

**Zoning Board of Appeals
July 23, 2014 Regular Meeting**

STAFF REPORT

ZBA14-009, 1154 Olden

Summary

Van Hunsberger is requesting a variance from Chapter 55 (Zoning) Section 5:27 (R1B, Single-Family Dwelling District), of 1 foot to allow an addition to a single-family structure into the required side setback. The required side setback is 6 feet 6 inches. R1B requires a total of 14 feet for side setbacks, with a minimum side setback of 5 feet for one side. One side (west) is set at 7 feet 6 inches, which leaves 6 feet 6 inches as the remaining required side (east) setback.

Description and Discussion

The subject parcel is located at 1154 Olden, south of Sunset, east of Pomona. The parcel is zoned R1B (Single-Family Residential).

The request is discussed in detail below:

The existing single-story house is 1,624 square feet and was built in 1956. The house has no basement and is setback 9 feet 9 inches from the east side property line and 7 feet 6 inches from the west side property line; the minimum required side setback is 5 feet with a total of two sides to equal 14 feet. The petitioner is proposing to convert the existing garage to living space and construct a 20 foot by 24 foot 6 inch addition to the front and east side of the structure. The addition will extend 1 foot into the east side required setback of 6 feet 6 inches, for a proposed setback of 5 feet 6 inches. Due to the angle of the parcel and the location of the house, there is only a small triangle portion of the new wall which is actually located in the side setback. There is no habitable space located in the setback, and the majority of the addition will conform to the setback requirements. After construction, there will be no garage and two exterior legal parking spaces located in front of the proposed addition, but behind the front setback of 30 feet.

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 practical difficulties 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 parcel is .42 acre (18,100 sq ft) and is a conforming R1B lot. The existing house was constructed in 1956 with the enclosed garage 9 feet 9 inches from the east side property line. The parcel is an unusual trapezoidal shape, 50 feet wide at the front and 201 feet wide at the rear lot line. There is a significant slope up from the rear of the house to the rear property line.

- (b). ***That the practical difficulties 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 in order to permit the owner to construct an addition to the front of the existing house. If the variance is denied the petitioner could propose a smaller addition that fits within the required setback or 'shave' off a corner of the proposed addition.

- (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 proposed addition extends a triangular corner of the structure into the required side setback. Due to the location of the house at an angle on the parcel, the house extends farther away from the side property line towards the rear of the parcel.

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

The house was constructed in 1956 before existing zoning code requirements, but the existing house does comply with required setbacks. A smaller addition could be constructed on the front without the need for a variance. There is limited area for an addition to the rear or other side of the house due to the extensive vegetation and significant slope up away from the house.

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

The requested variance will allow a triangular corner of the house, less than 5 square feet extend a maximum of 1 foot into the side setback. There will be no actual habitable space in this area, it is the corner of the wall that encroaches. Due to the angle of the house away from the east side property line, the

