

CITY OF ANN ARBOR, MICHIGAN

Community Services Area
Planning & Development Services Unit
301 E. Huron St, P.O. Box 8647, Ann Arbor, Michigan 48107-8647
www.a2gov.org
1-734-794-6263

September 30, 2016

Building Board of Appeals City of Ann Arbor

Re:

533 Elizabeth St. Apartment House

Applicant:

Thomas Ewing 604 Gott St.

Ann Arbor, MI 48104

Dear Board Members:

The City has received an application requesting that the Building Board of Appeals consider an exception to the 2015 Michigan Residential Code described as follows:

- 1. The applicant has built out 2 bedrooms, with a building permit, in the basement of the above property (both walk out to grade level at the rear of the house). At final inspection the Building inspector cited inadequate ceiling height of 7' as required in section 305.1.
- 2. Per the application the owner is requesting a 9" variance which would allow these two bedrooms to be code compliant at 6'3". These rooms vary between 6'5" and 6'3".
- 3. I would also point out that HVAC ducts and sprinkler heads do project further down as low as 6'2" in spots.

I did inspect these units personally and believe them to be safe as there is adequate means of egress, proper interconnected smoke detectors and the entire basement is fire suppressed. Based on this I would recommend approval of the variance as requested.

If you have any questions, please call me at 734 652-6813.

Sincerely,

Craig E. Strong, Building Official

City of Ann Arbor



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

Section 1: Applicant Information	
Name of Applicant: THOMAS EWING	
Address of Applicant: 604 GOTT ST, ANN ARBOR	48103
Daytime Phone: 734 646-5548 Fax: None	
Email: HAPPYDAD @ PROTONMAIL. COM	
Applicant's Relationship to Property:	
Section 2: Property Information	
Address of Property: 533 ELIZABETH ST	
Zoning Classification: R4C	
Tax ID# (if known): 09-09-29-101-009	
*Name of Property Owner: As ABove	<u></u>
*If different than applicant, a letter of authorization from the property owner must be pr	ovided.
Section 3: Request Information	
Variance	
Chapter(s) and Section(s)	
	SED dimension:
Basement Criling Height 6'8" 6	5" For 2 Hooms
	e: 6',6" Basement Ceiling Clearance
Give a detailed description of the work you are proposing and why it will require a varia (attach additional sheets if necessary)	ince
ETT TURES ADD THAT CHEET	
SEE TYPED ADDITIONAL SHEET	
SEE TYPED TYDDITTONAL SHEET	

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? Solution of the property of
SER TYPED ADDITIONAL SHEET FOR
Are the hardships or practical difficulties more than mere inconvenience, inability to obtain a higher financial return? (explain)
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?
Coeffee F. Time Extension
Section 5: Time Extension
Current use of the property
Explain why you are requesting a time extension:

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

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

City of Ann Arbor

INSPECTION ACTIVITY REPORT

Permit No.

BLDG15-2191

Site Address 533 ELIZABETH ST

Applied 10/6/2015

Applicant Ewing, Thomas

Lot

Approved 10/23/2015

Owner EWING THOMAS L & SOHTUN HASHEN

Block

Issued 10/27/2015

Contractor Ewing, Thomas

Tract

Parent Permit No.

Description Convert 2 basement rooms from storage & laundry to habitable

Notes sleeping. Building use has been residential rental property for over 50 years.

Requested Time / By	Scheduled Completed	Inspection Type	Inspector	Result Remarks	Notes
10/27/2015 13:30 CNC1	11/2/2015 10:0 12/23/2015 12:0	BLDG ONSITE CONSTUL	MF1	NO CHANGE AM if possible	
7/11/2016 9:24 CKGR	7/18/2016 1:00 7/18/2016 3:00		MF1	FAILED	(7/11/2016 9:25 AM CKGR) pm inspection please - contact Tom at 734-646-5548

(7/18/2016 1:35 PM MF1)

The ceiling height of the basement ranges from just under 6 foot 8 inches to the lowest poing of 6 foot 4 inches, there are also many projections from the ceiling such as fire sprinkler heads, duct work and light fixtures. The property owner is seaking a variance for the ceiling height. The space can not be used as habitable space untill such variance is granted.



CITY OF ANN ARBOR

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

Receipt Number: 2016-00018999

Project Number

HBA15-008

Receipt Print Date:

