

**Zoning Board of Appeals
June 24, 2020 Regular Meeting**

STAFF REPORT

Subject: ZBA 20-014; 1502 Long Shore Drive

Summary:

Wladyslaw Fuchs, property owner, is seeking a variance from Section 5.18.5 Averaging an Established Front Building Line. The subject property is zoned R1B, Single-Family and the average front setback is 37 feet 6 inches. The applicant is seeking to reduce the front setback to 30 feet in order to complete an addition that will increase the existing home from 1,016 square feet in size to 2,178 square feet in size with a 200 square foot terrace above the garage.

Background:

The subject property is located west of Pontiac Trail adjacent to the Argo Nature Area and east of the Huron River. The existing residence was constructed in 1951 and is 1,016 square feet in size. The lot size is 10,367 square feet and the home is situated on a peninsula shaped lot.

Description:

The owners are proposing to expand and modernize the existing home. The expansion and improvements include the living room, kitchen and dining room, entry hallway, bedrooms and bathrooms.

Standards for Approval- Variance

The Zoning Board of Appeals has all the power granted by State law and by Section 5.29.12, Application of the Variance Power from the UDC. The following criteria shall apply:

- (a). *That the practical difficulties are exceptional and peculiar to the property of the person requesting the variance and result from conditions which do not exist generally throughout the City.***

The owner states that the property is irregular in size and shape which limits the area in which to effectively construct new additions or improvements to the home. The lot area is small for the R1B zoning district when you apply the average front setback. The proposed renovation and addition to the house is not excessive, and the needs for variance have been limited to an absolute minimum.

- (b). *That the practical difficulties will result from a failure to grant the variance, include substantially more than mere inconvenience, inability to attain a higher financial return, or both.***

Without the variances requested in the present application, the small and narrow shape of the buildable area of the property allows an equally small and narrow footprint of the building, which would also have to be partially two stories high in

order to provide sufficient living space. The shape of such structure would result in a significant cumulative length of external walls, therefore not allowing for a contemporary level of energy efficiency of the structure. A compact, rectangular floor plan and section of the house are necessary to ensure energy conservancy.

- (c). ***That allowing the variance will result in substantial justice being done, considering the public benefits intended to be secured by this Chapter, the individual hardships that will be suffered by a failure of the Board to grant a variance, and the rights of others whose property would be affected by the allowance of the variance.***

The proposed renovation and addition to the house is not excessive, and the needs for variance have been limited to an absolute minimum. The requested variance doesn't exceed the standard front setback of the R1B residential areas, which is 30 ft.

- (d). ***That the conditions and circumstances on which the variance request is based shall not be a self-imposed hardship or practical difficulty.***

The owner states that the limitation of the percentage of the property being buildable is unique in the City. The proposed design of the addition is based on the following objective criteria: neighborhood character, energy efficiency and contemporary design while not excessive in living standards.

- (e). ***A variance approved shall be the minimum variance that will make possible a reasonable use of the land or structure.***

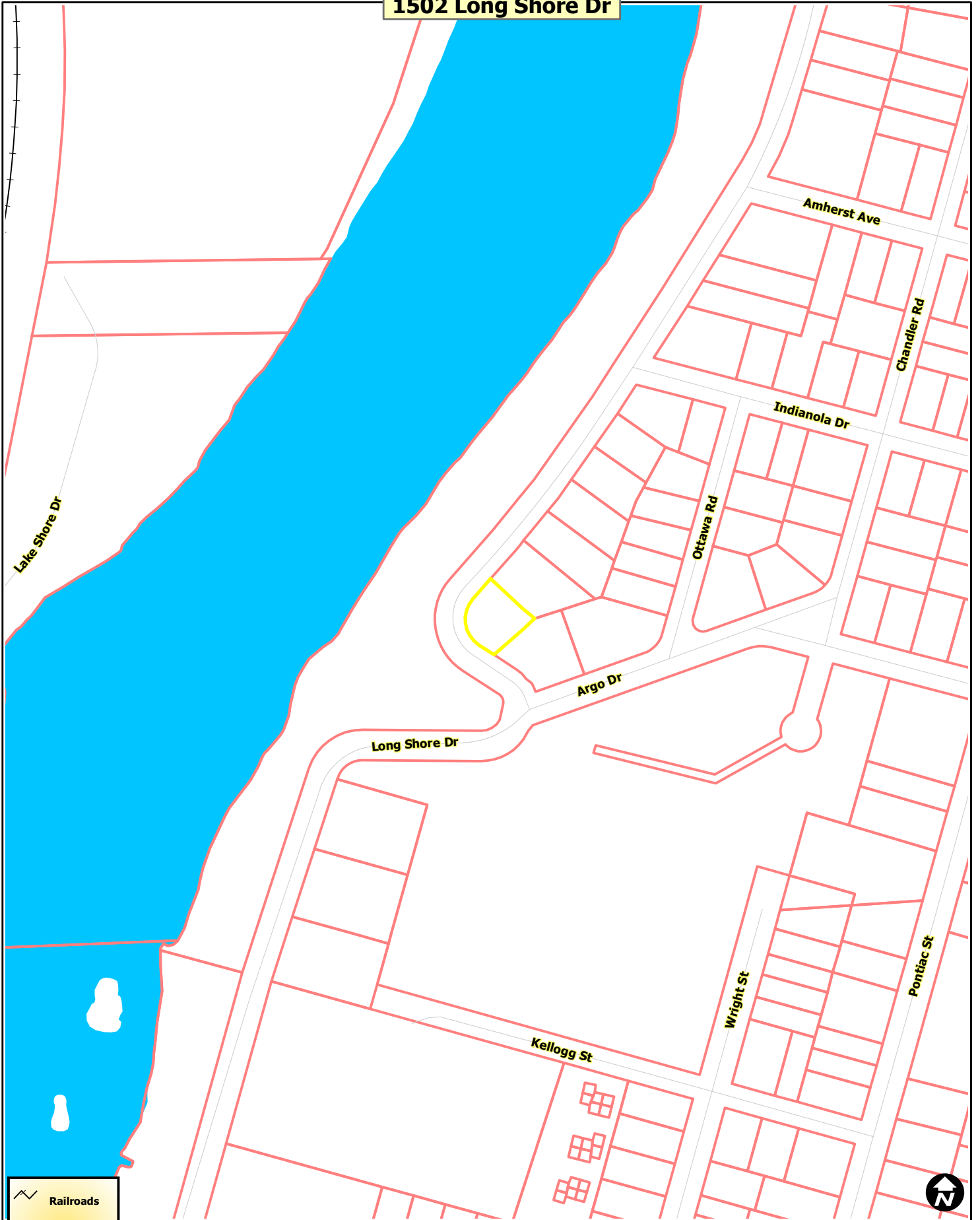
The proposed addition maximizes the use of the space within current setbacks. The requested variance would increase the buildable area to 3,582 sf or 30 % of the property, which is still the lowest percentage found in the neighborhood and the city. It would also remain within the general limitations of the Zoning Code, keeping the front setback at the standard and continuous distance of 30 ft from the Front Lot Line.


