

PLANNING AND DEVELOPMENT SERVICES STAFF REPORT

For Planning Commission Meeting of September 29, 2015

**SUBJECT: 816 South Forest Avenue and 815 Church Street Rezoning
File No. Z15-007**

PROPOSED CITY PLANNING COMMISSION MOTION

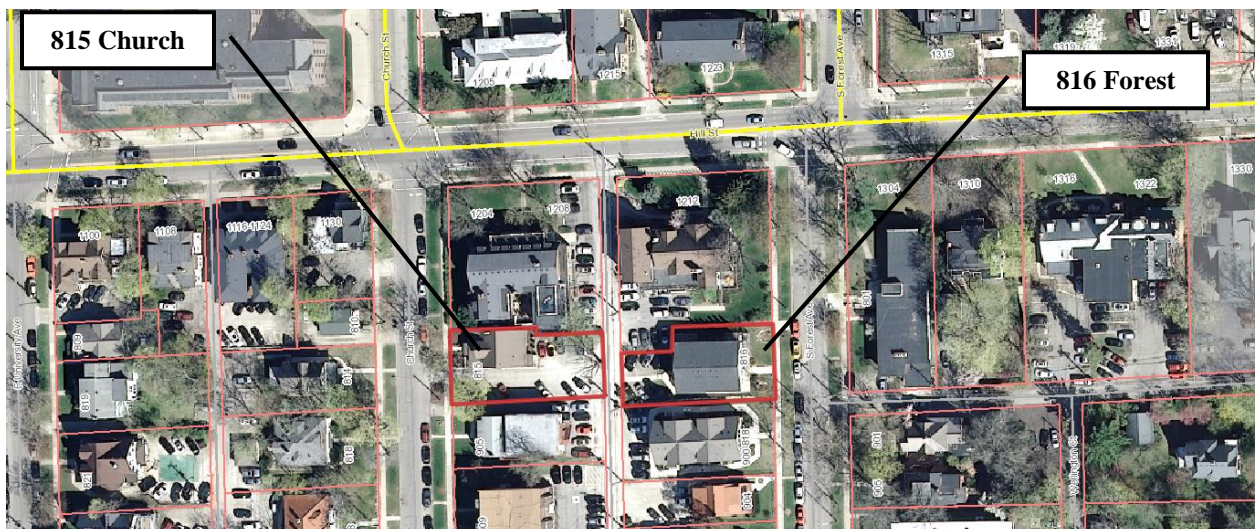
The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the 816 South Forest Avenue and 815 Church Street Rezoning from R2B (Two-Family Dwelling and Student Housing District) to R4C (Multiple-Family Dwelling District).

STAFF RECOMMENDATION

Staff recommends that this petition be **denied** because there have been no changed or changing conditions in the particular area or in the municipality in general, and there has been no error identified to support an amendment to the Zoning Map.

LOCATION

These sites is located south of Hill Street between South State Street and Washtenaw Avenue (Central Area; Ward 3).



DESCRIPTION OF PROJECT

The petitioners request their properties at 816 South Forest Avenue and 815 Church Street be rezoned from R2B (Two-Family Dwelling and Student Housing District) to R4C (Multiple-Family Dwelling District) in order to increase the density and residential occupancy potential of each. There has not been any submitted development plans for these properties in association with the requested rezoning.

816 South Forest Avenue – This approximately 7,800-square foot nonconforming lot is the first lot on the west side of Forest south of Hill Street after the corner lot. On December 21, 2005, the Zoning Board of Appeals granted a variance of 708 square feet from the required 8,500-square foot minimum lot area to allow a two-family dwelling to be constructed. A two-family dwelling was built in 2006 with four bedrooms and two studies in each unit. The maximum residential occupancy of each unit is 4 unrelated persons. (Without the variance, only a single-family dwelling would be permitted.) An alley runs along the rear of the lot, providing the only vehicular access to the site.

815 Church Street – This approximately 7,800-square foot nonconforming lot is the first lot on the east side of Church south of Hill Street after the corner lot. It contains a two-story building built in 1900 that now includes a dental office, a nonconforming use, on the first floor and a two-bedroom apartment on the second. The maximum residential occupancy of the apartment is 4 unrelated persons. An alley runs along the rear of the lot. The site includes a driveway to Church Street which also connects to a rear alley.

SURROUNDING LAND USES AND ZONING

	LAND USE	ZONING
NORTH	Sorority	R2B
EAST	Two-family dwelling	R2B
SOUTH	Multiple-family dwelling	R4C
WEST	Multiple-family dwelling	R4C

DISTRICT COMPARISON CHART

	R2B Two-Family Dwelling and Student Housing District	R4C Multiple-Family Dwelling District
Intent	<i>Intended to permit 1- and 2-family dwellings as well as to permit in the vicinity of The University of Michigan Campus the operation of fraternities, sororities and student cooperatives affiliated with the university as well as privately-owned fraternities, sororities and student cooperatives. It is the further intent of this zoning district to preserve the unique character and quality of the physical environment in this area of the city. The area is characterized by the presence of many large and architectural distinctive houses set on relatively large lots. Many sites housing such structures are characterized by large front yard setback, mature and harmonious tree growth, and a uniformity in architectural characteristics such as scale and use of materials. Any alteration to existing structures and/or construction of new facilities should harmoniously reflect the overlying character of the surrounding environs.</i>	<i>The R4C multiple-family dwelling district is intended to be located in the central area of the city, in close proximity to the central business district and The University of Michigan Campus.</i>
Principal Uses	Single family dwellings Two-family dwellings	Single family dwellings Two-family dwellings Multiple-family dwellings Rooming and Boarding Houses
Special Exception Uses	Fraternities, Sororities and Student Cooperatives Club Headquarters Boarding Houses	Fraternities, Sororities and Student Cooperatives Hospitals
Minimum Lot Size	8,500 sq ft	8,500 sq ft
Min. Lot Area Per Dwelling Unit	4,250 sq ft per dwelling unit 350 sq ft per occupant (fraternity/sorority/cooperative)	2,175 sq ft per dwelling unit 350 sq ft per occupant (fraternity/sorority/cooperative)
Residential Occupancy	Up to 4 unrelated persons	Up to 6 unrelated persons

	R2B Two-Family Dwelling and Student Housing District	R4C Multiple-Family Dwelling District
Open Space	None	40% min. including 300 sq ft active open space per dwelling unit
Setbacks	Front – Established or 25 ft min Side – 8 ft min Rear – 30 ft min	Front – Established or 25 ft min Side – 12 ft min plus additional for excessive building length Rear – 30 ft min plus additional for excessive building width
Height	30 ft max.	30 ft max.

PLANNING BACKGROUND

Recommendation – The Master Plan: Land Use Element future land use plan recommends multiple-family uses for these sites. Chapter 7 of the Land Use Element focuses on the Central Area. Prior to the current zoning ordinance, much of the Central Area was zoned for multiple-family dwellings. With the adoption of our current zoning ordinance in 1963, large portions of the Central Area continued to be zoned for multiple-family residential use through the R4C zoning classification. As noted in the Land Use Element, “the prevailing planning philosophy was that the private sector would assemble, clear and redevelop vast areas, and allowing the higher densities would encourage this.” However, this did not happen (at least to the extent envisioned by planners in the early 1960s).

There are two goals identified in the Land Use Element for the Central Area:

Goal A – To promote sound and attractive residential neighborhoods which meet the housing needs of the current and future population, which are adequately served by urban services, infrastructure and facilities and which conserve environmental quality. (Page 62)

Goal B – To encourage sensitive, attractive, and innovative development and renovation in downtown Ann Arbor and in adjacent neighborhoods. (Page 66)

Objectives and Action Statements, notable and particularly relevant to the rezoning petition, include:

- Objective 1: To protect, preserve and enhance the character, scale and integrity of existing housing in established residential areas, recognizing the distinctive qualities of each neighborhood.
- Objective 5: To develop density thresholds for each neighborhood that are appropriate in relation to the character, available services and infrastructure of the neighborhood, and in accordance with the norms of that neighborhood, resulting in improved quality of life for all residents.

- Objective 6: To protect and maintain the diversity of people and housing by promoting a stable balance among the various interests.
 - Action Statement b) Educate real estate agents about zoning limitations to reduce unrealistic expectations about income-producing property.
- Objective 13: To ensure that new infill development is consistent with the scale and character of existing neighborhoods, both commercial and residential.
- Objective 16: To encourage amicable coexistence within neighborhoods between students and other residents of the community, while maintaining the diversity of all residents and their different lifestyles.

Overall, the Land Use Element speaks to rezoning areas for lower density to reflect the established development pattern rather than rezoning to higher densities. Exceptions are certainly allowed but the prevailing sentiment is to reduce pressure on established neighborhoods and concentrate development, redevelopment and increased densities in the downtown.

The Land Use Element does recommend two specific zoning changes in the vicinity of, but not including, the subject sites. The first is Central Area Site 16 at the northwest quadrant of the Washtenaw Avenue and Hill Street intersection. The second, Central Area Site 17, is a large area on the east side of Packard Street from South Fifth Avenue (essentially the Germantown neighborhood) to Greenwood Avenue (roughly the East North Burns Park neighborhood). Both are “student neighborhoods to be reviewed for new zoning ordinance definitions and standards that support group housing opportunities.”

Planning Initiatives – Since 1963, the community has struggled with the appropriate density for the neighborhoods adjacent to downtown and campus. Higher residential densities are generally desired but so are preserving the existing stock of single family structures and streetscape character. The R4C/R2A Zoning District Study, begun in 2009, is the latest in a long list of efforts to achieve that delicate balance.

The April 16, 2013 Planning Commission Proposal for the R4C and R2A districts recommends reducing the minimum lot size 4,350 square feet in the R4C district and 6,000 square feet in the R2A district. It also recommends regulating lot combinations through the special exception use tool or similar case-by-case method to maintain the character and scale of the block.

ZONING PETITION AND ANALYSIS

In accordance with Chapter 55 Zoning Ordinance, Section 5:107(1), the Zoning Ordinance and Zoning Map shall not be amended except “because of changed or changing conditions in a particular area or in the municipality generally, to rezone an area, extend the boundary of an existing Zoning District or to change the regulations and restrictions thereof.”

The petitioner’s *Application For Changes In Or Additions To The Zoning Chapter*, a form provided by the Planning Department to assist petitioners in providing the necessary information to justify their petition is attached. The questions posed in the application are not standards for approval, rather guides to providing sufficient evidence of changed or changing conditions.

Staff Analysis – The petitioner has provided a well written, throughout and comprehensive application for staff and the Planning Commission to consider. Their justification is more

compelling than most petitions for rezoning and includes a report from an independent planner. However, staff concludes that there has not been a change in conditions nor an error that supports the petition.

The petitioner states that a student cooperative was located at 816 Forest for most of the time since 1963 and was the most likely reason why it is zoned R2B rather than R4C. The coop burned down and a duplex was constructed in 2006, but only after receiving a rare lot size variance. Planning staff explicitly explained to the property owner/developer at the time that the maximum occupancy permitted in the R2B zoning district was 4 unrelated persons, but they nevertheless choose to construct the dwelling units with two study rooms in addition to the four bedrooms.

