

ANN ARBOR HOUSING BOARD OF APPEALS

STAFF REPORT

Meeting Date: June 8, 2021

Type of Request: VARIANCE

Housing Board of Appeals Request HBA21-0003 at 1230 Van Dusen, ANN ARBOR, MI 48103.

(Parcel Identification Number: **09-09-31-110-001**)

DESCRIPTION AND DISCUSSION

Property Owners Name and Address:

John Strite
1230 Van Dusen Dr.
Ann Arbor, MI, 48103

BACKGROUND

The house located at 1230 Van Dusen Drive was built in 1954 and appears to be original construction. There are no permits issued related to any stairs at the residence.

The owner of the residence located at 1230 Van Dusen, 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. The winder section of the stairway is also deemed unsafe by the building official and must be corrected as allowed by section R102.7 of the 2015 Michigan Residential Code (Attachment 1).

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. The Building department would administratively approve the tread depth of eight inches but cannot allow the winder part of the stairway to remain as it has been deemed unsafe by the Building official (section R102.7 attachment 1) and must meet the requirements of section R311.7.5.2.1 of the 2015 Michigan Residential Code (attachment 2) which specifies the requirements for winder stairs.

PROPOSED MOTION

APPEAL GRANTED

That in Case HBA21-0003, **the appeal of the Building Official’s decision** that the rental unit at **1230 Van Dusen 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 8:504 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 HBA21-003 **the appeal of the Building Official’s decision** that the rental unit at **1230 Van Dusen 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

Attachment 1:

R102.7 Existing structures. The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code, the *International Property Maintenance Code* or the *International Fire Code*, or as is deemed necessary by the *building official* for the general safety and welfare of the occupants and the public.

Attachment 2:

R311.7.5.2.1 Winder treads. Winder treads shall have a tread depth of not less than 10 inches (254 mm) measured between the vertical planes of the foremost projection of adjacent treads at the intersections with the walkline. Winder treads shall have a tread depth of not less than 6 inches (152 mm) at any point within the clear width of the stair. Within any flight of stairs, the largest winder tread depth at the walkline shall not exceed the smallest winder tread by more than 3/8 inch (9.5 mm). Consistently shaped winders at the walkline shall be allowed within the same flight of stairs as rectangular treads and do not have to be within 3/8 inch (9.5 mm) of the rectangular tread depth.

Williams, Debra

From: John Tranfaglia <john.m.tranfaglia@gmail.com>
Sent: Tuesday, April 20, 2021 11:40 AM
To: Williams, Debra
Cc: Caitlin Hegarty
Subject: 1230 Van Dusen Drive - Letter of Support for Variance
Attachments: HBA_1230_Van_Dusen.docx

This message was sent from outside of the City of Ann Arbor. Please do not click links, open attachments, or follow directions unless you recognize the source of this email and know the content is safe.

Hello,

My wife and I are moving on July 1st to 1230 Van Dusen Drive. Our new landlords, Jon and Jan Strite have applied for a variance for this rental property. Attached, please find a letter of support from us for this variance request.

Thanks,
John

Dear Ms. Williams,

We are writing in support of the variance request from Jon and Jan Strite for the property at 1230 Van Dusen Drive. In January 2021, we signed a lease for this property with a move-in date of July 1, 2021. On April 14th, 2021, Jon and Jan Strite called to inform us of a rental housing inspection which required a variance for the tread length on the cellar stairs in order for the property to receive a Certificate of Compliance. They were forthcoming about the fact that due to the timing of inspection and the process for the Housing Board of Appeals, the case would likely not be heard until June 15th, 2021.

Given that our lease starts on July 1st, we would like to ask if you could expedite this matter to the May meeting. We have done our own research on stair tread variances and found that they have been approved in several similar properties (including 2915 Kimberley Rd., 1395 Coler Rd., 712 S. Main St., 1219 S. Forest St., and 1940 Chalmers Dr.). When we visited the property in January, we went up and down the stairs several times and did notice any safety issues with them. Given both the similarity to other properties and our own visit to the property, we are not concerned about safety and think this will be a straightforward matter for the Board to resolve. However, we are still concerned that if it does not get approved, we could be left scrambling to find housing within a month of our current lease end.

