

**Zoning Board of Appeals  
January 27, 2016 Regular Meeting**

**STAFF REPORT**

**ZBA16-001, 730 Spring Street**

**Summary:** Dawn Zuber, is requesting a variance from Chapter 55 (Zoning), a variance from Section 5:57 (R2A Two-Family) of 2 feet 6 inches from the averaged front setback of 19 feet 4 inches.

**Description and Discussion:**

The subject parcel is 730 Spring Street, the lot is 8,581 square foot and is a legally established parcel and zoned R2A (Two-family). The existing single-family home was built in 1925 and is 840 square. The current porch has a setback of 18 feet 10 inches. This is a buildable lot according to the zoning code.

The request is discussed in detail below:

The petitioner is proposing to tear down the existing front porch and build a new front porch that is deeper and wider than the current porch. The new porch will measure 8 feet by 23 feet 8 inches. The home is currently undergoing an extensive renovation.

If the variance is granted, the applicant will be required to submit a building permit application for the proposed changes and alterations to the existing structure.

**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 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 averaged setback would require a front porch that would be less than 6' in depth. The applicant states that a porch of this required depth would be out of character for the neighborhood as other properties in the vicinity have porches that are closer to the right of way. The house was constructed before zoning standards were established.

- (b). *That the alleged hardships or 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 proposed porch could be constructed without a variance; however, the current setback requirement of 18 feet 10 inches would restrict the planned renovations and alterations to the home.

**(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.**

Although structures within 100 feet have an average setback of 19 feet 4 inches the surrounding neighborhood is a unique mix of structures with varying setbacks, some with setbacks less than the setback requested and some with greater setbacks. The addition of a new covered porch is a positive aesthetic addition to the house and would be in character to the proposed renovations. The front porch is consistent with many structures in the surrounding neighborhood.

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

The applicant states that the home was built in 1925 when the current zoning regulations were not in place. The current zoning requirements put the home in a non-conforming status.

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

A variance of 2 feet 6 inches from an averaged setback of 19 feet 4 inches is being requested in order construct a new porch while preserving the character of the dwelling along with the existing neighborhood. The depth of the proposed porch will be 8 feet which is consistent with other porches in the neighborhood.

