

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

STAFF REPORT

Subject: ZBA12-004, 200 West Summit

Summary:

Panos Tharouniatis is requesting one variance from Chapter 55(Zoning) Section 5:57 (Averaging an Existing front setback line), of 20 feet for construction of a residential structure into the front setback, 40 feet is required (Averaged Front Setback).

Description and Discussion:

The subject parcel is located at 200 West Summit and is zoned R4C (Multiple-Family) and is located on the corner of Wildt and Summit, just west of the railroad tracks.

The request is discussed in detail below:

The petitioner is proposing to demolish the existing 800 square foot house and construct a 4,000 square foot duplex. Each duplex unit will be approximately 1,950 square feet and contain 3 bedrooms above a two car garage. The garages will share a single drive accessed from Wildt Street. The pedestrian entrances will also face Wildt Street. Each unit will have a small patio in the side yard (west side of parcel) and an elevated uncovered porch. The variance is being requested for construction of the structure and an attached uncovered porch 20 feet from the front property line of Summit. The main structure will be located 25 feet from the front property line at its closest point, and the elevated uncovered porch will extend to 20 feet and will not be enclosed.

The required front setback is 25 for the R4C district. However, Chapter 55, Section 5:57 requires averaging with adjacent properties within 100 feet of the property line of the subject property. The subject parcel is located on a 'short' block with only one adjacent property to average. That parcel is 800 Edward Street, which is approximately 50 feet from the property line along Summit. As a result, the calculated results in a required front setback of 40 feet (the maximum required averaged front setback).

While Section 5:57(Averaged Front Setback) does not permit including parcels across streets, the petitioner has provided averaged calculations to provide context to the proposed variance request. The petitioner has calculated the averaged setbacks along Summit to the west across Edward Street as 15 feet 9 inches and the averaged front setback to the east across Summit and the railroad tracks as 4 feet. The existing house that will be demolished is 6 feet 9 inches from the front property line.

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 lot is located at a corner and is an unusual shape with a curved front property line along Wildt Street. While the required setback for R4C is 25 feet, the averaging of only one adjacent parcel (set back over 50 feet) moves the required setback to 40 feet. There is a significant slope rising over 20 feet toward the northwest corner of the parcel.

- (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 construction of a duplex and attached uncovered porch 20 feet from the front property line. The main structure will be located 25 feet from the front property line at its closest point. The elevated uncovered porch will extend to 20 feet and will not be enclosed. The required averaged setback of 40 feet reduces the allowable building envelope significantly and could result in greater impact to the slope in the rear resulting in construction of large retaining walls and an extensive storm water management system.

- (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 parcel is located on a 'short' block of Summit, containing only one other property adjacent to the west. The house on this parcel is located over 50 feet from Summit and has a functional front yard, including access, along Edward Street. The owner (and resident) of this house has signed a letter of support for the variance request. The petitioner has also submitted materials (attached) illustrating that the proposed structure will be consistent with the majority of structures along the north side of Summit Street.

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

The significant slope of the site is not a self imposed hardship. Reducing the building envelope by utilizing the averaged setback for 40 feet will result in a redesign of the project that could impact the topography of the site significantly. This would result in extensive retaining walls and storm water management systems on the site.

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

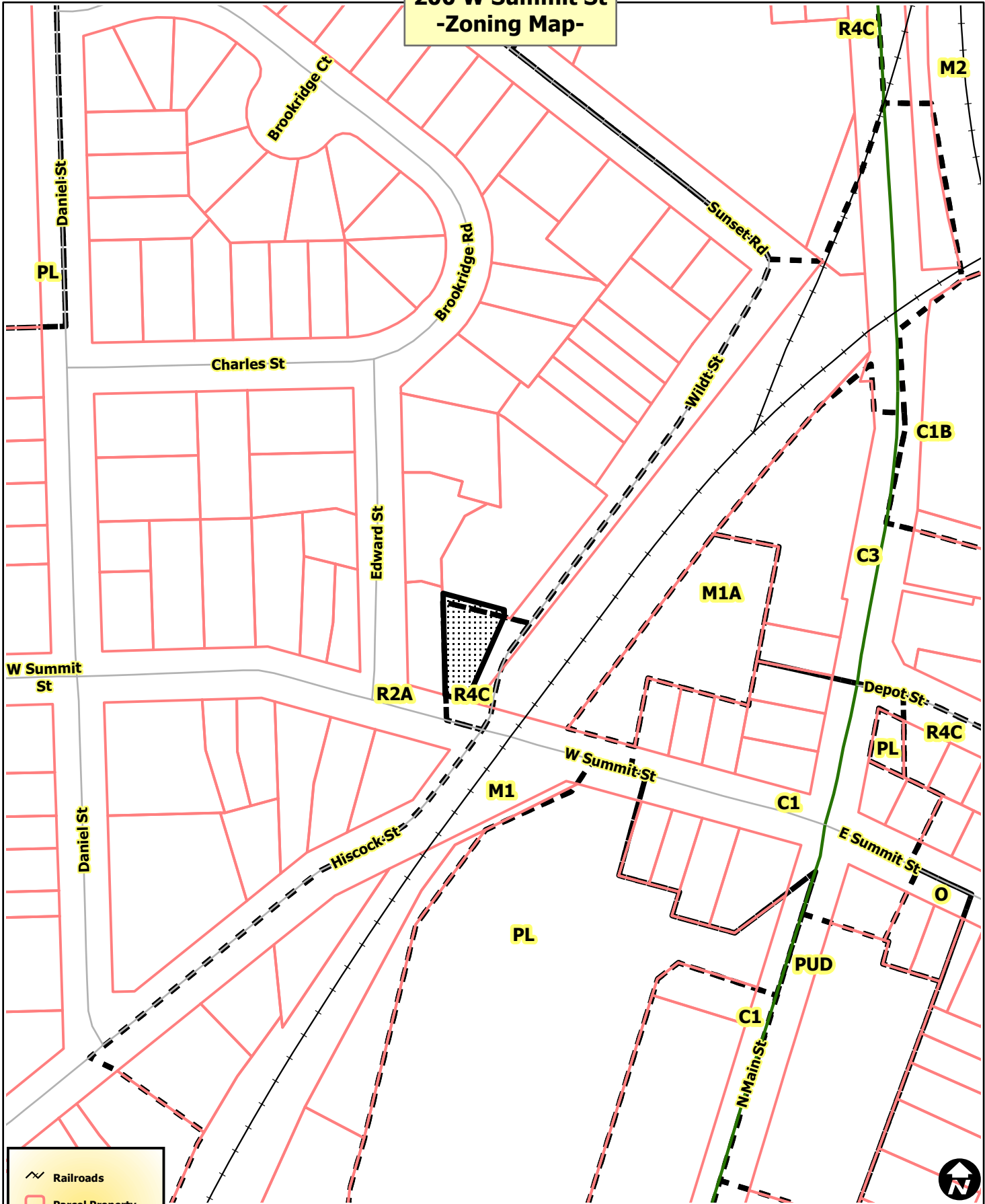
The variance, if approved, will permit construction of a structure 25 feet front the front property line, which is the required front setback for R4C before the averaged setback calculation. The uncovered porch extending into the front setback of Summit extends the encroachment to 20 feet from the front property line. The impact will be minimal given that the porch will be unclosed above and below the floor, and the proposed front setback will be consistent with the majority of structures along Summit.

