# ANN ARBOR HOUSING BOARD OF APPEALS HOUSING INSPECTOR STAFF REPORT

Hearing for HBA16-010 for 730 Tappan Street, Ann Arbor, MI 48103 (Parcel Identification Number: 09-09-28-303-024).

Hearing date: November 9, 2016

#### **DESCRIPTION AND DISCUSSION**

Sig Ep Housing Michigan Alpha 310 South Boulevard Richmond, VA 23220

The owner of the residence located at 730 Tappan Street requests a variance from the requirement for natural light and ventilation in the 8 finished rooms for use as sleeping rooms. Natural light requires glazing area equal to 8% of the room's floor area and natural ventilation equal to 4% of that same area as required by section 8:502 (1) and (2). And one 2<sup>nd</sup> floor finished room for use as sleeping room lacking lighting and ventilation 8:502 and a second exit would be required per section 8:504,3.

There are 8 finished rooms that lack natural light and ventilation.

Room	Roor	n size	Existing light /vent`	Required light / vent	
4	352sqft	20sq	ft/10sqft	28sqft/14sqft	
7	420sqft	13.39	sqft/6.69sqft	33.6sqft/16.8sqft	
9	280sqft	15Sqf	t/7.5sqft	22.5sqft/11.25sqft	
10	312sqft	16sqf	t/8sqft	25sqft/12.5sqft	85
108	na	na		na	
109	132sqft	8sqft,	/4sqft	11sqft/5.5sqft	
112	na	na		na	
201	506sqft	32sqf	t/15sqft	40.48sqft/20.24sqft	(2 <sup>nd</sup> floor)

#### Section 8:515 (2) of the Ann Arbor Housing Code:

The City of Ann Arbor Housing Code allows the Housing Board of Appeals to grant variances on existing structural elements of a building.

#### Per the Applicant

Practical difficulties and unnecessary financial hardship.

#### STAFF RECOMMENDATION

Staff recommends the following motion:

I recommend that the board **approve** the requirement for natural light and ventilation with the stipulation that they comply with artificial light in the (MI. Building Code 1205.3) artificial light shall be provided that is adequate to provide an average illumination of 10 foot candles (107 lux) over the area of the room at a height of 30 inches, this does not jeopardize public health and safety.

**Deny** the second variance from needing a second exit. Chapter.105 **8:504**, **(3)**, **(a)** second exit is required for 2<sup>nd</sup> floor room 201.

Ignacio Gneco Development Services Inspector



#### CITY OF ANN ARBOR, MICHIGAN

Community Services Area
Planning & Development Services Unit
301 E. Huron St, P.O. Box 8647,
Ann Arbor, Michigan 48107-8647
Phone: (734) 794-6264
Fax: (734) 994-8460

February 28, 2017

Sig Ep Housing Michigan Alpha 320 South Boulevard Richmond, VA 23220

Re: 730 Tappan Street, Ann Arbor, Michigan, 48104 Parcel Identification Number ("PIN"): 09-09-28-303-024

Dear Mr. Stull:

Please consider this as a notice to attend the Ann Arbor Housing Board of Appeals meeting for your continuation request for your variance request. You will have the opportunity to address the Board.

This meeting will take place on Tuesday, March 14, 2017 at 1:30 PM on the 2<sup>nd</sup> floor of City Hall in the Council Chambers.

If you are planning to support your request with information or evidence not included with your application, please submit your additional information to City Housing Department staff either by email at <a href="mailto:a2rentalhousing@a2gov.org">a2gov.org</a> or in person no later than the Friday before the meeting to allow time for distribution to the Board members.

Sincerely,

Lisha Turner-Tolbert

Rental Housing Services Manager

Yisha Jann-Jolbert



### City of Ann Arbor

#### PLANNING & DEVELOPMENT SERVICES — PLANNING DIVISION

301 East Huron Street | P.O. Box 8647 | Ann Arbor, Michigan 48107-8647 p. 734.794.6264 | f. 734.994.8460 | rentalhousing@a2gov.org

February 2, 2017

Sig Ep Housing Michigan Alpha 310 South Boulevard Richmond, VA 23220

RE: 730 Tappan Street, Ann Arbor, MI

Parcel Identification Number (:PIN"): 09-09-28-303-024

Dear Mr. Stull:

Please consider this as a reminder to attend the Ann Arbor Housing Board of Appeals meeting for your Continuation Variance Hearing for 730 Tappan Street, Ann Arbor, Michigan.

The meeting will take place on Tuesday, February 14, 2016 at 1:30 PM on the 2<sup>nd</sup> floor of City Hall in the Council Chambers. Please bring materials and interested parties to the meeting if needed.

Sincerely, Isha Juran - Felbert

Lisha Turner – Tolbert City of Ann Arbor Supervisor

Lturner-Tolbert@a2gov.org



#### CITY OF ANN ARBOR, MICHIGAN

Community Services Area
Planning & Development Services Unit
301 E. Huron St, P.O. Box 8647,
Ann Arbor, Michigan 48107-8647
Phone: (734) 794-6264
Fax: (734) 994-8460

December 21, 2016

Sig Ep Housing Michigan Alpha 320 South Boulevard Richmond, VA 23220

Re: 730 Tappan Street, Ann Arbor, Michigan, 48104 Parcel Identification Number ("PIN"): 09-09-28-303-024

Dear Mr. Stull:

Please consider this as a notice to attend the Ann Arbor Housing Board of Appeals meeting for your continuation request for your variance request. You will have the opportunity to address the Board.

This meeting will take place on Tuesday, January 10, 2017 at 1:30 PM on the 2<sup>nd</sup> floor of City Hall in the Council Chambers.

If you are planning to support your request with information or evidence not included with your application, please submit your additional information to City Housing Department staff either by email at <a href="mailto:a2rentalhousing@a2gov.org">a2rentalhousing@a2gov.org</a> or in person no later than the Friday before the meeting to allow time for distribution to the Board members. If you bring additional materials to the meeting, please bring 10 hard copies for the Board members and City staff.

Sincerely,

Lisha Turner-Tolbert

Rental Housing Services Manager

Isha Juran - Folbert

#### JONATHAN J. KUCERA, ARCHITECT

**10820** Ramshorn Road M IDLOTHIAN, VIRGINIA 23113 804.272.0430 fax 804.272.1956 <u>jkucera2@verizon.net</u>

City of Ann Arbor Planning & Development Services - Construction Services 301 E. Huron Street, P.O. Box 8647 Ann Arbor, Michigan 48107-8647 (DRAFT)

December 7, 2016

Attention: Building Official

As you are aware, Zach Stull and I met with your Housing Board of Appeals on November 9, 2016, to discuss our application for variances to the property at 730 Tappan Street. The purpose of this letter is to provide specific responses to the temporary variance for 5 sleeping rooms, and to address the qualifications for the sixth sleeping room on the second floor. Before detailing those responses, I would like to address several observations:

- 1. Neither the Planning Department, or the Building Official, made reference to the Housing Code during the due diligence and planning for this project in 2011-2012. While we recognize the responsibility of the Owner to know the laws, I believe there was an equal responsibility on the part of the City of Ann Arbor, through the departments I engaged heavily at that time, to advise a citizen on the implications of this Code.
- 2. The e-mail thread you sent referenced only the square footage requirements for the rooms, and not the light and ventilation requirements. And, our site manager at that time (Alpha Management) was not diligent in representing the impact of the Housing Code, or their communications with your department.
- 3. Article <u>8:500(6)</u> of the Housing Code references the Building Official having authority to grant variances. Does the final CO not represent his authority, at that time, having accepted the building as renovated, and thereby granting a variance?
- 4. You state that the Housing Code is an overlay code to the minimum standards of the Michigan Building Code. However, the Housing Code does not provide the rigor of definition and exceptions referenced in the MBC. For example, the Housing Code makes no provision for life safety exceptions with the inclusion of automatic sprinkler systems.
- 5. The HC is ambiguous with the definitions for "rooming dwelling", etc. Fraternity occupancies offer a more diverse living environment for groups of students, yet the Code appears to treat the sleeping rooms the same as for apartments.
- 6. The Ann Arbor Housing Code statement of purpose 8:500.1 (A) (B) (C) is a thoughtful presentation of the objectives of the Code. We believe that this building overwhelmingly meets the spirit of those objectives.

Accordingly, we submit the proposals below for the sleeping rooms, with the request that the Housing Board of Appeals recognize the positive efforts of the Owner to provide an overall safe and healthy living environment for the MI Alpha Chapter occupants.

Ann Arbor Housing Board - Appeal - Page One

#### **Second Floor Sleeping Room 201**

This room was planned for 4 beds, which are needed to meet the proforma requirement for debt service capacity with an occupancy of 45 beds. We ask that the Board grant a variance for occupancy by 4 students based on the following criteria.

- This large room contains 471 nsf of living area, exceeding the 4 occupant HC requirement 1(c) for a <u>sleeping room</u> [200 sf], and the requirement 1(d) for a <u>rooming unit</u> [320 sf]. There is no specific requirement stated for a <u>rooming</u> dwelling as defined in 8:500-9(e).
- HC 8:504 specifies "2 separate approved ways of exit." However, Clause (3)(b) allows for one exit provided the exit way is one hour rated and the travel distance is less than 50 feet. We meet both those requirements. Furthermore, this section provides no exception for an automatic sprinkler system, whereas the Michigan Building Code Section 1025.1(1) provides for one egress when the building is equipped with an automatic sprinkler system...which we have.
- Suite 201 has 5 double hung windows, each sash (total 10) meeting the requirements for an emergency escape window. Those windows are within easy reach by conventional fire rescue equipment, from the readily accessible ground level along the east facade.
- Should the Housing Board insist on a second means of egress, the only reasonable and cost effective way to accomplish that would be with an exterior steel fire escape on the east facade of the curved stone and slate shingle wall. Such a solution would detract greatly from the aesthetic appeal of this historic structure in a highly visible location.
- The net clear glass area of the windows in this room is 25.6 sf. 8% of the total room area is 36.4 sf. However, 8% of the larger 320 sf code required area, referenced above, is 26.4 sf. This is a large, high ceiling room with generous natural light. We ask that you accept the window area as adequate for 4 occupants.
- The net clear area of natural ventilation with the double hung windows is 18.35 sf. 4% of the room area is 18.84. We nearly meet that criterion, in addition to having renovated the space with mechanical ventilation and air conditioning.

#### First Floor Sleeping Room 109

This room contains 138 nsf, a relatively large space for one occupant. We request that a variance be granted for the room with one bed, on the following basis:

- The single window provides 9.0 sf of clear glass area, compared to the required 11 sf at 8% of the floor area. On a clear day, the window and the the current overhead lighting provides \_\_\_\_\_ footcandles at 32" off the floor. We will increase the overhead lighting to measure 10 footcandles.
- The single window provides 5.4 sf of clear opening for ventilation, compared to the required 5.5 sf at 4% of the floor area. We request that this clear area be accepted, recognizing that the room has mechanical ventilation and air conditioning.

First Floor Sleeping Room 110

This room contains 302 nsf, for four occupants. We request that a variance be granted for the room with 4 beds, on the following basis:

- The two windows provide 18.0 sf of clear glass area, compared to the required 24 sf at 8% of the floor area. On a clear day the windows and the overhead lighting provide \_\_\_\_\_ footcandles of illumination at 32" off the floor. We will increase the overhead lighting to measure 10 footcandles.
- The two windows provide 10.8 sf of clear opening for ventilation, compared to the required 12 sf at 4% of the floor area. Adding windows to this space will be prohibitively expensive. We request that this clear area be accepted, recognizing that the room has mechanical ventilation and air conditioning.

#### **Lower Level Sleeping Room 004**

This room contains 340 gsf for 3 occupants. We request that a variance be granted for the room with 3 beds, on the following basis:

- The one large window provides 16.8 sf of clear glass area, compared to the required 27.2 sf at 8% of the floor area. On a clear day, the window and overhead lighting provide \_\_\_\_\_ footcandles of light at 32" off the floor. We will increase the overhead lighting to measure 10 footcandles.
- This double casement window provides 21.3 sf of clear opening for ventilation, compared to the required 13.6 sf at 4% of the floor area. We meet that criterion, in addition to the room being air conditioned.

#### **Lower Level Sleeping Room 007**

This large room contains 440 gsf for 4 occupants. We request that a variance be granted for the room with 4 beds, on the following basis:

- The single window provides 11.64 sf of clear glass area, compared to the required 35.2 sf at 8% of the floor area. On a clear day, the window and overhead lighting provide \_\_\_\_\_ footcandles of light at 32" off the floor. We will increase the overhead lighting to measure 10 footcandles.
- This window provides 6.87 sf of clear area for ventilation, compared to the required 17.6 sf at 4% of the floor area. We request that this area be accepted, recognizing that the room has mechanical ventilation and air conditioning.

#### **Lower Level Sleeping Room 009**

This room contains 276 gsf for 3 occupants. We request that a variance be granted for the room with 3 beds, on the following basis:

- The single double hung window contains 14.62 sf of clear glass area, compared to the required 22 sf at 8% of the floor area. On a clear day, the window and overhead lighting provide \_\_\_\_\_ footcandles of light at 32" off the floor. We will increase the overhead lighting to measure 10 footcandles.
- The window provides 9.15 sf of clear area for ventilation, compared to the 11 sf required at 4% of the floor area. We request that this area be accepted, recognizing that the room has mechanical ventilation and air conditioning.

Should the Housing Board of Appeals grant the variances requested above, we propose the following schedule for the specified corrective work:

**December 7-19:** Coordinate with our on-site property manager to order materials and schedule the work with subcontractors.

**December 13:** Formal Housing Board approval. Attend meeting if needed.

**December 19-31:** Implement the work while residents are out on Christmas Break. Arrange for final inspections by City.

Thank you in advance for your attention to this request. Please do not hesitate to contact me or Zach Stull with questions.

