

**Zoning Board of Appeals
December 1, 2021 Regular Meeting**

STAFF REPORT

Subject: ZBA 21-041; 506 Miller Avenue

Summary:

David Stanton, property owner, is seeking a variance from Table 5.17-1 Single-Family Residential District Dimensions in order to construct a new attached one-car garage to the rear of the existing residence. The new 315 square foot garage is proposed to be 12 feet 10 inches from the rear lot line. The property is zoned R2A, Two-Family Residential and requires a minimum 20-foot rear yard setback for nonconforming lots.

Background:

The subject property is located on the north side of Miller Avenue near the Miller Avenue and Chapin Street and Spring Street intersections. The property is within a floodplain that is a small area in the southeast corner of the lot and does not impact or include the proposed development area. The home was built in 1915 and is approximately 1,344 square feet in size.

Description:

The applicant plans to demolish the existing nonconforming carport and construct the one story attached garage to the back of the home. The garage will meet the required three-foot side setback requirement. The garage will be 14 feet in length and 21 feet eight inches in width. The owners are also proposing a deck on top of the garage with access from the existing master bedroom.

Standards for Approval- Variance

The Zoning Board of Appeals has all the power granted by State law and by Section 5.29.12, Application of the Variance Power from the UDC. 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 applicant states the lot is angular in shape at the rear of the lot which makes it difficult for any type of addition to be constructed. The lot area (3,528) is significantly less than the required 5,000 square feet for the R1D district.

- (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.***

The applicant states the shared driveway with the adjacent property is congested and the removal of the carport and the proposed garage will ameliorate this issue.

- (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***

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December 1, 2021

variance, and the rights of others whose property would be affected by the allowance of the variance.

The owner states the removal of the nonconforming carport that is in proximity to the rear lot line will address fire and other safety concerns.

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

The proposed garage addition will be similar in architectural style to the existing residence and only improve the outdoor appearance of the rear yard and help with congestion and eliminate the nonconforming carport.