Respectfully submitted,



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

200 W Summit St -Zoning Map-



	Railroads
	Parcel Property
	Township
	City of Ann Arbor



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Map Created: 3/8/2012

**200 W Summit St
-Aerial Map-**



 Railroads
 Parcel Property



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 Map Created: 3/8/2012

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

Section 1: Applicant Information

Name of Applicant: Panos Tharouniatis
Address of Applicant: 514 W. 7th Street
Daytime Phone: 734-945-6154
Fax: n/a
Email: panos@urbanenergyworks.com
Applicant's Relationship to Property: Owner of Galanis Investments (owner of property)

Section 2: Property Information

Address of Property: 200 W. Summit St.
Zoning Classification: R4C
Tax ID# (if known): 09-09-20-405-026
*Name of Property Owner: Galanis Investments

**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 5:57

Required dimension:

40' front setback

PROPOSED dimension:

20'-2"

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?

The average front setback calculation consists of only one established setback, which belongs to the property adjacent to ours. This setback is much deeper than nearly all others on Summit St., going several blocks in each direction. Additionally, this adjacent setback is established by the side face of the building on the lot.

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

Using this setback requires a compromise in the layout, resulting in prominent garages and significantly increased paved driveway areas. Excavation, earth retention, and storm water management also become more serious issues.

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

The west neighbor has given support of the proposed design and 20'-2" setback. The south neighbors are not substantially affected, as the building would not restrict any attractive view, and they are already accustomed to the current standing structure at a 10' setback.

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?

The northwest corner is steeply sloped, and the land is elevated compared to the commercial lot to the north, with an existing retaining wall whose height slopes from 2' at the east end to 6.5' at the west end. There are also two gas vent pipes on the east lot line, limiting the location of curb cuts and driveways.

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

The difficulty with the ordinance comes from the large setback and the topography of the land constraining the site layout. Although some aspects of the design—such as roof orientation for solar collection and minimizing impervious surface area—were not code requirements, we feel that these are not self-imposed as they are part of the larger goal of sustainable development.

The condition became apparent after spending more than a month on extensive design efforts attempting to work with the 40' setback. Extensive paved area and excavation were required, while aesthetics were compromised.

Section 5: ALTERATION TO A NON-CONFORMING STRUCTURE

Current use of the property None (current building is uninhabitable)

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

Therefore, 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 9456154
 Phone Number _____ Signature
 Pamos @ galanis . com Pamos Thavounidis
 Email Address _____ 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 29 day of FEBRUARY, 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.

 Notary Public Signature

July 1, 2013
 Notary Commission Expiration Date

STACY B JOHNSON
 STACY B. JOHNSON
 Notary Public, Washtenaw County, Michigan
 My Commission Expires July 1, 2013
 Acting in Washtenaw County

Staff Use Only

Date Submitted: 2/29-2012 Fee Paid: 500.00 - CC #1361
 File No.: ZBA12-004 Date of Public Hearing 3/28-2012
 Pre-filing Staff Reviewer & Date _____ ZBA Action: _____
 Pre-Filing Review: _____
 Staff Reviewer & Date: _____

Urban Energy Works

Project: 200 W. Summit St.

Re: Zoning Board of Appeals application materials - Section 3: Request Information

Description of work and reason for variance request:

Galanis Investments is proposing to build a two-unit residential building on the R4C-zoned property at 200 West Summit Street in a side-by-side configuration. Each unit has 3 bedrooms and 2.5 bathrooms above a 2-car garage, and is approximately 1,950 square feet divided over two living floors. Given the steep slope, existing gas vents and lot boundaries, this configuration with the central driveway results in a much smaller footprint, paved area and excavation, and higher relative storm water detainment compared to other design options that accommodated the 40-foot setback.

