



RICK SNYDER
GOVERNOR

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

MIKE ZIMMER
DIRECTOR

BARRIER FREE DESIGN BOARD

Conference Room 3
2501 Woodlake Circle
Okemos, Michigan 48864

AGENDA

May 15, 2015

9:30 a.m.

- 1. Call to Order and Determination of Quorum**
- 2. Approval of Agenda** (pages 1-2)
- 3. Approval of Minutes – January 23, 2015** (pages 3-5)
- 4. New Business**
- 5. Exception Applications**
 - 01) 108867, 616 Lofts of Alabama – Kent (pages 6-11)
 - 02) 108594, John C. Baumgartner House – Macomb (pages 12-27)
 - 03) 109013, Gretchen’s House – Washtenaw (pages 28-38)
 - 04) 109014, J and J Spring Enterprises, LLC – Macomb (pages 39-46)
 - 05) 109127, Family Practice of Grand Rapids – Kent (pages 47-53)
- 6. Unfinished Business**
- 7. Staff Report**
- 8. Public Comment**
- 9. Next Meeting – July 17, 2015**

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

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
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IRVIN J. POKE
DIRECTOR

MIKE ZIMMER
DIRECTOR

BARRIER FREE DESIGN BOARD

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

Minutes
January 23, 2015

MEMBERS PRESENT

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

MEMBERS ABSENT

Mr. Aaron Besmer
Ms. Emily Blauw

DEPARTMENT PERSONNEL IN ATTENDANCE

Mr. Todd Cordill, Chief, Plan Review Division
Mr. Stanley Skopek, Assistant Chief, Plan Review Division
Ms. Usha Menon, Plan Reviewer, Plan Review Division
Ms. Margarita Torres, Secretary, Plan Reviewer Division

OTHERS IN ATTENDANCE

None

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

The meeting was called to order at 9:44 am by Chairperson Donaldson. A quorum was determined present at that time.

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2. **APPROVAL OF AGENDA**

A **MOTION** was made by Board Member DeLeonardis to approve the agenda for the January 23, 2015 Board meeting. The motion was seconded by Board Member Harris. **MOTION CARRIED.**

3. **APPROVAL OF MINUTES**

A **MOTION** was made by Board Member Harris to approve the minutes of the July 18, 2014 Board meeting. The motion was seconded by Board Member Holt. **MOTION CARRIED.**

4. **NEW BUSINESS**

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

A **MOTION** was made by Board Member Harris to re-elect Board Member Donaldson as Chairperson of the Barrier Free Board. The motion was seconded by Board Member Holt. **MOTION CARRIED.**

A **MOTION** was made by Board Member Holt to re-elect Board Member DeLeonardis as Vice Chairperson of the Barrier Free Design Board. The motion was seconded by Board Member Spencer. **MOTION CARRIED.**

2. Approval of the 2015 Barrier Free Design Board Meeting Schedule

A **MOTION** was made by Board Member DeLeonardis to approve the 2015 Barrier Free Design Board meeting schedule. The motion was seconded by Board Member Hudson. **MOTION CARRIED.**

5. **EXCEPTION APPLICATIONS**

- 01) 107589, Dove Academy - Wayne
- 02) 107861, Music Hall - Wayne
- 03) 108101, Pi Kappa Alpha Chapter House – Ingham
- 04) 108394, Ciena Health Care-Regency at Shelby - Macomb

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 Andres. **MOTION CARRIED.**

6. **UNFINISHED BUSINESS**

None

7. **STAFF REPORT**

Division Chief Todd Cordill reported on the following:

The 2012 Michigan Building Code and Rehabilitation Codes went into effect on October 9, 2014. The accessibility referenced standard was updated to the 2009 ANSI/A117.1.

On February 3rd and 4th, the bureau will have a joint conference with the Code Officials Conference of Michigan. It is a continuing education program with state wide code officials for credits that are required for a three year cycle for code official registration. Mr. Skopek will be doing a program on site plan approvals for public schools and Mr. Cordill will be doing an update class on the 2012 building code.

8. **PUBLIC COMMENT**

An advisory letter dated November 21, 2014 from Plant Operations at the University of Michigan was received by our bureau staff and forwarded to the board.

9. **NEXT MEETING**

March 20, 2015

10. **ADJOURNMENT:**

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

Approved: _____ Date: _____
Roger Donaldson, Chairperson

MAR 26 2015

STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEMBUREAU OF CONSTRUCTION CODES
PLAN REVIEW DIVISION

IN THE MATTER OF:

616 Lofts of Alabama
420 and 421 Alabama
Grand Rapids, MI,
Applicant

Docket No.: 15-005221-BCC

Case No.: 108867

Agency: Bureau of
Construction CodesCase Type: BCC
Barrier Free Design

Filing Type: Exception Request

Issued and entered
this 26th day of March 2015
by: Renee A. Ozburn
Administrative Law Judge

REPORT OF ADMINISTRATIVE LAW JUDGE

This is a proceeding held pursuant to the authority granted in Section 5 of 1966 PA 1, as amended, MCL 125.1351 *et seq*; 1972 PA 230, as amended, MCL 125.1501 *et seq*; and 1969 PA 306, as amended, MCL 24.101 *et seq*. The purpose of this review is to examine an application for exceptions from requirements contained in the Barrier Free Design Rules of the State Construction Code.

A hearing was held on March 16, 2015, in Lansing, Michigan. Georgina Paul and Jeff Olsen appeared on behalf of 616 Lofts of Alabama (Applicant). Usha Menon appeared on behalf of the Plan Review Division of the Bureau of Construction Codes.

ISSUE

Whether the Applicant should be granted an exception from 2012 Michigan Building Code, Section 1107.7.2.

FINDINGS OF FACT

1. The Applicant is converting an old warehouse building, and adding a new wing, to create approximately 100 one bedroom and two bedroom apartments. The majority of the units are one bedroom. The existing warehouse was built about 100 years ago. The new building/wing (421 Alabama) will have fully compliant apartments.

2. In a portion of the existing warehouse, 11 one-bedroom, two-story, units will have bedrooms with a full bath located in the below grade lower level. Although the entry level to the units can be accessed by elevators, in these 11 units, load bearing columns and window placement required very compact units between existing beam lines preventing adequate area for bathroom facilities in addition to the kitchen/living/dining space on the entry level.
3. Although there is no elevator access to these 11 below grade apartment bathrooms, there are accessible public bathrooms for visitors on the same level as the elevator access. Other one-bedrooms in the complex are adaptable and three ADA units will be available.

CONCLUSIONS OF LAW

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

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

The Applicant has established that it is structurally infeasible to provide apartment bathrooms, in 11 of 65 to 70 one-bedroom apartments in the proposed project, on the accessible level of those apartments. Over 54 remaining one-bedroom units will be adaptable or have accessible facilities. In addition, there are easily accessible public facilities for visitors to the units. Therefore, the Applicant has shown a compelling need for the exception.

RECOMMENDED DECISION

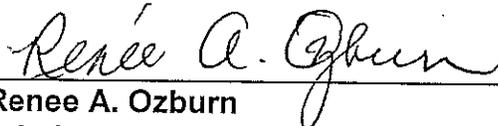
I recommend the Board grant the Applicant's request for an exception from the requirements of 2012 Michigan Building Code, Section 1107.7.2.

15-005221-BCC

Page 3

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

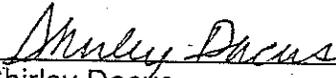
A party may file comments, clarifications or objections to this Report, including written arguments, with the Bureau of Construction Codes, P.O. Box 30254, Lansing, Michigan 48909, Attention: Todd Cordill.



Renee A. Ozburn
Administrative Law Judge

PROOF OF SERVICE

I hereby state, to the best of my knowledge, information and belief, that a copy of the foregoing document was served upon all parties and/or attorneys of record in this matter by Inter-Departmental mail to those parties employed by the State of Michigan and by UPS/Next Day Air, facsimile, and/or by mailing same to them via first class mail and/or certified mail, return receipt requested, at their respective addresses as disclosed below this 26th day of March, 2015.



Shirley Dacus
Michigan Administrative Hearing System

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

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

**616 Lofts on Alabama
Barrier Free Exception Request
January 26, 2015**

STATE OF MICHIGAN
DEPARTMENT OF CONSTRUCTION SERVICES
LANSING, MICHIGAN

The project located at 420 and 421 Alabama in the city of Grand Rapids consists of (100) studio, one bedroom and two bedroom units. The two buildings include renovations to an existing warehouse, an addition and a new building.

The portion in the existing warehouse will include (11) one bedroom, two-story units. The entry level, accessed by the elevator to each unit, will consist of a common kitchen / living / dining space. The bedrooms and full bath will be located in the lower level which are not connected by elevator access.

There are two reasons for the barrier free exception request. The existing structure and window placement of the building required very compact units floor plans between existing beam lines. The bedroom and bathroom levels were located in a below grade location for better access to the bedroom and work with the existing floor heights. The remaining space for kitchen / living area does not allow adequate area for a ½ bath.

The second reason for the request is that one bedroom unit renters, do not want or require a ½ bathroom when living on their own. Full bath location has been provided on the bedroom level which is a not accessible level by elevator.

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

133



This form can be completed by tabbing to each field and typing in the required information.

108 867

Application Fee: \$500.00

Authority: 1966 PA 1
 Completion: Mandatory
 Penalty: Exception will not be granted

LARA is an equal opportunity employer/program. Auxiliary aid request to individuals with disabilities.

The Barrier Free Design Board has no authority over the federal standards contained in the Americans with Disabilities Act of 1990, 42 U.S.C. 12204.

