



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
BUREAU OF CONSTRUCTION CODES  
IRVIN J. POKE  
DIRECTOR

STEVE ARWOOD  
DIRECTOR

**BARRIER FREE DESIGN BOARD**

Conference Room 3, First Floor  
2501 Woodlake Circle  
Okemos, Michigan 48864

**AGENDA**

January 17, 2014  
9:30 a.m.

1. **Call to Order and Determination of Quorum**
2. **Approval of Agenda** (pages 1-2)
3. **Approval of Minutes** of the September 20, 2013 meeting. (pages 3-6)  
Note that the November 14, 2013 meeting was cancelled.
4. **Exception Applications**
  - 01) 105780, Prime Building – Oakland (pages 7-16)
  - 02) 105799, Lady Jane's Haircuts for Men – Oakland (pages 17-25)
  - 03) 105933, Kent Quality Foods – Kent (pages 26-31)
5. **Unfinished Business**
6. **New Business**
7. **Staff Report**
8. **Public Comment**

*Providing for Michigan's Safety in the Built Environment*

LARA is an equal opportunity employer  
Auxiliary aids, services and other reasonable accommodations are available upon request to individuals with disabilities.  
P.O. BOX 30254 • LANSING, MICHIGAN 48909  
[www.michigan.gov/bcc](http://www.michigan.gov/bcc) • Telephone (517) 241-9302 • Fax (517) 241-9570

Barrier Free Design Board Meeting Agenda  
Page 2  
January 17, 2014

**9. Next Meeting – March 21, 2014**

**10. Adjournment**

“The meeting site is accessible, including barrier-free parking. Individuals attending the meetings are requested to refrain from using heavily scented personal care products in order to enhance accessibility for everyone. People with disabilities requiring additional accommodations in order to participate in the meeting should contact Margarita Torres at (517) 241-9328 at least 10 working days before the event.”



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DIRECTOR

STEVE ARWOOD  
DIRECTOR

**BARRIER FREE DESIGN BOARD**

Conference Room 3, First Floor  
2501 Woodlake Circle  
Okemos, MI 48864

**Minutes**  
September 20, 2013

**MEMBERS PRESENT**

Mr. Roger Donaldson  
Mr. Aaron Andres  
Mr. Aaron Besmer  
Mr. Vincent DeLeonardis  
Mr. Michael Harris  
Ms. Karla Hudson  
Mr. Jeff Spencer

**MEMBERS ABSENT**

Ms. Emily Blauw  
Mr. Brett Holt

**DEPARTMENT PERSONNEL IN ATTENDANCE**

Mr. Irvin J. Poke, Director, Bureau of Construction Codes  
Mr. Keith Lambert, Deputy Director, Bureau of Construction Codes  
Mr. Todd Cordill, Chief, Plan Review Division  
Ms. Usha Menon, Plan Reviewer, Plan Review Division  
Mr. Stanley Skopek, Plan Reviewer, Plan Review Division  
Ms. Margarita Torres, BFD Board Secretary

**OTHERS IN ATTENDANCE**

Mr. Rob Gustafson, Hooker DeJong

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1. **CALL TO ORDER AND DETERMINATION OF QUORUM**

The meeting was called to order at 9:30 a.m. by Chairperson Donaldson. A quorum was determined present at that time.

2. **APPROVAL OF AGENDA**

A **MOTION** was made by Board Member Harris to approve the agenda for the September 20, 2013 Board meeting. The motion was seconded by Board Member Hudson. **MOTION CARRIED.**

3. **APPROVAL OF MINUTES**

A **MOTION** was made by Board Member Andres to approve the minutes for the May 17, 2013 meeting. The motion was seconded by Board Member DeLeonardis. **MOTION CARRIED.**

4. **EXCEPTION APPLICATIONS**

01) **105005, Farmington Hill Police Department – Oakland**

A **MOTION** was made by Board Member Harris to adopt the report of the Administrative Law Judge and the recommended decisions with the understanding that signage will be posted directing the person to the location of the accessible toilet room or who they need to talk to get assistance. The Board acknowledged the receipt of all material submitted by the applicant. The motion was seconded by Board Member Besmer with a suggestion to change the record of findings and facts from thirty five inches clear to forty two inches clear. **MOTION CARRIED.**

02) **105007, Dept. of Public Works Facility – Muskegon**

A **MOTION** was made by Board Member Andres to adopt the report of the Administrative Law Judge and the recommended decision. The Board acknowledged the receipt of all material submitted by the applicant. The motion was seconded by Board Member Harris. **MOTION CARRIED.**

03) **105107, Party Store – Wayne**

A **MOTION** was made by Board Member Harris to adopt the report of the Administrative Law Judge and the recommended decisions. The Board acknowledged the receipt of all material submitted by the applicant. The motion was seconded by Board Member DeLeonardis. **MOTION CARRIED.**

04) 105575, American Jetway Corporation - Wayne

A **MOTION** was made by Board Member Spencer to adopt the report of the Administrative Law Judge and the recommended decisions. The Board acknowledged the receipt of all material submitted by the applicant. The motion was seconded by Board Member Besmer. **MOTION CARRIED.**

05) 105685 Way Academy - Genesee

A **MOTION** was made by Board Member Andres to adopt the report of the Administrative Law Judge and the recommended decisions. The Board acknowledged the receipt of all material submitted by the applicant. The motion was seconded by Board Member DeLeonardis. **MOTION CARRIED.**

**5. UNFINISHED BUSINESS**

Election of Board Officers

A **MOTION** was made by Board Member Hudson to elect Board Member DeLeonardis as Vice Chair of the Board. The motion was seconded by board member Harris. **MOTION CARRIED.**

**6. NEW BUSINESS**

The Board requested training in the near future.

**7. STAFF REPORT**

Division Chief Todd Cordill reported on the following:

Introduced and welcomed Mr. Aaron Andres as our newest board member.

Announced to the board that the Assistant Chief for the Division, Mr. George Herrity, has retired effective September 13, 2013.

Mr. Cordill will be at Atlantic City, New Jersey the first week of October to attend the International Code Council hearings. They will be discussing the residential code as well as the energy code.

The Bureau is proceeding with the Michigan Residential Code adoption process. A meeting was held on Wednesday with an ad hoc committee encompassing building, mechanical, electrical and plumbing as it pertains to the International Residential code.

