

ANN ARBOR HOUSING BOARD OF APPEALS

HOUSING INSPECTOR STAFF REPORT

Hearing for HBA16-007 for 1219 South Forest Avenue, Ann Arbor, MI 48104 (Parcel Identification Number: 09-09-33-230-021)

Hearing Date: November 9, 2016

DESCRIPTION AND DISCUSSION

Cribspot, Inc.
212 East Huron Street, #200
Ann Arbor, MI 48104

The house at 1219 South Forest Avenue was built in 1915 and appears to be original construction with 3 bedrooms and 2 baths on the second floor.

The owner of the residence located at 1219 South Forest Avenue, Ann Arbor, MI requests a variance from **8:504(4)(b)(4)**: The treads shall not be less than 9 inches deep.

Inspection found that the stairs from the first to the second floor have a tread depth that is 8 inches. 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 of Approval:

Practical difficulties or unnecessary hardship, the variances do not violate the intent of this chapter; and the variance does not jeopardize public health and safety.

STAFF RECOMMENDATION

Staff recommends that all variances should be granted.

MOTION

It is my recommendation to approve the following variances at 1219 South Forest Ave:

- (1) Stairs to the second floor that have a tread depth less than 8 inches, which does not comply with section **8:504(b)(4)**. Practical difficulties or unnecessary hardship exist because the stairs were constructed around 1915, the correction would entail a substantial remodel at significant cost and the health and safety benefit is not proportional to the cost. 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. The variances do not jeopardize public health and safety because the deviations are minimal and are not health-safety-critical.

Terry Root
Development Services Inspector



**City of Ann Arbor
PLANNING & DEVELOPMENT SERVICES**

Mailing: 301 E. Huron St. | P.O. Box 8647 | Ann Arbor, Michigan 48107-8647
p. 734.794.6264 | f. 734.994.8460 | rentalhousing@a2gov.org

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

HBA16-007

Section 1: Applicant Information

Name of Applicant: Cribspot, Inc.
 Address of Applicant: 212 East Huron Street, STE 200
 Daytime Phone: (888) 337-3562 Fax: n/a
 Email: info@cribspot.com
 Applicant's Relationship to Property: Property Manager

Section 2: Property Information

Address of Property: 1219 South Forest Avenue
 Zoning Classification: 0933
 Tax ID# (if known): _____
 *Name of Property Owner: George Sarcevich

**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:	REQUIRED dimension:	PROPOSED dimension:
<u>Chapter 105</u>	<u>Min 9" tread depth.</u>	<u>8" tread depth.</u>
<u>Section 8:504</u>	_____	_____
_____	_____	_____

Example: Chapter 105, Section 5:26

Example: 6', 8" Basement Ceiling Height Clearance

Example: 6', 6" Basement Ceiling Height Clearance

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

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?

[Refer to Next Page]

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

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

[Refer to Next Page]

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?

[Refer to Next Page]

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

[Refer to Next Page]

Section 5: Time Extension

Current use of the property _____

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) 307-0571

Phone Number



Signature

info@cribspot.com

Email Address

ANDREW DANCER

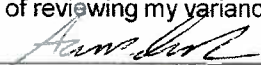
Print Name

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

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

On this _____ day of _____, 20____, 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.

Notary Public Signature

Notary Commission Expiration Date

Print Name

STAFF USE ONLY

Date	Submitted:	Fee		Paid:
File	No.:	Date	of	Hearing
Pre-filing Staff Reviewer & Date	HBA Action:			
Pre-Filing Review:				
Staff Reviewer & Date:				

See Attached Certificate

INDIVIDUAL ACKNOWLEDGMENT

State/Commonwealth of Michigan }
County of Washtenaw } ss.

On this the 23 day of June, 2016, before me,
Day Month Year

Chihau Leo Chen, the undersigned Notary Public,
Name of Notary Public

personally appeared Andrew Davis Dancer
Name(s) of Signer(s)

- personally known to me - OR -
- proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same for the purposes therein stated.

WITNESS my hand and official seal.



Place Notary Seal/Stamp Above

[Signature]
Signature of Notary Public

Any Other Required Information
(Printed Name of Notary, Expiration Date, etc.)

