

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

**October 8, 2024**



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

Jon Barrett, Zoning Coordinator

# 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

# **2023-2024 Petitions for Nonconforming Structures**

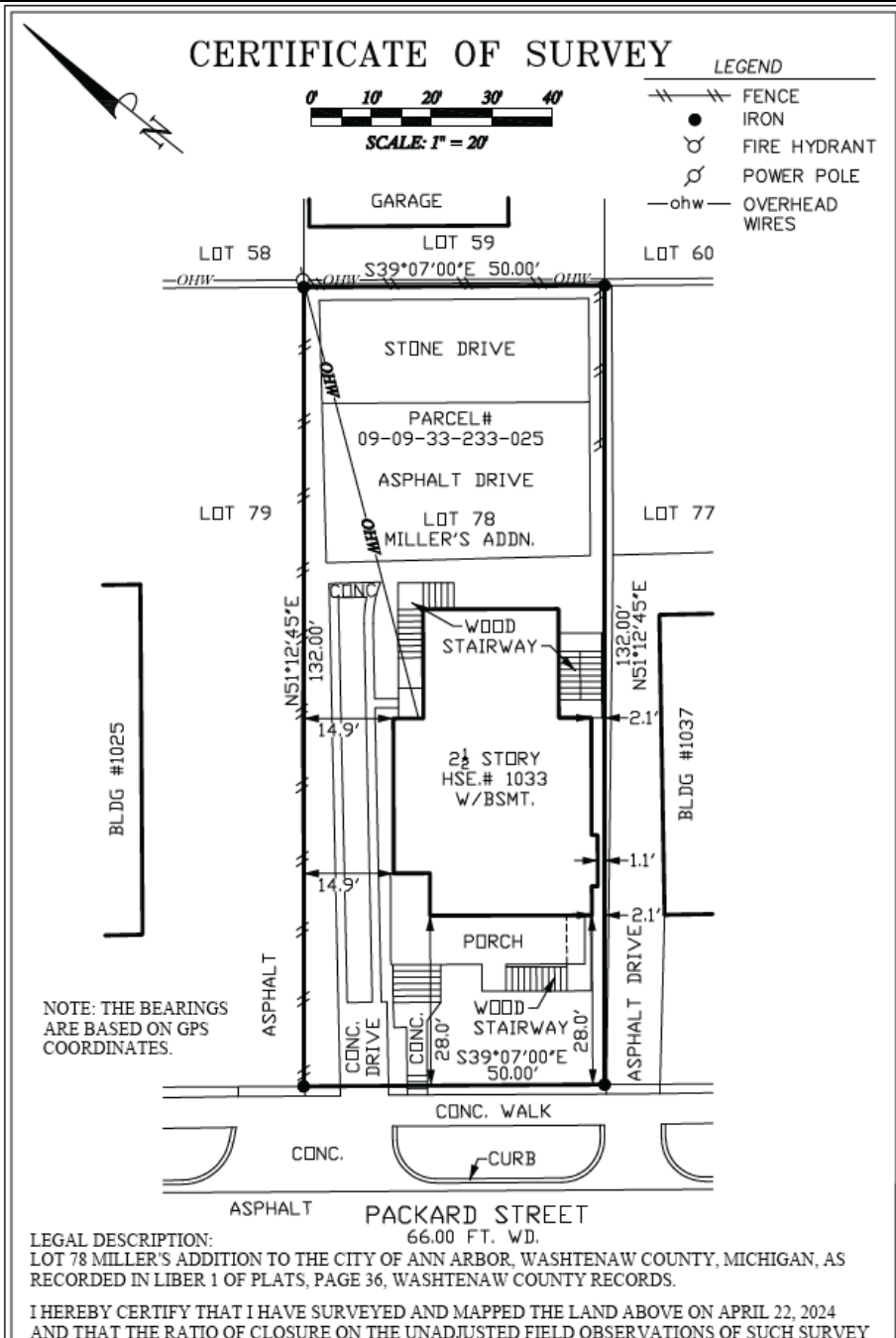
- 21 petitions of this kind since January 2023
- All 21 petitions were approved

# 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 (typically in basements or attics)
- What it's not: creating new bedrooms

