

From: Jeff Crockett <jeffcrockett8@gmail.com>
Sent: Wednesday, March 10, 2021 11:03 AM
To: Planning <Planning@a2gov.org>
Subject: ADU Enforcement -- A Closer Look

Dear Mr. Lenart and Members of the Planning Commission,
At the last Planning Commission meeting on March 2 and in an email sent prior to the meeting, I expressed five concerns about the ADU Ordinance Revision. One of these concerns was ordinance enforcement. I urged the PC to include ordinance enforcement and to place this item on the March 16 agenda. It is important for all of us to be aware of what system is in place for responding to neighbor comments in regards to problems that may arise with the construction and occupancy of ADUs. I am referring to violations of the ordinance including, but not limited to the number of residents allowed, whether or not the residents are related or functional families and time-sensitive requirements.

Clearly, enforcement of our ordinances depends on individual citizen complaints. Ann Arbor does have an efficient system in place to respond to citizen complaints in specific categories with A2fixit (<https://www.a2gov.org/services/Pages/Report-a-Problem.aspx#howtouse>) This system can be used to report potholes, missed cart pickups, snow/ice on sidewalks, graffiti on public property, dead or dying trees, streetlight outages, and traffic signal/sign issues. Urgent issues such as water leaks, parking, dead animals, noise, traffic and speeding require calls to specific departments. The convenience of the A2Fixit system is that it functions much the same as with police reports. A case number is generated, which can then be tracked, along with the response. In fact, with the a2fixit app, it is possible to see all the complaints that have been generated across the city, a critical aspect of transparency.

As far as I can tell, no similar system exists for the handling of building or housing ordinance complaints. According to the Planning website (<https://www.a2gov.org/departments/planning/zoning/Pages/default.aspx>), ordinance enforcement complaints are reported by calling 734.794.6265 or emailing Planning@a2.org. Housing construction issues are reported by email to the Office of Construction and Building at building@a2gov.org or by phone at 734.794.6267. As I see it, the problems with the current system of email or phone-reporting are the lack of a standardized complaint form (e.g. see <https://www.a2gov.org/departments/police/Pages/Traffic-Enforcement-Request.aspx>), no assignment of a case number, and the lack of transparency of seeing what other ordinance enforcement complaints have been registered. There also does not appear to be a published set of procedures for handling complaints. The lack of an ordinance complaint system means it becomes nearly impossible to assess how many and what type of complaints have been addressed by the Planning Department, the outcomes of these complaints, and the response time for these complaints.

What should an ordinance enforcement plan include? It should include:

1. Prior notice to neighbors of ADU applicants.
2. A standardized form for reporting ordinance complaints.
3. The assignment of a case number for each complaint.
4. The publication of all ordinance complaints (such as with a2fixit)
5. The publication of the outcome of each complaint.
6. Staff numbers needed to effectively manage the enforcement plan.

In regards to staff, it seems implausible to me that we add enforcement responsibilities through the ADU and STR ordinances without consideration of additional staff. I would anticipate the response to complaints could be time-consuming. Each complaint should involve contacting the complainant, a site visit, meeting(s) with the owners of the properties, determination of the action and follow-up communication. Without the consideration of staffing in an enforcement plan, Ann Arbor citizens would have every right to suspect that ordinance enforcement is a low priority. That would simply be NOT RIGHT.

In summary, due diligence on your part demands that an ordinance enforcement plan needs to be in place BEFORE the ADU ordinance revision is approved by PC and sent to Council. But, there is one other issue to consider. There is the possibility that ADUs may be prohibited through Home-Owner Association restrictions or other deed restrictions. At a minimum, a caveat statement to this effect should be included in the ordinance. Otherwise, an ADU applicant may go through a lot of time and expense in planning for an ADU all for naught. This would also relieve a neighbor(s) from the time and hassle of having to oppose the project for a HOA or deed-related issue, especially after a permit has already been issued and the neighbor's enforcement might require litigation. Additional actions to help proactively avoid such conflicts might include notice being given to a radius of neighbors and registered neighborhood leads when the application is first submitted.

Please, before voting in favor of the proposed ADU Ordinance on March 16 or later, insist on answers to the following questions:

1. What is the enforcement plan?
2. Has a complaint form been identified?
3. Will a case number be assigned to each complaint?
4. Will neighbors of ADU applicants be informed in advance of the intent to build an ADU?
5. Will a description of each complaint and its outcome be published? If so, where?
6. Has the staffing needed to enforce the ordinance been considered?

