

**Zoning Board of Appeals
March 22, 2017 Regular Meeting**

STAFF REPORT

Subject: ZBA17-004; 408 Wilder Place

Summary:

Lindsay and Charles Christmas are requesting three variances from Chapter 55 Zoning. The requests are as follows:

1. A variance from Section 5:28 (R1C Single-Family) of one (1) foot from the required side setback of five (5) feet.
2. A variance from Section 5:59 Accessory Buildings of one (1) foot from the required side setback of 3 feet for the proposed detached carport.
3. A variance from Section 5:57 Average existing front setback line of three (3) feet four (4) inches from the averaged front setback twenty-three (23) feet three (3) inches.

Description and Discussion:

The subject parcel is a 4,791 square foot lot and zoned R4C but reverts to the R1C single-family district as it is a single-family use. The existing single-family home was built in 1940 and currently conforms to the district setback requirements.

The request is discussed in detail below:

The modifications will convert the home from a two (2) bedroom, one (1) bath, one thousand twenty (1,020) square foot two (2) story structure to a three (3) bedroom, two and a half (2.5) bath, one thousand, seven hundred ninety-five (1,795) square-foot residence. The second story will contain a master bedroom and master bathroom. The existing four-season room will be demolished and converted to a finished basement and a new two (2) story above. An unenclosed detached carport on the north side of the property is proposed, with an attached shed for the storage of lawn equipment and outdoor items and a front porch extending twenty-two (22) feet in length and six (6) feet in depth.

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 shape of the parcel is unique because it narrows significantly at the rear portion of the lot. The applicant also states that the lot has sloping topography. The home was built in 1940, prior to the zoning regulations being adopted.

- (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 applicant states that it is their intention to reside at the property long term and the additions are required for their growing family.

- (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 variances requested are minimal and will not have an impact on the adjacent properties due in part to the shape of the lots and the positioning of the homes. The front setback variance is being requested because of the construction of a front porch. The front porch will complete the architectural design of the home.

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

The home was originally built in 1940 prior to the existing zoning regulations, which were established in the 1960's, thus creating a practical hardship that was not self imposed.

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

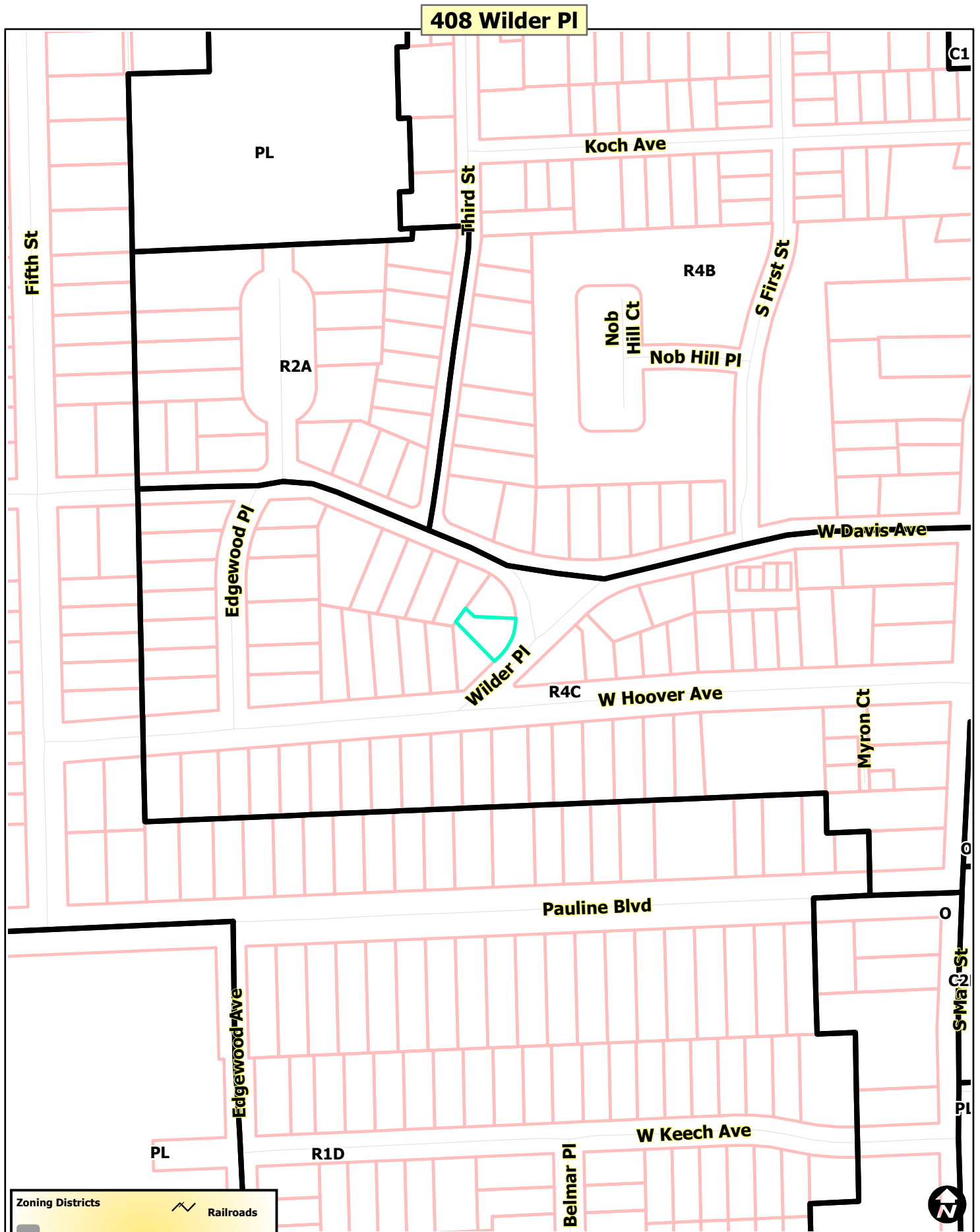
If the three variances are granted the impact will be minimal and will address a safety issue arising from the current driveway placement and vehicular traffic. Currently, the driveway is located in a blind spot for the owners and moving it to the other side of the property will provide better visibility when backing onto the public right-of-way.

