

**Zoning Board of Appeals
March 28, 2012 Regular Meeting**

STAFF REPORT

Subject: ZBA12-003, 2309 Brockman Boulevard

Summary: Jerome Winegarden is requesting one variance from Chapter 55(Zoning) Section 5:27 (Single-family, R1B), of 7 feet for expansion of an existing residential structure into the rear setback, 40 feet is required.

Background:

At the Zoning Board of Appeals meeting on February 22, the subject property was granted Permission to Alter a Non-Conforming Structure based on the same plans as presented below. However, during the meeting a Building Permit from 1985 was presented. It was subsequently confirmed by staff, that the section of the house (enclosed porch) that is non-conforming was not approved by Zoning. It was noted on the building permit that the screened porch "May not be enclosed". However, this screened porch area was enclosed and finished without required permission (by the former homeowner) from the City of Ann Arbor. The now-enclosed porch is considered an addition to the structure. Since the addition was not constructed legally, and a variance was not previously granted, a variance must now be granted in order to permit the 7 foot encroachment into the rear open space which includes the existing enclosed porch and the proposed addition to the rear of the garage.

Description and Discussion:

The subject parcel is located on Brockman, just north of E. Stadium and contains a 2,414-square foot, single-family dwelling constructed in 1940. The parcel is conforming for lot size (11,645 sf; required is 10,000 sf) and zoned R1B (Single-Family). The existing house encroaches into the required rear setback 7 feet. The required rear setback is 40 feet, and the house is set back 33 feet from the rear property line.

The petitioner is proposing to construct a 6 foot 4 inch by 20 foot 4 inch, 130-square foot addition to the existing house. The proposed addition will be located behind the existing garage and will not be built any closer to the rear property line than the existing enclosed porch along the rear of the house. The new addition will be 33 feet (required setback is 40 feet) from the rear property line and 6 feet from the side property line (required setback is 5 feet) and will match the roofline of the existing house.

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 parcel is not exceptional or peculiar. It is a regular rectangle and conforms to the minimum lot area and width requirements of the R1B Zoning District. One noteworthy issue is that the slope and drainage pattern on the parcel creates a flooding issue along the rear of the existing garage.

- (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 the proposed 130 sq ft addition, as well as the existing enclosed porch. The addition will not encroach closer to the rear property line than the existing enclosed porch. If the variance is not granted, the porch will remain as an illegal non-conforming addition.

- (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.***

Allowing the variance will result in an addition to the existing structure that will not encroach any further into the rear open space than currently occurs. If the variance is approved, the structure will not have a negative impact on surrounding structures. The Tappan School parking lot is located immediately adjacent to the rear, and the property owner that would be most affected to the north has signed a letter of support for the project. The addition and existing porch are not visible from a public street.

If the variances are approved and the addition is constructed, the proposed work will include re-grading of the rear of the lot which will correct improper drainage issues that were previously created, thus benefitting the subject site as well as the immediately surrounding lots.

- (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 addition that encroaches into the required rear setback area was completed by the previous homeowner.

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

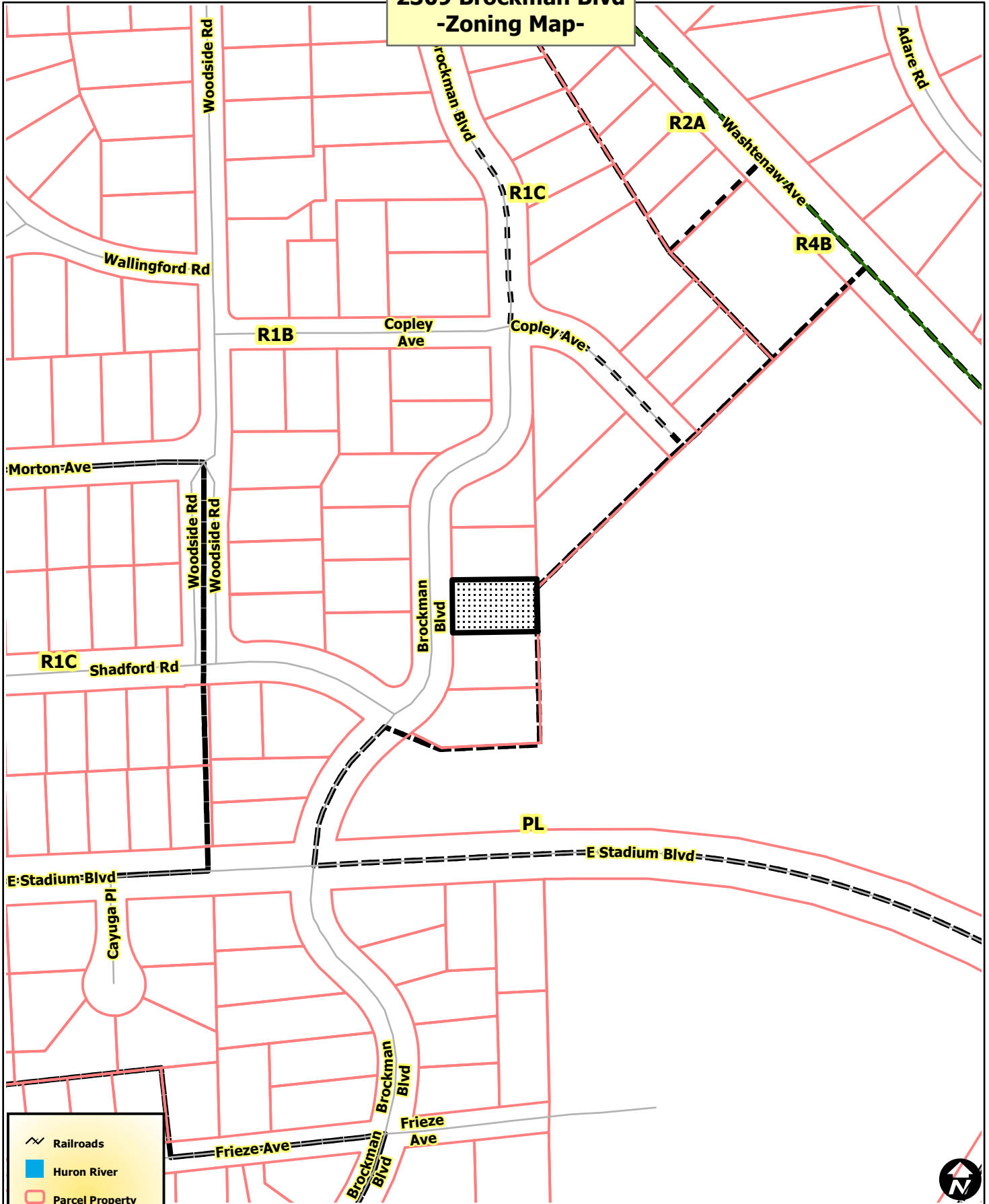
The requested variance for the proposed addition is the same as the existing addition and is the minimum necessary to enable the desired improvements to the structure.