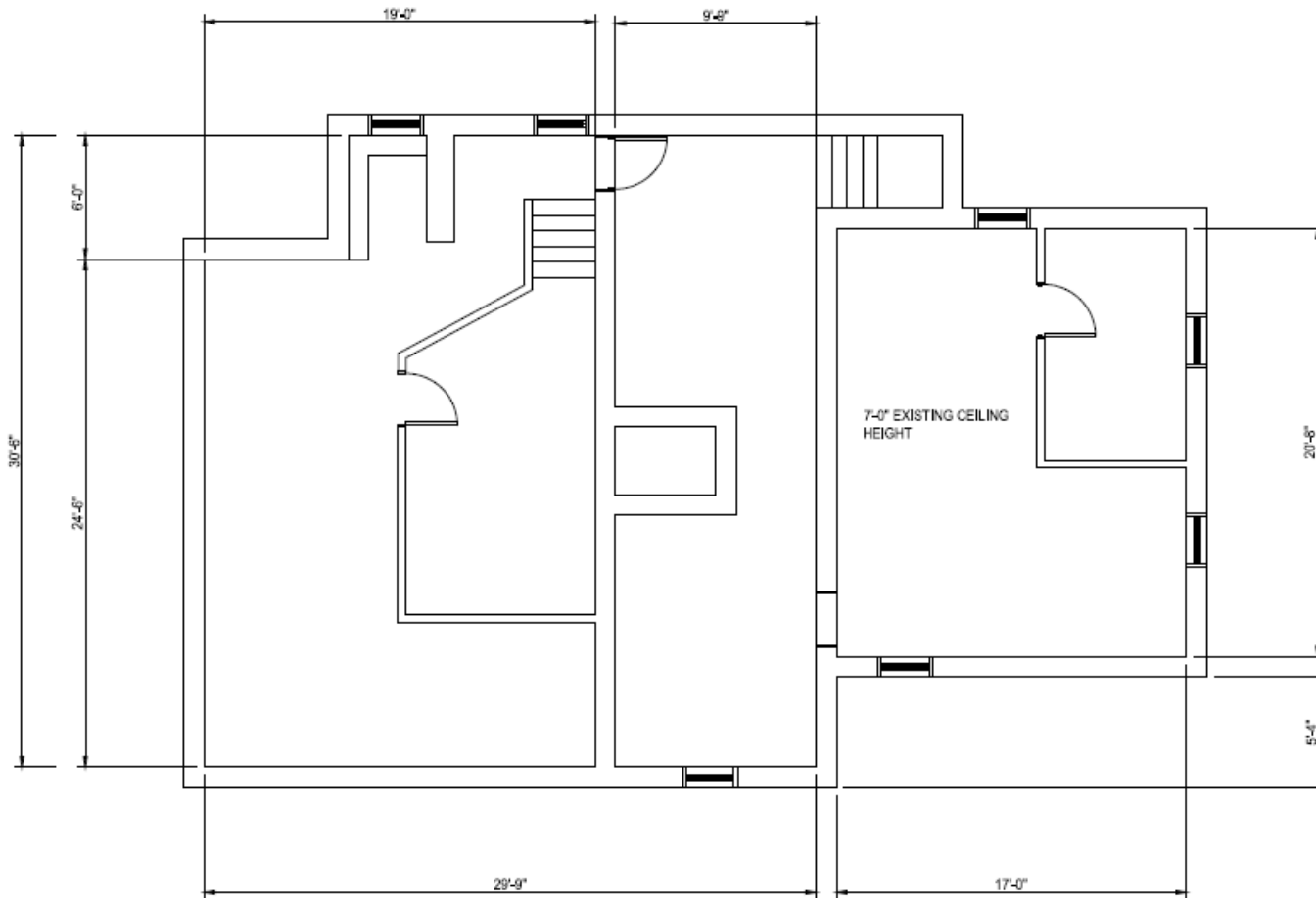
# Nonconforming Lot: 1033 Packard

- 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



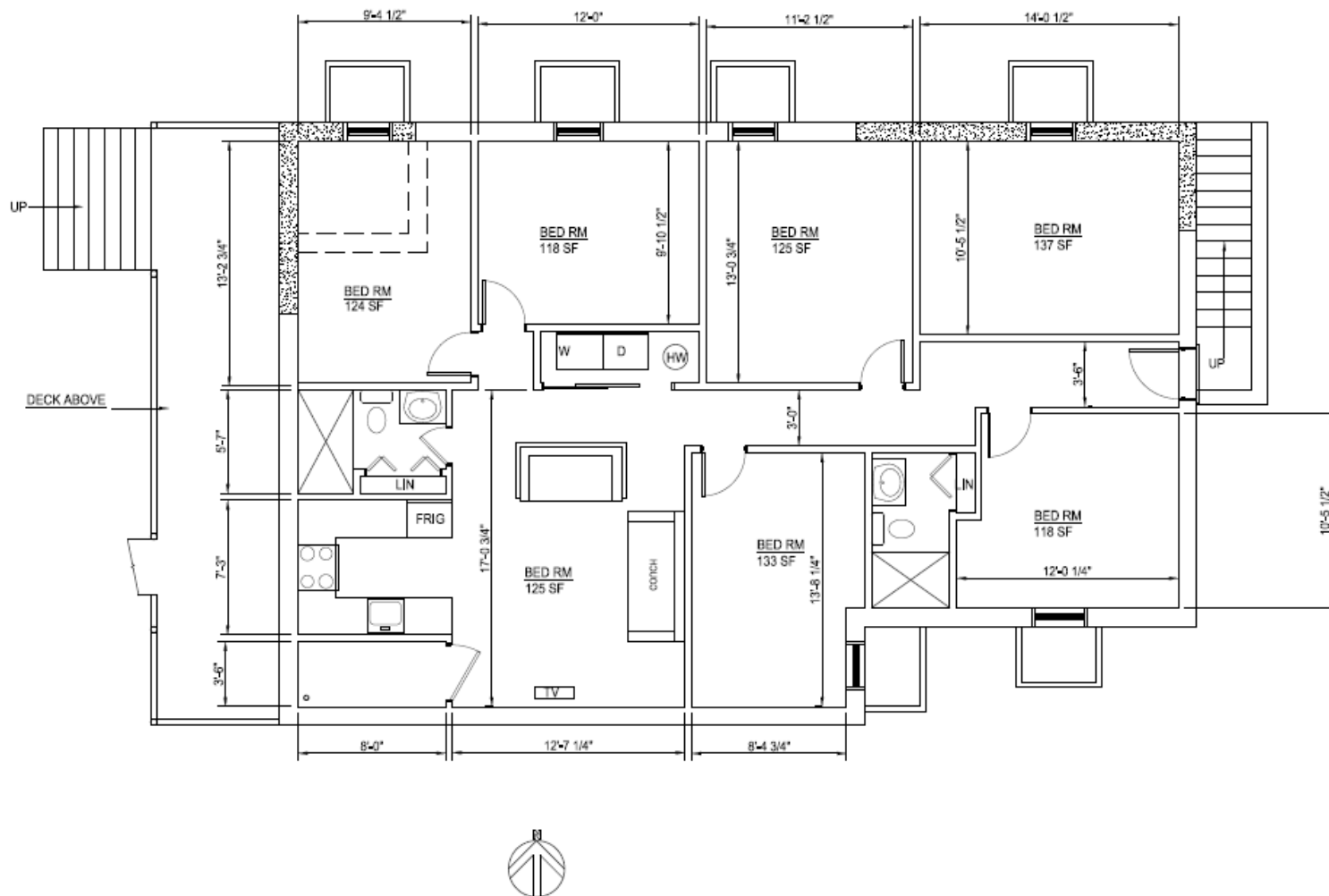
# Nonconforming Lot: 1033 Packard

## Existing Basement (Non-habitable)



# Nonconforming Lot: 1033 Packard

## Proposed Basement (Habitable)

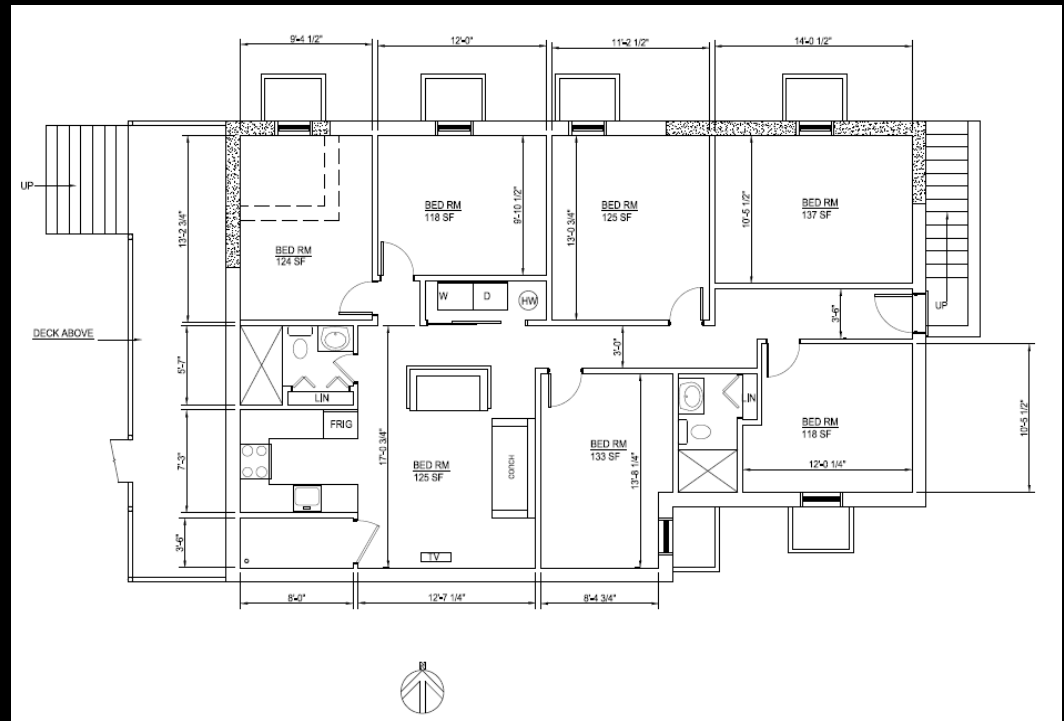




# Nonconforming Lot: 1033 Packard

## New Basement Proposal (Habitable Space)

- Proposed new basement unit with 4BR, foundation squared off, new egress windows and life/safety updates
- No change in footprint
- If amendment moves forward, projects like this could be approved administratively



# Nonconforming Lot: 1033 Packard

## Alteration to a Nonconforming Structure



# Nonconforming Lot: 1033 Packard

## Proposed Final Construction





## Similar project across street from 1033 Packard



## Part 2: Nonconforming Structure With an Addition

- What it is: typically, an existing structure that does not meet required setbacks

