

**Zoning Board of Appeals
October 23, 2013 Regular Meeting**

STAFF REPORT

ZBA13-021, 730 Heatherway

Summary

Ed Davidson is requesting one variance from Chapter 55(Zoning) Section 5:26 (Single-family, R1A), of 18 feet for expansion of an existing residential structure into the rear setback; 50 feet is required.

Description and Discussion

The subject parcel is located on Geddes, just west of Heatherway. The parcel contains a 3,103-square foot, single-family dwelling constructed in 1981 in Ann Arbor Township. The parcel is conforming for lot size (20,020 sf; required is 20,000 sf) and zoned R1A (Single-Family). The existing house encroaches into the required rear setback 7 feet. The required rear setback is 50 feet, and the house is set back 43 feet from the rear property line. Although considered a 'rear' yard according to the zoning code, the 'front' of the house faces this area due to the driveway from Heatherway and garage location.

The petitioner is proposing to remove an existing 12 foot by 15 foot deck and construct a 12 foot by 15 foot enclosed sunroom addition in the same location at the rear of the house. This addition will be constructed over the existing basement foundation. The lot has an angled rear lot line, which causes the setback distance to decrease closer to the area of the proposed addition. The proposed addition will be next to the rear section of the house which already extends into the rear setback 7 feet. The proposed sunroom will extend the building encroachment an additional 9 feet to a distance of 32 feet at its closet point. The maximum encroachment of the house will be 18 feet into the rear setback. The new addition will not be visible from the street and will not be any closer to the side property lines than the existing house.

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 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 house is a legal non-conforming structure and was constructed in Ann Arbor Township in 1981. The house was built closer to the rear (south property line) of the property and is non-conforming due to a 7 foot encroachment into the rear setback. The subject parcel has an angled rear setback line which results in a triangular section of the existing house encroaching into the rear setback. The parcel conforms to the minimum lot area and width requirements of the R1A Zoning District.

- (b). ***That the practical difficulties 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 variance is being requested for the proposed 180 sq ft addition to the rear of the house. The sunroom addition will replace a deck which is covering the roof and foundation of the basement. The foundation walls are elevated approximately 3 feet above grade at this point. If the variance is not granted, the petitioner could not construct an addition over the exposed basement roof and foundation.

- (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.***

Approval of the variance will result in an addition to the existing structure that will encroach a maximum of 11 feet further into the rear open space than the existing structure. If the variance is approved, the addition should not have a negative impact on surrounding structures. The proposed sunroom is 31 feet from the closest (west) side property line. The addition is not visible from a public street and the parcel has extensive mature landscaping producing a visual buffer 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 existing house is a legal non-conforming structure and was constructed under the jurisdiction of Ann Arbor Township. A section of the basement foundation and corner of the house encroach into rear setback. The location of the house within the rear setbacks prohibits any addition to the rear without ZBA action.

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

The variance is being requested for a proposed 12 foot by 15 foot addition (180 square feet) constructed over an existing basement foundation. The addition will extend a

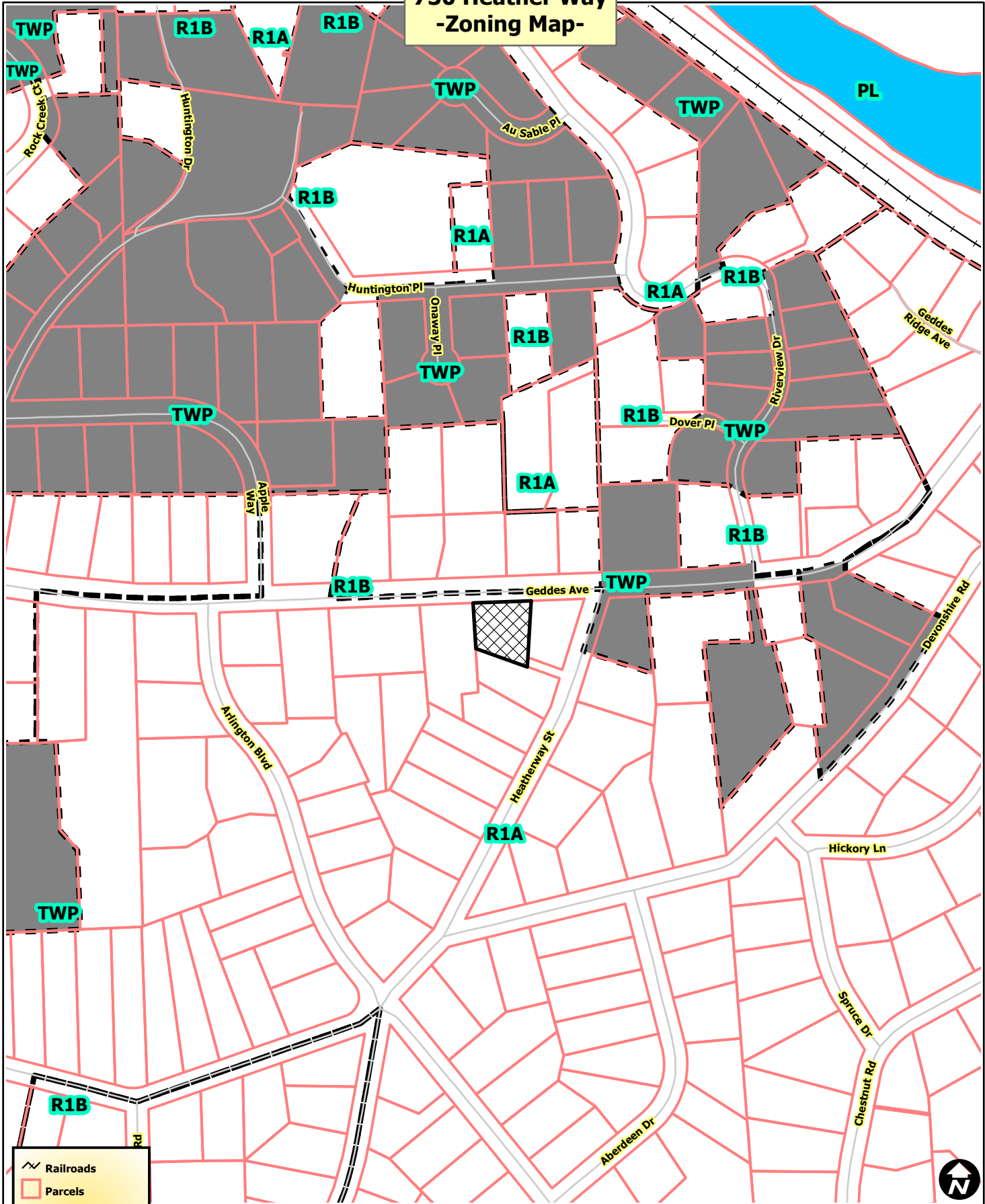
maximum of 9 feet further into the rear open space than the existing structure and will be 31 feet from the closest side property line. Due to the angle of the rear property line, the encroachment decreases from the maximum of 9 feet along the length of the addition.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'M. Kowalski', written in a cursive style.

