

**Zoning Board of Appeals
June 24, 2020 Regular Meeting**

STAFF REPORT

Subject: ZBA 20-005; 7 Ridgeway Street

Summary:

O/X Studio, c/o Robert Burroughs, representing property owner, is seeking a variance from Section 5.18.5 Averaging an Established Front Building Line and Table 5-17.1 Single-Family Residential Zoning Districts. The applicant is requesting to reduce the required front setback of 40 feet to 30 feet, and the rear yard setback requirement of 30 feet to 20 feet. Currently, there are no plans for new home construction.

Background:

The subject property is located on the east side of Ridgeway Street in the Angell neighborhood adjacent to Nichols Arboretum. The property is currently vacant.

Description:

The neighborhood is unique for the fact of its peninsula shaped street and steep sloping terrain.

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 cites three reasons for the variance: 1) topography; steep slope of the subject lot has a twelve- foot grade variation from east to west 2) unique conditions of the adjacent lots and 3) many of the homes in the neighborhood have a front setback of less than 25 feet.

- (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 application of the average front setback of 40 feet reduces the building envelope to make it difficult to construct a home. The north building line is reduced to 10'2" and the south building lot line to 27' 8". The small building envelope would not allow for a home to be built on the same scale as the surrounding homes.

- (c). *That allowing the variance will result in substantial justice being done, considering the public benefits intended to be secured by this Chapter, the***

Zoning Board of Appeals
June 24, 2020

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 owner states that if the variance is granted, the 30 foot setback will still be greater than the district requirement of 25 feet. The rear yard setback variance request also reduces the need to seek a larger variance in the front, thereby reducing any visual impacts to the properties across the street.

- (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 prescribed conditions of the Unified Development Code.

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

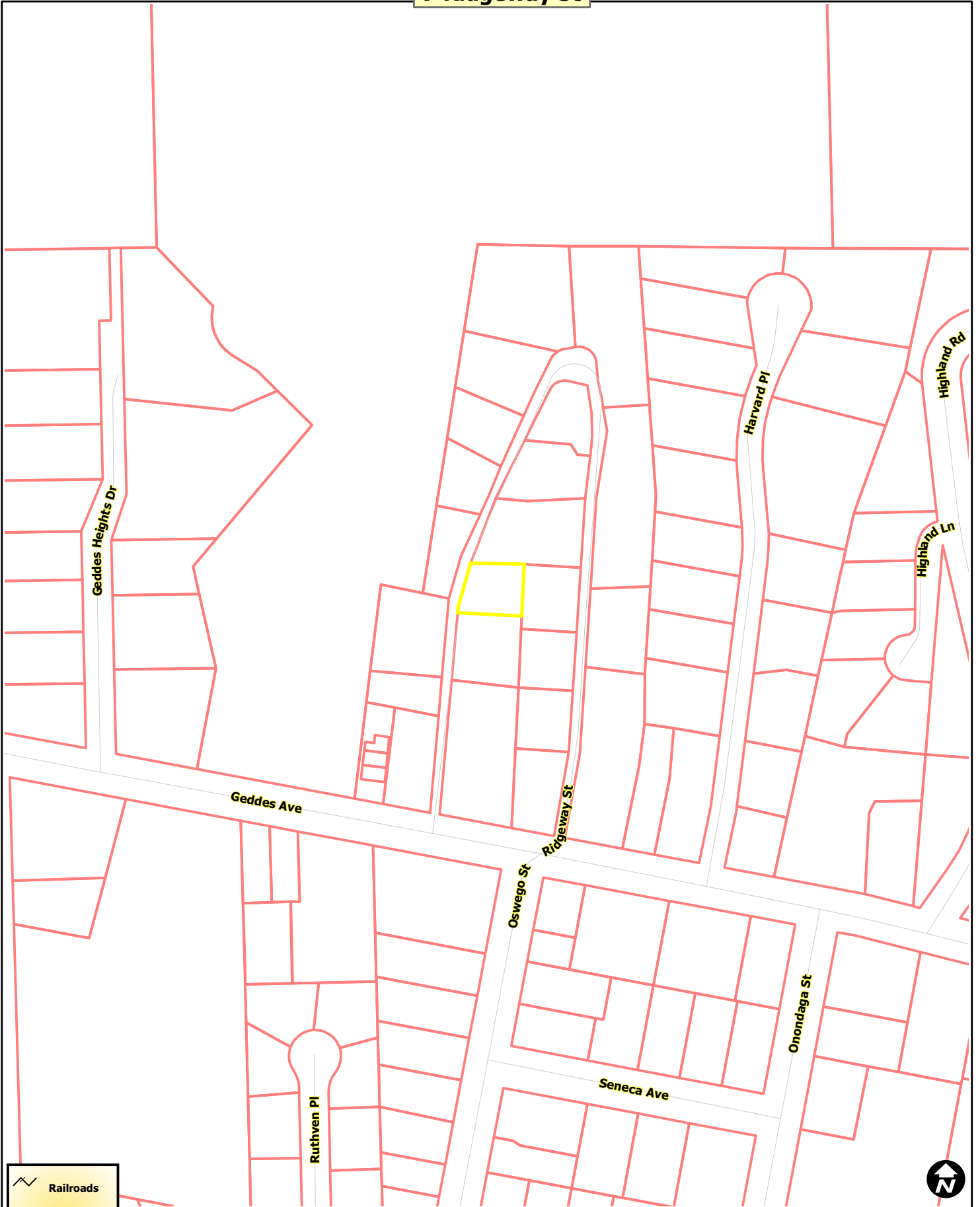
The request is minimal and reasonable in order to create a functional buildable area to construct a new single-family residence.




Respectfully submitted,

A handwritten signature in blue ink that reads "Jon Barrett". The signature is stylized and cursive.

