

From: Paul W Steih <paul.steih@ey.com>

Sent: Monday, April 19, 2021 10:39 PM

To: Barrett, Jon <JBarrett@a2gov.org>; Planning <Planning@a2gov.org>

Cc: Delacourt, Derek <DDelacourt@a2gov.org>; Hayner, Jeff <JHayner@a2gov.org>; Higgins, Sara <SHiggins@a2gov.org>; Disch, Lisa <LDisch@a2gov.org>; Lenart, Brett <BLenart@a2gov.org>

Subject: RE: 625 N Fourth Ave

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Jon

Thank you very much for your thorough and thoughtful responses. They are greatly appreciated.

I have the following additional questions:

1. Number of residents per unit – Thank you for the clarification. It would seem that this provision could be potentially easily violated and difficult to monitor. Are there any reasonable steps that can be implemented to ensure the # of residents are limited to 1 person per bedroom? The community suffers to the extent violations in excess of the zoning limits are allowed without the knowledge or permission of the city.
2. It is not clear if the applicant is simply adding a second floor to the existing building (which is quite old) as noted in the notice or if this is totally new construction as provided in their marketing materials available on the internet. It would be helpful to understand what work is being proposed. If the proposal is for new construction, would the city requirements for new construction apply?
3. Parking – Thank you for highlighting the current requirement. In most cases, 1.5/unit would be reasonable. However, with a six bedroom unit intended for adults (vs. a family with children), it seems insufficient and the overflow will have an adverse impact on the parking availability in the neighborhood.


Zoning laws are intended to provide our residents with the confidence that their investments in the community will be protected. It is unfortunate that every aspect of this project is pushed to the extreme limit of permissibility. In my discussions with others in the neighborhood, they share my concern that this request, as proposed, will have an adverse impact on the neighborhood and their property values.

I hope the zoning board gives full weight to the concerns of the community in evaluating this request.

Sincerely

Paul and Gail Steih

Paul W. Steih | Global Client Service Partner | Assurance Services

 I stand against racism and I support diversity and inclusion

Ernst & Young LLP

Office: +1 313 628 8560 | Cell +1 734 709 0035 | paul.steih@ey.com

From: Barrett, Jon <JBarrett@a2gov.org>
Sent: Monday, April 19, 2021 7:38 PM
To: Paul W Steih <paul.steih@ey.com>; Planning <Planning@a2gov.org>
Cc: Delacourt, Derek <DDelacourt@a2gov.org>; Hayner, Jeff <JHayner@a2gov.org>; Higgins, Sara <SHiggins@a2gov.org>; Disch, Lisa <LDisch@a2gov.org>; Lenart, Brett <BLenart@a2gov.org>
Subject: RE: 625 N Fourth Ave

Mr. Steih,

Please see my responses to your questions and comments below in **RED**. Feel free to contact me directly with any additional questions you may have.

Jon Barrett

Zoning Coordinator, City of Ann Arbor Planning & Development Services
301 E Huron Street, Ann Arbor, MI 48107
General: 734-794-6525 planning@a2gov.org
Direct: 734-794-6000 x 42654 jbarrett@a2gov.org

From: Paul W Steih <paul.steih@ey.com>
Sent: Monday, April 19, 2021 6:36 PM
To: Planning <Planning@a2gov.org>
Cc: Delacourt, Derek <DDelacourt@a2gov.org>; Barrett, Jon <JBarrett@a2gov.org>; Hayner, Jeff <JHayner@a2gov.org>; Higgins, Sara <SHiggins@a2gov.org>; Disch, Lisa <LDisch@a2gov.org>; Lenart, Brett <BLenart@a2gov.org>
Subject: FW: 625 N Fourth Ave

This message was sent from outside of the City of Ann Arbor. Please do not click links, open attachments, or follow directions unless you recognize the source of this email and know the content is safe.

Hello

I'm writing to inquire about the request for zoning variance for the property at 625 N. Fourth Street to be discussed at the Zoning Board of Appeals meeting on April 28, 2021.

