

**Zoning Board of Appeals
June 28, 2017 Regular Meeting**

STAFF REPORT

Subject: ZBA17-021, 2146 Amelia Place

Summary:

David and Krista Golden, property owners, are requesting a variance from Chapter 55 Zoning; Section 5:27 in order to construct an approximately one hundred eighty (180) square foot enclosed porch. The required rear yard setback for the district is forty (40) feet. The request of fourteen (14) feet, four (4) inches will allow the new porch to be twenty-five (25) feet, eight (8) inches from the rear property line.

Background:

The property is zoned R1B, single-family residential, which requires a forty (40) foot rear yard setback. The lot size is ten thousand, two hundred, thirty-six (10,236) square feet in area and the home was built in 1985.

Description:

The new covered rear porch will replace the existing porch, which has deteriorated in the last thirty (30) years. The new porch will not encroach any further into the rear setback than the previous porch.

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.***

Applicant states that without a variance, any proposed addition could not be constructed as the home is forty-one (41) feet from the rear property line.

- (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.***

There is a six (6) foot change in elevation from the back of the home to the rear property line. Applicant states that due to this grade change an addition off the rear of the home is necessary in order to effectively utilize the rear yard.

- (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.***

There will be little to no impact on surrounding properties as there is a vegetative buffer to the rear property. The proposed structure will be in the same footprint as the existing porch; thereby posing no further encroachment into the setback.

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

Applicant states that due to sloping topography and the home facing the south, a covered porch is desirable to maximize the potential of the rear yard.

- (e). ***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 and will not have a negative impact on the abutting property.