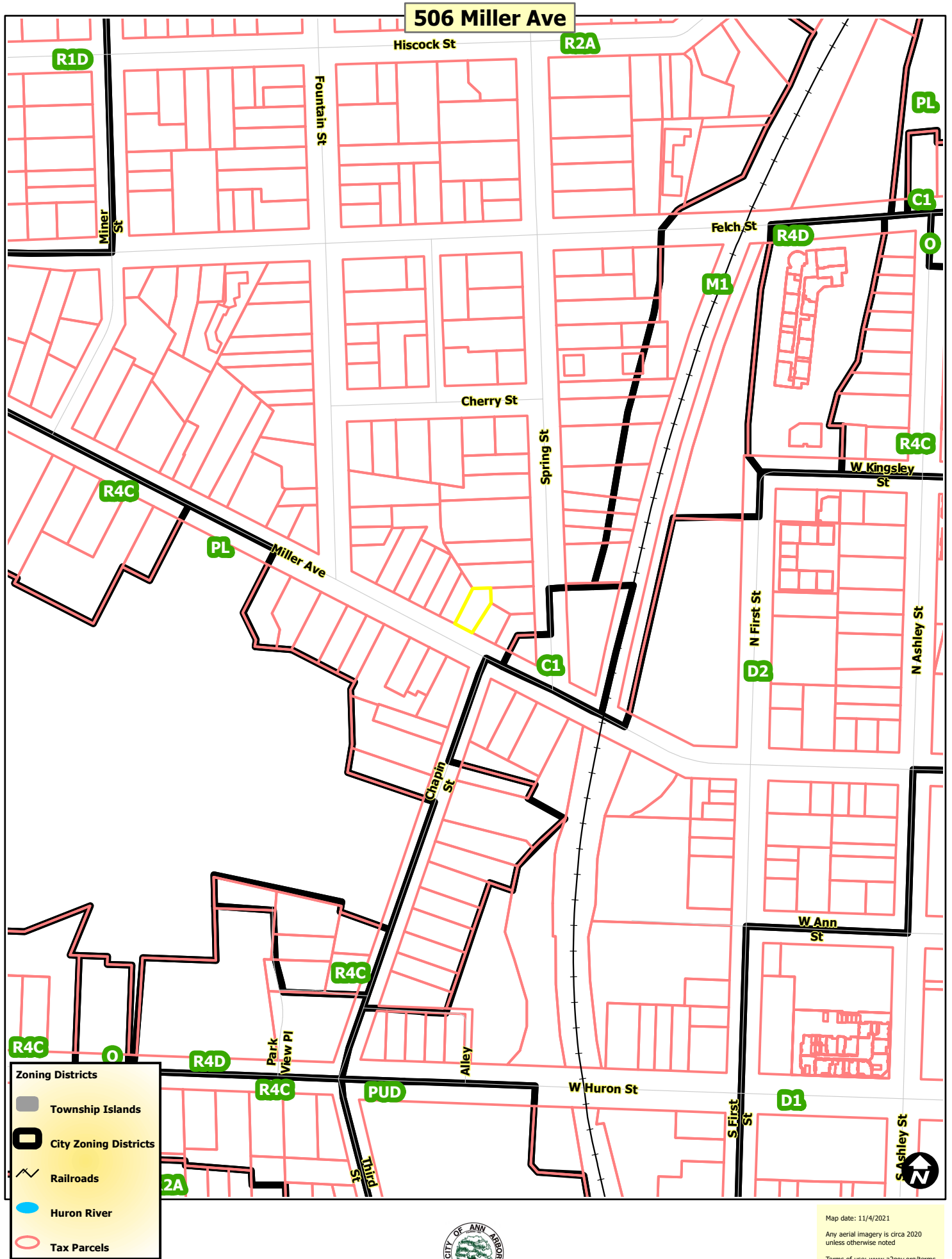
- (e). A variance approved shall be the minimum variance that will make possible a reasonable use of the land or structure.***

The variance being requested is the minimum as the garage and carport are both the same square footage.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Jon Barrett".

**Jon Barrett-
Zoning Coordinator**



506 Miller Ave






- Railroads
- Huron River
- Tax Parcels



Map date: 11/4/2021
Any aerial imagery is circa 2020
unless otherwise noted
Terms of use: www.a2gov.org/terms

506 Miller Ave



-  Railroads
-  Huron River
-  Tax Parcels



Map date: 11/4/2021
Any aerial imagery is circa 2020
unless otherwise noted
Terms of use: www.a2gov.org/terms



ZONING BOARD OF APPEALS APPLICATION

City of Ann Arbor Planning Services

City Hall: 301 E Huron Street Ann Arbor, MI 48107-8647

Phone: 734-794-6265 Fax: 734-794-8460 Email: planning@a2gov.org

PROPERTY INFORMATION

ADDRESS OF PROPERTY 506 Miller Avenue		ZIP CODE 48103
ZONING CLASSIFICATION R-1 Residential	NAME OF PROPERTY OWNER*If different than applicant, a letter of authorization from the property owner must be provided	
PARCEL NUMBER 09-09-29-220-017	OWNER EMAIL ADDRESS DAVIDCSTANTON@HOTMAIL.COM	

APPLICANT INFORMATION

NAME DAVID STANTON			
ADDRESS 506 Miller Avenue	CITY Ann Arbor	STATE MI	ZIP CODE 48103
EMAIL DAVIDCSTANTON@HOTMAIL.COM		PHONE 312 371 5966	
APPLICANT'S RELATIONSHIP TO PROPERTY OWNER			

REQUEST INFORMATION

<input checked="" type="checkbox"/> VARIANCE REQUEST Complete Section 1 of this application	<input type="checkbox"/> REQUEST TO ALTER A NONCONFORMING STRUCTURE Complete Section 2 of this application
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REQUIRED MATERIALS

One hard copy application complete with all required attachments must be submitted. Digital copies of supportive materials included in the submitted hard copy will only be accepted in PDF format by email or accompanying the hard copy application on a USB flash drive.

