

**Zoning Board of Appeals
June 26, 2013 Regular Meeting**

STAFF REPORT

ZBA13-014, 1030 Baldwin Avenue

Summary

Edward Linkner is requesting one variance from Chapter 55(Zoning) Section 5:27, of 11 feet 6 inches from the required 40 foot rear setback in order to permit an addition to the rear of the house, 28 feet 6 inches from the rear property line.

Description and Discussion

The subject parcel is located on Baldwin, just south of Cambridge, west of Washtenaw and contains a 4,712-square foot, single-family dwelling constructed in 1913 before setbacks were established. The parcel is conforming for lot size (12,760 sf; required is 10,000 sf) and zoned R1B (Single-Family). The existing house encroaches into the required rear setback 7 feet. The required rear setback is 40 feet, and the house is set back 33 feet from the rear property line.

The petitioner is proposing to construct a 9 foot 6 inch by 19 foot, 175-square foot addition to the rear of the existing house. The proposed addition will be next to the rear section of the house which already extends into the rear setback 7 feet. The addition will extend the building line an addition 4 feet 6 inches for a total encroachment of 11 feet 6 inches into the rear setback. The new addition will not be visible from the street and will not be any closer to the side property lines than the existing house.

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 existing house was constructed before zoning in 1913 to the rear of the property and is non-conforming due to a 7 foot encroachment into the rear setback. The subject parcel is not exceptional or peculiar in size or shape, it is a rectangle and conforms to the minimum lot area and width requirements of the R1B Zoning District.

- (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 variance is being requested for the proposed 175 sq ft addition to the rear of the house. The addition will only encroach 4 feet 6 inches closer to the rear property line than the existing house. If the variance is not granted, the petitioner could not construct an addition to the rear of the house.

- (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.***

Allowing the variance will result in an addition to the existing structure that will encroach 4 feet 6 inches further into the rear open space than the existing structure. If the variance is approved, the addition should not have a negative impact on surrounding structures. The existing house is 5 feet 3 inches from the north side property line and the new addition will be 17 feet from the north side property line. The addition is not visible from a public street and the parcel has extensive mature landscaping producing a visual buffer to adjacent properties.

- (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 house encroaches into the required rear setback and was the house was constructed in 1913. The location of the house within the rear setbacks prohibits any addition to the rear without ZBA action.

