

**Zoning Board of Appeals
July 26, 2017 Regular Meeting**

STAFF REPORT

Subject: ZBA17-022; 307 Berkley Avenue

Summary:

James Wanty, property owner, is requesting a thirty (30) percent variance from Chapter 55 Zoning, Section 5:59 (d) to allow for sixty-five (65) percent lot coverage in the rear yard setback, when thirty-five (35) percent is the maximum allowable. The petitioner is proposing to construct a twenty-four (24) foot by twenty (20) foot pavilion to an existing detached garage in the rear yard.

Background:

The property is zoned R1D, single-family residential, which requires a three (3) foot rear yard and three (3) foot side yard setback for detached structures. The lot is six thousand six hundred twenty-one (6621) square feet in size and the home was built in 1951.

Description:

The proposed pavilion will be attached to the existing structure which has a covered carport attached to the garage. The garage and carport comprise a total of four hundred five (405) square feet in the rear setback, resulting in a non-conforming status for lot coverage. If the variance is approved, the total coverage of the three structures in the rear setback will be: garage, two hundred forty (240) square feet; carport, one hundred sixty-five (165) square feet; and pavilion, two hundred forty (240) square feet for an approximate total of six hundred forty-five square feet in the rear setback or sixty-five percent of the land in the rear setback.

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 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.***

Applicant states that the proposed location of the pavilion is the best use of the property to satisfy their needs.

- (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.

Applicant claims that the owner will not benefit financially from the construction of the pavilion.

- (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.***

There will be little to no impact on surrounding properties as there is a vacant lot to the east and the property to the south is a parking lot serving a multi-family use.

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

Applicant states that the existing structures have been in place since 1947 and due to the nonconforming status, and the City's ordinance standards, no new construction is allowed which has created a hardship on the owner.

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

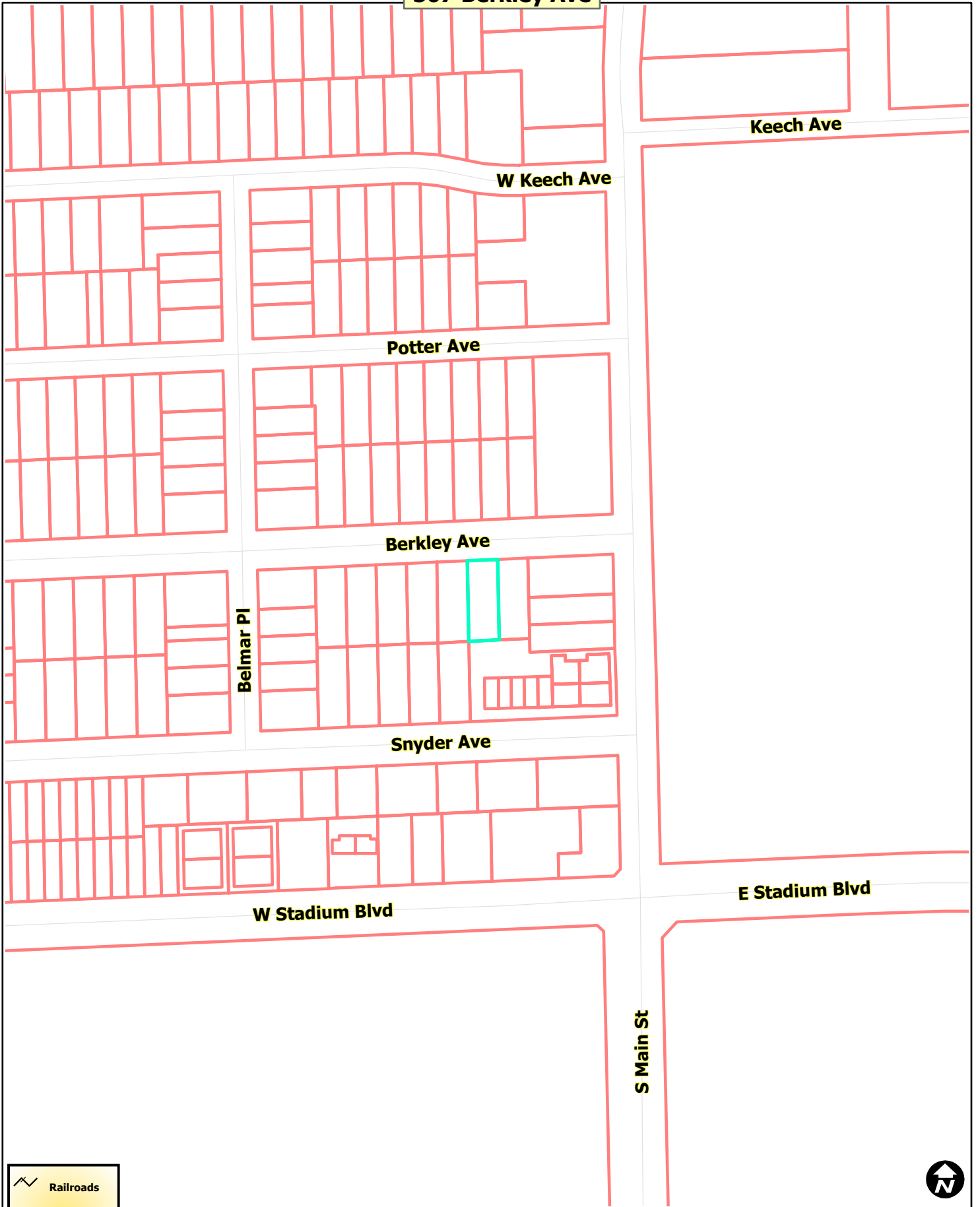
The proposed pavilion will be constructed to meet the side and rear setbacks of three (3) feet for the district.

