

**Zoning Board of Appeals
April 27, 2022 Regular Meeting**

STAFF REPORT

Subject: ZBA 22-2000; 1207 Gardner Avenue

Summary:

Dawn Zuber architect, representing property owners, are seeking a variance from Section 5.16.6 A (2) C Accessory Uses and Structures to construct a new detached garage one foot from the rear lot line. The owners plan on demolishing the existing garage and building a 13 foot four inch by 20 foot garage that will be 266 square feet in area. The planned garage will meet the side yard setback requirement of three feet. The property is zoned R1D, Single-Family Residential District.

Background:

The subject property is located at the intersection of Gardner Avenue and Ferndale Place west of Packard Road in the Lower Burns Park neighborhood. The home was built in 1926 and is approximately 1,746 square feet in size.

Description:

A nonconforming detached garage existing slightly less than one foot from the rear lot line is proposed to be demolished. The existing garage is to be replaced with a new slightly larger detached garage that will be one foot from the rear lot line. The applicants are proposing the variance to allow a five foot distance between the two structures for better access to the rear yard.

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 applicants state that the home is 26 feet 3.75 inches from the rear lot line. The garage needs to be 20 feet in depth to maximize efficiency and allow for a five foot passage to the rear yard.

- (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 existing garage is dilapidated and needs to be replaced. The applicant has stated that there are existing garages in the neighborhood that are nonconforming and do not meet the setback requirements.

- (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 owners contend that granting the variance will not have negative impacts on surrounding properties.

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

The practical difficulty is not self-imposed due to the relationship of the home and proposed garage to allow for a conforming, functional garage.

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

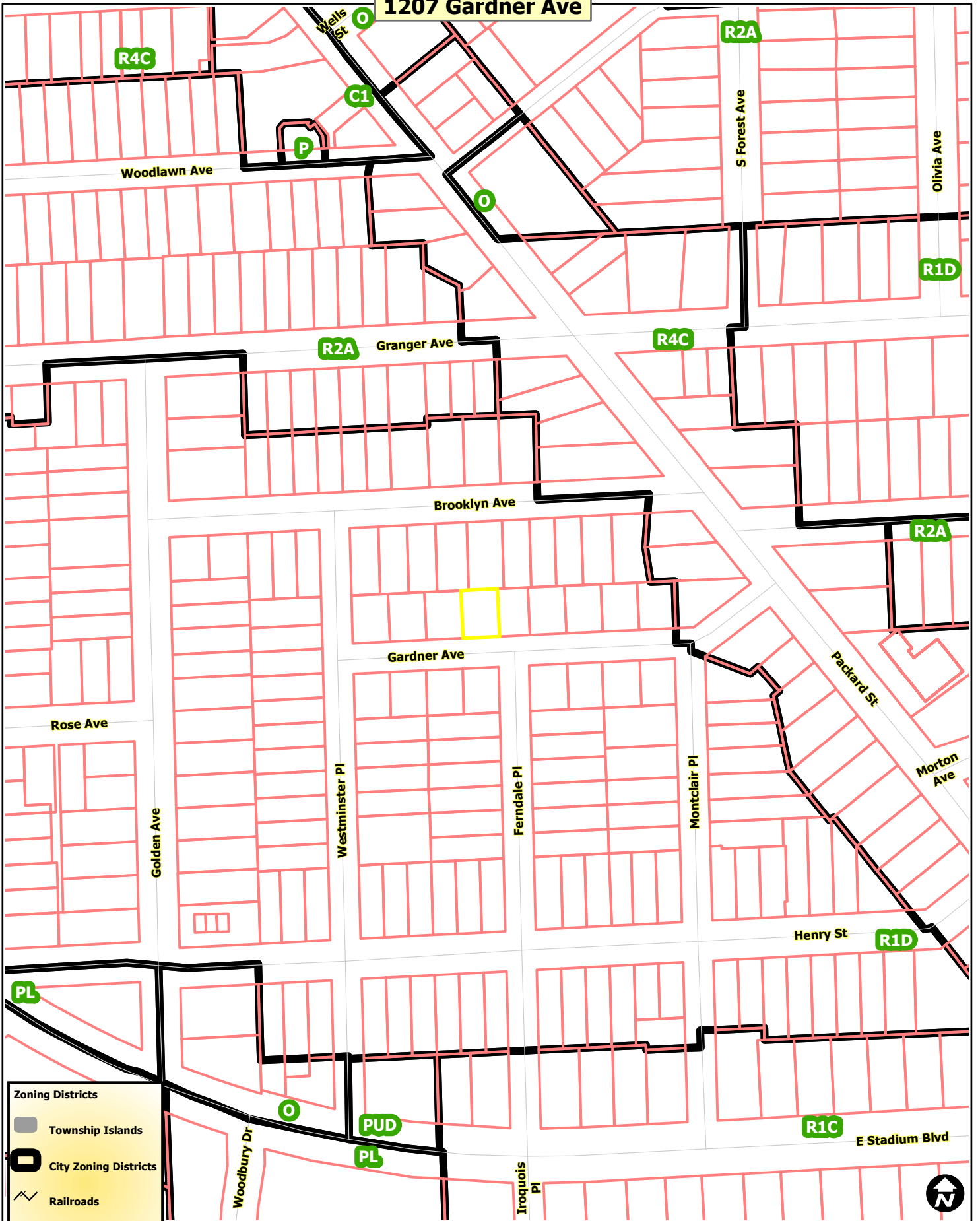
The applicants state the minimum variance of two feet is being requested given the existing site conditions.

