

HBA 17-001



City of Ann Arbor

PLANNING & DEVELOPMENT SERVICES

1-17-19

Mailing: 301 E. Huron St. | P.O. Box 8647 | Ann Arbor, Michigan 48107-8647
p. 734.794.6264 | f. 734.994.8460 | rentalhousing@a2gov.org

APPLICATION FOR VARIANCE AND/OR TIME EXTENSION HOUSING BOARD OF APPEALS

Section 1: Applicant Information		
Name of Applicant: <u>Cribspot, Inc.</u>		
Address of Applicant: <u>1200 North Main Street, Ann Arbor, MI 48104</u>		
Daytime Phone: <u>(888) 337-3562</u> Fax: <u>n/a</u>		
Email: <u>team@cribspot.com</u>		
Applicant's Relationship to Property: <u>Property Management Company</u>		
Section 2: Property Information		
Address of Property: <u>814 Sybil Street, Ann Arbor, MI 48104</u>		
Zoning Classification: <u>R4C</u>		
Tax ID# (if known): <u>09-09-32-106-001</u>		
*Name of Property Owner: <u>Charles Huang</u>		
<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:
<u>Chapter 105</u>	<u>Minimum 9" tread depth</u>	<u>8" tread depth</u>
<u>Section 8:504</u>	_____	_____
_____	_____	_____
<i>Example: Chapter 105, Section 5:26</i>	<i>Example: 6', 8" Basement Ceiling Height Clearance</i>	<i>Example: 6', 6" Basement Ceiling Height Clearance</i>
Give a detailed description of the work you are proposing and why it will require a variance (attach additional sheets if necessary)		
<u>There is only a single stair tread on the staircase that does not comply with the required dimensions.</u>		

Section 4: Variance Request

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?*

In order to comply with the ordinance, the entire staircase would need to be demolished and then rebuilt. There is only a single stair tread on the staircase that doesn't comply, and given it's location at the top of a landing, it would require demolishing and rebuilding the entire staircase as well as the adjacent walls, which would also completely restrict access to the habited third floor bedrooms.

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

The hardships and practical difficulties of replacing the current staircase are more than mere inconvenience or inability to obtain a higher financial return, as it would require major construction that would make it impossible to house tenants while the construction was occurring.

3. *What effect will granting the variance have on the neighboring properties?*

There are no perceived or predicted effects on the neighboring properties if granted the variance.

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?*

The staircase's build remains integral to the structural integrity of the building, and any renovations to meet up to the standards set by the city ordinance would require alterations to the railing, the walls adjacent to the stairs, and the headroom at the bottom of the staircase.

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

The staircase was built in 1920 when the property was not a rental unit, and thus did not need to adhere to the rental housing ordinances.

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 Housing 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.**

- 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.
- A Complete List of Tenant Names so that they can be notified that the HBA will do a 'walk-through' of the property on the day of the hearing.

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.

(734) 531-9589

Phone Number

Signature

team@cribspot.com

Email Address

Matthew Lau

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. I acknowledge that I've received all instructions, time, date and place of meeting and will be present to present the appeal. Staff will not send additional notification of meeting times.

Signature

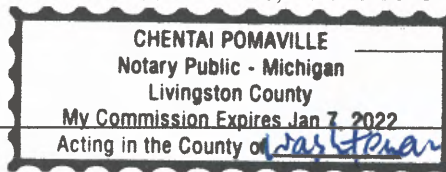
Further, I hereby give City of Ann Arbor Planning & Development Services unit staff and members of the Housing Board of Appeals permission to access the subject property for the purpose of reviewing my variance request.

Signature

On this 28th day of December, 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.

Jan 7, 2022

Notary Commission Expiration Date



Notary Public Signature

CHENTAI POMAVILLE

Print Name

STAFF USE ONLY

Date 1-19-17

File NBA 17-001

Pre-filing Staff Reviewer & Date _____

Pre-Filing Review: _____

Staff Reviewer & Date: _____

Submitted: Fee _____ Paid: _____

No.: Date _____ of _____ Public Hearing

HBA Action: _____

Charles Huang
2014 North Saginaw
Midland, MI 48640
December 23, 2016

Housing Board of Appeals
City of Ann Arbor
301 East Huron Street
Ann Arbor, MI 48104

Dear Housing Board of Appeals,

I am writing this letter to indicate that I authorize Cribspot, Inc., my personal property manager to act on my behalf in regards to the Application for Variance for 814 Sybil Street in Ann Arbor, MI 48104 for the stairway tread depth.

Should you have any questions please contact me by phone. I appreciate your assistance in this matter.

Sincerely,

Charles Huang
(989) 714-5782

A handwritten signature in black ink, appearing to read 'C. Huang', with a stylized flourish at the end.

