

**Zoning Board of Appeals  
June 25, 2014 Regular Meeting**

**STAFF REPORT**

**Subject: ZBA14-007, 1113 Pontiac Trail**

**Summary:** Gary Murphy, property owner, is requesting one variance from Chapter 55(Zoning) Section 5:59 (Accessory Buildings), of 2 feet for construction of a detached garage in the side setback; 3 feet is required.

**Description and Discussion:**

The subject parcel is located at 1113 Pontiac Trail, just north of Long Shore Drive. The parcel is zoned R2A (Two-Family Residential). The single-family house was built in 1920 and is 1,944 square feet in floor area. The house does not have a garage or carport.

The request is discussed in detail below:

The petitioner is proposing to construct a 16 foot wide by 18 foot deep detached single-car garage, narrowing to 12 feet wide at the front. The garage will be 17 feet tall at the roof peak and total 260 square feet. It will be constructed 7 feet from the south rear corner of the house and 1 foot from the south property line. At the closest spot there is 16 feet between the house and the side property line. There is no garage currently on the site.

According to Chapter 55, 5:59, a garage is an accessory building and is permitted within the required side open space: *“Accessory buildings may occupy required side open space provided that such buildings are more distant from the street than any part of the principal building on the same lot and any part of the principal building on any lot abutting said required side open space; provided, however, that such accessory buildings are not closer than 3 feet to any lot line.”*

The proposed garage will be constructed one foot from the side property line, requiring a variance of two feet from the side setback requirement of 3 feet, there will be no overhang of eaves into the 1 foot setback.

**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 parcel is 6,600 square feet and 58 feet wide at the front (narrows to 50 feet where garage is proposed) by approximately 132 feet deep. The parcel is a non-conforming R2A lot for both lot width required (60 feet) and lot area required (8,500 square feet). There is a shared driveway that runs along the property line that leads to a small gravel parking area. There is no covered parking area on the parcel. There is also significant vegetation and a small landscape pond in the rear yard.

- (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 for construction of a detached garage 7 feet from the side of the existing house and 1 foot from the property line. If the variance is not granted, the garage could be constructed at a different location, but may require removal of significant landscaping and/or reduction in total size.

- (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 proposed garage structure will be one foot from the side property line. According to the Michigan Residential Building code the wall running parallel to the property line is required to have a 1 hour fire rating in order to protect adjacent structures. Similar structures exist in the neighborhood, but the side setback distances cannot be verified by staff. The garage will allow vehicles and solid waste containers to be screened from adjacent neighbors. Neighbors directly adjacent to the south have submitted a letter of support for the variance request.

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

The placement of the existing house, configuration of the lot and the extensive vegetation, limit the area available to construct a garage in the rear yard. The proposed location of the garage is at the end of a shared driveway with the adjacent property. The house has historically been used without the benefit of a carport or covered parking/storage area.

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

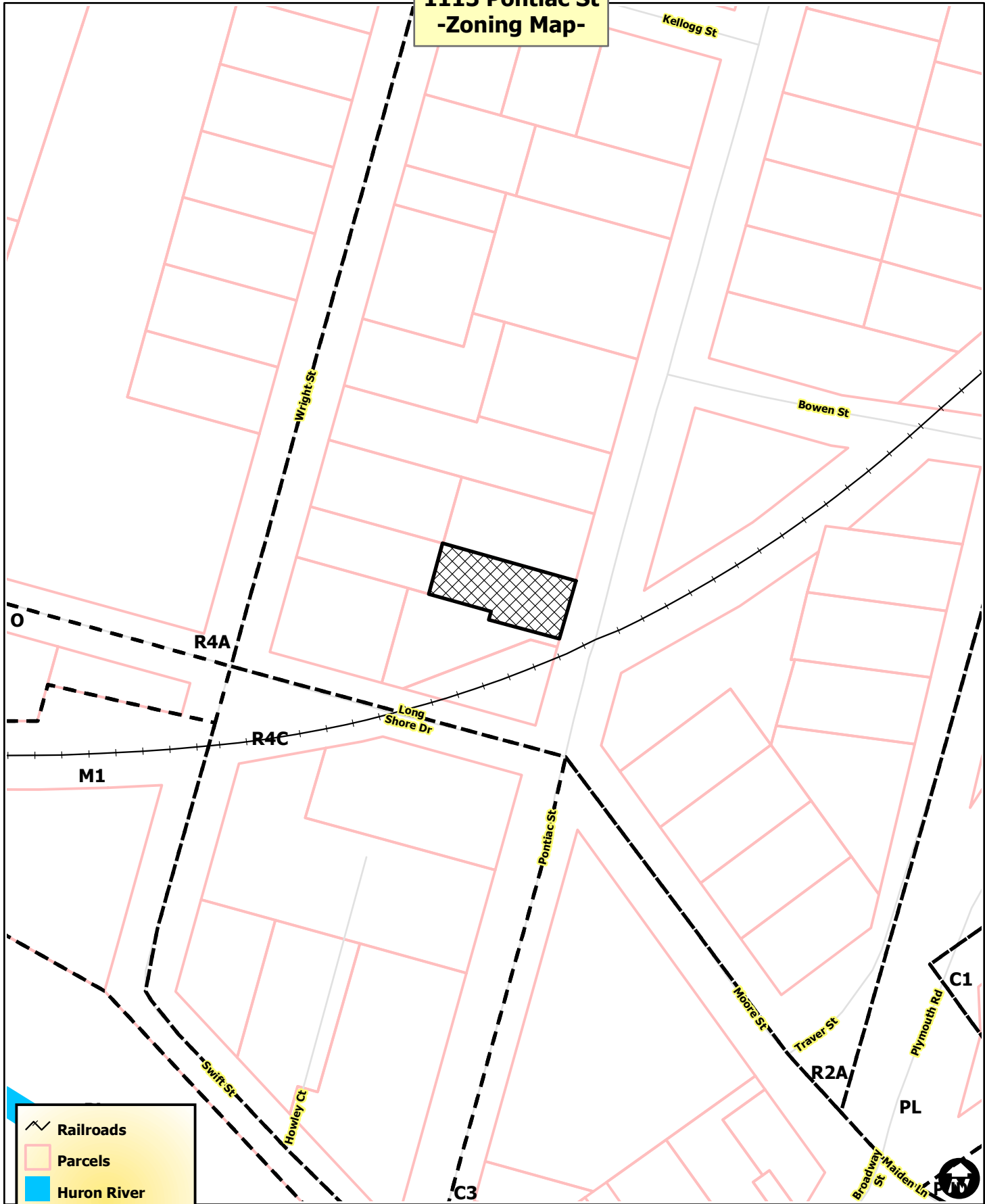
The requested variance is minimal in area and dimensions however, it would place a structure wall 1 foot from the side property line. The requested size of 16 feet wide by 18 feet deep narrows to 12 feet wide near the front of the garage. This size permits minimal area for covered ingress and egress from a vehicle and storage. In addition, Chapter 55, Section 5:54(c) does permit certain architectural features such as eaves to project two feet into the required open space. The petitioner is requesting a 2 foot variance from the 3 foot side setback requirement in order to allow placement of the garage walls within the required side setback.

