

**Zoning Board of Appeals
May 27, 2015 Regular Meeting**

STAFF REPORT

Subject: ZBA15-008; 705 Indianola Drive

Summary:

Marianne Rzepka is requesting one variance from Chapter 55 (Zoning) Section 5:57 (Averaging an Existing Front Setback Line), of 1 foot 1 inch to allow a 21 foot 7 inch front setback; 22 feet 8 inches is required (Averaged Front Setback).

Description and Discussion:

The subject parcel contains a 1,084-square foot, single-family dwelling constructed in 1948. The parcel is zoned R1C (Single-Family) and is non-conforming for lot area; the required minimum lot area for R1C is 7,200 square feet and the parcel is 5,749 square feet. The existing setback measures 21 feet 7 inches to the existing uncovered porch. The house was constructed in a line with adjacent houses to the east and slight behind the front of the house immediately to the west. The required setback for R1C is 25 feet; however using the required averaging section to include adjacent houses within 100 feet the required setback is reduced to 22 feet 8 inches.

The petitioner is proposing to re-construct and cover an existing 3 foot 11 inch by 8 foot 7 inch front porch. After construction, the porch of the house would encroach 1 foot 1 inch into the averaged front setback of 22 feet 8 inches. The proposed porch is the same size as the existing porch, but will be covered which is not permitted without a variance. The total area (approximately 35 square feet) and size of the encroachment is the same as the existing 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 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 corner lot in the R1C Zoning District (required is a minimum lot size of 7,200 square feet; parcel is 5,749 square feet). The existing house

was built in the 1940's before current zoning setbacks, when the current front setback was enacted the house was made non-conforming. The house, including the uncovered porch, was built 21 feet 7 inches from the front property line. The R1C required setback is 25 feet; however the averaging of adjacent parcels adjusts the setback to 22 feet 8 inches. Adjacent neighborhood houses used in the averaging requirement were also constructed before current zoning standards.

- (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 in order to re-construct and cover an existing front porch. If the variance is not granted, the petitioner could construct a covered stoop (Maximum size: 20 sq feet) without requiring a variance. The porch is being reconstructed to the same size as the existing porch preserving the footings and building lines on the house.

- (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 variance is approved, the structure will be consistent with a number of houses in the neighborhood. Although the porch is being covered, the size will remain the same. A covered front porch would be an aesthetic improvement to the property and will enable residents to use the porch offering same protection from the elements. The addition will not be extended any closer to any property line or adjacent neighbors.

- (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 1940's before current zoning standards were established. Changes in the zoning code after construction of the house made the house non-conforming and the porch will be replaced with the same size as existing.

- (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. The porch will be rebuilt the exact same size as currently exists, but will now be covered. Given

