

City of Ann Arbor Planning Commission Working Session

December 3, 2024



Alteration to a Nonconforming Structure - Text Amendment Proposal

*Allow an alteration to a non-
conforming residential structure if
the non-conformity is not
extended/expanded
(UDC Section 5.32.2)*

Jon Barrett, Zoning Coordinator

History of Item

- ZBA members requested amendment to address high volume of petitions in this category which have been approved (1-2 per month)
- Shift in planning philosophy on nonconformities – density and importance of housing availability
- Alterations have low threshold in findings of fact
- Planning Commission Working Session on 10/8/24

2023-2024 Petitions for Nonconforming Structures

- 22 of 22 petitions of this kind since January 2023 were approved by the ZBA
 - 21 residential properties
 - 1 non-residential property
 - ZBA rarely receives neighbor correspondence in opposition to an Alteration to a Nonconforming Structure

Amendment Goal

- Simpler application process and lower costs
- More efficient use of public resources
- Match community values regarding nonconforming structures

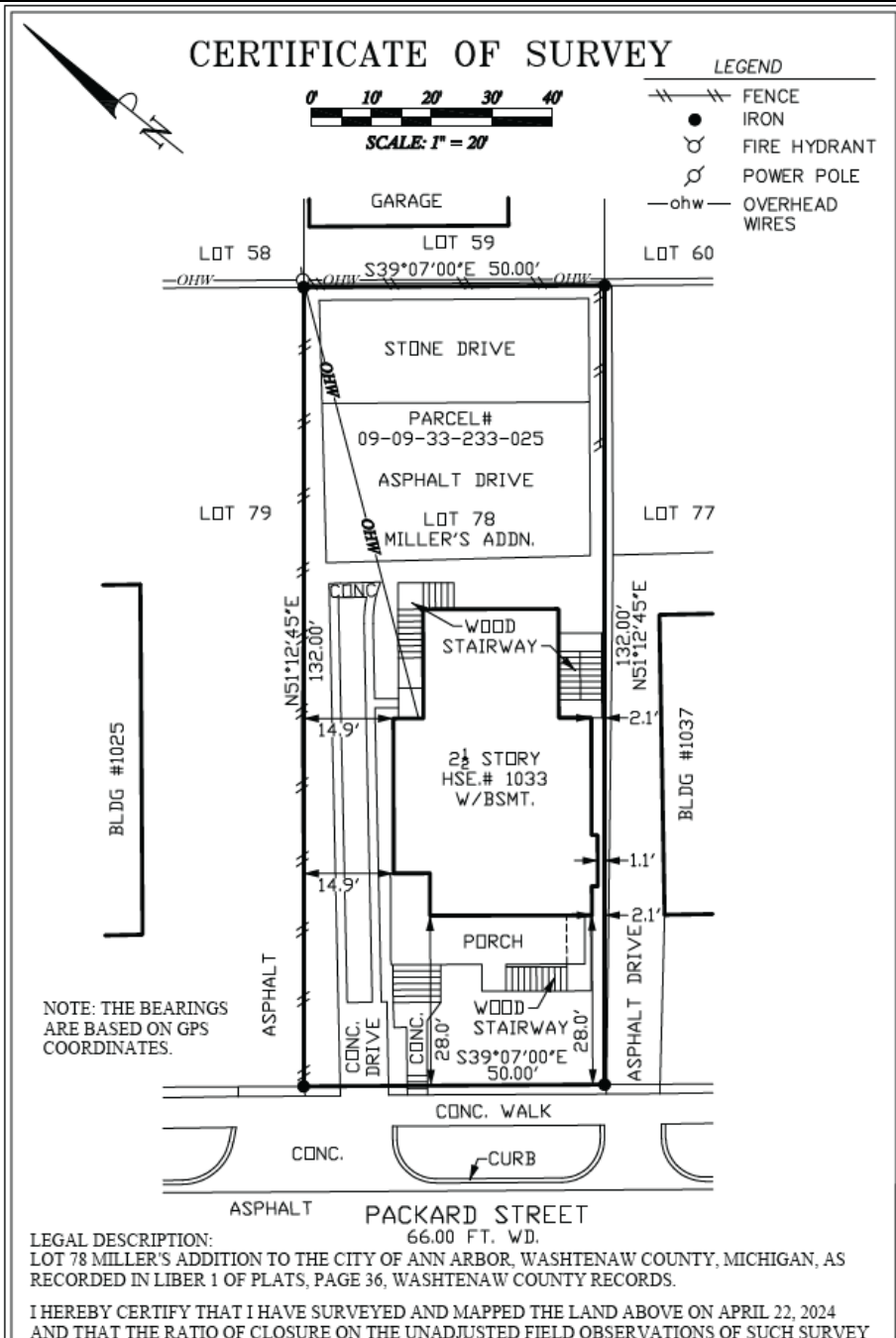
Examples of this Standard

Part 1: Nonconforming Structure with an interior alteration / habitable space

- What it is: converting non-habitable space to habitable space or adding a new unit (no expansion of building setbacks/height).
 - *Example: adding new bedrooms in the basement to an existing apartment on the first floor.*
 - *Example: adding an additional dwelling unit to a home already non-conforming by lot area, width or setback.*

