

**Zoning Board of Appeals
February 24, 2016 Regular Meeting**

STAFF REPORT

Subject: ZBA15-026; 211 West Davis Street

UPDATE

This request was postponed at the December 16, 2015 and the January 27, 2016 ZBA meetings in order for the petitioner to address concerns expressed by Board members regarding the front setback distance request. The petitioner responded by increasing the proposed setback from 1 foot 4 inches originally proposed to 14 feet 7 inches. This setback is consistent with the front setback of the proposed condominium development immediately adjacent to the west.

Summary

Dan Williams (Maven Development) is requesting 3 variances from Chapter 55 (Zoning) Section 5:28 (R1C) in order to re-construct an existing non-conforming structure. The structure will be a single-family dwelling upon completion.

- 1) Front yard setback variance of 10 feet 5 inches to allow a 14 foot 7 inch front setback along West Davis.
- 2) Side yard setback (west) variance of 3 feet 7 inches to allow a 1 foot 5 inch side setback.
- 3) Rear yard setback variance of 25 feet to allow a 5 foot rear setback.

Description and Discussion

The subject 3,840 square foot building is zoned R4C, however single-family structures in the R4C zoning district are subject to the R1C zoning standards (Chapter 55, Section 5:10.8(2) (c). The subject parcel is nonconforming for lot area, subject parcel is 4,965 square feet and the minimum conforming parcel size for R1C is 7,200 square feet. The building was built in approximately 1910 and is currently vacant. The first historical records dated 1925 indicate that the building was used for a garage to store 20 cars. Other uses after that included car storage and limited warehousing. All documented uses of the building were not permitted uses within the R1C (or R4C) residential zoning district.

The petitioner intends to use this property as a single-family home, which is a conforming use

in the R4C District. In order to use the property as single-family, the petitioner would like to re-construct the majority of the existing building. The building would be re-constructed on almost the exact same footprint as the existing building with the exception of the rear and front walls. The rear wall is currently 1 foot four inches inside the property line and will be moved to 5 feet from the rear property line. The front wall is on the property line and will be moved 14 feet 7 inches inside the front property line which is consistent with the proposed condominium building adjacent to the west.

A garage and open court yard will be incorporated into the front of the building. The garage will provide two off-street parking spaces; one parking space is required by City Code. The remaining area of the building, approximately 2,160 square feet will be converted to a home including a kitchen, living area, two bedrooms and two bathrooms.

The existing single-story building is non-conforming for three of the required four setbacks as the building occupies the majority of the square-shaped parcel. There is currently zero setback for the front (West Davis) and one foot five inch setback for the west side and one foot four inch setback for the rear. At this point, it has not been determined the exact extent of what will be replaced, however it has been determined that enough of the structure will be replaced that it will exceed the changes permitted under Chapter 55, Section 5:87 (Structure non-conformance). As such, the petitioner is required to seek variances in order to re-construct the building with a slightly modified footprint.

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 structure is legal non-conforming and was constructed in 1910 before zoning regulations were adopted. It had been historically used as a garage and storage building. The structure was constructed occupying the majority of the parcel with little or no minimum setbacks to the property line. The subject parcel is non-conforming for lot size (4,965 square feet, minimum R4C lot size is 8,500 square feet) and is a relatively shallow (65 feet deep) square shape.

- (b). *That the practical difficulties 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 existing structure is in need of restoration and replacement of many structural elements. Any re-use of the building will likely require extensive restoration and ZBA permission. The small size and shallow depth shape, limit the buildable area of the parcel.

If the variances are not granted, the petitioner could try and repair and re-use the existing walls, but would be limited to a replacement value of less than 75% of the appraised value of the structure. Any re-use of the building for a non-conforming use would require ZBA approval to allow re-establishment of a non-conforming use.

- (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.***

Approval of the variances will result in the re-construction of an existing non-conforming structure. The structure was constructed in 1910 before any zoning standards were established and has been an established part of the neighborhood street presence since that time. The proposed single-family use is a conforming use in the R4C district and should be less detrimental to surrounding properties than the previous non-conforming uses.

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

The existing building is a legal non-conforming structure and was constructed before zoning standards were established. The existing single-story building is non-conforming for all required setbacks, except the east side, as the building occupies the majority of the parcel. The building could be demolished and a new single-family home could be constructed on the parcel.

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

The variances are being requested in order to re-construct a non-conforming structure. The structure was reduced in size slightly, to reduce the front and rear variances that are being requested. The petitioner is planning on re-using historical structural elements which necessitate a similar size to the original structure.

