

# ANN ARBOR HOUSING BOARD OF APPEALS

## STAFF REPORT

**Meeting Date: July 12, 2016**

**Type of Request: VARIANCE**

Housing Board of Appeals Request HBA15-002 at 1395 COLER ROAD, ANN ARBOR, MI 48104.

(Parcel Identification Number: **09-09-33-412-002**)

### DESCRIPTION AND DISCUSSION

#### Property Owners Name and Address:

Joe Hayes – Howard Hanna Real Estate Services (Agent)  
1884 W. Stadium Blvd  
Ann Arbor, MI 48103

### BACKGROUND

The house at 1395 Coler Road was built in 1924 and appears to be original construction with 2 bedrooms on the first floor and 2 bedrooms on the second floor.

The owner of the residence located at 1395 Coler Rd., Ann Arbor, MI requests three variances:

#### **(1) Stairs to second floor.**

Variance from 8:504(4)(b)(4): The treads shall be not less than 9 inches Deep.

Inspection found that tread depths vary and are less than 7 inches.

#### **(2) Second floor hallway ceiling.**

Variance from 8:503(3)(b): At least 50% of the required floor area of every habitable room with a sloping ceiling shall have a ceiling height of at least 7 feet (84 inches). The floor area of that part of any room where the ceiling height is less than 5 feet (60 inches) shall not be considered as part of the floor area in computing the total floor area of the room.

Inspection found that the ceiling is 79 ½ inches at the highest point and 57 ½ inches at the lowest point.

#### **(3) Two second floor bedroom ceilings.**

Variance from 8:503(3)(c): All of the required area of habitable rooms, other than cellar, sloped ceiling and basement rooms, shall have a ceiling height of at least 7 feet (84 inches).

Inspection found that the ceiling in both rooms is 79 ½ inches.

**Section 8:515 (2) of the Ann Arbor Housing Code:** The City of Ann Arbor Housing Code allows the Housing Board of Appeals to grant variances from the requirements of Chapter 105.

**Standards for Approval:**

1. *Practical difficulties or unnecessary hardship;*
2. *The variance does not violate the intent of this chapter; and*
3. *The variance does not jeopardize public health and safety.*

**STAFF RECOMMENDATION**

Staff recommends that all variances should be granted.

**PROPOSED MOTION**

I move to approve the following variances at 1395 Coler Road:

- (1) Stairs to the second floor that have a variable tread depth less than 7 inches, which does not comply with section 8:504(b)(4);
- (2) Ceiling in the second floor hallway that is between 79 ½ and 57 ½ inches, which does not comply with section 8:503(3)(b); and
- (3) Ceilings in the two second floor bedrooms that are 79 ½ inches high, which does not comply with section 8:503(3)(c).

The board finds that:

- (1) Practical difficulties or unnecessary hardship exist because the stairs and ceiling were constructed around 1924, the correction would entail a substantial remodel at significant cost and the health and safety benefit is not proportional to the cost.
- (2) The variances do not violate the intent of the chapter because the deviation from the requirements is not excessive, will not cause deterioration of the building, and saves costs to the owner and renter.
- (3) The variances do not jeopardize public health and safety because the deviations are minimal and are not health- or safety-critical.



**CITY OF ANN ARBOR**  
 Planning & Development Services  
 Mailing Address: 301 E. Huron Street, PO Box 8647  
 Ann Arbor, MI 48107-8647  
 Phone - (734) 794-6264 Fax - (734) 994-8460  
[rentalhousing@a2gov.org](mailto:rentalhousing@a2gov.org)

For Inspections Results  
 go to:  
[www.a2gov.org/permits](http://www.a2gov.org/permits)  
 Select "Permits"

**HOUSING INSPECTION CODE VIOLATION NOTICE**

Address 1395 Colter Apt # \_\_\_\_\_ Initial Inspection Date 5/6/15  
 Reinspection Date/Time \_\_\_\_\_

**YOU HAVE THE RIGHT TO APPEAL VIOLATIONS OR DEADLINES TO THE BOARD OF APPEALS**

The following code violations have been cited during this inspection.

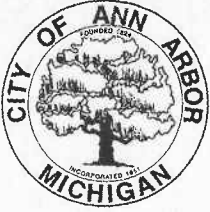
NAV = NO APPARENT VIOLATIONS

	CELLAR - N.H.
	SECURE CEILING LIGHT, S.E. CORNER - 8504
	REPLACE DRYER VENTING WITH 28 GA. ALUMINUM
	DRYER DUCT - 8504
	INSTALL A VACUUM BREAKER ON THE
	LAUNDRY FAUCET - 8507
	SECURE LAUNDRY TUB TO FLOOR - 8507
	PROVIDE & MAINTAIN A MIN. 5 FEET
	OF CLEARANCE FROM FINNACE & WATER
	HEATER TO STORAGE - 8509
	PROVIDE COPY OF RECENT FINNACE
	CLEAN & CHECK - 8506
	REPAIR/REPLACE RADON HAV, NOT
	WORK - 8505
	OBTAIN PERMIT & FINAL INSPECTION APPROVAL
	FOR WATER HEATER - 8518
	INSTALL A SMOKE ALARM - 8527
	1ST Floor
	KITCHEN - NAV
	FRONT BED ROOM - 9'-2" x 18'-6"
	BATH ROOM - SECURE LOOSE TOILET - 8507
	INSTALL PIN-LOCK OR SIMILAR IN WINDOW - 8503
	BACK BED ROOM - MISSING SMOKE ALARM - 8527

Omission of reference to any item during this inspection shall not nullify any requirement of the housing code nor exempt the owner/agent from meeting such requirements.

Your signature confirms that you have read and understand all violations and notes cited on this document. If you cannot read the handwriting or do not understand why a violation was cited, please discuss this with the inspector before signing this form.

