

John Beranek  
Karen Park  
620 N Fourth Ave  
Ann Arbor MI 48104  
imilo@sbcglobal.net

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Jon Barrett - Zoning Coordinator  
Zoning Board of Appeals Members

Dear Jon and ZBA members,

My wife and I see no justification for the approval of the Request to Alter a Non-Conforming Structure (ZBA21-013) for 625 N. Fourth Ave. The request should not be approved, based simply on two factors: 1) This project will be a new structure, it is not an alteration as described by the applicant, so should be subject to all the requirements of a new construction. 2) This project will have a detrimental effect on the neighborhood. This 12-bedroom project is well beyond the scope of what should be considered an "alteration" and it does not agree with recommendations of the R4C/R2C Zoning District Study Advisory Committee.

NEW STRUCTURE, NOT ALTERATION

1. The foundation will be greatly modified, and will likely be found to need complete replacement during the construction:
  - A. New foundation is required at SE corner of building due to removal of front porch entrance
  - B. Large cut outs needed for 4 egress windows will destroy the integrity of the existing foundation.
  - C. "Michigan Basement" will be dug out to provide adequate height, so foundation will likely need to be underpinned, also comprising the existing foundation.
  - D. Foundation will need to be reinforced to support new upper floors.
  - E. Bathrooms in basement will require plumbing beneath the floor, requiring lowering existing drain/waste plumbing.
  
2. The first floor framing will be nearly all new, saving a few 2x4s does not qualify the project as an "alteration."
  - A. Floor plan is being substantially reconfigured including new staircases and entrances, including adding square footage in SE corner.
  - B. Bathrooms and kitchens are being moved, so all mechanicals and plumbing will be all new.
  - C. Exterior walls will need to be upgraded/reinforced to support the upper floor.

D. Floor deck may need complete replacement depending on conditions revealed during construction and to accommodate such extensive changes.

3. The second floor and roof structure is, of course, all new.

4. Existing front porch will be demolished. Front and rear porches will be all-new.

The spirit of the R4C Zoning recommendations can be seen in the restrictions placed on non-conforming structures that are accidentally destroyed. As was stated in the 2012 “R4C/R2C Zoning District Advisory Committee Recommendation Report,” it “Require(s) that replacement structures must be of similar size, placement, massing dimensions of the original structure and character as the building before destruction.”

As can be seen in the submitted elevation drawings, the new building has no similarity in massing or character to the existing structure. So if this structure was destroyed by fire, only a similar structure could replace it, but the proposed “alteration” would be allowing an essentially all new structure with no relationship to the existing building.

Also stated in the report: “Overwhelming public feedback indicated a strong desire to keep the existing streetscape and development pattern of R2A and R4C neighborhoods, including size and massing of existing structures.”

#### DETRIMENTAL TO THE NEIGHBORHOOD

1. Current structure is located 1.7 feet from the south border of North Main Park. This very small neighborhood park is in constant use by children at the playground, walkers, dog walkers, chess players, for picnics, and includes a community flower garden.
  - A. Building as shown will be approximately 25 feet tall at roof peak. It will create a 20 ft tall by 56 ft long wall bordering the large majority of the south side of the park, 1.7 feet from the park boundary. This will close-in this already small park and will block substantial sunlight, especially in the winter months. Under existing zoning the building could be increased to 30 feet tall (mean roof height).
  - B. Egress wells shown in the drawings will actually be on park property. Cantilevered bump-outs and decks could be included that bring the structure closer to the park and have more impact on the park.
  - C. A portion of the park will need to be granted to the applicant for use during the construction of the project, temporarily removing it from public use.
2. The almost identical one story house to the south would be in a cavern between two 25- 35 ft tall structures. This property was denied the ability to add a second floor when it was remodeled within the last 10 years, after a fire. In addition, the potential 12+ cars would place an undue burden on the shared easement driveway.

3. While we are in support of downtown density and reduced parking requirements, how can the ZBA allow increased occupancy on a lot that does not even meet minimum requirements for an R2 structure? This property will essentially be a 12-unit apartment building masquerading as a two single family homes (R2). The rental company's ad on Zillow for this yet-to-be-built property clearly states that each bedroom will have "Individual Room Locks." This means 12-24 residents, coming and going on different schedules, moving in and out at different times of the year. These are not 'family units' that integrate into the community or put down roots. It does create a burden to maintaining a residential neighborhood feel. Our experience with this type of rental unit is the the renters have no connection to the community, show little responsibility for the up keep of the property, or concern for neighbors. Three parking spots is inadequate for a effective 12-unit apartment building, and street parking is already very limited at 18 spots, and is already used by people living on Main Street and visitors to Kerrytown and the Farmer's Market. "Free Parking" is advertised on Zillow. (ad is attached)
4. The applicant states that "almost all surrounding houses are 2-3 story and multi-family. Remodeling this house will make it fit in with neighborhood." This statement is not accurate. The house directly to south that shares the driveway, is a small single family one story; two houses south single family two story with attic space; three houses south, historic two story, owner occupied with two apartments; directly across street, single family two story; to the north, tiny single family one story; two houses north, very small single family one story, three houses north, single family one story with two story rear addition; then the large historic church converted into four apartments. None of these properties are similar to the proposed structure. All but one are of historic appearance and materials, not vinyl-clad, "builder" appearance. None have the density of this proposed structure, and I'm sure none have narrow 7 ft wide bedrooms. Our neighborhood is enriched by these small existing homes that reflect on a working-class neighborhood that was one the heart of Ann Arbor's black community. We do not see these homes as an eyesore. (photos attached)

Finally, be aware that if this request is granted the owner can build anything they want not explicitly defined in the request and within existing zoning. The only explicit definition in the request is a "two story duplex with finished basement." For residential properties there is no legal requirement to construct the structure that is presented in the plans submitted to this committee for approval of the waiver. There is no enforcement mechanism available to the city to require the structure built to the provided plans. E.g. it could become a 30 foot tall structure with attic space.

Sincerely yours,

John Beranek & Karen Park