

**Zoning Board of Appeals
July 27, 2016 Regular Meeting**

STAFF REPORT

Subject: ZBA16-016, 215 N Division

Summary: Ali Ozbeki, managing director of Hanna Realty LLC, is requesting permission to alter this non-conforming structure by converting the existing basement to living space. The basement will contain one bedroom and bathroom and will be included as part of unit 1, the upstairs apartment.

Background:

The subject parcel is zoned R4C (Multiple-Family Residential District) and located on North Division Street. The parcel is non-conforming for required lot size: subject parcel is 2,918 square feet; minimum lot size is 8,500 square feet. The structure was built in 1901 and is 2,266 square feet.

Description:

The petitioner would like to convert the basement to living space with one bedroom, and a bathroom which will result in the expansion of floor area being used for occupancy, but will not change the footprint of the structure. The existing structure is a registered rental duplex with a total of six bedrooms. 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. The structure is currently permitted a total maximum of ten occupants based on Rental Housing code and unit configuration. 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. The proposed plan would increase the total number of bedrooms from six to seven and increase the number of occupants to eleven.

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 new bedroom and bathroom in the basement (and all other planned improvements) will be inspected and will be required to meet all housing and building codes for health and safety, including emergency egress. If the variance is not approved, the petitioner will not be able to use the basement as a living space.

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 basement space to habitable space which will be joined to the existing first floor unit of a legal nonconforming duplex. The conversion of this basement will not expand the footprint or maximum height of the structure. The multiple-family use is consistent with the surrounding uses and the addition of one bedroom and one bathroom to the structure 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 and cursive.

**Jon Barrett
Zoning Coordinator**

APPLICATION FOR VARIANCE OR NON-CONFORMING STRUCTURE
ZONING BOARD OF APPEALS

Section 1: Applicant Information

Name of Applicant: ALI OZBEKI (Managing Director of Hanna Realty LLC)
Address of Applicant: 26484 Mandalay Ct. NOVI, MI 48374
Daytime Phone: (248) 504-9932
Fax: _____
Email: Ali_OZBEKI@yahoo.com
Applicant's Relationship to Property: owner

Section 2: Property Information

Address of Property: 215 N. Division
Zoning Classification: R4C
Tax ID# (if known): 203243549 09-09-29-115-003
*Name of Property Owner: Hanna Realty, 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:

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 2 Rental Units

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)

Existing Condition

Code Requirement

Lot area _____
 Lot width _____
 Floor area ratio _____
 Open space ratio _____
 Setbacks _____
 Parking _____
 Landscaping _____
 Other _____

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

I would like to finish the basement ~~with~~ adding a bedroom
and a full bath. This room will be included as part of unit
1 which currently has 2 bedrooms, a kitchen and a bathroom. Currently,
there is an access to the basement from unit 1. ~~currently~~

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:

No. There will not be any effect on the neighboring properties.
Nor any changes ~~to the~~ will be made to the outside of the building.
There will also be no impact to the parking situation. There are
5 parking spaces available between 213 and 215 N. Division on the Driveway.

Owner owns both buildings. To discourage tenants to bring car to the property, there is a fee for parking. Wherefore, Petitioner requests that permission be granted from the above named Chapter and Section of the Ann Arbor City Code in order to permit _____

I am asking for a permit to alter the living space of apartment 1.

Apartment 1 currently have two bedrooms which is not suitable for
a family with kids. Adding a third bedroom to this unit does not
impact the neighboring properties at all! I am trying to increase
the flexibility of renting unit 1 to non student resident. It will
be suitable for a family of three if the additional bedroom is available.

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.

(248) 504 9932 _____ Signature
 Phone Number
 Ali_02BEK1@yahoo.com _____ ALI OZBEKI
 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.

_____ Signature
 ali ozbeki

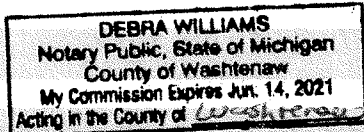
Further, I hereby give City of Ann Arbor Planning & Development Services unit staff and members of the Zoning Board of Appeals permission to access the subject property for the purpose of reviewing my variance request.

_____ Signature
 ali ozbeki

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.**

_____ Signature
 ali ozbeki

On this 28th day of June, 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.