Respectfully submitted,


A handwritten signature in blue ink, appearing to read "Jon Barrett". The signature is stylized and cursive.


Jon Barrett
Zoning Coordinator

1502 Long Shore Dr



 Railroads

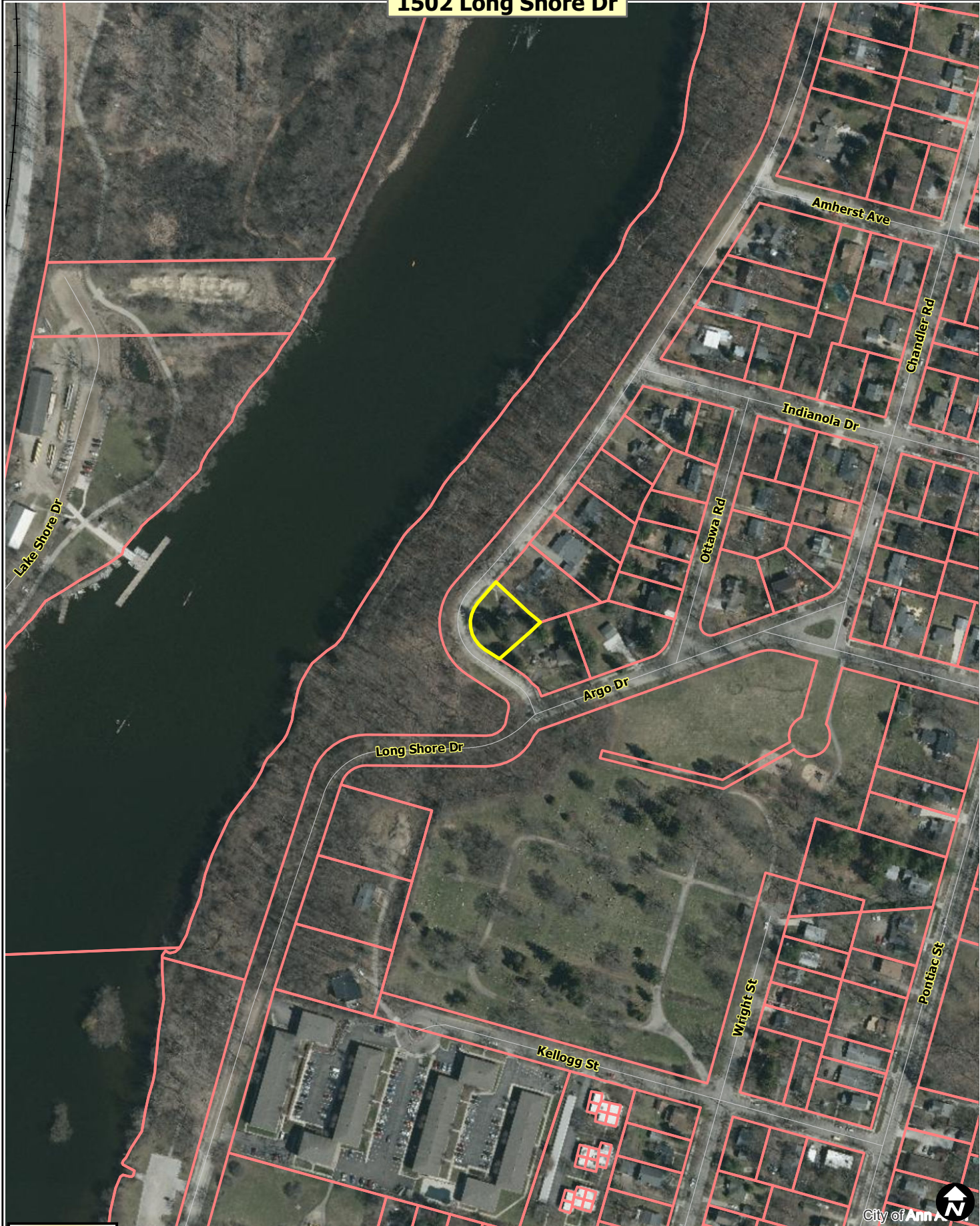
 Huron River



 Tax Parcels



Map date: 6/2/2020
Any aerial imagery is circa 2018 unless otherwise noted
Terms of use: www.a2gov.org/terms