09/23/2015

Address

533 ELIZABETH ST

Applicant

Owner

EWING THOMAS L & SOHTUN HASHEN

Project Description

FEES PAID

0010-033-3370-0000-4362 P&D - APPEAL FEES 15/16

HBA

0010-033-3370-0000-4362

500.00

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

500.00

TOTAL FEES PAID

500.00

DATE PAID: Wednesday, September 23, 2015

PAID BY: LOGOS

PAYMENT METHOD: CREDIT CARD TYPE NOT

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" sheet	<u>s</u> .						
☑ Building floor plans showing interior rooms, includi	ng 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							
	IN PRESENCE OF NOTARY PUBLIC						
for the stated reasons, in accordance with the materials	ed Chapter(s) and Section(s) of the Ann Arbor City Code attached hereto.						
(734) 646-5548							
Phone Number	Signature						
HAPPYDAD @ PROTONMAIL	COM THOMAS L. EWING						
Email Address	Print Name						
in the materials submitted herewith, are true and correct	forementioned statements, and the statements contained ct. I acknowledge that I've received all instructions, time, nt the appeal. Staff will not send additional notification of						
	Signature						
Further, I hereby give City of Ann Arbor Planning & Devi Board of Appeals permission to access the subject prope	elopment Services unit staff and members of the Housing rty for the purpose of reviewing my variance request.						
contents thereof, and that the same is true as to his/stated to be upon his information and belief as to those to be upon his information and belief as to those to be upon his information and belief as to those to be upon his information and belief as to those to be upon his information and belief as to those to be upon his information and belief as to those to be upon his information and belief as to those to be upon his information and belief as to those to be upon his information and belief as to those to the upon his information and belief as to those to be upon his information and the upon his information and his informatio	Signature of 6, before me personally appeared the above named egoing application by him/her subscribed and knows the her own knowledge except as to those matters therein matters, he/she believes them to be true. Notary Public Signature DE BORAH L. CLAUS Print Name						
Notary Commission Expiration Date							
	JSE ONLY						
Date Submitted: Fee Paid:							
File No.: Date of Public Hearing							
Pre-filing Staff Reviewer & Date Pre-Filing Review:	HBA Action:						

Staff Reviewer & Date: _

Ewing Application for Variance – 533 Elizabeth St.

Answers to

(not enough space on printed form)

Section 3: Request Information

All 3 requests pertain to required ceiling height in the basement

Chapter & Section from which a Variance is requested: Chapter 105 of Housing Code Section 8:503 (3) (a) which requires a ceiling height of 6 ft. 8 in. over at least 80% of the floor area of the room

Location: Room #12, the smaller room in the front-east end of the north side of the

basement

Required dimension: Ceiling height of 6 ft. 8 in. Proposed dimension: 6 ft. 5 in. for room #12

Chapter & Section from which a Variance is requested: Chapter 105 of Housing Code Section 8:503 (3) (a) which requires a ceiling height of 6 ft. 8 in. over at least 80% of the floor area of the room

Location: Room #13 in the west end (back) of the north side of the basement

Required dimension: Ceiling height of 6 ft. 8 in.

Proposed dimension: Height of 6 ft. 3 in. for room #13

Chapter & Section form which a Variance is requested: Chapter 105 of Housing Code Section 8:504 (4) (a) 2 which requires that exit corridors shall have a height of 6 feet 6 inches.

Location: Exit corridor to bottom of stairs to first floor. Corridor starts at room #13 goes east past entrance to room #12 and around to the bottom of stairs to the first floor.

Required dimension: Ceiling height of 6 ft. 6 in. Proposed dimension: 6 ft. 4 in. for exit corridor

Detailed description of the work: Make rooms #12: & 13 into sleeping rooms (building permit has been granted). The following has been done: a wooden screen-storm door (Historic District permission granted) was installed on the north side exterior access door to room #12, finished drywall on the ceilings and construction of a closet have been accomplished. Yet to be done: Curtains on the windows

Room #13 the following has been done: Finished drywall on the ceiling, cementing of all fire gaps in the stone and brick walls, removal of laundry machines. Items yet to be accomplished: Installation of wall around pipes in SE corner of room to form storage area for Tenant, Create a second smaller storage area with built in shelves on the South half of the West (back of property) wall. Curtains on the windows, furnishings and any other code items that are identified at the final inspection.

General items: Radon remediation system installed (Historic District approved) for entire building (tested as successful). Two steel fire doors have been installed between the exit corridor and the furnace room, The ceiling of the interior exit hallway has been finished with drywall. Deadbolt locks have been installed on all doors.

A Variance is required because: It is not possible to raise the building to create the required headroom in the Historic District. Maintaing the same cement floor as originally built will in my opinion (I am a licensed builder) maintain the best structural integrity of the building which has existed for about 100 years with no water leaks or foundation problems. A Variance will also retain the original floor drain (in the large room #13) which will no longer be feasible if the floor is lowered.

Ewing Application for Variance – 533 Elizabeth St.

Answers to (not enough space on printed form)

Section 4: Variance Request

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

Yes there are practical difficulties; some of them result from construction restrictions imposed by the building's presence in a Historical District (the house cannot be raised by building up the foundation, exterior exists/doors cannot be altered to make exit stairs fit a new lowered floor). The hardships are unique when compared to modern construction but properties of similar age (100 + years) may have similar restrictions.

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

The house is in the Old Fourth Ward Historic District so it is not possible to increase the ceiling height by raising the house (the quick and easy way).

Under current requirements, a new cement floor after digging down, would have to have 4 inches of pea gravel plus 4 inches of concrete plus 5 to 10 inches for ceiling height and reinforcement. Reinforcing and extending the foundation walls 14-18 inches in order to remove the current cement floor and lower the floor is a big alteration to the building foundation and structure for just a few inches of ceiling height. Digging down to lower the floor in room #13 would eliminate the existing original floor drain in that room.

