

**Zoning Board of Appeals
September 24, 2014 Regular Meeting**

STAFF REPORT

Subject: ZBA14-011, 309 Wesley

Summary: Kayla Conrad is requesting permission to alter a non-conforming structure and one variance from Chapter 55 (Zoning) Section 5:29 (Single-Family), of 5 feet for expansion of an existing residential structure into the rear setback; 20 feet is required.

Description and Discussion:

The subject parcel is zoned R1D (Single-Family) and is located on the corner of Wesley and Harbrooke, just south of Arborview, north of Huron. The structure is an existing legal non-conforming duplex in a single-family zoning district. The petitioner resides in one half of the duplex and rents out the other half. The duplex structure is 1,768 square feet or approximately 884 square feet per unit with 2 bedrooms in each unit. It was built in 1941.

The petitioner is proposing to construct a 204 square foot addition to the first floor and second floor on the south side of the house. There is also a 180 square foot two-story addition proposed on the north side of the house that conforms to zoning and does not require a variance. There will be no bedrooms added to the either unit of the duplex. The lot is a corner which requires the south line of the parcel to be considered the rear lot line requiring a 20 foot rear setback. There is an existing detached two car garage located within the rear setback, which is permitted by zoning code. The proposed single-story addition will extend 10 feet into the attached garage, and 5 feet into the required rear setback. The new addition will place 45 square feet of floor area within the required setback. The second story addition will conform to the 20 foot required rear setback. The two-car garage will become a one-car garage.

The applicant is applying for a permit in order to add a driveway off of Harbrooke. This driveway will provide one legal parking space and will replace the parking space removed from the existing two-car garage. The property will remain non-conforming for parking, 3 spaces are required (1 ½ spaces per unit), 2 spaces will be provided.

If the variance is granted, staff recommends approval with the condition that the permit for the additional driveway from Harbrooke is approved and the legal parking space in this location is constructed. Per Chapter 55, Article IX(Zoning Board of Appeals) Section 5:97 (General Provisions), 'The Board of Appeals may attach conditions to any affirmative decision, provided such conditions are in accordance with this Code...'.

Standards for Approval- Permission to Alter a Non-Conforming Structure

The Zoning Board of Appeals has all the power granted by State law and by Section 5:98, from the City of Ann Arbor Zoning Ordinance. The following criteria shall apply:

The alteration complies as nearly as practicable with the requirements of the Zoning Chapter and will not have a detrimental effect on neighboring property.

Permission is being requested in order to construct additions to the north and south side of the house. These additions will increase the floor area of a non-conforming structure, but will not increase occupancy permitted. The addition to the north will be two-stories and will measure 6 feet by 15 feet and located over 30 feet from the front property line along Harbrooke. The addition to the north will measure approximately 16 feet by 17 feet and will be a partial two story addition. This addition will extend into the existing garage space and be located 26 feet from the front property line of Wesley, it will not extend beyond the front line of the existing structure. The additions will not extend any closer to neighboring properties than the existing structure. Planning Staff has not received any communications neighborhood residents.

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 R1D Zoning District (required is 5,000 square feet, subject parcel is 5,488 square feet). The parcel is a corner lot, subject to two front setbacks and an unusual 'pie wedge' shape with an angled side property line.

(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 additions to an existing 1,768 square foot duplex, each unit is approximately 884 square feet. Due to the irregular lot shape, corner lot restrictions and minimal lot size, there is limited area to construct an addition that complies with the setbacks on the site. A smaller addition could be constructed between the garage and the existing house and the north front without the need for a variance.

- (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 massing of the structure will be consistent with some houses in the neighborhood. Although the proposed addition would extend into the rear setback, the existing garage between the addition and the rear property line should help minimize the impact to the surrounding neighborhood. Planning Staff has not received any communication from the neighborhood regarding this 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 existing house was constructed before the current zoning code was in effect. The subject parcel is conforming for lot size, containing a legal non-conforming duplex. The addition is requested in order to permit a single-story expansion of one unit of the duplex.

