

**Zoning Board of Appeals  
July 26, 2017 Regular Meeting**

**STAFF REPORT**

**Subject: ZBA 17-023; 1700 Packard Street**

**Summary:**

Costa Pro, LLC, are requesting relief from Chapter 55 Zoning Section 5:87 Structure Non-conformance, in order to convert basement space to living space. Petitioner seeks to add two (2) additional bedrooms in the basement and join them to the first floor for a total of six (6) bedrooms in the unit. The residence is non-conforming as it does not meet the required lot width or lot size.

**Background:**

The subject parcel is zoned R4C (Multiple-Family Residential District) and is located on Packard Street. The parcel is non-conforming for required lot size and lot width. The subject parcel is six thousand six hundred twenty-one (6621) square feet. The minimum lot size for the district is 8,500 square feet, and the lot width requirement for the district is sixty (60) feet. The lot is fifty (50) feet in width. The structure was built in 1937 and is two thousand three hundred sixty-eight (2,368) square feet in size. Currently, the residence is a duplex containing four (4) bedrooms in each unit. The applicant is proposing to join the basement and the first floor with a spiral staircase creating one (1) unit with six (6) bedrooms.

**Description:**

If the alteration is approved, the new unit will contain six (6) bedrooms allowing a maximum of six (6) unrelated individuals to reside in the dwelling. The applicant is not proposing any exterior modifications or an increase in size to the footprint of the structure. The only changes will be internal to the residence. The property is required to have three (3) parking spaces and five (5) will be provided. Additionally, two (2) bike spaces will be provided for the tenants.

As noted above, Chapter 55, Section 5:87 (1) (a) states that a nonconforming structure may be maintained or restored, but no alteration shall be made to a nonconforming structure unless one of the following conditions are met:

- (a) The alteration is approved by the Zoning Board of Appeals upon a 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.

If the alteration is approved, the rental unit will have ten (10) bedrooms between both units.

**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.***

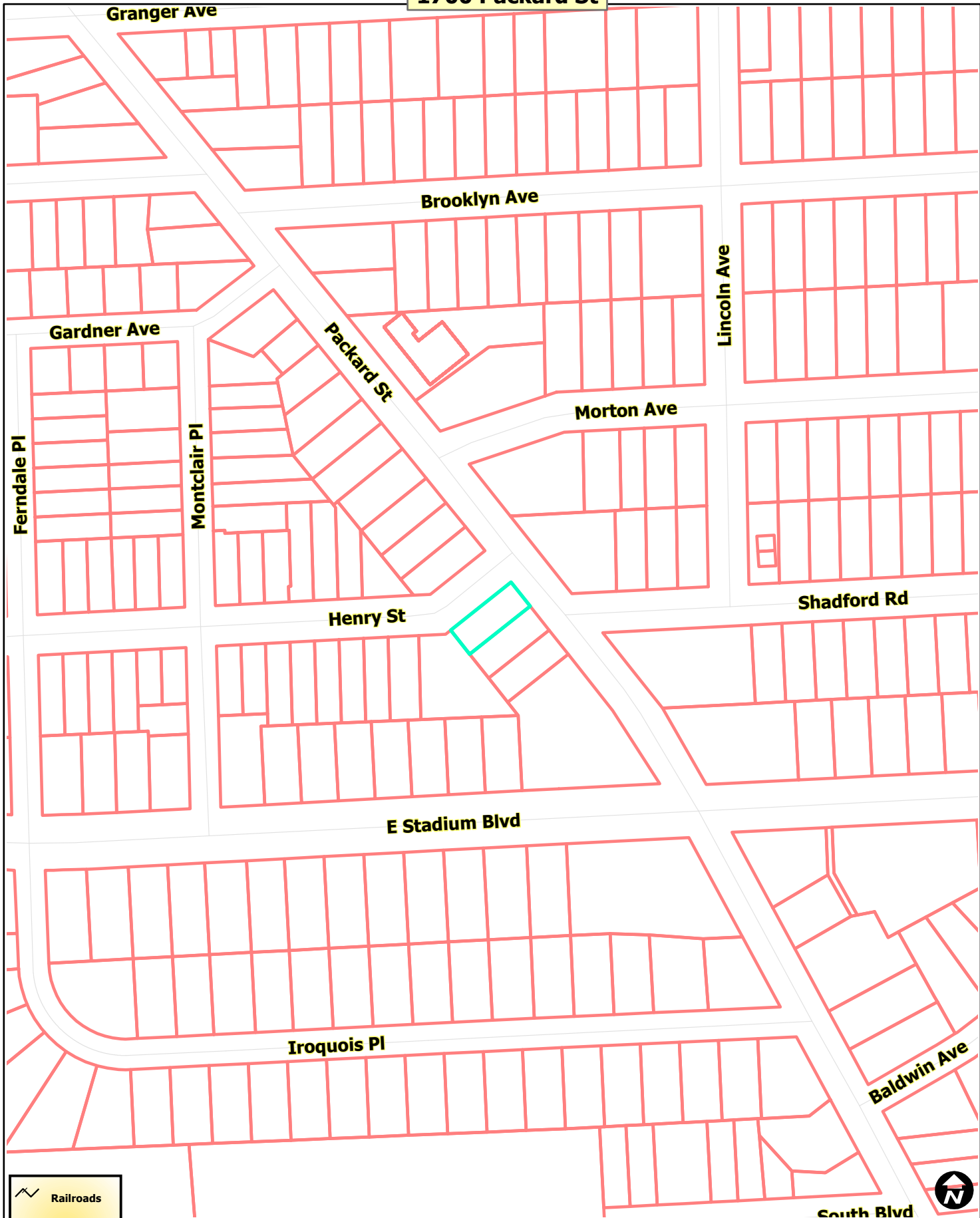
The petitioner has stated in their application that the internal modification will not have a negative effect on the neighboring properties due to the similar zoning of the surrounding properties.




Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Jon Barrett". The signature is stylized with large loops and a cursive script.

**Jon Barrett**  
**Zoning Coordinator**

1700 Packard St



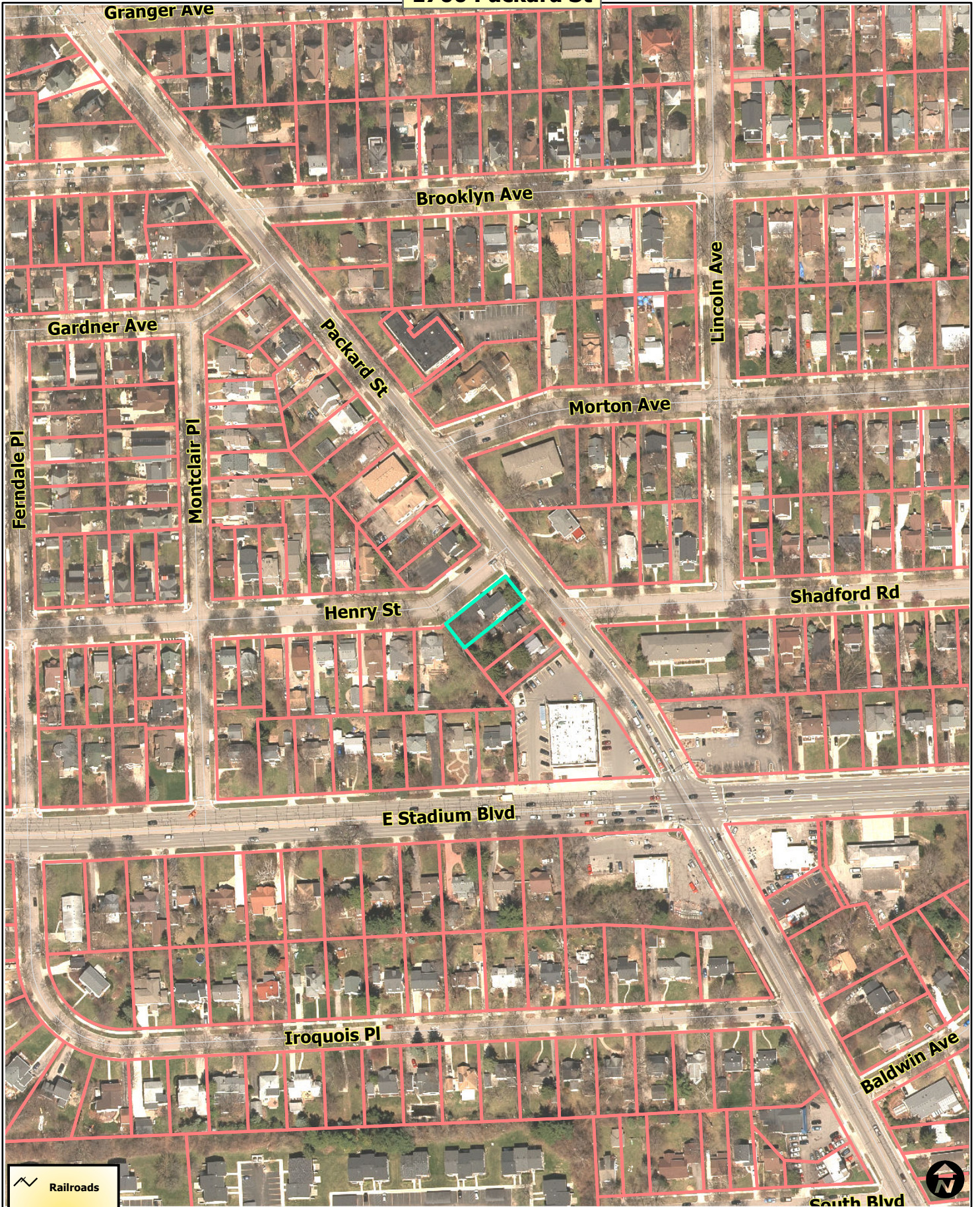
-  Railroads
-  Huron River
-  Tax Parcels



