

**Zoning Board of Appeals  
October 24, 2012 Regular Meeting**

**STAFF REPORT**

**Subject: ZBA12-018, 125 Fairview Drive**

**Summary:** Lucie Audette is requesting one variance from Chapter 55 (Zoning) Section 5:57 (Averaging an Existing Front Setback Line), of 6 feet 8 inches for expansion of an existing residential structure into the front setback; 35 feet is required (Averaged Front Setback).

**Description and Discussion:**

The subject parcel contains a 1,529-square foot, single-family dwelling constructed in 1931. The parcel is zoned R1C (Single-Family) and is located on Fairview Drive, just south of Dexter Avenue. The existing setback measures 33 feet 4 inches to the main house and 28 feet 4 inches to the uncovered porch. The porch measures 5 feet by 10 feet or 50 square feet. The parcel is conforming for lot area; the required minimum lot area for R1C is 7,200 square feet and the parcel is 8,410 square feet.

The petitioner is proposing to cover the 50 square foot front porch which faces Fairview. There will be no increase size and the porch will not be enclosed. The front setback to the porch will remain 28 feet 4 inches. The porch roof addition will match the rooflines of the structure and will be supported by columns.

Although the required front setback is 25 feet for the R1C zoning district, the averaged front setback at this location results in a required front setback of 35 feet. The total encroachment of the house after the porch roof addition will remain 6 feet 8 inches.

**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 subject parcel is a conforming corner lot in the R1C Zoning District (required is a minimum lot size of 7,200 square feet; parcel is 8,410 square feet). The existing house

was built in the 1930's before current zoning setbacks. The house, including the uncovered porch, was built 28 feet 4 inches from the front property line. The R1C required setback is 25 feet, however the averaging of adjacent parcels adjusts the setback to 35 feet. The subject parcel is a triangular lot and narrows toward the front of the parcel.

- (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 variance is being requested in order to cover an existing front porch. If the variance is not granted, the existing porch can continue to be used and a ground level patio could be built, but not covered in the same location.

- (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.***

If the variance is approved, the structure will be consistent with a number of houses in the neighborhood. Although covering the existing porch does require a variance, it will not extend farther into the averaged front setback, it is minimal in total size (50 sq ft), and will not be enclosed. This should minimize the impact to the surrounding neighborhood. The porch will not be extended any closer to the side property line or adjacent neighbors.

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

The house was built in the 1930's before current zoning standards were established. The parcel is a slightly triangular shaped lot. The house including the front porch complies with the required 25 foot front setback of the R1C, but does not comply with the averaged front setback based on neighboring properties of 35 feet.

- (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 covering over an existing front porch within the average front setback. The unenclosed porch will have columns supporting it, but should have a minimal impact to the surrounding neighborhood. A covered front porch would be consistent with some porches in the neighborhood.