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

2146 Amelia Pl

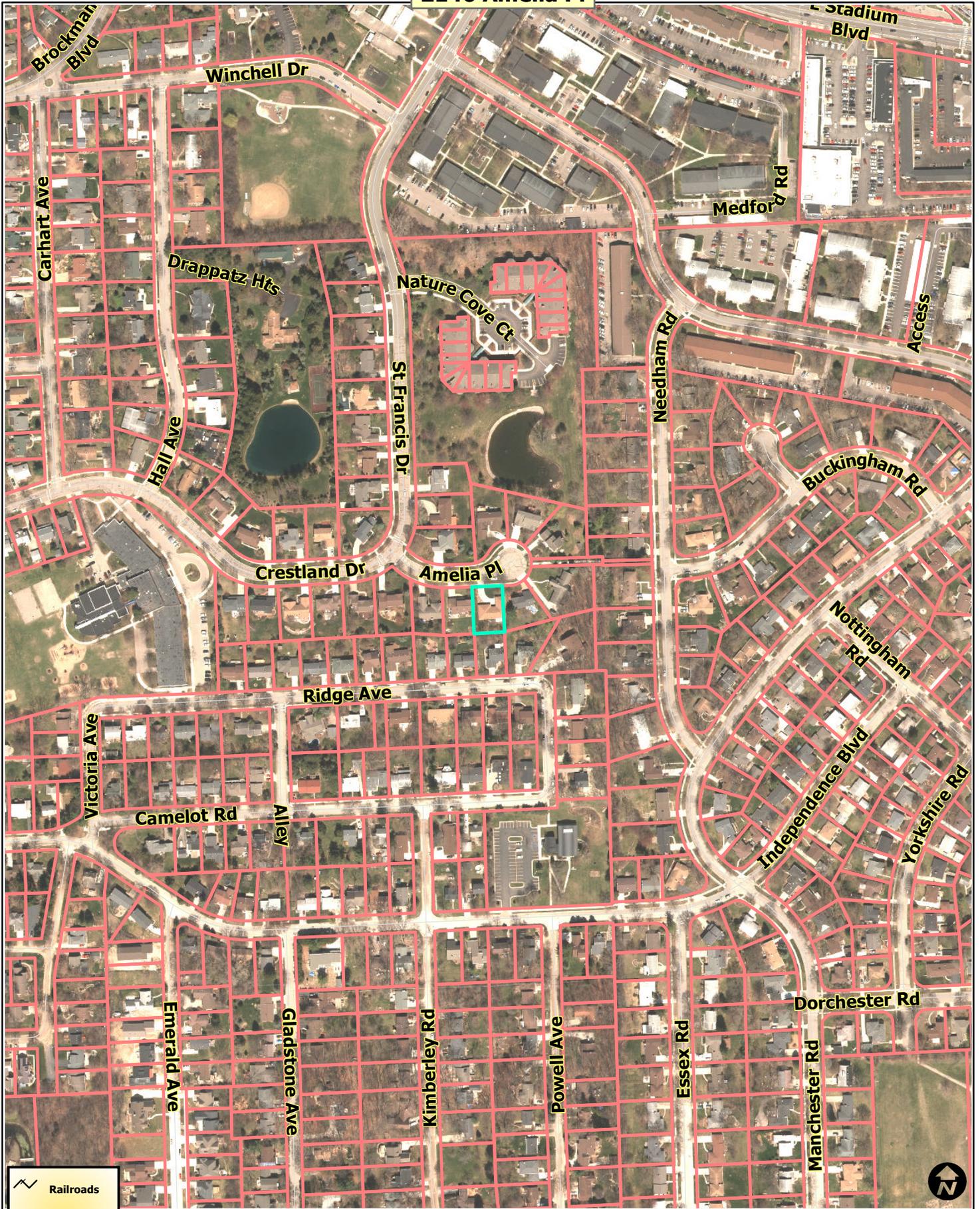


-  Railroads
-  Huron River
-  Tax Parcels



Map date 6/7/2017
Any aerial imagery is circa 2015
unless otherwise noted
Terms of use: www.a2gov.org/terms