Jon Barrett
Zoning Coordinator

7 Ridgeway St

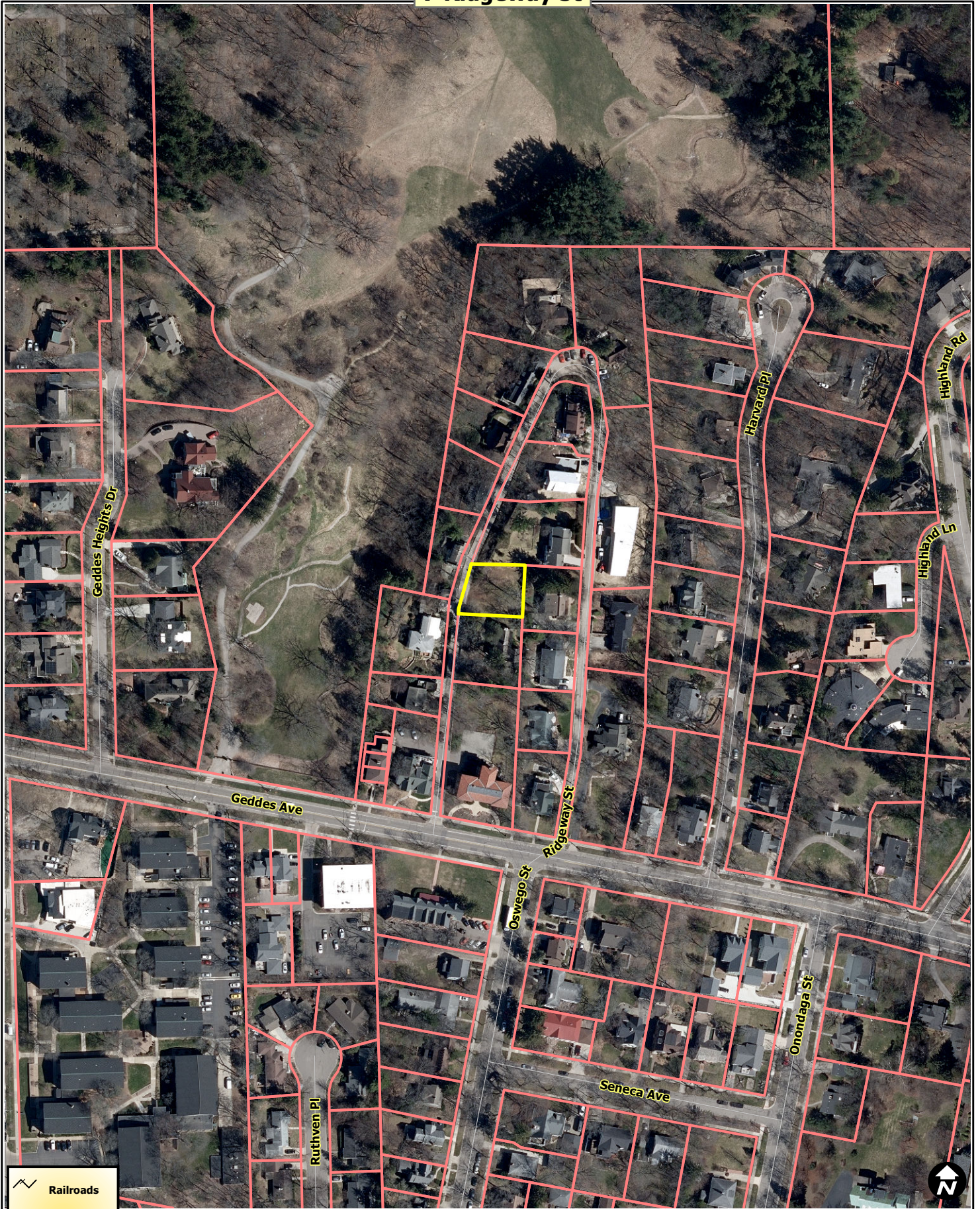





-  Railroads
-  Huron River
-  Tax Parcels



Map date: 2/28/2020
Any aerial imagery is circa 2018
unless otherwise noted
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7 Ridgeway St

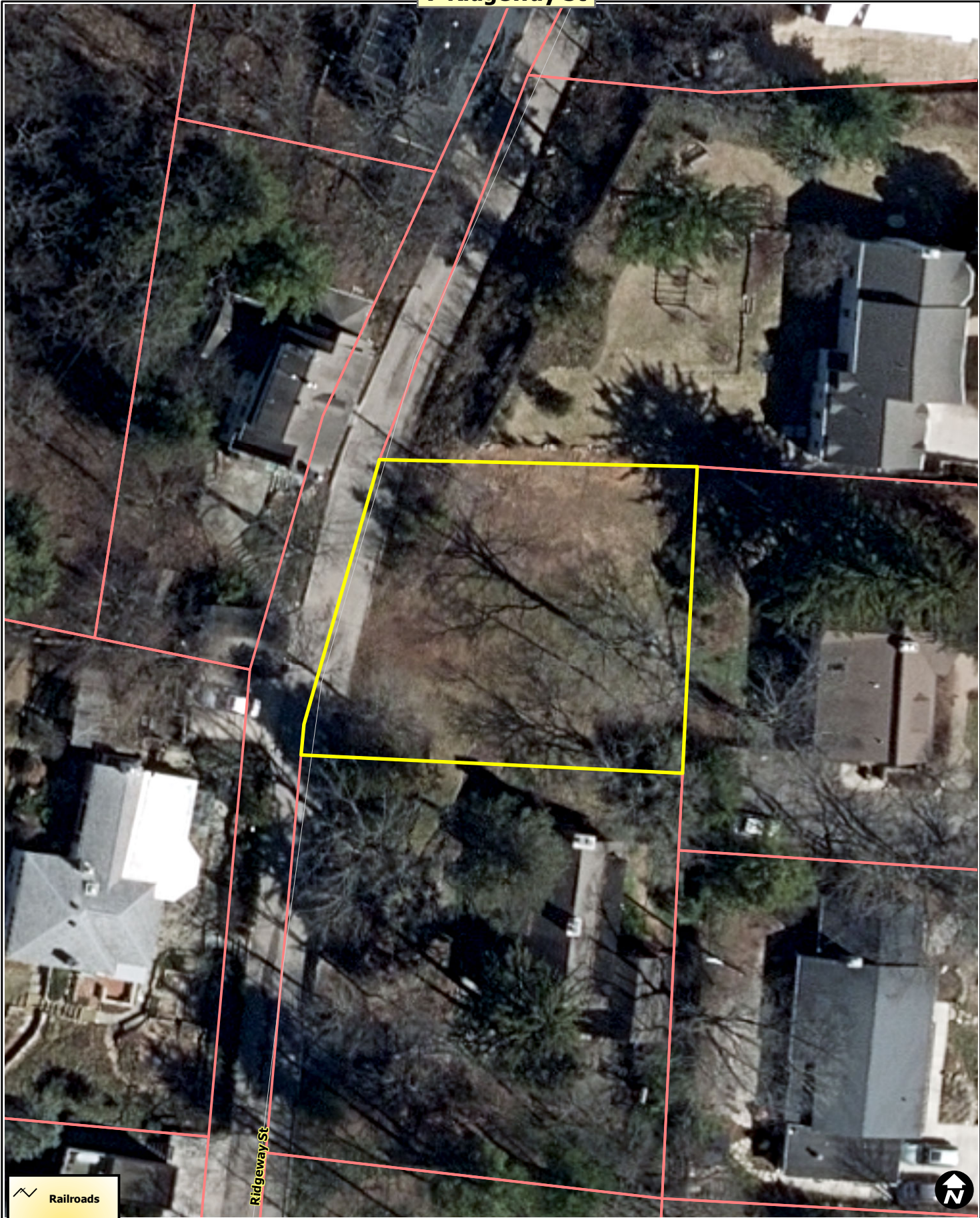





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7 Ridgeway St



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Any aerial imagery is circa 2018
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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

