

**Zoning Board of Appeals
June 28, 2017 Regular Meeting**

STAFF REPORT

Subject: ZBA17-021, 904 Willow Street

Summary:

Canopy Landscapes, representing property owners Ken and Patty Miller, are requesting a variance from Chapter 55 Section 5:29 in order to construct a ninety-one (91) square foot enclosed rear porch. The required rear yard setback is twenty (20) feet. The request of nine (9) feet, six (6) inches will allow the new porch to be ten (10) feet, six (6) inches from the rear property line.

Background:

The property is zoned R1D, single-family residential, which requires a twenty (20) foot rear yard setback. The lot size is three thousand, five hundred, twenty-eight (3,528) square feet in area.

Description:

The new addition will replace the previous porch, which was demolished due to its dilapidated condition. The new porch will not encroach any further into the rear setback than the previous porch.

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 previous covered porch was deteriorated and has already been demolished. Currently, the rear door which provides egress to the backyard is not operational as there is no way to access the rear yard. The change in elevation is significant and there is a need for a rear porch.

- (b). *That the practical difficulties will result from a failure to grant the variance, include substantially more than mere inconvenience, inability to attain a higher financial return, or both.***

Without a variance the rear door which provides egress becomes unusable.

- (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 covered porch will be seven (7) feet in depth from the back of the house and is virtually the same footprint as the previous covered porch that has already been removed. There is a vegetative buffer between the subject property and the abutting property. There will be no visual impact on the neighboring properties.

- (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 is already encroaching into the twenty (20) foot rear setback and any addition will require a variance. The lot is small and limits the homeowners from any addition or new construction to the back of the home.

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

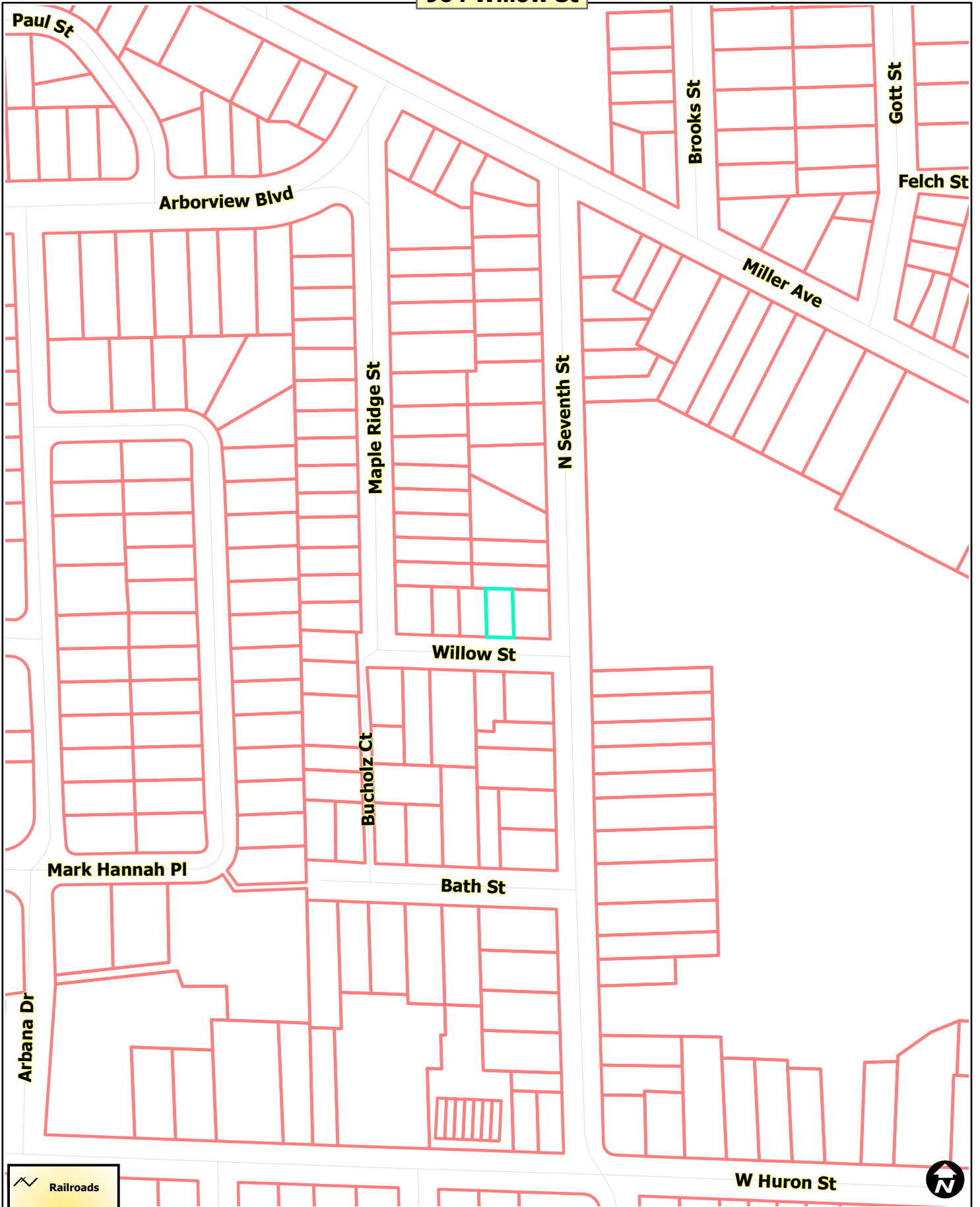
The variance requested is minimal in size and will not have a negative impact on the abutting property.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Jon Barrett". The signature is stylized with large loops and a cursive-like flow.