Zoning Board of Appeals  
Variance  
October 24, 2012 - Page 3

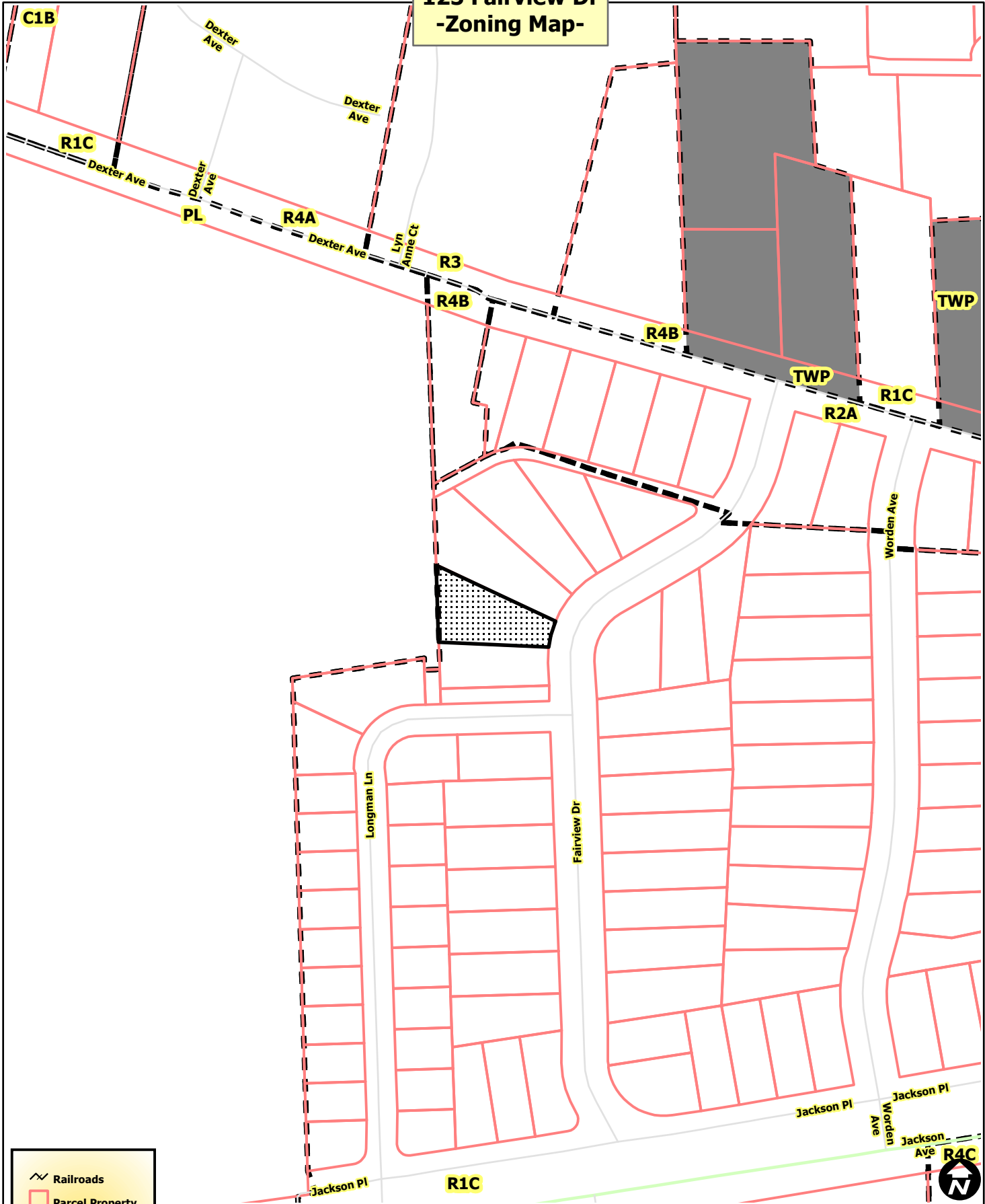
Although an uncovered front patio could be built without the need for a variance, the size and encroachment of the covered front porch is minimal.

Respectfully submitted,

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

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

# 125 Fairview Dr -Zoning Map-





Railroads  
 Parcel Property  
**Zoning**  
 Township  
 Zoning



City of Ann Arbor Map Disclaimer:  
 No part of this product shall be reproduced or transmitted in any form or by any means, electronic or mechanical, for any purpose, without prior written permission from the City of Ann Arbor.  
 This map complies with National Map Accuracy Standards for mapping at 1 Inch = 100 Feet. The City of Ann Arbor and its mapping contractors assume no legal representation for the content and/or inappropriate use of information on this map.  
 Map Created: 9/24/2012

# 125 Fairview Dr -Aerial Map-



-  Railroads
-  Parcel Property



City of Ann Arbor Map Disclaimer:  
 No part of this product shall be reproduced or transmitted in any form or by any means, electronic or mechanical, for any purpose, without prior written permission from the City of Ann Arbor.  
 This map complies with National Map Accuracy Standards for mapping at 1 Inch = 100 Feet. The City of Ann Arbor and its mapping contractors assume no legal representation for the content and/or inappropriate use of information on this map.  
 Map Created: 9/24/2012

# 125 Fairview Dr -Aerial Map-



-  Railroads
-  Parcel Property



City of Ann Arbor Map Disclaimer:

No part of this product shall be reproduced or transmitted in any form or by any means, electronic or mechanical, for any purpose, without prior written permission from the City of Ann Arbor.  
This map complies with National Map Accuracy Standards for mapping at 1 Inch = 100 Feet. The City of Ann Arbor and its mapping contractors assume no legal representation for the content and/or inappropriate use of information on this map.