Zoning Board of Appeals
Variance
May 27, 2015 - Page 3

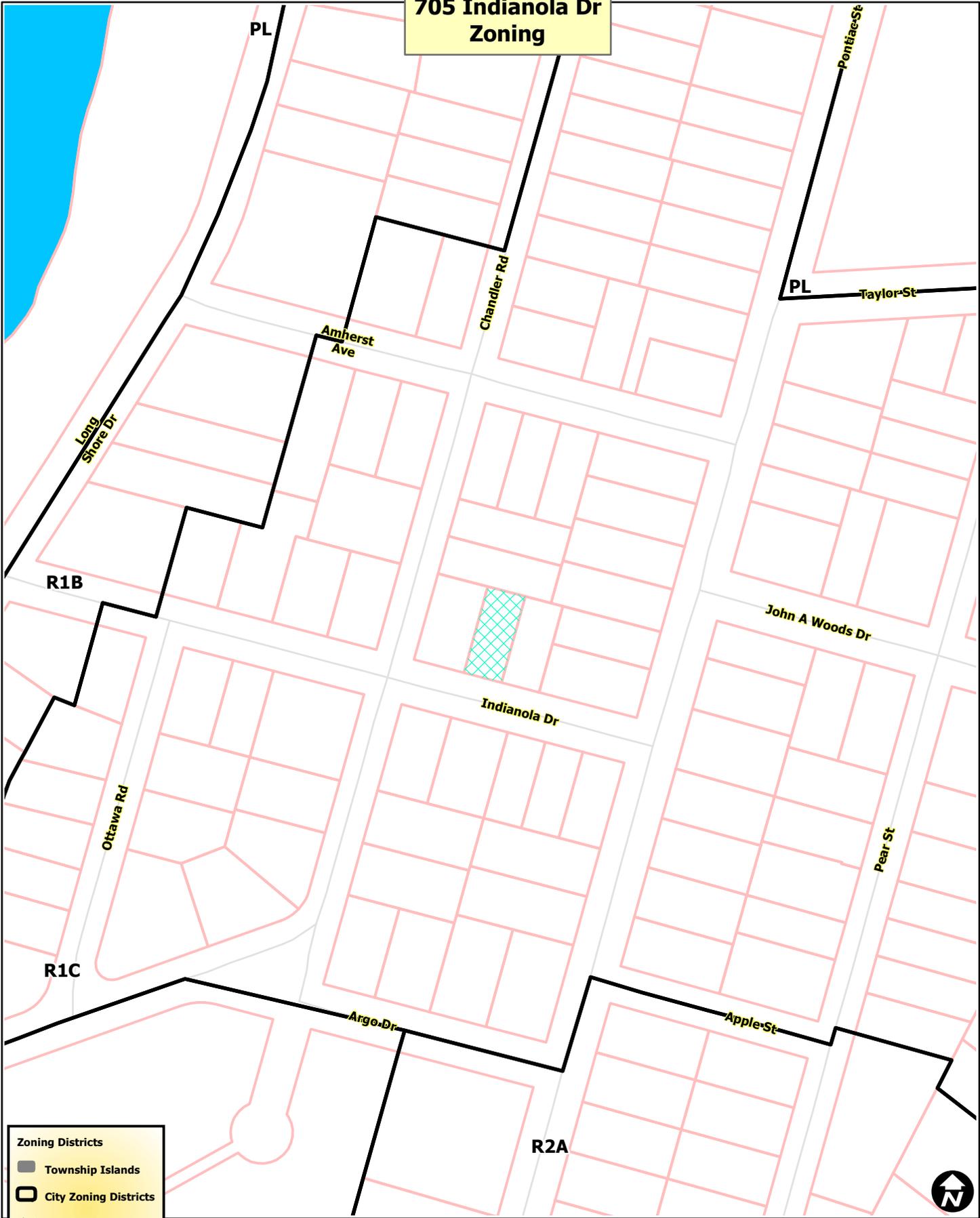
that the proposed porch is not being enlarged and only a covering will be added, the variance request and overall encroachment of the porch is minimal.