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

PROJECT OR FACILITY INFORMATION				
FACILITY NAME 616 Lofts on Alabama		STREET / SITE ADDRESS 420 and 421 Alabama, Grand Rapids		
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: <u>Grand Rapids</u>				COUNTY Kent
Estimated Project Cost \$ 15,000,000.00		Estimated Cost of Compliance: \$100,000.00		
BUILDING DATA (To be completed by the administrative authority responsible for issuing the building permit for this project)				
<input type="checkbox"/> New Building		<input checked="" type="checkbox"/> Alteration		<input type="checkbox"/> Change of Use
Is a Temporary Exception Requested? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		PERIOD OF TIME REQUESTED?	USE GROUP R-2	CONSTRUCTION TYPE 5b
Project Does Not Comply With Barrier Free Design Requirements As Follows: Michigan Building Code Section(s) 1107.7.2 Multi-story units Reason for Non-Compliance Please refer to attached description				
ENFORCING AGENCY City of Grand Rapids Development Center - Plan Review		BUILDING OFFICIAL NAME <u>Mark O. Fleet</u>		REGISTRATION NUMBER <u>2162</u>
ADDRESS 1120 Monroe Ave. NW,	CITY Grand Rapids	STATE MI	ZIP CODE 49503	TELEPHONE NUMBER (Include Area Code) (616) 456-3058
BUILDING OFFICIAL SIGNATURE (Must be an original signature) <u>Mark O. Fleet</u>		DATE <u>1/28/15</u>	E-MAIL ADDRESS <u>m.fleet@grcity.us</u>	FAX NUMBER (Include Area Code)
PROJECT ARCHITECT / ENGINEER (When professional services are required by code or law)				
COMPANY NAME Integrated Architecture		LICENSED INDIVIDUAL Georgina Paul		MICHIGAN LICENSE NUMBER 1301034210
ADDRESS 4090 Lake Drive SE	CITY Grand Rapids	STATE MI	ZIP CODE 49546	TELEPHONE NUMBER (Include Area Code) (616) 574-0220
APPLICANT/FACILITY CONTACT INFORMATION (Note: All correspondence will be sent to this address)				
COMPANY NAME 616 Development Company		APPLICANT NAME Jeff Olsen		FEIN OR SS NO.* (Required) [REDACTED]
ADDRESS 16 Monroe, Suite 200	CITY Grand Rapids	STATE MI	ZIP CODE 49503	TELEPHONE NUMBER (Include Area Code) (616) 218-2668
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)
SIGNATURE (Must be an original signature) <u>[Signature]</u>			DATE <u>1/27 2015</u>	

STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM

IN THE MATTER OF:

John C. Baumgartner House
18577 Masonic Blvd.
Fraser, MI,
Applicant

Docket No.: 14-038079-BCC

Case No.: 108594

Agency: Bureau of
Construction Codes

Case Type: BCC –
Barrier Free Design

Filing Type: Exception Request

Issued and entered
this 26th day of January 2015
by: Renee A. Ozburn
Administrative Law Judge

REPORT OF THE ADMINISTRATIVE LAW JUDGE

This is a proceeding held pursuant to the authority granted in Section 5 of 1966 PA 1, as amended, MCL 125.1351 *et seq.*; 1972 PA 230, as amended, MCL 125.1501 *et seq.*; and 1969 PA 306, as amended, MCL 24.101 *et seq.* The purpose of this review is to examine an application for exceptions from requirements contained in the Barrier Free Design Rules of the State Construction Code.

A hearing was held on January 14, 2015, in Lansing, Michigan. Local building official, Randy Warunek, appeared on behalf of the John C. Baumgartner House (Applicant). Usha Menon appeared on behalf of the Plan Review Division of the Bureau of Construction Codes.

ISSUE

Whether the Applicant should be granted an exception from 2009 Michigan Building Code, Sections 1104.3, 1105.1 and 1109.2.

FINDINGS OF FACT

1. The Applicant, John C. Baumgartner House, is an historic house owned by the City of Fraser, Michigan. The home was built in 1875. It consists of a lower level that is 891 square feet and an upper level that is 504 square feet. The house has been maintained, structurally and décor-wise, as it

would have been in 1875. The house has been designated as an "Historic Property" by the Michigan State Housing Development Authority.

2. The house sits next door to Fraser's visitor's center. Currently, the house is open one day a week as a museum. If someone is interested in viewing the home, volunteers in the visitor's center have a key.
3. Although the visitor's center is completely accessible, the 1875 home has the layout it had when it was built, including narrow halls and doorways and steps. Although the Applicant has plans to build a ramp to access an entrance to the house, once inside, accessibility is limited throughout the structure. The one toilet room in the home is not intended for use by anyone, but only to display how such facilities looked in 1875. The functioning toilet facilities are located in the visitor's center next door. No staff or employees work in the home.
4. To make the home completely compliant with interior access routes and barrier free toilet facilities would require destroying the historical value of the home. Walls would have to be torn down and whole rooms that reflect life as lived in 1875 would have to be eliminated for the sake of other rooms.

CONCLUSIONS OF LAW

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

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

The Applicant has established that it is able to build a ramp for access up to an entryway within a 2 year period. Therefore, good cause has been shown for a temporary exception to required compliance with Section 1105.1.

The Applicant has established that bringing the interior of the home into compliance with Sections 1104.3 and 1109.2 would be structurally infeasible and contrary to the intended use of the property. Therefore, good cause for exceptions to Section 1104.3 and 1109.2 has been established

RECOMMENDED DECISION

I recommend the Board grant the Applicant a temporary 2 year exception to 2009 Michigan Building Code, Section 1105.1 and a permanent exception to 2009 Michigan Building Code Sections 1104.3 and 1109.2.

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

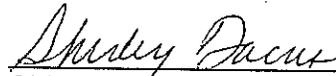
A party may file comments, clarifications or objections to this Report, including written arguments, with the Bureau of Construction Codes, P.O. Box 30254, Lansing, Michigan 48909, Attention: Todd Cordill.

A handwritten signature in cursive script, reading "Renee A. Ozburn", is written over a horizontal line.

**Renee A. Ozburn
Administrative Law Judge**

PROOF OF SERVICE

I hereby state, to the best of my knowledge, information and belief, that a copy of the foregoing document was served upon all parties and/or attorneys of record in this matter by Inter-Departmental mail to those parties employed by the State of Michigan and by UPS/Next Day Air, facsimile, and/or by mailing same to them via first class mail and/or certified mail, return receipt requested, at their respective addresses as disclosed below this 26th day of January, 2015.



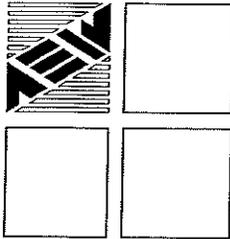
Shirley Dacus
Michigan Administrative Hearing System

John C. Baumgartner House
18577 Masonic Blvd.
Fraser, MI 48026

Randy Warunek
City of Fraser Building Department
3300 Garfield
Fraser, MI 48026

Rich Haberman
City of Fraser
3300 Garfield Road
Fraser, MI 48026

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



ANDERSON, ECKSTEIN AND WESTRICK, INC.

51301 Schoenherr Road, Shelby Township, Michigan 48315
Civil Engineers • Surveyors • Architects 586-726-1234

November 20, 2014

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

RECEIVED

DEC 7 1 2014

BUREAU OF CONSTRUCTION CODES / PLAN REVIEW DIVISION

Reference: Michigan Barrier Free Exception
John C. Baumgartner House
Registered Historic Site L1957, Michigan Number P707
AEW Project No. 0190-0343

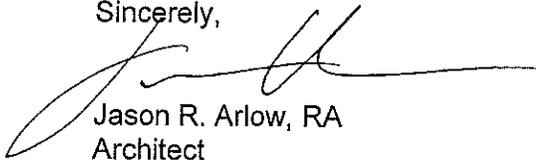
Dear Barrier Free Design Board:

The John C. Baumgartner House located in the City of Fraser is a historic farm house that was built in 1875. The home is now opened one day a week to the public as a museum. Due to the age and construction of this structure, full compliance with Michigan Barrier Free would threaten or destroy the historic significance of this home. We therefore request the exceptions outlined in the attached application and sketches. Attached you will find:

1. Application for Barrier Free Design Rule Exception and required fee.
2. Sketches of the building and site depicting the existing conditions and conflicts.
3. ADA Exceptions Letter from State Historic Officer.
4. ADA Exceptions Request Letter to State Historic Officer.

I hope you find this request for the above exceptions complete and reasonable. We believe with the requested exceptions this historic home will continue to be enjoyed by many, those with and without disabilities. If you have any questions or need more information, please feel free to contact me.

Sincerely,

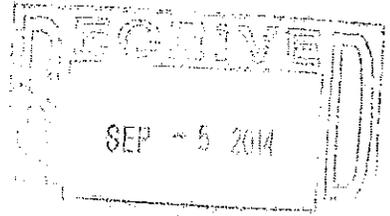


Jason R. Arlow, RA
Architect

Enclosure: Attachment sheets 1, 2 and 3

cc: B.J. VanFleteren, DPW Superintendent
Richard Haberman, City Manager
Scott Lockwood, City Engineer

O:\0190\0190-0343\Letter_BCC.docx



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY

WAYNE WORKMAN
ACTING-EXECUTIVE DIRECTOR

August 25, 2014

Mr. Jason R. Arlow RA
Anderson Eckstein and Westrick Inc.
51301 Schoenherr Rd
Shelby Township, MI 48315

RE: ADA Exceptions, John C. Baumgartner House, 18577 Masonic, Fraser, Macomb Co MI 48026
(Site #: P707) (State Register # L1957)

Dear Mr. Arlow,

In accordance with the provision of The Americans with Disabilities Act of 1990 (PL 110-325) (the Act) and the Revised ADA Regulations Implementing Title II and Title III (28 CFR 35 and 28 CFR 36) we have reviewed your request for three (3) exceptions from full compliance with the provision of the Act. Specifically your request seek relief from the provision relating to the provision of a single accessible route to the building, the provision of limited access to selected areas within the building, the creation of a single accessible entry to the building and the provision of accessible restrooms within the building. Your request for relief hinges on the suggestion that the property in question qualifies as an "historic property" as defined in the regulations and that direct conformance with the provision of the act would "threaten or destroy the historic significance of the building."

Based on the material available to us, we have found that:

1. The build appears to be owned and operated under the authority of City of Fraser and is therefore subject to the provision of Tile II, Part 35 Nondiscrimination on the Basis of Disability in State and Local Government Services, provision of the regulations (28 CRF 35 as amended).
2. The building is an "Historic Property" as defined in § 35.104 by virtue of that fact that it has been listed on the Michigan State Register of Historic Sites and awarded an official Michigan Historic Marker in accordance with the provision of PA 10 of 1955 as amended (MCL 399.151 - 399.160)
3. Direct compliance with the physical access and restroom provision associated with §35.151 of the regulations would "threaten or destroy the historical significance of the building." As a result the provision of §35.150(3) of the regulations prevail.

In light of these findings and based on the information available in our files and your letter of December 19, 2013 it appears that the City has taken the steps necessary to insure that the programing provided at the John C. Baumgartner House are being provided in accordance with the provision of §35.150 and that

State Historic Preservation Office
Michigan Library and Historical Center • 702 West Kalamazoo Street • P.O. Box 30740 Lansing, Michigan 48909-8240
michigan.gov/shpo • 517.373.1630 • FAX 517.335.0348 • TTY 800.382.4568

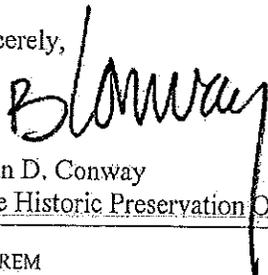


August 26, 2014
Mr. Jason R. Arlow RA
ADA Exceptions, John C. Baumgartner House
Page 2 of 2

the building has been made as assessable to the maximum extend feasible as required by §35.151 of the regulations.