## **Nonconforming Residence Addition: 207 N State St**

Addition to rear one-story portion of residence



# 207 N State St

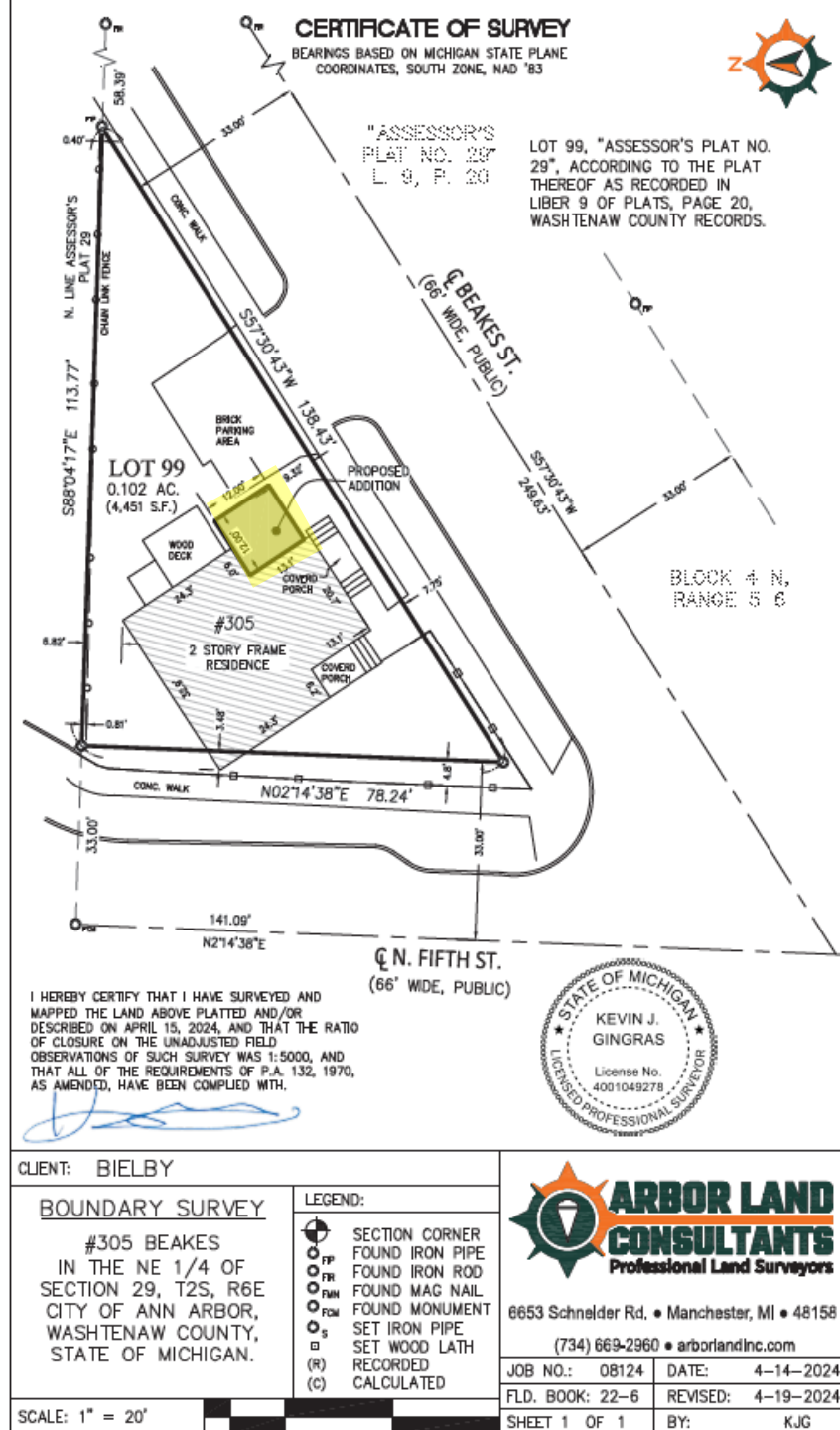
Rear addition to nonconforming residence;  
Alteration approved by ZBA