Maintaining the existing cement floor and foundation as originally built will in my opinion (I am a licensed builder) maintain the best structural integrity which has existed for about 100+ years with no leaks or problems anywhere.

I don't think that in room #12 (the smaller room) it is possible to lower the floor and comply with the exit doorway platform requirements is such a way as to have a usable room. See letter of Dick Fry, architect, enclosed.

Also due to the code requirement of door swing platforms I don't think it is possible to make the rooms code habitable if the floor has to be lowered because in addition to the exit doors it creates a problem/step at other doors which enter the furnace room. Lowering the floor also creates a problem with platform area at the bottom of the existing stairway to the first floor. These things are not a problem and the rooms can be made code habitable if the presently existing height is accepted.

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

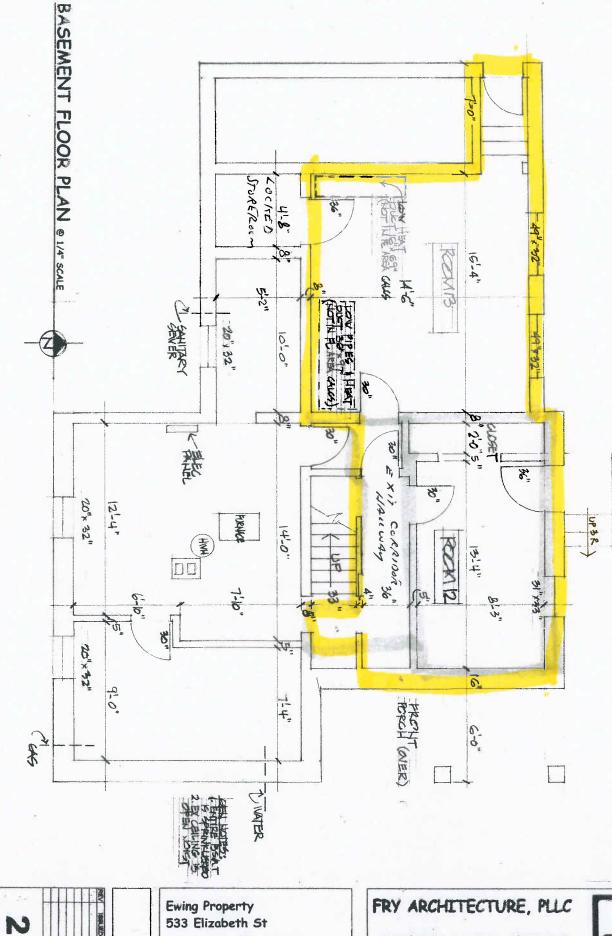
None that I can perceive. With 6 parking spaces (and one garage) the site has more than the required parking for all residents. I'm pretty sure all properties on Elizabeth St. are rental units except the property owned by the Catholic Church. I and my wife, Hashen Sohtun, own both adjacent properties at 529 and 537 Elizabeth St.

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 1st floor above was not originally constructed high enough off the basement floor to allow existing code headroom although in some areas it is close. A lot of the lower headroom results from only a few floor joists (the ceiling of the basement) that are lower than most of the rest so the variance dimensions represent the very lowest points in the rooms and the rest of each room has greater ceiling heights.

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

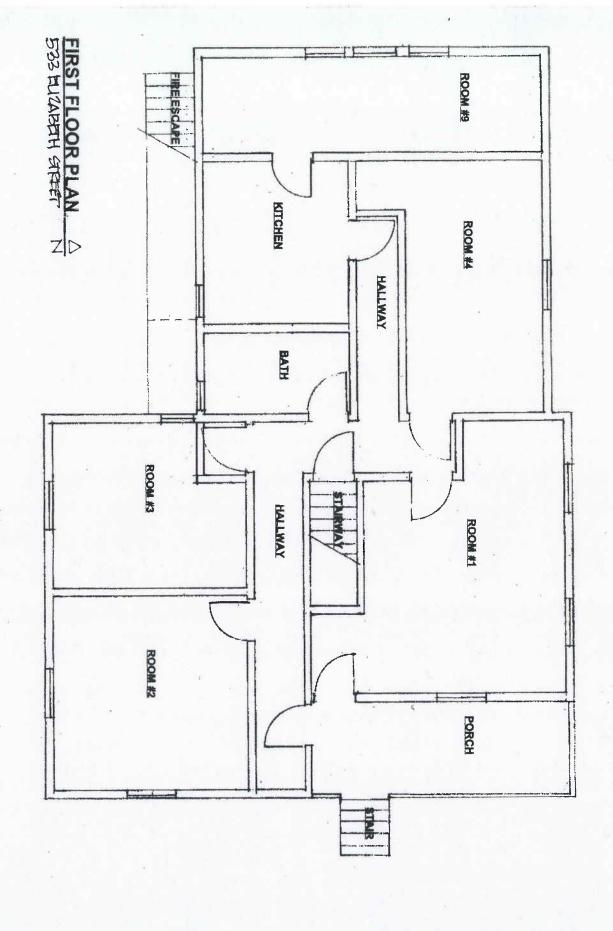
No, the condition is not self imposed. All the conditions are a result of the original construction done long before any of us were born and construction solutions are limited by the current Historic District regulations.



