

**Zoning Board of Appeals
May 22, 2013 Regular Meeting**

STAFF REPORT

Subject: ZBA13-009, 215 Packard

Summary: Stephen Kaplan is requesting permission to alter a non-conforming structure in order to convert the existing office use to residential, add bedrooms, and expand the non-conforming structure by constructing a building addition 10 feet 6 inches from the front property line; the existing structure is 2 feet from front property line, and the averaged required setback is 4 feet 4 inches.

Background:

The subject parcel is zoned R4C (Multiple-Family Residential District) and located on Packard Avenue, east of Fourth Avenue. The parcel is non-conforming for front setback and required lot size: subject parcel is 8,276 square feet; minimum lot size is 8,500 square feet. The structure was built in 1894, per City Polk Directory, and is 1,010 square feet.

Description:

The petitioner is proposing to convert an existing office use(non-conforming) on the first floor to a residential use(conforming) containing three bedrooms. There is a currently one residential unit on the second floor containing three bedrooms, which will be remodeled to include additional living space on the third floor and a total of four bedrooms. After construction the structure will contain a total of 7 bedrooms in two units.

The petitioner is also proposing to remove an existing one story addition, construct a new addition in the same location on the west side of the house and raise the roof of the third floor in order to add 2 bedrooms. The house is setback approximately 2 feet from the front property line. The proposed addition will be setback 10 feet 6 inches from the front property line and 12 feet 6 inches from the side property line. The required front setback is based on averaging of existing properties which is 4 feet 4 inches, however averaged setbacks can only be reduced to a minimum of 10 feet per Chapter 55, Section 5:57. A variance is not required because the new addition will not encroach any further into the front setback than the existing house. The addition will be 30 feet by 12 feet (360 sq ft) on the first floor and 12 feet by 12 feet (144 sq ft) on the second floor, the second floor addition will have outdoor patio space provided on the remaining roof

area. While the 12 foot by 12 foot addition will extend to the height of the third floor, the area inside the building will remain open to the second floor, there will be no third floor within the addition. However, as noted above, the roof of the structure will be raised in order to allow the addition of two bedrooms and bathrooms to the existing third floor.

Standards for Approval- Permission to Alter a Non-Conforming Structure

The Zoning Board of Appeals has all the power granted by State law and by Section 5:98, from the City of Ann Arbor Zoning Ordinance. The following criteria shall apply:

The alteration complies as nearly as practicable with the requirements of the Zoning Chapter and will not have a detrimental effect on neighboring property.

The home was constructed before current zoning standards were in effect and the placement of the house near the front property line limits the area available for an addition to the house without removing required parking area. The proposed addition will be set back a minimum of 10 feet 6 inches from the front property line and 12 feet 6 inches from the closest side property line. It will replace an existing smaller addition constructed as a lobby for the office use. The addition is a 360 square feet on the first floor, 144 square feet on the second floor and will be consistent with the existing architecture of the house.

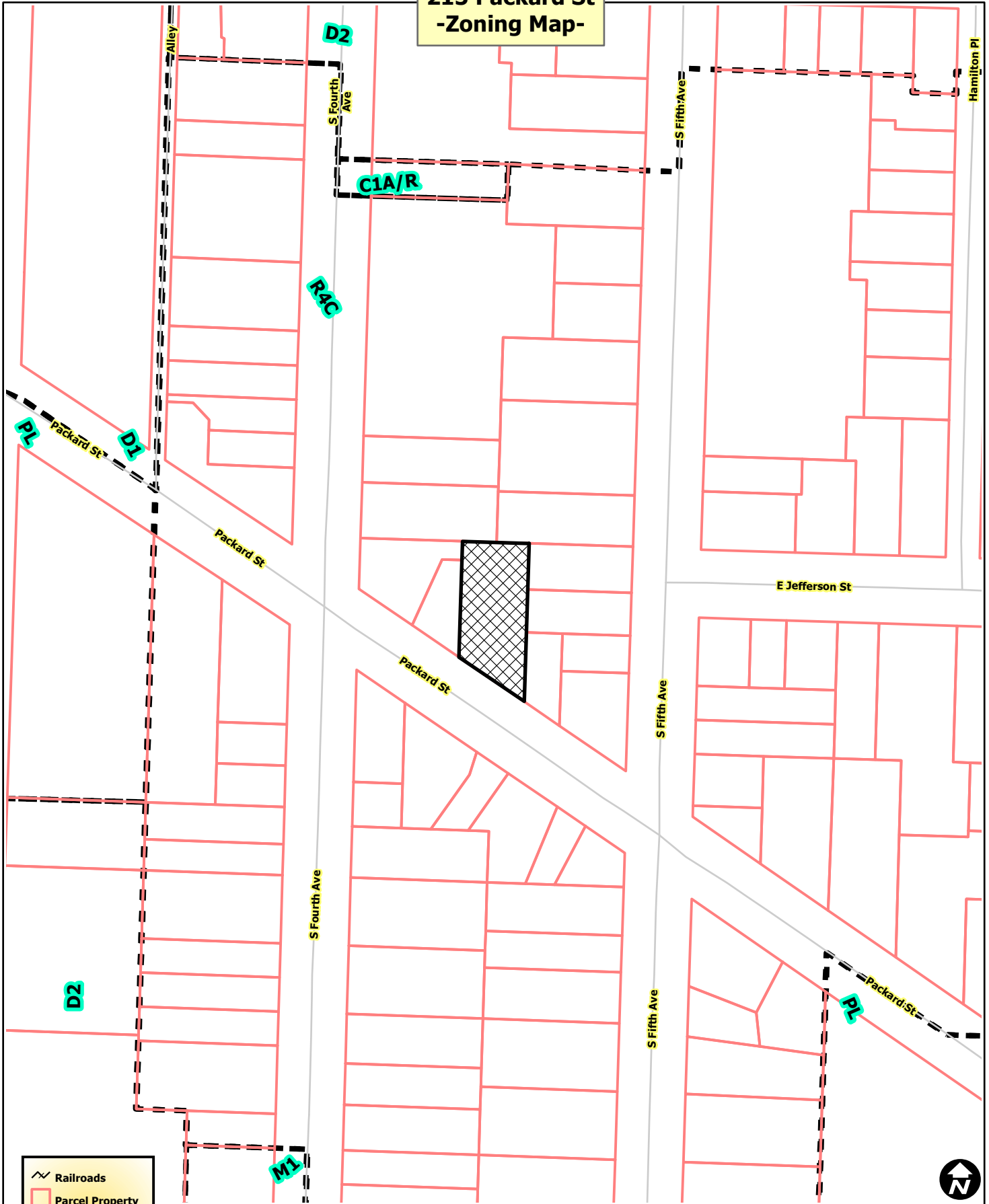
The first floor of the house has been used as a medical office for over 30 years. Conversion of this space from a non-conforming office use to a residential use is consistent with the intent of the Zoning code. The conversion to a residential duplex structure is consistent with neighboring properties and residential uses should present less impact on neighbors than an office use. The expansion will allow the petitioner to improve their property while respecting the intent of the Zoning Ordinance. Staff does not feel that the requested variance would negatively affect any surrounding property. The subject house is located in an area of multiple-family structures with similar density and scale.