Respectfully submitted,



**Matthew J. Kowalski, AICP  
City Planner**

730 Spring St

Hillcrest Dr

W Summit St

R2A

PL

Spring St

Daniel St

M1

Hiscock St

**Zoning Districts**

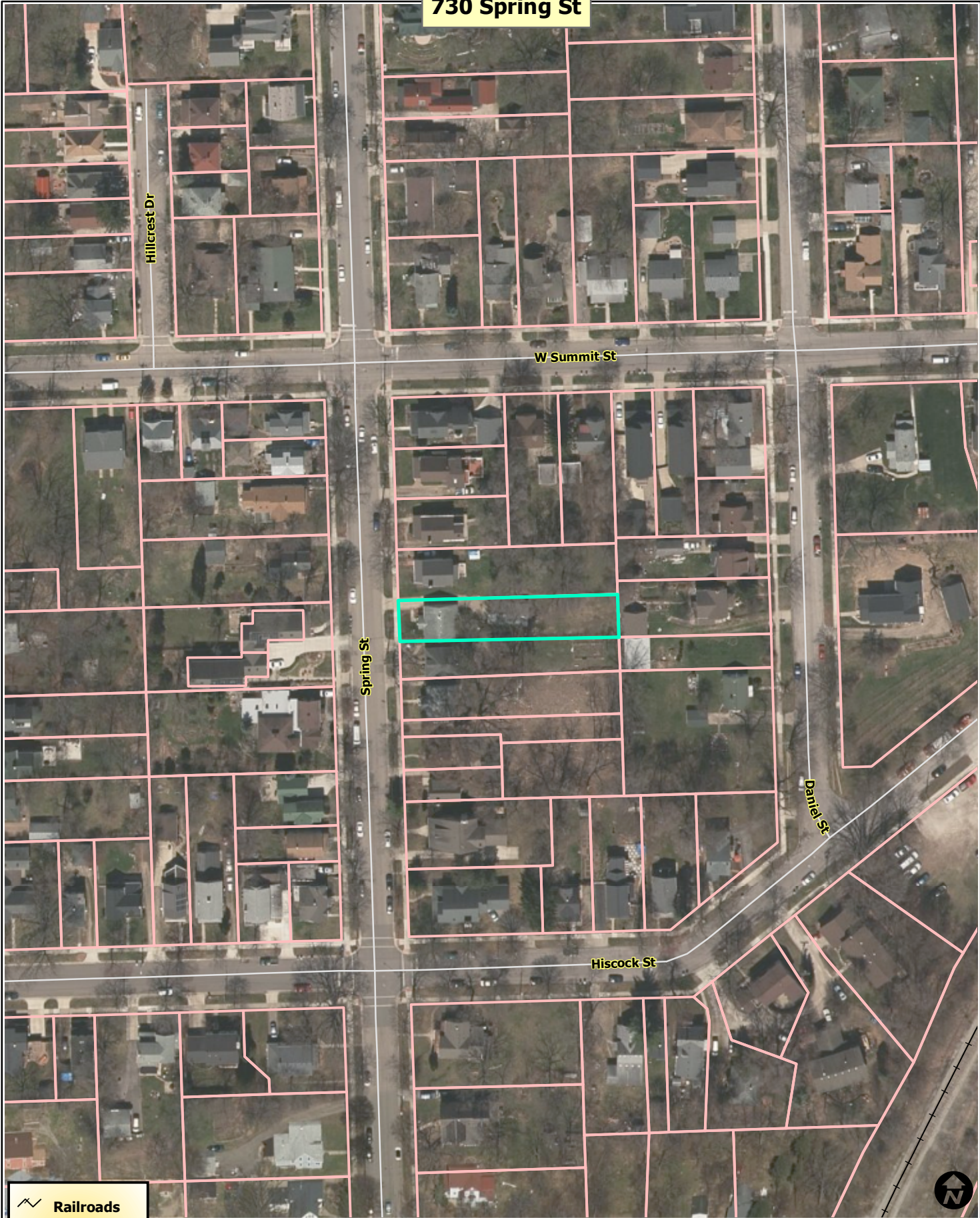
-  Township Islands
-  City Zoning Districts
-  Railroads
-  Parcels
-  Huron River






Map date 1/5/2016  
 Any aerial imagery is circa 2015  
 unless otherwise noted  
 Terms of use: [www.a2gov.org/terms](http://www.a2gov.org/terms)



730 Spring St






-  Railroads
-  Parcels
-  Huron River



Map date 1/5/2016  
 Any aerial imagery is circa 2015  
 unless otherwise noted  
 Terms of use: [www.a2gov.org/terms](http://www.a2gov.org/terms)

730 Spring St

Spring St

-  Railroads
-  Parcels
-  Huron River



Map date 1/5/2016  
Any aerial imagery is circa 2015  
unless otherwise noted  
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**APPLICATION FOR VARIANCE OR NON-CONFORMING STRUCTURE**  
**ZONING BOARD OF APPEALS**

**Section 1: Applicant Information**

Name of Applicant: Dawn Zuber, AIA  
Address of Applicant: PO Box 87889, Canton, MI 48187  
Daytime Phone: (734) 394-9400  
Fax: (734) 394-9401  
Email: dzuber@studiozarch.com  
Applicant's Relationship to Property: Architect

**Section 2: Property Information**

Address of Property: 730 Spring St., Ann Arbor, MI 48103  
Zoning Classification: R2A, Two-Family Dwelling District  
Tax ID# (if known): 09-09-20-317-020  
\*Name of Property Owner: Urban Retreat, LLC

*\*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:

Chapter 55, Section 5:57

Required dimension:

19.3' front setback  
(calculated average)

PROPOSED dimension:

16.8'

*Example: Chapter 55, Section 5:26*

*Example: 40' front setback*

*Example: 32'*

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

The owner plans to tear down the existing covered front porch, which has a setback of 18.8', and replace it with a wider and deeper front porch, which will be similar in size and character to the four neighboring houses to the north of 730 Spring St.

**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 existing average setback would allow for a porch that is less than 6' deep, which would be inappropriate for a home of the style as we propose to remodel it. Also, many of the homes on this block have front porches that are built as close to the street as we propose this porch to be (see Exhibit A, attached), so if the variance is granted, we would be maintaining the character of the neighborhood.

**2. Are the hardships or practical difficulties more than mere inconvenience, inability to obtain a higher financial return? (explain)** Yes. See above.

