

ANN ARBOR HOUSING BOARD OF APPEALS

STAFF REPORT

Meeting Date: January 10, 2017

Type of Request: VARIANCE

Housing Board of Appeals Request **HBA16-015** at 515 Catherine St, ANN ARBOR, MI 48104.

(Parcel Identification Number: **09-09-29-104-002**)

DESCRIPTION AND DISCUSSION

Property Owners Name and Address:

Brigitte Koegler- Represented by Campus Management, Inc.
337 E Huron
Ann Arbor, MI 48104

BACKGROUND

The house at 515 Catherine St was built in 1911 and appears to be original construction and has 1618 square feet with 1 bedroom on the first floor, 3 bedrooms on the second floor and 1 bedroom and 1 proposed bedroom on the third floor.

The owner of the residence located at 515 Catherine St, Ann Arbor, MI requests two variances:

(1) Ceiling height in the 3rd floor rear room

Variance from 8:503(3)(b):

At least 50% of the required floor area of every habitable room with a sloping ceiling shall have a ceiling height of at least 7 feet (84 inches). The floor area of that part of any room where the ceiling height is less than 5 feet (60 inches) shall not be considered as part of the floor area in computing the total floor area of the room.

Inspection found that the ceiling is 82-83" depending on which part of the ceiling is measured.

(2) Minimum light requirement for 3rd floor rear room

Variance from 8:502(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 that the room is 100 square feet and requires 8 square feet of light (8%). The 2 windows combined to measure 7.02 square feet, a deficiency of 0.98 square feet. Both windows in the room open fully to provide ventilation that exceeds the required minimum and there is also adequate egress from this room.

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 all variances should be granted.

PROPOSED MOTION

I move to approve the following variances at 515 Catherine Street:

- (1) Ceiling height in the 3rd floor rear room which is between 82 and 83", which does not comply with 8:503(3)(b); and
- (2) Minimum light in the 3rd floor rear room which measures 7.02 square feet, which does not comply with section 8:502(1).

The board finds that:

- (1) Practical difficulties or unnecessary hardship exist because significant renovation would be required to become compliant 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.

11-30-16

HBA16-015
11-29-16



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

Section 1: Applicant Information

Name of Applicant: CHRIS HEATON (AGENT)
Address of Applicant: 710 Campus Management, Inc. 337 E. Huron St. A2, MI 48104
Daytime Phone: 734-368-1715 (CALL OR TEXT) Fax: 734-662-0353
Email: CHRIS@Campusmgt.com
Applicant's Relationship to Property: (MANAGING AGENT)

Section 2: Property Information

Address of Property: 515 CATHERINE
Zoning Classification: R4C
Tax ID# (if known): 09-09-29-104-002
*Name of Property Owner: BRIGITTE KOEGLER
**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>8:503 (3b)</u>	<u>7'-0"</u>	<u>82"</u>
<u>8:502</u>	<u>8 SQUARE FEET</u>	<u>7.02 SQUARE FEET</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)

* ROOM DEEMED COMPLAINT UNTIL VENTILATION CITED ON MOST RECENT PAST INSPECTION INTERVAL - WHEN 2 NEW WINDOWS WERE INSTALLED (PERMIT REQ)
* FINAL WINDOW PERMIT ON 2 EXISTING WINDOWS & VARIANCE FOR .98' LIGHT
OR
* INSTALL SKYLIGHT TO MEET LIGHT REQUIREMENT

AND
REMOVE CARPET FROM ROOM TO INCREASE HEAD ROOM BY 1/2"
(AND CEILING HEIGHT VARIANCE MIGHT STILL BE REQUIRED)

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 - city made us change windows 2.5 years ago to expand ventilation and egress opening - light & ceiling height not cited then - potentially throwing 2 new windows away. It would be troublesome to raise ceiling height

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

other than by removing carpet. Light easily solved w/ skylight, ceiling height would be disruptive to tenant who is already displaced after 50 years of this ~~being~~ being a legally certified BR.

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

NONE - THE HOUSE WILL FUNCTION AS THE OWNER AND CITY HAVE AGREED IT COULD FOR THE LAST 50+ YEARS

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?

NONE - OTHER THAN GETTING ANOTHER 1/2" TO 1" MORE HEADROOM IN ATTIC BR - ATTIC FRAMING ALTERATIONS WOULD BE DIFFICULT

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

BR THE ATTIC HEADROOM IS AS IT HAS ALWAYS BEEN APPROVED BY HOUSING INSPECTORS - A SKYLIGHT A VARIANCE ON HEADROOM & A FINALED PERMIT ON THE TWO PREVIOUSLY INSTALLED WINDOWS MAKE IT COMPLIANT NOW.

Section 5: Time Extension

Current use of the property RESIDENTIAL RENTAL PROPERTY

Explain why you are requesting a time extension:

TO ALLOW TIME DURING VM WINTER RECESS SO AS TO MINIMIZE INCONVENIENCE TO ROOM'S OCCUPANT

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.

734-368-1715 (CALL OR TEXT)

Phone Number

Signature

CHRIS@CAMPUSMGT.COM

CHRISTOPHER J. HEATON

Email Address

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 29th day of NOVEMBER, 2016, 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.

