

**Zoning Board of Appeals
June 27, 2012 Regular Meeting**

STAFF REPORT

Subject: ZBA12-010, 2411 Londonderry

Summary: Paul and Ruth Hays are requesting one variance from Chapter 55 (Zoning) Section 5:57(Averaging an Existing Front Setback Line): a reduction of 3 feet from the average front setback requirement for expansion of an existing residential structure into the required front open space; 40 feet is the averaged front setback required (R1B requires 30 foot front setback without averaging).

Description and Discussion:

The subject parcel is zoned R1B (Single-Family) and is located northeast of Washtenaw Avenue.

The petitioner is proposing to construct a 8 foot by 20 foot addition to the front of this single-family house. The house was built in 1959 and is 1,770 square feet in size. Currently the house is setback 45 feet from the front property line, and the required averaged front setback is 40 feet. Although the average front setback is larger in this area, 40 feet is the maximum setback required under Averaging of Existing Front Setbacks section of City Code. The petitioner is proposing to add an addition to the house that extends out 8 feet from the existing house, which will result in a front setback of 37 feet. Since the required setback is 40 feet, the petitioner is requesting a front setback variance of 3 feet. The R1B zoning district requires a 30 foot front setback without averaging.

The proposed one-story addition contains the front of an attached garage that will be shifted to the front. The rear portion of the existing garage will be converted to living space in order to allow for an expanded kitchen area. The new garage will be 22 feet long by 20 feet wide, resulting in an encroachment of 3 feet into the averaged front setback.

Standards for Approval- Variance

The Zoning Board of Appeals have 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 lot in the R1B Zoning District (required is 10,000 square feet, subject parcel is 15,939 square feet). The parcel is located on a curve in Londonderry Road and has a curved front lot line. There is a large tree and mature landscaping located directly to the rear of 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 for the addition to an attached garage 8 feet closer to the front property line. There is no room for expansion to the side of the house and expansion to the rear would require removal of a large tree and mature landscaping.

- (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 front variance is approved, the size of the structure will be consistent with some houses in the neighborhood. Although the proposed addition would extend into the averaged front setback, the parcel is located on a curve in the road which may minimize visual impact to the neighborhood and existing vegetation should help minimize the impact to the surrounding neighborhood. The petitioner has submitted a signed letter of support from several neighborhood residents.

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

The 40 foot front setback requirement is based on the averaged front setback of adjacent properties, which exceeds 40 feet. However, the front setback is only averaged to a maximum of 40 feet. There is very limited room to construct an addition to the sides of the house and the petitioner has stated a desire to preserve the mature tree and landscaping along the rear of the house. An addition of less than 5 feet could be constructed in the front.