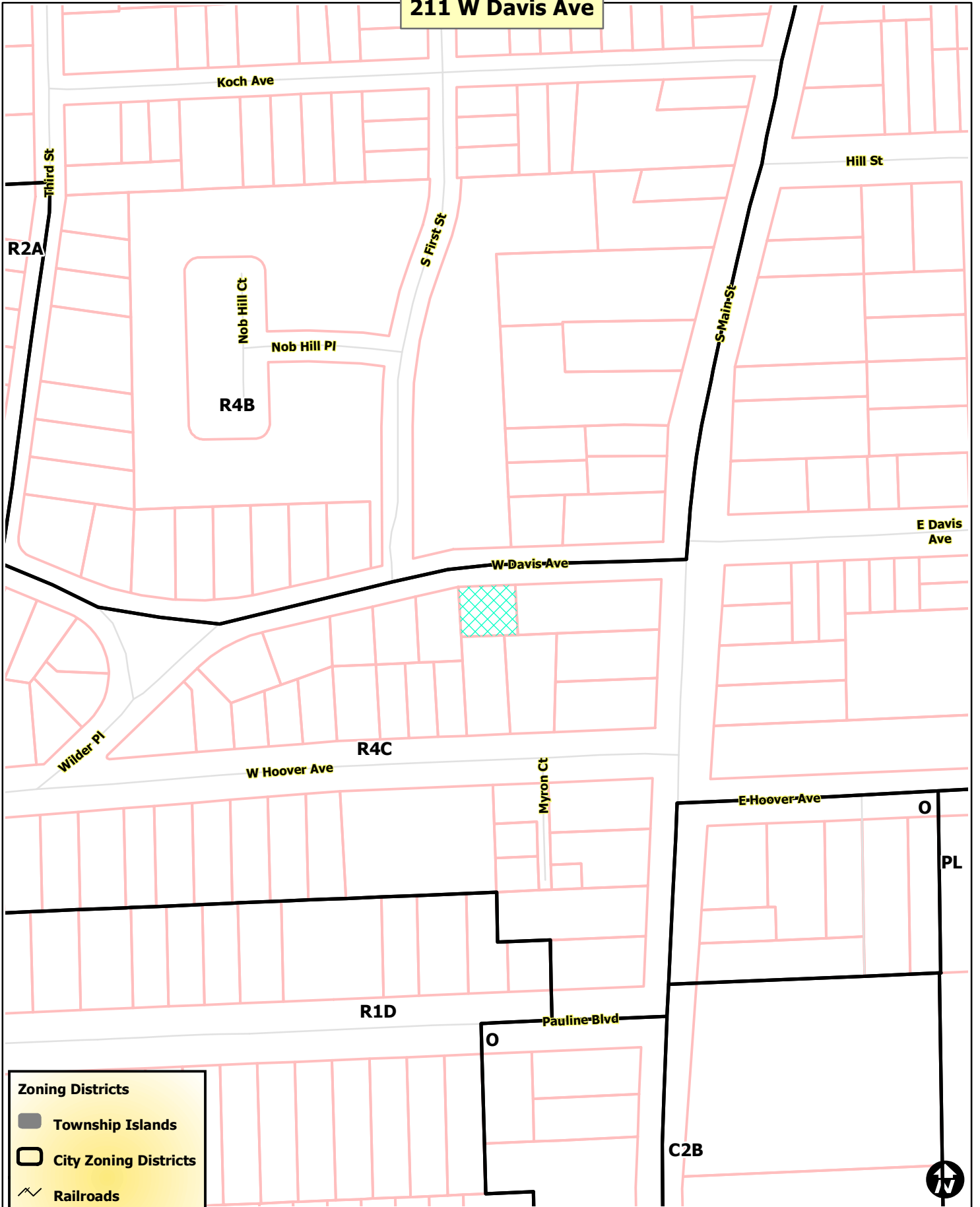
Zoning Board of Appeals
Variance
REVISED February 24, 2016 - Page 4

Respectfully submitted,


A handwritten signature in black ink, appearing to read 'M. Kowalski', with a small mark to the right.

Matthew J. Kowalski, AICP
City Planner

211 W Davis Ave



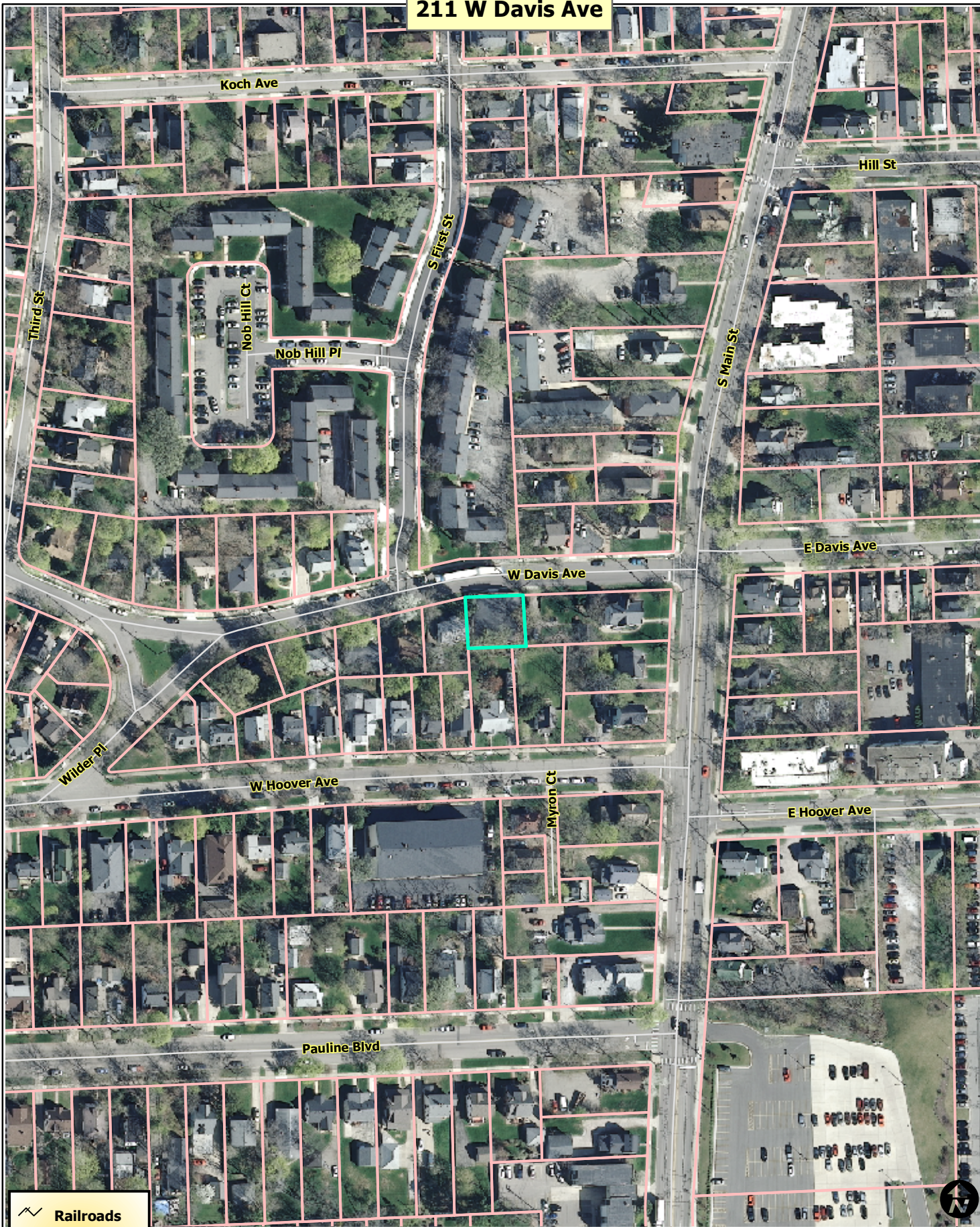
Zoning Districts

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



Map date 11/19/2015
 Any aerial imagery is circa 2012
 unless otherwise noted
 Terms of use: www.a2gov.org/terms