**Jon Barrett
Zoning Coordinator**

904 Willow St



-  Railroads
-  Huron River
-  Tax Parcels






Map date 6/7/2017
Any aerial imagery is circa 2015
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904 Willow St



-  Railroads
-  Huron River
-  Tax Parcels



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904 Willow St



 Railroads
 Huron River
 Tax Parcels



Map date 6/7/2017
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APPLICATION FOR VARIANCE OR NON-CONFORMING STRUCTURE
ZONING BOARD OF APPEALS

Section 1: Applicant Information

Name of Applicant: Canopy Landscapes
Address of Applicant: 3860 Trade Center Dr. Ann Arbor, MI
Daytime Phone: 734-677-7033
Fax: _____
Email: vern@canopylandscapes.com
Applicant's Relationship to Property: Contractor

Section 2: Property Information

Address of Property: 904 Willow Street
Zoning Classification: R 1 D
Tax ID# (if known): 09-09-29-200-017
*Name of Property Owner: Ken & Patty Miller

**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:

Chapter 55 Section 5:29

20' Rear Setback

10'- 6"

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)

Rebuilding a rear porch in the same location as the old porch.
The old porch was removed last year due to its dilapidated
condition. The new porch will extend 9'-6" into the rear 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 existing structure has a rear egress door that cannot be used without a new porch being constructed. The house has had a porch extending into the rear setback since before the current owners purchased the house and possibly since its original construction

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

Yes, the rear door cannot be used and has historically had a covered porch attached to the rear of the house. The covered porch offers the homeowners another means of safe and clear egress.

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

Negligible, the house has had a rear porch for many years. The neighboring house has a detached garage almost entirely in the rear setback as do the remaining houses on Willow St.

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 house is set in a way that the back of the house is in the rear setback. No additional entrance can be added to the sides due to side setbacks and an existing carport.

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

No, the house had an existing rear porch that extended 7 feet from the back of the house. The rear egress was existing for many years possibly from the original construction of the house.

