

**Zoning Board of Appeals
January 27, 2016 Regular Meeting**

STAFF REPORT

ZBA15-028, 1901 Austin Avenue

Summary

Thomas S. and Margaret A. Brennan are requesting 3 variances from Chapter 55 (Zoning):

1. A variance from Section 5:27 (R1B Single-Family) of 9 feet 3 inches from the required front setback of 30 feet.
2. A variance from Section 5:27 (R1B Single-Family) of 2 feet from the required front setback of 30 feet.
3. A variance from Section 5:27 (R1B Single-Family) of 5 feet 10 inches from the required rear setback 40 feet.

Description and Discussion

The subject parcel is an 11,325 square foot corner lot (Austin Avenue and Oak Lane) and zoned R1B (Single-family). The existing single-family home was built in 1954 and is non-conforming for front setbacks along Austin Ave and Oak Lane and the rear setback.

The request is discussed in detail below:

The petitioner is proposing to demolish the existing home and build a new single-family residence using the existing foundation for a 2,750 square foot Tudor style home. The current zoning requirements were established after the home was built.

If the variance is granted, the applicant will be required to submit a building permit application for the demolition of the existing structure and construction of the new house.

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.

Front Setback Variances: The existing average setback along Austin Avenue is approximately 17 feet. The next door neighbor has a setback of approximately 5 feet. The planned setback on Austin Avenue is 28 feet. Additionally, there is a variance request along Oak Lane which is a narrow street adjacent to the subject property which further restricts the property with a double frontage corner lot.

Rear setback variance: A variance request of 5'10" at the rear of the property is required as the owners intend to use the existing foundation and its current location.

- (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.***

If the variances are not granted the property owners will have a reduced building envelope and the existing foundation would not be able to be re-used for the new house. A reduced square footage structure may not be in harmony with the rest of the neighborhood.

- (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 petitioner is proposing to re-use the existing foundation for a new house. The new building will not be any closer to adjacent houses than the existing house. Although the new house will be two stories high compared to the single story existing house, a two story house is more consistent with the neighborhood character. If the variances are not granted, a new smaller home could be constructed with a new foundation. By granting the variances requested the owners can utilize the existing foundation, therefore eliminating the need to pour a new basement, walls and eliminating waste to the landfill. Additionally, according to the owners, the existing home has mold in the ceiling system.

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

The home was originally built in 1954 prior to the existing zoning regulations

which were established in the 1960's, thus creating a practical hardship that was not self imposed.

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

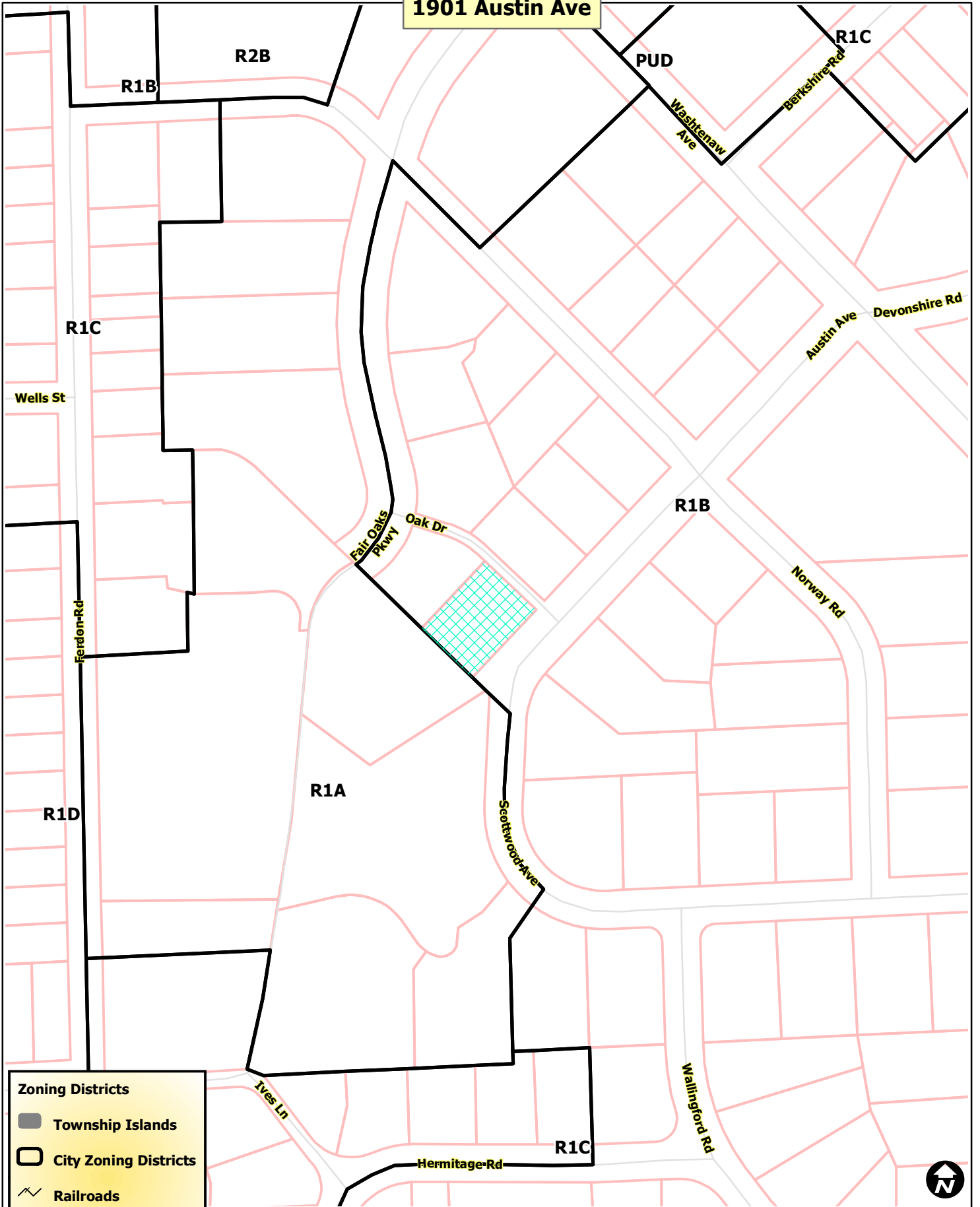
If the three variances are granted the impact will be minimal as the owners will be using the existing foundation and a new footprint will not be created, thus eliminating any new impervious surface. The proposed Tudor style will be in harmony with the existing neighborhood.

