

**Zoning Board of Appeals
January 25, 2017 Regular Meeting**

STAFF REPORT

Subject: ZBA16-027, 813 Spring Street

Summary:

Richard L. Douglass and Marian S. Horowitz, property owners, request permission to alter a non-conforming structure in order to construct a first floor bathroom addition to the rear of their existing residence. The proposed addition will be eleven (11) feet, eight (8) inches from the rear property line, but will not encroach further into the setback than the existing structure.

Background:

The property is zoned R2A; however, since it is a single family use the R1D setbacks are applicable. The R1D district requires a twenty (20) foot setback. The subject parcel is 4,356 square feet in size.

Description:

The new addition will be seven (7) feet by nine (9) feet, eight (8) inches wide for a total of sixty-eight (68) square feet. The addition will provide a toilet, shower and sink, all of which will be accessible from the first floor. The home currently has one bathroom, which is on the second floor. The addition will eliminate the rear door entrance to the basement which originally existed to bring coal into the house for a coal-burning furnace. Applicants state this entrance has not been used in over ten (10) years.

Standards for Approval- Permission to Alter a Non-Conforming Structure

The Zoning Board of Appeals has all the power granted by State law and by Section 5:98, from the City of Ann Arbor Zoning Ordinance. The following criteria shall apply:

The alteration complies as nearly as practicable with the requirements of the Zoning Chapter and will not have a detrimental effect on neighboring property.

Applicant states that the proposed construction will not have a negative impact on the surrounding properties or have a detrimental effect to the aesthetics of the rear yard. The new addition will be constructed into the existing roof line and extend the additional seven (7) feet, which is the width of the proposed project. Petitioner states that if the home was built today it most likely would include a first floor bathroom.

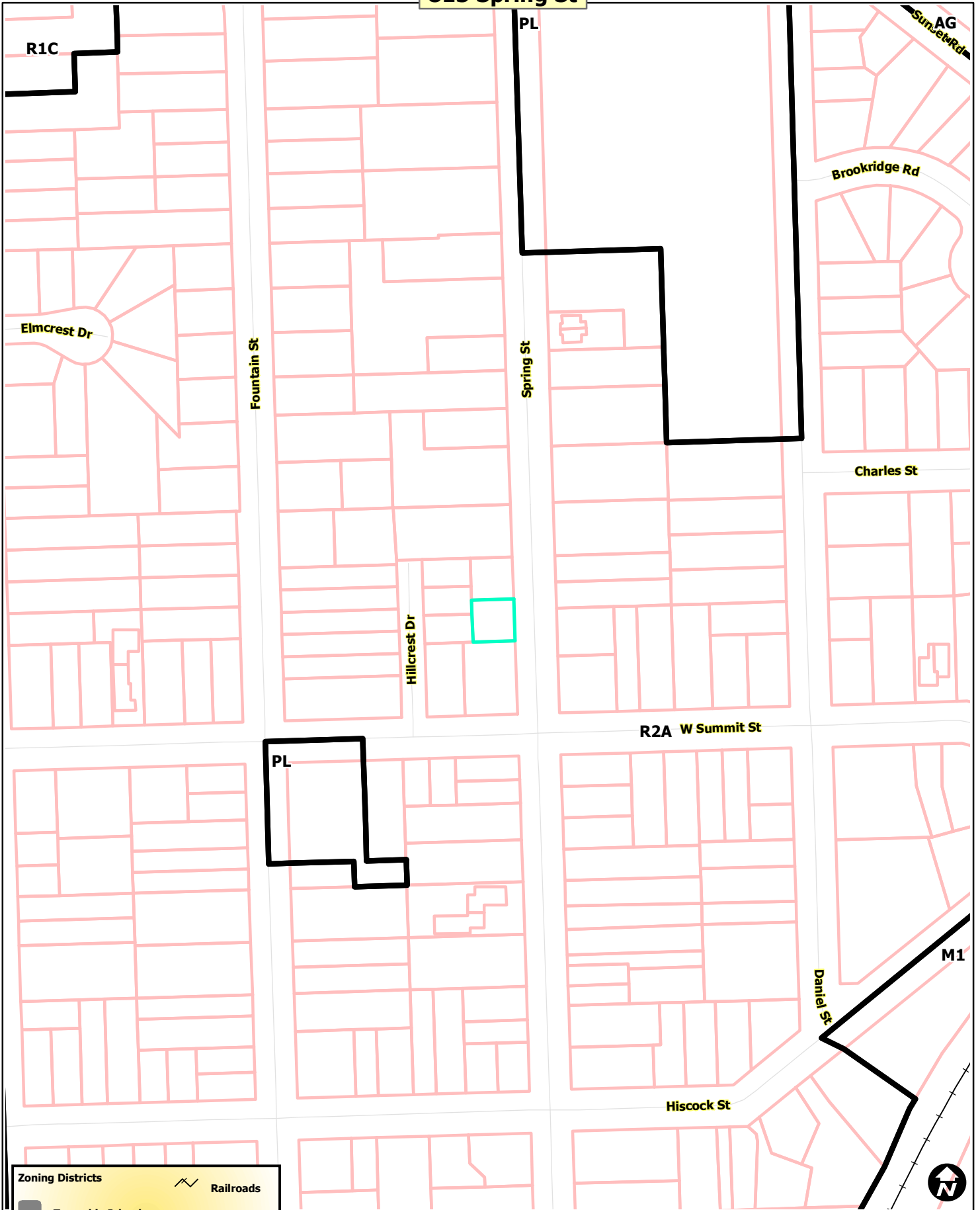
Zoning Board of Appeals
January 25, 2017

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Jon Barrett". The signature is stylized with large, overlapping loops for the letters "J" and "B".

