

**Zoning Board of Appeals
February 26, 2014 Regular Meeting**

STAFF REPORT

Subject: ZBA14-003; 2117 Alice Street

Summary:

Matthew Zeichman is requesting one variance from Chapter 55 (Zoning) Section 5:57 (Averaging an Existing Front Setback Line), of 9 feet for expansion of an existing residential structure into the front setback; 24 feet is required (Averaged Front Setback).

Description and Discussion:

The subject parcel contains a 1,178-square foot, single-family dwelling constructed in 1950. The house was built on a slab with no basement. The parcel is zoned R1D (Single-Family) and is conforming for lot area; the required minimum lot area for R1D is 5,000 square feet and the parcel is 6,136 square feet. The existing setback measures 22 feet to the main house. The parcel is located on a cul-de-sac with a curved front lot line which results in a curved front setback line. The house was constructed in a line with adjacent houses to the east that are located on the straight section of Alice Street. As a result, one corner of the house is within the required averaged front setback of 24 feet, which makes the structure non-conforming.

The petitioner is proposing to construct an addition to the front of the house which would encroach a maximum of 9 feet at a corner into the averaged front setback of 24 feet. Due to the curve of the front lot line and the location of the house, the majority of the new addition will conform to the setback. The maximum encroachment of 9 feet is due to a small covered, not enclosed, front entry porch. The new floor area within the front setback will be 37.5 square feet.

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 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.***

The subject parcel is a conforming corner lot in the R1D Zoning District (required is a minimum lot size of 5,000 square feet; parcel is 6,136 square feet). The existing house

was built in the 1950's before current zoning setbacks. The house, including the uncovered porch, was built 22 feet from the front property line. The R1C required setback is 25 feet; however the averaging of adjacent parcels adjusts the setback to 24 feet. The subject parcel is an unusual shape with a curved front property line, which brings the front setback line closer into the existing house.

- (b). That the alleged hardships or 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 variance is being requested in order to construct an addition to the front of the house. If the variance is not granted, the petitioner could construct a smaller addition to the front. There is limited room to construct an addition to the rear of the house due to a significant slope in the rear yard. The no basement in the house, so any expansion of useable floor area will require a building addition.

- (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.**

If the variance is approved, the structure will be consistent with a number of houses in the neighborhood. Although the addition will be constructed on the front of the house, the location of the house on the cul-de-sac results in a front line of the house that is farther back than houses to the east. The addition is staggered to minimize the impact the neighboring property to the west and the surrounding neighborhood. The addition will not be extended any closer to the side property line or adjacent neighbors.

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

The house was built in the 1950's before current zoning standards were established. The parcel has a curved front lot line, which brings the front setback line closer to the existing house. The house has no basement and a significant slope in 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, if approved, will permit construction of an addition in the front yard. At the closest point the enclosed house addition will be 18 feet from the front property line and 15 feet to the small covered porch. Due to the curve of the front property line, there are only two small corners of the house encroaching which totals 37.5 square feet. Due to

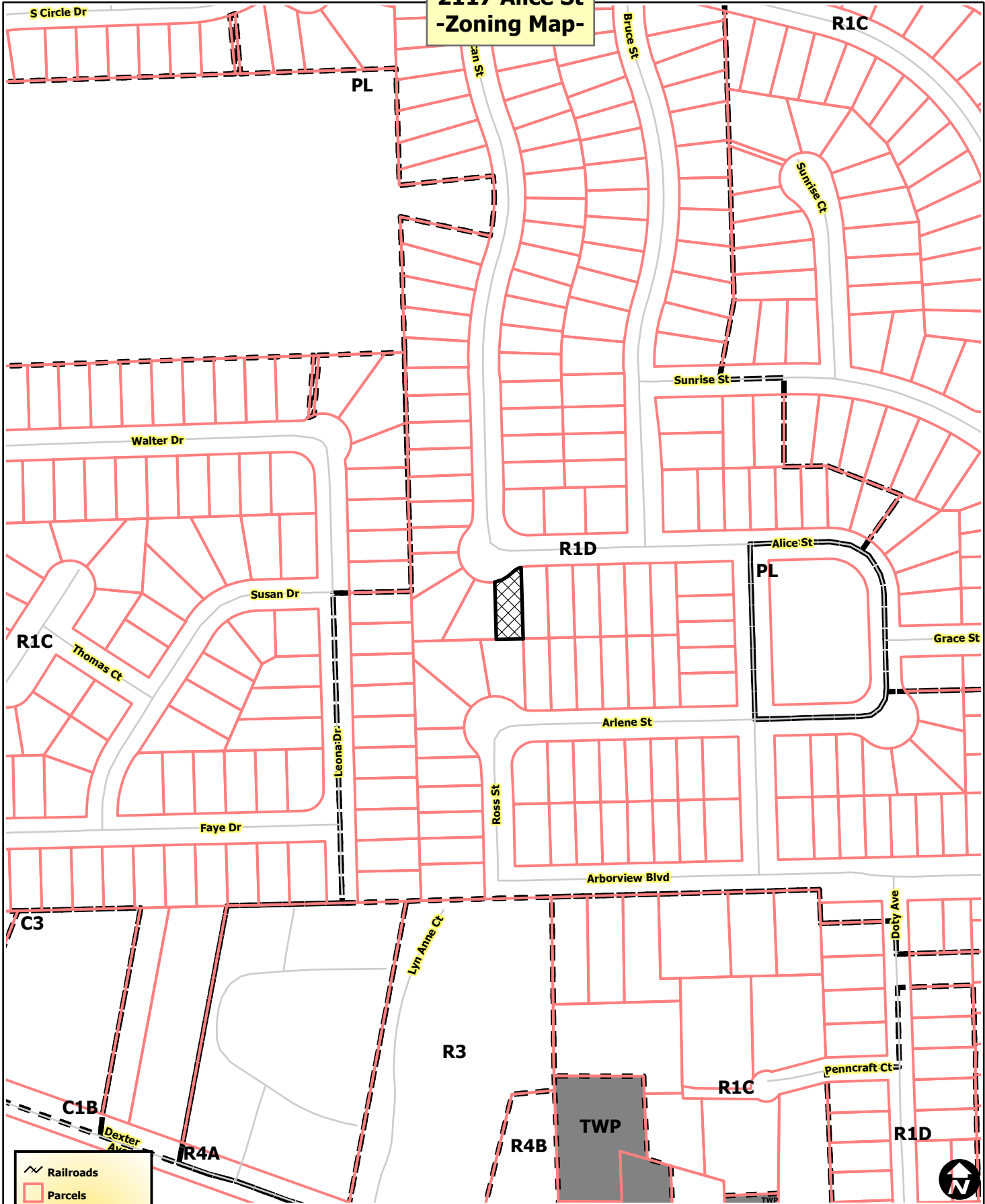
the position of the house and staggered front façade the addition should have a minimal impact to the surrounding neighborhood. Although a smaller addition could be built without the need for a variance, the size and encroachment of the proposed addition is minimal.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'M. J. Kowalski', written in a cursive style.

