

# APPLICATION FOR VARIANCE OR NON-CONFORMING STRUCTURE

## ZONING BOARD OF APPEALS

### Section 1: Applicant Information

Name of Applicant: Michael Klement, AIA  
Address of Applicant: 2301 Platt Road, Suite 30, Ann Arbor, MI 48104  
Daytime Phone: 734.769.9784  
Fax: 734.769.9784  
Email: mklement@architecturalresource.com  
Applicant's Relationship to Property: Architect of Record

### Section 2: Property Information

Address of Property: 1315 North Main Street, Ann Arbor, MI 48104  
Zoning Classification: As published - R4A, as classified by Zoning Department - R1C  
Tax ID# (if known): 09-09-20-100-009  
\*Name of Property Owner: Greg and Rachel Crouch

*\*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: PROPOSED dimension:

39'-10" (ave. of exist) 35'-9"

\_\_\_\_\_  
\_\_\_\_\_

*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)

Construction of a new, single family residence of plan dimensions 32' x 32'. We are pressed tight to the rear yard setback and will be extending 3'-8" into the front yard setback.

### 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?**

<Please see attched>

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

<Please see attched>

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

<Please see attched>

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**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?**

<Please see attched>

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

<Please see attched>

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## **Section 5: ALTERATION TO A NON-CONFORMING STRUCTURE**

Current use of the property Non-improved empty lot

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:

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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:

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

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**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.** (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

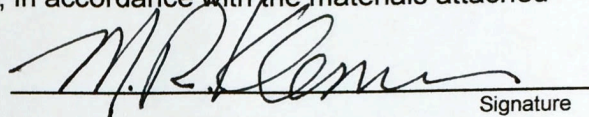
I, the applicant, request a variance from the above named Chapter(s) and Section(s) of the Ann Arbor City Code for the stated reasons, in accordance with the materials attached hereto.

734.769.9784

Phone Number

mklement@architecturalresource.com

Email Address

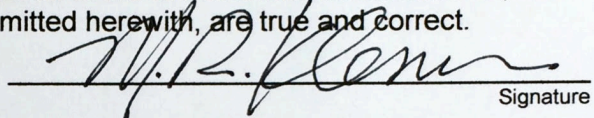


Signature

Michael R. Klement, AIA

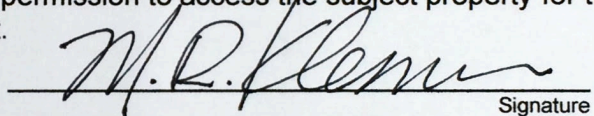
Print Name

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.



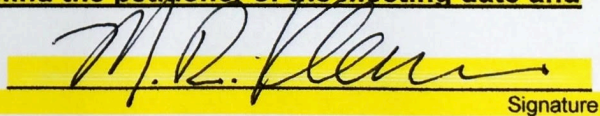
Signature

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.



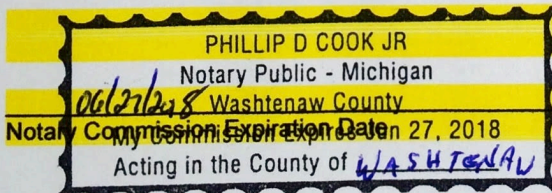
Signature

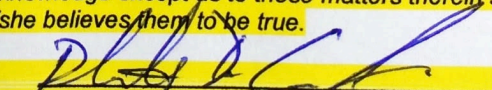
I have received a copy of the informational cover sheet with the deadlines and meeting dates and acknowledge that **staff does not remind the petitioner of the meeting date and times.**



Signature

On this 31<sup>st</sup> 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.