Matthew J. Kowalski, AICP
City Planner

730 Heather Way -Zoning Map-



Legend

- Railroads
- Parcels
- Zoning**
- Township Islands
- Zoning Districts
- Huron River



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 Map Created: 10/1/2013

730 Heather Way -Aerial Map-

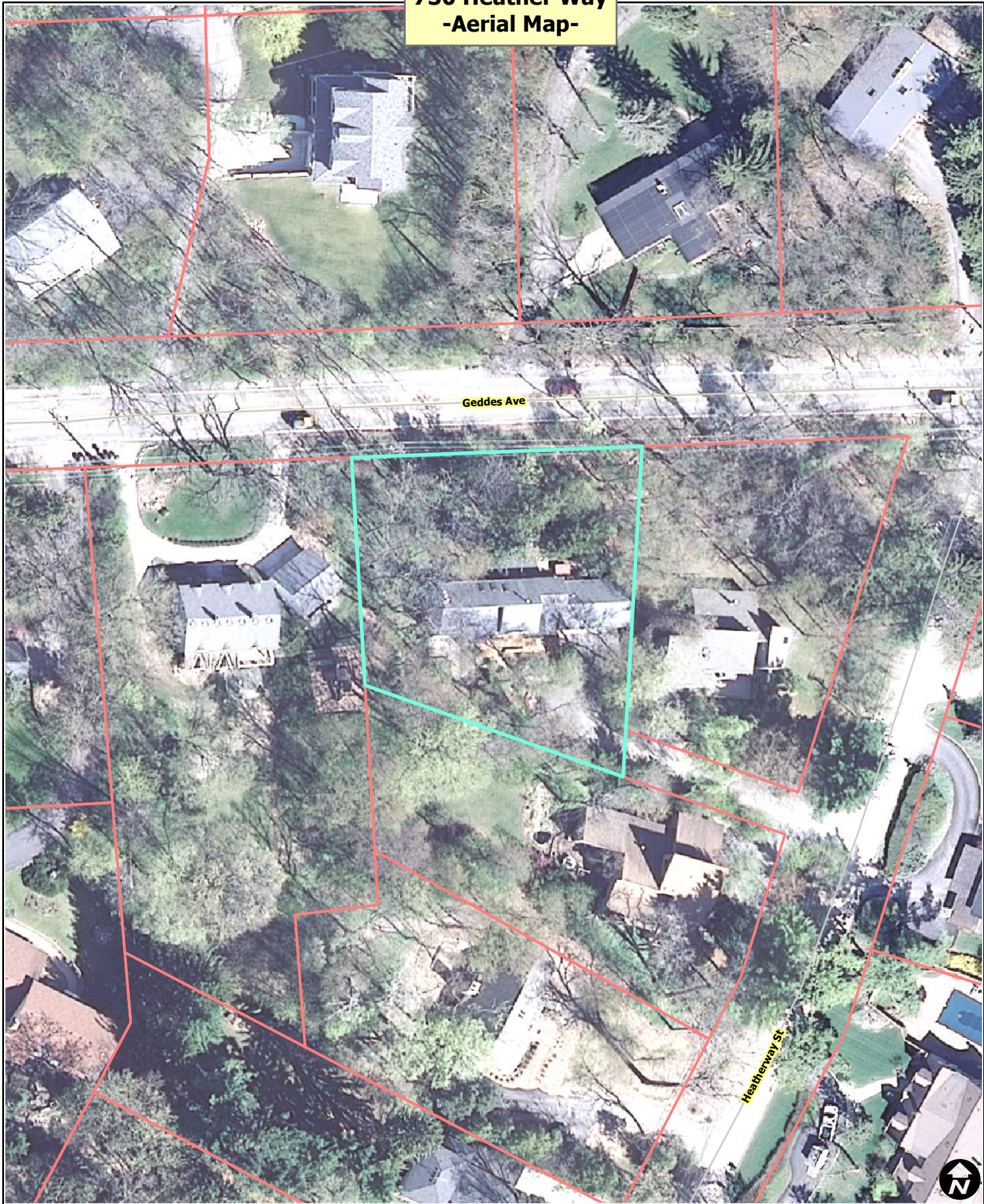


-  Railroads
-  Parcels
-  Huron River



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730 Heather Way -Aerial Map-



- Railroads
- Parcels
- Huron River



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Map Created: 10/1/2013

APPLICATION FOR VARIANCE OR NON-CONFORMING STRUCTURE ZONING BOARD OF APPEALS

Section 1: Applicant Information

Name of Applicant: ANN ARBOR SUNROOMS
 Address of Applicant: 6055 JACKSON RD
 Daytime Phone: 734-769-9700
 Fax: 734-769-2858
 Email: SUNROOMCLARIC@AMERITECH.NET
 Applicant's Relationship to Property: CONTRACTOR

Section 2: Property Information

Address of Property: 730 HEATHER WAY
 Zoning Classification: _____
 Tax ID# (if known): _____
 *Name of Property Owner: ED DAVIDSON

**If different than applicant, a letter of authorization from the property owner must be provided.*

Section 3: Request Information

Variance

Chapter(s) and Section(s) from which a variance is requested:

FRONT YARD SET BACK

Example: Chapter 55, Section 5:26

Required dimension:

50'

Example: 40' front setback

PROPOSED dimension:

32'

Example: 32'

Give a detailed description of the work you are proposing and why it will require a variance (attach additional sheets if necessary)

SEE ATTACHED LETTER OF DESCRIPTION

Section 4: VARIANCE REQUEST (if not applying for a variance, skip to section 5)

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. (continued...)

1. Are there hardships or practical difficulties to complying with the ordinance? Are these hardships or practical difficulties an exception or unique to the property compared to other properties in the City?

THE LOT HAS LOT LINES AT SUCH ANGLES IT CREATES AN IRREGULAR SHAPE LOT. CAUSING HARDSHIP + PRACTICAL DIFFICULTIES.

2. Are the hardships or practical difficulties more than mere inconvenience, inability to obtain a higher financial return? (explain) NO. THERE IS A ROOM

BELOW PROPOSED AREA TO BE ENCLOSED. THIS AREA HAS A FLAT ROOF BELOW AN ALREADY BUILT DECK SURFACE. THE AREA HAS LEAKED + BY COVERING WITH THE SUN-ROOM IT WILL

3. What effect will granting the variance have on the neighboring properties? ^{PROTECT THE MENTIONED ROOM BELOW}

WITH TREES + BUSHES ON THE LOT IT WILL NOT AFFECT ANY NEIGHBORING LINES OF SITE.

4. What physical characteristics of your property in terms of size, shape, location or topography prevent you from using it in a way that is consistent with the ordinance?

SEE ITEM #1 REGARDING IRREGULAR SHAPE LOT.

5. Is the condition which prevents you from complying with the ordinance self-imposed? How did the condition come about?

NO. THE BASEMENT ROOM WAS IN PLACE WHEN THE HOME WAS PURCHASED

Section 5: 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

(continued)

Existing Condition

Code Requirement

Lot area _____

Lot width _____

Floor area ratio _____

Open space ratio _____

Setbacks _____

Parking _____

Landscaping _____

Other _____

Describe the proposed alterations and state why you are requesting this approval:

SEE ATTACHED LETTER

The alteration complies as nearly as is practicable with the requirements of the Chapter and will not have a detrimental effect on neighboring property for the following reasons:

THE ROOM IS BEING BUILT OF ALL GLASS.

IF THE LOT WAS RECTANGULAR AND DID NOT HAVE THE ANGLES IT DOES THERE WOULD BE NO NEED FOR A VARIANCE

IT IS A VERY WOODED LOT & WILL NOT EFFECT THE NEIGHBORING LOTS.

Wherefore, Petitioner requests that permission be granted from the above named Chapter and Section of the Ann Arbor City Code in order to permit THE ERRECTION OF

A-SUNROOM OVER OVER AN EXISTING BASEMENT.

Section 6: Required Materials

The following materials are required for all variance requests. Failure to provide these materials will result in an incomplete application and will delay staff review and Zoning Board of Appeals consideration of the request. The materials listed below must accompany the application and constitute an inseparable part of the application.

All materials must be provided on **8 1/2" by 11" sheets.** (Continued.....)

- 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.