Respectfully submitted,






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

Jon Barrett-
Zoning Coordinator, City of Ann Arbor

1207 Gardner Ave



Zoning Districts

-  Township Islands
-  City Zoning Districts
-  Railroads
-  Huron River
-  Tax Parcels



Map date: 4/5/2022
 Any aerial imagery is circa 2020 unless otherwise noted
 Terms of use: www.a2gov.org/terms

1207 Gardner Ave



-  Railroads
-  Huron River
-  Tax Parcels



City of Ann Arbor




Map date: 4/5/2022
Any aerial imagery is circa 2020 unless otherwise noted
Terms of use: www.a2gov.org/terms

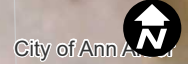
1207 Gardner Ave



Gardner Ave

Ferndale Pl

-  Railroads
-  Huron River
-  Tax Parcels



Map date: 4/5/2022
Any aerial imagery is circa 2020 unless otherwise noted
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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 1207 Gardner Ave.		ZIP CODE 48104	
ZONING CLASSIFICATION R-1D	NAME OF PROPERTY OWNER *If different than applicant, a letter of authorization from the property owner must be provided Jeannette Jackson		
PARCEL NUMBER 09-09-33-328-004	OWNER EMAIL ADDRESS jeannetteljackson@gmail.com		

APPLICANT INFORMATION

NAME Dawn Zuber, Studio Z Architecture			
ADDRESS 409 Plymouth Rd. Suite 130	CITY Plymouth	STATE MI	ZIP CODE 48170
EMAIL dzuber@studiozarch.com		PHONE (734) 394-9400	
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

<p>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.</p> <p>Required Attachments:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Boundary Survey of the property including all existing and proposed structures, dimensions of property, and area of property. <input checked="" type="checkbox"/> Building floor plans showing interior rooms, including dimensions. <input checked="" type="checkbox"/> Photographs of the property and any existing buildings involved in the request. 	OFFICE USE ONLY			
	<table border="1" style="width: 100%;"> <tr> <td style="width: 50%;">Fee Paid:</td> <td style="width: 50%;">ZBA:</td> </tr> <tr> <td colspan="2" style="text-align: center;">DATE STAMP</td> </tr> </table>	Fee Paid:	ZBA:	DATE STAMP
Fee Paid:	ZBA:			
DATE STAMP				

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: _____

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)*

Article III, Section 5.15.6 A(1)c: Accessory Uses and Structures

REQUIRED DIMENSION: *(Example: 40' front setback)*

Feet: 3' Inches: 0" Rear lot line

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

Feet: 1' Inches: 0" Rear lot line

DESCRIPTION OF PROPOSED WORK AND REASON FOR VARIANCE:

Our client would like to demolish the existing nonconforming garage and construct a slightly larger detached garage in a similar location as shown on the drawings. To maintain 5' clearance between the house and garage for access to the back yard, we would like to build the new structure 1' from the rear property line. The existing garage is less than 1' from the property line.

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 practical difficulties are exceptional and peculiar to the property of the Person requesting the variance, and result from conditions that do not exist generally throughout the City.

The existing house is only 26'-3 3/4" from the rear yard property line. A usable one-car garage needs to be 20' deep. We also need to leave 5' between the house and the garage to comply with the Michigan Residential Code Section R302.1 (Fire-Resistant Construction).

The alleged practical difficulties that will result from a failure to grant the variance, include substantially more than mere inconvenience, inability to attain a higher financial return, or both.

This practical difficulty is more than mere inconvenience or inability to attain a higher financial return. The existing garage is dilapidated and needs to be replaced. There are many other garages in the neighborhood which appear to be closer than 3' to the property lines.

Allowing the variance will result in substantial justice being done, considering the public benefits intended to be secured by this chapter, the practical difficulties 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.

We do not believe that granting this variance will have any effect on the rights of the owners of neighboring properties.

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

The existing garage is nonconforming and there is not enough room between the house and the rear property line to build a conforming, functional garage. This practical difficulty is not self-imposed.

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

We are requesting a 2'-0" variance to the required setback. This is the minimum variance given the conditions.

Jeannette Jackson
1207 Gardner Ave
Ann Arbor, MI 48104

March 21, 2022

Jon Barrett
Zoning Coordinator
City of Ann Arbor
301 E. Huron St.
Ann Arbor, MI 48104

Re: Zoning Board of Appeals variance

Dear Mr. Barrett:

I am the owner of 1207 Gardner Ave., property tax ID 09-09-33-328-004.

