

**Zoning Board of Appeals
May 23, 2018 Regular Meeting**

STAFF REPORT

Subject: ZBA18-015; 1106 Michigan Avenue

Summary:

Bowers and Associates, representing property owners are requesting a three foot 11 inch variance from Chapter 55 Zoning Section 5:57 Averaging an Existing Front Setback Line in order to construct a new covered front porch. The average front setback is 20 feet ten inches and the new requested dimension will be 16 feet 11 inches. If approved, the new covered porch will be 24 feet wide by nine feet eight inches in depth.

Background:

The subject property is located south of East University and east of Packard Street. The property is zoned R2A, and currently is a certified five bedroom rental house. The home was built in 1915 and is approximately 2,300 square feet in size.

Description:

The proposed porch will be located in the same footprint as the existing porch but will include an overhead roof. The porch will be approximately 234 square feet in size and will be consistent with the architecture style and materials of the home.

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.***

The applicant states that the neighboring properties are similar single-family rentals on the east side and to the west are multi-family structures which increases the average front setback.

- (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.***

A variance will allow the owners to construct a new porch and roof over the existing footprint. The purpose of the new roof will help to prevent water damage to the basement foundation which is below the existing porch.

- (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 improvements to the porch will have no negative effects to the neighboring properties while allowing reasonable improvements to 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.

The home was built in 1915, prior to the establishment of the average front setback ordinance. The proposed porch is designed to maintain the setbacks as they were when the neighborhood was initially developed.

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

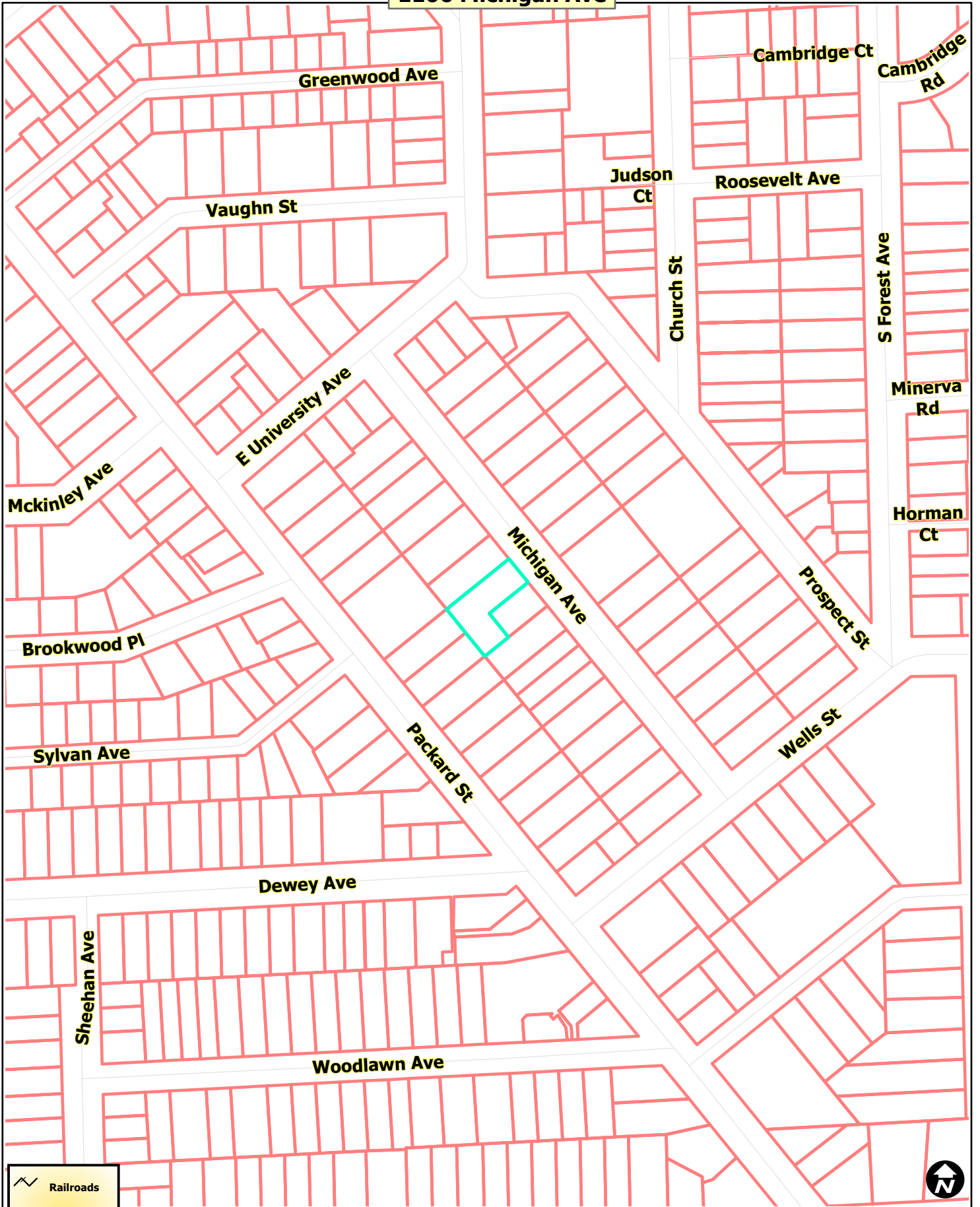
The variance being requested is three (3) feet eleven inches which is the minimum dimension needed in order to construct a roof over the existing porch foundation.




Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Jon Barrett". The signature is stylized with large loops and a cursive script.