Map Created: 9/24/2012



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

**Section 1: Applicant Information**

Name of Applicant: LUCIE AUDETTE  
Address of Applicant: 125 FAIRVIEW  
Daytime Phone: (734) 717-8062  
Fax: \_\_\_\_\_  
Email: laudette.125@hotmail.com  
Applicant's Relationship to Property: joint owner

**Section 2: Property Information**

Address of Property: 125 FAIRVIEW  
Zoning Classification: R1-C  
Tax ID# (if known): \_\_\_\_\_  
\*Name of Property Owner: Lucie Audette & Rob Bauman  
\*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: 57      Required dimension: 35'      PROPOSED dimension: 28'-4"

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
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 Supplemental Information

**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 Supplemental Information*

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

*See Supplemental Information*

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

*See Supplemental Information*

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 Supplemental Information*

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

*See Supplemental Information*

**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) 717-8062 \_\_\_\_\_  
 Phone Number Signature  
 laudette125@hotmail.com Lucie C. Audette  
 Email Address 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 \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, 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

\_\_\_\_\_  
 Notary Commission Expiration Date 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: \_\_\_\_\_

## Supplemental Information for Application Form Questions

### Application Form Section 3: Request Information

We request a variance of 6'-9" from the front setback required by Chapter 55 Section 5:57, "Averaging an existing front setback line." The current front setback line as established by our existing home is 33'-4". We are asking to construct a covered entry over the existing front concrete stoop (5'x 10'), for an ultimate front setback of 28'-4", per the standards of the R1-C zoning district (See pages 1-2).

We have lived at 125 Fairview for 21 years and my husband and I wish to construct a covered entryway on the existing stoop foundation and slab. Our front stoop is sized solely for ingress and egress to the house and the lack of a covered entryway has led to ice and rain damage to both our front doorway and the decorative side windows adjacent to the front door. Adding a covered entryway over our existing stoop will protect visitors and guests from bad weather and will enhance the aesthetics of our home. We are replacing the aluminum siding this fall and therefore the optimal time to construct the covered entryway is when we do this work.

Our home was constructed in 1931 and we believe the existing front concrete stoop is original. Fairview Drive is only 2 blocks long and many of the houses on our street have a front setback of 25' or less, the least of which is under 20' (see Aerial Map A and Parcel Map B which was created using Ann Arbor/ Washtenaw County's GIS mapping tool). The average set back within 100 feet of our home is based on field measurements and is 35' (Average: 35' - 28'-4" to front stoop = 6'-9"). A variance of 6'-9" is needed so that the covered entryway may be constructed. An architectural drawing of the proposed covered entryway is attached to this application (See pages 3-4).

### Application Form Section 4: Variance Request

**Question #1:** Our property is essentially a broad and deep pie wedge backing up to Veterans Park on the inside of a curve in the road. Given this configuration, the code's requirement to average the existing front setbacks of adjacent properties (Chap. 55 Sec. 5:57) presents a practical difficulty that would unreasonably prevent the covering of our existing front stoop. Furthermore, the circumstances surrounding our requested variance are unique to our property when compared to properties in general throughout the City.

**Question #2:** Denial of this variance request will cause more than a mere inconvenience or failure to maximize our financial return. Despite having a sufficient front setback for the R1-C zoning district (25 feet), the required averaging of existing front setbacks on adjacent properties presents a practical difficulty to providing a safe, secure and more aesthetically pleasing front entryway to our home. We have remodeled our kitchen and dining area, and redone our back deck in the last 4 years and in the near future we plan to remodel the first floor master bedroom and bath to make them more handicap accessible to insure we can age in place in a home and neighborhood that we love. A covered front entryway is needed to not

only insure our safety but the safety of our visitors and guest who currently must stand in the open elements during rain and snowstorms.

**Question #3:** The requested variance to allow us to cover our existing front stoop will not negatively impact neighboring properties. Given the arrangement of our home and the existing front stoop in relation to the two adjacent properties, our proposed covered entryway will not alter existing views from either residence. In relation to the other existing homes on Fairview Drive our proposed covered entryway will not detract from any homes and will represent a positive architectural amenity to our closest neighbors and the neighborhood as a whole. We have discussed this proposed covering with our neighbors and shown them the architectural drawing of the proposed entryway and they are supportive. A petition of support with their signatures is forthcoming.

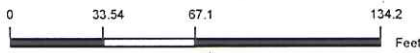
**Question #4:** As noted above, our property is essentially a broad and deep pie wedge on the inside of a curve in the road. Under the normal 25' front setback of the R1-C zoning district, sufficient area would be present to allow us to construct a covered entryway on our existing front stoop. However, the front setback averaging requirements of Chapter 55 Section 5:57 preclude us from doing so. Since we sit on the inside of a curve the fronts of adjacent houses would not line up even with the same setback.

**Questions #5:** This covering of our entryway is not self-created. As noted above, the requirement of Chapter 55 Section 5:57 render a covering of our front entryway of our home impractical. Our home was built in 1931 prior to current zoning requirements and the stoop has existed since the home was built. Our proposed entryway complies with the current standards of the Zoning Ordinance for R1-C of 25 feet front setback. The proposed covered entryway will be similar to other neighbors whose homes already have such coverings.