We strongly recommend that you retain a copy of this letter and your letter of December 19, 2013 relating to this request in the permanent files relating to the property. If you have additional questions regarding this matter please feel free to contact me directly.

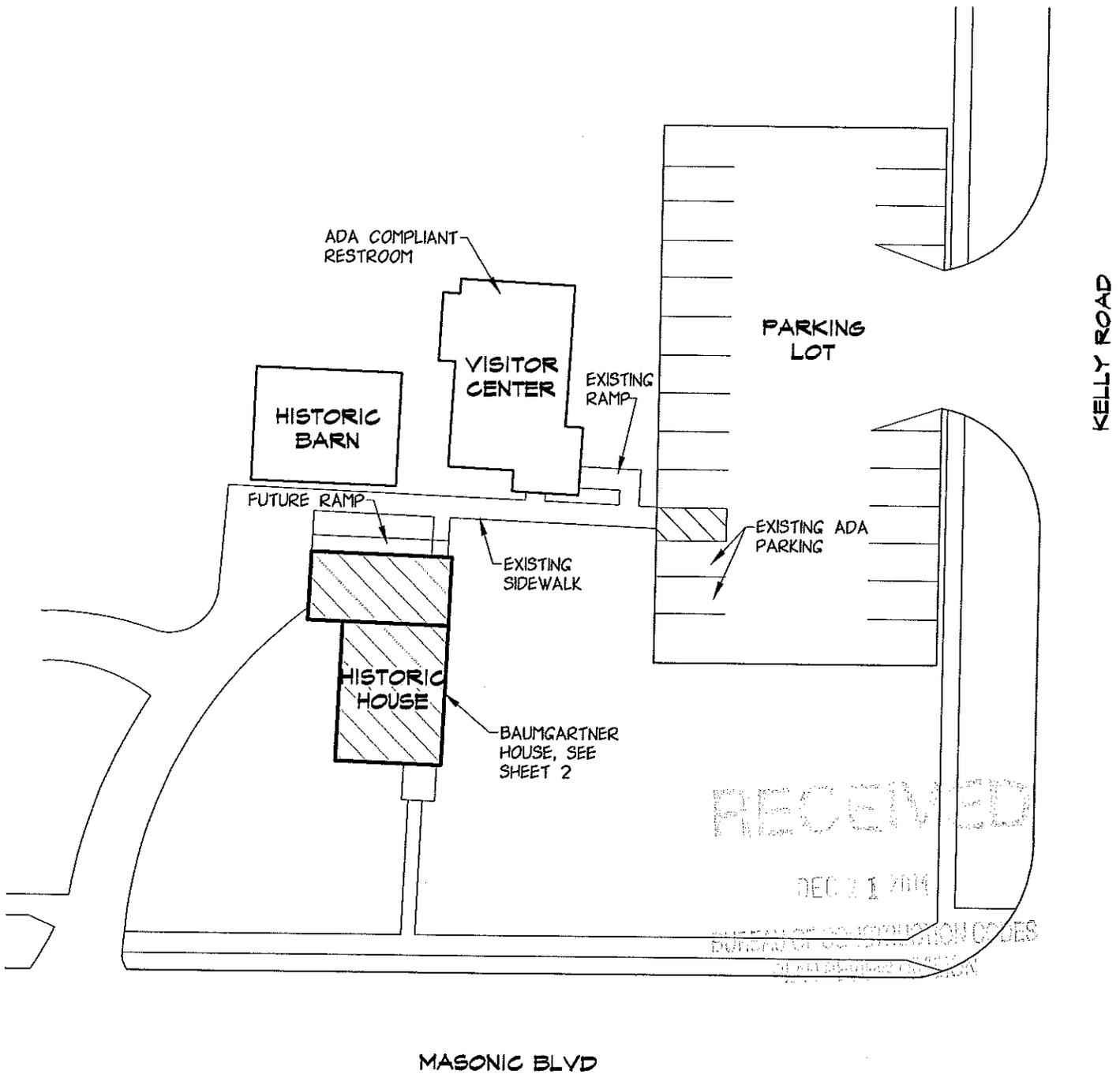
Sincerely,



Brian D. Conway
State Historic Preservation Officer

BDC/REM

C: ADA file (REM)



SITE SKETCH

SCALE: N.T.S.

NORTH

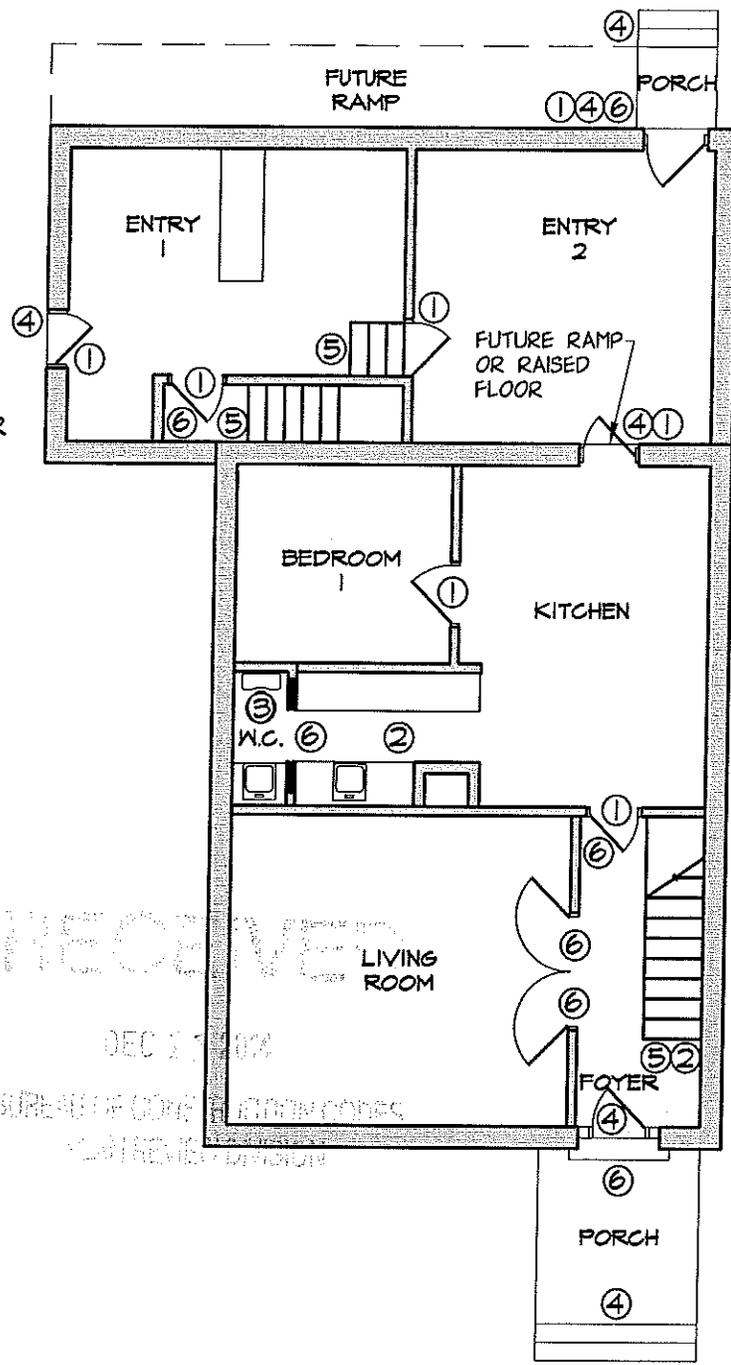
108 594

Shelf No. *Drawer*

 <p>ANDERSON, ECKSTEIN AND WESTRICK, INC. Civil Engineers • Surveyors • Architects 51301 Schoenherr Road, Shelby Township, Michigan 48315 Phone 586•726•1234 Fax 586•726•8780</p>	PROJECT	104-0543
	BAUMGARTNER HOUSE	SHEET No.
	DRAWN BY BLD	1
	CHECKED BY JRA	

EXISTING ADA CONFLICTS

- ① DOOR CLEARANCE
- ② ACCESSIBLE ROUTE
- ③ RESTROOM AND PLUMBING ELEMENT
- ④ VERTICAL CHANGE IN FLOOR
- ⑤ ACCESSIBLE ROUTE TO UPPER/LOWER FLOOR
- ⑥ MANEUVERING CLEARANCE AT DOOR



RECEIVED
DEC 1 2014
BUREAU OF CODE ENFORCEMENT
PLANNING DIVISION

FIRST FLOOR FLOOR PLAN

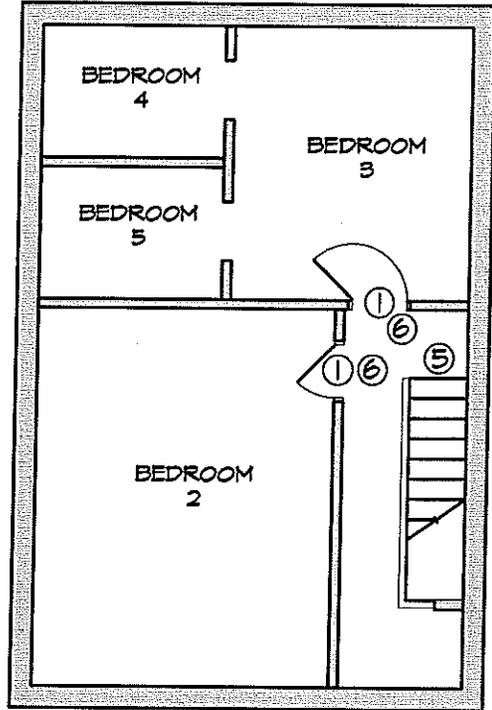


SCALE: 1/8"=1'-0"

 <p>ANDERSON, ECKSTEIN AND WESTRICK, INC. Civil Engineers • Surveyors • Architects 51301 Schoenherr Road, Shelby Township, Michigan 48315 Phone 586•726•1234 Fax 586•726•8780</p>	PROJECT	DATE	PROJECT NO.
	BAUMGARTNER HOUSE	NOV.2014	0190-0343
		DRAWN BY	SHEET No.
		BLD	2
	CHECKED BY		
	JRA		

EXISTING ADA CONFLICTS

- ① DOOR CLEARANCE
- ② ACCESSIBLE ROUTE
- ③ RESTROOM AND PLUMBING ELEMENT
- ④ VERTICAL CHANGE IN FLOOR
- ⑤ ACCESSIBLE ROUTE TO UPPER/LOWER FLOOR
- ⑥ MANEUVERING CLEARANCE AT DOOR

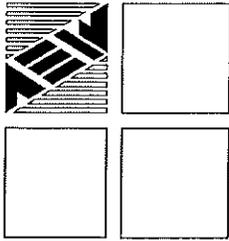


SECOND FLOOR FLOOR PLAN



SCALE: 1/8"=1'-0"

 <p>ANDERSON, ECKSTEIN AND WESTRICK, INC. Civil Engineers • Surveyors • Architects 51301 Schoenherr Road, Shelby Township, Michigan 48315 Phone 586•726•1234 Fax 586•726•8780</p>	PROJECT	DATE	PROJECT NO.
	BAUMGARTNER HOUSE	NOV.2014	0190-0343
		DRAWN BY	SHEET No.
		BLD	3
	CHECKED BY		
	JRA		



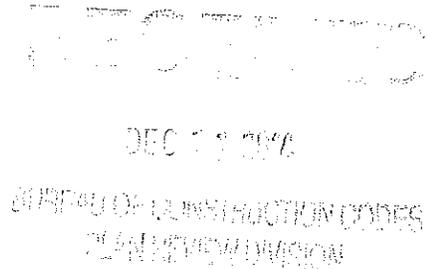
ANDERSON, ECKSTEIN AND WESTRICK, INC.