Inspector Signature/Date \_\_\_\_\_ Authorized Agent Signature/Date \_\_\_\_\_



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 Reinspection Date/Time \_\_\_\_\_

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	BACK BED ROOM CASE	9'-6" x 9'-6"	1, OCC.
	SCRAPE + PAINT CEILING @ BOTTOM OF STAIRS TO 2ND FLOOR - 8509		
	2ND FLOOR		
	STAIRS NOT COMPLIANT - TREAD DEPTHS VARY, LESS THAN 7" WINDOWS NOT TO CODE.		
	SLOPED CEILING @ TOP OF STAIR 79 1/2" ON HIGH SIDE 57 1/2" ON LOW SIDE		
	2 ROOMS NOT HABITABLE		
	1ST ROOM -		
	CEILING HEIGHT IS 79 1/2" 84" REQUIRED		
	ROOM AREA 11'-2" X 12'-3" + 2'-9" X 7'-2"		
	WINDOWS 37" H X 30" W 14" H X 3 1/2" W		
	32" W X 37" H HAS A/C IN IT		
	NEEDS NEW SMOKE ALARM PROPERLY MOUNTED.		
	2ND RM.		
	35" H X 33" W OPENING 17" H X 35" W		
	38" H X 31 1/2" W OPENING - 14" H X 31 1/2" W		
	ROOM AREA - 9'-6" X 15'-1" + 2'-5" X 2'-4"		
	C.H. 81" NEEDS SMOKE ALARM.		

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Inspector Signature/Date \_\_\_\_\_ Authorized Agent Signature/Date \_\_\_\_\_



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[www.a2gov.org/permits](http://www.a2gov.org/permits)  
 Select "Permits"

**HOUSING INSPECTION CODE VIOLATION NOTICE**

Address 1395 Coler Apt # \_\_\_\_\_ Initial Inspection Date 5/6/15  
 Reinspection Date/Time \_\_\_\_\_

**YOU HAVE THE RIGHT TO APPEAL VIOLATIONS OR DEADLINES TO THE BOARD OF APPEALS**

The following code violations have been cited during this inspection.

NAV = NO APPARENT VIOLATIONS

	BATH Room -
	Light over sink has an outlet, must
	be GFCI protected or removed 8505
	GFCI @ sink is not grounded, check
	for ground wire, if it cannot be
	grounded label outlet "no equipment ground"
	RE-CAULK shower
	THE 2 ROOMS HAVE ELECTRIC BASE BOARD
	HEATERS PROVIDE MANUFACTURE INSTALLATION
	INSTRUCTIONS FOR CLEARANCE TO DRAPERY
	AND FURNISHINGS -
	Room 2, THERE ARE CURRENTLY FURNISHINGS
	AND DRAPERY IN DIRECT CONTACT WITH
	HEATERS, MOVE ASAP
	INSTALL SMOKE ALARM @ TOP OF STAIRS.
	SECURE LOOSE GUARD RAIL - 8509
	EXTERIOR -
	SCRAPE + PAINT WINDOW TRIM
	VACATE 2ND Floor Rooms, NOT HABITABLE
	OBTAIN VARIANCE For Ceilng Height + STAIRS

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Inspector Signature/Date \_\_\_\_\_

Authorized Agent Signature/Date \_\_\_\_\_





**City of Ann Arbor**  
**PLANNING & DEVELOPMENT SERVICES — CONSTRUCTION SERVICES**  
 Mailing: 301 E. Huron St. | P.O. Box 8647 | Ann Arbor, Michigan 48107-8647  
 p. 734.794.6263 | f. 734.994.8460 | building@a2gov.org

**APPLICATION FOR VARIANCE AND/OR TIME EXTENSION**  
**HOUSING BOARD OF APPEALS**

<b>Section 1: Applicant Information</b>		
Name of Applicant: <u>Joe Hayes - Howard Hanna Real Estate Services</u>		
Address of Applicant: <u>1884 W. Stadium Blvd, Ann Arbor, MI 48103</u>		
Daytime Phone: <u>734-994-4400</u> Fax: <u>734-665-9918</u>		
Email: <u>Joe.Hayes@HowardHanna.com</u>		
Applicant's Relationship to Property: <u>Agent (see enclosed letter of authorization)</u>		
<b>Section 2: Property Information</b>		
Address of Property: <u>1395 Coles, Ann Arbor, MI 48104</u>		
Zoning Classification: <u>Residential</u>		
Tax ID# (if known): <u>09 09 33 412 002</u>		
*Name of Property Owner: <u>Jesse Steed</u>		
<i>*If different than applicant, a letter of authorization from the property owner must be provided.</i>		
<b>Section 3: Request Information</b>		
<input checked="" type="checkbox"/> Variance		
Chapter(s) and Section(s) from which a variance is requested:		
<u>Chapter 105</u>	REQUIRED dimension:	PROPOSED dimension:
<u>- Section 8: 503(3)</u>	• <u>84" Upstair Ceiling Height</u>	• <u>79 1/2" Ceiling Height.</u>
<u>- Section 8: 504(4)(b)</u>	• <u>Stairs - consistent riser heights (9" max) 3 tread depth (9" minimum)</u>	• <u>Tread depth of 7"</u>
		• <u>Risers are under 9" but vary in height (6 1/2 - 7 3/4)</u>
Example: Chapter 105, Section 5:26	Example: 6', 8" Basement Ceiling Height Clearance	Example: 6', 6" Basement Ceiling Height Clearance
Give a detailed description of the work you are proposing and why it will require a variance (attach additional sheets if necessary)		
<u>Owner would like to use the upper 2 rooms as "habitable spaces" as-is. Please see the enclosed drawings from architect Philip Hill, where he states "There is no way to create stairs that meet the exact code requirements without a complete redesign of the house plan."</u>		

**Section 4: Variance Request** (If not applying for a variance, skip to section 5)

The City of Ann Arbor Housing Board of Appeals has the powers granted by City Code Chapter 105. A variance may be granted by the Housing 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 Housing Board of Appeals.

