

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

**STAFF REPORT**

**Subject: ZBA14-006, 207 E. Kingsley**

**June 25, 2014 Staff Correction:** Requested variance is actually 1 foot 7 inches and not 2 feet as stated in original report. Staff had originally used the highest point of the structure for the maximum height determination, however Chapter 55 (Zoning) defines building height using the average elevation and not the maximum height at any one point. See revised report below for more information.

**Summary:**

Brad Moore, Petitioner's Agent, is requesting 2 variances from Chapter 55(Zoning) in order to construct a single-family structure:

1. Front yard setback variance (Section 5:57) of 14 feet 1 inch to allow a 10 foot 5 inch front setback along North Fourth, 24 feet 6 inches required (Averaged Front Setback).
2. Maximum height variance(Section 5:34) of 1 foot 7 inches to allow a 31 foot 7 inch high structure, 30 feet is the maximum height permitted in the R4C district.

**Description and Discussion:**

The subject parcel is a corner lot located at 207 Kingsley, and is zoned R4C (Multiple-Family). It is located on the corner of Kingsley and North Fourth Ave, just east of the North Main Street.

The request is discussed in detail below:

The petitioner is proposing to construct a 2,750 square foot three-story house with an attached two car garage. The third floor is smaller than the lower floors and set back from the front line of the house. The house will be located 10 feet 5 inches (averaged setback equals 24 feet 6 inches) from the front property line along North Fourth, at its closest point, and 10 feet (averaged setback equals 7 feet) from the front property line along Kingsley.

The required front setback is 25 feet for the R4C district. However, Chapter 55, Section 5:57 requires averaging with adjacent properties within 100 feet of the property line of the subject property. The subject parcel is located on a 'short' block of North Fourth with only two adjacent properties to average. The house immediately adjacent to the north is located 10 feet from the front property line. The next house is located on a triangular corner parcel that narrows to less than 15 feet in width and is set back 39 feet from front property line. As a result, the averaged setback results in a required front setback of 24 feet 6 inches along North Fourth. The petitioner would like to construct the house to be consistent with the

adjacent house at 10 feet 5 inches requiring a variance as noted above.

The averaged setback along Kingsley is 7 feet, but Section 5:57 only permits reduction of front setback to a minimum of 10 feet. The proposed house is set back 10 feet from the front property line along Kingsley, no variance is required for this setback.

According to Chapter 55 (Zoning), building height is defined as, “*The vertical distance of a building measured from the average elevation of the finished grade within 20 feet of the building to the highest point of the roof for a flat roof, to the deck line of a mansard roof, or to the midpoint elevation between eaves and ridge for a gable, hip or gambrel roof of a building.*” The maximum height in the R4C district is 30 feet. The proposed building will have a flat roof with a maximum height of 32 feet 4 inches and a minimum height of 30 feet 10 inches due to the slight slope of the land. Calculating the height of the building from the average elevations, as noted above, results in a building height of 31 feet 7 inches. As such, a variance is required to exceed the 30 foot height limit. If the building had a gabled roof or peak, the maximum height of the peak could exceed 30 feet as long as the midpoint of the peak was 30 feet or less.

### **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 lot is located at a corner and is a non-conforming lot for area, subject parcel is 4,401 square feet and the required lot area is 8,500 square feet. The small lot size in combination with the required setbacks for front and rear makes approximately 70% of the parcel unbuildable for a principal structure. The 30 foot maximum height limit is applicable for all new structures constructed in the R4C zoning district.

- (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 single-family home and attached garage. The parcel is an original platted lot and application of the required zoning setbacks leaves approximately 30% of the parcel remaining for principal structures. Application of required setback along North Fourth would result in a large setback inconsistent with the surrounding neighborhood. A structure could be constructed that

would comply with the maximum height of the R4C district.

- (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 parcel is located on a 'short' block of North Fourth, containing only two other properties adjacent to the north. The requested 10 foot 5 inch setback will be consistent with the house directly adjacent. The majority of houses along Kingsley and Fourth have houses at or near a 10 foot setback. A reduced setback is consistent with the overall neighborhood. While the petitioner is requesting a maximum height 1 foot 7 inches over the maximum height of 30 feet, it will be a flat roof structure. All other houses in the neighborhood have gabled or sloped roofs. Due to the fact that maximum height is measured to the midpoint of the roof for a sloped roof, many of the adjacent roofs actually have roof peaks higher than 31 feet 7 inches. The petitioner has submitted massing elevations (attached) illustrating that the proposed structure will be consistent in height with the adjacent structures.

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

The total size of the site is not a self imposed hardship; it is an original platted lot. Reducing the building envelope by utilizing the averaged setback for North Fourth will result in a structure placement inconsistent with the surrounding neighborhood. However, a small house could be constructed without the need for any variance.

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

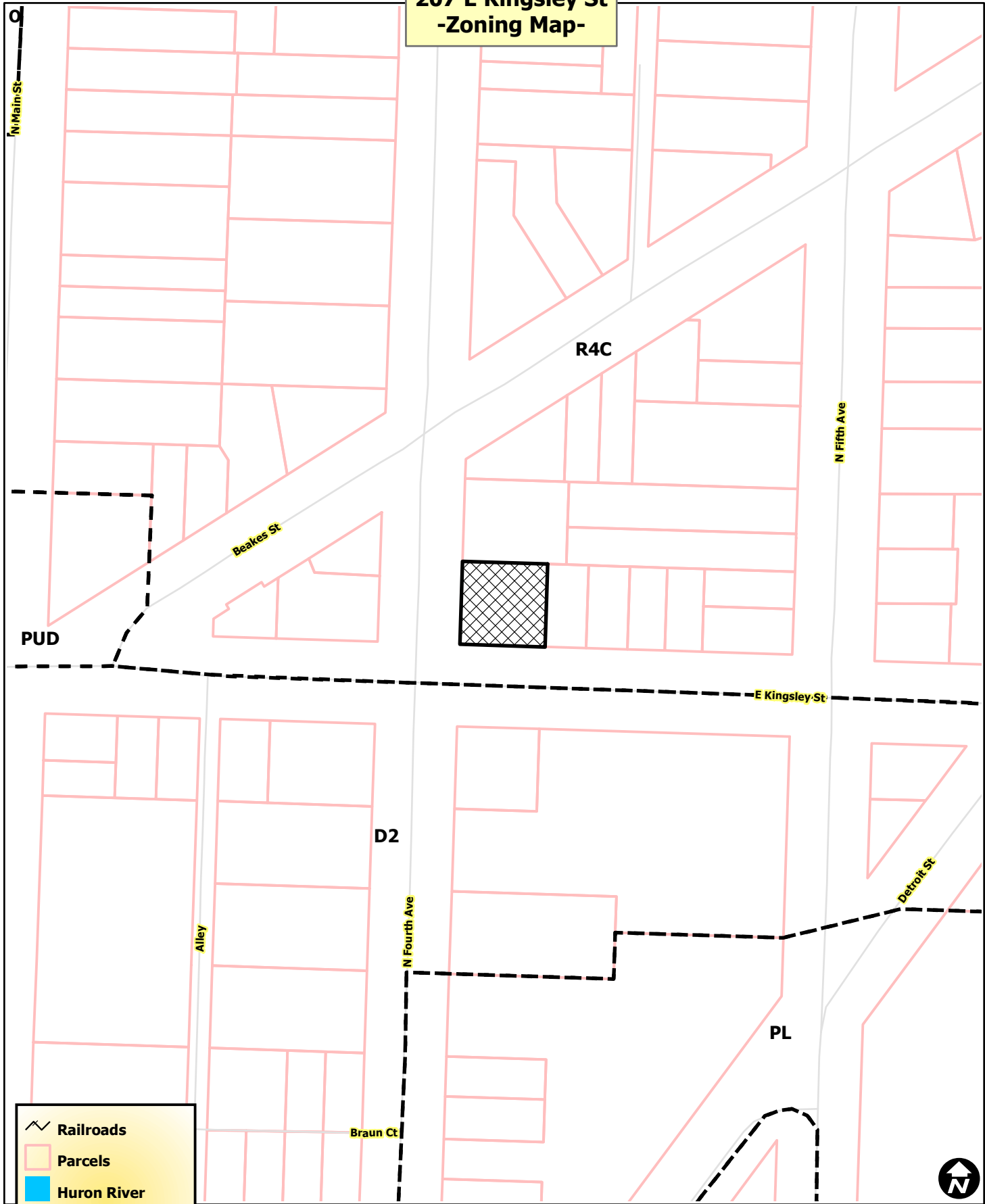
The variance, if approved, will permit construction of a single-family house 10 feet from the front property lines along Fourth and Kingsley, which is consistent with adjacent structures. While the proposed maximum height of 31 feet 7 inches for the flat roof would be consistent with adjacent peaked roof structures, a house could be constructed within a 30 foot height limit.

