

# ANN ARBOR HOUSING BOARD OF APPEALS

## STAFF REPORT

**Meeting Date: February 8.2022**

**Type of Request: VARIANCE**

Housing Board of Appeals Request HBA21-0004 at 906 Fifth St., ANN ARBOR, MI 48103.

(Parcel Identification Number: **09-09-32-208-022**)

### DESCRIPTION AND DISCUSSION

#### Property Owners Name and Address:

Lucas David Fleisher  
924 W. George St. Apt.#2  
Chicago, IL, 60657

Barbra Stewart (agent)  
906 Fifth St.,  
Ann Arbor, MI, 48103

### BACKGROUND

The house at 906 Fifth St., Ann Arbor, MI was built in 1929 and underwent a permitted renovation described as a 10' by 24' second story addition. The property owner requests two variances:

#### **(1) Height of ceiling and doors: existing buildings.**

Variance from 8:503 (3) (d): *Openings to habitable space*. Openings to habitable space shall be at least 6 feet 2 inches high and 22 inches wide. Height of the opening shall be measured at the midpoint.

#### **(2) Height of ceilings and doors: Existing buildings.**

*Sloped ceiling rooms*. At least 50% of the required floor area of every habitable room with a sloping ceiling shall have a ceiling height of at least 7 feet. The floor area of that part of any room where the ceiling height is less than 5 feet shall not be considered as part of the floor area in computing the total floor area of the room.

#### **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.*

**STAFF RECOMMENDATION**

- Staff recommend that the variance not be granted as it jeopardizes public health and safety. The permit from 1997 referenced by the petitioner was for a second story addition described on the permit as a 10' by 24' 2<sup>nd</sup> story addition (see pages 1,5,6). The space being rented does not meet the code requirements of the time both the 1987 and 1999 BOCA codes (see pages 9, 10) have requirements that this space does not meet. It appears this was a space that had been acceptable as an area for storage but is now being used as habitable space, for which it does not meet the minimum standard of the Ann Arbor Rental Code or any applicable Building Code (see pages 7,8) and rented out prior to a rental inspection. This property came to staff's attention as an unregistered rental through a complaint CODE20-0056.

**PROPOSED MOTION**

**APPEAL GRANTED**

That in Case HBA21-0004, **the appeal of the Building Official's decision** that the rental unit at **906 Fifth St. not get** relief from section 8:503 (3) (b) and (d), and the Housing Board of Appeals **REVERSES** the Building Official's decision for the reason(s) that *[state reason in motion]*:

- (1) Practical difficulties or undue hardship
- (2) The variance does not violate the intent of section 8:503 (3) (d) and (b) of the Ann Arbor Housing Code
- (3) The variance does not jeopardize public health and safety.

Stipulations – If Applicable:

***[Chairman to check box(es) following vote]***

**OR**

**APPEAL DENIED**

That in Case HBA21-004 **the appeal of the Building Official’s decision** that the rental unit at **906 Fifth St.** is **DENIED** and the Housing Board of Appeals **AFFIRMS** the Building Official’s decision for the reason(s) that *[state reason in motion]*:

- (1) Practical difficulties or undue hardship do not exist.
- (2) The variance would violate the intent of section 8:502 of the Ann Arbor Housing Code;
- (3) The variance would jeopardize public health and safety.
- 

Stipulations – if Applicable:

***[Chairman to check applicable box(es) following vote]***

Yeas:

Nays:

Absent for this vote:

\_\_\_\_\_ Date

\_\_\_\_\_

FIELD COPY

496 0100

CITY OF ANN ARBOR MICHIGAN  
BUILDING DEPARTMENT  
100 N. FIFTH AVENUE  
(313) 994-2674

# BUILDING PERMIT

53985

APPLICANT: NO's Home Improvement ADDRESS: 668-3860 (STREET) (NO.) PERMIT NO. 53985  
(CONTR'S LICENSE)

PERMIT TO: Addition (TYPE OF IMPROVEMENT) (NO.) STORY \_\_\_\_\_ (PROPOSED USE) NUMBER OF DWELLING UNITS 2

AT INTERSECTION: 900 PINE STREET (NO.) (STREET) AND 2ND ST (CROSS STREET) ZONING DISTRICT: R-1  
BETWEEN: \_\_\_\_\_ (CROSS STREET) LOT SIZE: 5995 sq ft

SUBDIVISION: 09-32-208-022 LOT \_\_\_\_\_ BLOCK \_\_\_\_\_

BUILDING IS TO BE \_\_\_\_\_ FT. WIDE BY \_\_\_\_\_ FT. LONG BY \_\_\_\_\_ FT. IN HEIGHT AND SHALL CONFORM IN CONSTRUCTION

TO TYPE \_\_\_\_\_ USE GROUP \_\_\_\_\_ BASEMENT WALLS OR FOUNDATION \_\_\_\_\_

REMARKS: (04) 2nd story bedroom addition

AREA OR VOLUME \_\_\_\_\_ (CUBIC/SQUARE FEET) ESTIMATED COST \$ 35,000.00 PERMIT FEE \$ 166.00

OWNER: Dave Fleisher/Barbara Stewart  
ADDRESS: Same BUILDING DEPT. BY: Larry Pickel/clr

FORM NO B06A - 04 1988

FIELD COPY

# INSPECTION RECORD

DATE	NOTE PROGRESS - CORRECTIONS AND REMARKS	SPECTOR
7-25-97	OK Rough	PH
7-30-97	OK simulator	PH
10-9-97	Disapprove final see notice	TB
10/28/97	OK Final	PH

