

**Zoning Board of Appeals
June 28, 2017 Regular Meeting**

STAFF REPORT

Subject: ZBA17-020, 1902 Independence Boulevard

Summary:

Jean Carlberg, property owner, is requesting a variance from Chapter 55 Zoning, Section 5:54(2)(b) Open Space; of three (3) feet six (6) inches in order to install a two (2) foot by four (4) foot generator in the front setback. The average front setback is twenty-one (21) feet six (6) inches. If the request is approved the front setback will be established at eighteen (18) feet.

Background:

The property is zoned R1C, single-family residential, and is located on a corner lot. The corner lot requires two (2) front yards. The lot is eight thousand four hundred fifty (8450) square feet in size. The existing residence is approximately one thousand eight hundred and eighty-eight square feet in size and was built in 1940.

Description:

The two (2) foot by four (4) foot generator is required to be installed a minimum of five (5) feet from the home for proper ventilation.

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 locating the generator to the rear of the house would require a forty (40) foot connection to the gas meter. The generator needs to be located as close to the gas meter as possible and on the same side of the residence.

- (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.***

If the variance is denied, locating the generator to the rear yard creates an unsafe situation by running a gas line over a long distance.

- (c). ***That allowing the variance will result in substantial justice being done, considering the public benefits intended to be secured by this Chapter, the individual hardships that will be suffered by a failure of the Board to grant a variance, and the rights of others whose property would be affected by the allowance of the variance.***

The generator will not be visible at the proposed location due to the existing heavily vegetated corner side of the lot. The closest residence is a minimum of fifty (50) feet from the subject property.

- (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 generator is necessary due to the frequency of power outages in the area.

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

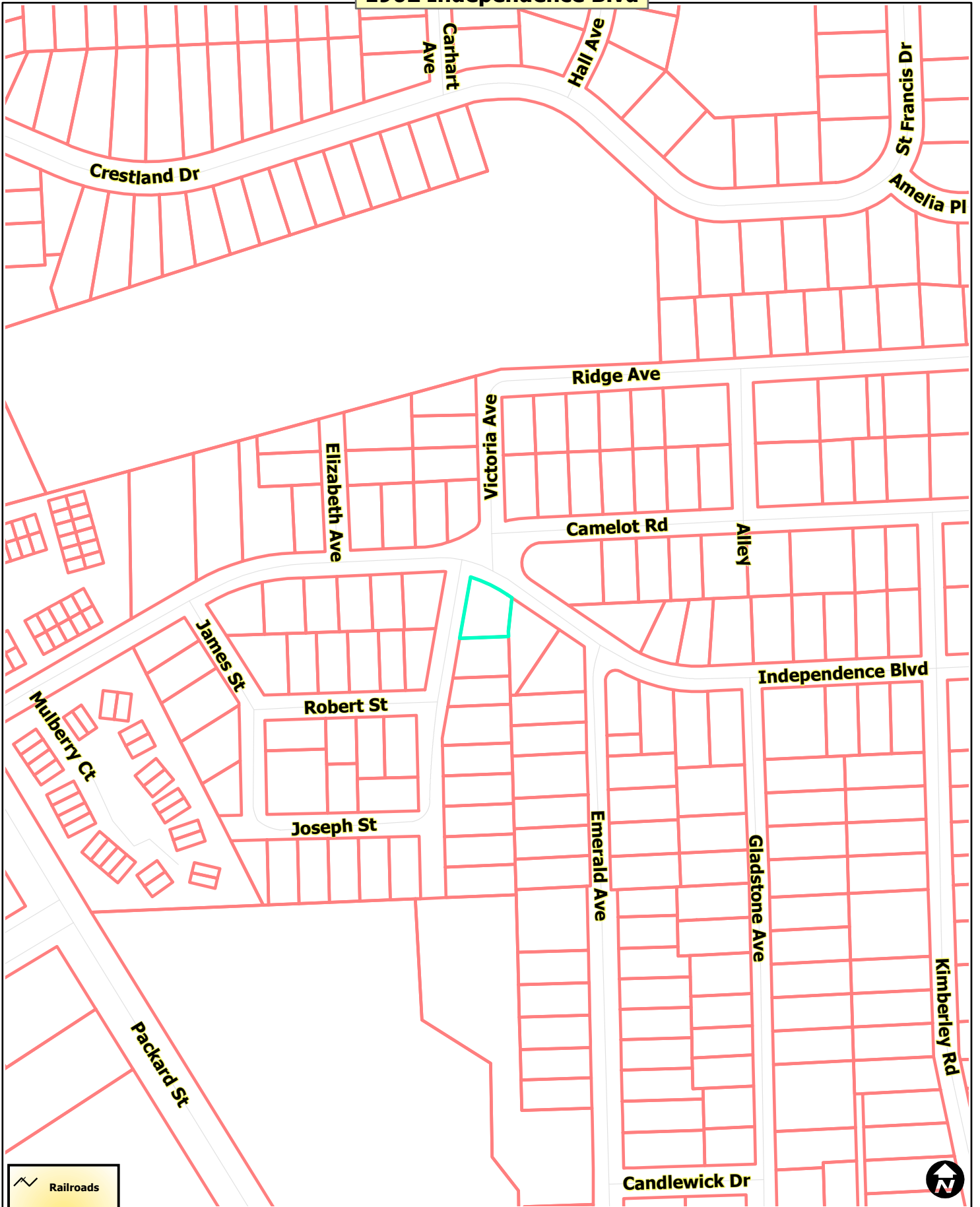
The variance requested is minimal in size and will not have a negative impact on the abutting property.




Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Jon Barrett". The signature is stylized and cursive.

Jon Barrett
Zoning Coordinator

1902 Independence Blvd



 Railroads
 Huron River
 Tax Parcels



Map date 6/7/2017
Any aerial imagery is circa 2015
unless otherwise noted
Terms of use: www.a2gov.org/terms



1902 Independence Blvd



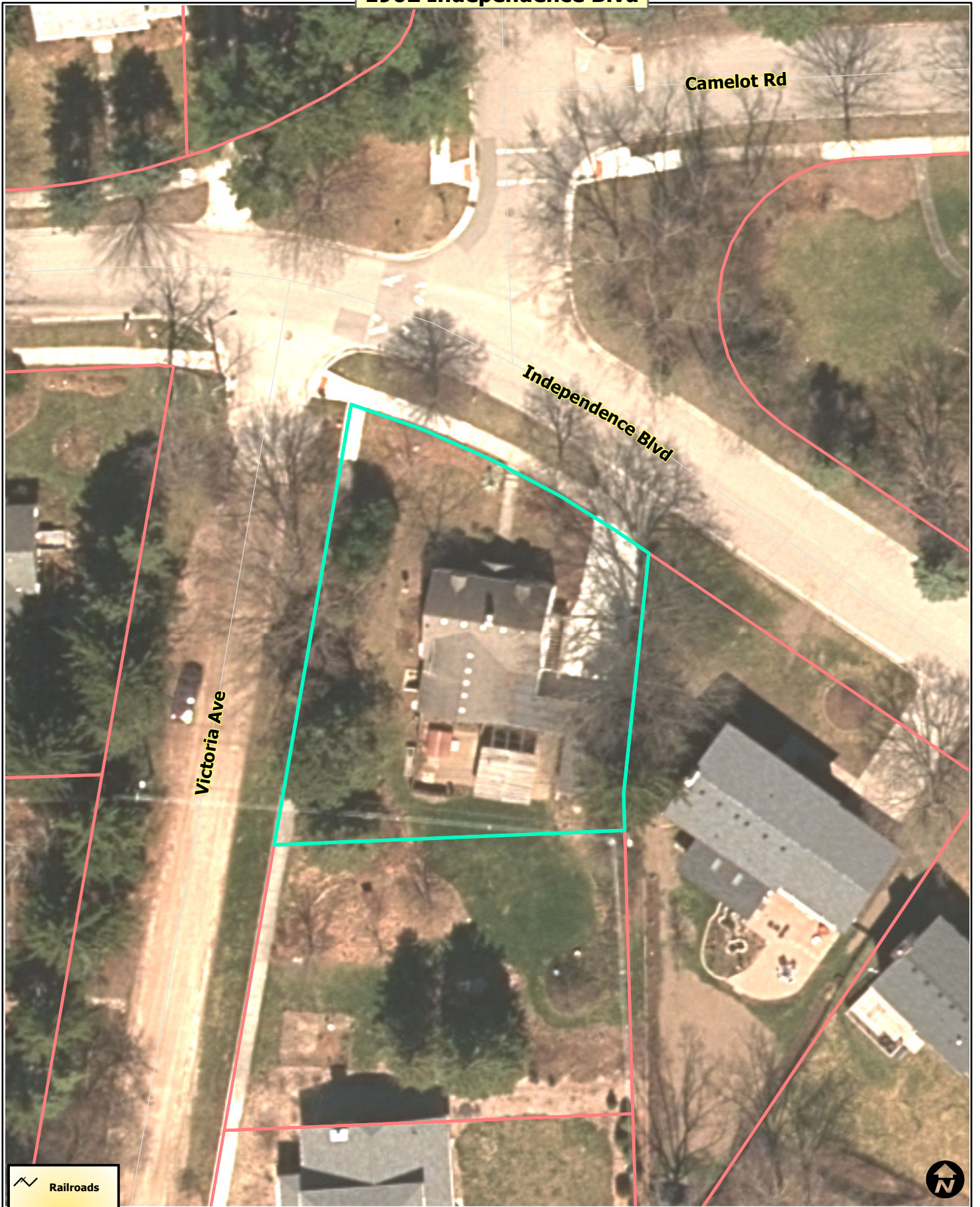
- Railroads
- Huron River
- Tax Parcels



Map date 6/7/2017
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1902 Independence Blvd



-  Railroads
-  Huron River
-  Tax Parcels



Map date 6/7/2017
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APPLICATION FOR VARIANCE OR NON-CONFORMING STRUCTURE
ZONING BOARD OF APPEALS

Section 1: Applicant Information

Name of Applicant: Jean Carlberg
 Address of Applicant: 1902 Independence
 Daytime Phone: 734 769-4493
 Fax: _____
 Email: jrcarlberg@comcast.net
 Applicant's Relationship to Property: owner

Section 2: Property Information

Address of Property: 1902 Independence Blvd
 Zoning Classification: RIC
 Tax ID# (if known): 09-12-04-121-007
 *Name of Property Owner: Jean Carlberg / Bunyan Bryant
**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:

Chap. 55, Section 5:54(2)(b)
Open Space

Required dimension: PROPOSED dimension:

25' side setback 18' side setback
AVG. SETBACK 21.5'

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)

Installation of a 2' x 4' generator placed 5' from house, for proper ventilation requires 3.5' variance from side setback, or 3' variance from average setback of 21'.

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?

Locating the generator in the rear would require a 40' connection to the gas meter, located on west side of house, 10' from front of house. The generator needs to be close to gas meter, on side of house.

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

It is unsafe to have such a long gas line. The generator would be over 50' from nearest house, across Victoria

