

**Zoning Board of Appeals
March 22, 2017 Regular Meeting**

STAFF REPORT

Subject: ZBA 17-005; 333 East Jefferson Street

Summary:

J. Bradley Moore & Associates is requesting permission to alter a non-conforming structure by converting the existing attic space into living space for the existing occupants.

Background:

The subject parcel is zoned R4C (Multiple-Family Residential District) and located on East Jefferson Street. The parcel is non-conforming for required lot size: subject parcel is 5,009 square feet; minimum lot size is 8,500 square feet. The structure was built in 1901 and is 2,284 square feet. Currently, the duplex has six (6) bedrooms; if approved the duplex will have twelve (12) bedrooms. The alteration will result in an additional nine hundred and thirty-five (935) square feet of living space, the footprint remains unchanged.

Description:

The petitioner would like to convert the attic to living space to provide more living accommodations to the existing tenants but will not change the footprint of the structure. The existing structure is a registered rental duplex with a total of two (2) three (3) bedroom units with twelve (12) occupants. It is zoned R4C, which permits a maximum occupancy of six unrelated people per unit according to Zoning code, for a maximum of 12 occupants in the structure. Due to the fact that the lot does not meet the minimum lot area requirement of 8,500 square feet, the existing structure is a legal non-conforming structure with two units.

As noted above, Chapter 55, Section 5:87 (1)(a) states that a nonconforming structure may be maintained or restored, but no alteration shall be made to a nonconforming structure unless one of the following conditions are met:

- (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.

If the alteration is approved, the rental unit will have twelve (12) bedrooms and four and a half (4.5) baths. There are three (3) dormers proposed, one (1) along the west side of the home and two (2) smaller dormers along the east side of the home.

Standards for Approval- Permission to Alter a Non-Conforming Structure

The Zoning Board of Appeals has all the power granted by State law and by Section 5:98, from the City of Ann Arbor Zoning Ordinance. The following criteria shall apply:

The alteration complies as nearly as practicable with the requirements of the Zoning Chapter and will not have a detrimental effect on neighboring property.

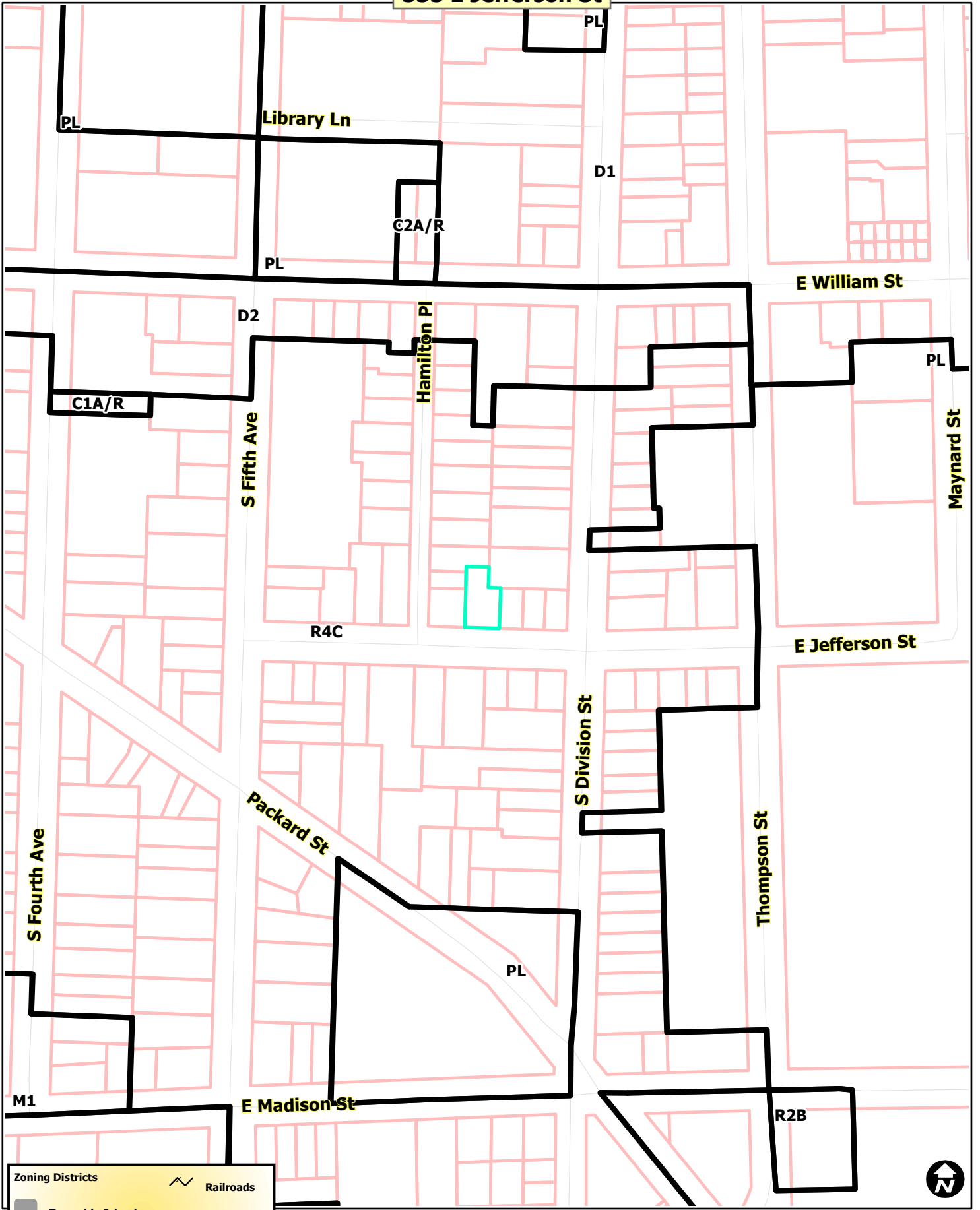
Permission is being requested in order to convert existing attic space to habitable space, which will increase the number of bedrooms from six (6) to twelve (12) so every tenant will have their own bedroom. The conversion of this attic will not expand the footprint or maximum height of the structure. The multiple-family use is consistent with the surrounding uses and the additional habitable space should not have a detrimental effect on adjacent properties.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Jon Barrett". The signature is stylized with a large, loopy "J" and "B".

