

**Zoning Board of Appeals
September 28, 2011 Regular Meeting**

STAFF REPORT

Subject: ZBA11-017, 822 Loyola Drive

Summary: Mariano Sastre is requesting Permission to Alter a Non-Conforming Structure and one variance from Chapter 55(Zoning) Section 5:57(Averaging an Existing Front Setback Line): a reduction of 1 foot 7 inches for expansion of an existing residential structure into the front setback; 26 feet 7 inches is the averaged front setback required (R1C requires 25 foot front setback without averaging).

Description and Discussion:

The subject parcel is located at 822 Loyola Drive. The parcel is zoned R1C (Single-Family) and is located just north of Miller and east of Pomona.

The request is discussed in detail below:

The single-story house was built in 1955 and is 1,383 square feet. It is currently setback 26 feet 7 inches from the front property line. The subject parcel is 8,787 square feet and an unusually shaped corner parcel. The required minimum area for an R1C parcel is 7,200 square feet. The house is non-conforming for an encroachment into the rear setback. The petitioner is proposing to construct additions to the existing house including a new covered front porch and extensions of the living areas and garage. The proposed addition of the front porch results in the maximum encroachment into the required front open space of 1 foot 7 inches. The other additions to the house encroach 7 ½ inches.

Once constructed the proposed porch will be 25 feet from the front property line. 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 26 feet 7 inches. The additions to the garage and living area of the house will be setback 26 feet from the front property line and will not encroach into the side setbacks.

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 an unusual shaped conforming corner lot in the R1C Zoning District (required is 7,200 square feet, subject parcel is 7,999 square feet). The existing

house was built in 1955 before current zoning setbacks. The house was built 26 feet 7 inches from the front setback line of Loyola. Adjacent houses in the area are built on similar sized parcels with similar front setbacks.

- (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 for the addition of a covered front porch and several additions to the front of the existing house. The existing house does conform to the front and side setbacks. However, due to the unusual shape of the parcel, a rear corner of the house is located within the rear setback. As a result, there is limited room for expansion of the house in order to accomplish the goals of the homeowner.

- (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 front variance is approved, the structure will be consistent with some houses in the neighborhood. Although the proposed porch would extend into the averaged front setback, the size and architectural design should minimize the impact to the surrounding neighborhood. The other additions proposed extend 7 inches into the averaged setback and should have minimal visual impact to the surrounding neighborhood. The standard setback for the R1D zone is 25 feet and the enclosed porch will extend to 25 feet. The subject parcel is located on a corner and the house adjacent on Loyola is also setback the same distance 26 feet 7 inches as the existing house.

- (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 1955 before current zoning standards were established. The parcel is an unusual shape and although the setback of the proposed addition meets the 25 foot setback requirement for the R1C District, the location of the adjacent house increases the required setback to 26 feet 7 inches.

- (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 covered front porch and additions to the house with a maximum encroachment of 1 foot 7 inches into the required averaged setback. While the front porch will encroach the maximum of 1 foot 7 inches, the other additions will extend only 7 inches into the front setback. Due to the corner location of the parcel, unusual shape and total size of the additions, staff considers the requested variance to be minimal.

Standards for Approval- Permission to Alter a Non-Conforming Structure

The Zoning Board of Appeals has all the power granted by State law and by Section 5:98, from the City of Ann Arbor Zoning Ordinance. The following criteria shall apply:

- (a). *The alteration complies as nearly as practicable with the requirements of the Zoning Chapter.***

The parcel is an unusual shape and was constructed before current zoning standards were in effect. Although the proposed additions will encroach a maximum of 1 foot 7 inches more than the existing house, the total square footage of the additions is minimal. After construction, no part of the structure will be closer than 25 feet from the front property line. The expansion will allow the petitioner to improve their property while respecting the intent of the Zoning Ordinance.

- (b). *The alteration will not have a detrimental effect on neighboring property***

Staff does not feel that the requested variance would negatively affect any surrounding property. Although the proposed porch would extend 1 foot 7 inches, the other additions proposed extend only 7 inches into the averaged front setback. The house will remain single-story and will have no increase in height. The total size and architectural design of the new construction should minimize the impact to the surrounding neighborhood and represent a positive aesthetic upgrade to the property.

Respectfully submitted,





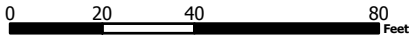
**Matthew J. Kowalski, AICP
City Planner**

