

**Zoning Board of Appeals  
February 26, 2020 Regular Meeting**

**STAFF REPORT**

**Subject: ZBA 20-001; 1907 Dogwood Court**

**Summary:**

Donald Swiderski, property owner, is requesting an 11 foot 10 inch variance from Chapter 55 Table 5.17-1 Single Family Residential Zoning District Dimensions. The property is zoned R1C Single-Family Residential and requires a 30 foot setback. The owner is requesting to construct a 12'x14' screened porch on the existing deck. The new porch will be 18 feet two inches from the rear property line.

**Background:**

The subject property is located on a corner lot at the intersection Scio Church Road and Dogwood Court. The home was built in 1989 and is approximately 1,924 square feet in size.

**Description:**

The proposed screened enclosure will be constructed on the existing deck.

**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 applicant has stated that the rear yard suffers from neighborhood drainage issues which can occupy up to half of the back yard.

- (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.***

The petitioner states that the screened enclosure is necessary to allow for the enjoyment of the back yard and to reduce the presence of insects.

- (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 owners state the proposed screened enclosure will be buffered from view by the existing trees and fencing.

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

According to the applicant the variance is not self-imposed but the result of topography and drainage issues which the City has not resolved. The topography has created ponding in the rear yard.

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

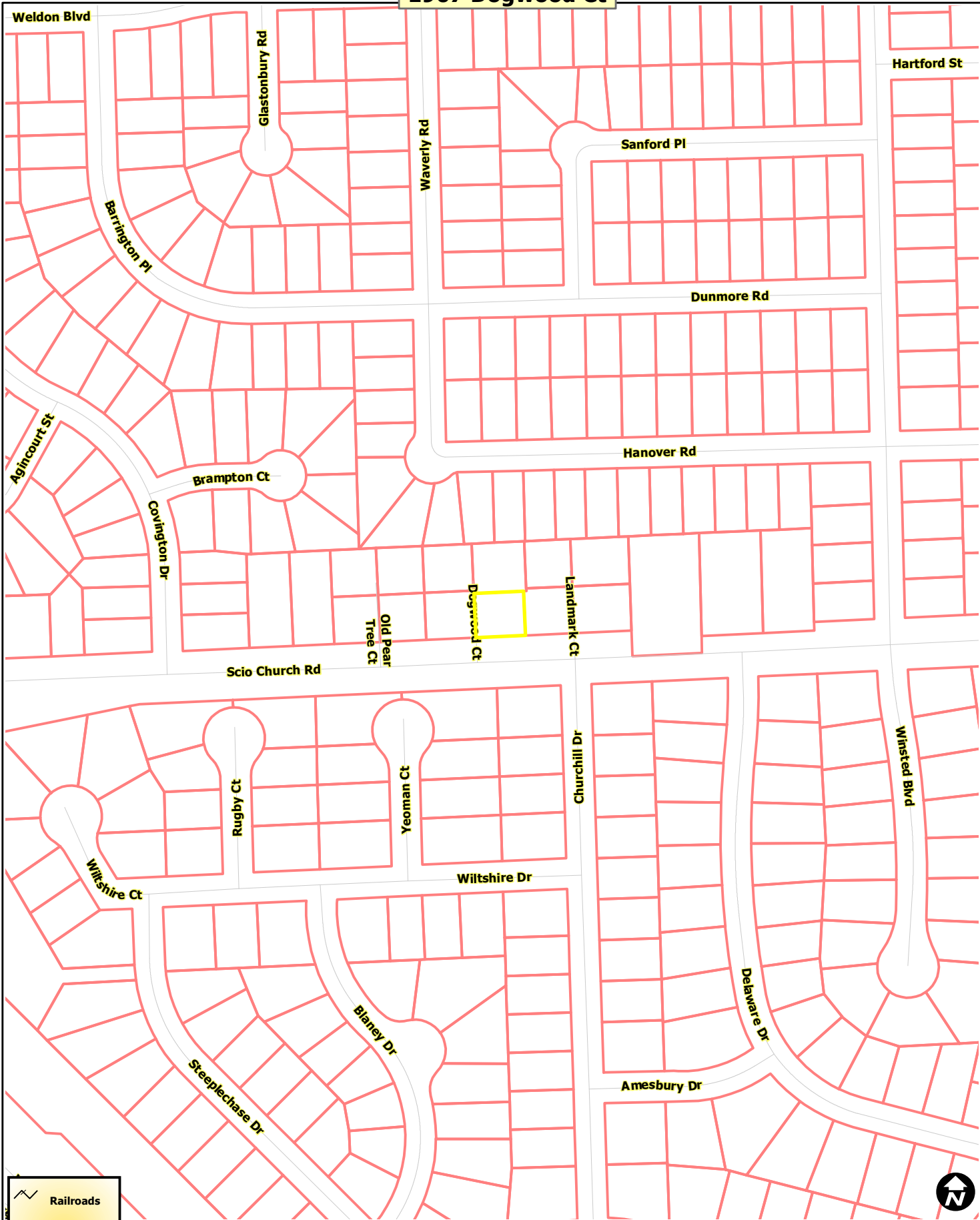
The request is the minimum necessary to create an area that will function effectively.