Required Attachments:

- ☒ Boundary 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.

OFFICE USE ONLY

Fee Paid: ZBA:
DATE STAMP

ACKNOWLEDGEMENT

All information and materials submitted with this application are true and correct.

Permission is granted to City of Ann Arbor Planning Services and members of the Zoning Board of Appeals to access the subject property for the purpose of reviewing the variance request.

Property Owner Signature: _____

Date: 8/4/2021

Section 1 City of Ann Arbor Planning Services – Zoning Board of Appeals Application

VARIANCE REQUEST

ARTICLE(S) AND SECTION(S) FROM WHICH A VARIANCE IS REQUESTED: (Example: Article 3, Section 5.26)

REQUIRED DIMENSION: (Example: 40' front setback)

Feet: Inches:

PROPOSED DIMENSION: (Example: 32 foot 8 inch front setback)

Feet: Inches:

DESCRIPTION OF PROPOSED WORK AND REASON FOR VARIANCE:

Proposed project includes the removal of a non-conforming carport, and a proposed addition of a one-story, one-car garage attached to the existing house.

The City of Ann Arbor Zoning Board of Appeals has the powers granted by State law and City Code Chapter 55, Section 5:29. 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 statements are found to be true. Please provide a complete response to each of the statements below.

The alleged practical difficulties are exceptional and peculiar to the property of the Person requesting the variance, and result from conditions that do not exist generally throughout the City.

The angular shape of the rear portion of the lot makes it difficult to construct any addition. Also, the lot area is significantly less square footage than the R-1 minimum lot size.

The alleged practical difficulties that will result from a failure to grant the variance, include substantially more than mere inconvenience, inability to attain a higher financial return, or both.

Both. The shared driveway is always congested. We propose to take approx. the same square footage that the existing carport is and apply that towards our addition.

Allowing the variance will result in substantial justice being done, considering the public benefits intended to be secured by this chapter, the practical difficulties 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.

Granting a variance will benefit the public. Currently, the existing detached carport is so close to the neighbors lot line, it is a fire hazard. Our proposed addition address this concern.

The conditions and circumstances on which the variance request is based shall not be a self-imposed practical difficulty. Currently, the detached carport is 1' away from the lot line and 2' away from another lot line. Since the carport is non-conforming, we are trying to blend the architecture with the existing house and need only a variance for the rear setback dimension.

A variance approved shall be the minimum variance that will make possible a reasonable use of the land or structure. Yes. We are taking approx. the same square footage that the existing carport is and applying towards our addition.

Section 2

City of Ann Arbor Planning Services – Zoning Board of Appeals Application

REQUEST TO ALTER A NONCONFORMING STRUCTURE

For the purposes of Article VI: Nonconformities Section 5.32.2 Nonconforming Structure, **alteration** is defined as any change in a Building that results in additional Floor Area being fit for occupancy, a greater number of dwelling or rooming units or an increase in the exterior dimensions of the Building.

A nonconforming structure may be maintained or restored, but permission to alter a nonconforming structure will only be 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.

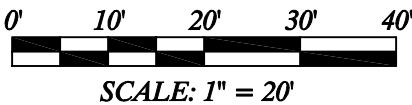
In the space below, describe the current use of the property, the proposed alteration, and the impact it would have on neighboring property.