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

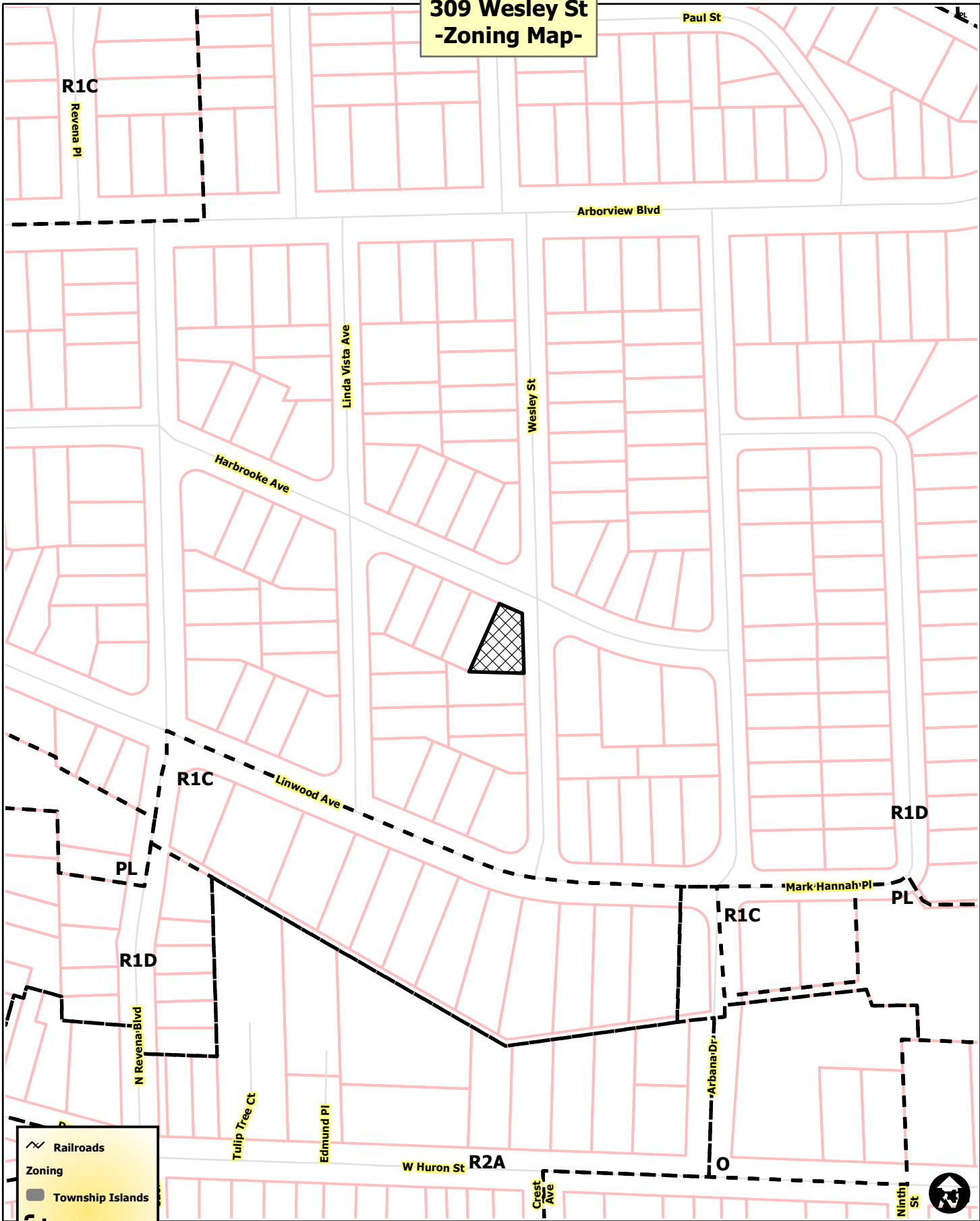
The variance, if approved, will permit construction of a single story addition extending 5 feet into the rear setback (south) of 20 feet. The second-story addition on this side of the house will be constructed 30 feet from the rear lot line. The variance will permit the encroachment of 45 square feet of structure into the rear setback. The addition will remove one legal parking space and require the construction of an additional drive from Harbrooke.

Respectfully submitted,



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

309 Wesley St -Zoning Map-






	Railroads
	Zoning
	Township Islands
	Zoning Districts
	Parcels
	Huron River



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 Map Created: 9/3/2014

309 Wesley St -Aerial Map-






-  Railroads
-  Parcels
-  Huron River



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Map Created: 9/3/2014

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

Section 1: Applicant Information

Name of Applicant: KATLA CONRAD
Address of Applicant: 309 WESLEY ST.
Daytime Phone: 248.229.2123
Fax: _____
Email: CONRAD.KATLA@GMHU.COM.
Applicant's Relationship to Property: OWNER

Section 2: Property Information

Address of Property: 309 WESLEY ST.
Zoning Classification: R1D
Tax ID# (if known): _____
*Name of Property Owner: KATLA CONRAD

**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
ART. III / 5.29

Required dimension:

20'

PROPOSED dimension:

15'

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 SECTION 3: EXHIBIT A1

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?