Matthew J. Kowalski, AICP
City Planner

2117 Alice St -Zoning Map-



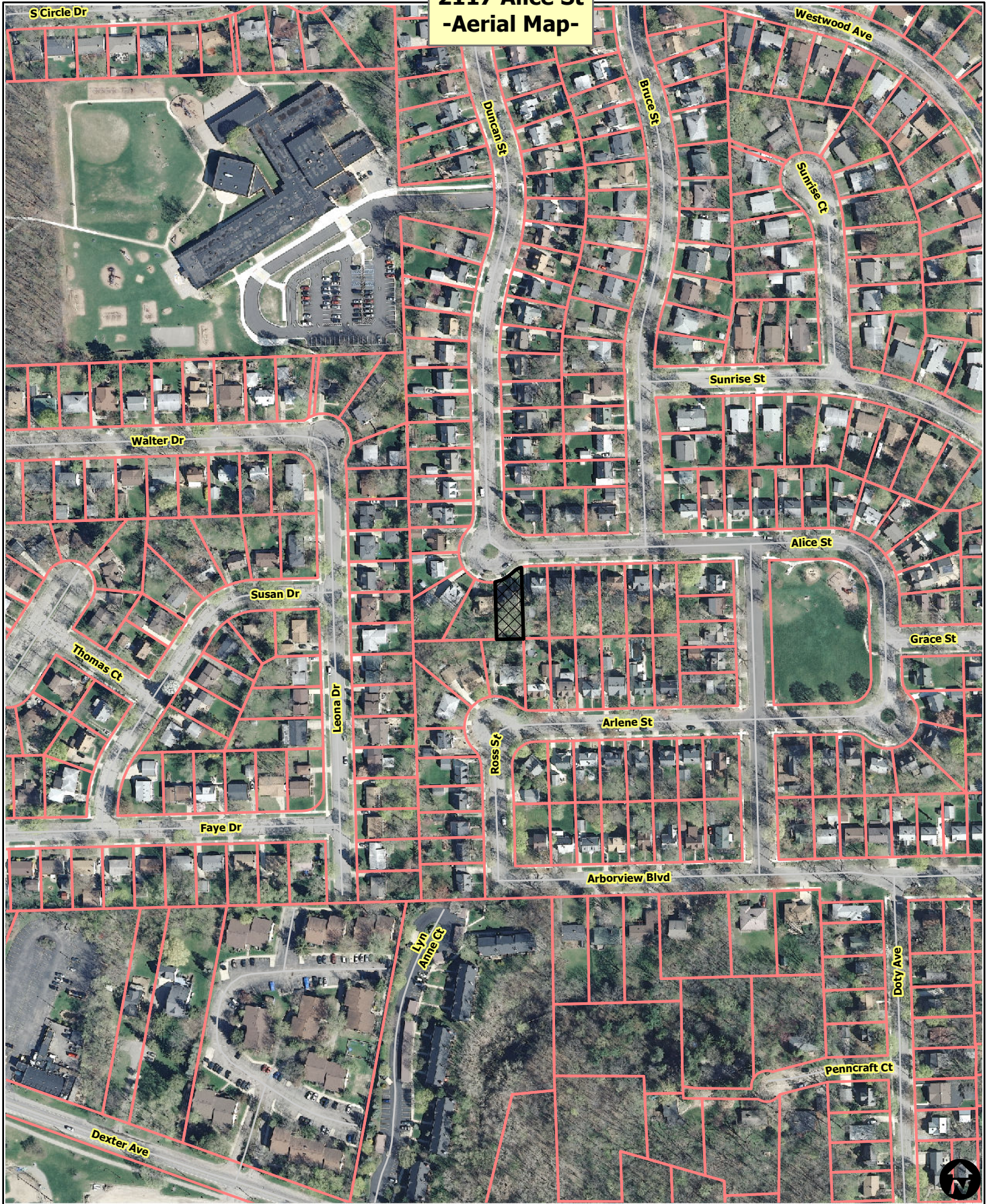
Railroads
 Parcels
Zoning
 Township Islands
 Zoning Districts
 Huron River