Further, by their own account, no changes would occur at 815 Church Street as a result of this rezoning. It is a nonconforming lot and its one dwelling unit is a two-bedroom apartment certified for 4 occupants. The Application states that "the rezoning of 815 Church allows more flexibility in the future, should the practice of dentistry at this location become less economically feasible." The only obvious reasons for rezoning 815 Church is to make the Zoning Map look nicer by moving the boundary between R2B and R4C uniformly north on this block.

As there has not been any submitted development plans for these properties in association with the requested rezoning, it appears that the rezoning is intended to increase permitted occupancy at 816 Forest. While increasing appropriate density near campus and downtown areas is in keeping with the Land Use Element, increase occupancy to simply increase occupancy is contrary to many stated city goals and policies.

Furthermore, when considering a rezoning it is important to consider the future development potential of the property. A rezoning of the properties may lead to a future teardown and redevelopment that would be contrary and inconsistent with the adjacent properties.

CITIZEN PARTICIPATION

The petitioner held a meeting for neighboring citizens on July 9, 2015 (report attached). Invitations were sent to over 1,300 addresses of property owners and residents. Ten people attended the meeting.

AREA PLAN WAIVER

As no new development is proposed, the petitioner requested a waiver from the requirement to submit an area plan in conjunction with a rezoning application which was granted by the planning manager.

COMMENTS PENDING, DISMISSED OR UNRESOLVED

Planning –Staff agrees the request is small and would further some of the broad concepts in the Land Use Element, but because the sites would remain nonconforming lots, the rezoning is contrary to many stated policies in the Land Use Element, namely lot combinations resulting in out of scale development. Staff carefully debated the pros and cons and all other aspects of this petition and finds that until a redevelopment of either site or the proposed R4C/R2A

ordinance revisions are adopted, there are no changed or changing conditions to support the rezoning request.

Prepared by Alexis DiLeo

Reviewed by Ben Carlisle

9/23/2015

Attachments: Zoning Map
Aerial Photo
Application for Changes In Or Additions to The Zoning Chapter
Petitioner's Citizen Participation Report

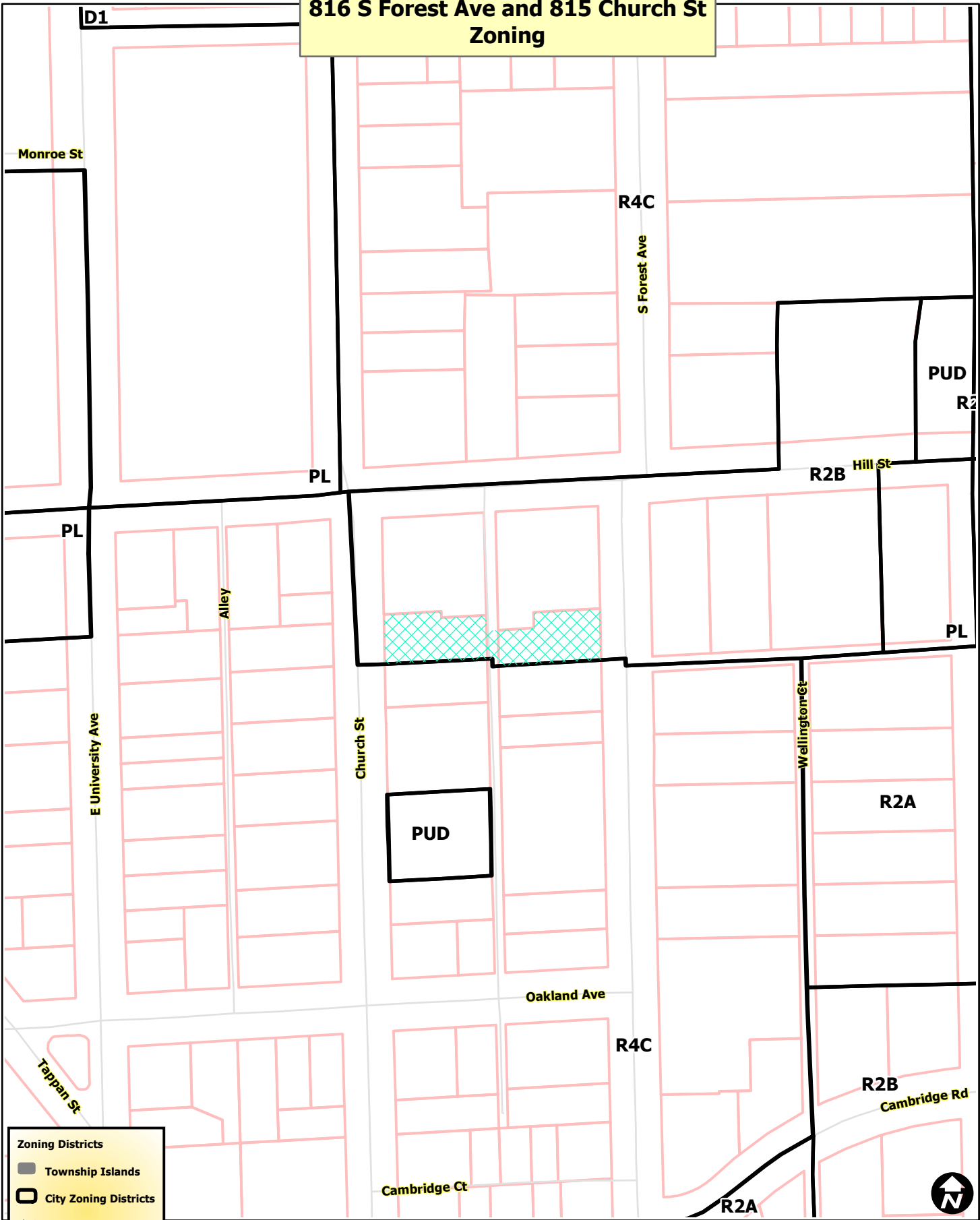
c: Petitioner's Agent: Scott Munzel
603 W. Huron Street
Ann Arbor, MI 48103

Owners: S&H 816 LLC
4320 Hillside Drive
Ann Arbor, MI 48105

Mollmax, LLC
602 Soule Street
Ann Arbor, MI 48103

Systems Planning
File No. Z15-007

816 S Forest Ave and 815 Church St Zoning



Zoning Districts

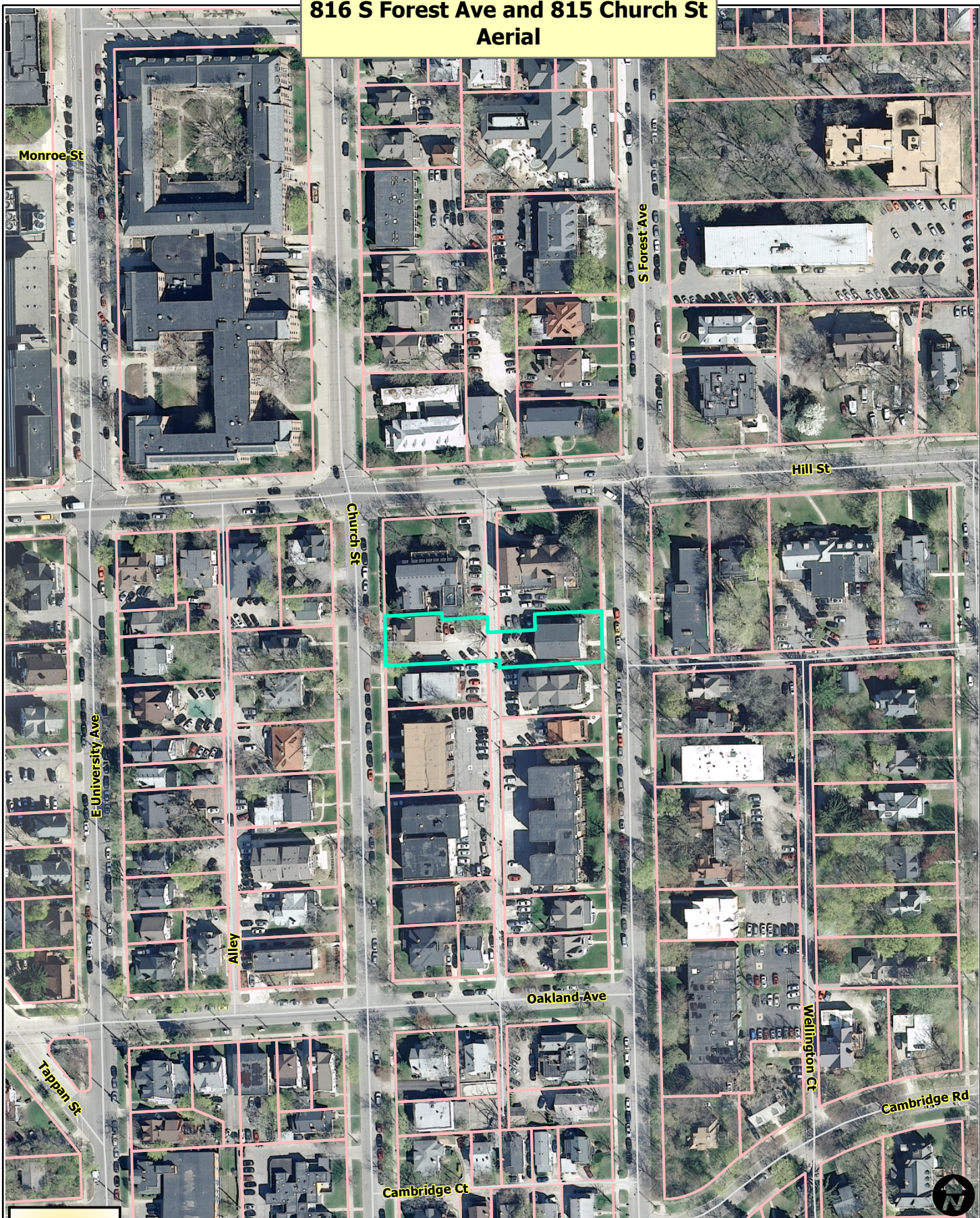
- Township Islands
- City Zoning Districts
- Railroads
- Parcels
- Huron River



Map date 6/11/2015
 Any aerial imagery is circa 2012
 unless otherwise noted
 Terms of use: www.a2gov.org/terms



