

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

Minutes of Meeting  
Tuesday, February 25, 2014

1. Staff called the meeting to order at 4:00 pm.

Members Present: Cline, Kahn, McDonald, Staples, Nieporte, Verleger

Others Present: Staff -Brian Kench  
Mike Dunham, Fire Sergeant, NRU Coordinator  
Applicants Tom Johnson  
Joe Olivieri

2. Approval of Agenda

**M/S Kahn/Nieporte** to accept agenda. Motion Passed

3. Approval of Minutes from December 5, 2013

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

4. Communications - None

5. New Business

**Case #BFS-14-01-426 S Franklin - Tom Johnson.** The applicant is appealing IPMC 404.3, which requires the ceiling height in a bedroom to be a minimum of 7 feet.

Kench introduced **Case #BFS-14-01** - filed by Tom Johnson 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, indicated that an application for a new rental license was filed by the property owner in September of 2013. Staff inspected the property for compliance with the housing and licensing standards in November. Violations discovered during the inspection were promptly corrected with the exception to the problem associated with the ceiling, subject to the appeal.

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.

The home was built in 1868 as a single family residence. The city building information shows the property is 1372 square feet with 1.75 stories with 4 bedrooms. All of the bedrooms that exist in the space are less than 7' in height.

Kahn asked staff if there is a safety concern with the reduced ceiling height.

Dunham indicated there is not, and 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.

Tom Johnson indicated that they have made several updates on the home, not realizing that adding new 3/4" oak flooring and new ceilings over the existing materials were actually creating a problem with the City code related to the 7 foot minimum ceiling height.

Nieporte indicated that it doesn't appear that ventilation of the space is an issue due to the size of the room and the size of the windows.

[M/S McDonald/Kahn to approve](#) Case Number BFS 14-01 **FILED BY** Tom Johnson to permit the continued use of the second floor of the home for habitable space. The Board noted that although the ceiling height is slightly under the 7 foot minimum requirement, the home was constructed in the late 1800'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 are met.

Motion Passed

**Case #BFS-14-02 - 1002 Crosslanes - Joe Olivieri.** The applicant is appealing IPCM 404.3, which requires the ceiling height in a bedroom to be a minimum of 7 feet.

Kench introduced **Case #BFS-14-02** - filed by Joe Olivieri 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.

Dunham noted that it was discovered in October that the property was being used for rental purpose without a license from their department. Given the applicant has many rental properties within the city staff contacted Mr. Olivieri directly to discuss the matter. Mr. Olivieri was given an opportunity to file the application, and put on notice that if there are other properties in the city that required a license that he also file application for those units by a certain date, without penalty.

An application was filed in October by the owner of the property. The Single Family Rental Fee was paid on November 20, 2013 and an inspection was conducted on December 4, 2013. During the inspection several housing violations were discovered. The applicant has scheduled the re-inspection for February 26, 2014 to verify compliance. The ceiling height in the second floor; however, lacked the required 7 foot minimum ceiling height.

The home was built in 1900 as a single family residence. The city building information shows the property is 1344 square feet with 1.75 stories with 3 bedrooms. 1 of the bedrooms on the upper floor is less than 7' in height.

Olivieri indicated that they took the property in on trade for a new home. They originally intended on selling the home once it had been rehabbed. Although there wasn't immediate interest on a sale, they were approached to lease the property out, and needless to say neither he nor his staff caught the fact that they hadn't filed an application for a rental license. Ideally they intended to sell the property and one thing lead to another and the issue simply fell through the cracks. Olivieri indicated that he is a proponent of the licensing program, due to it keeping everyone on an even playing field. The applicant indicated that they own and manage more than 300 units throughout the area, and again reiterated that this one just slipped through the crack.

Dunham indicated that the property is in very good condition. It is expected that the other issues that

were cited during the initial inspection will be corrected, with the exception to the exterior work that will occur once the weather breaks in the spring.

**M/S McDonald/Cline to approve** Case Number BFS 14-02 **FILED BY** Joe Olivieri to permit the continued use of the second floor of the home for habitable space. The Board noted that although the ceiling height is slightly under the 7 foot minimum requirement, the home was constructed in the early 1900'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 are met.

Motion Passed

VI. Old Business

**None**

VII. Other Business

Discussion on whether the City should look at potential changes in the housing and licensing standards related to ceiling heights based on 3 separate requests over the past few months. It was suggested that Dunham discuss this issue with their team to see if changes are warranted and report back to the Board.

**M/S Kahn/Staples to adjourn.** Motion Passed

Meeting was adjourned at 4:35 p.m.