

**Zoning Board of Appeals
September 28, 2016 Regular Meeting**

STAFF REPORT

Subject: ZBA16-021; 2003 Penncraft Court

Summary:

Tim Rayburn, on behalf of the owner Matthew Steward, is seeking two variances from Chapter 55 Section 5:28 of the Zoning Ordinance. A 1-foot 4-inch variance from the required 5-foot side setback and a 1-foot 7-inch variance from the required front setback are requested to allow an existing detached garage to be connected by an addition to the existing home. The proposed side setback will be 3 feet 8 inches and the front setback will be 23 feet 5 inches.

Description:

The subject parcel is zoned R1C (Single-family) and the lot is 30,012 square feet in area, the home was built in 1941 and is 1,382 square feet in size. The subject property is located on a small cul-de-sac street just south of Arborview Boulevard.

Discussion:

The petitioner would like to construct an addition from the home to the existing garage which is located more forward to the street than the home. Connecting the two structures means the garage will become part of the principal structure and will be required to meet the same setbacks as the home.

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.***

Applicant states that without the requested variances, the property owner will be required to construct a new garage and move it from its current location to meet the setback requirements. The existing garage has been in place for 25 years.

- (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.***

Applicant states that without the variance a new garage would have to be constructed which would be cost prohibitive.

- (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 applicant states that the variance will have no negative effect on neighboring properties. The new addition connecting the two structures will meet the required setbacks but the garage will not.

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

The rear yard has a steep sloped topography and the only building envelope for a garage is the front and side area where the applicant desires to leave the existing garage.

- (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 minimal in size and due to the topography of the lot the buildable area is limited. Allowing the garage to remain in its existing location is a reasonable use of the land.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Jon Barrett". The signature is stylized with a large "J" and "B".

Jon Barrett
Zoning Coordinator

2003 Penncraft Ct





Zoning Districts	
	Township Islands
	City Zoning Districts
	Railroads
	Parcels
	Huron River



2003 Penncraft Ct



 Railroads

 Parcels

 Huron River





Map date 8/31/2016
Any aerial imagery is circa 2015
unless otherwise noted
Terms of use: www.a2gov.org/terms

2003 Penncraft Ct



Penncraft Ct

Doty Ave

-  Railroads
-  Parcels
-  Huron River



Map date 8/31/2016
Any aerial imagery is circa 2015
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Terms of use: www.a2gov.org/terms

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

Section 1: Applicant Information

Name of Applicant: TIM RAYBURN
 Address of Applicant: 18501 GRASS LAKE rd., MANCHESTER, 48158
 Daytime Phone: 734-417-0092
 Fax: _____
 Email: Tbrayburn@gmail.com
 Applicant's Relationship to Property: BUILDER FOR CLIENT

Section 2: Property Information

Address of Property: 2003 PENNCRAFT ct.
 Zoning Classification: R1C
 Tax ID# (if known): 09-09-30-226-026
 *Name of Property Owner: MATTHEW STEWARD

**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. 5:28

CHAPTER 55, Sec. 5:28

Required dimension:

5'.0" SIDE

25'.0" FRONT

PROPOSED dimension:

3'.8"

23'.5"

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)

EXISTING GARAGE HAS A SIDE Yd. Set back of 3'.8", ~~W/2~~ W/2 ARE
ATTACHING the GARAGE to the HOME VIA AN Addition, REQ'd Set back
IS 5'.0"; CURRENT FRt. Set back is 23'.5", CODE REQ'S 25'.0"

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?

TO CONFORM TO ZONING CODE WOULD REQUIRE MOVING / BUILDING A NEW GARAGE. THE EXISTING GARAGE HAS BEEN LOCATED HERE FOR ± 25 years.

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

COST OF BUILDING A NEW GARAGE IS COST PROHIBITIVE FOR THE PROJECT, WHEN GARAGE WAS BUILT IT CONFORMED, ZONING HAS CHANGED AND DUE TO THE NEED TO ATTACH THE GARAGE TO HOME, A VARIANCE IS NEEDED.

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

NONE, THE EXISTING GARAGE HAS EXISTED HERE FOR ± 25 yrs. THE NEW ADDITION CONFORMS TO EXISTING ZONING LAWS. NEIGHBORS ARE SUPPORTIVE OF THIS PROJECT.