Map date 7/6/2017  
 Any aerial imagery is circa 2015  
 unless otherwise noted  
 Terms of use: [www.a2gov.org/terms](http://www.a2gov.org/terms)



**1700 Packard St**



 Railroads

 Huron River

 Tax Parcels






Map date 7/6/2017  
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**1700 Packard St**



-  Railroads
-  Huron River
-  Tax Parcels



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

## Section 1: Applicant Information

Name of Applicant: COSTA PRO, LLC  
 Address of Applicant: 3938 TRADE CENTER DRIVE, ANN ARBOR, MI 48108  
 Daytime Phone: (734) 477-5117 / (734) 478-4316  
 Fax: COSTAPROLLCO@GMAIL.COM  
 Email: \_\_\_\_\_  
 Applicant's Relationship to Property: AGENT / AUTHORIZED REPRESENTATIVE

## Section 2: Property Information

Address of Property: 1700 PACKARD STREET  
 Zoning Classification: R4C  
 Tax ID# (if known): 09-09-33-311-004  
 \*Name of Property Owner: 1700 PACKARD, LLC

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

## Section 3: Request Information

Variance

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?**

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

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

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**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?**

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

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### **Section 5: ALTERATION TO A NON-CONFORMING STRUCTURE**

Current use of the property TWO-FAMILY DWELLING UNIT (STACKED DUPLEX)

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	6,621	8,500 (MIN)
Lot width	50'	60' (MIN)
Floor area ratio	NA	NA
Min. Open space ratio	37% (2,480)	40% (3,400)
Setbacks	28' (FY); 6'/13' (SY); 62' (RY)	25' MAX/10' MIN (FY); 5'/10' (SY); 62' (RY)
Parking	5 SPACES	3 SPACES
Landscaping	NA	
Other	NO EXTERIOR MODIFICATIONS; NO CHANGE IN BUILDING HEIGHT; NO CHANGE IN DWELLING UNIT DENSITY	

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

PLEASE SEE ATTACHED.

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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:

PLEASE SEE ATTACHED.

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Wherefore, Petitioner requests that permission be granted from the above named Chapter and Section of the Ann Arbor City Code in order to permit \_\_\_\_\_

PLEASE SEE ATTACHED.

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**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.

(734) 477-5117 / (734) 478-4316  
 Phone Number  
costaprollco@gmail.com  
 Email Address

Sarah Widmayer  
 Signature  
SARAH WIDMAYER / COSTA PRO LLC  
 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.

Sarah Widmayer  
 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.**

Sarah Widmayer  
 Signature

On this 27<sup>th</sup> day of June, 2017, 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.

Alex Motts  
 Notary Public Signature

10-06-2018  
 Notary Commission Expiration Date

Alex Motts  
 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: \_\_\_\_\_

June 27, 2017

Mr. Jon Barrett  
Zoning Administrator  
City of Ann Arbor  
Larcom City Hall  
301 East Huron Street  
Ann Arbor, MI 48104



RE: 1700 Packard Street O|X Project #PZC17  
Amendment to ZBA Application for a Non-Conforming Structure

## Section 5: ALTERATION TO A NON-CONFORMING STRUCTURE

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

The proposed project is an interior alteration to an existing two-family dwelling unit in the R4C zoning district. As is commonly found in the R4C district, the property is non-conforming as both the lot area and lot width are less than the minimums prescribed by the Zoning Ordinance.

Within the past year, this property has been converted from a mixed-use (office and residential) property to a two-family dwelling unit. It had historically maintained the two-family status for an extended period prior to the latest work taking place. The work to date has been executed and approved by both the City of Ann Arbor Building Department and Housing Services. It is presently certified for two (2) four-bedroom dwelling units.

The original construction for the project included an internal stair to the basement that connected the first floor only to the basement condition. This removed a direct connection between the first floor and the basement. In order to accommodate access to the basement facilities (laundry, mechanical, etc.), a set of exterior stairs was added last year to the east side which provides access for both levels. At this time, two egress windows were installed to provide future habitable options within the basement.

Subsequently, the applicant is now interested in re-establishing a direct internal connection between the first and basement floors via a spiral stair connection. This connection would allow for establishment of two (2) additional single-occupant bedrooms within the basement area. Each bedroom would have an egress window. These would be conjoined with the first floor to bring the total bedroom count for this dwelling unit to six (6) total which is the maximum allowed per the Zoning Ordinance. The remaining basement space would still remain accessible for common use and access via the exterior stair.

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 overall design and site layout are intended to limit any detrimental impact within the neighborhood.

The neighborhood where the subject property is situated is zoned R4C along the primary Packard Street frontage conditions and R1C to the immediate west.

There are no exterior modifications nor expansion of the physical footprint of the structure. All the proposed work is internal to the building itself. There is no request for any additional units – the property will retain its currently certified two-dwelling unit status.