Respectfully submitted,



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

# 207 E Kingsley St -Zoning Map-



**Legend**




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



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 Map Created: 5/7/2014

# 207 E Kingsley St -Aerial Map-



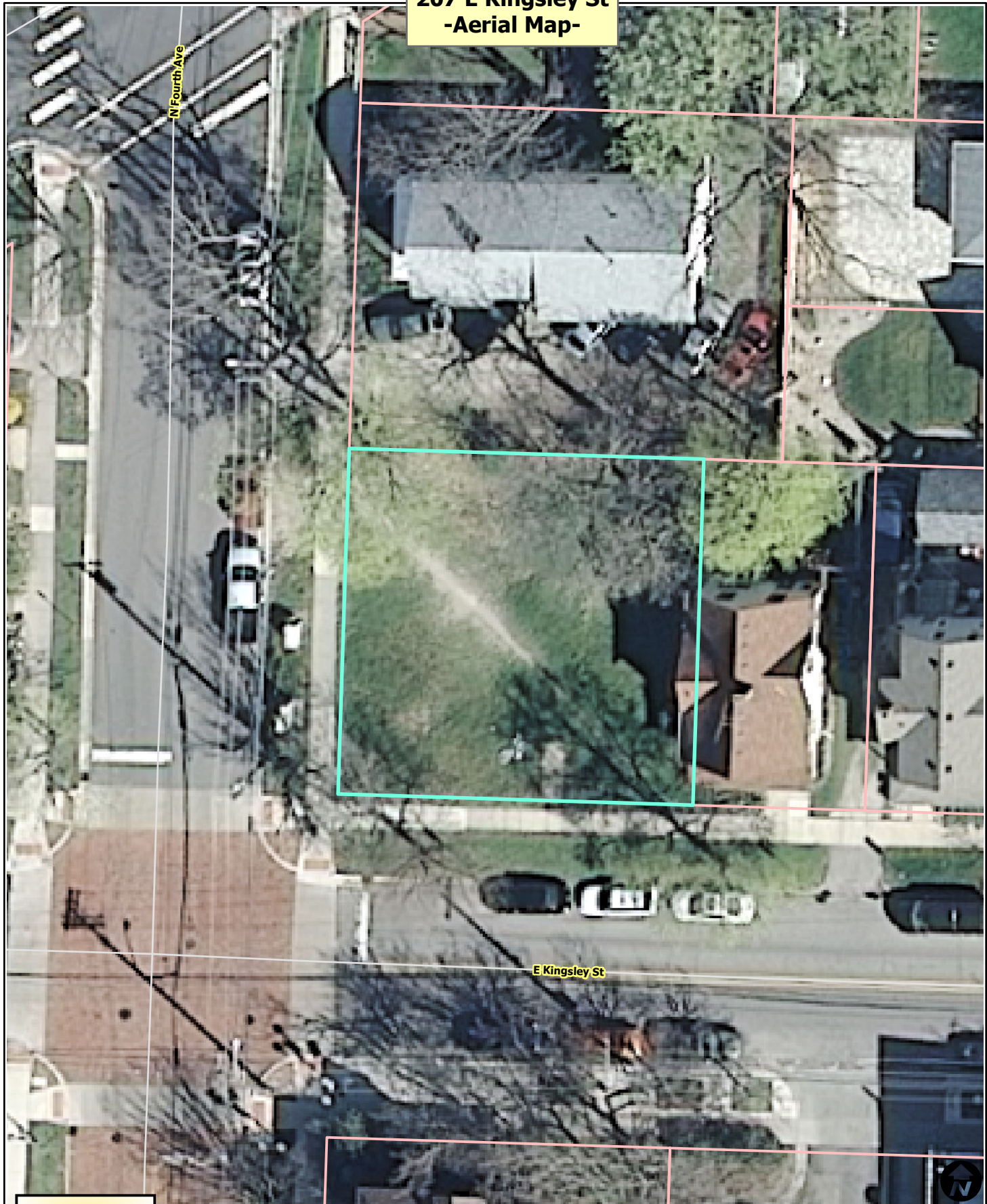
-  Railroads
-  Parcels
-  Huron River



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 Map Created: 5/7/2014



# 207 E Kingsley 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: J. BRADLEY MOORE & ASSOCIATES ARCHITECTS, INC  
Address of Applicant: 4844 JACKSON RD #150, ANN ARBOR, MI 48103  
Daytime Phone: 734 930 1500  
Fax: 734 994 1510  
Email: BRAD@JBRADLETMOORE.COM  
Applicant's Relationship to Property: ARCHITECT FOR PURCHAS

**Section 2: Property Information**

Address of Property: 207 E. KINGSLEY (AKA 502 N. FOURTH AVE)  
Zoning Classification: R4C  
Tax ID# (if known): 09-09-29-122-002  
\*Name of Property Owner: 414 N. MAIN ST LLC - MELVIN VANDERBEEK, MIING MEMBER  
\*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: 5;10.0, (2)(c)

5:34, 5:28, 5:57  
5:28

Example: Chapter 55, Section 5:26

Required dimension: PROPOSED dimension:

24.5' FRONT SB. 10.0'  
30' BLDG. HT. 32' BLDG. HT.