816 S Forest Ave and 815 Church St Aerial

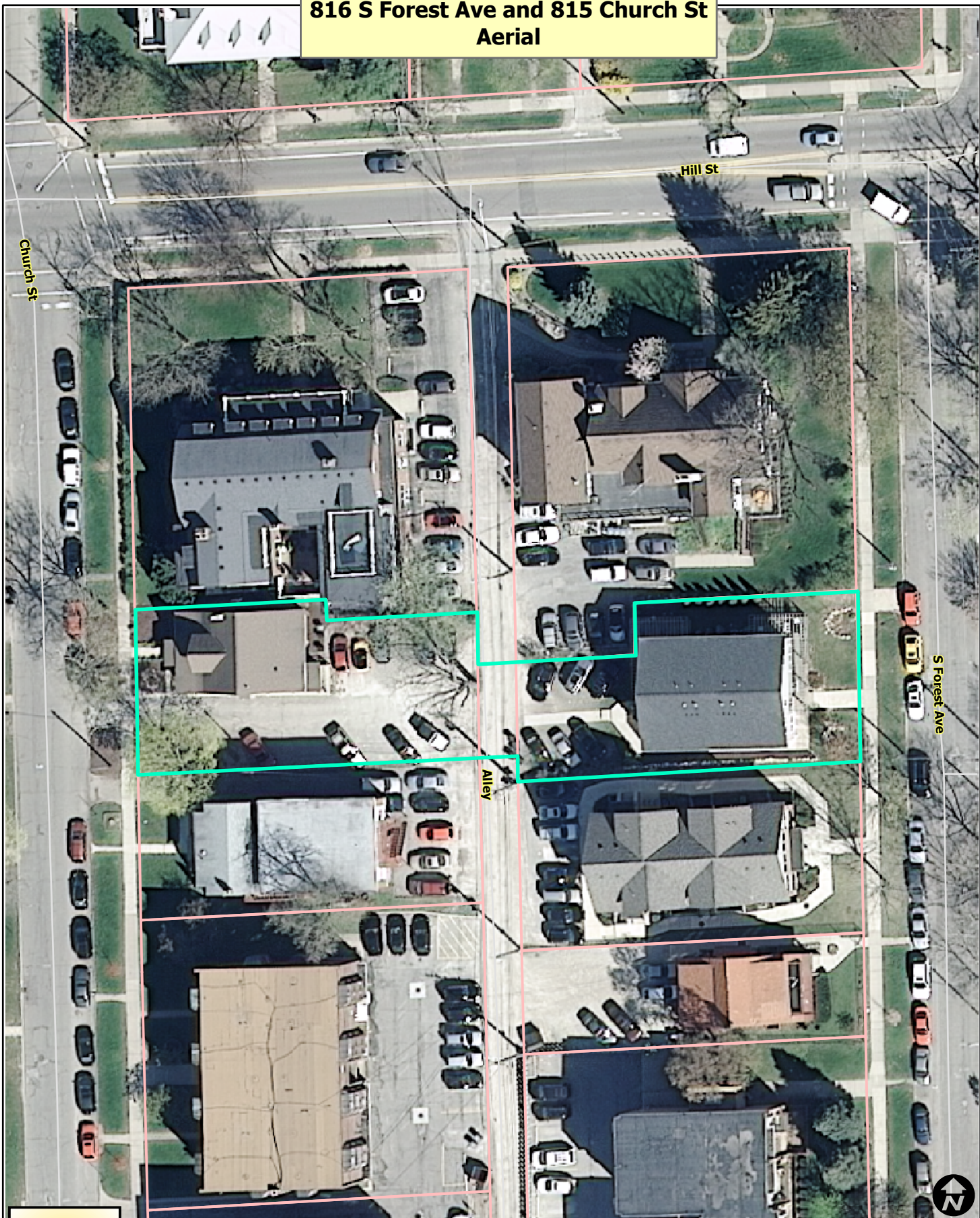


- Railroads
- Parcels
- Huron River



Map date 6/11/2015
Any aerial imagery is circa 2012
unless otherwise noted
Terms of use: www.a2gov.org/terms

816 S Forest Ave and 815 Church St Aerial



-  Railroads
-  Parcels
-  Huron River



Map date 6/11/2015
Any aerial imagery is circa 2012
unless otherwise noted
Terms of use: www.a2gov.org/terms



City of Ann Arbor
PLANNING & DEVELOPMENT SERVICES — PLANNING DIVISION
 301 East Huron Street | P.O. Box 8647 | Ann Arbor, Michigan 48107-8647
 p. 734.794.6265 | f. 734.994.8312 | planning@a2gov.org

APPLICATION FOR CHANGES IN OR ADDITIONS TO THE ZONING CHAPTER
 See www.a2gov.org/planning/petitions for submittal requirements.

TO: The Honorable Mayor and City Council
 City of Ann Arbor
 Ann Arbor, Michigan

We, the undersigned, respectfully petition the Honorable Council of the City of Ann Arbor to amend the Zoning Map as it relates to the property hereinafter described.

(Give or attach legal description and include location of property)

See Attachment to Application

The petitioner(s) requesting the zoning/rezoning are:

*(List petitioners' name; address; telephone number; and interest in the land;
 i.e., owner, land contract, option to purchase, etc.)*

See Attachment to Application

Also interested in the petition are:

(List others with legal or equitable interest)

NA

The applicant requests that the Official City Zoning Map be amended to reclassify this property from _____ to _____ to permit the following use(s): _____

See Attachment to Application
(state intended use)

Justification:

1. The extent to which the zoning/rezoning requested is necessary:

See Attachment to Application

2. This zoning/rezoning will affect the public welfare and property right of persons located in the vicinity in the following ways:

See Attachment to Application

3. This zoning/rezoning will be advantageous to the City of Ann Arbor in the following ways:

See Attachment to Application

4. This particular location will meet the convenience and service requirements of potential users or occupants in the following ways:

See Attachment to Application

5. Any changed or changing conditions in any particular area, or in the municipality generally which may have bearing on the proposed zoning/rezoning are:

See Attachment to Application

6. Other circumstances and factors which will further justify the requested zoning/rezoning are:

See Attachment to Application.

Attached is a scaled map of the property proposed for zoning/rezoning, showing the boundaries of the property, the boundaries of the existing zones, the boundaries of the proposed zones, and the public and/or private easements located within or adjacent to the property petitioned for zoning/rezoning.

The undersigned states he/she is interested in the property as aforesaid and that the foregoing statements are true and correct to the best of his/her knowledge and belief.

Dated: July 24, 2015

S & H 816, LLC

Signature: By:  Se Kim

Its: Authorized Member
4320 Hillside Drive, Ann Arbor, MI
(Print name and address of petitioner) 48105

Mollmax, LLC

Signature:  Dina Cocco

By: Dina Cocco
Its: Authorized Member
602 Soule Street, Ann Arbor, MI
(Print name and address of petitioner) 48103

STATE OF MICHIGAN
COUNTY OF WASHTENAW

On this 24th day of July, 2015, before me personally appeared the above-named petitioner(s), who being duly sworn, say that they have read the foregoing petition by them signed, and know the contents thereof, and that the same is true of their knowledge, except as to the matter therein stated to be upon their information and belief, and as to those matters they believe it to be true.

Signature:  Victor L. Lillich
(Print name of Notary Public)

My Commission Expires: 3-17-21

**Attachment to Application for Change in Zoning Chapter
816 Forest/815 Church
July 24, 2015**

I. Legal Description of Properties subject to Rezoning request

- A. 816 Forest: Lot 22, Block 3, Hill's Addition to the City of Ann Arbor, as recorded in Liber 60 of Deeds, Pages 134- 136, Washtenaw County Records, excepting the rectangular piece in the Northwest corner of the Lot measuring 20 feet in width on the alley at the West end of the Lot and 46 feet in length along the North line of the Lot.
- B. 815 Church: The North 56 feet of Lot 3 and the South 8 feet of Lot 1 and of the Westerly 16 feet of Lot 5 2, Block 3, Hill's Addition to the City of Ann Arbor, as recorded in Liber 60 of Deeds, Pages 134- 136, Washtenaw County Records.

II. Petitioners Requesting Rezoning

- A. 816 Forest: Petitioner is the sole owner of the property
S&H 816 LLC
4320 Hillside Drive
Ann Arbor, MI 48105
248 225 9520
- B. 815 Church: Petitioner is the sole owner of the property
Mollmax, LLC
602 Soule Street
Ann Arbor, MI 48103
734 320 4032

III. Rezoning Request

The Petitioners request that the Official City Zoning Map be amended to reclassify these two properties from **R2B** to **R4C** to permit the following uses:

816 Forest- it currently contains two residential units, each containing four bedrooms. Petitioner plans no exterior changes to the property, and it would remain with two residential units. The number of bedrooms, however, would increase from four to six in each unit.

815 Church- it currently contains a legal non-conforming dentist office on the first floor and one residential unit, containing three bedrooms, on the second floor. Petitioner plans no changes at all to the property, and its uses would remain as they currently exist.

IV. Existing Conditions- The Properties and Surrounding Area

A. **816 Forest (“816”).** This property is located in one of the first plats in the City, Hill’s Addition to the City of Ann Arbor (1866), attached as Exhibit A. The lot containing 816 is Lot 22, which has platted dimensions of 66 feet by 132 feet, creating a lot containing 8,712 square feet. In the 1930’s, 816 was owned by Edwin and Lillian Goddard. They also owned and resided at 1212 Hill Street, immediately to the north of 816. (By the way, Edwin was a professor at the Law School.)

In 1933, Goddards conveyed 816 to Virginia Aubrey and Helen Pratt; however, for unknown reasons, Goddards retained a rectangle in the northwest corner of Lot 22 measuring 20 feet by 46 feet. That rectangle thus continued to be owned by Goddards, and essentially was then attached to 1212 Hill Street. Eliminating this rectangle resulted in a loss of 920 square feet from 816, leaving it with 7,792 square feet. Ever since 1933, 816 has been conveyed without that rectangle, and 1212 Hill Street has been conveyed with it attached to 1212 Hill.

Historically, the building on 816 has always faced Forest Street, and has always related to the streetscape on Forest, not Hill Street. Attached as Exhibit B are several photographs of 816 and its environs. 816 is zoned R2B, as is 1212 Hill Street (immediately north of 816); however, R4C zoning is immediately to the south.

B. **815 Church (“815”).** This property is also located in Hill’s Addition to the City of Ann Arbor. The lot containing 815 is Lot 3, which has platted dimensions of 66 feet by 132 feet, creating a lot containing 8,712 square feet. In 1927, Ella Sugden conveyed 815, via a complicated legal description, to Nellie Cumin and Mark Sugden. There is no particular rationale for this that we have been able to discover. The legal description is basically the north 56 feet of Lot 3, plus the south 8 feet of Lot 1, plus the south 8 feet of the west 16 feet of Lot 2. This conveyance resulted in 815 containing 7,926 square feet. Ever since 1927, 815 has been conveyed via this legal description.

The building on 815 has always faced Church Street, and relates to the streetscape on Church, not Hill Street. Attached as Exhibit C are several photographs of 815 and its environs. 815 is zoned R2B, as is 1204 Hill Street (immediately north of 815). To the immediate south of 815, however, the zoning is R4C.

C. **Hill Street Frontage.** North of 816 and 815 are two large sorority houses, both of which front on Hill Street. Across Hill are more large apartment buildings as well as one sorority house, all of which front on Hill Street. The south side of Hill is zoned R2B; however the north side of Hill is zoned R4C. Attached as Exhibit D are several photographs of the north and south sides of Hill.

D. **East of 816 Forest.** To the east of 816 is land that was platted in 1891 as Olivia B. Hall’s Subdivision, attached as Exhibit E. The lots fronting on Hill have a depth of 200 feet, at which point, they are bounded by an alley. While the property north

of the alley and fronting on Hill is zoned R2B, the land south of the alley fronting on Forest is zoned R4C.

E. **West of 815 Church.** To the west of 815, starting at Hill Street and continuing south along Church, the land is all zoned R4C.

