

**Zoning Board of Appeals
May 25, 2016 Regular Meeting**

STAFF REPORT

Subject: ZBA16-012, 808 East Ann Street

Summary: Jon Keller, is requesting permission to alter this non-conforming structure by converting 450 square feet of the existing attic to living space. The attic will contain two bedrooms that will be part of the existing second floor unit.

Background:

The subject parcel is zoned R4C (Multiple-Family Residential District) and located on East Ann Street. The parcel is non-conforming for required lot size: subject parcel is 5,270 square feet; minimum lot size is 8,500 square feet. The structure was built in 1901 and is 1,810 square feet. The rear of the site contains a gravel parking area that can accommodate up to eight vehicles.

Description:

The petitioner would like to convert the attic to living space with two bedrooms, which will result in the expansion of floor area being used for occupancy, but will not change the footprint of the structure. The existing structure is a registered rental duplex with a total of five bedrooms. It is zoned R4C, which permits a maximum occupancy of six unrelated people per unit according to Zoning code, for a maximum of 12 occupants in the structure. The structure is currently permitted a total maximum of nine occupants based on Rental Housing code and unit configuration. Due to the fact that the lot does not meet the minimum lot area requirement of 8,500 square feet, the existing structure is a legal non-conforming structure with two units. The proposed plan would increase the total number of bedrooms from five to seven and increase the number of occupants to eleven.

As noted above, Chapter 55, Section 5:87 (1)(a) states that a nonconforming structure may be maintained or restored, but no alteration shall be made to a nonconforming structure unless one of the following conditions are met:

- (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.

If the alteration is approved, the new bedrooms and attic (and all other planned improvements) will be inspected and will be required to meet all housing and building codes for health and safety, including emergency egress. If the variance is not approved, the petitioner will not be able to use the upstairs attic as a living space.

Standards for Approval- Permission to Alter a Non-Conforming Structure

The Zoning Board of Appeals has all the power granted by State law and by Section 5:98, from the City of Ann Arbor Zoning Ordinance. The following criteria shall apply:

The alteration complies as nearly as practicable with the requirements of the Zoning Chapter and will not have a detrimental effect on neighboring property.

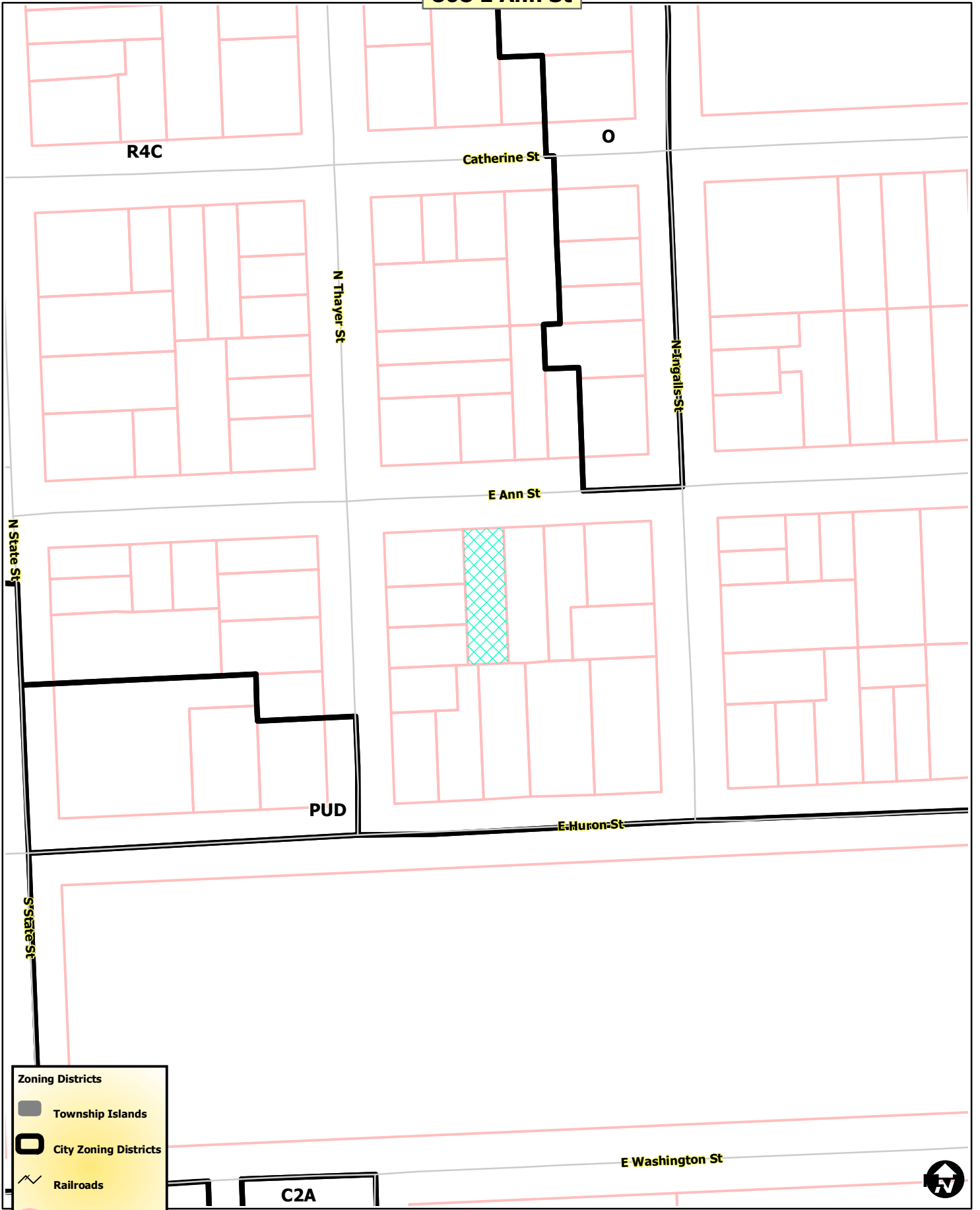
Permission is being requested in order to convert existing attic space to the existing second floor unit of a legal nonconforming duplex. The conversion of this attic will not expand the footprint or maximum height of the structure. The multiple-family use is consistent with the surrounding uses and the addition of two bedrooms to the structure should not have a detrimental effect on adjacent properties.

