

**Zoning Board of Appeals
September 28, 2011 Regular Meeting**

STAFF REPORT

Subject: ZBA11-018, 804 Mt. Vernon

Summary: David Coupland is requesting one variance from Chapter 55 (Zoning) Section 5:57(Averaging an Existing Front Setback Line): a reduction of 5 feet for expansion of an existing residential structure into the front setback; 34 feet 6 inches is the averaged front setback required (R1C requires 25 foot front setback without averaging).

Description and Discussion:

The subject parcel is located at 804 Mt. Vernon. The parcel is zoned R1C (Single-Family) and is located south of West Madison.

The request is discussed in detail below:

The petitioner is proposing to construct a 132-square foot covered front porch addition to the existing single-family house. The house was built in 1928 and is 1,746 square feet. Currently the house is setback 30 feet from the front property line, which includes an existing 4 foot by 6 foot enclosed entryway to the house, which will be removed with the addition of the front porch. There is also a small front stoop which is not covered and will also be removed with the proposed construction.

The petitioner wishes to replace the existing entryway and stoop with a 6 foot by 22 foot (132 square feet) covered, but unenclosed, porch. The new porch will extend 22 feet across the front of the house. Once constructed, the porch will be 29 feet 10 inches from the front property line. Although the required front setback is 25 feet for the R1D zoning district, the averaged front setback at this location results in a required front setback of 34 feet 6 inches. Once the front porch is covered, it will not be permitted to be located within the front setback. The roof of the porch will be supported by columns and designed to be architecturally compatible with the design of the existing house.

Standards for Approval- Variance

The Zoning Board of Appeals have all the power granted by State law and by Section 5:99, Application of the Variance Power from the City of Ann Arbor Zoning Ordinance. The following criteria shall apply:

- (a). *That the alleged hardships or practical difficulties, or both, are exceptional and peculiar to the property of the person requesting the variance, and result from conditions which do not exist generally throughout the City.***

The subject parcel is a conforming lot in the R1C Zoning District (required is 7,200

square feet, subject parcel is 7,700 square feet). The existing house was built in the 1920's before current zoning setbacks. The house was built 30 feet from the front setback line of Mt Vernon. Adjacent houses in the area are built on similar sized parcels with similar front setbacks.

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

The variance is being requested for the addition of a covered front porch to the existing house. The existing stoop is not covered and it is sized solely for ingress and egress to the house. If the variance is not granted, a patio could be built, but not covered in the same location.

- (c). ***That allowing the variance will result in substantial justice being done, considering the public benefits intended to be secured by this Chapter, the individual hardships that will be suffered by a failure of the Board to grant a variance, and the rights of others whose property would be affected by the allowance of the variance.***

If the front variance is approved, the structure will be consistent with some houses in the neighborhood. Although the proposed porch would extend into the averaged front setback, it is minimal in total size (132 sq ft), which should minimize the impact to the surrounding neighborhood. The normal standard setback for the R1C zone is 25 feet and the enclosed porch will be setback 29 feet. The proposed porch will represent a positive architectural amenity to the house and will increase usability of the front yard.

- (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 built in the 1920's before current zoning standards were established. The existing front stoop can be used solely for ingress and egress. In order to construct a safe, useable front porch that is covered, a variance would be needed.

- (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 covered front porch extending into the averaged front setback five feet. However, the porch will be four feet behind the 25 foot setback required in the R1C District. The porch will have columns supporting it, but should have a minimal impact to the surrounding neighborhood. A covered front porch is a reasonable request and would be consistent with some other porches in the

neighborhood. Although an uncovered front patio could be built without the need for a variance, the impact to the immediate neighbors of the covered front porch is minimal.