Respectfully submitted,



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

2309 Brockman Blvd -Zoning Map-






- Railroads
- Huron River
- Parcel Property
- Township
- City of Ann Arbor



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.
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 Map Created: 2/7/2012

**2309 Brockman Blvd
-Aerial Map-**



-  Railroads
-  Huron River
-  Parcel Property



City of Ann Arbor Map Disclaimer:
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 Map Created: 2/7/2012

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

Section 1: Applicant Information

Name of Applicant: Jessie D. Winegarden
 Address of Applicant: 2309 Brockman Blvd
 Daytime Phone: 734 255-1149
 Fax: _____
 Email: jd.winegarden@gmail.com
 Applicant's Relationship to Property: Owner

Section 2: Property Information

Address of Property: 2309 Brockman Blvd
 Zoning Classification: R
 Tax ID# (if known): _____
 *Name of Property Owner: Jessie D. Winegarden

**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

Required dimension: PROPOSED dimension:

40' REAR SETBACK 33' EXISTING

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 currently have a non-conforming room at the back of our house and we wish to fill in the remaining area behind our garage

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?

We bought our house with an enclosed porch in the rear setback which was built with building permits, but is now non-conforming. We wish to add a small addition which would not increase the rear setback from this porch.

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

We would like to add a small mudroom and garage storage area, and there is no where else to put it. Our house now is 33' from the rear set back and we would maintain that line.

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

We intend to reduce the run-off from our property to our southern neighbor, as we hope to solve our own drainage problem from the rear. This addition can not be seen by this neighbor and will be minimal to

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?

We currently have a drainage problem in our back yard which we hope to solve by filling in the low area with a small addition. We have no where else to add onto the house if we wish to have windows in the kitchen or dining room

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

We bought the house with an enclosed porch, not knowing it was non-conforming, but always intended to open the wall into the kitchen.

Section 5: ALTERATION TO A NON-CONFORMING STRUCTURE

Current use of the property single family

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)

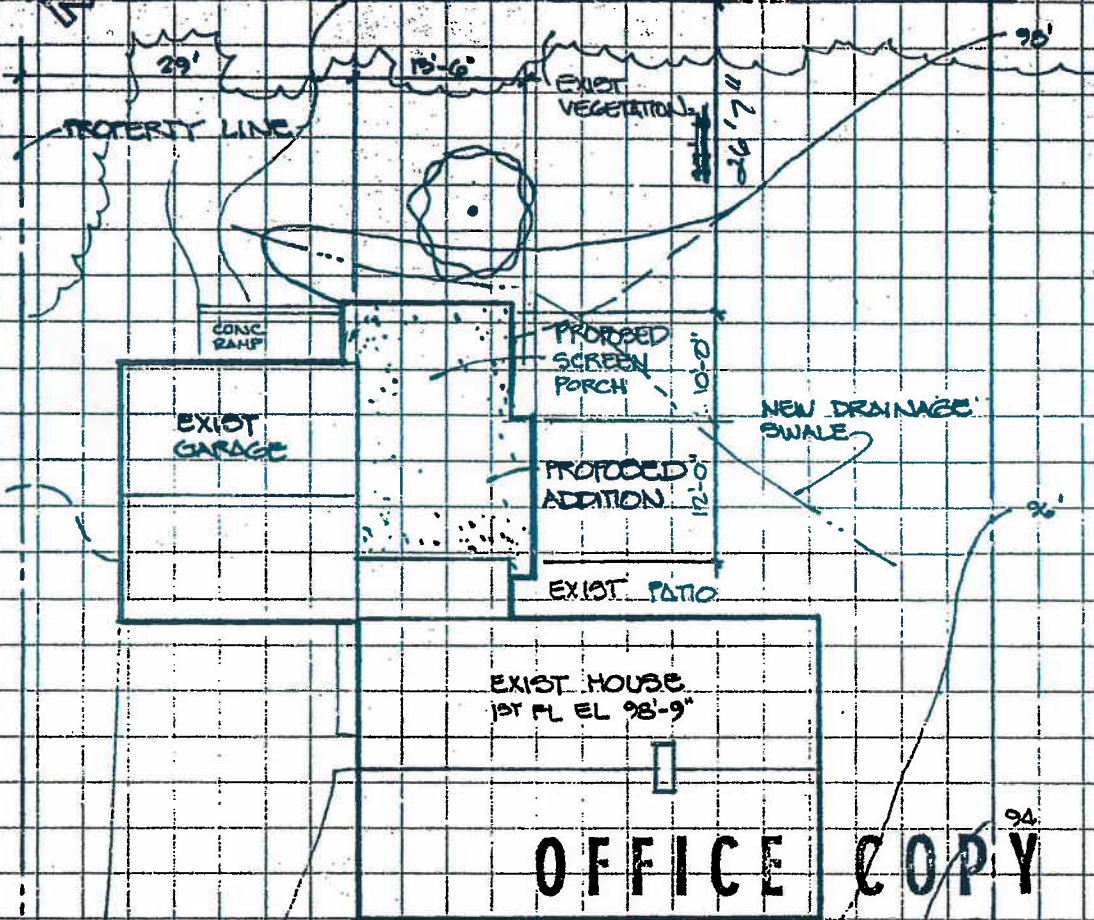
HOUSE ADDITION

SITE PLAN

2509 BEDDEMAN ANN ARBOR, MICHIGAN 48104 JULY 1985 SCALE 1/4" = 1'-0"



TAPPAN JUNIOR HIGH



OFFICE COPY

CITY OF ANN ARBOR BUILDING DEPARTMENT

THESE PLANS HAVE BEEN REVIEWED AS INDICATED.