_____ Notary Public Signature
 Debra Williams

Notary Commission Expiration Date _____ Print Name

Staff Use Only

Date Submitted: 6/22-16

Fee Paid: 500⁰⁰

File No.: ZBA16-016

Date of Public Hearing 7/27-16

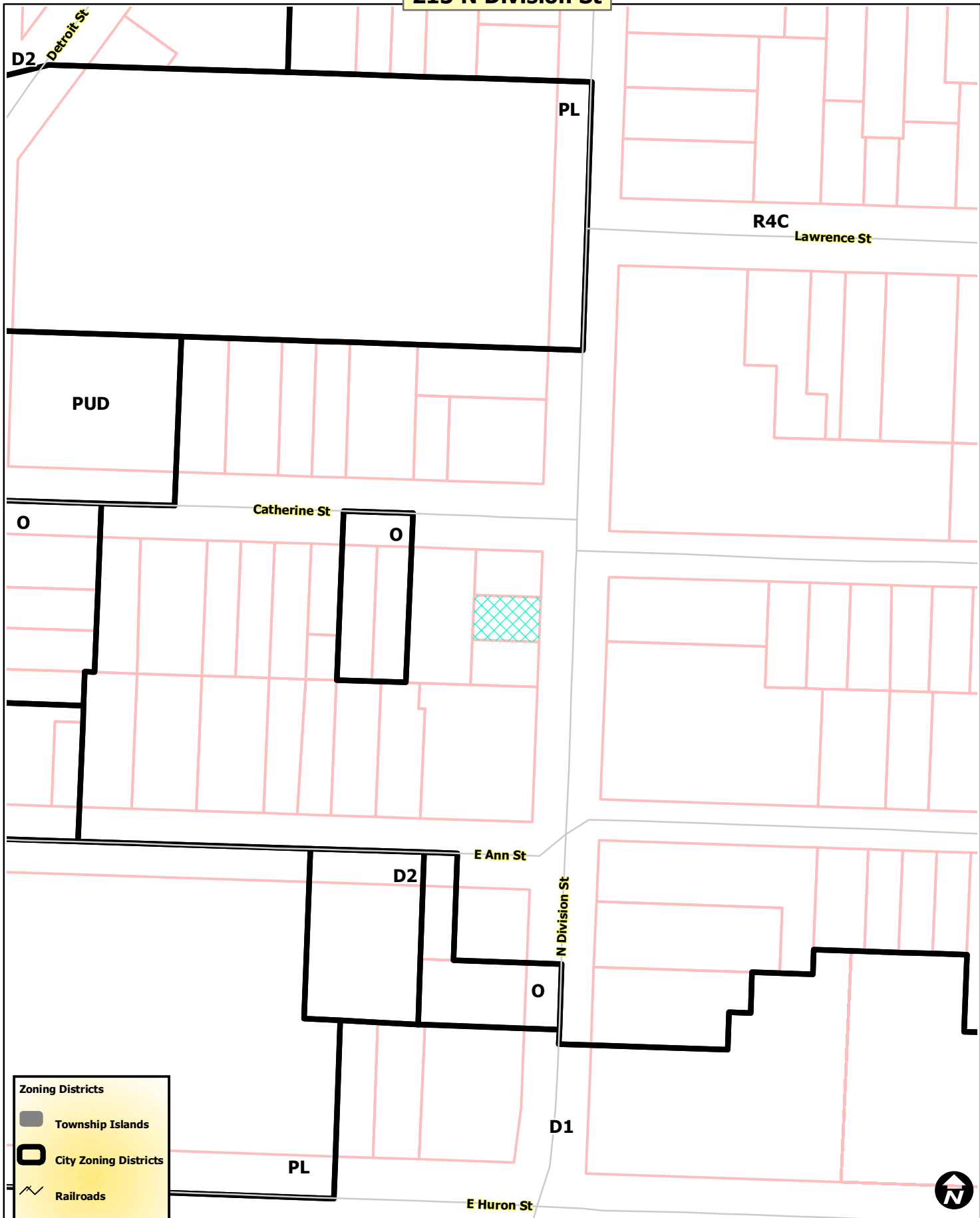
Pre-filing Staff Reviewer & Date _____

ZBA Action: _____

Pre-Filing Review: _____

Staff Reviewer & Date: _____

215 N Division St






Zoning Districts

- Township Islands
- City Zoning Districts
- Railroads
- Parcels
- Huron River



215 N Division St






-  Railroads
-  Parcels
-  Huron River



Map date 7/6/2016
Any aerial imagery is circa 2015
unless otherwise noted
Terms of use: www.a2gov.org/terms

