

**Zoning Board of Appeals
September 19, 2012 Regular Meeting**

STAFF REPORT

Subject: ZBA12-017, 2101 Winchell

Summary: Eugene Klaphake 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 11 feet from the average front setback requirement for expansion of an existing residential structure into the required front open space; 35 feet is the averaged front setback required (R1B requires 30 foot front setback without averaging).

Description and Discussion:

The subject parcel is zoned R1B (Single-Family) and is located on the corner of Winchell and Brockman, just south of East Stadium.

The petitioner is proposing to construct a 5 foot by 18 foot (90 square feet) single-story addition to the first floor. The addition will contain a first floor handicap accessible bathroom and will project into the front setback of Brockman Boulevard. The existing house is 1,545 square foot and was built in 1956. The existing Brockman front setback is 27 feet 6 inches. The averaged front setback is 35 feet based on one adjacent property to the north on Brockman. The required setback without averaging is 30 feet. The existing house encroaches into the front setback 2 feet 6 inches. The addition will match the existing roof and building lines and will encroach an additional 3 feet 6 inches. The new front setback proposed along Brockman will be 24 feet; the front setback along Winchell Drive will not change. Since the required averaged front setback is 35 feet, the petitioner is requesting a front setback variance of 11 feet.

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:

The alteration complies as nearly as practicable with the requirements of the Zoning Chapter and will not have a detrimental effect on neighboring property.

Permission is being requested in order to add a 90 square foot addition to the first floor of the existing house. The addition will extend closer to the front property line of Brockman, however due to the curve of the road away from the subject property, only a small section(approximately 30 square feet of the new addition will be located with the front setback. The curve of the road will also minimize the visual impact to the

surrounding neighborhood. The proposed addition will be located over 100 feet from the closest neighboring house.

Standards for Approval- Variance

The Zoning Board of Appeals have 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 lot in the R1B Zoning District (required is 10,000 square feet, subject parcel is 14,820 square feet). The parcel is an unusual 'pie' shape with a curved front property line. This results in two front setbacks, one which is curved, with one side and one rear setback.

- (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 additions to an existing home. Due to the irregular lot shape and the owners need for an accessible bathroom, there is limited area to construct an addition that complies with the setbacks and fits with the existing layout of the house. .

- (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 other houses in the neighborhood. Although the proposed addition would extend into the front setback, the curve of the street and existing mature vegetation along the street should help minimize the impact to the surrounding neighborhood. The closest adjacent house along the Brockman frontage is located over 100 feet away and is set back from the subject property due to the curve of the road.

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

The existing house was constructed before the current zoning code was in effect. While the subject parcel is more than conforming for lot size, the averaging of existing front setbacks requirement increases the required front setback by 5 feet.

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

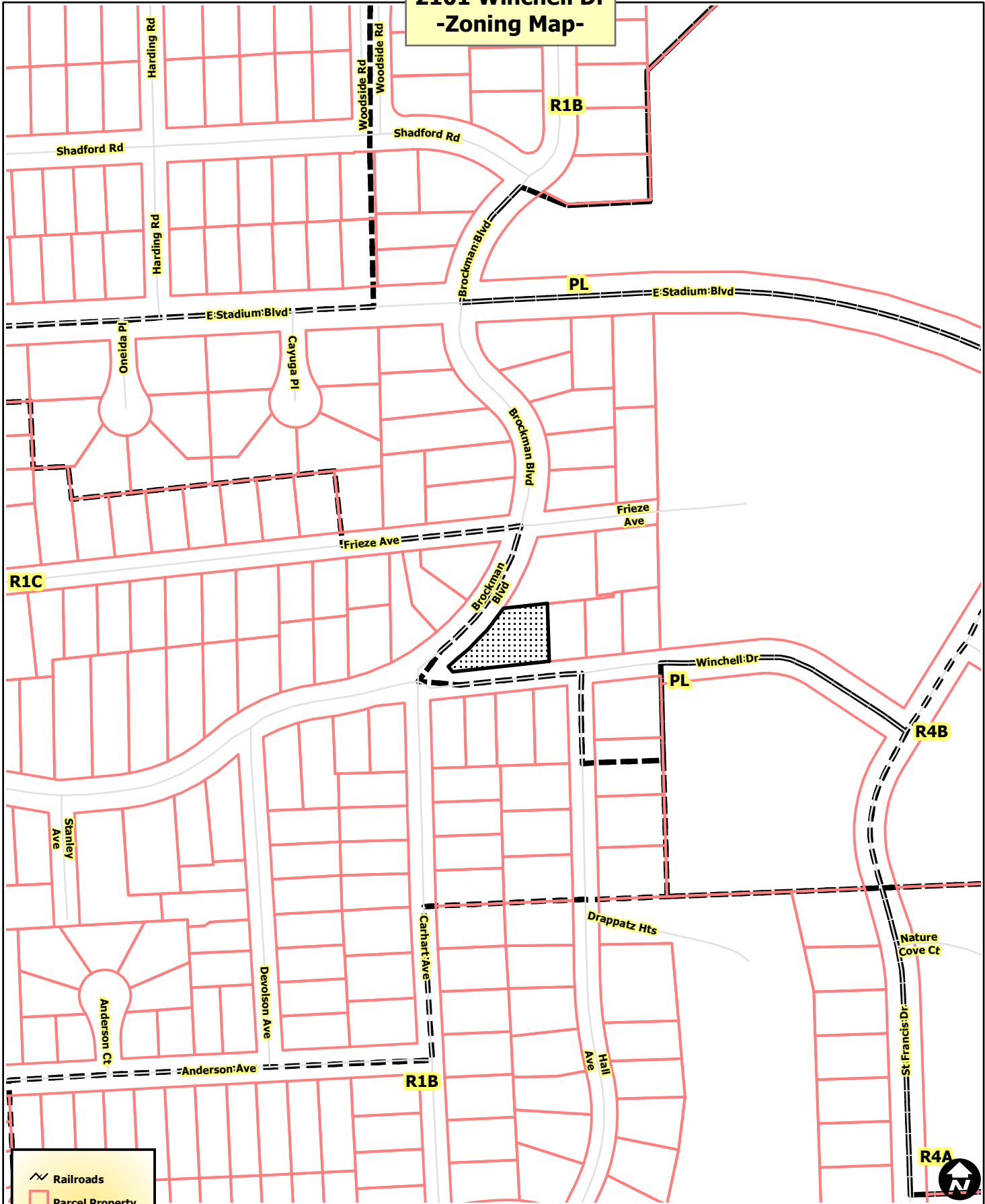
The variance, if approved, will permit construction of a single story 90 square foot addition extending into the averaged front setback 11 feet. However, due to the curve of the road less than 30 square feet of structure will be located within the required setback. The application of averaged front setbacks (based on one adjacent property to the north) and the unusual shape of the parcel results in increased setbacks and reduces the buildable area of the parcel.