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**3. What effect will granting the variance have on the neighboring properties?** \_\_\_\_\_

Granting the variance will have no negative effect on the neighboring properties. We feel that granting the variance will have a positive effect on the neighborhood, as it will allow us to construct a porch that is similar in size and character to many of the existing porches on the block.

**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?**

The location of the house on the property was determined when the house was built in 1925, when existing zoning regulations did not exist. We propose to build a porch that's similar in character and size to the porches on neighboring houses.

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

The condition is not self-imposed. See above.

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**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:

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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:

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

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**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.....)



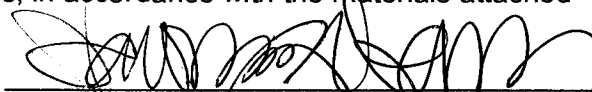
- Survey of the property including all existing and proposed structures, dimensions of property, and area of property.
- Building floor plans showing interior rooms, including dimensions.
- Photographs of the property and any existing buildings involved in the request.
- Any other graphic or written materials that support the request.

**Section 7: Acknowledgement**

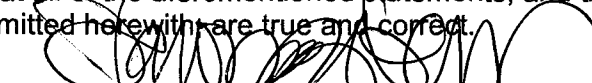
**SIGNATURES MUST BE SIGNED IN PRESENCE OF NOTARY PUBLIC**

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.


(734) 394-9400  
 Phone Number  
 dzuber@studiozarch.com  
 Email Address

  
 Signature  
 Dawn Zuber, AIA  
 Print Name

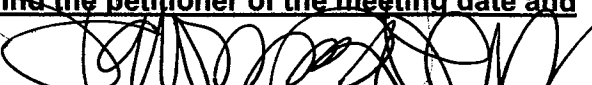
I, the applicant, hereby depose and say that all of the aforementioned statements, and the statements contained in the materials submitted herewith are true and correct.

  
 Signature

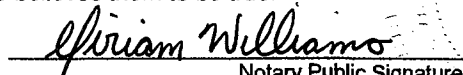
Further, I hereby give City of Ann Arbor Planning & Development Services unit staff and members of the Zoning Board of Appeals permission to access the subject property for the purpose of reviewing my variance request.

  
 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 27th day of December, 2015, 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

September 7, 2017  
 Notary Commission Expiration Date

Miriam Williams  
 Print Name

Miriam Williams  
 Notary Public, State of Michigan  
 County of Wayne  
 My Commission Expires September 7, 2017  
 Acting in the County of Wayne

**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: \_\_\_\_\_

Urban Retreat, LLC  
9721 Sherrill Blvd.  
Knoxville, TN 37932

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Matthew Kowalski, Zoning Administrator  
Ann Arbor City Hall  
100 N. Fifth Avenue, 1<sup>st</sup> Floor  
Ann Arbor, MI 48104

Re: Zoning variance

Dear Mr. Kowalski,

We are the owners of 730 Spring Street, property tax ID #09-09-20-317-020.

We hereby authorize Dawn Zuber of Studio Z Architecture to apply for a variance for the front porch we propose to construct on the home. We also authorize Ms. Zuber to appear before the Zoning Board of Appeals on our behalf.

If you have any questions, you may contact us at the phone number above.

Thank you.

Sincerely,

Urban Retreat, LLC

By:   
Name: Denise Gough  
Title: Authorized Representative

**Existing Average Setback Calculation**  
**730 Spring St.**

<b>Address</b>	<b>Distance</b>	<b>Lot Width</b>
734	17.2	50'
732	16.9	50'
730	18.8	Our lot
726	24.5	37'
722	18.1	40'
714	20	36'
Average	19.3	

LOT  
3

LOT  
5

EX. GARAGE

EX. GAR.

New egress window well.

One-story addition shown shaded

5'-5 1/4"

4'-1 1/4"

EX. HSE.

New roof structure over new second floor.

4'-1"

New covered porch shown shaded.

Existing covered porch to be demolished (shown dashed).

Existing average front setback line shown dashed.

5'-8 3/4"

5'-5 1/2"

24'-8 1/2"

19.3'

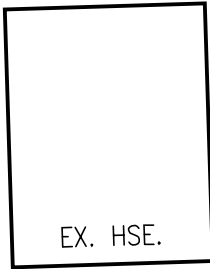
N01°53'02"W  
40.03'

16.8'

24'-7 1/2"

Average  
Proposed

POR



Note: Property lines and existing structure locations are based on a survey prepared by Midwestern Consulting. Architect is not responsible for its accuracy.