51301 Schoenherr Road, Shelby Township, Michigan 48315
Civil Engineers • Surveyors • Architects 586-726-1234

December 19, 2013

Brian D. Conway, State Historic Preservation Officer
735 E. Michigan Ave, P.O. Box 30044
Lansing, Michigan 48909

Reference: ADA Exception to Historic Buildings
John C. Baumgartner House
Registered Site L1957, Michigan Number P707
AEW Project No. 0190-0343



Dear Mr. Conway:

The John C. Baumgartner House located in the City of Fraser is a historic farm house that was built in 1875. The home is now opened one day a week to the public as a museum. Due to the age and construction of this structure, full compliance with the American Disabilities Act (ADA) would threaten or destroy the historic significance of this home. We therefore request the following exceptions per section 202.5 of the Department of Justice ADA Standards for Accessible Design.

Exception No 1. Accessible Routes

Request to provide single access route to building and limit interior access to select and available areas, preserving historical character.

- a. The building is currently served by one accessible route from the handicap parking to the rear of the building (see pictures 1 and 4). This is the main and only entry into the building; the front door is no longer used.
- b. The second story of the home is open to the public; the three bedrooms are set up for viewing (see picture 9). Constructing an elevator would be unfeasible inside the building and would destroy the exterior symmetry of the historic "Rundbogenstil" architectural style. The museum provides visual aids (photos and video) to those not able to access the upper level.
- c. The first floor has many narrow halls and doors (see picture 8). Widening these doors and halls would be unfeasible due to the lack of overall room within the home and what appears to be a structural bearing wall.

Exception No 2. Entrance

Request to provide a single entrance that provides limited access width of 29", preserving historical character.

- a. The main entry door accesses a lower lobby that is approximately 21" lower than the home (see picture 10). Interior stairs then take you up three risers into the home



Brian D. Conway, State Historic Preservation Officer
December 19, 2013
Page 2

(picture 13). Adding an accessible ramp or chair lift here would be unfeasible due to size of this space. A nearby door (see picture 11) which accesses directly into the home bypassing the lobby will be modified with either an exterior ADA accessible ramp, chair lift or by raising the exterior grade. This entry will not be used by the general public and will remain locked with a notification device.

- b. The above referenced entry door does not provide a 32" clearance, however a portable scooter which only requires a clear width of 20" will be available. A disabled person will be able to use this scooter to tour the home. It will be kept in the Visitor Center. The scooter will allow access though this narrow entry door and many other narrow halls and doors on the first floor.

Exception No 3. Restrooms

Request to provide restroom accommodations limited to the Visitor Center, with existing residential restroom to be preserved in existing historical character.

- a. The existing restroom is located along the exterior wall and is approximately 30"x73" (see picture 12). Enlarging this restroom would require the demolition of the historic kitchen and china cabinet. An accessible restroom is provided in the adjacent Visitor Center and is accessed by way of an accessible route from the parking lot (see pictures 2 and 7).

Mr. Conway, I hope you find this request for the above exceptions complete and reasonable. We believe with these exceptions this historic home will continue to be enjoyed by many, those with and without disabilities. If you have any questions or need more information, please feel free to contact me.

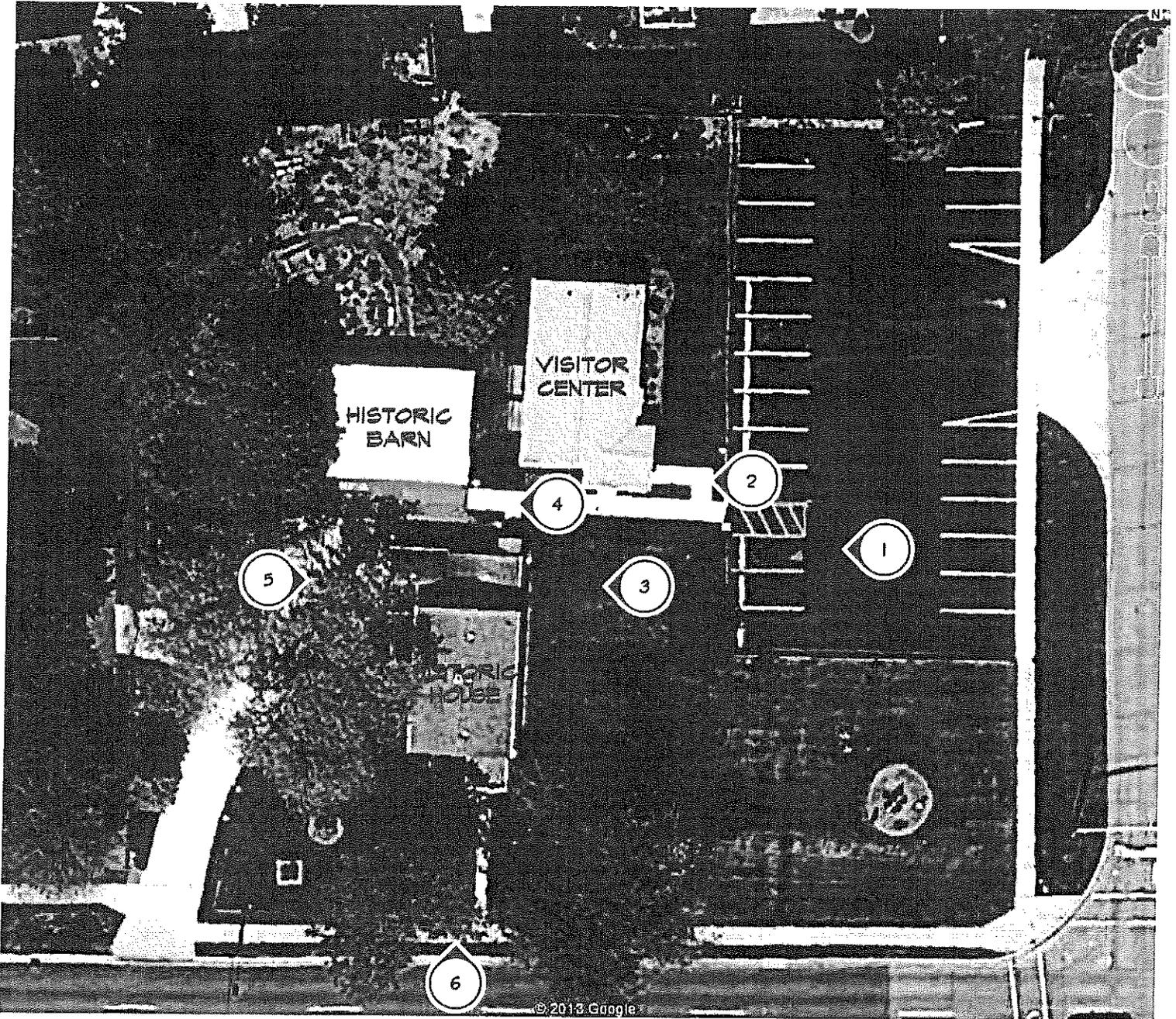
Sincerely,

Jason R. Arlow, RA
Architect

Enclosure: Attachment sheets 1, 2 and 3

cc: B.J. VanFleteren, DPW Superintendent
Richard Haberman, City Manager
Scott Lockwood, City Engineer

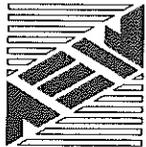
O:\0190\0190-0343\RequestToHistoricOffice.docx

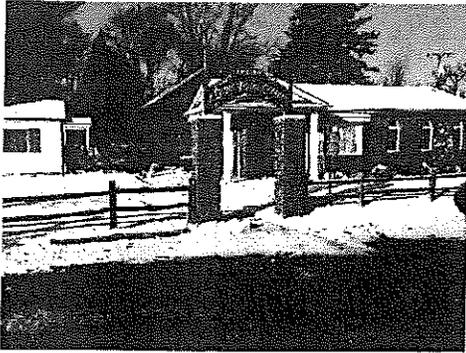


AERIAL PLAN

SCALE: N.T.S.

