



CITY OF ANN ARBOR, MICHIGAN

Community Services Area
Planning & Development Services Unit
100 North Fifth Ave, P.O. Box 8647, Ann Arbor, Michigan 48107
Phone: (734) 794-6000
Fax: (734) 994-8460
www.a2gov.org

Zoning Board of Appeals November 16, 2011 Regular Meeting

STAFF REPORT

Subject: ZBA11-019, 912 Daniel Street

Summary: Dick Siegal is requesting two actions by the Zoning Board of Appeals to allow construction of a covered front porch in the required front open space: 1) permission to alter a non-conforming structure, and 2) a variance from Chapter 55, Section 5:57 (Averaging an Existing Front Setback Line) of 8 feet 6 inches from the averaged front setback requirement of 24 feet 2 inches.

Description and Discussion:

The subject parcel contains a 920-square foot, single-family dwelling constructed in 1941. The parcel is zoned R2A (Two-Family) and is located on the corner of Brookridge and Daniel. The existing house is non-conforming because the required averaged front setback is 24 feet 2 inches and the existing covered front porch is setback 18 feet 3 inches from the front property line. In addition, the subject parcel is non-conforming for lot area; the required minimum lot area for R2A is 8,500 square feet and the subject parcel is 6,328 square feet.

The petitioner is proposing to construct a 44-square foot covered front porch addition to the front of the existing covered porch, which faces Daniel Street. The petitioner wishes to extend the existing porch deck 2 feet 7 inches closer to the front property line. The width of the porch will remain the same at 18 feet 7 inches. The porch addition will match the roofline where the existing front porch ends and provide a smooth structural transition. The porch will not be enclosed, and the roof will be supported by columns. Once constructed, the proposed porch will be 15 feet 6 inches from the front property line.

Although the required front setback is 25 feet for the R1D zoning district, the averaged front setback at this location results in a required front setback of 24 feet 2 inches. While the porch is only extending an additional 2 feet 7 inches into the required front setback, the total encroachment of the house after the addition will be 8 feet 6 inches.

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 a non-conforming corner lot in the R2A Zoning District (required is 8,500 square feet, subject parcel is 6,328 square feet). The existing house was built in the 1940's before current zoning setbacks. The house was built 18 feet 3 inches from the front property line. The subject parcel is a triangular corner lot and the existing house is located in the southern half of the parcel with a significant grade change behind the rear of the house.

- (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 an addition to an existing covered front porch. Due to the topography of the site, the most useable part of the parcel is to the side and front of the house. If the variance is not granted, the existing porch can continue to be used and a ground level patio could be built, but not covered in the same 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.***

If the variance is approved, the structure will be consistent with some houses in the neighborhood. Although the proposed porch addition would extend farther into the averaged front setback, it is minimal in total size (44 sq ft), and will not be enclosed; this should minimize the impact to the surrounding neighborhood. The porch will not be extended any closer to the side property line or adjacent neighbors.

- (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 the 1940's before current zoning standards were established. The subject parcel is a slightly triangular corner lot and the existing house is located in the southern half of the parcel with a significant grade change behind the rear of the house. As a result, the most accessible part of the parcel is the front yard and enlarged front porch will increase the usability of this area.

- (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 addition within the front setback. The unenclosed porch will have columns supporting it, but should have a minimal impact to the surrounding neighborhood. A covered front porch would be consistent with some porches in the neighborhood. Although an uncovered front patio could be built without the need for a variance, the size and encroachment of the covered front porch is 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 triangle shape with a relatively steep slope limiting use of the rear yard. The house was constructed before current zoning standards were in effect. Although the proposed porch will encroach 2 feet 7 inches more than the existing porch, the width of the proposed porch addition will remain the same as the existing porch (18 feet 7 inches) and the expansion is modest.

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

Although the proposed porch will encroach more than the existing porch, it will not get any closer to the adjacent neighbor. The porch will not be enclosed and the extended

Zoning Board of Appeals
Variance
Permission to Alter a Non-Conforming Structure
November 16, 2011 - Page 4

roof and floor should not cause a detrimental effect to the neighborhood. The increased size will enable a greater usability allowing a more active front yard, but should have a minimal impact to the surrounding neighborhood.