I hereby authorize Dawn Zuber of Studio Z Architecture to apply for a zoning variance for my proposed home addition. I also authorize Ms. Zuber to appear before the Zoning Board of Appeals on my behalf.

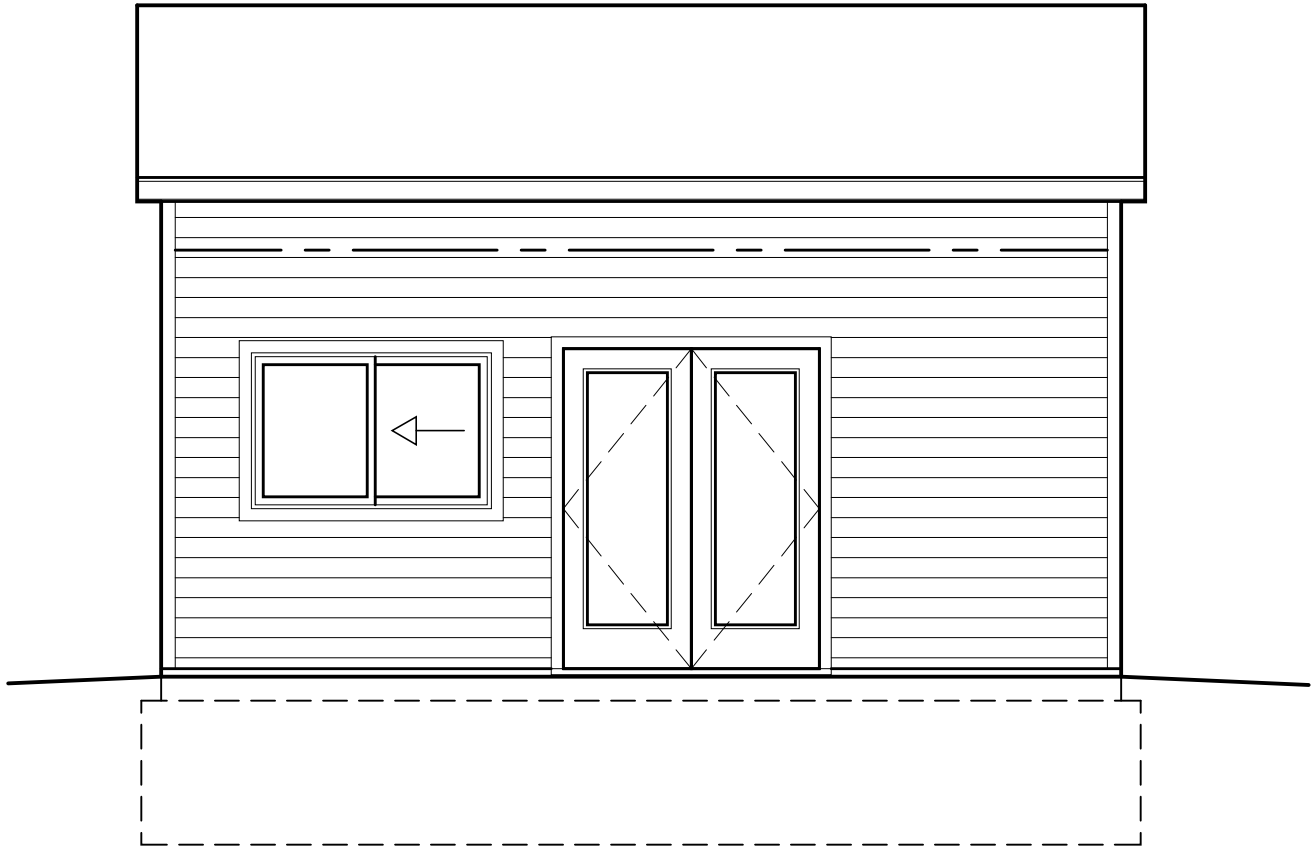
If you have any questions, please contact me at (734) 417-6429.

Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Jeannette Jackson".

