

HBA16-004

5/2/16 & 9/15/17



City of Ann Arbor
PLANNING & DEVELOPMENT SERVICES — CONSTRUCTION SERVICES

Mailing: 301 E. Huron St. | P.O. Box 8647 | Ann Arbor, Michigan 48107-8647
p. 734.794.6263 | f. 734.994.8460 | building@a2gov.org

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

Section 1: Applicant Information

Name of Applicant: J Keller Properties, LLC

Address of Applicant: 2435 S Main St, Ann Arbor MI 48103

Daytime Phone: 734-369-8239 Fax: 734-369-6059

Email: info@jkellerproperties.com

Applicant's Relationship to Property: Property Manager

Section 2: Property Information

Address of Property: 1307 Gardner, Ann Arbor MI 48104

Zoning Classification: R1D

Tax ID# (if known): 09-09-33-328-009

*Name of Property Owner: Damian Elahi and Katherine Mast

**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:

<u>Ceiling Height</u>	<u>REQUIRED dimension:</u>	<u>PROPOSED dimension:</u>
<u>Sloped Ceiling 8:503</u>	<u>70 square feet w/ ceiling</u>	<u>64 square feet above 6'11"</u>
	<u>over 6'11" over 80% of floor</u>	<u>with an additional</u>
	<u>area</u>	<u>106 square feet < 6'11"</u>

Example: Chapter 105, Section 5:26 Example: 6', 8" Basement Ceiling Height Clearance Example: 6', 6" Basement Ceiling Height Clearance

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

We respectfully request a variance to the 4th bedroom/study at 1307 Gardner. Requirements indicate the acceptable floor area is 70 square feet and we have 64 square feet. There are an additional 106 square feet of floor area under 6'11" due to the sloped ceiling. 50 square feet of that 106 square feet is between 5' and 6'11".

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.

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?

Purchaser received home in current condition and has complied to all other requests and code requirements. It would be an extreme challenge (financially and logistically) to gain 6 square feet of 7' ceiling height throughout the second floor. Home is currently certified as a 3 bed/1 study rental.

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

The home is zoned for 4 occupants. Obtaining this approval will allow tenants to use the home appropriately. There will be no impact on the rent or occupancy.

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

None- there is no change in use, density, or occupancy.

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?

We inherited it in it's current condition. The current and previous owners have complied to all building and housing codes. Raising the ceiling height 2-3 inches would be a very big challenge.

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

No- condition was noted in most recent certificate of occupancy inspection.

Section 5: Time Extension

Current use of the property Residential

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 Housing 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**.

- 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 'walk-through' of the property on the day of the hearing.

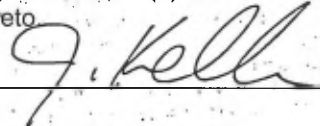
Section 7: Acknowledgement

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



Signature

info@jkellerproperties.com

Jon Keller

Email Address

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. I acknowledge that I've received all instructions, time, date and place of meeting and will be present to present the appeal. Staff will not send additional notification of meeting times.

Signature

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

Signature

On this _____ day of _____, 20____, 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

Notary Commission Expiration Date

Print Name

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: _____



CITY OF ANN ARBOR

100 N. FIFTH AVE • ANN ARBOR, MI 48104
(734) 794-6267

Receipt Number: 2016-00052084

Project Number HBA16-004
Receipt Print Date: 09/15/2017
Address 1307 GARDNER AVE
Applicant
Owner ELAHI DAMIAN & MAST KATHERINE
Project Description Variance for Ceiling Height

FEES PAID

0010-033-3370-0000-4362
P&D - APPEAL FEES 15/16

HBA	0010-033-3370-0000-4362	500.00
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Total Fees for Account 0010-033-3370-0000-4362:	500.00
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TOTAL FEES PAID	500.00
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DATE PAID: Monday, May 2, 2016
PAID BY: LOGOS
PAYMENT METHOD: CHECK 11248



CITY OF ANN ARBOR, MICHIGAN

Community Services Area
Rental Department Unit
301 E. Huron St, P.O. Box 8647,
Ann Arbor, Michigan 48107-8647
Phone: (734) 794-6264
Fax: (734) 994-8460

October 3, 2017

J Keller Properties, LLC
2435 South Main Street
Ann Arbor, MI 48103

Re: 1307 Gardner Avenue, Ann Arbor, Michigan, 48104
Parcel Identification Number ("PIN"): 09-09-33-328-0009

Dear Mr. Keller:

Please consider this as an invitation to attend the Ann Arbor Housing Board of Appeals meeting for your variance hearing for 1307 Gardner Ave. Ann Arbor, MI.

