

ANN ARBOR HOUSING BOARD OF APPEALS

STAFF REPORT

Meeting Date: October 11, 2016

Type of Request: Variance

Housing Board of Appeals Request HBA15-006 at 1940 Chalmers Dr. Ann Arbor, MI 48104

(Parcel Identification Number: **09-09-35-306-005**)

DESCRIPTION AND DISCUSSION

Property Owners Name and Address:

Daniel and Kymberlie London (owner)
1490 Woodcreek Blv
Ann Arbor, MI 48104

BACKGROUND

The owners of the residence located at 1940 Chalmers Dr request a variance from the requirement that 50% of the required floor area shall have a ceiling height of not less than 7 feet, as required by **Section 8:503 (3) (b)**., and that the stairs have a min. tread depth of a 9" tread depth as required by **Section 8:504 (4) (B) 4** for the stairs to the second floor.

On a recent rental inspection conducted on August 12, 2015 by Terry Root, it was found that the second floor has a sloped ceiling that measures app. 7' at the peak and slopes down to app. 6'1" at the rear and 3'11" at the front of the house. **Section 8:503 (3) (b)** of the City's Housing code requires that 50% of the required floor area have a ceiling height of not less than 7". The required floor area for a sleeping room is 70 sq' so in this case 35 sq' would need a 7' ceiling height. With the peak at 7', they do not meet this requirement. The stairs leading up to the second floor have 4 treads leading to 2 winder treads before they continue to the second floor. The first 4 treads measure, 6-1/2" for the first tread and then 8-3/4" for the next three. The winder treads do not meet current building code, but do not present a problem. The rest of the treads meet the min. 9"
Section 8:504 (4) (B) 4 require tread depth shall not be less than 9", there is not a standard in the housing code for winder treads.

The ceiling at height at the bottom of the stairs in the door frame is 5'-10",, the housing code allows a ceiling height of 5'6" in 1&2 family homes, if hardwired interconnected smoke alarms are installed at the top of each stairway per **section 8:504 (4) (b) 7**

Also on my inspection it was found that none of the windows on the second floor meet min. egress requirements, as required by **section 8:504 (3) (c) (d)** The owner is planning on replacing at least one window to meet egress, that will have to meet building code requirement of 5.7 sq'

The house was built in 1950 and appears to be original construction, 1-1/2 story house with 1 room and 1 bathroom on the second floor.

Standards for Approval:

Practical difficulties or unnecessary hardship

Per the applicant:

“Major reconstruction of the stairway and ceiling is not economically feasible”

The variance does not jeopardize the public health and safety.

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

The variance does not violate the intent of this chapter

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

STAFF RECOMMENDATION

Staff makes the following recommendation:

There is not enough room to rebuild the stairs and does not appear to pose a problem. There are plenty of windows with lots of light and ventilation, the owner states he will replace a window to meet egress with a permit to meet building code requirements. For the ceiling height at the stairs, interconnected smoke alarms can be installed at the top of each flight of stairs, although to hardwire the second floor alarm would be difficult due to the sloped ceiling has no attic space. The current Building code does allow radio frequency interconnection and power supply from 5 year batteries. I recommend granting the variances with contingencies.

Terry Root
Development Services Inspector



City of Ann Arbor
PLANNING & DEVELOPMENT SERVICES — CONSTRUCTION SERVICES

Mailing: 301 E. Huron St. | P.O. Box 8647 | Ann Arbor, Michigan 48107-8647
 p. 734.794.6263 | f. 734.994.8460 | building@a2gov.org