FIR

FIR

U.P.

SPRING STREET



Site Plan (showing roof)

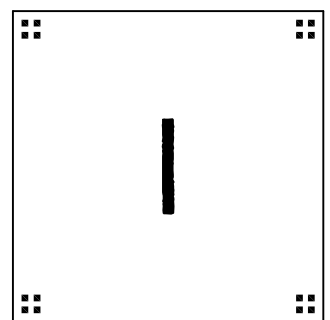
1" = 20'-0"

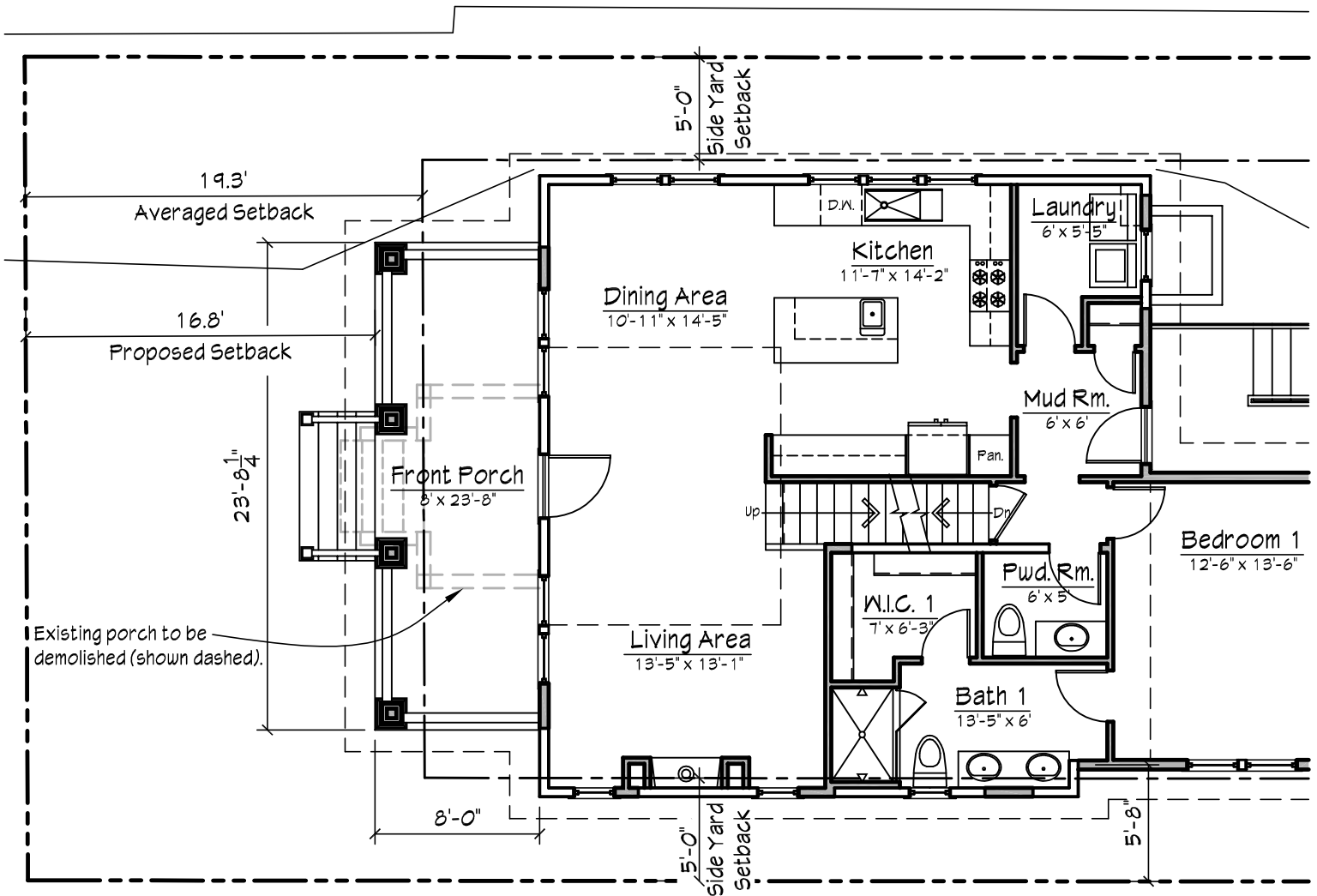
**STUDIO Z**  
**ARCHITECTURE**  
POST OFFICE BOX 87889  
CANTON, MICHIGAN 48187  
TELEPHONE: (734) 394-9400  
FACSIMILE: (734) 394-9401