Thank you for your consideration,

Jeff Crockett
506 E. Kingsley
Ann Arbor MI 48104

From: Jean Henry <jeanhenrya2@gmail.com>

Sent: Thursday, March 04, 2021 1:50 PM

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

Cc: Cheng, Christopher <CCheng@a2gov.org>; Gale, Mia <RGale@a2gov.org>; Kahan, Jeffrey <JKahan@a2gov.org>

Subject: Re: Ordinance to Amend Unified Development Code related to ADU's

If it wasn't clear. Please add this to my letter to planning in the board packet for next planning commission meeting.

Thanks.

On Thu, Mar 4, 2021 at 1:26 PM Jean Henry <jeanhenrya2@gmail.com> wrote:
Addendum to attached letter:

Hello all:

It seems I misinterpreted the requirement 'Ensure the Maximum Occupancy is Maintained' to mean a goal of achieving maximum density in the two structures.

Silly me.

It apparently means no more than 4 unrelated occupants can live in both structures at any given time in a single family exclusive neighborhood. I honestly don't know if that policy applies in R4C. I can say that, as someone with a non-traditional family structure, it's prejudicial and really heteronormative. It is also unreasonably restrictive. What can possibly be the intent of such a rule? Pleasantville? That requirement anywhere does not conform to my idea of who we are as a city. Please ask yourself if it confirms to yours.

If that rule applies to my property, I can tell you I for sure have broken it in my home without ADU at various points over the years since buying it as a student. I lived in the basement in my traveling years. My 3 housemates sometimes lived with partners. People passed through and stuck around. It took a long time to get Martin off the couch because he worked at some UM computer lab across the street at Argus. You get the picture. We all lived together and ate meals together and cared for one another in various combinations for 6 years. We are still close.

Living here was affordable for all of us, even though we came from very different socio-economic circumstances. A few had lost parents at a young age. Others' parents rejected them. 16 years ago an employee left a bad man and lived here with her infant daughter until she could get out from under her lease and find a place of her own. They now live a few blocks away. More recently, we followed a long standing Ann Arbor tradition of housing teen friends of my daughter, who for very legitimate reasons, needed to not live with their families for a while. This house has been home to many. We gather for regular chosen family suppers where we do not discuss politics or religion. We continue to support and care for one another as our lives evolve. Tell me that doesn't constitute family.

What possible goal is achieved by maximum occupancy rules over and above existing safety regulations? Whatever concerns are being addressed, I can't imagine they supersede concerns of equity, inclusion, affordability and flexibility.

So I support losing that requirement. It's an absurdity and again limits the flexibility of housing options that could make ADU's both affordable (as in possible) and desirable to home owners.

ADU ordinances should align with our goals as a community. Please use that hopeful idea as a litmus test. I don't know what community ideals those who propagate fears about ADU's hold, but I do not believe they reflect the will of Ann Arbor as a whole.

Thanks for reading,
Jean Henry (again)

On Tue, Mar 2, 2021 at 4:49 PM Lenart, Brett <BLenart@a2gov.org> wrote:
Thank you for your comments, they will be shared with the Planning Commission.

Sincerely,

Brett Lenart, AICP | Planning Manager
City of Ann Arbor Planning Services
[301 E. Huron Street](https://www.a2gov.org/301-E-Huron-Street), P.O. Box 8647
Ann Arbor, MI 48107-8647

blenart@a2gov.org | Direct (734) 794-6000 #42606 | General (734) 794-6265 | www.a2gov.org

From: Jean Henry <jeanhenrya2@gmail.com>
Sent: Tuesday, March 02, 2021 4:26 PM
To: Planning <Planning@a2gov.org>
Subject: Ordinance to Amend Unified Development Code related to ADU's

Hello Planning--

I am writing in support of all proposed amendments to the ADU ordinance, specifically the following:

1. Removal of minimum 5,000 square feet lot size requirement.
2. Removal of additional parking requirements as the majority of proposed ADU's are within 1/4 mile of a bus stop.
3. Removal of the requirement that the owner of the property resides on the property.
4. Ensure the maximum occupancy is maintained.

My home of 30+ years is on the corner lot of William and 3rd St in the OWS. I would love to build an ADU on this property but there are many barriers. The proposed amendments would make it possible. Or at least I believe so. My property was actually a double lot when I purchased it and when first platted in the 1920's. So the intention when these lots were drawn was to build two structures here. And it's zoned R4C so the idea must have been that it could be developed. Now, under current zoning regulations, my property is a non-conforming structure on a non conforming corner lot in a historic district. You get the picture I'm sure...