PROJECT NO. 4308 OF 1997

NO. 4308 OF 1997

NAME

Called 3/30/97

53985

50

100 N. FIFTH AVE.  
Phone (313) 994-2674  
Fax (313) 994-8460

CITY OF ANN ARBOR, MI  
BUILDING DEPARTMENT  
New Construction, Alterations and Additions

APPLICATION FOR  
PLAN EXAMINATION  
AND BUILDING PERMIT

**IMPORTANT - Applicant to complete all items in Sections I, II, III, IV and IX.**

**I. LOCATION OF BUILDING**

AT (LOCATION) (NO.) 906 Fifth Street (STREET) ZONING DISTRICT R1D

BETWEEN Pauline (CROSS STREET) AND Davis (CROSS STREET)

SUBDIVISION 0932208022 LOT \_\_\_\_\_ BLOCK \_\_\_\_\_ LOT SIZE \_\_\_\_\_

**II. TYPE AND COST OF BUILDING - All applicants complete Parts A - D**

**A. TYPE OF IMPROVEMENT**

1  New building

2  Addition (If residential, enter number of new housing units added, if any, in Part D, 13)

3  Alteration (See 2 above)

4  Repair, replacement

5  Wrecking (If multifamily residential, enter number of units in building in Part D, 13)

6  Moving (relocation)

7  Foundation only

**D. PROPOSED USE - For "Wrecking" most recent use**

<b>Residential</b>	<b>Nonresidential</b>
12 <input checked="" type="checkbox"/> One family	18 <input type="checkbox"/> Amusement, recreational
13 <input type="checkbox"/> Two or more family - Enter number of units _____	19 <input type="checkbox"/> Church, other religious
14 <input type="checkbox"/> Transient hotel, motel, or dormitory - Enter number of units _____	20 <input type="checkbox"/> Industrial
15 <input type="checkbox"/> Garage	21 <input type="checkbox"/> Parking garage
16 <input type="checkbox"/> Carport	22 <input type="checkbox"/> Service station, repair garage
17 <input type="checkbox"/> Other - Specify _____	23 <input type="checkbox"/> Hospital, institutional
	24 <input type="checkbox"/> Office, bank, professional
	25 <input type="checkbox"/> Public utility
	26 <input type="checkbox"/> Library
	27 <input type="checkbox"/> Stores, mercantile
	28 <input type="checkbox"/> Tanks, towers
	29 <input type="checkbox"/> Other - Specify _____

2nd story Addition over Existing 1st Floor

**B. OWNERSHIP**

8  Private (individual, corporation, nonprofit institution, etc.)

9  Public (Federal, State, or local government)

**C. COST**

10 Cost of improvement To be installed but not included in the above cost

a. Electrical \$ \_\_\_\_\_

b. Plumbing \$ \_\_\_\_\_

c. Heating, air conditioning \$ \_\_\_\_\_

d. Other (elevator, etc.) \$ \_\_\_\_\_

11 TOTAL COST OF IMPROVEMENT \$ 35,000

(Omit cents)

Nonresidential - Describe in detail proposed use of buildings, e.g., day care center, food processing plant, machine shop, laundry building at hospital, college, parking garage for department store, rental office building, office building at industrial plant. If use of existing building is being changed, enter proposed use.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**III. SELECTED CHARACTERISTICS OF BUILDING - For new buildings and additions, complete Parts E - J for wrecking, complete only Part J, for all others skip to IV.**

**E. PRINCIPAL TYPE OF FRAME**

30  Masonry (wall bearing)

31  Wood frame

32  Structural steel

33  Reinforced concrete

34  Other - Specify \_\_\_\_\_

**G. TYPE OF SEWAGE DISPOSAL**

40  Public or private company

41  Private (septic tank, etc.)

**J. DIMENSIONS**

48 Number of stories 2

49 Total square feet of floor area, all floors, based on exterior dimensions 222 SF

50 Total land area, sq. ft. \_\_\_\_\_

**H. TYPE OF WATER SUPPLY**

42  Public or private company

43  Private (well, cistern)

**K. NUMBER OF OFF-STREET PARKING SPACES**

51 Enclosed \_\_\_\_\_

52 Outdoors \_\_\_\_\_

**F. PRINCIPAL TYPE OF HEATING FUEL**

35  Gas

36  Oil

37  Electricity

38  Coal

39  Other - Specify \_\_\_\_\_

**I. TYPE OF MECHANICAL**

Will there be central air conditioning?

44  Yes 45  No

Will there be an elevator?

46  Yes 47  No

**L. RESIDENTIAL BUILDINGS ONLY**


53 Number of bedrooms 3

54 Number of bathrooms Full 2 Partial \_\_\_\_\_

**IV. IDENTIFICATION - To be completed by all applicants**

Name		Mailing address - Number, Street, City, State		ZIP Code	Tel. No.
1. Owner or Lessee	DAVE Fleisher	906 FIFTH STREET		48103	769-4170
	Barbara Stewart	AZ MI			
<b>JJ's HOME IMPROVEMENTS</b>					
2. Contractor	Remodeling Specialists		551 South Fourth Avenue, Suite 5		Builders License #
	ANN ARBOR, MICHIGAN 48104		(313) 668-6858		2101072147
3. Architect or Engineer	Carl O. Huefer		1321 Franklin Blvd		665-7660

I hereby certify that the proposed work is authorized by the owner of record and that I have been authorized by the owner to make this application as his authorized agent and we agree to conform to all applicable laws of this jurisdiction.