211 W Davis Ave



-  Railroads
-  Parcels
-  Huron River





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211 W Davis Ave



-  Railroads
-  Parcels
-  Huron River



Map date 11/19/2015
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MEMORANDUM

DATE: Nov 18, 2015 (REVISED Feb 17, 2016)
TO: Mat Kowalski City of Ann Arbor Planning.
FROM: Marc M Rueter AIA
PROJECT: 211, West Davis Street Ann Arbor, Mi
RE: Variances for reconstructing existing walls of a nonconforming structure.

Section 1: Applicant Information

Name of Applicant: **Maven Development LLC**
Address of Applicant: **544 Detroit Street, #1, Ann Arbor, MI 48104**
Daytime Phone: **734 945 3603**
Fax:
Email: **dan@mavendevlopment.com**
Applicant's Relationship to Property: **Owner**

Section 2: Property Information

Address of Property: **211 West Davis Street**
Zoning Classification **R4C**
Tax ID# : **09-09-32-205-004**
Name of Property Owner: **Maven Development LLC**

Section 3: Request Information

Variances

Three Variances are required: front setback, west side setback and rear setback.

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

Required dimension:

PROPOSED dimension:

Section 5:87 (1) (a) & (b) front: 25', sides: 5 ft, rear 30 ft, front: 14'7" sides: 1'5" & 12'6", rear: 1' 4"
(using R1C zoning)

Give a detailed description of the work you are proposing and why it will require a variance (attach additional sheets if necessary)

The intent of this project is to recreate an unusual neighborhood landmark, an early 20th century warehouse. The building will be recreated as a single-family residence. This is a unique property with the building occupying almost the entire site and having virtually no front or rear setback. The deteriorating building's walls are constructed structural clay tile units. The building was constructed on inadequate foundations with inadequate or no reinforcing. The rear wall is collapsing from soil pressure. See attached architectural drawings for a further description.

Section 4: Variance Request

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?

This property is one of the unique properties in the City. It is similar in character to many of the older mercantile store-fronts attached to single family houses in the Old West Side and in the Water Hill Neighborhood built before the advent of modern zoning.

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

Complying with the ordinance would require the construction of a different building type resulting in the loss of a neighborhood landmark.

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

Granting the variance would allow for the reconstruction of what is presently a deteriorating and dangerous building. It would turn an unoccupied storage building into a new unusual single family residence.

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 property is very small and would require multiple variances for the construction of a residence and required parking. The property slopes up steeply to the rear making the rear yard unusable even for a replacement single family residence.

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

The condition is not self-imposed as the building was built many years ago in the early 20th century.

Section 5: Alteration to a Non-Conforming Structure

Current use of the property:

Storage

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:

	Existing Condition	Code Requirement
Lot area	4945 sf	use R1C zoning-7200 sf
Lot width:	75 sf	use R1C zoning-60 ft
Floor area ratio:	81%	not applicable

Open space ratio	21%	
Setbacks:	front: 0', w. side: 1'5" e. side: 12'6", rear 1'4	front: 25', side: 5', rear: 30'
Parking Landscaping:	No parking	1 car for R1C
Other		

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

The proposal is to convert the existing structure into a single family dwelling of approximately 2160 square feet containing a one bedroom loft and bath. Two parking spaces will be provided within an enclosed garage.

The existing walls are collapsing and will be rebuilt on their present footprint but with an 14'7" front setback.

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:

The mass of the present building will be reduced along the sidewalk, a neighborhood eyesore will be eliminated, on-site parking will be provided and an unoccupied building will have a new single-family residential use.

Wherefore, Petitioner requests that permission be granted from the above named Chapter and Section of the Ann Arbor City Code in order to permit:

The renovation and partial reconstruction of a non conforming building.



