

**Zoning Board of Appeals
July 31, 2019 Regular Meeting**

STAFF REPORT

Subject: ZBA19-019; 200 West Hoover Avenue

Summary:

Ken J. Graf, property owner, is seeking a variance from Section 5.16.6 (C) Accessory Uses and Structures. The owner is proposing to demolish an existing detached garage in the rear yard and construct a new 14'x20' garage in the same location. The owner is requesting a one foot four inch side setback variance and a two foot two inch variance from the rear setback. The property is zoned R1D Single-Family Dwelling.

Background:

The subject property is located west of South Main Street. The residence was constructed in 1928 and is approximately 1,008 square feet in size.

Description:

The proposed detached garage is to be constructed on the same footprint and foundation as the existing garage. The garage will be approximately 290 square feet in size.

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 applicants state the shape of the lot is unique as it has a diagonal rear property line along with significant slope. The floor of the garage is six feet above grade at the rear property line. Construction of a garage that meets the setbacks will require significant backfill and excavation.

- (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 applicant states moving the garage will impact the neighbors properties as well as fences and retaining walls will have to be removed and relocated.

- (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.***

Zoning Board of Appeals
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If the variance is granted it will enable the owners to build a new garage that will remove an existing blighted garage that is an eye-sore to 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 owners state the garage was existing when they purchased the home and the conditions were not self-created.

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

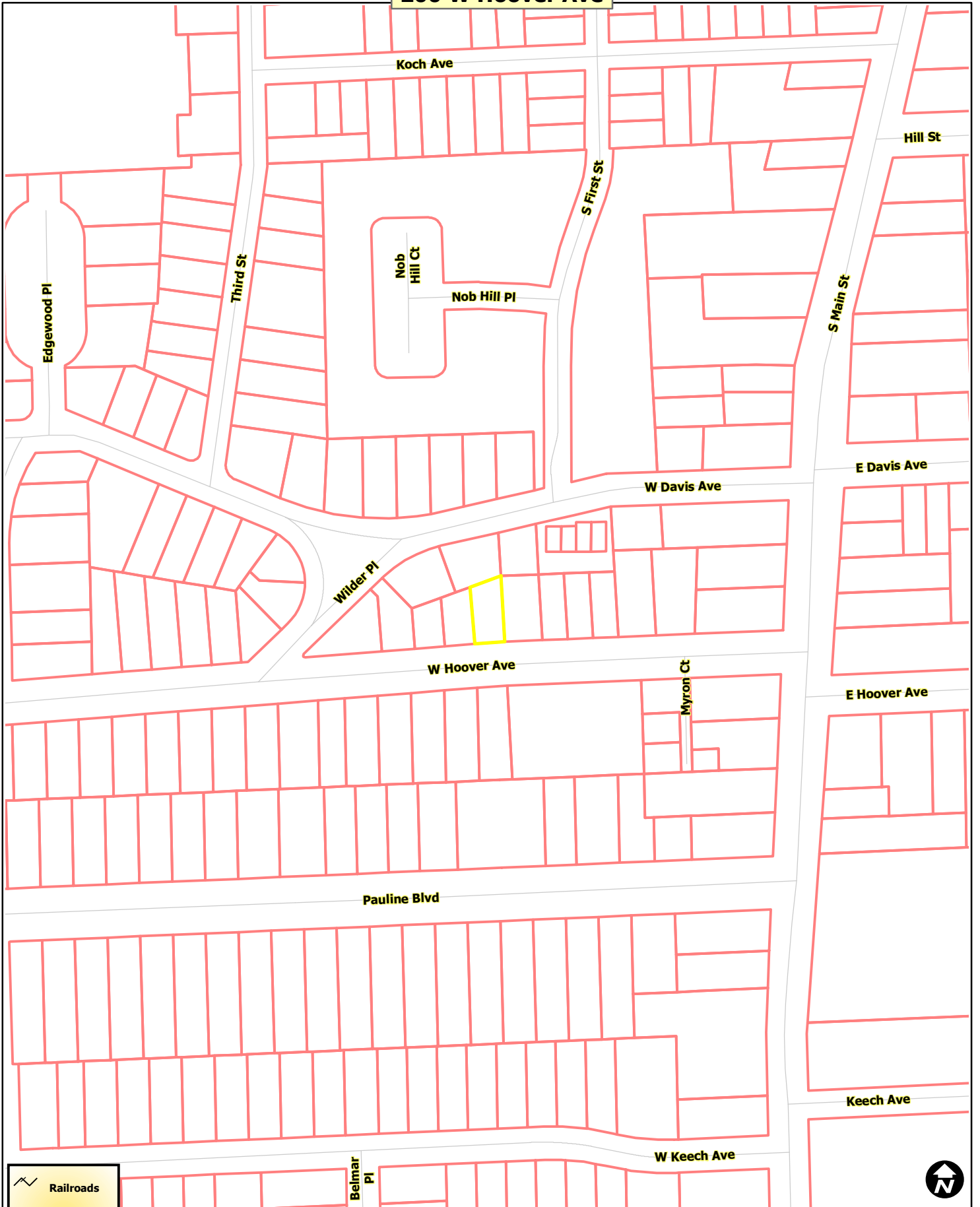
The garage will not encroach further into the required three foot setbacks but will remain in the current location.