Approved Not Approved

- Zoning Approved Not Approved
- Building Approved Not Approved
- Plumbing Approved Not Approved
- Electrical Approved Not Approved
- Heating Approved Not Approved
- A/C Refrigeration Approved Not Approved
- Fire Approved Not Approved
- Grading Approved Not Approved

Approved By *P. Hill*

Date 11/21/85

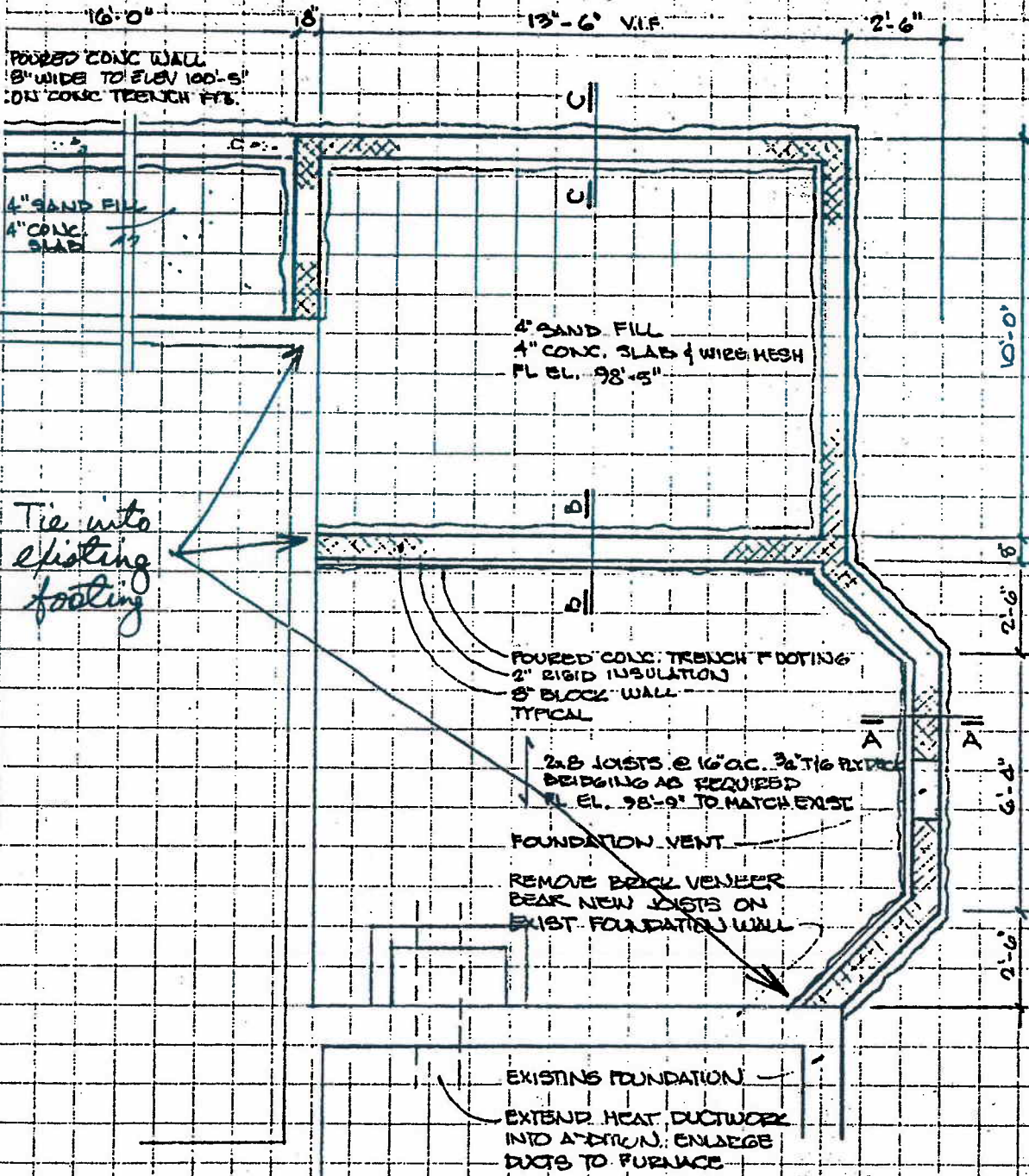
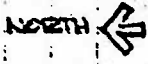
HOUSE ADDITION

FOUNDATION PLAN 2

2909 BROCKMAN ANN ARBOR, MICHIGAN 48104

JULY 1985
SEPT 1985

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





1'-0 1/2" V.I.P.
4 EQ SCREEN SECTIONS



SCREENED PORCH
FL - CONC SLAB
WALL - INSUL SCREENING
BRICK VENEER

May not be enclosed

CUT 2x6
ROUGH OPS
IN MASONRY
INSTALL 2x6
METAL DOOR
UNIT

REMOVE EXIST
MASONRY WALL
1" RIGID INSULATION
1/2" GYP BD PAINTED

3' 1/4" x 2' 0"

