

**Zoning Board of Appeals
November 15, 2017 Regular Meeting**

STAFF REPORT

Subject: ZBA 17-032; 1107 South State Street

Summary:

1107 South State LLC, represented by Carl O. Hueter, are seeking relief from Chapter 55 Zoning Section 5:87 Structure non-conformance. The owners are proposing to alter a nonconforming structure by constructing a two (2) story addition to the rear of the existing multi-family residence. The addition will be eight (8) feet by 24 feet in size and contain two (2) bathrooms and an egress stair system to the basement. The result of this construction will be a four unit rental property being converted into a duplex.

Background:

The subject parcel is zoned R4C (multiple family) and is located south of Arch Street across the street from the University of Michigan athletic facilities. The property is non-conforming as it contains 5,270 square feet and 8,500 is required in the R4C district. Additionally, the building does not meet either of the side yard requirements of 12 feet. However, due to the structure converting to a duplex, the R2A setbacks are applied and the addition will meet both the side and rear setbacks (see survey).

Previously, the subject property received Zoning Board of Appeals approval to alter a non-conforming structure to modify the roof and add a bedroom to the third floor (ZBA13-007).

Description:

The structure is currently a four unit apartment building and was built in 1910. The first floor consists of a one (1) bedroom apartment and a studio apartment. The second floor has a four (4) bedroom apartment and the third floor a two (2) bedroom apartment. The four unit is being converted into a duplex. The new configuration will consist of a first and second floor four (4) bedroom apartment and a second and third floor five (5) bedroom apartment. The number of allowable occupants will remain the same, fixed at twelve tenants.

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:

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.

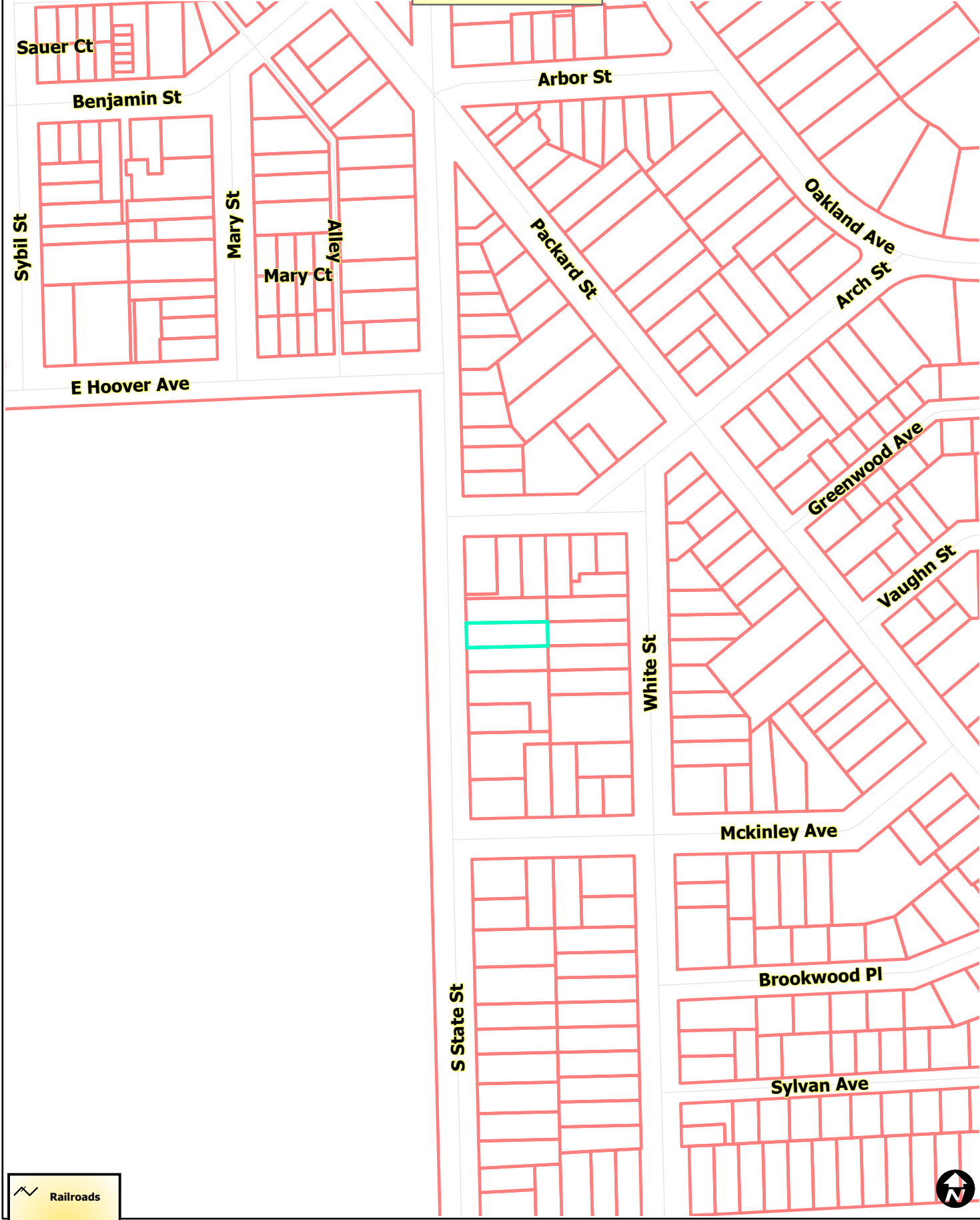
Permission is being requested in order to construct a two (2) story addition containing two (2) bathrooms and an egress stairwell for the duplex. The location of the addition will meet the rear setback requirements of the district and will be in line with the existing structures side walls. The addition will have little to no impact on the adjacent rental houses.




Respectfully submitted,

A handwritten signature in blue ink that reads "Jon Barrett". The signature is stylized, with the first name "Jon" written in a large, cursive loop and the last name "Barrett" written in a smaller, more legible cursive script.