1502 Long Shore Dr





 Railroads
 Tax Parcels



Map date: 6/2/2020
Any aerial imagery is circa 2018 unless otherwise noted
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1502 Long Shore Dr



-  Railroads
-  Tax Parcels



Map date: 6/2/2020
Any aerial imagery is circa 2018 unless otherwise noted
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ZONING BOARD OF APPEALS APPLICATION

City of Ann Arbor Planning Services

City Hall: 301 E Huron Street Ann Arbor, MI 48107-8647

Phone: 734-794-6265 Fax: 734-794-8460 Email: planning@a2gov.org

PROPERTY INFORMATION

ADDRESS OF PROPERTY 1502 Long Shore Dr.		ZIP CODE 48105
ZONING CLASSIFICATION R1B	NAME OF PROPERTY OWNER *If different than applicant, a letter of authorization from the property owner must be provided Wladyslaw and Joanna Fuchs	
PARCEL NUMBER 09-09-21-217-016	OWNER EMAIL ADDRESS fuchsw@udmercy.edu	

APPLICANT INFORMATION

NAME Wladyslaw Fuchs			
ADDRESS 1502 Long Shore Dr.	CITY Ann Arbor	STATE MI	ZIP CODE 48105
EMAIL fuchsw@udmercy.edu		PHONE 248-990-3384	
APPLICANT'S RELATIONSHIP TO PROPERTY Owner			

REQUEST INFORMATION

<input checked="" type="checkbox"/> VARIANCE REQUEST Complete Section 1 of this application	<input type="checkbox"/> REQUEST TO ALTER A NONCONFORMING STRUCTURE Complete Section 2 of this application
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REQUIRED MATERIALS

One hard copy application complete with all required attachments must be submitted. Digital copies of supportive materials included in the submitted hard copy will only be accepted in PDF format by email or accompanying the hard copy application on a USB flash drive.

Required Attachments:

- Boundary Survey of the property including all existing and proposed structures, dimensions of property, and area of property.
- Building floor plans showing interior rooms, including dimensions.
- Photographs of the property and any existing buildings involved in the request.

OFFICE USE ONLY

Fee Paid: ZBA:

DATE STAMP

ACKNOWLEDGEMENT

All information and materials submitted with this application are true and correct.

Permission is granted to City of Ann Arbor Planning Services and members of the Zoning Board of Appeals to access the subject property for the purpose of reviewing the variance request.

Property Owner Signature: Wladyslaw Fuchs

Date: 5.23.2020

Section 1 City of Ann Arbor Planning Services – Zoning Board of Appeals Application

VARIANCE REQUEST

ARTICLE(S) AND SECTION(S) FROM WHICH A VARIANCE IS REQUESTED: (Example: Article 3, Section 5.26)

Article IV Table 5.17-1 Single-Family Residential Zoning District Dimensions.

REQUIRED DIMENSION: (Example: 40' front setback)

Feet: 37 Inches: 6 FRONT SETBACK

PROPOSED DIMENSION: (Example: 32 foot 8 inch front setback)

Feet: 30 Inches: 0 FRONT SETBACK

DESCRIPTION OF PROPOSED WORK AND REASON FOR VARIANCE:

The owner intends to build an addition to the house on a corner property of irregular shape. Current setback lines make the buildable area of the property exceptionally small, comparing to other properties in the neighborhood and the city. See Appendix for further explanation.

The City of Ann Arbor Zoning Board of Appeals has the powers granted by State law and City Code Chapter 55, Section 5:29. A variance may be granted by the Zoning Board of Appeals only in cases involving practical difficulties or unnecessary hardships when all of the following statements are found to be true. Please provide a complete response to each of the statements below.

The alleged practical difficulties are exceptional and peculiar to the property of the Person requesting the variance, and result from conditions that do not exist generally throughout the City.

Due to the irregular size of the property, its small size relative to the zoning classification and its corner location, the buildable area is exceptionally small and of irregular shape, thus drastically limiting the rights of the owners. See Appendix A and B.

The alleged practical difficulties that will result from a failure to grant the variance, include substantially more than mere inconvenience, inability to attain a higher financial return, or both.

The variance, if granted, will allow to modernize the house while maintaining the character of the neighborhood by keeping the house one story high. Without the variance the addition of the second floor would be necessary to allow reasonable amount of space in the house. See Appendix A.

Allowing the variance will result in substantial justice being done, considering the public benefits intended to be secured by this chapter, the practical difficulties that will be suffered by a failure of the Board to grant a variance, and the rights of others whose property would be affected by the allowance of the variance.

Granting the variance will allow to use the property in a way that will be consistent with all residential areas of the neighborhood and the city. It will also benefit the neighborhood, by allowing to upgrade the house in a fitting character. See Appendix A.

The conditions and circumstances on which the variance request is based shall not be a self-imposed practical difficulty.

The limitation of the percentage of the property being buildable is unique in the city. The proposed design of the addition is based on basic, objective criteria: character of the neighborhood, energy efficiency and contemporary, though non excessive, living standards.

A variance approved shall be the minimum variance that will make possible a reasonable use of the land or structure.

The project assumes minimal encroachment on the required setbacks needed to achieve a functional house layout. It keeps it to 30 ft standard front setback in R1B zone. See Appendix A.

