

**Zoning Board of Appeals  
February 22, 2012 Regular Meeting**

**STAFF REPORT**

**Subject: ZBA12-001, 2309 Brockman Boulevard**

**Summary:** Jerome Winegarden is requesting permission to alter a non-conforming structure (Chapter 55, Zoning, Section 5:87), from the Zoning Board of Appeals in order to allow expansion of an existing single-family structure within the required rear open space.

**Description and Discussion:**

The subject parcel is located on Brockman, just north of E. Stadium and contains a 2,414-square foot, single-family dwelling constructed in 1940. The parcel is conforming for lot size (11,645 sf; required is 10,000 sf) and zoned R1B (Single-Family). The existing house is non-conforming because the house encroaches into the required rear setback 7 feet. The required rear setback is 40 feet, and the house is setback 33 feet from the rear property line.

The petitioner is proposing to construct a 6 foot 4 inch by 20 foot 4 inch, 130-square foot addition to the existing house. The proposed addition will be located behind the existing garage and will not be built any closer to the rear property line than the existing enclosed porch along the rear of the house. The new addition will be 33 feet (required setback is 40 feet) from the rear property line and 6 feet from the side property line (required setback is 5 feet) and will match the roofline of the existing house.

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

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:

***The alteration complies as nearly as practicable with the requirements of the Zoning Chapter and will not have a detrimental effect on neighboring property.***

The proposed addition is minimal in size (130 sf) and extends 6 feet 4 inches from the rear of the existing garage into the rear setback. The addition will not extend any closer to the rear property line than the existing structure. The property is adjacent to the Tappan School parking lot to the rear (east), will be over 6 feet from the closest side (north) property line and will not be visible from the street. The addition will only be visible by the adjacent neighbor to the north and this neighbor has submitted a signed letter of support for the project.

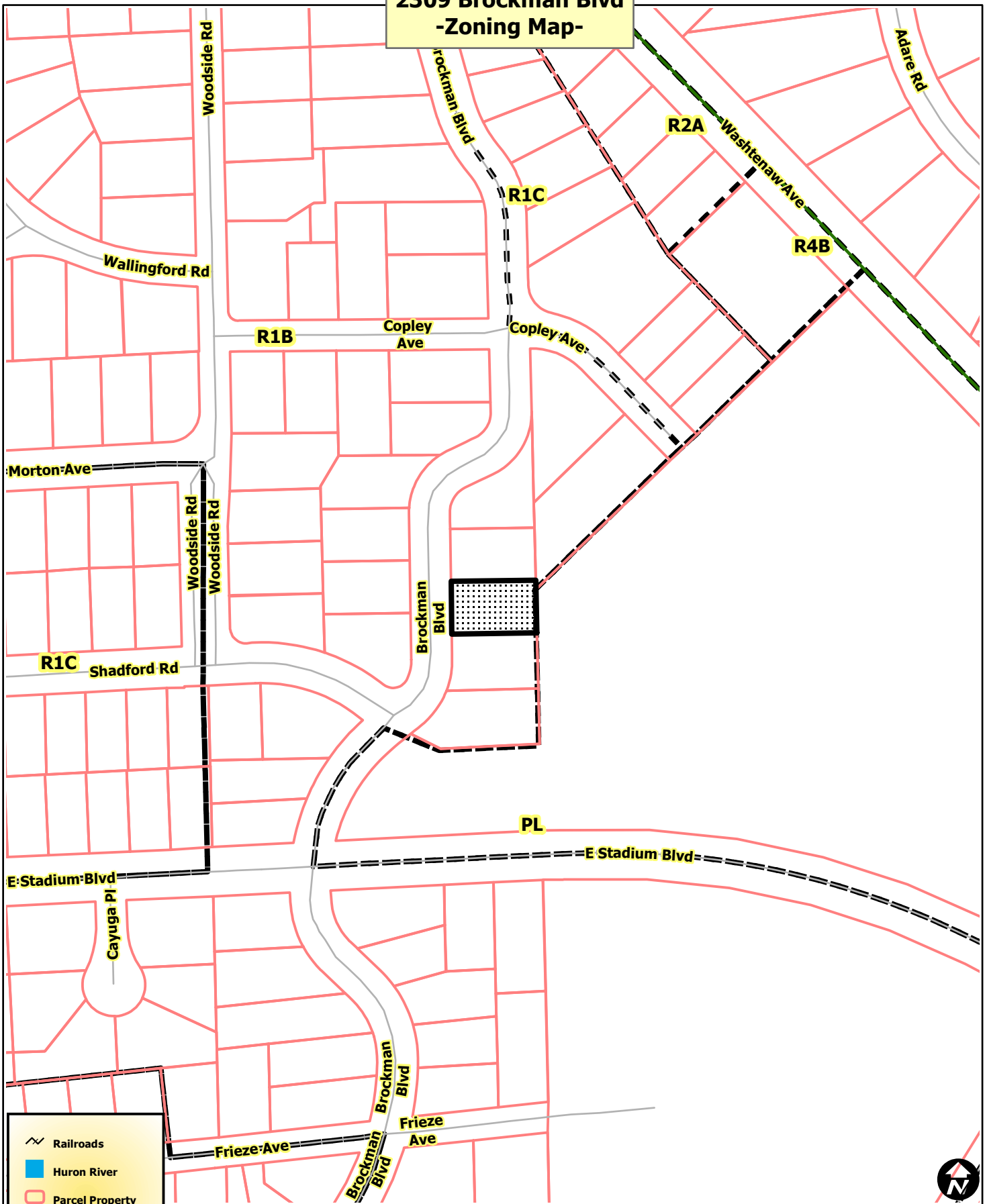
Zoning Board of Appeals  
Permission to Alter a Non-Conforming Structure  
February 22, 2012 - Page 2