Respectfully submitted,



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

Matthew J. Kowalski, AICP
City Planner

804 Mt Vernon Ave -Aerial Map-



Map Legend

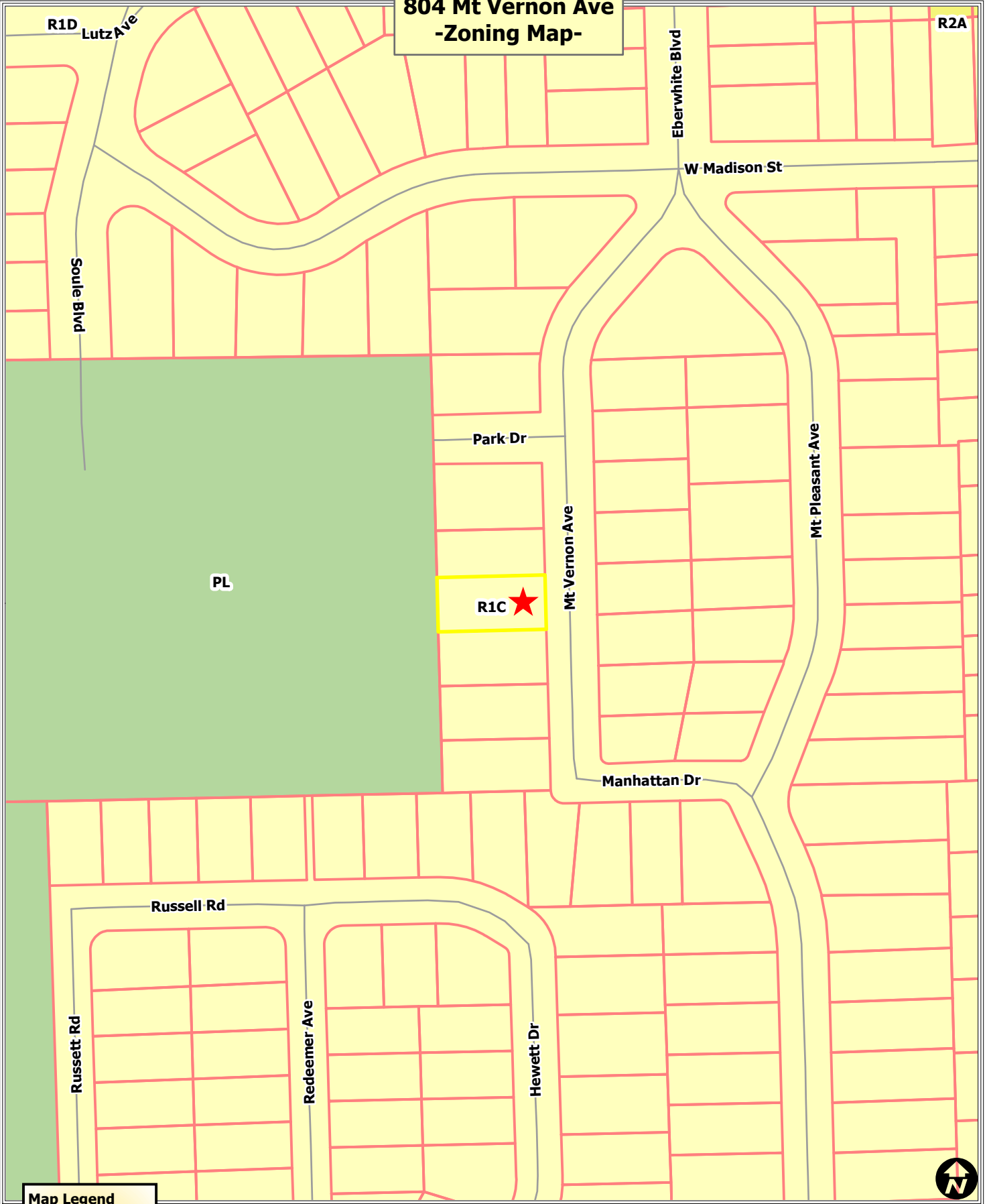
-  Railroads
-  Parcel Property

0 20 40 80 Feet



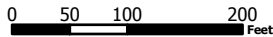
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Map Created: 9/20/2011

804 Mt Vernon Ave -Zoning Map-



Map Legend

- Railroads
- Parcel Property



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 Map Created: 9/20/2011

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

Section 1: Applicant Information

Name of Applicant: David Coupland
 Address of Applicant: 804 Mt. Vernon
 Daytime Phone: 734-972-0928
 Fax: _____
 Email: david.coupland@gmail.com
 Applicant's Relationship to Property: owner

Section 2: Property Information

Address of Property: 804 Mt. Vernon
 Zoning Classification: R1C
 Tax ID# (if known): 09-09-30-411-004
 *Name of Property Owner: David Coupland

**If different than applicant, a letter of authorization from the property owner must be provided.*

Section 3: Request Information

Variance

Chapter(s) and Section(s) from which a variance is requested:

Chapter 55, Section 5:57

Required dimension:

34'6" front setback

PROPOSED dimension:

29'6" front setback

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

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?

see attached

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

see attached

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

see attached

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?

see attached

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

see attached

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.

734-972-0928 David Coupland
 Phone Number Signature
David.coupland@gmail.com David Coupland
 Email Address 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.

David Coupland
 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.

David Coupland
 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.**

David Coupland
 Signature

On this 19th day of August, 2011, 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.

5-27-2017 Sunita Sachdev
 Notary Commission Expiration Date Notary Public Signature
Sunita Sachdev
 Print Name

SUNITA SACHDEV
 NOTARY PUBLIC - STATE OF MICHIGAN
 COUNTY OF WASHTENAW
 My Commission Expires: May 27, 2017
 Acting in the County of Washtenaw

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: _____

**Attachment to Application for Zoning Variance
804 Mt. Vernon**

Section 3: Description of work.

