

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

11-2-17

Section 1: Applicant Information

Name of Applicant: Theta Chi Building Association of Ann Arbor
Address of Applicant: 40 Alpha Management Group, 6921 Jackson Rd., Suite 100
Daytime Phone: 734 997-9777 ext 107 Ann Arbor, MI 48103
Fax: 734 769-1028
Email: alutes@alphamgmt
Applicant's Relationship to Property: agent

Section 2: Property Information

Address of Property: 1351 Washtenaw Ave.
Zoning Classification: R2B
Tax ID# (if known): 09-09-28-315-021

Section 3: Request Information

Variance

Chapter(s) and Section(s) from which a variance is requested:

8:503 (1)(d)
8:504 (4)(b)(3)

REQUIRED dimension:

80 sq. ft.
9 inches

PROPOSED dimension:

73 sq. ft.
7 1/2 inches

Example: Chapter 105, Section 5:26

Example: 6' 8" Basement Ceiling Clearance Example: 6'6" Basement Ceiling Height

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

See attached.

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?

See attached.

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

See attached.

What effect will granting the variance have on the neighboring properties? _____

See attached.

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?

See attached.

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

See attached.

Section 5: Time Extension

Current use of the property

Explain why you are requesting a time extension:

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.

734-997-9777 ext 107
Phone Number

a1utes@alpha.mg.net
Email Address

Allan P. Lutes
Signature

Allan Lutes, agent
Print Name

STAFF USE ONLY

Date Submitted: <u>11-2-17</u>	Fee Paid: _____
File No.: <u>HBA17-014</u>	Date of Public _____
Hearing <u>12-12-17</u>	<u>12-12-2017</u>
Pre-filing Staff Reviewer & Date _____	HBA Action: _____
Pre-Filing Review: _____	
Staff Reviewer & Date: _____	

ANN ARBOR HOUSING BOARD OF APPEALS

STAFF REPORT

Meeting Date: February 13, 2018

Type of Request: VARIANCE

Housing Board of Appeals Request **HBA17-014** at 1351 Washtenaw Ave, ANN ARBOR, MI 48104.

(Parcel Identification Number: **09-09-28-315-021**)

DESCRIPTION AND DISCUSSION

Property Owners Name and Address:

Theta Chi Building Association of Ann Arbor
2330 Springridge Dr
Ann Arbor, MI 48103

BACKGROUND

The house at 1351 Washtenaw was built in 1930 and appears to be original construction. It is a fraternity, with 3 stories and 22 rooming units. There are 9 rooms on the third floor, 12 on the second and one on the first floor. There is a commercial kitchen in the cellar with a hood suppression system that is inspected annually. The house also has a monitored fire alarm system.

The owners of the residence located at 1351 Washtenaw., Ann Arbor, MI requests two variances:

(1) Stairs from third to second floor

Variance from 8:504(4)(b)(4): The treads shall be not less than 9 inches Deep.

Inspection found that tread depths for the second means of egress are only 7-1/2" deep.

(2) Room size for two sleeping rooms.

Variance from 8:503(1) (d): In a rooming unit, every room occupied for sleeping purposes shall contain the following minimum habitable room area:

One person: 80 square feet.

Two of the units, rooms 207 and 205 are only 73 sq.' and 74 sq.' respectively.

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 from the requirements of Chapter 105.

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 recommends that all variances should be granted.

PROPOSED MOTION

I move to approve the following variances at 1351 Washtenaw Ave:

- (1) Stairs from the second to third floor that have a tread depth of 7-1/2 inches, which does not comply with section 8:504(b)(4);
- (2) Sleeping room size of 73 -74 sq.', which does not comply with section 8:503(1)(d);

The board finds that:

- (1) Practical difficulties or unnecessary hardship exist because the stairs were constructed around 1930, there is no room to make the stairs compliant. The stairs are required as a second means of egress; the main stairway does meet code and is the commonly used stairway.
I would recommend that additional emergency lighting be installed in the stairway to help with traversing the stairs.
The two sleeping rooms do not meet the minimum size requirement per Housing code of 80 sq.' for rooming units but do meet the minimum building code requirement of 70 sq.' The correction would entail a substantial remodel at significant cost and the health and safety benefit is not proportional to the cost.
- (2) The variances do not violate the intent of the chapter because the deviation from the requirements is not excessive, will not cause deterioration of the building, and saves costs to the owner and renter.
- (3) The variances do not jeopardize public health and safety because the deviations are minimal and are not health- or safety-critical.

