

# **City of Ann Arbor Planning Commission Regular Session**

**January 23, 2025**



# **Alteration to a Nonconforming Structure - Text Amendment Proposal**

*Allow additional flexibility for  
alteration to a non-conforming  
residential structure  
(UDC Section 5.32.2)*

# 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
- Planning Commission consideration on 12/3/24

# 2023-2024 Petitions for Nonconforming Structures

- 23 of 23 petitions of this kind since January 2023 were approved by the ZBA
  - 22 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 and applicant resources
- Match community values regarding nonconforming structures

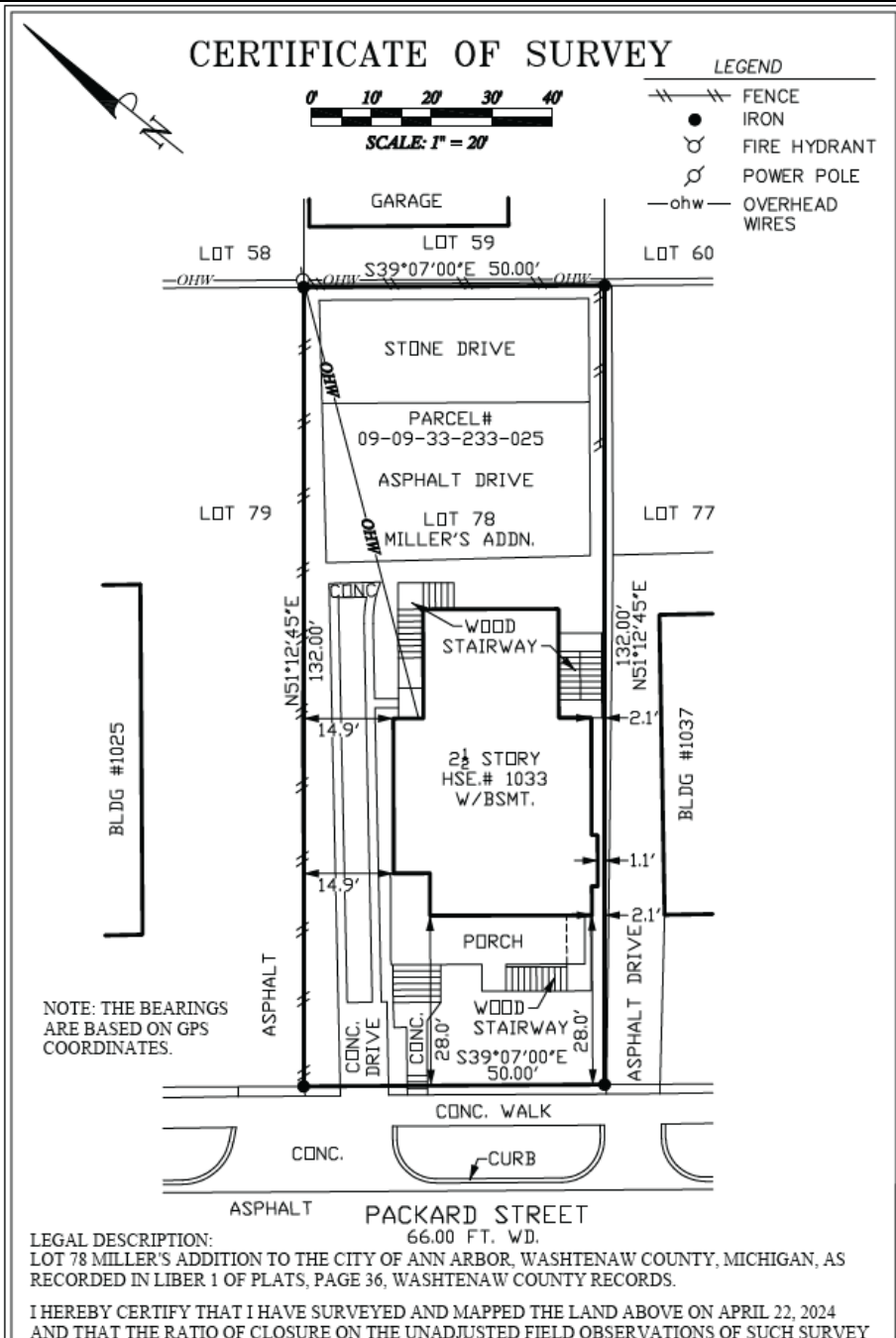
# **Applicable Examples**

# 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

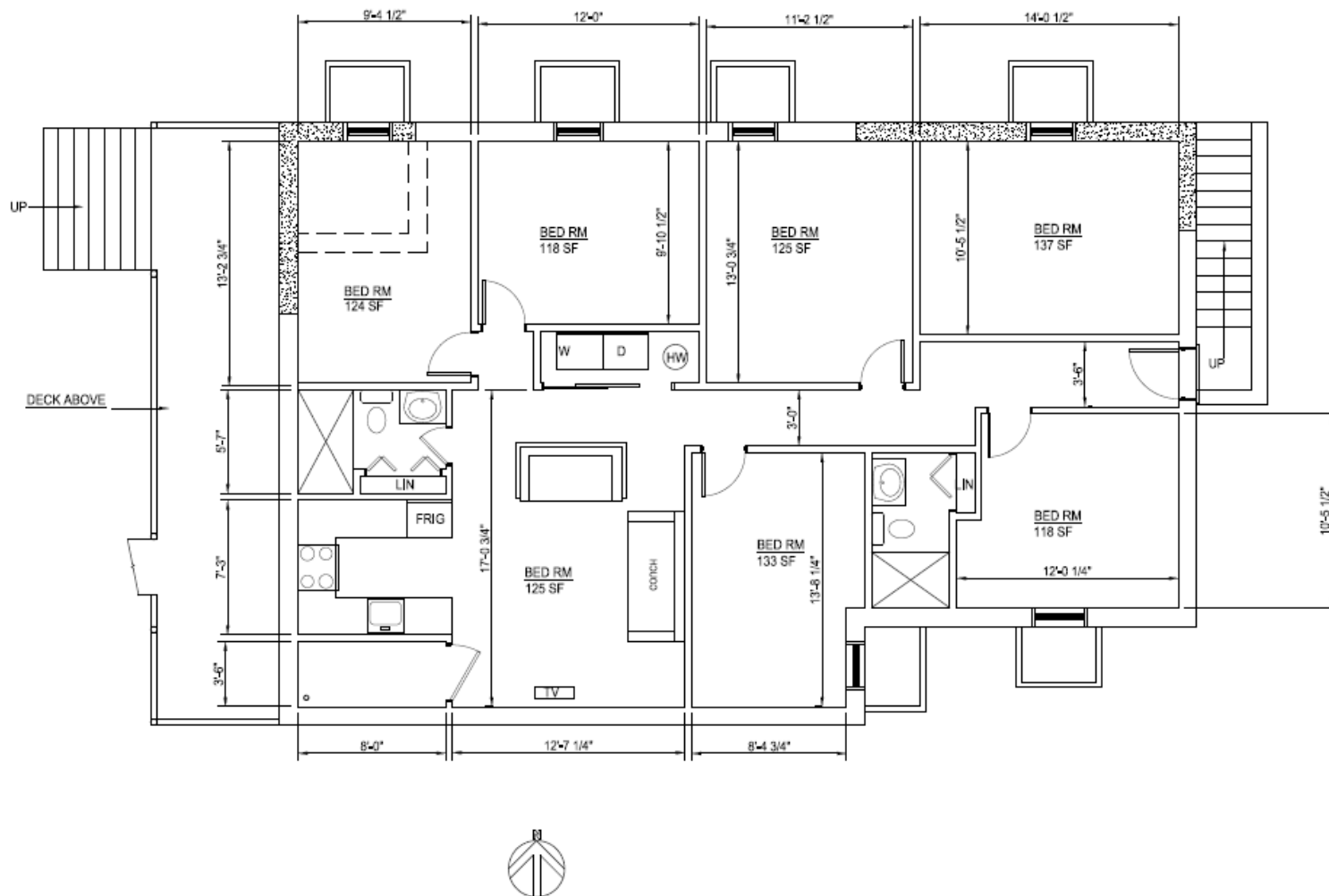
- Property doesn't meet R4C district requirements for lot area (8,500 sf), width (60;) or side setbacks (12')
- Currently UDC 5.32.2 says that new habitable space in nonconforming property requires ZBA approval
- 5 units – 11 occupants prior to renovation.





