# Zoning Board of Appeals December 13, 2017 Regular Meeting

# STAFF REPORT

Subject: ZBA17-035, 302 W Hoover Avenue

# **Summary:**

Joseph and Nicole Hubert, property owners, are requesting a sixteen (16) foot variance from Chapter 55 Zoning Section 5:28 (Area, Height and Placement Regulations). The use of the property is single-family residential so the setbacks for the R1C district are applied. The variance request will reduce the rear yard setback from thirty (30) feet to fourteen (14) feet.

# **Background:**

The property is zoned R4C, multi-family, and is located west of South Main Street. The home was constructed in 1947 and is approximately 800 square feet in size. The lot is non-conforming as it is just above 3600 square feet.

# **Description:**

The owners will be demolishing the existing dwelling and constructing a new single-family residence. The proposed new home will be an 1156 square foot, two (2) story contemporary residence upon completion.

# 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 applicants state that the lot is small (3,607 square feet) and is irregular in shape. The rear property line has a sharp angle in the northwest side of the lot. The sharp angle of the lot produces a 19 foot building envelope on the west side of the lot.

(b). That the alleged hardships are 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 applicants state that the failure to grant the variance will result in the inability to have an attached garage for their new home plans.

(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 owners of the property state that the overall impervious coverage of the proposed new site construction will be less than what is existing. The owners claim that the proposed construction will not have a negative effect on adjacent properties.

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

The applicants contend that the variance request is not self-imposed.

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

The variance requested is the minimum necessary to achieve the desired results for their construction needs.

Respectfully submitted,

Jon Barrett Zoning Coordinator









# **ZONING BOARD OF APPEALS**

# PLANNING DEPARTMENT

Mailing:

City Hall: 301 E. Huron St. Ann Arbor, MI 48104-6120 P.O. Box 8647, Ann Arbor, MI 48107-8647

Phone: Fax:

734.794.6265

planning@a2gov.org

734.994.8460

# APPLICATION MUST BE FILLED OUT COMPLETELY

Office Use Only

Fee Paid: 500

ZBA: 17 - 035

**DATE STAMP** 

CITY OF ANN ARBOR RECEIVED

NOV 15 2017

| PROPERTY INFORMATION   | PLANNING & DEVELOPMENT SERVICES            |  |  |  |
|--|--|--|--|--|
| PROPERTY INFORMATION   |  |  |  |  |
| ADDRESS OF PROPERTY:   |  |  |  |  |
| 302 W. HOOVER AV   |  |  |  |  |
| ZONING CLASSIFICATION:   | TAX ID: (if known)                         |  |  |  |
| R4C /R1C   | 09-09-32-205-013                           |  |  |  |
| NAME OF PROPERTY OWNER*:   |  |  |  |  |
| HUBERT JOSEPH M & NICOLE M TRUST   |  |  |  |  |
| *If different than applicant, a letter of authorization from the property owner must be provided   |  |  |  |  |
| APPLICANT INFORMATION  |  |  |  |  |
| NAME OF APPLICANT:   |  |  |  |  |
| JOSEPH & NICOLE HUBERT   |  |  |  |  |
| ADDRESS OF APPLICANT:  |  |  |  |  |
| 302 W. HOOVER AV   |  |  |  |  |
| DAYTIME PHONE NUMBER:  | FAX NO:                                    |  |  |  |
| 248-202-2086   |  |  |  |  |
| EMAIL:   |  |  |  |  |
| JOSEPH.HUBERT@UBS.COM  |  |  |  |  |
| APPLICANT'S RELATIONSHIP TO PROPERTY:  |  |  |  |  |
| OWNER  |  |  |  |  |
| REQUEST INFORMATION  |  |  |  |  |
| ✓ VARIANCE REQUEST (Complete the section 1   | ☐ ALTERATION TO A NON-CONFORMING STRUCTURE |  |  |  |
| below)   | (skip to Section 2)                        |  |  |  |
| Section 1 - VARIANCE REQUEST   |  |  |  |  |
| CHAPTER(S) AND SECTION(S) FROM WHICH A VARIANCE IS REQUESTED: (Example: Chapter 55, Section 5:26)  |  |  |  |  |
| CHAPTER 55 SECTION 5:28  |  |  |  |  |
| Required Dimension: (Example: 40' front setback)   | PROPOSED Dimension: (Example: 32')         |  |  |  |
| 30' REAR SETBACK   | 18'-6" REAR SETBACK                        |  |  |  |
| Give a detailed description of the work you are proposing and why                                  |  |  |  |  |
| The project scope is to replace the existing residence while decreasing the impact on the site and |  |  |  |  |
|  | 3  |  |  |  |
| increasing the usability of a non-conforming lot   |  |  |  |  |

# ANN PARENT

# **ZONING BOARD OF APPEALS**

# PLANNING DEPARTMENT

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Fax: 734.994.8460
planning@a2gov.org

# Section 1 - VARIANCE REQUEST con't

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.

| aρ | plication, will form the basis for evaluation of the request by staff and the zoning Board of Appeals.  |  |  |  |  |
|----|---|--|--|--|--|
| 1. | 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. See additional attached sheet   |  |  |  |  |
|    |   |  |  |  |  |
|    |   |  |  |  |  |
| 2. | That the alleged hardships are 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.   |  |  |  |  |
| A  | A failure to grant the variance would result in an inability to have an attached garage within the construct of the   |  |  |  |  |
| co | intemporary home.   |  |  |  |  |
|    |   |  |  |  |  |
| 3. | 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. |  |  |  |  |
|    | See additional attached sheet   |  |  |  |  |
|    |   |  |  |  |  |
|    |   |  |  |  |  |
| 4. | That the conditions and circumstances on which the variance request is based shall not be a self-imposed hardship or practical difficulty.  |  |  |  |  |
| Th | nere is no self-imposed hardship nor practical difficulty in place to deter future development of the site.   |  |  |  |  |
|    |   |  |  |  |  |
| 5. | A variance approved shall be the minimum variance that will make possible a reasonable use of the land or structure.  |  |  |  |  |
| W  | e are asking for a rear setback variance of 38.3% into the prescribed rear setback to construct a modest  |  |  |  |  |
| CC | ontemporary home that would fit within the ethos of the neighborhood while permitting minimal garage space  |  |  |  |  |
|    |   |  |  |  |  |
|    |   |  |  |  |  |