Section 5: ALTERATION TO A NON-CONFORMING STRUCTURE

Current use of the property Residential

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

- (1) A non-conforming structure may be maintained or restored, but no alteration shall be made to a non-conforming structure unless one of the following conditions is met:
 - a. The alteration is approved by the Zoning Board of Appeals upon finding that it complies as nearly as practicable with the requirements of this Chapter and that it will not have a detrimental effect on neighboring property.
 - b. The alteration conforms to all the requirements of this Chapter and is made to a building which will be a single-family dwelling on completion of the alteration and is located in an R1,R2, R3, or R4 district.
 - c. The structure is considered non-conforming due to the following reasons

(continued)

	<u>Existing Condition</u>	<u>Code Requirement</u>
Lot area	3520 sq. ft.	5000 sq. ft.
Lot width	44.4 ft	40 ft.
Floor area ratio	25%	
Open space ratio	66%	
Setbacks	F-21.5', S-4', R-17.5	F-25', S-3', R-20'
Parking	2 Space	1 Space
Landscaping		
Other		

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

Addition of a new rear covered porch to the back of the house to replace a dilapidated porch that was removed last year. The request is to allow a variance in the setback requirements from 20 feet to 10 feet in the rear yard. The new porch will extend into the setback the same distance as the existing porch did.

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:

The new porch will extend to same distance into the setback as it has historically. There will be no detrimental effect as the house has had an existing porch for many years. Additionally the remaining houses on Willow St. have garages in the setback.

Wherefore, Petitioner requests that permission be granted from the above named Chapter and Section of the Ann Arbor City Code in order to permit the construction of a new rear porch measuring 7 ft. in depth and 13 ft. in width and will encroach upon the setback leaving a clear 10' setback in the rear yard.

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.

517 525 4998
 Phone Number _____
 vern@canopylandscapes.com _____ Signature
 Email Address _____ VERN O. MOORE _____
 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.**

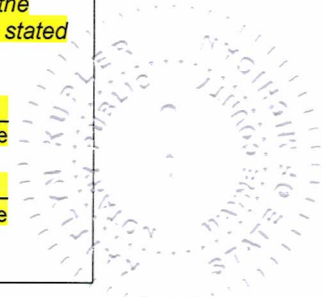
 Signature

On this 24 day of May, 2017 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.

KAITLYN L. KUPLER
 Notary Public, State of Michigan
 My Commission Expires Sept. 22, 2020
 Notary Commission Expiration Date _____