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?

WE ARE CONFINED BY A STEEP SLOPE AT REAR OF YARD. THE GARAGE IS EXISTING AND WE HAVE DESIGNED AN ADDITION THAT FITS THE LOT AND CONFORMS TO ZONING REQ'S.

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

WE HAVE LIMITED LOT SPACE TO ADD AN ADDITION DUE TO THE TOPOGRAPHY OF LOT. OWNER'S WANT TO ATTACH TO EXISTING GARAGE FOR SAFETY. ~~SECURITY~~

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)

Existing Condition**Code Requirement**

Lot area _____

Lot width _____

Floor area ratio _____

Open space ratio _____

Setbacks 3'.8" Side Set back, 23'.5" Front 5'.0" Side, 25' Front.

Parking _____

Landscaping _____

Other _____

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

We Are ATTACHING the Existing GARAGE to the Via AN
Addition, We Would Like the Existing GARAGE to
Remain AS Built with A 3'.8" Side Set back and A
23'.5" Front Set back.

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 GARAGE has been LOCATED on the Lot For \pm 25 yrs.
Neighbor's are Supportive of the Appeal.

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 Existing GARAGE located At 2003 Penn Craft Ct.
to Remain AS LOCATED.

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.

734-417-0092
 Phone Number
Tbrayburn@gmail.com
 Email Address

[Signature]
 Signature
Tim Rayburn
 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]
 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]
 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]
 Signature

On this 25 day of August, 2016, 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.

[Signature]
 Notary Public Signature

October 17 2021
 Notary Commission Expiration Date
Karelia Viitala
 Print Name

Staff Use Only

Date Submitted: 8/25-16

Fee Paid: 500.00

File No.: ZBA 16-021

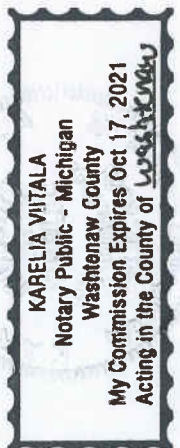
Date of Public Hearing: 9/28-16

Pre-filing Staff Reviewer & Date

ZBA Action:

Pre-Filing Review:

Staff Reviewer & Date:



8/18/2016

TO: Ann Arbor ZBA

RE: 2003 Penncraft Ct.

I give my permission for Tim Rayburn of Encore Custom Contracting, Inc. to represent myself before the Ann Arbor Zoning Board of Appeals.

