

**Zoning Board of Appeals  
August 28, 2019 Regular Meeting**

**STAFF REPORT**

**Subject: ZBA19-022; 410 South Division Street**

**Summary:**

Scott Klaassen, representing the owner, is proposing to convert a third floor attic space for two bedrooms. The existing rental property has four units. The owners are reducing the number of units to two. The first floor unit will contain four bedrooms and the second and third story unit will contain six bedrooms. The property is zoned R4C, Multiple Family Dwelling and located in the East William Street Historic District. There will be no exterior changes to the structure.

**Background:**

The subject property is located south of East William Street and north of East Jefferson Street directly behind the Namaste restaurant. The home was built in 1905 and is approximately 1,821 square feet in size.

**Description:**

The owner is proposing to convert the existing office space in the attic to two bedrooms that will be included in the second unit.

**Standards for Approval- Alteration to a Nonconforming Structure**

The Zoning Board of Appeals has all the power granted by State law and by Section 5.32.2, Application of the Variance Power from the UDC. The following criteria shall apply:

- 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.

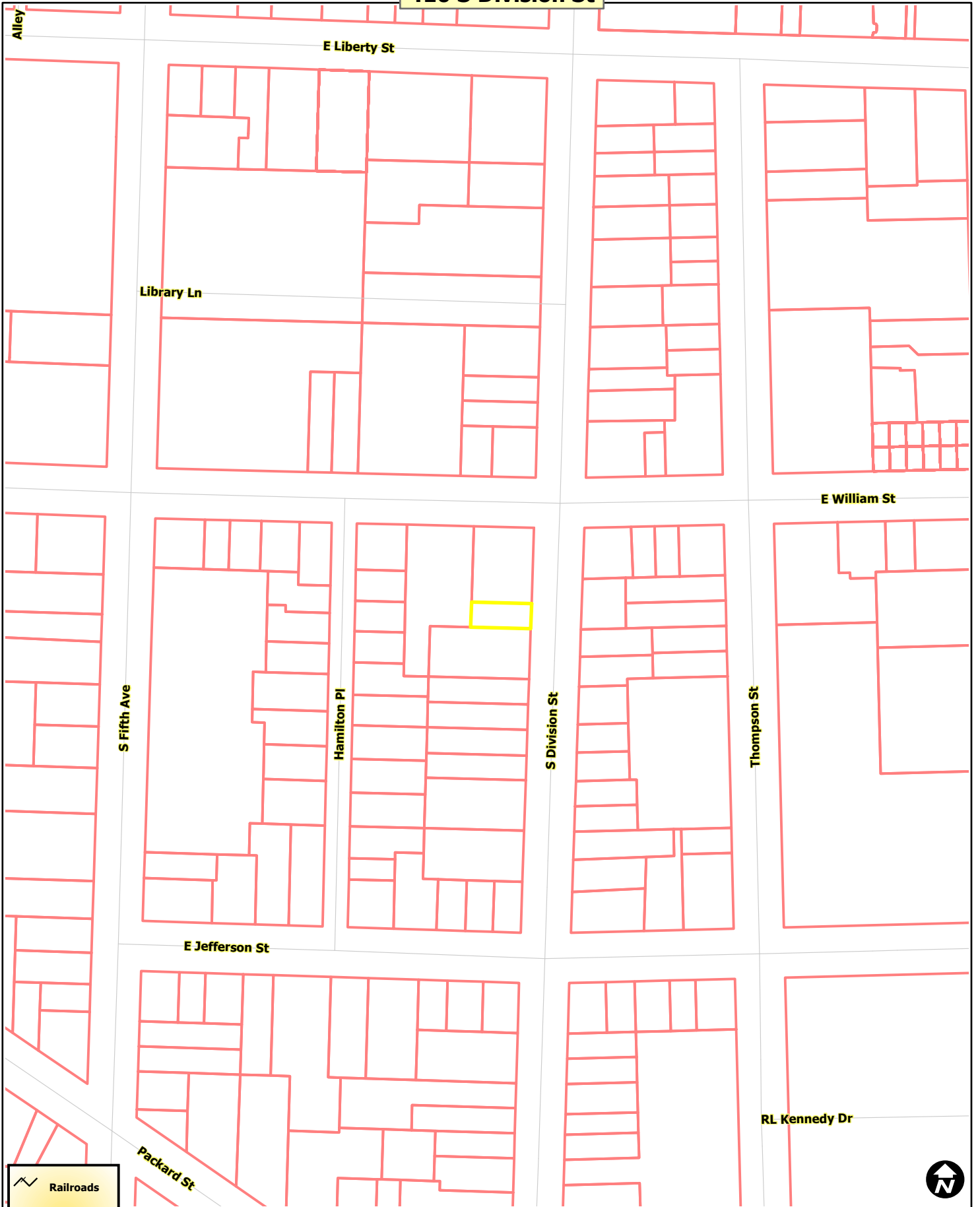
The applicant states that the alteration will not have a negative impact on the surrounding properties as the area is multi-family high density and commercial.