**Jon Barrett
Zoning Coordinator**

1107 S State St




-  Railroads
-  Huron River
-  Tax Parcels





Map date 10/19/2017
 Any aerial imagery is circa 2015
 unless otherwise noted
 Terms of use: www.a2gov.org/terms

1107 S State St



 Railroads

 Huron River

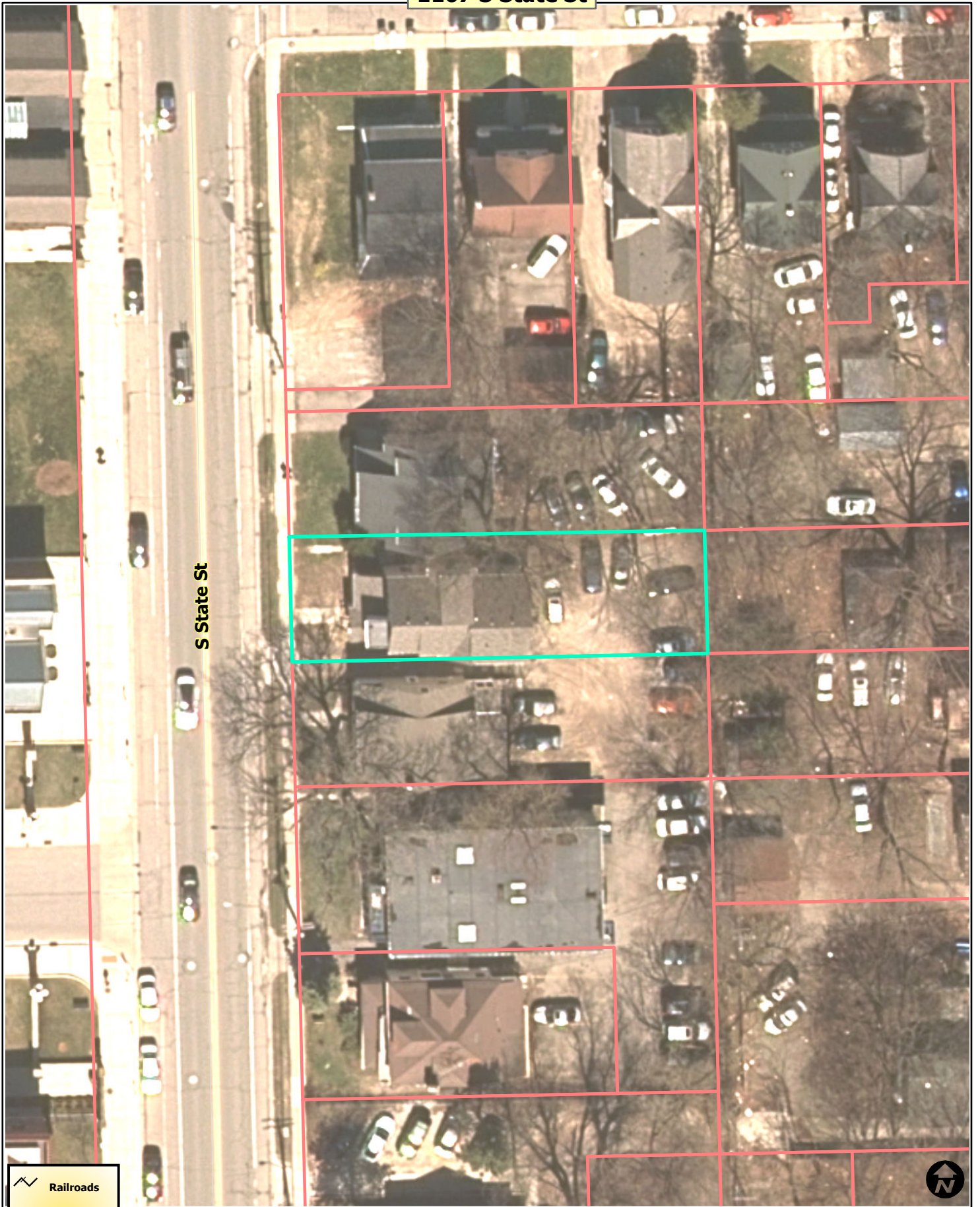
 Tax Parcels





Map date 10/19/2017
Any aerial imagery is circa 2015
unless otherwise noted
Terms of use: www.a2gov.org/terms




1107 S State St



 Railroads

 Huron River

 Tax Parcels



Map date 10/19/2017
Any aerial imagery is circa 2015
unless otherwise noted
Terms of use: www.a2gov.org/terms



ZONING BOARD OF APPEALS

PLANNING DEPARTMENT

City Hall: 301 E. Huron St. Ann Arbor, MI 48104-6120

Mailing: P.O. Box 8647, Ann Arbor, MI 48107-8647

Phone: 734.794.6265

Fax: 734.994.8460

planning@a2gov.org

APPLICATION MUST BE FILLED OUT COMPLETELY

NOTICE TO ALL APPLICANTS:

- A pre-filing meeting is **required** for all applicants. Contact Jon Barrett, Zoning Coordinator (734-794-6000 ext. 42654) or the Planning & Development Services unit to arrange a meeting. Bring any available materials, including a draft application, drawings, plans, etc. for discussion.
- All applications must be **signed**.
- Applications must include all required information, such as drawings, site plans, floor plans and/or photographs to completely describe the request.
- If an application is submitted by someone other than the property owner, a letter of authority must be provided from the property owner. This letter will give the applicant permission to appear ***BEFORE*** the Zoning Board of Appeals (ZBA) with the specific request.
- The ZBA meets on the fourth (4th) Wednesday of each month. Public notices for each request before the ZBA are published at least fifteen (15) days prior to the meeting, in accordance with State law. *Applications must be received at least 4 weeks prior to the meeting date.*
- All applications will be reviewed by staff. **INCOMPLETE** applications will not be accepted. Applications with incorrect or inadequate information will be returned to the applicant for corrections and will be scheduled for the next available meeting date.
- Applicants must submit two (2) complete packets of information with all ***required*** information and materials, with letters of authority or one (1) original complete application packet and one (1) electronic copy of the original complete packet with all supporting materials on CD (Abode pdf format preferred).
- All communication with ZBA members must be through the application and at public meetings ONLY. ***Solicitation of members on an individual basis outside of these venues is inappropriate and prohibited.***
- Application to the ZBA does not guarantee the request will be scheduled, nor is the application any indication of ZBA action.