In addition, three (3) parking spaces are required for the property (1.5 spaces per dwelling unit). While not required, the applicant is proposing to retain two (2) additional spaces within the rear yard bringing the total parking count to five (5) spaces.

In addition, two (2) bike loops will be provided for residents as well as bike storage within the common basement areas.

Wherefore, Petitioner requests that permission be granted from the above named Chapter and Section of the Ann Arbor City Code in order to permit:

An internal renovation that provides for the addition of two bedrooms in the basement level (bringing the combined total of the first floor unit to 6 bedrooms) of the existing structure.

Robb Burroughs, RA  
Principal  
O|X Studio, Inc.



To: City of Ann Arbor, Planning and Building Departments  
From: Heidi Mitchell and Margaret Vincent, Property Owners (1700/1702 Packard)  
Re: Authorization for Representation  
Date: June 26, 2017

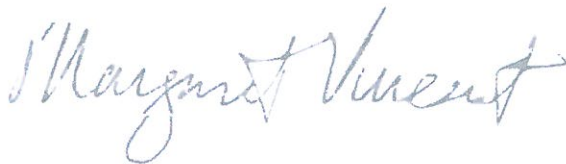
We authorize Sarah Widmayer (Costa Pro LLC) to act as our agent with respect to discussions and proceedings regarding our property at 1700/1702 Packard, Ann Arbor. We jointly hold this property in 1700 Packard LLC.

This authorization includes upcoming Zoning meetings for variances and non-conforming structures.

Heidi Mitchell

A handwritten signature in black ink, appearing to be 'H Mitchell', with a long horizontal stroke at the end.

Margaret Vincent

A handwritten signature in black ink that reads 'Margaret Vincent' in a cursive style.

For 1700 Packard LLC

# 1700 Packard Renovation

## Released For: Application for an Alteration to a Non-Conforming Structure

Release Date: 06/28/2017

O|X Project Number: PZC17

### Project Information:

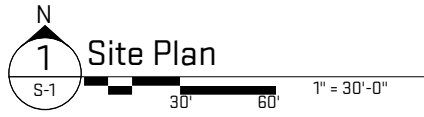
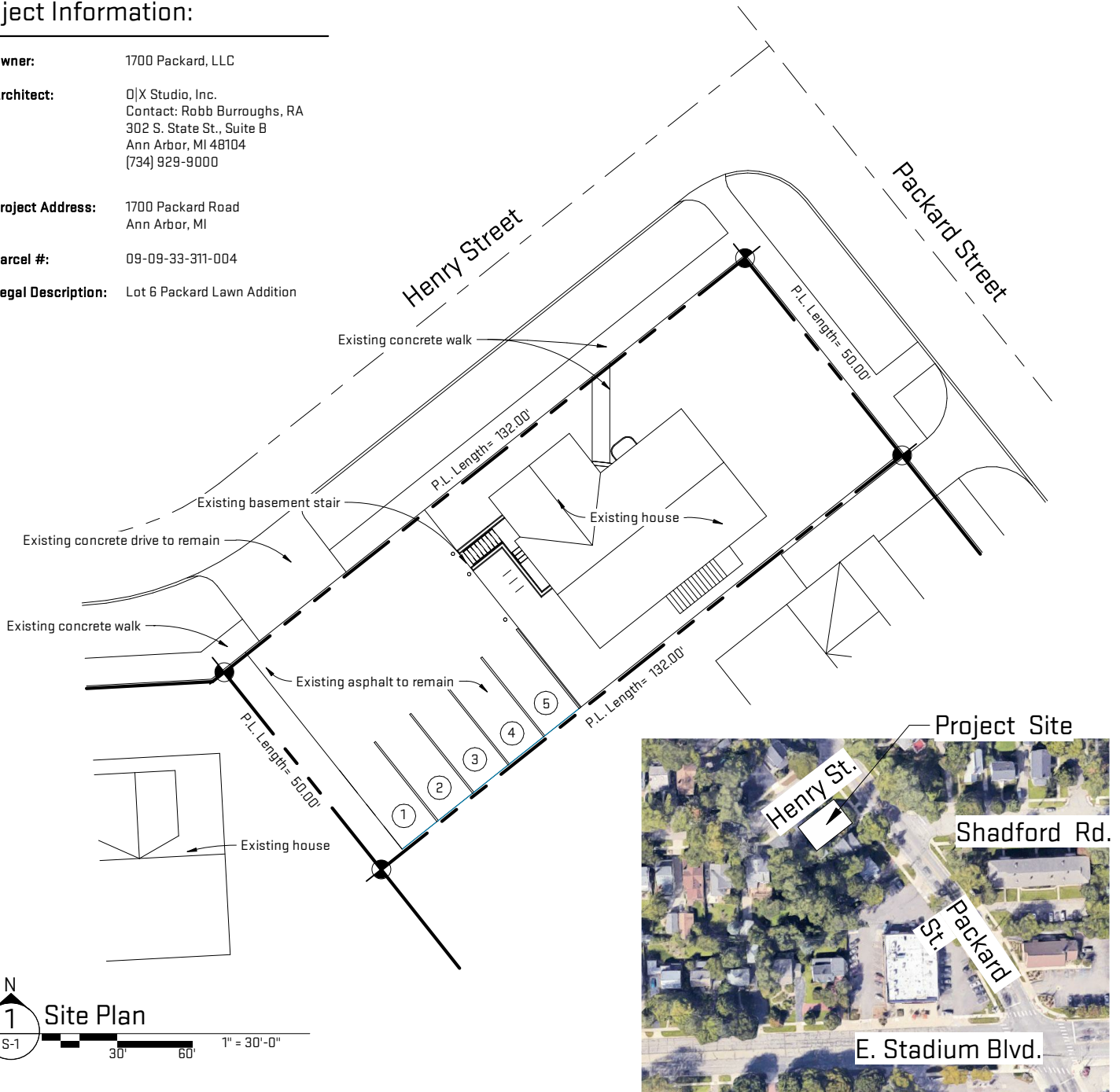
**Owner:** 1700 Packard, LLC

