

**Zoning Board of Appeals
May 22, 2013 Regular Meeting**

STAFF REPORT

Subject: ZBA13-011, 1207 South State

Summary: Michael Soltis, is requesting permission to alter this non-conforming structure by modifying the roof in order to add two bedrooms to the existing third floor and three bedrooms to the basement.

Background:

The subject parcel is zoned R4C (Multiple-Family Residential District) and located on South State Street, south of McKinley Street. The parcel is non-conforming for required lot size: subject parcel is 4,400 square feet; minimum lot size is 8,500 square feet. The structure was built in 1900 and is 1,885 square feet (2,388 sq ft after additions).

Description:

The petitioner would like to add two bedrooms to the third floor, which will result in the expansion of floor area being used for occupancy, but will not change the footprint of the structure. The existing structure is a registered 2 unit rental with a total of 4 bedrooms. It is zoned R4C, which permits a maximum occupancy of 6 unrelated people per unit. The property is currently permitted a maximum of 6 occupants based on Rental Housing code and unit configuration. Due to the fact that the lot does not meet the minimum lot area requirement of 8,500 square feet, the existing structure is a legal non-conforming structure with two units (City Code requires 2,175 square feet per unit). The proposed plan would keep the total number of units at two and raise the maximum number of occupants to 10. The number of bedrooms will be increased by five, resulting in one 4 bedroom and one 6 bedroom unit, for a total of 10 bedrooms.

In Spring 2012, a building permit was approved that allowed the petitioner to raise the roof and re-build the foundation. The foundation and roof structural work was completed in Summer of 2012, the modifications raised the ceiling height in a section of the third floor as well as the basement. A new contractor was hired, and when new permits were submitted to complete interior work, the additional floor area was noted as needing ZBA approval for a non-conforming structure. The new interior area has not been finished and the Building permit for finish work is on hold pending ZBA action. The petitioner was allowed to complete the foundation work due to structural issues. The petitioner would like to add bedrooms, which will result in the expansion of floor area being used for

occupancy. As noted above, Chapter 55, Section 5:86 (1)(c) states that a nonconforming use cannot be, “expanded or increased in the intensity of use”. With the addition of a room, it is expanding the floor area fit for occupancy.

If the variance is approved, the new bedrooms (and all other planned improvements) will be inspected and will be required to meet all housing and building codes for health and safety, including emergency egress. If the variance is not approved, the petitioner will not be able to use the area gained by the roof reconfiguration or basement as a living space.

Standards for Approval- Permission to Alter a Non-Conforming Structure

The Zoning Board of Appeals has all the power granted by State law and by Section 5:98, from the City of Ann Arbor Zoning Ordinance. The following criteria shall apply:

The alteration complies as nearly as practicable with the requirements of the Zoning Chapter and will not have a detrimental effect on neighboring property.

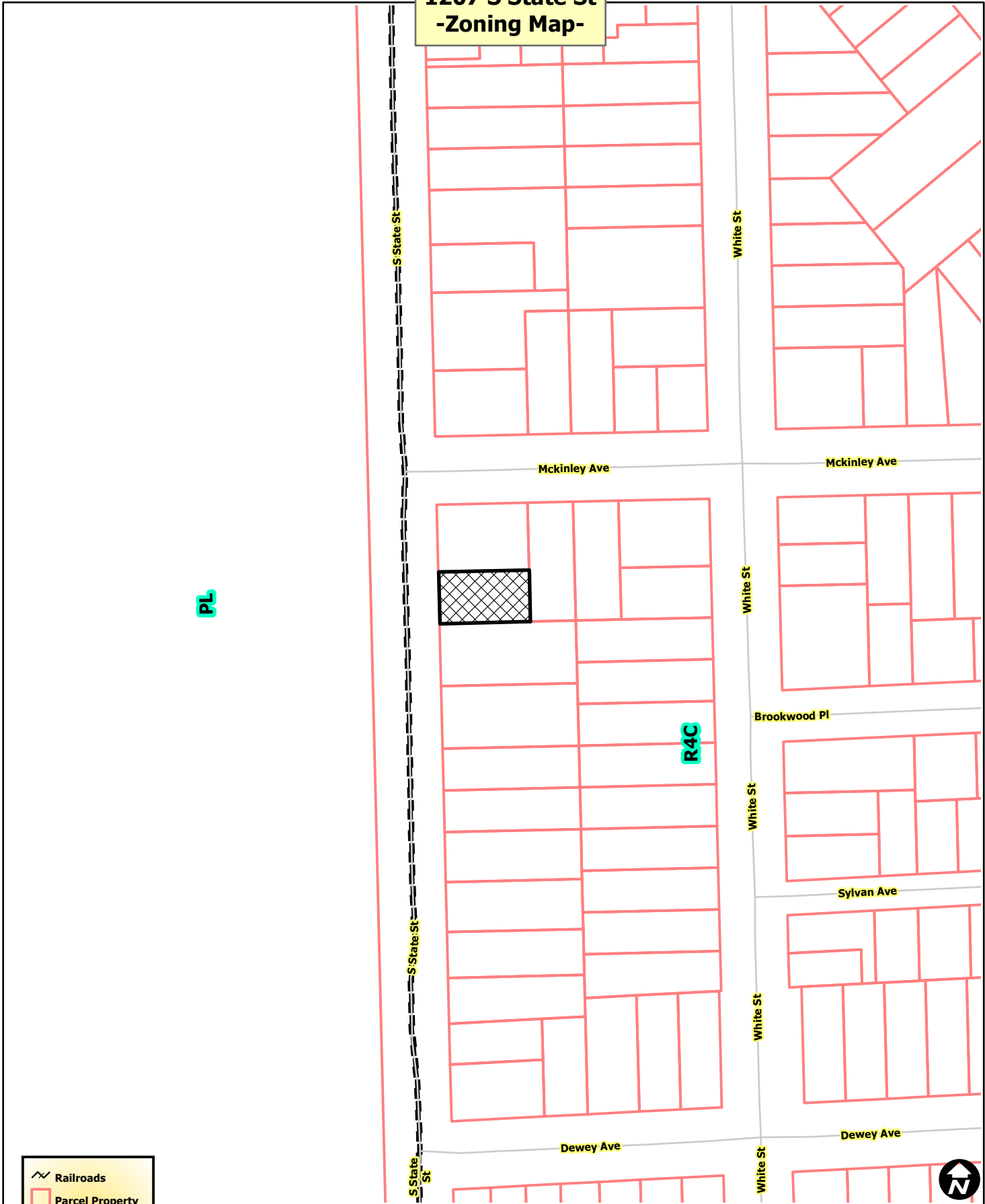
Permission is being requested in order to add two bedrooms to the existing third floor and three bedrooms to the basement. The addition of bedrooms will not expand the footprint or maximum height (30 feet) of the structure. The total number of units will remain at two. While the roofline has changed, the structure is no closer to any property line and the occupancy will be increased to a maximum of 10. The two-family use is consistent with the surrounding uses and the addition of bedrooms to the structure should not have a detrimental effect on adjacent property.