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**

# 1113 Pontiac St -Zoning Map-



**Railroads**  
 Railroads

**Parcels**  
 Parcels

**Huron River**  
 Huron River

**Zoning**

Township Islands

Zoning Districts






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Map Created: 5/7/2014

# 1113 Pontiac St -Aerial Map-



-  Railroads
-  Parcels
-  Huron River




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 Map Created: 5/7/2014



# 1113 Pontiac St -Aerial Map-



-  Railroads
-  Parcels
-  Huron River



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Map Created: 5/7/2014

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

**Section 1: Applicant Information**

Name of Applicant: Gary Murphy & Christina Bych  
 Address of Applicant: 1113 Pontiac Trail, Ann Arbor MI 48105  
 Daytime Phone: 734.663.3424  
 Fax: n/a  
 Email: chopperlumps@mindspring.com  
 Applicant's Relationship to Property: owners/residents

**Section 2: Property Information**

Address of Property: 1113 Pontiac Trail, Ann Arbor MI 48105  
 Zoning Classification: 401 Residential  
 Tax ID# (if known): 091-21-309-013  
 \*Name of Property Owner: Gary Murphy & Christina Bych

*\*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:

Chapter 55  
Section 5:30

*Example: Chapter 55, Section 5:26*

Required dimension:  
3-foot setback  
with noncombustible materials

*Example: 40' front setback*

PROPOSED dimension:  
1-foot setback  
with noncombustible materials

*Example: 32'*

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

Build a small, one-car garage to provide safer access to our house in...[continued on attached sheet]

**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?**

Our lot (1113 Pontiac Trail) and the adjoining lot (611 Longshore) were both amended in shape and truncated to accommodate the construction of the Ann Arbor Railroad prior to the Civil War. The lots are nonconforming, share a driveway, and share the encroachment of the railroad right-of-way.

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

We moved into 1113 Pontiac Trail in 1976, when we were in our 20s; we are now in our mid-60s. Having experienced this rather remarkable past winter—ice-covered cars & driveway, slip & falls—we would like to be able to keep a car in a garage and walk directly to the house. [continued on attached sheet]

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

We have the full support of our neighbors. The side wall of the garage will be no different than the existing fence, in their view. If I read zoning code correctly, there is no room for more structures at 611 Longshore. The shared drive runs along the side of the proposed garage to 611's nonconforming garage (0/0 setback), with a south view straight to the tracks. So no impact.

**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?**

Nonconforming, smaller lot; shared drive; mature landscape; railroad right-of-way

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

Self-imposed? In the years from 1976 to now, we might have overly invested in landscape. But I think not. The spot for the garage seems best for us and best for our neighbors—and best for solar access, as well. How did the condition come about? Pre-Civil War construction of the Ann Arbor Railroad.

## Section 5: ALTERATION TO A NON-CONFORMING STRUCTURE

Current use of the property Single-family residential

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 . . . . .)