Zoning Board of Appeals

Variance

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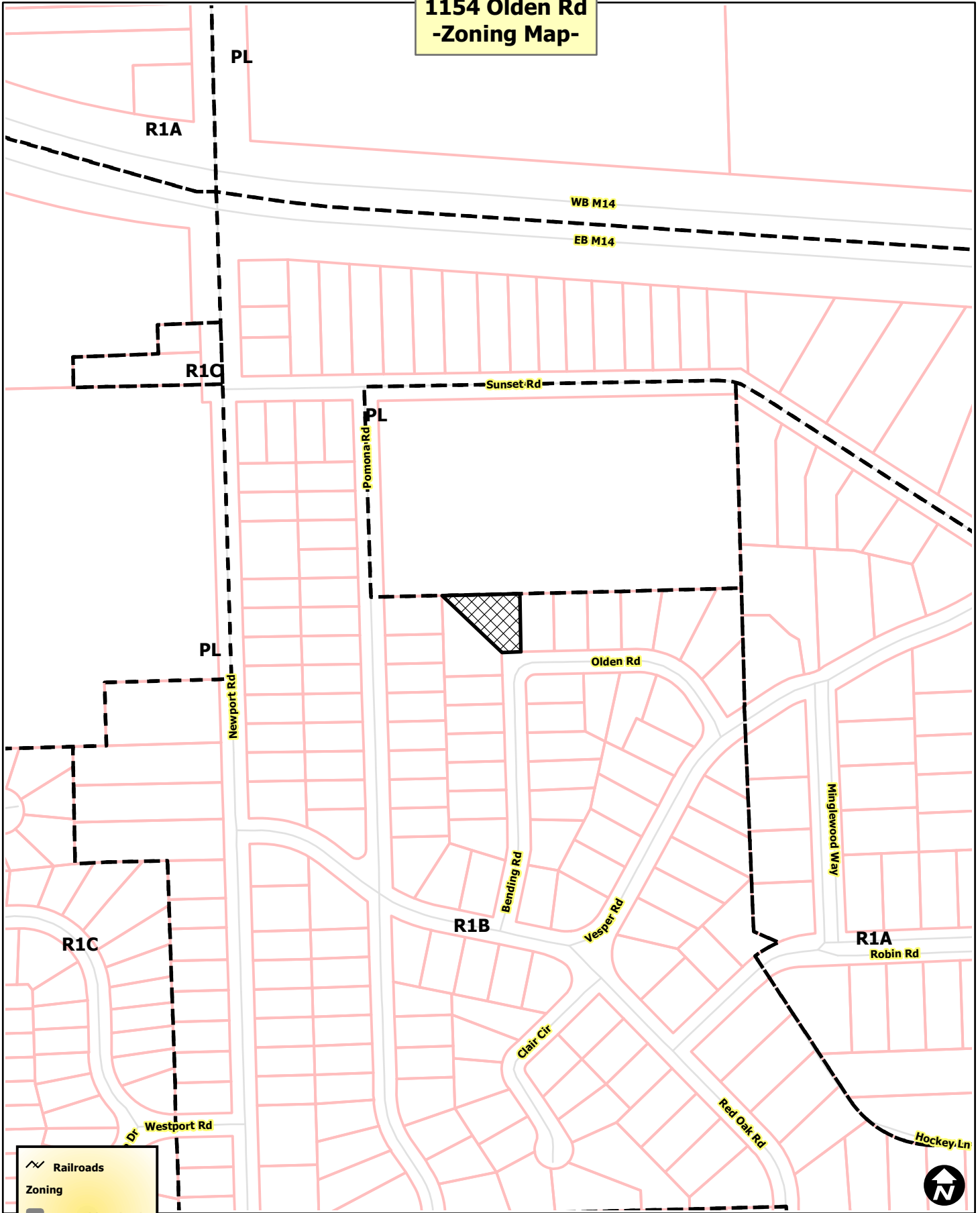
requested variance is minimal.

Respectfully submitted,

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

Matthew J. Kowalski, AICP
City Planner

1154 Olden Rd -Zoning Map-





	Railroads
Zoning	
	Township Islands
	Zoning Districts
	Parcels



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 Map Created: 6/30/2014

1154 Olden Rd -Aerial Map-



-  Railroads
-  Parcels



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Map Created: 6/30/2014

**1154 Olden Rd
-Aerial Map-**



 Railroads
 Parcels



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Map Created: 6/30/2014

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

Section 1: Applicant Information

Name of Applicant: VAN HUNSBERGER (VANARCHITECTS)
 Address of Applicant: 2008 HOGBACK RD.
 Daytime Phone: 734-971-4000
 Fax: 734-971-9450
 Email: VANARCH@AOL.COM
 Applicant's Relationship to Property: ARCHITECT

Section 2: Property Information

Address of Property: 1154 OLDEH RD ANN ARBOR 48103
 Zoning Classification: R1B
 Tax ID# (if known): 09-09-19-108-020
 *Name of Property Owner: JAMES & GAIL DEPOGNY

**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, 5:27

Example: Chapter 55, Section 5:26

Required dimension: PROPOSED dimension:

14' TOTAL SIDE YARD SETBACK 13' SIDE YARD TOTAL AT SMALLEST DIMENSION

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)

ADD S.F. ADDITION TO THE FRONT OF THE HOUSE TO ALLOW THE SENIOR HOMEOWNERS BETTER AND EASIER ACCESS IN MOVING THEIR MUSIC & POTTERY WARES TO & FROM THEIR CARS.