215 N Division St



-  Railroads
-  Parcels
-  Huron River



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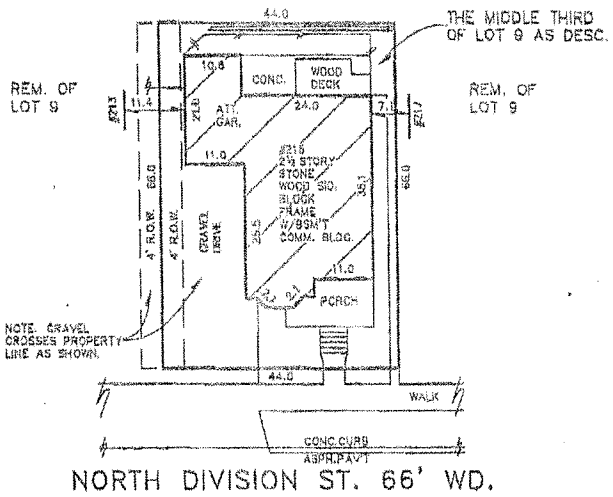
MORTGAGE SURVEY

Certified to: MARATHON FINANCIAL SERVICES
Applicant: MOHAMMAD ALL OZBEKL

X Mohammed Al-Obaidi

Property Description:
The middle third of Lot 9, Block 2; ORIGINAL PLAT OF THE VILLAGE (NOW CITY) OF ANN ARBOR, Washtenaw County, Michigan, as recorded in Transcript, Pages 152 and 153 of Washtenaw County Records.

NOTE: A BOUNDARY SURVEY IS NEEDED TO DETERMINE EXACT SIZE AND/OR LOCATION OF PROPERTY LINES.



CERTIFICATE: We hereby certify that we have surveyed the above-described property in accordance with the description furnished for the purpose of a mortgage loan to be made by the hereinbefore applicants, 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. This survey is not to be used for the purpose of establishing property lines, nor for construction purposes, no stakes having been set at any of the boundary corners.

THIS SURVEY DRAWING IS VOID IF THE PROFESSIONAL SEAL IS NOT IN BLUE INK.

PRELIMINARY

JOB NO: 05-05372 SCALE: 1"=20'
DATE: 06/03/05 DR BY: CS

KEM-TEC
LAND SURVEYORS
20350 Grand Avenue
Livonia, MI 48151-9312
(508) 778-9282
fax: (508) 778-4618



KEM-TEC WEST
LAND SURVEYORS
800 E. STADIUM
Ann Arbor, MI 48104-1412
(734) 994-0283 • (800) 428-0123
FAX: (734) 994-0067

General Notes

1. All work to be performed in compliance with state and local codes and ordinances, and shall be done to the highest industry standards by experienced tradesmen.
2. The contractor shall field verify all dimensions and existing conditions prior to beginning work or supplying materials or components.
3. Soil erosion is the responsibility of the general contractor - soil must be contained on site.
4. Site drainage beyond new work to remain as existing. Slope finish grade away from building.
5. All dimensions are to faces of finish unless noted otherwise. Face of sheathing at exterior wall.
6. Do not scale drawings.
7. Repair / patch / restore any existing construction that is damaged during construction.
8. All exterior wood to be acq pressure-treated unless noted otherwise. All metal that comes in contact with acq treated wood to be compatible.
9. No smoking within the premises. All cigarette butts to be disposed of off site.
10. HVAC registers in construction area to be covered and care taken to prevent dust from entering ductwork.

Building Owner
 Hanna Realty, LLC
 Ali Ozbeki
 26484 Mandalay Court
 Novi, MI 48374

Architect
 Lewis Greenspoon Architects LLC
 440 South Main Street, suite 2
 Ann Arbor, MI 48104