Respectfully submitted,






A handwritten signature in blue ink, appearing to read "Jon Barrett". The signature is stylized with large, rounded loops for the letters.

**Jon Barrett
Zoning Coordinator**

808 E Ann St



Zoning Districts

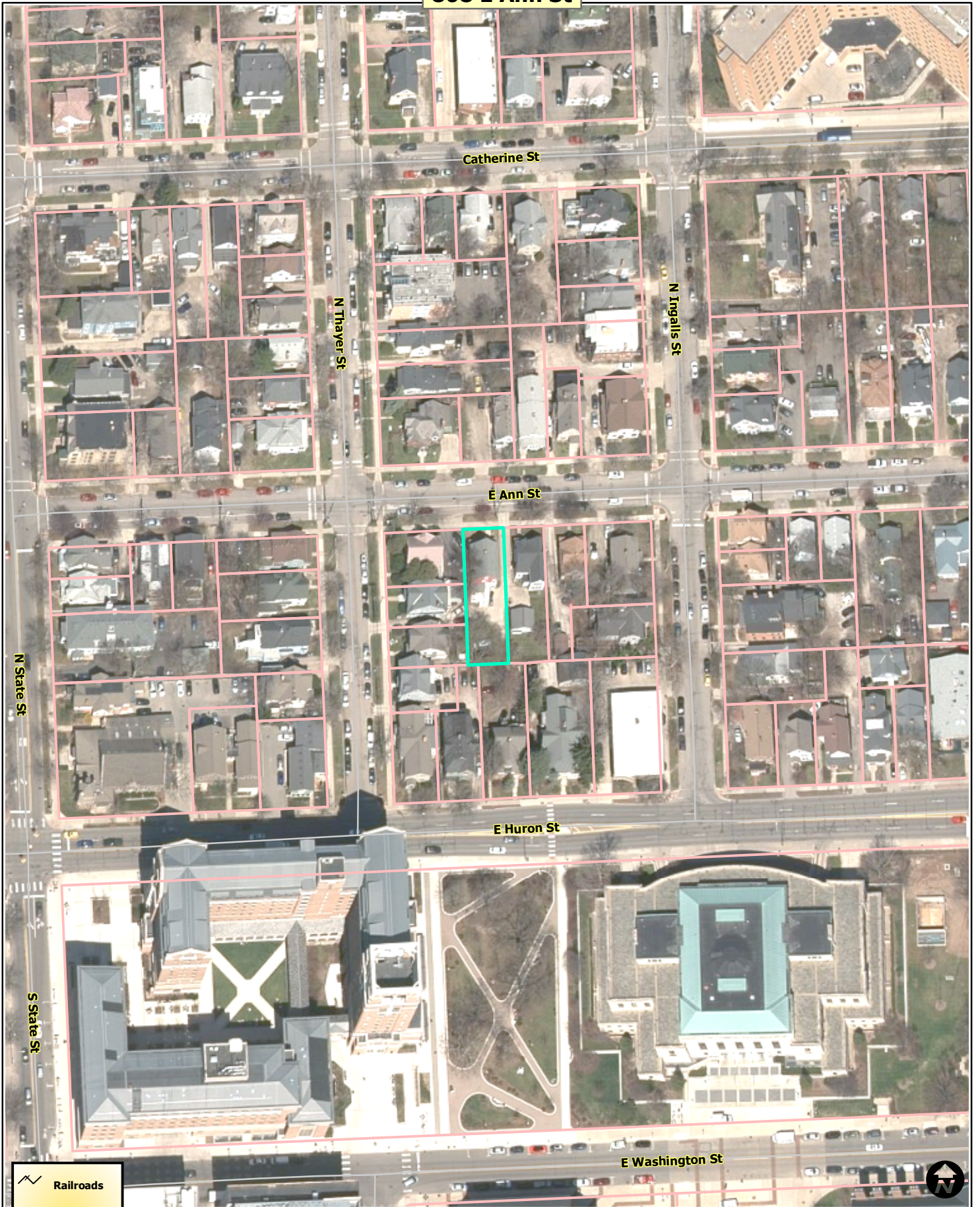
-  Township Islands
-  City Zoning Districts
-  Railroads
-  Parcels
-  Huron River





Map date 5/5/2016
 Any aerial imagery is circa 2015
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808 E Ann St



