

**Zoning Board of Appeals
February 26, 2014 Regular Meeting**

STAFF REPORT

ZBA13-024; 921 E. Huron

Summary

Scott Munzel, representing Safari LLC, is requesting a variance from the required lot area per dwelling unit in order to permit six dwelling units on an 8,783 square foot parcel, Maximum 4 units are allowed (2,175 square feet is required per unit) under the existing R4C (multiple-family) zoning.

Description and Discussion

The existing building is located at 921 E. Huron and is zoned R4C. The parcel is conforming for lot area, subject parcel is 8,783 square feet and the minimum conforming parcel size for R4C is 8,500 square feet. The building is 5,722 square feet and was built in 1962 with four residential apartments and eight bedrooms. In 1996, a site plan was approved to convert the previous apartment use to a ten bedroom bed and breakfast. It is currently operating as a nine bedroom bed and breakfast and one apartment unit (one bedroom) for the owners of the building. There are ten parking spaces located underneath the building with a driveway providing access from East Huron.

The petitioner is proposing to convert the existing structure to six one-bedroom apartments with the owner residing in one of the units. No exterior changes are needed to facilitate this conversion, and due to the original construction design, minimal interior changes are required. This change would eliminate the bed and breakfast use and the total number of bedrooms in the building will be reduced from ten to six. Parking in the R4C zoning district is based on the number of units, with 1.5 spaces require per unit. With six units, nine parking spaces will be required and ten spaces are provided on site. The required lot area per dwelling unit in the R4C district is 2,175. The subject parcel is 8,783 square feet which would permit a total of four units. While the petitioner is proposing one bedroom units, zoning does permit a maximum of six bedrooms per unit.

Standards for Approval- Variance

The Zoning Board of Appeals has all the power granted by State law and by Section 5:99, Application of the Variance Power from the City of Ann Arbor Zoning Ordinance. The following criteria shall apply:

- (a). ***That the practical difficulties are exceptional and peculiar to the property of the person requesting the variance, and result from conditions which do not exist generally throughout the City.***

The parcel is a conforming R4C parcel for lot area and the building was constructed as a four unit apartment building with eight bedrooms in 1962. In 1996, a site plan was approved for a ten bedroom bed and breakfast which is what currently exists on the site. The structure could be converted to six apartments with minimal internal modifications and no exterior changes.

- (b). ***That the practical difficulties which will result from a failure to grant the variance, include substantially more than mere inconvenience, inability to attain a higher financial return, or both.***

If the variance is not granted, the petitioner could continue to use the structure as a ten bedroom bed and breakfast. Alternatively, the petitioner could convert the existing structure into four six-bedroom apartments without the need for a variance from the lot area per dwelling unit requirement.

- (c). ***That allowing the variance will result in substantial justice being done, considering the public benefits intended to be secured by this Chapter, the individual hardships that will be suffered by a failure of the Board to grant a variance, and the rights of others whose property would be affected by the allowance of the variance.***

Approval of the variance will allow the conversion of a ten bedroom bed and breakfast into six one bedroom apartments. There are no exterior changes proposed to the building and the property has one more parking space than the nine required by code. The existing use has a more transient population of ten or more guests utilizing the establishment for shorter periods of time. The conversion to apartments will re-establish a more traditional residential use similar to the original use of the structure. The parcel is bordered by rental apartments to the rear and west side, church use to the east side and is across Huron from the University of Michigan campus.

- (d). ***That the conditions and circumstances on which the variance request is based shall not be a self imposed hardship or practical difficulty.***

The structure was built as a four unit apartment building containing eight bedrooms in 1962. The existing bed and breakfast use was established in 1996 by the previous owner. The original design and interior layout of the building allow conversion to six apartments with minimal interior modifications, conversion to four units with additional bedrooms would involve significantly more interior modification. However, the structure could continue as currently operating.

- (e). A variance approved shall be the minimum variance that will make possible a reasonable use of the land or structure**

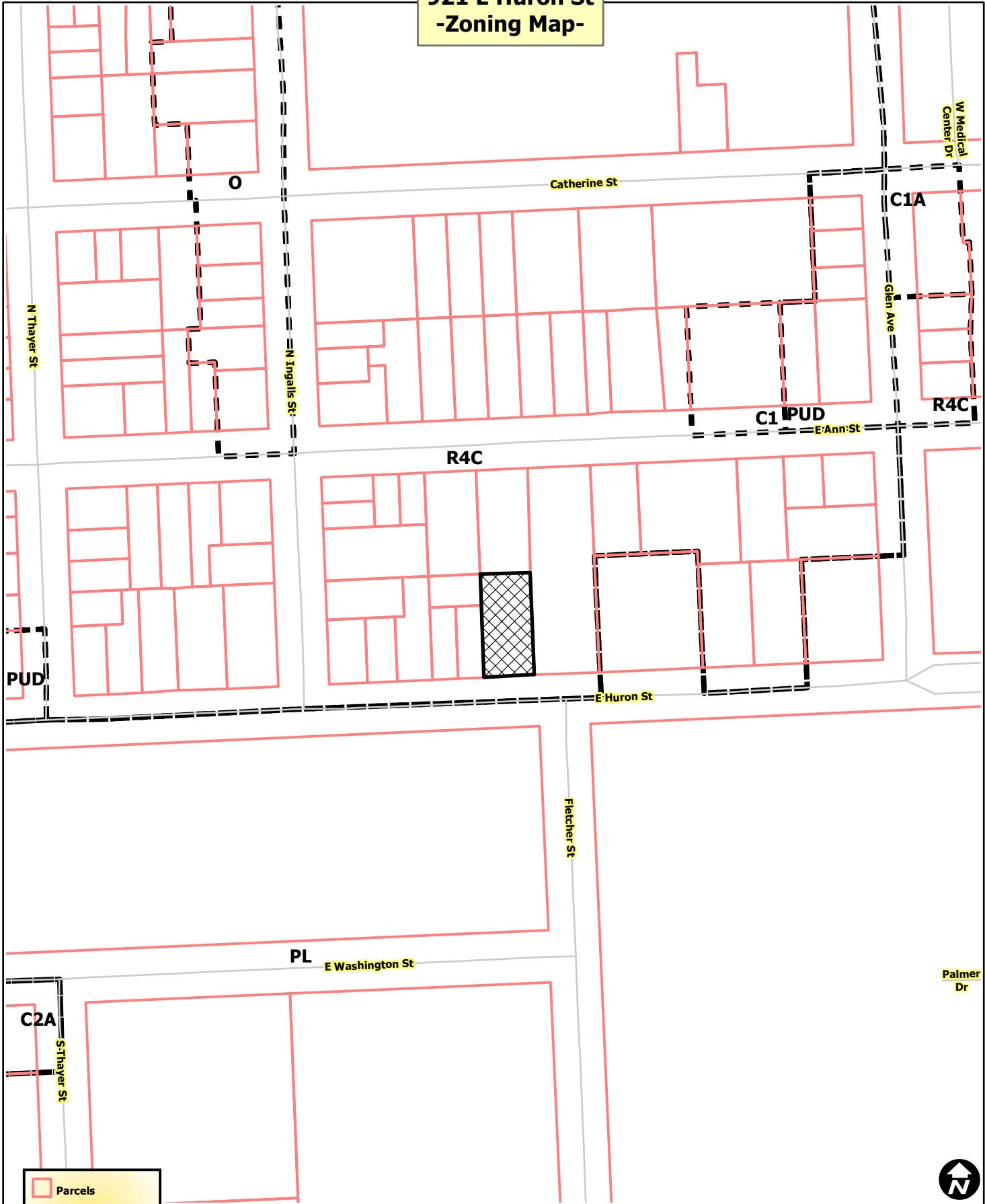
The variance requested will allow the conversion of a 10 bedroom bed and breakfast into 6 one bedroom apartments. The proposed conversion will require minimal interior modifications and no exterior changes to the building. While the R4C permits a maximum of six occupants per unit, given the size and layout of the apartments, maximum occupancy will likely be one or two people per unit. The parcel is conforming for required lot size in the R4C district. Based on the lot area per unit requirement for the R4C district a four unit six bedroom apartment building could be constructed on the site.