Signature of Applicant	Address	Application Date
	Jeff Johnson	5/20/97

**DO NOT WRITE BELOW THIS LINE**

**V. PLAN REVIEW RECORD - For office use**

Plan Review Required	Check	Plan Review Fee	Date Plans Started	By	Date Plans Approved	By	Notes
BUILDING		\$			05/23/97	CAF	
PLUMBING		\$					
MECHANICAL		\$					
ELECTRICAL		\$					
OTHER		\$					

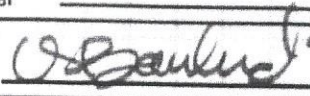
**VI. ADDITIONAL PERMITS REQUIRED OR OTHER JURISDICTION APPROVALS**

Permit or Approval	Check	Date Obtained	Number	By	Permit or Approval	Check	Date Obtained	Number	By
BOILER					PLUMBING				
CURB/SIDEWALK CUT					ROOFING				
ELEVATOR					SEWER				
ELECTRICAL					SIGN OR BILLBOARD				
FURNACE					STREET GRADES				
GRADING					USE OF PUBLIC AREAS				
OIL BURNER					WRECKING				
OTHER					OTHER				

**VII. VALIDATION**

Building Permit Fee	\$	166 <sup>00</sup>
Certificate of Occupancy		NO
Grading Permit Fee	\$	-
Plan Review Fee	\$	50 <sup>00</sup>
<b>TOTAL</b>	\$	<b>216<sup>00</sup></b>

**FOR DEPARTMENT USE ONLY**

Use Group	_____
Fire Grading	_____
Live Loading	_____
Occupancy Level	_____
Approved by:	
Title:	_____

APPLICATION FOR  
PLAN EXAMINATION  
NOTES and Data - (For department use)  
AND BUILDING PERMIT

CITY OF ANN ARBOR, MI  
BUILDING DEPARTMENT  
New Construction, Alterations and Additions

100 N. FIFTH AVE.  
Phone (313) 994-2674  
Fax (313) 994-8480

IMPORTANT - Applicant to complete all items in Sections I, II, III, IV and IX.

Build 2nd story Add: Trn over 1st Floor  
KIT + Family Rm.

Tear off Roof + Build new Floor Joist  
as per Plan

Build walls + Roof to tie into Existing  
Add: Trn: Adding one Bedroom + Enlarge  
one main BATH Rm.

Use: R.2

Type: 5b.

(04) 2nd story bedroom addition.



**VII. ZONING PLAN EXAMINERS NOTES**

IV. IDENTIFICATION - To be completed by the applicants

DISTRICT	R1D	Mailing address - Number, Street, City, State	Name	1. Owner or Lessee
USE	Single family dwelling			
FRONT YARD				
SIDE YARD	13	SIDE YARD		2. Contractor
REAR YARD	100'±			3. Architect or Engineer
NOTE	10'x24' Second story addition over existing structure.			

O.K. 5-22-97 *[Signature]*

**IX. SITE OR PLOT PLAN - For Applicant Use**

2015 Michigan Rehab code for existing buildings (MRCB)

**1001.2.1 Change of use.** Any work undertaken in connection with a change in use that does not involve a *change of occupancy* classification or a change to another group within an occupancy classification shall conform to the applicable requirements for the work as classified in Chapter 5 and to the requirements of Sections 1002 through 1011.

2015 MRCB

**SECTION 504  
ALTERATION—LEVEL 2**

**504.1 Scope.** Level 2 *alterations* include the reconfiguration of space, the addition or elimination of any door or window, the reconfiguration or extension of any system, or the installation of any additional equipment.

**504.2 Application.** Level 2 *alterations* shall comply with the provisions of Chapter 7 for Level 1 *alterations* as well as the provisions of Chapter 8.

2015 MRCB

**801.3 Compliance.** All new construction elements, components, systems, and spaces shall comply with the requirements of the *International Building Code*.

Inspection notes referencing Ann Arbor Rental Code

3rd floor

Stair headroom 5'6" with hardwire interconnected smoke detectors on each stair level.

Large room. Does not meet window size for egress for bedroom. 450". 500" required or 20"x20" opening.

Small room, 50% of floor area not under 7' ceiling height. Opening to habitable space 5'7". Must be 6'2".

Large room- 161 sqft at 5' ceiling height. 84 sqft at 7' ceiling height.

Small room- 80 sqft at 5' ceiling height floor area. 32 sqft at 7' ceiling. 34x23" window opening for egress.

Apply for a variance from HBA for 3rd floor use as bedroom, or obtain permits to make rooms compliant, or do not use as sleeping space and as recreational space only.

**Exception:** In buildings of Use Group R-3, the maximum projection below the required ceiling height of beams and girders spaced not less than 4 feet (1219 mm) on center shall be 6 inches (152 mm).

**708.1.1 Use Groups A, B, E and M:** A clear height from finished floor to ceiling or lowest projection of not less than 7 feet 6 inches (2286 mm) shall be provided in all exit access and occupiable rooms of structures of Use Group A, B, E and M.

**708.1.2 Sloping ceilings:** If any room in a building has a sloping ceiling, the prescribed ceiling height for the room is required in only one-half the area thereof. Any portion of the room measuring less than 5 feet (1524 mm) from the finished floor to the finished ceiling shall not be included in any computation of the minimum area thereof.

**708.1.3 Furred ceilings:** If any room has a furred ceiling, the prescribed ceiling height is required in two-thirds of the area thereof, but the height of the furred ceiling shall not be less than 7 feet (2134 mm).