My wife Gail and I live at 544 N Main St in Ward 1, next to North Main Park. We have lived here for nearly five years and lived in the community since 2005. We enjoy living in A2 and in Kerrytown.

We received the notification of public hearing today regarding the request for zoning variance related to the property at 625 N. Fourth Avenue. This new request for a zoning variance is in addition to the zoning variance approved in June 2020. We understand this request would result in a total of 12 bedrooms (up to 24 people), which doubles the number of bedrooms from the 2020 request and is a 600% increase from the current structure. **The property is zoned R4C, Multi-Family Residential. The R4C zoning district**

allows a maximum of 6 unrelated persons per unit. The maximum occupancy of the duplex structure if the Alteration to a Nonconforming Structure is approved, will be 12 and not 24 as stated. The City Rental Housing Dept. will not certify the property if the owner exceeds the allowed occupancy levels. Additionally, the application is not a variance, but rather a request to Alter a Nonconforming Structure, the proposed second story does not encroach further into the required setbacks or yards.

Since we have moved to Kerrytown, this property has been very poorly maintained and is an eyesore compared to the other properties on the 600 and 700 block of 4th Avenue and the neighborhood. The landlord has a history of not maintaining the property to a level consistent with the neighborhood. While the variance request demonstrates a substantial investment in the community, many individuals in the community have expressed significant concerns about this request.

Questions related to the request, which we would like to provide to you in advance of the meeting, include the following:

1. The proposed variance request would result in a total of 12 bedrooms (up to 24 people) in an 1,172 sq ft/floor structure. The majority of the homes in this area are full time residents and many residents have made substantial investments in the City and the community and we believe that trend is growing. This variance request is substantially inconsistent with the community and the surrounding properties. We believe this inconsistency would adversely impact the property values of the neighboring properties and the community. **Again this request is not a variance (Alteration to a Nonconforming Structure) request and the maximum occupancy will be 12 if approved.**
2. The property owner's historical track record of maintaining the property has been poor. Members of the community voiced these concerns in the June 2020 Zoning Board of Appeals meetings and no action was taken to respond to these concerns. In addition, in my communications to you in July 2020 (see copy below), I highlighted other examples in which the property owner would not respond to damage caused by a fallen tree from his property that caused substantial damage to our property. His lack of action or response resulted in our having to personally bear the costs of the repairs related to the fallen tree. We have concerns that his historical track record will continue and will harm the values of properties in the community over the long term. While those communications were not made in time for consideration in 2020, we would like to bring them to your attention now, so they can be evaluated in conjunction with this request. **The ZBA will be provided with this communication and will read your concerns regarding the status of the property conditions. Staff does not render decisions, the members of the Board make the final decisions on the petition.**
3. The current property is only 33 feet wide. The City of Ann Arbor R4C Recommendations Report (dated May 4, 2012) at page 5 recommends a minimum lot width of 40 feet. In addition, this property has insufficient property set back from North Park and it uses a shared driveway with the neighboring property to the south. This new design would add the entrance to both units in the shared drive compared to the current entrances at the front and back of the structure. This may represent a safety risk to future residence or visitors to the property. While the current footprint may be sustainable for a 1 story structure, the addition of a 2nd floor (and six additional bedrooms) represents a significant negative consideration in the Zoning Board's evaluation of this request.
4. There is currently insufficient parking for the proposed occupancy of the units. At most, after removing the trees and landscaping from the shared space behind the structure, there would be room for 4-6 vehicles. As a result, the overflow parking would be required to park in the street, adversely impacting the other property owners and local businesses who rely on some street

parking for their customers. Clearly, the size of the shared lot is not sufficient to support a 12 bedroom structure and space for up to 24 residence that may live there. **The Unified Development Code (UDC) requires the property to have 3 parking spaces (1.5 per unit). The property meets the minimum parking requirements.**

We also noted that the public notice is inconsistent with the disclosures in the current property marketing information, which indicates the house will be fully new construction:

Per Notification of Public Hearing == **“The applicant is seeking to add a second story to the existing structure that will increase both units to six bedrooms.”**

Per the current listing information from Realtor.com obtained on 4/19/2021 → **“The house being fully new construction WILL HAVE well insulated walls, all new windows, new heating and AC system, new electrical and plumbing with high efficiency new appliances throughout.”**

This inconsistency in the information providing to the zoning board, the City residents, and in the public marketing information to potential tenants is significant. We understand there are additional building code requirements for new construction that may extend beyond other remodeling projects. We believe this inconsistency should be investigated and clearly explained to the City residents prior to any board action. **The insulated walls, new windows, HVAC, electrical and plumbing will all be reviewed, permitted and inspected by the City’s Building Department.**

It is also of concern to me and others in the community that the property owner is already marketing the property as a 6 bedroom townhome that will be available on September 1, 2021 and that, per their marketing materials, construction is scheduled to start on May 1, 2021. While the City cannot control the actions or property owners, how can it be that these decisions appear to be made before public review and comment and publicly communicated prior to the Zoning Board Meeting? Does the property owner have knowledge of information beyond the rest of us in the community? As a resident of A2, these public statements raise questions about the effectiveness of the City’s Zoning Process and our community’s efforts to follow the established rules and guidelines. **A decision has not been made or pre-determined by the ZBA regarding this property. I cannot speak for the property owner and how they are marketing their property.**


It would be helpful if you could provide some responses to these questions in advance of the meeting. In addition, to the extent the committee or the City have additional information that could help resolve these matters, that would be greatly appreciated. When available, I will review the meeting agenda and additional information once it is available on the City’s website.

Sincerely,

Paul and Gail Steih

https://www.realtor.com/realestateandhomes-detail/625-N-4th-Ave_Ann-Arbor_MI_48104_M39234-15638

Paul W. Steih | Global Client Service Partner | Assurance Services

 I stand against racism and I support diversity and inclusion

Ernst & Young LLP

Office: +1 313 628 8560 | Cell +1 734 709 0035 | paul.steih@ey.com

From: Paul W Steih

Sent: Thursday, July 30, 2020 8:26 AM

To: Lenart, Brett <BLenart@a2gov.org>; Bannister, Anne <ABannister@a2gov.org>

Cc: Delacourt, Derek <DDelacourt@a2gov.org>; Barrett, Jon <JBarrett@a2gov.org>; Hayner, Jeff <JHayner@a2gov.org>; Higgins, Sara <SHiggins@a2gov.org>

Subject: RE: 625 N 4th Ave

Hello

@Anne – Thank you for your continued attention to this matter. We appreciate your efforts. Paul

@Brett -- Thank you for the response and additional information. This is very helpful.

I realize that the City's obligation to mail and publish the notice is clear and it is helpful to know that the process is in place. It is difficult to understand how we missed the notice and four of the six neighbors also missed the notice.


In discussion with the members of the community, all were clear in our concerns about the property owner's history of poor maintenance on the property lack of responsiveness on important community matters as noted in my original mail below. We have continued concerns about the owner's willingness to meet the commitments made to the zoning board as part of their application. We hope the City can take appropriate action to ensure compliance with the application approved in June and with the zoning requirements of R4C properties, including the egress windows for basement bedrooms and limitations on the number of unrelated persons in the property.

Thank you again for your attention to this matter and for your efforts to care for the Ann Arbor community. Your efforts are appreciated.