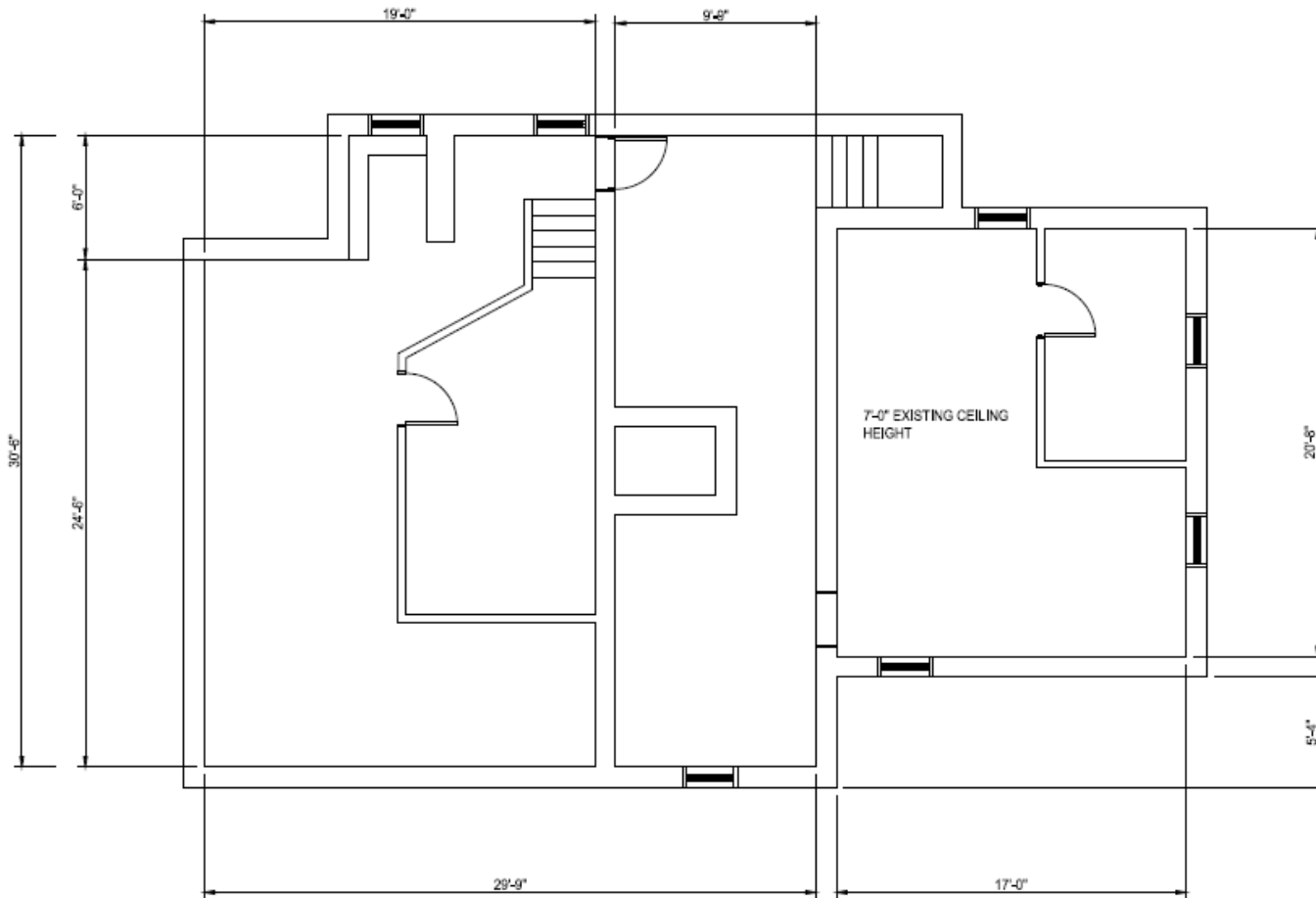
Nonconforming Lot: 1033 Packard

- Property doesn't meet R4C district requirements for lot area (8,500 sf), width (60;) or side setbacks (12')
- Currently UDC 5.32.2 says that new habitable space in nonconforming property requires ZBA approval
- 5 units – 11 occupants prior to renovation.