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'M. Kowalski', written in a cursive style.

**Matthew J. Kowalski, AICP**  
**City Planner**

# 2309 Brockman Blvd -Zoning Map-





- Railroads
- Huron River
- Parcel Property
- Township
- City of Ann Arbor



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 Map Created: 2/7/2012

**2309 Brockman Blvd  
-Aerial Map-**



-  Railroads
-  Huron River
-  Parcel Property



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 Map Created: 2/7/2012

# APPLICATION FOR VARIANCE OR NON-CONFORMING STRUCTURE ZONING BOARD OF APPEALS

ZBA12-001

### Section 1: Applicant Information

Name of Applicant: Jerome D. Winegarden  
 Address of Applicant: 2309 Brockman Blvd. Ann Arbor 48104  
 Daytime Phone: 734 255-1149  
 Fax: —  
 Email: jdwinegarden@gmail.com  
 Applicant's Relationship to Property: owner

### Section 2: Property Information

Address of Property: 2309 Brockman Blvd.  
 Zoning Classification: Residential  
 Tax ID# (if known): \_\_\_\_\_  
 \*Name of Property Owner: Jerome D. Winegarden

*\*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:
_____	_____	_____
_____	_____	_____
_____	_____	_____
<i>Example: Chapter 55, Section 5:26</i>	<i>Example: 40' front setback</i>	<i>Example: 32'</i>

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

\_\_\_\_\_

\_\_\_\_\_

### Section 4: VARIANCE REQUEST (If not applying for a variance, skip to section 5)

The City of Ann Arbor Zoning Board of Appeals has the powers granted by State law and City Code Chapter 55, Section 5:98. 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 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 Zoning Board of Appeals. (continued...)

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?

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

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3. What effect will granting the variance have on the neighboring properties?

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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?

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

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### Section 5: ALTERATION TO A NON-CONFORMING STRUCTURE

Current use of the property SINGLE FAMILY

The proposed change is allowed in accordance with Structure Non-Conformance, Section 5:87 (1) (a) & (b), which reads as follows:

- (1) A non-conforming structure may be maintained or restored, but no alteration shall be made to a non-conforming structure unless one of the following conditions is met:
  - a. The alteration is approved by the Zoning Board of Appeals upon 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.
  - c. The structure is considered non-conforming due to the following reasons

(continued . . . . .)

Existing Condition

Code Requirement

- Lot area \_\_\_\_\_
- Lot width \_\_\_\_\_
- Floor area ratio \_\_\_\_\_
- Open space ratio \_\_\_\_\_
- Setbacks REAR 33'-0" 40'-0" (R1B)
- Parking \_\_\_\_\_
- Landscaping \_\_\_\_\_
- Other \_\_\_\_\_

Describe the proposed alterations and state why you are requesting this approval:

We would like to add a small mudroom and garage storage area to the space behind our existing garage. This addition would extend to the edge of our existing house, which is non-conforming. We intend, also, to rework the rear drainage by creating a swale in the yard and pulling the grades away from the house.

