



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**

March 15, 2013

9:30 a.m.

1. **Call to Order and Determination of Quorum**
2. **Agenda (pages 1-2)**
3. **Approval of Minutes (pages 3-6)**
4. **Exception Applications**
  - 01) 104292, NADA & Company – Oakland (pages 7-14)
  - 02) 104307, YMCA Convent Building – Wayne (pages 15-28)
  - 03) 104316, Home Instead Senior Care (pages 29-33)
  - 04) 104424, Plum Bakery – Manistee (pages 34-47)
  - 05) 104315, A New Life Prosthetics – Manistee (pages 48-85)

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

LARA is an equal opportunity employer  
Auxillary 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

Barrier Free Design Board Meeting Agenda  
Page 2  
March 15, 2013

**5. Unfinished Business**

**6. New Business**

Reconsideration  
104043, Marquette State Fish Hatchery - Marquette

**7. Staff Report**

**8. Public Comment**

**9. Next Meeting – May 17, 2013**

**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.”



RICK SNYDER  
GOVERNOR

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

STEVE ARWOOD  
ACTING DIRECTOR

## **BARRIER FREE DESIGN BOARD**

Conference Room 2, Second Floor  
2501 Woodlake Circle  
Okemos, MI 48864

Minutes  
January 18, 2013

### **MEMBERS PRESENT**

Mr. Roger Donaldson  
Mr. Aaron Besmer  
Mr. Vincent DeLeonardis  
Mr. Jerry Harkness  
Mr. Michael Harris  
Mr. Brett Holt  
Ms. Karla Hudson

### **DEPARTMENT PERSONNEL IN ATTENDANCE**

Mr. Irvin Poke, Director, Bureau of Construction Codes  
Mr. Todd Cordill, Chief, Plan Review Division  
Mr. George Herrity, Assistant Chief, Plan Review Division  
Ms. Usha Menon, Plan Reviewer, Plan Review Division  
Ms. Margarita Torres, BFD Board Secretary

### **OTHERS IN ATTENDANCE**

Ms. Carolyn Harden, Office of Governor Snyder  
Ms. Brooke Pung, Office of Governor Snyder

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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 January 18, 2013 Board meeting. The motion was seconded by Board member Holt. **MOTION CARRIED.**

3. **APPROVAL OF MINUTES**

A **MOTION** was made by Board Member Holt to approve the minutes of the November 9, 2012 Board meeting. The motion was seconded by Board Member Hudson. **MOTION CARRIED.**

4. **TABLED ITEMS**

None

5. **EXCEPTION APPLICATIONS**

- 01) 103966, Flushing Community Schools Early Childhood Center - Genesee
- 02) 104027, Munoz Realty - Warren

A **MOTION** was made by Board Member Holt 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 DeLeonardis. **MOTION CARRIED.**

03) 104043, Marquette State Fish Hatchery - Marquette

A **MOTION** was made by Board Member Hudson to deny the recommended decision of the Administrative Law Judge for this case. The motion was seconded by Board Member Harris. **MOTION CARRIED.** The Board found that the required accessible route between both building levels would no longer exist if the existing elevator is taken out of service. The Board found that tours offered on both levels (mentioned in the report) require an accessible route between levels for visitors to go from one level to the other within the building.

6. **OTHER BUSINESS**

None

7. **NEW BUSINESS**

None

8. **REMANDS**

None

9. **STAFF REPORT**

Division Chief Todd Cordill reported on the following

The bureau will soon proceed with the 2012 Michigan Residential Code adoption process. An ad hoc committee is currently being selected. Ad hoc committee work for the 2012 Building and Rehabilitation Codes is now complete.

10. **PUBLIC COMMENT**

None

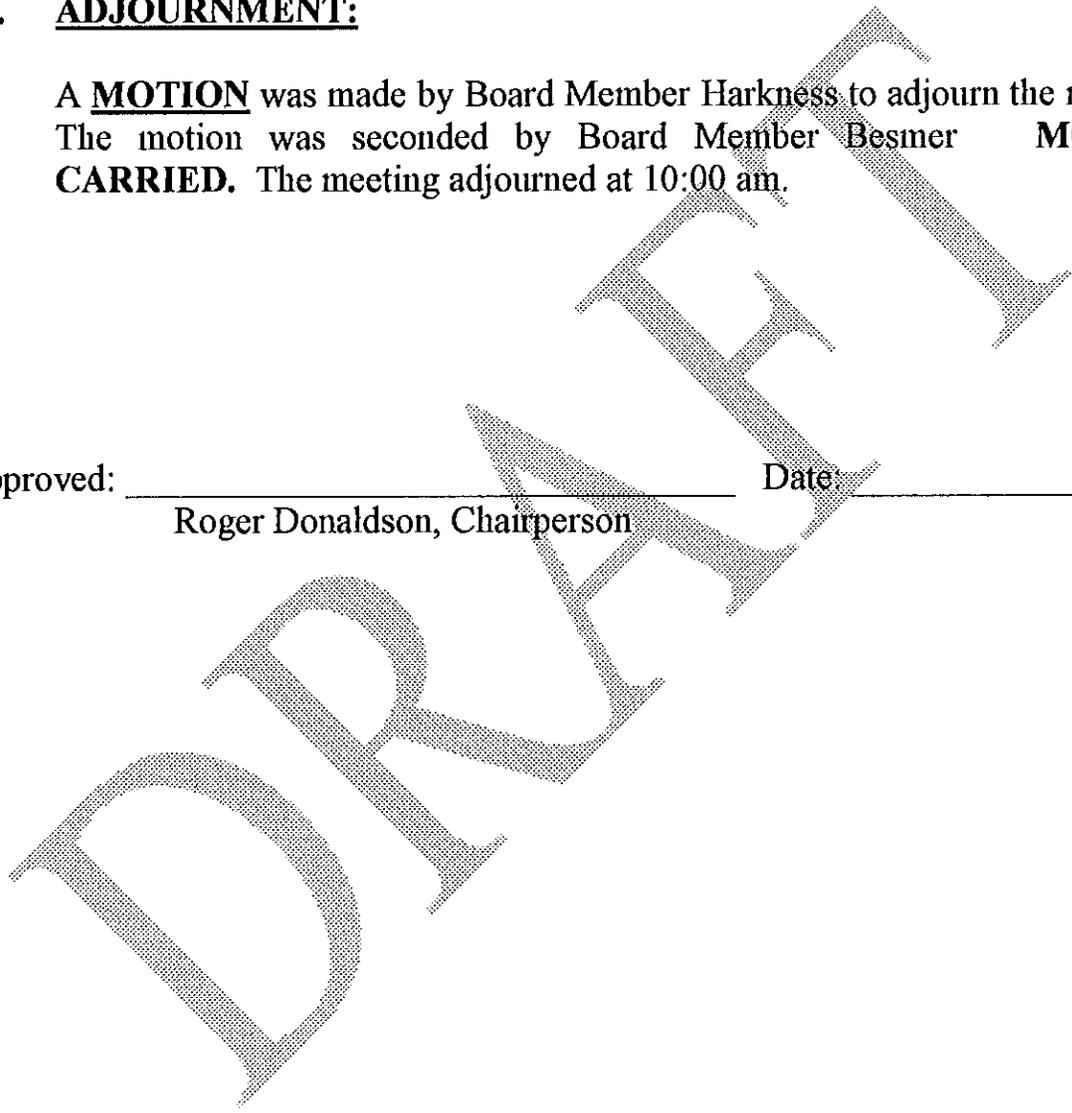
11. **NEXT MEETING**

March 15, 2013

12. **ADJOURNMENT:**

A **MOTION** was made by Board Member Harkness to adjourn the meeting. The motion was seconded by Board Member Besmer **MOTION CARRIED.** The meeting adjourned at 10:00 am.

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



RECEIVED

STATE OF MICHIGAN  
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

BUREAU OF CONSTRUCTION CODES  
PLAN REVIEW DIVISION

IN THE MATTER OF:

Docket No.: 12-002158-BCC

NADA & Company  
736 S. Washington  
Royal Oak, MI,  
Applicant

Case No.: 104292

Agency: Bureau of Construction Codes

Case Type: BCC Barrier Free Design

\_\_\_\_\_/ Filing Type: Appeal

Issued and entered  
this 28th day of February 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 February 19, 2013 in Lansing, Michigan. Present were Building Owner Donald Nahat representing the Applicant; Usha Menon representing the Bureau of Construction Code's Plan Review Division; and Building Official Jason Craig representing the city of Royal Oak.

ISSUE

Should the Applicant be granted an exception from Section 1109.2 of the 2009 Michigan Building Code (MBC)?

The Applicant agreed to comply with Section 1008.1.1 of the MBC.

1. EXCEPTION APPLICATIONS  
01. 104292

**FINDINGS OF FACT**

The building at issue was built in the 1940's. Four photographs of this building are shown on Applicant Exhibit 1. The building has 1500 square feet on one level. It is now being used as a resale shop but has been used in the past for a resale business as well as a temporary employment agency and a copy center. One person operates the shop. The present building owner purchased the structure in 1997.

The bathroom issue concerns the grab bar. The rule requires this to be 54 inches, but there is space for only a 40 inch grab bar. A longer bar cannot be installed because the door to the bathroom would have to be moved. This would be difficult because the mechanical room with the furnace would also have to be moved. The business owner is the only person who uses the bathroom.

The current tenant began her business in October 2012.

**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.

Rule 1109.2 of the 2009 Michigan Building Code provides in pertinent part as follows:

**1109.2. Toilet and bathing facilities.** Each toilet room and bathing room shall be *accessible*. Where a floor level is not required to be connected by an *accessible route*, the only toilet rooms or bathing rooms provided within the facility shall not be located on the inaccessible floor. At least one of each type of fixture, element, control or dispenser in each *accessible* toilet room and bathing room shall be *accessible*.

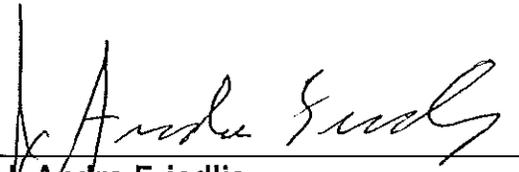
Compelling need based on limited use and space considerations have been presented to justify approving a shorter grab bar. There is insufficient space to install a 54 inch grab bar without substantial modifications to the bathroom and adjacent mechanical room.

**RECOMMENDED DECISION**

I recommend the Board grant the Applicant an exception from Section 1109.2 of the 2009 Michigan Building Code to allow placement of a 40 inch grab bar. The Applicant will comply with Section 1008.1.1 of the MBC.

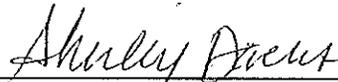
As a condition to granting this exception, the Board's Final Order, issued after review of this recommendation, shall be displayed in a conspicuous public location of the building.

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 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 28<sup>th</sup> day of February, 2013.



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

Donald Nahat  
Equityside, Inc.  
210 W. Third Street, Suite 209  
Royal Oak, MI 48067

Jason Craig  
City of Royal Oak  
211 Williams  
Royal Oak, MI 48068

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



12/5/12

Stucky Vitale Architect  
 Mr. John Vitale  
 27172 Woodward  
 Royal Oak, MI 48067

**Re: 736 S. Washington Interior Renovation**

Dear Licensed Design Professional,

The submitted plan has been reviewed using the following State Construction Codes:

- 2009 Michigan Building Code (2009 IBC as amended)
- 2009 Michigan Plumbing Code (2009 IPC as amended)

The plan review comments for the above referenced address are listed below. These lists include, but are not limited to, all of the violations on the submitted plans and include the relevant code sections.

**BARRIER FREE: ICC/ANSI A117.1 - 2003 Shari Peacock-Nash (248) 246-3228**

1.	The water closet clearance shall be 60" measured perpendicular from the side wall to any obstruction.	604.3.1
2.	The 42" long side wall grab bar shall be located 12" from the rear wall. The restroom shall be reconfigured to meet this requirement.	604.5.1
3.	The water closet shall be located 16"-18" from the center line to the nearest side wall. Please provide dimensions on the restroom plan to ensure compliance.	604.2

**BUILDING: Shari Peacock-Nash (248) 246-3228**

1.	The minimum clear width of each door shall be 32" measured from the door stop to the door when the door is open 90 degrees.	1008.1.1
2.	There shall be a landing or floor at the same elevation on either side of the door.	1008.1.5
3.	The door handle shall not require tight grasping, tight pinching, or twisting of the wrist to operate.	1008.1.9.1
4.	The ramp shall have a maximum 1:12 slope, handrails on both sides, edge protection, and a landing at the door. The door clearance at the door shall meet ICC/ANSI A117.1-2003 section 404.2.3.	1010
5.	The kitchenette shall meet barrier free requirements.	1109.4
6.	There shall be means of egress illumination per code.	1006
7.	There shall be exit signs installed per code.	1011
8.	Drinking fountain(s) shall comply with MBC section 1109.5 and ICC/ANSI section 602. Please see "Plumbing" comment 1.	1109.5



**PLUMBING:** Ken Borycz (248) 246-3210

1.	Separate sex restrooms (Occupant load is 46) are required with water closet and lavatory in each restroom. Also, drinking fountain(s) and service sink will be required. Please see "Building" comment 8.	403.1
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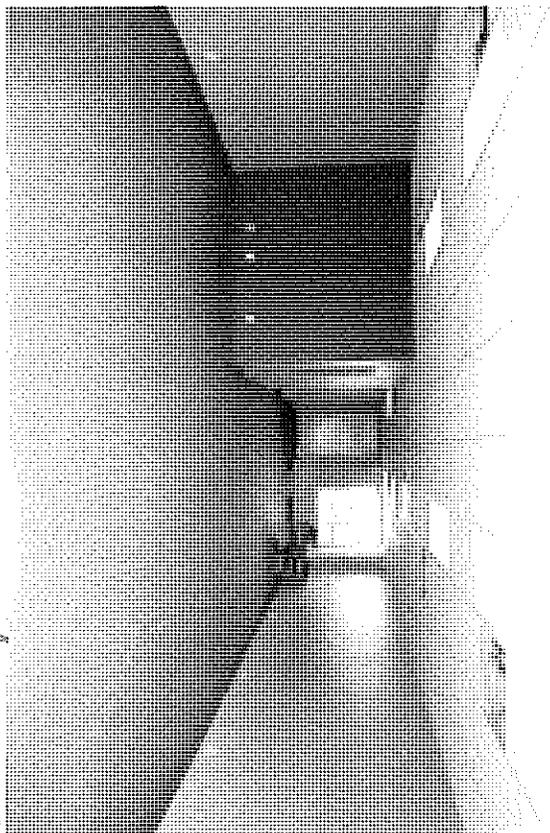
Please make all corrections and resubmit all requested plan revisions in the same submittal. Failure to comply with the following requirements may delay the plan review process.

**Revised plan submittals shall include the following:**

Two sets of signed and sealed plans for each discipline including only the revised sheet(s). Please note that all revisions must be "clouded" on these plans. A plan revision write-up referencing the plan review comments by discipline and comment number.

If you have any questions regarding the plan review comments, please contact the specific inspector at the phone number indicated above the comments. Office hours are Monday through Friday, 8:00 AM to 4:30 PM.

