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212 Miller, 7 October 2021

Design Review Board

Response to Planning Staff Review comments emailed to petitioner 10/7/2021 responding to questions to staff dated 9/28 & 9/29/21 from petitioner.

Staff: The Uniform Development Code requires a maximum streetwall height of 3 stories. The south elevation shows the petitioner is proposing a streetwall that appears to exceed 3 stories. The garage level of the building (which has enclosed garages) adds a portion of a floor to the streetwall height which results in the streetwall height exceeding 3 stories.

UDC Operative definitions:

Streetwall: *The exterior face of a Building that fronts a street between Grade and the Streetwall Height (see figure 6).* (Note figure 6 shows a flat/horizontal front grade. The definition does not address sloped street grade conditions.)

Grade: No applicable definition in UDC

Story: *That portion of a Building included between the surface of any Floor and the surface of the Floor above it, or if there be no Floor above it, then the space between the Floor and the ceiling next above it and including those basements used for the Principal Use.*

Principal Use: *The primary use of any lot.*

Primary Use: Not defined in UDC. From Giffis Law Dictionary: *In relation to property means and land use specified in this development management scheme as primary use, being a use that is permitted without the need to obtain a City's approval first.*

In the case of this proposal that primary use allowed is residential.

Basement: Is not defined in the UDC, using The Michigan Building Code definition this garage level is a defined basement.

Under the definition of story, a basement is counted as a story if it is used for the principal use.The basement of this proposed building is being used for garages and not for the principal residential use. A garage is not a primary use for residential, but looked upon as an ancillary use, not required by the Principal Use.

Therefore the basement story being used as garage space does not fit the definition in the UDC for a story. By this above work-through then, the streetwall is defined by the UDC as 3 stories in height. Looking next door to the recently site planned and now under construction 309 North Ashley residential project, this building presents the exact same condition to the Miller Avenue street and met with approval through the City which reinforces the above summation as applied, and as consistent with the recent developments nearby.

The south face of the building includes a cantilevered portion with a glass wall. Staff does not consider floor to ceiling features such as this to be a bay window (bay windows are allowed to protrude into a setback up to 2 feet). Therefore, if it protrudes into the 15 foot front setback (minimum front setback), it would be inconsistent with City code.

There is no definition in the UDC for bay window. The “glass wall” noted (see attached schematic design sketch) consists of window units infilling the front and two sides forming the bay window.

Per Websters and Oxford dictionaries*: Bay Window: window formed as the exterior expression of a bay within a structure, a bay in this context being an interior recess made by the outward projection of a wall. The purpose of a bay window is to admit more light than would a window flush with the wall line.*

Bay windows are associated historically with mansions of the early English Renaissance. They are characteristically employed at the end of a great hall opposite the entrance and behind the raised dais on which the lord of the manor was served. In modern architecture the bay window emerged as a prominent feature of the Chicago School. The utilitarian program of William Le Baron Jenney, one goal of which was maximum admission of natural light, resulted in the creation of the cellular wall and a new emphasis on bay windows. An interesting example is Jenney’s Manhattan Building (Chicago, 1890), which displays both polygonal bay windows and bow windows.

Research shows bay windows throughout history have taken on a variety of configurations as the below few pictorial examples show. There is no limitation set forth as to the size of the bay in width, height, etc. in any definition we have found. Many definitely allow access to an interior residence at the floor level to walk-in to and/or furnish. The Chicago School example is mainly this type of bay.

Bay windows are addressed in the UDC and allowed to project 2 feet into any setback, so this is not an inconsistent element as the code speaks to its allowance directly.

Petitioner: It is not clear why the proposed bay window at 212 is not a bay window. With a concise reason revealed we can operate on bringing it into that compliance

Staff: I haven’t discussed with Mr. Kahan to date, however, I think the interpretation could be based on the projection representing approximately 1/3 of the entire south façade being more substantial that an architectural feature. It appears by the section and the floor plans provided that the building is designed with this as permanent floor area as well, rather than an added architectural feature akin to a balcony, eave, or other projection on the exterior wall of a building.

Note staff is calling this an interpretation and has not given the requested concise reason. The actual area devoted to the bay is c.¼ of the proposed south facade and c.1/10 of the allowable facade area allowed in the D2 district for this property. As noted above, bay window solutions also include habitable floor area to the interior of the space in which the bay resides. (See attached a few examples of which many dozens were found)

In the UDC,under 5.18.B. 3. *Certain architectural features, such as cornices, eaves, gutters, bay windows, and chimneys may project up to two feet into any Setback Areas.*

There is no other limitation set on this element in the UDC so, written definitions, historical precedent context, along with existing built examples in Ann Arbor and around the world should reinforce what an acceptable bay window would be.