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

none. This side of house is not visible from Independence or Victoria. The generator would be over 50' from nearest house, across Victoria

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?

Corner location requires a 25' side setback. Meter is on west side of house, with 25' side setback required.

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

Frequent power outages warrant installation of generator.

Section 5: ALTERATION TO A NON-CONFORMING STRUCTURE

Current use of the property residential

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 <u>.36 acres</u>	
Lot width <u>94'</u>	
Floor area ratio _____	
Open space ratio _____	
Setbacks <u>front - 22.8' NE corner of house</u>	<u>25' front setback</u>
Parking _____	
Landscaping _____	
Other _____	

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

Install 2'x4' generator on west side of house.
It will be placed ~10' from front of house + 5'-7' within setback on side of house. This locates it closest to gas meter.

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:

The generator will not be visible from either street because of existing vegetation along Victoria and landscaping to obscure it from Independence.

Wherefore, Petitioner requests that permission be granted from the above named Chapter and Section of the Ann Arbor City Code in order to permit a generator within the side setback open space

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.

734 769-4493

Phone Number

jr.carlberg@comcast.net

Email Address

Jean Carlberg

Signature

Jean Carlberg

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.

Jean Carlberg

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.

Jean Carlberg

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.**

Jean Carlberg

Signature

On this 26 day of May, 2017, 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.