Respectfully submitted,



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

2101 Winchell Dr -Zoning Map-

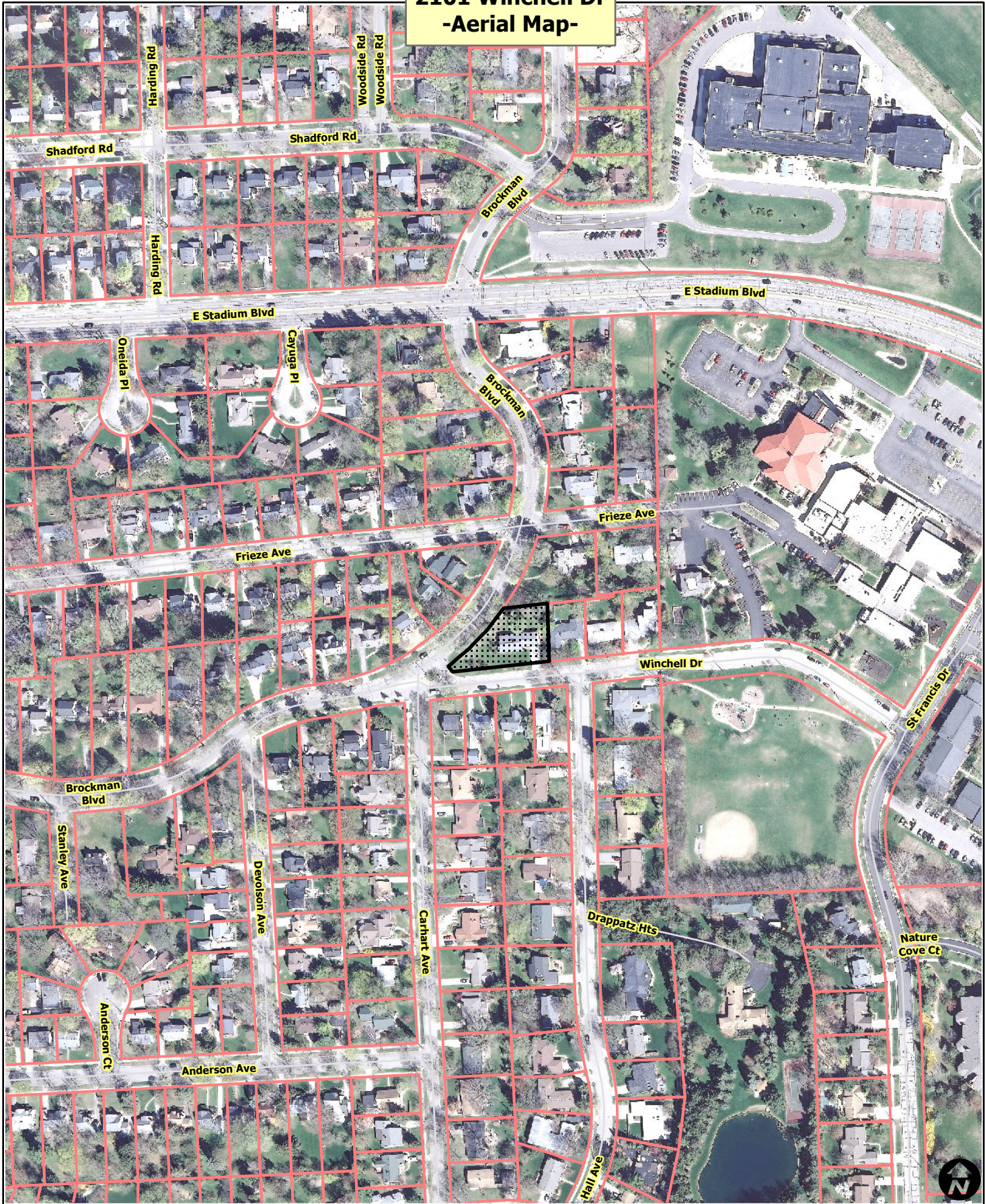




Railroads
 Parcel Property
Zoning
 Township
 Zoning



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 Map Created: 8/29/2012

2101 Winchell Dr -Aerial Map-



-  Railroads
-  Parcel Property





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2101 Winchell Dr -Aerial Map-



 Railroads
 Parcel Property



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Map Created: 8/29/2012

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

Section 1: Applicant Information

Name of Applicant: Eugene W Klaphake
Address of Applicant: 2101 Winchell Dr Ann Arbor, MI 48104
Daytime Phone: 612-865-4737
Fax: 763-701-4350
Email: g.klaphake@usfamily.net
Applicant's Relationship to Property: Owner

Section 2: Property Information

Address of Property: 2101 Winchell Dr. Ann Arbor, MI 48104
Zoning Classification: RL
Tax ID# (if known): 195851
*Name of Property Owner: _____

**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:

Required dimension: PROPOSED dimension:

30' side
Setback

24.06' Side
Setback

Example: Chapter 55, Section 5:26

35 foot average 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)

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?

None

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?

NO, See Attached

Section 5: ALTERATION TO A NON-CONFORMING STRUCTURE

Current use of the property Single Family Home

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:

See Attached A

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:

See Attached B

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

See attached c

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.....)

1. Yes the practical difficulties of complying with the ordinance prevent the addition of an accessible main floor bathroom. This addition would allow for ageing in place and continued living in this home and not moving into assisted living facility. These difficulties are unique because of the angle of two adjoining streets and the current setback requirements on all 3-sides of the house requiring a front setback.
2. Current contractor is presently repairing damaged foundation caused by water infiltration into the basement. The contractor recommends this addition making it a more cost effective solution for the foundation repair work eliminating a crawl space fix and controlling the water infiltration into the basement. Unable to obtain home mortgage until foundation and water problem are repaired.
3. None
4. The angle of two adjoining streets and the current setback requirements on all 3-sides of the house that require a front setback limits any expansion to the existing home. Because of the 3-side front setback requirement the property line shortens the distance of the northwest corner of the structure to the property line.
5. No, it is not self imposed. The condition came about due to the original layout of the home because of the size, shape and location of the home on the property.

SECTION 5:

- A. The addition to the current home is to provide a more accessible main floor bathroom allowing for ageing in place. The existing main floor bathroom dimensions limit accessibility and moving about in the current space.
- B. No neighbors on the west side of home.
- C. The addition of an assessable main floor bathroom to the existing home.

- 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.

612-865-4737 Phone Number Eugene W. Klaphake Signature
gklaphake@ourfamily.net Email Address Eugene W. Klaphake 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.

