

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

STAFF REPORT

Subject: ZBA16-017; 1601 Avondale Avenue

Summary:

Carl O. Hueter, is requesting a variance from Chapter 55, Section 5:59 1(d); Accessory Buildings. The current allowable rear open space that can be occupied by an accessory structure is 35%. Applicant seeks a 12% variance for a total of 47% coverage for the combined (existing garage) accessory structures.

Description:

The subject parcel is zoned R1C (Single-family) and the lot is 9,844 square feet in area. The dwelling is 2,100 square feet in size and was built in 1960. The home is built on a corner lot and is 80 feet by 123 feet in size.

Discussion:

The petitioner would like to construct a 7'x16' (112 square feet) fully enclosed unheated addition to the front of the existing garage. Currently there is a 172 square foot hot tub enclosure that will be removed and replaced with the proposed enclosure.

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.***

Applicant states that due to a corner lot and the zoning ordinance applying two front setbacks, there is an additional average front setback which increases the setback to 34 feet 6 inches. The corner lot scenario also reduces the buildable rear yard area by 42% because the front yard setback eliminates a large area of the rear yard.

- (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.**

Applicant states that the hardships and practical difficulties lie within the home having two front setbacks, no basement and limited storage space. If the variance is not granted, then the owners will not be able to construct an enclosure due to the fact that there isn't any buildable area remaining on the lot.

- (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.**

The applicant states that the variance will have no negative effect on neighboring properties. The new enclosed structure will be 34% smaller than the existing enclosed hot tub area. The proposed enclosure will also be further from the neighboring western property.

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

The conditions were existing at the property when the current owners purchased the home. The zoning ordinance imposes a double front setback and additional 9'6" average setback thereby reducing the rear yard buildable area as compared to a lot with single street frontage.

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

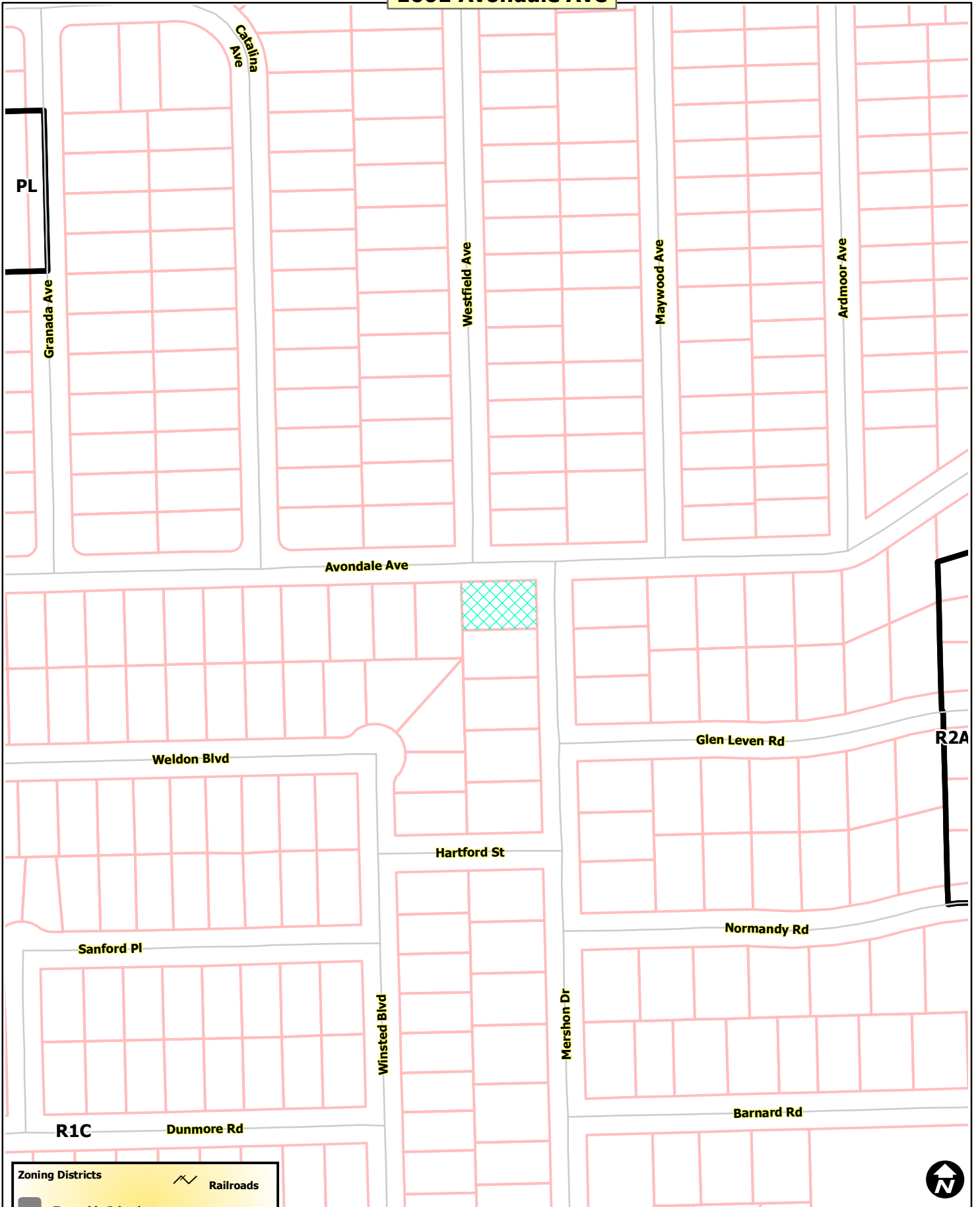
The variance, if approved, will permit construction of a 7'x16' (112 square foot) which will be a total reduction of 34% or 60 square feet of impervious surface coverage.

