

ANN ARBOR HOUSING BOARD OF APPEALS

STAFF REPORT

Meeting Date: May 11, 2021

Type of Request: VARIANCE

Housing Board of Appeals Request HBA21-0002 at 907 Sunnyside, ANN ARBOR, MI 48103.

(Parcel Identification Number: **09-09-32-210-014**)

DESCRIPTION AND DISCUSSION

Property Owners Name and Address:

Joerg Zeller
1002 Sunnyside Blvd.
Ann Arbor, MI, 48103

BACKGROUND

The house located at 907 Sunnyside was built in 1942 and appears to be original construction. With several permit records in onbase.

The owner of the residence located at 907 Sunnyside, Ann Arbor, MI requests one variance:

(1) Fire Exits:

Variance from 8:504 (4) (b) (2): Stair treads shall be not less than 9 inches deep

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 the stairway does not meet the standards adopted at the time of construction nor the current Building Code standards and does not comply with the minimum requirements of section 8:504 of the Housing Code.

There is a building permit from 1966 that describes the work as “rebuild back entrance to basement stairway. The Code requirements for stairways in the 1960’s would have required a 9inch minimum tread depth.

PROPOSED MOTION

APPEAL GRANTED

That in Case HBA21-0002, **the appeal of the Building Official’s decision** that the rental unit at **907 Sunnyside does get** relief from section 8:504, 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 8:502 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 HBA21-002 **the appeal of the Building Official’s decision** that the rental unit at **907 Sunnyside** 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 8:504 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

20515

907 Sunnyside

10-7-65

Rebuild back entrance to basement stairway

Owner: Mrs. Scott Jewell

Applicant: Payuer Foundation Co.

Costt: \$450.

*original
1-25-66
E.B.*

Copy 2

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

Section 1: Applicant Information

Name of Applicant: Joerg Zeller
Address of Applicant: 1002 Sunnyside Blvd, Ann Arbor MI 48103
Daytime Phone: 734-276-7144
Fax: n/a
Email: joergz@me.com
Applicant's Relationship to Property: Owner

Section 2: Property Information

Address of Property: 907 Sunnyside Blvd, Ann Arbor MI 48103
Zoning Classification: R1D
Tax ID# (if known): _____

Section 3: Request Information

Variance

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

Stairway to grade
floor that are to code

(chapter 105, Section 8:504)
Example: Chapter 105, Section 5:26

REQUIRED dimension:

Basement staircase
tread depth 9"

Example: 6' 8" Basement Ceiling Clearance

PROPOSED dimension:

Basement staircase
tread depth 8"

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)

The staircase from the basement to the ground floor has an 8" tread depth instead of the required 9". The staircase is short and has 7 steps including the landing.

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?

The basement staircase was built in 1942 during the construction of 907 Sunnyside Blvd..

The staircase was built at the time under different code rules and has non-conforming rights.

Many houses in Ann Arbor built during this time have staircases with a tread depth of 8"

Rebuilding the staircase would require extensive effort.

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

Rebuilding the basement staircase would require extensive financial effort. The variance if granted

will not result in a higher financial return that exceeds levels of adjacent properties.

What effect will granting the variance have on the neighboring properties? _____
Granting the variance will not give this property privileges above the neighboring properties.

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?
Other than the non-compliant staircase, 907 Sunnyside has no other physical features that are not compliant with code. If the variance is granted 907 Sunnyside would pass the rental inspection.

Is the condition which prevents you from complying with the ordinance self-imposed? How did the condition come about?
The non-compliant staircase was determined during a rental housing inspection on 3/11/2021.
Rental housing requested that a variance will be submitted.

Section 5: Time Extension

Current use of the property _____

Explain why you are 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 ½" 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

