

**Zoning Board of Appeals
April 27, 2016 Regular Meeting**

STAFF REPORT

ZBA16-008, 601 E. Hoover Avenue

Summary

Donna Tope is seeking a 12 foot variance from the required 30 foot rear setback requirement for the R4C district. The requested variance is from Chapter 55 Section 5:34. The variance would permit an overall 18 foot distance from the addition to the rear property line.

Description and Discussion

The subject parcel is a 2,265 square foot non-conforming corner lot that is currently being used as a rental property housing six occupants. The property has five bedrooms and one bedroom. The petitioner is proposing to construct a two story 8'x20' addition (approximately 320 square feet of area) to the rear of the home which will replace the existing 5'x18' covered porch. The proposed two-story addition will add a bathroom, first floor laundry room, upgrade existing cabinets, appliances and air conditioning. A new bedroom, closet space and an expanded living room floor area.

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.

Currently, the existing covered porch extends into the rear setback and is nonconforming. The proposed addition will extend an additional 3 feet into the rear setback. The homes in this area are all nonconforming and contain very small lots. The area is at the edge of campus and is a high density neighborhood.

Standards for Approval- Variance

The Zoning Board of Appeals has all the power granted by State law and by Section 5:99, Application of the Variance Power from the City of Ann Arbor Zoning Ordinance. The following criteria shall apply:

- (a). *That the alleged hardships or practical difficulties, or both, 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 subject structure was built prior to the establishment of zoning laws. Once zoning was established it placed the home into its current nonconforming status.

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

If the variance is denied, the applicant will not be able to construct the proposed addition. However, interior modifications could be permitted. Under current circumstances, the owner cannot make any additions or alterations to the existing footprint without Zoning Board of Appeals approval.

- (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.***

If the variance is granted, the modified structure would be of similar massing and scale as the surrounding properties. The additional bedroom would be consistent with density and student housing character of this neighborhood.

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

Due to the period of time the structure was built, zoning was not enacted and the required setbacks were not in place. However, the proposal of an addition to the structure is a self imposed hardship, and the owner could still complete interior improvements without expanding the square footage of the structure.