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

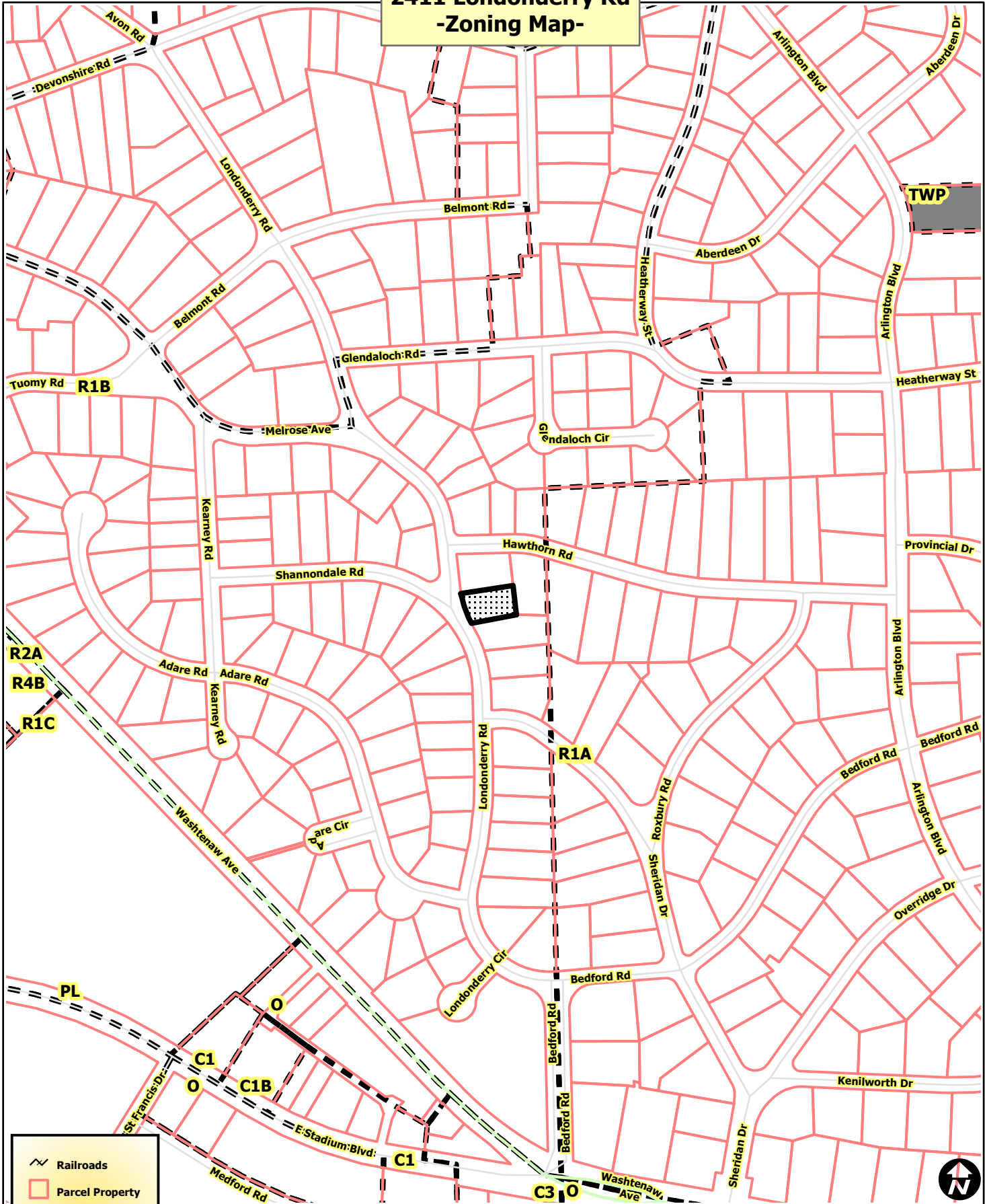
After completion of the addition, the house will be 37 feet from the front property line, 7 feet behind the 30 foot front setback required before averaging. The variance will permit construction of an 8 foot by 20 foot single story garage addition extending into the averaged front setback three feet. If approved, a total of 60 square feet of structure will be constructed within the front setback.

Respectfully submitted,

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

Matthew J. Kowalski, AICP
City Planner

2411 Londonderry Rd -Zoning Map-





	Railroads
	Parcel Property
	Zoning
	Township
	Zoning



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Map Created: 6/5/2012

2411 Londonderry Rd -Aerial Map-




 Railroads
 Parcel Property




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2411 Londonderry Rd -Aerial Map-



 Railroads

 Parcel Property



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Map Created: 6/5/2012

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

Section 1: Applicant Information

Name of Applicant Paine & Ruth Hays
Address of Applicant 2411 Londonderry Rd Ann Arbor
Daytime Phone 734-665-0126
Fax _____
Email hays@MichiganAerospace.com
Applicant's Relationship to Property: owner

Section 2: Property Information

Address of Property 2411 Londonderry Rd Ann Arbor 48104
Zoning Classification Residential
Tax ID# (if known): _____
Name of Property Owner Hays Ruth Trust
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

Front set back

Example: Chapter 56, Section 5.26

Required dimension:

40'

Example: 40' front setback

PROPOSED dimension:

37'

Example: 32

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

Add an 8' addition to front of garage and remodel 8' at rear of garage. We wish to extend 3' into the front set back.

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 56, 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?

please see next page for response.

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

Yes, it is impractical to extend the garage except forward.

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

please see next page for response.

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 physical constraints, the natural features in the footprint of the house prevent any practical addition except toward the street.

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

please see next page for response.

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)

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?

Yes. Due to the natural features of the "landmark maple tree" in the back yard, it is a practical difficulty to build within the drip line of the tree. Due to the foot print of the house taking up the majority of the width of the lot it is impractical to extend the garage and interior living space except for encroachment into the front set back.

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

None. (See attached letters of approval). Due to the varied nature of the setbacks in the neighborhood, this request would be very much in keeping with the natural character.