Sincerely,  
CITY OF ROYAL OAK  
Building Department



*Appoint 8/14*

14

133

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

104 292

Application Fee: \$300.00

Authority: 1968 PA 1 Completion: Mandatory Penalty: Exception will not be granted	LARA is an equal opportunity employer/program. Auxiliary aids, serv 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.**

<b>FACILITY INFORMATION</b>				
FACILITY NAME <i>NADA COMPANY (UM)</i>		STREET / SITE ADDRESS <i>736 S. Washington</i>		
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: <i>Royal Oak</i>		COUNTY <i>Oakland</i>		
Estimated Project Cost   \$ <i>0.00</i>		Estimated Cost of Compliance   \$ <i>0.00</i>		
<b>BUILDING PERMIT (To be completed by the administrative authority responsible for issuing the building permit for this project)</b>				
<input type="checkbox"/> New Building <input type="checkbox"/> Alteration <input checked="" type="checkbox"/> Change of Use		Building Permit / File Number <i>PB12-01642</i>		
Is a Temporary Exception Requested? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		PERIOD OF TIME REQUESTED?	USE GROUP <i>M</i>	CONSTRUCTION TYPE <i>SB</i>
Project Does Not Comply With Barrier Free Design Requirements As Follows: <i>Michigan Building Code Section(s) 580 ATTACHED PLAN REVIEW COMMENTS.</i>				
Reason for Non-Compliance <i>PERMITTED WITHOUT PERMITS OR APPROVALS.</i>				
ENFORCING AGENCY <i>CITY OF ROYAL OAK</i>		BUILDING OFFICIAL NAME <i>JASON CRAIG</i>		REGISTRATION NUMBER <i>004849</i>
ADDRESS <i>211 WILLIAM</i>	CITY <i>ROYAL OAK</i>	STATE <i>MI</i>	ZIP CODE <i>48068</i>	TELEPHONE NUMBER (Include Area Code) <i>248 246 3225</i>
BUILDING OFFICIAL SIGNATURE (Must be an original signature) 		DATE	E-MAIL ADDRESS <i>JASONE@CITY.ROYAL-OAK.MI.US</i>	
FAX NUMBER (Include Area Code) <i>248 246 3006</i>				
<b>PROJECT ARCHITECT / ENGINEER (When professional services are required by code or law)</b>				
COMPANY NAME <i>Stuckey-Vitale Architects</i>		LICENSED INDIVIDUAL <i>John Vitale</i>		MICHIGAN LICENSE NUMBER <i>29086</i>
ADDRESS <i>27172 Woodward Avenue</i>	CITY <i>Royal Oak</i>	STATE <i>MI</i>	ZIP CODE <i>48067</i>	TELEPHONE NUMBER (Include Area Code) <i>(248) 546-6700</i>
<b>APPLICANT (Note: All correspondence will be sent to this address)</b>				
COMPANY NAME <i>Equityside Inc.</i>		APPLICANT NAME <i>Equityside Inc. Donald White</i>		FEIN OR SS HO.* (Required)
ADDRESS <i>210 E. Third St Suite 209</i>	CITY <i>Royal Oak</i>	STATE <i>MI</i>	ZIP CODE <i>48067</i>	TELEPHONE NUMBER (Include Area Code) <i>(248) 398-7575</i>
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)
APPLICANT SIGNATURE (Must be an original signature) 			DATE	

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

RECEIVED

STATE OF MICHIGAN 9 8 2013  
 MICHIGAN ADMINISTRATIVE HEARING SYSTEM  
 BUREAU OF CONSTRUCTION CODES  
 PLAN REVIEW DIVISION

IN THE MATTER OF:

Docket No.: 12-002160-BCC

YMCA Convent Building  
 13600 Virgil Street  
 Detroit, MI 48223,  
 Applicant

Case No.: 104307

Agency: Bureau of  
 Construction Codes

Case Type: BCC Barrier Free  
 Design

\_\_\_\_\_/ Filing Type: Appeal

Issued and entered  
 this 28th day of February 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 February 19, 2013, in Lansing Michigan. Present were Architect David Mielock and Senior Vice President of Property Lorie Uranga, representing the Applicant and Usha Menon, representing the Bureau of Construction Code's Plan Review Division.

ISSUE

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

The Applicant agreed to comply with Section 1106.1 of the MBC.

### FINDINGS OF FACT

Three years ago the Applicant purchased for \$400,000 a single story building with 23,000 square feet. Included in this purchase was an adjacent building with basement and two floors. The Applicant has spent 1.8 million dollars to renovate the single story building now in use as a charter school serving grades Kindergarten to fifth grade. The school has 250 students.

While at first the Applicant planned to raze the three story building, a donor offered to fund renovation of the building. The Applicant now plans to spend \$140,000 to renovate the first floor with 3460 square feet for small group learning, counseling and tutoring. It is thought that 17 students and 6 staff people will use this building. The basement has 3000 square feet for mechanical purposes only. The basement is 10 feet below the first floor. The second floor will not be used; it has 3000 square feet. The Applicant will place drywall over one stairway to prevent anyone from using the stairwell. The other stairway also leads to the building exterior and must be kept available in case of an emergency. The second stairwell above the building exit route will also have a drywall barrier. This will prevent access to the second floor, but a locked door will also be installed. This door will allow second floor access in the event of a roof leak or similar emergency.

While no use is now planned for the second floor or basement other than what has been stated above, the Applicant will provide space for a future three stop elevator during the first floor renovations. At current prices, this would cost \$40,000.

The first floor level will satisfy all barrier free 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 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 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. (Exceptions omitted)

Compelling need based on use of the first floor only has been presented to support the Applicant's exception request. At this point, no one will be assigned to study or otherwise work on the second floor or basement. In the event a future decision requires use of these levels, the Applicant will install an elevator. Space for this addition will be factored into the current first floor renovations.

The Applicant will erect drywall barriers to prevent anyone from using the second floor except to check out roof leaks or similar emergency issues.

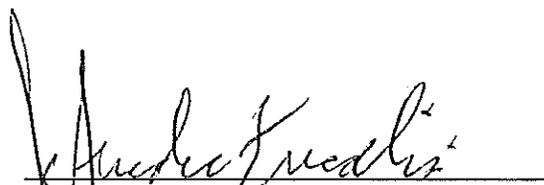
It makes no sense to require expenditure of \$40,000 for an elevator that will not be used at the present time.

**RECOMMENDED DECISION**

I recommend the Board grant the Applicant an exception from Section 1104.4 of the MBC for access to the basement and second floor levels described above. The Applicant will comply with Section 1106.1 regarding parking requirements. In the event the Applicant later decides to use the second floor or basement, a three stop elevator will be installed. In the meantime, the stairs leading to the second floor will be blocked with drywall.

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.

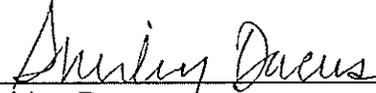
  
\_\_\_\_\_  
J. Andre Friedlis  
Administrative Law Judge

Docket No. 12-002160-BCC

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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 28<sup>th</sup> day of February, 2013.



Shirley Dacus

Michigan Administrative Hearing System

YMCA Convent Building  
13600 Virgil Street  
Detroit, MI 48223

David Mielock  
Mielock Associates, Inc.  
114 Rayson, Suite 2C  
Northville, MI 48167

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



RICK SNYDER  
GOVERNOR

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

STEVEN H. HILFINGER  
DIRECTOR

November 16, 2012

Mr. David Mielock  
Mielock Associates Inc  
114 Rayson  
Suite 2C  
Northville, MI 48167

RE: Project Number: 104160 - Wayne	Use Group: B
Arch. Project Number: 12.058	Construction Type: VB
YMCA Convent Building	Square Footage: Alt 3555
13600 Virgil Street	Calculated Occupant Load: 47
Detroit, MI48223	
Description: Renovation of First floor for Student Tutoring/Counseling	

Dear Mr. Mielock:

This project has been reviewed for compliance with the State of Michigan Construction Code.

2009 Michigan Plumbing Code - Peter Ingalls

1. MPC, Section 307.3 - Penetrations of floor/ceiling assemblies and assemblies required to have a fire-resistance rating shall be protected in accordance with the International Building Code.
2. MPC, Section 308.5 - Pipe shall be supported in accordance with Table 308.5 of the code.
3. MPC, Section 403.2 - Where plumbing fixtures are required, separate facilities shall be provided for each sex.  
Exceptions:
  1. Separate facilities shall not be required for private facilities.
  2. Separate employee facilities shall not be required in occupancies in which 15 or less people are employed.
  3. Separate facilities shall not be required in structures or tenant spaces with a total occupant load, including both employees and customers of 15 or less.

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

Mr. David Mielock  
Page 2  
November 16, 2012

- 4. MPC, Section 403.4 - Required public facilities shall be designated by a legible sign for each sex. Signs shall be readily visible and located near the entrance to each toilet facility.
- 5. MPC, Section 901.2.1 - Every trap and trapped fixture shall be vented in accordance with one of the venting methods specified in Chapter 9 of the code.

This project is approved for compliance with the Michigan Plumbing Code subject to the preceding plan review comments and field inspection.

2008 Michigan Electrical Code - John Adrian

ASHRAE Standard 90.1, 2007, Section 9 - The design, including Lighting Power Density and Automatic Lighting Control shall meet minimum requirements.

The exception to ASHRAE 9.4.1.1 (C) may apply to the motion sensor switches in the basement boiler room and basement water service room.

This project is approved for compliance with the Michigan Electrical Code subject to the preceding plan review comments and field inspection.

2009 Michigan Building Code - James Greene

- 1. This project involves the change of use from a "R-2" to a "B" Use. The existing building is a two story building with partial basement and type V-B construction. The calculated occupant load for the proposed remodeled building is 75 total.
- 2. MBC, 3411.4 - The building shall comply with the accessibility provisions of the code.
- 3. MBC, Section 107.2.1 - Construction documents shall be dimensioned and drawn to scale and shall indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code.

We are unable to complete the building review based on the information provided. Provide as a minimum, new basement and second floor plans indicating the proposed use of these areas (room names) and exit arrangements. Also, provide construction and fire rated assembly details for all new work (ramps, walls, ceilings, etc.).

- 4. MBC, Section 1104.4 - At least one accessible route shall connect each accessible level, including mezzanines, in multistory buildings and facilities.

Provide elevator or approved elevating device as required by Act 1 of 1966 and the MBC.

Mr. David Mielock  
 Page 3  
 November 16, 2012

5. MBC, 304 - The correct use group classification for the remodeled building is "B". Application for Plan Review and cover sheet indicates an "E" Use. The building is not approved for "E" Use, based on the construction requirements of the code (one story only permitted).
6. MBC, Section 1105.1 - At least 60 percent of all public entrances shall be accessible.
7. MBC, Section 1106.1 - Where parking is provided, accessible parking spaces shall be provided in compliance with Table 1106.1.

Provide site layout plan for review.

8. MBC, Section 1106.6 - Accessible parking spaces shall be located on the shortest accessible route of travel from adjacent parking to an accessible building entrance.

Provide site layout plan for review.

9. MBC, 1009.6.3 - Useable space under stairways shall be separated by one hour rated construction. Provide details.
10. MBC, 1603.1 Exception - Provide engineering analysis of the existing structure indicating compliance with the load requirements listed in MBC, Table 1607.1 "Office Buildings" and MBC, 3408.1.

#### 2009 Michigan Mechanical Code - Kevin Matteson

1. MMC, Section 403.2 - The minimum mechanical ventilation rate of required outdoor air shall be determined in accordance with Table 403.3.

Provide a ventilation schedule that is in accordance with Table 403.3.  
 Provide a exhaust fan schedule.

2. MMC, Section 607.5 - Fire dampers, smoke dampers, combination fire/smoke dampers, and ceiling radiation dampers shall be provided at the locations prescribed in Sections 607.5.1 through 607.5.7.

Provide drawings that show all required fire damper assemblies in their proper locations.

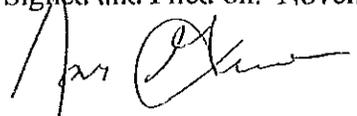
Upon receipt of 2 complete set(s) of revised plans responding to the Building, Mechanical code(s) plan review comments noted herein, the plan review approval will be forwarded.

Mr. David Mielock  
Page 4  
November 16, 2012

If you have any questions regarding your plan review, please contact our office at (517) 241-9328.

Sincerely,

Signed and Filed on: November 16, 2012



James Greene, Plan Reviewer  
JG/mt

cc: BCC - Mechanical, Building, Electrical, Plumbing Division(s)



FOR YOUTH DEVELOPMENT®  
FOR HEALTHY LIVING  
FOR SOCIAL RESPONSIBILITY

RECEIVED  
DEC 17 2012  
PLANNING AND PERMITTING DIVISION  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

December 5, 2012

Mr. James Greene, Plan Reviewer  
Plan Review Division  
Department of Licensing and Regulatory Affairs  
Bureau of Construction Codes  
P.O. Box 30254  
Lansing, Michigan 48909

Re: YMCA Convent Building  
First Floor Renovations  
13600 Virgil Street  
Detroit, Michigan 48223

BCC Project No. 104160 – Wayne  
Arch. Project No. 12.058

Dear Mr. Greene:

Thank you for reviewing the construction documents for our Student Tutoring/Counseling Building (Convent Building). We would like to explain our proposed use for this building at it relates to need for an accessible route between the First and Second Floors.

YMCA intends to use the First Floor area for student tutoring and counseling to support the adjacent school. We will only be using the First Floor of this building. The Second Floor is not suitable for habitation at this time. If, in the future, YMCA decides to renovate the Second Floor we will have our architect prepare construction drawings for your review. Since we do not intend to use the Second Floor we would like to defer the installation of a lifting device until the Second Floor area is improved. We will have our architect indicate a location for a "future" lifting device on the construction documents that you are reviewing for permit.

Thank you for your consideration of this matter. If we can answer any questions please contact me at (734) 260-2839.

Sincerely,

Lorie Uranga  
Sr. VP of Properties & Purchasing  
YMCA of Metro Detroit



December 5, 2012

RECEIVED  
DEC 14 2012  
BUREAU OF CONSTRUCTION CODES  
PLAN REVIEW DIVISION

Mr. James Greene, Plan Reviewer  
Plan Review Division  
Department of Licensing and Regulatory Affairs  
Bureau of Construction Codes  
P.O. Box 30254  
Lansing, Michigan 48909

Re: YMCA Convent Building  
First Floor Renovations  
13600 Virgil Street  
Detroit, Michigan 48223

BCC Project No. 104160 – Wayne  
Arch. Project No. 12.058

Dear Mr. Greene:

Thank you for your review of the proposed YMCA Convent Building – First Floor Renovations. The following is our response to your November 16, 2012 Plan Review Report in the order they appear in your letter:

2009 Michigan Plumbing Code – Peter Ingalls

- 1. Will comply, refer to note #7 of the construction documents.
- 2. Will comply, refer to notes 3 & 5 of the construction documents.
- 3. We will revise the construction documents to designate separate facilities for male and female. Based on the occupant load a minimum of one toilet is required for each sex.
- 4. Will comply with signage requirements.
- 5. Design complies with chapter 9 venting requirements; verify connection to existing vent piping at time of inspection.

2008 Michigan Electrical Code – John Adrian

- 1. We will comply with Lighting Power Density and Automatic Lighting Control requirements. The Lighting Power Density calculations will be provided to the inspector on site.
- 2. We will install toggle switches in the Boiler and Water Rooms of the Basement area in lieu of motion sensors.

2009 Michigan Building Code – James Greene

- 1. We understand the change of use to a "B" Business use. The Application submitted to your office applied under an "E" Education use. We will advise our consultants that you are reviewing this project under "B" Business use classification.
- 2. Will comply with accessibility requirements of the code.
- 3. The Basement Plan is part of the original construction documents (see Sheet A1.0). We are not proposing any changes to the existing Basement. It's only use will be for a new furnace, upgraded electrical equipment and a new water heater. The Second Floor is not proposed to be used and therefore we would like to make this level "not accessible" at this point of the project. YMCA intends to renovate the Second Floor at a future date. We have included a Second Floor Plan, but it is for



reference only. There is no work proposed for the Second Floor. Fire rated assemblies have been noted for walls, stairs, ramps, etc.

4. YMCA does not intend to use the Second Floor of this two story building at this time. Until such time the Second Floor is renovated we would like to use Exception (4), MBC Section 1104.4 of the Michigan Building Code to defer the installation of an accessible route to the Second Floor area. We have attached a copy of a letter from YMCA stating their intended use of the building.

5. We understand the change of use to a "B" Business use. We will revise the cover sheet to reflect the change from "E" Education to "B" Business use.

6. There are (3) public entrances for this building. Two of these entrances will comply with the accessibility requirements which will meet the minimum requirement of at least 60% accessible.

7. There is no parking proposed for this facility. We have attached an aerial photo of the existing site showing the Convent Building, existing School and existing parking lot. Accessible parking spaces have been provided as part of the existing school site plan. No additional parking is proposed. We have indicated an accessible route from the school building to the Convent Building.

8. See item no. 7 above.

9. We have revised the drawings to indicate a one-hour fire rated assembly on the underside of stairs in locations that have useable space under the stair.

10. We have enclosed two copies of the Structural Calculations indicating compliance with the load requirements listed in MBC 2009, Table 1607.1 Office Buildings and MBC 2009 3408.1.

2009 Michigan Mechanical Code – Kevin Matteson

- 1. The drawings have been revised to include a ventilation schedule and exhaust fan schedule.
- 2. Fire damper locations have been noted on the revised drawings.

We have enclosed (2) revised sets of architectural and mechanical drawings as requested in your plan review letter. Also, we have enclosed a copy of the Office of Fire Safety letter and (2) sets of fire alarm drawings for your review.

If you have further questions or comments regarding this project please do not hesitate to contact our office at 248.349.2708. Thank you.

Sincerely,  
Mielock Associates, Inc.

David L. Mielock AIA, LEED AP



RICK SNYDER  
GOVERNOR

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

STEVE ARWOOD  
ACTING DIRECTOR

December 14, 2012

Mr. David Mielock  
Mielock Associates Inc  
114 Rayson  
Suite 2C  
Northville, MI 48167

RE: Project Number: 104160 - Wayne	Use Group: B
Arch. Project Number: 12.058	Construction Type: VB
YMCA Convent Building	Square Footage: Alt 3555
13600 Virgil Street	Calculated Occupant Load: 47
Detroit, MI48223	
Description: Renovation of First floor for Student Tutoring/Counseling	

Dear Mr. Mielock:

This project has been reviewed for compliance with the State of Michigan Construction Code.

2009 Michigan Mechanical Code - Kevin Matteson

This project is approved for compliance with the Michigan Mechanical Code, subject to field inspection.

2009 Michigan Building Code - James Greene

1. Original Items 1 Thru 4 - The MBC, which includes Act 1 of 1966 requires that a change in use requires that the building be brought up to code. Your response letter indicates that the second floor is not occupied and the basement level is used for mechanical equipment only. We contend that both floors are capable of being "occupiable" by more than five occupants (MBC, 1104.4, exception 4) as the stairway accesses both basement and second floor. The existing stairways serve basement, first and second floors. You may wish to appeal this to the Barrier Free Design Board, requesting a variance regarding the requirement of an elevator or approved elevating device connecting the three floor areas. Provide an elevator or elevating device or a copy of your application to the Barrier Free Design Board requesting an exception.