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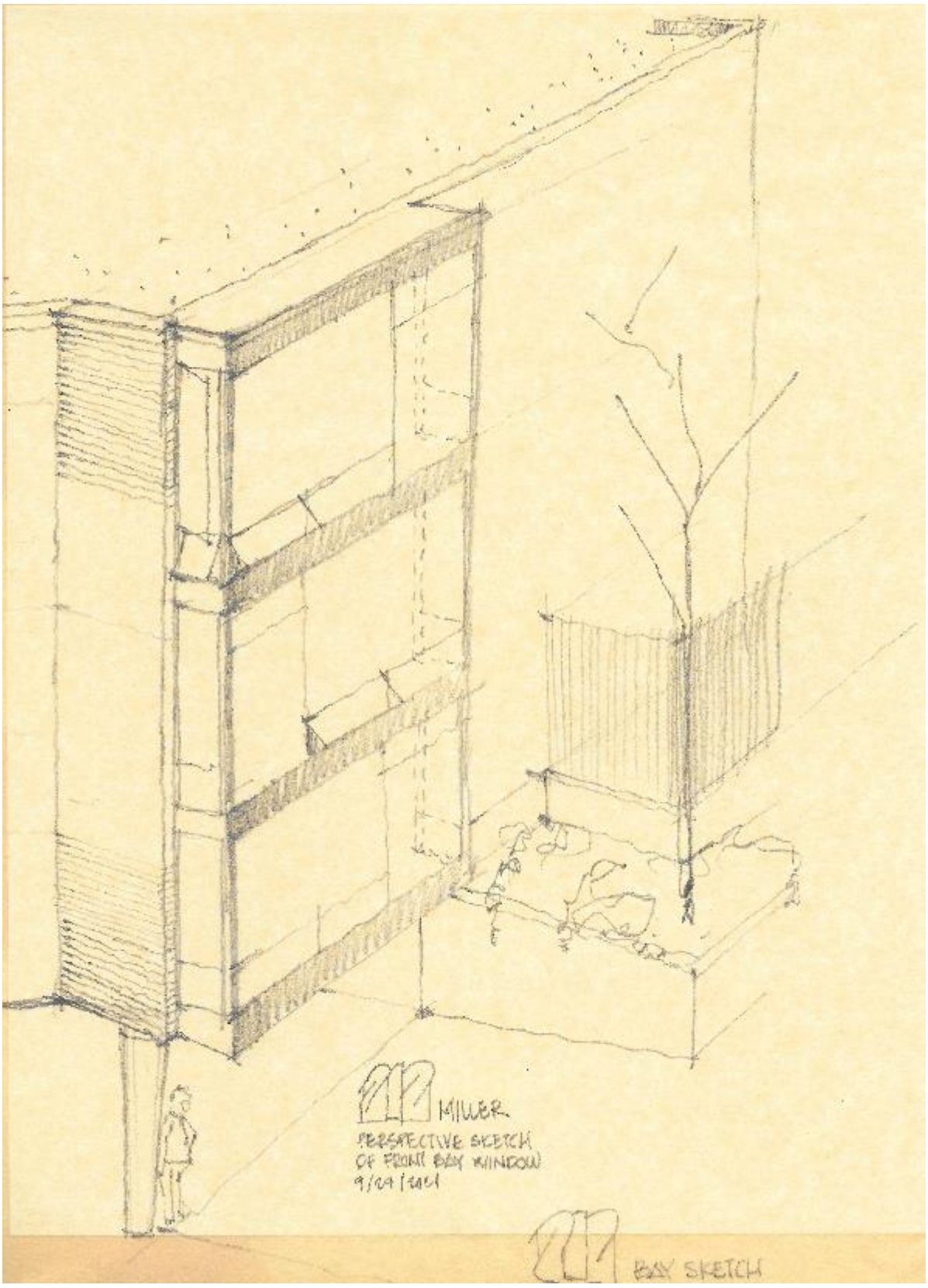
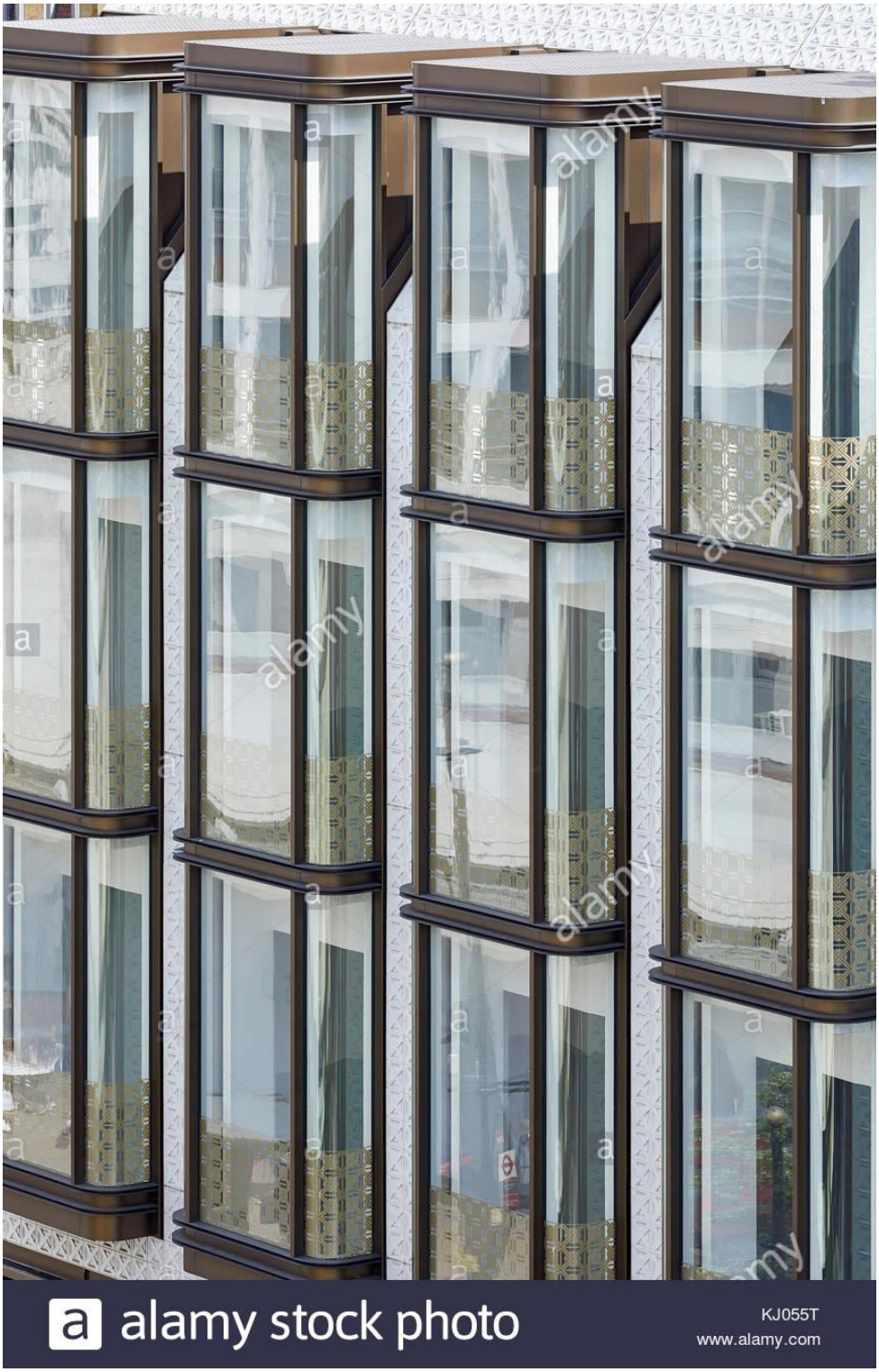


Schematic Design sketch of proposed Miller Avenue front bay window element.

A furnished residential bay. Note the following examples all have floor to ceiling bay windows.

Two styles of full height floor to ceiling nulti-story bay windows. Both clearly composing a large percentage of the facades.

And another….



And another….

Russian Hill neighborhood in San Francisco. Full height multi-story bay windows composing more than 40% of the facades.

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The reference Manhattan Building, defining the Chicago School of Architecture, the full height multi-story bay windows being part of that definition, showing full height bay windows and composing over 40% of the façade. These bay windows were pronounced such a health benefit (light and air) to urban residential properties, projecting out 2 feet over the front building setbacks, became so common in urban areas that future zoning codes/ordinances incorporated this dimension into them and specifically spoke to bay windows, as does the Ann Arbor Uniform Development Code.