

**Zoning Board of Appeals
May 27, 2020 Regular Meeting**

STAFF REPORT

Subject: ZBA 20-011; 9 East Heatheridge Avenue

Summary:

Scott Hedges and Ann O'Hara, property owners, are requesting a two- foot three- inch variance from Table 5:17-1 Single-Family Residential Zoning District Dimensions. The property is zoned R1B Single-Family Dwelling and requires a 40 foot rear yard setback. The proposed setback will be reduced to 37 feet 9 inches. The owners are seeking to construct a 21'x15'3" addition to the rear of their existing home. The 320 square foot addition will accommodate a home office.

Background:

The subject property is in the Heatheridge neighborhood on a cul-de-sac lot east of Vinewood Boulevard. The existing residence was built in 1951 and is approximately 2,131 square feet in size. The lot is 9,975 square feet in area.

Description:

The proposed addition will serve as a professional space for the owners and will have a separate entry access from the home. This entrance will eliminate the passage from the living room and the bedroom.

Standards for Approval- Variance

The Zoning Board of Appeals has all the power granted by State law and by Section 5.29.12, Application of the Variance Power from the UDC. 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.***

The applicant states that the requested addition will accommodate a needed home office for the owners.

- (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.***

The proposed addition will allow for a separate delineated professional work space with its own means of egress.

- (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 rear yard of the property has a gradual slope and heavily wooded making this area of the yard a practical location as the house is rotated on the pie shaped lot.

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

The existing home is nonconforming as it currently does not meet the required rear setback of 40 feet. The south side of the home is 23.71 feet from the rear yard. The new addition will encroach into the rear setback less than the existing encroachment.

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

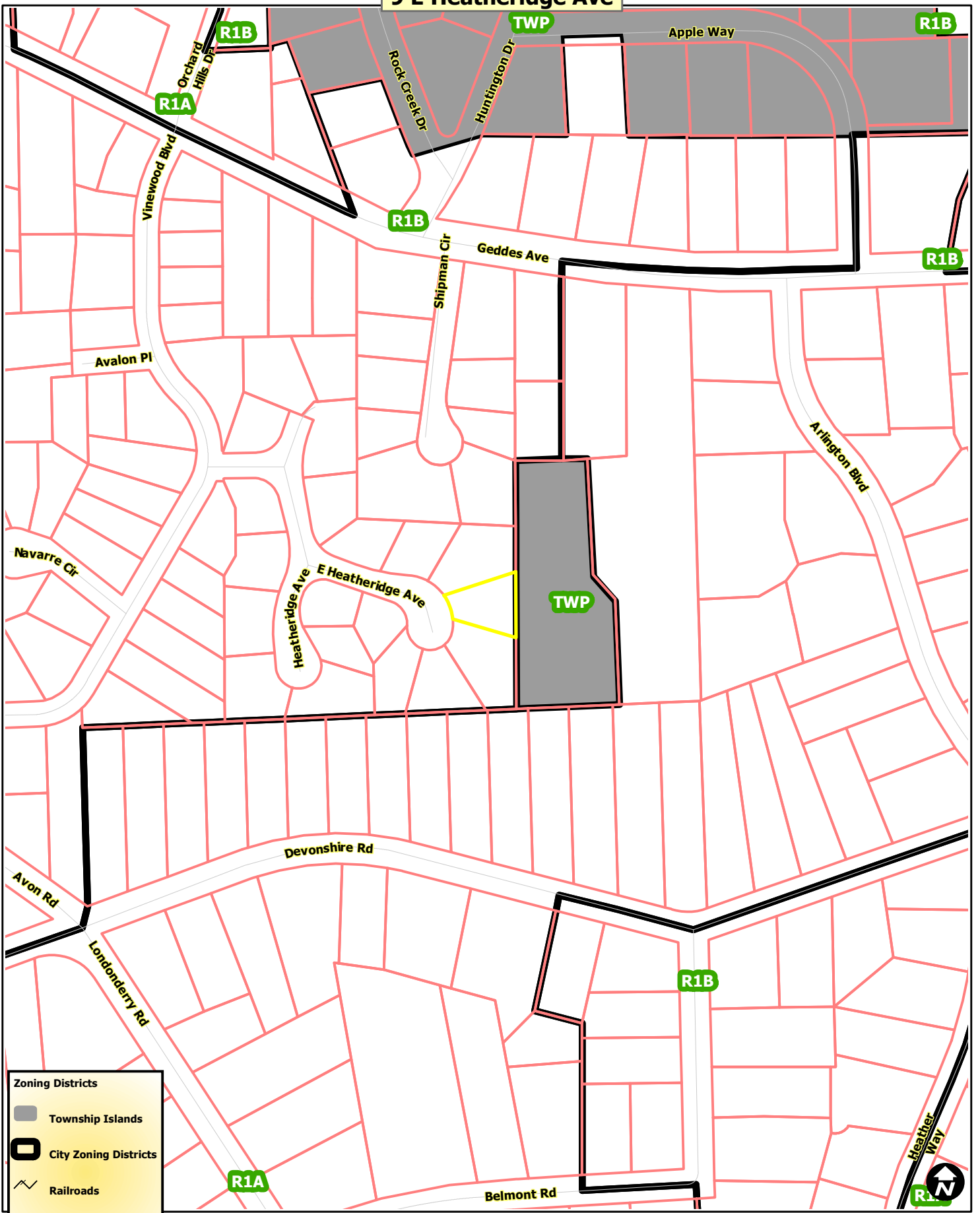
The requested variance of two feet three inches is minimal and only a small portion of the proposed addition will encroach into the rear setback. The addition will not have any negative visual impacts on the neighboring properties.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Jon Barrett", is written over a circular stamp or seal.