F. **Zoning of the Area.** It appears that the R2B zoning was instituted in this area before 1963 (as far back as the City planning library contains documents which I could discover). The R2B zoning to the east of 816 follows Hill Street, with the alley serving as the delineation between R2B and R4C to the south. (See Zoning Map attached as Exhibit F). For some unknown reason, the R2B designation then continues west in about the same line as the alley, thus including 816 and 815 in R2B, notwithstanding that their orientation is **not** Hill Street, but rather Forest and Church Streets respectively. The property to the immediate south of both 816 and 815 is zoned R4C (as is much of this entire area). 816 used to be occupied by the Stevens Housing Cooperative, which had an occupancy level of about 20 students (according to old City assessing records). While it was a cooperative, it faced and related to Forest Street. Nor did it have any significant vegetation or trees, or a large front setback, as do many of the sororities in the area.

V. **Rationale for Re-zoning to R4C**

While R2B allows two-family dwellings near the U of M campus, its true intent, pursuant to the language of the Zoning Ordinance, Section 5:10.4(1), is to preserve the unique character and quality of this physical environment, characterized by large front yard setbacks, mature and harmonious trees, and a uniformity in architectural characteristics such as scale and use of materials. As such, its main purpose is to reflect the many large and attractive fraternities and sororities that were constructed in the Hill and Washtenaw Avenue area.

The R4C zoning designation also allows multiple-family dwellings and, pursuant to Section 5:10.8(b), is intended to be located in the central area of the City, in close proximity to the U of M campus (and the central business district).

While the language of the R2B district is appropriate and depicts the Hill Street environment, it does not accurately reflect the structures and setting of 816 and 815. These two structures do not relate at all to the Hill Street environment, but relate to the environment to the south of each, on Forest and Church Streets, which are all zoned R4C. Nor do 816 or 815 have mature trees, or any significant architectural features. It appears that the R2B zoning designation (appropriately) followed the alley to the east, and at that point, rather than notching north to include just the parcels fronting Hill Street, it continued straight west and included 816 and 815, notwithstanding that they bear none of the R2B characteristics noted in the Ordinance. As such, it appears that both 816 and 815 were zoned R2B in error, as opposed to zoning them R4C, which more accurately reflects their structures and physical characteristics. This provides a basis for seeking a re-zoning under the Ordinance from R2B to R4C.

There has also been a change in conditions since before 1963, when 816 and 815 were zoned R2B. It is possible that at that time, there was a student cooperative located at 816 Forest. To the extent R2B mentions cooperative housing, that is one possible explanation for why 816 was classified R2B, notwithstanding that the cooperative would have been much smaller than many of the student cooperative houses. In any event, that structure burned in the early 2000's. It was replaced with the current structure, which is not a student cooperative, but rather a duplex structure. As such, the current conditions have changed since this property was zoned R2B prior to 1963.

Another change in conditions since before 1963, is that the University has expanded dramatically the number of students who attend, yet it has only increased by a modest amount the number of University housing units in the Central Campus area. As such, there has been an increased pressure on the residential neighborhoods surrounding and close to Campus. Because of this, it would be appropriate to allow increased density in the area of 816 and 815, which is essentially across the street from Campus (East Quadrangle sits just to the northwest of these two properties).

Urban planning now recognizes that increased density within the urban core provides many advantages, including reducing pollution, increasing transit use, and creating a vibrant urban center and street activity. A recent County/City study urges the creation of more housing units affordable to those earning moderate incomes. Re-zoning these two properties from R2B to R4C would allow for a very modest increase in density, thus accommodating the change in conditions from the 1950's and meeting City goals. As such, this change in conditions provides another basis for a re-zoning under the Ordinance from R2B to R4C.

It is important to note 816 could accommodate an increase in 4 bedrooms without any exterior change to the structure. As such, the re-zoning would not result in any physical change apparent from the street. 816 also meets the parking requirements. There is no plan for 815 to change its current use as a dentist office on the first floor with an apartment on the second floor. The re-zoning, however, would potentially allow a more efficient building to be constructed in the future that would be consistent with City goals. Of course, even with a re-zoning to R4C, these two properties would still be less densely used than the two sororities immediately to their north. While both 816 and 815 would be below the minimum lot size required in R4C, they are already legal non-conforming parcels in that they are slightly below the minimum lot size for the R2B district; therefore, a re-zoning would not increase any non-conformities.

This proposed re-zoning is also supported by an independent urban planning consultant. Attached as Exhibit G is the report of Building Place, the urban planning consulting firm of Rodney Nanney, AICP. It notes that the proposed re-zoning "...is compatible with the surrounding neighborhood and plans for the city's Central Area, and is consistent with sound planning and zoning principles."

VI. Justification

1. The extent to which the re-zoning requested is necessary

The re-zoning is necessary to allow a more sensible use of 816 Forest, which can accommodate 4 additional bedrooms in its 2 residential units without any exterior changes. Re-zoning 816 to R4C would allow the zoning classification to more closely match the existing physical and built environment. The re-zoning of 815 Church allows more flexibility in the future, should the practice of dentistry at this location become less economically feasible.

2. This re-zoning will affect the public welfare and property rights of persons located in the vicinity in the following ways:

The proposed re-zoning will have little, if any, impact on property rights of persons located in the vicinity. No exterior changes are proposed, and the only change will be an additional 4 persons residing at 816 Church. Such a change will be imperceptible in this neighborhood, where the vast majority of structures are occupied by students, as well the existing sororities with many students.

The re-zoning, to a very small degree, will enhance the public welfare by allowing more students to live very close to the University Campus. Perhaps (all things being equal) it would reduce the pressure on the owner-occupied structures at the edge of Burns Park, allowing one structure to remain owner-occupied, as opposed to student rentals (or perhaps allow non-students to reside there). This re-zoning also allows for more density, albeit to a very small degree, in a very appropriate location in town.

3. This re-zoning will be advantageous to the City in the following ways:

This proposed re-zoning is of very modest size; only two parcels containing two structures. As such, the impact of the re-zoning is also modest. Nevertheless, it would allow more students to live very close to Campus, thus relieving in a small way, the pressure on the owner-occupied neighborhoods located south of Campus.

Re-zoning of both parcels would bring the zoning classification in to better conformity with the existing conditions. Neither 816 or 815 relate to Hill Street, where many sororities and fraternities are located, and for which R2B zoning makes sense. Nor do 816 or 815 have significant vegetation or architectural features, as noted in the language for the R2B classification. In reality, both 816 and 815 relate to their respective streets and to the RC4 districts that immediately abut them to the south, and the surrounding area. As such, the re-zoning would match the built environment more closely with the zoning classification of the two properties.

4. This particular location will meet the convenience and service requirements of potential users or occupants in the following ways:

Given the location of these two properties just south of Campus, they are ideal locations for student housing. As such, allowing 4 more students to occupy 816 would meet the convenience of those new students. No change is planned for 815; as such, it continues to meet the convenience of the dental patients and students who live upstairs. Furthermore, at the Citizen's Participation Meeting, the owner of 816 met the house directors of the two sororities immediately to the north, and had very productive discussions about having the tenants in 816 be members of the sororities. As such, that would provide an extra convenience to those students, who would also be very close to their sororities.

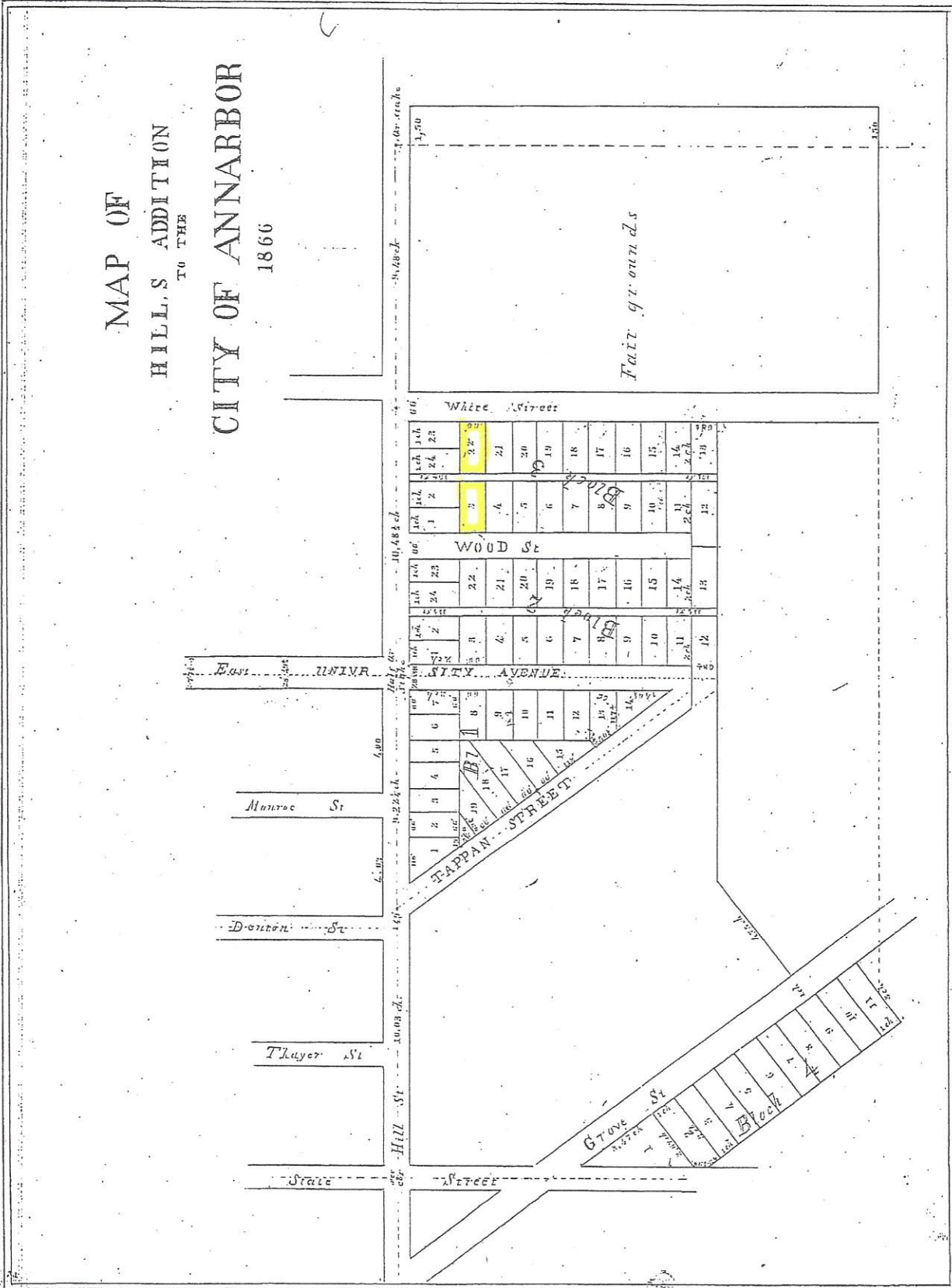
5. Any changed or changing conditions in any particular area, or in the City generally which have a bearing on the proposed re-zoning.