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

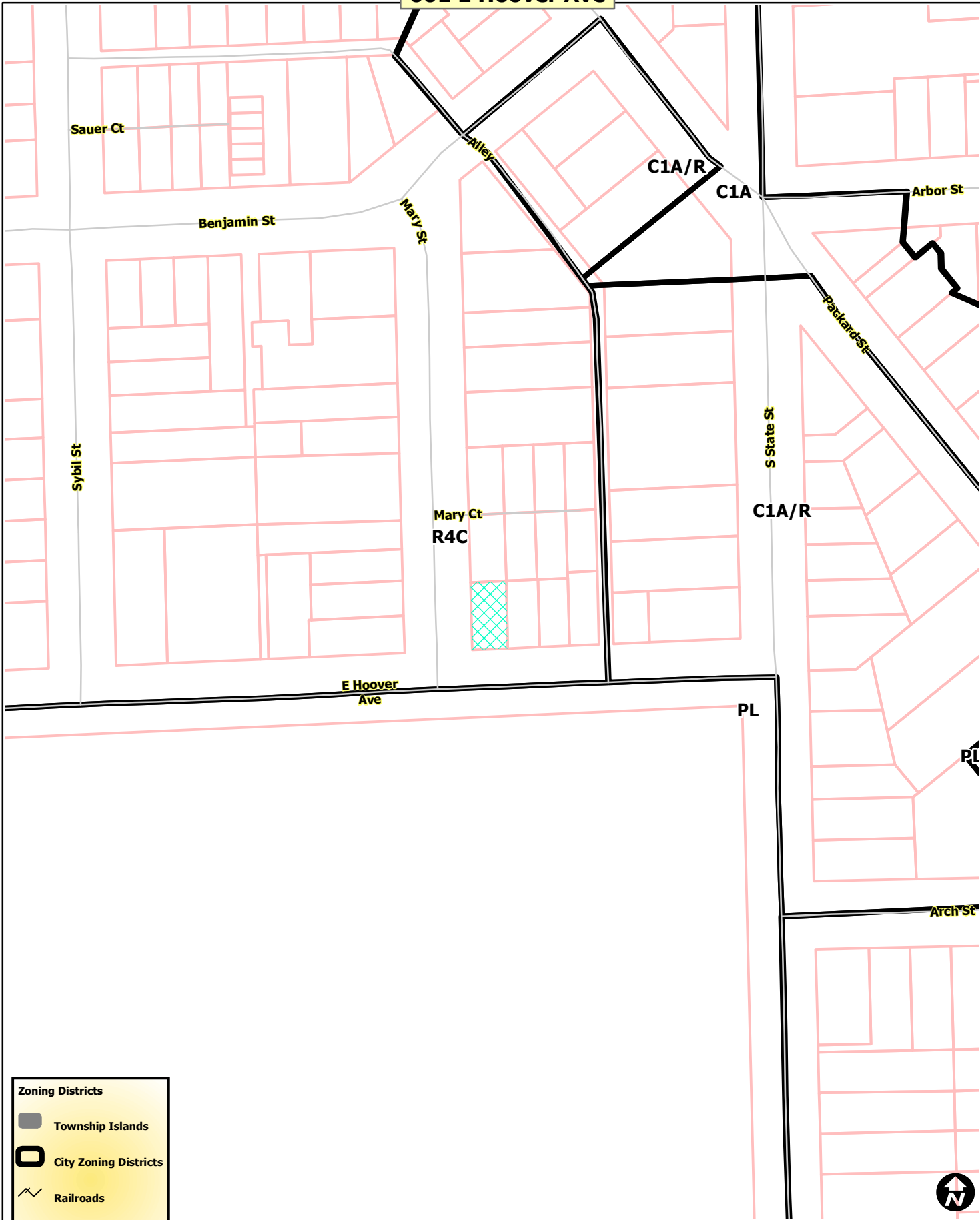
If the variance is granted, the addition will be 320 square feet for both floors of the addition and will be 12 feet from the rear property line. The addition will include a bedroom, bathroom and improved laundry area.

Zoning Board of Appeals
Variance
April 27, 2016 - Page 3






Respectfully submitted,

Jon Barrett
Zoning Coordinator

601 E Hoover Ave



Zoning Districts

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



Map date 4/8/2016
 Any aerial imagery is circa 2015
 unless otherwise noted
 Terms of use: www.a2gov.org/terms



601 E Hoover Ave



-  Railroads
-  Parcels
-  Huron River



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

Section 1: Applicant Information

Name of Applicant: DONNA K. TOPE
Address of Applicant: 2115 NATURE COVE COURT, #305, A², 4804
Daytime Phone: 734.646.4034
Fax: _____
Email: dktope@umich.edu
Applicant's Relationship to Property: ATTORNEY AND PROP. MGR. FOR OWNER

Section 2: Property Information

Address of Property: 601 EAST HOOVER
Zoning Classification: 401 RESIDENTIAL
Tax ID# (if known): 09-09-32-102-004
*Name of Property Owner: HARRY J. RICHTER, III

**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:

R4C PLACEMENT
Ch 55 → 5:34 R4C

Required dimension: PROPOSED dimension:

30' REAR SETBACK 18' REAR SETBACK

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)

WE WANT TO ADD A TWO STORY ADDITION IN THE FOOTPRINT OF THE EXISTING 1 STORY COVERED PORCH WHICH IS NONCONFORMING BECAUSE IT ALREADY EXTENDS MORE THAN 12' INTO THE REAR

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

SETBACK.

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...)

3/29/16
2:59 PM

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?