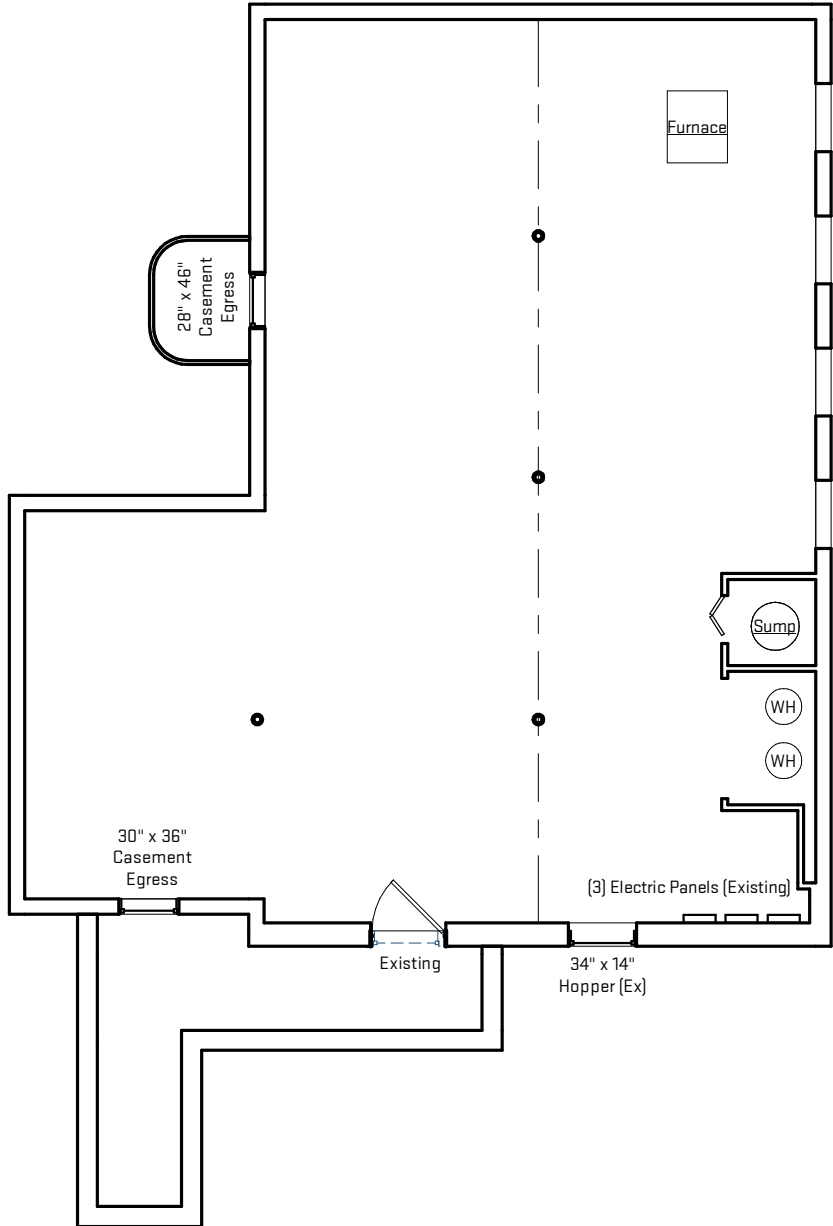
**Architect:** O|X Studio, Inc.  
Contact: Robb Burroughs, RA  
302 S. State St., Suite B  
Ann Arbor, MI 48104  
(734) 929-9000