Eugene W. Klaphake 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.

Eugene W. Klaphake 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.**

Eugene W. Klaphake Signature

On this 8 day of August, 2012, 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.

Rose-Marie E. Gale Notary Public Signature

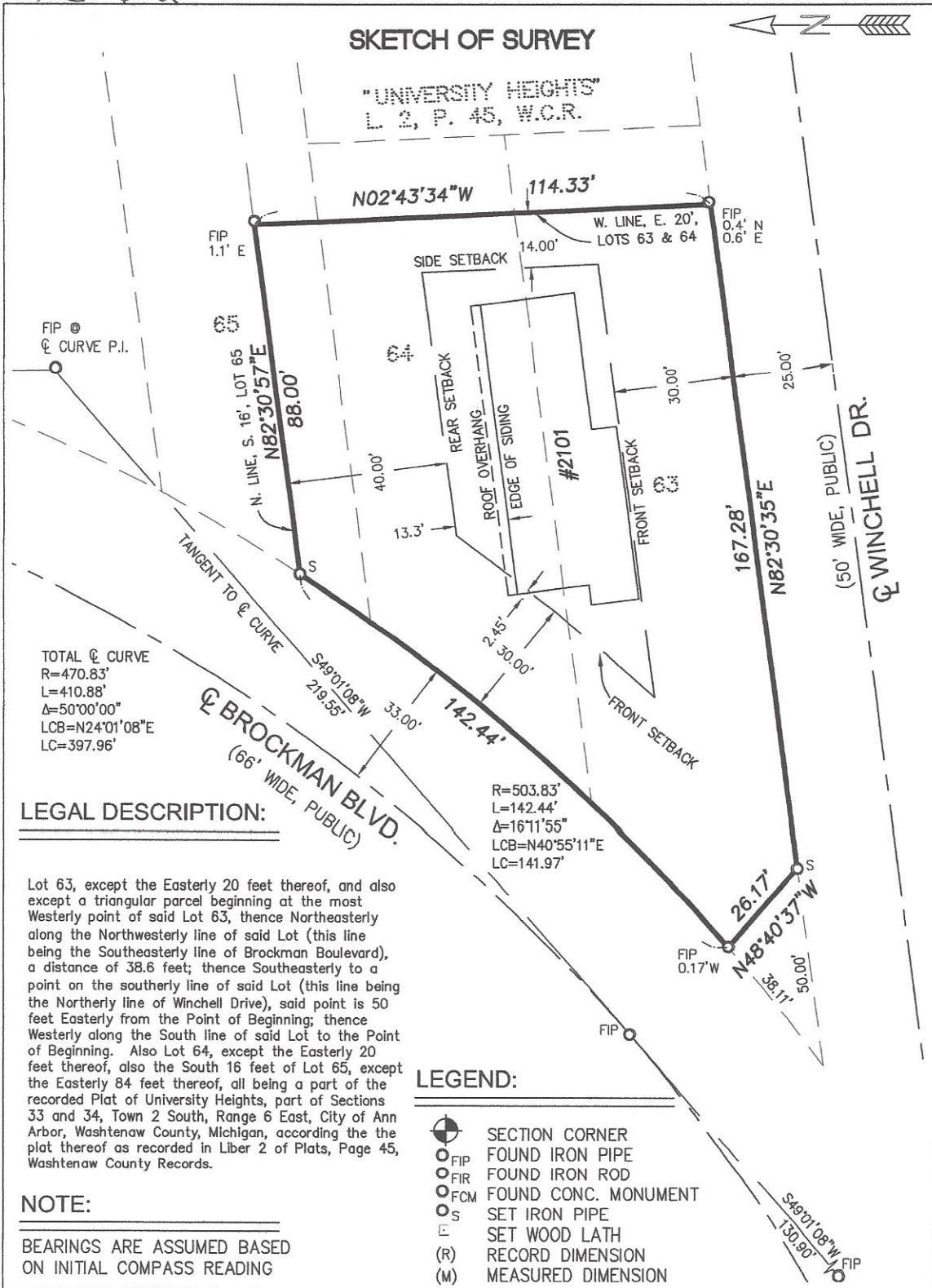
Oct. 19, 2017 Notary Commission Expiration Date ROSE-MARIE E. GALE Print Name

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: _____

AS BUILT

SKETCH OF SURVEY



LEGAL DESCRIPTION:

Lot 63, except the Easterly 20 feet thereof, and also except a triangular parcel beginning at the most Westerly point of said Lot 63, thence Northeasterly along the Northwestern line of said Lot (this line being the Southeasterly line of Brockman Boulevard), a distance of 38.6 feet; thence Southeasterly to a point on the southerly line of said Lot (this line being the Northerly line of Winchell Drive), said point is 50 feet Easterly from the Point of Beginning; thence Westerly along the South line of said Lot to the Point of Beginning. Also Lot 64, except the Easterly 20 feet thereof, also the South 16 feet of Lot 65, except the Easterly 84 feet thereof, all being a part of the recorded Plat of University Heights, part of Sections 33 and 34, Town 2 South, Range 6 East, City of Ann Arbor, Washtenaw County, Michigan, according to the plat thereof as recorded in Liber 2 of Plats, Page 45, Washtenaw County Records.

NOTE:

BEARINGS ARE ASSUMED BASED ON INITIAL COMPASS READING

CLIENT: KLAPHAKE

SURVEY OF PART OF LOTS 63-65, "UNIVERSITY HEIGHTS" SUBDIVISION A PART OF SECTIONS 33 & 34, T2S, R6E, CITY OF ANN ARBOR, WASHTENAW COUNTY, MICHIGAN.