Jon Barrett
Zoning Coordinator

813 Spring St

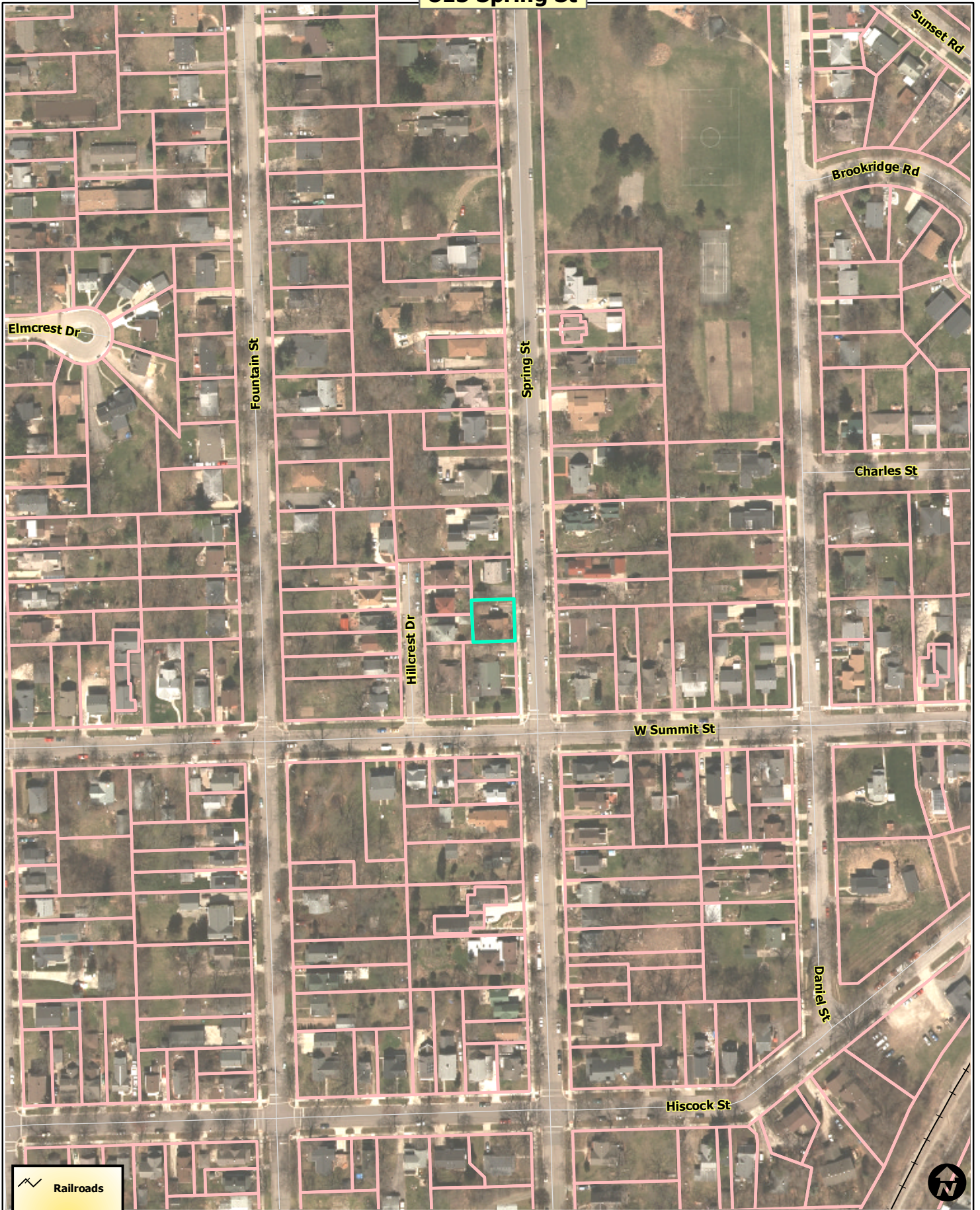





Zoning Districts	Railroads
Township Islands	Tax Parcels
City Zoning Districts	Huron River



Map date 12/22/2016
Any aerial imagery is circa 2015 unless otherwise noted
Terms of use: www.a2gov.org/terms

813 Spring St






-  Railroads
-  Tax Parcels
-  Huron River



Map date 12/22/2016
Any aerial imagery is circa 2015
unless otherwise noted
Terms of use: www.a2gov.org/terms

813 Spring St



-  Railroads
-  Tax Parcels
-  Huron River



Map date 12/22/2016
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: Richard L. Douglass and Marian S. Horowitz
Address of Applicant: 813 Spring Street, Ann Arbor, Michigan 48103
Daytime Phone: 810-599-4642 (R. Douglass) 248-953-5771 (M. Horowitz)
Fax: N/A
Email: richard.douglass@ymail.com

Applicant's Relationship to Property: Owners/Residents

Section 2: Property Information

Address of Property: 813 Spring Street, Ann Arbor, Michigan 48103
Zoning Classification: R1D
Tax ID# (if known): **Parcel: 09-09-20-301-004 Property Class 401**
Name of Property Owner: Marian S. Horowitz & Richard L. Douglass

Section 3: Request Information

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

Chapter 55 Zoning; Section 5:30, Under Section 5:24

Example: Chapter 55, Section 5:26

Required dimension: 30' rear setback

Example: 40' front setback

PROPOSED dimension: 10'8" rear setback to what we believe is the property line that is marked by a wire fence that has been in place for over 40 years.

Example: 32'

Give a detailed description of the work you are proposing and why it will require a variance (attach additional sheets if necessary)

We (Richard Douglass and Marian Horowitz, husband and wife) contracted All Type Builders of Canton, MI to help us design and build a first-floor bathroom on our 1926 home. Gannon Architecture, LLC of Canton, MI was engaged to prepare survey, design and technical drawings.

The house currently has one bathroom on the second floor, as it was originally built in 1926.

The permit to add a first floor bathroom to our home has been denied on November 7, 2016:

On Mon, Nov 7, 2016 at 9:16 AM, Barrett, Jon <JBarrett@a2gov.org> wrote:

To whom it may concern:

I have reviewed the referenced permit application for zoning compliance. However, the proposed addition does not meet the 30' required rear yard setback. You will need permission from the Zoning Board of Appeals to alter a non-conforming structure in order to have the proposed addition approved. Please let me know how you wish to proceed.

Jon Barrett

Zoning Coordinator, City of Ann Arbor Planning & Development Services

301 E Huron Street, Ann Arbor, MI 48107

General: 734-794-6525 planning@a2gov.org

Direct: 734-794-6000 x 42654 jbarrett@a2gov.org

The proposed first-floor bathroom involves adding a 7' wide, 9'8" deep addition to the back of the house. This would provide a toilet, shower and sink accessible from the first floor of the house. The location of the addition to the house would improve the current esthetic of the house by eliminating a rear door to the basement that was used originally to bring coal into the house for a coal-burning furnace. The door has not been used in any way for over 10 years. The shady ground at the location of the proposed addition cannot sustain grass or even ground cover and is perpetually bare soil and not attractive. We have tried for several years to encourage ground cover or grass, but the concentration of roots from old trees and shade make this a losing proposition. The addition, to be located between the current structure and a living room window would improve the appearance of the property from the rear. The addition would extend into the back yard no further than the current structure's back porch, which is ramped and provides wheel chair accessibility to the home's first floor. The current window on the south side of the porch would be moved to a southern wall of the addition. A photograph of the location of the proposed addition is included below, with other technical drawings attached to this application. The photograph shows the bare ground, current porch, ramped rear door, and obsolete coal supply entry door. The roof line of the proposed addition would conform to the current shed-designed porch.

We want to add this room to the house for very specific reasons:

1. Richard Douglass is a 70-year-old retired professor, and deals every day with the consequences of prostate cancer treatment. I face daily hardships because of the radiation treatment effects on frequency of urination because our only bathroom is on the second floor of our 90-year-old house. Because I spend the majority of time at home since

retirement, the dependence on a single upstairs bathroom is a threat to my ability to remain in my home. I can provide substantial medical documentation if necessary.