Section 7: Acknowledgement

SIGNATURES MUST BE SIGNED IN PRESENCE OF NOTARY PUBLIC

I, the applicant, request a variance from the above named Chapter(s) and Section(s) of the Ann Arbor City Code for the stated reasons, in accordance with the materials attached hereto.

248 787 6306 _____
 Phone Number Signature

 Email Address ROBERT C. CLARK _____
 Print Name

I, the applicant, hereby depose and say that all of the aforementioned statements, and the statements contained in the materials submitted herewith, are true and correct.

 Signature

Further, I hereby give City of Ann Arbor Planning & Development Services unit staff and members of the Zoning Board of Appeals permission to access the subject property for the purpose of reviewing my variance request.

 Signature

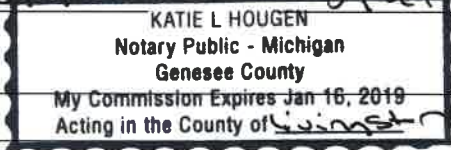
I have received a copy of the informational cover sheet with the deadlines and meeting dates and acknowledge that staff does not remind the petitioner of the meeting date and times.

 Signature

On this 24 day of Sept, 2013, before me personally appeared the above named applicant and made oath that he/she has read the foregoing application by him/her subscribed and knows the contents thereof, and that the same is true as to his/her own knowledge except as to those matters therein stated to be upon his information and belief as to those matters, he/she believes them to be true.

 Notary Public Signature

Jan 16, 2019 _____
 Notary Commission Expiration Date KATIE L HOUGEN L Hougen
 Print Name



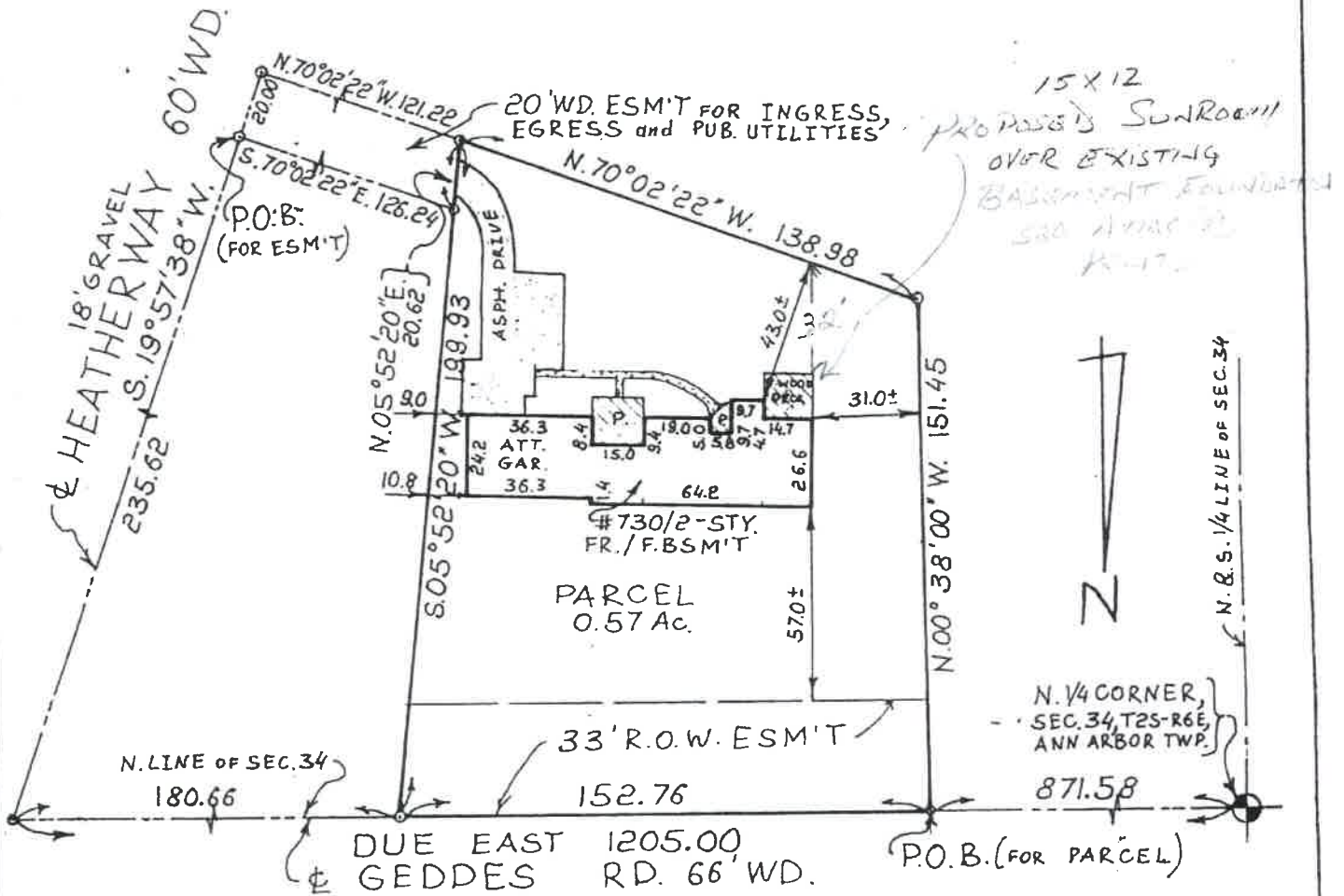
Staff Use Only

Date Submitted: _____ Fee Paid: _____
 File No.: _____ Date of Public Hearing _____
 Pre-filing Staff Reviewer & Date _____ ZBA Action: _____
 Pre-Filing Review: _____
 Staff Reviewer & Date: _____