# MAP A

© 2011 Washtenaw County



1: 805

9/7/2012



**NOTE: Parcels may not be to scale.**

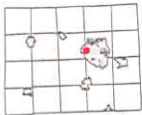
The information contained in this cadastral map is used to locate, identify and inventory parcels of land in Washtenaw County for appraisal and taxing purposes only and is not to be construed as a "survey description". The information is provided with the understanding that the conclusions drawn from such information are solely the responsibility of the user. Any assumption of legal status of this data is hereby disclaimed.

THIS MAP REPRESENTS PARCELS AT THE TIME OF PRINTING. THE OFFICIAL PARCEL TAX MAPS ARE MAINTAINED SOLELY BY THE WASHTENAW COUNTY EQUALIZATION DEPARTMENT AND CAN BE OBTAINED BY CONTACTING THAT OFFICE AT 734-222-6662.



**MAPB**

© 2011 Washtenaw County



1: 805

9/7/2012

THIS MAP REPRESENTS PARCELS AT THE TIME OF PRINTING. THE OFFICIAL PARCEL TAX MAPS ARE MAINTAINED SOLELY BY THE WASHTENAW COUNTY EQUALIZATION DEPARTMENT AND CAN BE OBTAINED BY CONTACTING THAT OFFICE AT 734-222-6662.



**NOTE: Parcels may not be to scale.**

The information contained in this cadastral map is used to locate, identify and inventory parcels of land in Washtenaw County for appraisal and taxing purposes only and is not to be construed as a "survey description". The information is provided with the understanding that the conclusions drawn from such information are solely the responsibility of the user. Any assumption of legal status of this data is hereby disclaimed.