I would like to remove an existing 4' x 6' enclosed entryway, stoop, and steps, and build a 6' x 22' 4" covered front porch. The current setback from the stoop to the front property line is 28' 2". After the proposed work, the front setback will actually be 29' 10", 18" greater than the current setback, since the steps will issue directly from the porch without a stoop. However, I require a variance because the average setback of the houses within 100' on my side of the street is 34' 6", and according to Chapter 55, Section 5:57 the new setback may not be less than the average of surrounding houses.

Section 4: Variance Request

**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 property is located in the Old West Side, an older neighborhood where front porches are common. Front porches help build community by creating opportunities for communication between residents and passersby. My previous Old West Side home at 222 Virginia had a covered front porch where I enjoyed conversations with neighbors, my children played, and we could survey the neighborhood rain or shine.

The hardship or practical difficulty in this application arises from a historical accident. As shown in the attached Google satellite image, none of the nearby 5 houses on my side of the street have a traditional sitting porch while 3 of the 5 houses on the other side have covered porches. This is reflected in the setbacks, which are shown for each house. On my side the average setback is 34' 6" (excluding my house), while on the other side, the average setback is 30' 6". Two houses on the other side with porches are older homes with traditional porches and one is newer. The average setback of the older homes with porches is 29' 3". As you can see, my request for a 29' 6" setback is consistent with the homes in my immediate neighborhood with porches.

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

The issue is neither inconvenience nor financial return, it is enhancing the livability of our home and neighborhood in a way that preserves and compliments the historic character. We have lived at 804 Mt. Vernon for 16 years and plan to stay indefinitely. A porch has been on our to-do list the entire time but other issues took precedence.

In 2009 I applied for a building permit for an 8' by 24' porch, but the zoning permit was denied due to the ordinance. I am submitting this request for a variance to build a 6' x 22' porch in the spirit of minimum deviation from the ordinance. A porch less than 6' wide would not be usable.

Note: According to my measurements a 6' wide porch will have an actual setback of 29' 10". I am requesting 29' 6" to include a margin of error.

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

As you can see in the attached drawings, the proposed porch addition is carefully designed to fit seamlessly with the house and neighborhood. I studied many Old West Side porches before drawing this design. A covered porch with open sides should be no more visually obtrusive than the current enclosed entryway and stoop. The proposed setback of 29' 6" still leaves a sizable distance to the street and will preserve the neighborhood character. A letter of support from my neighbors is attached.

4. What physical characteristics of your property in terms of size, shape, location or topography prevent you from using it in a way consistent with the ordinance?

This question is answered by paragraph 2 under question 1. Because adjacent houses on my side of the street happen to have been built without porches and with unusually large setbacks, the average setback leaves no room to add a porch to my house.

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

The condition came about from the way my neighborhood was constructed.