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1. 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 site consists of a 3,607 square foot non-conforming lot with an irregular shape. The rear property line transects the east and west property lines at a sharp angle. Due to the sharply angled rear yard datum it renders the building envelope a mere 19'-0" along the west property line where the existing drive would terminate into the new garage. Thus, producing an unnecessary hardship while being constrained within the mandated setbacks of the district.

3. That allowing the variance will result in a 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.

Considering the site parameters and the requirements for many homeowners' careful considerations have been made to ensure a compact but efficient footprint on the site. The existing site conditions embody a total site coverage of 44.49% whereas the proposed site conditions only require 41.39%. The reduction in site coverage allows for a reduction in paved surfaces while increasing the building footprint to embody minimal garage space. The increase in the building foot has been discusses with the adjacent property owners which has been received with welcoming review and will not adversely affect adjacent properties.



RECHIREMENT

# ZONING BOARD OF APPEALS

### PLANNING DEPARTMENT

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# Section 2 – 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.

EXISTING CONDITION

| REQUIREMENT             | EXISTING CONDITION                           | CODE REQUIREMENT                               |
|-------------------------|--|--|
| Lot Area                |  |  |
| Lot Width               | -  |  |
| Floor Area Ratio        |  |  |
| Open Space Ratio        |  |  |
| Setbacks                |  |  |
| Parking                 |  |  |
| Landscaping             |  |  |
| Other                   |  |  |
|                         |  |  |
|                         |  |  |
| Describe the proposed a | alterations and state why you are requesti   | ng this approval:                              |
|                         |  |  |
|                         |  |  |
|                         |  |  |
|                         |  |  |
| The alteration complies | as nearly as is practicable with the require | ements of the Chapter and will not have a      |
|                         | as nearly as is practicable with the require | ements of the Chapter and will not have a ons: |

Version 1 – 08/2017 Page 5 of 6



# **ZONING BOARD OF APPEALS**

# PLANNING DEPARTMENT

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Phone: 734.794.6265 734.994.8460 Fax: planning@a2gov.org

| Section 2 – ALTERATION TO A NON-CONFORMING STRUCTURE |  |  |  |
|--|--|--|--|
|  | herefore, Petitioner requests that permission be granted from the above named Chapter and Section of the n Arbor City Code in order to permit:   |  |  |
|  |  |  |  |
|  |  |  |  |
| RE   | QUIRED MATERIALS   |  |  |
| an<br>The  | e following materials are required for <u>ALL</u> variance requests. Failure to provide these materials will result in incomplete application and will delay staff review and Zoning Board of Appeals consideration of the request. e materials listed below must accompany the application and constitute an inseparable part of the plication. |  |  |
| All  | materials must be provided on 8 ½" by 11" sheets:  |  |  |
| •  | One (1) hardcopy and one (1) electronic copy shall be submitted.  The electronic copy shall include all associated supporting documentation with application submission.   |  |  |
|  | 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.   |  |  |
| ACKNOWLEDGEMENT                                      |  |  |  |
| the  | the applicant, hereby request a variance from the above named Chapter (s) and Section (s) of the Ann Arbor City Code for estated reasons, in accordance with the materials attached hereto.  Signature: X  AM  AM  AM  AM  AM  AM  AM  AM  AM  A   |  |  |
| Ema  | il address: Dicolemarie hubertognaliscon Wighthand, Nicole Hubert  |  |  |
| I, a   | pplicant, hereby depose and say that all the aforementioned statements, and the statements contained in the materials smitted herewith, as true and correct.  Signature  |  |  |
| Fur  | ther, I hereby give the City of Ann Arbor Planning and Development Services unit staff and members of the Zoning   |  |  |

Signature

# RESIDENTIAL CONSTRUCTION 302 WEST HOOVER AVE. ANN ARBOR, MI 48103

#### SHEET INDEX

AA-109

AG-100 TITLE SHEET

BOUNDARY & TOPOGRAPHICAL SURVEY FROM WASHTENAW

ENGINEERING

AV-100 EXISTING CONDITION SITE PLAN DETAILED EXTG. SITE PLAN, SITE INFO AV-101

PROPOSED SITE PLAN AV-102 AV-103

Nob Hill Apartments O

PROPOSED WEST ELEVATION

DETAILED PROPOSED SITE PLAN, SITE INFO PROPOSED FOUNDATION PLAN AA-100 AA-101 PROPOSED BASEMENT PLAN PROPOSED MAIN LEVEL PLAN AA-102 AA-103 PROPOSED SECOND LEVEL PLAN AA-104 PROPOSED ATTIC LEVEL PLAN PROPOSED ROOF PLAN AA-105 AA-106 PROPOSED NORTH ELEVATION AA-107 PROPOSED SOUTH ELEVATION AA-108 PROPOSED EAST ELEVATION

Potter A Berkley Ave Stryder A Sprint Store 0

PROPERTY LOCATION MAP



SITE INFO

ZONING

CITY OF ANN ARBOR R4C/R1C-RESIDENTAIL SINGLE FAMILY

MINIMUN LOT AREA FRONT SETBACK: SIDE SETBACK:

TOTAL OF TWO REAR SETBACK: MAXIMUM HEIGHT

MIMIMUN GROSS LOT SIZE

PARCEL NUMBER 09-09-32-205-013

7,200FT2 25FT 5FT 10FT 30FT 30FT

7,200FT2 (60'-0" WIDE)

#### APPLICABLE CODES:

BUILDING CODE ELECTRICAL CODE MECHANICAL CODE PLUMBING CODE **ENERGY CODE** 

2015 MICHIGAN RESIDENTIAL BUILDING CODE 2012 MICHIGAN ELECTRICAL CODE 2012 MICHIGAN MECHANICAL CODE 2012 MICHIGAN PLUMBING CODE 2015 MICHIGAN UNIFORM ENERGY CODE

#### MICHIGAN ENERGY CODE:

INSULATION REQUIREMENTS BASED ON TABLE N1102.1.1 (R402.1.1) ZONE 5A

FENESTRATION U-FACTOR SKYLIGHT U-FACTOR CEILING R-VALUE 38 WOOD FRAMED WALL R-VALUE 20 OR 13+5 FLOOR R-VALUE 30 BASEMENT WALL R-VALUE 10/13 SLAB R-VALUE & DEPTH 10,2 CRAWL SPACE WALL R-VALUE 15/19

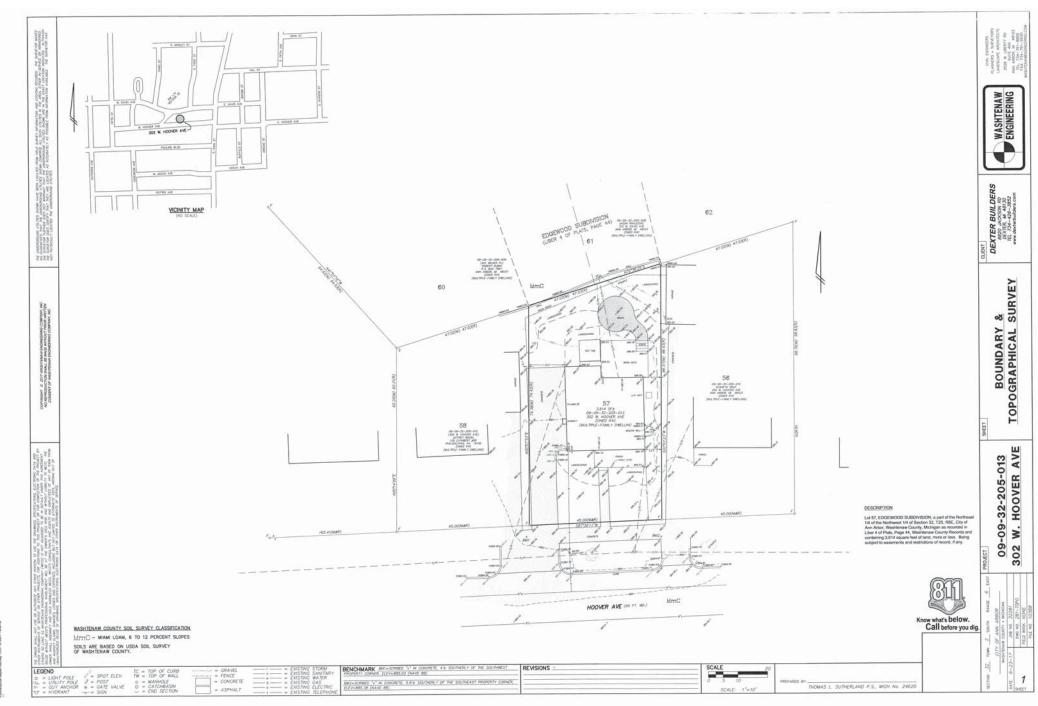
BUILD

NUMBER:170174 JOE & NICOLE HUBERT 302 W. HOOVER AVE ANN ARBOR, MI 48103 **PROJECT** 

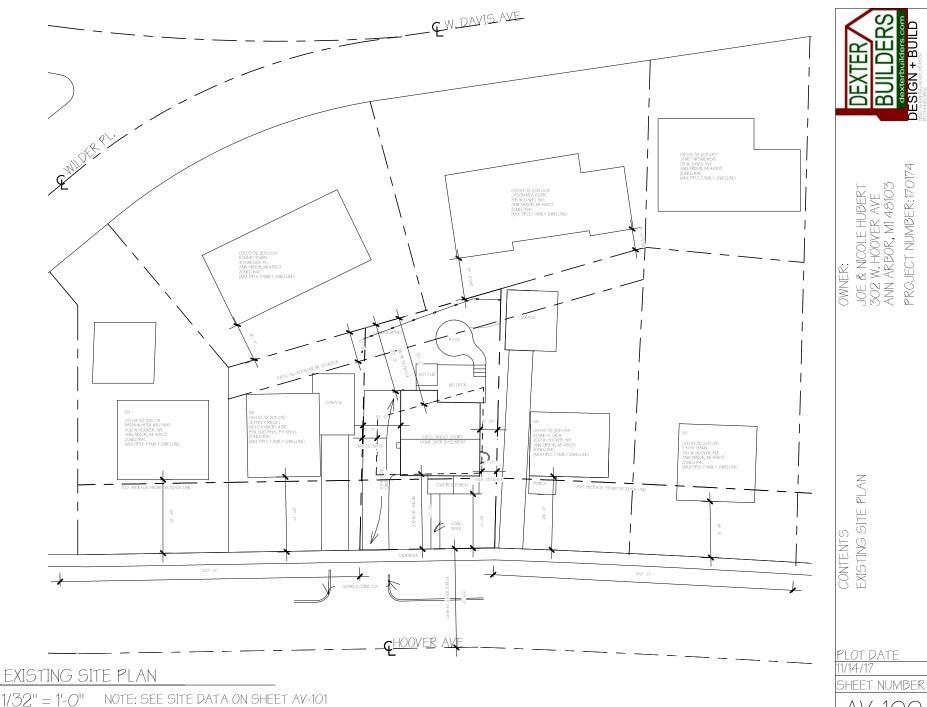
TITLE SHEE CONTENTS

PLOT DATE 1/14/17

SHEET NUMBER



.



