

**Zoning Board of Appeals
March 18, 2013 Regular Meeting**

STAFF REPORT

Subject: ZBA13-006, 521 Potter Ave.

Summary: Phillip Sanborn is requesting one variance from Chapter 55(Zoning) Section 5:29 (R1D, Single-Family), of 6 feet 8 inches to enclose an existing covered porch in the front setback; 25 feet is required.

Description and Discussion:

The subject parcel is zoned R1D (Single-Family) and is located on the corner of Potter and Edgewood, south of Pauline.

The petitioner is proposing to enclose a 6 foot 7 inch by 19 foot 8 inch (130 square feet) existing covered front porch. The enclosed porch will become a four-season room. The porch extends into the front setback of Edgewood and is 18 feet 4 inches from the front property line along Edgewood. The house is 1,519 square foot and was built in 1977. The porch was constructed in 2002 with all appropriate permits and inspections, while it was originally approved as covered, it was not enclosed. The enclosure will include significant windows along all three sides and will match architectural style of the house. The front setback and existing building footprint will not change if the porch is enclosed. If approved, the front setback along Edgewood will remain 18 feet 4 inches, required is 25 feet so the petitioner is requesting a front setback variance of 6 feet 8 inches.

Standards for Approval- Variance

The Zoning Board of Appeals have 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 parcel is a conforming lot in the R1D Zoning District (required is 5,000 square feet, subject parcel is 6,656 square feet). The parcel is a corner lot, which results in 2 front setbacks of 25 feet.

- (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.***

The variance is being requested for enclosure of an existing covered front porch. If the variance is denied, an addition could be constructed to the east or south side of the house. Due to the elevated first floor, any first floor addition would also need to be raised above the elevation of the finished ground level.

- (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 approved, the footprint of the existing structure will not be expanded. The porch is currently covered; windows and walls will be added to three sides to complete the enclosure. The existing front setback will not be reduced and the setback is consistent with some other houses in the neighborhood. Existing mature vegetation along the street and numerous windows along the façade should help minimize the impact to the surrounding neighborhood.

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

The existing covered porch was constructed with all appropriate building permits in 2002.

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

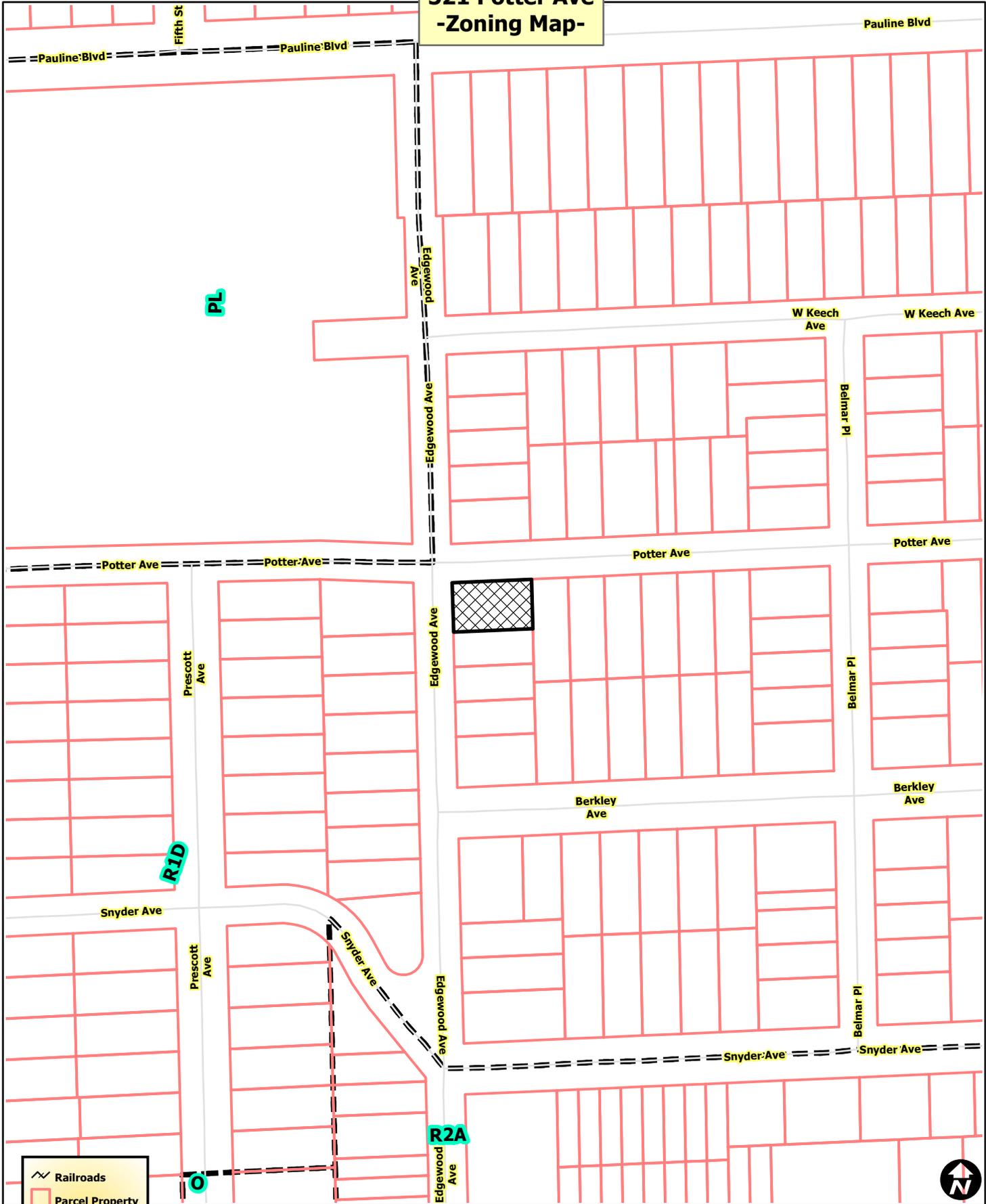
The variance, if approved, will permit enclosure of a 130 square foot covered front porch. The footprint of the structure will not be expanded and will not encroach any further into the front setback. Windows will be added to all sides in order to minimize visual impact of the enclosure to the neighborhood.