1 and 2) The removal of the 5000 square foot lot minimum and parking requirements would allow not just my home but many homes in the near downtown area to build ADU's where they are arguably most

needed and useful to potential residents without cars. This is not at all out of character with the neighborhood, which has never sat easily in its mostly single family exclusive zoning designations.

Why do I want to build an ADU on this property? I have 87 year old parents who are still very active but also increasingly limited in their mobility. They absolutely do not want to go into assisted living 'unless there's no other option.' They live on a farm in a remote area of South Central PA for most of the year. My three siblings and I are geographically spread across the country. We would like to split care of them by having them come stay with each of us in turn for months at a time. An OWS home is not ideal for accessibility purposes. But an ADU could be. My kids do not want me to sell this house. If one of them ends up living here, I could move into the ADU where they could care for me if needed. If they choose other paths, then I could rent the main house and move into the ADU. If I am able, I would want to travel in my latter years as I did when younger, for months at a time. I might need to rent both buildings. I'm sure you can see that there are almost endless ways this could all pan out. It's hard to plan for my aging and my parents at the same time, while I still have a 15 year old in the house. What I need for my family is housing flexibility and that an ADU could provide that.

2 and 3) I'm a single parent with limited income. I couldn't live here at all if I didn't own my house. I now own it outright and almost everything I have is invested in it. I believe I could pay the 20 year note on a suitable ADU if, and only if, I can have the flexibility to rent it and possibly the house as well when not occupied. This would allow me to maintain 'maximum occupancy'-- a goal we share but to which the owner-occupied requirement would seem to be a barrier-- at least for me, looking ahead 20 years-- unless you want to hold me captive here (bad idea). Given all the variables at play, to make this work, assuming I can jump through all the other bureaucratic hoops (which will also likely increase my costs), I would need the flexibility to rent both structures in perpetuity as needed, not because I plan to, but because I might need to.

I love Ann Arbor and most people know my commitment. But I also want to travel again someday. And I want to be able to stay here to care for my parents instead of hauling my life off to Pennsylvania. If my son is still in school I wouldn't be able to do that.

I know this is all very personal. And I know that local building ordinances etc are not designed for one person's needs. But I do not think I am not alone in needing to balance a career, family, and caring for aging parents. An ADU is probably the only concrete (or wood-framed) thing I can plan for that would actually serve us all, but only if it's possible to build it.

Last note-- I have lived adjacent to two rental properties my entire 30+ years in this house, and I have had NO problem with it. I enjoy the rotation of neighbors. Some of them have become friends who stop by when in town. I will never understand the bias against renters in a town full of them. I want to live next to people who start their lives here and then leave and do great things. That shuffle of diverse humans passing through our little town on the way to their next chapter is why I and so many people love living here. It makes Ann Arbor a dynamic place to live. Let's open up our city to more people with more kinds of families and more ways of living and more ways of growing old.

Thank you for your help in imaging an inspiring and dynamic future for my family and this city.

Yours,

Jean Henry

[504 W William St](#)

[A2 48103](#)

From: Ryan Minnema <rmins19@yahoo.com>
Sent: Thursday, March 11, 2021 2:07 PM
To: Planning <Planning@a2gov.org>
Subject: Proposed ADU changes

Hi,

I would like to voice my support for the proposed changes to the ADU laws. I think that more housing/rental options in Ann Arbor is great for the community. There is a housing crisis in A2 and this is a step in the right direction to help solve it.

--

Ryan Minnema

Hello Ms. Mitchell-

No, the bylaws don't address this, however as staff support to the Planning Commission I chose to share this information. It has no bearing on the legal requirements established for notification of ordinance amendments. I will share your comments with the Planning Commission.

Sincerely,

Brett Lenart, AICP | Planning Manager
City of Ann Arbor Planning Services
301 E. Huron Street, P.O. Box 8647
Ann Arbor, MI 48107-8647

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<http://www.a2gov.org/>

—Original Message—

From: Rita <ritalmitchell@gmail.com>
Sent: Wednesday, March 03, 2021 12:24 AM
To: Planning <Planning@a2gov.org>
Subject: Process Question

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.

Dear Planning Commissioners,

I watched a short portion of your meeting tonight, while it was still Tuesday, March 2. Just before midnight, discussion centered around whether the public was adequately informed of the issue under consideration, ADUs. Consideration of sending a postcard to residents was discussed. Mr. Lenart stated that he had just received an email from Ryan Stanton or MLive, who said that an article on ADUs had received over 50,000 views.

