

**Zoning Board of Appeals  
December 1, 2021 Regular Meeting**

**STAFF REPORT**

**Subject: ZBA 21-038; 430 South Fourth Avenue**

**Summary:**

Mustafa Ali, property owner, is requesting relief from Section 5.32.2 Alteration to a Nonconforming Structure, in order to allow for new habitable space in the basement of an existing duplex rental home. The home has a five-bedroom two-bath unit and a six-bedroom two-bath unit. The applicant is seeking to add a sixth bedroom and egress window in the basement. The property is zoned R4C, Multiple-Family Residential.

**Background:**

The subject property is located on the west side of South Fourth Avenue just north of Packard Street. The parcel is nonconforming for required lot area and side setbacks. The structure was built in 1901 and is 2,356 square feet in size. The property has four parking spaces at the rear of the lot, and two driveways that are shared with the adjacent properties.

On April 26, 2017 the Zoning Board of Appeals granted an Alteration to a Nonconforming Structure to allow a two-story addition to the rear of the nonconforming residence. Both approved stories were 20x16 feet in area for an overall addition of 640 square feet. The addition allowed for a bedroom and bathroom on each floor.

**Description:**

The existing duplex is a registered rental with a total of eleven bedrooms. The R4C zoning allows for a total of six unrelated persons per unit according to the Unified Development Code (UDC) for a maximum occupancy of 12 occupants in the structure. The proposed 125 square foot basement bedroom and common area will increase the first-floor unit to the six-bedroom maximum.

**Standards for Approval- Alteration to a Nonconforming Structure**

The Zoning Board of Appeals has all the power granted by State law and by Section 5.32.2, Application of the Variance Power from the UDC. The following criteria shall apply:

The petitioner states that the proposed basement bedroom will have little to no effect on the surrounding properties.

- A) The alteration is approved by the Zoning Board of Appeals upon a 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.