Respectfully submitted,

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

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

1901 Austin Ave



Zoning Districts

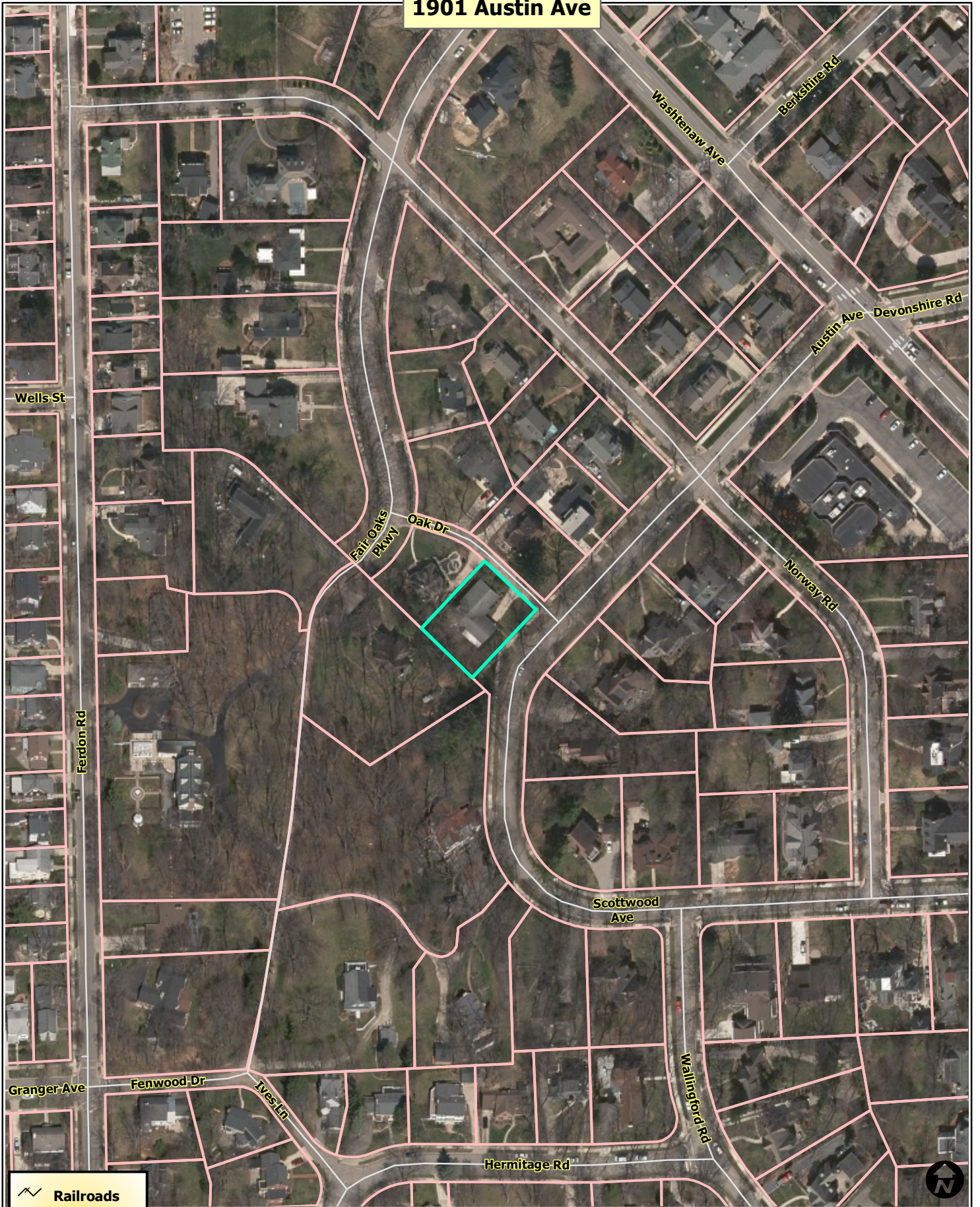
-  Township Islands
-  City Zoning Districts
-  Railroads
-  Parcels
-  Huron River



Map date 1/5/2016
 Any aerial imagery is circa 2015
 unless otherwise noted
 Terms of use: www.a2gov.org/terms



1901 Austin Ave





- Railroads
- Parcels
- Huron River



Map date 1/5/2016
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1901 Austin Ave



-  Railroads
-  Parcels
-  Huron River



Map date 1/5/2016
Any aerial imagery is circa 2015
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APPLICATION FOR VARIANCE OR NON-CONFORMING STRUCTURE
ZONING BOARD OF APPEALS

Section 1: Applicant Information

Name of Applicant: Thomas S and Margaret A Brennan
 Address of Applicant: 4601 Colling Dr, Troy MI 48085
 Daytime Phone: 248.840.6547
 Fax: _____
 Email: brennantp@gmail.com
 Applicant's Relationship to Property: Owners

Section 2: Property Information

Address of Property: 1901 Austin Ave. Ann Arbor MI
 Zoning Classification: Residential - R1B
 Tax ID# (if known): 09-09-33-120-003
 *Name of Property Owner: Same

**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:

	Required dimension:	PROPOSED dimension:
<u>Chapter 55 - Article III</u>	<u>30ft front setback</u>	<u>20.8 ft front setback</u>
<u>Chapter 55 - Article III</u>	<u>30ft front setback</u>	<u>28.0 ft front setback</u>
<u>Chapter 55 - Article III</u>	<u>40ft back setback</u>	<u>34.1 ft back setback</u>

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 attached statement.

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?

Yes. The property is near the minimum lot size and requires two front setbacks (due to being a corner lot). The existing home was built before the current setbacks were established. Average setback of neighboring homes on west-side of Austin is approximately 17 feet. We will be reducing non-conforming of the existing setbacks.

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

We're trying to reduce the current non-conforming setbacks, save the basement and most of the foundation (sustainability goal), reduce impact on neighbors (community goal), eliminate water and mold problems in current structure. We are planning to build a tudor type home with 2,750sf of living space.

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

It will reduce the current non-conformance of the setbacks and bring the home into a more consistent architectural style with the neighboring properties. By keeping to the current orientation and footprint we eliminate any impact on neighboring property, especially the nearest neighbor on Fair Oaks Pkwy. See pictures provided.

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 property is near the minimum lot size with two front setbacks (due to being a corner lot). We will be reducing but not eliminating the non-conforming setbacks.

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

The current non-comformity was created when the City of Ann Arbor imposed the revised setback restrictions after the current home was built. The size of the new home is approximately 2,750 sf which is an average home for the neighborhood.

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 ½" 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.

