

**Zoning Board of Appeals
October 28, 2020 Regular Meeting**

STAFF REPORT

Subject: ZBA 20-023; 1572 and 1574 Jones Drive

Summary:

John Leyland, property owner, is requesting a variance from Section 5.16.6 (2B) Accessory Uses and Structures and Section 5.18.5 Averaging an Established Front Building Line. The owner is seeking to demolish an existing detached garage and construct a new 400 (20'x20') square foot garage in the same location. The average front setback requirement is 23 feet six inches and the proposed front setback if approved would be reduced to 17 feet. The property is zoned R2A, Two-Family Dwelling District.

Background:

The subject property is located southeast of Plymouth Road and the home was built in 1956. The 1,843 square foot home is a certified duplex that is situated on a 10,715 square foot lot.

Description:

The original garage was an enclosed carport on three sides with a sloped roof toward the street. That architectural design did not allow for a garage door. The original structure has recently been demolished and construction for the proposed garage had been started without an approved Building permit. A Stop Work Order was issued on July 28, 2020 and a Building permit BLDG20-1301 has since been submitted and placed on hold.

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 applicant states the practical difficulty is specific to this property because the driveway only allows for a garage to be located in front of the dwelling.

- (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.***

Failure to grant the variance will result in this duplex property not having a garage or storage for the existing owner and tenants.

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- (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 homeowner states that the new garage benefits will be an improvement over the previous building and will only improve the streetscape and 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 owner states that the original garage existed for several decades and was not a self-created condition but rather one that was inherited with the purchase of the property.

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

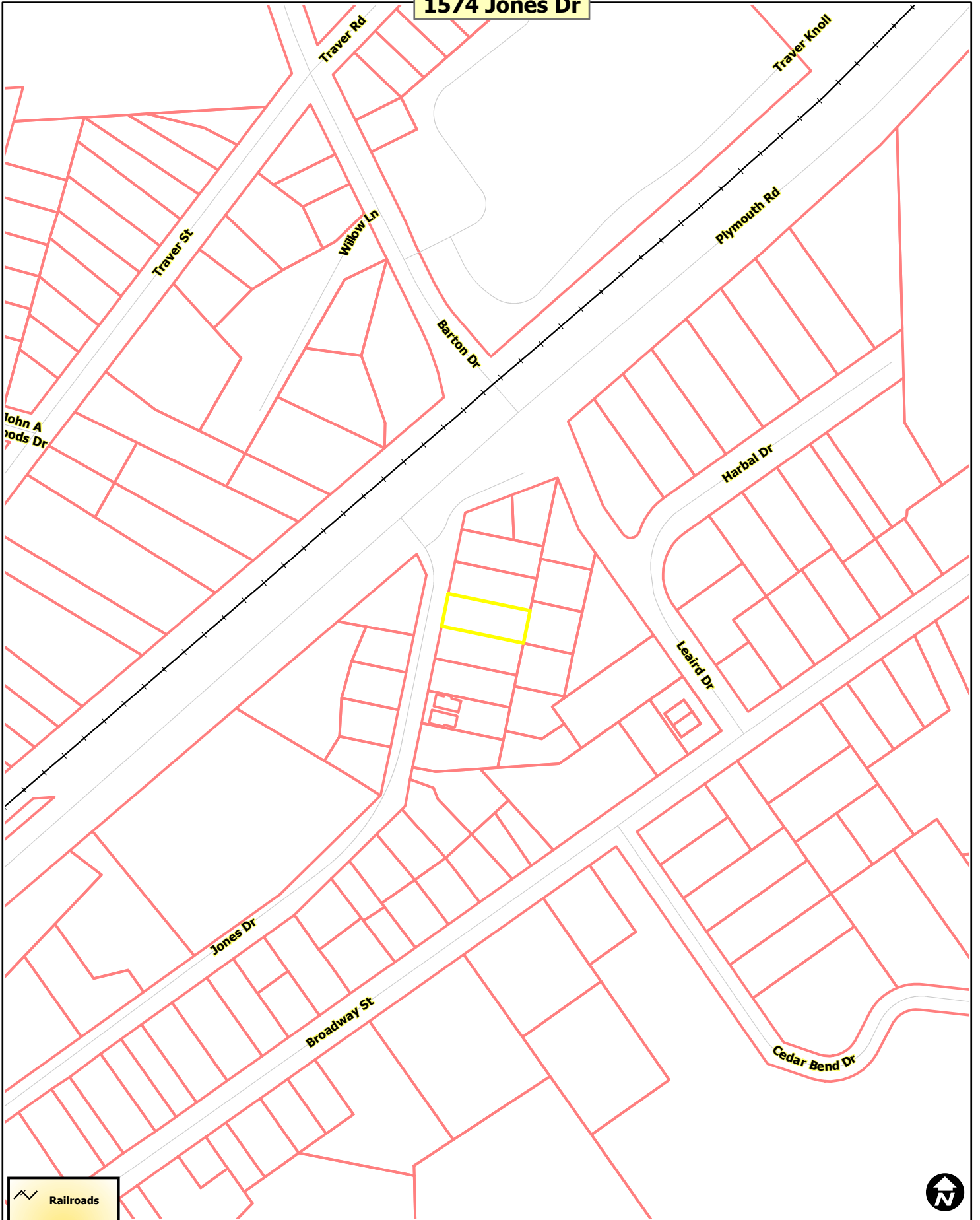
The requested variance will use the existing footprint and will not increase or add to the impervious surface of the property.