 Notary Public Signature

 Print Name



Staff Use Only

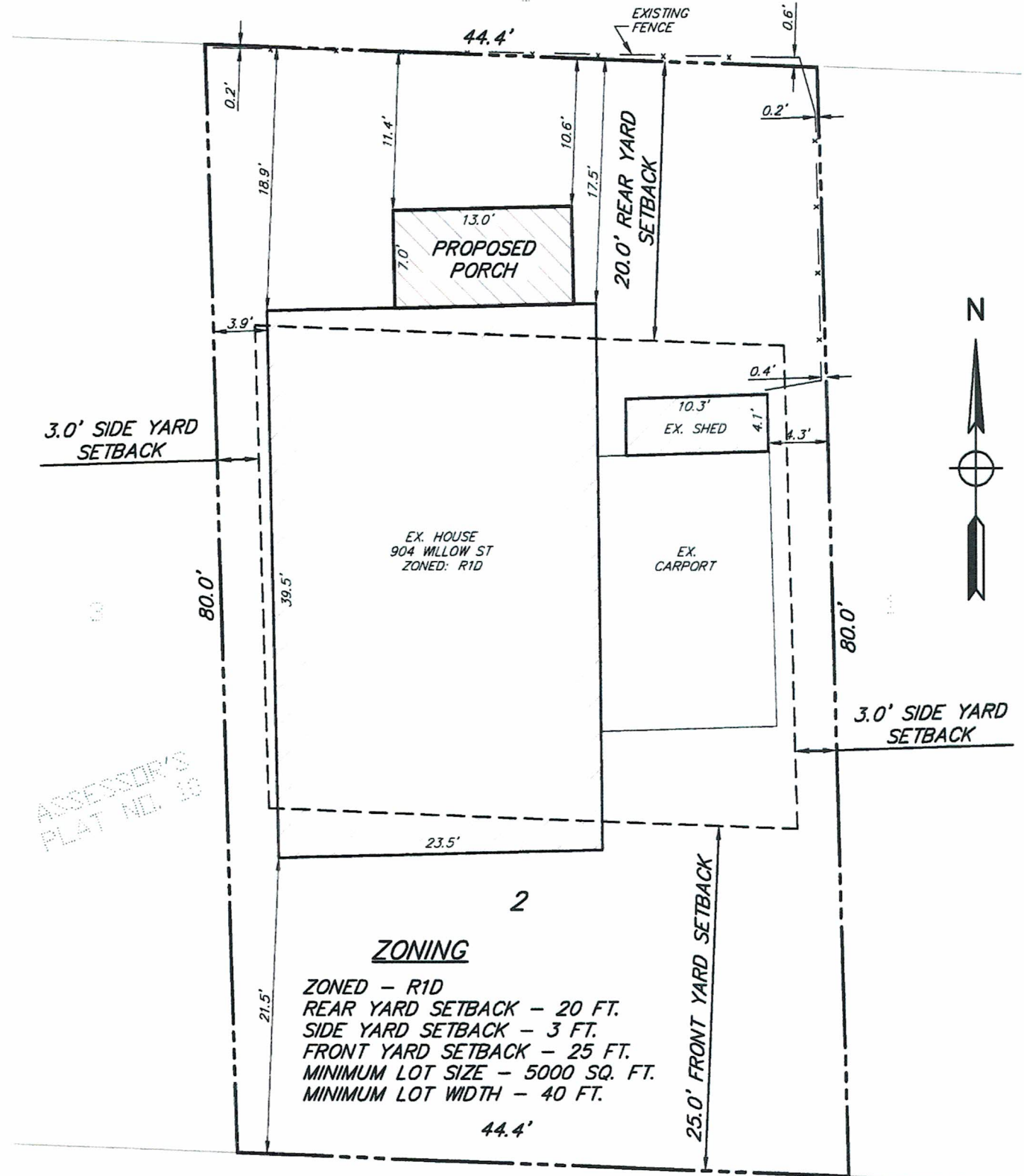
Date Submitted: _____ Fee Paid: _____
 File No.: _____ Date of Public Hearing _____
 Pre-filing Staff Reviewer & Date _____ ZBA Action: _____
 Pre-Filing Review: _____
 Staff Reviewer & Date: _____



Spicer Group
 1400 Zeeb Drive
 St. Johns, MI 48879
 TEL (989) 224-2355
 FAX (989) 224-2357

SCALE: 1" = 20'

DWG. NO.: JA-4713



ASSESSOR'S
 PLAT NO. 10

ZONING

ZONED - R1D
 REAR YARD SETBACK - 20 FT.
 SIDE YARD SETBACK - 3 FT.
 FRONT YARD SETBACK - 25 FT.
 MINIMUM LOT SIZE - 5000 SQ. FT.
 MINIMUM LOT WIDTH - 40 FT.

SKETCH FOR: *Canopy Landscapes*
 P.O. Box 131174
 Ann Arbor, MI 48113

WILLOW STREET

SECTION 29, T.2 S.-R.6 E.,
 CITY OF ANN ARBOR
 WASHTENAW COUNTY, MICHIGAN

DATE: *May 16, 2017*

SKETCH OF:

Lot 2, Assessor's Plat No. 10, as recorded in Washtenaw County Records, City of Ann Arbor, Washtenaw County, Michigan.



I hereby certify that I have surveyed the parcel of land hereon shown and described.