822 Loyola Dr -Aerial Map-



Map Legend

-  Railroads
-  Parcel Property



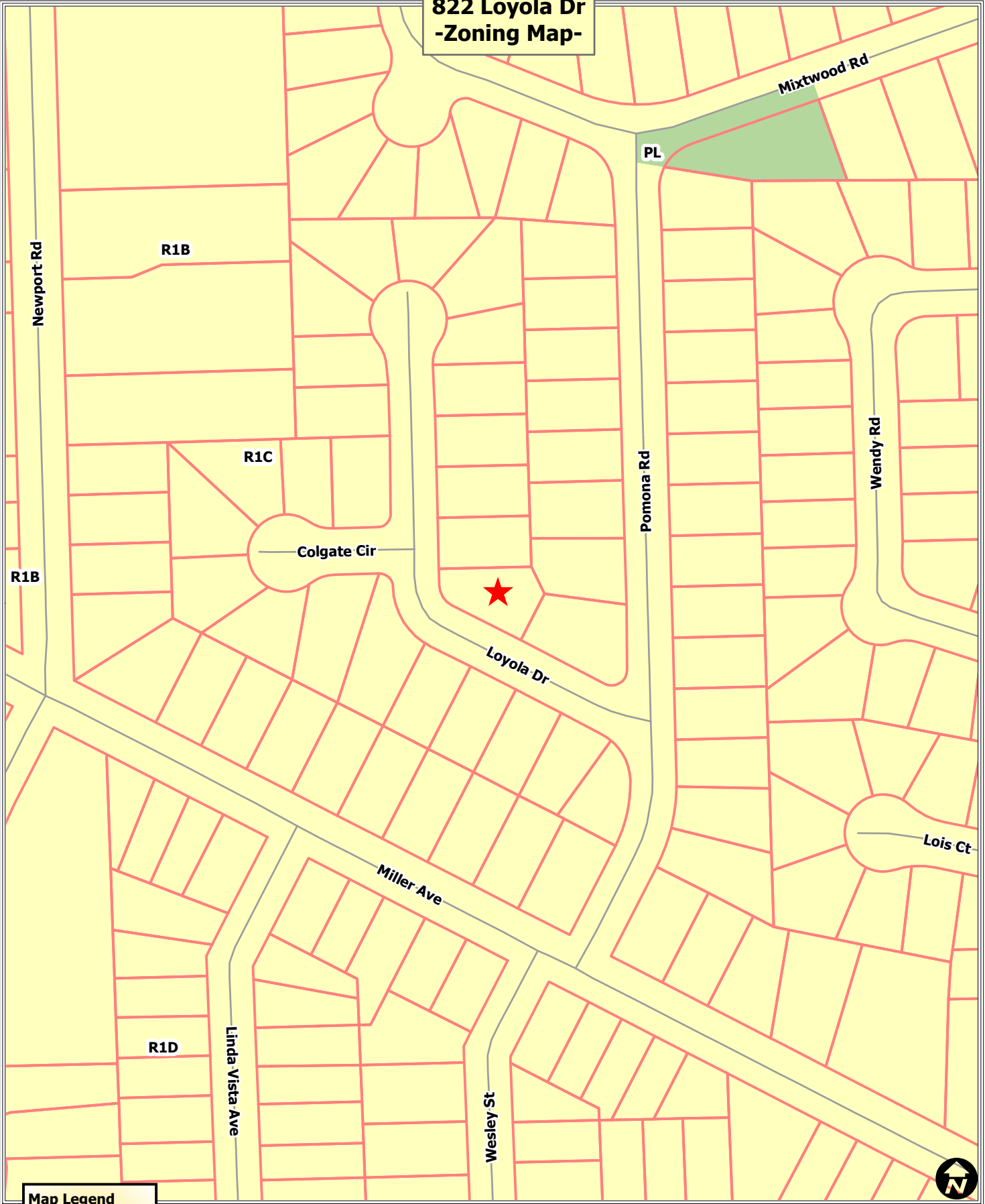
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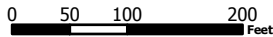
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822 Loyola Dr -Zoning Map-



Map Legend

-  Railroads
-  Parcel Property



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Map Created: 9/20/2011

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

Section 1: Applicant Information

Name of Applicant: MARIANO SASTRE - MGS DESIGN BUILD
Address of Applicant: 1012 BATH ST. ANN ARBOR MI. 48103
Daytime Phone: 734 323-7613
Fax: 734 997-9780
Email: mariano@mgs homes.com
Applicant's Relationship to Property: BUILDER / DESIGNER

Section 2: Property Information

Address of Property: 822 LOYOLA DR., ANN ARBOR
Zoning Classification: RIC
Tax ID# (if known): _____
*Name of Property Owner: DALE & SARAH KOMINSKI

**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 5:51

Required dimension:

26'-7"

PROPOSED dimension:

25'-0" MAX.

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)

WE ARE PROPOSING TO EXPAND THE FOOTPRINT OF THE EXISTING RESIDENCE TO ACCOMMODATE NEW ADDITION (SEE ATTACHED PLANS)

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 ZONING FRONT SETBACK REQUIREMENTS FOR RIC IS 25'.

THE EXISTING SET BACK OF THE PROPERTY AND ADJACENT PROPERTIES IS 26'-7"

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

BECAUSE OF THE SHAPE OF THE LOT AND THE FOOTPRINT OF THE EXISTING STRUCTURE, IT DOES NOT AFFORD US THE ABILITY TO EXPAND TO ACCOMMODATE THE NEEDS OF THE FAMILY IF THEY ARE TO STAY IN THE NEIGHBORHOOD.