Respectfully submitted,

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

Matthew J. Kowalski, AICP
City Planner

705 Indianola Dr Zoning



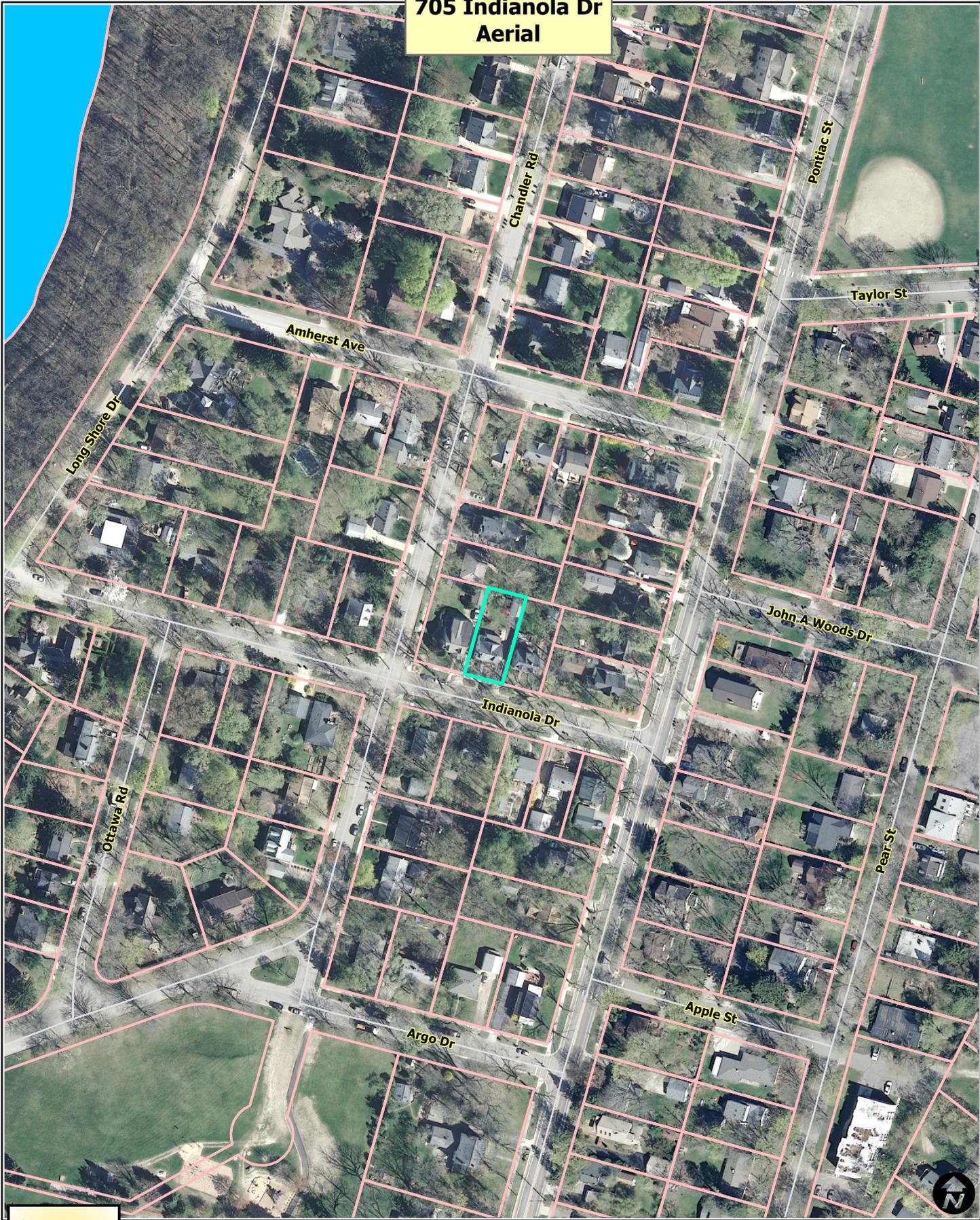
Zoning Districts

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



Map date: 5/1/2015
Any aerial imagery is circa 2012 unless otherwise noted
Terms of use: www.a2gov.org/terms