**Project Address:** 1700 Packard Road  
Ann Arbor, MI

**Parcel #:** 09-09-33-311-004

**Legal Description:** Lot 6 Packard Lawn Addition

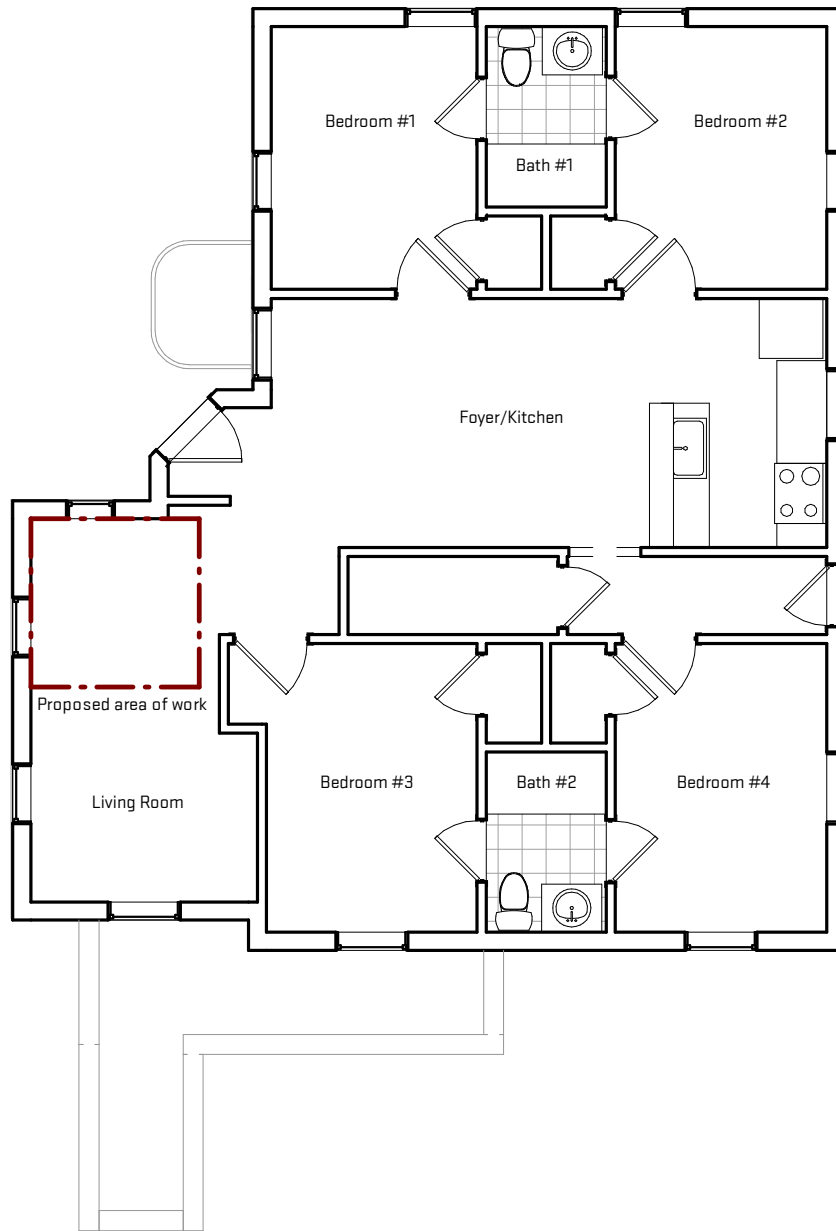