8. **PUBLIC COMMENT**

None

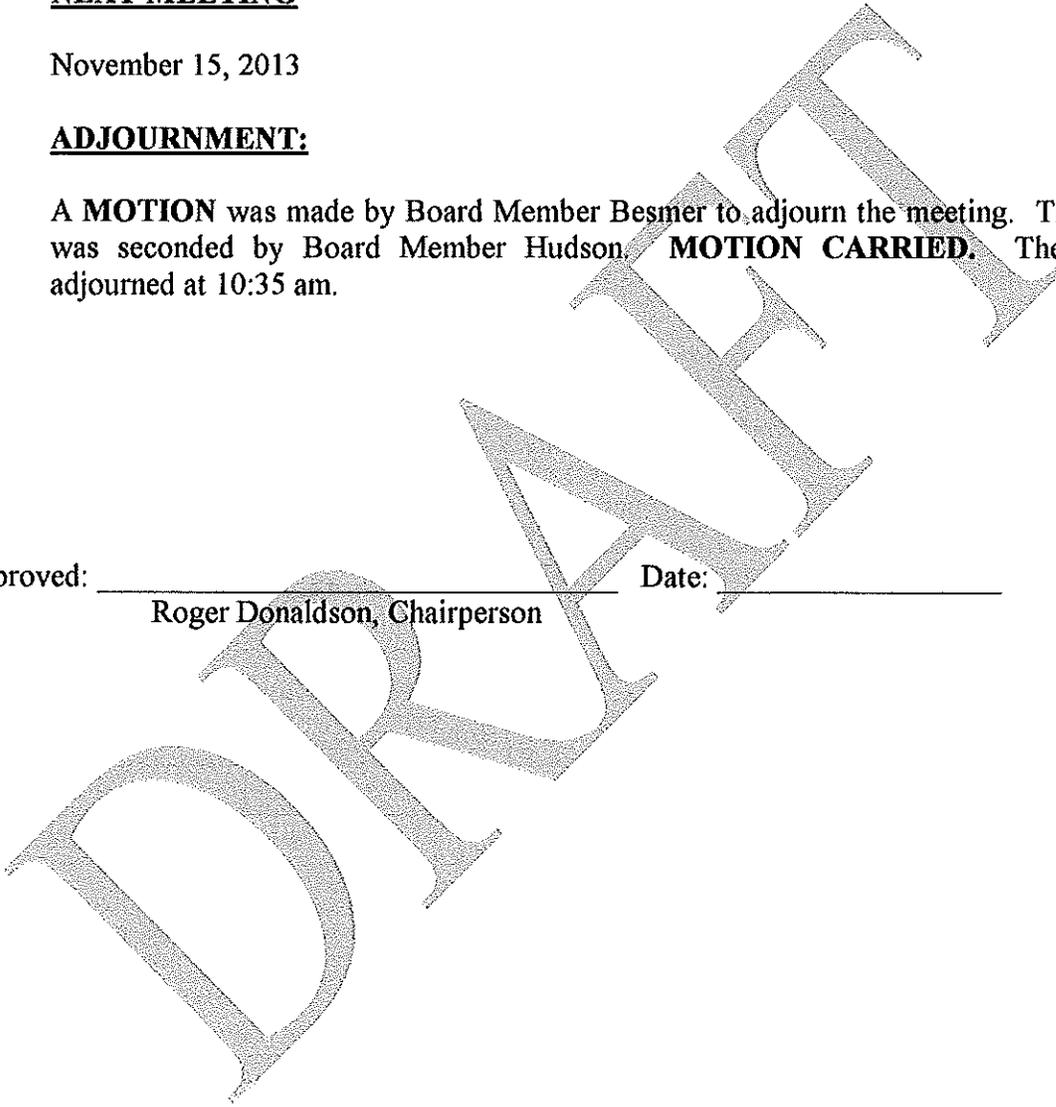
9. **NEXT MEETING**

November 15, 2013

10. **ADJOURNMENT:**

A **MOTION** was made by Board Member Besmer to adjourn the meeting. The motion was seconded by Board Member Hudson. **MOTION CARRIED.** The meeting adjourned at 10:35 am.

Approved: \_\_\_\_\_ Date: \_\_\_\_\_  
Roger Donaldson, Chairperson



STATE OF MICHIGAN  
MICHIGAN ADMINISTRATIVE HEARING SYSTEM

IN THE MATTER OF:

Docket No.: 13-008640-BCC

Prime Building  
33401 Woodward Avenue  
Birmingham, MI,  
Applicant

Case No.: 105780

Agency: Bureau of Construction  
Codes

Case Type: BCC Barrier Free Design

Filing Type: Exception Request

RECEIVED

OCT 03 2013

Issued and entered  
this 3rd day of October, 2013  
by J. Andre Friedlis  
Administrative Law Judge

BUREAU OF CONSTRUCTION CODES  
PLAN REVIEW DIVISION

REPORT OF THE ADMINISTRATIVE LAW JUDGE

PROCEDURAL FINDINGS

This is a proceeding held pursuant to the authority granted in Section 5 of 1966 PA 1, as amended, MCL 125.1351 *et seq*; 1972 PA 230, as amended MCL 125.1501 *et seq*; and 1969 PA 306, as amended, MCL 24.101 *et seq*.

The purpose of this review is to examine an application for exception from requirements contained in the Barrier Free Design Rules of the State Construction Code. A hearing was held on October 1, 2013 in Lansing, Michigan. Present were Daniel Winter, Vice President, representing the Applicant, Usha Menon, representing the Plan Review Division of the Bureau of Construction Codes and Kenneth Cooper, Assistant Building Official for the city of Birmingham.

ISSUE

Should an exception be granted from Section 1105.1 of the 2009 Michigan Building Code (MBC)?

FINDINGS OF FACT

The building at issue is between 90 and 95 years old. It is a two story structure with 1600 square feet on each level plus a basement. It is located at the public sidewalk west of Woodward and near Davis Street. The main entrance is off of Woodward. The upper level is occupied by the Prime Management Company for its commercial property management business. Two employees work on this level. The first floor is leased to a medical billing

1. EXCEPTION APPLICATIONS  
01. 105780

office. Three employees work at this site. There are also four other locations in southeast Michigan. This business coordinates in home health care patient needs.

Neither business has customers who visit this site. In the event any employee becomes temporarily disabled, that employee could work from home or another site that satisfies barrier free requirements.

The issue presented in this this case came about because the city of Birmingham decided to modify the sidewalks and ramping to the adjacent east west Davis street. These changes will provide barrier free access over Davis Street and the sidewalk adjacent to the Prime Building. But these changes will lower the sidewalk in front of the building 12 inches. This will require two steps with railings for access to the Prime Building. There is no space outside of the building to install a ramp.

The other building entrance from Davis Street also has two steps.

**CONCLUSIONS OF LAW**

Act 1 of the Public Acts of 1966, as amended, states that the barrier free design requirements were created "to provide for the accessibility and utilization by physically limited persons of public facilities and facilities used by the public." The Barrier Free Design Board is authorized by the Act to grant or deny requests for exceptions to any or all of the barrier free design requirements for a stated time period and upon stated conditions, and require alternatives when exceptions are granted.

An exception request is granted only when the Applicant demonstrates compelling need. The Applicant has the ultimate burden of proving that an exception should be granted. An exception is a special license to deviate from rules that have uniform applicability to all facilities. Compelling need may be present if the literal application of a specific barrier free design requirement would result in exceptional, practical difficulty to the Applicant or where compliance would not be economically, technologically, structurally, or administratively feasible.

Section 1105.1 of the 2009 MBC provides:

**Public entrances.** In addition to *accessible* entrances required by Sections 1105.1.1 through 1105.6, at least 60% of all *public entrances* shall be *accessible*.

**Exceptions:**

1. An *accessible* entrance is not required to areas not required to be *accessible*.
2. Loading and *service entrances* that are not the only entrance to a tenant space.

Compelling need based on impossibility of compliance due to site restrictions has been presented. There is no space on the property to build a ramp or lifting device. The Applicant cannot encroach on the public sidewalk or adjacent property to provide building access. But as noted above, both businesses have few if any "customers". Current employees can work from home or other barrier free locations if they become unable to come to this building.

**RECOMMENDED DECISION**

I recommend the Board grant the Applicant an exception from Section 1105.1 of the 2009 Michigan Building Code.

As a condition to granting these exceptions, the Board's Final Order, issued after review of this recommendation, shall be displayed in a conspicuous public location of the building.

A party may file comments, clarifications or objections to this Report, including written arguments, with the Bureau of Construction Codes, P.O. Box 30254, Lansing, Michigan 48909, Attention: **Todd Cordill**.