Sincerely,

Jonathan J. Kucera, Architect Owner's Project Representative



# City of Ann Arbor PLANNING & DEVELOPMENT SERVICES

Mailing: 301 E. Huron St. | P.O. Box 8647 | Ann Arbor, Michigan 48107-8647 | p. 734.794.6264 | f. 734.994.8460 | rentalhousing@a2gov.org

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

Section 1: Applicant Information
Name of Applicant: SIGER HOUSING OF MICHIGAN ALPHA, LLC.
Address of Applicant: 730 TAPPAN AVENUE
Daytime Phone: 804-441-0615 Fax:
Email: ZACH. STULL@ SIGEP. NET
Applicant's Relationship to Property: OWNER/LANDLORD
Section 2: Property Information
Address of Property: 730 TAPPAN AUE.
Zoning Classification: R - 4 - C
Tax ID# (if known):
*Name of Property Owner: SIGE? NATIONAL HOUSING
*If different than applicant, a letter of authorization from the property owner must be provided.
Section 3: Request Information
□ Variance
Chapter(s) and Section(s)
from which a variance is requested: REQUIRED dimension: PROPOSED dimension:
8:501.1 (WINDOW) NEED 8% of
8: 501. 2 (Ventilation) THE SQUARE FOOTAGE
OF Boon As WINDOWS
Example: Chapter 105, Section 5:26 Example: 6', 8" Basement Example: 6',6" Basement Ceiling
Ceiling Height Clearance Height Clearance
Give a detailed description of the work you are proposing and why it will require a variance
(attach additional sheets if necessary) or BE ADDITIONAL WORK NEEDED
UNLESS RECOMMENDED BY THE HBA.
OUR HOPE IS TO WORK WITH THE CITY TO
RECEIVE A VARIANCE FOR THE ROOMS IN
QUESTION SINCE THE OCCUPANCY PERMIT ORIGINALLY ALLOWED
OUR PROPERTY TO HAVE 45 TENANTS AND WE INSTALLED
ALL NECESSARY GIFE SAFETY MEASURES.

Se	ection 4: Variance Request (If not applying for a variance, skip to section 5)
ma ha Th	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 rdships 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 aluation of the request by staff and the Housing Board of Appeals.
1.	Are there hardships or practical difficulties to complying with the ordinance? Are these hardships or practical difficulties an exception or unique to the property compared to other properties in the City?
2.	Are the hardships or practical difficulties more than mere inconvenience, inability to obtain a higher financial return? (explain)
3.	What effect will granting the variance have on the neighboring properties?
4.	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 ordinance?
5.	Is the condition which prevents you from complying with the ordinance self imposed? How did the condition come about?
S	ection 5: Time Extension
	urrent use of the property RESIDENTIAL STUDENT HOUSING (FRATERNITY HOUSE)  Kplain why you are requesting a time extension:  NA

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 Housing 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.
■ 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 'walk-through' of the property on the day of the hearing.
Section 7: Acknowledgement
SIGNATURES MUST BE SIGNED IN PRESENCE OF NOTARY PUBLIC
I, the applicant, request a variance from the above named Chapter(s) and Section(s) of the Ann Arbor City Code for the stated reasons, in accordance with the materials attached hereto.
804-441-0615 W. D.
Phone Number Signature
ZACH. STULL SIGEP. NET ZACH W. STULL Print Name
t, the applicant, hereby depose and say that all of the aforementioned statements, and the statements contained in the materials submitted herewith, are true and correct. I acknowledge that I've received all instructions, time, date and place of meeting and will be present to present the appeal. Staff will not send additional notification of meeting times.  Signature
Further, I hereby give City of Ann Arbor Planning & Development Services unit staff and members of the Housing Board of Appeals permission to access the subject property for the purpose of reviewing my variance request Signature
On this day of day of, 20, before me personally appeared the above named applicant and made oath that he/she has read the foregoing application by him/her subscribed and knows the contents thereof, and that the same is true as to his/her own knowledge except as to those matters therein stated to be upon his information and belief as to those matters, he/she believes them to be true.
Notary Public Signature
Nov 30, 2018 # 355 927 Meta H moties  Notary Commission Expiration Date Print Name
STAFF USE ONLY
Date 10-12-16 Submitted: Fee \$500.00 10/12/16 Paid:
File HBA16-010 Auth 10/2/1 No.: Date of Public 1/10/16 Hearing
Pre-filing Staff Reviewer & Date HBA Action:
Pre-Filing Review:
Staff Reviewer & Date:

MELIA H. MOTLEY

NOTARY PUBLIC

REG. #355927

COMMONWEALTH OF VIRGINIA

MY COMMISSION EXPIRES NOVEMBER 30, 2018



#### CITY OF ANN ARBOR

100 N. FIFTH AVE • ANN ARBOR, MI 48104 (734) 794-6267

Receipt Number: 2017-00021859

**Project Number** 

HBA16-010

Receipt Print Date:

10/12/2016

Address

730 TAPPAN ST

**Applicant** 

Owner

SIG EP HOUSING MICHIGAN ALPHA, LLC

**Project Description** 

Light and ventilation and Occupancy variance

### **FEES PAID**

0010-033-3370-0000-4362 P&D - APPEAL FEES 15/16

HBA

0010-033-3370-0000-4362

500.00

Total Fees for Account 0010-033-3370-0000-4362:

500.00

**TOTAL FEES PAID** 

500.00

DATE PAID: Wednesday, October 12, 2016

PAID BY: LOGOS

**PAYMENT METHOD: CHECK 1803** 

#### Section 4: Variance Request:

1. SigEp National Housing (SENH), the parent entity for Sig Ep Housing of MI Alpha LLC, has been working with the City of Ann Arbor intermittingly since 2009 on the purchase and renovation of the property at 730 Tappan Avenue. The housing inspection that was conducted in August of 2016 was the first time SENH was made aware of lighting and ventilation ordinances that were required for each room in the property. SENH believed that after working with the City from 2009-2012, all necessary approval and paper work had been granted from the City Of Ann Arbor. The current occupancy based on the recent housing inspection is 35 members. The City of Ann Arbor (see accompanying certificate of compliance from the City in 2012) originally granted SigEp National Housing an occupancy of 45 tenants. By decreasing our allowed bed occupancy to 35, there becomes a financial hardship that does not allow SENH to make the necessary mortgage payments on the property. SENH only moved forward with this project after the City of Ann Arbor granted SENH a Special Exception Use Permit for 45 beds. After working with the zoning board and being granted an occupancy of 45, SENH proceeded with the purchase and renovations to the facility. (It should be noted that the purchase and adaptive reuse of this property was a complicated financial process, involving equity from fundraising, and first, second and third mortgages. The property is owned and operated by non-profit entities, and operates at best on a break-even basis.) The top priority of our renovations included life safety measures and modern HVAC systems for our tenants. SENH believes that the property is more than adequately equipped with life safety measures that keep our tenants safe. These life safety additions are highlighted below.

We thought it would also be helpful to share the financial details of the property to give the Housing Board of Appeals a complete picture of the financial hardship that would be caused with an occupancy of 35 vs. 45. Please see the attached financial budget for the 2016-2017 year. Here are some additional notes on the mortgage:

- Currently, the combined first and second mortgages on the property are approximately \$2,750,000.
- The monthly debt service is \$14,783, for an annual total of \$177,396.
- The deficit at an occupancy of 35 is roughly \$(90,000). At 45 members in the facility, SENH is breaking even.
- SigEp National Housing only proceeded with the project at the occupancy that was granted by the city of Ann Arbor in 2012 of 45 tenants. The property cannot have a positive cash flow at an occupancy of 35.
- 2. As aforementioned, SigEp National Housing made it a priority to work with the City of Ann Arbor from 2009-2012 during the purchase and renovation of the property at 730 Tappan Avenue. We wanted to create a safe, healthy environment for our tenants that allowed them to be successful college students. When the Special Exception Use permit was granted to us back in

2012, we were confident in proceeding to re-develop the property with a proforma based on an occupancy of 45 members. After the recent inspection, this max occupancy number has been lowered to 35. At this number of tenants, SigEp National Housing would not have moved forward with the purchase of the property at 730 Tappan Avenue. At 35 members, debt servicing the current mortgage becomes increasingly difficult and creates a financial hardship. Even the exit strategy of renting or selling to another entity (fraternity, sorority, student group, or investor) becomes challenging, as the viability of the property is directly related to the occupancy capacity, and thereby rental income - which was vetted by the Special Exception Use at 45 beds.

- 3. There will not be any effect on the neighbors if a variance is granted.
- 4. When SigEp National Housing purchased the property, we made life safety and modern HVAC systems the top priority. The only reason we are currently not compliant with city ordinances is because we do not meet the necessary percentage of glazed area (windows) for a habitable room of at least 8% per ordinance 8:502 1. Even though the 8% minimum light standards are not met, we feel that we have more than adequate life safety measure to keep our tenants safe. Here are the upgrades that we completed before tenants were allowed to move in after we purchased the property:
  - Installed a new sprinkler system throughout facility
  - Upgraded the fire alarm system which is monitored 24 hours a day, 7 days a week
  - Installed new smoke detectors in all rooms
  - All rooms have a means of egress in case of a fire
  - All sleeping rooms, and common areas, have heating, air conditioning and ventilation provided by multi-mini split systems or package split systems - all new since August 2012.
  - Rebuilt and upgraded the entire electrical system.
- 5. The condition that prevents us from complying with the ordinance was not self imposed. When we purchased the property in 2012, we believed we were in compliance with city ordinances. We invested over \$1,300,000 in improvements to a 120 year old church to turn the property into a safe and comfortable home for the MI Alpha Chapter of Sigma Phi Epsilon. We partnered with the City of Ann Arbor to receive the proper approvals from the zoning board of appeals, the appropriate building permits, and the Certificate of Occupancy and Compliance at the completion of renovations. It was not until August of 2016 that we were informed that several of our rooms did not meet the requirements for light and ventilation per the City of Ann Arbor. In all of our conversations with the City of Ann Arbor, our local architects, our General Contractor, and our local property managers, in the last seven years, the lighting and ventilation Housing Code issues have never been mentioned. To the extent that the Special Exception Use approval for 45 beds represents a waiver to the existing conditions of the 120 year old building, we submit that the SEU and the Building Permit represent a waiver supporting this variance request. Also, to the extent that we followed proper procedure in procuring a Building Permit and CO, we submit that this variance request is reasonable for this property and should be approved.

	Michigan Alpha 2016-2017		
University of Michigan		Prof	orma
Property Value		\$2,80	0,000
Total Membership		90	6
Capacity		4:	5
	Fall Term	3:	5
Occupancy	Spring Term	3:	5
Out of House Members	Fall Term	6	1
Out of House Members	Spring Term	6	1
REVENUE			
Rent: Room & Board (\$5,82	25 per semester)	\$407,750	
Parlor Fees (\$200 per live o	ut member, per semester)	\$24,400	
Parking (\$500 per space, pe	r semester)	\$13,000	
Convenience Fee		\$1,000	
	Gross Scheduled Income		\$446,150
Less Outstanding Revenue	(5%)	\$22,308	
	EFFECTIVE GROSS INCOME		\$423,843
EXPENSES: FACILITY			
Faxes, Fees & Insurance			
Property Taxes		\$50,000	
Insurance		\$9,200	
Annual Audit & Accounting		\$1,500	
Inspections and Registration	n Fees	\$2,000	
Software & Bank Fee		\$2,000	
	Total Taxes, Fees & Insurance		\$64,700
Utilities			
Security		\$1,000	
Fire Protection System		\$500	
Cable, Telephone & Interne	t la	\$9,000	
Utilities		\$38,000	
Trash Service		\$1,200	
	Total Utilities		\$49,700
Maintenance			
Repairs and Maintenance		\$26,000	Martin K
Maintenance: Grounds		\$3,500	
Cleaning Service & Supplie	es	\$17,000	
	Total Maintenance		\$46,500
Management Services	是一个"大学"的"自己"的自己的"大学"。		
Local Management		\$11,000	
SENH Management		\$17,846	
	Total Management Services		\$28,846
	Total Expenses: Facility		\$189,746
EXPENSES: FOOD/KITO			SIET OF THE
Kitchen Equipment: Mainte		\$1,500	
1 r			and the same of th

Food Service Provider	\$100,000	
Total Expenses: Food/Kitchen		\$101,500
TOTAL OPERATING EXPENSES		\$291,246
EXPENSES: ASSET VALUE PROTECTION		
Capital Reserve	\$22,308	M. M. Elli
Capital Improvements	\$22,308	
Total Asset Value Protection		\$44,615
TOTAL EXPENSES		\$335,861
OPERATING SUMMARY		
Net Facility Operation	\$233,147	
Net Food/Kitchen Operation		1 8 C
Net Operating Income		\$132,597
CASH FLOW FROM OPERATIONS		\$87,982
DEBT SERVICE		
BB&T B042-0 First Mortgage	\$177,396	
TOTAL DEBT SERVICE		\$177,396
NET CASH FLOW		(\$89,415)

OCCUPANCY OF 45

	Michigan Alpha 2016-2017		
University of Michigan			orma
Property Value		\$2,80	0,000
Total Membership			6
Capacity		4	5
Occupancy	Fall Term	4	5
Occupancy	Spring Term	The second second second	5
Out of House Members	Fall Term	5	1
Out of House Wellibers	Spring Term	5	1
REVENUE			HIRE
Rent: Room & Board (\$5,825	5 per semester)	\$524,250	
Parlor Fees		\$20,400	
Parking		\$13,000	
Convenience Fee		\$1,000	
	Gross Scheduled Income		\$558,650
Less Outstanding Revenue (5		\$27,933	
	EFFECTIVE GROSS INCOME		\$530,718
EXPENSES: FACILITY			
Taxes, Fees & Insurance			
Property Taxes		\$50,000	Figure 1
Insurance		\$9,200	
Annual Audit & Accounting		\$1,500	
Inspections and Registration	Fees	\$2,000	
Software & Bank Fee		\$2,000	
	Total Taxes, Fees & Insurance		\$64,700
Utilities Walley Comments			
Security		\$1,000	
Fire Protection System		\$500	
Cable, Telephone & Internet		\$9,000	
Utilities		\$38,000	
Trash Service		\$1,200	
	Total Utilities		\$49,700
Maintenance	· 1000年代中华中国中国中国中国中国中国中国中国中国中国中国中国中国中国中国中国中国中国中		
Repairs and Maintenance		\$26,000	
Maintenance: Grounds		\$3,500	
Cleaning Service & Supplies		\$17,000	
	Total Maintenance		\$46,500
Management Services	对此就是 <b>对</b> 的过去式和过去分词	My file	
Local Management	CONTRACTOR DESIGNATION OF THE PARTY OF THE P	\$11,000	
SENH Management	CALL THE REAL PROPERTY AND THE PARTY OF THE	\$22,346	
	Total Management Services		\$33,346
	Total Expenses: Facility		\$194,246
EXPENSES: FOOD/KITC			
Kitchen Equipment: Mainter		\$1,500	UVE BEATT