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)

**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 ZONING ORD. RENDERS 78% OF THE LOT UNBUILDABLE. THIS SEVERE REDUCTION IN BUILDABLE AREA IS UNIQUE TO THIS LOT

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

YES, THE EXISTING PLATTED LOT IS TOO SMALL TO CONSTRUCT UPON WITH THE REQUIRED SETBACKS.

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

IT WILL PERMIT CONSTRUCTION OF A NEW HOME WITH A FRONT SETBACK CONSISTENT WITH ITS NEIGHBORS

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?

LOT SIZE & THE ABERRANT SET-BACK OF THE HOUSE AT 510 N. FOURTH AVE.

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

NO, ZONING ORD. IMPOSED AFTER THE LOT WAS PLATTED & BUILT UPON.

### 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 4401.65 S.F.

Lot width 66.25 FEET (AVERAGE)

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 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.

734-930-1500  
 Phone Number  
BRAD@BRADLEYMOORE  
 Email Address

[Signature] Signature  
J. B. Moore Print Name  
 For J. Bradley Moore Assoc.

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] 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] Signature

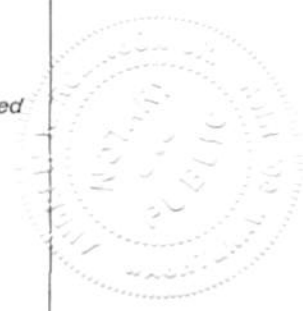
I have received a copy of the informational cover sheet with the deadlines and meeting dates and acknowledge that **staff does not remind the petitioner of the meeting date and times.**

[Signature] Signature

On this 30<sup>th</sup> 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.

October 10, 2018  
 Notary Commission Expiration Date

[Signature] Notary Public Signature  
Andrew K Robinson Jr 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: \_\_\_\_\_

ANDREW K. ROBINSON JR  
 NOTARY PUBLIC, STATE OF MI  
 COUNTY OF WASHTENAW  
 MY COMMISSION EXPIRES Oct 10, 2018  
 ACTING IN COUNTY OF Washtenaw

207 E. Kingsley (AKA 502 N. Fourth Ave.) is a platted lot in the City of Ann Arbor. It is 6.44 feet deep and averages 66.25 wide and contains approximately 4,401.65 Sq. Ft. It is zoned R4C and is nonconforming in that Zoning District/Classification by Lot size (R4C requires a min. lot size of 8,500 Sq. Ft.).

Section 5:10.8 (2)(c) permits development within the R4C district consistent with all regulations of the R1C zoning district. The lot in question is also nonconforming in that Zoning District/Classification by Lot size (R1C requires a min. lot size of 7,200 Sq. Ft.).

Section 5:61 permits nonconforming lots of record, like the lot in question, to be developed for a single family residence as is being proposed.

The lot in question has frontage on two public streets, 4th Ave and East Kingsley, and as such it is required to have two front setbacks.

Section 5:57 requires front setbacks to be averaged in areas where existing adjacent structures ( 100 feet of a lot/parcel ) establish front setbacks less than the front setback required by the height, area, and placement table of the zoning ordinance - providing the minimum front setback shall not be less than ten feet.

The existing residential structures within 100 feet of the site along E. Kingsley St. establish an average existing front setback of 7.125 feet, therefore the required front setback along Kingsley defaults to 10 feet.

Due to the unique and unusual geometry of the lot on the east side of N. 4th Ave. at the South-East corner of N. Fourth Ave & Beakes (it is within 100 feet of the subject parcel) that lot has an aberrant front setback of 39 feet which is uncharacteristically large for the established front setbacks along Fourth Ave. (and Kingsley). The existing house just north of the subject parcel (between the subject parcel and the unusual lot at the South-East corner of N. Fourth Ave & Beakes) has a front setback along N. Fourth Ave of 10 feet which is more typical of the established front setback in the area/neighborhood.

Averaging the normal ten foot front setback of the house immediately north of the site with the aberrant and excessive 39 foot front setback of the lot at the South-East corner of N. fourth Ave & Beakes would yield a required front setback along N. Fourth Ave. of 24.5 feet. A front setback on the parcel in question of 24.5 feet along N. Fourth Ave. would not be in harmony with the existing established front setbacks in the neighborhood and would, practically speaking, make the subject parcel unbuildable. The front setback averaging section of the code did not anticipate the conditions applicable to the subject parcel with respect to the unusual conditions found on lot at the South-East corner of N. Fourth Ave & Beakes

Aerial photographs of the lot at 207 Kingsley show that it had a residence on it until the early 80's which had setbacks similar to those now being proposed.

Even with the requested reduced front setback along N. 4th Ave. the buildable envelope is still small and therefore the purchasers of the lot are requesting a 2 foot increase in building height in order to permit a limited, partial 3rd floor of habitable space. It should be noted that with an average building height of 32 feet the flat roof on the third floor will be considerably lower than the peak/ridge that would be permitted with a gable form roof. It should also be noted that in all other R4 zoning districts the allowable building height has been raised to 35 feet.



SAN. MANHOLE  
RIM 811.72  
8" S 803.42

STORM MANHOLE  
RIM 811.60  
12" N 805.20

CITY OF ANN ARBOR  
BENCHMARK 1010  
ELEV 811.95

6" WATERMAIN PER PLANS NEEDS TO BE FIELD VERIFIED

195.75' N04°09'00"W  
66' WIDE

4 FOURTH AVENUE (PUBLIC) 66' WIDE

STORM MANHOLE  
RIM 817.04  
12" N-S 811.54  
8" SE 813.24

17" MAPLE

CONC. SIDEWALK 5'

SAN. MANHOLE  
RIM 818.32  
8" N 808.82  
8" E 809.22

STORM MANHOLE  
RIM 818.56  
12" N 813.26

330.5' OF 8" SAN.