Ann Arbor, Mi. 48104

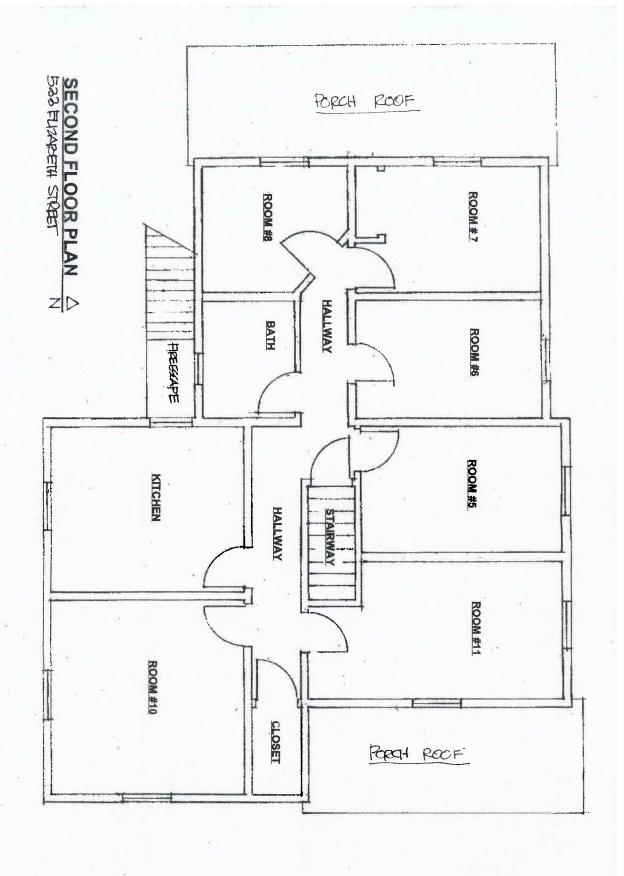
ARCHITECTURE PLANNING DESIGN BUILD 117 N. DIVISICAL AN ANDOR, MICHEGAN 48104 TEL:734-913-9022 email: dick@fryarchitecture.com





FRY ARCHITECTURE, PLLC

ARCHITECTURE PLANNING DESIGN BUILD





Room #12 outside exit

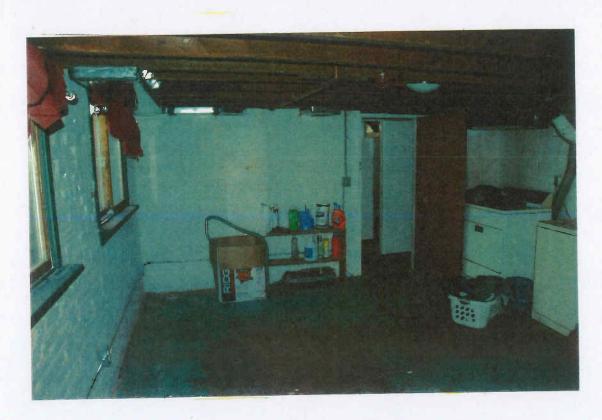


Room #13 outside exit (PRIVATE EXIT)