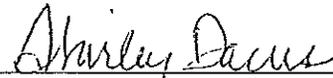
  
\_\_\_\_\_  
J. Andre Friedlis  
Administrative Law Judge

Docket No. 13-008640-BCC

Page 4

PROOF OF SERVICE

I hereby state, to the best of my knowledge, information and belief, that a copy of the foregoing document was served upon all parties and/or attorneys of record in this matter by Inter-Departmental mail to those parties employed by the State of Michigan and by UPS/Next Day Air, facsimile, and/or by mailing same to them via first class mail and/or certified mail, return receipt requested, at their respective addresses as disclosed below this 2nd day of October, 2013.



\_\_\_\_\_  
Shirley Dacus  
Michigan Administrative Hearing System

Kenneth Cooper  
City of Birmingham  
151 Martin Street  
Birmingham, MI 48012

Dan Winter  
Prime Management  
Prime Building 1359 Davis  
Birmingham, MI 48009

Todd Y. Cordill  
Bureau of Construction Codes  
Plan Review Division  
2501 Woodlake Circle  
Okemos, MI 48864

Herrity, George (LARA)

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From: Paul O'Meara [pomeara@bhamgov.org]  
Sent: Friday, August 16, 2013 2:22 PM  
To: Herrity, George (LARA)  
Cc: Ken Cooper  
Subject: 33401 Woodward Ave. - Birmingham

Mr. Herrity,

I was forwarded your voice mail message to Ken Cooper regarding the barrier free design exception application pending at the above address.

I was the design engineer overseeing the City sidewalk work at this location. In an effort to assist the property owner, the City moved the City sidewalk on both streets as far away from the building as practical (about 12 inches in both cases) to give the applicant the space to create at least what is now proposed. Given the close proximity of the streets in this area, and the lack of additional right-of-way, no further modifications to the City sidewalk were feasible.

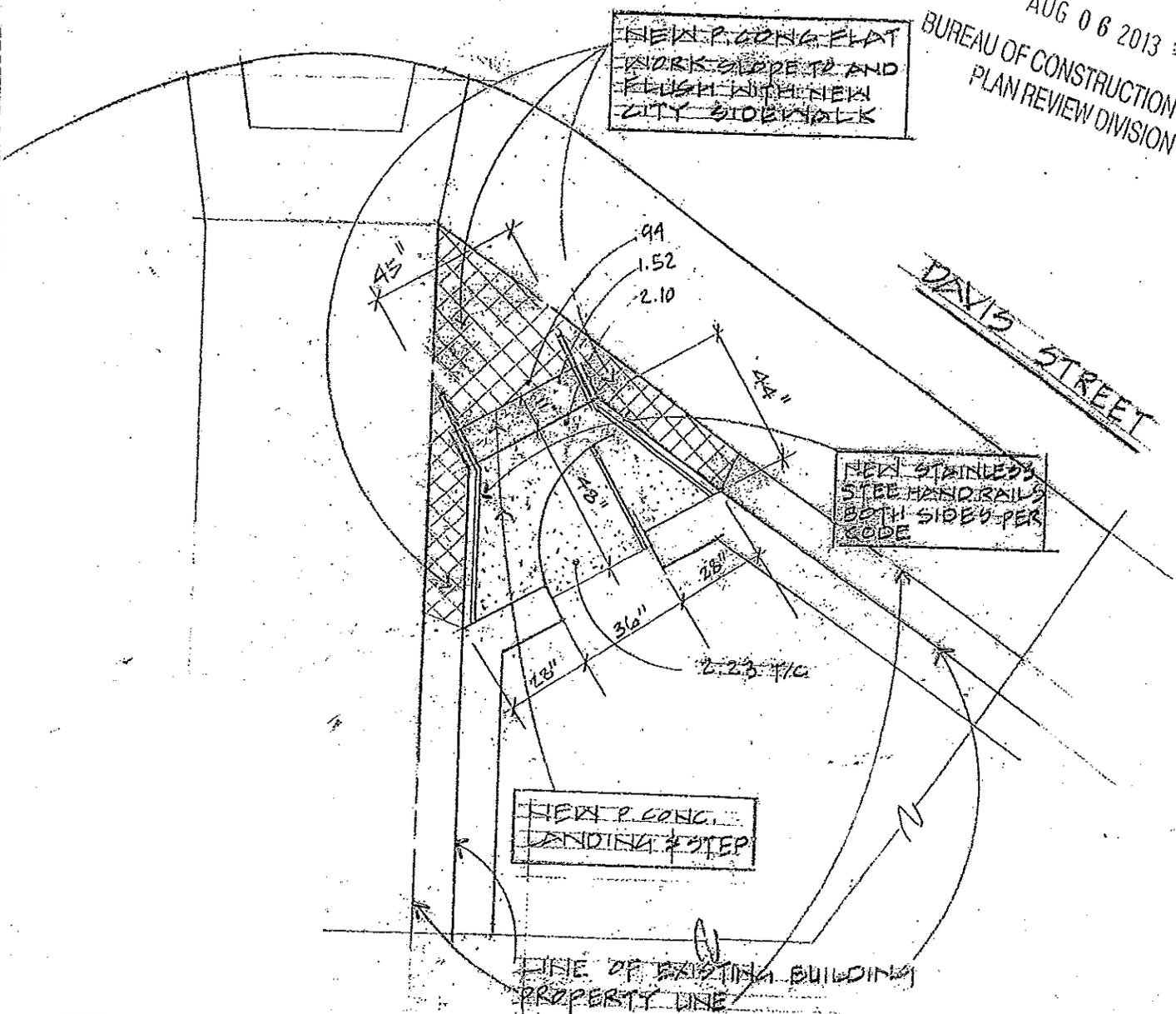
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Paul T. O'Meara  
City of Birmingham, MI  
City Engineer

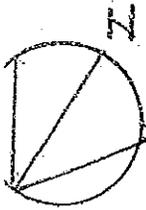
248-530-1836  
[pomeara@bhamgov.org](mailto:pomeara@bhamgov.org)