215 Division Street
 Parcel: 09-09-29-115-003

Zone: R4C
 lot size: 0.07 acres
 building size: 2,266 sq. ft.
 number of units: 2
 year built: 1901

sheet index

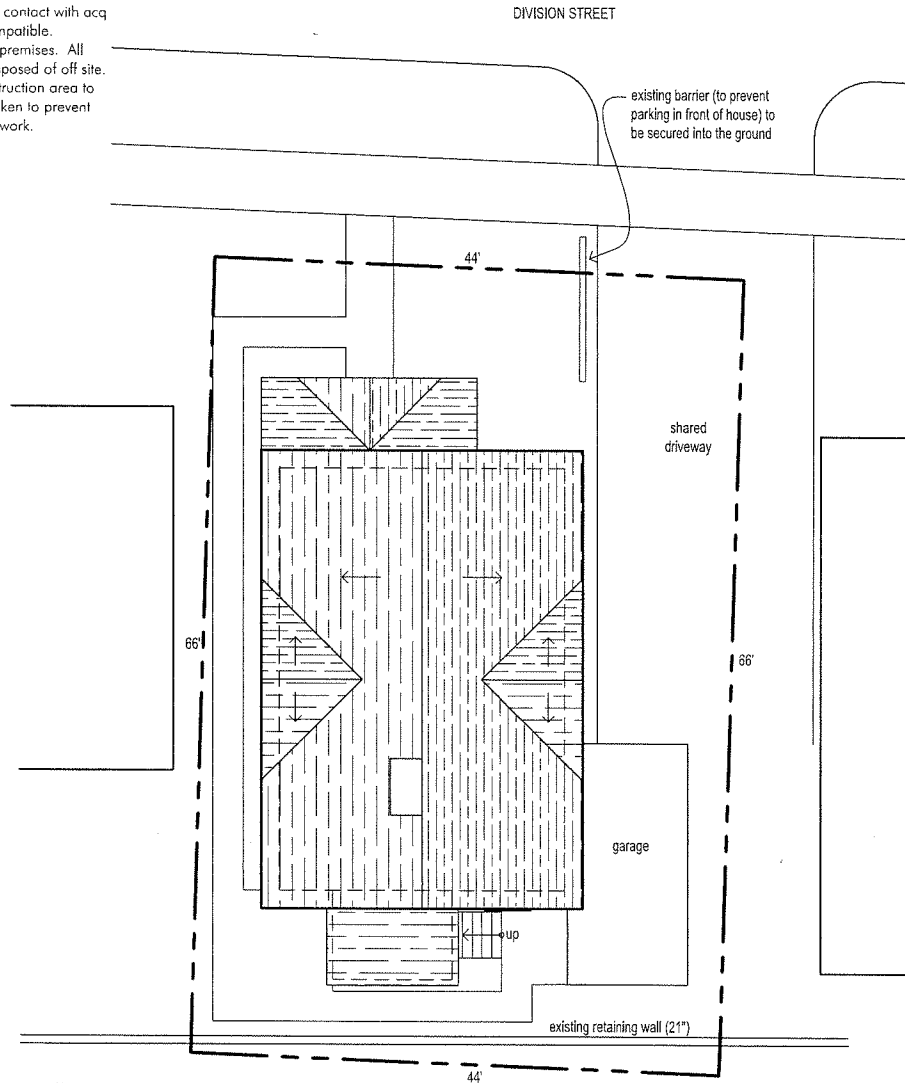
- CS cover sheet and site plan
- A1.1 basement demolition plan
- A1.2 third floor demolition plan
- A2.1 basement plan
- A2.2 third floor plan
- A3.1 building section (partial)

SCOPE OF WORK

1. One new bedroom and one new bathroom in the existing basement (new bedroom will be the 3rd bedroom of lower unit). Work to include a new egress window for the new bedroom.
2. One new bathroom on the third floor (reducing the size of one of the existing bedrooms).