August 19, 2011

Zoning Board of Appeal
301 E. Huron
Ann Arbor, MI

Dear Zoning Board,

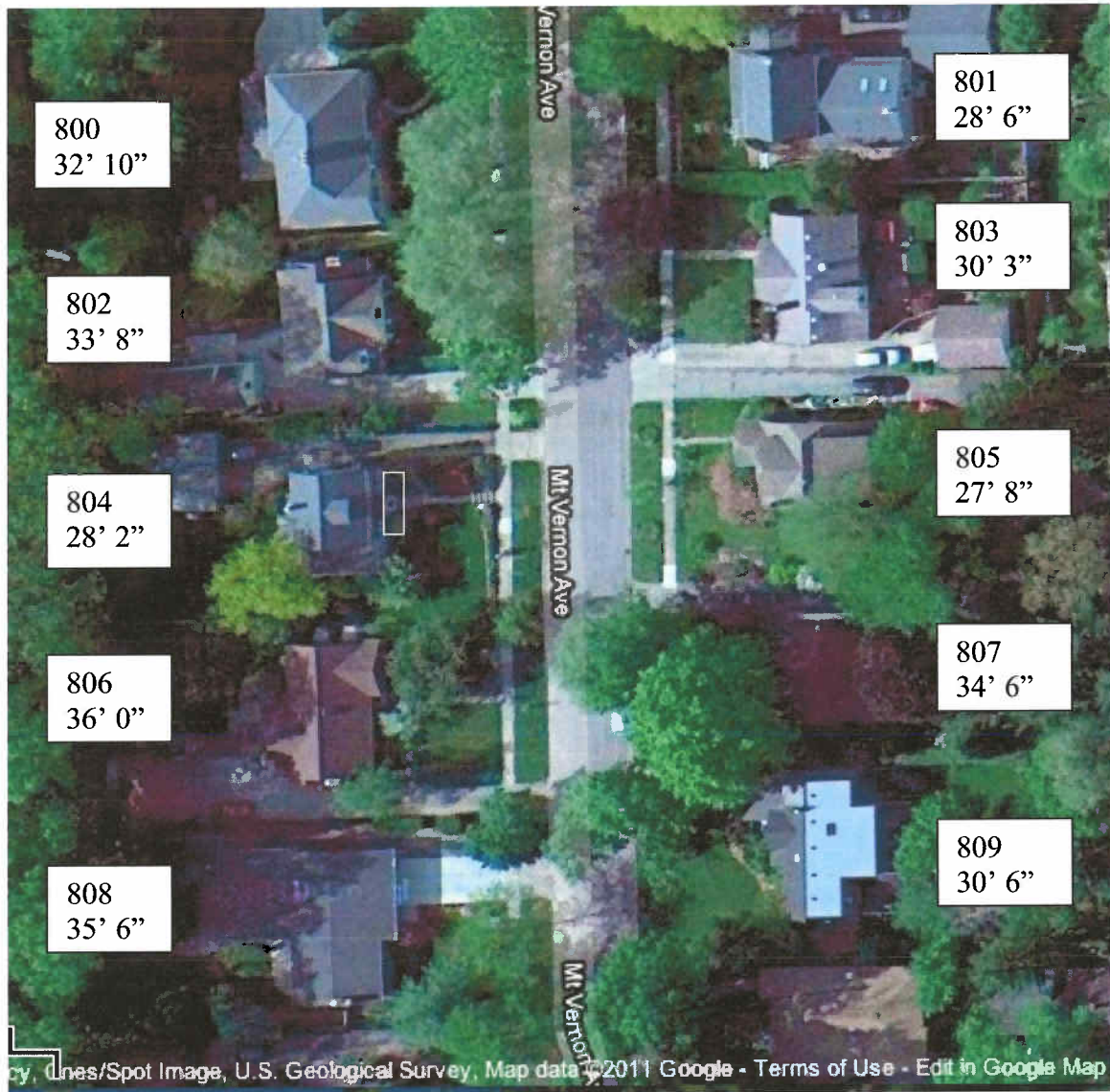
We support the Coupland's request for a zoning variance to build a front porch on their house at 804 Mt. Vernon. We have seen the proposed plans and we hope to greet them on their porch in the near future.

Sincerely,

name	address
Bipin Patel / Sophie Gillet	802 Mt Vernon, Ann Arbor, MI 48103 .
Tom Yaeger / Kyle Yaeger	807 Mt Vernon, A ² 03
REUK WILKENING / JENNI WILKENING	806 Mt. VERNON, A ² 48103
Jon + Dawn Dettlef	810 Mt. Vernon, A ² 48103
Paul Guady	803 Mt Vernon 48103
John COVERT	801 Mt. VERNON 48103
Thomas + Sally Seymour	809 Mt. Vernon 48103
STANLEY & AILEEN	708 Mt VERNON 48103



804 Mt. Vernon



Setbacks in the Neighborhood of 804 Mt. Vernon, Ann Arbor

Measured from inside edge of sidewalk to house, porch, or stoop, minus 1 foot for the distance from the sidewalk to the presumed property line. Steps not included.

Porch Addition – 804 Mt. Vernon
David Coupland, Owner

Modifications to house

- Remove existing enclosed entryway, 4' x 6', along with concrete stoop and steps
- New wood exterior door with storm door
- Replace cedar siding as necessary on house wall adjacent to porch

Foundation

- 6" Sonotube concrete pilings (42" deep) support 6 x 6 treated posts
- Tripled 2 x 10 floor beam
- Lattice work and wire mesh enclose crawl space

Floor

- Floor area: 6' 0" x 22' 4"
- Flooring: 3/4" x 3" tongue and groove *ipe*, an extremely durable tropical hardwood
- Flooring runs perpendicular to house with a 1" drop over 6' for drainage

Guardrails

- Height 36", spacing < 4". Pine or composite lumber, painted.

Stairs

- 7" rise x 10" tread x 6' 8.5" wide. Ipe treads, composite or pine risers (painted).

Handrails

- Handrails on both sides of steps. Height 36" above stair nosing, spacing < 4".
- Pine or composite lumber, painted.

Columns

- 6 x 6 treated posts faced with pine or composite lumber and painted.

Ceiling beam

- Tripled 2 x 10 SPF faced with pine or composite lumber, painted.

Ceiling

- Tongue and groove Douglas fir running parallel to house, varnished with polyurethane.

