

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

Minutes of Meeting Thursday,
June 4, 2015

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

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

Staff Present: Brian Kench and Mike Dunham
Applicant: Kathleen Mumford

2. Approval of Agenda

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

3. Approval of Minutes from March 5, 2015

M/S McDonald/Nieporte to approve the Minutes from March 5, 2015 - Motion Passed

4. Communications - None

5. New Business

Kench introduced Case #BFS-15-02 - filed by Kathleen Mumford who is seeking relief from Section 702 and Section R310.1 which requires all emergency escape and rescue openings to have a minimum net clear opening of 5.7 square feet.

Mike Dunham provided background on the case, noting that the property at 304 S. Washington Street has never had a rental license. All dwellings added to the housing licensing program after the adoption date of this Code (2007), shall be considered as new construction with respect to fire resistance rate construction, fire protection systems and means of egress and shall comply with all sections of this Code and all other applicable codes.

Dunham noted that on April 11, 2013 Mark Mumford came to DPS to start the rental licensing process. Because the property had not been transferred into their name at the time, the process was placed on hold and they were advised not to occupy the home until the license was issued. Staff sent out a new rental application on April 28, 2015 at the Mumford's request; however, the application was never sent in for Department review.

A site visit in November of 2014 revealed the home was being occupied by Don Wielenga, and his girlfriend, who suggested they were not renting the home but were looking after the place.

"No person shall operate or permit occupancy of a dwelling covered by this Code unless a current, unrevoked housing license has been issued by the Fire Official, or designee, in said person's name for the specific named dwelling." Staff eventually received an application for a rental license and approved it in December 2014. A rental inspection was conducted on

January 23, 2015 with several violations cited that were later corrected on April 2, 2015 following a two week extension. The re-inspection conducted in May revealed that all issues had been addressed, with the exception of the egress window in the sleeping rooms. Dunham indicated that the windows are required to provide 5.7 square feet of openable area. The windows located in the bedrooms provide:

- Egress Window
 - Bedroom 1 - 25X30.5 or 5.29 Sq. Ft (with the aid of a device to hold the window open)
 - Bedroom 2 – 25X31 or 5.38 Sq. Ft (with the aid of a device to hold the window open)
 - The window would have to be 25X33 = 5.72 Sq. Ft (without the use of a device to hold it open)

Mrs. Mumford contacted staff to indicate the home was not being occupied until the matter was brought to the Appeals board to consider a reduction in the window area.

Dunham noted that the Board is responsible for considering "appeals from decisions of officials charged with the enforcement of the Code and to determine in particular cases whether any deviation from the strict enforcement of this Code will violate the intent of this Code or jeopardize the public health, safety and welfare". The Board is also charged with determining if the variance may jeopardize the public health, safety and welfare of the tenants. Allowing the variance may also demonstrate inconsistencies within our organization as we have required many first time rental properties to adhere to the code in its entirety in regards to the egress standards. This egress standard has been adopted with safety in mind. The Mt. Pleasant Fire Department recommends that you should require the minimum standards for egress are met.

The public hearing was opened. There being no one in attendance at the hearing other than the applicant, the public hearing was closed.

Board discussion on alterations that could be made to the existing window to bring the unit into compliance with the standards ensued.

Kench noted that if the window can be updated to comply with the standards, there is no practical difficulty; and therefore, the Board would have no basis to grant the variance from the code. Although you may not agree with the standards, if the basis for permitting a variance cannot be met then the request should be denied.

[M/S McDonald/Nieporte to approve](#) Case Number BFS 15-02 filed by Kathleen Mumford to grant relief from Section 702 and Section R310.1 to permit an emergency escape and rescue opening in the sleeping rooms of the home at 304 S. Washington Street.

Ayes McDonald, Allen
Nays Kahn, Nieporte

Motion Failed - The request to grant a variance from the housing and licensing standards failed. As a result, the applicant will need to bring the window unit into compliance with the standards

of the housing and licensing code before a rental license may be issued.

Board Discussion

6. Old Business: None

7 Other Business:

Kench discussed having a set meeting schedule and suggested the second Tuesday of every month. Staff will send out an email to Board members to determine the best time of day to hold the hearings.

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

Meeting was adjourned at 4:40 p.m.