

**MICHIGAN DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF CONSTRUCTION CODES
BARRIER FREE DESIGN BOARD
2501 Woodlake Circle
Okemos, MI 48864**

**Project No. 104043
Exception No. 12-001766-BCC
Use Group: B**

**488 Cherry Creek Road
Marquette, Michigan
Marquette County**

ORDER OF THE MICHIGAN BARRIER FREE DESIGN BOARD

On January 18, 2013 the Barrier Free Design Board reviewed the Report of the Administrative Law Judge dated November 30, 2012. All supplemental materials received before the Board meeting were reviewed. Copies were sent to all parties. This order is issued pursuant to Section 5(6)(a) of 1966 P.A. 1, as amended; 1972 P.A. 230, as amended; and Section 81 of 1969 of P.A. 306, as amended, and Rule R 125.1016.

FINDINGS AND CONCLUSIONS: The Board adopted the report of the Administrative Law Judge. However, the Board does not concur with the Finding of Fact, Conclusions of Law and the Recommended Decision. 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.

THEREFORE, it is the order of the Board to reverse the Recommendation Decision and deny relief from the 2009 MBC, Section 1104.4 for interior vertical barrier free access between levels.

The Board can only grant or deny exceptions to Michigan's barrier free design requirements. The Board has no authority over the federal standards contained in the Americans with Disabilities Act of 1990, 42 U.S.C. 12204.



Todd Y. Cordill, NCARB
Chief, Plan Review Division for the
Barrier Free Design Board

January 31, 2013