Zoning Board of Appeals January 27, 2021 Regular Meeting

STAFF REPORT

Subject: ZBA 20-031; 614 S. Ashley Street

Summary:

Central Property Development, property owners, are requesting various width variances from the required 15-foot wide conflicting land use buffers along the north, south and west property lines and a variance from all required landscaping and screening along the south property line. Sections 5.20.4 (A)(3) and (B)(1)(2) & (3) requires conflicting land use buffers (CLUB) for parcels zoned O, RE, ORL, C or M abutting a public park or parcel principally used of zoned for residential purposes. The property is zoned C2B, Business Service District.

Background:

The subject property is located on the west side of S. Ashley Street, south of W. Madison St. The structure was built in 1913 and located in the Old West Side Historic District.

Description:

The petitioner seeks approval to add an approximately 300-square foot second story residential addition onto the rear of the existing house for a new total of 1,213-square feet. This house is located in a historic district and received approval by the Historic District Commission in November 2020.

This proposal requires site plan approval, as this is an addition located in a commercial district. Site plans for City Council approval trigger the need for the entire site be brought into code compliance. Planning staff determined this proposal go to the ZBA before being heard by the City Planning Commission because this proposal cannot be approved without these variances granted.

South CLUB: Variances requested from the 15-foot width, the required plantings (one tree for each 15 feet abutting land), and the continuous screening (a hedge, berm, wall, fence or combination of those features forming a continuous screen at least four feet high) due to the shared driveway.

West CLUB: Requesting a 9-foot wide variance from the CLUB width. Trees to be planted (one tree for every 15 feet, or fraction thereof of abutting land and at least half of the trees to be evergreens. Three (3) trees required along this buffer, two of which must be evergreen). The existing fence to be used as the continuous screening.

North CLUB: Requesting an 11-foot variance from the CLUB width. A 4-foot wide CLUB is very narrow, but is wide enough to plant trees/shrubs of certain species. There is not sufficient room to plant the required trees and shrubs so a 4-foot high fence can be installed along the north property line in lieu of shrubs.

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 alleged practical difficulties are exceptional and peculiar to the property of the Person requesting the variance, resulting from conditions that do not exist generally throughout the City.

Although the district is zoned C2B, adjacent uses are currently residential requiring the petitioner to provide landscape screening on 3 adjoining sides. The standard CLUB is 15' wide with 1 tree every 15' and 5 shrubs every 30'. Practical difficulties occur, a) south property line shares a vehicle access easement with the adjoining property, b) north property line provides only 7 1/2' LF from building wall to property line, c) west property line is a paved surface 1 LF past the property line to where the neighbor has an existing 6' high wooden screen fence. Additional difficulties include existing mature deciduous trees on or near the property lines restricting the Petitioner's ability to plant under these trees.

- (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.
 - If the variance were not granted, conditions of the ordinance would prevent the structure to be modified into a live/work facility making it more than a mere inconvenience to his business.
- (c). That allowing the variance will result in substantial justice being done, considering the public benefits intended to be secured by this Chapter, the Practical difficulties 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 allowance of the variance will result in keeping the function of existing adjacent land uses in the neighborhood the same, will incrementally improve public safety by reducing vehicle trips to and from this property and will not negatively affect the rights of other property owners.

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

- There shall not be a self-imposed practical difficulty on this proposal as the residential use would not be required to screen from adjacent properties if located in a single-family residential district. Due to this site being zoned commercial and adjacent to residential uses in a commercial district, additional landscaping is required. This proposal plants landscaping and screening where possible.
- (e). A variance approved shall be the minimum variance that will make possible a reasonable use of the land or structure.
 - The minimal variance will allow a live/work facility with reasonable use of the land, the improved structure all within the confines of the historic district.