Jon Barrett
Zoning Coordinator

333 E Jefferson St



Zoning Districts

- Township Islands
- City Zoning Districts

Railroads

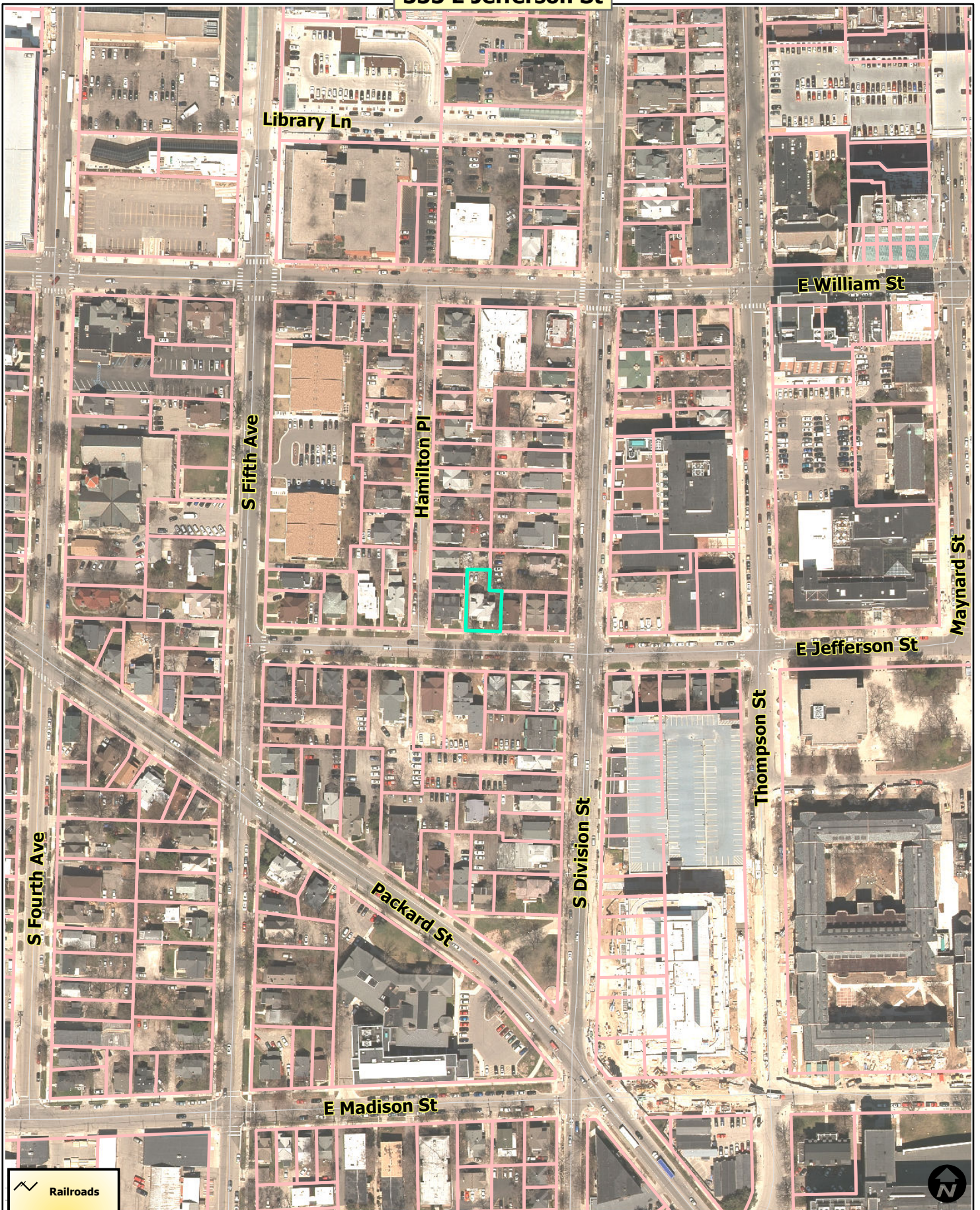
Huron River




Tax Parcels



Map date 2/28/2017
Any aerial imagery is circa 2015
unless otherwise noted
