

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

Minutes of Meeting Thursday,
March 5, 2015

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

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

Staff Present: Brian Kench and Mike Dunham
Applicant: James Williams and Kathleen Williams

2. Approval of Agenda

M/S Cline/McDonald to accept agenda. Motion Passed

3. Approval of Minutes from January 5, 2015

M/S McDonald/Kahn to approve the Minutes from January 5, 2015 - Motion Passed

4. Communications - None

5. New Business

Kench introduced Case #BFS-15-01 - filed by James F. Williams who is seeking relief from Section 404.3 of the 2003 International Property Maintenance Code (IPMC) to allow occupancy of a finished basement with less than seven feet of ceiling height.

Mike Dunham provided background on the case, noting that the property was previously a licensed rental from 2004 through 2010. The property was deleted from the housing and licensing program on September 8, 2010 at the request of Franklin Williams. While a licensed rental that is deleted from the program may be brought back without updates during the first year, any unit placed in the rental program after that time must comply with the standards in effect at the time. This information is included in the application for the release.

The City received an application for a rental license on December 29, 2014 from the applicant. Staff conducted an inspection on January 20, 2015 and eight separate code violations were cited. While the applicant brought most all of the items into compliance, it was noted that a finished basement lacked the required 7 foot of ceiling height. The space was used for a large bedroom and bathroom with a 6'-5" ceiling height. In addition, areas where ductwork and other utilities were located reduced the ceiling height even further.

Dunham shared some of the history of the property from 2004, which noted that the basement was used for habitable space based on an inspection dated July 9, 2004 by Officers Clark and King. The inspection noted that the area was used as a family room with no egress. Officers required that all lighting be recessed to prevent accident/injury. An egress window was also installed in the space. The property continued to be used as a rental property until September of 2010.

Dunham shared a brief history of the code changes regarding the rental program related to ceiling

height with the Board.

The applicant, Mr. Williams, addressed the Board and presented photos of the finished basement. He noted that a considerable amount of work and money has been spent to maintain the space over the years, along with updates to comply with the housing licensing requirements at the time to utilize the space.

Kahn noted that the Board has seen a number of these requests regarding ceiling height over the past few years and believes the Board may have already set precedence regarding reduced ceiling heights.

Kench pointed out that in each case involving a variance from the ceiling height provision, the Board recognized that the use of the space was already used for habitable purposes. The Board simply allowed the space to be used as originally designed. Kench noted that if someone was bringing in a space that they wanted to convert to living space; the review may be somewhat different. In each case, the Board made sure that all life safety and fire safety features of the code related to smoke detectors, Co2 Detectors and egress windows were met before granting the request.

[M/S McDonald/Staples to approve](#) Case Number BFS 15-01 [FILED BY](#) James F. Williams who is seeking relief from Section 404.3 of the 2003 International Property Maintenance Code (IPMC) to allow occupancy of a finished basement with less than seven feet of ceiling height. The Board granted the approval on the basis that the basement was converted to living space a number of years ago and was once a former rental unit. The space was updated under the original rental license to provide hardwired smoke detectors, updates in the lighting and the installation of the egress window to permit the use of the space for sleeping purposes to grant the request.

Motion Passed

VI. Old Business None

VII. Other Business Update on Ceiling Height from Similar Communities

Given that the Board has reviewed a number of requests in recent months pertaining to variances from the ceiling height provisions for habitable space, the Board has requested an update on what similar communities are doing related to this issue to see if updates in the city code are warranted.

Dunham provided information to the Board from Big Rapids, the City of Lansing and the City of Kalamazoo. Dunham shared the information from the City of Lansing, who recognized the prior use of the space in permitting ceiling heights that may be less than what the current standards may call for.

The Board felt that the City of Lansing's standards were more in line with the cases that the Board has considered on variance requests involving ceiling heights, taking into consideration if the home was constructed a number of years ago with a space designed for habitable purposes that doesn't meet the requirements for new construction. The Board recognized the importance in making sure that all life safety and fire safety features of the code need to be met in each case.

Dunham will review the standards with DPS Director and the City Attorney to determine if changes should be considered.

M/S Kahn/Cline to adjourn. Motion Passed.

Meeting was adjourned at 4:35 p.m.