The units are designed with energy efficiency considerations being given the highest priority. In this dense-living arrangement, 13.7 kW of rooftop solar (photovoltaic) panels for each unit and heavy insulation produce net-zero energy performance according to our simulations. Storm water runoff is mitigated through a combination of collection/reuse cisterns, rain gardens and percolation beds designed to detain a 100-year storm event. The storm water management system will also collect runoff from the 1250sf commercial parking lot to the north, which currently drains directly into the city storm sewers.

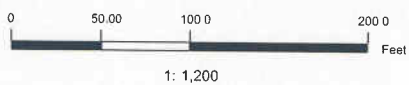
The compactness of the proposed arrangement allows for generous green space in front of each unit. This proposal maintains 65% of the lot as un-built green space. Alternate designs which accommodated the 40 foot setback only allowed 54% green space—a reduction of more than 800 square feet. The 40 foot setback forces the code-required parking either to the north side or to the Summit Street side, both of which significantly increase the paved area. It also necessitates heavy excavation into the steep slope of the northwest corner of the lot and a very tall retaining wall. The retaining wall would cause problems with storm water runoff in terms of erosion along the north lot line, and further disturb the ground water flow. These are already issues of concern because of the retaining wall and parking lot for the commercial lot to the north. Additionally, locating the driveway and parking on the north side eliminated nearly all of the north green space.

SHEET	SHEET NUMBER:
OF	



SHEET
2
 OF
 11

SHEET NUMBER:
2



NOTE: Parcels may not be to scale.

The information contained in this cadastral map is used to locate, identify and inventory parcels of land in Washtenaw County for appraisal and taxing purposes only and is not to be construed as a "survey description". The information is provided with the understanding that the conclusions drawn from such information are solely the responsibility of the user. Any assumption of legal status of this data is hereby disclaimed.

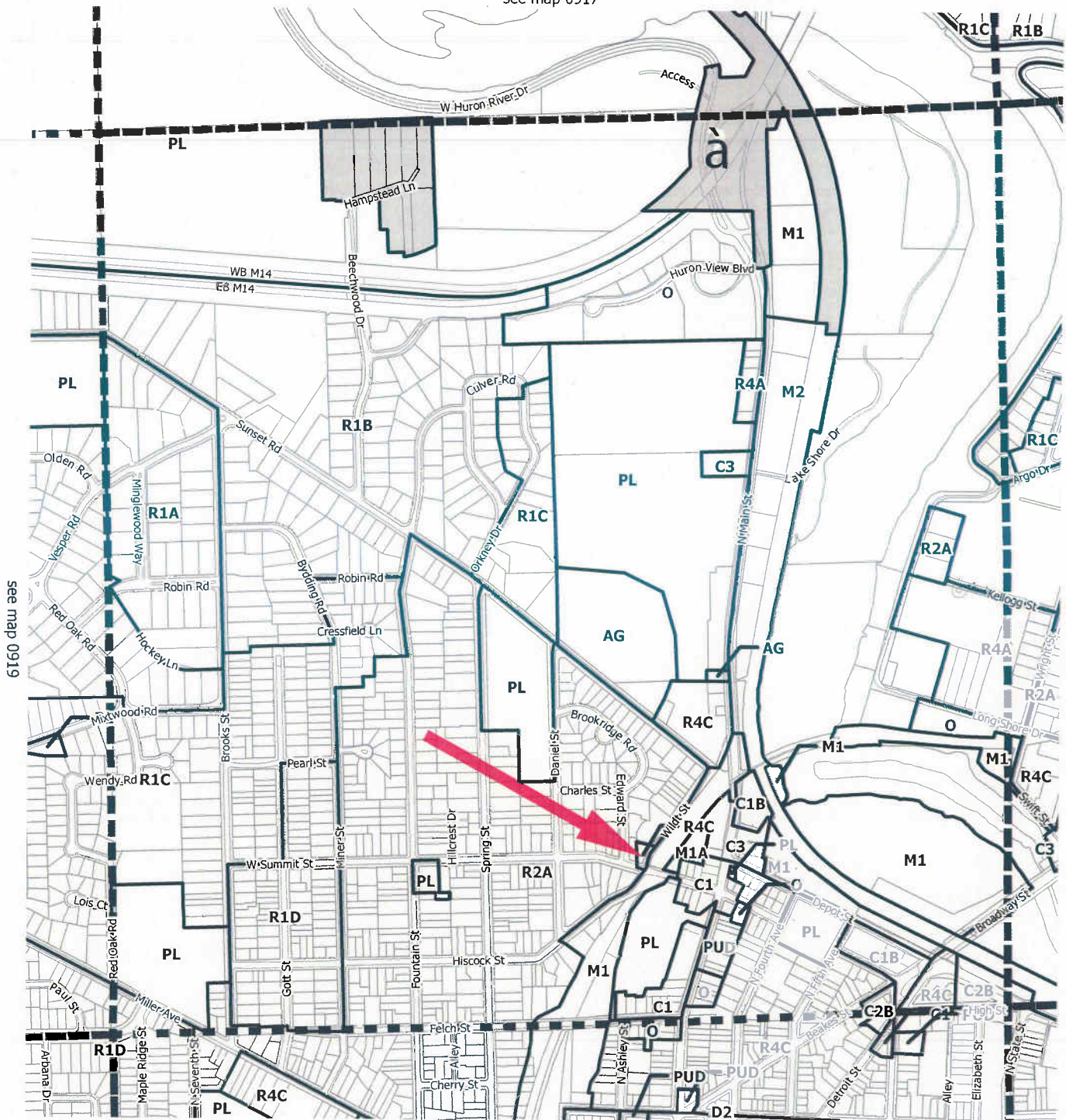
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12/14/2011

THIS MAP REPRESENTS PARCELS AT THE TIME OF PRINTING. THE OFFICIAL PARCEL TAX MAPS ARE MAINTAINED SOLELY BY THE WASHTENAW COUNTY EQUALIZATION DEPARTMENT AND CAN BE OBTAINED BY CONTACTING THAT OFFICE AT 734-222-6662.

