



RICK SNYDER
GOVERNOR

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

MIKE ZIMMER
DIRECTOR

BARRIER FREE DESIGN BOARD
Administrative Conference Room, First Floor
2501 Woodlake Circle
Okemos, Michigan 48864

AGENDA

January 23, 2015
9:30 a.m.

1. **Call to Order and Determination of Quorum**
2. **Approval of Agenda** (pages 1-2)
3. **Approval of Minutes - July 18, 2014** (pages 3-6)

4. **New Business**

1. Election of 2015 Chairperson of the Barrier Free Design Board

The Chair of the Barrier Free Design Board also serves on the State Construction Code Commission in accordance with MCL125.1503a. The commission meets quarterly and nominees for chair must be willing and able to attend these meetings.

2. Approval of 2015 Barrier Free Design Board Meeting Schedule (page 7)

5. **Exception Applications**

- 01) 107589, Dove Academy – Wayne (pages 8-12)
- 02) 107861, Music Hall – Wayne (pages 13-17)
- 03) 108101, Pi Kappa Alpha Chapter House – Ingham (pages 18-29)
- 04) 108394, Ciena Health Care-Regency at Shelby – Macomb (pages 29-34)

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 • Telephone (517) 241-9328 • Fax (517) 241-9308

- 6. Unfinished Business**
- 7. New Business**
- 8. Staff Report**
- 9. Public Comment**
- 10. Next Meeting – March 20, 2015**
- 11. 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.”



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, MI 48864

Minutes
July 18, 2014

MEMBERS PRESENT

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

MEMBERS ABSENT

Ms. Emily Blauw
Mr. Brett Holt

DEPARTMENT PERSONNEL IN ATTENDANCE

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

OTHERS IN ATTENDANCE

None

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 • Telephone (517) 241-9302 • Fax (517) 241-9570

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

The meeting was called to order at 10:25 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 March 21, 2014 Board meeting. The motion was seconded by Board Member Andres. **MOTION CARRIED.**

3. **APPROVAL OF MINUTES**

A **MOTION** was made by Board Member Spencer to approve the minutes of the March 21, 2014 Board meeting. The motion was seconded by Board Member DeLeonardis. **MOTION CARRIED.**

4. **EXCEPTION APPLICATIONS**

- 01) 105560, Angel Nails – Wayne
- 02) 106628, Fallstich Law Office - Wayne
- 03) 107038, Capuchin Soup Kitchen-ROPE Program – Wayne
- 05) 107166, Keihin – St. Clair County
- 06) 107185, Two James Spirits – Wayne
- 07) 107248, Heritage Church – Lapeer
- 08) 107364, Gordon Food Service – Kent
- 09) 107376, Christian Reformed Church Annex – Ottawa
- 10) 107552, Edward Jones – Saginaw

A **MOTION** was made by Board Member Harris to adopt the reports of the Administrative Law Judge and the recommended decisions for the cases listed above. The Board acknowledged the receipt of all material submitted by the applicant. The motion was seconded by Board Member Spencer. **MOTION CARRIED.**

- 04) 107124, Cherry Street Apartments – Kent

A **MOTION** was made by Board Member Harris 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 Andres. **MOTION CARRIED.**

5. **UNFINISHED BUSINESS**

None

6. **NEW BUSINESS**

None

7. **STAFF REPORT**

Division Chief Todd Cordill reported on the following:

On October 9, 2014, the 2012 Michigan Building Code and the 2012 Michigan Rehabilitation Code for Existing Buildings will become effective. These two codes reference the 2009 A117.1 barrier free standard. Copies of the 2009 ICC A117.1 will be ordered and distributed to board members. Projects submitted for a permit or plan review after October 9, 2014 will be subject to the 2012 Michigan Building Code and the 2012 Michigan Rehabilitation Code.

In June of this year Mr. Larry Lehman retired as the Chief of the Building Division. The Building Division primarily handles building permits, inspections, certificates of occupancy for all projects for which the State has jurisdiction. Mr. Lehman will not be replaced. Thus, Mr. Cordill will be handling Building Division functions as well as those of the Plan Review Division. The Plan Review Division functions with the Board will not change, everything remains the same.

8. **PUBLIC COMMENT**

None

9. **NEXT MEETING**

September 19, 2014

10. ADJOURNMENT:

A **MOTION** was made by Board Member Harris to adjourn the meeting. The motion was seconded by Board Member Andres. **MOTION CARRIED.** The meeting adjourned at 10:40 am.

Approved: _____ Date: _____
Roger Donaldson, Chairperson

DRAFT

MICHIGAN DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

Schedule of Meetings/Hearings

2015

Bureau/Commission/Office: Bureau of Construction Codes	
Board/Council/Commission: Barrier Free Design Board	
Address: 2501 Woodlake Circle	Telephone: (517) 241-9328
City: Okemos	Michigan Zip Code: 48864
Contact Person: Margarita Torres	Date: 08/04/2014

The meeting site and parking is accessible. Individuals attending the meeting are requested to refrain from using heavily scented personal care products, in order to enhance accessibility for everyone. People with disabilities requiring additional services (such as materials in alternative format) in order to participate in the meeting should call Margarita Torres at 517/241-9328 at least 10 work days before the event. LARA is an equal opportunity employer/program. The Division on Deafness will provide assistance in locating assistive listening devices or interpreters, with advance notice, at (517) 373-1837.