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

1574 Jones Dr



 Railroads

 Huron River




 Tax Parcels



Map date: 10/6/2020
Any aerial imagery is circa 2018
unless otherwise noted
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1574 Jones Dr

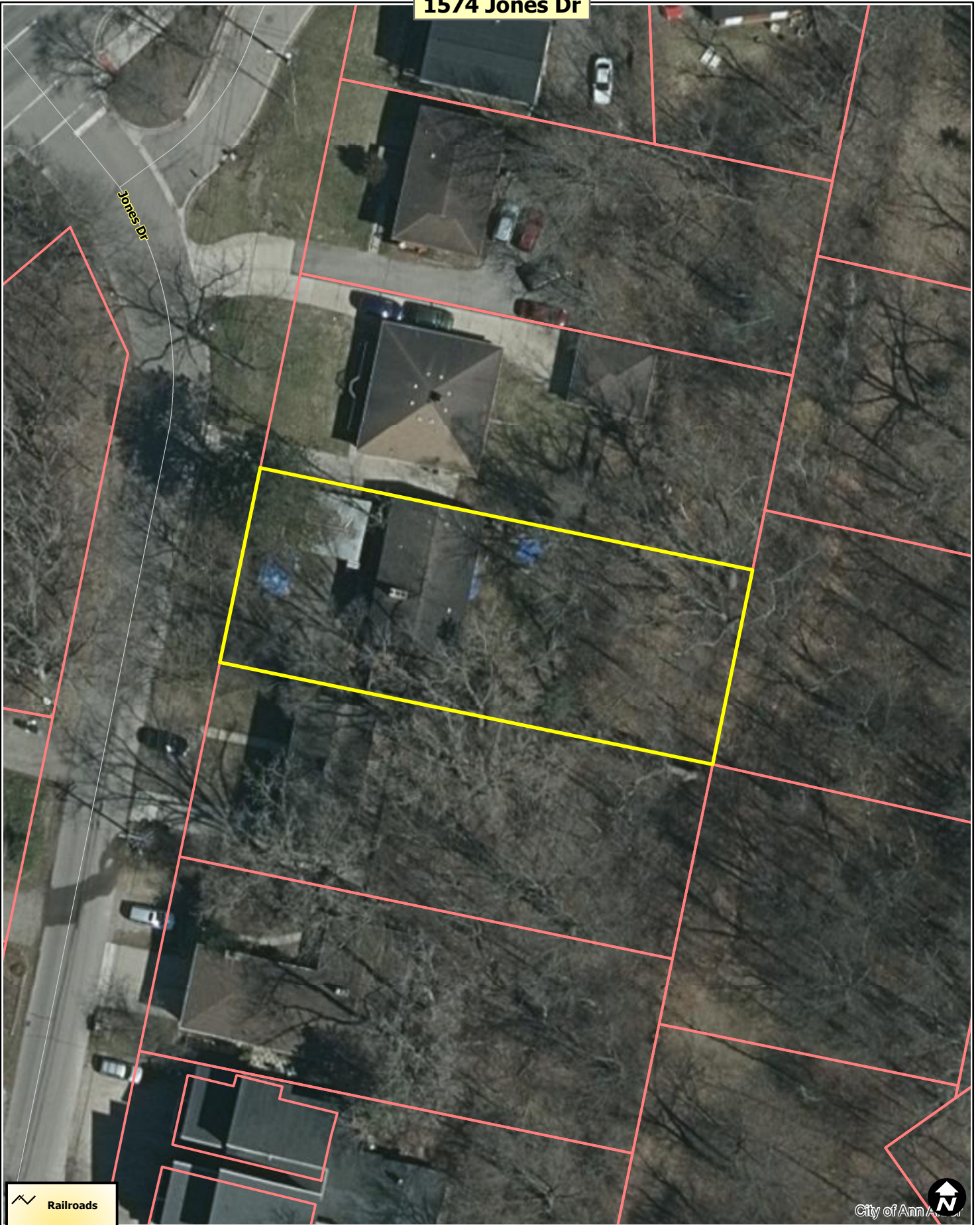





-  Railroads
-  Huron River
-  Tax Parcels



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1574 Jones Dr



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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 1572/1574 JONES DR. ANN ARBOR, MI		ZIP CODE 48105
ZONING CLASSIFICATION R2A	NAME OF PROPERTY OWNER* <i>If different than applicant, a letter of authorization from the property owner must be provided</i> JOHN LEYLAND	
PARCEL NUMBER 09-09-21-102-004	OWNER EMAIL ADDRESS jleyland@umich.edu	

APPLICANT INFORMATION

NAME JOHN LEYLAND			
ADDRESS 1574 JONES DR.	CITY ANN ARBOR	STATE MI	ZIP CODE 48105
EMAIL jleyland@umich.edu		PHONE 734-649-2418	
APPLICANT'S RELATIONSHIP TO PROPERTY OWNER			

REQUEST INFORMATION

<input 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: \$750.00 ZBA: ZBA20-023

DATE STAMP

09/23/2020
KNL

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: John Leyland Date: 9/23/2020

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)