Zoning Board of Appeals
Variance
March 22, 2017 - Page 3

Respectfully submitted,

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

Jon Barrett
Zoning Coordinator



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



Map date 2/28/2017
 Any aerial imagery is circa 2015 unless otherwise noted
 Terms of use: www.a2gov.org/terms

408 Wilder Pl




Map date 2/28/2017
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408 Wilder Pl

W Davis Ave

Wilder Pl

W Hoover Ave

 Railroads

 Huron River

 Tax Parcels



Map date 2/28/2017
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APPLICATION FOR VARIANCE OR NON-CONFORMING STRUCTURE ZONING BOARD OF APPEALS

Section 1: Applicant Information

Name of Applicant: LINDSAY (AND CHARLES) CHRISTMAS
 Address of Applicant: 408 WILDER PLACE, ANN ARBOR, MI 48103
 Daytime Phone: (734) 604-9879
 Fax: _____
 Email: lexmas27@gmail.com
 Applicant's Relationship to Property: OWNER

Section 2: Property Information

Address of Property: 408 WILDER PLACE, ANN ARBOR, MI 48103
 Zoning Classification: R4C, SINGLE FAMILY SO RIC
 Tax ID# (if known): 09-09-32-206-019
 *Name of Property Owner: LINDSAY C CHRISTMAS

**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:

Required dimension: PROPOSED dimension:

CHAPTER 55 SECTION 5:28

5' SIDE SETBACK 4'

CHAPTER 55 SECTION 5:28

3' SIDE SETBACK 2'

" AND CHAPTER 55 SECS 5:23' 3" FRONT SETBACK 19' 11"

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)

PLEASE SEE ATTACHED.

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?

The shape of the parcel is unique and has a sloping topography. Original structure was constructed in 1940 before zoning regulations were adopted. In addition, the lot is non-conforming for lot size (4,759 square feet, minimum R1C lot size is 7,200 square feet).

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

Applicant states that they intend to reside at the property for a number of years and they have a growing family so the additional space is requested to accommodate the needs of today's family compared to that of the time when the home was originally constructed.

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

The setbacks would not have a negative impact on the neighboring properties. The requested side setback variances will have little to no impact to neighboring properties as this space is either rarely used or not a thoroughfare due to the shape of the adjacent parcels and current structures (buildings and fencing). In addition, the neighboring properties are angled away from the proposed setback areas. The requested front variance is a positive aesthetic addition to the house and provides a sense of community while completing the architectural design of the home.

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 unique "pie-shape" of the parcel, sloped topography, and non-conforming lot size contribute to the challenge of using it in a way that is consistent with the ordinance.

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

Condition comes from a safety issue arising from the current driveway placement as well as a desire to remain in the home with a growing family and modify the current structure to align with the living requirements of today's family.

Section 5: ALTERATION TO A NON-CONFORMING STRUCTURE

Current use of the property _____

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:

Requesting permission to expand a non-conforming covered porch measuring 7 feet in length and 4 feet in depth to a covered porch measuring 22 feet in length and 6 feet in depth. The current porch has a setback of 22 feet 3 inches compared to the average front setback calculated per Chapter 55 Section 5:57 of 23 feet 2 inches, a variance of 11 inches. As such we are requesting a front setback variance of 3 feet 4 inches from the average front setback required of 23 feet 2 inches.

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 alteration will not have a negative impact on the surrounding properties or have a detrimental effect to the existing streetscape as it does not impede on public thoroughfares. The alteration will help to provide a sense of community by increasing interactions with neighbors, provide access to the front door of the house from the proposed driveway location, and will complete the architectural design of the structure.

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

An existing non-confirming covered porch measuring 7 feet in length and 4 feet in depth be expanded to a covered porch measuring 22 feet in length and 6 feet in depth.

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.

734 404 9879
 Phone Number
 Lcxmas27@gmail.com
 Email Address

Lindsay C Christmas
 Signature
 LINDSAY C CHRISTMAS
 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.

Lindsay C Christmas
 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.

Lindsay C Christmas
 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.**

Lindsay C Christmas
 Signature

On this 21st day of FEBRUARY, 2017, 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.

Rose-Marie E. Gale
 Notary Public Signature

October 19, 2017
 Notary Commission Expiration Date

ROSE-MARIE E. GALE
 Print Name

ROSE-MARIE E. GALE
 Notary Public, State of Michigan
 County of Lenawee
 My Commission Expires Oct. 19, 2017
 Acting in Washtenaw County

Staff Use Only

Date Submitted: 2/21-2017

Fee Paid: \$500⁰⁰

File No.: _____

Date of Public Hearing: _____

Pre-filing Staff Reviewer & Date: _____

ZBA Action: _____

Pre-Filing Review: _____

Staff Reviewer & Date: _____

Description of Work

408 Wilder Place

Description of work below resulting in variance application is due to the modification of existing 2-bedroom, 1 bath 1,020 square foot single family residence built in 1940. The structure is zoned R4C, however single-family structures in the R4C zoning district are subject to the R1C zoning standards (Chapter 55, Section 5:10.8(2) (c)). The parcel is non-confirming for lot area at 4,759 square feet and the minimum conforming parcel size for R1C is 7,200 square feet. In addition, the parcel is of a unique shape and has a sloping topography further limiting the usable space of the property.

The homeowners enjoy both the neighborhood and relationships with neighbors. Recent life events and growing family have brought on the proposed modifications detailed below. The proposed re-positing of the driveway originated due to near miss accidents with both vehicles and pedestrians as there is a sidewalk gap on the east side of Wilder Place and heavy traffic during rush hour as cars bypass traffic congestion at the Main St/Stadium Blvd intersection by turning west onto W. Davis Avenue and cut the diagonal of Wilder Place to get to west bound Hoover Avenue. This represents a dangerous blind spot at the existing curb cut to our driveway. The proposed curb cut location would offer ample space to exit our driveway wither interacting with the traffic flow along the Wilder Place diagonal cut. Also, the existing position of the driveway does not offer ample space for a carport covering or the proper relationship to a service entrance to the house.

The proposed modifications to the home are an effort to modify the structure to accommodate the needs of today's family compared to that of the time when the home was originally constructed. The first floor of the home will be modified to maximize the use of the floorplan with the addition of a full-sized kitchen, dining room, family room, laundry and the addition of a first floor half bathroom. The second floor will see the addition of a master bedroom and master bathroom. The proposed modifications will change the overall structure from a 2-bedroom, 1 bath 1,020 square foot two-story home to a 3-bedroom, 2.5 bath 1,795 square foot two-story home. The space under the previous four season addition of unknown construction date will be demolished and converted to a finished basement with new two-story construction above to further maximize the use of the home. An open-sided detached carport is proposed for the north side of the house to provide shelter from the elements with an attached small shed for storage of lawn equipment and outdoor items as the sloped topography of the rear yard does not allow for such a structure. Lastly, a front porch extending 22 feet in length and 6 feet in depth is proposed for both additional outdoor useable space to enjoy the passing scene as well as to enhance the aesthetic appeal that will complete the architectural design of the structure. This porch will also serve as a pedestrian access point from the proposed driveway to the front door.

