

**Zoning Board of Appeals
December 2, 2020 Regular Meeting**

STAFF REPORT

Subject: ZBA 20-026; 2540 Londonderry Road

Summary:

KLA Development, representing property owner, are requesting two variances and three Alterations to a Nonconforming Structure. The first variance request is from Section 5.21.2B to allow for a third driveway curb cut that will create a circular drive along the Londonderry right of way. The second variance is from Section 5.26.2 (A1) Fences to allow a six-foot tall 100% opaque fence in the front yard. The three Alterations are 1) to allow a second story addition to an existing first floor that does not meet the required front and rear setbacks 2) construction of a roof over an outdoor cooking area that will encroach into the rear setback and 3) construction of a new covered front porch that will encroach into the front setback. The property is zoned R1B Single-Family Residential.

Background:

The subject property is located east of the Washtenaw Avenue and East Stadium Boulevard intersection. The home was built in 1959 and is approximately 3,085 square feet in size.

Description:

The applicants are proposing to construct a new circular driveway along Londonderry Road, which requires a variance for a third curb cut. Section 5.21.2B requires an additional 600 feet of lot width in order to allow more than two curb cuts per lot. The subject property has 300 total feet of lot width. The property has an existing driveway on the Adare Road side of the parcel.

The second variance requested is to allow a six-foot tall 100 percent opaque fence in the front yard along Adare Road that will serve as a refuse and compose cart enclosure.

The submitted plans are requesting a new second floor living area above the existing nonconforming first floor. The second floor will encroach four feet into the front setback and 23 feet into the rear setback. The second floor will not encroach further into either setback than the existing ground floor. The second alteration request is to allow a 93 (10'9"x 8'8") square foot roof over a new outdoor barbecue area that will not encroach further into the rear yard setback than the existing rear façade of the house. The third Alteration to a Nonconforming Structure request is for a new 136 (13'x10'6") square foot covered front porch on the Londonderry Road side of the lot. The new covered porch area will not encroach further into the front setback than the garage's current location.

Standards for Approval- Alteration to a Nonconforming Structure

The Zoning Board of Appeals has all the power granted by State law and by Section 5.32.2, Application of the Variance Power from the UDC. The following criteria shall apply:

- A) The alteration is approved by the Zoning Board of Appeals upon a finding that it

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complies as nearly as practicable with the requirements of this chapter and that it will not have a detrimental effect on neighboring property.

The applicants have stated that the second story will not impact any neighboring views as it is in the middle of a hillside between the eastern neighbors across the street and the northwestern adjoining lot. Both the side roof over the patio space and the front porch will not extend beyond the rear face of the house and the side of the garage. There will be sufficient room between the neighboring homes as well as several mature trees that will not be impacted that provide privacy and noise reduction.

Respectfully submitted,

A handwritten signature in blue ink that reads "Jon Barrett". The signature is stylized, with the first name "Jon" written in a cursive-like font and the last name "Barrett" in a more formal, slightly cursive font.

Jon Barrett
Zoning Coordinator

**Zoning Board of Appeals
December 2, 2020 Regular Meeting**

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Background:

The subject property is located east of the Washtenaw Avenue and East Stadium Boulevard intersection. The home was built in 1959 and is approximately 3,085 square feet in size.

Description:

The applicants are proposing to construct a new circular driveway along Londonderry Road, which requires a variance for a third curb cut. Section 5.21.2B requires an additional 600 feet of lot width in order to allow more than two curb cuts per lot. The subject property has 300 total feet of lot width. The property has an existing driveway on the Adare Road side of the parcel.

The second variance requested is to allow a six-foot tall 100 percent opaque fence in the front yard along Adare Road that will serve as a refuse and compose cart enclosure.

The submitted plans are requesting a new second floor living area above the existing nonconforming first floor. The second floor will encroach four feet into the front setback and 23 feet into the rear setback. The second floor will not encroach further into either setback than the existing ground floor. The second alteration request is to allow a 93 (10'9"x 8'8") square foot roof over a new outdoor barbecue area that will not encroach further into the rear yard setback than the existing rear façade of the house. The third Alteration to a Nonconforming Structure request is for a new 136 (13'x10'6") square foot covered front porch on the Londonderry Road side of the lot. The new covered porch area will not encroach further into the front setback than the garage's current location.

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 that due to the corner lot configuration, the current driveway is located far from the main entrance and this second driveway would provide easier access.
- The two 40- foot front setbacks limit the location for refuse and compost carts and therefore the owners wish to screen them from the public right of way.

(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 main entrance is located 40 feet from the existing driveway and provides poor access.
- The location for the refuse carts is the best option and therefore, the owners want them screened.

(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 owners do not anticipate negative impacts on the neighbors as the nearest curb cut is located 60 feet to the north of the proposed new driveway.
- Providing a screened enclosure will be more visually appealing from the right of way and prevent any possible rodent issues.

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

- The applicants state the home and driveway conditions were built in 1959 prior to the purchase of the existing owners.
- The residence was completed prior to the current setbacks being applied and therefore creating the existing conditions.

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

- The circular driveway will allow for one directional travel and preventing the need to back onto the street.

