

**Zoning Board of Appeals
April 27, 2016 Regular Meeting**

STAFF REPORT

ZBA16-006, 2790 Carmel Street

Summary

Nichole Lorenz, property owner, is requesting one variance from Chapter 55 (Zoning) Section 5:59 1(b) (Accessory Buildings), to allow the existing play structure to remain in the front open space of the single family residence.

Description and Discussion

The subject parcel is located at 2790 Carmel Street at the corner of Carmel and Easy streets. The parcel is zoned R1B (Single Family Residential). The single-family house was built in 1953 and is 1,296 square feet in floor area. The house is located on a corner lot.

The request is discussed in detail below:

The petitioner is proposing to allow the existing play structure, (approximately 8'x8'x10'), that was built without permits to remain in its current location in the front open space. A Notice of Violation was sent to the property owners on January 13, 2016 informing them of the violation.

According to Chapter 55, 5:59 1(b): "*Accessory buildings shall not be erected in any required front open space.*"

The definition of accessory building states: "*A subordinate structure, whether attached or detached, on the same lot as the principal building.*"

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 parcel is 13,024 square feet and approximately 85 feet wide at the front and approximately 180 feet deep. The parcel is conforming for the R1B district. The subject property is a corner lot and allows for adequate area to locate an accessory structure of this size.

- (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.***

If the variance is denied, the applicant will be afforded the opportunity to re-locate the playhouse to the rear yard of the property and this will not have a detrimental impact on the property. The status of the single family use will not be jeopardized.

- (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 granted, the accessory structure will be allowed to remain in the front open space and will be the only property in the neighborhood with an accessory structure in the front yard.

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

The conditions and circumstances have been self imposed as the applicant never obtained a Zoning Compliance permit to have the structure built. If application was made with the City, it is the Zoning offices duty to inform the property owners the allowable locations per the Code.

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

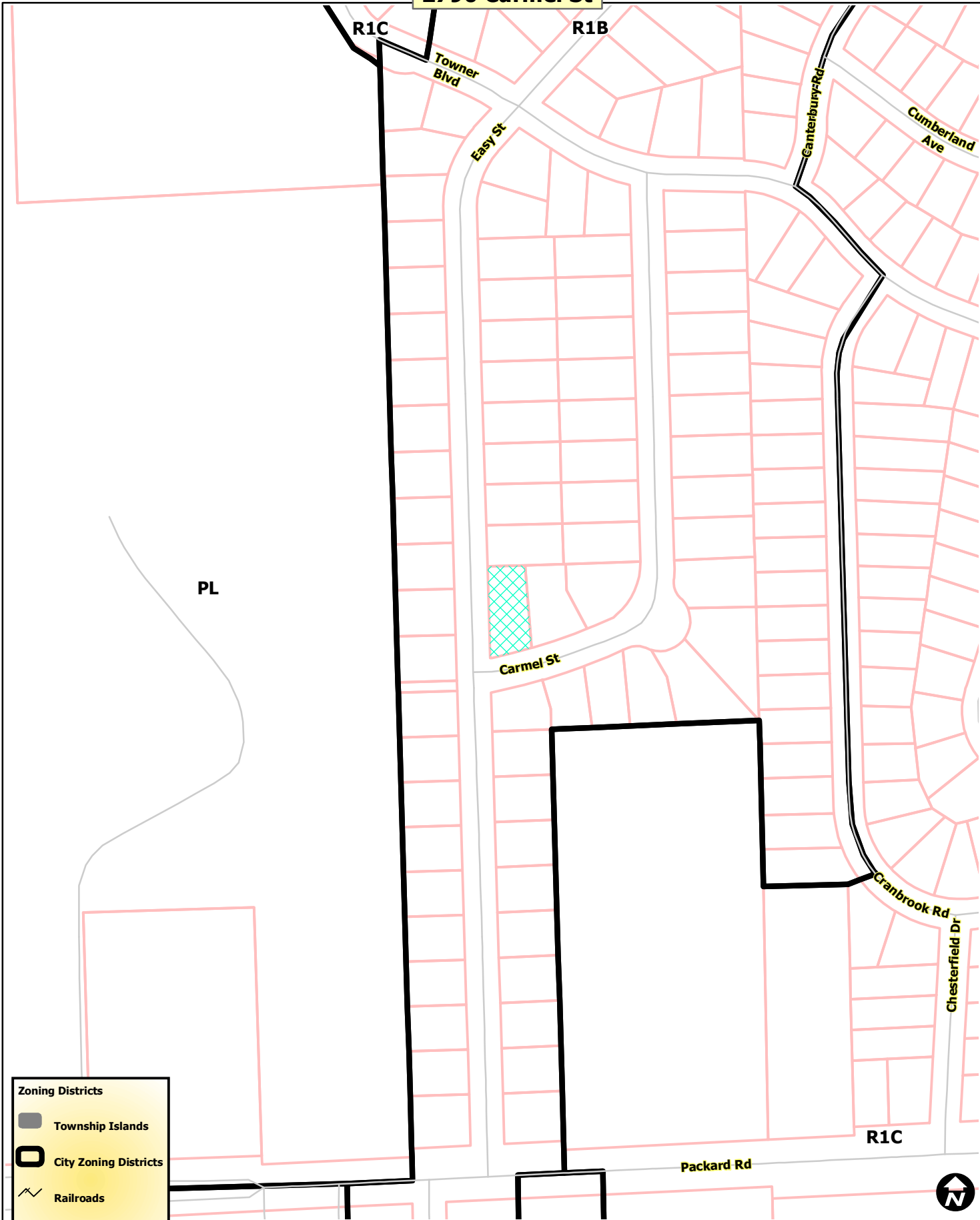
If the variance is denied there will still be a reasonable use of the land and the structure can be located in the rear yard.

