

# ANN ARBOR HOUSING BOARD OF APPEALS

## STAFF REPORT

**Meeting Date: December 13, 2016**

**Type of Request: VARIANCE**

Housing Board of Appeals Request **HBA16-014** at 903 DEWEY ST, ANN ARBOR, MI 48104.

(Parcel Identification Number: **09-09-33-215-009**)

### DESCRIPTION AND DISCUSSION

#### Property Owners Name and Address:

George Joseph Vas  
1129 Granger Ave  
Ann Arbor, MI 48104

### BACKGROUND

The house at 903 Dewey St was built in 1920 and appears to be original construction of 1099 square feet with 2 bedrooms on the first floor and 2 bedrooms on the second floor and a cellar that was renovated under a building permit that was approved June 20, 2016. The cellar has 2 proposed bedrooms that are currently not habitable (inadequate light), a recreation area that is not habitable (inadequate light and ventilation), a bathroom and a mechanical room. There is an egress door and stairs that lead directly to the outside from the cellar but the interior stairway in question is still necessary so that the occupants of the two proposed bedrooms can access the kitchen and living room without exiting the unit. This interior stairway previously serviced a non-habitable cellar and there was no requirement to have safe access to the cellar. With the introduction of the proposed habitable space those stairs are now required to be used.

The owner of the residence located at 903 Dewey St., Ann Arbor, MI requests three variances:

#### **(1) Inadequate light and ventilation. 8:502 (1)**

Variance from 8:502(1):

- (1) Windows. Every habitable room shall have at least 1 window, sliding glass door, skylight, or other acceptable light transmitting media facing directly to the outdoors. The minimum total glazed area for every habitable room shall be not less than 8% of the habitable floor area of such room. In the case of kitchens, the window space requirements may be reduced or waived by the Planning and Development Services Unit official when there is adequate artificial lighting.

Inspection found:

Bedroom 1 measured 110 square feet requiring 8.8 square feet of light (8%) and has 7.7 square feet of light, a deficiency of 1.1 square feet.

Bedroom 2 measured 93 square feet requiring 8.44 square feet of light (8%) and has 5.7 square feet of light, a deficiency of 2.74 square feet.

**(2) Inadequate light and ventilation. 8:502 (1) and (2)**

Variance from 8:502 (1) and (2):

- (2) Windows. Every habitable room shall have at least 1 window, sliding glass door, skylight, or other acceptable light transmitting media facing directly to the outdoors. The minimum total glazed area for every habitable room shall be not less than 8% of the habitable floor area of such room. In the case of kitchens, the window space requirements may be reduced or waived by the Planning and Development Services Unit official when there is adequate artificial lighting.
- (3) Ventilation. Every habitable room shall have at least 1 window, sliding glass door, or skylight which can easily be opened, or such other device as will adequately ventilate the room. The total area for ventilation shall be at least 4% of the habitable floor area of the room served. Mechanical ventilation may be provided in lieu of natural ventilation if approved by the Building Official as affording ventilation in accordance with standard ventilation requirements in the Mechanical Code.

Inspection found:

Living Area measured 202.5 square feet requiring 16.22 square feet of light (8%) and 8.1 square feet of ventilation (4%) and has 4.15 square feet of light, a deficiency of 12.05 square feet and 4.15 square feet of ventilation, a deficiency of 3.95 square feet.

**(3) Stairway tread depth. 8:504 (4)(b)**

Variance from 8:504 (4)(b)(4)

4. The treads shall be not less than 9 inches deep.

Inspection found that the stairway from the cellar to the first floor has:

Inadequate treads with several treads measuring between 7"-8.5" which is less than the required 9" minimum depth.

**(4) Stairway headroom. 8:504 (4)(b)**

Variance from 8:504 (4)(b)(2 and 7)

2. Exit stairways shall have a minimum ceiling height of 6 feet. Height measurement shall be from a line tangent to the nosing of the treads to the ceiling measured at the midpoint of the required width. For stairs with ceilings which slope from side to side, the required width shall begin at the high side.

7. Stairways of 1- and 2 family dwellings may have a height of 5 feet 6 inches if there is an approved second exit from each upper floor or hardwired interconnected smoke detectors at the top of each flight of stairs.

Inspection found that the stairway from the cellar to the first floor has:

Inadequate headroom that was measured at the midpoint of the walking path at 5'3 1/2" which is less than the required 6' headroom as well as less than the 5'6" headroom allowed with hardwired interconnected smoke detectors at the top of each flight of stairs.

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

**Standards for Approval:**

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

**STAFF RECOMMENDATION**

Staff recommends that 1 should be granted and variances 2,3 and 4 be denied.

**PROPOSED MOTION**

I move to approve Variance 1 at 903 Dewey St:

- (1) Requirements for minimum light of 8% of habitable floor area in bedrooms 1 and 2 as required by 8:502(1).

The board finds that:

- (1) Practical difficulties or unnecessary hardship exist because an additional window would have to be added or size of the room would have to be decreased and the health and safety benefit is not proportional to the cost.
- (2) The variances do not violate the intent of the chapter because the 2 bedrooms meet the requirements of the current Building Code for artificial light.
- (3) The variances do not jeopardize public health and safety because the deviations are minimal and are not health- or safety-critical.

I move to deny Variances 2, 3 and 4 at 903 Dewey St:

- (2) Requirements for minimum light of 8% and minimum ventilation of 4% of habitable floor area in the recreation room as required by 8:502(1) and (2)
- (3) Stairs from the cellar to the 1<sup>st</sup> floor that have a variable tread depth less than 9 inches, which does not comply with section 8:504(b)(4);
- (4) Stairs from the cellar to the 1<sup>st</sup> floor that has headroom less than 6' and less than 5'6" with hardwired interconnected smoke detectors at the top of each flight of stairs which does not comply with 8:504 (4)(b)(2 and 7)

The board finds that:

- (1) Modifications can be made to the recreation room to make it compliant with the requirements for light and ventilation. Additionally, a recreation room is not required to be habitable space per 8:503(9)
- (2) Due to the requirement for access to the bedrooms from the living room and kitchen in 8:503(4), it would be unsafe to use the stairway down to the cellar due to decreased headroom and tread depth. The requirements for stairways was clearly noted on the Rental Housing Plan Review.