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

GARY MURPHY — 1113 Pontiac Trail, Ann Arbor, MI 48105

— attached page 1 of 1 —

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**Page 1, Section 3, *continued*:**

... in winter, plus a solar charging station for an electric car.  
Our nonconforming lot is narrow and has mature landscaping.

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**Page 2, #2, *continued*:**

You might say we are planning for our 80s.

The positioning of the garage not only allows for our greater future safety, but it would also accommodate a solar-cell roof array to power a charging station for an electric car.

Other possible locations would require the removal of mature landscape—walnut, ginko, redbud, spruce, a pond, five mature dwarf conifers—the loss of our backyard and thousands of dollars' worth of plants. Such awful degradation to the overall environment seems an extreme.

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Existing Condition

Code Requirement

Lot area 7160 square feet

Lot width 50 feet, backyard; 68 feet, frontyard

Floor area ratio 1500 square feet—house; 21%

Open space ratio 5660 square feet—yard; 79%

Setbacks 3 feet

Parking in drive

Landscaping fully mature landscape

Other \_\_\_\_\_

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

Add a small one-car garage near the back entrance to our house to (1) increase our safety during treacherous winter conditions, and (2) provide a structure for solar panels to charge an electric car.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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:

Our adjoining neighbors have a nonconforming garage on the southwest lot line. Their lot is too small to accommodate more buildings, therefore they would not be affected by setback rules in the future. The proposed garage's south wall, along the driveway, would provide the same visual experience to our neighbors as does the now-existing fence.

\_\_\_\_\_

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

a 1-foot setback

\_\_\_\_\_

\_\_\_\_\_

**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.

734.663.3424  
 Phone Number  
 choppertumps@mindspring.com  
 Email Address

*Gary Murphy*  
 Gary Murphy  
 Signature  
 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.

*Gary Murphy*  
 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.

*Gary Murphy*  
 Signature

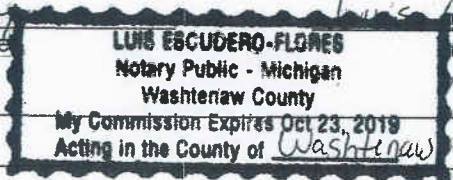
I have received a copy of the informational cover sheet with the deadlines and meeting dates and acknowledge that **staff does not remind the petitioner of the meeting date and times.**

*Gary Murphy*  
 Signature

On this 22 day of April, 2014, 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

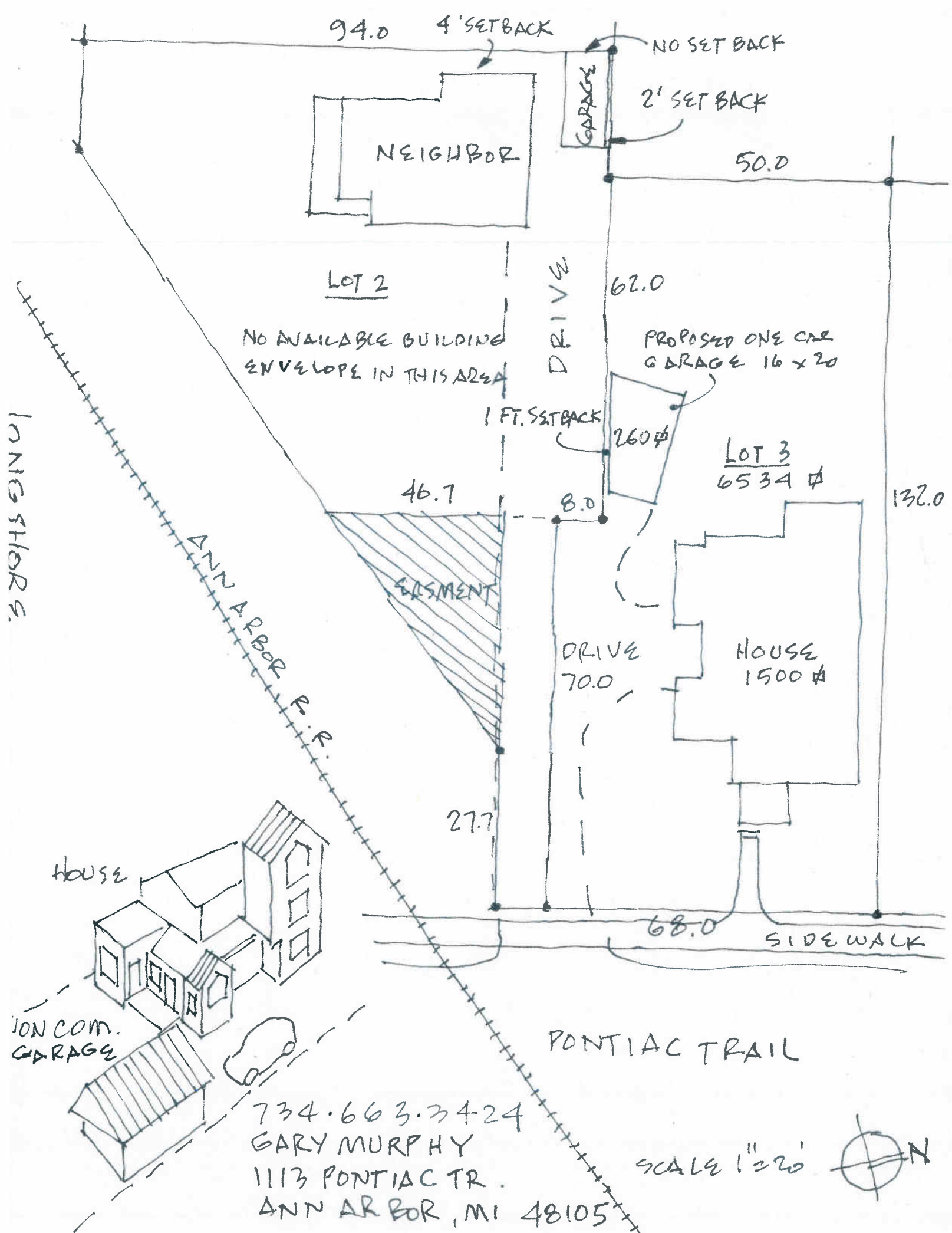
October 23, 2019  
 Notary Commission Expiration Date