This meeting will take place on Tuesday, October 10, 2017 at 1 :30 PM on the 2nd floor of City Hall in the Council Chambers.

If you are planning to support your request with information or evidence not included with your application, please submit your additional information to City Housing Department staff either by email at a2rentalhousing@a2gov.org or in person no later than the Friday before the meeting to allow time for distribution to the Board members.

Sincerely,

A handwritten signature in black ink that reads "Marc Howell".

Marc Howell
Deputy Building Official
City of Ann Arbor

ANN ARBOR HOUSING BOARD OF APPEALS

STAFF REPORT

Meeting Date: October 10, 2017

Type of Request: VARIANCE

Housing Board of Appeals Request **HBA16-004** at 1307 GARDNER AVE, ANN ARBOR, MI 48104.

(Parcel Identification Number: **09-09-33-328-009**)

DESCRIPTION AND DISCUSSION

Property Owners Name and Address:

Damian Elahi & Katherine Mast
4372 Willow Glen St
Calabasas, CA 91302

BACKGROUND

This single-family dwelling has three bedrooms with two located on the first floor and one bedroom located on the second story. The second story also contains a finished bathroom and a study. A first-time rental housing inspection performed on 8/12/2014 found the second story study (Northwest room) does not meet the requirements for habitable space. A violation was written to vacate use of the study as bedroom as it does not meet the minimum requirements for habitable space. The study (Northwest room), which contains a peaked ceiling, lacks the required 7' ceiling height (Section 8:503(3b) in at least 50% of the room. The peak of the ceiling has a height of 7' or greater but it only spans 13" for a length of 9'7". This short span and length makes up only 10'3" of gross floor space where the ceiling is 7' or greater. A minimum of 35 sqft of the room's gross floor space would need to have the required 7' minimum ceiling height. The ceiling height near the entry of the room only measures 6'10".

The owner of the building located at 1307 Gardner Ave, Ann Arbor, MI requests a variance for the following:

(1) Minimum ceiling height in sloped ceiling rooms:

Variance from 8:503(3b):

8:503(3b). - Minimum standards for sloped ceiling rooms: At least 50% of the required floor area of every habitable room with a sloped 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.

Applicant is requesting a variance from The City of Ann Arbor Housing Code for sloped ceiling rooms inside habitable spaces not meeting the minimum ceiling height requirement be allowed.

Section 8:515 (2) of the Ann Arbor Housing Code: The City of Ann Arbor Housing Code allows the Housing Board of Appeals to grant variances from the requirements of Chapter 105.

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 recommends the variance be granted with the following contingencies:

1. Maintained hardwired interconnected smoke alarms inside the study (Northwest room) and in the area outside the room.

PROPOSED MOTION

I move to approve the following variance with contingencies at 1307 Gardner Ave:

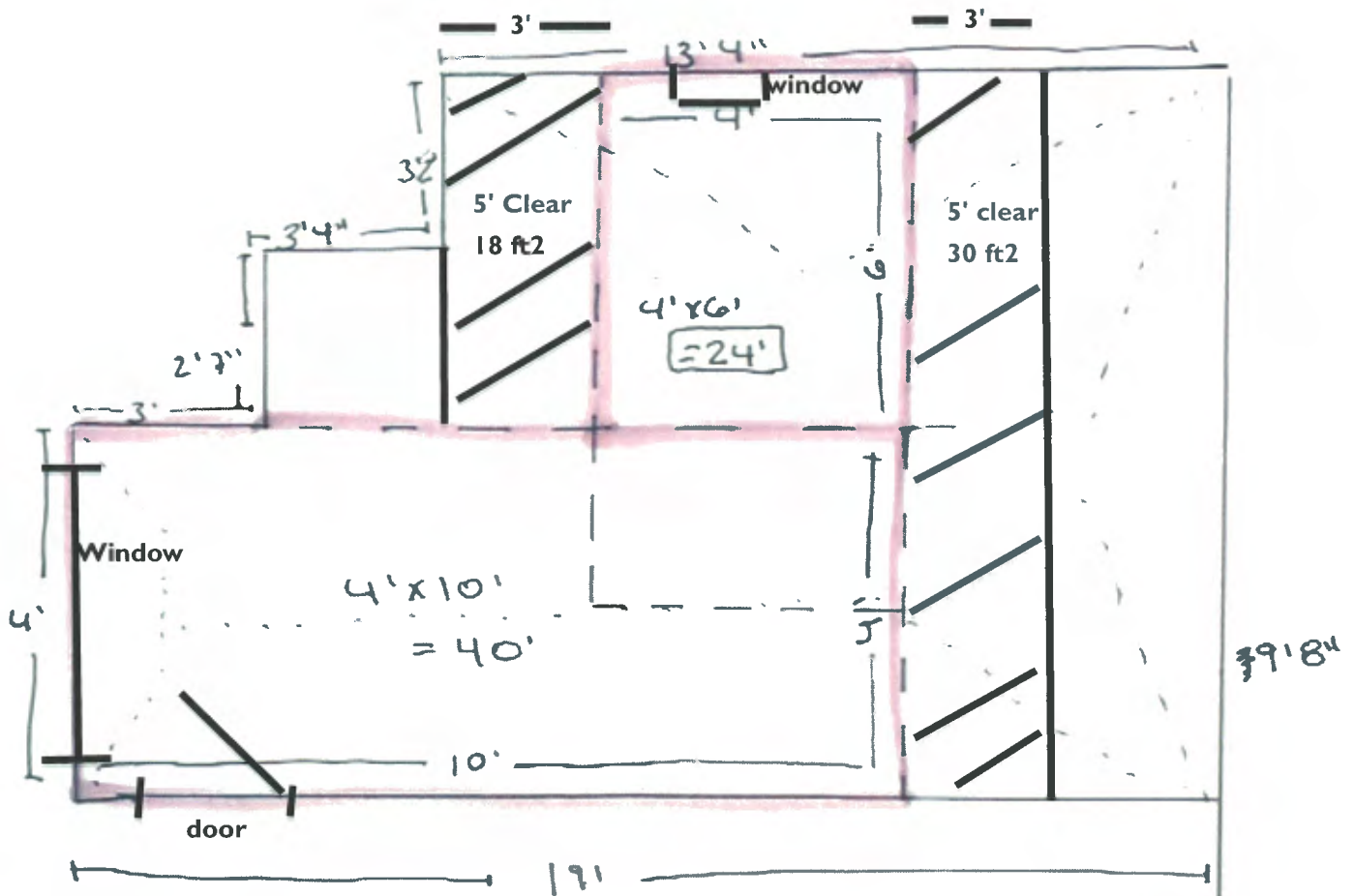
1. Minimum sloped ceiling height that does not comply with 8:503(3b) and;
2. Provided the contingency is met:

The board finds that:

- (1) Practical difficulties or unnecessary hardship would exist in denying the variance.
- (2) The variance does not violate the intent of the chapter because the deviation from the requirements is not excessive, will not cause deterioration of the building, and saves costs to the owner and renter.
- (3) The variance does not jeopardize public health and safety because the deviation is minimal.