330.42' S85°59'00"W

4" GAS PER PLANS

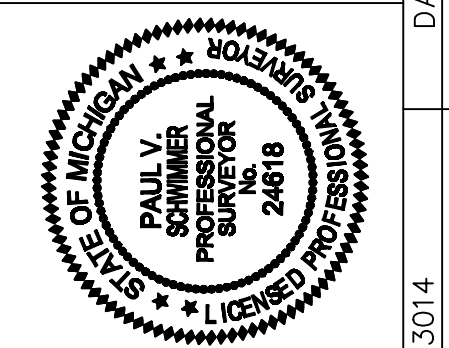
6" WATERMAIN PER PLANS NEEDS TO BE FIELD VERIFIED

BENCHMARKS  
CITY OF ANN ARBOR  
BENCHMARK 1010  
ELEV 811.95

TOP OF IRON PIPE  
S.E. CORNER OF PARCEL  
ELEV. 818.49

Arbor Land  
Consultants, Inc.  
Professional Land  
Surveyors  
2936 Madras Ct.  
Ann Arbor, MI 48103  
Tel 1-734-669-2960  
Fax 1-734-669-2961

DATE: 03-25-2014  
REVISION: 4-04-2014



CLIENT: LISA STELTER  
**TOPOGRAPHICAL SURVEY**  
207. E KINGSLEY  
ANN ARBOR, MICHIGAN

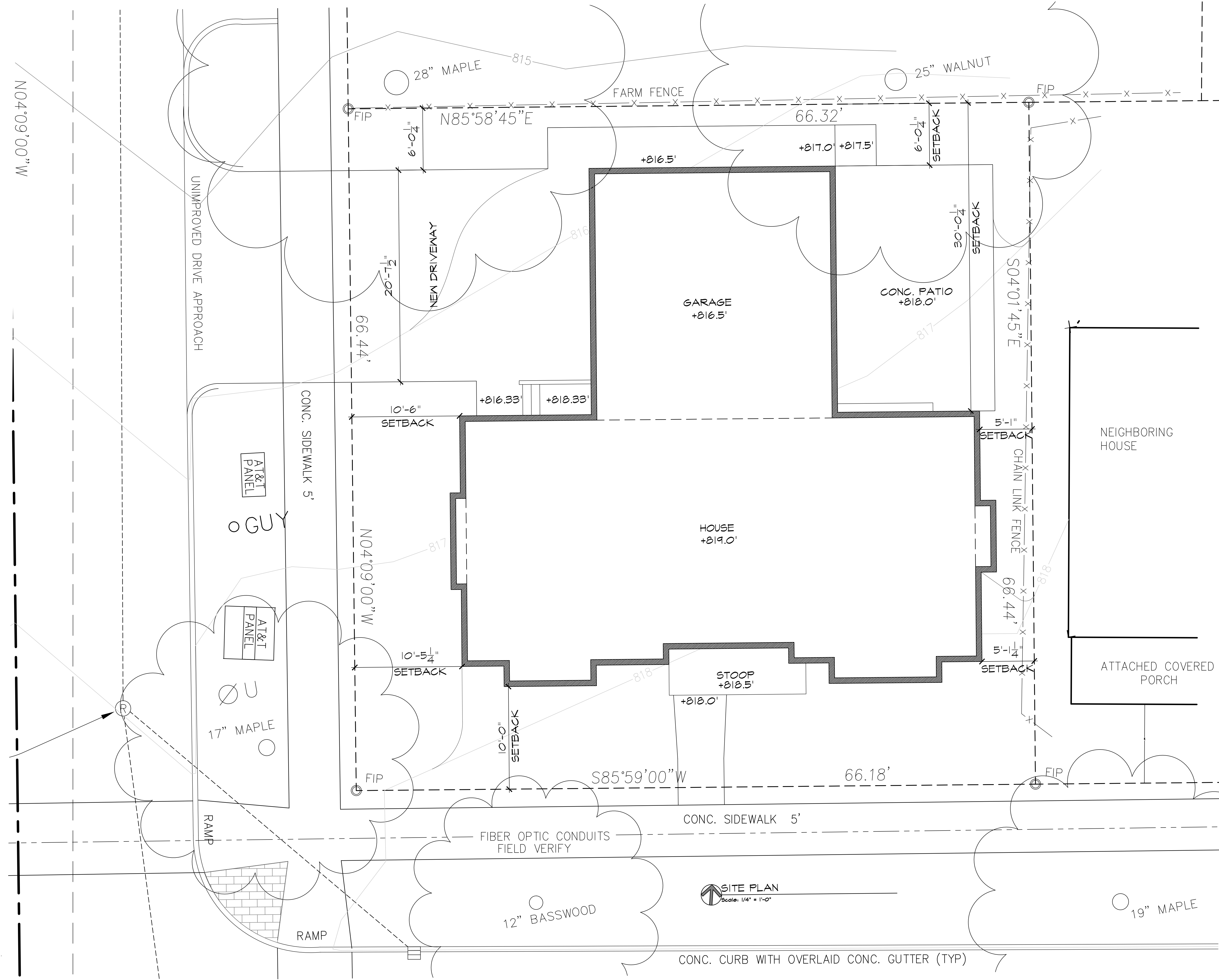
SCALE 1 INCH = 10 FEET

JOB No. 03014  
SHEET - OF -

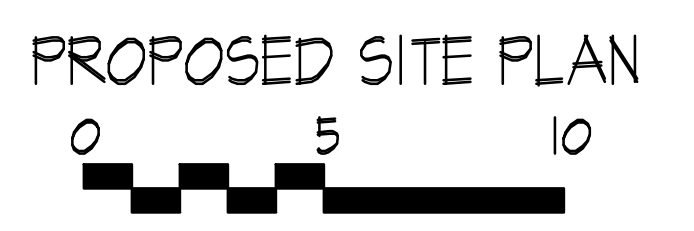
SECTION CORNER	WATER MANHOLE	0/H/ELEC.	ELECTRIC LINE
● FIP	⊙ WATER MANHOLE	— 8"	— ELECTRIC LINE
○ FIP	⊙ FIRE HYDRANT	— 8"	— GAS MAIN
○ FIP	⊙ GATE VALVE	— 8"	— WATER MAIN
○ FIP	⊙ BEEHIVE CATCH BASIN	— 18"	— STORM LINE
○ FIP	⊙ CURB CATCH BASIN	— 6"	— SANITARY LINE
○ FIP	⊙ STORM MANHOLE	— 0/H/CTV	— CABLE TV LINE
○ FIP	⊙ CURBSET MANHOLE	— 0/H/COMM	— PHONE LINE
○ FIP	⊙ SANITARY MANHOLE	— 0	— CHAIN LINK FENCE
○ FIP	⊙ LIGHT POLE	— 0	— WOOD FENCE
○ FIP	⊙ UTILITY POLE	— 0	— BARBED WIRE FENCE
○ FIP	⊙ TELEPHONE RISER	— 0	—
○ FIP	⊙ GAS MAIN RISER	— 0	—

THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEE THAT SUCH UTILITIES ARE ACCURATELY LOCATED OR ABANDONED. THE SURVEYOR HAS NOT PHYSICALLY LOCATED ALL UTILITIES SHOWN. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE STRUCTURE INVENTORY SHOWN HEREON.