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 HOMEOWNERS ARE ACTIVE IN THE AREA MUSIC & ART/POTTERY COMMUNITY, PROVIDING EASY ACCESS FOR THEM TO CONTINUE LOADING MUSICAL EQUIPMENT & POTTERY INTO THEIR CARS IS CRUCIAL. THE REAR OF THE HOUSE IS HEAVILY TREED & SLOPES UP, MAKING AN ADDITION DIFFICULT.

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

THE ADDITION IS VERY SPECIFIC TO THE OWNERS. THEY ARE ACTUALLY CONVERTING THE CURRENT GARAGE INTO LIVABLE SPACE AS PART OF THE ADDITION, HENCE PROBABLY LOWERING ITS RESALE IN THAT REGARD.

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

MINOR. THE ADDITION WILL ONLY ENCRoACH 1'-0" MAX INTO THE SETBACK FOR A SHORT DISTANCE. THE REMAINING 5'-0" SETBACK IS STILL OVER THE REQUIRED "LEAST SIDE" MINIMUM OF 5'-0".

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 SITE IS A SEVERE TRAPEZOID SHAPE AND THE HOUSE IS ANGLED WITHIN THIS TRAPEZOID. THE REAR OF THE SITE IS HEAVILY TREED & SLOPES UP AWAY FROM THE HOUSE.

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

YES, TO A POINT. SHORTENING THE ADDITION TO FIT WITHIN THE SETBACK DOES NOT PROVIDE ADEQUATE SPACE FOR THE OWNERS FUNCTIONS. IF THE SPACE DOESN'T FUNCTION THEN THERE IS NO USE TO THE ADDITION.

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 1/2" by 11" sheets.** (Continued.....)

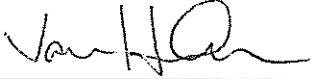
- Survey of the property including all existing and proposed structures, dimensions of property, and area of property.
- Building floor plans showing interior rooms, including dimensions.
- Photographs of the property and any existing buildings involved in the request.
- Any other graphic or written 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.

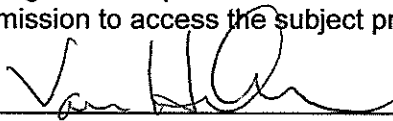
734-971-4000
 Phone Number
VANANCHE@aol.com
 Email Address

 Signature
VAN HUNSBERGER Print Name

I, the applicant, hereby depose and say that all of the aforementioned statements, and the statements contained in the materials submitted herewith, are true and correct.

 Signature

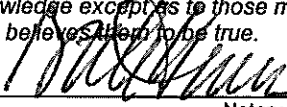
Further, I hereby give City of Ann Arbor Planning & Development Services unit staff and members of the Zoning Board of Appeals permission to access the subject property for the purpose of reviewing my variance request.

 Signature

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

 Signature

On this 16 day of JUNE, 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.

 Notary Public Signature

MATTHEW HANSON
 NOTARY PUBLIC, STATE OF MI
 COUNTY OF WASHTENAW
 MY COMMISSION EXPIRES Mar 5, 2020
 ACTING IN COUNTY OF WASHTENAW

