

HBA16-002



City of Ann Arbor
PLANNING & DEVELOPMENT SERVICES — CONSTRUCTION SERVICES

4-18-16

Mailing: 301 E. Huron St. | P.O. Box 8647 | Ann Arbor, Michigan 48107-8647
p. 734.794.6263 | f. 734.994.8460 | building@a2gov.org

APPLICATION FOR VARIANCE - BUILDING BOARD OF APPEALS

Section 1: Applicant Information		
Name of Applicant:	Wessinger Properties - Nick Elser	
Address of Applicant:	2061 S. 7 th St.	
Daytime Phone:	734 747 6372	Fax: 734 747 - 8542
Email:	wessingerproperties@gmail.com	
Applicant's Relationship to Property:	Owner	
Section 2: Property Information		
Address of Property:	818 Church St. Apt. 2 + Apt. 2	
Zoning Classification:	R4C	
Tax ID# (if known):	09-09-33-203-006	
*Name of Property Owner:		
<i>*If different than applicant, a letter of authorization from the property owner must be provided.</i>		
Section 3: Request Information		
<input checked="" type="checkbox"/> Variance		
Chapter(s) and Section(s) from which a variance is requested:	REQUIRED dimension:	PROPOSED dimension:
Please see attached sheets.		
<i>Example: 2003 Building Code, Section 5:26 Example: 7' Ceiling Clearance Example: 6'5" under landing</i>		
Give a detailed description of the work you would need this variance for (attach additional sheets if necessary)		
No work needed. All areas are as existing since our ownership of the build. Also attached are staff notes and a cellar marks et filled out by Rita Fulton in 2009.		

Section 4: Variance Request

The City of Ann Arbor Building Board of Appeals has the powers granted by State law and Building Codes. A variance may be granted by the Building 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 Building Board of Appeals.

1. Are there hardships or practical difficulties to complying with the Code? Are these hardships or practical difficulties an exception or unique to the home compared to other homes in the City?

Yes. It would not be possible to alter most of the existing conditions without considerable expense.

2. Are the hardships or practical difficulties more than mere inconvenience or inability to obtain a higher financial return, or both? (explain)

Both Changing head room alone would not be a practical option.

3. What effect will granting the variance have on the neighboring properties? None.

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 Code?

These cellar rooms are existing and would be very safe as sleeping rooms in their current configuration.

5. Is the condition which prevents you from complying with the ordinance self-imposed? How did the condition come about?

These cellar rooms have been in their current configuration since prior to our ownership of the building.

Section 5: 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 Building 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. **If incomplete, you will be scheduled for the NEXT MEETING DATE ON THE FOLLOWING MONTH.**

- State proposed use of property, size of lot and size and type of proposed changes.
- Building floor plans showing interior rooms, including dimensions. (continued....)
- Photographs of the property and any existing buildings involved in the request.
- Any other graphic or written materials that support the request.
- Letter of Authority if being represented by someone other than the property owner.

Section 6: 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 Applicable City Code and/or 2006 Michigan Residential Code and/or 2006 Michigan Building Code for the stated reasons, in accordance with the materials attached hereto.

734 747 6372
Phone Number

[Signature]
Signature

wessingerproperties@gmail.com
Email Address

Nick Elsc
Print Name

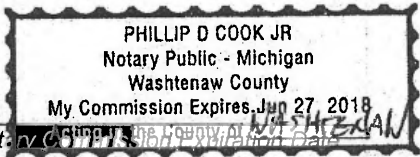
I, the applicant, hereby depose and say that all of the aforementioned statements, and the statements contained in the materials submitted herewith are true and correct and have received all coversheets with dates, deadlines and instructions. Applicant acknowledges that they are aware of these meeting dates and will not receive further notification of meeting dates and times. All applicants are expected to know when and where the meeting is and to appear to present their appeal in a timely fashion:

[Signature]
Signature

Further, I hereby give City of Ann Arbor Planning and Development Services unit staff and members of the Building Board of Appeals permission to access the subject property for the purpose of reviewing my variance request. As a condition of granting any variance, the property owner is also responsible for reinstating, paying fees for or acquiring new permits to inspect and final out any outstanding work at this property:

[Signature]
Signature

On this 14th day of April, 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.



[Signature]
Notary Public Signature
Phillip D. Cook Jr.
Print Name

STAFF USE ONLY

Date Submitted: 4-18-16 Fee Paid: \$500.00

File No: 1 BA 16-013

Pre-Filing Review Person & Date: _____

Secondary Staff Review Person & Date: _____

Date of Public Hearing: _____

BBA Action: _____

OUTSTANDING PERMITS: _____





CITY OF ANN ARBOR

100 N. FIFTH AVE • ANN ARBOR, MI 48104
(734) 794-6267

Receipt Number: 2016-00050279

Project Number BBA16-013
Receipt Print Date: 04/18/2016
Address 818 CHURCH ST
Applicant WESSINGER PROPERTIES, LLC
Owner WESSINGER PROPERTIES, LLC
Project Description basement variance for 3 bedrooms

FEES PAID

0026-033-3370-0000-4361		
P&D - APPEAL FEES 15/16		
BBA - ALL OTHER STRUCTURES	0026-033-3370-0000-4361	500.00

Total Fees for Account 0026-033-3370-0000-4361:		500.00
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TOTAL FEES PAID		500.00
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DATE PAID: Monday, April 18, 2016
PAID BY: LOGOS
PAYMENT METHOD: CHECK 3898

Housing Variance requests for 818 Church Street Apartments 1 and 2.