The alteration complies as nearly as is practicable with the requirements of the Chapter and will not have a detrimental effect on neighboring property for the following reasons:

- East: This line is directly adjacent to Tappan's parking lot
- South: The new addition would be completely hidden by the existing house
- North: This residence is more than 35' away and 20' forward of the proposed addition. They are also up the hill from us.

Wherefore, Petitioner requests that permission be granted from the above named Chapter and Section of the Ann Arbor City Code in order to permit an addition to the rear of our garage, allowing us to extend into the rear setback only as far as our existing non-conforming structure. This non-conforming structure is 33' from the rear line.

**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 Zoning 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.** (Continued.....)

- 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.
- Any other graphic or written materials that support the request.

**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.

234 255 1149  
 Phone Number \_\_\_\_\_ Signature \_\_\_\_\_  
 jd.winegarden@gmail.com \_\_\_\_\_  
 Email Address \_\_\_\_\_ Print Name \_\_\_\_\_

I, 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.

\_\_\_\_\_  
 Signature

Further, I hereby give City of Ann Arbor Planning & Development Services unit staff and members of the Zoning Board of Appeals permission to access the subject property for the purpose of reviewing my variance request.

\_\_\_\_\_  
 Signature

**I have received a copy of the informational cover sheet with the deadlines and meeting dates and acknowledge that staff does not remind the petitioner of the meeting date and times.**

\_\_\_\_\_  
 Signature

On this 23<sup>rd</sup> day of January, 2012, 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.

Deborah S McNeilance  
 Notary Public of Michigan  
 Oakland County  
 Expires 07/30/2013

\_\_\_\_\_  
 Notary Public Signature

Notary Commission Expiration Date (see above)

Deborah S McNeilance  
 Print Name

**Staff Use Only**

Date Submitted: 1/24-2012 Fee Paid: \$500.00  
 File No.: ZBA12-001 Date of Public Hearing: 2/22-2012  
 Pre-filing Staff Reviewer & Date \_\_\_\_\_ ZBA Action: \_\_\_\_\_  
 Pre-Filing Review: \_\_\_\_\_  
 Staff Reviewer & Date: \_\_\_\_\_



Lisa Markman and Jay Winegarden  
2309 Brockman  
Ann Arbor, MI 48104

January 23, 2012

Matt Kowalski, Zoning Administrator  
City of Ann Arbor  
301 E. Huron  
Ann Arbor, MI 48104

Dear Mr. Kowalski

We the undersigned, Lisa Markman and Jay Winegarden, hereby authorize Mary Kalmes, Architect to act as our agent regarding our application to the Zoning Board of Appeals for the Application for Variance dated \_\_\_\_\_ and to receive copies of all correspondence from the City relating to this application. This authorization is valid until further written notice from the undersigned.

Thank you for your cooperation in this matter.