Zoning Board of Appeals
Variance
April 27, 2016 - Page 3

Respectfully submitted,

Jon Barrett
Zoning Coordinator

2790 Carmel St



Zoning Districts

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



Map date 4/8/2016
Any aerial imagery is circa 2015
unless otherwise noted
Terms of use: www.a2gov.org/terms



2790 Carmel St



-  Railroads
-  Parcels
-  Huron River



Map date 4/8/2016
Any aerial imagery is circa 2015
unless otherwise noted
Terms of use: www.a2gov.org/terms

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

Section 1: Applicant Information

Name of Applicant: Nichole Lorenz
Address of Applicant: 2790 Carmel Ann Arbor Mi 48104
Daytime Phone: 734-604-0654
Fax: _____
Email: nichole@familylorenz.com
Applicant's Relationship to Property: Owner

Section 2: Property Information

Address of Property: 2790 Carmel Ann Arbor Mi 48104
Zoning Classification: R1B
Tax ID# (if known): 09-12-03-405-001
*Name of Property Owner: _____

**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:

5:59 1(b)

Required dimension:

PROPOSED dimension:

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)

To allow play structure to remain where it is located

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?

For safety and optimal visibility the play structure is located on the side of the house facing Carmel street. The sight lines and visibility are restricted on a corner lot.

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

The location behind the garage maintains zero visibility from the house and is obscured by the garage. We have been advised that an alternative location is not available with the current configuration and available space.

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

34 neighbors have agreed with our decision on the location and have supported the idea that the neighborhood children benefit greatly from the play structure. Two neighbors have provided written support requesting that the structure remain in its location.

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 are located on a corner lot and have very limited space that is visible from the living quarters. The current location is the logical choice for clear visibility of the neighborhood children and provides an open and inviting community space for the neighborhood.

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

We build the play structure without a complete understanding of the ordinance. Our plan was that this structure would have a 3 to 5 year lifespan and would then be removed.

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)604-0654 _____ Signature
 Phone Number
 nichole@familylorenz.com _____ Print Name
 Email Address

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.

Nichole Lorenz _____ 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.

Nichole Lorenz _____ 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.**

Nichole Lorenz _____ Signature

On this 29 day of March, 2020, 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

September 22, 2020 _____ Print Name
 Notary Commission Expiration Date

KAITLYN L. KUPLER
 Notary Public, State of Michigan
 My Commission Expires Sept. 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: _____

Nichole & Ben Lorenz

2790 Carmel Street

Ann Arbor, MI 48104

March 29, 2016

Dear Zoning Board of Appeals Members,

Attached is our Application for Variance in response to the Notice of Zoning Violation RE: Installation of accessory structure in the front open space issued on January 13, 2016. In addition to the application, we have included the 1) Notice of Zoning Violation, 2) plot drawing from mortgage survey, 3) letter to our neighbors with 3 pages of signatures of those who support the treehouse remaining where it currently stands, 4) letter of support from neighbors Victoria & Dwight Cendrowski, and 5) letter of support from neighbor Perry Engstrom.