Respectfully submitted,



**Matthew J. Kowalski, AICP
City Planner**

521 Potter Ave -Zoning Map-



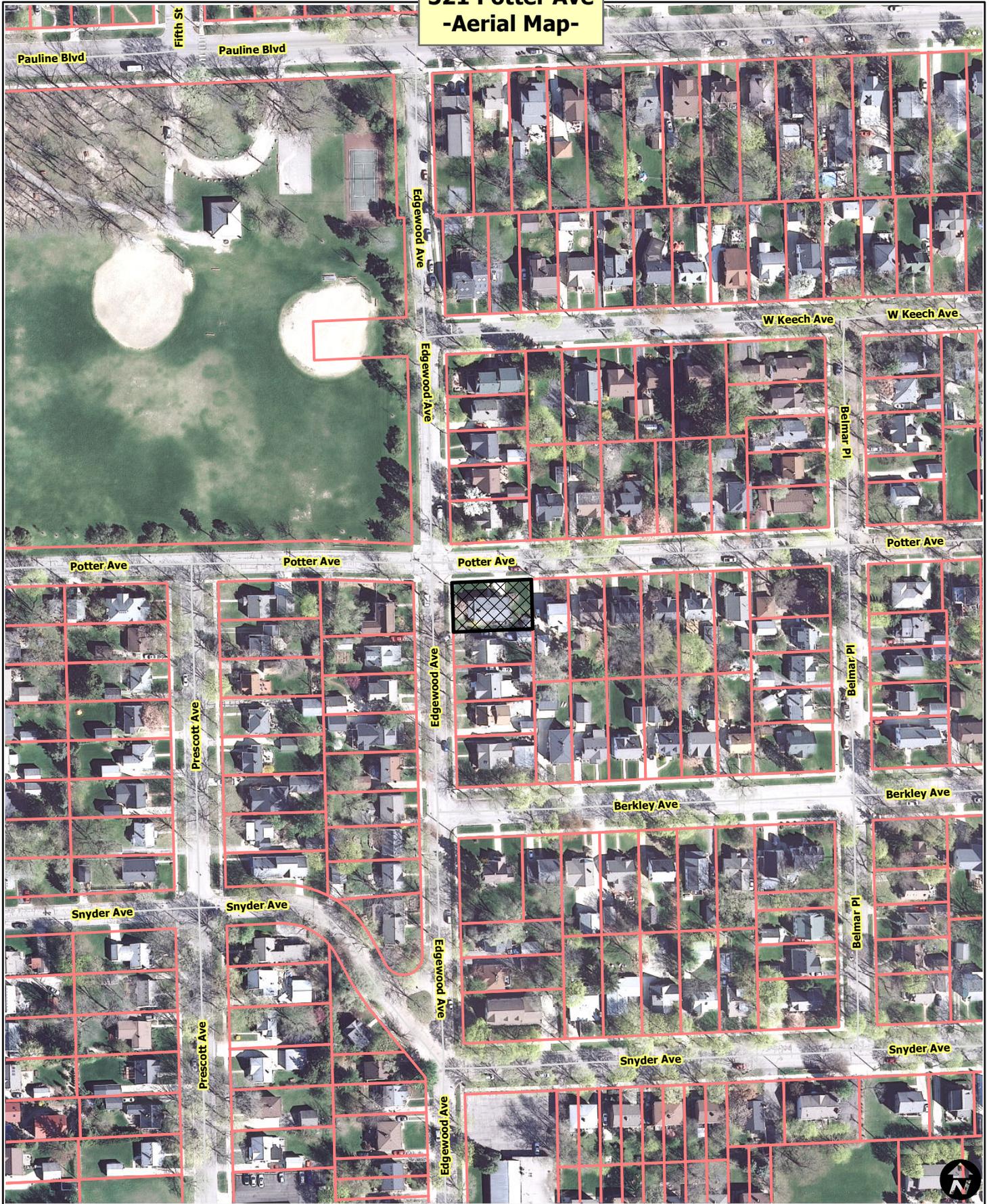
Legend

- Railroads
- Parcel Property
- Zoning**
- Township
- Zoning



City of Ann Arbor Map Disclaimer:
 No part of this product shall be reproduced or transmitted in any form or by any means, electronic or mechanical, for any purpose, without prior written permission from the City of Ann Arbor.
 This map complies with National Map Accuracy Standards for mapping at 1 Inch = 100 Feet. The City of Ann Arbor and its mapping contractors assume no legal representation for the content and/or inappropriate use of information on this map.
 Map Created: 3/4/2013

521 Potter Ave -Aerial Map-



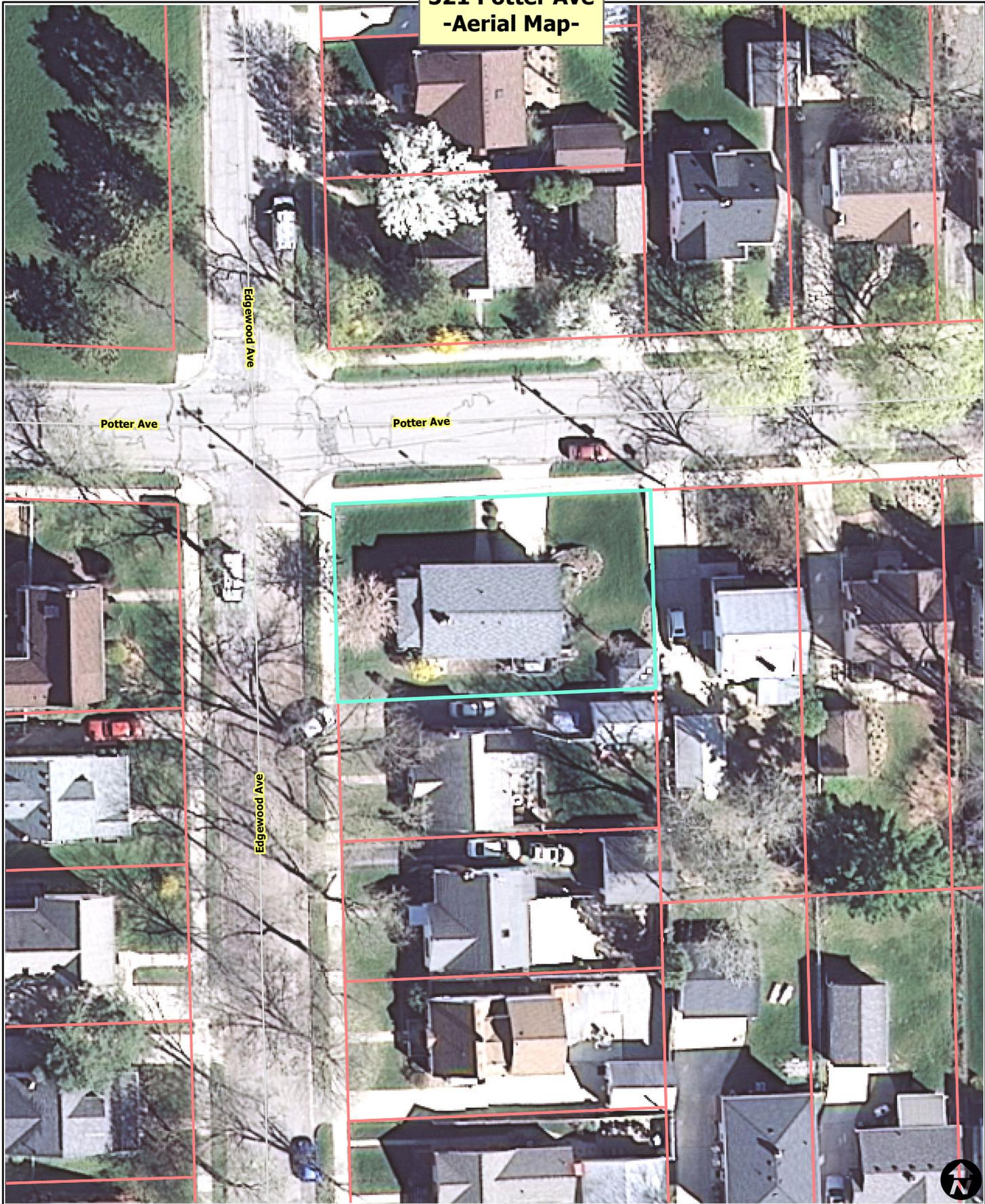
-  Railroads
-  Parcel Property



City of Ann Arbor Map Disclaimer:
 No part of this product shall be reproduced or transmitted in any form or by any means, electronic or mechanical, for any purpose, without prior written permission from the City of Ann Arbor.
 This map complies with National Map Accuracy Standards for mapping at 1 Inch = 100 Feet. The City of Ann Arbor and its mapping contractors assume no legal representation for the content and/or inappropriate use of information on this map.
 Map Created: 3/4/2013



521 Potter Ave -Aerial Map-



 Railroads
 Parcel Property



City of Ann Arbor Map Disclaimer:

No part of this product shall be reproduced or transmitted in any form or by any means, electronic or mechanical, for any purpose, without prior written permission from the City of Ann Arbor.