2x2x8 TD

BRICK PART WALL
2x4 RECESSED
TILE FLOORING
FLUSH WITH
WOOD FLOORING
WOOD STOVE

EXIST BRICK
VENEER

3' 7" INSUL
FRENCH DOOR

WOOD BENCH TO
MATCH WOOD
FINISH OF KITCHEN
CABINETS. USE OAK
AS BID BASE

INSTALL NEW 2x6
INSUL. DOOR

BREAKFAST ROOM

FL - OAK WITH FINISH TO
MATCH EXIST WITH POLYURETHANE
WALL - GYP BD PAINTED + BRICK

3' 7" INSUL
SCREEN DOOR

2x4x8 TD

2x4x8 TD

2x4x8 TD

2x4x8 TD

2x4x8 TD

2x4x8 TD

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2x4x8 TD

2x4x8 TD

REMOVE BRICK
VENEER WALL
INSTALL 3/4" x 2 1/2"
HEADER

CONV. OUTLET
ON GIP OF
CABINETS

ALTERNATE #1
INSTALL NEW
2x6 INSUL
FRENCH DOOR

NEW CABINETS
BY OTHERS

STOVE

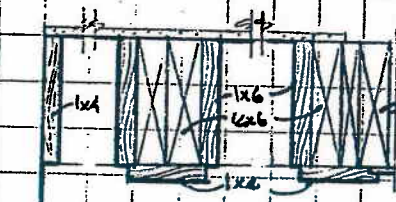
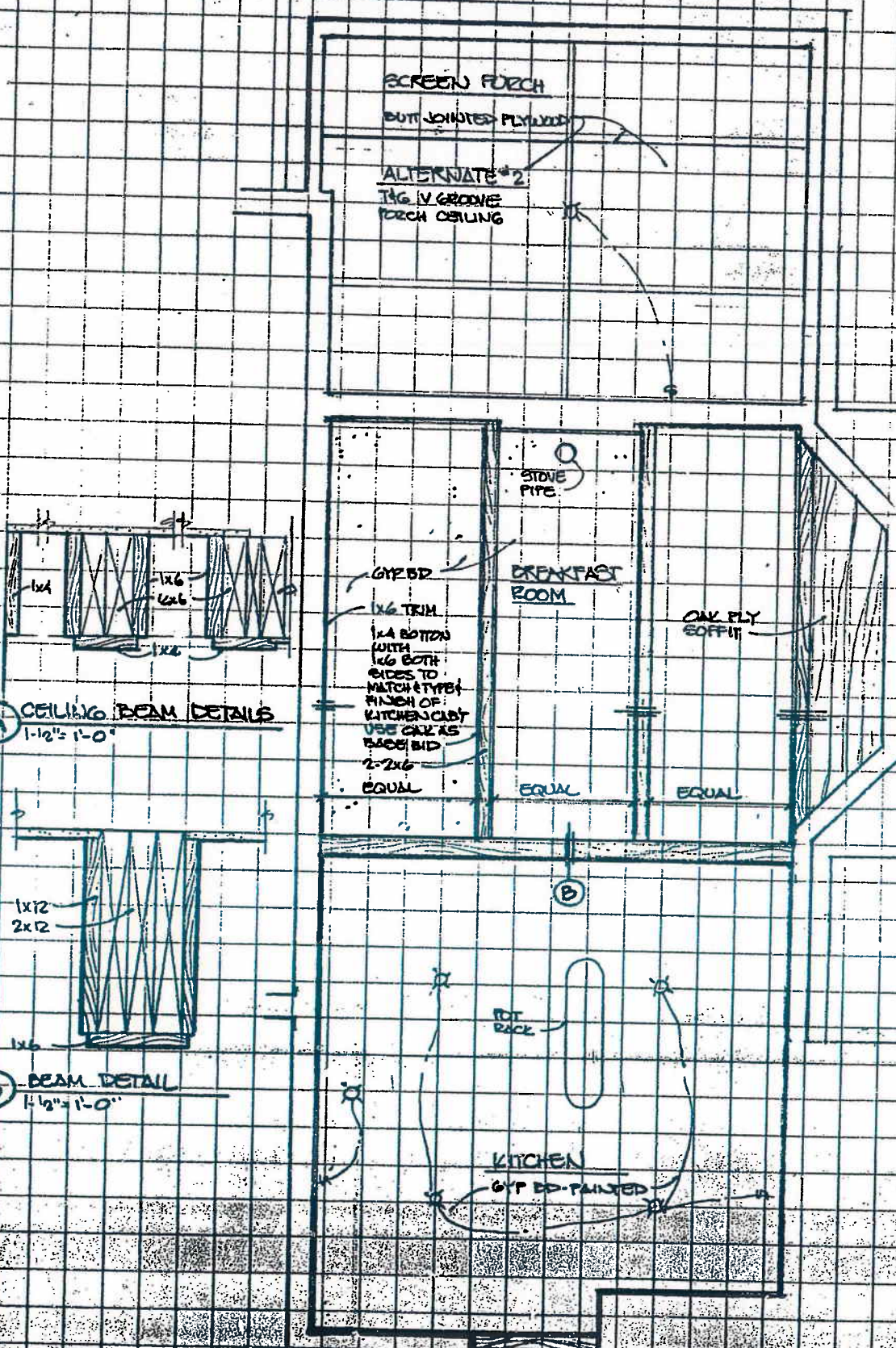
STOVE ELEC
JUNCT. BOX
IN FLOOR

NEW
GARBAGE
SPINNER
ELEC OUTLET
SUCH AS
CABINETS

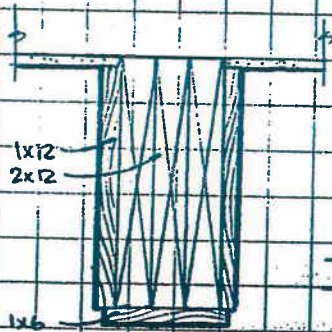
NEW SINK
BY OTHERS

KITCHEN

FL - OAK WITH FINISH TO
MATCH EXIST. TYP. DESTRANE
WALL - EXIST PLASTER GYP BD
PAINTED AS ACCEPTED BY - PAINTED



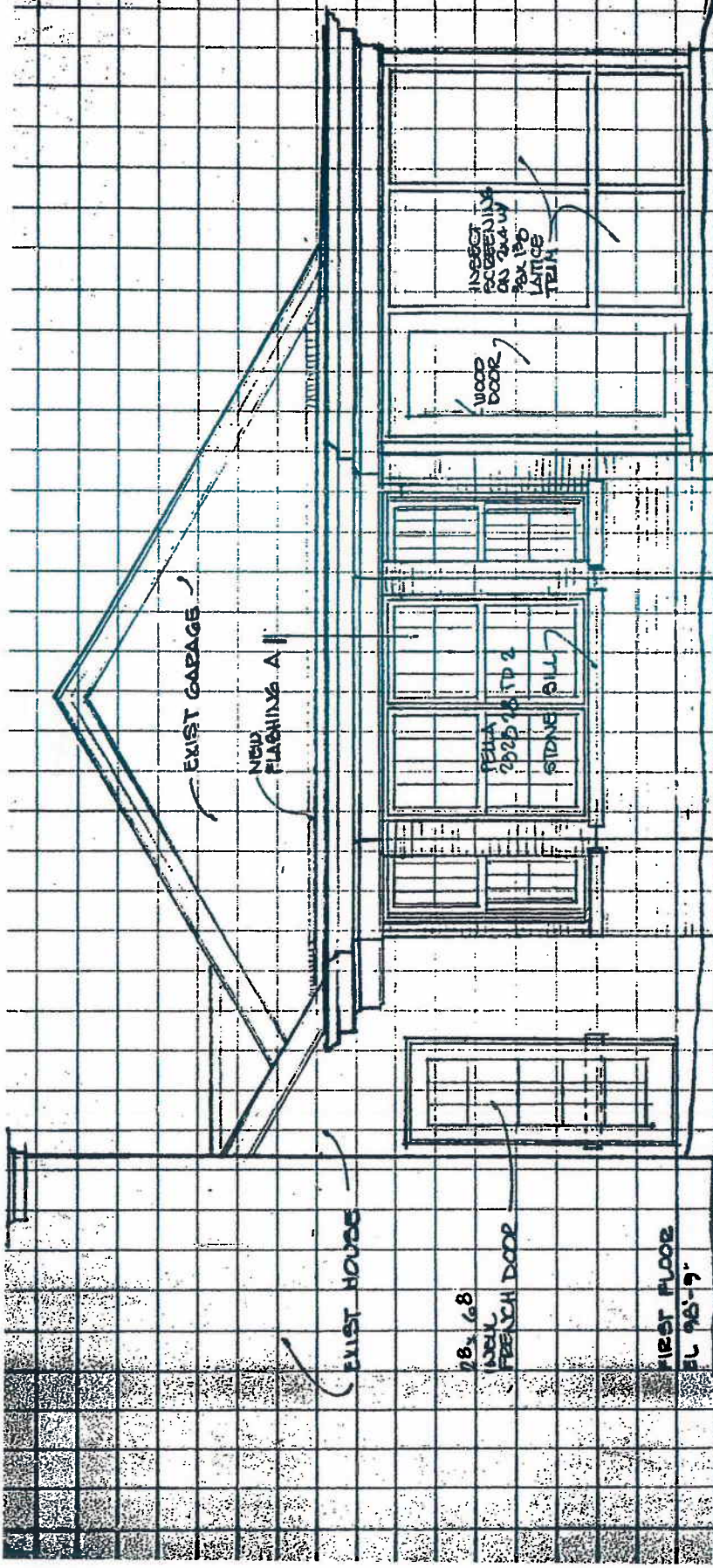
(A) CEILING BEAM DETAILS
1-1/2" x 1'-0"