Kaitlyn Kupler

Notary Public Signature

Kaitlyn Kupler

Print Name

KAITLYN L. KUPLER

Notary Public, State of Michigan

My Commission Expires Date 22, 2020

Staff Use Only

Date Submitted: _____

Fee Paid: _____

File No.: _____

Date of Public Hearing _____

Pre-filing Staff Reviewer & Date _____

ZBA Action: _____

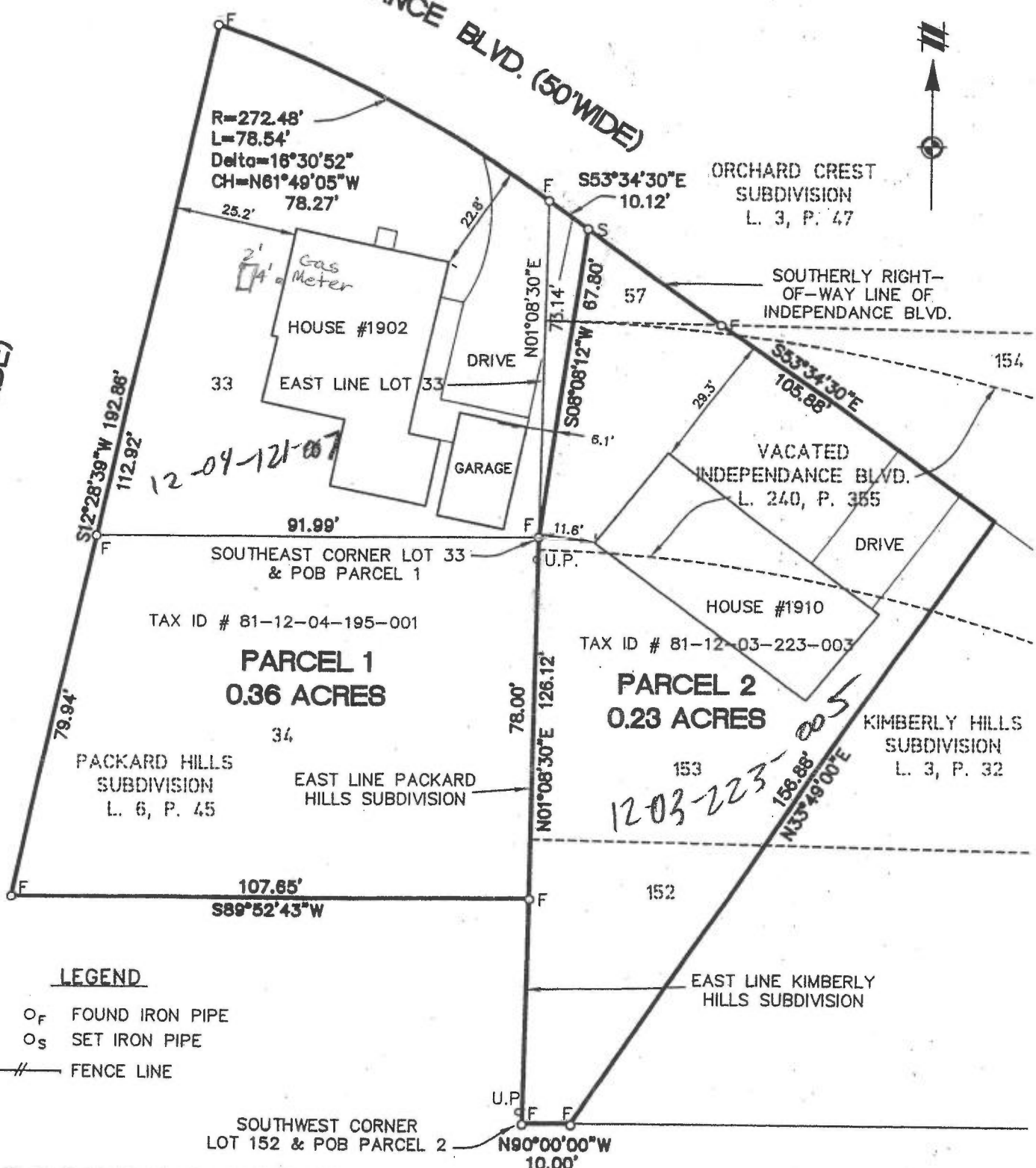
Pre-Filing Review: _____

Staff Reviewer & Date: _____

INDEPENDANCE BLVD. (50' WIDE)