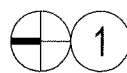
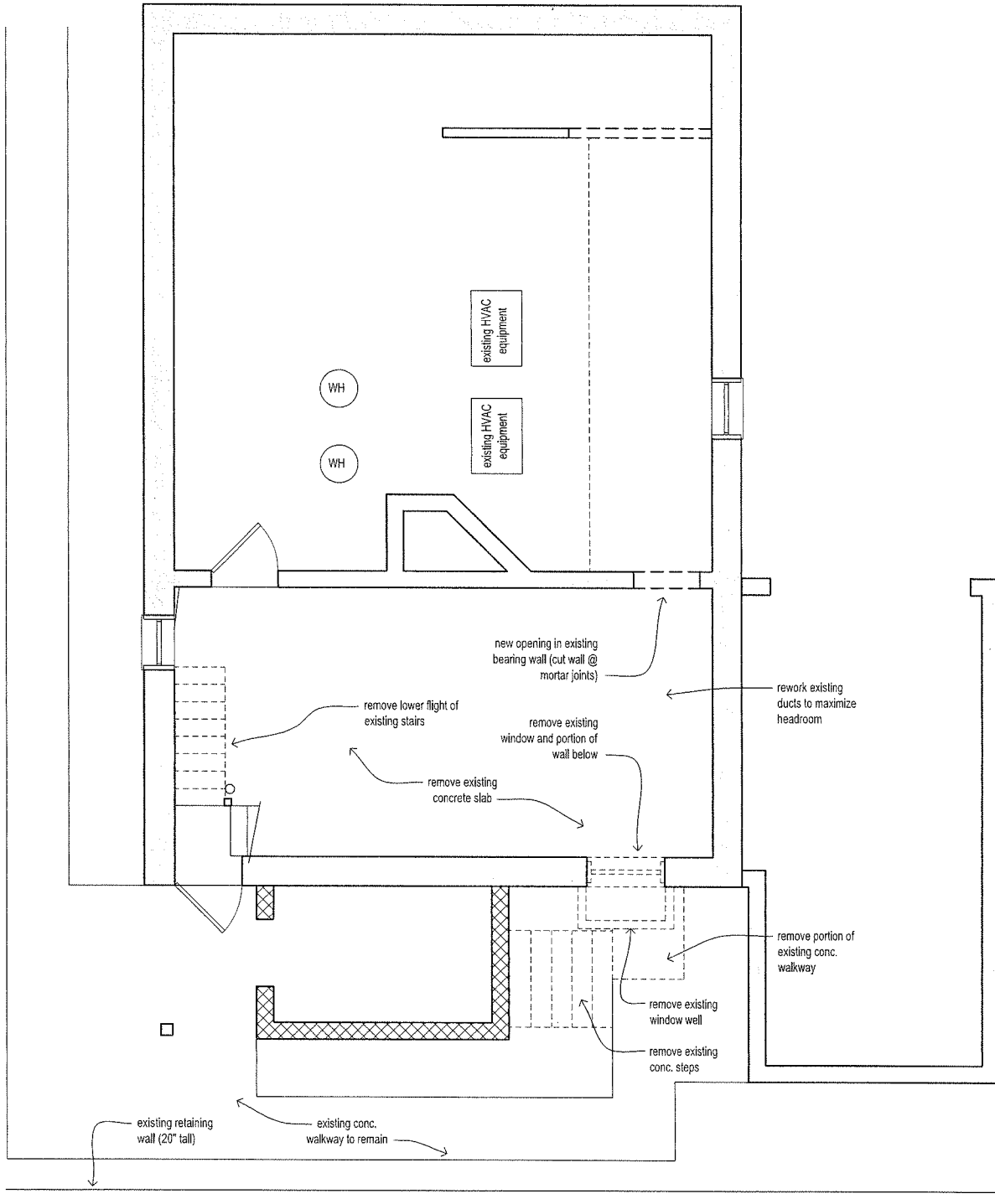
EXISTING HOUSE

three-story rental house - two units
 lower unit (basement and 1st floor): two bedrooms
 upper unit (2nd and 3rd floors): four bedrooms