Roof

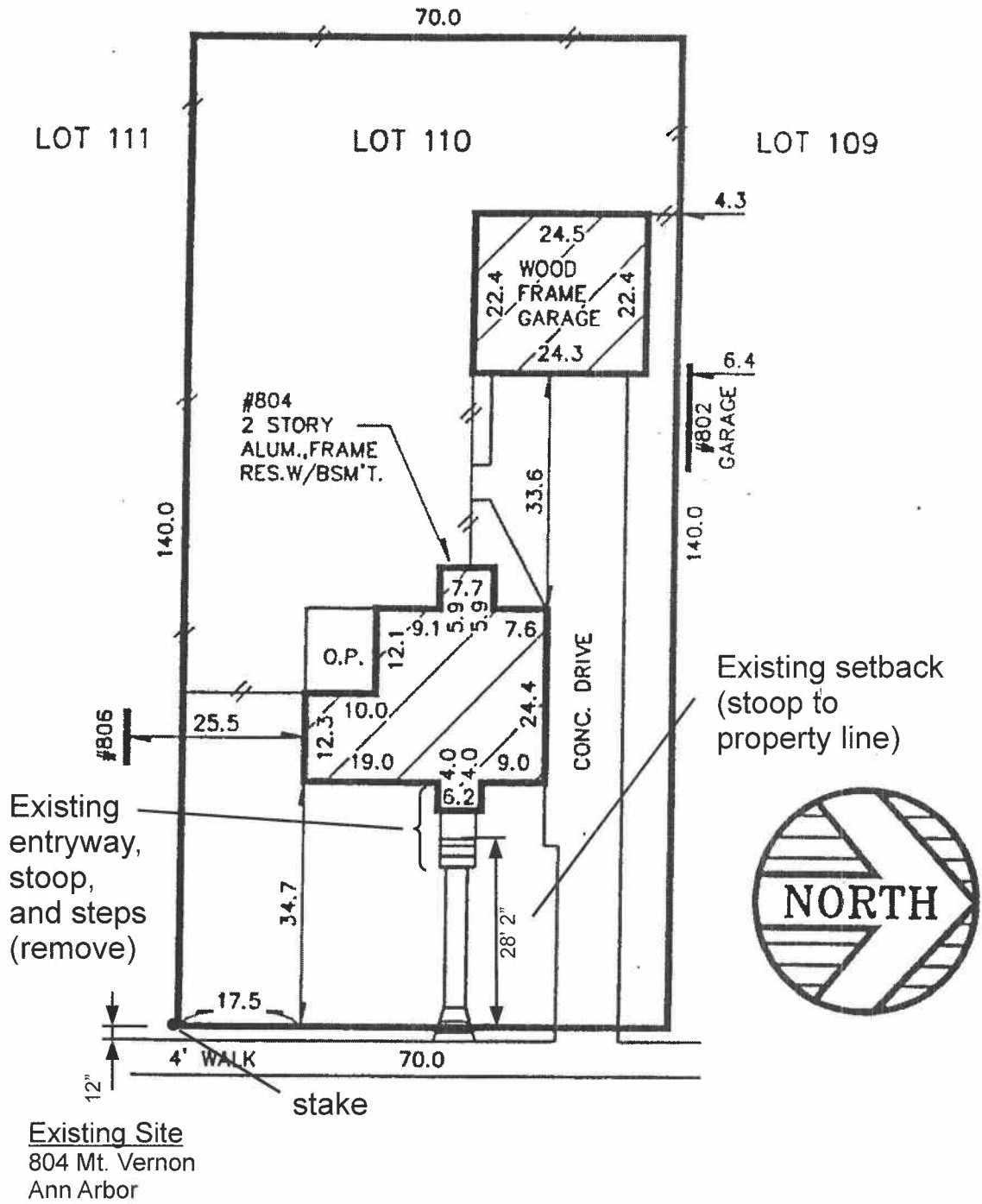
- Asphalt/fiberglass shingles over 1/2" plywood or OSB.