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

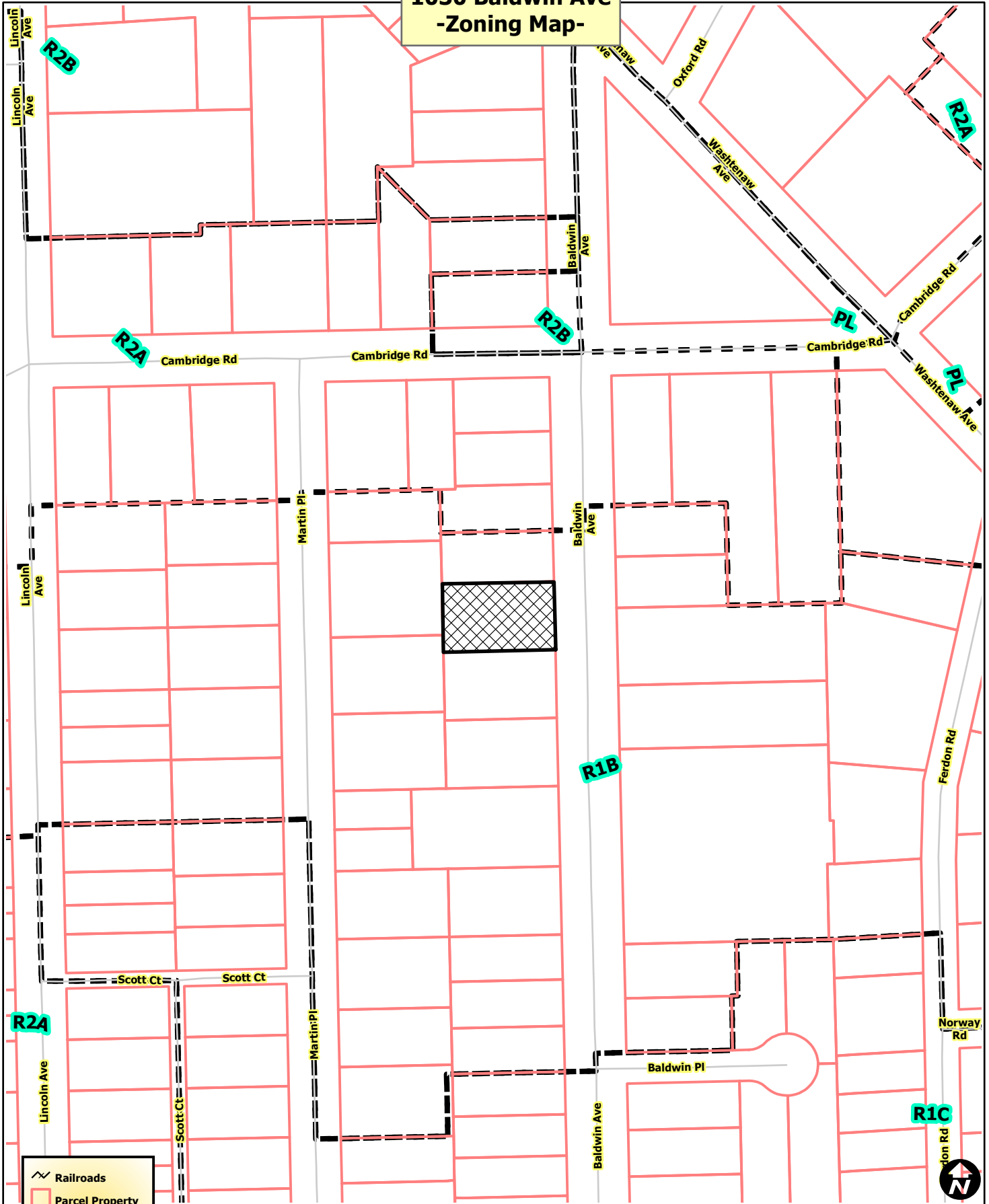
The variance is being requested for a proposed addition of 175 square feet. The addition will extend 4 feet 6 inches further into the rear open space than the existing structure and will be 17 feet from the closet side property line.