Respectfully submitted,



**Jon Barrett  
Zoning Coordinator**

# 410 S Division St

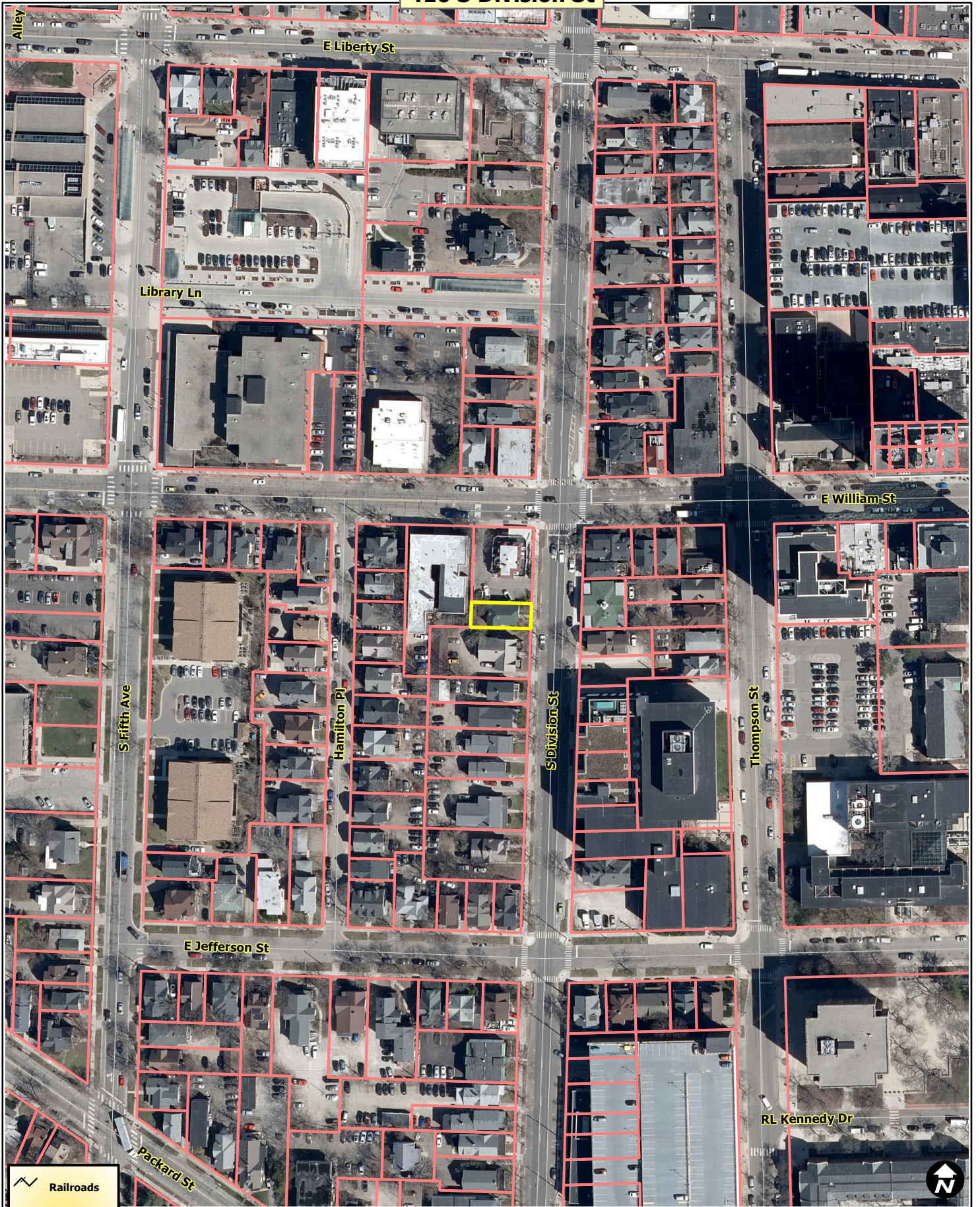


-  Railroads
-  Huron River
-  Tax Parcels



Map date: 8/6/2019  
Any aerial imagery is circa 2018  
unless otherwise noted  
Terms of use: [www.a2gov.org/terms](http://www.a2gov.org/terms)

# 410 S Division St






- Railroads
- Huron River
- Tax Parcels



Map date: 8/6/2019  
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410 S Division St



-  Railroads
-  Huron River
-  Tax Parcels



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# ZONING BOARD OF APPEALS APPLICATION

City of Ann Arbor Planning Services

City Hall: 301 E Huron Street Ann Arbor, MI 48107-8647

Phone: 734-794-6265 Fax: 734-794-8460 Email: [planning@a2gov.org](mailto:planning@a2gov.org)

## PROPERTY INFORMATION

ADDRESS OF PROPERTY <b>410 S Division</b>		ZIP CODE <b>48104</b>	
ZONING CLASSIFICATION <b>R4C</b>	NAME OF PROPERTY OWNER* <i>If different than applicant, a letter of authorization from the property owner must be provided</i> <b>Zaki Alawi</b>		
PARCEL NUMBER <b>09-09-29-426-015</b>	OWNER EMAIL ADDRESS <b>zalawi@michiganrentals.com</b>		

## APPLICANT INFORMATION

NAME <b>Scott Klaassen</b>			
ADDRESS <b>2100 S Main St A10</b>	CITY <b>Ann Arbor</b>	STATE <b>MI</b>	ZIP CODE <b>48103</b>
EMAIL <b>scott@doneriteco.com</b>		PHONE <b>734-677-2222</b>	
APPLICANT'S RELATIONSHIP TO PROPERTY <b>Agent for Owner</b>			

## REQUEST INFORMATION

<input type="checkbox"/> VARIANCE REQUEST Complete Section 1 of this application	<input checked="" type="checkbox"/> REQUEST TO ALTER A NONCONFORMING STRUCTURE Complete Section 2 of this application
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## REQUIRED MATERIALS

One hard copy application complete with all required attachments must be submitted. Digital copies of supportive materials included in the submitted hard copy will only be accepted in PDF format by email or accompanying the hard copy application on a USB flash drive.

### Required Attachments:

- Boundary 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.

### OFFICE USE ONLY

Fee Paid: \$1000 ZBA: 19-023

CITY OF ANN ARBOR  
RECEIVED

JUL 30 2019

PLANNING & DEVELOPMENT SERVICES

## ACKNOWLEDGEMENT

All information and materials submitted with this application are true and correct.

Permission is granted to City of Ann Arbor Planning Services and members of the Zoning Board of Appeals to access the subject property for the purpose of reviewing the variance request.

Property Owner Signature : [Signature]

Date: 7/29/19

# Section 1 City of Ann Arbor Planning Services – Zoning Board of Appeals Application

## VARIANCE REQUEST

ARTICLE(S) AND SECTION(S) FROM WHICH A VARIANCE IS REQUESTED: (Example: Article 3, Section 5.26)

VI. SECTION 5.32.2 NONCONFORMING STRUCTURE

REQUIRED DIMENSION: (Example: 40' front setback)

Feet:           Inches:

PROPOSED DIMENSION: (Example: 32 foot 8 inch front setback)

Feet:           Inches:

DESCRIPTION OF PROPOSED WORK AND REASON FOR VARIANCE:

N/A

The City of Ann Arbor Zoning Board of Appeals has the powers granted by State law and City Code Chapter 55, Section 5:29. 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 statements are found to be true. Please provide a complete response to each of the statements below.

The alleged hardships or practical difficulties, or both, are exceptional and peculiar to the property of the person requesting the variance, and result from conditions which do not exist generally throughout the city.

N/A

The alleged hardships are practical difficulties, or both, which will result from a failure to grant the variance, include substantially more than mere inconvenience, inability to attain a higher financial return, or both.

N/A

Allowing the variance will result in substantial justice being done, considering the public benefits intended to be secured by this chapter, the individual hardships that will be suffered by a failure of the board to grant a variance, and the rights of others whose property would be affected by the allowance of the variance.

N/A

The conditions and circumstances on which the variance request is based shall not be a self-imposed hardship or practical difficulty.

N/A

A variance approved shall be the minimum variance that will make possible a reasonable use of the land or structure.

N/A

# Section 2 City of Ann Arbor Planning Services – Zoning Board of Appeals Application

## REQUEST TO ALTER A NONCONFORMING STRUCTURE

For the purposes of Article VI: Nonconformities Section 5.32.2 Nonconforming Structure, **alteration** is defined as any change in a Building that results in additional Floor Area being fit for occupancy, a greater number of dwelling or rooming units or an increase in the exterior dimensions of the Building.

A nonconforming structure may be maintained or restored, but permission to alter a nonconforming structure will only be 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.

In the space below, describe the current use of the property, the proposed alteration, and the impact it would have on neighboring property.