Sincerely

Paul

Paul W. Steih | Global Client Service Partner | Assurance Services

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Ernst & Young LLP

Office: +1 313 628 8560 | Cell +1 734 709 0035 | paul.steih@ey.com

From: Lenart, Brett <BLenart@a2gov.org>

Sent: Tuesday, July 28, 2020 8:55 AM

To: Paul W Steih <paul.steih@ey.com>; Bannister, Anne <ABannister@a2gov.org>

Cc: Delacourt, Derek <DDelacourt@a2gov.org>; Barrett, Jon <JBarrett@a2gov.org>; Hayner, Jeff

<JHayner@a2gov.org>; Higgins, Sara <SHiggins@a2gov.org>

Subject: FW: 625 N 4th Ave

Hello Mr. Steih & Councilmember Bannister-

As referenced in Councilmember Bannister's email, I'm happy to provide some additional information relative to your inquiries below:

1. The tenancy of a dwelling unit is not used in determining whether the standards of the ordinance are met for any type of application, be it a variance, or in this circumstance, approval for an Alternation to a Non-Conforming Structure. City Zoning requirements do not establish differing criteria based on who lives in those residential units.
2. As part of the alteration application, the petitioner indicated that new windows, roof, and siding would be part of the anticipated renovation. While I can't speak for the mindset of the individual ZBA members, I would presume that these proposed renovations were considered favorably toward improving the condition of the property in the context of the neighborhood.
3. I'm attaching a list of the addresses for which notice was sent out on June 4th. We do occasionally hear of circumstances where a notice is not delivered, but based on the presence of other speakers, this circumstance was not widespread.

Let me know if you have any additional questions,

Sincerely,

Brett Lenart
Planning Manager
City of Ann Arbor

Begin forwarded message:

From: "Bannister, Anne" <ABannister@a2gov.org>

Date: July 23, 2020 at 5:30:26 PM EDT

To: Paul W Steih <paul.steih@ey.com>, "Delacourt, Derek" <DDelacourt@a2gov.org>

Cc: "Hayner, Jeff" <JHayner@a2gov.org>

Subject: Re: 625 N 4th Ave

Thanks for the follow up questions, Paul. I think Derek and his staff will respond as soon as they can, or when Derek is back in the office next week. I'm available for a phone or video conference if need be.

Thanks,
Anne

Anne Bannister
Ward One Council Member
cell: 734-945-1639
abannister@a2gov.org
Term Nov. 2017 - Nov. 2020

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From: Paul W Steih <paul.steih@ey.com>
Sent: Wednesday, July 22, 2020 10:03 AM
To: Delacourt, Derek <DDelacourt@a2gov.org>; Bannister, Anne <ABannister@a2gov.org>
Cc: Hayner, Jeff <JHayner@a2gov.org>
Subject: RE: 625 N 4th Ave

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Derek, Anne and Jeff:

Thanks to Derek for the additional information. I have had the opportunity to review the application and the minutes from the meeting and would like to ask the following:

1. The application states that the following:
“The applicant states that the property is in a neighborhood consisting primarily of student rentals . . .”

During the public hearing, John Beranek “clarified that the neighborhood is not exclusively a student neighborhood”. I would agree with John’s comment and in fact, state that the neighborhood is primarily family and residential (i.e. non-student) housing. This inconsistency would seem to be an important factor in the evaluation of this variance. It would be helpful for us to know how the landlord or Zoning Board supported the “primarily student rentals” assertion and how the Board resolves this inconsistency as this was not addressed in the minutes or in the final report.

2. The property is very poorly maintained and in recent years, the landlord has done little to maintain the property in reasonable repair. This is obvious to anyone walking past the property and I could provide pictures of the property today if this is in question.

During the public hearing, Alicia Judit “expressed concern with the maintenance of the subject property, expressing that it has not been well maintained in the past”.

This is consistent with both our observations and a recent experience in which a dead tree on the subject property fell into our property at 542-548 N Main St, damaging our fence and one of the properties windows in addition to debris caused by the fallen tree. Our property manager made several attempts through various communication channels to contact the property owner to clean up the damage caused by the fallen tree. The property owner was completely non-responsive and made no attempt to clean up the damage or debris caused by the fallen tree. In the end, we (the property owners in 542-548 N Main) paid the nearly \$1000 of damage that

resulted from this matter. We are hopeful that the property owners commitment to the well being of the community will improve going forward.