*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

Mr. David Mielock  
Page 2  
December 14, 2012

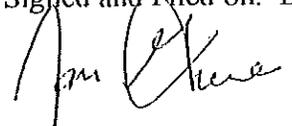
- 2. Original Items 2, 7 and 8 - Provide a site plan which indicates location of accessible parking locations, size or the required accessible route between parking and buildings (MBC, 1104.1).

Upon receipt of 2 complete set(s) of revised plans responding to the Building code(s) plan review comments noted herein, the plan review approval will be forwarded.

If you have any questions regarding your plan review, please contact our office at (517) 241-9328.

Sincerely,

Signed and Filed on: December 14, 2012



James Greene, Plan Reviewer  
JG/mt

cc: BCC – Building, Mechanical Division(s)

**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

117

M.C. 12 2012

**104 307**

Application Fee: \$300.00

Authority: 1966 PA 1	LARA is an equal opportunity employer/program. Auxiliary aids, see request to individuals with disabilities.
Completion: Mandatory	
Penalty: Exception will not be granted	

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.

FACILITY INFORMATION				
FACILITY NAME YMCA Convent Building		STREET / SITE ADDRESS 13600 Virgil Street		
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 \$ 132,000.00		Estimated Cost of Compliance \$ 39,900.00		
BUILDING PERMIT (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 checked="" type="checkbox"/> Change of Use
Is a Temporary Exception Requested? <input type="checkbox"/> No <input type="checkbox"/> Yes		PERIOD OF TIME REQUESTED?	USE GROUP B	CONSTRUCTION TYPE VB
Project Does Not Comply With Barrier Free Design Requirements As Follows: 1) Michigan Building Code Section(s) 2009 MBC - SECTION 1104.4, 1106.1 2) 1966 Public Act 1, Section 2(2)2 (MCL 125.1352, Section 2(2)2) Reason for Non-Compliance See attached plan review letters dated 12-14-12, 12-5, 12 and 11-16-12				
ENFORCING AGENCY STATE OF MICHIGAN, BUREAU OF CONSTRUCTION CODES		BUILDING OFFICIAL NAME TODD CORDILL		REGISTRATION NUMBER 4994
ADDRESS P.O. BOX 30254	CITY LANSING	STATE MI	ZIP CODE 48909	TELEPHONE NUMBER (Include Area Code) (517) 241-9328
BUILDING OFFICIAL SIGNATURE (Must be an original signature) <i>Todd Cordill</i>		DATE 17 Dec. 2012	E-MAIL ADDRESS cordillt@michigan.gov	FAX NUMBER (Include Area Code) (517) 241-9308
PROJECT ARCHITECT / ENGINEER (When professional services are required by code or law)				
COMPANY NAME Mielock Associates, Inc.		LICENSED INDIVIDUAL David L. Mielock AIA, LEED AP		MICHIGAN LICENSE NUMBER 31107
ADDRESS 114 Rayson, Suite 2C	CITY Northville	STATE Michigan	ZIP CODE 48167	TELEPHONE NUMBER (Include Area Code) (248) 349-2708
APPLICANT (Note: All correspondence will be sent to this address)				
COMPANY NAME Mielock Associates, Inc.		APPLICANT NAME David L. Mielock		FEIN OR SS NO.* (Required)
ADDRESS 114 Rayson, Suite 2C	CITY Northville	STATE Michigan	ZIP CODE 48167	TELEPHONE NUMBER (Include Area Code) (248) 349-2708
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) 349-2522
APPLICANT SIGNATURE (Must be an original signature) <i>David L. Mielock</i>			DATE 12.13.12	

\*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.: 12-002161-BCC

Home Instead Senior Care  
16013 Middlebelt Road  
Livonia, MI,  
Applicant

Case No.: 104316

Agency: Bureau of Construction Code

Case Type: BCC Barrier Free Design

Filing Type: Appeal

Issued and entered  
this 28th day of February 2013  
by J. Andre Friedlis  
Administrative Law Judge

RECEIVED

FEB 28 2013

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 February 19, 2013 in Lansing Michigan. Present were Glenna Yaroch, Owner, representing the Applicant and Usha Menon, representing the Bureau of Construction Code's Plan Review Division.

ISSUE

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

FINDINGS OF FACT

The Applicant's representative, Glenna Yaroch testified that the proposed addition will have 1700 square feet on two levels. When this area is added to the 400 square feet now on the second floor of the existing structure, the area will be less than 3000 square feet. Based on the exception to Section 1104.4, an accessible route is not required to this second floor.

3. EXCEPTION APPLICATIONS  
03. 104316

Docket No. 12-002161-BCC  
Page 2

Based on this recitation of facts, Ms. Menon agreed that no exception is needed.

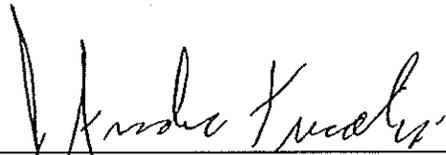
### CONCLUSIONS OF LAW

No exception is required since the Applicant's second floor addition will fall below the 3000 square foot exception contained in section 1104.4 of the Michigan Building Code.

### RECOMMENDED DECISION

I recommend the Board acknowledge that the Applicant's statement satisfies the Michigan Building Code for barrier free compliance and conclude that interior access between levels is not required.

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 28<sup>th</sup> day of February, 2013.

---

Shirley Dacus  
Michigan Administrative Hearing System

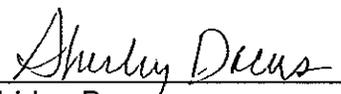
Home Instead Senior Care  
Attn: Glenna Yaroch  
16013 Middlebelt Road  
Livonia, MI 48154

Alexander Bishop  
City of Livonia  
33000 Civic Center Drive  
Livonia, MI 48154

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

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 20<sup>th</sup> day of February, 2013.

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

Home Instead Senior Care  
Attn: Glenna Yaroch  
16013 Middlebelt Road  
Livonia, MI 48154

Alexander Bishop  
City of Livonia  
33000 Civic Center Drive  
Livonia, MI 48154

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

**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 48909  
 517-241-9328  
 www.michigan.gov/bcc

**104** 316

Application Fee: \$300.00

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.

Trans Info: 133 18192299-1 12/17/12  
 Date: 5/9/12 Amt: \$300.00  
 ID: 745000 SENIOR SERVICES 10

<b>FACILITY INFORMATION</b>				
FACILITY NAME <i>Home Instead Senior Care</i>		STREET / SITE ADDRESS <i>16013 Middlebelt Road</i>		
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: <i>Livonia</i>		COUNTY <i>Wayne</i>		
Estimated Project Cost \$ <i>300,000</i>		Estimated Cost of Compliance \$ <i>30,000</i>		
BUILDING PERMIT (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 <i>Not yet obtained</i>		
Is a Temporary Exception Requested? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		PERIOD OF TIME REQUESTED?	USE GROUP <i>B</i>	CONSTRUCTION TYPE <i>SB</i>
Project Does Not Comply With Barrier Free Design Requirements As Follows: Michigan Building Code Section(s) <i>MBC 2007 Sections 1103.1 and 3411.5</i> Reason for Non-Compliance <i>Proposed second level addition without accessibility for persons with physical disabilities.</i>				
ENFORCING AGENCY <i>City of Livonia</i>		BUILDING OFFICIAL NAME <i>A. Alexander Bishop</i>		REGISTRATION NUMBER <i>2857</i>
ADDRESS <i>35000 Civic Center Dr.</i>	CITY <i>Livonia</i>	STATE <i>MI</i>	ZIP CODE <i>48154</i>	TELEPHONE NUMBER (Include Area Code) <i>734-466-2590</i>
BUILDING OFFICIAL SIGNATURE (Must be an original signature) <i>A. Alexander Bishop 4/28/12</i>		E-MAIL ADDRESS <i>abishop@ci.livonia.mi.us</i>		FAX NUMBER (Include Area Code) <i>734-466-2095</i>
PROJECT ARCHITECT / ENGINEER (When professional services are required by code or law)				
COMPANY NAME <i>ARCHITECTURALLY SPEAKING -</i>		LICENSED INDIVIDUAL <i>JOHN T. HOLMICKI</i>		MICHIGAN LICENSE NUMBER <i>34172</i>
ADDRESS <i>19931 FARMINGTON</i>	CITY <i>Livonia</i>	STATE <i>MICH</i>	ZIP CODE <i>48152</i>	TELEPHONE NUMBER (Include Area Code) <i>248-217-9384</i>
APPLICANT (Note: All correspondence will be sent to this address)				
COMPANY NAME <i>Home Instead Senior Care</i>		APPLICANT NAME <i>Glenna Yaroch</i>		FEIN OR SS NO.* (Required) <i>7</i>
ADDRESS <i>16013 Middlebelt</i>	CITY <i>Livonia</i>	STATE <i>MI</i>	ZIP CODE <i>48154</i>	TELEPHONE NUMBER (Include Area Code) <i>(734) 525-5300</i>
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)
APPLICANT SIGNATURE (Must be an original signature) <i>Glenna Yaroch</i>			DATE <i>11-16-12</i>	

\*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.: 13-000055-BCC

Plum Bakery  
76 Division Street  
Manistee, Michigan,

Case No.: 104424

Agency: Bureau of Construction  
Codes

Applicant

Case Type: BCC Barrier Free Design

Filing Type: Appeal

RECEIVED  
FEB 28 2013  
BUREAU OF CONSTRUCTION CODES  
PLAN REVIEW DIVISION

Issued and entered  
this 27<sup>th</sup> day of February 2013  
by Lauren G. Van Steel  
Administrative Law Judge

4. EXCEPTION APPLICATIONS  
04. 104424

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 24.201 *et seq.* The purpose of this review is to examine an application for an exception under the Barrier Free Design Rules of the State Construction Code from requirements contained in the 2009 Michigan Building Code.

A hearing was held on February 26, 2013, at the Michigan Administrative Hearing System in Lansing, Michigan. Kendra C. Thompson, Architect, appeared as a representative on behalf of the Plum Bakery, Applicant. Usha Menon appeared as a representative for the Plan Review Division of the Bureau of Construction Codes.

Ms. Thompson was sworn in and testified as a witness for the Applicant. The following exhibit, offered by the Applicant, was admitted into evidence:

Applicant's Exhibit No. 1 is an Attachment to Application for Barrier Free Design Rule Exception (containing a copy of site photographs), dated January 15, 2013.

The record was closed at the conclusion of the hearing.

13-000055-BCC

Page 2

## ISSUE

The issue presented is whether the Board should grant the Applicant a permanent exception from Section 1105.1 of the 2009 Michigan Building Code.

## FINDINGS OF FACT

Based on the entire record in this matter, including witness testimony and the admitted exhibit, the following findings of fact are established:

On January 23, 2013, the Applicant, Plum Bakery, filed an Application for Barrier Free Design Rule Exception seeking a permanent exception from Section ICC/ANSI A117.1 and Section 1026 of the 2009 Michigan Building Code for its building located at 76 Division Street in Manistee, Michigan. Upon review of the Application, the Plan Review Division within the Bureau of Construction Codes determined that the applied-for exception came under Section 1105.1 of the 2009 Michigan Building Code. (See the January 24, 2013 letter from the Plan Review Division.)

Kendra Thompson, Architect, credibly testified at hearing that the Applicant owners, Mr. and Mrs. Michael Riley, are constructing an addition and renovating the building, which was originally a residence built circa 1880's. Mr. and Mrs. Riley have recently relocated to Manistee, Michigan from out of state. The estimated project cost is \$35,000.00. [Application].

Ms. Thompson credibly testified that the Applicant's building is one block away from a nationally recognized historic district in Manistee, Michigan. The Applicant plans to operate a bakery business in the building. Mr. and Mrs. Riley will be the only employees of the business.

The main structure of the building is being maintained. The planned project is to construct a small addition to the rear of the building for the baking ovens, and to move the front steps off of the sidewalk right-of-way. The rear addition will be a concrete slab on grade and wood-frame walls. Interior renovations will make a bathroom barrier-free accessible. There will also be modifications to the front entry steps per the local building department. The status of construction is that excavation has been started for the rear addition.

The first floor of the building contains 1,040 square feet. The second floor of the building will remain unoccupied. The basement contains the furnace only. The proposed addition is 186 square feet. The front entrance is 48 inches from the grade at a public sidewalk. There is 49 inches of space between the building's porch and the property line. The lot size is 38.5 feet in front, running north to south.

Ms. Thompson credibly testified that the Applicant would be happy to install a ramp to the rear entrance of the building, but there is no public access available to the building's rear entrance. The rear entrance opens to a backyard that is land-locked in the sense that there is no public access to it. The owner of the residence next door to the south,

13-000055-BCC

Page 3

which has a paved driveway, has refused the Applicant an easement or shared use of the driveway. The modern-style building to the north runs the length of the Applicant's property, preventing public access to the rear entrance from that side. Another property runs the length of the backyard. Therefore, the Applicant plans to have its bakery-business deliveries made directly to the front entrance of the building.

Ms. Thompson credibly testified that there will be limited foot traffic from retail customers to the Applicant's building. Primarily, the Applicant's business plan is to supply baked goods for distribution to area retail establishments and restaurants. The Applicant's small-town marketing concept also includes home deliveries and curbside deliveries to customers. Parking is on the street; there is no on-site parking required in this area of the city. Across the street are historic residences that have been converted to commercial use.

The Applicant has explored the possibility of installing a platform lift to the front entrance, but is concerned that it would compromise the historic integrity of the building. In addition, the price of installing a platform lift, estimated at \$15,000.00, and weather-protection structure estimated at \$10,000.00 to \$15,000.00, is cost-prohibitive to the Applicant's cottage industry start-up business. The likely limited profit margin for the Applicant's start-up business cannot absorb the estimated cost of a platform lift. Further, the property is not wide or long enough to install a ramp on the front of the building, which would require a minimum length of 48 feet and five-foot landings. [Pet. Exh. 1].

In summary, the Applicant contends that the compelling need for the applied-for exception is primarily based on the property site constraints, the historic integrity of the building, and the economic constraints of its start-up business.

### CONCLUSIONS OF LAW

Act 1 of the Public Acts of 1966, as amended, MCL 125.1351 *et seq.* (hereafter "Act") 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. MCL 125.1355(6).

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.

The term, "compelling need" is defined in Section 5a(2) of the Act as follows:

(2) As used in subsection (1), "compelling need" includes, but is not limited to, 1 or more of the following:

- (a) Structural limitations.
- (b) Site limitations.
- (c) Economic limitations.
- (d) Technological limitations.
- (e) Jurisdictional conflicts.
- (f) Historical structures, under conditions prescribed by rule of the construction code commission. MCL 125.1355a(2).

Also, Barrier Free Design Board Rule R 125.1014(2) lists the following factors which may be considered in determining whether compelling need has been demonstrated:

Rule 14. (2) In addition to section 5a(2) of the act, factors which may be considered in determining whether compelling need has been demonstrated include the following, if applicable:

- (a) Circumstances which required compliance, such as any of the following:
  - (i) Use group change.
  - (ii) New construction.
  - (iii) Occupancy load change.
  - (iv) Alteration other than ordinary maintenance.
  - (v) Addition.
- (b) The total project cost, including all of the following:
  - (i) The total construction or remodeling cost.
  - (ii) Land acquisition cost.
  - (iii) Cost for furnishings.
  - (iv) Purchase price of the structure.
- (c) Nature of the business or facility.
- (d) Anticipated public traffic.
- (e) Hours and days of operation.
- (f) Financial position of the business or agency.
- (g) Age of the business.
- (h) Lease provisions, if the applicant is a lessee of the facility; and the name and address of the owner, if the owner refuses to allow compliance with the barrier free design requirements.
- (i) Tax abatements, tax credits, and tax deductions for which the project qualifies.
- (j) Age of existing building.
- (k) Size of all levels and areas of the project and the size of the area or areas proposed to be inaccessible.

- (l) Use of the area proposed to be inaccessible.
- (m) Aspects of the project that do comply with the barrier free design requirements.
- (n) Number of employees who will be using the area or facility.
- (o) Description of the job duties of the employees.
- (p) Vertical distance from grade to entrance level.
- (q) Vertical distance or distances between floor levels.
- (r) Width and layout of existing stairways.
- (s) Cost of compliance in relation to the total project cost, the size of the area proposed to be inaccessible, and the use of the area proposed to be inaccessible.
- (t) Existing structural limitations.
- (u) Site restrictions, such as any of the following:
  - (i) Size of site.
  - (ii) Greenbelt or set-back requirements.
  - (iii) Off-street parking requirements.
  - (iv) Unusual soil or site conditions.
  - (v) Spatial and financial feasibility of alternatives to compliance, such as any of the following:
    - (i) Ramp with slightly steeper slope.
    - (ii) Alternative lifting devices such as a special elevating device or wheelchair lifting device.
    - (iii) Accessible entrance other than the nearest entrance.
    - (iv) Unisex barrier free bathroom.
- (w) Feasibility of an exception for a stated period of time after which compliance with the requirements would be achieved and the plan or proposal for compliance.
- (x) Duplication of facilities available.
- (y) Historic designation and character of the facility, as determined by the Michigan bureau of history, department of state, or the United States department of the interior as specified in R 408.30428.
- (z) Similar projects previously reviewed by the board.
- (aa) Whether the applicant complied with the requirements contained in section 10 of Act No. 230 of the Public Acts of 1972, as amended, being S125.1501 et seq. of the Michigan Compiled Laws, known as the construction code act.
- (bb) Whether the project was started or constructed, or both, pursuant to a permit based on plans or specifications that complied with the barrier free design requirements, in accordance with section 11 of Act No.230 of the Public Acts of 1972, as amended, being §125.1511 of the Michigan Compiled Laws, known as the construction code act.
- (cc) Any other factual information related to the project which the applicant believes should be considered by the board. 1988 AACCS, R 125.1014(2).