THIS PAGE HAS BEEN LEFT BLANK
INTENTIONALLY



**ZONING BOARD OF APPEALS
PLANNING DEPARTMENT**

City Hall: 301 E. Huron St. Ann Arbor, MI 48104-6120
 Mailing: P.O. Box 8647, Ann Arbor, MI 48107-8647
 Phone: 734.794.6265 planning@a2gov.org
 Fax: 734.994.8460

APPLICATION MUST BE FILLED OUT COMPLETELY

Office Use Only	
Fee Paid: _____	ZBA: _____
DATE STAMP	

PROPERTY INFORMATION

ADDRESS OF PROPERTY: <i>1107 south state street</i>	
ZONING CLASSIFICATION: <i>R4C</i>	TAX ID: (if known)
NAME OF PROPERTY OWNER*: <i>1107 south state l.l.c.</i>	

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

APPLICANT INFORMATION

NAME OF APPLICANT: <i>carl o. hueter</i>	
ADDRESS OF APPLICANT: <i>1321 franklin blvd., ann arbor, mi. 48103</i>	
DAYTIME PHONE NUMBER: <i>734.274.8175</i>	FAX NO: <i>none</i>
EMAIL: <i>carl@hueterarchitects.com</i>	
APPLICANT'S RELATIONSHIP TO PROPERTY: <i>architect</i>	

REQUEST INFORMATION

<input type="checkbox"/> VARIANCE REQUEST (Complete the section 1 below)	<input checked="" type="checkbox"/> ALTERATION TO A NON-CONFORMING STRUCTURE (skip to Section 2)
--	--

Section 1 - VARIANCE REQUEST

CHAPTER(S) AND SECTION(S) FROM WHICH A VARIANCE IS REQUESTED: (Example: Chapter 55, Section 5:26)	
Required Dimension: (Example: 40' front setback)	PROPOSED Dimension: (Example: 32')
Give a detailed description of the work you are proposing and why it will require a variance (Attach additional sheets if necessary)	



ZONING BOARD OF APPEALS

PLANNING DEPARTMENT

City Hall: 301 E. Huron St. Ann Arbor, MI 48104-6120

Mailing: P.O. Box 8647, Ann Arbor, MI 48107-8647

Phone: 734.794.6265

Fax: 734.994.8460

planning@a2gov.org

Section 1 - VARIANCE REQUEST con't

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.

1. That 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.

2. That 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.

3. That 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.

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

n.a.

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

n.a.



ZONING BOARD OF APPEALS

PLANNING DEPARTMENT

City Hall: 301 E. Huron St. Ann Arbor, MI 48104-6120

Mailing: P.O. Box 8647, Ann Arbor, MI 48107-8647

Phone: 734.794.6265

Fax: 734.994.8460

planning@a2gov.org

Section 2 – ALTERATION TO A NON-CONFORMING STRUCTURE

Current Use of the Property:

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.

REQUIREMENT	EXISTING CONDITION	CODE REQUIREMENT	
		R4C	R2A
Lot Area	5,280 SF	8,500	8,500
Lot Width	40 FT.	60	60
Floor Area Ratio	.497		
Open Space Ratio	.801	.40	
Setbacks	27.6 / 6 & 4.9 / 41.3	25 / 12 & 14 / 30	25 / 5 & 5 / 30
Parking	4 cars	3	3
Landscaping	existing lawn		
Other			

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

see attached

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:

see attached



ZONING BOARD OF APPEALS

PLANNING DEPARTMENT

City Hall: 301 E. Huron St. Ann Arbor, MI 48104-6120

Mailing: P.O. Box 8647, Ann Arbor, MI 48107-8647

Phone: 734.794.6265

Fax: 734.994.8460

planning@a2gov.org

Section 2 – ALTERATION TO A NON-CONFORMING STRUCTURE

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

see attached

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:

- One (1) hardcopy and one (1) electronic copy shall be submitted.
- The electronic copy shall include all associated supporting documentation with application submission.

- 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.

ACKNOWLEDGEMENT

I, the applicant, hereby 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.

Phone number:

734.276.8175

Signature: X

Email address:

carl@hueterarchitects.com

Print Name:

Carl O. Hueter

I, applicant, hereby depose and say that all the aforementioned statements, and the statements contained in the materials submitted herewith, as true and correct.

Signature

Further, I hereby give the City of Ann Arbor Planning and 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.

*must contact Investors Property Management
@ 734.662.8832 to
notify tenants & get key*

Signature

1107 SOUTH STATE STREET
ZONING BOARD OF APPEALS VARIANCE REQUEST
ALTERATION TO A NON-CONFORMING USE

This property is a 19teens vintage single family residence converted decades ago to a four unit apartment building, from whence the current owner purchased it as.

It consists of first floor one bedroom and a studio apartment, a second floor four bedroom apartment and a third floor two bedroom apartment. The owner wishes to renovated the entire building and in doing so bring the entire building into current code compliance. The four unit occupancy would be reduced to a duplex, two apartment configuration as shown in the attached before and after sketch floor plans. This new configuration would consist of a first/second floor four bedroom apartment and a second/third floor 5 bedroom apartment. The number of allowable occupants would remain the same, fixed at nine person.

As part of this renovation they would like to add to the rear of the existing structure additional floor area of 8 X 24 feet to contain an additional bathroom at the first and second floors and an additional enclosed egress stair with access to the basement. Currently the second means of egress stair is an exposed wood construction. These new features would be contained in a rear addition of 224 square feet per floor to the existing structure, two stories in height. This addition causes this work to come before this board per Chapter 55, 5:87 (2) of the City of Ann Arbor Zoning Ordinance part of the City of Ann Arbor City Code.

The work to completely renovate this structure and the addition of the non-habitable stair/bathroom spaces necessitates bringing this forward to the Zoning Board of Appeals for review and hopefully approval.

Descriptive:

This owner wishes to reduce the number of units on this property from four to two, while doing so bring the property up to current code standards as a Level 2 rehabilitation project. To provide additional bathrooms for the two units and an enclosed fire rated means of vertical egress (replacing the existing exterior stair), they wish to add a rear addition (compliant to R2A setback standards) two stories in height containing these non-habitable spaces. This would be a betterment to the property, not increasing the living area or population of the structure. As noted this work on this non-conforming structure per Chapter 55, 5:87 (2) requires this to be brought forward to the Zoning Board of Appeals for approval.

Compliance and Effect:

The location of this additional at the rear of the existing structure keeps it within the rear setback requirements of both the R4C and/or R2A zoning district. The addition would be in line with the existing structure's side walls and therefore in non-compliance with the R4C side yard setback, but in compliance with the R2A side yard setbacks. This addition does not affect the health, safety or well-being of the adjacent similar rental houses, other than the normal possible disturbance of the day to day 8 to 5 construction work being done to do the work proposed.

Wherefore the petitioner requests that permission be granted for a variance per Chapter 55, 5:87 (2) of the Ann Arbor City Code in order to permit the construction of a rear two story egress stair/bathroom wing to the existing structure located at 1107 South State Street in Ann Arbor, Michigan.