Respectfully submitted,



**Matthew J. Kowalski, AICP
City Planner**

1030 Baldwin Ave -Zoning Map-



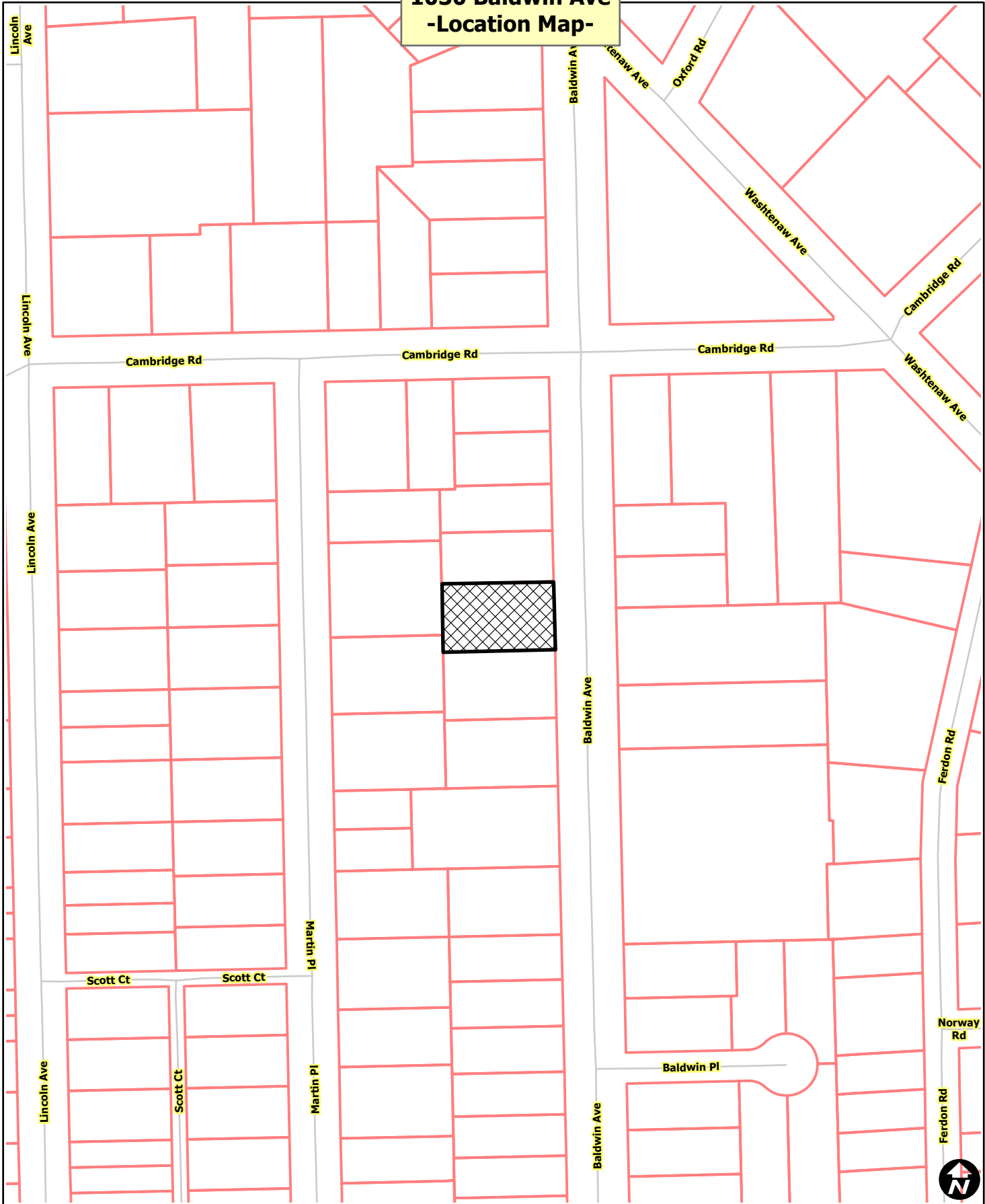
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

