

**Zoning Board of Appeals  
June 27, 2012 Regular Meeting**

**STAFF REPORT**

**Subject: ZBA12-009, 2842 Leslie Park Circle**

**Summary:** Clear View Sunrooms is requesting one variance from Chapter 55 Section 5:27 (R1C, Single-Family) of 5 feet from the rear setback of 30 feet to permit construction of an enclosed sunroom 25 feet from the rear property line.

**Description and Discussion:**

The subject parcel is located on Leslie Park Circle, just south of Dhu Varren Road. The parcel is zoned R4A (Multiple-Family Residential District), however per City Code, single-family homes within the R4A zone are subject to the R1C zoning regulations. The parcel is 7,840 square feet (7,200 square feet is required for R1C). The house was built in 1998 and is 2,676 square feet.

The request is discussed in detail below:

The petitioner is proposing to construct a 144 square foot enclosed sunroom attached to the rear of the house. The addition measures approximately 12 feet by 12 feet and will be constructed over a portion of an existing unenclosed elevated deck. The new sunroom will be 25 feet from the rear property line (requires rear setback is 30 feet) and completely behind the rear of the house. It will not be located in any side setback. The existing deck will remain and at its closest point is approximately 20 feet from the rear property line. Although the existing deck encroaches into the rear setback, the house is currently conforming to zoning codes. Decks are permitted within the rear open space as long as they are not covered or enclosed.

The screened porch would be attached to the family room and will be designed to match the architectural form and roof lines of the existing house. There is also an existing door wall that provides access to the deck.

## **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 conforming of lot size (7,840 sf). The parcel has a slope to the rear of the site and is has significant mature trees in the rear yard. There is a protected natural area immediately adjacent to the rear 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 for construction of an enclosed sunroom addition to the rear of the existing house aligning with an existing rear door wall. The sunroom will be constructed over an existing elevated deck. Due to the location of the original house, any enclosed addition to the rear could extend a maximum of 7 feet from the rear 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.***

The existing house will be enlarged, but the structure will not get any closer to the side or front property lines. The new addition structure will be 25 feet from the rear line which abuts open space and will be over 20 feet from the closest side property line. The proposed addition will not be visible from the front of the parcel and there is a similar enclosed porch in the neighborhood. A letter of support signed by neighbors and a letter of approval from the neighborhood association have been submitted.

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

A unenclosed deck currently exists in the location of the proposed addition, a new porch could be constructed in this location, but it could not be covered. Any addition to the rear of the house would require a variance.

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

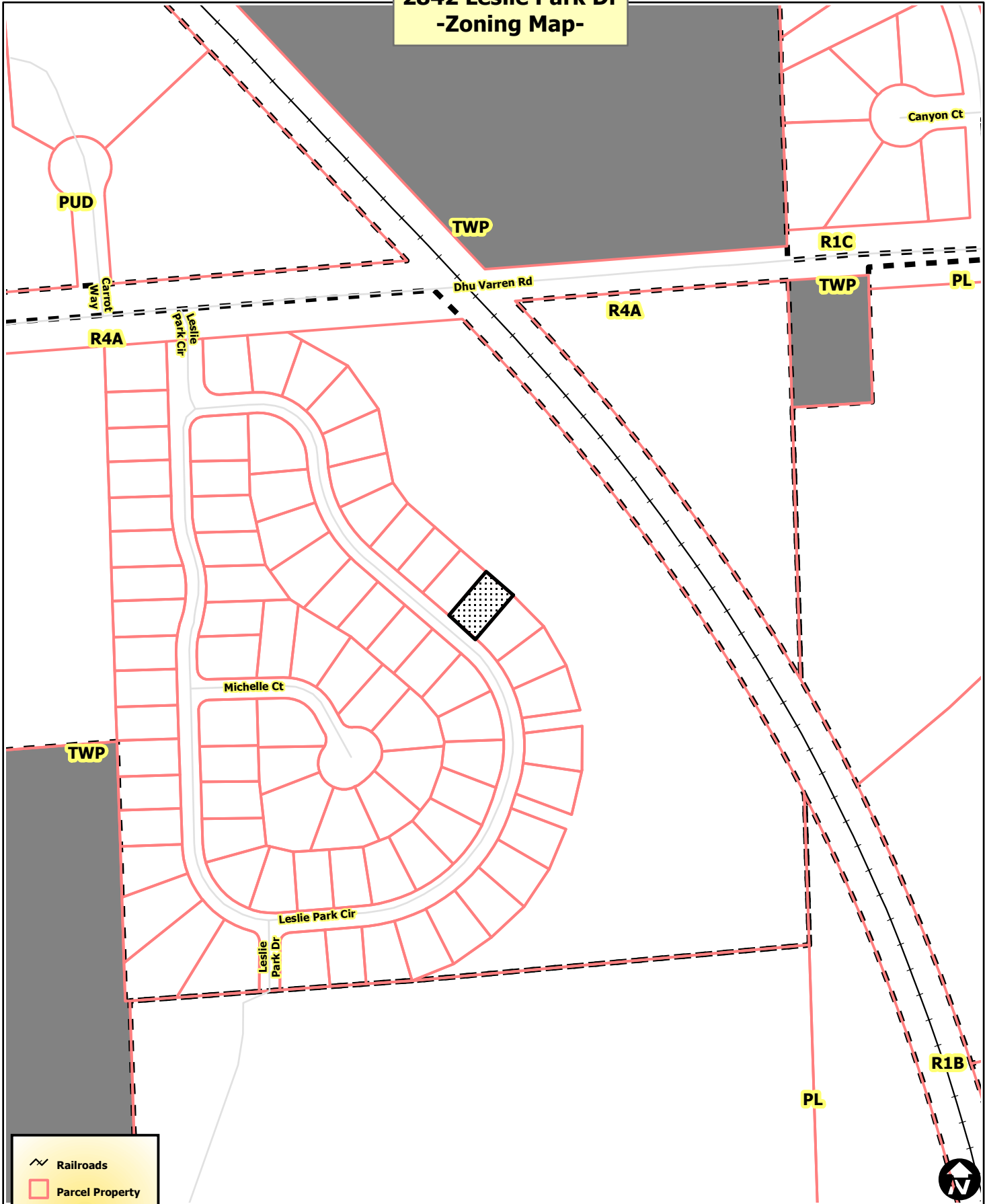
The proposed 12 foot by 12 foot (144 sq ft) addition will encroach 5 feet into the required rear open space and will be over 20 feet from the adjacent side property line. The enclosed sunroom will add approximately 60 square feet of building area in the required rear open space.