Sincerely,



Matthew Steward, homeowner

2003 Penncraft ct.

Ann Arbor, Mi. 48103



STEWARD - EXTERIOR RENDERINGS
2003 PENNCRAFT CT.
PROPOSED ELEVATION -



STEWARD - EXTERIOR RENDERINGS

2003 Pennclift Ct.
Existing Elevation

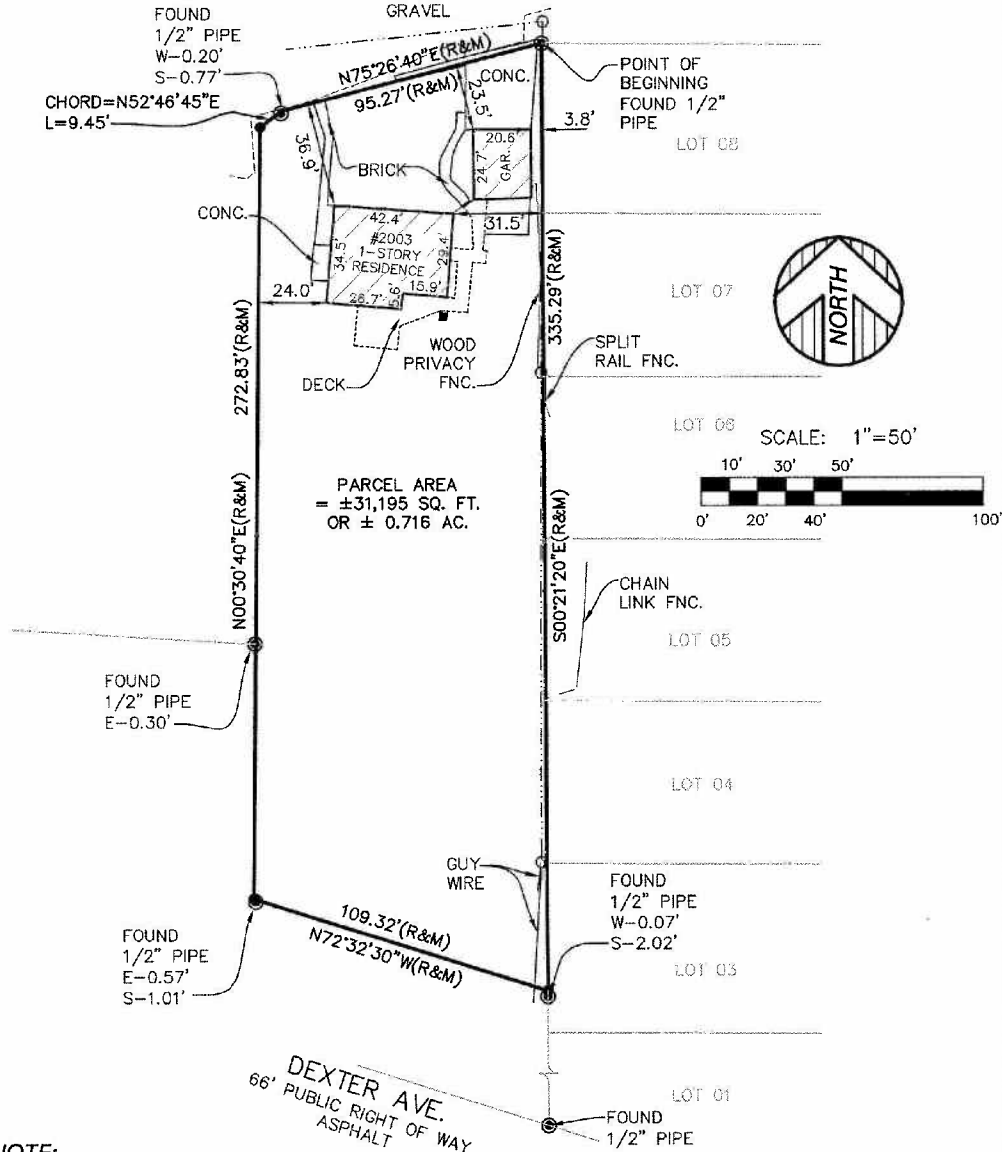
CERTIFIED SURVEY

PROPERTY DESCRIPTION:

LAND SITUATED IN THE CITY OF ANN ARBOR, WASHTENAW COUNTY, MICHIGAN, DESCRIBED AS:
PART OF EAST FRACTIONAL 1/2 OF NORTHEAST FRACTIONAL 1/4 OF SECTION 30, T.2S., R.6E., BEGINNING AT
THE NORTHWEST CORNER OF LOT 8 IN THE WESTWOOD HILLS SUBDIVISION, THENCE SOUTH 00°21'20" EAST
335.29 FEET; THENCE NORTH 72°32'30" WEST 109.32 FEET; THENCE NORTH 00°30'40" EAST 272.83 FEET;
THENCE NORTHEASTERLY IN AN ARC CIRCLE CURVE LEFT 9.45 FEET, CHORD NORTH 52°46'45" EAST; THENCE
NORTH 75°26'40" EAST 95.27 FEET TO THE POINT OF BEGINNING.

PENNCRAFT CT.

50' PUBLIC RIGHT OF WAY
GRAVEL



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.

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, P.S. NO. 32341

LEGEND

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



KEM-TEC & ASSOCIATES

22556 GRATIOT AVE. EASTPOINTE, MI 48021
PROFESSIONAL SURVEYORS - PROFESSIONAL ENGINEERS
(586)772-2222 * FAX (586)772-4048