**Jon Barrett
Zoning Coordinator**

1106 Michigan Ave



-  Railroads
-  Huron River
-  Tax Parcels



Map date 4/30/2018
Any aerial imagery is circa 2015
unless otherwise noted
Terms of use: www.a2gov.org/terms

1106 Michigan Ave






- Railroads
- Huron River
- Tax Parcels



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1106 Michigan Ave



-  Railroads
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**ZONING BOARD OF APPEALS
PLANNING DEPARTMENT**

City Hall: 301 E. Huron St. Ann Arbor, MI 48104-6120
 Mailing: P.O. Box 8647, Ann Arbor, MI 48107-8647
 Phone: 734.794.6265 planning@a2gov.org
 Fax: 734.994.8460

APPLICATION MUST BE FILLED OUT COMPLETELY

Office Use Only	
Fee Paid: \$500	ZBA: 18-015
DATE STAMP	
APR 25 '18 AM 9:49	

PROPERTY INFORMATION	
ADDRESS OF PROPERTY: 1106 MICHIGAN AVE	
ZONING CLASSIFICATION: R2A	TAX ID: (if known) 09-09-33-233-011
NAME OF PROPERTY OWNER*: 1106 MICHIGAN AVE LLC PAOLA M. LUPTAK	

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

APPLICANT INFORMATION	
NAME OF APPLICANT: BOWERS+ASSOCIATES SCOTT BOWERS	
ADDRESS OF APPLICANT: 2400 SOUTH HURON PARKWAY ANN ARBOR MI 48104	
DAYTIME PHONE NUMBER: 734-975-2400	FAX NO: 734-975-2410
EMAIL: SCOTTB@BOWERSARCH.COM	
APPLICANT'S RELATIONSHIP TO PROPERTY: ARCHITECT	

REQUEST INFORMATION	
<input checked="" type="checkbox"/> VARIANCE REQUEST (Complete the section 1 below)	<input type="checkbox"/> ALTERATION TO A NON-CONFORMING STRUCTURE (skip to Section 2)

Section 1 - VARIANCE REQUEST	
CHAPTER(S) AND SECTION(S) FROM WHICH A VARIANCE IS REQUESTED: (Example: Chapter 55, Section 5:26) CHAPTER 55, SECTION 5:57	
Required Dimension: (Example: 40' front setback) 20'-10"	PROPOSED Dimension: (Example: 32') 16'-11"

Give a detailed description of the work you are proposing and why it will require a variance (Attach additional sheets if necessary)
REPLACE AN EXISTING PORCH ON A RESIDENTIAL PROPERTY. PROPOSED PORCH WILL BE THE SAME FOOTPRINT AS EXISTING PORCH, BUT WILL BE COVERED BY A ROOF. BASEMENT UNDERNEATH PORCH TO REMAIN, DECAYED PORTIONS OF WALL TO BE REMOVED AND REPLACED.



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Section 1 - VARIANCE REQUEST con't

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.

1. 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.

THIS PROPERTY IS SITUATED IN BETWEEN SIMILAR SINGLE FAMILY RESIDENTIAL PROPERTIES AND MULTI-FAMILY PROPERTIES. THE DIFFERENCES BETWEEN THE MULTI-FAMILY AND SINGLE-FAMILY SETBACKS PULLS THE AVERAGE SETBACK FROM THE EXISTING PORCH FOOTPRINT.

2. That the alleged hardships are 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 PROPOSED PORCH IS SIMILAR TO EXISTING PORCHS ON ADJACENT SINGLE FAMILY RESIDENCES, FAILURE TO GRANT THE VARIANCE WILL REQUIRE A CHOICE BETWEEN LEAVING AN EXISTING UNIMPROVED PORCH OR PROPOSING A LESS DESIRABLE DESIGN THAT IS OUT OF CHARACTER WITH THE EXISTING NEIGHBORHOOD'S SINGLE FAMILY RESIDENCES AND WOULD REQUIRE MAJOR CONSTRUCTION DUE TO THE BASEMENT BELOW.

3. 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 PROPOSED PORCH WILL BE THE SAME SIZE AS THE EXISTING PORCH AND ALLOWANCE OF THE VARIANCE WILL HAVE NO NEGATIVE EFFECTS UPON NEIGHBORING PROPERTIES WHILE ALLOWING REASONABLE IMPROVEMENTS TO THIS PROPERTY.

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

THIS PROPERTY WAS BUILT IN 1915 PRIOR TO THE CURRENT ZONING REGULATIONS, THE PROPOSED PORCH IS DESIGNED TO MAINTAIN THE SETBACKS AS THEY WERE WHEN THE NEIGHBORHOOD WAS INITIALLY DEVELOPED.

5. 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, THE PROPOSED PORCH WILL ENHANCE THE CURRENT REASONABLE USE OF THE LAND AS A SINGLE FAMILY RESIDENCE.



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Section 2 – 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.

REQUIREMENT	EXISTING CONDITION	CODE REQUIREMENT
Lot Area		
Lot Width		
Floor Area Ratio		
Open Space Ratio	N/A	
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:



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VARIANCE FROM THE ANN ARBOR CITY CODE TO A NON-CONFORMING STRUCTURE

I, the applicant, hereby request that permission be granted from the above named Chapter and Section of the Ann Arbor City Code in order to permit: **N/A**

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:

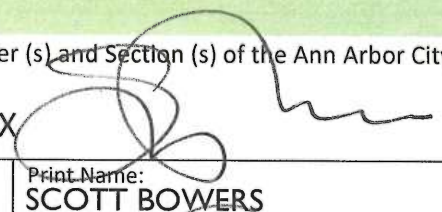
- One (1) hardcopy and one (1) electronic copy shall be submitted.
- The electronic copy shall include all associated supporting documentation with application submission.

- 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.

ACKNOWLEDGEMENT

I, the applicant, hereby 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.


Phone number:
734-975-2400

Signature: 

Email address:
SCOTTB@BOWERSARCH.COM

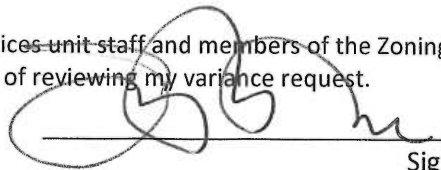
Print Name:
SCOTT BOWERS

I, applicant, hereby depose and say that all the aforementioned statements, and the statements contained in the materials submitted herewith, as true and correct.