Terms of use: www.a2gov.org/terms

333 E Jefferson St

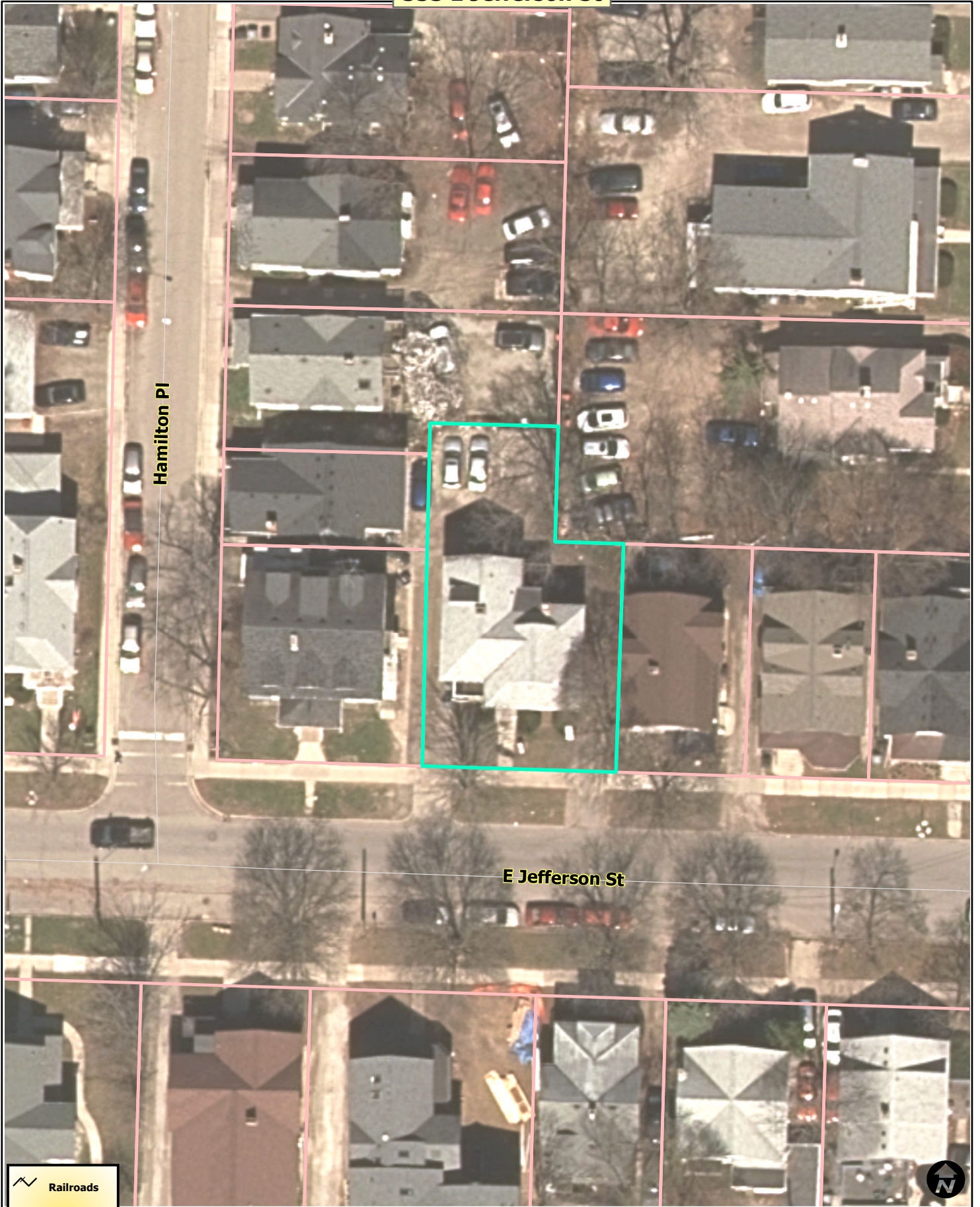



-  Railroads
-  Huron River
-  Tax Parcels





Map date 2/28/2017
Any aerial imagery is circa 2015
unless otherwise noted
Terms of use: www.a2gov.org/terms