By: *Patrick Bentley*

Date: *5-24-17*

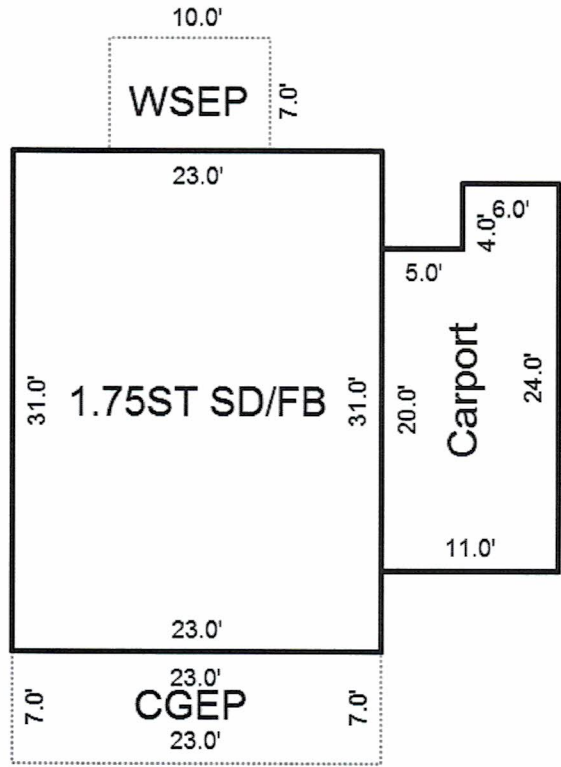
Patrick G. Bentley
 Professional Surveyor No. 47944