I, Nick Else, on behalf of Wessinger Properties, am requesting that the following housing variances be granted for three existing cellar study rooms so that they can be used as legal sleeping rooms. All three rooms are existing, and have been in their current configuration and state of finish since before we purchased the building in 1985. In 2009, my father, John Wessinger, who founded and was running Wessinger Properties at the time, initiated steps to have these variances considered by the HBA. He asked housing inspector Rita Fulton to do a review of the spaces and write up staff notes that could accompany the variance request. These notes are attached to this application. Unfortunately, my father was fighting cancer at the time and he succumbed to the illness in 2010. At that time, I was thrust into taking over the family business and I was not aware of his intentions in regards to this housing variance request until recently. While checking into the current certificate of occupancy, I realized that the CO had actually expired and he never submitted the variance request paperwork.

Over the last month, we have had Protech Environmental provide Radon testing and have had the main sewer line (located in a separate mechanical room) cleaned by Roto-Rooter. Proof of these services, and the results, are attached to this request. I have also included two drawings for reference. The circled numbers on the drawings correspond with item numbers in this letter. Please note that there is no longer a ventilation issue for any of these rooms, as 3 small, non-opening foundation windows have been replaced with sliders since Rita Fulton's staff notes were written (see item A on both drawings 1 and 2.)

Requested variances for Apartment 1 cellar study (please refer to drawing 1 for reference);

1. 8:504 (3)(a)
 - o Requirement: 2nd means of egress.
 - o Proposed: Through a mechanical room with no ceiling, accessed directly from the cellar room through a self-closing, 32" fire door. The mechanical room has an existing overhead sprinkler. We have also already installed wireless, interconnected smoke detectors at the top and bottom of the basement stairs.
2. 8:504 (4)(b)(1)
 - o Requirement: 27" minimum stairway width.
 - o Proposed: 25". Current tread width measurement at the lower landing from 1st floor to cellar room. Overall stairway width is 37".
3. 8:503 (6)(n)
 - o Requirement: 22" required minimum at top of stairway.
 - o Proposed: 21". Existing clear opening width of door opening at the top of cellar stairs.
4. 8:503 (6)
 - o Requirement: 3'6" floor to grade height.
 - o Proposed: 4'9". Existing floor to grade height. There is a large, existing slider window that has a clear opening measurement of 18 ¾" x 30 ½" and a floor to sill height

of 50 ½" for egress access. With an exterior window well that is only 14" deep and is 29" x 59".

A Radon test was completed on 3/4/2016 by Protech and the result was a reading of 8.5 for this room which would require a Radon mitigation system. Protech has already received a signed proposal for installing this system and is in the process of scheduling the work (see item B on drawing 1.) This will most likely occur sometime in May 2016.

Requested variances for Apartment 2 west cellar study (please refer to drawing 2 for reference);

5. 8:504 (3)(a)
 - Requirement: 2nd means of egress.
 - Proposed: Through a mechanical room with no ceiling, accessed directly from the unit cellar corridor through a self-closing 32" fire door. The basement corridor immediately outside this west cellar room has an existing drywall ceiling and sprinkler head and the mechanical room does not have a ceiling but also has an existing overhead sprinkler head. We have also already installed wireless, interconnected smoke detectors at the top and bottom of the cellar stairs of apt. 2.
6. 8:504 (4)(b)(2)
 - Requirement: 6'0" minimum headroom height at base of stairway.
 - Proposed: 5'9". Existing headroom at bottom of cellar stairs.
7. 8:504 (4)(a)(2)
 - Requirement: 6'6" minimum headroom in corridor outside cellar room.
 - Proposed: 6'4". Existing headroom in cellar corridor outside of room.
8. 8:503 (6)
 - Requirement: 3'6" floor to grade height.
 - Proposed: 4'9". Existing floor to grade height. There is a large, existing slider window that has a clear opening measurement of 18 ¾" x 30 ½" and a floor to sill height of 50 ½" for egress access. With an exterior window well that is only 14" deep and is 29" x 111".

A Radon test was completed on 3/4/2016 by Protech and the result was a reading of 1.3 which is well under the government hazardous standard.

Requested variances for Apartment 2 west cellar study;

5. 8:504 (3)(a)
 - Requirement: 2nd means of egress.
 - Proposed: Through a mechanical room with no ceiling, accessed directly from the unit cellar corridor through a self-closing 32" fire door. The basement corridor immediately outside this west cellar room has an existing drywall ceiling and sprinkler head and the mechanical room does not have a ceiling but also has an existing overhead


sprinkler head. We have also already installed wireless, interconnected smoke detectors at the top and bottom of the cellar stairs of apt. 2.

6. 8:504 (4)(b)(2)
 - o Requirement: 6'0" minimum headroom height at base of stairway.
 - o Proposed: 5'9". Existing headroom at bottom of cellar stairs.
7. 8:504 (4)(a)(2)
 - o Requirement: 6'6" minimum headroom in corridor outside cellar room.
 - o Proposed: 6'4". Existing headroom in cellar corridor outside of room.
8. 8:503 (6)
 - o Requirement: 3'6" floor to grade height.
 - o Proposed: 4'9". Existing floor to grade height. There is a large, existing slider window that has a clear opening measurement of 18 ¾" x 30 ½" and a floor to sill height of 50 ½" for egress access. With an exterior window well that is only 14" deep and is 29" x 111".

A Radon test was completed on 3/4/2016 by Protech and the result was a reading of 1.5 which is well under the government hazardous standard.