-  Railroads
-  Parcels
-  Huron River






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808 E Ann St

E Ann St



-  Railroads
-  Parcels
-  Huron River



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APPLICATION FOR VARIANCE OR NON-CONFORMING STRUCTURE
ZONING BOARD OF APPEALS

Section 1: Applicant Information

Name of Applicant: Jon Keller
 Address of Applicant: 2435 S Main St, Ann Arbor MI 48103
 Daytime Phone: 734-369-8239
 Fax: 734-369-6059
 Email: jon@jkellerproperties.com
 Applicant's Relationship to Property: Owner

Section 2: Property Information

Address of Property: 808 E Ann St, Ann Arbor
 Zoning Classification: R4C
 Tax ID# (if known): 09-09-28-209-010
 *Name of Property Owner: Jonathon and Elizabeth Keller

**If different than applicant, a letter of authorization from the property owner must be provided.*

Section 3: Request Information

Variance

Chapter(s) and Section(s) from which a variance is requested:	Required dimension:	PROPOSED dimension:
<u>Alteration to non-conforming lot size</u>	<u>8,500 ft2 lot</u>	<u>5,270 ft2 lot</u>
_____	_____	_____
_____	_____	_____

Example: Chapter 55, Section 5:26

Example: 40' front setback

Example: 32'

Give a detailed description of the work you are proposing and why it will require a variance (attach additional sheets if necessary)
Finish attic space to building and housing code. No exterior changes planned. No occupancy changes requested. No density changes requested. Simply adding more usable space to the unit. Approximately 450 square feet.

Section 4: VARIANCE REQUEST (If not applying for a variance, skip to section 5)

The City of Ann Arbor Zoning Board of Appeals has the powers granted by State law and City Code Chapter 55, Section 5:98. 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 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 Zoning Board of Appeals. (continued)

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?

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

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

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?

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

Section 5: ALTERATION TO A NON-CONFORMING STRUCTURE

Current use of the property Residential R4C

The proposed change is allowed in accordance with Structure Non-Conformance, Section 5:87 (1) (a) & (b), which reads as follows:

- (1) A non-conforming structure may be maintained or restored, but no alteration shall be made to a non-conforming structure unless one of the following conditions is met:
 - a. The alteration is 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.
 - b. The alteration conforms to all the requirements of this Chapter and is made to a building which will be a single-family dwelling on completion of the alteration and is located in an R1, R2, R3, or R4 district.
 - c. The structure is considered non-conforming due to the following reasons

(continued . . .)

	<u>Existing Condition</u>	<u>Code Requirement</u>
Lot area	5,280	8,500
Lot width	40'	60'
Floor area ratio	_____	
Open space ratio	_____	
Setbacks	_____	
Parking	_____	
Landscaping	_____	
Other	_____	

Describe the proposed alterations and state why you are requesting this approval:

We intend to finish the attic space as part of unit 2 (upstairs). No changes to occupancy or density. No exterior changes. No neighborhood impact.

The alteration complies as nearly as is practicable with the requirements of the Chapter and will not have a detrimental effect on neighboring property for the following reasons:

There will be no change to occupancy, density, and no changes to the exterior.

Wherefore, Petitioner requests that permission be granted from the above named Chapter and Section of the Ann Arbor City Code in order to permit _____

Finish the attic as habitable bedroom space.

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 Zoning 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.** (Continued)

- 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.
- Any other graphic or written materials that support the request.

Section 7: Acknowledgement

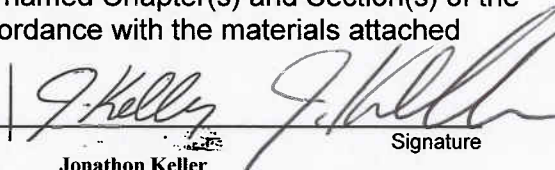
SIGNATURES MUST BE SIGNED IN PRESENCE OF NOTARY PUBLIC

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.

734-369-8239

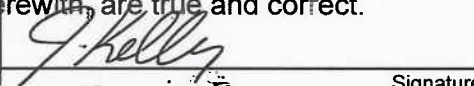
Phone Number
jon@jkellerproperties.com

Email Address



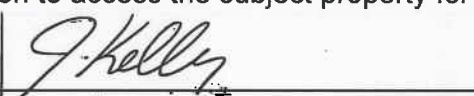
Jonathon Keller
Signature
Print Name

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.



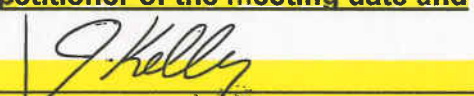
Signature

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



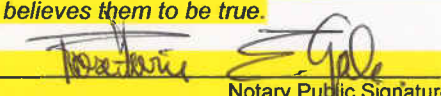
Signature

I have received a copy of the informational cover sheet with the deadlines and meeting dates and acknowledge that **staff does not remind the petitioner of the meeting date and times.**



Signature

On this 26th 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.