PROPERTY INFORMATION

ADDRESS OF PROPERTY LOT #14 RIDGEWAY STREET (7) RIDGEWAY	ZIP CODE 48104
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ZONING CLASSIFICATION R1C	NAME OF PROPERTY OWNER* <i>If different than applicant, a letter of authorization from the property owner must be provided</i> MARGARET MCKINLEY
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PARCEL NUMBER 09-09-28-401-013	OWNER EMAIL ADDRESS
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APPLICANT INFORMATION

NAME O X STUDIO, C/O ROBERT BURROUGHS
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ADDRESS 2373 OAK VALLEY, STE 180	CITY ANN ARBOR	STATE MI	ZIP CODE 48103
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EMAIL ROBB@OXSTUDIOINC.COM	PHONE (734) 929-9014
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APPLICANT'S RELATIONSHIP TO PROPERTY ARCHITECT

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
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REQUIRED MATERIALS

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.

Required Attachments:

- Boundary 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.

OFFICE USE ONLY	
Fee Paid: \$750	ZBA: 20-005
CITY OF ANN ARBOR DATE STAMP RECEIVED	
FEB 26 2020	
PLANNING & DEVELOPMENT SERVICES	

ACKNOWLEDGEMENT

All information and materials submitted with this application are true and correct.

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.

Property Owner Signature: Date: 02/25/2020

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)

SECTION 5.18.5 AVG. AN ESTABLISHED FRONT BUILDING LINE; TABLE 5-17.1 SINGLE-FAMILY RES. ZONING DISTRICT

REQUIRED DIMENSION: (Example: 40' front setback)

Feet: 40'/30' Inches: 0 **FRONT**

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

Feet: 30'/20' Inches: 0 **REAR**

DESCRIPTION OF PROPOSED WORK AND REASON FOR VARIANCE:

REDUCE FRONT YARD SETBACK FROM 40' TO 30' AND REAR YARD SETBACK FROM 30' TO 20' TO PROVIDE BUILDABLE LOT DIMENSIONS FOR FUTURE SINGLE FAMILY RESIDENTIAL PROJECT.

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.

See attached.

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.

See attached.

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.

See attached.

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

See attached.

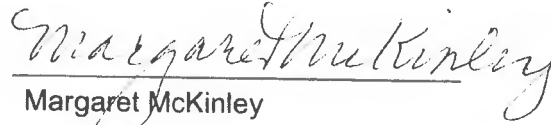
A variance approved shall be the minimum variance that will make possible a reasonable use of the land or structure.

See attached.

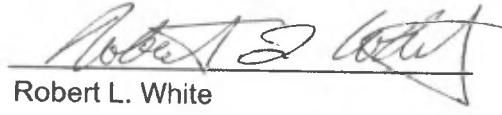
LETTER OF AUTHORIZATION

I hereby authorize Robb Burroughs, principal of O/X Studio, Inc., architectural firm, to represent me, Margaret McKinley, of Leland, MI, with regard to the ZBA appeal to change the setback requirements for the vacant lot I own on Ridgeway Street in Ann Arbor, MI.

Mr. Burroughs is hereby authorized to file the appeal, appear on my behalf and represent me in any way required for the appeal.


Margaret McKinley

This authorization statement was signed before me by Margaret McKinley, known to me, this 18th day of February, 2020.


Robert L. White
Notary Public
Washtenaw County Michian
My Commission Expires 7/24/24

Prepared by Rober L. White
Attorney at law
2612 Newport Road
Ann Arbor, MI 48103
734-383-2874

Square Footages of the houses located on the west loop of Ridgeway

2 Ridgeway: 2067
3 Ridgeway: 2205
4 Ridgeway 1730
8 Ridgeway 1922
10 Ridgeway 2331
11 Ridgeway 2051
12 Ridgeway 1660
14 Ridgeway 1909
16 Ridgeway 2986

21 Ridgeway 2618 (the house fronts on the east loop and the lot extends back to also front on the west loop. This lot is next to the subject vacant lot)

25 Ridgeway 2145 (this lot fronts on the east loop and backs up to the subject lot)

19 Ridgeway 2185 (fronts on the east loop, built in 2017 and has a front setback of 22 feet)

22 Ridgeway 2699 (fronts on the east loop, built in 2017 with front setback of 18 feet)

Average square feet of houses on the west loop, and including the two east loop houses that back up or are lot is contiguous to the subject lot (21 and 25 Ridgeway) = 2147 square feet

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.

There are several key practical difficulties that restrict the property owner's ability to building a single-family residence on the site and are exceptional and peculiar to this property.

- 1) Topography: the site has a dramatic slope, dropping over 12' from east to west with the access point being on the westerly property line.
- 2) Unique adjoining yard conditions: the properties to the north is a thru-lot meaning that it has two (2) front yards. The property to the south is fronting Geddes. Essentially this property abuts two rear yards and is the only property on this side of the Ridgeway peninsula that fronts towards the west for access to the property.
- 3) Neighborhood context: the front yard conditions for all the properties in this unique neighborhood vary dramatically, with some very close to the street and with the greater majority in close to compliance to the base zoning setback of 25'.

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 UDC prescribes for the R1C zoning district an underlying 25' front yard setback. It then references that averaging the front yard shall be used if required or available. If the adjoining properties within 100' of a property have a setback less than the 25', then the average setback between the collective properties may be used. Conversely, if the existing setbacks are greater than 25' then the deeper setback must be applied with this not to exceed a setback of 40'. As there is no structure to the north nor to the south that allows direct measurement the front yards, the 40' setback needs to be taken into account. When the 40' front yard setback is introduced, it renders the buildable site area virtually unbuildable. The north buildable lot line dimension is 10'-2" and the south buildable lot line dimension of 27'-8". Not only is this a uniquely small buildable lot dimension to work with but it likewise limits the ability to construction a residence in commensurate scale and area to the adjoining neighborhood.

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.