(B) BEAM DETAIL
1-1/2" x 1'-0"

ANN ARBOR, MICHIGAN 48106 SOUTH ELEVATION JULY 1985 SCALE: 1/4" = 1'-0" 5

HO 2909



EXIST HOUSE

1ST FLOOR EL 98'

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

ZBA12-001

Section 1: Applicant Information

Name of Applicant: Jerome D. Winegarden
 Address of Applicant: 2309 Brockman Blvd. Ann Arbor 48104
 Daytime Phone: 734 255-1149
 Fax: —
 Email: jdwinegarden@gmail.com
 Applicant's Relationship to Property: owner

Section 2: Property Information

Address of Property: 2309 Brockman Blvd.
 Zoning Classification: Residential
 Tax ID# (if known): _____
 *Name of Property Owner: Jerome D. Winegarden

**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:
_____	_____	_____
_____	_____	_____
_____	_____	_____
<i>Example: Chapter 55, Section 5:26</i>	<i>Example: 40' front setback</i>	<i>Example: 32'</i>

Give a detailed description of the work you are proposing and why it will require a variance (attach additional sheets if necessary)

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

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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?

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

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

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?

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

Section 5: ALTERATION TO A NON-CONFORMING STRUCTURE

Current use of the property SINGLE FAMILY

The proposed change is allowed in accordance with Structure Non-Conformance, Section 5:87 (1) (a) & (b), which reads as follows:

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 - 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 33'-0" 40'-0" (R1B)
- Parking _____
- Landscaping _____
- Other _____

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

We would like to add a small mudroom and garage storage area to the space behind our existing garage. This addition would extend to the edge of our existing house, which is non-conforming. We intend, also, to rework the rear drainage by creating a swale in the yard and pulling the grades away from the house.

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:

- East: This line is directly adjacent to Tappan's parking lot
- South: The new addition would be completely hidden by the existing house
- North: This residence is more than 35' away and 20' forward of the proposed addition. They are also up the hill from us.

Wherefore, Petitioner requests that permission be granted from the above named Chapter and Section of the Ann Arbor City Code in order to permit an addition to the rear of our garage, allowing us to extend into the rear setback only as far as our existing non-conforming structure. This non-conforming structure is 33' from the rear line.

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 1149
 Phone Number
jdwinegarden@gmail.com
 Email Address

 Signature
Jenne D. Winegarden
 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.

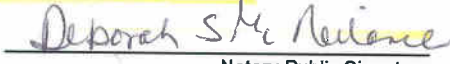

 Signature

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 23rd day of January, 2012, 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.

Deborah S McNeilance
 Notary Public of Michigan
 Oakland County
 Expires 07/30/2013


 Notary Public Signature

Notary Commission Expiration Date (see above)
Deborah S McNeilance
 Print Name



Staff Use Only

Date Submitted: 1/24-2012
 File No.: ZBA12-001
 Pre-filing Staff Reviewer & Date _____
 Pre-Filing Review: _____
 Staff Reviewer & Date: _____
 Fee Paid: \$500.00
 Date of Public Hearing 2/22-2012
 ZBA Action: _____

Lisa Markman and Jay Winegarden
2309 Brockman
Ann Arbor, MI 48104

January 23, 2012

Matt Kowalski, Zoning Administrator
City of Ann Arbor
301 E. Huron
Ann Arbor, MI 48104

Dear Mr. Kowalski

We the undersigned, Lisa Markman and Jay Winegarden, hereby authorize Mary Kalmes, Architect to act as our agent regarding our application to the Zoning Board of Appeals for the Application for Variance dated _____ and to receive copies of all correspondence from the City relating to this application. This authorization is valid until further written notice from the undersigned.

Thank you for your cooperation in this matter.