Marc Rueter
Rueter Associates Architects

211 Davis Residence

211 West Davis Street, Ann Arbor, Michigan 48103

DRAWING INDEX ■ INDICATES DRAWINGS IN THIS SET

■ T-1 SITE PHOTOS AND TITLE PAGE

■ C-1 SURVEY
■ C-2 SITE PLAN

■ A-1 1ST FLOOR PLAN
■ A-2 2ND FLOOR PLAN
■ P-1 FRONT PERSPECTIVES
■ P-2 DETAIL PERSPECTIVES
■ P-3 CROSS SECTIONS



photo above:
Storage Warehouse at 211 W. Davis



photo above:
North Elevation of 211 W. Davis



photo above:
Rear Elevation of 211 W. Davis

Site Photos

No Scale

■ RUETER ASSOCIATES ■
ARCHITECTS

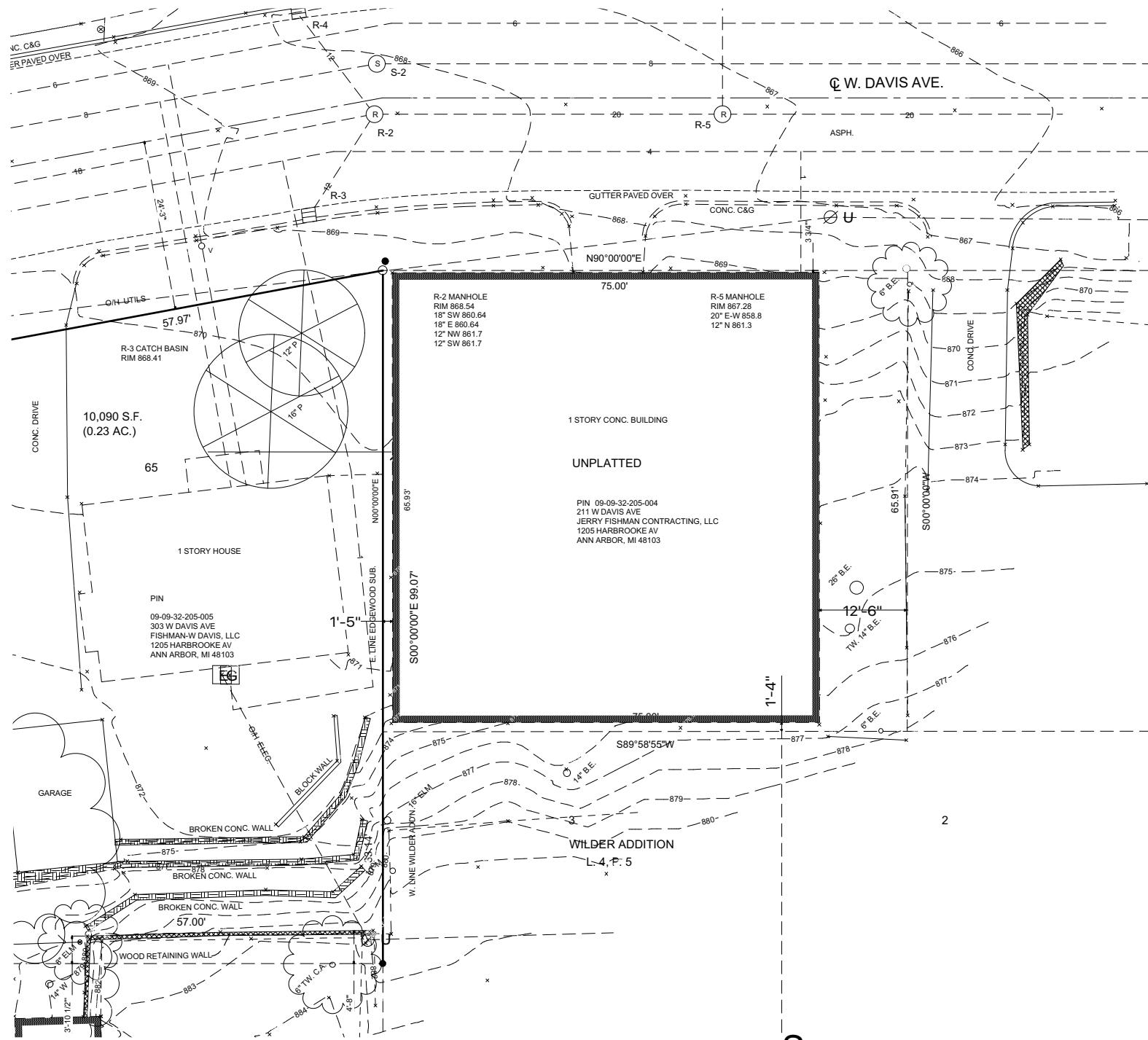
515 Fifth Street, Ann Arbor, Michigan 48103
phone: (734) 769-0070, fax: (734) 769-0167

211 WEST DAVIS STREET

Ann Arbor MI 48103

02.17.16

T1



Survey Scale : 1" = 20' 0"

■ RUETER ASSOCIATES ■
ARCHITECTS

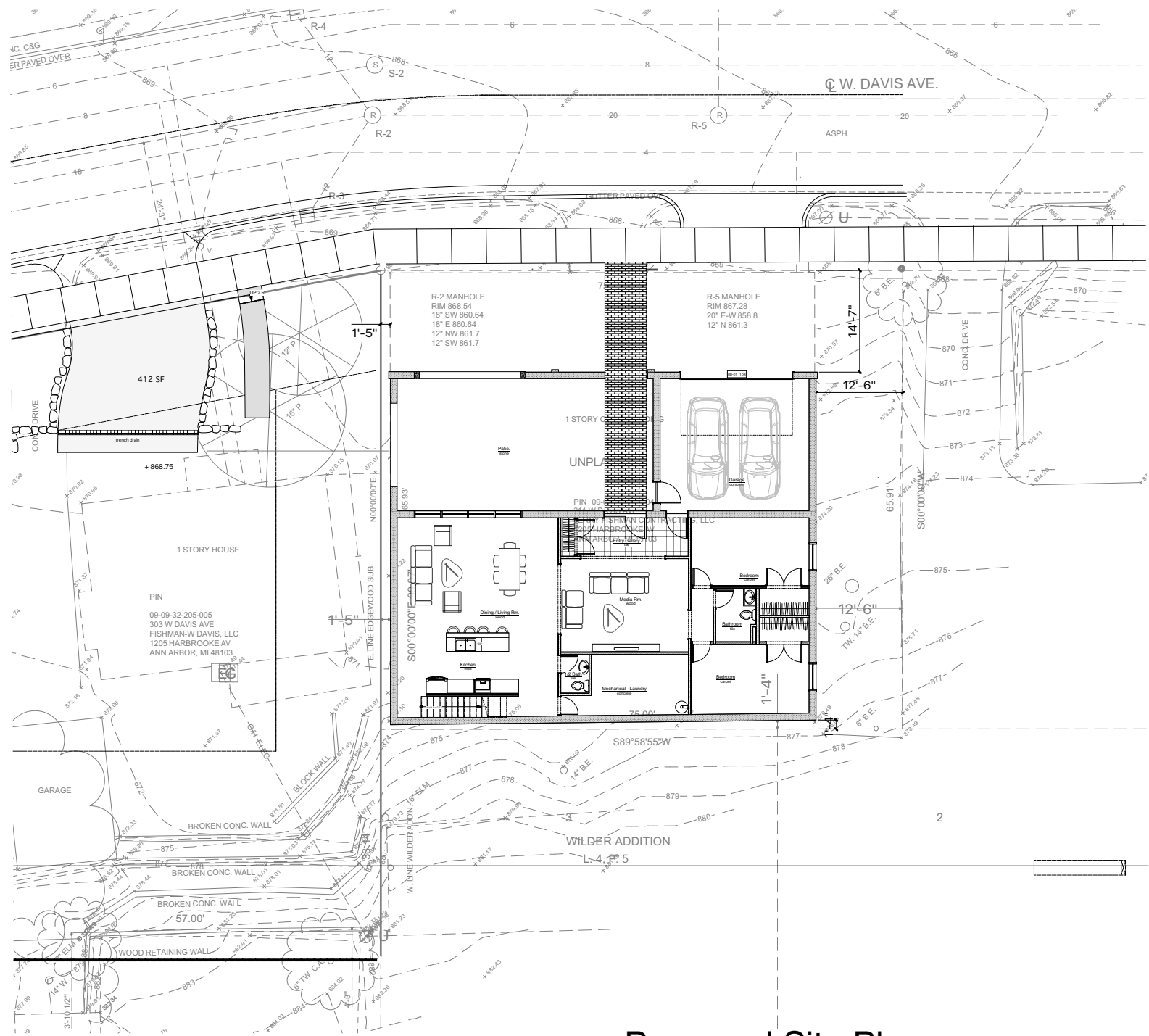
515 Fifth Street, Ann Arbor, Michigan 48103
phone: (734) 769-0070, fax: (734) 769-0167