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

TO BE ABLE TO EXPAND THE FOOTPRINT, WE CAN ADD THE NECESSARY SPACE WITHOUT THE NEED TO ADD A FULL SECOND STORY AND THEREFORE REDUCE THE MASS AND STAY WITHIN THE NEIGHBORHOOD CHARACTER.

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 SHAPE OF THE LOT AND ITS LOCATION (CORNER), ALREADY MAKES THE STRUCTURE A NON CONFORMING STRUCTURE. THE SIDE AND FRONT ARE THE ONLY AVAILABLE SPACES UNLESS WE EXPAND TO A FULL SECOND STORY

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

WE ARE LOOKING TO INCREASE THE SPACE TO ACCOMMODATE THE GROWING FAMILY. THE DESIGN OF THE ADDITION WILL KEEP THE MASSING AND CHARACTER OF THE NEIGHBORHOOD AND PROVIDE FOR THE NEEDS OF THE FAMILY

Section 5: ALTERATION TO A NON-CONFORMING STRUCTURE

Current use of the property SINGLE FAMILY RESIDENCE

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	<u>8,787 SQ.FT.</u>	<u>7,200 SQ.FT.</u>
Lot width	<u>136 FT.</u>	<u>60 FT.</u>
Floor area ratio	_____	_____
Open space ratio	_____	_____
Setbacks	<u>25' PROPOSED</u>	<u>26'-7"</u>
Parking	_____	_____
Landscaping	_____	_____
Other	_____	_____

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

WE ARE PROPOSING TO MOVE THE FRONT SETBACK TO 25'.

THIS WILL ALLOW THE DESIGN OF THE ADDITION TO MAINTAIN THE LOW CHARACTER OF THE NEIGHBORING STRUCTURES INSTEAD OF HAVING TO INSTAL A FULL SECOND STORY TO ACCOMMODATE THE NEEDS OF THE FAMILY.

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 PROPOSED SETBACK DIFFERENCE OF 1'-7" MAX.

WILL ALLOW THE PROJECT TO KEEP THE LOW ROOF LINES OF THE NEIGHBORHOOD. THE OVERALL PROJECT SHOULD HAVE NO DETRIMENTAL EFFECT ON THE NEIGHBORING PROPERTIES.

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 ADDITION AND RENOVATION TO THE EXISTING HOME AS DESCRIBED AND SHOWN IN THE ATTACHED PLANS.

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) 323-7613
 Phone Number
mariano@mgshomes.com
 Email Address

[Signature]
 Signature
MARIANO CASTRO
 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 19th day of August, 20 11, 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.

CHANTAL TRAN
Notary Public, Washtenaw Co., MI
My Commission Expires May 12, 2012
 Notary Commission Expiration Date

Chantal Tran
 Notary Public Signature
Chantal Tran
 Print Name

Staff Use Only

Date Submitted: 8-19-11
 File No.: _____
 Pre-filing Staff Reviewer & Date: [Signature] 8-19-11
 Pre-Filing Review: _____
 Staff Reviewer & Date: _____

Fee Paid: \$500.00
 Date of Public Hearing: 9-28-11
 ZBA Action: _____

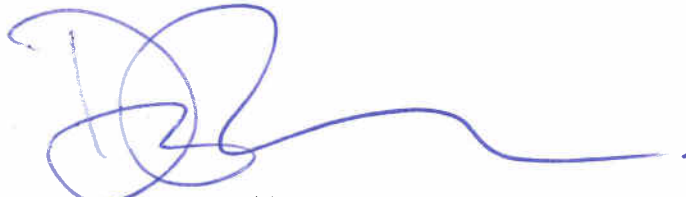
Dale Rominski
822 Loyola Drive
Ann Arbor MI, 48103
August 22, 2011