Respectfully submitted,

Chris Cheng

Chris Cheng

City Planner







OF ANN PAR

Tax Parcels

Map date: 1/4/2021 Any aerial imagery is circa 2020 unless otherwise noted Terms of use: www.a2gov.org/terms



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

			1- 3-0	<u> </u>			
PROPERTY INFORMAT	ION						
ADDRESS OF PROPERTY 614 S. Ashley Street					ZIP CODE 48103		
ZONING CLASSIFICATION C2B	Central Property Development, Inc.						
PARCEL NUMBER 09-09-29-414-004	terri@cp-development.com						
APPLICANT INFORMAT	TION						
NAME Central Property Developmen	t						
ADDRESS 614 S. Ashley St			CITY Ann Arbo	or	STATE MI	ZIP CODE 48103	
terri@cp-development.com				734-436-8933			
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				OFFICE USE ONLY			
One hard copy application complete will all required attachments must			St Fee Pa	Fee Paid: ZBA:			
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.				DATE STAMP			
Required Attachments: X Boundary Survey of the property including all existing and proposed structures, dimensions of property, and area of property.			d				
Building floor plans showing interior rooms, including dimensions. X Photographs of the property and any existing buildings involved in the request.			the				
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: Jesse Dete: 12/21/2020

V5 1-8-2020

$\textbf{Section 1} \ \, \textbf{City of Ann Arbor Planning Services - Zoning Board of Appeals Application} \\$

VARIANCE REQUEST

ARTICLE(S) AND SECTION(S) FROM WHICH A VARIANCE IS REQUESTED: (Example: Article 3, Section 5.26) 5.20.4 A.1 and 5.20.5 B.1

REQUIRED DIMENSION: (Example: 40' front setback)
Feet: 8 Inches:

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

Feet: 4 Inches:

DESCRIPTION OF PROPOSED WORK AND REASON FOR VARIANCE:

The approved site plan is for a new building addition consisting of a residential apartment over a vehicle garage attached to the existing structure (house) for Office use. Reasons for variance, the property is encumbered by the following: 1) minimum lot sizes and minimum setbacks, 2) existing mature trees located on or near the property lines, 3) remaining adjacent residential uses although zoned C2B district and 4) the parcel is located in a historic district.

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 practical difficulties are exceptional and peculiar to the property of the Person requesting the variance, and result from conditions that do not exist generally throughout the City.

Although the district is zoned C2B adjacent uses are currently residential requiring the petitioner to provide landscape screen on 3 adjoining sides. The standard CLUB is 15' wide with 1 tree every 15' and 5 shrub every 30'. Practical difficulties occur, a) south property line shares a vehicle access easement with the adjoining property, b) north property line provide only 7 1/2' LF from building wall to property line, c) west property line is a paved surface 1 LF past the property line to where the neighbor has an existing 6' high wooden screen fence. Additional difficulties include existing mature deciduous trees on or near the property lines restricting the Petitioners ability to plant under these trees.

The alleged practical difficulties that will result from a failure to grant the variance, include substantially more than mere inconvenience, inability to attain a higher financial return, or both.

If the variance were not granted conditions of the ordinance would prevent the structure to be modified into a live/work facility making it more than a mere inconvenience to his business that would also thwart the Petitioner for bringing a higher financial value to the property.

Allowing the variance will result in substantial justice being done, considering the public benefits intended to be secured by this chapter, the practical difficulties 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 allowance of the variance will result in un-impeding the function of existing adjacent land uses in the neighborhood, will incrementally improve public safety by reducing vehicle trips to and from this property and will not negatively affect the rights of other property owners.

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

There shall not be self-imposed practical difficulty on the Petition from variance request in forms of the full use of the parcel and its resultant integration into the neighborhood uses and landscaped surroundings.

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

The minimal variance will allow to make possible a live/work facility with reasonable use of the land, the improved structure all within the confines of the historic district.

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.

The existing structure will increase by 319 sf making possible a live/work facility within the City Proper while still providing adequate and appropriate landscape screening between adjacent properties.

Please complete the table below as it relates to your request

Requirement	Existing Condition	Code Requirement
Lot Area	3,868.8 SF	3,868. SF
Lot Width	39 LF	39 LF
Floor Area Ratio	25%	
Setbacks	25° 30°	25' Front Yard 30' Rear Yard
Parking	3 spaces	2 spaces
Landscaping	4' wide buffer	8' wide buffer
Other		
	Dage 5	