RECEIVED

AUG 06 2013  
BUREAU OF CONSTRUCTION CODES  
PLAN REVIEW DIVISION



3340 WOODWARD AVENUE  
 BIRMINGHAM MI 48009  
 NEW PORCH & STEPS INSTALLATION

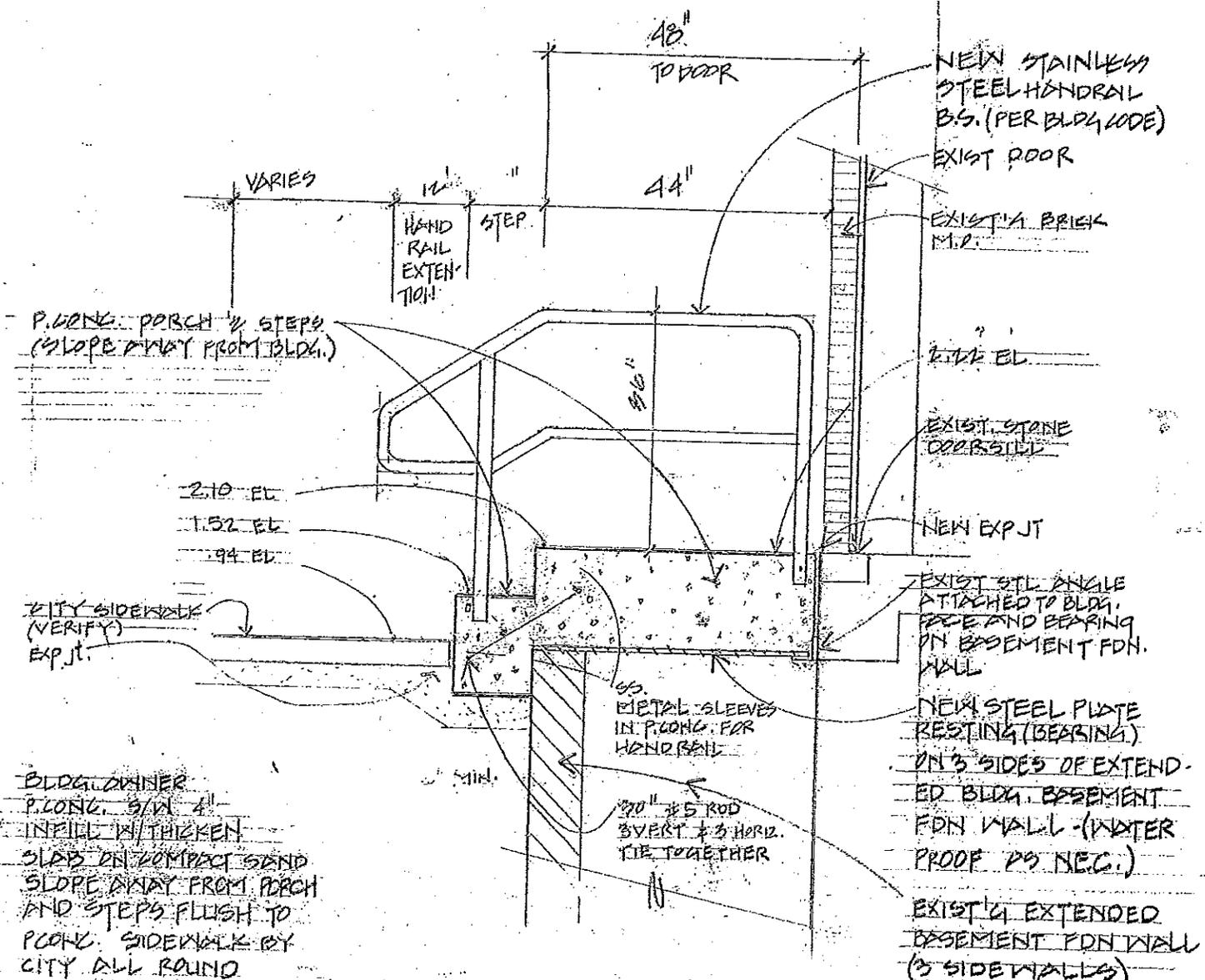


JUNE 16 2013  
 JUNE 26 2013 REVISION  
 1/4" = ONE FOOT



PLAN REVIEW  
 COPY

105 780  
 Shelf No. File



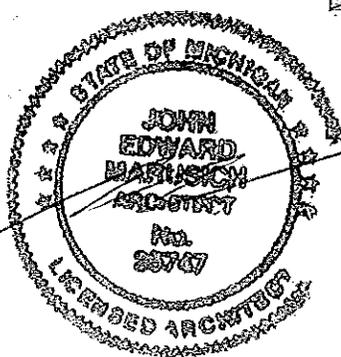
BLDG. OWNER  
 P. LONG, S/D 4"  
 INFILL W/ THICKEN  
 SLAB ON COMPACT SAND  
 SLOPE AWAY FROM PORCH  
 AND STEPS FLUSH TO  
 CONC. SIDEWALK BY  
 CITY ALL ROUND

SECTION THRU NEW PORCH & STEPS



34401 WOODWARD AVENUE  
 BIRMINGHAM MICH 48009

2.10.13 REDESIGN 1/6" = 1' 0"  
 to 2/22/13 REVISION





# City of Birmingham

*A Walkable Community*

RECEIVED

AUG 06 2013

BUREAU OF CONSTRUCTION CODES  
PLAN REVIEW DIVISION  
July 10, 2013

Michigan Department of Licensing and Regulatory Affairs  
Bureau of Construction Codes / Plan review Division  
P.O. Box 30255  
Lansing, Michigan 48909

Dear Michigan Barrier Free Design Board Members:

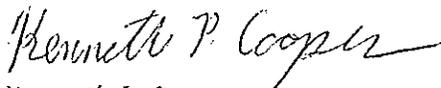
The City of Birmingham is the administrative authority responsible for issuing a building permit for the proposed renovation project. The City maintains a full time building department and staff including a Building Official, Assistant Building Official, two Building Inspectors, one Electrical Inspector, one inspector for plumbing and mechanical inspections, and four support staff employees. All registered code officials in the department have one or more International Code Council (ICC) certifications in their area of authority. The Building and Assistant Building Official maintain the ICC Accessibility Inspector/Plans Examiner certification.

The City of Birmingham is removing concrete sidewalks and curbs at numerous non-barrier free intersections throughout the city. The city is rebuilding these sidewalks / curbs intersections with barrier free ramps. The applicant's current building entrance is abutting one of these intersections. The city's project has caused the applicant to rebuild the building entrance. The applicant cannot rebuild the entrance per section 1105 for the reason that enough private property does not exist to construct a code compliant barrier free entrance.

The proposed new building entrance is more code compliant than the existing entrance. The new entrance meets building code requirements for door landings, stair risers, stair treads, guardrails, and handrails. As noted above the applicant cannot construct a barrier free code compliant entrance as required by the code. The building owner does not have enough property to accomplish an accessible ramped entrance. Accordingly, the city is supporting the barrier free entrance variance for this building.

The City of Birmingham thanks the board for the services they provide communities, residents, businesses, and building permit applicants concerning barrier free building code issues within Michigan. If the board has any questions regarding this matter, or needs addition information, I can be contacted during normal business hours at (248) 530.1849. Thank you for your consideration of this matter.

Sincerely,



Kenneth P. Cooper  
Assistant Building Official

Cc: Bruce R. Johnson – Building Official  
Paul O’Meara – City Engineer  
Dan Winter - Build Owner / Applicant  
Marusich Architecture – Architect of Record  
File

RECEIVED

16

AUG 06 2013

BUREAU OF CONSTRUCTION  
PLAN REVIEW DIVISION

Application for Barrier Free Design Rule Exception  
Michigan Department of Licensing and Regulatory Affairs  
Bureau of Construction Codes / Plan Review  
P.O. Box 30255, Lansing, MI 4890  
517-241-9328  
www.michigan.gov/bcc

133

105780

Application Fee: \$500.00

Authority: 1986 PA 1 Completion: Mandatory Penalty: Exception will not be granted	LARA is an equal opportunity employer/program. Auxiliary aids, services and other reasonable accommodations are available upon request to individuals with disabilities.
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The Barrier Free Design Board has no authority over the federal standards contained in the Americans with Disabilities Act of 1990, 42 U.S.C. 12204.

Note: The applicant is responsible for all fees applicable to this application.