Project:  
703 Spring Street  
703 Spring Street, Ann Arbor, MI

Project number: 1522  
Drawn by: DMZ  
Issued for Zoning Variance Application 12/30/15

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# 1<sup>st</sup> Floor Plan

1" = 1'-0"

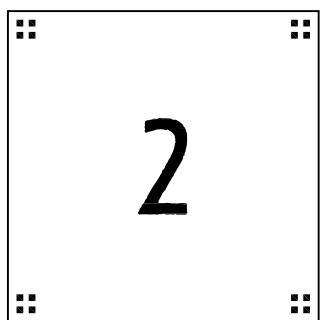
**PRELIMINARY**  
Not for construction

**STUDIO Z**  
**ARCHITECTURE**  
POST OFFICE BOX 87889  
CANTON, MICHIGAN 48187  
TELEPHONE: (734) 394-9400  
FACSIMILE: (734) 394-9401

Project:  
703 Spring Street  
703 Spring Street, Ann Arbor, MI

Project number: 1522  
Drawn by: DMZ  
Issued for Zoning Variance Application 12/30/15

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**N** Front Elevation  
 $\frac{1}{8}'' = 1'-0''$

**PRELIMINARY**  
 Not for construction

**STUDIO Z**  
**ARCHITECTURE**  
 POST OFFICE BOX 87889  
 CANTON, MICHIGAN 48187  
 TELEPHONE: (734) 394-9400  
 FACSIMILE: (734) 394-9401

Project:  
 703 Spring Street  
 703 Spring Street, Ann Arbor, MI  
 Project number: 1522  
 Drawn by: DMZ  
 Issued for Zoning Variance Application 12/30/15

3



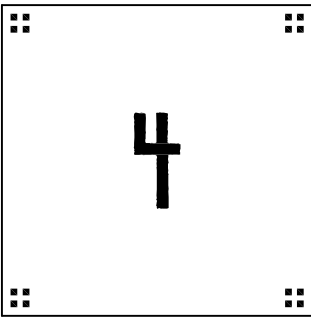
**S** Side Elevation  
 $\frac{1}{8}'' = 1'-0''$

**PRELIMINARY**  
 Not for construction

**STUDIO Z**  
**ARCHITECTURE**  
 POST OFFICE BOX 87889  
 CANTON, MICHIGAN 48187  
 TELEPHONE: (734) 394-9400  
 FACSIMILE: (734) 394-9401

Project:  
 703 Spring Street  
 703 Spring Street, Ann Arbor, MI

Project number: 1522  
 Drawn by: DMZ  
 Issued for Zoning Variance Application 12/30/15





**E** Back Elevation  
 $\frac{1}{8}'' = 1'-0''$

PRELIMINARY  
 Not for construction

**STUDIO Z**  
**ARCHITECTURE**  
 POST OFFICE BOX 87889  
 CANTON, MICHIGAN 48187  
 TELEPHONE: (734) 394-9400  
 FACSIMILE: (734) 394-9401

Project:  
 703 Spring Street  
 703 Spring Street, Ann Arbor, MI

Project number: 1522  
 Drawn by: DMZ  
 Issued for Zoning Variance Application 12/30/15

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5





**N** Side Elevation  
 $\frac{1}{8}'' = 1'-0''$

**PRELIMINARY**  
 Not for construction

**STUDIO Z**  
**ARCHITECTURE**  
 POST OFFICE BOX 87889  
 CANTON, MICHIGAN 48187  
 TELEPHONE: (734) 394-9400  
 FACSIMILE: (734) 394-9401

Project:  
 703 Spring Street  
 703 Spring Street, Ann Arbor, MI

Project number: 1522  
 Drawn by: DMZ  
 Schematic Design 12/7/15  
 Design Review 12/14/15