Respectfully submitted,



**Jon Barrett  
Zoning Coordinator**

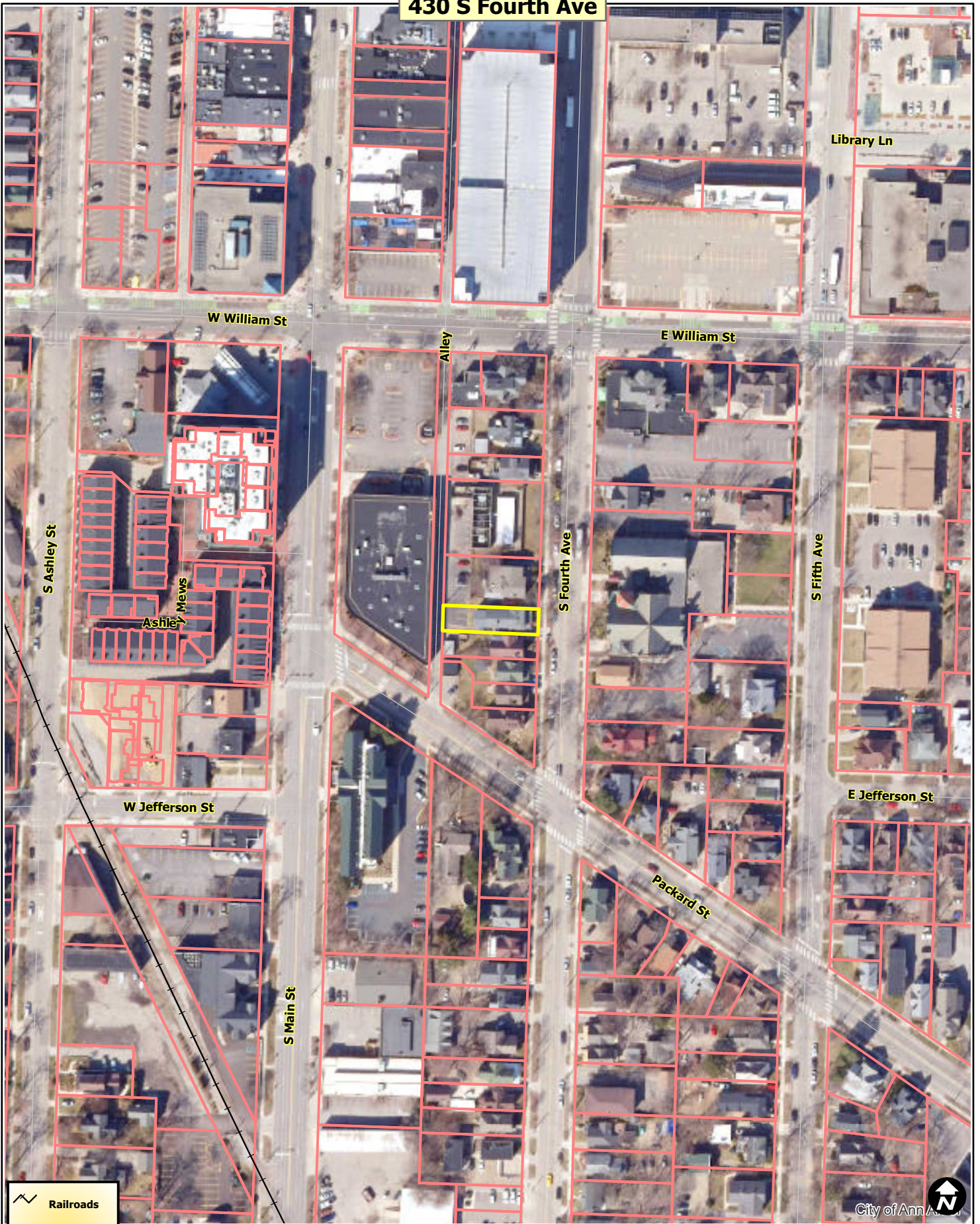
430 S Fourth Ave






Map date: 11/3/2021  
Any aerial imagery is circa 2020 unless otherwise noted  
Terms of use: [www.a2gov.org/terms](http://www.a2gov.org/terms)



430 S Fourth Ave



-  Railroads
-  Huron River
-  Tax Parcels



Map date: 11/3/2021  
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430 S Fourth Ave

Alley

S Fourth Ave

Packard St

-  Railroads
-  Huron River
-  Tax Parcels



City of Ann Arbor

Map date: 11/3/2021  
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# ZONING BOARD OF APPEALS APPLICATION

City of Ann Arbor Planning Services

City Hall: 301 E Huron Street Ann Arbor, MI 48107-8647

Phone: 734-794-6265 Fax: 734-794-8460 Email: [planning@a2gov.org](mailto:planning@a2gov.org)

## PROPERTY INFORMATION

ADDRESS OF PROPERTY

430 S. Fourth Ave APT# 1

ZIP CODE

48104

ZONING CLASSIFICATION

R4C

NAME OF PROPERTY OWNER \*If different than applicant, a letter of authorization from the property owner must be provided

Mustafa Ali

PARCEL NUMBER

OWNER EMAIL ADDRESS

careonerental@gmail.com

## APPLICANT INFORMATION

NAME

Mustafa Ali

ADDRESS

430 S. Fourth ave APT# 1

CITY

Ann Arbor

STATE

MI

ZIP CODE

48104

EMAIL

careonerental@gmail.com

PHONE

7348914167

APPLICANT'S RELATIONSHIP TO PROPERTY

Owner, Manager

## REQUEST INFORMATION

☐ VARIANCE REQUEST

Complete Section 1 of this application

☒ REQUEST TO ALTER A NONCONFORMING STRUCTURE

Complete Section 2 of this application

## REQUIRED MATERIALS

One hard copy application complete with all required attachments must be submitted. Digital copies of supportive materials included in the submitted hard copy will only be accepted in PDF format by email or accompanying the hard copy application on a USB flash drive.

### Required Attachments:

- ☐ Boundary 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.

## OFFICE USE ONLY

Fee Paid:

ZBA:

DATE STAMP

## ACKNOWLEDGEMENT

All information and materials submitted with this application are true and correct.

Permission is granted to City of Ann Arbor Planning Services and members of the Zoning Board of Appeals to access the subject property for the purpose of reviewing the variance request.