PRactical DIFFICULTIES ARE UNIQUE TO CORNER LOT REAR SET BACK LINE DEFINITION. WERE THIS AN INTERIOR LOT THERE WOULD BE NO ISSUE

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

NO

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

IT IS EXPECTED THAT A POSITIVE REVIEW OF THE VARIANCE REQUEST WILL HAVE NO NEGATIVE EFFECT ON THE NEIGHBORHOOD.

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?

NONE

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

SEE SECTION 3: EXHIBIT A-1

Section 5: ALTERATION TO A NON-CONFORMING STRUCTURE

Current use of the property R2

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)

	<u>Existing Condition</u>	<u>Code Requirement</u>
Lot area	7111 SQ FT	5000 SQ FT.
Lot width	95' FRONT / 120 REAR	40'
Floor area ratio	200% of GROSS	
Open space ratio	80% of GROSS	
Setbacks	25' FRONT / 20' REAR / 3' SIDE	
Parking	2	2
Landscaping	NA	
Other	NA.	

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

SEE SECTION 5: EXHIBIT A1

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 SECTIONS: EXHIBIT A2

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

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.

248 279-2123
 Phone Number
 conrad.kayla@gmail.com
 Email Address
 Kayla Jan Conrad
 Signature
 Kayla Jan Conrad
 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.

Kayla J Conrad
 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.

Kayla J. Conrad
 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.**

Kayla J. Conrad
 Signature

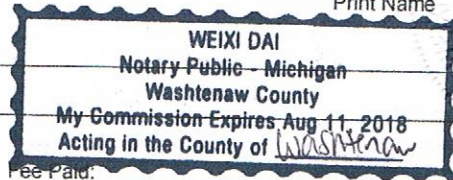
On this 26th day of July^{WP} August, 2014 before me personally appeared the above named applicant and made oath that he/she has read the foregoing application by him/her subscribed and knows the contents thereof, and that the same is true as to his/her own knowledge except as to those matters therein stated to be upon his information and belief as to those matters, he/she believes them to be true.

8/11/2018

Notary Commission Expiration Date

Wei Xi Dai
 Notary Public Signature

WEIXI DAI
 Print Name



Staff Use Only

Date Submitted: _____

File No.: _____

Pre-filing Staff Reviewer & Date _____

Pre-Filing Review: _____

Staff Reviewer & Date: _____

Fee Paid: _____

Date of Public Hearing _____

ZBA Action: _____

CONRAD RESIDENCE ZBA

Section 3: Exhibit A1

The request for a variance is the result of an atypical situation regarding the rear setback requirement of 20 feet. Normally the proposed alteration would fall well within the designated sideyard setback of 3 feet. However due to interpretations of corner lot setbacks the current 3 foot side setback is now a 20 foot rear setback. For all practical purposes, nothing is affected adversely. The existing garage is still within the designated rear setback area. The proposed alteration begins to diminish the presence of the existing garage façade by half and encroach into the new designated rear yard by 5 feet leaving 15 feet to the interior property line.

Were this property an interior lot with normal interpretations the variance would not be required at all.

Section 5: Exhibit A1

ZBA approval is being sought due to the non-conforming designation of the current property use (R2 in a R1D zone.) Alterations to a non-conforming structure are not allowed without prior approval of the ZBA (ART III/SEC 1/5:29.)

The proposed alterations, save for the one variance request, are well within the limits of all existing regulations and zoning requirements. The Variance would not normally be required were it not for the peculiar interpretation of the corner lot rear setback requirement.

Section 5: Exhibit A2

The nature of the proposed alterations are more a question of enhancing an existing structure than expanding it. The structure, first constructed around 1943, has weathered 70 years of benign neglect, clearly evident with the garage, assorted appendages as well as the infra-structure.

It is anticipated that the forthcoming facelift as well as the upgrades that cannot be seen from the street, will demonstrate a resolute commitment on the part of the new own/resident to maintaining and uplifting the general quality of the neighborhood environs.