This map complies with National Map Accuracy Standards for mapping at 1 Inch = 100 Feet. The City of Ann Arbor and its mapping contractors assume no legal representation for the content and/or inappropriate use of information on this map.

Map Created: 3/4/2013



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

Section 1: Applicant Information

Name of Applicant: Phillip D. Sanborn
 Address of Applicant: 521 Potter Ave
 Daytime Phone: 734-255-2375
 Fax: _____
 Email: pdsanborn@hotmail.com
 Applicant's Relationship to Property: owner

Section 2: Property Information

Address of Property: 521 Potter Ave
 Zoning Classification: R1D
 Tax ID# (if known): _____
 *Name of Property Owner: Phillip D + Cathy Z Sanborn

**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:

Chapter 55, Section 5:24

Required dimension: PROPOSED dimension:

25' front setback

18' 4"

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)

see attached

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?

see attached

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

see attached

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

see attached

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?

see attached

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

see attached

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)

Existing Condition

Code Requirement

Lot area _____
Lot width _____
Floor area ratio _____
Open space ratio _____
Setbacks _____
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.

734-255-2375
 Phone Number
pdsanborn@hotmail.com
 Email Address

Phillip D. Sanborn
 Signature
Phillip D. Sanborn
 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.

Phillip D. Sanborn
 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.

Phillip D. Sanborn
 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.**

Phillip D. Sanborn
 Signature

On this 26th day of February, 2013, 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.

March 21, 2018
 Notary Commission Expiration Date

Terence S. Etchison
 Notary Public Signature
Terence S Etchison
 Print Name

TERENCE S. ETCHISON
 NOTARY PUBLIC, STATE OF MI
 COUNTY OF WASHTENAW
 MY COMMISSION EXPIRES Mar 21, 2018
 ACTING IN COUNTY OF Washtenaw

Staff Use Only

Date Submitted: 2/26-2013
 File No.: ZBA13-006
 Pre-filing Staff Reviewer & Date _____
 Pre-Filing Review: _____
 Staff Reviewer & Date: _____

Fee Paid: 500⁰⁰
 Date of Public Hearing 3/27-2013
 ZBA Action: _____

Section 3: Request Information

Give a detailed description of the work you are proposing and why it will require a variance.

We would like to enclose an existing side porch and convert it into a four-season sunroom. There is no access to the porch from the yard. From the house, access to the porch is gained through a 5' sliding door. This door will be removed and the opening filled with a wall. A new 32" door will be located near the center of the sunroom. The existing roof and foundation will not be altered. The existing porch foundation extends 6'7" from the west side of the house and is 19'8" in length.

If approved, the existing porch railings will be removed and replaced with insulated walls approximately three feet in height. Energy efficient windows(casement or sliding) will complete the upper portion of all sides of the porch. The floor decking will be replaced with an insulated interior floor(hardwood or tile).

This variance is required because we live on a corner lot and the side of the house with the side porch requires a setback of 25 feet. The foundation of the existing side porch is 18'4" from the Edgewood Ave property boundary. Matt Kowalski informed me that a Zoning Board of Appeals variance for front setback would be required before I can convert the side porch into a sunroom.

Section 4: VARIANCE REQUEST

1. Are there hardships or practical difficulties to complying with the ordinance? Are these hardships or difficulties an exception or unique to the property compared to other properties in the city?

Our home is located on a corner lot(Potter Ave and Edgewood Ave). As a result we have a 25' front setback requirement for both the front(north) and west side of our home.

There are several corner lot homes in the neighborhood, but most of them have sides that encroach on the 25' front setback requirement. In the area, I counted 10 corner lot homes with sides on either Edgewood Ave or Potter Ave. 7 of the 10 corner lot homes had sides that were between 10' and 19' of the sidewalk. Our existing porch foundation is 19' from the Edgewood Ave. sidewalk.

Note: Please see attached pictures and descriptions of the encroaching neighborhood homes.

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

We are a family of five living in a 1519 sq. ft home, with just 1165 sq. ft on the main floor. Currently our two youngest children(Mia, 8 and Gabriel, 6) are sharing a 115 sq. ft. room, while Carina, 10, has her own 105 sq. ft. room. My wife and I share a bedroom on the lower level/basement. Although we love our compact home and do our best to use our limited space efficiently, we are coming to the realization that the current arrangement isn't going to work for much longer.

Converting our infrequently used porch to a sunroom will allow us to reconfigure our home so all three of our children can have their own small bedroom. This can be accomplished by moving the furniture(couch, desk, piano) from our current 'study' to the new sunroom, thus freeing the 'study' to become an additional bedroom.

We really love our home, neighbors and neighborhood. We have no intention or desire to move to a larger home or expand our footprint on the property. Converting our side porch into a sunroom is the only practical and economically viable solution to our need for a little more habitable space.

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

There will be no negative impact on neighboring properties. The sunroom will be more aesthetically appealing than the existing porch and be an enhancement to the neighborhood. Nearby neighbors have expressed verbal support of the proposed project. A petition of their support with signatures is forthcoming.

4. What physical characteristics of you property in terms of size, shape, location or topography prevent you from using it in a way that is consistent with the ordinance?

The primary obstacle to conforming to the front setback requirement is the fact that it applies to not only the front of the home, but also the street side of a corner lot home.

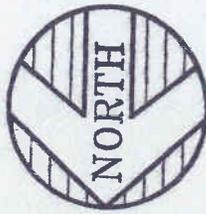
5. Is the condition which prevents you from complying with the ordinance self-imposed? How did the condition come about?

The porch was built during the summer of 2002. I received the appropriate permits and passed all inspections. There was some discussion with a city official regarding the set back, but it was determined to be acceptable for the neighborhood.

At the time the porch was built, we were just a family of three. However, I designed the porch so that it could be easily enclosed, should our future family needs warrant it. A few years ago, my wife and I realized that converting the porch to a sunroom would be the perfect solution to our increasingly crowded home.

As we started to make plans for the conversion this year, we were surprised and disappointed to learn that the set back requirements might foil our plans. However, we are hopeful that the members of the Zoning Board of Appeals will understand our circumstances, appreciate the benefit of our project and approve our proposal.