Respectfully submitted,

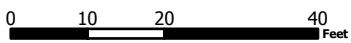
A handwritten signature in black ink, appearing to read 'M. J. Kowalski', written in a cursive style.

Matthew J. Kowalski, AICP
City Planner

912 Daniel St -Aerial Map-

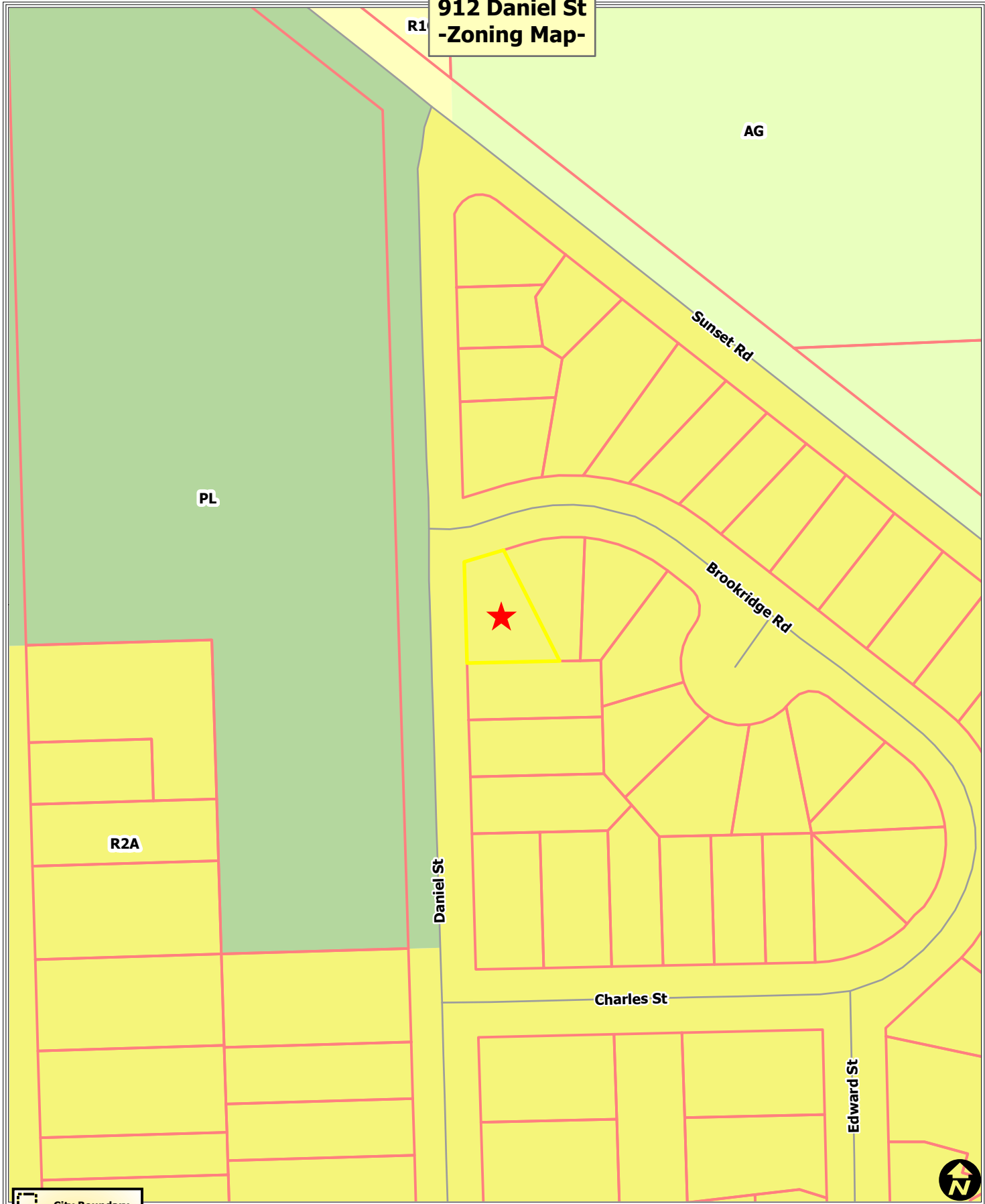






-  City Boundary
-  Railroads
-  Huron River
-  Parcel Property

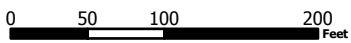


City of Ann Arbor Map Disclaimer:
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Map Created: 11/8/2011