OPTIONAL

This section is required for notarizations performed in Arizona but is optional in other states. Completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Planning & Development Services
301 East Huron Street
P.O. Box 8647
Ann Arbor, MI 48107-8647

Letter of Permission

Re: Application for Variance – Housing Board of Appeals

To the Housing Board of Appeals,

I grant Cribspot, Inc. permission to appear before the Housing Board of Appeals regarding the variance request at 1219 South Forest Avenue in Ann Arbor, MI.

Sincerely,



George Sarcevich
(Property Owner)

06/22/2016

Date



CITY OF ANN ARBOR

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

Receipt Number: 2017-00002077

Project Number HBA16-007
Receipt Print Date: 07/12/2016
Address 1219 S FOREST AVE
Applicant
Owner SARCHEVICH GEORGE & JOVANOVA GOSPOD
Project Description Variance for Stair Tread Depth to second floor

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: Tuesday, July 12, 2016
PAID BY: LOGOS
PAYMENT METHOD: CHECK 517

Section 4: Variance Request

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?*

In order to comply with the ordinance, the entire staircase would need to be demolished and then rebuilt. Rebuilding the staircase to fit code would result in extending the overall length of the staircase by 14" as there are fourteen steps in total.

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

The hardships and practical difficulties of replacing the current staircase are more than mere inconvenience or inability to obtain a higher financial return, as it would require major construction that would make it impossible to house tenants while the construction was occurring. In addition, when questioned about the stairs' effect on the current tenants' rental experience, all of the tenants have stated that the stairs have not affected their rental experience or raised their concern for safety to any degree.

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

There are no perceived or predicted effects on the neighboring properties if granted the variance.

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?*

The staircase's build remains integral to the structural integrity of the building, and any renovations to meet up to the standards set by the city ordinance would require alterations to the railing, the molding adjacent to the stairs, and the headroom at the bottom of the staircase.

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

The staircase was built when the property was not a rental unit, and thus did not need to adhere to the rental housing ordinances.

Section 6: Required Materials

- Building floor plans, photographs, and diagrams are provided below and on the following pages.
- Virtual model for reference available here:
<https://my.matterport.com/show/?m=9p8VKwML7c1>

Current Tenant's Contact Information

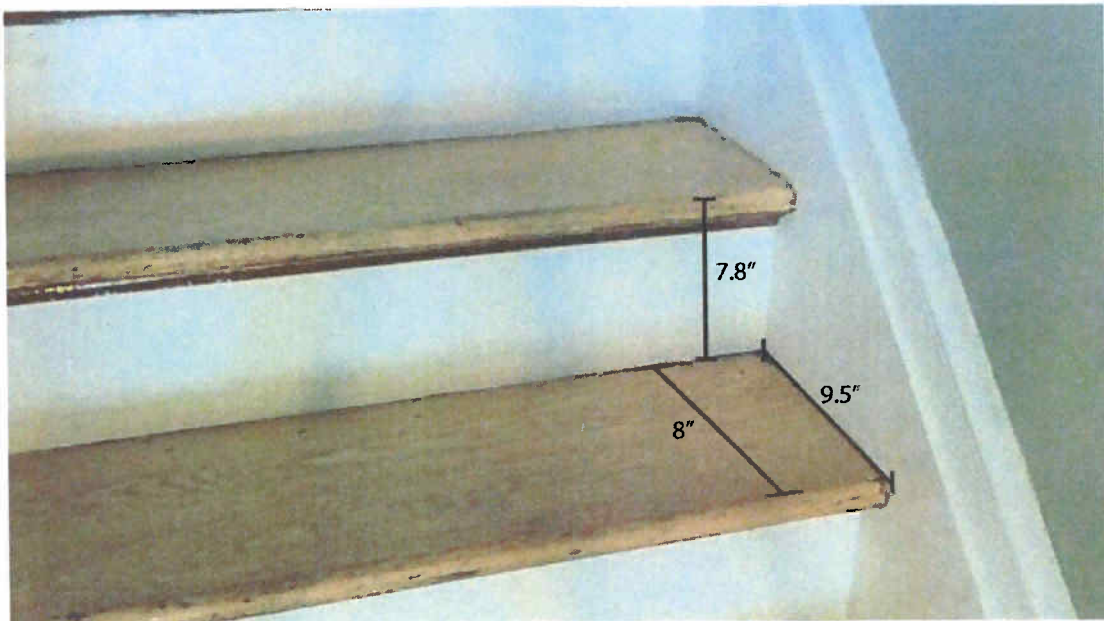
Room: #1
Name: David Chang
Email: dmchang77@gmail.com