MICHIGAN



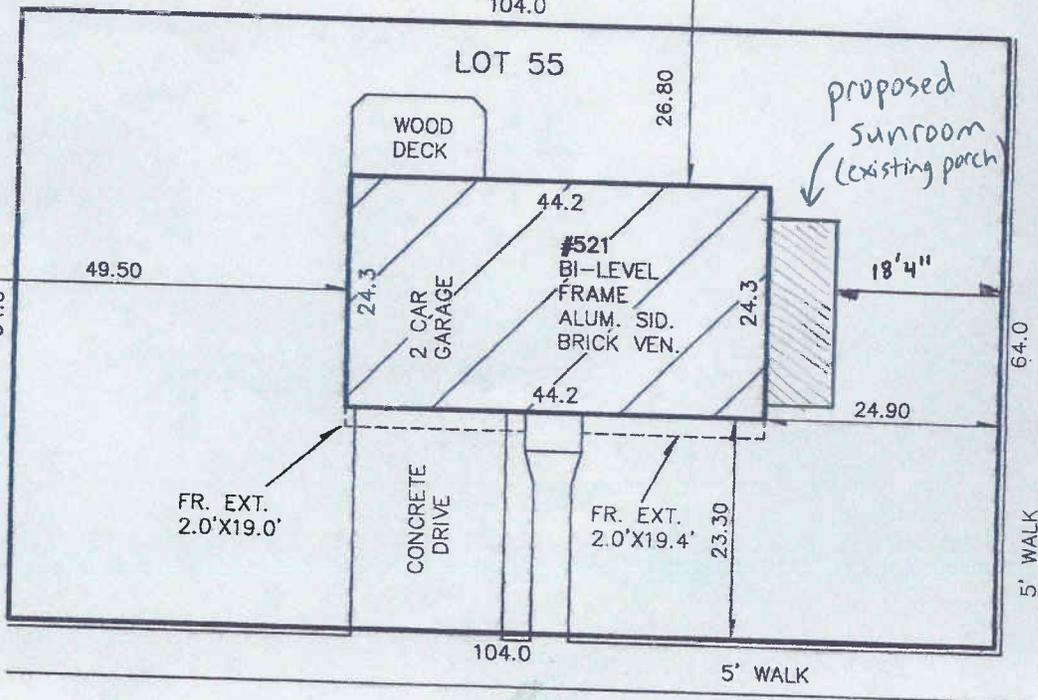
LOT 56

#1203

LOT 55

LOT 61

#513



EDGEWOOD AVENUE 50' WD.
28' ASPHALT PAVEMENT W/C.C.

POTTER AVENUE 50' WD.
29' ASPHALT PAVEMENT W/C.C.

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 for construction purposes, no stakes having been set at any of the boundary corners.



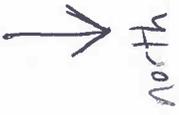
L.R. Schrader P.E.

JOB NO: 00-62194 SCALE: 1"=20'
 DATE: 04/12/00 DR. BY: JDP\CHR

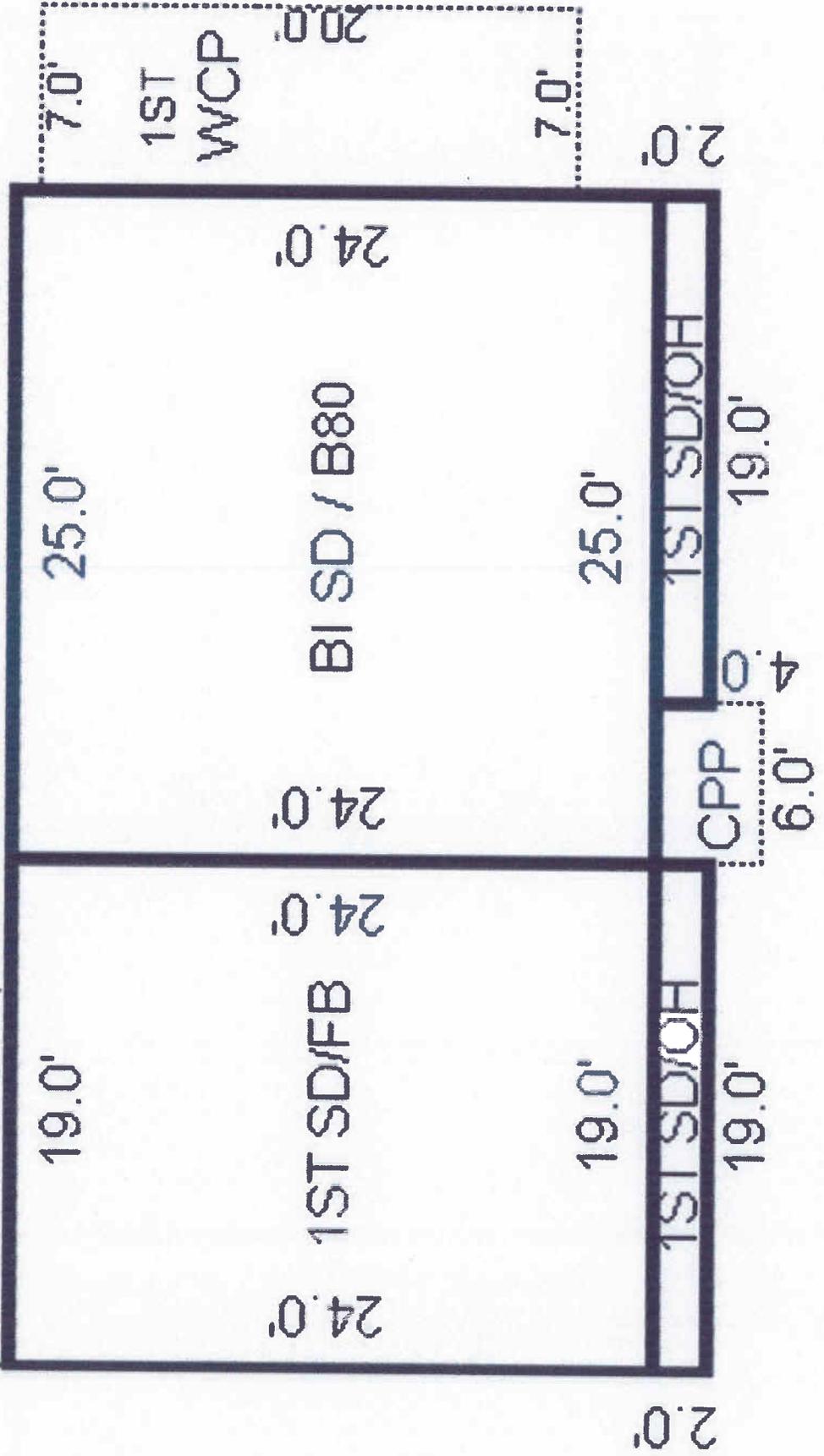
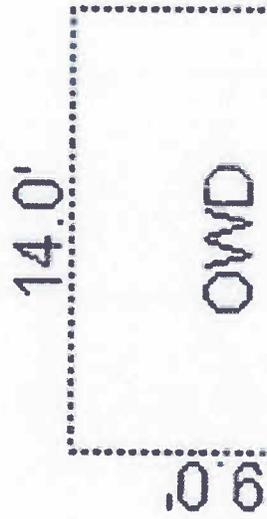
KEM-TEC
 LAND SURVEYORS
 22656 Grand Avenue
 Eastpointe, MI 48021-2318
 (810) 772-2222 * (800) 295-7222
 FAX: (810) 772-4048