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

No. It was original and inherent to the home and the property as so constructed in late 50's and early 60's. e.g.; Relationship of the foot print of the house to property lines, the development of natural features, the size and design of some interior spaces that prevent contemporary aging in place design criteria.

Existing Condition

Code Requirement

Lot area 16000 square ft.
Lot width 99 feet.
Floor area ratio _____
Open space ratio _____
Setbacks 40'
Parking 2 interior, 2 exterior
Landscaping _____
Other _____

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

Please see next page for response

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:

Because of the free flowing nature of the neighborhood and the numerous precedents of structures closer to the right of way.

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

An 8' addition to the front of the garage with a 3' extension into the front 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.....)

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

We are requesting an 8' x 20' addition of the existing garage that will extend 3' into the front set back. We are also proposing to remodel the rear of the garage for the development of a kitchen with a more user friendly aging in place design.

Because the frontage is on an outside curve on Londonderry Rd., the extension of only 3' will have no effect upon the streetscape within the neighborhood and as evidenced by the surrounding setbacks. (See attached neighborhood map).

Because of a significant landmark tree that is a benefit to not just this property but adjacent properties as well. It is impractical and imprudent to jeopardize the natural features by constructing a foundation within its drip line. The modest size of the addition is necessary to accomplish some of the aging in place design criteria that was not considered in the original construction such as wider hallways, landings on both ends of a stairway, and wider stairways. (See existing floor plan and proposed floor plan as attached).

Due to the fact that no access can be developed to the back yard for vehicles, no detached garage can be developed. Therefore the only practical place to develop additional square footage that parallels contemporary uses and convenience is towards the front.

- 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.

734-665-0126 _____ Signature
 Phone Number
 hays@MichiganAerospace.com _____ Paul B. Hays
 Email Address _____ 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

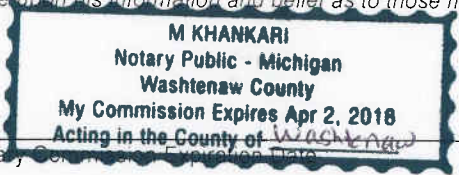
Further, I hereby give City of Ann Arbor Planning & Development Services unit staff and members of the Zoning Board of Appeals permission to access the subject property for the purpose of reviewing my variance request.

_____ Signature

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

On this _____ day of _____, 20____, 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.



M. Khankari _____ Notary Public Signature
 Meena Khankari _____ 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: _____



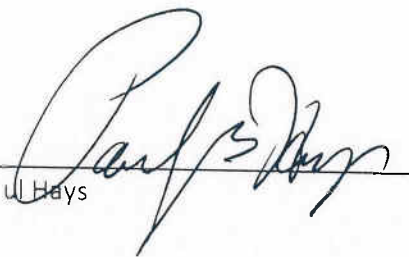
CHIZEK

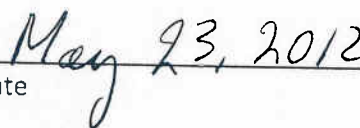
CUSTOM BUILDERS

*Custom Homes, Residential & Commercial Renovations
& Historic Restorations*

May 22, 2012

I do hereby give permission to Robert N. Chizek to appear before the Zoning Board of Appeals to represent Paul and Ruth Hays regarding our application for variance for our home located at 2411 Londonderry Rd., Ann Arbor, MI.


Paul Hays


Date



Notes:

16,000 sq ft

- Building Footprints
- Parcel Property
- Township Property
- Zoning Section Maps
- Zoning Class
- AG-Agriculture/Open Space
- C1-Local Business
- C1A-Campus Business
- C1A/R-Campus Business/Residential
- C1B-Community Convenience Center
- C2A-Central Business
- C2A/R-Commercial/Residential
- C2B-Business Service
- C2B/R-Business Service/Residential
- C3-Fringe Commercial
- D1-Downtown Core
- D2-Downtown Interface