THE EXISTING SETBACK IS 18', REQUIRED IS 30'. THIS PROPERTY WAS MADE NONCONFORMING WHEN ZONING WAS PLACED ON IT IN THE '50s, BUT THE EXISTING SETBACK WAS ESTABLISHED WHEN THE HOUSE WAS BUILT IN THE '30s.

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

THE HOUSE HAS ONLY 1 BATHROOM FOR AN ALLOWED 6 OCCUPANTS, THE BASEMENT IS INADEQUATE FOR A LAUNDRY AREA, THE LIVING AREA IS TOO SMALL - THE NONCONFORMANCE IS IMPOSED BY ZONING, WHICH SHOULD NOT KEEP THE PROPERTY FROM

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

NONE - THEY ALL HAVE NON CONFORMING SET BACKS DUE TO PLACING ZONING REGULATIONS ON THEM AFTER THEY HAD BEEN IN EXISTANCE FOR DECADES. BEING GREATLY IMPROVED

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?

THE NON-CONFORMITY WAS CREATED BY THE ZONING ORDINANCE

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

IT IS NOT SELF-IMPOSED, THE NONCONFORMITY WAS CREATED BY THE ZONING ORDINANCE.

Section 5: ALTERATION TO A NON-CONFORMING STRUCTURE

Current use of the property RESIDENTIAL, ZONED R4C

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 SETBACK IS 18' 30'

Parking _____

Landscaping _____

Other _____

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

THE EXISTING HOUSE IS ZONED R4C, 6 OCCUPANTS. IT HAS 5 BED ROOMS, 1 BATHROOM, AND A LAUNDRY ROOM IN THE BASEMENT THAT HAS 5' HEADROOM BECAUSE OF DUCTS. WE ARE ADDING AN ADDITIONAL BATHROOM, FIRST FLOOR LAUNDRY, UPGRADING EXISTING CABINETS & APPLIANCES, ADDING AC, ADDITIONAL BEDROOM ON 2D FLOOR, ADDING CLOSET SPACE AND EXPANDING LIVING ROOM FLOOR 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:

WE PROPOSE TO BUILD A TWO STORY 8'x20' ADDITION IN PLACE OF AN EXISTING 5'x18' COVERED PORCH WHICH IS ALREADY 18' FROM THE REAR PROPERTY LINE - AN ENCRDACHMENT OF 12' INTO THE REAR YARD SETBACK. THE ADDITION INCREASES THAT TO A 15' FOOT ENCRDACHMENT WHICH DOES NOT CHANGE THE EFFECT ON NEIGHBORS MUCH.

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

THE ADDITION OF A TWO STORY 8'x20' ADDITION ONTO THE REAR OF THE HOUSE, REPLACING AN EXISTING 5'x18' COVERED REAR PORCH.

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 ½" by 11" sheets**. (Continued.....)

DRAWINGS

- 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. *WE WILL GET ARCHITECTS PLANS IF APPROVED.*
- 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.

Phone Number

Anna K. Jape
Signature

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.

Anna K. Jape
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.

Anna K. Jape
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.**

Anna K. Jape
Signature

On this 29th day of MARCH, 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.

MARY ANN YOUNG
Notary Public, State of Michigan
County of Washtenaw
My Commission Expires May 27, 2018
Notary Commission Expiration Date
Acting in the County of WASHTENAW
05-27-18

Mary Ann Young
Notary Public Signature
MARY ANN YOUNG
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: _____