Respectfully submitted,

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

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

# 2842 Leslie Park Dr -Zoning Map-



**Legend**

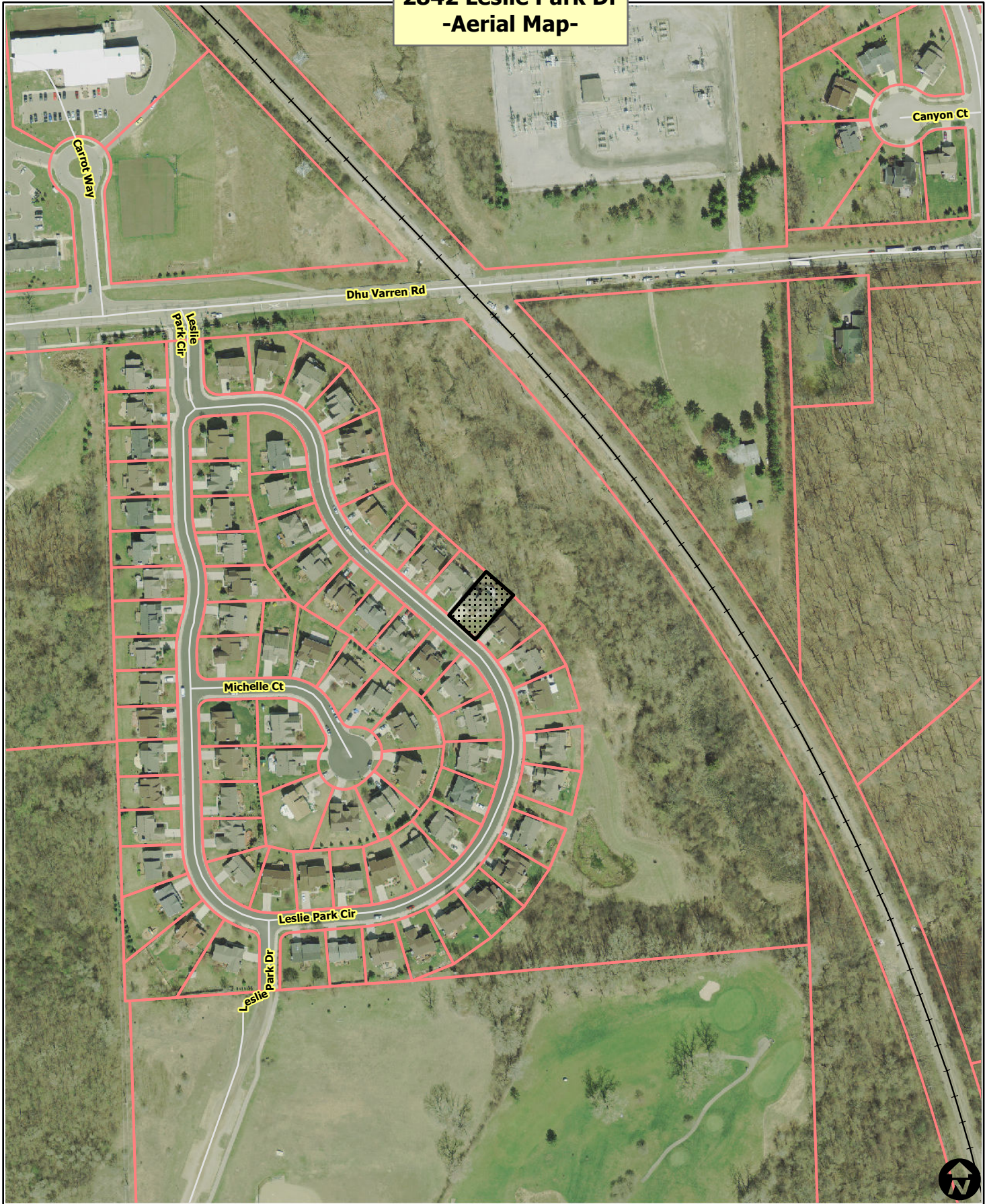
- Railroads
- Parcel Property
- Zoning**
- Township
- Zoning