# Nonconforming Lot: 1033 Packard

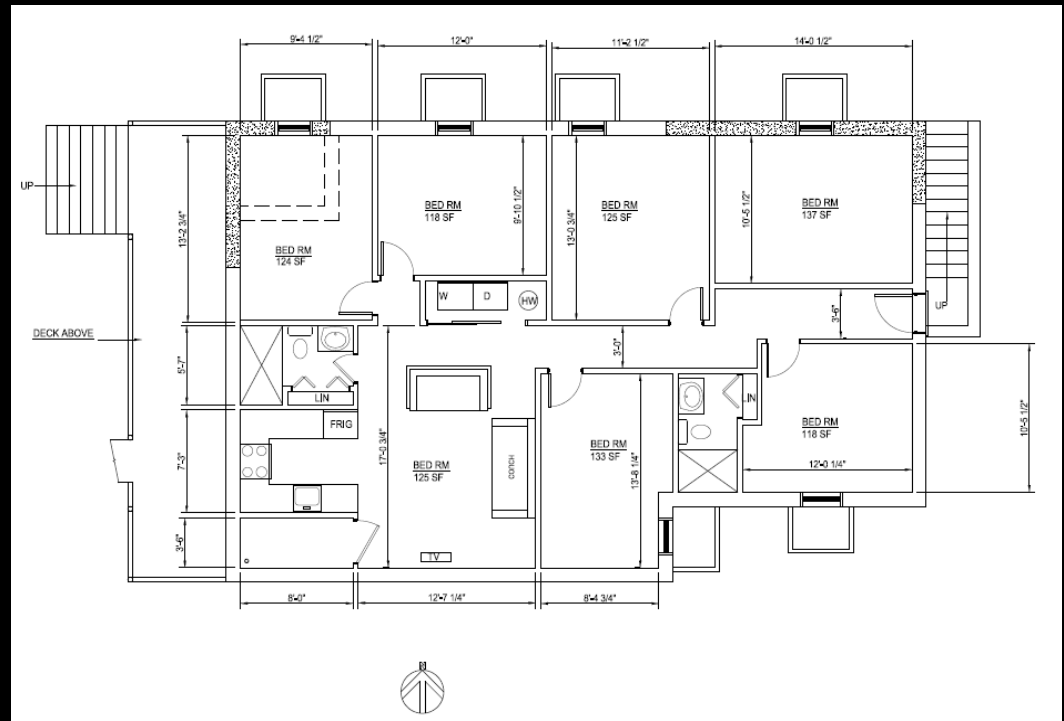
## Proposed Basement (Alterations to add unit to basement)