Zoning Board of Appeals
Ann Arbor Planning and Development
City of Ann Arbor

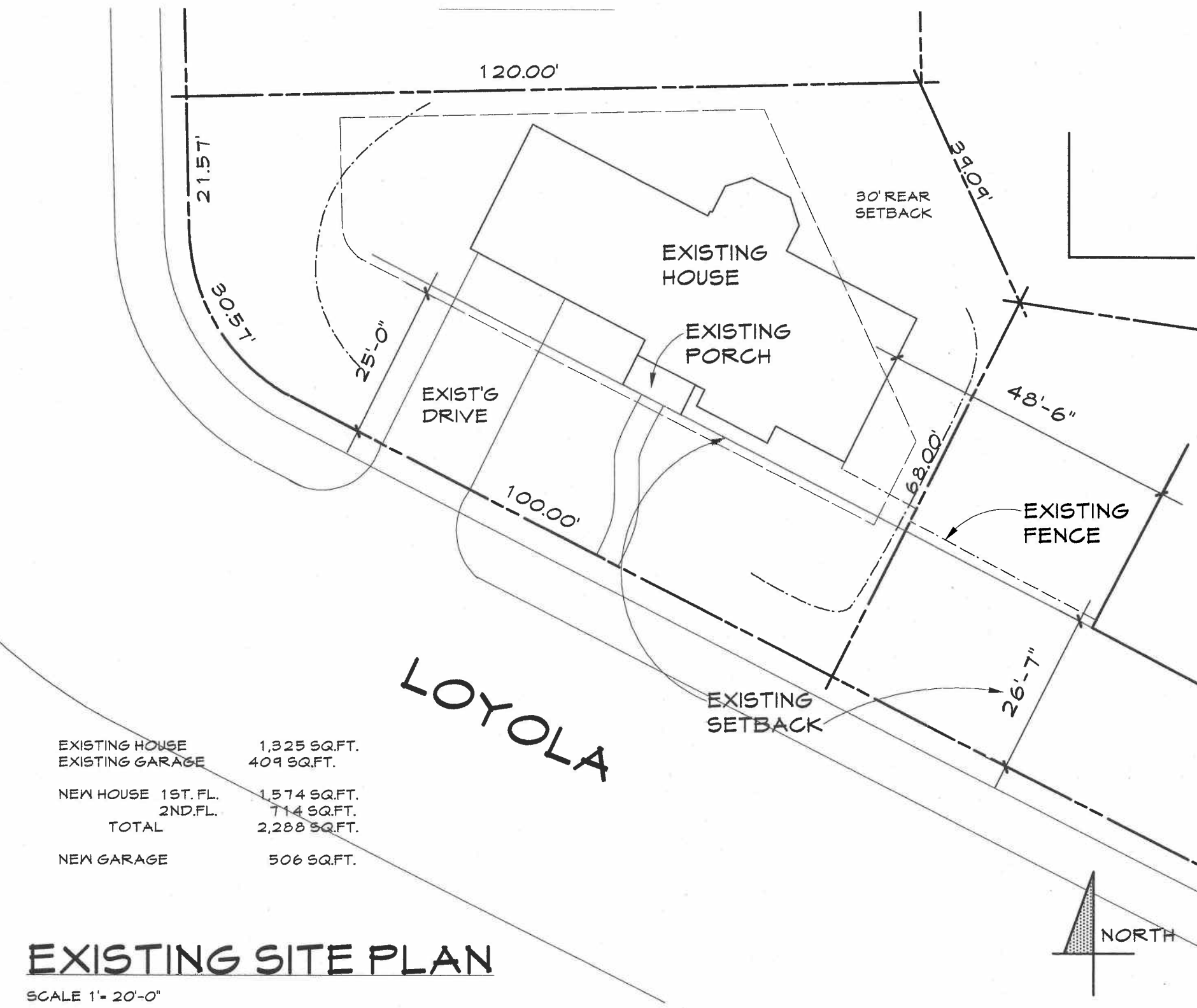
To whom it may concern:

I am writing to inform you that as the homeowner of 822 Loyola Drive, I give my permission for Mariano Sastre of MGS Designs to represent our appeal in the September appeals meeting.

Thank you,



Dale Rominski



EXISTING HOUSE	1,325 SQ.FT.
EXISTING GARAGE	409 SQ.FT.
NEW HOUSE 1ST.FL.	1,574 SQ.FT.
2ND.FL.	714 SQ.FT.
TOTAL	2,288 SQ.FT.
NEW GARAGE	506 SQ.FT.

EXISTING SITE PLAN

SCALE 1" = 20'-0"





MGS
design-build

1012 bath street
ANN ARBOR, MICHIGAN 48103
(734) 997-8750
(734) 997-8750 fax
www.mgsdesign.com

ROMINSKI RESIDENCE ADDITION

ANN ARBOR, MICHIGAN 48103
922 LOYOLA DR

PROJECT :