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 Map Created: 6/5/2012



# 2842 Leslie Park Dr -Aerial Map-



 Railroads  
 Parcel Property



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 Map Created: 6/5/2012



# 2842 Leslie Park Cir -Aerial Map-



 Railroads

 Parcel Property



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Map Created: 6/5/2012

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

ZBA12-009

**Section 1: Applicant Information**

Name of Applicant: Clear View Sunrooms of Ann Arbor  
Address of Applicant: 6055 Jackson Rd. Ann Arbor MI 48103  
Daytime Phone: 734-769-9700  
Fax: 734-769-7858  
Email: clearviewsunrooms@ameritech.net  
Applicant's Relationship to Property: Building Contractor

**Section 2: Property Information**

Address of Property: 2842 Leslie Park Drive Ann Arbor, MI. 48108  
Zoning Classification: Residential  
Tax ID# (if known): \_\_\_\_\_  
\*Name of Property Owner: Alan Burg & Kennith Hillenburg

*\*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:

Rear Yard Set Back  
\_\_\_\_\_  
\_\_\_\_\_

Required dimension:

30'  
\_\_\_\_\_  
\_\_\_\_\_

PROPOSED dimension:

25'  
\_\_\_\_\_  
\_\_\_\_\_

*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)

\_\_\_\_\_  
\_\_\_\_\_

**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 lot that the home is built on is only 112' deep and the survey shows a 25' easement in the front of the home that caused the home to be built in the position that it is. Without this easement the house could have been shifted forward and the variance would not be needed

**2. Are the hardships or practical difficulties more than mere inconvenience, inability to obtain a higher financial return? (explain)** The placement of the room is outside of the dining area and is the only access to the rear yard. There is an existing deck at this location and is built to state and local codes

to except the addition. Even if the deck extended over the living room (where there is not access to the yard) A variance would still be needed and there would be a significant cost to construct the addition at this location

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

There is a similar room built on one of the neighbors to the south (2 doors down) Therefore we do not see any ill effects to the neighboring lots. We plan to provide signatures of approval from each of the neighbors along with the association permission for the project

**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?**

Please see question 1. The easement in the front yard and the placement of the home to this easement.

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

The easement exists and was not self imposed.

**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 . . . . .)



<u>Existing Condition</u>	<u>Code Requirement</u>
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:

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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:

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

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**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.

734 769 9700 \_\_\_\_\_  
 Phone Number \_\_\_\_\_ Signature  
 Clearview sunrooms @ ameritech.net \_\_\_\_\_  
 Email Address \_\_\_\_\_ Print Name  
 Ian Chornoby

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  
 Ian Chornoby

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  
 Ian Chornoby

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  
 Ian Chornoby

On this 15<sup>th</sup> day of May, 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.

P RANGSEY VAN  
 Notary Public - Michigan  
 Washtenaw County  
 My Commission Expires Dec 28, 2017  
 Acting in the County of \_\_\_\_\_  
 Notary Commission Expiration Date

\_\_\_\_\_ Notary Public Signature  
 Rangsey Van  
 \_\_\_\_\_ Print Name

**Staff Use Only**

Date Submitted: 5/3-2012 \_\_\_\_\_ Fee Paid: 500.00 \_\_\_\_\_  
 File No.: ZBA12-009 \_\_\_\_\_ Date of Public Hearing \_\_\_\_\_  
 Pre-filing Staff Reviewer & Date \_\_\_\_\_ ZBA Action: \_\_\_\_\_  
 Pre-Filing Review: \_\_\_\_\_  
 Staff Reviewer & Date: \_\_\_\_\_



CLEAR VIEW SUNROOMS  
6055 JACKSON RD.  
ANN ARBOR MI 48103

Kenneth Hillenburg  
Alan Burg  
2842 Leslie Park Circle  
Ann Arbor MI 48105  
Cell Ken:517-673-6000  
Cell Alan:517-403-7365






We give Clear View Sunrooms/Four Seasons Sunrooms of A2 the permission to represent us for our request to the Zoning Board for a rear yard setback requirement. We will attend the meeting along with Robert Clark (Owner of Four Seasons of A2). We will have the association approval along with signatures of my neighbors for the approval of the proposed sunroom we would like to have done.

Thank you in advance for your attention to this matter and you can reach me for any questions you may have.

Sincerely,

*Kenneth Z. Hillenburg* *4-30-12*  
Kenneth Hillenburg  
*Alan Burg* *4-30-12*  
Alan Burg

ALAN BURG & KENNETH HILLENBURG  
 2842 LESLIE PARK CIRCLE  
 ANN ARBOR, MI 48105  
 (517) 403-7365

	APPROVAL	DATE
 DESIGN:	_____	_____
 SALES REP.:	_____	_____
 SUPERINTENDENT:	_____	_____
 CUSTOMER:	_____	_____
 CUSTOMER:	_____	_____

DATE: 4/19/12

MODEL: 230 SUN & STARS CATHEDRAL GRAPHIC 312

WALL FRAME COLOR: SANDTONE ALUMINUM INT. & EXT.

ROOF FRAME COLOR: SANDTONE ALUMINUM INT. & EXT.