MORTGAGE SURVEY

Certified to: MAIN STREET TITLE
ITS SUCCESSORS AND/OR ITS ASSIGNS AS THEIR INTERESTS MAY APPEAR

Applicant: ALOYS C. METTY

Property Description:

Lot 41; WHITE'S ADDITION TO THE CITY OF ANN ARBOR, in Section 33, Town 2 South, Range 6 East, Washtenaw County, Michigan, as recorded in Liber 2 of Plots, Page 14 of Washtenaw County Records.

NOTE GRAVEL
CROSSES PROPERTY
LINE AS SHOWN

LOT 40

LOT 41

LOT 42

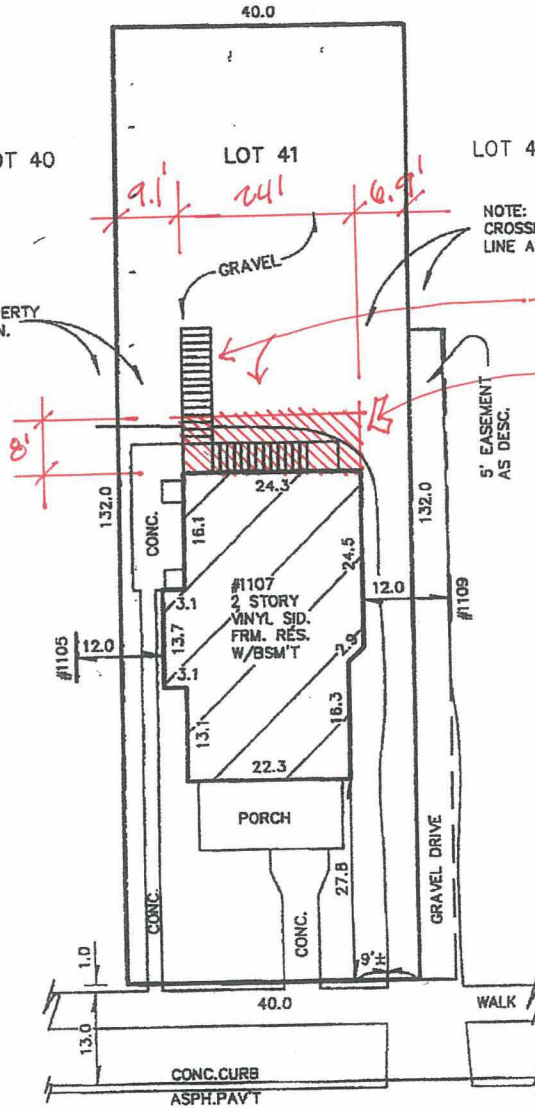
NOTE: GRAVEL
CROSSES PROPERTY
LINE AS SHOWN.

NOTE: GRAVEL
CROSSES PROPERTY
LINE AS SHOWN.

exterior stair
being removed

proposed
rear
addition

NOTE: A BOUNDARY
SURVEY IS NEEDED TO
DETERMINE EXACT SIZE
AND/OR LOCATION OF
PROPERTY LINES.

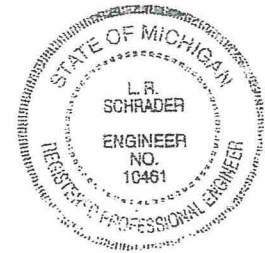


1107 south stake
variance



S. STATE ST. 66' WD.

CERTIFICATE: We hereby certify that we have surveyed the above-described property in accordance with the description furnished for the purpose of a mortgage loan to be made by the forementioned applicants, mortgagor, and that the buildings located thereon do not encroach on the adjoining property, nor do the buildings on the adjoining property encroach upon the property heretofore described, except as shown. This survey is not to be used for the purpose of establishing property lines, nor for construction purposes, no stakes having been set at any of the boundary corners.



THIS SURVEY DRAWING IS VOID IF THE
PROFESSIONAL SEAL IS NOT IN BLUE INK.

L.R. Schrader P.E.