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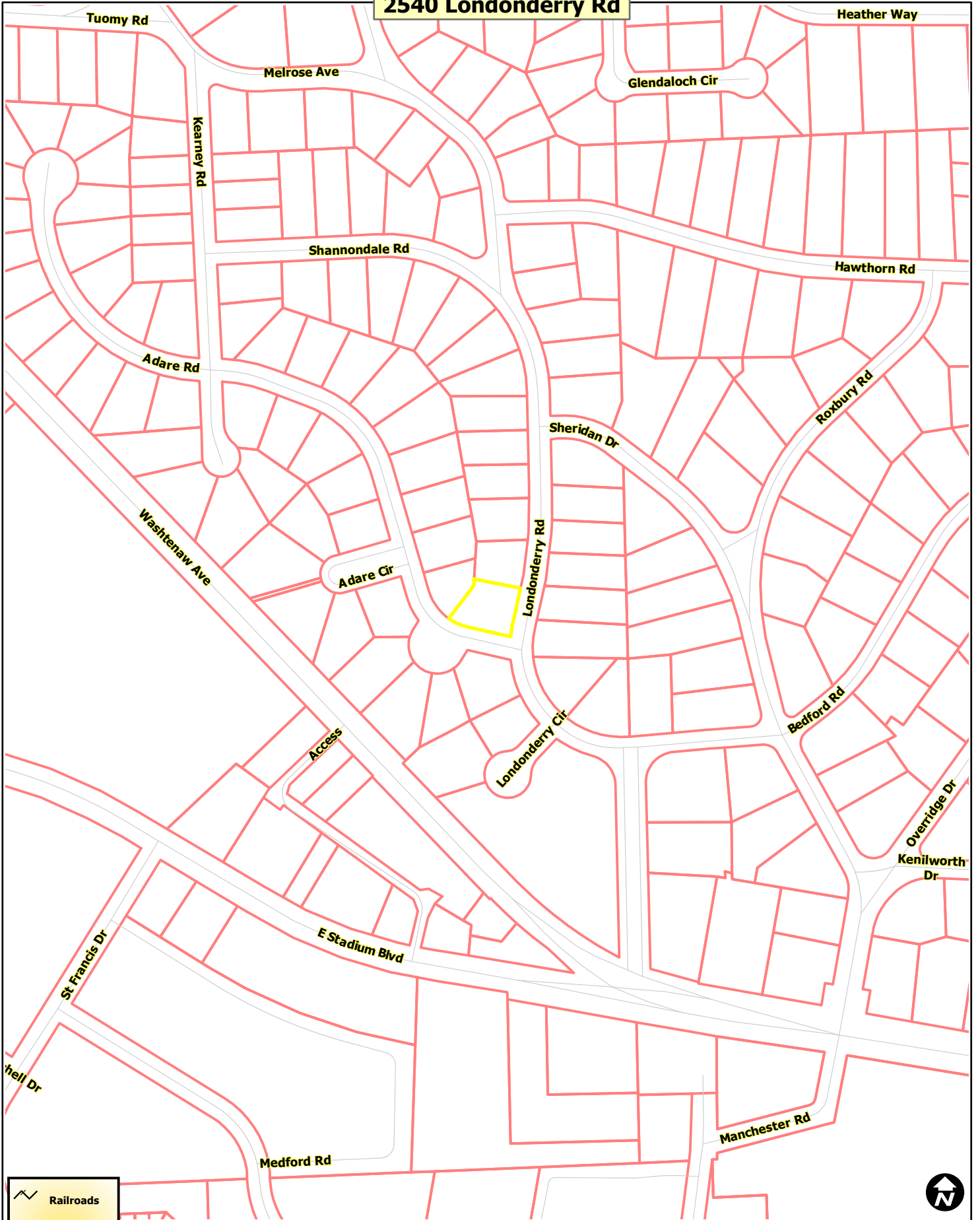
- The fence variance will provide an adequate area to store the containers.




Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Jon Barrett". The signature is stylized with loops and a cursive-like flow.