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?  
The inability to use the upstairs as a habitable space would make it much more difficult for the owner of the property to lease or sell. The owner currently lives out of state, and intends to lease the property until he is able to move back to Ann Arbor or it makes financial sense to sell.
2. Are the hardships or practical difficulties more than mere inconvenience, inability to obtain a higher financial return? (explain) Because the owner had to move out of state, the property has been used as a rental. Without using the upstairs as a habitable space, the current tenants would have to move, and it would be more difficult to lease in the future. Also, the rate of return on the rental would be greatly diminished.
3. What effect will granting the variance have on the neighboring properties?  
The market value of the property (both as a rental and when eventually sold) would remain on par with the surrounding properties in the neighborhood. Whereas, a decrease in market value for this individual property may have an adverse affect on neighboring property values.
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?  
The construction of the stairs and the height of the upstairs ceiling would not be able to be changed without a complete redesign of the entire house plan. Philip Hill (Architect) was hired to draw the house plan for this variance request, and that was his conclusion (as he stated on the submitted drawings).
5. Is the condition which prevents you from complying with the ordinance self imposed? How did the condition come about?  
The property was purchased in 2009, with the staircase and upstairs already built in. It was a foreclosure at the time, marketed as a 1 1/2 story, 4 bedroom home (finished upstairs included), and the owner didn't know the stairs or ceiling height might cause an issue until he had to lease out the property.

**Section 5: Time Extension**

Current use of the property \_\_\_\_\_

Explain why you are requesting a time extension:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**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 Housing 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**.

- 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.
- A Complete List of Tenant Names so that they can be notified that the HBA will do a 'walk-through' of the property on the day of the hearing.

**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.

734-994-4400  
Phone Number

*[Handwritten Signature]*  
Signature

JoeHayes@HowardHanna.com  
Email Address

Joe Hayes  
Print Name

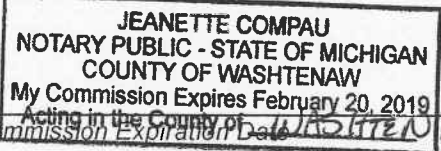
I, the applicant, hereby depose and say that all of the aforementioned statements, and the statements contained in the materials submitted herewith, are true and correct. I acknowledge that I've received all instructions, time, date and place of meeting and will be present to present the appeal. Staff will not send additional notification of meeting times.

*[Handwritten Signature]*  
Signature

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

*[Handwritten Signature]*  
Signature

On this 3rd day of June, 2015, 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 to those matters, he/she believes them to be true.



*[Handwritten Signature]*  
Notary Public Signature

Notary Commission Expiration Date 2/20/2019

2/20/2019  
Print Name

**STAFF USE ONLY**

Date Submitted: \_\_\_\_\_ Fee Paid: \_\_\_\_\_

File No.: \_\_\_\_\_ Date of Public Hearing \_\_\_\_\_

Pre-filing Staff Reviewer & Date \_\_\_\_\_ HBA Action: \_\_\_\_\_

Pre-Filing Review: \_\_\_\_\_

Staff Reviewer & Date: \_\_\_\_\_



## Agent Letter of Authorization

To Whom It May Concern:

I authorize Joe Hayes from Howard Hanna Real Estate Services to act as my agent in reference to the property located at 1395 Coler, Ann Arbor, MI 48104.

As my agent, I give him permission to complete all of the following on my behalf:

- Submit an application for variance to the Housing Board of Appeals to use the upper level of the property as a habitable space.
- Appear before the Housing Board of Appeals regarding the variance request.
- Discuss any matters relating to the variance request with members of the HBA and / or City of Ann Arbor.

