issues that needed to be finished before  
217 the final could be completed.

218  
219 A. Savoni – Staff is supportive of the ceiling height request and suggests that if the board is  
220 supportive of the variance that a fully automatic building wide smoke detection system be a  
221 condition of the variance. Staff is not supportive of the egress window request; the code  
222 specifically states that the bottom of the opening must be a maximum of 44” from the finished floor  
223 and does not allow any provisions or exceptions for a platform located at the window, however,  
224 the board has approved these in the past.

225  
226 The board discussed the size of the room, ceiling heights, egress windows. R. Heemstra stated  
227 that he would prefer to have the solid soffut go straight across as opposed to ‘bumped up’ to  
228 increase the ceiling height, but concurs with A. Savoni on staff recommendations otherwise.

229  
230 K. Winters – Asks what the Code states re: Egress Windows. “Easily accessible – can the egress  
231 window be in the mechanical room? A. Savoni stated that it says you must have one egress  
232 window in the basement and easily accessible, so there is no reason you can’t put it in the  
233 mechanical room. If it were a bedroom, it would be required in that room.

234  
235 K. Winters – Could not approve this unless it were easier to get to the egress window from the  
236 platform. The Chair offered the chance for the petitioner to investigate the situation and table the  
237 motion. Petitioner states that he is certain that there is not sufficient room behind the area in  
238 question in the mechanical room, so they would like to proceed with the variance request.

239  
240 **MOTION #1**

241  
242 Moved by R. Reik, Seconded by R. Hart, **“that Appeal Number 2006-B-32 - 3413 Strand Court**  
243 **be granted a Variance from the 2003 Michigan Residential Code, Section R305.1 to permit a**  
244 **ceiling height of 6’ 9,” provided that a fully automatic smoke detection system is installed**  
245 **to the satisfaction of the Fire Marshall. We find this to be equivalent to what the code**  
246 **requires.”**

247  
248 **On a Voice Vote – MOTION PASSED – UNANIMOUS – Variance Granted**

249 **MOTION #2**

250 Moved by R. Reik, Seconded by R. Hart, “that Appeal Number 2006-B-32 - 3413 Strand Court  
251 be granted a Variance from the 2003 Michigan Residential Code from Section R 310.1 to  
252 allow a 3’ x 3’ x 8” high platform to be installed in front of an egress window as shown on  
253 the submitted drawings. This will keep the ceiling height at no more than they 4”, and in  
254 consideration of this, we would require that there be no sleeping in the basement and the  
255 platform marked as an egress platform.” **AMENDED – SEE 2006 OCTOBER MINUTES.**  
256

257  
258 *On a ROLL CALL VOTE – \*MOTION FAILS – 2 Yea’s to 3 Nays (K, Winters,*  
259 *D. Darling and R. Hart) – Variance Denied. (AMENDED and APPROVED – See Oct. Min.)*  
260

261 **5. 2006-B-34 – 816 Sunrise Court**

262  
263 **Requesting a variance from Section R305.1 of the 2003 Michigan**  
264 **Residential Code:**

- 265
- 266 1. Section R305.1 which requires a 7 foot 0 (zero) inch ceiling height in a  
267 basement with habitable space, and allows beams/girders not less than 4 feet  
268 on center to project below, a maximum of 6 inches.
  - 269 2. Section R311.5.1 which states: *“The minimum headroom in all parts of the*  
270 *stairway shall not be less than 6 feet 8 inches measured vertically from the*  
271 *sloped plane adjoining the tread nosing or from the floor surface of the*  
272 *landing or platform.”*  
273

274  
275 Dennis Boychuck, petitioner, was present to speak on behalf of the Appeal. This is a single story  
276 ranch home in which we are doing renovation and part of that is finishing the basement. We are  
277 dry walling the ceiling in the entire basement; clearance is good to the bottom of the joist system  
278 with the exception of two areas of concern – the headroom in the staircase at the bottom stair is  
279 approximately 6’ 5” and does not meet code. The second issue is the ductwork, which is 2” less  
280 than the required 6’ 6” minimum required.

281  
282 A. Savoni – Staff is supportive of the ceiling height request and suggest that if the board approves  
283 this that a fully automatic, building-wide smoke detection system be installed as a condition of the  
284 variance. We are concerned about the low headroom at the bottom of the stairs and recommend  
285 that the beam be investigated to see if it could be reconfigured to gain more space.  
286

287 R. Heemstra – Are there current egress windows? (Petitioner – Yes, 3 which all meet code, and  
288 smoke alarms are currently being done throughout the residence). I concur with A. Savoni and his  
289 recommendations.  
290

291 R. Hart – Is the steel beam continuous? Any possibility of raising that? (Petitioner – Yes, the  
292 beam is continuous and goes the entire length of the house and the soffit is 35 inches wide at the  
293 bottom of the stair)., and no, if you had to gain more room, you would have to lower the floor and  
294 provide a different support system which would be too expensive for the homeowner). Is the  
295 beam actually a continuous beam? (Petitioner – Yes, it is one continuous I-beam  
296

296 **MOTION**  
297

298 Moved by R. Reik, Seconded by K. Winters “to grant a Variance for Appeal Number 2006-B-34  
299 – 816 Sunrise Court be granted a Variance from the 2003 Michigan Residential Code,  
300 Section R305.1 to allow a soffut height of 6’ 4” with a width of 6 ft. 1” and also a Variance  
301 from Section R311.5.1 to provide a minimum headroom at the bottom of the stair of 6’ 4”  
302 provided that a fully automatic, building wide smoke detection system be installed to the  
303 satisfaction of the Fire Marshall, and we find this equivalent to what the code requires *in*  
304 *consideration of Appendix “J”.*  
305

306 P. Darling – Friendly Amendment – “In consideration of Appendix “J” (Friendly Amendment  
307 accepted).  
308

309 **On a Voice Vote – MOTION PASSED – UNANIMOUS – Variance Granted**

310  
311 **VI. UNFINISHED BUSINESS**

312  
313 None.  
314

315 **VII. NEW BUSINESS**

316  
317 None.  
318

319 **VIII. REPORTS & COMMUNICATIONS**

320  
321 None.  
322

323 **IX. AUDIENCE PARTICIPATION - GENERAL**

324  
325 None.  
326

327 **X. ADJOURNMENT**

328  
329 Moved by K. Winters, Seconded by S. Callan, “that the meeting be adjourned” –  
330 3:15 p.m.  
331

332 **On a Voice Vote – MOTION PASSED – UNANIMOUS**

333  
334 ***Minutes Prepared by:***

335 ***Brenda Acquaviva, Administrative Support Specialist V***  
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