Of the proposed modifications detailed above which are designed based on the current architectural shape of the home, four setback variances are proposed due to the unique pie-shaped parcel combined

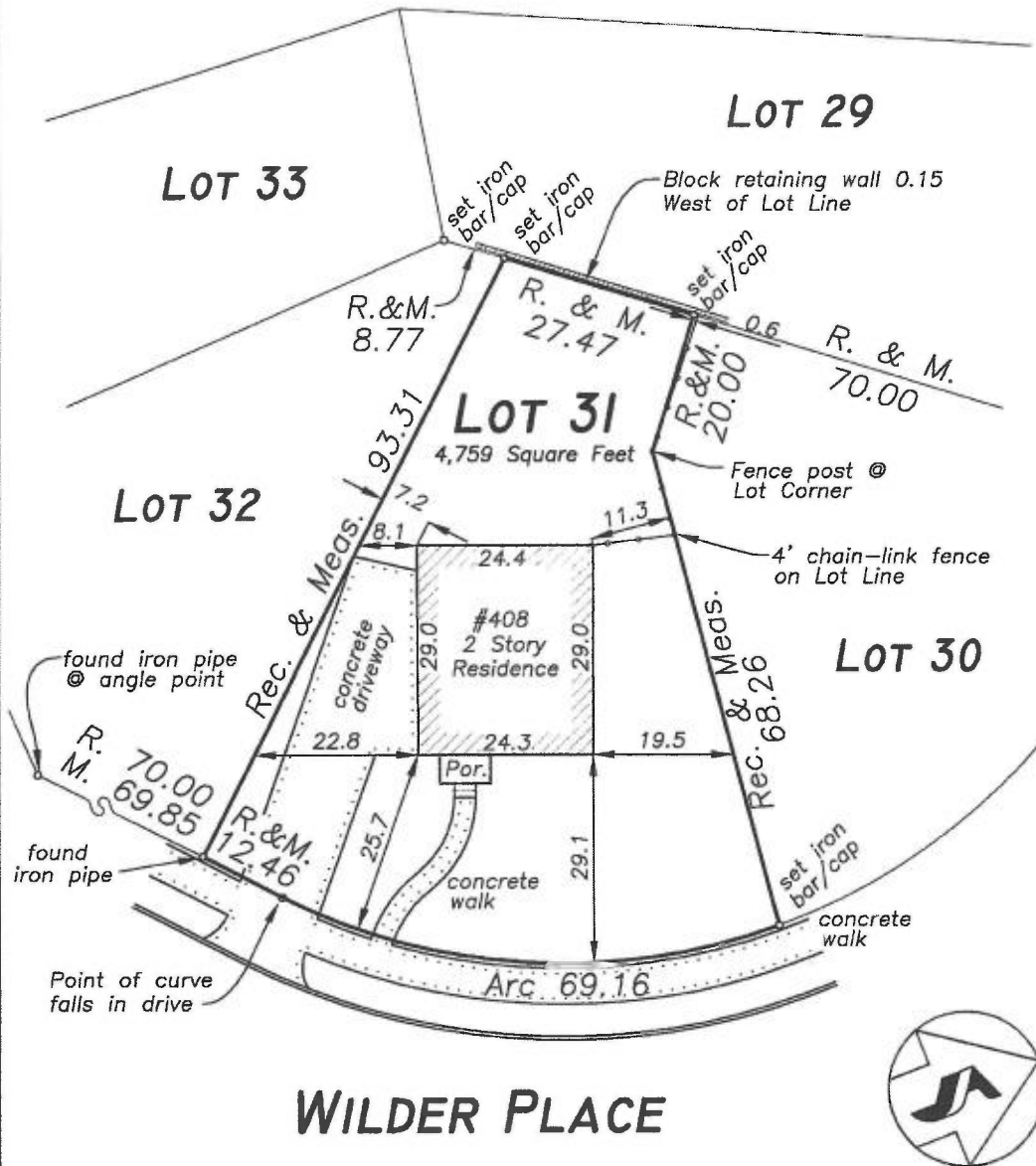
with the curvature of the front property line. While the original plans have been scaled back and shifted to minimize the setback variance requested, the following setback variances remain:

- Northwest corner of the shed and carport
- Southwest corner of the house structure
- East side of the home structure for the porch

These setback variances exist not for the entire length of the related structure but only so far as the angle of the property line extends outward prior to providing adequate space to comply with required setback dimensions.

LEGAL DESCRIPTION

LOT 31 PLAT OF "EDGEWOOD SUBDIVISION", IN THE CITY OF ANN ARBOR, WASHTENAW COUNTY, MICHIGAN PART OF NORTHEAST ¼ OF THE NORTHWEST ¼ OF SECTION 32, TOWN 2 SOUTH, RANGE 6 EAST. RECORDED IN LIBER 4 OF PLATS ON PAGE 44, WASHTENAW COUNTY RECORDS. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD. CONTAINS 4,759 SQUARE FEET.