Luis Escudero-Flores  
 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: \_\_\_\_\_



734.663.3424  
 GARY MURPHY  
 1113 PONTIAC TR.  
 ANN ARBOR, MI 48105

SCALE 1"=20'



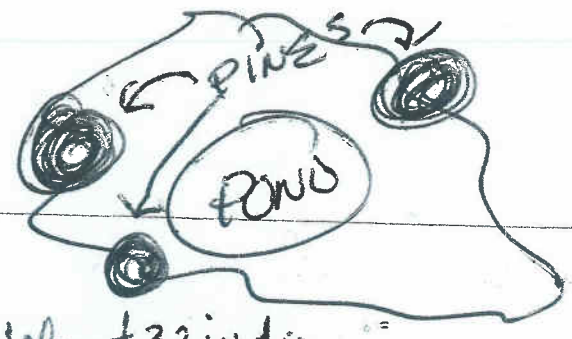
OK

50.0

CEDAR  
CINKO  
REDBUD  
SPRUCE

DRIVE

62.0



FIR

mature Walnut 32 in dia.

1 FT. SETBACK

YEW (TAXIS)  
MATURES

260 #

PROPOSED  
ONE-CAR 16x20  
- garage

8.0

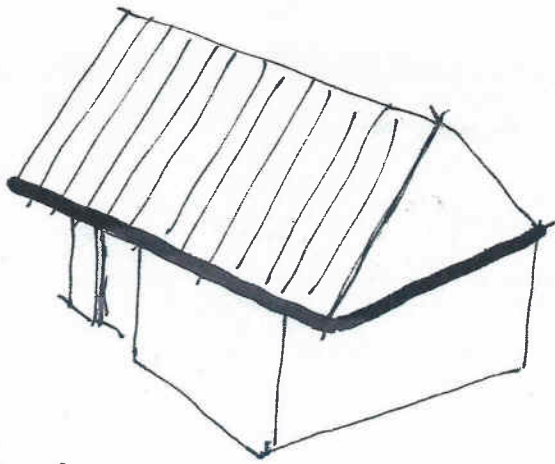
132.0

DRIVE  
70.0

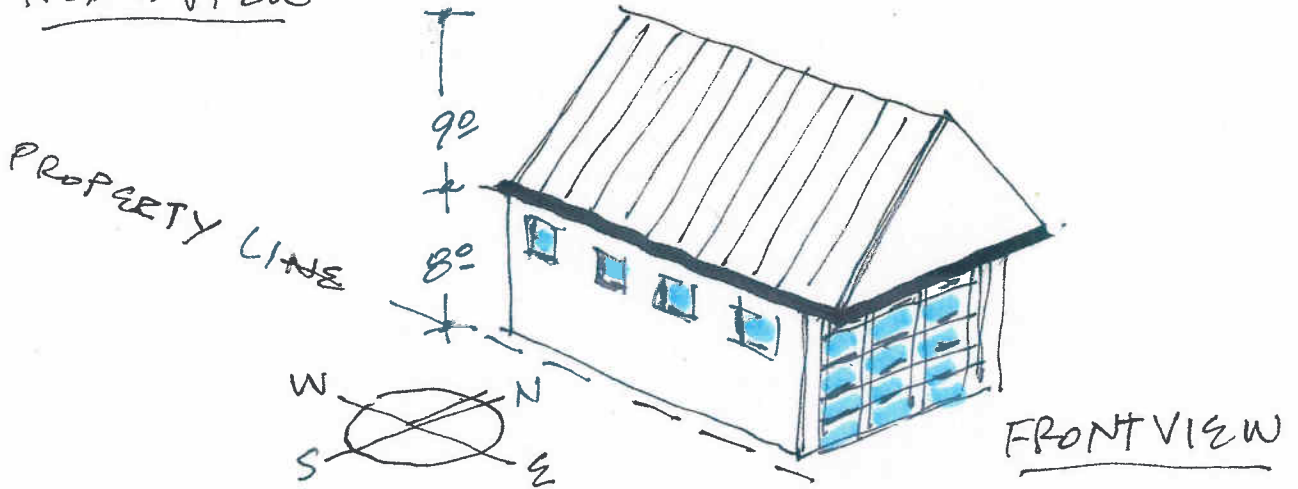
HOUSE  
1500 #



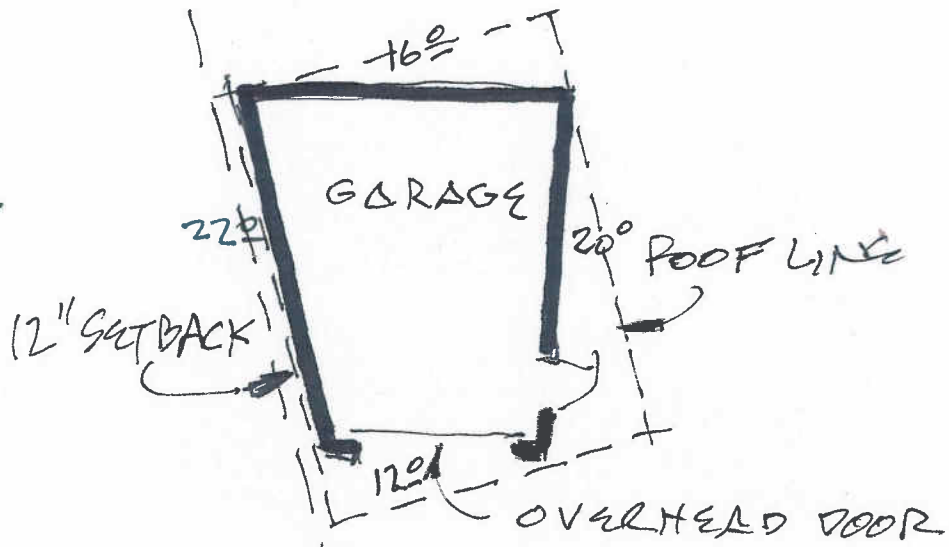
SKETCH OF PROPOSED GARAGE



REAR VIEW

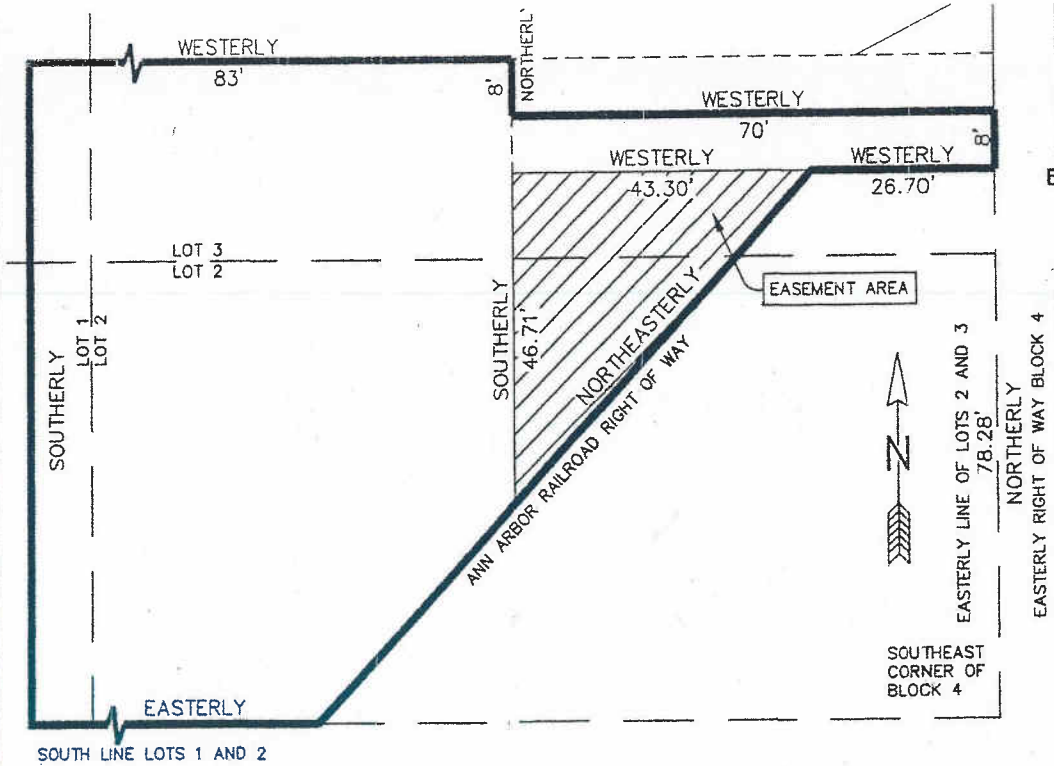


16' x 20' x 17' H.