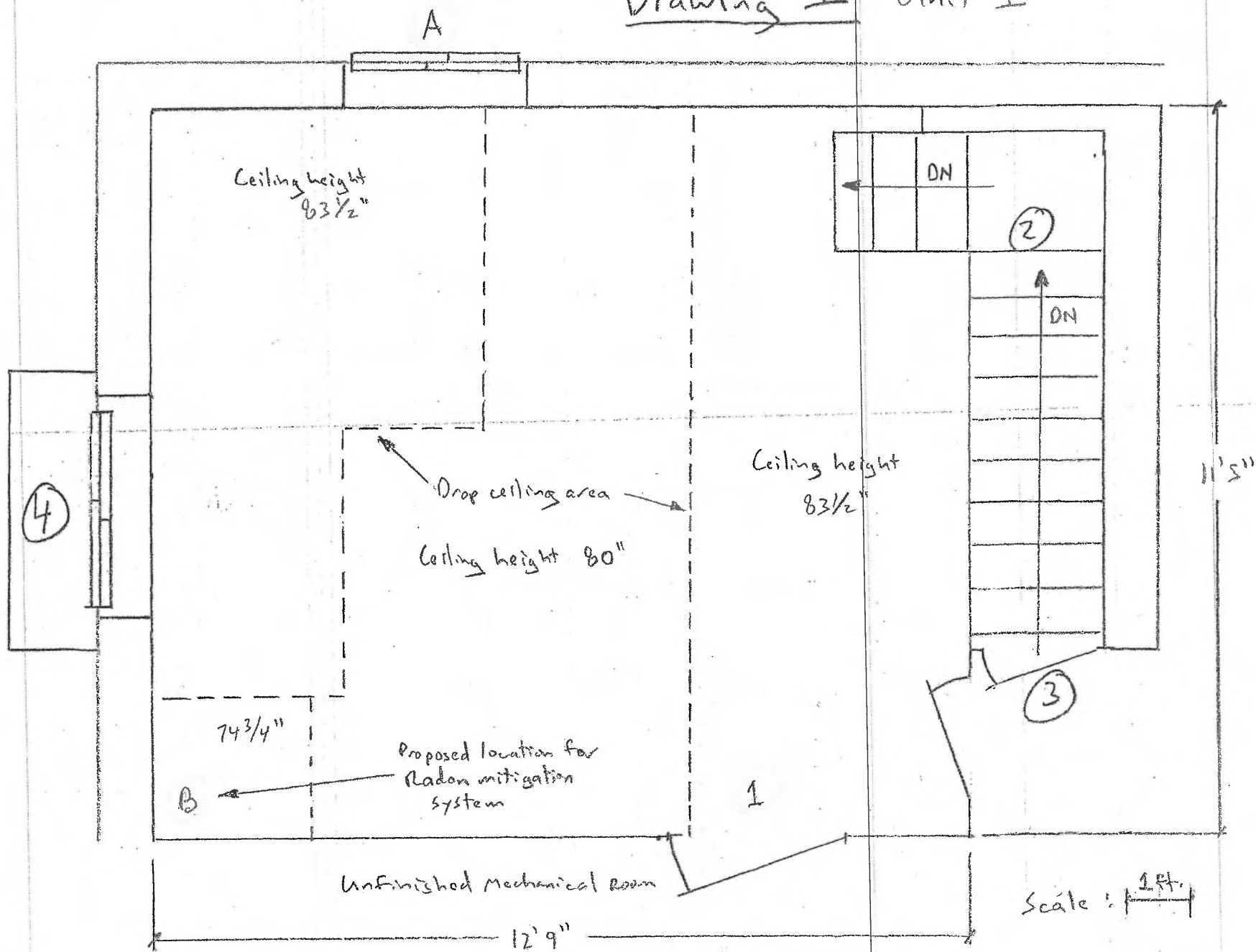
In conclusion, we believe, and so did Rita Fulton, that these cellar rooms are safe and meet the spirit of the code for resident comfort and safety. Additionally, the existing ceiling mounted sprinkler heads and wireless, interconnected smoke detectors, add to resident safety. I look forward to addressing any questions you may have.