Respectfully submitted,



Jon Barrett
Zoning Coordinator

307 Berkley Ave

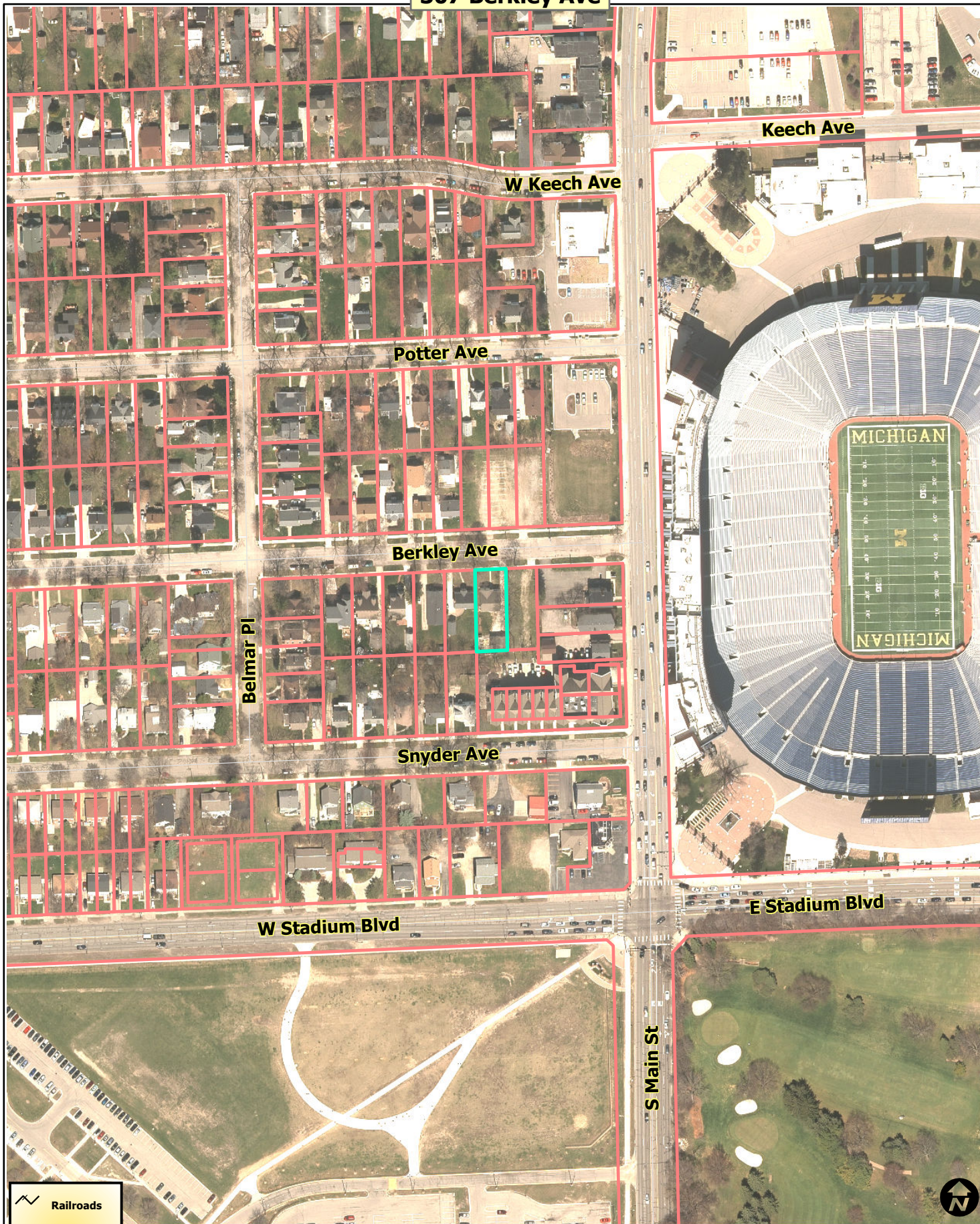





 Railroads
 Huron River
 Tax Parcels



Map date 7/6/2017
Any aerial imagery is circa 2015
unless otherwise noted
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307 Berkley Ave