Thank you,


Nichole & Ben Lorenz

• called 2/3
Jon said he would work E us on timing to get it down
we agreed to talk again on 2/4



CITY OF ANN ARBOR, MICHIGAN

Planning and Development Services

Zoning

301 E Huron St, P.O. Box 8647,
Ann Arbor, Michigan 48107-8647

Phone: (734) 794-6000 ext. 42654

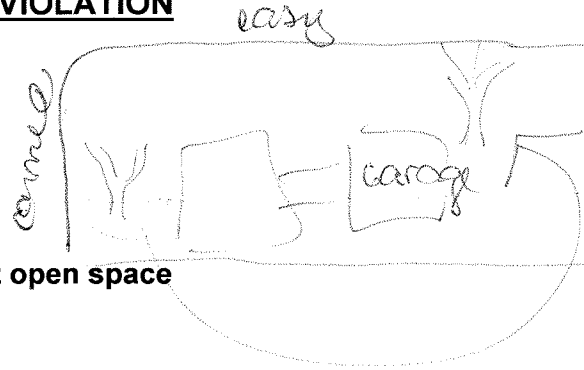
Fax: (734) 994-8312

jbarrett@a2gov.org

NOTICE OF ZONING VIOLATION

1/13/2016

Benjamin and Nichole Lorenz
2790 Carmel Street
Ann Arbor, MI 48104



RE: Installation of accessory structure in the front open space

PARCEL ID: 09-12-03-405-001

ZONING DISTRICT: R1B

CODE VIOLATION: 5:59 1(b) Accessory Buildings

SUMMARY: The subject property is in violation of the City of Ann Arbor Zoning Ordinance. The accessory building/wooden structure has been constructed in the front open space of the property which is prohibited.

Dear Owner/Agent:

The City of Ann Arbor is conducting an investigation of the referenced property. You are hereby directed to commence a corrective action plan to the Planning and Development Services office within 72 hours of receipt of this letter in order to avoid further enforcement action. This action shall include the removal or relocation of the subject structure from the property or to the rear yard.

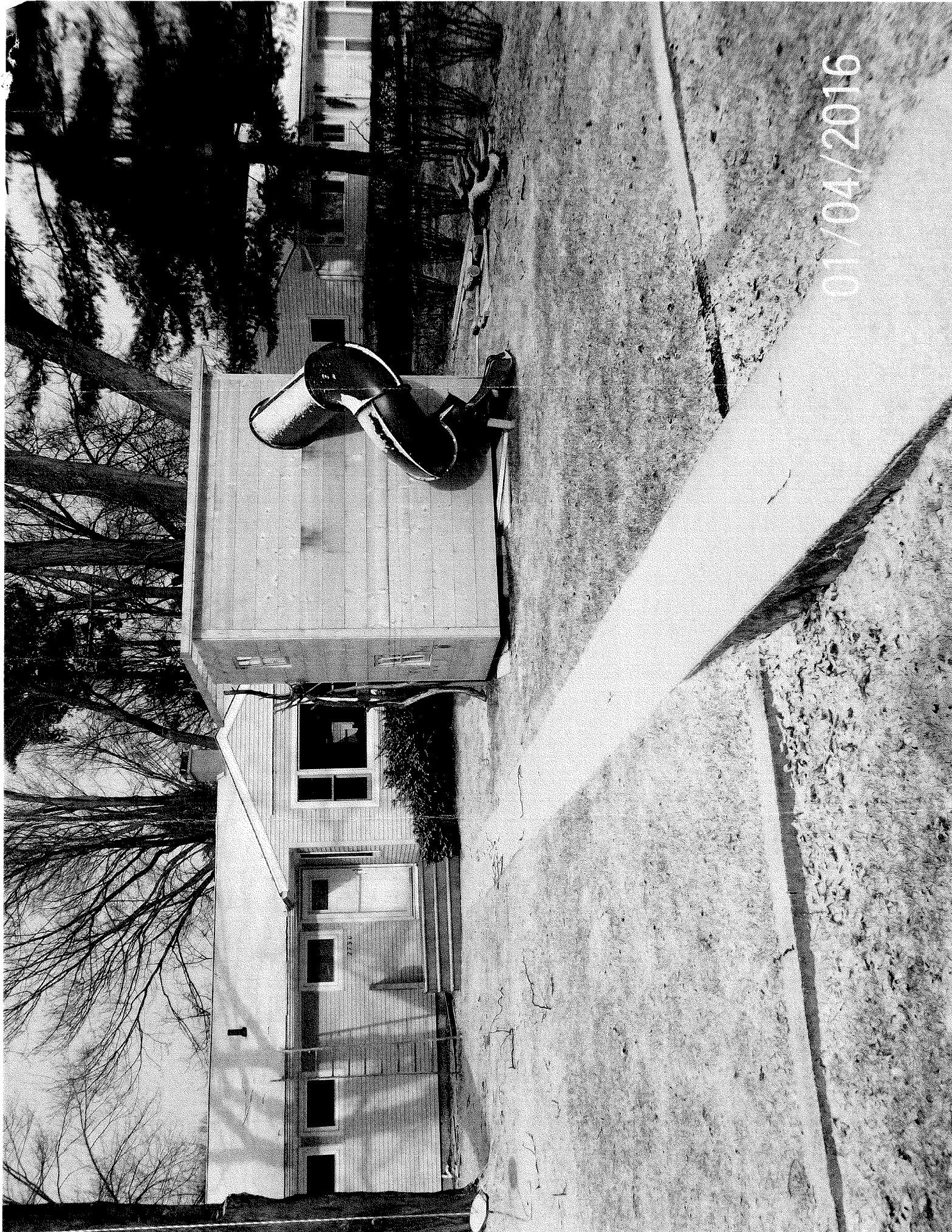
Failure to resolve these issues may result in the issuance of civil penalties up to \$500 per day and your appearance in District Court.