248-840-6547
 Phone Number
Brennan.t.p@gmail.com
 Email Address

Margaret A Brennan
Thomas S Brennan
 Signature
Thomas S Brennan
 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.

Thomas S Brennan
 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.

Thomas S Brennan
 Signature
Margaret A Brennan

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.

Thomas S Brennan
 Signature
Margaret A Brennan

On this 29th day of December, 2015, 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.

Michael Sullivan
 Notary Public Signature

October 2nd, 2015
 Notary Commission Expiration Date

Michael Sullivan
 Print Name

Staff Use Only

Date Submitted: 12/30-2015
 File No.: ZBA15-028
 Pre-filing Staff Reviewer & Date _____
 Pre-Filing Review: _____
 Staff Reviewer & Date: _____

Fee Paid: \$ 500.00
 Date of Public Hearing 1/27-16
 ZBA Action: _____

Michael Sullivan
 Notary Public, State of Michigan
 County of Macomb
 My Commission Expires Oct. 02, 2016
 Acting in the County of Oakland

Zoning Board of Appeals Application
1901 Austin Ave, Ann Arbor, MI
Variance Description

Summary

This variance request concerns our home situated at 1901 Austin Avenue in the Ives Woods neighborhood of Ann Arbor. The home was built in 1954 and we purchased the home in December, 2014 as our primary home. We have many family members, including an elderly parent, children and grandchildren who live in Ann Arbor. Our plan is to deconstruct the existing home down to the foundation and use the foundation to build a new Tudor style home of approximately 2,750 sf. It will be sustainably designed and built. The existing home has existing non-conforming setbacks on three sides. The current zoning setbacks requirements were established after the home was built. We are requesting a variance that will be reducing, but not eliminating, the three non-conforming setbacks. There is no request to increase any aspect of the existing non-conforming setbacks. We have broad neighborhood support for our plans.

Rationale for Granting Variance

We believe that a variance can be justified by the following key facts:

- The existing home was built in 1954 and the current setbacks were established in the early 1960's.
- The average front setbacks along Austin in our immediate area are approximately 17 feet. Our next door neighbor on Austin has a setback less than 5 feet. We plan for a 28 foot setback on Austin Ave.
- We are reducing the non-conformance and in no area are we requesting a new non-conformance (i.e. we're within the current non-conformance footprint.)
- The current non-conformance is not in areas where neighbors are directly impacted.
- The current lot size of 11,364 sf is near the minimum lot size for R1B of 10,000 sf and therefore it's difficult to accommodate the two front setbacks required by corner lots.
- Oak Lane is a small lane (16 feet wide) that requires a full 30 ft zoning setback. There are many areas in Ann Arbor where the setbacks for these small lanes are not met.

Finally, we are *not* seeking a variance to gain permission to build a home that is too big for the lot.

Rationale for Renovation Approach

Our goal is to create a home for our remaining years in a beautiful and historic Ann Arbor neighborhood. Our goals are to sensitive to the neighborhood look and feel:

- Keeping the existing orientation minimizes the impact on the neighborhood in general and our closest neighbors in particular.
- A Tudor style is in closer harmony with the Austin Ave. neighborhood homes.
- Reducing the massing effect of a second floor by having a sloped roof with Tudor gabled dormers bridges the scale of homes in the neighborhood.
- It significantly reduces the environmental impact:
 - reducing the need for concrete for a new basement, floors and foundations significantly reduces the carbon footprint and waste taken to landfill.
 - more permeability with the elimination of the existing long concrete driveway.
- The existing walls are board and batten (essentially painted plywood) and are not suited for brick or super insulation.
- The home has not been updated since the late 1960's....over 50 years ago. A major renovation is required including roof, ceiling, and all electrical, mechanical and plumbing systems.
- There is mold in the existing roof ceiling system (see collapsed ceiling.) There is a strong odor of rotting organic material throughout the home.

Communications with Neighbors

We have reached out to our neighbors in three significant ways:

- Provided introductory letter to all immediate neighbors introducing ourselves, indicating our plans for renovating existing home and inviting questions.
- Held Open House in September at existing home for neighbors to see new plans and discuss their views on the renovation plans.
- Attended regular neighborhood function at which we discussed plans for renovating the existing home.

At this point, we have only received positive feedback on our plans. We think the main reason is that we are bringing the home in harmony with the existing style and scale of homes in the neighborhood. As a single story, post-modern home it stands out in the neighborhood. Also, we believe leaving the orientation essentially the way it has existed for over 60 years helps them to envision and feel more comfortable with the new home.

Potential Negative Impact of Conforming to Zoning Setbacks

We believe that if we were required to meet the current zoning setback requirements there would be a significant negative impact on the neighborhood and specifically our neighbor to the west at 1201 Fair

Oaks Pkwy. Some of the key potential negative impacts are:

- The home would be taller with two full stories; being much more imposing for our neighbor to the west at 1201 Fair Oaks Pkwy.
- Need to build the new, taller home closer to the nearest home to the existing home; this is to the west, 1201 Fair Oaks Pkwy. The current home is set 9 ft off the property line; we would need to go to the 5 ft setback permitted by zoning code.
- There would need to be a new free-standing two car garage on the South-side of the home with a new driveway on to Austin. This structure would be much closer to the neighbor on the south than the existing home.
- Greater impermeable surface with the new Austin driveway.
- More waste to the landfill with the removal of the existing basement and foundation.

Plans for the Projects

We plan to begin deconstruction of the existing home in March 2016 and complete the work by April 2017. We're pleased to have contracted the detail design and construction of the home with Meadowlark of Ann Arbor.

Our Track Record of Community and Environmentally Sensitive Projects

We have recently done three significant projects in Detroit.

- Green Garage – a green business incubator in a sustainably renovated 1921 Model T showroom in Midtown Detroit. It uses one—tenth the energy, waste and water of a normal office building.
- El Moore – sustainably renovating a long abandoned 1898 apartment building into 12 new residences and 11 over-night green lodging accommodations.
- Green Alley – sustainably renovating a dilapidated alley in Detroit into Detroit's first Green Alley using Michigan native plants, permeable surfaces, induction lighting and reclaimed materials.

All our work has received local, national and international recognition including Michigan Green Leaders Award and was featured in Preservation Magazine.