705 Indianola Dr Aerial

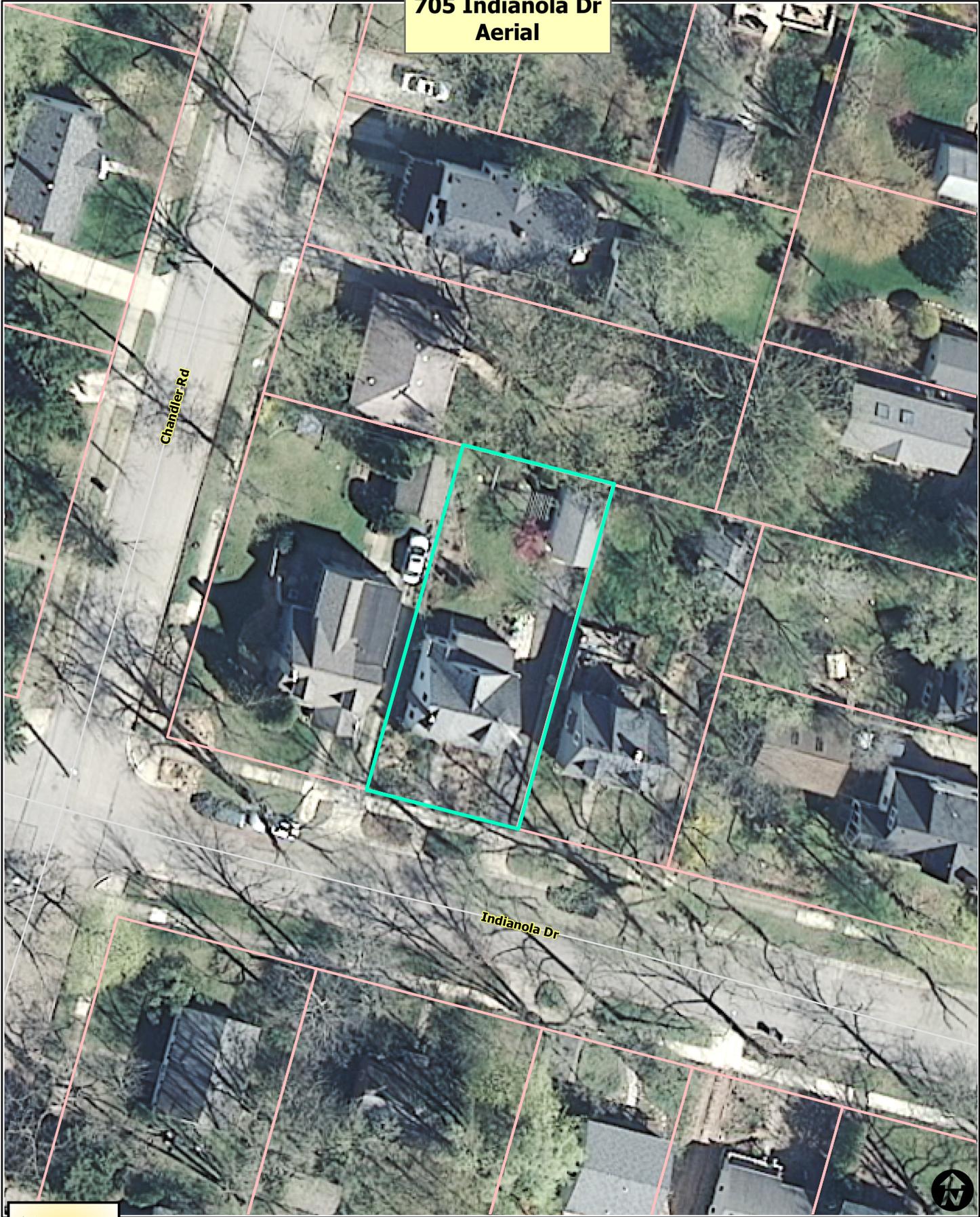


- Railroads
- Parcels
- Huron River



Map date: 5/1/2015
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705 Indianola Dr Aerial



-  Railroads
-  Parcels
-  Huron River



Map date 5/1/2015
Any aerial imagery is circa 2012
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APPLICATION FOR VARIANCE OR NON-CONFORMING STRUCTURE ZONING BOARD OF APPEALS

Section 1: Applicant Information

Name of Applicant: MARIANNE RZEPKA
 Address of Applicant: 705 Indianola Ann Arbor MI 48105
 Daytime Phone: 734 662-2955
 Fax: _____
 Email: rzepka.marianne@gmail.com
 Applicant's Relationship to Property: owner/resident

Section 2: Property Information

Address of Property: 705 Indianola Ann Arbor MI 48105
 Zoning Classification: R1C
 Tax ID# (if known): 09-09-21-219-002
 *Name of Property Owner: MARIANNE RZEPKA

**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 Sec. 28

Required dimension: PROPOSED dimension:

25' front setback 21.6' 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)

1) Build a 3'11" x 8'7" covered porch, the same size as the existing porch. 2) The existing average setback will not allow for sufficient usable space.