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 Map Created: 1/29/2014



2117 Alice St -Aerial Map-



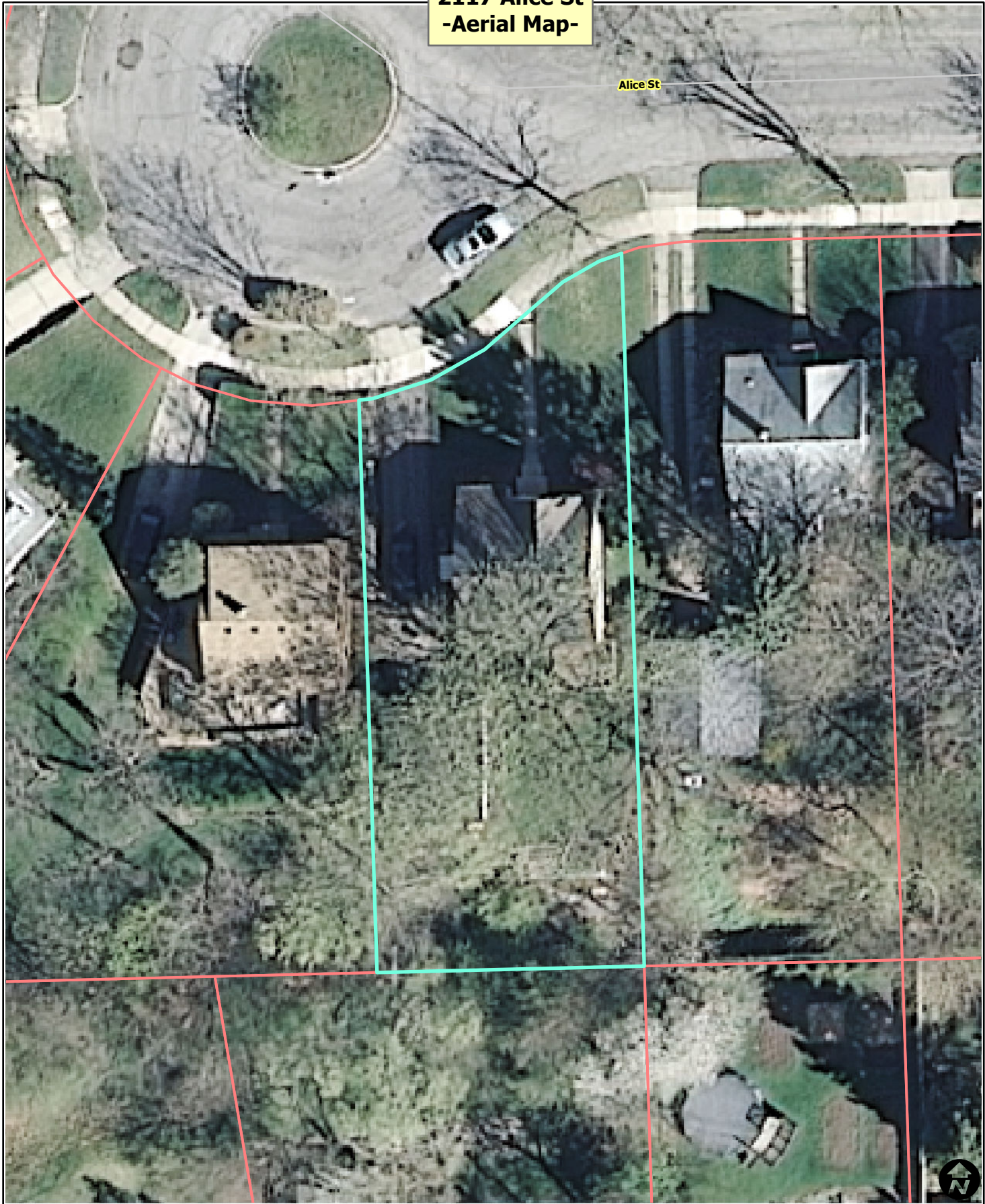
-  Railroads
-  Parcels
-  Huron River



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2117 Alice St -Aerial Map-



Alice St

-  Railroads
-  Parcels
-  Huron River



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Map Created: 1/29/2014



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

Section 1: Applicant Information

Name of Applicant: MATHEW ZEICHMAN / RACHEL ZEICHMAN
Address of Applicant: 2117 ALICE ST ANN ARBOR MI 48103
Daytime Phone: 734-945-6762
Fax: _____
Email: M.ZEICHMAN@GMAIL.COM
Applicant's Relationship to Property: OWNER

Section 2: Property Information

Address of Property: 2117 ALICE ST
Zoning Classification: R1D
Tax ID# (if known): _____
*Name of Property Owner: _____

**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:

CH 55 SECTION 5:59

Example: Chapter 55, Section 5:26

Required dimension: PROPOSED dimension:

24' FRONT SETBACK 18' CLOSEST ENCLOSED POINT
15' POST (OPEN)

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 ATTACHMENTS

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 ATTACHMENTS

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

SEE ATTACHMENTS

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

SEE ATTACHMENTS

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 ATTACHMENTS

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

SEE ATTACHMENTS

Section 5: 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

(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.

734-945-6762
Phone Number

[Signature]
Signature

Email Address

MATHEW ZEICHMAN
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 27th day of January, 2019, 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

9.22.2019
Notary Commission Expiration Date

Baljit Singh Kahlon
BALJIT SINGH KAHLON
Notary Public - Michigan
Wayne County
My Commission Expires Sep 22, 2019
Acting in the County of Washtenaw

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. Are there hardships or practical difficulties to complying with the ordinance? Are there hardships or practical difficulties an exception or unique to the property compared to other properties in the City?

Yes. The backyard is severely sloped (away from the home).

The home was built directly over the Allen Creek. We do not have a basement because of potential flooding issues. If the addition is built on the south end of the home (off the back of the home, into the hill side), we risk running into structural issues. The north side of our lot is flat.

In addition, building an addition on the back of our home would cause us to lose any and all useable space.

Because we are the first house on the Alice St. cul-de-sac, the building was constructed further back than others on the street. The house does not directly face the cul-de-sac center.

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

Yes. Due to the slope of the backyard and the curved setback line, we have no other options. If we had a basement, it could be used as additional living space and a storage area. Building a basement is not an option because of the home's location in relation to the Allen Creek. Our garage was built on the south end of our home. The foundation is crumbling and the structure has sunk at about six inches into the ground. We believe this is due to the Allen Creek.