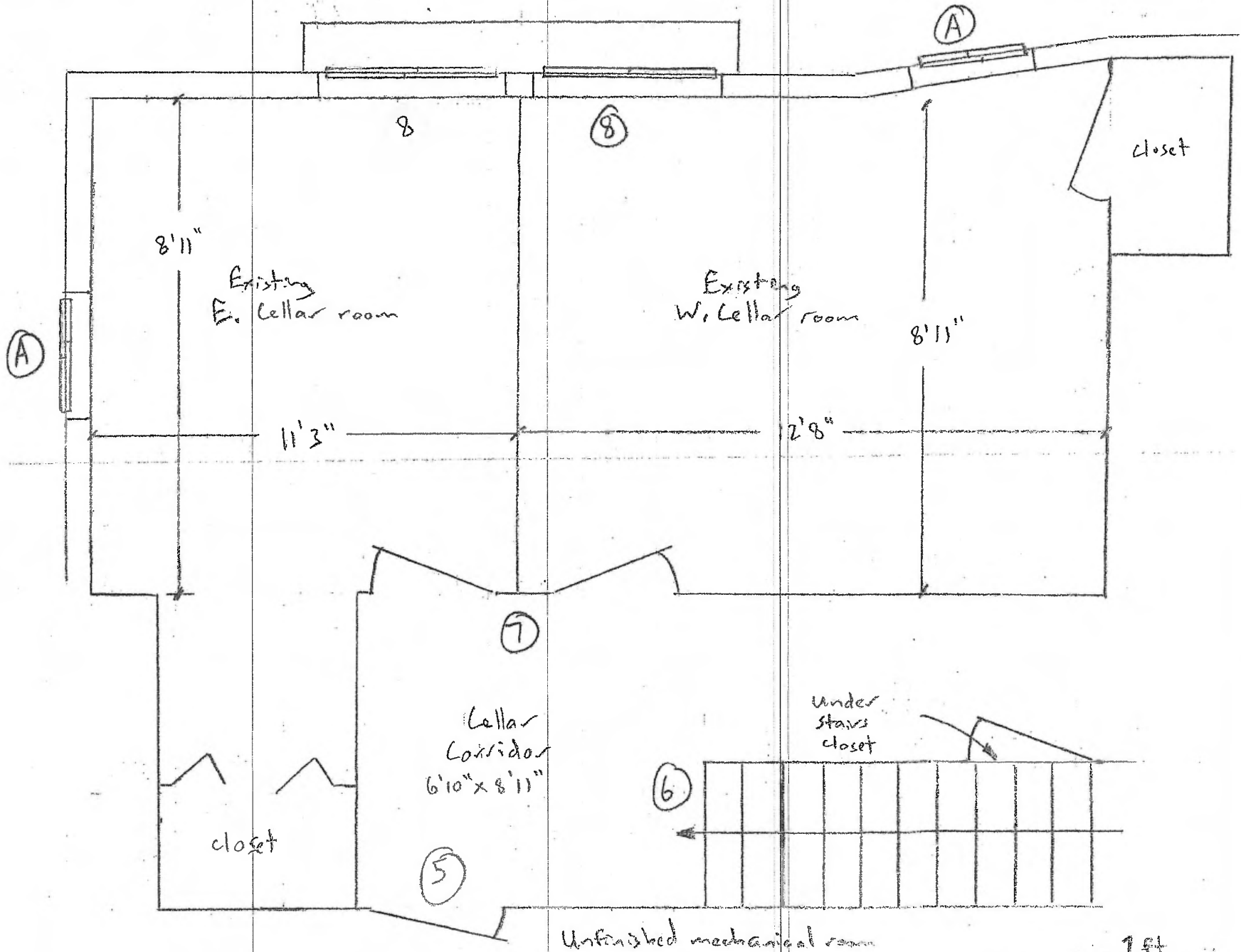
Nick Else



Owner/ Manager- Wessinger Properties

Drawing 1 - Unit 1





Drawn: 2 - Unit 2



Wessinger Properties

Nick Else

Supplemental pictures for Housing Board of Appeals variance
application submitted April 18, 2016.

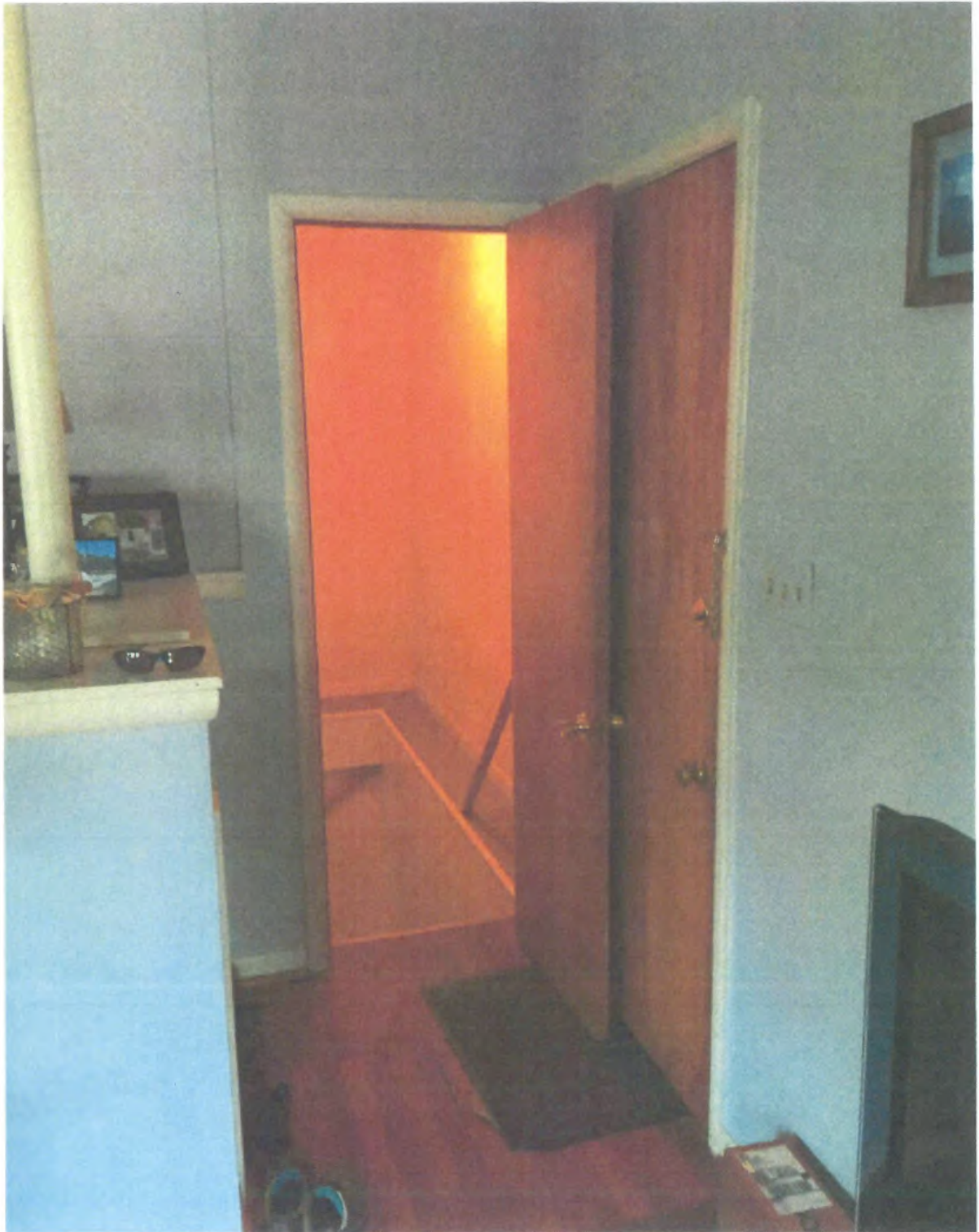
The Item # on each picture refers to the variance requested in the
application.