**SITE PLAN**  
Scale: 1/4" = 1'-0"

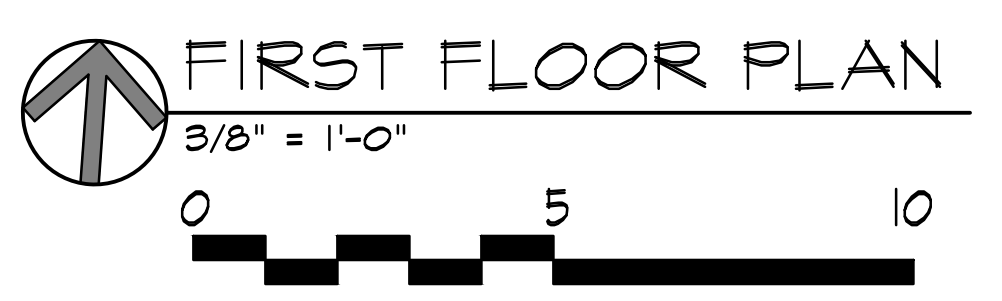
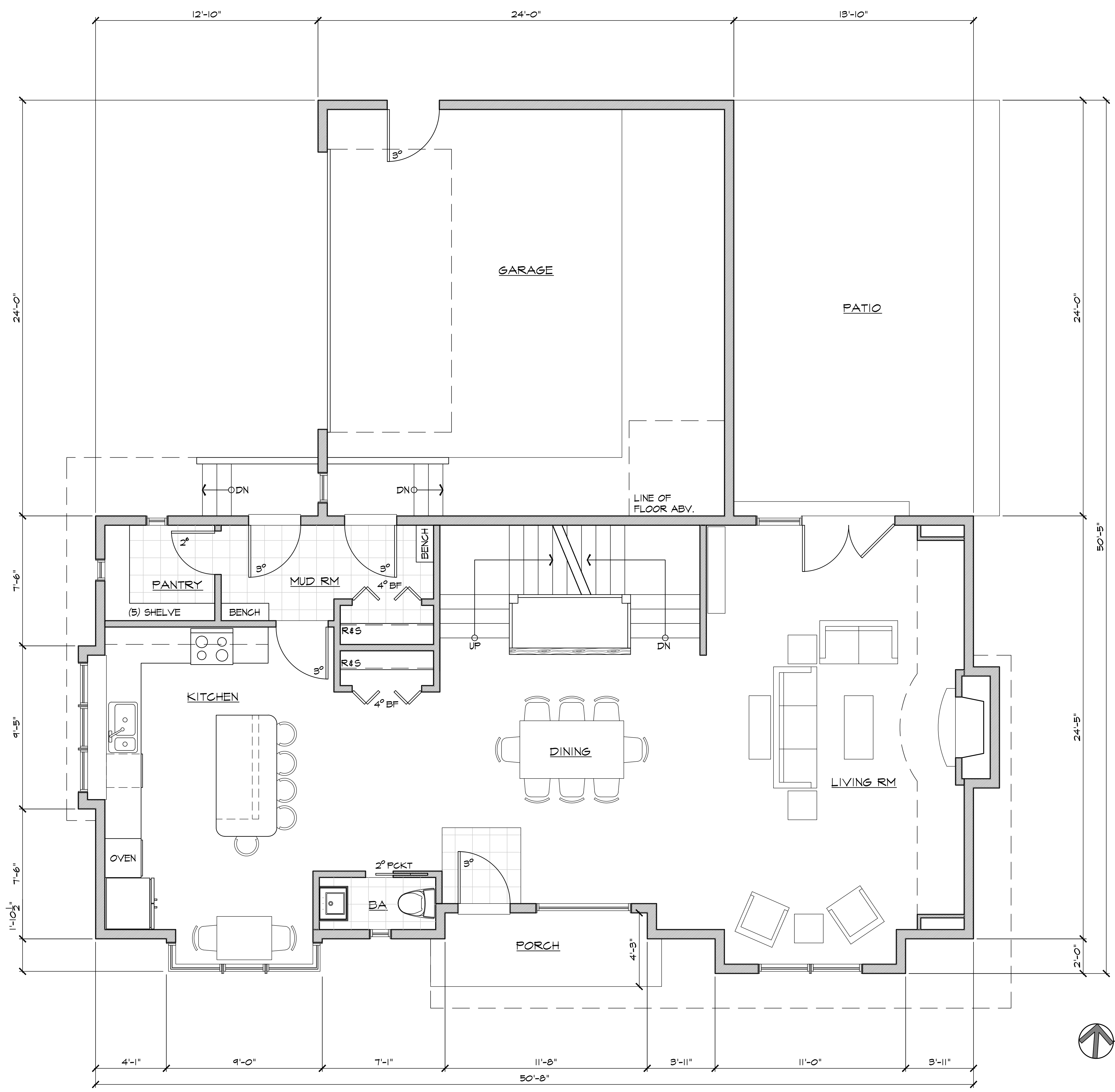