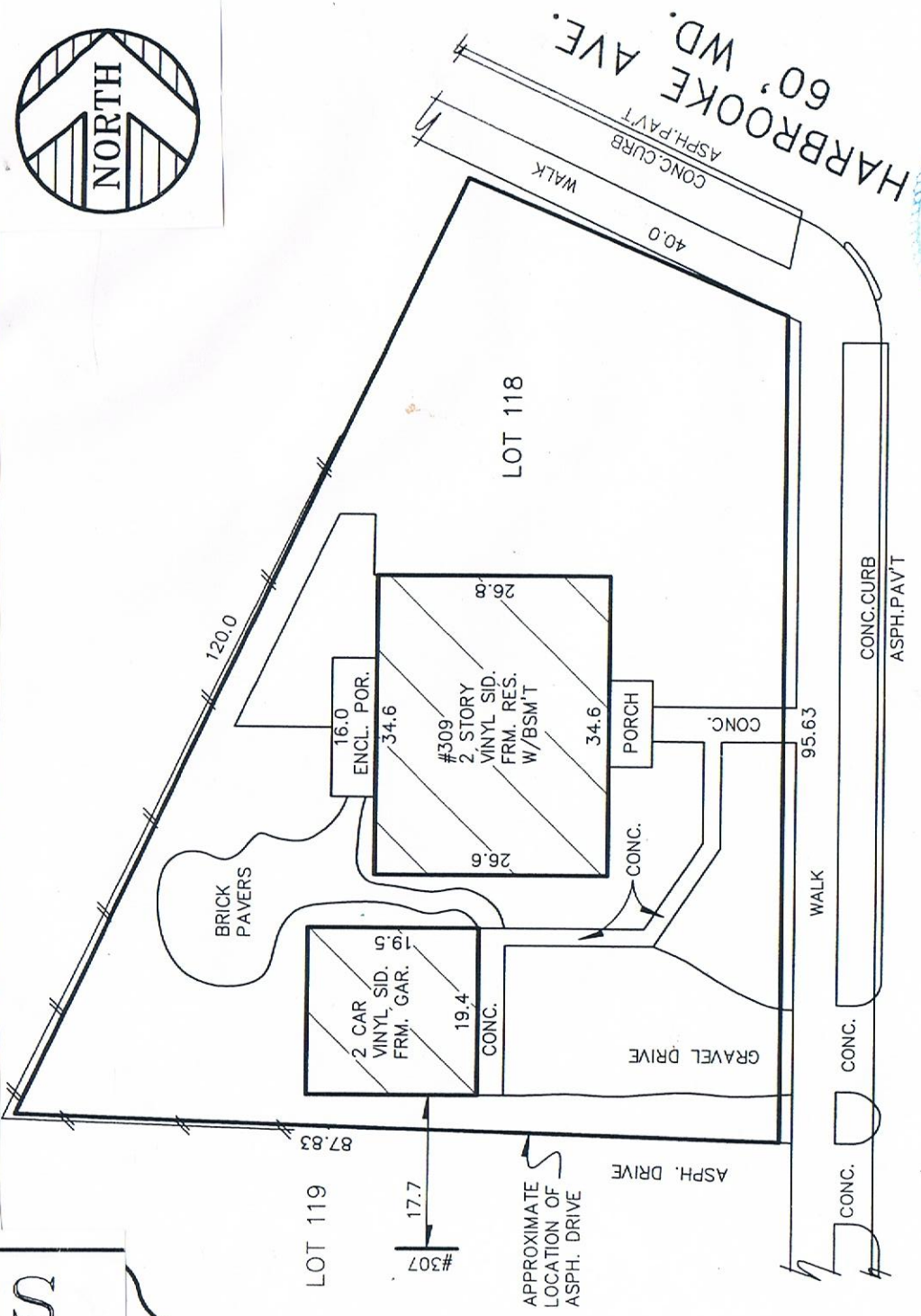
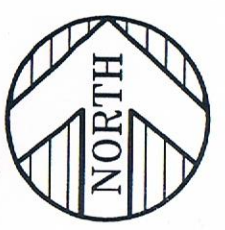
The maintenance of the single family dwelling appearance is key to the proposed enhancements. With the new owner occupying one side of the duplex, it is hoped that the improvements will attract a more mature resident but also increase the term of residency and generally reinforce the stability of the neighborhood.