CERTIFICATE OF SURVEY

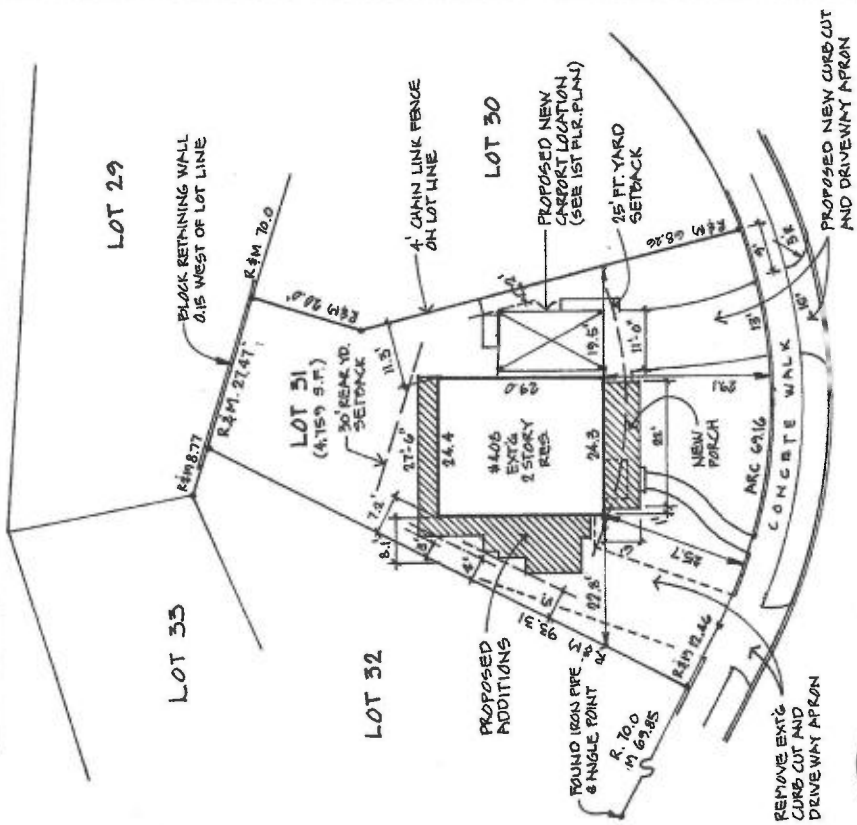
Prepared For: Lindsay Dacko
408 Wilder Place
Ann Arbor, MI 48103
(734) 604-9879

JEKABSON & ASSOCIATES, P.C.
Professional Land Surveyors
1320 Goldsmith, Plymouth, MI 48170
(734) 464-7200 (734) 474-7272 fax
by *[Signature]*

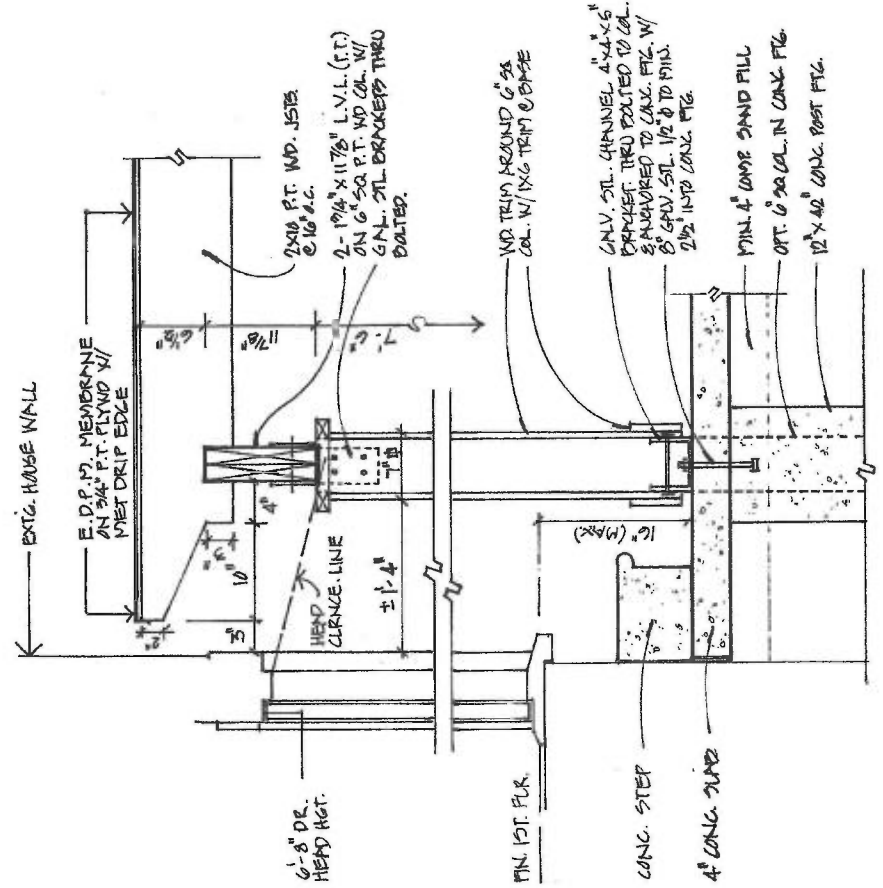


DATE	14 Feb 14
JOB NO.	14-02-005
SCALE	1" = 20'
DRAWN	JGE
CHECKED	IJJ
SHEET	1 OF 1

LEGAL DESCRIPTION
 LOT 31 PLAT OF "EDGEWOOD SUBDIVISION", IN THE CITY OF ANN ARBOR, WASHTENAW COUNTY, MICHIGAN PART OF NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 32, TOWN 2 SOUTH, RANGE 6 EAST, RECORDED IN LIBER 4 OF PLATS ON PAGE 44, WASHTENAW COUNTY RECORDS. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD, CONTAINS 4,759 SQUARE FEET.