Respectfully submitted,



Jon Barrett
Zoning Coordinator

1601 Avondale Ave

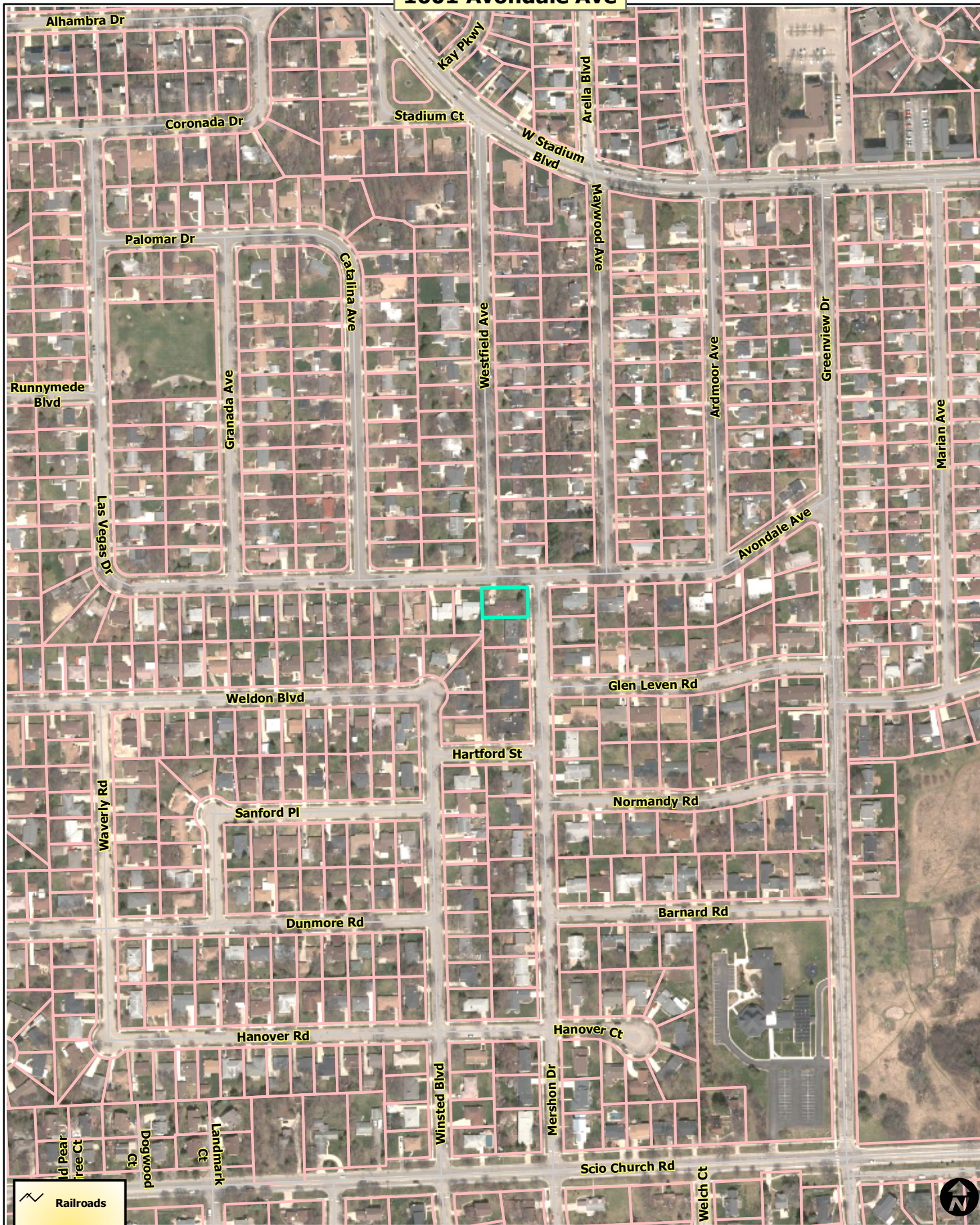


	Zoning Districts		Railroads
	Township Islands		Parcels
	City Zoning Districts		Huron River



Map date 7/6/2016
Any aerial imagery is circa 2015 unless otherwise noted
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1601 Avondale Ave






- Railroads
- Parcels
- Huron River



Map date 7/6/2016
Any aerial imagery is circa 2015
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1601 Avondale Ave



-  Railroads
-  Parcels
-  Huron River



01/10/17
ZBA16-017

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

Section 1: Applicant Information

Name of Applicant: Carl O. Hueter
 Address of Applicant: 1321 Franklin Blvd., Ann Arbor, 48103
 Daytime Phone: 734-274-8175
 Fax: -
 Email: carl@hueterarchitects.com
 Applicant's Relationship to Property: Architect

Section 2: Property Information

Address of Property: 1601 Avondale Ave.
 Zoning Classification: R1C
 Tax ID# (if known): _____
 *Name of Property Owner: Phil & Sharon McBride
*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, Sec. 5:59 1(d) Required dimension: 35% coverage PROPOSED dimension: 47% coverage

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)

see attached

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?

see attached

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

see attached

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

see attached

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 attached

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

see attached

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:

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:

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

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.

734-876-8175
Phone Number

[Signature]
Signature

carl@huetervarchitects.com
Email Address

CARL O. HUETER
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]
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]
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]
Signature

On this 15 day of June, 2016, 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.

VALERIE LATNIE
Notary Public, Monroe County, MI
My Commission Expires 12-26-2019
Acting in Washtenaw County