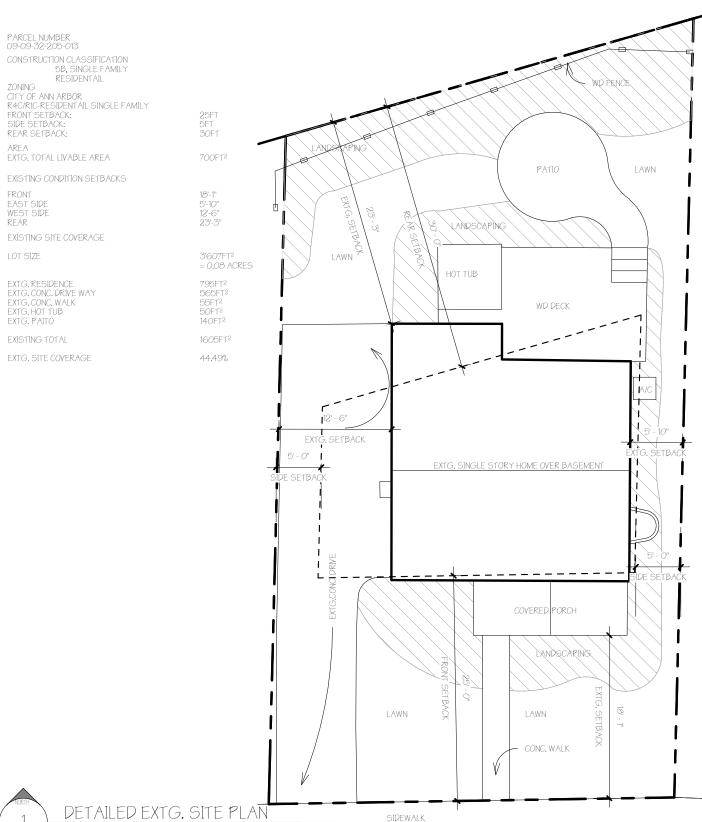
AV-100

SHEET NUMBER DATE A. PL07

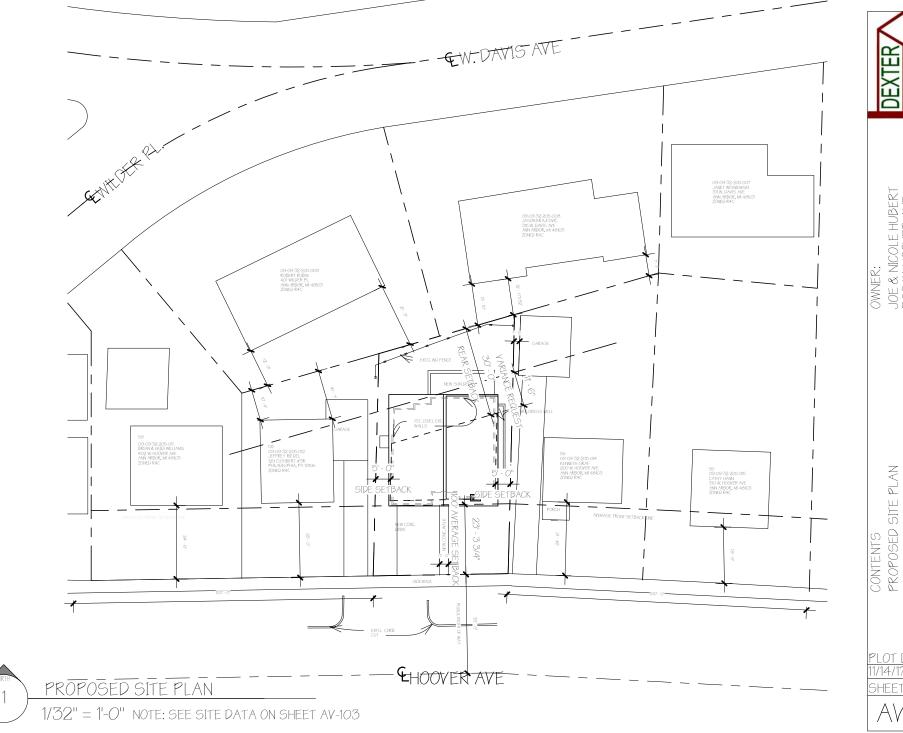
# DETAILED EXTG. SITE PLAN CONTENTS

PROJECT NUMBER: 170174 ANN ARBOR, MI 48103 JOS W. HOOVER AVE OMNEK:





3/32" = 1'-0"



DEX. BUIL

JOE & NICOLE HUBERT 302 W. HOOVER AVE ANN ARBOR, MI 48103

PROJECT NUMBER: 170174

PLOT DATE 11/14/17

SHEET NUMBER

AV-102



# PROJECT NUMBER: 170174

ANN ARBOR, MI 48103 JOS W. HOOVER AVE OWNER:

# PROPOSED DETAILED SITE PLAN CONTENTS

SHEET NUMBER DATE 9  $\leq$ 

PARCEL NUMBER 09-09-32-205-013

CONSTRUCTION CLASSIFICATION 5B, SINGLE FAMILY RESIDENTAIL

ZONING
CITY OF ANN ARBOR
R4C/R1C-RESIDENTAIL SINGLE FAMILY
FRONT SETBACK:

SIDE SETBACK:

REAR SETBACK:

PROPOSED CONDITION SETBACK

100' FRONT AVERAGE EAST SIDE WEST SIDE

23'-3 3/4" 5'-10" 12'-6"

REAR YARD VARIANCE REQUESTED 38.3% (11'-6") INTO REAR SETBACK

PROPOSED SITE COVERAGE

LOT SIZE

3'607FT<sup>2</sup> = 0.08 ACRES

NEW RESIDENCE NEW CONC. DRIVE WAY NEW CONC. WALK NEW CONC. PAD NEW EGRESS RETAINING WALL

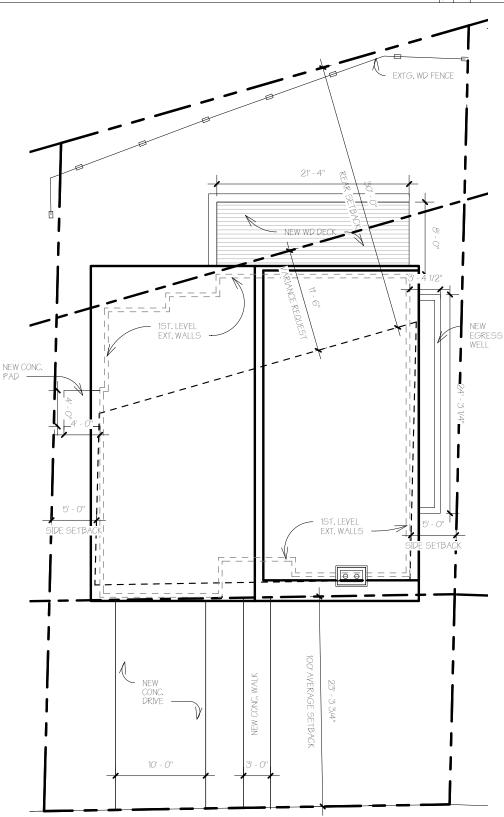
1156FT<sup>2</sup> 232FT<sup>2</sup> 70FT<sup>2</sup> 16FT<sup>2</sup>

NEW TOTAL

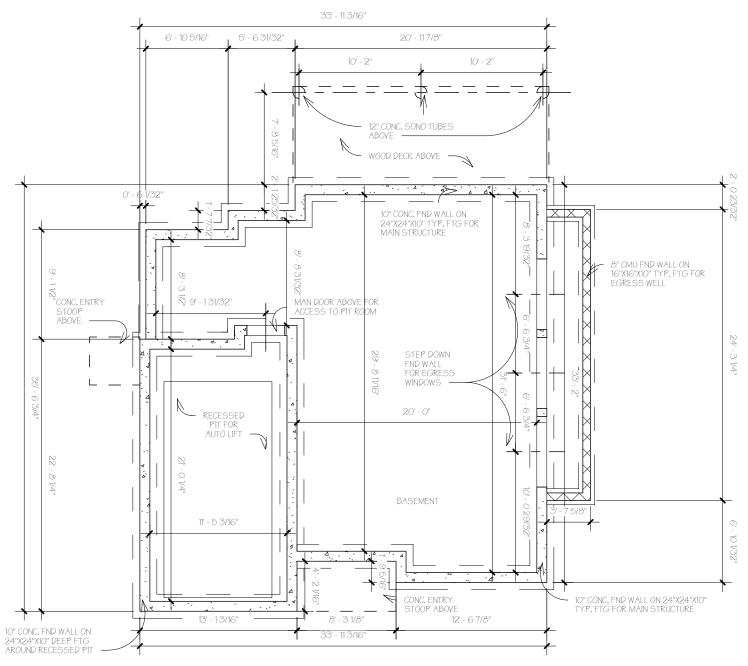
1493FT<sup>2</sup>

PROPOSED SITE COVERAGE

41.39%



PROPOSED DETAILED SITE PLAN





PROPOSED FOUNDATION PLAN

1/8" = 1'-0"



UWNER.
JOE & NICOLE HUBERT
302 W. HOOVER AVE
ANN ARBOR, MI 48103

PROJECT NUMBER:170174

CONTENTS
PROPOSED FOUNDATION PLAN

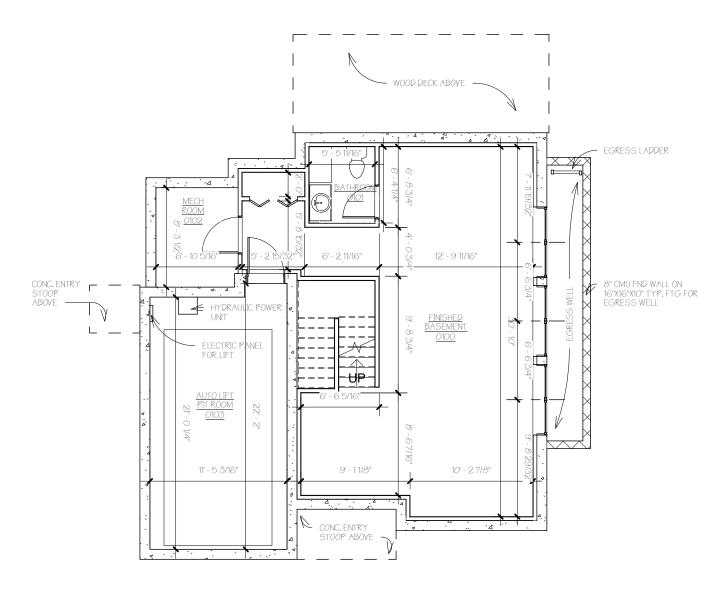
PLOT DATE 11/14/17

SHEET NUMBER

AA-100

SHEET NUMBER

AA-101





# PROPOSED BASEMENT FLOOR PLAN

1/8" = 1'-0"