Page 5 V5 1-8-2020

614 South Ashley



Southwest corner



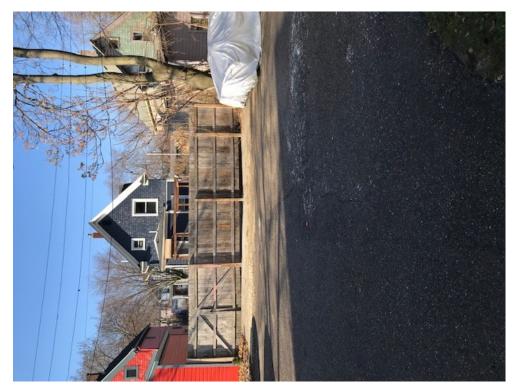
North boundary



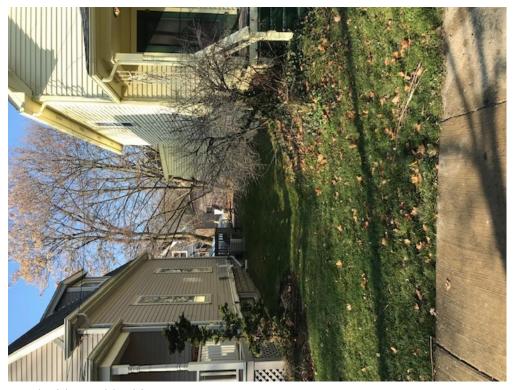
Northwest corner



North side yard looking East



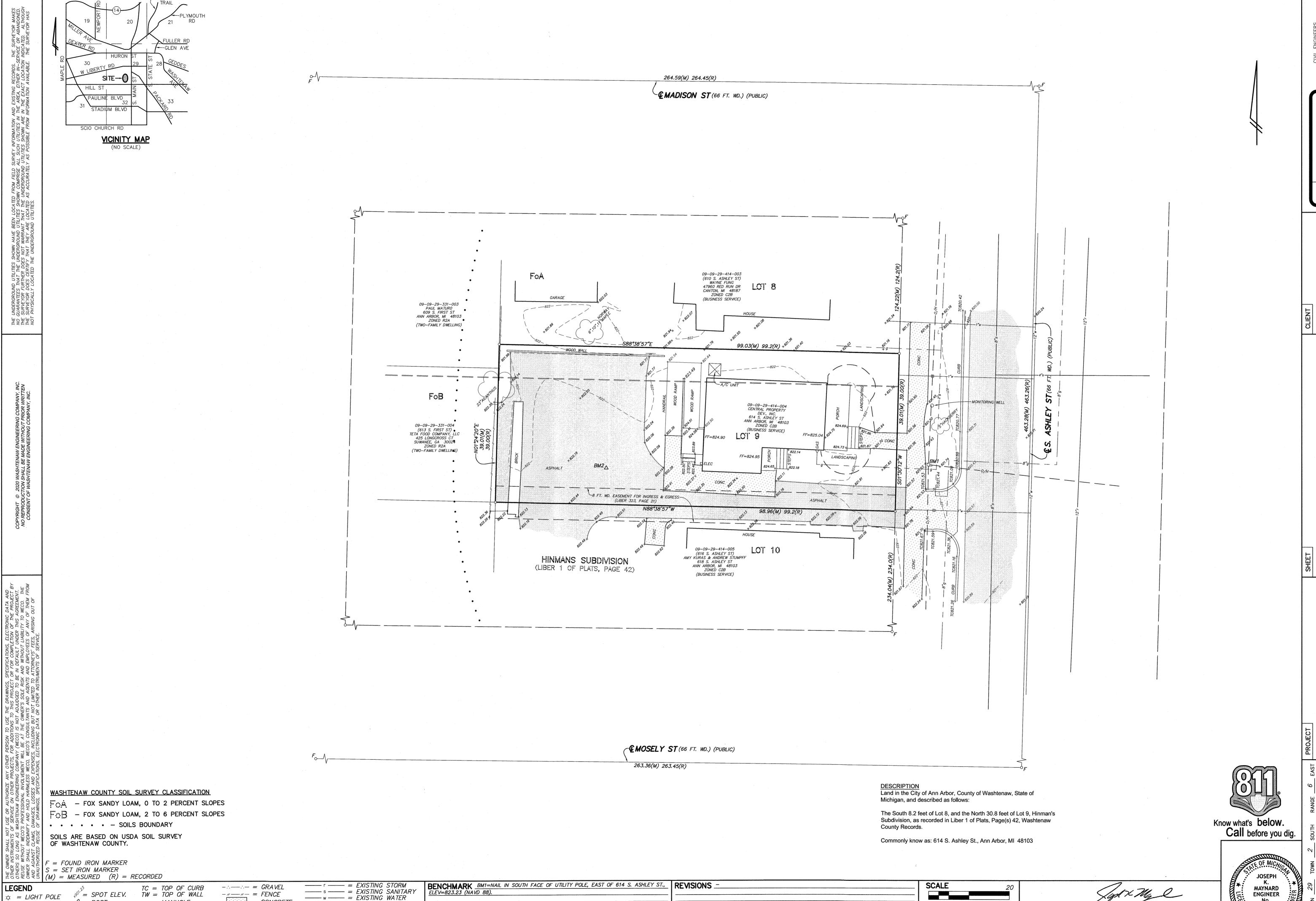
West property line fence



South side yard looking west



Rear yard looking North