**Jon Barrett
Zoning Coordinator**

9 E Heatheridge Ave



Zoning Districts

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



Map date: 4/28/2020
Any aerial imagery is circa 2018
unless otherwise noted
Terms of use: www.a2gov.org/terms

9 E Heatheridge Ave

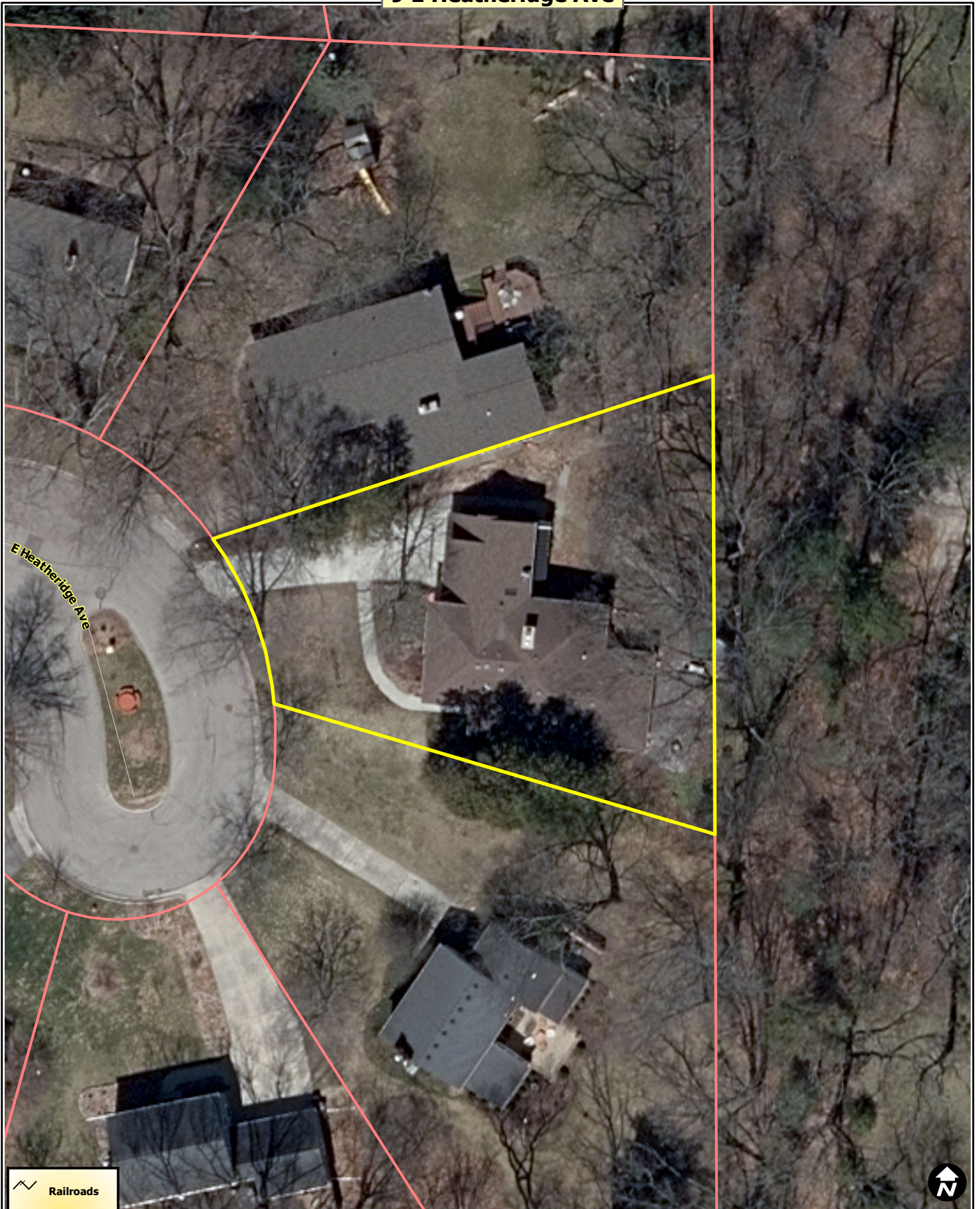





- Railroads
- Huron River
- Tax Parcels



Map date: 4/28/2020
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9 E Heatheridge Ave



-  Railroads
-  Huron River
-  Tax Parcels



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ZONING BOARD OF APPEALS APPLICATION

City of Ann Arbor Planning Services

City Hall: 301 E Huron Street Ann Arbor, MI 48107-8647

Phone: 734-794-6265 Fax: 734-794-8460 Email: planning@a2gov.org

PROPERTY INFORMATION

ADDRESS OF PROPERTY

9 E Heatheridge Ave

ZIP CODE

48104

ZONING CLASSIFICATION

R1B

NAME OF PROPERTY OWNER *If different than applicant, a letter of authorization from the property owner must be provided

Ann O'Hara & Scott Hedges

PARCEL NUMBER

09-09-34-212-019

OWNER EMAIL ADDRESS

carpinterio@gmail.com

APPLICANT INFORMATION

NAME

Scott Hedges & Ann O'Hara

ADDRESS

9 E Heatheridge Ave

CITY

Ann Arbor

STATE

MI

ZIP CODE

48104

EMAIL

carpinterio@gmail.com

PHONE

(734) 353-6099

APPLICANT'S RELATIONSHIP TO PROPERTY

owner

REQUEST INFORMATION

☒ VARIANCE REQUEST

Complete Section 1 of this application

☐ REQUEST TO ALTER A NONCONFORMING STRUCTURE

Complete Section 2 of this application

REQUIRED MATERIALS

One hard copy application complete with all required attachments must be submitted. Digital copies of supportive materials included in the submitted hard copy will only be accepted in PDF format by email or accompanying the hard copy application on a USB flash drive.