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?

Imposing current zoning requirements will result in an unusable space because of pre-existing nonconforming setback.

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

1) Snow and ice on the roof over the front door can be a safety hazard.
2) The front door leads directly from the porch into the living room, opening the interior of the house to rain and snow.

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

1) The porch will have a positive effect by creating a welcoming entrance to the house and an area to interact with neighbors and passers-by.
2) The proposed porch would encroach on the front setback less than other porches in the neighborhood.

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 was built in 1949, and current zoning ordinances have made the existing setback nonconforming.

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

See above.

Section 5: ALTERATION TO A NON-CONFORMING STRUCTURE

Current use of the property front porch

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 5,750 sq. ft.

Lot width 50 ft.

Floor area ratio _____

Open space ratio _____

Setbacks 24.7 ft. (existing avg. setback is 22' 8.5") 25 ft.

Parking _____

Landscaping _____

Other _____

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

Proposal is to build a 3'11" x 8'7" covered porch, the same dimension
as the existing porch. The change will 1) better protect the
south-southwestern-facing front door from blowing rain and snow,
as well as 2) divert snow and ice away from the entrance
to the house.

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 proposed structure will not encroach farther into the
front setback than the existing porch and is compatible
with other porches in the neighborhood.

Wherefore, Petitioner requests that permission be granted from the above named Chapter and Section of the Ann Arbor City Code in order to permit _____

construction of a covered porch to match
the area (3'11" x 8'7") of the existing
uncovered porch.

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.

734 662-2955
Phone Number

Marianne Rzepka
Signature

rzepka.marianne@gmail.com
Email Address

MARIANNE RZEPKA
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.

Marianne Rzepka
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.

Marianne Rzepka
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.**

Marianne Rzepka
Signature

On this 28th day of April, 2015, 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.

Tamar Jones
Notary Public, State of Michigan
County of Washtenaw
My Commission Expires 7/26/21
Acting in the County of Washtenaw