Notary Public Signature

October 19, 2017
Notary Commission Expiration Date

ROSE-MARIE E. GALE
Print Name

ROSE-MARIE E. GALE
 Notary Public, State of Michigan
 County of Lenawee
 My Commission Expires Oct. 19, 2017
 Acting in Washtenaw County

Staff Use Only

Date Submitted: 4/26-16

Fee Paid: \$500⁰⁰

File No.: ZRA 16-012

Date of Public Hearing 5/25-16

Pre-filing Staff Reviewer & Date _____

ZBA Action: _____

Pre-Filing Review: _____

Staff Reviewer & Date: _____



**Application for Non-Conforming Structure
Zoning Board of Appeals**

Presented by: Jon Keller, Property Owner
808 E Ann St
Ann Arbor MI 48104

Intention: Receive permission from the ZBA to finish attic in a non-conforming duplex. There will be no change in density, occupancy, zoning, or use. There will be ABSOLUTELY no changes to the exterior of the home and no detrimental impact on the surrounding homes. We are simply adding livable space to a non-conforming structure.

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Current certificate of occupancy- showing 5 bedrooms; occupancy 9	11
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Search...

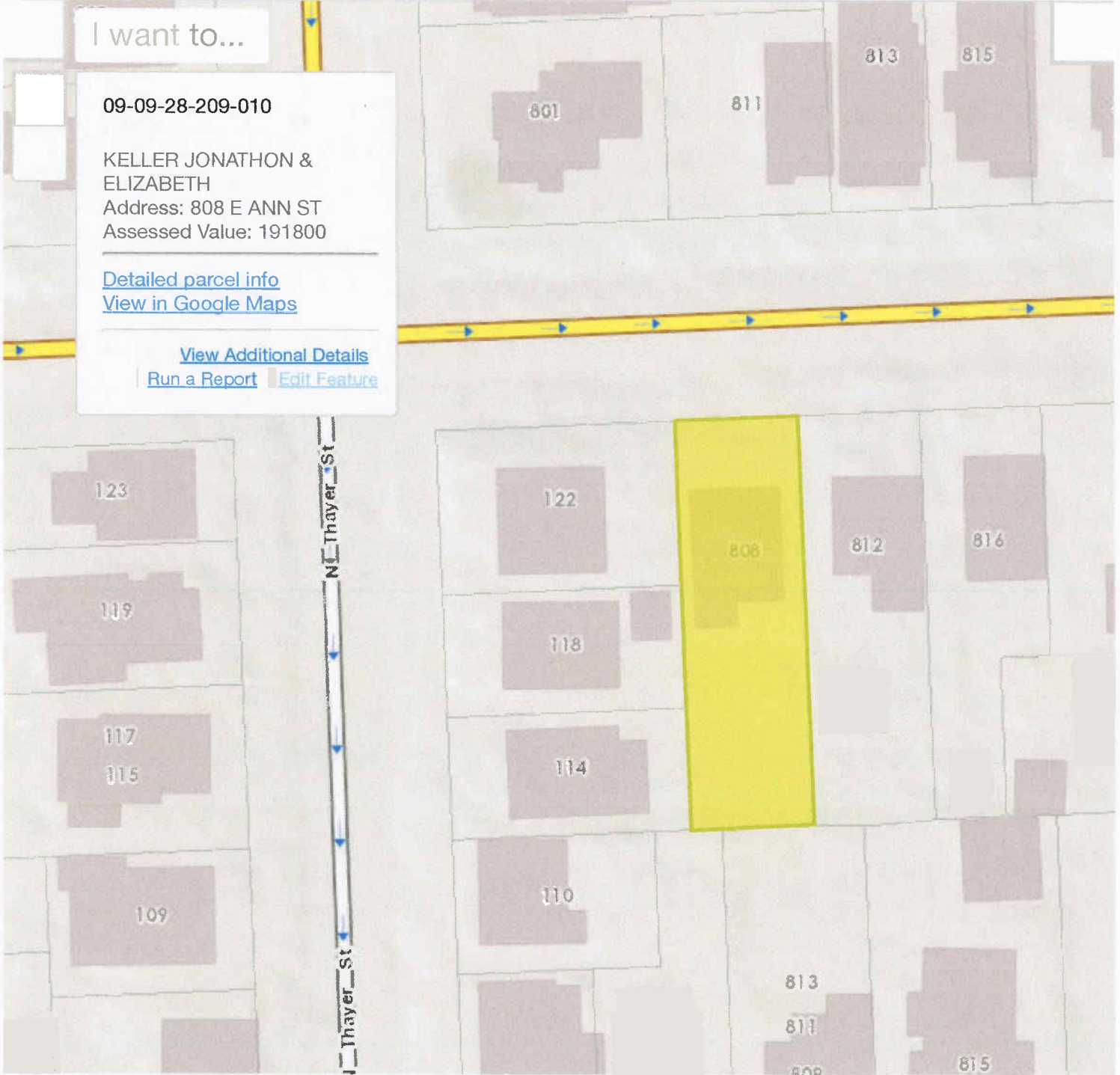
I want to...

09-09-28-209-010

KELLER JONATHON &
ELIZABETH
Address: 808 E ANN ST
Assessed Value: 191800

[Detailed parcel info](#)
[View in Google Maps](#)

[View Additional Details](#)
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Search...

Home

Tools

Layer List Layers

Draw

Meas...