2. Marian Horowitz is 68 years old and is completing her second year in treatment for Stage 4 lung cancer, with metastases in the bones, including hip, lumbar and thorax. Some consequences of her cancer treatment require frequent trips to the bathroom, sometime with significant urgency. It is likely in the months, or hopefully years, ahead that she could be bedfast, or severely limited in her ability to manage an upstairs bathroom. It is possible that the current dining room could become her bedroom, if a hospital-style bed is required. In order to avoid her being essentially imprisoned on the second floor of the house either we would be forced to move or place her into very costly long-term care if we cannot create a bathroom on the first floor of our home. My wife can also provide medical documentation.

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:

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?

RE: 30' Setback (Chapter 55 Zoning; Section 5:30 under Section 5:24)

Our property, like our neighbors to the north and south on Spring Street, backs onto properties on the east side of Hillcrest, creating a very shallow backyard (setback). Our situation is at odds from the circumstances of most homes farther north on Spring Street with deep backyards, and, we suspect, inconsistent with the original reasons for the 30-foot rear yard setback requirement. Our house's west wall was constructed less than 20 feet from the rear property line. In fact, our neighbor to the south, 805 Spring Street, a rental property, has a rear yard setback of less than ten feet on the west, and the neighbor to the north, 817 Spring Street, has a west side setback of less than 20 feet. The plans we have submitted would maintain a distance from the rear property line no closer than that of our neighbor to the south, 805 Spring Street.

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

Yes, the existing Spring Street structures that back onto Hillcrest properties all have setbacks less than 30'. Our request has nothing to do with convenience or potential financial return.

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

No negatives. The appearance of our property from the neighbor on Hillcrest will be improved.



This photograph shows the location where the addition is planned to be built. The existing shed back porch shows the extent to which the addition would extend into the back yard. The same six-foot casement window would be used in the addition. The photograph also shows the ramped back door. We understand that the ramp needs to be provided with railings and may need to be widened. The door on the lower level is the old coal delivery access door to the basement that is no longer in use. The addition would extend to within a few inches of the living room window, on the right side of the photograph. The bare ground where the addition is to be located resists growing grass, ground cover, or any landscaping effort to make it attractive because of shade and old tree roots that fill the ground in the area.

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 houses in question on Spring Street that back onto properties on the east side of Hillcrest all have setbacks of less than 30'. We believe that our house was built in 1926 on a property plan that could not accommodate a 30' setback.

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

No, the 30' setback expectation has never been possible for our house since properties were defined on the east side of Hillcrest at some unknown time in the past. It is our understanding that Spring Street preceded Hillcrest, however we do not know when, or if, our property definition was modified to accommodate the Hillcrest property development. The current condition preceded our ownership of the property by nearly 70 years.

Section 5: ALTERATION TO A NON-CONFORMING STRUCTURE

Current use of the property: Private Residence

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
Existing Condition Code Requirement

Lot area _____
Lot width _____
Floor area ratio _____
Open space ratio _____
Setbacks X _____
Parking _____
Landscaping _____
Other _____

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

We are requesting an exception to the 30' Setback expectation because it is not possible due to the history of the property and neighboring homes. We are requesting approval of this application to maintain our quality of life and, indeed our ability to age-in-place in our home. This is directly affected by the availability of a first-floor bathroom. This is no luxury item and nothing that is in any way based on other considerations. We believe that if the house were built today it would be built, initially, with a first-floor bathroom.

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 room we are proposing would modestly alter the profile of the house, extend the roof-line of the current back porch 7', and would have no detrimental effect on neighboring properties to the south, west, or north. In fact, we believe, the appearance of the back yard, small as it is, would be improved by this addition.

Wherefore, Petitioner requests that permission be granted from the above named Chapter and Section of the Ann Arbor City Code in order to permit us to build a 7' X 9'8" addition for the purpose of providing a first floor bathroom to 813 Spring Street, Ann Arbor, MI.

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.

- ✓ 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.
- ✓ Photograph 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

We, the applicants, 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.

Richard L. Douglass

Print Name

810-599-4642

Phone Number (cell)

Signature 

Richard.douglass@ymail.com

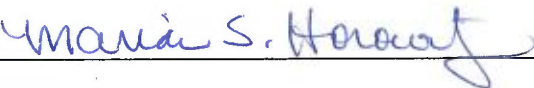
E-mail Address

Marian S. Horowitz

Print Name

248-953-5771

Phone Number (cell)

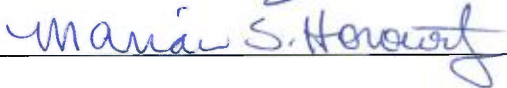
Signature 

mhorowitz813@yahoo.com

E-mail Address

We, the applicants, 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

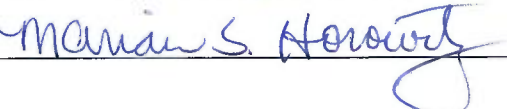
Further, we hereby give City of Ann Arbor Planning & Development Services unit staff and members of the Zoning Board of Appeals permission to access the subject property for the purpose of reviewing my variance request.

 Signature

 Signature

We 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. (By e-mail communication from J. Barnett on November 7, 2016.)

 Signature

 Signature

On this 21st day of Nov, 2016, before me personally appeared the above named applicants 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.

Jennifer Szczygiel Notary Public Signature

12.1.18
Notary Commission Expiration Date

Jennifer Szczygiel
Print Name

JENNIFER SZCZYGIEL
Notary Public, State of Michigan
County of Washtenaw
My Commission Expires 12-01-2018
Acting In the County of Washtenaw

Staff Use Only

Date Submitted: _____

Fee Paid: _____ File No.: _____

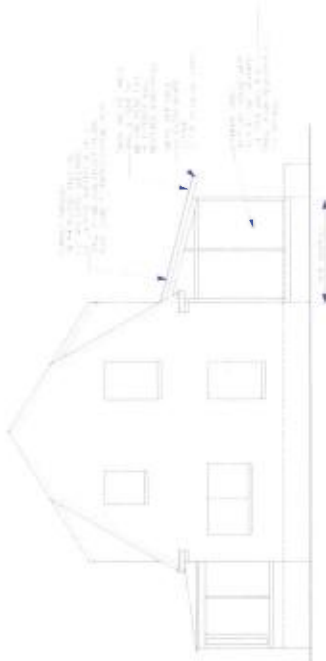
Date of Public Hearing _____

Pre-filing Staff Reviewer & Date _____

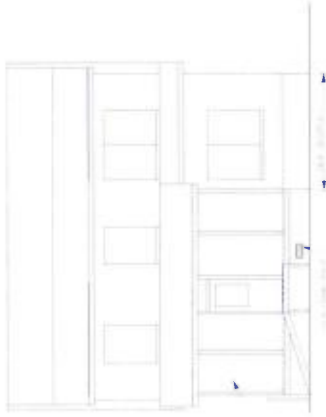
ZBA Action: _____

Pre-Filing Review:

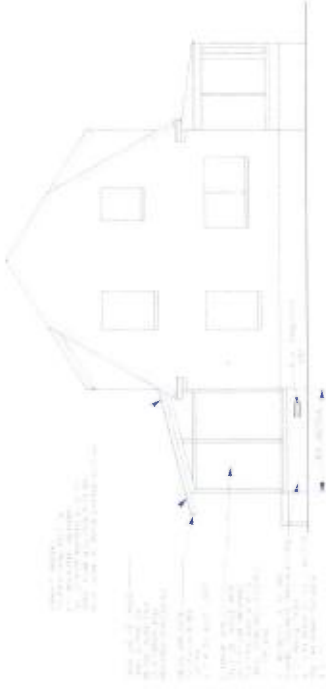
Staff Reviewer & Date:



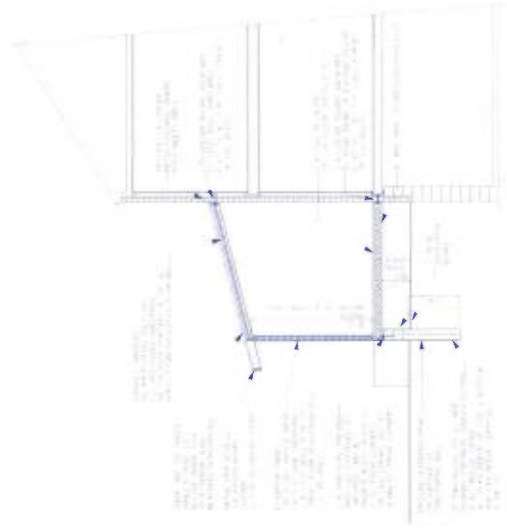
Left Side Elevation



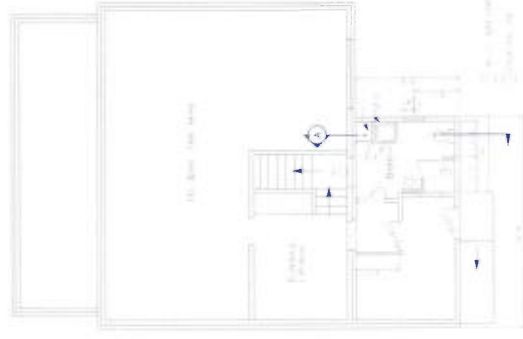
Rear Elevation



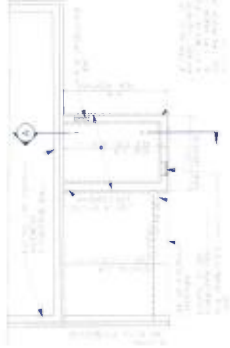
Right Side Elevation



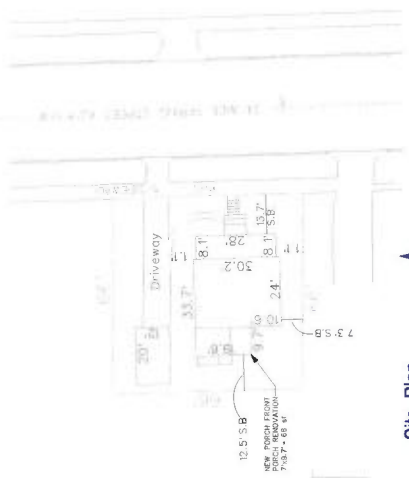
Section A



1st Floor Plan



Foundation Plan



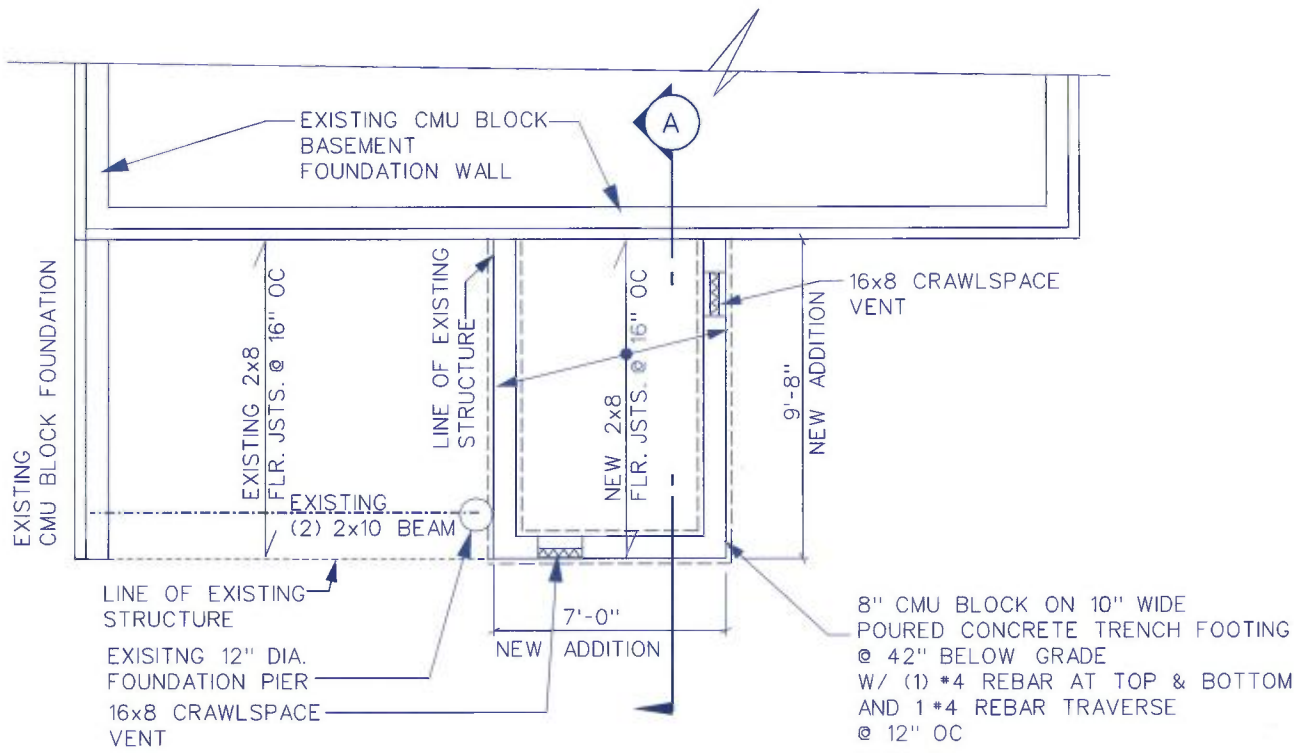
Site Plan
SCALE: 1" = 20'-0"

PIN: 06-09-201-004
 Tax Description
 LOT 31 ASSESSORS PLAT NO 46
 Sqft: 1,440 sf for house
 Total Acreage: 0.10 / 4,356 sf
 Average Depth: 66.00 FL
 Total Frontage: 66.00 FL
 Zoning Code: R2A
 Lot Coverage: 25.8%
 Footprint of Addition & Porch = 1,118 sf
 Footprint of Garage 240 sf
 Total Footprint 1,358 sf