x	Regular Meeting	Special Meeting	Rescheduled Meeting
----------	------------------------	------------------------	----------------------------

DATE	TIME	LOCATION
01/23/2015	9:30 am	Administration Conference Room, Okemos Building; Okemos, MI
03/20/2015	9:30 am	Conference Room No. 3, Okemos Building; Okemos, MI
05/15/2015	9:30 am	Conference Room No. 3, Okemos Building; Okemos, MI
07/17/2015	9:30 am	Conference Room No. 3, Okemos Building; Okemos, MI
09/18/2015	9:30 am	Conference Room No. 3, Okemos Building; Okemos, MI
11/20/2015	9:30 am	Conference Room No. 3, Okemos Building; Okemos, MI

The above is provided pursuant to Sections 4 and 5 of Act 267 of Public Acts of 1976, being Sections 15.264 and 15.265 of the Michigan Compiled Laws.

STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM

IN THE MATTER OF:

Dove Academy
20001 Wexford Street
Detroit, MI,
Applicant

Docket No.: 14-014821-BCC

Case No.: 107589

Agency: Bureau of
Construction Codes

Case Type: BCC Barrier Free Design

Filing Type: Exception Request

RECEIVED

AUG 07 2014

BUREAU OF CONSTRUCTION CODES
PLAN REVIEW DIVISION /

Issued and entered
this 6th day of August, 2014
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 a time exception from requirements contained in the Barrier Free Design Rules of the State Construction Code. A hearing was held on August 5, 2014, in Lansing Michigan. Present were Design Professional Engineer Richard L. Postema and Manager Michael D. Wildey representing the Applicant. Usha Menon was present representing the Plan Review Division of the Bureau of Construction Codes.

ISSUE

Should a one year time exception be granted the Applicant from Section 1104.4 of the 2009 Michigan Building Code (MBC)?

FINDINGS OF FACT

This case concerns two buildings purchased by the Applicant (plus three others) in April 2014 for 1.2 million dollars. The two buildings of concern in this case are designated East and West. The East building built in 1956 has two floors 12 feet 6 inches apart with 13,045 square feet per floor. The West building built in the early 1960s has two floors

1. EXCEPTION APPLICATIONS
1. 107589

11 feet 3 inches apart with 8,475 square feet per floor. These two buildings are currently connected with a connector structure. These buildings were formerly used as a school.

The Applicant plans to move an existing charter school for kindergarten to eighth grade to these buildings. The Applicant expects approximately 530 students to attend the 2014-2015 school years with approximately 30 to 35 staff. Approximately \$175,000 has been spent to renovate the buildings but the bidding process did not allow enough time to install a four stop elevator.

The Applicant plans to install a four stop elevator in the area between the East and West Buildings and remove the connector structure. This is expected to cost approximately \$125,000 and will be installed during the summer of 2015 when school is not in session. A four stop elevator will allow all four levels of the two buildings to have elevator access.

The Applicant plans to have instruction for kindergarten to third grade on the East Building first floor; the upper grades will receive instruction on the second floors of both buildings. The first floor of the West Building will have the computer lab and multipurpose room. The West Building is three feet below grade. In the event a student is unable to access the computer lab or any function on the second floors, these functions will be offered on the first floor of the East Building which satisfies all barrier free requirements. Once the elevator is in place all areas will be accessible to all students and staff.

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 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.

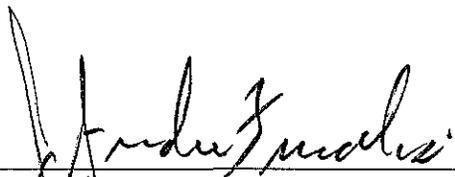
Compelling need based on lack of time to install the elevator before school starts justifies approving the Applicant's time exception request. The Applicant will install a four stop elevator during the summer of 2015. The device will provide barrier free access to all four building levels. In the meantime, the first floor of the East Building provides barrier free access. All functions can be offered to all students on the accessible first floor of this building.

RECOMMENDED DECISION

I recommend the Board grant the Applicant a one year time 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.

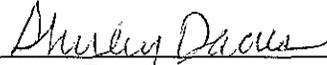
A party may file comments, clarifications or objections to this Report, including written arguments, with the Bureau of Construction Codes, Plan Review Division, 2501 Woodlake Circle, Okemos, MI 48864, Attention: Todd Y. Cordill.



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 6th day of August, 2014.



Shirley Dacus
Michigan Administrative Hearing System

Dove Academy
20001 Wexford Street
Detroit, MI 48234

Richard Postema
Richard Postema Associates
1580 - 44th Street SW
Wyoming, MI 49509

Usha Menon
Bureau of Construction Codes
P.O. Box 30254
Lansing, MI 48909

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

RECEIVED

JUN 16 2014

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

133

BUREAU OF CONSTRUCTION CODES
PLAN REVIEW DIVISION

107 589

Application Fee: \$500.00

Authorly: 1966 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.