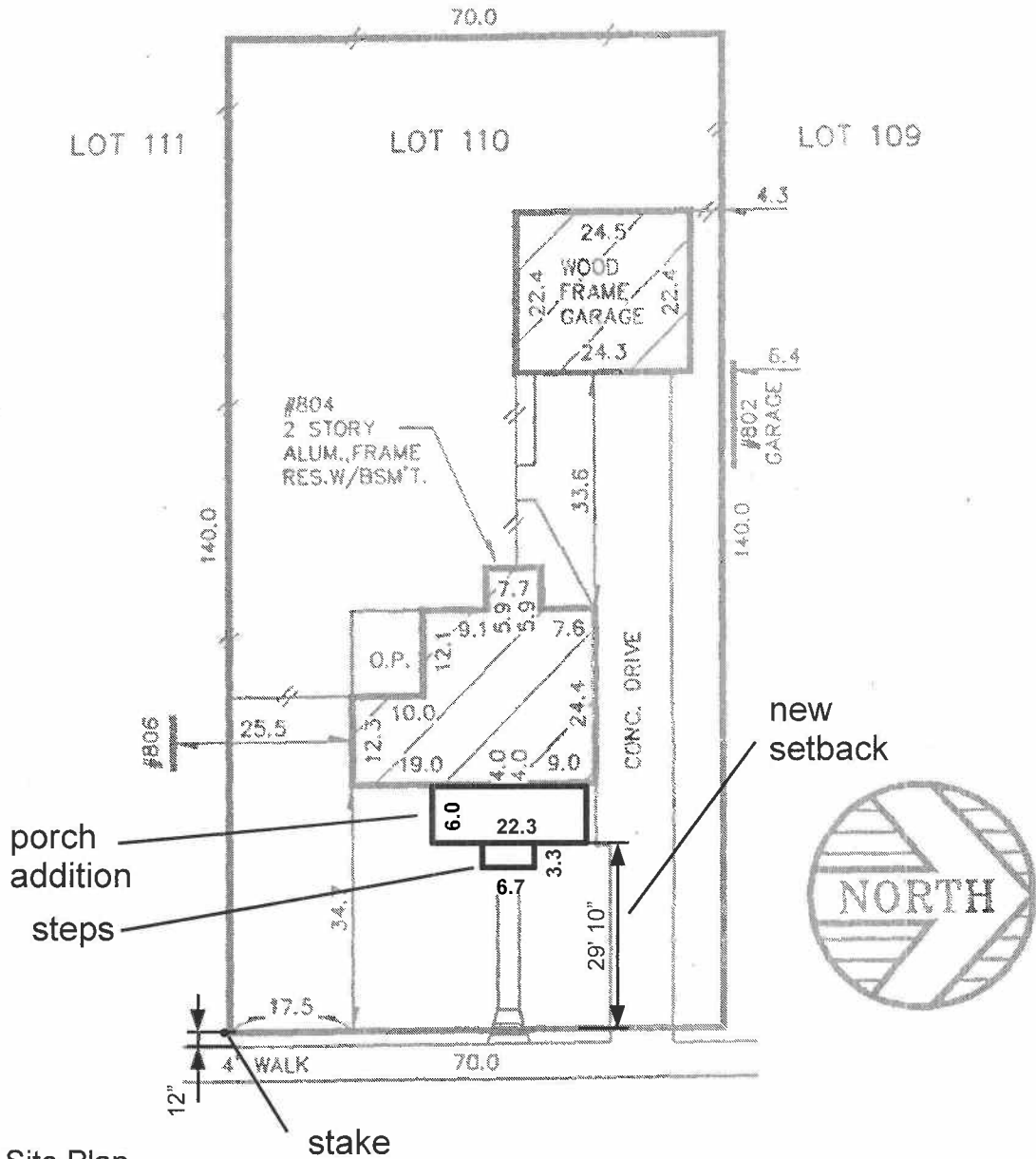
Soffits

- Closed soffits, aluminum or composite lumber, painted. Trim details match existing house.

Electrical

- Porch light and electrical outlet by front door.
- 2nd electrical outlet near roof corner for holiday lights.





Site Plan
 Porch Addition
 804 Mt. Vernon
 Ann Arbor

MORTGAGE SURVEY

Applicant: DAVID H. COUPLAND AND KAREN J. HUSBY-COURLAND

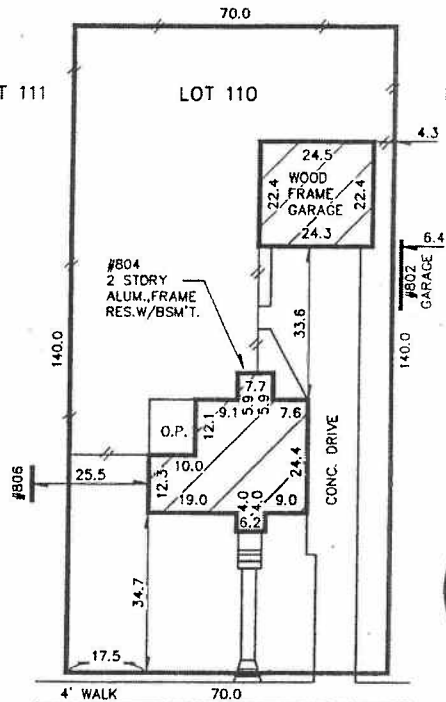
Property Description:

Lot 110; EBER WHITE FIRST ADDITION TO THE CITY OF ANN ARBOR, part of the SE 1/2 of Section 30, T2S, R6E, Washtenaw County, Michigan. As recorded in Liber 3 of Plats, Pages 13-14, Washtenaw County Records.

FLOOD PLAIN Comm. No. 260213 Map No. 0008C Date: 8-5-85

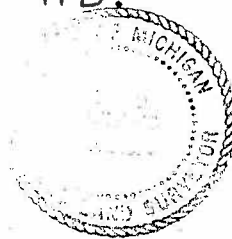
Flood Zone C. Areas of minimal flooding.

X
X



VERNON AVE. 66' WD.
31' ASPH. W/C.C.