OWNER:
JOE & NICOLE HUBERT
302 W. HOOVER AVE
ANN ARBOR, MI 48103

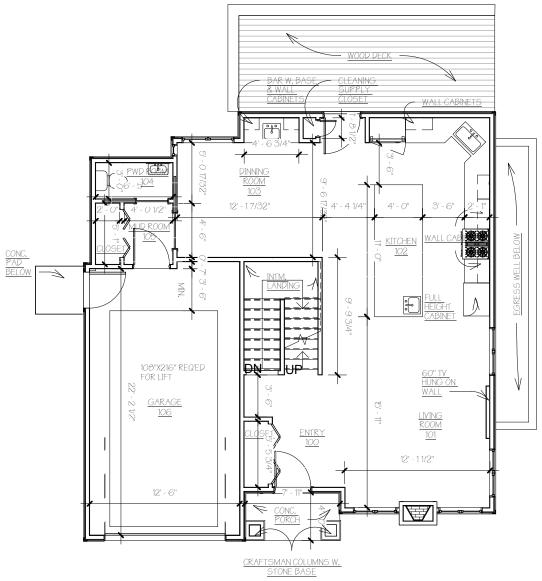
PROJECT NUMBER:170174

CONTENTS
PROPOSED MAIN LEVEL PLAN

PLOT DATE 11/14/17

SHEET NUMBER

AA-102



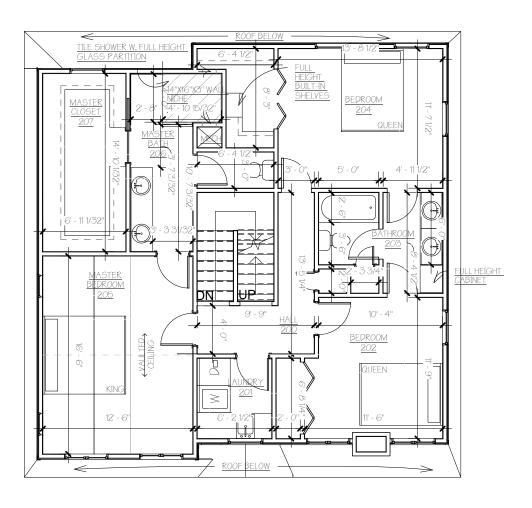


# PROPOSED MAIN LEVEL PLAN

1/8" = 1'-0"

SHEET NUMBER

AA-103





# PROPOSED SECOND LEVEL PLAN

1/8" = 1'-0"



PROPOSED ATTIC LEVEL PLAN

1/8" = 1'-0"