12/28/2016

ANN ARBOR HOUSING BOARD OF APPEALS
HOUSING INSPECTOR STAFF REPORT

Hearing for HBA17-001 for 814 Sybil Street, Ann Arbor, MI 48104

(Parcel Identification Number: 09-09-32-106-001)

Hearing Date: April 11, 2017

DESCRIPTION AND DISCUSSION

CCH Development Company 2011, LLC
361 Somerset Road
Saginaw, MI 48603

The single-family house at 814 Sybil Street was built around 1920 and has 4 bedrooms on the second floor and 2 bedrooms on the third floor. There is a previous HBA variance which was granted in 1987 (#87-H-101) for inadequate ceiling height on the third floor stairway and from the ceiling height requirement for the third floor rooms. This variance also covered the ceiling height for the cellar bathroom and the stairway leading to the cellar bathroom.

During the most recent rental housing inspection when the inspector experienced difficulty navigating the stair treads, it was discovered there were stair treads on the second and third floor stairway that had varying tread depths and riser heights. Code requires stair tread depth meet the required 9" minimum depth requirement and the greatest tread depth shall not exceed the smallest by more than the 3/8". The greatest riser height shall not exceed the smallest by more than 3/8".

The owner of the residence located at 814 Sybil, Ann Arbor, MI requests the following variance:

(1) Stairs to second and third floor.

Variance from 8:504(4)(b)(4): The treads shall be not less than 9 inches deep.

Inspection found that second and third floor stair treads vary in depth ranging from 6 ¾" inches to 9 ¼ inches. Some original treads have been replaced with noncompliant treads and an original tread has suffered damage to the facing.

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 from the requirements of Chapter 105.

Standards for Approval:

1. *Practical difficulties or unnecessary hardship;*
2. *The variance does not violate the intent of this chapter; and*
3. *The variance does not jeopardize public health and safety.*

Recommendation:

Staff recommends the variance be denied. The stairway presents a hazard when exiting from the third and second story. Daily routine use of the stairs require a concentrated and coordinated effort. The stair treads do not meet the minimum code requirement. Staff recommends a building permit be obtained and the stairway treads which have been altered from the original state be made compliant including compliant risers.

MOTION

I move to deny the following variance at 814 Sybil Street:

- (1) Stairs to the second and third floor have variable tread depths less than 9 inches which does not comply with section 8:504(b)(4);

Respectfully submitted,

Ruby Williams
Development Services Inspector

Lisha Turner-Tolbert
Inspection Supervisor

and the exitway shall be 1-hour rated. Doors opening into the exitway shall have approved self-closing and latching devices.

(c) Emergency escape window: Every sleeping area in one-family, two-family, and terrace family dwellings shall have an emergency escape window unless the sleeping area has access on the same floor to 2 approved ways of exit. Every sleeping area of grade floor units in multiple dwellings shall have an emergency escape window unless the sleeping area has access on the same floor to 2 approved means of exit.

(d) The emergency escape window shall have a minimum clear opening width of 20 inches and a clear opening height of 20 inches. The clear opening width may be reduced to a minimum of 14 inches, provided that the net clear opening area is a minimum of 500 square inches or the clear height may be reduced to a minimum of 16 inches provided the clear opening is a minimum of 500 square inches. Bars, grills or screens placed over emergency escape windows shall be releasable or removable from the inside, without the use of a key, tools, or excessive force. The maximum sill height shall be 54 inches above the floor. If the existing sill height is greater than 54 inches above the floor, a platform, structure or piece of furniture (not including a shelf) permanently affixed to the structure will be acceptable provided it has a minimum depth of 12 inches, a minimum width of 20 inches is a maximum of 18 inches above the floor, is no more than 44 inches below the sill and is located beneath the openable portion of this window.