APPLICATION FOR VARIANCE AND/OR TIME EXTENSION
HOUSING BOARD OF APPEALS

Section 1: Applicant Information		
Name of Applicant: <u>DANIEL & KYMBELLIE LONDON</u>		
Address of Applicant: <u>1490 WOODCREEK BLVD, ANN ARBOR, MI, 48104</u>		
Daytime Phone: <u>734330 6441</u> Fax: _____		
Email: <u>LONDONDM@HOTMAIL.COM</u>		
Applicant's Relationship to Property: <u>OWNER</u>		
Section 2: Property Information		
Address of Property: <u>1940 CHALMERS DR. 48104</u>		
Zoning Classification: <u>R-1</u>		
Tax ID# (if known): _____		
*Name of Property Owner: _____		
<i>*If different than applicant, a letter of authorization from the property owner must be provided.</i>		
Section 3: Request Information		
<input checked="" type="checkbox"/> Variance		
Chapter(s) and Section(s)		
from which a variance is requested:	REQUIRED dimension:	PROPOSED dimension:
_____	_____	_____
_____	_____	_____
_____	_____	_____
<i>Example: Chapter 105, Section 5:26</i>	<i>Example: 6', 8" Basement Ceiling Height Clearance</i>	<i>Example: 6',6" Basement Ceiling Height Clearance</i>
Give a detailed description of the work you are proposing and why it will require a variance (attach additional sheets if necessary)		
<u>UPSTAIRS BEDROOM DOES NOT MEET CURRENT STANDARDS FOR CEILING HEIGHT, STAIRS AND EGRESS.</u>		
<u>EGRESS WILL BE RESOLVED WITH A CASEMENT WINDOW TO REPLACE ONE OR MORE OF THE EXISTING SLIDER TYPE PRESENTLY INSTALLED.</u>		

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

The City of Ann Arbor Housing Board of Appeals has the powers granted by City Code Chapter 105. A variance may be granted by the Housing Board of Appeals only in cases involving practical difficulties or unnecessary hardships when ALL of the following is found TRUE. Please provide a complete response to each item below. These responses, together with the required materials in Section 5 of this application, will form the basis for evaluation of the request by staff and the Housing Board of Appeals.

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

YES, TO COMPLY WITH THE REQUIRED CEILING HEIGHT AND STAIRWAY REQUIREMENTS WOULD REQUIRE MAJOR CONSTRUCTION AND IS NOT ECONOMICALLY FEASIBLE.

2. Are the hardships or practical difficulties more than mere inconvenience, inability to obtain a higher financial return? (explain) NO.

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

NONE

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?

TO COMPLY WITH CURRENT STANDARDS WOULD REQUIRE MAJOR CONSTRUCTION.

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

THE HOME WAS BUILT IN 1950 AND WAS ANN ARBOR TOWNSHIP ADDRESS.

Section 5: Time Extension

Current use of the property RENTAL

Explain why you are requesting a time extension:

Section 6: Required Materials

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

All materials must be provided on **8 1/2" by 11" sheets**.

- 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.
- A Complete List of Tenant Names so that they can be notified that the HBA will do a 'walk-through' of the property on the day of the hearing.

Section 7: Acknowledgement

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.

734 330 6441

Phone Number

[Signature]

Signature

LONDON DM @ HOTMAIL.COM

Email Address

DANIEL M. LONDON

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. I acknowledge that I've received all instructions, time, date and place of meeting and will be present to present the appeal. Staff will not send additional notification of meeting times.

[Signature]

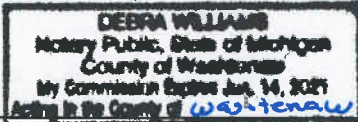
Signature

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

[Signature]

Signature

On this 28 day of August, 2015, 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.



[Signature]

Notary Public Signature

Debra G. Williams

Notary Commission Expiration Date

Print Name

STAFF USE ONLY

Date Submitted: 8/28/15 Fee Paid: _____

File No.: HBA15-006 Date of Public Hearing _____

Pre-filing Staff Reviewer & Date: [Signature] 8/28/15 HBA Action: _____

Pre-Filing Review: _____

Staff Reviewer & Date: _____



CITY OF ANN ARBOR

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

Receipt Number: 2016-00015112

Project Number HBA15-006
Receipt Print Date: 08/28/2015
Address 1490 WOODCREEK BLVD
Applicant
Owner LONDON DANIEL M & KYMBERLIE B
Project Description

FEES PAID

0010-033-3370-0000-4362

P&D - APPEAL FEES 15/16

HBA	0010-033-3370-0000-4362	500.00
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Total Fees for Account 0010-033-3370-0000-4362:	500.00
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TOTAL FEES PAID	500.00
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DATE PAID: Friday, August 28, 2015