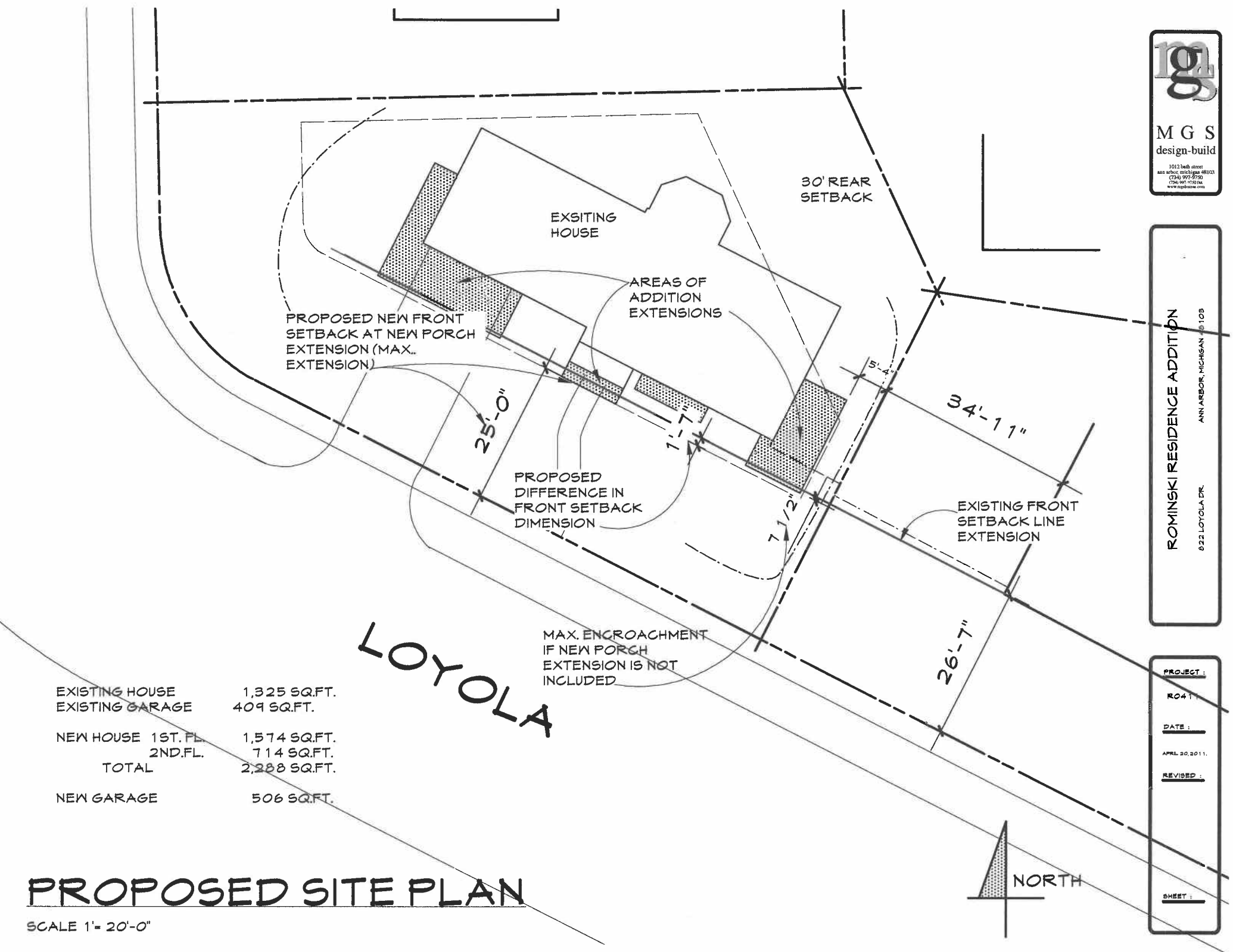
ROAD :

DATE :

APRIL 20, 2011

REVISED :

SHEET :

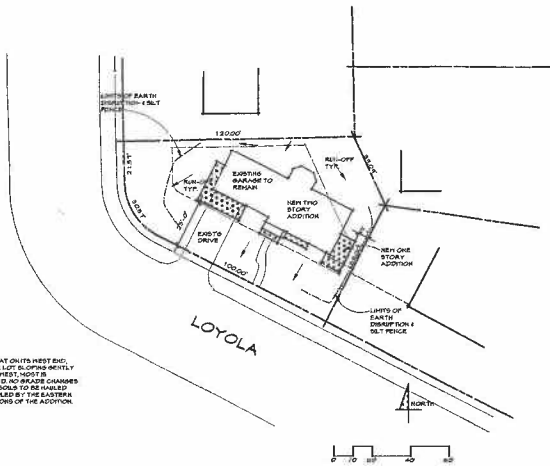


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EXISTING GARAGE	409 SQ.FT.
NEW HOUSE 1ST.FL.	1,514 SQ.FT.
2ND.FL.	714 SQ.FT.
TOTAL	2,288 SQ.FT.
NEW GARAGE	506 SQ.FT.

PROPOSED SITE PLAN

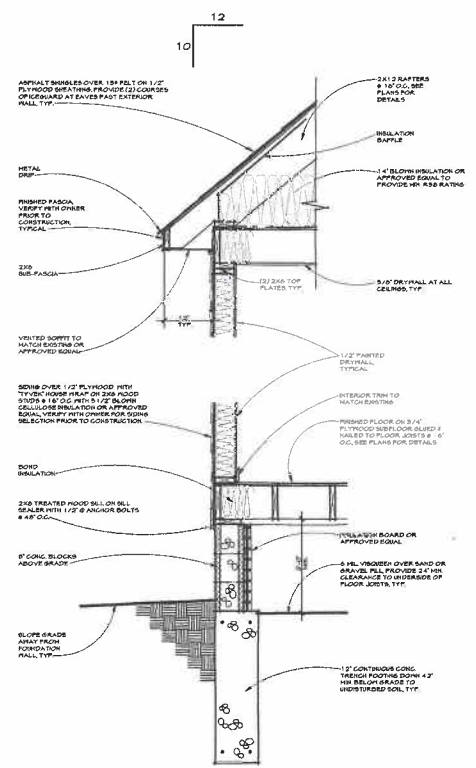
SCALE 1" = 20'-0"