Respectfully submitted,



**Matthew J. Kowalski, AICP
City Planner**

921 E Huron St -Zoning Map-

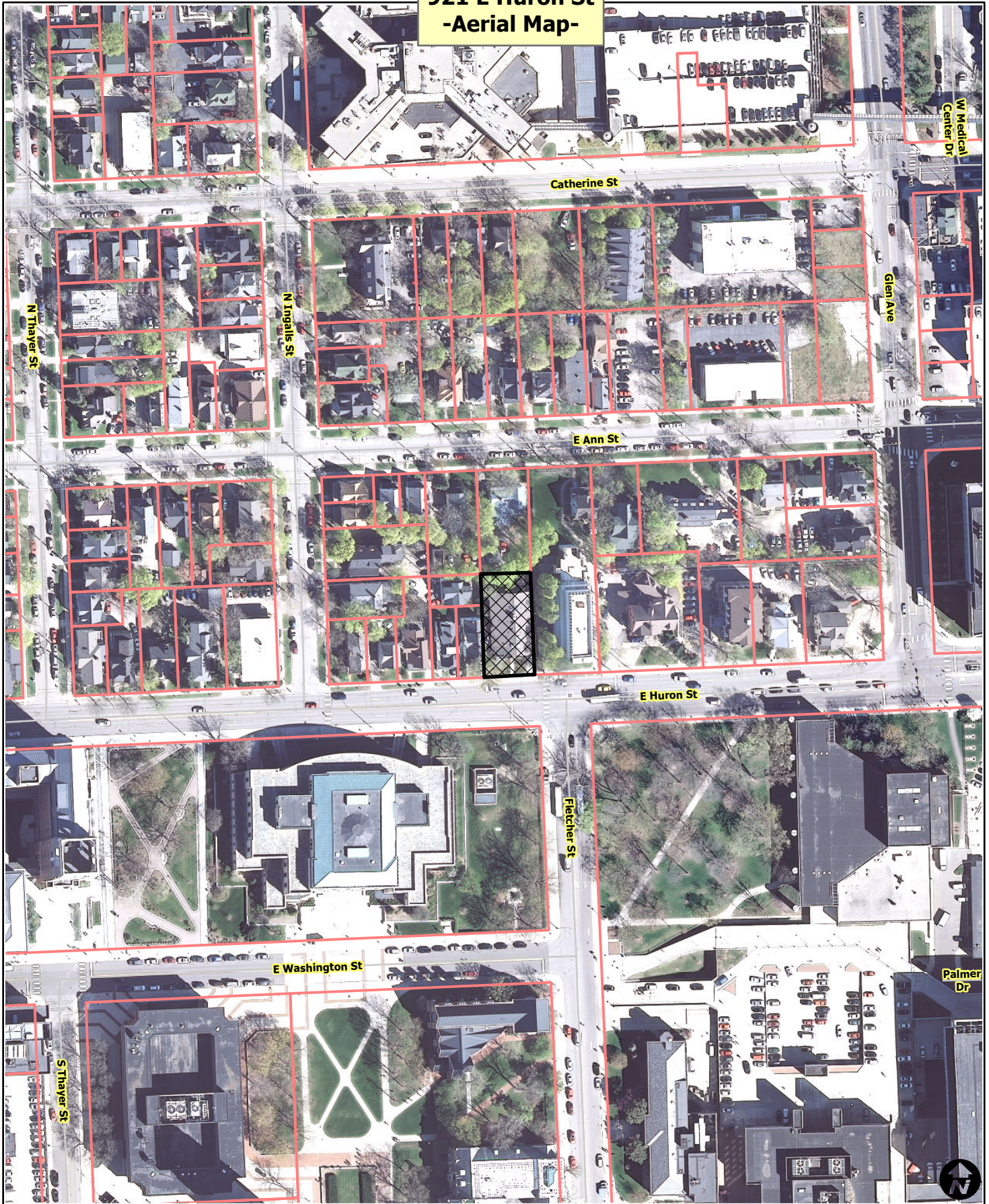


Parcels
 Parcels
Zoning
 Township Islands
 Zoning Districts



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 Map Created: 12/18/2013

921 E Huron St -Aerial Map-



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921 E Huron St -Aerial Map-



 Parcels



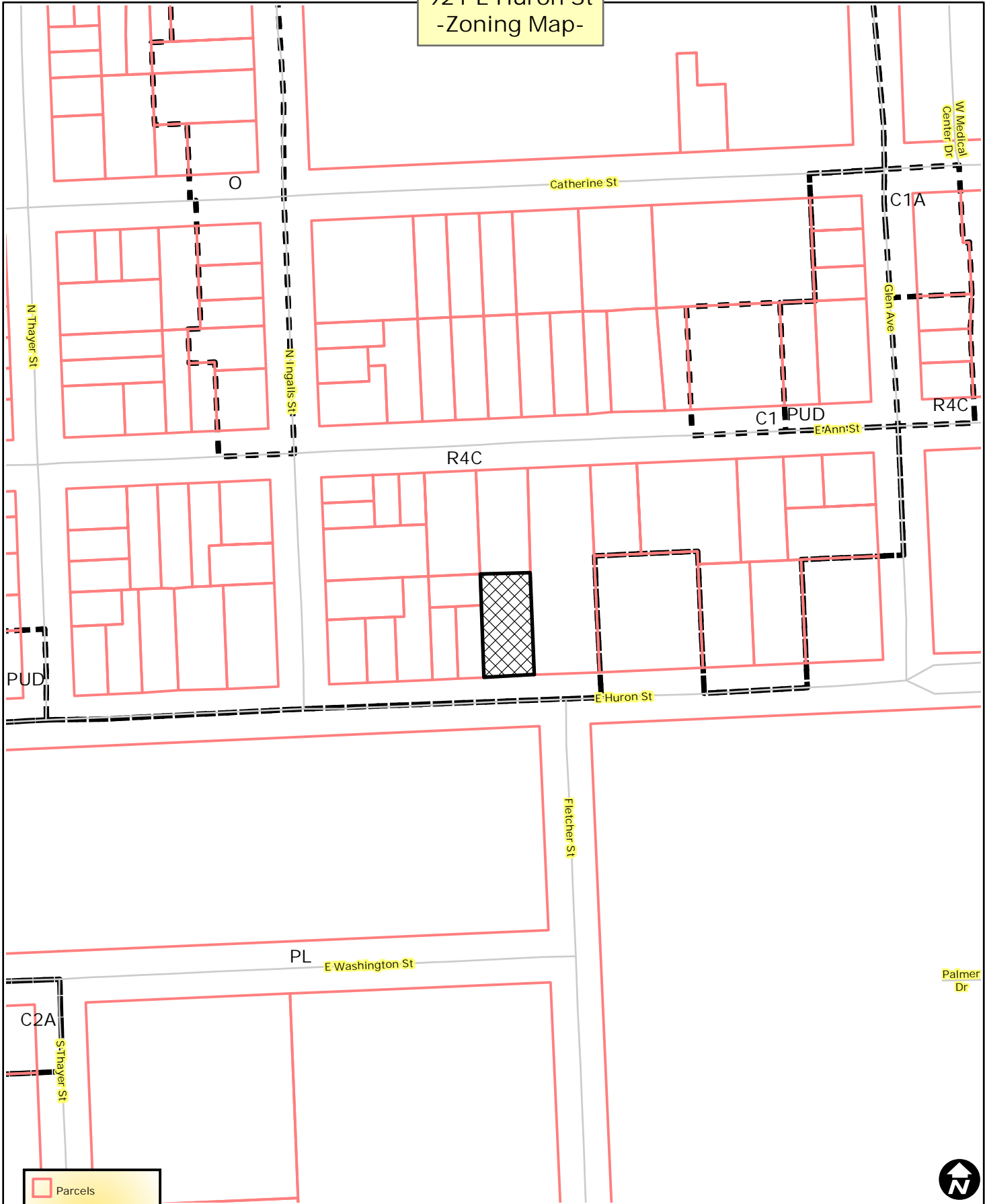
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Map Created: 12/18/2013