SEC. 5.18.5

REQUIRED DIMENSION: (Example: 40' front setback)

Feet: 23 Inches: 6

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

Feet: 17 Inches: 0

DESCRIPTION OF PROPOSED WORK AND REASON FOR VARIANCE:

THE PROPOSED WORK IS TO REBUILD MY 20' X 20' (400 SQ FT) GARAGE USING THE EXISTING FOOTPRINT OF OLD GARAGE BECAUSE THE OLD STRUCTURE WAS BEYOND REPAIR. CHANGES MADE TO THE DESIGN FOR THE NEW GARAGE WILL NEED A VARIANCE OF 6.5' TO 7' TO UTILIZE THE SAME FOOTPRINT OF OLD GARAGE.

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 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 PRACTICAL DIFFICULTY THAT IS SPECIFIC TO MY PROPERTY IS THAT MY EXISTING DRIVEWAY FOOTPRINT ONLY ALLOWS THAT THE GARAGE BE BUILT IN THE FRONT OF THE HOUSE. THERE IS NO ACCESS TO REAR OF PROPERTY FOR GARAGE OR PARKING AT STREET LEVEL AS IS THE CASE WITH MY NEIGHBORS.

The alleged hardships are 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 HARDSHIP THAT WOULD RESULT IN FAILURE TO GRANT A VARIANCE, WOULD BE THAT THERE WOULD BE NO STRUCTURE TO SUPPORT A (2) FAMILY DWELLING FOR AUTOS & STORAGE, AND AN DECREASE IN PROPERTY VALUE BASED ON NOT HAVING THIS SUPPORTING STRUCTURE.

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.