Jeannette Jackson



Side Elevation

$\frac{1}{4}'' = 1'-0''$

PRELIMINARY
Not for construction

Studio Z
ARCHITECTURE

409 Plymouth Rd. Suite 130
Plymouth, MI 48170
(734) 394-9400
info@studiozarch.com

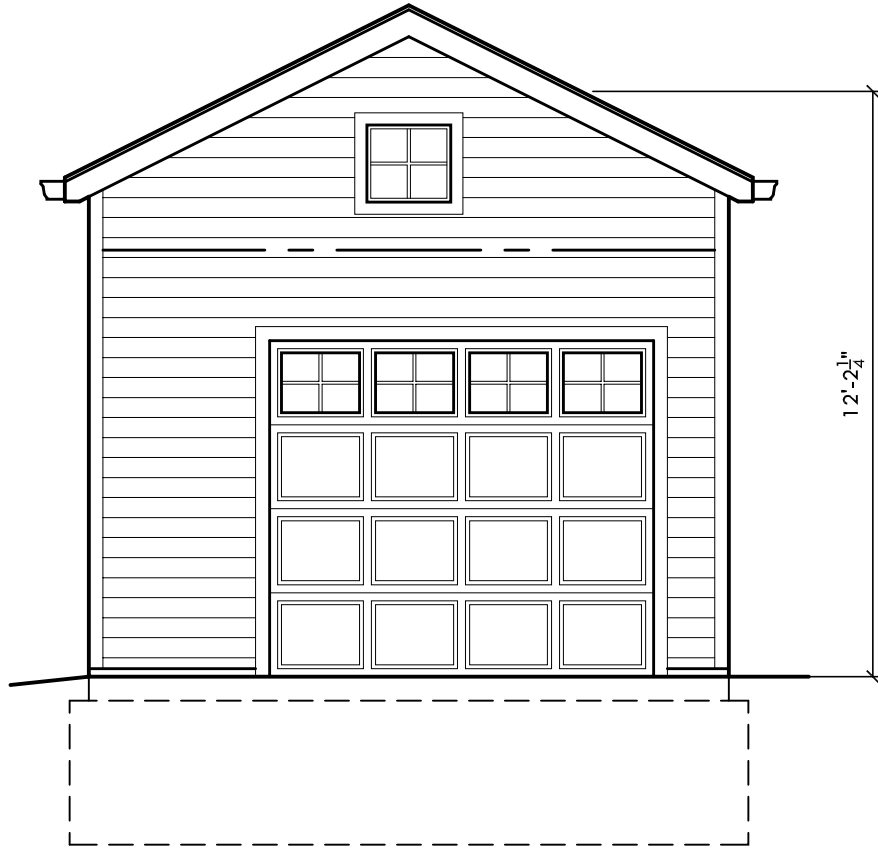
Project:

Jackson Residence
1207 Gardner Ave.