Respectfully submitted,



Matthew J. Kowalski, AICP
City Planner

215 Packard St -Zoning Map-



Railroads

Parcel Property

Zoning

Township Island

Zoning



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 Map Created: 4/30/2013

215 Packard St -Aerial Map-

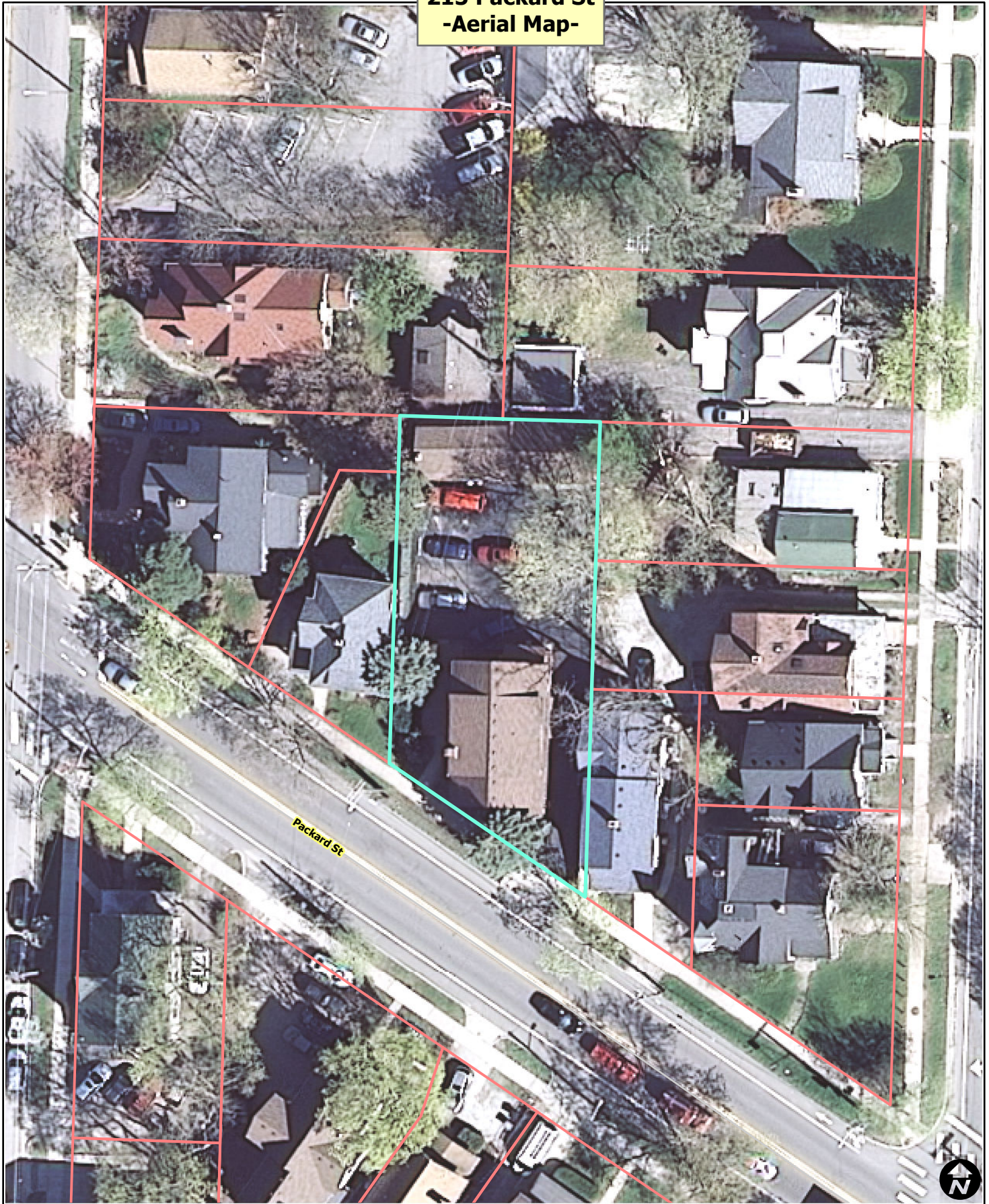


 Railroads
 Parcel Property



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215 Packard St -Aerial Map-



-  Railroads
-  Parcel Property



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Map Created: 4/30/2013

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

Section 1: Applicant Information

Name of Applicant: 215 Packard, LLC / Stephan Kaplan
 Address of Applicant: 418 East Washington, Apt. 10, Ann Arbor MI 48104
 Daytime Phone: (734) 476-2600
 Fax: _____
 Email: stevepkaplan@gmail.com
 Applicant's Relationship to Property: Owner

Section 2: Property Information

Address of Property: 215 Packard Street
 Zoning Classification: R4C
 Tax ID# (if known): 90-09-29-428-022
 *Name of Property Owner: Stephan Kaplan

**If different than applicant, a letter of authorization from the property owner must be provided.*

Section 3: Request Information

~~XXXXXXXX~~ **Variance** Petition to alter a non-conforming structure

Chapter(s) and Section(s) from which a variance is requested:

Ch. 55, Article III,
Section 5:34 - R4C
Section 5:87 - Structure Non-Conformance

Example: Chapter 55, Section 5:26

Required dimension:

25' front setback
(10' min. averaged front yard setback)

Example: 40' front setback

PROPOSED dimension:

2'-6' +/-

Example: 32'

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)

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?

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 Commercial Office / Multi-family 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)

Existing Condition

Code Requirement

Lot area _____

Lot width _____

Floor area ratio _____

Open space ratio _____

Setbacks (see attached) _____

Parking _____

Landscaping _____

Other _____

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

(see attached)

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:

(see attached)

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 alteration to a non-conforming structure

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 ½" 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) 476-2600

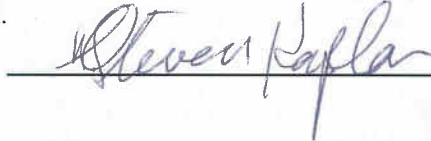
Phone Number
 stevepkaplan@gmail.com
 Email Address


 Stephan Kaplan
 Signature
 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

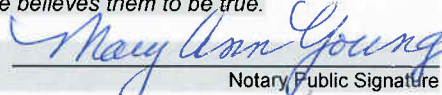
Further, I hereby give City of Ann Arbor Planning & Development Services unit staff and members of the Zoning Board of Appeals permission to access the subject property for the purpose of reviewing my variance request.


 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 27th day of MARCH, 2013, 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

05-27-2018
 Notary Commission Expiration Date

MARY ANN YOUNG
 Print Name

Staff Use Only

Date Submitted: 3/28-2013

Fee Paid: 500⁰⁰

File No.: ZBA13-009

Date of Public Hearing 5/29-2013

Pre-filing Staff Reviewer & Date _____

ZBA Action: _____

Pre-Filing Review: _____

Staff Reviewer & Date: _____

Section 5: ALTERATION TO A NON-CONFORMING STRUCTURE

(1)c.

Setback: The existing building conforms to the rear and side yard setbacks as defined by the zoning ordinance – 30' rear yard and 12' on both side yards. However, in a fashion consistent with the other properties in this area, the building encroaches into the front yard setback of 25'. Even after evaluation of averaged front yard setbacks, the building encroaches within the minimum 10' averaged setback dimension as defined by Section 5:57.

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

The building is currently a mixed use property composed of first floor commercial office (optometry clinic) and second floor multi-family residential. The owner wishes to demolish the modern addition to the building and renovate and expand the existing building in order to provide residential units on the first floor. In addition, the owner would like to expand the second floor residential unit by raising the roof structure to create habitable and code compliant bedrooms contained within the roof zone.

As the building is situated within the existing the front yard setback, this petition is being presented to humbly request approval for an alteration to a non-conforming structure. The new addition would expand the building footprint to the east to point consistent with the 12' side yard setback. New entries would be proposed at both the front (Packard frontage) and rear (parking) sides of the building for direct access to the first floor unit. The new building footprint would be established consistent with the requirements of the existing setbacks conditions, ie 12' side yard and 10' (minimum averaged front setback). In addition, the new roof profile would be elevated to a point where the midpoint of the gable roof is at a point no greater than or equal to 30', which is the maximum height prescribed by the zoning ordinance.

Functionally, no variances are being requested as part of this exercise.

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:

No new construction will encroach in any of the existing setback conditions related to this property. The new building height will be equal to the maximum allowable height as prescribed by the ordinance.

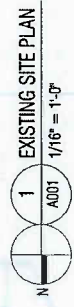
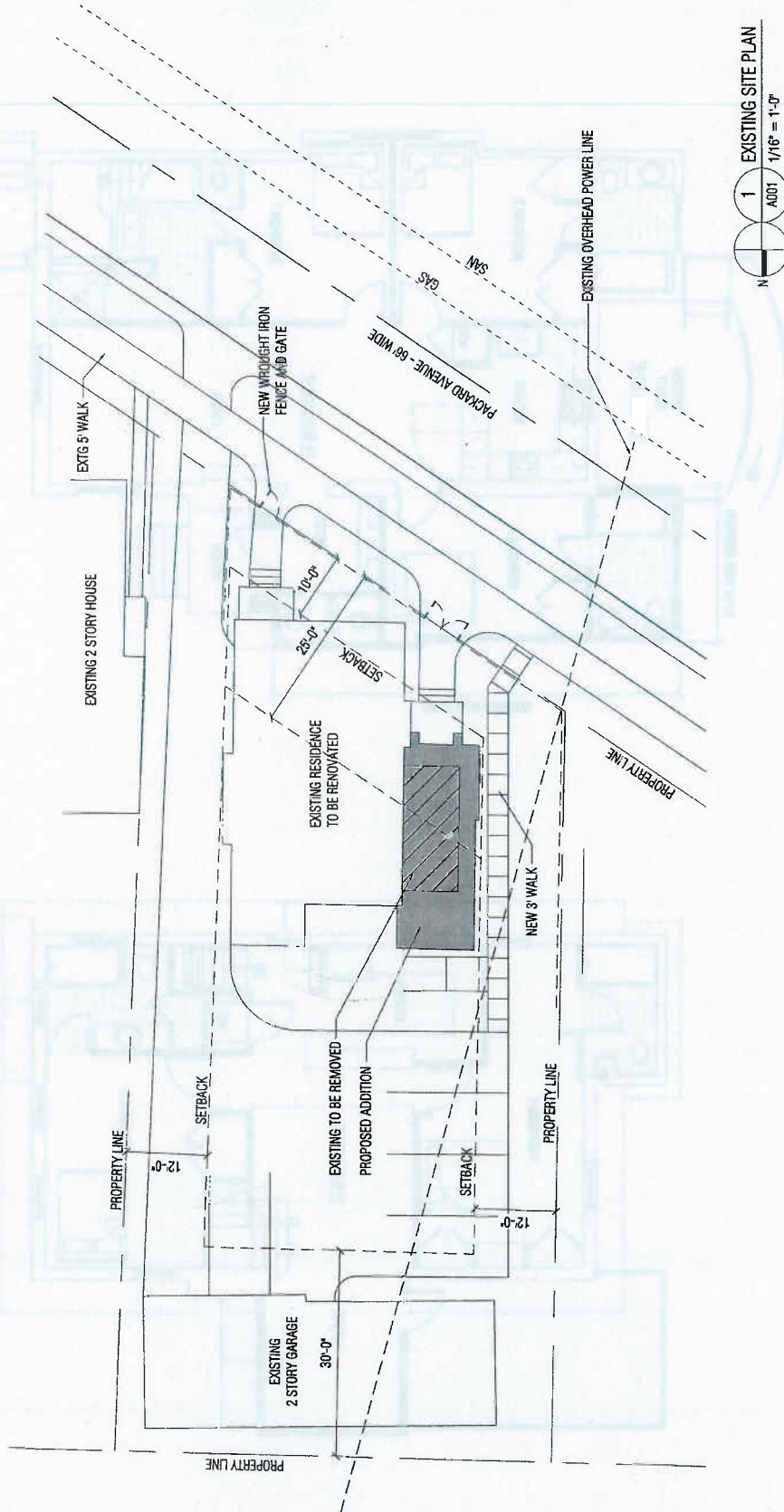
The immediately adjoining properties (within 100' of the property) are all non-conforming in regards to their location with the front yards of the respective properties. In addition, estimated building heights vary but are consistent with the new height being proposed. The intent of the project is to provide for an architectural design intended to be complimentary to the historical treatment of the original structure and thereby consistent with the adjoining properties.