333 E Jefferson St



 Railroads

 Huron River

 Tax Parcels



Map date 2/28/2017
Any aerial imagery is circa 2015
unless otherwise noted
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APPLICATION FOR VARIANCE OR NON-CONFORMING STRUCTURE
ZONING BOARD OF APPEALS

Section 1: Applicant Information

Name of Applicant: J. BRADLEY MOORE + ASSOC.
Address of Applicant: 4844 JACKSON RD #150
Daytime Phone: 734 930 1500
Fax: 734 994 1510
Email: OFFICE@JBRADLEYMOORE.COM
Applicant's Relationship to Property: ARCHITECT

Section 2: Property Information

Address of Property: 333 E. JEFFERSON (ALSO 331 E. JEFFERSON)
Zoning Classification: R4C
Tax ID# (if known): 09-09-29-420-002
*Name of Property Owner: JEFFERSON RIDGE LLC

**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:

<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>

Example: Chapter 55, Section 5:26

Example: 40' front setback

Example: 32'

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 Zoning Board of Appeals has the powers granted by State law and City Code Chapter 55, Section 5:98. 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 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 Zoning Board of Appeals. (continued...)

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?

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

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

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?

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

Section 5: ALTERATION TO A NON-CONFORMING STRUCTURE

Current use of the property DUPLEX

The proposed change is allowed in accordance with Structure Non-Conformance, Section 5:87 (1) (a) & (b), which reads as follows:

(1) A non-conforming structure may be maintained or restored, but no alteration shall be made to a non-conforming structure unless one of the following conditions is met:

- a. The alteration is 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.
- b. The alteration conforms to all the requirements of this Chapter and is made to a building which will be a single-family dwelling on completion of the alteration and is located in an R1, R2, R3, or R4 district.
- c. The structure is considered non-conforming due to the following reasons

(continued)

	<u>Existing Condition</u>	<u>Code Requirement</u>
Lot area	5049 SQ. FT	8,500 SQ FT
Lot width	57.5'	60.0'
Floor area ratio	N.A.	N.A.
Open space ratio	76.3%	40%
Setbacks	F=17.0' S=8.5/12.0' R=41.7'	F=25' S=12' R=30'
Parking	4 SPACES	
Landscaping		
Other		

Describe the proposed alterations and state why you are requesting this approval:

FINISHING OUT UNFINISHED ATTIC SPACE
TO PROVIDE MORE SPACIOUS ACCOMMODATIONS
FOR THE OCCUPANTS

The alteration complies as nearly as is practicable with the requirements of the Chapter and will not have a detrimental effect on neighboring property for the following reasons:

THE ALTERATION DOES NOT EXPAND THE EXISTING
ENVELOPE OF THE BUILDING. SETBACKS DO
NOT CHANGE.
NO INCREASE IN MAX. OCCUPANCY

Wherefore, Petitioner requests that permission be granted from the above named Chapter and Section of the Ann Arbor City Code in order to permit FINISHING OUT

CURRENTLY UNFINISHED ATTIC SPACE

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 Zoning 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.** (Continued.....)

- ☐ 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.
- ☐ Any other graphic or written materials that support the request.

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.

734 930 1500
 Phone Number
 BRAD@JBRADLEYMOORE.COM J. BRADLEY MOORE
 Email Address Signature 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.

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

I have received a copy of the informational cover sheet with the deadlines and meeting dates and acknowledge that staff does not remind the petitioner of the meeting date and times.

On this 24th day of February 2017, 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.

March 10, 2021
 Notary Commission Expiration Date

Kimberly Aydelotte
 Notary Public Signature
 Kimberly Aydelotte
 Print Name

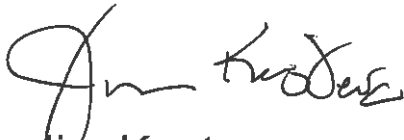
KIMBERLY AYDELOTTE
 NOTARY PUBLIC, STATE OF MI
 COUNTY OF JACKSON
 MY COMMISSION EXPIRES Mar 10, 2021
 ACTING IN COUNTY OF Washington

Staff Use Only

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

To: City of Ann Arbor Zoning Board of Appeals
Date: February 22, 2017

As the principal officer of Jefferson Ridge LLC, owner of 331-333 E. Jefferson, Ann Arbor, Michigan, please allow this note to serve as a letter of authorization that Brad Moore has my permission to represent my interests and appear before the Zoning Board of Appeals on my behalf with regard to the request to modify an existing non-conforming building.

A handwritten signature in black ink, appearing to read "Jim Kosteva". The signature is stylized with a large initial "J" and a cursive "Kosteva".