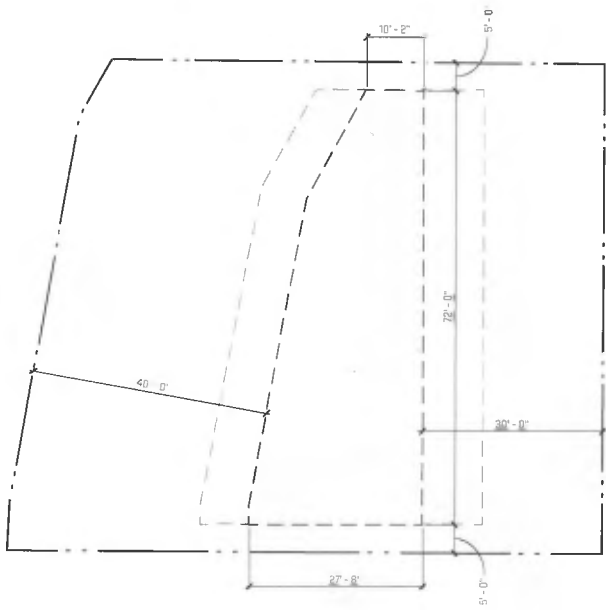
The owner is not requesting building as close to the western lot line as prescribed by the underlying ordinance requirements. Rather they are asking for a 30' setback which is noticeably greater than the majority if not all of the properties in this neighborhood. To balance out the need for a comfortable building lot, they are likewise requesting the ability to reduce the rear yard of the property to 20' to allow the balancing of the topography and to minimize the necessity of building closer to the street thereby lessening the impact on the neighbors across the street.

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

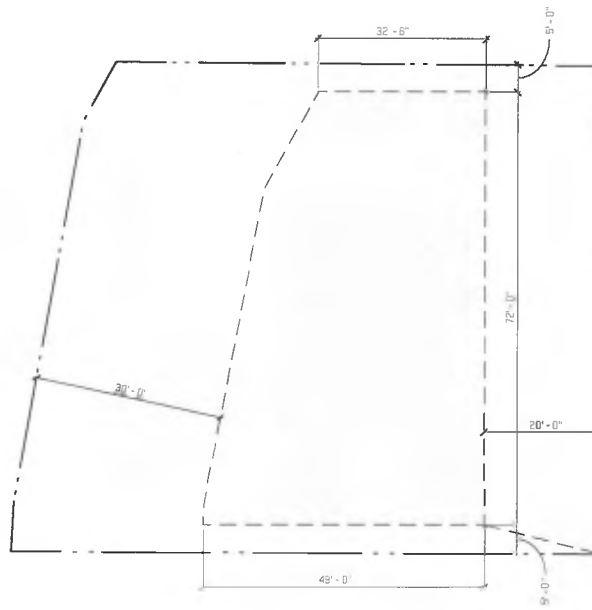
The buildable area is as prescribed by the zoning ordinance and not a self-imposed issue.

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

The proposed setback affords a buildable site area which will accommodate the construction of a house commensurate in size and scale with the neighborhood while balancing the challenges and constraints of the site topography. Constructing a single-family residence within a functional buildable area is a reasonable request.



Existing Zoning Setbacks



Proposed Zoning Setbacks

R1C Setback		
	Existing	Proposed
Front Yard	40'	30'
Side 1	5'	5'
Side 2	5'	5'
Back Yard	30'	20'

SCALE: 1" = 1'



Neighborhood Precedence

Throughout this neighborhood, houses are universally set very close to the street, with setbacks being rarely more than 25', and often virtually non-existent, with houses perched directly on the edge of the narrow street



NOTES: Parcels may not be to scale.
This information is provided for informational purposes only and does not constitute a guarantee, warranty, or representation of any kind. The information is provided as a service to the public and is not intended to be used for any other purpose. The information is provided as a service to the public and is not intended to be used for any other purpose.

Actual Average Existing Setbacks

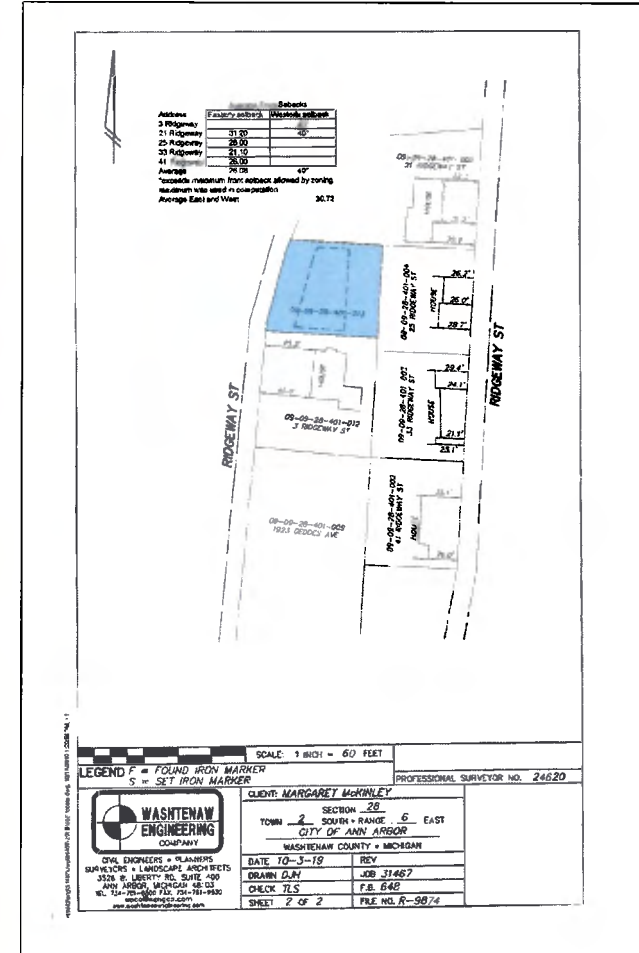
The proposed house should not be subject to exceptional building conditions set by a calculation based on irrelevant data. With only one other neighboring house with the same street-side orientation, it is impossible to determine an accurate average setback distance without including measurements from all adjacent properties, if not from all properties on the small street.

The proposed house's only neighbor sharing the same street-side orientation (3 Ridgeway St) has a generous 45' front setback, but this space is negated its rear setback of approximately 5'.

The actual average front setback for all residential buildings on Ridgeway Street, according to visual assessment of satellite imagery, as measured from structure to edge of road, is approximately 16'.

The average front setback of the five residential buildings immediately adjacent to the proposed house, according to assessments conducted by the Washtenaw Engineering company, is approximately 30'.

The minimum and most common front setback distance for District R1C Single Family Residential zoning is 25'. (The existing setback is the maximum, 40'.)