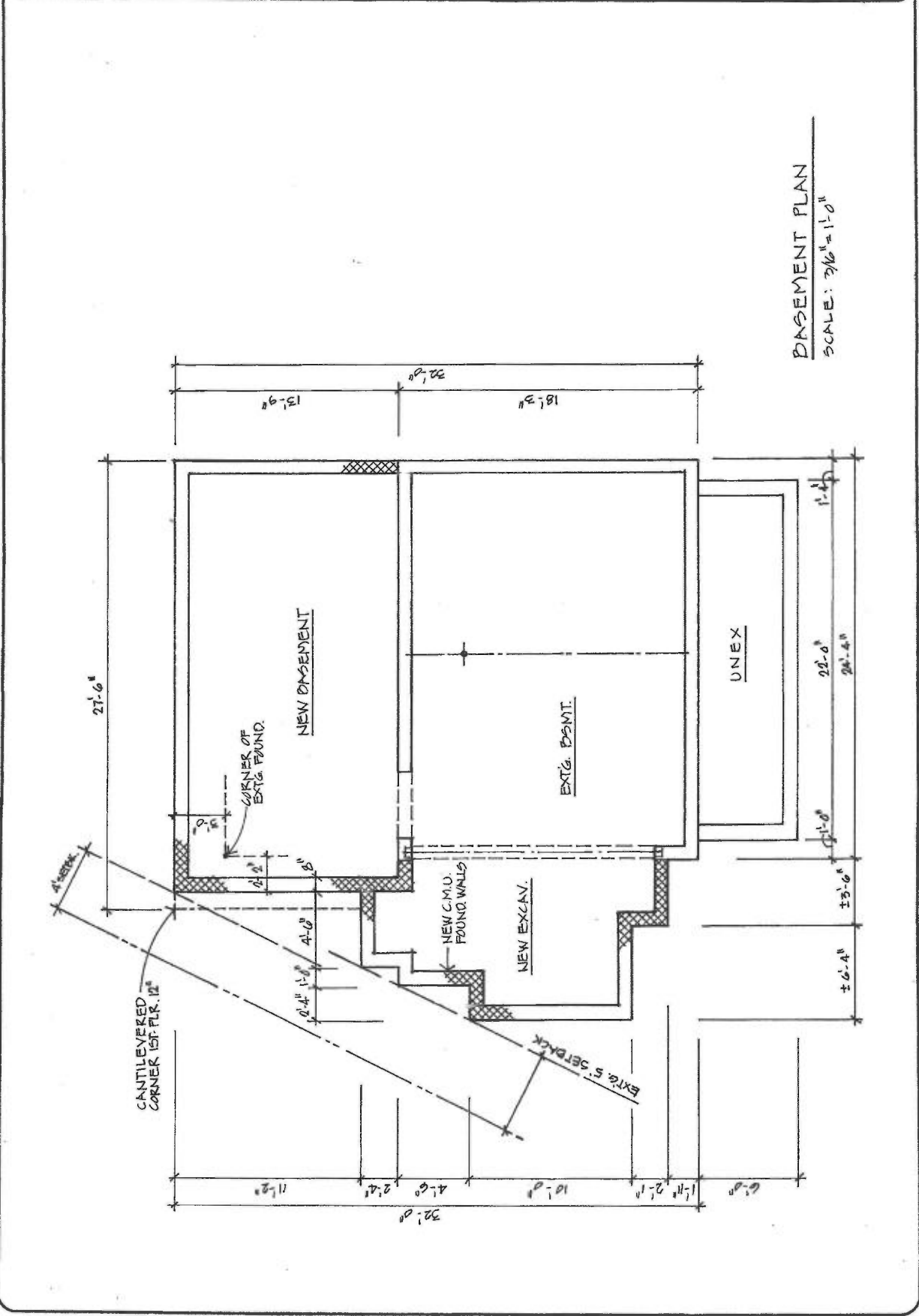


SITE PLAN
 SCALE: 1" = 20'-0"



DET. SECT. @ CARPORT
 SCALE: 1" = 1'-0"

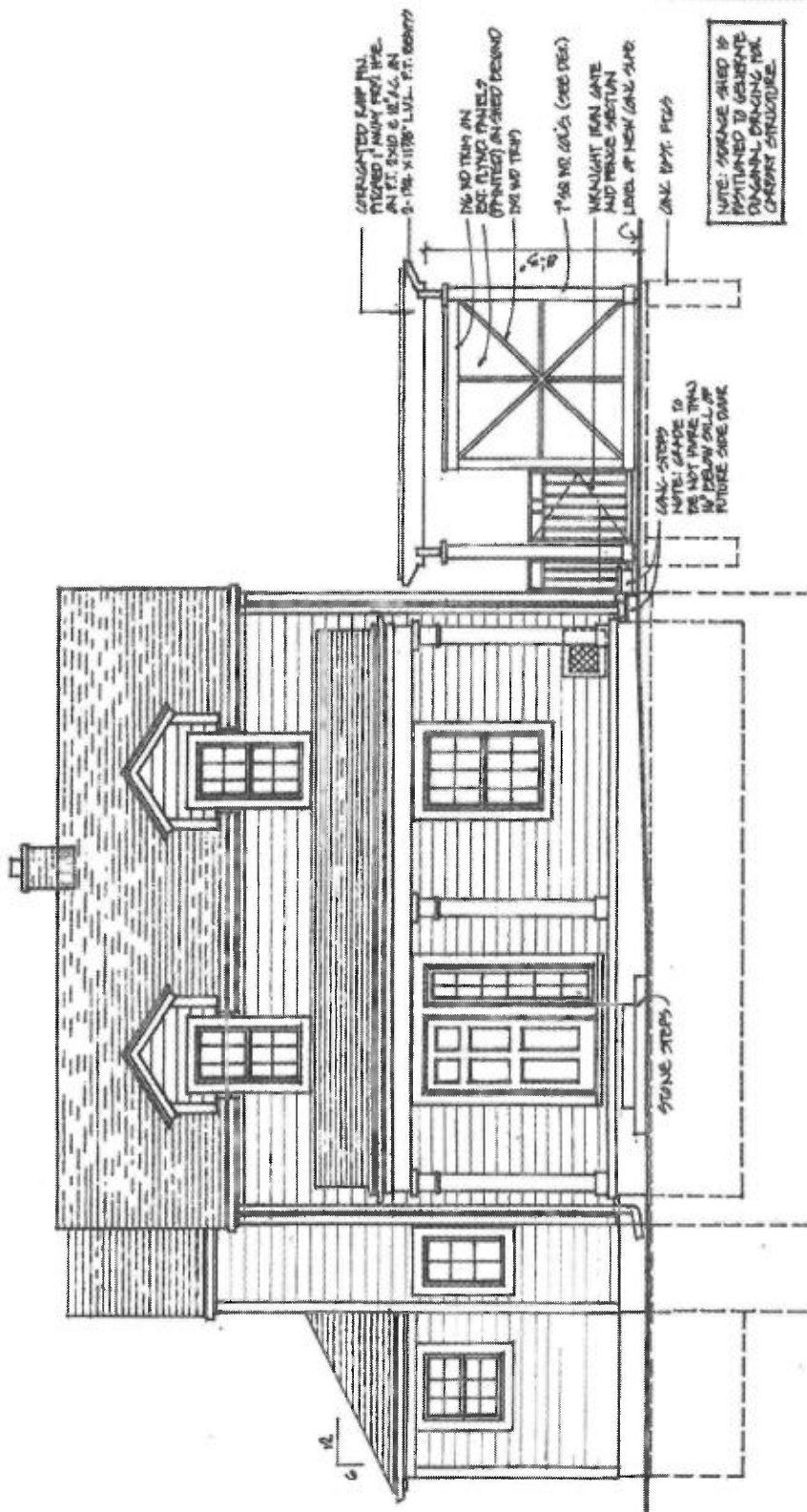
PROPOSED HOUSE REMODEL FOR The Lindsay Dako Residence 408 WILDER PLACE, ANN ARBOR, MICH 48103		Arcides, Inc. Architectural Design, Planning 23169 Farmington Rd., Farmington, MI. 48336 Phone / Fax 248 967 8878 Email: arcidesinc@gmail.com	
SHEET NO. 15015 DATE: 05/15/05 SCALE: 3/16" = 1'-0"		PROJECT NO. 15015 SHEET NO. 15015	