FLOOR SYSTEM: EXIST. 2x12 JOISTS @16" O.C., ADD 2x4 SLEEPER FLOOR @16" O.C., R-38 INSULATION, 3/4" T&G ADVANTECH SUBFLOOR, & 1/2" TREATED PLYWOOD UNDERSIDE  
 FOUNDATION TYPE: (3) 16"x12" CONCRETE PADS (42" DEEP), (3) 6x6 TREATED POSTS, 2x12 TREATED BEAMS

ROOF SYSTEM: CONSERVAGLASS PLUS CODE 78 GLAZING, DOUBLE TEMPERED

SKYLIGHTS: NONE

TRANSOMS: (2) STD. GLASS TRAPEZOIDS- CONSERVAGLASS PLUS CODE 7E GLAZING, DOUBLE TEMPERED

WINDOWS: (5) 6'x5' SLIDERS- CONSERVAGLASS PLUS CODE 7E GLAZING, DOUBLE TEMPERED

DOORS: (1) 6' SLIDING DOOR- CONSERVAGLASS PLUS CODE 7E GLAZING, DOUBLE TEMPERED

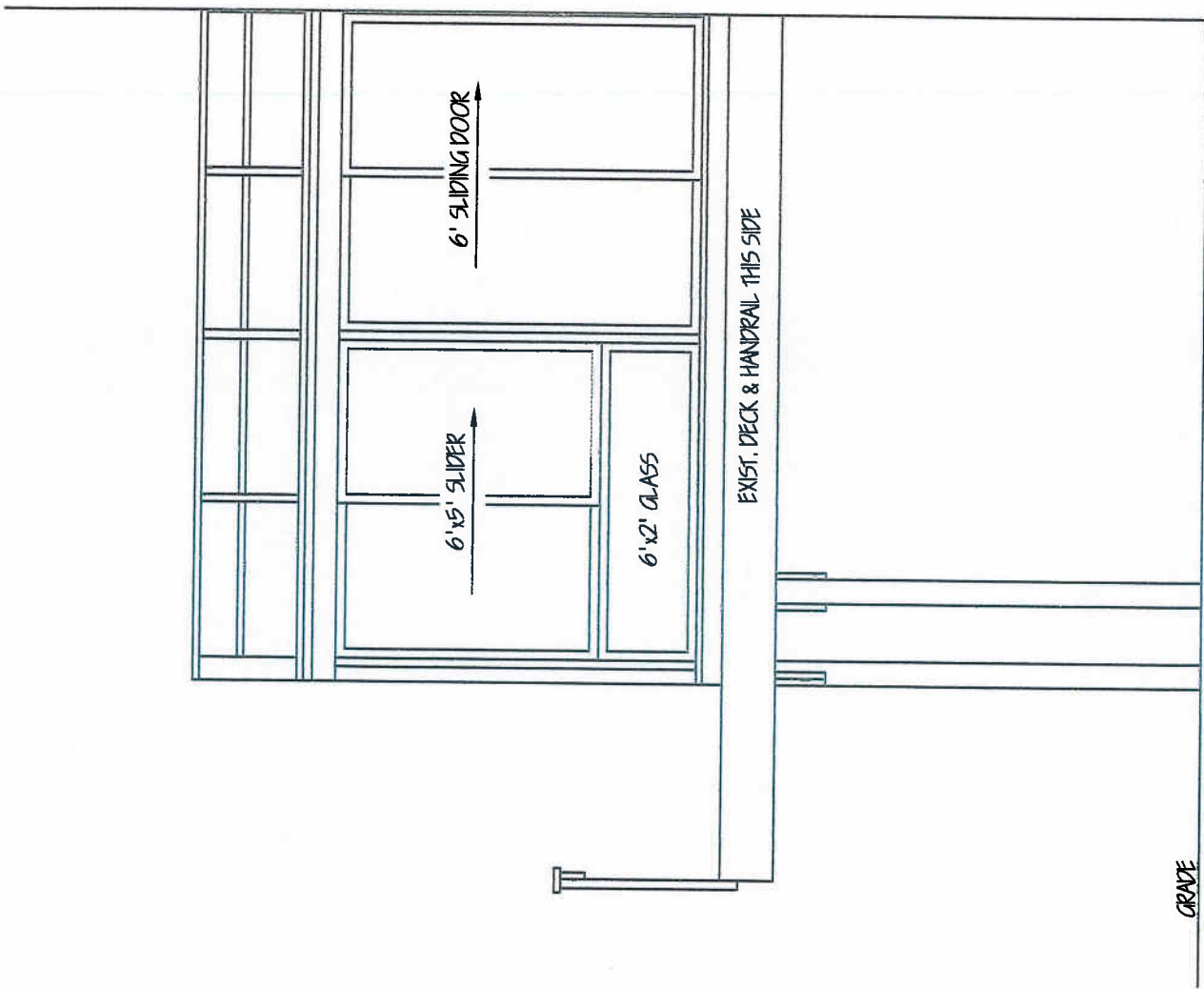
KNEEWALL: (4) 6'x2' GLASS KICKS, (1) 3'x2' GLASS KICK- CONSERVAGLASS PLUS CODE 7E GLAZING, DOUBLE TEMPERED. (1) 3'x2' SLATE KICK- SANDTONE

FANS & VENTS: (1) CEILING FAN (PROVIDED BY HOMEOWNER)

ELECTRIC: OUTLETS TO CODE, (1) EXT. OUTLET, (1) EXT. LIGHT (PROVIDED BY HOMEOWNER) W/ SWITCH, (1) CEILING FAN (PROVIDED BY HOMEOWNER) W/ SWITCH