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 alteration to a non-conforming structure.



R.A.C.
YARD SETBACKS
FRONT SETBACK: 25'-0"
SIDE SETBACK: 12'-0"
REAR SETBACK: 30'-0"
MAX ALLOWABLE BUILDING HEIGHT: 30'-0"
AVERAGE FRONT YARD SETBACK PERMITTED / MIN SETBACK TO BE 10'-0"

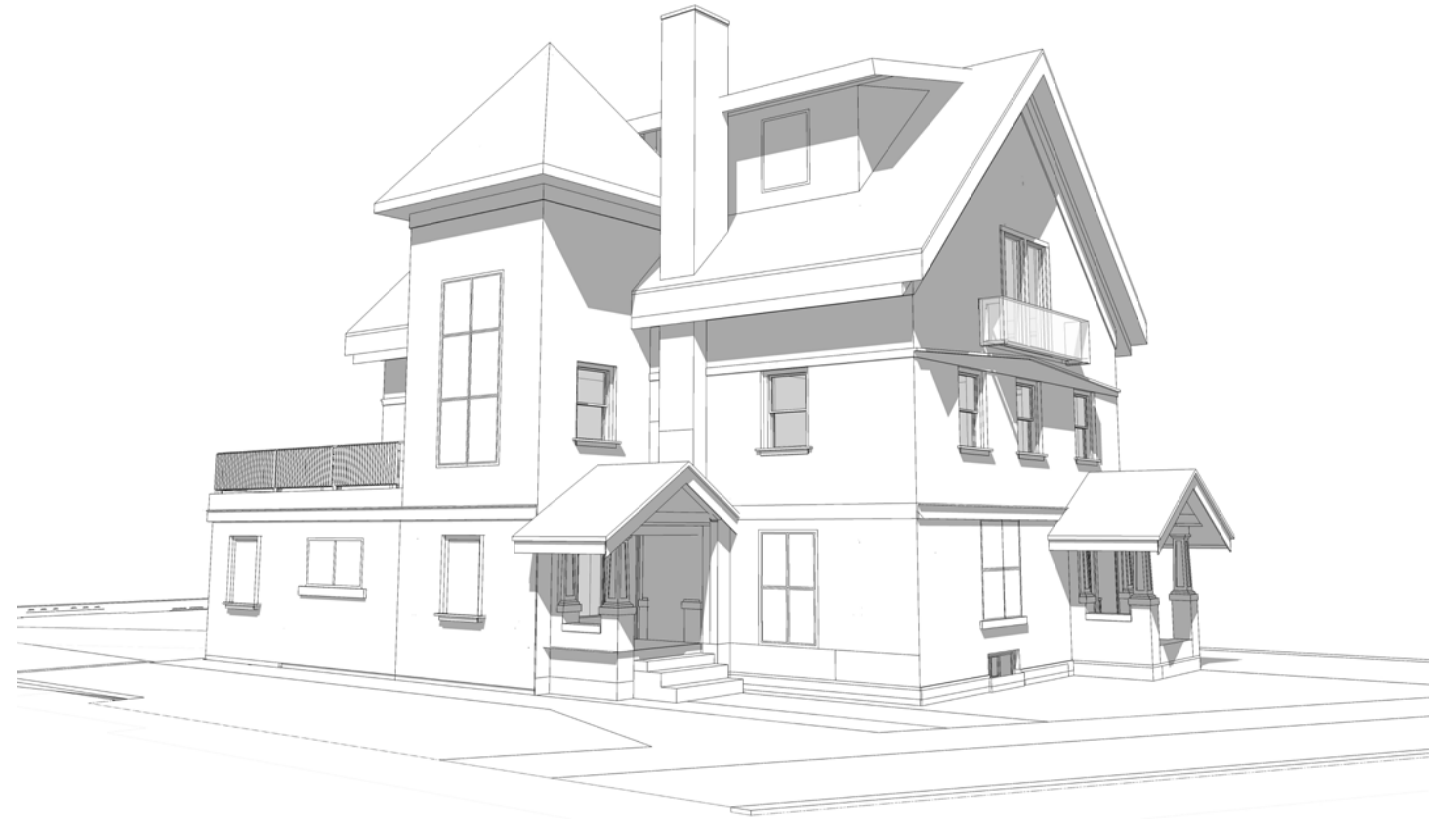


215 Packard Street Renovation and Addition

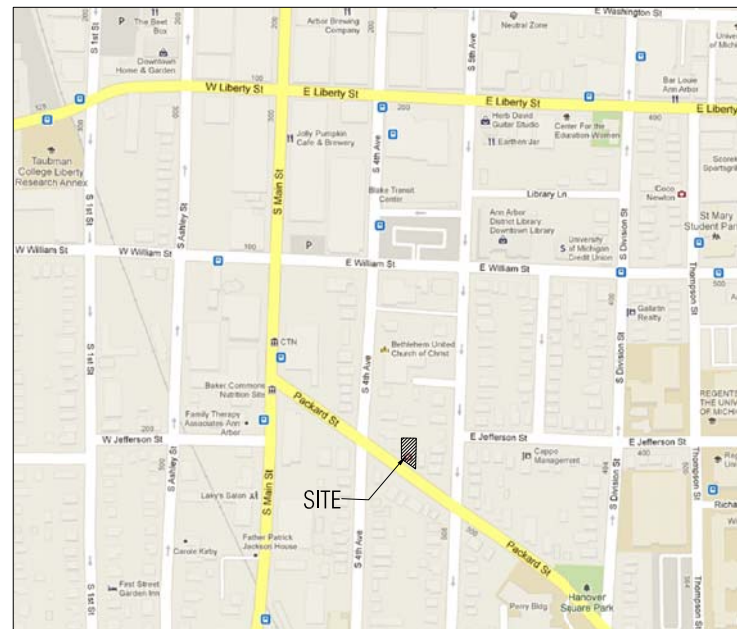
Ann Arbor, MI.

Client:
215 Packard LLC
418 E. Washington St.
Ann Arbor, MI 48104
Contact: Steve Kaplan

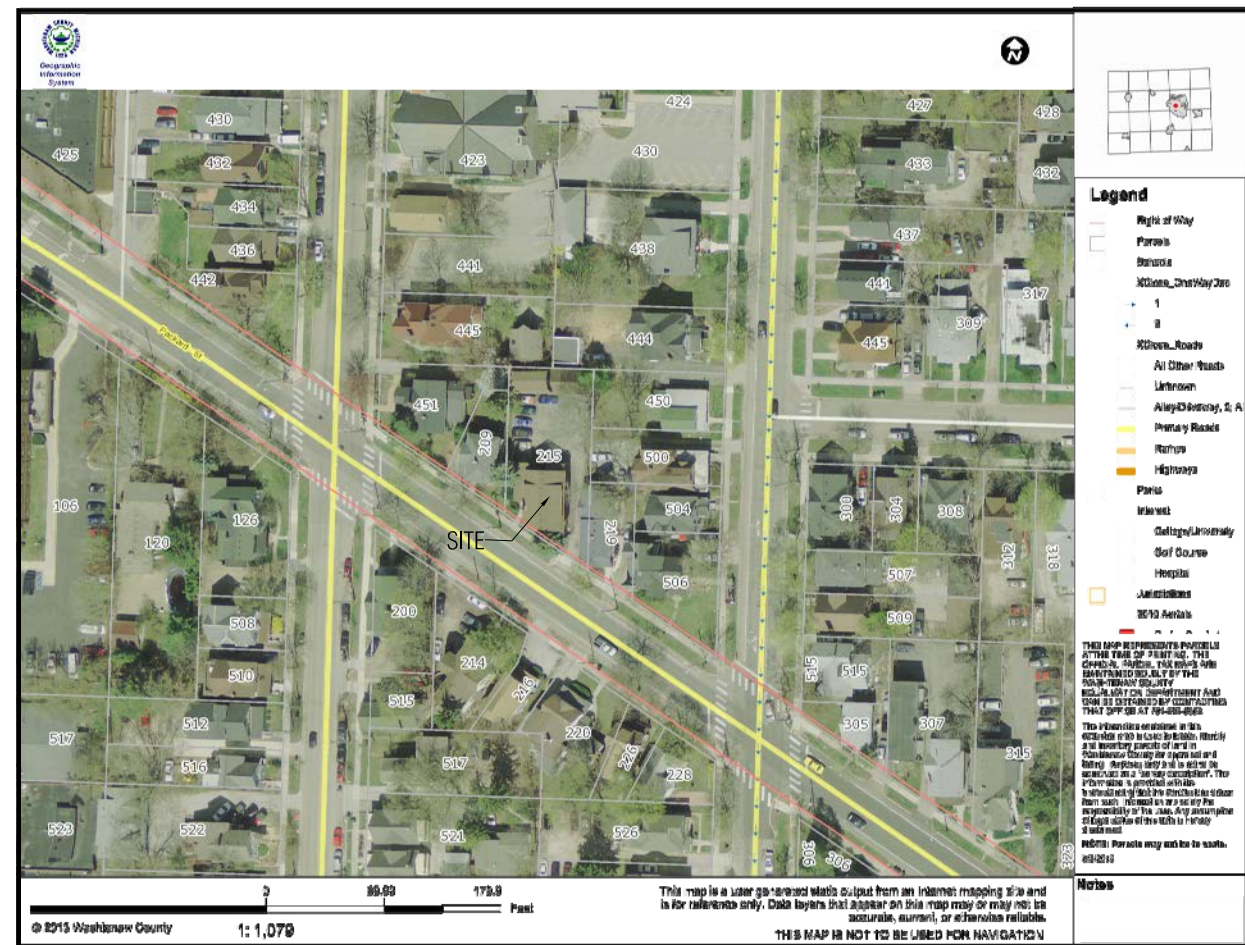
Architect:
BASEstudios
308 1/2 South State #35
Ann Arbor, MI. 48104
Contact: Robb Burroughs



