

PLANNING AND DEVELOPMENT SERVICES STAFF REPORT

Building Board of Appeals Variance Request Hearing of April 10, 2014

Subject: 114 West Summit Street, Ann Arbor, MI 48103 PIN#090920410004

Legal Description of Property:

LOT 12 HISCOCK ESTATE SUB

Description and Discussion:

The owners of the residence located at 114 W Summit St request a variance from the requirement of a min. 7'-0" ceiling height in the finished attic for use as habitable space as required by section 8:503 (3) (B).

On an initial inspection conducted on September 13, 2013 by Terry Root, it was found that the attic was in use as a sleeping room. Previous inspections indicated the attic as not habitable. The ceiling is a sloped ceiling with a peak height of approximately 7' 3". The 7'0" area is about 9" wide for the length of the room, app. 16' per tenants drawing. Section 8:505 (3) (B) requires that 50% of the required floor space have a 7' ceiling height. 70 square feet is required for a sleeping room, 50% of that would be 35 square feet. They only have about 12 square feet. The stairs leading to the attic also do not meet code. The tread depths range from 7-1/2"-8-1/2". Section 8:504 (4) (b) (4) requires tread depth to be a min. 9".

The house was built in 1913 and appears to be original construction with 3 bedrooms and a bath on the first floor and a finished walk up attic that at some time has been finished.

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 on existing structural elements of a building.

Standards for Approval:

Practical difficulties or unnecessary hardship

Per the applicant:

"In order to comply, we would have to do major construction on the home by raising the entire roof. The expense of this construction would not only be financially devastating, but would also prevent us from renting until the work is complete"

The variance does not jeopardize the public health and safety.

At this time there does not appear to be an immediate health and safety issue.

The variance does not violate the intent of this chapter

The first purpose of the Ann Arbor Housing Code is to protect the health, safety and welfare of residents. Granting this variance as requested by the petitioner **will not** violate this purpose.

Recommendation:

Staff recommends the following motion:

MOTION

1. "I make a motion to approve a variance for the 7' ceiling height as is, pending approval of the stair tread depth and installation of hardwired interconnected smoke alarms and that the attic must meet light and ventilation requirements along with egress window requirements, all which were not checked at inspection due to the space was not habitable.

Respectfully submitted,

Terry Root
Development Services Inspector

Lisha Turner-Tolbert
Inspection Supervisor



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

Building Board of Appeals

Section 1: Applicant Information		
Name of Applicant:	<u>Johnnie & Kathy Dew</u>	
Address of Applicant:	<u>114 W Summit</u>	
Daytime Phone:	<u>734-751-2534</u>	Fax: _____
Email:	<u>kedew@comcast.net</u>	
Applicant's Relationship to Property:	<u>Owner</u>	
Section 2: Property Information		
Address of Property:	<u>114 W Summit</u>	
Zoning Classification:	<u>C1</u>	
Tax ID# (if known):	_____	
*Name of Property Owner:	<u>Johnnie & Kathy Dew</u>	
<i>*If different than applicant, a letter of authorization from the property owner must be provided.</i>		
Section 3: Request Information		
<input type="checkbox"/> Variance		
Chapter(s) and Section(s) from which a variance is requested:	REQUIRED dimension:	PROPOSED dimension:
<u>Housing code:</u>	<u>At least 50% of required</u>	_____
<u>8:503</u>	<u>floor area or 94 sq.ft in</u>	<u>24 Sq feet</u>
<u>Section 3:b</u>	<u>this case.</u>	_____
<i>Example: 2003 Building Code, Section 5:26</i>	<i>Example: 7' Ceiling Clearance</i>	<i>Example: 6'5" under landing</i>
Give a detailed description of the work you would need this variance for (attach additional sheets if necessary)		
<u>The room in question is the upper loft area of the house. It's measurement is 16x12</u>		
<u>and the ceiling is an "A" frame. We would like to utilize this room as a habitable bedroom,</u>		
<u>however due to the sloped ceiling it does not afford us the required ceiling clearance.</u>		

Section 4: Variance Request

The City of Ann Arbor Building Board of Appeals has the powers granted by State law and Building Codes. A variance may be granted by the Building 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 Building Board of Appeals.