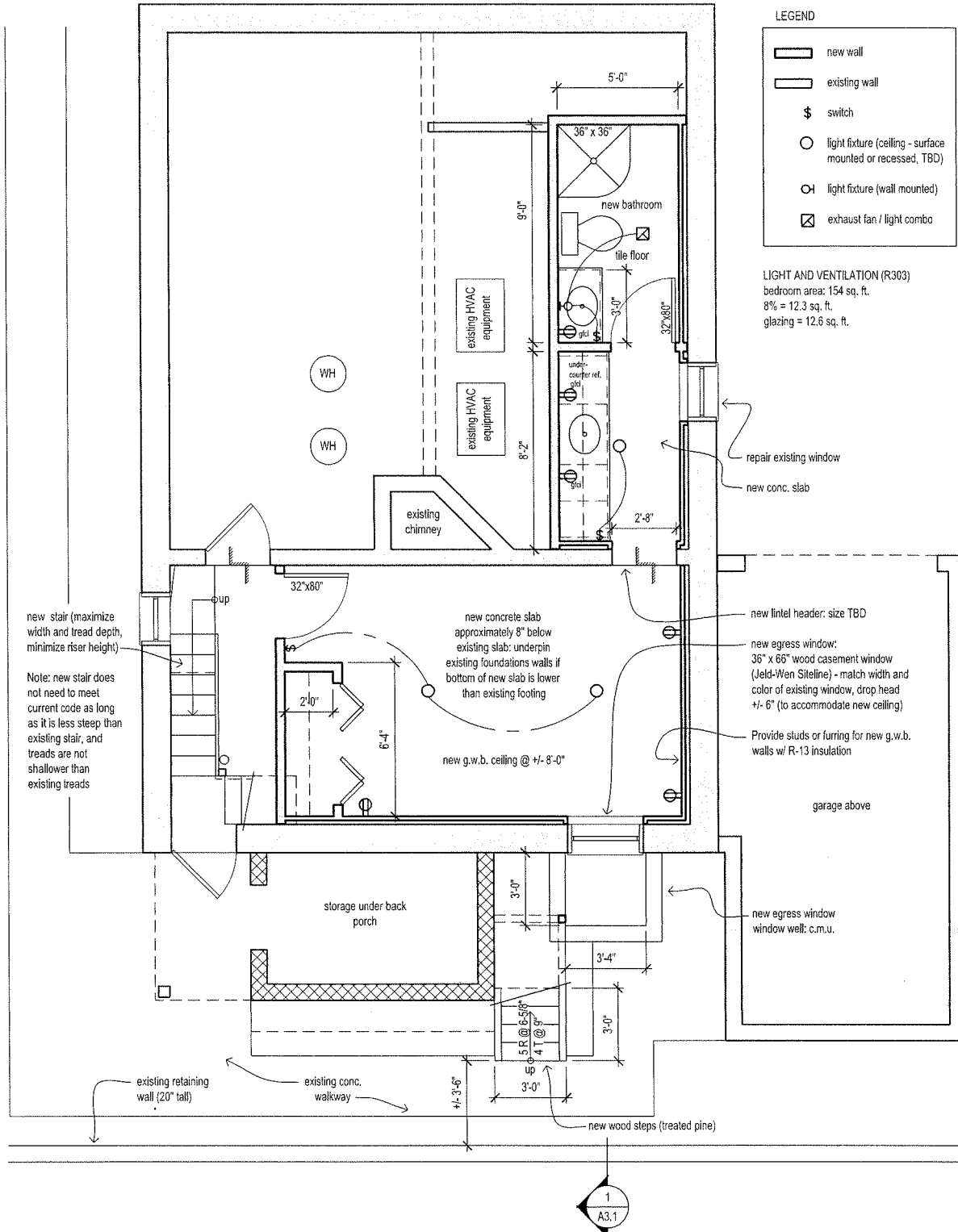
Note: property lines and house location are approximate on site plan

