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STATE OF MICHIGAN  
DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH  
LANSING

ANDREW S. LEVIN  
ACTING DIRECTOR

**MICHIGAN CONSTRUCTION CODE COMMISSION**  
**DEPARTMENT OF ENERGY, LABOR AND ECONOMIC GROWTH**  
**BUREAU OF CONSTRUCTION CODES**  
P.O. BOX 30254  
Lansing, MI 48909

Cranbrook Art Museum,  
**Petitioner**

**Appeal Docket No.**  
CCC-PRD 11-001

vs

City of Bloomfield Hills  
**Respondent**

**ORDER OF THE MICHIGAN CONSTRUCTION CODE COMMISSION**

**Background:**

In 2010 interior alteration work was completed at the Cranbrook Art Museum and Library, with the 2006 Michigan Building Code (MBC) as the applicable code for plan review and permits. The scope of work also included exterior restoration work at the existing east and south monumental stairs. The interior alteration and exterior restoration work was done under one building permit issued by the City of Bloomfield Hills. In August 2010 city building inspectors conducted inspections, resulting in a written violation notice issued by the city building official citing the violation of MBC Section 1012 for the lack of handrails, and Section 1013 for the lack of guards at the edges of the south monumental stair where an existing grade change of approximately 8 feet is located near the top of the stairs. A subsequent appeal of this code violation citation was filed by the Cranbrook Educational Community, and an appeal hearing was held before the City of Bloomfield Hills Construction Board of Appeals on October 19, 2010. The decision of the construction board of appeals is to uphold the determination of the city building official to require handrails and guards in accordance with Sections 1012 and 1013 respectively.

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**Procedural Findings:**

On consideration of the request dated November 1, 2010, from Jean-Claude Azar, NCARB a hearing before a panel of the Construction Code Commission was held on January 5, 2011, at the Bureau of Construction Codes, 2501 Woodlake Circle, Okemos, Michigan in accordance with the Stille-DeRossett-Hale Single State Construction Code Act, 1972 PA 230, Section 125.1516.

Present were:

Elisabeth Knibbe, FAIA	representing	Cranbrook Art Museum
Dominic DiMarco	representing	Cranbrook Art Museum
Jean-Claude Azar, NCARB	representing	Cranbrook Art Museum
Ryan Smith AIA, NCARB	representing	Cranbrook Art Museum
Ron Campbell, AIA	representing	Cranbrook Art Museum
Larry Rospierski	representing	City of Bloomfield Hills
Michael Morad	representing	City of Bloomfield Hills
Dawn Holtrop		Construction Code Commission (panel of appeal)
Don Pratt		Construction Code Commission (panel of appeal)
Beth Yorke		Construction Code Commission (panel of appeal)
Todd Cordill		Bureau of Construction Codes (hearing officer)

**Issue:**

Whether or not handrails and guards in accordance with MBC Sections 1012 and 1013 are required on the monumental stair restoration project where risers and treads are removed and replaced to match the existing configuration.

**Findings:**

The building in question is a national historic landmark that was constructed in 1940 and designed by architect Eiel Saarinen. The monumental stairs are contributing resources to the landmark status of the building and adjacent grounds and a national historic landmark – one of only several in the state of Michigan, listed for their design significance. The restoration work at the monumental stairs involved the removal and replacement (in the original configuration) of stone stair risers and treads and adjacent stone cheek walls at the outside stair edge. According to testimony by both the petitioner and the respondent waterproofing and some concrete substrate work was done after removal of the damaged stair elements. Extensive cracking and crumbling of the stair components resulted from many years of the use of salt to melt snow and ice. Thus, an under slab snow melt system was added to the stair restoration work to minimize the use of salt in the future for melting ice and snow and enhance pedestrian safety.

The existing monumental stairs do not have handrails and do not have guards at the cheek wall locations. The petitioner stated that in the seventy year history of the art museum, there have not been problems with the change in grade adjacent to the monumental stair that would require guards and handrails. It is technically infeasible to alter the grade adjacent to the cheek walls due to adjacent access doors and vents in the lower level walls.

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The respondent testified that the construction documents were submitted for a building permit under the MBC and Section 3407.1 was applied which reads:

*MBC Section 3407.1 Historic Buildings states: The provisions of the code relating to the construction, repair, alteration, addition, restoration and movement, and change of occupancy shall not be mandatory for historic buildings where such buildings are judged by the building official to not constitute a distinct life safety hazard.*

The respondent made a determination that the change in grade at the cheek walls constitutes a distinct life safety hazard. Thus, the requirements of MBC Sections 1012 and 1013 were applied to the restoration project for guards and handrails. The respondent stated that had the monumental stair work been submitted separately, the 2006 Michigan Rehabilitation Code for Existing Buildings (MRHC) could have been applied to the stair restoration work and guards would not have been required at the cheek walls.

**Conclusions:**

A building or structure that is part of a National Historic Landmark is defined as an historic building per the MRHC and/or the MBC. Since the subject configuration has existed for 70 years without incident, it cannot now be deemed a life safety hazard. The MRHC and the MBC are both part of the Michigan State Construction Code.

*MBC Section 3403.1 addresses existing buildings or structures and states: Portions of a structure not altered and not affected by the alteration are not required to comply with the code requirements for a new structure.*

Therefore, a separate building permit is not required for repair or restoration work that is simultaneously occurring with other work at the same building or structure.

Furthermore, the MRHC can be applied to the monumental stair work via MBC Section 104.1 whereby the building official has authority to render interpretations of the code and clarify the application of the provisions. Since the MRHC addresses the means for the preservation of historic buildings it can be applied to the monumental stair work.

*MRHC Section 1102.5 Replacement states: Replacement of existing or missing features using original material shall be permitted. Partial replacement for repairs that match the original in configuration, height, and size shall be permitted.*

The subject exterior monumental stair project is not alteration work, but is rather a restoration or maintenance project.

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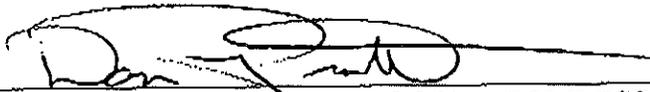
**Decision:**

The subject east and south monumental stairs at the Cranbrook Art Museum were replaced in-kind with like materials including the addition of an under slab snow melt system. Since the Cranbrook Art Museum is part of a national historic landmark, the subject building and monumental stair are subject to requirements for historic buildings in Section 3407 of the MBC or Section 1102.5 of the MRHC.

In accordance with MBC 3403.1 the exterior monumental stair restoration was not altered or effected by the alteration of work inside the Cranbrook Art Museum and thus, is not required to comply with the code requirements for a new structure. Thus, new guards and handrails are not required.

**THEREFORE**, it is ordered that the request for relief is granted and the decision of the City of Bloomfield Hills Construction Board of Appeals is reversed. The reconstruction of the east and south monumental stairs at the Cranbrook Art Museum was performed in compliance with MBC 3403.1 and MRHC Section 1102.5 which permits the replacement of existing or missing features using original materials that match the original dimensions and configuration.

**This order is binding on all parties unless appealed in accordance with the Stille-DeRossett-Hale Single State Construction Code Act, 1972 PA 230, Section 125.1518.**



MICHIGAN CONSTRUCTION CODE COMMISSION  
Don Pratt, Chairperson  
Panel of Appeals

2/23/11 Date