 $\forall = HYDRANT \qquad --- = SIGN$

= CONCRETE

= ASPHALT

---- g ---- = EXISTING GAS

e — e = EXISTING ELECTRIC — t — = EXISTING TELEPHONE

BM2=NAIL IN ASPHALT PARKING LOT OF 614 S. ASHLEY ST, ELEV=822.31 (NAVD 88).

WASHTENAW ENGINEERING

CONDITIONS

04 ST

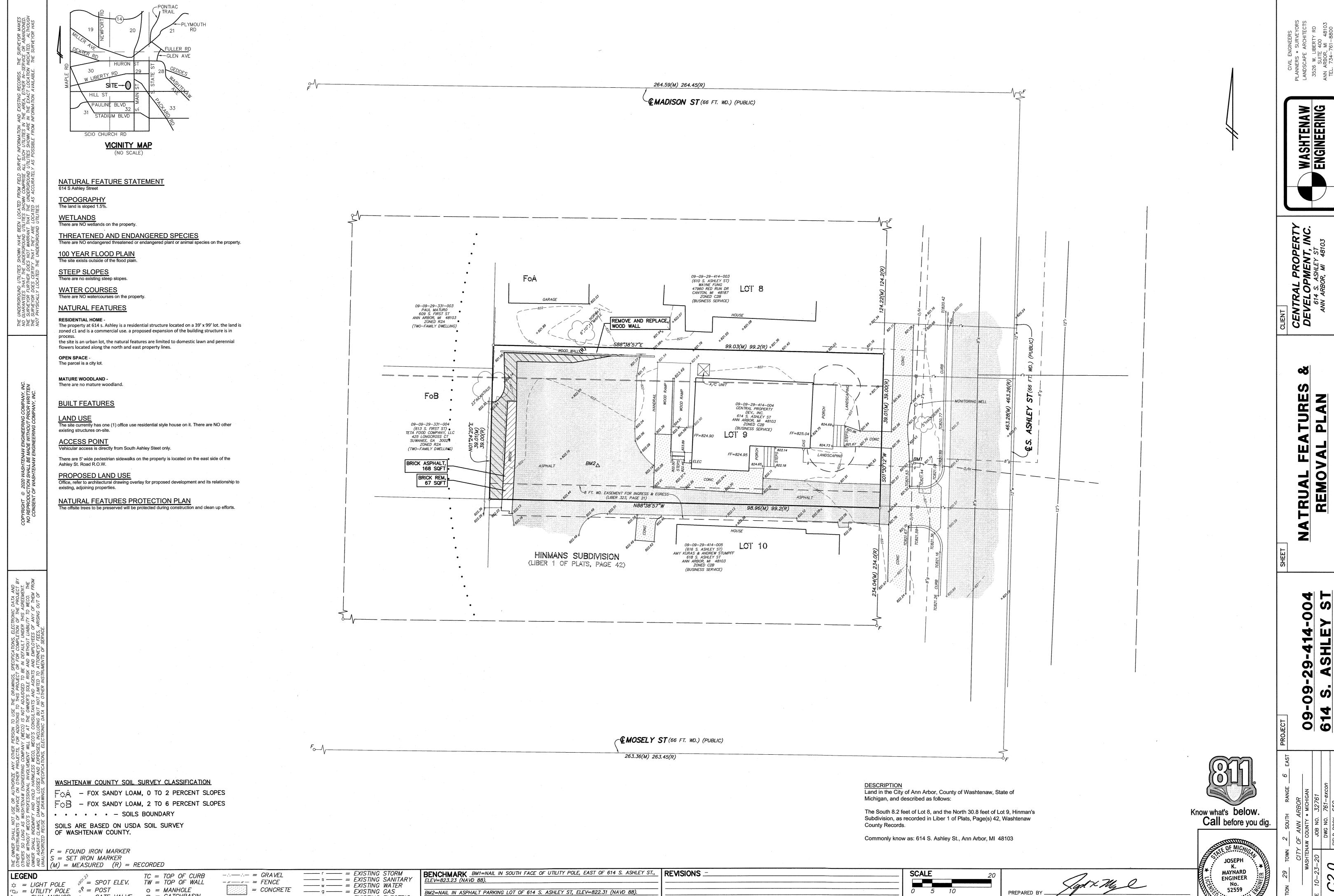
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K. MAYNARD ENGINEER