Signature

Further, I hereby give the City of Ann Arbor Planning and 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

1106 MICHIGAN AVENUE
PRIVATE RESIDENCE
ANN ARBOR, MICHIGAN



ZONING BOARD OF APPEALS APPLICATION



EXISTING RESIDENCE



NEIGHBORING PROPERTIES



PROPOSED RENDERING



PROPOSED RENDERING



LOCATION MAP

CERTIFIED SURVEY

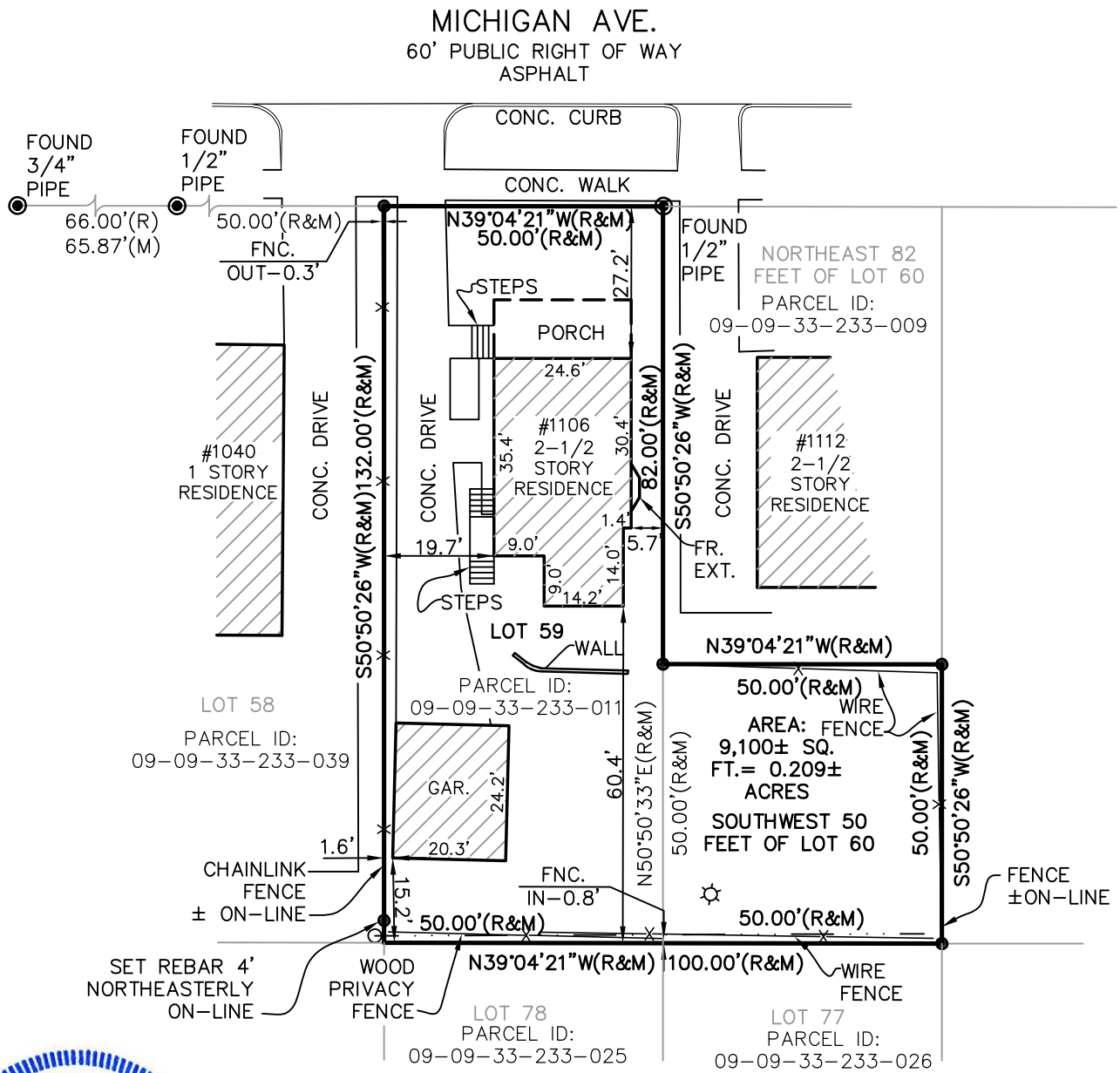
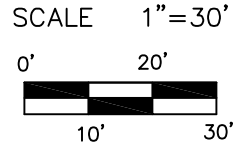
PROPERTY DESCRIPTION:

THE LAND SITUATED IN THE CITY OF ANN ARBOR, COUNTY OF WASHTENAW, STATE OF MICHIGAN, IS DESCRIBED AS FOLLOWS:

LOT 59 AND THE SOUTHWEST 50 FEET OF LOT 60 OF MILLER'S ADDITION SUBDIVISION, AS RECORDED IN LIBER

NOTE:

1. A CURRENT TITLE POLICY HAS NOT BEEN FURNISHED AT TIME OF SURVEY, THEREFORE EASEMENTS AND/OR ENCUMBRANCES AFFECTING SUBJECT PARCEL MAY NOT BE SHOWN.
2. DUE TO SNOW COVER AT TIME OF SURVEY, SOME SURFACE LEVEL FEATURES MAY NOT BE SHOWN.



LEGEND

- SET 1/2" REBAR WITH CAP, #32341
- ⊙ FOUND MONUMENT (AS NOTED)
- (M) MEASURED DIMENSION
- (R) RECORD DIMENSION

I HEREBY CERTIFY THAT I HAVE SURVEYED THE LAND HEREIN PLATTED AND DESCRIBED AND THAT THE RATIO OF CLOSURE MEETS THE REQUIREMENTS OF PUBLIC ACT 132 OF 1970.