- Railroads
- Parcel Property
- Zoning**
- Township Island
- Zoning



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 Map Created: 6/5/2013

**1030 Baldwin Ave
-Location Map-**

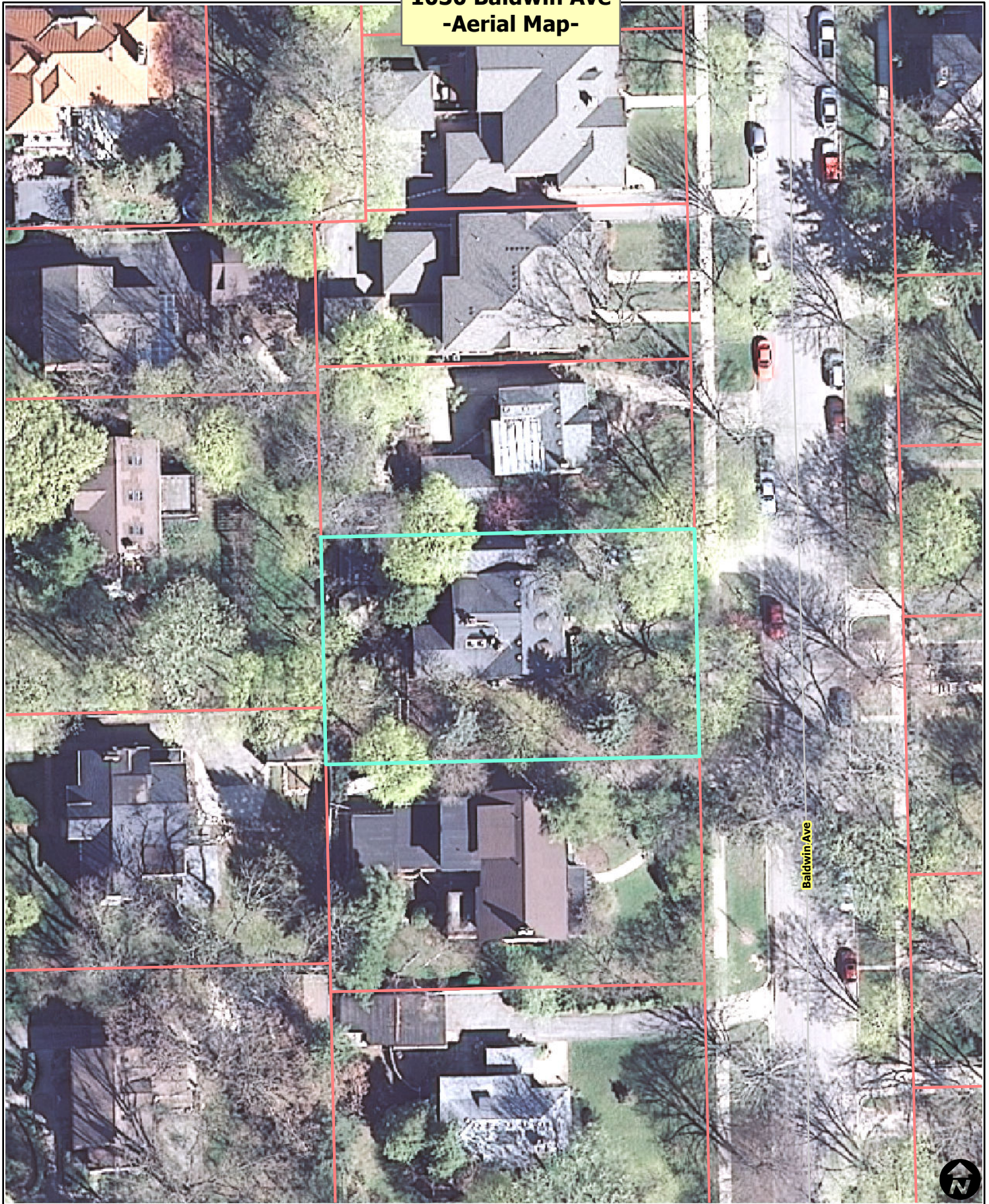




 Railroads
 Parcel Property



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1030 Baldwin Ave -Aerial Map-



 Railroads
 Parcel Property



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Map Created: 6/5/2013

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

FAXED
MAY 21 2013

Section 1: Applicant Information

Name of Applicant: EDWARD AND DEBRA LINKNER
Address of Applicant: 1030 BALDWIN AVE
Daytime Phone: 734 6632237 HOME; 734 973 1010 OFFICE
Fax: 734 973 0518
Email: the7links@gmail.com levlink@gmail.com
Applicant's Relationship to Property: OWNERS SINCE 1981

Section 2: Property Information

Address of Property: ABOVE
Zoning Classification: R1B
Tax ID# (if known): PARCEL # 09-09-33-104-029
*Name of Property Owner: ABOVE

**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:

~~55-5:27~~ R1B

Required dimension:

REQ 40' REAR SET BACK EXISTING 33' " "

PROPOSED dimension:

28'-6"

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)

SEE PLAN

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)

11

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

11

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?

11

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

11

Section 5: ALTERATION TO A NON-CONFORMING STRUCTURE

Current use of the property PRIVATE HOME

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 12760 SF

Lot width 88 X 145

Floor area ratio SEE SURVEY

Open space ratio "

Setbacks "

Parking DRIVE WAY AND ON STREET, GARAGE

Landscaping MATURE

Other HOUSE IS OVER 100 YEARS OLD

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 PHOTOS, THEY WONT

SEE ADDITION

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

SMALL KITCHEN ADDITION

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. *SENT TO MR KOWALSKI BY EMAIL*

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.

734 663-2237
 Phone Number
LEV LINK @ GMAIL.COM
 Email Address

[Signature]
 Signature
EDWARD LINKNER
 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]
 Signature

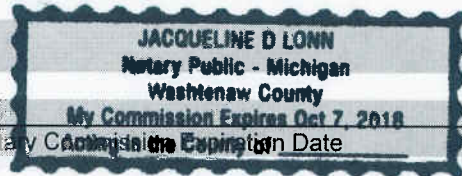
Further, I hereby give City of Ann Arbor Planning & Development Services unit staff and members of the Zoning Board of Appeals permission to access the subject property for the purpose of reviewing my variance request.