3-5-2020
 Notary Commission Expiration Date

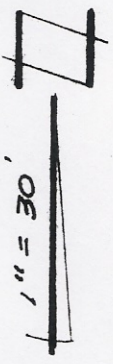
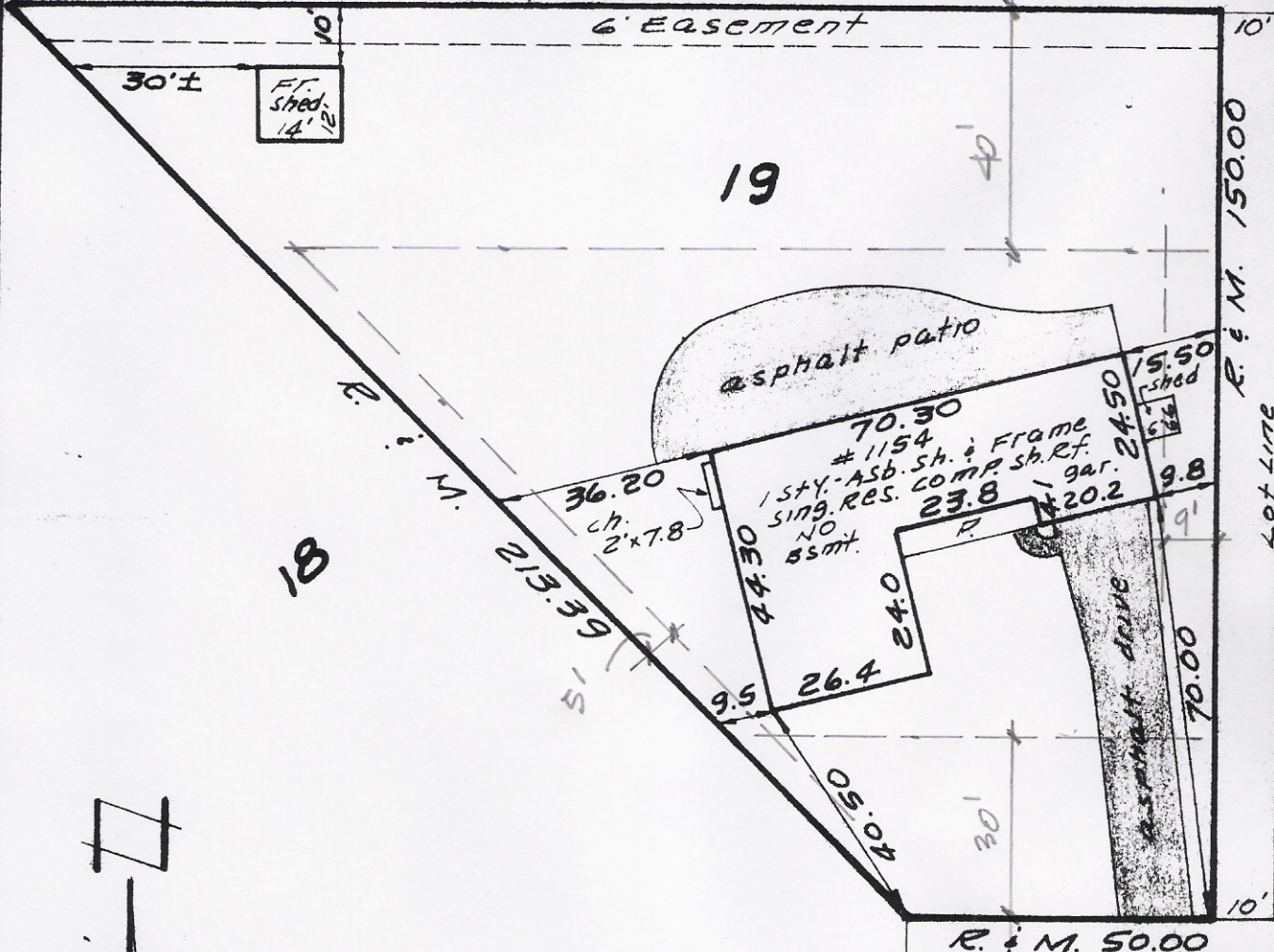
MATTHEW HANSON Print Name

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: _____

County, Michigan, according to the plat thereof as recorded in Liber 11 of Plats, pages 36 and 37, Washtenaw County Records. Subject to easements and restrictions of record.

R. & M. 201.91



Revised March 25, 1975
 Made February 24, 1975
 Roskelly, Jekabson & Assoc.

by *Robert P. Roskelly*
 Registered Land Surveyor

WEST LINE OF
 BENDING
 RD. 1

OLDEN RD.
 60' WD.
 (asphalt pave)
 CONC. CURBS

Certify to: We hereby certify that the building or buildings shown are located entirely on said described property and do not encroach on adjoining lands or do adjacent buildings encroach on said described property except as shown. This survey is for mortgage purposes only and no property corners have been set by us. Distances shown are not to be used for building of structures or fences.

OUR NO. 75-2-35 CUSTOMER'S NO. 1-208239-4 NAME First Federal

Mtg: James E. Dapogny

C.M. Concrete Monument	L. L. Lot Line	P. C. Point of Curve	T. Terrace
Enc. Encroachment	M. Measured	P. L. Property Line	W. S. Wood Stake
Encl. Enclosed	P. Porch	R. Recorded	± More or Less
I. P. Iron Pipe	P. B. Planting Box	S. B. Steel Bar	SCALE 1" = 30' CHK'D

DRAWN R
 1

APPLICANT

VAN HUNBERGER
VANARCHITECTS PLLC
2008 HOGBACK RD, SUITE 6
ANN ARBOR, MI 48105
1-734-971-4000 (P)

