

From: Quinta Vreede <qvreede@gmail.com>
Sent: Monday, February 17, 2020 8:53 PM
To: Planning <Planning@a2gov.org>
Cc: cms8892@gmail.com
Subject: ZBA20-002; 210 Beakes street

Unfortunately we are not able to attend the hearing regarding 210 Beakes Street that is scheduled for Wednesday, February 26, 2020.

We have written a letter to express our concerns with this variance request.

Sincerely,

Caren Stalburg
Quinta Vreede

Caren Stalburg
Quinta Vreede
515 North 5th Avenue
Apartment 2
Ann Arbor, MI 48104

February 17, 2020

Re: ZBA20-002; 210 Beakes Street

Dear Members of the City of Ann Arbor Zoning Board of Appeals

We had wished to be present at the meeting to personally register our concerns regarding this request and to answer any questions that our concerns may have raised. Unfortunately, we will be out of town and therefore will have to rely on this letter to adequately and appropriately raise our concerns as a homeowner and adjoining neighbor.

The City of Ann Arbor has done an exemplary job of creating multi-family zoning lots downtown which help create a vibrant downtown and near-downtown atmosphere. In its exhaustive planning, review and development of the Unified Development Code (UDC), it has published clear guidelines for how developments and properties should be constructed with well-established guidelines for set-backs, heights, etc. As we recall, part of the reasoning was to ensure an appropriate balance between density, and building scale to create the perception of space and openness and yet improve density in the appropriate areas.

Per our review of the request, we understand that the owner of 210 Beakes wishes to expand a second floor dormer and build 2 bedrooms upstairs. Prior to their work on 210 Beakes there was a small dormer window but the space was uninhabitable as living space. The house itself is considered non-conforming as it sits 6 inches from the east side property line that abuts the back of 515 North Fifth Avenue (our backyard) and the west side of 214 Beakes (which we believe is owned by the same person as 210 Beakes as the owner's address for both Beakes' properties is identical).

Per Article 5.32.2 in the UDC, a decision to alter a nonconforming structure should take into account whether it will have a "detrimental effect" on a neighboring property. There are 3 primary harmful effects that we have and/or will encounter if you permit this construction to continue.

1. The 210 Beakes request adds significant mass and compounds the impact of a non-conforming structure.
 - a. Adding mass to the second floor accentuates the true impact of building 6 inches from the property line.
 - b. The existing privacy fence on our property mitigated the impact of the current dwelling (before it was altered) on the property line without the setback, however the addition to the second floor now visually looms over our property without a proper setback. It leaves us with no viable alternative to mitigate the impact of increased building height.
 - c. The design of the dormer doubles the height of the east side wall to the second floor – all 6 inches from the property line.

- d. Adding a dormer that rises above the fence means that anyone in the house could stick their hand out of the window and be in our property. For example, they could empty an ashtray or bucket of water directly onto our property simply by extending their hand outside the window.
2. The fact that 210 Beakes did not have the proper setback did figure into our determination to purchase our unit. However, the presence of the privacy fence and minimal bulk on the second floor were factors in our decision to proceed with the purchase. If this dormer is allowed to remain, we expect that this would have a negative impact on our investment decreasing our future sale price since our backyard would lose significant privacy.
3. During their initial construction of the dormer, significant construction materials landed in our yard creating an unsafe area for us as well as our dogs. The construction people put a ladder into our yard to climb over and partially clean up the yard. In addition, we regularly had to pick up pieces of debris which included wood, insulation, siding, roofing material and nails. While we appreciate their willingness to at least partially clean up the area, the fact that they have to come into our yard at all is unacceptable.

One final point that we would like to make concerns parking. In the application provided by Mr. Fowler, he indicates that no parking is provided. Per Section 5.19 Parking Standards, it states in Section B that “no building shall be altered so that the Floor Area is increased unless the minimum required parking for the entire Building is provided”. Adding two bedrooms to the house would require the addition of at least 1 off-street parking space per *Table 5:19-1 Off-Street Parking Spaces Required* (page 75). This is not addressed in Mr Fowler’s application.

210 Beakes was recently purchased. As part of that process, the owner no doubt would have done his due diligence, conducted a land survey and seen that the house was a non-conforming structure. Yet he proceeded with his purchase and to build out the dormer space without appropriate permitting. Granting this request to expand the non-conforming part of the house is not consistent with the City of Ann Arbor planning ideals and vision. The need to obtain the variance prior to construction should not have been a surprise to the new owner who should have been aware of this requirement and factored it into his decision to purchase the property.

In summary, we are not supportive of further compounding the non-conforming structure by adding extra density and recommend that the added exterior sheathing be removed and the original structure restored. There needs to be a compelling reason for the Zoning Board of Appeals to ignore the intent of the zoning setback guidelines and to allow an owner to further expand the no-conformity by creating significant mass and habitable space on a second floor. We cannot understand what that reason would be at this point.

We urge you to not grant the owner relief from Section 5.32.2 and not permit the un-permitted work on the second floor space to remain.

We have included pictures to show the impact of the new structure that has already been built prior to any variance approval. The dark sheathing surrounding the one window shows the existing structure; the lighter material is all new construction.

Sincerely,



Caren M. Stalburg

Co-owner, 515 North 5th Ave Apt 2



Quinta Vreede

Co-owner, 515 North 5th Ave Apt 2