2146 Amelia Pl

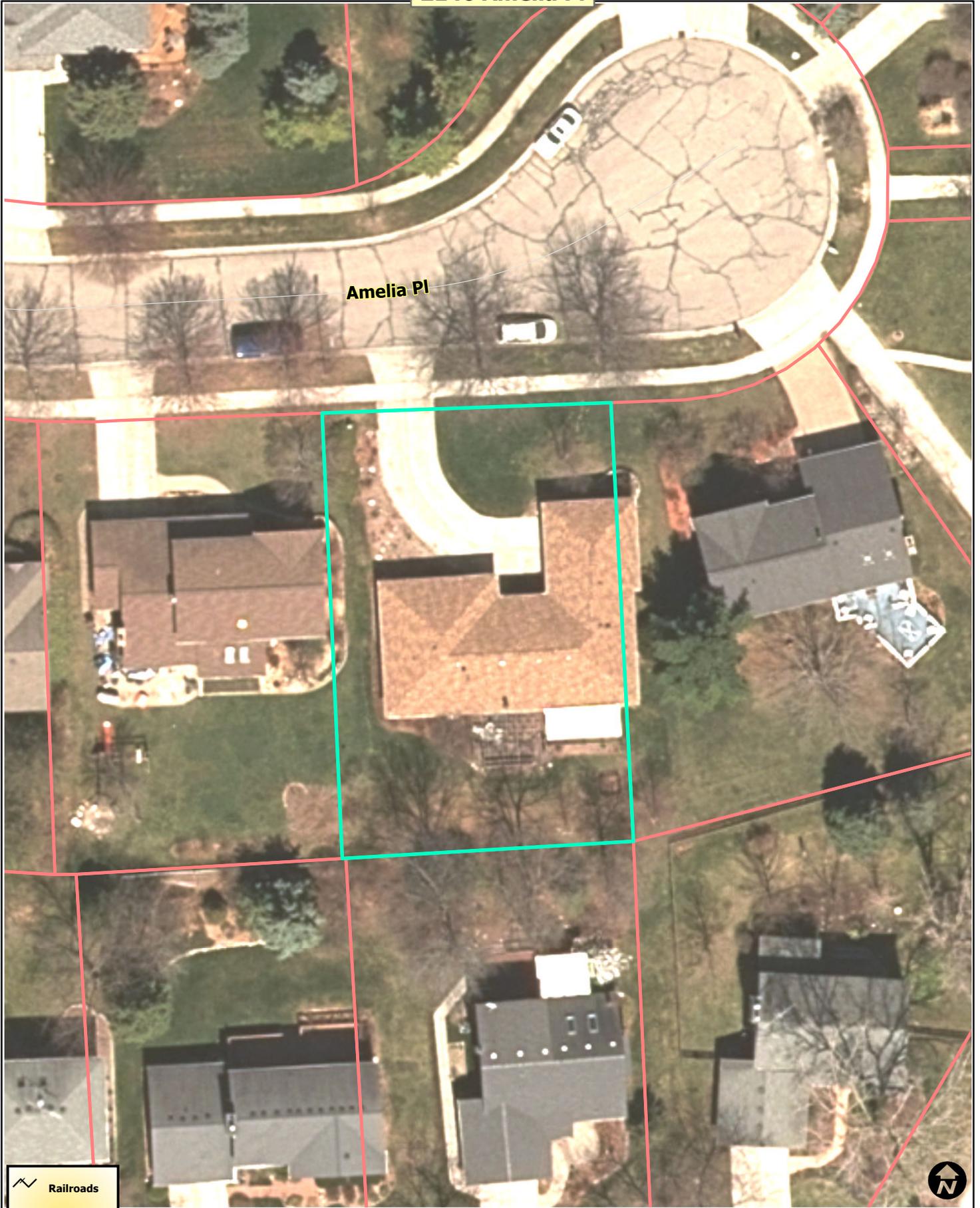


 Railroads
 Huron River
 Tax Parcels



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2146 Amelia Pl



-  Railroads
-  Huron River
-  Tax Parcels



Map date 6/7/2017
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APPLICATION FOR VARIANCE OR NON-CONFORMING STRUCTURE
ZONING BOARD OF APPEALS

Section 1: Applicant Information

Name of Applicant: David and Krista Golden
 Address of Applicant: 2146 Amelia Place
 Daytime Phone: 734-476-0195
 Fax: _____
 Email: dgolden65@gmail.com
 Applicant's Relationship to Property: Owner

Section 2: Property Information

Address of Property: 2146 Amelia Place
 Zoning Classification: R1B
 Tax ID# (if known): 09-12-03-208-106
 *Name of Property Owner: David and Krista Golden

**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:	Required dimension:	PROPOSED dimension:
<u>Chapter 55, Section 5:27</u>	<u>40' rear setback</u>	<u>25.7' rear setback</u>
_____	_____	<u>.7' = 8.4"</u>
_____	_____	_____
<i>Example: Chapter 55, Section 5:26</i>	<i>Example: 40' front setback</i>	<i>Example: 32'</i>

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

See Attached

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?

See Attached

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

See Attached

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

See Attached

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?

See Attached

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

See Attached

Section 5: ALTERATION TO A NON-CONFORMING STRUCTURE

Current use of the property NA

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.

734-476-0195
 Phone Number
 dgolden65@gmail.com
 Email Address

David and Krista Golden 5/22/2017
 Signature
 David and Krista Golden
 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.

David and Krista Golden 5/22/2017
 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.

David and Krista Golden 5/22/2017
 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.**

David and Krista Golden 5/22/2017
 Signature

On this 22ND day of MAY, 2017, 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.

Sarah Dudley-Short
 Notary Public Signature

NOVEMBER 9, 2019
 Notary Commission Expiration Date

SARAH DUDLEY-SHORT
 Print Name

SARAH DUDLEY-SHORT
 Notary Public, State of Michigan
 County of Livingston
 My Commission Expires Nov. 09, 2019
 Acting in the County of WASHTENAW

Staff Use Only

Date Submitted: 5/23/2017
 File No.: ZBA17-019
 Pre-filing Staff Reviewer & Date _____
 Pre-Filing Review: _____
 Staff Reviewer & Date: _____

Fee Paid: \$ 500.00
 Date of Public Hearing 6-28-17
 ZBA Action: _____

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

David and Krista Golden
2146 Amelia Place
734-476-0195
dgolden65@gmail.com

Section 3: Request Information

VARIANCE

Detailed description of the work:

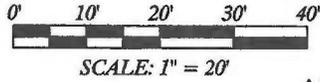
Replacing existing covered porch on back of house with new covered structure due to deteriorated condition of existing structure (~30 years old). Dimensions of proposed new porch structure are nearly identical to existing structure and deck. There will be a 28.7 ft rear setback to the proposed structure, however the proposed roof line will extend an additional 3 ft for a total requested rear setback of 25.7 ft. Encroachment into rear setback is 14.3 ft. House sits at 41.2 ft from the rear property line.