-  Railroads
-  Huron River
-  Tax Parcels





Map date 7/6/2017
 Any aerial imagery is circa 2015
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307 Berkley Ave

Berkley Ave

 Railroads

 Huron River

 Tax Parcels



Map date 7/6/2017
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2BA17-022

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

CITY OF ANN ARBOR
RECEIVED

JUN 27 2017

PLANNING & DEVELOPMENT SERVICES

Section 1: Applicant Information

Name of Applicant: James Wanty
Address of Applicant: 2806 Laurentide Dr. Ann Arbor, MI 48103
Daytime Phone: 734 216 6049
Fax: 734 480 4445
Email: mronw@aol.com
Applicant's Relationship to Property: Owner

Section 2: Property Information

Address of Property: 307 Berkley Ann Arbor, MI 48103
Zoning Classification: R1D
Tax ID# (if known): 09-09-32-233-003
*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>1000 SF Rear setback area</u>	<u>480 SF</u>
<u>35%</u>	<u>65%</u>

Chapter 55
Section 5:59 Sub "D"

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)

Construct a pavilion attached to present garage. The Pavilion will be a 24' x 20' structure. Allowed to occupy 35% of rear setback, proposed 65% of structure in setback 30% additional

variance.

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...)

CK1300

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 suggested location is the best use of the property space.

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

The construction of Palvilion will not benefit the value of the property for the owner.

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

305 Berkley lot presumed unbuildable due to sewer line. Adjacent property south is a parking lot. 309 Berkley and property south have no structures across property line. The pavilion will not have a

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?

Doesn't meet present day set back requirements and % of property coverage.

negative impact on surrounding properties

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

The existing garage and attached roof on property have been in existence since 1947. The proposed pavilion will conform to the nonconforming set back of the original buildings.

Section 5: ALTERATION TO A NON-CONFORMING STRUCTURE

Current use of the property _____

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)

	<u>Existing Condition</u>	<u>Code Requirement</u>
Lot area	6,600	5,000
Lot width	50'	
Floor area ratio		
Open space ratio	65%	
Setbacks	Front - 25', s - 3', rear 20'	
Parking		
Landscaping		
Other		

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

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:

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

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.

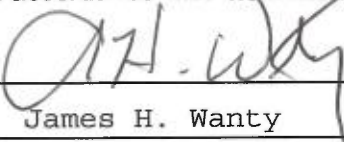
Section 7: Acknowledgement

SIGNATURES MUST BE SIGNED IN PRESENCE OF NOTARY PUBLIC

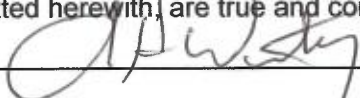
I, the applicant, request a variance from the above named Chapter(s) and Section(s) of the Ann Arbor City Code for the stated reasons, in accordance with the materials attached hereto.

734 216 6049

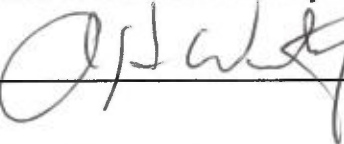
Phone Number
mronw@aol.com
Email Address


James H. Wanty
Signature
Print Name

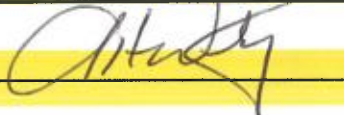
I, the applicant, hereby depose and say that all of the aforementioned statements, and the statements contained in the materials submitted herewith, are true and correct.


Signature

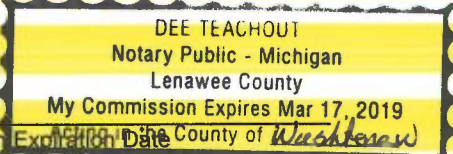
Further, I hereby give City of Ann Arbor Planning & Development Services unit staff and members of the Zoning Board of Appeals permission to access the subject property for the purpose of reviewing my variance request.




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 _____ day of _____, 20____, 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.