PLAN VIEW

GARY MURPHY  
1113 PONTIAC  
ANN ARBOR, MI. 48105

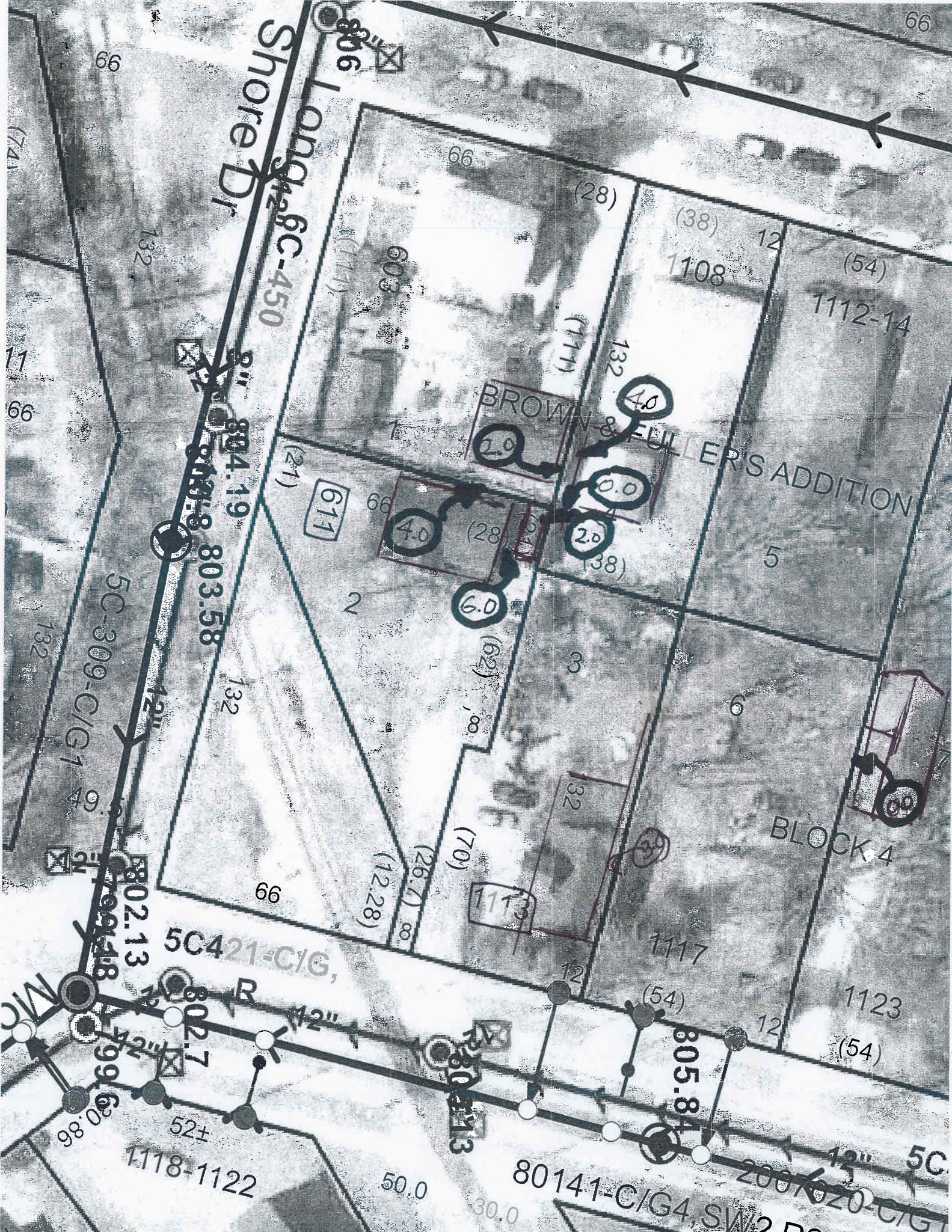


Part of Lots 1, 2, 3, and 4, Brown and Fuller Addition to the City of Ann Arbor, described as: Commencing at the Southeast corner of Block 4; thence Northerly 78.28 feet in the easterly line of said Block 4 for a Place of Beginning; thence Northerly 8 feet in the Easterly line of Lot 2; thence Westery 70 feet along a line parallel to the the Northerly line of Lot 2; thence Northerly deflecting 90'06' to the right 8 feet; thence deflecting 90'06' to the left 83 feet on a line parallel to the Northerly line of Lots 2 and 1; thence Southerly parallel to the Easterly line of Lots 1 and 4 to the Southerly line of Lot 1; thence Easterly on said line to the Ann Arbor Railroad right-of-way; thence Northeasterly on said right-of-way to the Southerly line of a driveway which point is 78.28 feet Northerly of the Southerly line of Block 4 and 26.70 feet Westery of the Place of Beginning; thence Easterly 26.70 feet to the Place of Beginning, according to the Plat thereof as recorded in Liber D of Deeds, Page 3, Washtenaw County Records.

Subject to and together with an Easement for Driveway Purposes as disclosed in Liber 847, Page 578.

Also,  
 Subject to an easement for landscaping and lawn maintenance over the above described parcel being described as: Commencing at the Southeast corner of Block 4 of Brown & Fuller's Addition to the City of Ann Arbor as recorded in Liber D of Deeds, Page 3, Washtenaw County Records, Washtenaw County, State of Michigan; thence Northerly 78.28 feet in the Easterly line of Lots 2 and 3 of said Block; thence Westery 26.70 feet along a line parallel to the South line of said Lot 3 for a Place of Beginning; thence continuing Westery 43.30 feet; thence Southerly parallel to the East line of said Lots 2 and 3 to the Northeasterly Right-of-Way line of the Ann Arbor Railroad; thence Northeasterly along said Railroad right of way to the Place of Beginning.