# Nonconforming Property With Addition 305 Beakes

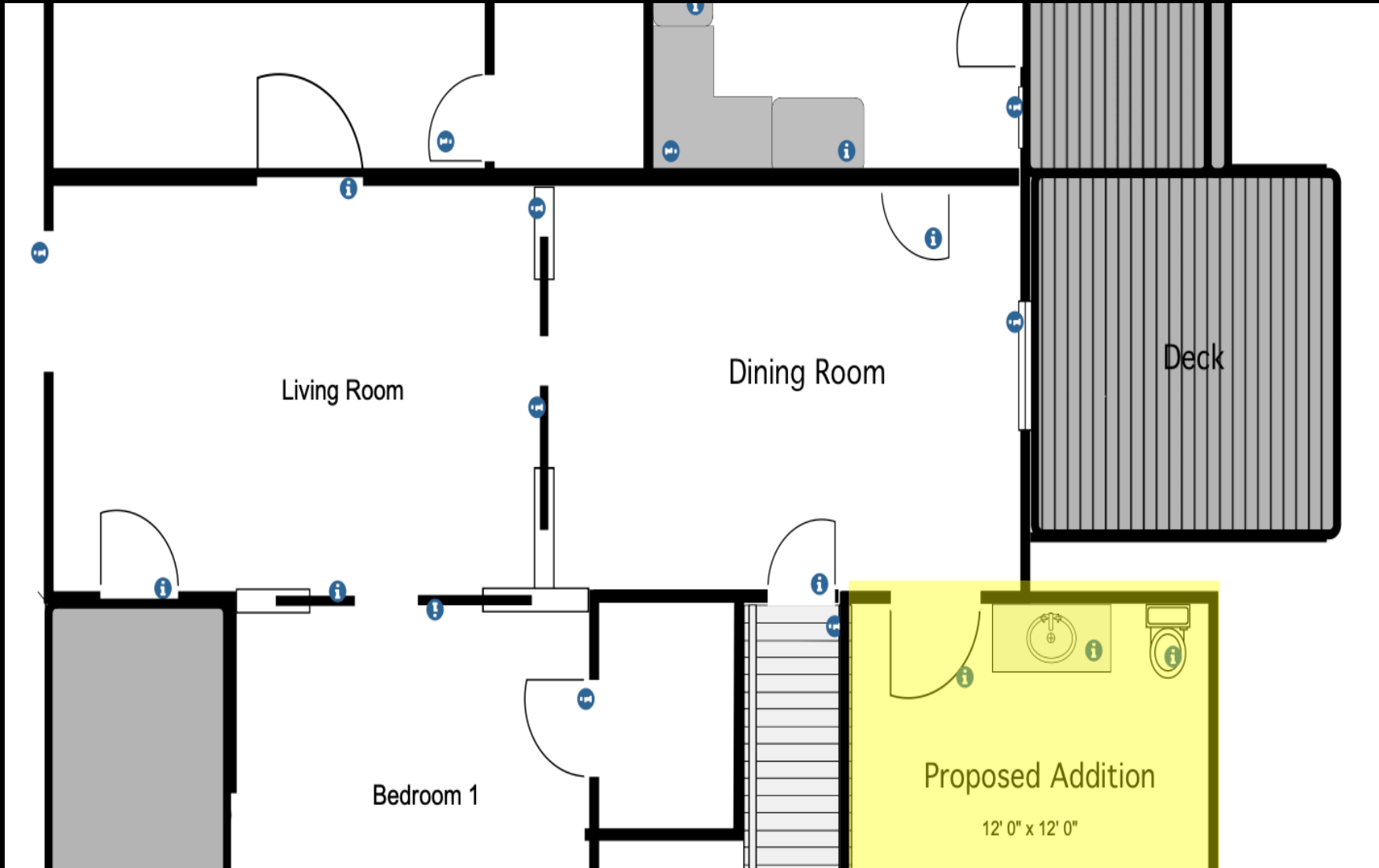
- Nonconforming for lot area and front setbacks
- Proposed addition (highlighted) – 2 story addition with