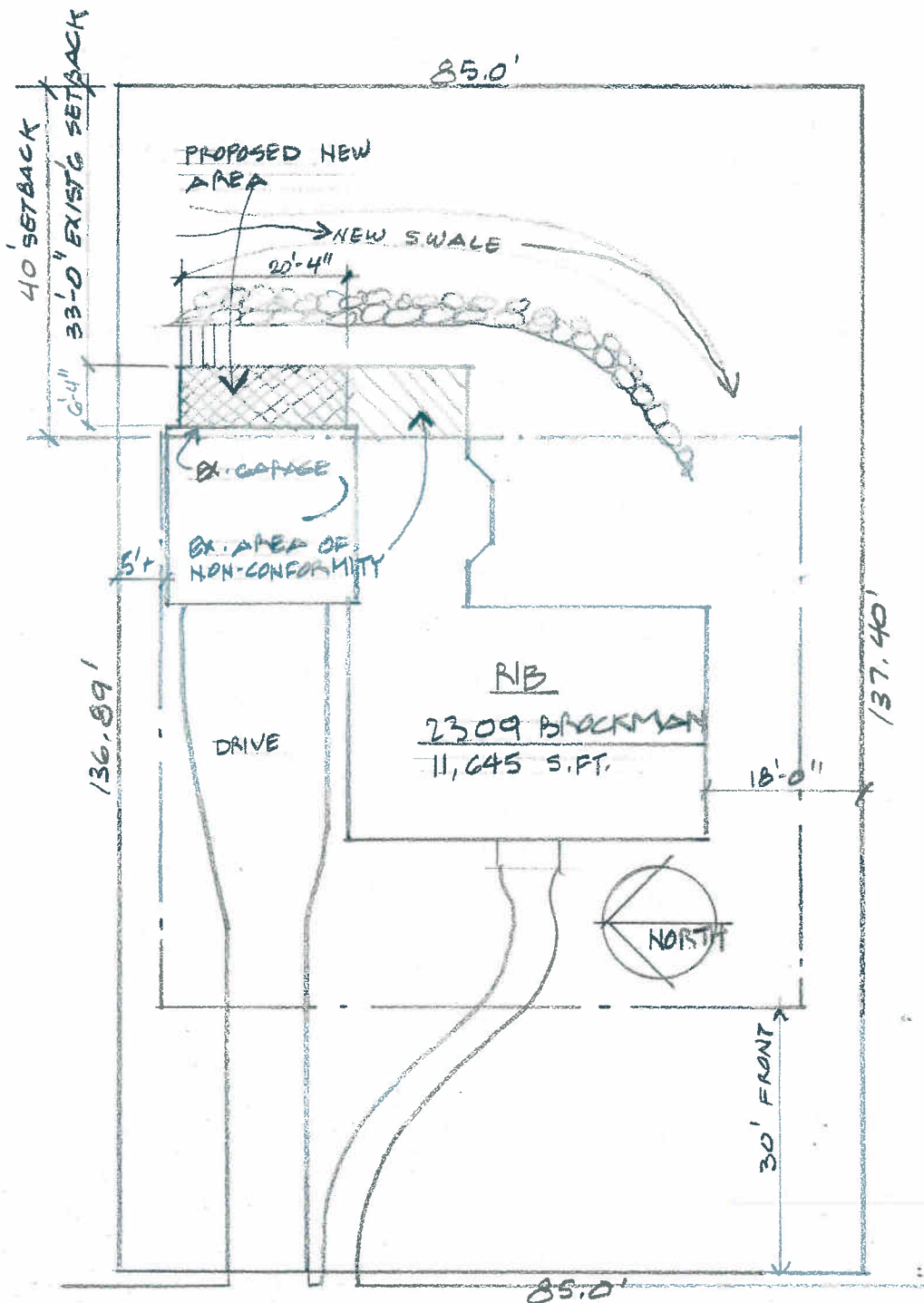
Sincerely,


Lisa Markman


Jay Winegarden

Cc: Mary Kalmes

TAPPAN PARKING



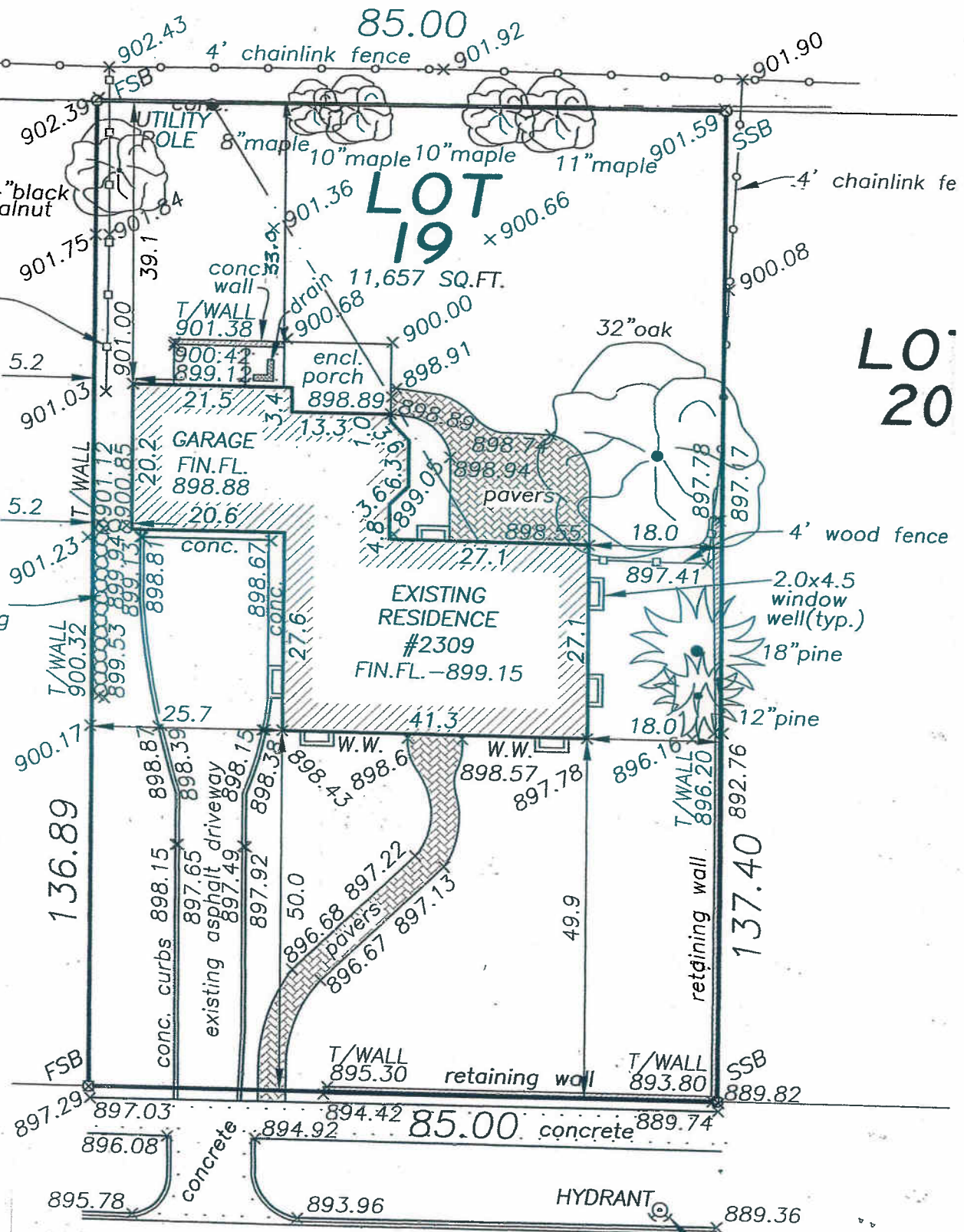
SITE PLAN

1" = 20'-0"

BROCKMAN BLVD.