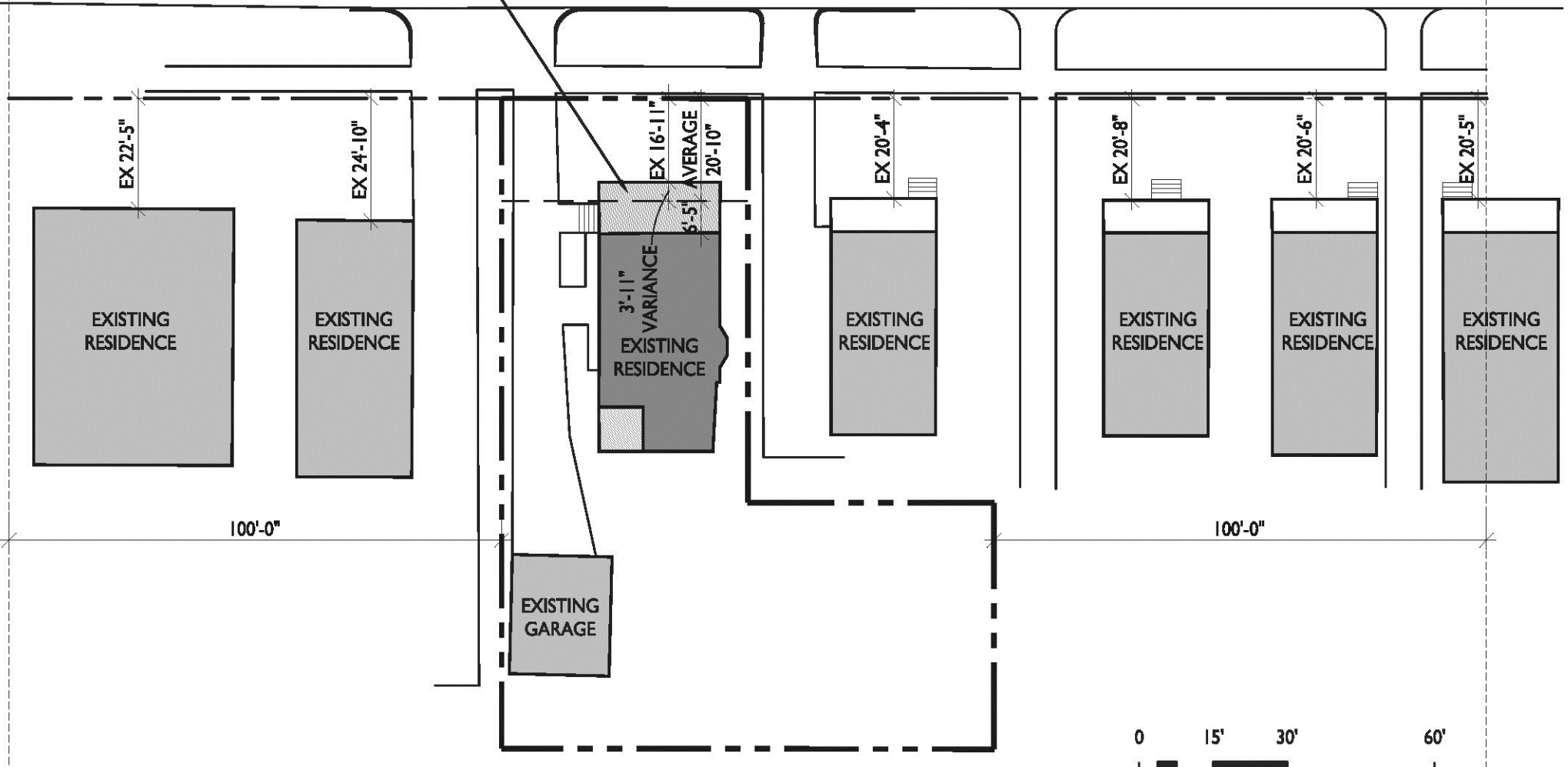
Thomas G. Smith

THOMAS G. SMITH, P.S. NO. 32341

<b style="font-size: 1.2em;">KEM-TEC & ASSOCIATES 22556 GRATIOT AVE. EASTPOINTE, MI 48021 PROFESSIONAL SURVEYORS - PROFESSIONAL ENGINEERS (586)772-2222 * FAX (586)772-4048	
CERTIFIED TO: BEZTAK	
FIELD SURVEY: TS PM	DATE: FEBRUARY 22, 2018
DRAWN BY: DB	SHEET: 1 OF 1
SCALE: 1" = 30'	JOB NO.: 18-00366