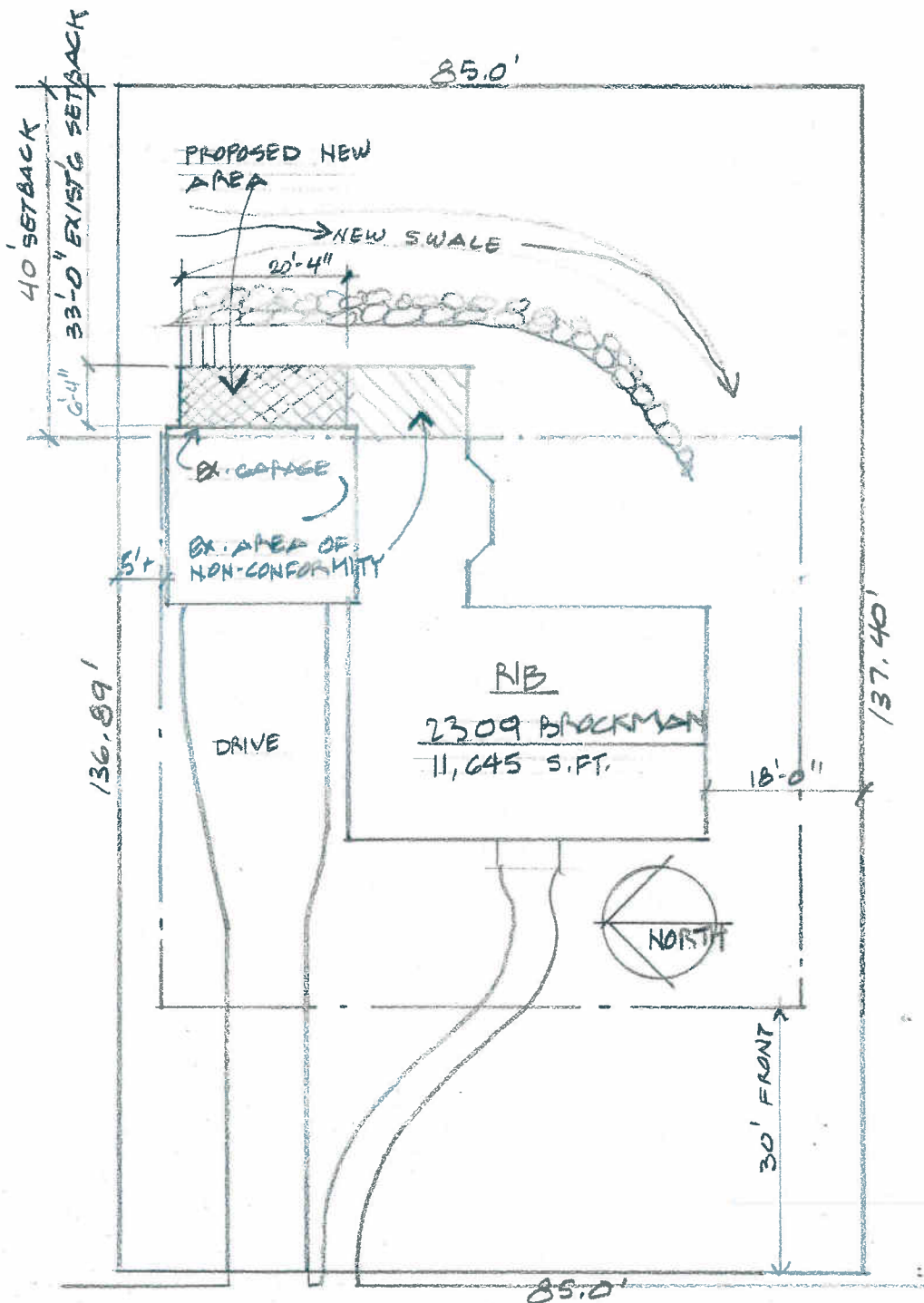
Sincerely,

  
Lisa Markman

  
Jay Winegarden

Cc: Mary Kalmes

TAPPAN PARKING



85.0'

40' SETBACK  
33'-0" EXIST'G SETBACK

PROPOSED NEW AREA

NEW SWALE

20'-4"

EX. GARAGE

EX. AREA OF NON-CONFORMITY

5'

RIB

2309 BROCKMAN  
11,645 S.F.T.

DRIVE

18'-0"



30' FRONT

137.40'

85.0'