Scale: 1" = 50'

Date NOV. 4, 1991

Description: Land situated in the Township of Ann Arbor, Washtenaw County, Michigan. Commencing at the North 1/4 corner of Section 34, T2S, R6E, Ann Arbor Township, Washtenaw County, Michigan; thence East 871.58 feet along the North line of said Section 34 and the center line of Geddes Road, (66.00 feet total width) to the PLACE OF BEGINNING; thence continuing East 152.76 feet along the North line of said Section 34 and the center line of said Geddes Road; thence South 05°52'20" West 199.93 feet; thence North 70°02'22" West 138.98 feet; thence North 00°38'00" West 151.45 feet to the Place of Beginning, being a part of the Northeast 1/4 of said Section 34, T2S, R6E. Together with an easement for ingress and egress, said easement described as follows: Commencing at the North 1/4 corner of Section 34, T2S, R6E, Ann Arbor Township, Washtenaw County, Michigan; thence East 1205.00 feet along the North line of said Section 34 and the center line of Geddes Road (66.00 feet total width); thence South 19°57'38" West 235.62 feet along the center line of Heatherway (60.00 feet total width) to the PLACE OF BEGINNING; thence continuing South 19°57'38" West 20.00 feet along the center line of said Heatherway; thence North 70°02'22" West 121.22 feet; thence North 05°52'20" East 20.62 feet; thence South 70°02'22" East 126.24 feet to the Place of Beginning of easement for ingress and egress.

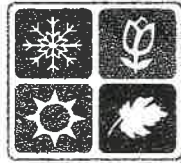


CERTIFICATE

We hereby certify to _____
 First Security Savings Bank
 Ann Arbor, Michigan

 for the purpose of a mortgage made or to be made by the said _____ Companies
 to _____
 Edward and Judith Davidson

that we have inspected the property herein described: that there are located entirely thereon as shown, buildings and improvements, and that said building and improvements are within the property lines and that there are no existing encroachments upon the land and property described whatsoever, except as shown. This mortgage inspection is not to be used to establish property lines, easement



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Independently Owned & Operated

ANN ARBOR SUNROOMS KITCHEN & BATH
6055 JACKSON RD.
ANN ARBOR MI 48103

LETTER OF AUTHORIZATION

This letter is to show that we want Four Seasons Sunrooms of A2 to represent our case at the zoning board of appeals. We will do our best to attend the meeting along with Four Seasons but we respect their ability to present our case to the best of their ability and agree with their views.

Thank you,

Ed Davidson

 9/27/13



ANN ARBOR SUNROOMS KITCHEN & BATH
6055 JACKSON RD.
ANN ARBOR MI 48103

ZBA LETTER OF EXPLANATION

Project Address: 730 Heather Way
Ann Arbor MI

We are proposing to build a Sunroom over a foundation and Basement that already exist. When visiting the site it will appear that the area has an open deck outside of the house door wall. Below the deck is a flat roof area that has shown leaks in the past. The roof has been repaired but as we all know Flat Roofs in MI are not always the best thing to have over a living area or space.

With this in mind we are trying to place a sunroom over this area not only to give them outdoor space but to stop any chance of future water damage to the basement area below.

As stated in the application this addition will not cause any hardship to the neighbors or their lots. The home is on a fairly wooded lot and the site of this portion of the property is limited to the surrounding properties.

The Lot has an irregular shape and a sharp angled lot line parallel to the room that causes the need for the setback variance. We believe that this proves the hardship and that this hardship is not self created as all of the mentioned points were there when the homeowner bought the home.