211 WEST DAVIS STREET

Ann Arbor MI 48103

02.17.16

C1



Proposed Site Plan Scale : 1" = 20' 0"

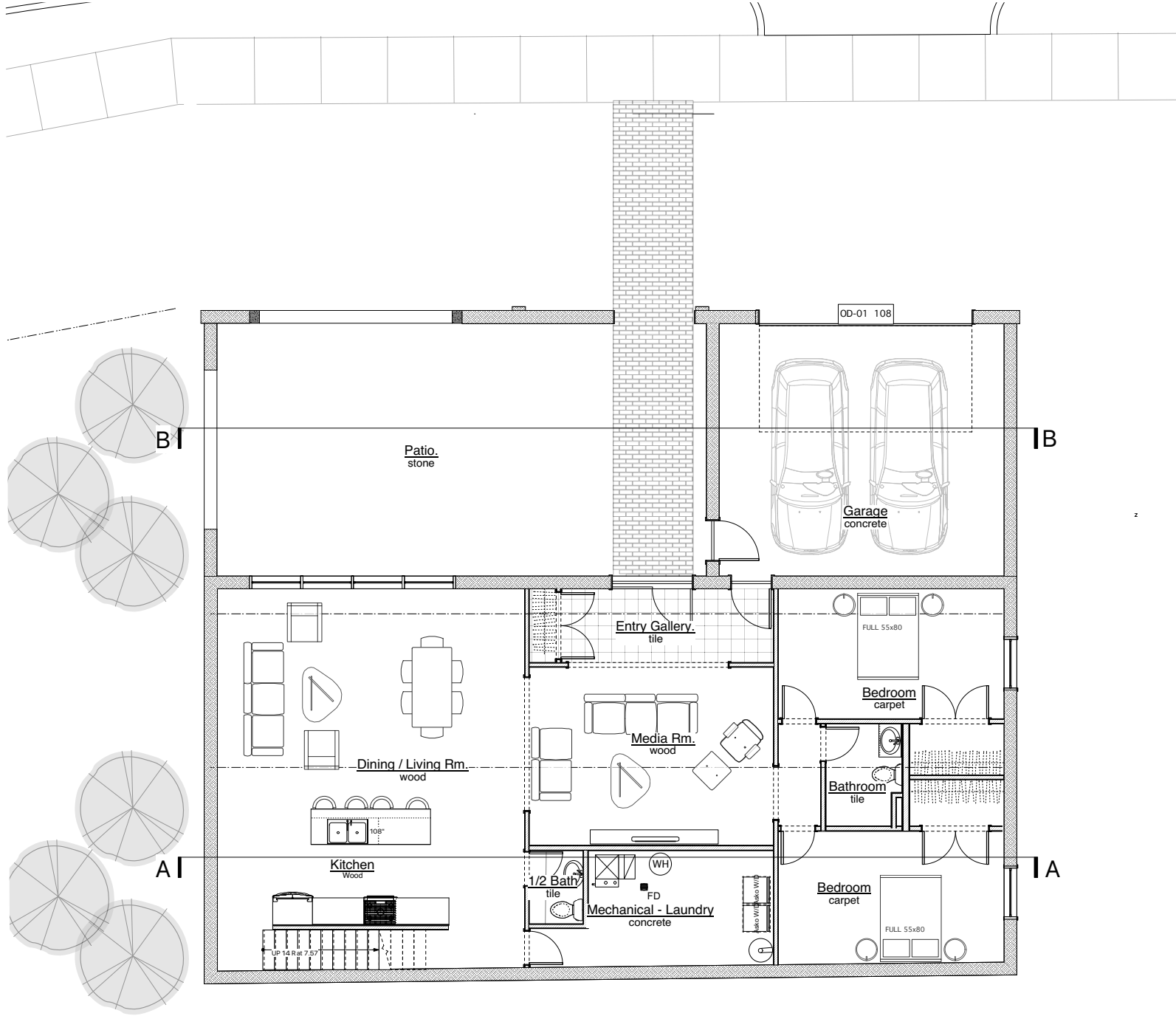
■ **RUETER ASSOCIATES** ■
ARCHITECTS

515 Fifth Street, Ann Arbor, Michigan 48103