Drawing Index		
Sheet:	Title:	Issuance:
T001	Title Sheet / Notes / Site Plan	ZBA Submittal
A001	Site Plan	ZBA Submittal
A100	Existing Floor Plans	ZBA Submittal
A101	Existing Floor Plans	ZBA Submittal
A102	Proposed Floor Plans	ZBA Submittal
A104	Proposed Floor Plans	ZBA Submittal
A200	Existing Elevations	ZBA Submittal
A201	Existing Elevations	ZBA Submittal
A202	Proposed Elevations	ZBA Submittal
A203	Proposed Elevations	ZBA Submittal



Site Location Map:



Washtenaw County GIS Location Map:

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308 1/2 South State, Suite 35
Ann Arbor, MI 48104
p 734. 353. 4170
info@basestudiosgroup.com

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215 Packard Street
Ann Arbor, MI

Client Information:
215 Packard LLC
418 E. Washington St.
Ann Arbor, MI

DATE	DESCRIPTION
03-27-2013	ZBA Submittal
04-24-2013	ZBA Submittal Revised

Drawn By: JMS

Checked By: RJB

Approved By: RJB

Project #: 13-004

Title: Title Sheet

PRELIMINARY
NOT FOR CONSTRUCTION

Scale as Noted, Use figured Dimensions Only.

T001

Sheet Number

DATE	DESCRIPTION
03-27-2013	ZBA Submittal
04-24-2013	ZBA Submittal Revised

Drawn By: JMS

Checked By: RJB

Approved By: RJB

Project #: 13-004

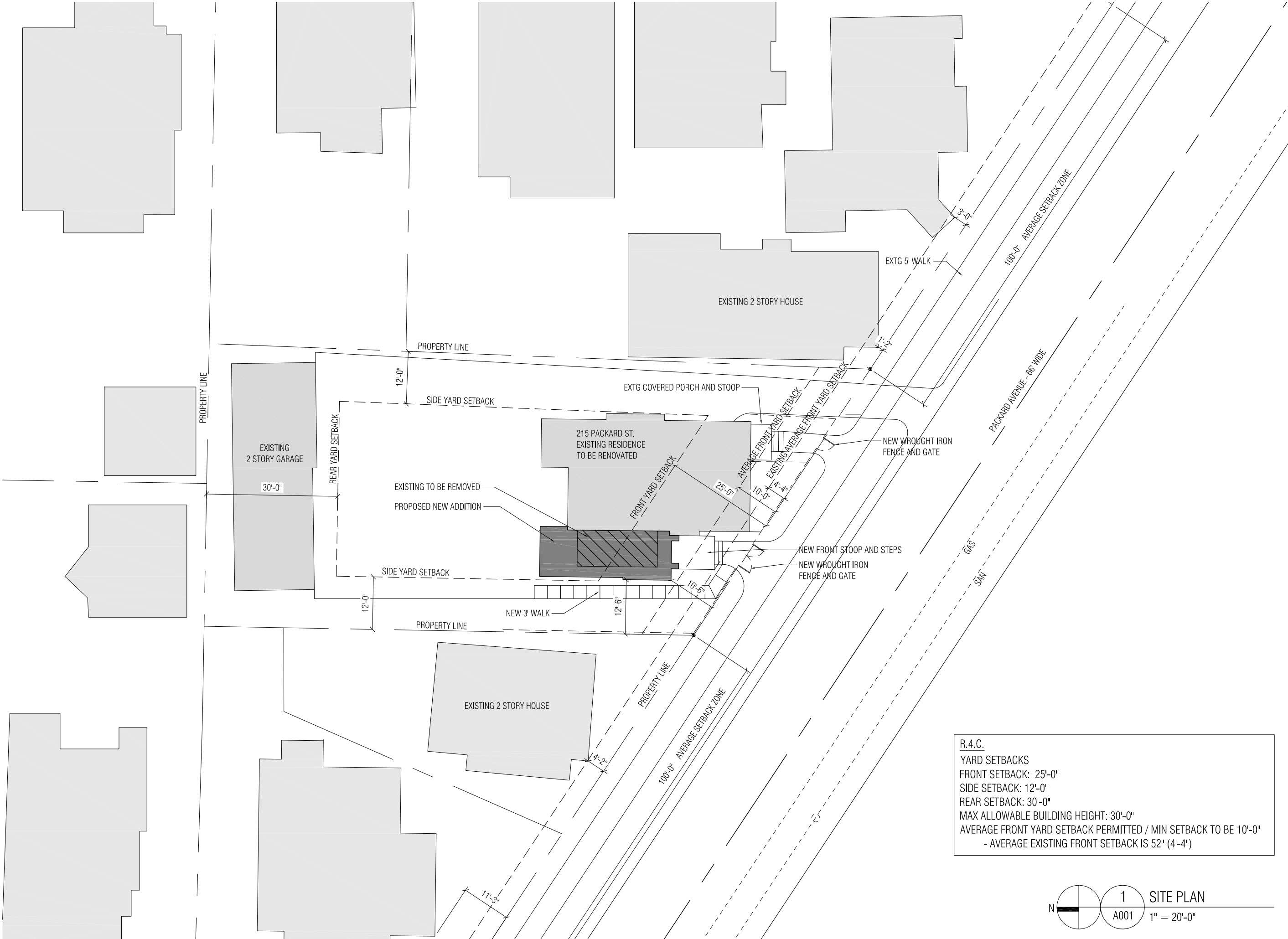
Title: Site Plan

PRELIMINARY
NOT FOR CONSTRUCTION

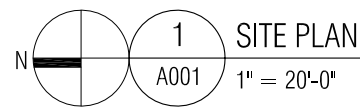
Scale as Noted, Use figured Dimensions Only.

A001

Sheet Number



R.4.C.
YARD SETBACKS
FRONT SETBACK: 25'-0"
SIDE SETBACK: 12'-0"
REAR SETBACK: 30'-0"
MAX ALLOWABLE BUILDING HEIGHT: 30'-0"
AVERAGE FRONT YARD SETBACK PERMITTED / MIN SETBACK TO BE 10'-0"
- AVERAGE EXISTING FRONT SETBACK IS 52" (4'-4")