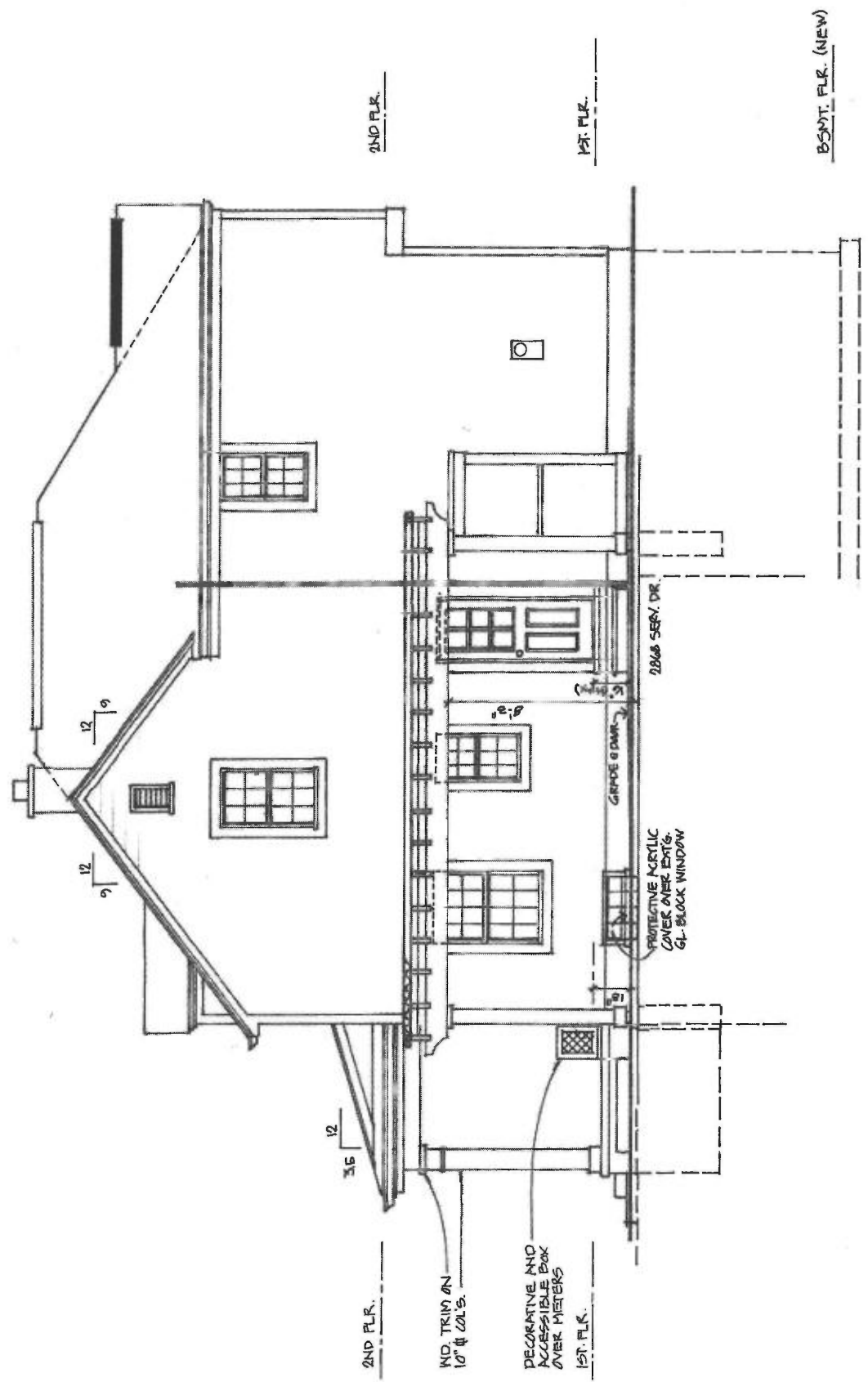


ArcIDes, Inc.
Architectural Design, Planning
23169 Farmington Rd., Farmington, ME 48366
Phone / Fax 248 987 0878
Email: arcsides@arcides.com