PROJECT OR FACILITY INFORMATION				
FACILITY NAME <del>THE</del> Prime Bldg		STREET / SITE ADDRESS 33401 WOODWARD AVE.		
NAME OF CITY, VILLAGE OR TOWNSHIP IN WHICH FACILITY IS LOCATED <input checked="" type="checkbox"/> City <input type="checkbox"/> Village <input type="checkbox"/> Township Of: BIRMINGHAM			COUNTY OAKLAND	
Estimated Project Cost \$ 2000.00		Estimated Cost of Compliance \$ N/A		
BUILDING DATA (To be completed by the administrative authority responsible for issuing the building permit for this project)				
<input type="checkbox"/> New Building <input checked="" type="checkbox"/> Alteration <input type="checkbox"/> Change of Use		Building Permit / File Number J13-0003		
Is a Temporary Exception Requested? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		PERIOD OF TIME REQUESTED?	USE GROUP B	CONSTRUCTION TYPE 5B
Project Does Not Comply With Barrier Free Design Requirements As Follows:				
Michigan Building Code Section(s) 1105		Trans Info: 133 18839959-1 08/02/13 CHK#: 16249 Amt: \$500.00 ID: PRIME		
Reason for Non-Compliance SEE ATTACHED				
ENFORCING AGENCY CITY OF BIRMINGHAM		BUILDING OFFICIAL NAME KENNETH P. COOPER		REGISTRATION NUMBER 3875
ADDRESS 151 MARTIN ST.	CITY BIRMINGHAM	STATE MI	ZIP CODE 48012	TELEPHONE NUMBER (Include Area Code) 248-530-1849
BUILDING OFFICIAL SIGNATURE (Must be an original signature) Kenneth P. Cooper		DATE 1-11-13	E-MAIL ADDRESS KCOOPER@BHAMGOV.ORG	FAX NUMBER (include Area Code) 248-530-1799
PROJECT ARCHITECT / ENGINEER (When professional services are required by code or law)				
COMPANY NAME JOHN MARUSICH		LICENSED INDIVIDUAL YES		MICHIGAN LICENSE NUMBER 35747
ADDRESS 781 Camden St.	CITY Ferndale	STATE Mi	ZIP CODE 48220	TELEPHONE NUMBER (Include Area Code) 313482-0645
APPLICANT/FACILITY CONTACT INFORMATION (Note: All correspondence will be sent to this address)				
COMPANY NAME PRIME MOT.		APPLICANT NAME DAW Winter		
ADDRESS 1359 DAULS	CITY BIRM	STATE MI	ZIP CODE 48009	TELEPHONE NUMBER (Include Area Code) 248-540-8017
I certify the proposed work is authorized by the owner of record. I agree to conform to all applicable laws of the state of Michigan and all information submitted is accurate to the best of my knowledge.				FAX NUMBER (Include Area Code) 248-540-2712
SIGNATURE (Must be an original signature) 			DATE 7-18-13	

STATE OF MICHIGAN  
MICHIGAN ADMINISTRATIVE HEARING SYSTEM

IN THE MATTER OF:

Lady Jane's Haircuts for Men  
3921 Rochester Road  
Troy, MI 48084,  
Applicant

Docket No.: 13-012880-BCC

Case No.: 105799

Agency: Bureau of Construction  
Codes

Case Type: BCC Barrier Free Design

Filing Type: Appeal

Issued and entered  
this 26<sup>th</sup> day of December, 2013  
by:  
J. Andre Friedlis  
Administrative Law Judge

REPORT OF THE ADMINISTRATIVE LAW JUDGE

PROCEDURAL FINDINGS

This is a proceeding held pursuant to the authority granted in Section 5 of 1966 PA 1, as amended, MCL 125.1351 *et seq.*; 1972 PA 230, as amended MCL 125.1501 *et seq.*; and 1969 PA 306, as amended, MCL 24.101 *et seq.*

The purpose of this review is to examine an application for exception from requirements contained in the Barrier Free Design Rules of the State Construction Code. A hearing was held on December 4, 2013, in Lansing Michigan. Present were Tim McCollum, President and Chief Operations Officer and David Hartford, Manager of Maintenance representing the Applicant and Usha Menon, representing the Plan Review Division of the Bureau of Construction Codes.

On December 11, 2013, the Petitioner filed a post hearing statement.

ISSUES

Should an exception be granted the Applicant from Section 1104.4 of the 2009 Michigan Building Code (MBC)?

FINDINGS OF FACT

The Applicant began a lease of the building at issue approximately five years ago. This location is the main office for the company that has 46 establishments in seven states.

13-012880-BCC

Page 2

There are 12 sites in Michigan. The company employs approximately 24 employees including a regional sales director for each state. The regional representatives spend 90% of their time in the field and come to the office on an infrequent basis. Independent contractors handle hair cutting duties at each establishment.

The building has 4800 square feet on the first floor and 2500 square feet in the basement. The first floor satisfies all barrier free requirements. Based on the post hearing statement, the Applicant asserts the basement is 10 feet 9 inches below the first floor.

The first floor has been used for both hair cutting and office work but the need for more office space has prompted the Applicant to develop the basement. A building permit was issued May 13, 2013. At a cost of \$20,000, 2500 square feet has been converted to office use. This includes office cubes and a conference room of 285 square feet. The balance will be used for storage. This expansion gives the Applicant the flexibility to have meetings of all regional representatives as needed. When meetings are not being held, approximately two employees use the basement office area.

No customers are served in the basement. All office work can be performed on the accessible first floor.

The Applicant's post hearing submission states a lift would cost \$20,760. A copy of the proposal is attached. The application states an elevator would cost \$75,000. But the Applicant requests an exception because any expense would be wasteful. No employee will be required to work in the basement. It will be used only for overflow needs and especially when the full management team is assembled.

### CONCLUSIONS OF LAW

Act 1 of the Public Acts of 1966, as amended, states that the barrier free design requirements were created "to provide for the accessibility and utilization by physically limited persons of public facilities and facilities used by the public." The Barrier Free Design Board is authorized by the Act to grant or deny requests for exceptions to any or all of the barrier free design requirements for a stated time period and upon stated conditions, and require alternatives when exceptions are granted.

An exception request is granted only when compelling need is demonstrated by the Applicant. The Applicant has the ultimate burden of proving that an exception should be granted. An exception is a special license to deviate from rules which have uniform applicability to all facilities. Compelling need may be present if the literal application of a specific barrier free design requirement would result in exceptional, practical difficulty to the Applicant or where compliance would not be economically, technologically, structurally, or administratively feasible.

13-012880-BCC

Page 3

Section 1104.4 of the MBC provides:

**1104.4 Multilevel buildings and facilities.** At least one *accessible route* shall connect each *accessible level*, including *mezzanines*, in multilevel buildings and facilities.

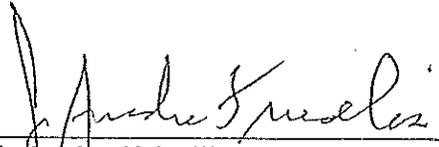
Compelling need based on cost and duplicate facilities has been presented to support approving the Applicant's exception request. A considerable sum would be needed to provide elevator access between the two levels at issue. Even a platform lift would be "expensive" given the limited need for the basement. As pointed out above, the Applicant has provided a completely accessible first floor. All employees can perform their work on the accessible first floor. No customers will need to go the basement.

#### RECOMMENDED DECISION

I recommend the Board grant the Applicant an exception from Section 1104.4 of the 2009 Michigan Building Code.

As a condition to granting this exception, the Board's Final Order, issued after review of this recommendation, shall be displayed in a conspicuous public location of the building.

A party may file comments, clarifications or objections to this Report, including written arguments, with the Bureau of Construction Codes, Plan Review Division, 2501 Woodlake Circle, Okemos, MI 48864, Attention: Todd Y. Cordill.

  
\_\_\_\_\_  
J. Andre Friedlis  
Administrative Law Judge

PROOF OF SERVICE

I hereby state, to the best of my knowledge, information and belief, that a copy of the foregoing document was served upon all parties and/or attorneys of record in this matter by Inter-Departmental mail to those parties employed by the State of Michigan and by UPS/Next Day Air, facsimile, and/or by mailing same to them via first class mail and/or certified mail, return receipt requested, at their respective addresses as disclosed below this 26<sup>th</sup> day of December, 2013.