Jim Kosteva

jkosteva@umich.edu

734-358-5009

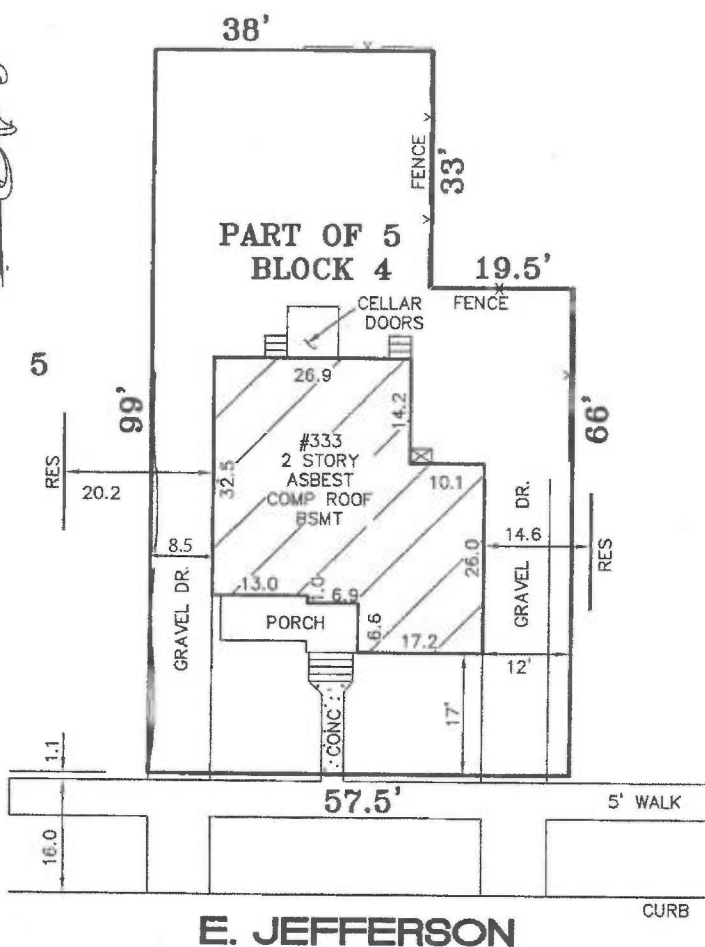


MORTGAGE REPORT for:

GOLD STAR MORTGAGE, INC.

CONSULTING MUNICIPAL & CIVIL ENGINEERS • SURVEYORS • 28304 HAYES • ROSEVILLE, MI 48066 • (586)774-3000
LEGAL DESCRIPTION OF PROPERTY (AS FURNISHED BY CLIENT)

The East 57.5 feet of the West 118.5 feet of the South 99 feet of Lot 5, except the East 19.5 feet of the North 33 feet, Block 4 South, Range 6 East, ORIGINAL PLAT TO THE VILLAGE (NOW CITY) OF ANN ARBOR, City of Ann Arbor, Washtenaw County, Michigan. Recorded in Transcripts, Pages 152 and 153 of Washtenaw County Records.