PAID BY: LOGOS

PAYMENT METHOD: CHECK 6803

Acquaviva, Brenda

From: Dan London [londondm@hotmail.com]
Sent: Friday, August 28, 2015 3:26 PM
To: Building
Subject: Fwd:

Sent from my iPhone

Begin forwarded message:

From: "Dan London" <londondm@hotmail.com>
To: "Daniel London" <londondm@hotmail.com>





Sent from my iPhone



Sent from my iPhone

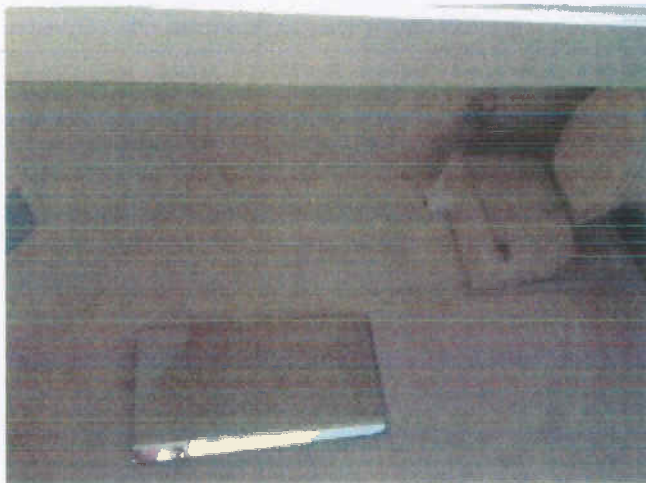
Acquaviva, Brenda

From: Dan London [londondm@hotmail.com]
Sent: Friday, August 28, 2015 3:28 PM
To: Building
Subject: Fwd:

Sent from my iPhone

Begin forwarded message:

From: "Dan London" <londondm@hotmail.com>
To: "Daniel London" <londondm@hotmail.com>





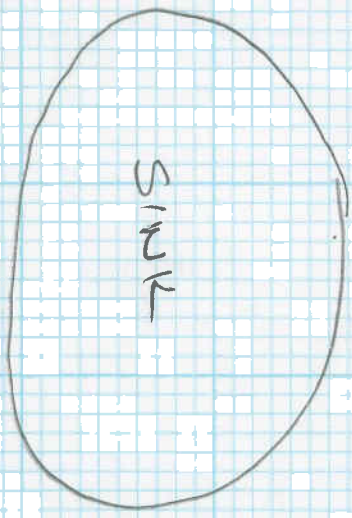
Sent from my iPhone

BATHROOM

8' 11 3/4"

STORAGE

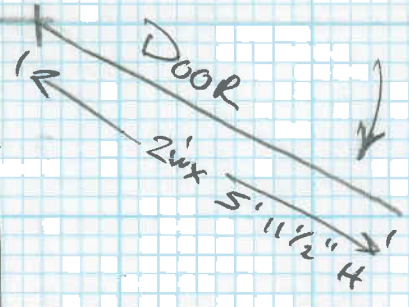
BATHROOM



SINK

7' 3"

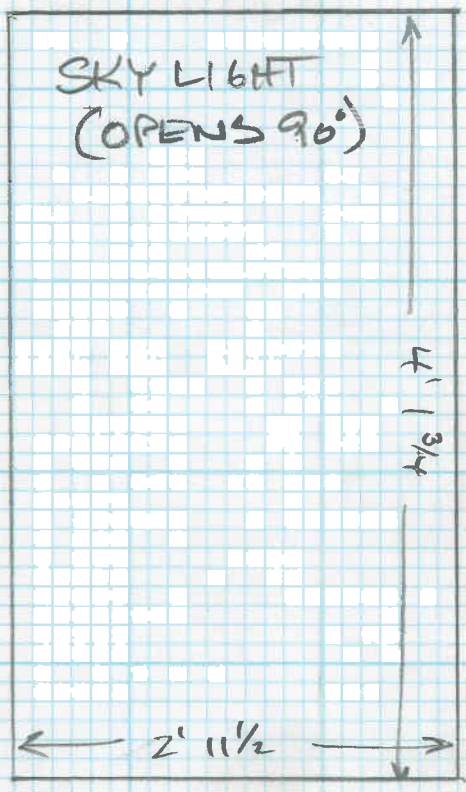
CILING PANE



Door

2' x 5' 11 1/2"