912 Daniel St -Zoning Map-



-  City Boundary
-  Railroads
-  Huron River
-  Parcel Property



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Map Created: 11/8/2011

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

Section 1: Applicant Information

Name of Applicant: Dick Siegel
 Address of Applicant: 723 Gott St.
 Daytime Phone: 734 395 8772
 Fax: _____
 Email: dicksiegel21@gmail.com
 Applicant's Relationship to Property: builder

Section 2: Property Information

Address of Property: 912 Daniel St.
 Zoning Classification: R2A
 Tax ID# (if known): _____
 *Name of Property Owner: Chris Gates, Trudy Wyss

**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 5:30 (standards)
Section 5:57 (averaging)

Required dimension: 25'
24.12'

PROPOSED dimension: 15.5'

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)

The existing front porch would be re-decked, re-trimmed and widened by 32". The porch roof would be extended to cover the widened porch deck. This extension would diminish the front setback, encoaching on the R2A zoning requirement.

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...)

Existing Condition

Code Requirement

Lot area _____
Lot width _____
Floor area ratio _____
Open space ratio _____
Setbacks please see attached sheet _____
Parking _____
Landscaping _____
Other _____

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

The proposed alteration would widen the front porch by 32".
The porch roof would be extended to cover the widened deck. The homeowners are requesting approval to allow for increased usability of their front porch.

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 widening of the porch would extend the porch only toward the street. It would not decrease the distance between the existing structure and any neighboring property.

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 front set-back of 912 Daniel St to be reduced to 15.5'

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.

734 395 8772
 Phone Number
 DICKSIEGEL21@gmail.com
 Email Address

[Signature]
 Signature
 DICK SIEGEL
 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 18th day of OCTOBER, 2011, 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.

MARY GENEVA RICKARD
 NOTARY PUBLIC, STATE OF MI
 COUNTY OF LIVINGSTON

[Signature]
 Notary Public Signature

MY COMMISSION EXPIRES Feb 12, 2017
 ACTING IN COUNTY OF WASTENAW

FEB 12 2017

MARY GENEVA RICKARD
 Print Name

Staff Use Only

Date Submitted: 10/19/2011 Fee Paid: \$500
 File No.: ZBA11-019 Date of Public Hearing Nov. 16, 2011
 Pre-filing Staff Reviewer & Date: BDA 10/19/2011 ZBA Action: _____
 Pre-Filing Review: MK-10/18/11.
 Staff Reviewer & Date: _____

[Handwritten] Pd. Check # 712

Section 4

1. Much of the lot is challenging to use due to grade issues, positioning of the house and adjoining property.
2. The usage challenges limit the homeowner's options for secure outdoor play areas for their two small boys, 8 and 2 1/2, and for themselves to enjoy the outside.
3. The proposed extension of the porch would only be towards the street. It would not decrease the distance between the existing structure and any neighbor's property. On the plus side, the porch, which is currently in poor shape, would be re-trimmed and re-decked when widened, giving the neighborhood something more pleasing to look at.
4.
 - a) The grade directly behind the house is 6 ft below the grade at the side and front of the house. Access to the low area behind the house is steep or vertical making it hard to get to. It's difficult to see and difficult to monitor.
 - b) The house is squeezed into the southern half of the lot. A cement driveway runs along its north side. The north half of the lot is bounded by the driveway, Daniel St, Brookridge Rd. and a large brick multi-family dwelling ringed with underbrush.
 - c) The floor-plan of the house places its two family rooms (living-room and kitchen/dining area) at the front of the house with large windows facing the porch and front yard. Two bedrooms and a bathroom are in back. The kids play and the family socializes in the front. The house is semi blind to the rear and to the north side.
5. The effect of a, b and c above is that the family spends almost all their outdoor time on the porch or in the yard area directly in front of their house.