13-000055-BCC

Page 6

Section 1105.1 of the 2009 Michigan Building Code states as follows:

1105.1 Public entrances. In addition to accessible entrances required by Sections 1105.1.1 through 11.5.1.6, at least 60 percent 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.

Based on the above findings of fact, the Applicant has presented compelling reasons to justify a permanent exception from Section 1105.1 of the 2009 Michigan Building Code, *supra*. Specifically, the Applicant has shown that there will be likely limited public traffic to the planned bakery business, that the financial position of the Applicant's start-up business makes installation of a platform lift cost-prohibitive, and that there are definite property size and access site restrictions that prevent installation of a barrier-free ramp to either the front or rear entrances of the building at this time.

Although the relative historic character of the circa 1880's structure is certainly a consideration, the Applicant has not shown compelling need for an exception on that basis.

In summary, it is concluded that the Applicant has shown compelling need for the applied-for exception based on site and economic limitations under Sections 5a(2)(b) and (c) of the Act and anticipated public traffic, financial position and site restrictions under Rules 14(2)(d), (f) and (u), *supra*.

### **RECOMMENDED DECISION**

Based on the above findings of fact and conclusions of law, the undersigned recommends that the Board grant the Applicant a permanent exception from Section 1105.1 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, P.O. Box 30254, Lansing, Michigan 48909, Attention: Todd Cordill.



---

**Lauren G. Van Steel**  
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 27<sup>th</sup> day of February, 2013.

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

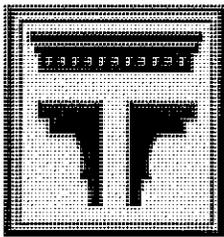
K. Thompson Architects, PC  
Attn: Kendra Thompson  
803 Cherry Street  
Manistee, MI 49660

Mark Niesen  
City of Manistee  
70 Maple  
Manistee, MI 49660

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

RECEIVED

JAN 23 2013



kendra c.

THOMPSON

architects, p.c.

BUREAU OF CONSTRUCTION CODES  
PLAN REVIEW DIVISION

**Attachment to  
Application for Barrier Free Design Rule Exception:**

**15 January 2013**

**RE: Plum Bakery  
76 Division Street  
Manistee, MI 49660**

**Justification for Request:**

1. Site constraints and sufficient space is not available to accommodate the required dimensions necessary for constructing a handicapped access ramp. The existing structure is constructed with only 49-inches between the porch and property line. The existing property frontage to the public sidewalk is 38.5 feet in width. The elevation rise required to transition from the public sidewalk to the finish floor level is 48-inches. A code compliant access ramp would require an approximate width of 106-inches (44-inch clear width x 2, with 6"x6" support framing) to construct a "switch back" type ramp and a minimum length of 48 feet for a 1:12 ramp, with 5 foot landings top, bottom and intermediate. The site has insufficient width and length to construct a barrier-free access ramp.
2. The existing structure is a historic structure located less than one block of the City of Manistee National Historic District and National Trust for Historic Preservation/MSHDA Mainstreet District. Any reconfiguration to the façade of the existing historic structure would create a negative impact on the preservation of the community's historic assets.
3. No other access to the site is available for entry other than from the street side (east entry).

**Alternates Considered:**

1. There is an adjacent drive area (approximately 10 feet in width) between 76 Division Street and the neighboring structure located to the south. This drive area is owned by the adjacent property owner. Adequate area extending west of Plum Bakery (76 Division Street) is available to allow for construction of a barrier-free access ramp to the west entry. However, all attempts to negotiate a shared use of the existing drive to allow access to the west entry point have failed. No use of the adjacent property owner's drive will be allowed. No other access to the rear of the building is available.
2. Construction of an elevator between the public sidewalk and the building is cost prohibitive and would prove detrimental to the historic structure.

**Reasonable Accommodations to be provided:**

1. Plum Bakery's primary business is production of goods for outside vendors. General public activity at the building will be of a limited nature.
2. Plum Bakery will actively market their customer service for home delivery. This will enable any potential customers to know that goods can be purchased without the need for walking into the premises.
3. Plum Bakery will actively market their customer service for curb side pick-up. This will enable any potential customers to know that goods can be purchased without the need for walking into the premises.

Other Attachments:

1. Site Plan and Construction Drawings
2. Photographs, existing conditions









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

BUREAU OF CONSTRUCTION CODES  
PLAN REVIEW DIVISION

Application Fee: \$300.00

104 424

Authority: 1965 PA 1	LARA is an equal opportunity employer/program. Auxiliary aids, request to individuals with disabilities.
Completion: Mandatory	
Penalty: Exception will not be granted	

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.

FACILITY INFORMATION				
FACILITY NAME Plum Bakery		STREET / SITE ADDRESS 76 Division Street		
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: Manistee				COUNTY Manistee
Estimated Project Cost \$ 35,000.00		Estimated Cost of Compliance \$ 75,000.00		
BUILDING PERMIT (To be completed by the administrative authority responsible for issuing the building permit for this project)				
<input type="checkbox"/> New Building		<input type="checkbox"/> Alteration		<input type="checkbox"/> Change of Use
		Building Permit / File Number _____		
Is a Temporary Exception Requested? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		PERIOD OF TIME REQUESTED? -	USE GROUP F-1	CONSTRUCTION TYPE ✓
Project Does Not Comply With Barrier Free Design Requirements As Follows: Michigan Building Code Section(s) <i>ICC/ANSI A117.1 MBC SEC. 102.6</i>				
Reason for Non-Compliance Site constraints do not provide adequate space to comply. Historic structure would be compromised.				
ENFORCING AGENCY City of Manistee		BUILDING OFFICIAL NAME MARK (W.) NIESEN		REGISTRATION NUMBER # 4-255
ADDRESS 70 Maple Street	CITY Manistee	STATE MI	ZIP CODE 49660	TELEPHONE NUMBER (Include Area Code) (231) 723-2558
BUILDING OFFICIAL SIGNATURE (Must be an original signature) Mark W. Niesen		DATE 1-21-13	E-MAIL ADDRESS MNIESEN@MANISTEE.MI.GOV	FAX NUMBER (Include Area Code) (231) 723-1546
PROJECT ARCHITECT / ENGINEER (When professional services are required by code or law)				
COMPANY NAME Kendra C. Thompson Architects, PC		LICENSED INDIVIDUAL Kendra Thompson, RA		MICHIGAN LICENSE NUMBER 1301035207
ADDRESS 803 Cherry Street	CITY Manistee	STATE MI	ZIP CODE 49660	TELEPHONE NUMBER (Include Area Code) (231) 723-4195
APPLICANT (Note: All correspondence will be sent to this address)				
COMPANY NAME Kendra C. Thompson Architects, PC		APPLICANT NAME Kendra Thompson, RA		FEIN OR SS NO.* (Required)
ADDRESS 803 Cherry Street	CITY Manistee	STATE MI	ZIP CODE 49660	TELEPHONE NUMBER (Include Area Code) (231) 723-4195
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)
APPLICANT SIGNATURE (Must be an original signature) <i>Kendra C. Thompson</i>			DATE 15 January 2013	

STATE OF MICHIGAN  
MICHIGAN ADMINISTRATIVE HEARING SYSTEM

IN THE MATTER OF:

A New Life Prosthetics  
6438 Woodward  
Detroit, MI, 48202  
Applicant

Docket No.: 13-000103-BCC

Case No.: 104315

Agency: Bureau of  
Construction Codes

Case Type: BCC Barrier Free  
Design

Filing Type: Appeal

5 EXCEPTION APPLICATIONS  
05 104315

Issued and entered  
this 4<sup>th</sup> day of March, 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 February 19, 2013, in Lansing, Michigan. Present were Kim Casteel and Chris Casteel, building co-owners, representing the Applicant, and Usha Menon, representing the Bureau of Construction Code's Plan Review Division.

ISSUE

Should a three year time exception be granted from Section 1105.1 of the 2009 Michigan Building Code (MBC)?

FINDINGS OF FACT

The building at issue was built in 1916. The first floor contains 3200 square feet; the basement twelve feet below has 3000 square feet. The basement is used for storage.

13-000103-BCC

Page 2

Currently three employees work in the building providing orthotics, prosthetics, and follow up care.

The Applicant purchased the building on a 15 year land contract for \$349,900 on December 23, 2011. A building permit was issued on December 19, 2012 for interior renovations. One hundred forty five thousand dollars has been spent for this purpose.

As can be seen from the photograph sent with the application, this building is surrounded on all sides by city sidewalks. An attempt to modify the front or Woodward sidewalk to accommodate a ramp was recently denied by the Michigan Department of Transportation. The Woodward elevation is 11 inches. But there is an entrance on Milwaukee Street (north side) as well. This entrance is 16 above the sidewalk.

The Applicant requests three years to obtain the necessary permissions and financial assistance to raise the city sidewalk at a cost of \$26,000. This change would allow patients direct barrier free access to the building. Until then, the Applicant will provide assistance at client homes or hospital/clinic settings. A portable foldable ramp will also be used when the Applicant is expecting a customer. A chair climbing device may also be used. These devices both require staff assistance.

The Applicant will request a temporary certificate of occupancy in order to use the building during the pendency of the exception process.

The Applicant anticipates seeing 15 patients per day once full access is provided.

### 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.

13-000103-BCC

Page 3

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 omitted.

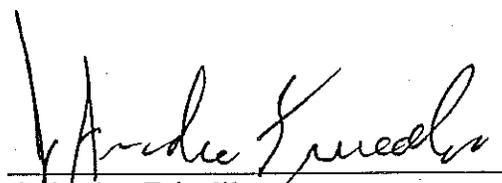
Compelling need has been presented to give the Applicant a three year exception to provide a barrier free side entrance. This will be accomplished by raising the city sidewalk at the Applicant's expense.

### RECOMMENDED DECISION

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



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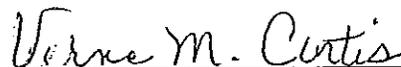
J. Andre Friedlis  
Administrative Law Judge

13-000103-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 5<sup>th</sup> day of March, 2013.



Verna M. Curtis

Michigan Administrative Hearing System

Chris Casteel  
A New Life Prosthetics  
6438 Woodward Avenue  
Detroit, MI 48202

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

Harshad N. Desai  
City of Detroit Building and Safety  
Engineering  
2 Woodward Avenue  
Detroit, MI 48226

### Introduction

My name is Christopher Casteel and I am here with my wife Kim Casteel who is the co-owner of the building at 6438 Woodward Ave., Detroit and legal support. My business partner Paul Cauley, is attending to patients today. We are requesting an exception to barrier free design for a period of 18 months.

To provide the Court with a brief history: we started discussions with the DEGC in January 18, 2012 to get guidance for the proper procedures to provide ADA egress into the building we purchased in December 2012. In June 2012 we filed petition #2458 with Detroit City council for an ADA ramp encroachment. We received an objection from the City of Detroit in regards to the ADA ramp on November 27, 2012. The objection to the ADA ramp was due to "a clear sidewalk path at least 5 feet wide (6 feet preferred) must be maintained to meet the city standards. Please note that Woodward Avenue is a state trunk line and Stacie Percell may be contacted to get their input." For MDOT review, we applied and paid for a construction permit on November 29, 2012. On January 30, 2013, we received a letter from MDOT stating in pertinent part, "The request is not approved as determined by review of the plans submitted".

We are a second year start-up company with limited resources, but we have managed to cut our costs to the bone (so far) in order to survive. We hope that this Court and the board finds compelling need that the application of the barrier free design requirement would result in exceptional, practical difficulty to us. We have provided Exhibits A through D showing the structural and site, economic, jurisdictional and historical limitations.

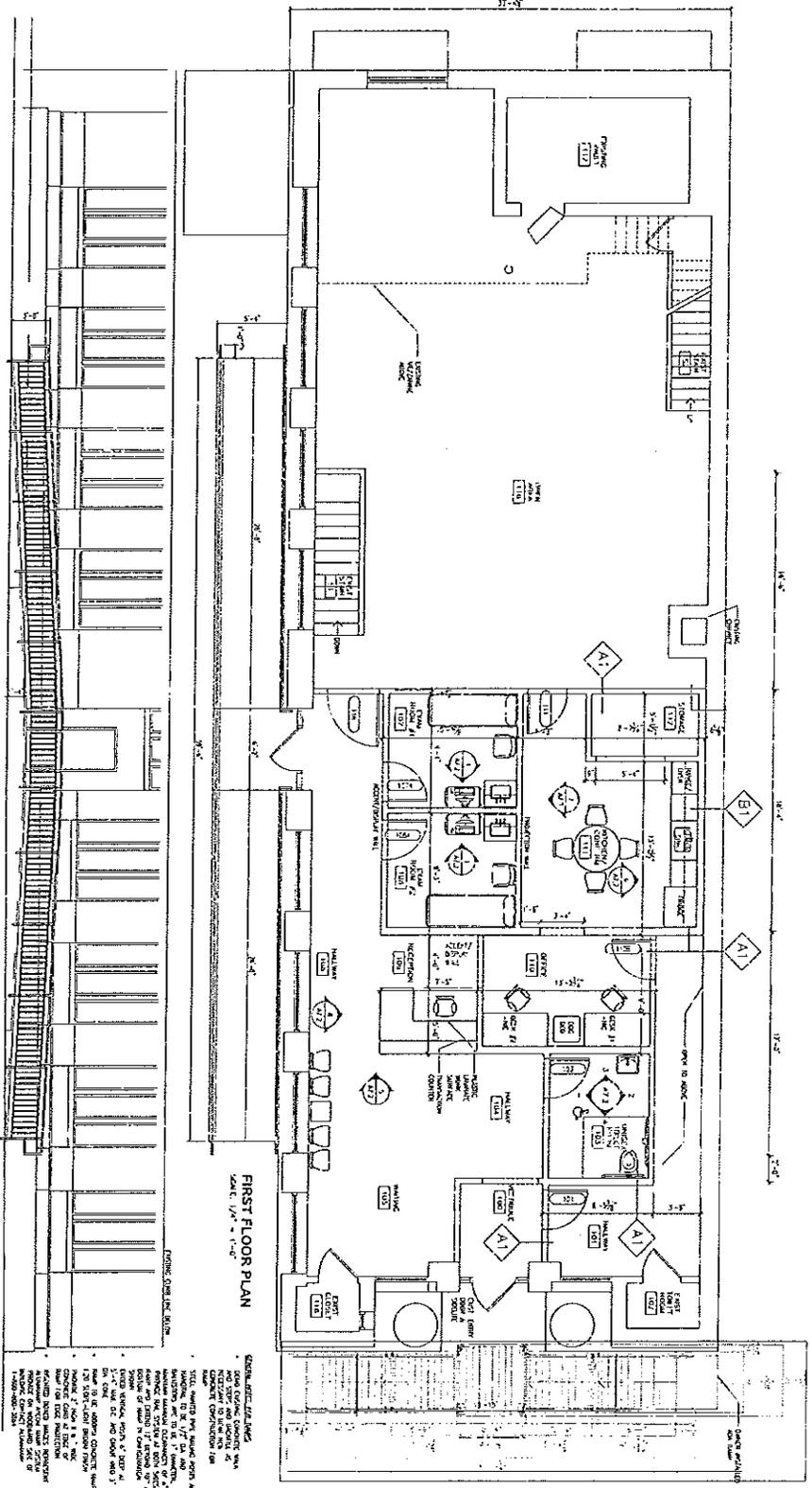
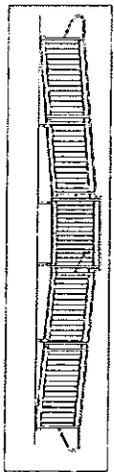
We request that the Board grant an exception to us from the 2009 Michigan Building Code, Section 1101.1 so that we can obtain our certificate of occupancy and open the doors to our business. We will be applying for any applicable grants, attempt raising/obtaining funds and conferring with the City of Detroit Building Department so that we can obtain the appropriate approvals/permits to install an ADA entrance ramp or applicable ADA access to our building.