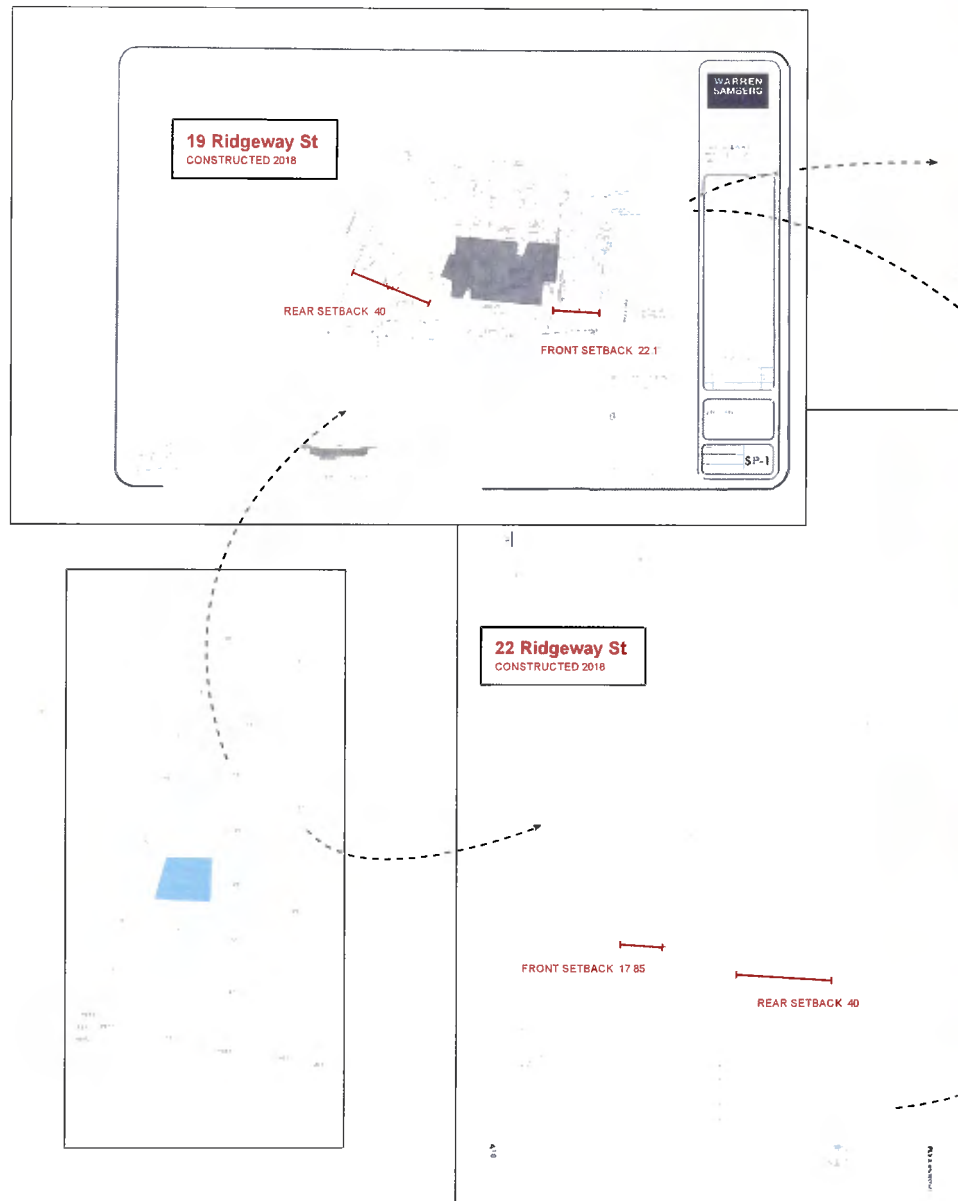


Recent Construction

For added context to determine the appropriate parameters for this project, the most recent construction projects in this neighborhood should be taken into consideration.

The two most recent houses have front setbacks of approximately 22' and approximately 18', respectively.

The position of the house at 19 Ridgeway St is being used incorrectly to partially determine the proposed house's existing setbacks, by using the figure of 40', which is a rear setback, to calculate an average front setback.



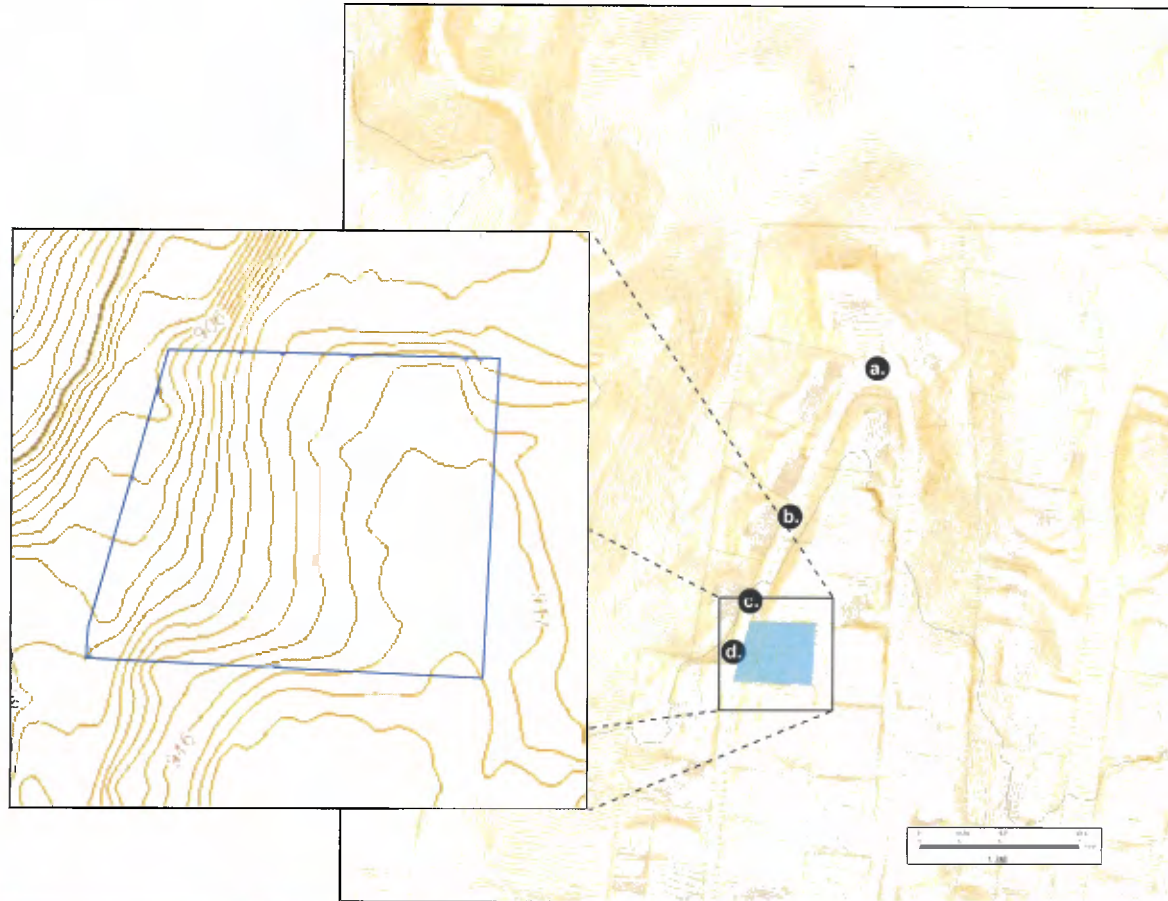
Terrain Conditions

Additionally, the state of the terrain at the proposed house parcel should be taken into consideration when determining the allotted area to build.