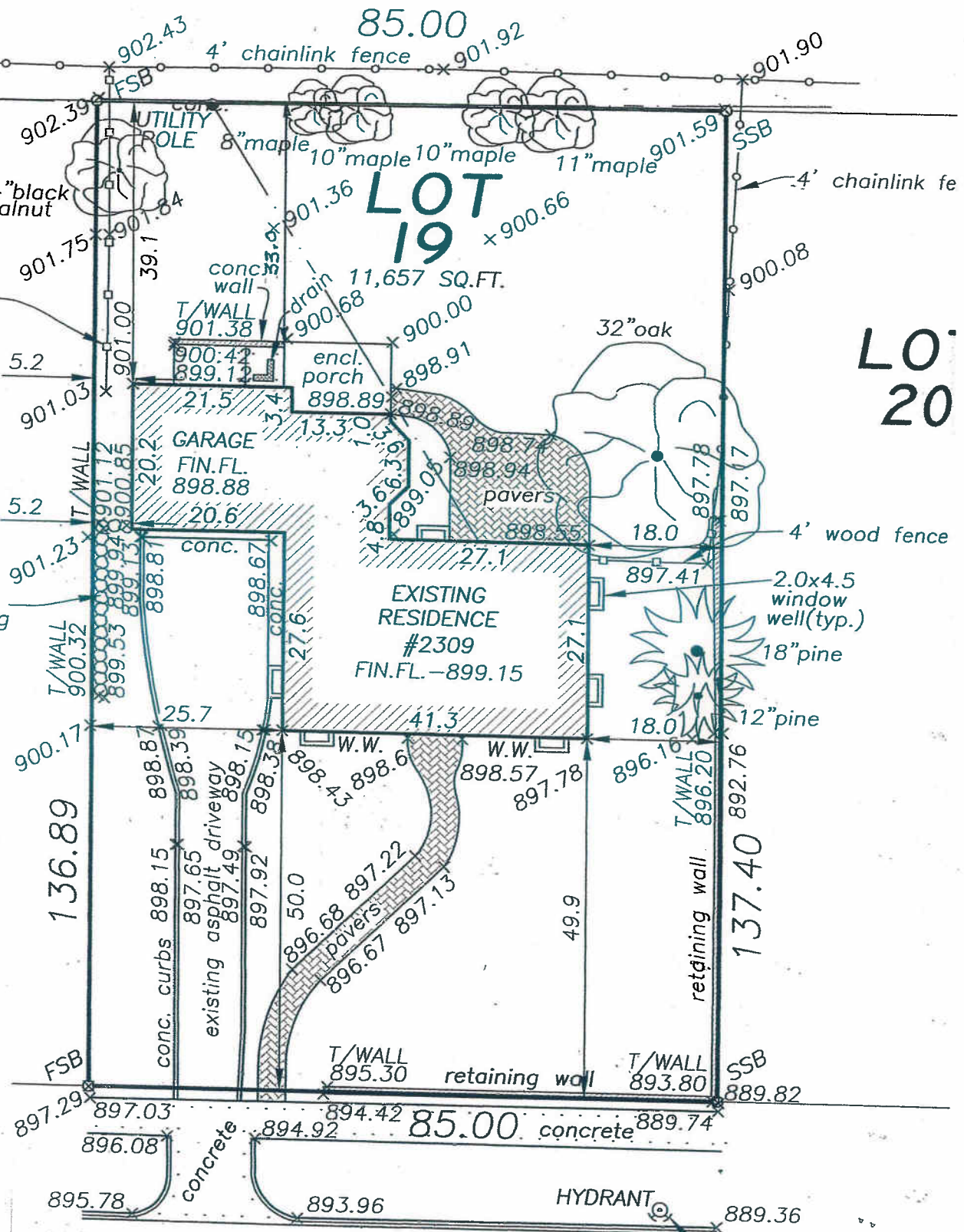
SITE PLAN

1" = 20'-0"

BROCKMAN BLVD.