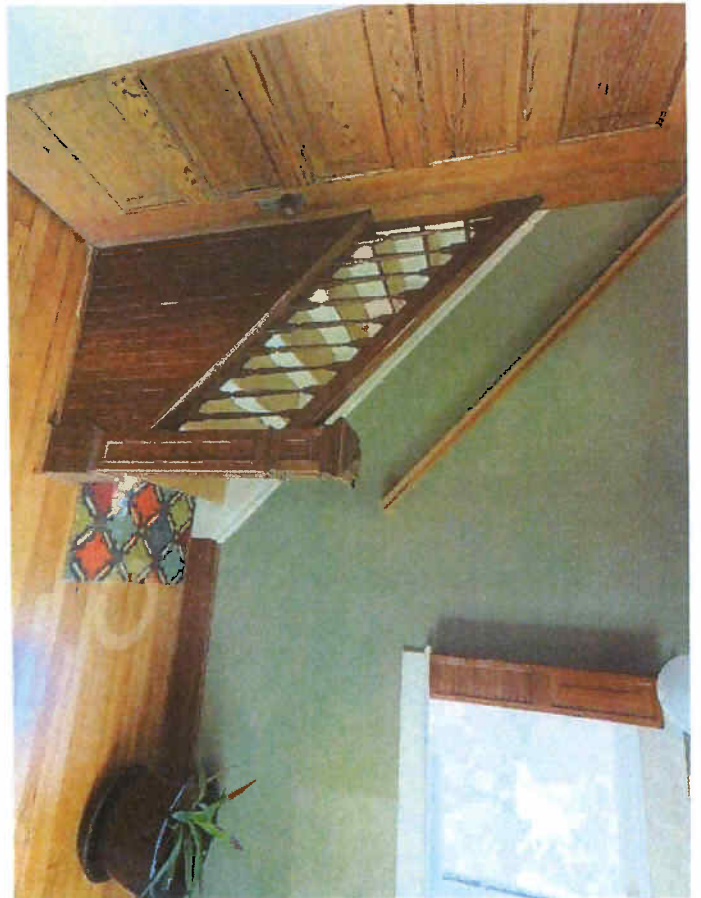
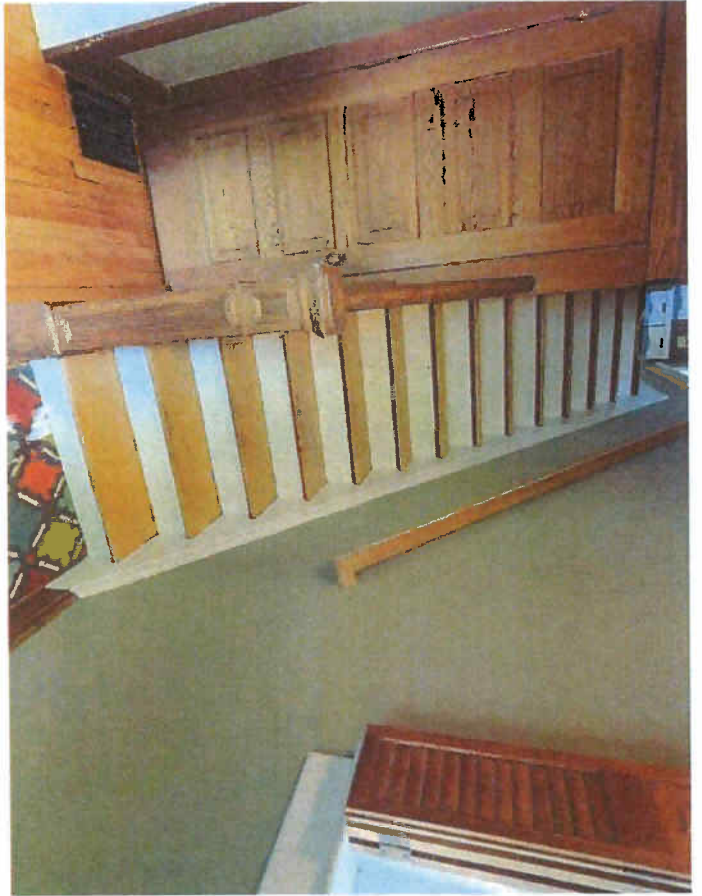
Room #2
Name: Sagar Chopda
Email: chopda@umich.edu