215 Packard Street
Ann Arbor, MI

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Ann Arbor, MI

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Drawn By: JMS

Checked By: RJB

Approved By: RJB

Project #: 13-004

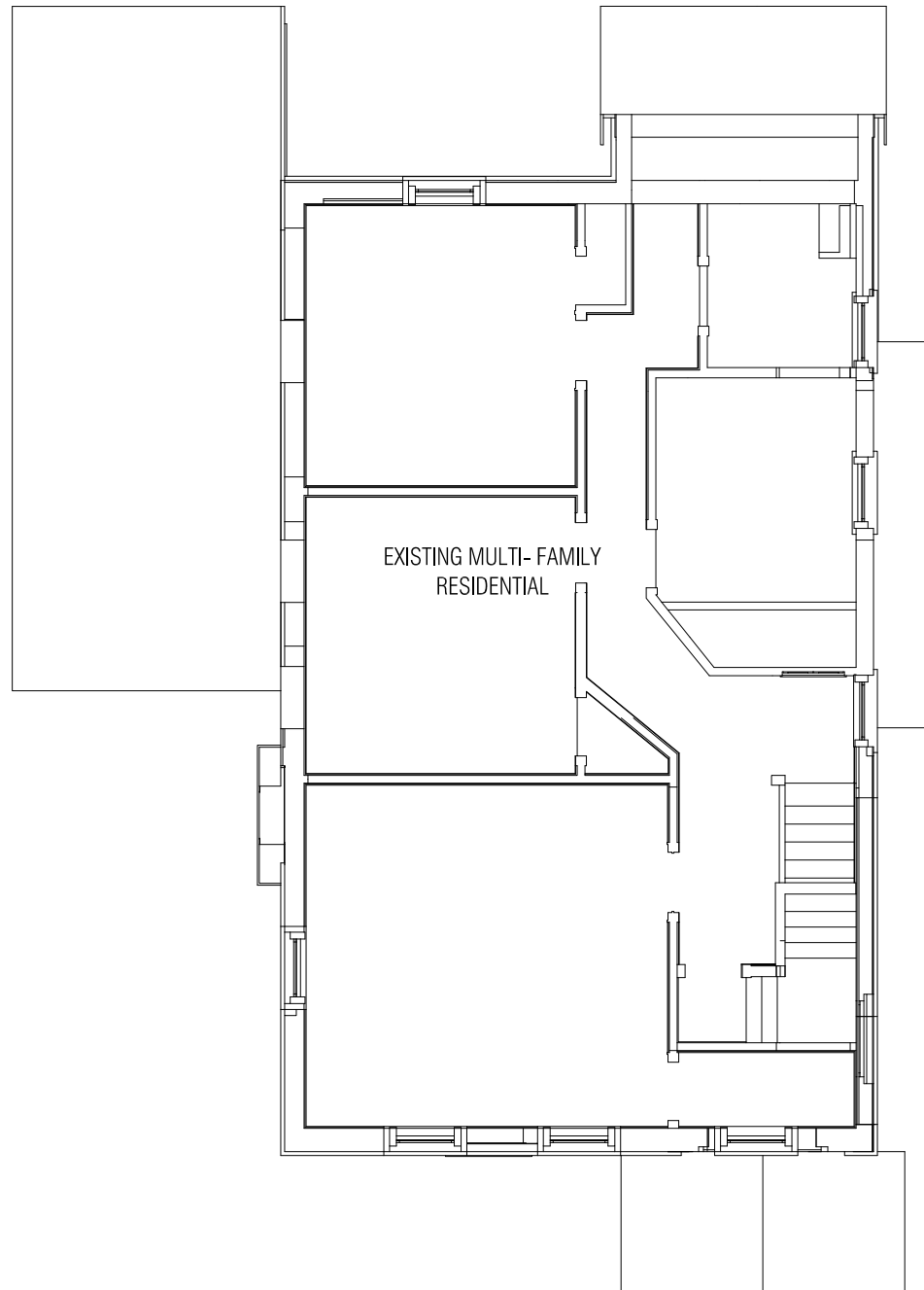
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Existing Floor Plans

PRELIMINARY
NOT FOR CONSTRUCTION

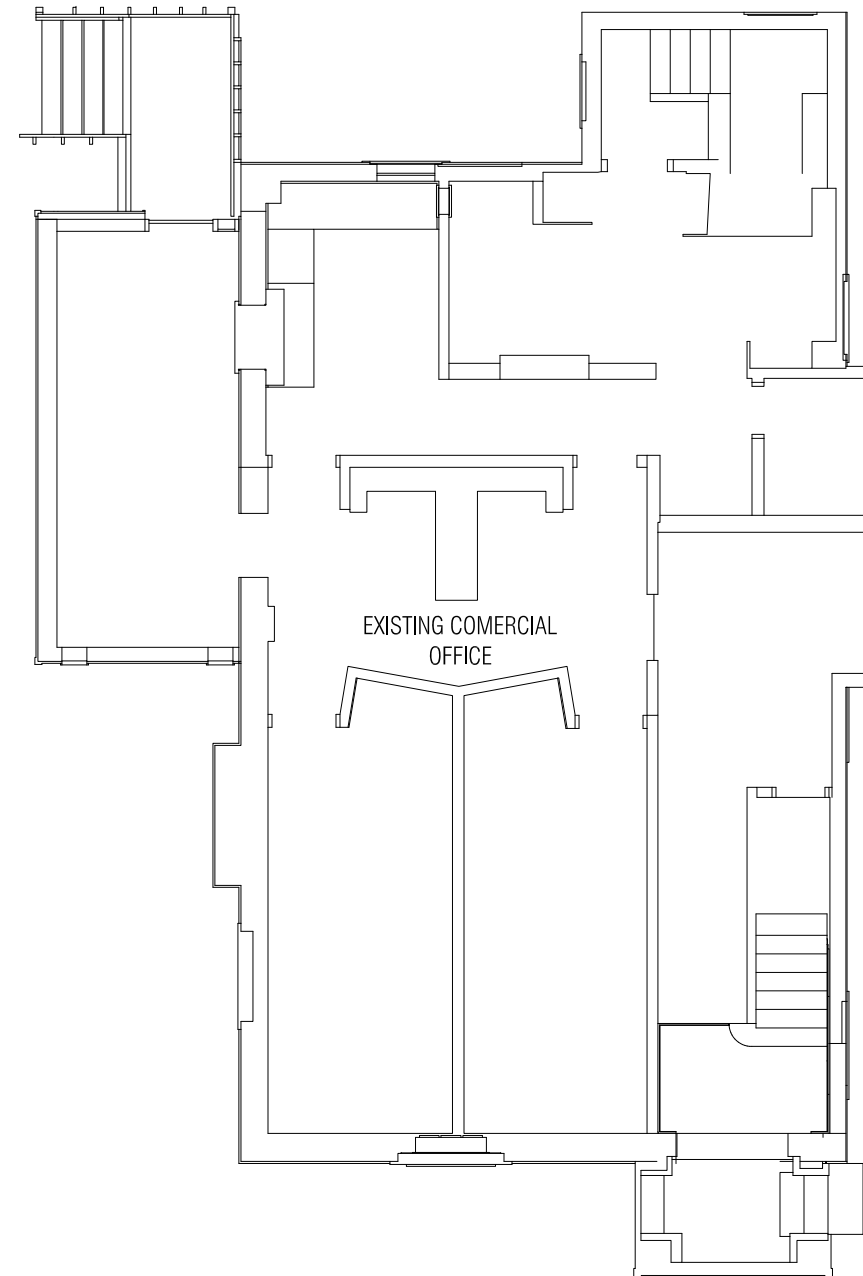
Scale as Noted, Use figured Dimensions Only.

A100

Sheet Number



2 EXISTING SECOND FLOOR PLAN
A100 1/8" = 1'-0"



1 EXISTING FIRST FLOOR PLAN
A100 1/8" = 1'-0"

215 Packard Street
 Ann Arbor, MI

Client Information:
 215 Packard LLC
 418 E. Washington St.
 Ann Arbor, MI

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Drawn By: JMS

Checked By: RJB

Approved By: RJB

Project #: 13-004

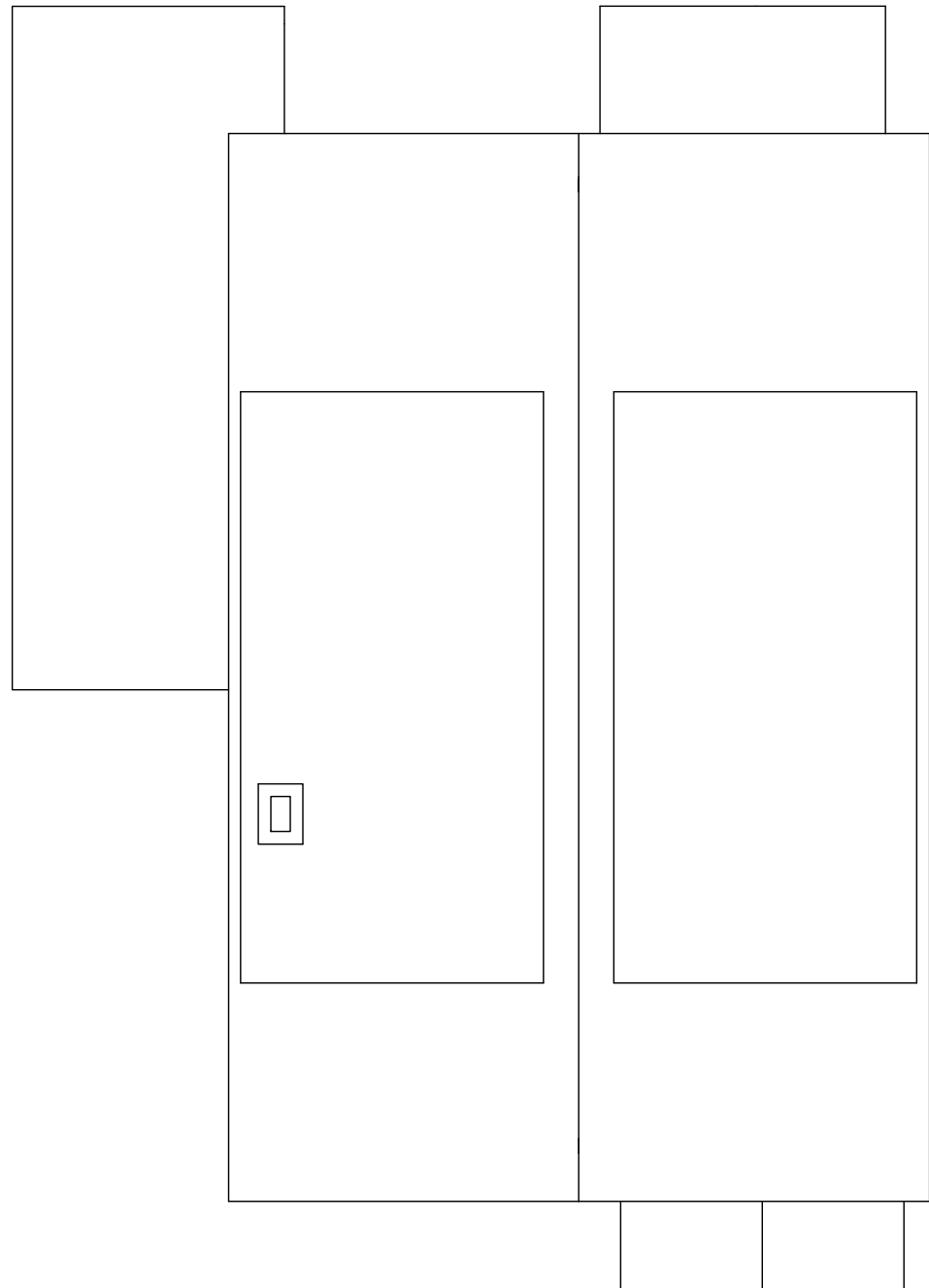
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 Existing Floor Plans