DRAWN BY: MLU
 CHECKED BY: DMW

PLOT DATE: 05-16-17
 SHEET 1 OF 1

JOB#: 124663SG2017
 DWG#: JA-4713

Image/Sketch for Parcel: 09-09-29-200-017

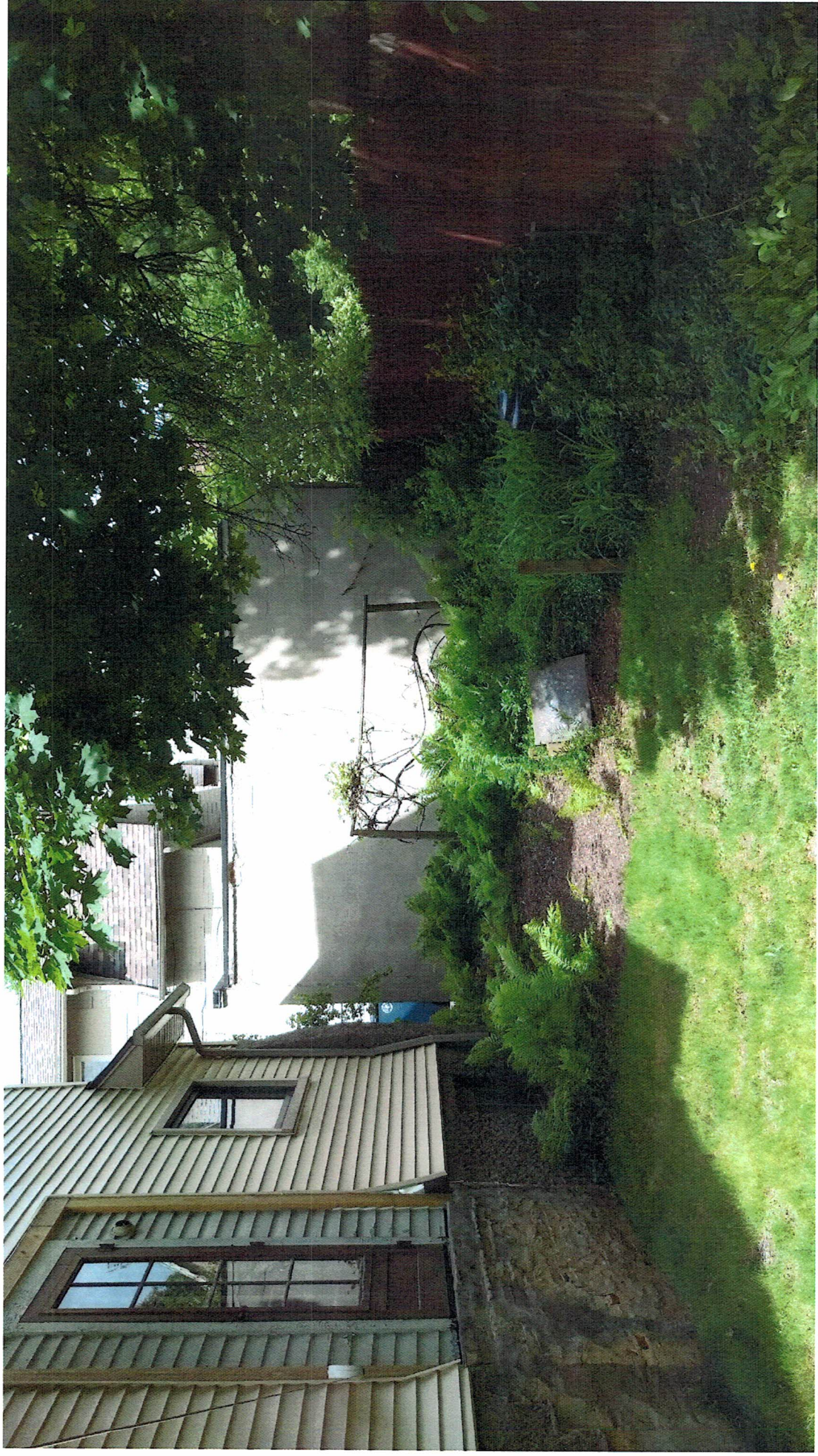


Sketch by Apex Sketch

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- SKETCH ON CITY OF ANN ARBOR TAX WEBSITE SHOWS OLD EXISTING REAR PORCH.