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?**
 - a. Current owner purchased home in 2005 in part because of the covered porch. Replacement is necessary because of the structural issues with the existing porch. If we are not allowed to replace the structure it will have an impact on the value of the property. The house sits at 41.2 ft from the back of the property line. Any structure added to the back of the house will encroach on the setback. Elevation change from the house to the back property line is in excess of 6 feet.
- 2. Are the hardships or practical difficulties more than mere inconvenience, inability to obtain a higher financial return? (explain)**
 - a. Elevation change from the back of the house requires some type of structure. We are requesting a variance to allow us to build a structure to maintain usage and improve aesthetic appeal of the property.
- 3. What effect will granting the variance have on the neighboring properties?**
 - a. Two of the immediate properties around home have covered porches on the back of their homes. There will be no impact to adjacent neighboring properties since the proposed porch is just a replacement within the existing footprint.

- 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?**
- a. Backyard of home has a significant slope away from the home. A structure is required for practical use of the backyard. In addition, the back of home faces South and a covered porch is desirable to make use of the back of the property under variable weather conditions.
- 5. Is the condition which prevents you from complying with the ordinance self-imposed? How did the condition come about?**
- a. The condition is not self imposed. Replacement of structure is necessary considering previous owner used undersized support posts. Slope of yard is natural to the area and the southern exposure of the property is based on the orientation of the home.

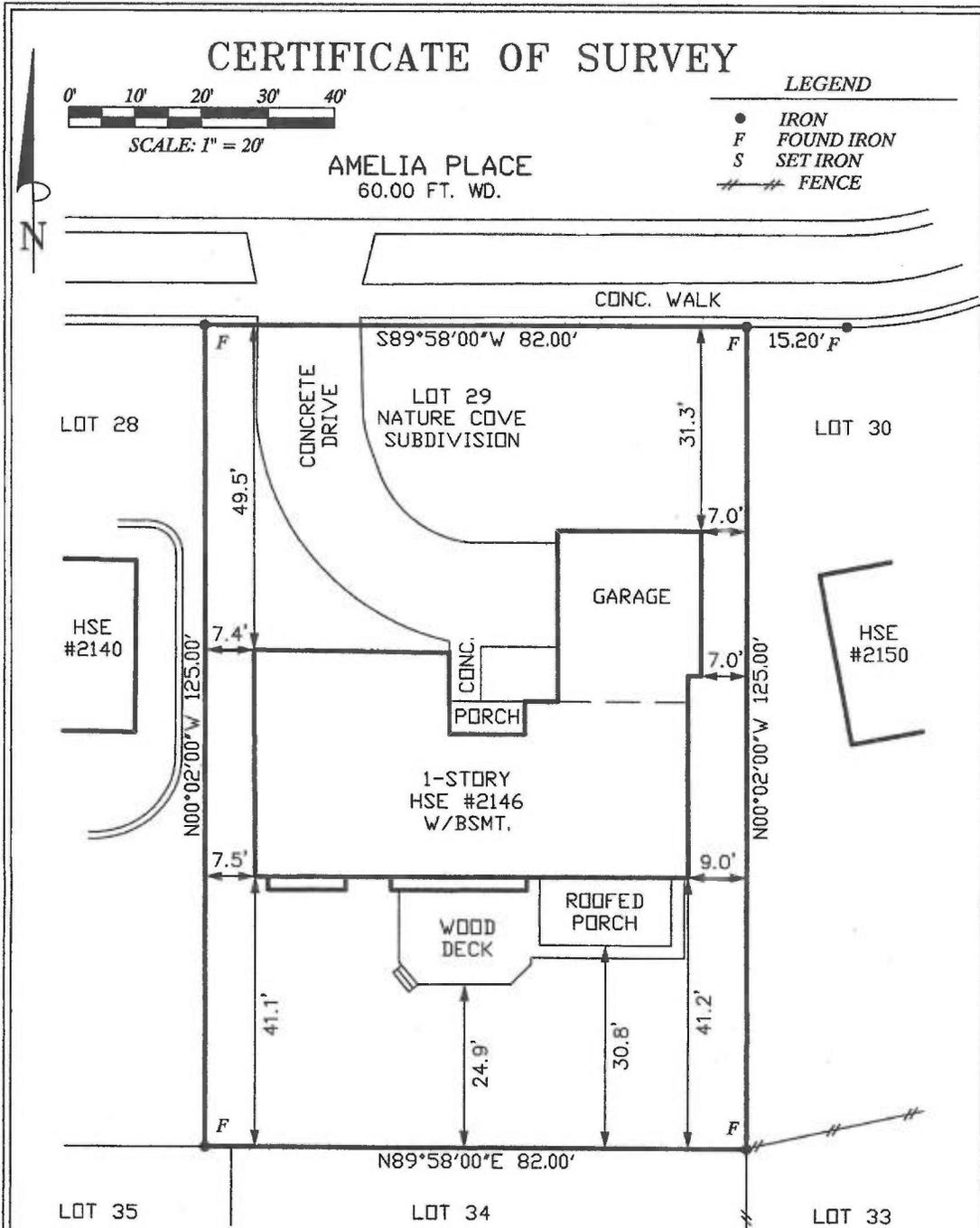
CERTIFICATE OF SURVEY



AMELIA PLACE
60.00 FT. WD.