Respectfully submitted,



**Matthew J. Kowalski, AICP
City Planner**

1207 S State St -Zoning Map-



PL

R4C

Railroads
 Parcel Property
Zoning
 Township Island
 Zoning



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 Map Created: 4/30/2013

1207 S State St -Aerial Map-



 Railroads
 Parcel Property



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1207 S State St -Aerial Map-



 Railroads
 Parcel Property



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Map Created: 4/30/2013

APPLICATION FOR VARIANCE OR NON-CONFORMING STRUCTURE
ZONING BOARD OF APPEALS

Section 1: Applicant Information

Name of Applicant: Michael W. Soltis
Address of Applicant: 1910 Hill St
Daytime Phone: 248 207 2698
Fax: _____
Email: mike@mikesoltis.com
Applicant's Relationship to Property: Owner

Section 2: Property Information

Address of Property: 1207 S. State St.
Zoning Classification: R4C
Tax ID# (if known): 09-09-33-210-005
*Name of Property Owner: Michael W. Soltis

**If different than applicant, a letter of authorization from the property owner must be provided.*

Section 3: Request Information

Variance n/a

Chapter(s) and Section(s) from which a variance is requested:

Required dimension:

PROPOSED dimension:

_____	_____	_____
_____	_____	_____
_____	_____	_____

Example: Chapter 55, Section 5:26

Example: 40' front setback

Example: 32'

Give a detailed description of the work you are proposing and why it will require a variance (attach additional sheets if necessary)

Section 4: VARIANCE REQUEST (If not applying for a variance, skip to section 5)

The City of Ann Arbor Zoning Board of Appeals has the powers granted by State law and City Code Chapter 55, Section 5:98. A variance may be granted by the Zoning Board of Appeals only in cases involving practical difficulties or unnecessary hardships when **ALL** of the following is found **TRUE**. Please provide a complete response to each item below. These responses, together with the required materials in Section 5 of this application, will form the basis for evaluation of the request by staff and the Zoning Board of Appeals. (continued...)

1. Are there hardships or practical difficulties to complying with the ordinance? Are these hardships or practical difficulties an exception or unique to the property compared to other properties in the City?

2. Are the hardships or practical difficulties more than mere inconvenience, inability to obtain a higher financial return? (explain)

3. What effect will granting the variance have on the neighboring properties?

4. What physical characteristics of your property in terms of size, shape, location or topography prevent you from using it in a way that is consistent with the ordinance?

5. Is the condition which prevents you from complying with the ordinance self-imposed? How did the condition come about?

Section 5: ALTERATION TO A NON-CONFORMING STRUCTURE

Current use of the property 2 unit rental house

The proposed change is allowed in accordance with Structure Non-Conformance, Section 5:87 (1) (a) & (b), which reads as follows:

- (1) A non-conforming structure may be maintained or restored, but no alteration shall be made to a non-conforming structure unless one of the following conditions is met:
 - a. The alteration is approved by the Zoning Board of Appeals upon finding that it complies as nearly as practicable with the requirements of this Chapter and that it will not have a detrimental effect on neighboring property.
 - b. The alteration conforms to all the requirements of this Chapter and is made to a building which will be a single-family dwelling on completion of the alteration and is located in an R1,R2, R3, or R4 district.
 - c. The structure is considered non-conforming due to the following reasons

(continued)

	<u>Existing Condition</u>	<u>Code Requirement</u>
Lot area	4400 ft ²	8500 ft ²
Lot width	50 ft	60 ft
Floor area ratio		
Open space ratio		
Setbacks	f s r 32' 6'4" 26	25 12 30
Parking	1	3
Landscaping		
Other	. front set back to street.	