JOB NO: 04-69476 SCALE: 1"=20'
DATE: 12/17/04 DR BY: SS

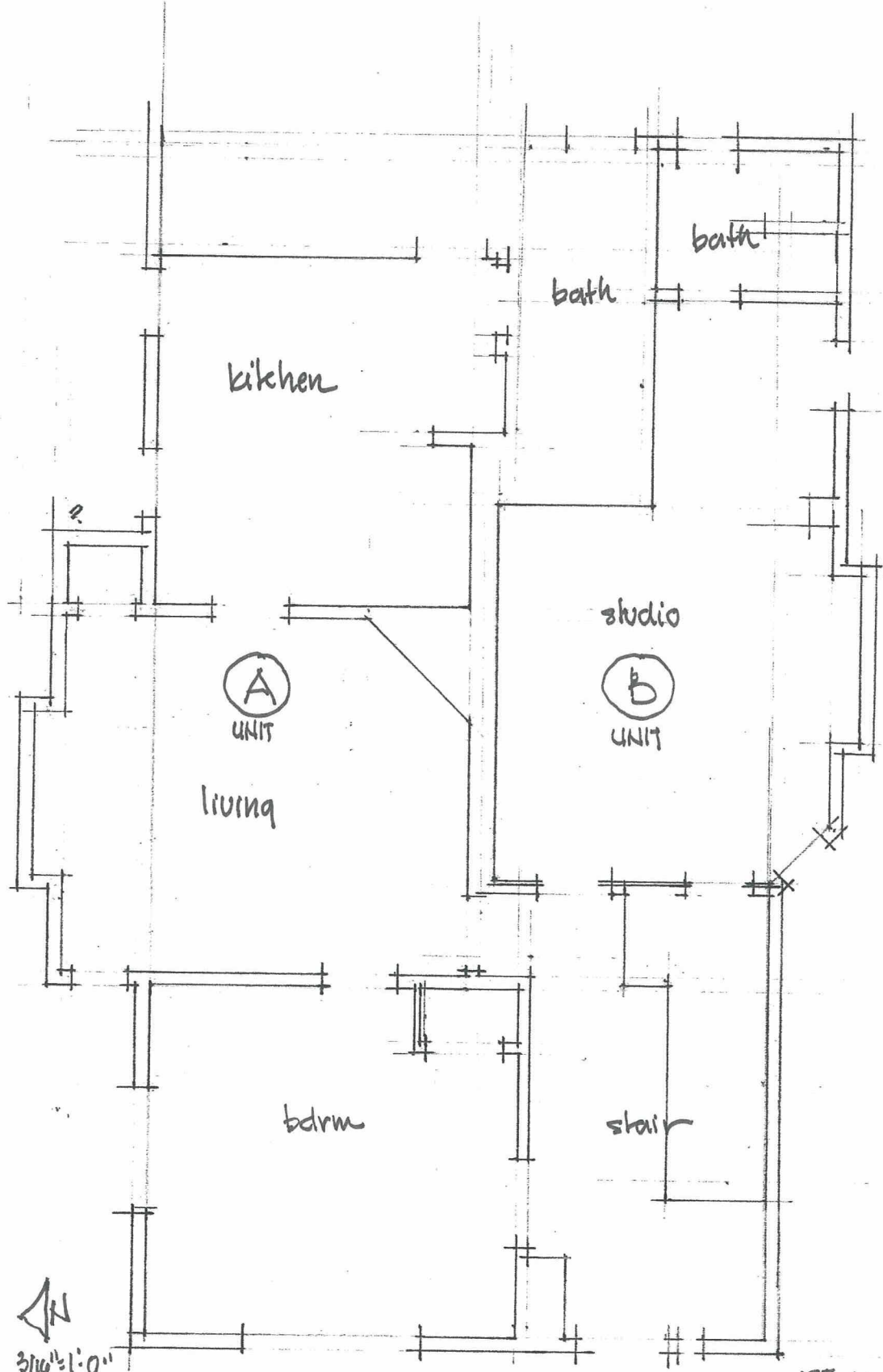
KEM-TEC
LAND SURVEYORS

22556 Great Avenue
Eastpointe, MI 48021-5312
(585) 772-2222
FAX: (585) 772-4048

KEM-TEC WEST
LAND SURVEYORS

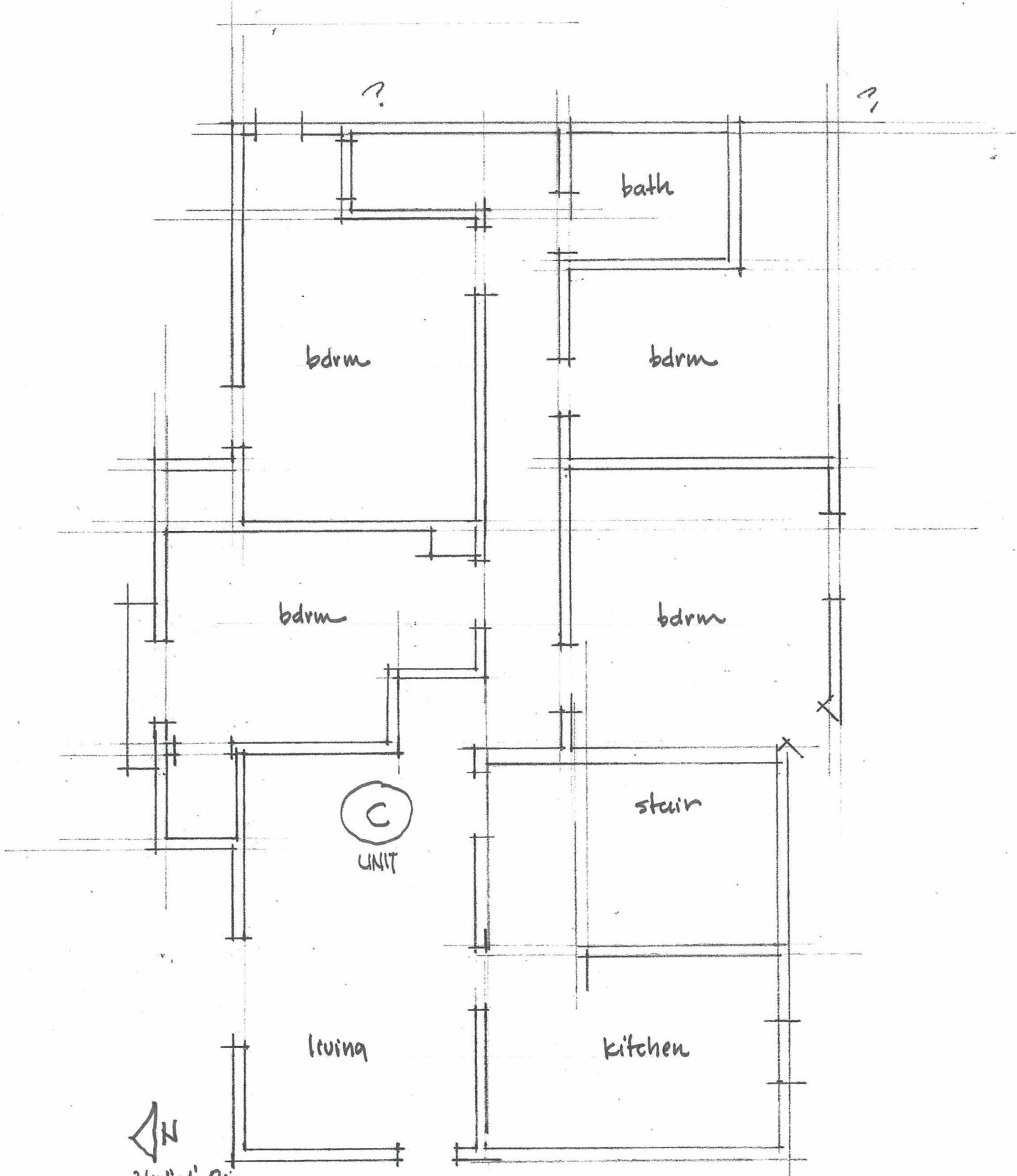
800 E. STADLUM
Ann Arbor, MI 48104-1412
(734) 994-0880 • (800) 433-8133
FAX: (734) 994-0887