Project # 104315 - WAYNE

**RECEIVED**  
FEB 19 2013  
MICHIGAN ADMINISTRATIVE  
HEARING SYSTEM

# Exhibit A

## Structural and site limitations



RAMP ELEVATION  
SCALE 1/8" = 1'-0"

FIRST FLOOR PLAN  
SCALE 1/8" = 1'-0"

GENERAL NOTES:  
1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND SPECIFICATIONS.  
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS.  
3. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.  
4. THE CONTRACTOR SHALL PROTECT ALL EXISTING UTILITIES AND STRUCTURES.  
5. THE CONTRACTOR SHALL MAINTAIN ADEQUATE SAFETY MEASURES THROUGHOUT THE PROJECT.  
6. THE CONTRACTOR SHALL SUBMIT ALL MATERIALS AND WORKMANSHIP FOR INSPECTION AND APPROVAL.  
7. THE CONTRACTOR SHALL MAINTAIN RECORD DRAWINGS THROUGHOUT THE PROJECT.  
8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS.  
9. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.  
10. THE CONTRACTOR SHALL PROTECT ALL EXISTING UTILITIES AND STRUCTURES.  
11. THE CONTRACTOR SHALL MAINTAIN ADEQUATE SAFETY MEASURES THROUGHOUT THE PROJECT.  
12. THE CONTRACTOR SHALL SUBMIT ALL MATERIALS AND WORKMANSHIP FOR INSPECTION AND APPROVAL.  
13. THE CONTRACTOR SHALL MAINTAIN RECORD DRAWINGS THROUGHOUT THE PROJECT.

Project # 104315-W AVBDE

**hamiltonanderson**

PROFESSIONAL LANDSCAPE ARCHITECTS  
JAMES PATRICK O'NEILL  
1450 PARKWAY DRIVE  
DUBLIN, ILLINOIS 61832  
PH: 618/233-1100  
WWW.HAMILTONANDERSON.COM

REGISTERED PROFESSIONAL ARCHITECTS  
1450 PARKWAY DRIVE  
DUBLIN, ILLINOIS 61832  
PH: 618/233-1100  
WWW.HAMILTONANDERSON.COM

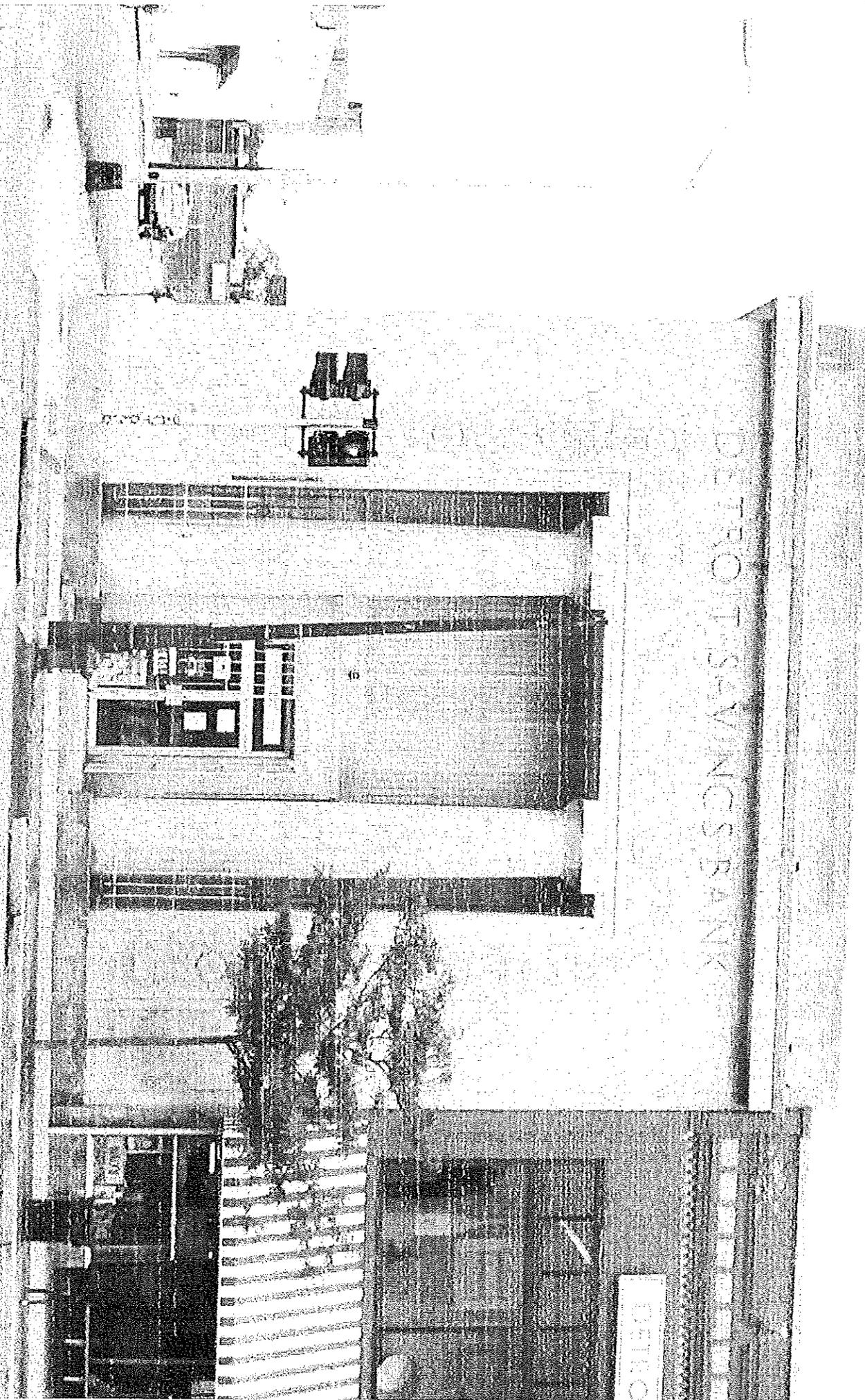
MR. CHRIS CASTELL,  
MSOP, CTO  
ANEM LIFE PROSTHETICS  
AND ORTHOTICS



**A1.2 RAMP**

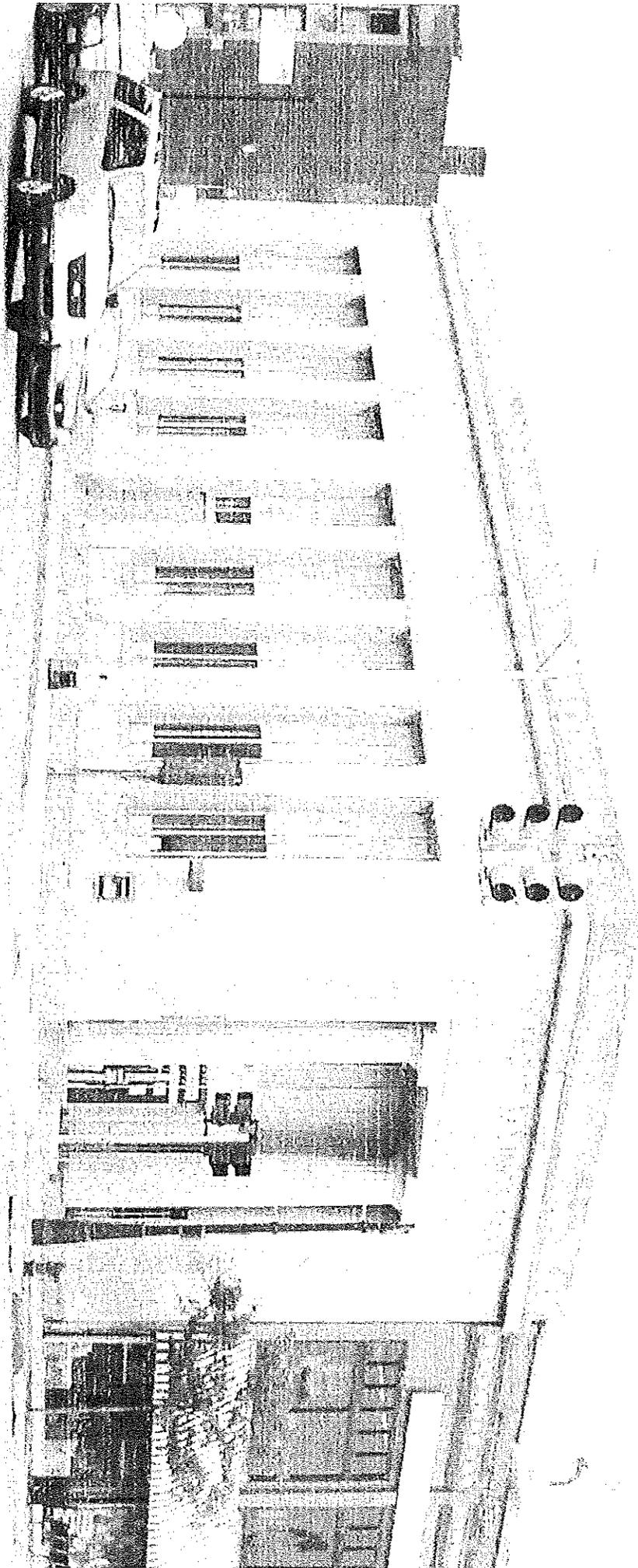
6438 WOODWARD AVE  
RENOVATION PROJECT  
FIRST FLOOR PLAN

Project # 104315 - WAYNE



DETROIT

DETROIT SEWING MACHINES BANK



Project # 104315 - WAYNE

**Obsolete Property Rehabilitation District  
for Anew Life Prosthetics and Orthotics, Inc.  
at 6438 Woodward Avenue  
a/k/a Tax Parcel Number 01/004282**

Project #104315 - WAYNE

**Bordered on the South by Baltimore Ave., on the North by  
Milwaukee Ave., on the West by Woodward Ave., and on the East by John R.  
Street.**

Land in the City of Detroit, County of Wayne and State of Michigan being the North 33.63 feet on the West line, and being the North 33.76 feet on the East line of the West 100 feet of Lot 9 in the " Patrick McGinnis Subdivision of Lot 1,2,3,4,5,6,7,8 and 9 of McCune's Subdivision of Part of fractional Section 31 in the City of Detroit, Wayne County, Michigan" as recorded in Liber 4 Page 93, Plats, Wayne County Records.

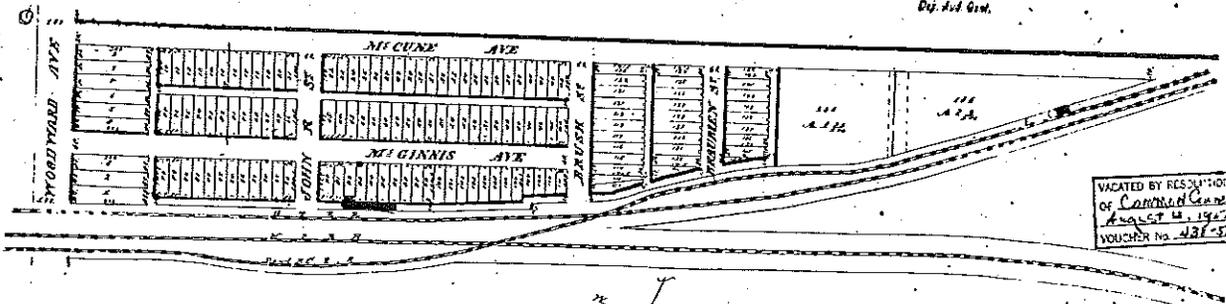
This herein described parcel of land contains 1 subdivision lot, with an area of 3370 Square Feet or 0.077 acres, more or less.

L. D. 317(12\_07)  
May 19, 2012  
D.P.L.

Project # 104315 - WAYNE

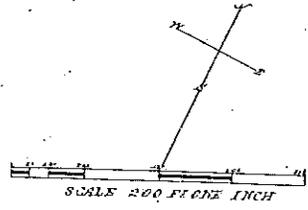
**P. McGINNIS SUB**  
of Lots 2, 3, 4, 5, 6, 7 and 8 of  
McCune Sub of Part of Fractional  
Section 31 in the City of Detroit  
Wayne County Michigan

RECEIVED AND FILED  
in the Office of the  
April 23 1898  
Chas. R. Pratt  
De. Not. Pub.



VACATED BY RESOLUTION  
of Common Council  
August 14, 1928  
VOUCHER No. 431-58

VACATED BY RESOLUTION  
of Common Council  
Sept. 22, 1928  
VOUCHER No. 405-10



Approved April 17 1898

Chas. R. Pratt  
Notary Public  
for Wayne County Michigan

I, the undersigned, do hereby certify that the above plat is a true and correct copy of the original plat on file in my office, and that the same is a true and correct copy of the original plat on file in my office, and that the same is a true and correct copy of the original plat on file in my office.

On this 17th day of April, 1898, before me the undersigned a Notary Public in and for the County of Wayne, Michigan, personally appeared the above named P. McGinnis and Elizabeth McGinnis, his wife, to me known to be the persons described in and who executed the foregoing instrument, and acknowledged the same to be their free act and deed.

The Charles Dykoff Register of Deeds for the County of Wayne, Michigan, and Notary Public, do hereby certify that I have carefully compared this Plat or Map of P. McGinnis Sub of Part of Fractional Section 31 in the City of Detroit, Wayne County, Michigan, with the original Plat or Map of said subdivision and do also certify that it is an exact duplicate copy thereof.

The Charles Dykoff Register of Deeds for the County of Wayne, Michigan, and Notary Public, do hereby certify that I have carefully compared this Plat or Map of P. McGinnis Sub of Part of Fractional Section 31 in the City of Detroit, Wayne County, Michigan, with the one now on file in my office, and do also certify that it is a true and correct copy thereof.

I hereby certify the above Plat to be correct  
Charles Dykoff  
Register of Deeds

RECEIVED

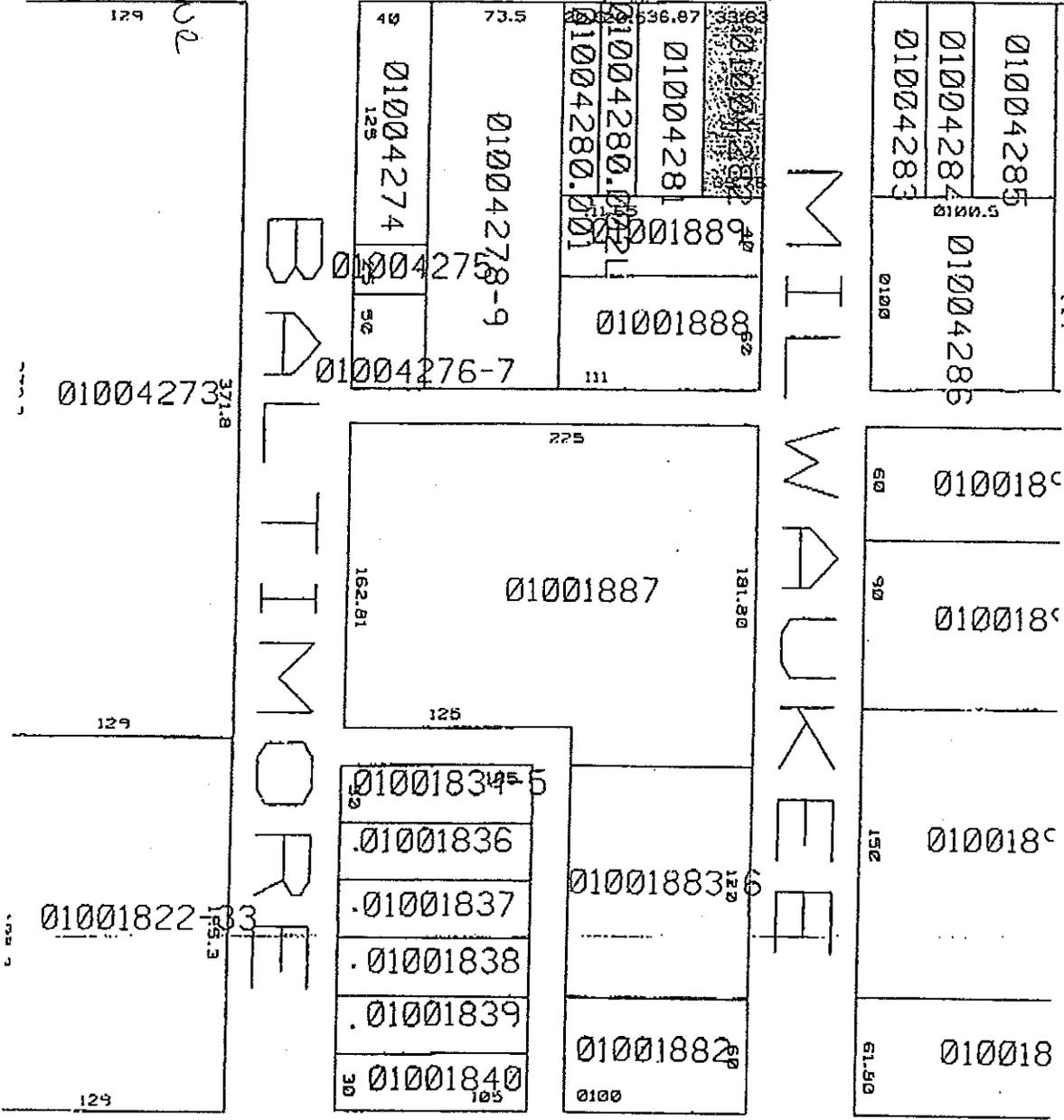
FEB 17 2018

BUREAU OF CONSTRUCTION CODES  
PLAN REVIEW DIVISION

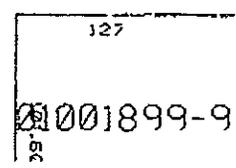
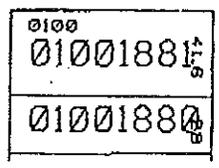
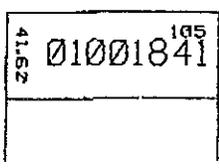
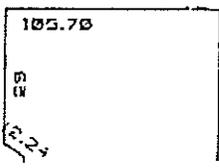
Project #  
104315 - WAYNE

WOODWARD  
10438

# Woodward



# John R.



Project # 104315 - WAYNE

DEAL of 6438 WOODWARD



Milwaukee side door  
interior 6438 Woodward Ave  
Project # 104315-WALNE

# Exhibit B

## Economic limitations

26,000 cost for concrete ramp

Project # 104315-WAYNE

**Kim and Chris**

---

**To:** Chris Casteel  
**Subject:** RE: 6438 Woodward ada lift

Per Paul at Adaptive Environments; they are unable to provide ADA egress without extensive changes to building exterior.