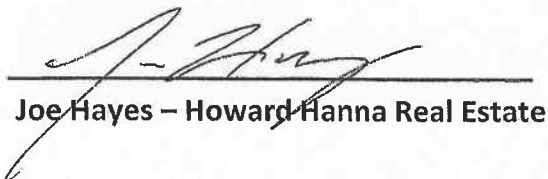
**Property Owner:**



Jesse Steed

**Date:** 5-27-2015

**Agent:**



Joe Hayes – Howard Hanna Real Estate

**Date:** 5-27-15

## Tenant Contact Information – 1395 Coler Rd

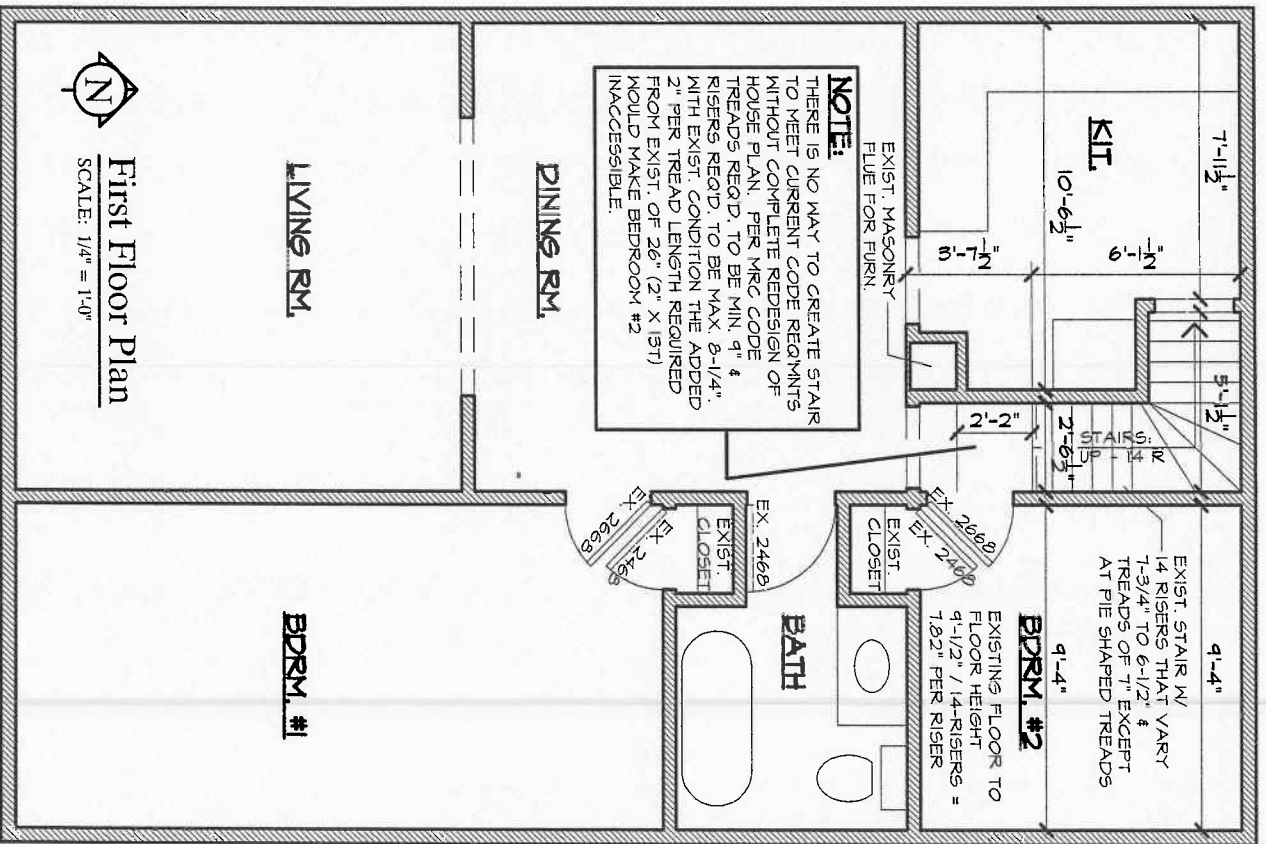
Jessica Winkels: 616-581-0946

Justin Dawes: 616-325-3800

Nick Cullen: 580-718-0142

Andrew ManMillan-Ladd: 419-722-1984

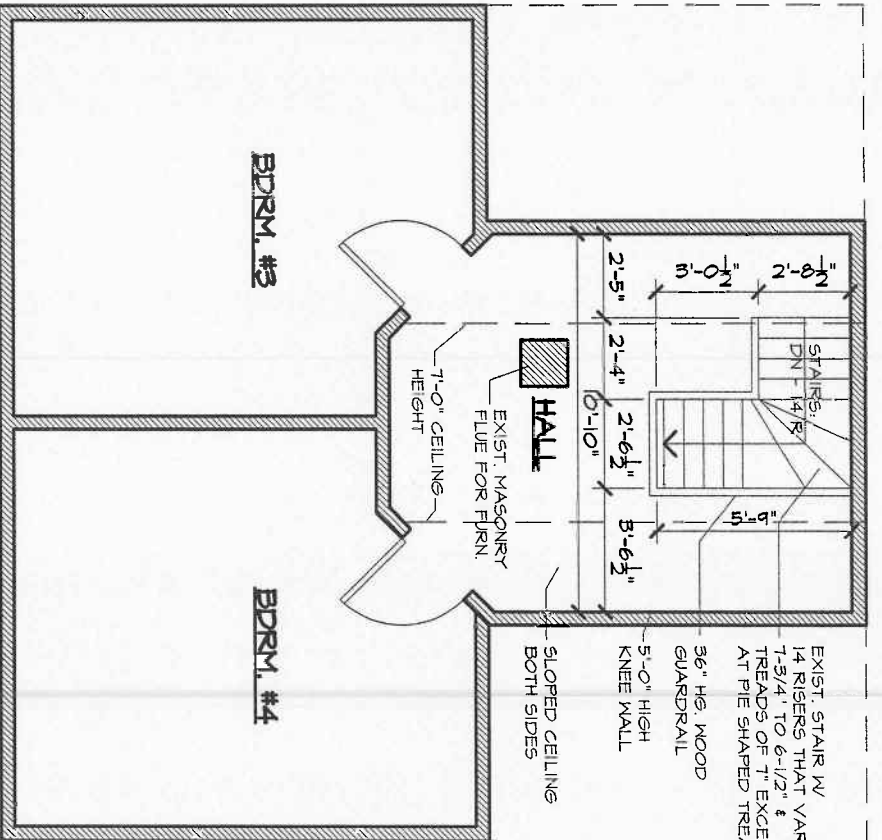
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Philip J. Hill, Architect  
3265 Theodore E.  
Wixom, Michigan 48393  
(248) 960-4923