OWNER:
JOE & NICOLE HUBERT
302 W. HOOVER AVE
ANN ARBOR, MI 48103

PROJECT NUMBER:170174

CONTENTS
PROPOSED ATTIC LEVEL PLAN

PLOT DATE 11/14/17

SHEET NUMBER

AA-104

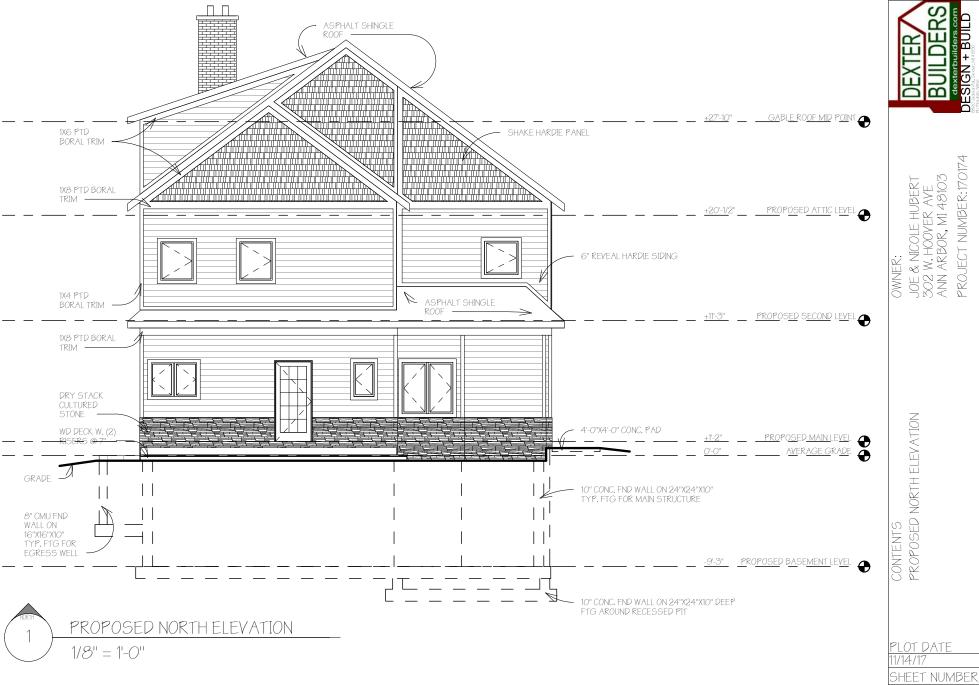


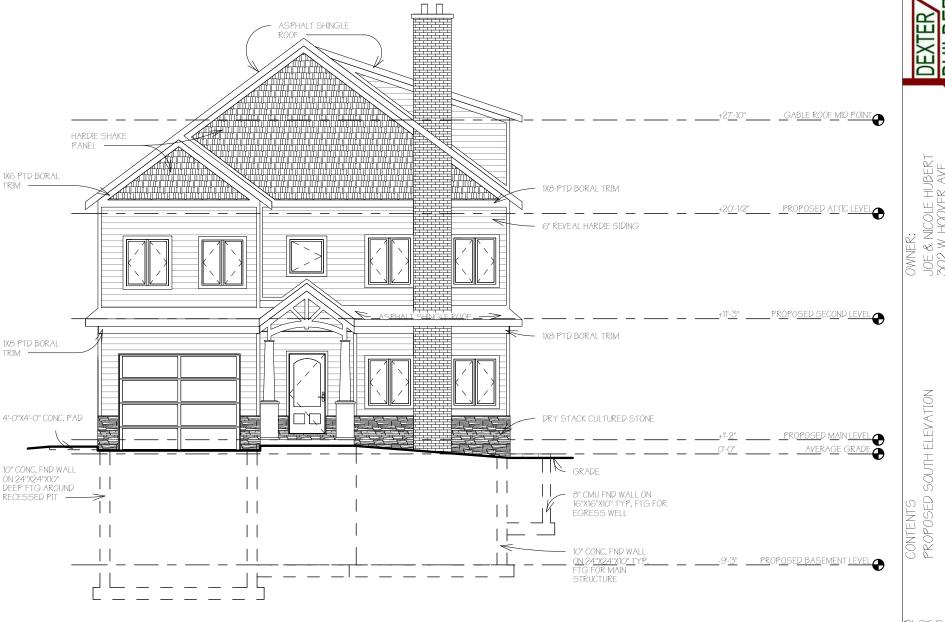
OWNER:
JOE & NICOLE HUBERT
302 W. HOOVER AVE
ANN ARBOR, MI 48103
PROJECT NUMBER:170174

CONTENTS
PROPOSED ROOF PLAN

PLOT DATE 11/14/17

SHEET NUMBER





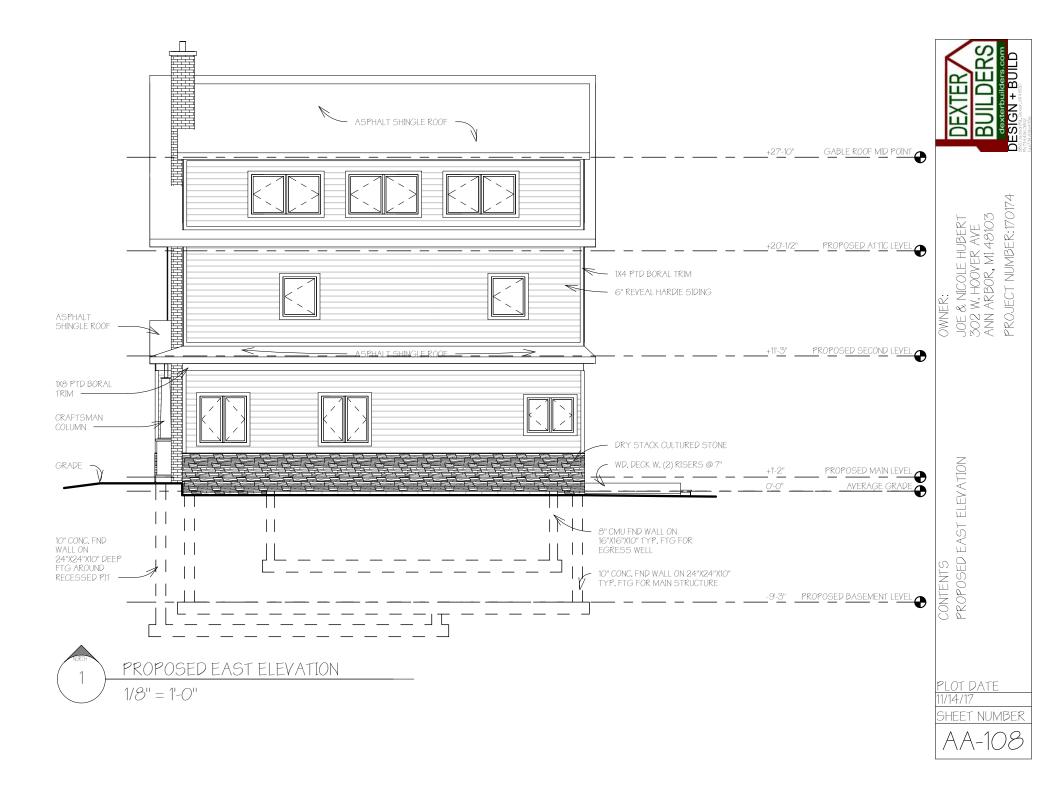
JOE & NICOLE HUBERT 302 W. HOOVER AVE ANN ARBOR, MI 48103