Project number: 21-047
Drawn by: DMT
Zoning Approval 3/17/22

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SD-2



S Front Elevation
 $\frac{1}{4}'' = 1'-0''$

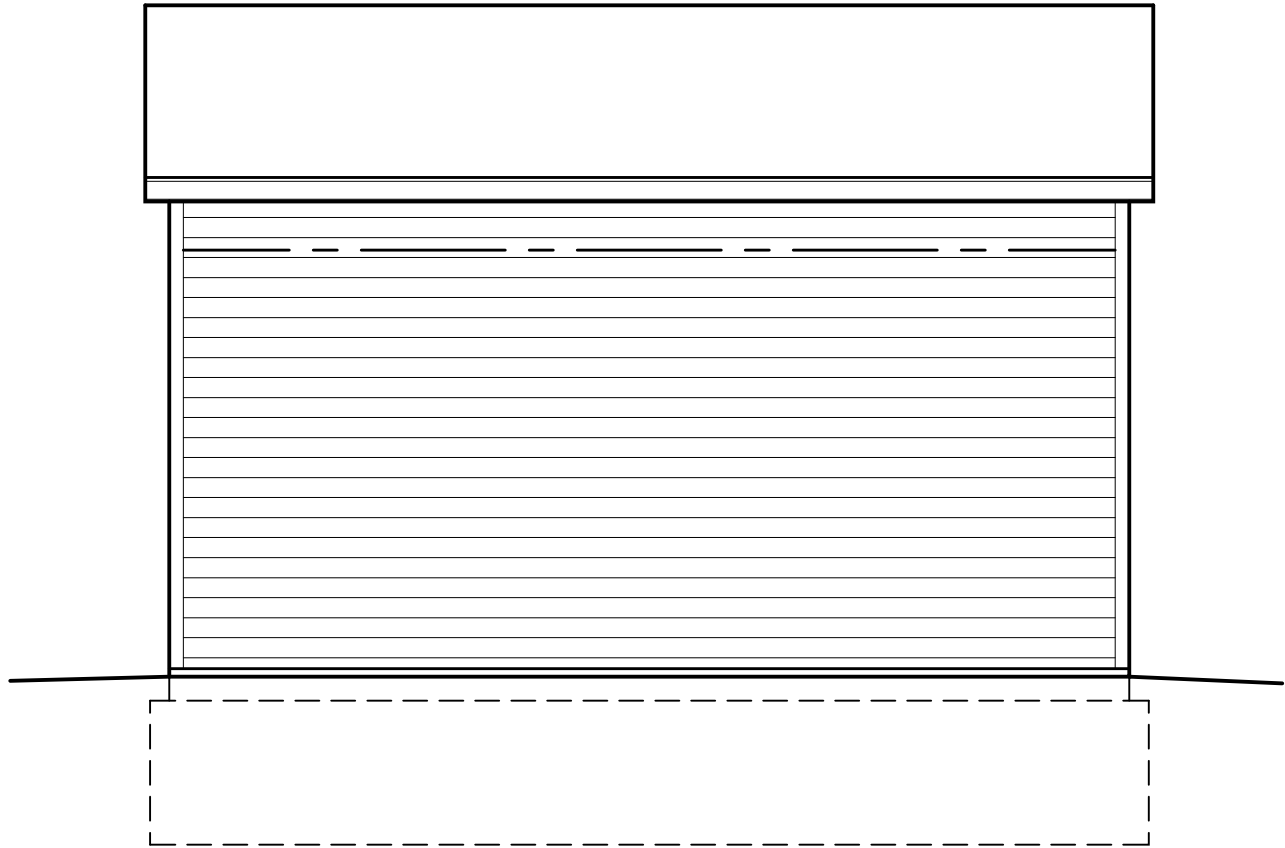
PRELIMINARY
 Not for construction

Studio Z
 ARCHITECTURE
 409 Plymouth Rd. Suite 130
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 info@studiozarch.com

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SD-3



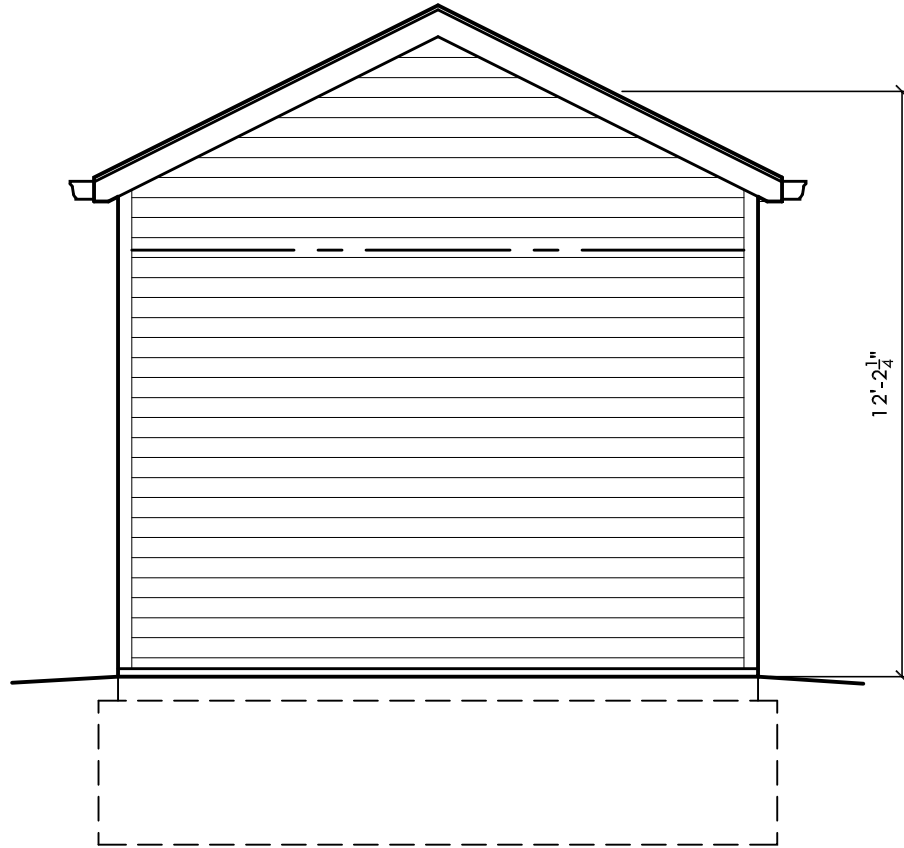
E Side Elevation
 $\frac{1}{4}'' = 1'-0''$

PRELIMINARY
Not for construction

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Project:
Jackson Residence
1207 Gardner Ave.
Project number: 21-047
Drawn by: DMT
Zoning Approval 3/17/22