[Signature]
Notary Public Signature

12-26-2019
Notary Commission Expiration Date

Valerie Latnie
Print Name

Washtenaw

Staff Use Only

Date Submitted: 6/15-2016

Fee Paid: 500⁰⁰

File No.: ZBA16-017

Date of Public Hearing: 7/27-16

Pre-filing Staff Reviewer & Date: _____

ZBA Action: _____

Pre-Filing Review: _____

Staff Reviewer & Date: _____

14 JUNE 2016

1601 AVONDALE VARIANCE REQUEST

CITY OF ANN ARBOR ZONING BOARD OF APPEALS

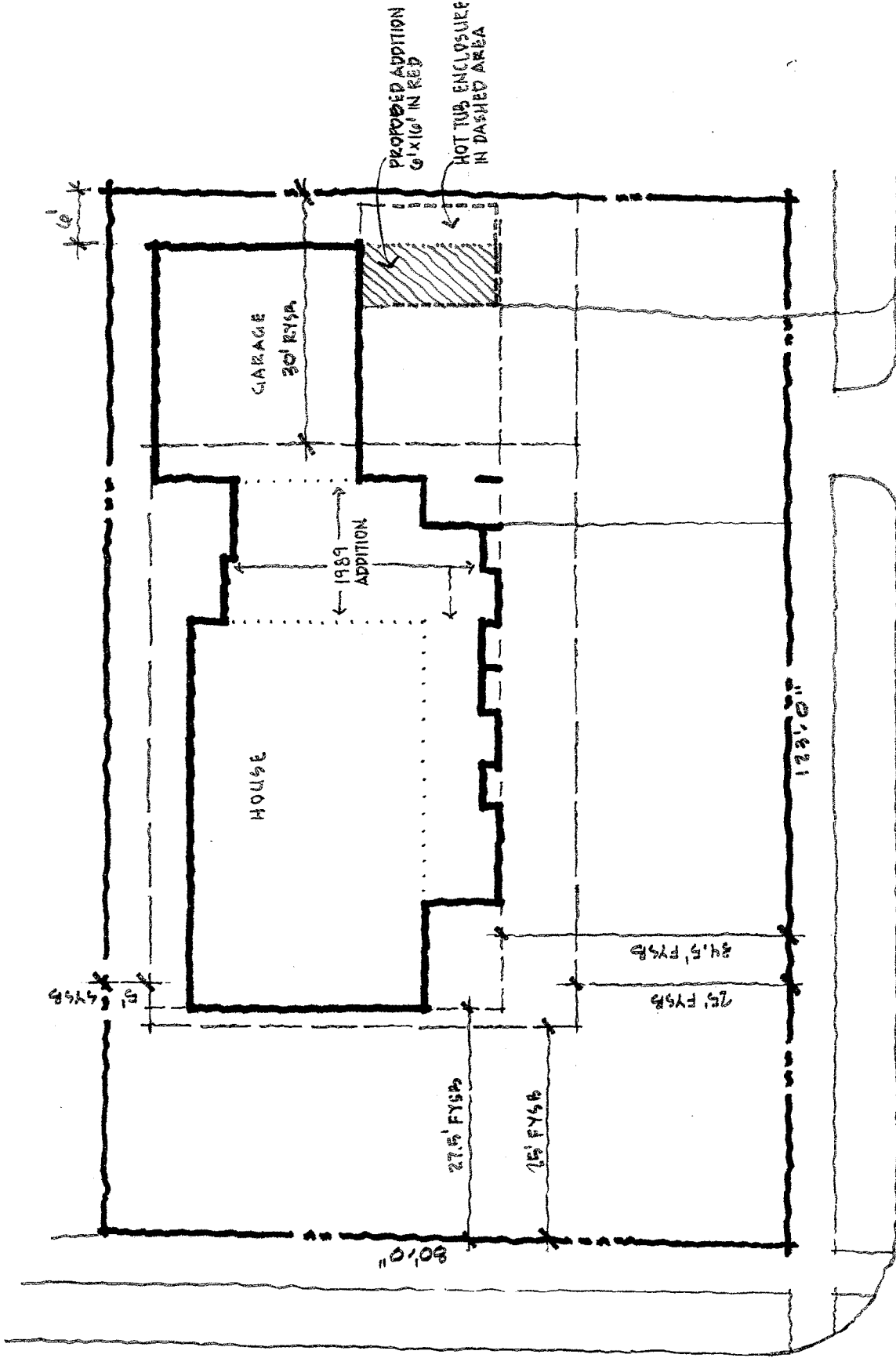
DETAILED DESCRIPTION OF PROPOSED WORK:

1601 Avondale is a single story slab on grade (no basement) single family residence in a R1C zoning district situated on a corner lot, being 80 feet by 123 feet. In 1989 the original house was renovated and additions constructed to it to expand the north (Avondale Ave.) face of the house towards the front setback, connect the existing garage to the house and add an enclosed outdoor hot tub patio. This work rendered the structure non-conforming to the current zoning ordinance rear yard open space requirements. Having purchased the house in 2014 the current owners find it severely limited in the amount of storage space and would like to remove the 172 square foot hot tub enclosure and replace it with a modest 112 square foot fully enclosed unheated storage addition to the garage.

REQUIRED ANSWERS:

- 1) 1601 has practical difficulties and hardship as follows unique to the property;
 - a. House was built without a basement. Limiting the amount of internal storage area.
 - b. Property is a corner lot with, not only two front setbacks associated with such parcels, but those front setbacks are greater than the zoning ordinance required front yard setbacks due to front yard setback averaging requirements, expanding them from 25 feet to 34.5 feet (138% increase).
 - c. This corner lot scenario also renders the rear yard reduced by 42%, because the front yard setback is removed from the defined rear yard setback uncommon to any non-corner lot in Ann Arbor.
- 2) Answer as described in 1) above
- 3) The effect of granting this variance and allowing the construction of this addition to the neighborhood will be none, since the area is currently occupied by a larger walled volume, partially hidden behind a mature landscape hedge. The new structure will be 34% small in size than the existing.
- 4) As noted previously, this structure has no basement, previous additions and is a corner lot with inherent hardships imposed by the zoning ordinance on such corner lots.
- 5) The availability of space on this property is severely limited to add to this structure. This came about from the zoning setbacks mandated, original construction of a basement-less house and the subsequent expansion filling the limited allowable site area.