Required Attachments:

- ☒ Boundary 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.

OFFICE USE ONLY

Fee Paid:

ZBA:

DATE STAMP

ACKNOWLEDGEMENT

All information and materials submitted with this application are true and correct.

Permission is granted to City of Ann Arbor Planning Services and members of the Zoning Board of Appeals to access the subject property for the purpose of reviewing the variance request.

Property Owner Signature :

Date:

April 17, 2020

Section 1 City of Ann Arbor Planning Services – Zoning Board of Appeals Application

VARIANCE REQUEST

ARTICLE(S) AND SECTION(S) FROM WHICH A VARIANCE IS REQUESTED: (Example: Article 3, Section 5.26)

Table 5:17-1 Single-Family Residential Zoning District Dimensions

REQUIRED DIMENSION: (Example: 40' front setback)

Feet: 40 Inches:

PROPOSED DIMENSION: (Example: 32 foot 8 inch front setback)

Feet: 37 Inches: 9

DESCRIPTION OF PROPOSED WORK AND REASON FOR VARIANCE:

We propose to build a one story, 21' x 15' 3" (320 sq. ft.) addition as a home office which can be entered from an existing side door at the back of the garage. In order to fit the addition into the existing building, and make logical sense of the space, we require a variance as shown here

The City of Ann Arbor Zoning Board of Appeals has the powers granted by State law and City Code Chapter 55, Section 5:29. 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 statements are found to be true. Please provide a complete response to each of the statements below.

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.

Recent economic changes have resulted in both adults being forced to work from home. The proposed home office will allow us to keep a professional space that has separate access and is clearly delineated from the household.

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 recent economic situation has led to a situation where we require office space in our house. The proposed addition provides this requirement by allowing us to have a separate professional work space that is not located in the living room or bedroom or require passage thru the living area of the house.

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.

We have consulted with the neighboring property owners and have unanimous support, we have designed the addition to avoid anything that would have the effect of encroaching & because of the fact that the house is rotated on the lot, and is already built inside the rear setback, this addition does not materially change the relationship of the house to the lot. Conditions do not provide an alternative, we feel that the board can reasonably view allowing this variance this as ☑

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

The recent economic crisis and change in work demands were not chosen by us, we feel that the creation of a home office is vital to our use of the property and hope the board will see our request as reasonable.

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

We hope the board will agree that the proposed home office does not materially change the character of the zoning and is reasonable under the circumstances.

Section 2

City of Ann Arbor Planning Services – Zoning Board of Appeals Application

REQUEST TO ALTER A NONCONFORMING STRUCTURE

For the purposes of Article VI: Nonconformities Section 5.32.2 Nonconforming Structure, **alteration** is defined as any change in a Building that results in additional Floor Area being fit for occupancy, a greater number of dwelling or rooming units or an increase in the exterior dimensions of the Building.

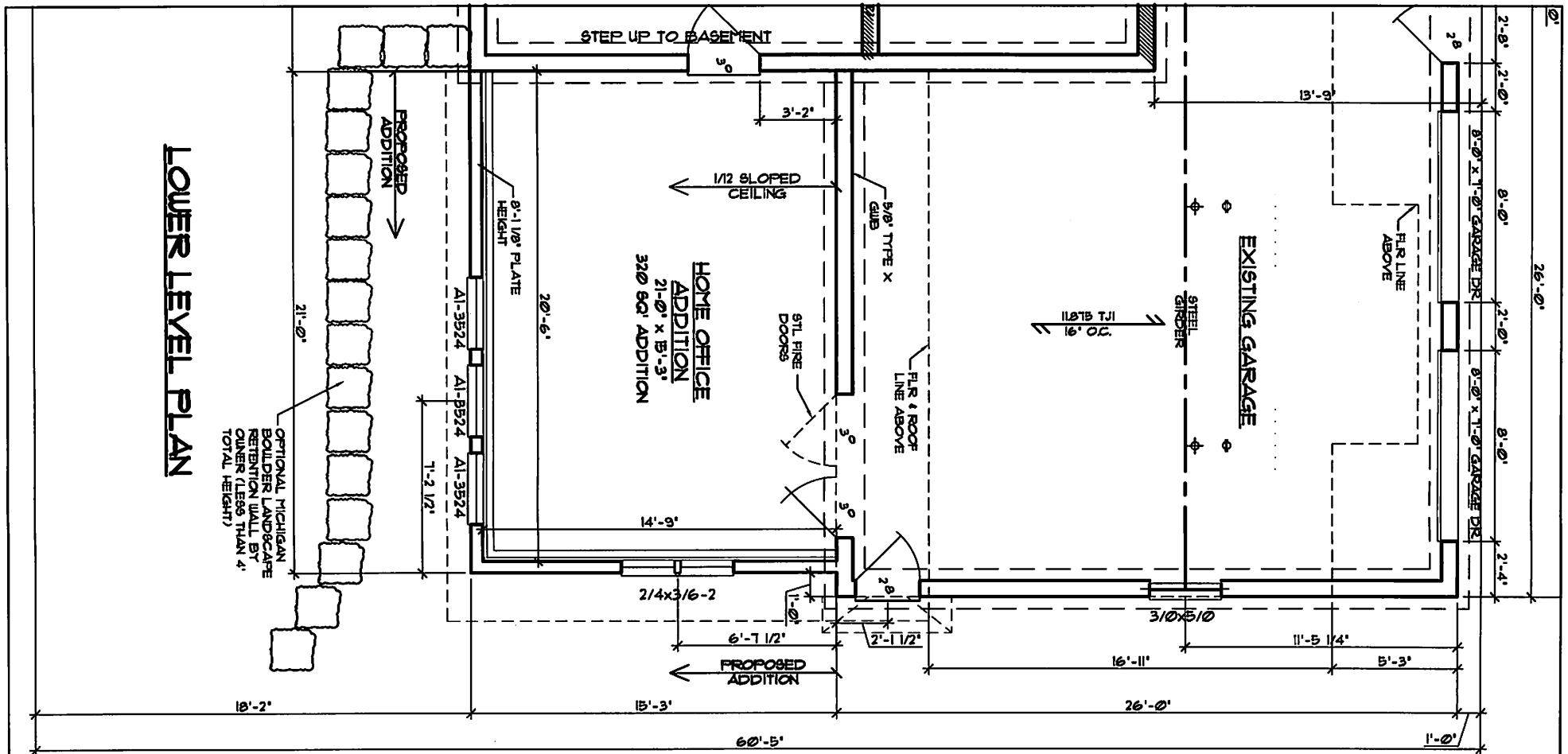
A nonconforming structure may be maintained or restored, but permission to alter a nonconforming structure will only be approved by the Zoning Board of Appeals upon finding that it complies as nearly as practicable with the requirements of this Chapter and that it will not have a detrimental effect on neighboring property.

