

# ANN ARBOR HOUSING BOARD OF APPEALS

## STAFF REPORT

**Meeting Date: December 13, 2016**

**Type of Request: VARIANCE**

Housing Board of Appeals Request HBA16-013 at 907 S. Main, ANN ARBOR, MI 48104.

(Parcel Identification Number: **09-09-32-113-007**)

### DESCRIPTION AND DISCUSSION

#### Property Owners Name and Address:

Jon Keller-J Keller Properties, LLC (agent); on behalf of Justin Strong  
1884 W. Stadium Blvd  
Ann Arbor, MI 48103

### BACKGROUND

The house at 907 S Main was built in 1901 is 1032 square feet and appears to be original construction with 2 bedrooms on the first floor and 2 potential bedrooms on the second floor.

The agent of the residence located at 907 S. Main requests three variances:

#### **(1) Stairs to second floor.**

Variance from 8:504(4)(b)(2): Exit stairways shall have a minimum ceiling height of 6 feet.

Inspection found that the stairway ceiling height was 5'9".

#### **(2) Second floor corridor ceiling.**

Variance from 8:504(4)(a)(2): Exit corridors shall have a ceiling height of at least 6'6".

Inspection found that the 2<sup>nd</sup> floor corridor ceiling is 6'3".

#### **(3) Two second floor potential bedroom ceilings.**

Room 1: Variance from 8:503(3)(c): All of the required area of habitable rooms, other than cellar, sloped ceiling and basement rooms, shall have a ceiling height of at least 7 feet.

Room 2: Variance from 8:503(3)(b): At least 50% of the required floor area of every habitable room with a sloped ceiling shall have a ceiling height of at least 7 feet.

Inspection found that the ceiling in both rooms is 6'10".

**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 Variance 1 should be denied and Variances 2 and 3 be approved with contingencies.

**PROPOSED MOTION**

I move to deny Variance 1 at 907 S Main:

The requirements of Section 8:504(4)(b)(2) can be met by Section 8:504(4)(b)(7) which allows for the ceiling height of stairways in 1 and 2 family dwellings to be 5'6" provided that hardwired interconnected smoke detectors be installed at the top of each flight of stairs. (Electrical permit is required)

I move to approve Variance 2 with contingencies at 907 S Main:

Ceiling in the second floor corridor that are 6'3", which does not comply with Section 8:504(4)(a)(2), provided there are interconnected smoke detectors in all 4 bedrooms and hardwired interconnected smoke detectors at the top of each flight of stairs. (Electrical permit is required)

I move to approve Variance 3 with contingencies at 907 S Main

Ceilings in Room 1 on the 2<sup>nd</sup> floor that are 6'10", which does not comply with Section 8:503(3)(c) and ceilings in Room 2 on the 2<sup>nd</sup> floor that are 6'10" for at least 50% of the required floor area for sloped ceiling rooms, which does not comply with Section 8:503(3)(b), provided there are interconnected smoke detectors in all 4 bedrooms and hardwired interconnected smoke detectors at the top of each flight of stairs. (Electrical permit is required)

The board finds that:

- (1) Practical difficulties or unnecessary hardship exist because the stairs and ceiling were constructed around 1901, the correction would entail a substantial remodel at significant cost 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 deviation from the requirements is not excessive, will not cause deterioration of the building, and saves costs to the owner and renter.
- (3) The variances do not jeopardize public health and safety because the deviations are minimal and are not health or safety-critical.