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

Please complete the table below as it relates to your request

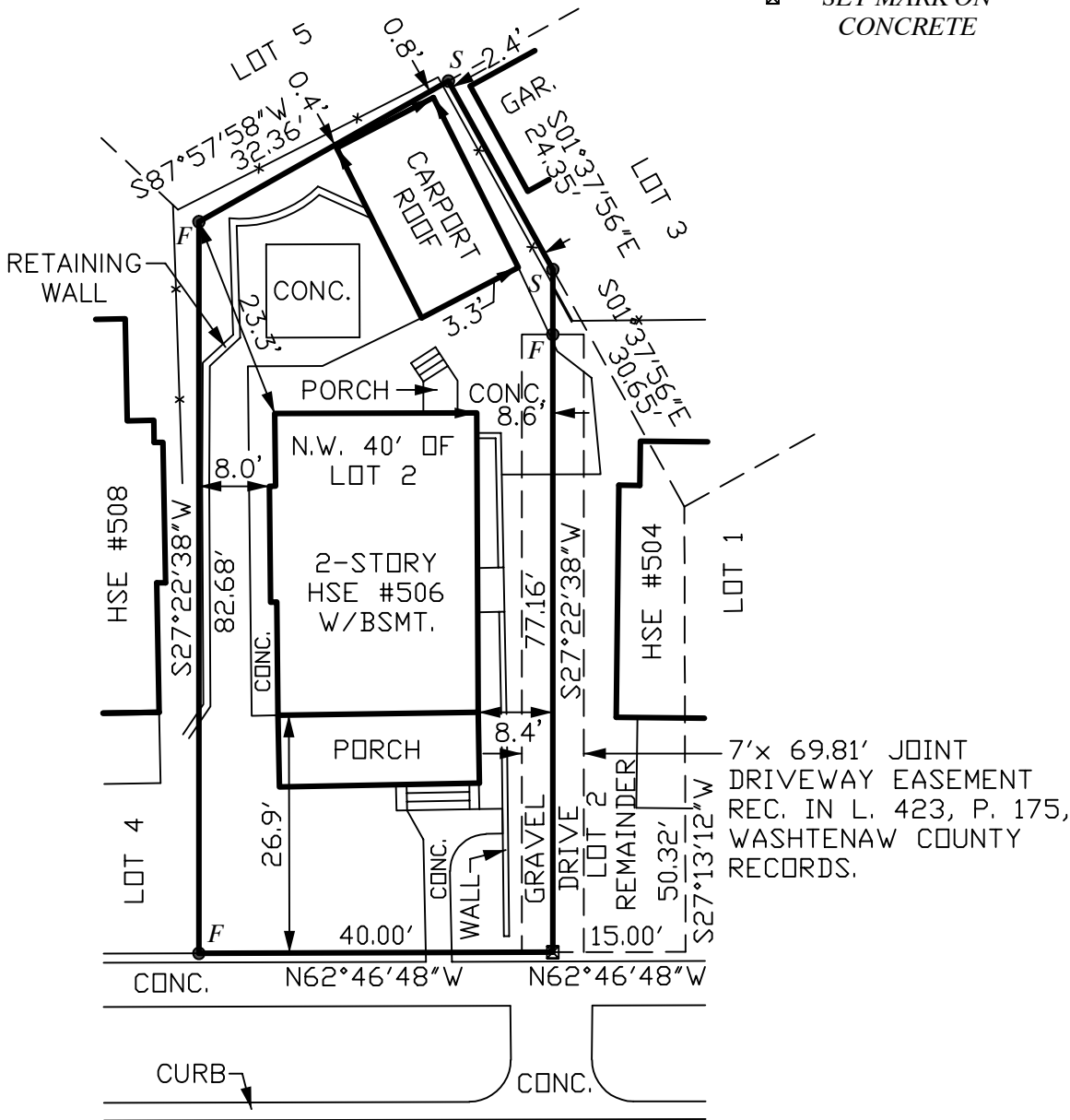
Requirement	Existing Condition	Code Requirement
Lot Area	3796 sf	4250 sf
Lot Width	40'	
Floor Area Ratio	n/A	
Setbacks	Rear 12.9'	20'
Parking	Shared	
Landscaping	n/A	
Other		

CERTIFICATE OF SURVEY



LEGEND

- IRON
- F FOUND IRON
- S SET IRON
- *—*— FENCE
- ☒ SET MARK ON CONCRETE



MILLER AVENUE
66.00 FT. WD.

