
VILLAGE OF HOLLY
ZONING BOARD OF APPEALS
Agenda
April 7, 2008

The regular meeting is scheduled for **7:00 P.M.** in the Village Council Chambers, 315 South Broad Street, Holly, Michigan. For additional information, please contact the Village Office at (248) 634-9571.

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF MINUTES – December 3, 2007

D. PUBLIC COMMENT (Speakers limited to five (5) minutes. With the approval of council speakers may be given up to a five (5) minute extension.)

E. GENERAL BUSINESS

1. Zoning Board of Appeals is to hear a Property Maintenance Code appeal for 201 E. Maple St., David Yezback owner.

This property was purchased with the understanding that there were three apartments to rent out; one on each floor and one in the basement.

A rental inspection was performed and at that time it was noticed that the ceiling height in the basement apartment did not meet the minimum ceiling height requirements set forth in the Property Maintenance Code.

I therefore informed the owner that the basement apartment was not able to be rented. I also informed the owner of his right to appeal my decision regarding the determination of habitable space. He has chosen to appeal my decision to this board.

The Village of Holly uses the International Property Maintenance Code when evaluating rental property and all other property within the Village. The 2006 version of this code was adopted in 2007.

The section in that code regarding ceiling height is as follows:
Chapter 4 Light, Ventilation and Occupancy Limitations Section 404
Occupancy Limitations Section 404.3 Minimum ceiling heights:

Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basement areas shall have a clear ceiling height of not less than 7 feet.

Exceptions:

1. In one- and two-family dwellings, beams or girders spaced not less than 4 feet on center and projecting not more than 6 inches below the required ceiling height.
2. Basement rooms in one- and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a ceiling height of not less than 6 feet 8 inches with not less than 6 feet 4 inches of clear height under beams, girders, ducts and similar objects.
3. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a clear ceiling height of at least 7 feet over not less than one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a clear ceiling height of 5 feet or more shall be included.

There is also under section 404.2 Minimum room widths a stipulation that...A habitable room, other than a kitchen, shall not be less than 7 feet in any plan dimension. The small room used for sleeping right now is only 5'10" X 7'10" with a ceiling height of only 5'10". This issue was not brought up because of the ceiling height restrictions in the entire apartment. However I mention it here as you will see pictures of it on the following pages.

The ceiling heights of this apartment are as follows:

Entry door- 6 ft.

Kitchen- 6ft. to 6ft. 1in.

Hallway- 6ft. 1in. to 6ft. 4in.

Living Room- 6ft. 6in.

Utility Room- 6ft. 6in.

Sleeping Room- 5ft. 10in.

Bathroom- 6ft. 6in.

As you can see the minimum ceiling height required by the code is not met by any of the rooms or the entry way door. An exit door should be no less than 6ft. 8in. This apartment also does not fall into any of the exceptions allowed under this section.

There is an exit egress window in the living room with the following dimensions:

42 inches off the floor

2'10" X 2'6" in dimension
14" X 31" opening

The requirements for a basement exit egress window are as follows:

- A sill height of not more than 44 inches above the floor.
- Emergency escape and rescue openings with a finished sill height below the adjacent ground elevation shall be provided with a window well.
- All emergency escape and rescue openings shall have a minimum net clear opening of 5.7 square feet.
- The minimum net clear opening height shall be 24 inches.
- The minimum net clear opening width shall be 20 inches.
- The minimum horizontal area of the window well shall be 9 square feet with a minimum horizontal projection and width of 36 inches. The area of the window well shall allow the emergency escape and rescue opening to be fully opened.
- Window wells with a vertical depth greater than 44 inches shall be equipped with a permanently affixed ladder or steps usable with the window in the fully opened position.

The basement emergency escape window as it is now does not meet all of the above requirements. It has a net clear opening of roughly 3 square feet and a net clear opening width of only 14 inches. The window well only projects 27 inches from the structure not 36 as is required. The horizontal area is just over 8 square ft. not 9 as is required. It is only 36 inches deep so it would not require a ladder.

Please see the following pages for pictures and dimensions of the rooms.

It is the recommendation of this office that the original decision not to allow the occupation of this apartment for dwelling purposes be upheld. The kitchen is immediately inside of the front door where the ceiling height is the lowest. If a fire were to occur in the kitchen the only means of escape would immediately be cut off. The window escape does not meet the requirements and as it is now someone would not be able to get through the opening. This may not hold true for all people but an average sized person could not get through this opening.

F. BOARD MEMBER COMMENTS

G. ADJOURNMENT