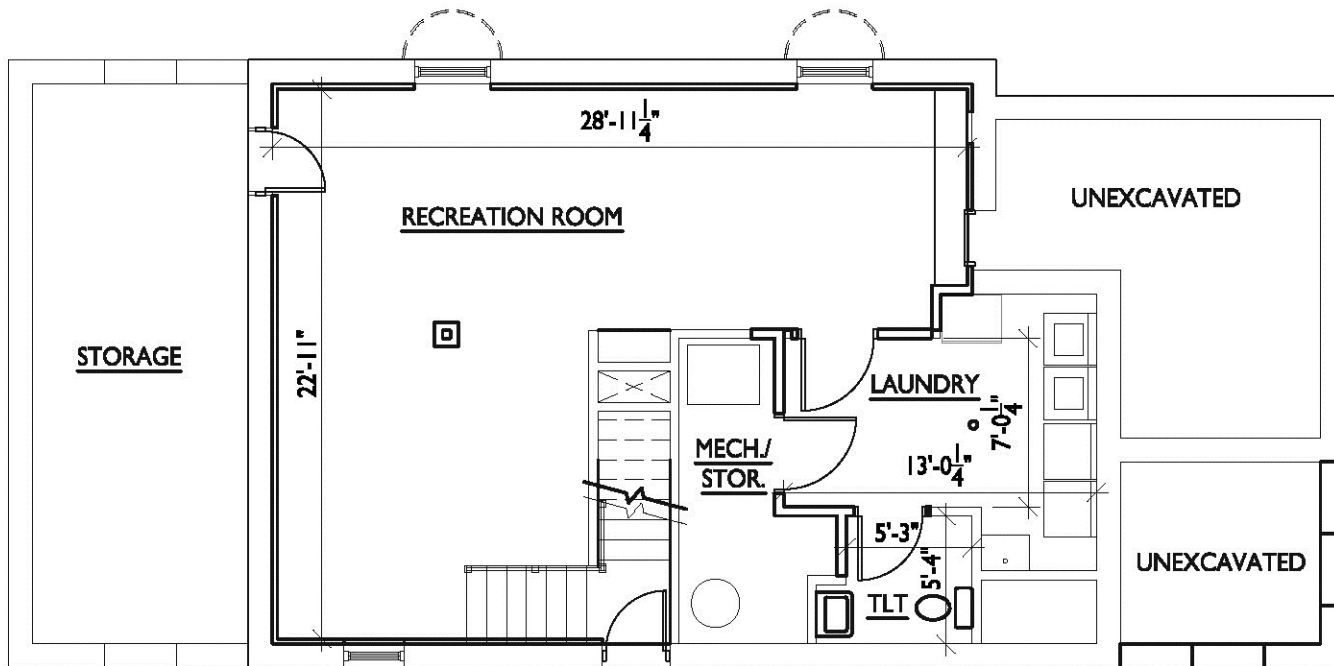
PROPOSED COVERED
PORCH ON EXISTING
PORCH FOOTPRINT - TYP.

MICHIGAN AVE



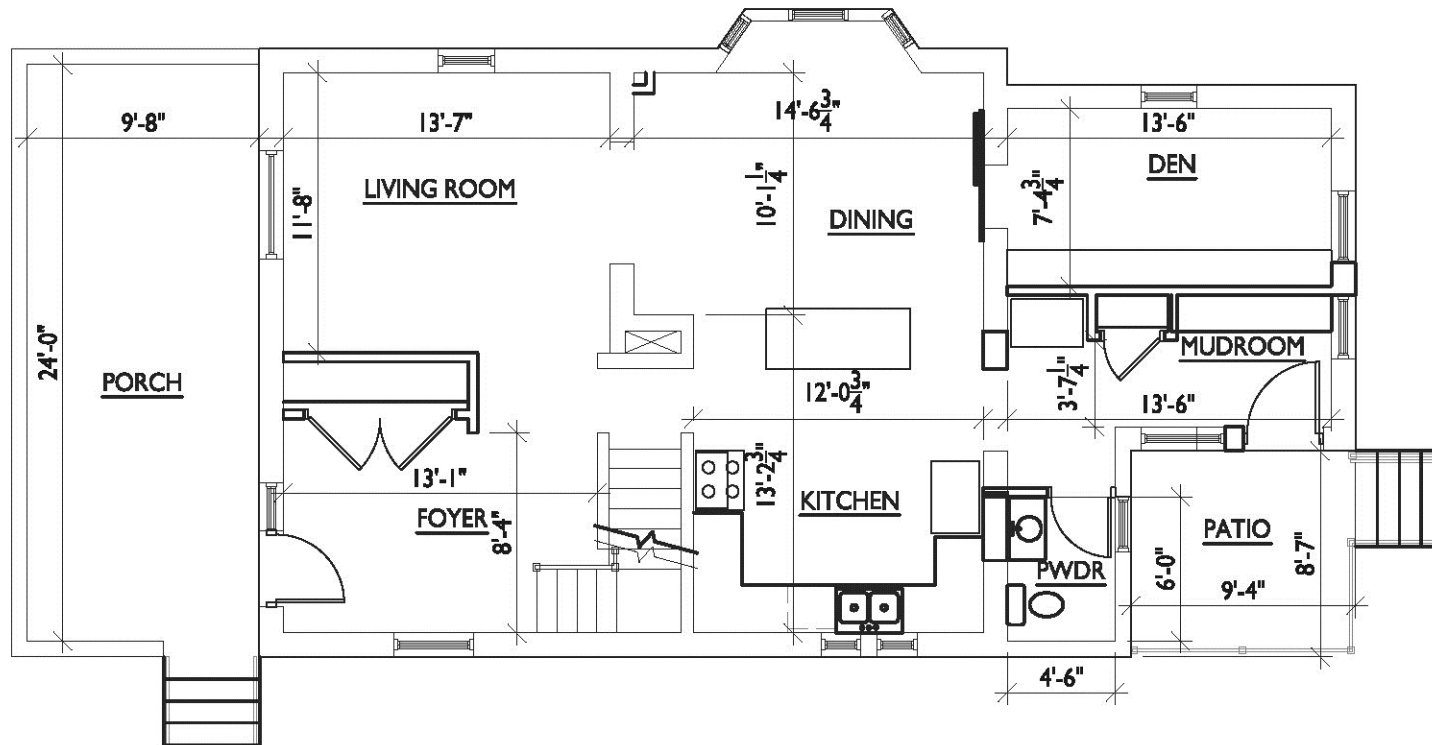
SCALE: 1" = 30'