NOTE: BEARINGS ARE BASED
ON GPS COORDINATES.

LEGAL DESCRIPTION:
LAND IN THE CITY OF ANN ARBOR, COUNTY OF WASHTENAW, STATE OF MICHIGAN, DESCRIBED AS FOLLOWS: THE WEST 40 FEET OF LOT 2, PLAT OF DOUGLAS MCCOMBER & RYAN'S SUBDIVISION IN BLOCK 4 FELCH'S ADDITION TO THE CITY OF ANN ARBOR, ACCORDING TO THE PLAT THEREOF RECORDED IN LIBER 2 OF PLATS, PAGE 1 OF WASHTENAW COUNTY RECORDS. SUBJECT TO AND TOGETHER WITH A JOINT DRIVEWAY OVER THE EAST 3 1/2 FEET IN WIDTH OF 69.81 FEET IN DEPTH THEREOF, IN COMMON WITH THE OWNERS OF AND OVER THE WEST 3 1/2 FEET IN WIDTH BY 69.81 FEET IN DEPTH OF THE PREMISES ADJOINING IMMEDIATELY TO THE EAST OF SAID PREMISES, AS SET FORTH IN CERTAIN AGREEMENT RECORDED IN LIBER 423, PAGE 175, WASHTENAW COUNTY RECORDS.

I HEREBY CERTIFY THAT I HAVE SURVEYED AND MAPPED THE LAND ABOVE ON SEPTEMBER 16, 2021 AND THAT THE RATIO OF CLOSURE ON THE UNADJUSTED FIELD OBSERVATIONS OF SUCH SURVEY WAS 1/17000, AND THAT ALL OF THE REQUIREMENTS OF P.A. 132, 1970, AS AMENDED HAVE BEEN COMPLIED WITH.

AMERICAN LANDMARK SURVEY P.L.C.