BATH TUB



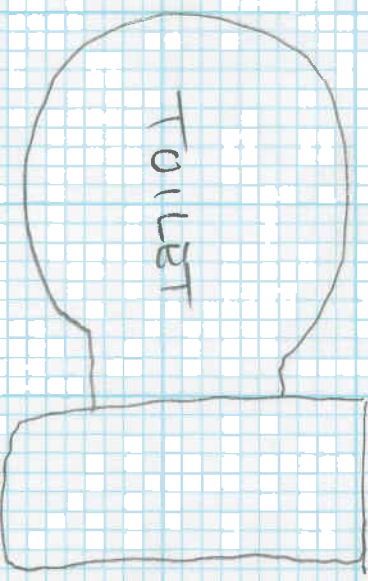
SKY LIGHT (OPENS 90°)

4' 1 3/4"

2' 11 1/2"

5' 3 3/4"

3' 2 1/4"



TOILET

6' 10 1/8"

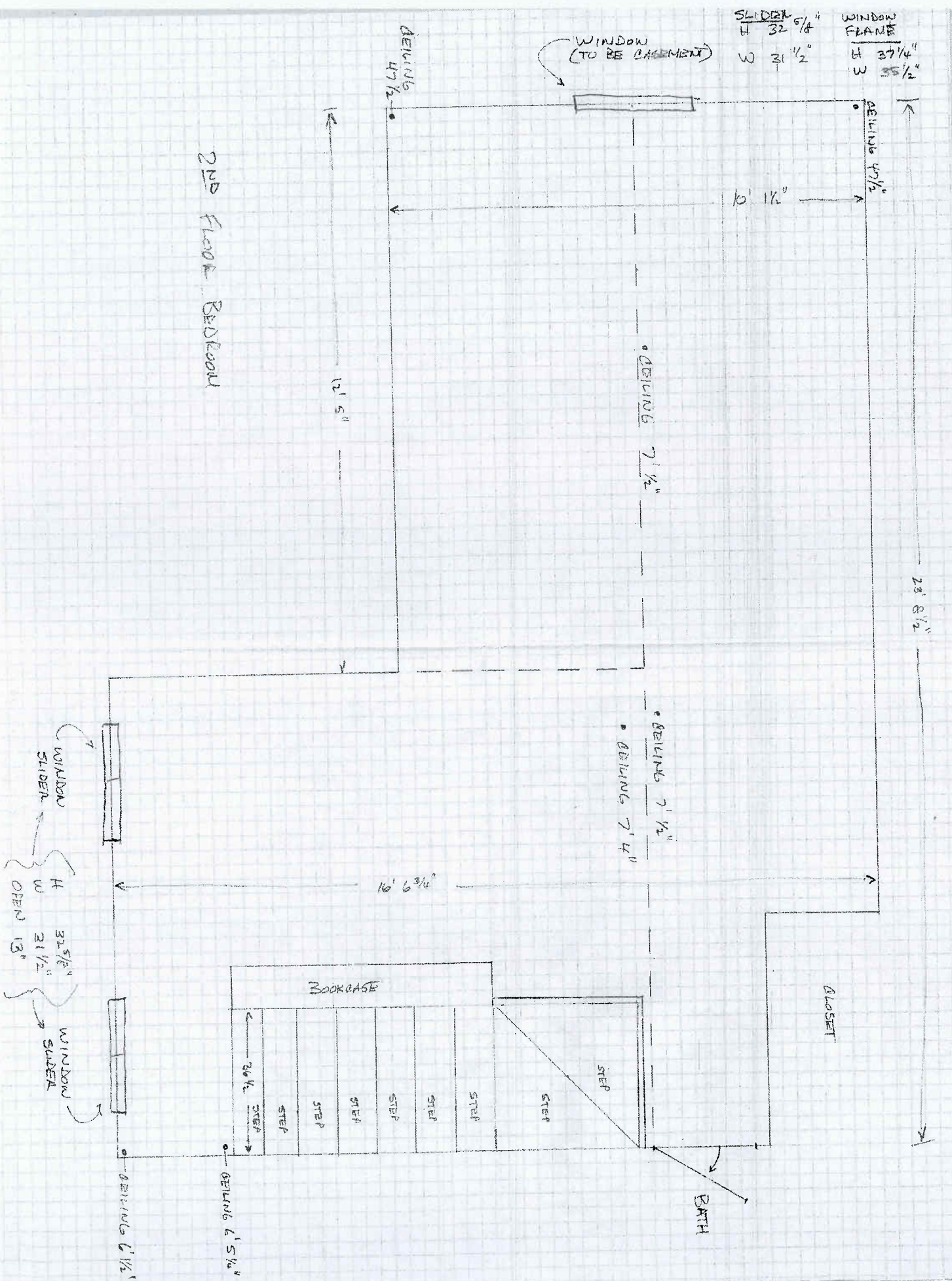


2ND FLOOR BEDROOM

SLIDER
H 32 5/8"
W 31 1/2"

WINDOW FRAME
H 37 1/4"
W 35 1/2"

WINDOW
(TO BE CASHEMENT)



23' 8 1/2"

10' 11"

12' 5"

DEILING 7' 1/2"

DEILING 7' 1/2"
DEILING 7' 4"

16' 6 3/4"

BOOKCASE

20 1/2"

DEILING 6' 5 1/4"

DEILING 6' 1/2"