LOT 18

LOT 20



**TOPOGRAPHIC SURVEY**

PLAN	N/A
DATE	03 JAN 12
JOB NO.	11-12-003
SCALE	1" = 20'
DRAWN	JRN
CHECKED	JGE
SHEET	1 OF 1

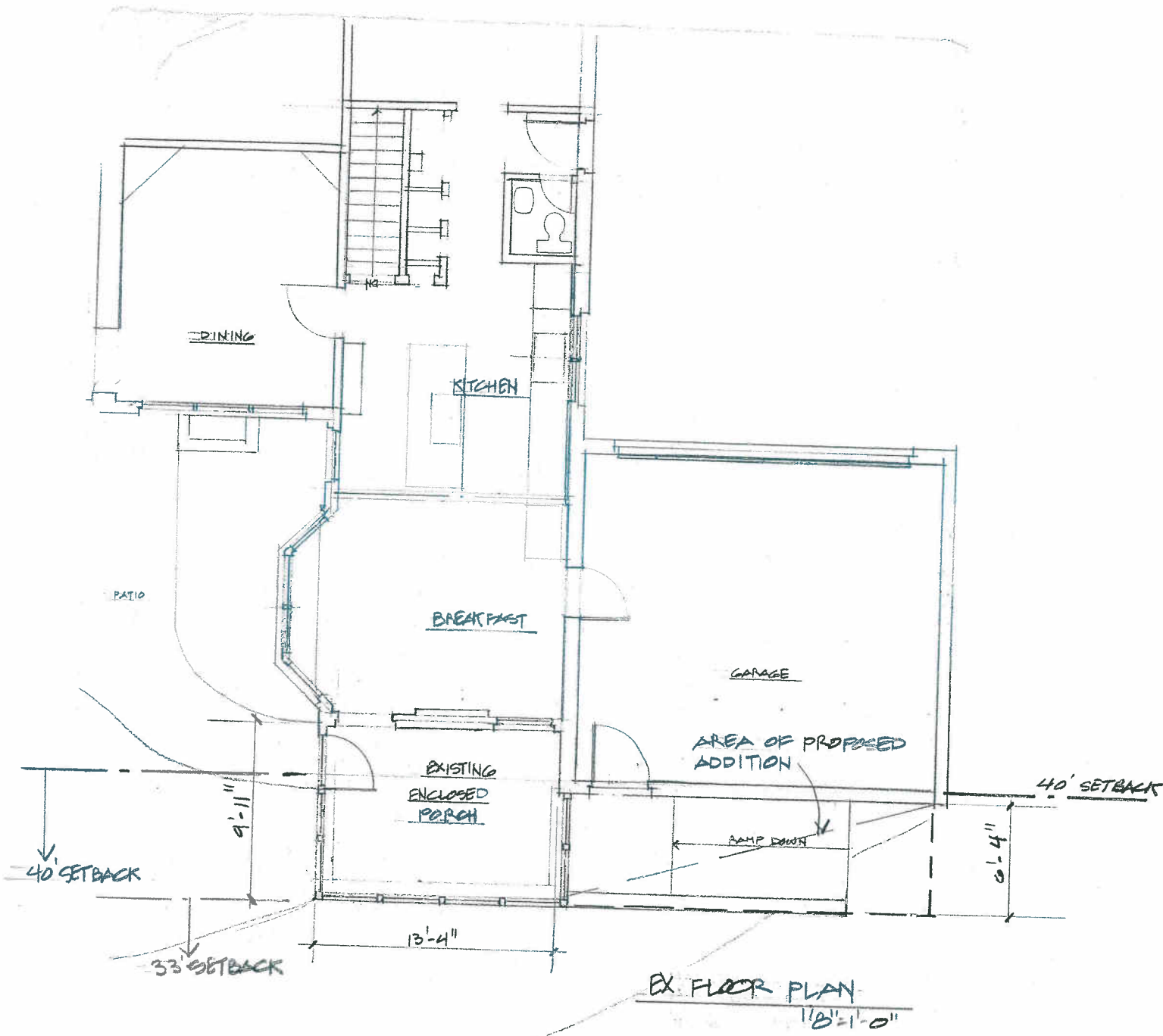
USA MERRIMAN & ASSOCIATES, P.C.  
 2500 BROCKMAN BLVD.  
 ANN ARBOR, MI 48104  
 (734) 255-1053