Why don't we build a smaller addition on the front of the home? We can build a small addition within the current setback line. However, the size of this addition is not practical. Currently we are only able to build a 6' addition. This is not large enough for a living or dining room.

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

Other than increasing neighboring home values, this variance will not affect surrounding homes. The front of our home will still remain behind the line of vision when looking west down Alice St. The furthest point of this addition at 2117 Alice St will be 12' behind the front of 2115 Alice St ([see photos](#)). Neighboring home owners are supportive of our request ([See signature page](#)).

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?

Backyard at 2117 Alice is severely sloped. Building on a hill directly over Allen Creek could pose structural issues.

The only flat surface of our backyard has a large Silver Maple. The tree serves as the only form of erosion control on the hill.

Setback line is curved, not straight like other setback lines on Alice Street.

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

No. We want to stay in our home; however, the house is too small. We have a growing family and love

the neighborhood.

We designed the addition size and dimensions to fit within the standard Arbor Heights 25' setback code ([See Figure 1](#)). We hired Washtenaw Engineering to survey/stake the setback lines so the addition would be in accordance with the city regulations. However, when we found out our setback line is not based on our property line like others home on Alice St we found ourselves in need of a small variance request.

The only practical addition option is on the front. This modest addition will create much needed usable space, increase neighborhood appeal, and flow of home ([See current home layout / floor plan](#)).

We are trying to get more space for our growing family. If we built an addition on the back of the home, we would lose at least one bedroom which would leave us with 2.5 bedrooms.

Because of the home's location in relation to the cul-de-sac, physical characteristics & topographic hardships, floor plan, and lack of a basement, we do not have any other choice but to build off the front of the home.

Other:

The addition design will follow the neighborhoods Cape Cod home styles. ([See drawings / photos](#)).

All neighbors asked to sign our petition for a variance are fully supportive of the design concepts and drawings ([See signature pages](#)).

With current setback line (25')- Total square feet requested: ~49 (interior space)

The northwest corner is currently over the setback by 3 feet. If the existing nonconforming NW corner is used the setback starting point, we only need 12 square feet. ([See Figure 2](#))

Official setback line / Amount of square feet needed:

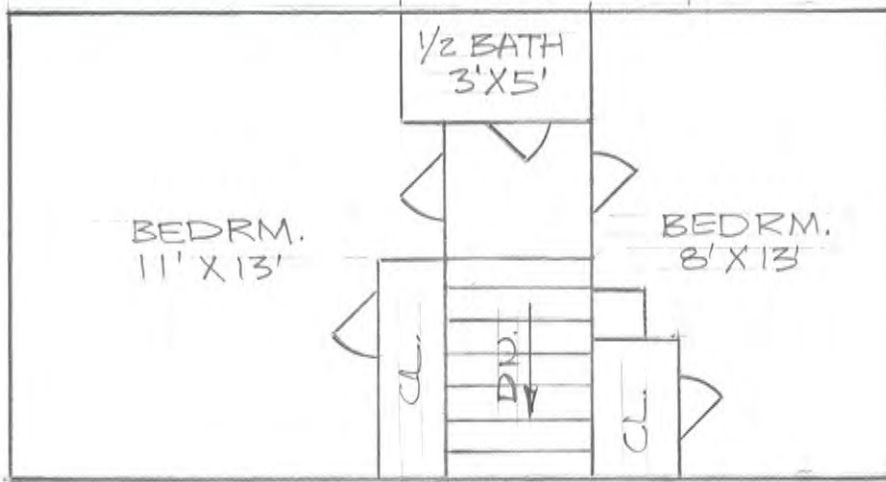
Neighboring Property Set Back Average (100' from property) = 24' ([See Figure 3](#))

2115 Alice St setback = 23 + 2119 Alice St setback = 25'

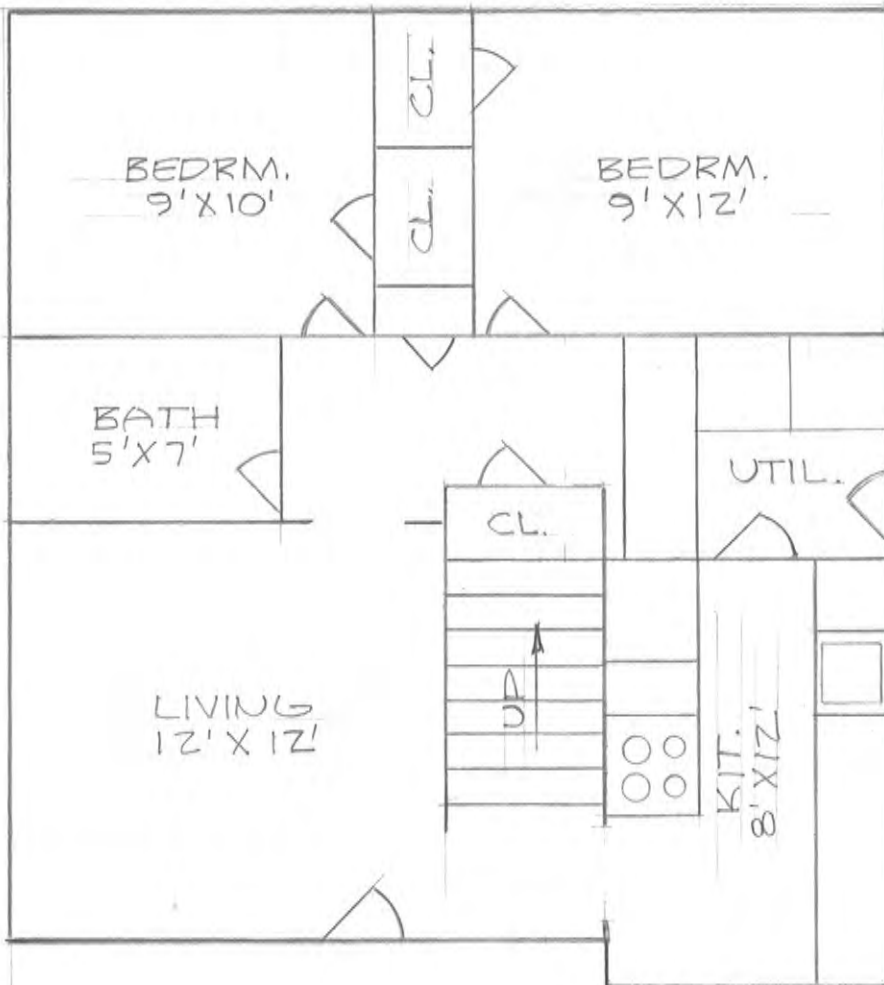
****2117 Alice setback = 24'****

With the new setback line of 24', interior square feet requested: 37.5 (Enclosed)

