Zoning Board of Appeals
November 19, 2014 Regular Meeting

STAFF REPORT

Subject: ZBA14-016; 215 Beakes Street

Summary

David Esau is requesting 4 variances from Chapter 55 (Zoning) Section 5:34 (R4C) in order to re-construct an existing non-conforming structure. The structure will be a single-family dwelling upon completion.

1) Front yard setback variance of 25 feet to allow a 0 foot front setback along Beakes.
2) Side yard setback (east) variance of 1 foot to allow a 4 foot side setback.
3) Side yard setback (west) variance of 5 feet to allow a 0 foot side setback.
4) Rear yard setback variance of 27 feet to allow a 3 foot rear setback.

Description and Discussion

The subject 3,680-square foot building is located at 215 Beakes Street and is zoned R4C(Multiple-Family Residential). The subject parcel is nonconforming for lot area, subject parcel is 4,227 square feet and the minimum conforming parcel size for R4C is 8,500 square feet. The building was built in approximately 1930 and is currently used for storage. It was recently operated as a garage for repair, storage, parking of vehicles, as well as some use as a warehouse for storage of files and documents. Historical records indicate the building has been used for vehicle repair and storage for at least 40 years. As indicated above, the property is zoned R4C and all current and documented uses of the building are not permitted uses within the R4C zoning district.

In May 2011, the Zoning Board of Appeals(ZBA) granted permission for the previous owner to substitute one non-conforming use (warehouse/storage) for another less detrimental use (limited office). That owner sold the property and the current owner intends to use the site for residential, not limitd office.

In February 2014, the ZBA granted the same dimensional variances that are currently being requested, with the condition of, “per submitted plans” stated in the official motion. After ZBA approval, further analysis of the structural integrity of the building revealed that entire building would need to be demolished and replaced. In light of this news, the property owner modified the plans in order to increase the square footage of the second floor addition to create a more livable space. There will be no change in the first floor footprint; therefore the dimensional parameters of the current zoning variance request are the same as they were for the February 2014 plan. However, the plans have changed to increase the overall size and massing of the

structure and therefore do not match the plans that the February 2014 ZBA reviewed and approved. The February staff report is attached.

If the ZBA approves the current variance requests, then the previous variances would be voided. If the ZBA denies the current requests, the petitioner does still have approved variances and can construct the additions as shown on the previously approved plans.

The petitioner still intends to use the structure as a single-family residence, which is a conforming use in the R4C District. In order to use the property as single-family, the petitioner will need to re-construct the majority of the existing building and would like to add a second-story addition. The building would be re-constructed on the exact same footprint as the existing building. A kitchen, living area and a bathroom will be constructed in 900 square feet of the first floor space which is a total of 3,680 square feet; the remainder of the first floor will be used for parking and storage. The 3,185 square foot second story will contain living area, two bedrooms, bathrooms and a small outdoor deck area. The first floor is setback just over three feet from the property line. The second story will be setback three feet from the northen edge of the first floor of the building, for a total second story setback of approximately six feet. The second story will be built to the edge of the west and south sides of the building which are constructed at the property line of Beakes(south) and an alley(west).

The existing single-story building is non-conforming for all required setbacks as the building occupies the majority of the triangular-shaped parcel. The small size and unusual shape of the parcel limits the buildable area to approximately 52 square feet. There is currently zero setback for the front (Beakes) and west side and 4 foot setback for the east side and three foot setback for the rear. There is a slight encroachment of about four inches into the Beakes Street Right-of-Way (ROW). Since this wall will be removed, it will be built back along the property line which will remove any encroachment into the ROW. Since the structure will be entirely replaced it will exceed the changes permitted under Chapter 55, Section 5:87 (Structure non-conformance) and the petitioner is required to seek variances in order to re-construct and expand the building in the exact same footprint as existing.

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 structure is legal non-conforming and was constructed in 1930 before the current

zoning regulations were adopted. It was built as an auto-service and storage building. The structure was constructed occupying the majority of the parcel with little or no minimum setbacks to the property line. The subject parcel is non-conforming for lot size (4,227 square feet, minimum R4C lot size is 8,500 square feet) and is triangular shaped. The small size and unusual shape result in a buildable area of approximately 52 square feet.

(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 existing structure is need of restoration and replacement of many structural elements. Any re-use of the building will likely require extensive restoration and ZBA permission. The small size, unusual shape, and limited buildable area of approximately 52 square feet would trigger the need for variances on any structure that was constructed on this parcel. If the structure was demolished, no building could be constructed without zoning variances being granted.

If the variances are not granted, the petitioner does have previously approved variances and could construct additions based on the previously approved plan.

(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.

Approval of the variances will result in the re-construction of an existing non-conforming structure and an addition of 3,185 square feet to the second story. The structure was constructed in 1930 before any zoning standards were established and has been an established part of the neighborhood street presence since that time. The proposed single-family use is a conforming use in the R4C district and should be less detrimental to surrounding properties than the previous non-conforming uses. The first floor is setback approximately three feet four inches from the north property line and the second-story addition will constructed just over six feet from the north property line, with the majority of the building will be placed along the front line of Beakes Street and alley to the west.

(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 building is a legal non-conforming structure and was constructed before zoning standards were established. The building is non-conforming for all required

setbacks as the building occupies the majority of the triangular-shaped parcel. The small size and unusual shape of the parcel limits the buildable area to approximately 52 square feet.