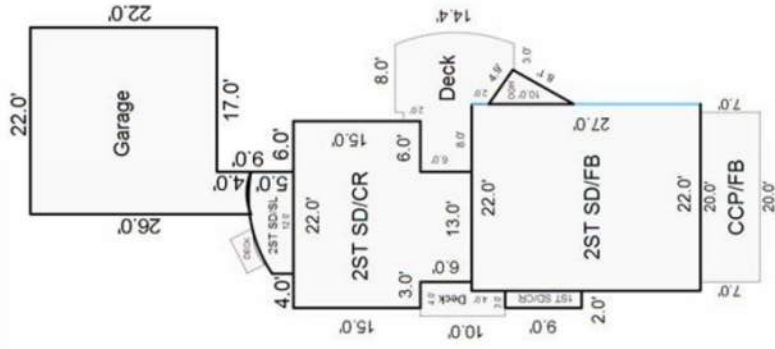
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6

Image/Sketch for Parcel: 09-09-20-317-016

Caption: No caption found

View Full Size



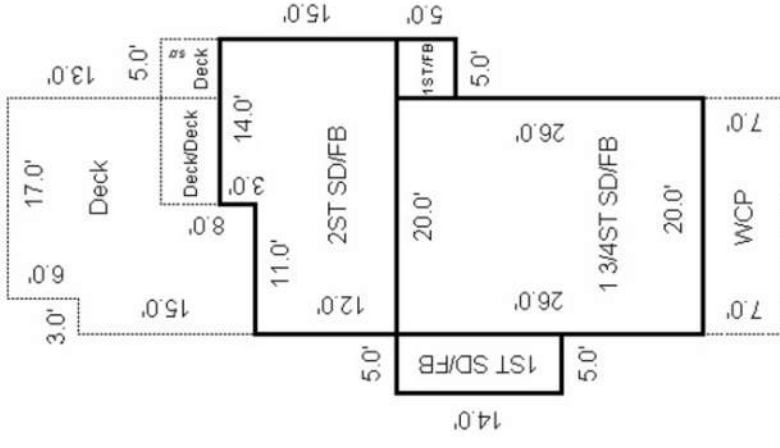
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744 Spring St.

Image/Sketch for Parcel: 09-09-20-317-017

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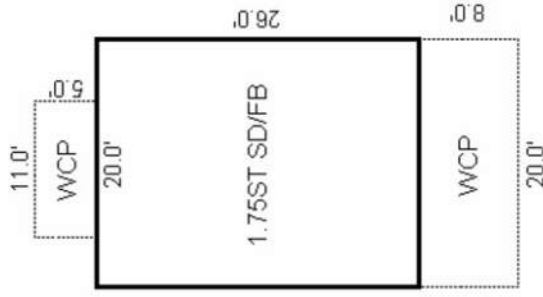
Sketch by Apex IV™

740 Spring St.

**Image/Sketch for Parcel: 09-09-20-317-019**

Caption: No caption found

[View Full Size](#)

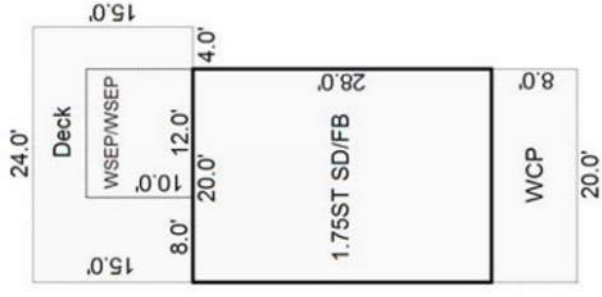


734 Spring St.

**Image/Sketch for Parcel: 09-09-20-317-018**

Caption: No caption found

[View Full Size](#)



732 Spring St.

Exhibit B - Photos of neighboring houses

Page 1



744 Spring St.

740 Spring St.

734 Spring St.



734 Spring St.

732 Spring St.

Exhibit B - Photos of neighboring houses



732 Spring St.

730 Spring St.



730 Spring St.

**From:** Darren McKinnon [<mailto:dgmckinnon@gmail.com>]

**Sent:** Wednesday, January 13, 2016 6:45 PM

**To:** Kowalski, Matthew

**Cc:** [dzuber@studiozarch.com](mailto:dzuber@studiozarch.com)

**Subject:** 730 Spring - ZBA 16-001 - Letter of Support

Matt-

I am writing to offer my support for the referenced ZBA item. The proposed home renovations are quite handsome and will be a great addition to our neighborhood. I do not feel that the minor encroachment on the front set back is at all a negative as it is within the character of the existing homes in the area. Please include this email in the ZBA commissioner's package as a letter of support from a neighbor.

Thank you,

Darren McKinnon  
809 Daniel St.