**From:** David Wright [mailto:dwright@garaventlift.com]  
**Sent:** Thursday, February 07, 2013 5:19 PM  
**To:** Chris Casteel  
**Subject:** RE: 6438 Woodward ada lift

Hi Chris

This lift has a lot of challenges but I think you should contact the local dealer and have them do an assessment with measurements.

The drive box might fit behind the column but I doubt it, we can make something fit but it will not meet all of your issues.

Best Regards  
Dave

David Wright  
Regional Manager  
Garaventa Lift  
[www.garaventlift.com](http://www.garaventlift.com)  
[dwright@garaventlift.com](mailto:dwright@garaventlift.com)  
604-594-0422 ext. 1249  
1-800-663-6556 ext. 1249

**From:** Chris Casteel [mailto:CTCasteel@comcast.net]  
**Sent:** February 7, 2013 11:26 AM  
**To:** David Wright  
**Cc:** 'Chris Casteel'  
**Subject:** 6438 Woodward ada lift

Dave,

Attached is drawing of floor plan and picture of building. The top landing size is 98" wide by 43" deep . The column diameter is 38" Measurements are in inches. Step height is 11". Distance between column and wall is 5". If you have any questions please send me an email or give me call.

I will call Adaptive Environments to give them a heads up on it.

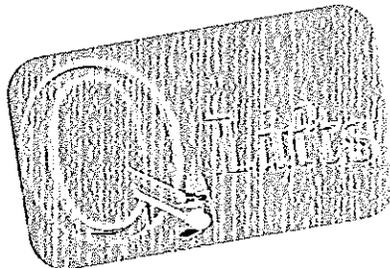
Thanks,  
Chris

Chris Casteel, MSOP, CTO  
Amputee Coalition of America Certified Peer Visitor  
Board Eligible Prosthetist Orthotist

Anew Life Prosthetics and Orthotics  
Phone 313-870-9610  
<http://anewlifepando.com/>

Project # 104315-WAYNE

# QLifts LLC



QLifts LLC  
 P. O. Box 3225  
 Martinsville, VA 24115  
 (888)215-0607  
 eliz@qlifts.com  
 www.qlifts.com

## Estimate

01/30/2013 1020

Anew Life Prosthetics and Orthotics  
 6438 Woodward Ave.  
 Detroit, MI 48202

01/30/2013 Commercial Platform lift 4'	2	4,049.00	8,098.00
01/30/2013 CPL002 Harmar Top Landing Gate w/Interlock, denote right hand or left hand	2	824.00	1,648.00
01/30/2013 CPL004 Harmar Platform Gate with EMI Interlock	2	624.00	1,248.00
01/30/2013 CPL065 Harmar Automatic ramp	2	135.00	270.00
01/30/2013 PL016 Harmar Call / Send Station	2	130.00	260.00
01/30/2013 CPL011 Harmar Emergency Stop with Alarm and Lighted Button	2	199.00	398.00
01/30/2013 Freight surcharge beyond estimate	2	570.00	1,140.00

Quote does not include:

- permits
- structural engineering
- Building modification

The information presented herein is for informational purposes only and does not constitute an offer of any product or service. The information is provided for informational purposes only and is not intended to be used for any other purpose. The information is provided for informational purposes only and is not intended to be used for any other purpose.

**Total \$13,062.00**

Accepted By

Accepted Date

Project # 104315 - WAYNE

AlumiRamp, Inc.  
855 Chicago Rd  
Quincy, MI 49082  
517.639.8777/fax 4314

# QUOTATION

Quote Number: 10835  
Quote Date: 02/15/12  
Page: 1

Customer Phone:  
Customer Fax:

**B** MISC. ACOM  
**I**  
**L**  
**L**

**S** ANEW LIFE PROSTHETICS AND  
**H** ORTHOTICS  
**I** 6438 WOODWARD AVE.  
**P** DETROIT, MI 48202  
CHRIS CASTEEL 313-870-9610  
ATTN: CTCasteel@comcast.net

Entered By: OP  
Location:  
Account Cd: A99999  
Salesperson: 0  
RFQ Number:  
Ship Via: BEST WAY  
Taxable: N  
Pmt Terms: 10% DOWN, 90

Line	Order Qty	Part# / Description	DISC	Price	UM	Extended Price	Est Ship
	2.00	CKRMS48.096HR RAMP STARTER 4'-0" X 8' W/38" HANDRAIL	60.00	\$1,920.0000	EA	\$1,536.00	02/15/12
	2.00	CKRMP48.096HR RAMP 4'-0" X 8' W/38" HANDRAIL	60.00	\$1,920.0000	EA	\$1,536.00	02/15/12
	1.00	CKPLT64.064GR PLATFORM 5'-4" X 5'-4" W/42" GUARDRAIL	60.00	\$1,933.9200	EA	\$773.57	02/15/12
	2.00	100016 RAMP-PLAT 48" WELD ASSEMBLY A*COM 59" LONG	60.00	\$125.0000	EA	\$100.00	02/15/12
	1.00	100028 PLAT-WALL 60" A*COM	60.00	\$125.0000	EA	\$50.00	02/15/12

PLEASE REFER TO THIS QUOTE NUMBER WHEN ORDERING.

THIS RAMP IS QUOTED PER CUSTOMER SPECIFICATIONS.

Subtotal: \$3,995.57  
Sales Tax: \$0.00  
Freight: \$287.00  
Total: \$4,282.57

Project # 104315 - WAYNE  
Barrier free to assemble ramp



*QUOTE from BARRIER FREE DESIGN, INC.*

2233 Euler Rd. • Brighton, MI 48116  
(810) 220-6171 • Fax (810) 220-8232  
Complete Home Modifications  
Lifts • Elevators • Ramps • Grab bars  
License # 2101100063 and Insured

Date: August 9, 2012

**Chris Casteel**  
6438 Woodward Ave  
Detroit, MI 48202

**Work to be Performed: Installation of Temporary Aluminum Wheel Chair Ramp**

Installation of Aluminum Wheel Chair Ramp at 6438 Woodward Ave, Detroit MI

(1) 5' x 5' Turning Platform

12 Feet of Ramp off of Turning Platform Exiting to Left of Building Entrance

12 Feet of Ramp off of Turning Platform Exiting to Right of Building Entrance

Platform and Ramp Legs to be Anchored into Sidewalk for Stability & Security

Installation of Hand Rails – All Sides

Ramps and Platforms to have Non-Skid Surfaces from Manufacturer

End Loops on Hand Rails for Ramp Sections and Turning Platform

- Ramp to be Purchased and Shipped to Job Site by Others
- Permit & City Compliance to be Obtained by Purchaser
- Quote is for Installation Only.

**TOTAL: \$586.00**

No Tax Added

**TERMS & CONDITIONS**

All materials are guaranteed as specified. All work to be completed in a workmanlike manner and according to standard practices. Any alteration or deviation from Above specifications involving extra costs will be executed only upon written orders and will become an extra charge and above the estimate. All agreements contingent upon strikes, accidents, or delays beyond our control. All prices are subject to change after thirty(30) days  
If this proposal meets with your approval, please sign, date, and return the copy to *BARRIER FREE DESIGN, INC.* along with the method of payment from below

Balance due upon Completion

Offered By: John W. Casmus *BARRIER FREE DESIGN, INC.* Date: 8-9-2012

Accepted by: \_\_\_\_\_ Title: \_\_\_\_\_ Date: \_\_\_\_\_

Customer Signature & Date Upon Job Completion: \_\_\_\_\_

Project # 104315-WAYNE



Community Renovations

P.O. Box 779  
Grosse Ile, MI 48138

# Estimate

Date	Estimate #
1/10/2013	1112

Project # 104315 - WAYNE

Name / Address
A New Life 6438 Woodward Ave Detroit Mi 48202

Project

Description	Qty	Rate	Total
<p><b>Option 1</b> Build ramp at front entrance modifying existing building entrance. Remove front steps remove and salvage front entrance door. Demo interior breeze way. Cut floor out where new ramp is to be build. Install new metal decking supported by new installed beam system that support existing floor and proposed floor. Waterproof ramp to stop any water from entering building. Pour cone on metal decking. Cone to have #4 rebar 2' oc each way drill rebar into existing floor. Cone to have a broom finish for slip resistant tread. Install new 2x6 wall with 3/4" plywood on exterior and 5/8 drywall install R-19 insulation on interior at entrance creating new entrance around ramp. Install 2" styrofoam with new EIFS material. Install existing door at new location</p> <p><b>Option 2</b> Remove back window on side of building. Remove floor in front of window aprox 7' x 9'. Remove floor Aprox 6' x 19' where ramp is to be installed. Install new structural beams to carry load from existing floor and new proposed ramp. Frame new ramp running ramp at new 1:12 slope. Install new side walls with new handrails on both sides. Drywall both sides of knee wall cap wall with 1x6 painted white Install new base trim. Flooring on ramp to be Mohawk Squadron carpet. Install new automatic door with new transom and surround.</p> <p>No permit or architectural fees included.</p>		26,300.00	26,300.00
		24,500.00	24,500.00
		<b>Total</b>	

Phone #	Fax #	E-mail	Web Site
734-732-5904	734-795-4646	office@communityrenovations.net	www.communityrenovations.net

Project # 104315 - WAYNE

# Exhibit C

## Jurisdictional limitations



CITY OF DETROIT  
DEPARTMENT OF PUBLIC WORKS  
TRAFFIC ENGINEERING DIVISION

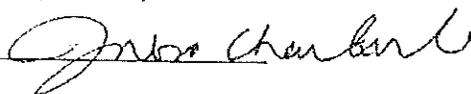
2633 MICHIGAN AVENUE  
DETROIT, MICHIGAN 48216  
PHONE 313•224•1610  
FAX 313•224•1304  
WWW.DETROITMI.GOV

TO: City Engineering Division, DPW  
900 Cadillac Tower Building  
65 Cadillac Square  
Detroit, Michigan 48226-2873  
Survey Bureau: 313-224-3970  
Fax: 313-224-3471

Ref. No. 201207016  
Petition no.: 2458  
CSR No. 12-00025890

- ( ) Involved; but asking you to hold action on this petition until further notice.
- ( ) Involved; but no objections to the property change – provided an easement of the full width of the public right-of-way (street, alley or other public place) is reserved.
- ( ) Involved; the nature of our services, and the estimated costs of removing and/or rerouting such services are:
- (x) Involved; have **objection** to the requested encroachment into Woodward Ave. with an access ramp as shown in drawing x2458.dgn, dated 9-5-2012. A clear sidewalk path at least 5 feet wide (6 feet preferred) must be maintained to meet city standards. The proposed encroachment would leave less than 5 feet of clear sidewalk. Please note that Woodward avenue is a state trunkline and Stacie Percell from MDOT may be contacted to get their input. Stacie can be reached at (313) 967-5436.

Traffic Engineering Division - DPW  
(Utility or City Department)

for Ashok Patel  
By 

Head Transportation Engineer  
Title

November 27, 2012  
Date

(313) 224-1610  
Area code-Telephone number

DC/dc

PROJECT # 104315-WAYNE

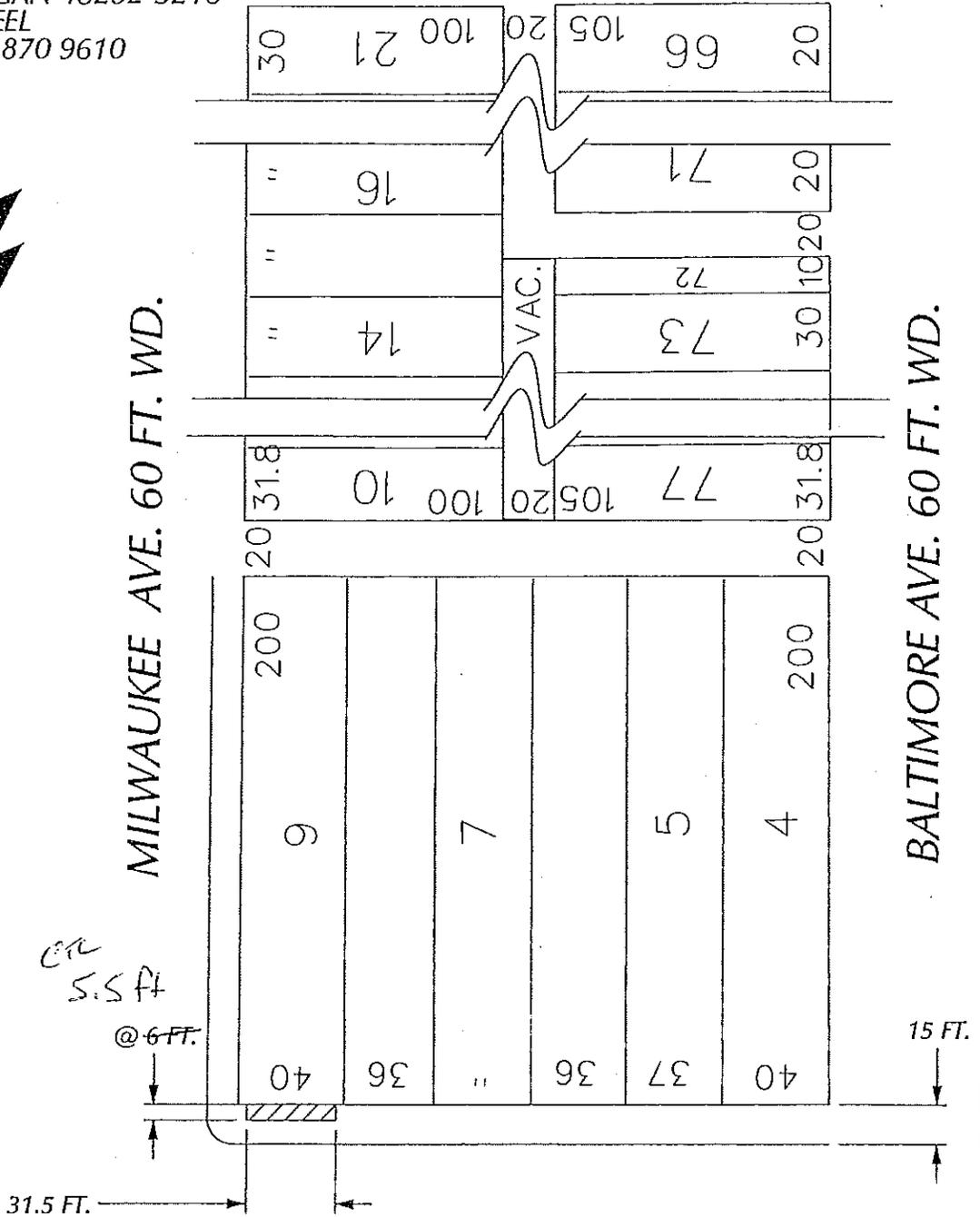
PETITION NO. 2458  
 ANEW LIFE PROSTHETICS & ORTHOTICS  
 6438 WOODWARD AVENUE  
 DETROIT, MICHIGAN 48202-3216  
 C/O CHRIS CASTEEL  
 PHONE NO. 313 870 9610

JOHN R. ST. 60 FT. WD.



MILWAUKEE AVE. 60 FT. WD.

BALTIMORE AVE. 60 FT. WD.



WOODWARD AVE. 120 FT. WD.

- AREA OF ENCROACHMENT

(FOR OFFICE USE ONLY)

CARTO 31 F

B					
A					
DESCRIPTION		DRWN	CRD	APPD	DATE
REVISIONS					
DRAWN BY		CHECKED			
DATE		APPROVED			
9-5-12					

REQUEST ENCROACHMENT  
 INTO WOODWARD AVE.