Section 5 (non-conforming structures)

	Existing Condition	Code Requirement
Setbacks	house- 24.7'	25'
	bay window-22.7'	25'
	existing porch – 18.2'	25'

Trudy Wyss and Chris Gates
912 Daniel Street
Ann Arbor, MI 48103

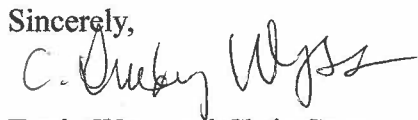
October 17, 2011

To Whom It May Concern:

We, the home owners of 912 Daniel Street, grant permission for Dick Siegel to apply on our behalf for a zoning variance for our proposed porch extension.

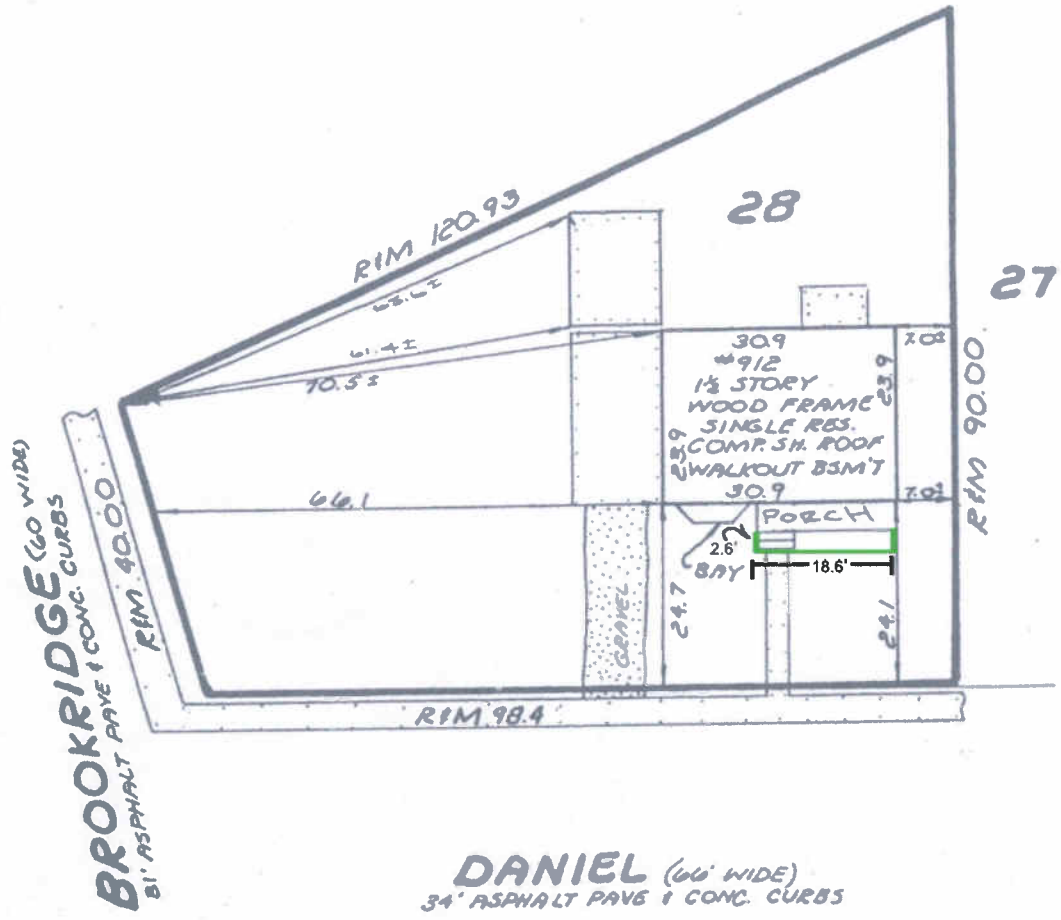
Please contact us if you have any questions. Thank you very much.