Zoning Board of Appeals Application

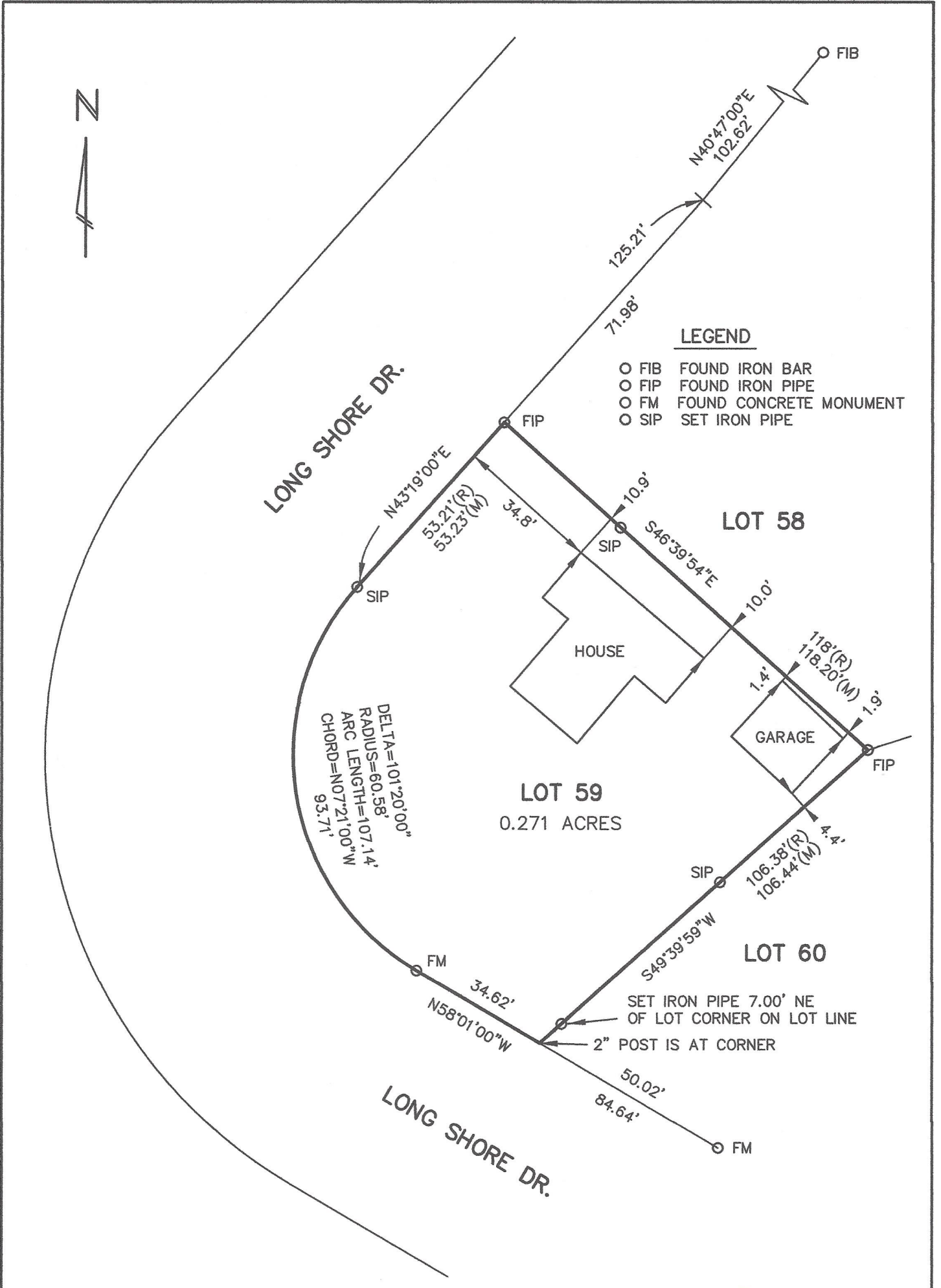
Appendix C

Property: 1502 Longshore Dr. Ann Arbor, MI 48105

Owners: Wladyslaw and Joanna Fuchs

Applicant: Wladyslaw Fuchs

Room schedule existing vs. projected house		
Room	Existing house	Project
Living Room	202 sq. ft.	358 sq. ft.
Dining Room	-	157 sq. ft.
Kitchen	145 sq. ft. w/dining area	152 sq. ft.
Entry Hallway	10 sq. ft.	200 sq. ft.
Bedroom 1	120 sq. ft.	140 sq. ft.
Bedroom 2	80 sq. ft.	133 sq. ft.
Bedroom 3	98 sq. ft.	128 sq. ft.
Office	-	123 sq. ft.
Bathroom 1	58 sq. ft.	58 sq. ft.
Bathroom 2	-	80 sq. ft.