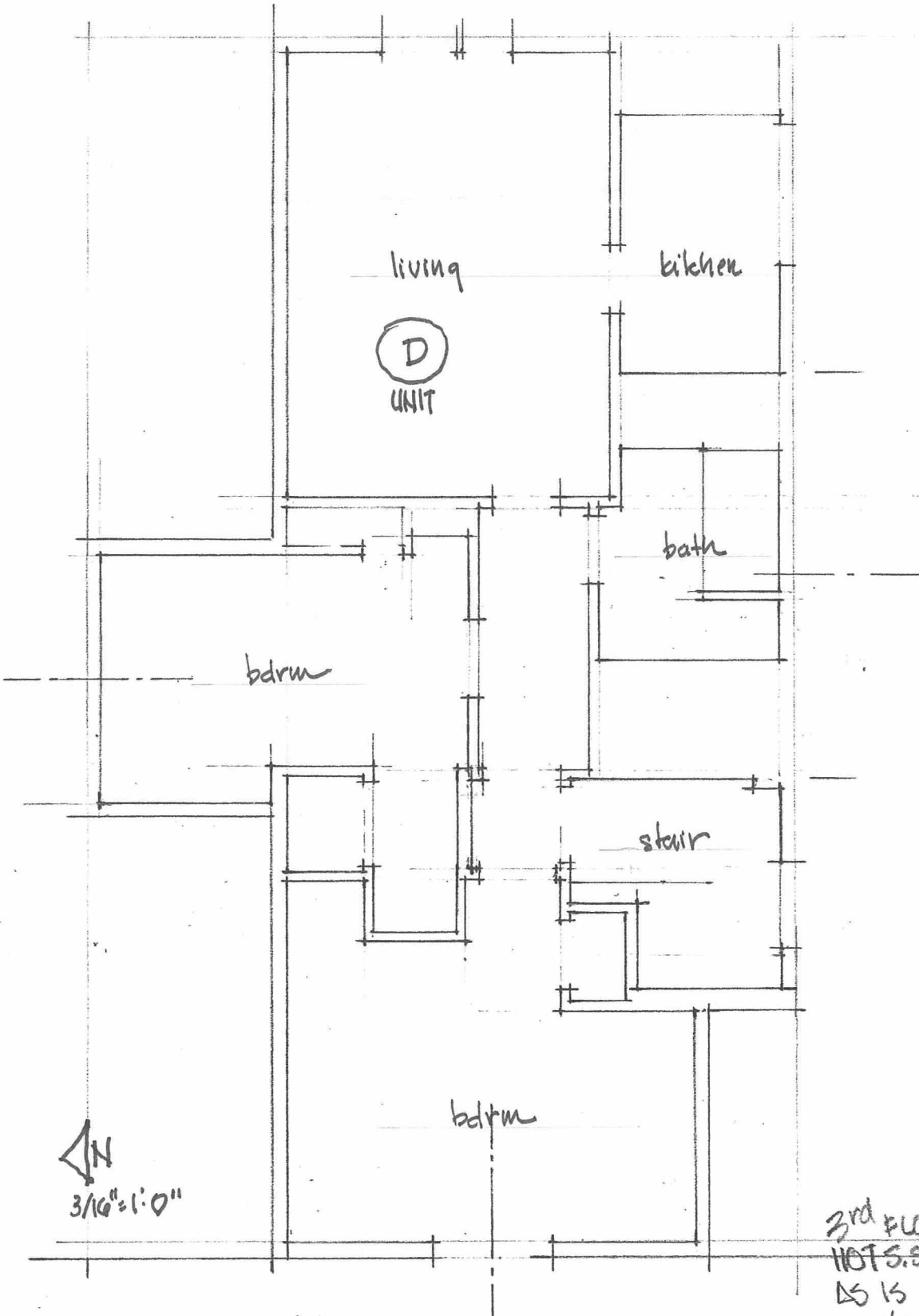
3/16" = 1'-0"

1st floor
as is
existing
1107 S. STATE



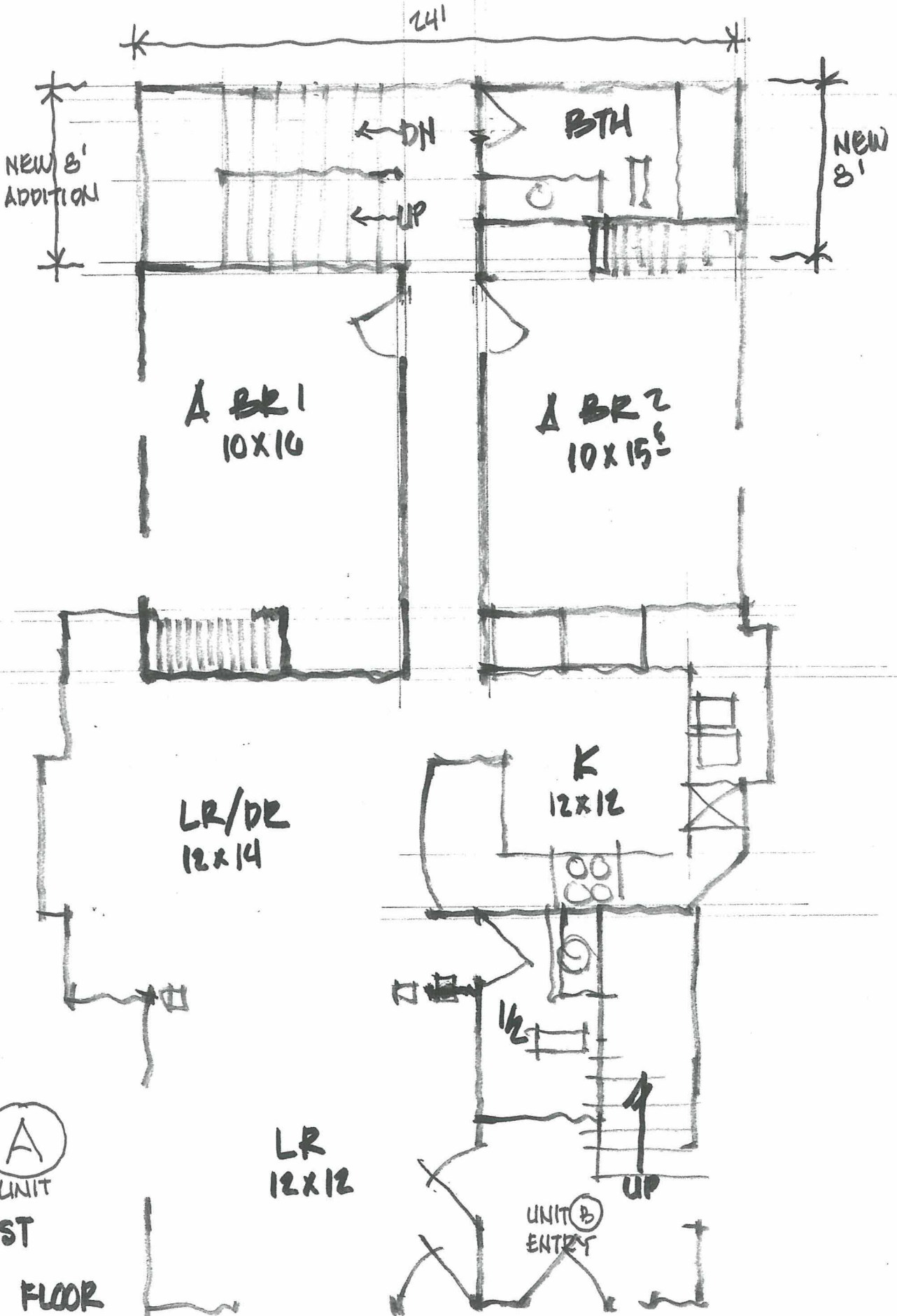
N
3/16" = 1'-0"