3/17/19 My Commission Expires Mar 17, 2019
Notary Commission Expires on the County of Washtenaw


Notary Public Signature

Dee Teachout
Print Name

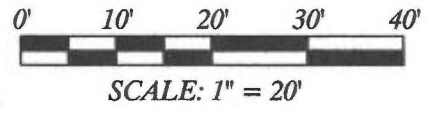
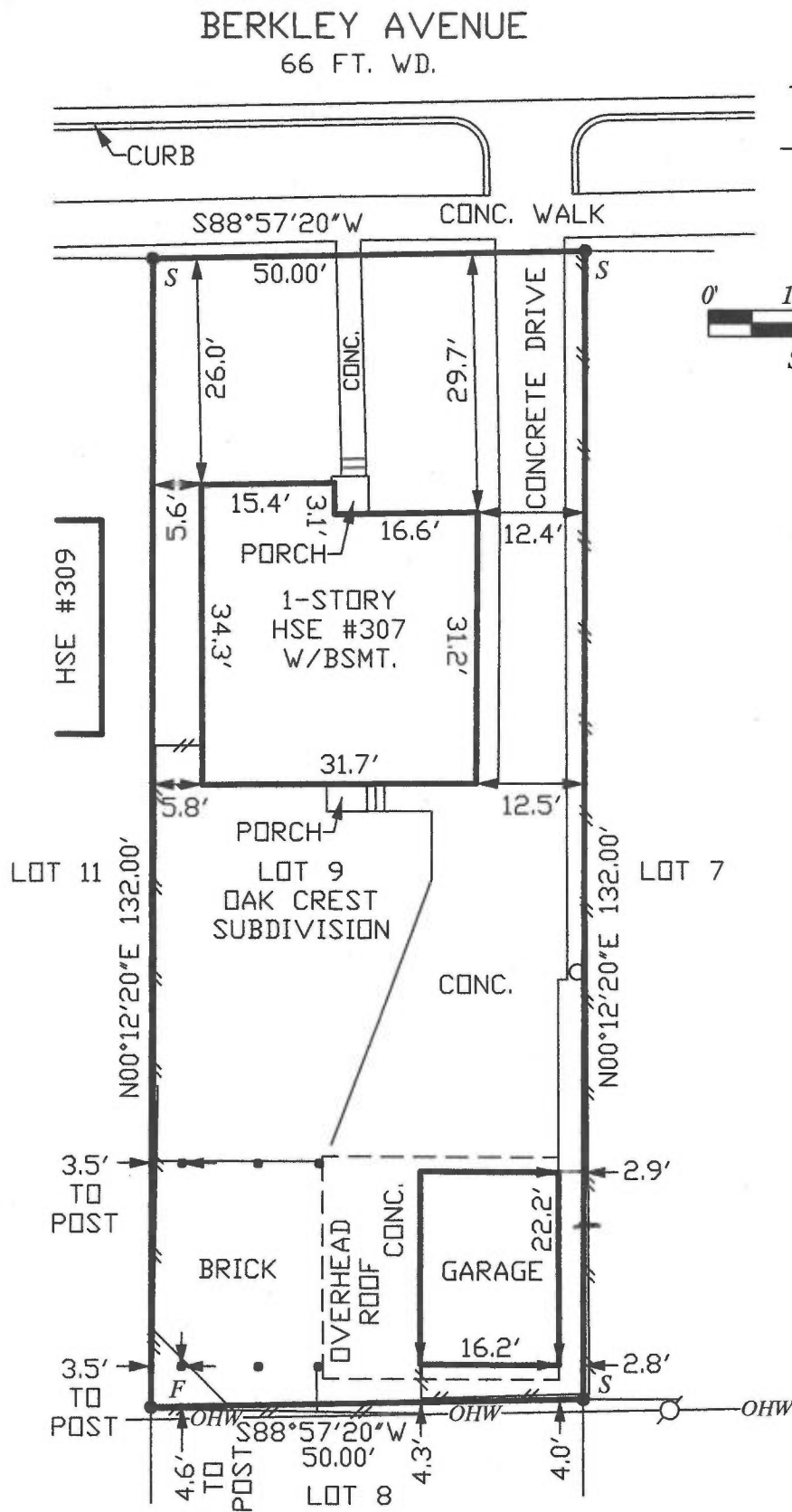
Staff Use Only

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

CERTIFICATE OF SURVEY

LEGEND

- IRON
- F FOUND IRON
- S SET IRON
- #—# FENCE
- ⊙ UTILITY POLE
- OHW— OVERHEAD WIRE
- 5x5 WOOD POSTS



LEGAL DESCRIPTION:

LOT 9 OAK CREST SUBDIVISION, PART OF THE NORTHWEST 1/4 OF SECTION 32, TOWN 2 SOUTH, RANGE 6 EAST, CITY OF ANN ARBOR, WASHTENAW COUNTY, MICHIGAN, AS RECORDED IN LIBER 6 OF PLATS, PAGE 8 OF WASHTENAW COUNTY RECORDS.