1 Basement Existing Conditions  
 A-1 4' 8' 16' 1/8" = 1'-0"

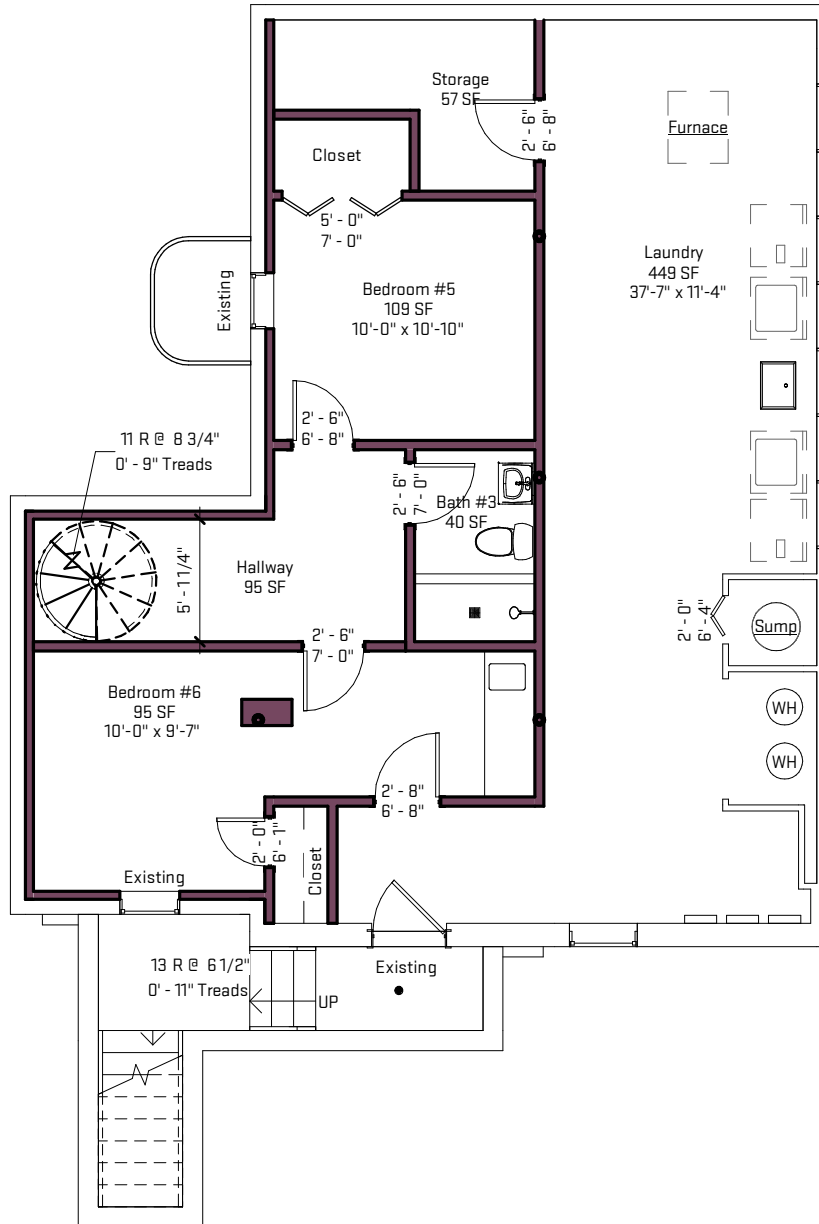






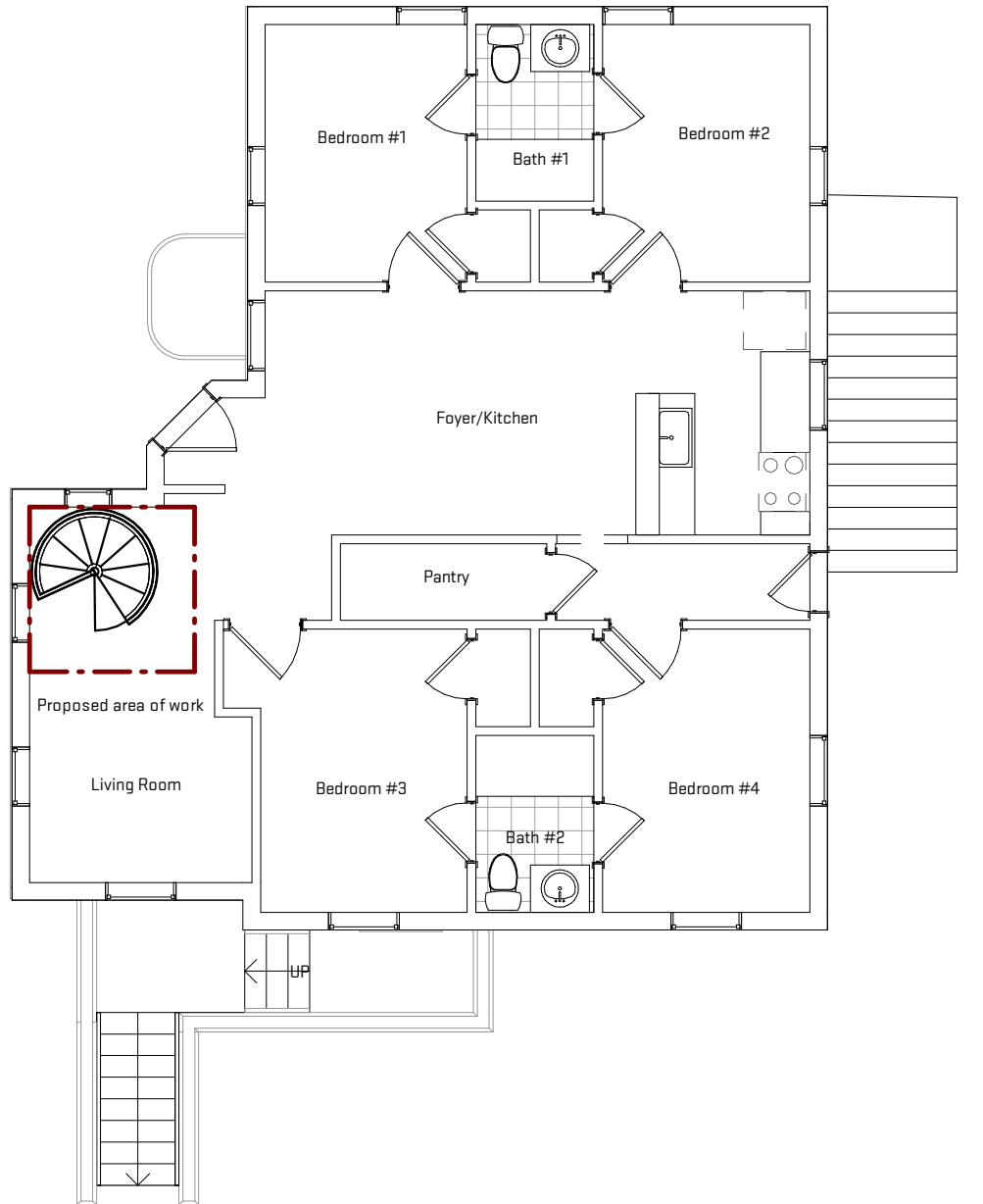
1 Level 1 Existing Conditions  
 A-2 4' 8' 16' 1/8" = 1'-0"