Steed Rental Property  
1395 Coler Street  
Ann Arbor, Michigan

SK-1523A  
Date:  
May 25, 2015



**Second Floor Plan**  
SCALE: 1/4" = 1'-0"

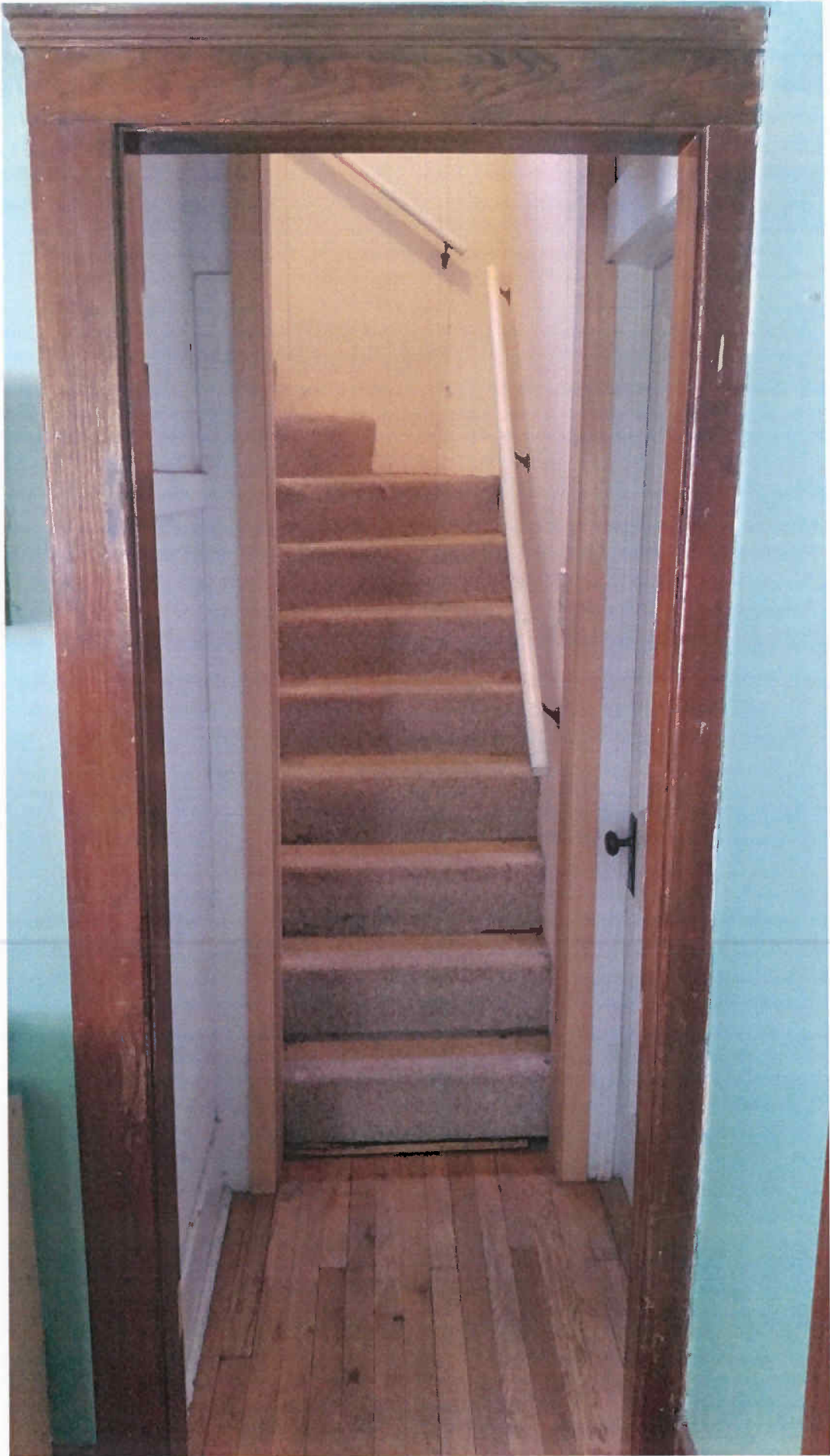
Philip J. Hill, RA  
3265 Theodore E.  
Wixom, Michigan 48393  
(248) 960-4923

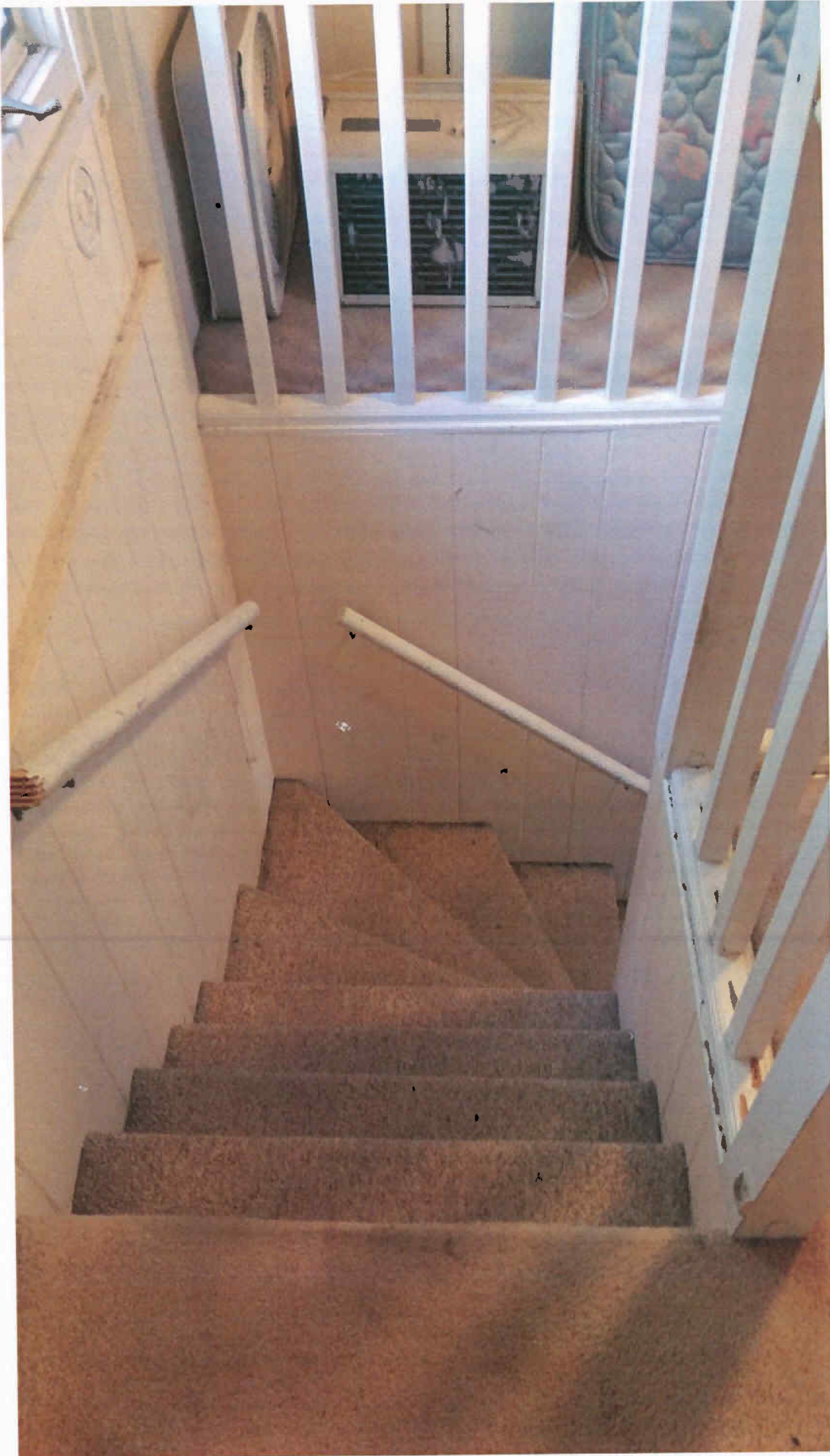
Steed Rental Property  
1395 Coler Street  
Ann Arbor, Michigan