PROPERTY OWNER

JAMES & GAIL DAPOGNY
1154 OLDEN RD
ANN ARBOR, MI 48103

PROPERTY DESCRIPTION:

LOT 19 EXC E 10' FT ROBIN HILLS SUB OF
VESEPER HEIGHTS

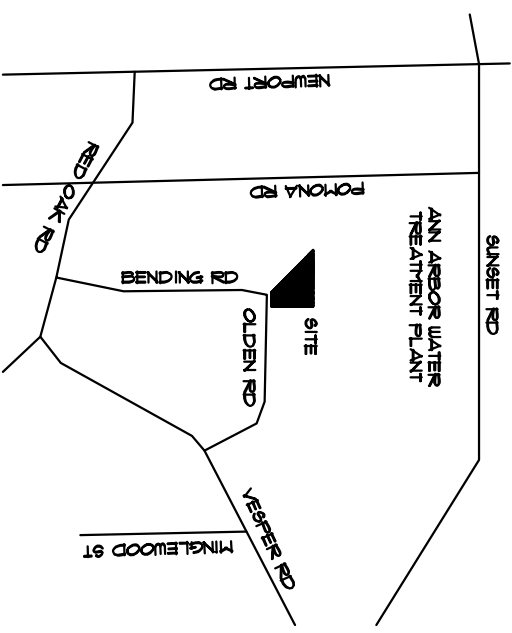
PROJECT DESCRIPTION

APPLICANT PROPOSES TO CONSTRUCT AN ADDITIONAL 800 SF.
SINGLE STORY ADDITION TO THE FRONT OF THE EXISTING
RESIDENCE AS WELL AS RECONFIGURE/REMODEL SOME
INTERIOR SPACES, MECHANICAL, ELECTRICAL AND PLUMBING
SERVICES TO BE UPGRADED. COGNITIVE UPGRADES TO THE
EXTERIOR WILL ALSO BE PART OF THE SCOPE OF WORK.

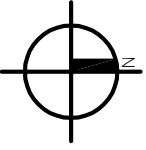
THE ADDITIONAL 800 SF. TO THE FRONT OF THE HOUSE WILL BE
USED FOR THE SENIOR OWNERS MUSIC AND POTTERY STUDIO
PROJECTIONS, HAVING THESE FUNCTIONS ADJACENT TO THE
FRONT DRIVEWAY FOR EASY LOADING AND UNLOADING OF
HEAVY EQUIPMENT IS CRITICAL TO THE CONTINUED FUNCTIONING
OF THE CURRENT RESIDENCE.

BUILDING DATA

ZONING: "R1B"
LOT SIZE: 18,994 SF. (.43 ACRES)
MINIMUM REQUIRED: 10,000 SF.
LOT WIDTH: 126' AVERAGE (TRAPEZOID SHAPED)
MINIMUM REQUIRED: 10'
EXISTING AREA: 2163 SF. (GROSS, INCL. ATTACHED GARAGE)
NEW ADDITION: 800 SF. (GROSS)
TOTAL PROPOSED AREA: 2963 SF. (GROSS)
LOT COVERAGE W/ ADDITION: 16%
SETBACKS
FRONT (REQUIRED): 30'
FRONT (PROVIDED): 34' MIN
SIDE (REQUIRED): 14' TOTAL (5' MIN ONE SIDE)
SIDE (PROVIDED): 13' TOTAL (5.5' MIN AT S.E. CORNER)
REAR (REQUIRED): 40'
REAR (PROVIDED): 56' MIN



LOCATION MAP

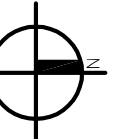


WEST LINE OF BENDING RD.

BENDING RD.

OLDEN RD.