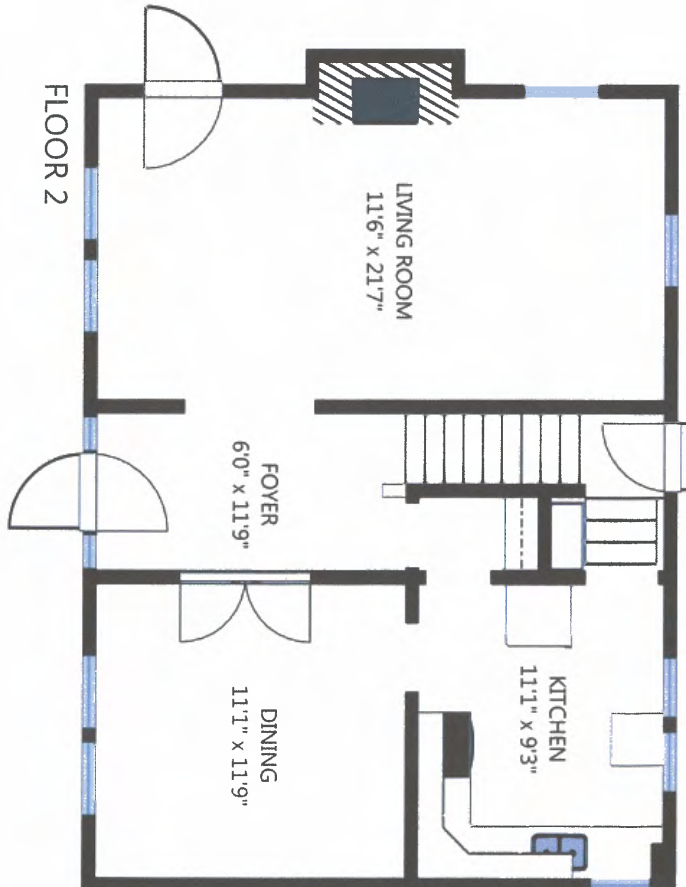
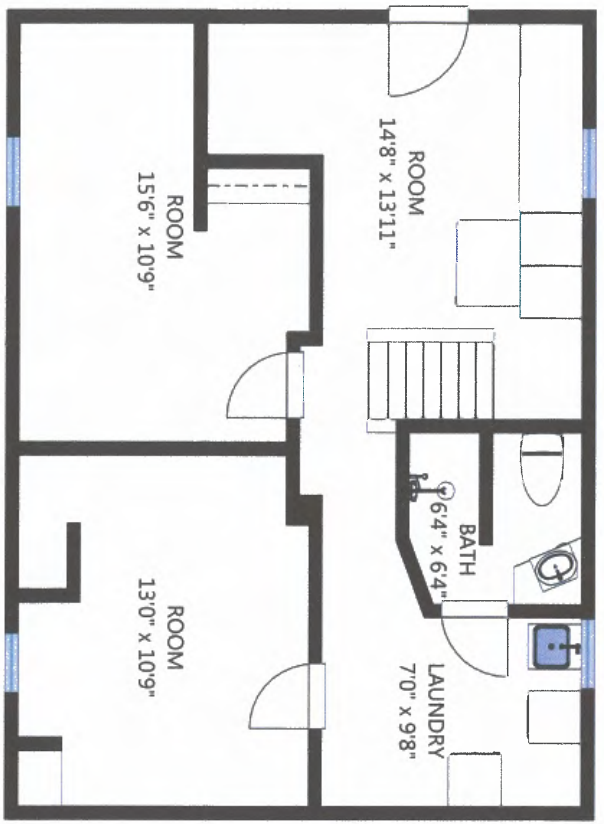
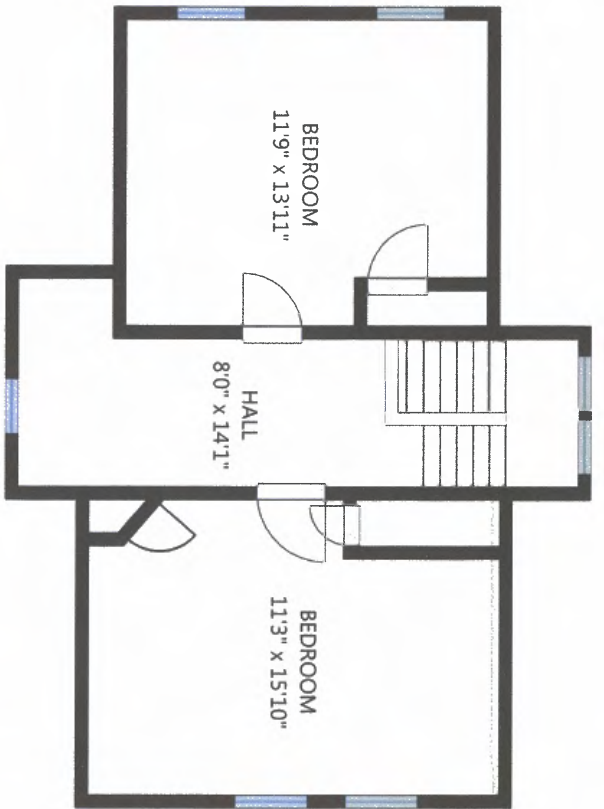
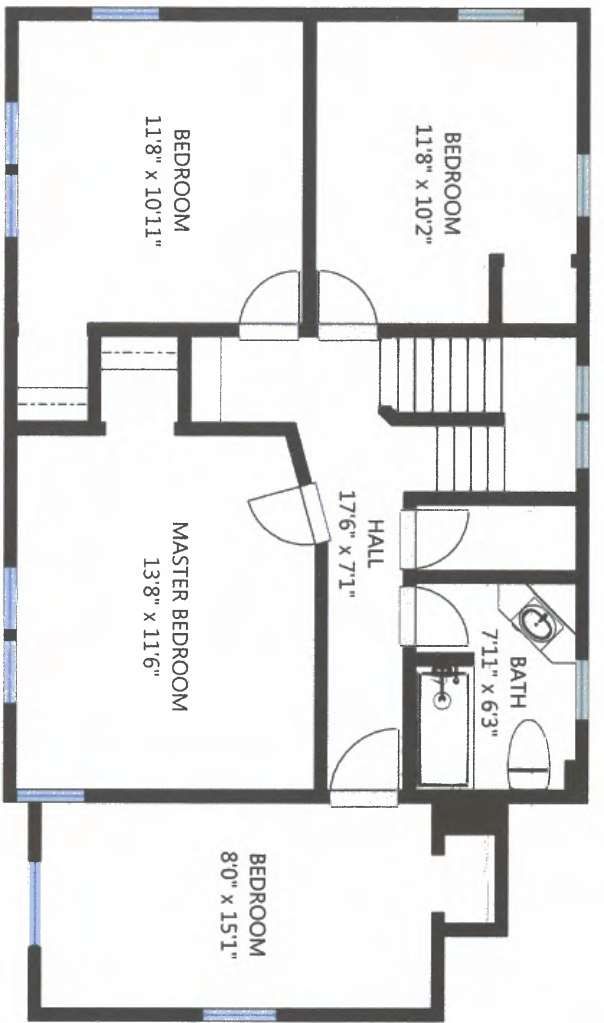
(4) Fire exits.