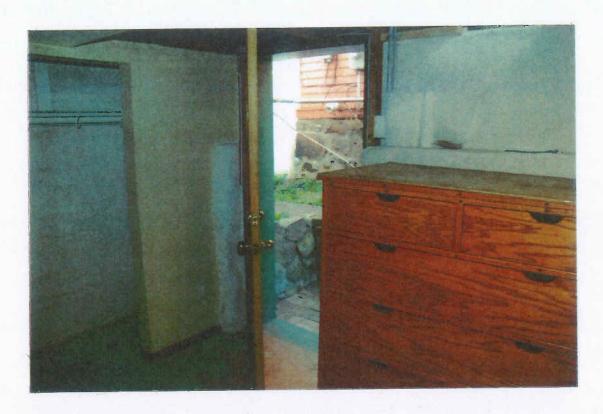


Room #13 facing west to outside exit

PRIVATE EXIT JUST FOR Room 13



Room #13 exit to hallway to interior stairs



Room #12 showing outside exit door & closet

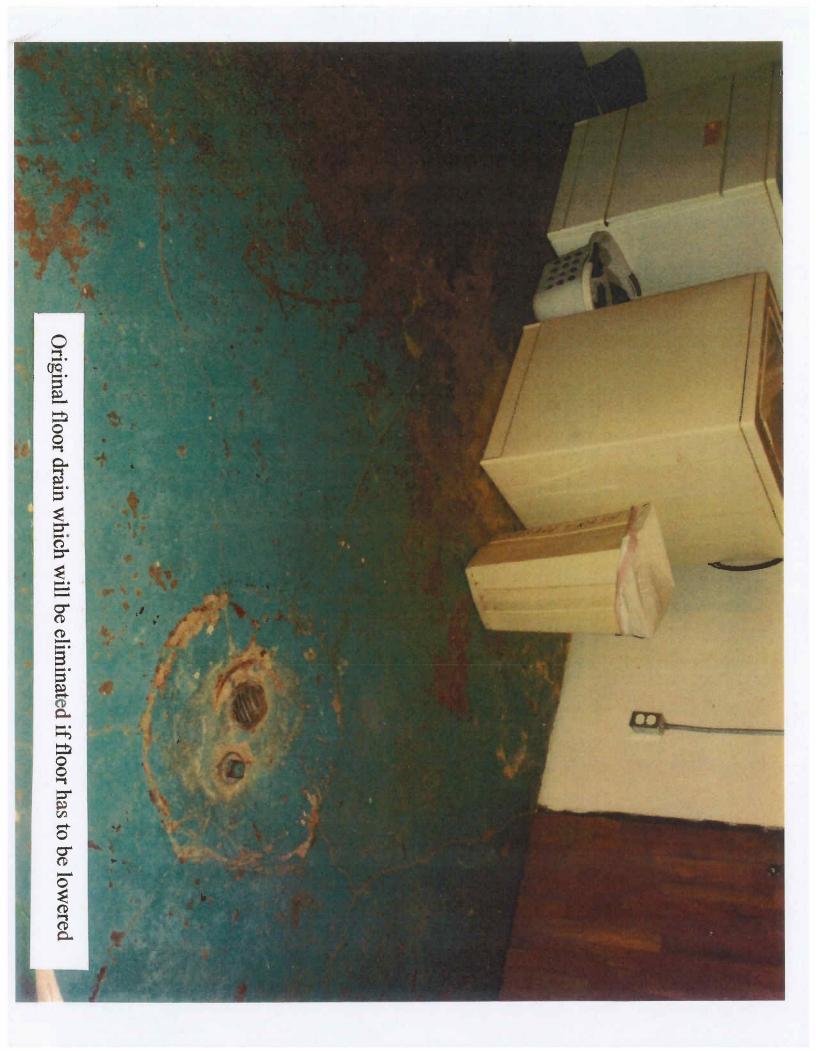


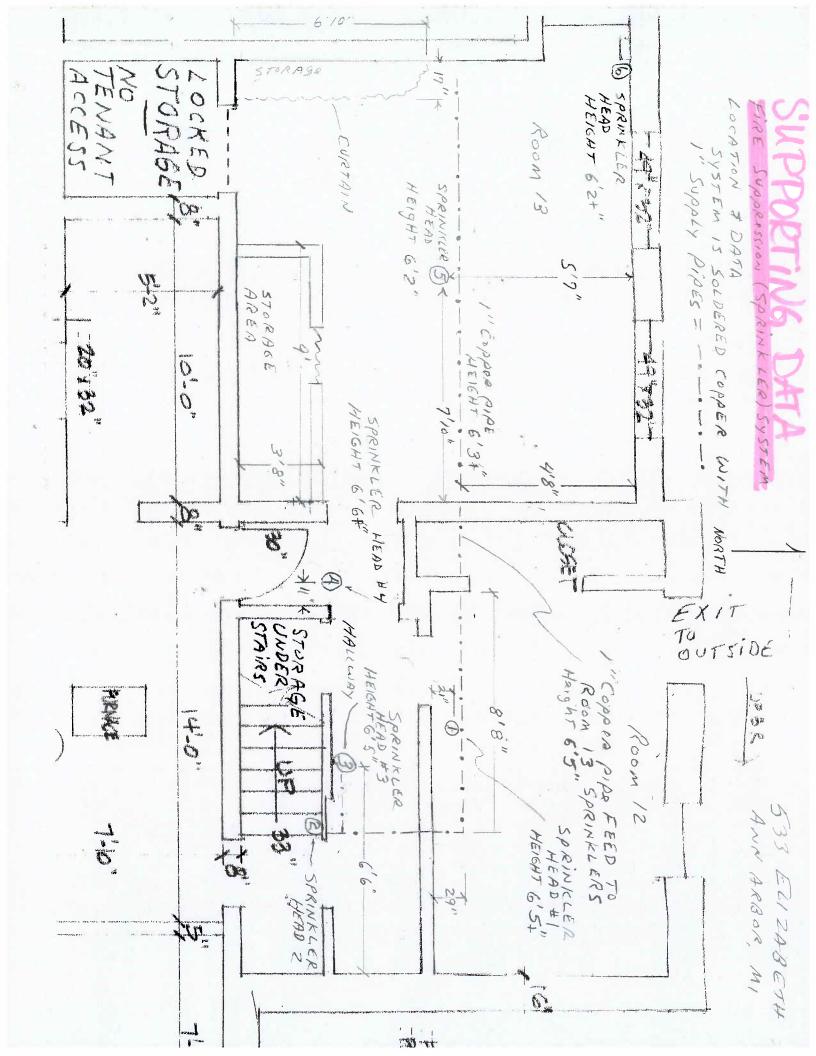
Room #12 facing east

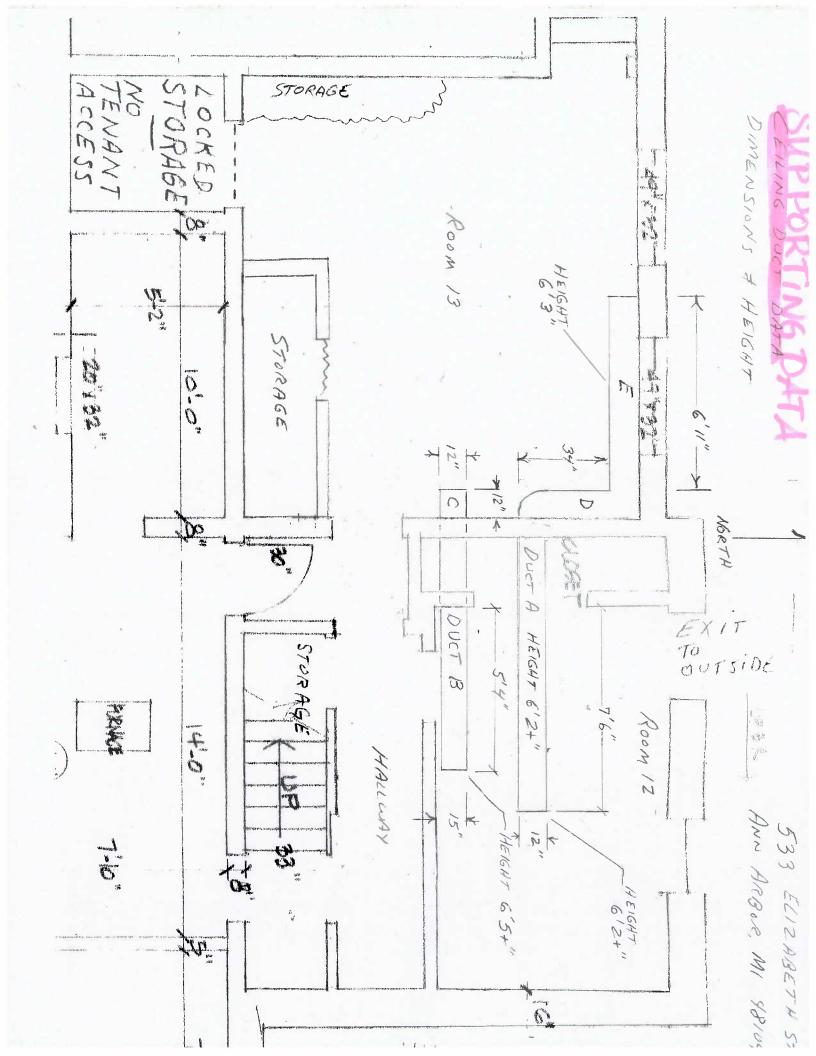


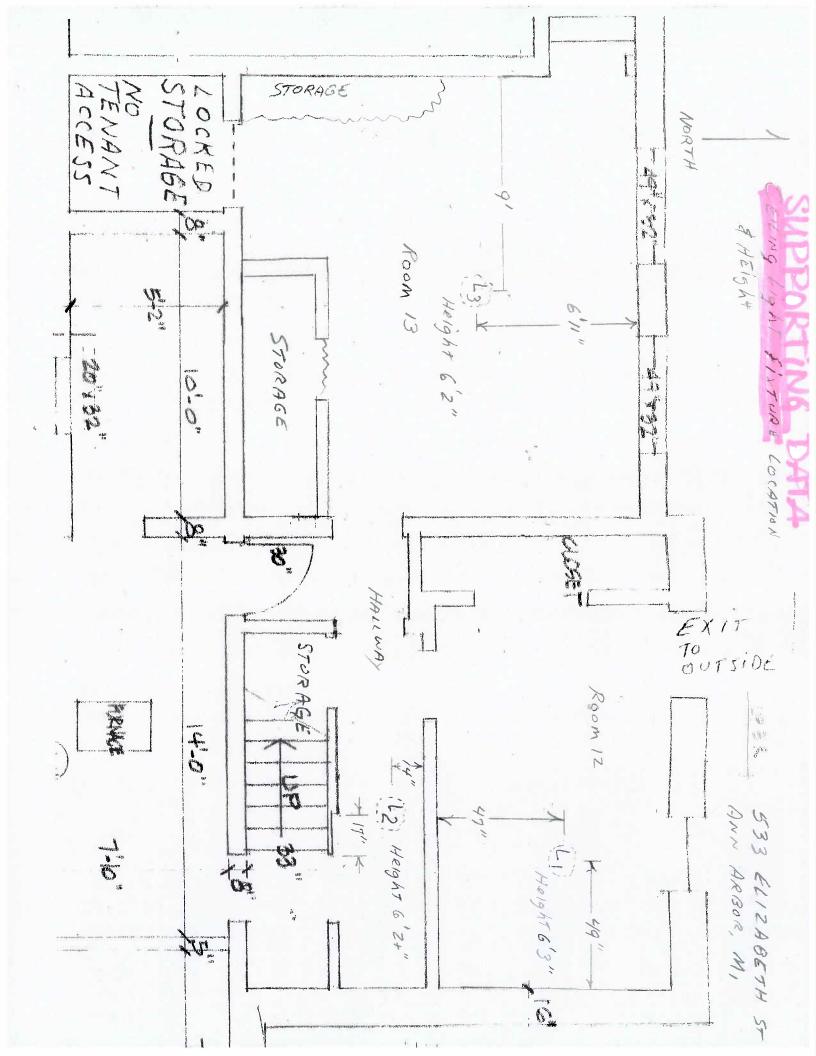


Exit corridor-hallway ending at bottom of internal stairway to first floor









Addendum for Sprinkler System, Duct Work & Ceiling Light Detail

When Mr. Craig Strong inspected the basement space in this application he requested that I include a drawing that indicated the location and height of fire suppression (sprinkler) apparatus, heating duct work and ceiling light fixtures (3 of them) in the "variance space". These items would be more easily shown on 11 X 17 size paper but the HBA rules require nothing larger than 8-1/2 X 11 so the enclosed drawings have had to have some of the dimensions and other items shown on the regular floor plan (fully depicted elsewhere in this application) removed so that the addition of sprinkler & heating duct & ceiling light information can be shown in a readable manner. Any height measurements from the floor are for the lowest part of a sprinkler/pipe, duct run or the center tip of the dome light.

Individual sprinkler heads are located and numbered and an index of their height is included. The **lowest** sprinkler head is 6 ft. 2 in. above the floor and most of them are higher off the floor. The whole sprinkler system for the entire basement is constructed of soldered copper using 1" pipe.

Duct work dimensions are on the drawing but an index of the minimum height & dimensions in a particular area is coded by letters in the following index. In most cases the information is on both the drawing and in the index. The lowest point of duct work anywhere in the variance area is 6 ft. 2 in.