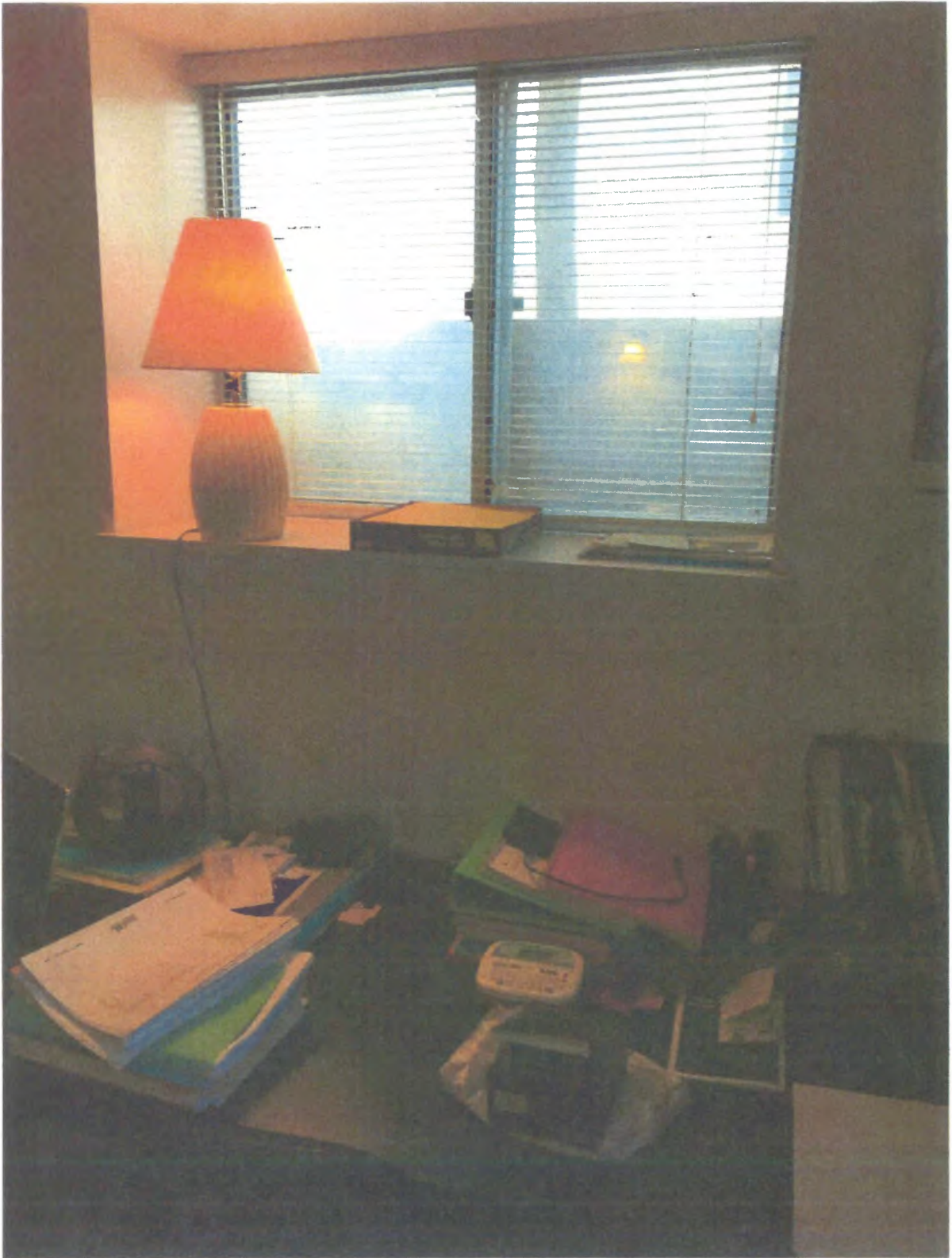
Item 1- Unit 1- Proposed 2nd means of egress from cellar room into mechanical room. 32' self-closing solid core fire door.