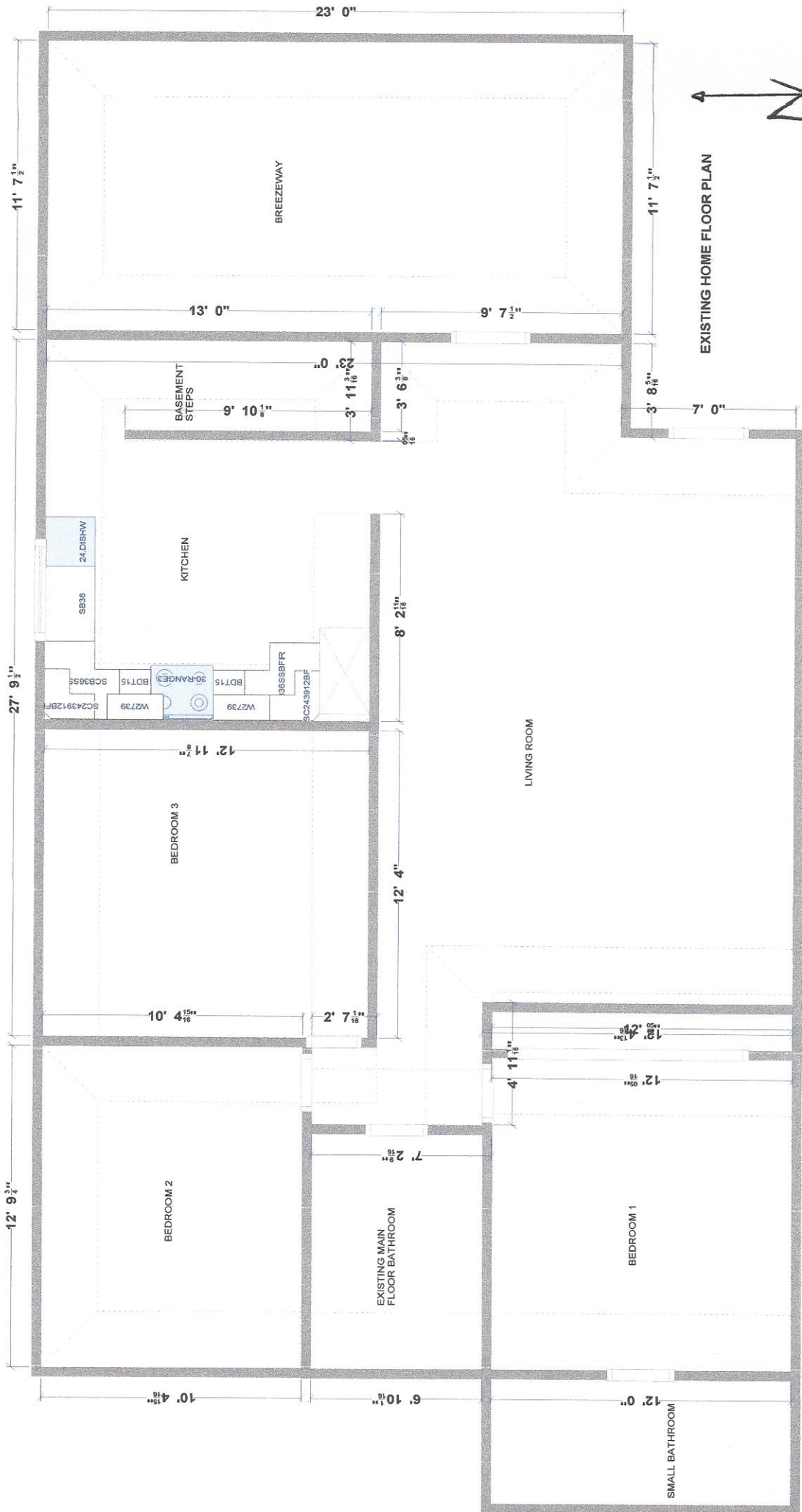


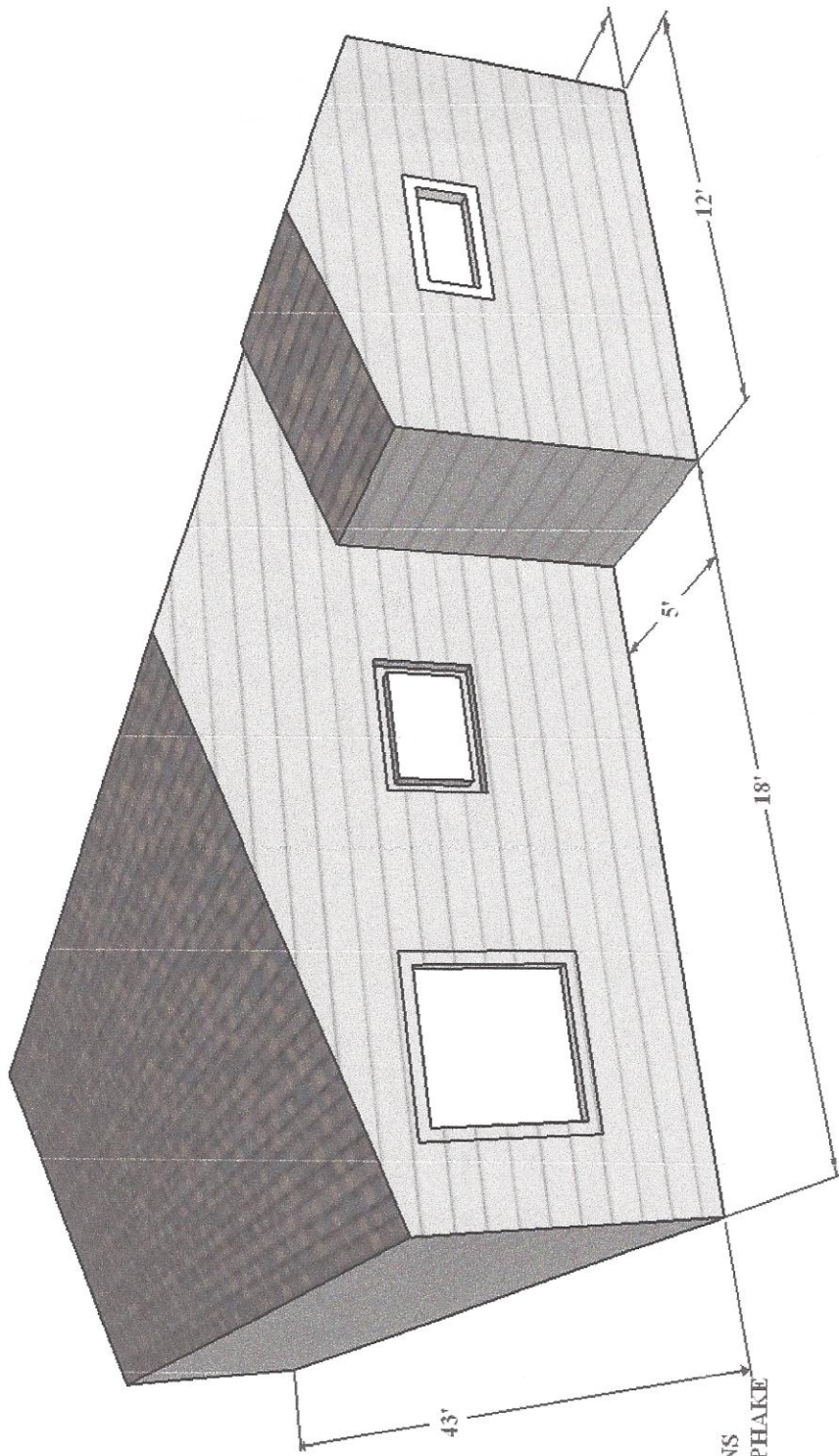
Arbor Land Consultants, Inc.