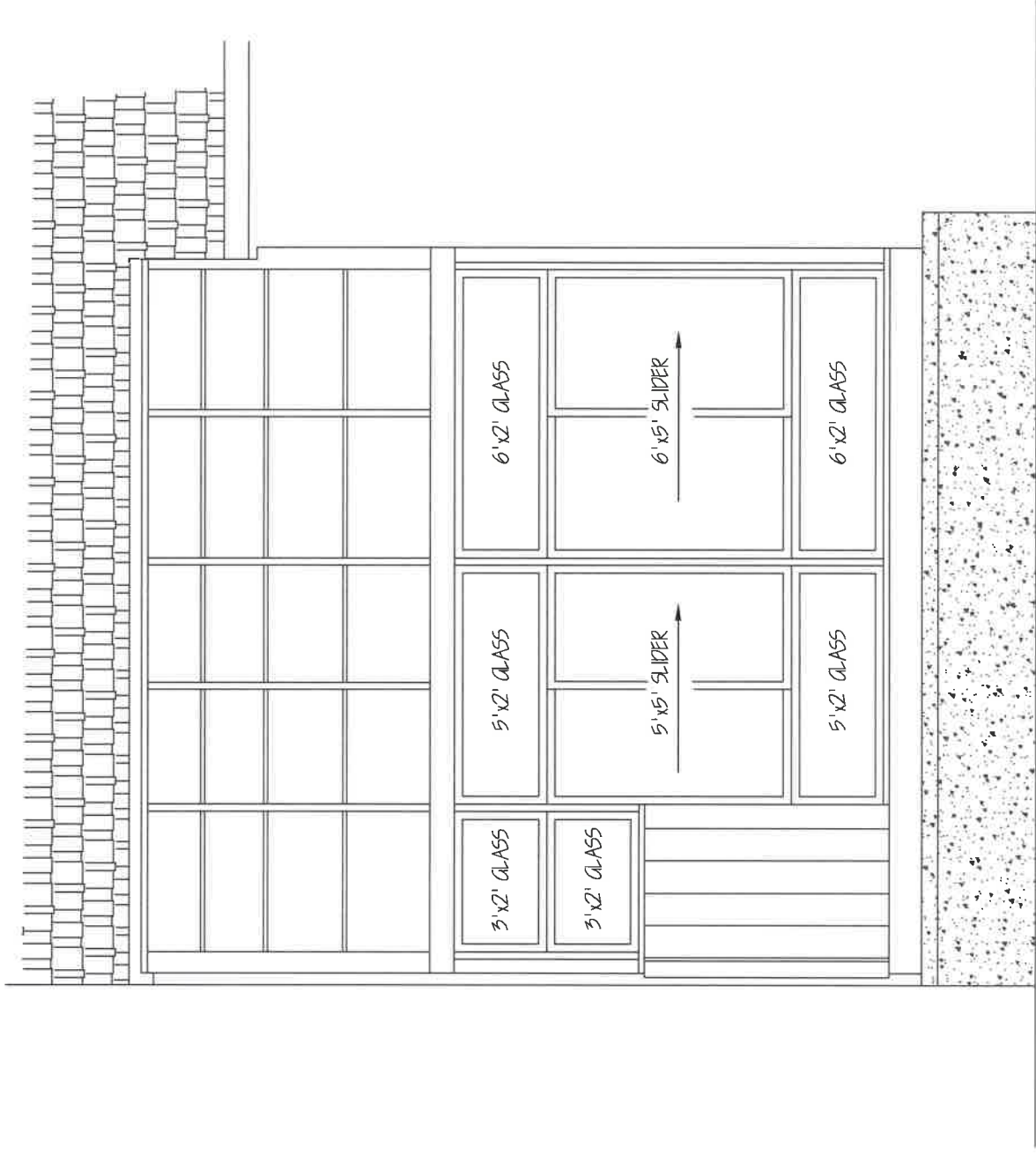
If there are any questions regarding the proposed case feel free to call me at any time.