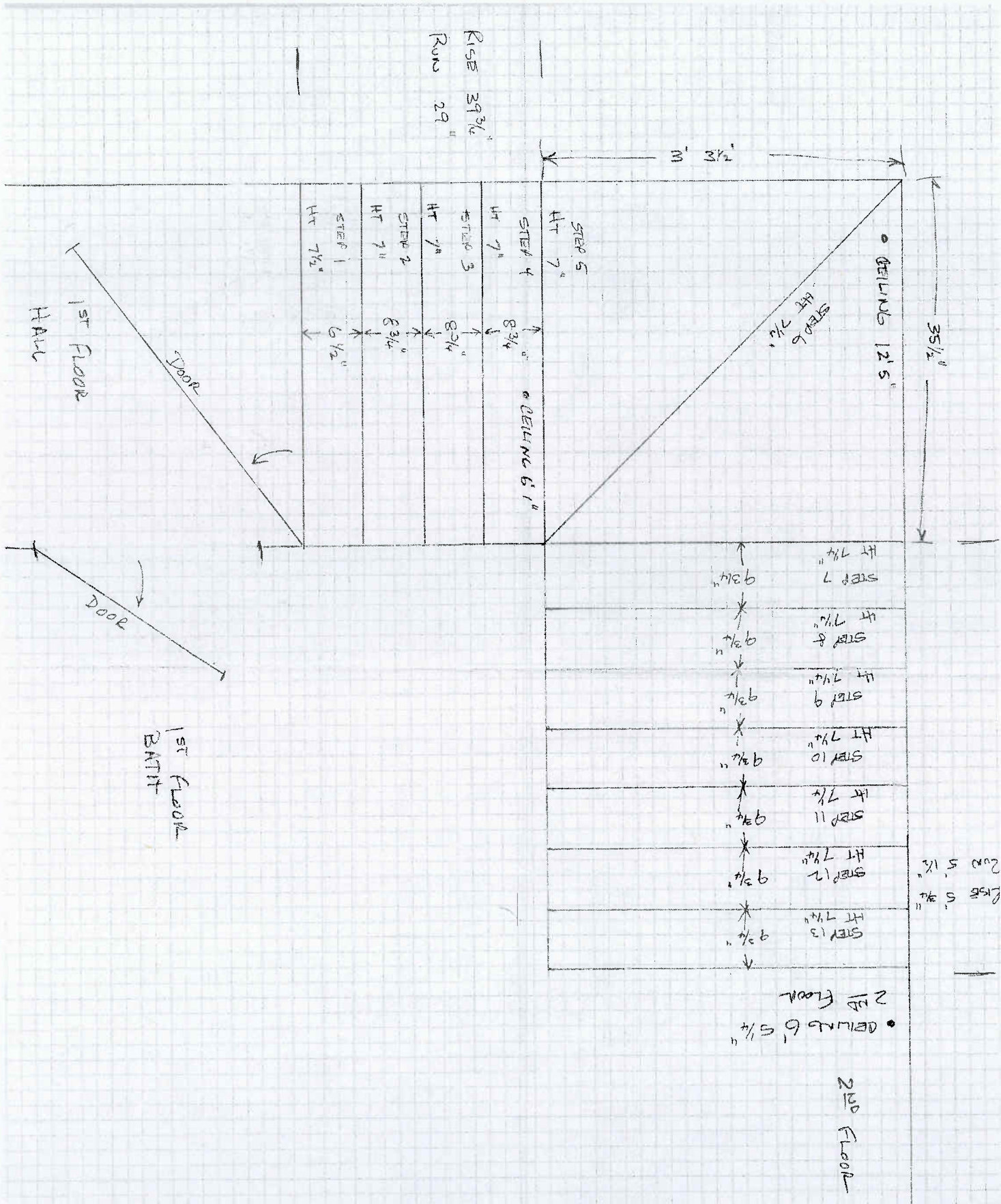
CLOSET

BATH

WINDOW SLIDER
H 32 5/8"
W 31 1/2"

OPEN 13"

WINDOW SLIDER



Building Information

D. LONDON
1940 CHAMBERS DR.

City of Ann Arbor

Parcel: 09-09-35-306-005

[Back to Non-Printer Friendly Version] [Send To Printer]

1 building(s) found.

Description ↑	Floor Area	Yr Built	Est. TCV
<input type="checkbox"/> Residential Building 1	1534 Sq. Ft.	1950	\$252,421

General Information

Floor Area:	1534 Sq. Ft.	Estimated TCV:	\$252,421
Garage Area:	550 Sq. Ft.	Basement Area	842 Sq. Ft.
Foundation Size:	1330 Sq. Ft.		
Year Built:	1950	Year Remodeled:	0
Occupancy:	Single Family	Class:	C 10
Effective Age:	41	Tri-Level?:	NO
Percent Complete:	100%	Heat:	Forced Air w/ Ducts
AC w/Separate Ducts:	NO	Wood Stove Add-on:	NO
1st Floor Rooms:	7	Water:	Public Water
Bedrooms:	3	Sewer:	Public Sewer
Style:	RANCH, C-BC		

Area Detail - Basic Building Areas

Height	Foundation	Exterior	Area	Heated
1.25 Story	Full Bsmnt.	Brick	816 Sq. Ft.	1.25 Story
1 Story	Slab	Brick	488 Sq. Ft.	1 Story