CLIENT: GARY MURPHY		<b>Arbor Land Consultants, Inc.</b> Professional Land Surveyors 2936 Madrono Ann Arbor, Mi 48103 Tel (734) 669-2960 Fax (734) 669-2961 www.arborlandinc.com
EASEMENT AGREEMENT IN PARTS OF LOT 2 AND 3, BLOCK 4, BROWN AND FULLER'S ADDITION TO THE CITY OF ANN ARBOR, MICHIGAN		
SCALE 1 INCH = 20 FEET	JOB No. 12611	DATE 8-29-2011
	SHEET 1 OF 1	REVISION: -



Shore Dr

Long St

BROWN & FULLER'S ADDITION

BLOCK 4

66

66

66

(28)

1108

12

(54)

1112-14

132

(114)

(114)

132

4.0

BROWN & FULLER'S ADDITION

2.0

0.0

2.0

(38)

(21)

611

66

4.0

(28)

6.0

(62)

3

6

11  
66

132

804.19

803.58

802.13

802.7

802.13

802.7

802.13

802.7

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802.7

802.13

802.7

802.13

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802.7

5C-309-C/G1

5C421-C/G,

5C

80141-C/G4, SW/2 R2

1118-1122

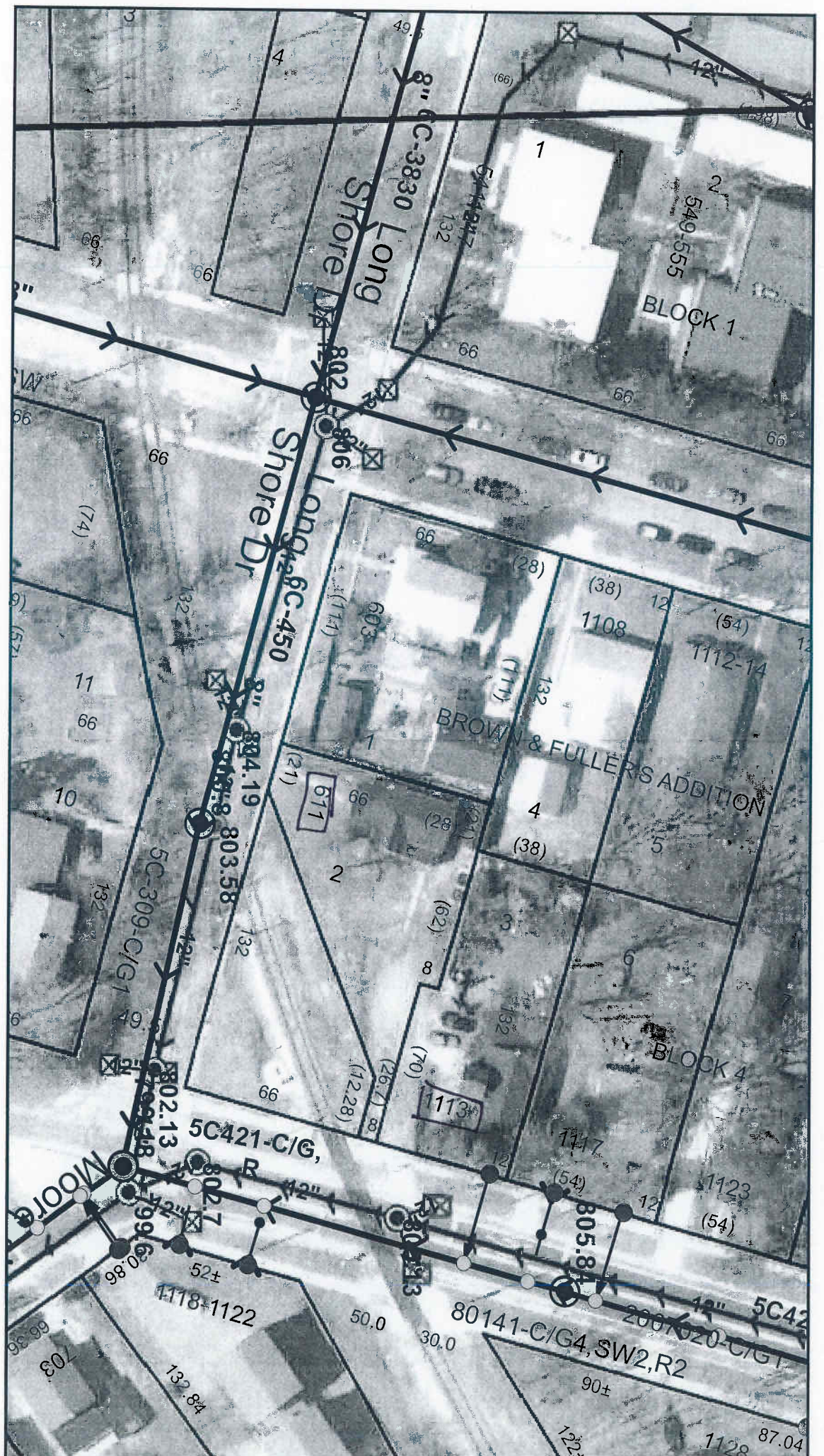
50.0

30.0

200' 20' C/G1

5C







April 23, 2014

To whom it may concern—

We, Cheryl Dawdy and Jim Moran, the owners of 611 Longshore, Ann Arbor, MI 48105, fully support Gary Murphy and Christina Bych's plan to build a garage at 1113 Pontiac Trail.