The total area of all sprinkler apparatus and duct work in any room is a very small percentage of total floor area (approximately 6.3 % in room 12 and 6.4 % in room 13 and 1.1 % in the hallway).

The area of pipes and duct work in the SE corner of room #13 will be closed off by a wall which outlines a storage space. This is indicated on the drawing. A similar treatment is done for duct work against the wall in the SW area of #13 but to create functionality and make the use of the small storage easier a curtain is used. These storage areas are not included in the calculations of the room floor area.

Index of numbers for Sprinkler System. On the drawing 1" copper sprinkler system pipes are drawn with a dash dot line. •—•—•— A plus sign (+) after inches indicates an additional ½ inch or more.

Index of sprinkler system numbers

Room 12 – The smaller room with outside egress door on the north side middle of basement. Total room floor area is 98 sq. ft.

#1 Sprinkler head height is 6' 5" supply line to room 13 has a height of 6' 5"

Hallway to internal stairway - second egress

- #2 Sprinkler head is in stairway wall backset does not affect ceiling height
- #3 Sprinkler head height is 6' 5" and the supply line is 6' 4+"
- #4 Sprinkler head height is 6' 6" no supply line showing
- Room 13 The largest room in the NW corner of the basement. Total room floor area is 175 sq. ft.
 - #5 Sprinkler head height is 6' 2" and no supply line showing
 - #6 Sprinkler head height is 6' 2+" and the 1" supply pipe (east to west across center of room) height is 6' 3"

Index of letters for heating Duct work

Room 12 – The smaller room with outside egress door on the north side in the middle of basement. Total room floor area is 98 sq. ft.

- A Duct is 7' 6" X 12" and has a height of 6' 2+"
- B Duct near doorway is 5" 4" X 12"

 Minimum height from floor is 6 ft. 5 in.

Room 13 – The largest room in the NW corner of the basement. Total room floor area is 175 sq. ft.