It may be that one reason for the R2B classification on Forest was the presence of the Stevens Housing Cooperative. That structure burned in the early 2000's. As such, if that was a possible reason for the R2B zoning, that condition has changed, and 816 now contains a duplex with none of the characteristics mentioned in the Zoning Ordinance that are abundant in the R2B district; R4C is now the more appropriate classification. Furthermore, the University has grown significantly since the 1960's, when the R2B zoning classification was selected. The R2B restriction to four unrelated persons per unit serves no useful purpose at this time. As such, the R4C makes more sense, particularly given the prevalence of that zoning designation in the surrounding area.

6. Other circumstances and factors which will further justify the requested re-zoning.

While not precisely related to the re-zoning request, the owners of 816 live in Ann Arbor, and are "hands on" property managers, in contrast to the previous owners, who were out of town landlords. They have now met their immediate neighbors, with very productive conversations, which should help in management of the area, particularly as it relates to student behavior.

MAP OF
HILL'S ADDITION
TO THE
CITY OF ANNARBOR
1866



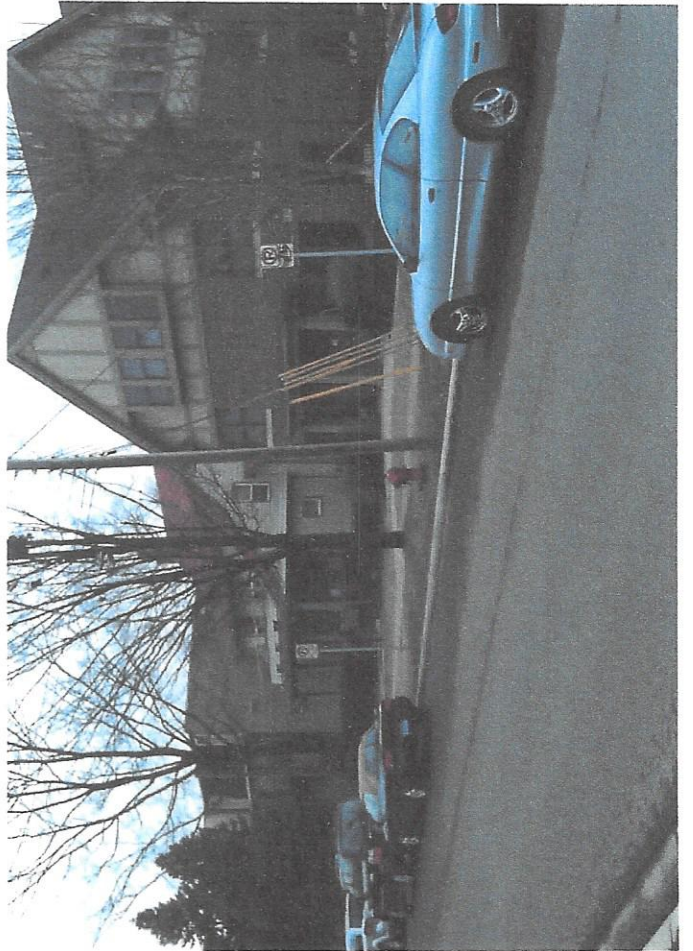


816 Forest Looking West

*View looking East
from 816*



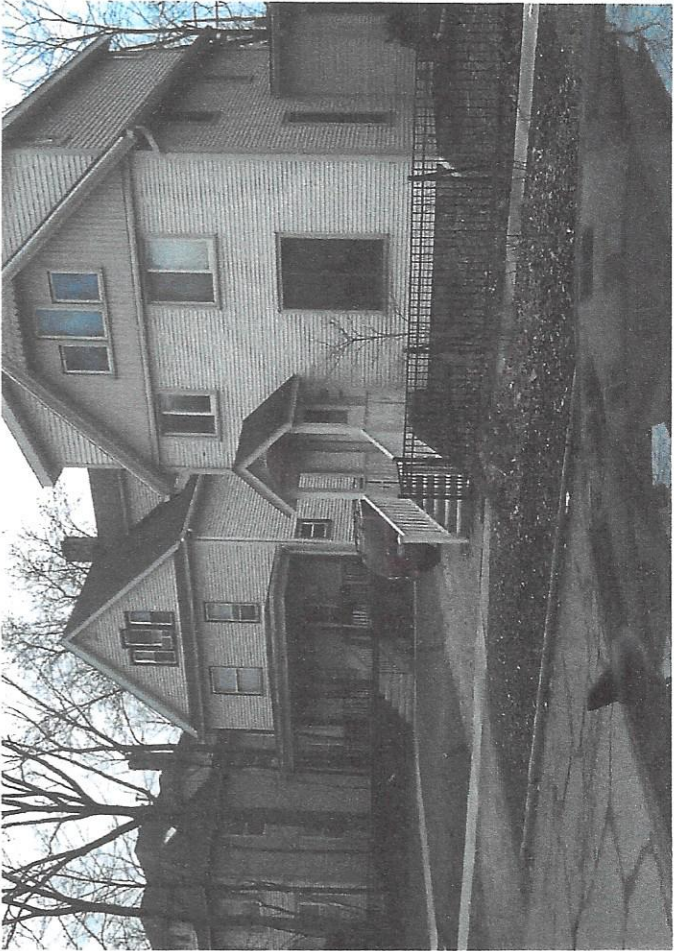
*View looking South
from B16*



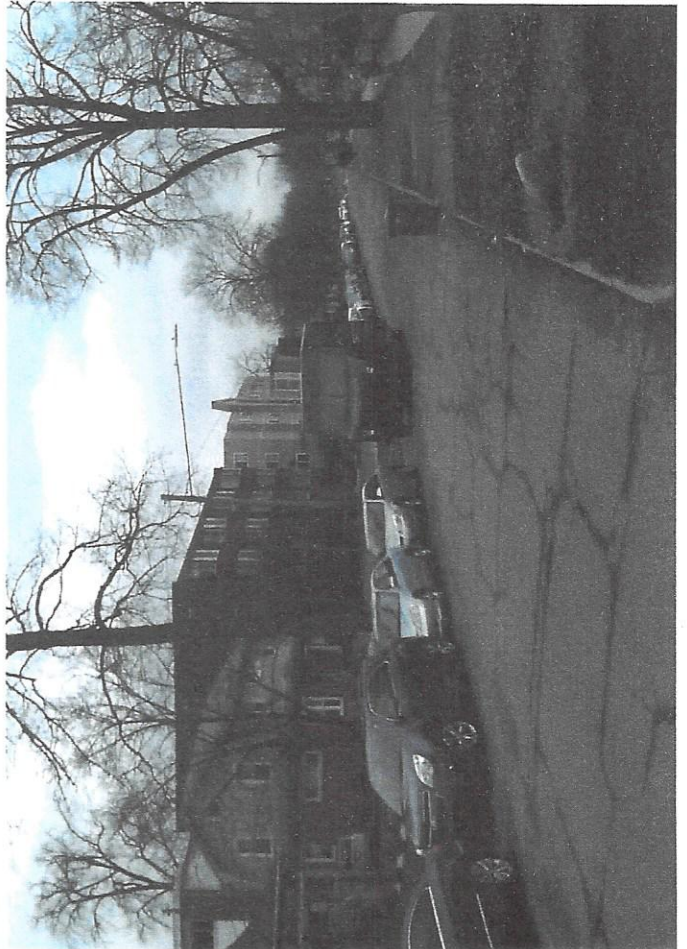


815 Church Looking East

*View looking West
from 815*



View Looking South
from 815



South side of Hill Street
(immediately north of 816 & 815)