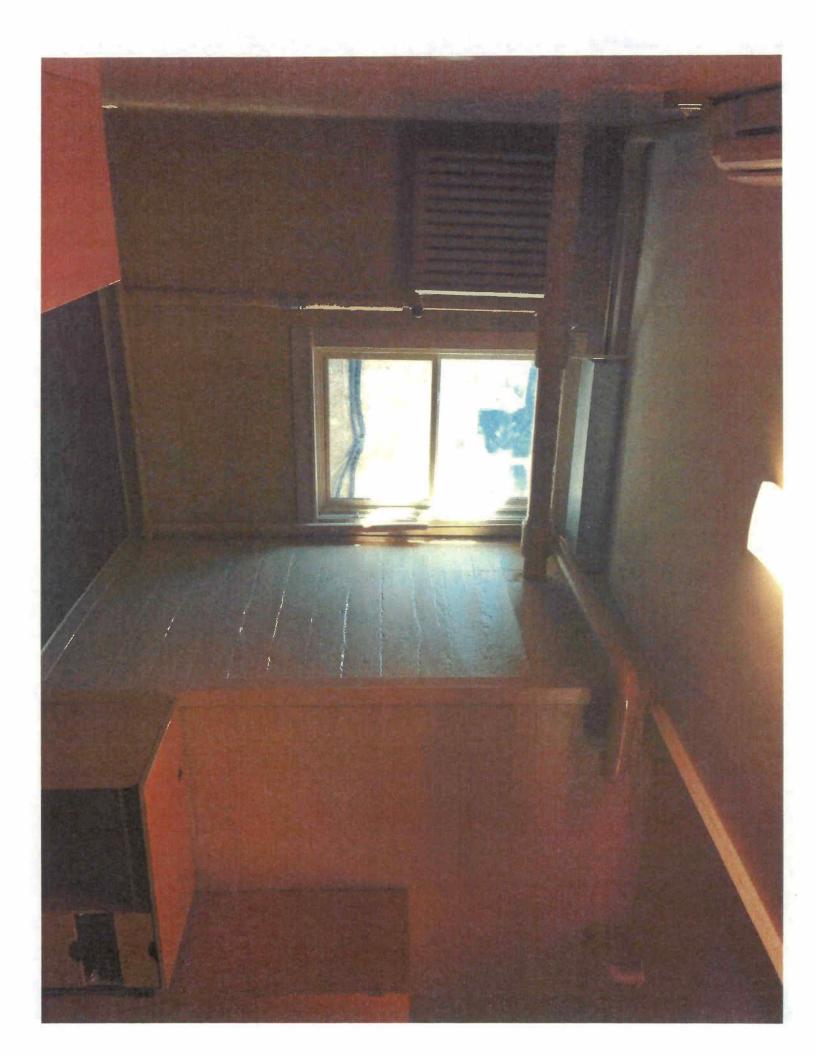
Food Service Provider	\$100,000	1
Total Expenses: Food/Kitchen		\$101,500
TOTAL OPERATING EXPENSES		\$295,746
EXPENSES: ASSET VALUE PROTECTION		
Capital Reserve	\$27,933	THY PLAN
Capital Improvements	\$27,933	
Total Asset Value Protection		\$55,865
TOTAL EXPENSES		\$351,611
OPERATING SUMMARY		TRES ELL
Net Facility Operation	\$335,522	
Net Food/Kitchen Operation		
Net Operating Income		\$234,972
CASH FLOW FROM OPERATIONS		\$179,107
DEBT SERVICE		
BB&T B042-0 First Mortgage	\$177,396	
TOTAL DEBT SERVICE		\$177,396
NET CASH FLOW		\$1,710