Professional Land Surveyors

2936 Madrono
Ann Arbor, Mi 48103
Tel (734) 669-2960
Fax (734) 669-2961
www.arborlandinc.com

SCALE 1 INCH = 30 FEET	JOB No. 13612	DATE 8-17-2012
SHEET 1 OF 1		REVISION: -

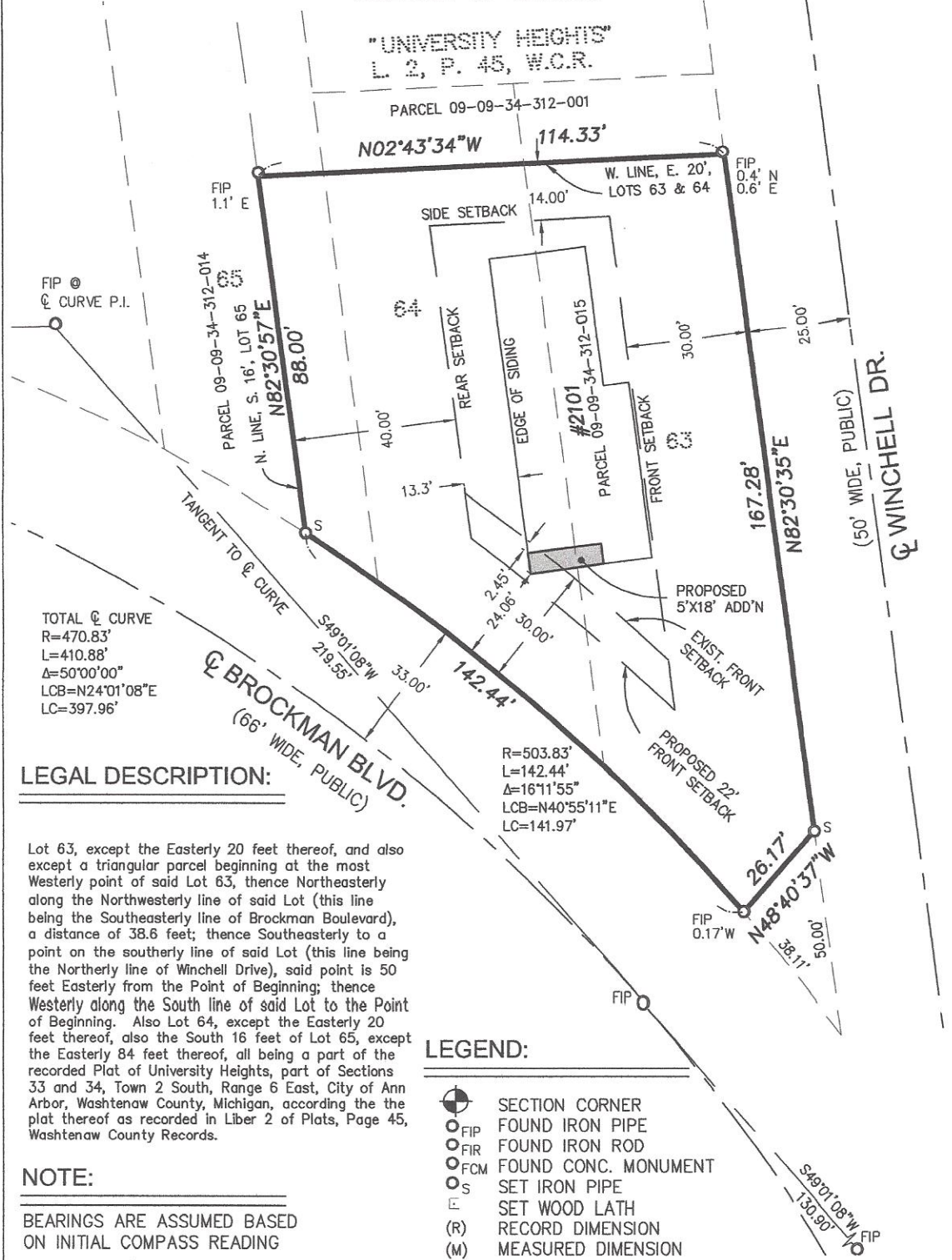




EXISTING HOME DIMENSIONS
PREPARED BY EUGENE KLAPHAKE
AUGUST 20, 2012

REQUEST FOR VARIANCE CHANGE

SKETCH OF SURVEY



TOTAL \odot CURVE
 $R=470.83'$
 $L=410.88'$
 $\Delta=50^{\circ}00'00''$
 $LCB=N24^{\circ}01'08''E$
 $LC=397.96'$

LEGAL DESCRIPTION:

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NOTE:

BEARINGS ARE ASSUMED BASED ON INITIAL COMPASS READING

LEGEND:

- \odot SECTION CORNER
- \odot FIP FOUND IRON PIPE
- \odot FIR FOUND IRON ROD
- \odot FCM FOUND CONC. MONUMENT
- \odot S SET IRON PIPE
- \square SET WOOD LATH
- (R) RECORD DIMENSION
- (M) MEASURED DIMENSION