SITE PLAN



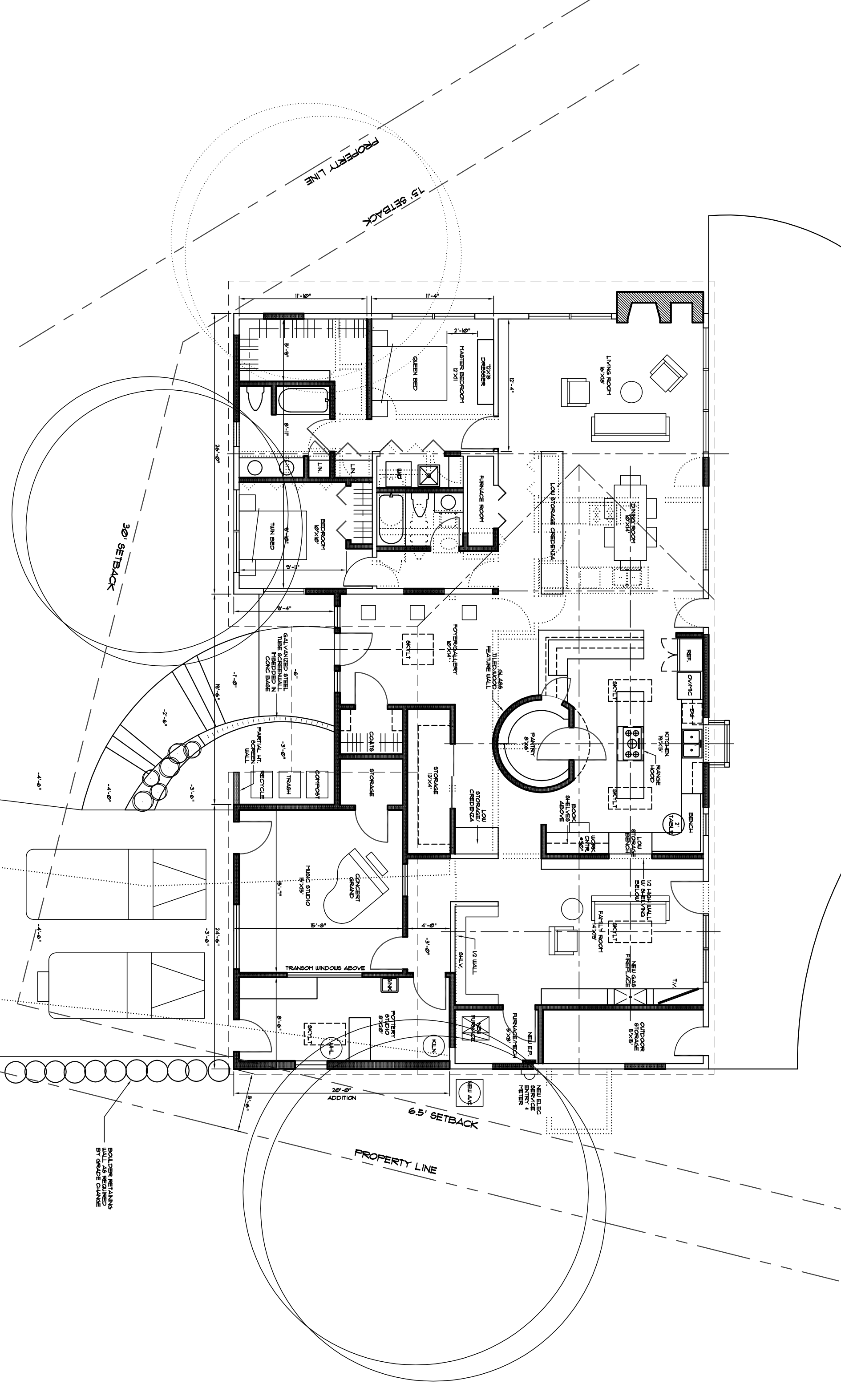
REVISIONS DRAWN VEH DATE 8-3-14 CHKD. CEI 11-09 CAD ID, SHEET NO. 103 NO. CE1	COPYRIGHT BY VanArchitects PLLC ARCHITECT AIA THESE PLANS MAY NOT BE USED IN ANY WAY WITHOUT THE WRITTEN PERMISSION OF THE COPYRIGHT OWNER	VanArchitects ARCHITECTURE DESIGN PLLC	2008 HOGBACK RD, SUITE 6 ANN ARBOR, MI 48105 734.971.4000 P 734.971.9450 F	DAPOGNY RESIDENCE REMODEL 1154 OLDEN RD. • ANN ARBOR, MI 48103
			11-09 CAD ID, SHEET NO. CE1	