BZA Application
1901 Austin Ave. Ann Arbor
Photo Gallery

1901 Austin Ave (as seen from corner of Austin Ave at Oak Lane)



1901 Austin Ave. (as seen from Austin Ave pathway to home)



1901 Austin Ave. (as seen from Oak Lane driveway to home)



Neighbors

Separation of 1901 Austin Ave. – 1201 Fair Oaks Parkway Homes (view from Oak Lane)



Neighbors (cont)



1908 Scottswood Ave.



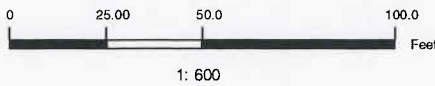
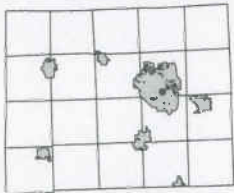
1907 Austin Ave.



1911 Austin Ave.



1901 Austin Ave.

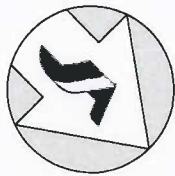


1/21/2015



NOTE: Parcels may not be to scale.

The information contained in this cadastral map is used to locate, identify and inventory parcels of land in Washtenaw County for appraisal and taxing purposes only and is not to be construed as a "survey description". The information is provided with the understanding that the conclusions drawn from such information are solely the responsibility of the user. Any assumption of legal status of this data is hereby disclaimed.

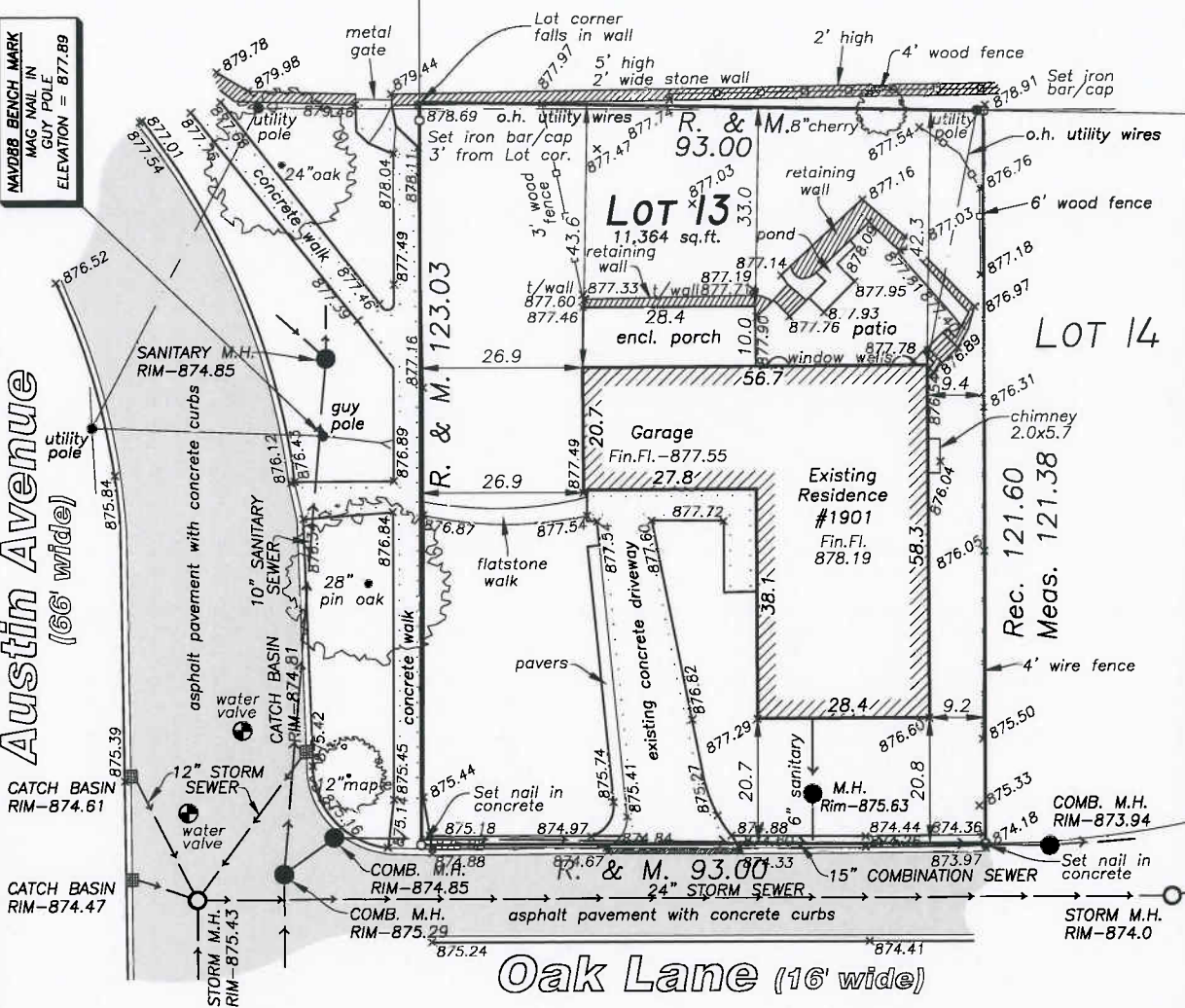


LOT 2

"ASSESSORS PLAT NO. 47"

NAVD83 BENCH MARK
MAG NAIL IN
GUY POLE
ELEVATION = 877.89

Austin Avenue
(66' wide)



Oak Lane (16' wide)

LEGAL DESCRIPTION

LOT 13 OF, "SCOTTWOOD ADDITION" TO THE CITY OF ANN ARBOR, PART OF THE NORTHEAST 1/4 OF SECTION 33, T.2S., R.8E., CITY OF ANN ARBOR, WASHTENAW COUNTY, MICHIGAN, AS RECORDED IN LIBER 3 OF PLATS ON PAGE 9. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

Zoning:
R1B-Single Family Residential

Setbacks:
Front - 30'
Side - 5'
Side total - 14'
Rear - 40'

Check title policy for subdivision deed restrictions that may affect setback requirements.



Know what's below.
Call before you dig.