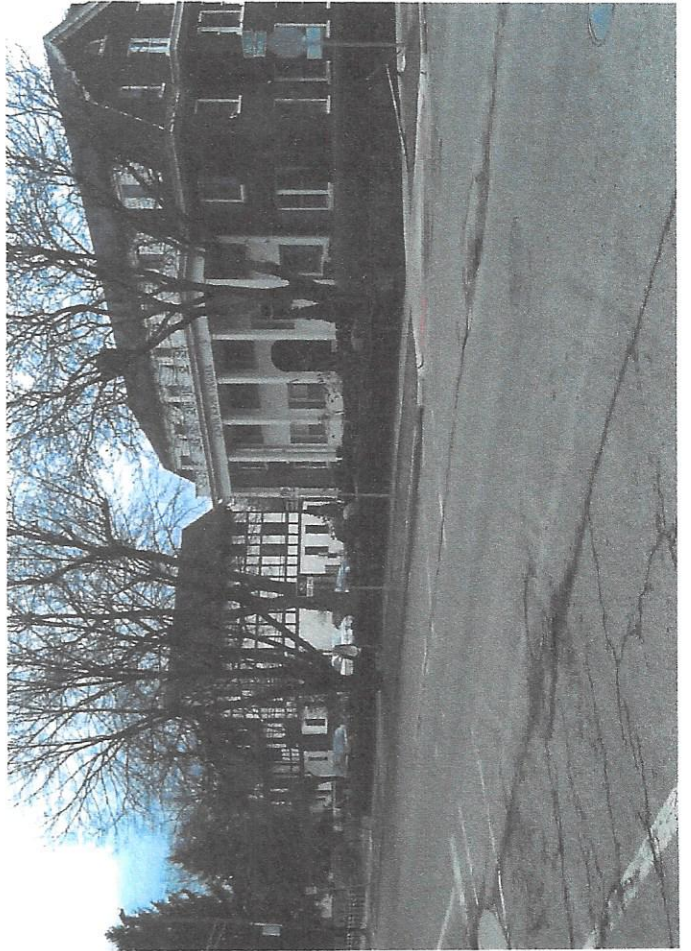
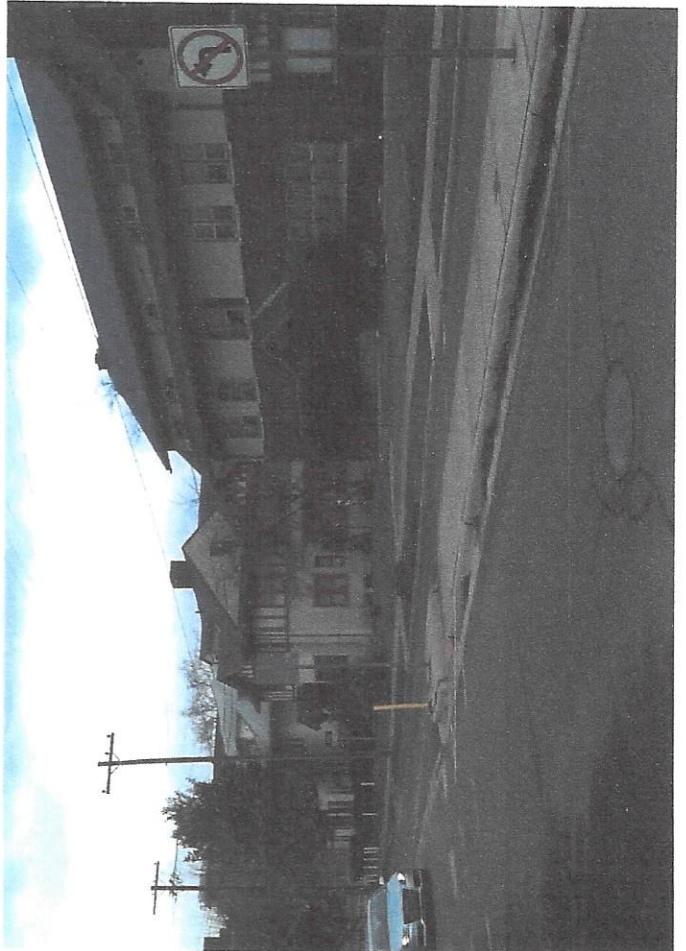
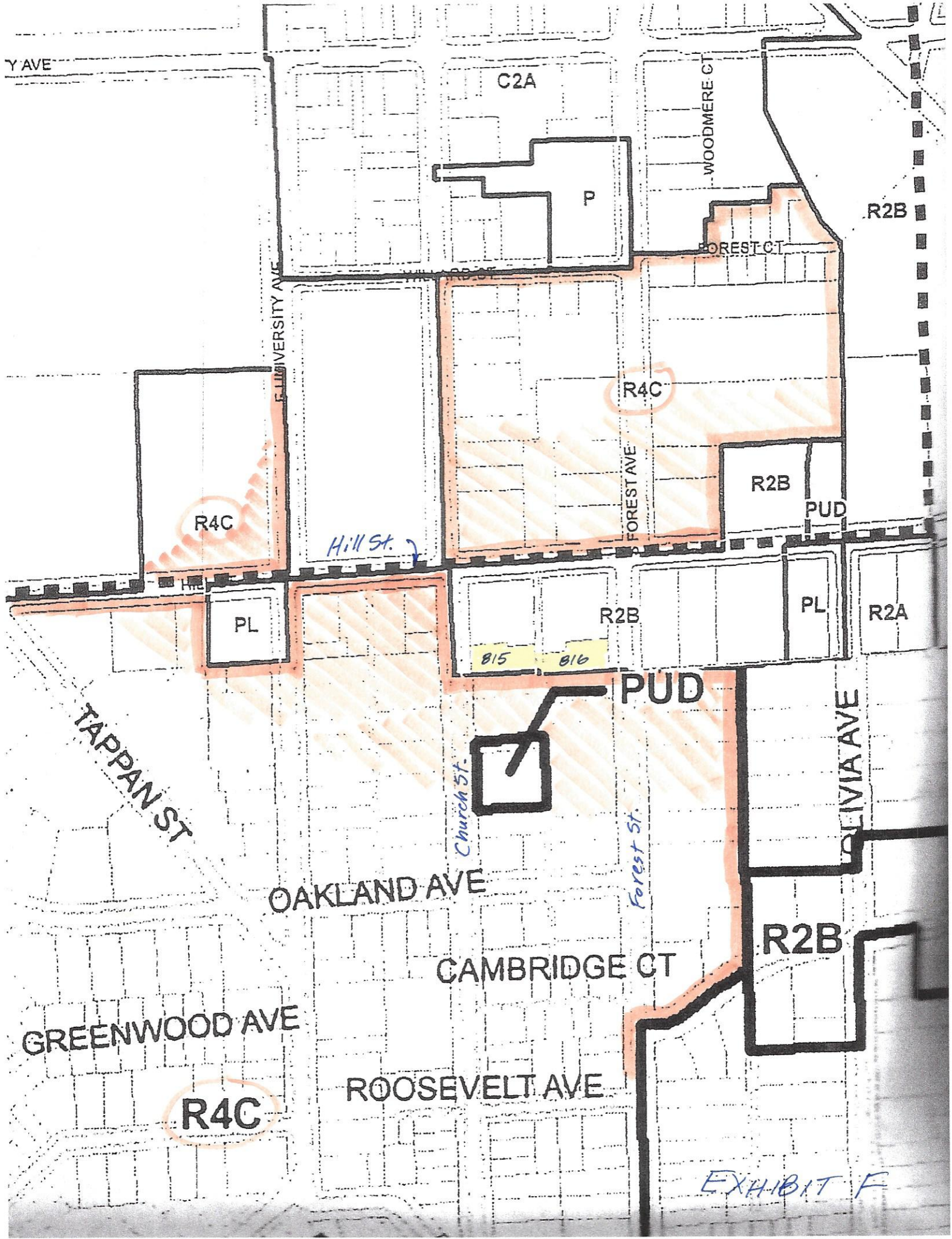


Exhibit D 1 of 2

North side of Hill Street
(on north side of Hill, north of
816 & 815)





Y AVE

C2A

WOODMERE CT

R2B

FOREST CT

UNIVERSITY AVE

P

FOREST AVE

R2B

R2B

PUD

R4C

Hill St.

PL

R2B

PL

R2A

815

816

PUD

TAPPAN ST

Church St.

Forest St.

OLIVIA AVE

OAKLAND AVE

R2B

CAMBRIDGE CT

GREENWOOD AVE

ROOSEVELT AVE

R4C

EXHIBIT F

BUILDING PLACE

RODNEY C. NANNEY, AICP

Rezoning Report

816 S. Forest Ave. (parcel #09-09-33-202-009) and
815 Church St. (parcel #09-09-33-202-012); City of Ann Arbor

Report Date: May 21, 2015

1. Purpose

At the request of the owner of 816 S. Forest Ave., we have prepared the following report evaluating land use, zoning, and other factors associated with the proposed rezoning of the above listed lots in the City of Ann Arbor from the R-2B (Two-Family Dwelling & Student Housing District) to the R-4C (Multiple Family Dwelling District).

2. Consultant Information

Rodney C. Nanney holds certification #17963 from the American Institute of Certified Planners (AICP), and has served Michigan cities, villages, and townships as a community planner and land use planning consultant for more than fifteen years.

3. Zoning and Master Plan Designations

The following is a summary of zoning and Master Plan designations for the subject lots and block:

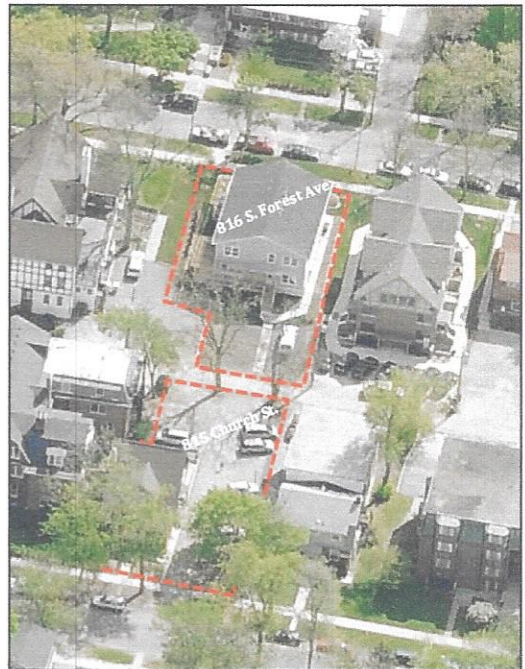


Table 1: Subject Lots	816 S. Forest Ave.	815 Church St.
Existing Zoning District	R-2B (Two-Family Dwelling & Student Housing District)	R-2B (Two-Family Dwelling & Student Housing District)
Master Plan Designation	Central, Multiple Family	Central, Multiple Family

Table 2: Surrounding Zoning and Master Plan Designations		
<p>WEST</p> <p><u>Zoning:</u> R-4C (Multiple-Family Dwelling District)</p> <p><u>Master Plan:</u> Central, Multiple Family</p>	<p>NORTH</p> <p><u>Zoning:</u> R-2B & R-4C</p> <p><u>Master Plan:</u> Central, Multiple Family</p>	<p>EAST</p> <p><u>Zoning:</u> R-2B, R-4C & PL</p> <p><u>Master Plan:</u> Central, Multiple Family; and Central, Single and Two Family Housing/Group Housing</p>
	<p>Subject Lots</p> <p>SOUTH</p> <p><u>Zoning:</u> R-4C & PUD</p> <p><u>Master Plan:</u> Central, Multiple Family</p>	

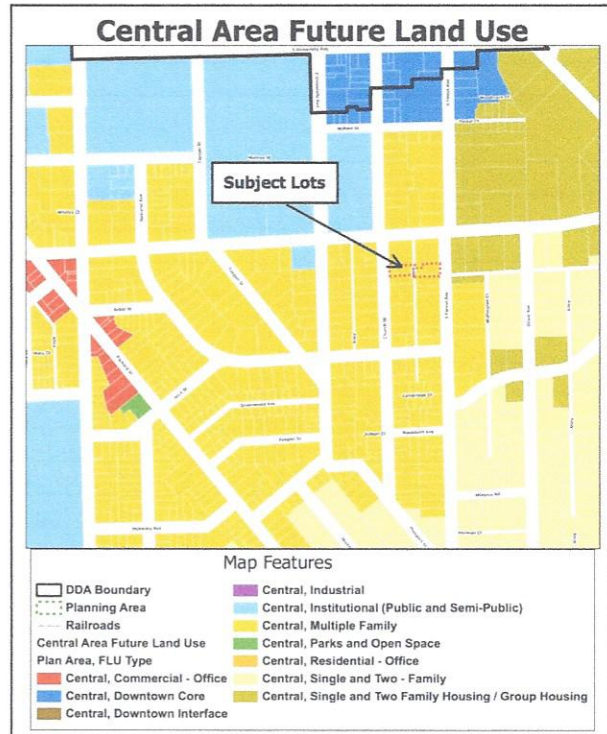
4. **Evaluation of the Master Plan Designation and Development Pattern**

816 S. Forest Ave. and 815 Church St. are located in the Master Plan's defined "Central Area," near the University of Michigan's East Quad and Ross School of Business buildings. The subject lots and surrounding land on the block bound by Hill St., S. Forest Ave., Oakland Ave., and Church St. are uniformly planned for "Central, Multiple Family" land uses. This block is part of a much larger contiguous neighborhood wrapping around the south side of the university's Central Campus that is also predominantly designated for "Central, Multiple Family" land uses.

The subject block and surrounding area appear to have originally developed as a generally single-family neighborhood, as reflected by the existing bungalow-style building on the lot at 815 Church St. However, as noted in the Master Plan, the area surrounding the subject lots was zoned decades ago into a high density, multiple-family classification under "the prevailing planning philosophy...that the private sector would assemble, clear and redevelop vast areas..." Today, a mix of residential building types, including apartment blocks and older residential buildings, many of which have been converted to student housing, occupy the subject block and surrounding area.

The following Master Plan-related findings are applicable to the proposed rezoning:

- **The City's plan for the Central Area, including this area south of the university's Central Campus, is comprehensive in character, flexible in application, and well suited to the specific conditions and intended character of the neighborhood in which the subject lots are located.**
- **The overall character of residential use on the subject block is consistent with the Master Plan's "Central Area" plan.**
- **The existing R-2B zoning classification of the subject lots is not consistent with the Master Plan's "Central, Multiple Family" land use designation for the following reasons:**
 - **It is not consistent with the Master Plan's objective (page 35) to "locate higher residential densities...in proximity to commercial, employment and activity centers;" and**
 - **Multiple-family dwellings are prohibited in the R-2B District.**



City of Ann Arbor Master Plan - Central Area Detail

5. Transportation and Access

The subject lots are located within a short walk or bike ride of the university and Central Business District. In addition, the university's bus system and several of the Ann Arbor Area Transportation Authority's fixed bus routes are within walking distance. The AAATA buses and public sidewalks are barrier-free accessible. For trips to locations not accessible by non-motorized transportation or public transit, access is also available to a variety of rent-by-the-hour ZipCar vehicles via a subscription service subsidized by the University of Michigan.