1 SITE PLAN PLAN
 1" = 10'-0"



BASEMENT DEMOLITION PLAN

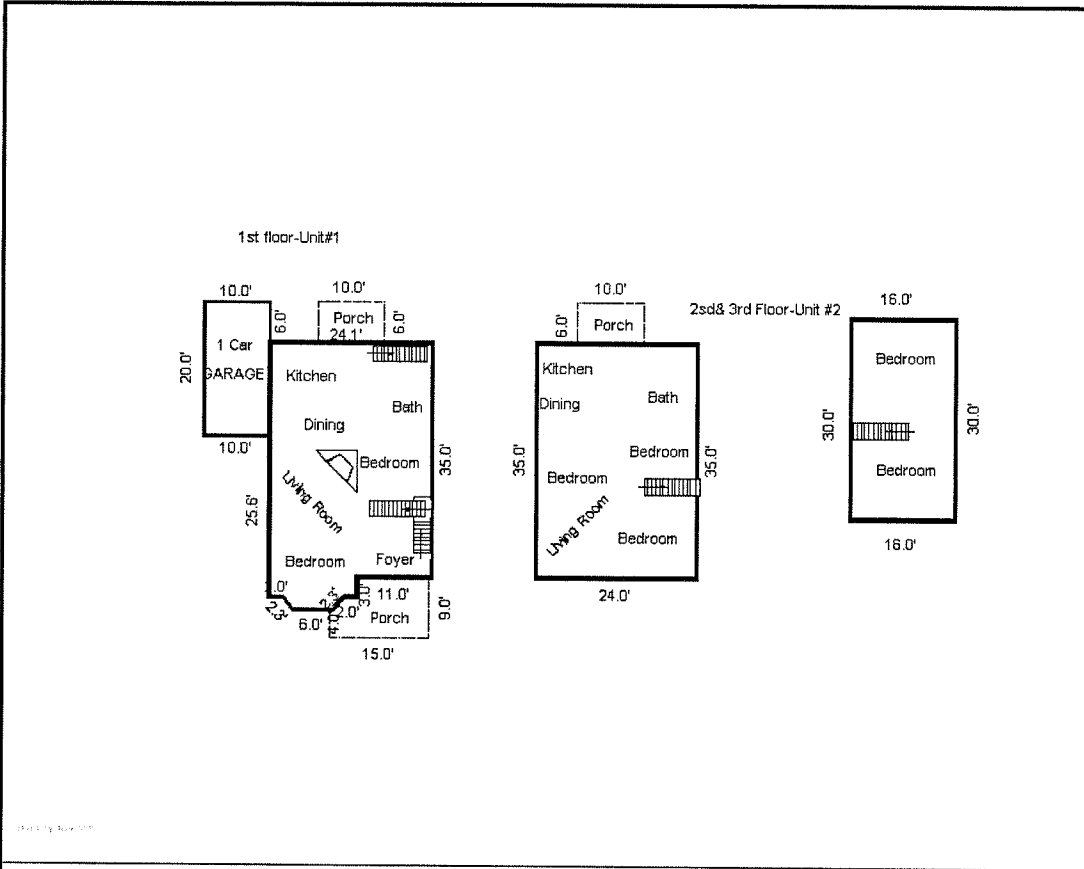
1/4" = 1'-0"



1 BASEMENT FLOOR PLAN
 1/4" = 1'-0"

Building Sketch (Page - 1)

Borrower/Client Mohammad & Mondana Ozbeki			
Property Address 215 N. Division			
City Ann Arbor	County Washtenaw	State MI	Zip Code 48104
Lender Marathon Financial Services			



Comments:

AREA CALCULATIONS SUMMARY			
Code	Description	Net Size	Net Totals
GBA1	First Floor	896.7	896.7
GBA2	Second Floor	840.0	840.0
GBA3	Third Floor	460.0	460.0
P/P	Porch	120.0	
	Porch	60.0	
	Porch	60.0	240.0
GAR	Garage	200.0	200.0
Net BUILDING Area		(Rounded)	2217

BUILDING AREA BREAKDOWN		
Breakdown		Subtotals
First Floor		
11.1 x	25.5	283.1
0.5 x	1.5 x 1.6	1.4
0.1 x	7.6	0.8
0.5 x	1.6 x 1.7	1.4
1.7 x	6.0	10.2
0.1 x	2.0	0.2
2.0 x	25.5	51.0
12.5 x	13.1	163.0
11.0 x	35.0	385.0
Second Floor		
24.0 x	35.0	840.0
Third Floor		
16.0 x	30.0	480.0
11 Items		(Rounded) 2217

Building Sketch (Page - 2)

Borrower/Client Mohammad & Mondana Ozebki			
Property Address 215 N. Division			
City Ann Arbor	County Washtenaw	State MI	Zip Code 48104
Lender Marathon Financial Services			