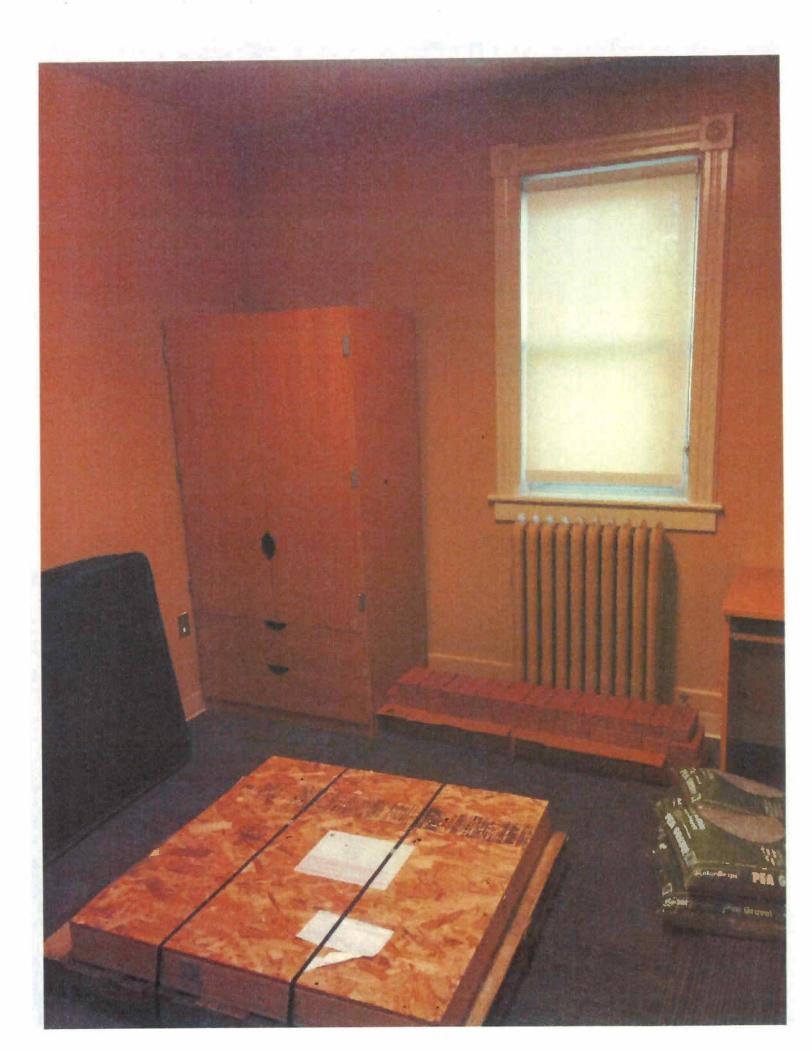


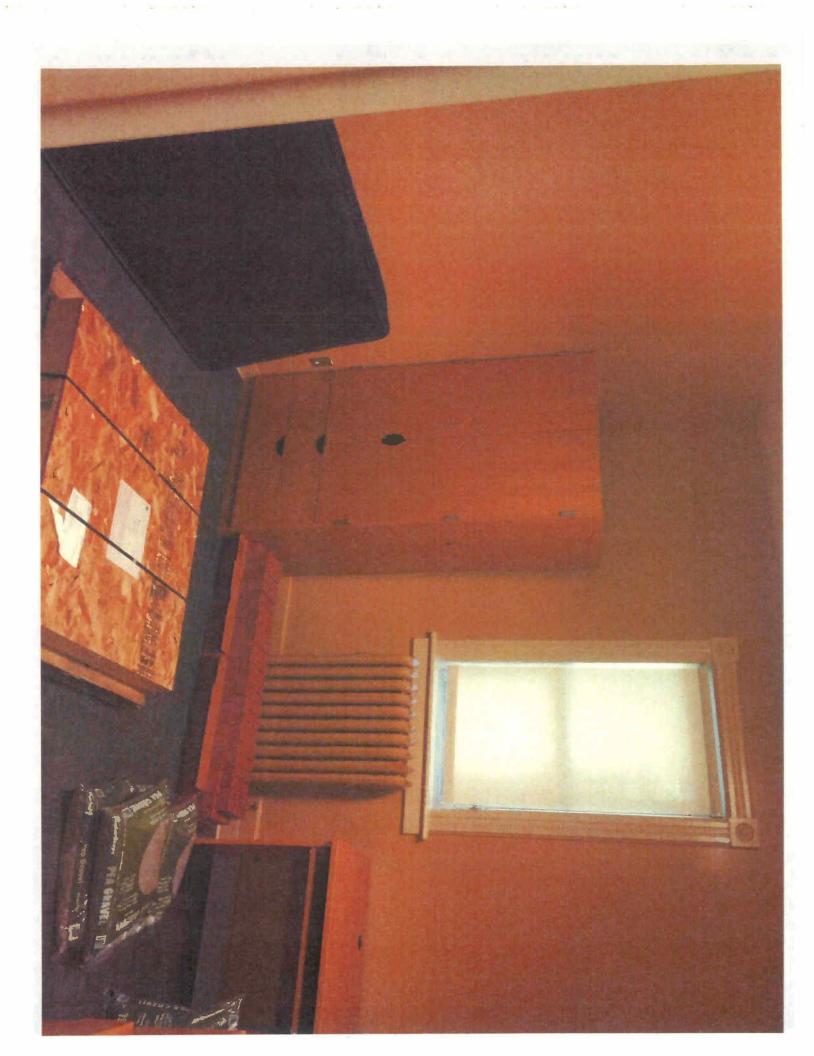


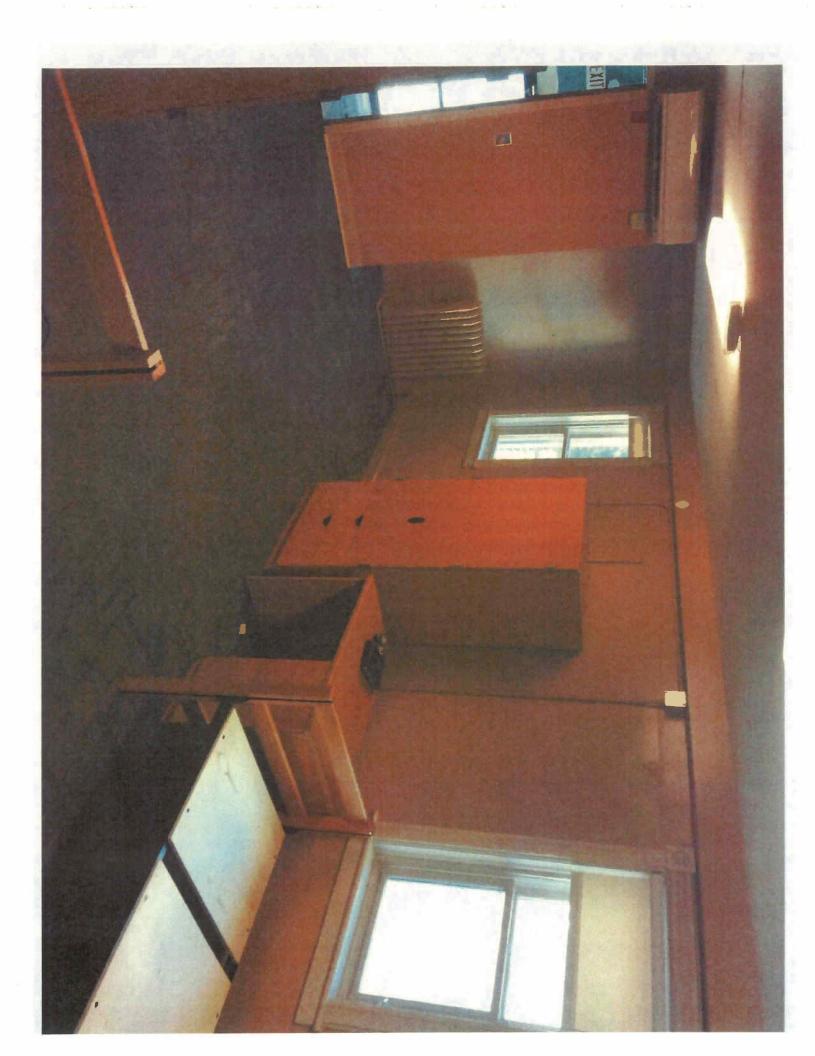




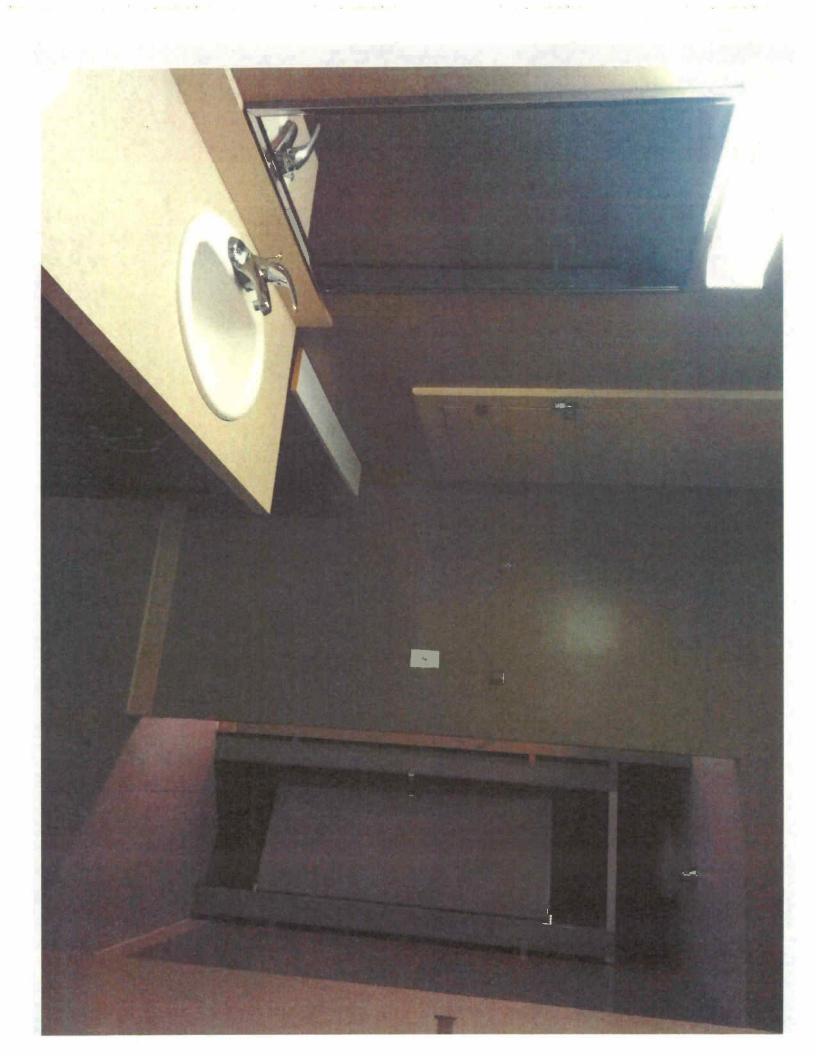


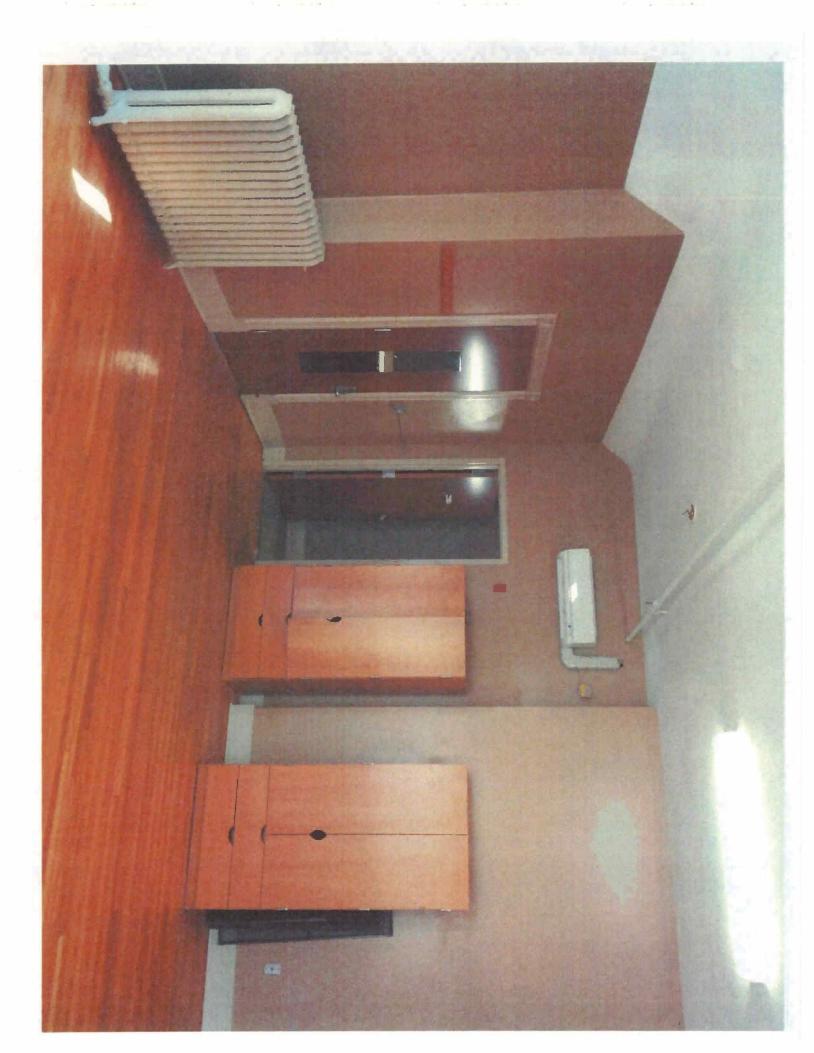




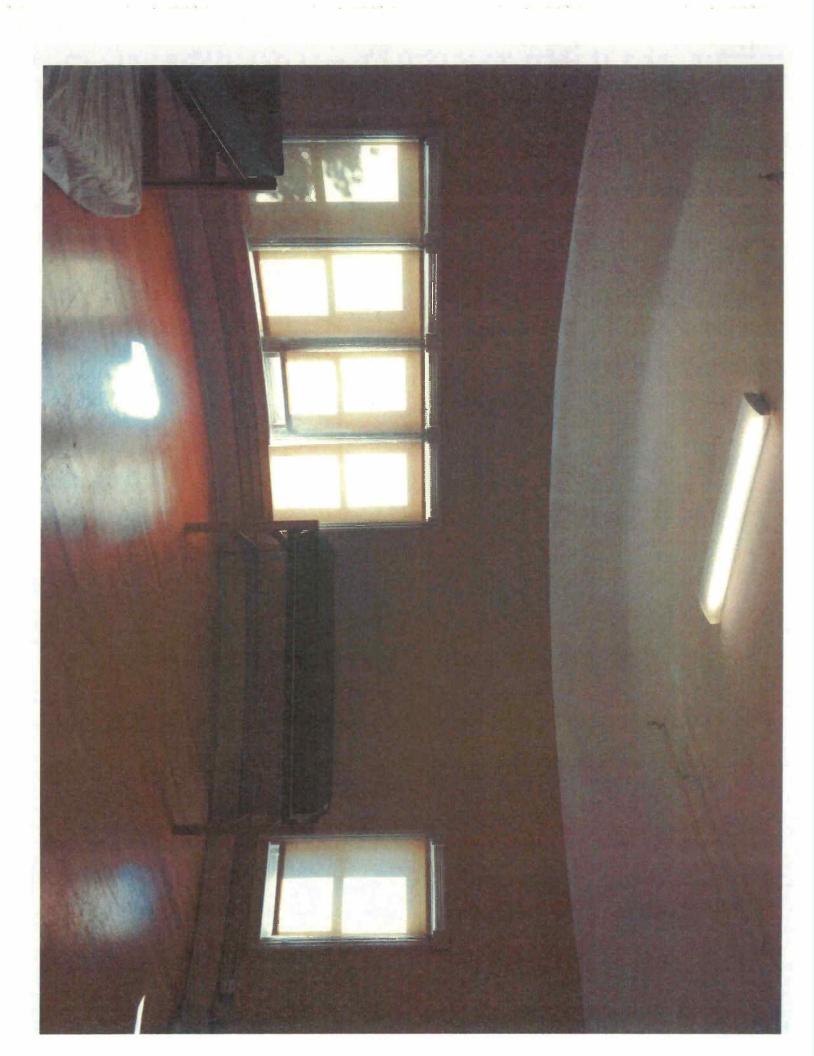
















#### CITY OF ANN ARBOR, MICHIGAN

Community Services Area
Planning & Development Services Unit
301 E. Huron St, P.O. Box 8647,
Ann Arbor, Michigan 48107-8647
Phone: (734) 794-6264
Fax: (734) 994-8460

October 19, 2016

Sig Ep Housing Michigan Alpha, LLC 310 South Boulevard Richmond, VA 23220 C/O: Zach Stull

Re: 730 Tappan Street, Ann Arbor, Michigan, 48103

Parcel Identification Number ("PIN"): 09-09-28-303-024

Dear Mr. Stull:

Please consider this as a notice to attend the Ann Arbor Housing Board of Appeals meeting for your variance request. You will have the opportunity to address the Board.

This meeting will take place on Wednesday, November 9, 2016 at 1:30 PM on the 2<sup>nd</sup> floor of City Hall in the Council Chambers.

If you are planning to support your request with information or evidence not included with your application, please submit your additional information to City Housing Department staff either by email at a2rentalhousing@a2gov.org or in person no later than the Friday before the meeting to allow time for distribution to the Board members. If you bring additional materials to the meeting, please bring 10 hard copies for the Board members and City staff.

Sincerely,

Lisha Turner-Tolbert

Rental Housing Services Manager

Tisha Juran - Folkert



### CITY OF ANN ARBOR, MICHIGAN

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www.a2gov.org

### This is to certify that a

## CERTIFICATE OF COMPLIANCE AND OCCUPANCY, COF012-0124,

has been issued by the City of Ann Arbor Planning & Development Services for substantial compliance with all state and local code requirements pertaining to Building Permit BLDG12-0077 and may be occupied and used for the following purpose(s):

### INTERIOR RENOVATION TO CONVERT EXISTING CHURCH

Property Address: 730 TAPPAN ST

Owner: SIG EP HOUSING MICHIGAN ALPHA,

310 SOUTH BOULEVARD Richmond, VA 23220

Tenant: Sigma Phi Epsilon

730 Tappan

Ann Arbor, MI 48104

Zoning: R4C No. Units: 1 Use: R-2, A-2

Code: 2009 Exist Occupant Load: 899 Building SF: 13706 No. Stories: 3 Const. Type: 5B

Suppression System: NFPA-13R,

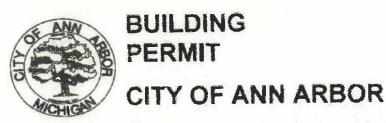
Stipulations:

INTO A FRATERNITY. PARTITION WALLS, WINDOWS, BATHRROMS, CEILINGS, FLOORING & TRADE UPGRADES

Bicycle parking must be installed per approved plot plan and THREE footing drains disconnects REQUIRED before issuance of CO. Contact: Matt Kowalski x42612

Ralph Welton 8/29/2012

**Building Official** 



BUILDING DEPARTMENT 100 North Fifth Avenue Ann Arbor, MI 48104 Phone: (734) 794-6267 Fax: (734) 994-8460

PLEASE VISIT THE CITY WEB SITE TO SCHEDULE YOUR INSPECTION - WWW.AZGOV.ORG/permits

Permit Number: BLDG12-0077

Construction Type: 5B

Use Group: 899

Work Type: COMM ADD/ALT

must request inspection.

INTERIOR RENOVATION TO CONVERT EXISTING CHURCH

(734) 487-9640

Stipulations: INTO A FRATERNITY. PARTITION WALLS, WINDOWS, BATHRROMS, CEILINGS, FLOORING & TRADE UPGRADES

Bicycle parking must be installed per approved plot plan and THREE footing drains disconnects REQUIRED before issuance of CO. Contact: Matt Kowalski x42612

Of CO. College, Hatt Townson X-2012			
LOCATION	OWNER		
730 TAPPAN ST 09-09-28-303-010	MEMORIAL CHRISTIAN CHURCH 730 TAPPAN AVE Ann Arbor, MI 48104		
Approved plans must be retained on job and this card	RONIRAGE CONTRACTOR OF THE STREET		
kept posted until final inspection has been made.  Permits and inspection notices must be posted at a single location on site (electrical panel, etc.). Where a	Phoenix Contractors Inc 2111 GOLFSIDE		
Certificate of Occupancy is required, such building shall not be occupied until final inspection has been approved.	Ypsilanti, MI 48197		

Amount Fee Basis **Account Number** Permit Item 0 2.085.00 0026-033-3330-0000-434 PLAN EXAMINATION 0 5.212.00 0026-033-3330-0000-431 **BUILDING PERMIT FEE** 50.00 0010-050-3360-0000-432 n **COMPLIANCE REV OVER 10,000** 

Ralph Welton Date Issued: 02/29/2012 Fee Total: \$7,347.00
Date Expires: 08/27/2012 Amount Paid: \$7,347.00

Building Official BALANCE DUE: \$0.00

I agree this permit is only for the work described and does not grant permission for additional work which requires separate permits. I understand that this permit will become invalid, and null and void if work is not started within 180 days, or if work is suspended or abandoned for a period of 180 days any time after work has commenced, and that I am responsible for assuring all required inspections are requested in conformance with the applicable code.

I hereby cerfity that the proposed work is authorized by the owner, and that I am authorized by the owner to make this application as authorized agent. I agree to conform to all applicable laws of the State of Michigan and local jurisdiction. Al information on the permit application is accurate.

Payment of permit fee constitutes acceptance of above terms.

Minimum 24 hour notice required for inspection. You

### JONATHAN J. KUCERA, ARCHITECT

10820 Ramshorn Road M IDLOTHIAN, VIRGINIA 23113 804.272.0430 fax 804.272.1956 <u>jkucera2@verizon.net</u>

City of Ann Arbor Planning & Development Services - Construction Services 301 E. Huron Street, P.O. Box 8647 Ann Arbor, Michigan 48107-8647

September 1, 2016

Attention: Building Official

I am the Owner's Project Representative for Sig Ep Housing of Michigan Alpha, LLC, the owner and manager of the fraternity house at 730 Tappan Street. In July & August, 2016, your offices conducted a Housing Inspection, from which I have a copy of the 8 page report. The purpose of this letter is twofold:

1. To re-state the history of the renovations of this property, and;

2. To request sufficient time to make the physical repairs noted in the inspection, and to address, by variance if necessary, the question of occupancy of several sleeping rooms.

### History of the Building Renovations

From 2009 through 2012, I was involved in the property purchase and design of the renovations to convert the former Memorial Christian Church to the new home for the MI Alpha Chapter of Sigma Phi Epsilon Fraternity. The Architect of Record was Hobbs + Black of Ann Arbor; Bill Hobbs is an Alumnus, and Steve Dykstra was the Project Architect. Attached find the following documents pertinent to that process:

- City Planning reports approving the Special Exception Use of the renovated building for 45 sleeping beds, dated April 17, 2012. Procuring this SEU was a condition precedent to closing on the purchase of the building, and achieving the bed count was a qualifying condition for the operating proforma of the project.
- Minutes of the Ann Arbor Zoning Board of Appeals, approving a variance to alter a non-conforming structure. This variance was also a condition of the purchase.
- Copy of the Building Permit, issued 02/29/12 for renovations to convert the existing church to a fraternity occupancy, based on the plans submitted.
- Copy of the Certificate of Compliance and Occupancy, #COFO12-0124.

It has been the perspective of the Owner that these documents, supported by permitted construction documents for existing building modifications, including a wet sprinkler fire suppression system and other life safety provisions, provided the basis for a 45 bed occupancy of the building.

If the essence of the Ann Arbor Housing Code (Chapter 105) is that the floor area ratios for light and ventilation prevail, we have no choice but to file for a variance. However, we need time to clearly understand the application of the Code as it relates to this occupancy, and to file the application.

Response to the Inspection Report

There is no question that the issuance of the report, within weeks of the return of the Chapter residents for the Fall semester, was untimely and created a serious disruption to the residents and management. We also understand that there was a failure of communication among the local property manager and the building owner/manager, resulting in a lack of immediate response. That situation has been resolved, and the Owner is motivated to address the inspection report in three categories of attention:

- 1. <u>Immediate non-construction work.</u> Cleaning up trash, cutting vegetation, and moving furniture out of egress ways, and other work that has already been done or can be accomplished in short order.
- 2. Construction, repairs, MEP work, and systems inspection reports: Owner will address those items required by your inspection, and not challenged by variance. However, we need the time to arrange for the work with the appropriate subs and vendors, as well as to conduct the work while the building is occupied.
- 3. <u>Sleeping Rooms:</u> Owner needs to understand why all sleeping rooms are not now acceptable for the 45 occupancy count as represented by the 2012 Building Permit and 2012 Certificate of Compliance and Occupancy. Then, if necessary, Owner will submit an application for variance. However, this will also take time and effort to organize the proper documentation.