SK-1523A  
Date:  
May 25, 2015

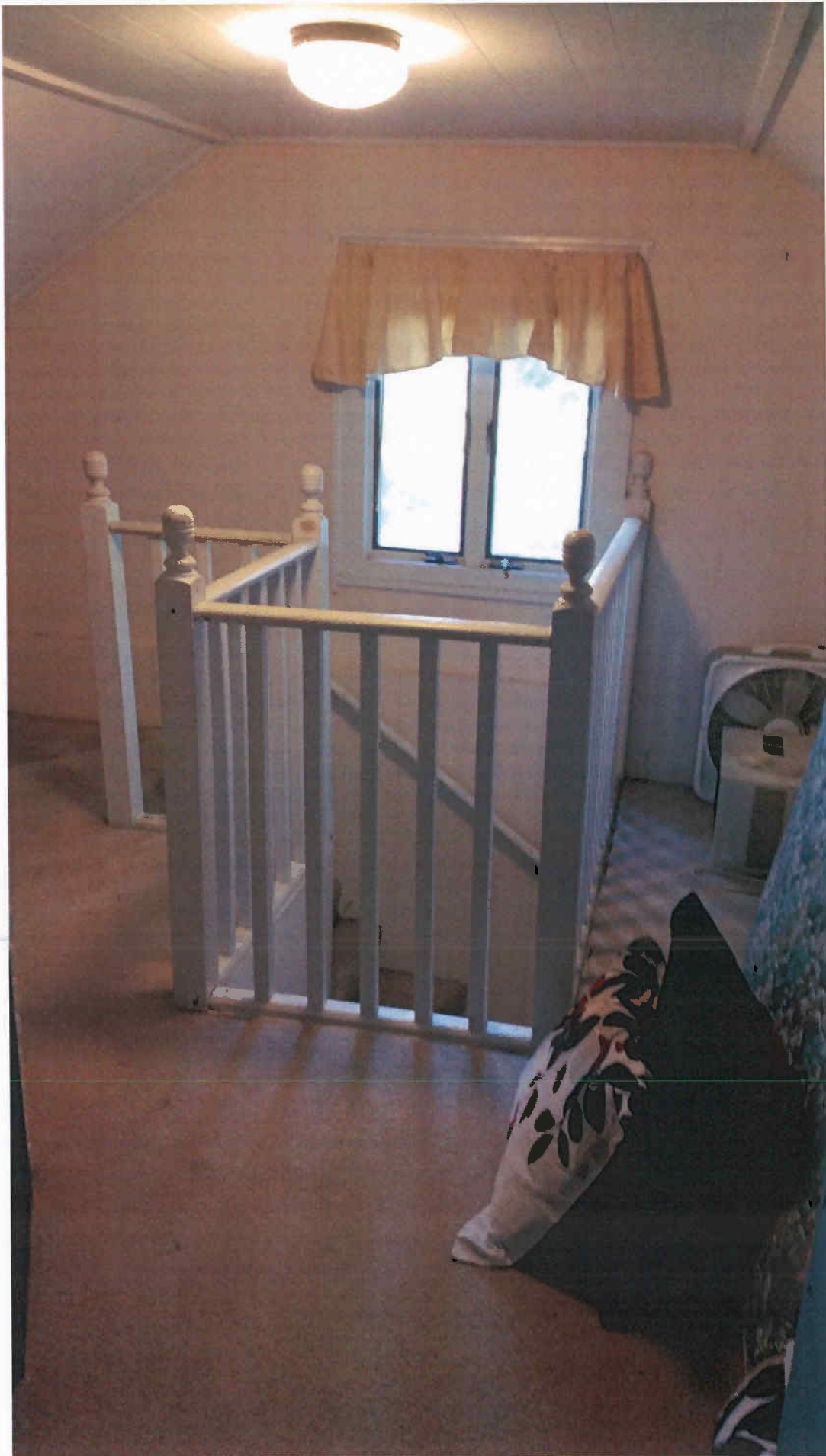








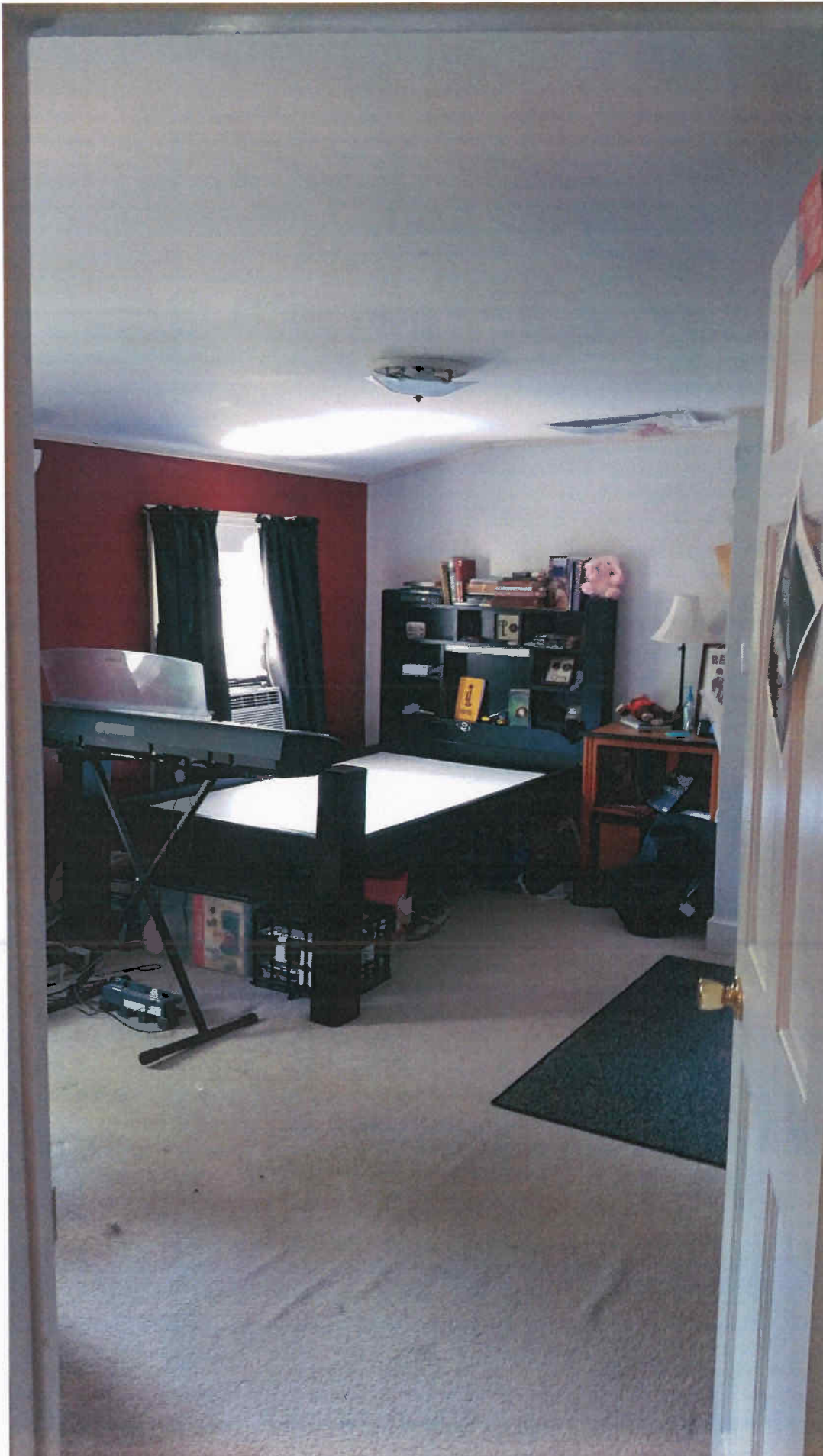






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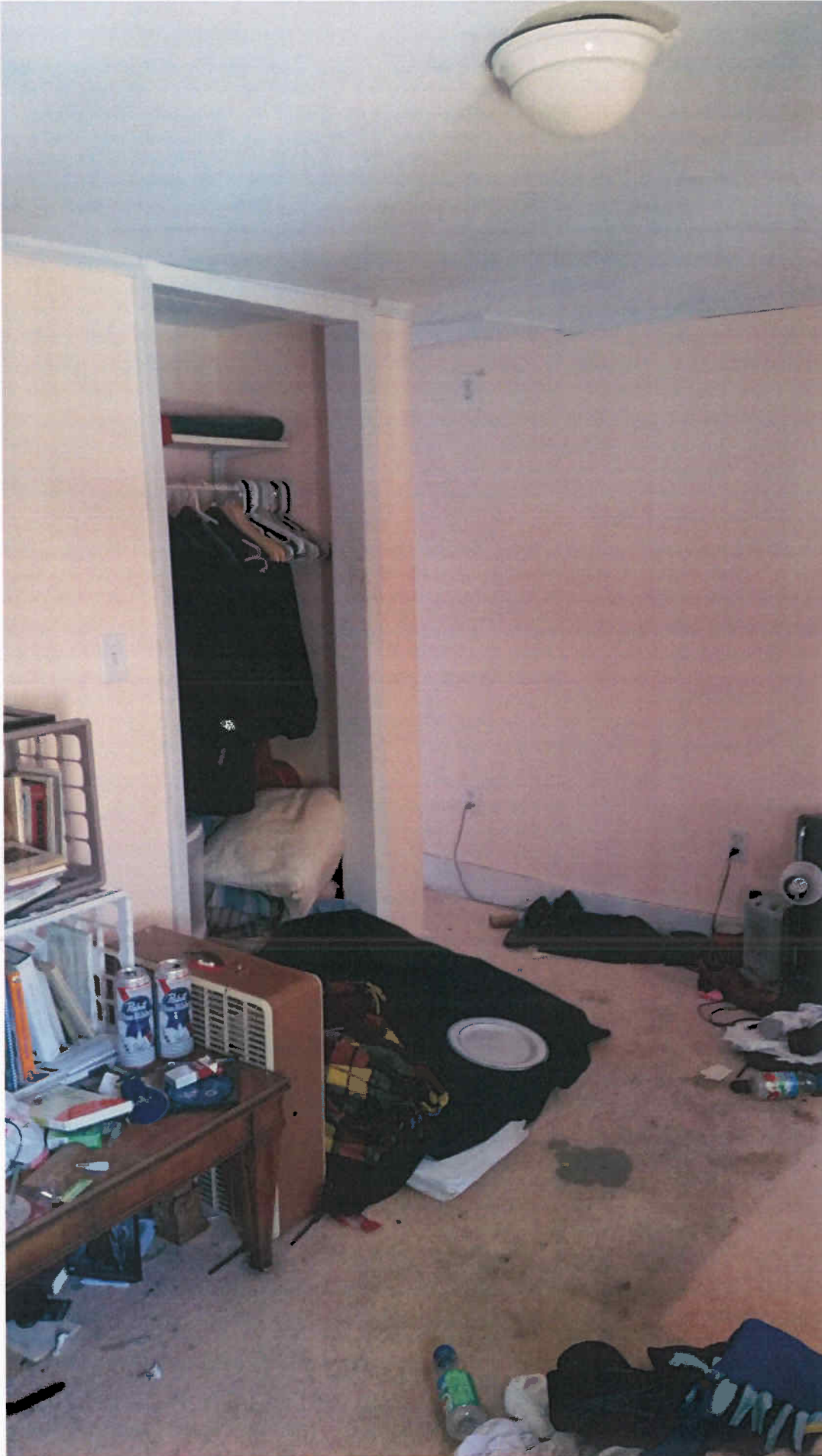
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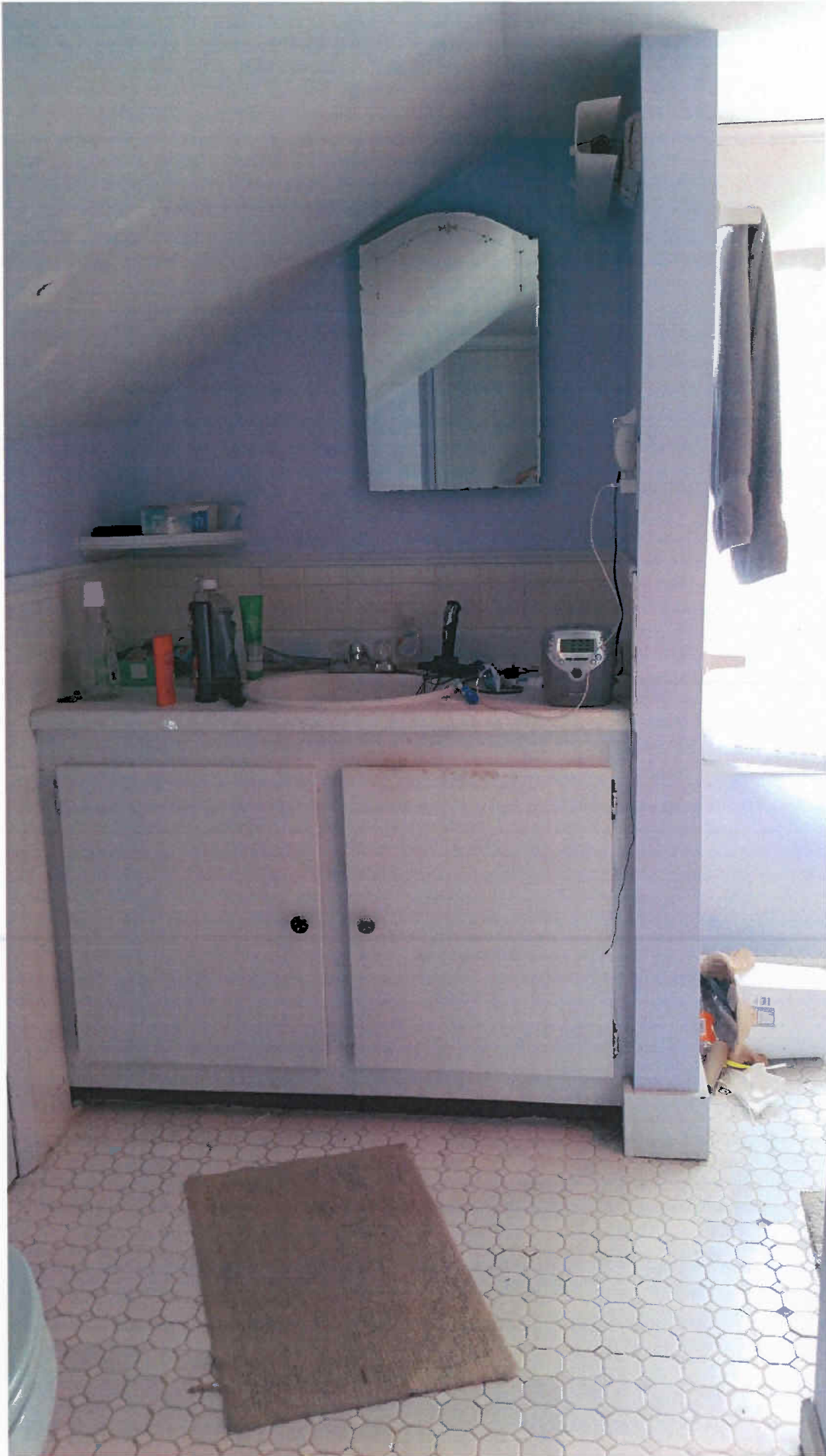


















**CITY OF ANN ARBOR, MICHIGAN**

Community Services Area  
Planning & Development Services Unit  
301 East Huron, P.O. Box 8647,  
Ann Arbor, Michigan 48107-8647  
Phone: (734) 794-6264  
Fax: (734) 994-8460

July 7, 2016

Joe Hayes – Howard Hanna (Agent C/O 1395 Coler)  
1884 W Stadium Blvd  
Ann Arbor, MI 48103

Re: 1395 Coler, Ann Arbor, Michigan 48104  