COLEMAN LAND SURVEYING, PLC

4301 SALINE-WATERWORKS, RD.
SALINE, MI. 48176

PH 734-944-3266
FAX 734-944-3263

K.R. Coleman
KENNETH R. COLEMAN
PROFESSIONAL SURVEYOR NO. 37271

CLIENT: WLADEK FUCHS

SECTION 21, TOWN 2 SOUTH, RANGE 6 EAST

SURVEY OF LOT 59,
ASSESSOR'S PLAT NO. 31,
IN THE NW 1/4 OF
SECTION 21, T2S, R6E

CITY OF ANN ARBOR

WASHTENAW COUNTY, MICHIGAN

DATE 5-14-20

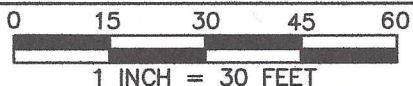
JOB NO. 2263

BOOK 43-3

CAD NO. 2263

SHEET 1 OF 1

FILE NO. 2263

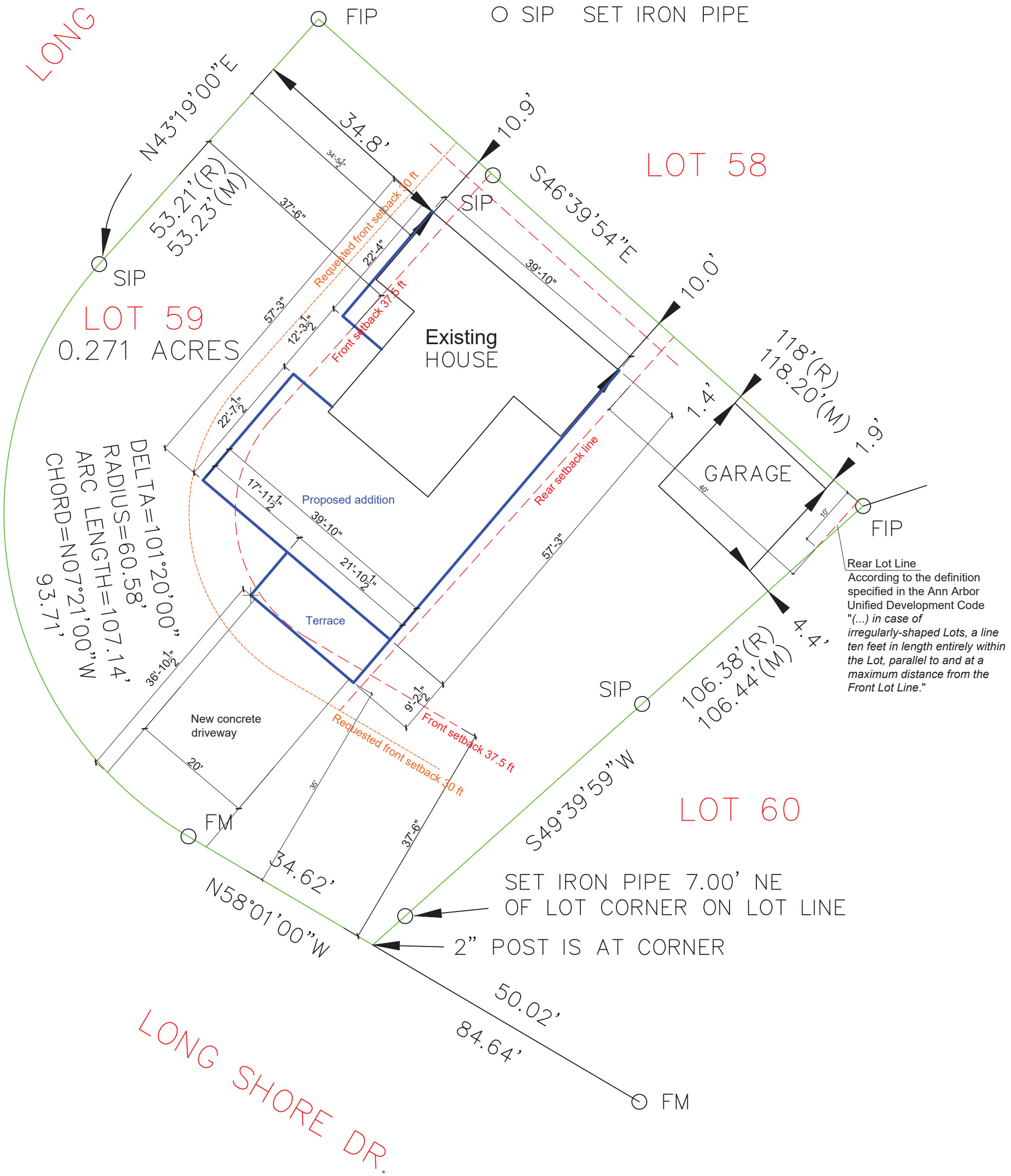


LONG SHORE DR.

71.98'