In the space below, describe the current use of the property, the proposed alteration, and the impact it would have on neighboring property.

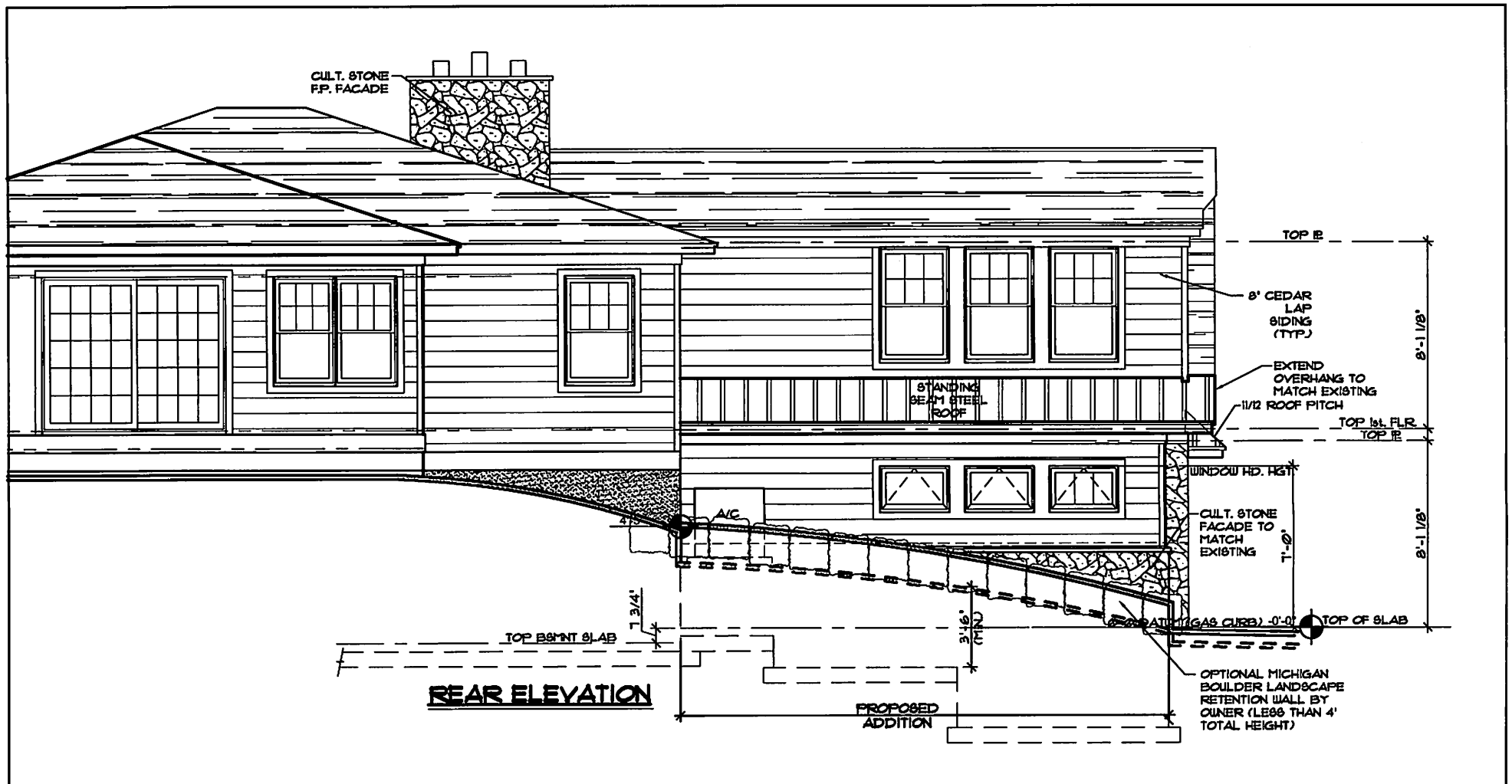
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Please complete the table below as it relates to your request