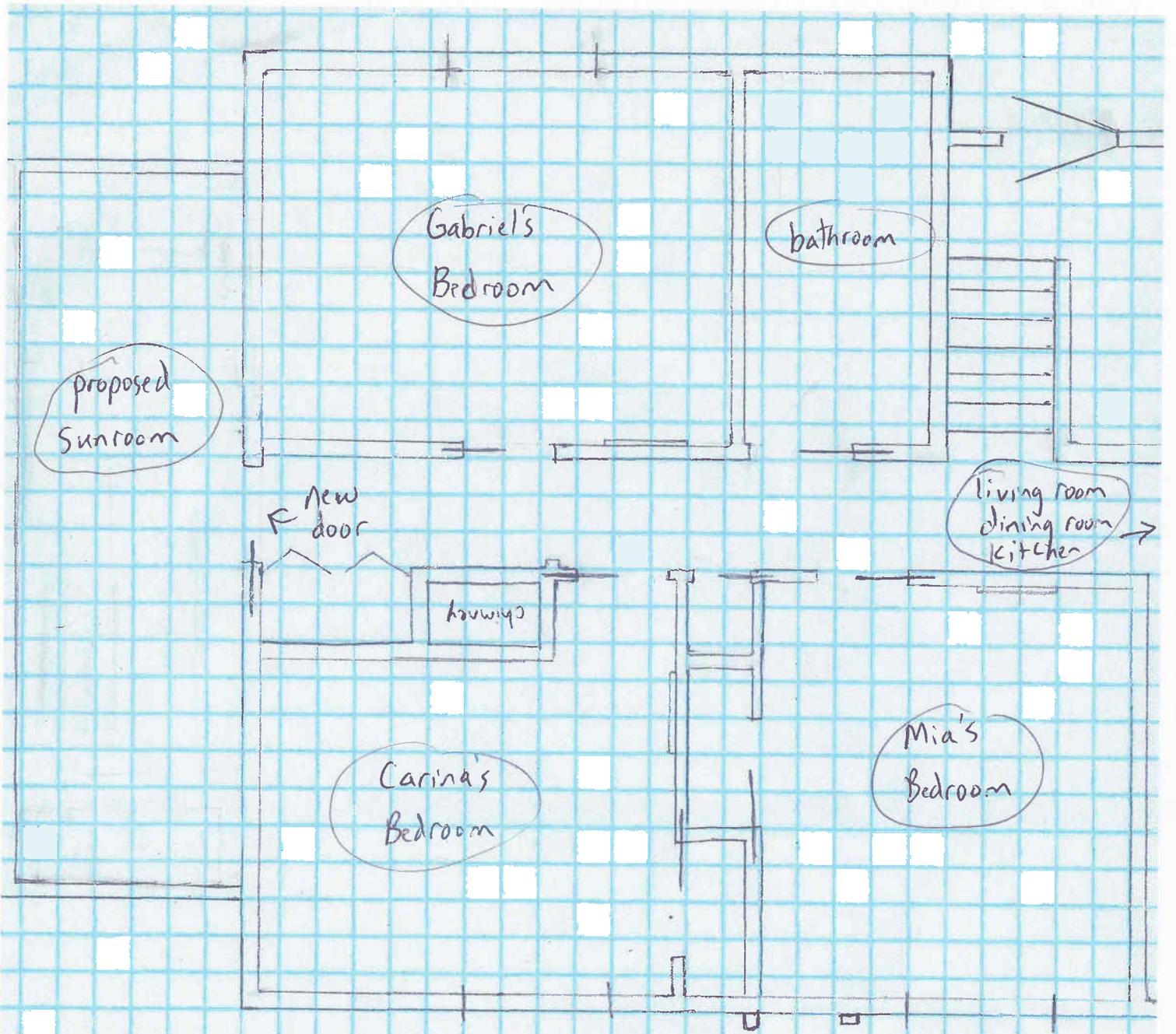


KEM-TEC WEST
 LAND SURVEYORS
 800 East Stadium
 Ann Arbor, MI 48104-4355
 (734) 994-0888 * (800) 433-8133
 FAX: (734) 994-0867