PRELIMINARY
 NOT FOR CONSTRUCTION

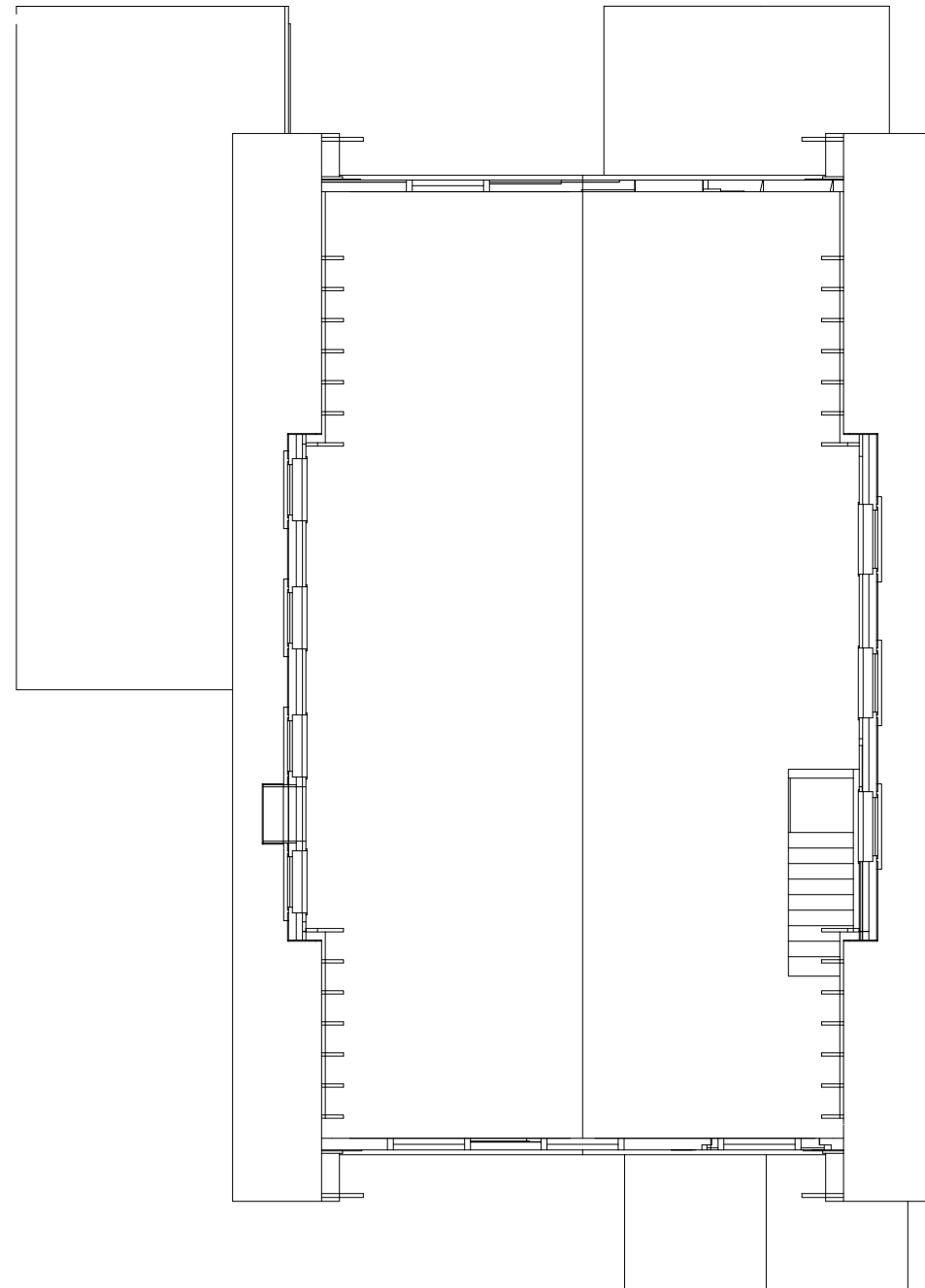
Scale as Noted, Use figured Dimensions Only.