The property is currently 4 units consisting of 2 efficiencies and 2 one bedroom units and a finished 3rd floor which is used as an office. We propose to reconfigure the interior to accommodate 2 apartments consisting of a 4 bedroom unit and a 6 bedroom unit. The 3rd floor or attic area that was finished for an office is not currently allowed to be used as living space do to the lot area not conforming to the current zoning code. The current space and layout would allow for a maximum of 8 residents. The new configuration would allow for two additional residents. The surrounding area is mult-family high density areas and commercial. The improvement to the property will not have any effect on the surrounding properties and would fit with the surround propeerties.

Please complete the table below as it relates to your request

Requirement	Existing Condition	Code Requirement
Lot Area	2,607	
Lot Width	33'	
Floor Area Ratio	903 sq ft	
Setbacks	2.1 closest side 16.7 rear 18' front	
Parking		
Landscaping		
Other		

City of Ann Arbor  
Zoning Board of Appeals  
301 E Huron St  
PO Box 8647  
Ann Arbor MI 48107

July 28, 2019

To whom this may concern;

I, Zaki Alawi, do hereby give Scott Klaassen authorization to appear before the Zoning Board of Appeals with regard to the request to alter a nonconforming structure application for 410 S Division.

Please contact me with any questions you may have.

Sincerely,

  
Zaki Alawi





## APPLICABLE CODES AND LIFE SAFETY INFORMATION SUMMARY

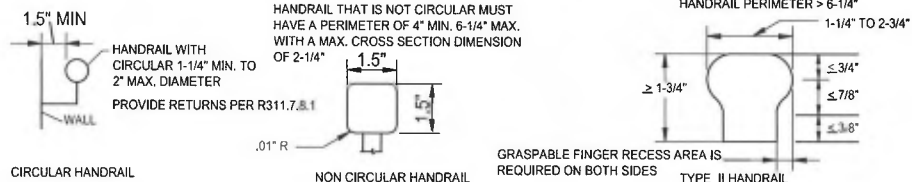
ALL ROOMS WILL MEET CITY OF ANN ARBOR HOUSING CODE.  
 8% LIGHT  
 4% VENTILATION  
 BUILDING CODE: 2015 MICHIGAN RESIDENTIAL CODE  
 BUILDING CODE: 2015 MICHIGAN REHABILITATION CODE FOR EXISTING BUILDINGS  
 BARRIER FREE: NOT APPLICABLE  
 MECHANICAL CODE: 2015 MICHIGAN MECHANICAL CODE  
 ELECTRICAL CODE: 2015 MICHIGAN ELECTRICAL CODE (BASED ON NEC 2008)  
 PLUMBING CODE: 2015 MICHIGAN PLUMBING CODE  
 OCCUPANCY TYPE : R-3  
 AREA OF BUILDING (PER 502.1) GROSS SQUARE FEET INCLUDES OUTSIDE WALL THICKNESS)  
 FIRST FLOOR :903 GROSS SQUARE FEET  
 SECOND FLOOR : 968 GROSS SQUARE FEET  
 HISTORIC DISTRIC YES  
 HEIGHT OF BUILDING (PER 502.1) 29-5"  
 CONSTRUCTION TYPE: TYPE: V-B  
 FIRE SUPPRESSION: NOT SUPPRESSED  
 FIRE ALARM: NONE

## ADMINISTRATIVE REQUIREMENTS

- A. SUBMITTALS: ALL SUBMITTALS SHALL BE SUBMITTED ELECTRONICALLY ( NOT INCLUDING SAMPLES SUCH AS PAINT DRAW DOWNS). ALLOW TWO WEEKS IN CONSTRUCTION SCHEDULE FOR SUBMITTAL REVIEW AND PROCESSING TIME.
- B. SITE MEETINGS: CONTRACTOR SHALL HOST (1) PRE-CONSTRUCTION MEETING AND WEEKLY ON SITE CONSTRUCTION PROGRESS MEETINGS (THROUGHOUT THE DURATION OF THE PROJECT) AND SHALL RECORD MINUTES AND DISTRIBUTE COPIES WITHIN TWO DAYS AFTER MEETING TO PARTICIPANTS, WITH TWO COPIES TO THE ARCHITECT, OWNER, PARTICIPANTS, AND THOSE AFFECTED BY DECISIONS MADE.

## HANDRAILS

HANDRAIL HEIGHT MEASURED FROM NOSING 34" MIN. TO 38" MAX.



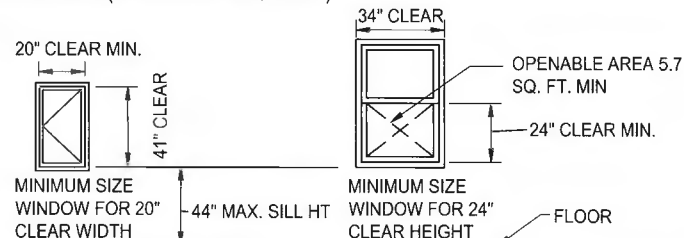
## ADMINISTRATIVE REQUIREMENTS (continued)

- C. CONSTRUCTION PROGRESS SCHEDULE: WITHIN 1 DAY AFTER DATE OF AGREEMENT, SUBMIT PRELIMINARY SCHEDULE. SUBMIT UPDATED SCHEDULE EVERY 7 DAYS. CONSTRUCTION SCHEDULES SHALL BE SUBMITTED IN GANTT CHART FORMAT.
- D. PRODUCT REQUIREMENTS: NO PRODUCT SUBSTITUTIONS ALLOWED.

## GENERAL PROJECT NOTES

- A. FURNISH AND INSTALL ALL LABOR, MATERIALS, TOOLS, DUMPSTERS, PERMITS, ETC. TO PROVIDE A COMPLETE AND FINISHED INSTALLATION PER THE CONTRACT DOCUMENTS, AND WHERE SOMETHING IS NOT SPECIFIED, USE THE MOST STRINGENT INDUSTRY STANDARDS AND CODE REQUIREMENTS.
- B. ALL WORK SHALL BE PERFORMED BY QUALIFIED AND SKILLED WORKERS, IN A NEAT AND WORKMANLIKE MANNER, AND IN ACCORDANCE WITH INDUSTRY STANDARDS AND PRACTICES.
- C. THIS PROJECT SHALL COMPLY WITH ALL LOCAL, STATE, AND FEDERAL LAWS, CODES AND ORDINANCES.
- D. ALL PARTS OF THE WORK - INCLUDING MATERIALS, METHODS, ASSEMBLIES, ETC, MUST COMPLY WITH THE MINIMUM REQUIREMENTS OF THE GOVERNING REGULATIONS OF ALL FEDERAL, STATE, DISTRICT AND LOCAL AUTHORITIES HAVING JURISDICTION OVER THE PROJECT AS WELL AS THOSE GREATER REQUIREMENTS INDICATED BY THE CONTRACT DOCUMENTS. NO PART OF THE CONTRACT DOCUMENTS MAY BE CONSTRUED TO REQUIRE OR PERMIT WORK CONTRARY TO A GOVERNING REGULATION. WHERE THERE IS A DISCREPANCY BETWEEN THE GOVERNING CODE AND THE DRAWINGS, THE MOST RESTRICTIVE CASE WILL GOVERN. IN SUCH A CASE, CONSULT WITH ARCHITECT
- E. CONTRACTOR SHALL BE RESPONSIBLE FOR ALL PERMITS AND INSPECTIONS RELATING TO THEIR WORK, AND SHALL OBTAIN FIELD APPROVALS ON THEIR WORK FROM REGULATING AGENCIES WHERE REQUIRED