Tamar Jones
Notary Public Signature
TAMAR JONES
Print Name

Notary Commission Expiration Date _____

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: _____





705

705

MORTGAGE SURVEY

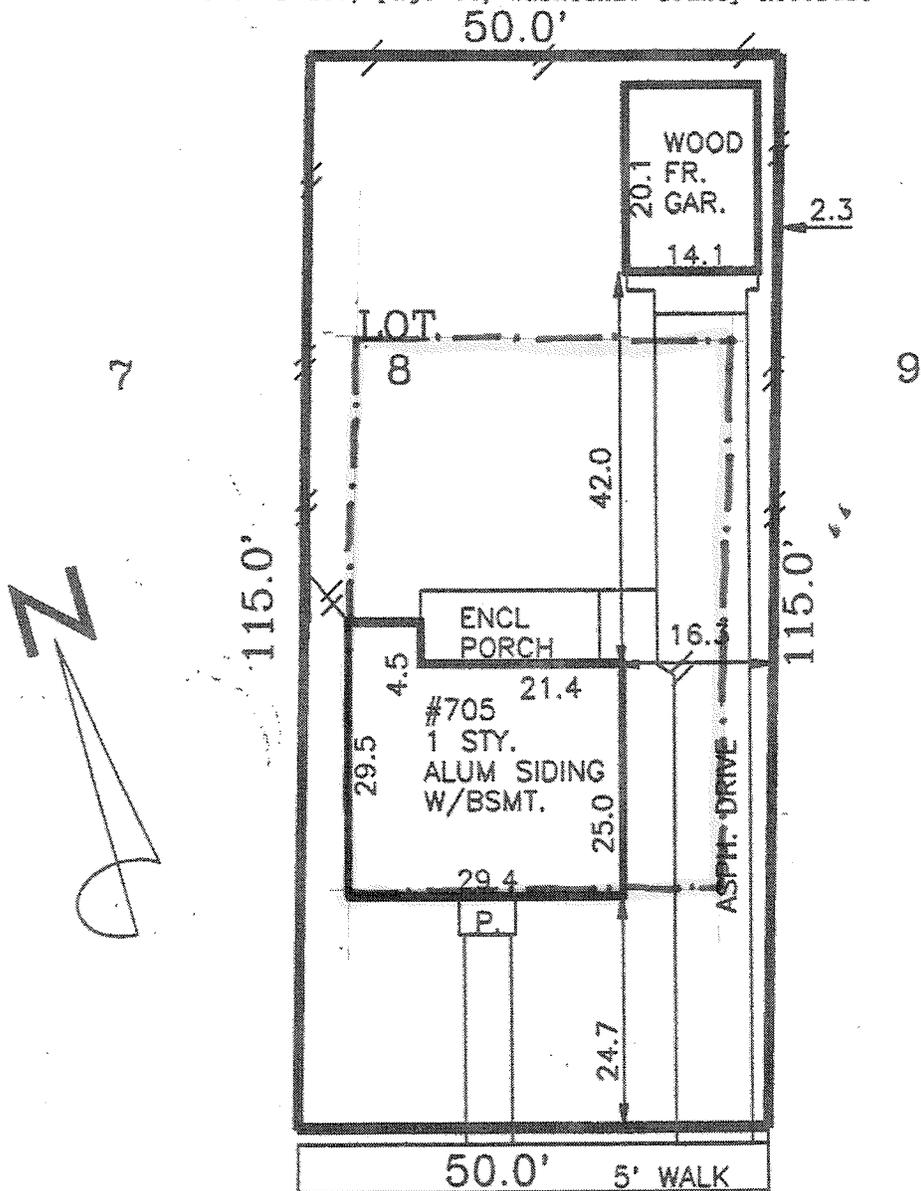
APPLICANT: MARIANNE RZEPKA

PROPERTY DESCRIPTION:
Lot 8, Assessor

Certified to: INTERFIRST FEDERAL SAVINGS BANK

Applicant: MARIANNE RZEPKA

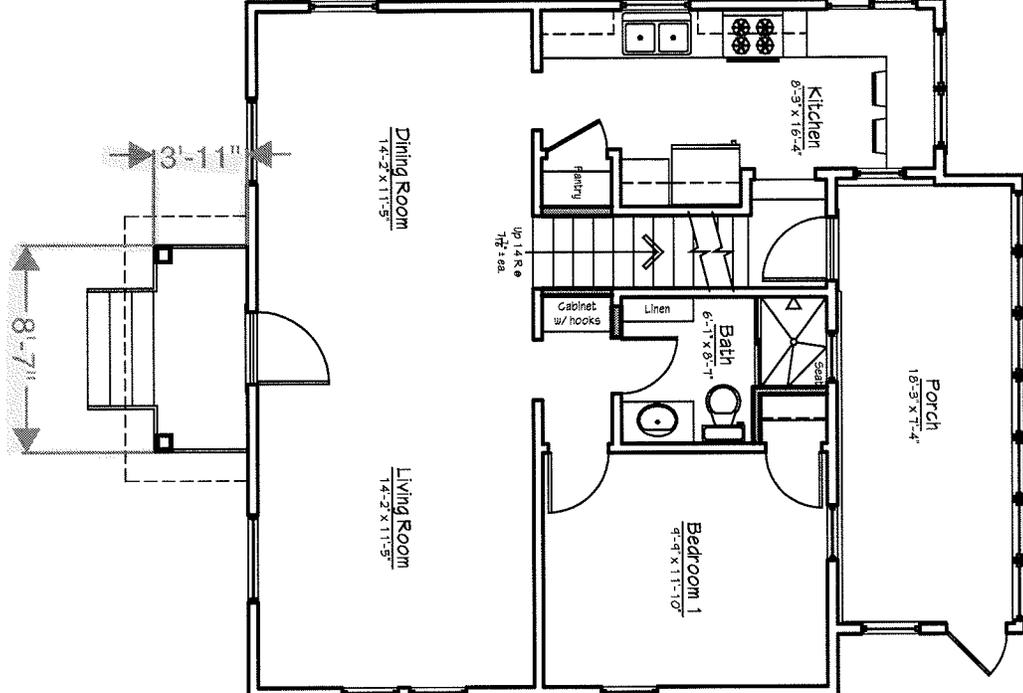
Property Description:
Lot 8, Assessor's Plat No. 31, being a Replat of Argo Lake Hills,
a subdivision of part of the Northwest 1/4 of Section 21, T2S,
R6E, City of Ann Arbor, Washtenaw County, Michigan. Recorded
in Liber 9 of Plats, page 44, Washtenaw County Records.