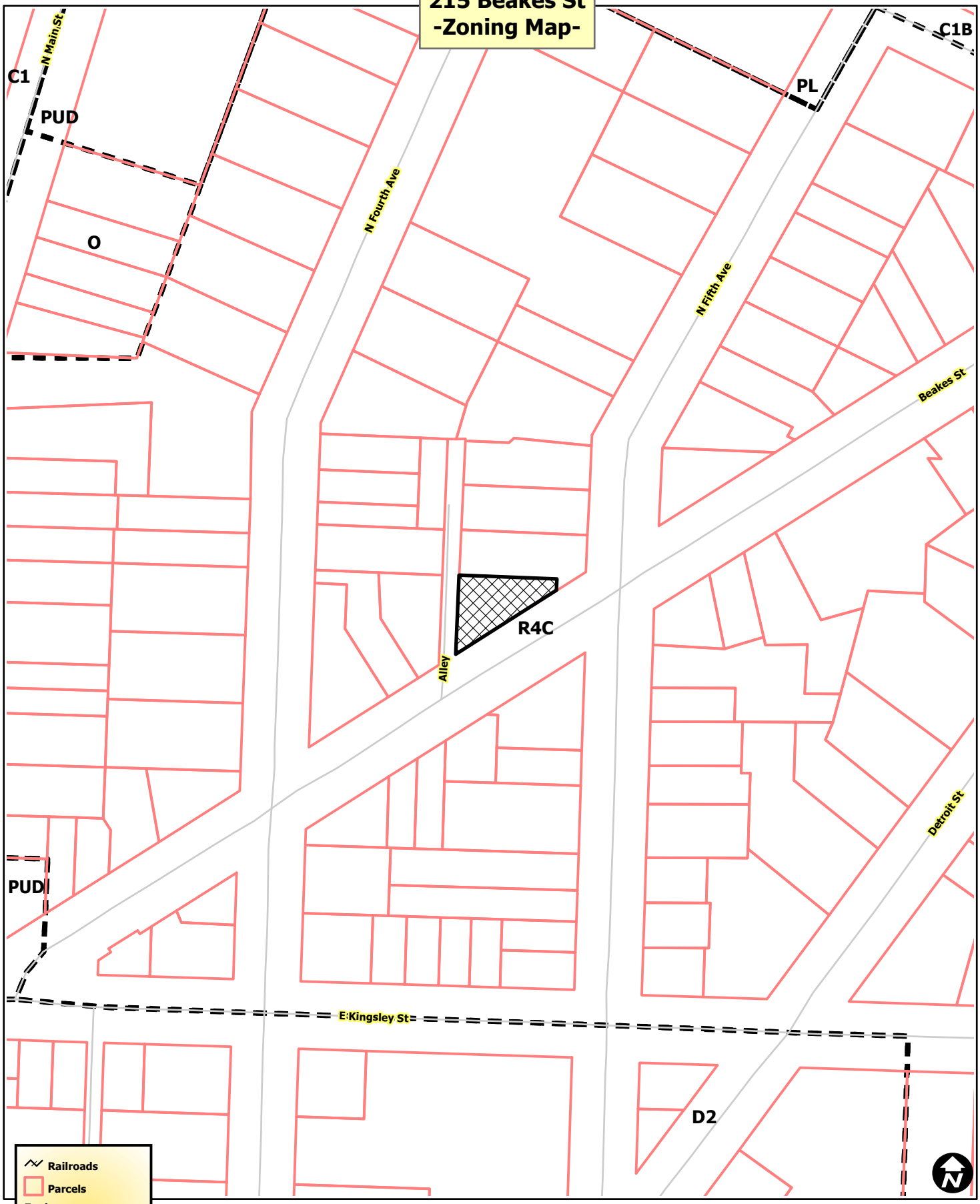
(e). A variance approved shall be the minimum variance that will make possible a reasonable use of the land or structure

The variances are being requested in order to re-construct and add on to a non-conforming structure. The petitioner was previously granted variances in February of 2014 to construct a smaller addition to the second floor. The variances are still actvive and the petitioner could construct an addition based on the previously approved plan. While the structure could be reduced in size, which could minimize variances needed, any building constructed would require variances due to the size and shape of the parcel.