*Janice K. Atkins*

Janice K. Atkins  
Michigan Administrative Hearing System

Todd Y. Cordill  
Bureau of Construction Codes  
Plan Review Division  
2501 Woodlake Circle  
Okemos, MI 48864

Mitchell Grusnick  
City of Troy  
500 West Big Beaver Road  
Troy, MI 48084

Lady Jane's Haircuts for Men  
3921 Rochester Road  
Troy, MI 48084

David Hartford  
Lady Jane's Haircuts for Men  
3921 Rochester Road  
Troy, MI 48083

Usha Menon  
Bureau of Construction Codes  
Plan Review Division  
2501 Woodlake Circle  
Okemos, MI 48864

105799  
21

Fax to: J. Andre Friedlis 517-335-6696  
USHA MENON 517-241-9308

PAGES: 2

Fax From: Tim McCallum

RECEIVED  
BUREAU OF CONSTRUCTION CODES  
PLAN REVIEW DIVISION

RE: CASE # 105799, follow up

- ① Floor to Floor Ht = 10'9"
- ② Attached is a bid for a wheel chair lift as you requested



Proudly Serving Michigan Since 1985

December 10, 2013

Proposal for Garaventa Xpress II Stair-Lift

Lady Jane's Haircuts for Men  
3921 Rochester Road  
Troy, MI 48083  
Attn: Tim McCollum  
248.689.0997 [TMAC@LJHCUTS.COM](mailto:TMAC@LJHCUTS.COM)

We hereby propose to furnish equipment, labor and materials for the installation of one Garaventa Xpress II Stair-lift. Price includes all standard equipment, installation, required permits, freight, tax and inspection. Please refer to manufacturer's literature for product specifications.

Standard Features:

- 0.75 H.P. electric motor
- Platform Size: 800 x 1250mm (31 1/2" x 49 1/4")
- Rated Load: 495 lbs.
- Standard factory color Satin Gray (RAL 7030)
- Speed: Up: 4m (13 ft) per minute, Down: 4.9m (16 ft) per minute
- Platform Controls: Constant pressure buttons, Emergency Stop button
- Call Station Controls: Constant pressure directional buttons, one touch fold & unfold buttons
- Powered safety arms
- In-Hanger Alarm with Battery Backup
- Folding seat
- Handrail

Site Preparation by Others

- Site preparation including but not limited to: structural wall/railing support, dedicated electrical circuit with approved disconnect per code, other site work which may be required but not stated herein.

Our price is: \$20,760.00 (Twenty Thousand Seven Hundred Sixty and 00/100 dollars)

Terms: 50% due upon acceptance; full balance due upon completion day of final inspection.

After shop drawing approval please allow three to five weeks for delivery. This proposal, along with our standard terms, conditions and levels of insurance, which will be herein incorporated, constitute the agreement between the parties, and no previous or subsequent representations will be accepted unless submitted and accepted in writing. This proposal shall remain valid for a period of 60 days from submittal date.

Paul Rogers  
Adaptive Environments

Accepted by: \_\_\_\_\_

Date: \_\_\_\_\_



43600 Utica Road • Sterling Heights, MI 48314

586-739-9300 • [www.adaptive-environments.com](http://www.adaptive-environments.com) • 586-739-6220 (FAX)

July 17, 2013

RECEIVED

AUG 12 2013

Attn: MI Dept. of Licensing & Regulatory Affairs

Bureau of Construction Codes/Plan Review Division

BUREAU OF CONSTRUCTION CODES  
PLAN REVIEW DIVISION

Dear Sir/Madam,

Please find the enclosed Barrier Free Design Rule Exception application for our Lady Jane's Haircuts for Men and LUV Manicures & Pedicures corporate headquarters located at 3921 Rochester Rd in Troy, Michigan. The growth of our company has made it necessary for us to add more office space at our main headquarters. Our main floor is overcrowded creating very small work spaces along with all the other difficulties associated with overcrowding like talking over each other while trying to conduct business over the phone or trying to spread out your work and the comingling of belongings and work.

Our 4,800 square foot building has a full basement that has been used for storage because of the limited onsite parking. The City has recently modified the parking requirement of the zoning ordinance which reduced the number of required spaces and also allows off-site parking under certain conditions which we have met. The basement is the same size/square footage as the main floor and has existing plumbing, mechanical, electrical and fire protection that can be used for the new use and layout. The lower level is easily accessed by 2 stairways that exceed the minimum required width. The lower level will maintain 2 storage areas/rooms along with the construction of the new office area. The toilet room, drinking fountain and break areas on both levels will be barrier free compliant to today's standard. All uses and activities of the basement/ lower level are duplicated on the accessible level.

Our occupant load varies with the influx of workers from all of our retail sites. Teaming programs, training program, meetings, and rolling out new marketing campaigns/programs requires retail store managers to attend and work out of our corporate headquarters from time to time. Our team grows with every new retail outlet we open and in turn our corporate team also has to grow to keep the balance/support. Bringing everyone together is essential. Our success has and is built on this winning approach.

Section 1104.4, multilevel building and facilities, of the 2009 Michigan Building Code allows 3,000 square feet of non-accessible area 1-story above or below the level of exit discharge which is the accessible level. Our basement exceeds the 3,000 square foot limitations and that is why we are requesting this exception/variance. Of the 4,800 square feet of the basement 2,500 square feet is dedicated to office

and 2,300 square feet is dedicated to storage. Some of the storage square footage is dedicated to the stairway enclosures and mechanical room.

It is my understanding that the 3,000 square foot exception for multilevel building is permitted because it is viewed as an overflow to the accessible level and that accommodations for a person with special needs is available on the accessible level. All of the activities conducted in the basement/lower level are an overflow to the uses and activities on the accessible/main level of the building.

The request could be viewed in 2 ways, 1: We are requesting a variance to exceed the 3,000 square foot threshold by 1,800 square feet in which 2,300 square feet of storage will remain as storage as approved under a different/earlier set of barrier free rules or 2: We are asking for relief of having to provide barrier free access to the basement/lower level.

We greatly appreciate your consideration of our application and I am available by phone or via email if you need any other information or have any questions.

Thank you for your time and assistance.

Sincerely,



Tim McCollum  
President/COO  
Lady Jane's Haircuts for Men  
LUV Manicures & Pedicures  
3921 Rochester Road  
Troy, MI 48083  
248-689-0997  
tmac@ljhaircuts.com

Application for Barrier Free Design Rule Exception  
 Michigan Department of Licensing and Regulatory Affairs  
 Bureau of Construction Codes / Plan Review Division  
 P.O. Box 30255, Lansing, MI 48909  
 517-241-9328  
 www.michigan.gov/bcc

BUREAU OF CONSTRUCTION CODES  
 PLAN REVIEW DIVISION

105 799

Application Fee: \$500.00

Authority: 1966 PA 1 Completion: Mandatory Penalty: Exception will not be granted	LARA is an equal opportunity employer/program. Auxiliary aids, services request to individuals with disabilities.
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The Barrier Free Design Board has no authority over the federal standards contained in the Americans with Disabilities Act of 1990, 42 U.S.C. 12204.  
 Plan Info: 133 18043305-1 08/05/13  
 Chk#: 1143 Amt: \$500.00  
 ID: LADY JAMES TROY LLC

Note: The applicant is responsible for all fees applicable to this application.