bathroom on both floors in a duplex





# Nonconforming Property With Addition (305 Beakes)

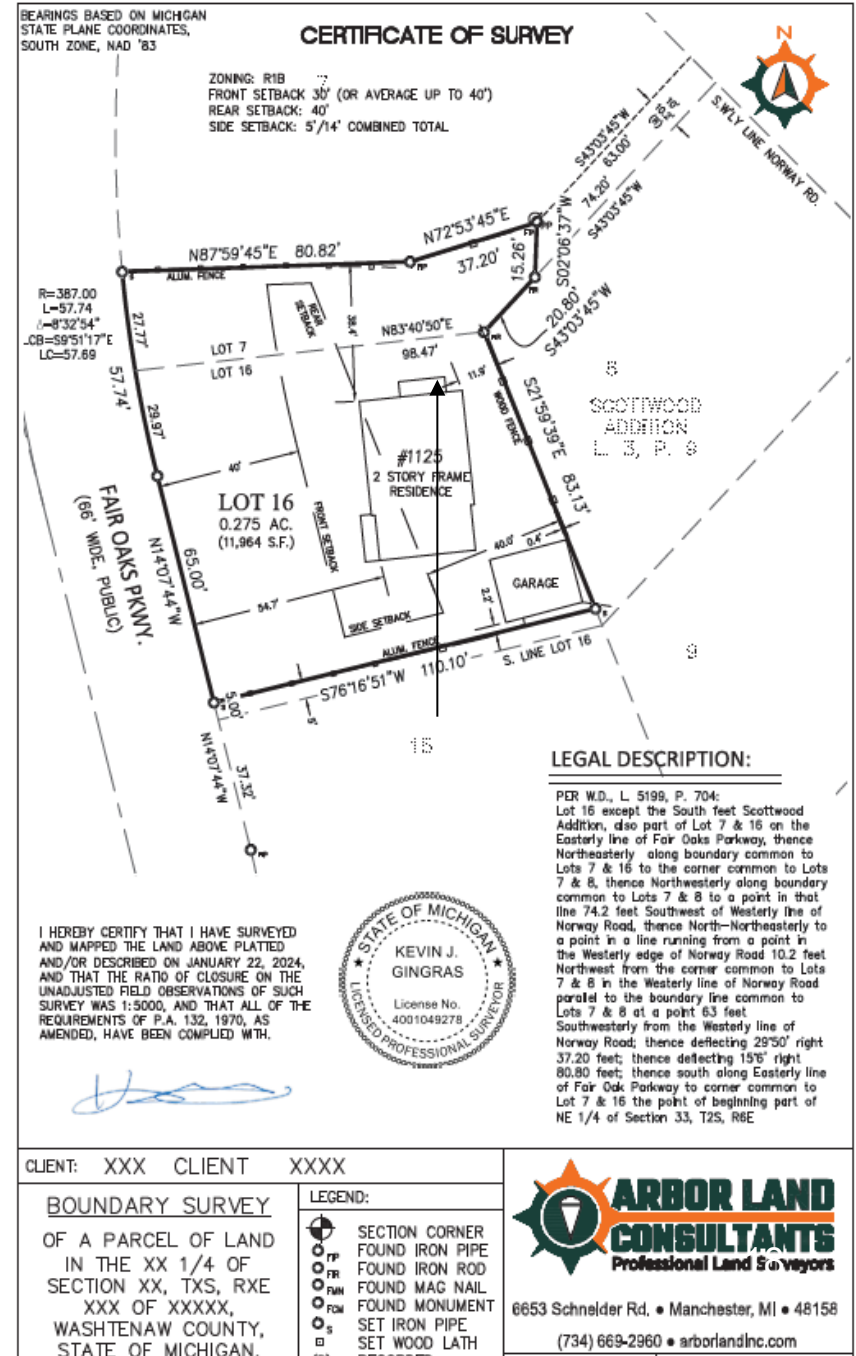
2-story addition with bathrooms on both stories (one per unit)