NORTH

 <p>ANDERSON, ECKSTEIN AND WESTRICK, INC. Civil Engineers • Surveyors • Architects 51301 Schoenherr Road, Shelby Township, Michigan 48315 Phone 586•726•1234 Fax 586•726•8780</p>	PROJECT	DATE	PROJECT NO.
	BAUMGARTNER HOUSE	DEC.2013	0190-0343
		DRAWN BY	SHEET No.
	CHECKED BY	1	
	JRA		



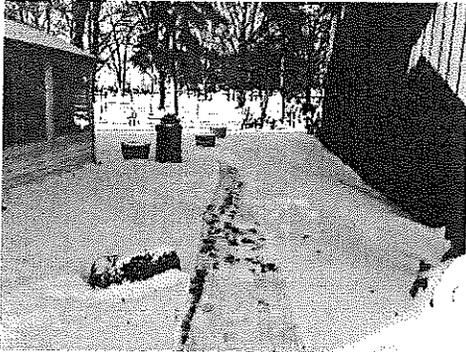
1 ACCESSIBLE PARKING AND ENTRY



2 ACCESSIBLE ENTRY TO VISITOR CENTER



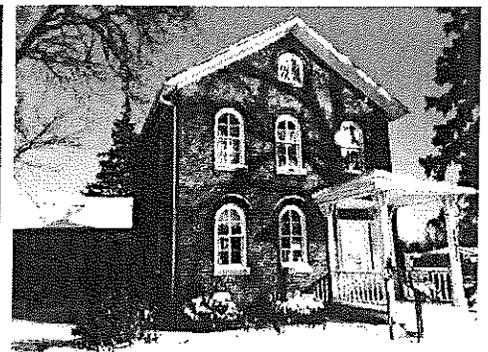
3 EAST ELEVATION



4 WALK TO MAIN ENTRY OF HISTORIC HOUSE



5 MAIN ENTRY OF HISTORIC HOUSE



6 SOUTH ELEVATION



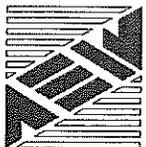
7 ACCESSIBLE TOILET IN VISITOR CENTER



8 1ST FLOOR KITCHEN OF HISTORIC HOUSE

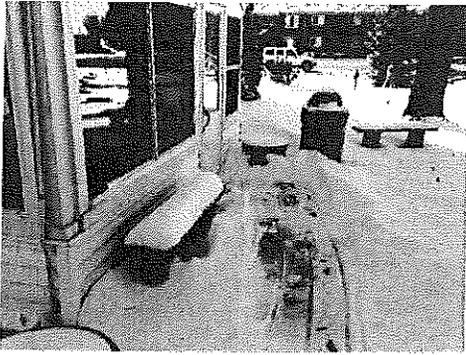


9 2ND FLOOR OF HISTORIC HOUSE



ANDERSON, ECKSTEIN AND WESTRICK, INC.
 Civil Engineers • Surveyors • Architects
 51301 Schoenherr Road, Shelby Township, Michigan 48315
 Phone 586•726•1234 Fax 586•726•8780

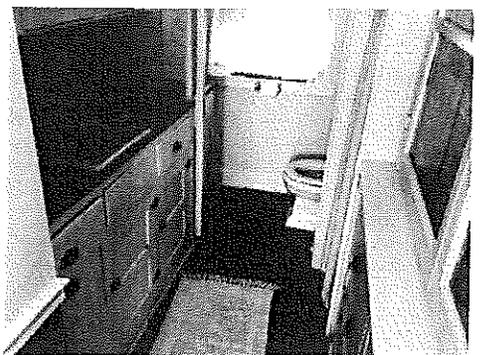
PROJECT	DATE	PROJECT NO.
BAUMGARTNER HOUSE	DEC.2013	0190-0343
	DRAWN BY	SHEET No.
	JRA	
CHECKED BY	2	
JRA		



10 REAR
MAIN ENTRY DOOR



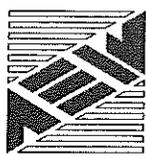
11 REAR
ENTRY DOOR



12 EXISTING
RESTROOM



13 STAIR FROM LOBBY
TO HOME

 <p>ANDERSON, ECKSTEIN AND WESTRICK, INC. Civil Engineers • Surveyors • Architects 51301 Schoenherr Road, Shelby Township, Michigan 48315 Phone 588•728•1234 Fax 588•728•8780</p>	PROJECT	DATE	PROJECT NO.
	BAUMGARTNER HOUSE	DEC.2013	0190-0343
		DRAWN BY	SHEET No.
	JRA	3	
CHECKED BY	JRA		

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

133

DEC 11 2011
 BUREAU OF CONSTRUCTION CODES
 PLAN REVIEW DIVISION

108 594

Application Fee: \$500.00

Authority: 1968 PA 1 Completion: Mandatory Penalty: Exception will not be granted	LARA is an equal opportunity employer/program. Auxiliary aids, services and other reasonable accommodations are available upon request to individuals with disabilities.
---	--

The Barrier Free Design Board has no authority over the federal standards contained in the Americans with Disabilities Act of 1990, 42 U.S.C. 12204.

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

PROJECT OR FACILITY INFORMATION				
FACILITY NAME John C. Baumgartner House		STREET / SITE ADDRESS 18577 Masonic Blvd.		
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: <u>Fraser</u>			COUNTY Macomb	
Estimated Project Cost \$		Estimated Cost of Compliance \$ 150,000.00		
BUILDING DATA (To be completed by the administrative authority responsible for issuing the building permit for this project)				
<input type="checkbox"/> New Building		<input type="checkbox"/> Alteration		<input type="checkbox"/> Change of Use
		Building Permit / File Number <u>N/A</u>		
Is a Temporary Exception Requested? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		PERIOD OF TIME REQUESTED?	USE GROUP A-3	CONSTRUCTION TYPE 5B
Project Does Not Comply With Barrier Free Design Requirements As Follows: Michigan Building Code Section(s) Accessible Routes -1104, Accessible Entrance -1105, Accessible Restrooms -1109 Reason for Non-Compliance Existing historic farm house built in 1875, now used as a museum. Modifications needed for full compliance would threaten or destroy the historic significance of the building.				
ENFORCING AGENCY City of Fraser Building Department		BUILDING OFFICIAL NAME Randy Warunek		REGISTRATION NUMBER <u>003804</u>
ADDRESS 33000 Garfield Road	CITY Fraser	STATE MI	ZIP CODE 48026	TELEPHONE NUMBER (Include Area Code) (586) 293-3100
BUILDING OFFICIAL SIGNATURE (Must be an original signature) <i>Randy Warunek</i>		E-MAIL ADDRESS randyw@micityoffraser.com		FAX NUMBER (Include Area Code) (586) 294-8909
PROJECT ARCHITECT / ENGINEER (When professional services are required by code or law)				
COMPANY NAME Anderson Eckstein and Westrick, Inc.		LICENSED INDIVIDUAL Jason R. Arlow		MICHIGAN LICENSE NUMBER 1301054547
ADDRESS 51301 Schoenherr	CITY Shelby Twp.	STATE MI	ZIP CODE 48315	TELEPHONE NUMBER (Include Area Code) (586) 726-1234
APPLICANT/FACILITY CONTACT INFORMATION (Note: All correspondence will be sent to this address)				
COMPANY NAME City of Fraser		APPLICANT NAME Rich Haberman		FEIN OR SS NO.* (Required)
ADDRESS 3300 Garfield Road	CITY Fraser	STATE MI	ZIP CODE 48026	TELEPHONE NUMBER (Include Area Code) (586) 293-3100
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) (586) 296-1045
SIGNATURE (Must be an original signature) <i>[Signature]</i>			DATE <u>12/4/14</u>	

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

STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM

RECEIVED

MAY 1 - 2015

IN THE MATTER OF:

Gretchen's House
2625 Traver Road
Ann Arbor, Michigan,

Applicant

Docket No.: 15-016849-BCC

Case No.: 109013

Agency: Bureau of
Construction Codes

Case Type: BCC Barrier Free Design

Filing Type: Exception Request

Issued and entered
this 30th day of April 2015
by Lauren G. Van Steel
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 24.201 *et seq.*

The purpose of this review is to examine an application for an exception from requirements contained in the Barrier Free Design Rules of the State Construction Code. A Notice of Hearing was issued on March 19, 2015, scheduling hearing for April 7, 2015. On March 26, 2015, the Applicant, Gretchen's House, submitted a request for adjournment. On March 30, 2015, the undersigned issued an Order Granting Adjournment, rescheduling the hearing to April 16, 2015.

A hearing was held as scheduled on April 16, 2015, in Lansing, Michigan. Gretchen Preston appeared on behalf of the Applicant. Usha Menon appeared as a representative on behalf of the Plan Review Division of the Bureau of Construction Codes.

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

1. Applicant's Exhibit No. 1 is a diagram/blue print of the room space in question.

The record closed at the conclusion of the hearing.

ISSUE

The issue presented is whether the Board should grant the Applicant a permanent exception from Section 1109.2 of the 2012 Michigan Building Code.

FINDINGS OF FACT

The Applicant, Gretchen's House, has filed an application for a permanent exception from the 2012 Michigan Building Code for a building located at 2625 Traver Road in Ann Arbor, Michigan. The application for an exception was received by the Plan Review Division within the Bureau of Construction Codes on February 26, 2015.

Gretchen Preston, Owner, credibly testified that the Applicant has conducted an interior renovation of the building in question, which was an old farm property. The total estimated project cost is \$50,000.00, and the estimated cost of compliance is \$15,000.00. [Application rec'd 2/16/15]. The Applicant is licensed to operate a child care center with up to 60 children at the location. There are four buildings on the property, including a two-story barn, a four-car garage, and the main house.

The main house has two floors, both of which are accessible at ground level. The second floor of the house is used by the Applicant's child care center to care for up to 12 infants and toddlers. Preschool-aged children are cared for in other buildings on the property. There are two handicapped-accessible bathrooms in buildings on the property, which are 20 and 40 feet across asphalt from the main house. The 14 staff persons (including part-time employees) use all buildings on the property. There is another conference space in a separate building besides the main house.

The child care teachers or providers who care for the infants and toddlers on the second floor of the main house are required to be able-bodied, in the sense that they must be physically able to reach in and lift children out of cribs, carry them, and quickly bring them out of the building in an emergency.

The second floor space has been renovated to create an office and conference center. [Applicant's Exhibit #1]. The issue is that the adjacent bathroom does not meet Code requirements for entry and turning radius. The bathroom is intended for use by staff persons and parents who may meet with the staff in the office or conference room.

The structure of the building is such that the bathroom plumbing fixtures cannot be realistically moved; below the bathroom is an old cistern and furnace room that would make it a very difficult excavation issue to move the bathroom plumbing. If the other wall of the bathroom were moved to create more space for entry and turning radius, it would eliminate the second office space that the Applicant greatly needs for its supervisory staff and filing, per Ms. Preston's credible testimony.

Maintaining the bathroom on the second floor of the main house is also important for the Applicant's operation because it allows the child care providers of the infants to stay in close proximity when they use the bathroom. Otherwise, the Applicant likely would have to post another staff person every time a child care provider from the infant room used the bathroom, or else eliminate care for infants on that floor.

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).

Section 1109.2 of the 2012 Michigan Building Code states 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*.