2ND floor
as is
existing
HOTS STATE

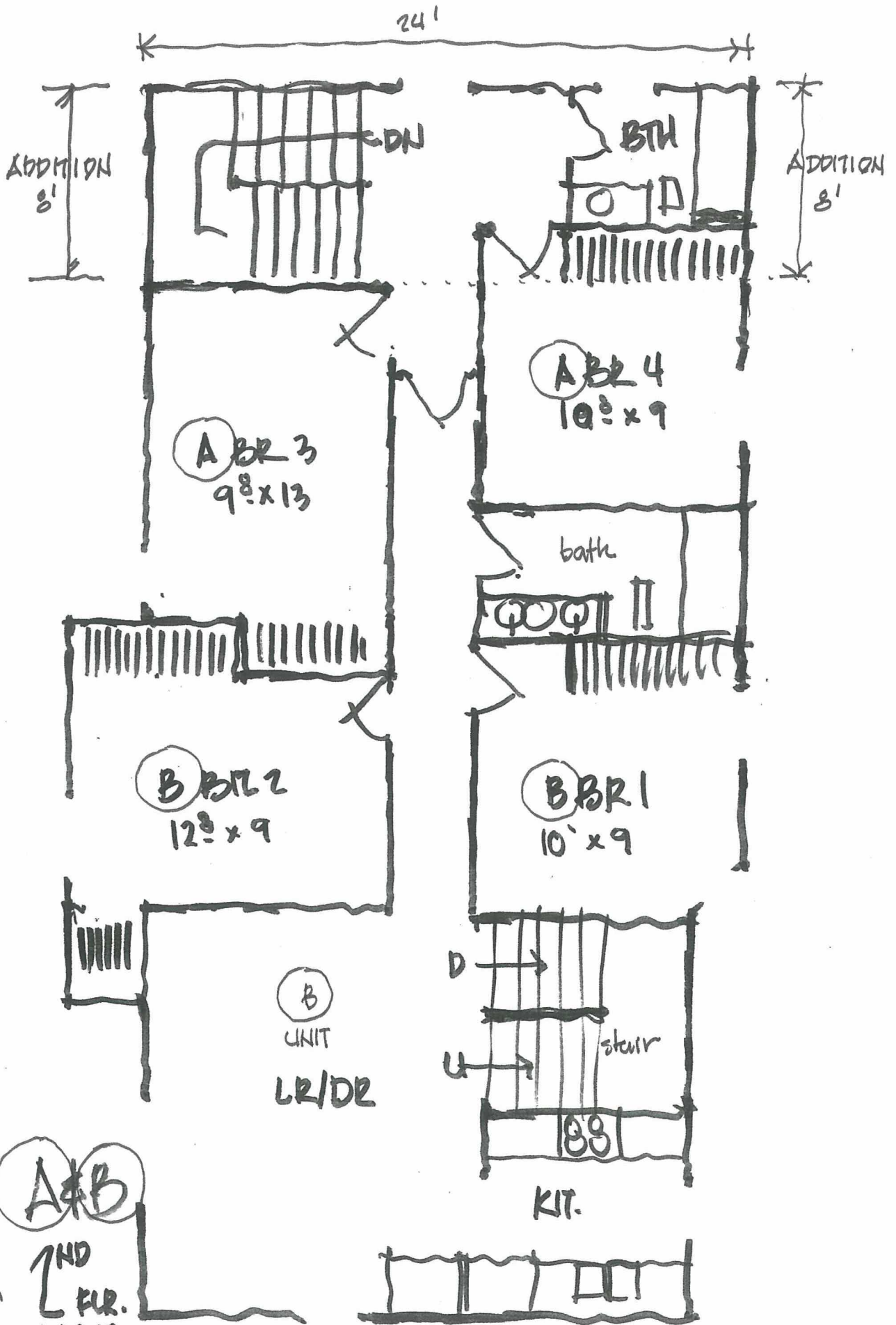


N
3/16" = 1'-0"