Feet (ft)

Feet² (ft²)

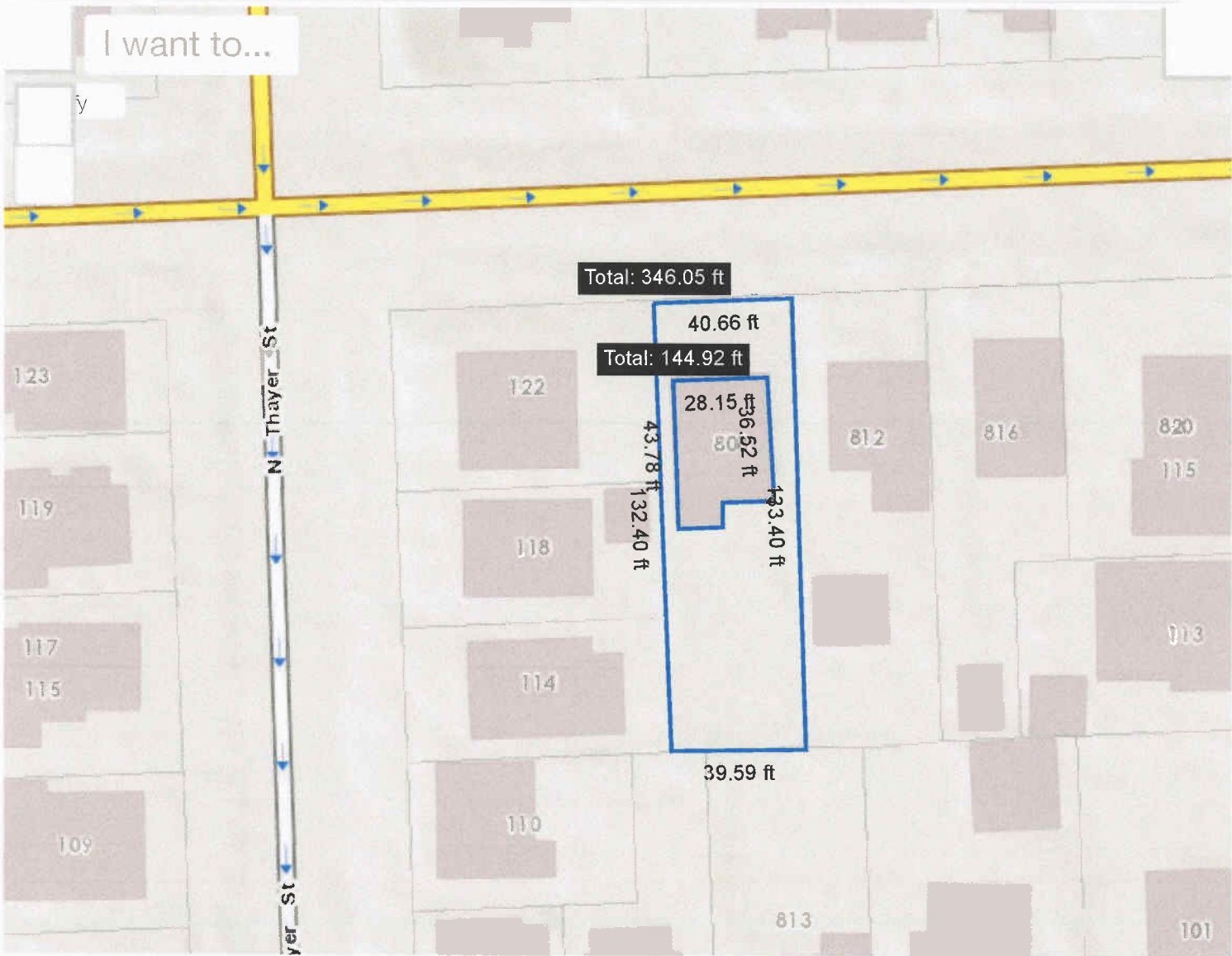
Enable Snapping

Select Snapping Layers

Edit

Draw

I want to...



Road Map

Click or tap to draw a measurement line. Double-click/tap to finish.



Home

Tools

Layer List Layers

Draw

Meas. ...

Feet (ft)

Feet² (ft²)