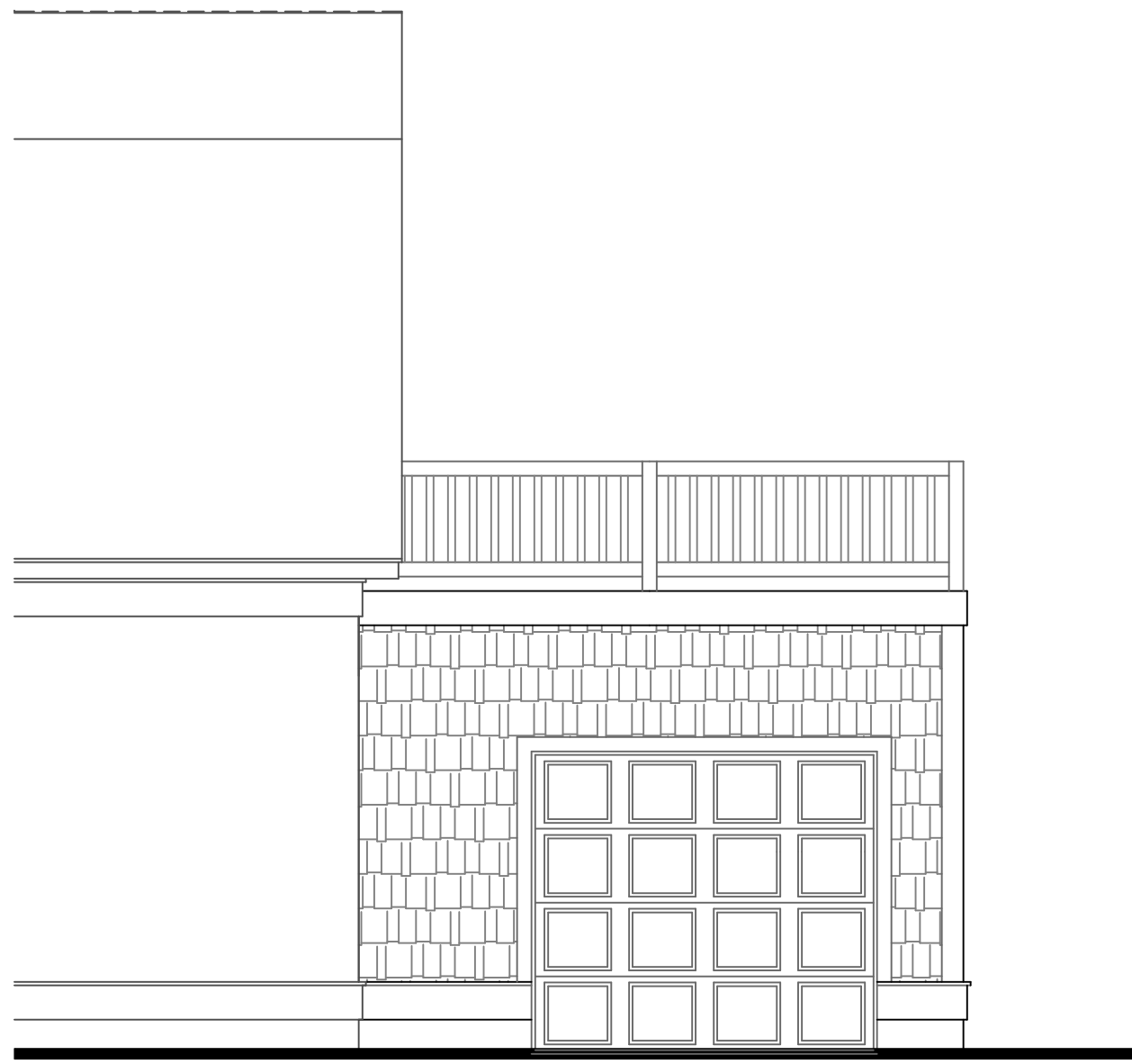
SURVEY OF PART OF LOT 2
DOUGLAS MCCOMBER & RYAN'S
SUBDIVISION, BLOCK 4, CITY
OF ANN ARBOR, WASHTENAW
COUNTY, MICHIGAN.