## EMERGENCY ESCAPE AND RESCUE WINDOW REQUIREMENTS FOR ALL BEDROOMS (1 MINIMUM REQUIRED)



**James Dudzinski**  
 ARCHITECT  
 12306 Volpe  
 Sterling Heights, Mi.  
 PH. (586) 864-6930

PROJECT TITLE:

**RENOVATION**

PROJECT LOCATION:

**410 S. DIVISION  
 ANN ARBOR, MI**

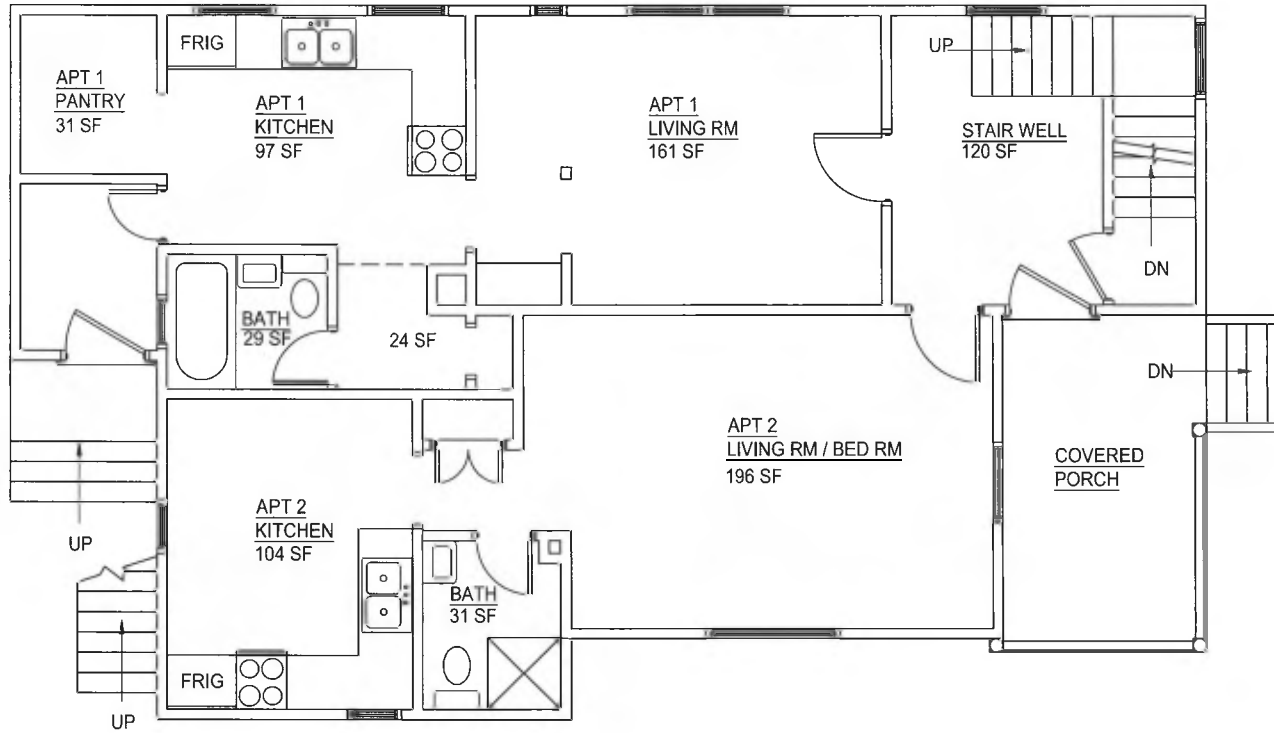
SHEET TITLE:


**COVER**

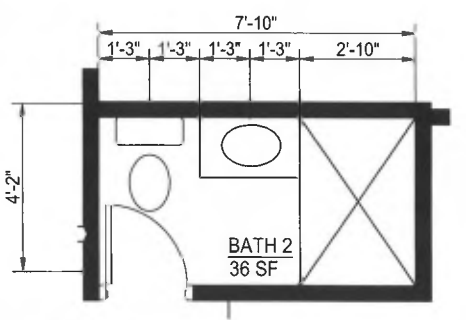
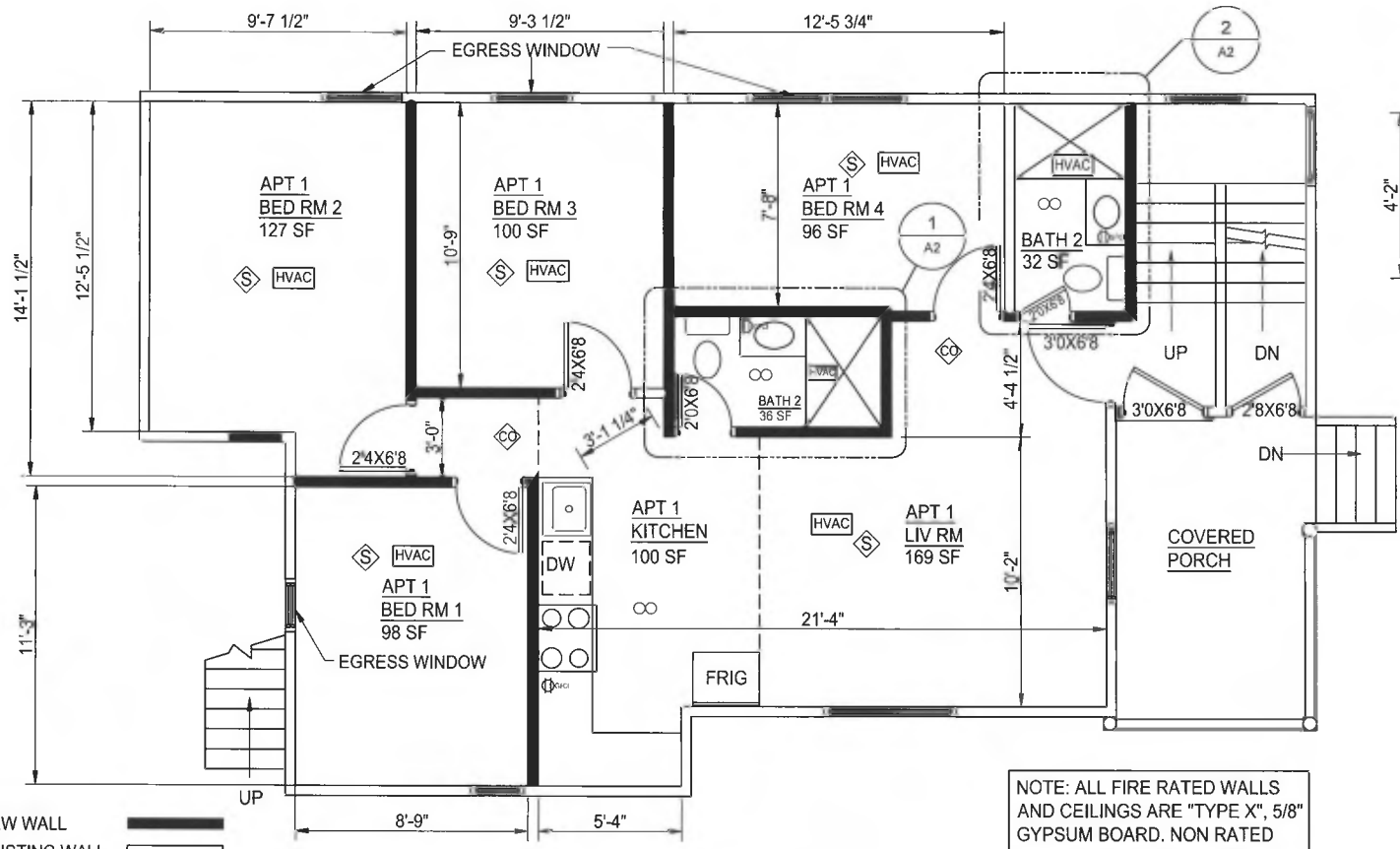
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	6/10/19	REVISED			