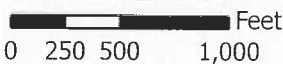
Ann Arbor City Zoning Map

see map 0917



see map 0916

see map 0921



see map 0929

Township Zoning
 Section Boundary



Prepared By: City of Ann Arbor, Community Services, GIS; Assessor's Office maintains parcel data.

SHEET	SHEET NUMBER:
OF	

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SECTION 0920

Map Printed: December 9, 2010



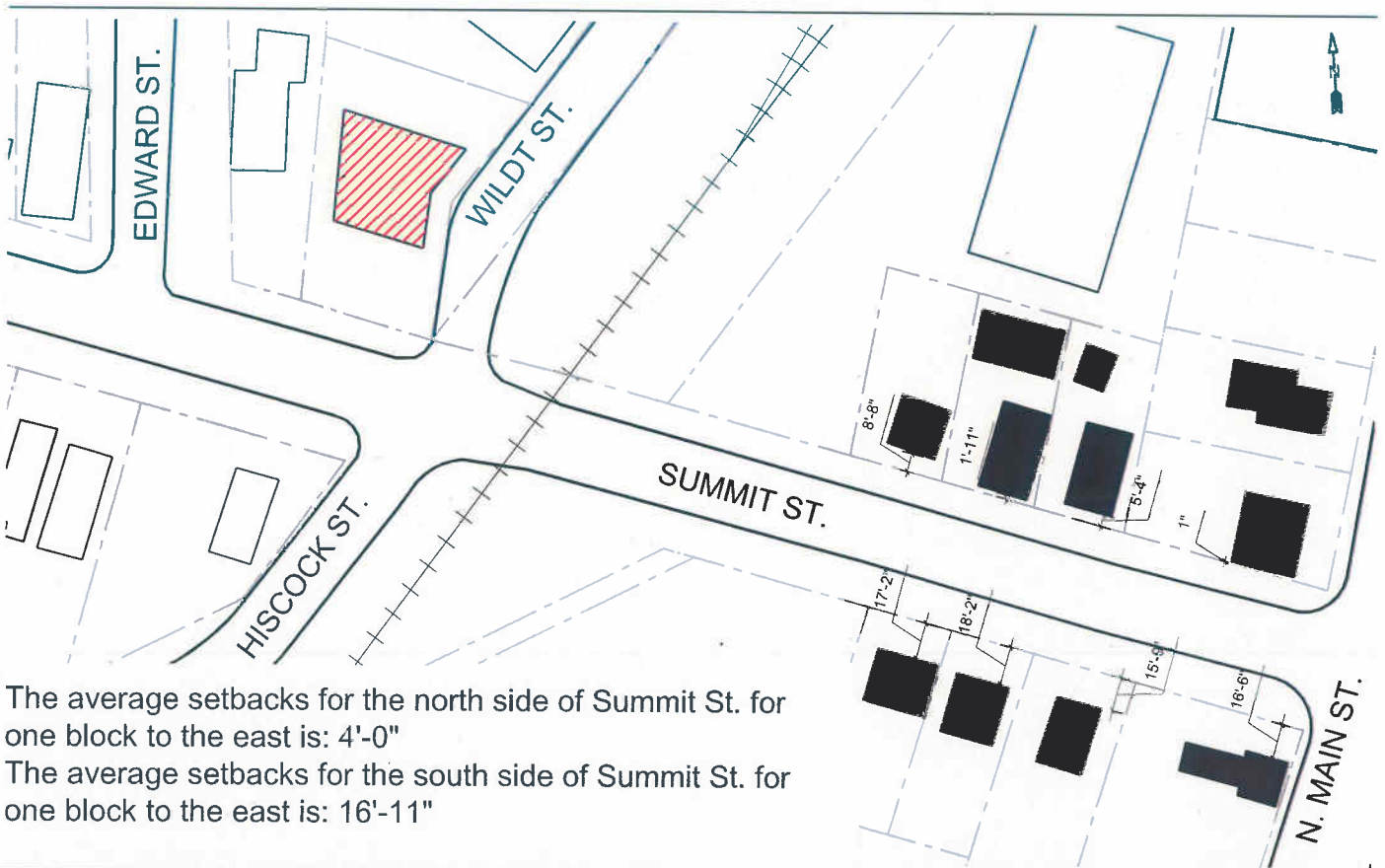
Notes:

1. The only structure on an adjacent lot within 100' that establishes a setback on Summit St. is the residence at 800 Edward St., which has a current setback of 49'-6"
2. Required setbacks with current conditions: south/front= 40'-0", west/side = 12'-0", north/back = 30'-0", east/front = 10'-0"