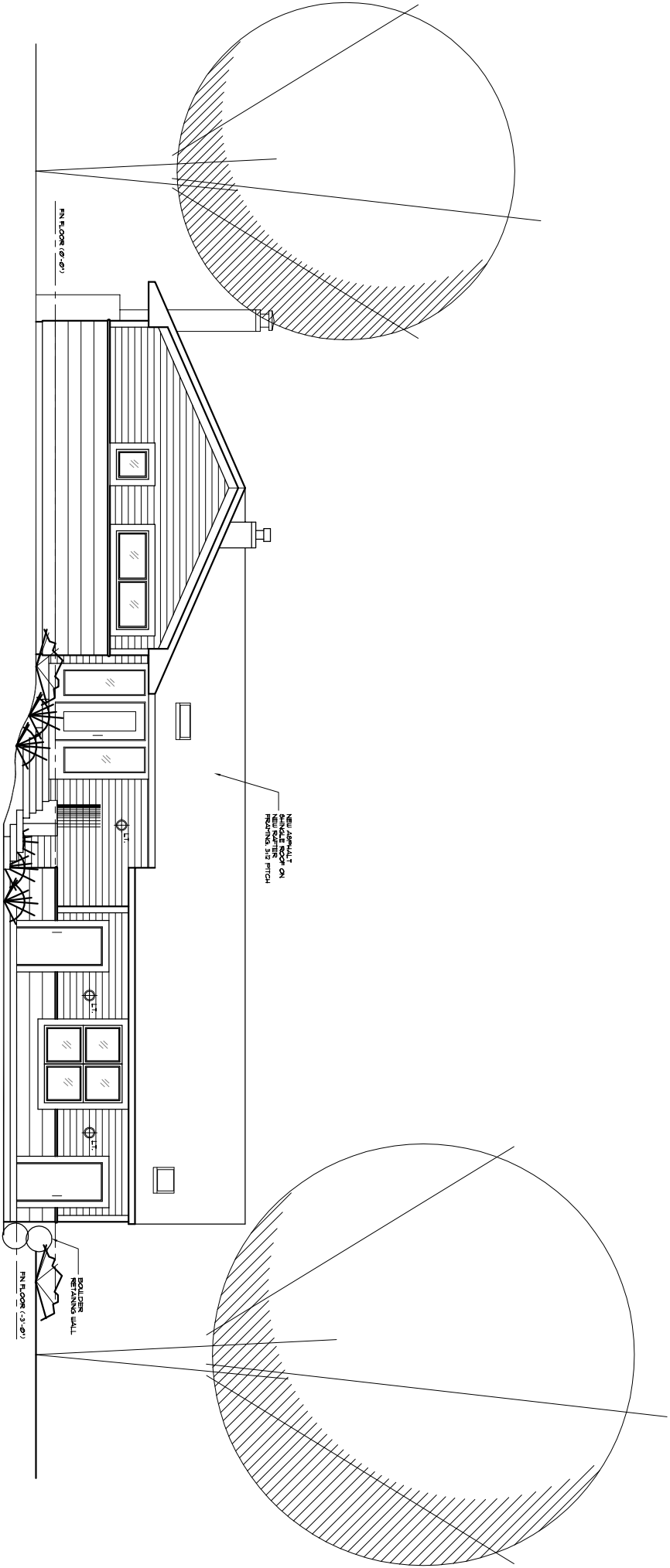
1ST FLOOR PLAN

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



LEGEND	
	EXISTING TO REMAIN
	TO BE REMOVED
	NEW PARTITION





1st FLOOR (0'-0")

1st FLOOR (-3'-0")