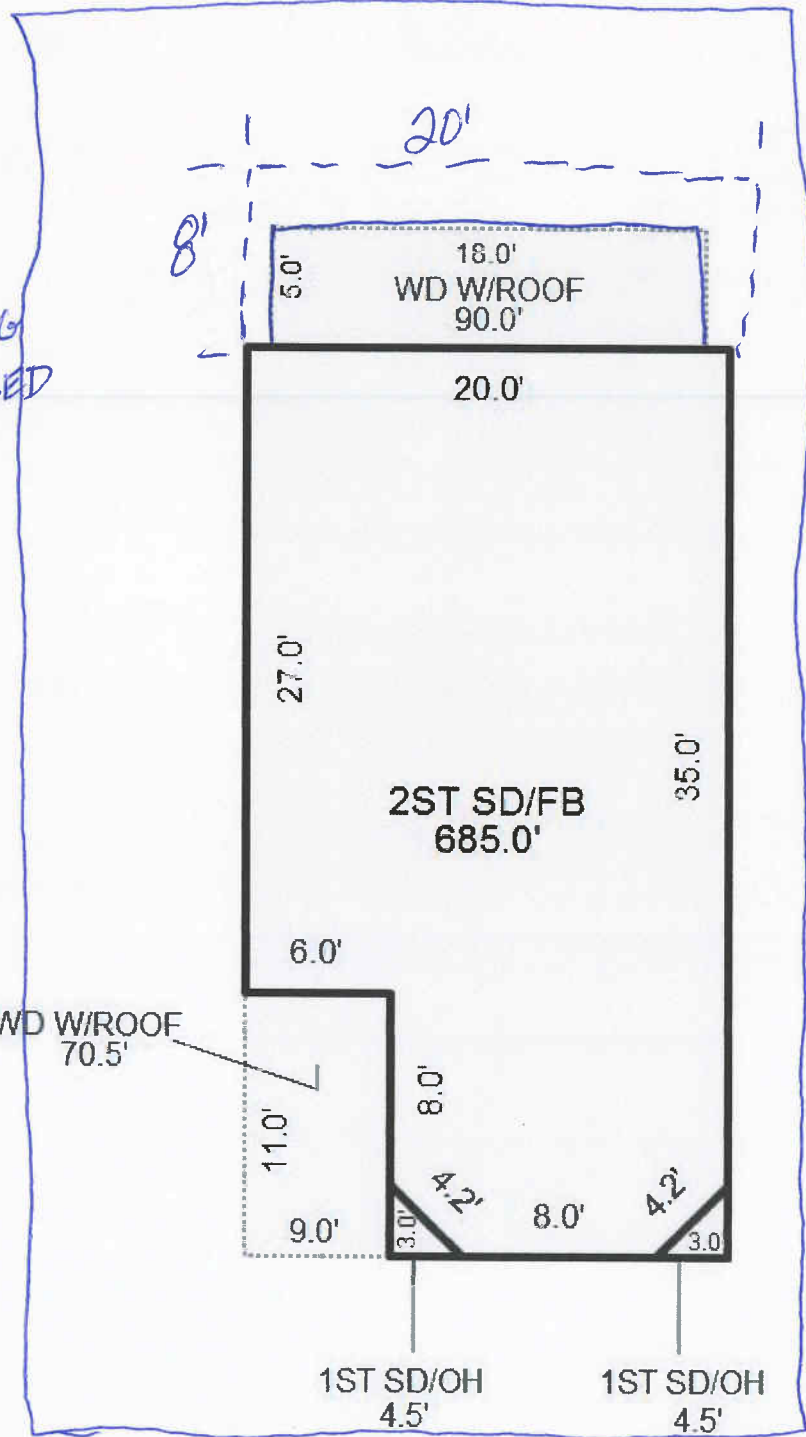
Staff Reviewer & Date: _____

To Whom It May Concern:

I am the owner of 601 East Hoover, Ann Arbor, MI, 48104. I authorize my attorney and property manager (and my mother), Donna K. Tope, to represent me in my petition to the Zoning Board of Appeals to build a 8' x 20' addition onto the rear of my house, replacing the existing 5' x 18' covered porch.



Harry J. Richter, III



— EXISTING
 - - - PROPOSED

MARY STREET

lot line
 34' frontage
 66' depth

PRF 6-25-10

601 EAST HOOVER
 CORNER LOT

OPEN SPACE
 EXISTING 1454 sq. ft.
 PROPOSED 1384 sq. ft.
 LOSS = 70 sq. ft.