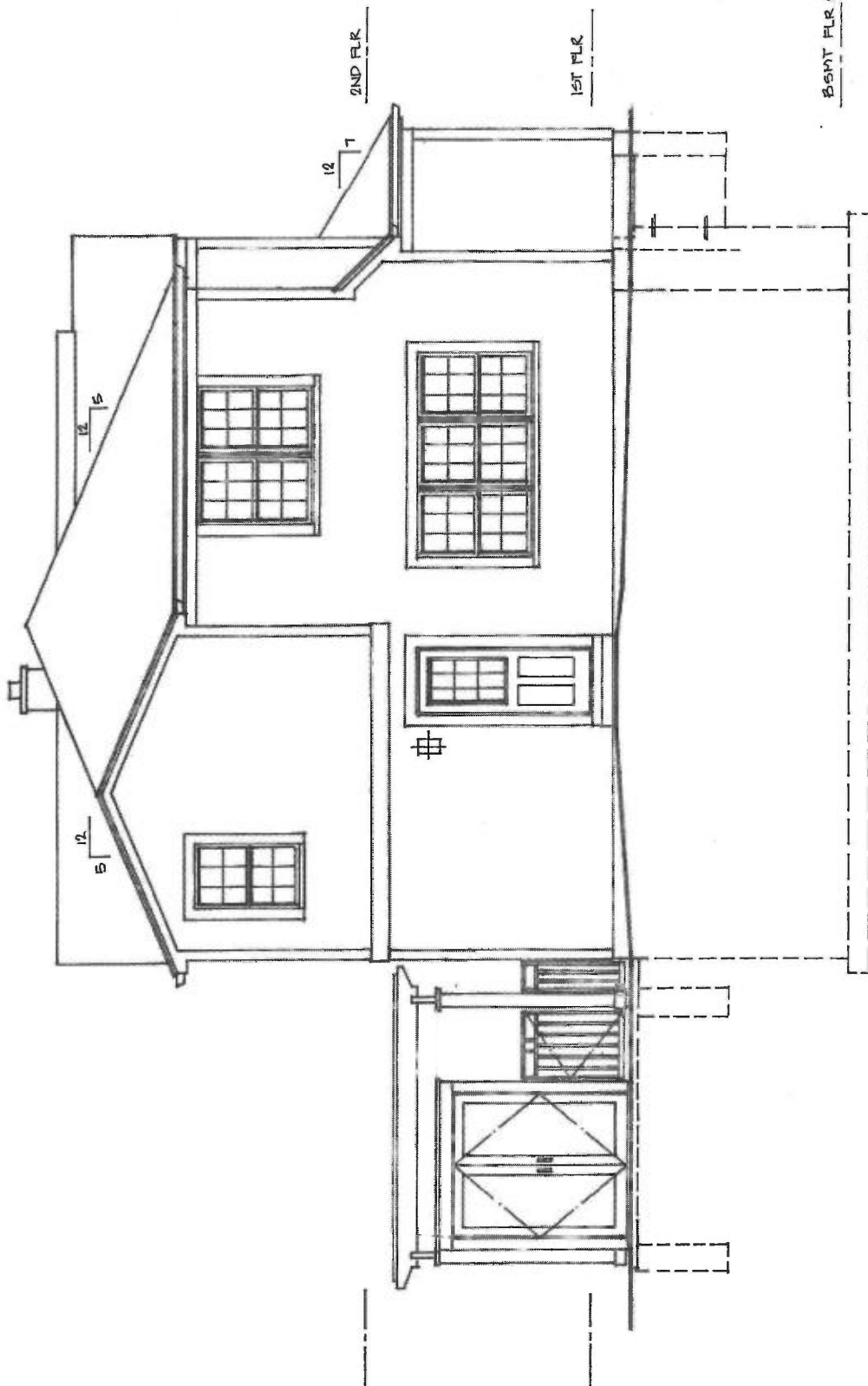
EAST ELEVATION - B

SCALE: 1/4" = 1'-0"





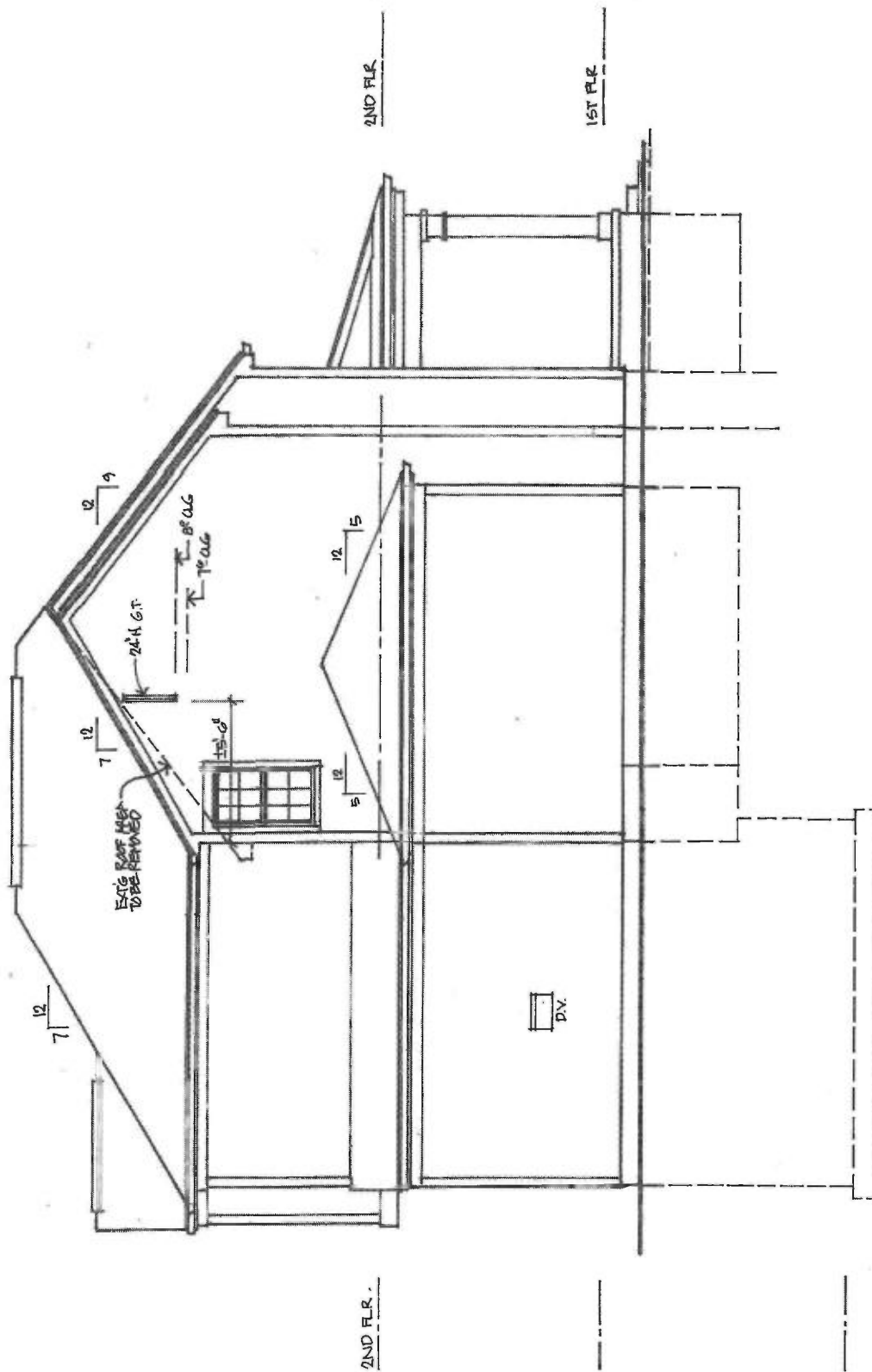
NORTH ELEVATION - B
 SCALE: 1/4" = 1'-0"



BSMT FLR (NEW)