The agent for Owner is Zach Stull, Asset Manager for Sig Ep National Housing. Zach will be responsible for orchestrating the full response to the inspection report, including any application for variance. He can also provide a full set of the 2012 construction documents to more fully explain the building systems.

Sincerely,

Jonathan J. Kucera, Architect

Well

Owner's Project representative



### CITY OF ANN ARBOR, MICHIGAN

Community Services Area
Planning & Development Services Unit
100 North Fifth Ave, P.O. Box 8647, Ann Arbor, Michigan 48107
Phone: (734) 994-2674
Fax: (734) 994-2798

www.a2gov.org

Zoning Board of Appeals
February 23, 2011 Regular Meeting

### STAFF REPORT

Subject:

ZBA11-002 - 730 Tappan

**Summary:** Jonathan Kucera is requesting Permission to Alter a Non-conforming Structure in order to permit the conversion of a non-conforming structure to residential use (fraternity house) with a maximum of 44 beds.

### **Description and Discussion:**

### Background:

The subject property is located on the northwest corner of Hill and Tappan and is zoned R4C(Multiple-Family). The original sanctuary was built in 1891 and moved to the current site in 1923. An education wing was constructed in 1972 on the north side of the building. In 1993, a site plan was approved for a small elevator room on the northwest corner of the building. This addition required approval from the Zoning Board of Appeals for Permission to Alter a Non-conforming Structure, as well as a variance from the required amount of parking due to the large number of spaces required by a church use. The permission and variance were granted in September of 1991. The structure is non-conforming for insufficient front setbacks along Tappan and Hill Street.

### Current proposal:

The owner of the property wishes to convert the existing building, which is currently used as a church, to a fraternity house with a maximum of 44 occupants. No exterior changes are proposed. Existing parking will remain; 9 parking spaces are required by code and 18 spaces (including one barrier free) currently exist. Fraternity houses are allowed in the R4C zoning district subject to Special Exception Use approval by the Planning Commission. This project is scheduled to go before the Planning Commission on March 1<sup>st</sup>. The petitioner has been informed of the preferred timeline of ZBA

Zoning Board of Appeals Permission to Alter a Non-Conforming Structure February 23, 2011 - Page 3

Both the existing church and residential uses are permitted in the R4C Zoning District. The fraternity use is permitted subject to Special Exception Use approval by the Planning Commission.

### (b). The alteration will not have a detrimental effect on neighboring property

As mentioned previously, the structure is zoned R4C (Multiple-Family residential), and is located in close proximity to the University campus. The parcel is surrounded by multiple-family structures of similar density and across the street from the University of Michigan School Of Business. There will be no expansion of the building footprint and no additional floor area will be added to the building. There are 18 parking spaces provided on the site and only 9 are required by City Code. Based on the parcel location and surrounding land uses, this proposal will not have a detrimental effect on any neighboring properties.

Respectfully submitted,

Lell C

Matt Kowalski, AICP

City Planner



### City of Ann Arbor

# PLANNING & DEVELOPMENT SERVICES — PLANNING DIVISION 301 East Huron Street | P.O. Box 8647 | Ann Arbor, Michigan 48107-8647 p. 734.794.6265 | f. 734.994.8312 | planning@a2gov.org

June 15, 2012

SIG EP Housing of Michigan Alpha, LLC c/o Patrick Murphy 310 South Boulevard Richmond, VA 23220

Subject: Sigma Phi Epsilon Revised Special Exception Use - 730 Tappan Street

Dear Mr. Murphy:

I am pleased to inform you that the Ann Arbor City Planning Commission, at its meeting of April 17, 2012, approved the requested modification to the approved special exception use for the Sigma Phi Epsilon fraternity located at 730 Tappan. The special exception use was modified to allow an increase of one occupant for a maximum of 45 occupants, including the resident manager.

Any special exception use approval granted by the Planning Commission must be activated within 3 years of the date of approval. If the use is activated within this period, the approval shall continue as long as the use continues to operate as approved by the Commission.

When an approved special exception use ceases to function for a period of 24 months, the special exception use status shall lapse and shall no longer be in effect. A 12-month extension may be approved by the Planning Commission.

Note that the approval of the Sigma Phi Epsilon Special Exception Use is also subject to:

1) the standards for fraternities in Chapter 55, Section 5:10.4(3), including a resident manager, being met at all times; 2) required bicycle parking as shown on plot plan must be installed and three footing drains must be disconnected before a certificate of occupancy for the fraternity use will be issued; and 3) all improvements, including landscaping, shown on the plot plan and previously approved site plan must be maintained in good condition.

If you have any questions concerning this action, please contact Planning and Development Services at 734-794-6265.

Sincerely,

Wendy L. Rampson Planning Manager

Hendy L Rempson

Enclosure: Plot Plan c: City Assessor

File No. SEU12-002

### PLANNING AND DEVELOPMENT SERVICES STAFF REPORT

For Planning Commission Meeting of April 17, 2012

SUBJECT: Sigma Phi Epsilon Special Exception Use Modification

(730 Tappan)

File No. SEU12-002

### PROPOSED CITY PLANNING COMMISSION MOTION

The Ann Arbor City Planning Commission, after hearing all interested persons and reviewing all relevant information, finds the petition to substantially meet the standards contained in Chapter 55 (Zoning Ordinance), Section 5:104 (Special Exceptions), and, therefore, approves the Sigma Phi Epsilon Special Exception Use Modification for a fraternity with not more than 45 occupants.

### STAFF RECOMMENDATION

Staff recommends the special exception use modification be **approved** because the proposed use is of such location, size and character as to be compatible with the zoning district in which the site is situated; and the location and size of the proposed use, its nature and intensity, the site layout and access, and effect of the proposed use on public services would not be hazardous or inconvenient to the neighborhood nor unduly conflict with the normal traffic of the neighborhood.

### LOCATION

This site is located on the northwest corner of Tappan and Hill east of State Street (Central Area; Allen Creek watershed).

### **DESCRIPTION OF PROJECT**

The petitioner seeks approval for modification to the approved special exception use to permit the addition of one occupant to the previously approved maximum of 44 occupants, for a maximum of 45 occupants. The petitioner is establishing a fraternity in a former church located at the northwest corner of Hill and Tappan Streets. The 15,560-square foot structure currently is being renovated by the fraternity in accordance with the special exception use approved by the Planning Commission on March 1, 2011.

The site is zoned R4C (Multiple-Family Dwelling District), in which fraternities are permitted with special exception use approval. Per Chapter 55 (Zoning Ordinance), Section 5:10.4, a parcel used for a fraternity use must have a minimum of 350 square feet per occupant, so this 22,400 square foot parcel could support up to 64 occupants. The petitioner is requesting an occupancy increase to 45 occupants, one of whom must be a resident manager.

The site is currently accessed by two curb cuts, one on Tappan Street and one on Hill Street. Parking for seventeen vehicles (including one barrier free) is provided; 9 spaces parking spaces are required. The petitioner will install 22 bicycle parking spaces: 11 exterior spaces (Class C)

Zoning Board of Appeals Permission to Alter a Non-Conforming Structure February 23, 2011 - Page 2

applications that need Planning Commission approval, but due to their schedule of the project, they have requested a hearing from the ZBA first. If approved by the Planning Commission, the project does not need City Council approval.

### Zoning Comparison Chart for Non-Conforming Structures

	EXISTING	PROPOSED	REQUIREMENTS	
Zoning -	R4C (Multiple-Family District)	R4C	R4C	
Front setback	20.5 feet East (Tappan) 19.6 feet South(Hill)	20.5 feet East (Tappan) 19.6 feet South(Hill)		

<sup>\* 25</sup> feet standard required, however additional setbacks required due to length and height of existing structure

### Standards for Approval- Permission to Alter a Non-Conforming Structure

Chapter 55 (Zoning), Section 5:87. Structure nonconformance

- (1) A nonconforming structure may be maintained or restored, but no alteration shall be made to a nonconforming structure unless 1 of the following conditions is met:
- (a) 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) The alteration 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.
- (2) For purposes of this section, alteration shall mean any change in a building which results in additional floor area being fit for occupancy, a greater number of dwelling or rooming units or an increase in the exterior dimensions of the building.

(emphasis added by staff)

The Zoning Board of Appeals has all the power granted by State law and by Section 5:98, from the City of Ann Arbor Zoning Ordinance. The following criteria shall apply:

(a). The alteration complies as nearly as practicable with the requirements of the Zoning Chapter.

The petitioner is seeking permission to convert the existing church into a fraternity house with a maximum of 44 occupants. There will be no addition of floor area and no external modifications in order to convert the existing structure.

and 11 within the basement level of the structure (Class A). No site plan is required because there are no changes being proposed to the site that trigger site plan requirements. No expansion of the current floor area of the building is proposed.

### **COMPARISON CHART**

		EXISTING/PROPOSED	REQUIRED		
Zoning		R4C (Multiple-Family Dwelling District)	R4C		
Gro	ss Lot Area	22,400 sq ft (0.51 acres)	8,500 sq ft MIN		
Setbacks	Front	Olivia - 19.50 ft	0.5.4.4.4.4		
	q	Cambridge – 20.42 ft	25 ft MIN *		
	Side	22.33 ft	13.9 ft MIN (10% of the lot width		
	Rear	44 ft	30 ft MIN		
Parl	king - Vehicles	17 spaces (includes 1 barrier-free)	9 spaces MIN (1 space per 5 beds)		
Parking – Bicycles		11 Class A 11 Class C	22 spaces MIN		

<sup>\*</sup> Permission to alter a non-conforming structure obtained from the Zoning Board of Appeals

### SURROUNDING LAND USES AND ZONING

	LAND USE	ZONING	
NORTH	Multiple-Family Residential	R4C (Multiple-Family Dwelling District)	
EAST	University of Michigan	PL (Public Land)	
SOUTH	Multiple -Family Residential	R4C (Multiple-Family Dwelling District)	
WEST	Multiple-Family Residential	R4C (Multiple-Family Dwelling District)	

### **HISTORY**

The main sanctuary of the church was constructed in 1891 and moved to the current site in 1923. The educational wing along Tappan was constructed in 1973. A small elevator room addition was constructed in 1991. The Zoning Board of Appeals granted approval to alter (add dwelling units) to this non-conforming structure on February 23, 2011. A special exception use was approved by the Planning Commission in March 2011for a fratemity use with a maximum of 44 occupants. The fratemity purchased the property in early 2012 and interior renovations for the fratemity were begun in March 2012.

### PLANNING BACKGROUND

The Master Plan Land Use Element recommends multiple-family uses for the site.

### SPECIAL EXCEPTION USE STANDARDS

The Planning Commission, in arriving at its decision relative to any application for a special exception, shall apply the following standards (petitioner's response in regular type, staff comments in italic type):

Use and Specific Standards:

The applicant requests special exception use approval to permit the following use(s):

Increase the previously approved Special Use (44 bed fraternity occupancy – see attached letter and building permit) by one bed to a total of 45 beds to allow a separate bedroom for the required resident manager.

The petitioner is proposing to re-use the existing church structure for occupation starting in the fall 2012. The modification request seeks an increase of one occupant for a maximum of 45 occupants (previously approved maximum was 44 occupants). The structure is 15,560 square feet in size and could have a maximum occupancy of 64 occupants. Any special exception use granted by the Planning Commission must be activated within three years of approval.

The proposed use is allowed in accordance with the Schedule of Use Regulations, Chapter 55 Section 5:10.2 Paragraph 3a. Specify how the project meets all standards cited:

The current zoning R4C allows as a permitted principal use any special exception use in R2B, which allows a fraternity occupancy stated in 5:10.4(3)(a)(1-6). The requirements will be met or are not an issue as illustrated on the attached Exhibit 3.

General Standards: The proposed use(s) shall be of such location, size and character as to be compatible with the appropriate and orderly development of the zoning district and adjacent zoning districts in which the site is situated. In applying this standard, the Planning Commission shall consider whether the proposed use:

1. Will be consistent with the general objectives of the City Master Plan.

Yes, as previously approved.

The Master Plan Land Use Element recommends multiple-family uses for the site.

2. Will be designed, constructed, operated and maintained in a manner that is compatible with the existing and planned character of the general vicinity.

Yes, as previously approved. See attached floor plans for most recent room layout.

> The existing structure has been integrated well into the surrounding area of multiplefamily and University structures.

3. Will be consistent with the general character of the neighborhood considering population density, design, scale and bulk; and the intensity and character of activity.

Yes, substantially multi-family (student rental), commercial, and university occupancies in that block north of Hill Street.

The existing structure has been at this location since 1923 and is similar in character to the surrounding land uses. No changes are proposed to the exterior of the structure or to the site. It is consistent in scale and bulk with structures on adjacent parcels.

4. Will not be detrimental to the use, peaceful enjoyment, economic value or development of neighborhood property, or the neighborhood area in general.

Will not- as previously approved.

An increase of one occupant will not have a detrimental effect on the neighborhood. Surrounding uses are multiple-family and the parcel is located directly across the street from the U of M Central Campus and the School of Business. A resident manager is also required as part of the special exception use standards.

5. Will not have a detrimental effect on the natural environment.

Will not- as previously approved.

No changes are proposed to the site.

The location and size of the proposed use(s), the nature and intensity of the principal use and all accessory uses, the site layout and its relation to streets giving access to it, shall be such that traffic to and from the use(s), the assembly of persons in connection therewith, and the effect of the proposed use on public services and facilities, will not be hazardous or inconvenient to the neighborhood nor unduly conflict with the normal traffic of the neighborhood. In applying this standard, the Planning Commission shall consider, at minimum:

6. The location and access to off-street parking and the safe provision for pedestrian traffic.

See approved site plan - attached.

Access to off-street parking is from existing curb cuts on Tappan and Hill. Sidewalks exist along both streets that promote pedestrian traffic. Staff feels the location of and access to off-street parking is safe.

7. The relationship of the proposed use to main traffic thoroughfares and to streets and road intersections.

See approved site plan - attached.

The proposed use is located on the corner of Tappan and Hill, which are not main traffic thoroughfares. Staff does not anticipate any increased traffic intrusion into the established neighborhood.

8. Vehicular turning movements in relation to traffic flow routes.

See approved site plan - attached.

The two main access points are on Tappan and Hill, streets with minor traffic flow. The access to Hill is one-way, only providing an exit, all traffic entering the site will use the Tappan entrance.

9. The intensity and character of traffic and parking conditions on the site and in the general area.

See approved site plan - attached.

The traffic patterns and parking on the site will not change from its historical use. There will be no increase in on-site parking.