Describe the proposed alterations and state why you are requesting this approval:

see the attachment.

The alteration complies as nearly as is practicable with the requirements of the Chapter and will not have a detrimental effect on neighboring property for the following reasons:

The majority of the work is inside and will not be seen by the neighbors however extreme care was take to integrate the design of the 3rd floor so it looks like it has always been there. It will be beautiful when it is painted!

Wherefore, Petitioner requests that permission be granted from the above named Chapter and Section of the Ann Arbor City Code in order to permit alterations to a non-conforming structure.

Section 6: Required Materials

The following materials are required for all variance requests. Failure to provide these materials will result in an incomplete application and will delay staff review and Zoning Board of Appeals consideration of the request. The materials listed below must accompany the application and constitute an inseparable part of the application.

All materials must be provided on 8 1/2" by 11" sheets. (Continued.....)

- Survey of the property including all existing and proposed structures, dimensions of property, and area of property.
- Building floor plans showing interior rooms, including dimensions.
- Photographs of the property and any existing buildings involved in the request.
- Any other graphic or written materials that support the request.

Section 7: Acknowledgement

SIGNATURES MUST BE SIGNED IN PRESENCE OF NOTARY PUBLIC

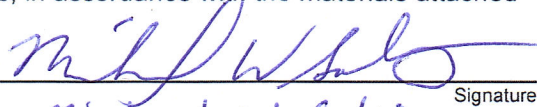
I, the applicant, request a variance from the above named Chapter(s) and Section(s) of the Ann Arbor City Code for the stated reasons, in accordance with the materials attached hereto.

(248) 207-2698

Phone Number

Mike@MikeSoltis.com

Email Address

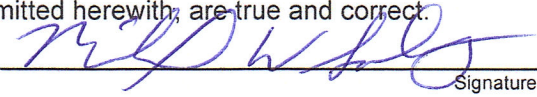


Signature

Michael W. Soltis

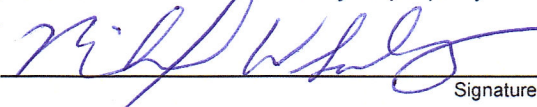
Print Name

I, the applicant, hereby depose and say that all of the aforementioned statements, and the statements contained in the materials submitted herewith, are true and correct.



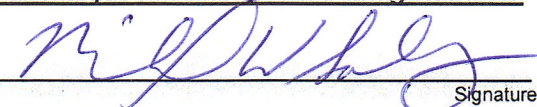
Signature

Further, I hereby give City of Ann Arbor Planning & Development Services unit staff and members of the Zoning Board of Appeals permission to access the subject property for the purpose of reviewing my variance request.



Signature

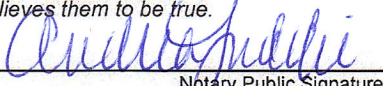
I have received a copy of the informational cover sheet with the deadlines and meeting dates and acknowledge that **staff does not remind the petitioner of the meeting date and times.**



Signature

On this 1 day of May, 2013, before me personally appeared the above named applicant and made oath that he/she has read the foregoing application by him/her subscribed and knows the contents thereof, and that the same is true as to his/her own knowledge except as to those matters therein stated to be upon his information and belief as **ANDREA TADDIE**, he/she believes them to be true.