INDIANOLA DR. 60' WD.

30' ASPH. PVMT.

Note: Mechanical Contractor
 To add at least one supply
 register to existing kitchen



First Floor Plan
 Reduced by 0.5

PRELIMINARY
 Not for construction

Project:
 Rzepka
 Residence

705 Indianola Ave.
 Ann Arbor, MI 48105

First Floor Plan



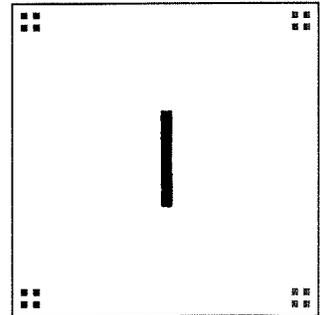
S Front Elevation ■

$\frac{1}{8}'' = 1'-0''$

PRELIMINARY
Not for construction

STUDIO Z
ARCHITECTURE
POST OFFICE BOX 87889
CANTON, MICHIGAN 48187
TELEPHONE: (734) 394-9400
FACSIMILE: (734) 394-9401

Project:
Rzepka Residence
705 Indianola Blvd, Ann Arbor 48105
Project number: 1426
Drawn by: DMZ
ZBA Application 4/28/15





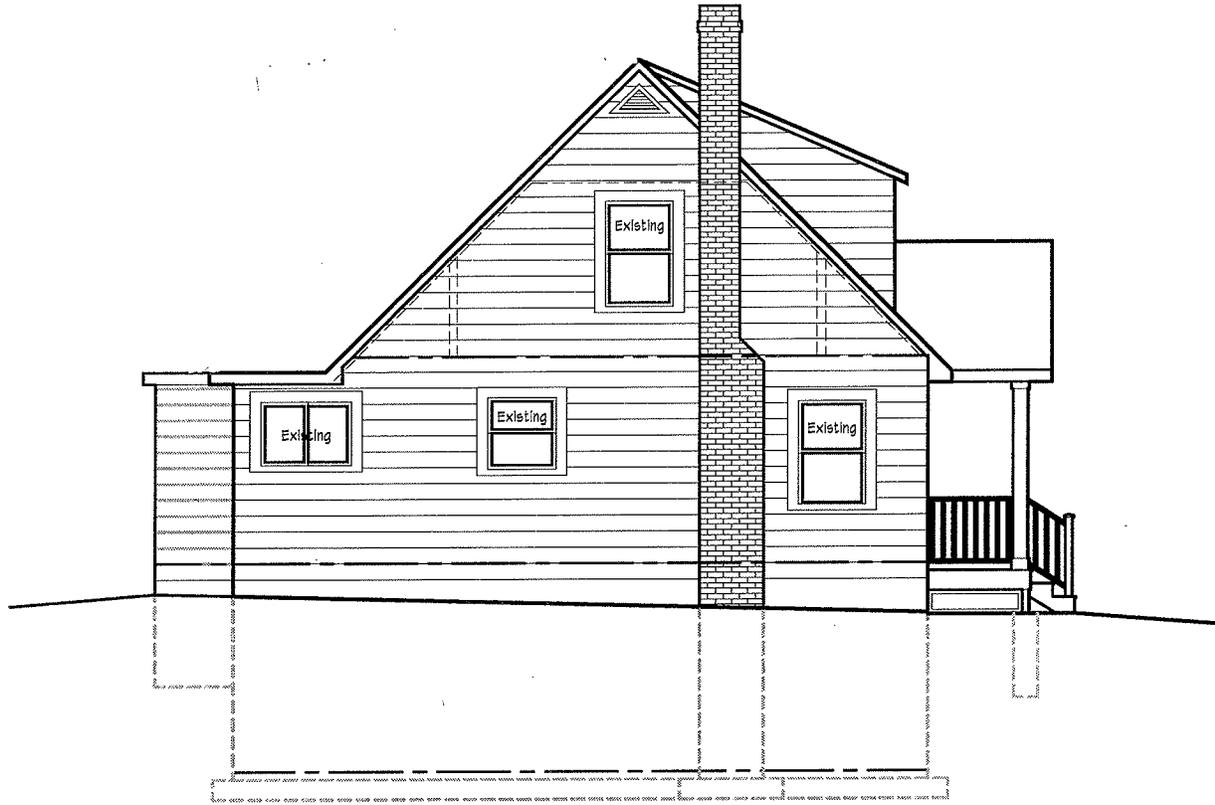
E Side Elevation
 $\frac{1}{8}'' = 1'-0''$