SHEET NO:  
1 OF 7

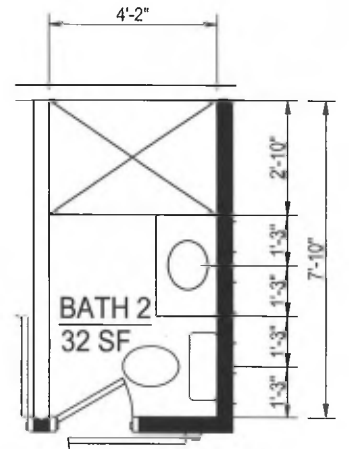
A-1



 <b>James Dudzinski</b> ARCHITECT 12306 Voipe Sterling Heights, Mi. PH. (586) 864-6930	PROJECT TITLE:	PROJECT LOCATION:	SHEET TITLE:	MARK:	DATE:	ISSUED FOR:	MARK:	DATE:	ISSUED FOR:	SHEET NO:
	EXISTING PLANS	410 S. DIVISION ANN ARBOR, MI	EXISTING 1ST FLOOR 1/4"=1'-0"		6/4/19	DRAWN				5 OF 7
					6/10/19	REVISED				A-5

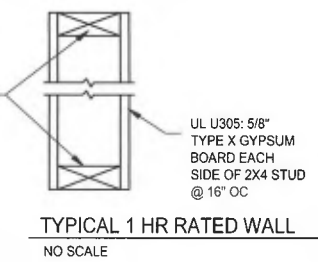
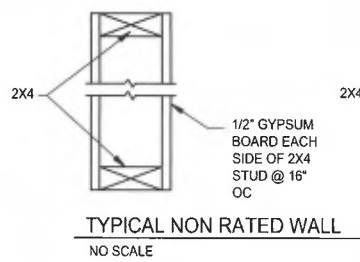


1 ENLARGED PLAN  
SCALE: 3/8"=1'-0"



2 ENLARGED PLAN  
SCALE: 3/8"=1'-0"

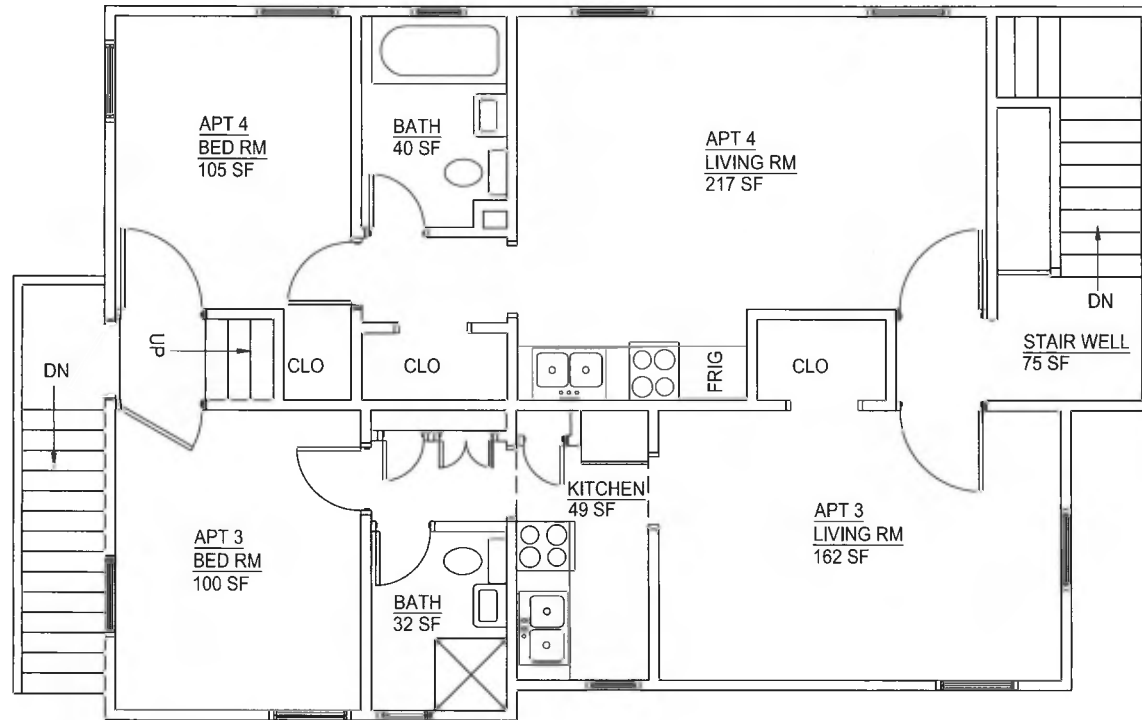
- NEW WALL
- EXISTING WALL
- SMOKE DETECTOR
- EXHAUST FAN
- CARBON MONOXIDE DETECTOR
- GROUND FAULT INTERRUPTER
- HEATED AND COOLED SPACE PER CODE
- W WASHER
- D DRYER
- W/D STACKABLE WASHER AND DRYER




NOTE: ALL FIRE RATED WALLS AND CEILING ARE "TYPE X", 5/8" GYPSUM BOARD. NON RATED PARTITION WALLS SHALL BE 1/2" GYPSUM BOARD