CITY OF DETROIT  
 CITY ENGINEERING DEPARTMENT  
 SURVEY BUREAU

JOB NO. 01-01

DRWG. NO. X2458.dgn

104 3/15

Shelf No. \_\_\_\_\_

**Kim and Chris**

---

**To:** chris@anewlifepando.com  
**Subject:** RE: 6438 Woodward ADA requirements

**From:** David Bell [mailto:belld@detroitmi.gov]  
**Sent:** Tuesday, December 18, 2012 2:41 PM  
**To:** Brian Ellison  
**Subject:** Fwd: 6438 Woodward ADA requirements

*David Bell  
Chief Building Inspector  
City of Detroit  
Buildings, Safety Engineering and Environmental Department  
2 Woodward Ave., Suite 408  
Detroit, Michigan 48226  
1313.224.9102 office  
1313.628.2635 fax  
belld@detroitmi.gov*

----- Original Message -----

**Subject:** 6438 Woodward ADA requirements  
**From:** David Bell <BellD@detroitmi.gov>  
**To:** Balchand Patel <PatelBa@detroitmi.gov>, Tonja Stapleton <StapletonT@detroitmi.gov>, Nathan Ford <FordN0088@detroitmi.gov>  
**CC:** Daljit Singh Benipal <BenipalD@detroitmi.gov>

All, I'm told that the applicant has submitted an application to the State of Michigan for a waiver of barrier free requirements regarding the ramp. In my opinion we can issue a permit stipulating "\*\*\*Proceed at own risk\*\*\*" somewhere in the remarks section as long as all other requirements are met, the plans say they'll meet all ADA requirements or obtain a waiver from the state, AND we get a letter from the applicant and/or owner acknowledging:

1. They are proceeding at their own risk.
2. That they will comply with all barrier free requirements or obtain a waiver from the State of Michigan.

Regards

David Bell  
Chief Building Inspector  
City of Detroit  
Buildings, Safety Engineering and Environmental Department  
2 Woodward Ave., Suite 408  
Detroit, Michigan 48226  
1313.224.9102 office  
1313628.2635 fax  
belld@detroitmi.gov

Please consider the environment before printing this e-mail.

Project # 104315-WAYNE



STATE OF MICHIGAN  
DEPARTMENT OF TRANSPORTATION  
DETROIT TRANSPORTATION SERVICE  
CENTER

RICK SNYDER  
GOVERNOR

KIRK T. STEUDLE  
DIRECTOR

January 30, 2013

Anew Life Properties, LLC  
6438 Woodward Ave.  
Detroit, MI 48202-3216  
Chris Casteel

Subject: Construction Permit Application Number 82131-15858-12

Dear Mr. Casteel,

The Michigan Department of Transportation (MDOT) has reviewed your plans submitted to construct an ADA entrance ramp to your facility located at 6438 Woodward Ave in the City of Detroit. An evaluation was made of your current site as well as your construction in accordance with the current standards. The request for a permit is not approved as determined by review of the plans submitted.

Rule 23 of Act 200 of the Public Acts of 1969, requires the acquisition of a permit through MDOT for you to perform the proposed construction work within the state right-of-way. Construction within the highway right-of-way shall meet requirements of the current Department Standard Specifications for Highway Construction and the design standards required by part 5 of these rules.

MDOT had an enhancement project in this area to add sidewalk furniture, trash cans, trees, and that area should not be considered part of the walkable sidewalk. The Department has confirmed that the width of the existing sidewalk does not provide ample room to maintain two separate walkways side by side as 5 feet minimum is the standard. Allowing the proposed ramp constitutes an encroachment situation which will effectively result in an obstruction being placed into the public pedestrian pathway. Also, the proposed ADA ramp will adversely affect the operation of the existing ADA crosswalks on the adjacent corner. The Department has determined that by not meeting the standard sidewalk width, the public would be at risk of harm.

A solution may be to look into ways to modify the entrances to the building to make them ADA accessible, i.e. tear out the stairs and replace with a lift or ramp up into the building from the sidewalk, or possibly build the ramp elsewhere on the property to access a rear or side entrance, which if this option is chosen there may not be a need for a permit from MDOT.

The Michigan Department of Transportation is willing to examine further ideas for alleviating the safety concern your proposal would create in this area. Please contact me if you would like to arrange a meeting with the Department. Your application will be placed on Hold status to allow you to update your attachments with revised plans, after 30 days of inactivity your file will be canceled.

Please contact me at (313) 967-5436 with any questions you may have regarding the Departments decision.

Sincerely,

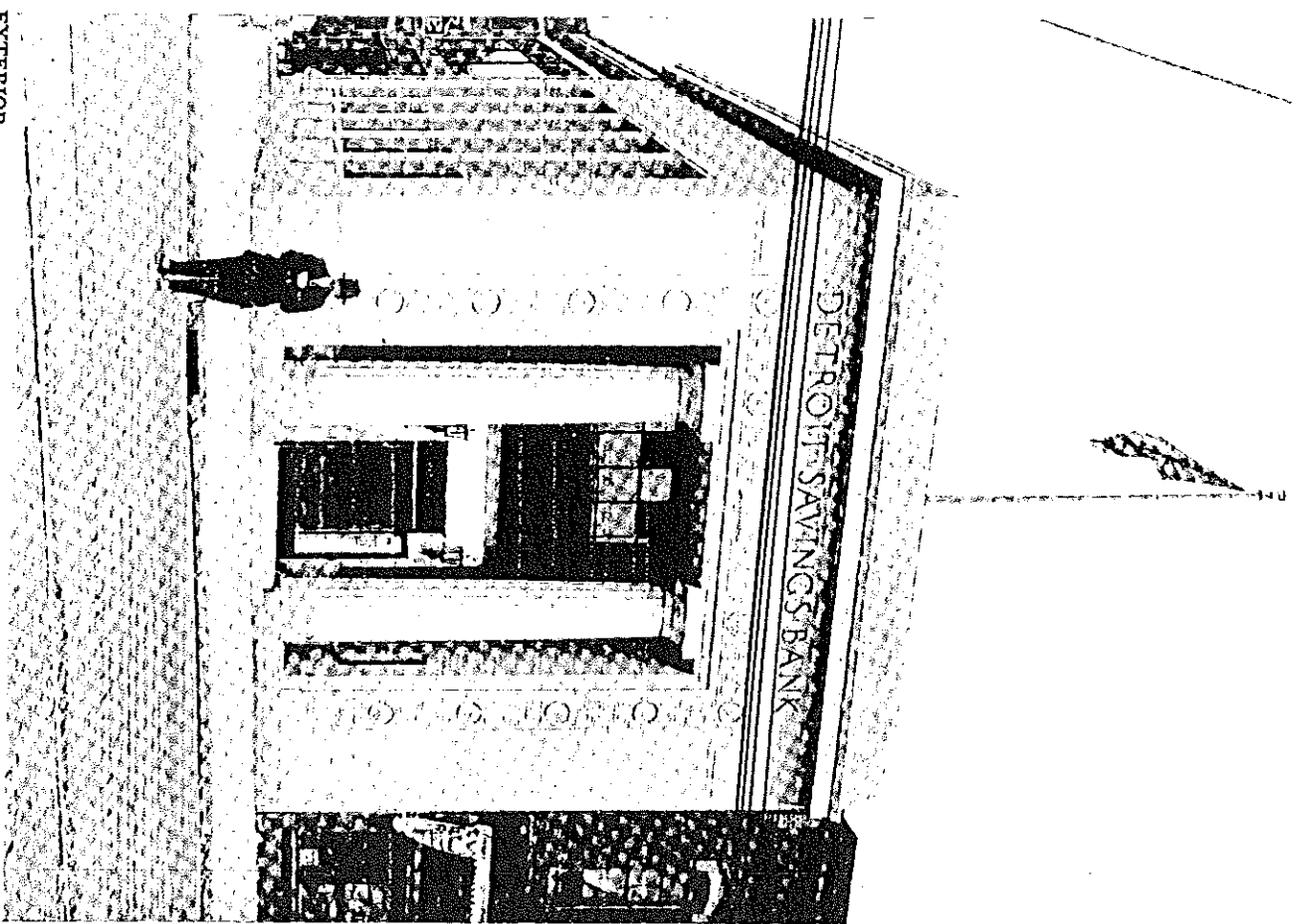
Stacie Percell  
Permit Agent

MDOT Detroit Operations and Service Center  
Attention: Detroit TSC  
1060 West Fort Street • Detroit, MI 48226  
www.michigan.gov • (313) 965-6350

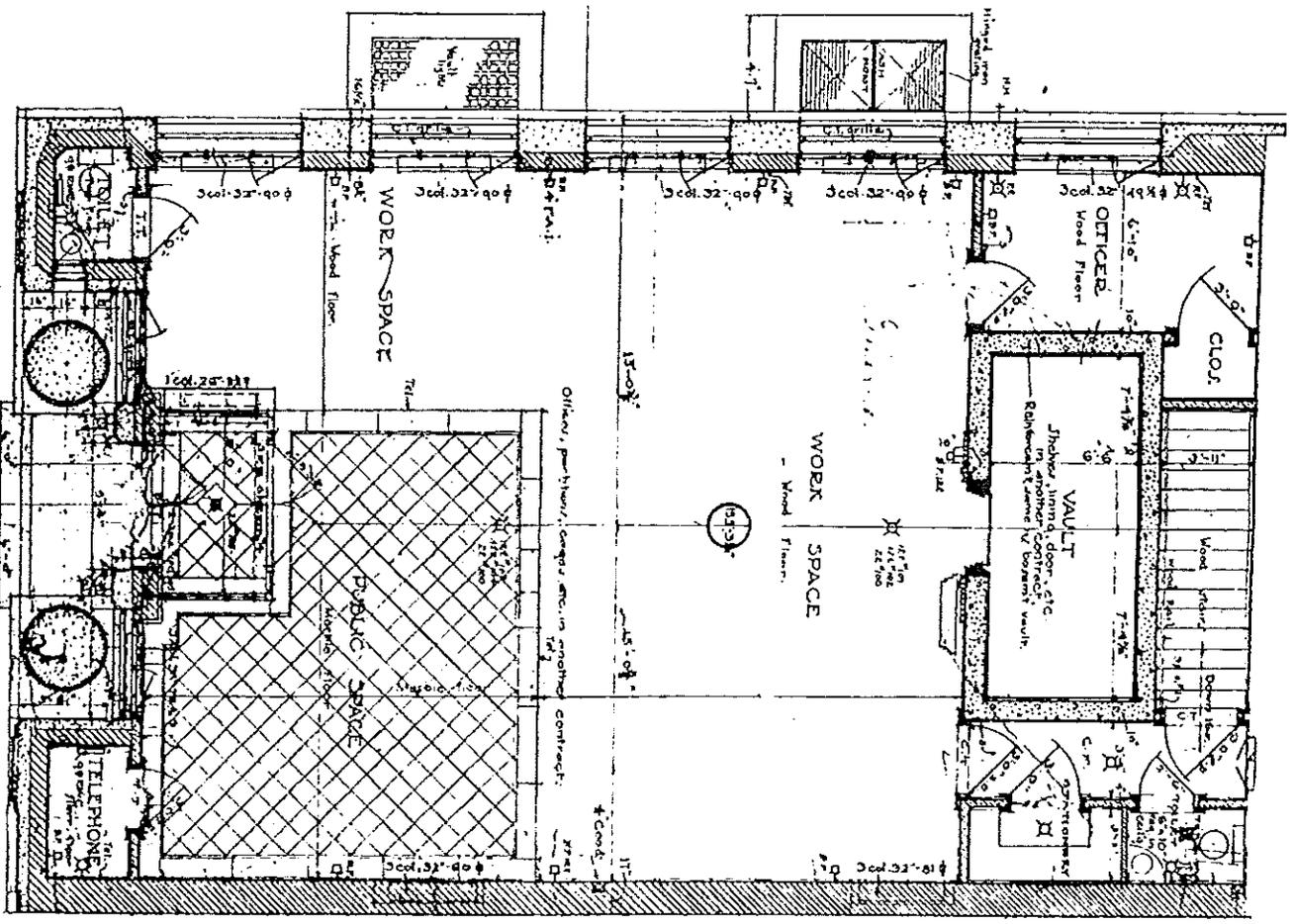
Project # 104315 - WAYNE

# Exhibit D

## Historical limitations



EXTERIOR.

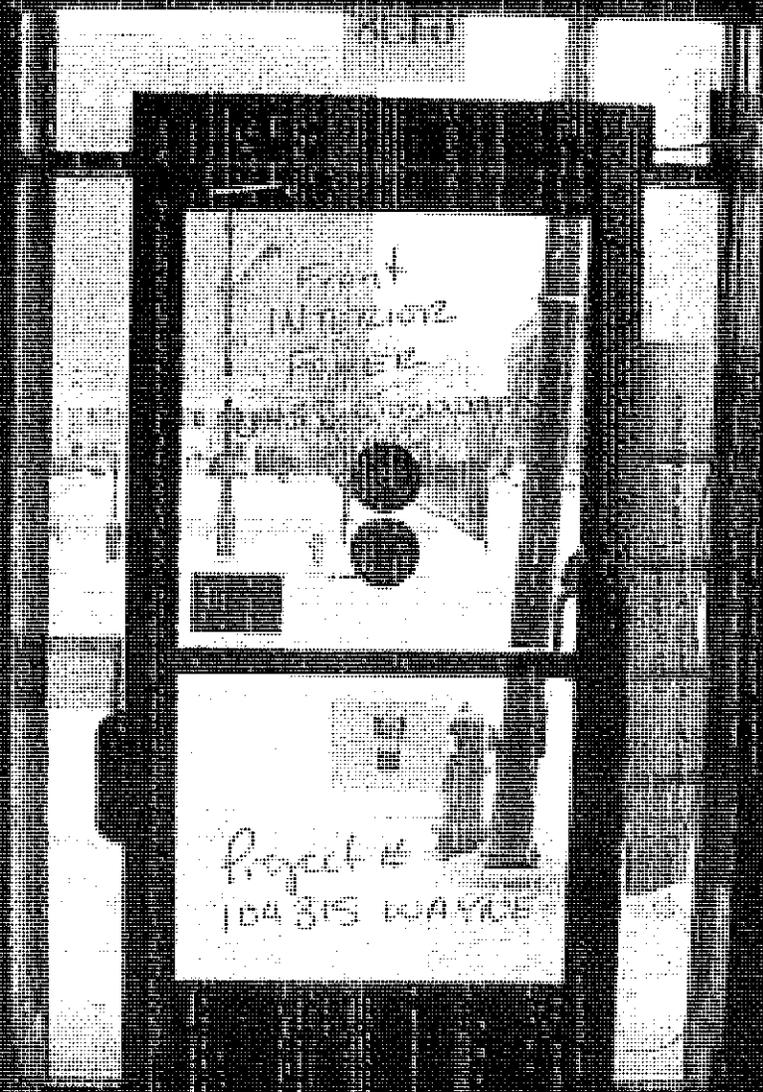


PLAN.  
BRANCH BUILDING, DETROIT SAVINGS BANK, DETROIT, MICH.

Albert Kahn, Architect.

Project # 104315 - WAYNE

FL



Front  
Entrance  
104315 WAYNE

Project #  
104315 WAYNE

MICHIGAN HISTORIC  
PRESERVATION  
NETWORK

February 14, 2013

Mr. Chris Casteel  
Anew Life Prosthetics and Orthotics  
6438 Woodward Ave.  
Detroit, MI 48202

Mr. Casteel,

Thank you for talking with me about the ramp you plan to install to assist your clients visiting you at your historic Albert Kahn building on Woodward. The ramp as currently proposed would be centered on the side of the building, on Milwaukee. Customers using the ramp there would enter into the store through that side door. Originally, your team had proposed a ramp at the front door, on Woodward. That location will not work, unfortunately, because of the light pole that does not allow the correct MDOT clearance. The side door ramp as proposed is the next best option, in the opinion of the Michigan Historic Preservation Network.

We support the side door ramp because it does not affect or alter the building itself—the ramp can be removed and there will be no damage to the building's historic characteristics. The side door ramp also allows for windows and doors to operate as windows and doors—the ramp does not require changing the historic window openings. For these reasons, MHPN supports the side door ramp as proposed. Please let us know if there are any concerns or questions. Thank you.

Sincerely,

*Nancy M. Finegood*

Nancy M. Finegood  
Executive Director  
107 E Grand River  
Lansing, MI 48906  
517.371.8080/ finegood@mhpn.org

107 E. Grand River Avenue. Lansing, Michigan 48906  
517-371-8080 [info@mhpn.org](mailto:info@mhpn.org) [www.mhpn.org](http://www.mhpn.org)

Project # 104315-WAYNE

77  
RECEIVED  
JAN 29 2013  
BUREAU OF CONSTRUCTION CODES  
PLAN REVIEW DIVISION

Anew Life Prosthetics & Orthotics  
6438 Woodward Ave.  
Detroit, MI 48202-3216  
Phone 313-870-9610



January 29, 2013

Usha Menon  
State of Michigan  
Dept. of Energy, Labor & Economic Growth  
Bureau of Construction Codes  
P.O. Box 30254  
Lansing, MI 48909

Ms. Menon,

We are applying for barrier free exclusion in order to receive a certificate of occupancy from the City of Detroit so that we can open our business to the public. We desire and our Prosthetic and Orthotics business requires an Americans with Disabilities Act (ADA) egress.

We have exhaustively reviewed options to make the Albert Khan Detroit Savings Bank building Americans with Disabilities Act (ADA) compliant. Our project number is 104315-Wayne.