CERTIFICATE: We hereby certify that we have surveyed the above-described property in accordance with the description furnished for the purpose of a mortgage loan to be made by the forementioned applicants, mortgagor, and that the buildings located thereon do not encroach on the adjoining property, nor do the buildings on the adjoining property encroach upon the property heretofore described, except as shown. This survey is not to be used for the purpose of establishing property lines, nor for construction purposes, no stakes having been set at any of the boundary corners.

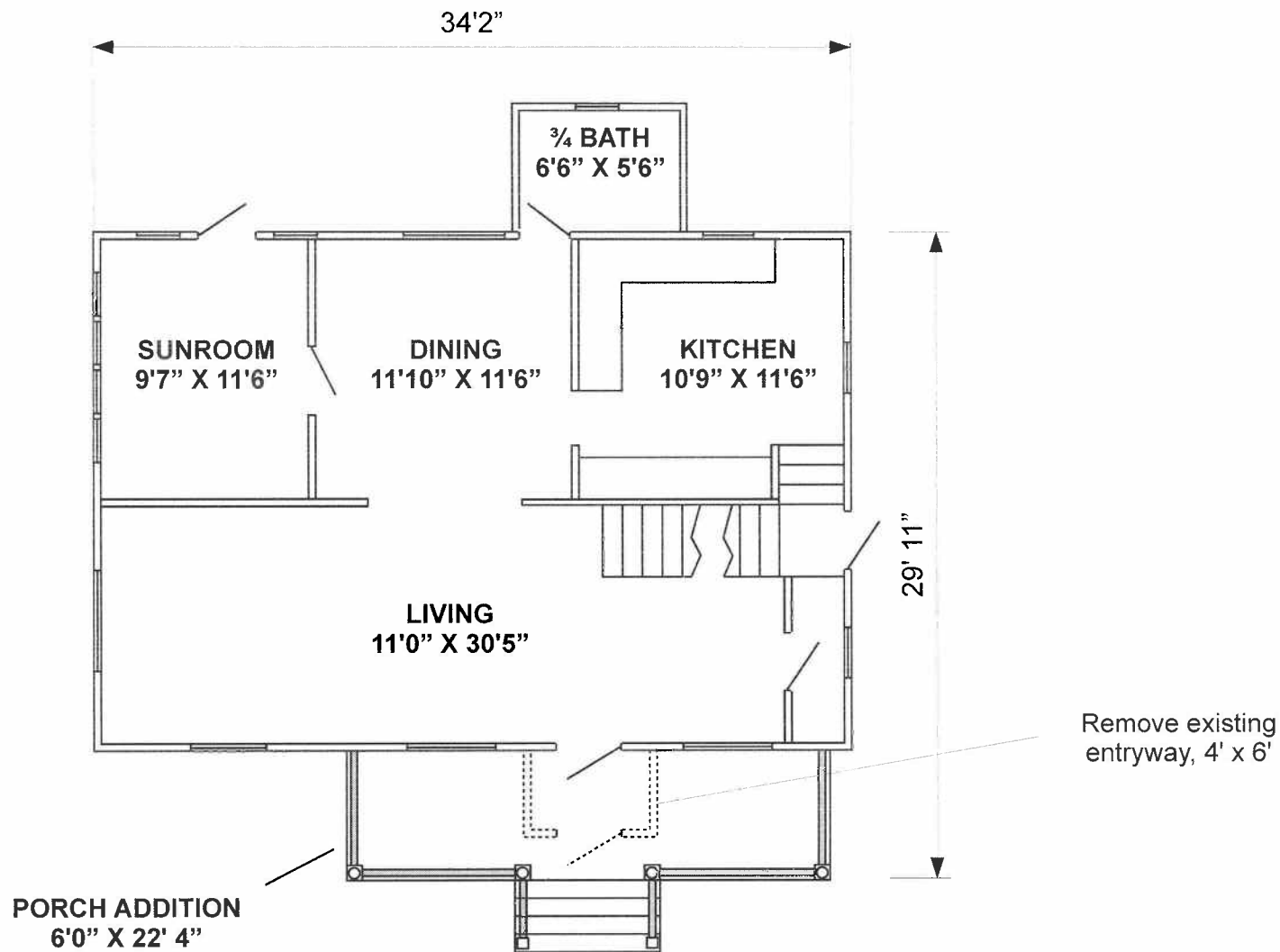


[Signature] L.L.S.
JOB NO. 95-35175
DATE 09/21/95
SCALE 1"=30'
DR. BY OW

KEM-TEC
LAND SURVEYORS
16041 East Nine Mile Road
Eastpointe, MI 48021-2319
(313) 772-2222
FAX: (313) 772-4048



KEM-TEC WEST
SURVEYING & ENGINEERING
205 N. Main Street
Ann Arbor, MI 48104-1412
(313) 994-0888 • (800) 433-6133
FAX: (313) 994-0667