1 Story	Full Bsmnt.	Brick	26 Sq. Ft.	1 Story

Area Detail - Overhangs

Height	Exterior	Area	Included in Size for Rates
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Exterior

Brick Veneer:	0 Sq. Ft.	Stone Veneer:	0 Sq. Ft.
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Basement Finish

Recreation:	0 Sq. Ft.	Recreation % Good:	0
Living Area:	0 Sq. Ft.	Living Area % Good:	0
Walk Out Doors:	0	No Concrete Floor Area:	0 Sq. Ft.

Plumbing Information

3-Fixture Baths:	1
2-Fixture Baths:	1
Separate Shower:	1
Ceramic Tile Floor:	1
Ceramic Tile Wains:	1

Built-In Information

Dishwasher:	1
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Fireplace Information

Interior 1-Story:	1
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Garage Information

Garage # 1

Area:	550 Sq. Ft.	Exterior:	Brick
Foundation:	42 Inch	Common Wall:	1 Wall
Year Built:		Finished?:	NO
Auto Doors:	0	Mech Doors:	0

Porch Information

CSEP (1 Story):	112 Sq. Ft.	Foundation:	Standard
CCP (1 Story):	48 Sq. Ft.	Foundation:	Standard
CPP:	112 Sq. Ft.	Foundation:	Standard