Best Regards,

Robert Clark

Four Seasons Sunrooms of A2

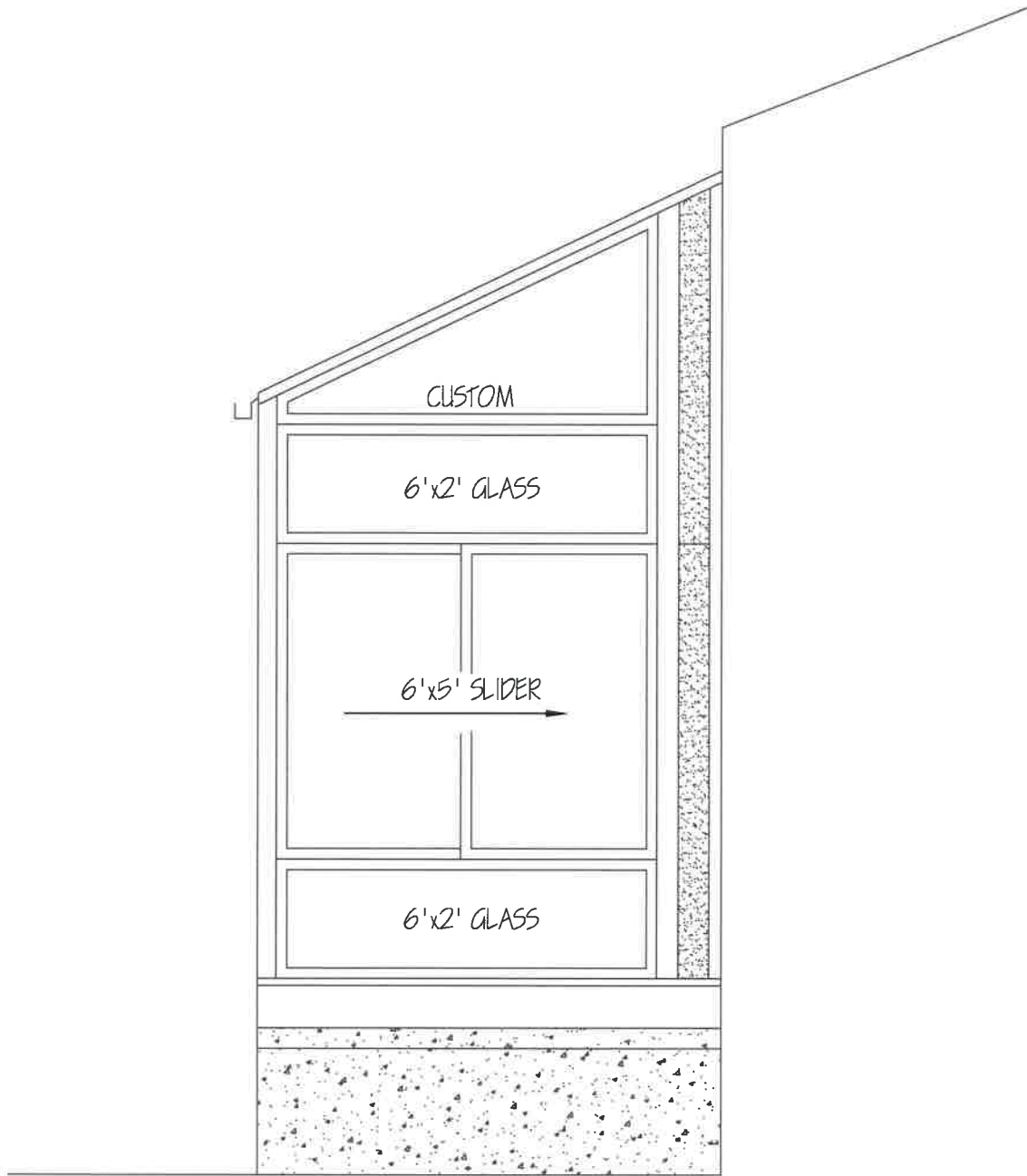
Office: 734-769-9700 Cell: 248-787-6306



FRONT ELEVATION

SCALE: 1/4" = 1'-0"