921 E Huron St
-Zoning Map-

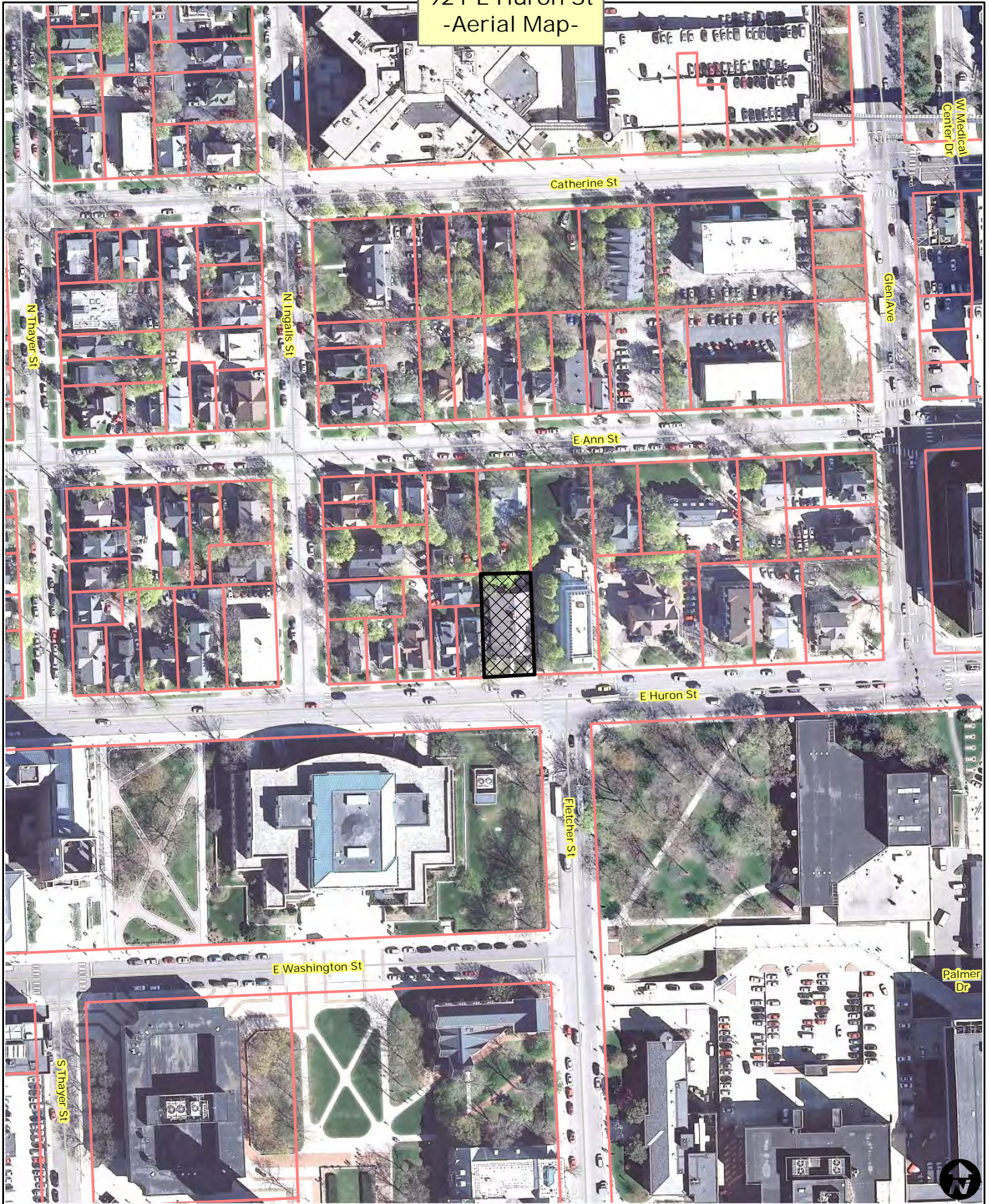


Parcels
 Zoning
 Township Islands
 Zoning Districts



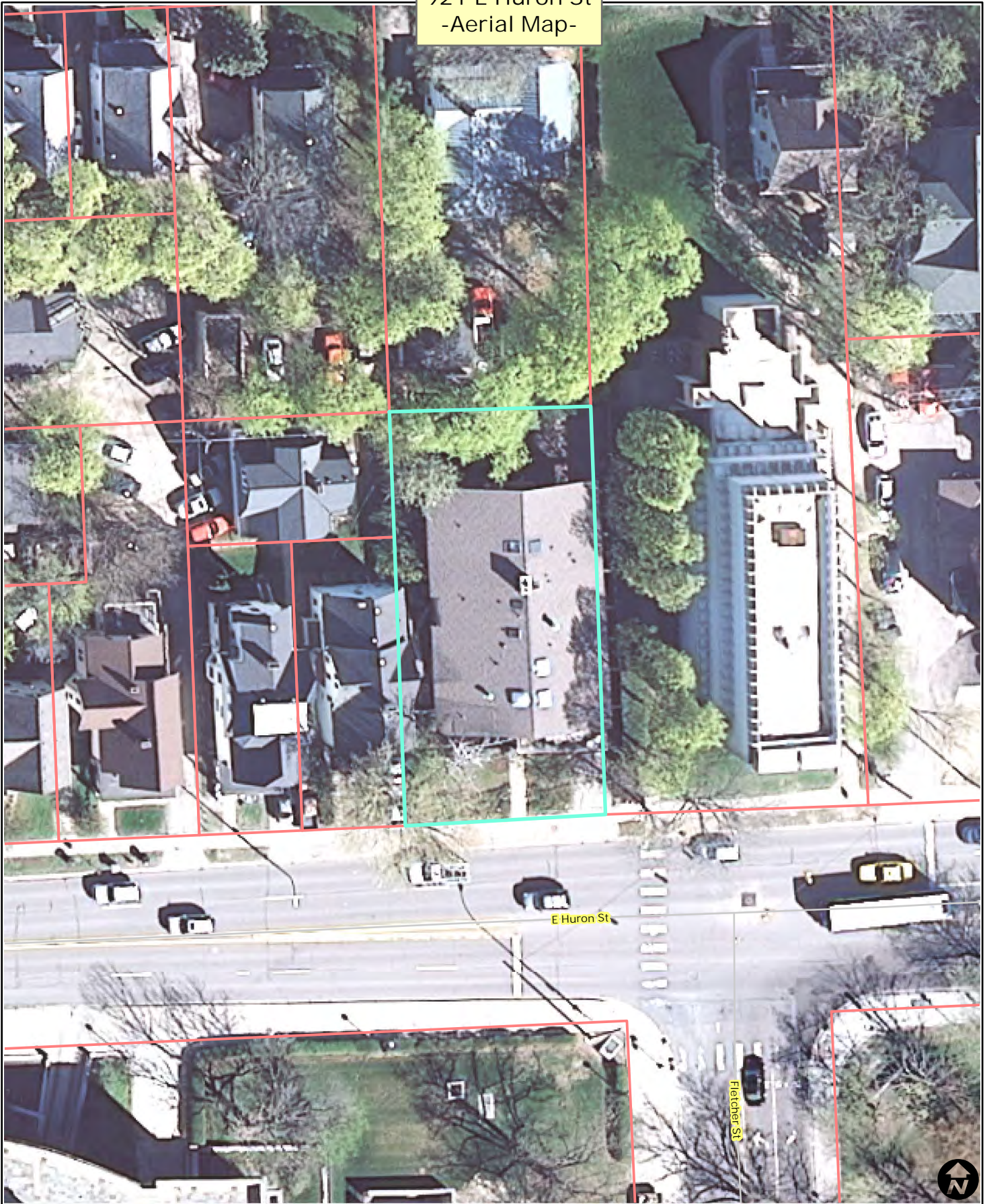
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 Map Created: 12/18/2013

921 E Huron St -Aerial Map-



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Map Created: 12/18/2013

921 E Huron St
-Aerial Map-



Parcels



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Map Created: 12/18/2013

December 9, 2013

Mr. Matthew Kowalski
City of Ann Arbor Planning Department
Zoning Administrator
301 E. Huron Street
Ann Arbor, MI

Via Hand Delivery

Re: Application for Variance-921 E. Huron Street

Dear Mr. Kowalski:

Enclosed is an application for a variance from the density provisions of the Zoning Ordinance for the property located at 921 E. Huron Street. The purpose of the variance is to allow the owners to return this unusual structure to its original use as conventional residential units from its current use as a bed and breakfast. Importantly, the proposed change requires only very minor interior modifications, such as installation or removal of doors, and there will be absolutely no change to the exterior of the structure or the site. Approval of this variance, to allow six residential units rather than the four permitted under the ordinance, would allow the owners to transition away from the B&B use, and to reduce the size of their remaining residential unit, in keeping with today's residential market. This proposed change will have only beneficial impacts, if any, on the adjoining properties. I have also enclosed a check for \$600 to the City of Ann Arbor for the application fee.