It is not clear from the minutes or the City's report on how the Zoning Board evaluated the public comments or the historical track record on this topic. We would understand that the commitment to remodel the outside of the property and replace the windows is a commitment compared to the current state. It would be helpful for us to know how the Zoning Board resolves this inconsistency as this was not addressed in the minutes or in the final report.

3. Public Notice of the Zoning Variance Request

Code of Ordinances City of Ann Arbor, Michigan Chapter 55 -- 5.28.2 Public Notice B. Mailed Notice

In discussion with the other residents of 542-548 N Main and our property manager (J. Kellor), we are unable to recall receiving any notice of the request for variance related to 625 N Fourth Ave. This section of the City Code appears to require that all persons within 300 feet of the property should receive a mailed notice of the variance request and the public hearing on this matter.


It would be helpful for us to understand when the public notice was sent and which property owners would have received this notification. We acknowledge that as a result of the virus, many people, ourselves included, were taking extraordinary measures with our mail. Please let us know the details on the public notification practices used and the specific communications related to this property.

We understand that the Zoning Board has already approved the matter and there may be limited opportunities to change this decision. However, it would be very helpful if you can respond to these questions or if it would be helpful to have a call or video conference to discuss when you return from vacation.

Respectfully,

Paul W Steih

Paul W. Steih | Global Client Service Partner | Assurance Services

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Ernst & Young LLP

Office: +1 313 628 8560 | Cell +1 734 709 0035 | paul.steih@ey.com

From: Delacourt, Derek <DDelacourt@a2gov.org>

Sent: Tuesday, July 21, 2020 2:22 PM

To: Bannister, Anne <ABannister@a2gov.org>; Paul W Steih <paul.steih@ey.com>

Cc: Hayner, Jeff <JHayner@a2gov.org>

Subject: RE: 625 N 4th Ave

CM Bannister,

There is no additional opportunity for input. I will check the staff report but since the trees are not regulated I would assume there is no additional information on them.

Derek

From: Bannister, Anne <ABannister@a2gov.org>
Sent: Tuesday, July 21, 2020 2:04 PM
To: Delacourt, Derek <DDelacourt@a2gov.org>; Paul W Steih <paul.steih@ey.com>
Cc: Hayner, Jeff <JHayner@a2gov.org>
Subject: Re: 625 N 4th Ave

Thanks for the thorough update, Derek. Since the petition was approved, is there any remaining opportunities for neighbors to provide input?

Does the staff report say anything about the type of trees on the site?

Thanks,
Anne

From: Delacourt, Derek <DDelacourt@a2gov.org>
Sent: Tuesday, July 21, 2020 1:49 PM
To: Paul W Steih; Bannister, Anne
Cc: Hayner, Jeff
Subject: RE: 625 N 4th Ave

Good Afternoon,

I received the below response from staff.

The subject property went to the Zoning Board of Appeals last month for an alteration to a nonconforming structure.

ZBA20-013; 625 North Fourth Avenue

Rob Fowler, representing property owner, is requesting relief from Section 5.32.2 Alteration to a Nonconforming Structure. The subject property is zoned R4C Multiple-Family Dwelling and is a nonconforming duplex that does not meet the required lot area, lot width and setbacks for the district. The applicant is seeking to add habitable space in the basement to construct two new bedrooms and a bathroom to each unit. The proposed construction will alter each unit from a one-bedroom one-bathroom to a three-bedroom two-bathroom.

The petition was approved. The footprint of the structure will remain the same. The owner intends to complete a full remodel on the exterior. The owner can create up to 4 parking spaces in the rear. The property is a duplex and not located in the Historic District so they can remove or clear trees.

Please let me know if you have any additional questions.

Derek

From: Paul W Steih <paul.steih@ey.com>
Sent: Tuesday, July 21, 2020 8:16 AM
To: Bannister, Anne <ABannister@a2gov.org>; Delacourt, Derek <DDelacourt@a2gov.org>
Cc: Hayner, Jeff <JHayner@a2gov.org>
Subject: RE: 625 N 4th Ave

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Hello Anne


Thank you for the response and additional information. We look forward to meeting you in the near future.