**Notary Public, Washtenaw County, MI
My Commission Expires Dec. 9, 2018**



Notary Public Signature

12-9-18

Notary Commission Expiration Date

Andrea Taddie

Print Name

Staff Use Only

Date Submitted: _____

Fee Paid: _____

File No.: _____

Date of Public Hearing _____

Pre-filing Staff Reviewer & Date _____

ZBA Action: _____

Pre-Filing Review: _____

Staff Reviewer & Date: _____

1207 S State St				
Item	Existing	Proposed	Change	
Number of Units	2	2	none	
Unit #1 - 1st floor, basement	1 BR	4 BR	3BR	
Unit #2 - 2nd, 3rd floor	3 BR	6 BR	3BR	
Use Unit #1	2 people	4 people	2 people	
Use Unit #2	4 people	6 people	2 people	
House description	2.25 story	2.5 story		
Useable Square Feet (Per Assessor)	1885	2388	503	
Useable Floor Area (sq ft) - Habitable Space Including basement. Note: stairways, halls, etc. not included.				
Item/ Room / Labeled on Dwg	Use		Area ft²	
UNIT #1 - Basement	Existing	Proposed	Existing	Proposed
laundry & storage area	laundry	laundry	460	64
Bedroom # 1 9' x 12'	n/a	Bedroom	0	115
Bedroom # 2 9 1/2' x 12'	n/a	Bedroom	0	114
Bedroom # 3 9' x 12'	n/a	Bedroom	0	108
Bathroom 6 1/2' x 9'	n/a	Bathroom	0	59
UNIT #1 - 1st Floor	Existing	Proposed	Existing	Proposed
Bedroom ~ 12 x 13	Bedroom	Bedroom	160	160
Living Room ~ 13 x 16	Living Room	Living Room	215	215
Kitchen ~ 10.5 x 11	Kitchen	Kitchen	118	118
Bathroom ~ 10 * 8	Bathroom	Bathroom	83	83
Shared Entry ~ 9 x 10	Shared Entry	Shared Entry	90	90
UNIT # 2 - 2nd Floor	Existing	Proposed	Existing	Proposed
Bedroom 7 1/2 x 10 + 3 x 4 1/2 1/2 x 10 + 3 x 4 1/2	Bedroom	Bedroom	89	89
Bedroom 11 x 12 + 5 x 7 1/2	Living Room	Bedroom	170	170
Bedroom 10 1/2 x 11	Bedroom	Bedroom	116	116
Bedroom 9 x 10 1/2	Bedroom	Bedroom	95	95
Bathroom #1	Bathroom	Bathroom	38	38
Bathroom #2	Kitchen	Bathroom	44	44
UNIT # 2 - 3rd Floor	Existing	Proposed	Existing	Proposed
Bedroom #3 10 1/2 x 14	n/a	Bedroom	0	125
Bedroom #1 11 1/2 x 14	n/a	Bedroom	0	137
Living Room 14' x 14'	n/a	Living Room	0	167
Kitchen 8' x 13 1/2'	n/a	Kitchen	0	108
Bathroom 7' x 8'	n/a	Bathroom	0	48
Laundry 5' x 7 1/2'	n/a	Laundry Closet	0	32

April 29, 2013

City of Ann Arbor Zoning Board of Appeals for: 1207 South State Street

Permission to Alter a Non-Conforming Structure

ZBA Application Attachment

History of Project

The house was purchased by the current owner in spring of 2012. The structure is a 2 unit, rental house, with 2 occupants in unit #1 and 4 occupants in unit #2.

In June 2012 plans to modify the property within the existing footprint were submitted to the city and approved. This plan was to add 3 bedrooms to unit #1 in the basement and 2 bedrooms to unit #2 on the 3rd floor.

Phase one of the construction was completed in the summer of 2012. The third floor was completely removed and rebuilt. The plan was to complete the project in the summer of 2013.

The city assessor's office reassessed the property for the current tax year and increased the taxable value based on the partial completion of the project.

In the spring of 2012 the builder on the project became unavailable to complete the project. A new builder was found and requested that a new permit be pulled to complete the project under his license.

When the plans were resubmitted it was decided that the plans were mistakenly approved in 2012 and that the project be brought to the Zoning Board of Appeals for review and approval.

Description of Project

The house is a 2 unit rental house zoned R4C. R4C requires 8,500 square feet and a 30' setback. Currently the property and house are non-conforming due to the lot size and setback. The lot area is 4,400 square feet and the rear setback is 26'.

No change of building use is requested. The building is to remain a 2 unit rental house.

Unit #1 (Basement & 1st Floor) holds 2 people and the plan is to have it hold 4 people by adding 3 bedrooms in the basement.

Unit #2 (2nd & 3rd Floors) holds 4 people and the plan is to have it hold 6 people by adding 2 bedrooms and a better living room on the 3rd floor. The kitchen will be moved to the 3rd floor and will be bigger and better laid out.

Useable area according to assessor was 1885 square feet and is proposed to be 2388 square feet.

The property owner wishes to renovate the property without changing the footprint of the house and complete the renovations this summer.

Description of Work

- Remove the 3rd floor and rebuild with knee walls to allow additional floor space. This was completed in 2012. The exterior work was done to closely match the existing structure including copying the exterior trim details and features as much as possible.
- Since the 3rd floor roof structure was completed last summer the 3rd floor needs to be finished. It is open to the second floor by an open stairway and is not finished or insulated.
- Remove existing chimney on 3rd floor only to improve HVAC routing.
- 3rd floor – add framing/walls, insulation, electrical, mechanical & plumbing and finishes to create a living room, 2 bedrooms, kitchen, bathroom and laundry area.
- 2nd floor - Convert the tiny 2nd floor kitchen to a bathroom. Repair the existing 2nd floor bathroom with new tub and tile. The three existing bedrooms and living room have no changes.
- The basement foundation will be replaced due to leaking and cracked walls. Some of the structure has deteriorated. The rebuilt foundation and proper drainage will address these damaged areas. New I beams will replace the current wooden support beams. This work is being done under a foundation permit.
- In the basement add framing/walls, insulation, windows, electrical, plumbing, mechanical and finishes to create 3 bedrooms, a bathroom and a laundry area. Currently the basement holds the mechanicals and the laundry.

General improvements and upgrades as a result of the modifications.

- The added space in unit #2 will make it safer for the renters. Before the modifications and currently renters use the unfinished space on the 3rd floor as living area even though it is blocked off.
- Adding new windows (done in attic), insulation, separate heating and cooling will make the house more comfortable and efficient for everybody living in the house. There won't be competing heating and cooling demands for different levels of the house at the same time.
- Separate, on demand, energy efficient hot water heaters for each unit.
- Separate electrical panels in each unit for easy access.
- Safety Requirements: Upgraded electrical. Units fire separated. Interconnected Smoke detectors. CO2 detectors in both units. Proper egress in all required areas.
- The living room for unit #2 will be better located and bigger than the oddly shaped room that is currently designated as the unit #2 living room. The tenants will like it much more.
- The three parking spaces available in the rear of the house consume less than 1,200 square feet.
- The house will get new storm windows on the existing windows and new paint all over.
- Interior trim will be duplicated with custom tools to keep the charm of the house.