Respectfully submitted,

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

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

# 1907 Dogwood Ct

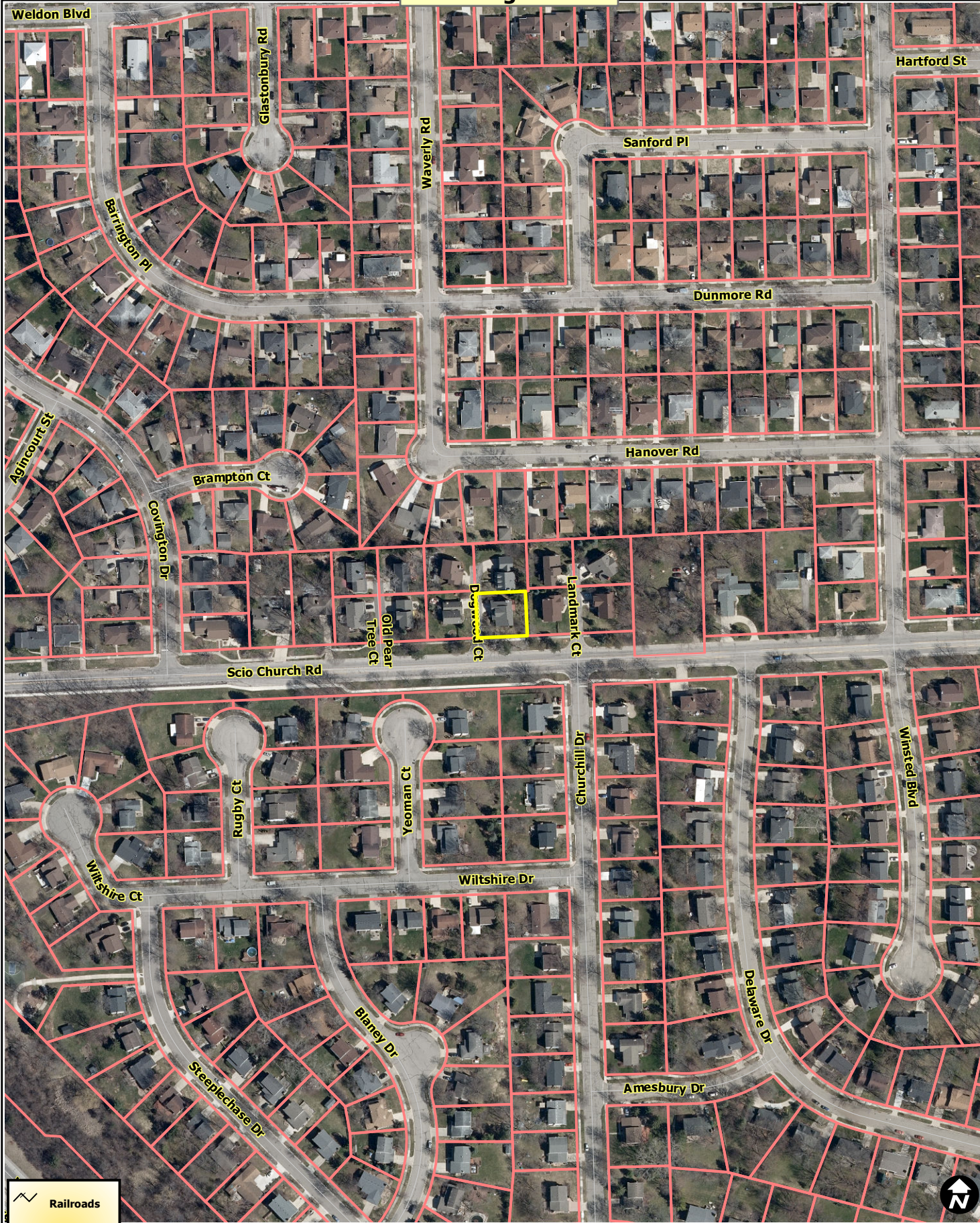


 Railroads  
 Huron River  
 Tax Parcels



Map date: 1/24/2020  
Any aerial imagery is circa 2018  
unless otherwise noted  
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# 1907 Dogwood Ct