The property is at a relatively steep slope, a condition that exists all along the western side of Ridgeway Street. This condition severely limits the buildable area, as demonstrated by the existing buildings and their positions avoiding the sloped ground.

These conditions further impinge upon the prospective square footage of the Proposed House, adding to the limitations imposed by the severe setback.

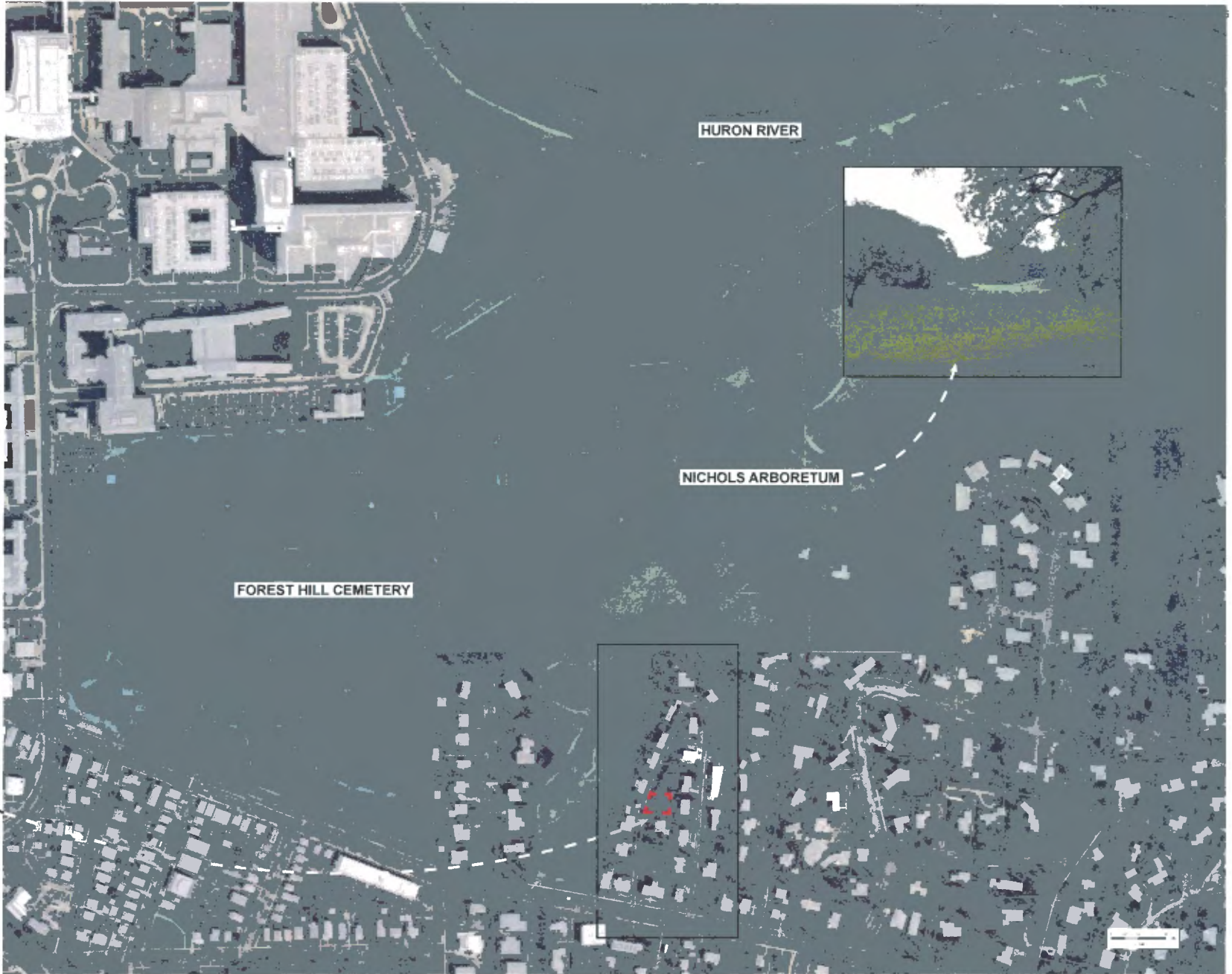
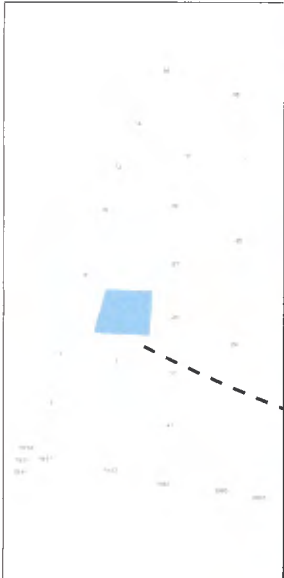
A positive effect of the elevation change is an added layer of privacy afforded to neighbors across the street, by way of limited visibility of the proposed house, due to its higher position.



Site Context

When considering the potential damage a slightly reduced front setback could cause for the residents across the street from the proposed house, either in property value or living experience, the greater surrounding conditions should also be considered.

The residences of Ridgeway Street, particularly those on the western side of the loop (the homes across the street from the proposed house), are situated at the edge of Nichols Arboretum, and have backyard access to some of the most coveted green space in the city of Ann Arbor, spanning nearly half of a mile to the north, all the way to the Huron River.



Proposed Setbacks

The proposed house's existing zoning setbacks of 40' and 30' for the front and rear, respectively, are derived from irrelevant information, and does not reflect accurate or reasonable ordinance.