**1** New Work Basement Plan  
 A-3 1/8" = 1'-0"





1 Level 1 New Work Plan  
 A-4 4' 8' 16' 1/8" = 1'-0"





**From:** Shelly Webber [REDACTED]  
**Sent:** Tuesday, July 18, 2017 7:27 PM  
**To:** Barrett, Jon <JBarrett@a2gov.org>  
**Subject:** Zoning at 1700 Packard

Dear Mr. Barrett,

I am writing to oppose the addition of more rental space to the basement of 1700 Packard. I don't see a compelling reason to make an exception to existing restrictions, as well as to change zoning restrictions to solely allow a landlord to increase his income.

I have lived at 1418 Henry Street for over 14 years and love this neighborhood. The force-fitting of too many people in too small a space unnecessarily increases the density of this part of town, bringing with it more traffic, more parking problems, more noise, and more students, who are obviously the target market for this rental house. There are plenty of places for students to live without changing the nature of Henry Street.

Zoning restrictions exist for a reason. I strongly urge you to deny this request for an exception and help keep this small corner of Burns Park the quiet, peaceful, safe place to raise kids that it has been for decades.

Thank-you for considering this request.

Shelly Webber

## Barrett, Jon

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**From:** Annie Rubin [REDACTED] >  
**Sent:** Saturday, July 15, 2017 9:20 AM  
**To:** Barrett, Jon  
**Cc:** John Rubin  
**Subject:** regarding 1700 Packard

Hello Jon,

My name is Annie Rubin, and we live at 1424 Henry street in Ann Arbor. We greatly appreciated the notice we received in the mail regarding turning the property at 1700 Packard into a 6 bedroom unit. Thank you!

We live two houses down from that property and we *strongly* oppose this renovation but will be out of town for the hearing. This is a family neighborhood, and we would like it to stay that way. We oppose the renovation for three reasons:

1. The difference between a two bedroom and a 6 bedroom unit is significant. A 6 unit house is more likely to produce noise / parties.
2. We do not want to set a precedent of changing the zoning, which may encourage more student housing in the neighborhood. This is a residential area with young families and strong neighborly connections, we would like it to stay that way.
3. We think it will reduce the value of our home to be that close to a 6 bedroom unit.

Since we moved in 18 years ago we have had issues with loud parties at the apartment complex on Packard, drunk people parking on the street outside our house and being noisy, litter after weekend parties, etc.

Jon, thank you again for the notification, and for ensuring that our views on this matter are heard.

All the best,  
Annie and John Rubin

**Barrett, Jon**

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**From:** Judith Malcolm [REDACTED] >  
**Sent:** Saturday, July 15, 2017 6:20 PM  
**To:** Barrett, Jon  
**Subject:** Fwd: zoning

Dear Mr. Barrett

We are writing to oppose the addition of more rental space to the basement of 1700 Packard. We don't see a good or compelling reason to make an exception to existing restrictions. We shouldn't change zoning restrictions solely to allow a landlord to increase his income.

We have lived at 1420 Henry Street for 30 years and in Ann Arbor for more than 40 years. One of the charms of this town is the neighborhoods. The force-fitting of too many people in too small a space unnecessarily increases the density of this part of town, bringing with it more traffic, more parking problems, more noise, and more students, who are obviously the target market for this rental house. There are plenty of places for students to live without changing the nature of Henry Street.

Zoning restrictions exist for a reason. We strongly urge you to deny this request for an exception and help us keep this small corner of Burns Park the quiet, peaceful, safe place to raise kids that it has been for decades.

Clark and Judy Malcolm

**From:** Joyce Buchanan [REDACTED]  
**Sent:** Tuesday, July 18, 2017 7:15 PM  
**To:** Barrett, Jon <JBarrett@a2gov.org>  
**Subject:** 1700 Packard Street, Appeal # ZBA17023

Dear Mr. Barrett,

I am writing about this appeal because I will not be available to attend the meeting on July 26. I do not support relief from nonconformance for Costa LLC to add additional bedrooms in the basement of this structure.

I spoke to a representative of Costa when they were building out the current apartments and was told that they were going to provide affordable family housing. The representative was kind enough to give me a tour of the unfinished renovation and I did not think that the units were designed for family living. Indeed the apartments are now rented to students. I am also aware that the proper permits were not originally pulled for the construction, and now they are trying to get around the zoning to add more housing.

I am against allowing a variance.

Joyce Buchanan  
1412 Henry Street