Requirement	Existing Condition	Code Requirement
Lot Area		
Lot Width		
Floor Area Ratio		
Setbacks		
Parking		
Landscaping		
Other		



<div>A1.0</div>		<div>HEDGES OFFICE ADDITION</div> <div>9 EAST HEATHERIDGE AVE.</div> <div>ANN HARBOR, MICHIGAN 48104</div>	NO.	DATE	ISSUED	DWN BY	<div>LOWER LEVEL FLOOR PLAN</div> <div>ROUGH DESIGNS</div>		<div>KEHM DESIGN & CONSULTING LLC</div> <div>8692 RESERVOIR ROAD</div> <div>GERMANSVILLE PA 16033</div> <div>PH: (610) 760-2852</div> <div>EMAIL: BRYAN@KEHMDESIGN.COM</div>		
JOB NO:			1	4/14/20	ROUGH DESIGNS/ VARIANCE	BEK					SH
<div>20-Hgs</div>			2								
			3								
			4								
1 OF 4									SCALE:	<div>VARIANCE REVIEW</div>	
								1/4" = 1'-0"			



A2.1 <small>JOB NO.</small> 20-Hgs 4 OF 4	HEDGES OFFICE ADDITION 9 EAST HEATHERIDGE AVE. ANN HARBOR, MICHIGAN 48104	NO.	DATE	ISSUED	DWN. BY		REAR ELEVATION ROUGH DESIGNS ROUGH DESIGNS <small>SCALE:</small> 1/4" = 1'-0"	VARIANCE REVIEW	KEHM DESIGN & CONSULTING LLC 8882 RESERVOIR ROAD GERMANSVILLE PA 16053 PH: (610) 760-2852 EMAIL: BRYAN@KEHMDDESIGN.COM
		1	4/14/20	ROUGH DESIGNS/ VARIANCE	BEK	SH			
		2							
		3							
		4							

CERTIFICATE OF SURVEY

THE LAND REFERRED TO IN THIS COMMITMENT IS DESCRIBED AS FOLLOWS:

LAND IN THE CITY OF ANN ARBOR, COUNTY OF WASHTENAW, MICHIGAN, DESCRIBED AS:

LOT 9, HEATHERIDGE SUBDIVISION, AS RECORDED IN L.10 OF PLATS, P.59, W.C.R.; ALSO A PART OF LOT 8 OF HEATHERIDGE SUBDIVISION, DESCRIBED AS: BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 8 OF HEATHERIDGE SUBDIVISION; THENCE ALONG THE SOUTHWESTERLY LINE OF SAID LOT 8 IN THE ARC OF A CIRCULAR CURVE CONCAVE TO THE SOUTHWEST OF RADIUS 95.0 FEET, SUBTENDED BY A CHORD OF 1.25 FEET; THENCE EASTERLY 6.5 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 8 THAT IS 6.15 FEET NORTHEASTERLY FROM THE PLACE OF BEGINNING; THENCE 6.15 FEET SOUTHWESTERLY ALONG THE SOUTH LINE OF SAID LOT 8 TO THE PLACE OF BEGINNING, BEING A PART OF LOT 8 OF SAID HEATHERIDGE SUBDIVISION, AS RECORDED IN L.10 OF PLATS, P.59, W.C.R.

PROPERTY ADDRESS:
9 E. HEATHERIDGE AVE.,
ANN ARBOR, MI 48104

PREPARED FOR:
SCOTT HEDGES
9 E. HEATHERIDGE AVE.
ANN ARBOR, MI 48104
(734) 353-6099

VARIANCE:

REAR SETBACK: 40 FT.
PR. BLDG. ADD.: 37.32'
VARIANCE: $40.0 - 37.32 = 2.68'$ OR $2'-8 \frac{1}{8}"$.

LEGEND:

- FOUND IRON
- SET IRON
- R RECORD DISTANCE
- M MEASURED DISTANCE

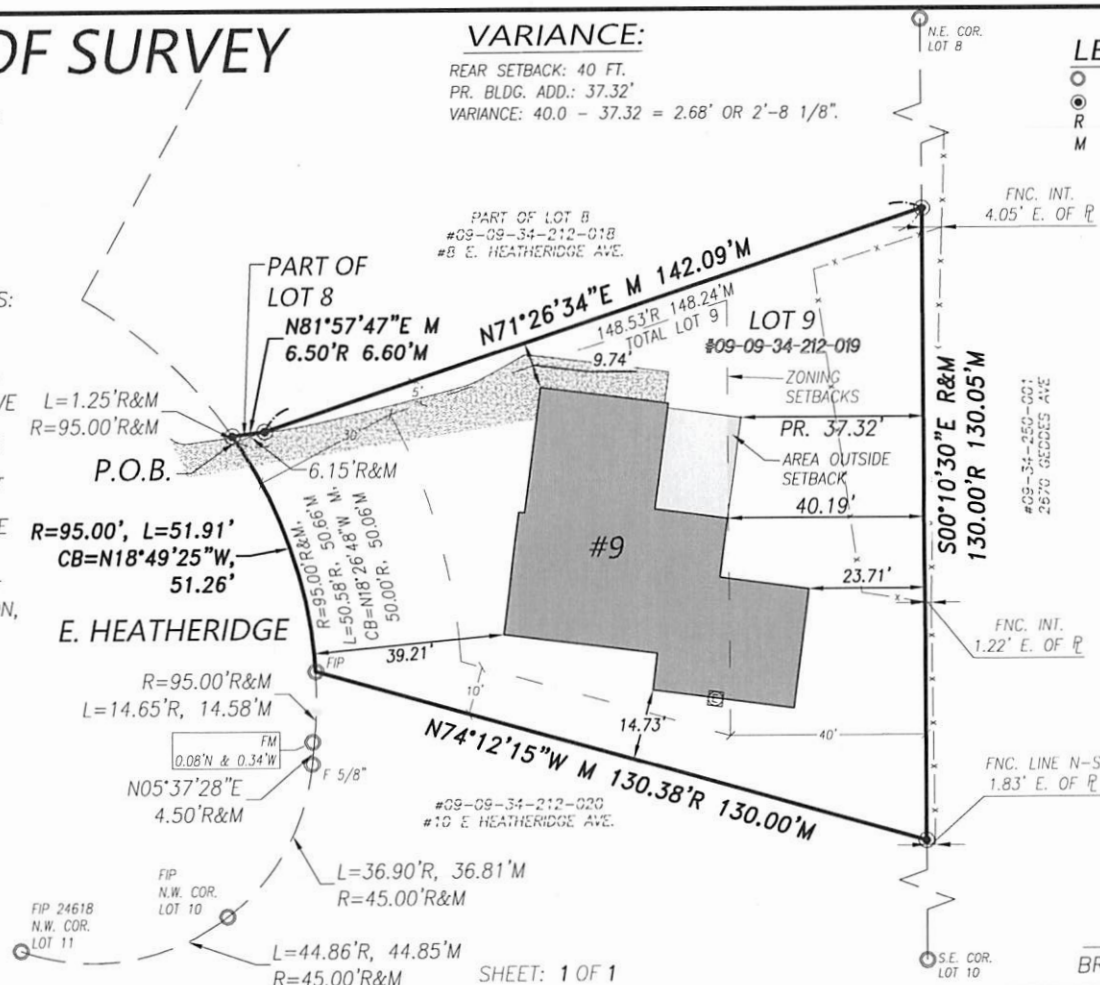


0 15 30

SCALE: 1" EQ. 30'
THIS SURVEY WAS DONE WITHOUT THE BENEFIT OF A TITLE POLICY OR DEED THEREFORE, ALL EASEMENTS RELEVANT TO TITLE MAY NOT BE SHOWN. CLIENT PROVIDED DESCRIPTION FOR PROPERTY.

I HEREBY STATE THAT I HAVE SURVEYED AND MAPPED THE LAND PLATTED AND/OR DESCRIBED ABOVE ON APRIL, 8 2020 AND THAT ALL OF THE REQUIREMENTS OF PUBLIC ACT 132 OF 1970, AS AMENDED, HAVE BEEN COMPLIED WITH.

BASIS OF BEARING: THE EAST LINE OF LOT 9 PER PLAT



SHEET: 1 OF 1



BRADLEY G. REICHERT P.S. #55923

Scale: 1"=30'
Date: 4/8/20
Job No. 20-052
Drawn: B.G.R.

REICHERT
SURVEYING INC.

P 248.651.0592 F 248.656.7099
Mail@ReichertSurveying.com
140 Flumerfelt Lane - Rochester, MI 48306

LEGAL DESCRIPTION: LOT 9 AND PART OF LOT 8 OF "HEATHERIDGE" PART OF THE E. 1/2 OF THE N.W. 1/4 SEC. 34, T.2S., R.6E., CITY OF ANN ARBOR, WASHTENAW COUNTY, MICHIGAN AND PART OF LOT NO. 6 "VINEWOOD" SUBDIVISION AS THE SAME APPEARS IN L.6 OF PLATS ON P.30, W.C.R.

Date:	Rev. By:
4/14/20	GHR

Proposed Home Office Addition

9 E Heatheridge Avenue

CERTIFICATE OF SURVEY

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LAND IN THE CITY OF ANN ARBOR,
COUNTY OF WASHTENAW, MICHIGAN,
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AS RECORDED IN L.10 OF PLATS,
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PROPERTY ADDRESS:
9 E. HEATHERIDGE AVE.,
ANN ARBOR, MI 48104