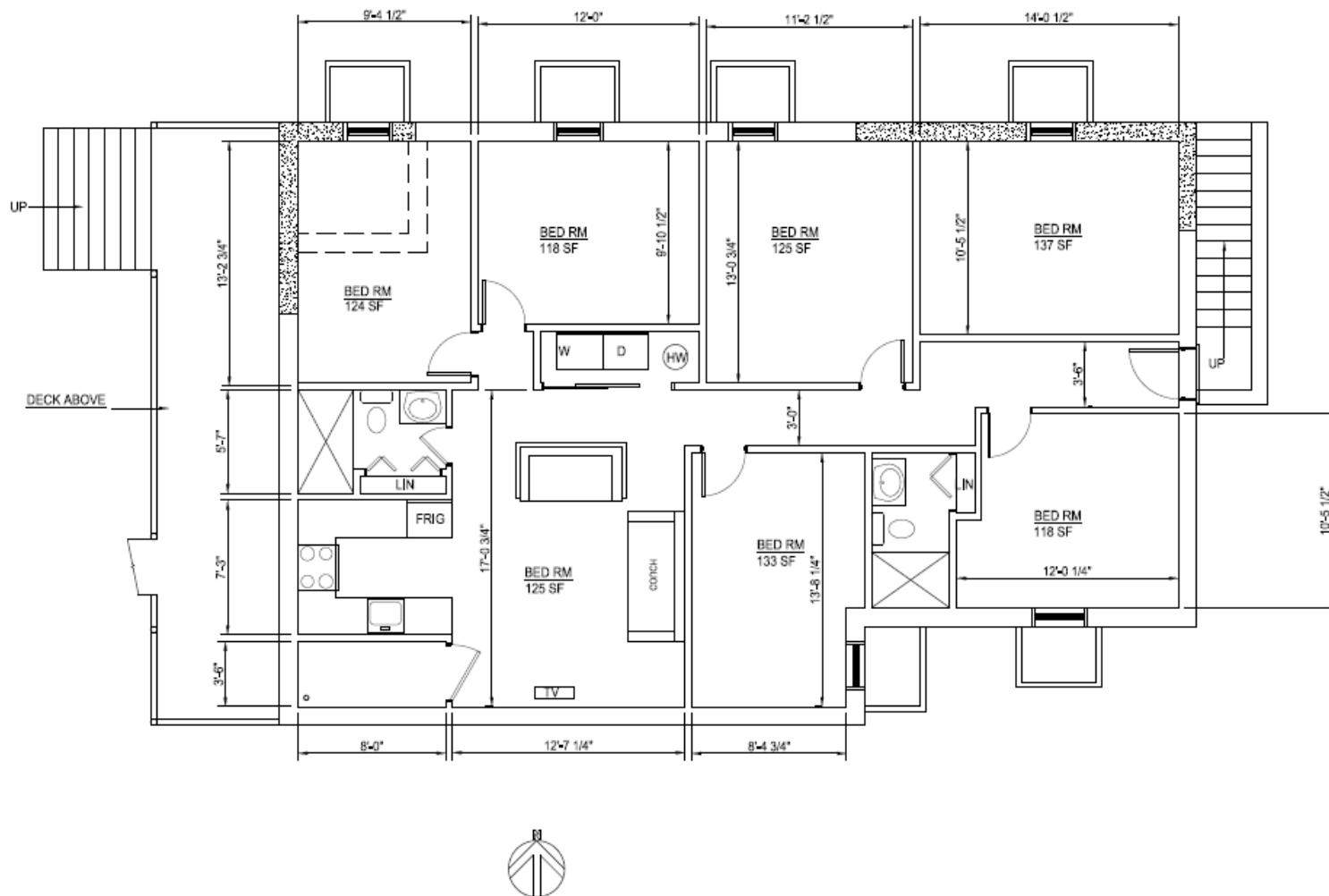
Nonconforming Lot: 1033 Packard

Existing Basement (Non-habitable)



Nonconforming Lot: 1033 Packard

Proposed Basement (Alterations to add unit to basement)