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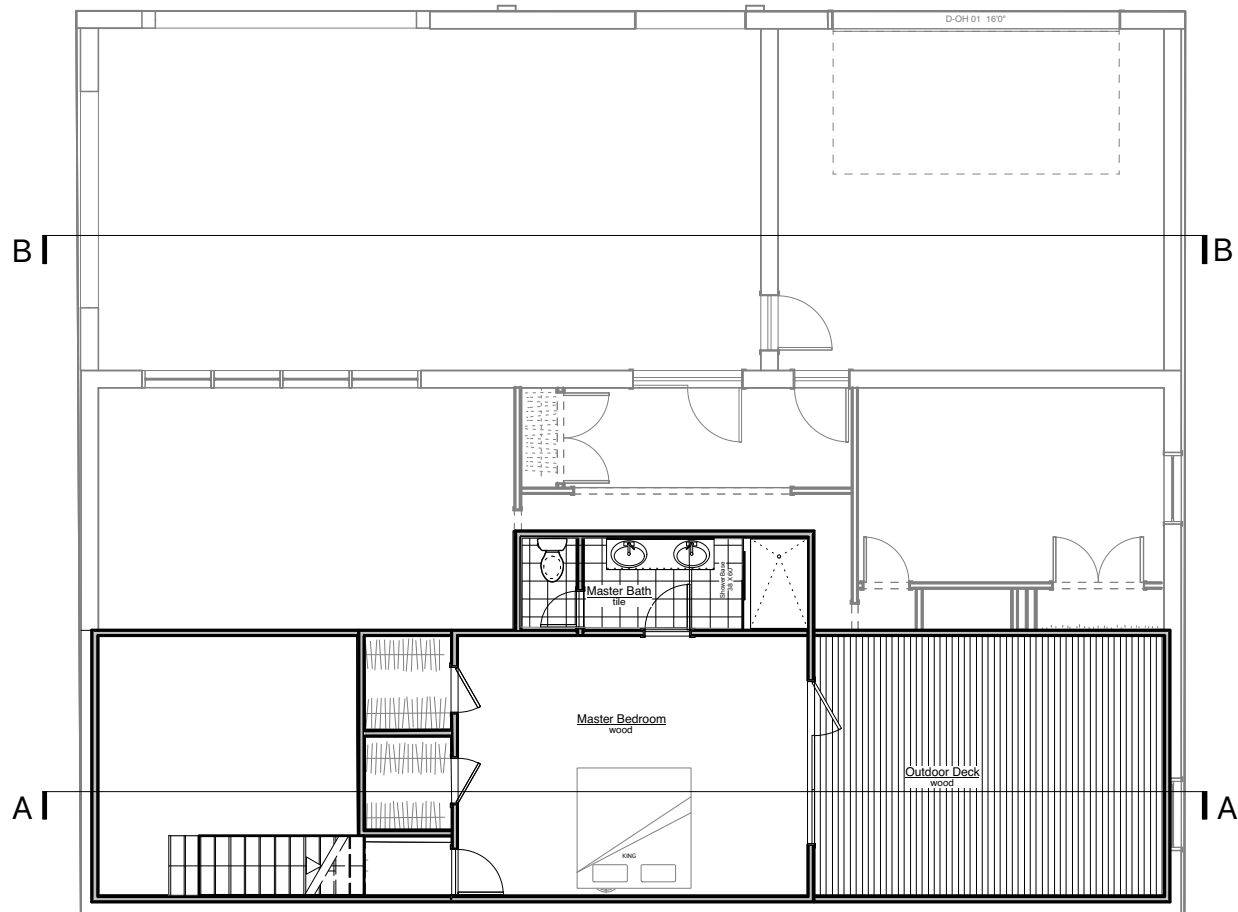
211 WEST DAVIS STREET 02.17.16

Ann Arbor MI 48103

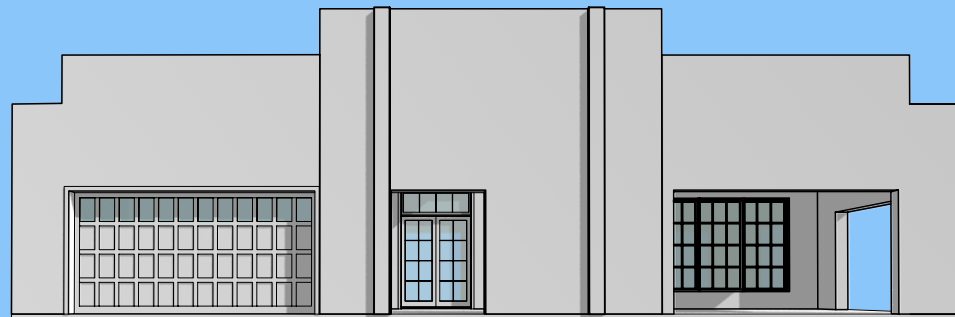
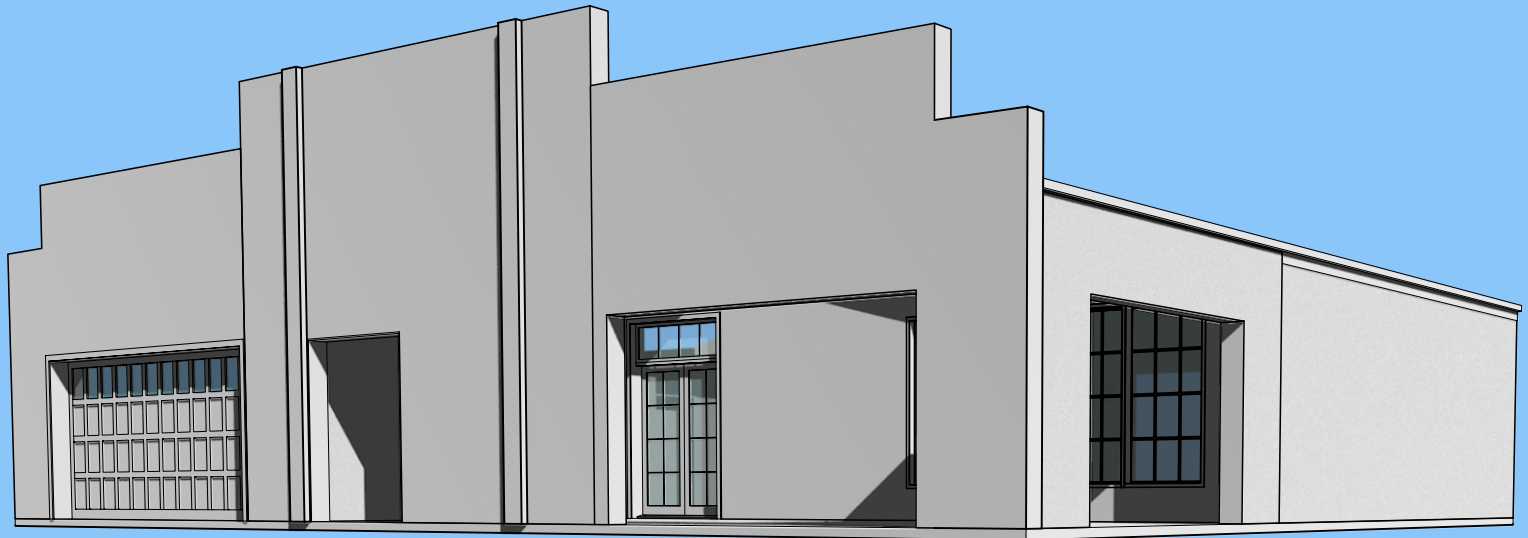
C2