PREPARED FOR:
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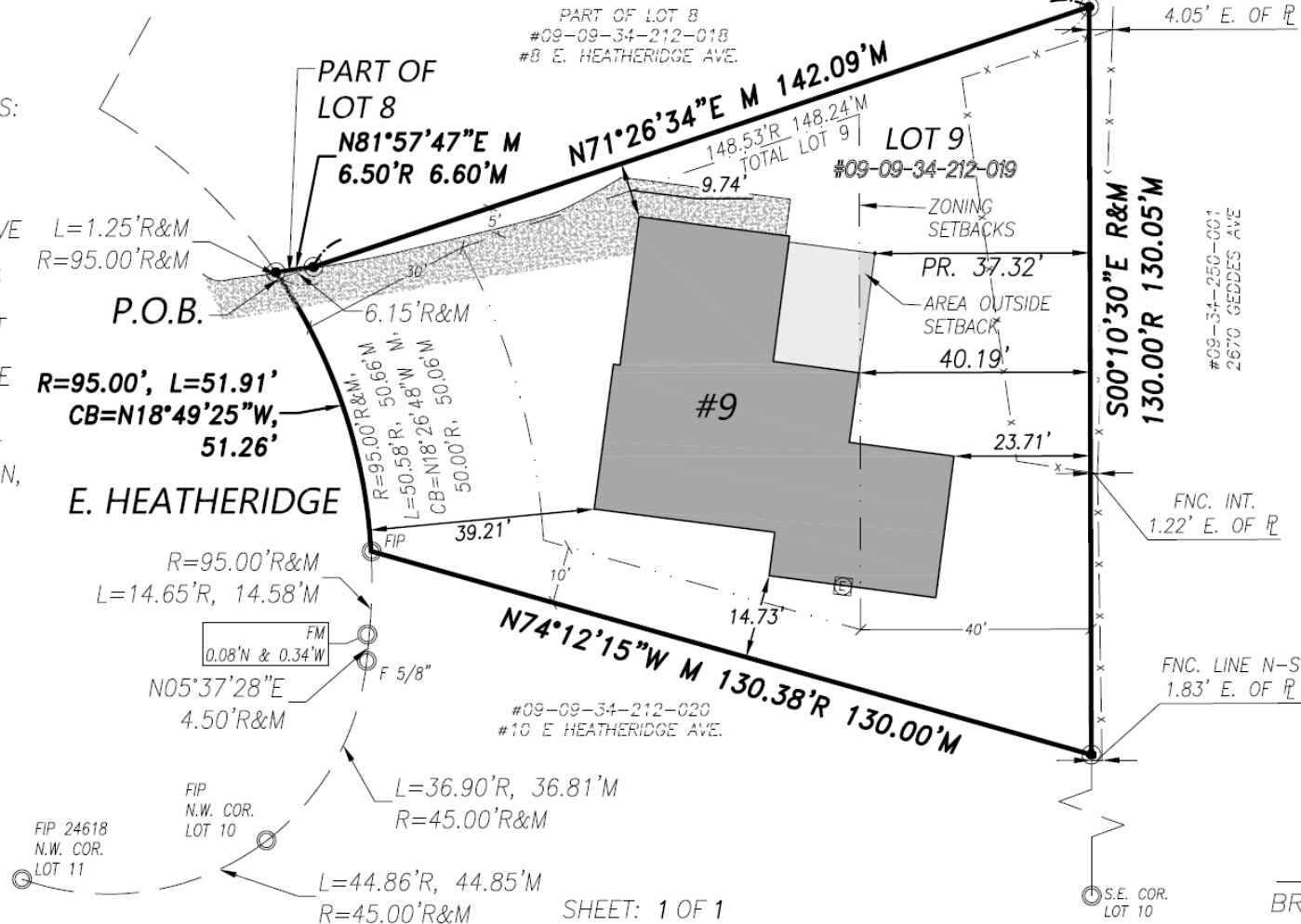
Scale: 1"=30'
Date: 4/8/20
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Mail@ReichertSurveying.com
140 Flumerfelt Lane - Rochester, MI 48306

VARIANCE:

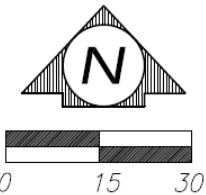
REAR SETBACK: 40 FT.
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VARIANCE: 40.0 - 37.32 = 2.68' OR 2'-8 1/8".



SHEET: 1 OF 1

LEGEND:

- FOUND IRON
- SET IRON
- R RECORD DISTANCE
- M MEASURED DISTANCE



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THIS SURVEY WAS DONE WITHOUT
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OR DEED THEREFORE, ALL
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I HEREBY STATE THAT I HAVE
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ON APRIL, 8 2020 AND THAT ALL OF
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BASIS OF BEARING: THE EAST LINE OF
LOT 9 PER PLAT