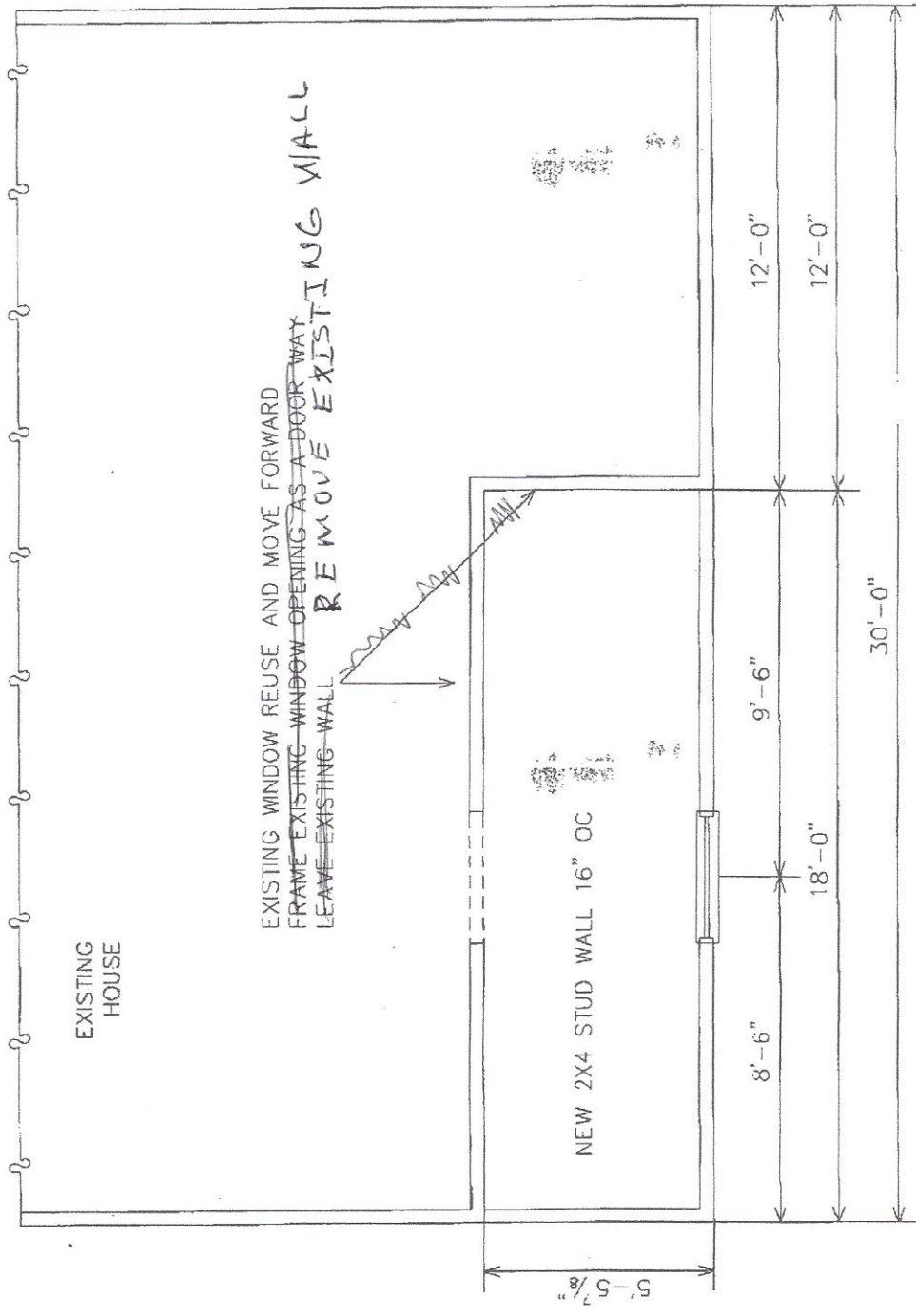
CLIENT: KLAPHAKE

SURVEY OF PART OF LOTS 63-65, "UNIVERSITY HEIGHTS" SUBDIVISION A PART OF SECTIONS 33 & 34, T2S, R6E, CITY OF ANN ARBOR, WASHTENAW COUNTY, MICHIGAN.

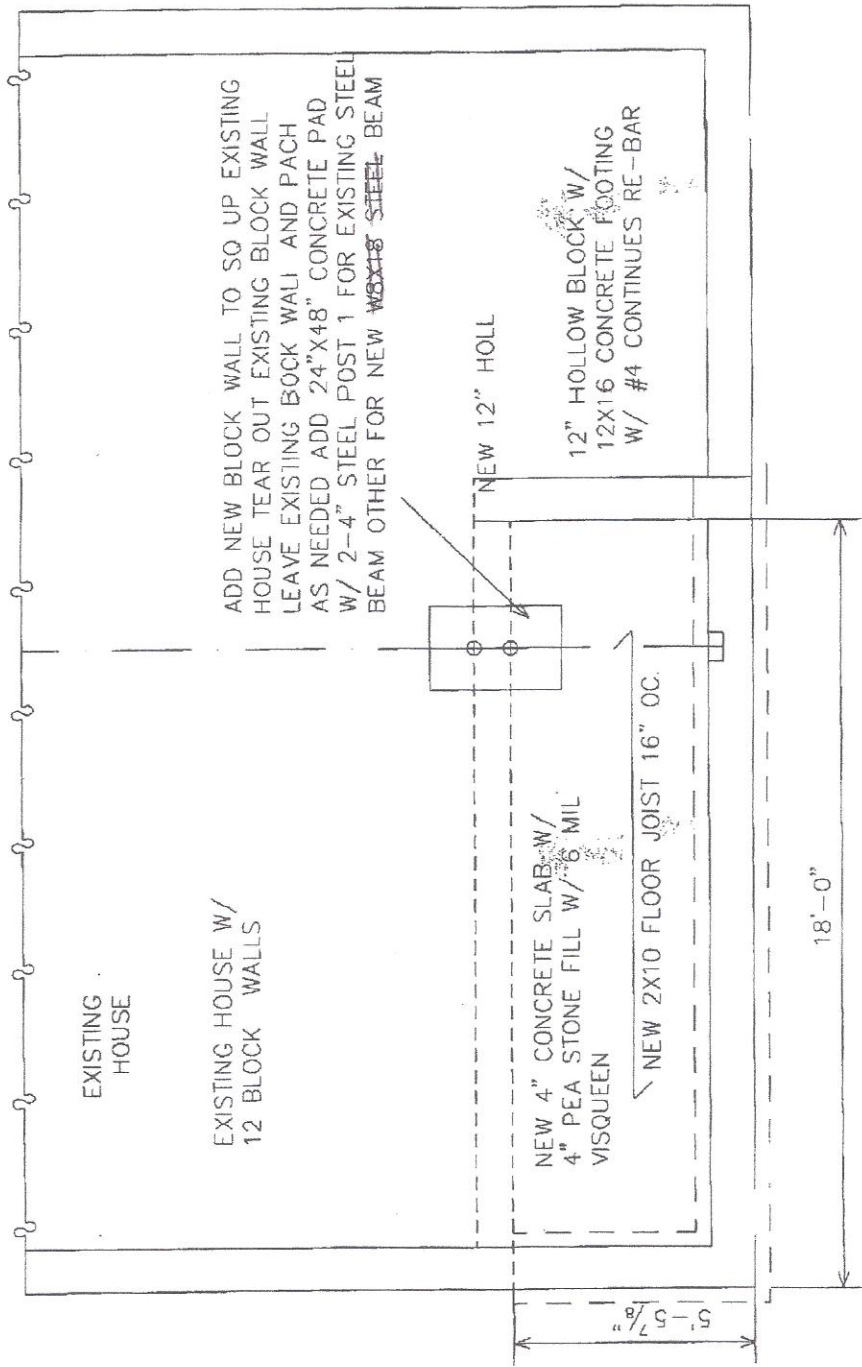


Arbor Land Consultants, Inc.
 Professional Land Surveyors
 2936 Madrono
 Ann Arbor, Mi 48103
 Tel (734) 669-2960
 Fax (734) 669-2961
 www.arborlandinc.com

