

Manor, Courtney

Subject: STR 23-4154

From: MacFarland, Chris

Sent: Thursday, August 24, 2023 9:34 AM

To: Lewis, Brandi <BLewis@a2gov.org>; Tansy Degen; Ward Powers

Subject: RE: STR 23-4154

Good morning Ms Degen

We are unable to approve your application for a short-term rental license as a “Nonconforming short-term rental – non principal residence”. I have provided below a screenshots of our zoning ordinance regarding non-conforming uses and a link to the entire unified development code. 5.32.1(D) states that a non-conforming use may not be reestablished after discontinuance of one year. This property can only be rented for periods greater than 30 days.

Please let me know what questions you may have

<https://www.a2gov.org/departments/planning/Documents/UDC%20Edition%208%202-26-2023.pdf>

5.33.6 Nonconforming Short-Term Rental – Non-Principal Residence**

A Non-Principal Residence Short-Term Rental lawfully established in a Residential Zoning District prior to March 1, 2021, shall be considered a legal nonconforming use and may continue and be maintained subject to Section 5.32.1.

Article VI: Nonconformities

5.31 Purpose Statement

It is the intent of this Article VI to recognize that the eventual elimination, as expeditiously as is reasonable, of existing uses or Structures that are not in conformity with the provisions of this chapter is as much a subject of health, safety, and welfare as is the prevention of the establishment of new uses that would violate the provisions of this chapter. It is also the intent of this Article VI that any elimination of Nonconforming Uses or Nonconforming Structures shall be effected so as to avoid any unreasonable invasion of established private property rights.

5.32 General Standards

5.32.1 Nonconforming Use

A Nonconforming Use may be continued and shall be maintained in good condition, but it shall not be:

- A. Changed to another non-conforming use, except, after approval of the Zoning Board of Appeals. When granting such approval, the Zoning Board of Appeals shall determine that such change in use will have a less detrimental effect on neighboring property than the existing non-conforming use.
- B. Structurally altered so as to prolong the life of the Building.
- C. Expanded or increased in intensity of use (for example, such as by the addition of one or more Dwelling Units, by providing additional Manufacturing or selling area, or the addition of facilities that would allow the establishment of another use or other uses).
- D. Re-established after discontinuance for a period of at least one year.
- E. Re-established in cases of residential usage in any "R" dwelling district after damage or destruction of the Building or Structure devoted to such non-conforming use if the estimated expense of reconstruction exceeds 70% of the appraised replacement cost (as determined by the Building Official) of the entire Building or Structure exclusive of foundations, prior to its damage or destruction. In cases of other than residential usage in any "R" dwelling district, the limitation on the expense of reconstruction shall be 50% of such appraised replacement cost.
- F. Re-established in any zoning district other than an "R" dwelling district except under the same provisions as in Subsection A.5 above, providing that the limitation on the expense of reconstruction shall be 70% rather than 50% of the appraised replacement cost (as determined by the Building Official) of the entire Building or Structure exclusive of foundations prior to its damage or destruction.

5.32.2 Nonconforming Structure

A Nonconforming Structure may be maintained or restored, but no Alteration shall be made to a Nonconforming Structure unless one of the following conditions is met:

**Chris MacFarland, Code Compliance Official
Manager of Rental Housing Services**

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From: Lewis, Brandi <BLewis@a2gov.org>
Sent: Thursday, August 24, 2023 9:08 AM
To: Tansy Degen ; Ward Powers
Cc: MacFarland, Chris <CMacFarland@a2gov.org>
Subject: RE: STR 23-4154

Good morning,

Thank you for your email regarding your STR denial. I have forwarded your email to my supervisor, Chris MacFarland. He will reach out to you for further explanation on non-conforming STR properties and the requirements when, a property in a Residential Zone is not owner-occupied.

All the best,

Brandi Lewis

Brandi Lewis

Rental Housing Coordinator, Lead Administrative Assistant

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From: Tansy Degen
Sent: Wednesday, August 23, 2023 4:34 PM
To: Lewis, Brandi <BLewis@a2gov.org>; Ward Powers
Subject: STR 23-4154

Hello.

I just received your email denying my STR application but I think there is a misunderstanding. Your ordinance requires that I operated before 3-1-21, which I did. I only took a break because the city recommended no travel during COVID. My license did not expire because I did not need a license when I was operating. This is my first time applying as it is now safe to do so.

My lawyer suggested I point this out before retaining him to take over. I certainly hope this is not denied based on my gender as a woman owner in Ann Arbor. I see no other reason, I comply with all other aspects of the cities requirements. Hopefully you just didn't realize the time line and this email clears that up.

Please advise me on how we can proceed to get my approval to open my home again to guests. I am attaching my cover letter to this email as well. Perhaps it got missed in all the lease info I sent yesterday.

With gratitude,

Tansy Degen

Sent from my iPhone