Why the Request

Owner is requesting to complete alterations to a non-conforming structure that were started last year under an approved permit. This will restore the house in its original character and make it a highly desirable residence. Owner is currently being taxed on a partially complete project that has added no value in the uncompleted state. Owner has a signed lease for Aug 2013 that he would like to honor.

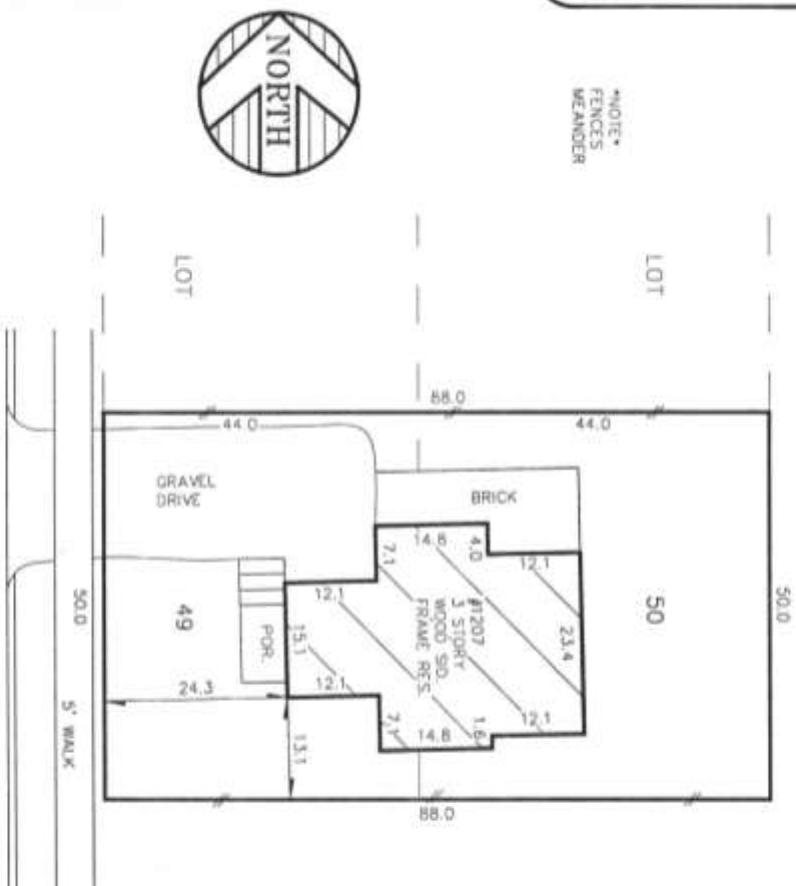
MORTGAGE SURVEY

Certified to: HOMESTEAD MORTGAGE

Applicant: DAVID MARK RICHES

Property Description:

South 50 feet of Lots 49 and 50; WHITE'S ADDITION TO THE CITY OF ANN ARBOR, in Section 33, Town 2 South, Range 6 East, Washtenaw County, Michigan, as recorded in Liber 2 of Plats, Page 14 of Washtenaw County Records.



CERTIFICATE: We hereby certify that we have surveyed the above-described property in accordance with the description furnished for the purpose of a mortgage loan to be made by the forementioned applicants, mortgagee, and that the buildings located thereon do not encroach on the adjoining property, nor do the buildings on the adjoining property encroach upon the property heretofore described, except as shown. This survey is not to be used for the purpose of establishing property lines, nor for construction purposes, no stakes having been set at any of the boundary corners.

