



City of Ann Arbor

PLANNING & DEVELOPMENT SERVICES — PLANNING DIVISION

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April 3, 2013

Lisa Gottlieb
722 Soule Boulevard
Ann Arbor, Michigan 48103

Re: Home Occupation

Dear Ms. Gottlieb:

As we discussed on March 11, 2013, the City recently has received complaints about a variety of activities conducted at your home on 722 Soule. I indicated to you that your home is zoned for single-family residential use, which allows "home occupations." A home occupation is defined as "an accessory use of a nonresidential nature which is performed within a dwelling or within an accessory building, and conducted by members of the family residing in the dwelling and not more than one additional employee."

The SELMA Café that you run out of your home on Friday mornings and concert and happy hour events that take place in your home throughout the week would fit the definition of a home occupation. To comply with the R1D single-family zoning of your property, your home occupation must meet a number of performance standards, which are outlined in Section 5:10.2(4)(c) of the Ann Arbor zoning ordinance. A copy of this section is enclosed.

In reviewing the characteristics of the SELMA Café use described in your website (selmacafe.org), newspaper articles and information provided to City staff from neighbors and Eberwhite School parents, this use does not meet several of the home occupation performance standards. First, the use is conducted by more than members of the family residing in the dwelling. Second, the use generates more than 10 business-related vehicle trips in the vicinity of the home occupation. And finally, the need for parking generated by the use is not being fully met in off-street parking facilities.

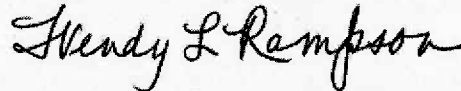
For these reasons, your home occupation(s) are currently in violation of the Ann Arbor zoning ordinance. To resolve this violation, you may discontinue your home occupation or make changes to bring it into compliance with the performance standards, which would substantially reduce the scale of the activity. Another way you may resolve the violation is to relocate these events to an appropriately-zoned location that allows for assembly use and/or a commercial kitchen.

I am in receipt of a letter from your attorney, Nicholas Roumel, and appreciate your interest in reducing the impact of SELMA Café's activities on your neighbors. However, none of the methods suggested by Mr. Roumel to address the traffic and parking problem would bring the current operation into compliance with the ordinance, because traffic and parking is still

being generated by the use, albeit in a more dispersed manner. I'd like to emphasize that the City has received numerous complaints from a variety of sources, including neighbors and parents of Eberwhite students, all of whom are concerned about the concentrated traffic and parking issues that result from SELMA Café's operation.

Please respond by April 15, 2013 with your schedule for discontinuing the SELMA Café use and any other home occupation activities that do not meet the performance standards. I am happy to discuss your relocation options in more detail.

Sincerely,



Wendy L. Rampson
Planning Manager

Enclosure: City of Ann Arbor Home Occupation Standards

c: Nicholas Roumel, Nacht, Roumel, Salvatore, Blanchard & Walker, P.C.
Kristen Larcom, Senior Assistant City Attorney

5:10.2. - R1A, R1B, R1C, R1D, R1E single-family dwelling district.

(1) *Intent.*

- (a) These single-family residential districts are designed to provide an environment of predominantly low-density, single-family detached dwellings, along with other related facilities which serve the residents in the district such as schools, recreational facilities, parks and churches. These districts should be convenient to commercial facilities and public transportation.
- (b) It is the purpose of these districts to encourage the preservation and the continuation of the longstanding residential fabric in existing neighborhoods of predominantly 1-family dwellings, along with other related facilities which serve the residents in these districts.
- (c) Application of the R1D and R1E district in newly developing areas may require a greater degree of services than the less dense 1-family dwelling districts. To assure health, safety and welfare, any future R1D or R1E zoning in newly developing areas should be contingent upon the availability or provision of adequate services to serve such higher densities, in addition to other pertinent planning considerations.

(2) *Permitted principal uses.*

- (a) Single-family dwelling firmly attached to a permanent foundation, connected to a public sewer and water supply. Single-family dwellings in the R1E district shall not exceed 2,000 square feet of floor area.
- (b) Public schools, libraries and cemeteries.

(4) *Permitted accessory uses.*

- (c) Home occupation, subject to the following performance standards:
 - 1. Total floor area devoted to the home occupation in the principal or accessory building shall not exceed 25% of the gross floor area of the dwelling.
 - 2. Outside appearance of premises shall have no visible evidence of the conduct of a home occupation.
 - 3. No outdoor display of goods or outside storage of equipment or materials used in the home occupation shall be permitted.
 - 4. No article or service shall be sold or offered for sale on the premises except those which are produced by such home occupation on the premises.
 - 5. The nature of the home occupation shall not generate more than 10 business-related vehicle trips in any 1 day in the vicinity of the home occupation, and any need for parking generated by the conduct of such home occupation shall be provided offstreet in accordance with the offstreet parking requirements.
 - 6. No equipment or process shall be used in such home occupation which creates noise, dust, vibration, glare, fumes, odors or electrical interference detectable to the normal senses beyond the property boundary.
 - 7. The following are typical examples of uses which often can be conducted within the limits of these restrictions and thereby qualify as home occupations. Uses which may qualify as "home occupations" are not limited to those named in this paragraph (nor does the listing of a use in this paragraph automatically qualify it as a home occupation); accountant, architect, artist, author, consultant, dressmaking, individual stringed instrument instruction, individual tutoring, millinery, preserving and home cooking.
 - 8. The following uses are not permitted as home occupations if conducted as a person's principal occupation and the person's dwelling is used as the principal place of business: vehicle repair or painting, dental office and medical office.

(Ord. No. 6-84, 4-9-84; Ord. No. 22-85, 6-17-85; Ord. No. 11-88, § 1, 3-28-88; Ord. No. 6-91, § 4, 3-18-91; Ord. No. 19-93, § 3, 10-18-93; Ord. No. 27-00, § 1, 8-7-00; Ord. No. 10-34, § 2, 1-3-11)