Respectfully submitted,


A handwritten signature in blue ink, appearing to read "Jon Barrett". The signature is stylized and cursive.


Jon Barrett
Zoning Coordinator

200 W Hoover Ave



 Railroads

 Huron River

 Tax Parcels



Map date: 7/12/2019
Any aerial imagery is circa 2018
unless otherwise noted
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200 W Hoover Ave

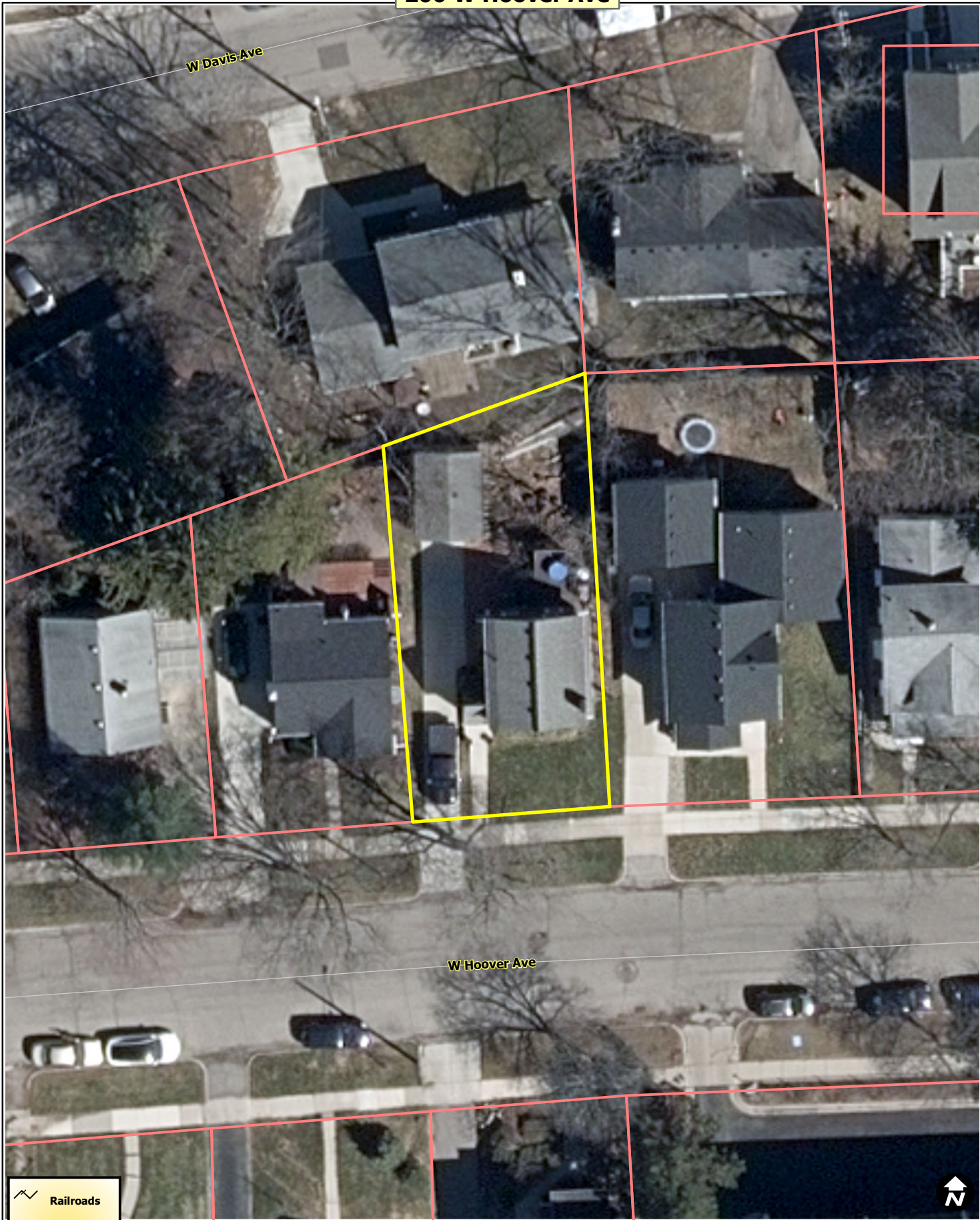





- Railroads
- Huron River
- Tax Parcels



Map date: 7/12/2019
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200 W Hoover 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 200 W Hoover Ave		ZIP CODE 48103
ZONING CLASSIFICATION R1D	NAME OF PROPERTY OWNER *If different than applicant, a letter of authorization from the property owner must be provided Ken J Graf	
PARCEL NUMBER 09-09-32-205-015	OWNER EMAIL ADDRESS kenjgraf@gmail.com	

APPLICANT INFORMATION

NAME Ken J Graf			
ADDRESS 200 W Hoover Ave	CITY Ann Arbor	STATE MI	ZIP CODE 48103
EMAIL kenjgraf@gmail.com		PHONE 248.808.7761	
APPLICANT'S RELATIONSHIP TO PROPERTY Owner			

REQUEST INFORMATION

<input checked="" type="checkbox"/> VARIANCE REQUEST Complete Section 1 of this application	<input type="checkbox"/> REQUEST TO ALTER A NONCONFORMING STRUCTURE Complete Section 2 of this application
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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: <u>\$500</u> ZBA: <u>19-019</u>
CITY OF ANN ARBOR RECEIVED
JUN 26 2019
PLANNING & DEVELOPMENT SERVICES

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: 6-26-19

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

VARIANCE REQUEST

Feet:

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

ARTICLE III SECTION 5.16.6 (C) ACCESSORY USES AND STRUCTURES

REQUIRED DIMENSION: (Example: 40' front setback)

Feet: **3** Inches: **0**

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

Side Setback: Feet: **1** Inches: **8**
Rear Setback: Feet: **0** Inches: **10**

DESCRIPTION OF PROPOSED WORK AND REASON FOR VARIANCE:

Demolish existing detached garage, and rebuild new garage to existing setbacks and dimensions. The existing garage is not in compliance with the zoned side and rear setbacks.

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.

The lot is of a peculiar shape involving a diagonal rear property line. Additionally, the existing garage is on a significant slope (6 feet / ~30% grade). The floor of the garage is 6' above-grade at the rear of the structure. The foundation is in need of replacement. Moving the garage to the zoned setbacks would require significant excavation, but also significant backfill on the neighboring properties.

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.

Moving the location of the garage will require adjoining property owners to incur undue expense as they will have to relocate / repair / replace existing fences and retaining walls on their respective properties. Additionally, the existing driveway would need to be demolished and re-poured to correctly adjoin to the new garage location.

Moving the garage to a different location on the lot is also not feasible, as the entire backyard is 6' below grade of the rest of the property. The garage would not be useable in winter months.

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.