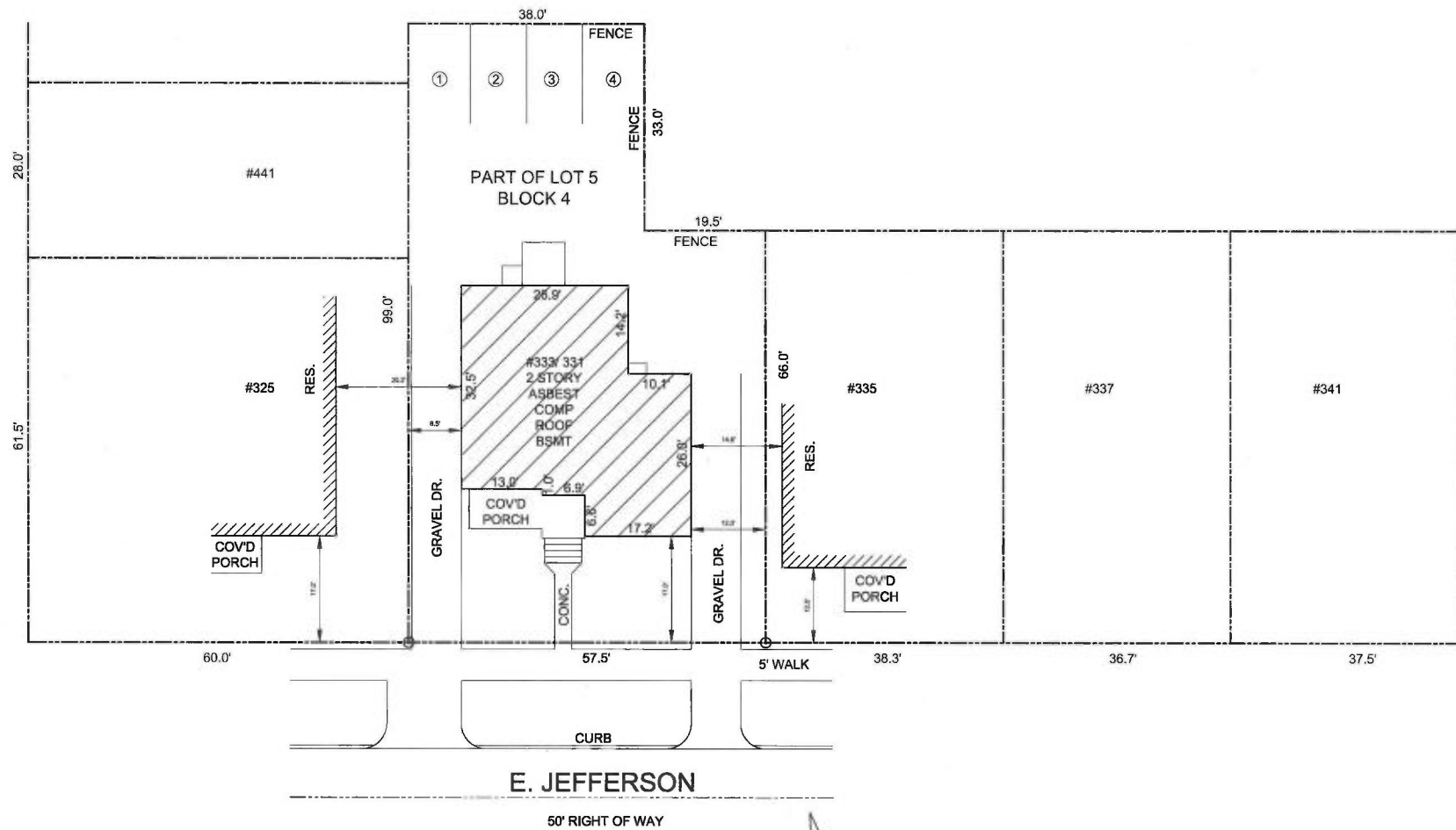


CERTIFICATE: We hereby certify to: GOLD STAR MORTGAGE, INC.
mortgagee that we have surveyed the above-described property in accordance with the description furnished and confirmed to be correct by mortgagee or mortgagee's title company for the purpose of a new mortgage loan to be made by, JAMES KOSTEVA AND LAURA KOSTEVA
mortgagor, and that the buildings located thereon do not encroach on the adjoining property, nor do the buildings on the adjoining property encroach upon the property heretofore described, except as shown; and that we examined the Flood Hazard Boundary Maps (Community I.D. NO. 260213 0008 D Effective Date JANUARY 2, 1992) prepared in accordance with the National Flood Insurance Program of 1968 as revised and that the property as shown above, description furnished by you, is located INSIDE ZONE X of a designated flood area as shown on said map. The location of fences, driveways, other buildings, and non-permanent structures shown are only approximate. Any easements shown are either recorded in the subdivision plat or appear in the instrument referenced in the title policy, if both have been furnished to us. This survey does not locate or identify the existence or absence of utilities entering into or crossing above or below the property. This report is to be used for mortgage purposes only and not for the purpose of establishing property lines, nor for construction purposes. No property lines were established and no property corners were set. This is not an ALTA type survey. This cannot be used for future refinancing purposes or transferred to any future property owners.

REVISED _____
DRAWN BY TML
SCALE 1"=20'

GEORGE G. JEROME
PROFESSIONAL LAND SURVEYOR
NO. 19837

DATED 01-17-06
JOB NO. 225661



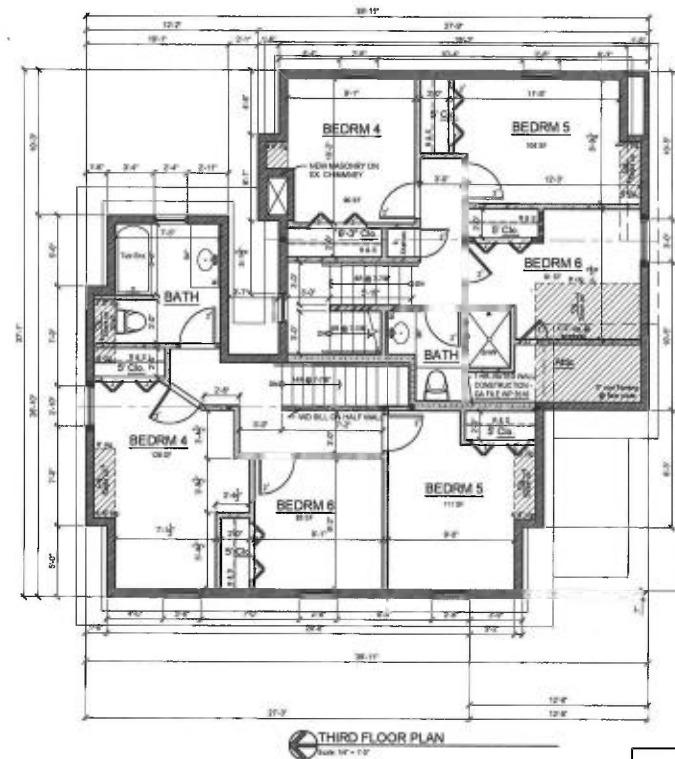
SITE PLAN
SCALE: 1/8" = 1'-0"