CLIENT: DAVID STANTON

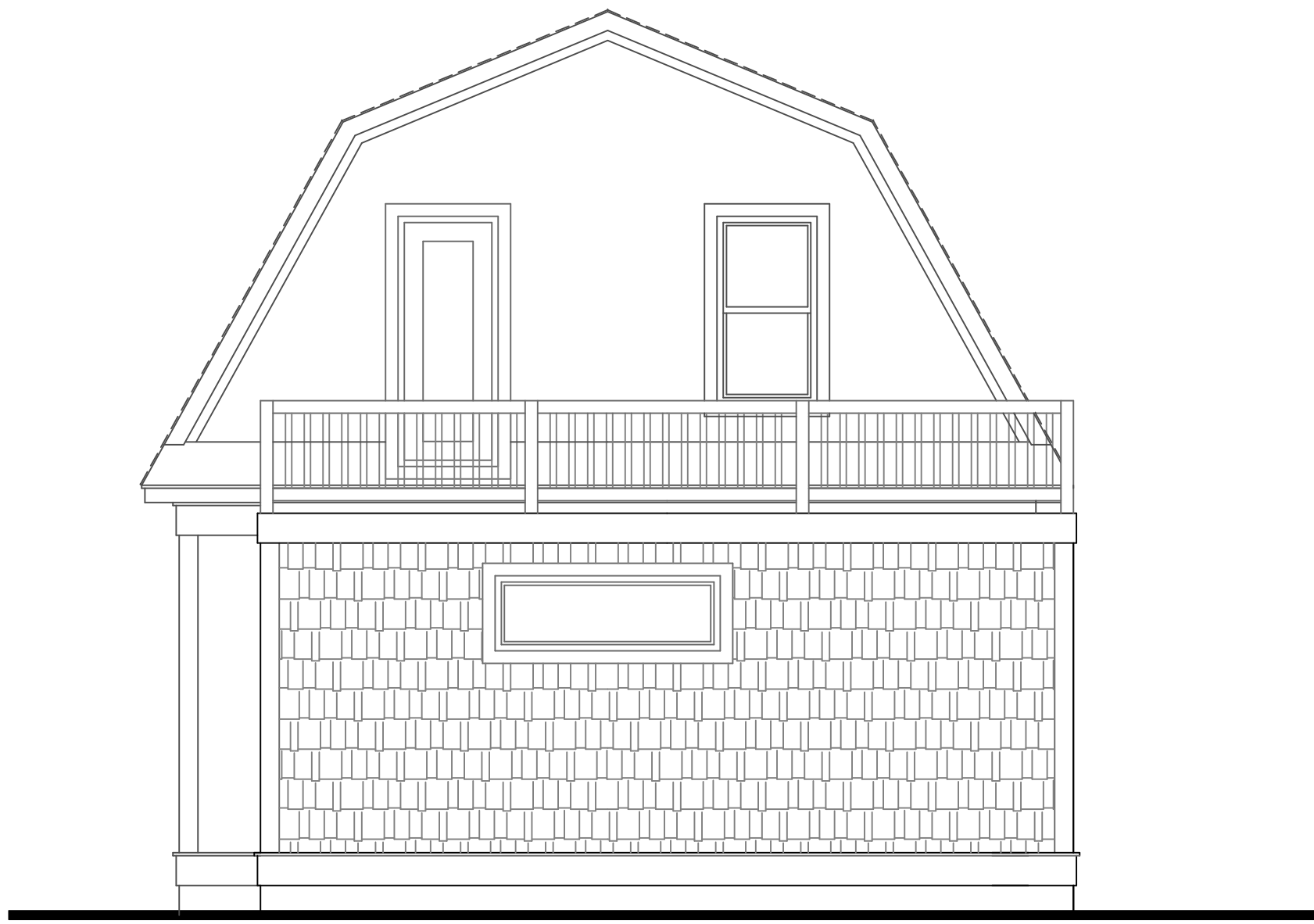
DATE: 10/05/2021
DRAWN BY: GFD
SCALE: 1" = 20'
SHEET 1 OF 1
JOB# 21156