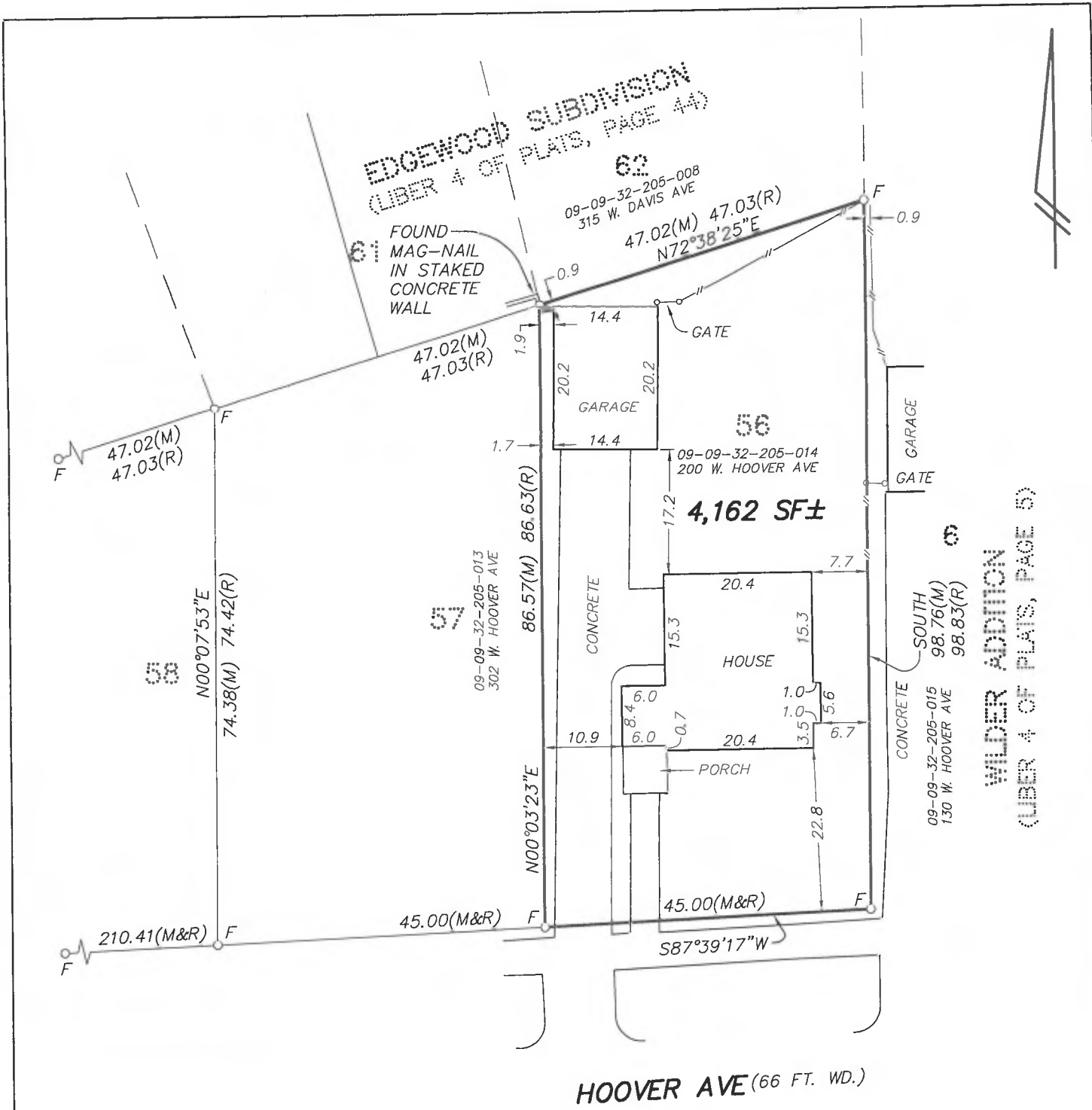
The garage in its current state is an eye-sore to the neighborhood. Because of the failing foundation, it is no longer useable as a garage (i.e., it is unsafe to park a car in). Allowing the garage to be rebuilt in its existing location / footprint will allow us to improve the appearance to the adjoining neighbors and the neighborhood at large. Approving the variance will result in minimal disruption and un-due expense incurred by the neighbors.

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

The garage was in place when the property was purchased in 2010.

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

We are not asking to move the garage closer to the property lines. We are only asking to rebuild the garage in its original location, which retains the reasonable and intended use of the land.