Revised	By

SITE PLAN

JMA Project No.
215260
© 2016

S1.0



WALL TYPE LEGEND	
DESCRIPTION	
	EXISTING WALLS - PAINT SELECTION TBD BY OWNER
	1/2" GYP. BD. EACH SIDE OF 2x4 or 2x6 WOOD STUDS @ 16" O.C. TAPED & FINISHED, TYP.
	1/2" TYPE "X" GYP. BD. EACH SIDE OF 2x4 or 2x6 WOOD STUDS @ 16" O.C. TAPED & FINISHED, TYP.
	HALF WALL CONSTRUCTION: 2x4 STUDS @ 16" O.C. 1/2" GYP. BD. EACH SIDE, TAPED & FINISHED w/ WOOD TRIM AS SELECTED BY OWNER
	CEILING SLOPES BELTWAY 8'-0"

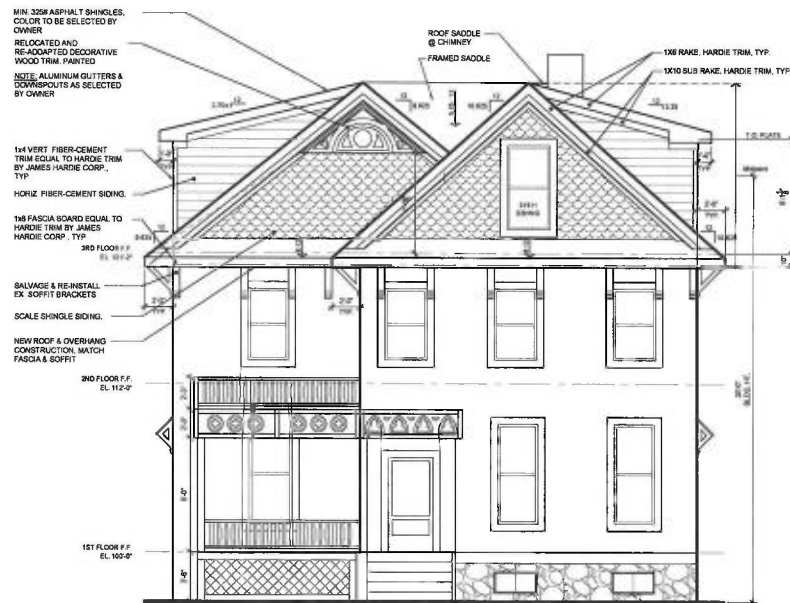
333 Renovations
333 E. Jefferson, Ann Arbor, MI
THIRD FLOOR & ROOF FRAMING PLANS