TOPOGRAPHIC SURVEY

prepared for: Tom Brennan
4601 Colling Drive
Troy, MI 48065

JEKABSON & ASSOCIATES, P.C.
Professional Land Surveyors
1320 Goldsmith, Plymouth, MI 48170
(734) 414-7200 (734) 414-7272 fax
by *[Signature]*



PLAN	N/A
DATE	05 FEB 15
JOB NO.	15-01-010
SCALE	1" = 20'
DRAWN	JRN
CHECKED	JGE
SHEET	1 OF 1

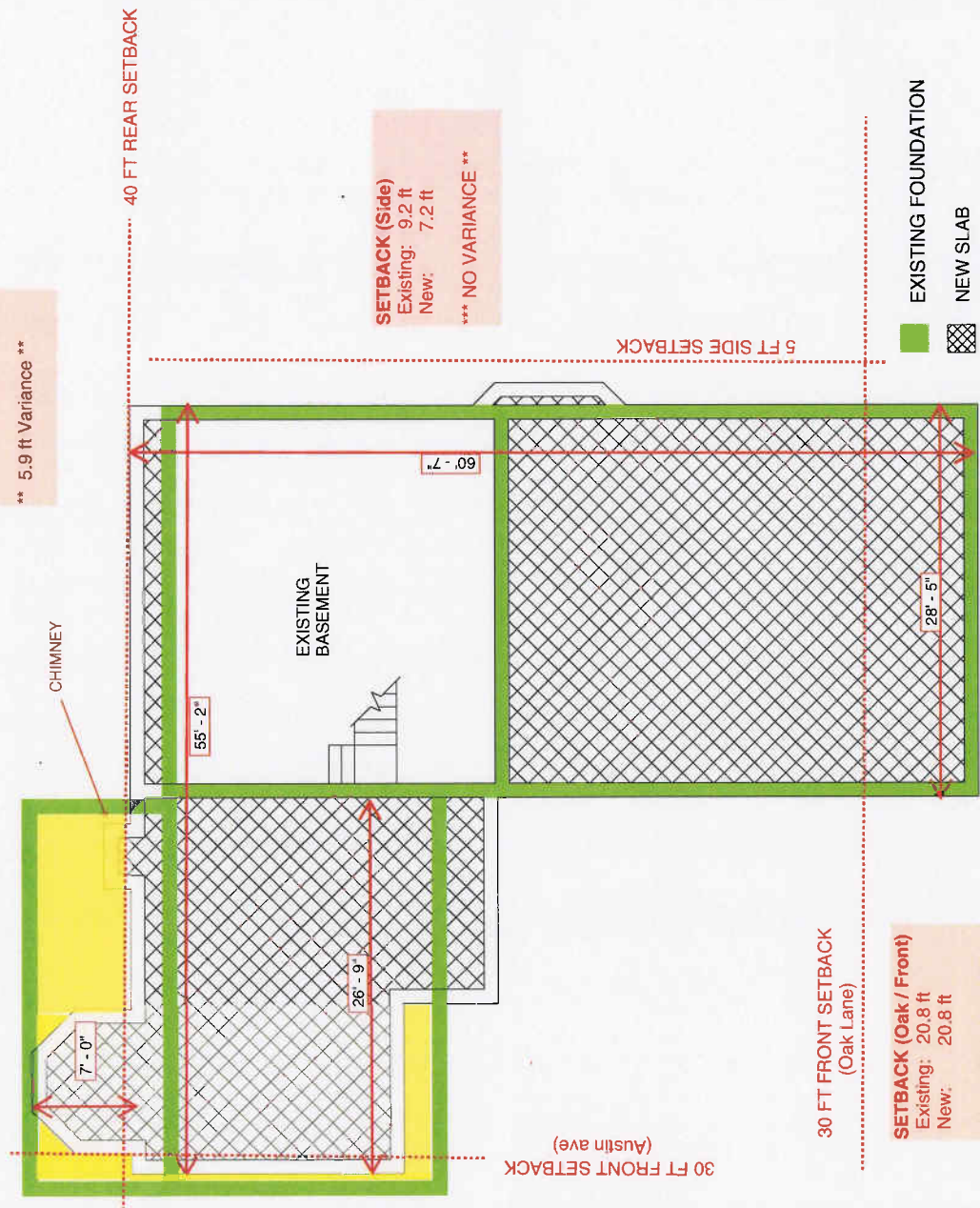


SETBACK (Rear)
 Existing: 33.0 ft
 New: 34.1 ft
 ** 5.9 ft Variance **

SETBACK (Side)
 Existing: 9.2 ft
 New: 7.2 ft
 *** NO VARIANCE **

SETBACK (Austin / Front)
 Existing: 26.9 ft
 New: 28.0 ft
 ** 2.0 ft Variance **

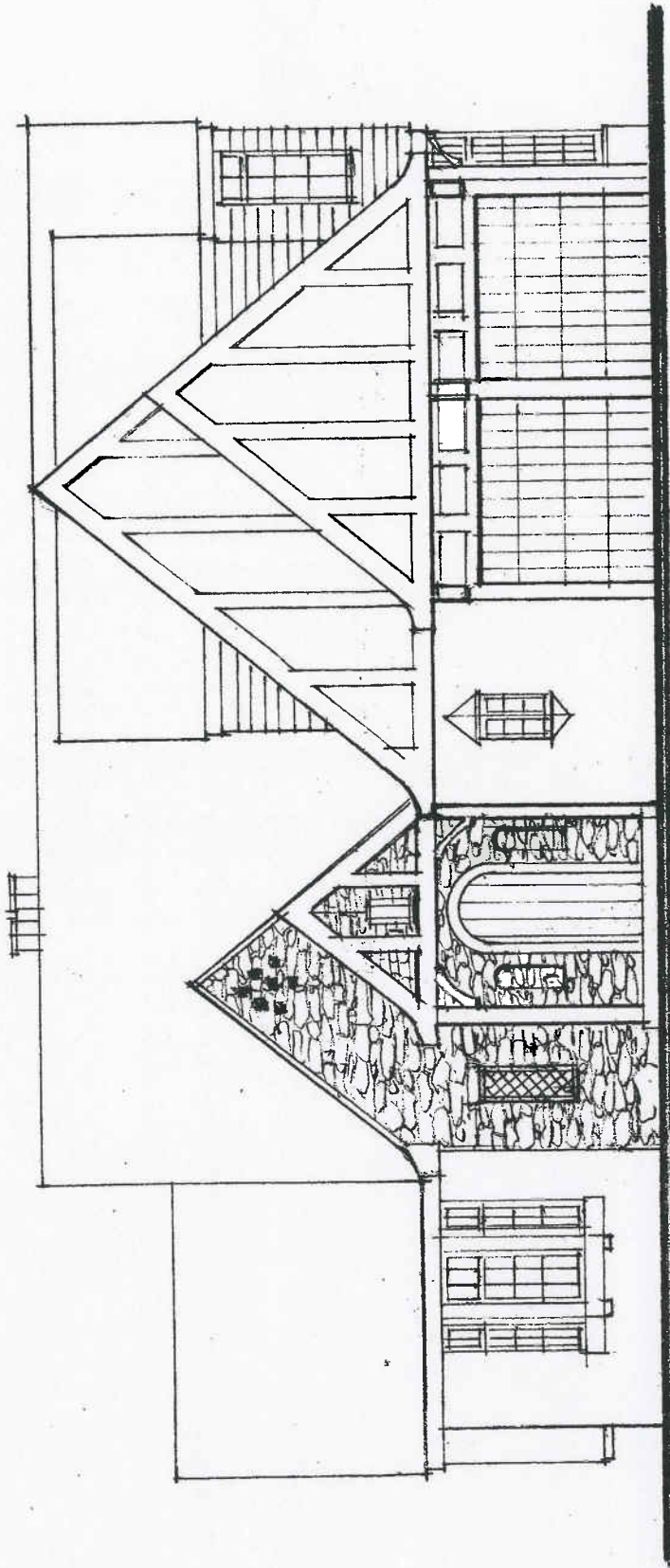
SETBACK (Oak / Front)
 Existing: 20.8 ft
 New: 20.8 ft
 ** 9.2 ft Variance **