First Floor Plan Scale : 3/32" = 1' 0"

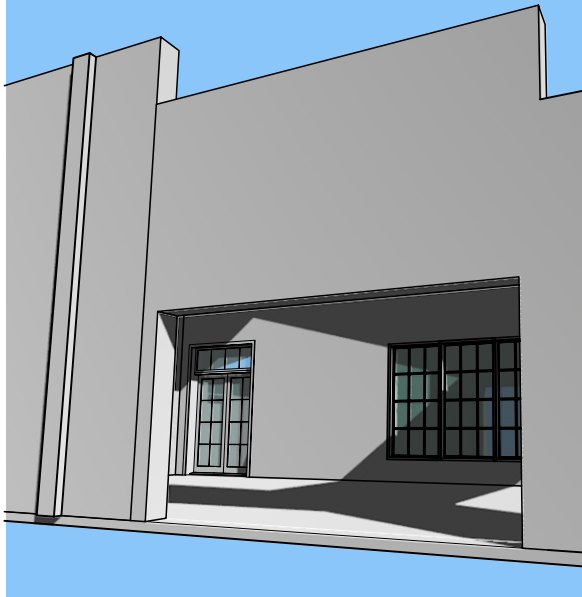
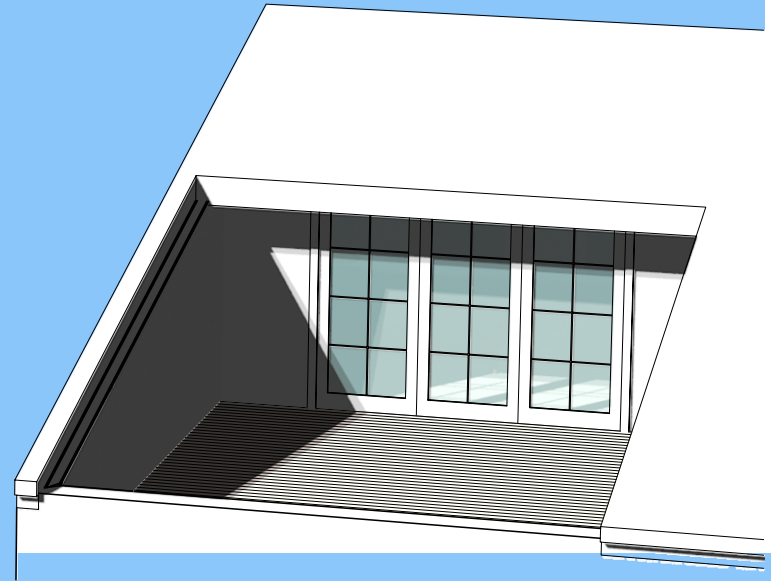
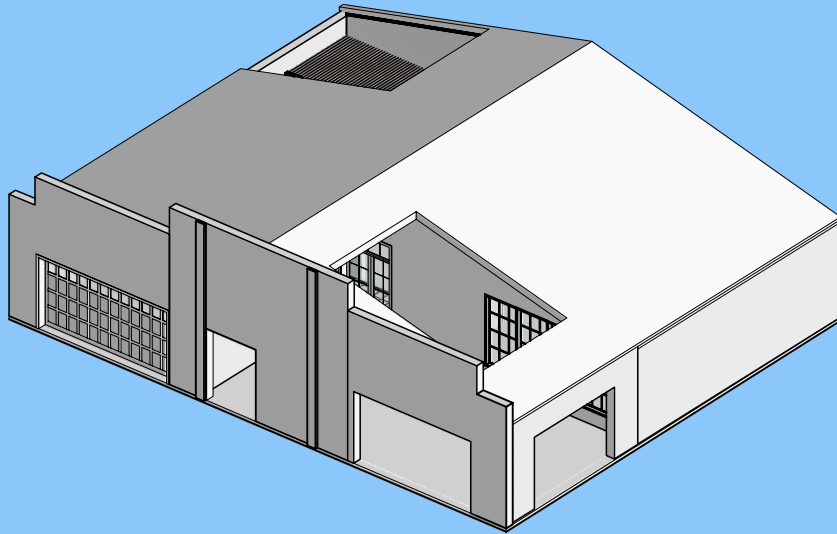


Second Floor Plan Scale : 3/32" = 1' 0"