ALL BEDROOMS TO HAVE AN EGRESS WINDOW, SEE SHEET A-1 FOR REQUIREMENTS

	<b>James Dudzinski</b> ARCHITECT 12306 Volpe Sterling Heights, Mi. PH. (586) 864-6930	PROJECT TITLE: <b>EXISTING PLANS</b>	PROJECT LOCATION: <b>410 S. DIVISION ANN ARBOR, MI</b>	SHEET TITLE: <b>NEW 1ST FLOOR</b> 1/4"=1'-0"	MARK:	DATE: 6/4/19 6/10/19	ISSUED FOR: DRAWN REVISED	MARK:	DATE:	ISSUED FOR:	SHEET NO: 2 OF 7  A-2




**James Dudzinski**  
 ARCHITECT  
 12306 Volpe  
 Sterling Heights, Mi.  
 PH. (586) 864-6930

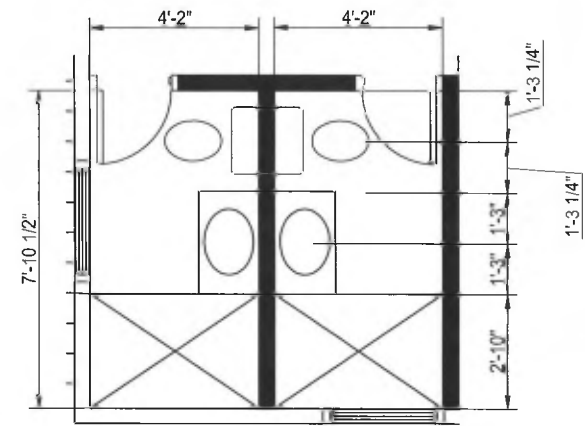
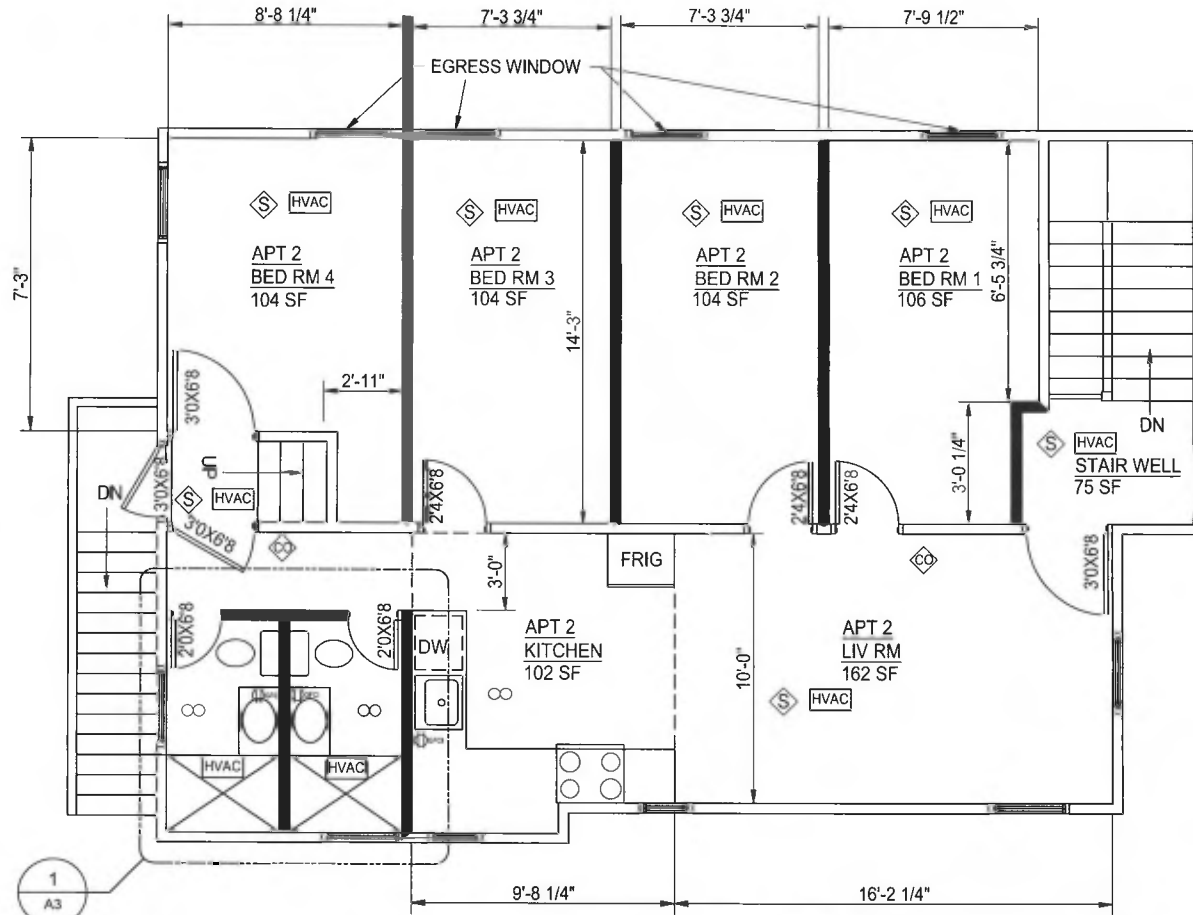
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**EXISTING PLANS**

PROJECT LOCATION:  
**410 S. DIVISION  
 ANN ARBOR, MI**

SHEET TITLE:  
**EXISTING 2ND FLOOR**  
 1/4"=1'-0"

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	6/10/19	REVISED			

SHEET NO:  
 6 OF 7  
**A-6**

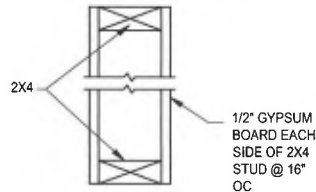


**1 ENLARGED PLAN**  
SCALE: 3/8"=1'-0"

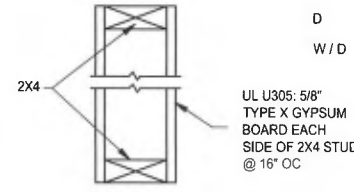
- NEW WALL
- EXISTING WALL
- SMOKE DETECTOR
- EXHAUST FAN
- CARBON MONOXIDE DETECTOR
- GROUND FAULT INTERRUPTER
- HEATED AND COOLED SPACE PER CODE
- W WASHER
- D DRYER
- W/D STACKABLE WASHER AND DRYER

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ALL BEDROOMS TO HAVE AN EGRESS WINDOW, SEE SHEET A-1 FOR REQUIREMENTS