We hope you will consider our request to resolve this sooner. We are also happy to attend and speak at a Housing Board of Appeals meeting on this topic as well. Please feel free to forward this letter to the Board members for their awareness, as we were not sure where to address it.

If you have any questions, please do not hesitate to reach out.

Sincerely,

Caitlin Hegarty and John Tranfaglia

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

Section 1: Applicant Information

Name of Applicant: JOHN STRITTE

Address of Applicant: 1218 VAN DUSEN DRIVE, ANN ARBOR MI 48103

Daytime Phone: 734.678.5876

Fax: 0

Email: JOHN.STRITTE@GMAIL.COM

Applicant's Relationship to Property: OWNER

Section 2: Property Information

Address of Property: 1230 VAN DUSEN DRIVE, ANN ARBOR MI 48103

Zoning Classification: R1C (RESIDENTIAL)

Tax ID# (if known): 09-09-31-110-001 (PARCEL#)
CR20-2013 (PROPERTY RECORD#)

Section 3: Request Information

Variance

Chapter(s) and Section(s) from which a variance is requested:	REQUIRED dimension:	PROPOSED dimension:
<u>8:504 - EXITS</u>	<u>9"</u>	<u>8"</u>
<u>(5) STAIRWAYS</u>	_____	_____
<u>(4) TREADS SHALL BE 9"</u>	_____	_____
<small>Example: Chapter 105, Section 5:26</small>	<small>Example: 6' 8" Basement Ceiling Clearance</small>	<small>Example: 6' 6" Basement Ceiling Height</small>

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

NEW
NOT PROPOSING WORK. REQUESTING VARIANCE OF ORIGINAL TREAD WIDTH = 8"

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?

YES, PRACTICAL DIFFICULTY. PRACTICAL DIFFICULTY NOT UNIQUE TO THIS PROPERTY. MOST, IF NOT ALL HOMES ~~WERE~~ DEVELOPED IN THE 1950'S.

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

THERE IS A PRACTICAL DIFFICULTY. TO OBTAIN 9" TREADS WOULD REQUIRE SIGNIFICANT MODIFICATION = EITHER MOVING THE FOUNDATION WALL OR REFRAMING THE STAIRWAY FOOTPRINT.

1230 VAN DUSEN DRIVE
ANN ARBOR MI 48103

What effect will granting the variance have on the neighboring properties? NO EFFECT.

NOTE: THERE IS A HOME (ABOUT 600 FEET) ~~IN~~ IN THE VAN DUSEN SUB, WITH THE SAME FLOOR PLAN, THAT WAS GRANTED A TREAD/STAIRWAY VARIANCE IN 2012. THIS VARIANCE HAD NO EFFECT ON NEAR BY HOMES.

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?

THE ORIGINAL DESIGN/FOOT PRINT OF THE STAIRWELL DOES NOT PERMIT 9" TREADS. THERE ARE FOUNDATION WALLS ON TWO SIDES OF THE STAIRWAY AND THE OTHER SIDE WOULD ENCRACH ON HALLWAYS.

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

NO. THE STAIRWAY/TREAD DEPTH ARE THE ORIGINAL. (AS DESIGNED AND BUILT IN 1954) THE ORIGINAL MUST HAVE BEEN REVISED.

Section 5: Time Extension

Current use of the property RENTAL

Explain why you are requesting a time extension:

NOT REQUESTING AN EXTENTION AT THIS TIME.

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 1/2" 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.

