

**Zoning Board of Appeals
December 17, 2014 Regular Meeting**

STAFF REPORT

ZBA14-017, 1038 Baldwin Avenue

Summary

Lincoln Poley, petitioner, is requesting a variance from Chapter 55(Zoning) Section 5:27 (R1B, Single-Family Dwelling District), of 16 feet 9 inches to allow an addition to a single-family structure into the required rear setback. The required rear setback is 40 feet; proposed rear setback will be 23 feet 3 inches.

Description and Discussion

The subject parcel is located on Baldwin, just south of Cambridge, west of Washtenaw and contains a 4,275-square foot, single-family dwelling constructed in 1913 before setbacks were established. The parcel is conforming for lot size (12,760 sf; required is 10,000 sf) and zoned R1B (Single-Family). The existing house is conforming for zoning setbacks, The attached garages do extend into the required rear setback up to 7 feet 1 inch from the rear property line. Chapter 55 does allow attached garages to extend into the rear setback up to 3 feet from the rear property line, as long as there is no living space above or within the structure. The required rear setback is 40 feet, and the house is set back 45 feet from the rear property line.

The petitioner is proposing to construct a 24 foot 3 inch by 18 foot 4 inch addition, 405-square foot addition to the rear of the existing house. Currently two garages are attached to the rear of the house, a two car garage and a single car garage. The garages do conform to the zoning setback requirements. The two car garage will be removed and the proposed addition will be constructed in the same location. The attached one car garage will remain adjacent to the proposed addition and is 7 feet from the rear property line. The new addition will not be visible from the street and will not be any closer to the side property lines than the existing structures.

Due to the existing first floor elevation of the house, the first floor of the proposed addition will be built over a crawl space to allow for a consistent floor grade inside the house. The height of the addition will be 18 feet 4 inches to the midpoint of the gabled roof. The existing garage is approximately 10 feet in height.

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 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 existing house was constructed before zoning in 1913 and is conforming to the rear setback requirements. The subject parcel is not exceptional or peculiar in size or shape, it is a rectangle and conforms to the minimum lot area and width requirements of the R1B Zoning District.

- (b). ***That the practical difficulties 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 proposed 405 sq ft addition to the rear of the house. The addition will encroach 16 feet 9 inches closer to the rear property line than the living space of the existing house, but not beyond the footprint of the existing garages. If the variance is not granted, the petitioner could not construct an addition to the rear of the house at this 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.***

Allowing the variance will result in an addition to the existing structure that will extend living space 16 feet 9 inches further into the rear open space than the existing house. There are two attached garages currently in this space and the new addition will be built in the same footprint as the two car garage. The one car garage will remain attached to the new addition separating the addition from the rear property line.

The proposed addition will be 8 feet taller than the existing garage, but will not extend any closer to the side or rear property line than any existing structure. The new addition will be 17 feet from the north side property line. The addition is not visible from a public street and the parcel has extensive mature landscaping and a privacy fence producing a visual buffer to adjacent properties.

- (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 in 1913 up to the rear setback line. The location of the house near the rear setback line limits the area available for an addition to the rear without ZBA action.

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

The variance is being requested for a proposed addition of 405 square feet. The addition will extend 16 feet 9 inches further into the rear open space than the existing house and will be replacing an attached two garage in the same location. It will be 17 feet from the closest side property line .

Respectfully submitted,



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