

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

TMP Associates, Inc.,

Petitioner

**Appeal Docket No.
CCC-PRD 08-009**

vs

State of Michigan, Bureau of Construction Codes, Plan Review Division,

Respondent

ORDER OF THE MICHIGAN CONSTRUCTION CODE COMMISSION

Background:

The building that is the subject of this appeal is the existing East Hills Middle School in the Bloomfield Hills School District. The proposed project scope of work is the installation of an incline chair lift on an existing stair within a corridor near the school gymnasium, including the removal of existing exit doors (double doors) from the gymnasium near the existing stair. This project is an alteration of an existing school building. The project plans were revised and approved by the Bureau of Construction Codes in a letter dated December 21, 2007. The design approved in this letter had a layout such that the existing double-doors from the Gymnasium to the corridor were removed and the wall infilled. There were also additional single egress doors added to the Gymnasium further from the existing stairs along the same corridor. Following the approval by the bureau the building owner decided not to implement the approved design. Thus, the bureau plan review letter dated November 7, 2007 (not approving the previous design) is the subject of the appeal. The design that was the subject of this letter kept the existing double doors from the Gymnasium to the subject corridor in place with the proposed incline chair lift located in the required egress width of the corridor stair (in the stowed position).

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Procedural Findings:

On consideration of the request dated September 17, 2008, from TMP Associates, Inc., a hearing before a panel of the Construction Code Commission was held October 1, 2008, 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 Tom Barber representing TMP Associates, Inc, Bruce Coltman representing Bloomfield Hills Schools, Jim Greene representing Bureau of Construction Codes, Plan Review Division and Michael Kinsella representing Acton Rental & Sales Company

Issue:

To appeal the plan review determination of the State of Michigan, Bureau of Construction Codes, Plan Review Division (per their review letter of November 7, 2007 disapproving the project for compliance with 2003 Michigan Building Code, Sections 3410.2.4, 1003.6, and 1014.2. The project plan review submittal was revised per the November 7, 2007 review letter and approved per the plan review letter of December 21, 2007. However, the petitioner does not wish to pursue the revisions approved by the bureau, but rather the design that was not approved as outlined in the plan review letter of November 7, 2007

Findings:

Testimony by the petitioner stated that the installation of the incline stair lift is intended to provide a barrier-free accessible route within the building, connecting the existing gymnasium and classroom areas. The project design was revised by the petitioner after receiving the November 7, 2007 bureau plan review letter not approving the project. The building owner (Bloomfield Hills Schools) was not aware of the design revisions that eliminated the pair of egress doors from the gymnasium. The owner wishes to keep the double doors in place to facilitate the flow of student traffic between the classrooms and the gymnasium. The respondent stated that the addition of the incline stair lift encroached on the required egress width of the corridor as the stowed position is shown in the stair and landing area required by code to be free and clear. Therefore, the existing gymnasium double doors need to be eliminated decreasing the occupant load directly leading to the subject corridor stair. Additional egress doors were added to the gymnasium on the revised drawings to compensate for the double door elimination. The panel questioned the petitioner about the operation of the incline chair lift. The petitioner stated that the chair lift is only operated after a key is placed in the controls thereby minimizing the potential of the stair being blocked by the chair when not in use.

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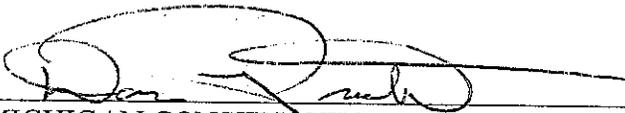
Conclusions:

On the recommendation of the panel, the petitioner and respondent found it acceptable to allow the existing pair of doors (from the Gymnasium to the existing corridor) to remain, with the doors swinging in the direction of egress, if the incline chair lift could be moved out of the required stair width while in the stowed position. The petitioner clarified the handrail layout (relative to the chair lift) for the panel, explaining that an intermediate handrail is required (per 2003 MBC, Section 1009.11.2) wall mounted rails. The drawing could be revised to relocate the stowed position of the chair lift beyond the bottom of the stairs and the required landing depth (equal to at least the stair width).

Decision:

The plan review determination of the State of Michigan, Bureau of Construction Codes, Plan Review Division is upheld based on the fact that compliance with 2003 Michigan Building Code, Sections 3410.2.4, 1003.6, and 1014.2 has not been demonstrated by the design revisions that are the subject of the plan review letter of November 7, 2007 and this appeal. This appeal is adjourned and the petitioner (TMP Associates, Inc.) has seven calendar days from the appeal hearing date to revise and submit the design revisions agreed to be acceptable by the respondent (during the hearing) to the State of Michigan, Bureau of Construction Codes, Plan Review Division. If the revisions have not been submitted by the petitioner and reviewed and deemed in compliance with the code by the respondent within 14 calendar days of this hearing adjournment, the appeal hearing shall re-convene.

THEREFORE, it is ordered that the request for relief from the requirements of 2003 Michigan Building Code, Sections 3410.2.4, 1003.6, and 1014.2 be granted, as described above. 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

10/24/08

Date