734.678.5876
Phone Number
JOV.STRITE@GMAIL.COM
Email Address

JOV STRITE
Signature
JOV STRITE
Print Name

YES THIS IS HOW I SIGN MY NAME

1230 VAN DUEN DRIVE
AZ 85118

JON STRITE
734.678.5871

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: _____	_____

NO. 11

STAFF USE ONLY

THIS DELIVERED AND MUST BE KEPT
THE ORIGINAL MUST BE KEPT

RETRN

NOT RE-ENTERING INTO EXTENSION OF TIME

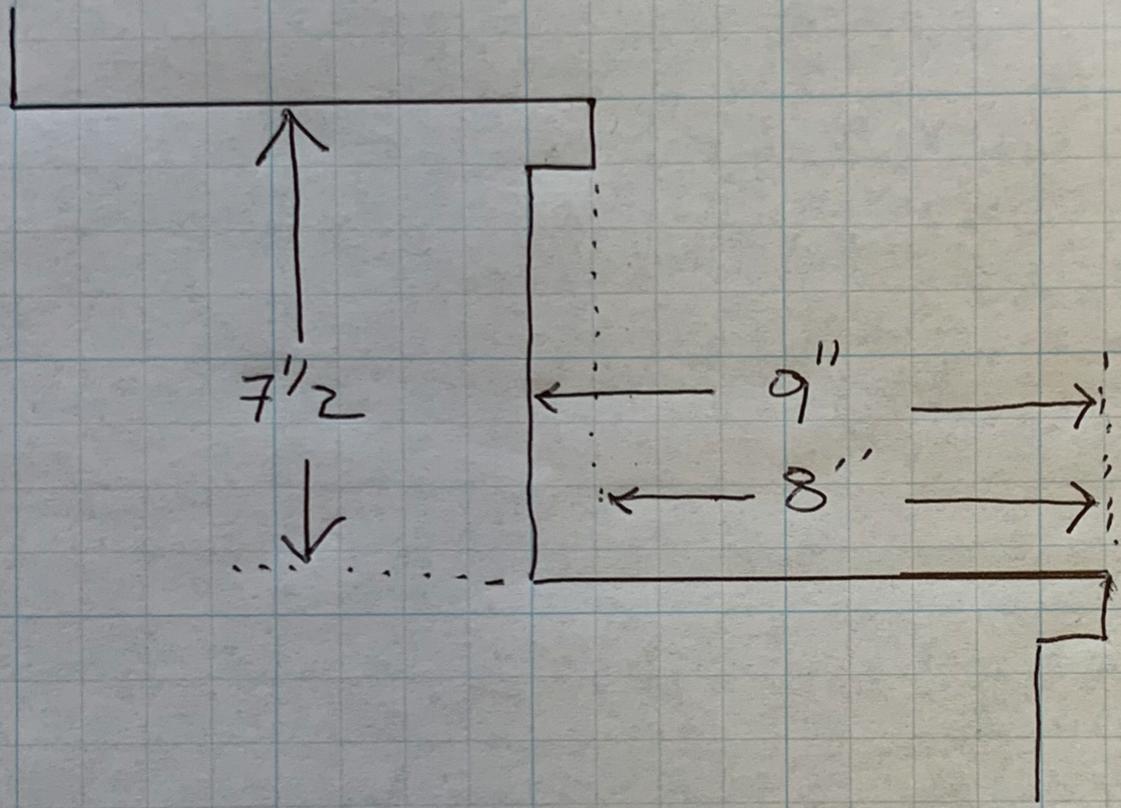
UNLESS OTHERWISE NOTED

1230 VAN DUSEN DRIVE

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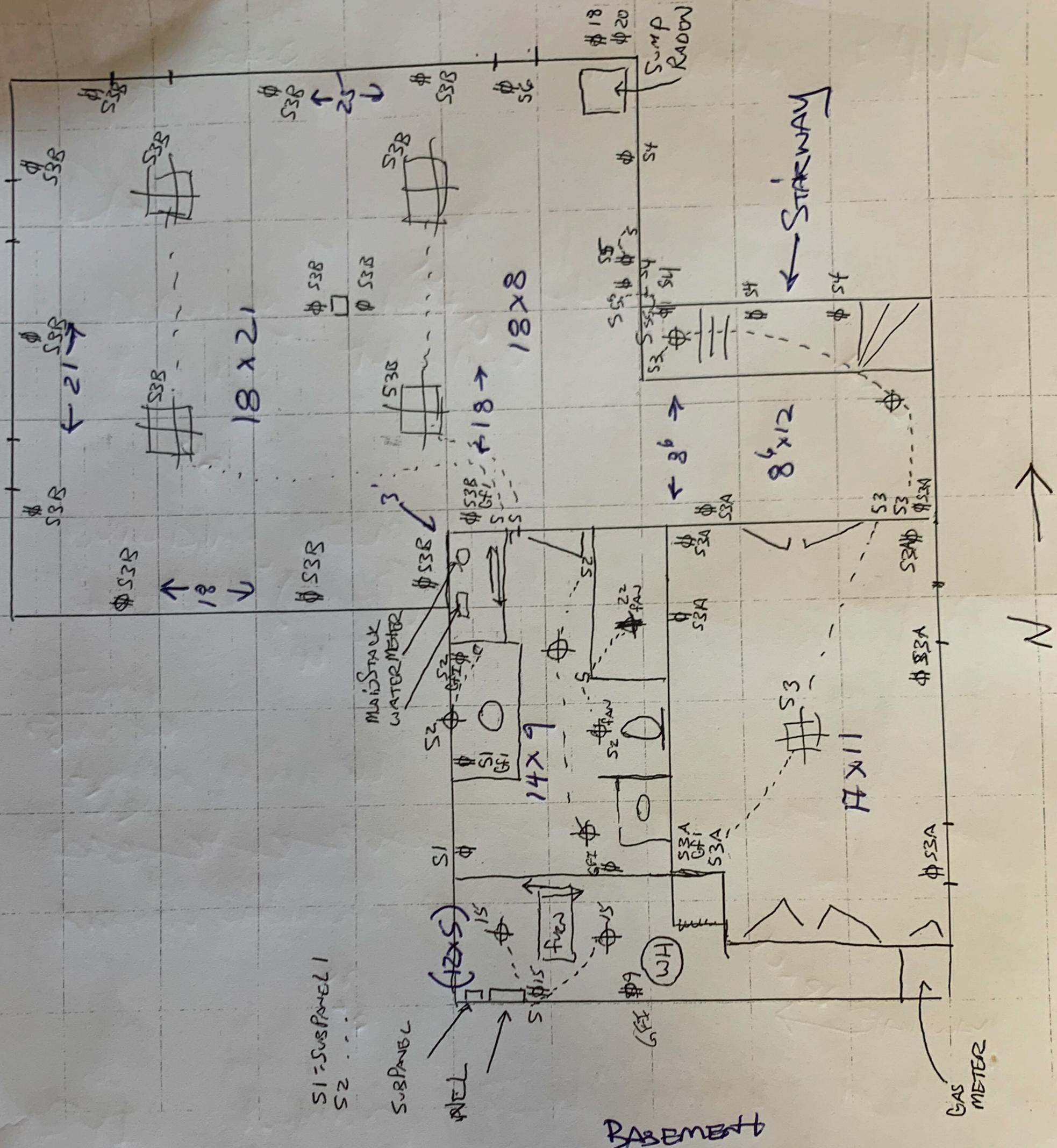
SIDE VIEW TREAD & RISE

$$1/4" = 1"$$



RISE $7\frac{1}{2}$

TREAD:
NOSE TO RISE 9"
NOSE TO NOSE 8"



