

**Zoning Board of Appeals  
December 14, 2016 Regular Meeting**

**STAFF REPORT**

**Subject:**     **ZBA16-026, 1503 Shadford Road**

**Summary:**

Edwin R. Wier, property owner, requests permission to alter a non-conforming structure. Applicant is proposing to construct an 8-foot x 14 foot 9 inch covered porch area adjacent to the existing porch which is currently 23 feet 6 inches from the front property line. The porch will be located at the front of the residence and will total 118 square feet.

**Background:**

The property is zoned R1D which requires a 25-foot front setback. The size of the lot is 6,621 square feet in area. The home was built in 1929 and is approximately 1,528 square feet in size. The residence contains four bedrooms and two bathrooms. There is also a two car detached garage that sits at the rear of the property.

**Description:**

The new roof and porch area will be constructed to the east of the existing porch. The new construction will be over an existing concrete footprint and there will be no new impervious surface added to the property. Applicant states that the new porch areas desired location over the existing foundation is to prevent moisture infiltration into the basement area below.

**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.***

Applicant states that the proposed construction will not have a negative impact on the surrounding properties or have a detrimental effect to the existing streetscape. The new porch will be constructed on the same building line as the existing porch and will not encroach any further into the front setback.

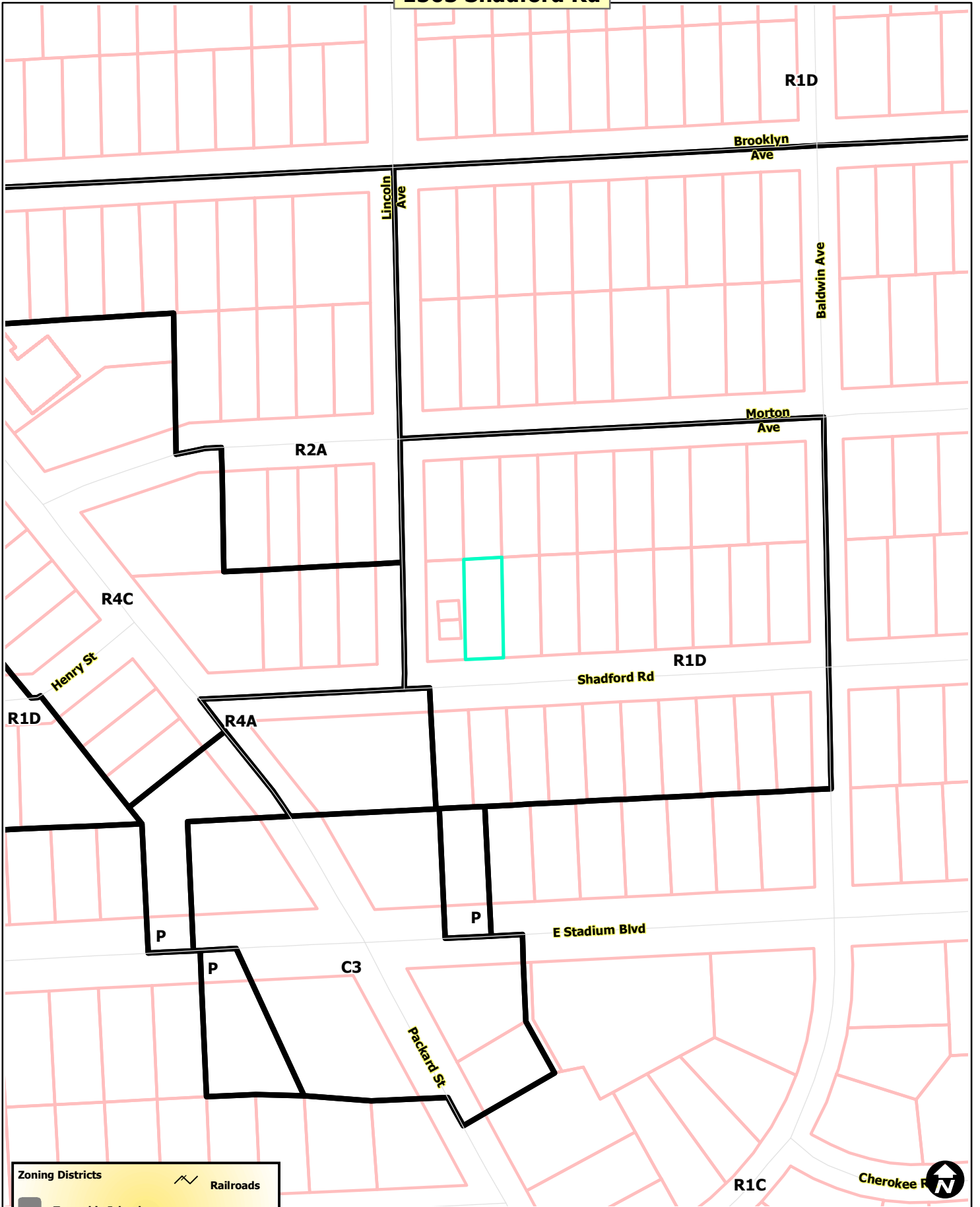
Zoning Board of Appeals  
December 14, 2016