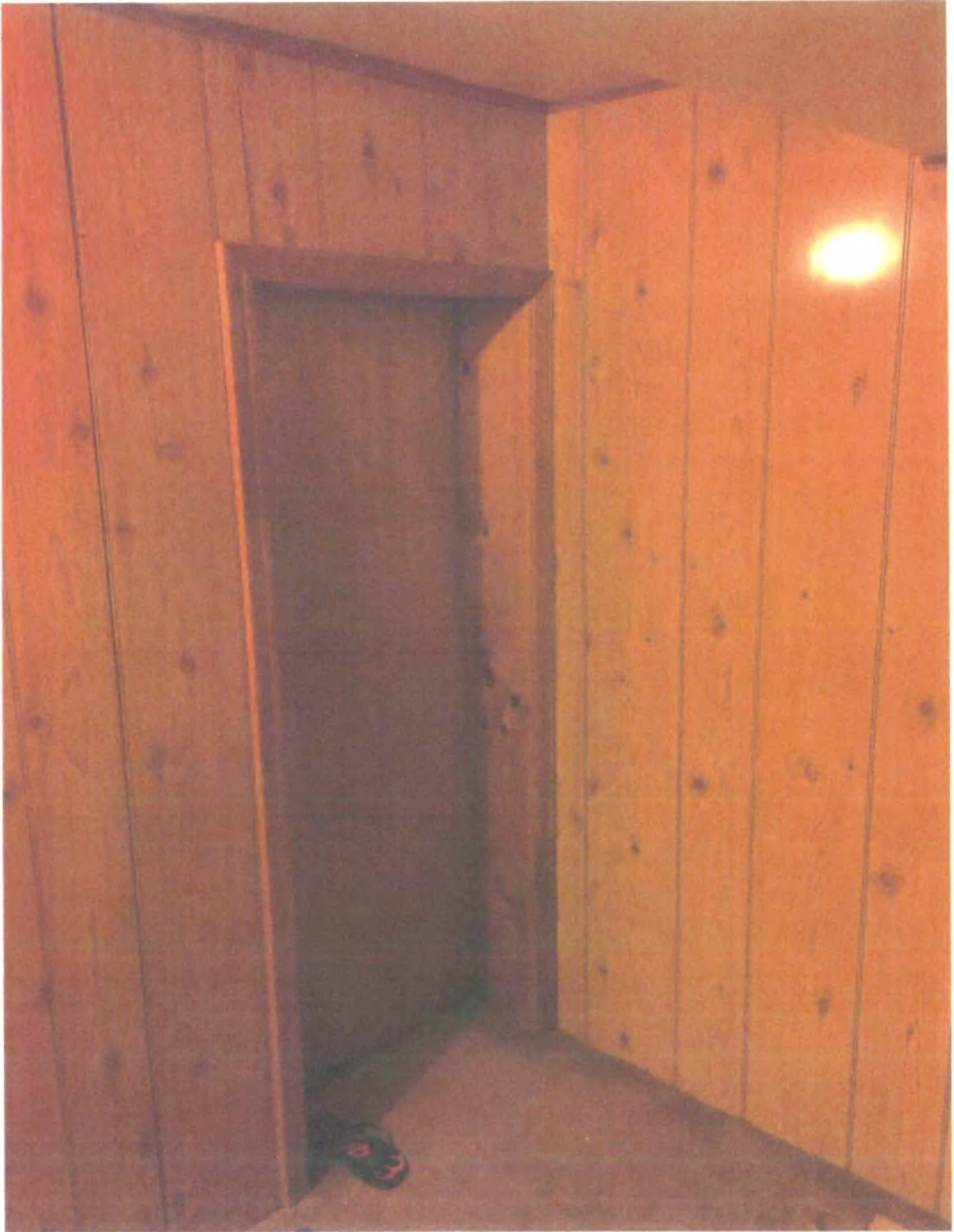
Item 2- Unit 1 cellar stairs. 25" tread-width at bottom of stairs. Wireless, interconnected smoke detectors are at the top and bottom of stairs.



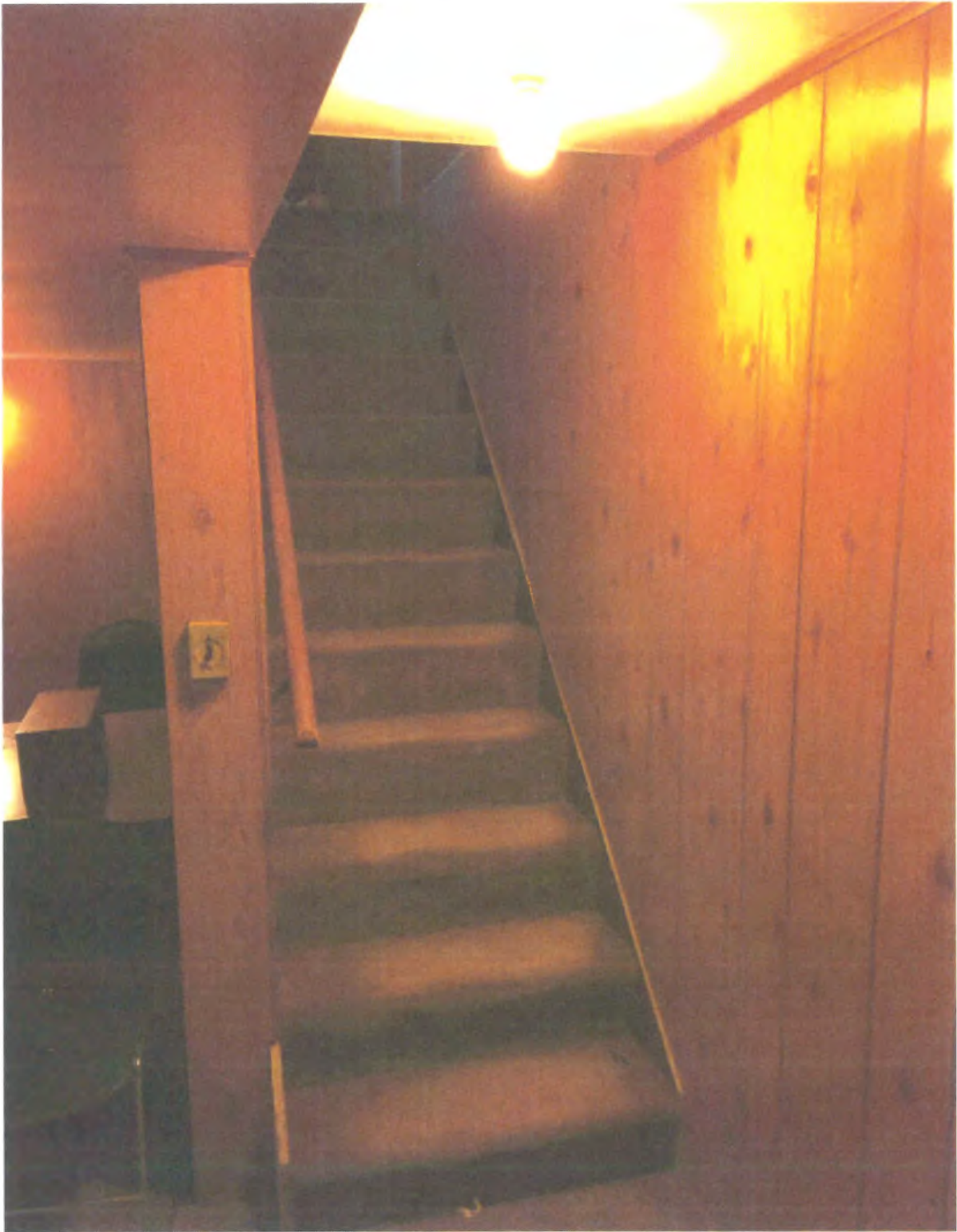
Item 3- Unit 1- Door opening at top of cellar stairs. Existing clear opening of 21". Wireless, interconnected smoke-detectors are at the top and bottom of stairs