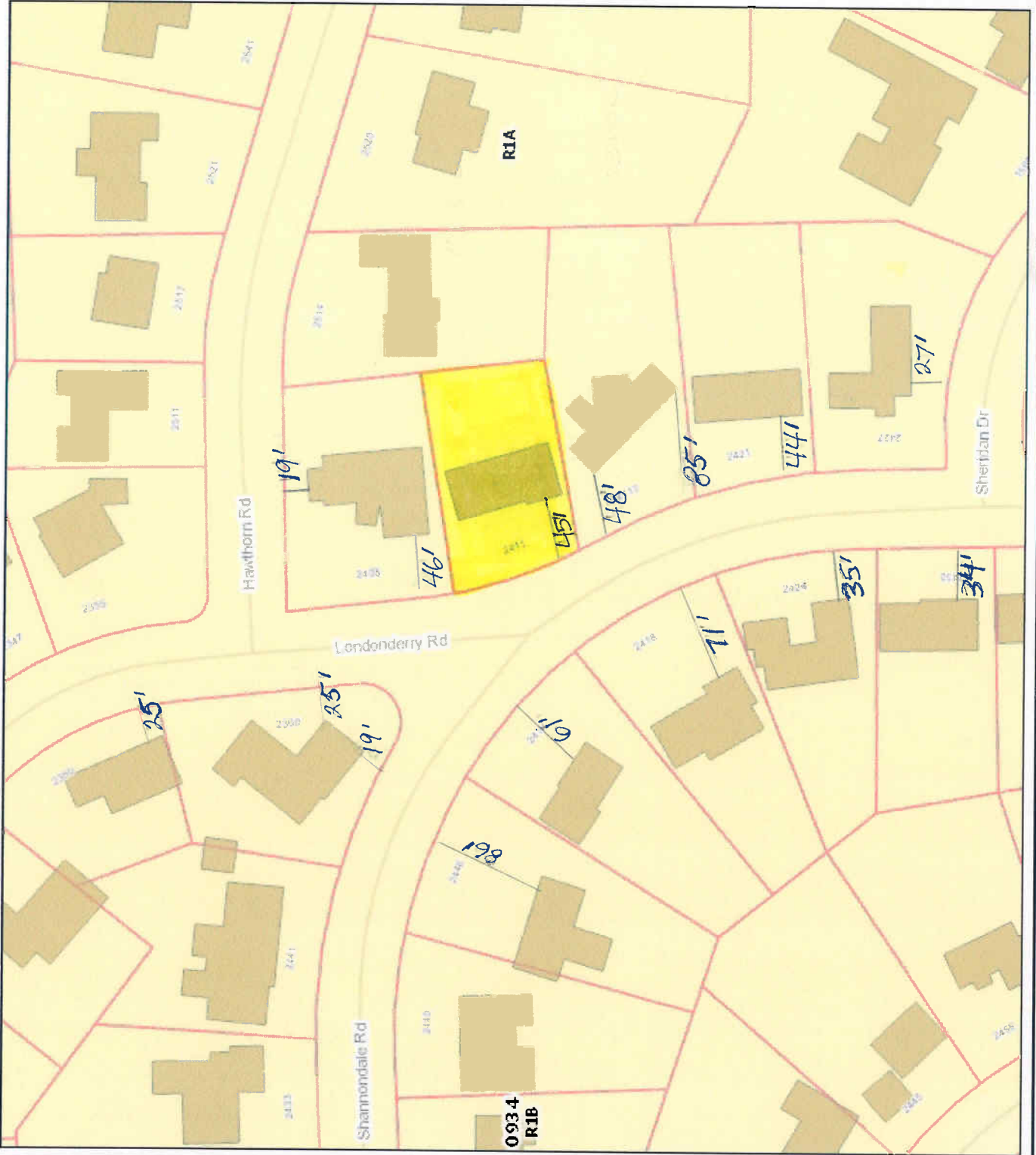
Scale is 1:1,282
1" = 107 Feet

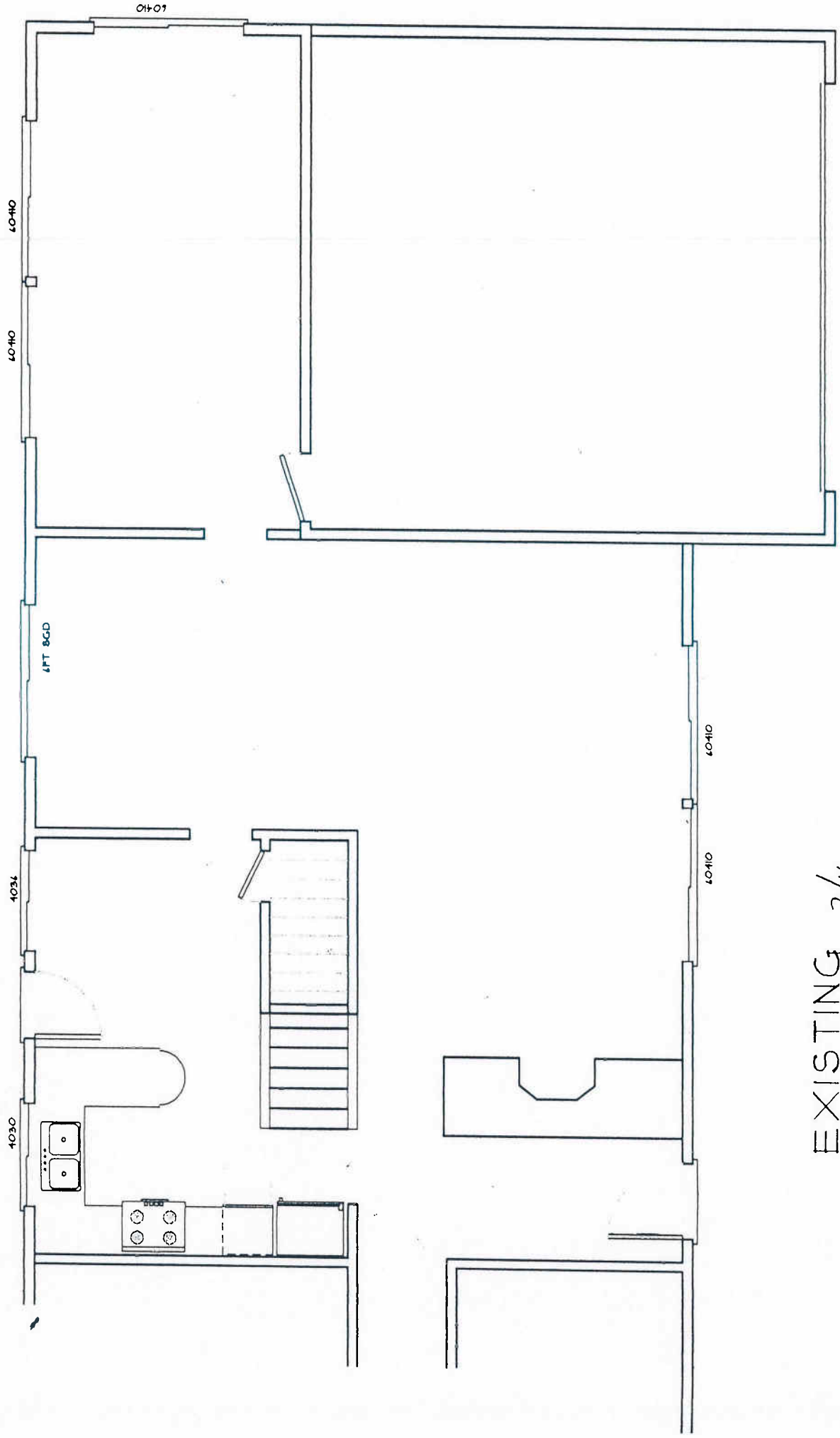


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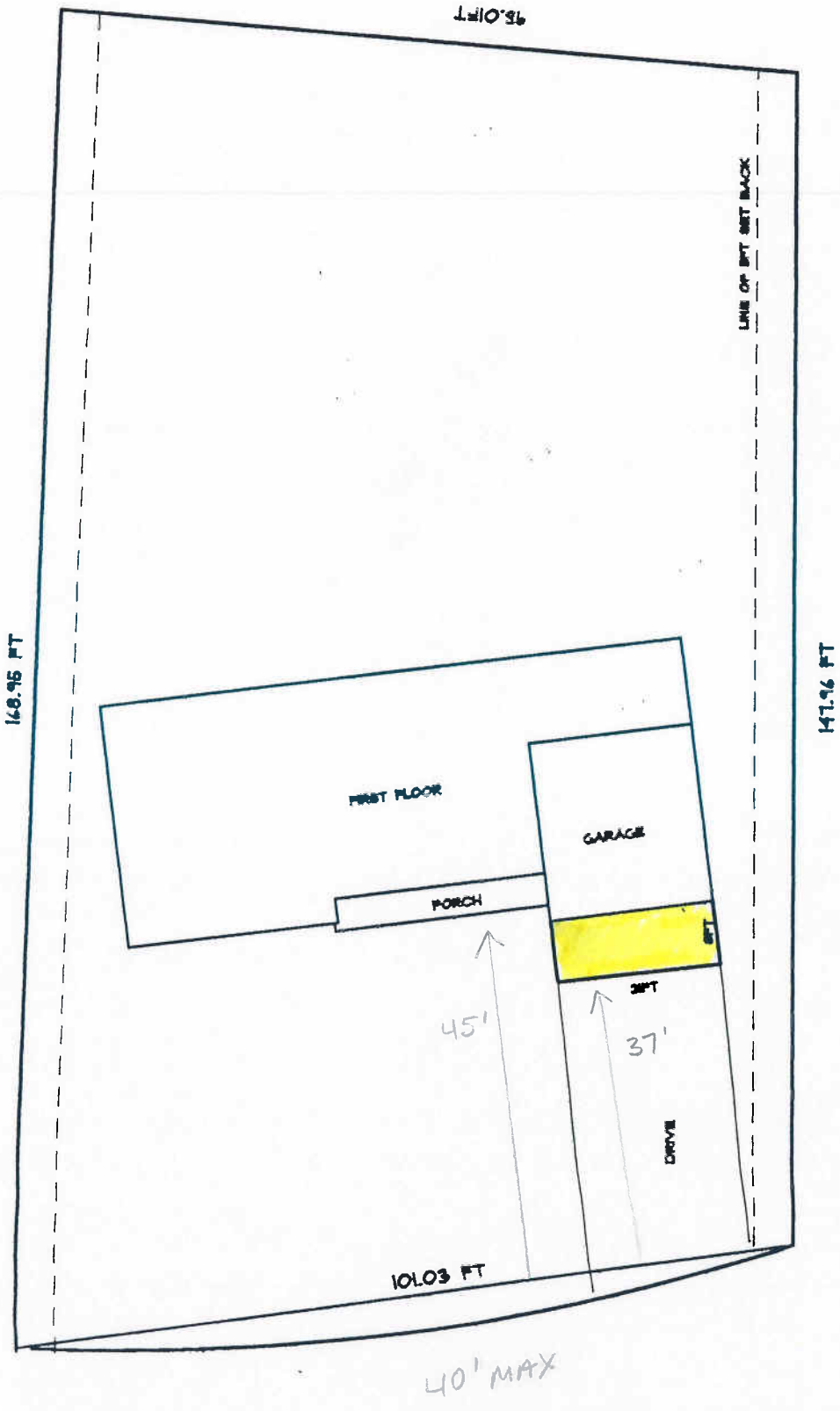
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5/29/2012





EXISTING 3/16



2411 LONDONDERRY
~~W/SETBACK~~ 3/32

PROPOSED

LONDONDERRY



May 7, 2012

To whom it may concern:

Paul and Ruth Hays have been neighbors and friends of ours for many years. We understand they are planning an addition to the south side of their house which will extend their garage a short way forward. This appears to be a logical and practical way to gain a nice expansion of their kitchen area and we are very much in favor of this project. Any conveniences extended to the Hays' will be appreciated.



Anne and Howard Cooper
2405 Londonderry Rd
Ann Arbor, MI 48104
(734) 761-8644

Robert Chizek

From: Lyon, Thomas [<mailto:tplyon@umich.edu>]

Sent: Saturday, May 05, 2012 9:20 PM

To: Paul Hays

Subject: RE: RE:Remodeling plans

Hi Paul,

I'm out of town this month, in California, back June 4. From the glimpses I get through my backyard, I think you and Ruth have done a beautiful job landscaping your backyard (I love the sound of the fountain!), so I have every expectation that you will maintain your high standards. I would prefer to chat with you in person, just because my memory for the layout of our respective houses is not as good as it probably should be. I am pretty sure this would not be a problem, though. What sort of timeline are you trying to work toward? Would it slow you down if we waited until I get back in June?

Best regards,

Tom

Thomas P. Lyon
Dow Professor of Sustainable Science, Technology and Commerce
Professor, Business Economics and Public Policy
Professor, Natural Resources and Environment
Room R6366, Ross School of Business
University of Michigan
701 Tappan Street