building sketch
from city of ann arbor
property tax website

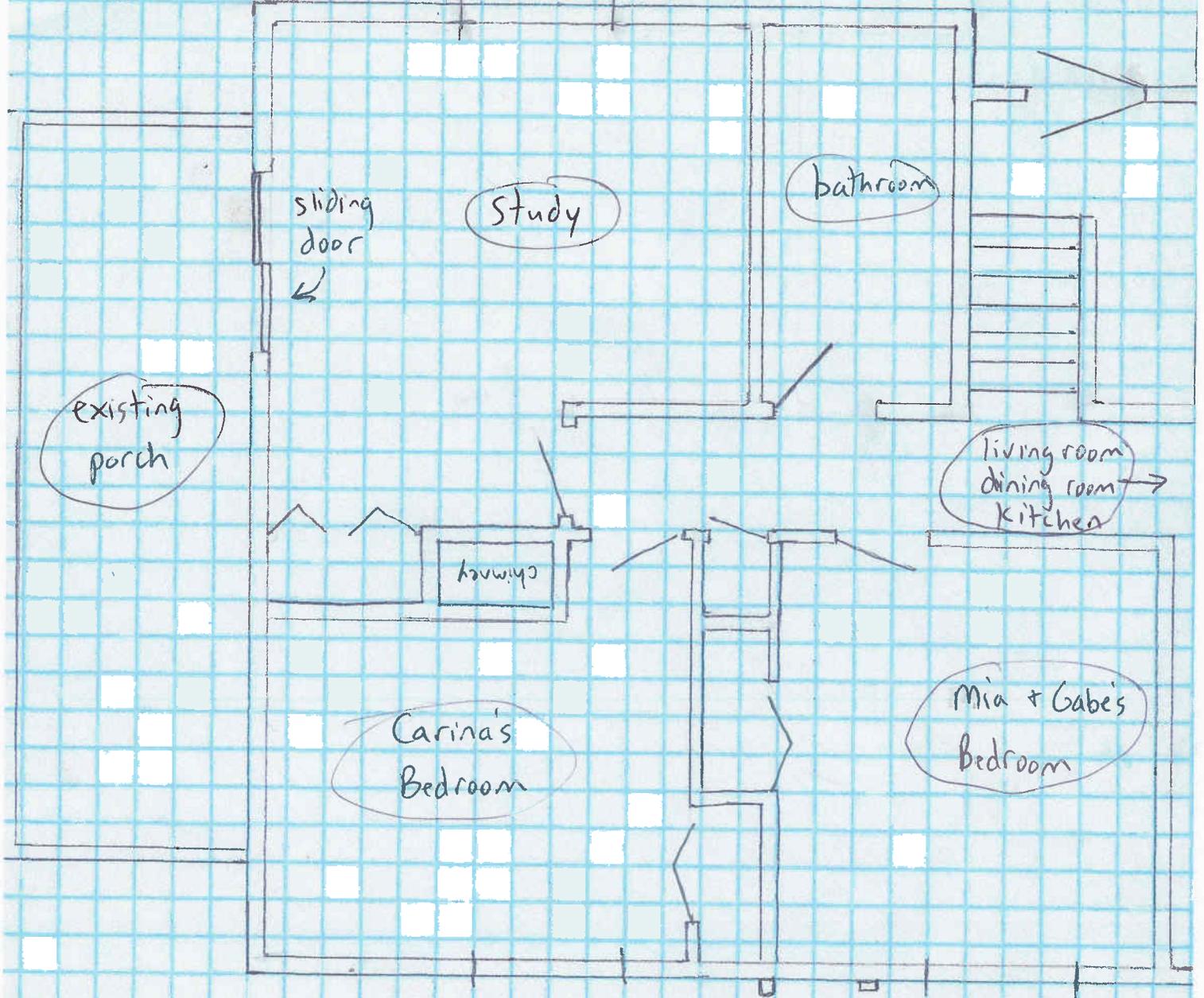




↑
North

new configuration
if proposal/variance is approved

$\frac{1}{4}$ inch = 1 foot

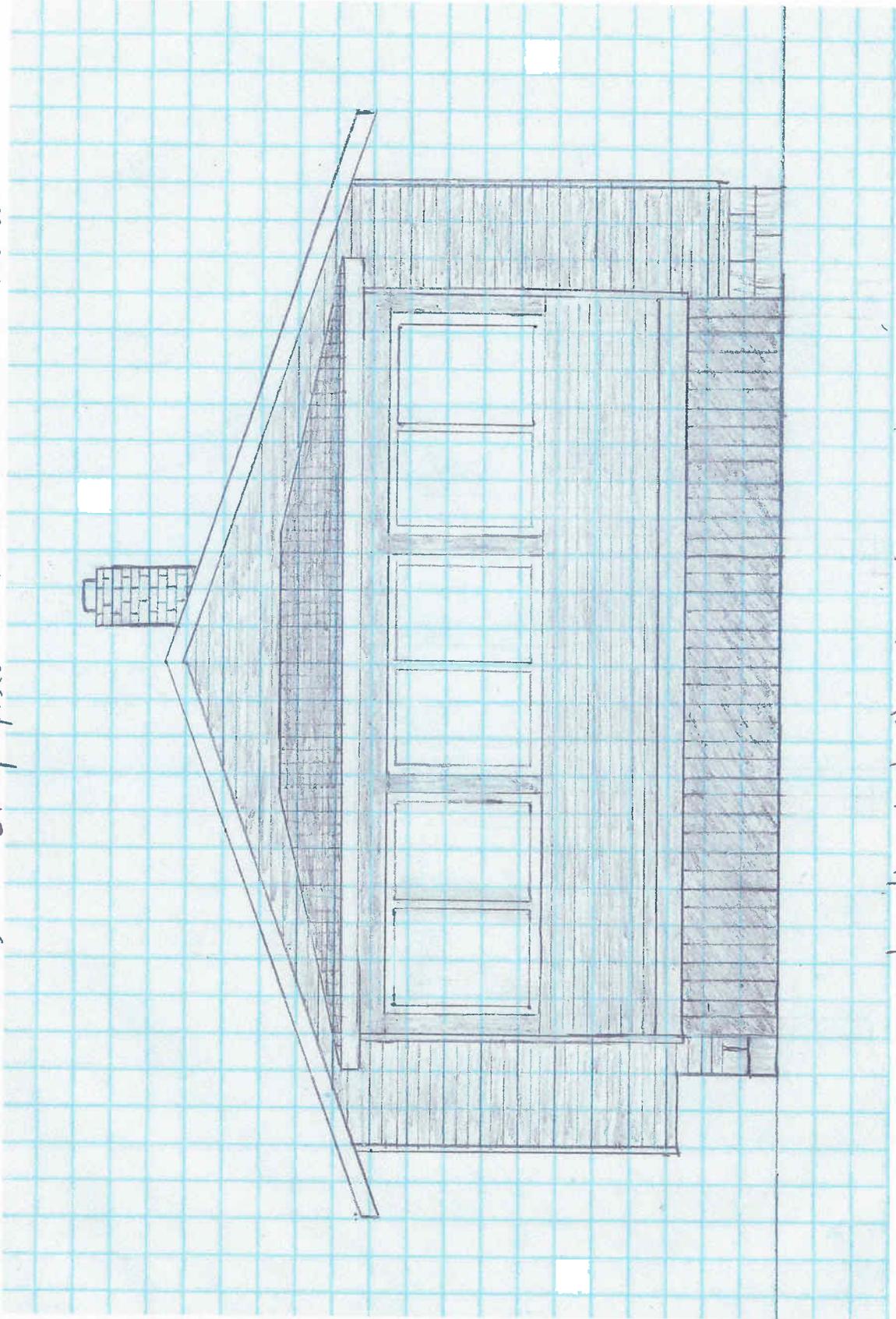


↑
North

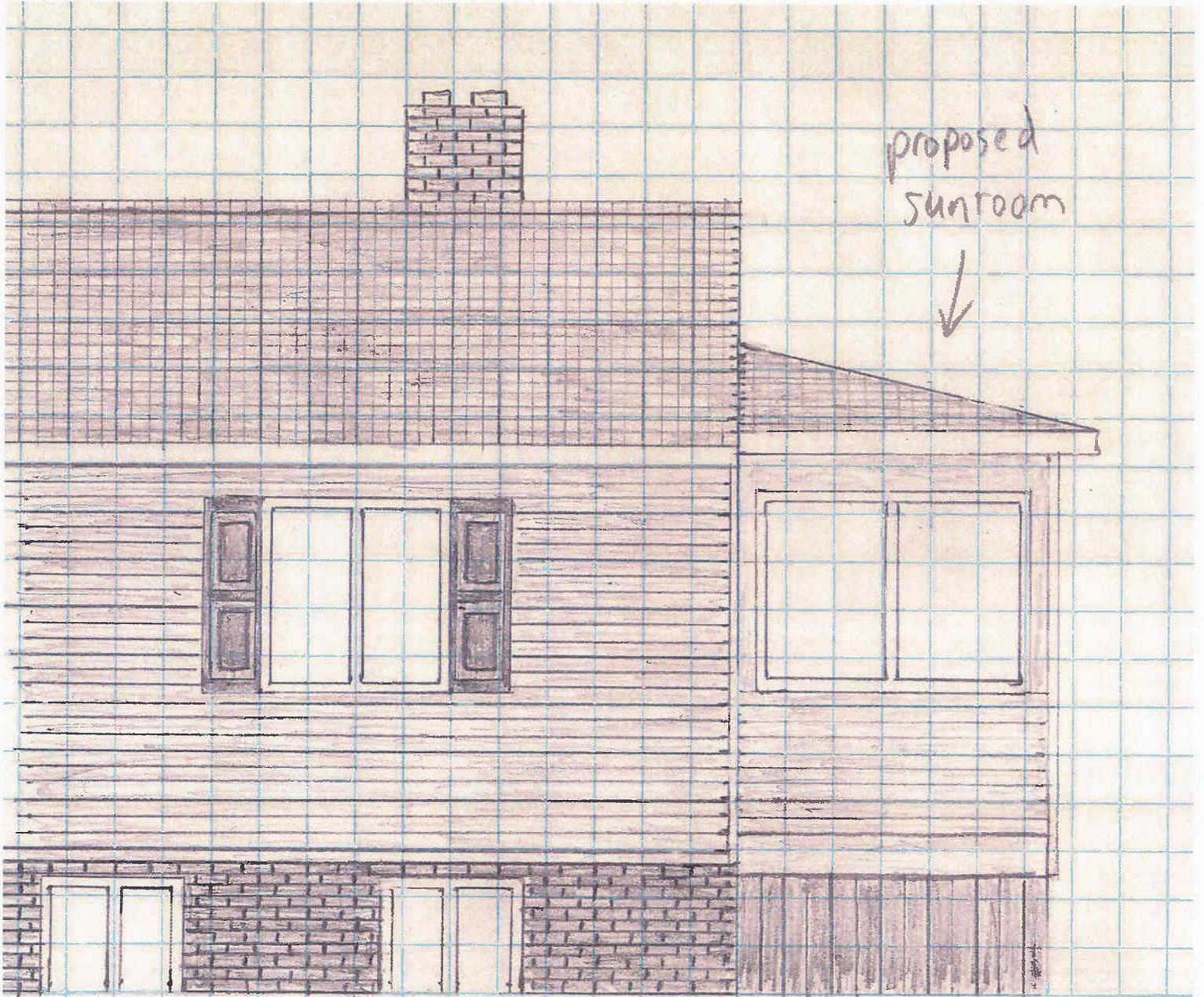
current configuration
of west side of home

$\frac{1}{4}$ inch = 1 foot

sketch of proposed sunroom viewed from the west



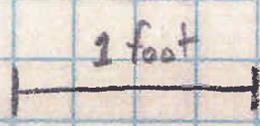
Note: the short side walls will have the same window wall design, but a single set of windows as opposed to the three seen in this sketch.