SD-4



N Back Elevation
 $\frac{1}{4}'' = 1'-0''$

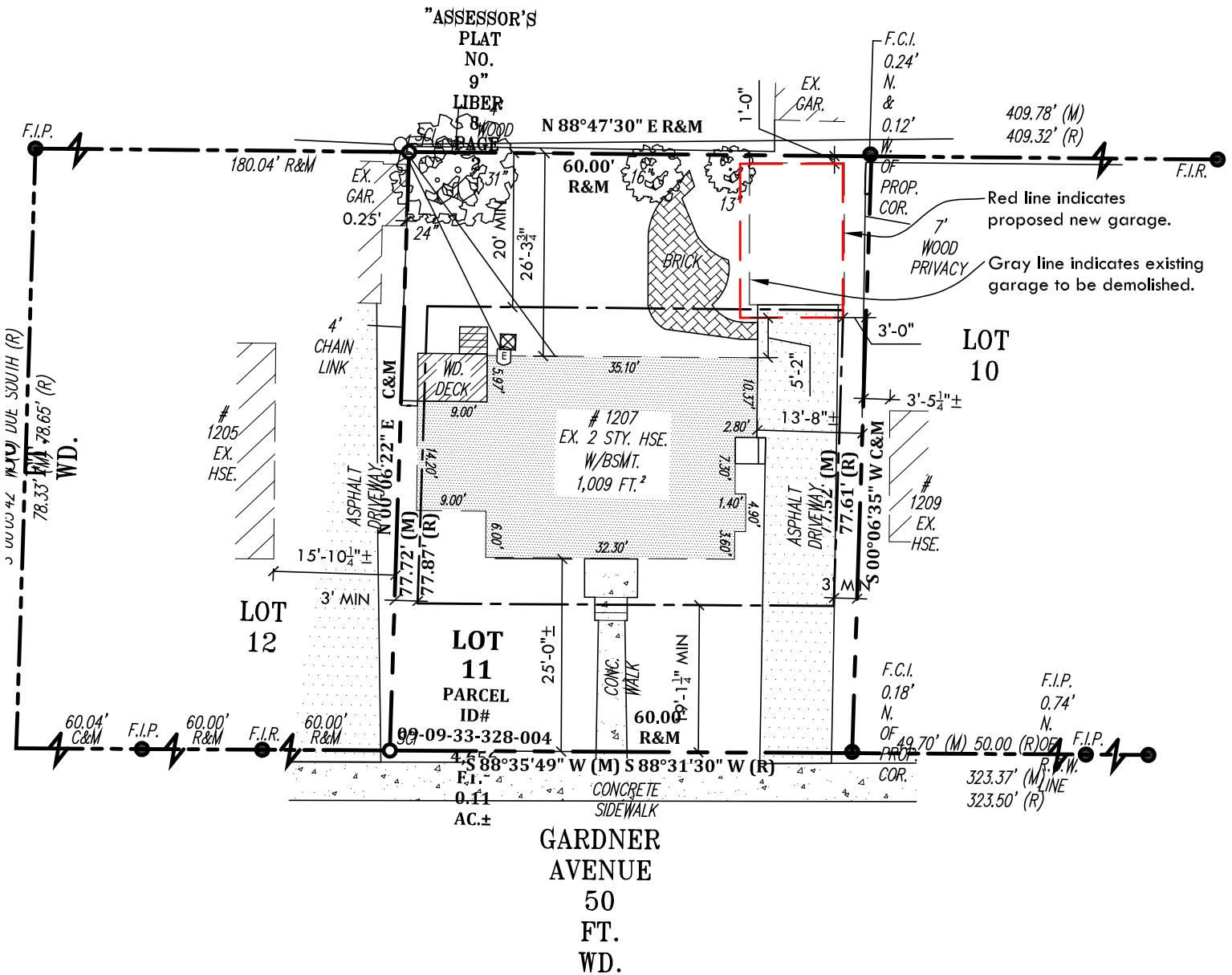
PRELIMINARY
 Not for construction


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SD-5



 **Site Plan**
 Plan North 1" = 20'-0"

PRELIMINARY
 Not for construction

Studio Z
 ARCHITECTURE

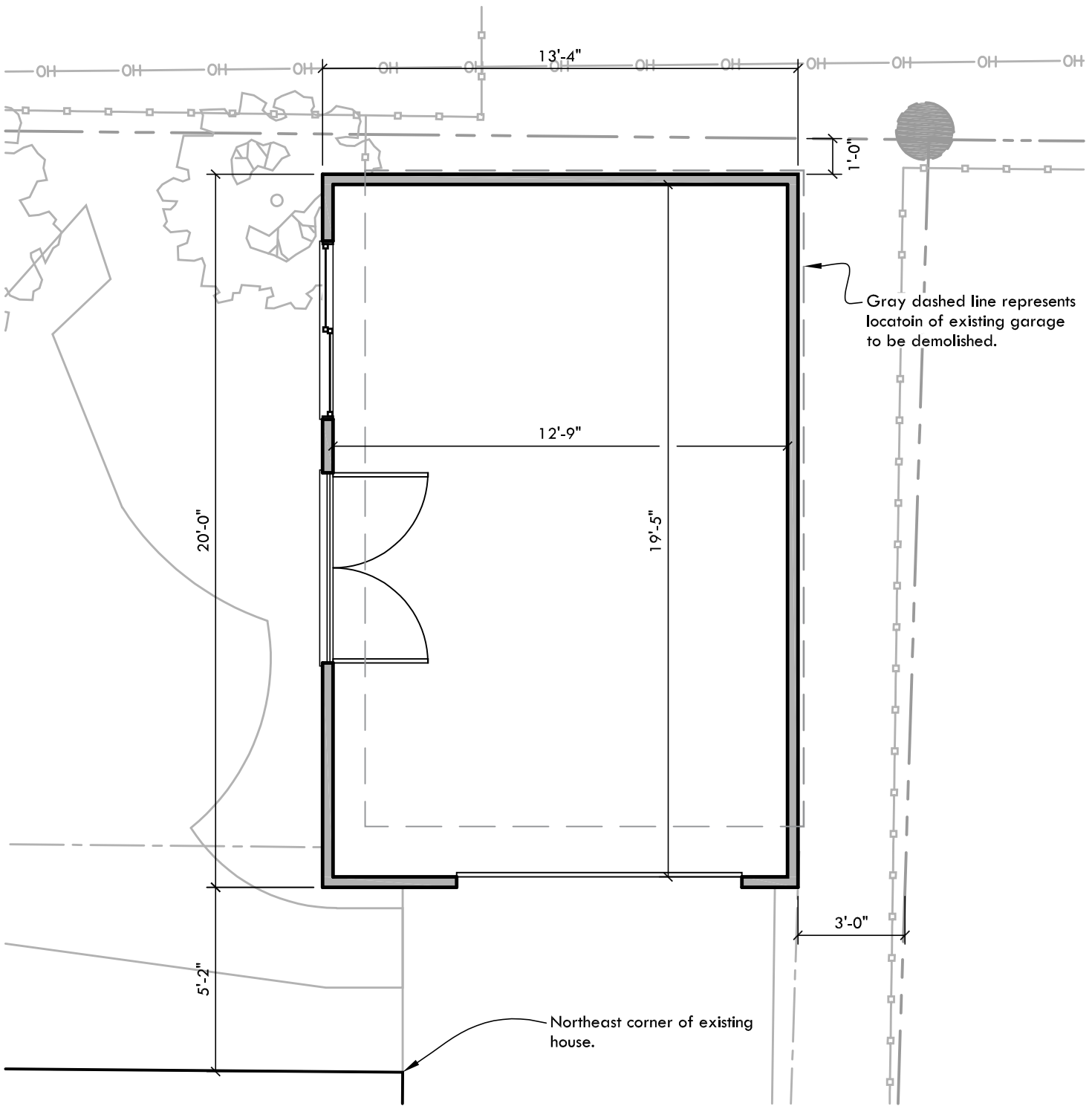
409 Plymouth Rd. Suite 130
 Plymouth, MI 48170
 (734) 394-9400