SHEET 4 OF 11	SHEET NUMBER: 4	SHEET TITLE: CURRENT SETBACKS		PROJECT NAME: 200 SUMMIT ST.
		DRAWN BY: NATHAN DOUD		Urban Energy Works
		DATE: DEC 17, 2012	SCALE: 1:500	



The average setbacks for the north side of Summit St. for one block to the west is: 15'-9"
 The average setbacks for the south side of Summit St. for one block to the west is: 26'-9"



The average setbacks for the north side of Summit St. for one block to the east is: 4'-0"
 The average setbacks for the south side of Summit St. for one block to the east is: 16'-11"

SHEET 5 OF 11	SHEET NUMBER: 5	SHEET TITLE: NEARBY SETBACKS		PROJECT NAME:
		DRAWN BY: NATHAN DOUD		200 SUMMIT ST.
		DATE: DEC 17, 2011	SCALE: 1:1,000	Urban Energy Works

CURRENT FRONT SETBACK

SUMMIT ST: 6' - 9"

WILTD ST: 24' - 6"

AREA OF PROPERTY

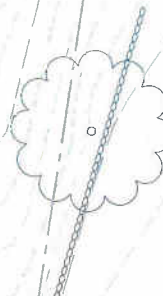
9,039.2 sq.ft.