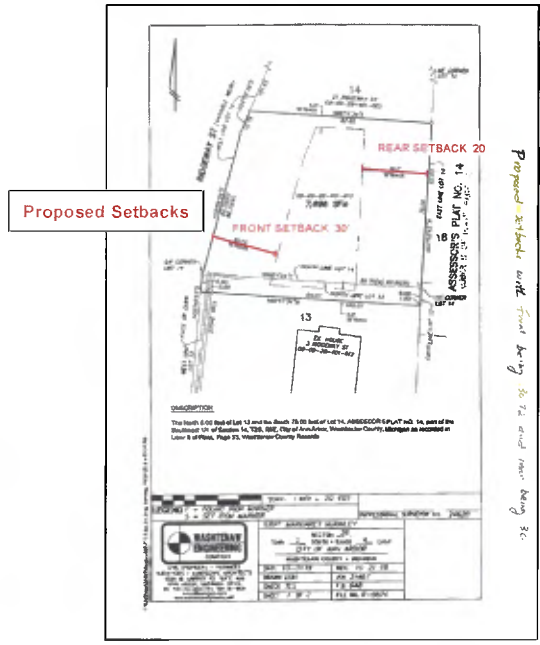
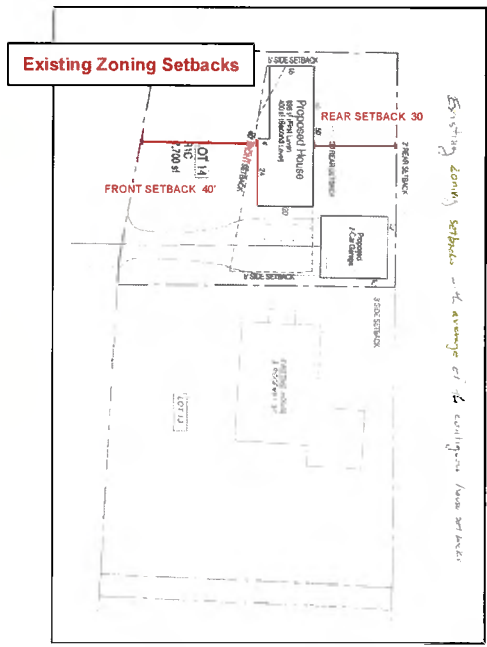
The updated zoning setbacks of 30' and 20' for the front and rear, respectively, are a more closely aligned with the typical neighborhood conditions. Building with these setbacks will have negligible impact on existing residences, and yield a vastly more reasonable and comfortable new residential construction.

With an entire parcel depth of only approximately 80', these adjusted zoning setbacks are the only way a reasonable residential property can be constructed.

Another option could be for the zoning setbacks of the proposed house to mimic those of its neighbor (3 Ridgeway St), having a front setback of approximately 45' and a minimal rear setback of approximately 5'.

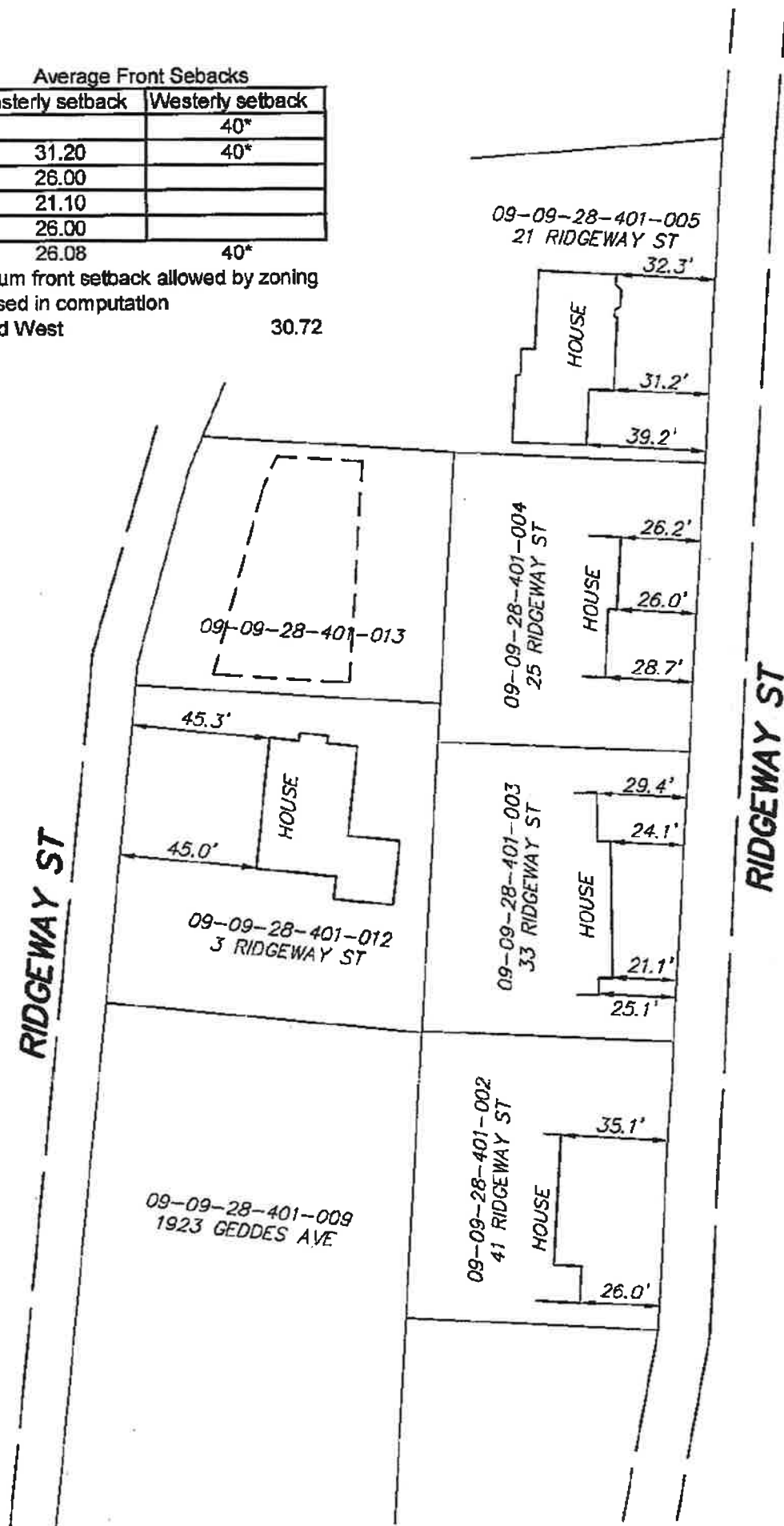
All of the information presented validates an unnecessary hardship, and should justify a grant of variance from regulations, in order that the residential structure may be completed successfully.