10. The requirements for additional public services and facilities which will be created by the proposed use will not be detrimental to the social and economic welfare of the community.

No increase in public services and facilities, as previously approved and shown on the attached site plan.

Adequate capacity exists for all City utilities to serve the site.

### COMMENTS PENDING, UNRESOLVED OR NOTED

<u>Planning</u> – The standards for fraternities listed under Chapter, 55 Section 5:10.4(3) must continue to be met at all times.

<u>Systems Planning and Project Management</u>: Sewer flow data indicates that three footing drains will be required to be disconnected as part of this project.

Prepared by Matthew Kowalski Reviewed by Wendy Rampson

Attachments: Zoning/Parcel Maps

Aerial Photo Site Survey

c: Owner: SIG EP Housing of Michigan Alpha, LLC

c/o Patrick Murphy 310 South Boulevard Richmond, VA 23220

Petitioner: Jonathan Kucera, Architect

3711 Darby Drive Midlothian, VA 23113

Systems Planning File No. SEU12-002



# APPROVED MINUTES OF THE REGULAR MEETING OF THE ZONING BOARD OF APPEALS OF THE CITY OF ANN ARBOR February 23, 2011

The Regular Session of the Zoning Board of Appeals was held on Wednesday, February 23, 2011 at 6:00 p.m. in the CTN Building, 2805 South Industrial Hwy., A2, MI The meeting was called to order at 6:00 p.m. by Acting Chairperson Candice Briere

### ROLL CALL

Members Present:

(5) C. Briere, E. Briggs, J. Boggs, A. Milshteyn and S. Briere (arr. @ 6:16 p.m.)

Members Absent:

(4) C. Kuhnke, D. Gregorka, W. Carman & 1 Vacancy

Staff Present:

(1) M. Kowalski

### A - APPROVAL OF AGENDA

A-1 - The Agenda was approved as presented.

### B - APPROVAL OF MINUTES -

- B-1 Draft Minutes of the 2010-08-25 Regular Session (Postponed at the December 2010 Regular Session)
- B-2 Draft Minutes of the 2010-10-28 Regular Session (No November Session.)

### MOTION

Moved by S. Briere, Seconded by A. Milshteyn, "To Approve the August 25, 2010 Regular Session Minutes and the October 20, 2010 Regular Session Minutes as Presented."

On a Voice Vote - MOTION TO APPROVE - PASSED - Unanimous

### C - APPEALS & ACTION

### C-1 ZBA11-001 - 2907 Lakeview Drive

### **Description and Discussion**

Bonnie Greenspoon (Lewis Greenspoon Architects, representing the owners of this property, is requesting one Variance from Chapter 55 (Zoning) Section 5:57 (Averaging an Existing Front Setback Line), of 13 feet 6 inches for expansion of an existing residential structure into the front setback. (32 feet 6 inches is required by Code for an Averaged Front Setback).

The petitioner is proposing to construct a 296 square foot covered front porch addition to the existing single-family house. The house was built in 1929 and is currently setback 23 feet 6 inches from the front property line and has a small existing covered front stoop.

1 2 3

105 106 107	b)	That the alleged hardships or practical difficulties, or both, which will result from a failure to grant the variance, include substantially more than mere inconvenience, inability to attain a higher financial return, or both.
108	c)	The variance, if granted, will not significantly affect surrounding properties.
109	d)	The circumstances of the variance request are not self-imposed.
110 111		The variance request is the minimum necessary to achieve reasonable use of the structure.
112 113 114	ADD: stipula below)	Friendly Amendment: Moved by S. Briere, Seconded by J. Boggs, "To add the ation that this structure shall not be enclosed in the future." (This will be item "f"
115	ŋ	This structure is not to be enclosed in the future."
116 117 118		Voice Vote – MOTION TO APPROVE – PASSED – UNANIMOUS  ace Granted
119		* × ×
120	MOTIC	ON #2
121		71 the second 70 At 1 004 2007 i akayiew
122	Moved	by E. Briggs, Seconded by A. Milshteyn, "In the case of ZBA11-001, 2907 Lakeview
123	Drive,	the Zoning Board of Appeals hereby grants Permission to Alter a Non- erming Structure, based on the following findings of fact and in accordance with
124	Conto	stablished standards for approval:
125 126		
127	al	The alteration complies as nearly as practicable with the requirements of the
128	w.j	Zoning Chapter, And,
129		
130	b)	The alteration will not have a detrimental effect on neighboring property."
131		
132	On a	Voice Vote - MOTION TO APPROVE - PASSED - UNANIMOUS
133	Perm	ission to alter a Non-Conforming Structure - Granted
134		
135	40000	C-2 ZBA11-002 - 730 Tappan Street
136	25	C-2 ZBATT-002 - 730 Tappan Goott
137 138	Doeor	ription and Discussion
139	White Library	
140	Goral	d Mangona (Sigma Phi Epsilon) is requesting Permission to Alter a Non-Conforming
141	Struc	ture to permit the addition of residential dwelling units to a Non-conforming structure.
142		
143	The s	ubject property is located on the northwest corner of Hill and Tappan and is zoned R4C
144	JA H 25%	"I Family The evision conclusion was bill in 1091 and floyed to the oditor of "
145	4000	A - Justing was constructed in 1977 on the Holli Side of the buildings in
146	a SE a cal	lan was approved for a small playator room on the northwest collect of the building.
147		an required energy of from the Zoning Board of Appeals for Fernission to Alexander
148	confo	rming Structure, as well as a variance from the required amount of parking due to the
149	large	number of spaces required by a church use.

Permission to Alter A Non-Conforming Structure and a Variance were granted in September of 1991. The structure is non-conforming for insufficient front setbacks along Tappan and Hill Streets.

### Current proposal:

The owner of the property wishes to convert the existing building, which is currently used as a church, to a fraternity house with a maximum of 44 occupants. No exterior changes are proposed. Existing parking will remain; 9 parking spaces are required by code and 18 spaces (including one barrier free) currently exist. Fraternity houses are allowed in the R4C zoning district subject to Special Exception Use approval by the Planning Commission. This project is scheduled to go before the Planning Commission on March 1<sup>st</sup>. The petitioner has been informed of the preferred timeline of ZBA applications that need Planning Commission approval, but due to their schedule of the project, they have requested a hearing from the ZBA first. If approved by the Planning Commission, the project does not need City Council approval.

### Questions to Staff by the Board

General discussion by the Board regarding the density allowed, number of beds allowed and parking. Further discussion on this being a Planning Commission issue. If this is denied, the "Special Exception Use" by Planning Commission, this could be brought back to the ZBA and revoked.

### Presentation by the Petitioner

Mr. John Kucera, architect and executive with C. F. National Housing Corp., whose purpose is to counsul, provide funding, and provide safe and appropriate housing for its undergraduate members. We've been assisting the Michigan Alpha Alumni Corp. for the past three months to assist them in due diligence under an option to purchase this property. The current owner (the church) is moving on, and we feel that this would be a proper re-use for this structure.

### Questions to the Petitioner by the Board

Questions as to where the organization is currently located. This was answered by alumni.

### **Public Comment**

1. Ms. Jane Cooper of the Housing Corporation of Delta, Delta, Delta sorority, which is located next door to this building. She stated that although the girls don't object to the possibility of having a fraternity next door, I have over fifty years of work experience and knowledge of the interaction of sororities and fraternities. She stated that they are not opposed to this, but they do have questions related to this. Her goal is to establish connections with them and get some assurances in response to their questions.
(Mr. Kucera spoke briefly in response that they plan to be good neighbors and that the "Special Exception" use requires a "Live In" house coordinator).

### Discussion by the Board

It was brought up that many of the questions that the public and the Board may have will most likely be answered within the Planning Commission discussion as there are certain rules that they must adhere to in order to achieve the "Special Exception" use.

### MOTION 202 203 Moved by J. Boggs, Seconded by E. Briggs, "In the case of ZBA11-002, 730 Tappan, the 204 Zoning Board of Appeals grants Permission To Alter A Non-Conforming Structure, 205 based on the established standards for approval and the following findings of fact: 206 207 The alteration complies as nearly as practicable with the requirements of the 208 a) Zoning Chapter, 209 210 b) The alteration will not have a detrimental effect on neighboring property; And, 211 212 c) This also is contingent on being approved by the Planning Commission." 213 214 On a Voice Vote - MOTION TO APPROVE - PASSED - UNANIMOUS 215 Permission To Alter A Non-Conforming Structure - Granted 216 217 OLD BUSINESS - None. D. 218 219 E. NEW BUSINESS - None. 220 221 REPORTS & COMMUNICATIONS - None. 222 F. 223 AUDIENCE PARTICIPATION - GENERAL - None. 224 225 226 ADJOURNMENT 227 Moved by A. Milshteyn, Seconded by J. Boggs, "That the meeting be adjourned." 228 229 On a Voice Vote - MOTION TO ADJOURN - PASSED - UNANIMOUS 230 231 Adjournment - 7:02 p.m. (Submitted by: Brenda Acquaviva, Administrative Specialist V 232 - Zoning Board of Appeals) 233 234 235 andres Brieze 236 237 Candice Briere, Acting Chairperson 238 239 The complete record of this meeting is available in video format at 240 \*Note: http://a2govtv.pegcentral.com/index.php or is available for a nominal fee by contacting CTN at

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(734) 794-6150.



### CITY OF ANN ARBOR

Planning & Development Services

Mailing Address: 301 E. Huron Street, PO Box 8647

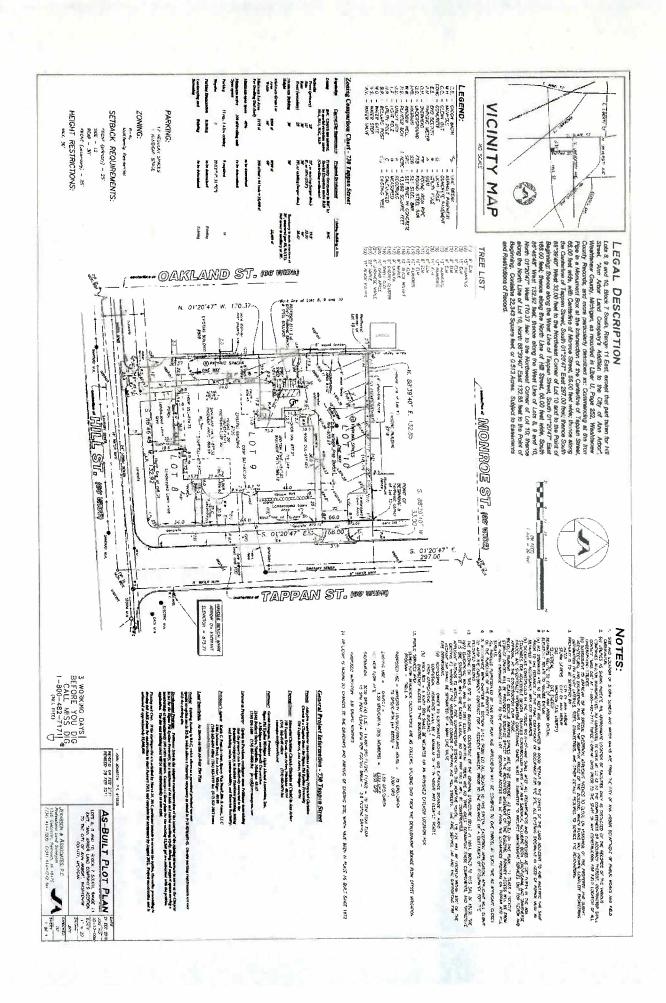
Ann Arbor, MI 48107-8647 Phone - (734) 794-6264 Fax - (734) 994-8460 rentalhousing@a2gov.org

For Inspections Results go to: www.a2gov.org/permits Select "Permits"

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please discuss this with the inspector before signing this form.

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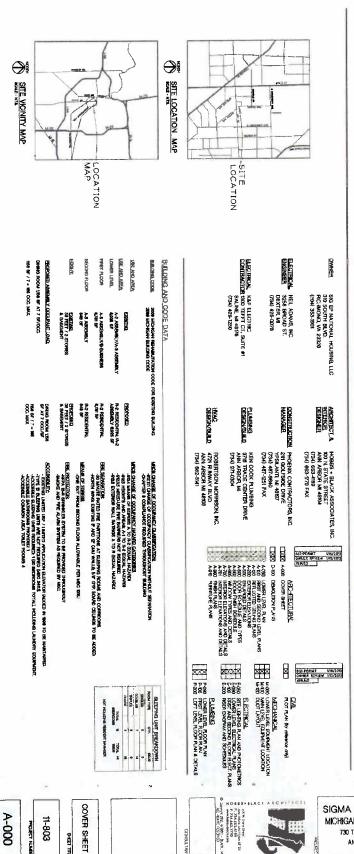


# SIGMA PHI EPSILON

# MICHIGAN ALPHA HOUSE

# 730 TAPPAN STREET ANN ARBOR, MI

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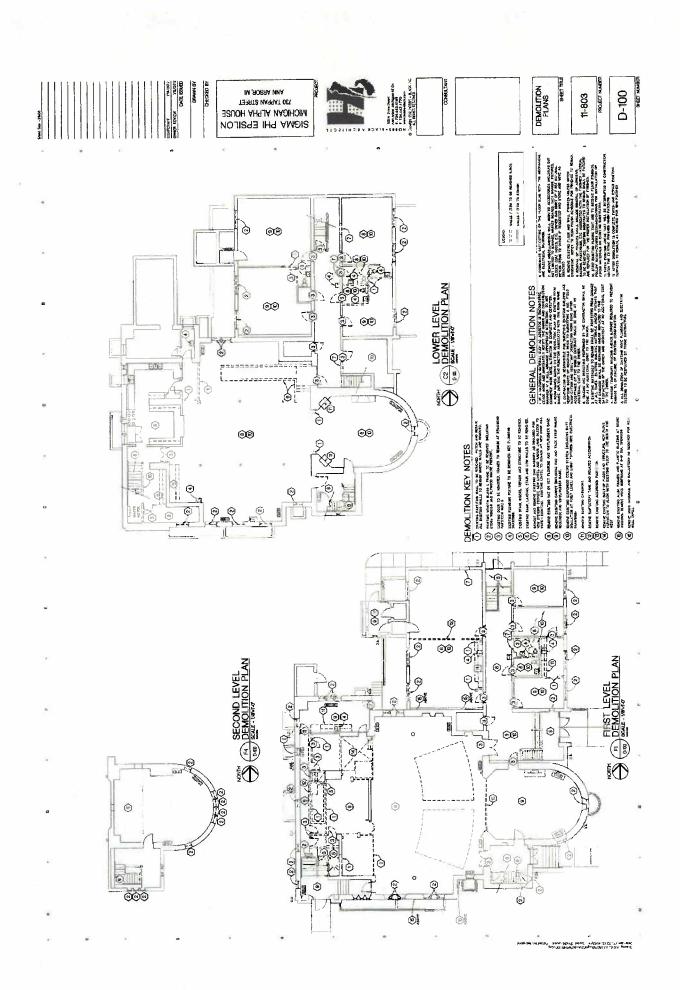