Sincerely,



Trudy Wyss and Chris Gates





R - RECORDED
 M - MEASURED
 C - CALCULATED
 ± - MORE OR LESS

We hereby certify that the building or buildings shown are located entirely on said described property and do not encroach on adjoining lands or do adjacent buildings encroach on said described property except as shown. This is for mortgage purposes only and no property corners have been set by us. Distances shown are not to be used for building of structures or fences.



REVISED 27 APR 9A

MORTGAGE REPORT

CERTIFY TO: UNIVERSITY OF MICHIGAN
 CREDIT UNION
 MORTGAGOR: 130-41711
 STEPHEN & ANDREA VAUJIN



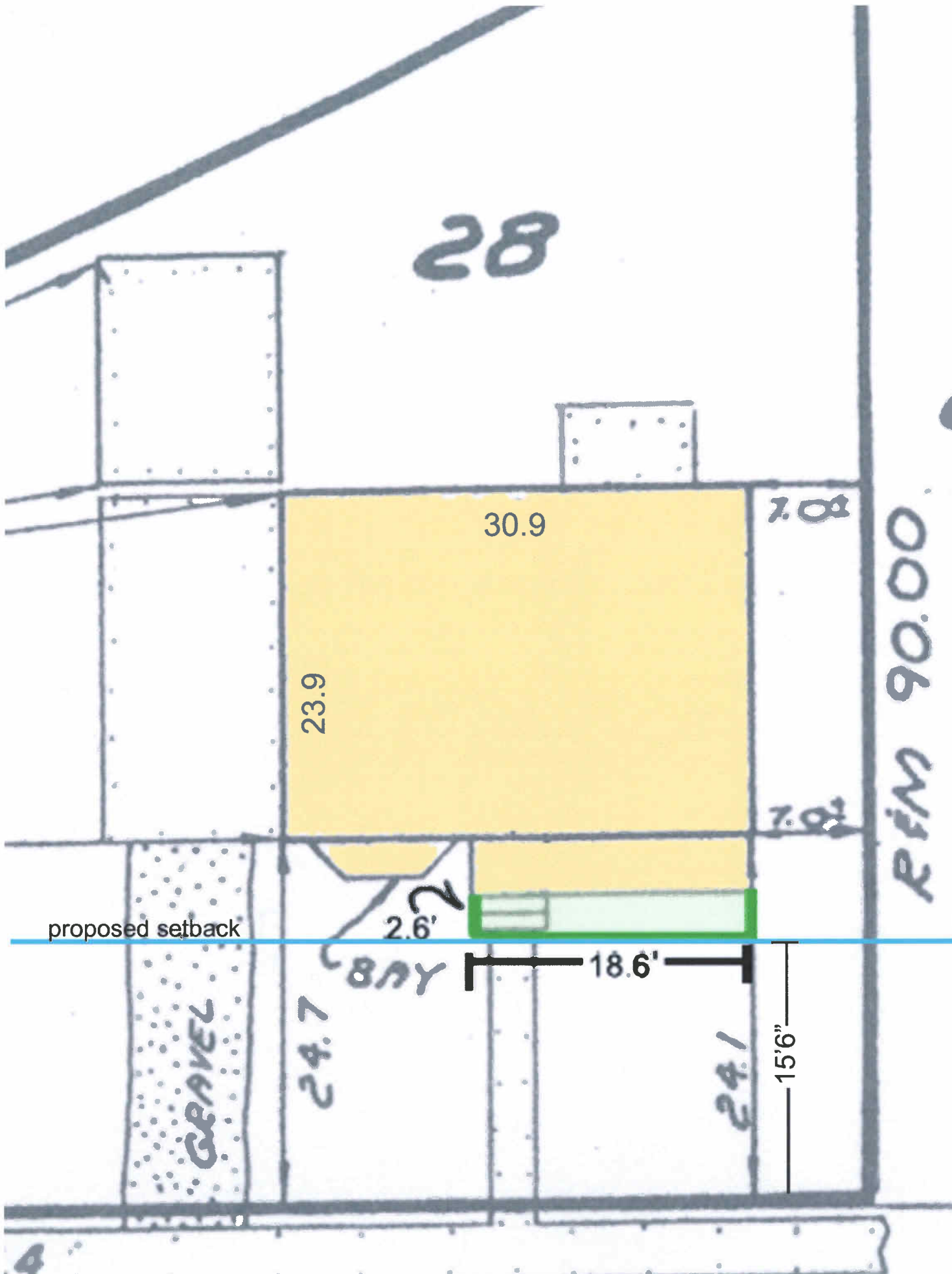
DATE
 7/3/86
 JOB NO.
 79-2-202
 SCALE
 1" = 20'