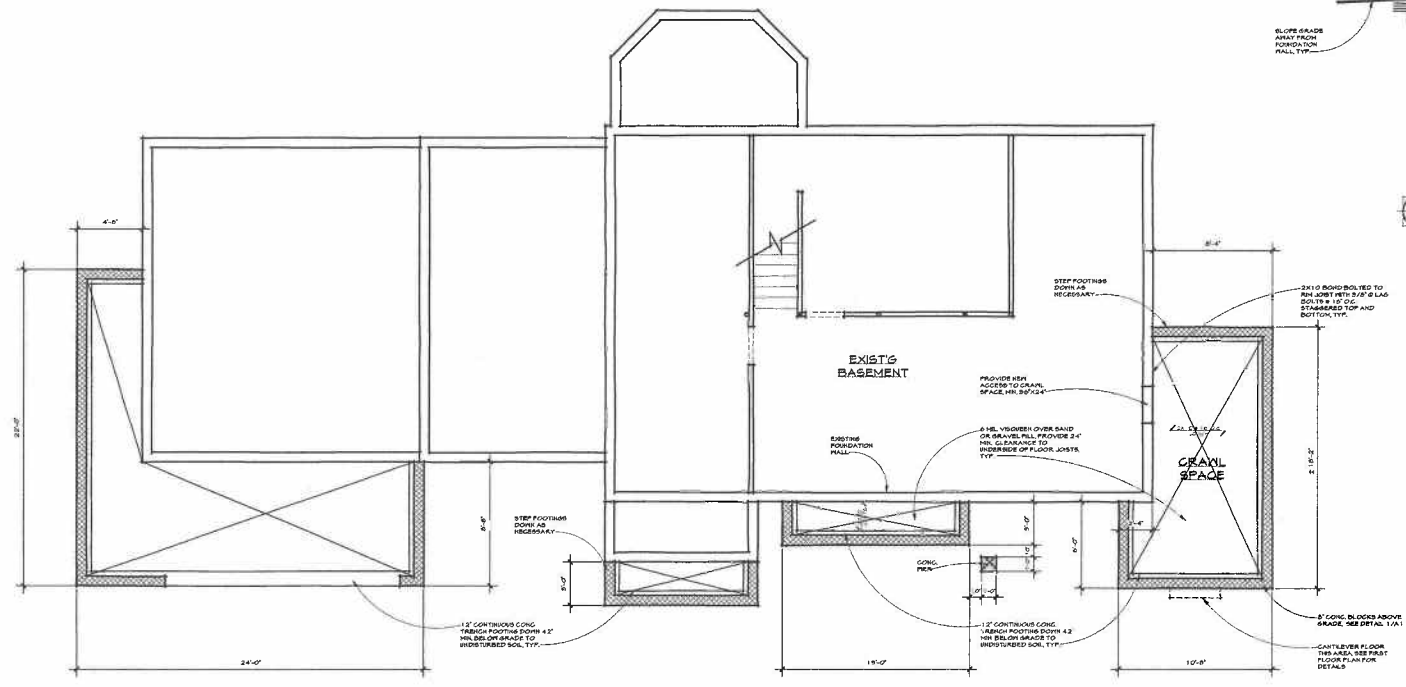


NOTE:
LOT IS RELATIVELY FLAT ON THE WEST END,
WITH THE REAR OF THE LOT SLOPING GENTLY
TOWARD THE SOUTH WEST. MOST IS
ACCESSED BY GRINDING AS AGRICULTURE
PROPOSED FOOTING WALLS TO BE SHOWN
AWAY WITH SOME SPOLDS BY THE EASTERN
AND SOUTHERN PORTIONS OF THE ADDITION.

SITE PLAN
SCALE 1" = 30'-0"



WALL SECTION
SCALE 3/4" = 1'-0"



DO NOT SCALE FROM DRAWINGS,
USE WRITTEN DIMENSIONS ONLY.

FOOTING PLAN
SCALE 1/4" = 1'-0"

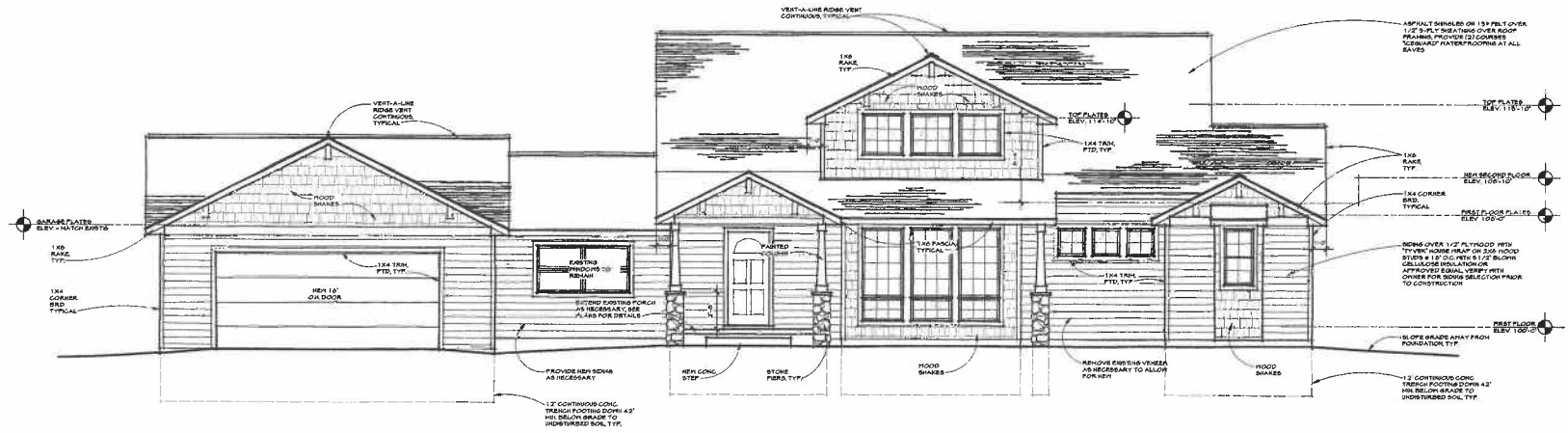
- ALL STRUCTURAL HEADERS TO BE (2) 2X12 UNLESS OTHERWISE NOTED
- ALL NEW INTERIOR WALLS TO BE 2X4 STUDS @ 16" O.C. UNLESS OTHERWISE NOTED
- DOUBLE UP FLOOR JOISTS UNDER ALL WALLS PARALLEL TO JOISTS
- CEILING JOISTS TO BE 2X6 ON END @ 16" O.C. UNLESS OTHERWISE NOTED