I HEREBY CERTIFY THAT I HAVE SURVEYED AND MAPPED THE LAND ABOVE ON JUNE 20, 2017 AND THAT THE RATIO OF CLOSURE ON THE UNADJUSTED FIELD OBSERVATIONS OF SUCH SURVEY WAS 1/21000, AND THAT ALL OF THE REQUIREMENTS OF P.A. 132, 1970, AS AMENDED HAVE BEEN COMPLIED WITH.

AMERICAN LANDMARK SURVEY P.L.C.

SURVEY OF LOT 9 OAK CREST SUBDIVISION, CITY OF ANN ARBOR, WASHTENAW COUNTY, MICHIGAN.

CLIENT: 307 BERKLEY, LLC

DATE: 6/26/2017

DRAWN BY: GFD
SCALE: 1" = 20'

SHEET 1 OF 1

JOB# 17143

Gerald F. Deslover

GERALD F. DESLOOVER
PROFESSIONAL SURVEYOR
NO. 45166

P.O. BOX 130043
ANN ARBOR, MI 48113
734-677-7000



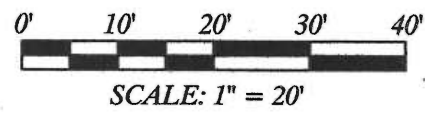
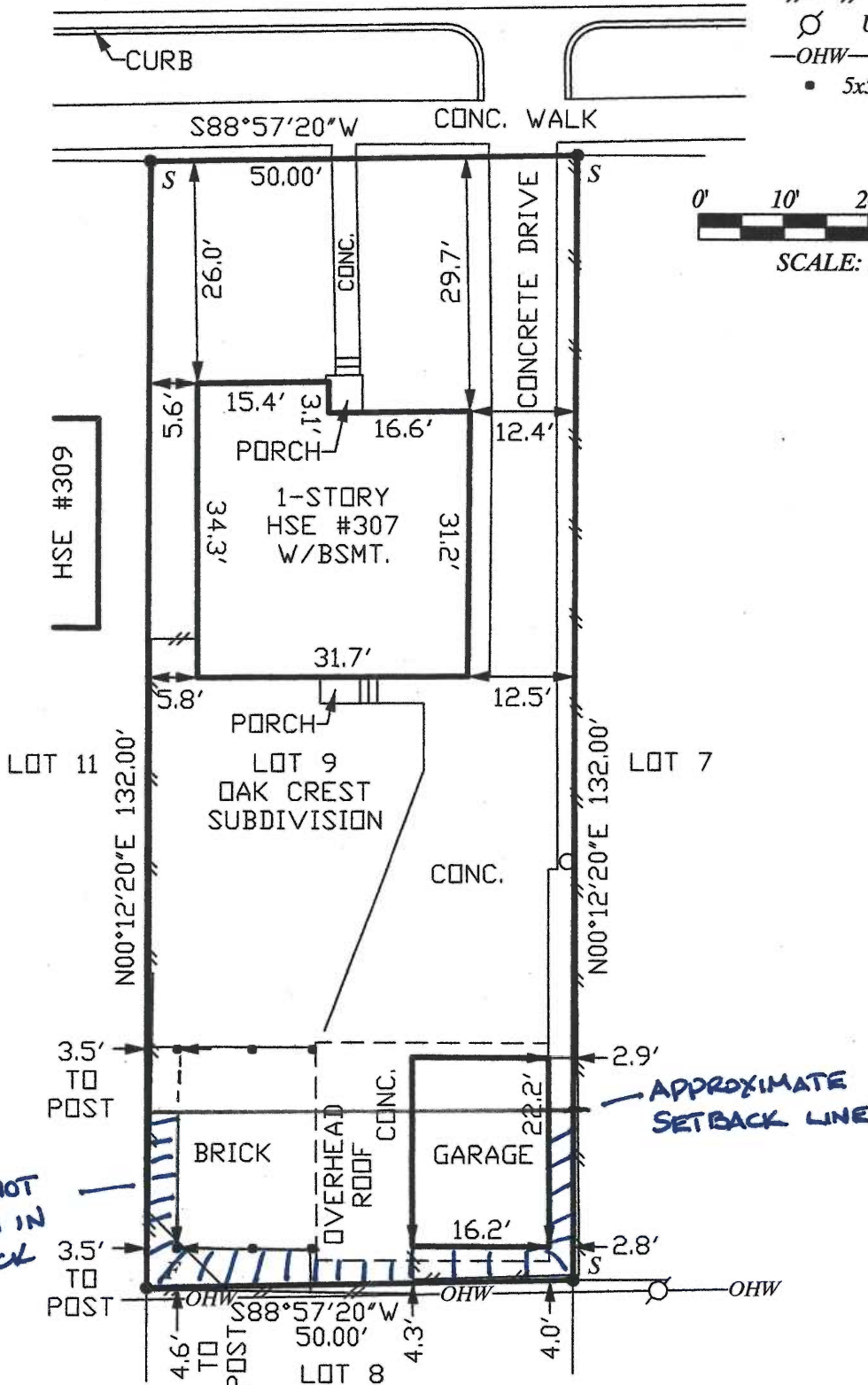
CERTIFICATE OF SURVEY