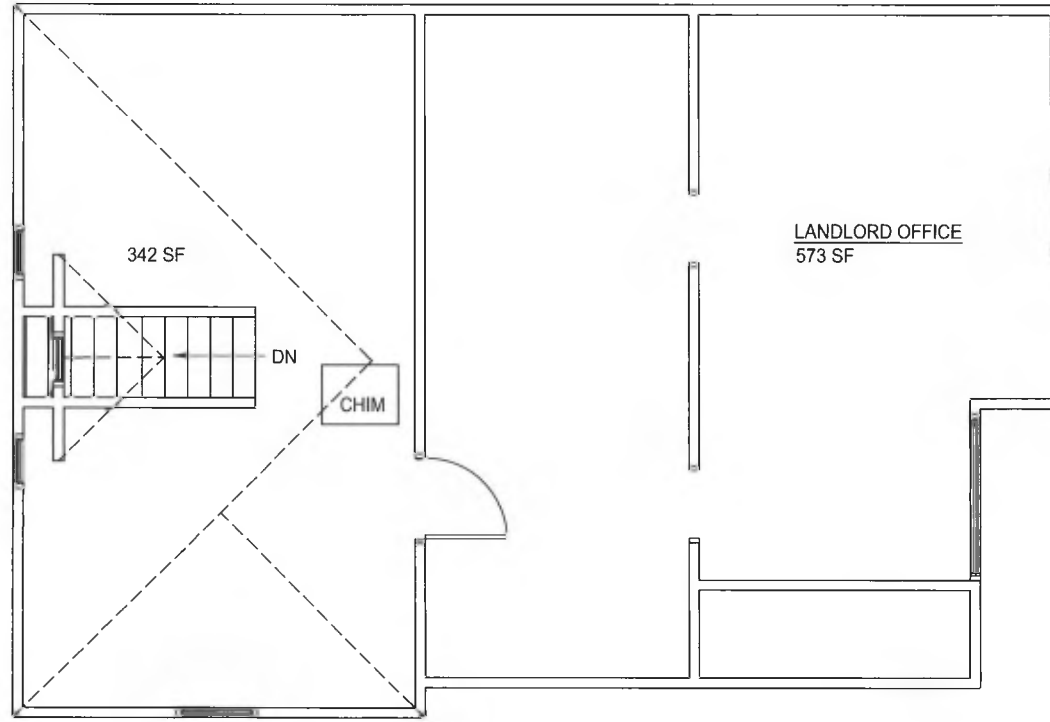



TYPICAL NON RATED WALL  
NO SCALE

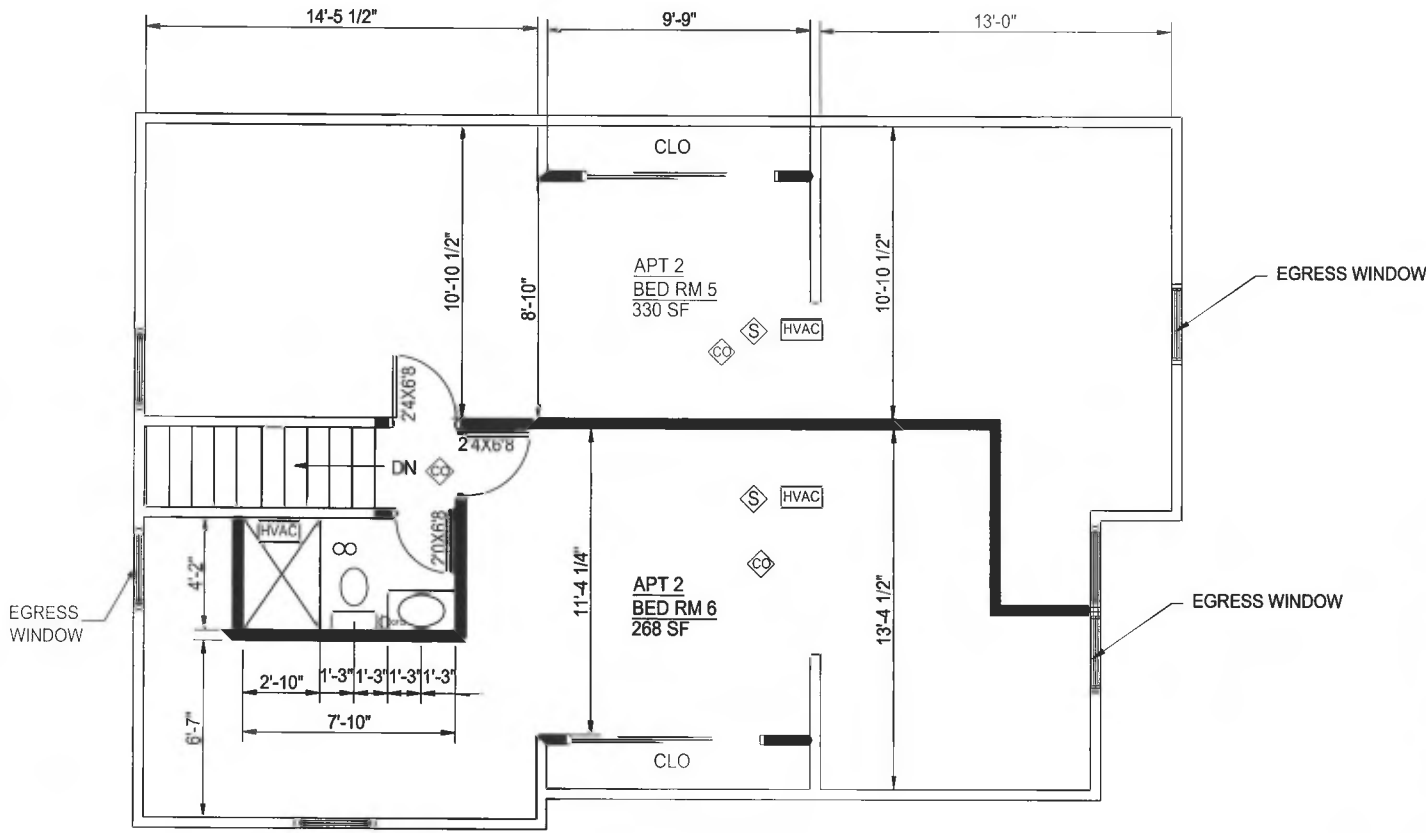


TYPICAL 1 HR RATED WALL  
NO SCALE

<b>James Dudzinski</b> ARCHITECT 12306 Volpe Sterling Heights, Mi. PH. (586) 864-6930	PROJECT TITLE:	PROJECT LOCATION:	SHEET TITLE:	MARK:	DATE:	ISSUED FOR:	MARK:	DATE:	ISSUED FOR:	SHEET NO: 3 OF 7  A-3
	EXISTING PLANS	410 S. DIVISION ANN ARBOR, MI	NEW 2ND FLOOR 1/4"=1'-0"		6/4/19	DRAWN				
					6/10/19	REVISED				