<table border="1"> <thead> <tr> <th colspan="2">First Floor</th> <th colspan="2">GBA1</th> </tr> </thead> <tbody> <tr> <td></td> <td>11.1 x</td> <td>25.5 =</td> <td>283.0</td> </tr> <tr> <td>0.5 x</td> <td>1.5 x</td> <td>1.8 =</td> <td>1.4</td> </tr> <tr> <td></td> <td>0.1 x</td> <td>7.6 =</td> <td>0.6</td> </tr> <tr> <td>0.5 x</td> <td>1.6 x</td> <td>1.7 =</td> <td>1.4</td> </tr> <tr> <td></td> <td>1.7 x</td> <td>6.0 =</td> <td>10.2</td> </tr> <tr> <td></td> <td>0.1 x</td> <td>2.0 =</td> <td>0.2</td> </tr> <tr> <td></td> <td>2.0 x</td> <td>25.5 =</td> <td>51.0</td> </tr> <tr> <td></td> <td>12.5 x</td> <td>13.1 =</td> <td>163.6</td> </tr> <tr> <td></td> <td>11.0 x</td> <td>35.0 =</td> <td>385.0</td> </tr> <tr> <td colspan="4" style="text-align: right;">Area total (Rounded) = 897</td> </tr> </tbody> </table>	First Floor		GBA1			11.1 x	25.5 =	283.0	0.5 x	1.5 x	1.8 =	1.4		0.1 x	7.6 =	0.6	0.5 x	1.6 x	1.7 =	1.4		1.7 x	6.0 =	10.2		0.1 x	2.0 =	0.2		2.0 x	25.5 =	51.0		12.5 x	13.1 =	163.6		11.0 x	35.0 =	385.0	Area total (Rounded) = 897				<table border="1"> <thead> <tr> <th colspan="2">Porch</th> <th colspan="2">P/P</th> </tr> </thead> <tbody> <tr> <td>0.5 x</td> <td>0.1 x</td> <td>11.1 =</td> <td>0.6</td> </tr> <tr> <td>0.5 x</td> <td>1.5 x</td> <td>1.6 =</td> <td>1.2</td> </tr> <tr> <td></td> <td>1.6 x</td> <td>13.5 =</td> <td>21.6</td> </tr> <tr> <td></td> <td>3.3 x</td> <td>11.1 =</td> <td>36.6</td> </tr> <tr> <td></td> <td>4.0 x</td> <td>15.0 =</td> <td>60.0</td> </tr> <tr> <td colspan="4" style="text-align: right;">Area total (Rounded) = 120</td> </tr> </tbody> </table>	Porch		P/P		0.5 x	0.1 x	11.1 =	0.6	0.5 x	1.5 x	1.6 =	1.2		1.6 x	13.5 =	21.6		3.3 x	11.1 =	36.6		4.0 x	15.0 =	60.0	Area total (Rounded) = 120			
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Borrower/Client Mohammad & Mondana Ozbeki			File No. T2182
Property Address 215 N. Division			
City Ann Arbor	County Washtenaw	State MI	Zip Code 48104
Lender Marathon Financial Services			

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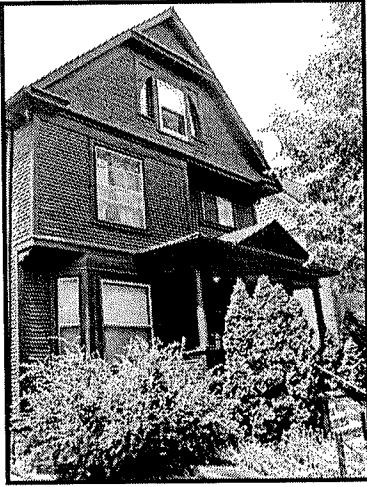
Flood Map 23

Subject Photos

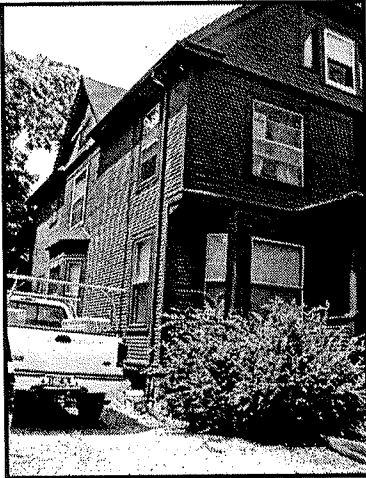
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Lender Marathon Financial Services			

Subject Front

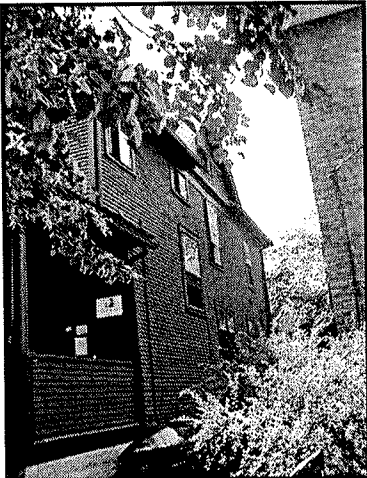
215 N. Division



Subject Side View



Subject Side View



Subject Photo Page

Borrower/Client Mohammad & Mondana Ozbeki			
Property Address 215 N. Division			
City Ann Arbor	County Washtenaw	State MI	Zip Code 48104
Lender Marathon Financial Services			



Subject Front

215 N. Division
Sales Price 510,000
G.B.A. 2,217
Age/Yr.Blt. 104-1901



Subject Rear



Subject Street