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Jon Barrett". The signature is stylized with large, rounded letters and a cursive flourish.

**Jon Barrett**  
**Zoning Coordinator**

# 1503 Shadford Rd






	Zoning Districts		Railroads
	Township Islands		Tax Parcels
	City Zoning Districts		Huron River



Map date 11/21/2016  
Any aerial imagery is circa 2015 unless otherwise noted  
Terms of use: [www.a2gov.org/terms](http://www.a2gov.org/terms)

**1503 Shadford Rd**






-  Railroads
-  Tax Parcels
-  Huron River



Map date 11/21/2016  
Any aerial imagery is circa 2015  
unless otherwise noted  
Terms of use: [www.a2gov.org/terms](http://www.a2gov.org/terms)

1503 Shadford Rd



-  Railroads
-  Tax Parcels
-  Huron River



Map date 11/21/2016  
Any aerial imagery is circa 2015  
unless otherwise noted  
Terms of use: [www.a2gov.org/terms](http://www.a2gov.org/terms)

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

**Section 1: Applicant Information**

Name of Applicant: EDWIN R. WIER  
 Address of Applicant: 1503 SHADFORD, ANN ARBOR 48104  
 Daytime Phone: 734-663-3184 / MOBILE: 734-255-1665  
 Fax: —  
 Email: EDWIER@AOL.COM  
 Applicant's Relationship to Property: OWNER

**Section 2: Property Information**

Address of Property: 1503 SHADFORD  
 Zoning Classification: R1D  
 Tax ID# (if known): 09-09-33-417-002  
 \*Name of Property Owner: \_\_\_\_\_

*\*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:
<u>CHAPTER 55, SECTION 5:29</u>	<u>25'</u>	<u>23'-6"</u>
_____	<u>FRONT SETBACK</u>	_____
_____	_____	_____

*Example: Chapter 55, Section 5:26*

*Example: 40' front setback*

*Example: 32'*

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

NEW ROOF OVER EXISTING PORCH, ADJACENT TO  
EXISTING NON-CONFORMING COVERED PORCH AREA,  
TOTAL AREA OF UNENCLOSED PORCH = 118 SQ.FT. (8' x 14'-9")

**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?

THIS IS A UNIQUE CONDITION. THE EXISTING  
PORCH (1929 CONSTRUCTION) IS NON-CONFORMING.

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

THE PROPOSED PORCH ROOF  
WILL PREVENT RAIN/MOISTURE INFILTRATION TO THE  
EXISTING BASEMENT AREA BELOW. INTERIOR INSULATION  
IS PROPOSED.

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

NO NEGATIVE IMPACT - EXISTING QUALITY OF  
STREETScape IS MAINTAINED.

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?

EXISTING PORCH FOUNDATION AND CONCRETE FLOOR  
SLAB IS NON-CONFORMING AS IT DOES NOT  
MEET 25' FRONT SETBACK.

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

NO - THE ORIGINAL 1929 CONSTRUCTION WAS  
BUILT IN A NON-CONFORMING WAY.

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

Current use of the property SINGLE FAMILY RESIDENCE

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 6,600 SQ. FT.

Lot width 50 FT.

Floor area ratio NA

Open space ratio NA

Setbacks 25' FRONT

Parking NA

Landscaping NA

Other \_\_\_\_\_

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

NEW ROOF AT EAST AREA OF EXISTING PORCH.  
(ADJACENT TO EXISTING ROOFED PORCH AREA)  
THE PROPOSED ROOF WILL PREVENT RAIN/MOISTURE  
INFILTRATION INTO BASEMENT AREA BELOW AND  
ALLOW FOR BASEMENT INSULATION IN THIS AREA.