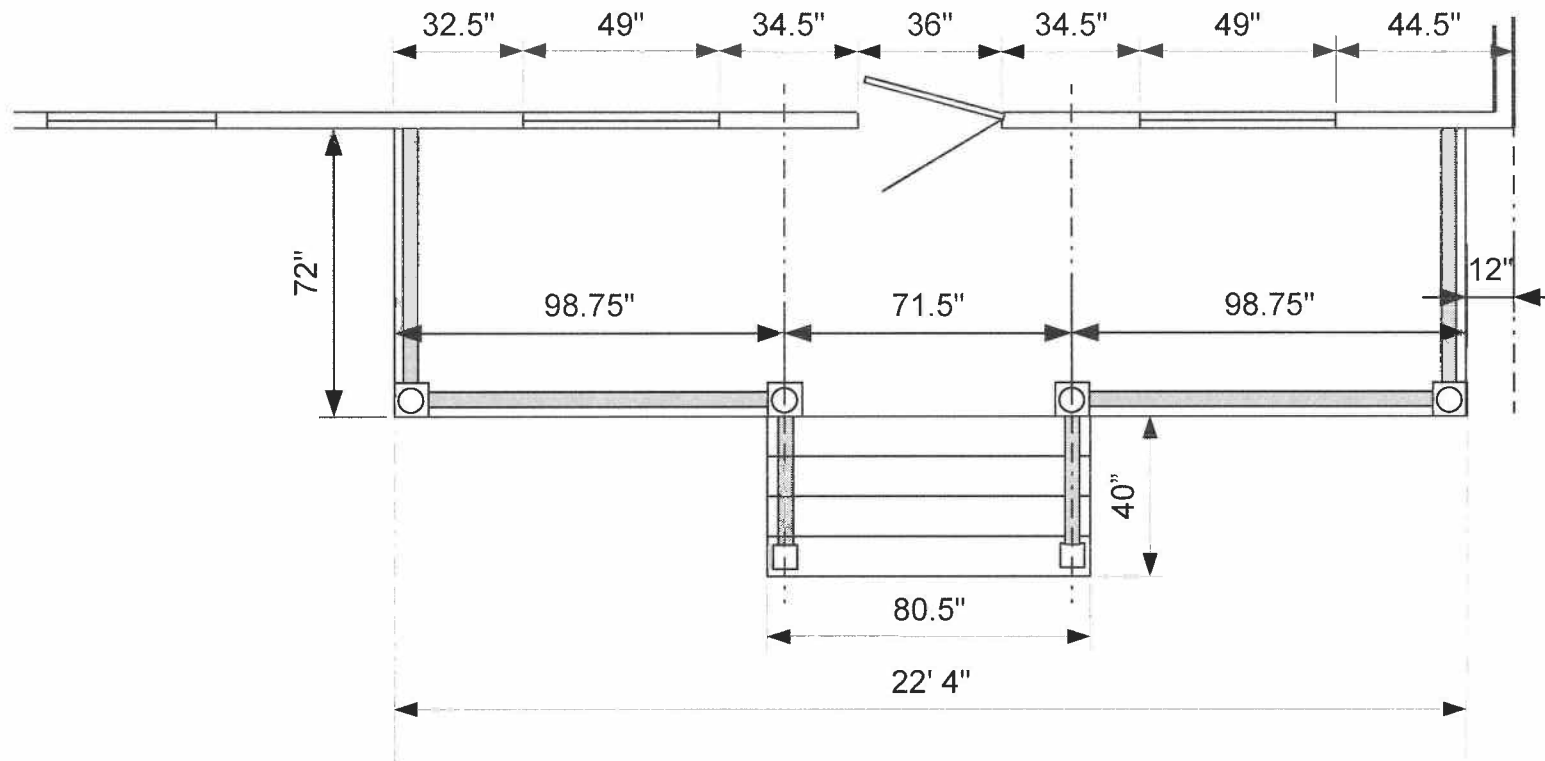


Floor Plan
 Porch Addition
 804 Mt. Vernon
 Ann Arbor



1/8" = 1'

prepared by:
 David Coupland
 Homeowner
 5/10/09



Porch Floor Plan
 Porch Addition
 804 Mt. Vernon
 Ann Arbor



1/4" = 1'

prepared by:
 David Coupland
 Homeowner
 5/10/09



East Elevation
Porch Addition
804 Mt. Vernon, Ann Arbor

1/4" : 1'

wood exterior door

prepared by:
David Coupland
Homeowner
7/5/11

p. 2



North Elevation
Porch Addition
804 Mt. Vernon, Ann Arbor

floor slope: 1" over 6'

1/4" : 1'

prepared by:
David Coupland
Homeowner
7/5/11



South Elevation
Porch Addition
804 Mt. Vernon, Ann Arbor

1/4" : 1'

prepared by:
David Coupland
Homeowner
7/5/11

p. 3