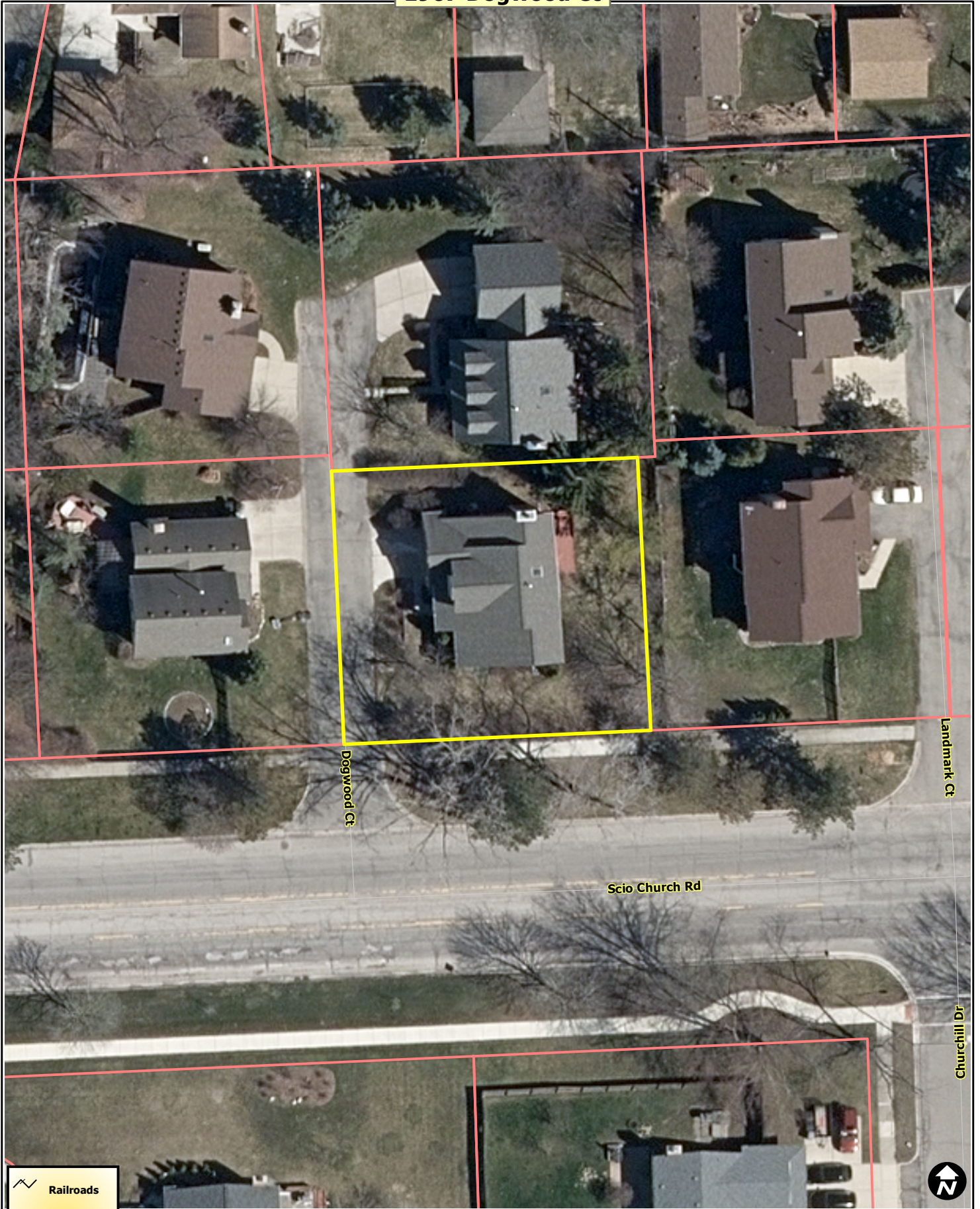





- Railroads
- Huron River
- Tax Parcels



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**1907 Dogwood Ct**



-  Railroads
-  Huron River
-  Tax Parcels



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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](mailto:planning@a2gov.org)

PROPERTY INFORMATION			
ADDRESS OF PROPERTY 1907 Dogwood Ct			ZIP CODE 48103
ZONING CLASSIFICATION R1C	NAME OF PROPERTY OWNER *If different than applicant, a letter of authorization from the property owner must be provided Donald Swiderski		
PARCEL NUMBER 09-09-31-304-071	OWNER EMAIL ADDRESS dlswider@umich.edu		
APPLICANT INFORMATION			
NAME Donald Swiderski			
ADDRESS 1907 Dogwood Ct	CITY Ann Arbor	STATE MI	ZIP CODE 48103
EMAIL dlswider@umich.edu		PHONE 734-846-6208	
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	
REQUIRED MATERIALS		OFFICE USE ONLY	
<p>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.</p> <p><b>Required Attachments:</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Boundary Survey of the property including all existing and proposed structures, dimensions of property, and area of property.</li> <li><input type="checkbox"/> Building floor plans showing interior rooms, including dimensions.</li> <li><input type="checkbox"/> Photographs of the property and any existing buildings involved in the request.</li> </ul>		Fee Paid: <b>\$750</b> ZBA: <b>20-001</b>  <div style="text-align: center;">             DATE STAMP              CITY OF ANN ARBOR              RECEIVED               JAN 17 2020               PLANNING &amp; DEVELOPMENT SERVICES           </div>	
ACKNOWLEDGEMENT			
<p>All information and materials submitted with this application are true and correct.</p> <p>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.</p>			
Property Owner Signature: <u>Donald Swiderski</u>			Date: <u>01/17/2020</u>

# 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)*

**CH.55 TABLE 5.17 - 1 SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT DIMENSIONS**

REQUIRED DIMENSION: *(Example: 40' front setback)*

Feet: 30      Inches: 0

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

Feet: 18      Inches: 2

DESCRIPTION OF PROPOSED WORK AND REASON FOR VARIANCE:

We propose to build a 12'x14' screened enclosure on the existing deck, extending to its eastern edge 18' from the east

property line. The house is already at 30' from the property line so a variance will be needed for any enclosure of a usable size.

**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 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 property already has a large depression for neighborhood drainage, which results in considerable ponding that lasts for several days after rainfall of only 1/2". This depression occupies 1/3 to 1/2 of the back yard. The city has blocked

previous efforts to amend this condition.

The alleged hardships are 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.

The depression and ponding severely limit use and enjoyment of the back yard. They also create a high likelihood of elevated insect presence and consequently an increased risk of insect-borne disease to unprotected people in the yard.

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.