Please see attached sheet for detailed diagram of existing and proposed setbacks.





Address	Average Front Setbacks	
	Easterly setback	Westerly setback
3 Ridgeway		40*
21 Ridgeway	31.20	40*
25 Ridgeway	26.00	
33 Ridgeway	21.10	
41 Ridgeway	26.00	
Average	26.08	40*
*exceeds maximum front setback allowed by zoning maximum was used in computation		
Average East and West		30.72



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SCALE: 1 INCH = 60 FEET

LEGEND F = FOUND IRON MARKER
S = SET IRON MARKER

PROFESSIONAL SURVEYOR NO. 24620



CIVIL ENGINEERS * PLANNERS
SURVEYORS * LANDSCAPE ARCHITECTS
3526 W. LIBERTY RD, SUITE 400
ANN ARBOR, MICHIGAN 48103
TEL. 734-761-8800 FAX. 734-761-9530
weco@wengco.com
www.washtenawengineering.com

CLIENT: MARGARET MCKINLEY

TOWN 2 SECTION 28
SOUTH * RANGE 6 EAST
CITY OF ANN ARBOR
WASHTENAW COUNTY * MICHIGAN

DATE 10-3-19

REV.

DRAWN DJH

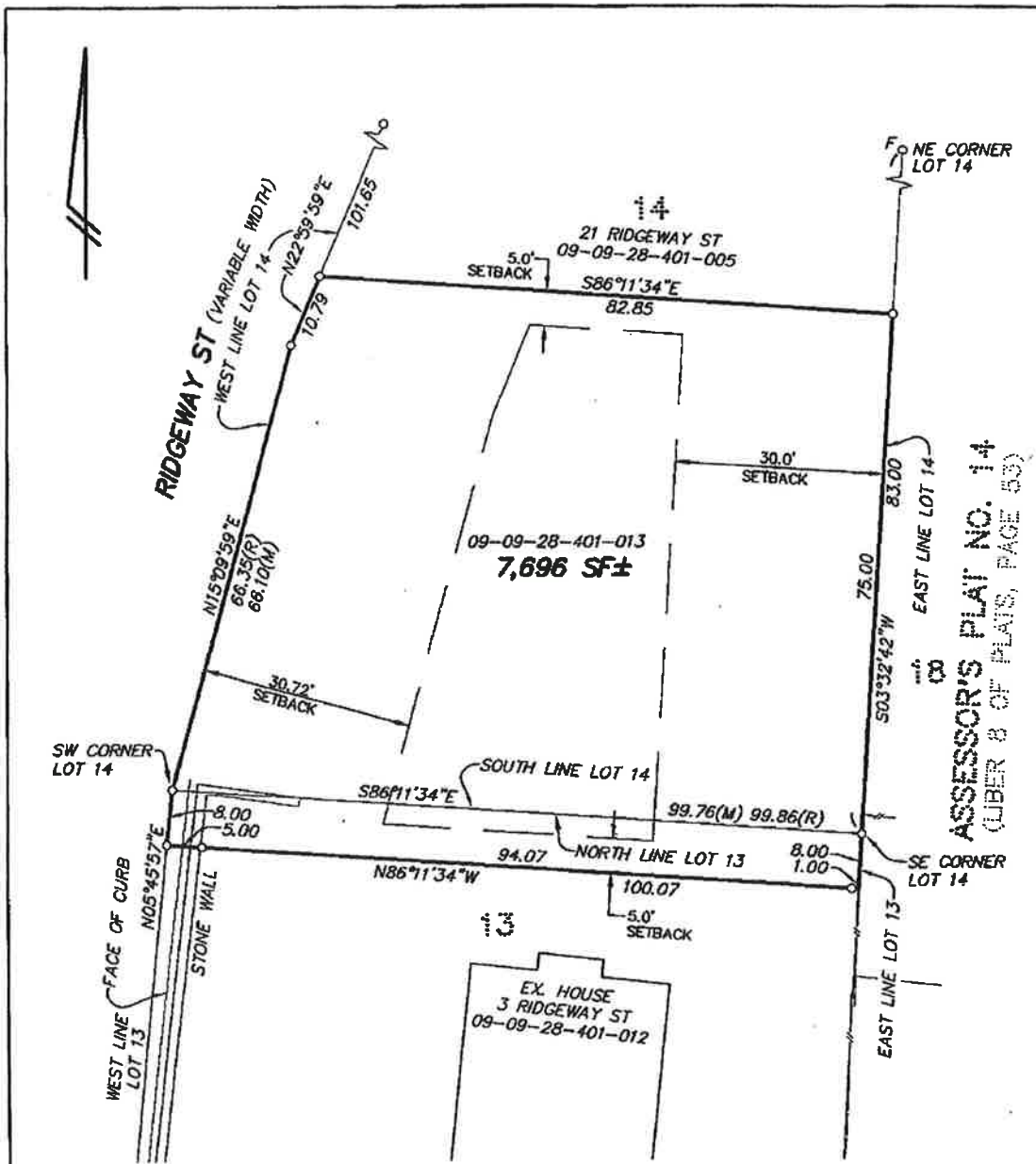
JOB 31467

CHECK TLS

F.B. 648

SHEET 2 OF 2

FILE NO. R-9874




ASSESSOR'S PLAT NO. 14
(LIBER 8 OF PLATS, PAGE 53)

DESCRIPTION

The North 8.00 feet of Lot 13 and the South 75.00 feet of Lot 14, ASSESSOR'S PLAT NO. 14, part of the Southeast 1/4 of Section 14, T2S, R6E, City of Ann Arbor, Washtenaw County, Michigan as recorded in Liber 8 of Plats, Page 53, Washtenaw County Records.

Proposed setbacks with front being 30.72 and rear being 30

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SCALE: 1 INCH = 20 FEET		PROFESSIONAL SURVEYOR NO. 24620	
LEGEND F = FOUND IRON MARKER S = SET IRON MARKER		CLIENT: MARGARET MCKINLEY SECTION 28 TOWN 2 SOUTH + RANGE 6 EAST CITY OF ANN ARBOR WASHTENAW COUNTY + MICHIGAN	
 CIVIL ENGINEERS • PLANNERS SURVEYORS • LANDSCAPE ARCHITECTS 3526 W. LIBERTY RD, SUITE 400 ANN ARBOR, MICHIGAN 48103 TEL 734-761-8800 FAX 734-761-9530 wcco@wengco.com www.washtenawengineering.com		DATE 10-3-19	REV. 10-21-19
		DRAWN DJH	JOB 31467
		CHECK TJS	F.B. 648
		SHEET 1 OF 2	FILE NO. R-9874