LEGEND

- IRON
- F FOUND IRON
- S SET IRON
- #—# FENCE



LEGAL DESCRIPTION:
LOT 29 NATURE COVE SUBDIVISION, AS RECORDED IN WASHTENAW COUNTY RECORDS, CITY OF ANN ARBOR, WASHTENAW COUNTY, MICHIGAN,

I HEREBY CERTIFY THAT I HAVE SURVEYED AND MAPPED THE LAND ABOVE ON APRIL 28, 2017 AND THAT THE RATIO OF CLOSURE ON THE UNADJUSTED FIELD OBSERVATIONS OF SUCH SURVEY WAS 1/12000, AND THAT ALL OF THE REQUIREMENTS OF P.A. 132, 1970, AS AMENDED HAVE BEEN COMPLIED WITH.

AMERICAN LANDMARK SURVEY P.L.C.

SURVEY OF LOT 29 NATURE COVE SUBDIVISION, CITY OF ANN ARBOR, WASHTENAW COUNTY, MICHIGAN.

CLIENT: DAVID GOLDEN

DATE: 5/01/2017

DRAWN BY: GFD

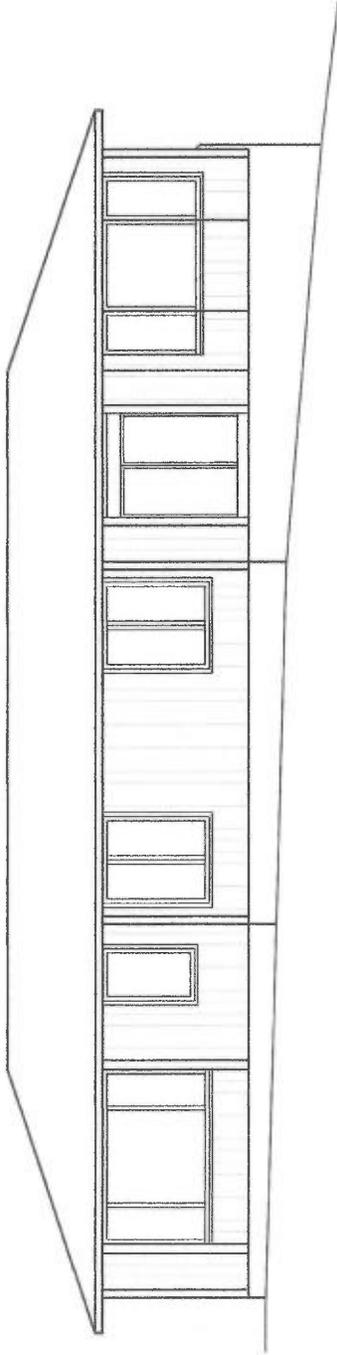
SCALE: 1" = 20'