Parcel Identification Number ("PIN"): 09-09-33-412-002

Dear Mr. Hayes:

Please consider this as a reminder to attend the Ann Arbor Housing Board of Appeals meeting for your variance request in regards to the stairs, ceiling height and riser height.

The meeting will take place on Tuesday, July 12, 2016 at 1:30 PM on the 2<sup>nd</sup> floor of City Hall in the Council Chambers. Please bring materials to the meeting for your presentation of the variance request if needed.

Sincerely,

Lisha Turner-Tolbert  
Rental Housing Services Manager

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# CITY OF ANN ARBOR

100 N. FIFTH AVE • ANN ARBOR, MI 48104  
(734) 794-6267

**Receipt Number: 2015-00059493**

**Project Number** HBA15-002  
**Receipt Print Date:** 06/03/2015  
**Address** 1395 COLER RD  
**Applicant** STEED JESSE  
**Owner** STEED JESSE  
**Project Description** Request Variance on 2 Upper Rooms as "Habitable Space"

## FEES PAID

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0010-033-3370-0000-4362

P&D - APPEAL FEES 14/15

HBA

0010-033-3370-0000-4362

500.00

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**Total Fees for Account 0010-033-3370-0000-4362:**

**500.00**

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**TOTAL FEES PAID**

**500.00**

DATE PAID: Wednesday, June 3, 2015

PAID BY: LOGOS

PAYMENT METHOD: CHECK 30292