PROPERTY LINE

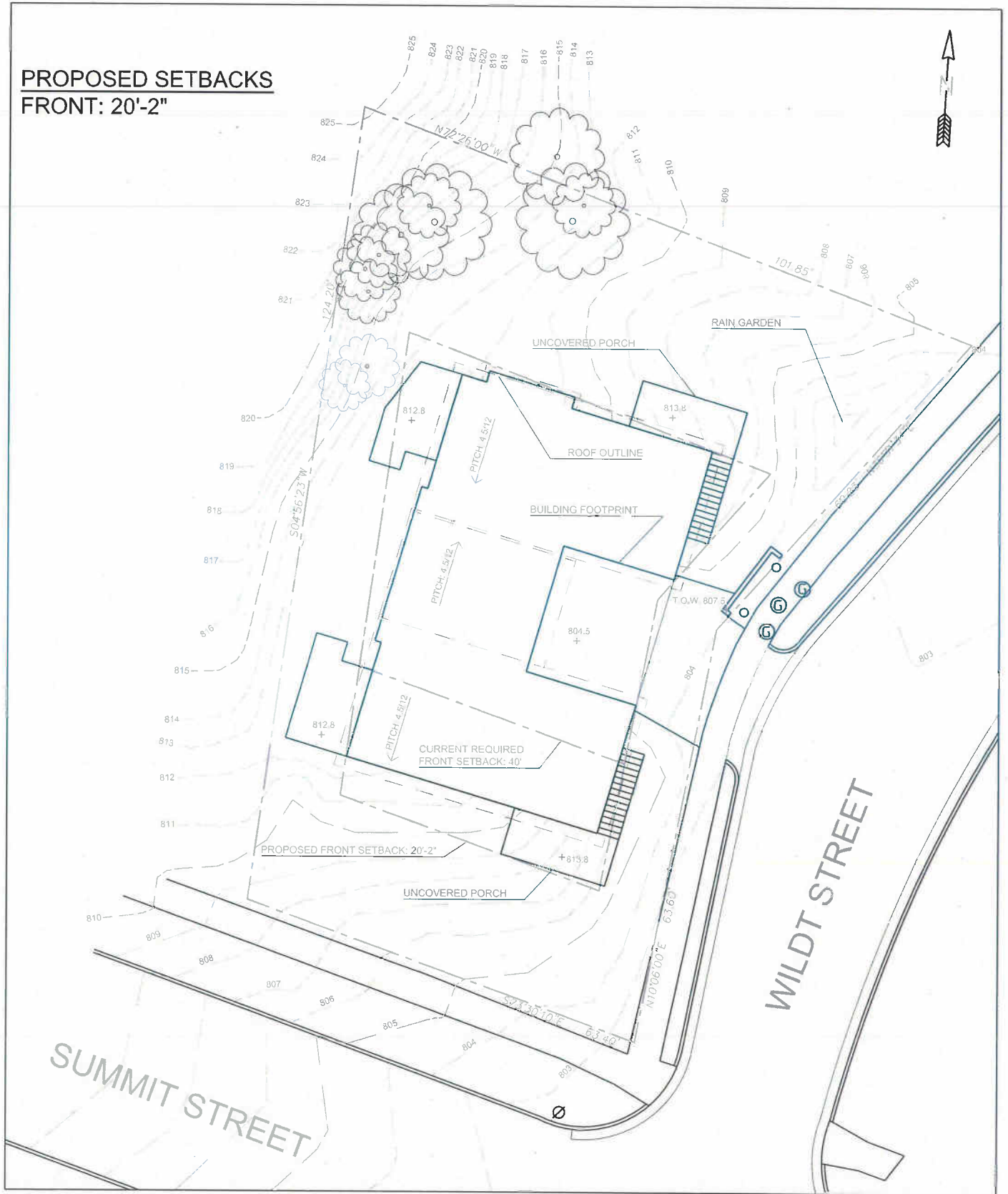
EXISTING GARAGE

EXISTING HOUSE

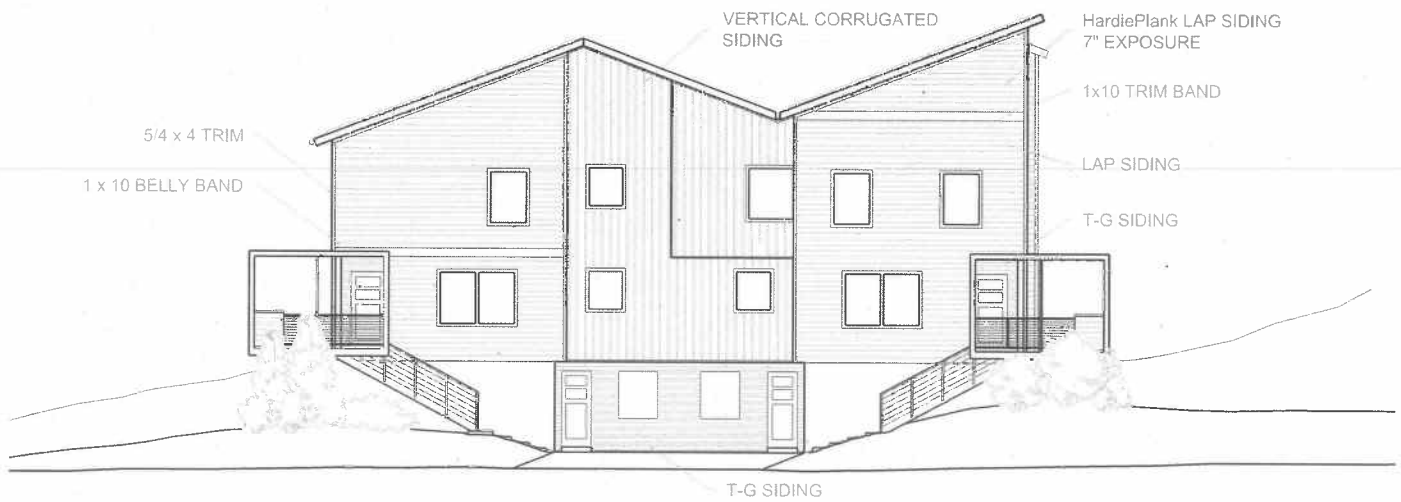


SHEET 6 OF 11	SHEET NUMBER: 6	SHEET TITLE: EXISTING SITE PLAN		PROJECT NAME:
		DRAWN BY: NATHAN DOUD		200 SUMMIT ST.
		DATE: DEC 09, 2011	SCALE: 1" = 20'-0"	Urban Energy Works

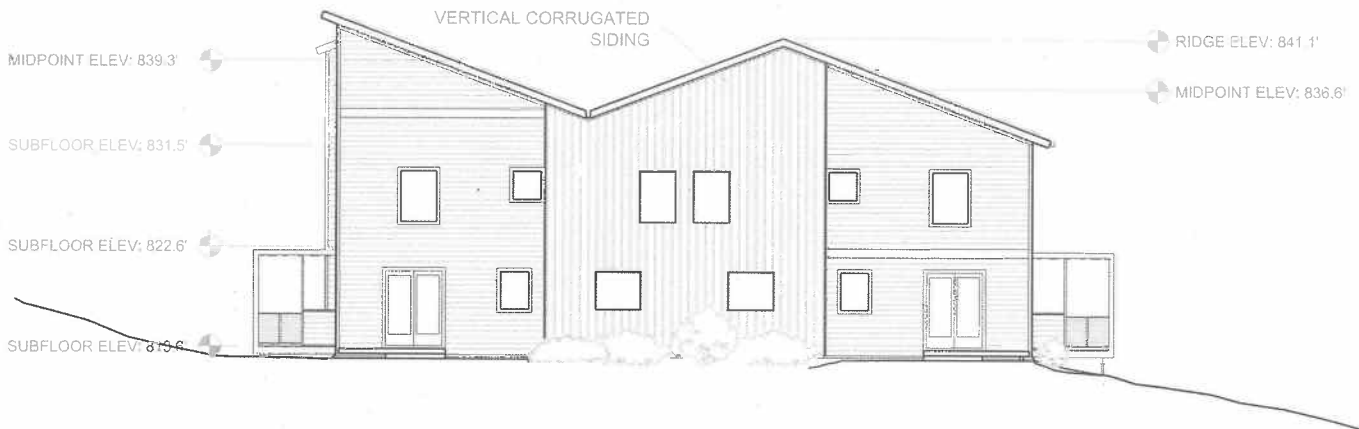
PROPOSED SETBACKS
FRONT: 20'-2"



SHEET 7 OF 11	SHEET NUMBER: 7	SHEET TITLE: PROPOSED SITE PLAN	PROJECT NAME: 200 SUMMIT ST.
		DRAWN BY: NATHAN DOUD	Urban Energy Works
DATE: FEB 28, 2012		SCALE: 1" = 20'-0"	