WILDER ADDITION
 LIBER 4 OF PLATS, PAGE 50

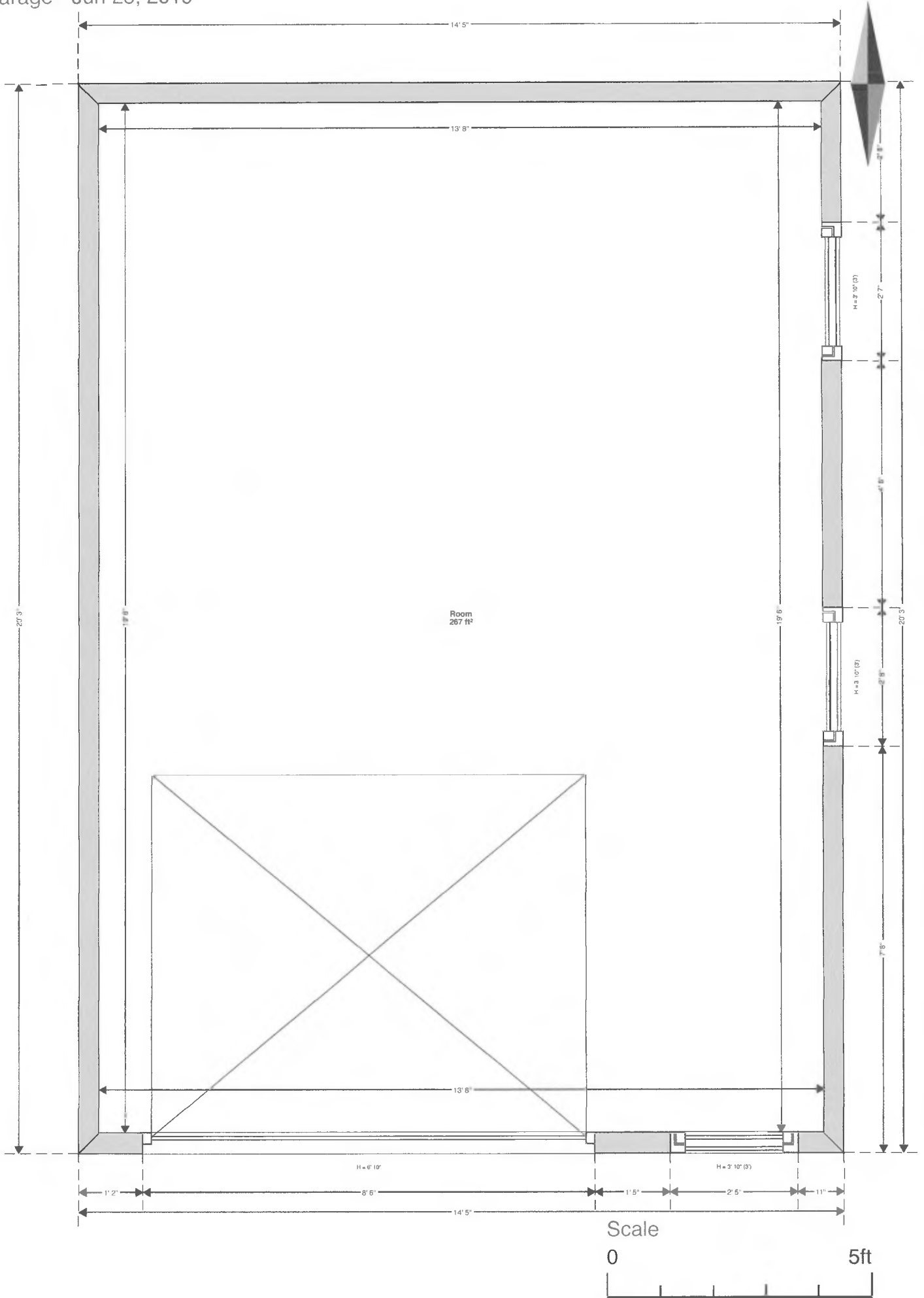
DESCRIPTION

Lot 56, EDGEWOOD SUBDIVISION, part of the Northeast 1/4 of the Northwest 1/4 of Section 32, T2S, R6E, City of Ann Arbor, Washtenaw County, Michigan as recorded in Liber 4 of Plats, Page 44, Washtenaw County, Michigan and containing 4,162 square feet of land, more or less. Being subject to easements and restrictions of record, if any.

CERTIFICATE OF SURVEY

Bearings shown on this survey were determined in the following manner: Bearings are related to EDGEWOOD SUBDIVISION as recorded in Liber 4 of Plats, Page 44, Washtenaw County records.

I hereby certify that I have surveyed and mapped the land above platted and/or described on June 24, 2019 and that the scale of this survey was 1:10,000 and that all of the requirements





South (Front) Elevation



SouthEast View



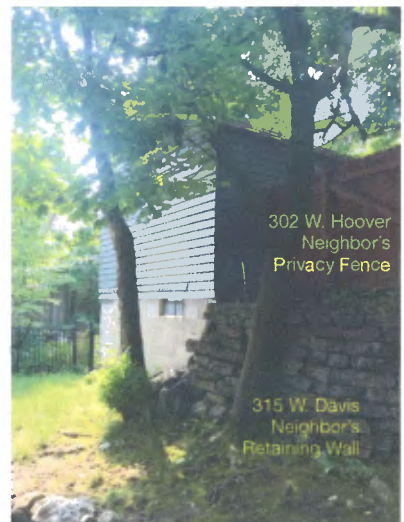
East (Side) Elevation



NorthEast View
(View From 315 W. Davis)



North (Rear) Elevation
View from 315 W. Davis)



NorthWest View
View from 315 W. Davis)



Close-Up of Neighbor's retaining wall abutting up to garage



West (Side) Elevation
View from 302 W. Hoover



Rear Lot, Facing South



Wooden floor in garage



Failing foundation underneath garage