Respectfully submitted,

Matthew J. Kowalski, AICP
City Planner

215 Beakes St
-Zoning Map-



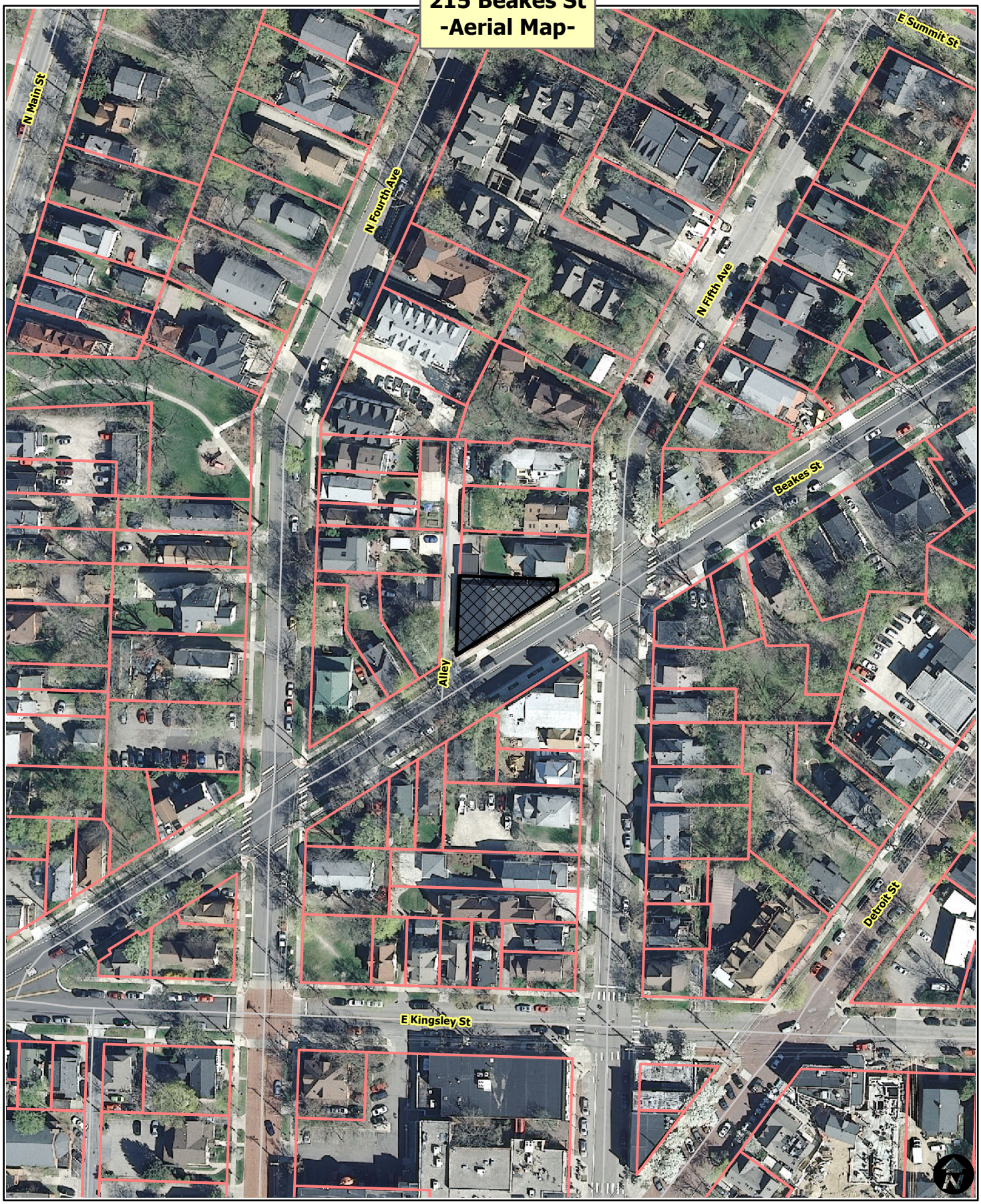
- Railroads
- Parcels

Zoning

- Township Islands
- Zoning Districts
- Huron River

Map Created: 1/29/2014

215 Beakes St
-Aerial Map-



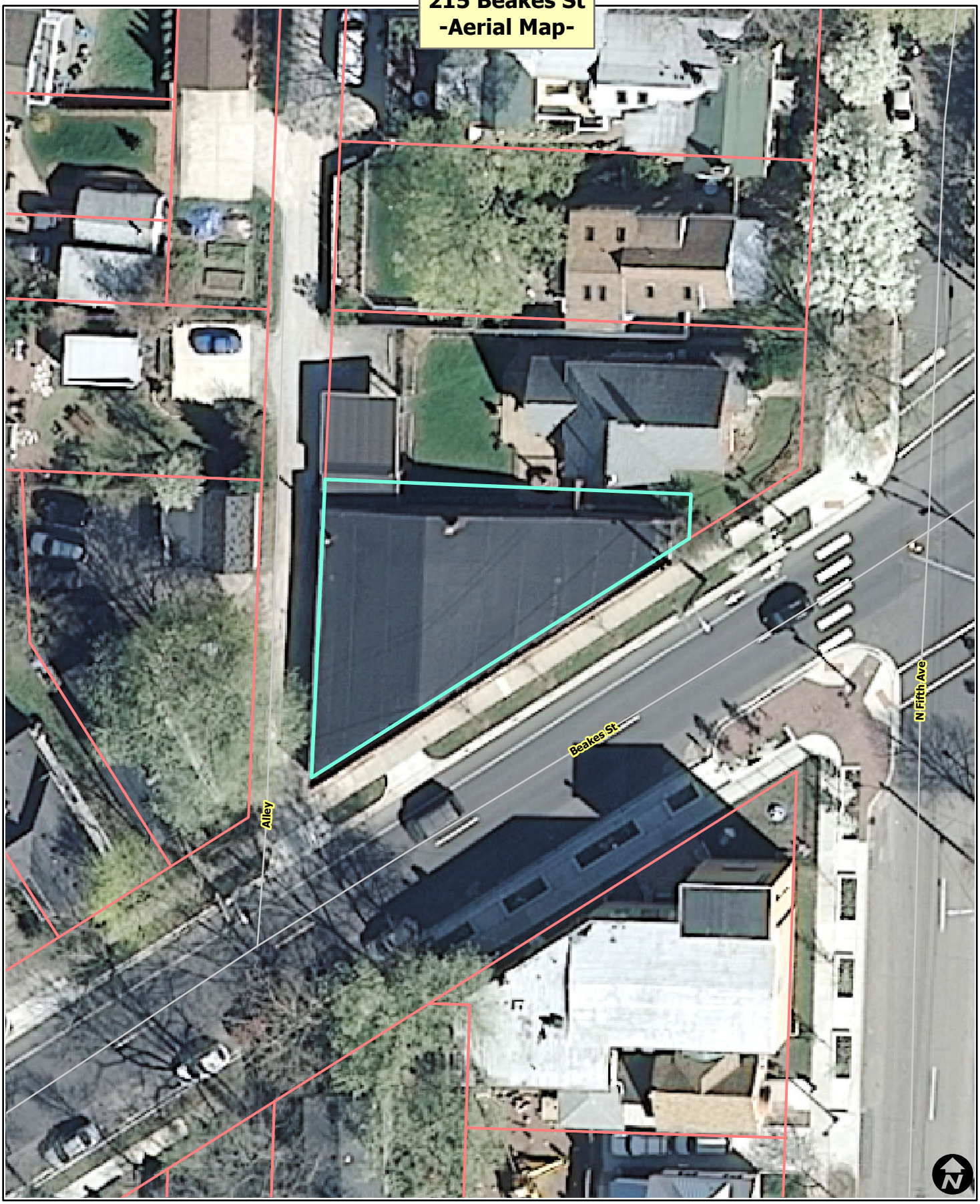
Railroads
Parcels
Huron River

City of Ann Arbor Map Disclaimer:

This map complies with National Map Accuracy Standards for mapping at 1 Inch = 100 Feet. The City of Ann Arbor and its mapping contractors assume no legal representation for the content and/or inappropriate use of information on this map.

Map Created: 1/29/2014

215 Beakes St
-Aerial Map-



Railroads
Parcels
Huron River

Map Created: 1/29/2014

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

Section 1: Applicant Information

Name of Applicant: David Esau for Cornerstone Design Inc
Address of Applicant: 310 Depot St., Suite 2, Ann Arbor, MI 48104
Daytime Phone: 734-663-7580
Fax: 734-663-1180 (please call first)
Email: desau@cdiarchitects.com
Applicant's Relationship to Property: Architect for Owner

Section 2: Property Information

Address of Property: 215 Beakes
Zoning Classification: R4C
Tax ID# (if known): 09-09-29-121-008
*Name of Property Owner: Berardy Group, LLC

*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:
Ch. 55, Section 5:34	25' front, 5' side, 30' rear setbacks 40% open space	0' front, 0' westside, 4' eastside, 3' rear ~99% open space
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)
See attachment

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 attachment

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

See attachment

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

See attachment

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 attachment

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

See attachment

Section 5: ALTERATION TO A NON-CONFORMING STRUCTURE

Current use of the property Parking / Auto maintenance + repair

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	4,227 SF	8,500 SF
Lot width	116'	60'
Floor area ratio	NA	NA
Open space ratio	9.6%	40%
Setbacks	0' front, 0' west, 4' east, 3' rear	25' / 5' / 5' / 30'
Parking	5 spaces in bldg	1 space
Landscaping	NA	NA
Other		

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

See attachment

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 attachment

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 attachment

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 ½" 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.

734-663-7580
Phone Number

Signature

desau@cdiarchitects.com
Email Address

David Esau
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

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

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

On this 2nd *day of* October, 2014, *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.*

Sara L. Hoffman
Notary Public Signature

6-15-16
Notary Commission Expiration Date

Sara L. Hoffman
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: _____

Cornerstone Design Inc

Ann Arbor ZBA Application Appendix

Re: 215 Beakes

October 22, 2014

Section 3, Description of work: The existing building is old, and in poor condition. It has been most recently used for non-conforming auto storage and maintenance / repair, although a variance was granted on 6 / 22 / 11 to the previous owner to allow office use (also nonconforming in the current R4C zoning).

The new owner is proposing to replace the existing structurally unsound building with a 2-story single family residential use that is allowed in the existing R4C zoning. However doing so will require maintaining non-conforming setbacks and open space.

The project was the subject of an earlier request for essentially identical variances (which was approved); however, the project has evolved since that time necessitiating a new request. In particular, the earlier proposal assumed saving substantially more of the existing building, with a relatively smaller 2nd floor addition. As the project has developed, we have realized that none of the existing building can be salvaged within the context of a conversion to a structurally sound residence. In addition, new information about soils and water table issues have greatly complicated the development, reducing the ability to include desired space in the basement, and increasing cost and complexity. As a result of all this, and the owner's concern that the rooms shown in the earlier 2nd floor plan were very small and difficult to furnish, we are now proposing a relatively larger 2nd floor plan layout. The second floor is still set back in several areas from the first floor, and still meets the particulars of the originally approved variances, but is different enough in layout that we have been advised a new review is required.

Section 4, Variance Request:

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 property configuration is the significant hardship, and fairly unique compared to most properties in the City. The existing property is small, triangular in shape, and has its primary sides on the front along Beakes and on the back where setback requirements are greatest (note that the property configuration information in City tax records is incorrect;

see City GIS mapping and attached survey). As a result, the buildable area within the required setbacks is only about 52 square feet. Although ordinary rectangular properties would have an easier time being buildable within the setbacks, many properties in the area would also not comply with R4C setback requirements.

Soils and water table issues limit the ability to include desired spaces in the basement, necessitating a larger second floor than originally anticipated.