(a) Exit corridors.

1. Exit corridors must have a clear width of at least 27 inches.
2. Exit corridors shall have a ceiling height of at least 6 feet 6 inches.
3. Corridor headroom shall be measured at the midpoint of the required width. For corridors with ceilings which slope from side to side the required width shall begin at the high side.

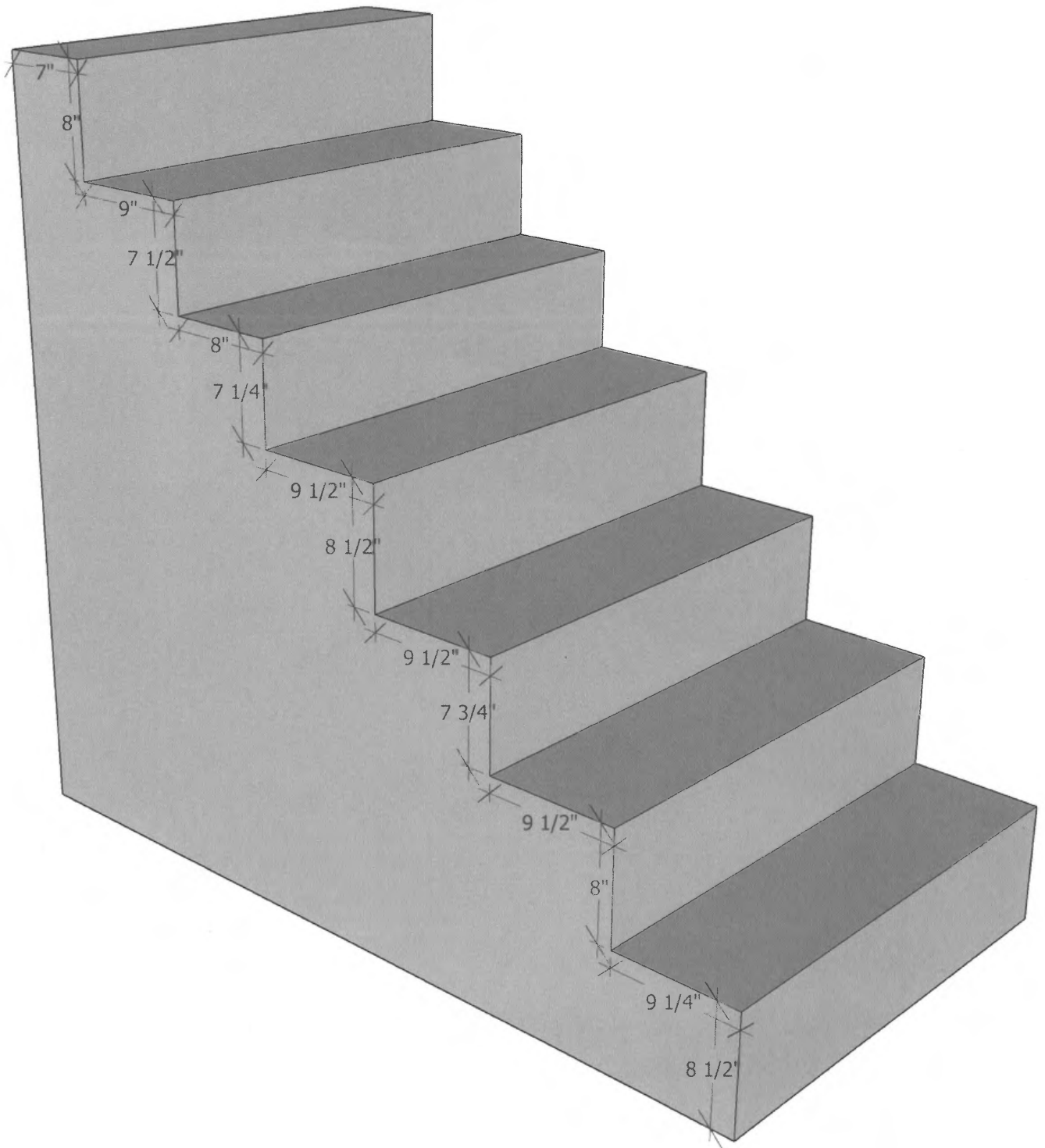
(b) Exit stairways.