Variance Application

Owner: Theta Chi Building Association of Ann Arbor

Date: October 25, 2017

Preface: This building was constructed in 1930 for Theta Chi Fraternity. It has been owned continuously by Theta Chi since it was built and has been used as a fraternity throughout its history. The items included in this application were all items that are all original construction. To the best of our knowledge, these conditions have been unchanged since the building's original construction. As such, we request an interpretation from the Housing Board of Appeals as to why a variance is required for these conditions. These items all pre-dated the current versions of the Housing Code. They presumably met any codes that were established at the time the building was constructed. Based on this, these should be considered a legal, non-conforming use that would be grandfathered in under the current versions of the code. We ask that the Housing Board of Appeals state the legal basis in the Housing Code as to why these variances are being required and why these are not legal, non-conforming conditions that should not require a variance.

Variance to 8:503 (1)(d) - In a rooming unit, every room occupied for sleeping purposes shall contain the following minimum habitable room area: One person: 80 square feet.

Background: Variances are requested for rooms 205 and 207, which do not meet the technical definitions of the Housing Code when considering 8:500 (14).

Room 205 is 92.7 square feet, but includes a closet of approximately 8 square feet, additionally, because of the small entrance area is only 2'11 1/2" wide, this area is not included in the technical definition of floor area. This results in a total habitable floor area as calculated under the Housing Code of 73.5 square feet.

Room 207 is 92.8 square feet, but includes a closet of approximately 8 square feet, additionally, because of the small entrance area is only 2'11 wide", this area is not included in the technical definition of floor area. This results in a total habitable floor area as calculated under the Housing Code of 72.9 square feet.

Each of these rooms meets all other Housing Code requirements. Each room is covered by a monitored smoke detection alarm system.

Section 4

Are there any 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?

The construction of both the walls and the ceilings of both of these rooms is concrete and masonry. Relocating walls is not practical as it would result in making other rooms non-conforming. This is original construction that is unique to this property.

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

The requirements of the code cannot be reasonably met for this property without a significant restructuring of the property. We request that these rooms be continued to be allowed to be used as bedrooms as they have been for the past 87 years.

What effect will granting this variance have on the neighboring properties?

This will have no effect on the neighboring properties.

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 building has original concrete and masonry construction that is not easily relocated without causing other problems or code violations.

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

This is a technical violation of an arbitrarily chosen minimum room size of 80 square feet that is required in a rooming unit. A 70 square floor area minimum applies to bedrooms in other residential rental properties. This property has over 10,000 square feet of area with ample alternate space for living, dining, and studying. These rooms do not place any resident in greater danger or in a less safe condition that they would be living in a 70 square foot room.

This is not a self-imposed condition. The condition and the configuration of these rooms date back to 1930 when the building was constructed.

Variance to 8:504 (4)(b)3- The treads [of a stairway] shall be not less than 9 inches deep.

Background: A variance is requested for the north stairway leading from the third floor to the second-floor fire escape. The depth of the treads on this stairway is 7 ½", where the code requires 9 inches. This is an enclosed stairway with fire doors at the top and bottom and is illuminated at levels that meet the Housing Code.

Section 4

Are there any 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?

This stairway is constructed of formed concrete and is original to the construction of this building. The walls and the ceilings of the stairway are constructed of concrete and masonry. Restructuring the stairway could not be accomplished within the existing space. Relocating walls to create a larger area for the stairway is not practical as it would result in a reconfiguration of several rooms, and would result in the loss of approved sleeping rooms.

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

The requirements of the code cannot be reasonably met for this property without a significant restructuring of the property. This is not the primary stair system for the building and is primarily an

emergency exit. We request that these stairs be allowed to be used as they have been for the past 87 years.

What effect will granting this variance have on the neighboring properties?

This will have no effect on the neighboring properties.

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?

These stairs and this building have original concrete and masonry construction that is not easily relocated without causing other problems or code violations.

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

This is not a self-imposed condition. This condition and the configuration of these stairs dates back to 1930 when the building was constructed.