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

   As noted above, the site is not buildable in compliance with zoning requirements. The existing building requires substantial renovation and/or replacement to be structurally sound, and additional work (including additional space) to make it a functional residence in conformance with allowable uses.

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

   We believe the project will have a beneficial effect on neighboring properties, in that a nonconforming use and unattractive building will be changed to fit much more easily into the neighborhood. As noted above, most properties in the area, including those adjoining the subject site, are believed to have similar nonconformances.

4. *What physical characteristics of your propery in terms of size, shape, location, or topography prevent you from using it in a way that is consistent with the ordinance?*

   As noted above, the small size and triangular shape of the property do not leave a reasonable buildable area that conforms to the setbacks.

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

   The conditions are intrinsic to the property and long predate the current ownership (or the previous ownership). The existing nonconforming use and existing structure are believed to have been in place for decades.

Section 5: Alteration to a Non-Conforming Structure:

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

  The Owner proposes to demolish the existing one-story building due to lack of structural soundness, and reconstruct it roughly to the existing footprint on the first floor along with a proposed partial second story. The second story would be set back from the north and

east sides to minimize the effect on the adjoining residence to the north; other sides are separated from adjoining properties by Beakes Street and by the alley to the west.

- *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:*

  We will be substantially improving the property's appearance and soundness which will benefit neighboring properties. The existing first floor encroachment will not change, and the second floor addition will be set back somewhat from the north and east property lines to minimize effects on neighbors.

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

  Reconstruction of the building at 215 Beakes Street for new single family residential use.

January 28, 2014

Mr. Matt Kowalski
Ann Arbor Planning Services
100 North 5th Avenue, Box 8647
Ann Arbor, Michigan 48107-8647

Re: 215 Beakes Street, Ann Arbor, Michigan, ZBA Application

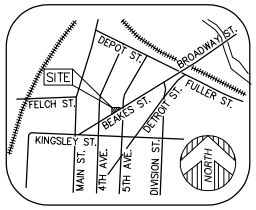
Dear Mr. Kowalski:

As owner of the property at 215 Beakes Street in Ann Arbor, Berardy Group, LLC authorizes David Esau of Cornerstone Design Inc. to act as applicant for our ZBA application for a variance to reconstruct and update the existing non-conforming structure. I am available for any questions that you may have on this matter.

Sincerely,

Michael Potter
Berardy Group, LLC
701 Tecumseh Road
Clinton, Michigan 49236
(517) 902-6415 cell phone

TOPOGRAPHIC SURVEY



VICINITY MAP
(NOT TO SCALE)

PARCEL AREA

4,227± SQUARE FEET = 0.10± ACRES

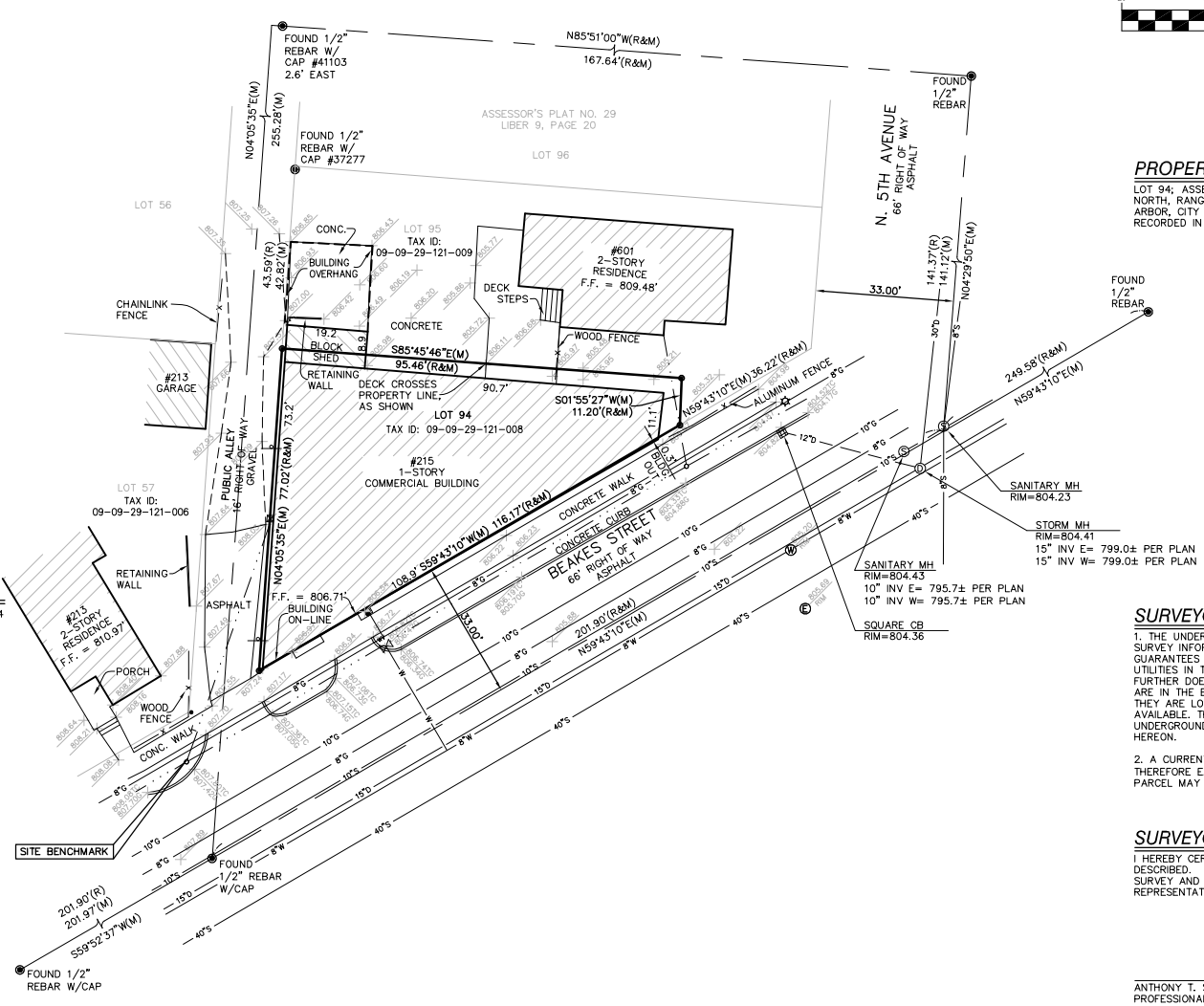
BENCHMARKS

MASTER BENCHMARK:
NUMBER: 1010 SECTOR: WC
BRASS DISC AT NORTHWEST CORNER OF BEAKES STREET AND NORTH FOURTH STREET ELEVATION = 811.95' (NAVD88)

SITE BENCHMARK:
SET MAG NAIL IN WEST SIDE OF UTILITY POLE, EAST OF APPROACH TO ALLEY, ELEVATION = 808.94' (NAVD88)