Exceptions:

1. In toilet rooms or bathing rooms accessed only through a private office, not for *common* or *public use* and intended for use by a single occupant, any of the following alternatives are allowed:

- 1.1 Doors are permitted to swing into the clear floor space, provided the door swing can be reversed to meet the requirements in ICC A117.1;
 - 1.2 The height requirements for the water closet in ICC A117.1 are not applicable;
 - 1.3 Grab bars are not required to be installed in a toilet room, provided that reinforcement has been installed in the walls and located so as to permit the installation of such grab bars; and
 - 1.4 The requirement for height, knee and toe clearance shall not apply to a lavatory.
2. This section is not applicable to toilet and bathing rooms that serve *dwelling units* or *sleeping units* that are not required to be *accessible* by Section 1107.
 3. Where multiple single-user toilet rooms or bathing rooms are clustered at a single location, at least 50 percent but not less than one room for each use at each cluster shall be *accessible*.
 4. Where no more than one urinal is provided in a toilet room or bathing room, the urinal is not required to be *accessible*.
 5. Toilet rooms that are part of critical care or intensive care patient sleeping rooms are not required to be *accessible*.
 6. Where toilet facilities are primarily for children's use, required *accessible* water closets, toilet compartments and lavatories shall be permitted to comply with the children's provisions of ICC A117.1. 2012 Michigan Building Code, Section 1109.2 (Emphasis supplied).

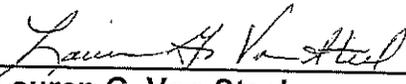
Based on the above findings of fact, it is concluded that the Applicant has demonstrated compelling reasons to justify an exception for the bathroom space in the main house. Compelling need has been shown under Section 5a(2)(a) of the Act, based on the structural limitations of the building in question, which realistically prevent moving the plumbing fixtures. MCL 125.1355a(2)(a).

Further, compelling need has been shown regarding the nature of the business, the minimal anticipated public traffic, and compliance elsewhere on the property through two handicapped-accessible toilet facilities. Therefore, compelling need has been shown pursuant to 1988 AACRS, Rules 2(c),(d)&(m), R 125.1014(2)(c),(d)&(m). Accordingly, an exception is properly granted.

RECOMMENDED DECISION

Based on the above findings of fact and conclusions of law, the undersigned recommends that the Board grant the Applicant an exception from Section 1109.2 of the 2012 Michigan Building Code.

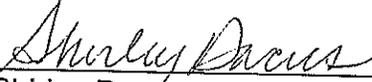
As a condition to granting this exception, the Board's Final Order, issued after review of this recommendation, shall be displayed in a conspicuous public location of the building. A party may file comments, clarifications or objections to this Report, including written arguments, with the Bureau of 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 30th day of April, 2015.



Shirley Dacus
Michigan Administrative Hearing System

Gretchen Preston
Gretchens House
4531 Concourse Drive
Ann Arbor, MI 48108

Craig Strong
City of Ann Arbor
301 East Huron Street
Ann Arbor, MI 48104

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

Notes to Accompany Barrier Free Request for Gretchen's House – 2625 Traver Road

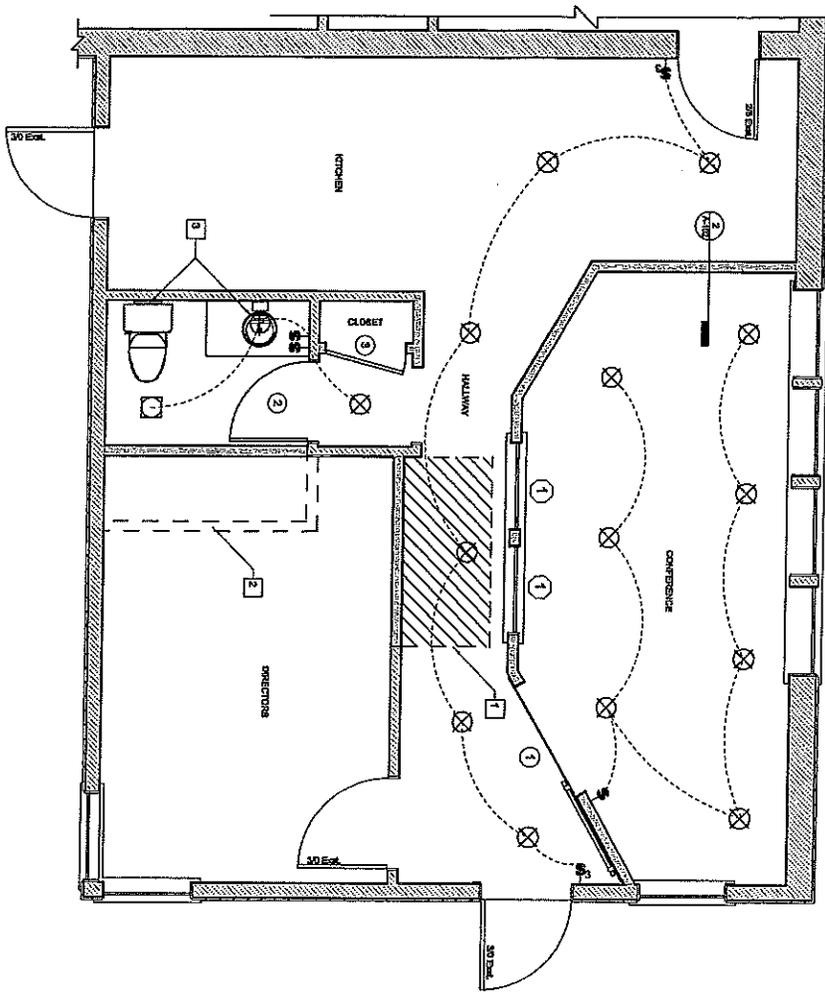
The following points provide context for our exemption request.

1. Gretchen's House Child Care centers occupy several locations in Ann Arbor Michigan. Four of these centers are located in older homes (1925-1947). 2625 Traver (built in 1947) is one of these older homes. These homes are in the neighborhoods where the children who attend live. They are small centers and "feel like home" to the children and families who use them.
2. Over the 32 years that Gretchen's House has been providing child care, many renovations have been done (as money allows) to update and upgrade the facilities. During this time, we have only requested one other exemption for barrier free access. We take seriously the need to make our centers accessible to all and have gone to great lengths to make this possible with each renovation, including our playgrounds.
3. The current renovation at 2625 Traver is presenting us with a difficulty in making the bathroom in the remodeled area accessible. The door opening available will not meet barrier free code and the office space next to the bathroom is **the only** administrative space in this center.
4. This center has three buildings on site, in total. The other two buildings have barrier free bathrooms that are accessible to all.
5. The building where the current renovation is taking place houses only infants and toddlers. While individuals with barrier free needs are hired for our older age groups in the other two buildings, the needs of children under the age of 2, require individuals to be able to pick up, carry, and run after young children for safety reasons.
6. We have had parents and children with barrier free needs in the past. These individuals have found our existing barrier free facilities to be able to meet their needs.

Gretchen Preston
President
Gretchen's House Inc.
Gretchen.preston@gretchenshouse.com

PLAN REVIEW COPY

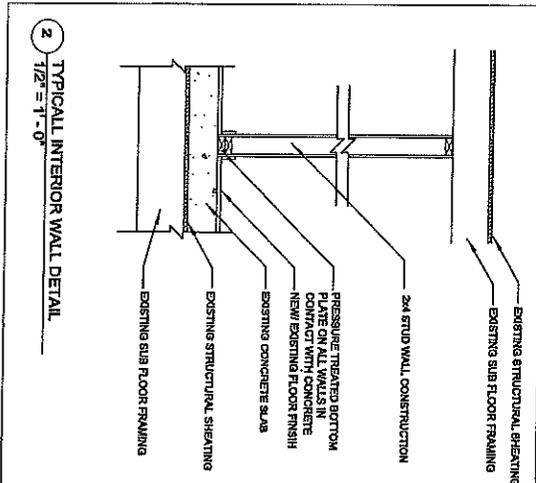
109 013
Shelf No.



1 OFFICE FLOOR PLAN
Scale: 1/4" = 1' - 0"

- PAGE NOTES:**
- 1 REMOVE EXISTING CHIMNEY AND STRUCTURALLY SUPPORT ANY EXISTING ELEMENTS AS NEEDED.
 - 2 REMOVE WALL AND EXISTING TUB, CAP/REMOVE ANY PLUMBING AND DRAIN LINES AS NEEDED
 - 3 REPLACE EXISTING FIXTURES

- PAGE LEGEND:**
- DEMO WALL
 - - - - EXISTING WALL
 - ▨ NEW 2x4 FRAMED WALL
 - ▨ NEW 12" HEIGHT 2x4 WALL
 - ☒ NEW CEILING FAN
 - ⊕ NEW SINGLE SWITCH
 - ⊕ NEW MEN/MEN/W/W/W/T/BRIGHT
 - ⊗ NEW RECESSED CAN LIGHT



Door Schedule

Mark	Size	R.O.	Description	Count	Notes
1	4'-0" X 6'-8"	4'-0" X 6'-10"	4' Face Slider Door	1	
2	2'-10" X 6'-8"	3'-0" X 8'-10"	Z/10 Panel Door	1	Verify clear width of 32"
3	2'-8" X 6'-8"	2'-10" X 6'-10"	Z/8 Panel Door	1	

Window Schedule

Mark	Size	R.O.	Description	Count	Notes
1	3'-0" X 2'-0"	Verify	3/2" Fixed	2	

RECEIVED
FEB 26 2015
DEPT. OF CONSTRUCTION
ANN ARBOR, MI

DEXTER BUILDERS
141888
128715

GRETCHEN'S HOUSE
2625 TRAVER BLVD., ANN ARBOR, MI 48105

37 Interior Renovation

A-102

RECEIVED

FEB 26 2015

BUREAU OF CONSTRUCTION CODES
PLAN REVIEW DIVISION

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

133

109 013

Application Fee: \$500.00

Authority: 1966 PA 1 Completion: Mandatory Penalty: Exception will not be granted	LARA is an equal opportunity employer/program. Auxiliary aids, services and other reasonable accommodations are available upon request to individuals with disabilities.
---	--

The Barrier Free Design Board has no authority over the federal standards contained in the Americans with Disabilities Act of 1990, 42 U.S.C. 12204.