**708.2 Floor area:** Every dwelling unit shall have at least one room which shall have not less than 150 square feet (13.95 m<sup>2</sup>) of floor area. Other habitable rooms except kitchens shall have an area of not less than 70 square feet (6.51 m<sup>2</sup>).

**708.3 Width:** A habitable room other than a kitchen shall not be less than 7 feet (2134 mm) in any dimension.

**SECTION 709.0 VENTILATION OF SPECIAL SPACES**

**709.1 Roof spaces:** Enclosed attics and enclosed rafter spaces formed where ceilings are applied directly to the underside of roof rafters, shall have cross ventilation for each separate space by ventilating openings protected against the entrance of rain and snow. The openings shall be covered with corrosion resistant mesh not less than 1/4 inch (6 mm) nor more than 1/2 inch (13 mm) in any direction.

**709.1.1 Ventilating area:** The minimum required net free ventilating area shall be 1/150 of the area of the space ventilated, except that the minimum required area shall be reduced to 1/300 where at least 50 percent of the required ventilating area is provided by ventilators located in the upper portion of the space to be ventilated at least 3 feet (914 mm) above eave or cornice vents with the balance of the required ventilation provided by eave or cornice vents.

**709.2 Crawl spaces:** Crawl space areas, other than those used as an underfloor plenum, shall be ventilated by an approved mechanical means or by openings in exterior foundation walls. Openings shall be located as close to corners as practicable and shall provide cross ventilation on at least two approximately opposite sides. The openings shall be covered with corrosion-resistant mesh not less than 1/4 inch (6 mm) nor more than 1/2 inch (13 mm) in any direction.

**709.2.1 Opening size:** Openings shall have a net area of not less than 1 square foot (0.093 m<sup>2</sup>) for each 150 square feet (13.95 m<sup>2</sup>) of foundation space. Where

an approved vapor barrier is in net area of openings shall be reduced and shall have manually operable louvers.

**709.3 Alternative mechanical:** spaces which are not ventilated by mechanical ventilation system or mechanical code listed in Appendix A.

SECT

**710.1 General:** All courts requiring ventilation purposes shall comply with

**710.2 Minimum width:** Every court shall have a minimum width of not less than 5 feet (1524 mm) for courts.

**710.2.1 Irregular court width:** In irregular courts, the required minimum width of the court shall be such that such a court shall not be less than

**710.3 Area of court:** The cross-sectional area of any court shall be less than one and one-half times the area of any court be more than twice its

**710.4 Access to court:** A door or opening shall be provided at the bottom of every court that is necessary for purposes of cleaning.

**710.5 Air intakes:** Every court shall be not open for its full height on one side, shall be connected at or near the bottom with a passage of fire-resistive construction having a cross-sectional area of not less than that of the court, and shall be fully open at both ends and unobstructed. That grilles of noncombustible construction shall be provided at the intake.

**710.5.1 Fire-resistance rating:** The passages shall have a fire-resistance rating of Types 1, 2, 3 or 4 construction.

**710.6 Court walls:** When, in the opinion of the code official, courts do not receive adequate natural light or orientation, the code official shall require the use of light colored masonry, or to be painted, or to be furnished with additional reflected light, or to be furnished with additional light.

1987 BOCA

# CHAPTER 12

## INTERIOR ENVIRONMENT

### SECTION 1201.0 GENERAL

**1201.1 Scope:** The provisions of this chapter shall govern the means of light, ventilation, sound transmission control and rat-proofing required in all buildings.

**1201.2 Buildings on same lot:** Where more than one building is hereafter placed on a lot, or where a building is placed on the same lot with existing buildings and the several buildings are treated as a single structure for the purposes of this chapter, equivalent uncovered lot area or other adequate sources of light and ventilation shall be provided for all occupied buildings.

### SECTION 1202.0 DEFINITIONS

**1202.1 General:** The following words and terms shall, for the purposes of this chapter and as used elsewhere in this code, have the meanings shown herein.

**Attic:** The space between the ceiling beams of the top story and the roof rafters.

**Court:** An open, uncovered and unoccupied space on the same lot as a building where such space is enclosed wholly or partly by buildings, walls or other enclosing devices (see Section 1212.0).

**Inner:** Any court enclosed wholly by buildings, walls or other enclosing devices.

**Outer:** A court extending to and opening upon a street, public alley or other approved open space that is not less than 15 feet (4572 mm) wide, or upon a required yard.

**Court height:** The vertical distance from the lowest level of the court to the mean height of the top of the enclosing walls.

**Court width:** As applied to an inner court, means the least horizontal dimension. As applied to an outer court, means the narrowest horizontal dimension measured in a direction substantially parallel with the principal open end of such court.

**Occupiable space:** Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility spaces and similar areas are not considered occupiable spaces.

**Occupiable space:** A room or enclosed space designed for human occupancy in which individuals congregate for amusement, educational or similar purposes, or in which occupants are engaged at labor; and which is equipped with means of egress and light and ventilation facilities meeting the requirements of this code.

**Vapor retarder:** A material having a perm rating of 1.0 or less, such as foil, plastic sheeting, or insulation facing, installed to retard the passage of water vapor or moisture through the exterior envelope.

**Ventilation:** The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

**Yard:** An unoccupied open space other than a court (see Sections 1212.0 and 1213.0).

### SECTION 1203.0 CONSTRUCTION DOCUMENTS

**1203.1 General:** Construction documents for all buildings and structures that are designed for human occupancy, other than buildings with occupancies in Use Groups I-1, R-2 and R-3, shall designate the number of occupants to be accommodated in the various rooms and spaces; where means of artificial lighting and ventilation are required, the application shall include sufficient details and description of the mechanical system to be installed as herein required or as specified in the mechanical code listed in Chapter 35.