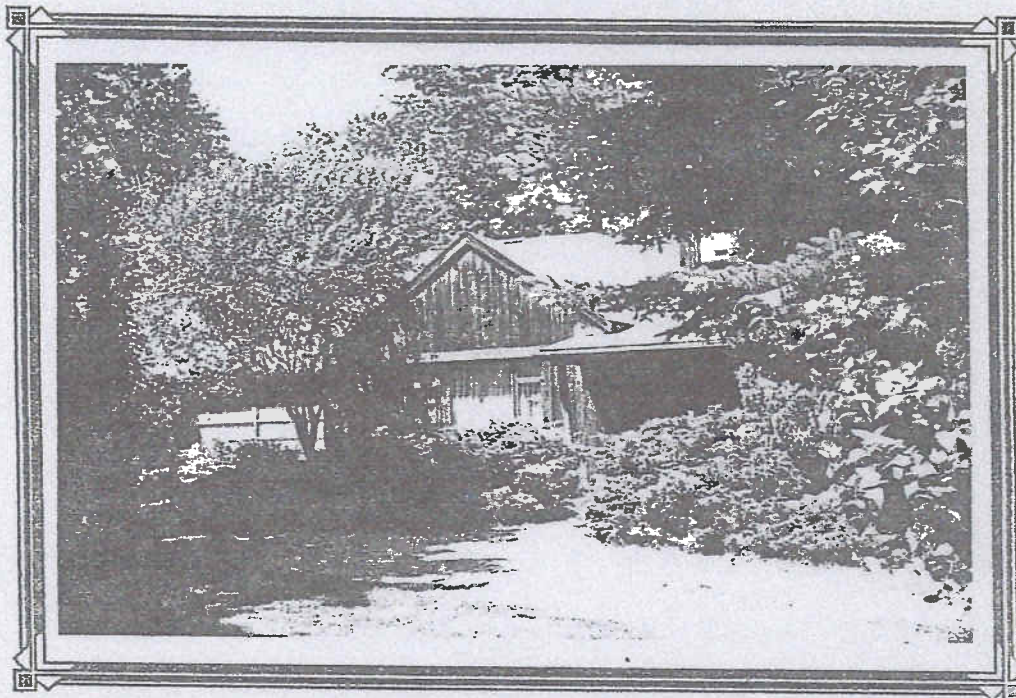
Deck Information

Treated Wood:	240 Sq. Ft.	Foundation:	Standard
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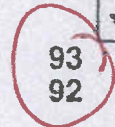
[Privacy Policy](#)

The Michigan Group REALTORS® Presents



ATTEMPTED SALE
1993 LISTING

New		ACTIVE		1940 CHALMERS		PU City WASHTENAW		Zp 48104		RES		ML 36718	
C/T ANN ARBOR TWP		T Code 109 35390003		B Code 1580		Map 86		Wtr NO					
Between WASHTENAW & E HURON RIVER		Rms 6		1.5S		FRAME SF+ 1719		Age 43		Zn RES		195,674	
Levl	B	L	1	2	D Rm	SPACE	RO	Y	EI	KING	B	Y	Terms
BR 3			2	1	Bsmt	PT	Ref	N	JH	TAPPAN	Y	Y	MBal
Bath			1	1	RcRm	SP	DW	Y	HS	HURON	Y	Y	Lender
1/2 Bt					Flrg	C,H,T	DI	Y	Sev\$	70,500			NA
F Rm			1		Drp	Y,B	ES	N	Tax	3,167			
Stdy					Gar	2C			Pos	AT CLOSE			
Laun		1			Lake				W Sof	O	Pool		
Fpl		1			LtSz	161X270			A/C	C	Heat	G,FA	
COUNTRY IN THE CITY-HOUSE IS HIDDEN FROM ROAD, HAS CIRCULAR DRIVE. LARGE SUNROOM W/SLIDING GLASS DOORS. MUCH NEW PAINT. ROOF PARTIALLY REDONE'92. AC IS 1 YR OLD. HW HEATER -2 YRS. ELECTRIC UPDATED'91. HOME PROTECTION ONE OFFERED. UPSTAIRS W/NEW PAINT, CARPET. WINDOWS. SELLER IS CONNECTING TO SEWER.												San	S
												Strm	N
												Wtr	W
												Swk	N
												C&G	N
												Pav	N
Legal BLOCK 300 SEC 35 T25R6B						Show LO LA APPT 4 HR							
Comp Code: BB P30C25 SU P30C25						LO TMG 662-8600							
Information believed accurate but not guaranteed or warranted.													