NEW APERTURES ON
NEW SOUTHERN
PORCH 2x4 FRAMING

ROOFING
RESTAINING WALL

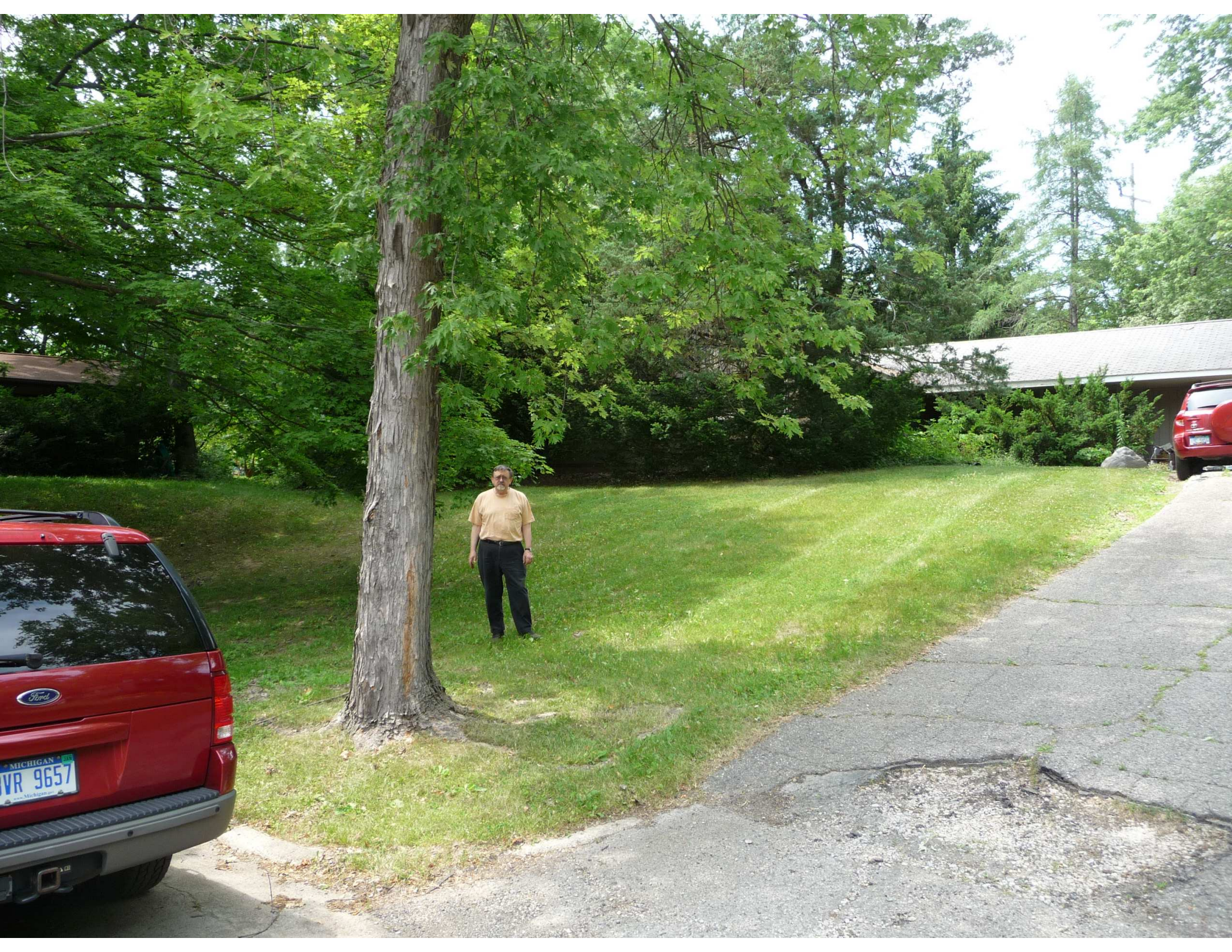
SOUTH ELEVATION

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





















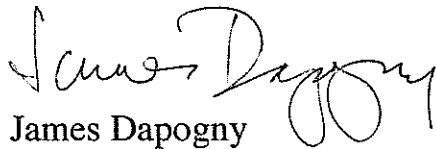


June 23, 2014

We, James and Gail Dapogny, authorize architect Van Hunsberger to appear before the Zoning Board of Appeals to represent us in matters related to his design for a projected remodeling of our house at 1154 Olden Road, Ann Arbor.



Gail Dapogny



James Dapogny

June 23, 2014

I reside at 1148 Olden Road in Ann Arbor, a property adjacent to 1154 Olden Road, and support the granting of an exception to Zoning Board requirements for the remodeling of the house of James and Gail Dapogny at 1154 Olden Road, described and as pictured by architect Van Hunsberger.

Robert Lafine
Mary Ellen Jager

June 23, 2014

I reside at [Z6] Bending Road in Ann Arbor, a property adjacent to 1154 Olden Road, and support the granting of an exception to Zoning Board requirements for the remodeling of the house of James and Gail Dapogny at 1154 Olden Road, described and as pictured by architect Van Hunsberger.

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

BRIAN BARBER