SITE PLAN



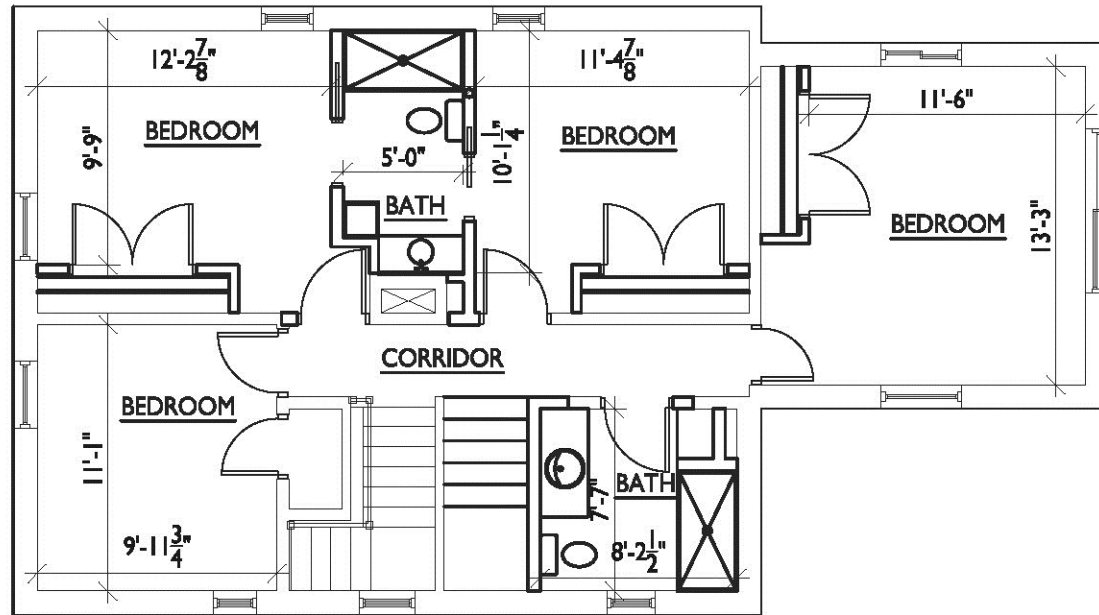
SCALE: 1/8" = 1'-0"

BASEMENT FLOOR PLAN



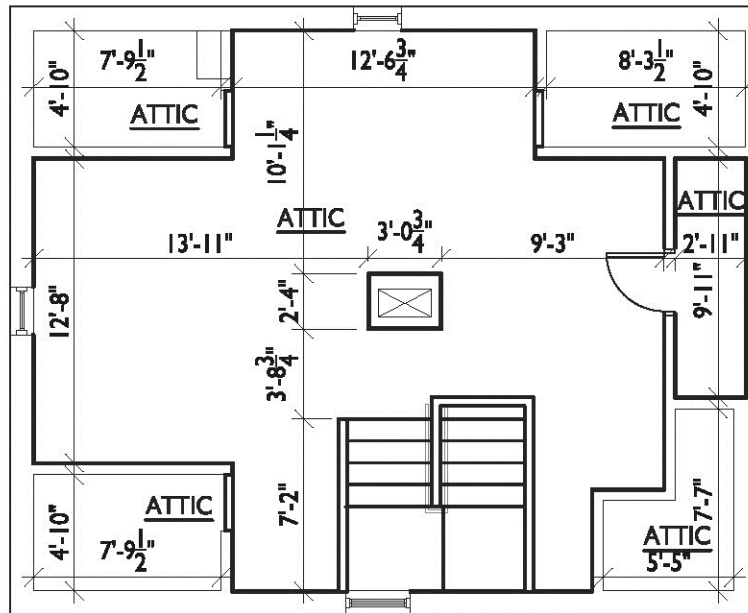
SCALE: 1/8" = 1'-0"

GROUND FLOOR PLAN



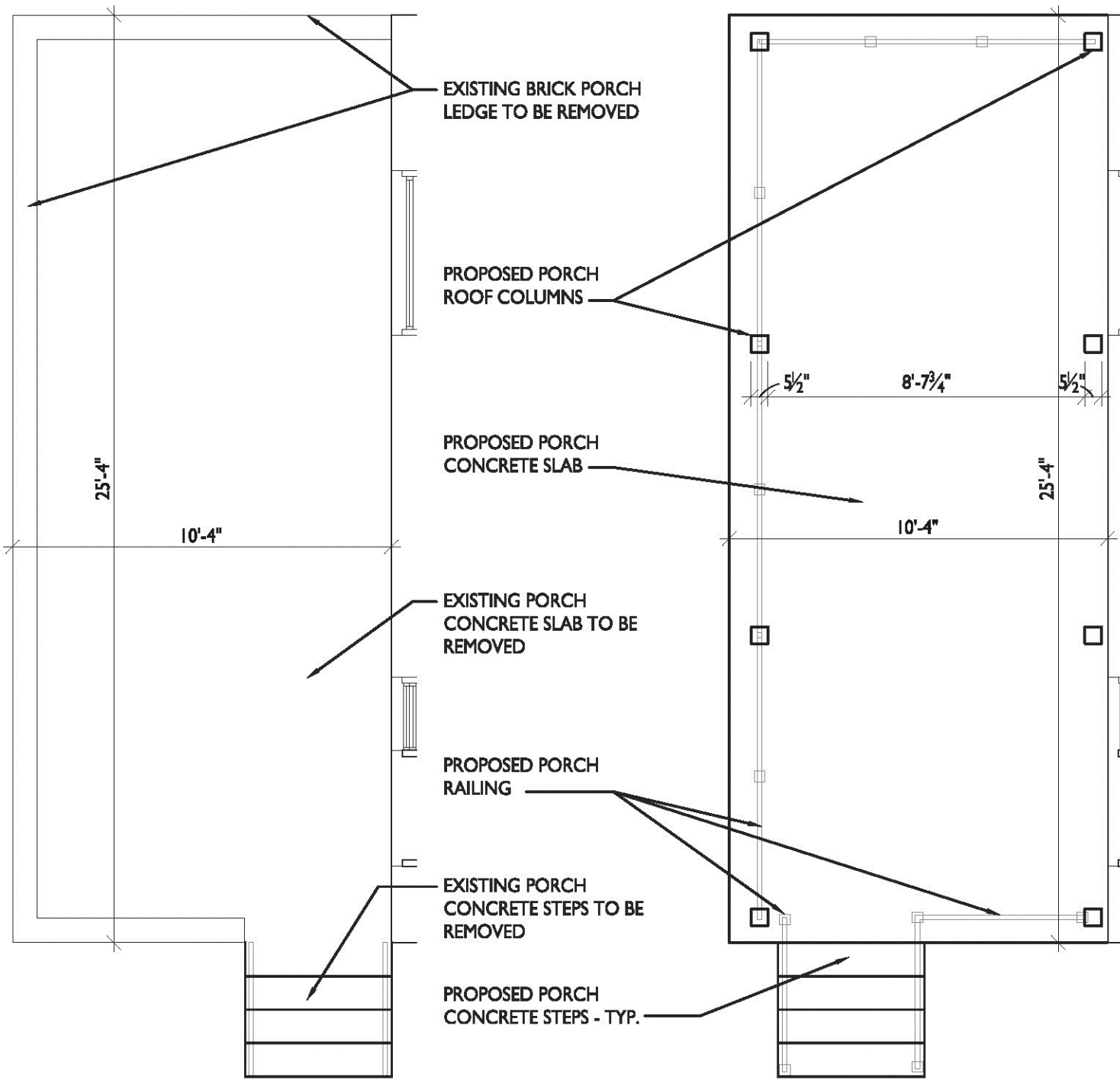
SCALE: 1/8" = 1'-0"