ALLOWING A VARIANCE WILL RESULT IN A NEWLY DESIGNED STRUCTURE THAT SUPPORTS THE HOUSE PRACTICALLY AND AESTHETICALLY, AND INCREASES THE PROPERTY VALUE OF THE HOUSE & OTHER HOUSES IN THE NEIGHBORHOOD.

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

THE EXISTING GRADE OF THE DRIVEWAY AND POSITION OF THE GARAGE IS SOMETHING THAT HAS EXISTED FOR DECADES. THIS IS NOT A CONDITION THAT I AM CREATING, IT IS THE CIRCUMSTANCE THAT I INHERITED WHEN I PURCHASED THIS PROPERTY.

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

IF THIS VARIANCE IS APPROVED, IT WILL BE THE MOST REASONABLE USE OF THE EXISTING DRIVEWAY DESIGN UTILIZING THE EXACT SAME FOOTPRINT AS THE PREVIOUS GARAGE AND A PROPERTY DESIGN THAT WAS INTENDED SINCE THE HOUSE WAS BUILT.

Section 2

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.

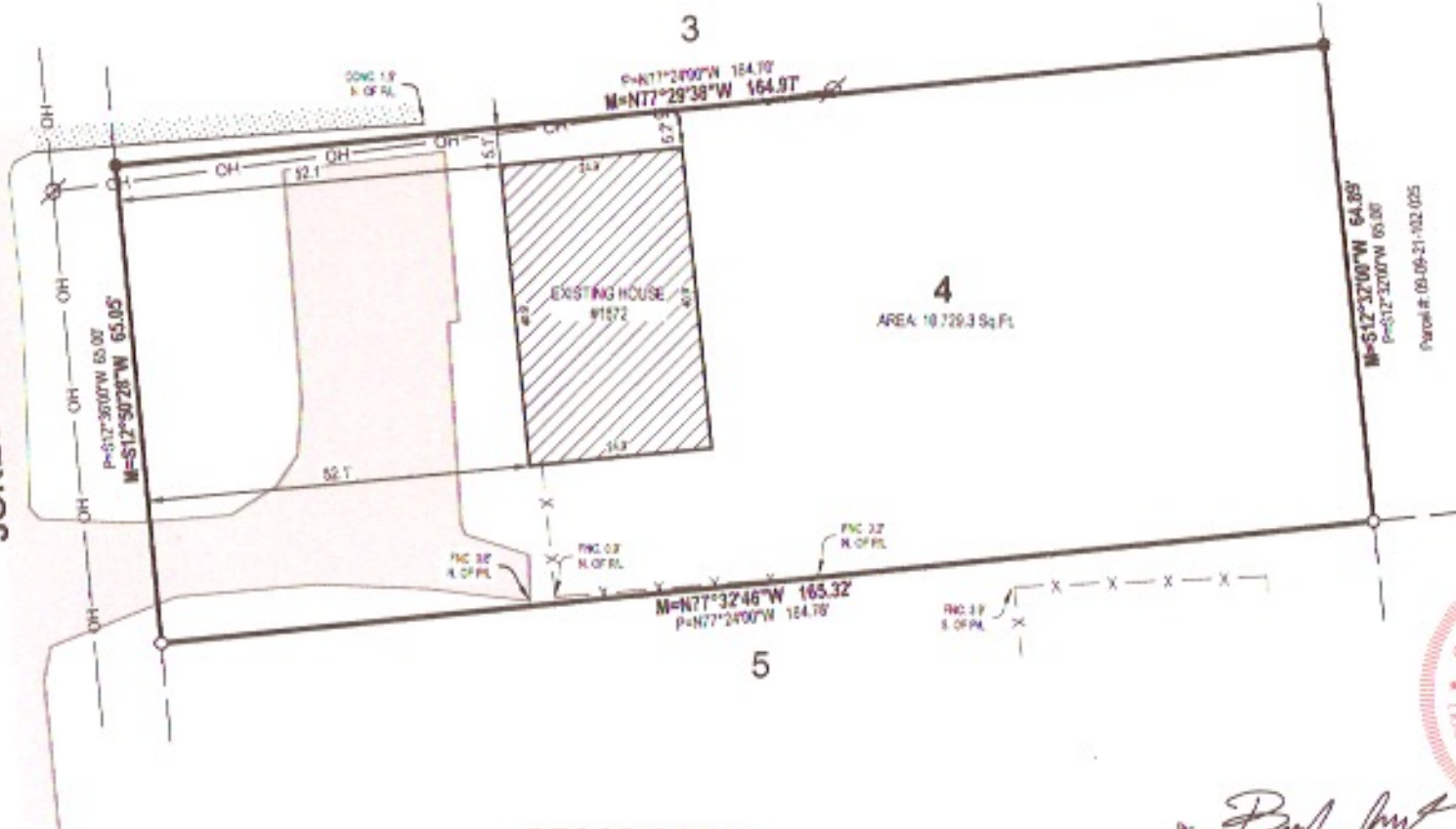
In the space below, describe the current use of the property, the proposed alteration, and the impact it would have on neighboring property.