NOTES	DETAILS
---	WALLS TO REMAIN
---	WALLS TO BE REMOVED
---	NEW WALLS

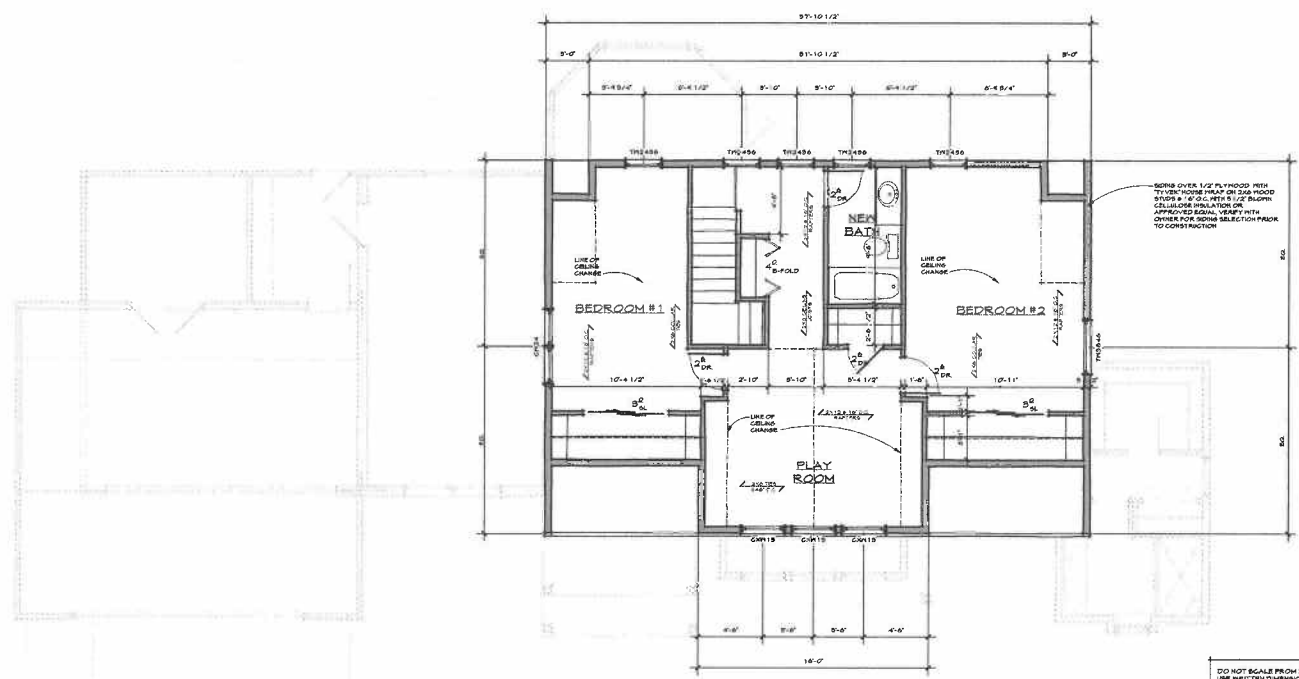


ROMINSKI RESIDENCE ADDITION
 ANN ARBOR, MICHIGAN 48103
 922 LOYOLA DR.