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: Dove Academy
STREET / SITE ADDRESS: 20001 Wexford St.
NAME OF CITY, VILLAGE OR TOWNSHIP IN WHICH FACILITY IS LOCATED: Detroit
COUNTY: Wayne
Estimated Project Cost: \$ 750,000.00
Estimated Cost of Compliance: \$ 125,000.00
BUILDING DATA (To be completed by the administrative authority responsible for issuing the building permit for this project)
New Building: [] Alteration: [x] Change of Use: []
Building Permit / File Number: 107419
Is a Temporary Exception Requested? [] No [x] Yes
PERIOD OF TIME REQUESTED: 1 YEAR 3 mo from occupancy
USE GROUP: E
CONSTRUCTION TYPE: 3B
Project Does Not Comply With Barrier Free Design Requirements As Follows:
Michigan Building Code Section(s)
MBC Section 1104.4
Reason for Non-Compliance
Elevator addition cannot be completed by school season start date.
ENFORCING AGENCY: Michigan Bureau of Construction Codes
BUILDING OFFICIAL NAME: Todd Cordill
REGISTRATION NUMBER: 4794
ADDRESS: P.O. Box 30255, Lansing, MI 48909
TELEPHONE NUMBER: (517) 241-9328
BUILDING OFFICIAL SIGNATURE: [Signature]
E-MAIL ADDRESS: cordillt@michigan.gov
FAX NUMBER: (517) 241-9308
PROJECT ARCHITECT / ENGINEER (When professional services are required by code or law)
COMPANY NAME: Richard Postema Associates, P.C.
LICENSED INDIVIDUAL: Richard L. Postema, P.E.
MICHIGAN LICENSE NUMBER: 6201029388
ADDRESS: 1580 44th Street SW, Wyoming, MI 49509
TELEPHONE NUMBER: (616) 531-3850
APPLICANT/FACILITY CONTACT INFORMATION (Note: All correspondence will be sent to this address)
COMPANY NAME: Richard Postema Associates, P.C.
APPLICANT NAME: Richard L. Postema, P.E.
FEIN OR SS NO.: [Redacted]
ADDRESS: 1580 44th Street SW, Wyoming, MI 49509
TELEPHONE NUMBER: (616) 531-3850
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.
SIGNATURE: [Signature]
DATE: 6/13/2014

RECEIVED

DEC 10 2014

STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM

BUREAU OF CONSTRUCTION CODES
PLAN REVIEW DIVISION

IN THE MATTER OF:

Docket No.: 14-028840-BCC

Music Hall
350 Madison
Detroit, MI,
Applicant

Case No.: 107861

Agency: Bureau of
Construction Codes

v

Case Type: BCC Barrier Free Design

Filing Type: Appeal

2. EXCEPTION APPLICATIONS
2. 107861

Issued and entered
this 9th day of December 2014
by Renee A. Ozburn
Administrative Law Judge

REPORT OF THE ADMINISTRATIVE LAW JUDGE

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 exceptions from requirements contained in the Barrier Free Design Rules of the State Construction Code.

A hearing was held on December 8, 2014, in Lansing, Michigan. Vince Paul and John Biggar appeared on behalf of the Music Hall (Applicant). Usha Menon appeared on behalf of the Plan Review Division of the Bureau of Construction Codes.

ISSUE

Whether the Applicant should be granted an exception from 2009 Michigan Building Code, Sections 1109.2 and 1104.4.

FINDINGS OF FACT

1. The Applicant Music Hall is a variety performing arts center located in Detroit Michigan. Its current performance areas are its main hall that seats approximately 1,730 and a jazz hall that seats approximately 100.

2. The roof of the Music Hall is flat and accessed from the 7th floor of the building. The Music Hall Director, Vince Paul, and the Music Hall Board are seeking to transition the 10,000 square foot roof area into a performance/multi-use venue for events with capacity for approximately 300 to 400 people.
3. Currently, the Music Hall elevator goes only to the 6th floor. In addition, toilet facilities on the 7th floor need renovations to make them fully compliant with accessibility requirements.
4. The City of Detroit has verbally indicated its willingness to vacate adjacent alleyway property that would allow the Applicant to build a stairwell and elevator to the roof. The estimated cost for this project is \$500,000. The applicant believes it can raise the funds for this project and complete construction within 3 years.
5. The applicant is currently planning to renovate the toilet facilities on the 7th floor at a cost of \$25,000 to \$30,000 and would like a one year exception to secure the funds and complete the project.

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 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.

The Applicant has established that there are practical and financial barriers to coming into compliance immediately. However, the Applicant has presented a reasonable plan to bring added space in its existing facility within compliance in 2 stages. Within one year it proposes to bring toilet facilities into compliance and within three years it proposes to secure adjacent property, finish plans and obtain necessary approvals to build the stairway and elevator for full access to the roof. Ongoing performing arts

events will continue in compliant and accessible areas of the building as the projects progress to make the upper floor/roof area fully accessible.

Therefore, the Applicant has established good cause for a temporary 3 year exception to 2009 Michigan Building Code, Section 1104.4 and a temporary 1 year exception to 2009 Michigan Building Code, Section 1109.2.

RECOMMENDED DECISION

I recommend the Board grant the Applicant a temporary 3 year exception to 2009 Michigan Building Code, Section 1104.4 and a temporary 1 year exception to 2009 Michigan Building Code Section 1109.2.

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.



Renee A. Ozburn
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 9th day of December, 2014.



