

**Zoning Board of Appeals
February 22, 2012 Regular Meeting**

STAFF REPORT

Subject: ZBA12-002, 1421 Culver Road

Summary: H Scot Diels is requesting one variance from Chapter 55 (Zoning) Section 5:57(Averaging an Existing Front Setback Line): a reduction of 11 feet from the average front setback requirement for expansion of an existing residential structure into the required front open space; 31 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 just south of M-14, north of Sunset Road.

The petitioner is proposing to construct a 24 foot by 22 foot addition to the front of this single-family house. The house was built in 1966 and is 2,072 square feet in size. Currently the house is setback 42 feet from the front property line, and the required averaged front setback is 31 feet. The petitioner is proposing to add an addition to the house that extends out 22 feet from the existing house, which will result in a front setback of 20 feet. Since the required setback is 31 feet, the petitioner is requesting a front setback variance of 11 feet.

The proposed addition contains an attached garage on the ground level and second story living space above the rear half of the garage addition. The existing garage will be converted to living space. The new garage will extend 22 feet from the front of the existing garage, resulting in an encroachment of 11 feet into the front setback. The second story addition will contain a small dining room above the new garage and will conform to the 31 foot required setback. There is no sidewalk along Culver Road.

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 13,760 square feet). Although the parcel is not an unusual shape, there is a significant slope leading up to the existing attached garage.

- (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 of an attached garage 22 feet closer to the front property line. This will reduce the length of the driveway and allow for safer ingress and egress from the garage, particularly during inclement weather. Re-grading the driveway to reduce the overall slope is not possible given the existing location of the garage. The proposed addition will include re-grading the driveway to decrease the overall slope and while not requiring significant retaining walls in the front yard.

- (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 structure will be consistent with some houses in the neighborhood. Although the proposed addition would extend into the front setback, the topography of 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.***

While the existing house has a functional attached garage, the significant slope of the driveway represents a hardship that is not self imposed. The proposed addition will help mitigate the issues resulting from the topography of the site.

- (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 garage addition extending into the averaged front setback eleven feet. As stated earlier, the additional living space above the garage will conform to all zoning standards.