1. Exit stairways must be at least 27 inches wide.
2. Exit stairways shall have a minimum ceiling height of 6 feet. Height measurement shall be from a line tangent to the nosing of the treads to the ceiling measured at the midpoint of the required width. For stairs with ceilings which slope from side to side, the required width shall begin at the high side.
3. The risers shall be no more than 9 inches high.
4. The treads shall be not less than 9 inches deep.
5. A handrail shall be located 30 to 38 inches above the nosing of the treads (existing handrails at least 26 inches above the nosing of the treads may remain provided they are in good repair and meet the remaining requirements). It shall be installed on the side having the greater ceiling height. Where the stairs are open on any side, there shall be an approved handrail and an intermediate guard 12 to 15 inches above the stairs. Vertical balusters spaced not greater than 6 inches may be used in place of the intermediate guard.
6. Stairs shall be capable of supporting a live load of 100 pounds per square foot.
7. Stairways of 1- and 2 family dwellings may have a height of 5 feet 6 inches if there is an approved second exit from each upper floor or hardwired interconnected smoke detectors at the top of each flight of stairs.
8. Multiple and terrace family dwellings may have a stairway headroom height of 5 feet 6 inches at 1 location covering not more than 3 treads if there is an approved second exit for each upper floor, and if hardwired interconnected smoke detectors are installed at the top of each flight of stairs within a common stairwell. Stairs within a unit which do not meet the height requirement will be permitted if there is an approved second access from each upper floor and if they are hardwired interconnected smoke detectors at the top of each flight of stairs. This subsection applies only to dwellings, dwelling units or rooms built before January 1, 1989.
9. In multiple dwelling, no materials shall be stored and no storage area may be established under an exit corridor or stairway, unless that storage area is enclosed and properly fire rated.