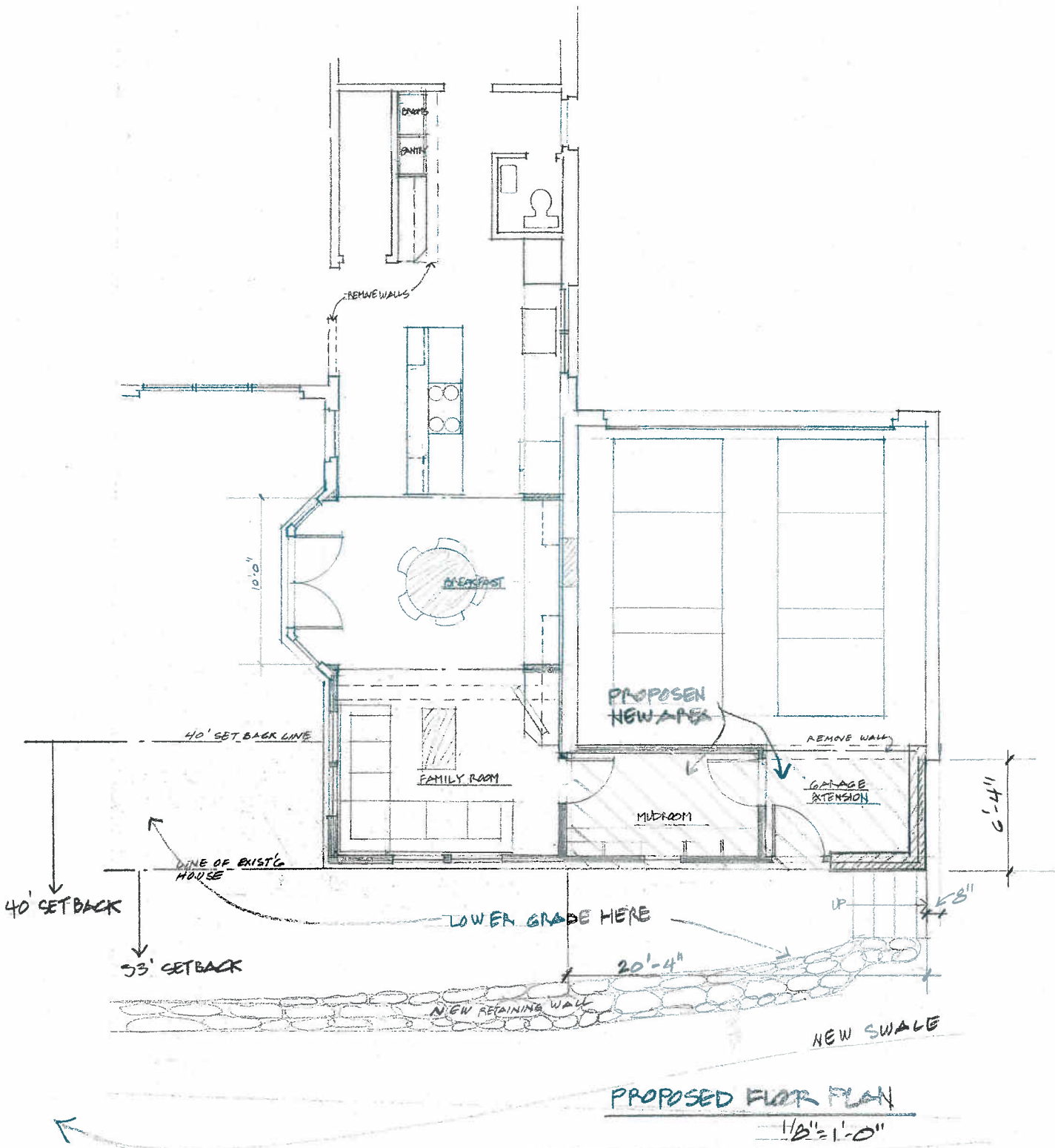
JEKABSON & ASSOCIATES, P.C.  
 Professional Land Surveyors  
 1320 Goldsmith, Plymouth, MI 48170  
 (734) 414-7200 (734) 414-7272 fax

31' asphalt pavement with concrete curbs  
**BROCKMAN BLVD.**  
 (66' WIDE)