- EXISTING FOUNDATION
- NEW SLAB
- NEW FOUNDATION
- NET VARIANCE (Reduction)

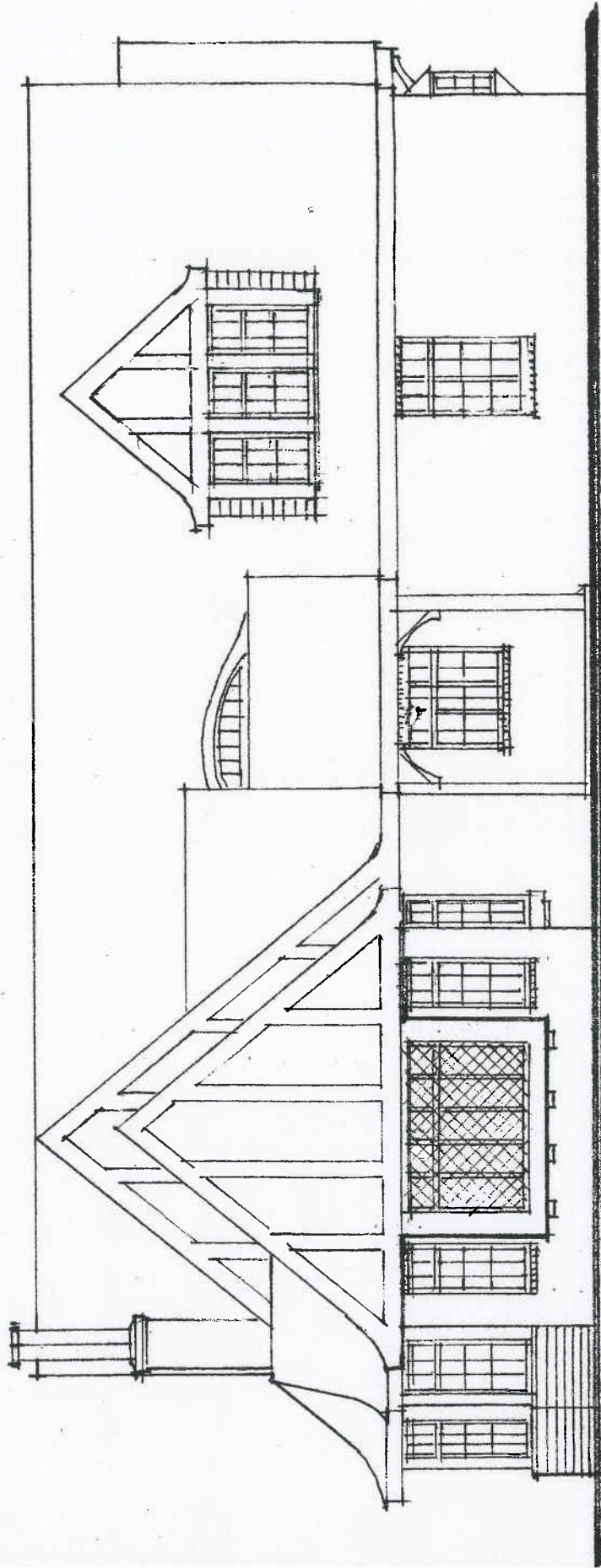
FOUNDATION PLAN

$\frac{1}{4}'' = 1'0''$



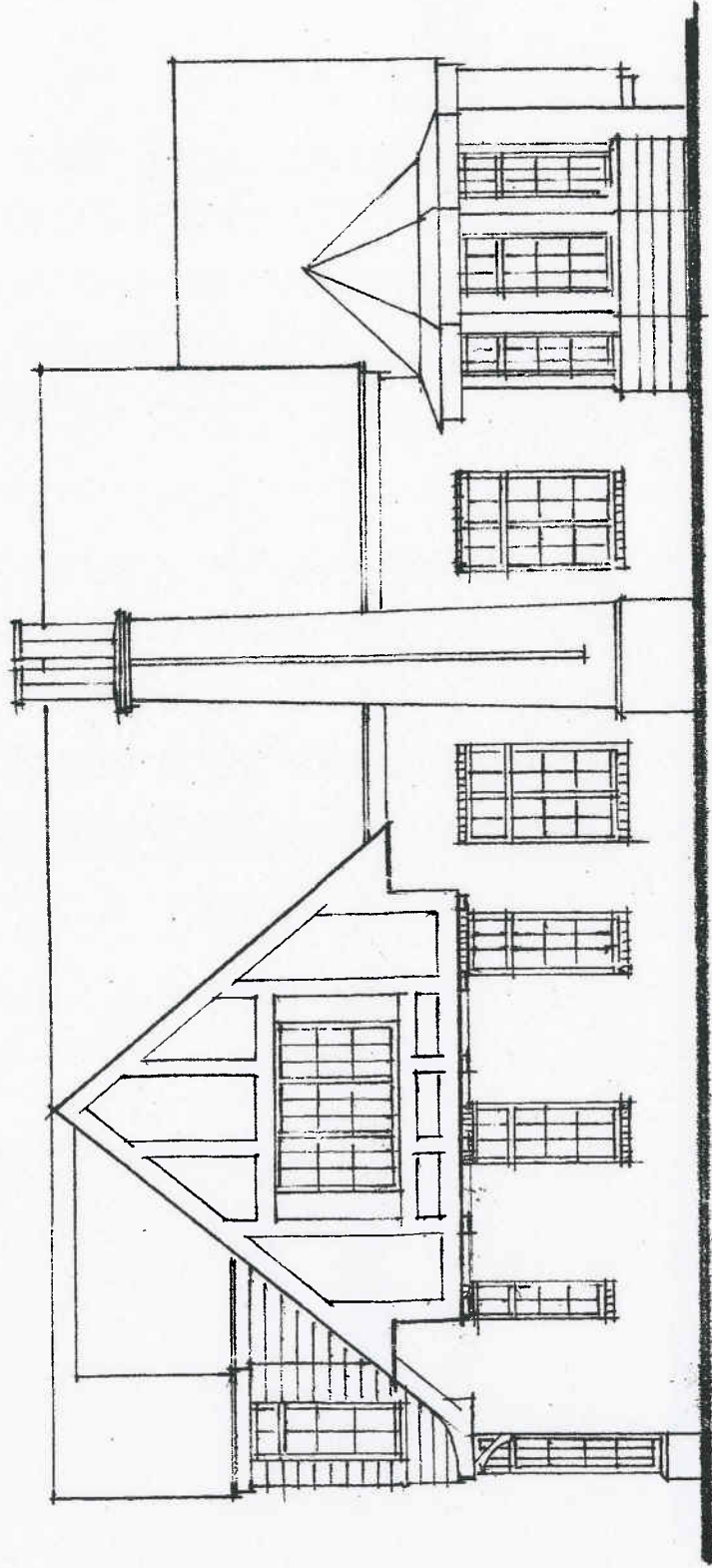
1907 Austin Ave

NORTH



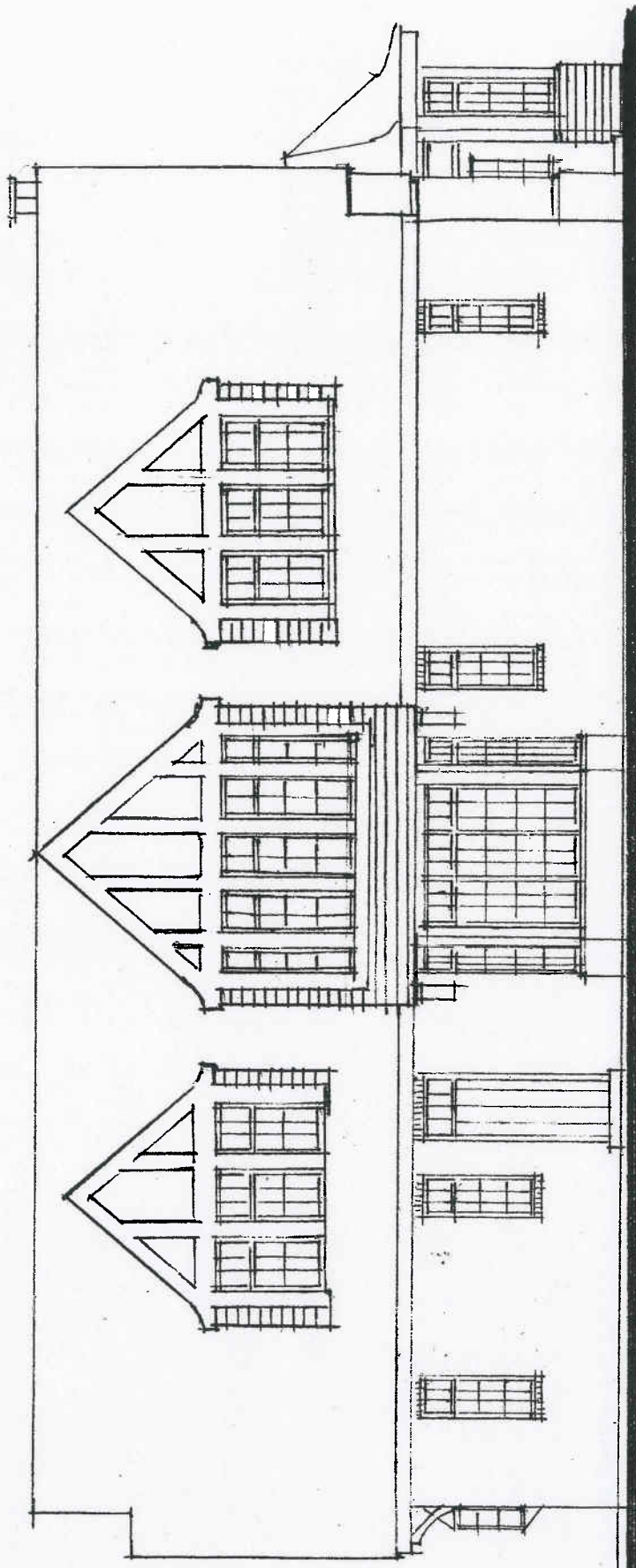
1901 Austin Ave