THE CURRENT GARAGE WAS ORIGINALLY A CARPORT, SIDES WERE CLOSED IN 3 SIDES AND SIDING WAS APPLIED TO ONLY THE 2 SIDES THAT WERE VISIBLE TO THE STREET. THE BUILDING STYLE WAS A POLE BUILDING WITH A SHED ROOF. THE SLOPE OF THE SHED ROOF WENT AWAY FROM THE HOUSE TOWARD THE STREET MAKING THE FRONT OF THE GARAGE SLOPED AND UNABLE TO HAVE A PROPER GARAGE DOOR. NOT ONLY WAS THE GARAGE IMPRACTICAL AS A GARAGE FOR CARS, INADEQUATE FOR STORAGE FOR A 2 FAMILY HOUSING UNIT, BUT IT WAS OLD AND NOT ATTRACTIVE TO THE EYE. THE REBUILD OF THE GARAGE CHANGES THE DIRECTION OF THE PITCHED ROOF, SO THE HEIGHT IS IN THE FRONT OF THE BUILDING, ALLOWING FOR THE INSTALLATION OF A PROPER GARAGE DOOR. THE ADDED HEIGHT WILL ALLOW FOR MORE STORAGE FOR BOTH UNITS AND THE NEW DESIGN WILL MATCH THAT OF THE HOUSE, ALLOW FOR WINDOWS, AND WILL USE THE ORIGINAL FOOTPRINT OF THE OLD GARAGE AND NOT USE ANY ADDED SQUARE FOOTAGE.

Please complete the table below as it relates to your request

Requirement	Existing Condition	Code Requirement
Lot Area	65' x 165' 10,725 SQ FT	
Lot Width	65.05' (FRONT) 64.89' (BACK)	
Floor Area Ratio	GARAGE FLOOR - 20' x 20' (400 SQ. FT) 1:27 RATIO	
Setbacks	GARAGE IS NONCONFORMING BECAUSE IT ENCROACHES ON FRONT SET BACK	FRONT SET BACK IS 23.5 FEET
Parking	ASPHALT DRIVEWAY / 2-3 PARKING SPACES	
Landscaping		
Other		

JONES DRIVE



LEGEND

- Iron - Set
- Iron - Found
- ⊕ Utility Pole
- OH — Overhead Utility
- X - X - Fence
- ▭ Asphalt
- ▨ Concrete
- ▩ Existing Building
- M= Measured Dimension
- P= Platted Dimension



DESCRIPTION

The following property located in the City of Ann Arbor, Washtenaw County, State of Michigan:

Lot 4, Woodstream Subdivision, as recorded in Liber 13 of Plats, Page 18, Washtenaw County Records.

(Warranty Deed as recorded in Liber 4816, Page 29, Washtenaw County Records.)