SECOND FLOOR PLAN



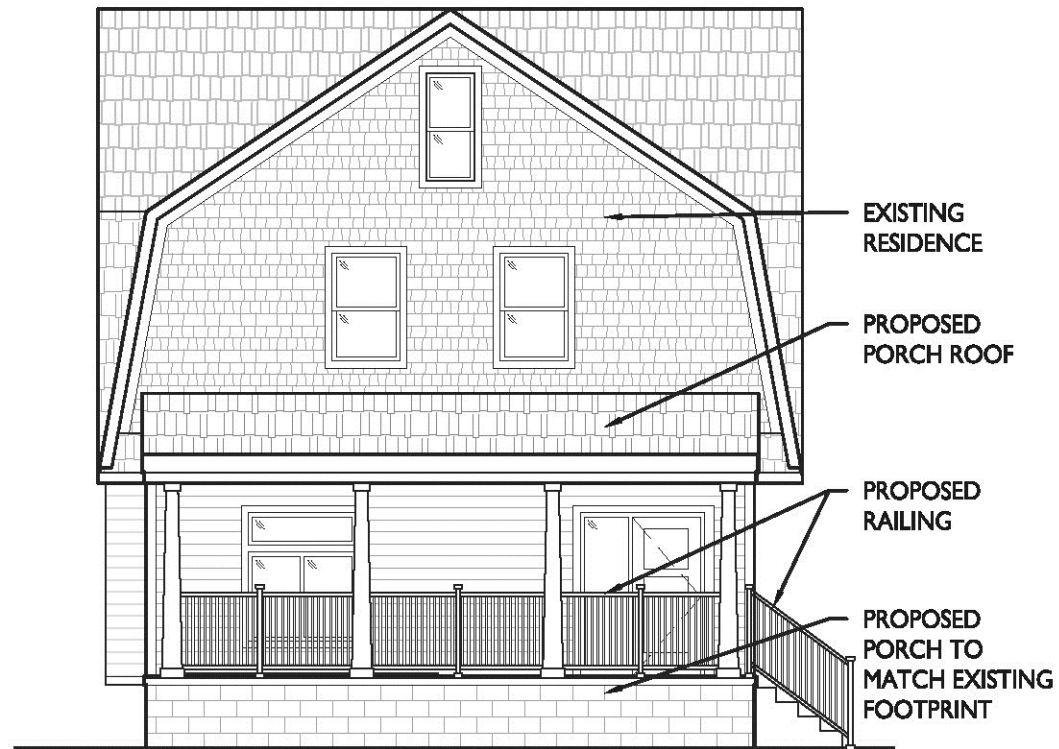
SCALE: 1/8" = 1'-0"

ATTIC FLOOR PLAN



EXISTING PORCH PLAN

PROPOSED PORCH PLAN



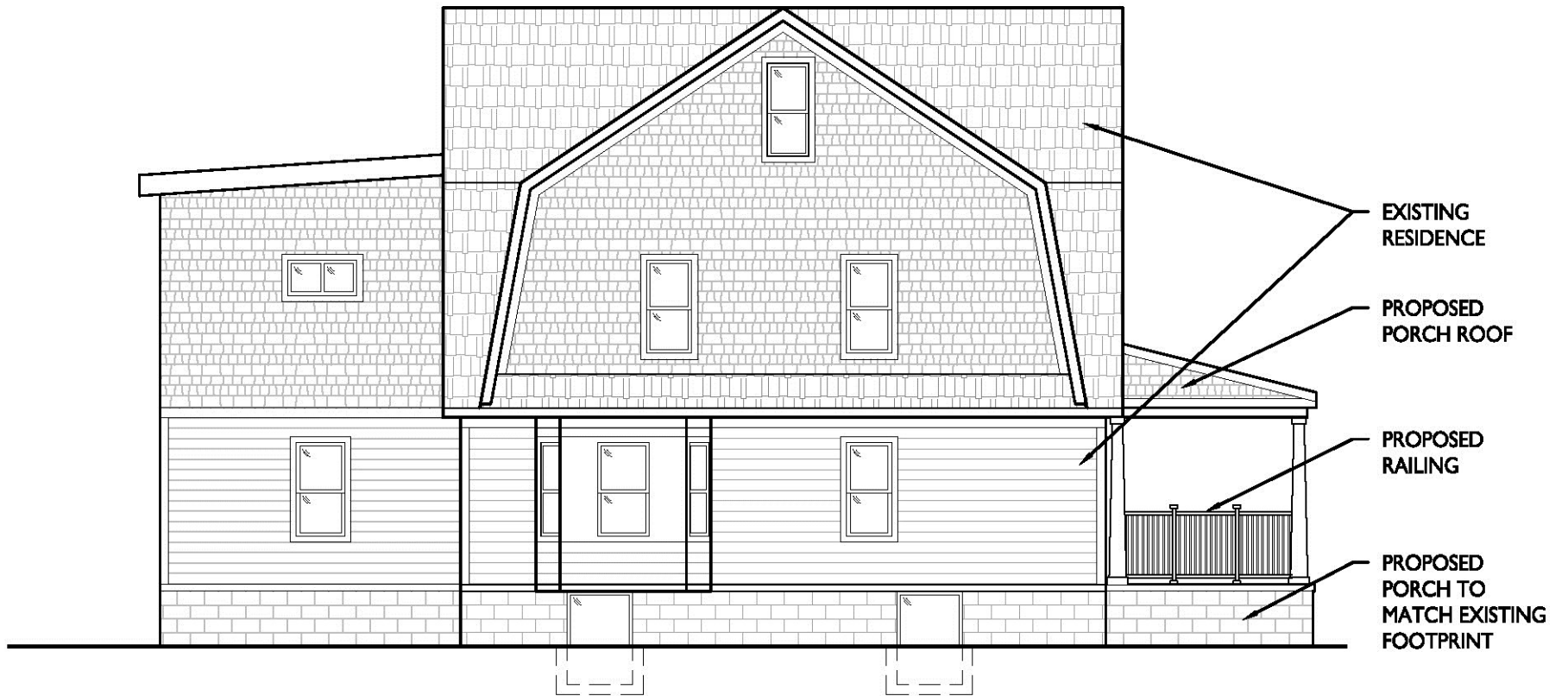
SCALE: 1/8" = 1'-0"