LEGEND

- IRON
- F FOUND IRON
- S SET IRON
- #—# FENCE
- ⊙ UTILITY POLE
- OHW— OVERHEAD WIRE
- 5x5 WOOD POSTS



BERKLEY AVENUE
66 FT. WD.



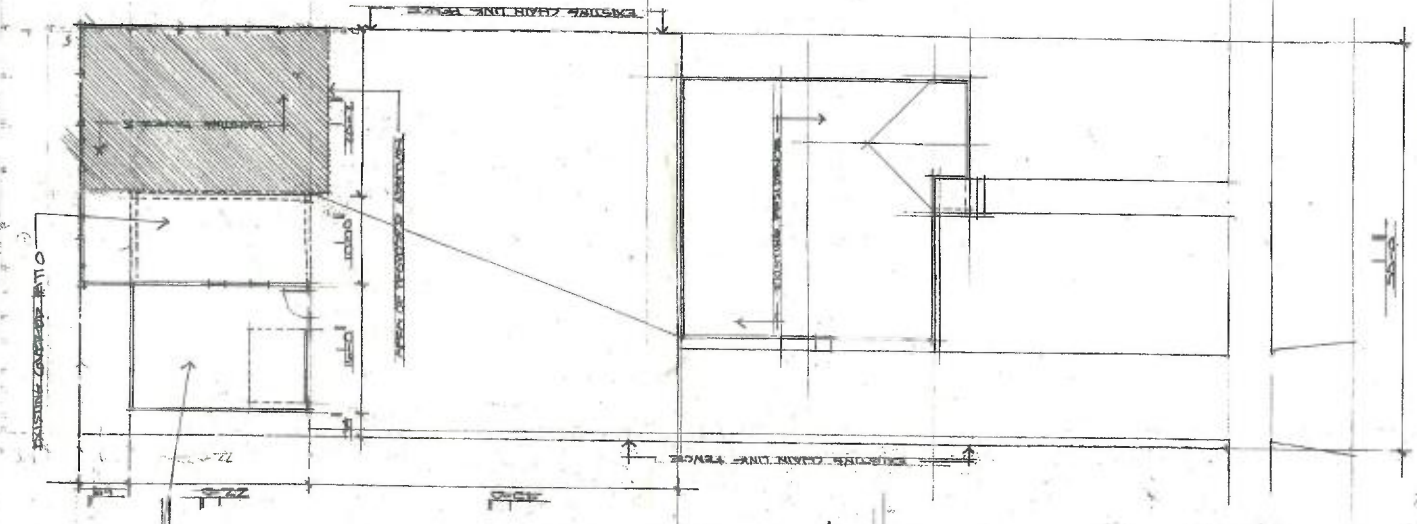
AREA NOT BUILT ON IN SETBACK

APPROXIMATE SETBACK LINE

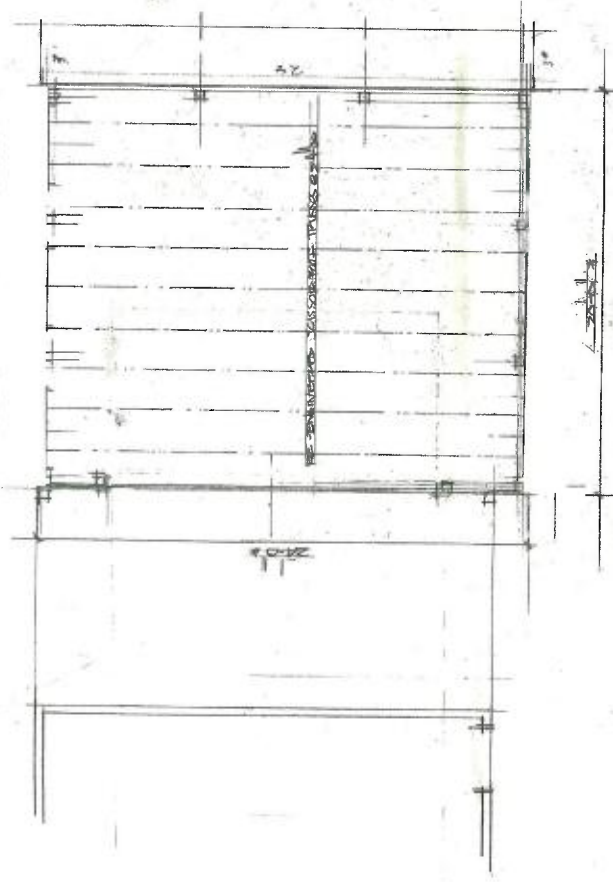
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 LOT 9 OAK CREST SUBDIVISION, PART OF THE NORTHWEST 1/4 OF SECTION 32, TOWN 2 SOUTH RANGE 6 EAST CITY OF ANN ARBOR WASHTENAW COUNTY MICHIGAN AS