[Signature]
 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]
 Signature

On this 21 day of May, 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.



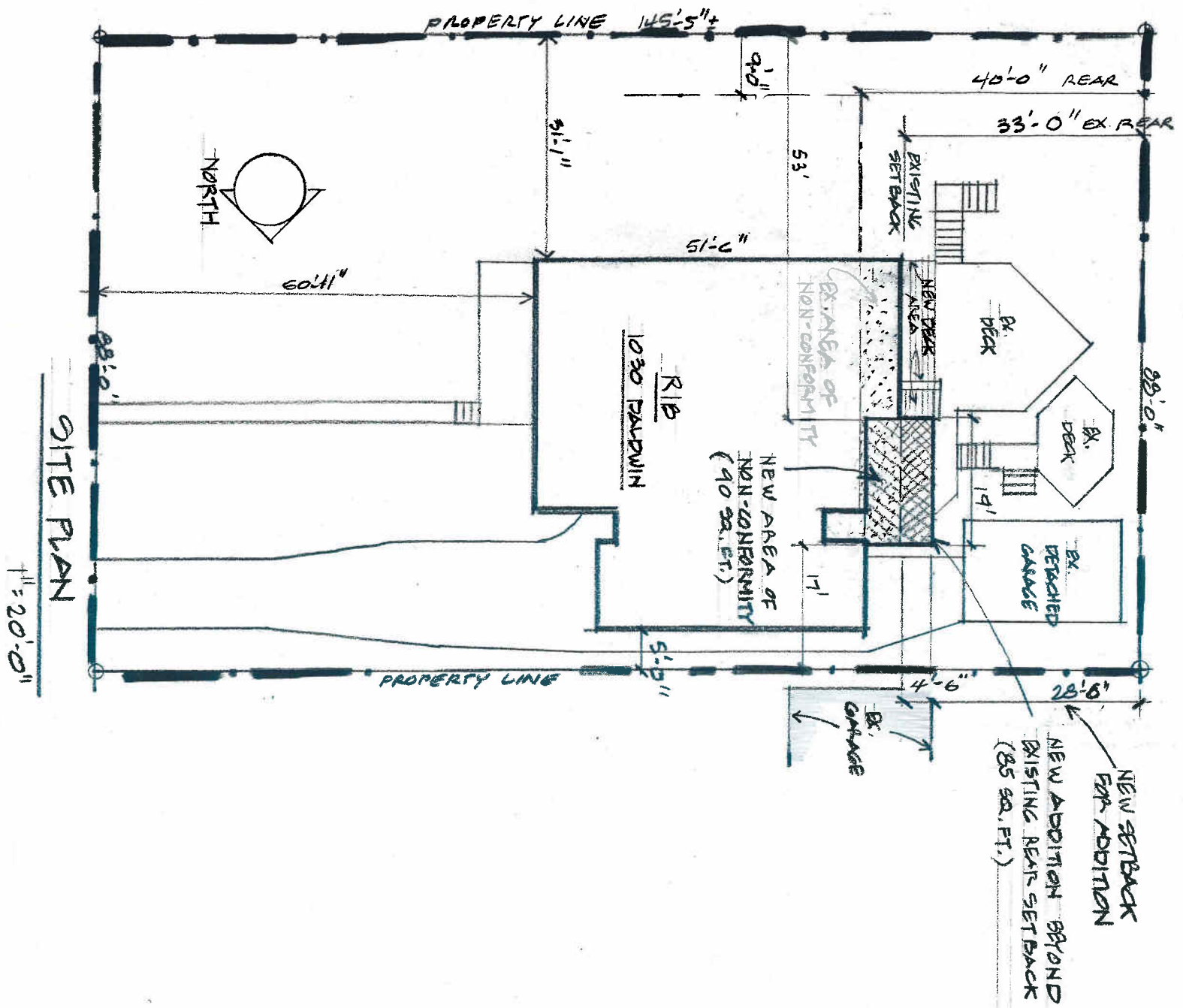
[Signature]
 Notary Public Signature
Jacqueline D Lonn
 Print Name