CERTIFIED TO: MATTHEW STEWARD

FIELD SURVEY: TS MD

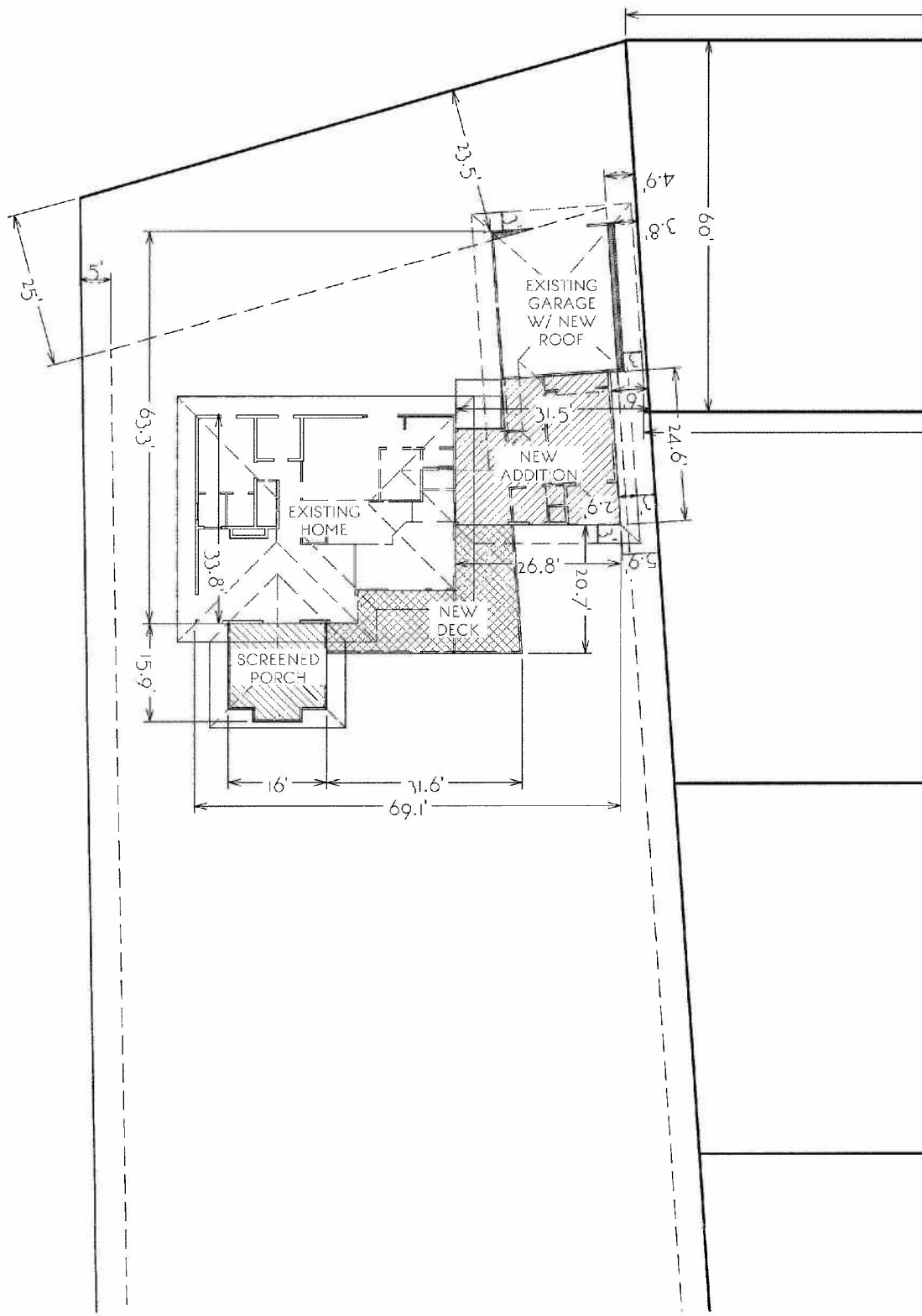
DATE: JULY 13, 2016

DRAWN BY: DLD

SHEET: 1 OF 1

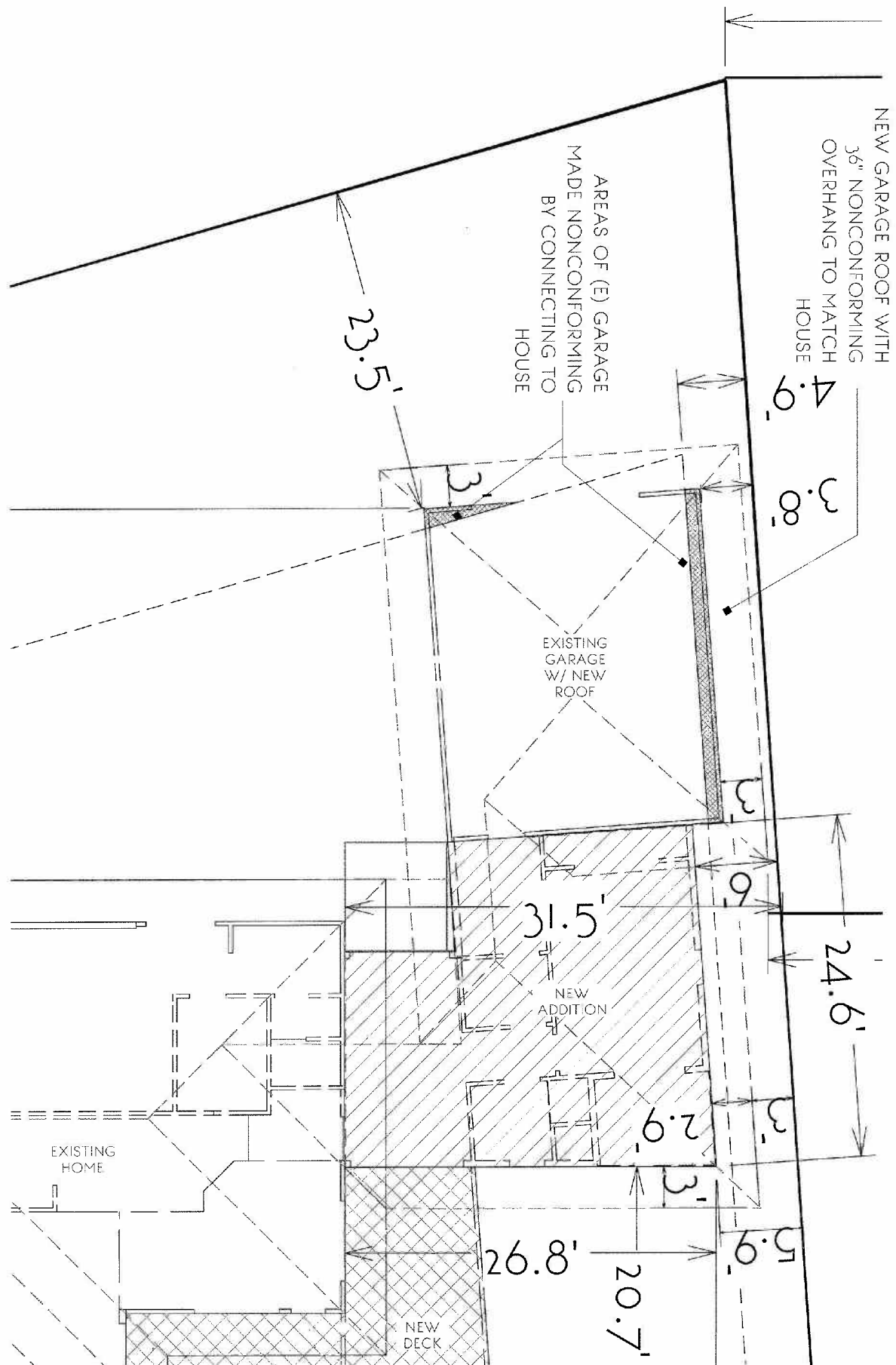
SCALE: 1" = 50'

JOB NO.: 16-02243



PARTIAL SITE PLAN

1" = 20'



SITE PLAN

1/8" = 1'-0"









Mr. Otto Sellinger
307 Doty Ave.
Ann Arbor, MI 48103

8/17/2016

To: Zoning Board of Appeals

Re: 2003 Penncraft ct. Setback appeal


We are the neighbors of the above address whose garage is in question regarding the setback measurement.

The garage directly abuts our property and has so for years. It in no way detracts from our views or enjoyment of our property.

We encourage you to approve the appeal and leave the garage as it's located.

We feel renovations and remodeling planned for the above address will be a positive for the neighborhood.

Sincerely,


O. Z. Sellinger

8/17/2016

To: Zoning Board of Appeals

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Sincerely,

Myriam Sellinger

OTTO Z. SELLINGER

307 Doty Ave

VICTOR A. SELLINGER

AZ 48163