Gannon Architecture, LLC
 2604 Arbor Way Dr. 73
 Cannon, WI 53188
 Tel: 734-768-9328
 Email: gannon@gnann.com

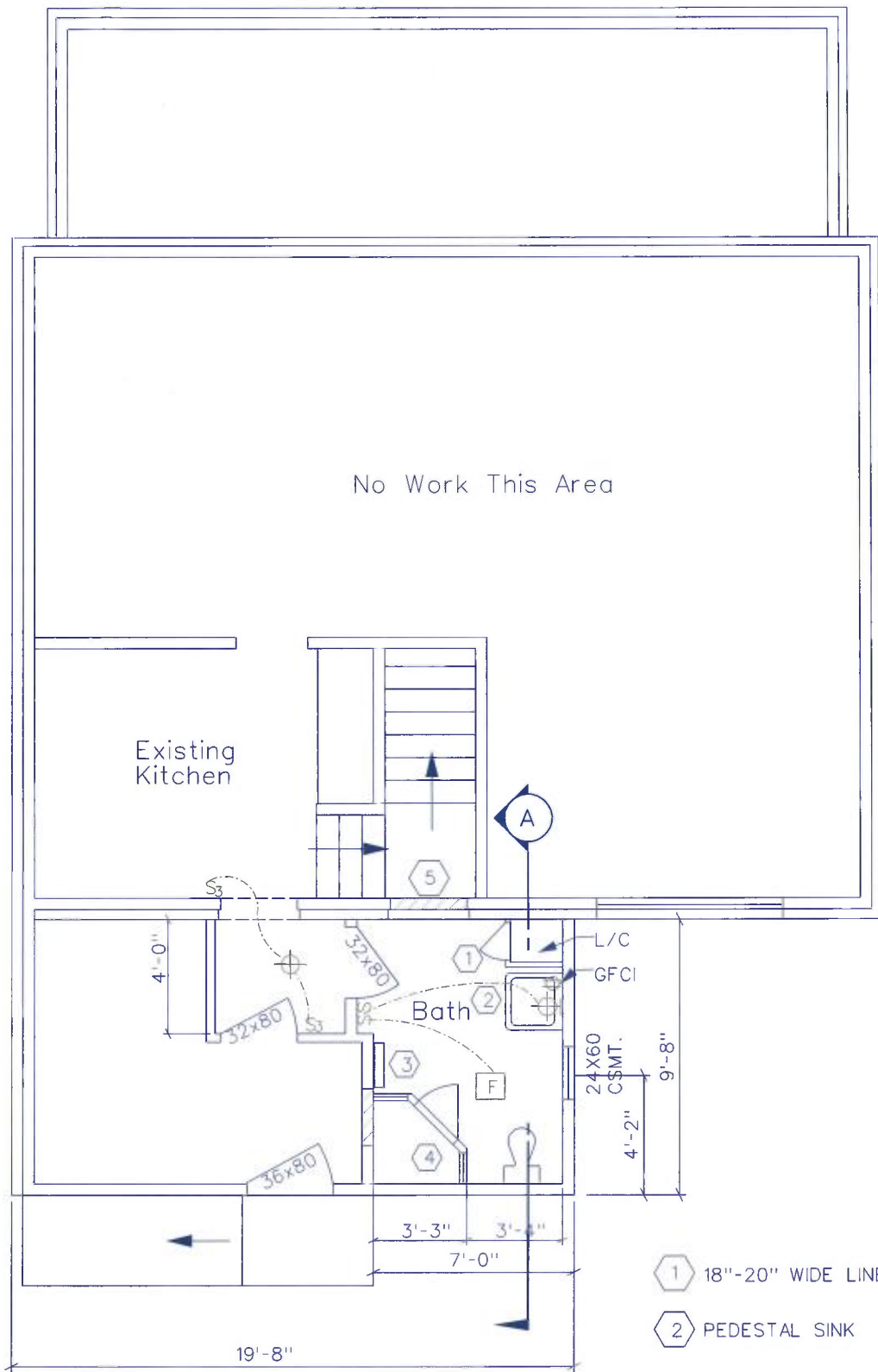
All Type Builders, LLC
 Dennis Molner (Owner)
 224 S. 3rd St. 2nd Floor
 734-397-3225 (Phone)
 734-397-8828 (Fax)

New Bathroom Addition to:
 813 Spring Street,
 Am Arbor, MI 48103
 Owners:
 Richard Douglass & Maria Horowitz



Foundation Plan (PARTIAL)

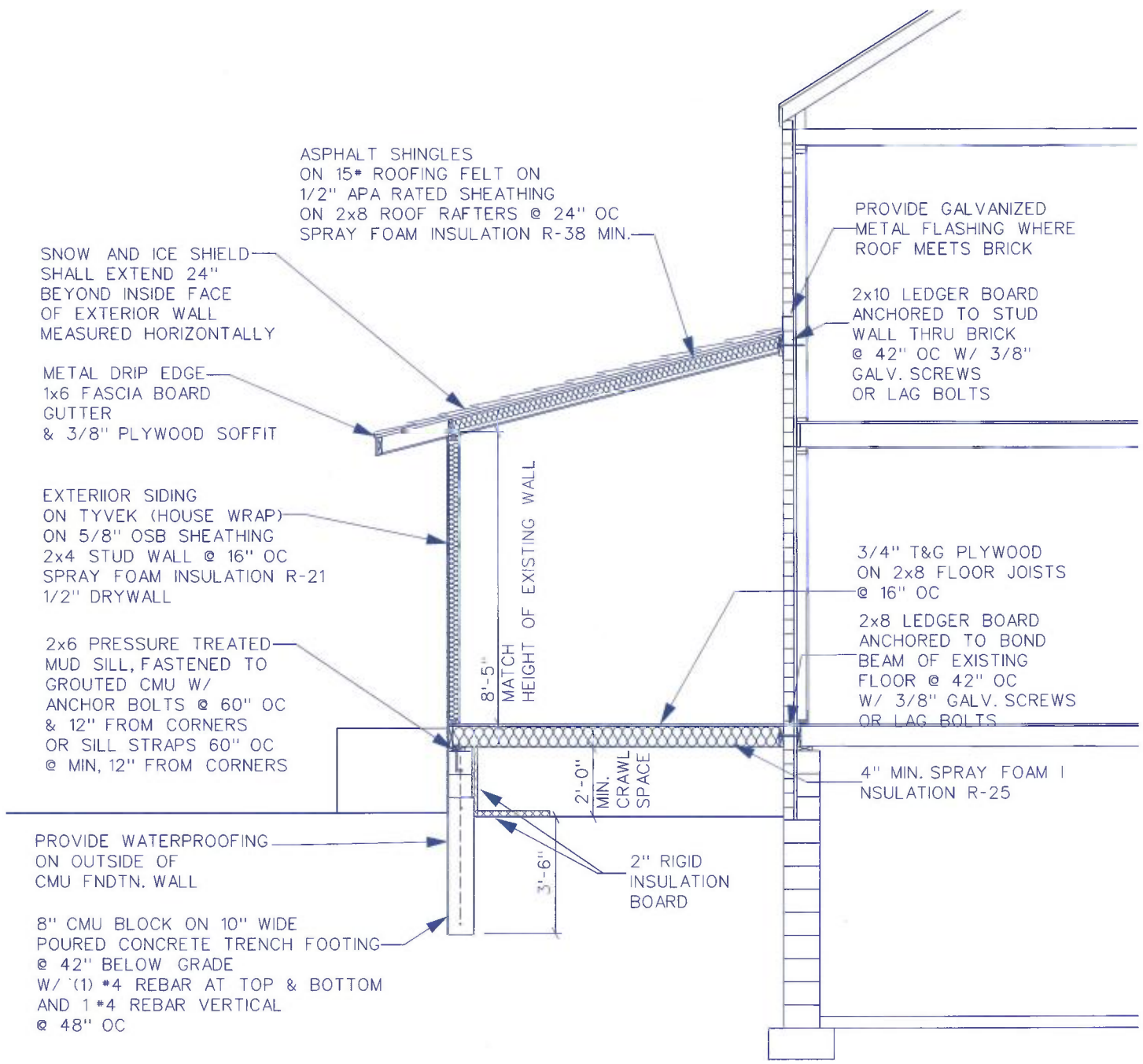
3/16" = 1'-0"