Owner/Developer:
James Koshov
300 E.
Ann Arbor, MI 48106
313-466-XXXX

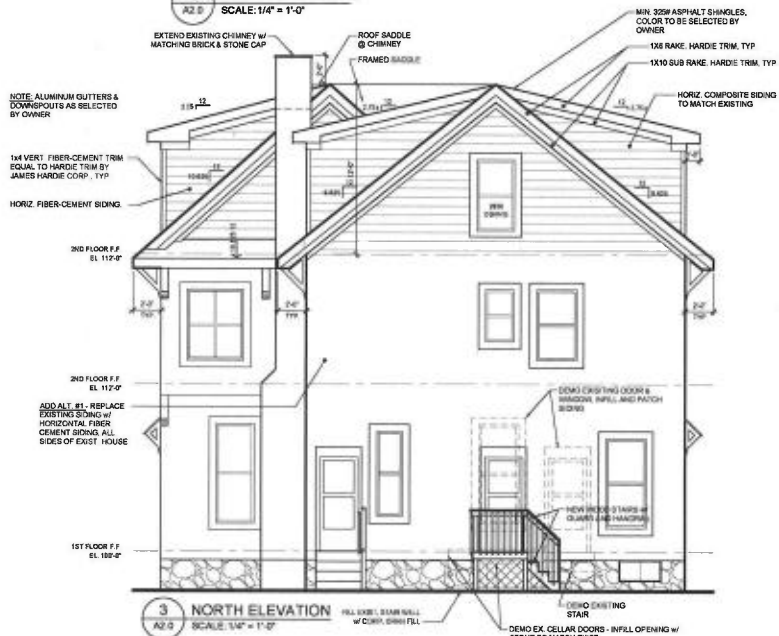
Revised	5/15/15

**THIRD FLOOR
& ROOF FRAME
PLANS**

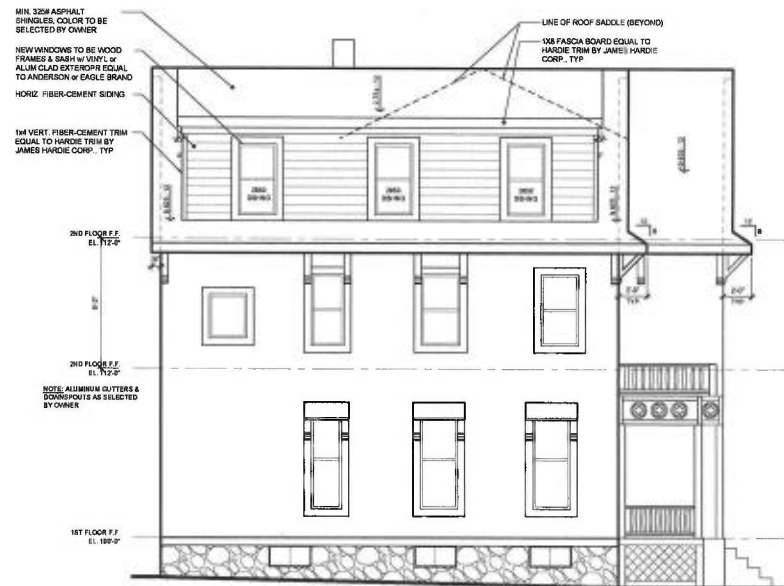
JBMA Project No.
215260
©2015



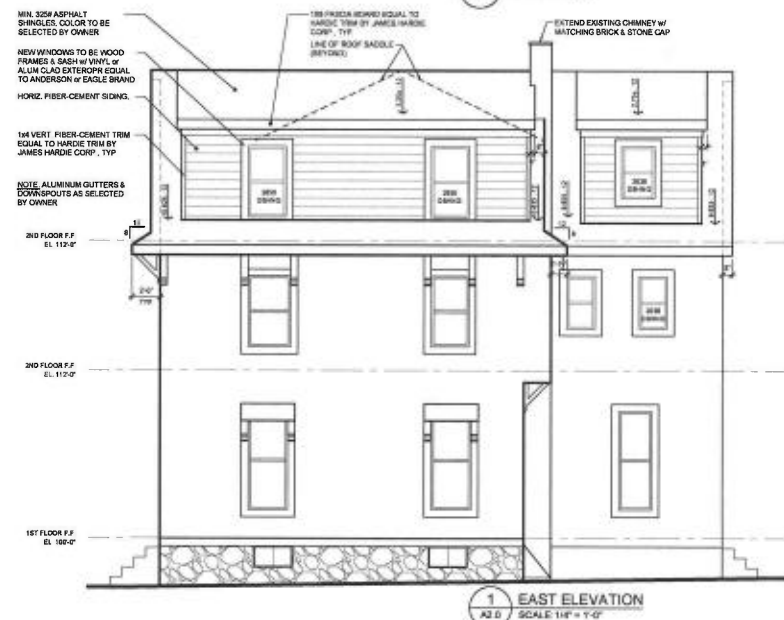
4 SOUTH ELEVATION
SCALE: 1/4" = 1'-0"



3 NORTH ELEVATION
SCALE: 1/4" = 1'-0"



2 WEST ELEVATION
SCALE: 1/4" = 1'-0"



1 EAST ELEVATION
SCALE: 1/4" = 1'-0"

Revised	By

ELEVATIONS

From: THOMAS WAGNER
Sent: Monday, March 13, 2017 8:29 AM
To: Planning <Planning@a2gov.org>
Subject: Letter of support: 331-333 E Jefferson

Hello-

My name is Tom Wagner. Owner of 441
Hamilton Pl. Jim Kosteva and I have discussed the plans for 331-333 E. Jefferson.

As you know, he is seeking authorization to make an additional investment in the duplex. I am fully aware of and supportive of him in his intent to modify the existing third floor and define some bedroom and bath spaces. I understand that he would be modernizing the exterior as well. Like most properties in our neighborhood, the duplex is deemed to be non-conforming by current Ann Arbor standards so, like myself in 2008, he must get approval for work on a non-conforming property.

I would like to convey my full support for the project and indicate my belief that the improvements will NOT have a detrimental effect upon my property 441 Hamilton Pl.

Tom Wagner, Owner 441 Hamilton Pl.