Jon Barrett
Zoning Coordinator

2540 Londonderry Rd

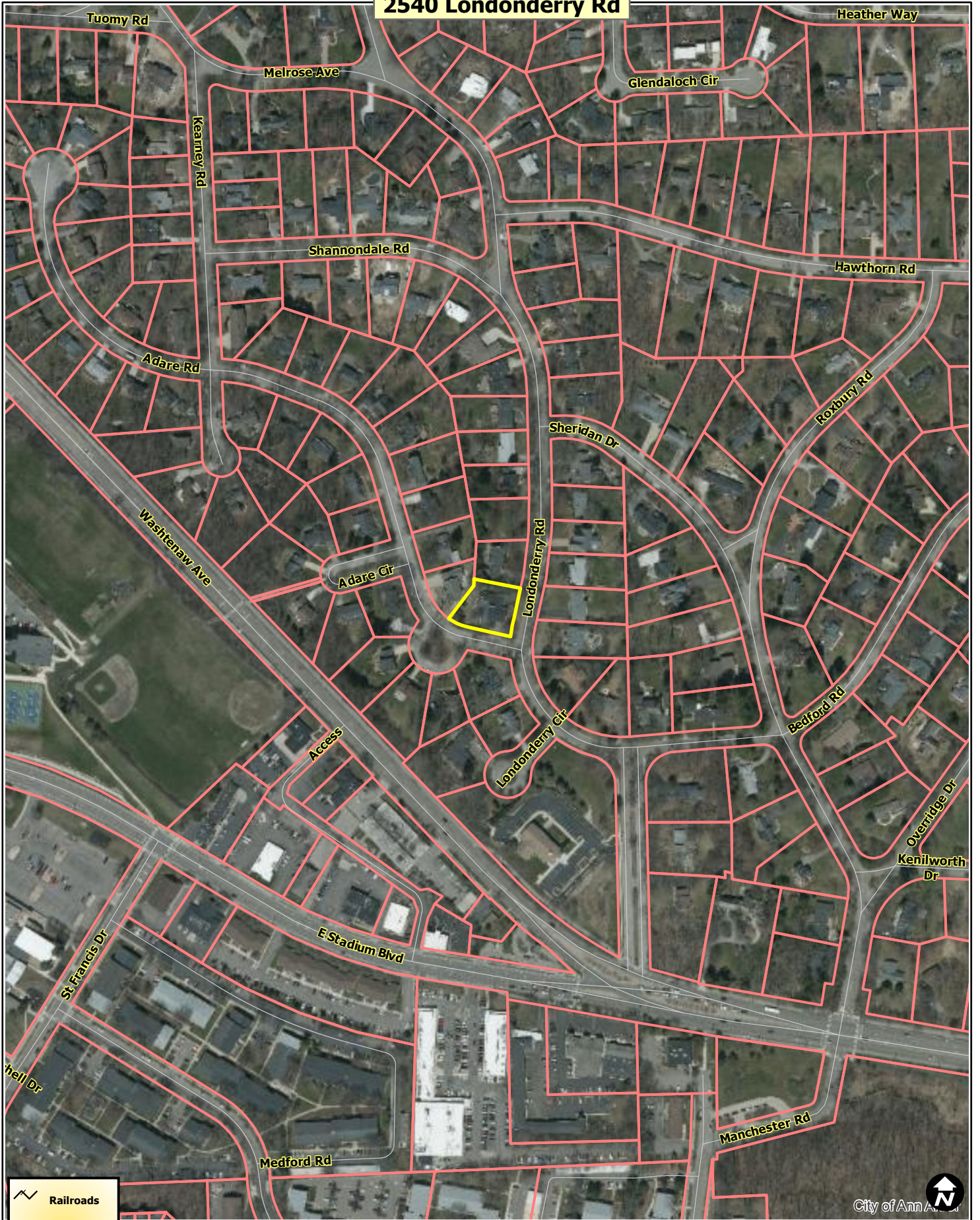





 Railroads
 Huron River
 Tax Parcels



Map date: 11/10/2020
Any aerial imagery is circa 2018 unless otherwise noted
Terms of use: www.a2gov.org/terms

2540 Londonderry Rd





-  Railroads
-  Huron River
-  Tax Parcels



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2540 Londonderry Rd



-  Railroads
-  Huron River
-  Tax Parcels



City of Ann Arbor

Map date: 11/10/2020
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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 2540 Londonderry Road		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 Nestor de Mattos	
PARCEL NUMBER 09-09-34-308-025	OWNER EMAIL ADDRESS	

APPLICANT INFORMATION

NAME KLA DEVELOPMENT			
ADDRESS 345 GLENWOOD ST	CITY ANN ARBOR	STATE MI	ZIP CODE 48103
EMAIL kladev@msn.com		PHONE 734-669-8565	
APPLICANT'S RELATIONSHIP TO PROPERTY Property Owner's DESIGNATED AGENT			

REQUEST INFORMATION

<input checked="" type="checkbox"/> VARIANCE REQUEST Complete Section 1 of this application	<input checked="" 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: 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: _____

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)

5.21.2.B

REQUIRED DIMENSION: (Example: 40' front setback)

Feet: Inches:

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

Feet: Inches:

DESCRIPTION OF PROPOSED WORK AND REASON FOR VARIANCE:

Add a new driveway with (2) curb openings along Londonderry to provide closer access to the home's main entrance. Two total curb openings are permitted per Table 5:21-1. The variance request is to permit (3) total curb openings to allow a driveway with one-way travel.

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.

The house is on a corner lot and the existing driveway is far from the main entrance. A second driveway would allow closer access to the main entrance.

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.

The home's main entrance is 40 feet from the existing driveway which results poor access.

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.

Negative effects of the proposed 2-curb opening driveway are not anticipated on neighboring peroperties as the nearest neighboring driveway is 60 feet to the north of the proposed curb opening.

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

The existing home and single driveway were built in 1959, prior to purchase of the home.

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

A two-opening driveway will allow one-direction travel, preventing the need to reverse into the street.

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)

5.18.1.A and 5.26.2.A.1

REQUIRED DIMENSION: (Example: 40' front setback)

Feet: Inches:

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

Feet: Inches:

DESCRIPTION OF PROPOSED WORK AND REASON FOR VARIANCE:

Build a six-foot high opaque fence enclosure with gate to screen refuse, recycling and compost carts within the front setback along Adare Road. The fence enclosure would encroach into the front setback by 10 feet.

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.

The house is on a corner lot which results in two 40' front setbacks, limiting where refuse, recycling and compost carts can be stored.

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.

Based on the existing layout of the property, and the 40' setbacks on three sides, alternative options for locating the refuse carts are impractical, such as storing compost carts inside the garage.

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.

Providing a screened enclosure for the refuse carts will help maintain a visually appealing property for the neighborhood, and will help prevent invasion by pests.

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

The existing house was built prior to the existing setback ordinances.

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

The requested 10' variance will provide adequate space for a screened area that will fit a refuse, recycling, and compost cart.

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.

Current property use: single-family residential

Proposed Alteration #1: Build a second floor over the existing first floor that is located in the rear and front setback.

Proposed Alteration #2: Build a roof over a new outdoor cooking area that will be located within the rear setback. Outdoor cooking equipment is allowed in the rear setback per 5.18.1. The new roof will be attached to the house and will not extend past the face of the existing first floor that is within the rear setback.

Proposed Alteration #3: Build a covered porch within the front setback. The new covered porch will not extend past the front face of the house that is within the front setback.