Staff Use Only

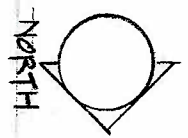
Date Submitted: _____ Fee Paid: _____
 File No.: _____ Date of Public Hearing _____
 Pre-filing Staff Reviewer & Date _____ ZBA Action: _____
 Pre-Filing Review: _____
 Staff Reviewer & Date: _____

1. Yes, Our kitchen is difficult to work within and the breakfast area is too small for our family. We want to increase the workability of the kitchen and create a bit larger breakfast area but we are limited in all directions except to the west, between the area of the garage and family room. Our house is currently non-conforming to the rear and we would like to add 4'-6" further in order to get a more functional kitchen and access to the existing decks which we intend to save. A door will come out on the south of the addition in order to keep the stairs to the existing decks, which are on several levels and require a certain number and complicated configuration of stairs. The new addition would be a one-story addition only and would add a total of 85 square feet beyond the existing line of the house.
2. Yes, We have a large family of 5 children and many more grandchildren, some of whom live with us. Our goal is to create a space where we can gather around a functional kitchen. We are wedged within the existing structure of the house on the north and south. The floor plan of the house only works to move into the space between our existing family room and garage.
3. This addition in this location will not impact any of the adjacent neighbors. We have lots of space on the lot to the south, but to build the addition on that side would eliminate existing rooms in the house and would certainly impact our neighbor to the south negatively. This small addition we are proposing solves our needs and isolates the addition away from the neighbors. The bulk of the addition is situated between two areas of our existing house and can't be seen from the sides. The addition is 17' from the property line on the north and the garage of that house hides the addition. The addition will be more than 50' from our property line to the south and will only project 4'-6" beyond our existing house on the south. There is currently an empty lot behind us, which is not likely to be built on.
4. Because our kitchen is wedged between the family room and garage, our only option for adding to the area is to build to the west, into the small area between the garage and the family room.
5. The house was originally built 33' from the rear lot line, which is within what is now the rear setback of 40'. We are asking for a small variance of 4'-6" beyond our existing house.