Total square feet requested: 82.5 (37.5 sq ft interior + 45 sq ft from front overhang (open/outdoor space ([See Figure 3](#)))



2ND FLOOR



1ST FLOOR

SCALE
 $\frac{3}{16}'' = 1'-0''$



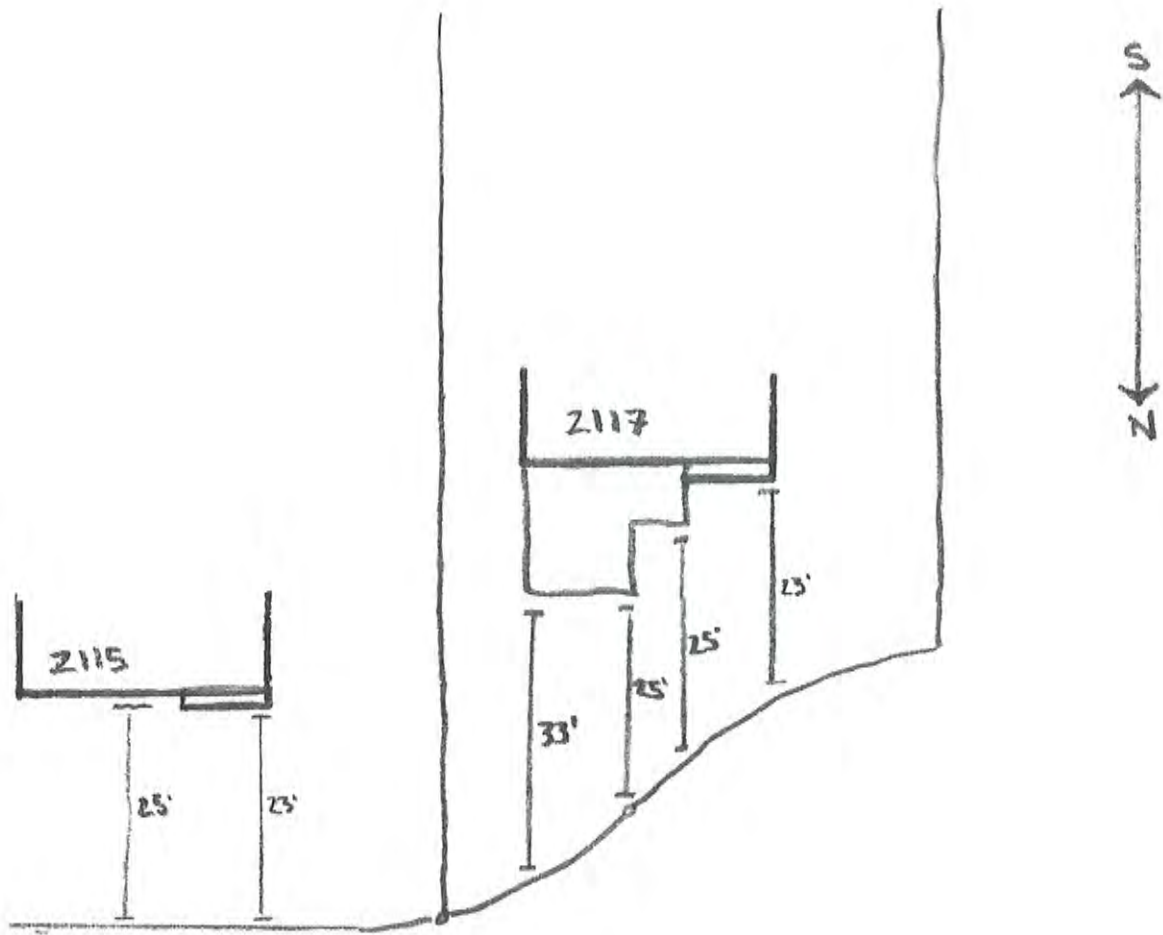


FIGURE 1