Please contact me if you have any questions or need additional information, and I look forward to working with you on this variance request.

Sincerely,


Scott E. Munzel

Enclosure- ZBA Application and \$600 check

cc: Patricia Materka

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

Section 1: Applicant Information

Name of Applicant: Safari, LLC c/o Pat Materka, Member
 Address of Applicant: 921 E. Huron Street
 Daytime Phone: 734.997.9100
 Fax: _____
 Email: Ann Arbor bed and breakfast@gmail.com
 Applicant's Relationship to Property: Owner

Section 2: Property Information

Address of Property: 921 E. Huron Street
 Zoning Classification: R4C
 Tax ID# (if known): 09-09-28-212-010
 *Name of Property Owner: _____

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

Section 3: Request Information

Variance

Chapter(s) and Section(s) from which a variance is requested:

Chap. 55, Section 5:24

Required dimension: PROPOSED dimension:

4 units - density 6 units
(20/units/acre x
.20 acres = 4 units)

Example: Chapter 55, Section 5:26

Example: 40' front setback

Example: 32'

Give a detailed description of the work you are proposing and why it will require a variance (attach additional sheets if necessary)

See attached Application for
Variance for 921 E. Huron Street

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

The City of Ann Arbor Zoning Board of Appeals has the powers granted by State law and City Code Chapter 55, Section 5:98. A variance may be granted by the Zoning Board of Appeals only in cases involving practical difficulties or unnecessary hardships when ALL of the following is found TRUE. Please provide a complete response to each item below. These responses, together with the required materials in Section 5 of this application, will form the basis for evaluation of the request by staff and the Zoning Board of Appeals. (continued...)

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

See attached Application, p.3

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

See attached Application, p.3

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

See attached Application, p.3

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?

See attached Application, p.4

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

See attached Application, p.4

Section 5: ALTERATION TO A NON-CONFORMING STRUCTURE

Current use of the property _____

The proposed change is allowed in accordance with Structure Non-Conformance, Section 5:87 (1) (a) & (b), which reads as follows:

- (1) A non-conforming structure may be maintained or restored, but no alteration shall be made to a non-conforming structure unless one of the following conditions is met:
 - a. The alteration is approved by the Zoning Board of Appeals upon finding that it complies as nearly as practicable with the requirements of this Chapter and that it will not have a detrimental effect on neighboring property.
 - b. The alteration conforms to all the requirements of this Chapter and is made to a building which will be a single-family dwelling on completion of the alteration and is located in an R1,R2, R3, or R4 district.
 - c. The structure is considered non-conforming due to the following reasons

(continued)

Existing Condition

Code Requirement

Lot area _____
Lot width _____
Floor area ratio _____
Open space ratio _____
Setbacks _____
Parking _____
Landscaping _____
Other _____

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

The alteration complies as nearly as is practicable with the requirements of the Chapter and will not have a detrimental effect on neighboring property for the following reasons:

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

Section 6: Required Materials

The following materials are required for all variance requests. Failure to provide these materials will result in an incomplete application and will delay staff review and Zoning Board of Appeals consideration of the request. The materials listed below must accompany the application and constitute an inseparable part of the application.

All materials must be provided on **8 ½" by 11" sheets.** (Continued.....)

- Survey of the property including all existing and proposed structures, dimensions of property, and area of property.
- Building floor plans showing interior rooms, including dimensions.
- Photographs of the property and any existing buildings involved in the request.
- Any other graphic or written materials that support the request.

Section 7: Acknowledgement

SIGNATURES MUST BE SIGNED IN PRESENCE OF NOTARY PUBLIC

I, the applicant, request a variance from the above named Chapter(s) and Section(s) of the Ann Arbor City Code for the stated reasons, in accordance with the materials attached hereto.

734-994-9100
Phone Number

pmaterka@umich.edu
Email Address

Patricia R. Materka
Signature

Patricia R. Materka
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.

Patricia R. Materka
Signature

Further, I hereby give City of Ann Arbor Planning & Development Services unit staff and members of the Zoning Board of Appeals permission to access the subject property for the purpose of reviewing my variance request.

Patricia R. Materka
Signature

I have received a copy of the informational cover sheet with the deadlines and meeting dates and acknowledge that **staff does not remind the petitioner of the meeting date and times.**

Patricia R. Materka
Signature

On this 9th day of December, 2013, 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.

Victor L. Gillett
Notary Public Signature

7-17-15
Notary Commission Expiration Date

Victor L. Gillett
Print Name

Staff Use Only

Date Submitted: _____

Fee Paid: _____

File No.: _____

Date of Public Hearing _____

Pre-filing Staff Reviewer & Date _____

ZBA Action: _____

Pre-Filing Review: _____

Staff Reviewer & Date: _____

APPLICATION FOR VARIANCE FOR 921 E. HURON STREET

I. Introduction

The structure located at 921 E. Huron was constructed in 1962 by Fred Ulrich, owner of Ulrich's Bookstore. The building was constructed in what is now called the "Mid-Century Modern" style, which emphasizes glass, tall ceilings, sunken living rooms, and spiral staircases, all demonstrating "modern" style and building techniques.

Ulrich constructed the building with 3 one-bedroom apartments, and 1 larger five-bedroom unit, in which he resided with his family. The building was constructed with high quality of construction materials, and is very sound structurally.