linknerzba



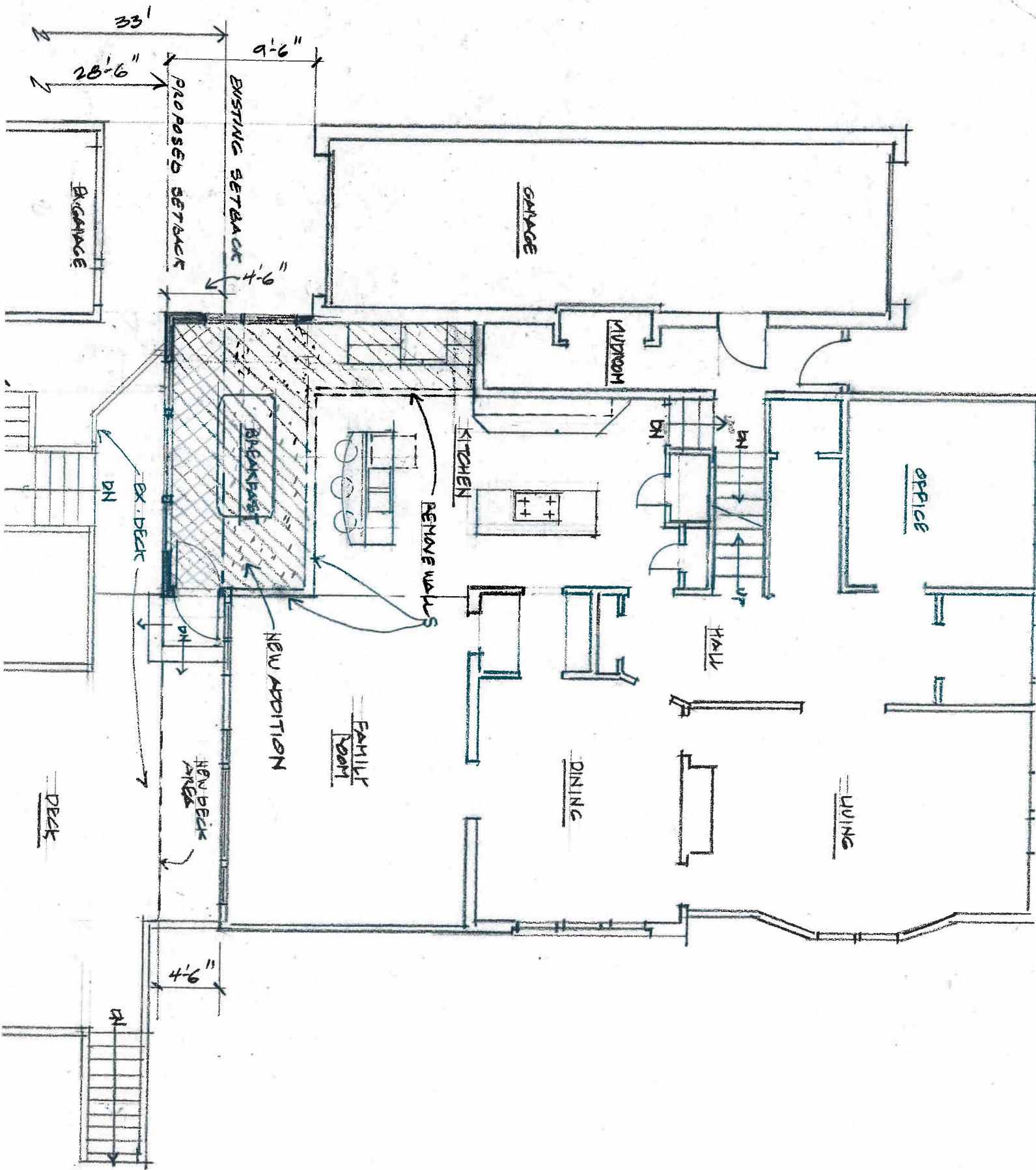
SITE PLAN
 1/4" = 20'-0"



NEW SETBACK FOR ADDITION
 NEW ADDITION BEYOND EXISTING REAR SETBACK (85 SQ. FT.)

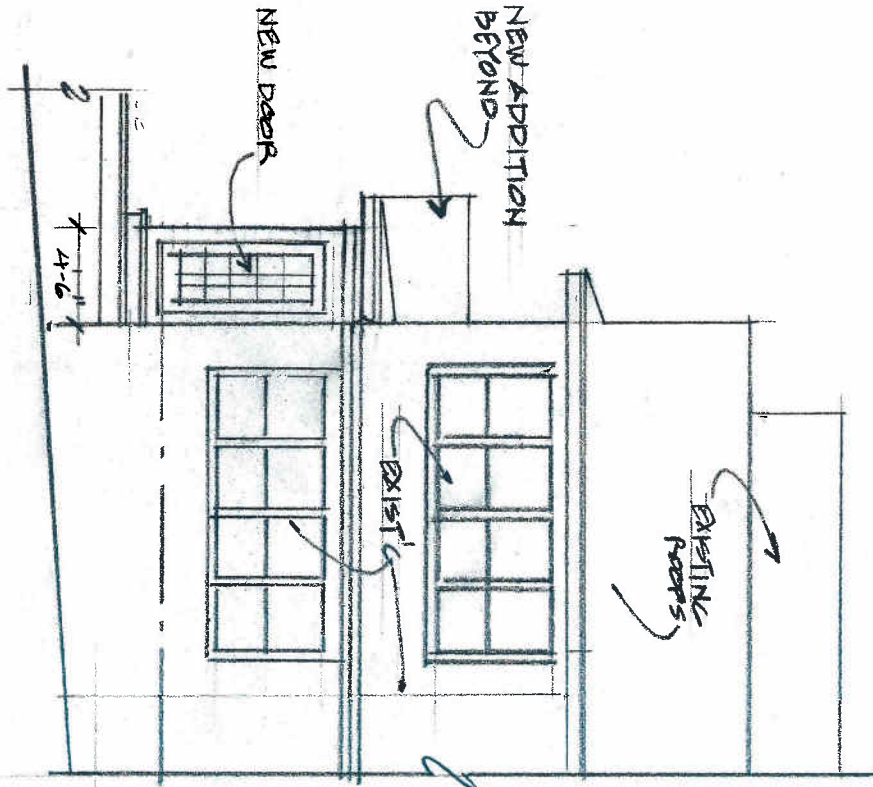
LINKNER RESIDENCE
 1030 Baldwin
 Ann Arbor, Michigan