  
Notary Public Signature  
Phillip D. Cook Jr.  
Print Name

### 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: \_\_\_\_\_



# Greg and Rachel Crouch

1820 Byron Pl. • Oregon, OH 43616 • Phone: 419-304-5557 •

Date: 8.30.2016

Zoning Board of Appeals  
301 E. Huron St.  
Ann Arbor, MI

Zoning Board of Appeals and Associated Personnel,

We, Gregory and Rachel Crouch, fully authorize without restriction Architect Michael Klement, Architectural Resource, and all associates therein individually and collectively to apply for a variance on our behalf. We graciously appreciate your considerations regarding our application. If there are any questions or concerns regarding this authorization you may reach me at 734.693.0146 or email us at: [G.R.Crouch@outlook.com](mailto:G.R.Crouch@outlook.com)

Eager Future Residents,  
Greg and Rachel Crouch (and family)

Rachel Crouch 8.30.2016  
Rachel Crouch Date

Greg Crouch 8.30.2016  
Gregory Crouch Date

**To:** City of Ann Arbor Zoning Board of Appeals  
**From:** Architectural Resource, LLC  
**Project:** 1315 North Main Street- New Residence  
**Re:** ZBA Submission Supplemental Materials

**Item 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 unique hardship that this site presents lies in the application of the Zoning Ordinance provision to averaging existing front yard set backs. The neighboring home to the north (1319 N. Main St.) sits significantly far back on its lot. This home's extreme rearward positioning negatively impacts the development potential for our Client's home by skewing the average of existing front yard set backs to a challenging 39'-10", from the R1-C (Zoning Classification as assigned by Building Department) published front yard set back of 25'. Ironically 1319 N. Main is currently actually an existing non-conforming building itself w.r.t. the required rear yard set back. The home is sited +/- 9'-4" from the rear (westerly) property line. As sited it is non-conforming w/r/t the required rear yard set back of 30' encroaching by +/- 20'-8". So the situation is that a home that is non-conforming is creating a hardship condition where our clients need to apply for a variance.

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

The residence that is proposed is a very modest home. The design that has been developed for our clients is also a very unique home. We are targeting PHIUS Passive House certification. Passive House design by its very nature necessitates a compact footprint with a certain amount of south-facing elevational exposure to harvest available solar energy. The design is based on a 32' x 32' plan using resource efficient modular dimensions. The home's entire footprint is just barely over 1,000 sq. feet. Additionally we are stacking the living spaces above the garage space to further accommodate the small lot and tight dimensions. We are not looking to "Big Foot" the project and fill up every available square inch of space. This is a very modest home

**Item 3: What effect will granting the variance have on the neighboring properties?**

The proposed home is designed to fully comply with all Zoning Ordinance prescribed requirements (except for the averaging of existing front yards). The proposed siting will be no further forward than any of the existing Zoning Ordinance compliant homes within 100'. In fact the proposed siting of the new residence will be 10'-9" further back from Main Street than the residence to the south. Our clients have discussed the project with both of the adjacent homeowners and they have no objections to the project and in fact enthusiastically support the project.

**Item 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?**

This is a very challenging site. In addition to being small in size, it is also very steeply sloped. The total elevation rise moving from Main Street to the west property line is 19 ft. This further limits the development opportunities. Being that the home is on Main Street we are also challenged with the need to provide adequate back up and turning distances so that our clients do not have to back their cars out on to Main Street. All in all the averaging of existing front yard setbacks makes a very tight lot even tighter to the point of being almost non-developable.

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

The condition that prevents us from complying with the ordinance is the very nature of the existing site constraints and the overlay ordinance requirement for averaging existing front yard set backs. One point to make is that the intent for applying the averaging of existing front yard setbacks is to help preserve and maintain the quality of an established neighborhood. It could be successfully argued that for this property, being on a main trunk line from the highway (Business 23), that there really isn't a "neighborhood" to preserve and maintain. What our clients are attempting to do is actually to create that neighborhood ambience, and the very ordinance that is supposed to encourage that is ironically working against its establishment.

**Site plan: Attached**

**Floor plans and elevations: Attached**

**Photos of site and surrounding homes: Attached**