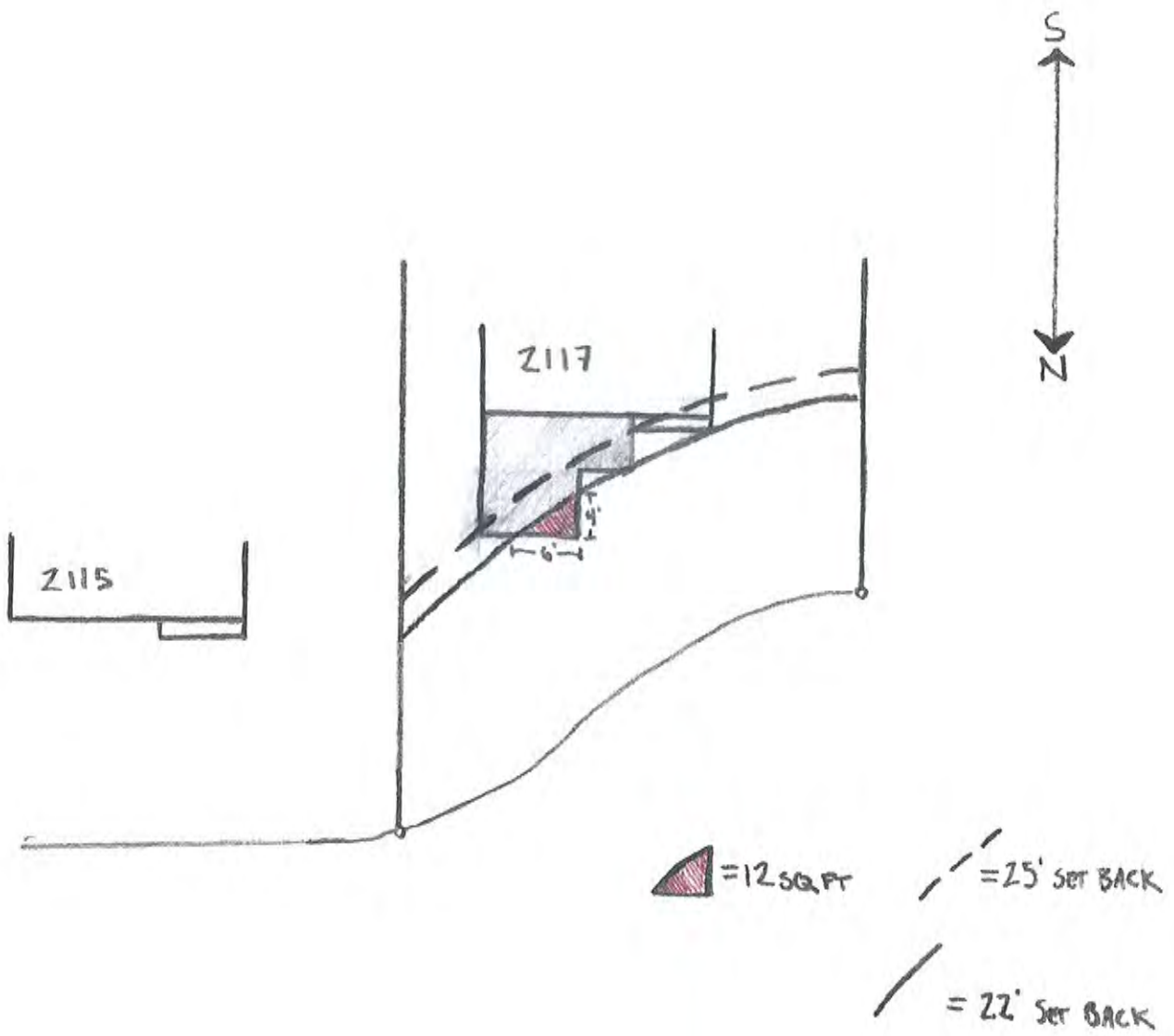


FIGURE 2

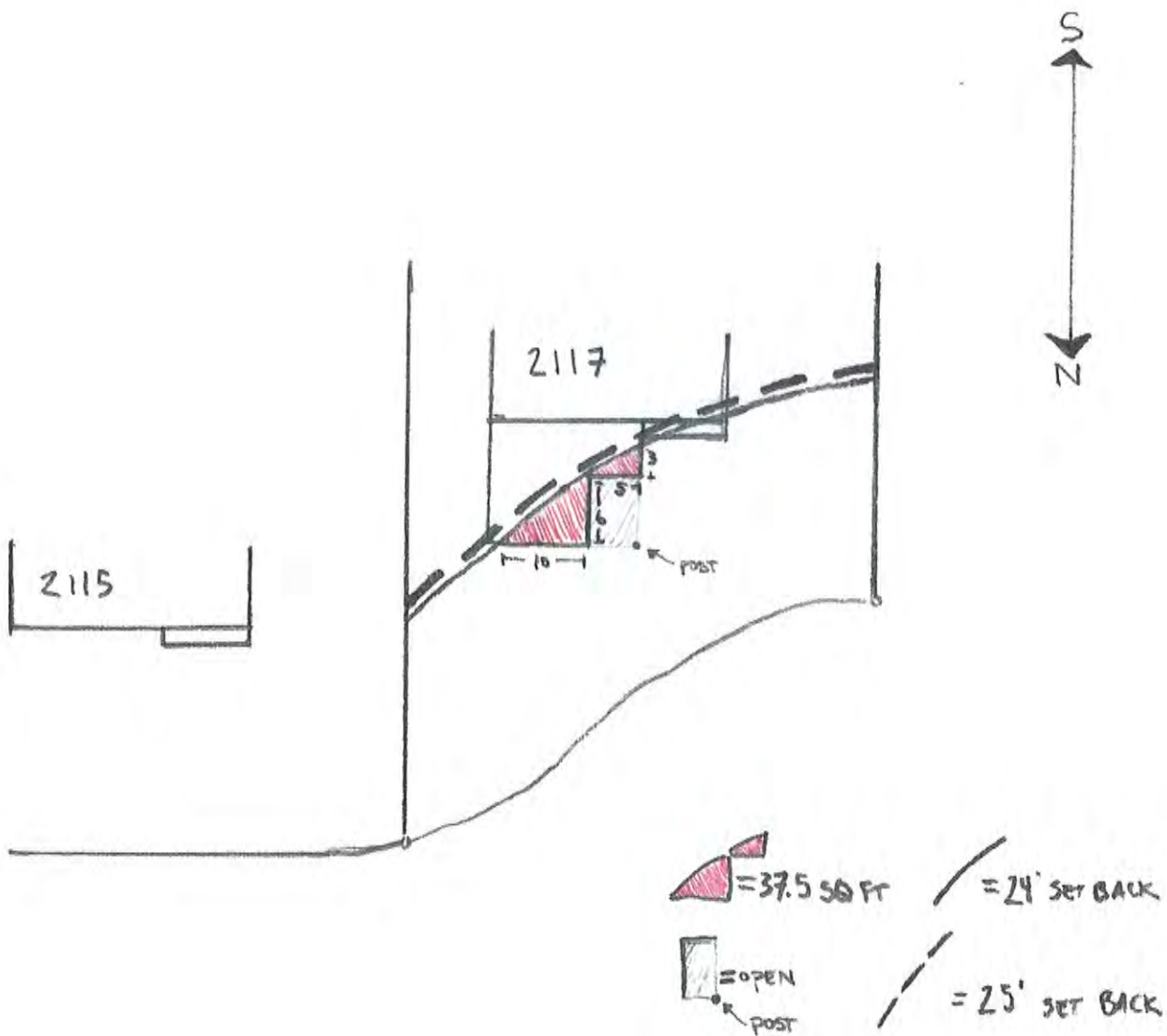
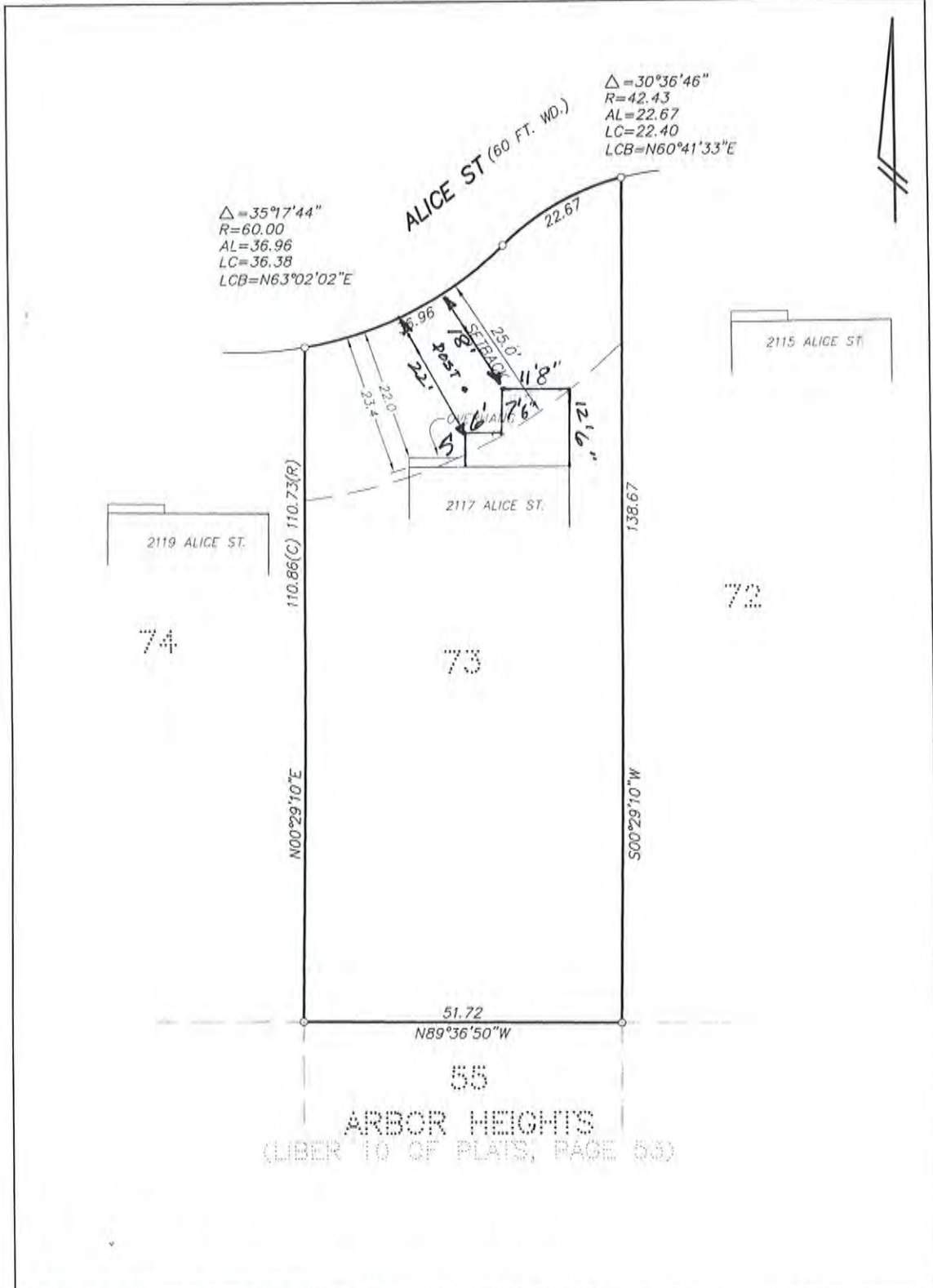