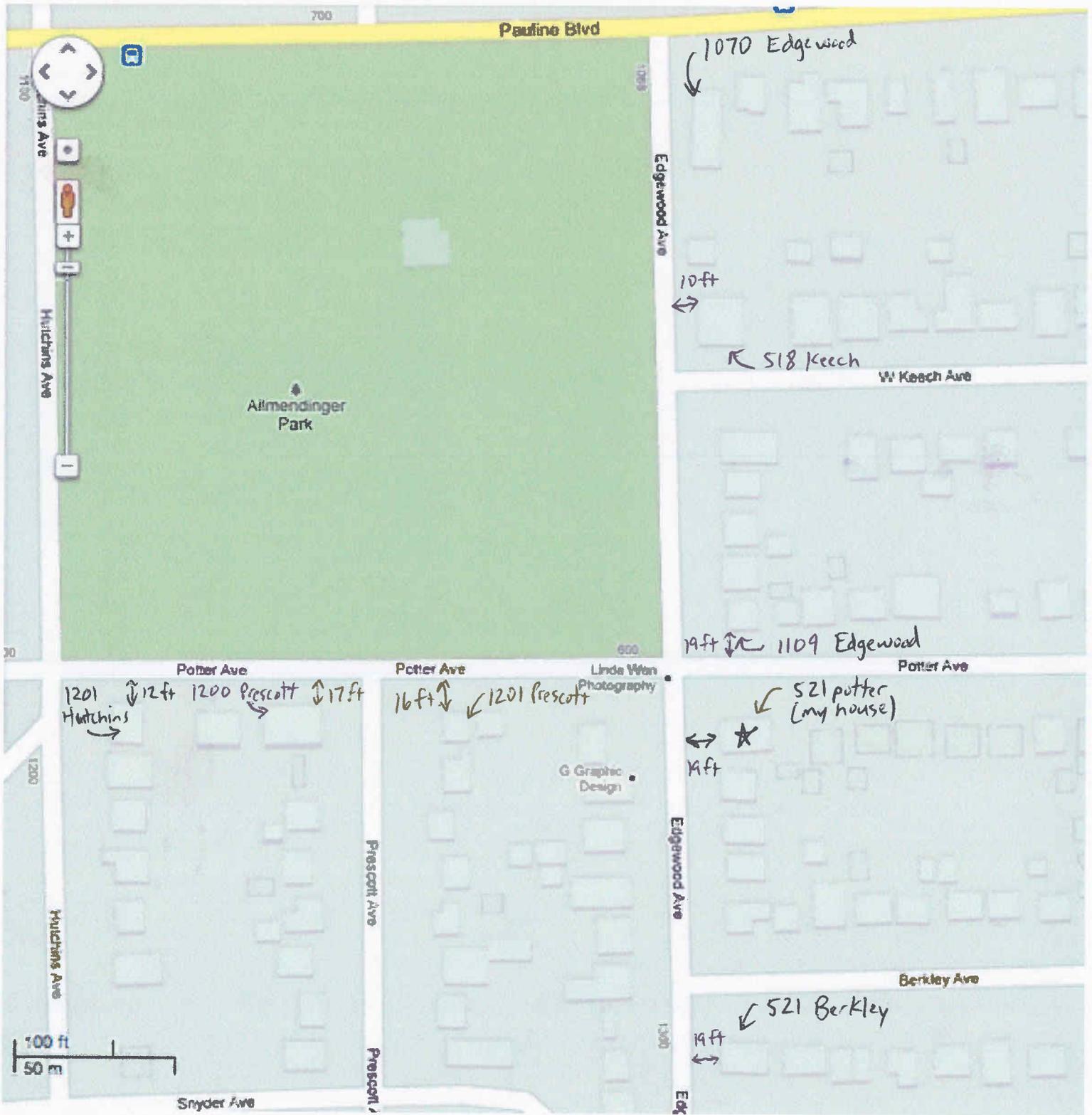


proposed
sunroom



$\frac{1}{4}'' = 1 \text{ foot}$





Note: measured distances are to the sidewalk, property lines are probably set in as much as a foot from the sidewalk.

521 Potter Ave corner of Edgewood Ave

- side porch 19 feet from Edgewood sidewalk

- requesting variance to enclose porch to create a four-season sunroom

pic #1 – northwest view of whole house



pic#2 – view from northwest



pic#3 – west view from street



pic #4 – west view up close



pic #5 – southwest view



pic #6 – south view



521 Berkley Ave corner of Edgewood Ave(<100 yds south)
– enclosed side porch 19 feet from Edgewood Ave sidewalk



521 Berkley Ave(pic #2) – southwest view of enclosed porch



518 Keech Ave corner of Edgewood Ave(<100 yds north)
- west side of house 10 feet from Edgewood sidewalk



1070 Edgewood Ave corner of Pauline Blvd(< 150 yards north)
- front door 15 feet from Edgewood sidewalk



1109 Edgewood Ave corner of Potter Ave(< 25 yds north, across the street)
-side of house 19 feet from Potter Sidewalk



1201 Prescott Ave corner of Potter Ave(<100 yds west)
- side of house 16 feet from Potter sidewalk



1200 Prescott Ave corner of Potter Ave(<100 yds west)
-side of house 17 feet from Potter sidewalk



1201 Hutchins Ave corner of Potter Ave(<150 yards west)
- side of house 12 feet from Potter sidewalk



From: John Burhenn [<mailto:johnburhenn@sbcglobal.net>]
Sent: Tuesday, March 19, 2013 9:06 PM
To: Kowalski, Matthew
Cc: Robin Berry; Robin Berry
Subject: Burhenn-Berry ltr, Ref: ZBA 13-006

Mr. Kowalski,

Reference Parcel I.D.: 09-09-32-226-019
Appeal # ZBA 13-006

Please reference the attached letter indicating support for Phil Sanborn's proposed variance from the required setback. We are neighbors directly south of the referenced property. Unfortunately we can not attend the meeting due to a longstanding scheduled conflict. However, we would like to voice our strong support the proposed sunroom. Please feel free to contact us if you would like any additional information.

Sincerely,

John Burhenn and Robin Berry
1203 Edgewood Ave.
Ann Arbor, MI 48103

John Burhenn, **CSI, LEED AP, CCCA, CDT, Licensed Builder**
johnburhenn@sbcglobal.net
734-780-5872

—Original Message—

From: Debbie [<mailto:fostdaf@gmail.com>]
Sent: Wednesday, March 13, 2013 11:02 AM
To: Kowalski, Matthew
Subject: Sanborn variance

I am in support of the 521 Potter avenue variance for the Sanborn family.

Thanks,
Deborah Foster
519 W Keech
Ann Arbor

—Original Message—

From: Charlene Donahey [<mailto:cldonahey@aol.com>]

Sent: Sunday, March 17, 2013 9:22 PM

To: Kowalski, Matthew

Subject: Appeal ZBA13-006 521 Potter Avenue

Hi Matt,

I received a post card from the City of Ann Arbor describing the variance from Chapter 55 (zoning) Section 5:29 (R1D, Single Family), of 6 feet 8 inches to enclose an existing covered porch in the front setback; 25 feet is required.