Shirley Dacus
Michigan Administrative Hearing System

Vince Paul
Music Hall
350 Madison
Detroit, MI 48226

Daljit Benipal
City of Detroit
2 Woodward Avenue, Suite 409
Detroit, MI 48226

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

RECEIVED

JUL 21 2014

BUREAU OF CONSTRUCTION CODES
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 48906
517-241-9328
www.michigan.gov/bcc

133

107 861

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 and other reasonable accommodations are available upon request to individuals with disabilities.
-----------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------

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 Music hall		STREET / SITE ADDRESS 350 Madison		
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: Detroit				COUNTY Wayne
Estimated Project Cost \$ 600,000.00		Estimated Cost of Compliance \$ 275,000.00		
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 BLD2014-1921	
Is a Temporary Exception Requested? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes		PERIOD OF TIME REQUESTED? (12) Months	USE GROUP A-2	CONSTRUCTION TYPE IB
Project Does Not Comply With Barrier Free Design Requirements As Follows: Michigan Building Code Section(s) Michigan Rehab Code Section 1105.1, Section 912.8 and Section 605 Reason for Non-Compliance It is a structural impossibility to make the Bathrooms ADA compliant. Must make changes to structure and building layout to accommodate.				
ENFORCING AGENCY City of Detroit Buildings Safety, Engineering and Envir		BUILDING OFFICIAL NAME DALJIT BENIPAL		REGISTRATION NUMBER P004506
ADDRESS 2 Woodward Ave., Suite 401	CITY Detroit	STATE MI	ZIP CODE 48226	TELEPHONE NUMBER (Include Area Code) (313) 224-7311
BUILDING OFFICIAL SIGNATURE (Must be an original signature) <i>[Signature]</i>		DATE 07/14/14	E-MAIL ADDRESS belld@detroitmi.gov	FAX NUMBER (Include Area Code) (313) 628-2909
PROJECT ARCHITECT / ENGINEER (When professional services are required by code or law)				
COMPANY NAME Integrity Building Group		LICENSED INDIVIDUAL John P. Biggar		MICHIGAN LICENSE NUMBER A41902
ADDRESS 350 Madison, 4th Floor	CITY Detroit	STATE MI	ZIP CODE 48226	TELEPHONE NUMBER (Include Area Code) (313) 549-2790
APPLICANT/FACILITY CONTACT INFORMATION (Note: All correspondence will be sent to this address)				
COMPANY NAME Music Hall		APPLICANT NAME Vince Paul		FEIN OR SS NO.* (Required) XXXXXXXXXX
ADDRESS 350 Madison	CITY Detroit	STATE MI	ZIP CODE 48226	TELEPHONE NUMBER (Include Area Code) (917) 428-2262
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) (313) 887-8502
SIGNATURE (Must be an original signature) <i>[Signature]</i>			DATE 7/14/14	

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

STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM

IN THE MATTER OF:

Docket No.: 14-028839-BCC

Pi Kappa Alpha Chapter House
301 Charles
East Lansing, MI 48823,
Applicant

RECEIVED

DEC 17 2014

BUREAU OF CONSTRUCTION CODES
PLAN REVIEW DIVISION

Case No.: 108101

Agency: Bureau of
Construction Codes

Case Type: BCC Barrier Free
Design

Filing Type: Appeal

_____/

Issued and entered
this 15th day of December
by: Renee A. Ozburn
Administrative Law Judge

REPORT OF THE ADMINISTRATIVE LAW

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 exceptions from requirements contained in the Barrier Free Design Rules of the State Construction Code.

A hearing was held on December 8, 2014, in Lansing, Michigan. Tom Aubrey and Valerie McKeegan appeared on behalf of Pi Kappa Alpha Chapter House (Applicant). East Lansing, Michigan building officials Jim Hoffman and Glen Dempsey also appeared. Usha Menon appeared on behalf of the Plan Review Division of the Bureau of Construction Codes.

ISSUE

Whether the Applicant should be granted an exception from 2009 Michigan Building Code, Sections 3411.2.

3. EXCEPTION APPLICATIONS
3. 108101

FINDINGS OF FACT

1. The Applicant Pi Kappa Alpha Chapter House is a fraternity house in East Lansing, Michigan run by a non-profit housing corporation. The 3-story structure was originally built sometime in the 1960's. The house was purchased by the Applicant in 2008. The main floor is used for various social activities. The 2nd and 3rd floors have bedrooms and bathrooms. The kitchen is located in the 2000 square feet basement.
2. When the Applicant purchased the home there was an elevator shaft closed up behind a bolted and locked door. Building officials confirm that an addition to the house and an elevator between the first floor and basement level were approved by a permit granted in 1992. Apparently, the actual lift device was removed at some point between 1992 and 2001, and the empty shaft was locked behind a bolted door. The last inspection of the out-of service elevator shaft occurred in or around 2001. The unused elevator is the only barrier free structural devise in the home. When the Applicant purchased the property they were not required to put the elevator back into service, or make other rooms or bathrooms ADA compliant.
3. There are 30 to 34 members of the fraternity that live in the house. They can opt in or out of an in-home meal plan as part of their housing costs. Meals for those opting for the in-home plan are prepared in the basement level kitchen. They can be eaten anywhere in the home. A current fraternity member who is paralyzed and wheelchair bound lives elsewhere and participates in fraternity activities on the first floor, including consumption of food brought upstairs from the kitchen.
4. The Applicant would like to permanently seal off the shaft and install a floor. The current lift cannot be repaired and to install a completely new elevator system would cost approximately \$50,000, which is cost prohibitive to the Applicant. Food preparation is the primary activity that occurs on the basement level and all food prepared or stored there can easily be made available to occupants on other floors. Further, in the narrative attached to the application the Applicant notes "The reality of the situation is also that if a lift devise were reinstalled in this facility, the potential for misuse and abuse by the fraternity members would require that this device be continually locked down and kept out of operation..."