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:

THE NEW ROOF AREA IS ALIGNED WITH THE EXISTING  
PORCH ROOF THAT IS ADJACENT. WE ARE PROPOSING  
A NEW ROOF OVER AN EXISTING PORCH FOOTPRINT.

Wherefore, Petitioner requests that permission be granted from the above named Chapter and Section of the Ann Arbor City Code in order to permit \_\_\_\_\_

NEW ROOF CONSTRUCTION OVER EXISTING PORCH AREA.

**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.

734-663-3184  
 Phone Number  
EDWIER@AOL.COM  
 Email Address

SRWU  
 Signature  
EDWIN R. WIER  
 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.

SRWU  
 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.

SRWU  
 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 15<sup>th</sup> day of November, 2016, 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.

**ROSE-MARIE E. GALE**  
 Notary Public, State of Michigan  
 County of Lenawee  
 My Commission Expires Oct. 19, 2017  
 Acting in Washtenaw County

Rose Marie E. Gale  
 Notary Public Signature

\_\_\_\_\_  
 Notary Commission Expiration Date

ROSE-MARIE E. GALE  
 Print Name

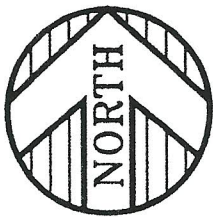
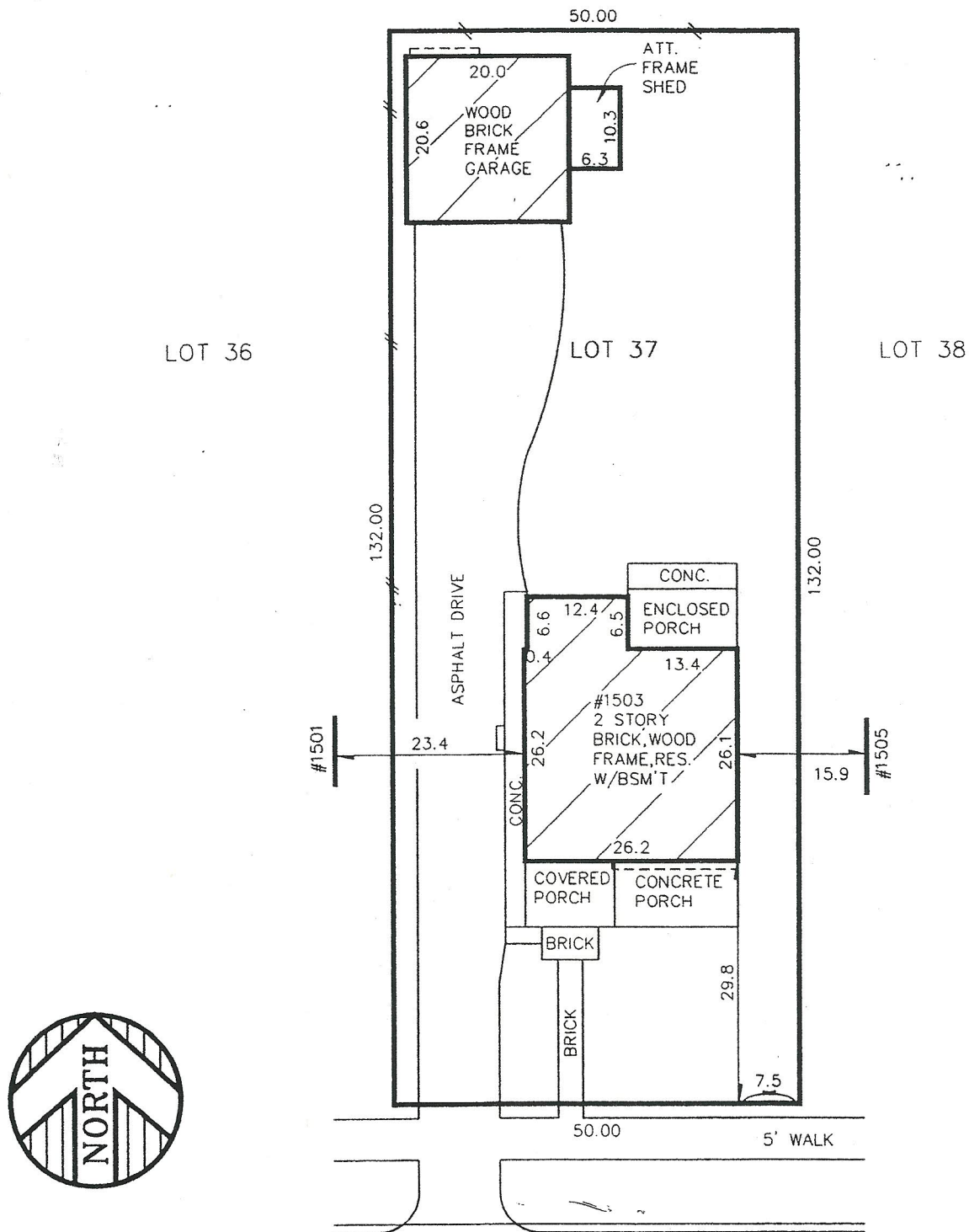
**Staff Use Only**