Z.B.A.	04.30.14
Z.B.A.	05.09.14

**PROPOSED SITE PLAN**

JBMA Project No.  
**214100**  
©2014

**SP1.1**



ZBA	04.30.14
ZBA	05.09.14

**FIRST FLOOR PLAN**

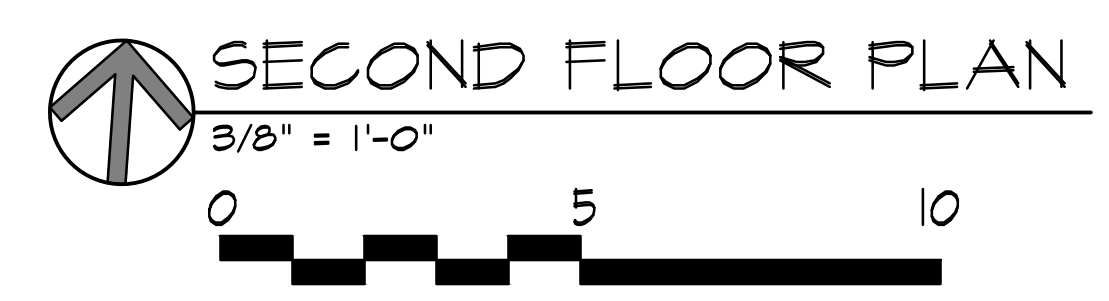
JBMA Project No.  
**214100**  
 ©2014



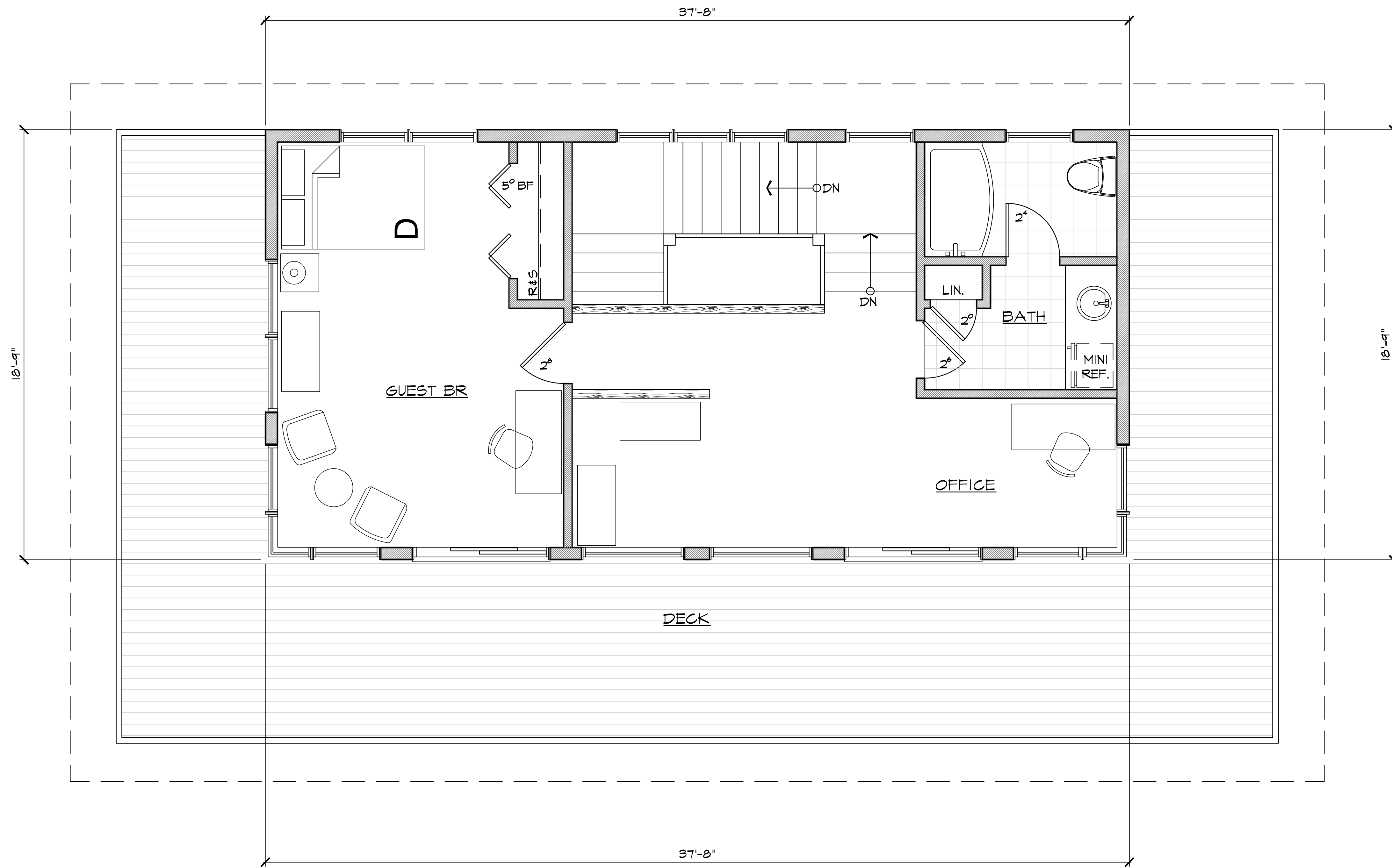
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ZBA	05.09.14

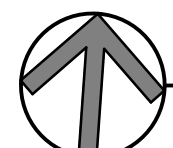
**SECOND FLOOR PLAN**

JBMA Project No.  
**214100**  
 ©2014








**THIRD FLOOR PLAN**  
 3/8" = 1'-0"  
 0 5 10

ZBA	04.30.14
ZBA	05.09.14

**THIRD FLOOR PLAN**

JBMA Project No.  
**214100**  
 ©2014

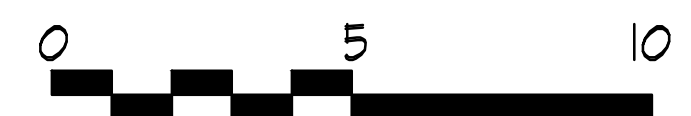


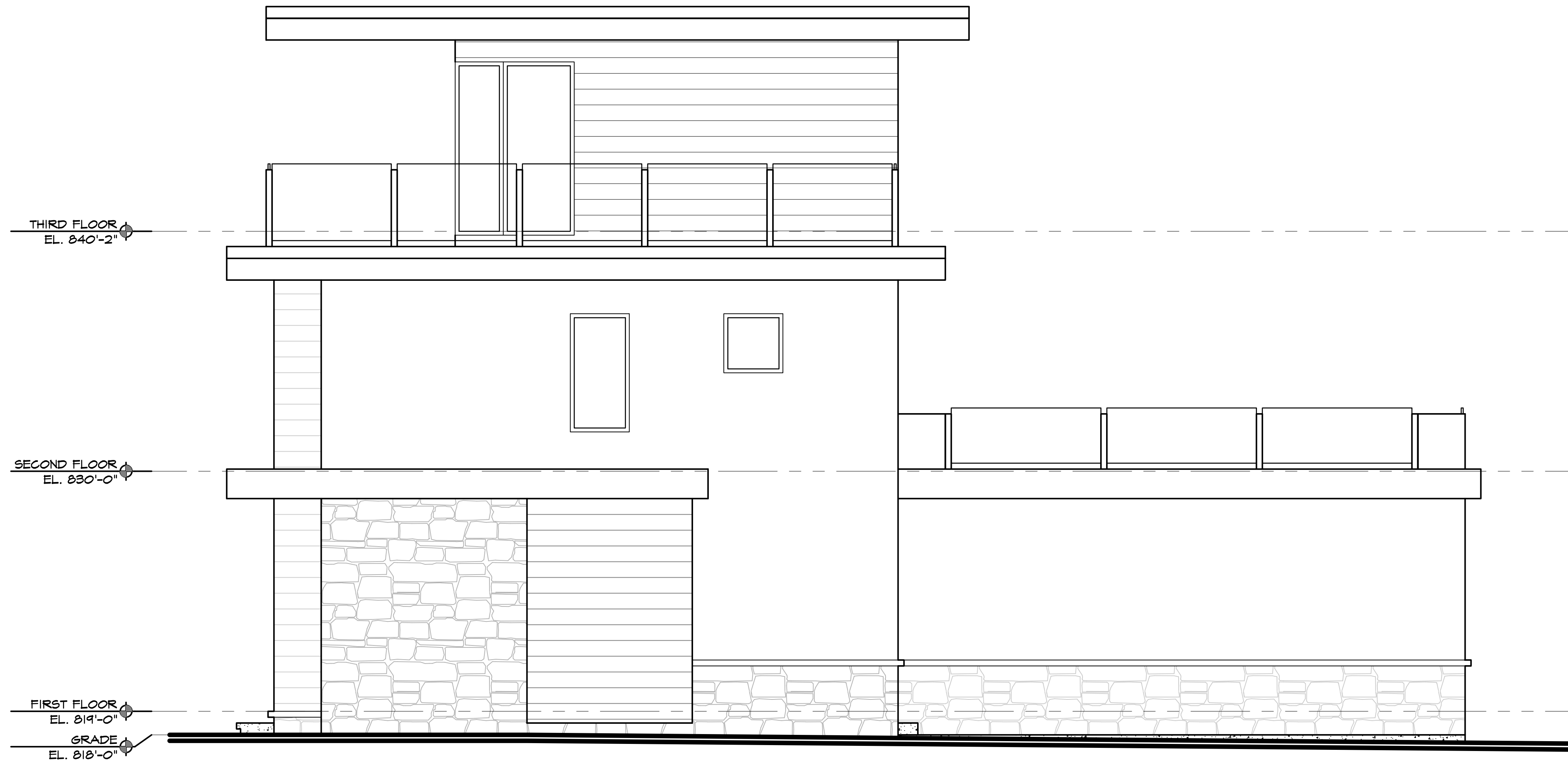
**SOUTH ELEVATION**  
5/16" = 1'-0"