VICTORIA AVE. (50' WIDE)

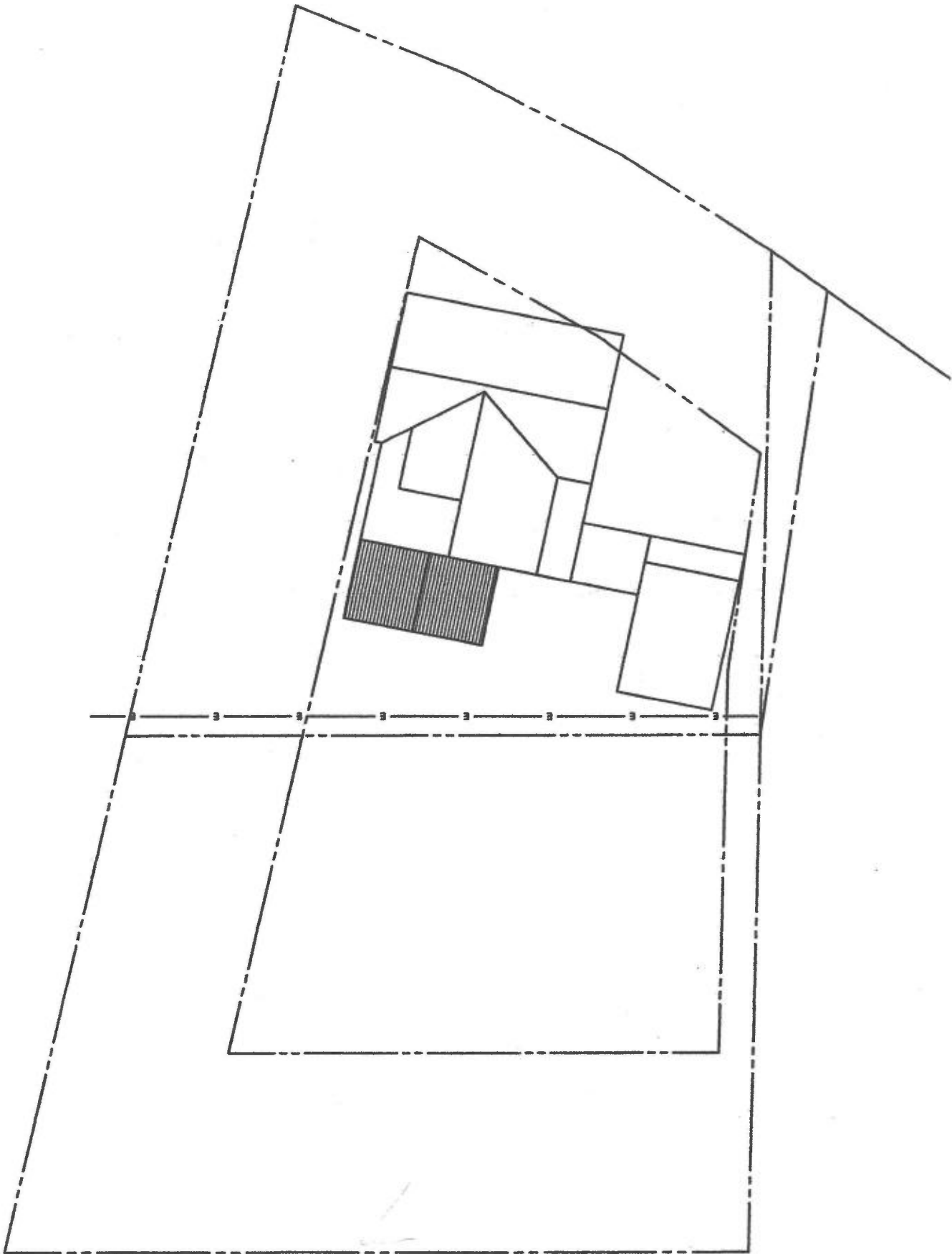


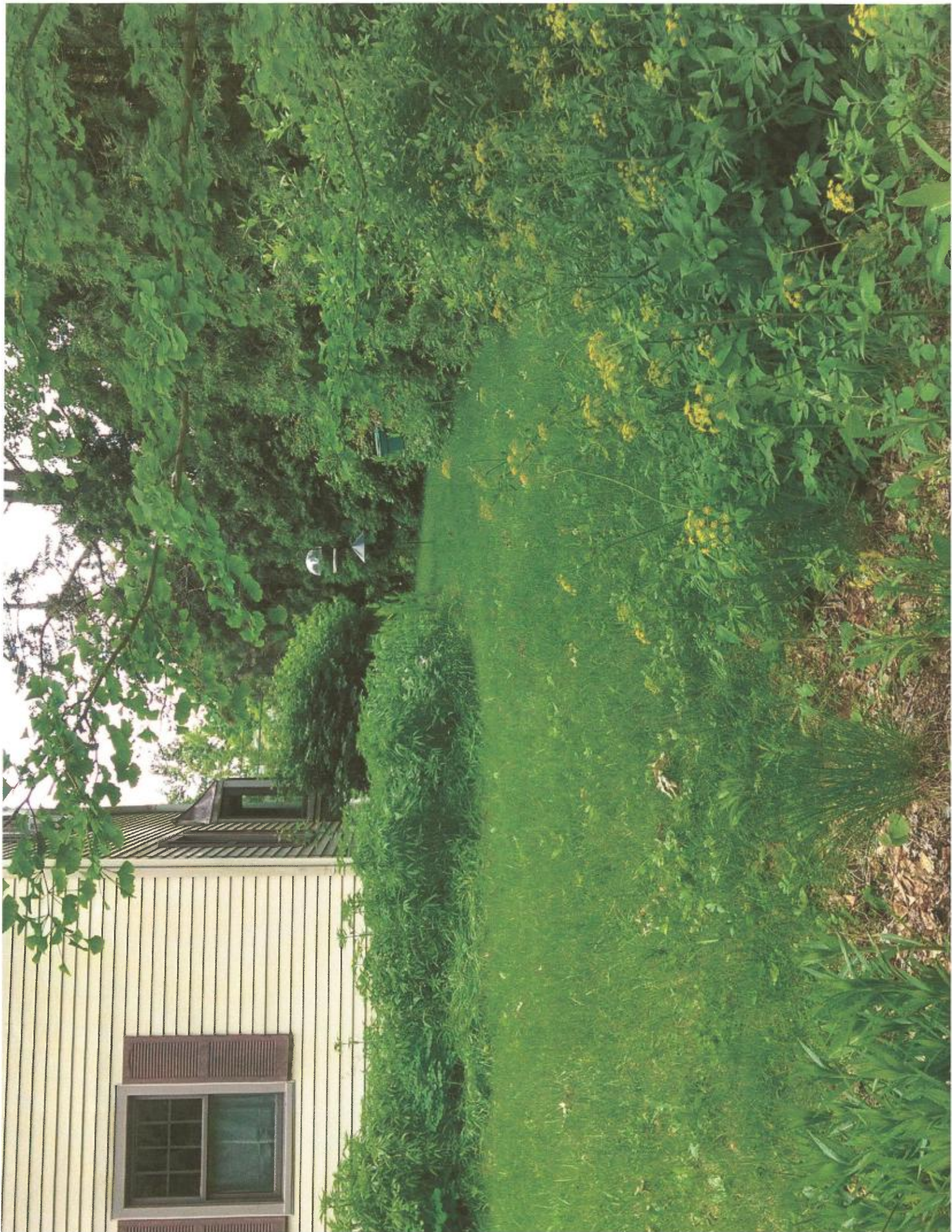
LEGEND

- _F FOUND IRON PIPE
- _S SET IRON PIPE
- //— FENCE LINE

TAX PARCEL NO. 81-12-04-195-001 & 81-12-03-223-003
 BEARING BASE: PLAT OF PACKARD HILLS SUBDIVISION

I HEREBY CERTIFY THAT I HAVE SURVEYED AND MAPPED THE LAND ABOVE
 PLATTED AND/OR DESCRIBED ON SEPTEMBER 1, 2004, AND THAT THE RATIO OF
 CLOSURE ON THE UNADJUSTED FIELD OBSERVATIONS OF THIS SURVEY IS 1/100,000