EAST ELEVATION



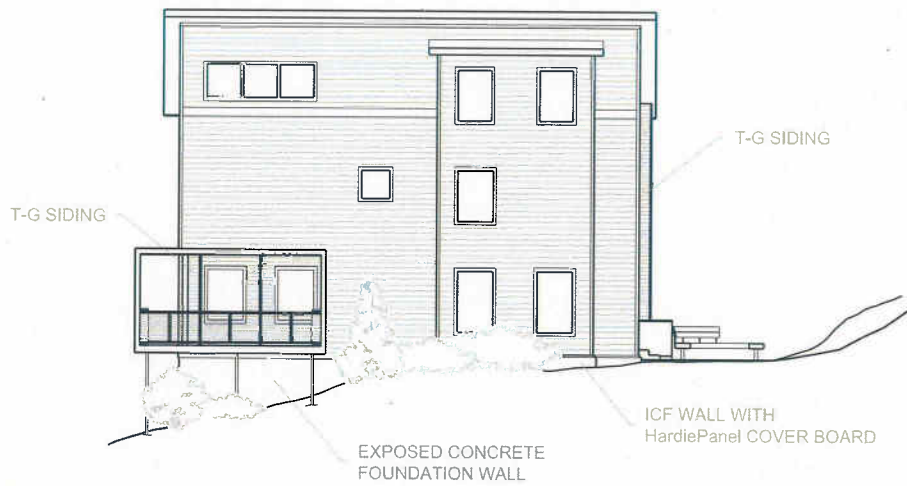
WEST ELEVATION

NOTE: AVERAGE GRADE ELEVATION WITHIN 20' OF BUILDING FOOTPRINT = 810.0'.
 HEIGHT TO MIDPOINT OF SLOPED ROOF IS 29.3'

SHEET 8 OF 11	SHEET NUMBER: 8	SHEET TITLE: ELEVATIONS		PROJECT NAME:
		DRAWN BY: NATHAN DOUD		200 SUMMIT ST.
		DATE: FEB 28, 2012	SCALE: 1/16" = 1' - 0"	Urban Energy Works

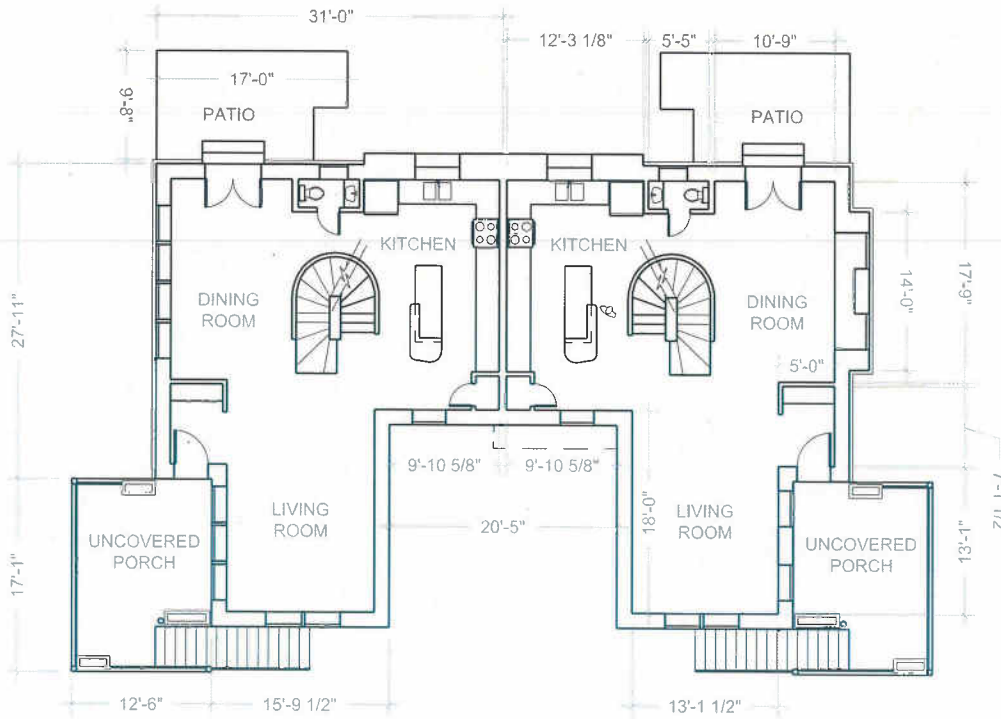


SOUTH ELEVATION

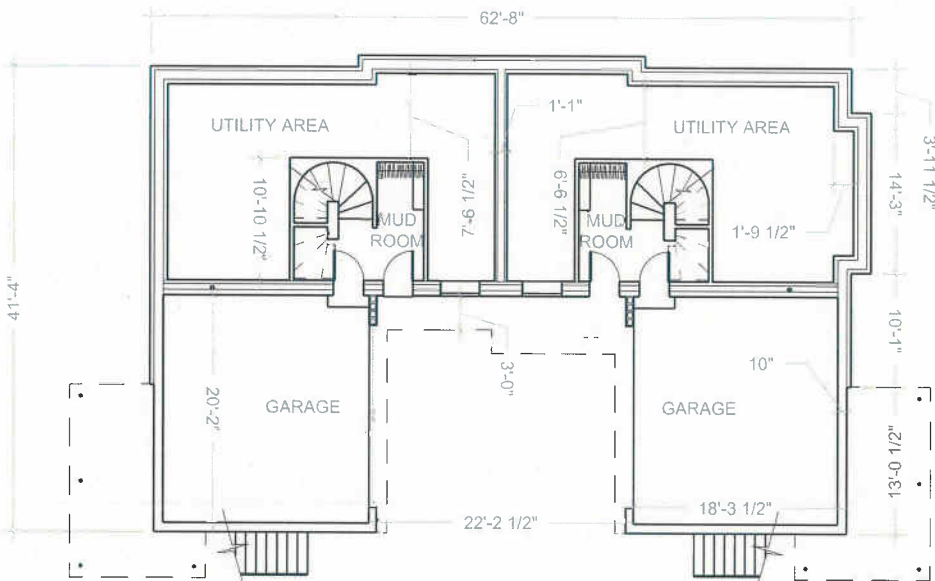


NORTH ELEVATION

SHEET 9 OF 11	SHEET NUMBER: 9	SHEET TITLE: ELEVATIONS	PROJECT NAME: 200 SUMMIT ST.
		DRAWN BY: NATHAN DOUD	Urban Energy Works
DATE: FEB 27, 2012	SCALE: 1/16" = 1' - 0"		