SUBJECT PROPERTY



SUBJECT PROPERTY



~~#~~ Willow St.
906



908 Willow St.

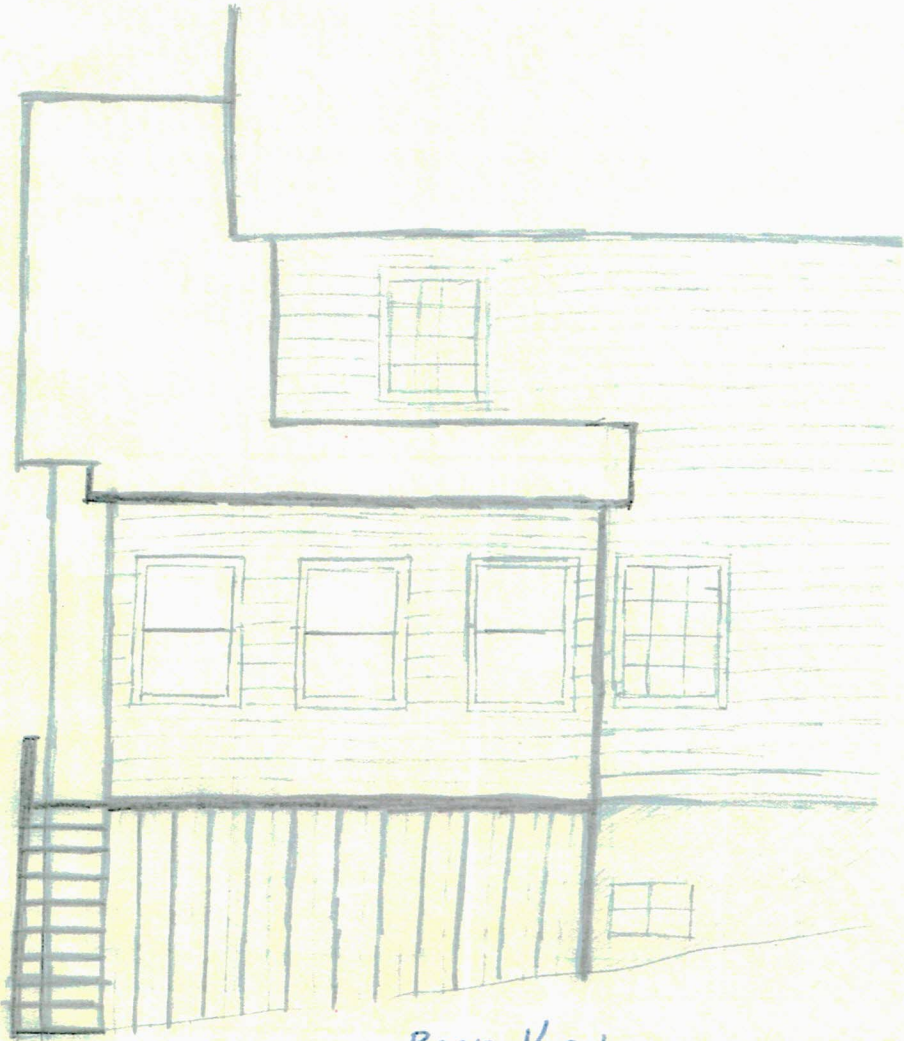


910 Willow St.

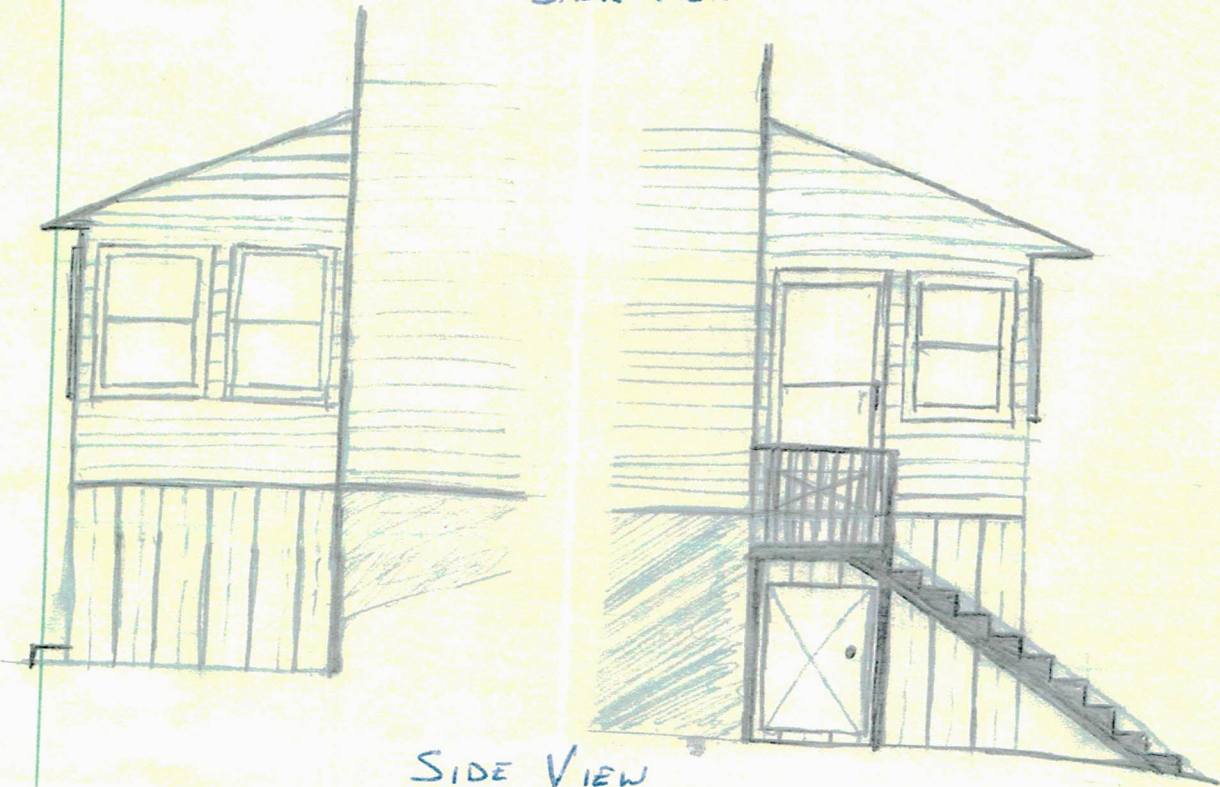


313 7TH ST.

MILLER PORCH



BACK VIEW



SIDE VIEW