If you have any questions regarding this notice, please contact:

Jon Barrett- Zoning Coordinator
(734)794-6000-Ext. 42654

CITY OF ANN ARBOR PLANNING AND DEVELOPMENT SERVICES

• LM 2/5 - said I've initiated conversation w staff @ planning department and proposed a meeting for 2/12 @ 4pm. If so I invited him to call me.



01/04/2016



KEM-TEC LAND SURVEYORS

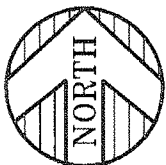
MORTGAGE SURVEY

Certified to: BANK OF ANN ARBOR

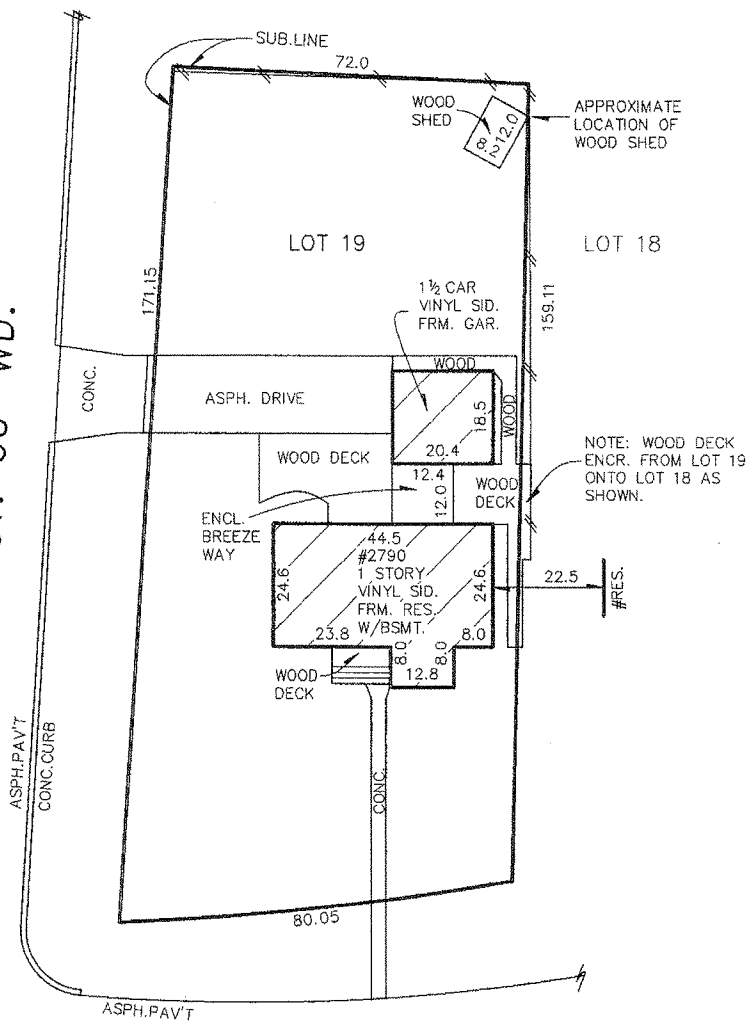
Applicant: BENJAMIN AND NICHOLE LORENZ

Property Description:

Lot 19; GREEN LEA, a subdivision of part of the S.E. 1/4 of Section 3, T.3 S., R.6 E., Pittsfield Township, Washtenaw County, Michigan, as recorded in Liber 11 of Plats, Page 42 of Washtenaw County Records.



EASY ST. 66' WD.



NOTE: A BOUNDARY SURVEY IS NEEDED TO DETERMINE THE EXACT SIZE AND/OR LOCATION OF PROPERTY LINES, TO DETERMINE THE EXACT AMOUNT OF ENCROACHMENT AND/OR TO DETERMINE THE EXACT LOCATION OF FENCES.

CARMEL STREET 66' WD.

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.

THIS SURVEY DRAWING IS VOID IF THE PROFESSIONAL SEAL IS NOT IN BLUE INK.

[Handwritten Signature]

JOB NO: 14-03799 SCALE: 1"=30'
DATE: 09/22/14 DR BY: ARC

KEM-TEC Professional Engineers & Surveyors

Eastpointe (800) 295.7222 Detroit (313) 758.0677 Ann Arbor (734) 994.0888 Grand Blanc (888) 694.0001
FAX: (586) 772.4048 FAX: (586) 772.4048 FAX: (734) 994.0667 FAX: (810) 694.9955

www.kemtecsurvey.com

Nichole & Ben Lorenz
2790 Carmel
Ann Arbor, MI 48104

February 18, 2016

Dear neighbors,

We are concerned that perhaps one or some of our neighbors are unhappy about the play structure that we have in our front yard.

Our homeschooling group built it because we wanted to create something together; it is symbolic of our efforts to model community-based collaboration for our children.




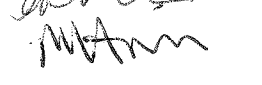


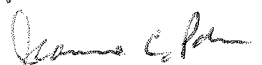
We chose to put it in the front yard because we needed visibility from the home for the safety of the children.

If you are in support of the treehouse remaining in our yard please sign below and write your address.

If you have concerns we would love the opportunity to address them with you. The last thing we want is for our structure to be a problem with our neighbors.

Thanks for your support and feedback!

Nichole & Ben

<u>Signature</u>	<u>Name</u>	<u>Address</u>
	Miriam Vincent	2310 Easy St
	RON LEV	2645 Easy St.
	Kathleen Nolan	2645 Easy St. Love it!
	Michael Harris	2524 East st.
	JASON CENTURION	2688 Easy St
	Michele Barkoot	2829 Easy St.
	JENAVIEVE PALMS	2652 Easy St

①
see next
page for more
signatures

Signature

Name

Address

Page 2

[Signature]

Peter Gaskell 2655 Easy St

[Signature]

Anne Blumenthal 2655 EASY ST

[Signature]

Tara Haback 2640 Easy St

Suzanne Coll

Suzanna Coll 2581 Easy St.

[Signature]

John Rau
(Socra 211) 2557 Easy St.

Tami
Sew
mill

[Signature]

Tami Simpson 2543 EAST ST

Victoria Cendorowski Victoria Cendorowski 2870 Easy St.

O Cendorowski DWIGHT CENDOROWSKI 2870 EASY ST.

[Signature]

Tyler Frankenstein 2869 EASY ST.

[Signature]

Loan Frankenstein 2869 Easy St.