1. Are there hardships or practical difficulties to complying with the Code? Are these hardships or practical difficulties an exception or unique to the home compared to other homes in the City?

Yes there are hardships and practical difficulties to complying with the code.

The practical difficulties are common with other homes in the area and those who have them have either obtained a variance or were grandfathered in so as to meet compliance.

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

In order to comply we would have to do major construction on the home by raising the entire roof/

The expense of this construction would not only be financially devastating but would also prevent us from renting until the work is complete.

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

There will be absolutely no changes effecting 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 Code?

The "A" framed roof

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

No it is not self imposed. Approximately 80% of old rental houses have this same construction.

Section 5: 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 Building 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**. ***If incomplete, you will be scheduled for the NEXT MEETING DATE ON THE FOLLOWING MONTH.***

State proposed use of property, size of lot and size and type of proposed changes.

Building floor plans showing interior rooms, including dimensions. (continued...)

Photographs of the property and any existing buildings involved in the request.

Any other graphic or written materials that support the request

Section 6: 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 Applicable City Code and/or 2006 Michigan Residential Code and/or 2006 Michigan Building Code for the stated reasons, in accordance with the materials attached hereto.

(734) 751-2534

Phone Number

K. Dew

Signature

Kedew@comcast.net

Email Address

Kathy E Dew

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 and have received all coversheets with dates, deadlines and instructions. Applicant acknowledges that they are aware of these meeting dates and will not receive further notification of meeting dates and times. All applicants are expected to know when and where the meeting is and to appear to present their appeal in a timely fashion:

K. Dew

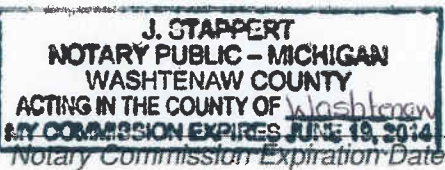
Signature

Further, I hereby give City of Ann Arbor Planning and Development Services unit staff and members of the Building Board of Appeals permission to access the subject property for the purpose of reviewing my variance request. As a condition of granting any variance, the property owner is also responsible for reinstating, paying fees for or acquiring new permits to inspect and final out any outstanding work at this property:

K. Dew

Signature

On this 11th day of March, 2014, 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.



J. Stappert

Notary Public Signature

J. Stappert

Print Name

STAFF USE ONLY

Date Submitted: _____ Fee Paid: _____

File No.: _____

Pre-Filing Review Person & Date: _____

Secondary Staff Review Person & Date: _____

Date of Public Hearing: _____

BBA Action: _____

OUTSTANDING PERMITS: _____

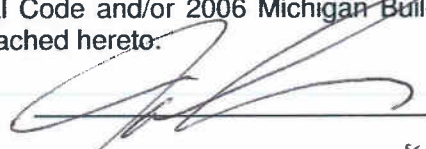
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734 646 4022

Phone Number

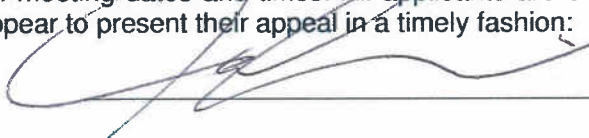
 _____
Signature

jdew@comcast.net


Email Address

John H. Dew _____
Print Name

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Signature

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 _____
Notary Public Signature