Date Submitted: \_\_\_\_\_ Fee Paid: \_\_\_\_\_  
 File No.: \_\_\_\_\_ Date of Public Hearing \_\_\_\_\_  
 Pre-filing Staff Reviewer & Date \_\_\_\_\_ ZBA Action: \_\_\_\_\_  
 Pre-Filing Review: \_\_\_\_\_  
 Staff Reviewer & Date: \_\_\_\_\_

Applicant: EDWIN AND JUDY WIER

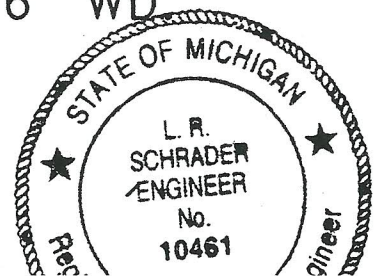
### Property Description

Lot 37; WILLIAM S. MAYNARD'S ADDITION, to the Village of Ann Arbor (now City of Ann Arbor), Washtenaw County, Michigan, as recorded in Liber Z of Deeds, Page 548 of Washtenaw County Records.



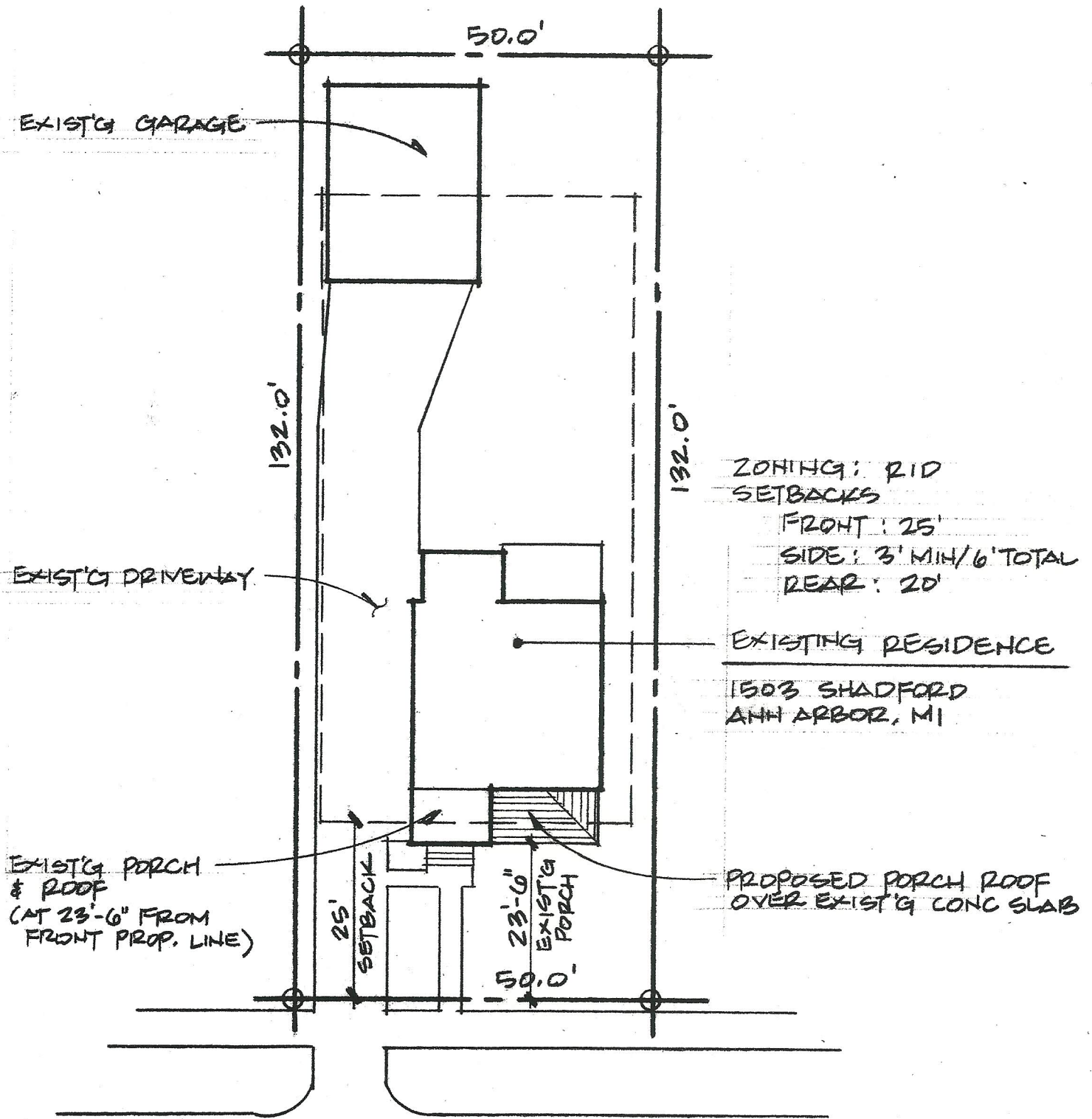
SHADFORD ROAD 66' WD  
35' ASPHALT PAVEMENT