LOT 18

LOT 20



TOPOGRAPHIC SURVEY

PLAN	N/A
DATE	03 JAN 12
JOB NO.	11-12-003
SCALE	1" = 20'
DRAWN	JRN
CHECKED	JGE
SHEET	1 OF 1

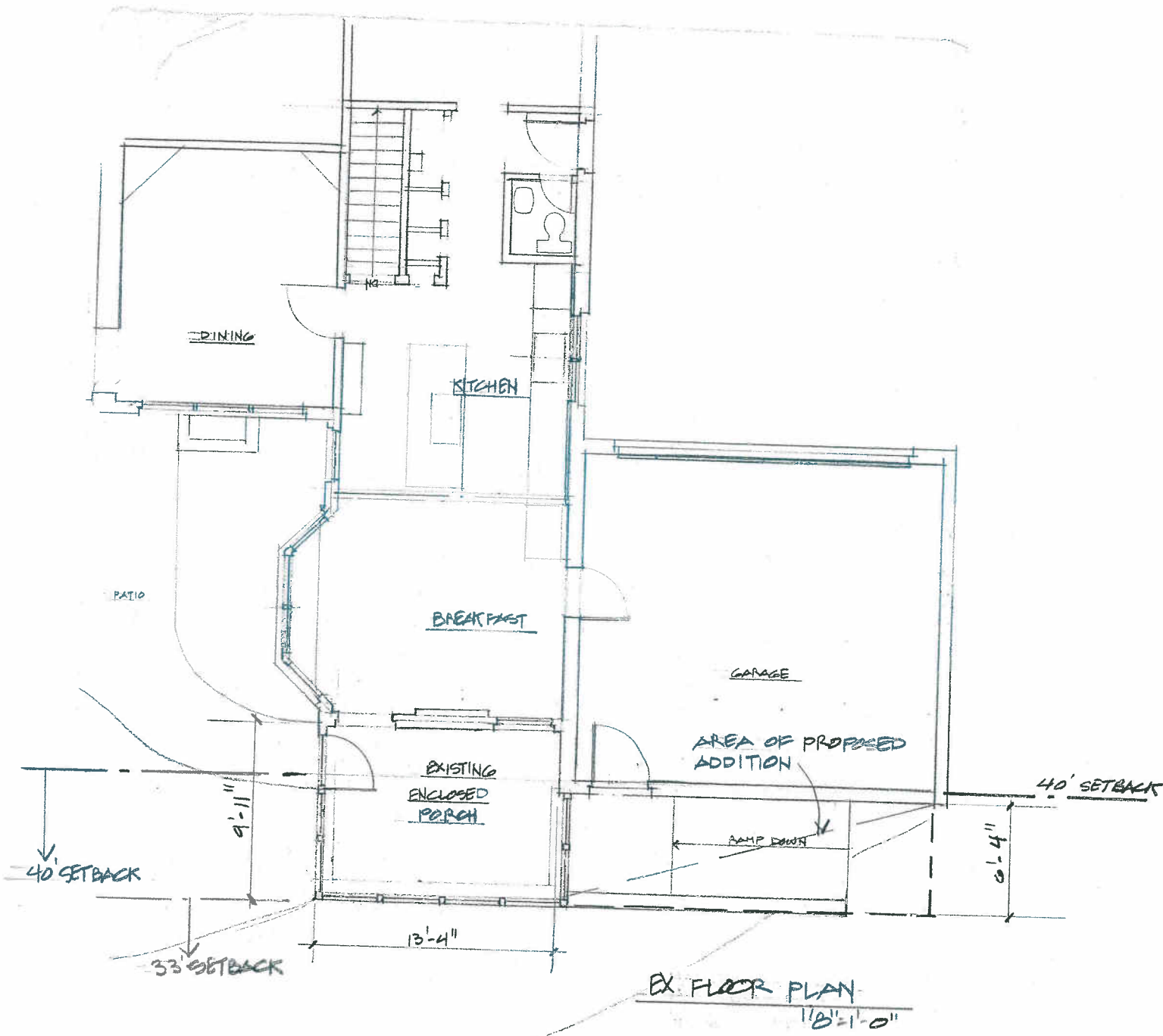
USA MERRIMAN & ASSOCIATES, P.C.
 2500 BROCKMAN BLVD.
 ANN ARBOR, MI 48104
 (734) 255-1053

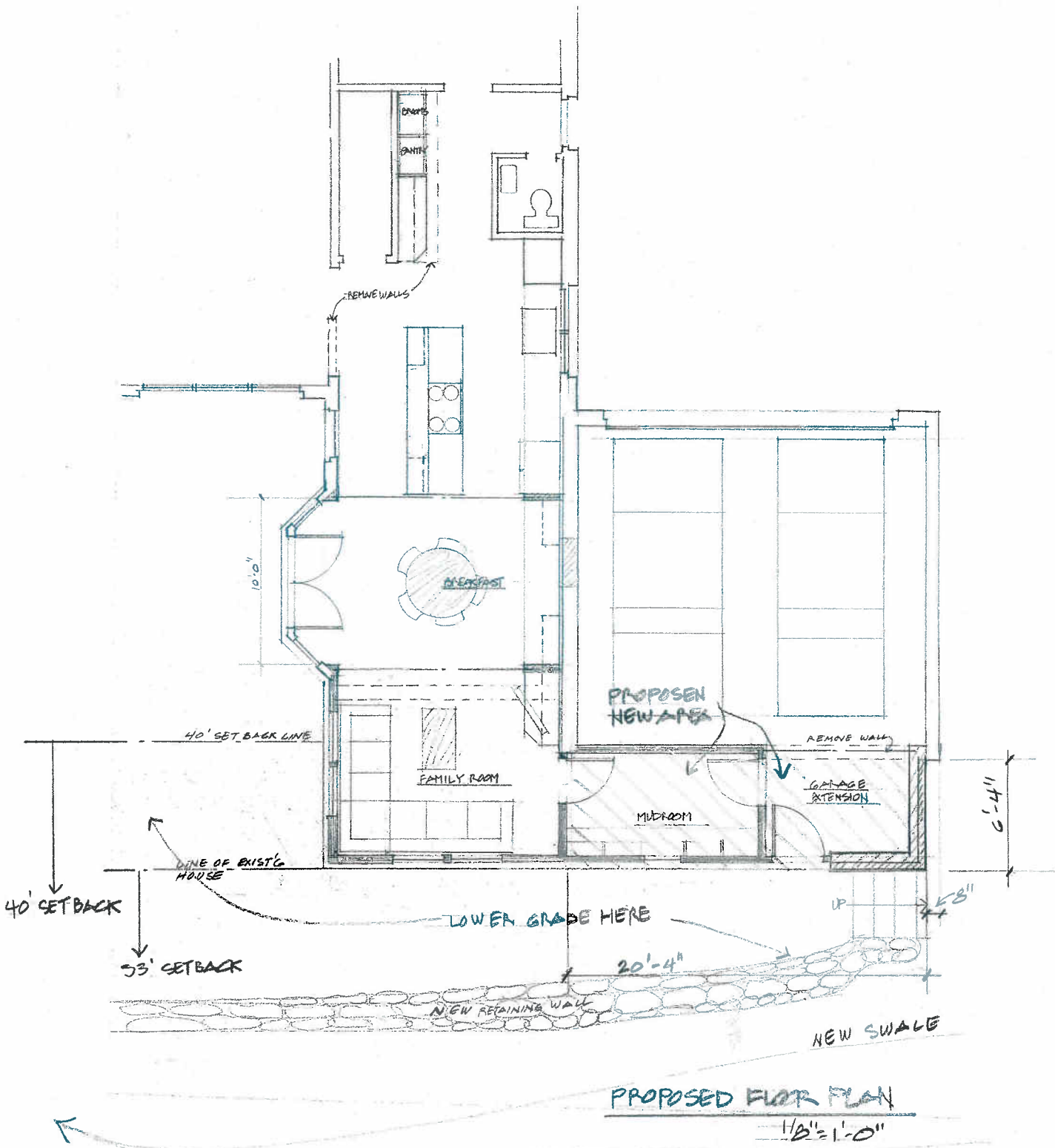
JEKABSON & ASSOCIATES, P.C.
 Professional Land Surveyors
 1320 Goldsmith, Plymouth, MI 48170
 (734) 414-7200 (734) 414-7272 fax