### SECTION 1204.0 ROOM DIMENSIONS

**1204.1 Ceiling heights:** Habitable (spaces) rooms, hallways, corridors, bathrooms, toilet rooms, laundry rooms and habitable basements shall have a ceiling height of not less than 7 feet (2134 mm) measured to the lowest projection from the ceiling.

**Exception:** In occupancies in Use Group R-3, the maximum projection below the required ceiling height of beams and girders spaced not less than 4 feet (1219 mm) on center shall be 6 inches (152 mm).

**1204.1.1 Use Groups A, B, E and M:** A clear height from the finished floor to the finished ceiling or lowest projection of not less than 7 feet 6 inches (2286 mm) shall be provided in all exit access and occupiable rooms of structures of Use Groups A, B, E and M.

**1204.1.2 Sloping ceilings:** If any room in a building has a sloping ceiling, the prescribed ceiling height for the room is required in one-half the area thereof. Any portion of the room measuring less than 5 feet (1524 mm) from the finished floor to the finished ceiling shall not be included in any computation of the minimum area thereof.



Google

PG 11

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

Section 1: Applicant Information

Name of Applicant: Barbra H Stewart  
Address of Applicant: 906 5th Street  
Daytime Phone: 734 476 7323  
Fax: NONE  
Email: stewartrocksetsy @ gmail.com  
Applicant's Relationship to Property: owner + agent

Section 2: Property Information

Address of Property: 906 5th Street  
Zoning Classification: 932  
Tax ID# (if known): \_\_\_\_\_

Section 3: Request Information

Variance

Chapter(s) and Section(s) from which a variance is requested:

8:504  
8:5033b

Example: Chapter 105, Section 5.26

REQUIRED dimension:

6'2"  
50% of floor area  
greater than 7'

Example: 6' 8" Basement Ceiling Clearance

PROPOSED dimension:

5'7"  
32 sqft @ 7'  
80 sqft @ 5'

Example: 6'6" Basement Ceiling Height

Give a detailed description of the work you are proposing and why it will require a variance (attach additional sheets if necessary)

Work already exists.

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

The City of Ann Arbor Housing Board of Appeals has the powers granted by City Code Chapter 105. A variance may be granted by the Housing 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 Housing Board of Appeals.

Are there hardships or practical difficulties to complying with the Code? Are these hardships or practical difficulties an exception or unique to the property compared to other properties in the City?

4.a)

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

4.b)

What effect will granting the variance have on the neighboring properties? \_\_\_\_\_

4.c)

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?

4.d)

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

4.e)

Section 5: Time Extension

Current use of the property

5.a) residence and rental units

Explain why you are requesting a time extension:

5.b) Not requesting a time extension

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 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.

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 possible walk through of the property on the day of the hearing.

Section 7: Acknowledgement

SIGNATURES

I, the applicant, request a variance from the above named Chapter(s) and Section(s) of the City of Ann Arbor Residential Housing Code for the stated reasons, in accordance with the materials attached hereto.

734 476 7323

Phone Number

stewartrocketsy@gmail.com

Email Address

Signature

Barbra H Stewart

Barbra H. Stewart

Print Name



Stewart, Barbra

906 5<sup>th</sup> Street

11 November 2021

4.a) There are both hardships and practical difficulties complying with the Code. The third floor bedroom with pitched ceiling was built in 1997. A permit was requested by the builder, then issued by the City of Ann Arbor; ie, the pitched ceiling and doorway were acceptable.

These practical difficulties are unique to the property at 906 5<sup>th</sup> Street. The neighborhood is largely 2-story homes or ranch-style. Our 3rd floor is finished into 2 rooms: a large sitting/working room with skylights and a smaller bedroom with a pitched ceiling. There is a charm about these rooms that attracts people and keeps the room full. The living space is unique, with the vaulted ceiling providing a cozy yet formidable space. It provides a good working environment for visiting professors and researchers.

Altering the space in this 90yr old house to code would change the topography of the roof. It would require total renovation. Moving the bedroom to the big room requires ripping out a 90yr old window.

During the last 3 months we have spent over \$10,000 to become compliant with City Code. This covers everything from a shower hose breaker valve to repairing a tripping hazard on the patio. We are a family not a corporation;

4.b) The hardship involved is loss of livelihood translating to loss of mortgage payment. Rental units are a crucial income stream for me. The choice of modifying the bedroom ceiling is not financially feasible or aesthetically satisfying. The Loft is my most historic and popular room;

4.c) There will be no effect on the neighboring properties. There will not be extra noise or extra guests. No additional parties. Parking is free on the street;

4.d) The opening from the large room to the next is 5'7" high. Code dictates 6'2". The bedroom measures 32sq ft at 7 feet and 80 sq ft at 5 feet. For sleeping rooms, habitable space of 50sq ft per occupant is needed.

No one who has stayed here has had any complaints about the Loft. No headspace problems were brought to my attention. People enjoy the room.

The window size in the big room is not large enough to be compliant for egress; but sadly, this is an original 90yr old window. The big room is ideally suited as a sitting room or study, complete with skylights.

4.e) The condition resulted from a 2-story addition to the house in 1997. A permit was obtained from the city by the builder approximately 1997.