The Woodward Avenue entrance has the original Albert Khan foyer, terrazzo, and marble floors intact. Height of two stairs is approximately 11". This was the first choice for exterior ADA ramp egress (see drawing); however the damaged City of Detroit street light and MDOT right of way restrict construction of semi permanent ADA ramp. The interior alternative is to cut a ramp into the original floor, remove foyer and construct new floor and foyer area. (Option 1 of attached quote) The removal of the steps and 11' of the floor will also require the building support structure to be rebuilt. This would require Woodward Traditional Overlay and Historic

Plan Review Division  
January 29, 2013  
Page 2

Preservation approval due to the extensive change to the building appearance. This option is cost prohibitive and would destroy the historic building's appearance.

The Milwaukee Avenue entrance is 16" below the first floor level. This is the second choice for an exterior ADA ramp (see drawing). An alternative interior building modification requires cutting 16" into the building which is not possible due to the utilities entrance point below the door as well as structural rebuilding requirements.

Another option is to cut out a doorway at the rearmost window on Milwaukee Avenue. This building modification would require extensive building destruction and structural rebuilding. The removal of the wall and 26' of the floor will also require the building support structure to be rebuilt. (Option 2 of attached quote) This alternative negatively impacts the interior floor space and is cost prohibitive.

The rear of the building has a low window and is at grade level however it is at the drive entrance of the parking lot behind our building. Our property line ends at the building. Egress is not possible through this wall. A mechanical lift would also require building modification in each of the above mentioned locations.

MDOT #15858 request for construction of a temporary ADA ramp is in review. Stacey Percell has stated that the application will not be approved as submitted. We have yet to receive the determination. We will review the determination suggestions in order to provide ADA egress.

We are anxious to provide ADA egress so that we can open our doors and provide services to the physically disabled individuals.

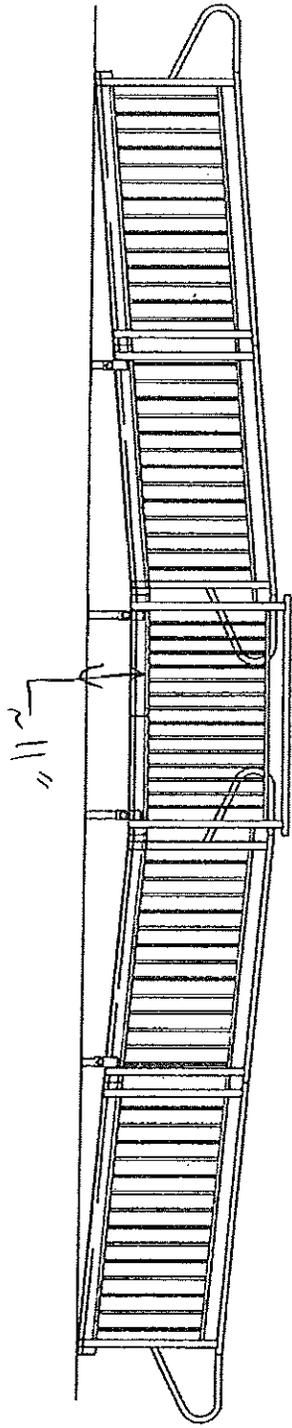
If you have any suggestions please to contact me directly at our office by phone (313) 870-9610, fax (313) 870-9620 or email [Chris@anewlifepando.com](mailto:Chris@anewlifepando.com) or cell (734)552-9225.

Thank you.



Chris Casteel, MSOP, CTO  
Member / Manager

- Attached:
- Confirmation letter
- Site drawing
- Plat map/Property description
- ADA egress quote
- Pictures of building
- Dimensional drawing with ramp options



JOB

6438 WOODWARD AV, DETROIT MI

Approved

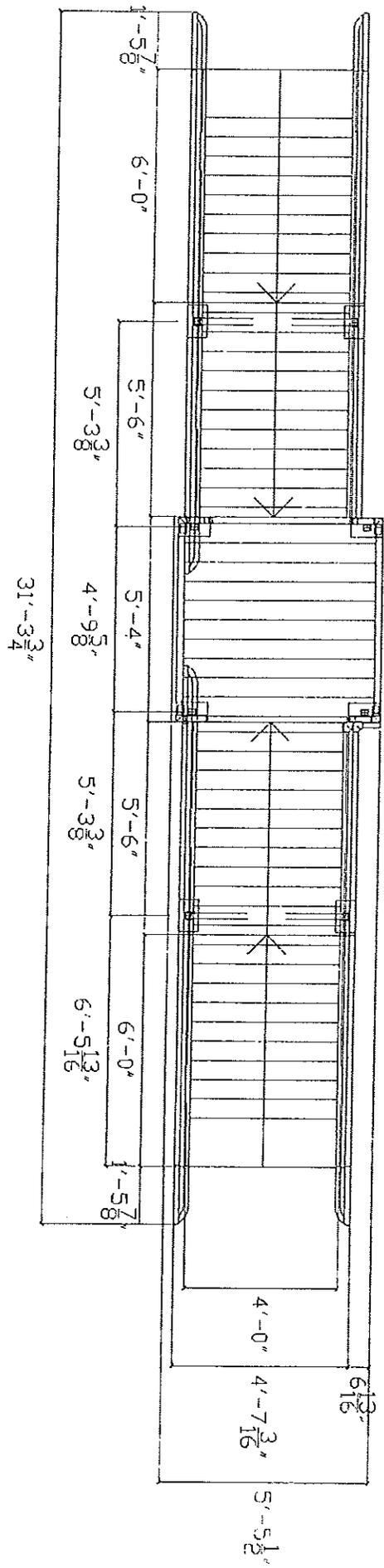
TITLE

ANEW LIFE # 11147

Scale:

A\*COM System  
 855 E Chicago Rd, Quincy, MI 49082  
 Tel: 800-800-3864 Fax: 800-753-7267  
 AlumniRamp Inc.

1/25/02  
 2/2/02



JOB

6438 WOODWARD AV. DETROIT MI

Approved

TITLE

ANEW LIFE # 11147-REV.2

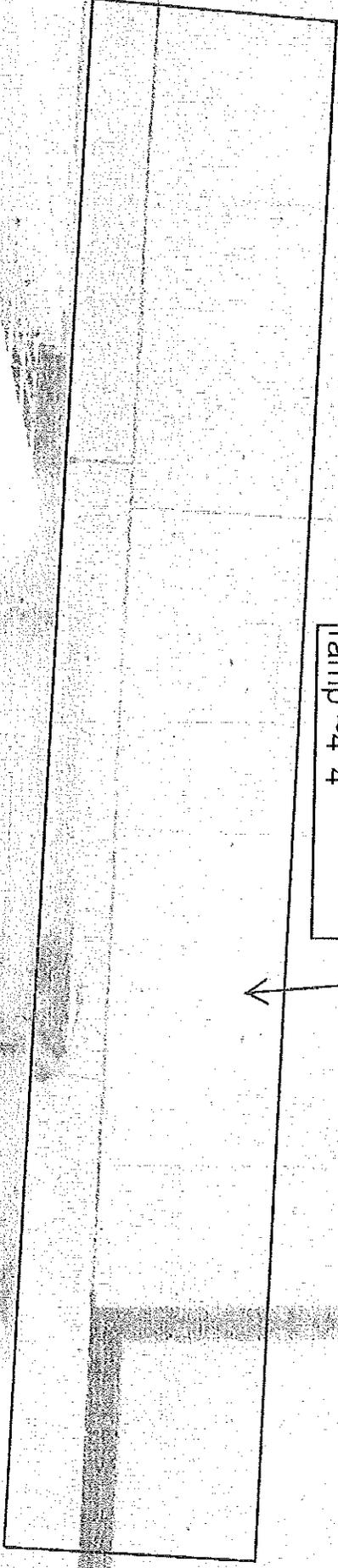
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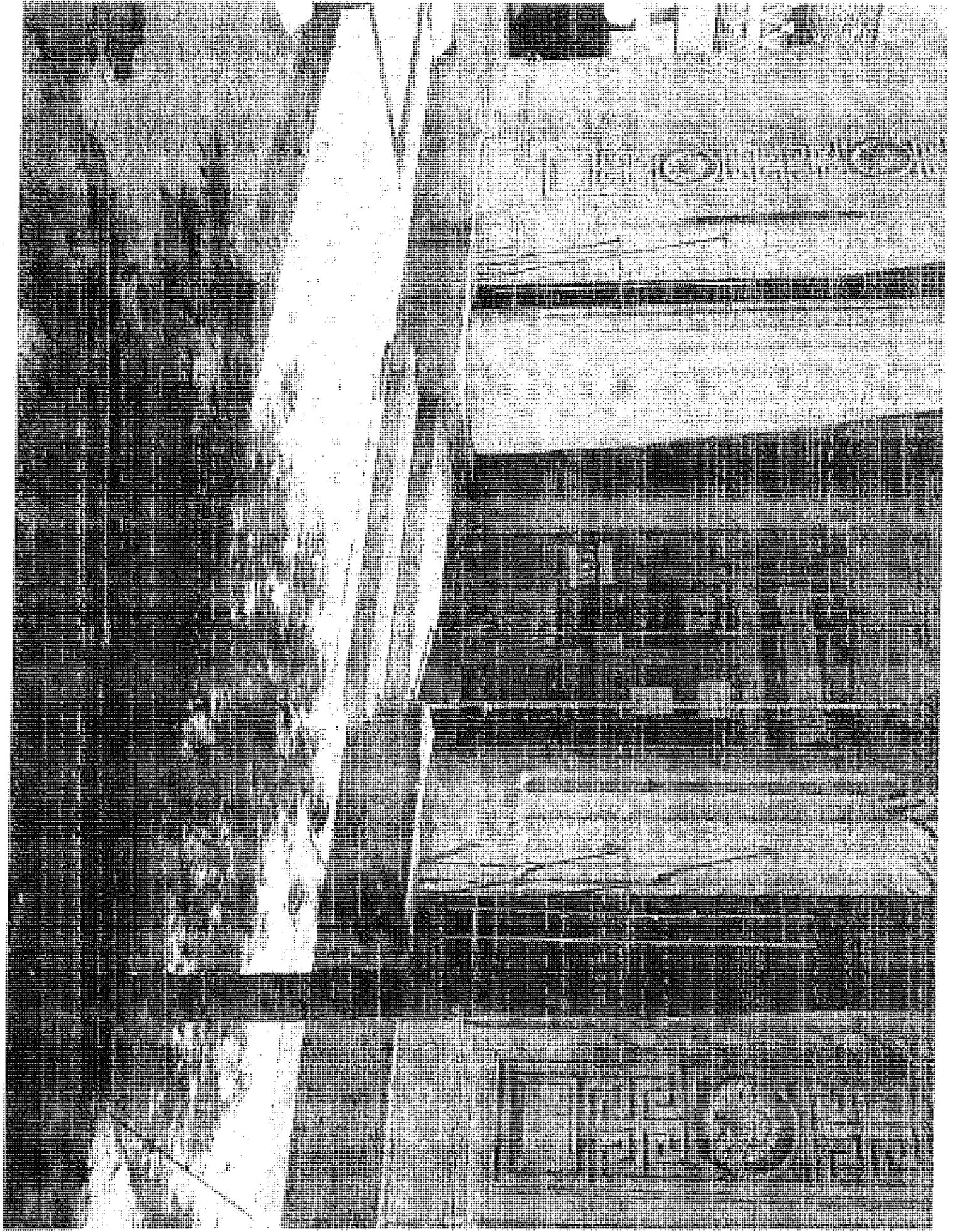
A\*COM System Alumigump Inc.

855 E Chicago Rd. Quincy, MI 49082  
Tel: 800-800-7862 Fax: 800-753-7267

6438 Woodward Ave., Detroit, MI 48202  
Proposed ADA Ramp Location  
Vertical view

5' clearance from  
damaged and non  
working street light.  
Clearance to ADA  
ramp ~4' 4"





Anew Life Prosthetics & Orthotics  
 6438 Woodward Ave.  
 Detroit, MI 48202-3216



RECEIVED  
 DEC 13 2012  
 MICHIGAN DEPARTMENT OF LABOR & ECONOMIC GROWTH  
 PLAN REVIEW DIVISION

December 13, 2012

Michigan Department of Labor & Economic Growth  
 Bureau of Construction Codes & Fire Safety  
 Plan Review Division  
 P.O. Box 30255  
 Lansing, MI 48909

Plan Review Division:

We are attempting to build out office space for our prosthetic and orthotic practice at 6438 Woodward Avenue, Detroit, Michigan. We are unable to pass structural planning for the building permit due to Americans with Disabilities Act (ADA) egress requirements. We started the application process with City of Detroit for an ADA ramp in July via petition #2458. We received an objection on November 27, 2012 citing MDOT state trunkline right of way and less than five foot clearance from a damaged and non working street light. We applied for MDOT new construction permit #82131-015858-12- on November 29, 2012. Stacie Percell has been helpful however states that it will take 4-6 weeks for a determination. The City of Detroit Buildings Safety Engineering and Environmental Department recommended this application in order to meet Michigan Building Code 1104 for an accessible entrance to receive building permits. Although this request is for exception we need ADA egress for our patients with ambulatory disabilities.

Included with this application is documentation regarding the ADA egress request. The aluminum ADA ramp is designed to be semi permanent to allow for utility egress as needed. It has been engineered to reduce the foot print on the sidewalk while meeting

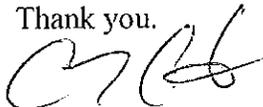
Plan Review Division  
December 13, 2012  
Page 2

minimum ADA ramp requirements. The pass through design limits the actual amount sidewalk impedance.

We are a second year startup company with limited resources. Each day that we cannot open our doors increases the financial burden to us. We understand barriers to entry are part of a starting a company but feel that egress shouldn't be one of them. Our business is in jeopardy of failure before we open because we cannot allow access to our patients.

If you have any suggestions or there's anything else that you need, please to contact me directly at our office by phone (313) 870-9610, fax (313) 870-9620 or email [Chris@anewlifepando.com](mailto:Chris@anewlifepando.com) or cell (734)552-9225.

Thank you.



Chris Casteel, MSOP, CTO  
Member / Manager

- Enc
- Original application
- Application fee
- Petition #2458 response & site plan
- Front view of ADA ramp
- Dimensional blueprint
- Picture building
- Vertical view of proposed

Application for Barrier Free Design Rule Exception  
Michigan Department of Labor & Economic Growth  
Bureau of Construction Codes & Fire Safety

Plan Review Division  
P.O. Box 30255  
Lansing, MI 48909  
517-241-9328  
www.michigan.gov/bccfs

104 315

Application Fee: \$300.00

Authority: 1996 PA 1 Completion: Mandatory Penalty: Exception will not be granted	The Department of Labor & Economic Growth will not discriminate against any individual or group because of race, sex, religion, age, national origin, color, marital status, disability, or political beliefs. If you need help with reading, writing, hearing, etc., under the Americans with Disabilities Act, you may make your needs known to this agency.
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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.

<b>FACILITY INFORMATION</b>			
FACILITY NAME A New LIFE PROSTHETICS		STREET / SITE ADDRESS 6438 Woodward	
NAME OF CITY, VILLAGE, OR TOWNSHIP IN WHICH THE FACILITY IS LOCATED		COUNTY	
<input checked="" type="checkbox"/> CITY <input type="checkbox"/> VILLAGE <input type="checkbox"/> TOWNSHIP OF: DETROIT		LWAYNE	
ESTIMATED PROJECT COST \$ 145,000.00		ESTIMATED COST OF COMPLIANCE \$	
BUILDING PERMIT (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: [unclear]	
IS A TEMPORARY EXCEPTION REQUESTED? <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES		PERIOD OF TIME REQUESTED? 18 months	CONSTRUCTION TYPE Aluminum
PROJECT DOES NOT COMPLY WITH BARRIER FREE DESIGN REQUIREMENTS AS FOLLOWS: MICHIGAN BUILDING CODE SECTION(S): 1104 Accessible entrance REASON FOR NON-COMPLIANCE two STAIRS			
NAME HAMILTON DESIGN		ENFORCING AGENCY CITY OF DETROIT (TBO)	
ADDRESS 2 Woodward Avenue		CITY DETROIT	TELEPHONE NUMBER (Include Area Code) 313-224-0294
BUILDING OFFICIAL SIGNATURE (Must be an original signature) [Signature]		ZIP CODE 48226	FAX NUMBER (Include Area Code) 313-224-1634
PROJECT ARCHITECT / ENGINEER (When professional services are required by code or law)			
NAME Rainy Hamilton, Jr		MICHIGAN LICENSE NUMBER 29042	FIRM NAME Hamilton Anderson
ADDRESS 1435 Randolph Ste 200		CITY Detroit	STATE MI
		ZIP CODE 48226	TELEPHONE NUMBER (Include Area Code) 313-964-0270
APPLICANT (Note: All correspondence will be sent to this address)			
NAME OF APPLICANT/APPLICANT'S REPRESENTATIVE Chris Casteel		COMPANY NAME Anew Life Properties	SOCIAL SECURITY NUMBER* OR FEIN (REQUIRED)
ADDRESS 6438 Woodward Ave		CITY Detroit	STATE MI
		ZIP CODE 48202	TELEPHONE NUMBER (Include Area Code) 313-870-9610
I certify that 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) 313-870-9620	
APPLICANT SIGNATURE (Must be an original signature) [Signature]		DATE 12/12/12	