EAST



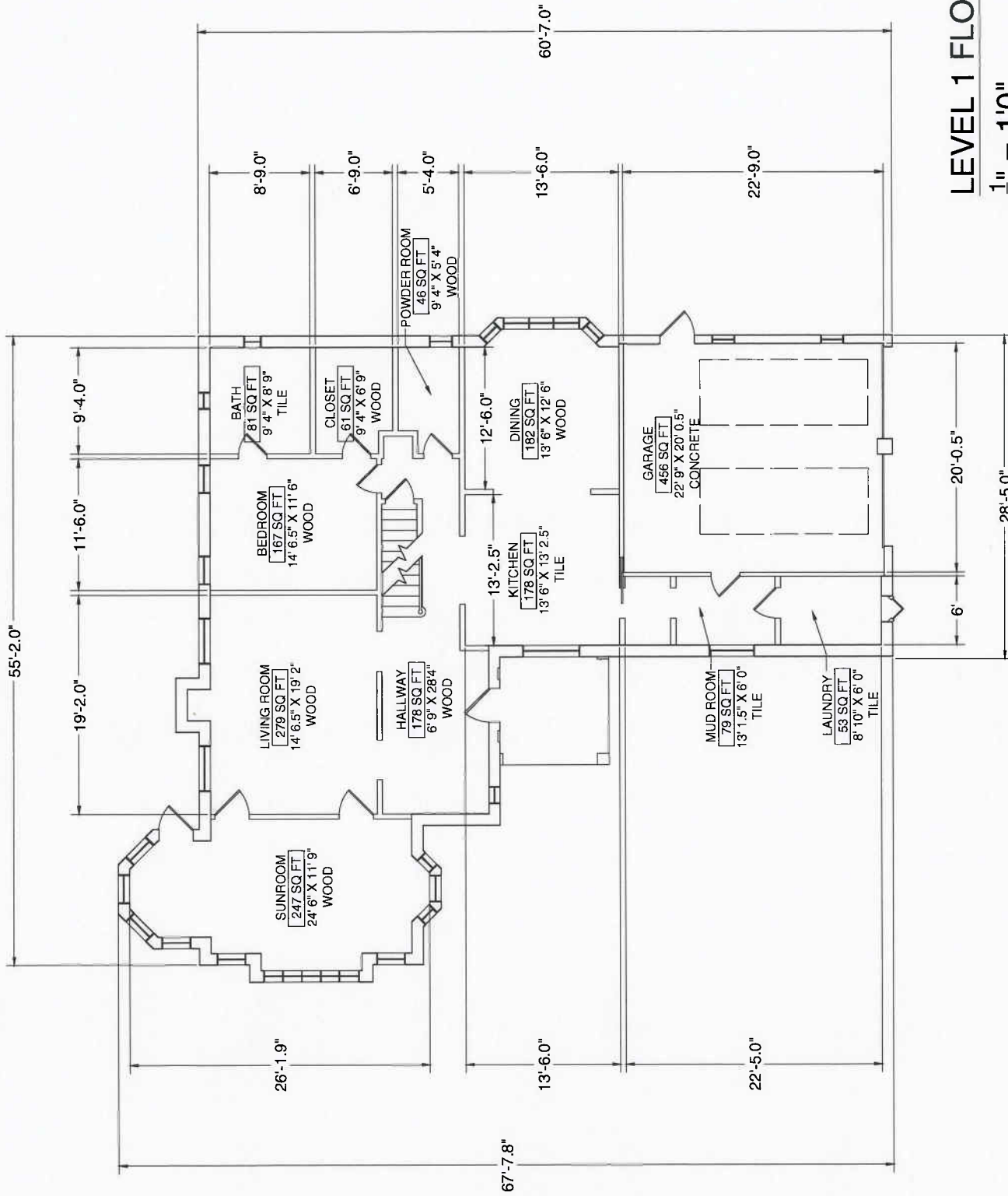
1907 Austin Ave

SOUTH

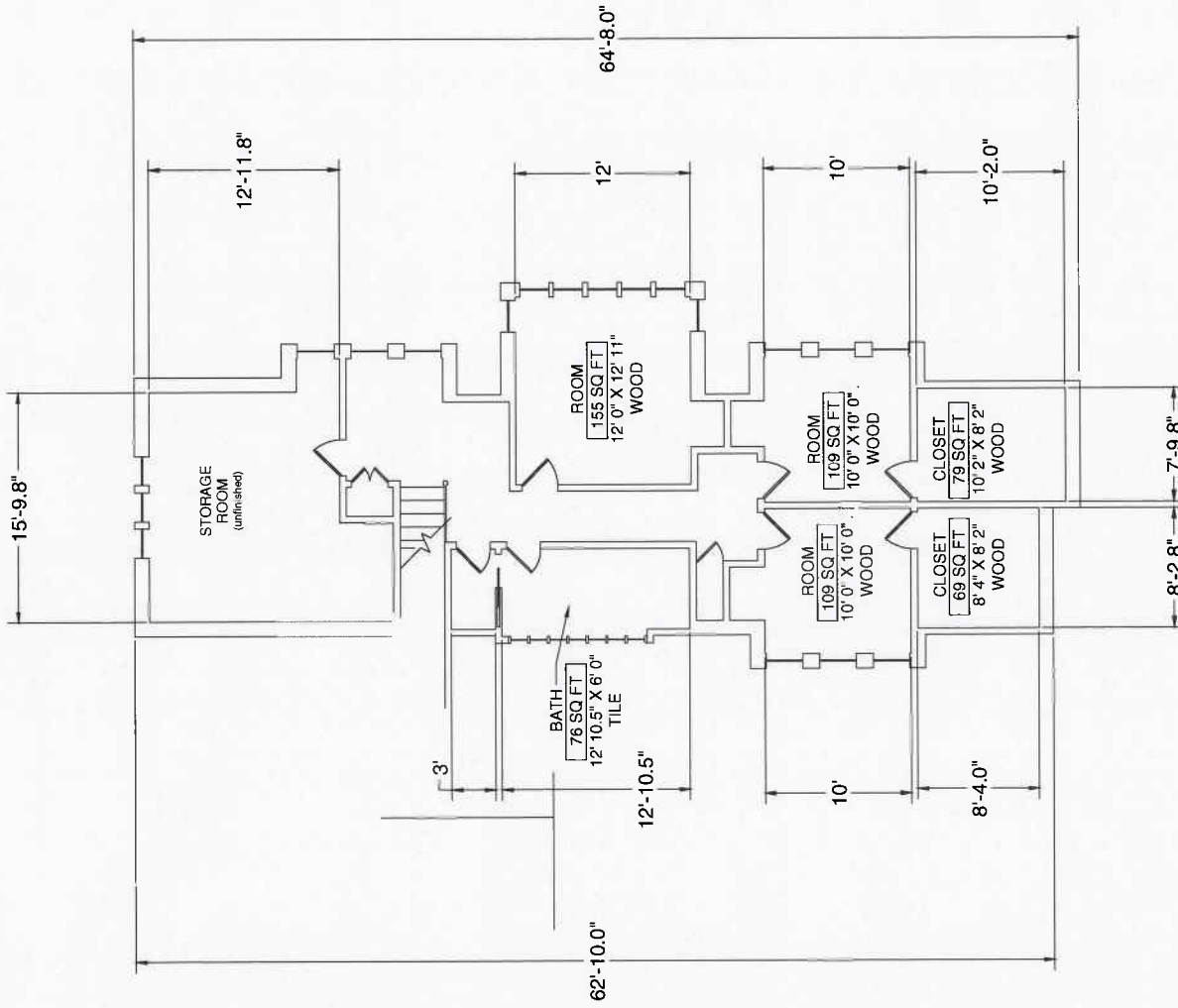


1901 Austin Ave

WEST



LEVEL 1 FLOOR PLAN
 $\frac{1}{4}'' = 1'0''$



LEVEL 2 FLOOR PLAN
 $\frac{1}{4}'' = 1'0''$

1/21/2016
RE:1901 Austin

To Whom It May Concern,

We have reviewed and support the plans for the reconstruction of the home at 1901 Austin. We recommend that the plans be approved by the Zoning Board of Appeals at their January 27, 2016 meeting.

Sincerely,

Inge and David Miller
1125 Fair Oaks Pkwy
Ann Arbor, MI 48104
734-369-3312