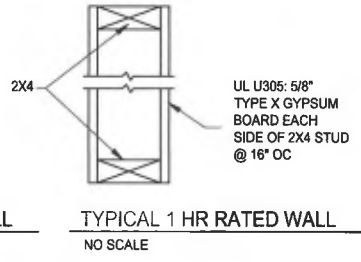
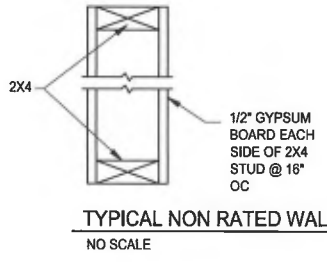
 <b>James Dudzinski</b> ARCHITECT 12306 Volpe Sterling Heights, Mi. PH. (586) 864-6930	PROJECT TITLE:	PROJECT LOCATION:	SHEET TITLE:	MARK:	DATE:	ISSUED FOR:	MARK:	DATE:	ISSUED FOR:	SHEET NO:
	EXISTING PLANS	410 S. DIVISION ANN ARBOR, MI	EXISTING ATTIC 1/4"=1'-0"		6/4/19	DRAWN				7 OF 7
						6/10/19	REVISED			



- NEW WALL
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ARCHITECT  
12306 Volpe  
Sterling Heights, Mi.  
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PROJECT TITLE:  
**EXISTING PLANS**

PROJECT LOCATION:  
**410 S. DIVISION  
ANN ARBOR, MI**

SHEET TITLE:  
**NEW ATTIC**  
1/4"=1'-0"

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	6/4/19	DRAWN			
	6/10/19	REVISED			

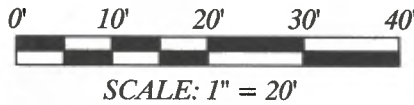
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4 OF 7  
**A-4**





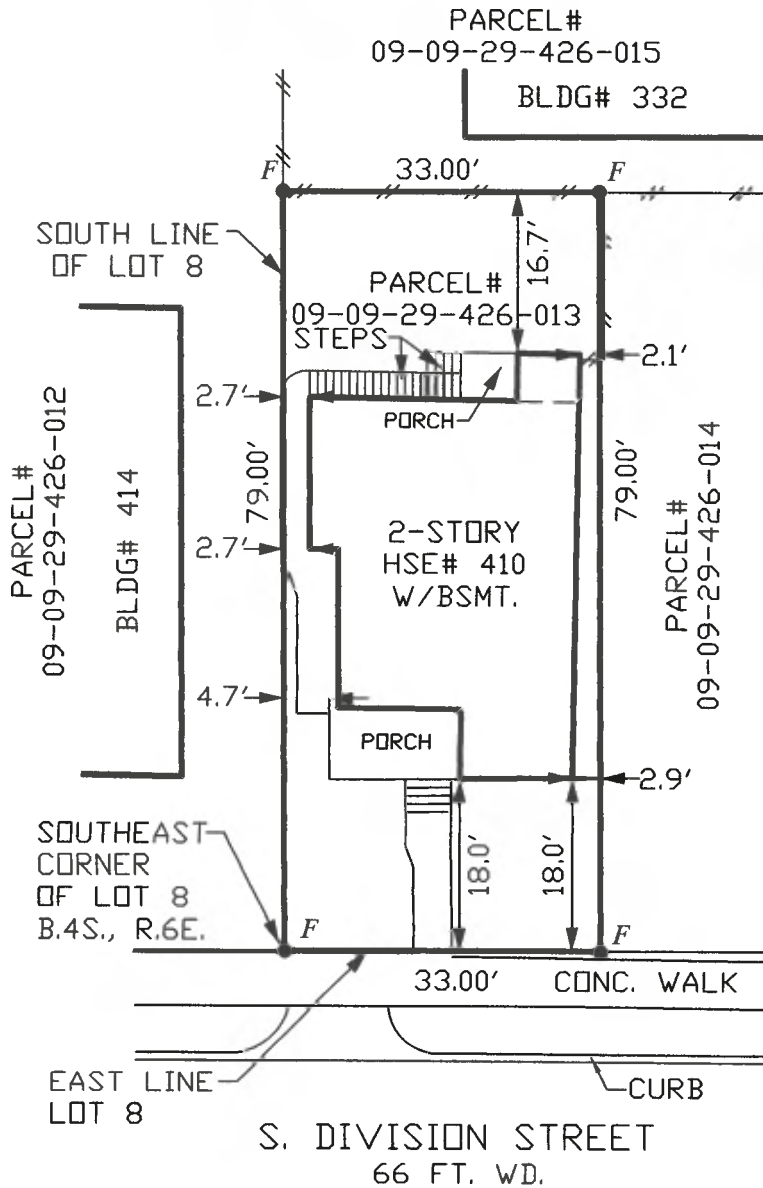


# CERTIFICATE OF SURVEY



## LEGEND

- IRON
- F FOUND IRON
- S SET IRON
- //— FENCE



LEGAL DESCRIPTION: LAND SITUATED IN THE CITY OF ANN ARBOR, COUNTY OF WASHTENAW, STATE OF MICHIGAN DESCRIBED AS FOLLOWS:  
 BEGINNING AT THE SOUTHEAST CORNER OF LOT 8 IN BLOCK 4 SOUTH OF HURON STREET, RANGE 6 EAST, ACCORDING TO THE ORIGINAL PLAT OF THE VILLAGE (NOW CITY) OF ANN ARBOR;  
 RUNNING THENCE WEST ALONG THE SOUTH BOUNDARY LINE OF SAID LOT 8, 79 FEET; THENCE NORTH PARALLEL TO THE EAST BOUNDARY LINE OF SAID LOT 8, 33 FEET; THENCE EAST PARALLEL TO SAID SOUTH BOUNDARY LINE OF LOT 8, 79 FEET TO THE EAST BOUNDARY LINE OF SAID LOT 8; THENCE SOUTH ALONG THE EAST BOUNDARY LINE OF LOT 8, 33 FEET TO THE POINT OF BEGINNING.

I HEREBY CERTIFY THAT I HAVE SURVEYED AND MAPPED THE LAND ABOVE ON JULY 19, 2019 AND THAT THE RATIO OF CLOSURE ON THE UNADJUSTED FIELD OBSERVATIONS OF SUCH SURVEY WAS 1/17000, AND THAT ALL OF THE REQUIREMENTS OF P.A. 132, 1970, AS AMENDED HAVE BEEN COMPLIED WITH.

**AMERICAN LANDMARK SURVEY P.L.C.**

PART OF LOT 8 B4S, R6E,  
 ORIGINAL PLAT OF ANN  
 ARBOR, CITY OF ANN ARBOR,  
 WASHTENAW COUNTY,  
 MICHIGAN.  
 CLIENT: DONE RITE  
 CONTRACTING

DATE 7/23/2019  
 DRAWN BY: GFD  
 SCALE: 1" = 20'  
 SHEET 1 OF 1  
 JOB# 19134

*Gerald F. Deslover*  
**GERALD F. DESLOOVER**  
 PROFESSIONAL SURVEYOR  
 NO. 45166  
 2125 GLENCOE HILLS #2  
 ANN ARBOR, MI 48108  
 734-677-7000