We understand that the proposed location will have minimum setback along our shared drive. It will not impact either the use of our space or the aesthetics.

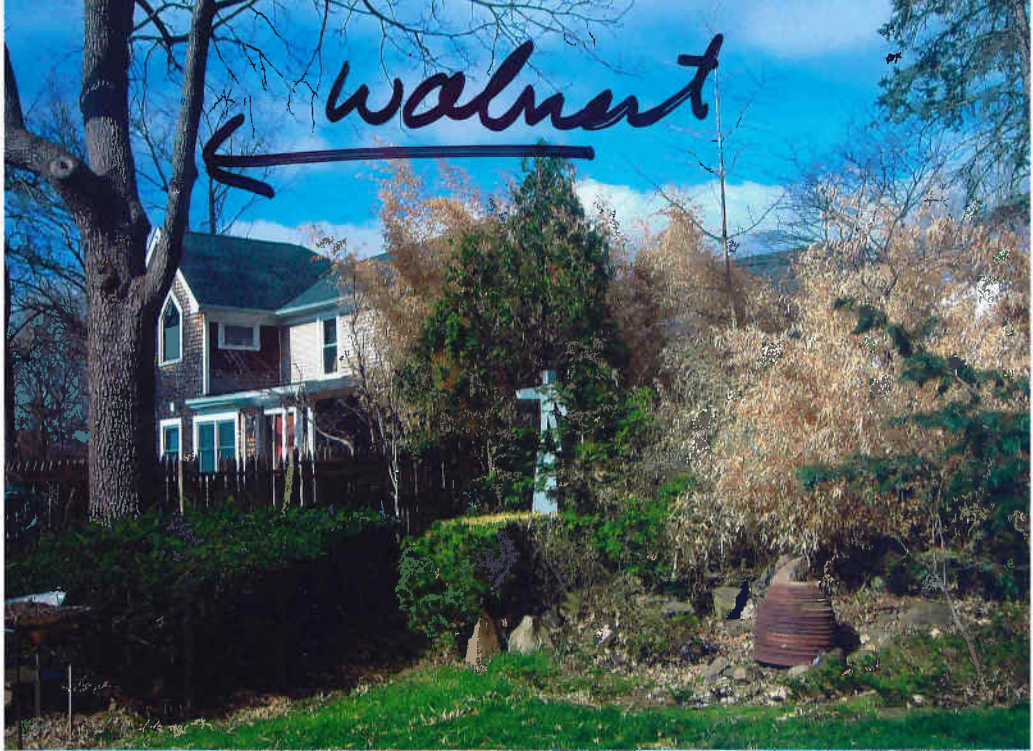
Sincerely,

A handwritten signature in cursive script that reads "Cheryl Dawdy". The signature is written in dark ink and is positioned to the right of the typed name.

Cheryl Dawdy  
611 Longshore  
Ann Arbor, MI 48105









We support Gary Murphy's request for a variance for the construction of a garage at 1113 Pontiac Trail.

Jeff Kupperman & Susanna Hapgood  
1205 Pontiac Trl



**From:** Chris Fraleigh [<mailto:chrisfraleigh@gmail.com>]  
**Sent:** Wednesday, May 14, 2014 2:35 PM  
**To:** Kowalski, Matthew  
**Subject:** ZBA 14-006 Gary Murphy, 1113 Pontiac St.

Hello Matt.

I received a notice from the Planning Office regarding a variance for garage placement at 1113 Pontiac St.

I want to be on record as supporting Gary Murphy's variance request.

Thank you.

Chris Fraleigh

To: Zoning Board of Appeals, Ann Arbor  
From: David William Cohen and Gretchen Elsner-Sommer

We write in support of the request for variance by Gary Murphy, who is planning construction of a detached garage.

We are proximate neighbors, two homes between our property and Mr. Murphy's residence. We walk past Mr. Murphy's property a couple of times a day, or more, and are familiar with the layout of the property, the adjacent railway right-of-way, and the plans for the new garage.

We support his request for the variance. It has no negatives associated with it and the garage, set back from the street, will be a positive feature in our little neighborhood in addition to improving the livability of 1113 Pontiac Trail.

We are sorry we cannot attend the meeting on June 25.

Thanks for keeping us alert to developments affecting us in our nice neighborhood.

Very best,

David and Gretchen

--

David William Cohen  
1129 Pontiac Trail  
Ann Arbor, MI 48105 USA