PROJECT: R0411
 DATE: APRIL 20 2011
 REVISED:
 SHEET: A 1



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



SECOND FLOOR PLAN
 SCALE: 1/4" = 1'-0"

DO NOT SCALE FROM DRAWINGS
 USE WRITTEN DIMENSIONS ONLY



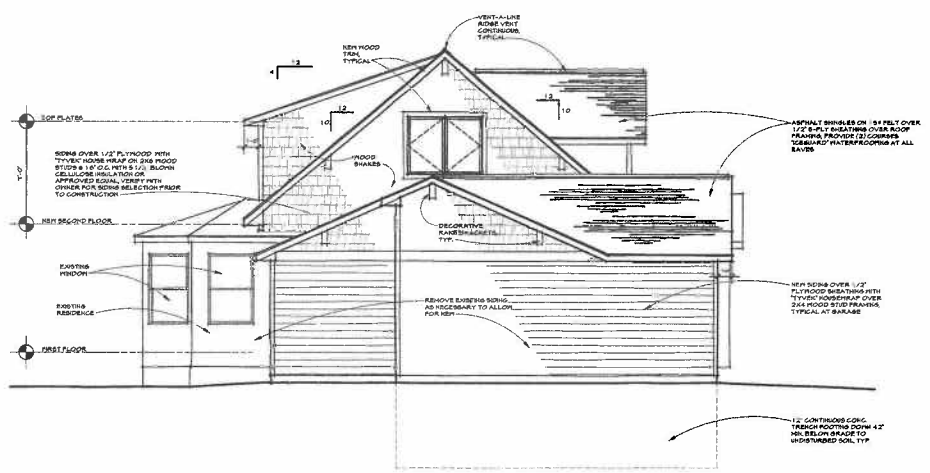
MGS
design-build

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Ann Arbor, Michigan 48103
(734) 977-0750
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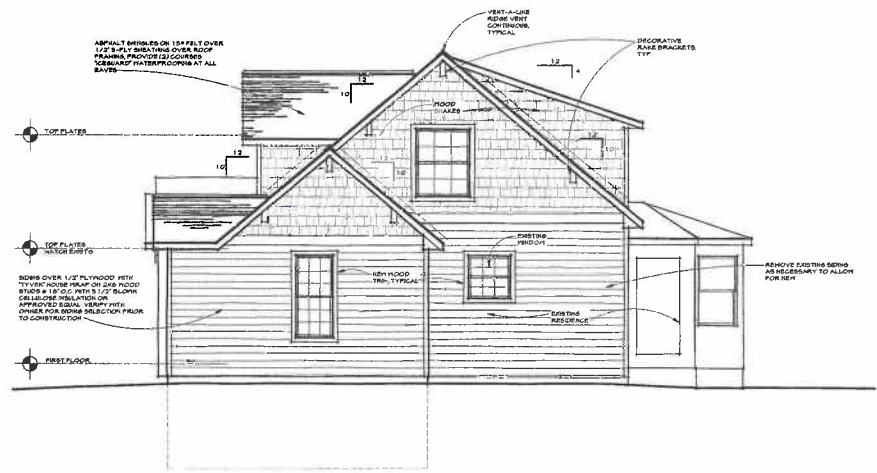
ROMINSKI RESIDENCE ADDITION
ANN ARBOR, MICHIGAN 48103
922 LOTOLA DR.

PROJECT :
R0411
DATE :
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REVISED :

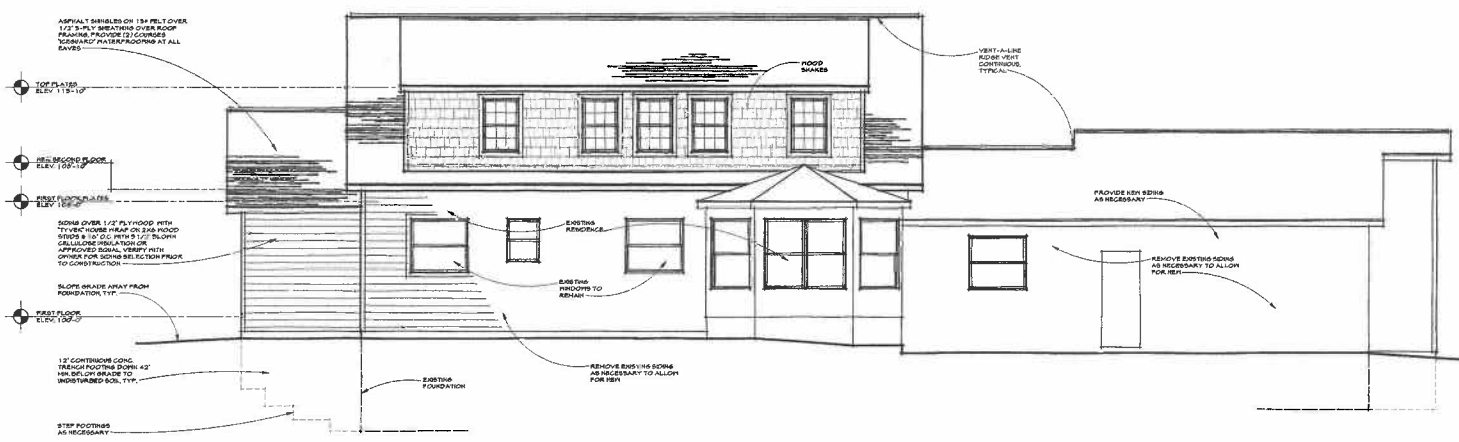
SHEET :
A 4



WEST ELEVATION
SCALE 1/4" = 1'-0"



EAST ELEVATION
SCALE 1/4" = 1'-0"



NORTH ELEVATION
SCALE 1/4" = 1'-0"









Pomona St