J ROSKELLY, JEKABSON & ASSOCIATES, P. C.
 Registered Land Surveyors
 888 Sheldon Road
 Plymouth, Michigan 48170
 Telephone 455-8000
 by Robert P. Roskelly

DRAWN -
 DF
 CHECKED
 SHEET
 1 OF 1

*Surv
 12/86*

28



proposed setback

23.9

30.9

2.6'

18.6'

15'6"

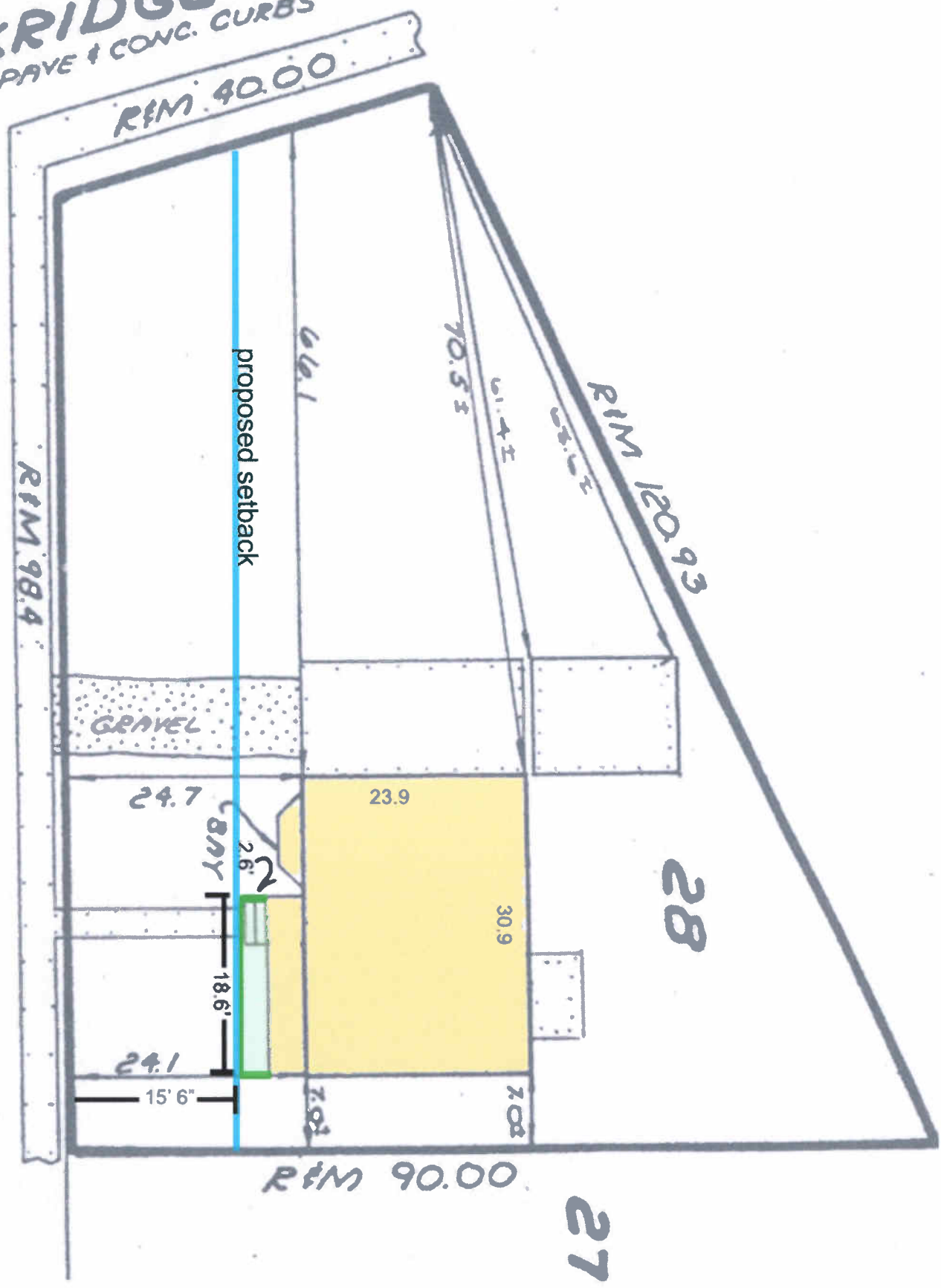
24.7

29.1

RIM 90.00

GRAVEL

BROOKRIDGE (60 WIDE)
 81' ASPHALT PAVE + CONC. CURBS



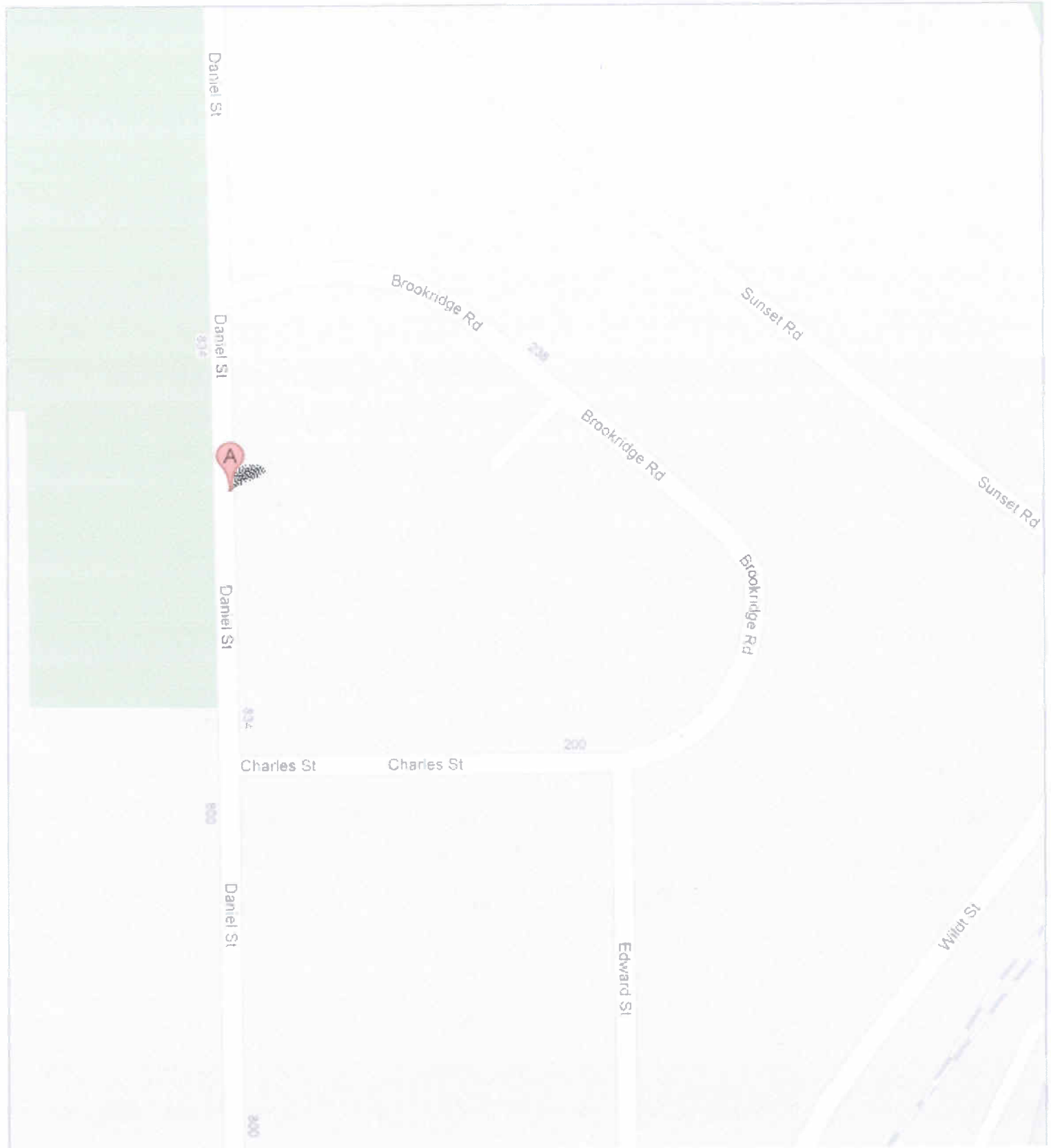
DANIEL (60 WIDE)
 81' ASPHALT PAVE + CONC. CURBS