LEGEND

●	SET 1/2" REBAR WITH CAP P.S. 46674
◉	FOUND MONUMENT (AS NOTED)
◒	FOUND SECTION CORNER (AS NOTED)
(R&M)	RECORD AND MEASURED DIMENSION
(R)	RECORD DIMENSION
(M)	MEASURED DIMENSION
×000.0	GROUND POINT
Ⓔ	ELECTRIC MANHOLE
⊠	ELECTRIC METER
○	UTILITY POLE
⊠	GAS METER
Ⓢ	SANITARY MANHOLE
▦	SQUARE CATCH BASIN
Ⓓ	STORM DRAIN MANHOLE
Ⓦ	WATER GATE MANHOLE
⋈	WATER VALVE
•	BOLLARD
☼	LIGHTPOST/LAMP POST
—o—	SINGLE POST SIGN
———	PARCEL BOUNDARY LINE
———	PLATTED LOT LINE
———	ADJOINER PARCEL LINE
—— – – ——	SECTION LINE
—— — — ——	EASEMENT (AS NOTED)
———	BUILDING
– – – – –	BUILDING OVERHANG
═══	CONCRETE CURB
———	EDGE OF CONCRETE (CONC.)
———	EDGE OF ASPHALT (ASPH.)
– – – – –	EDGE OF GRAVEL
——— x ———	FENCE (AS NOTED)
———	WALL (AS NOTED)
——— · · · ———	OVERHEAD UTILITY LINE
——— G ———	GAS LINE
——— S ———	SANITARY LINE
——— D ———	STORM LINE
——— W ———	WATER LINE



GRAPHIC SCALE

20 0 10 20 40 80

(IN FEET)
1 inch = 20 ft.

PROPERTY DESCRIPTION

LOT 94; ASSESSOR'S PLAT NO. 29, BEING A REPLAT OF BLOCKS 3 AND 4 NORTH, RANGES 4, 5, AND 6 EAST ON THE PLAT OF THE VILLAGE OF ANN ARBOR, CITY OF ANN ARBOR, WASHTENAW COUNTY, MICHIGAN, AS RECORDED IN LIBER 9 OF PLATS, PAGE 20, WASHTENAW COUNTY RECORDS.

SURVEYOR'S NOTES

1. THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEES THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES OTHER THAN THE STRUCTURE INVENTORY SHOWN HEREON.

2. A CURRENT TITLE POLICY HAS NOT BEEN FURNISHED AT TIME OF SURVEY, THEREFORE EASEMENTS AND/OR ENCUMBRANCES AFFECTING SUBJECT PARCEL MAY NOT BE SHOWN.

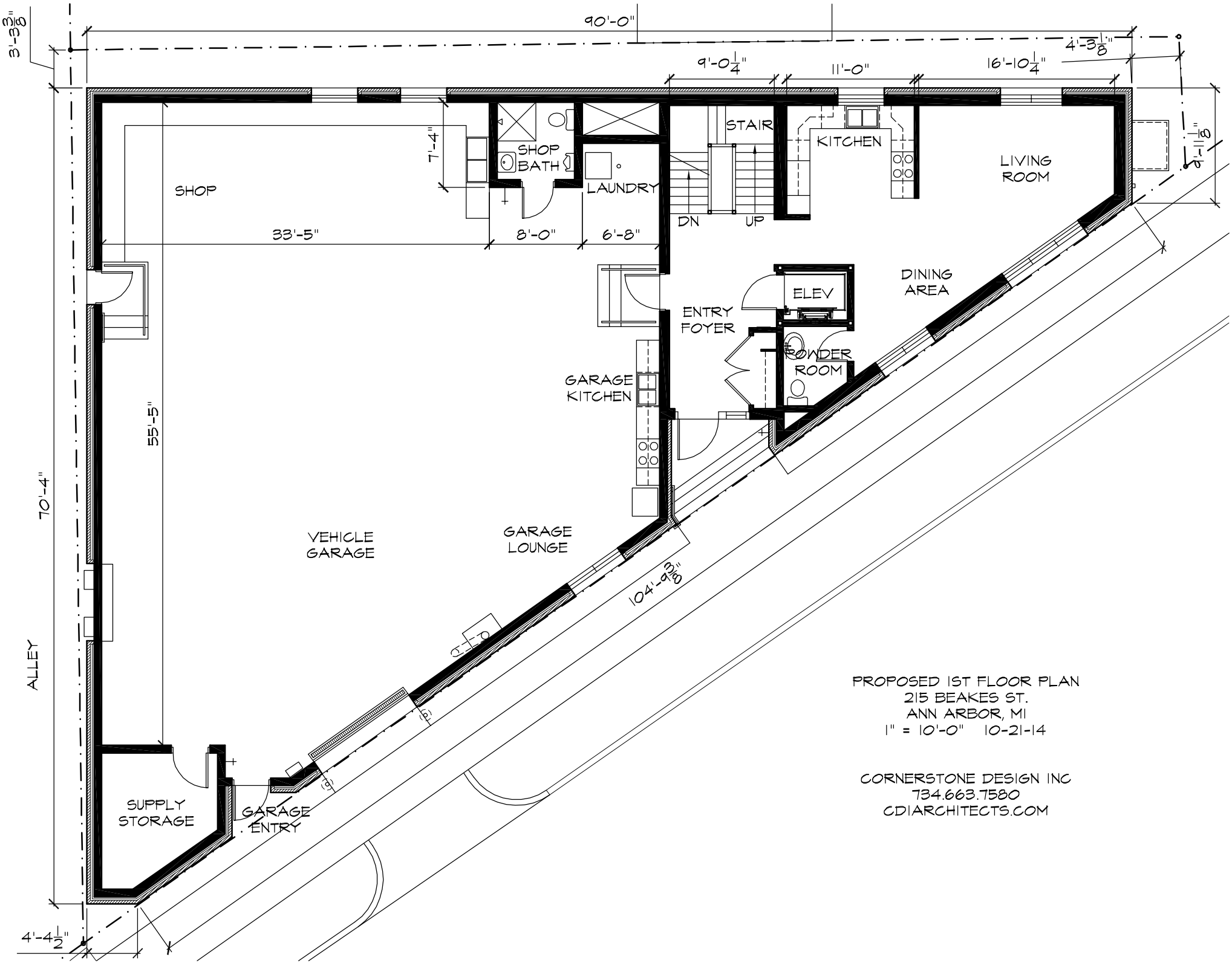
SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT I HAVE SURVEYED THE PROPERTY HEREIN DESCRIBED. THE ELEVATIONS SHOWN HEREON ARE BASED ON A FIELD SURVEY AND THE DRAWING HEREON DELINEATED IS A CORRECT REPRESENTATION OF THE SAME.