**AVE. BLD. HT. = 31'-7"**



**WEST ELEVATION**  
5/16" = 1'-0"





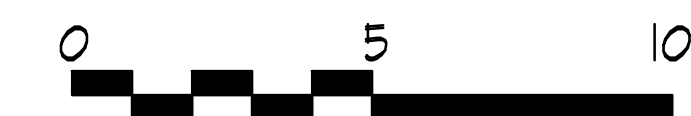
EAST ELEVATION

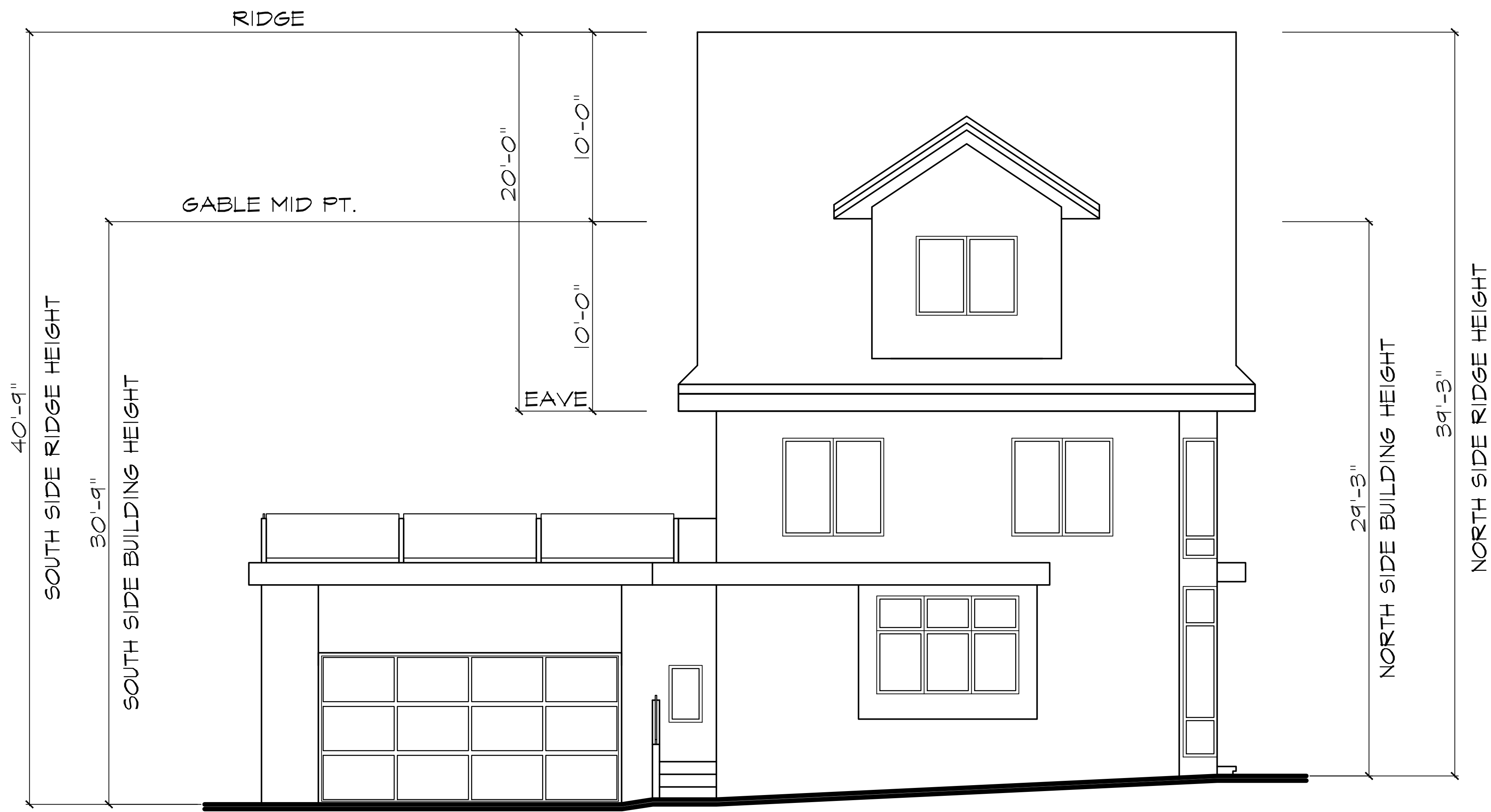
5/16" = 1'-0"



NORTH ELEVATION

5/16" = 1'-0"



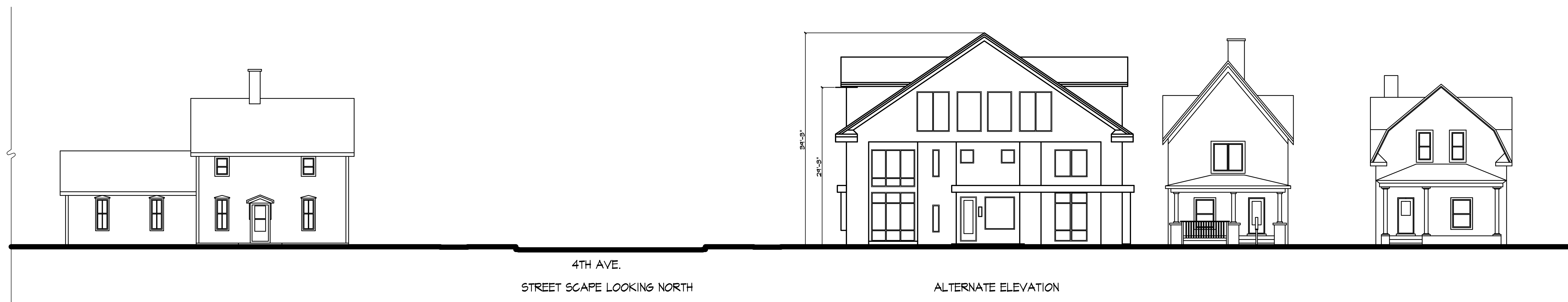


WEST ELEVATION  
SCALE: 1/4" = 1'-0"