HEAT: NONE

FINISH WORK: NONE



# RIGHT ELEVATION

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

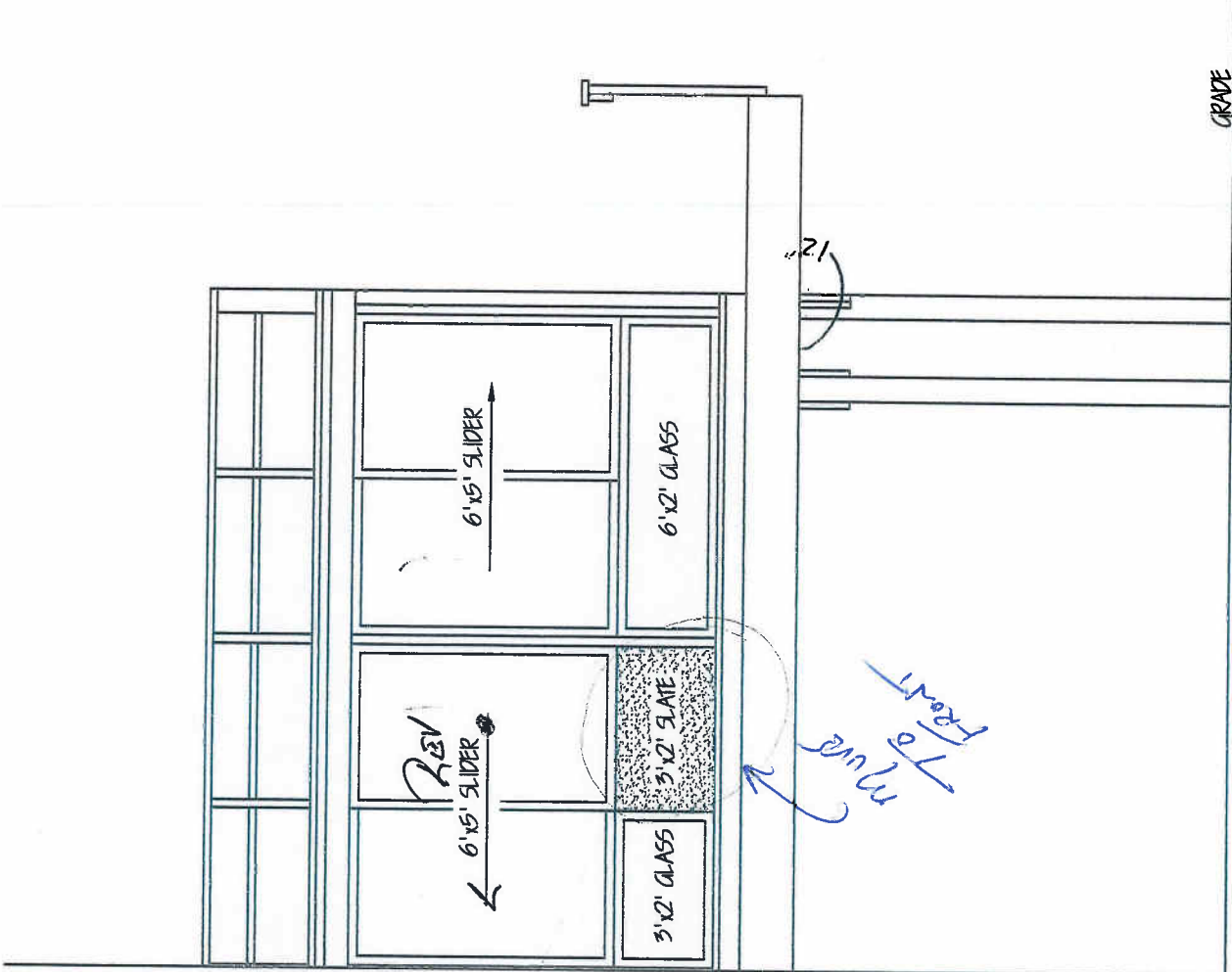
INITIALS



# ROOF PLAN

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

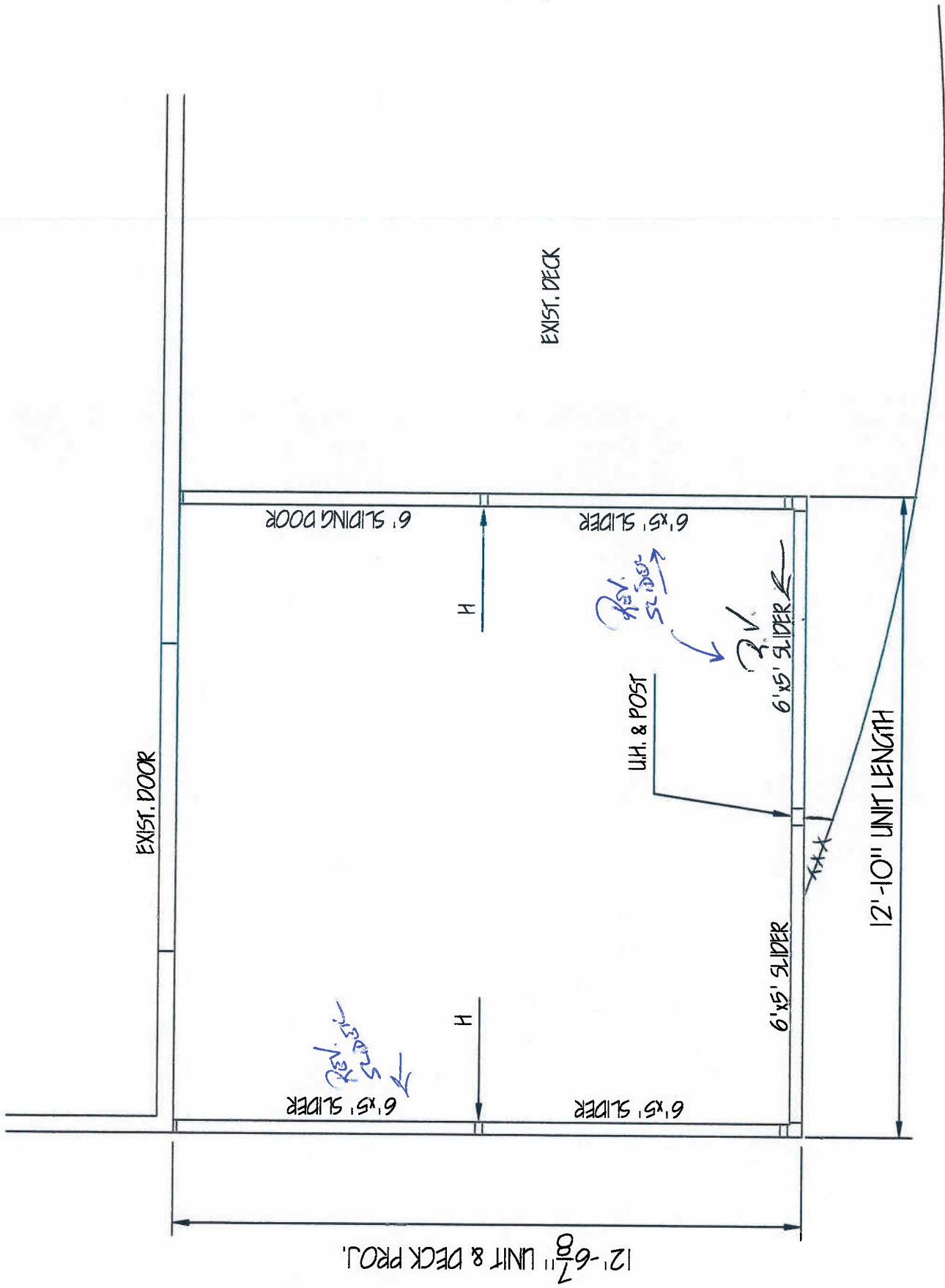
INITIALS



**LEFT ELEVATION**

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

INITIALS

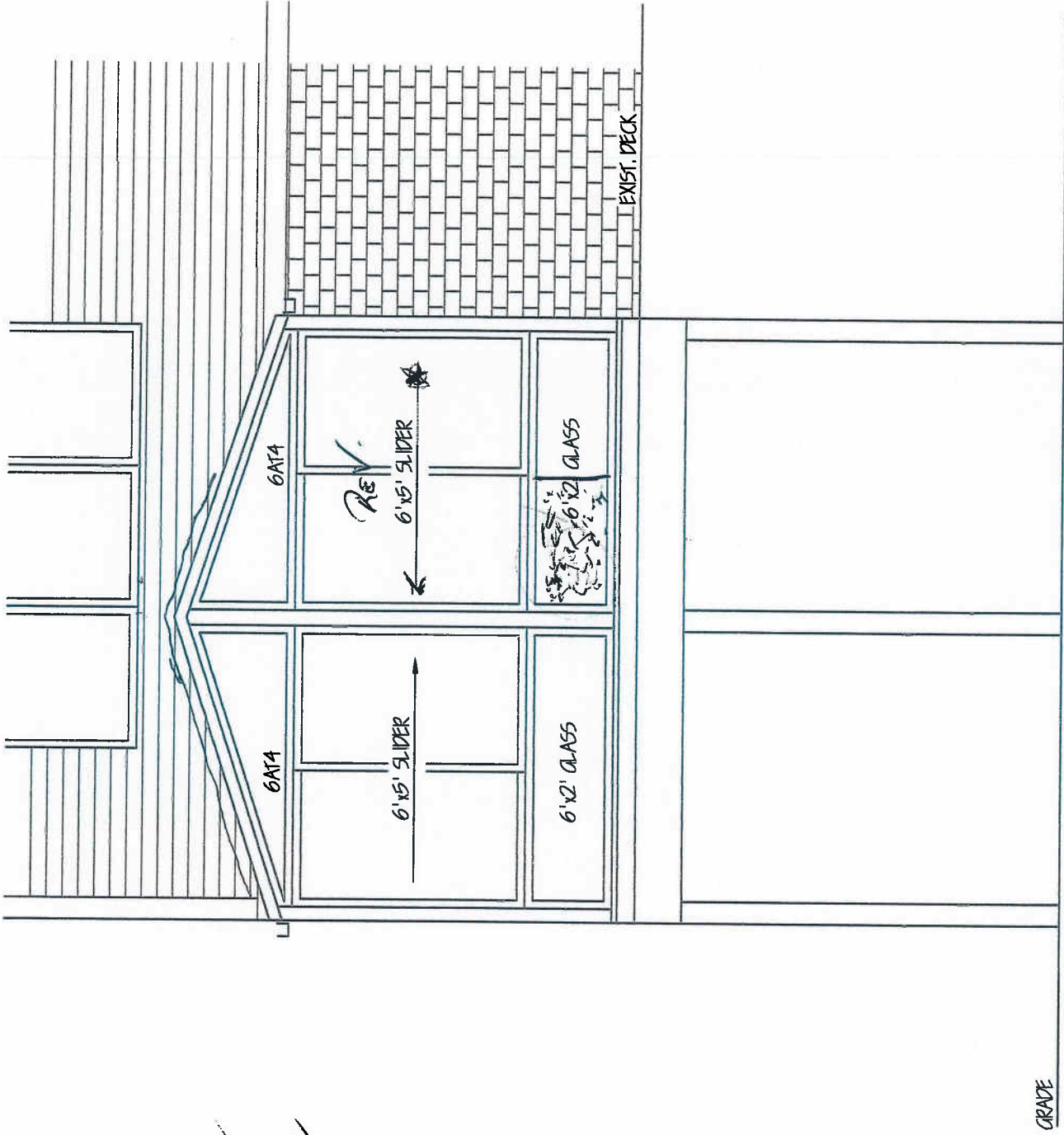