SCALE 1 INCH = 30 FEET	JOB No. 13612	DATE 8-17-2012
	SHEET 1 OF 1	REVISION: 8-20-2012



FLOOR PLAN 1/4" = 1'-0"

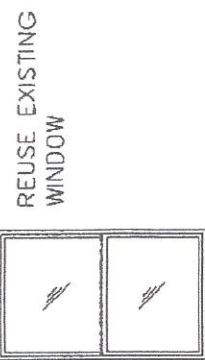


FOUNDATION PLAN 1/4" = 1'-0"

MATCH EXISTING ROOF PITCH
NEW RAFTERS 16" OC IN FILL OVER
EXISTING ROOF 2X8 RAFTERS
W/ 2X6 CEILING JOIST

MATCH EXISTING ROOF PITCH
SHINGS SIDING AND FACIA

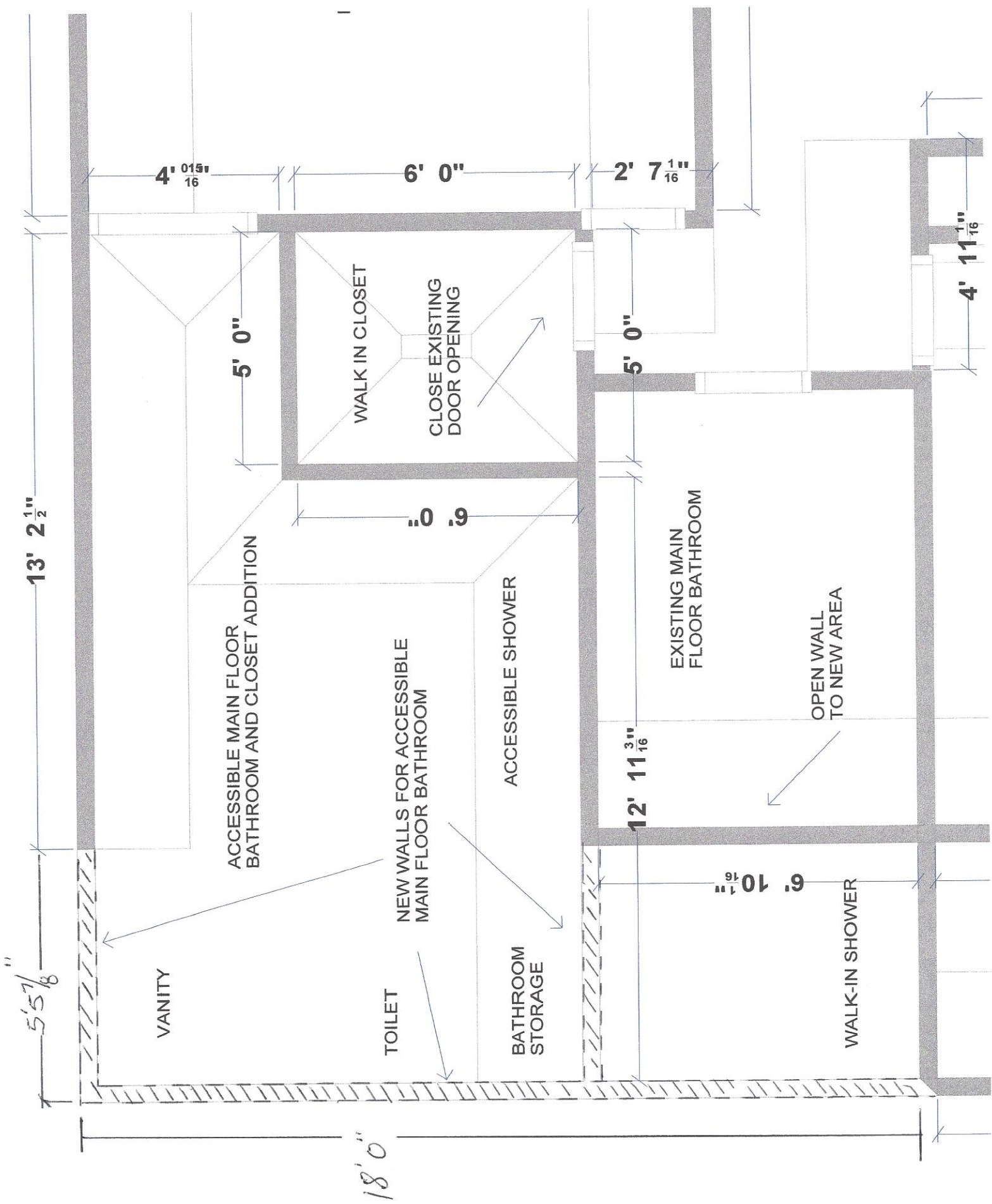
LINE OF EXISTING
HOUSE



SOFFIT/ FACIA TO MATCH
2X4 STUD WALL 16" OC.
7/16" OSB SHEETING
HOUSE WRAP
R13 INSULATION
R30 INSULATION IN CEILING
2X4 TOP AND BOTTOM
PLATES W/ 2X10 FLOOR
JOIST 16" OC. W/ WOL.
BOTTOM PLATE

NEW SIDING

ELEVATION/ SECTION 1/4" = 1' - 0"



18' 0"

13' 2 1/2"

5' 5 7/8"

VANITY

TOILET

BATHROOM STORAGE

ACCESSIBLE MAIN FLOOR BATHROOM AND CLOSET ADDITION

NEW WALLS FOR ACCESSIBLE MAIN FLOOR BATHROOM

ACCESSIBLE SHOWER

WALK IN CLOSET

CLOSE EXISTING DOOR OPENING

5' 0"

5' 0"

6' 0"

4' 0 15/16"

12' 11 3/16"

6' 10 1/16"