Nonconforming Lot: 1033 Packard

Alteration to a Nonconforming Structure



Nonconforming Lot: 1033 Packard

Proposed Final Construction



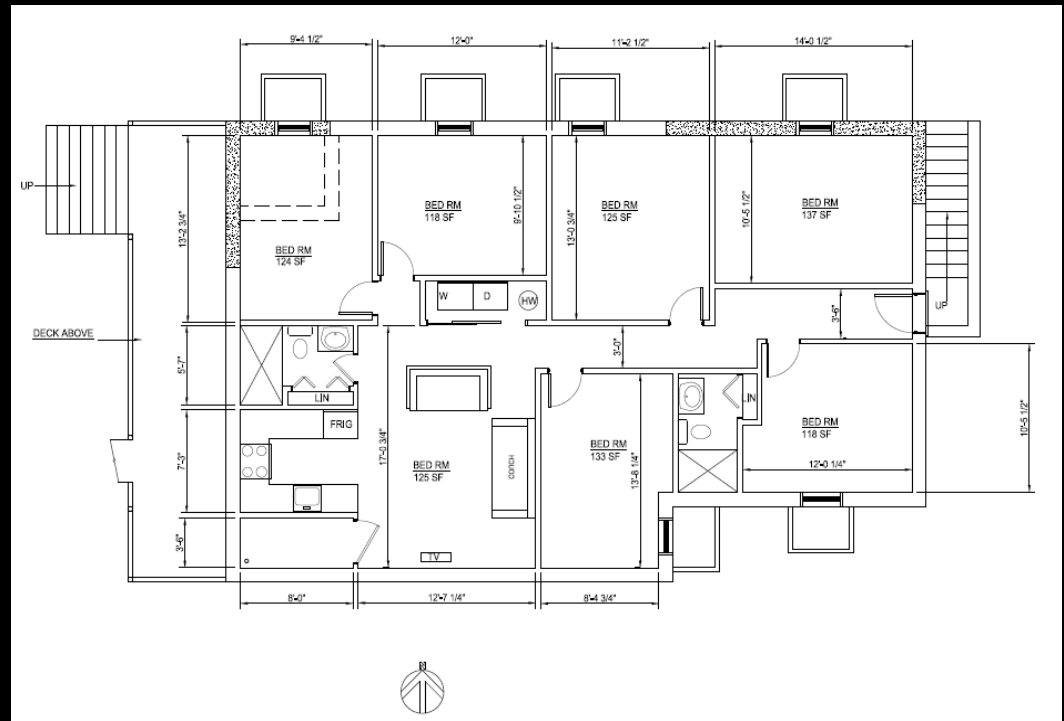
Similar project across street from 1033 Packard



Nonconforming Lot: 1033 Packard

New Basement Proposal (Habitable Space)

- Proposed new basement unit with 6BR, foundation squared off, new egress windows and life/safety updates
- No change in setbacks
- Resulting project of 4 units – 24 occupants
- Approved by ZBA in August 2024.
- Proposed UDC Amendment would make this a staff determination.

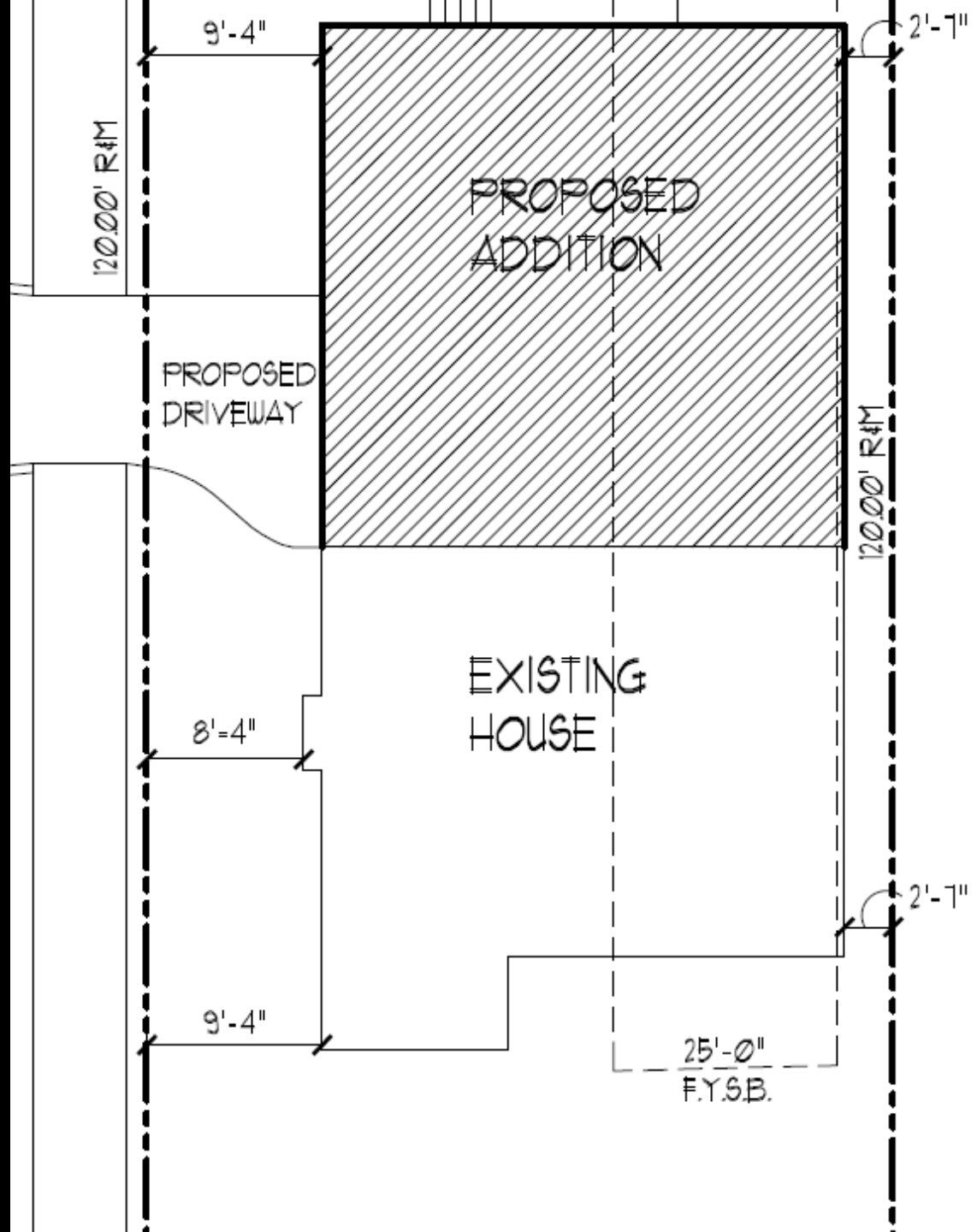


Part 2: Nonconforming Structure With an Addition

- What it is: Increasing height or expanding footprint of a structure that is non-conforming due to lot size, lot width or setbacks.