CERTIFICATE: We hereby certify that we have surveyed the above-described property in accordance with the description furnished for the purpose of a mortgage loan to be made by the forementioned applicants, mortgagor, and that the buildings located thereon do not encroach on the adjoining property, nor do the buildings on the adjoining property encroach upon the property heretofore described, except as shown. This survey is not to be used for the purpose of establishing property lines, nor



DESCRIPTION

LOT 31, WILLIAM S. MAYHARD'S ADDITION TO THE CITY OF ANN ARBOR.



ZONING: R1D  
SETBACKS  
FRONT: 25'  
SIDE: 3' MIN/6' TOTAL  
REAR: 20'

EXISTING RESIDENCE  
1503 SHADFORD  
ANN ARBOR, MI

PROPOSED PORCH ROOF  
OVER EXIST'G CONC SLAB

11-8-16

SHADFORD RD. (66' WD.)

SP-1

SITE PLAN

SCALE: 1" = 20'-0"



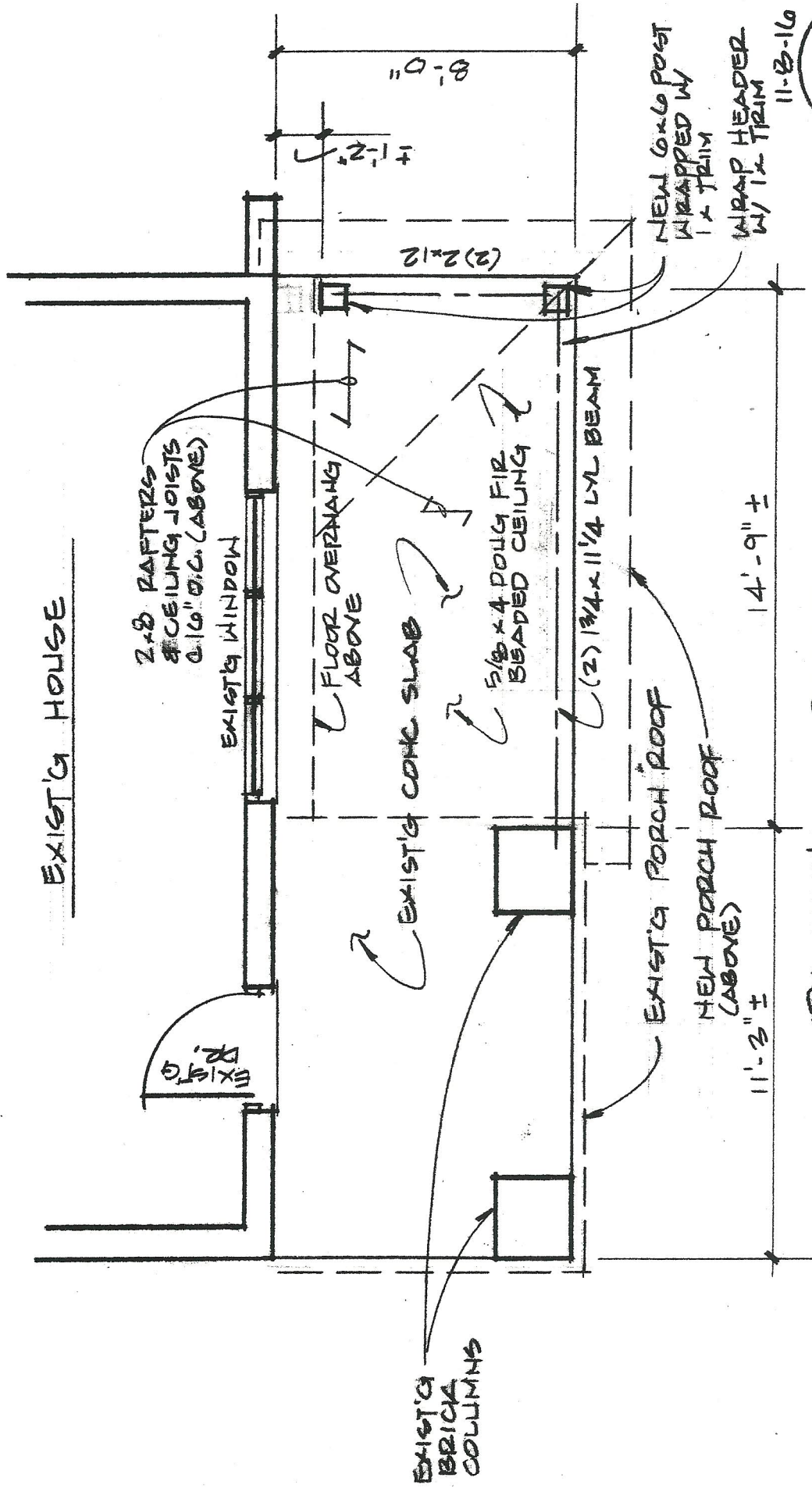


architecture  
planning  
residential design

Edwin R. Wier, Architect

1503 Shadford  
Ann Arbor, MI 48104  
734-761-3015

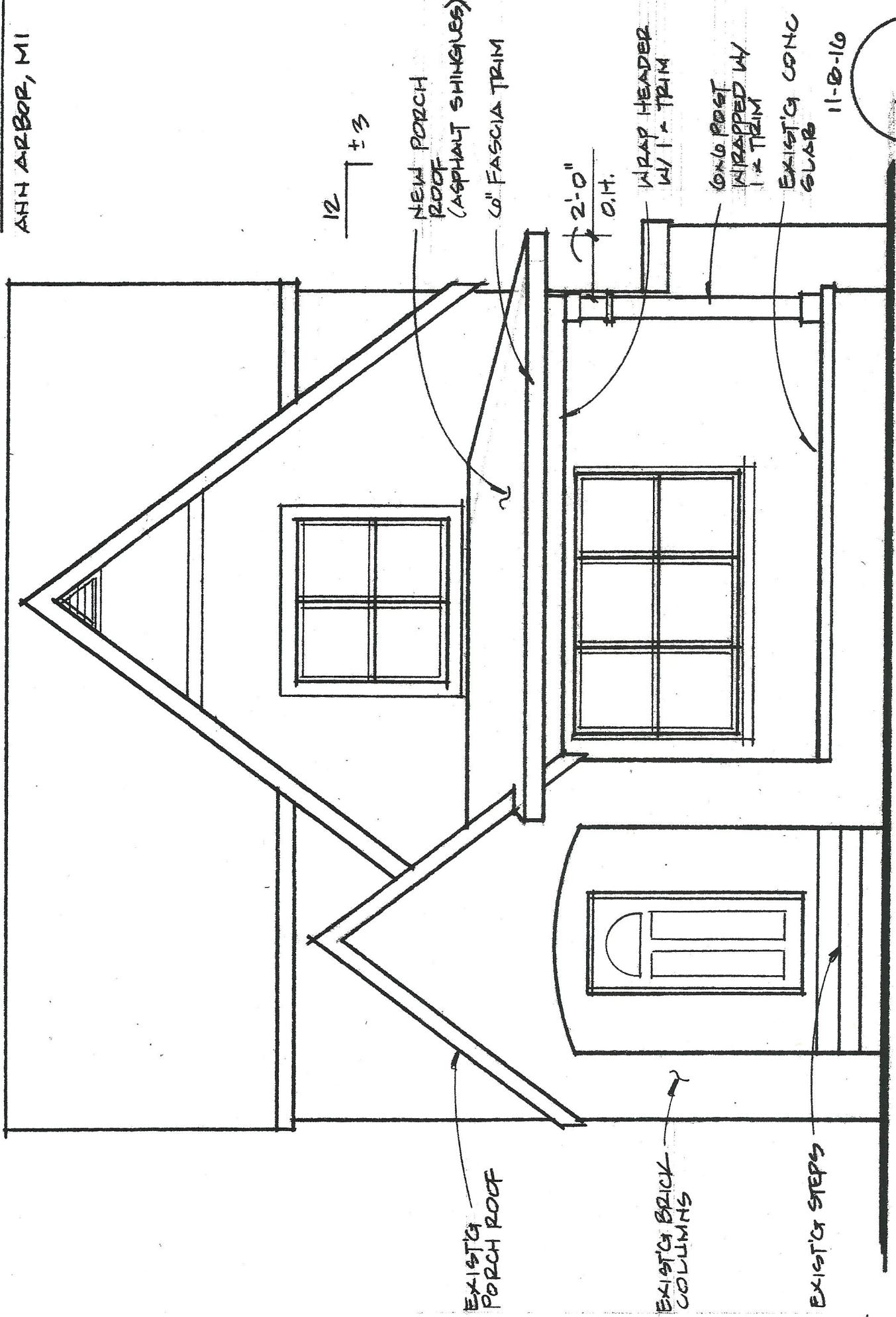
1503 SHADFORD  
ANN ARBOR, MI



PLAN AT PORCH

SCALE: 1/4" = 1'-0"