LEGEND

- FIB FOUND IRON BAR
- FIP FOUND IRON PIPE
- FM FOUND CONCRETE MONUMENT
- SIP SET IRON PIPE

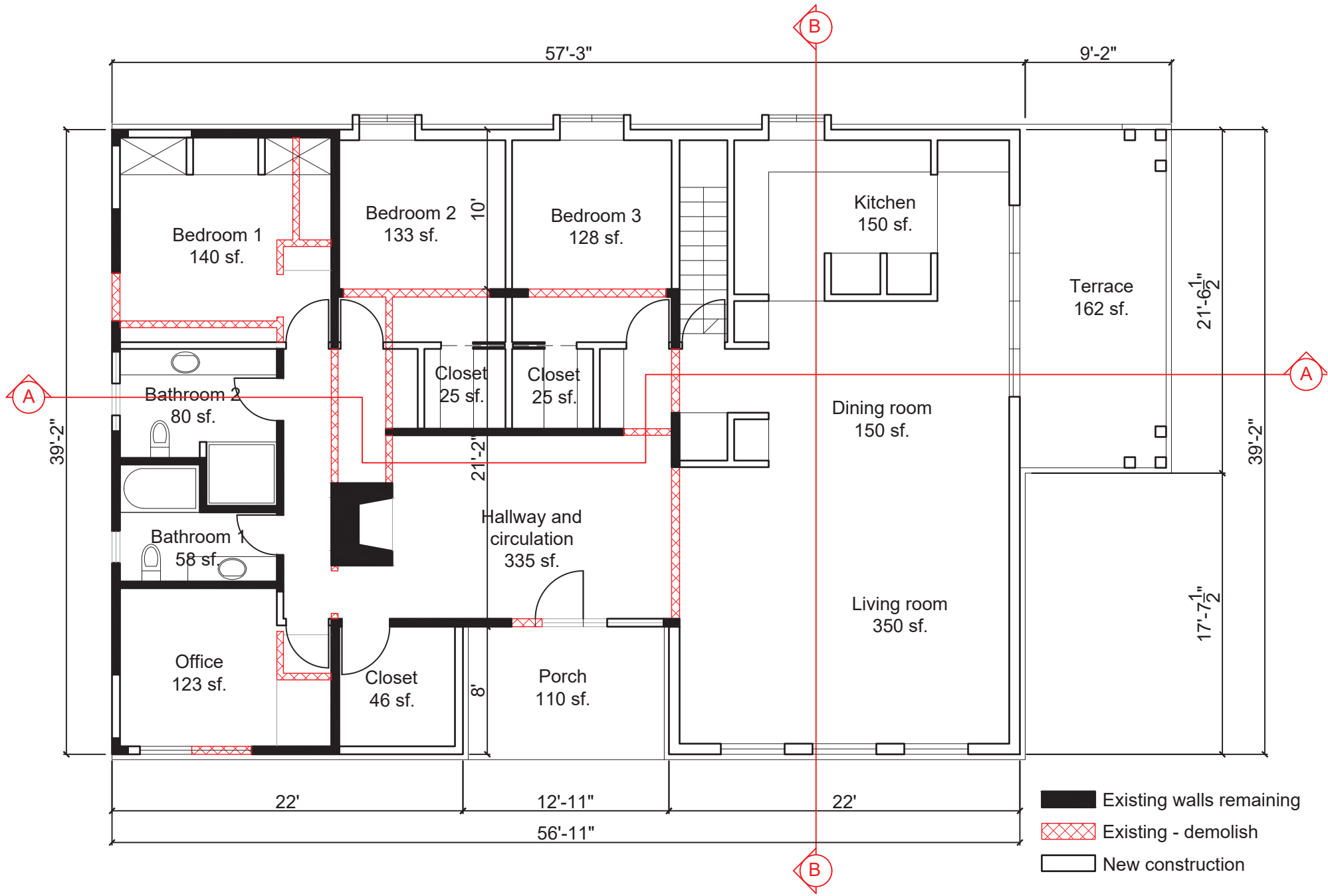


Rear Lot Line
 According to the definition specified in the Ann Arbor Unified Development Code "(...) in case of irregularly-shaped Lots, a line ten feet in length entirely within the Lot, parallel to and at a maximum distance from the Front Lot Line."