Please complete the table below as it relates to your request

Requirement	Existing Condition	Code Requirement
Lot Area		
Lot Width		
Floor Area Ratio		
Setbacks	40' front on 2 sides, 40' rear, 5' side	5.32.2
Parking		
Landscaping		
Other		



October 29, 2020

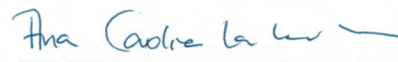
RE: Designated Agent

To Whom It May Concern:

KLA Development, Inc. and its employees have my permission to act as the Designated Agent for the parcel split/building project at my property, 2540 Londonderry, Ann Arbor MI 48104.

Sincerely,





SITE DATA

ADDRESS: 2540 LONDONDERRY, ANN ARBOR, MI 48104
 APN#: 09-09-34-308-025
 LOT SIZE: 0.411 ACRES
 ZONING: R1B

**KRATZ
 DESIGNS, LLC**
 1840 Coronada Dr.
 Ann Arbor, MI 48103
 734-219-4877

PRELIMINARY
 NOT FOR CONSTRUCTION

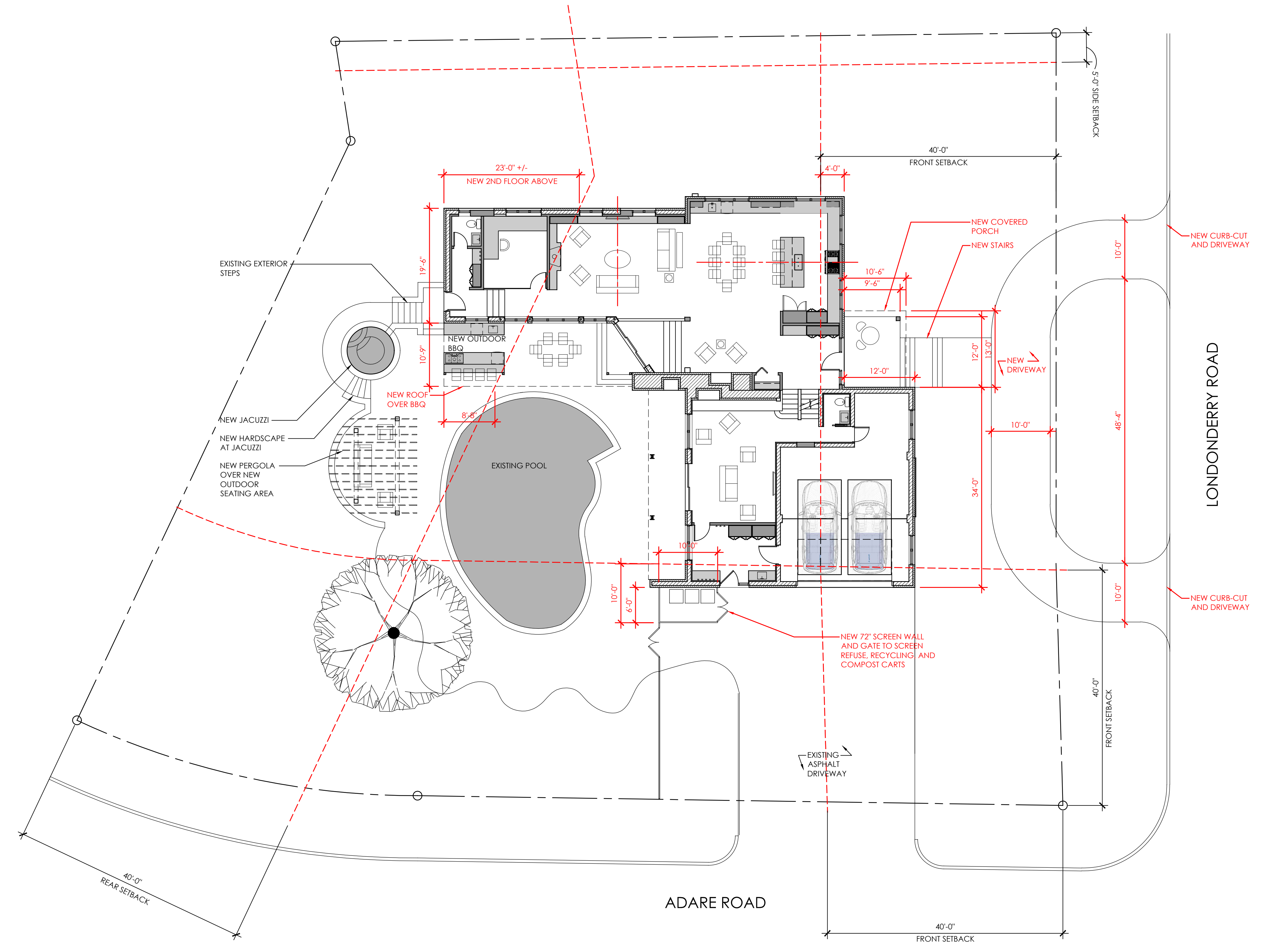
Mattos Residence
 Home Renovation
 2540 Londonderry Road
 Ann Arbor, MI 48104

Revisions:

Project No. P2019

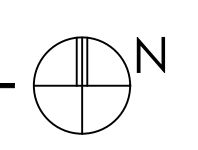
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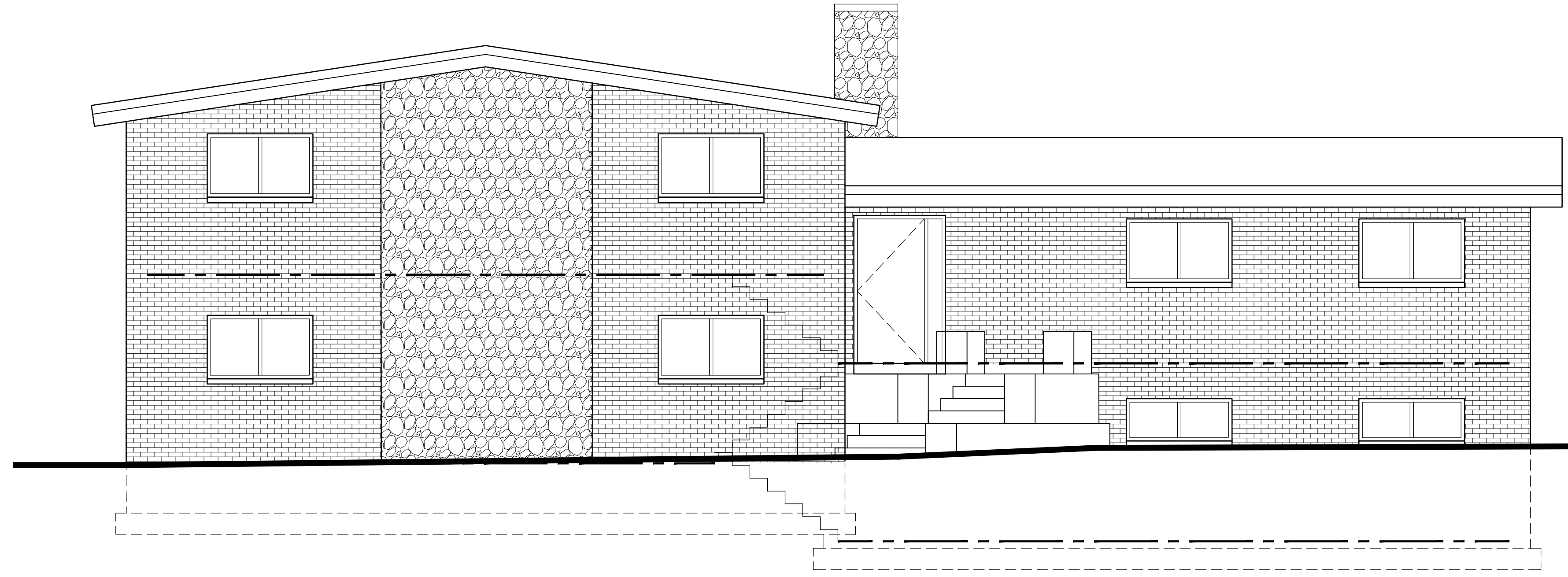
A1.1



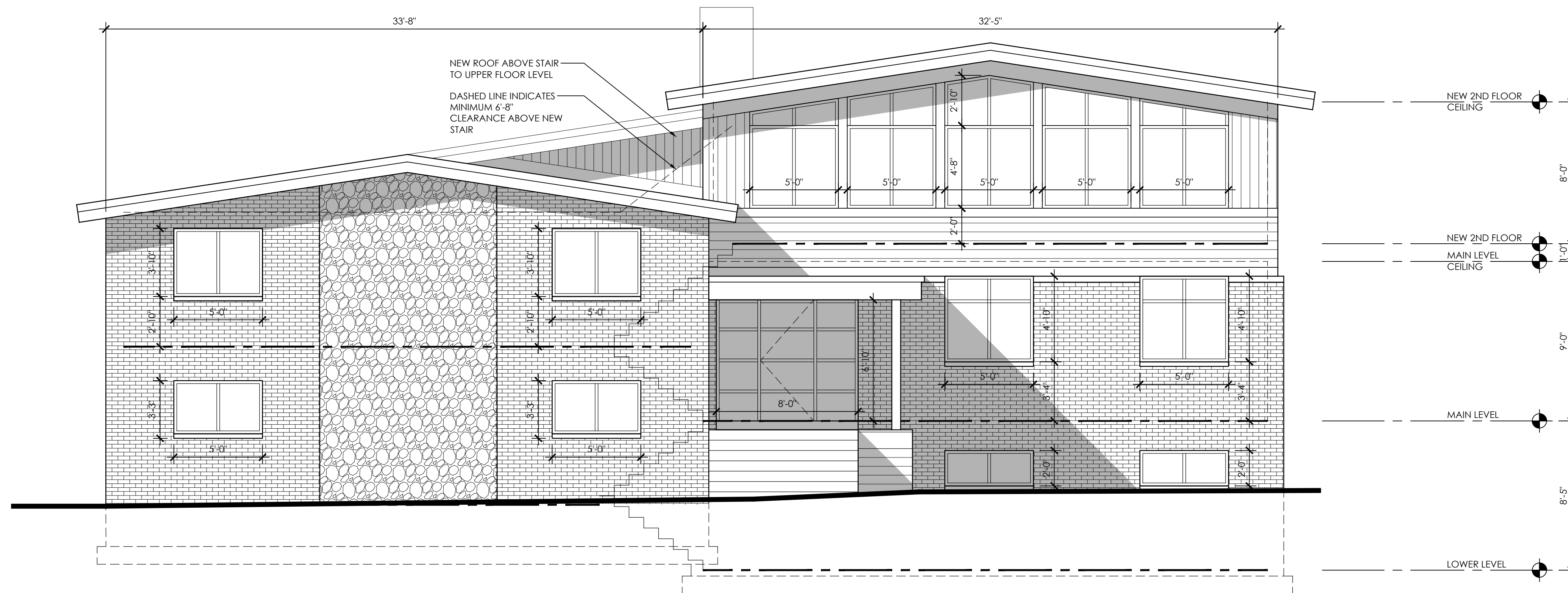
PROPOSED SITE PLAN

SCALE: 1" = 10'-0" ON 22"x34"
 SCALE: 1" = 20'-0" ON 11"x17"