1503 SHADFORD  
ANN ARBOR, MI

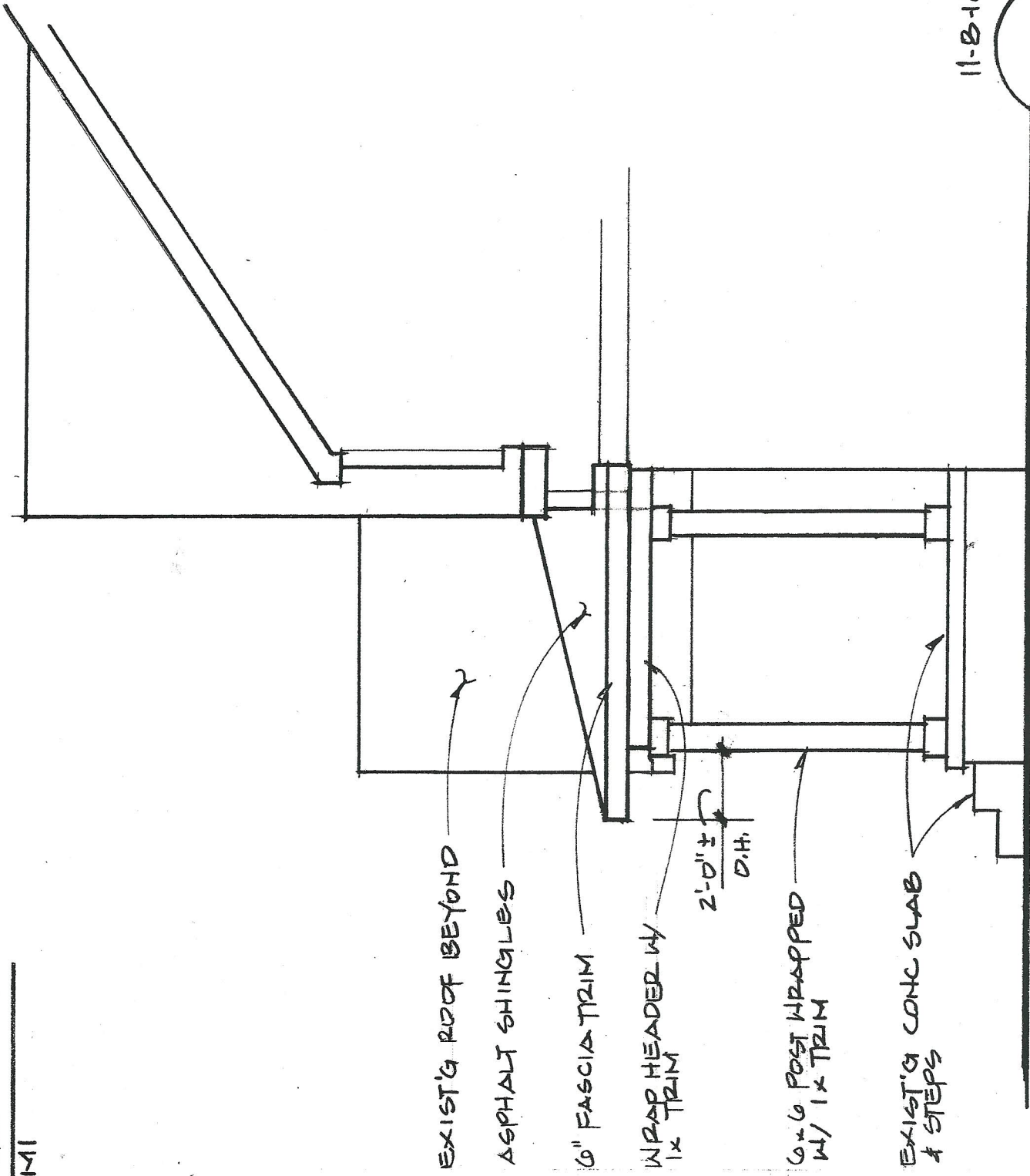


A-2

FRONT ELEVATION

SCALE: 1/4" = 1'-0"

1503 SHADFORD  
ANN ARBOR, MI



11-B-16

A-3

SIDE ELEVATION

SCALE: 1/4" = 1'-0"







**From:** Janice Lieberman  
**Sent:** Wednesday, November 30, 2016 5:53 PM  
**To:** Barrett, Jon  
**Subject:** Support for Appeal #ZBA16-026

I am writing in support of my neighbor's appeal to add a covered porch adjacent the porch that is already present in front of his home. I live across the street from Ed Wier. His home is attractive now, and I am confident that the project will not only maintain but further enhance his home's appearance. This covered porch won't even change the existing footprint or setback, as there is already a concrete slab there, and the adjacent covered porch does not seem close to the street or sidewalk at all.

I am not able to attend the meeting on Wed. Dec. 14 but am hopeful you will include in the discussion my comments in support of this appeal.

Janice Lieberman  
1504 Shadford Road  
Ann Arbor, MI 48104  
734-761-7431

**From:** Tom Borda  
**Sent:** Wednesday, December 07, 2016 9:38 PM  
**To:** Barrett, Jon  
**Cc:** Anne Borda  
**Subject:** Appeal ZBA16-026; 1503 Shadford Rd

Hello,

My wife (Anne, CC'ed) and I live at 1505 Shadford Rd. We received the attached mailout regarding Ed Weir's appeal (ZBA16-026) on his property (1503 Shadford Rd). Unfortunately we are unable to attend the meeting in person on Wed, Dec 14 at 6pm. However, I wanted to write in **full support of Ed** and his desire to "alter a non-conforming structure" on his property.

If his project will be "23 feet 6 inches from the front property line" but the property "requires a 25-foot front setback", that will have no negative effect whatsoever on our property, and we have **no concerns or reservations whatsoever** with Ed wishing to pursue this.

My wife and I also hope other property owners within 300 feet who received a similar mailout are supportive of this request. Ed and his wife Judy are terrific neighbors and we hope they are able to pursue this home improvement project, and therefore we **respectfully ask that City Council approve this request**.

If you have any questions, please don't hesitate to contact me. Thank you.

All the best,

Tom Borda  
1505 Shadford Rd  
Ann Arbor, MI