 info@studiozarch.com

Project: **Jackson Residence**
 1207 Gardner Ave.

Project number: 21-047
 Drawn by: DMT
 Zoning Approval 3/17/22

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T-1



Plan North

Garage Plan

$\frac{1}{4}'' = 1'-0''$

PRELIMINARY
Not for construction

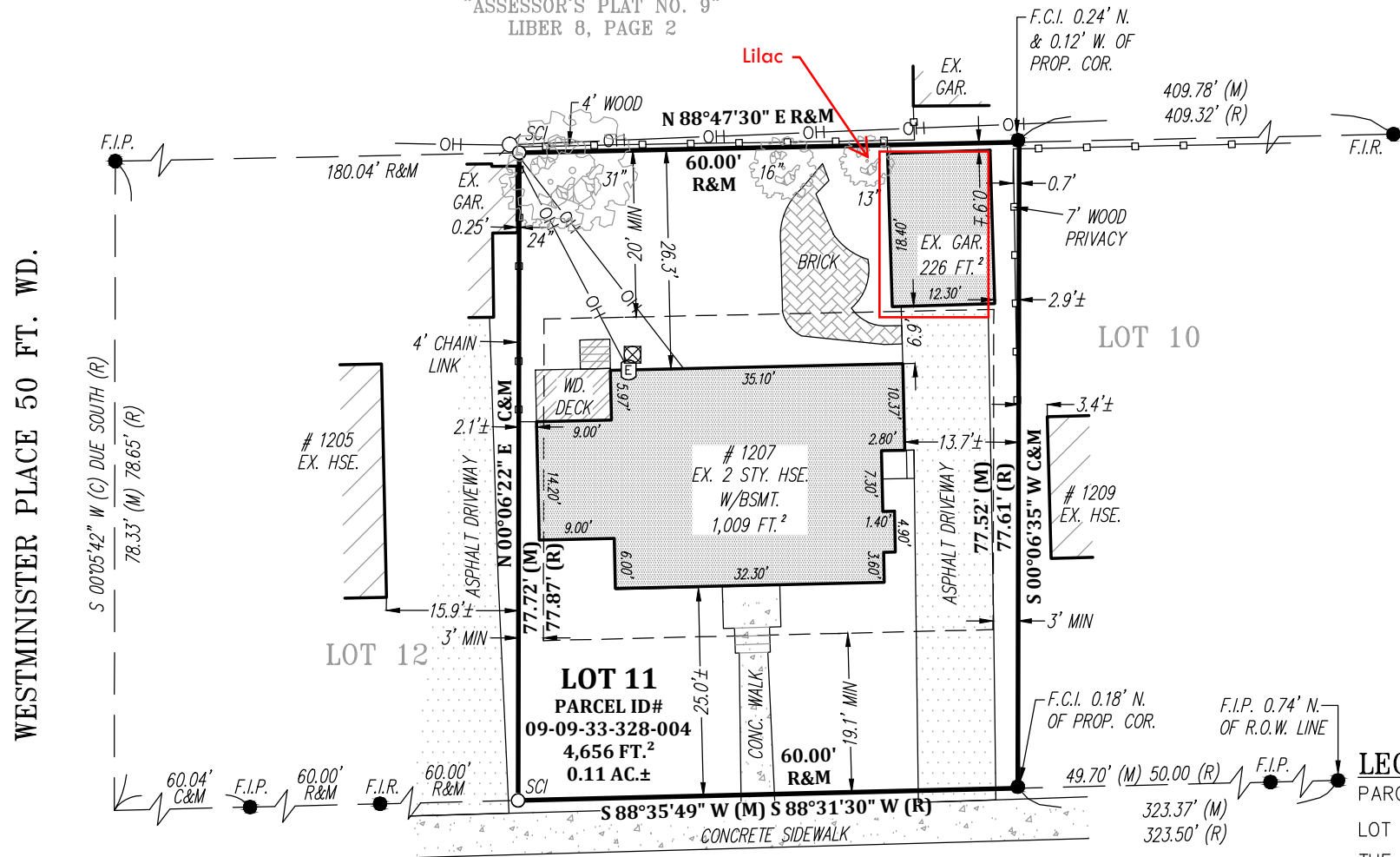
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SD-1