OFF. (313) 662-8600 x326
RES. (313) 994-4578
FAX (313) 994-3130
voice mail 704-2944

Offered By



DOROTHY (DOT) OWEN
Realtor

D. LONDON 1940 CHALMERS Dr.

555 Briarwood Circle, Suite 100
Ann Arbor, Michigan 48108



CITY OF ANN ARBOR, MICHIGAN

Community Services Area
Planning & Development Services Unit
301 East Huron, P.O. Box 8647,
Ann Arbor, Michigan 48107-8647
Phone: (734) 794-6264
Fax: (734) 994-8460

September 26, 2016

Daniel & Kymberlie London
1490 Woodcreek Blvd
Ann Arbor, MI 48104

Re: 1940 Chalmers, Ann Arbor, Michigan 48104
Parcel Identification Number ("PIN"): 09-09-35-306-005

Dear Mr. & Mrs. London:

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

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

If you are planning to support your request with information or evidence not included with your application, please submit your additional information to City Housing Department staff either by email at a2rentalhousing@a2gov.org or in person no later than the Friday before the meeting to allow time for distribution to the Board members. If you bring additional materials to the meeting, please bring 10 hard copies for the Board members and City staff.

Sincerely,

Lisha Turner-Tolbert
Rental Housing Services Manager



City of Ann Arbor
301 E Huron St, P.O. Box 8647
Ann Arbor, Michigan 48107-8647
rentalhousing@a2gov.org

Rental License
CR7494

Housing Bureau 734-794-6264 Administration 734-994-4950
Construction 734-794-6267 Appeals Board 734-994-2696

CERTIFICATE OF COMPLIANCE AND OCCUPANCY

THIS IS TO CERTIFY THAT THE BUILDING KNOWN AS: **1940 CHALMERS DR**

SUBSTANTIALLY COMPLIES WITH ALL THE REQUIREMENTS OF THE ANN ARBOR CITY CODE AND
MAY BE OCCUPIED AND USED FOR THE FOLLOWING PURPOSE:

SF DETACHED

STIPULATIONS:

DWELLING TYPE: **1 - 3 bedroom unit with 4 occupants max**

OWNER:

**LONDON DANIEL & KYMBERLIE
1490 WOODCREEK BLV
Ann Arbor, MI, 48104**

MAILING ADDRESS:

**LONDON DANIEL & KYMBERLIE
1490 WOODCREEK BLV
Ann Arbor, MI, 48104**

*Thank you for your co-operation during the inspection of this property under the Ann Arbor Housing Code.
Please notify us at 734-794-6264 if you change your mailing address or the property is sold.*

Authorized by

Ralph Welton

DATE ISSUED: 12/04/2012

DATE OF APPLICATION: 12/04/2012

EXPIRATION DATE: **02/01/2015**

NOT TRANSFERABLE TO ANY OTHER PROPERTY



City of Ann Arbor Rental License

100 North Fifth Avenue **CR7494**

Ann Arbor, Michigan 48107-8647

rentalhousing@a2gov.org

Housing Bureau 734-794-6264
Construction 734-794-6267

Administration 734-994-4950
Appeals Board 734-994-2696

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Ann Arbor, MI, 48104**

MAILING ADDRESS:

**LONDON DANIEL & KYMBERLIE
1490 WOODCREEK BLV
Ann Arbor, MI, 48104**

*Thank you for your co-operation during the inspection of this property under the Ann Arbor Housing Code.
Please notify use at 734-794-6264 if you change your mailing address or the property is sold.*

Authorized by

Ralph Welton

DATE ISSUED: 04/01/2010

DATE OF APPLICATION:

EXPIRATION DATE: **08/01/2012**

NOT TRANSFERABLE TO ANY OTHER PROPERTY