By: *Brandon G. Parent*

Brandon G. Parent, Licensed Professional Surveyor No. 53395

SCALE: 1" = 20'



John Leyland
1572 Jones Drive
Ann Arbor, MI 48105

1572 Jones Drive



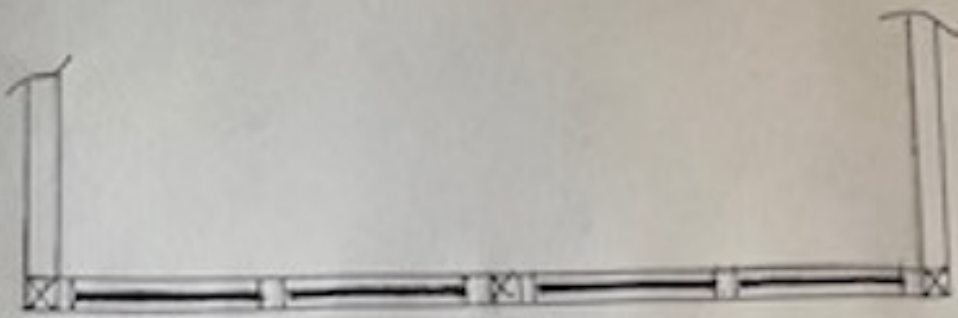
DRAWN BY: RP
REV. BY:
REV.

DATE: 03-16-20
REV. DATE:

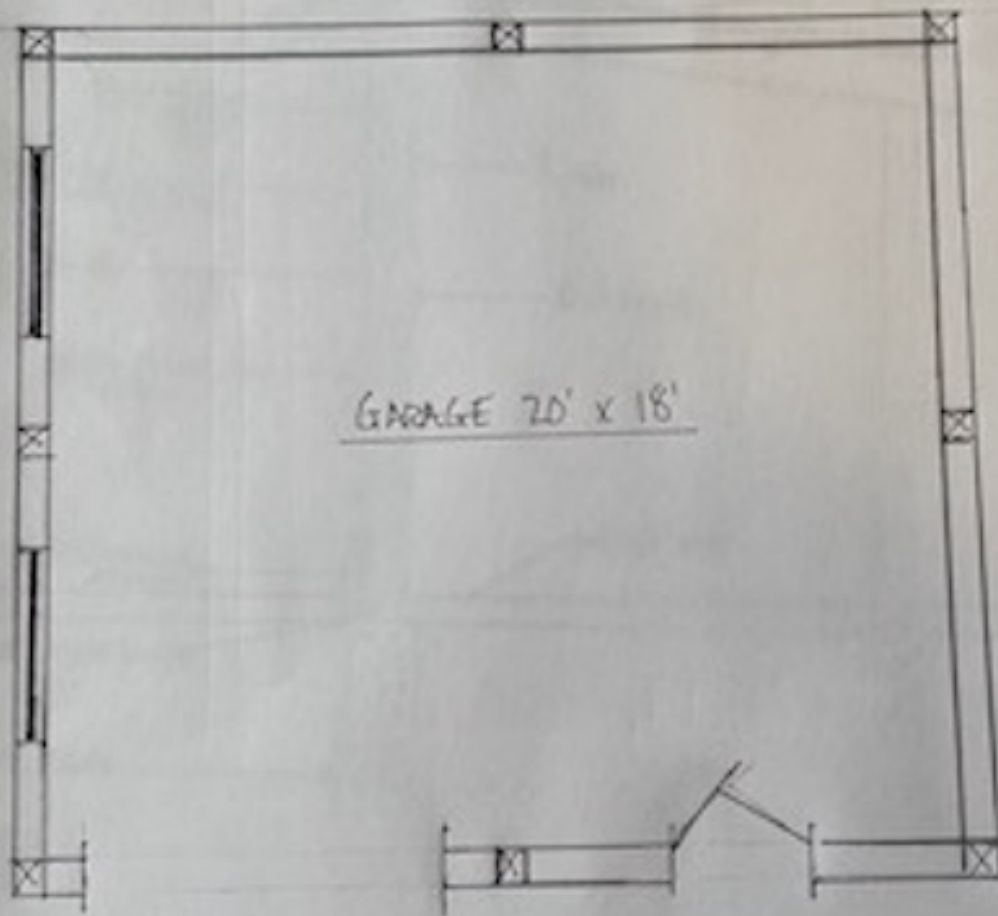
PRJ #: 20080150

1 OF 1

herby certify that we have examined the premises herein described, that the improvements located entirely thereon as shown and that they do not encroach except as shown hereon. A survey was made from the legal description shown above. The description should be compared with the Abstract of Title or Title Policy for accuracy, easements and exceptions.