SHEET 1 OF 1

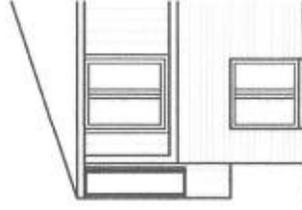
JOB# 17122

Gerald F. Deslover
GERALD F. DESLOOVER
PROFESSIONAL SURVEYOR
NO. 45166
P.O. BOX 130043
ANN ARBOR, MI 48113
734-677-7000





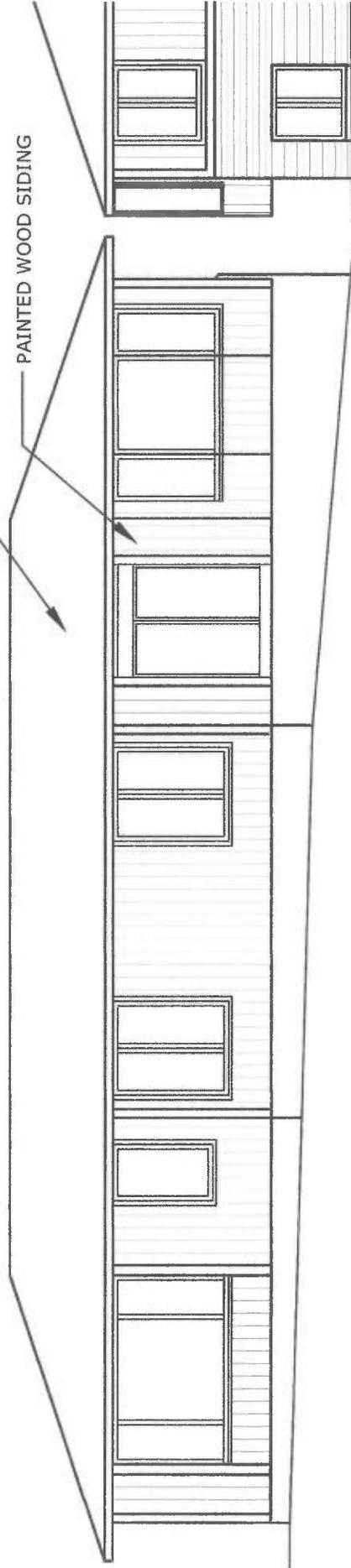
EXISTING SOUTH ELEVATION



EXISTING EAST ELEVATION

SHINGLE ROOF

PAINTED WOOD SIDING



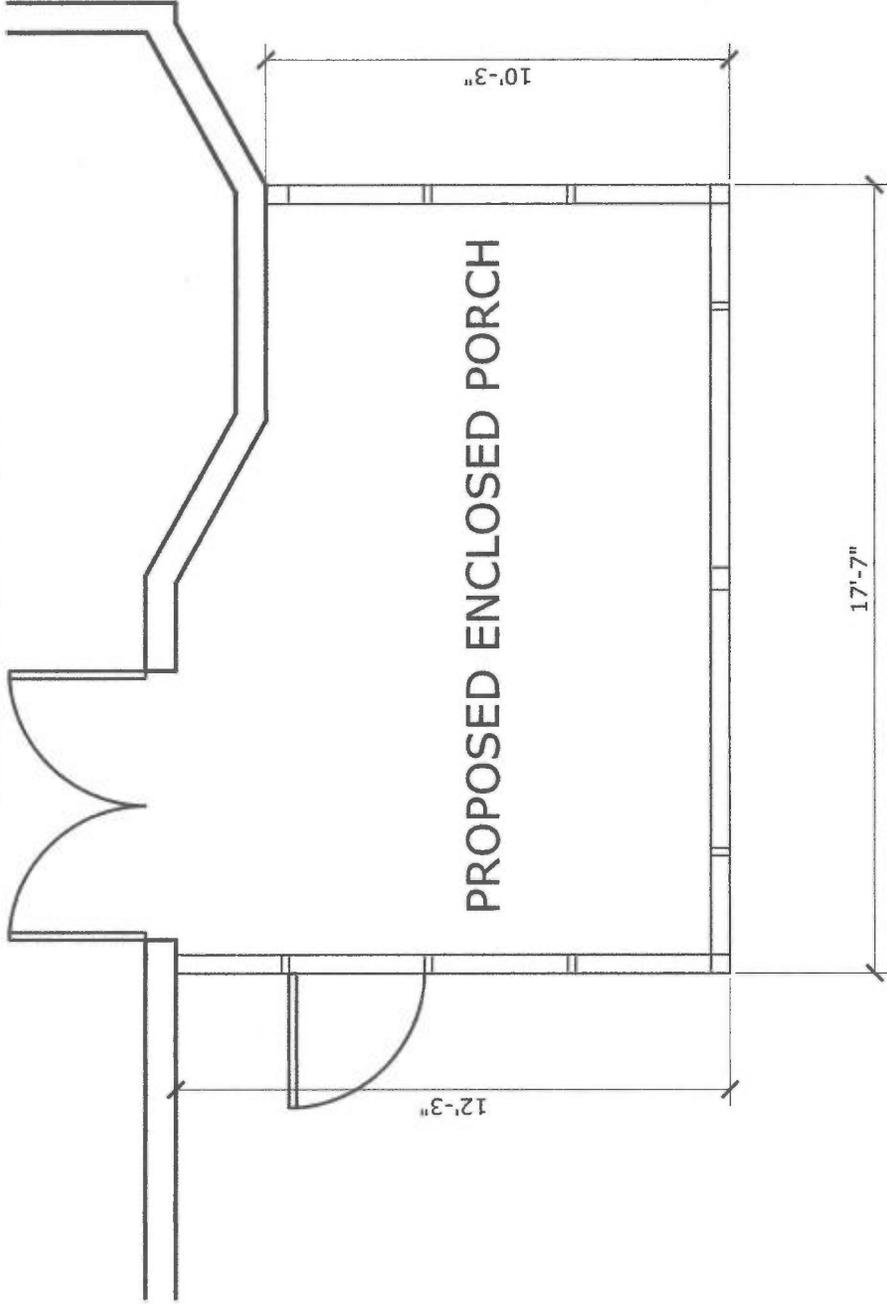