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

PROJECT OR FACILITY INFORMATION				
FACILITY NAME Gretchen's House Traver Road		STREET / SITE ADDRESS 2625 Traver Road		
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: Ann Arbor			COUNTY Washtenaw	
Estimated Project Cost \$ 50,000.00		Estimated Cost of Compliance \$ 15,000.00		
BUILDING DATA (To be completed by the administrative authority responsible for issuing the building permit for this project)				
<input type="checkbox"/> New Building <input checked="" type="checkbox"/> Alteration <input type="checkbox"/> Change of Use		Building Permit / File Number #Bldg14-2649		
Is a Temporary Exception Requested? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		PERIOD OF TIME REQUESTED? Immediate	USE GROUP 14	CONSTRUCTION TYPE Residential
Project Does Not Comply With Barrier Free Design Requirements As Follows: Michigan Building Code Section(s) Section 803, Chapter 8 ? Reason for Non-Compliance Doorway to bathroom cannot be enlarged to allow handicap access, while also allowing proper access to sink and toilet. There is no space on either side of bathroom to allow the size required.				
ENFORCING AGENCY City of Ann Arbor		BUILDING OFFICIAL NAME Craig Strong		REGISTRATION NUMBER 2752
ADDRESS 301 E. Huron Street	CITY Ann Arbor	STATE MI	ZIP CODE 48104	TELEPHONE NUMBER (Include Area Code) (734) 794-6269
BUILDING OFFICIAL SIGNATURE (Must be an original signature) <i>Craig Strong</i>		DATE 2/23/15	E-MAIL ADDRESS cstrong@ cwa-plan.com	FAX NUMBER (Include Area Code) 734 994-8460
PROJECT ARCHITECT / ENGINEER (When professional services are required by code or law)				
COMPANY NAME Dexter Builders		LICENSED INDIVIDUAL Jeff Brown		MICHIGAN LICENSE NUMBER 2102167085
ADDRESS 8820 Jackson Rd.	CITY Dexter	STATE Michigan	ZIP CODE 48130	TELEPHONE NUMBER (Include Area Code) (734) 678-6706
APPLICANT/FACILITY CONTACT INFORMATION (Note: All correspondence will be sent to this address)				
COMPANY NAME Gretchen's House Inc.		APPLICANT NAME Gretchen Preston		FEIN OR SS NO.* (Required) [REDACTED]
ADDRESS 4531 Concourse Dr.	CITY Ann Arbor	STATE MI	ZIP CODE 48108	TELEPHONE NUMBER (Include Area Code) (734) 260-9027
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) (734) 327-6127
SIGNATURE (Must be an original signature) <i>Gretchen Preston</i>			DATE Feb. 23, 2015	

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

STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM

RECEIVED

IN THE MATTER OF:

J and J Spring Enterprises, LLC
14100 – 23 Mile Road
Shelby Township, MI
Applicant

Docket No.: 15-020411-BCC

Case No.: 109014

Agency:

BUREAU OF CONSTRUCTION CODES
BUREAU OF DIVISION
Construction Codes

Case Type: BCC Barrier Free Design

Filing Type: Exception Request

Issued and entered
this 30th day of April 2015
by Lauren G. Van Steel
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 24.201 *et seq.*

The purpose of this review is to examine an application for an exception from requirements contained in the Barrier Free Design Rules of the State Construction Code. By Notice of Hearing issued on April 1, 2015, a hearing was scheduled for April 16, 2015.

A hearing was held as scheduled on April 16, 2015, in Lansing, Michigan. Present on behalf of J and J Spring Enterprises, LLC, Applicant, was Simone Mauro, P.E., licensed Professional Engineer. Also present at the hearing was Usha Menon, representing the Plan Review Division of the Bureau of Construction Codes. Mr. Mauro was sworn in and testified as a witness for the Applicant.

The following exhibit, offered by the Applicant, was admitted into evidence:

1. Applicant's Exhibit No. 1 is a photograph of the building in question, showing an existing mezzanine level.

The record was closed at the conclusion of the hearing.

4. EXCEPTION APPLICATIONS
04. 109014

ISSUE

The issue presented is whether the Board should grant the Applicant an exception from Section 1104.4 of the 2012 Michigan Building Code

FINDINGS OF FACT

The Applicant, J and J Spring Enterprises, LLC, seeks a permanent exception from Section 1104.4 of the 2012 Michigan Building Code for its building located at 14100 23 Mile Road in Shelby Township, Michigan that was built in 1989. The issue presented is a planned expansion of a mezzanine that exceeds 3,000 square feet and does not have an accessible route. The total mezzanine level space with the planned addition would be 5,468 square feet. There will be 18,000 square feet on the first floor of the building. The Applicant's Exhibit No. 1 is a photograph showing part of the existing mezzanine in the building.

The Applicant's business involves the manufacturing of springs for automobiles. The Applicant has recently grown out of storage space and would like to increase the size of the mezzanine in its building in order to store more of its products. To be compliant with barrier free design requirements, however, the Applicant understands that it would have to install either an elevator or a hydraulic ramp to the planned mezzanine space.

Mr. Mauro credibly testified that the building owner is limited on funds and the estimated cost of compliance at \$20,000.00 is one-fifth of the total estimated project cost of \$100,000.00. There are not more than 10 or 12 employees who work in the building, per Mr. Mauro's credible testimony. The mezzanine level would be accessed mainly by hi-los or forklifts for storing product. Occasionally, a staff person would need to access the mezzanine level to retrieve product. Employees need to be able-bodied in order to put product into the manufacturing machines. There is no office space or bathroom on the mezzanine level. No customers would need to access the mezzanine level. If the Applicant installed a platform lift, it is likely that "no one would ever use it," per Mr. Mauro's credible testimony.

The status of construction is that the project is awaiting a building permit, pending the present barrier free design exception application. If the applied-for exception is not granted, the Applicant will not build the additional mezzanine space and not having the additional space for product storage will likely slow down the Applicant's business, per Mr. Mauro's credible testimony.

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).

Section 1104.4 of the 2012 Michigan Building Code states as follows:

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

Exceptions:

1. An *accessible route* is not required to stories and *mezzanines* that have an aggregate area of not more than 3,000 square feet (278.7 m²) and are located above and below *accessible* levels. This exception shall not apply to:
 - 1.1 Multiple tenant facilities of Group M occupancies containing five or more tenant spaces;
 - 1.2 Levels containing offices of health care providers (Group B or I); or
 - 1.3 Passenger transportation facilities and airports (Group A-3 or B).
2. Levels that do not contain *accessible* elements or other spaces as determined by Section 1107 or 1108 are not required to be served by an *accessible* route from an accessible level.

3. In air traffic control towers, an *accessible* route is not required to serve the cab and the floor immediately below the cab.
4. Where a two-story building or facility has one *story* with an occupant load of five or fewer persons that does not contain public use space, that story shall not be required to be connected by an accessible route to the story above or below.
5. Vertical access to elevated employee work stations within a courtroom is not required at the time of initial construction, provided a *ramp*, lift or elevator complying with ICC A117.1 can be installed without requiring reconfiguration or extension of the courtroom or extension of the electrical system. (Emphasis supplied).

Based on the above findings of fact, the Applicant has credibly shown the nature of the business in the planned space (storage only), the anticipated public traffic or use (none), the very limited number of employees that would need to access the space (likely one or two at any time), and the able-bodied job duties of the employees constitute compelling reasons for granting an exception. 1988 AACRS, R 125.1355a(2)(c),(d),(n)&(o) *supra*.

Further, the Applicant has credibly shown that it has financial/economic limitations that would argue in favor of the applied-for exception, although not necessarily a compelling reason on this record. MCL 125.1355a(2)(c).

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 1104.4 of the 2012 Michigan Building Code for the building in question.

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.

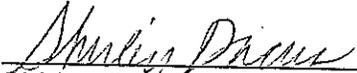
A party may file comments, clarifications or objections to this Report, including written arguments, with the Bureau of Construction Codes, P.O. Box 30254, Lansing, Michigan 48909, Attention: Todd Cordill.



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 30th day of April, 2015.



Shirley Dacus
Michigan Administrative Hearing System

Robert Kattula
J and J Enterprises, LLC
14100 - 23 Mile Road
Shelby Township, MI 48315

Mark Stimac
Shelby Township Building Department
52700 Van Dyke
Shelby Township, MI 48316

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

REC-107

FEB 24 2015

SUREAU OF CONSTRUCTION
PLAN REVIEW DIVISION

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

133

109014

Application Fee: \$500.00

Authority: 1986 PA 1 Completion: Mandatory Penalty: Exception will not be granted	LARA is an equal opportunity employer/program. Auxiliary aids, services and other reasonable accommodations are available upon request to individuals with disabilities.
---	--

The Barrier Free Design Board has no authority over the federal standards contained in the Americans with Disabilities Act of 1990, 42 U.S.C. 12204.

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

PROJECT OR FACILITY INFORMATION				
FACILITY NAME J&J SPRING Enterprises, LLC		STREET / SITE ADDRESS 14100 23 MILE ROAD		
NAME OF CITY, VILLAGE OR TOWNSHIP IN WHICH FACILITY IS LOCATED <input type="checkbox"/> City <input type="checkbox"/> Village <input checked="" type="checkbox"/> Township Of: SHELBY			COUNTY MACOMB	
Estimated Project Cost \$ 100,000.00		Estimated Cost of Compliance \$ 20,000.00		
BUILDING DATA (To be completed by the administrative authority responsible for issuing the building permit for this project)				
<input type="checkbox"/> New Building		<input checked="" type="checkbox"/> Alteration	<input type="checkbox"/> Change of Use	Building Permit / File Number PB 14-0663
Is a Temporary Exception Requested? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		PERIOD OF TIME REQUESTED?	USE GROUP	CONSTRUCTION TYPE
Project Does Not Comply With Barrier Free Design Requirements As Follows: Michigan Building Code Section(s) 505.2.1 - 1104.4 Reason for Non-Compliance MEZZANINE EXCEEDS 3000 SQUARE FEET AND CONSIDERS A SECOND FLOOR MEANS OF EGRESS W/ NO ACCESSIBLE ROUTE				
ENFORCING AGENCY SHELBY TWP. BUILDING DEPARTMENT		BUILDING OFFICIAL NAME TIM WOOD MARK STIMAC		REGISTRATION NUMBER 183
ADDRESS 52700 VAN DYKE	CITY SHELBY	STATE MI	ZIP CODE 48316	TELEPHONE NUMBER (Include Area Code) (586) 731-5969
BUILDING OFFICIAL SIGNATURE (Must be an original signature) <i>Mark Stimac</i>		DATE 2/11/15	E-MAIL ADDRESS MSTIMAC@SHELBYTWP.ORG	FAX NUMBER (Include Area Code) (586) 803-2099
PROJECT ARCHITECT / ENGINEER (When professional services are required by code or law)				
COMPANY NAME MAURO ENGINEERING		LICENSED INDIVIDUAL SIMONE MAURO		MICHIGAN LICENSE NUMBER 6201030592
ADDRESS 48657 HAYES ROAD	CITY SHELBY	STATE MICHIGAN	ZIP CODE 48315	TELEPHONE NUMBER (include Area Code) (586) 247-2800
APPLICANT/FACILITY CONTACT INFORMATION (Note: All correspondence will be sent to this address)				
COMPANY NAME J&J SPRING Enterprises, LLC		APPLICANT NAME ROBERT KATTULA		FEIN OR SS NO.* (Required)
ADDRESS 14100 23 MILE ROAD	CITY SHELBY	STATE MICHIGAN	ZIP CODE 48315	TELEPHONE NUMBER (Include Area Code) (586) 566-7600
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)
SIGNATURE (Must be an original signature) <i>R. Kattula</i>			DATE 2/11/2015	

Trans Info: 133 20212954-1 02/10/15
CHK#: 6579 Amt: \$500.00
ID: J & J SPRING ENTERPRISES LLC

RECEIVED

MAY 05 2015

BUREAU OF CONSTRUCTION CODES
PLAN REVIEW DIVISION

STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM

5. EXCEPTION APPLICATIONS
05 109127

IN THE MATTER OF:

Family Promise of Grand Rapids
516 Cherry St., S.E.
Grand Rapids, MI 49503,
Applicant

Docket No.: 15-021435-BCC

Case No.: 109127

Agency: Bureau of
Construction Codes

Case Type: BCC Barrier Free
Design

Filing Type: Exception Request

Issued and entered
this 4th day of April 2015
by: Renee A. Ozburn
Administrative Law Judge

REPORT OF ADMINISTRATIVE LAW JUDGE

This is a proceeding held pursuant to the authority granted in Section 5 of 1966 PA 1, as amended, MCL 125.1351 *et seq*; 1972 PA 230, as amended, MCL 125.1501 *et seq*; and 1969 PA 306, as amended, MCL 24.101 *et seq*. The purpose of this review is to examine an application for exceptions from requirements contained in the Barrier Free Design Rules of the State Construction Code.