Room #3
Name: Silver Lumsdaine
Email: quickag@umich.edu

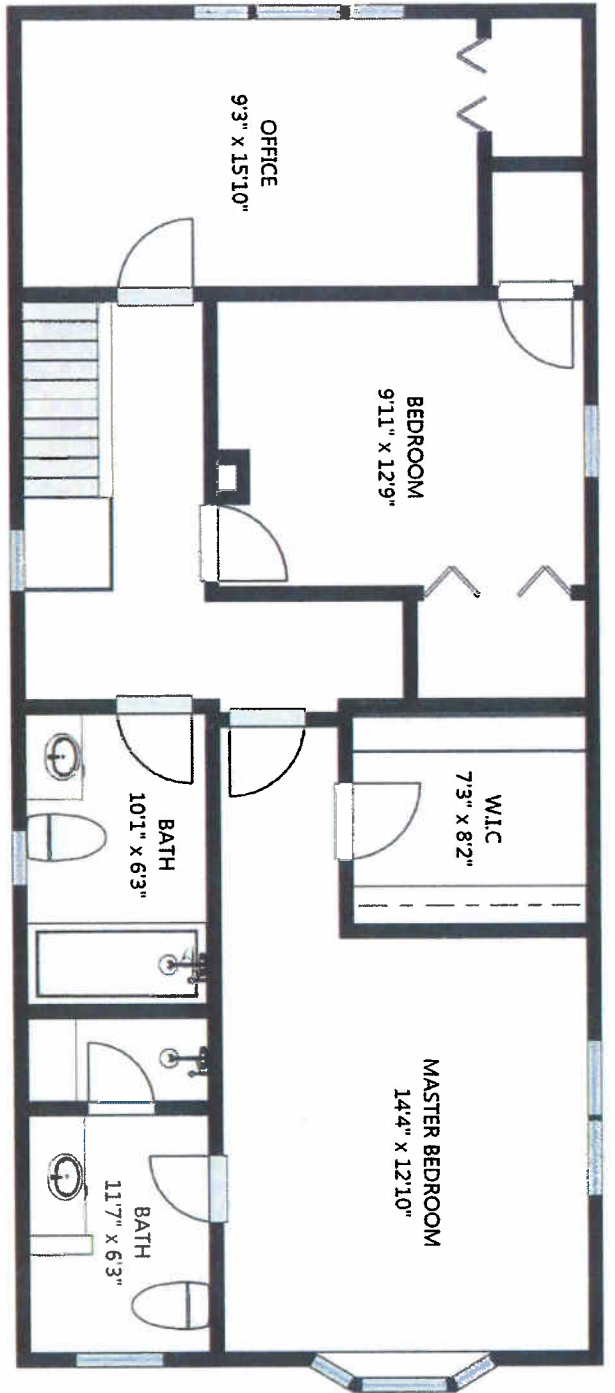
Room #4
Name: Jonathan Woodrow
Email: jwoodrow@hcreit.com

Measurements:

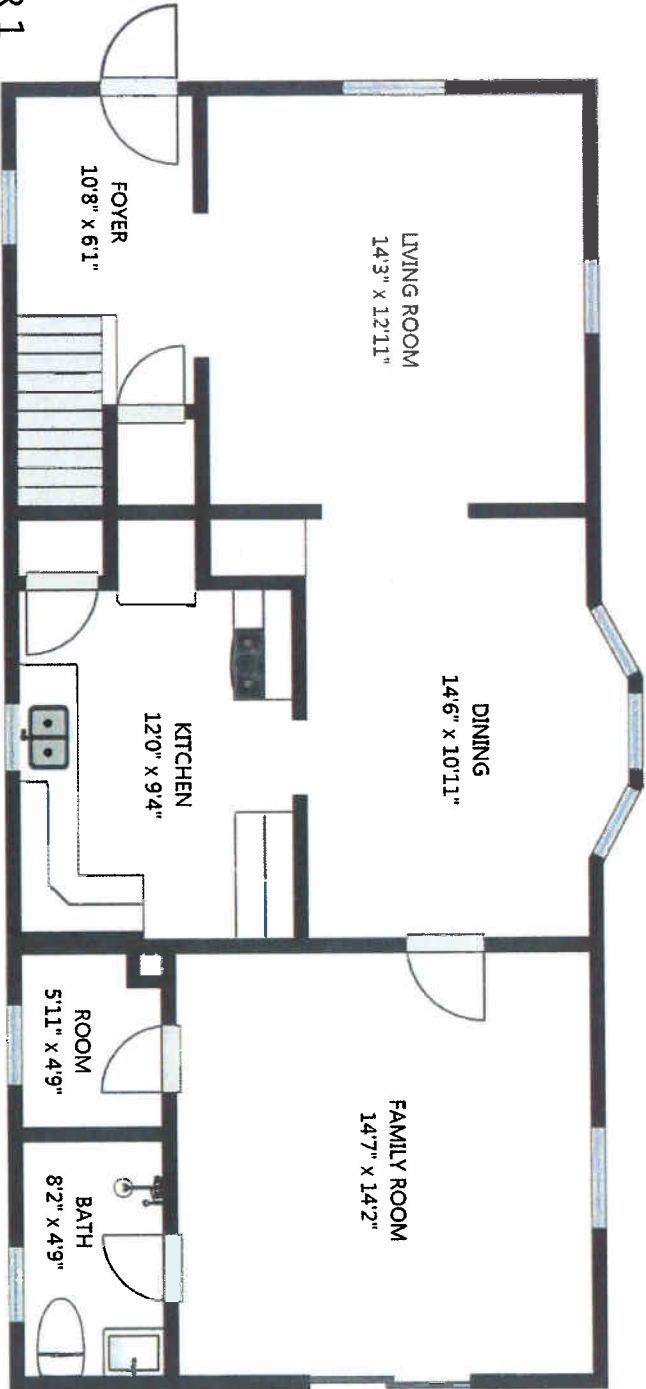




FLOOR 2



FLOOR 1



SIZES AND DIMENSIONS ARE APPROXIMATE, ACTUAL MAY VARY



Tenant Statements

Tien Ho (retired tenant, Aug '15 – May '15)

To the City of Ann Arbor,

As a tenant of 1219 S. Forest Avenue, Ann Arbor, I would like to express that the current state of the staircase does not affect my safety or quality of living at this residence. The quality of the staircase has not impacted any part of my daily living. I highly approve of the submission of the HBA Variance. This statement is written by my own volition.

*Sincerely,
Tien Ho*

Silver Lumsdaine (current tenant, May '15 - present)

To whom it may concern,

I am a current tenant of the residence at 1219 S. Forest Ave., Ann Arbor, MI 48104 managed by the company known as Cribspot. In my personal opinion, the current state of the interior staircase leading from floor 1 to floor 2 does not in any way jeopardize the safety or quality of my rental experience. I fully support the approval of an HBA Variance.

This statement is made of my own volition. I am not receiving any form of compensation for this statement, nor is this a response to any pressure by the management company or its employees.

*Sincerely,
A.S. Lumsdaine*



CITY OF ANN ARBOR, MICHIGAN

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

October 19, 2016

Cribspot, Inc.
212 East Huron Street, STE 200
Ann Arbor, MI 48104

Re: 1219 South Forest Avenue, Ann Arbor, Michigan, 48104
Parcel Identification Number ("PIN"): 09-09-33-230-021

Dear Andrew Dancer:

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.

This meeting will take place on Wednesday, November 9, 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,

A handwritten signature in cursive script that reads "Lisha Turner-Tolbert".

Lisha Turner-Tolbert
Rental Housing Services Manager