The structure currently houses the Ann Arbor Bed & Breakfast, operated by Pat Materka since 2003. Prior to that, the structure contained a B&B since at least 1992. The B&B has nine bedrooms for guests, as well as the living unit for Materkas, which contains one bedroom. The property located at 921 E. Huron is owned by Safari, LLC, of which Pat Materka is the managing member. Pat, on behalf of Safari, LLC, now desires to return the use of the building to more conventional residential uses, as six residential units, but this change requires a variance as described below.

II. Existing Conditions- Surrounding Area

921 E. Huron (the Property) is located on the north side of Huron Street, between N. Ingalls Street and Glen Avenue. Adjoining to the east is the Harvest Mission Community Church. To the southeast is the Power Center, and to the southwest is the University of Michigan's Rackham Building. Adjoining to the west is student occupied rental property. The area around the Property on the north side of Huron Street is mostly multiple family dwellings and single family homes occupied by students at the University of Michigan. The buildings in the general area are a variety of heights, ranging from two to three stories, with all different types of setbacks, architectural styles, and levels of maintenance. The area in which the Property is located has an R4C zoning classification.

III. Existing Conditions-the Property

As noted above, the building currently operates as a nine bedroom B&B, with Pat and her family using the 10th bedroom. The building contains a central entry corridor area, off of which on the first floor are four guest bedrooms, two north and two south of the entry corridor. The second floor contains four guest bedrooms, as well as the Materka family's personal residence, which contains one bedroom. On the third floor is the ninth guest bedroom, and Pat's studio space. The Property contains a large parking area underneath part of the second floor of the structure, which has 10 parking spaces. The building also has a large balcony on its second floor overlooking Huron Street, as well as a balcony on its east side, and smaller balconies for other bedrooms.

IV. Proposed Return to Conventional Residential Uses

Pat desires to create options for how she operates, and possibly downsizes, the B&B in the next few years. Returning portions or all of the building to its original function as residential apartments, rather than the B&B use, has significant appeal. Pat proposes to convert the property from a nine bedroom, one dwelling unit use, to 6 one-bedroom apartments.

First, Pat proposes to return the four bedrooms on the first floor to their original configuration as 2 one-bedroom apartments. This would require no exterior changes to the building. The only interior change would be the installation of a new interior doorway to connect the two spaces in the southern apartment. No new interior living space would be created. This change is shown on the attached First Floor plans.

Next, Pat proposes to return two B&B guest rooms on the second floor to their original configuration as a one-bedroom apartment. Again, this would require no exterior changes. The only interior change to create this unit would be re-hanging a door in an existing doorframe. No new interior living space would be created. This change is shown on the attached Second Floor plans.

Third, Pat proposes to create a new one-bedroom apartment out of two guest rooms on the northeast corner of the second floor. Creating this apartment would not require any exterior changes. The only interior change would be to install a doorway off the second floor foyer, and remove an interior door. Again, no new interior space would be created. These changes are shown on the attached Second Floor plans.

A new door would also have to be installed off the second floor foyer to separate the Materkas' apartment from the rest of the building. This would require no exterior changes to the building. This change is shown on the attached Second Floor plans.

Finally, Pat proposes to convert the third floor guest room in to a very attractive studio apartment. Creating this apartment would require no exterior changes and would only require installing a wall in place of an existing door. Again, no new interior space would be created. This change is shown on the attached Third Floor plans.

Returning the interior configuration closer to its original function would allow Pat to sell some of the new residential units as owner-occupied, smaller size residential units within the Downtown Ann Arbor area. This would allow Pat some flexibility in reducing, as appropriate, the B&B operations. This proposal would also result in a smaller residential unit for Pat and her family in which they could continue to live for the indefinite future.

For zoning purposes, the building contains 9 bedrooms in a B&B unit, with an additional bedroom for the dwelling unit of the Materkas. The current R4C zoning would allow only four units within the building. Pat proposes to create six 1-bedroom apartments units (six units for zoning purposes). While the number of bedrooms would

decrease from 10 to 6, Materkas would need a variance from the 4 unit maximum to modify the existing building and create 6 units.

V. The Proposal Meets the Standards for a Variance

Multiple family uses are permitted in the R4C Zoning District; therefore Pat's proposal is consistent with the permitted uses. Importantly, there would be absolutely no changes to the exterior of the building and there would be no impact on its appearance. Changing to a more conventional residential configuration would only reduce the impact of the use on the neighbors and adjoining properties. The Property contains the nine parking spaces required by ordinance, and so meets the parking requirements for six units.

1. There are practical difficulties in complying with the Zoning Ordinance, and these are unique to the Property.

If Pat must comply with the Zoning Ordinance, she can only have four units within the building. Because of how this building was constructed, with separated living spaces, the configuration that makes the most sense would be to return the building to its original configuration. That would convert the four guest rooms on the first floor to 2 one-bedroom apartments, and the two guest rooms in the northwest corner of the second floor to a one-bedroom unit.

But that would leave the remainder of the second floor, plus the third floor as only one unit. This would mean Pat and family would have to reside in a very large four bedroom residential unit. This would create a practical difficulty because having a remaining four bedroom unit for two "empty nesters" makes no sense. Pat desires to downsize in her existing home; the Zoning Ordinance would require that she "upsizes." Compliance with the Zoning Ordinance in this situation creates a practical difficulty.

This practical difficulty is unique to this Property. This building configuration is unique within the City. A review of the interior plans reveals how it was constructed with multiple residential units in mind, but separated by the central foyer/corridor. This layout is unique, and creates the difficulty in using the building in a way that complies with the Zoning Ordinance.

2. The practical difficulties are more than mere inconvenience.

Forcing Pat to have a four bedroom residential unit makes no sense. She will not be able to meaningfully use a large portion of the space, essentially creating useless space. The purpose of the Zoning Ordinance is not to blindly create space that will then be unused. This is especially true for valuable Downtown residential units, which require less "vehicles miles traveled," and which contribute to a dense urban core, both important public policy goals of the City of Ann Arbor.

3. Granting the variance to allow six units, rather than four, will have only beneficial effects on neighboring properties.

