

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

Minutes of Meeting
Thursday, December 5, 2013

1. Staff called the meeting to order at 3:10 pm.

Members Present: Cline, Kahn, Olivieri, Tolas
Absent: Kulick, Staples

Others Present: Staff -Brian Kench
Mike Dunham, Fire Sergeant, NRU Coordinator
Applicants-Jerome & Kristi Cleveland

2. Approval of Agenda

M/S Kahn/Olivieri to accept agenda. Motion Passed

3. Approval of Minutes from October 14, 2013

M/S Kahn/Tolas to approve the Minutes from October 14, 2013 - Motion Passed

4. Communications - None

5. New Business

Kench introduced **Case #BFS-13-03** - filed by Jerome Cleveland seeking relief from Section 404.3 of the 2003 International Property Maintenance Code (IPMC), referenced under the housing and licensing standards to permit the use of the second floor of the home, for sleeping purposes, with a ceiling height of under 7 feet.

Mike Dunham, Fire Sergeant, NRU Coordinator provided background on the case. It was noted that the property was determined to be in violation of the Housing and Licensing code in July of this year. Notice was sent to the property owners advising them of the violation on July 23, 2013. The owner promptly filed for a rental license and made a number of corrections to the property, including new windows in sleeping rooms to comply with the egress requirements. During the inspection, it was noted that the second floor sleeping room lacked the required 7 foot of ceiling height and could not be used for sleeping purposes unless updates were made or that the owner received approval by the Housing Board of Appeals. The Department granted an extension to the property owner through the current lease (summer 2014) to continue to occupy the space once the egress window was installed.

Dunham noted that the home was built in the 1940's as a single family residence. The city building information shows the property is 780 square feet with 1.25 stories with 2 bedrooms.

Dunham shared the relevant section from the Housing Licensing Code, Chapter 152 pertaining to minimum ceiling heights for habitable space, and rational from the IPM commentary on the rationale behind the minimum standards.

Mr. Cleveland indicated they lived in the home for more than 3 years and occupied the second floor for a bedroom. They were unaware that they needed a rental license to lease the home out. They realize that it is not the ideal home, but have maintained the property quite well. The first person who rented the property when they moved out was a gentlemen by the name of Jeremy who is 6'-7" who seemed to manage using the space as well. If they had to limit the property to one bedroom it would be fairly

difficult to rent the property in the future.

Kahn asked what requirements, if any, would need to be met related to increasing the ceiling height if the property were owner occupied. Dunham indicated that there would be no violations. The standards come into play when the property is being leased out. Dunham added that this issue with ceiling heights is a fairly common problem with these older homes.

Mr. Cleveland noted this is one of the nicest properties in the neighborhood and shared photos that were included in the Board packet.

Tolas inquired if the entire room would have to be updated to the 7 foot minimum requirement or a portion. Dunham indicated that the code requires 33% of the required floor area to comply.

Olivieri reiterated that the space could be occupied if the home was owner occupied. The standards only apply to rental properties, noting that the ceiling height is not a life safety or fire safety consideration based on the commentary. It sounds like the egress windows and smoke detector requirements were met.

Mr. Cleveland noted that the Board should consider this is an existing home that was constructed in the 1940's and has been used as a 2 bedroom home since that time. They have updated the property to comply with all other requirements, but do not want to do extensive work on the home to raise the ceiling.

Board discussion ensued on the maintenance efforts made by Mr. Cleveland on the property to ensure the property continues to be an asset to the neighborhood.

M/S Olivieri/Tolas to approve Case Number BFS 13-03 **FILED BY** Jerome & Kristi Cleveland to permit the continued use of the second floor of the home for habitable space. Although the ceiling height is slightly under the 7 foot minimum requirement, the home was constructed in the 1940's and continues to be used in a similar manner as a basis for granting the request. The Board notes that all other life safety and fire safety requirements were met.

The Board finds that the proposal meets the intent of the code to allow continued use of the second floor for sleeping purposes.

Motion Passed

VI. Old Business

None

VII. Other Business

None

M/S Cline/Tolas to adjourn. Motion Passed

Meeting was adjourned at 3:55 p.m.