PREPARED BY

SCALE: 1"=10'

JOSEPH K. MAYNARD P.E., MICH No. 52559



Arr = GUY ANCHOR Arr = GATE VALVE Arr = CATCHBASIN

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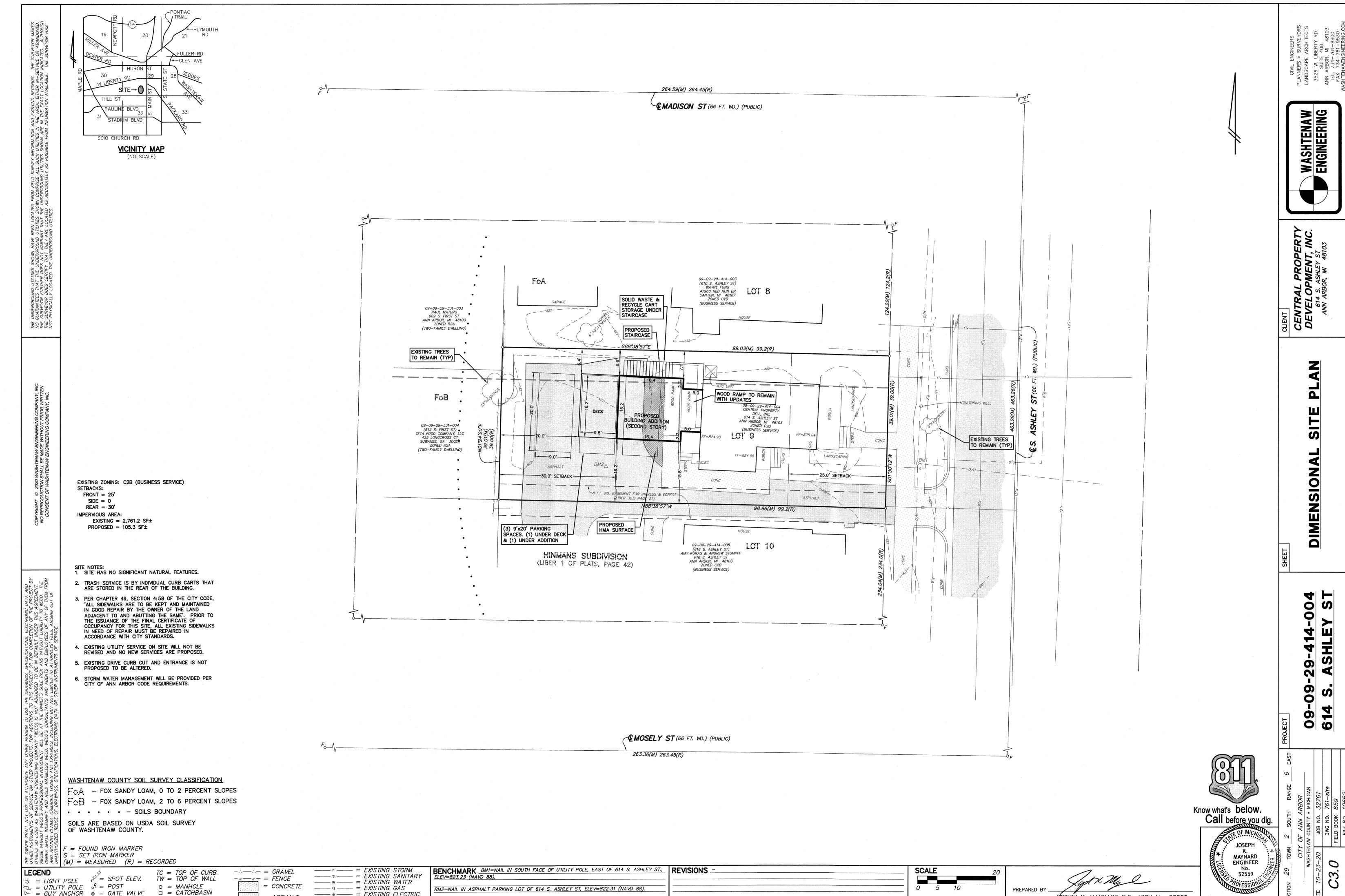
= ASPHALT