1	DATE	<p>Kalmes architect 538 Glendale Circle Ann Arbor, Michigan 48103 (734) 668-1848</p>
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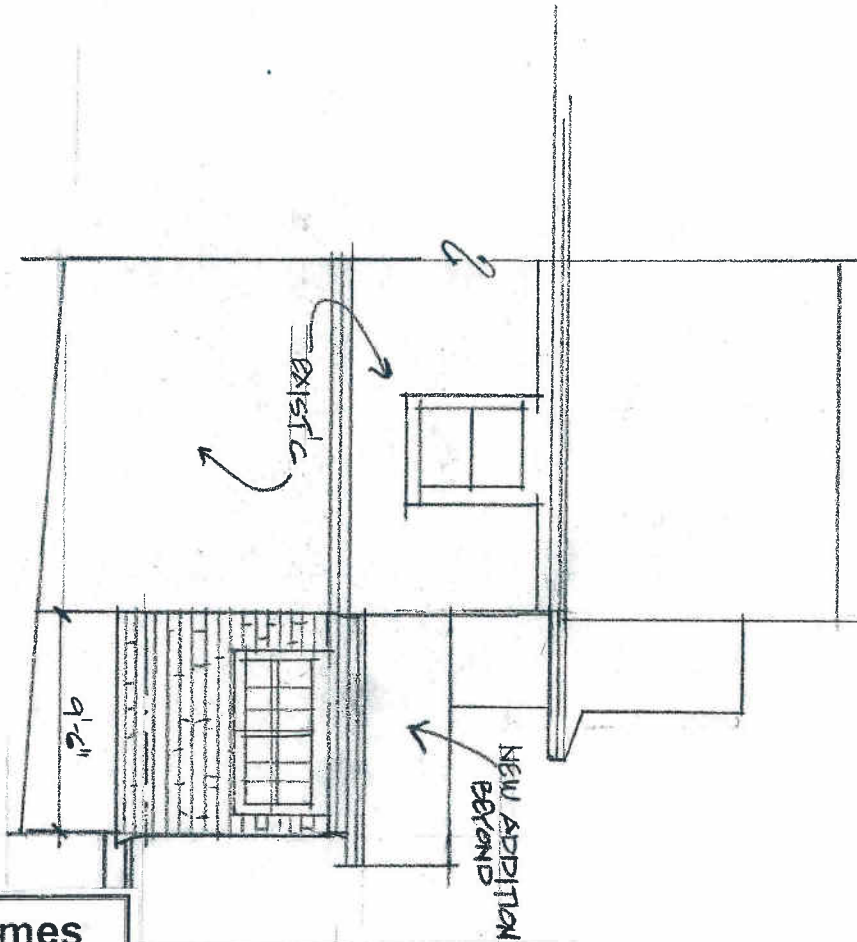
REAR (WEST) ELEVATION
1/8" = 1'-0"





SOUTH ELEVATION

1/8" = 1'-0"



NORTH ELEVATION

1/8" = 1'-0"

Kalmes
architect
538 Glendale Circle
Ann Arbor, Michigan 48103
(734) 668-1848

LINKNER RESIDENCE

1030 Baldwin

Ann Arbor, Michigan

DATE

4





























I live at 1722 Cambridge Road around the corner from 1030 Baldwin Avenue

I have no objection to the request for a variance referenced above

It obviously relieves a hardship for the Linkners without imposing a significant burden on anyone else

Please approve this variance

Thank you

David E. Burgoyne
vade@voyager.net