Proposed Addition to Existing Nonconforming Structure

- R1D requires 3ft side yard setback
- Residence currently 2ft 7in from side lot line
- Owner requested addition continuing the nonconformity (2ft 7in)
- Currently, Section 5.32.2 requires ZBA approval for this example
- Proposed text amendment will allow staff to approve the residential building permit and bypass ZBA



Nonconforming Residence Addition: 203 N State St

Addition to rear one-story portion of residence



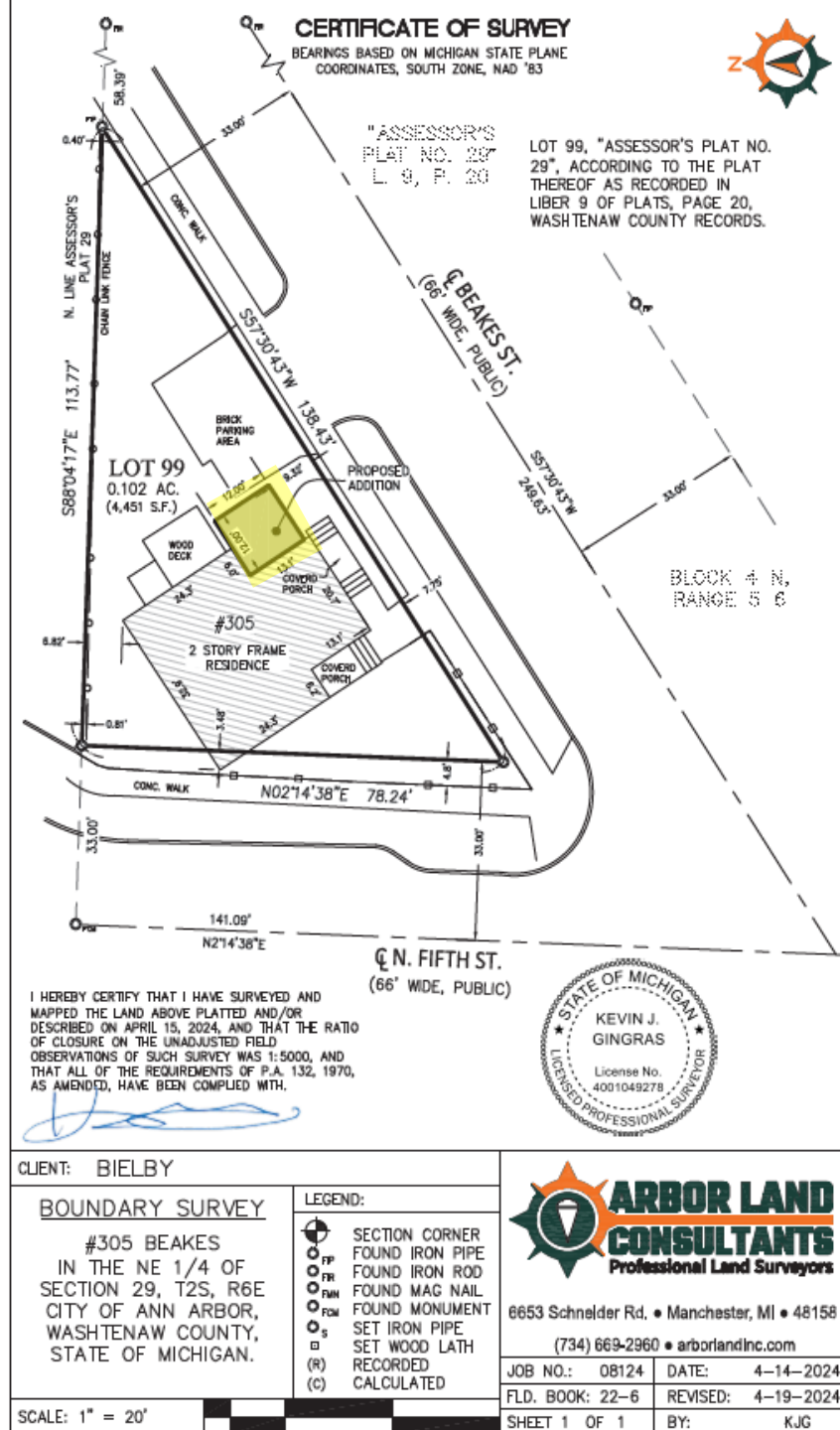
203 N State St

Rear addition to nonconforming residence;
Alteration approved by ZBA

- Non-Conforming for lot area, lot width, and setbacks
- Prior to renovation 4 units/7 occupants
- After renovation – 3 units/16 occupants
- Approved by ZBA in September 2024
- UDC Amendments would enable staff determination