Notary Commission Expiration Date

J. Stappert _____
Print Name

STAFF USE ONLY

Date Submitted: _____ Fee Paid: _____

File No.: _____

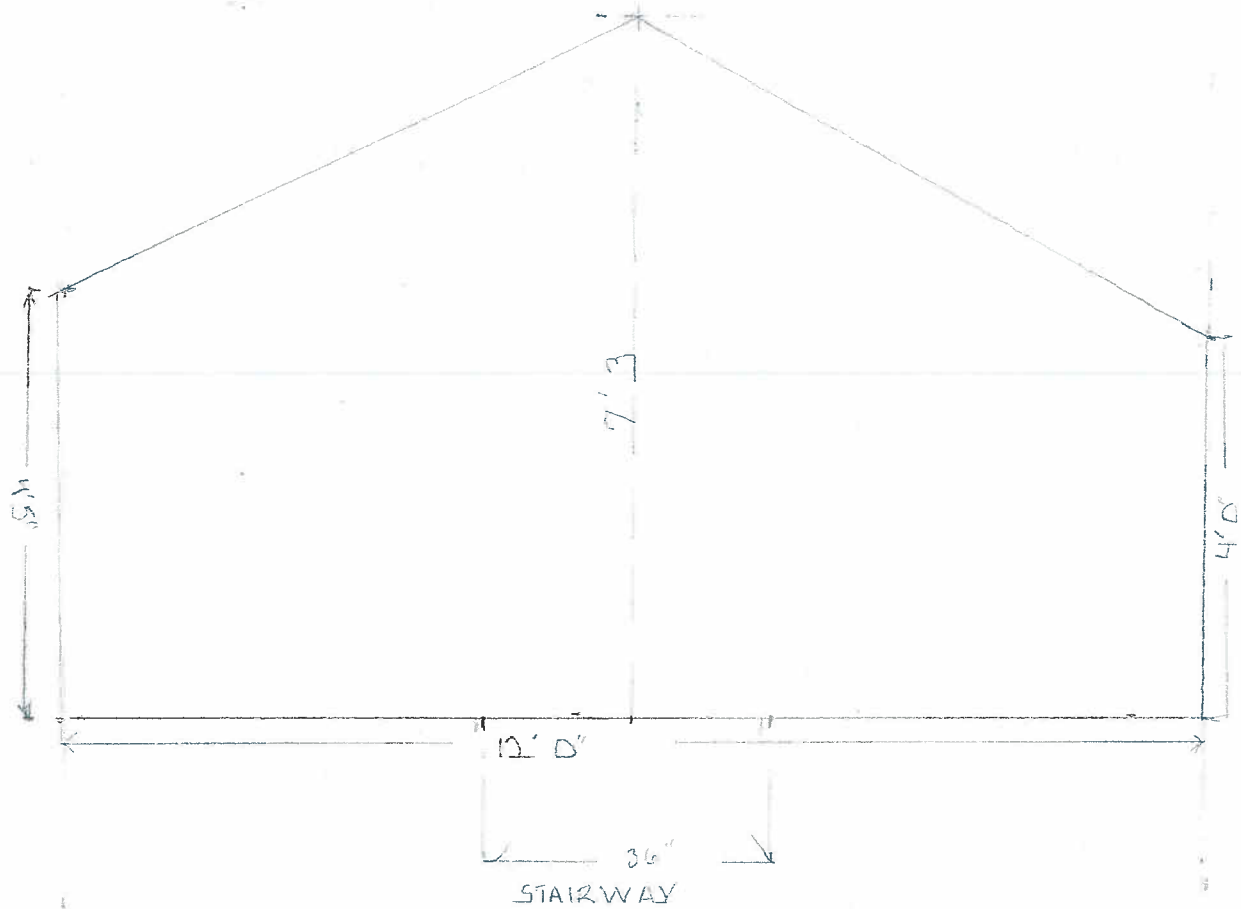
Pre-Filing Review Person & Date: _____

Secondary Staff Review Person & Date _____

Date of Public Hearing: _____

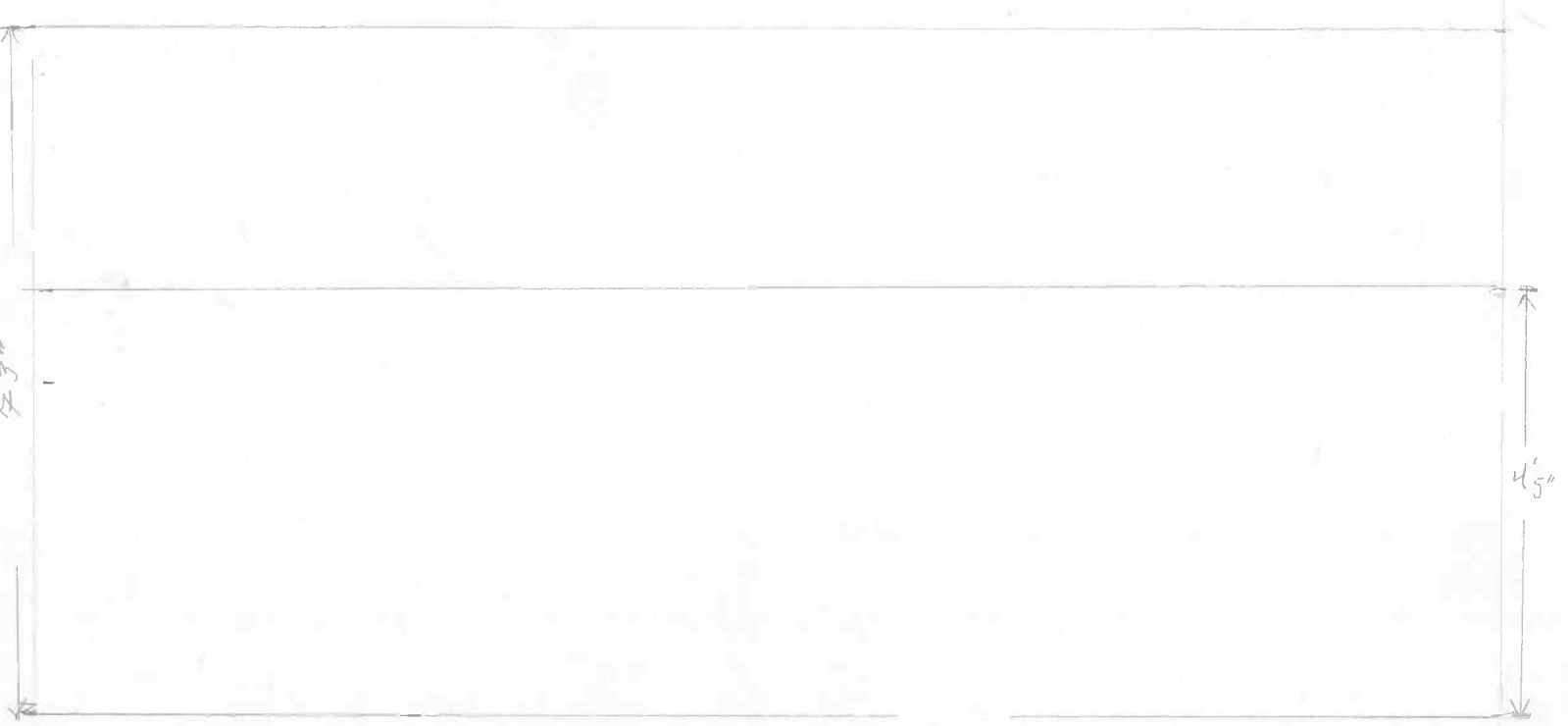
BBA Action: _____

OUTSTANDING PERMITS: _____



FRONT VIEW

Loft Bedroom



SIDE VIEW







CITY OF ANN ARBOR

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

Receipt Number: PLN1345

Project Number HBA14-001
Receipt Print Date: 03/12/2014
Address 114 W SUMMIT ST
Applicant
Owner DEW JOHNNIE & KATHY
Project Description 2nd story A frame bedroom

FEES PAID

0010-033-3370-0000-4362

P&D - APPEAL FEES 13/14

HBA

0010-033-3370-0000-4362

250.00

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

250.00

TOTAL FEES PAID

250.00

DATE PAID: Wednesday, March 12, 2014

PAID BY: DEW JOHNNIE & KATHY

PAYMENT METHOD: CASH