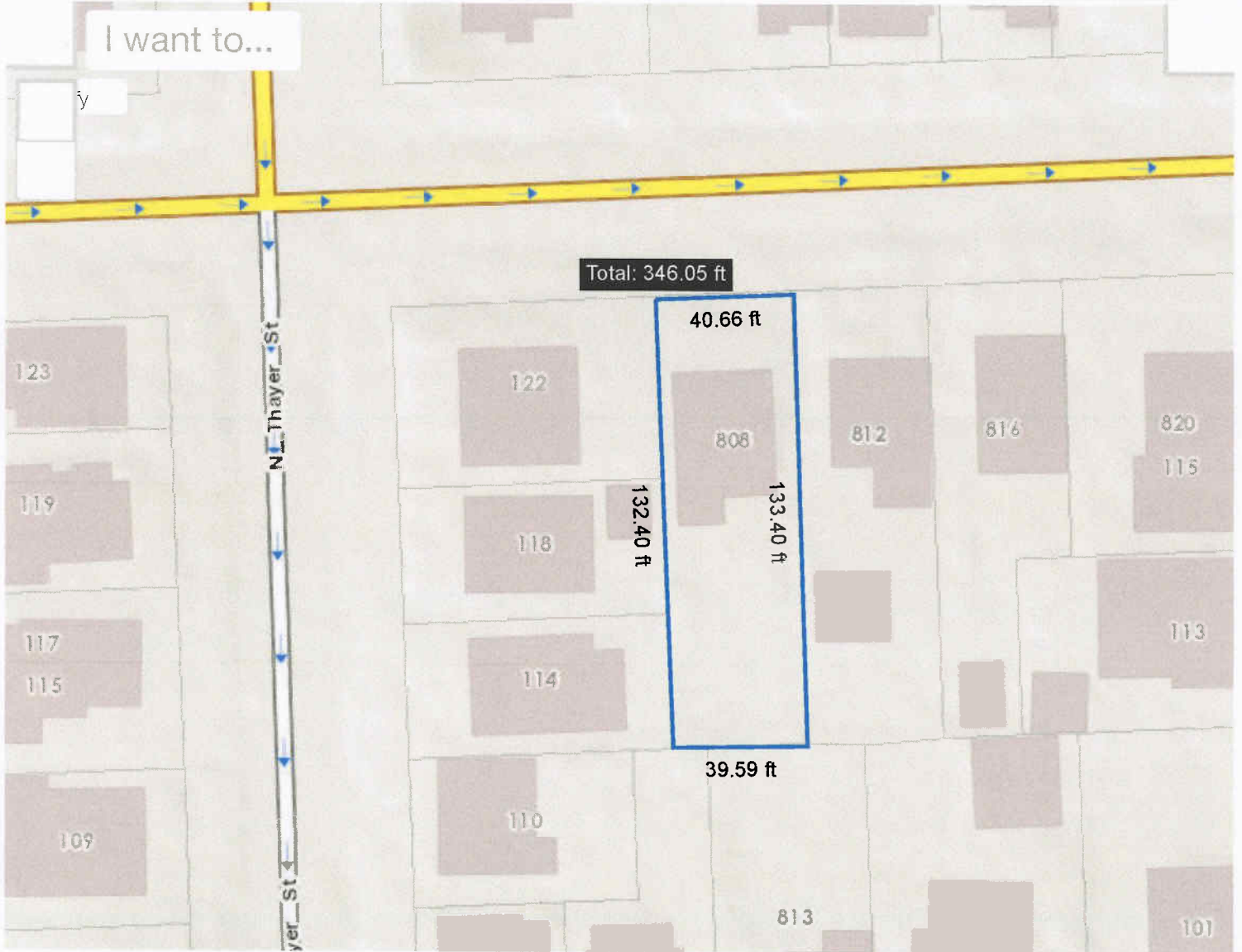
Enable Snapping

Select Snapping Layers

Edit

Draw

I want to...