It must be recognized that corner lots in single family zoned neighborhoods in Ann Arbor are hamstrung in allowable building area due to the double front yard setback requirement. Not only do these two large setbacks constrain the constructible foot print of a structure but, the second front yard area diminishes the rear yard setback area considerable, thereby diminishing the rear yard open space. The ordinance is blind to these imposed hardships and offers no accommodation for these additional imposed restrictions. A normal 66 X 132 City lot has 8,712 square feet of area, with a 25 foot front yard setback, 30 foot rear and double 5 foot side yard setbacks imposed this would leave 4,312 square feet to build on. The rear yard space would be 1,980 square feet. BUT as a corner lot, the area would be the same 8,712, the area to build on would be only 2,772 square feet and the rear yard would be 1,230 square feet. This means there is c. 38 % less buildable area and 38 % less rear yard. Why the Ann Arbor ordinance is blind to these impositions has been a mystery.

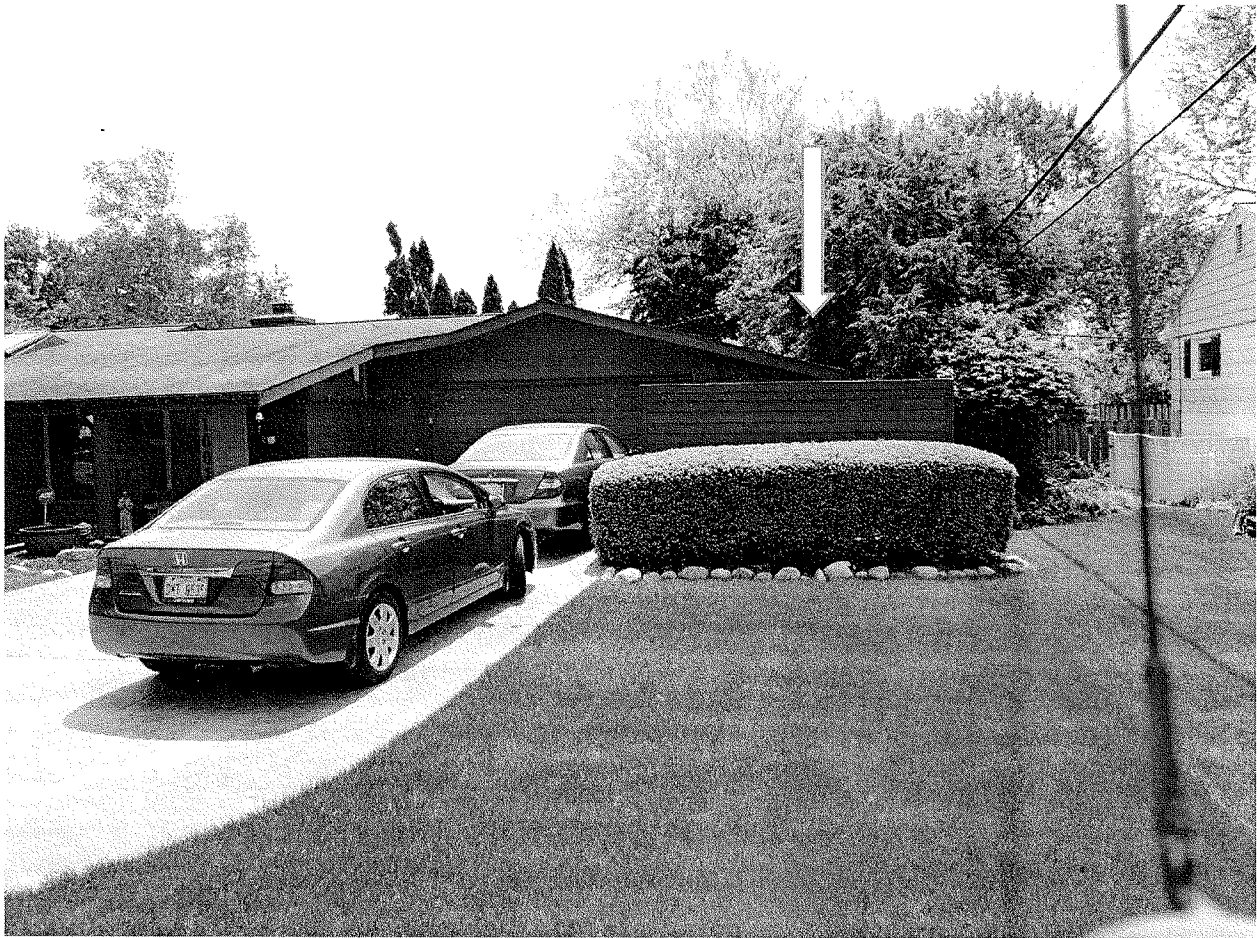


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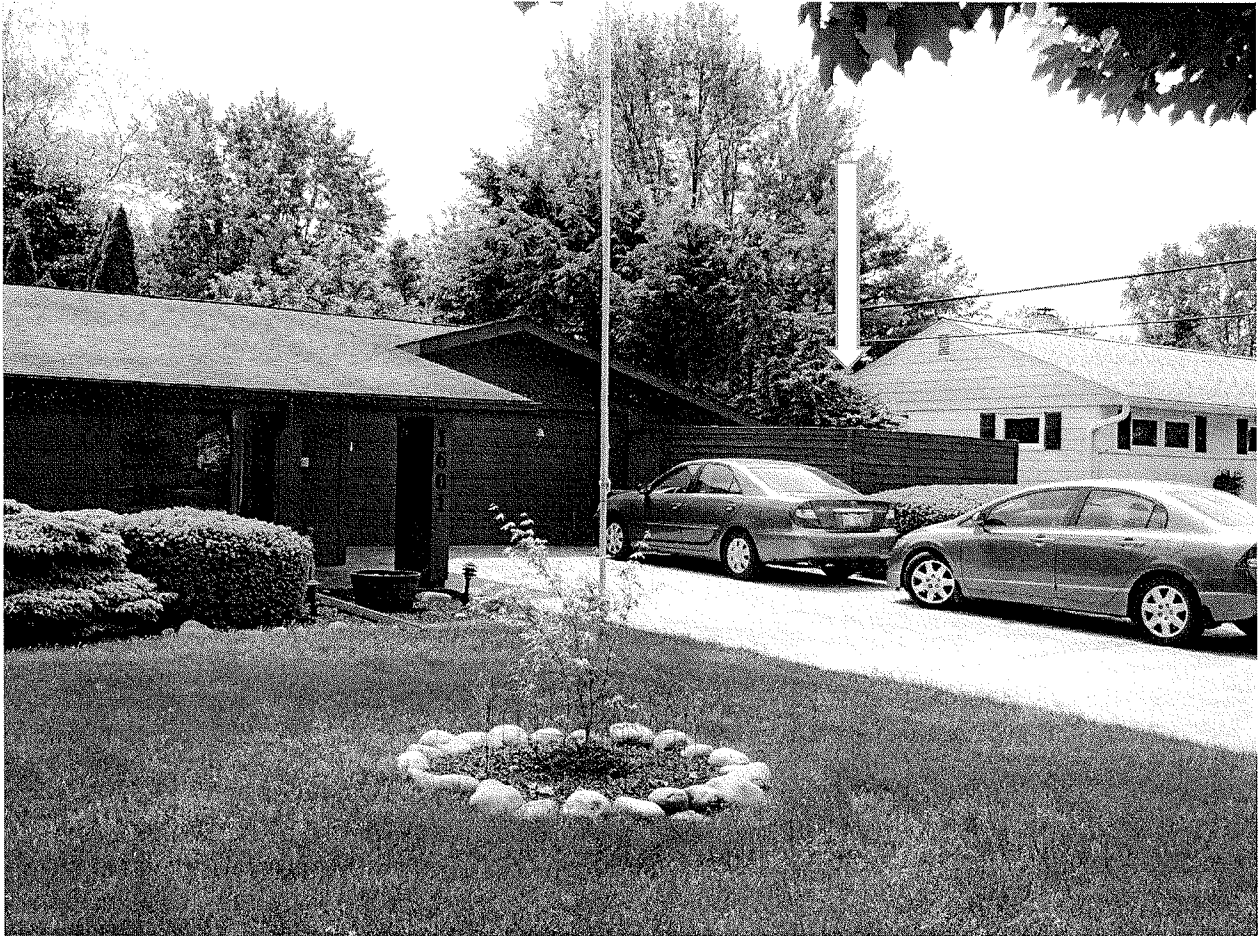
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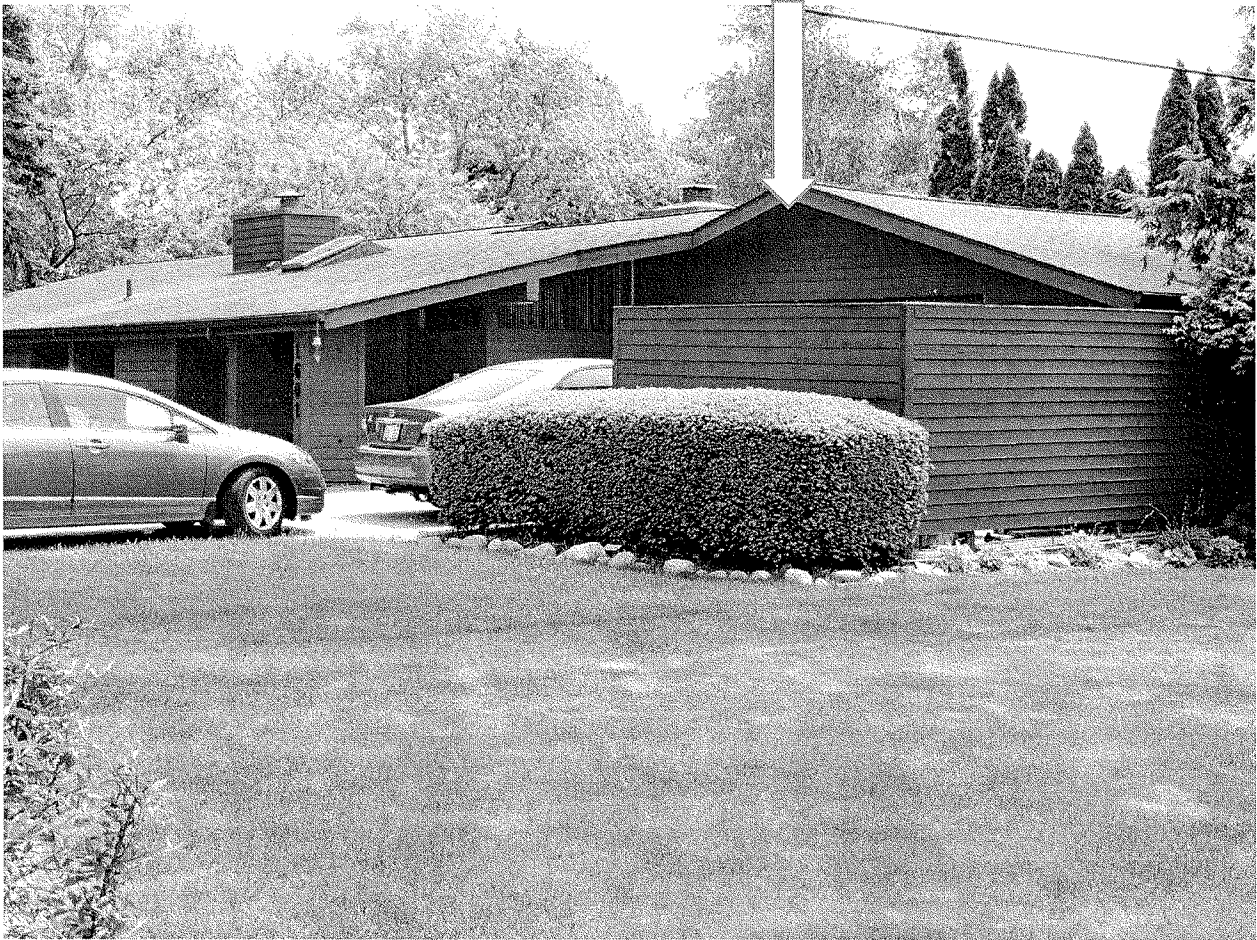
1601 AVONDALE · PROPOSED ADDITION · 06.14.10



View south directly at enclosed hot tub area with landscape hedge.



View looking southwest to enclosed hot tub area.



View looking southeast to enclosed hot tub area.