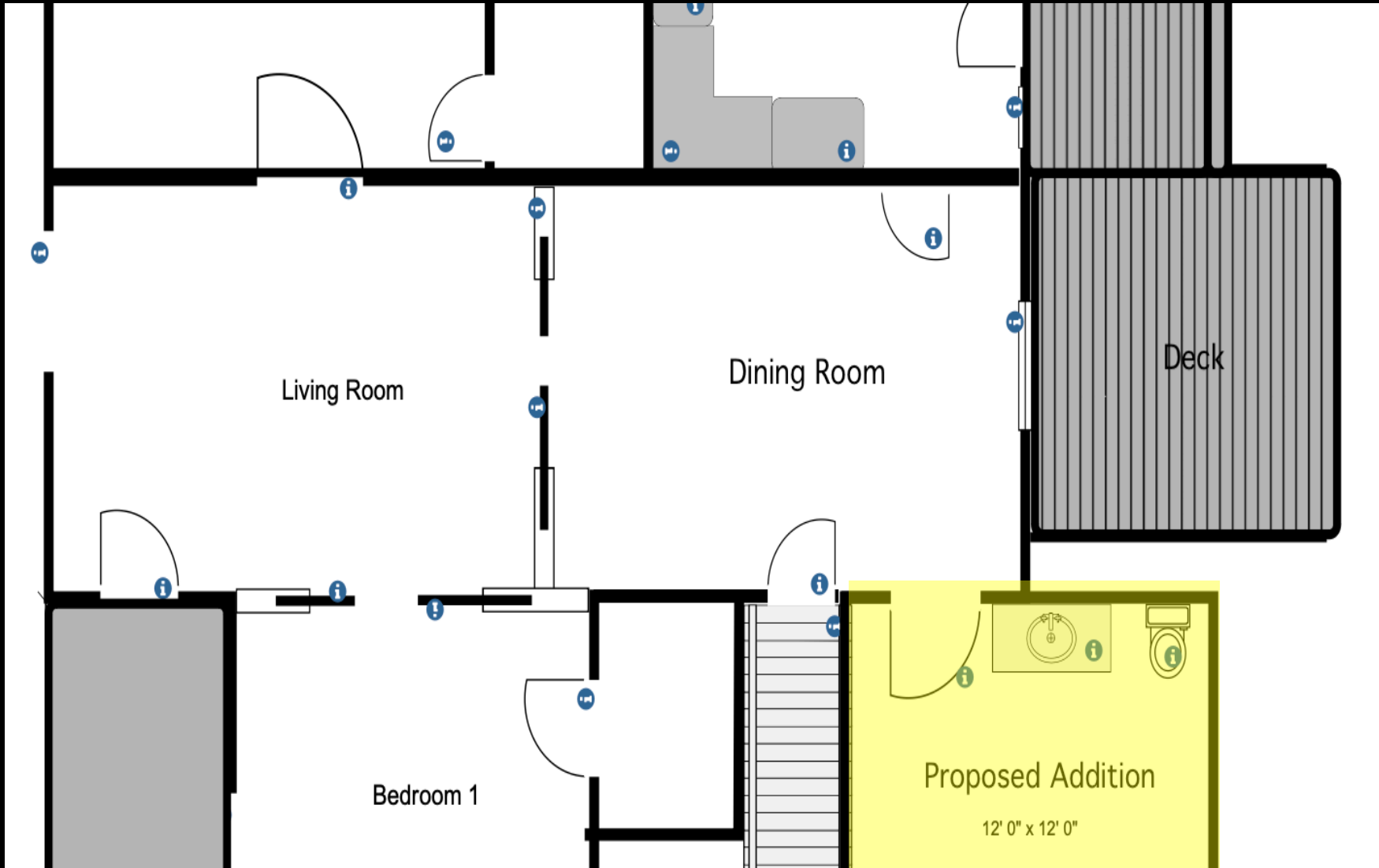


- Nonconforming for lot area and front setbacks
- Proposed addition (highlighted) – 2 story addition with bathroom on both floors in a duplex



Nonconforming Property With Addition (305 Beakes)