# 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 allow this by permit.

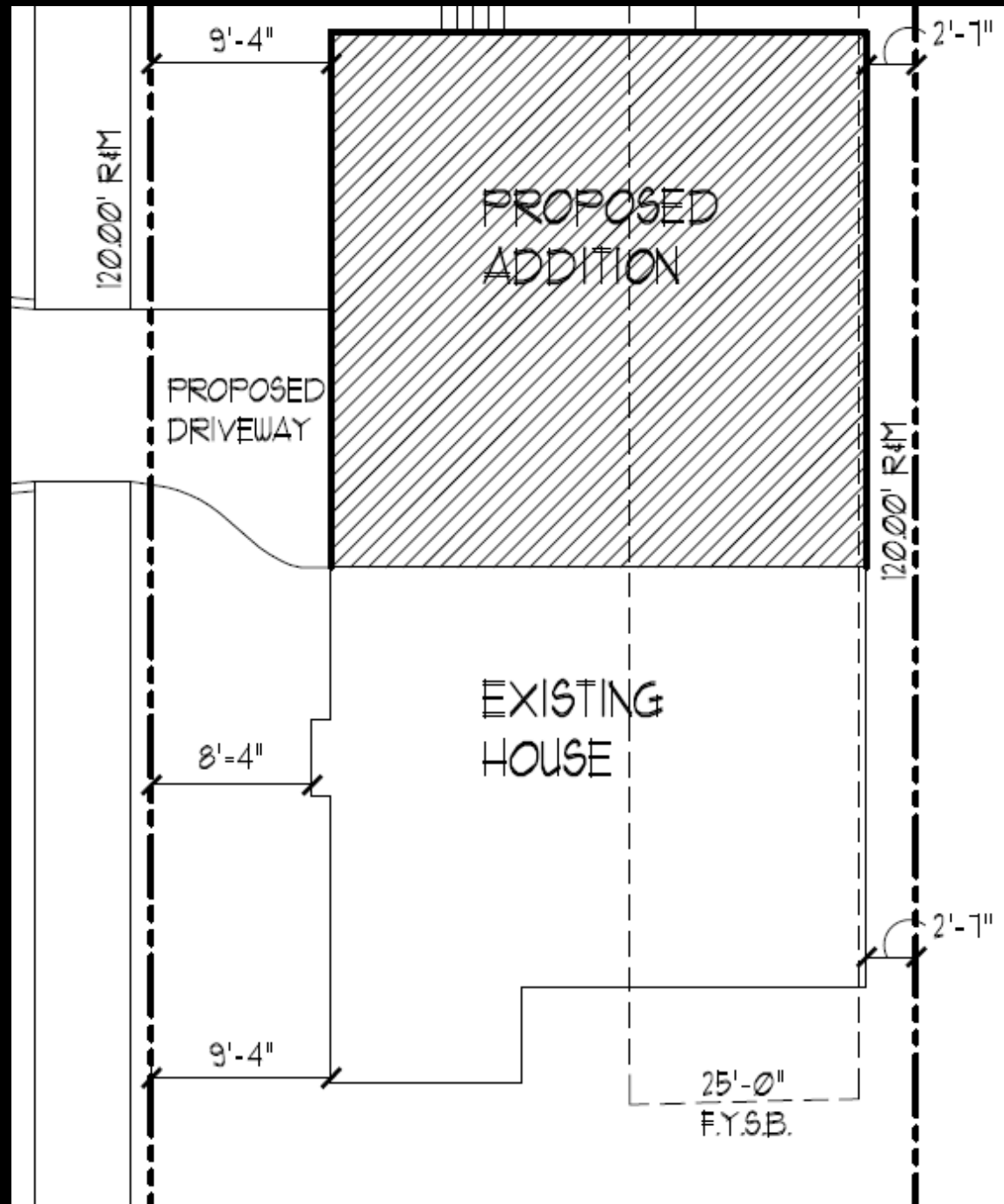


## Part 2: Nonconforming Structure With an Addition

- 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

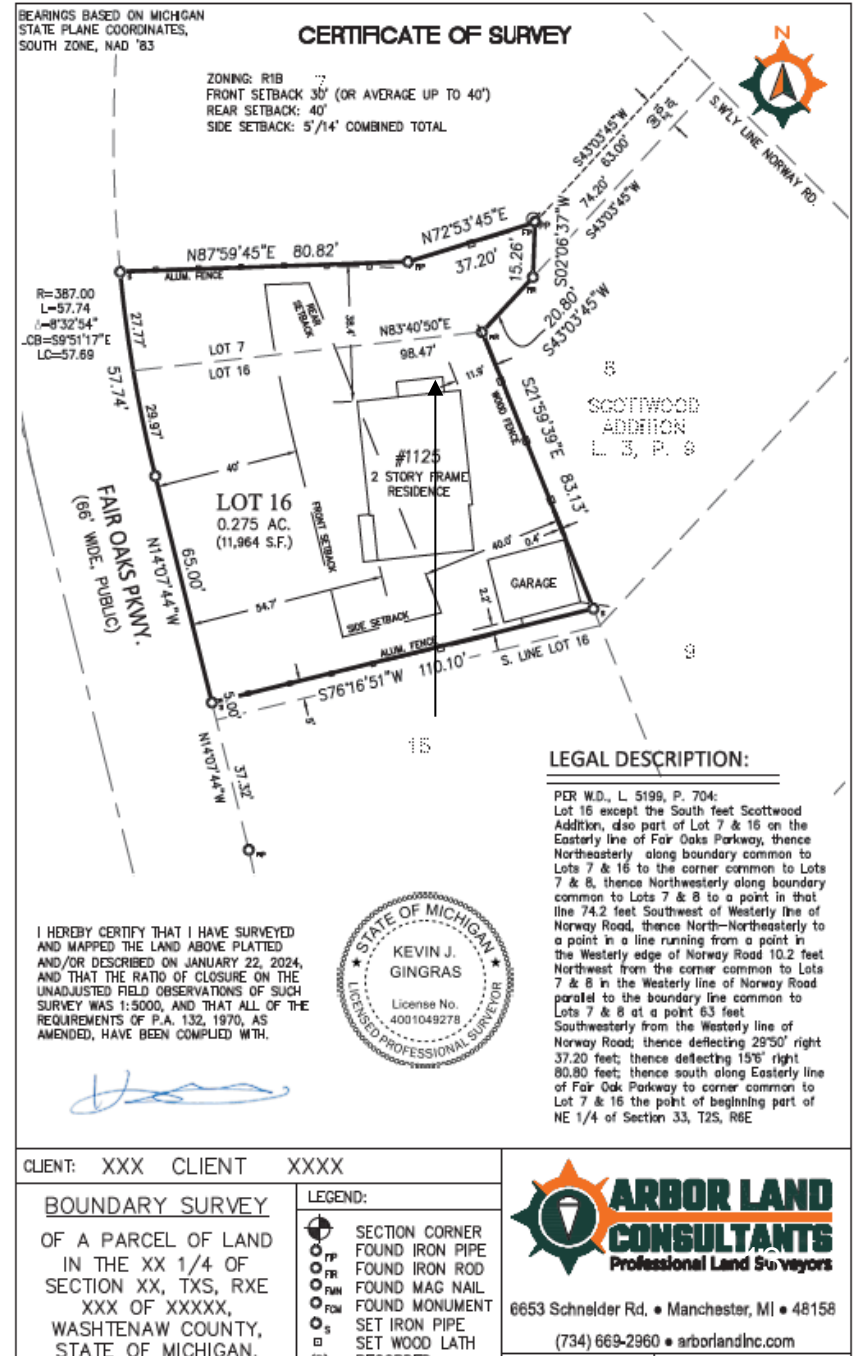
- R1D requires 3ft side yard setback
- Residence currently 2ft 7in from side lot line
- Owner requested addition continuing the nonconformity (2ft 7in)
- Currently, Section 5.32.2 requires ZBA approval for this example
- Proposed text amendment would allow by residential building permit and bypass ZBA