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 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.

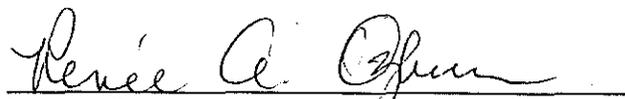
The Applicant has established that it is economically infeasible and impractical to come into compliance with 2009 Michigan Building Code, Sections 3411.2 by reinstalling an elevator. Therefore, the Applicant has established good cause for an exception to 2009 Michigan Building Code, Section 3411.2.

RECOMMENDED DECISION

I recommend the Board grant the Applicant an exception to 2009 Michigan Building Code, Section 3411.2.

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.

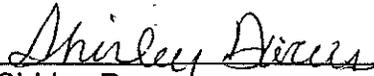
A party may file comments, clarifications or objections to this Report, including written arguments, with the Bureau of Construction Codes, P.O. Box 30254, Lansing, Michigan 48909, Attention: Todd Cordill.



Renee A. Ozburn
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 15th day of December, 2014.



Shirley Dacus
Michigan Administrative Hearing System

Tom Aubrey
Pi Kappa Alpha Chapter House

Pi Kappa Alpha Chapter House
301 Charles
East Lansing, MI 48823

Glen Dempsey
East Lansing City Building Department
410 Abbot Road
East Lansing, MI 48823

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



CITY OF EAST LANSING
The Home of Michigan State University

RECEIVED

DEC 29 2014

BUREAU OF CONSTRUCTION CODES
PLAN REVIEW DIVISION

December 23, 2014

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

Re: 301 Charles St., East Lansing, MI
BCC Barrier Free Design

Dear Mr. Cordill:

We have received the Report of the Administrative Law Judge for the above-mentioned barrier free design rule exception. In the Findings of Fact, some clarification is necessary so that the members of the Barrier Free Design Board have all the correct facts to make their decision on this exception.

In paragraph 2 of the Findings of Fact, it states that the lift device was removed at some point between 1992 and 2001. This is inaccurate. Our records indicate that the device was most likely operational from the time it was installed and issued a Certificate of Occupancy with an addition on August 12, 1993, up at least the 2001 State of Michigan Elevator Division inspection. This was the last inspection that was performed by the Elevator Division. At some point after the 2001 inspection, the device became inoperable and was abandoned behind locked doors. Given the condition of the device having sat in an inoperable state sometime after 2001, and with the presence of water in the bottom of the shaft and the associated moisture problems, it is highly unlikely that this particular device could ever have been put back into service.

Please feel free to contact me at this office for further information or clarification at 319-6803.

Sincerely,

James R. Hoffman
Code Enforcement

cc: Tom Aubrey
Pi Kappa Alpha Charter House
Glen Dempsey, City of East Lansing

410 Abbot Road
East Lansing, MI 48823

(517) 337-1731
Fax (517) 337-1559
www.cityofeastlansing.com

Cordill, Todd (LARA)

From: Aubrey, Tom <Tom.Aubrey@edwardjones.com>
Sent: Wednesday, October 08, 2014 4:27 PM
To: undisclosed.for.privacy
Subject: Submittal #108101

Todd,

I appreciate the time on the phone today. Per our conversation, the property at 301 Charles St. in East Lansing, has submitted an exception to the Barrier Free Commission. Please remove Allan Lutes as the Applicant and going forward, I will be the point of contact (Tom Aubrey -

)
I have submitted a check request through our online banking that will be sent out tomorrow via regular US Mail, mailed to the PO box as indicated on the application.

As I briefly mentioned I am a volunteer that helps with the Fraternity operations the occupy the house at 301 Charles St. We were required by the city of East Lansing to apply for this exception or repair the non-working elevator (no formal quotes, informal estimates of approximately \$25,000 and up).

We've owned the home since 2008, and the elevator (that only runs from ground level to basement) has never been operable.

As the point of contact, please let me know what we need to do to move forward with the application.

Thanks,

Tom

Tom Aubrey
Financial Advisor
Edward Jones
700 N Old Woodward Ave
Suite 102
Birmingham, MI 48009
(248) 723-5506
www.edwardjones.com

If you are not the intended recipient of this message (including attachments) or if you have received this message in error, immediately notify us and delete it as well as any attachments.

If you do not wish to receive any email messages from us, excluding administrative communications, please email this request to messages@edwardjones.com along with the email address you wish to unsubscribe.

For important additional information related to this email, visit www.edwardjones.com/US_email_disclosure. Edward D. Jones & Co., L.P. d/b/a Edward Jones, 12555 Manchester Road, St. Louis, MO 63131 © Edward Jones. All rights reserved.

Menon, Usha (LARA)

From: Aubrey, Tom <Tom.Aubrey@edwardjones.com>
Sent: Tuesday, October 21, 2014 8:49 AM
To: undisclosed.for.privacy
Subject: RE: Follow-up 301 Charles

Glen,

Thanks for the email. I had a nice conversation with Todd Cordill on October 8th about the change and followed up exactly as he requested.