John Bosio

2849 EASY ST, A2

Sharan Bosio 2849 Easy St. (Cell) 644-2147

Karen Richardson 2619 Easy St

[Signature]

Perry Engstrom 2618 Easy St. 734-678-1324

[Signature]

2785 Carmel 734-971-3092

Joyce Kerester

2780 Carmel 734-971-2962

X Jessica Leix Jessica Leix 2588 Easy St. 734-834-2266

See
next
page
more

Signature

Name

Address

X

Dave Bicknell DAVID M Bicknell
2564 Easy St. Ann Arbor, MI 48104

PAUL KLINGER 2569 Easy Paul D. Klinger

5 Lake Silva 2 830 Easy St. Steve Sil

Randal Houston 2775 Carmel Ann Arbor MI 48104

Amy Houston 2775 Carmel St. Ann Arbor, MI 48104

Josiah & Lauren Jason Mann 2765 Carmel St. Ann Arbor, MI: 48104

Eric Knapp 2755 Carmel x [Signature]

Rob Waissi 2735 Carmel x [Signature]
(Emily-1.5) & Ellie 2 weeks!

Robert Waissi robert.waissi@gmail.com
(audio engineer - Leans speakers)

Lori Feighner 2770 Carmel x [Signature]
lfeighne@umich.edu

(3)

Barry Fritz
Paul
Ron & Stink (Alex)
Randy & Amy
Cathy-18
Sondra-13
Jack-16
734-277-7693 (cell)

Amy - randel2775@yahoo.com
734-845-1375 (Amy cell)

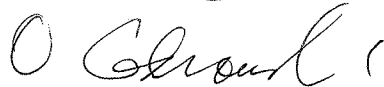
March 5, 2016

To whom it may concern,

I feel sad to hear that the Lorenz's treehouse is a concern to an Easy street neighbor. Both my husband and I feel that the play structure adds to the family-friendly feel of the neighborhood. When we see groups of kids playing in the structure we wish we could play in it too!! When I notice people gather around the treehouse as the children play I feel happy knowing that it brings people together and adds to the character of Easy street.

I respectfully ask that you allow the treehouse to remain in the neighborhood.

Sincerely,



Victoria & Dwight Cendrowski
2870 Easy Street
734-971-0456

Perry H. Engstrom, MSW, LMSW

527 East Liberty, Ann Arbor, MI 48104

734.665.7422

2.26.16

To Whom it may concern -

I reside in Ann Arbor at 2618 Easy Street.

The charm of our neighborhood isn't the architecture, or ritzy-ness, but rather sense of friendliness and family that makes Easy Street a community.

Last summer some neighbors built a wonderful play house - in my childhood we'd have called it a "fort" - for me and all the children along our street. What a great addition to our neighborhood it has been! The children have a safe, fun place to play. (Yes - actually go outside and play!!) I see groups of grown-ups chatting together, enjoying each other's company as their children play.

And, on a quiet summer afternoon, when I hear the kids' cries of excitement and delight, it does my heart good. I may even, I fear, have to forfeit my "group old crown/obscure" license!

I'm writing this to ask you - please, don't take this away from the kids, from our neighborhood. And, please - don't take it away from me.

Perry Engstrom

April 20, 2016

Re: Appeal #ZBA16-006/2790 Carmel Street

Dear Zoning Board of Appeals,

Attached is a letter in reference to **Appeal #ZBA16-006/2790 Carmel Street**. We have also attached pictures. Please feel free to contact us should you have any questions.

Thank you,

Robert and Kathryn Waissi

2735 Carmel Street
Ann Arbor, MI 48104
734.272.8109

April 19, 2016

2735 Carmel Street
Ann Arbor, MI 48104

Zoning Board of Appeals
C/O Mia Gale
301 East Huron
Ann Arbor, MI 48104

Dear Mrs. Gale,

We are writing this letter in response to **Appeal ZBA16-001/2790 Carmel Street**. Our home is in sight of the play structure that was erected in the front yard of 2790 Carmel Street. We feel strongly that this structure be removed. It is an eye sore on the street and a danger to all children in the neighborhood. On any given day there are ladders propped up against the structure and the house. Any child in the neighborhood could climb those ladders and injure themselves. The structure has tagging on the outside of it and the slide is propped up with a piece of wood (I have attached pictures to show these items). It is a very unsafe play structure.

We have had family and friends visit from out of the Ann Arbor area and they question whether or not structures such as this one are allowed in front yards. They all comment on what an eye sore it is. We have had people tell us they wouldn't purchase a house on our street if they had to look at that. We feel that structures such as these should not be placed in the front yard.

We understand the importance of having something for your children to play on. We have two children ourselves and we fear that they could come in contact with the structure and injure themselves. We have two parks in our neighborhood and an elementary school that the children can use the equipment at.