SURVEY

Certified to: KAYLA CONRAD
 Applicant: KAYLA CONRAD

Property Description:

Lot 118; WILDWOOD PARK ADDITION NO. 1, to the City of Ann Arbor, part of the N.E. 1/4 of Section 30, T.2 S., R.6 E., Washtenaw County, Michigan, as recorded in Liber 6 of Plats, Page 5 and 6 of Washtenaw County Records.



WESLEY ST. 50' WD.

CERTIFICATE: We hereby certify that we have surveyed the above-described property in accordance with the description furnished for the purpose of a mortgage loan to be made by the forementioned applicants, mortgagor, and that the buildings located thereon do not encroach on the adjoining property, nor do the buildings on the adjoining property encroach upon the property heretofore described, except as shown. This survey is not to be used for the purpose of establishing property lines, nor for construction purposes, no stakes having been set at any of the boundary corners.



THIS SURVEY DRAWING IS VOID IF THE PROFESSIONAL SEAL IS NOT IN BLUE INK.

Kayla Conrad

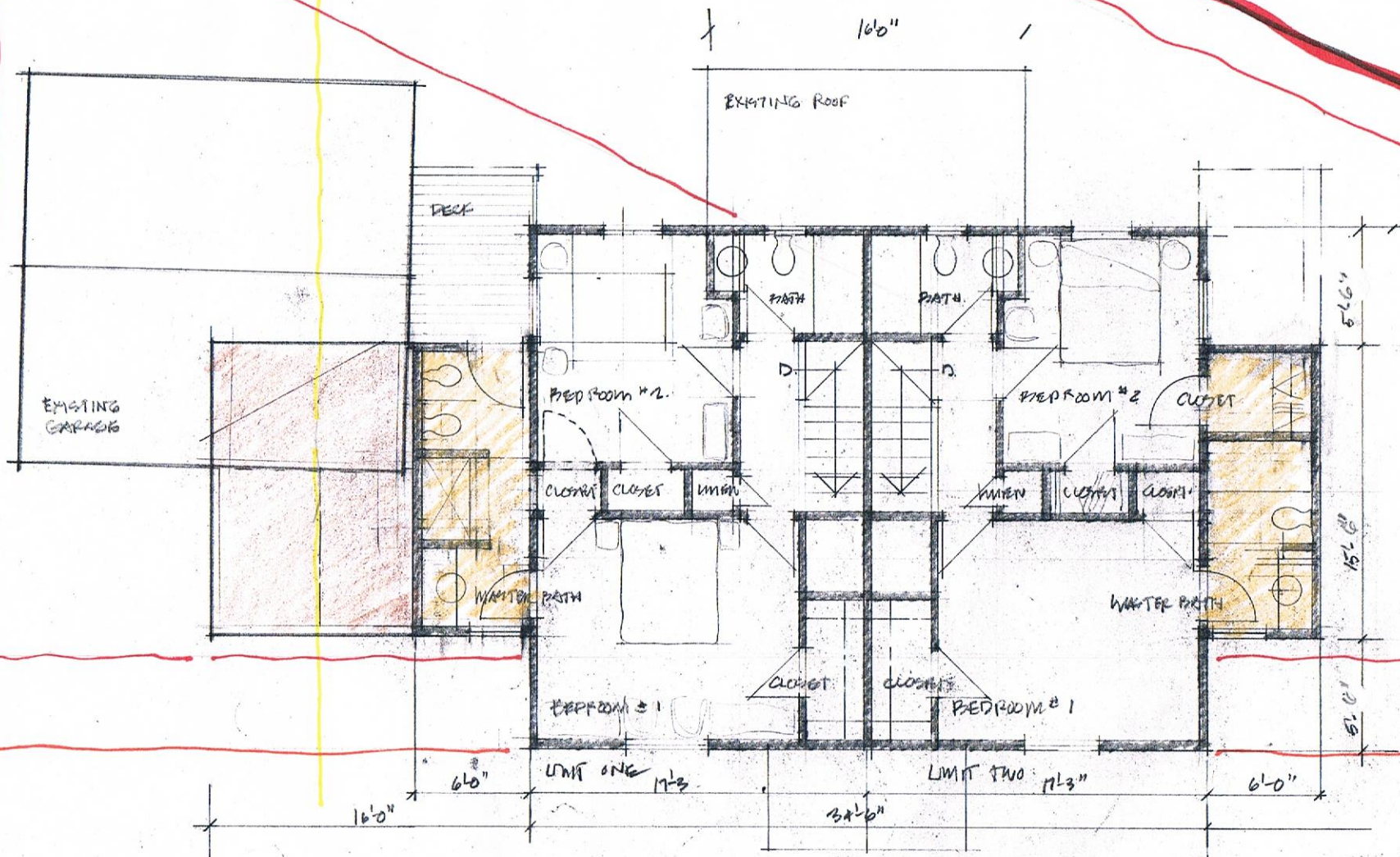
JOB NO: 1 SCALE: 1"=20'
 DATE: 05/07/11 DR BY: ARC