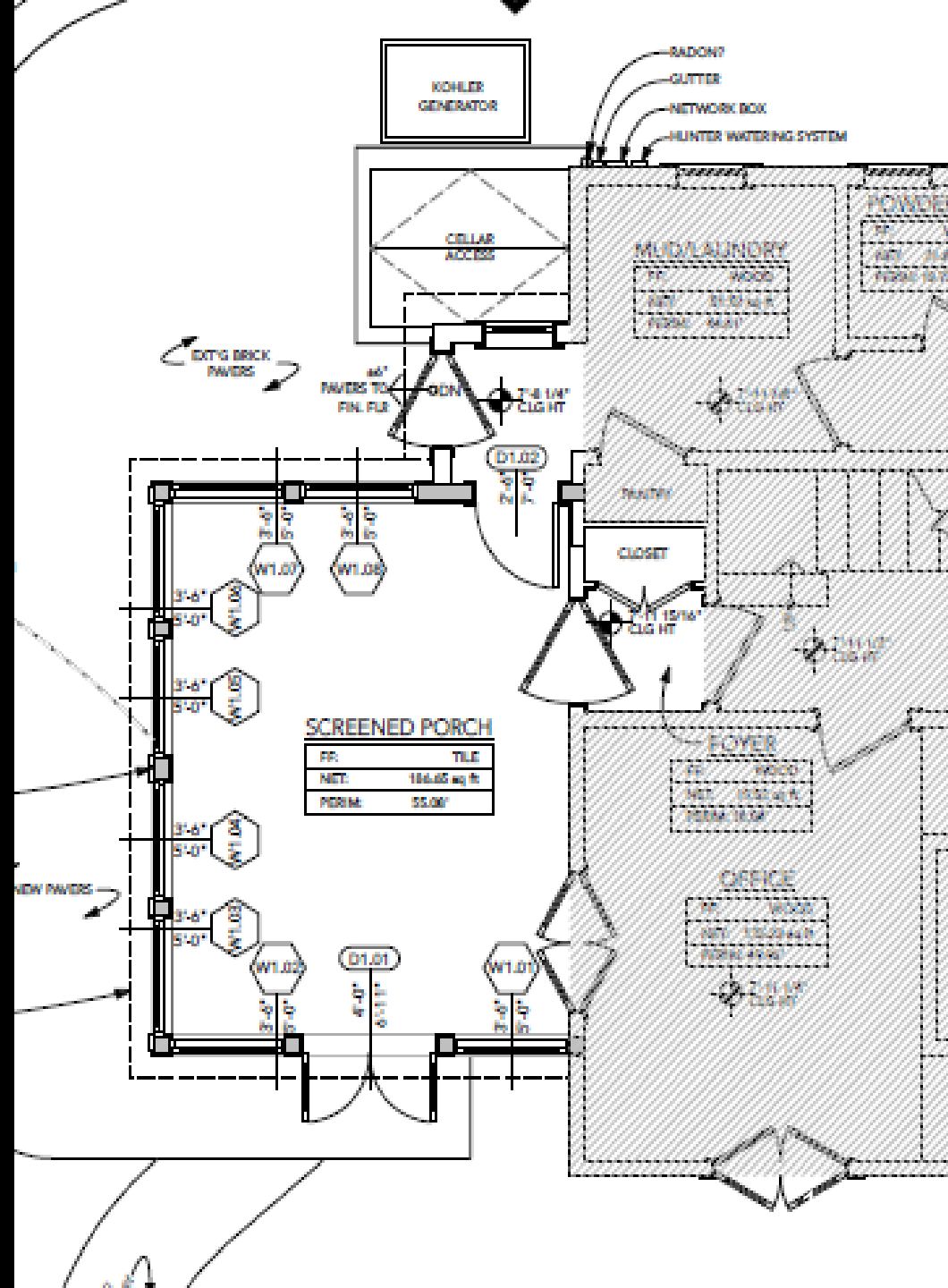
# Nonconforming Lot: 1125 Fair Oaks Pkwy