As neighbors we are very disheartened that we have been put in this position. If the home owners are in violation of Chapter 55, Section 5:59 then they should be responsible for doing whatever it takes to correct the violation. We feel that this issue will now pit neighbors against each other.

In closing, we feel the structure should be removed from the front yard as it is an eye sore and a safety hazard for not only the street but the entire neighborhood.

If you have any questions or concerns, please feel free to contact us at (734) 272-8109 or kwaissi@gmail.com

Thank you,

Robert and Kathryn Waissi









EMD

April 19, 2016

From: Sandra K. Lowry [sklowry@umich.edu]

Re: Appeal #ZBA 16-006 2790 Carmel Street

MGale,

I wish to comment on the request for variance at 2790 Carmel St. While well built and in good shape a structure of this size should be at the side or rear set back and not in the front.

Sandra K. Lowry
2636 Carmel St.
Ann Arbor, Michigan

City of Ann Arbor Planning and Development Department
Zoning Board of Appeals
301 E. Huron Street
Ann Arbor, MI 48107

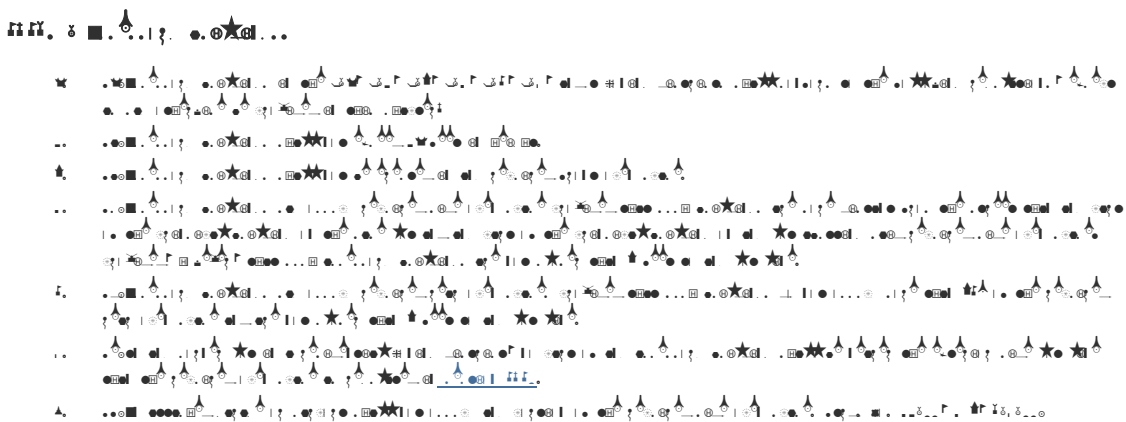
Symington
2649 Carmel
Ann Arbor, MI 48104

Dear Zoning Board of Appeals,

We are responding to a communication sent to us regarding a requested property variance at 2790 Carmel, Ann Arbor, Michigan.

First of all, we want to say we feel very lucky to live in this neighborhood. Neighbors have peacefully co-existed as long as we have been residing here. So, with this in mind, we want to say our feelings regarding this specific variance are not personal. It's a "good for all" neighborhood issue.

The code regarding this structure's placement is very clear:



Some concerns that have risen for us are:

***The structure in the front yard is big and permanent. It is not portable such as a "Little Tike" play structure that can be moved or stored away**

QuickTime™ and a decompressor are needed to see this picture.

QuickTime™ and a decompressor are needed to see this picture.

*** Green Lea and Kensington subdivisions have walking access to play structures and acres of parkland for recreation.**

*** Safety: more recently as population increases in the city, when our main access road Packard, is busy, there have been upwards of 40 cars, that cut-through this neighborhood at a time. People try to navigate the traffic circle and have cut over lawns in their haste to get through (that's another issue).**

*** Current markings on the structure resembles "tagging" .**

QuickTime™ and a
decompressor
are needed to see this picture.

***There is a rear yard on the property available for this structure, negating a hardship.**

QuickTime™ and a
decompressor
are needed to see this picture.

We took some time to research other random communities and their accessory structure codes and found Ann Arbor was in line with many other Michigan cities (Rochester Hills, Clinton Township, Owosso, and Berkley).

Thank you for taking the time to read our concerns. Please contact us if you would like any other input on this matter.

Sincerely,

John and Sue Symington