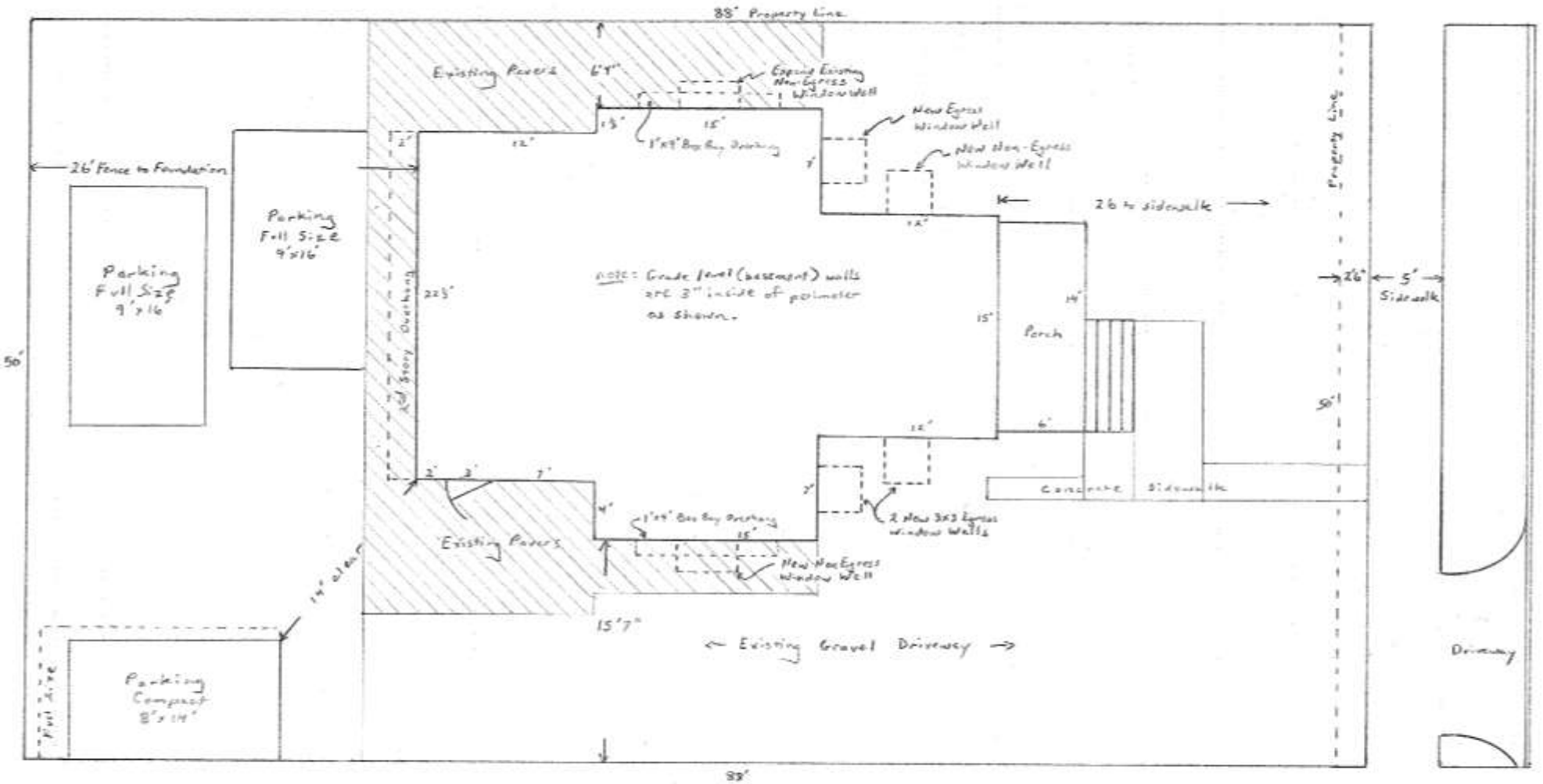


L.R. Schradler P.E.

JOB NO: 02-65574 SCALE: 1"=20'
DATE: 08-12-02 DR BY: SS

KEM-TEC
LAND SURVEYORS
22305 Grand Avenue
Eastpointe, MI 48021-2212
(810) 772-2222
FAX (810) 772-2048

KEM-TEC WEST
LAND SURVEYORS
800 E. STADIUM
Ann Arbor, MI 48104-1412
(734) 994-0888 • (800) 433-6133
FAX (734) 994-0887



REV 1 4/29/2013

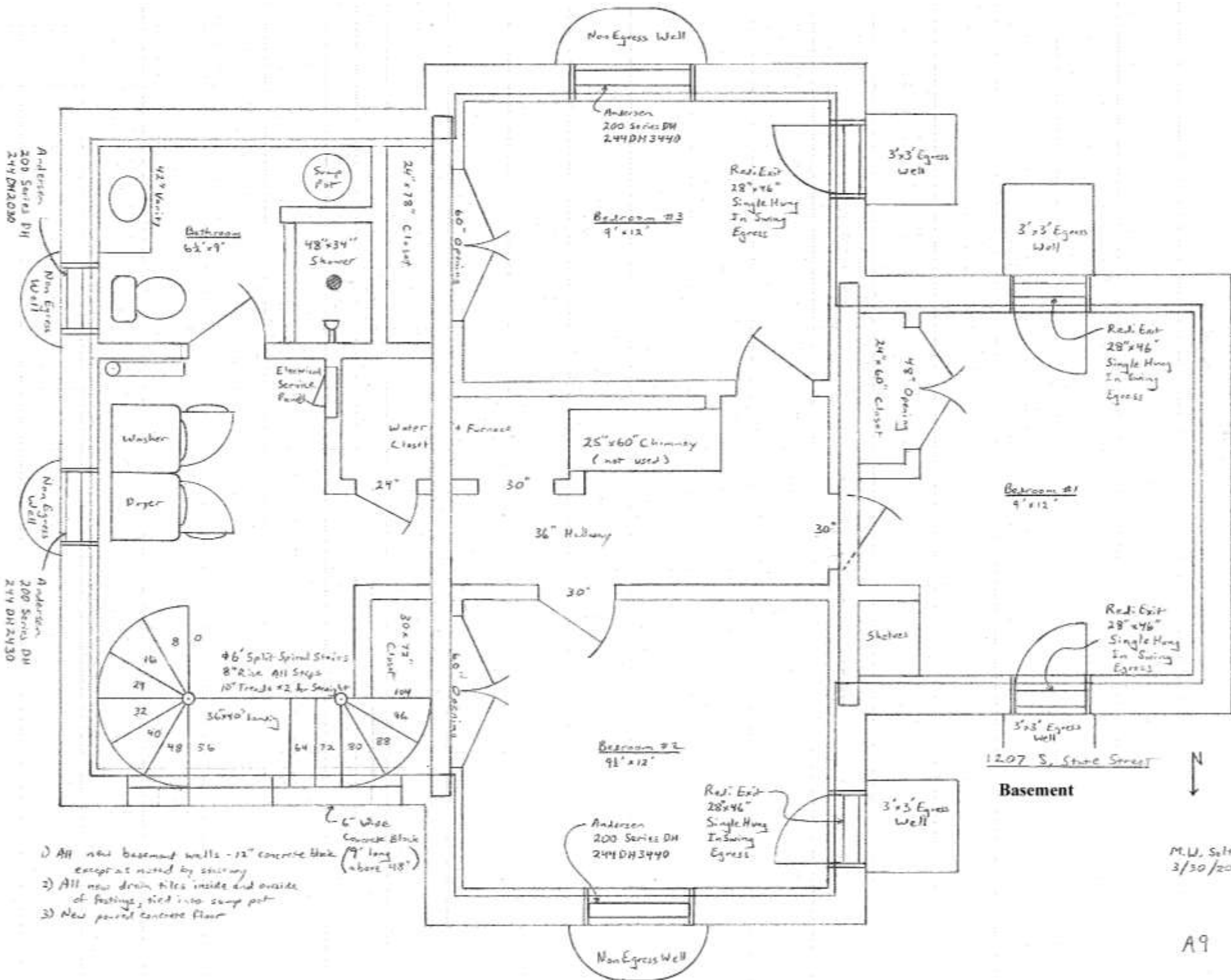
- A. Added parking spaces
- B. Show existing pavers
- C. Show existing concrete sidewalks
- D. Detail to clarify existing driveway