I will reach out to him again and see what our status is. I also sent payment 2 weeks ago, and it shows posted on our account. So they should have payment, and Todd was going to update the application.

According to Todd, we did not need to submit a new application. Only change the contact information.

I'm trying but I've done everything I was advised to do and thought that would work. Your email has caught me off guard! I'll keep trying.

Thanks,

Tom

From:
Sent: Monday, October 20, 2014 5:24 PM
To:
Cc:
Subject: Re: Follow-up 301 Charles

Hi Tom,

I know that you have had some issues with the miscommunication and application submittal for the elevator variance to the State of Michigan Barrier Free Design Board. I just today stopped by the State offices to check on your elevator variance re-submittal. In a response from Ms. Usha Menon with the Plan Review Division, she was unaware of any additional applications being submitted for an elevator variance.

As a reminder your temporary occupancy was contingent on the request for a variance being submitted immediately to the State of Michigan Barrier Free Design Board. When the variance was not submitted properly, the time frame to meet with the Board will now have to happen in the January meeting. I also know that you are considering putting in the elevator as you may have an individual with those needs.

Knowing the information above, I would request that confirmation of your application being submitted and approved for the January meeting be supplied to the East Lansing Building department by December 1, 2014, as originally required. The other options would be to obtain a Building permit as required and to re-install the elevator with all other appropriate permits prior to the January college semester starting, or get a variance, or time allowance to complete construction, from the Barrier Free Design Board.

To avoid any disruption of your Temporary Occupancy please comply with one of the following options above.

If you have any further question please don't hesitate to contact me.

Thank You,

Glen Dempsey
Building and Code Administrator
(517)319-6878

>>> "Aubrey, Tom" <Tom.Aubrey@edwardjones.com> 10/3/2014 10:41 AM >>>
Glen -

Thanks for the heads up on the Barrier Free application. I called Margarita and both her and Usha are out today. I expect to be back from her on Monday and will get the ball rolling on that end ASAP.

I appreciate the confirmation that the electrical permit was closed out and I'll await confirmation on the mechanical permit after you check with John.

I will follow-up with our elevator plan once I discuss with the Barrier Free Commission.

Thanks again and have a good weekend,

Tom

Tom Aubrey
Financial Advisor
Edward Jones
700 N. Old Woodward Ave. - Suite 102
Birmingham, MI 48009
(o) 248.723.5506
(f) 877.449.6442
www.edwardjones.com

Tom Aubrey
Financial Advisor
Edward Jones
700 N Old Woodward Ave
Suite 102
Birmingham, MI 48009
(248) 723-5506
www.edwardjones.com

If you are not the intended recipient of this message (including attachments) or if you have received this message in error, immediately notify us and delete it as well as any attachments.

If you do not wish to receive any email messages from us, excluding administrative communications, please email this request to messages@edwardjones.com along with the email address you wish to unsubscribe.

For important additional information related to this email, visit www.edwardjones.com/US_email_disclosure. Edward D. Jones & Co., L.P. d/b/a Edward Jones, 12555 Manchester Road, St. Louis, MO 63131 © Edward Jones. All rights reserved.

East Lansing e-news is just a click away. Sign up to receive East Lansing's Dialog e-newsletter and other e-publications. Just visit <http://www.cityofeastlansing.com/news> today!



CITY OF EAST LANSING

The Home of Michigan State University

August 20, 2014

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

Dear Sirs,

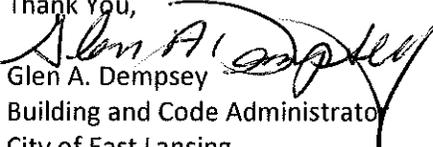
Recently, an elevator was requested to be eliminated and a permanent floor to be installed in its place, at 301 Charles Street, East Lansing Michigan.

In our findings the elevator was added at the same time an addition and renovation were being done to the building. The building permit was issued on December 14, 1992. The addition and the elevator were both approved for use and occupancy on August 12, 1993. The last inspection for the State of Michigan Elevator Division was conducted in year 2000.

At this time, we have denied the elimination of the elevator per Section 3411.2. Maintenance of Facilities – MBC 2009. A building, facility or element that is constructed or altered to be accessible shall be maintained accessible during occupancy. The Genesis Special Elevating Device installed for providing barrier free access to the basement level in compliance with the code in effect in 1993 shall be made operable or an exception shall be applied for through the State of Michigan for its inoperability or complete removal.

If there are any questions please contact me at (517) 319-6878.

Thank You,


Glen A. Dempsey
Building and Code Administrator
City of East Lansing

301 Charles, East Lansing – Request for variance for two story lift

A two floor lift (elevator) was installed in this facility in 1984 as part of an addition constructed by the sorority that then owned this property. This lift provided access from the first floor to the basement area, where the kitchen and dining room was located.

According to the records of the Elevator Safety Division of the State of Michigan, this lift has been out of service since 2001. This property was purchased in 2008 by Pi Kappa Alpha Spartan Housing Corporation to be used as a fraternity house for the Michigan State University chapter of Pi Kappa Alpha. Since this property has been purchased and used as a fraternity, this lift has never been in use, nor was it required to be put in use or serviced by the City of East Lansing in any of its regular Rental Housing Compliance inspections, which take place every 13 months.