PRELIMINARY
 Not for construction

STUDIO Z
ARCHITECTURE
 POST OFFICE BOX 87889
 CANTON, MICHIGAN 48187
 TELEPHONE: (734) 394-9400
 FACSIMILE: (734) 394-9401

Project:
Rzepka Residence
 705 Indianola Blvd, Ann Arbor 48105
 Project number: 1426
 Drawn by: DMZ
 ZBA Application 4/28/15

2



W
Side Elevation
 $\frac{1}{8}'' = 1'-0''$

PRELIMINARY
 Not for construction

STUDIO Z
ARCHITECTURE
 POST OFFICE BOX 87889
 CANTON, MICHIGAN 48187
 TELEPHONE: (734) 394-9400
 FACSIMILE: (734) 394-9401

Project:
Rzepka Residence
 705 Indianola Blvd, Ann Arbor 48105

Project number: 1426
 Drawn by: DMZ
 ZBA Application 4/28/15

3

RE: ZBA05-008

Dear Mia Gale,

I am writing to provide my support for Marianne Rzepka's planned changes to her front porch. I think it will contribute to the appearance of her home and the neighborhood as well as increase the strength of the neighborhood community.

Best,
Dana Jackman
714 Indianola Ave
734.904.5498

May 20, 2015

To: Ann Arbor Zoning Board of Appeals
301 E Huron Ann Arbor, Mi 48104

Re: 705 Indianola
Appeal# ZBA 15-008
Parcel I.D. 09-09-21-219-002

From: John Rinne
710 Indianola
Ann Arbor, Mi 48105
(734)883-7777

Hello,

I am a neighbor of Ms. Rzepka and have owned my home for eight years. My property indirectly faces the above property described in this matter, and I have a vested self-interest in the standards and property values of this neighborhood.

(On a personal note: Ms. Rzepka has demonstrated herself to be a knowledgeable and thoughtful member of the community. In addition to maintaining a beautiful garden landscape she has provided assistance and care to another elderly neighbor for many years.)

In my opinion, the addition of a larger and covered porch at the 705 Indianola address would be a welcome improvement over what exists at this time.

The original building-style of the 1950's from which many of the houses in this neighborhood were built is by now obviously outdated. Well-implemented additions bring new charm and character to a neighborhood and I believe a more unique look to Ms. Rzepka's property would further this. Providing there are no outstanding objections from any other neighbors, such an improvement would serve to be beneficial to both this neighborhood and to the city.

Thank you, John Rinne