- 1) House will be lifted to perform basement/foundation repair/replacement work as required and addition of drain tiles. It will be set back down on existing supports.
- 2) Backfill and regrade as required upon completion.
- 3) Repair or replace existing driveway as required

1207 S. State Street

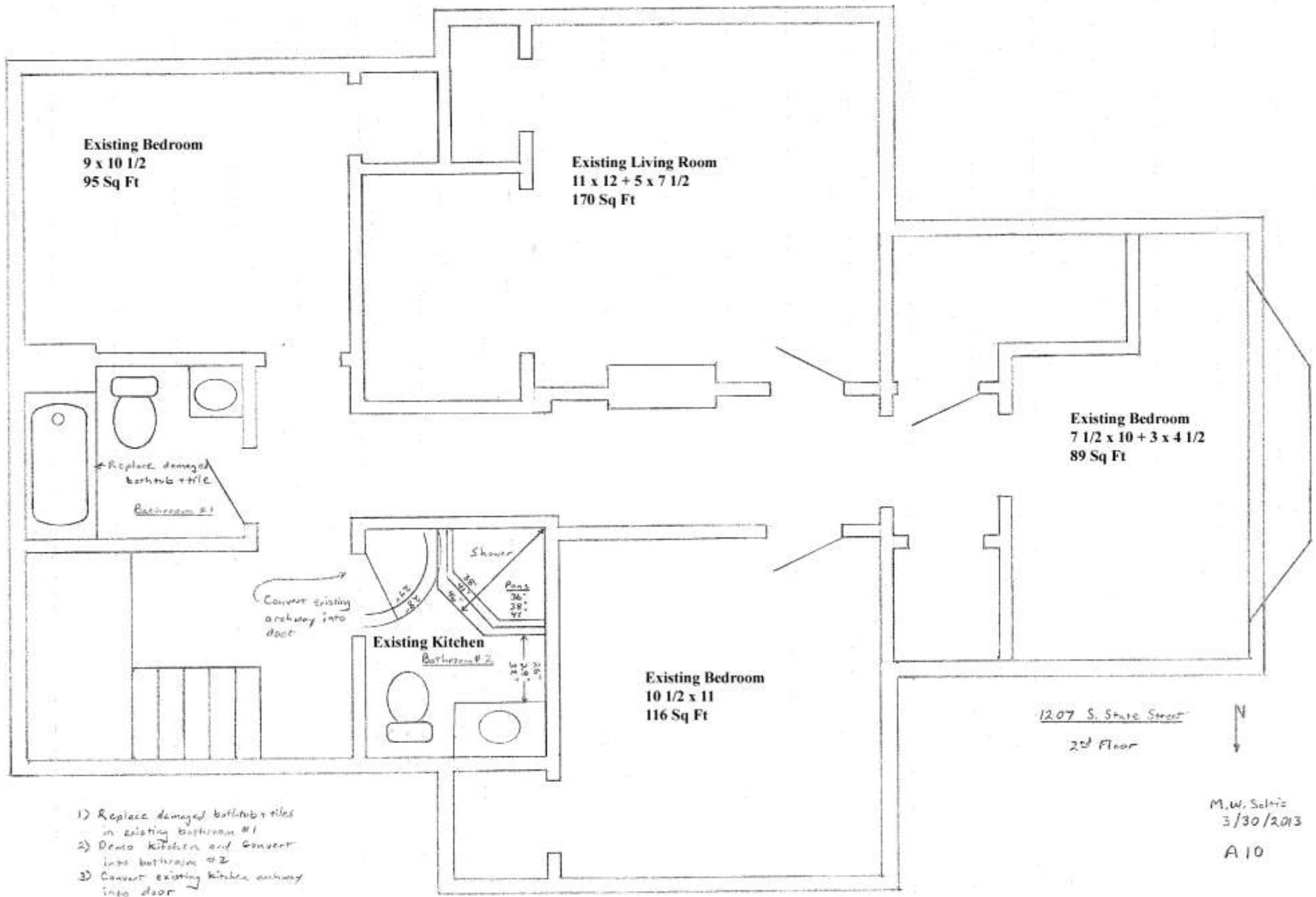


M.W. Sofka
3/30/2013
All rev 1



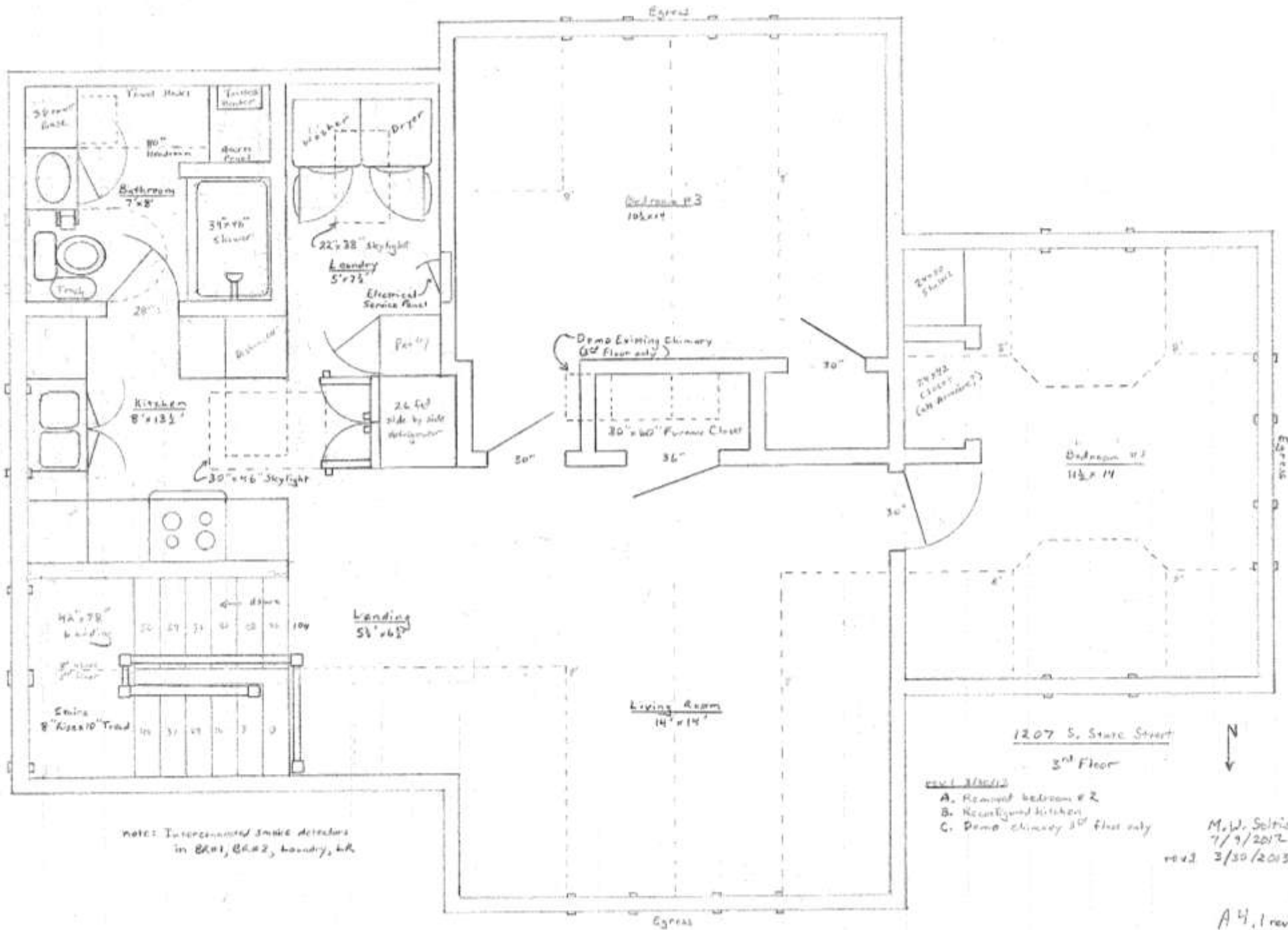
- 1) All new basement walls - 12" concrete block (6" wide concrete block 19" long above 48")
- 2) All new drain tiles inside and outside of footings, tied into sump pot
- 3) New poured concrete floor

M.W. Seltis
3/30/2013



- 1) Replace damaged bathtub tiles in existing bathroom #1
- 2) Demo kitchen and convert into bathroom #2
- 3) Convert existing kitchen hallway into door

M.W. Seltz
3/30/2013
A 10





1207 South State Street, 2012



1207 S State Street, 2013