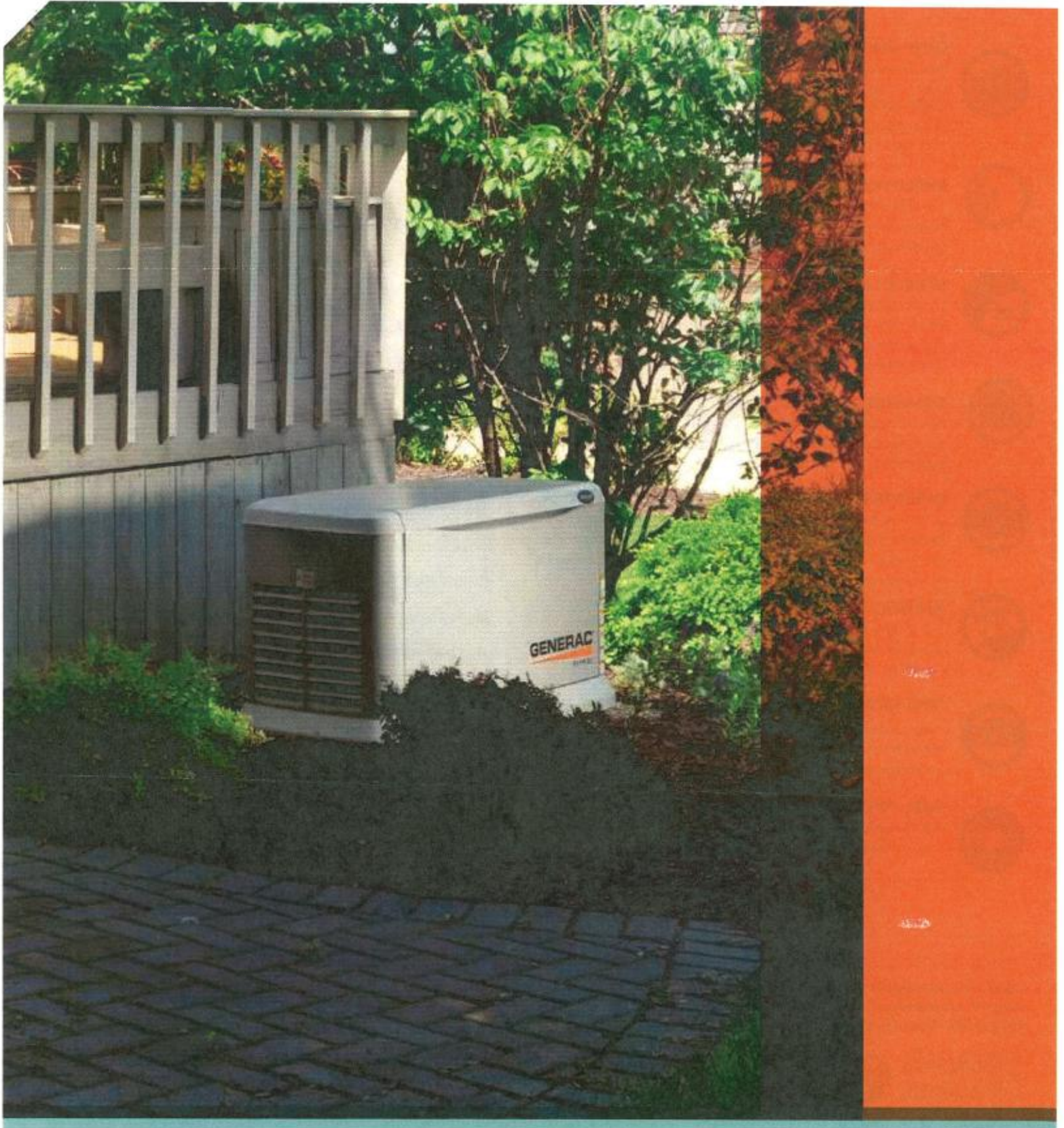


GENERAC

GENERAC SYNERGY™
AUTOMATIC STANDBY GENERATOR

20 kW

48 x 25 x 29



From: Juan Moreno
Sent: Thursday, June 15, 2017 3:05 PM
To: Barrett, Jon <JBarrett@a2gov.org>
Subject: variance for Jean Carlberg

I see no reason to object to the variance at 1902 Independence Blvd.
Juan Moreno
1938 Camelot Rd
Ann Arbor, Mi