That bit of information on readership seemed to turn the tide of discussion away from mailing postcards and attempting to engage the public further. I question the calling out of an email from the press as correct public process for the Planning Commission. Do Planning Commission bylaws address input from the press?

Thank you,

Rita Mitchell
621 Fifth St.
Ann Arbor, MI 48103

From: John Pianelli <outlook_18749EBB2B0DA57B@outlook.com>
Sent: Tuesday, March 02, 2021 9:23 PM
To: Planning <Planning@a2gov.org>
Subject: Accessory Unit - Proposed Amendments

I DON'T AGREE WITH THIS CHANGE (SEE BELOW)

Removing the requirement that the owner of the property resides on the property.
THEY SHOULD ! THAT WAS MAJOR JUSTIFICATION. NOT TO ENRICH SLUM LORDS

From: David States <djstates@gmail.com>

Sent: Wednesday, March 03, 2021 10:32 AM

To: Planning <Planning@a2gov.org>; Taylor, Christopher (Mayor) <CTaylor@a2gov.org>; Song, Linh <LSong@a2gov.org>

Subject: Proposed changes to city zoning law regarding accessory dwelling units

Dear Planning Commission,

I attempted to make a public comment at last night's meeting to discuss proposed changes to the zoning law regarding accessory dwelling units (ADU). Despite listening for several hours on the telephone and repeatedly entering *9 as instructed, I was never recognized and never given the opportunity to provide public comment so I am doing so in writing.

I support the handling of ADUs under current zoning law.

There are several aspects of the proposed changes and the way in which the process to modify Ann Arbor's zoning are being managed that I do not support.

Lack of adequate notice - The proposed changes to Ann Arbor's zoning law are substantial. I received no notice of the meeting from the City and only heard about it by word of mouth. This is unacceptable, and I suspect that the Planning Commission and City are opening themselves up to legal challenge if they proceed without providing adequate public notice. I don't want my tax dollars wasted on legal fees defending your actions if this occurs.

Lack of opportunity to comment - As I said, I spent several hours on the telephone listening to the meeting which ran past 11:30 PM last night. The Zoom meeting ID you provided, 929 1620 2435, required a passcode to enter the meeting, but no passcode was provided. Despite repeatedly dialing *9 on my telephone, I was never recognized or given the opportunity to provide public comment.

Change in setbacks - The proposal to allow new ADU construction within 3 feet of the property line in all residential neighborhoods is a substantial change to Ann Arbor zoning law. Dwellings constructed this close to the property line would not be consistent with the nature and characteristics of many residential neighborhoods. I do not support allowing construction of new ADUs that are not in compliance with current setbacks as specified in the UDC Table 5.17-1

Change in parking requirements - All residential housing zones in Ann Arbor currently require the availability of off street parking unless the property is within 1/4 mile of a bus stop. Allowing ADUs to be constructed without requiring that off street parking is available for the occupants of that ADU means that they will need to park on street. Residents routinely parking on street will substantially alter the nature and character of many neighborhoods. Neighbors living near current ADUs have complained about parking problems. I do not support allowing ADUs to be constructed without off street parking.

Change allowing detached ADUs - The proposed change allowing construction of a detached ADU is effectively permitting the construction of a second residence on a property. This is a major change in zoning. I would support permitting the conversion of an existing detached structure that complies with current setback and parking requirements for residential housing (see above) to allow use as an ADU, but I do not support allowing new construction of a second detached residential unit on a lot zoned for single family housing. If the Planning Commission wishes to convert neighborhoods currently zoned R1

to R2 status, they need to be explicit about this and follow the procedures required to make such a change.

Change to allow ADUs to be constructed on investor owned properties - I do not support this change. Owners occupying a property will be immediately aware of and motivated to prevent nuisances by occupants of an ADU. Investor owners are not likely to be aware or similarly motivated to control annoying behavior by tenants. The Planning Commission was unable to answer questions regarding what additional enforcement burden this change would induce. Before ADUs are permitted on investor owned properties, the City needs to understand what additional burdens such a change will place on housing enforcement and police services.

The Planning Commission and some commenters expressed a desire to increase the availability of centrally located affordable housing in Ann Arbor. This is a laudable goal, but I do not believe that the proposed changes to ADU zoning will be effective in achieving it. Alternatives including relaxing height restrictions on downtown buildings and expanding duplex zoned neighborhoods. The Planning Commission needs to consider these alternatives before making changes to the code on ADUs.