As noted in the Master Plan, one of the most common transportation-related challenges in this neighborhood are access to parking and the "congestion on the streets where residents compete with student commuters, University faculty and staff for the limited supply of on-street spaces." Consistent with the existing development pattern on the subject block, the rear yard areas of the subject lots have both been converted to off-street parking, with shared access via the common alley. 815 Church St. has additional off-street parking in the side yard.

The following transportation-related findings apply to the subject lots:

- **Based on the availability of multiple transportation options, existing parking constraints in the area should not be a limiting factor to the proposed rezoning.**

6. Evaluation of Existing Zoning

The predominant zoning in this area, including blocks to the north, south and west of the subject block, is the R-4C (Multiple Family Dwelling) District. Only the northernmost four lots on the subject block are zoned R-2B, which is intended to allow single-family and two-family dwellings, along with "the operation of fraternities, sororities and student cooperatives" at locations "in the vicinity" of the university campus.

Two of these four lots are oriented towards Hill Street, and are occupied by two existing sororities that face a similar facility on the opposite side of the street. This Hill Street frontage on the subject block is different in character from the land use and development pattern found on the rest of the subject block, which, with the exception of the subject lots, is zoned R-4C.

The following table summarizes the results of an evaluation of the subject lots' suitability for potential principal residential land uses allowed in the R-2B District:

Permitted Residential Uses in the R-2B District	Suitability of the Subject Lots
Boarding house exceeding 5,000 square-feet in floor area	The existing buildings on the subject lots do not meet the minimum building floor area required for a boarding house in the R-2B District.
Fraternity, sorority or student cooperative	The subject lots do not meet the minimum lot size or building requirements for this land use. If vacant, the subject lots could be combined with the existing sorority lots, but could not be independently developed for use as a fraternity, sorority or student cooperative.

Permitted Residential Uses in the R-2B District	Suitability of the Subject Lots
Single-family dwelling	The adjacent sororities and student apartments create the potential for serious land use, noise and other conflicts that make the subject lots less suitable for use as an owner-occupied single-family dwelling.
Two-family dwelling	Two-family residential rental housing can be compatible with the subject lots' size and configuration, and would be a suitable land use on equivalent lots located further from the university. The Master Plan envisions higher density housing close to Central Campus, making lower density development of this type a less viable option over the long term.

With regards to the various principal, non-residential uses allowed in the R-2B District (such as schools, child care centers and offices of non-profit institutions), the subject lots either do not meet the minimum lot or building requirements that apply to the specific land use, or existing conditions on these lots would make such uses impractical.

The following findings apply to the existing zoning of the subject lots:

- **The subject lots are similar in size to other lots on the subject block, with the exception of the two existing sorority lots that front on Hill St., and conform to the minimum lot area requirements of the R-2B District.**
- **Multiple-family housing, a predominant land use in this neighborhood, is not permitted in the R-2B District.**
- **The R-2B zoning classification is incompatible with the Master Plan's multiple family residential designation for the subject lots and block.**
- **The R-2B zoning classification may be an appropriate zoning classification for the two sororities facing Hill Street, but it is not consistent with the predominant land use and development pattern on the rest of the subject block.**
- **The predominant character of the subject block as a student housing area make the subject lots less suitable for the lower density single- and two-family residential land uses envisioned under existing zoning.**
- **The existing zoning is impeding reasonable use of the existing building at 816 S. Forest Ave. in a manner that would be consistent with similarly sized lots in the neighborhood.**

7. Evaluation of the Proposed Rezoning

The R-4C District is a multiple-family residential zoning district that is "intended to be located in the Central Area of the city, in close proximity to the...University of Michigan Campus." All principal residential land uses allowed in the R-2B District are also allowed in the R-4C District. The following table summarizes the results of an evaluation of the subject lots' suitability for the three additional types of principal residential land uses allowed only in the R-4C District:

Additional Residential Uses in the R-4C District	Suitability of the Subject Lots
Multiple-family dwellings	Provided that the minimum lot size requirement can be addressed (see 7.02 below), the location of the subject lots in close proximity to the university makes multiple-family housing a more suitable option from a long-term viability perspective when compared to the principal residential land uses allowed in the R-2B District.
Rooming and boarding house	Rooming and boarding houses are allowed in the R-4C District without the minimum 5,000 square-foot floor area required in the R-2B District. A boarding or rooming house would be a suitable land use on the subject lots.
Emergency shelter	The lack of convenient access to social services limits the suitability of the subject lots for a homeless shelter. The existing buildings on the subject lots may be suitable for a domestic abuse shelter or similar transitional housing needs.

The following is a summary of additional factors that we would typically recommend be considered as part of the review of any proposed rezoning:

7.01 Is the proposed rezoning to the R-4C District consistent with the Master Plan?

The proposed rezoning to the R-4C District is consistent with the goals and policy recommendations for the Central Area as outlined in the Master Plan. The proposed R-4C zoning district is more compatible with the Master Plan's future land use designation than the existing zoning classification of the subject parcels.

7.02 Will the proposed rezoning result in the creation of any legal nonconforming uses?

The proposed rezoning would not create any legal nonconforming uses, but would maintain an existing legal nonconformity with respect to the minimum gross lot size requirement that applies in both the R-2B and R-4C zoning districts, as follows:

Location	Lot Size (square-feet)	Deviation from the Standard (square-feet)
R-2B District Standard	8,500	0
R-4C District Standard	8,500	0
816 S. Forest Ave.	7,820	(680)
815 Church St.	7,983	(517)

Based upon a review of the subject block and surrounding blocks, this appears to be a common condition for existing lots in the R-4C District south of the university. Each subject lot does have sufficient land area to permit at least three (3) dwelling units, based on the "minimum lot area per dwelling unit" requirement in the zoning district.

7.03 Will the proposed rezoning adversely affect the capacity of the city or other government agencies to adequately provide or maintain public services or facilities, such as roads, utilities and emergency response?

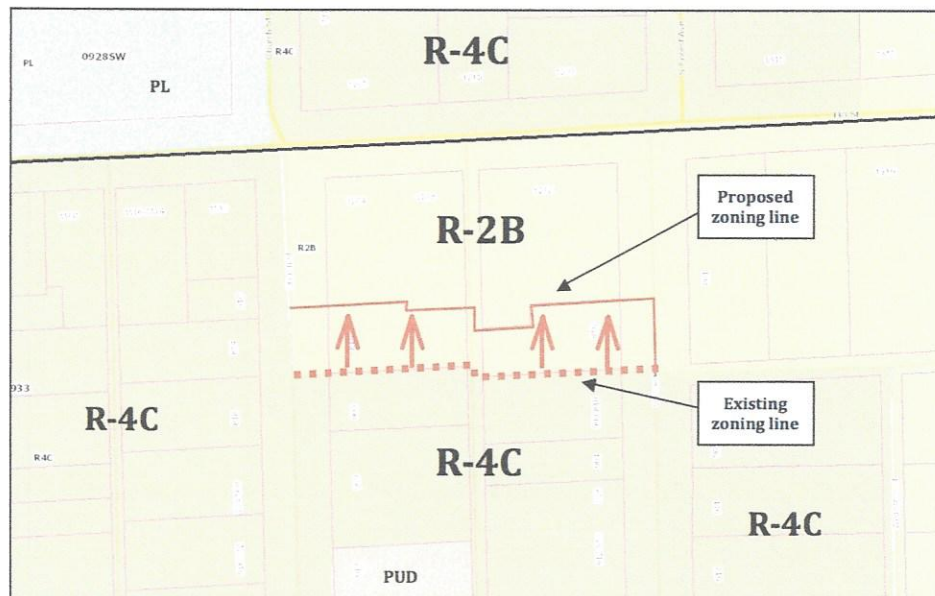
The proposed rezoning would allow the owner of 816 S. Forest Ave. to lease several additional rooms for housing purposes, but the increase in overall residential density on the subject block would be negligible and should not affect the capacity of police, fire, and other city agencies to serve the neighborhood. No impacts on utility capacity or the ability of other government agencies to maintain public services are anticipated if the proposed rezoning is approved.

7.04 Would the proposed changes constitute "spot zoning?"

Spot zoning refers to the rezoning of land to a district fundamentally out of balance with the predominant zoning and pattern of development in the surrounding area. The term 'spot zoning' does not appear in the Michigan Zoning Enabling Act (Public Act 110 of 2006, as amended), but rather is a legal concept that can vary considerably in meaning and interpretation depending on the court and the specifics of the case.

A rezoning that appears to be spot zoning may in fact be reasonable and appropriate where the proposed district conforms with the community's master plan, or where a documented need exists for the uses permitted in the district that has not otherwise been addressed. Reasonable grounds may also be found for a proposed rezoning based on topography, traffic, proximity to major thoroughfares or intersections, utility access, the general development pattern or other factors.

In this case, the proposed rezoning of the subject lots to the R-4C District is not spot zoning, because it is consistent with the Master Plan and the predominant zoning pattern on the block. It simply moves the boundary line one parcel to the north.



Zoning Pattern and Proposed Boundary Change

7.05 Will the proposed rezoning be compatible with the surrounding area?

The proposed rezoning is compatible with the pattern of zoning in the surrounding area, and would facilitate reasonable use of the subject lots consistent with existing uses on other lots of similar size and configuration in the area.

8. Recommendation

The proposed rezoning of 816 S. Forest Ave. and 815 Church St. from the R-2B District to the R-4C District is compatible with the surrounding neighborhood and plans for the city's Central Area, and is consistent with sound planning and zoning principles.

Respectfully submitted,

BUILDING PLACE



Rodney C. Nanney, AICP
Planning Consultant



SCOTT E. MUNZEL, P.C.
ATTORNEY AT LAW

603 W. HURON STREET
ANN ARBOR, MI 48103
P: 734-994-6610 Fx: 734-769-9055
E: SEM@MUNZELLAW.COM

To: Matt Kowalski
From: Scott Munzel *SM*
Re: Report of Citizens' Participation Meeting-Potential re-zoning application- 816 Forest and 815 Church Streets (the Properties)
Date: July 10, 2015

We held the Citizens' Participation Meeting regarding the proposed re-zoning of the Properties from R2B to R4C last night, July 9, 2015 from 7:00 PM until about 8:45 PM, at the Ann Arbor District Library at 343 S. Fifth Avenue.

The Notice for the Meeting was sent by Dollar Bill Copying via First Class Postage Postcards on June 25, 2015. After Dollar Bill controlled for duplicate addresses supplied by the City, the Notice was sent to 1,380 addresses. The Notice also would have been posted/emailed by the City to those on its relevant mailing lists.