NAV88 BENC  
 ARROW ON T  
 ELEVATION =

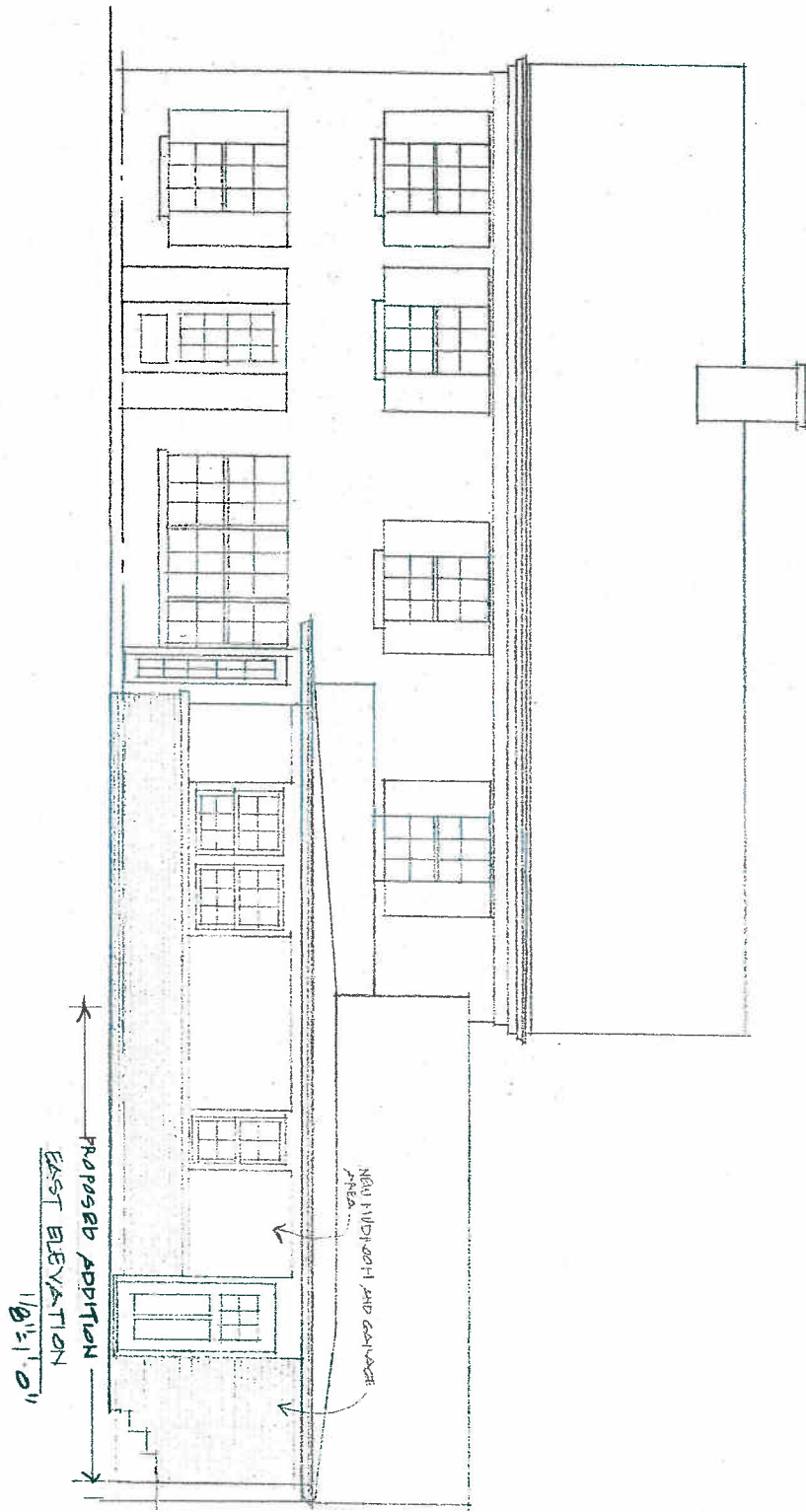
2







SOUTH ELEVATION  
18' x 10'



2309 BROOKMAN



100\_5527.JPG



100\_5528.JPG



100\_5529.JPG



100\_5530.JPG



100\_5531.JPG

















**From:** [Jane Wood](#)  
**To:** [Gale, Mia;](#)  
**Subject:** ZBA12-001 - 2309 Brockman  
**Date:** Wednesday, February 08, 2012 11:05:26 AM

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Hi,

As the home owners of 2307 Brockman Blvd I wanted to email that we are completely ok with the Permission to Alter a Non-conforming Structure at the above address. In FACT - We encourage it as we know based on the homeowner and the architect it will be of high quality and add to the resale value of their home which helps us and our entire neighborhood. Please accept this note as acceptance as we will not be able to attend the public hearing.

Sincerely,  
jane

Jane Wood  
Jane Wood Interiors

[jw@janewoodinteriors.com](mailto:jw@janewoodinteriors.com)  
[www.janewoodinteriors.com](http://www.janewoodinteriors.com)  
734.649.1566



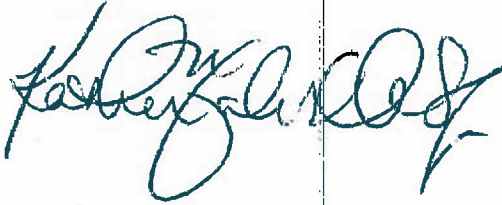
RE: Planned Renovation 2309 Brockman Blvd.

To Whom It May Concern/Zoning Board of Appeals:

The intended plans on the property at 2309 Brockman have presented to me by the homeowner and I have no objection to the project.

Please accept my signature as my personal endorsement.

Sincerely,



Home Owner

2300 Brockman


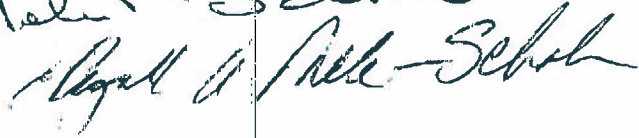
RE: Planned Renovation 2309 Brockman Blvd.

To Whom It May Concern/Zoning Board of Appeals:

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Please accept my signature as my personal endorsement.

Sincerely,

Home Owner

2311 Brockman