CERTIFICATE OF SURVEY

"ASSESSOR'S PLAT NO. 9"
LIBER 8, PAGE 2



ZONING REQUIREMENTS

R-1D ONE FAMILY RESIDENTIAL
 LOT - MIN. AREA: 5,000 FT.²
 - MIN. WIDTH: 40 FT.
 SETBACKS - FRONT YARD: (SEE NOTE)
 - REAR YARD: 20 FT.
 - SIDE YARD: 3 FT.
 - SIDE TOTAL: 6 FT.
 HEIGHT - MAX. BUILDING: 30 FT.

EXISTING CONDITIONS
 LOT - AREA: 4,656 FT.²
 - WIDTH: 60 FT.
 COVERAGE - BLD.: 1,235 FT.² 26.5%

LEGEND

- FOUND MONUMENTATION ●
- SET MONUMENTATION ○
- RECORD MEAS. O
- FIELD MEAS. R
- CALCULATED DIST. M
- PROPERTY LINE C
- EASEMENT LINE — — — —
- PARCEL LINE — — — —
- FENCE LINE — □ — □ —
- OVERHANGING LINES — OH —
- UTILITY POLE — ○ —
- AIR CONDITIONING UNIT ☒
- FOUND CAPPED IRON F.C.I.
- FOUND IRON ROD F.I.R.
- FOUND IRON PIPE F.I.P.
- SET CAPPED IRON S.C.I.

FRONT SETBACKS

HOUSE	DISTANCE	SETBACK
1203	≈80' W.	17.1'
1205	≈35' W.	16.2'
1207	N/A	25.0'
1209	≈25' E.	23.0'
1211	≈77' E.	14.4'
TOTAL		95.7'
AVERAGE		19.1'

LEGAL DESCRIPTION

PARCEL# 09-09-33-328-004
 LOT 11, OF "KRAPF ADDITION" TO THE CITY OF ANN ARBOR, BEING A PART OF THE SOUTHWEST 1/4 OF SECTION 33, TOWN 2 SOUTH, RANGE 6 EAST, ANN ARBOR TOWNSHIP (NOW THE CITY OF ANN ARBOR, WASHTENAW COUNTY, MICHIGAN, AS RECORDED IN LIBER 5 OF PLATS ON PAGE 29, OF WASHTENAW COUNTY RECORDS. CONTAINING 0.11 ACRES OF LAND MORE OR LESS. SUBJECT TO ANY AND ALL EASEMENTS OR RIGHT OF WAYS OF RECORD IF ANY.

Nowry & Hale
Land Surveying LLC
 192 N Main, Suite D, Plymouth, MI, 48170
 ph. 734.446.5501 email. info@nowryandhalelandsurveying.com

SECTION:	S.W. 1/4 Sec. 33	DATE:	10/27/17	CLIENT:
TN./RGE.:	2S./6E.	PROJ. #:	017-208	Jeannette Jackson
CITY/TWP:	Ann Arbor	DWG. BY:	JCP	1207 Gardner Avenue
COUNTY:	Washtenaw			Ann Arbor, MI 48104
		1 INCH = 20 FEET		PAGE # 1 OF 1

I, Michael J. Nowry, a Professional Surveyor in the State of Michigan do hereby Certify that the parcel of land described and delineated hereon has been surveyed under my supervision, that the plat hereon is a true representation of the survey as performed, that the error of closure is no greater than 1 in 5000 and that I have fully complied with the requirements of Section 3, Public Act 132 of 1970.

Michael J. Nowry
 Professional Surveyor # 52472