During a recent rental housing code compliance inspection, the rental housing inspector noted that this lift device was not operational and did not have a current certification. The East Lansing rental and building officials are now requiring that this lift be put back in service and certified, or that a variance be obtained from the Bureau of Construction Codes so that this lift is no longer required in this facility.

The current lift has been inspected by the manufacturer's service technician, and we have been informed that this lift cannot be repaired. Compliance at this time would likely require that a completely new system be installed at significant cost to the owner.

At the same time, the fraternity has no need or use for this device. This is currently the only barrier free element in this property. No living quarters on the property comply with barrier free design standards. Many doors within the building do not meet barrier free standards. There are no barrier free bathroom facilities in this property. There are no barrier free cooking facilities on the property. The fraternity does not operate a full meal program that requires residents to go to the basement for dining. The dining room currently has no furniture in it as it is not regularly used for dining.

The reality of the situation is also that if a lift device were reinstalled in this facility, the potential for misuse and abuse by the fraternity members would require that this device be continually locked down and kept out of operation, except in the exceedingly rare circumstance with a member or guest with a physical challenge was on the property and that guest wanted to go to the basement area of the building. The potential for this is very unlikely as all of the fraternity's events are generally located on the upper floors of the property, so a person with a physical challenge could partake in these events without needing access to the basement. When meals are served at the site, they are typically provided by a caterer, with the members taking their meals in their rooms or on the first floor of the property in their social and recreation areas.

Based on these circumstances, we respectfully request a variance from the requirement to maintain a working two floor lift device in this facility.

Sincerely,

Pi Kappa Alpha Spartan Housing Corporation

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

133

108 101

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 request to individuals with disabilities.
-----------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------

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 Pi Kappa Alpha Chapter House		STREET / SITE ADDRESS 301 Charles		
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: East Lansing				COUNTY Ingham County
Estimated Project Cost \$ 600.00		Estimated Cost of Compliance \$ 35,000.00		
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 <u>PB2014-00000714</u>				
Is a Temporary Exception Requested? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		PERIOD OF TIME REQUESTED?	USE GROUP <u>R-2</u>	CONSTRUCTION TYPE <u>VB</u>
Project Does Not Comply With Barrier Free Design Requirements As Follows: Michigan Building Code Section(s) <u>MBC SECTION 3411.2.</u> Reason for Non-Compliance <u>REQUEST TO ELIMINATE LIFTING DEVICE.</u> Please see attached. <u>-see attached JD</u>				
ENFORCING AGENCY East Lansing City Building Department		BUILDING OFFICIAL NAME Glen Dempsey		REGISTRATION NUMBER <u>2868</u>
ADDRESS 410 Abbot Road	CITY E. Lansing	STATE MI	ZIP CODE 48823	TELEPHONE NUMBER (Include Area Code) (517) 319-6878
BUILDING OFFICIAL SIGNATURE (Must be an original signature) <i>Glen Dempsey</i>		DATE 8-20-14	E-MAIL ADDRESS gdempse@cityofeastlansing.com	FAX NUMBER (Include Area Code) (517) 337-1559
PROJECT ARCHITECT/ENGINEER (When professional services are required by code or law)				
COMPANY NAME Rockwood Design, PC		LICENSED INDIVIDUAL Peter B. Holz		MICHIGAN LICENSE NUMBER 1301032602
ADDRESS 2215 Burcham Drive	CITY E. Lansing	STATE MI	ZIP CODE 48823	TELEPHONE NUMBER (Include Area Code) (517) 290-6780
APPLICANT/FACILITY CONTACT INFORMATION (Note: All correspondence will be sent to this address)				
COMPANY NAME Pi Kappa Alpha Spartan Housing Corporation		APPLICANT NAME c/o Allan Lutes, agent for owner		FEIN OR SS NO.* (Required)
ADDRESS 6921 Jackson Road, Suite 100	CITY Ann Arbor	STATE MI	ZIP CODE 48103	TELEPHONE NUMBER (Include Area Code) (248) 723-5506
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) (877) 449-6442
SIGNATURE (Must be an original signature) <i>Allan P. Lutes, agent for owner</i>			DATE 8/18/14	

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

*APPLICANT NAME CHANGED (SEE OCT. 8 E-MAIL) -tc

RECEIVED

STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
DEC 17 2014

BUREAU OF CONSTRUCTION CODES
PLAN REVIEW DIVISION
IN THE MATTER OF:

Ciena Health Care - Regency at Shelby
740122 Mile Road
Shelby Township, MI,
Applicant

Docket No.: 14-030567-BCC

Case No.: 108394

Agency: Bureau of
Construction Codes

Case Type: BCC Barrier Free
Design

Filing Type: Appeal

4. EXCEPTION APPLICATIONS
4. 108394

Issued and entered
this 15th day of December 2014
by: Renee A. Ozburn
Administrative Law Judge

REPORT OF ADMINISTRATIVE LAW JUDGE

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 exceptions from requirements contained in the Barrier Free Design Rules of the State Construction Code.

A hearing was held on December 8, 2014, in Lansing, Michigan. Wayne Johnson and Brian Jilbert appeared on behalf of Ciena Health Care – Regency at Shelby (Applicant). Usha Menon appeared on behalf of the Plan Review Division of the Bureau of Construction Codes.

ISSUE

Whether the Applicant should be granted an exception from 2003 ICC/ANSI A 117.1, Section 604.2.

FINDINGS OF FACT

1. The Applicant plans to provide skilled nursing and rehabilitation services in a newly constructed building designed to provide 24 hour care for up to 116 residents.