COPY



Address **2427 Londonderry Road**

Address is approximate

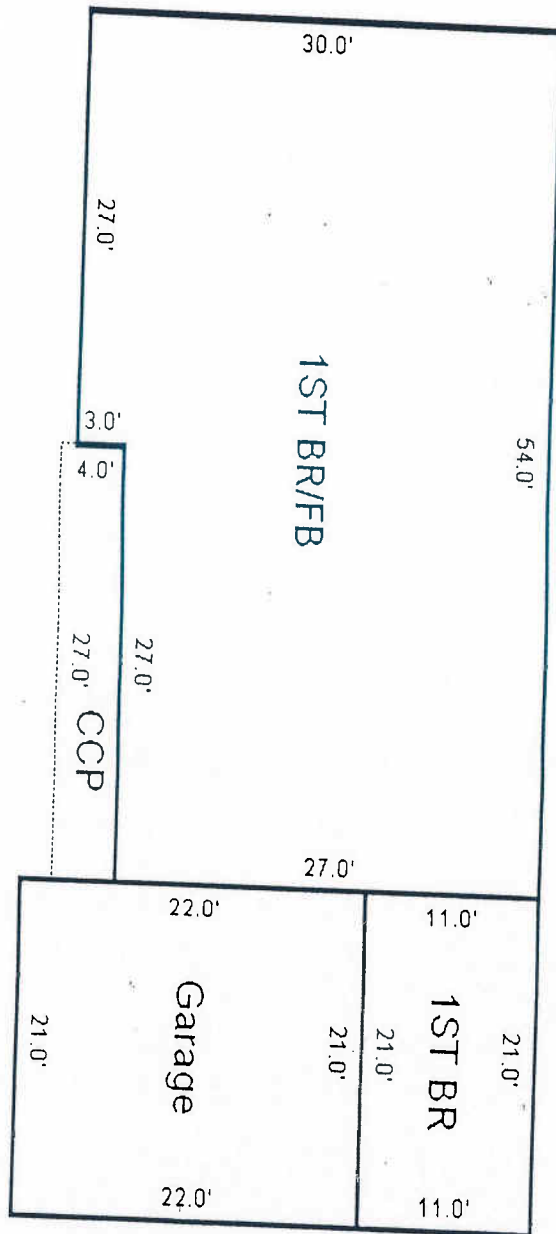


Image/Sketch for Parcel: 09-09-34-306-003

Caption: R001

City of Ann Arbor
[Back to Non-Printer Friendly Version] [Send To Printer]

Sketch by Apex I/m



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General Property Information

Parcel: 09-09-34-306-003 Data Current As Of: 11:23 PM 4/30/2012

[Back to Non-Printer Friendly Version] [Send To Printer]

Property Address [collapse]

2411 LONDONDERRY RD
Ann Arbor, MI 48104

Owner Information [collapse]

HAYS RUTH TRUST
2411 LONDONDERRY RD
Ann Arbor, MI 48104

Unit: 09

Taxpayer Information [collapse]

SEE OWNER INFORMATION

General Information for Tax Year 2012 [collapse]

Property Class: 401 - Residential
School District: 81010 - Ann Arbor
State Equalized Value: \$208,600
User Number Indx:

Assessed Value: \$208,600
Taxable Value: \$165,030
Map #: N/A
Date of Last Name Chg: 04/03/2002
Date Filed:
Notes: N/A

Principal Residence Exemption	May 1st	Final
2012	100.0000 %	-
2011	100.0000 %	100.0000 %

Previous Year Info	MBOR Assessed	Final S.E.V.	Final Taxable
2011	\$192,900	\$192,900	\$160,692
2010	\$208,300	\$208,300	\$158,006

Land Information [collapse]

	Frontage	Depth
Lot 1:	99.00 Ft.	161.00 Ft.
Lot 2:	0.00 Ft.	0.00 Ft.
Lot 3:	0.00 Ft.	0.00 Ft.
Total Frontage:	99.00 Ft.	Average Depth: 161.00 Ft.

Total Acreage: 0.37
Zoning Code: R1B
Land Value: \$165,674
Land Improvements: N/A
Renaissance Zone: NO
Renaissance Zone Expiration Date:
Mortgage Code: N/A
Lot Dimensions/Comments:
ECF Neighborhood Code: 0056 - 056 AA Hills & Tuomy Subs

June 11, 2012

Paul Hays
2411 Londonderry Road
Ann Arbor, MI 48104

Dear Paul,

Thank you for showing me the blueprints of your planned home improvements, and for taking the time to walk me around the house in person. I am convinced the changes you propose will have no negative impacts on my property, and am happy to support your efforts.

Please let me know if there is anything else I can do to help speed the process along.

Best regards,

A handwritten signature in cursive script, appearing to read "Tom Lyon".

Thomas P. Lyon
2417 Londonderry Road
Ann Arbor, MI 48104