100\_5946.JPG

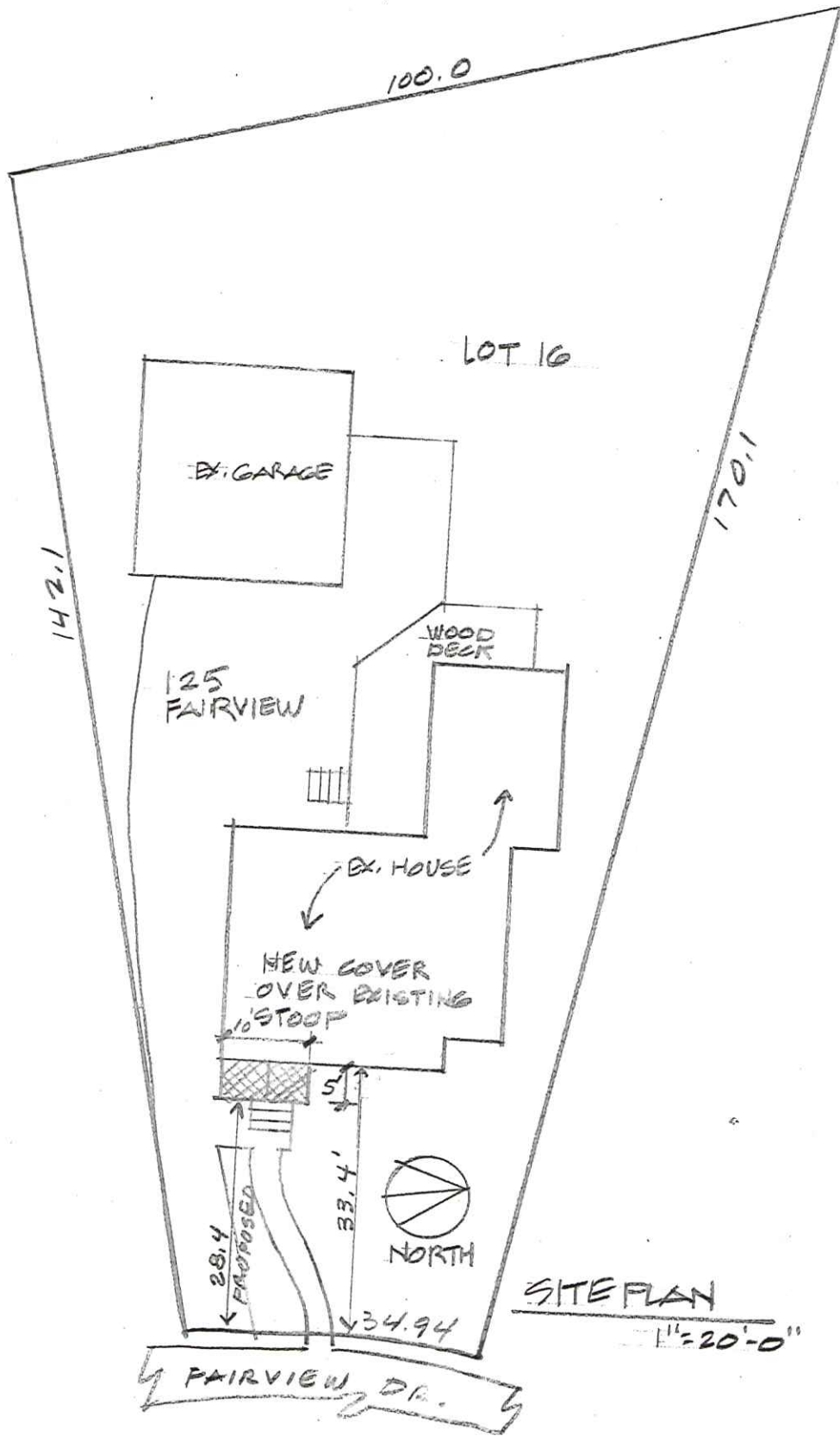


100\_5947.JPG



100\_5948.JPG

EXISTING FRONT  
ELEVATION SHOWING  
EXISTING CONCRETE  
STOOP







NEW ROOF

NEW POSTS

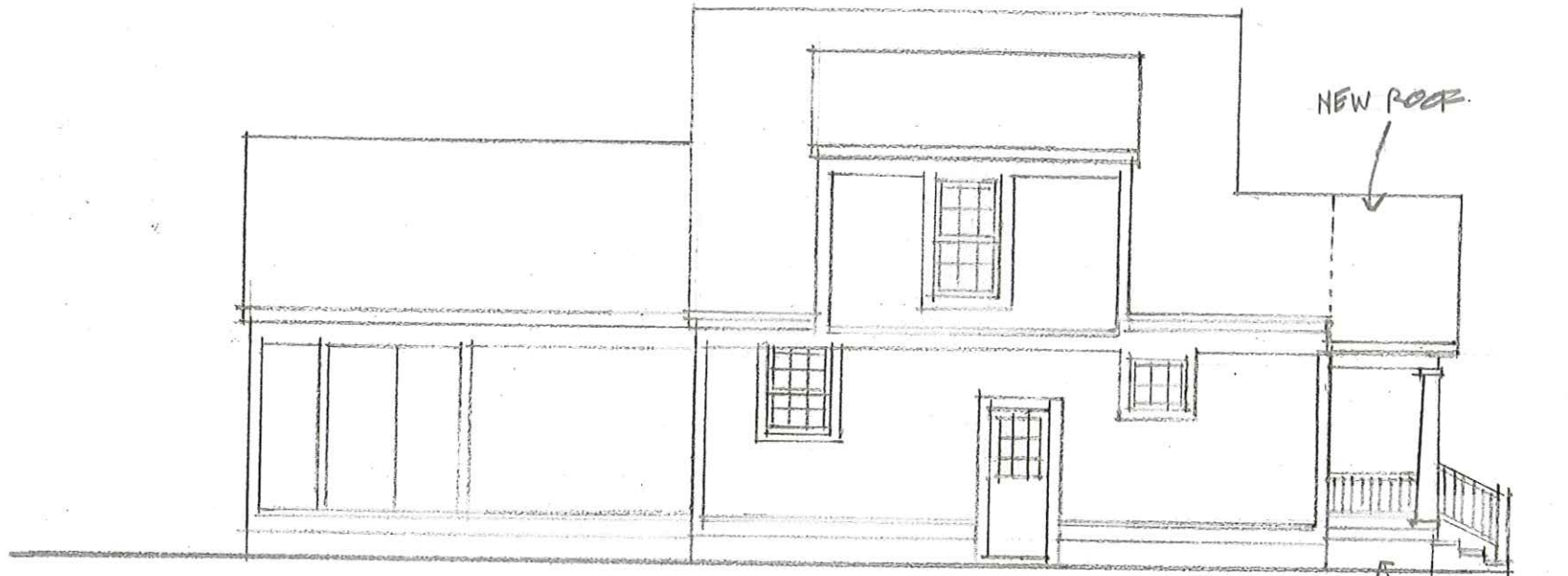
EX. CONC. STOOP

REPLACE STEPS

PROPOSED  
FRONT ELEVATION

125 FAIRVIEW

1/4" = 1'-0"



— PROPOSED  
SOUTH ELEVATION — 125 FAIRVIEW

1/8" = 1'-0"