Property Owner Signature:

Date:

10/21/21



# Section 1 City of Ann Arbor Planning Services – Zoning Board of Appeals Application

## VARIANCE REQUEST

ARTICLE(S) AND SECTION(S) FROM WHICH A VARIANCE IS REQUESTED: (Example: Article 3, Section 5.26)

REQUIRED DIMENSION: (Example: 40' front setback)  
Feet:           Inches:

PROPOSED DIMENSION: (Example: 32 foot 8 inch front setback)  
Feet:           Inches:

DESCRIPTION OF PROPOSED WORK AND REASON FOR VARIANCE:

Add a Bedroom in the basement of the main Floor unit, currently there are 5 bedrooms, and we are requesting adding a 6th bedroom according to the R4C zoning

The City of Ann Arbor Zoning Board of Appeals has the powers granted by State law and City Code Chapter 55, Section 5:29. 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 statements are found to be true. Please provide a complete response to each of the statements below.

The alleged practical difficulties are exceptional and peculiar to the property of the Person requesting the variance, and result from conditions that do not exist generally throughout the City.

The alleged practical difficulties that will result from a failure to grant the variance, include substantially more than mere inconvenience, inability to attain a higher financial return, or both.

Allowing the variance will result in substantial justice being done, considering the public benefits intended to be secured by this chapter, the practical difficulties 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.

The conditions and circumstances on which the variance request is based shall not be a self-imposed practical difficulty.

A variance approved shall be the minimum variance that will make possible a reasonable use of the land or structure.



# Section 2 City of Ann Arbor Planning Services – Zoning Board of Appeals Application

## REQUEST TO ALTER A NONCONFORMING STRUCTURE

For the purposes of Article VI: Nonconformities Section 5.32.2 Nonconforming Structure, **alteration** is defined as any change in a Building that results in additional Floor Area being fit for occupancy, a greater number of dwelling or rooming units or an increase in the exterior dimensions of the Building.

A nonconforming structure may be maintained or restored, but permission to alter a nonconforming structure will only be 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.

In the space below, describe the current use of the property, the proposed alteration, and the impact it would have on neighboring property.

The current use of the property is residential. The building is a duplex - both units are occupied by  
renters. The upper unit has 6 bedrooms, 2 bath. There are no proposed changes to the upper  
unit. The lower unit currently has 5 bedrooms and 2 baths. One additional bedroom for the lower  
unit (in the existing basement) is proposed. This will have zero impact on the neighboring  
properties. There will be no changes to the exterior other than a new egress window.



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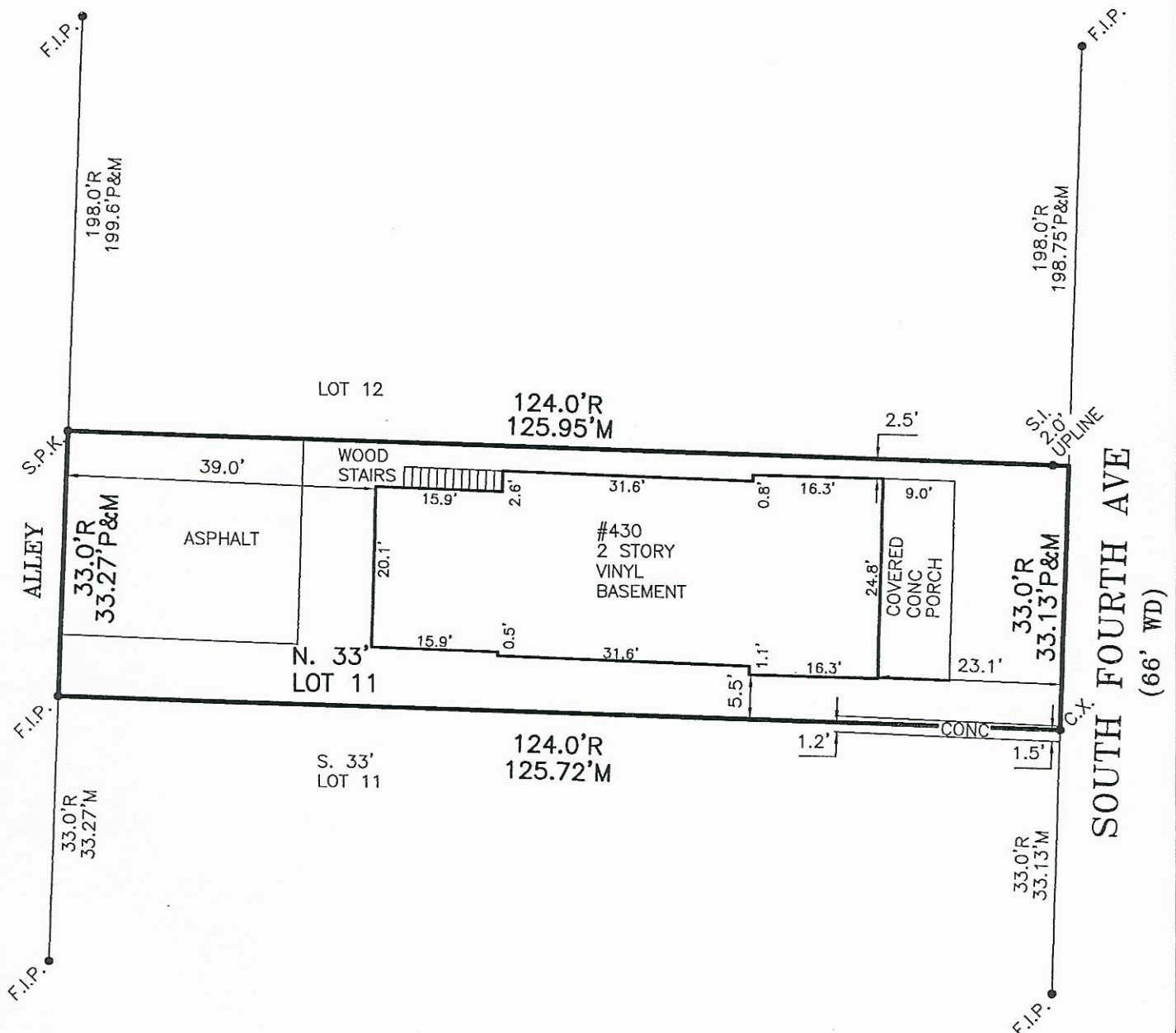
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Please complete the table below as it relates to your request