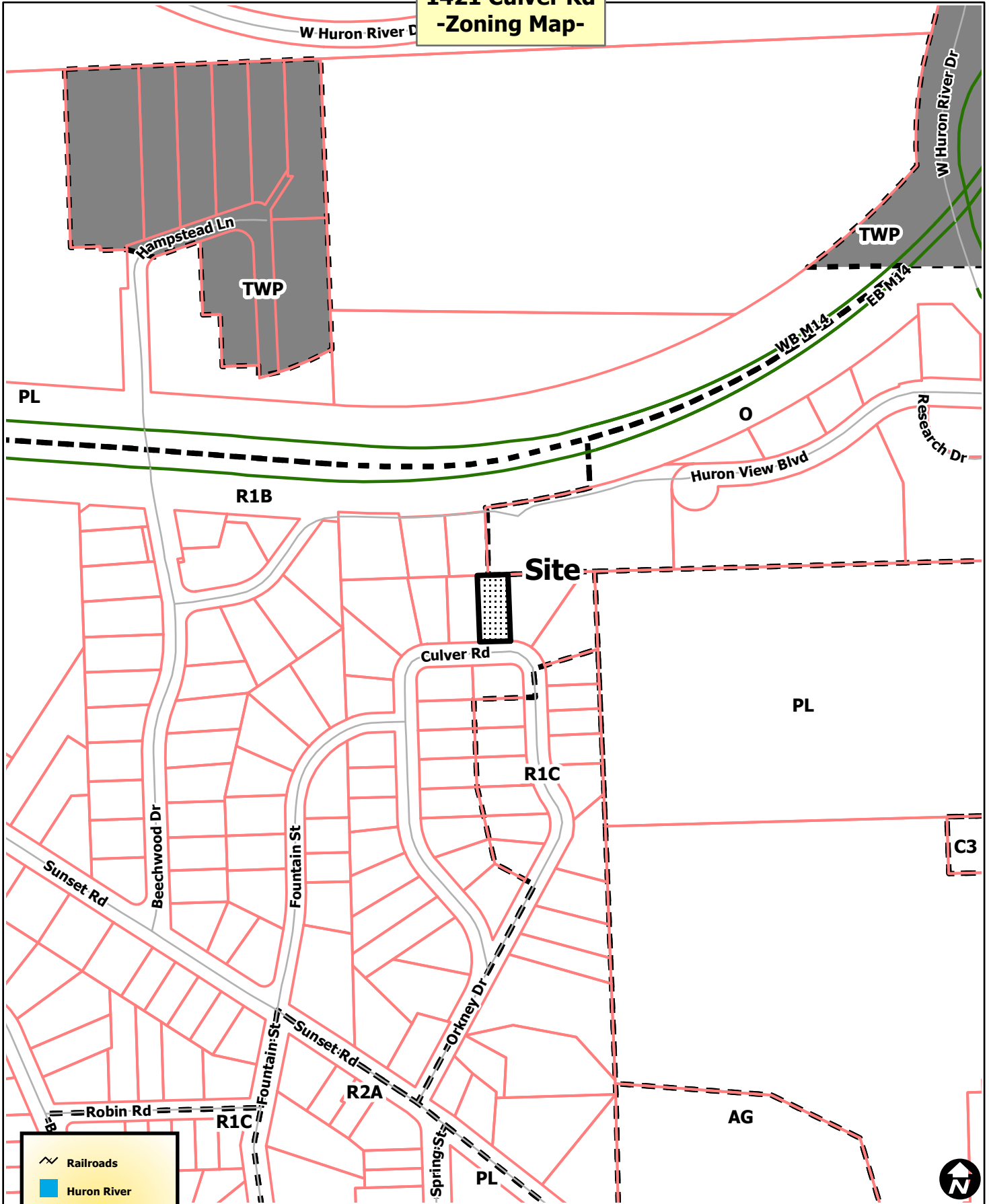
Respectfully submitted,

Zoning Board of Appeals
Variance
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A handwritten signature in black ink, appearing to read 'M. Kowalski', with a small mark to the right.

Matthew J. Kowalski, AICP
City Planner

1421 Culver Rd -Zoning Map-



- Railroads
- Huron River
- Parcel Property
- Township
- City of Ann Arbor



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 Map Created: 1/24/2012

**1421 Culver Rd
-Aerial Map-**



-  Railroads
-  Huron River
-  Parcel Property



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 Map Created: 1/24/2012

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

ZBA12-002

Section 1: Applicant Information

Name of Applicant: H. SCOTT DIELS - ARCHITECT P.C.
 Address of Applicant: 1414 ILLINOIS PLACE, ANN ARBOR, MI 48104
 Daytime Phone: 734-747-8252 OFF 734-649-2787 CELL
 Fax: 734-747-8252
 Email: hscottdiels@att.net
 Applicant's Relationship to Property: ARCHITECT

Section 2: Property Information

Address of Property: 1421 CULVER ROAD
 Zoning Classification: R1B
 Tax ID# (if known): _____
 *Name of Property Owner: DEE DRAKE & MADELINE DRAKE

**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 5:26

Example: Chapter 55, Section 5:26

Required dimension: PROPOSED dimension:

<u>30' FRONT SETBACK</u>	<u>20' FRONT SETBACK</u>
<u>31' AVERAGE FRONT SETBACK</u>	<u>FOR 24' AT GARAGE</u>
<u>LOCATION</u>	<u>LOCATION</u>

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)

PROPOSING CONSTRUCTION OF GARAGE TO THE FRONT OF THE EXISTING HOUSE WITH DINING ROOM EXPANSION ABOVE. THE MAIN LEVEL DINING ROOM IS BEHIND THE AVERAGE FRONT SETBACK. THE GARAGE ENDOUCHES 11' INTO THE FRONT SETBACK.

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?

THE STEEP UPHILL SITE CREATES DIFFICULTIES WITH THE DRIVEWAY WITH SNOW/ICE REMOVAL AND SLIPPERYNESS IN WINTER. A SHORTER DRIVE AND LESS OF A RISE TO THE GARAGE WILL AID IN ACCESSIBILITY TO THE GARAGE.

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

THE SITE TOPOGRAPHY CREATES A HARSHIP FOR ACCESS TO SITE & GARAGE.

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

OTHER NEIGHBORS ARE DEALING WITH STEEP SITES ALSO. SOME HOMES HAVE GARAGES LOCATED CLOSER TO THE STREET THERE IS A VARIATION OFFRONT SETBACKS, HILLS & VEGETATION SO THIS VARIANCE WILL NOT BE VERY VISIBLE.