Item 4- Unit 1- Existing slider window for cellar room egress with clear opening of 18 3/4" x 30 1/2" and sill height of 50 1/2"



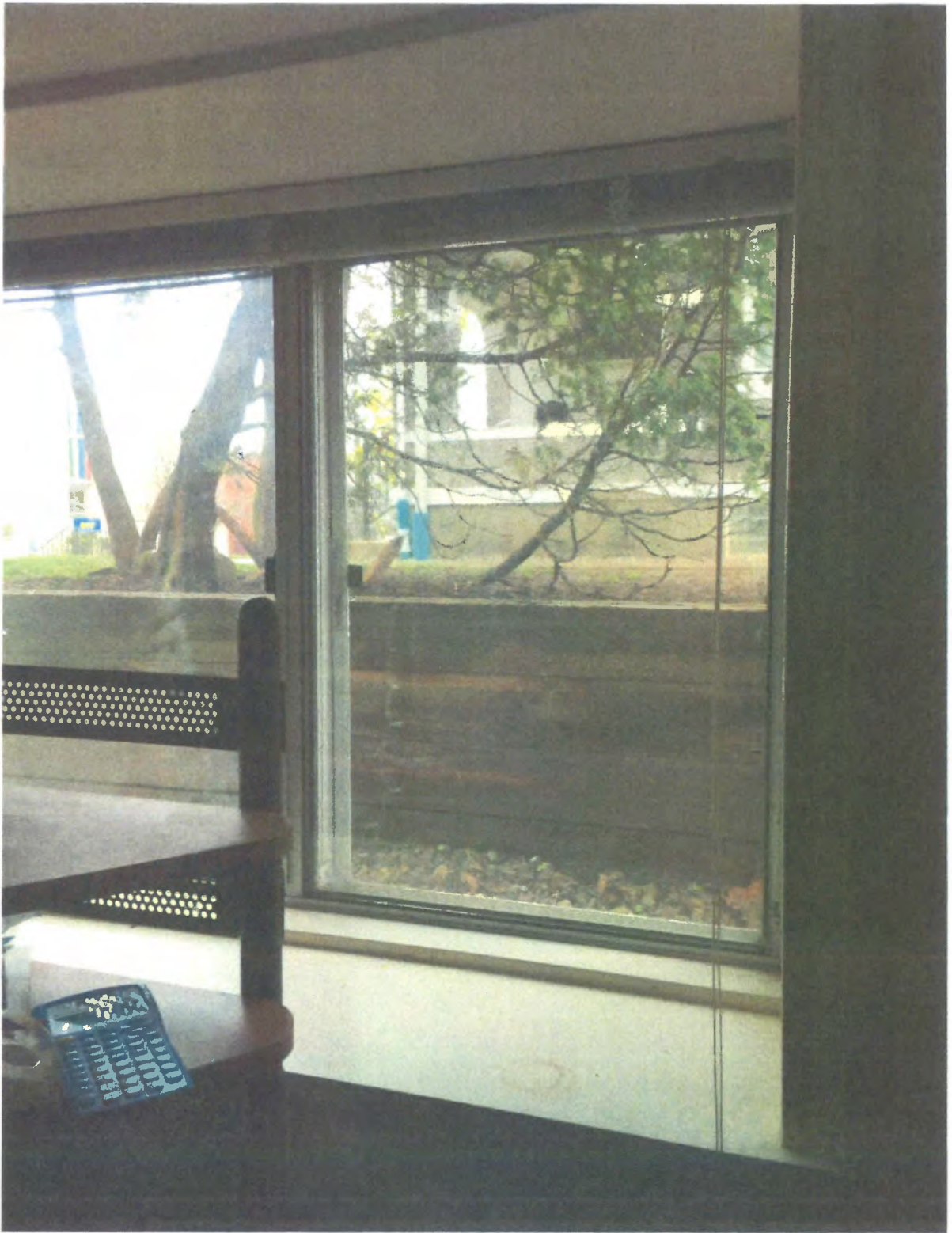
Item 5- Unit 2- Proposed 2nd means of egress through mechanical room with ceiling mounted sprinkler. Through self-closing, solid core door.



Item 6- Unit 2- 5'9" existing headroom at bottom of stairs. Wireless, interconnected smoke detectors are at the top and bottom of stairs.



Item 7- Unit 2- 6'4" existing headroom outside of cellar rooms.



Item 8- Unit 2- Existing slider window in W cellar room for egress with clear opening of 18 3/4" x 30 1/2" and sill height of 50 1/2".



Item 8- Unit 2- Existing slider window in E cellar room for egress with clear opening of $18 \frac{3}{4}$ " x $30 \frac{1}{2}$ " and sill height of $50 \frac{1}{2}$ ".



CITY OF ANN ARBOR, MICHIGAN
Community Services Area
Planning & Development Services Unit
301 E Huron St, Ann Arbor, MI 48107-8647
www.a2gov.org

Housing Board of Appeals Staff Report

Subject: HBA 16-002
818 Church Street, Apartments 1 & 2 cellar bedrooms

Description and Discussion:

The owner of the residence located at 818 Church Street requests several variances to allow three finished rooms in the cellar for use as sleeping rooms. One of the rooms is contained within apartment #1. Two of the rooms are contained within apartment #2.