Granting the variance will allow this building and Property to be returned to conventional residential purposes. This will create a residential property more consistent with the adjoining properties, and likely reduce the impact on them. There will be less traffic, and less general "hustle and bustle" as the nine room B&B returns to conventional residential uses. There will be zero impact on the Church to the east, zero impact on the U of M Campus to the south, and only beneficial impacts to the residential properties to the west and north.

4. The existing structural layout of the building prevents it from being used in a way consistent with the Zoning Ordinance.

As noted above, the unique structural arrangement of the existing building prevents it from being converted to conventional residential uses in a way that makes sense. The Zoning Ordinance would demand that a large portion of the building becomes virtually useless.

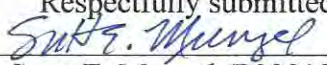
5. The unique condition of the building was not self-imposed.

The building was constructed in 1962, presumably in compliance with the density requirements in effect at that time. Mr. Ulrich designed this forward-thinking building to allow him to maintain a comfortable residential unit, while having multiple family units within the same structure. This design now allows the building to be converted to meet the demands of today's Ann Arbor residential market. This condition was not self-imposed by Pat, but rather was created when the building was constructed, and then presumably when the Zoning Ordinance limited the number of units within the building to only four, notwithstanding its large size and interior layout.

VII Conclusion

Pat desires to convert this 10 bedroom B&B into 4 one-bedroom units, 1 studio apartment, and her own one-bedroom residential unit. This configuration takes advantage of how the building was originally constructed, has no impact on the appearance of the exterior of the building, and will only have a positive impact on the adjoining properties. Its use is entirely consistent with the uses in the area, and will create several small residential units in the Downtown area. Accordingly, Pat requests that the Zoning Board of Appeals grant her request for a variance.

Dated: December 4, 2013
9

Respectfully submitted,

Scott E. Munzel (P39818)
Attorney for Pat Materka and Safari, LLC

CIVIL ENGINEERS * PLANNERS

SURVEYORS * LANDSCAPE ARCHITECTS



P.O. BOX 1128

3250 WEST LIBERTY RD ANN ARBOR, MICHIGAN 48106

TEL. 734-761-8800 FAX. 734-761-9530

weco@wengco.com

DONNA ZOBEL TRUST
615 OTTAWA DR.
5
708

DIAG PROPERTIES LLC
917 E. HURON ST.
ANN ARBOR, MI 48104
09-09-28-212-009

SW CORNER LOT 4 OF F.J.B.
CRANE'S SUBDIVISION (LIBER
43 OF PLATS, PAGE 148)

HURON STREET (66 FT. WD.)

66.02
N84°48'09"E

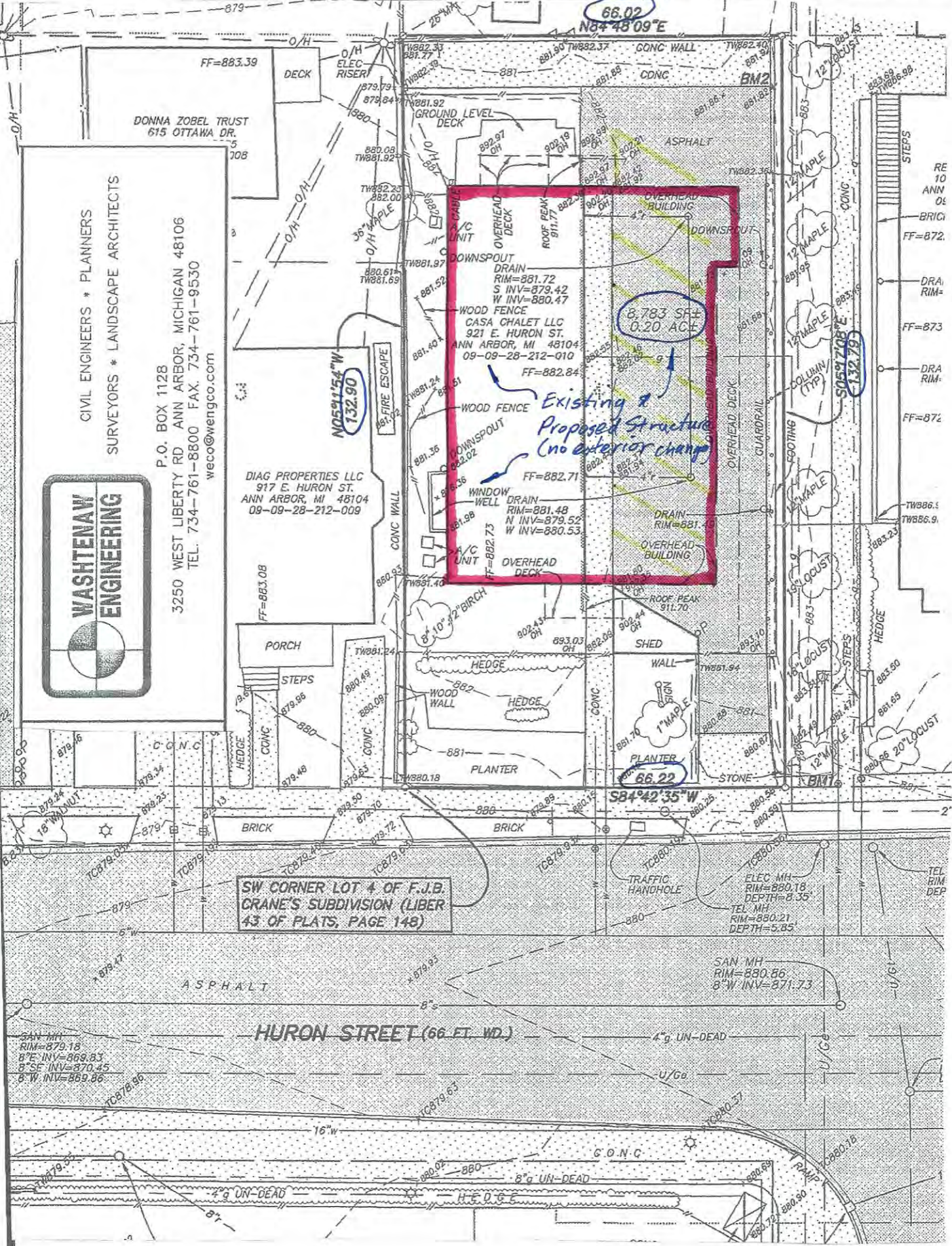
105°41'54"W
132.90

66.22
S84°42'35"W

8.783 SF ±
0.20 AC ±

Existing &
Proposed Structure
(no exterior change)