SIZES AND DIMENSIONS ARE APPROXIMATE, ACTUAL MAY VARY





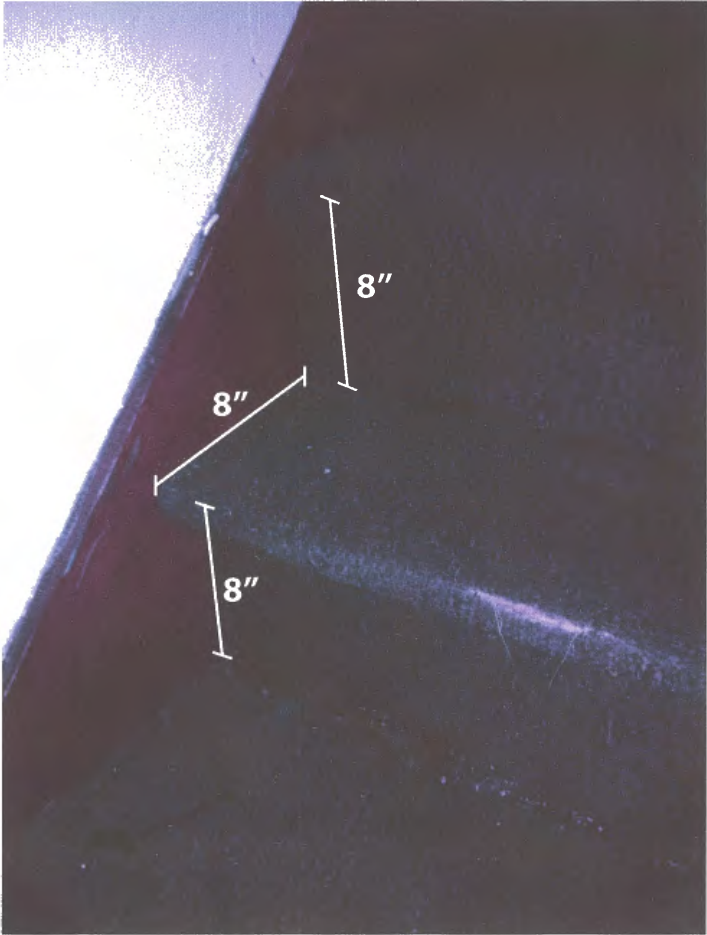
Section 6: Required Materials

- Building floor plans, photographs, and diagrams are provided below and on the following pages.
- Virtual model for reference available here:

Current Tenant's Contact Information

1. William Thompson – wthom20@gmail.com
2. Logan Eckhardt – loganrde@umich.edu
3. Jonah Lanigan – jonahlanigan@gmail.com
4. James Borgman – jimmyborgman@gmail.com
5. John Marchionni – jwmarch@umich.edu
6. Maxwell Goodwin – mcgoodwin95@gmail.com

Measurements:





15
10/15/2011
10/15/2011



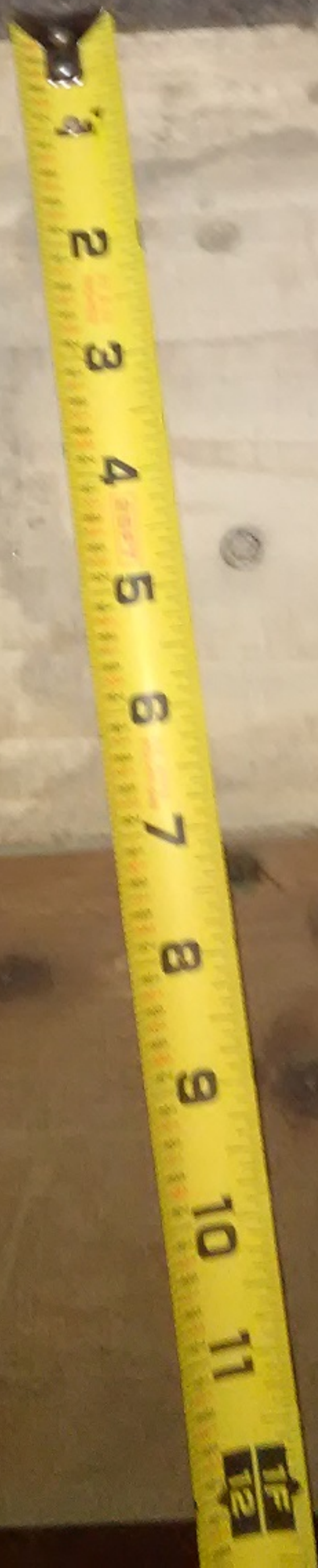
814 SYBIL
NONCOMPLIANT STAIR TREADS
2ND FLOOR STAIRWAY



**814 SYBIL
NONCOMPLIANT 2ND
FL STAIR TREADS**



814 SYBIL
2ND FL STAIR TREAD





CITY OF ANN ARBOR
 Planning & Development Services
 Mailing Address: 301 E. Huron Street, PO Box 8647
 Ann Arbor, MI 48107-8647
 Phone - (734) 794-6264 Fax - (734) 994-8460
rentalhousing@a2gov.org

For Inspections Results
 go to:
www.a2gov.org/permits
 Select "Permits"

HOUSING INSPECTION CODE VIOLATION NOTICE

Address 814 Sybil Apt # _____ Initial Inspection Date 12/5/16
 Reinspection Date/Time _____

YOU HAVE THE RIGHT TO APPEAL VIOLATIONS OR DEADLINES TO THE BOARD OF APPEALS

The following code violations have been cited during this inspection.

NAV = NO APPARENT VIOLATIONS

	Cellar -
	Restore stairway lighting
	Install GFCI protection to outlets right of utility sink and on joist near sink
	Recommendation to have clothes dryer and duct professionally cleaned annually
	Cellar is not habitable and shall not be used for sleeping - City approval is required for use as a habitable cellar
	Install window lock - rm straight to stairway
	Protect exposed wire for light fixture inside a junction box
	Replace furnace filter
	Recommend replacing empty fire extinguisher
	Keep storage away from furnace/H2O Htr and maintain a 5ft clearance at all times
	Properly align deadbolt w/ strike plate - side entry
	First fl - kit, dining, living
	Repair window ropes throughout
	Restore lighting to porch fixture
	Secure hinges on storm door closer
	Install strike plate and secure dead bolt hinges - front door
	Remove adaptor from power strip - living

Omission of reference to any item during this inspection shall not nullify any requirement of the housing code nor exempt the owner/agent from meeting such requirements.