Allowing the variance and enclosure will make it possible to be on the deck enjoying fresh air when temperatures permit. The enclosure will be hidden by existing trees and fencing and therefore will not diminish the aesthetic appeal

of the neighbors' views of their yards

+

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

The need for the variance is not self-imposed but the result of topographic features that the city has not allowed to be remediated and that predictably leads to regular in backyard flooding.

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

The proposed structure is the minimum area needed for a functional screened enclosure

Photos to accompany the variance application for a screened enclosure at 1907 Dogwood Ct

1) View of the backyard, looking North from the street. Note the large depression on eastern side and ponding from ½" of rain January 11-12, 2020.



2) Closer view of deck where the enclosure is planned, showing the tree blocking the view from the neighboring lot (1903 Dogwood Ct).





3) View from the deck to the East, showing fencing and trees blocking the view from the neighbors at 1904 Landmark Ct.



4) View Southeast from deck, showing the large depression on the eastern side of the yard and the ponding from ½" of rain January 11-12, 2020.



# CERTIFICATE OF SURVEY



## LEGEND

- FOUND MONUMENTATION
- SET MONUMENTATION
- ⊕ SECTION CORNER
- ⊖ RECORD MEAS.
- FIELD MEAS.
- - - CALCULATED DIST.
- PROPERTY LINE
- SECTION LINE
- - - EASEMENT LINE
- PARCEL LINE
- PLATTED LINE
- FENCE LINE
- FOUND CONC. MON.
- FOUND CAPPED PIPE
- FOUND IRON PIPE
- SET CAPPED IRON
- ROW
- RIGHT OF WAY

## ZONING REQUIREMENTS

R1C - SINGLE FAMILY RESIDENTIAL

- LOT - MIN. AREA: 7,200 FT.<sup>2</sup>
- MIN. WIDTH: 60 FT.
- SETBACKS - FRONT YARD: 25 FT.
- REAR YARD: 30 FT.
- SIDE YARD: 5 FT.
- SIDE TOTAL: 10 FT.
- HEIGHT - MAX. BLD.: 30 FT.