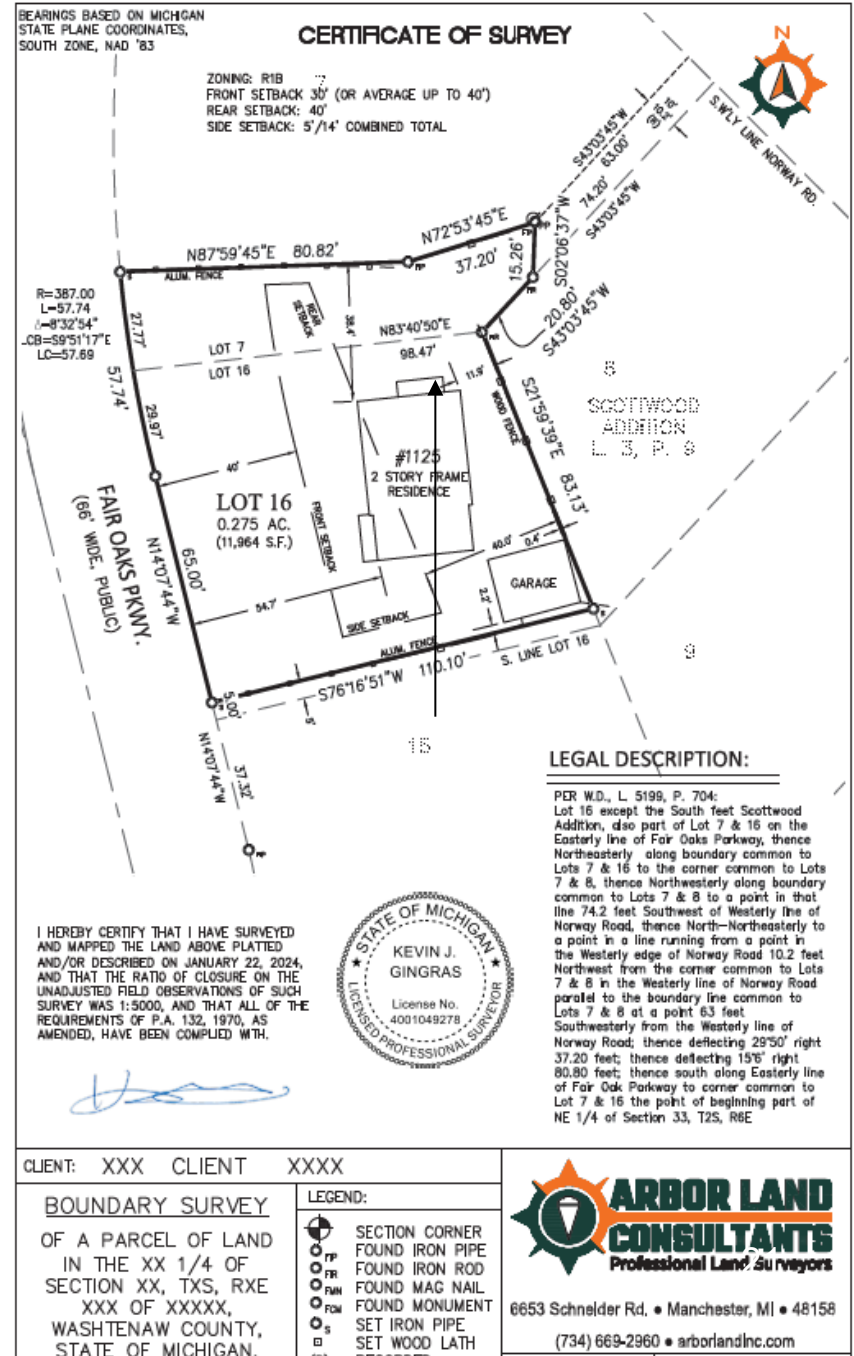
2-story addition with bathrooms on both stories (one per unit)