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 TOPOGRAPHY OF AN UPHILL SITE MAKES THE GARAGE DIFFICULT TO USE IN THE WINTER.

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

THE CONDITION WAS CAUSED BY THE LAND SUBDIVISION WITH RESPECT TO LAND TOPOGRAPHY RESULTING IN SLOPED AND LENGTH OF DRIVEWAYS & ENTRIES INTO HOUSES.

Section 5: ALTERATION TO A NON-CONFORMING STRUCTURE

Current use of the property SINGLE FAMILY, OWNER OCCUPIED

The proposed change is allowed in accordance with Structure Non-Conformance, Section 5:87 (1) (a) & (b), which reads as follows: CURRENT STRUCTURE IS CONFORMING

- (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	<u>14,460 SF</u>	<u>10,000 SF</u>
Lot width	<u>80'</u>	<u>70'</u>
Floor area ratio	<u>NA</u>	
Open space ratio	<u>NA</u>	
Setbacks	<u>42'F, 5'S, 25'S, 92'R</u>	<u>30'F, 5' MINUS 4' BOTH S, 40'R</u>
Parking	<u>NA</u>	
Landscaping	<u>NA</u>	
Other		

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

TO MAKE A STEEP DRIVEWAY MORE USABLE. WITH THE SHORTENED DRIVEWAY & LOWERED GARAGE MAINTENANCE & EASE OF GOING IN & OUT WILL BE INCREASED

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:

MAIN LEVEL PROPOSED DINING MEETS REQUIREMENT, HOWEVER A PORTION OF THE LOWER LEVEL GARAGE NEEDS THE VARIANCE. THE FRONT SETBACKS OF HOUSES IN THIS NEIGHBORHOOD VARY, THE TOPOGRAPHY & VEGETATION MINIMIZE THE VISUAL IMPACT AND AT LEAST ONE NEWER HOUSE NEARBY RECEIVED A VARIANCE

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 11' ENCROACHMENT FOR 24' WIDTH INTO THE FRONT SETBACK WITH THIS SETBACK BEING 20' FROM PROPERTY LINE.

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.

734-747-8252
 Howard Scott Diels
 Phone Number
 hscottdiels@att.net
 Email Address

Howard Scott Diels
 Signature
 Howard Scott Diels
 Print Name
 DEE E. DRAKE

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.

Howard Scott Diels
 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.

Howard Scott Diels
 Signature
 Dee E Drake
 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.

Howard Scott Diels
 Signature
 Dee E Drake
 Signature

On this 23rd day of January, 2012, 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.

AMANDA ALLEN
 Notary Public, State of Michigan
 County of Jackson
 My Commission Expires Jan. 02, 2015
 Acting in the County of Washtenaw
 Notary Commission Expiration Date

Amanda Allen
 Notary Public Signature
 Amanda Allen
 Print Name

Staff Use Only

Date Submitted: 1/24-2012
 File No.: ZBA12-002
 Pre-filing Staff Reviewer & Date _____
 Pre-Filing Review: _____
 Staff Reviewer & Date: _____

Fee Paid: \$500⁰⁰
 Date of Public Hearing 2/22-2012
 ZBA Action: _____


H. S C O T T D I E L S ■ A R C H I T E C T P. C.
1414 Iroquois Pl. Ann Arbor, Michigan 48104 Tel & Fax 734-747-8252
hscottdiels@att.net 734-649-2787 cell