LISA LYNN WEISS

Notary Public, State of Michigan
County of Wayne

My Commission Expires 03-26-2021

Acting in the County of Washtenaw

Notary Public Signature

LISA L WEISS

Notary Commission Expiration Date

Print Name

STAFF USE ONLY

Date 11-29-16 Submitted: Fee \$500.00 11-29-16 Paid:
 File HBA16-015 No.: Date of Public Hearing
 Pre-filing Staff Reviewer & Date _____ 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: 2017-00028654

Project Number HBA16-015
Receipt Print Date: 11/29/2016
Address 515 CATHERINE ST
Applicant
Owner KOEGLER BRIGITTE S
Project Description

FEES PAID

0010-033-3370-0000-4362

P&D - APPEAL FEES 15/16

HBA

0010-033-3370-0000-4362

500.00

Total Fees for Account 0010-033-3370-0000-4362:

500.00

TOTAL FEES PAID

500.00

DATE PAID: Tuesday, November 29, 2016

PAID BY: LOGOS

PAYMENT METHOD: CHECK 84427

RESIDENTS 515 CATHERINE

Benjamin Ahlers	515-835-7997
Peter Klein	908-307-4163
Ezra Mutnick	718-775-6134
Georgia Spears	415-509-8700
Aaron Huey	317-730-6154
Julian Schwartz	412-398-8508



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

December 21, 2016

Campus Management
337 E Huron
Ann Arbor, MI 48104
C/O: Chris Heaton

Re: 515 Catherine Street, Ann Arbor, Michigan, 48104
Parcel Identification Number ("PIN"): 09-09-29-104-002

Dear Mr. Heaton:

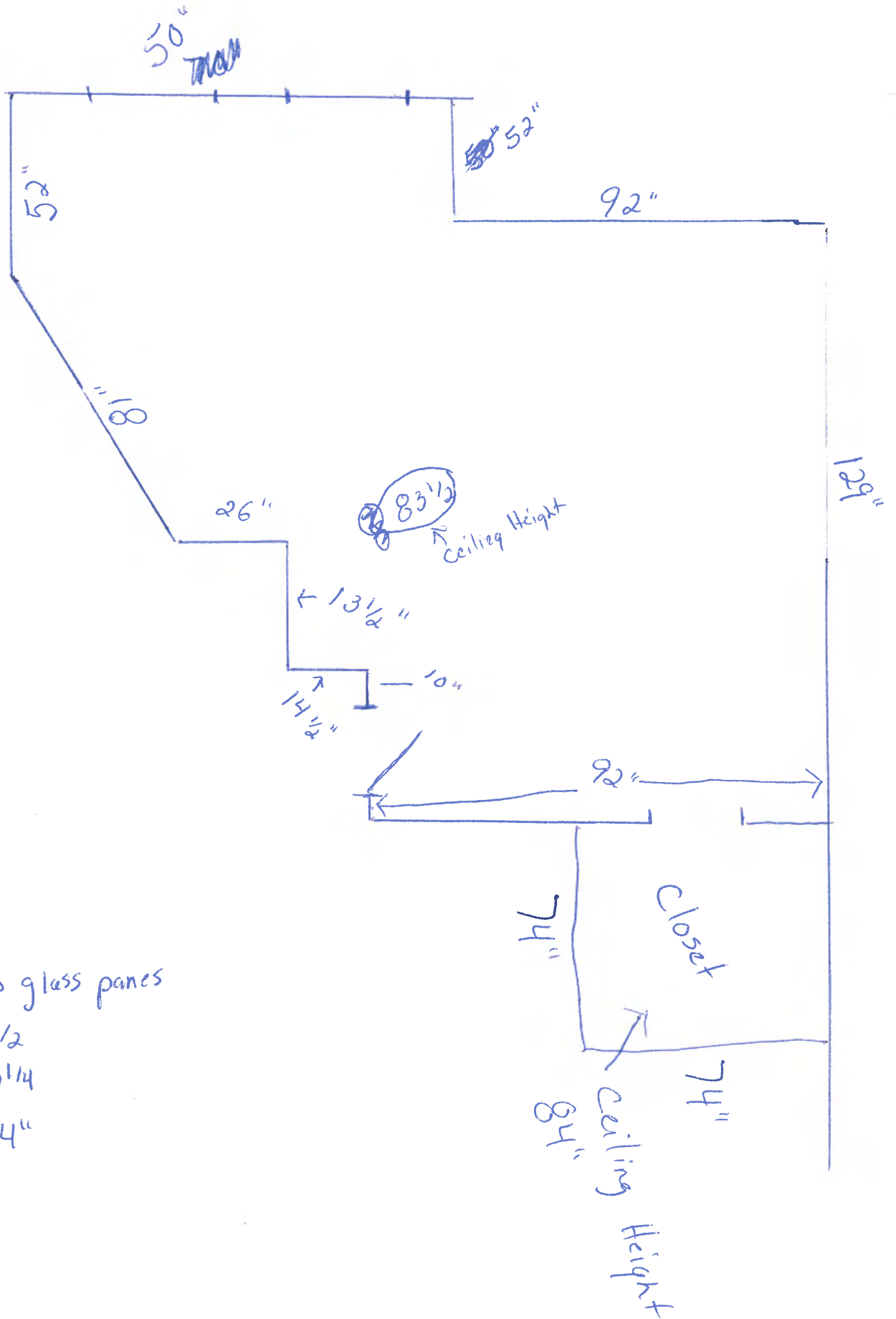
Please consider this as a notice to attend the Ann Arbor Housing Board of Appeals meeting for your continuation request for your variance request. You will have the opportunity to address the Board.

This meeting will take place on Tuesday, January 10, 2017 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



Window glass panes
 2 1/2 - 10 1/2
 19 1/4 - 10 1/4
 22" - 24"