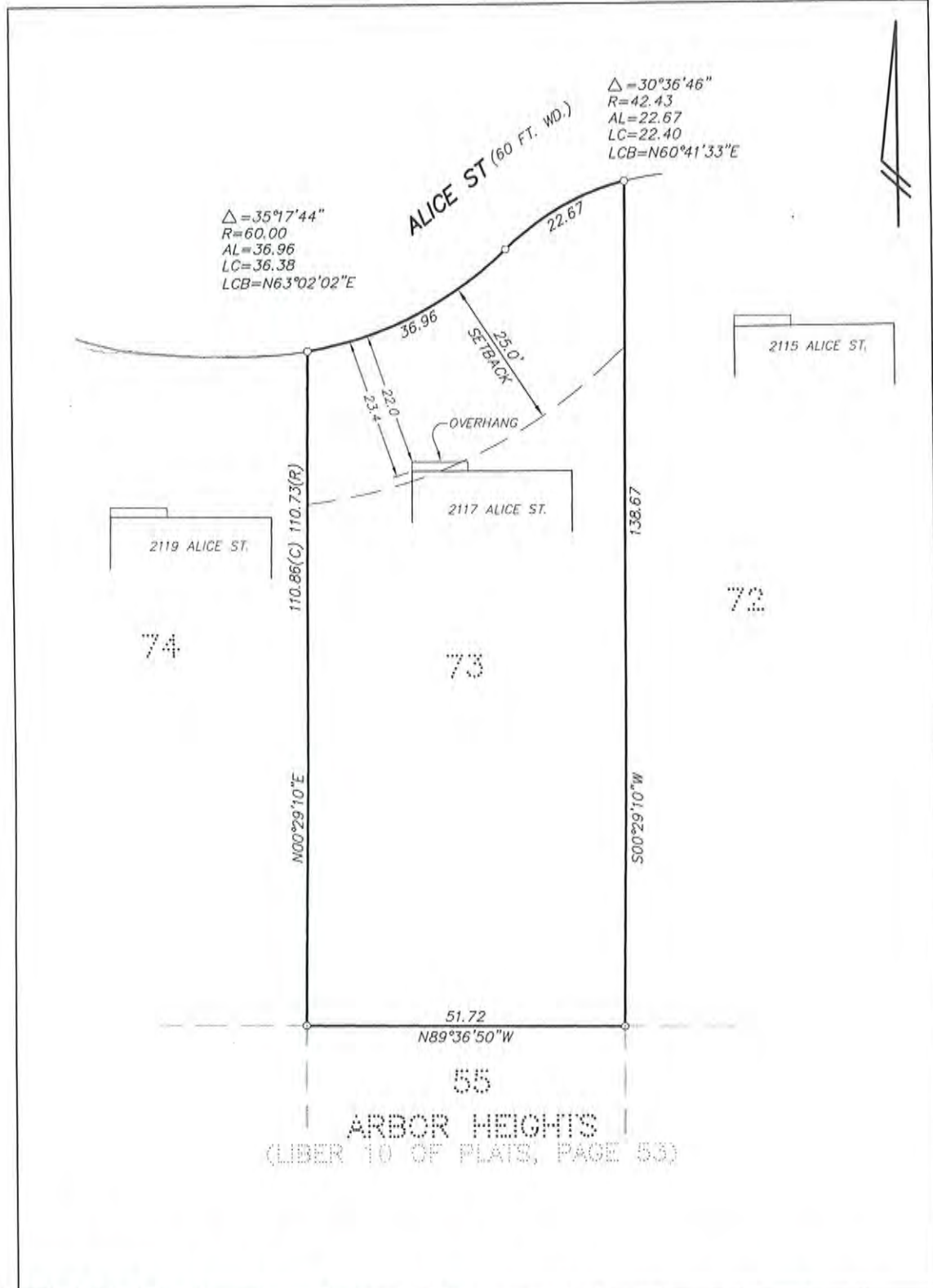
FIGURE 3



ARBOR HEIGHTS
(LIBER 10 OF PLATS, PAGE 53)

		SCALE: 1 INCH = 20 FEET
LEGEND F = FOUND IRON MARKER S = SET IRON MARKER		(C) = COMPUTED (R) = RECORDED
		CLIENT: MATTHEW ZEICHMAN
CIVIL ENGINEERS • PLANNERS SURVEYORS • LANDSCAPE ARCHITECTS 3526 W. LIBERTY RD, SUITE 400 ANN ARBOR, MICHIGAN 48103 TEL. 734-761-8800 FAX. 734-761-9530 weco@wengco.com www.washtenawengineering.com		PROFESSIONAL SURVEYOR NO. 24620
TOWN <u>2</u> SOUTH • RANGE <u>6</u> EAST SECTION <u>19</u> CITY OF ANN ARBOR WASHTENAW COUNTY • MICHIGAN		
DATE <u>9-26-13</u>	REV.	
DRAWN <u>DJH</u>	JOB <u>31745</u>	
CHECK <u>TL</u>	F.B. <u>-</u>	
SHEET <u>1 OF 1</u>	FILE NO. <u>R-10031</u>	

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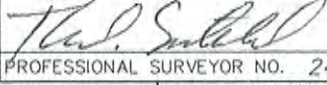


$\Delta = 35^{\circ}17'44''$
 $R = 60.00$
 $AL = 36.96$
 $LC = 36.38$
 $LCB = N63^{\circ}02'02''E$

$\Delta = 30^{\circ}36'46''$
 $R = 42.43$
 $AL = 22.67$
 $LC = 22.40$
 $LCB = N60^{\circ}41'33''E$

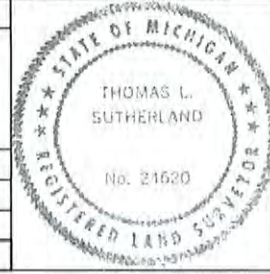
ARBOR HEIGHT'S
 (LIBER 10 OF PLATS, PAGE 53)

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SCALE: 1 INCH = 20 FEET		 PROFESSIONAL SURVEYOR NO. 24620
LEGEND F = FOUND IRON MARKER (C) = COMPUTED S = SET IRON MARKER (R) = RECORDED		
CLIENT: MATTHEW ZEICHMAN		
TOWN <u>2</u> SECTION <u>19</u> SOUTH * RANGE <u>6</u> EAST CITY OF ANN ARBOR WASHTENAW COUNTY * MICHIGAN		
DATE <u>9-26-13</u>		REV.
DRAWN <u>DJH</u>		JOB <u>31745</u>
CHECK <u>TLS</u>		F.B. -
SHEET <u>1 OF 1</u>		FILE NO. <u>R-10031</u>



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 weco@wengco.com
 www.washtenawengineering.com



Zoning Board of Appeals

I am writing you regarding Appeal # ZBA 14-003, Parcel I.D. 09-09-19-305-036. I live next door to the property requesting a variance. Matthew Zeichman has kept me informed about his intention to expand his house. I have no objection to his plan, and support his request.

Allison Smith
2115 Alice St