2. The facility will have 6 rooms designated for bariatric patients. These rooms need toilet area adjustments to accommodate the specific needs of bariatric patients. This will require placing toilets 2 feet from the right or left walls, which is beyond the current ADA requirements for use of grab bars. The special toileting facilities for bariatric patients will also be designed so that a shower chair can be wheeled on top of the toilets.
3. The facility will have 80 to 85 non-bariatric patient toilet rooms fully compliant with standard ADA accessibility requirements.

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 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.

The Applicant has proven that its proposed exception will better meet the purpose of the barrier free regulatory provisions "to provide for the accessibility and utilization by physically limited persons of public facilities and facilities used by the public." The Applicant has shown that literal application of the standard barrier free design requirement would not meet the needs of the bariatric patients as well as the proposed exception. Therefore, the Applicant has shown a compelling need for the exception.

RECOMMENDED DECISION

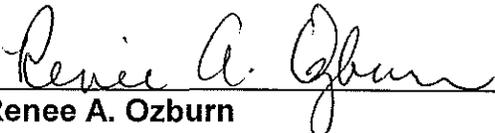
I recommend the Board grant the Applicant's exception to 2003 ICC/ANSI A 117.1, Section 604.2.

14-030567-BCC

Page 3

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.

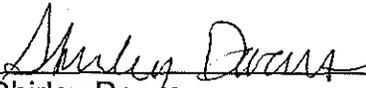
A party may file comments, clarifications or objections to this Report, including written arguments, with the Bureau of Construction Codes, P.O. Box 30254, Lansing, Michigan 48909, Attention: Todd Cordill.



Renee A. Ozburn
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 15th day of December, 2014.



Shirley Dacus
Michigan Administrative Hearing System

Tami Hunt
Ciena Health Care - Regency at Shelby
400 Town Center, Suite 700
Southfield, MI 48075

Ciena Health Care - Regency at Shelby
740122 Mile Road
Shelby Township, MI

Timothy Wood
Shelby Township
52700 Van Dyke
Utica, MI 48316

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

RECEIVED

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 48901
517-241-9328
www.michigan.gov/bcc

133

OCT 23 2014

BUREAU OF CONSTRUCTION CODES
PLAN REVIEW DIVISION

108394

Application Fee: \$500.00

Table with 2 columns: Authority/Completion/Penalty and LARA is an equal opportunity employer/program. Auxiliary aids, services and other reasonable accommodations are available upon request to individuals with disabilities.

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: Ciena Healthcare - Regency at Shelby
STREET / SITE ADDRESS: 7401 22 Mile Road
NAME OF CITY, VILLAGE OR TOWNSHIP IN WHICH FACILITY IS LOCATED: Shelby
COUNTY: Macomb
Estimated Project Cost: \$ 8,000,000.00
Estimated Cost of Compliance: \$ 10,000.00
BUILDING DATA (To be completed by the administrative authority responsible for issuing the building permit for this project)
New Building: [checked]
Alteration: []
Change of Use: []
Building Permit / File Number: PB13-0480
Is a Temporary Exception Requested?: [checked] No [] Yes
PERIOD OF TIME REQUESTED?: N/A
USE GROUP: I-2, B, and A-2
CONSTRUCTION TYPE: 5A
Project Does Not Comply With Barrier Free Design Requirements As Follows:
Michigan Building Code Section(s)
2003 ICC/ANSI A117.1 Section 604.2 Location of Water Closets and Toilet Compartments
Reason for Non-Compliance
The facility has 6 patient rooms reserved to serve Bariatric residents. A distance of 24" from wall to center of toilet is being requested in the bariatric toilet rooms to allow for increased resident size and adequate room for support staff.
ENFORCING AGENCY: Charter Township of Shelby
BUILDING OFFICIAL NAME: Timothy Wood
REGISTRATION NUMBER: 000558
ADDRESS: 52700 Van Dyke
CITY: Shelby Township
STATE: MI
ZIP CODE: 48316
TELEPHONE NUMBER (Include Area Code): (586) 731-5969
BUILDING OFFICIAL SIGNATURE (Must be an original signature): [Signature]
DATE: 10/2/14
E-MAIL ADDRESS: twood@shelbytp.org
FAX NUMBER (Include Area Code): (586) 803-2099
PROJECT ARCHITECT / ENGINEER (When professional services are required by code or law)
COMPANY NAME: NSA Architects, Engineers, Planners
LICENSED INDIVIDUAL: Brian K. Jilbert
MICHIGAN LICENSE NUMBER: 58117
ADDRESS: 23761 Research Drive
CITY: Farmington Hills
STATE: Michigan
ZIP CODE: 48335
TELEPHONE NUMBER (Include Area Code): (248) 477-2444
APPLICANT/FACILITY CONTACT INFORMATION (Note: All correspondence will be sent to this address)
COMPANY NAME: Ciena Healthcare
APPLICANT NAME: Tami Hunt
FEIN OR SS NO.* (Required): [Redacted]
ADDRESS: 4000 Town Center, Suite 700
CITY: Southfield
STATE: Michigan
ZIP CODE: 48075
TELEPHONE NUMBER (Include Area Code): (248) 262-2357
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) 263-2557
SIGNATURE (Must be an original signature): [Signature]
DATE: 10/7/14

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