A101

Sheet Number



2 EXISTING ROOF PLAN
 A101 1/8" = 1'-0"



1 EXISTING ATTIC FLOOR PLAN
 A101 1/8" = 1'-0"

DATE	DESCRIPTION
03-27-2013	ZBA Submittal
04-24-2013	ZBA Submittal Revised

Drawn By: JMS

Checked By: RJB

Approved By: RJB

Project #: 13-004

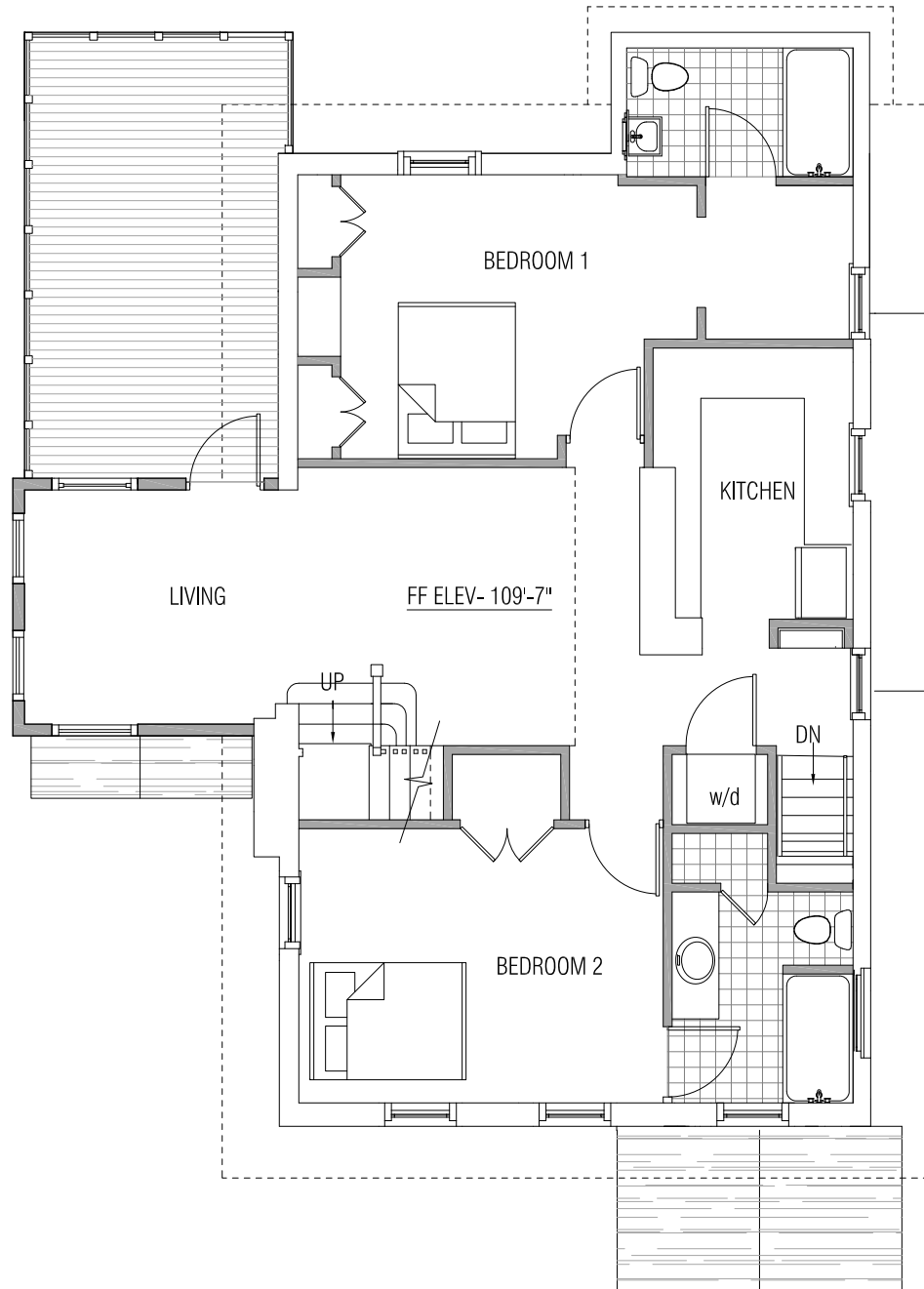
Title:
Floor Plans

PRELIMINARY
NOT FOR CONSTRUCTION

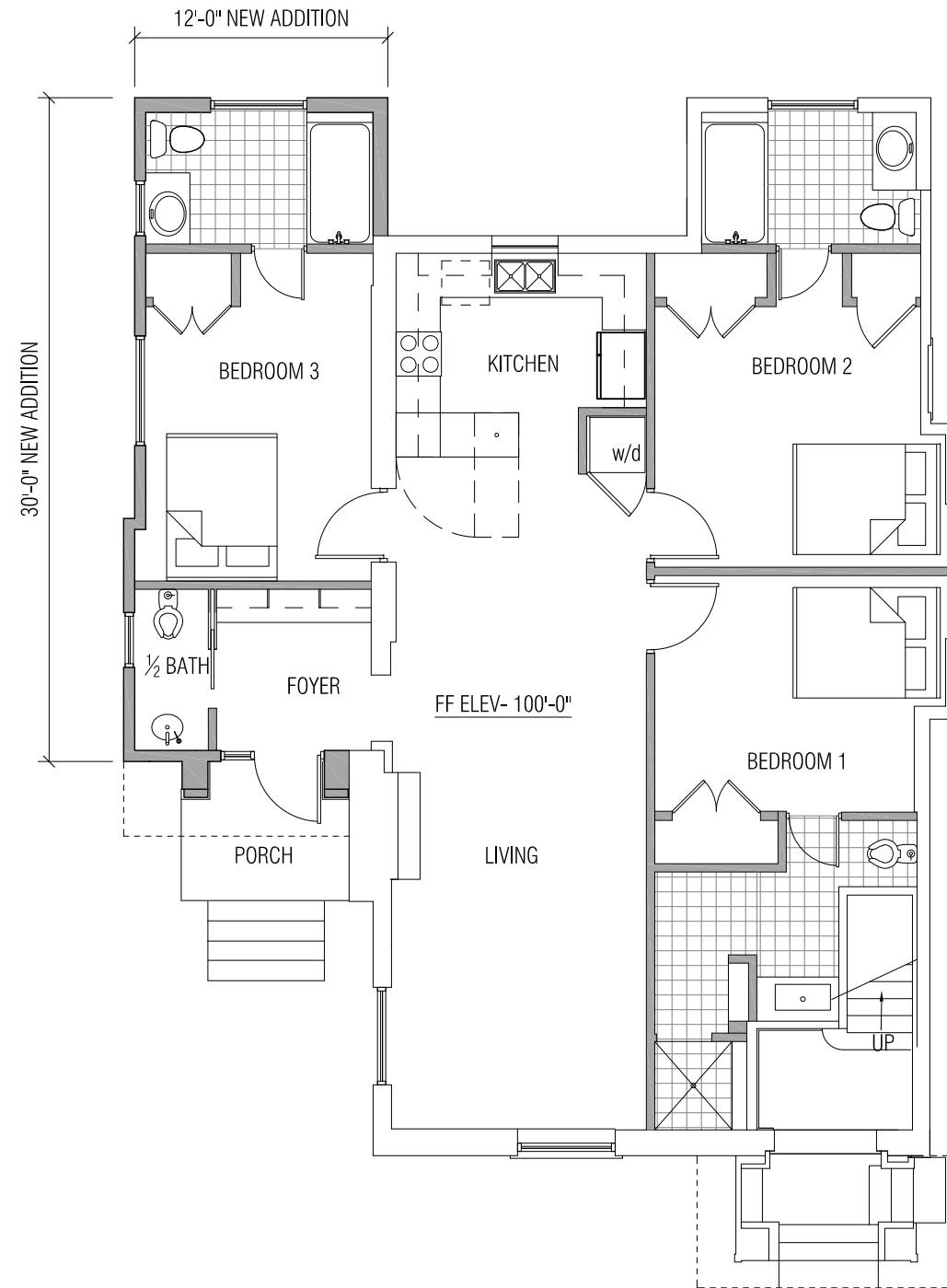
Scale as Noted, Use figured Dimensions Only.

A102

Sheet Number



HOUSING UNIT B - (4) BEDROOM
2 SECOND FLOOR PLAN
 A102 1/8" = 1'-0"



HOUSING UNIT A - (3) BEDROOM
1 FIRST FLOOR PLAN
 A102 1/8" = 1'-0"

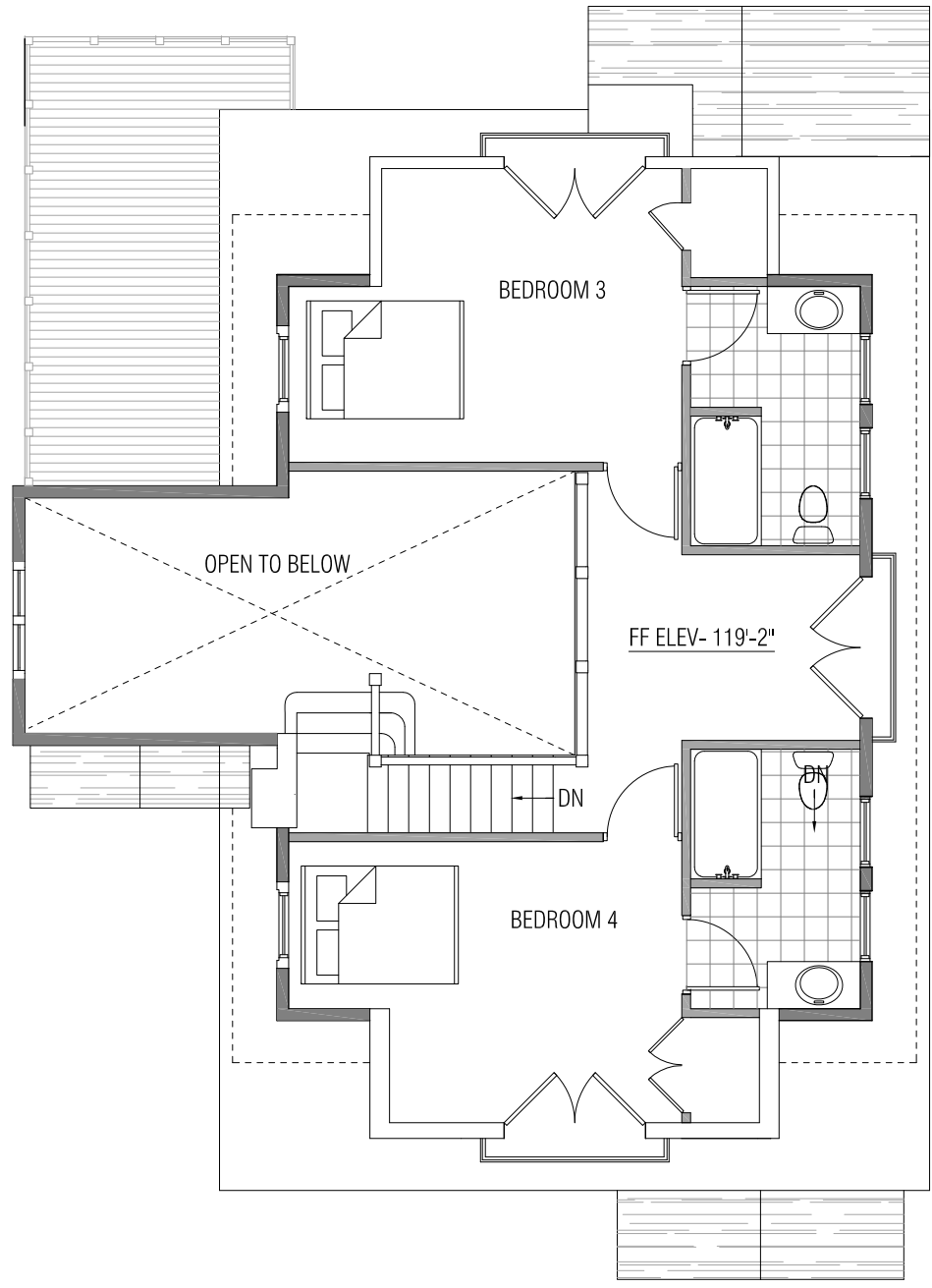
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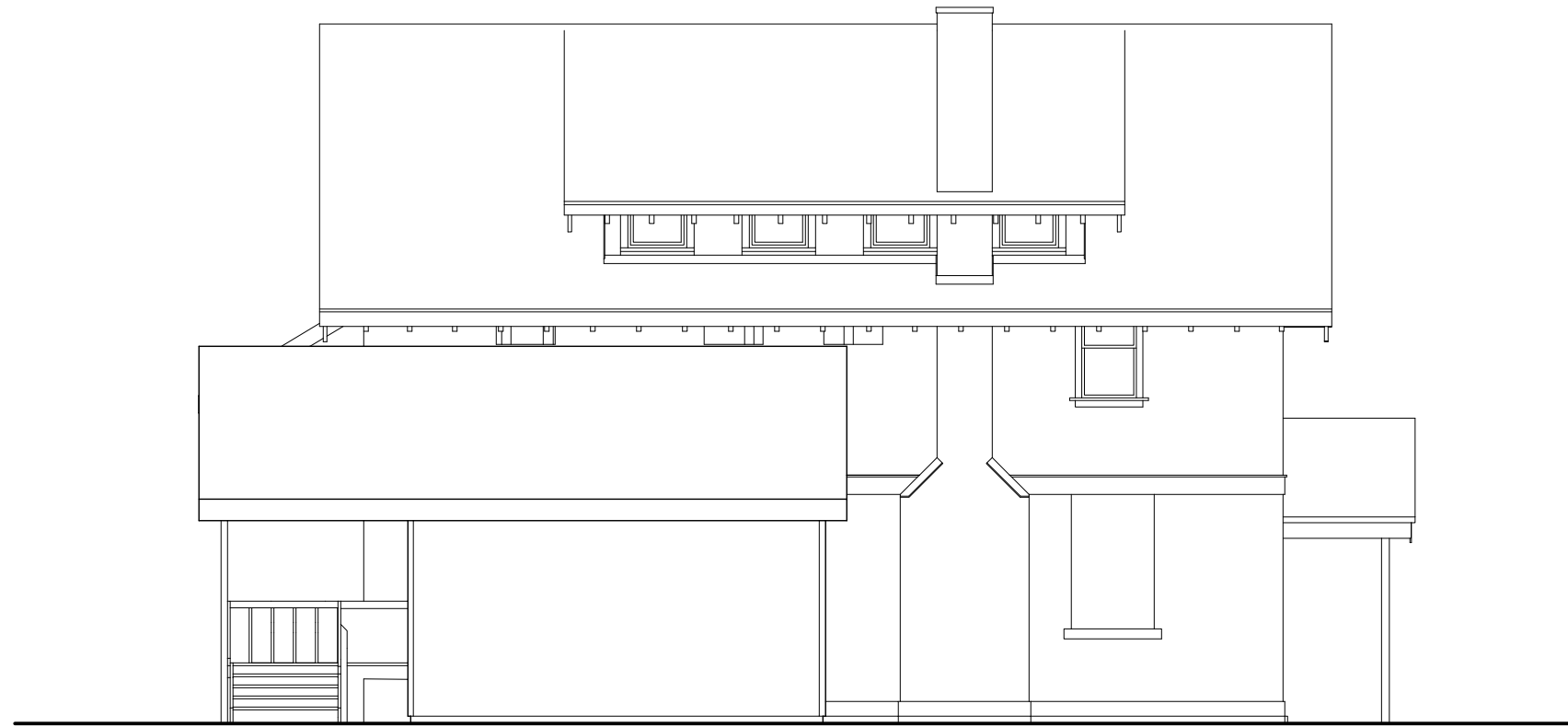
Title:
Floor Plans