1307 Gardner Bedroom '4'



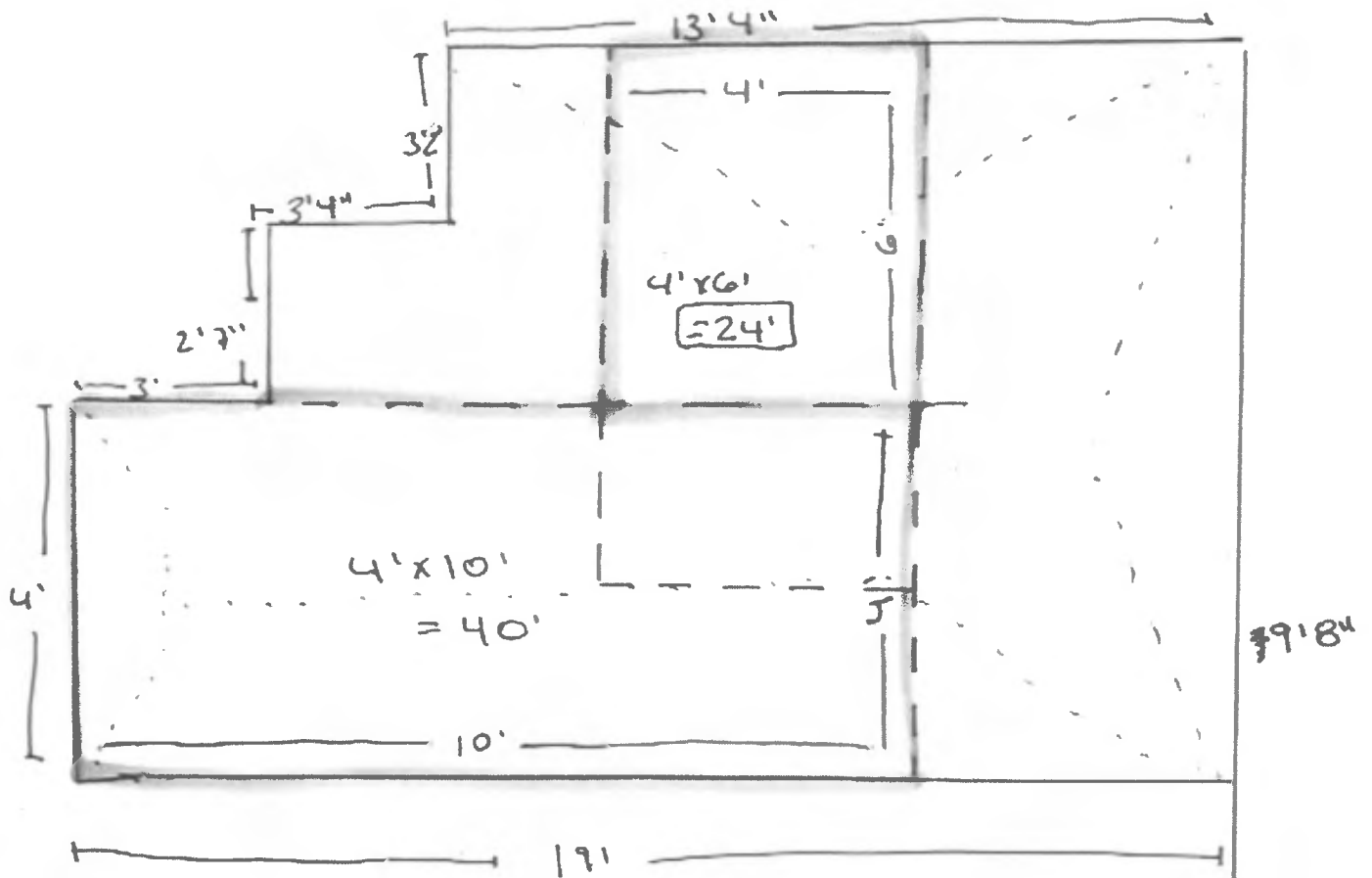
Total ft²: 170 ft²

Living Area ft² = 64 ft² (7ft+) Actually 6'11"

Additional Space = 106 ft² (7ft-)

Space between 5-7ft = 50 ft²

1307 Gardner Bedroom '4'



Total ft²: 170 ft²

Living Area ft² = 64 ft² (7ft +)

Additional Space = 106 ft² (7ft -)

Space between 5-7ft =