31' asphalt pavement with concrete curbs
BROCKMAN BLVD.
 (66' WIDE)

NAV88 BENC
 ARROW ON T
 ELEVATION =





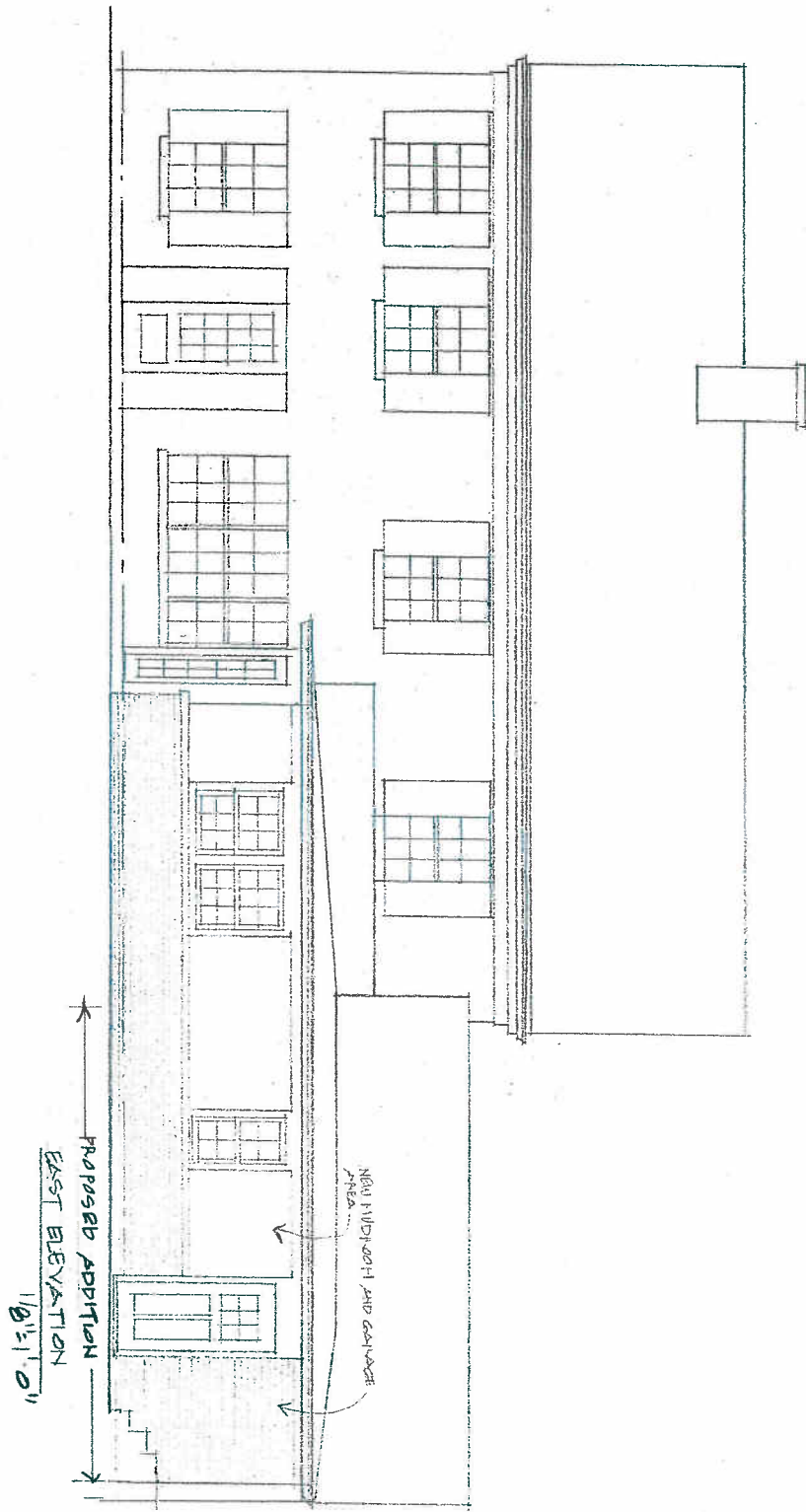




SOUTH ELEVATION
18'-1-0"

LINE OF EXISTING " SETBACK
33'-0"

STEPS BEHIND
NEW 2ND
WALL



2309 BROOKMAN



100_5527.JPG



100_5528.JPG



100_5529.JPG



100_5530.JPG



100_5531.JPG















From: [Jane Wood](#)
To: [Gale, Mia;](#)
Subject: ZBA12-001 - 2309 Brockman
Date: Wednesday, February 08, 2012 11:05:26 AM

Hi,

As the home owners of 2307 Brockman Blvd I wanted to email that we are completely ok with the Permission to Alter a Non-conforming Structure at the above address. In FACT - We encourage it as we know based on the homeowner and the architect it will be of high quality and add to the resale value of their home which helps us and our entire neighborhood. Please accept this note as acceptance as we will not be able to attend the public hearing.

Sincerely,
jane

Jane Wood
Jane Wood Interiors

jw@janewoodinteriors.com
www.janewoodinteriors.com
734.649.1566

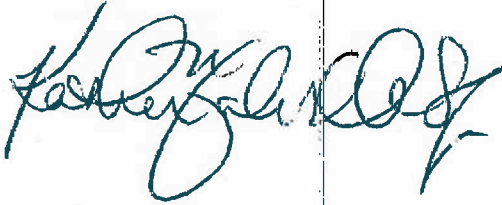
RE: Planned Renovation 2309 Brockman Blvd.

To Whom It May Concern/Zoning Board of Appeals:

The intended plans on the property at 2309 Brockman have presented to me by the homeowner and I have no objection to the project.

Please accept my signature as my personal endorsement.

Sincerely,



Home Owner

2300 Brockman


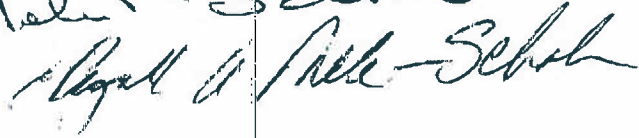
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Home Owner

2311 Brockman