25 January 2012

Dee Drake
1421 Culver Road
Ann Arbor, Michigan 48103

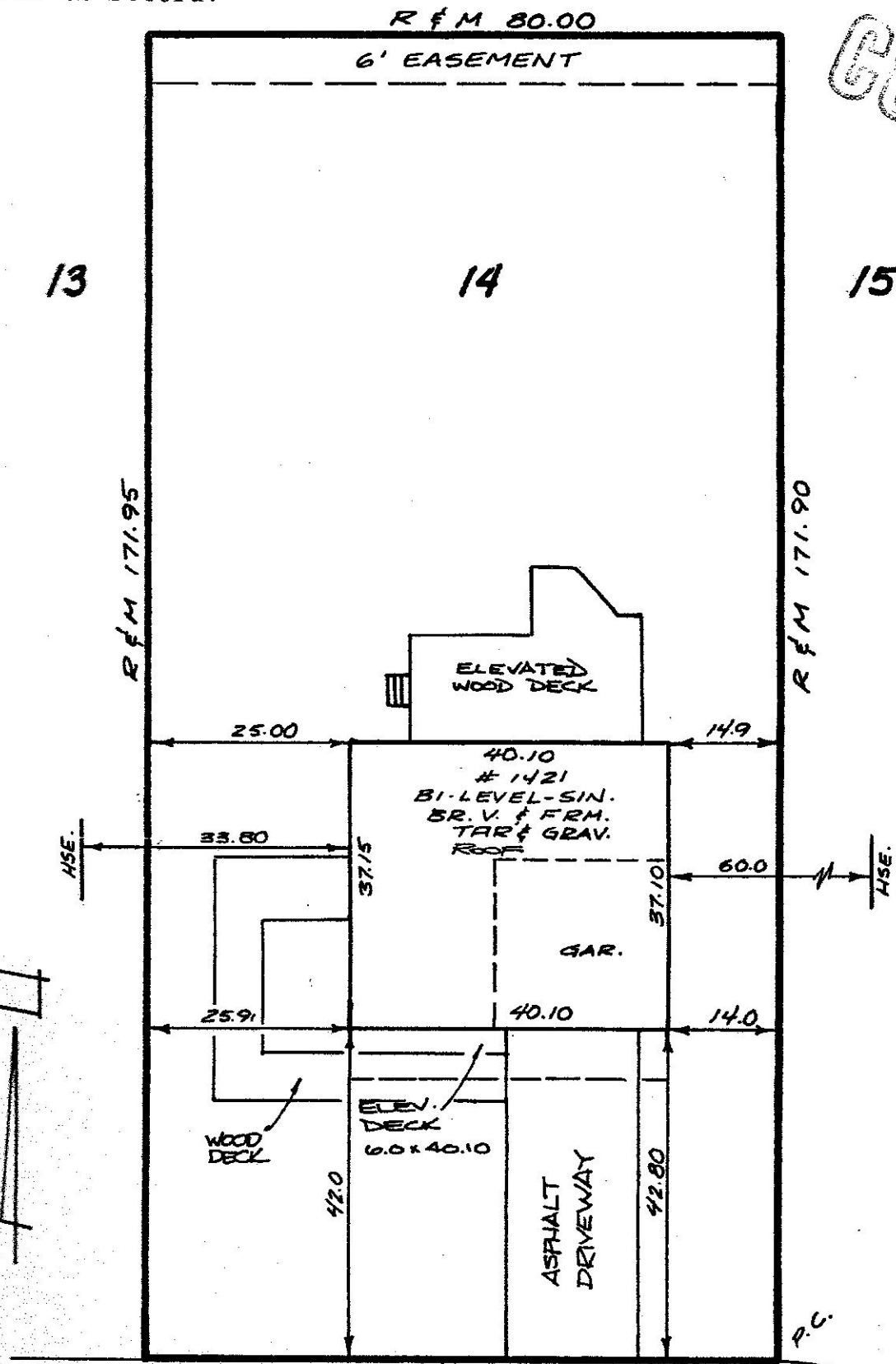
Re: **LETTER OF AUTHORITY – 1421 Culver Road**

I, Dee Drake, as owner of 1421 Culver Road, Ann Arbor, Michigan 48103, authorize H. Scott Diels of H. Scott Diels – Architect P.C. to act as my petitioner to the City of Ann Arbor Zoning Board of Appeals. This appeal is for approval of a variance to allow an encroachment into the front setback.


Dee Drake

LOT 14 "HURON VIEW HILLS," A subdivision of part of the N. W. 1/4 of Section 20, T. 2 S., R. 6 E., City of Ann Arbor, Washtenaw County, Mich. Liber 16 Page 6 Subject to easements and restrictions of record.

COPY



13

14

15

R & M 171.95

R & M 171.95

R & M 80.00

6' EASEMENT

ELEVATED WOOD DECK

40.10 # 1421 BI-LEVEL-SIN. BR. V. & FRM. TAR & GRAV. ROOF

GAR.