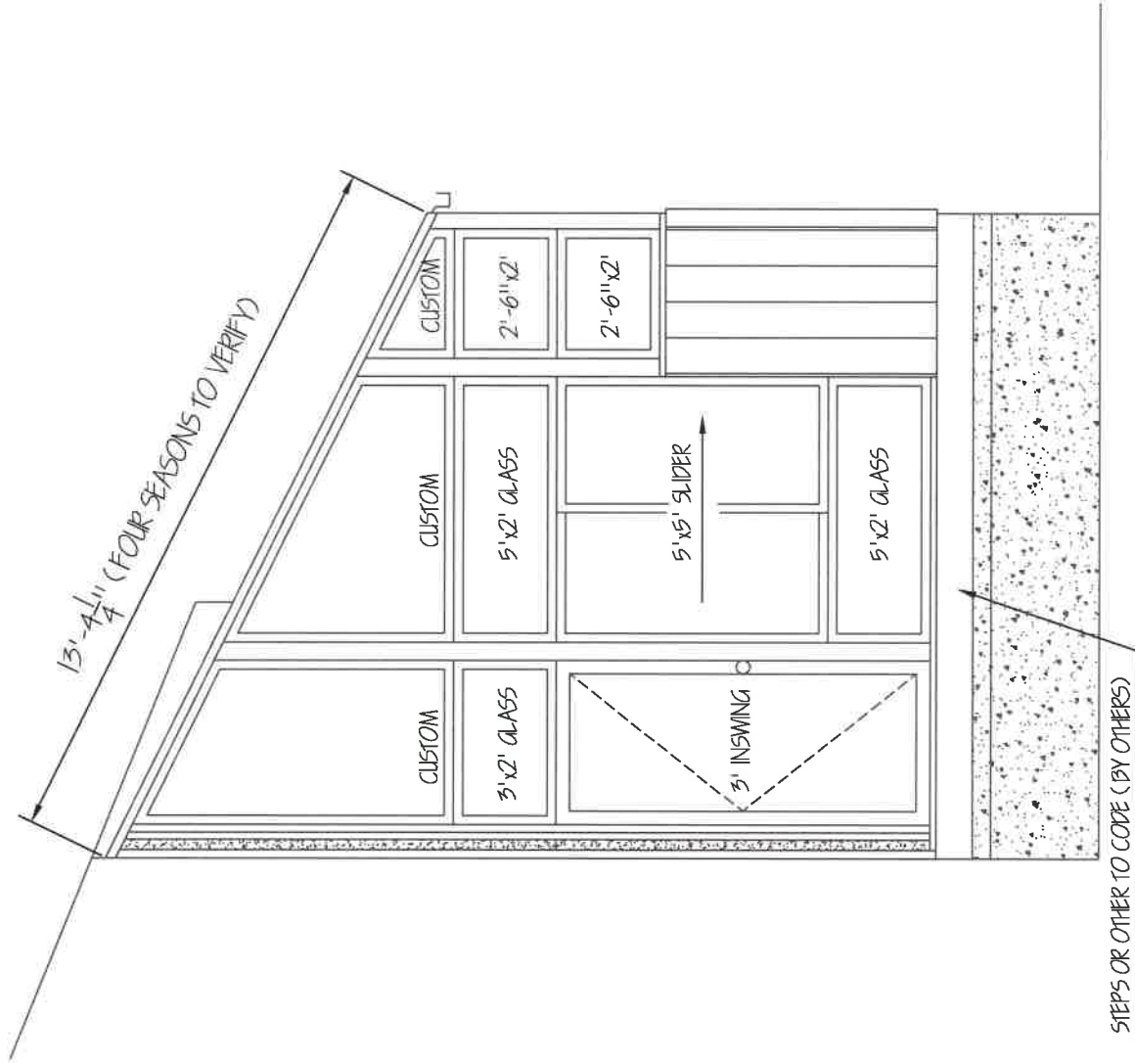
INITIALS



INITIALS

LEFT ELEVATION

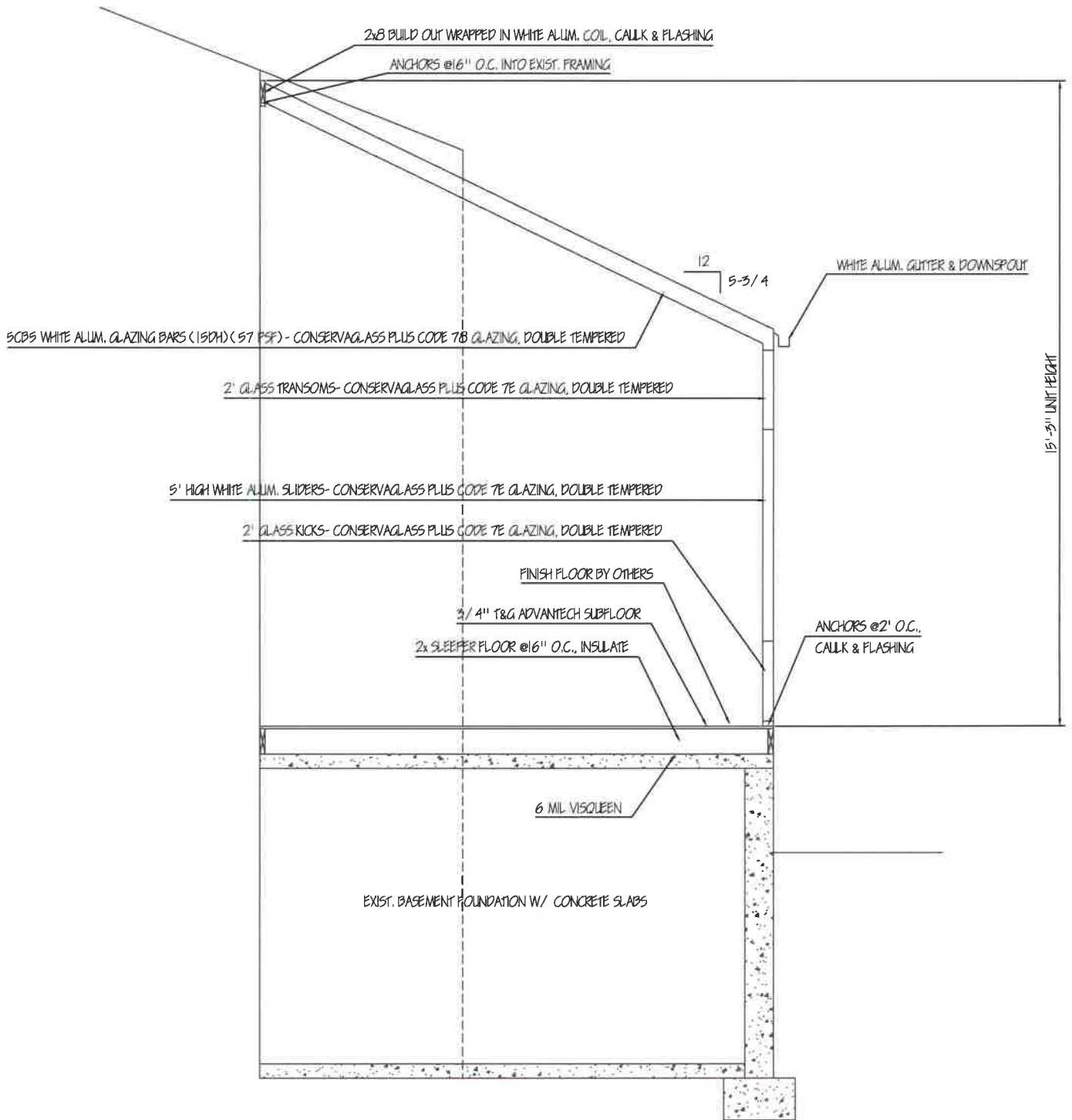
SCALE: 1/4" = 1'-0"



LEFT ELEVATION

SCALE: 1/4" = 1'-0"

INITIALS



INITIALS

SECTION
SCALE: 1/2" = 1'-0"

My name is Teresita Rodriguez-Doyle (Techy) and I own the home at 769 Heather Way - across the street from 730. I have no issue at all with the Davidson's request for a variance. As far as my family and I are concerned, this variance should be granted.

The Davidson's are great respectful neighbors and I'm sure anything they do will be tasteful and will increase the value of all the homes on this street.

Please feel free to contact me if you have any questions.

Best regards,

Techy