EXISTING MAIN FLOOR BATHROOM

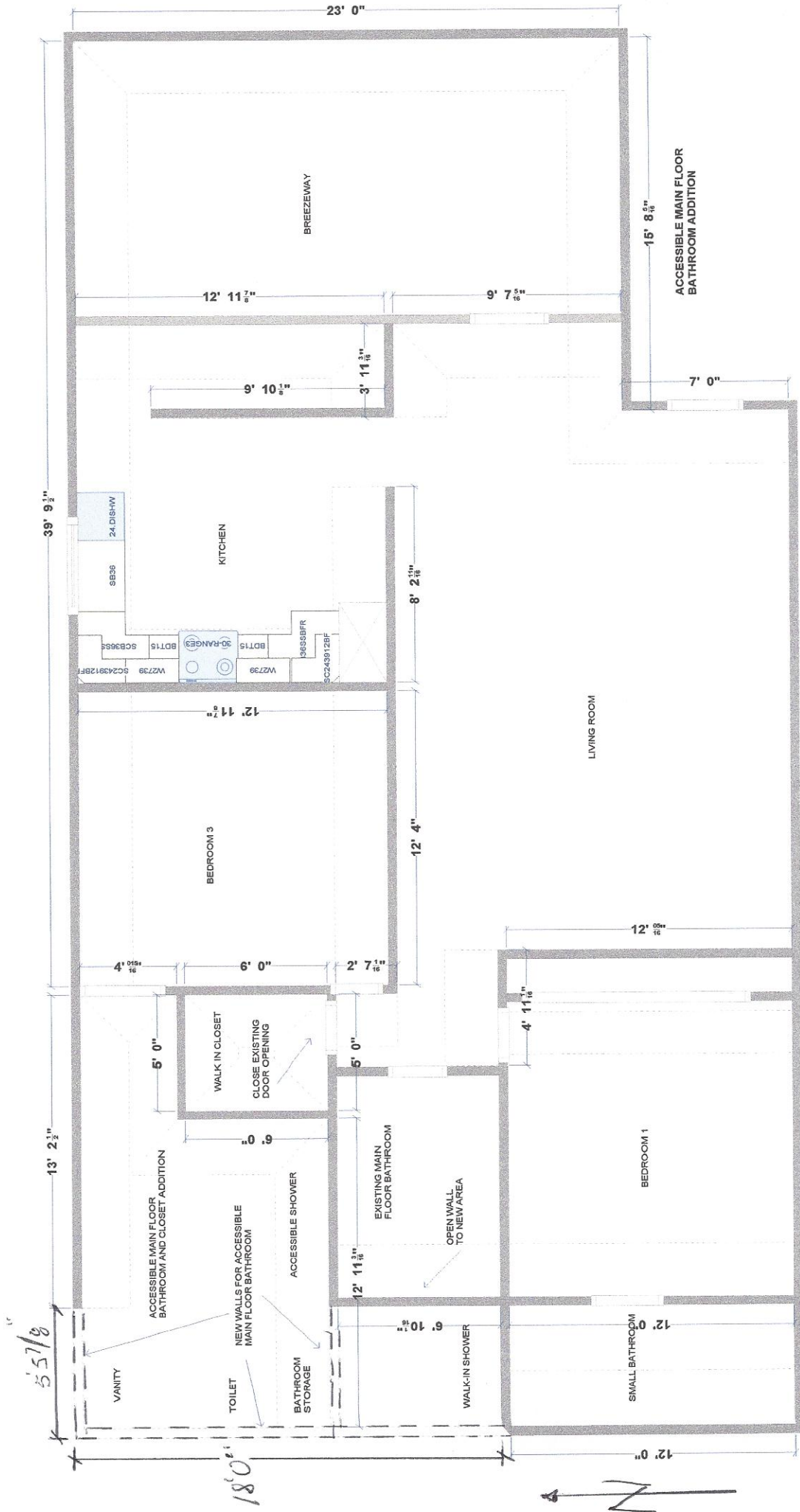
OPEN WALL TO NEW AREA

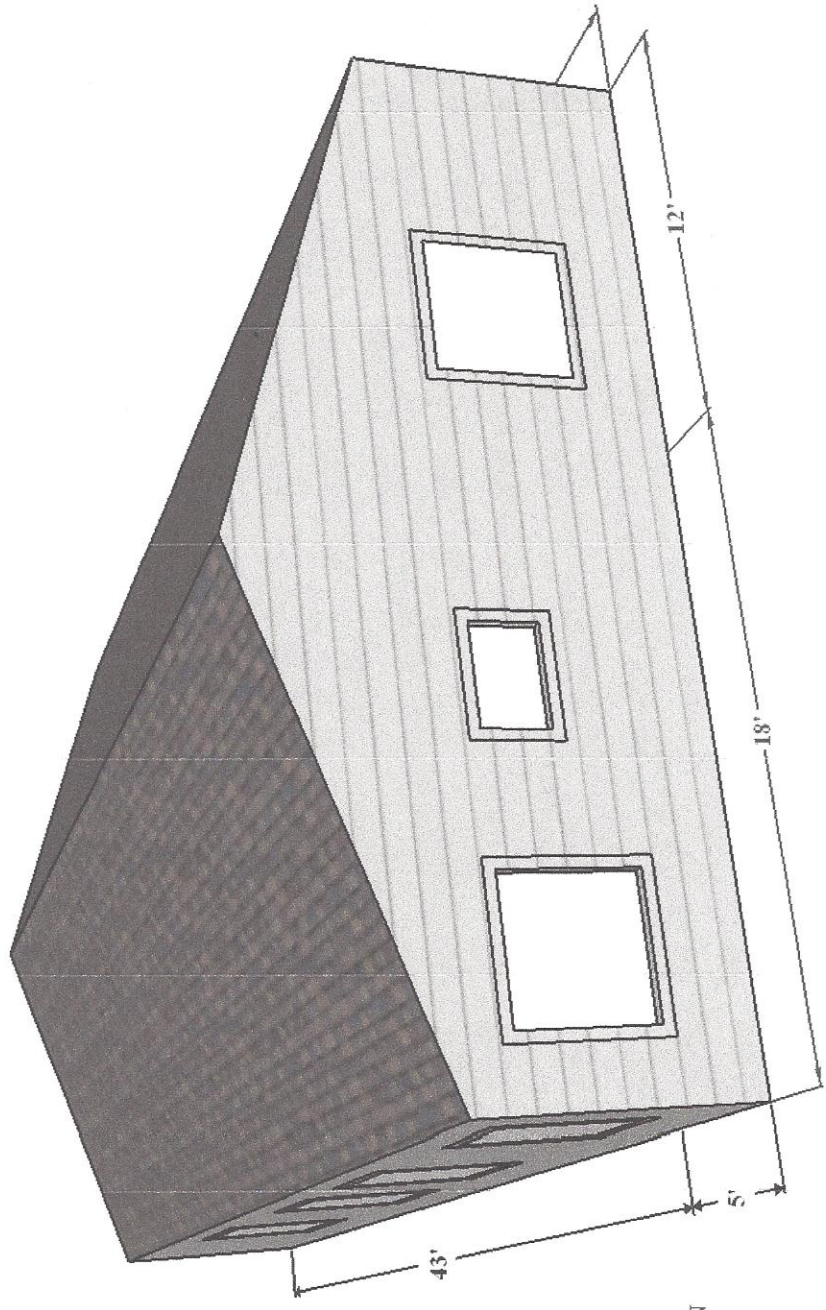
WALK-IN SHOWER

5' 0"

2' 7 1/16"

4' 11 1/16"





MAIN FLOOR ACCESSIBLE BATH ADDITION
PREPARED BY EUGENE KLAPHAKE
AUGUST 20, 2012