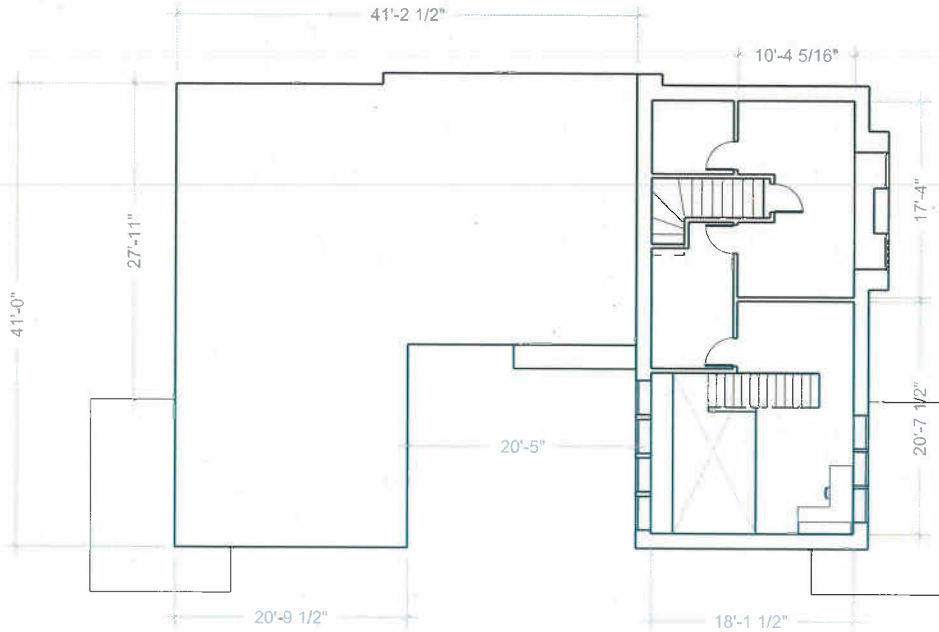


 1st FLOOR

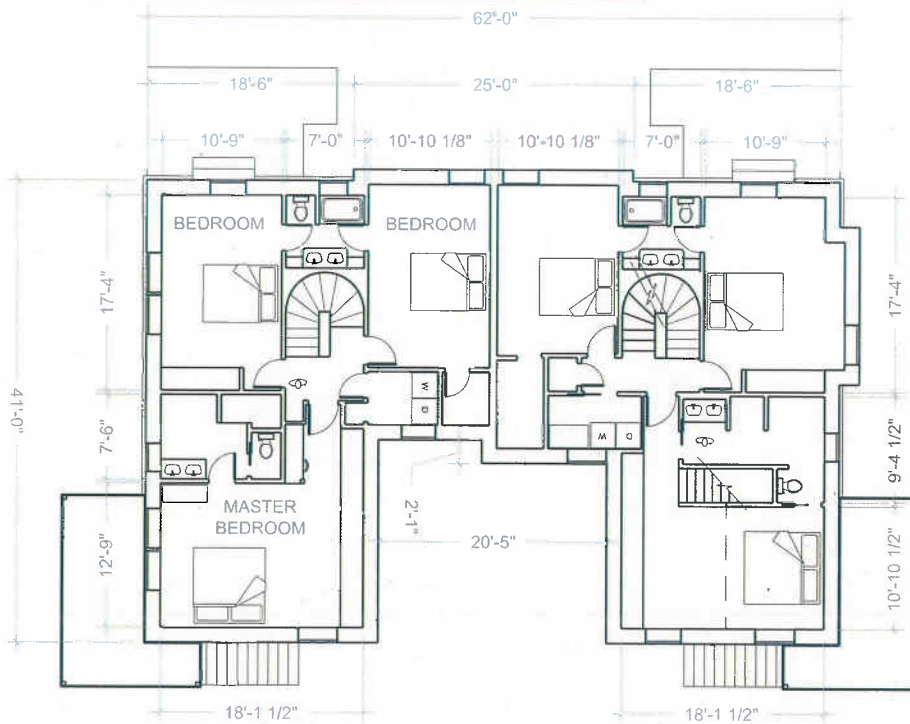



 GROUND FLOOR

SHEET 10 OF 11	SHEET NUMBER: 10	SHEET TITLE: FLOOR PLANS - G, 1st	PROJECT NAME: 200 SUMMIT ST.
		DRAWN BY: NATHAN DOUD	Urban Energy Works
		DATE: FEB 28, 2012	



 3rd FLOOR



 2nd FLOOR

SHEET 11 OF 11	SHEET NUMBER: 11	SHEET TITLE: FLOOR PLANS - 2nd, 3rd	PROJECT NAME:
		DRAWN BY: NATHAN DOUD	200 SUMMIT ST.
		DATE: FEB 28, 2012	SCALE: 1/16" = 1' - 0"
			Urban Energy Works

Hello:

I own the house at 800 Edward St which is next to 200 West Summit Street. I will not be at the hearing at 6:00pm March 28th but I want to make comments for the record. Please grant the variance a.s.a.p. I want that abandoned, condemned house and outbuilding and all the dead trees out of there. Thank you Mr. Tharouniatis!

Best Regards,

Randy MARLOW
Great Lakes

Office: 248 349 4669 x106
randy.marlow@3ds.com