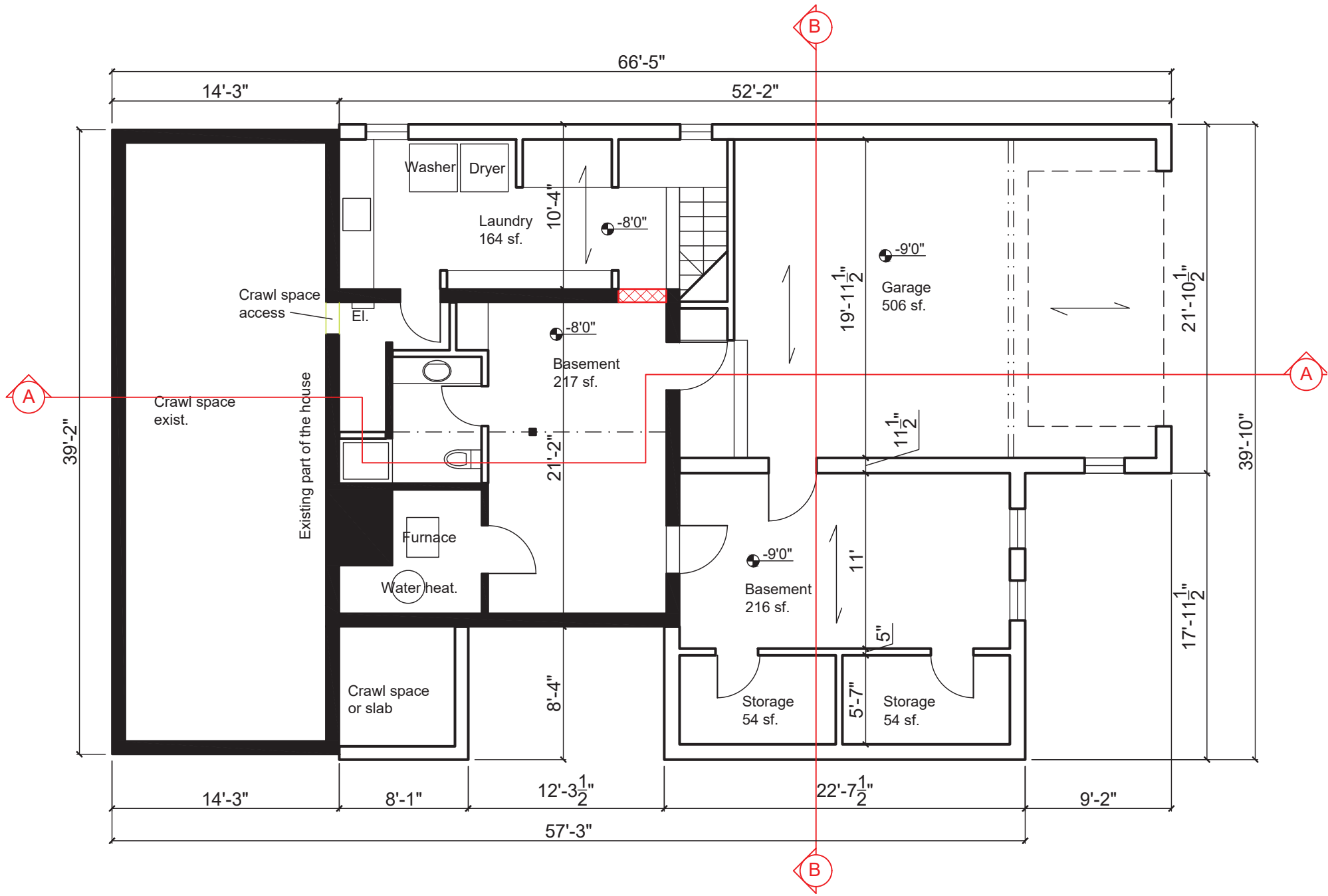
SET IRON PIPE 7.00' NE OF LOT CORNER ON LOT LINE
 2" POST IS AT CORNER

LONG SHORE DR.

1502 Longshore Dr. Ann Arbor 48105 Owners: Wladek and Joanna Fuchs	House addition Preliminary design	Site plan Scale 1"=16'	Drawings not for construction. All dimensions are approximate and must be verified on site.
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<p>1502 Longshore Dr. Ann Arbor 48105 Owners: Wladek and Joanna Fuchs</p>	<p>House addition Preliminary design</p>	<p>1 Floor plan Scale 1"=8'</p>	<p>Drawings not for construction. All dimensions are approximate and must be verified on site.</p>
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<p>1502 Longshore Dr. Ann Arbor 48105 Owners: Wladek and Joanna Fuchs</p>	<p>House addition Preliminary design</p>	<p>Basement plan Scale 1"=8'</p>	<p>Drawings not for construction. All dimensions are approximate and must be verified on site.</p>
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1502 Longshore Dr. Ann Arbor 48105

Owners: Wladek and Joanna Fuchs

House addition
Preliminary design

Elevation West

Scale 1"=8'

Drawings not for construction. All dimensions are approximate and must be verified on site.



1502 Longshore Dr. Ann Arbor 48105

Owners: Wladek and Joanna Fuchs

House addition
Preliminary design

Elevation South

Scale 1"=8'

Drawings not for construction. All dimensions are approximate and must be verified on site.



1502 Longshore Dr. Ann Arbor 48105

Owners: Wladek and Joanna Fuchs

House addition
Preliminary design

Elevation East

Scale 1"=8'

Drawings not for construction. All dimensions are approximate and must be verified on site.

Zoning Board of Appeals Application

Appendix A

Property: 1502 Longshore Dr. Ann Arbor, MI 48105

Owners: Wladyslaw and Joanna Fuchs

Applicant: Wladyslaw Fuchs

DESCRIPTION OF PROPOSED WORK AND REASON FOR VARIANCE:

1. The owners of the property at 1502 Long Shore Dr. would like to renovate the existing house and build an addition to it. The current house is 1,016 sq. ft, after the project has been completed, the new house will be 2,178 sq. ft, with a 200 sq. ft. terrace above the garage.
2. The application proposes the following zoning variance:
 - a. The change of the Front Setback rule from the currently required 37 ft 6 in to 30 ft 0 in.

The alleged practical difficulties are exceptional and peculiar to the property of the Person requesting the variance, and result from conditions that do not exist generally throughout the City.

1. All properties in the city block, with the exception of the one that is the subject of the application, allow at least 31 % of the property size as buildable area, regardless whether they are zoned R1B or R1C. The ratio ranges between 31 % and 50 %, for the average value of 41.25%
2. In the 1502 Longshore Dr. the percentage is 23.5% according to the measurements of the boundary survey (2,787 sf out of 11,852 sf). (see Appendix B attached to the application).
3. Randomly selected properties from around the city, including corner properties, confirm the general rule of between 30% and 50% of the area of the properties being buildable (inside the setback lines).
4. The reason for the exceptional situation is the small size for the R1B Zoning, and nearly square geometry of the corner property which, according to the Zoning Code, must have two front setbacks applied, one rear and one side. Additionally, the front setback of the house on the property 1504 Long Shore Dr. (on the North-East side of the property) is 35 ft. The front setback of the house on the property 1500 Long Shore Dr facing the street is 40 ft. Therefore, according to the code, the required front setback for the property 1502 Long Shore Dr. is the average of the two values: 37.5 ft.
The problem is exacerbated further by the irregular shape of the property, with a wide curve of the Longshore Dr. along the south-west. (see Site Plan)
5. Ultimately, current Zoning regulations, if applied strictly according to the latter of the Code, create a significant inequality in the possible land use between the property at 1502 Longshore Dr. and other properties in the city and the neighborhood.

The alleged practical difficulties that will result from a failure to grant the variance, include substantially more than mere inconvenience, inability to attain a higher financial return, or both.

1. The house on 1502 Longshore Dr. is the last house in the urban block, and of the very few in the neighborhood, which exterior and layout has not been updated probably since it was built. In its current condition, the house is very small (1,016 sf) and outdated, neither fitting with the character of the neighborhood nor meeting contemporary living standards.
2. Without the variances requested in the present application, the small and narrow shape of the buildable area of the property allows an equally small and narrow footprint of the building, which would also have to be partially two stories high in order to provide sufficient living space. The shape of such structure would result in a significant cumulative length of external walls, therefore not allowing for a contemporary level of energy efficiency of the structure. A compact, rectangular floor plan and section of the house are necessary to ensure energy conservancy.

