

ANN ARBOR HOUSING BOARD OF APPEALS

STAFF REPORT

Meeting Date: April 6, 2021

Type of Request: VARIANCE

Housing Board of Appeals Request HBA21-0001 at 566a Kellogg, ANN ARBOR, MI 48105.

(Parcel Identification Number: **09-09-21-308-060**)

DESCRIPTION AND DISCUSSION

Property Owners Name and Address:

Marme Elizabeth Smiley
400 East South Water
Chicago, IL, 60601

Joe Galunas (agent)
416 W. William St.,
Ann Arbor, MI, 48103

BACKGROUND

The Condo located at 566a Kellogg was built in 1965 and appears to be original construction.

The owner of the residence located at 566a Kellogg., Ann Arbor, MI requests one variance:

(1) Minimum standards for light and ventilation.

Variance from 8:502: A minimum of 8% light and 4% ventilation of the floor area for the habitable room

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 there are alternatives that if implemented would meet the requirements of Building Code. By adding mechanical ventilation, the building Code would recognize this as an adequate way to provide minimal ventilation to the area. According to the 1970 BOCA Code (nearest code reference available to the time the building was constructed) glazing must amount to 10% of the floor area and ventilation be half of that (see attached page from the 1970 BOCA Code). This Building does not conform to the adopted code of the time nor the current code standards.

PROPOSED MOTION

APPEAL GRANTED

That in Case BBA21-0001, **the appeal of the Building Official’s decision** that the rental unit at **566a Kellogg not get** relief from section 8:502, 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 HBA21-001 **the appeal of the Building Official’s decision** that the rental unit at **566a Kellogg 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 8:502 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

or installations to render the building or structure livable for the posted use and occupancy load.

506.2 Alterations: No building shall hereafter be altered or rearranged so as to reduce either the size of a room, or the fresh air supply, or the amount of available natural light to less than that required for buildings hereafter erected; or to create an additional room unless made to conform to the requirements of section 507. The building official may permit new rooms to be of the same height as existing rooms in the same story unless in his opinion greater provision of artificial light and ventilation is deemed necessary to insure healthful living conditions.

506.3 Uncovered Yard and Court Area: No building shall be hereafter enlarged, nor shall the lot on which it is located be diminished so as to decrease the required courts or yards to less than that prescribed in this article for the lighting and ventilation of new buildings.

Section 507.0 Natural Lighting and Ventilation of Rooms

507.1 Window and Skylights: All habitable and occupiable rooms or spaces shall contain windows, skylights, monitors, glazed doors, transoms, glass block panels or other light transmitting media opening to the sky or on a public street, yard or court complying with the provisions of this article. The light transmitting properties and the area of the devices used shall be adequate to meet the minimum daylighting and ventilating requirements specified herein and in the approved rules.

507.2 Window Size: Windows and exterior doors may be used as a natural means of light and ventilation, and when so used their aggregate glass area shall amount to not less than one-tenth (1/10) of the floor area served, and with not less than one-half (½) of this required area available for unobstructed ventilation.

507.3 Openings on Yards and Courts: In order to be credited as a source of natural light or ventilation under the provisions of this article, a window or any other approved device shall open directly on a public street, alley or other open public space, or on a yard or court located on the same lot or plot complying with the requirements of section 518, 519 and 520.

507.4 Alternate Devices: In place of the means for natural light and ventilation herein prescribed, alternate arrangement of windows, louvres, or other methods and devices that will provide the equivalent minimum performance requirements shall be permitted when complying with the approved rules.

Section 508.0 Lighting and Venting of Special Spaces

508.1 Alcove Rooms: When alcove rooms open without obstruction into adjoining rooms, the required window openings to the outer air