- ① 18"-20" WIDE LINEN CLOSET
- ② PEDESTAL SINK
- ③ Envi High-Efficiency Whole Room Plug-In Electric Panel Heater (HH1012T) 3.95 120 V, 3.95 A 19 w - 2 d - 22 h
- ④ KOHLER STERLING Intrigue Neo-Angle Shower Door SP2270A-38 38"x38"
- ⑤ INFILL WALL W/ STUDS & DRYWALL OR CREATE NICHE FOR BATHROOM

1st Floor Plan

$3/16'' = 1'-0''$

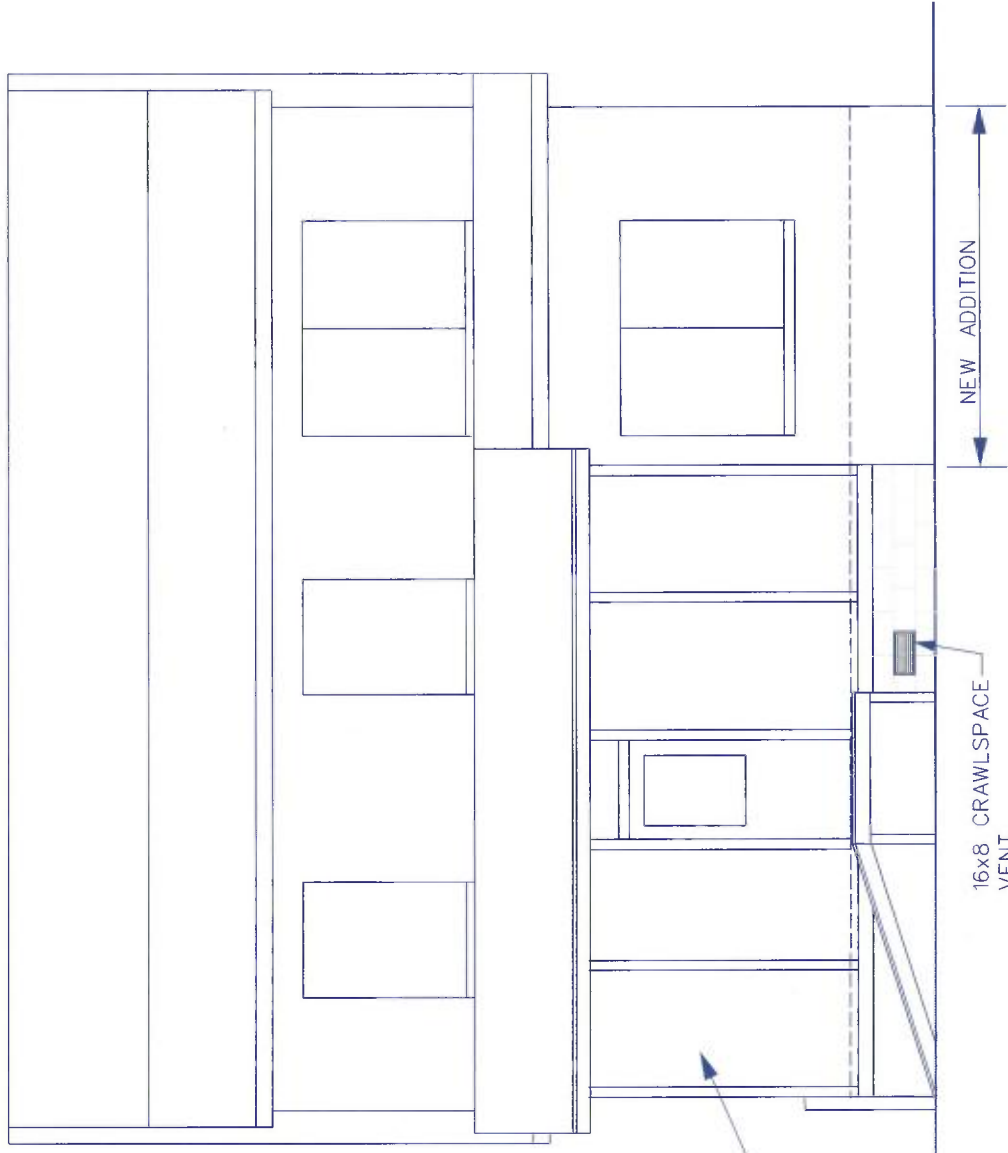


Section A

1/4" = 1'-0"

NOTE:

There is an error of notation on the *Rear Elevation* drawing that is attached. The “New Addition” attribution is to the wall of the house that will not be affected by the construction. The new addition will be contained to a 7’ – wide extension of the west wall from the existing back porch. The addition would not affect the current west windows of the living room.