27

28



To see all the details that are visible on the screen, use the "Print" link next to the map.



HOUSE

EXISTING
DECK



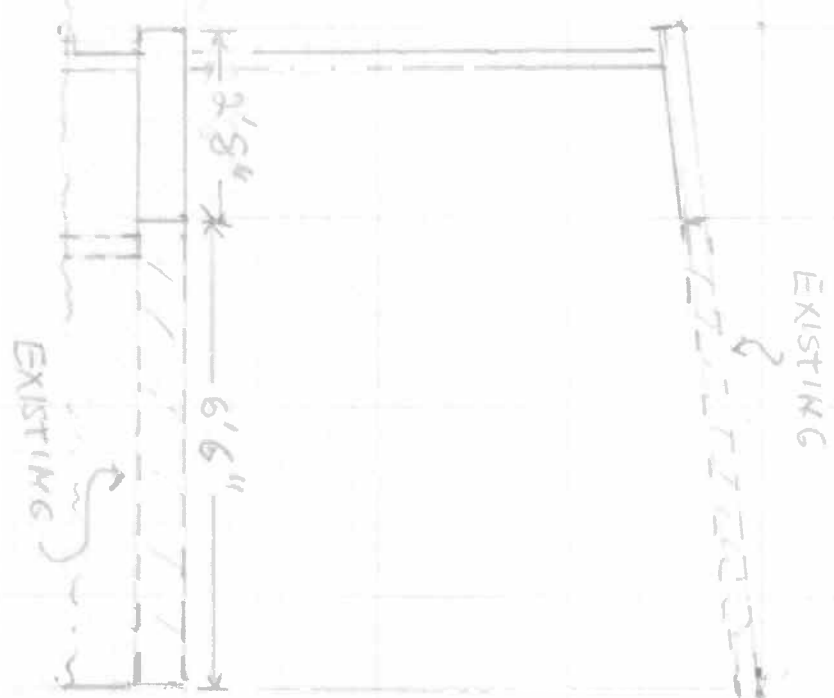
EXISTING
STEPS



EXISTING

NEW





SOUTH ELEVATION









From: David Mindell [<mailto:dmindell@gmail.com>]
Sent: Monday, November 07, 2011 1:18 PM
To: Acquaviva, Brenda
Subject: appeal # ZBA11-019

I have no objections regarding the above-mentioned appeal. I do, however, suggest that you make these notifications in a more intelligible way. The wording on the postcard couldn't possibly be more confusing if you tried! Thanks for your interest in making this a clearer process...david

DavidMindell
224 Charles St.
Ann Arbor, MI 48103
(734) 665 7168