5. I am not requesting a time extension.

#### ATTACHMENTS

- Layouts (3) + legend
- Photos (2 outside- front and back, 2 inside the Loft)

**STAFF USE ONLY**

Date Submitted: \_\_\_\_\_ Fee Paid: \_\_\_\_\_

File No.: \_\_\_\_\_ Date of Public \_\_\_\_\_

Hearing \_\_\_\_\_

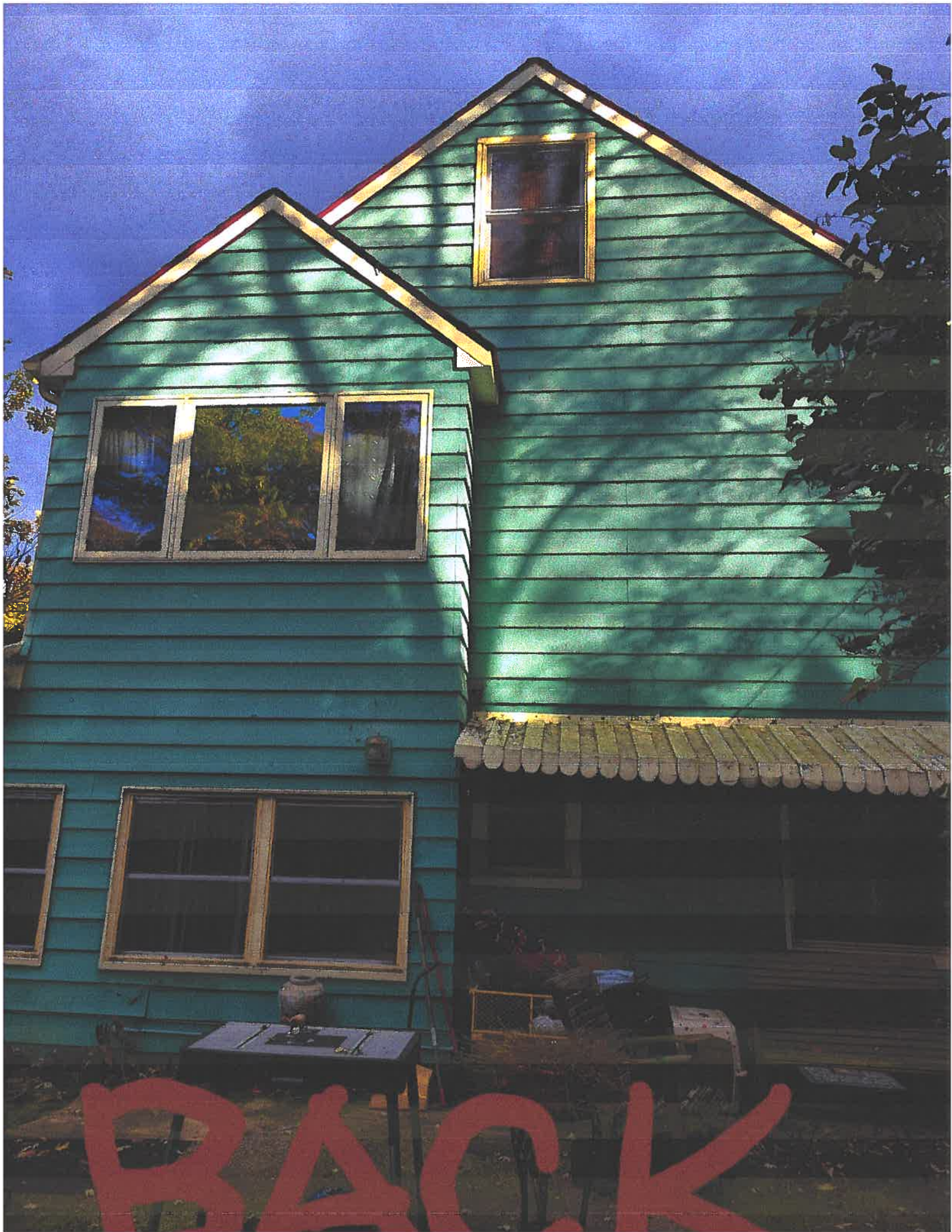
Pre-filing Staff Reviewer & Date \_\_\_\_\_ HBA Action: \_\_\_\_\_