V
 NG
 @ 24" OC
 R-38 MIN.
 EXISTING ROOF

SNOW AND ICE SHIELD
 —SHALL EXTEND 24"
 BEYOND INSIDE FACE
 OF EXTERIOR WALL
 MEASURED HORIZONTALLY

METAL DRIP EDGE
 —1x6 FASCIA BOARD
 GUTTER
 & 3/8" PLYWOOD SOFFIT

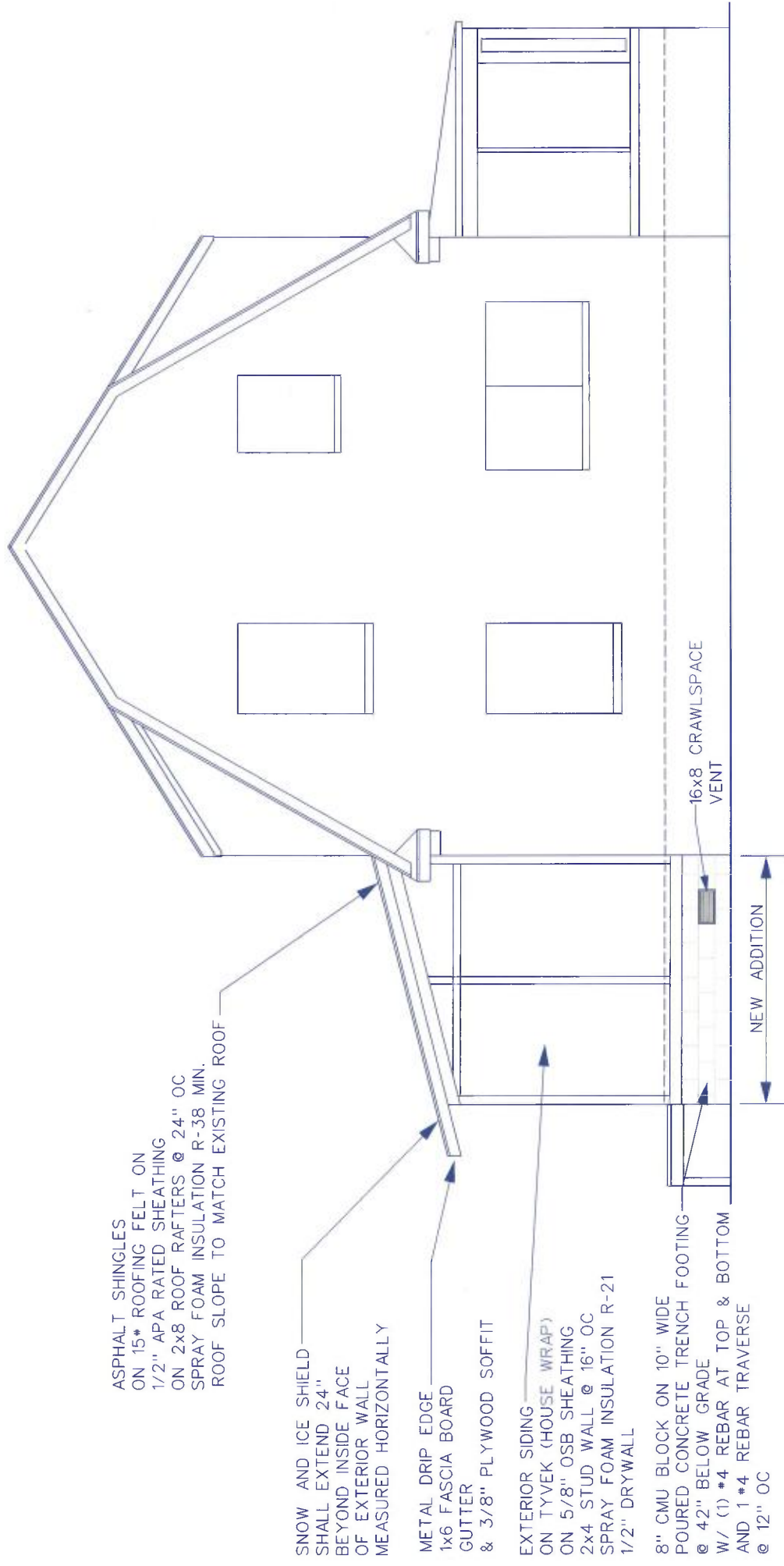
—EXTERIOR SIDING
 ON TYVEK (HOUSE WRAP)
 ON 5/8" OSB SHEATHING
 2x4 STUD WALL @ 16" OC
 SPRAY FOAM INSULATION R-21
 1/2" DRYWALL

NEW ADDITION

16x8 CRAWLSPACE
VENT

Rear Elevation

3/16" = 1'-0"



ASPHALT SHINGLES
 ON 15* ROOFING FELT ON
 1/2" APA RATED SHEATHING
 ON 2x8 ROOF RAFTERS @ 24" OC
 SPRAY FOAM INSULATION R-38 MIN.
 ROOF SLOPE TO MATCH EXISTING ROOF

SNOW AND ICE SHIELD
 SHALL EXTEND 24"
 BEYOND INSIDE FACE
 OF EXTERIOR WALL
 MEASURED HORIZONTALLY

METAL DRIP EDGE
 1x6 FASCIA BOARD
 GUTTER
 & 3/8" PLYWOOD SOFFIT

EXTERIOR SIDING
 ON TYVEK (HOUSE WRAP)
 ON 5/8" OSB SHEATHING
 2x4 STUD WALL @ 16" OC
 SPRAY FOAM INSULATION R-21
 1/2" DRYWALL

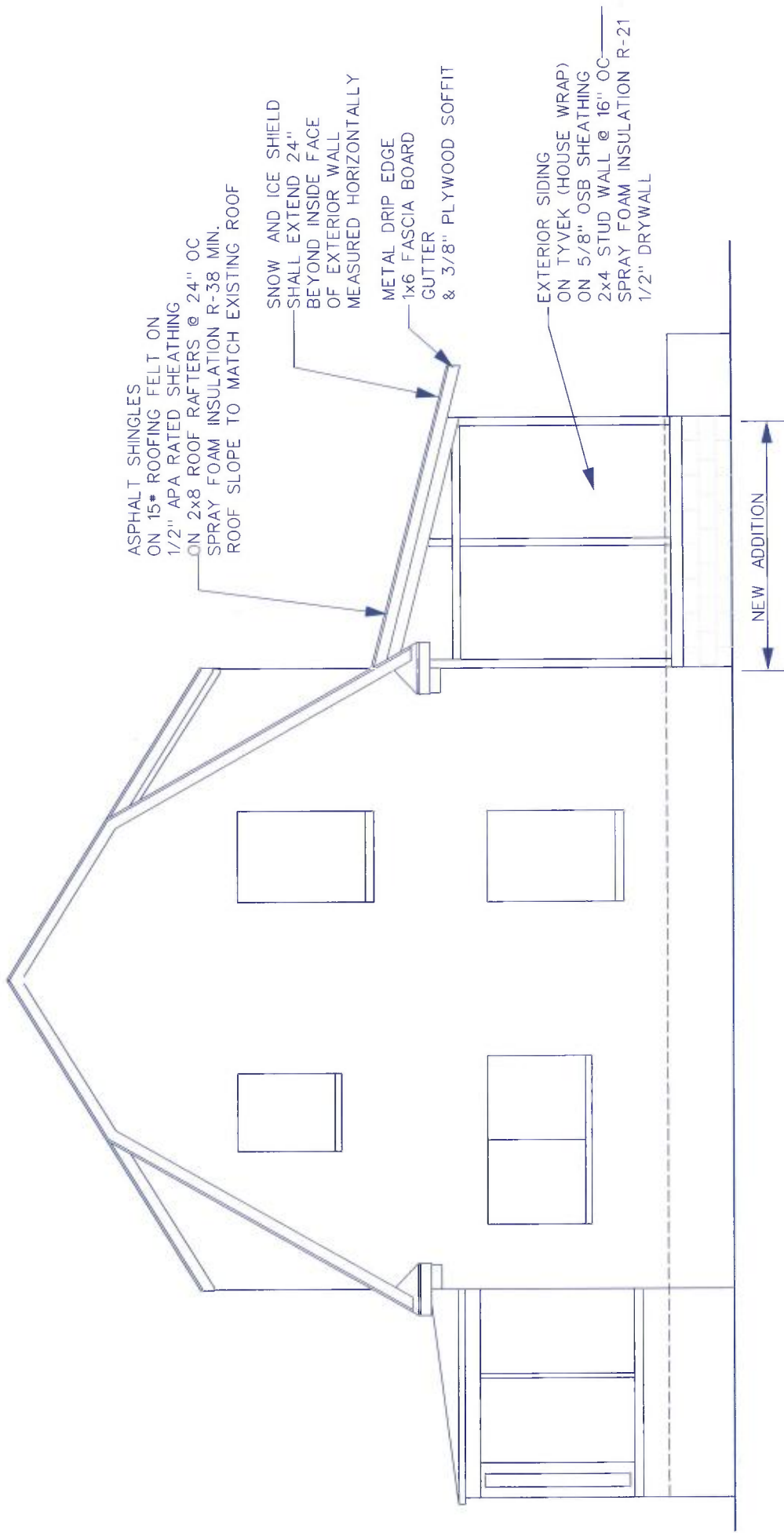
8" CMU BLOCK ON 10" WIDE
 POURED CONCRETE TRENCH FOOTING
 @ 42" BELOW GRADE
 W/ (1) #4 REBAR AT TOP & BOTTOM
 AND 1 #4 REBAR TRAVERSE
 @ 12" OC