No. 52559

PREPARED BY ___

SCALE: 1"=10'

JOSEPH K. MAYNARD P.E., MICH No. 52559



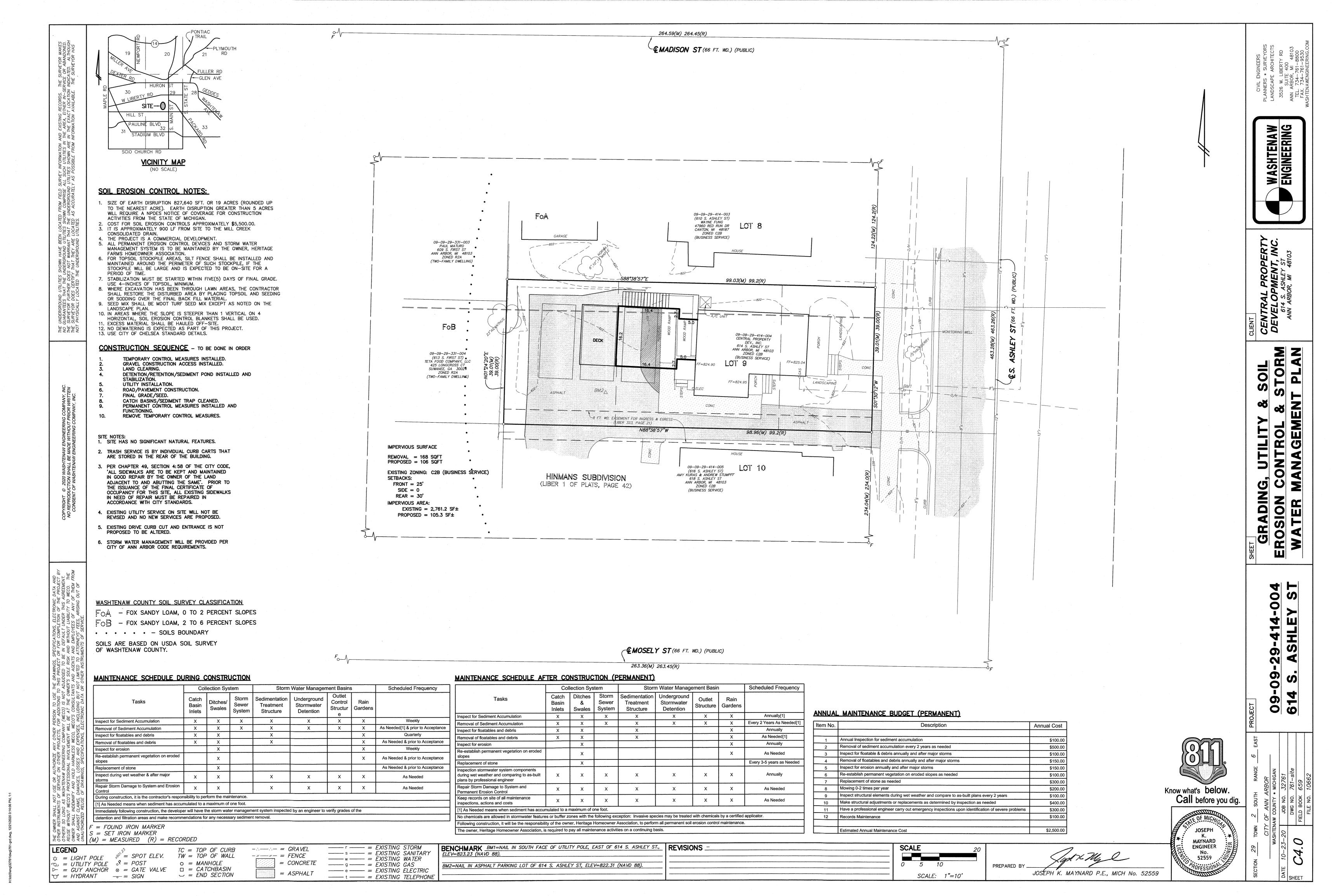
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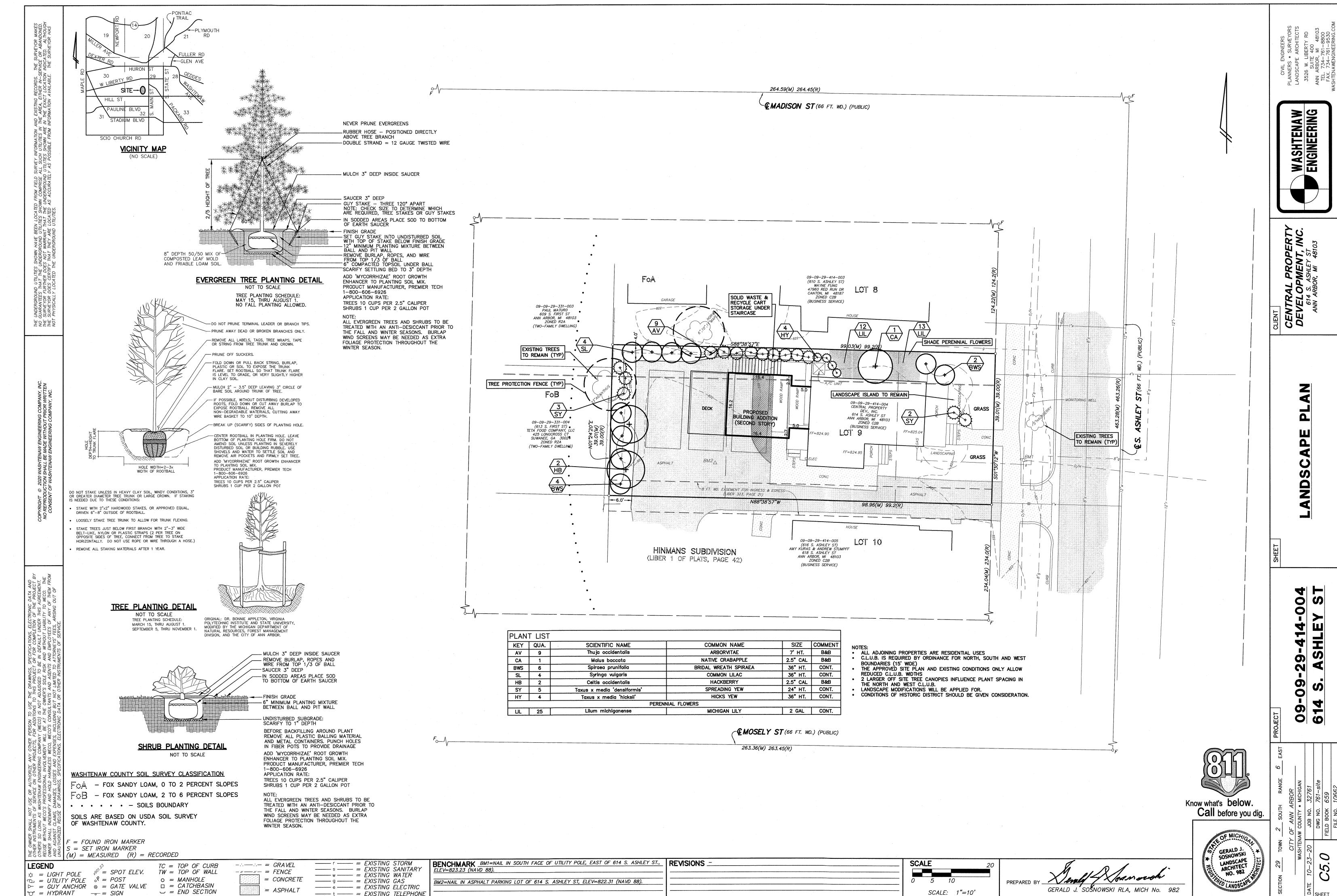
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SCALE: 1"=10'

JOSEPH K. MAYNARD P.E., MICH No. 52559





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