EXISTING SOUTH ELEVATION

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

EXISTING EAST ELEVATION

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

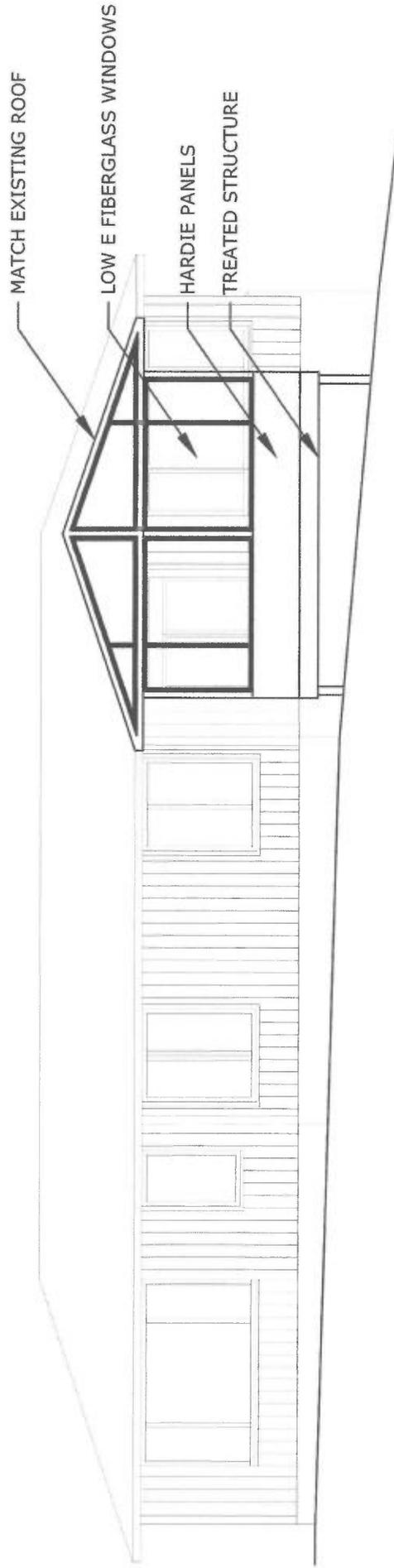
EXISTING HOUSE



PROPOSED ENCLOSED PORCH

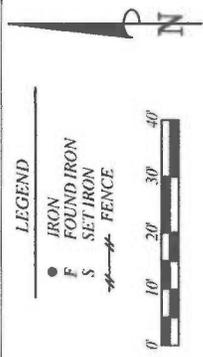
PROPOSED FLOOR PLAN

SCALE: 1/4" = 1'-0"