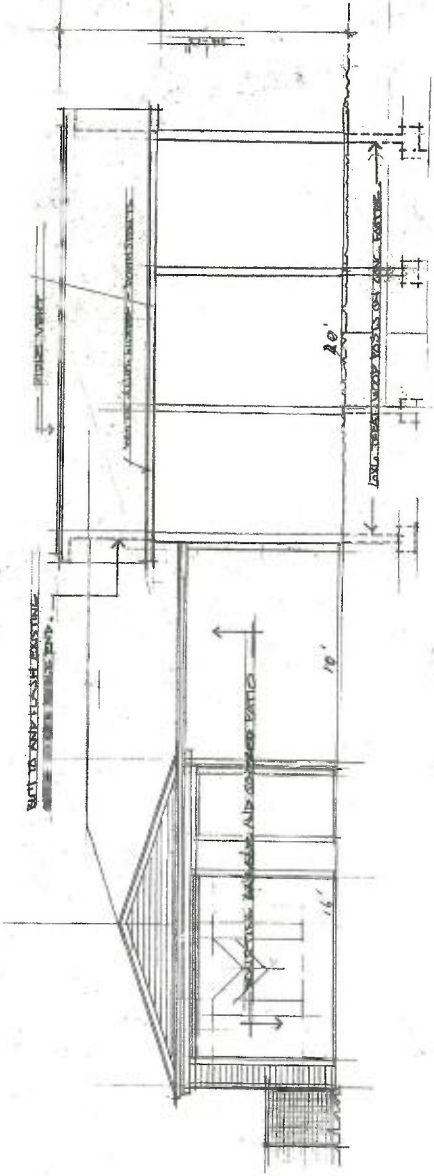
EXISTING BUILDING



SITE PLAN
SCALE: 1/8" = 1'-0"



FIRST FLOOR PLAN
SCALE: 1/4" = 1'-0"