WOOD DECK

ELEV. DECK 6.0 x 40.10

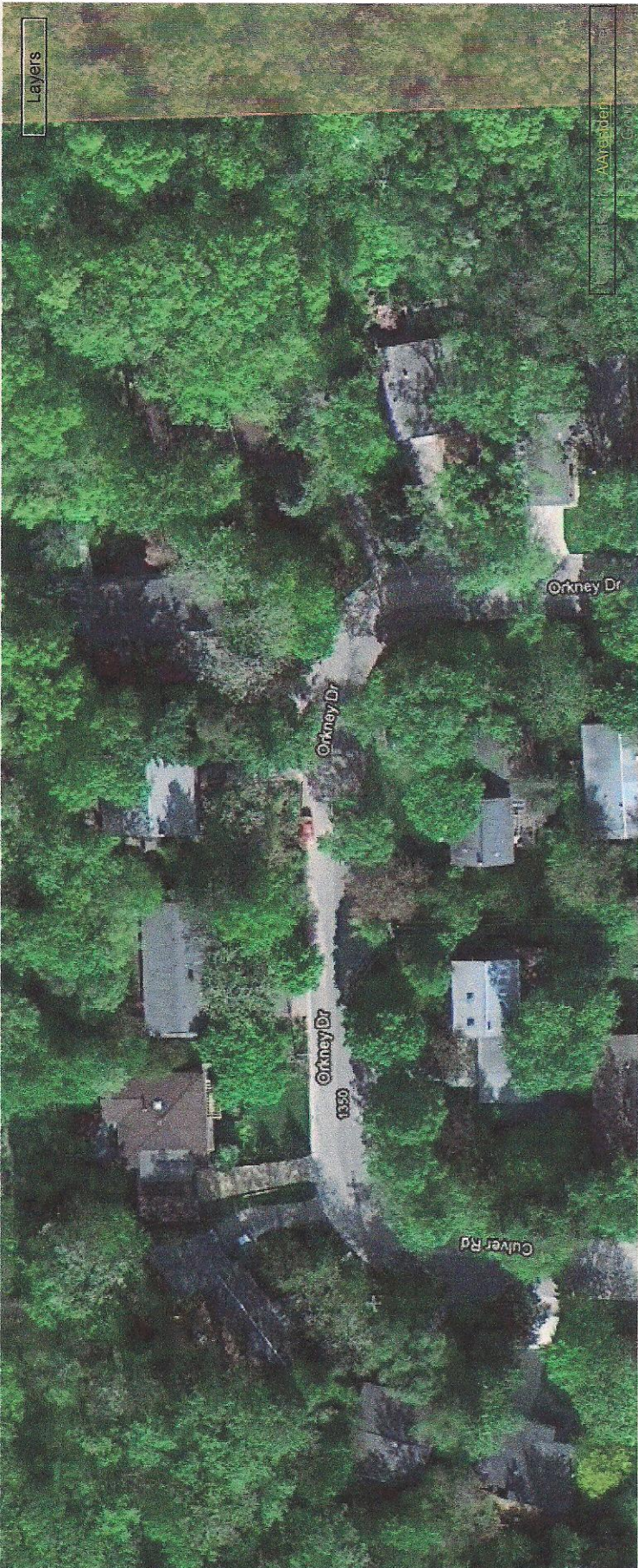
ASPHALT DRIVEWAY

P.C.

R & M 80.00

CULVER ROAD-60' WD.