<b>PROJECT OR FACILITY INFORMATION</b>				
FACILITY NAME Lady Janes Haircuts for Men		STREET / SITE ADDRESS 3921 Rochester Rd		
NAME OF CITY, VILLAGE OR TOWNSHIP IN WHICH FACILITY IS LOCATED <input checked="" type="checkbox"/> City <input type="checkbox"/> Village <input type="checkbox"/> Township Of: Troy			COUNTY Oakland	
Estimated Project Cost \$ 20,000.00		Estimated Cost of Compliance \$ 75,000.00		
<b>BUILDING DATA</b> (To be completed by the administrative authority responsible for issuing the building permit for this project)				
<input type="checkbox"/> New Building <input checked="" type="checkbox"/> Alteration <input type="checkbox"/> Change of Use		Building Permit / File Number PB2013-0482		
Is a Temporary Exception Requested? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		PERIOD OF TIME REQUESTED?	USE GROUP B + S - 1	CONSTRUCTION TYPE 11B SPR.
Project Does Not Comply With Barrier Free Design Requirements As Follows: Michigan Building Code Section(s) 3411.7 ALTERATIONS AFFECTING AN AREA CONTAINING A PRIMARY FUNCTION. ALTERING A LOWER NON ACCESSIBLE LEVEL (B+S-1 USES) Reason for Non-Compliance 1104 A EXCEED NON ACCESSIBLE AREA ALLOWED Space is being used for overflow of occasional office personnel. It will also be used for storage and hosting of occasional training events.				
ENFORCING AGENCY CITY OF TROY Building Department Services		BUILDING OFFICIAL NAME Mitchell E Grusnick		REGISTRATION NUMBER 3205
ADDRESS 500 W. Big Beaver Rd.	CITY Troy	STATE MI	ZIP CODE 48084	TELEPHONE NUMBER (Include Area Code) (248) 524-3344
BUILDING OFFICIAL SIGNATURE (Must be an original signature) Mitchell E Grusnick		DATE 6/26/2013	E-MAIL ADDRESS Grusnickme@troymigov	
FAX NUMBER (Include Area Code) (248) 689-3120				
<b>PROJECT ARCHITECT / ENGINEER</b> (When professional services are required by code or law)				
COMPANY NAME Poly Arch Inc.		LICENSED INDIVIDUAL Eric Hedeirer		MICHIGAN LICENSE NUMBER 44697
ADDRESS 44045 Gratiot	CITY Clinton Twp	STATE MI	ZIP CODE 48036	TELEPHONE NUMBER (Include Area Code) (586) 468-4790
<b>APPLICANT/FACILITY CONTACT INFORMATION</b> (Note: All correspondence will be sent to this address)				
COMPANY NAME Lady Janes Haircuts for Men		APPLICANT NAME David Hartford		
ADDRESS 3921 Rochester Rd	CITY Troy	STATE MI	ZIP CODE 48083	TELEPHONE NUMBER (Include Area Code) (248) 885-5155
I certify the proposed work is authorized by the owner of record. I agree to conform to all applicable laws of the state of Michigan and all information submitted is accurate to the best of my knowledge.				FAX NUMBER (Include Area Code) (248) 250-9782
SIGNATURE (Must be an original signature) [Signature]			DATE 6/26/13	

STATE OF MICHIGAN  
MICHIGAN ADMINISTRATIVE HEARING SYSTEM

IN THE MATTER OF:

Docket No.: 13-009173-BCC

Kent Quality Foods  
703 Leonard Street NW  
Grand Rapids, MI 49501,  
Applicant

Case No.: 105933

Agency: Bureau of  
Construction Codes

Case Type: BCC Barrier Free Design

Filing Type: Exception Request

3. EXCEPTION APPLICATIONS  
03. 105933

Issued and entered  
this 2nd day of October, 2013  
by J. Andre Friedlis  
Administrative Law Judge

REPORT OF THE ADMINISTRATIVE LAW JUDGE

PROCEDURAL FINDINGS

This is a proceeding held pursuant to the authority granted in Section 5 of 1966 PA 1, as amended, MCL 125.1351 *et seq*; 1972 PA 230, as amended MCL 125.1501 *et seq*; and 1969 PA 306, as amended, MCL 24.101 *et seq*.

The purpose of this review is to examine an application for exception from requirements contained in the Barrier Free Design Rules of the State Construction Code. A hearing was held on October 1, 2013, in Lansing Michigan. Present were Alan Majeski, Architect representing the Applicant, and Usha Menon, representing the Plan Review Division of the Bureau of Construction Codes.

ISSUE

Should the Board grant the Applicant an exception from Section 404.2.3.1 of the 2003 ICC/ANSI A 117.1 Code?

FINDINGS OF FACT

The Applicant has been a food processor at this location for over 100 years. The business currently produces hot dogs and related products with 60 employees over three shifts.

In order to comply with USDA rules regarding bathroom placement, the Applicant moved second floor restrooms from above a food processing area to above a mechanical location. This new location is adjacent to the cafeteria and lunchroom.

In the process of moving the bathroom facilities, the latch side clear space from inside the men's restroom has been reduced to between 13 and 14 inches instead of the required 18 inches. It was difficult to find a space free from ammonia and other mechanical lines in which to place the bathrooms.

The Applicant has installed a pushbutton so users do not have to actually open the door – they can push a button. If the Applicant enlarges the latch side clear space to the required 18 inches, they will not be able to provide the push button device.

There are accessible bathroom facilities for men and women on the first floor as well.

### CONCLUSIONS OF LAW

Act 1 of the Public Acts of 1966, as amended, states that the barrier free design requirements were created "to provide for the accessibility and utilization by physically limited persons of public facilities and facilities used by the public." The Barrier Free Design Board is authorized by the Act to grant or deny requests for exceptions to any or all of the barrier free design requirements for a stated time period and upon stated conditions, and require alternatives when exceptions are granted.

An exception request is granted only when compelling need is demonstrated by the Applicant. The Applicant has the ultimate burden of proving that an exception should be granted. An exception is a special license to deviate from rules which have uniform applicability to all facilities. Compelling need may be present if the literal application of a specific barrier free design requirement would result in exceptional, practical difficulty to the Applicant or where compliance would not be economically, technologically, structurally, or administratively feasible.

Section 404.2.3.1 of the 2003 ICC/ANSI A 117.1 Code provides:

**Swinging Doors.** Swinging doors shall have maneuvering clearances complying with Table 404.2.3.1.

Compelling need based on structural difficulty and the Applicant's willingness to install a push button justifies granting the Applicant's request for exception. While the altered bathrooms will not satisfy the required latch side clear space requirement, adding a push button will allow wheel chair users easy egress from this facility. The push button will also allow employees to exit the bathrooms without touching the handle. This will provide a more sanitary working condition.

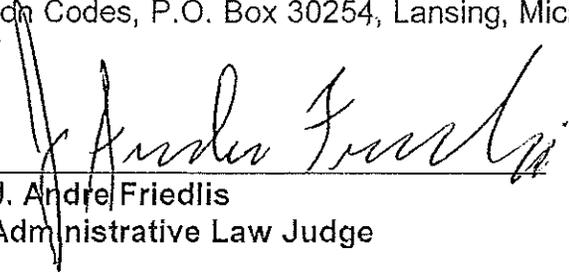
The Applicant will also provide fully accessible facilities on the first floor.

**RECOMMENDED DECISION**

I recommend the Board grant the Applicant an exception from Section 404.2.3.1 of the 2003 ICC/ANSI A 117.1 Code for the bathrooms specified above. In place of providing the required latch side clear space, the Applicant will install a push button.