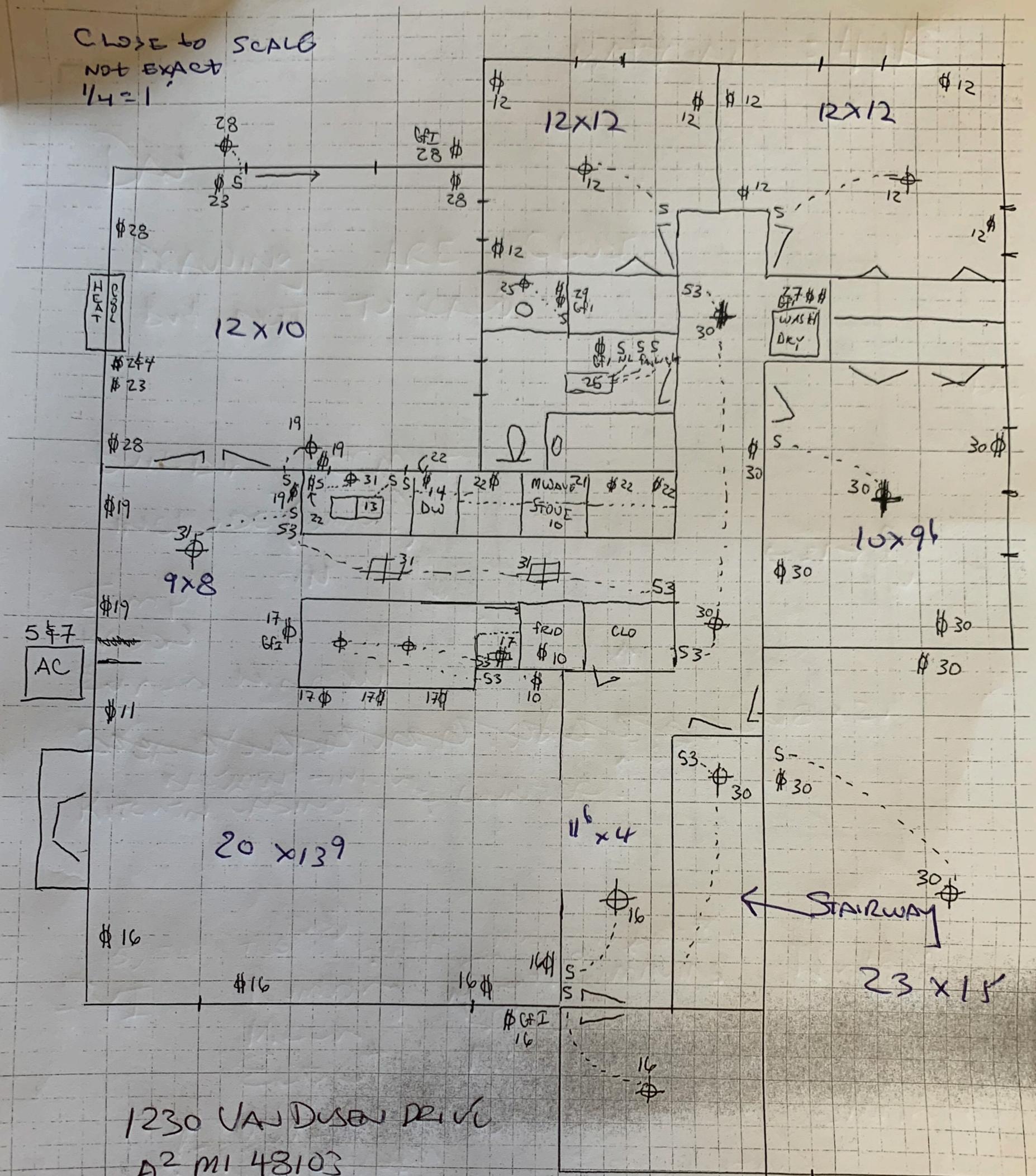
1230 VANDUSEN DRIVE
 ALM 48103

JON STRATE
 734.678.5876
 JON.STRATE@GMAIL.COM

1230 VANDUSEN DRIVE

1550

CLOSE TO SCALE
NOT EXACT
1/4" = 1'



1230 VANDUSEN DRIVE
A2 MI 48103

JON STRITE
734.678.5876
JONSTRITE@GMAIL.COM