Nonconforming Lot: 1125 Fair Oaks Pkwy

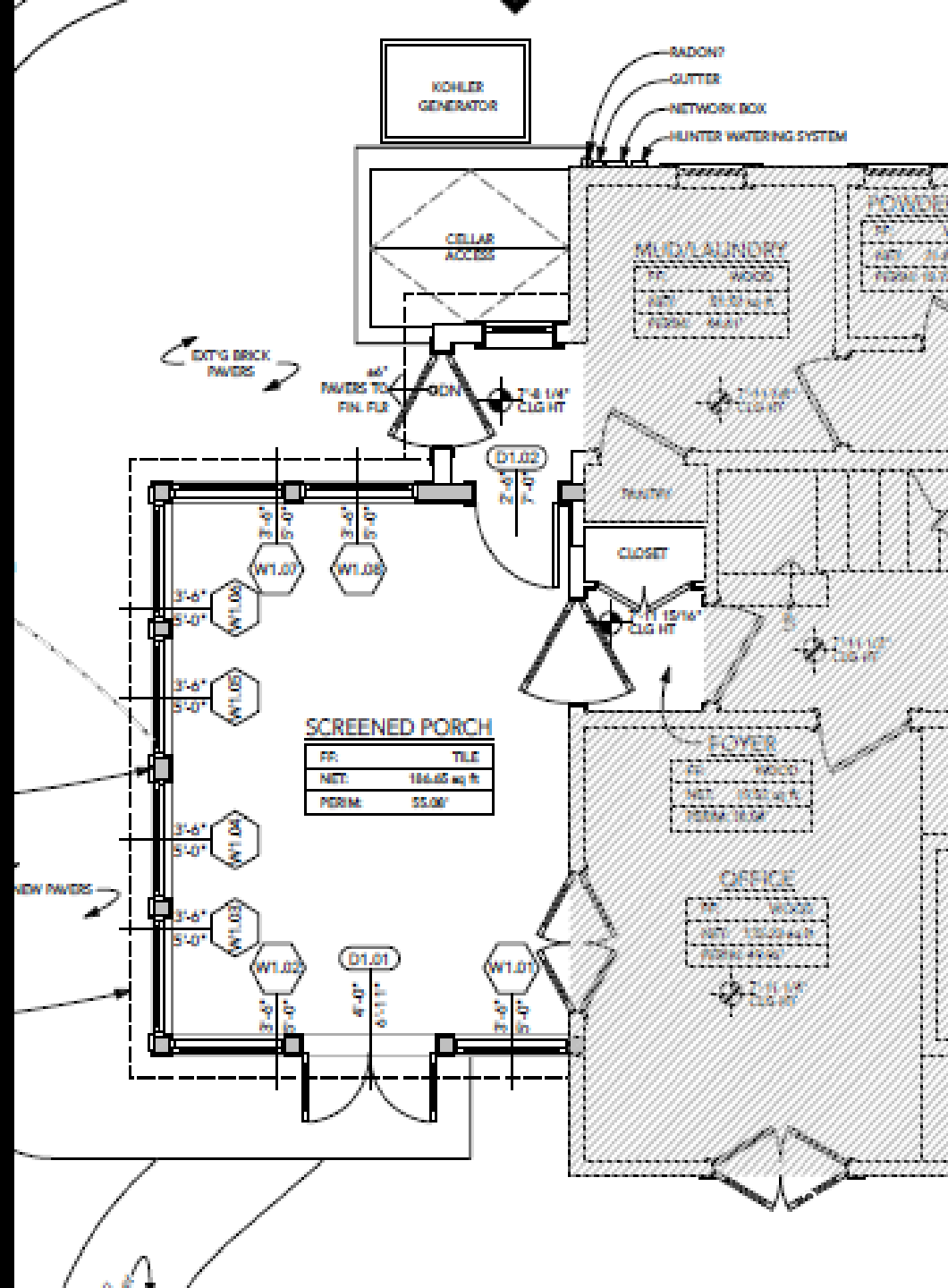
- Single-Family residence with nonconforming rear yard setback

Proposal for a new sunroom/screened porch in the rear/side yard



Nonconforming Lot: 1125 Fair Oaks Pkwy

- Floorplan of screened porch proposal to alter a nonconforming structure
- Approved by ZBA in February 2024
- Proposed Amendment would make this a staff determination



Nonconforming Lots by Residential District

- Approx 5,535 parcels zoned R1, R2, R3, and R4 - of which roughly 79% are nonconforming
- High likelihood of residential projects which would require ZBA approval for alterations under the current zoning rules, and which would conversely receive relief if the present proposal were to be adopted

Zoning District	Total parcels in District	# parcels in district non-conforming for area	% of parcels non-conforming by area
R1A	170	105	62%
R1B	423	221	52%
R1C	1,467	851	58%
R1D	556	484	87%
R1E	41	23	56%
R2A	872	796	91%
R2B	24	18	75%
R4C	1,982	1,875	95%

Proposed 5.32.2 Text Amendment

5.32.2 Nonconforming Structure

A *nonconforming structure* may be maintained or restored, but no *alteration* shall be made to a *nonconforming structure* unless one of the following conditions is met:

- A. **Alterations to nonresidential *nonconforming structures*.** 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.
- B. **Alterations to residential *nonconforming structures*.** ~~The~~ An *alteration* meeting the following standards shall be ~~is~~ approved by the Planning Manager: ~~upon a finding that it 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;~~
 1. The *alteration* does not extend closer to the *lot line* than any part of the existing *nonconforming structure*.
 2. The *alteration* does not create a new nonconformity on the *lot* or an adjacent *lot*.
 3. The *alteration* maintains compliance with all other dimensional standards of the zoning district for the *lot* on which it is located.
 4. The *alteration* will meet all other code and ordinance requirements.

Otherwise, the *alteration* shall require *variance* approval ~~be approved by the Zoning Board of Appeals. upon finding that it complies as nearly as practical with the requirements of this chapter and it will not have a detrimental effect on neighboring property.~~

- Ordinance language is included in staff memo (in packet)
- Proposed application only to residential properties
- No change proposed to standard or findings requirements

Summary/Conclusion

- Staff recommends Planning Commission approval of text amendment as proposed by the ZBA
- Text amendment will allow administrative approval of permits and streamline the process for homeowners and developers

Questions?

Jon Barrett, Zoning Coordinator

- planning@a2gov.org or jbarrett@a2gov.org
- 734-794-6000 x 42654
- www.a2gov.org/zoning