Derek – any additional information on any potential variances being requested for 625 N. Fourth Avenue would be appreciated.

Thank you

Paul

Paul W. Steih | Global Client Service Partner | Assurance Services

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Ernst & Young LLP
Office: +1 313 628 8560 | Cell +1 734 709 0035 | paul.steih@ey.com

From: Bannister, Anne <ABannister@a2gov.org>
Sent: Tuesday, July 21, 2020 1:02 AM
To: Paul W Steih <paul.steih@ey.com>; Delacourt, Derek <DDelacourt@a2gov.org>
Cc: Hayner, Jeff <JHayner@a2gov.org>
Subject: RE: 625 N 4th Ave

Dear Paul and Gail Steih,

Thank you for writing about the status of renovations at 625 N. 4th Avenue, and whether there are any actions that can be taken about the planned renovations.

I'm copying Derek Delacourt, Community Services Area Administrator, for his help understanding the situation, and whether it's a "by right" project, or whether any variances are be requested. If it's "by right" then the owner can basically do what they'd like to do. But if the owner is requesting variances to the zoning, then there's more opportunity to provide input and guidance.

Thanks,
Anne

P.S. I live at 612 North Main and look forward to speaking with you in-person in the neighborhood!

Anne Bannister
Ward One Council Member
734-945-1639

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From: Paul W Steih <paul.steih@ey.com>
Sent: Monday, July 20, 2020 9:13 PM
To: Bannister, Anne <ABannister@a2gov.org>; Hayner, Jeff <JHayner@a2gov.org>
Subject: 625 N 4th Ave

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Hello Anne and Jeff

We hope all is well with each of you.

My wife Gail and I live at 544 N Main St in Ward 1, next to North Main Park. We have lived here for nearly four years and lived in the community since 2005. We enjoy living in A2 and in Kerrytown.

We understand from a neighbor that the owner of 625 N. 4th Avenue has plans to significantly expand this unit. We understand the expansion would add four (4) bedrooms to the basement of that property and remove the trees behind the unit for additional parking.

The house is very poorly maintained and is a significant eyesore compared to the other properties on the 600 and 700 block of 4th Avenue and the neighborhood. The majority of the homes in this area are full time residents (vs. student housing) and we believe that trend is growing. The landlord is focusing on undergraduate, student housing. They have not made improvements to my knowledge since we moved here in 2016. We understand that this small house currently has two, 1 bedroom units and that the basement is not well maintained. Expanding each of the one bedroom units into three bedroom units (with two bedrooms in the basement) would be significantly inconsistent with the other properties in the neighborhood and would adversely impact property values.

We have not been able to confirm this expansion and are not aware of timing of city approval or any construction. We would like to understand the status of this project and if there are any zoning laws or other actions that can be taken to address this property and the adverse impact this proposal would have on property values in Ward 1.

Please let me know what can be done to address this concern.


Sincerely,

Paul and Gail Steih

About 1 br, 1 bath - 625 N 4th Ave Frnt # 1 #1
(734) 260-7215 - Available, 8 MONTH ONLY LEASE. Fall lease. Charming apt. Located in the heart of Kerry Town, near N Fourth and e Kingsley. Location is near Medical and Central Campus, Downtown and also only a 12 mins walk to UM Diag. Large living room and kitchen. Wood Floors. Very large bedroom. Free In house laundry. Free parking. Lovely front yard. A duplex with tenants carefully selected. Hardwood floors. Please call Heather @ 989-220-9969 or Zaki at 734 260 7215 and Check michiganrental.com for more info and similar listings. We prefer calling to emailing us.



Paul W. Steih | Global Client Service Partner | Assurance Services

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Ernst & Young LLP

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Mobile: +1 734 709 0035

Website: <http://www.ey.com>

Rebecca Estrada Phone: +1 214 756-1185 | rebecca.estrada@ey.com

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