A hearing was held on April 30, 2015, in Lansing, Michigan. Cheryl Schuch and Brian Welsh appeared on behalf of Family Promise of Grand Rapids (Applicant). Usha Menon appeared on behalf of the Plan Review Division of the Bureau of Construction Codes.

ISSUE

Whether the Applicant should be granted an exception from 2012 Michigan Building Code, Sections 1104.4 and 1109.2

FINDINGS OF FACT

1. Family Promise of Grand Rapids (Applicant) purchased a concrete and steel tri-level structure built in 1952, with the intent of making renovations to operate as an emergency shelter offering daytime case management services for the homeless. Each level has about 3,030 square feet, with about 12 feet between floors. There are currently up to 12 employees

who would work in the building. The structure has most recently been used in a similar manner as an adult day care facility.

2. Both the basement level and first floor will be fully compliant with barrier free requirements. The second floor, which has not been used recently, is not barrier free accessible. The Applicant plans to make renovations to allow a few administrative staff to work on the second level. All public services will be conducted on the first floor, and all activities performed on the second floor can also be performed in spaces on the first floor. The project to renovate windows and update the layout of the existing structure is estimated to cost over \$200,000.
3. Installing an elevator between the first and second floor would cost over \$100,000 which this non-profit agency does not have. Further, the building is in an historical district and constructing an elevator on the outside would require an extensive, cost prohibitive process that is not feasible for the Applicant. Adding a lift device would essentially eliminate funds intended to serve the families the program is designed to assist.

CONCLUSIONS OF LAW

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

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

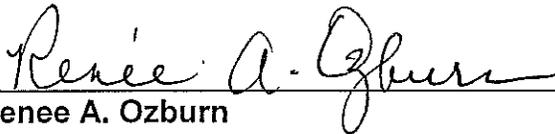
The Applicant has established that it is economically infeasible to provide lift access between the first and second floors. Further, the Applicant has established that a reasonable alternative will exist for providing all activity that takes place on the second level available on the first level, if needed. Therefore, the Applicant has shown a compelling need for the exception.

RECOMMENDED DECISION

I recommend the Board grant the Applicant's request for an exception from the requirements of 2012 Michigan Building Code, Section 1104.4 and 1109.2.

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

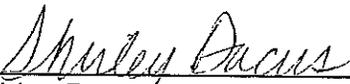
A party may file comments, clarifications or objections to this Report, including written arguments, with the Bureau of Construction Codes, P.O. Box 30254, Lansing, Michigan 48909, Attention: Todd Cordill.



Renee A. Ozburn
Administrative Law Judge

PROOF OF SERVICE

I hereby state, to the best of my knowledge, information and belief, that a copy of the foregoing document was served upon all parties and/or attorneys of record in this matter by Inter-Departmental mail to those parties employed by the State of Michigan and by UPS/Next Day Air, facsimile, and/or by mailing same to them via first class mail and/or certified mail, return receipt requested, at their respective addresses as disclosed below this 4th day of May, 2015.



Shirley Dacus
Michigan Administrative Hearing System

Progressive AE
o/b/o Family Promise of Grand Rapids
1811 Four Mile Road NE
Grand Rapids, MI 49525

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

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

**Family Promise of Grand Rapids
New Office Facilities Renovations
Opinion of Probable Cost
January 5, 2015**

DESCRIPTION	COSTS
Contract Square Footage	6,623
Construction Costs	\$ 195,070.00
General Conditions/General Requirements	\$ 19,510.00
General Contractor/CM Fee	\$ 13,660.00
Permits	\$ 1,960.00 **
Testing and Special Inspections	\$ -
Subtotal	\$ 230,200.00
Contingency - Design	\$ 6,910.00
Contingency - Construction	\$ 16,120.00
Subtotal	\$ 253,230.00
Contracts held by the Owner:	
Consultant(s)	\$ -
Special Inspections	\$ -
Kitchen Hood System	\$ 15,000.00
Security/Access Control Systems	\$ 16,120.00
Furniture (Including Sales Tax, Delivery and Installation)	\$ -
A/E Design Services and Fees	\$ -

** Permits Fees are projected costs upon verification from the local Building Department

Clarifications

The estimate includes both a Construction Contingency and a Project Acceleration Contingency. The Project Acceleration Contingency is to address possible additional costs to "Fast-Track" the project, i.e. Architectural Fees, Expedited Plan Review and Permitting Fees, and Accelerated Schedule construction Costs.

The estimate assumes the existing utilities are adequate and no upgrade is included

The estimate assumes "attic stock" of existing acoustic ceiling tile material is on-hand and available for use in areas where existing ceiling is to remain and patched/repaired and then cleaned.

The estimate assumes the existing HVAC System is adequate and minor cleaning and adjustments are included. The estimate does include modifications to ductwork and diffusers to supply the new floor plan

The estimate assumes work to take place during "normal" daylight working hours, excluding weekends and holidays

The estimate includes the following allowances:

- \$7,200.00 - Drywall Repairs on 1st Floor
- \$10,800.00 - Drywall Repairs on 2nd Floor
- \$3,650.00 - Interior Signage
- \$15,000.00 - Kitchen Vent Hood
- \$20,860.00 - Cabinetry
- \$4,500.00 - Kitchen Appliances

Alternates - ADD/(DEDUCT)

Alternate #1 - Exterior Play Area 1,000sf	\$	29,010.00	\$	4.38
Alternate #2 - Window Replacement	T.B.D.			
Alternate #3 - LULA Lift System	\$	87,400.00	\$	13.20
Alternate #4 - Basement Improvements - Limited Area 875sf	\$	6,720.00	\$	1.01

RECEIVED

MAR 11 2015

BUREAU OF CONSTRUCTION CODES
PLAN REVIEW DIVISION

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

133

109 127

Application Fee: \$500.00

Authority: 1966 PA 1
Completion: Mandatory
Penalty: Exception will not be granted

LARA is an equal opportunity employer/program. Auxiliary aids, services and other reasonable accommodations are available upon request to individuals with disabilities.

The Barrier Free Design Board has no authority over the federal standards contained in the Americans with Disabilities Act of 1990, 42 U.S.C. 12204.

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

PROJECT OR FACILITY INFORMATION				
FACILITY NAME Family Promise of Grand Rapids		STREET / SITE ADDRESS 516 Cherry Street, S.E.		
NAME OF CITY, VILLAGE OR TOWNSHIP IN WHICH FACILITY IS LOCATED <input checked="" type="checkbox"/> City <input type="checkbox"/> Village <input type="checkbox"/> Township Of: Grand Rapids			COUNTY Kent	
Estimated Project Cost \$ 200,000.00		Estimated Cost of Compliance \$ 102,400.00		
BUILDING DATA (To be completed by the administrative authority responsible for issuing the building permit for this project)				
<input type="checkbox"/> New Building		<input checked="" type="checkbox"/> Alteration		<input type="checkbox"/> Change of Use
		Building Permit / File Number <u>BC-INT-2015-0274</u>		
Is a Temporary Exception Requested? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		PERIOD OF TIME REQUESTED? ideally, permanent	USE GROUP B	CONSTRUCTION TYPE V-B
Project Does Not Comply With Barrier Free Design Requirements As Follows: Michigan Building Code Section(s) 1103, 1104.4 (Second floor is only 384 s.f. over exc. 1, primarily administrative, and with accessible facilities first floor) Reason for Non-Compliance First floor is public and being made accessible. Second floor is administrative with occasional volunteers. Meeting and bathrooms are available on first floor. Modifying for vertical and bathrooms economic hardship and structural alteration.				
ENFORCING AGENCY City of Grand Rapids, Development Center		BUILDING OFFICIAL NAME <u>Marko Fleet</u>		REGISTRATION NUMBER <u>2162</u>
ADDRESS 1120 Monroe Avenue, N.W.	CITY Grand Rapids	STATE MI	ZIP CODE 49503	TELEPHONE NUMBER (Include Area Code) (616) 456-4100
BUILDING OFFICIAL SIGNATURE (Must be an original signature) <u>Marko Fleet</u>		E-MAIL ADDRESS sdevlaem@grcity.us		FAX NUMBER (Include Area Code) (616) 456-4088
PROJECT ARCHITECT/ENGINEER (When professional services are required by code or law)				
COMPANY NAME Progressive AE		LICENSED INDIVIDUAL Brian Welsh, AIA		MICHIGAN LICENSE NUMBER 1301049110
ADDRESS 1811 4 Mile Road, N.E.	CITY Grand Rapids	STATE Michigan	ZIP CODE 49525	TELEPHONE NUMBER (Include Area Code) (616) 361-2664
APPLICANT/FACILITY CONTACT INFORMATION (Note: All correspondence will be sent to this address)				
COMPANY NAME Progressive AE		APPLICANT NAME Brian Welsh, AIA		FEIN OR SS NO.* (Required)
ADDRESS 1811 4 Mile Road, N.E.	CITY Grand Rapids	STATE Michigan	ZIP CODE 49525	TELEPHONE NUMBER (Include Area Code) (616) 361-2664
I certify the proposed work is authorized by the owner of record. I agree to conform to all applicable laws of the state of Michigan and all information submitted is accurate to the best of my knowledge.				FAX NUMBER (Include Area Code) (616) 361-1493
SIGNATURE (Must be an original signature) <u>[Signature]</u>			DATE <u>2015-03-09</u>	

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