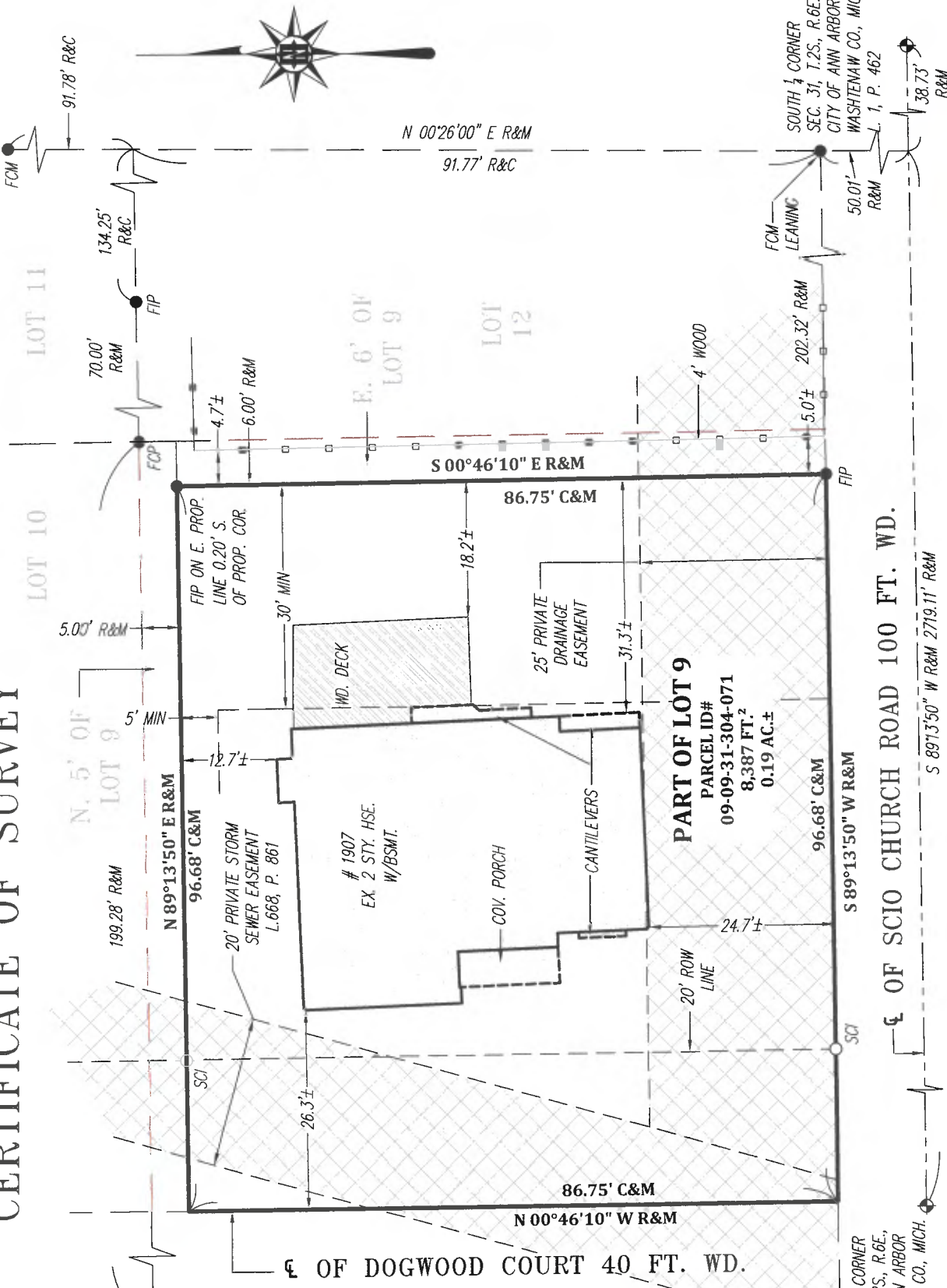
## EXISTING CONDITIONS

- LOT - AREA: 8,387 FT.<sup>2</sup>
- WIDTH: 86.75 FT.

## LEGAL DESCRIPTION

PARCEL ID# 09-09-31-304-071

LOT 9 EXCLUDING THE NORTH 5 FEET AND THE WEST 6 FEET, OF "LANDMARK MAPLE SUBDIVISION", A PART OF THE SOUTHWEST 1/4 OF SECTION 31, TOWN 2 SOUTH, RANGE 6 EAST, CITY OF ANN ARBOR, WASHTENAW COUNTY, MICHIGAN, AS RECORDED IN LIBER 25 OF PLATS ON PAGES 66-68 OF WASHTENAW COUNTY RECORDS. CONTAINING 0.19 ACRES OF LAND MORE OR LESS. ALSO SUBJECT TO ANY OTHER EASEMENTS OR RIGHT OF WAYS OF RECORD IF ANY.



**Nowry & Hale**  
Land Surveying LLC  
192 N Main St., Suite D, Plymouth, MI, 48170  
Office: (734)446-5501 Email: nowry@del@pschoo.com

SECTION:	S.W. 1/4 Sec. 31	DATE:	11/19/19	CLIENT:
TN./RGE.:	2S./6E.	PROJ. #:	019-172	Donald Swiderski
CITY/TWP:	Ann Arbor	DWG. BY:	VP/JCP	1907 Dogwood Court
COUNTY:	Washtenaw	1 INCH = 20 FEET	PAGE # 1 OF 1	Ann Arbor, MI 48103

I, Michael J. Nowry, a Professional Surveyor in the State of Michigan do hereby Certify that the parcel of land described and delineated hereon has been surveyed under my supervision, that the plat hereon is a true representation of the survey as performed, that the error of closure is no greater than 1 in 5000 and that I have fully complied with the requirements of Section 3, Public Act 132 of 1970.

Michael J. Nowry  
 Professional Surveyor # 52472



--- This 3D rendering is for visualization only and may vary slightly from the final product. ---