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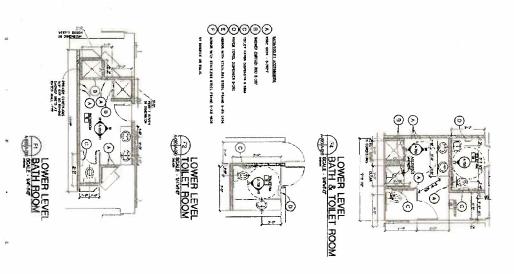
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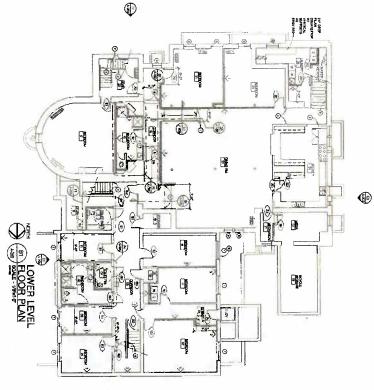


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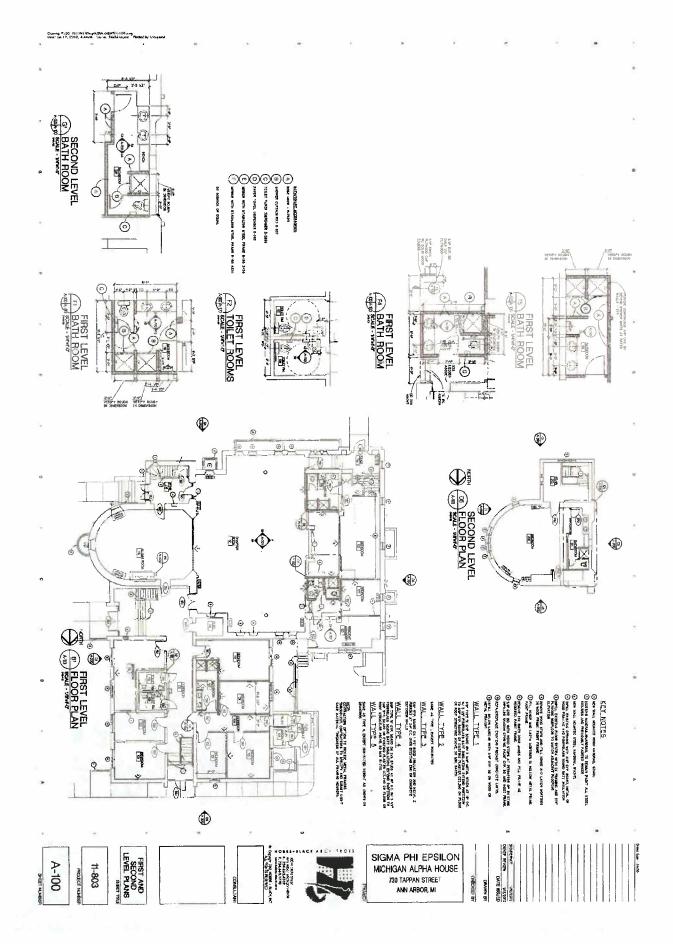
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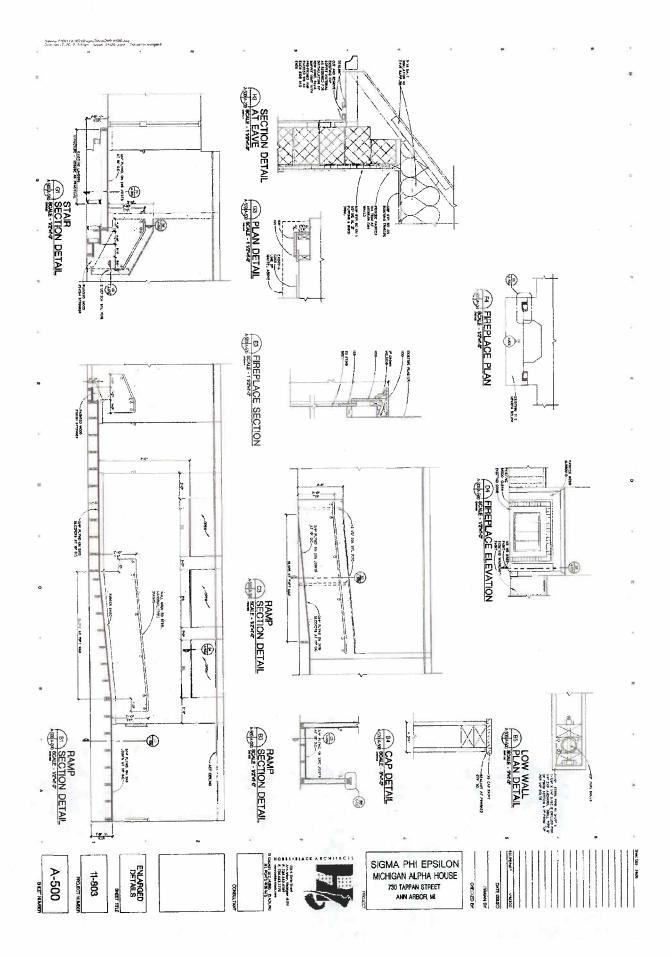
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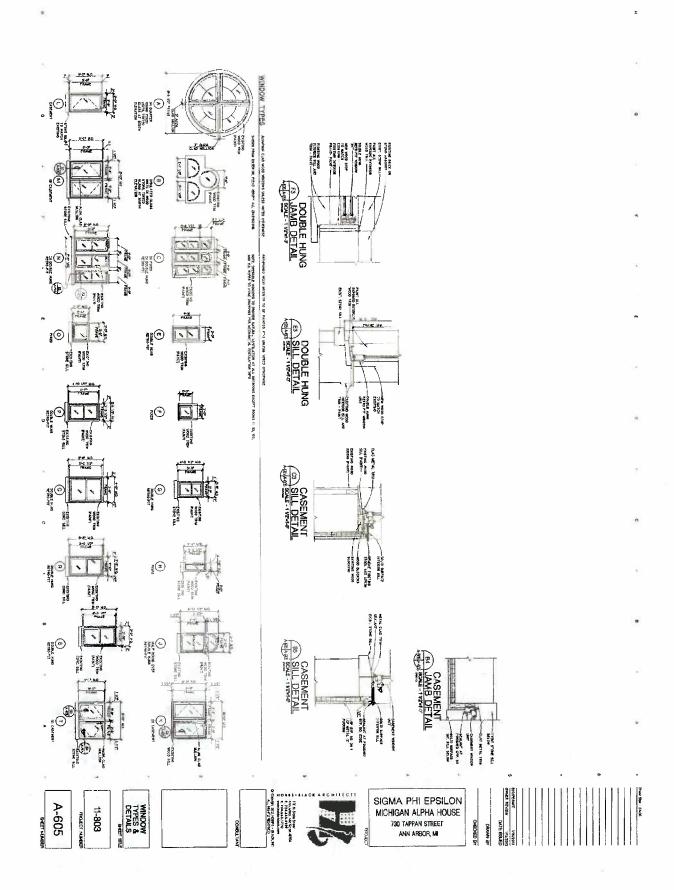
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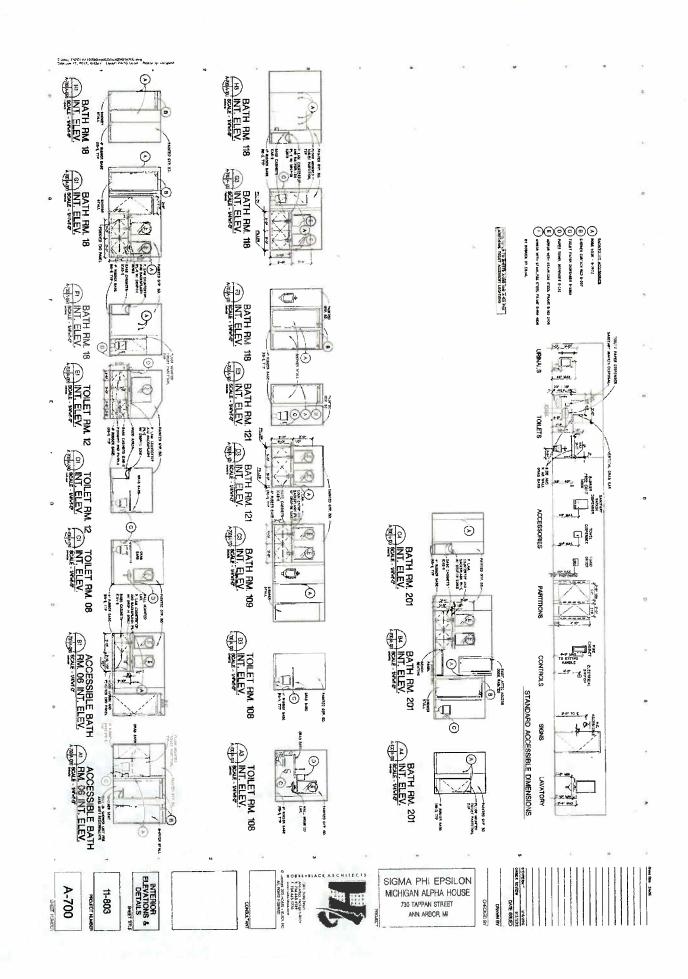