PRELIMINARY
NOT FOR CONSTRUCTION

HOUSING UNIT B (4) BEDROOM 1 THIRD FLOOR PLAN
A101 1/8" = 1'-0"

215 Packard Street
Ann Arbor, MI

Client Information:
215 Packard LLC
418 E. Washington St.
Ann Arbor, MI



2 EXISTING WEST ELEVATION
A200 1/8" = 1'-0"



1 EXISTING SOUTH ELEVATION
A200 1/8" = 1'-0"

DATE	DESCRIPTION
03-27-2013	ZBA Submittal
04-24-2013	ZBA Submittal Revised

Drawn By: JMS
Checked By: RJB
Approved By: RJB
Project #: 13-004

Title:
Existing Elevations

PRELIMINARY
NOT FOR CONSTRUCTION

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Ann Arbor, MI 48104
p 734. 353. 4170
info@basestudiosgroup.com

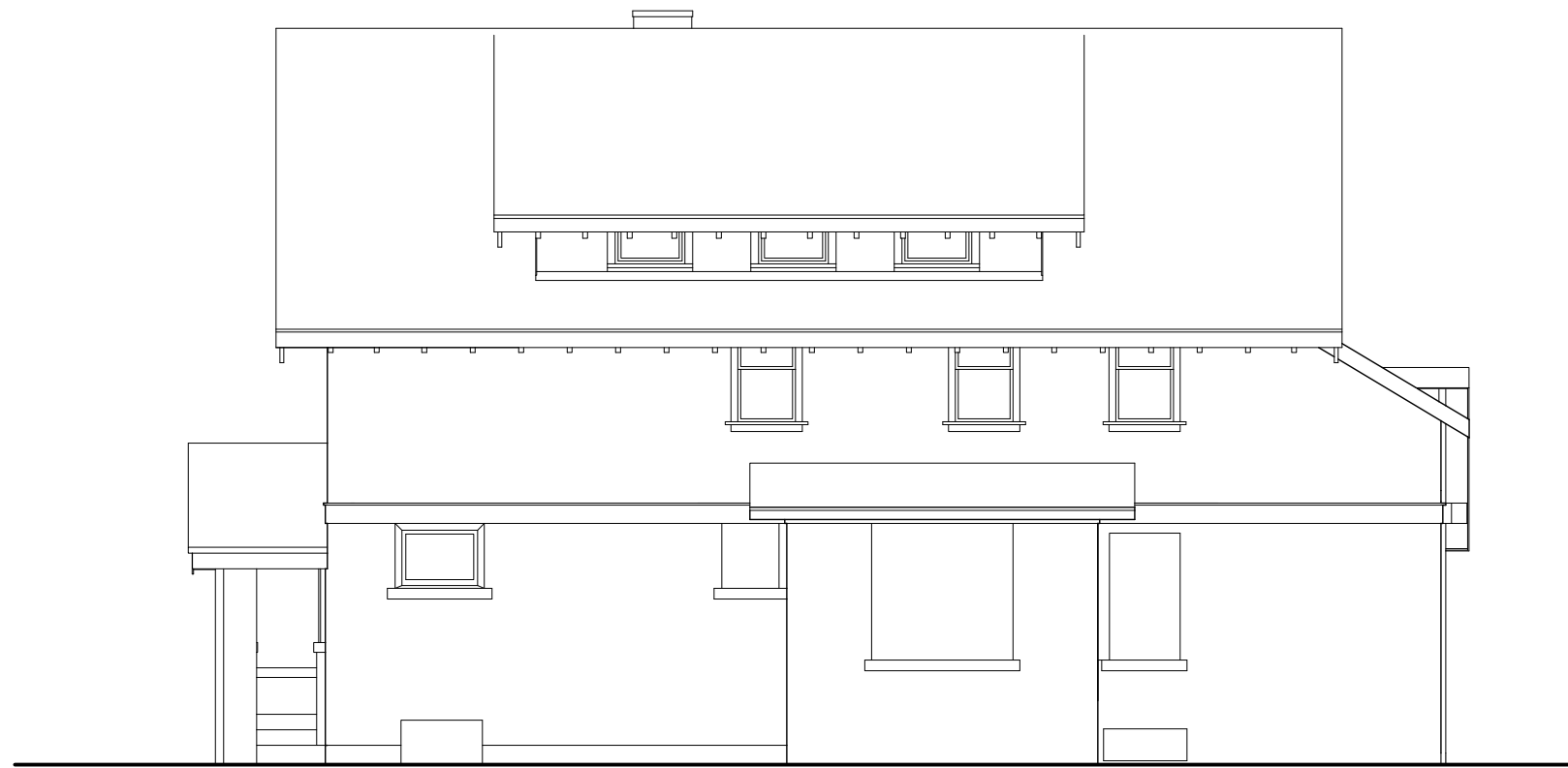
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215 Packard Street
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Client Information:
215 Packard LLC
418 E. Washington St.
Ann Arbor, MI



2 EXISTING NORTH ELEVATION
A201 1/8" = 1'-0"



1 EXISTING EAST ELEVATION
A201 1/8" = 1'-0"

DATE	DESCRIPTION
03-27-2013	ZBA Submittal
04-24-2013	ZBA Submittal Revised

Drawn By: JMS
Checked By: RJB
Approved By: RJB
Project #: 13-004

Title:
Existing Elevations

PRELIMINARY
NOT FOR CONSTRUCTION

Scale as Noted, Use figured Dimensions Only.

A201

Sheet Number

215 Packard Street
Ann Arbor, MI

Client Information:
215 Packard LLC
418 E. Washington St.
Ann Arbor, MI

DATE	DESCRIPTION
03-27-2013	ZBA Submittal
04-24-2013	ZBA Submittal Revised

Drawn By: JMS
Checked By: RJB
Approved By: RJB
Project #: 13-004

Title:
Exterior Elevations

PRELIMINARY
NOT FOR CONSTRUCTION

Scale as Noted, Use figured Dimensions Only.

A202

Sheet Number



1 SOUTH ELEVATION
A202 1/8" = 1'-0"



2 WEST ELEVATION
A202 1/8" = 1'-0"

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Project #: 13-004

Title: Exterior Elevations



2 NORTH ELEVATION
A201 1/8" = 1'-0"



1 EAST ELEVATION
A203 1/8" = 1'-0"

PRELIMINARY
NOT FOR CONSTRUCTION