5059.708' ±
132.79



FIRST FLOOR
NOT TO SCALE



PROJECT: CC1006
 DATE: NOV 6 2013
 *REVISIONARY
 REVISION:
 SHEET: _____

SAFARI LLC.
 421 E HURON STREET
 ANN ARBOR, MICHIGAN

M G S
 design-build
 10111 Main Street
 Ann Arbor, Michigan 48103
 734.769.0000
 227 W. MAIN STREET
 ANN ARBOR, MI 48106

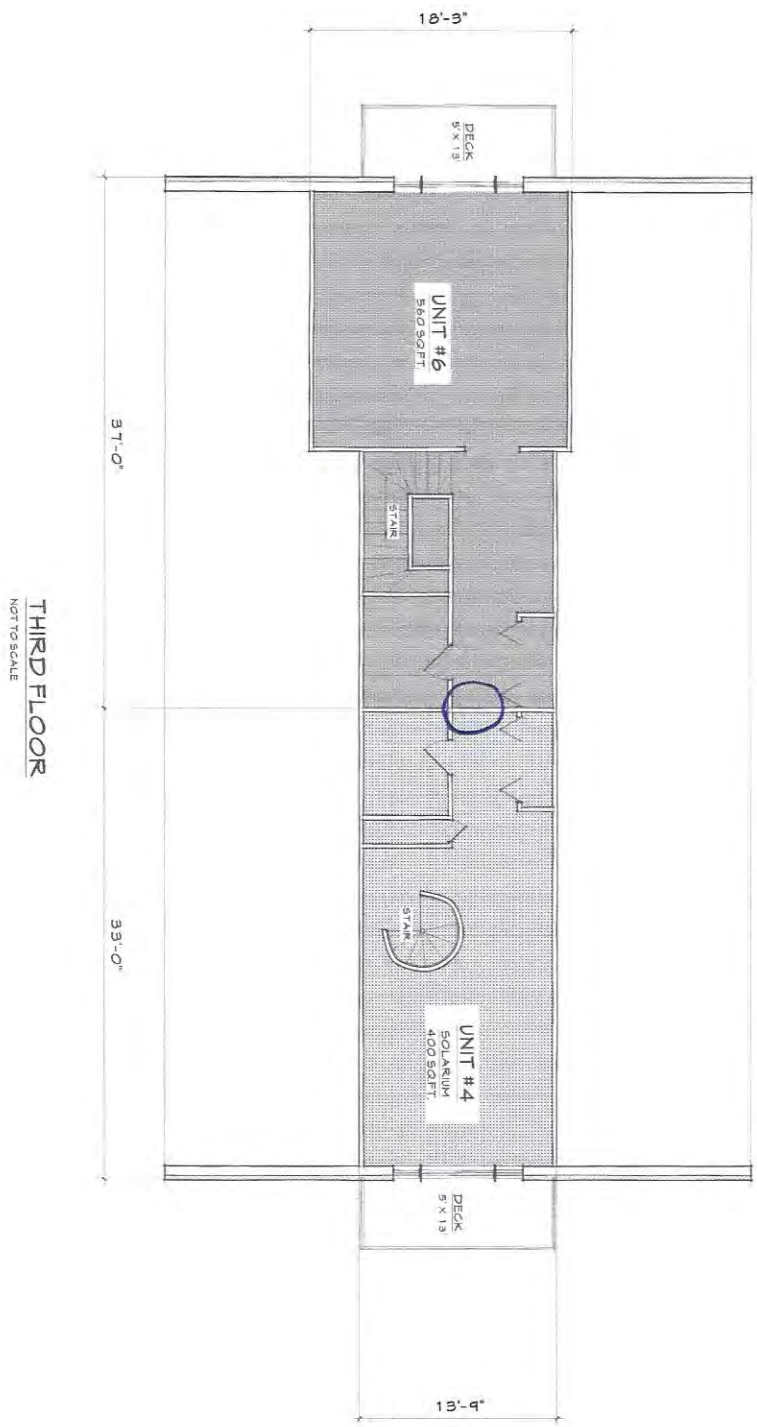


SECOND FLOOR
NOT TO SCALE

PROJECT: CC 1006
 DATE: NOV 6 2018
 PERMANENT
 REVISIONS:
 SHEET: _____

SAFARI LLC.
 421 E HURON STREET ANKARBOR, MICHIGAN
 These drawings are the copyright of MGS herein. No part may be reproduced without the written consent of MGS design-build.

MGS
 design-build
 1031 N.W. 10th Ave
 Fort Lauderdale, FL 33311
 (954) 575-2222



PROJECT :
CC 1006

DATE :
NOV 8 2018

REVISIONS :
PRELIMINARY

SHEET :
1

SAFARI LLC.

421 E HURON STREET
ANN ARBOR, MI 48106

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PHOTOGRAPHS OF SUBJECT AND SURROUNDING AREA



Front view of the subject from Huron Street



Rear view of the subject

Taken on May 11, 2012 by Jay T. Alcock



Looking at the covered parking from the rear of the site



Turnaround area and fenced patio at the rear of the site

Taken on May 11, 2012 by Jay T. Alcock



Garden and fenced patio at the front of the building



Second floor deck off the main house at the front of the building

Taken on May 11, 2012 by Jay T. Alcock



Sunken living room



Main dining room

Taken on May 11, 2012 by Jay T. Alcock



Main kitchen



Typical bedroom

Taken on May 11, 2012 by Jay T. Alcock



Looking west at Huron from the subject with Rackham Auditorium in view



Looking east at Huron with Power Center for the Performing Arts beyond the trees

Taken on May 11, 2012 by Jay T. Alcock