Gerald F. Deslover
GERALD F. DESLOOVER
PROFESSIONAL SURVEYOR
NO. 45166
P.O. BOX 130043
ANN ARBOR, MI 48113
734-677-7000

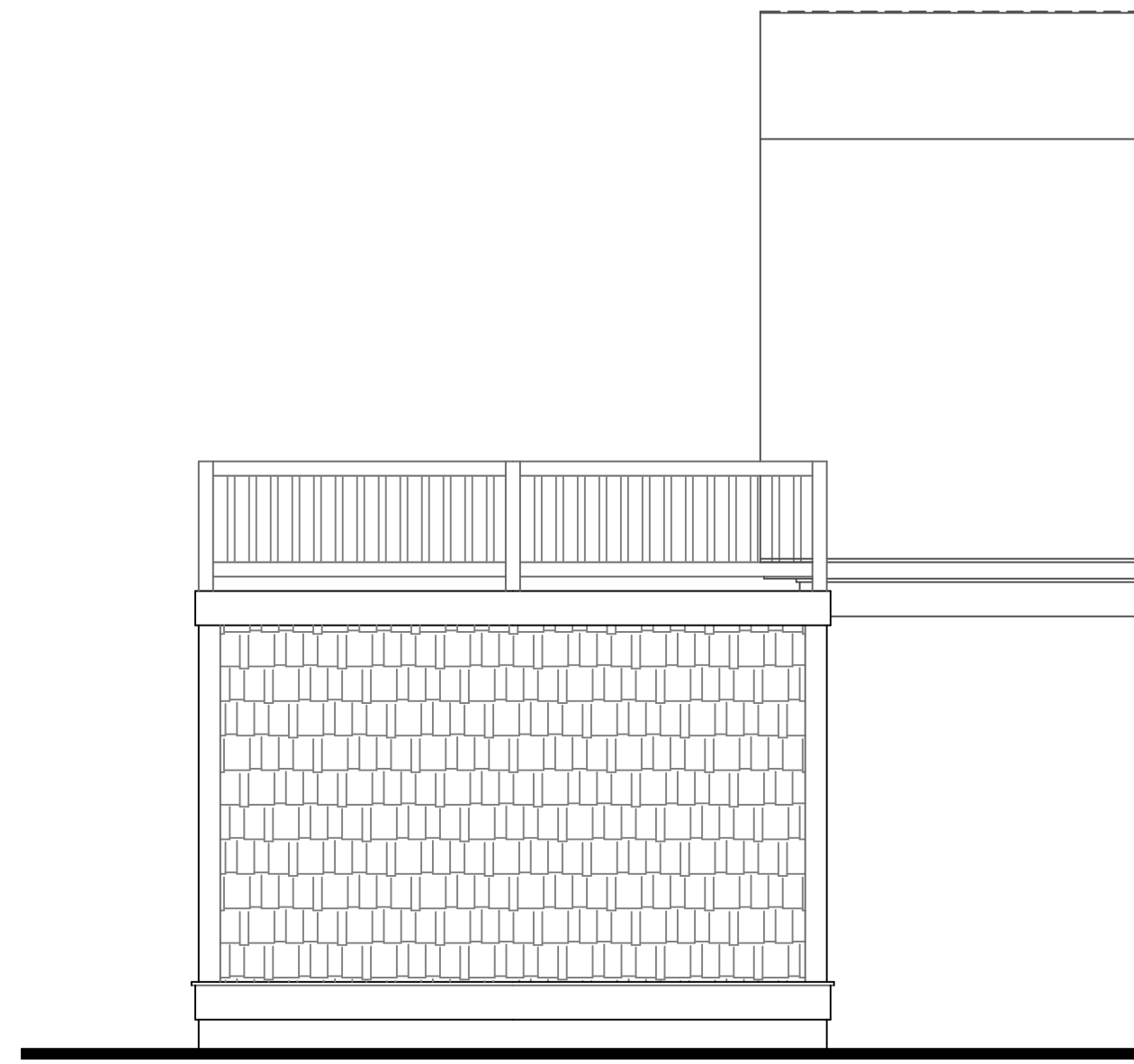




 **EAST ELEVATION**
SCALE: 1/4"=1'-0"



 **NORTH ELEVATION**
SCALE: 1/4"=1'-0"



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

REVISIONS		
NO.	DATE	ADDENDUM/BULLETIN

A PROPOSED INTERIOR RENOVATION/ADDITION FOR:
STANTON RESIDENCE
506 MILLER AVENUE
ANN ARBOR, MICHIGAN 48103

ZACK M OSTROFF & ASSOCIATES
RESIDENTIAL/COMMERCIAL DESIGNER/PLANNER
web: www.zoarchitecture.com
email: zack@zoarchitecture.com
PH: 248.425.4190

MEMBER
AIA
BD

THIS DRAWING AS AN INSTRUMENT
OF SERVICE IS AND SHALL REMAIN
THE PROPERTY OF THE DESIGNER
AND SHALL NOT BE USED IN ANY
WAY WITHOUT THE PERMISSION OF
THE DESIGNER.

THE CONTRACTOR SHALL VERIFY ALL
DIMENSIONS AND EXISTING CONDITIONS
AT THE SITE BEFORE PROCEEDING
WITH EACH PHASE OF HIS WORK.

SHEET TITLE
EXTERIOR ELEVATIONS
SHEET SCALE
AS NOTED
PROJECT NO.
21-097
DATE
08.04.21
SHEET NUMBER
A-2