ANTHONY T. SYCKO, JR., P.S.
PROFESSIONAL SURVEYOR
MICHIGAN LICENSE NO. 47976

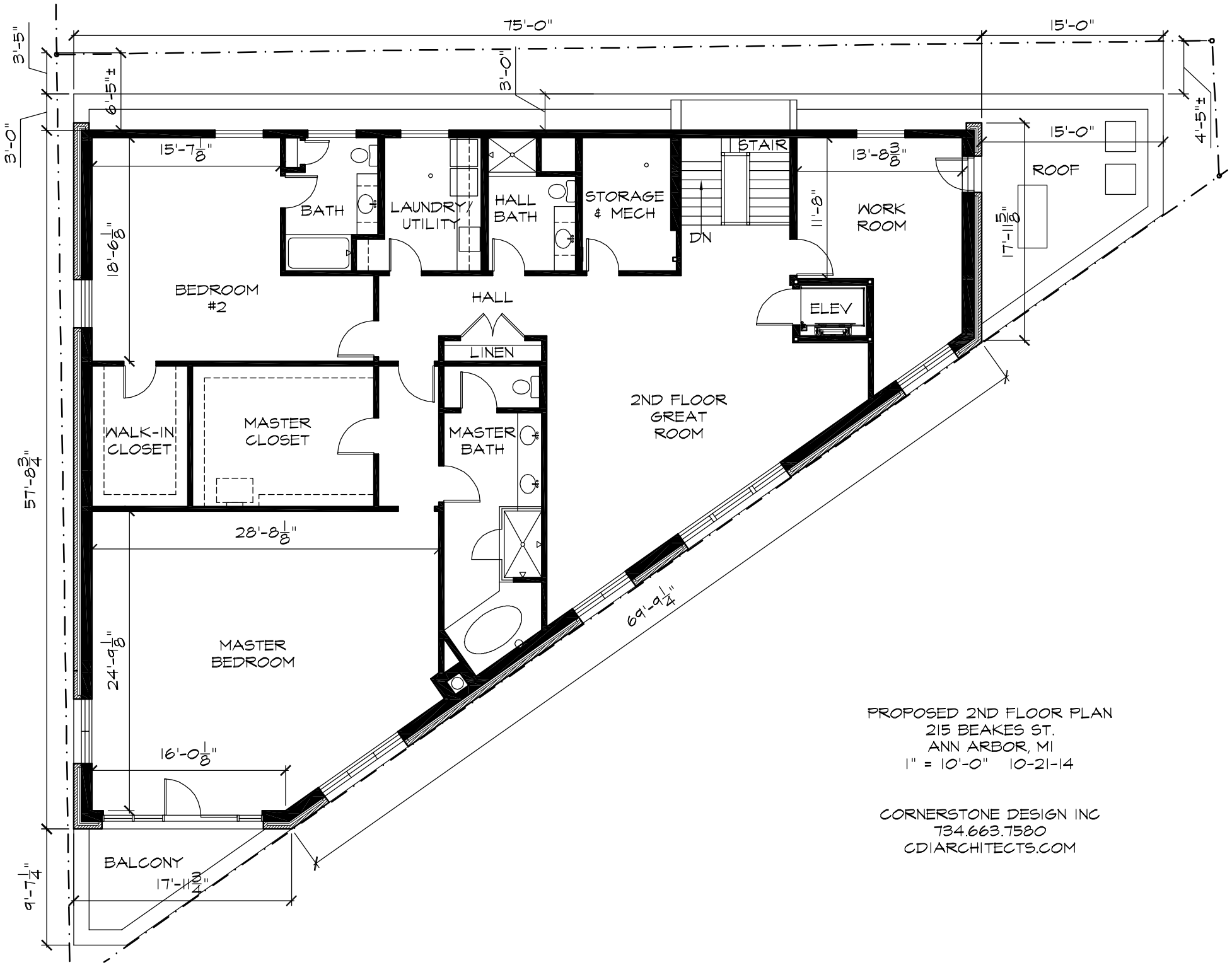
KEM-TEC & ASSOCIATES
PROFESSIONAL SURVEYORS – PROFESSIONAL ENGINEERS
22556 GRATIOT AVE * EASTPOINTE, MICHIGAN 48021
(586)772-2222 * (800)295-7222 * FAX (586)772-4048

CERTIFIED TO: CORNERSTONE DESIGN, INC.	
DATE: NOVEMBER 12, 2013	JOB #: 13-04627
SCALE: 1" = 20'	SHEET: 1 OF 1
DRAWN BY: SK / RCE	REV.:



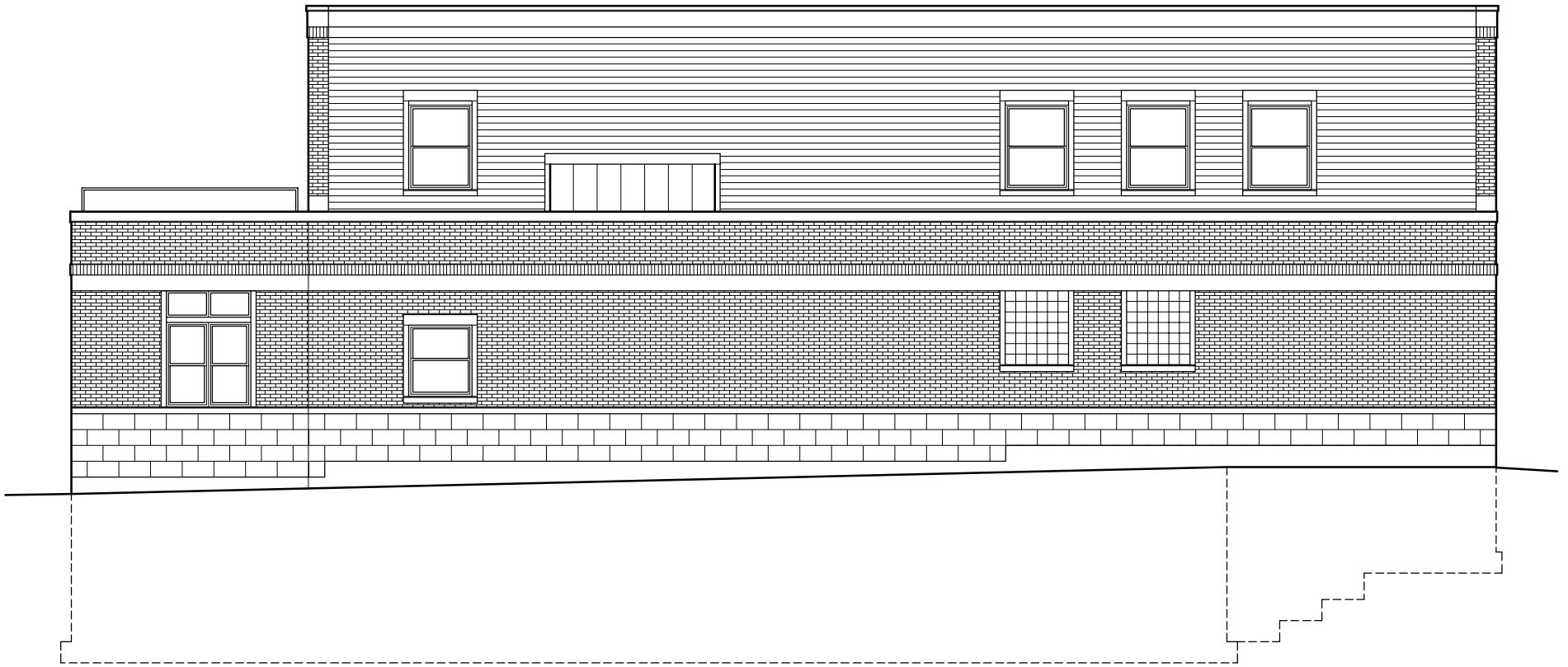
PROPOSED 1ST FLOOR PLAN
215 BEAKES ST.
ANN ARBOR, MI
1" = 10'-0" 10-21-14