# FLOOR PLAN

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

INITIALS





FRONT ELEVATION

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

INITIALS

11/8/12  
11/8/12

\* Height to window  
11/8/12 Elevation  
11/8/12

12'-6 $\frac{7}{8}$ " UNIT & DECK PROJ.

EXIST. 2x12 BOND W/ ANCHORS @2' O.C. & JOIST HANGERS @16" O.C.

EXIST. DECK

Ø1'-4"

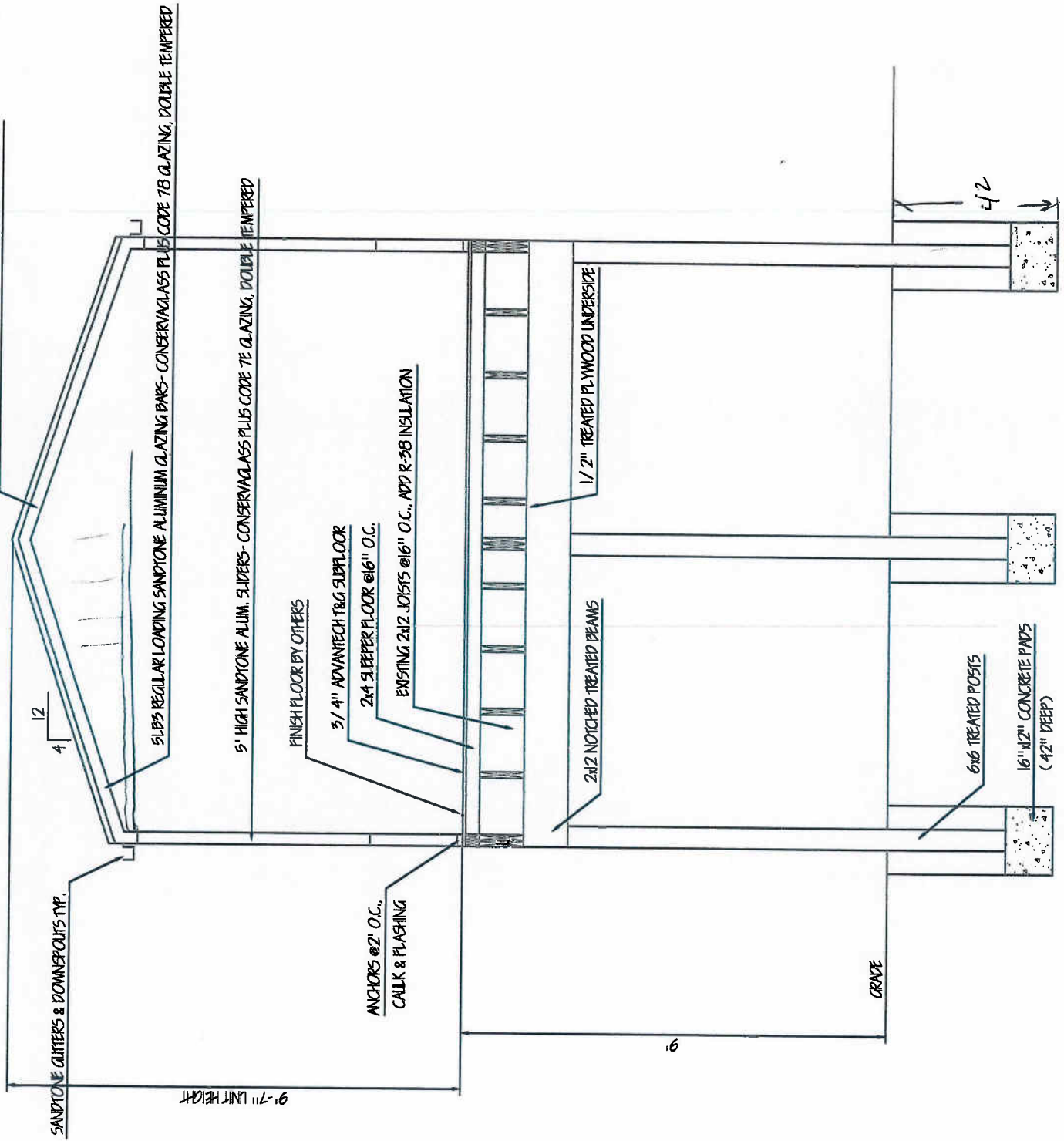
12'-10" UNIT LENGTH

# FOUNDATION PLAN

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

INITIALS

ANCHORS @16" O.C. INTO EXIST. FRAMING, CALK & FLASHING



12  
4

SANDSTONE GLITTERS & DOWNPOUTS TYP.

SLIPS REGULAR LOADING SANDSTONE ALUMINUM GLAZING BARS- CONSERVAGLASS PLUS CODE 7B GLAZING, DOUBLE TEMPERED

5' HIGH SANDSTONE ALUM. SLIDERS- CONSERVAGLASS PLUS CODE 7E GLAZING, DOUBLE TEMPERED

FINISH FLOOR BY OTHERS

3/4" ADVANTECH T&G SUBFLOOR

2x4 SLEEPER FLOOR @16" O.C.