- C Duct is 12 in X 12 in. and height is 6 ft. 2+ in.
- D Duct in NE corner of room near window. This branch measures 34" X 12" Minimum height from floor is 6 ft. 3 in.
- E A continuation of Duct D. This branch measures 6 ft. 11 in. X 13 in. and is at the same 6 ft. 3 in. height

Duct work against West wall starting in the SW corner of the room is a delineated storage area where shelving will be placed and is not included in room sq. footage but the duct work in this area is 69 in. X 16 in. The duct work in this area of room #13 is excluded from the room area and will be closed off by a curtain wall which outlines a storage space. This is indicated on drawing. A curtain allows much more efficient use of this narrow space as built in shelving.

Duct work & pipes in SW area of this room are in the walled off storage area.

Index of ceiling light information

Only the center tip of the LED light is at the indicated height all the rest of the lamp is above that dimension and against the ceiling

- L1 Room 12 height above floor 6' 3" Location on ceiling light drawing
- L2 Hallway height above floor 6" 2" Location on ceiling light drawing
- L3 Room 13 the larger room Height above floor 6' 2" Location on ceiling light drawing



Room 12 Sprinkler pipe and Ducts A & B



Hallway Sprinkler pipe, Sprinkler #3 & Light L2



Room 13 Duct C



Room 13 Ducts E & D



Duct work behind "the curtain" in Room 13 Shelves to be installed in this area under the duct



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

September 26, 2016

Thomas Ewing 604 Gott Street Ann Arbor, MI 48104

Re:

533 Elizabeth Street, Ann Arbor, Michigan 48104

Parcel Identification Number ("PIN"): 09-09-29-101-009

Dear Mr. Ewing:

Please consider this as a notice to attend the Ann Arbor Housing Board of Appeals meeting for your variance request. You will have the opportunity to address the Board.