CORNERSTONE DESIGN INC
734.663.7580
CDIARCHITECTS.COM



PROPOSED 2ND FLOOR PLAN
215 BEAKES ST.
ANN ARBOR, MI
1" = 10'-0" 10-21-14

CORNERSTONE DESIGN INC
734.663.7580
CDIARCHITECTS.COM

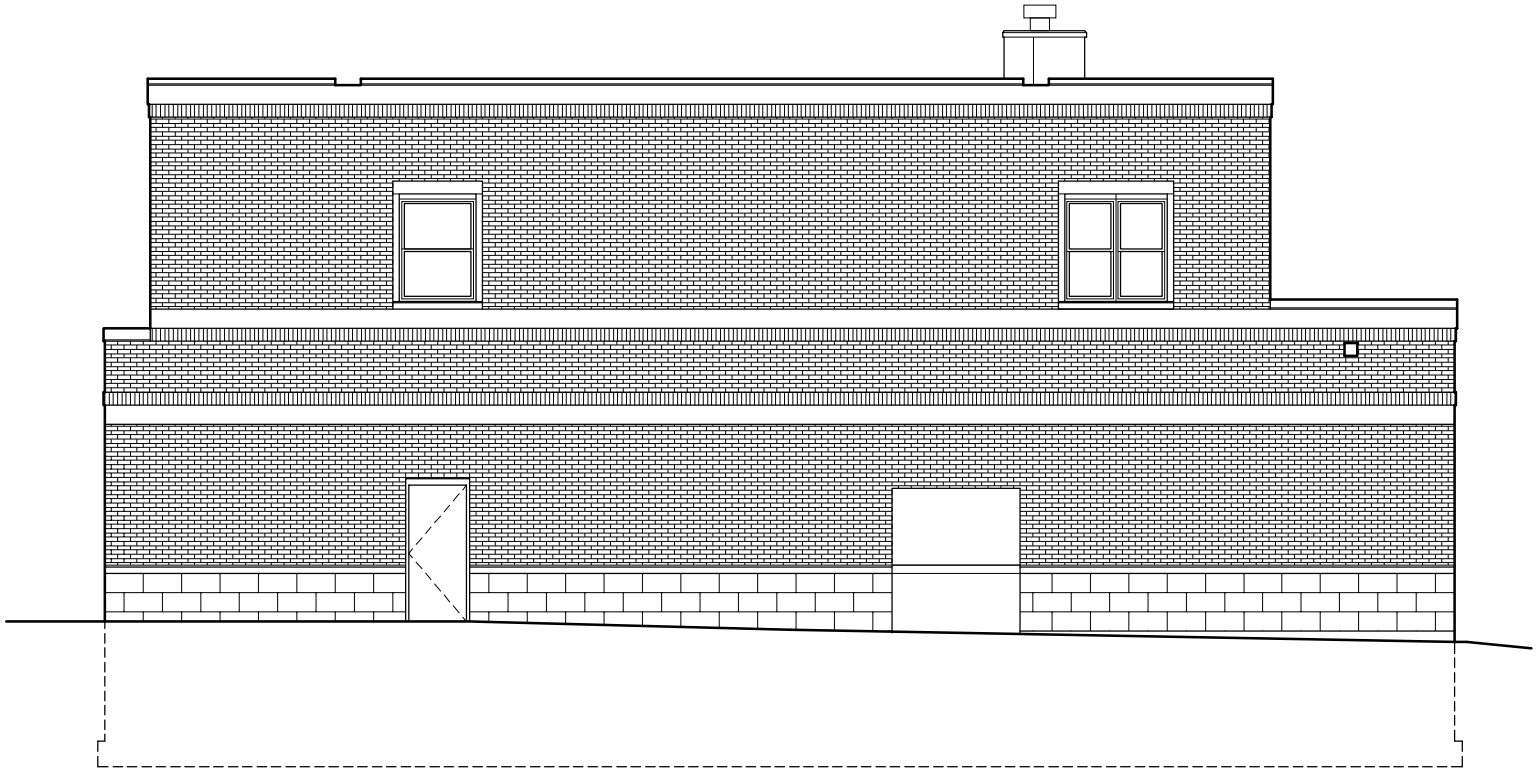


CORNERSTONE DESIGN INC
734.663.7580
CDIARCHITECTS.COM

PROPOSED NORTH ELEVATION
215 BEAKES ST.
ANN ARBOR, MI
1" = 10'-0" 10-21-14

CORNERSTONE DESIGN INC
734.663.7580
CDIARCHITECTS.COM

PROPOSED FRONT (SOUTH) ELEVATION
215 BEAKES ST.
ANN ARBOR, MI
NO SCALE 10-21-14



CORNERSTONE DESIGN INC
734.663.7580
CDIARCHITECTS.COM

PROPOSED WEST ELEVATION
215 BEAKES ST.
ANN ARBOR, MI
1" = 10'-0" 10-21-14

Zoning Board of Appeals
February 26, 2014 Regular Meeting

STAFF REPORT

Subject: ZBA14-002; 215 Beakes Street

Summary

David Esau is requesting 4 variances from Chapter 55 (Zoning) Section 5:34 (R4C) in order to re-construct an existing non-conforming structure. The structure will be a single-family dwelling upon completion.

1) Front yard setback variance of 25 feet to allow a 0 foot front setback along Beakes.
2) Side yard setback (east) variance of 1 foot to allow a 4 foot side setback.
3) Side yard setback (west) variance of 5 feet to allow a 0 foot side setback.
4) Rear yard setback variance of 27 feet to allow a 3 foot rear setback.

Description and Discussion

The subject 3,680 square foot building is located at 215 Beakes Street and is zoned R4C. The subject parcel is nonconforming for lot area, subject parcel is 4,227 square feet and the minimum conforming parcel size for R4C is 8,500 square feet. The building was built in approximately 1930 and is currently operating as a garage for repair, storage, parking of vehicles, as well as some use as a warehouse for storage of files and documents. Historical records indicate the building has been used for vehicle repair and storage for at least 40 years. As indicated above, the property is zoned R4C (Multiple-Family Residential) and all current and documented uses of the building are not permitted uses within the R4C zoning district.

In May 2011, the Zoning Board of Appeals granted permission for the previous owner to substitute one non-conforming use (warehouse/storage) for another less detrimental use (limited office). Since that time, the petitioner has purchased the property and intends to use it as a single-family use, which is a conforming use in the R4C DIstrict. In order to use the property as single-family, the petitioner would like to re-construct the majority of the existing building and add a second-story addition. The building would be re-constructed on the exact same footprint as the existing building with the possible exception of the front wall as noted in the next paragraph. A kitchen, living area and a bathroom will be constructed in 691 square feet of the first floor space, the remainder of the first floor will be used for parking and storage. The 1,546 square foot second story will contain bedrooms, bathrooms and a 122 square foot outdoor deck area.