Your signature confirms that you have read and understand all violations and notes cited on this document. If you cannot read the handwriting or do not understand why a violation was cited, please discuss this with the inspector before signing this form.

Inspector Signature/Date [Signature] Authorized Agent Signature/Date _____



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 Planning & Development Services
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YOU HAVE THE RIGHT TO APPEAL VIOLATIONS OR DEADLINES TO THE BOARD OF APPEALS

The following code violations have been cited during this inspection.

NAV = NO APPARENT VIOLATIONS

✓	Room #1 - Bath
	Second FL - 4 bdrms, bthrm
	Reglaze bthrm sink
	Install sash lock on bthrm window
	Bdrn 1 - Remove space heater and refrigerator from power strip and plug directly into outlet
	Bdrn 2 - Remove extension cord from closet door casing
	Remove refrigerator from extension cord w/ adaptor
	Bdrn 3 - Replace dimmer knob and ensure it operates the wall light fixture
	Third FL -
	Install partition strip - bdrn # 5
	Install light switch cover - bdrn 5
	Repair crank arm on casement window - bdrn 6
	Replace smoke alarm battery - bdrn 6
	Install a cover plate on wires below light fixture - bdrn 6
	Secure guardrail support
	Check record for a variance for the stairway tread depth
	Exterior Insp will be performed at the re-insp.

Omission of reference to any item during this inspection shall not nullify any requirement of the housing code nor exempt the owner/agent from meeting such requirements.

Your signature confirms that you have read and understand all violations and notes cited on this document. If you cannot read the handwriting or do not understand why a violation was cited, please discuss this with the inspector before signing this form.

Inspector Signature/Date [Signature] Authorized Agent Signature/Date [Signature]

6. 87-H-101, 814 Sybil

Thomas W. Stockton, representing property owner Charles Sharp, is requesting variances from ceiling height of the bathroom and for the stairway leading to the bathroom located in the cellar to allow the use of this bathroom, and variances from ceiling height and stairway headroom requirements to allow occupancy of the third floor apartment. (Chapter 105, 8:503 & 8:504) Zone R4C. Inspector Turnbull.

No written communications were received on this appeal.

Mr. Stockton and Mr. Sharp were present to speak to their petition.

This appeal was tabled at the December meeting pending a site visit by the Board. The December staff report states the petitioner contends the bathroom in the basement has a ceiling height of 6'7", and a 7' height is required. Petitioner says the ceiling height in the bathroom cannot be increased nor can the headroom of the stairs, said stairway having a height of 6'. Petitioner also indicates the heights of the third floor ceiling and stairway could not be changed without changing the roof line of the building.

Mr. Epton noted that staff indicates the cellar is 5'3" below grade. The ceiling height of the south sleeping room is 6'2" to 6'9", and the ceiling height of the north sleeping room is 6'10". Both rooms have inadequate window area with the bathroom ceiling in the cellar at 6'7". The stairway leading to the cellar has headroom of 6'. The 1970 inspection report for the property does not mention bedrooms in the cellar and refers to the third floor as an attic. The 1984 report makes no mention of either.

Staff further states that occupancy of these rooms for sleeping should not be allowed due to their inadequacies. Stairway headroom to the cellar should be increase. On the third floor, the ceiling height in the north and south rooms ranges from 8'1" to 1'9" in the north room and 7'2" to 3'1" in the south room. Both rooms have inadequate window area. The stairway headroom ranges from 5'3" to 5'11". If occupancy of the third floor is to be allowed, the stairway headroom would have to be increased and adequate window area would have to be provided. Further, the work to renovate the cellar and third floor spaces was done without any permits. Those permits would also have to be obtained.

Mr. Sharp stated that he needs variances for the cellar, indicating there are no actual living quarters in the cellar. The only thing that was cited was the ceiling height on the stairs going down and the ceiling height of the bathroom.

Mr. Lipson stated there are no legal apartments down there, but two apartments clearly being lived in. This brought the occupancy up to what would appear to be eight persons.

Mr. Stockton stated there are not two apartments down there. There are a couple of rooms, but no kitchens, etc. They would be used for laundry facilities and a bathroom.

Mr. Epton stated the Board is being asked for a variance from ceiling height for a bathroom in the cellar and the stairway height. He said there might be a zoning problem for occupancy.