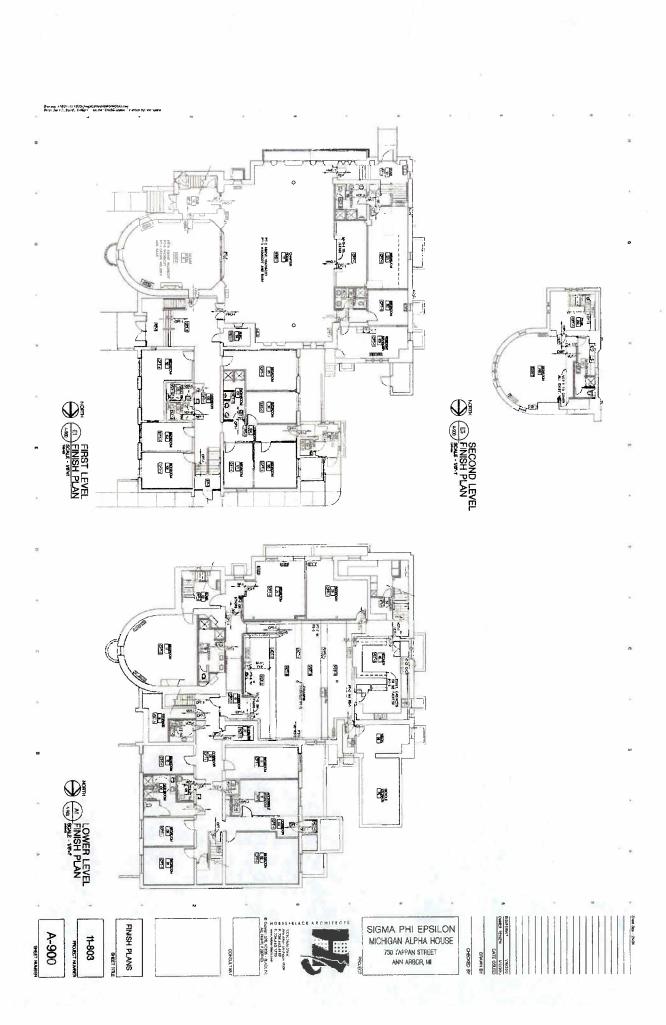


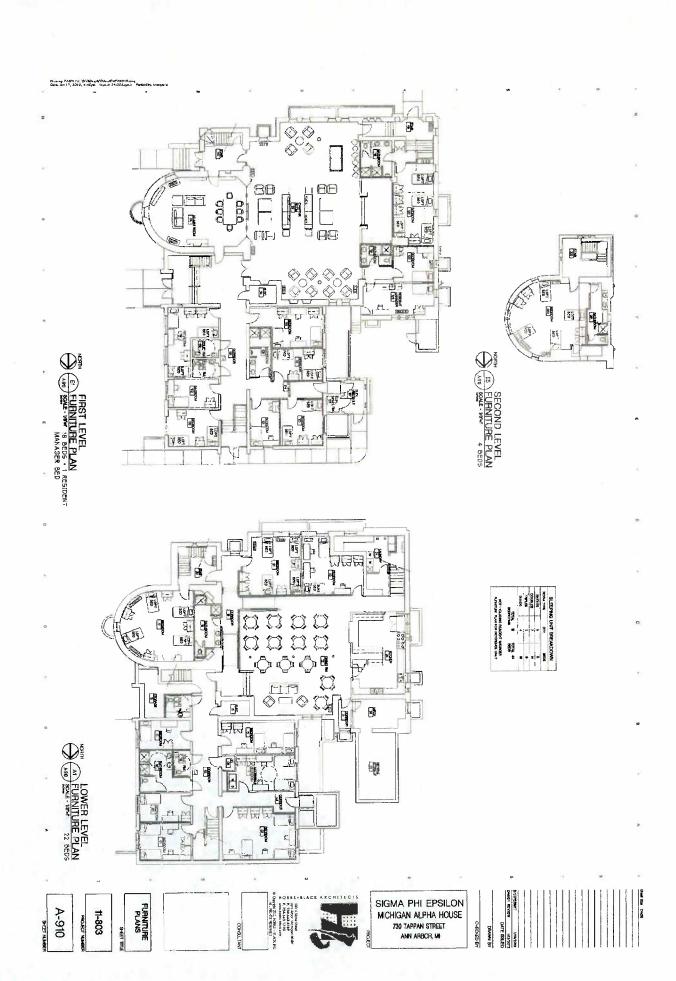
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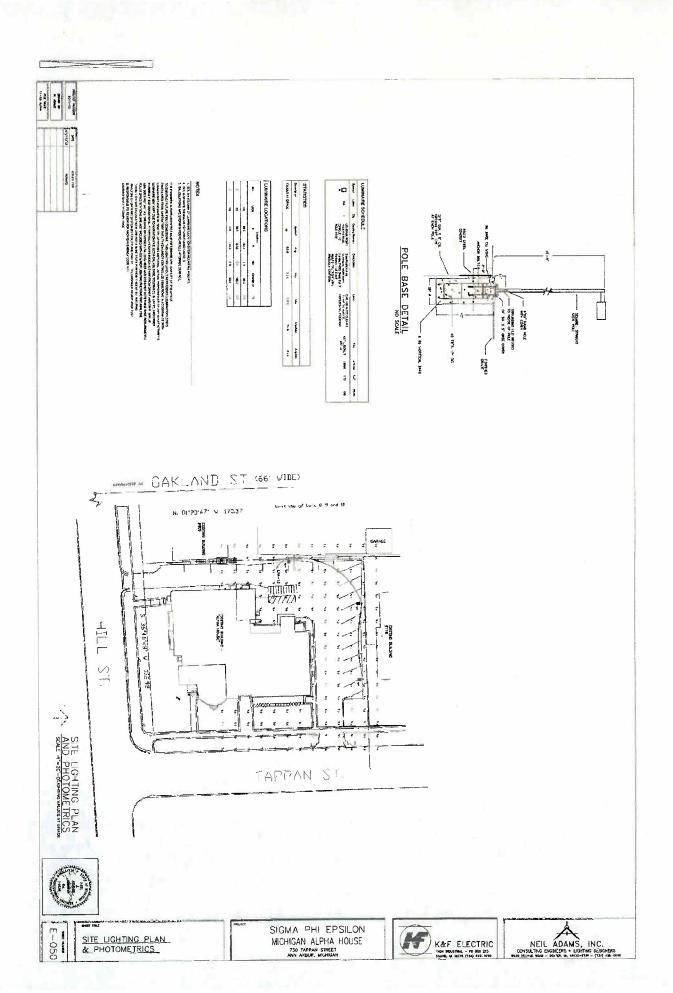
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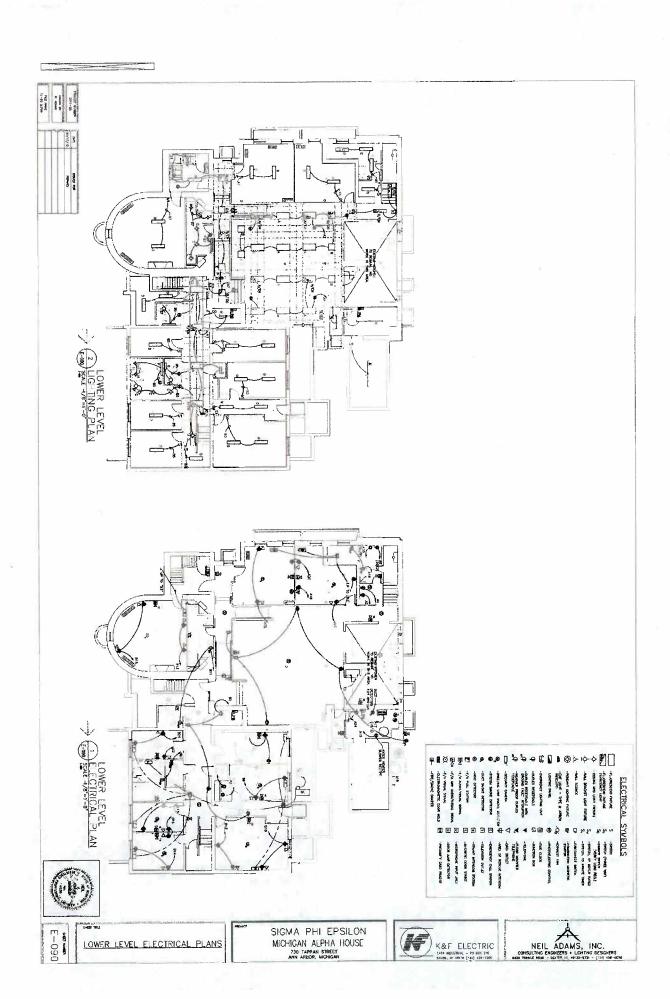


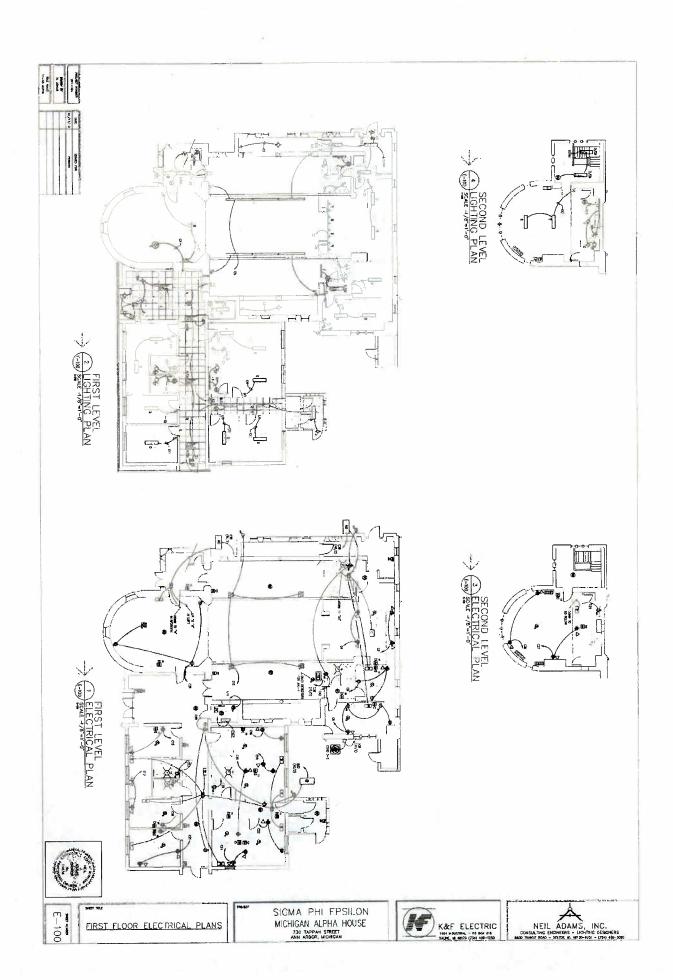


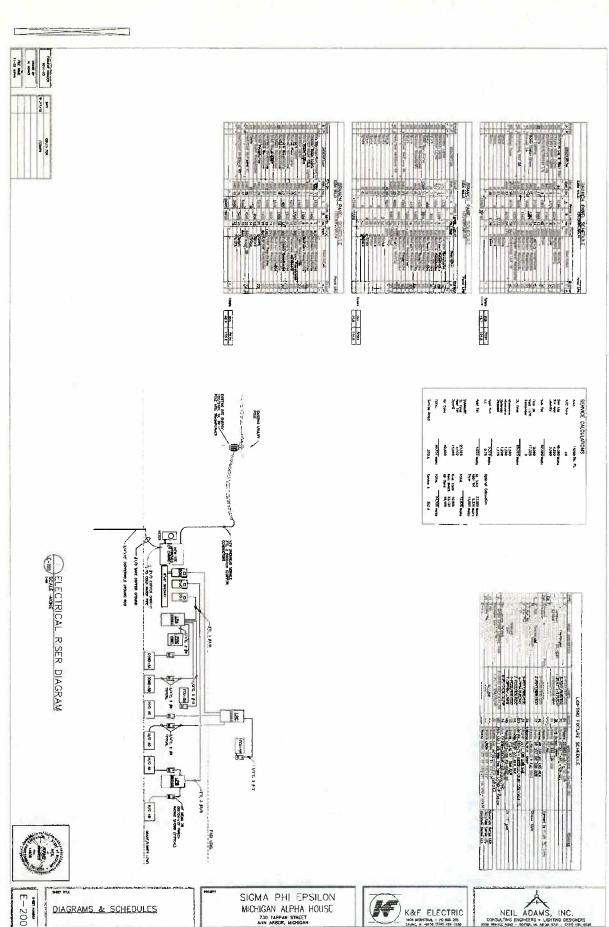














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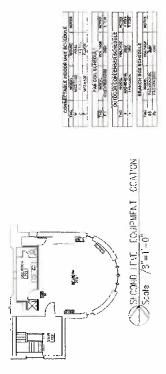
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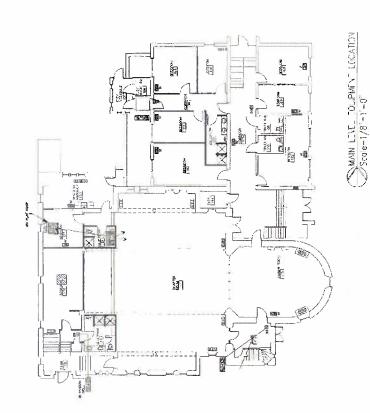


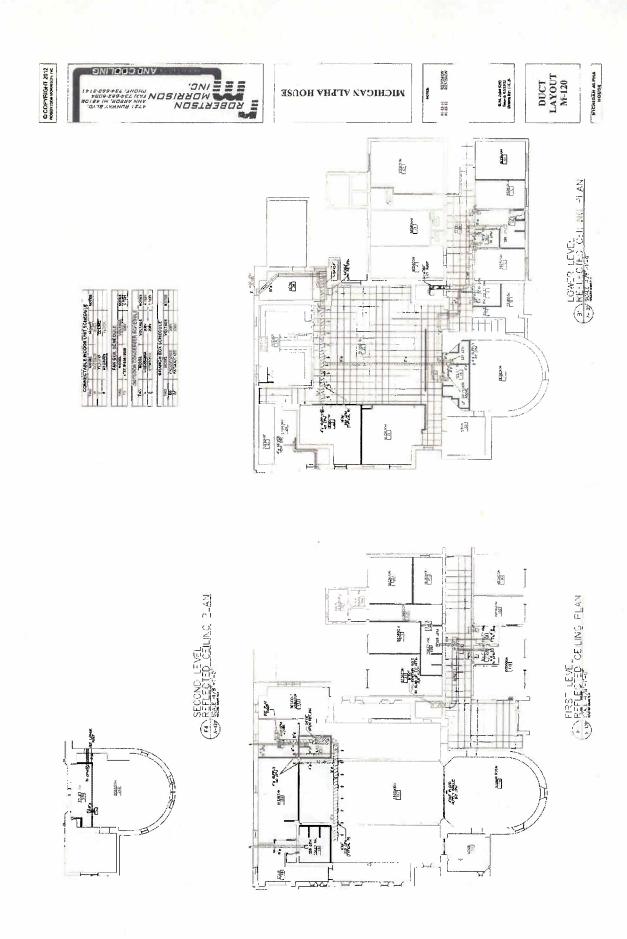
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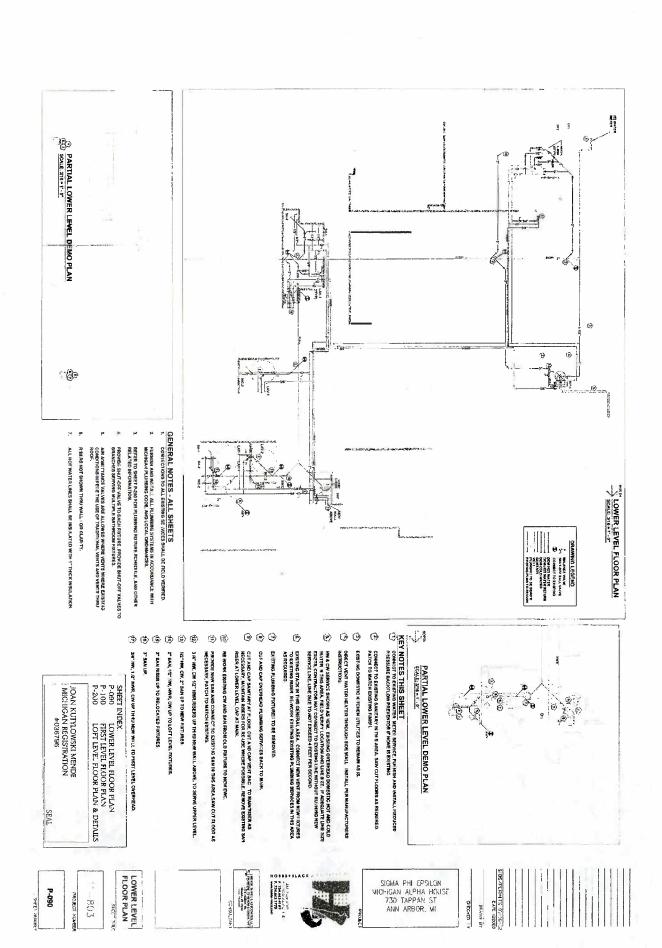


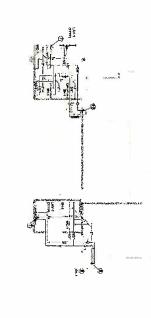
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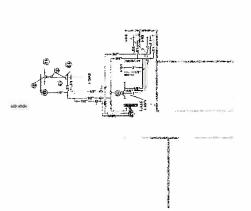








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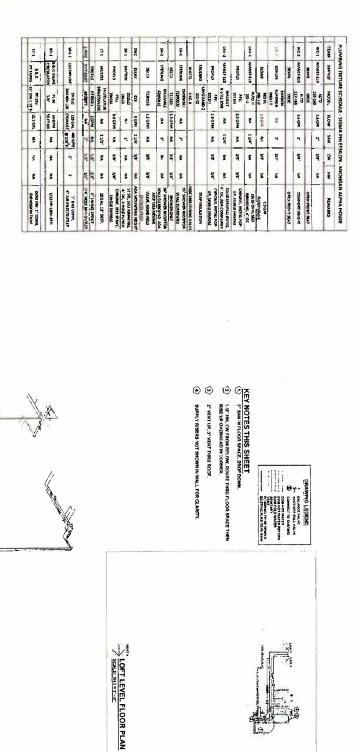


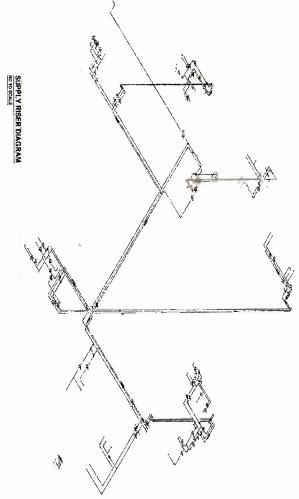
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