As a condition to granting this exception, the Board's Final Order, issued after review of this recommendation, shall be displayed in a conspicuous public location of the building.

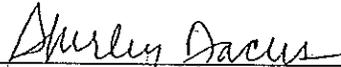
A party may file comments, clarifications or objections to this Report, including written arguments, with the Bureau of Construction Codes, P.O. Box 30254, Lansing, Michigan 48909, Attention: Todd Cordill.



J. Andre Friedlis  
Administrative Law Judge

PROOF OF SERVICE

I hereby state, to the best of my knowledge, information and belief, that a copy of the foregoing document was served upon all parties and/or attorneys of record in this matter by Inter-Departmental mail to those parties employed by the State of Michigan and by UPS/Next Day Air, facsimile, and/or by mailing same to them via first class mail and/or certified mail, return receipt requested, at their respective addresses as disclosed below this 2nd day of October, 2013.



\_\_\_\_\_  
Shirley Dacus  
Michigan Administrative Hearing System

Kent Quality Foods  
703 Leonard Street NW  
Grand Rapids, MI 49501

GMB Architects Engineers  
Attn: Alan Majeski  
85 East Eighth Street, Suite 200  
Holland, MI 49423

Mark Fleet  
City of Grand Rapids  
1120 Monroe NW  
Grand Rapids, MI 49503

Todd Y. Cordill  
Bureau of Construction Codes  
Plan Review Division  
2501 Woodlake Circle  
Okemos, MI 48864

## TRANSMITTAL



DATE: August 28, 2013

TO: Mr. Todd Cordill, NCARB  
Chief, Plan Review Division  
Michigan Department of Licensing and Regulatory Affairs  
Bureau of Construction Codes  
Plan Review Division  
2501 Woodlake Circle  
Okemos, MI 48864

FROM: Alan M. Majeski

PROJ: Kent Quality Foods

PROJ NO: 5-2449

RE: Application for Barrier Free Design Rule Exception

VIA: UPS

RECEIVED

AUG 30 2013

BUREAU OF CONSTRUCTION CODES  
PLAN REVIEW DIVISION

<u>COPIES</u>	<u>DESCRIPTION</u>
1	Application
1	Check for \$500.00
1	Floor Plan

PURPOSE:  For Approval  For Your Use  As Requested  For Review & Comment

REMARKS: Todd, please see attached plan. The owner was forced to relocate existing bathrooms because they were over a food processing area. Original parts of the plant, near where we were building are over 100 years old. We tucked the new toilet rooms between an existing bearing wall on the west, which is the East edge of the production area and some existing 10" ammonia lines. This area is over an existing mechanical room, so we were also dodging utilities and equipment below. In trying to meet other ADA clearances and work around these existing utilities, the entry door to the Men's restroom was located approx. 2 1/2" to close to the wall at the hinge side. As part of this project the owner has chosen to add automatic, push button operators, to both toilet room entry doors, as an additional precaution with their hand cleaning procedures. We would like you to look at this as an acceptable variance to disabled persons having to manually operate the door.  
If you have any questions, please contact me.

Alan

IF ENCLOSURES ARE NOT AS INDICATED, PLEASE NOTIFY US AT ONCE.

GMB ARCHITECTURE + ENGINEERING

85 EAST EIGHTH STREET, STE 200, HOLLAND MI 49423 / 2025 EAST BELTLINE SE, STE 308, GRAND RAPIDS MI 49546  
P 616.796.0200 / F 616.796.0201 / E info@gmb.com / www.gmb.com

RECEIVED

Application for Barrier Free Design Rule Exception  
 Michigan Department of Licensing and Regulatory Affairs  
 Bureau of Construction Codes / Plan Review Division  
 P.O. Box 30255, Lansing, MI 48909  
 517-241-9328  
 www.michigan.gov/bcc

AUG 30 2013

105 933

BUREAU OF CONSTRUCTION CODES  
 Application Fee: \$500.00

Authority: 1966 PA 1 Completion: Mandatory Penalty: Exception will not be granted	PLAN REVIEW DIVISION LARA is an equal opportunity employer/program. Auxiliary aids, service request to individuals with disabilities.
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The Barrier Free Design Board has no authority over the federal standards contained in the Americans with Disabilities Act of 1990, 42 U.S.C. 12204.

Note: The applicant is responsible for all fees applicable to this application.

PROJECT OR FACILITY INFORMATION				
FACILITY NAME Kent Quality Foods		STREET / SITE ADDRESS 703 Leonard Street, NW		
NAME OF CITY, VILLAGE OR TOWNSHIP IN WHICH FACILITY IS LOCATED <input checked="" type="checkbox"/> City <input type="checkbox"/> Village <input type="checkbox"/> Township Of: Grand Rapids				COUNTY Kent
Estimated Project Cost \$ 190,000.00		Estimated Cost of Compliance \$ 5,000.00		
BUILDING DATA (To be completed by the administrative authority responsible for issuing the building permit for this project)				
<input type="checkbox"/> New Building		<input checked="" type="checkbox"/> Alteration		<input type="checkbox"/> Change of Use
Building Permit / File Number				BC-NEW-2013-0099
Is a Temporary Exception Requested? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		PERIOD OF TIME REQUESTED? After occupancy	USE GROUP F-1	CONSTRUCTION TYPE 5B
Project Does Not Comply With Barrier Free Design Requirements As Follows: Min. clear area at toilet room entry door is less than 18". Michigan Building Code Section(s) MBC-1105 - Accessible Entrances ICC ANSI 117.1 - 2003 Section 404.2.3.1 Reason for Non-Compliance Building addition width and utility locations limited by existing conditions. (bearing walls, food production areas, existing major utilities).				
ENFORCING AGENCY City of Grand Rapids		BUILDING OFFICIAL NAME Mark Fleet		REGISTRATION NUMBER 2162
ADDRESS 1120 Monroe Ave.	CITY Grand Rapids	STATE MI	ZIP CODE 49503	TELEPHONE NUMBER (Include Area Code) (616) 456-3487
BUILDING OFFICIAL SIGNATURE (Must be an original signature) <i>Mark Fleet</i>		DATE 8/29/13	E-MAIL ADDRESS mfleet@grand-rapidsmi.us	
				FAX NUMBER (Include Area Code) (616) 456-4088
PROJECT ARCHITECT / ENGINEER (When professional services are required by code or law)				
COMPANY NAME GMB Architecture + Engineering		LICENSED INDIVIDUAL Harm J. Perdok		MICHIGAN LICENSE NUMBER 29065
ADDRESS 85 East Eighth Street, Suite 200	CITY Holland	STATE MI	ZIP CODE 49423	TELEPHONE NUMBER (Include Area Code) (616) 796-0200
APPLICANT/FACILITY CONTACT INFORMATION (Note: All correspondence will be sent to this address)				
COMPANY NAME GMB Architecture + Engineering		APPLICANT NAME Alan Majeski		
ADDRESS 85 East Eighth Street, Suite 200	CITY Holland	STATE MI	ZIP CODE 49423	TELEPHONE NUMBER (Include Area Code) (616) 796-0200
I certify the proposed work is authorized by the owner of record. I agree to conform to all applicable laws of the state of Michigan and all information submitted is accurate to the best of my knowledge.				FAX NUMBER (Include Area Code) (616) 796-0201
SIGNATURE (Must be an original signature) <i>Alan Majeski</i>			DATE 28 AUG. 2013	

\*This information is confidential. Disclosure of confidential information is protected by the Federal Privacy Act.