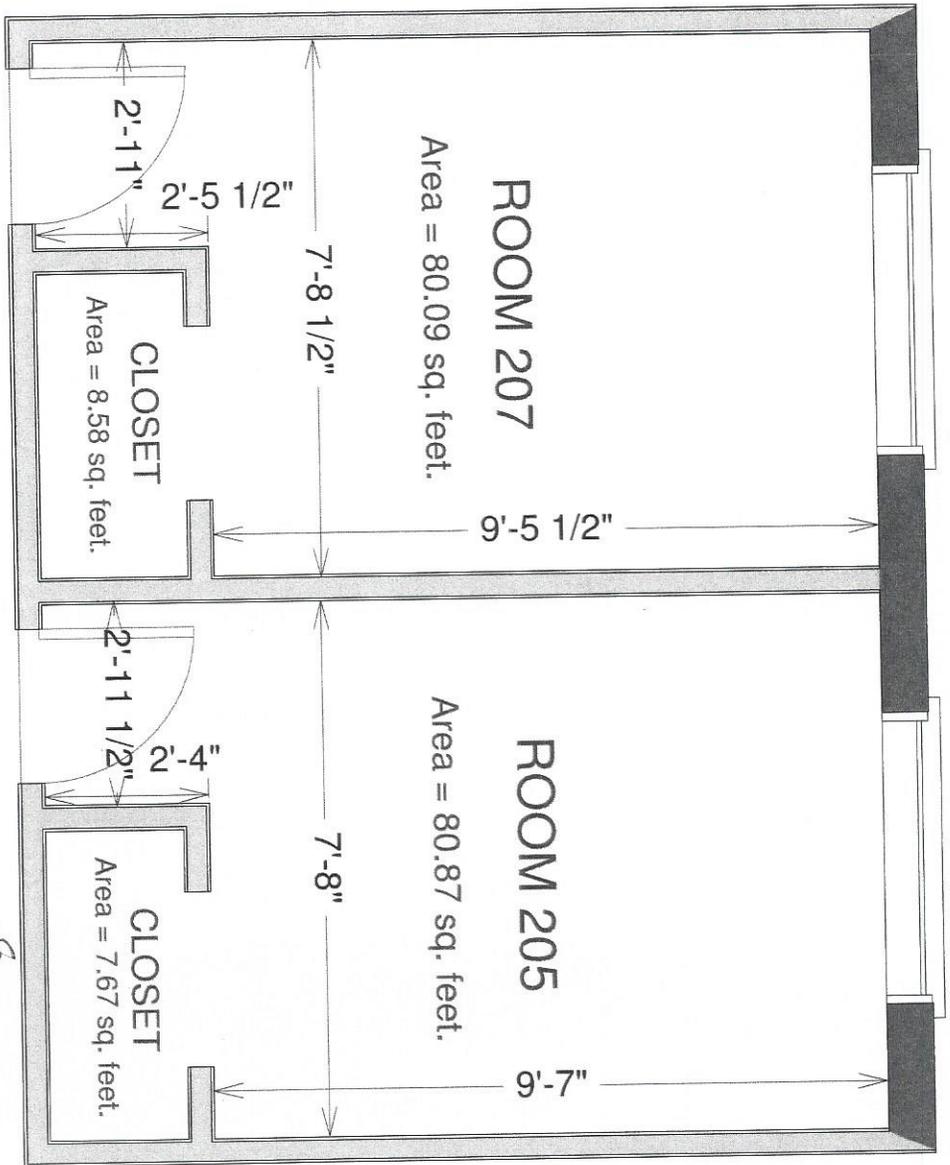
TENANT LIST

- 1 Aldridge, Cornelius
- 2 Berkowitz, Max
- 3 Christedes, Jack
- 4 Cohen, Maxwell
- 5 Cohen, Andrew
- 6 DeDomenico, Jonathan
- 7 Gould, Austin
- 8 Grady, Charles
- 9 Gray, Jackson
- 10 Hagan, Brian
- 11 Hague, Tyler
- 12 Jackett, Connor
- 13 Kane, Stephen
- 14 Kiernan, Teddy
- 15 MacRitchie, Max
- 16 Merer, Gary
- 17 Mizerowski, Andrew
- 18 Morris, William
- 19 Rosell, Christian
- 20 Simonte, Victor
- 21 Wartell, Isaiah
- 22 Zero, Matthew

1351 Washtenaw Avenue.
Ann Arbor Michigan

Alpha Management Group
6921 Jackson Road, Suite 100
Ann Arbor, MI 48103
734-997-9777 ext. 107

DATE: Nov. 7, 2016



Room 207 Area Calculation

113 1/2" x 92 1/2" = 10,498.75 sq. inches
35" x 29 1/2" = 1,032.5 sq. inches
11,531.25 sq. inches divided by 144 = 80.09 sq. feet.
Measurements do not include the area of the closet, which is also within this room

Room 205 Area Calculation

115" x 92" = 10,580 sq. inches
3.5" x 30" = 1,065 sq. inches
11,645 sq. inches divided by 144 = 80.87 sq. feet.
Measurements do not include the area of the closet, which is also within this room