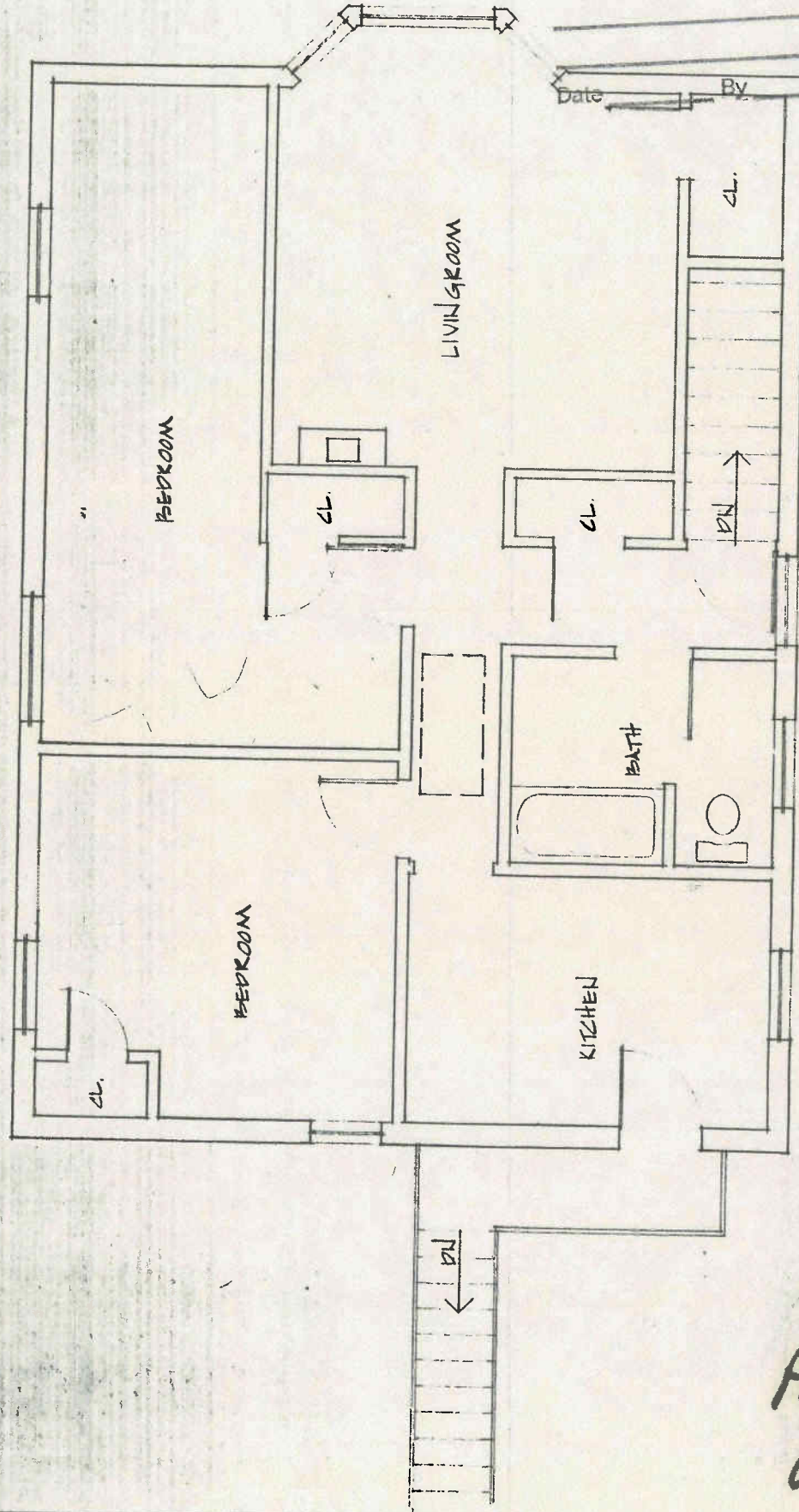


Road Map

Click or tap to draw a measurement line. Double-click/tap to finish.

District OFW
Address 808 E. CUM
Date Rec'd 10/30/87
Action _____

Date _____ By _____



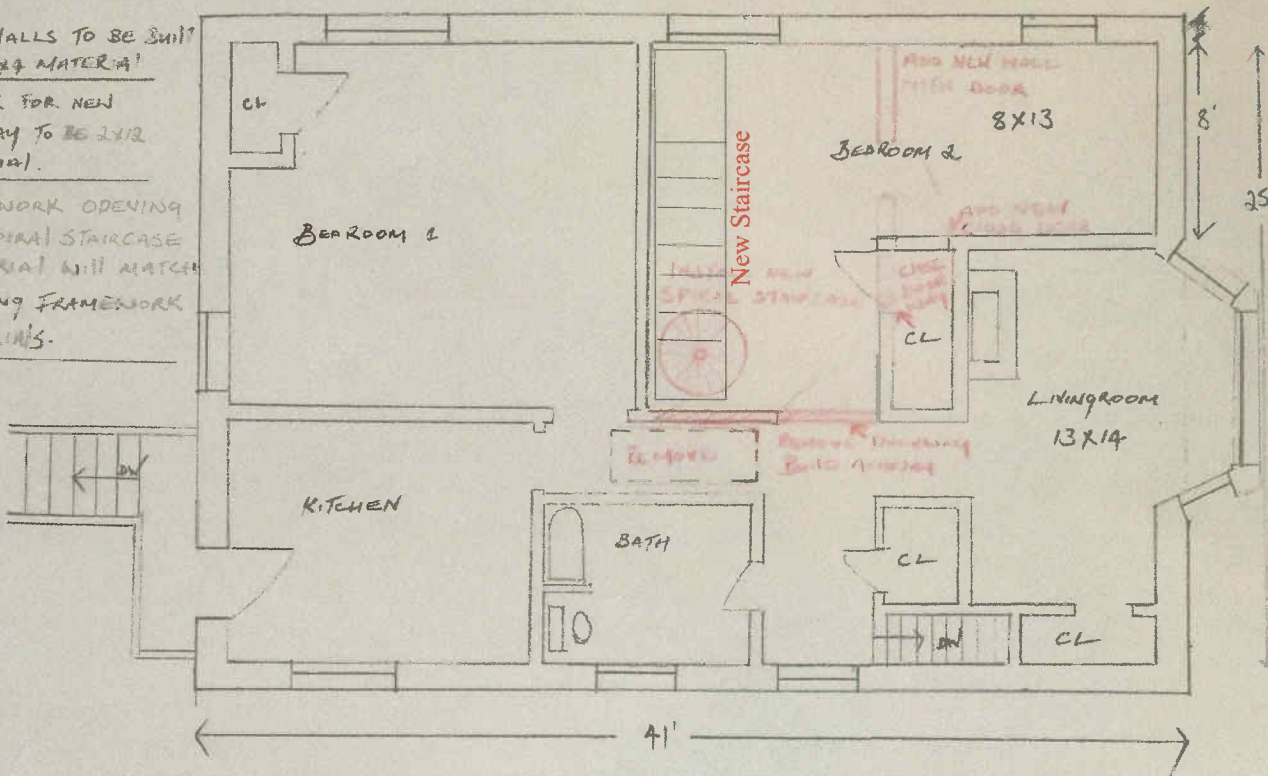
EXISTING SECOND FLOOR PLAN
SCALE: 1/4" = 1'-0"

A-3-7
OVER

808 EAST ANN ST
ANN ARBOR, MI, 48103

EXISTING SECOND FLOOR PLAN WITH PROPOSED WORK TO BE DONE

ALL WALLS TO BE BUILT
WITH 2x4 MATERIAL
HEADER FOR NEW
ARCHWAY TO BE 2x12
MATERIAL.
FRAMEWORK OPENING
FOR SPIRAL STAIRCASE
MATERIAL WILL MATCH
EXISTING FRAMEWORK
MATERIALS.