- Single-Family residence with nonconforming rear yard setback

Proposal for a new sunroom/screened porch in the rear/side yard



- Floorplan of screened porch proposal to alter a nonconforming structure
- Approved by ZBA



# Proposed Text Amendment

- Proposed language is included in staff memo (in packet)

## Proposed Amendments

The proposed amendments will allow an alteration to a nonconforming structure if the alteration does not extend closer to a lot line, does not create any new nonconformities, complies with the district height, setback and all other dimensional standard, and all building codes.

### 5.32.2 Nonconforming Structure

A *nonconforming structure* may be maintained or restored, but no *alteration* shall be made to a *nonconforming structure* unless one of the following conditions is met:

- ▲ A. Alterations to nonresidential nonconforming structures. The *alteration* is approved by the Zoning Board of Appeals upon a finding that it complies as nearly as practicable with the requirements of this chapter and that it will not have a detrimental effect on neighboring property.
- B. Alterations to residential nonconforming structures. ~~The An~~ *alteration meeting the following standards may be is* approved by the Planning Manager upon a finding that it conforms to all the requirements of this chapter and ~~is made to a building which will be a single-family dwelling on completion of the alteration and is located in an R1, R2, R3 or R4 district, otherwise, the alteration shall be approved by the Zoning Board of Appeals upon finding that it complies as nearly as practical with the requirements of this chapter and it will not have a detrimental effect on neighboring property:~~
  - 1. The alteration does not extend closer to the lot line than any part of the existing nonconforming structure.
  - 2. The alteration does not create a new nonconformity on the lot or an adjacent lot.
  - 3. The alteration maintains compliance with all other dimensional standards of the zoning district for the lot on which it is located.
  - ~~B.4.~~ The alteration will meet all other code and ordinance requirements.
- C. For purposes of this Section 5.32.2, *alteration* shall mean any change in a *building* that results in additional *floor area* being fit for occupancy, a greater number of *dwelling units* or rooming units or an increase in the exterior dimensions of the *building*.
- D. A *nonconforming structure* shall not be replaced after damage or destruction of the *nonconforming structure* if the estimated expense of reconstruction exceeds 75% of the appraised value, as determined by the Building Official, of the entire *building* or *structure*, exclusive of foundations.

# Summary/Conclusion

- Staff recommends Planning Commission approval of text amendment as proposed by the ZBA
- Text amendment will allow administrative approval of permits and streamline the process for homeowners and developers
- Text amendment will increase density and housing options in multi-family districts

# Questions?

**Jon Barrett, Zoning Coordinator**

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