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

MIKE DAVIS - BOB BREWSTER

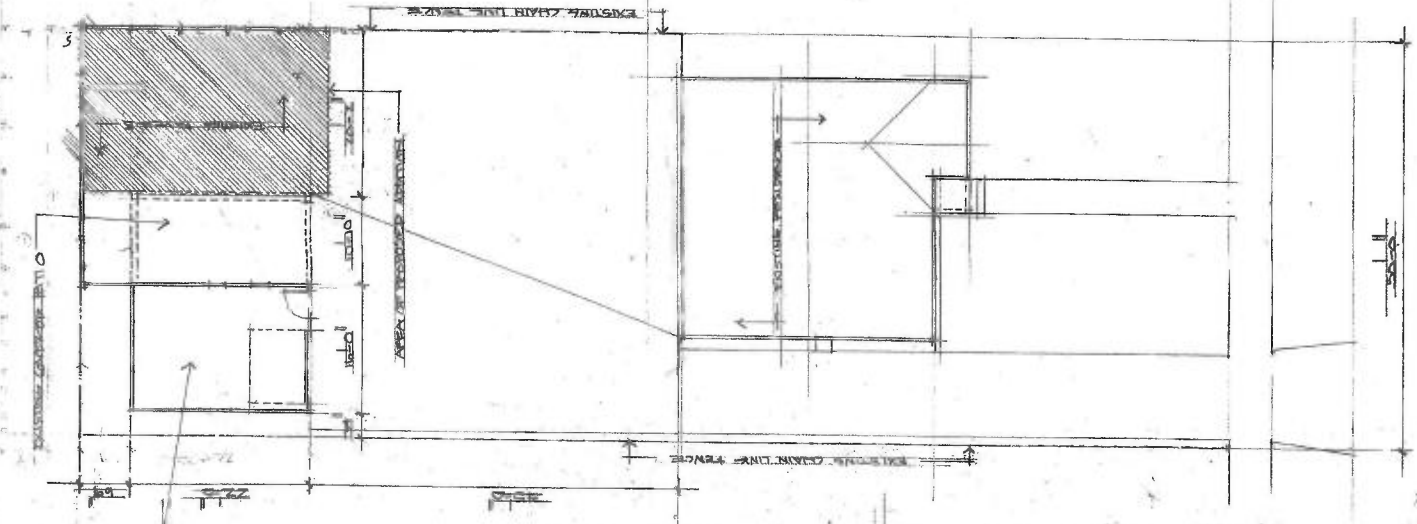
307 BERKLEY ST ANN ARBOR MI 48104

RESIDENTIAL BUILDING
1002 N. STATE ST. ANN ARBOR MI 48104
PROJECT NO. 2008-001

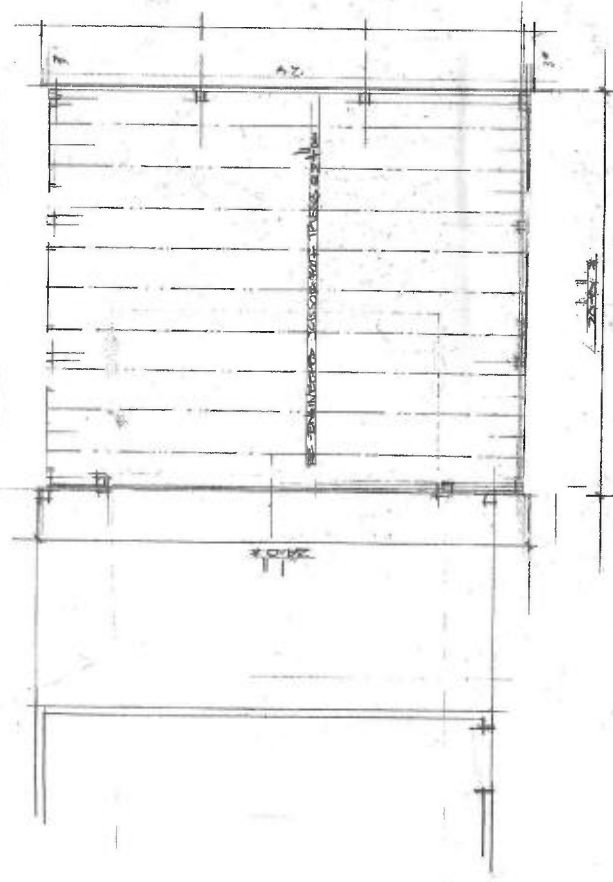
VERSION A



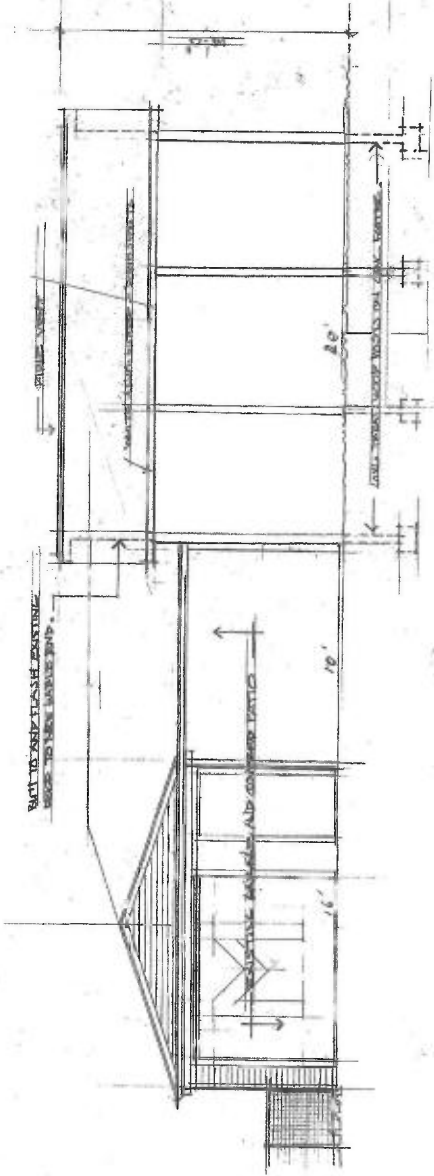
EXISTING BUILDING



SITE PLAN
SCALE: 1/8" = 1'-0"



FIRST FLOOR PLAN
SCALE: 1/4" = 1'-0"



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

MIKE DAVIS - BOB BREWSTER

307 BERKLEY ST ANN ARBOR MI 48104

VERSION A

Google Maps 305 Berkley Ave



Image capture: Sep 2014 © 2017 Google

Ann Arbor, Michigan

Street View - Sep 2014





Imagery ©2017 Google, Map data ©2017 Google 20 ft