UPPER LEVEL FRONT



GARAGE 20' x 18'

FLOOR PLAN

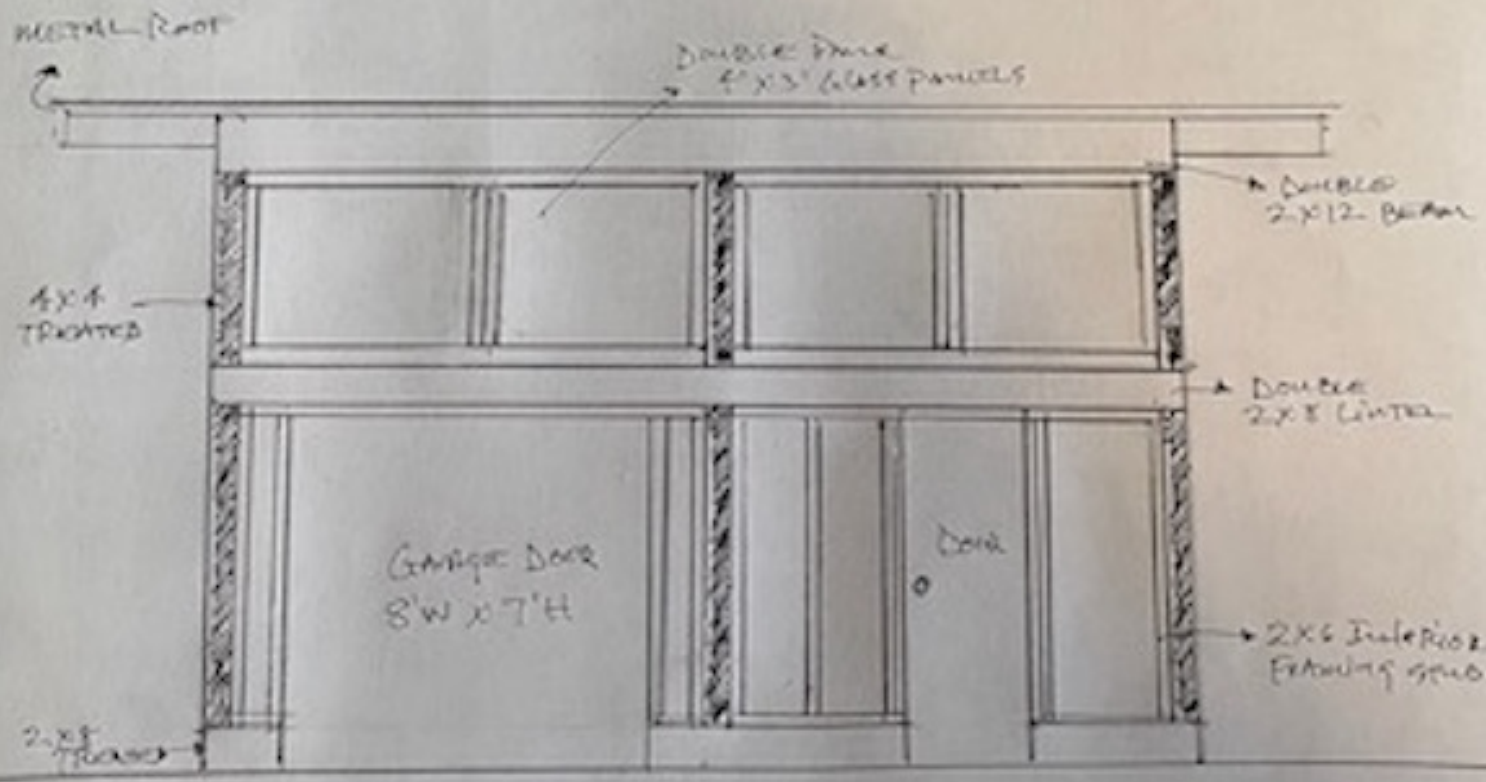
(UPGRADE TO EXISTING FOOTPRINT)