Ten people attended the meeting. Four of them were the owners of the Properties and me, resulting in six citizens unaffiliated with the Properties. A copy of the Sign In Sheet is attached. The Resident Directors of the two sororities immediately north of the Properties attended, as well as four other citizens. Given that the re-zoning seeks a map amendment, the only material distributed at the meeting was Page 0928 SW from the Zoning Map showing the Properties marked in yellow and the surrounding area. A copy of Page 0928 SW is attached.

I gave a short presentation regarding the zoning of the area, general layout of the area, description of the two Properties, how the R2B zoning appears to be designed for the large fraternities and sororities along Hill and Washtenaw, that these two Properties were oriented to Forest and Church, that they are virtually surrounded by R4C zoning, and the reasons for seeking the re-zoning, which would allow 816 Forest to have up to 6 occupants per unit, and allow more flexibility in the future for the owner of 815 Church.

There was a lengthy discussion regarding removal of the swimming pool, history of the structures, student behavior issues, particularly as it related to the Kappa Kappa Gamma and Alpha Chi Omega sororities and control of student parties.

Peter Nagourney questioned whether the intent was to make more money, which increasing the occupancy of 816 Forest would in fact do. Increasing density in this location by 4 people could help the edge of Burns Park remain (in a very small way) more owner-occupied as opposed to student rental. Dina Cocco, owner of 815 Church commented that while she intends to continue her dental practice, and then hopes to sell to another dentist, her type of family practice is less popular, and that she would like to have options for her Property in the future.

Concerns were expressed that the two Properties could be combined, resulting in a much larger future building. The two are separated by a public alley, which would prevent any such combination, without vacating the alley, a result which all agreed would be very unlikely.

The conversation returned to student behavior issues, with Se Kim, owner of 816 Forest, explaining his involvement with his tenants in his attempts to maintain the property, including how he contacts the students' parents as the most effective method. He explained he has his own maintenance crew going in to fix things (almost weekly) and he that makes frequent visits to the property to try to maintain it and attempt to make sure the tenants are behaving appropriately.

There was discussion of the pricing of rental properties, and whether there were 6 occupants residing in the units notwithstanding that maximum occupancy is 4/unit. Se confirmed there are only 4 tenants on the lease, and he believes there are only 4 tenants but he cannot always tell if someone he observes is just there to visit or is residing there.

We discussed how in 816 Forest, there are some rooms that have no doors and are not used as bedrooms, and contain storage and living room furniture, but that with the addition of doors, these would be the additional bedrooms to handle the 2 additional occupants per unit. This is the reason that there would be no external change required to accommodate the additional 4 occupants. There was a discussion of how, in the past, after a fire destroyed the prior structure, the builder may have planned 6 bedroom units before learning that the maximum was 4 units, but rather than pay to revise the plans, just built what was already designed. Rather seek a re-zoning in the past, he attempted a faster, cheaper variance, which was denied.

We discussed the procedure for the proposed re-zoning going forward. Conversation again turned to efforts to improve and maintain street appearance in student neighborhoods, particularly the Linn/Gerstein efforts on Forest Court and how they have some success. There was a significant amount of interaction between Se and the Resident Directors of the two sororities on how to possibly manage student behavior and Se's hands-on approach, as opposed to the prior out-of-state owners, who appeared to not have much interest in managing or maintaining the property.

There was some discussion of the study of the R4C districts. It is unclear when that study might be completed or whether any of its potential recommendations would have an impact on these two Properties.

The meeting generally concluded around 8:35 or so, although Se had additional conversations with the Resident Directors for another 10 minutes or so regarding future efforts to cooperate to improve management of the immediate area.

ccs: All Attendees at the Meeting (via email)

Enclosures

SIGN IN SHEET 7/9/15 7 PM

816 Forest / 815 Church

NAME

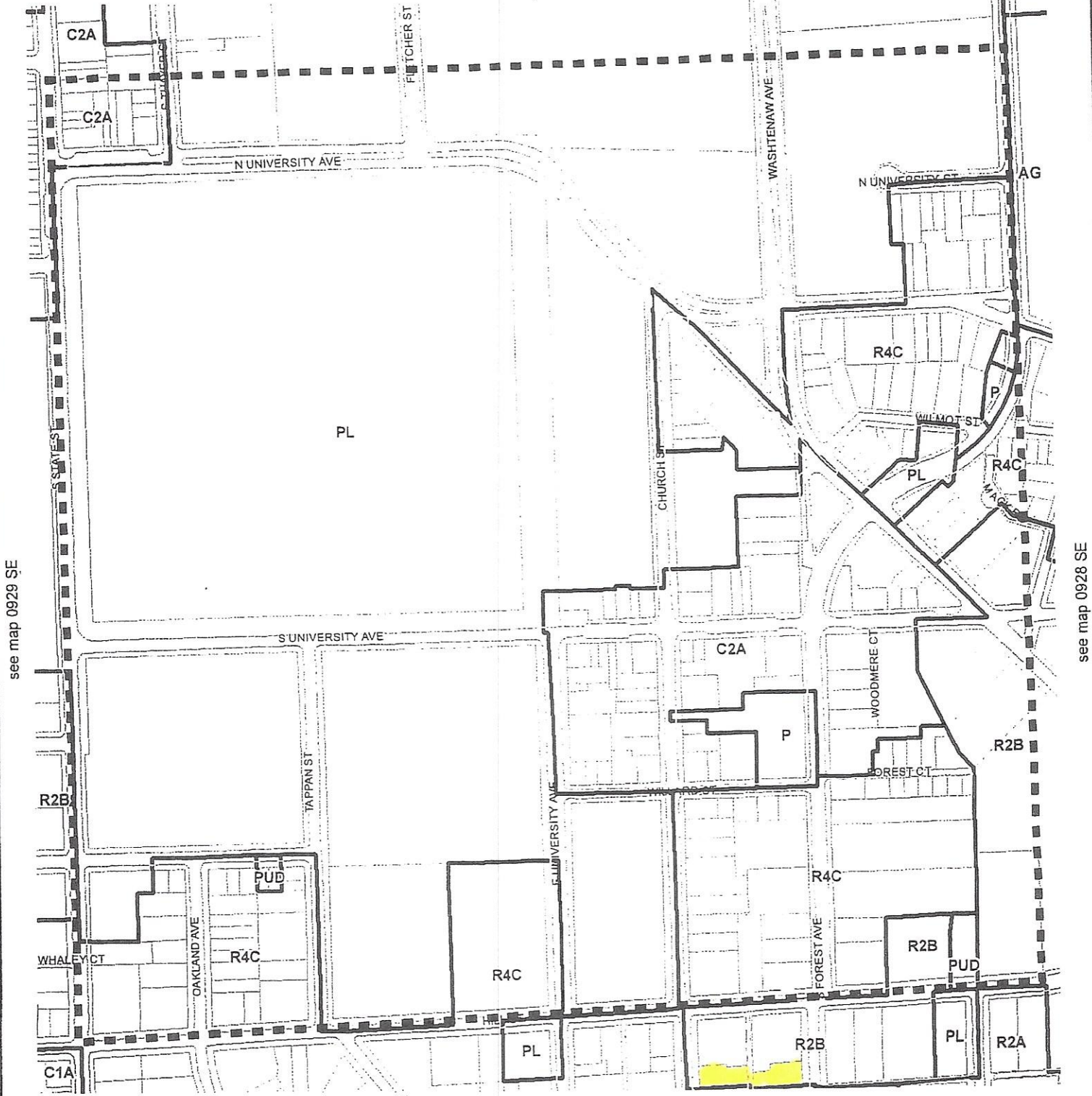
ADDRESS

E MAIL

PETER NAZOURNEY	914 LINCOLN	pjn@umich.edu
Betsy Price	905 Olwin	cottonbets@gmail.com
Eleanor Linn	1321 Forest Ct	elinna@umich.edu
Marc Goustein	1321 Forest Ct	mgersfe87@yahoo.com
Cathy Kyle	1204 Hill St	Ann Arbor kylednr@aol.com
Dina Folwo	600 815 Church	
Lynn White	1212 Hill	Lyn.white@umich.edu
Scott Munzel	603 W. Huron	sem@munzella.com
Se Kim		
Jin Kim		

Ann Arbor City Zoning Map

see map 0928 NW





see map 0929 SE

see map 0928 SE

see map 0933



-  Township Zoning
-  Section Boundary

Prepared By: City of Ann Arbor, Community Services, GIS; Assessor's Office maintains parcel data.

Copyright 2005 City of Ann Arbor, Michigan

No part of this product shall be reproduced or transmitted in any form or by any means, electronic or mechanical, for any purpose, without prior written permission from the City of Ann Arbor.

This map complies with National Map Accuracy Standards for mapping at 1 Inch = 100 Feet. The City of Ann Arbor and its mapping contractors assume no legal representation for the content and/or inappropriate use of information represented on this map.



QUARTER SECTION 0928 SW

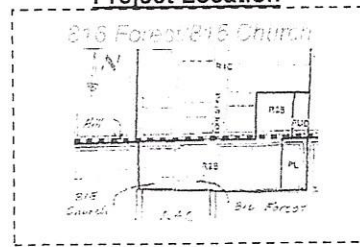
Map Printed: December 8, 2006

NOTICE OF CITIZEN PARTICIPATION MEETING: 816 Forest/815 Church re-zone

Citizen Participation Meeting

Postcards are being sent to all property owners within 1,000 ft of the project site to give notice that a development petition will be submitted to the City of Ann Arbor on 07/27/15. A citizen participation meeting will be held to give you an opportunity to review plans, ask questions, and provide comments that will be considered by the developer to finalize plans and then incorporated into a report for the City Planning Commission.

Project Location



Project Description

Owners of 816 Forest and 815 Church seek to move the R4C zoning line from the south side of their properties to the north side. No exterior changes will be made to the existing structures. R2B is appropriate for the fraternities/sororities on Hill Street, not for these two parcels.

Meeting Logistics

Date: Thursday, July 9, 2015
Time: 7:00 PM

Place: Multi-Purpose Room, Lower Level,
Ann Arbor Public Library, 343 S. Fifth
Avenue

Questions or Comments

Questions or comments may be directed Scott Munzel, for petitioners at sem@munzellaw.com business hours at 734 994 6610

Persons with disabilities are encouraged to participate. Accommodations may be arranged by contacting Scott Munzel. Requests need to be received at least 24 hours in advance of the meeting.

Proposed Rezone 816 Forest/815 Church

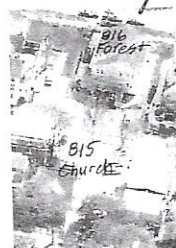
In accordance with the City of Ann Arbor's Citizen Participation Ordinance, you are being notified that a proposal for rezoning will be submitted to the City of Ann Arbor's Planning Department. Details about a citizen participation meeting designed for you to learn about this project are described on the opposite side of this card.

Visit www.a2gov.org/participation for more information about citizen participation in Ann Arbor.

1-372

Scott E. Munzel, P.C.
603 W. Huron Street
Ann Arbor, MI 48103

PRESORTED
FIRST-CLASS MAIL
U.S. POSTAGE
PAID
ANN ARBOR, MI
PERMIT NO 779



*****SCH 5-DIGIT 48104



Resident
629 S FOREST AVE # 7S
ANN ARBOR, MI 48104-3130

IA