EXISTING 2x12 JOISTS @16" O.C., ADD R-38 INSULATION

1/2" TREATED PLYWOOD UNDERSIDE

2x12 NOTCHED TREATED BEAMS

6x6 TREATED POSTS

16" x 16" CONCRETE PADS  
(42" DEEP)

GRADE

16

9'-7 1/2" LINT HEIGHT

42

11/15

SECTION  
SCALE: 1/2" = 1'-0"

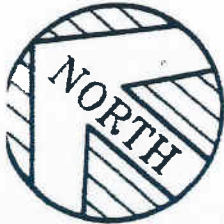
INITIALS

WETLAND AREA  
GENERAL COMMON ELEMENT  
70.41

UNIT 14

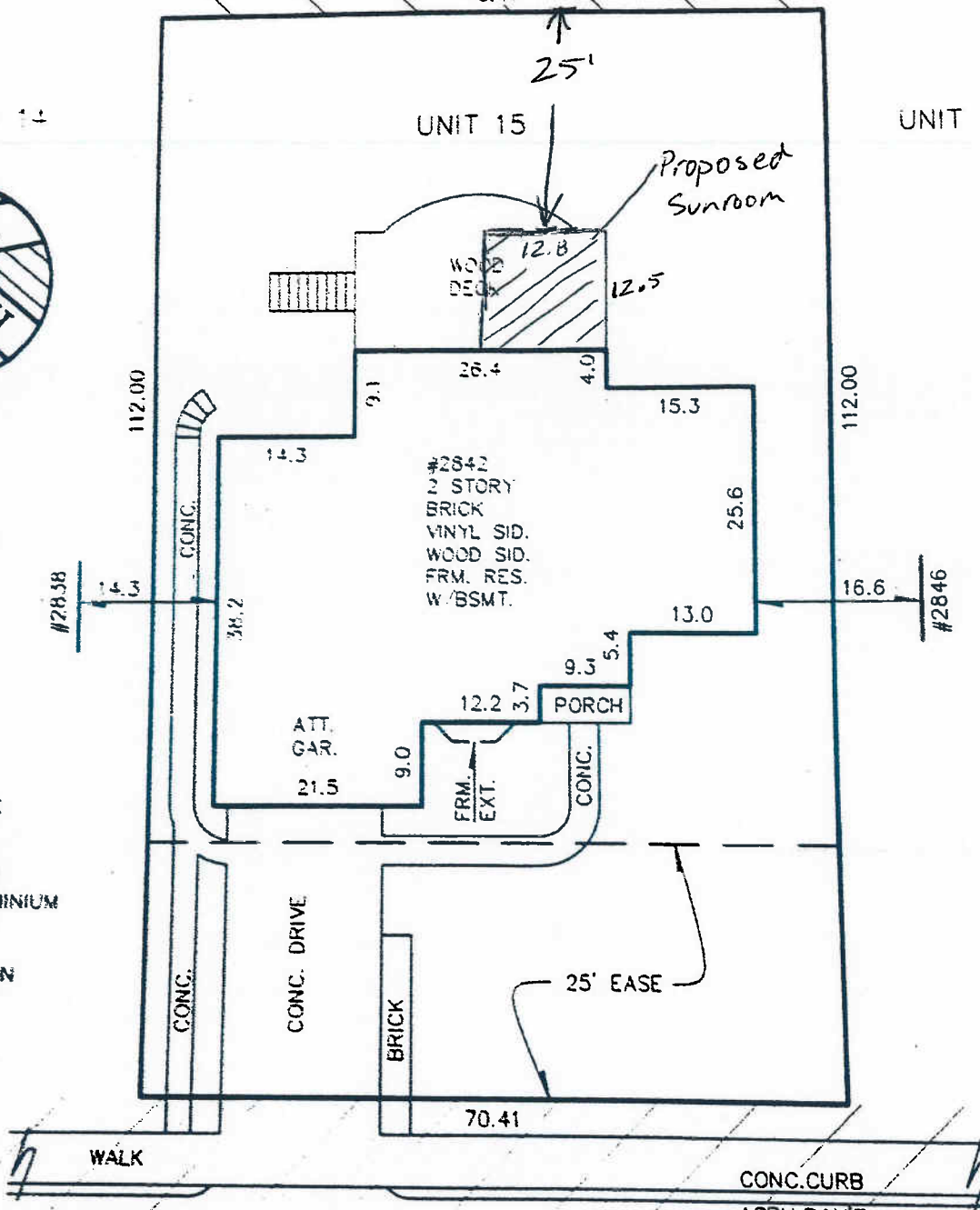
UNIT 15

UNIT 16



HIS PROPERTY  
ECT TO  
EMENTS.  
IONS, AND  
NS STATED  
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OME OF THE  
ED ON THIS  
WAS TAKEN  
IMET WOZNAK  
OCIATES  
ED SURVEY  
DHU VARREN  
PARK CONDOMINIUM  
08/06/1993)  
SUBJECT TO  
OR ALTERATION  
RE "AS BUILT"



LESLIE PARK CIRCLE 40' WD.

GENERAL COMMON ELEMENT

We hereby certify that we have surveyed the above-  
property in accordance with the description furnished for  
a mortgage loan to be made by the forementioned