Thank you,

David

David J States MD PhD
2254 Belmont Rd
Ann Arbor, Michigan

From: Louise K Stein <lkstein@umich.edu>
Sent: Tuesday, March 02, 2021 8:07 PM
To: Planning <Planning@a2gov.org>
Subject: NO CHANGES TO ORDINANCES

Good evening . I send this message to object to the proposal to eliminate various requirements for ADUs that currently have been in force. The changes being proposed essentially de-regulate the real-estate market in Ann Arbor so that all properties can be monetized as rental assets at the absolute discretion of the owners. This poses a serious threat to our neighborhoods and the sense of residential community in Ann Arbor. These two long-standing elements of our city are among the few things that make Ann Arbor a truly special place to live—along with the trees and clean air, which already have suffered from the planning commission's relentless m, insensitive push for more urban development. Scrapping restrictions on ADU development will invite a host of legal and social problems. A requirement that the owner of the property live on the property of any ADU is necessary for preserving the quality of our neighborhoods. That regulation prevents professional developers and other entities with no connection to a neighborhood (such as LLCs) from buying up all available property to develop ADUs for purely financial purposes.

We do not need MORE absentee ownership in our community, MORE ugly unkempt properties, MORE unchecked greed and destruction of good existing houses. Where is the guarantee that ADUs will contribute to affordable housing? Without strict parameters regulating the conditions of ownership and leasing of ADUs, there is nothing stopping Ann Arbor from becoming an even more expensive housing market that only further contributes to wealth inequality and social segregation in our community, all the more so if the laws change to give more control to business interests and wealthy individuals with nothing but a profit-seeking stake in their Ann Arbor property holdings. This would only have the effect of undermining our neighborhoods merely for private gain. You must also consider the city's infrastructure of streets, sewers, storm drains, electrical grid, and waterways that are designed for a smaller version of Ann Arbor than the one that the planning commission is envisioning, should they scrap regulations on ADUs. Ann Arbor as we know it has been built and maintained by single-family, community-oriented, long-term residents. That's what makes it a great place to live, and the city code exists to maintain that quality of life and prevent a complete devaluation of the city's residential properties.

I urge the Planning Commission to withdraw the current proposals and consider other ways to improve the housing situation in the entire area in ways that include strict guarantees of creating affordable housing and rigorous attention to preserving the functioning of our infrastructure and the quality of our lifestyle in the city.

People matter!

Sincerely,
Louise Stein

From: Julius Stein-Supanich <jsteinsupanich@gmail.com>

Sent: Tuesday, March 02, 2021 7:45 PM

To: Planning <Planning@a2gov.org>

Subject: Input about ADUs

Good afternoon. I send this message to object to the proposal to eliminate various requirements for ADUs that currently have been in force. The changes being proposed essentially de-regulate the real-estate market in Ann Arbor so that all properties can be monetized as rental assets at the absolute discretion of the owners. This poses a serious threat to our neighborhoods and the sense of residential community in Ann Arbor. These two long-standing elements of our city are among the few things that make Ann Arbor a truly special place to live—along with the trees and clean air, which already have suffered from the planning commission's relentless push for more urban development. Scrapping restrictions on ADU development will invite a host of legal and social problems. A requirement that the owner of the property live on the property of any ADU is necessary for preserving the quality of our neighborhoods. That regulation prevents professional developers and other entities with no connection to a neighborhood (such as LLCs) from buying up all available property to develop ADUs for purely capitalistic purposes.

We do not need absentee ownership in our community, and the Planning Commission has given no reason for it. Where is the guarantee that ADUs will contribute to affordable housing? Without strict parameters regulating the conditions of ownership and leasing of ADUs, there is nothing stopping Ann Arbor from becoming an even more expensive housing market that only further contributes to wealth inequality and social segregation in our community, all the more so if the laws change to give more control to business interests and wealthy individuals with nothing but a profit-seeking stake in their Ann Arbor residential property holdings. This would only have the effect of undermining our neighborhoods for private gain. You must also consider the city's infrastructure of streets, sewers, storm drains, electrical grid, and waterways that are designed for a smaller version of Ann Arbor than the one that the planning commission is envisioning, should they scrap regulations on ADUs. Ann Arbor as we know it has been built and maintained by single-family, community-oriented, long-term residents. That's what makes it a great place to live, and the city code exists to maintain that quality of life and to prevent a complete devaluation of the city's residential properties.

I urge the Planning Commission to withdraw the current proposals and consider other ways to improve the housing situation in the entire area in ways that include strict guarantees of creating affordable housing and rigorous attention to preserving the functioning of our infrastructure and the quality of our lifestyle in the city.

Sincerely,

Julius Stein-Supanich