3rd FLOOR
HOT S. STATE
AS IS
existing
1107 S. STATE

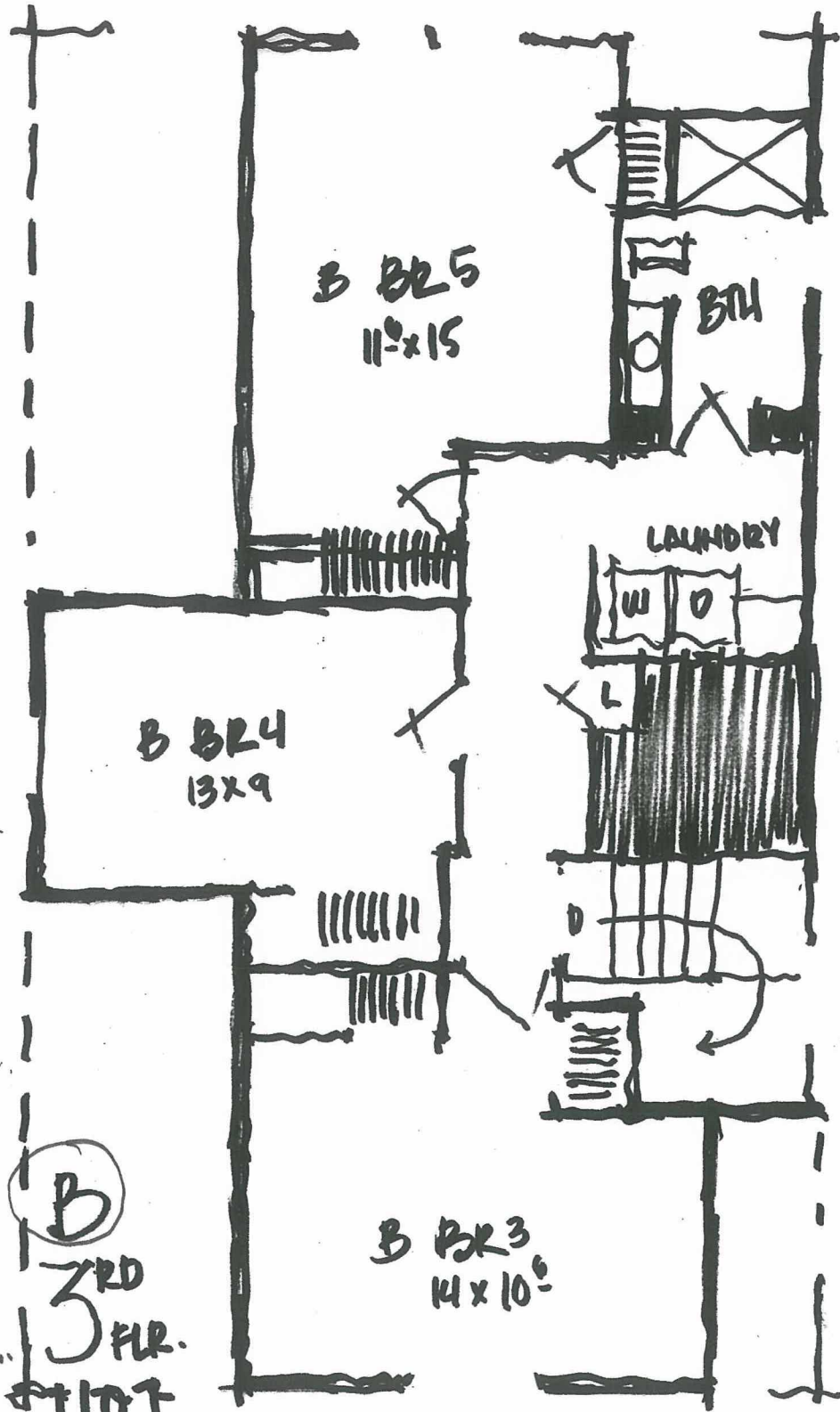



(A)
 UNIT
 ST
 FLOOR
 1107
 9/26/17



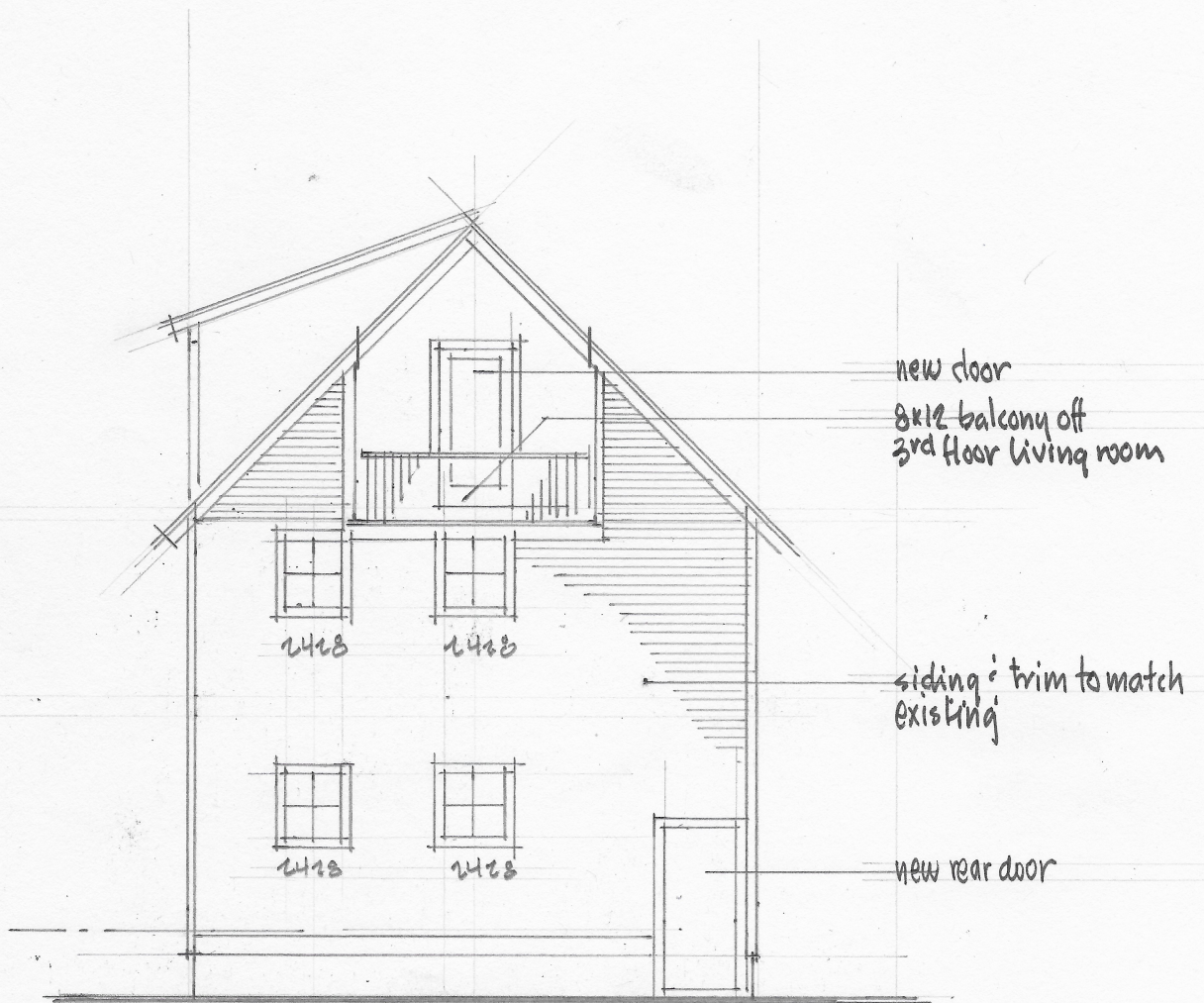
4H
31'0" = 1'-0"

2ND
FLR.
1107
9/26/17




 3/16" = 1'-0"

(B)
 2RD
 5^{FLR.}
 #107
 9/26/17



1107 S. STATE - EAST (REAR) ELEV.

SHOWING 8' REAR ADDITION

10.18.17 ZBA SUBMISSION