Pre-Filing Review: \_\_\_\_\_

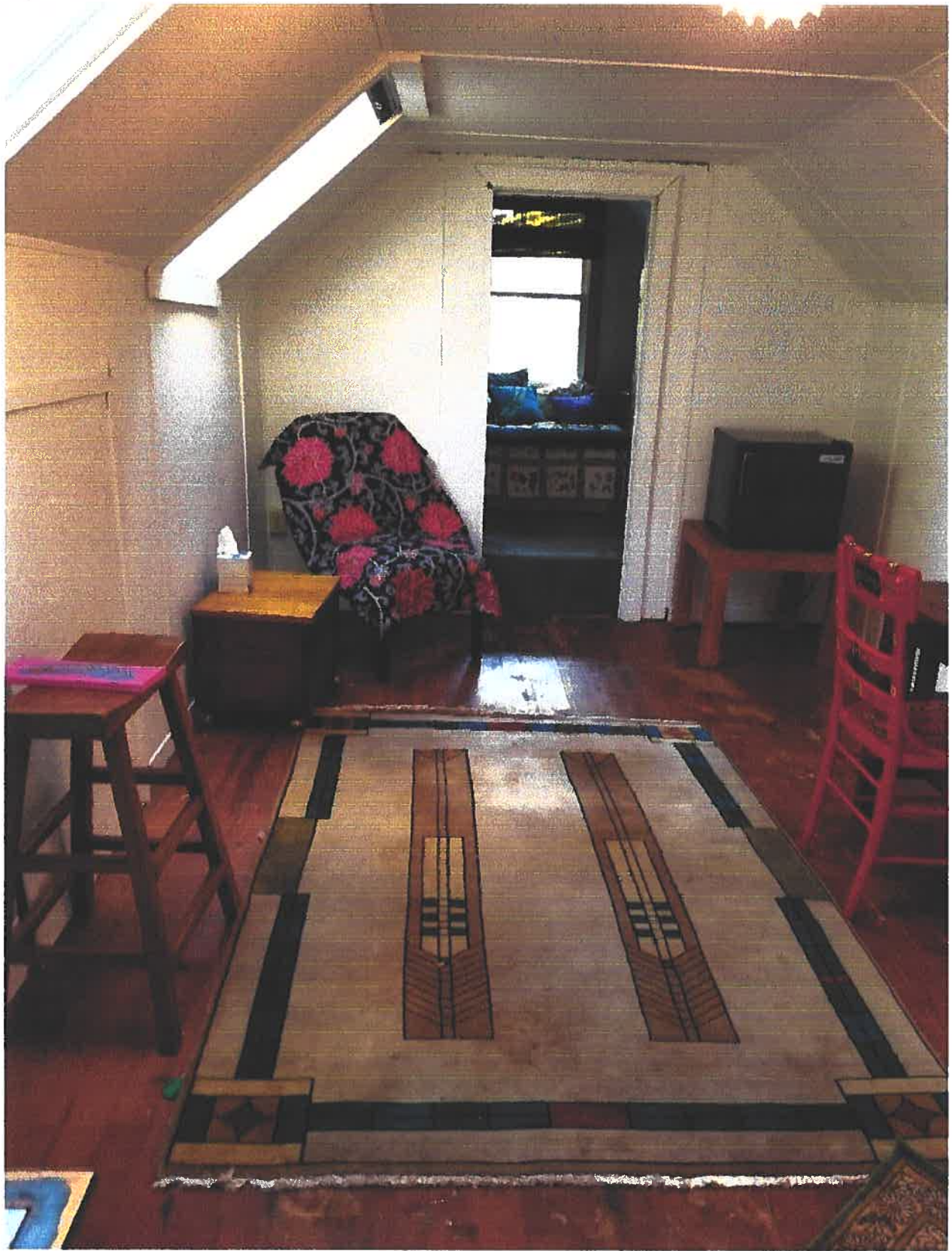
Staff Reviewer & Date: \_\_\_\_\_



FRONT

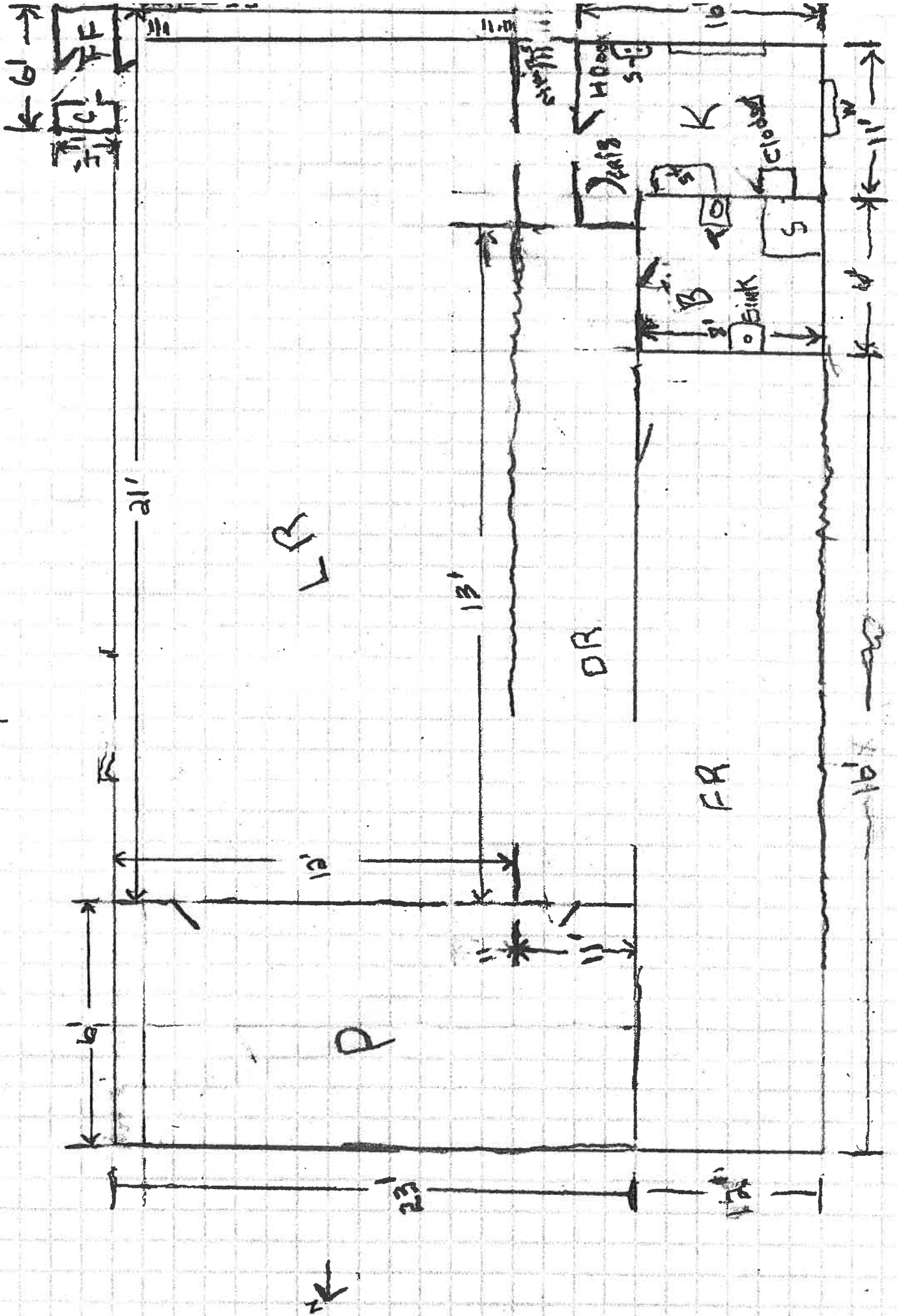


BACK





# 1st FLOOR



# 1<sup>ST</sup> Floor legend

P = Porch

LR = Living room

DR = Dining room

FR = Family room