Per inspector Rita Fulton's 7-24-2009 letter the following housing code deficiencies were identified:

GENERAL

- G1. Inadequate natural ventilation for all 3 proposed cellar bedrooms per 8:502(2).
- G2. Inadequate second means of egress for all three proposed cellar bedrooms per 8:504(3)(a).
- G3. Inadequate grade for all three proposed cellar bedrooms per 8:503(6).
- G4. Radon tests showing acceptable levels of radon per 8:503(6)(s).
- G5. Proof of a recent sanitary sewer cleaning per 8:503(6)(q).

APARTMENT #1 (1 cellar sleeping room proposed)

- A1.1 Inadequate width of the unit's interior cellar stairs at the lower stair landing per 8:504(4)(b)(1).
- A1.2 Inadequate doorway width at the top of the unit's interior cellar stairs, per 8:503(6)(n).

APARTMENT #2 (2 cellar sleeping rooms proposed)

- A2.1 Inadequate ceiling height at the bottom of the unit's interior cellar stairs per 8:504(4)(b)(2).
- A2.2 Inadequate corridor headroom in the unit's cellar hallway per 8:504(4)(a)(2).

Status of the above items is as follows:

- G1. This item was resolved with 3 replacement cellar sliding windows: Variance no longer required.
- G2. The second means of egress through the mechanical/laundry room lacks a 1-hour rated ceiling. The petitioner has wireless interconnect smoke alarms on the stairs, and an overhead sprinkler in the mechanical room.
- G3. The rooms are more than half below grade by 1-foot 3-inches and therefore defined as cellar rooms per 8:500(7). The housing board of appeals must approve use of the rooms as habitable space per 8:503(6).
- G4. EPA protocol tests performed by Protech from 3-2-16 to 3-4-16 show acceptable levels of radon in the 2 cellar rooms of apartment #2 (1.3 & 1.5 pCi/L), but exceed the 4 pCi/L threshold in the cellar room of apartment #1 (8.5 pCi/L). Permit BLDG16-0612 was issued on 4-14-16 to install a fan driven radon mitigation system.
- G5. Roto-Rooter cleaned the sewer on 3-1-16.

- A1.1 The cellar stair width is 2 inches short of the required 27 inch width at the lower stair landing. Structural constraints limit the ability to expand the landing.
- A1.2 The doorway width is 1 inch short of the required 22 inch width at the top of cellar stairs. Structural constraints limit the ability to widen the doorway.

A2.1 The ceiling height at the bottom of cellar stairs is 1 inch short of the required 6 foot height.
A2.2 The dwellings cellar corridor height outside the rooms is 2 inches short of the 6-foot 6-inch height requirement.

Section 8:515 (2) of the Ann Arbor Housing Code:

The City of Ann Arbor Housing Code allows the Housing Board of Appeals to grant variances on existing structural elements of a building.

Standards for Approval:

The variances do not violate the intent of this chapter

The first purpose of the Ann Arbor Housing Code is to protect the health, safety and welfare of residents. Granting these variances as requested by the petitioner **will not** violate this purpose.

Recommendation:

Staff recommends the following motions:

G1. Ventilation 8:502(2).

No action required.

G2. Second means of egress 8:504(3)(a).

Staff is not opposed to the variance provided that interconnected smoke alarms are maintained at the top and bottom of cellar stairs, the overhead sprinkler is maintained within the mechanical room, and a carbon monoxide detector is maintained within the mechanical room.

G3. Grade 8:503(6).

Staff is not opposed to granting a variance for cellar sleeping rooms.

G4. Radon 8:503(6)(s).

A radon test should be performed within apartment #1 cellar after the installation of the radon mitigation system to ensure safe levels of radon have been achieved prior to occupancy of the apartment #1 cellar space.

G5. Sewer cleaning 8:503(6)(q).

No action required.

A1.1 & A1.2 Stair and doorway width 8:504(4)(b)(1) and 8:503(6)(n).

Staff is not opposed to the variances and recommends a contingency to maintain interconnected smoke alarms at the top and bottom of the apartment #1 stairs.

A2.1 & A2.2 Ceiling height at stairs and corridor per 8:504(4)(b)(2) and 8:504(4)(a)(2).

Staff is not opposed to the variances and recommends a contingency to maintain interconnected smoke alarms at the top and bottom of the apartment #2 stairs.

MOTION

Respectfully submitted,

Brad Ruppel
Development Services Inspector

Lisha Turner-Tolbert
Inspection Supervisor



CITY OF ANN ARBOR, MICHIGAN

Community Services Area
Planning & Development Services Unit
301 East Huron, P.O. Box 8647,
Ann Arbor, Michigan 48107-8647
Phone: (734) 794-6264
Fax: (734) 994-8460

September 8, 2016

Nick Else
Wessinger Properties
2061 S. 7th Street
Ann Arbor, MI 48103

Re: 818 Church Street Apt. 1 and Apt. 2, Ann Arbor, Michigan 48103
Parcel Identification Number ("PIN"): 09-09-33-203-006

Dear Mr. Else:

Please consider this as a reminder to attend the Ann Arbor Housing Board of Appeals meeting for your variance request. You will have the opportunity to address the Board regarding your request.

The meeting will take place on Tuesday, September 13, 2016 at 1:30 PM on the 2nd floor of City Hall in the Council Chambers. If you are planning to support your request with information or evidence not included with your application, please submit them to City Housing Department staff either by email at a2rentalhousing@a2gov.org or in person no later than the Monday before the meeting to allow time for distribution to the Board members. If you bring additional materials to the meeting, please bring 10 hard copies for the Board members and City staff.

Sincerely,

Lisha Turner-Tolbert
Rental Housing Services Manager