PROPOSED FRONT ELEVATION



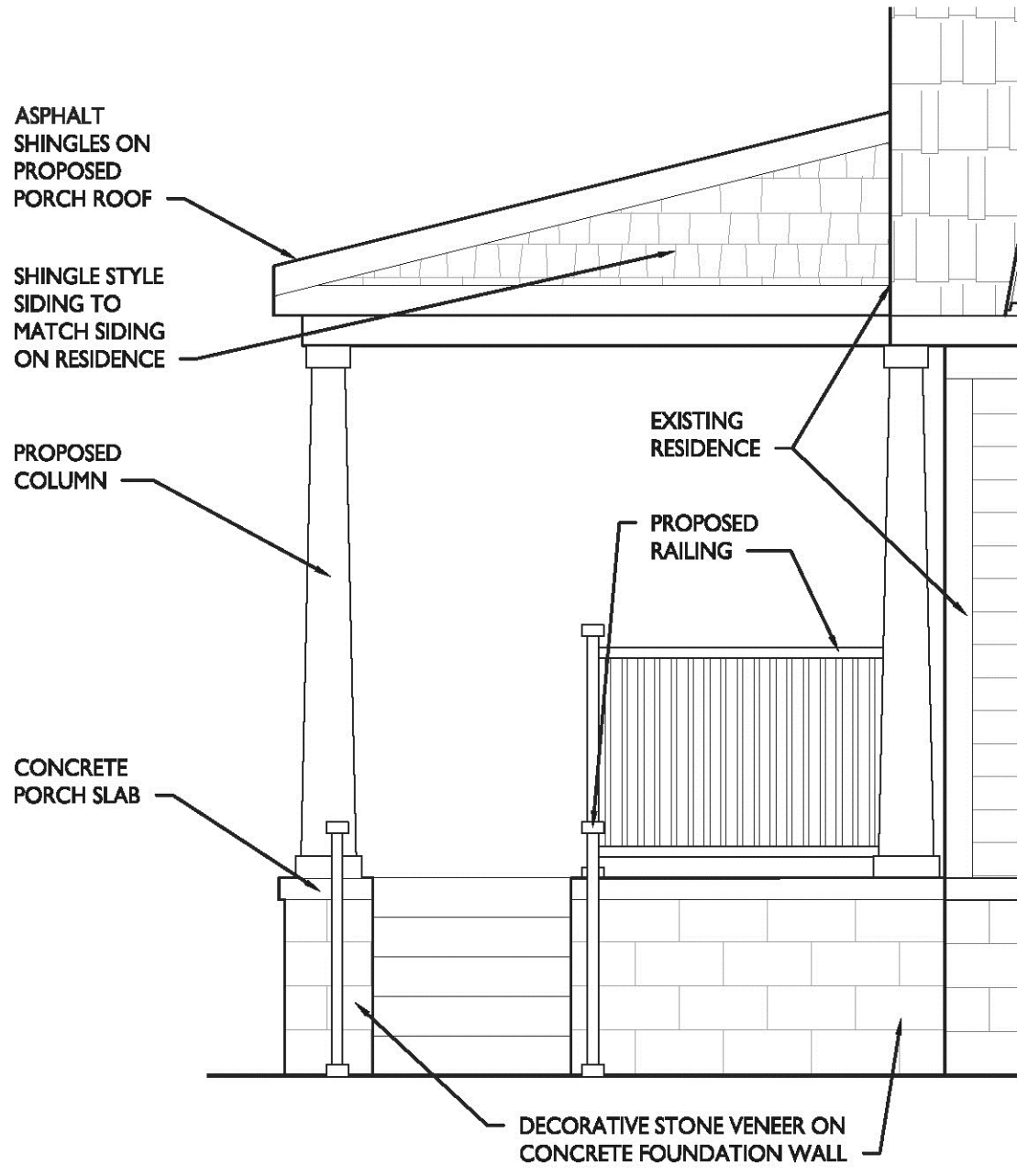
SCALE: 1/8" = 1'-0"

PROPOSED SIDE ELEVATION



SCALE: 1/8" = 1'-0"

PROPOSED SIDE ELEVATION



PROPOSED SIDE ELEVATION

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ZONING BOARD OF APPEALS APPLICATION