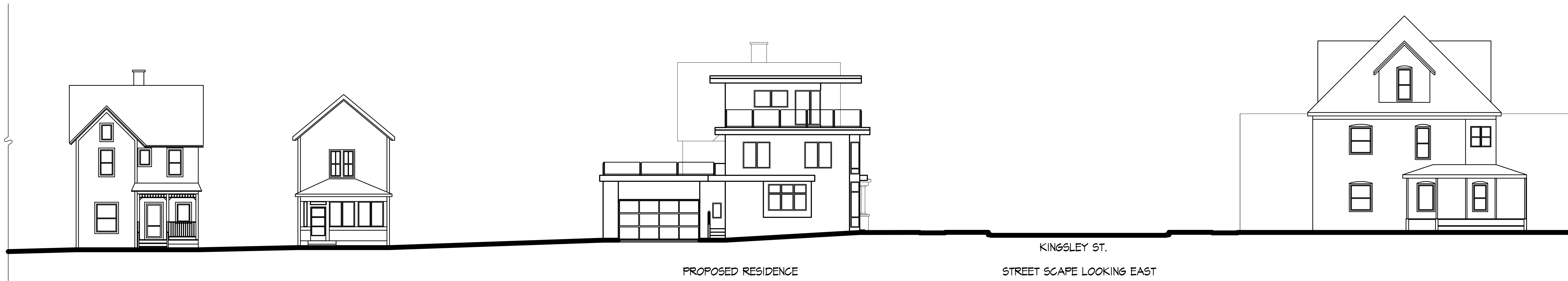
AVE. BLD. HT. = 30'-0"



SOUTH ELEVATION  
SCALE: 1/4" = 1'-0"



ZBA	05.09.14



PROPOSED RESIDENCE

KINGSLEY ST.  
STREET SCAPE LOOKING EAST



ALTERNATE ELEVATION

KINGSLEY ST.  
STREET SCAPE LOOKING EAST

ZBA	05.09.14

John and Lisa Stelter  
3130 Cottontail Court  
Ann Arbor, MI 48103

April 20, 2014

I, Mel Vanderbrug, owner of the property at 207 E. Kingsley Street Ann Arbor, Michigan 48103 hereby give permission to John and Lisa Stelter that they may make application to the Zoning Board of Appeals to obtain permission to extend a setback requirement for that property located at 207 E. Kingsley Ann Arbor, Michigan 48103.

414 N. Main St. LLC  
Mel Vanderbrug - Manager

Mel Vanderbrug

**John and Lisa Stelter  
3130 Cottontail Ct.  
Ann Arbor, Michigan 48103**

April 25, 2014

City of Ann Arbor  
Planning & Building departments  
Zoning & Building Boards of Appeal  
100 North Fifth Ave  
Ann Arbor, MI 48104

To Whom it may concern:

Please be advised that we, purchasers of a vacant parcel of land located at 207 Kingsley in Ann Arbor, Michigan, do hereby authorize representatives of J Bradley Moore & Associates Architects, Inc., to represent us in any and all capacities necessary to secure a site plan approval to build a home on said property from the Ann Arbor building department, including but not necessarily limited to obtaining zoning variances.

Thank you for your consideration in this matter.

Sincerely,



John or Lisa Stelter





## KERRYTOWN® Market & Shops

May 28, 2014

Dear Zoning Board of Appeals Members,

My name is Andrew O'Neal and I represent Kerrytown Shops of Ann Arbor, Inc., located at 407 North Fifth Avenue, Ann Arbor, MI 48104. I am writing with respect to the requested variances for a new home proposed to be built at the North-East corner of E. Kingsley St. and N. Fourth Ave. (currently a vacant lot). This lot is across the street from our property. I am familiar with the variances being requested as well as the design for the new home proposed to be built and wanted to convey our support for the requested variances.

The Kerrytown neighborhood is a unique and thriving section of downtown, where one can live, work, shop, dine, enjoy a concert and frequent the farmers market. Kerrytown Shops has over 20 locally owned businesses, and having more residents and constructing new homes in this area continues to enhance the neighborhood. In addition, that vacant lot has not been well-kept and is a bit of an eyesore several months out of the year. Having a home built would make the neighborhood that much nicer.

The proposed new home will be in keeping with the height and placement of other buildings in the area. The variances requested will permit the new home to be placed on the lot in a manner consistent with the majority of the front set-backs of existing buildings on adjoining lots thus contributing to a pleasant and consistent streetscape. The requested variance in building height is minor and will result in a roof line that is shorter and less massive than could be built "by-right". It should be noted that the lot is quite small and that the proposed home is in fact modest compared to other new buildings recently constructed in the neighborhood.

Again I wanted to let you know that we whole heartedly support the requested variances.

Thank you for your time and attention in this matter.

Sincerely,

Andrew O'Neal,  
President, Kerrytown Shops of Ann Arbor, Inc.

**From:** Margaret Schankler [<mailto:mschankler@gmail.com>]  
**Sent:** Tuesday, May 27, 2014 3:17 PM  
**To:** Kowalski, Matthew; John Hilton  
**Subject:** 207 Kingsley Variance Petition

To: Zoning Board of Appeals  
From: North Central Neighborhood Association  
Re: Variance requests – 207 Kingsley St.  
Date: May 27, 2014

We urge the Zoning Board of Appeals to SUPPORT the requested setback variance. We urge the board to REJECT the requested height variance.

The calculated setback on this lot reflects a historical accident. The house at the southeast corner of Beakes and Fourth was formerly located on what is now a portion of the Ann Arbor Farmers' Market. It was moved to this location relatively recently to permit a market expansion, and set at the extreme back of its triangular lot. The movers' choice to concentrate the site's very limited open space at front of the building has no historic precedent in the neighborhood, and must not be allowed to limit the future use of nearby parcels.

Approving the requested setback variance for the lot at 207 Kingsley will permit it to be redeveloped in a way consistent with the lot's prior use. The proposed setback would also match the buildings on the other three corners of this intersection, permitting a placement that would integrate well with its surroundings. For these reasons, we SUPPORT the requested setback variance.

The requested height variance, however, is unneeded and would negatively impact the neighborhood by enabling a structure that dominates and clashes with its surroundings. The proposed third floor, with its flat roof and decks, is an urban design that would be appropriate in the adjoining D2 zone, but would overwhelm the neighboring houses in this R4C zone. For these reasons, we OPPOSE the requested height variance.

The petitioners argue that the proposed roof would be no higher than the midpoint of a pitched roof that would be comply with the 32 foot height limit. The street renderings, however, graphically demonstrate the contrast between the two designs. While either would be much larger than its neighbors, the pitched roof design is far less dominant.

The petitioners' goal of achieving a buildable lot can be attained with the setback variance alone. The height variance would provide an unneeded "bonus" to the detriment of the neighborhood. Therefore, we urge the ZBA to APPROVE the setback variance, and REJECT the height variance.

Sincerely,

NCNA Area Planning Committee  
Margaret Schankler  
John Hilton  
Kathleen Baxter  
Sarah Howard  
John Beranek  
David Santacroce