Allowing the variance will result in substantial justice being done, considering the public benefits intended to be secured by this chapter, the practical difficulties that will be suffered by a failure of the Board to grant a variance, and the rights of others whose property would be affected by the allowance of the variance.

1. By equalizing the building opportunities for the property at 1502 Long Shore Dr. with the rest of the neighborhood and the city, the Zoning Board of Appeals will allow the new owners to upgrade the house to the contemporary living standards and have a positive effect on the neighborhood. Strict application of the Article IV Table 5.17-1 Single-Family Residential Zoning District Dimensions would create difficulties in realizing these objectives. The proposed renovation and addition to the house is not excessive, and the needs for variance have been limited to an absolute minimum. The requested variance doesn't exceed the standard front setback of the R1B residential areas, which is 30 ft.

The conditions and circumstances on which the variance request is based shall not be a self self-imposed practical difficulty.

1. The question has been answered in the application form.

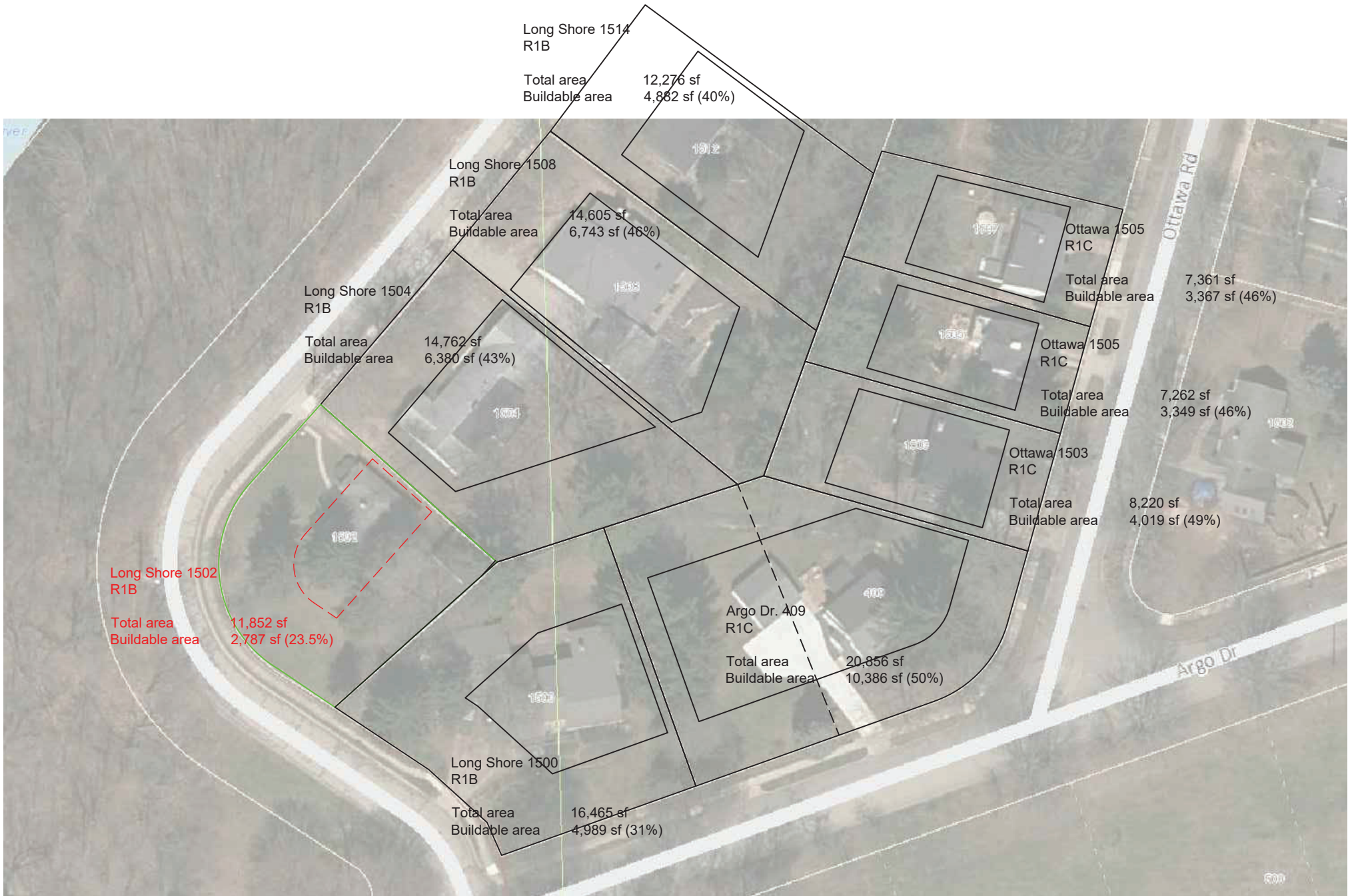
A variance approved shall be the minimum variance that will make possible a reasonable use of the land or structure.

1. The proposed addition maximizes the use of the space within current setbacks. The requested variance would increase the buildable area to 3,582 sf or 30 % of the property, which is still the lowest percentage found in the neighborhood and the city. It would also remain within the general limitations of the Zoning Code, keeping the front setback at the standard and continuous distance of 30 ft from the Front Lot Line.

Thank you for your consideration



Wladyslaw Fuchs



1502 Longshore Dr. Ann Arbor 48105

Owners: Wladek and Joanna Fuchs

Zoning Variance Application
Appendix B

Analysis

Scale 1"=64'

Analysis of the percentage of the buildable area
Neighborhood properties - examples.