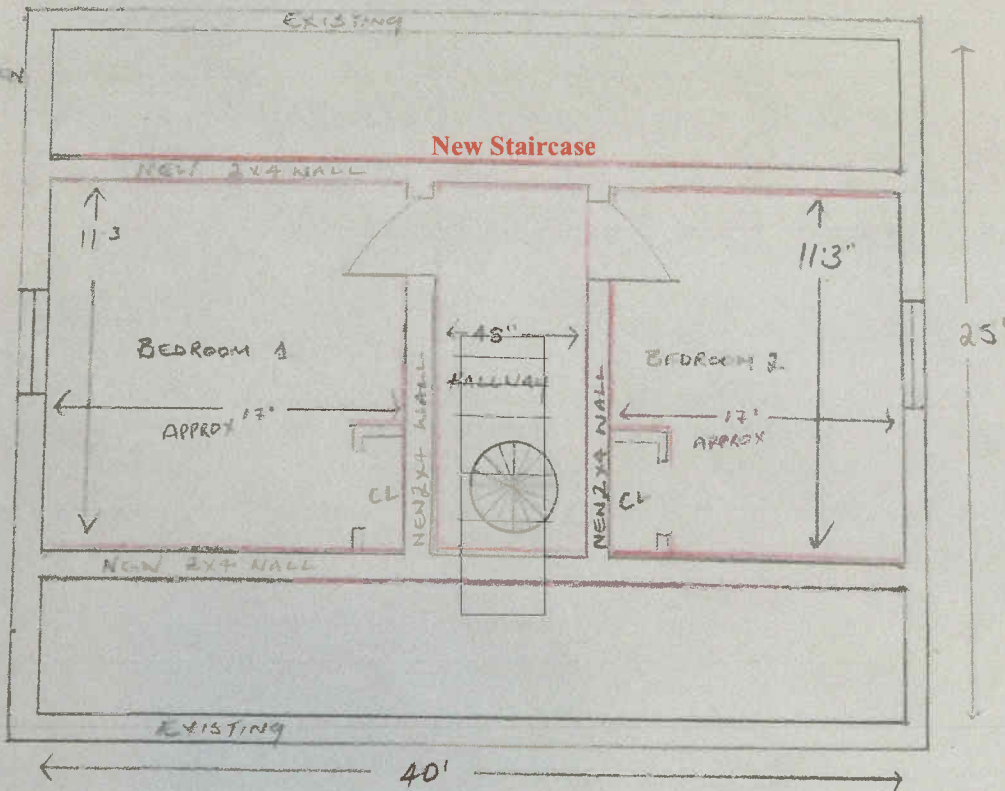


808 EAST ANN STREET
ANN ARBOR, MI, 48103

ATTIC

WITH PROPOSED WORK TO BE DONE.

NEW CONSTRUCTION
OF 2x4 WALLS.



Permits

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Inspections

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Permit Search

Search By: SEARCH

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Search Results

Permit Number

CR060398
PB011776
PB032002

Permit #CR060398

Permit Inspections

Permit Info	Site Info	Contacts (4)	Inspections(8)	Reviews
<p>Type: RENTAL</p> <p>Subtype: DUPLEX</p> <p>Short Description:</p> <p>Status: CERTIFIED</p> <p>Applied Date: 4/1/2015</p> <p>Approved Date: 3/31/2015</p> <p>Issued Date: 4/1/2015</p> <p>Finalized Date:</p> <p>Expiration Date: 1/1/2017</p> <p>Notes: 1 - 2 bedroom unit with 5 occupants max 1 - 3 bedroom unit with 4 occupants max</p>				
<p>Attachments:</p> <p>HIMS Data 808EA_081026.TXT Violation letter 2009 808EANN_090527.PDF 808 e. ann 092011 initial.pdf 808 e. ann 092011 initial.pdf 2011 Violation Letter 808.pdf 2007-2009 info.pdf 2007-2009 info.pdf 808 e ann initial ltr 7 22 14 AAinspectionNOTICE.DOC 808 e ann.pdf 808 e ann.pdf re inspect letter 9/5/14 e ann.pdf 808 e ann.pdf 808 e ann_01.pdf re inspect letter 3/3/15 808 e a.pdf 808 floorplan.pdf 808 floorplan.pdf 2014 C OF C AARENTALCOC.PDF 2015 INSPECTION INFORMATION.pdf 808 E ANN 060398 2015 INSPECTION INFORM.pdf</p>				

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Comp Properties on 800 block of E. Ann

Address	Occupancy	total occ	Unit Count	Lot size	square footage
801 E Ann	3 bed/occ 4; AND 5 bed/occ 6	10	2	.12 acre; 5120 ft	1980
811 E Ann	2 efficiencies/occ 3 AND 2 (1) beds/occ 2	5	4	.08 acre; 3498 ft	1570
813 E Ann	2 (1) Beds occ 4 AND (1) 4 bed occ 6	10	3	.10 acre; 4356 ft	2372
815 E Ann	3 (eff) occ 3; 2 (1) beds occ 4 NAD 1 (2) bed occ 4	11	6	.07 acre; 2904 ft	3152
820 E Ann	1 efficiency/occ 2 AND 3 (1) bedrooms/occ 5	7	4	.12 acre; 5280 feet	2182
808 E Ann	1 (3) bed/occ 4 AND 1 (2) bed/occ 5	9	2	.12 acre; 5280 ft	1810
Proposed 808	1 (3) bedroom/occ 4 (no change) AND 1 (4) bed occ 6	10	2	.12 acres; 5280 ft	2310

J. KELLER

properties



J. KELLER

properties