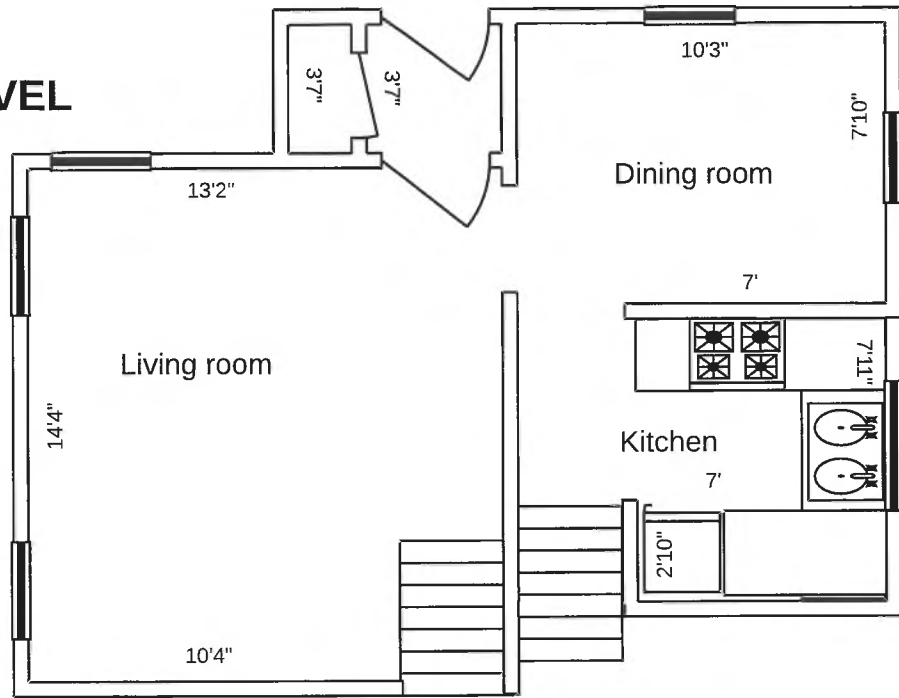
SIGNATURES

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.

734-276-7144
Phone Number _____
joergz@me.com
Email Address _____


Signature _____
Joerg Zeller
Print Name _____

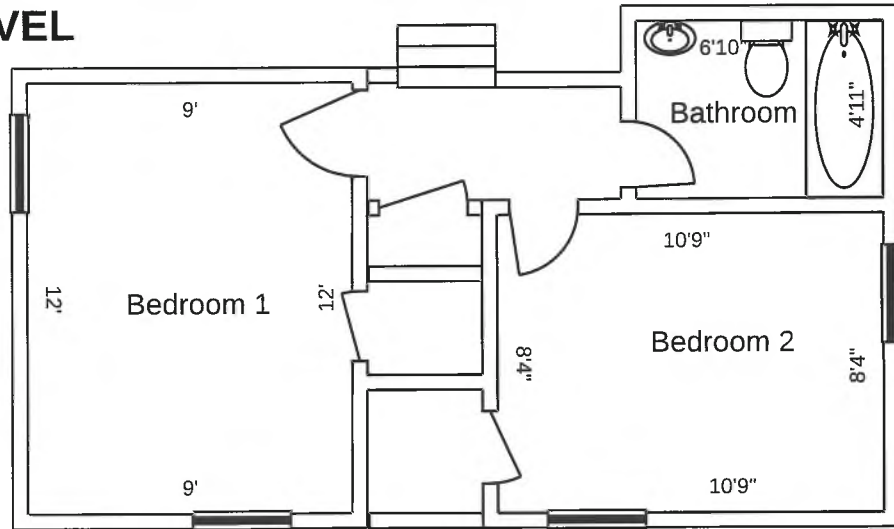
ENTRY LEVEL



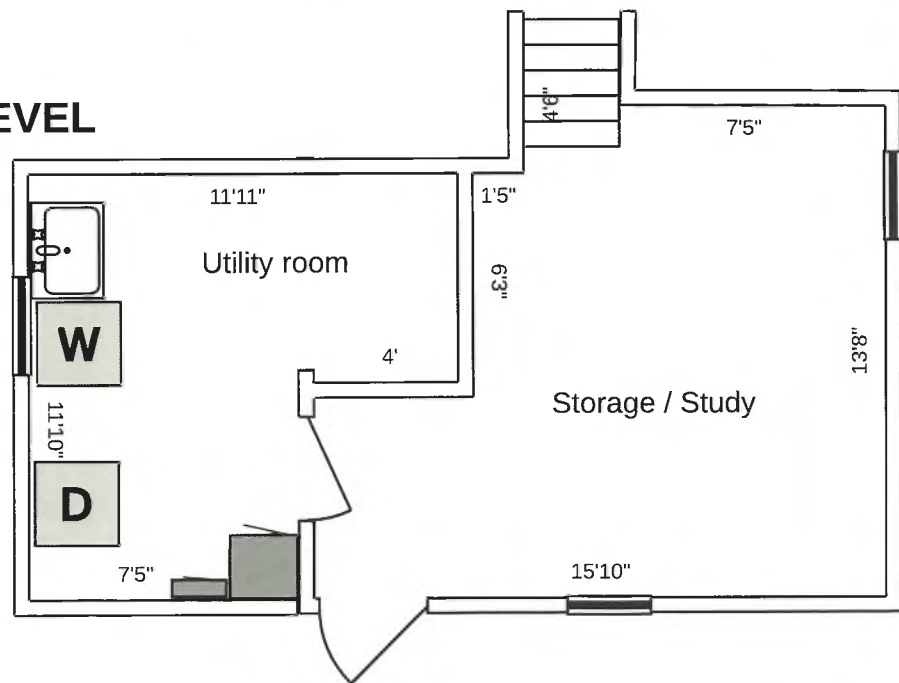
Overall dimensions
 North to South:
 30' 9"
 East to West:
 23' 10"