Above: Perspective From Northwest

Left: North Perspective Elevation

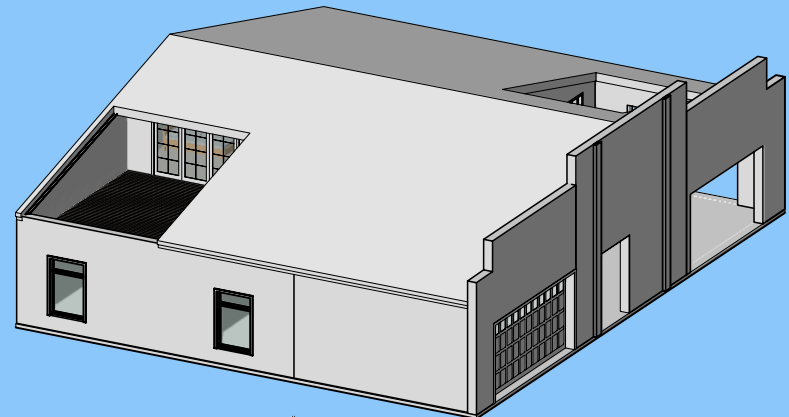


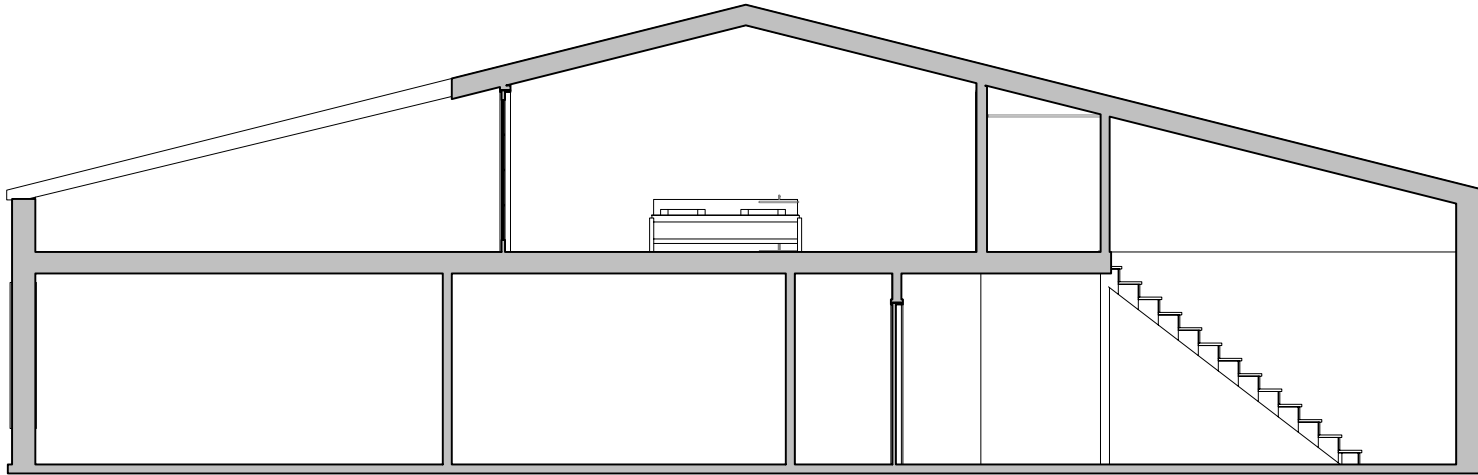
Above:
Birdseye
Perspective From
Northwest

Above Right:
Birdseye of Rear
Deck

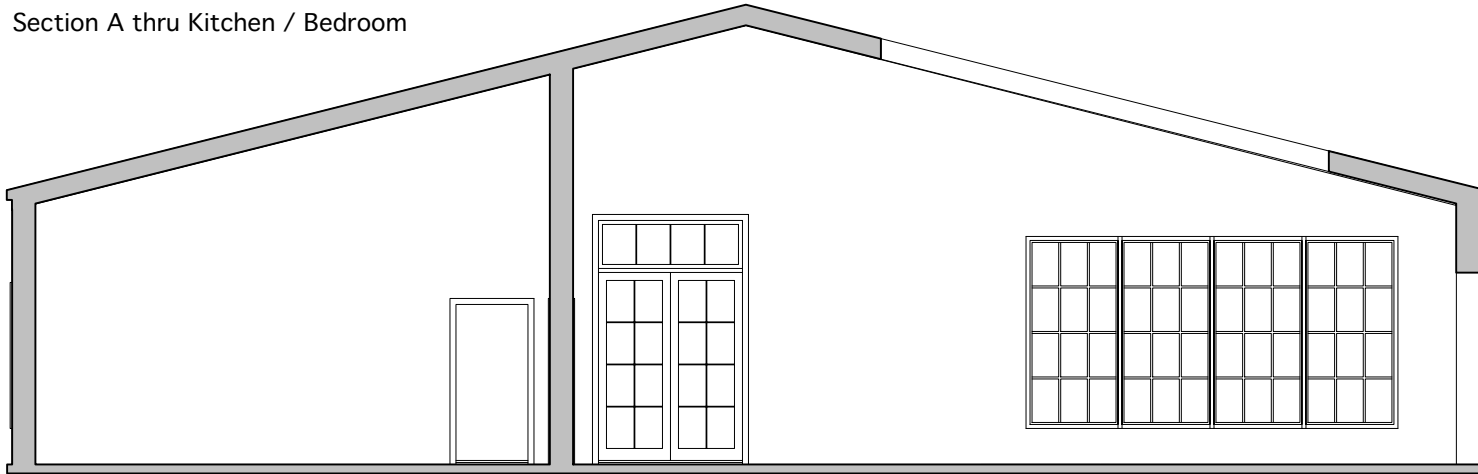
Left:
Perspective of
Courtyard

Right:
Birdseye
Perspective From
Northeast





Above:
Section A thru Kitchen / Bedroom



Above:
Section B thru Garage / Courtyard