

**City of Mt. Pleasant
Building, Fire and Sanitary Sewer Board of Appeals**

Minutes of Meeting
Monday, October 14, 2013

I. Staff called the meeting to order at 2:00 pm.

Members Present: Cline, Kahn, Kulick, Olivieri, Staples, Tolas
Absent: N/A

Others Present: Staff -Brian Kench
Applicant-Brandon LaBelle

II. Approval of Agenda

M/S Kulick/Tolas to accept agenda. Motion Passed

III. Approval of Minutes from May 2, 2011

M/S Kulick/Kahn to accept minutes. Motion Passed

IV. Communications

Staff-None to report

V. New Business

Case #BFS-13-02 - 2157 S. Mission - Labelle Realty. The applicant is appealing Table 705.4 of the Michigan Building code to permit a conditional approval to allow openings in an exterior wall based on the separation distance to the property line.

Kench noted that an application was filed by Brandon LaBelle seeking a variance from Table 705.8 of the Michigan Building Code to allow openings in the south wall of the new Mission Mall building currently under construction. Staff noted that a building permit was issued for the reconstruction of the facility following a fire that occurred on the site in 2012. The applicant received approval from the Planning Commission on February 7, 2013 to construct a new building on the site within 1'-2" of the south property line.

Kench noted the building was designed under the 2009 Michigan Building Code and regulates fire resistant ratings on exterior walls and allowable openings based on the *fire separation distance* measured from the face of the building to the property line based on MBC Table 602. The most restrictive use, Use Group M, was considered in determining the minimum fire resistant rating on the south wall where the wall is less than 5 feet to the property line. Staff reviewed the definition of *Fire Separation Distance* provided for under the code to apply the requirements of Table 602 and Table 705.8.

Table 705.8 of the Michigan Building Codes governs the percentage of openings that are permitted through the rated wall system based on protected vs. unprotected openings and whether or not the building is provided with a sprinkler system. Staff noted that while the project was not required to be provided with a sprinkler system, the applicant chose to update the new facility with a new NFPA-13 system. It was noted; however, that even with the upgrade, the code does

not permit any openings in the wall system where the fire separation distance is less than 3 feet. Therefore, the applicant is looking for conditional approval to allow openings in the south wall system until which time the neighboring property is developed.

LaBelle updated the Board of the need for the request. He noted that he has a tenant that is requesting a window in the suite, but each unit would cost \$20,000 making it cost prohibitive.

Cline noted that based on the materials provided in the report, the code would not even permit rated openings in the wall when the fire separation distance was less than 3 feet.

LaBelle indicated that he understands that the fire separation distance is to provide a greater protection to the neighboring property. Given that there is not development on the site and he believes that there is something in the current tenant's lease agreement (JCP) that may restrict development on the site to maintain exposure to Mission Street, he is requesting a conditional approval to install non rated windows in four openings until which time the site is developed. The windows installed in the building, shown in the photo in the staff report, are actually there as part of the building design. The inside portion of the window openings were blocked over as part of the construction to comply with the code. If a development were to occur on the property adjacent to his building, he would agree to block over the window openings from the interior to maintain the required fire rating.

Kahn asked if staff was able to track a conditional approval if a variance was granted to ensure that the fire rating was provided. Kench noted that the departmental permit program can flag both properties to ensure that the conditions of the approval were met if development were to occur. The applicant could bring the site into compliance at that time or file for a new variance based on the site layout, for board consideration.

[M/S Kulick/Kahn to approve](#) Case Number BFS 13-02 [FILED BY](#) Brandon LaBelle on behalf of LaBelle Limited Partnership to grant a temporary variance from section 705.8 of the Michigan Building Code to permit four non-protected window openings in the south wall of the new building at 2157 S. Mission Street. The windows may be installed and maintained until which time development occurs on the adjoining parcel to the south. At that time the property owner shall cause the masonry to be reinstalled in the window openings to afford the 2-hour rating, regardless of the placement of a new building on the adjoining site.

The Board finds that the proposal meets the intent of the code for providing proper fire protection to the adjoining parcel based on the current use of the site to grant temporary relief.

Motion Passed

VI. Old Business

None

VII. Other Business

None

M/S Kulick/Tolas to adjourn. Motion Passed

Meeting was adjourned at 2:20 p.m.