The meeting will take place on Tuesday, October 11, 2016 at 1:30 PM on the 2^{nd} floor of City Hall in the Council Chambers.

If you are planning to support your request with information or evidence not included with your application, please submit your additional information to City Housing Department staff either by email at a2gov.org or in person no later than the Friday before the meeting to allow time for distribution to the Board members. If you bring additional materials to the meeting, please bring 10 hard copies for the Board members and City staff.

Sincerely,

Lisha Turner-Tolbert

Rental Housing Services Manager

Lisha Juran - Folkert



BUILDING DEPARTMENT

CITY OF ANN ARBOR MICHIGAN

100 North Fifth Avenue, P.O. Box 8647, Ann Arbor, Michigan 48107

Administration 994-2712 Plan Review 994-2695 Construction 994-2674

Environmental 994-2698 Housing & Safety Appeal Boards

991.2678 994-2696 994-2697

Zoning

March 4, 1982

Mr. Dale Newman P.O. Box 7333 48107 Ann Arbor, Mi

533 Elizabeth Street Re: Appeal 82-H-6

Mr. Newman:

The Housing Board of Appeals met on Tuesday, March 2, 1982 to hear your appeal for variances from the regulations of the City Code. The decision of the Board was as follows, and they have asked me to notify you of their action.

- 1. Variance granted as requested on the outside grade along the north side of the house per the submitted plan with the condition that all other code requirements be met.
- 2. Variances granted from the 7 foot ceiling height requirement as requested for a 4 inch variance in the 17 X 12 room and a 7 inch variance in the 16 X 15 room with the following conditions.
 - a) All other code requirements shall be met.
 - b) Occupancy shall be limited to one person in each room.

None of the above relieves you of the responsibility to obtain the required Building Permit and/or Trade Permits from the Building Department before any work can commence. If you have any questions, feel free to contact us.

LOLA L. LACY, Secretary Housing Board of Appeals

111

cc: Wm. Yadlosky, Housing Supervisor File & Master File



November 4, 2015

Re: 553 Elizabeth Street

Ann Arbor Building Department:

I have been informed by my client Tom Ewing that a code issue has come up that complicates the use of one of his rental rooms, Room #12, located at 553 Elizabeth St., Ann Arbor, MI.

This issue deals with a code required door swing space on to an area of this small bedroom, Room #12. Room #12 works just fine in it's "as-built" situation. The problem developes if the room floor has to be lowered. If lowered then two levels of platform are created which creates two levels at different heights and takes away about 25% of the floor area in the room, and devotes it just to entry and exit through the exterior door.

If variance for existing ceiling height is granted then this is not a problem.

Respectfully submitted,

Richard E. Fry FAIA

Ewing application for variance at 533 Elizabeth St.

Section 6 - required materials - Complete List of Tenant's Names

533 Elizabeth St. is an all male rooming house. All Tenants live on the 1st or 2nd floor in their private sleeping rooms. Common areas (hallways, baths, kitchens, stairs) may be accessed at any time without notification.

533 Elizabeth Residents as of Tuesday, August 30, 2016 Room # Name

- 1. William Bourdette (1st floor)
- 2. Samuel Church (1st floor)
- 3. Corey Walker (1st floor)
- 4. Kevin Daley (1st floor)
- 5. Taiju Fujil (2nd floor)
- 6. Makai McClintock (2nd floor)
- 7. currently vacant (2nd floor) This "future tenant" can be reached via the managing agent, PMSI, 117 N. Division St., Ann Arbor (734) 665-5552
- 8. Nicholas Gutierrez (2nd floor)
- 9. Jonathan Ward-Callahan (1st floor)
- 10. Marco Liera (2nd floor)
- 11. Alex Juntil (2nd floor)

Note requested by Mr. Craig Strong

About 1:20 PM on Monday, Sept 21, 2015 Mr. Strong and I (Tom Ewing) had a discussion at the City Permit Desk about the appropriate regulations covering the interior stairway going from the basement to the first floor at 533 Elizabeth St. He ascertained that:

1. The stairway had not been modified since the house was built

2. That the 33" width of the stairway exceeded the Housing Dept. required width of 27" for stairways.

3. That all code issues of a most recent Certificate of Occupancy inspection had been successfully completed.

He then emphatically told me that the stairway requirements were as outlined in the Housing Inspection requirements and NOT the Building Dept. requirements.

He also indicated that it was acceptable to repair the stairway as needed and that such repair would NOT terminate the "grandfathered" nature of the stairs.

He asked me to insert this note in this application as a reminder to him of our discussion which eliminated the need to request a Variance for the stairway dimensions.

Henry of the above relieves you of the responsibility to oblean the required