Eastpointe (800) 295.7222 (313) 758.0677
Detroit (313) 758.0677
Ann Arbor (734) 994.0888 (888) 694.0001
Grand Blanc (888) 694.0001 (888) 694.0001
 FAX: (586) 772.4048 FAX: (586) 772.4048 FAX: (734) 994.0667 FAX: (810) 694.9955

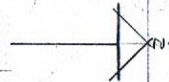
www.kemtecsurvey.com



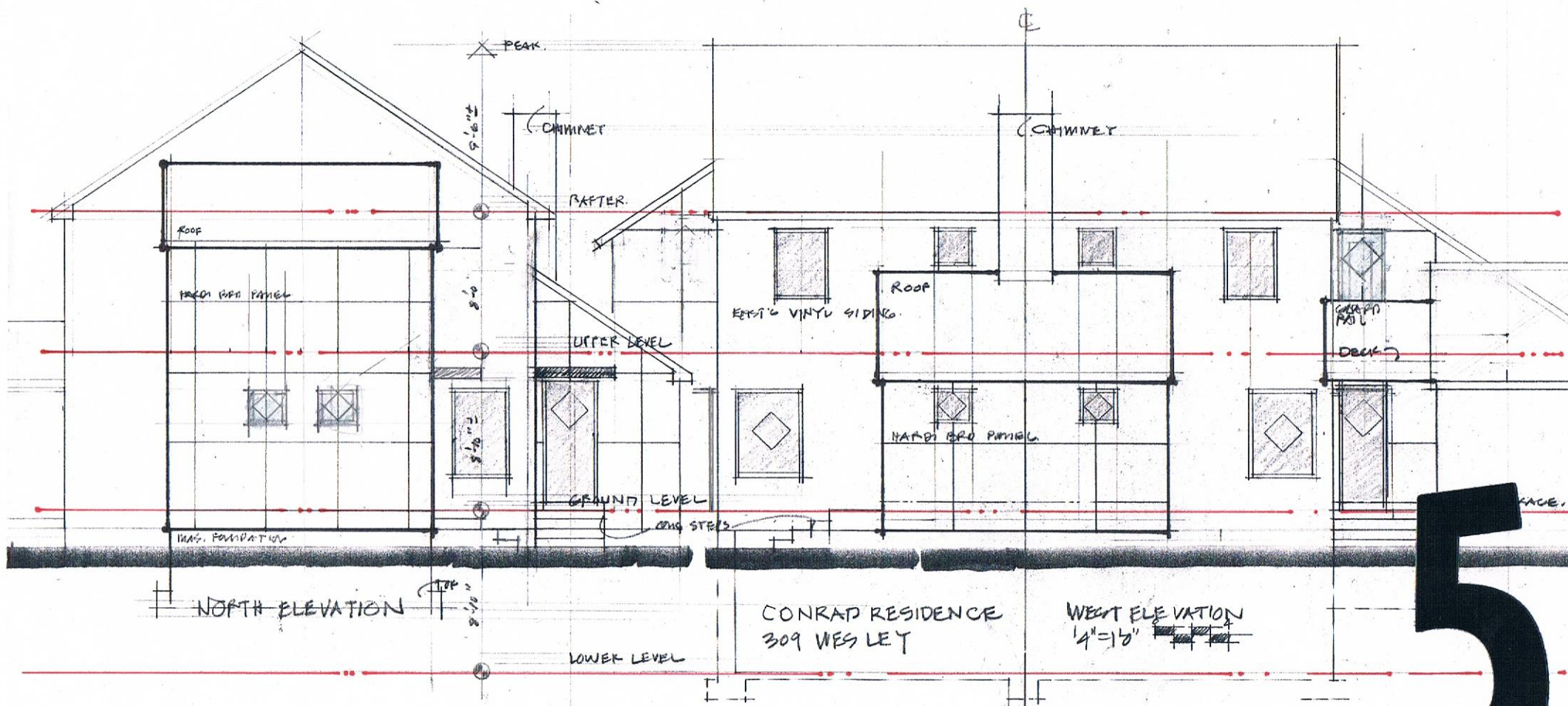


CONRAD RESIDENCE
309 WESLET

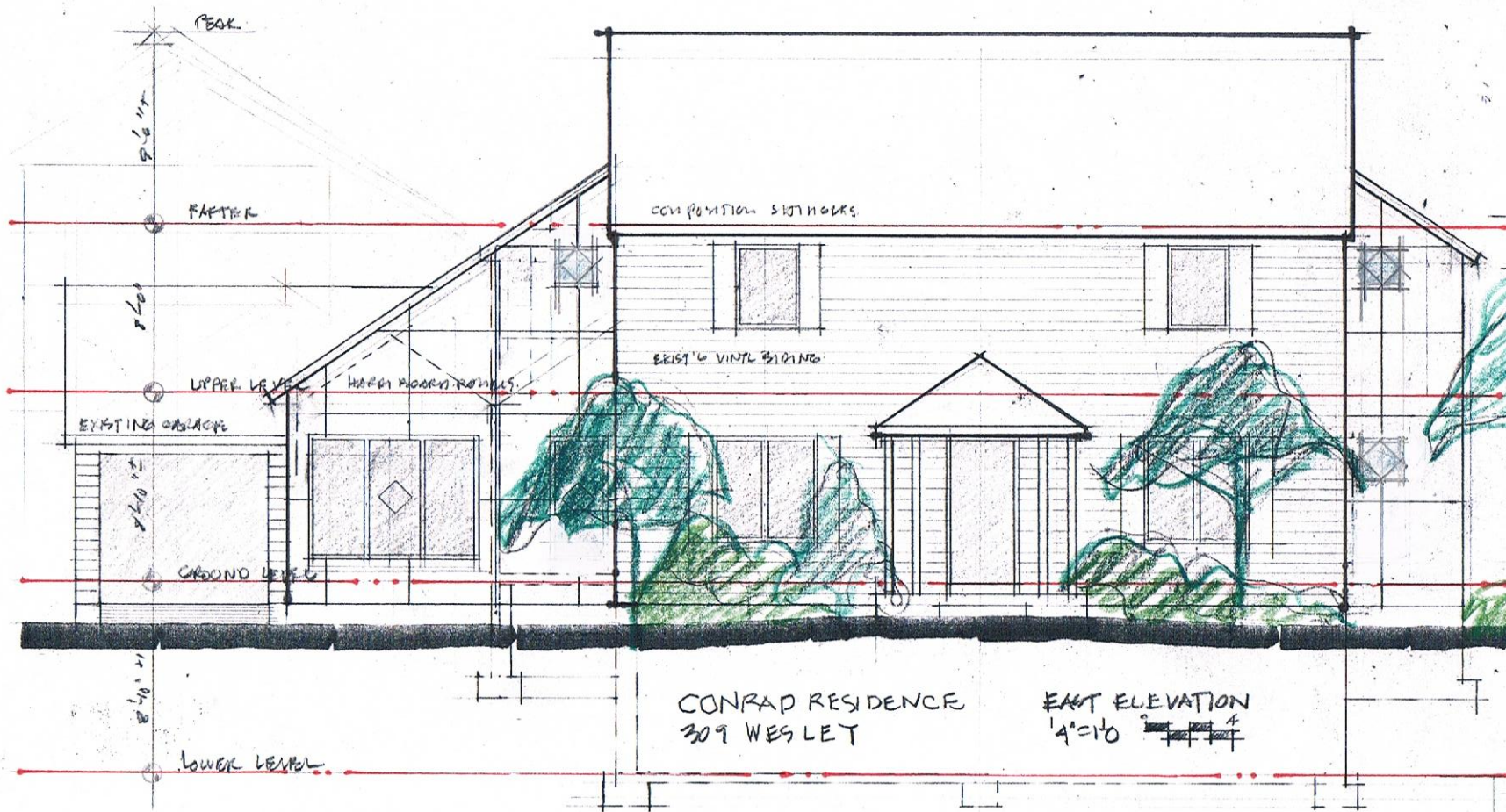
UPPER LEVEL
14' x 17'0"



4



5



CONRAD RESIDENCE
309 WESLEY

EAST ELEVATION
1/4" = 1'-0"

6