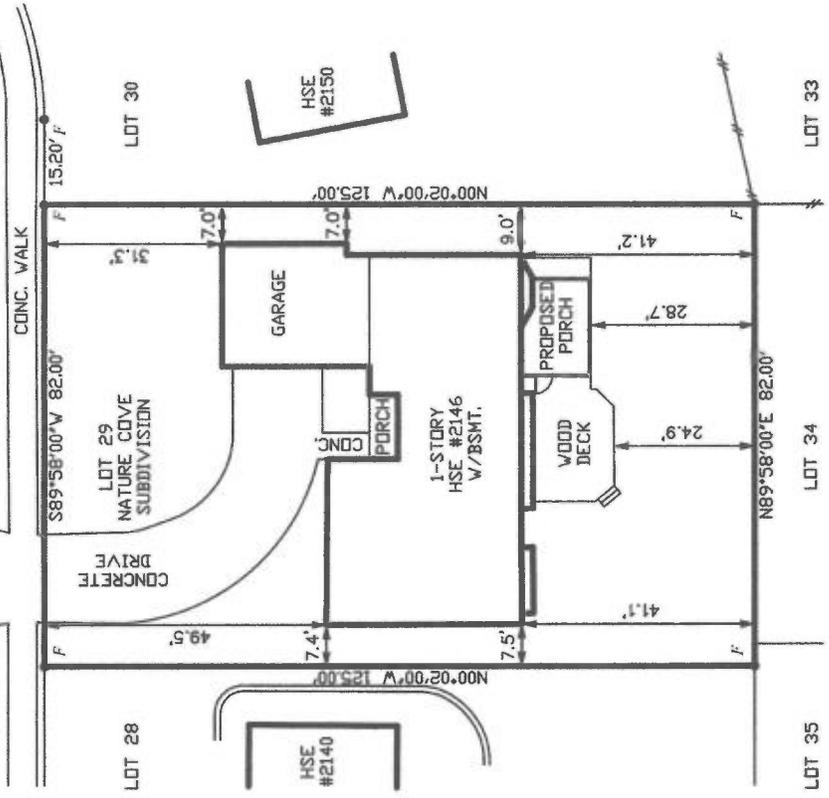


PROPOSED SOUTH ELEVATION

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



AMELIA PLACE
60.00 FT. WD.



NOTE:
HOUSE DIMENSIONS NEED TO BE MEASURED
IF USED FOR NEW ADDITION.

LEGAL DESCRIPTION:
LOT 29 NATURE COVE SUBDIVISION, AS RECORDED IN WASHTENAW COUNTY RECORDS, CITY OF
ANN ARBOR, WASHTENAW COUNTY, MICHIGAN.

Photos of 2146 Amelia Place



Inside porch panorama view



Support post deterioration



2146 Amelia Place - Exterior photos of existing porch



Ann Arbor Zoning Board of Appeals
Larcom City Hall
301 E. Huron St., First floor
Ann Arbor, MI 48104

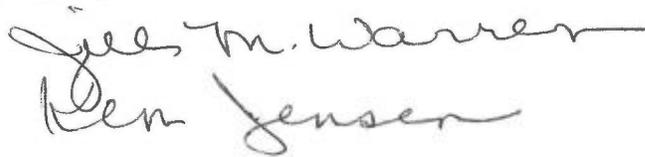
Dear members of the Zoning Board

I support David and Krista Golden's request to the Zoning Board of Appeals regarding 2146 Amelia Place. I have reviewed the plans for the replacement of their existing covered porch with a new covered structure and find that their request for variance to the code completely reasonable in terms of function and aesthetics.

I believe the proposed design is suitable, and will improve the overall property value. The proposed replacement structure will not have any negative impact on my home and will improve the current aesthetics of their home.

I urge the Zoning Board to vote in favor of the proposed request for variance.

Sincerely,

The image shows two handwritten signatures in cursive. The top signature is "Jill M. Warren" and the bottom signature is "Ken Jensen".

2150 Amelia Place
Ann Arbor, MI 48104

May 21, 2017

Ann Arbor Zoning Board of Appeals
Larcom City Hall
301 E. Huron St., First floor
Ann Arbor, MI 48104

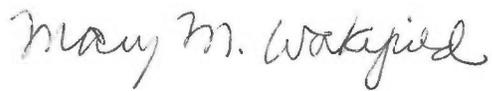
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I believe the proposed design is suitable, and will improve the overall property value. The proposed replacement structure will not have any negative impact on my home and will improve the current aesthetics of their home.

I urge the Zoning Board to vote in favor of the proposed request for variance.

Sincerely,

A handwritten signature in cursive script that reads "May M. Watfield".

2125 Ridge Avenue
Ann Arbor, MI 48104

May 21, 2017

Ann Arbor Zoning Board of Appeals
Larcom City Hall
301 E. Huron St., First floor
Ann Arbor, MI 48104

Dear members of the Zoning Board

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I believe the proposed design is suitable, and will improve the overall property value. The proposed replacement structure will not have any negative impact on my home and will improve the current aesthetics of their home.

I urge the Zoning Board to vote in favor of the proposed request for variance.

Sincerely,



Virginia M. Birchler

2140 Amelia Place
Ann Arbor, MI 48104

May 21, 2017