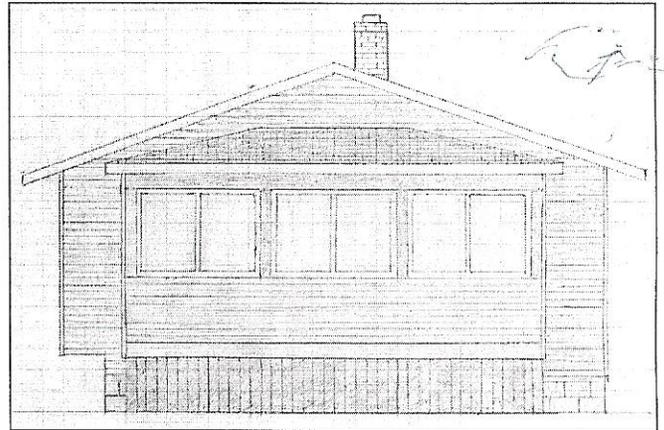
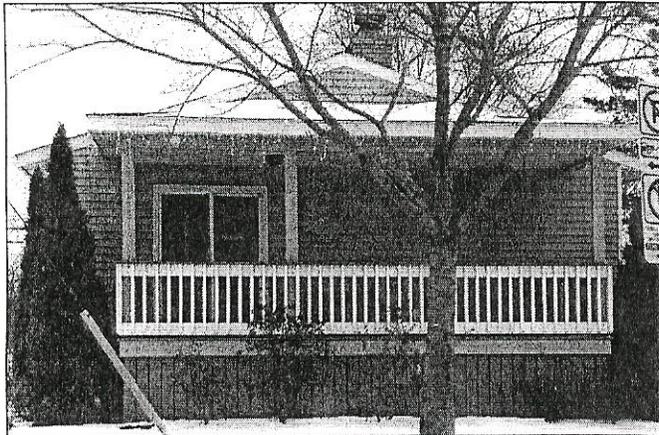
I wanted to voice my acceptance of a variance for the Sanborns to the above zoning. I am totally fine with their plan to turn the existing covered porch into a four-season sunroom.

Please let me know if you have any questions.

Thank you,
Charlene Donahey
511 West Keech
Ann Arbor, MI 48103

Petition of Support

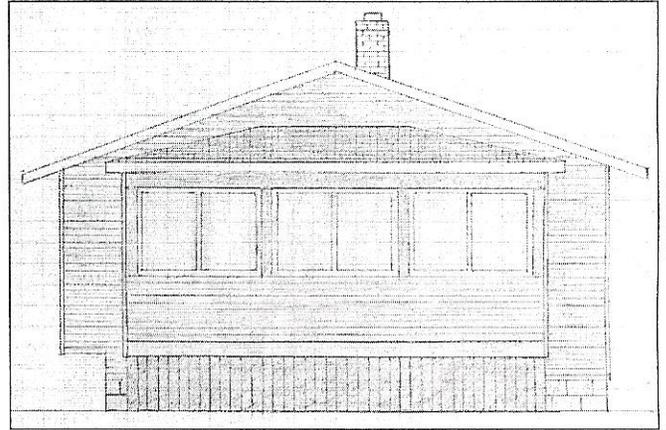
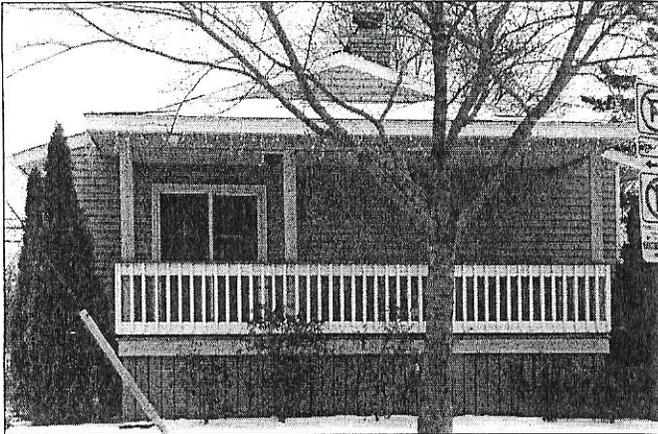
We the undersigned support the application of Phillip and Cathy Sanborn, the owners of 521 Potter Ave., to be granted a variance by the Ann Arbor Board of Appeals that will allow them enclose the existing side porch as shown in the sketch below.



<u>Name(Print)</u>	<u>Signature</u>	<u>Address</u>
J. BRADLEY MOORE	<i>[Signature]</i>	1304 EDGEWOOD AVE
SUSAN DOYLE	<i>[Signature]</i>	1302 EDGEWOOD AVE
JOHN EATON	<i>[Signature]</i>	1208 EDGEWOOD AVE
Robert M Ballingall	<i>[Signature]</i>	510 Berkley Ave-
TERI WOLF	<i>[Signature]</i>	513 Potter Ave
Greg Kostin	<i>[Signature]</i>	513 Potter Ave
Richard Sanborn	<i>[Signature]</i>	1202 Prescott Av
Joe Szutz	<i>[Signature]</i>	1211 Prescott Ave.
Sharon Moriska	<i>[Signature]</i>	1211 Prescott Ave
JOHN BURHENN	<i>[Signature]</i>	1203 EDGEWOOD AVE
Robin Berry	<i>[Signature]</i>	1203 Edgewood Ave.
Lynnda Schwartz	<i>[Signature]</i>	505 Potter Ave
MIKE BABICZ	<i>[Signature]</i>	1107 EDGEWOOD AVE.
Warbykum	<i>[Signature]</i>	1105 Edgewood Ave
Annie Zirkel	<i>[Signature]</i>	518 W Keesh Ave
Mary Nelson	<i>[Signature]</i>	514 W Keesh Ave
Edmond Hagopian	<i>[Signature]</i>	518 w. Keesh Ave
Harold Holden	<i>[Signature]</i>	1105 Edgewood Ave
ADAM SWINBUEN	<i>[Signature]</i>	511 POTTER AVE

Petition of Support

We the undersigned support the application of Phillip and Cathy Sanborn, the owners of 521 Potter Ave., to be granted a variance by the Ann Arbor Board of Appeals that will allow them enclose the existing side porch as shown in the sketch below.



<u>Name(Print)</u>	<u>Signature</u>	<u>Address</u>
Dan Fingas	[Signature]	504 Potter #2
Maurice Lynch	[Signature]	521 Potter #2 AZ 48103
Mark Johnson	[Signature]	1104 Belmar Pl. A ² 48103
Beth Johnson	[Signature]	1104 Belmar Pl. A2 48103
Heather Palk	[Signature]	1206 Belmar Ave 48107
Jarrad Mitchell	[Signature]	508 Berkeley ave
IAN FORSYTH	[Signature]	511 Berkeley AVE
Jan Skjov	[Signature]	517 Berkeley Ave
Karen Kellott	[Signature]	1212 Edgewood Ave
Carol Schen	[Signature]	1218 Edgewood Ave → Carol Schen A ²
Kim Ericks	[Signature]	1204 Edgewood Ave → Ericks →
JIM COBISWELL	[Signature]	1200 Prescott Ave 48103
Andrea Deranian	[Signature]	1207 Edgewood Ave 48103
LINDAWANI	[Signature]	1202 EDGEWOOD A ² 48103
GLEN ERICKSON	[Signature]	1231 EDGEWOOD Ave E. Ericks 1204 EDGEWOOD A ² 48103
M. Kanner	[Signature]	1109 Edgewood Ave 48103
Kathleen J. Beatti	[Signature]	1205 Edgewood Ave, Ann Arbor, 48103
Wendy Libery	[Signature]	509 KEECH, ANN ARBOR MI 48103
Mary Neff	[Signature]	515 Keck Ave A ² 48103
Tim Neff	[Signature]	515 Keck Ave A ² 48103