UPPER LEVEL

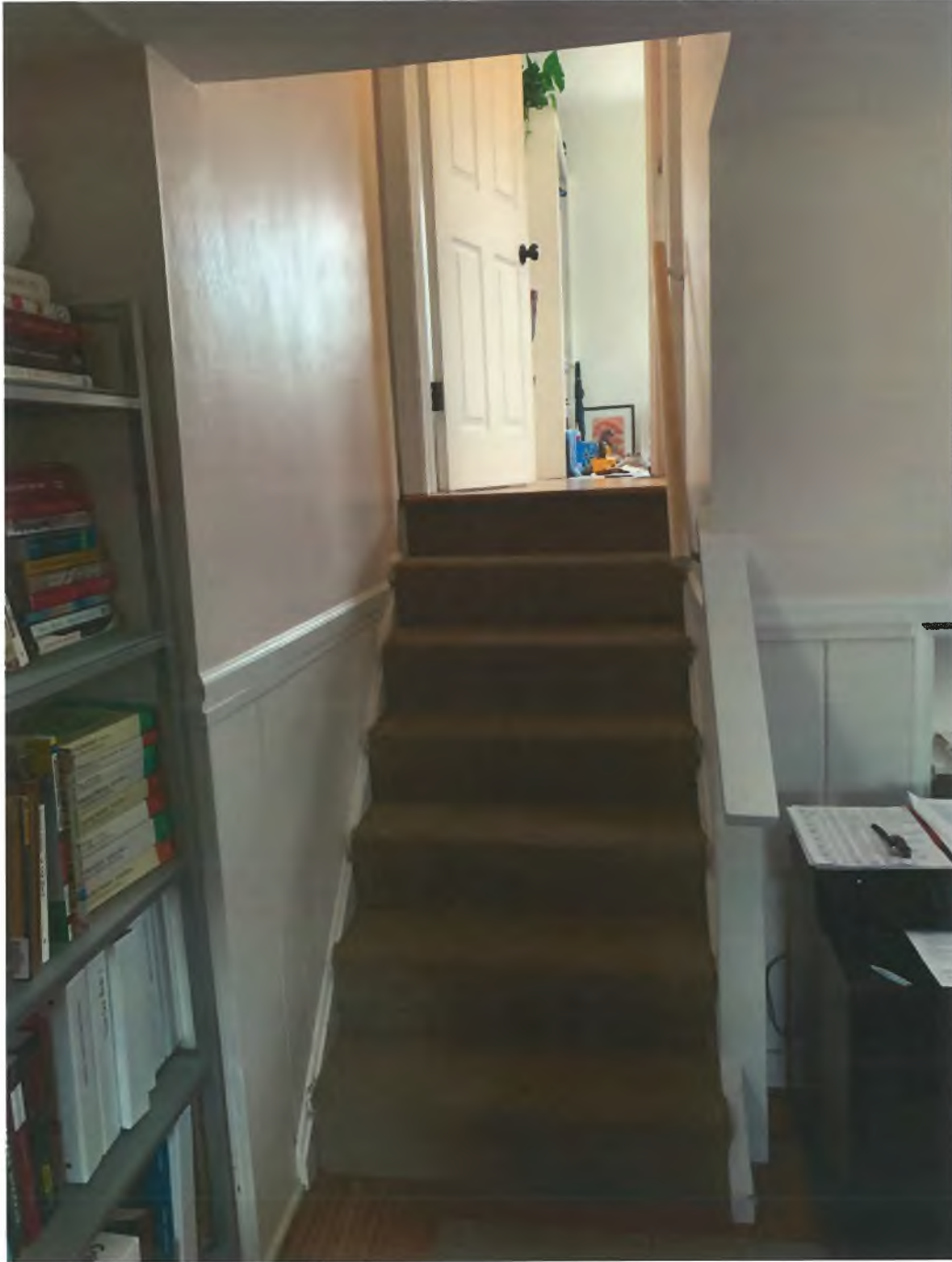


LOWER LEVEL





Picture 1: Street view of 907 Sunnyside Blvd



Picture 2: View of staircase from lower level



Picture 3: Staircase tread depth is 8"



Picture 4: Width of staircase is 33.5"

Tenant of 907 Sunnyside Blvd, Ann Arbor MI 48103:

Tenant name: Daniel Pepper