32' ASPHALT PAVE. / CONC. CURBS

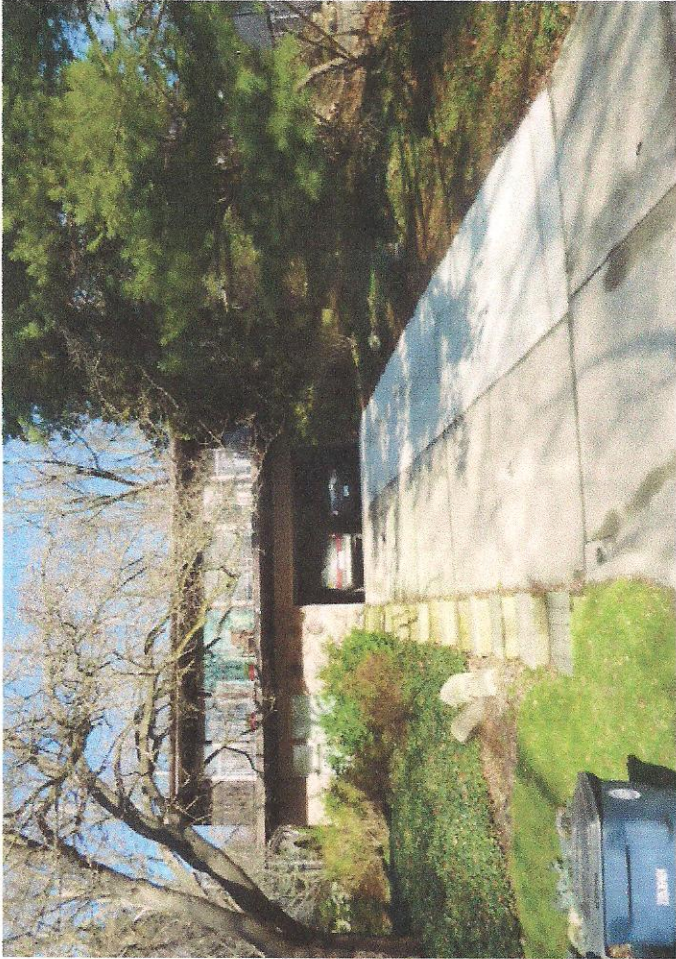




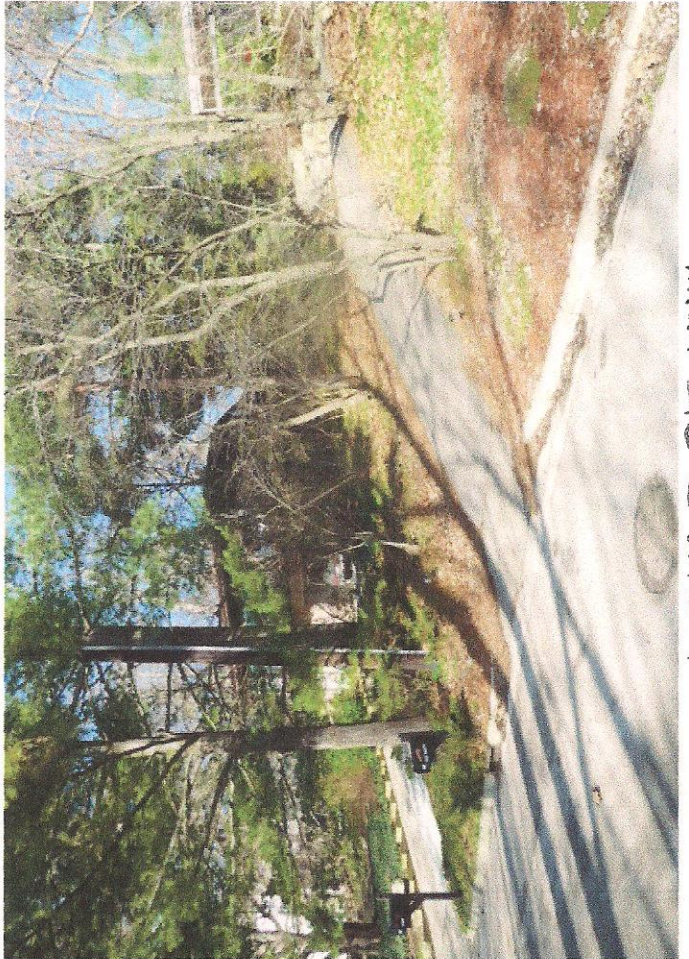
LOOKING TO THE NE



LOOKING TO THE NW


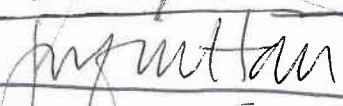



FRONT OF HOUSE



LOOKING TO THE WNW

I have reviewed the plans for the garage addition at 1421 Culver Road and approve of the building of the structure and of the variance that is necessary.

Name	Address	Signature	Date
John H. Stewart	1417 Culver		1/24/12
Jennifer Hall	1402 Culver		1/24/12
Caul Lanzana	1409 Culver	Caul Lanzana	1/24/12
Michael Mouradian	1336 CULVER		1/24/12
Elaine Mouradian	1336 CULVER	Elaine Mouradian	1/24/12
IRINA Liberron	1350 ORKNEY	Liberron	1/26/12
Israel Liberron	1350 ↓	Liberron	1/26/12
James W Hallock	1408 ORKNEY DR	James W Hallock	1/30/12