1 EXISTING EAST ELEVATION
SCALE: 1/4" = 1'-0"



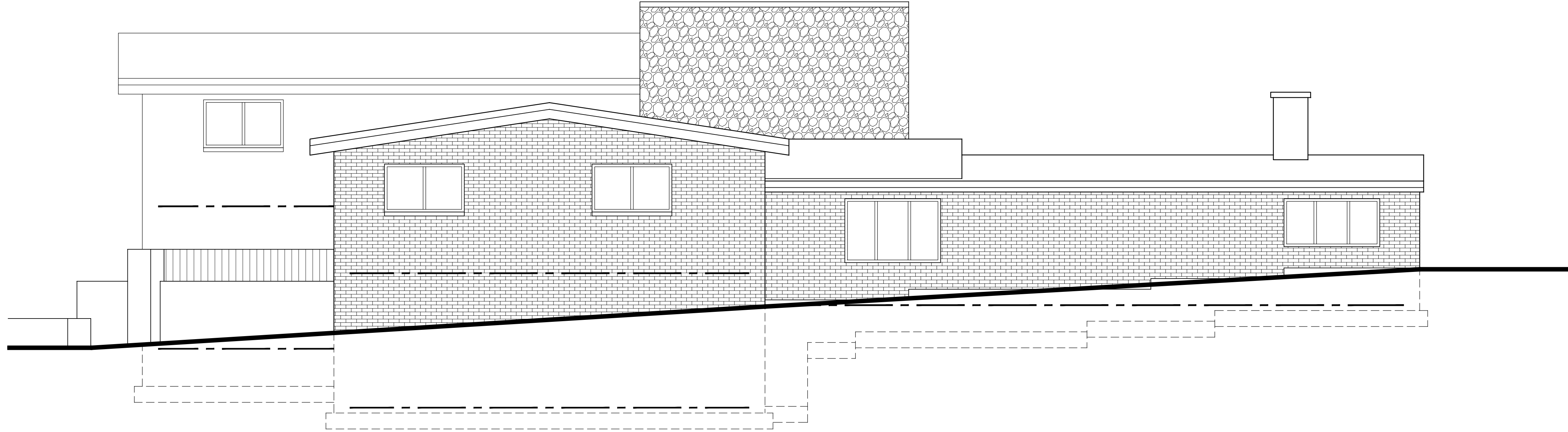
2 PROPOSED EAST ELEVATION
SCALE: 1/4" = 1'-0"

Revisions:

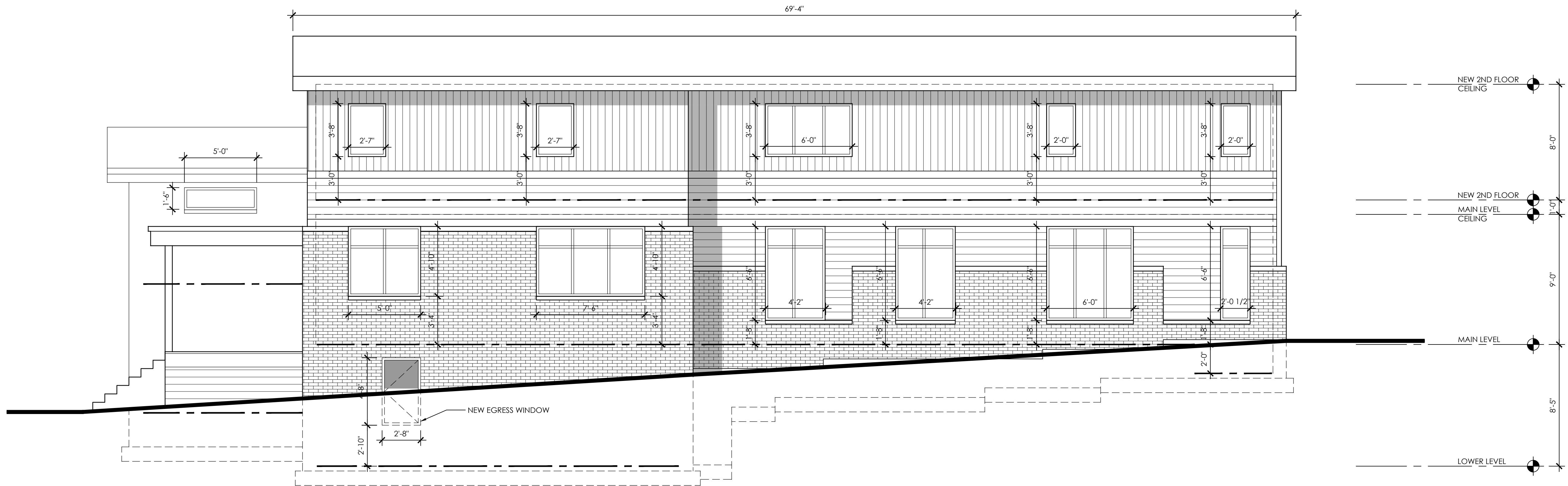
Project No. P2019

Date: 10/23/2020

A3.1



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



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

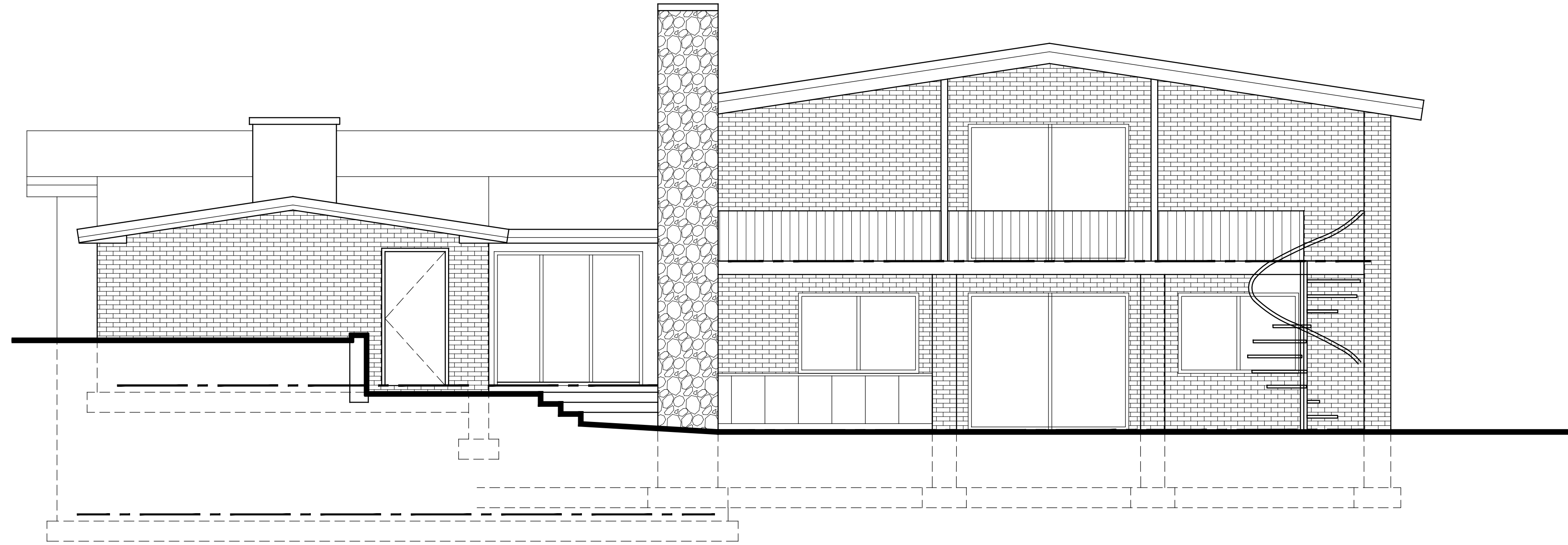
Mattos Residence
Home Renovation
2540 Londonderry Road
Ann Arbor, MI 48104

Revisions:

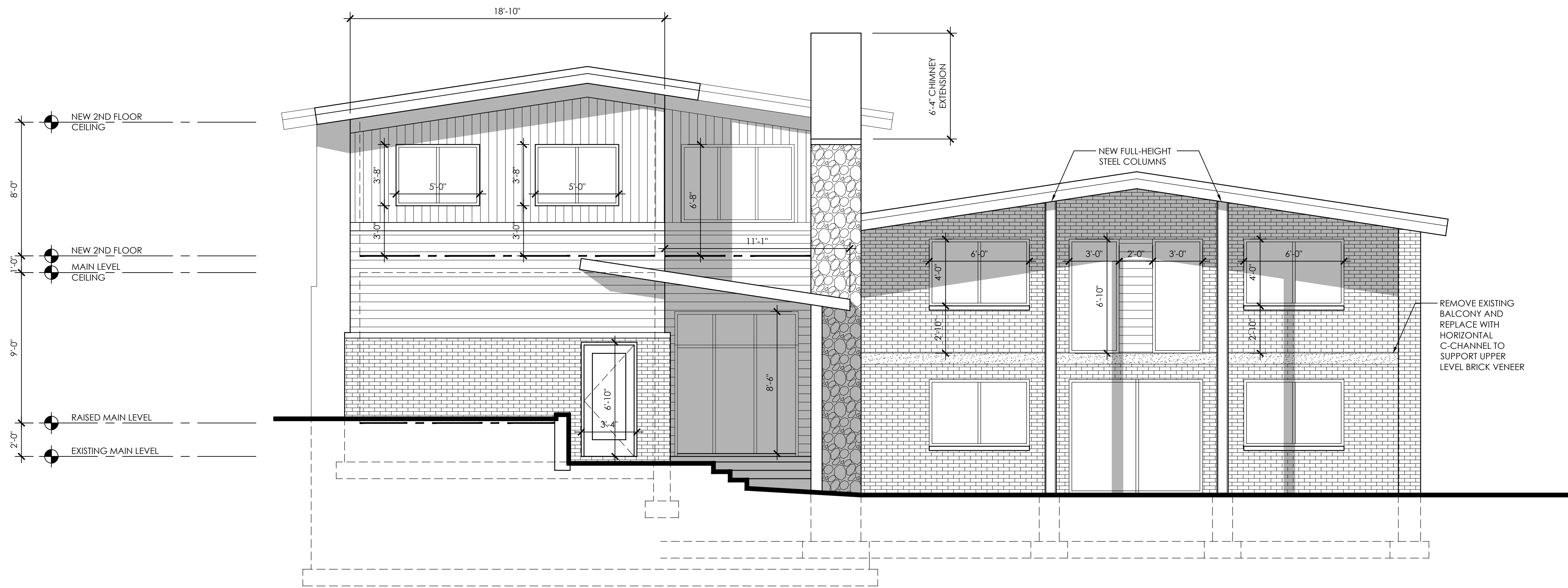
Project No. P2019

Date: 10/23/2020

A3.2



1 EXISTING WEST ELEVATION
SCALE: 1/4" = 1'-0"

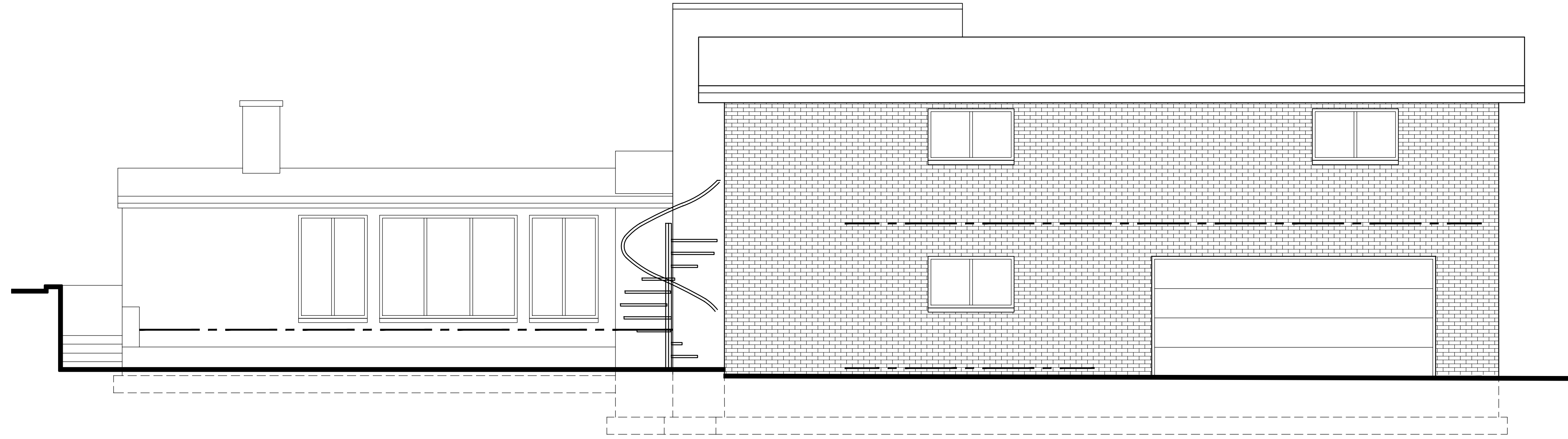


2 PROPOSED WEST ELEVATION
SCALE: 1/4" = 1'-0"

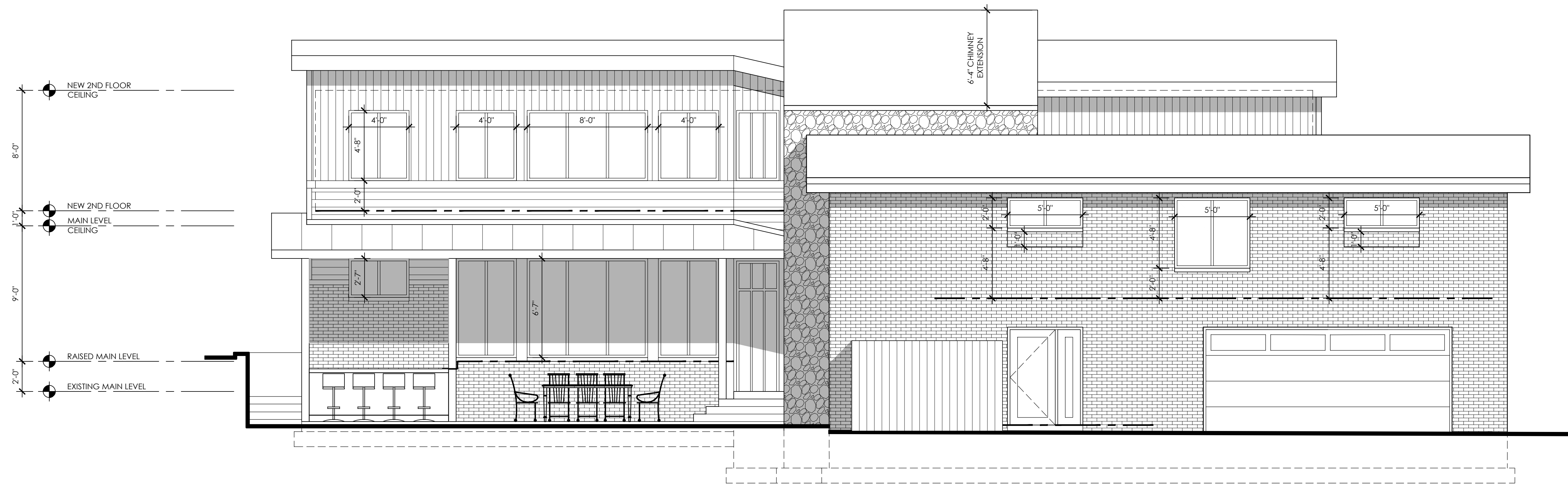
Mattos Residence
Home Renovation
2540 Londonderry Road
Ann Arbor, MI 48104

Revisions:	
Project No.	P2019
Date:	10/23/2020

A3.3



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



2 PROPOSED SOUTH ELEVATION
SCALE: 1/4" = 1'-0"

Mattos Residence
Home Renovation
2540 Londonderry Road
Ann Arbor, MI 48104

Revisions:

Project No. P2019

Date: 10/23/2020

A3.4