John Leyland
1574 JONES DR. A
GARAGE PROJECT

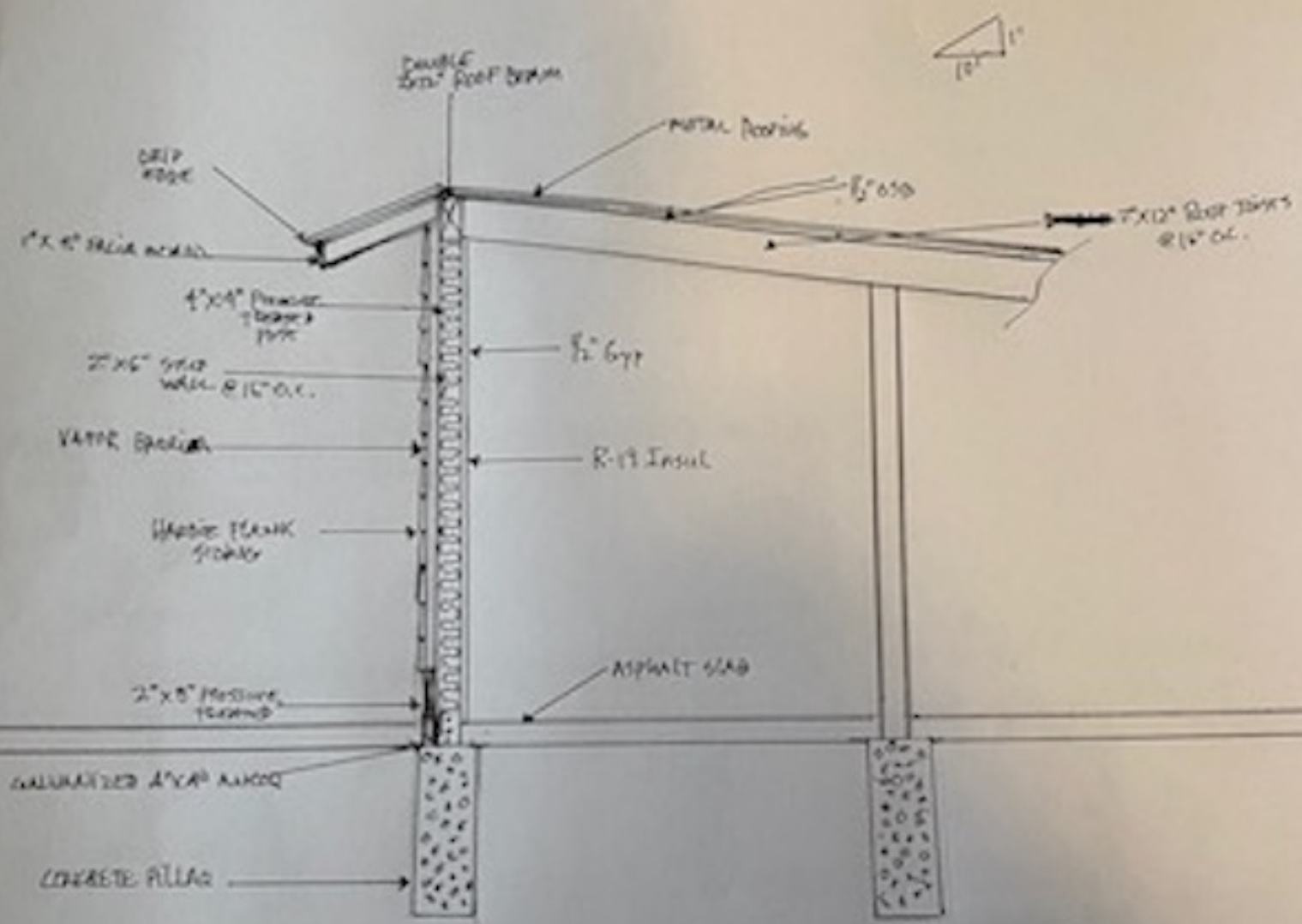
New Boston, ME 48105
734-649-2418
jleyland@unich.edu

*Garage Project

EAST EXTERIOR WALL (FRONT) STUD LAYOUT



John Leyland
 1574 Jones Dr.
 Garage Project
 74-44-248



4x4 BEAM & 2x6 WALL SECTIONS