# Nonconforming Lot: 1125 Fair Oaks Pkwy

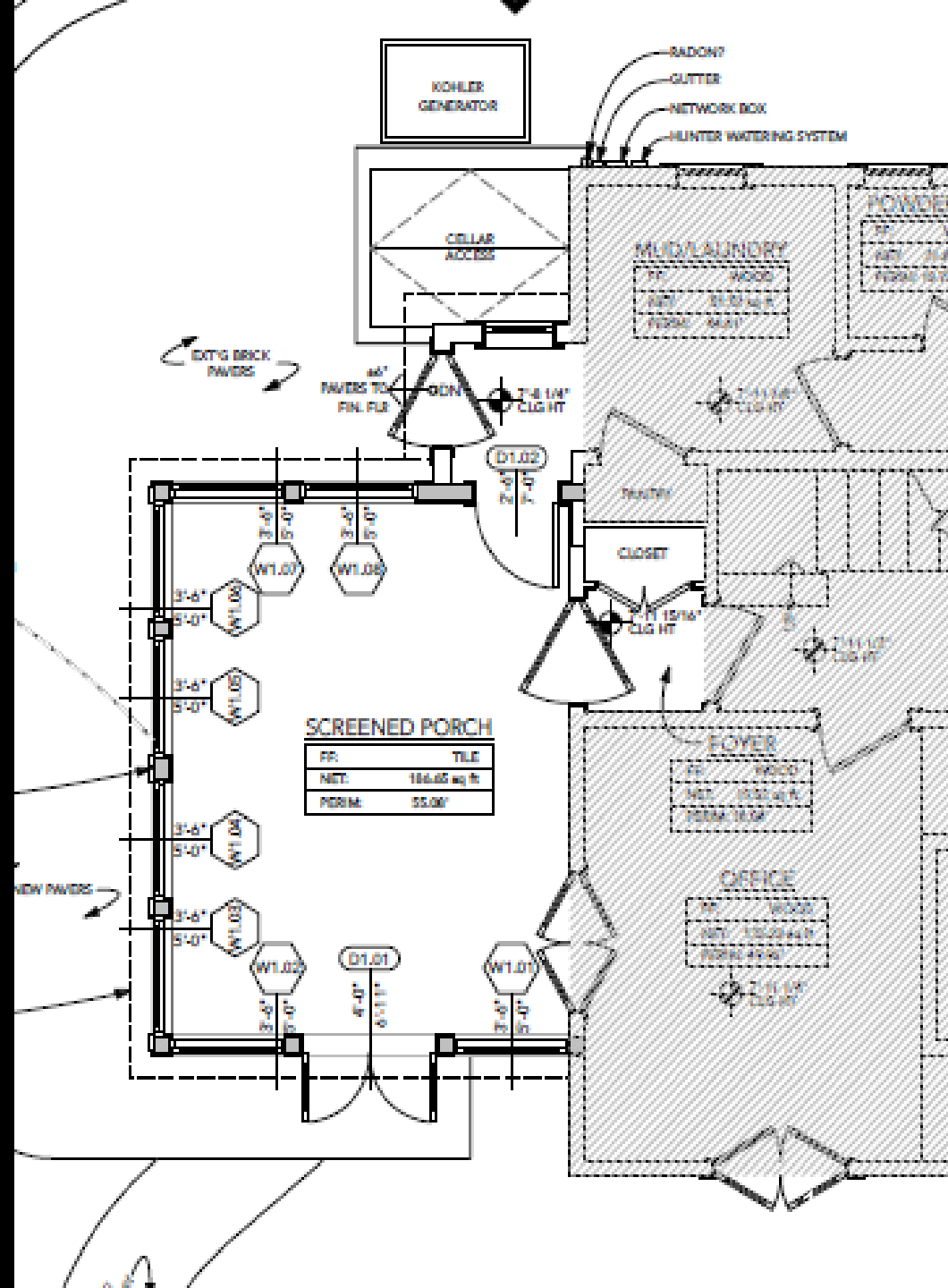
- Single-Family residence with nonconforming rear yard setback

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



## **Proposed 5.32.2 Text Amendment – Modified since 12/3/24 Consideration**

- Ordinance language is included in staff memo (in packet)
- Proposed application only to residential properties
- Distinguishes between discretionary action by Zoning Board of Appeals for non-residential properties
- Residential permits meeting the specified standards can be altered.

Thank you