Mr. Patton stated they do not need a grade variance for a bathroom.

1) B. Johnson moved, supported by V. Wilson to grant a variance from the ceiling height requirement for the bathroom and for the stairway leading to the bathroom located in the cellar to allow the use of this bathroom with the following contingencies:

- a) Obtain the required permits for any work that has already been done.
- b) Remove the doors from the existing cellar rooms.
- c) There will be no occupancy of this cellar.

Variances granted based on the finding of practical difficulty in not being able to use the bathroom.

Upon Roll Call, the Ayes and Nays were as follows:

AYES:	JOHNSON	NAYS:	NONE
	WILSON		
	EMPEDOCLES		
	SOPER		
	COHEN	ABSENT:	NONE
	LIPSON		
	EPTON		

Whereupon, Mr. Epton declared the motion passed, and ceiling height variances granted with the stated contingencies.

Ms. Wilson noted that permits were not pulled before work was done.

Mr. Sharp stated when he purchased the home, it was this way.

Mr. Epton stated that doesn't matter. If work is to be done, permits need to be obtained.

Mr. Sharp stated it had a C.O. when he purchased, and he did not know these things. He said he will comply with getting any necessary permits.

Mr. Lipson stated he would be willing to grant a variance on the ceiling height, however, the opening to the room could be expanded because it is just a door frame with no beam about it. Therefore, he would not be willing to grant a variance for the height of that doorway.

- 2) E. Lipson moved, supported by M. Empedocles to grant a variance from the requirement to increase the height of the stairway to the third floor and from the ceiling height requirement for the third floor rooms to allow the existing heights with the following contingency:

- a) Correct the height of the doorway at the bottom of the third floor stairs so that it complies with the code requirement.

Variances granted based on the finding that the existing heights do not present a hazardous condition, and due to the practical difficulty in any increase in these heights due to physical constraints of the structure.

Upon Roll Call, the Ayes and Nays were as follows:

AYES: LIPSON
 EMPEDOCLES
 SOPER
 COHEN
 EPTON

NAYS: JOHNSON ABSENT: NONE
 WILSON

Whereupon, Mr. Epton declared the motion passed, and ceiling height variances granted for the third floor occupancy with the stated contingency.

Mr. Johnson asked about the inadequate window area on the third floor.

Mr. Sharp stated the one room on the side may be difficult to comply and said he did not know at this time what can be done because of the chimney going up in the center of the room. He stated he would be willing to try to expand to whatever would fit into there to increase it.

Mr. Epton stated there is no appeal on this issue.

Mr. Sharp stated he will correct this and install new windows.



City of Ann Arbor

PLANNING & DEVELOPMENT SERVICES — PLANNING DIVISION

301 East Huron Street | P.O. Box 8647 | Ann Arbor, Michigan 48107-8647
p. 734.794.6264 | f. 734.994.8460 | rentaldepartment@a2gov.org

April 3, 2017

Cribspot Inc
1200 N Main St
Ann Arbor, MI 48104

RE: 814 Sybil Street, Ann Arbor, MI
Parcel Identification Number (PIN): 09-09-32-106-001

Dear Cribspot LLC:

Please consider this as an invitation to attend the Ann Arbor Housing Board of Appeals meeting for your Variance Hearing for 814 Sybil Street, Ann Arbor, MI.

The meeting will take place on Tuesday, April 11, 2016 at 1:30 PM on the 2nd floor of City Hall in the Council Chambers. Please bring materials and interested parties to the meeting if needed.

Sincerely,

Glen Dempsey
City of Ann Arbor
Building Official



City of Ann Arbor

PLANNING & DEVELOPMENT SERVICES — PLANNING DIVISION

301 East Huron Street | P.O. Box 8647 | Ann Arbor, Michigan 48107-8647
p. 734.794.6264 | f. 734.994.8460 | rentaldepartment@a2gov.org

April 28, 2017

Cribspot Inc
1200 North Main Street
Ann Arbor, MI 48104

RE: 814 Sybil Street, Ann Arbor, MI
Parcel Identification Number (PIN): 09-09-32-106-001

Dear Cribspot:

Please consider this as an invitation to attend the Ann Arbor Housing Board of Appeals meeting for your Variance Hearing for 814 Sybil Street, Ann Arbor, MI.

The meeting will take place on Tuesday, May 9, 2016 at 1:30 PM on the 2nd floor of City Hall in the Council Chambers. Please bring materials and interested parties to the meeting if needed. Please be present for the Board to conduct a site visit of your property between 11:00 am and 1:00 pm before the hearing meeting on May 9th, 2017.

Sincerely,

Glen Dempsey
City of Ann Arbor
Building Official