BRADLEY G. REICHERT P.S. #55923

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Date:	Rev. By:
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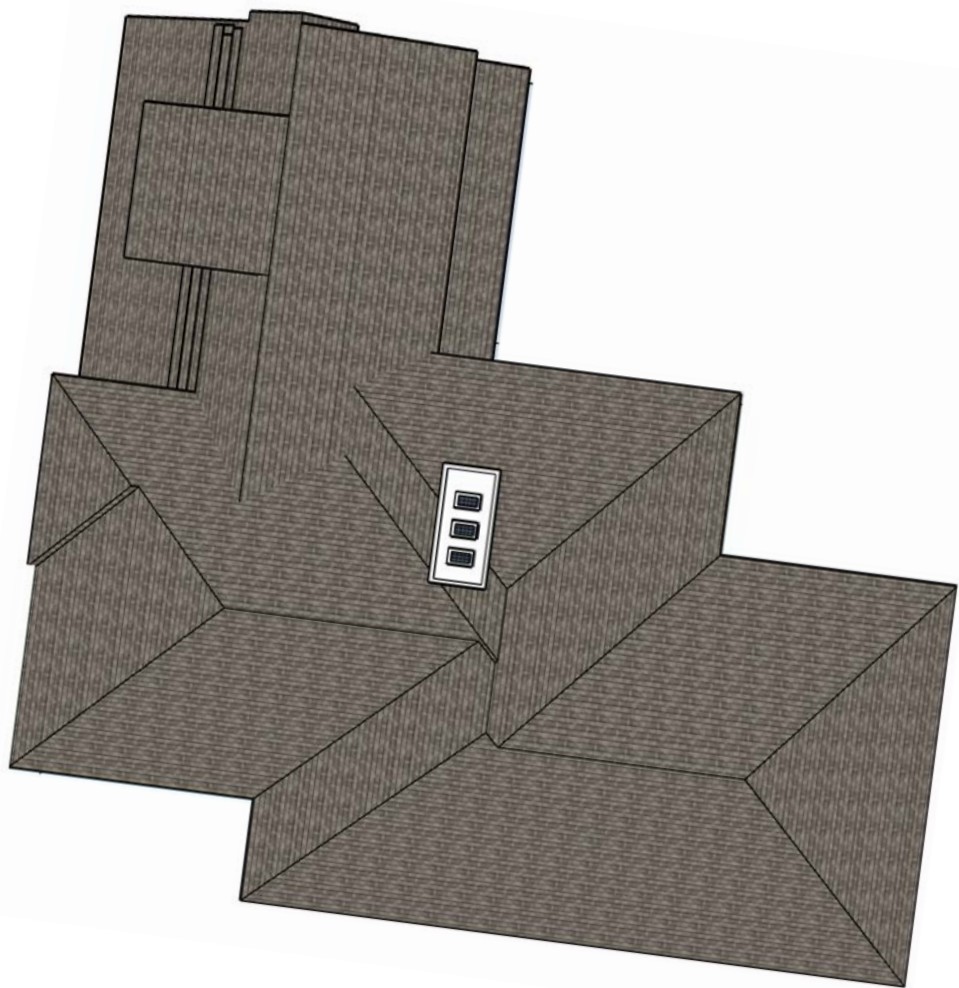
40' R1B Setback

Proposed
15'3" x 21' 320 sq.
ft. Addition

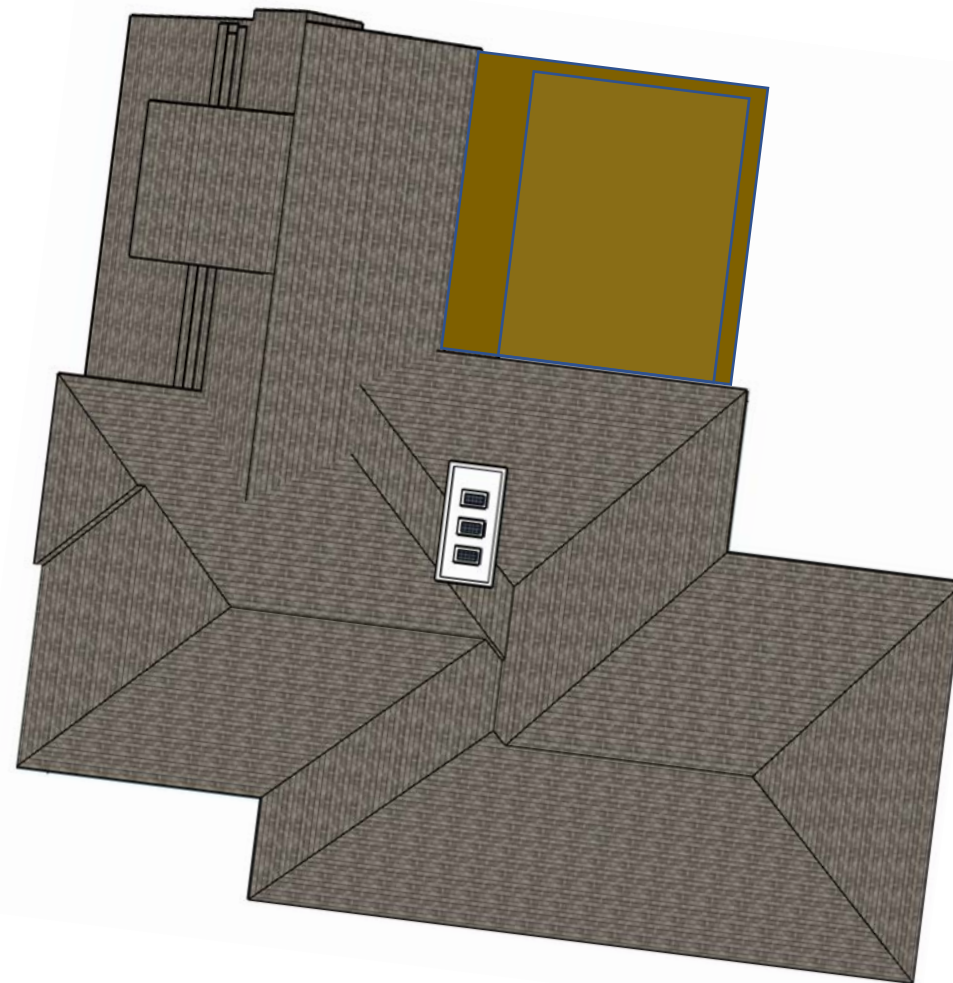
40' R1B Setback

0 20 40ft

1:500



**Roof Plan of House
Existing**



**Roof Plan of House
Showing Proposed Addition**



**Side Elevation
Existing**



**Side Elevation
Showing Proposed Addition**



**Rear Elevation
Existing**



**Rear Elevation
Showing Proposed Addition**





Neighborhood support for Variance

We have consulted with the neighbors within 300' of the proposed project and all have either provided letters of support with this application or verbally supported the variance.