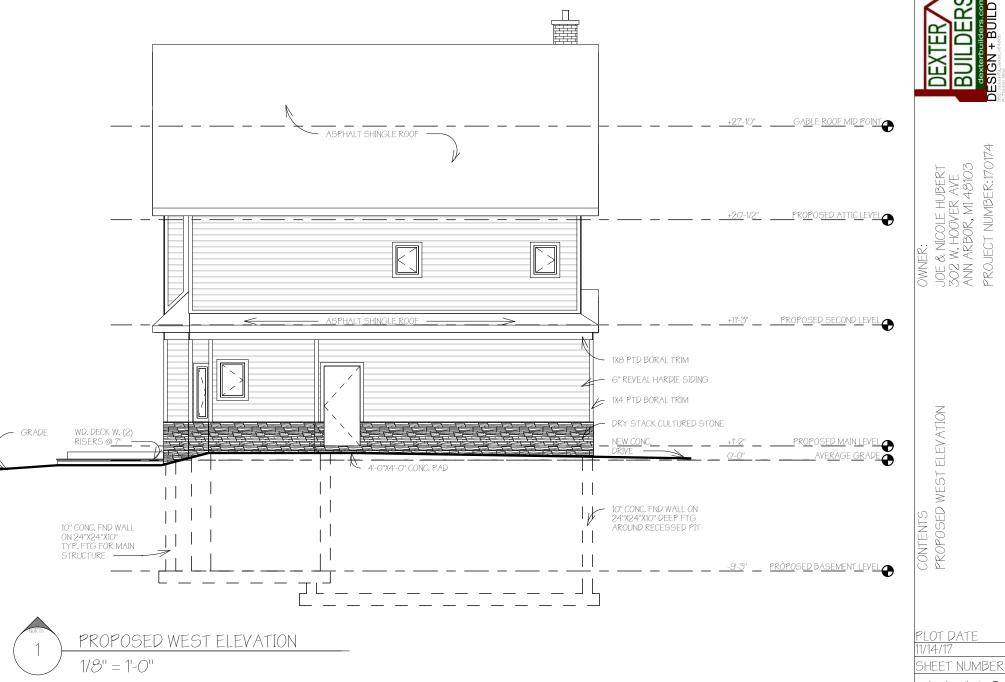
PROJECT NUMBER:170174

PLOT DATE 11/14/17

SHEET NUMBER

PROPOSED SOUTH ELEVATION





City of Ann Arbor – Zoning Board

RE: 302 West Hoover Ave.

To City of Ann Arbor Zoning Board:

I am Joseph and Nicole Hubert's neighbors directly to the east of their house. I live and own 200 West Hoover Ave. and our properties do share a common lot border.

I am are signing this letter to express my support for the reconstruction project at 302 West Hoover Avenue. Joseph and Nicole have discussed and shared with me the house plans and design as it has been submitted to the Ann Arbor Zoning Board. They have actively asked for input and showed consideration of my needs as their neighbor during the reconstruction project and also after the project has been completed. I would like to express my desire to support their project as it is being submitted to the board. I believe the design fits the current neighborhood both in scope of project and also aesthetics. I also believe it is setting a high bar for future projects. The Hubert's reconstruction project improves our changing neighborhood.

I live in a neighborhood which has a significant history of needing and also receiving zoning variances to complete projects. Please continue that rich history by granting the Huberts the needed variance to begin their project.

Thank you for including our support in your considerations. I anticipate your agreement this is going to be a positive addition to our neighborhood.

Sincerely,

Kenneth Graf - 200 West Hoover Ave., Ann Arbor, MI 48103

Mille

City of Ann Arbor - Zoning Board

RE: 302 West Hoover Ave.

To City of Ann Arbor Zoning Board:

I am Joseph and Nicole Hubert's neighbor.

I am signing this letter to express my support for the reconstruction project at 302 W Hoover Avenue. Joseph and Nicole have discussed and shared with me the house plans and design as it has been submitted to the Ann Arbor Zoning Board. They have actively asked for input and showed consideration of my needs as their neighbor during the reconstruction project and also after the project has been completed. I would like to express my desire to support their project as it is being submitted to the board. I believe the design fits the current neighborhood both in scope of project and also aesthetics. I also believe it is setting a high bar for future projects. The Hubert's reconstruction project improves our changing neighborhood.

I do live in a neighborhood which has a significant history of needing and also receiving zoning variances to complete projects. Please continue that rich history by granting the Huberts the needed variance to begin their project.

Thank you for including our support in your considerations. I anticipate your agreement this is going to be a positive addition to our neighborhood.

Sincerely,

Jesse Grove, neighbor 401 Wilder Place

401 Wilder Mace Am Arbor, ME 48103 City of Ann Arbor – Zoning Board

RE: 302 West Hoover Ave.

To City of Ann Arbor Zoning Board:

We are Joseph and Nicole Hubert's neighbors directly to the north of their house. We live at 315 West Davis Avenue and our properties do share a common lot border.

We are signing this letter to express our support for the reconstruction project at 302 W Hoover Avenue. Joseph and Nicole have discussed and shared with us the house plans and design as it has been submitted to the Ann Arbor Zoning Board. They have actively asked for input and showed consideration of our needs as their neighbors during the reconstruction project and also after the project has been completed. We would like to express our desire to support their project as it is being submitted to the board. We believe the design fits the current neighborhood both in scope of project and also aesthetics. We also believe it is setting a high bar for future projects. The Hubert's reconstruction project improves our changing neighborhood.

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Thank you for including our support in your considerations. We anticipate your agreement this is going to be a positive addition to our neighborhood.

Sincerely,

Jason Krajcovic - 315 West Davis Avenue, Ann Arbor, MI 48103

City of Ann Arbor - Zoning Board

RE: 302 West Hoover Ave.

To City of Ann Arbor Zoning Board:

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Sincerely.

City of Ann Arbor - Zoning Board

RE: 302 West Hoover Ave.

To City of Ann Arbor Zoning Board:

I am Joseph and Nicole Hubert's neighbors directly to the West of their house. I live at 306 West Hoover Avenue and our properties do share a common lot border.

I am signing this letter to express our support for the reconstruction project at 302 W Hoover Avenue. Joseph and Nicole have discussed and shared with us the house plans and design as it has been submitted to the Ann Arbor Zoning Board. They have actively asked for input and showed consideration of our needs as their neighbor during the reconstruction project and also after the project has been completed. I would like to express my desire to support their project as it is being submitted to the board. I believe the design fits the current neighborhood both in scope of project and also aesthetics. I also believe it is setting a high bar for future projects. The Hubert's reconstruction project improves our changing neighborhood.

We do live in a neighborhood which has a significant history of needing and also receiving zoning variances to complete projects. Please continue that rich history by granting the Huberts the needed variance to begin their project.

Thank you for including our support in your considerations. I anticipate your agreement to this is going to be a positive addition to our neighborhood.

Sincerely,

John Law 306 West Hoover, Ann Arbor, MI 48103