B = Bathroom

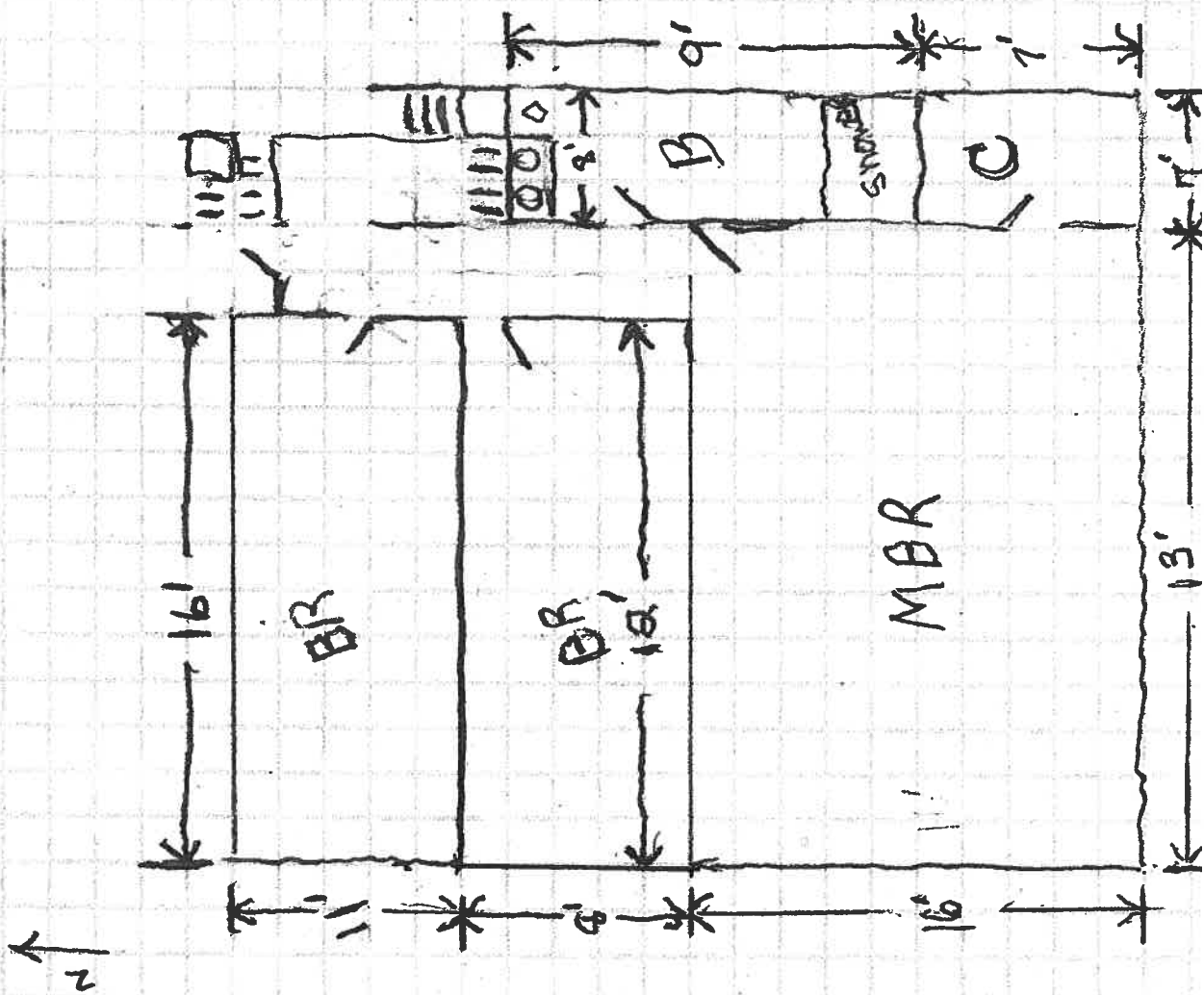
K = Kitchen

F = Foyer



# 2ND FLOOR

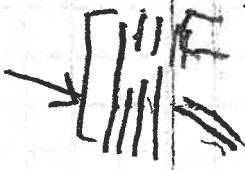
BR = Bedroom  
 MBR = Master Bedroom  
 B = Bathroom  
 C = Closet



# 3RD FLOOR

SR = Sitting Room  
BR = Bedroom

attic stairs



WINDOW