Requirement	Existing Condition	Code Requirement
Lot Area	0.094 acres / +/- 4,100 sq. ft.	8,500 sq. ft.
Lot Width	33'	60'
Floor Area Ratio	n.a.	n.a.
Setbacks	2'6" (smallest side yard)	12'0" min. side yard
Parking	3	3
Landscaping	n.a.	n.a.
Other		



# CERTIFICATE OF SURVEY



## LEGAL DESCRIPTION

NORTH 33 FEET OF LOT 11 OF THE PLAN OF THE VILLAGE OF ANN ARBOR, SECTION 29, T.4S., R.4E., ANN ARBOR WASHTENAW COUNTY, MICHIGAN AS RECORDED IN LIBER T OF DEEDS, PAGE 152, WASHTENAW COUNTY RECORDS.

## SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I HAVE SURVEYED AND MAPPED THE LAND ABOVE PLATTED AND/OR DESCRIBED ON 07/29/21 AND THAT THE RATIO OF CLOSURE ON THE UNADJUSTED FIELD OBSERVATIONS OF SUCH SURVEY WAS LESS THAN 1/5000 AND THAT ALL REQUIREMENTS OF P.A. 132 OF 1970 HAVE BEEN COMPLIED WITH.

*Greg L. Ash*  
GREG L. ASH, P.L.S. #28400

## LEGEND

RECORDED	R.
MEASURED	M.
PRORATED	P.
CALCULATED	C.
SET IRON	S.I.
FOUND IRON	F.I.
FOUND IRON ROD	F.I.R.
FOUND IRON PIPE	F.I.P.
SET CAPPED IRON	S.C.I.
FOUND CONC. MON.	F.C.M.
POINT OF BEGINNING	P.O.B.
SET P.K. NAIL	S.P.K.
CHISELED X	C.X.



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PLYMOUTH, MI 48170

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FAX: (734) 416-9657  
www.glasurveyor.com

CLIENT:

MUSTAFA ALI  
5046 DORAL DRIVE  
ANN ARBOR, MI 48108

DATE: 08/03/21  
JOB NO.: 2242-011  
FILE NO.: 2242-011

SCALE: 0' 20' 40'  
1" = 20'



SHEET:  
1 OF 1

DRAWN BY:  
BGW



