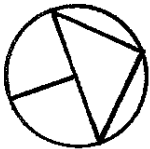
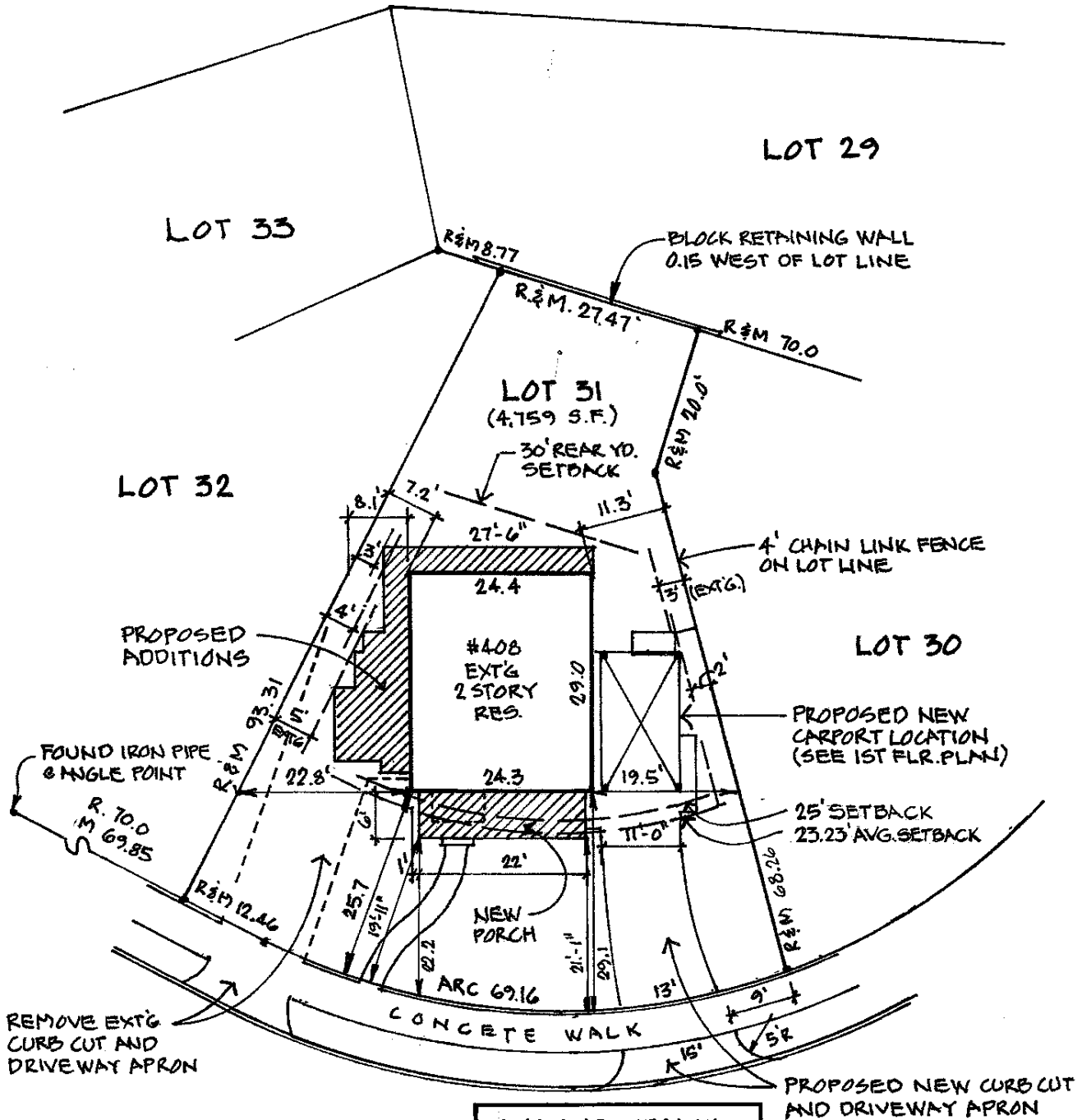
WEST ELEVATION - B.

SCALE: 1/4" = 1'-0"



SOUTH ELEVATION - D.
SCALE : 1/4" = 1'-0"

LOT 31 PLAT OF "EDGEWOOD SUBDIVISION", IN THE CITY OF ANN ARBOR, WASHTENAW COUNTY, MICHIGAN PART OF NORTHEAST ¼ OF THE NORTHWEST ¼ OF SECTION 32, TOWN 2 SOUTH, RANGE 6 EAST. RECORDED IN LIBER 4 OF PLATS ON PAGE 44, WASHTENAW COUNTY RECORDS. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD. CONTAINS 4,759 SQUARE FEET.



SCALE: 1" = 20'-0"

LOT 29 - 21'-1"
 LOT 30 - 26'-5"
 LOT 31 - 22'-3"
 LOT 32 - 21'-4"
 LOT 33 - 25'-1"
 AVG. SETBACK 23.22'









View of proposed Southwest corner variance



View of Northwest area proposed for shed and carport.





February 12, 2017

City of Ann Arbor
Planning and Developmental Services
Ann Arbor, MI 48107

RE: Variance request - Lindsay (Dacko) Christmas for 408 Wilder Pl., Ann Arbor, 48103

To whom it may concern,

I am writing this letter of recommendation on behalf of Ms. Lindsay Christmas who is truly one of the most considerate neighbors I have had the pleasure of knowing over the last several years. We live directly across the street from her and have taken note of the immaculate state of her yard; as well as, her outgoing nature during home football games and the willingness to offer help when she sees a neighbor in need. Good neighbors are hard to come by and it would be a loss for the neighborhood if her family had to relocate due to the need for a larger home.

Lindsay has sent me the proposed house remodel at 408 Wilder Pl. and I have reviewed the documents from ArciDes, Inc which would include the addition of a front porch, carport, and expansion of the south side of the home. These improvements would not only serve to enhance the architectural design of the home but would aid in the transition of the Edgewood neighborhood from rental properties to a more family-friendly oriented demographic. Lastly, the porch addition is in line with homes in the area and would further bring a sense of community by providing a means to connect with our neighbors.

I hope this letter gives you a glimpse into the impeccable character and integrity of Lindsay as you consider her application for variance. If you have any questions on the information I have provided please feel free to call me directly on my cell (248) 719-0571.

Sincerely,

A handwritten signature in dark ink, appearing to read "Maureen Cushman-Lagerstrom", with a long horizontal flourish extending to the right.

Mrs. Maureen Cushman-Lagerstrom, CPA
407 Wilder Pl
Ann Arbor, MI 48103