16x8 CRAWLSPACE
 VENT

NEW ADDITION

Right Side Elevation

3/16" = 1'-0"



Left Side Elevation

3/16" = 1'-0"

CERTIFIED SURVEY

PROPERTY DESCRIPTION:

LAND SITUATED IN THE CITY OF ANN ARBOR, COUNTY OF WASHTENAW, STATE OF MICHIGAN, DESCRIBED AS:

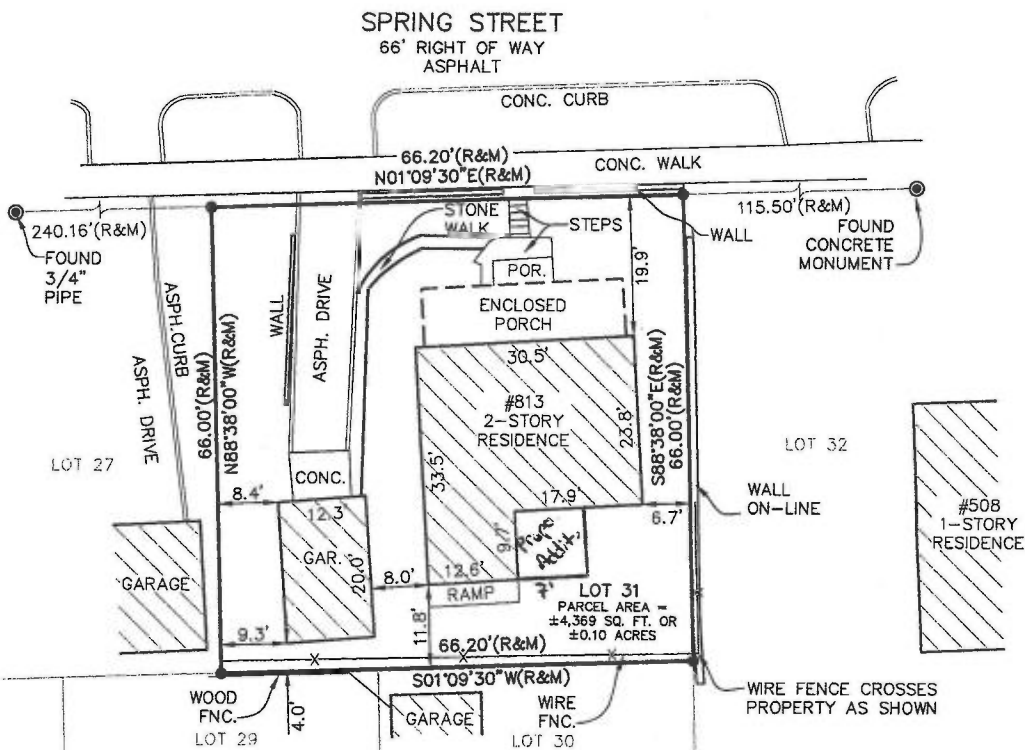
LOT 31; ASSESSORS PLAT NO 46 TO THE CITY OF ANN ARBOR, AS RECORDED IN LIBER 16 OF PLATS, PAGES 19 AND 20, WASHTENAW COUNTY RECORDS

NOTE:

A CURRENT TITLE POLICY HAS NOT BEEN FURNISHED AT TIME OF SURVEY, THEREFORE EASEMENTS AND/OR ENCUMBRANCES AFFECTING SUBJECT PARCEL MAY NOT BE SHOWN.



SCALE: 1"=20'



LEGEND

- SET 1/2" REBAR WITH CAP, #32341
- ⊙ FOUND MONUMENT (AS NOTED)
- (M) MEASURED DIMENSION
- (R) RECORD DIMENSION

I HEREBY CERTIFY THAT I HAVE SURVEYED THE LAND HEREIN PLATTED AND DESCRIBED AND THAT THE RATIO OF CLOSURE MEETS THE REQUIREMENTS OF PUBLIC ACT 132 OF 1970.

Thomas G. Smith

THOMAS G. SMITH, P.S. NO. 32341

KEM-TEC & ASSOCIATES 22556 GRATIOT AVE. EASTPOINTE, MI 48021 PROFESSIONAL SURVEYORS - PROFESSIONAL ENGINEERS (586)772-2222 * FAX (586)772-4048	
CERTIFIED TO: ALL TYPE BUILDERS, LLC	
FIELD SURVEY: TS MR	DATE: DECEMBER 16, 2016
DRAWN BY: DLD	SHEET: 1 OF 1
SCALE: 1" = 20'	JOB NO.: 16-04398

From: Burrows, Heather
Sent: Wednesday, January 11, 2017 9:24 PM
To: Barrett, Jon <JBarrett@a2gov.org>
Subject: re: ZBA16-027: 813 Spring Street

I am unable to attend the 1/25 public hearing but would like to voice my support for this variance. I am not concerned that it would have a negative impact at all.

Thank you

Heather L Burrows
826 Spring St