The existing single-story building is non-conforming for all required setbacks as the building occupies the majority of the triangular-shaped parcel. The small size and unusual shape of the parcel limits the buildable area to approximately 52 square feet. There is currently 0 setback for the front (Beakes) and west side and 4 foot setback for the east side and 3 foot setback for the rear. There is a slight encroachment of about 4 inches into the Beakes Street Right-of-Way (ROW). If this wall is removed, it will be built back along the property line which will remove any encroachment into the ROW. At this point it has not been determined the exact extent of what will be replaced, however it has been determined that enough of the structure will be replaced that it will exceed the changes permitted under Chapter 55, Section 5:87 (Structure non-conformance). As such the petitioner is required to seek variances in order to re-construct the building in the exact same footprint as existing.

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 structure is legal non-conforming and was constructed in 1930 before zoning regulations were adopted. It was built as an auto-service and storage building. The structure was constructed occupying the majority of the parcel with little or no minimum setbacks to the property line. The subject parcel is non-conforming for lot size (4,227 square feet, minimum R4C lot size is 8,500 square feet) and is triangular shaped. The small size and unusal shape result in a buildable area of approxiametly 52 sqaure feet.

(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 existing structure is need of restoration and replacement of many structural elements. Any re-use of the building will likely require extensive restoration and ZBA permission. The small size, unusal shape, and limited buildable area of approxiametly 52 square feet would trigger the need for variances on any structure that was constructed on this parcel.

If the variances are not granted, the petitioner could try and re-use the existing walls, but would not be able to construct the second-floor addition. If the structure were demolished, no building could be constructed without zoning variances.

(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.

Approval of the variances will result in the re-construction of an existing non-conforming structure and an addition of 1,546 square feet to the second story. The structure was constructed in 1930 before any zoning standards were established and has been an established part of the neighborhood street presence since that time. The proposed single-family use is a conforming use in the R4C district and should be less detrimental to surrounding properties than the previous non-conforming uses. The second-story addition will be setback from the east and west property line, with the majority of the building placed along the front line of Beakes Street. The neighbor immediately adjacent to the north has written a letter of support for the project.

(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 building is a legal non-conforming structure and was constructed before zoning standards were established. The existing single-story building is non-conforming for all required setbacks as the building occupies the majority of the triangular-shaped parcel. The small size and unusual shape of the parcel limits the buildable area to approximately 52 square feet.

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

The variances are being requested in order to re-construct a non-conforming structure. While the structure could be reduced in size, which could minimizing variances needed, any building constructed would require variances due to the size and shape of the parcel.

Respectfully submitted,

Matthew J. Kowalski, AICP
City Planner

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

Section 1: Applicant Information

Name of Applicant: David Esau for Cornerstone Design Inc
Address of Applicant: 310 Depot St., Suite 2, Ann Arbor, MI 48104
Daytime Phone: 734-663-7580
Fax: 734-663-1180 (please call first)
Email: desau@cdiarchitects.com
Applicant's Relationship to Property: Architect for Owner

Section 2: Property Information

Address of Property: 215 Beakes
Zoning Classification: R4C
Tax ID# (if known): 09-09-29-121-008
*Name of Property Owner: Berardy Group, LLC

*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:
Ch. 55, Section 5:34	25' front, 12' side,	0' front, 0' west side,
	30' rear setbacks	4' east side, 3' rear
	40% open space	N9% open space
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)
See attachment

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 attachment

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

See attachment

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

See attachment

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 attachment

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

See attachment

Section 5: ALTERATION TO A NON-CONFORMING STRUCTURE

Current use of the property Parking / Auto maintenance + repair

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	4,227 SF	8,500 SF
Lot width	116'	60'
Floor area ratio	N.A.	N.A.
Open space ratio	9.6%	40%
Setbacks	0' front, 0' west, 4' east, 3' rear	25'/12'/26'/30'
Parking	~5 spaces in bldg.	1 space
Landscaping	N.A.	N.A.
Other		

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

See attachment

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 attachment

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 attachment

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 ½" 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.

734-663-7580
Phone Number

Signature

desau@cdiarchitects.com
Email Address

David Esau
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

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

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

On this 29th *day of* January, 2014, *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.*

ANGELA SAY CRAIG
Notary Public, State of Michigan
County of Livingston
My Commission Expires Mar. 23, 2017
Acting in the County of Washtenaw

Angela Say Craig
Notary Public Signature

Notary Commission Expiration Date

Angela Say Craig
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: _____

Cornerstone Design Inc

Ann Arbor ZBA Application Appendix

Re: 215 Beakes

January 23, 2014

Section 3, Description of work: The existing building is old, and in poor condition. It has been most recently used for non-conforming auto storage and maintenance/repair, although a variance was granted on 6/22/11 to the previous owner to allow office use (also nonconforming in the current R4C zoning).

The new owner is proposing to restore the building to a conforming single family residential use, and to improve the building's structural soundness and appearance along with a second story addition to make the building more attractive as a residence. However doing so will require removing and replacing much of the existing structure which is also non-conforming due to encroachments on required setbacks.

Section 4, Variance Request:

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 property configuration is the significant hardship, and fairly unique compared to most properties in the City. The existing property is small, triangular in shape, and has its primary sides on the front along Beakes and on the back where setback requirements are greatest (note that the property configuration information in City tax records is incorrect; see City GIS mapping and attached survey). As a result, the buildable area within the required setbacks is only about 52 square feet. Although ordinary rectangular properties would have an easier time being buildable within the setbacks, many properties in the area would also not comply with R4C setback requirements.

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

   As noted above, the site is not buildable in compliance with zoning requirements. The existing building requires substantial renovation and/or replacement to be structurally

A R C H I T E C T S

310 Depot St., Suite 2, Ann Arbor MI 48104 www.cdiarchitects.com 734.663.7580 Fax 734.663.1180

sound, and additional work (including additional space) to make it a functional residence in conformance with allowable uses.

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

   We believe the project will have a beneficial effect on neighboring properties, in that a nonconforming use and unattractive building will be changed to fit much more easily into the neighborhood. The most affected property, immediately to the north, is the home of the former owner of the subject property, who is supportive of this ZBA request (see attached letter). As noted above, most properties in the area, including those adjoining the subject site, are believed to have similar nonconformances.

4. *What physical characteristics of your propery in terms of size, shape, location, or topography prevent you from using it in a way that is consistent with the ordinance?*

   As noted above, the small size and triangular shape of the property do not leave a reasonable buildable area that conforms to the setbacks.

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

   The conditions are intrinsic to the property and long predate the current ownership (or the previous ownership). The existing nonconforming use and existing structure are believed to have been in place for decades.

Section 5: Alteration to a Non-Conforming Structure:

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

  The Owner proposes to largely demolish the existing one-story building due to lack of structural soundness, and reconstruct it to the existing footprint on the first floor along with a proposed partial second story addition. The second story would be set back from the north and west to minimize effects on adjoining residences. We are still evaluating whether the first floor wall along Beakes Street can be maintained; this was removed and replaced in 2009 but apparently with no structural designs or other documentation because it was originally intended and permitted as repairs only.

- *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:*

  We will be substantially improving the property's appearance and soundness which will benefit neighboring properties. The existing first floor encroachment will not change, and

the second floor addition will be set back somewhat from the north, east, and west property lines to minimize effects on neighbors.

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

  Renovation and expansion of the building at 215 Beakes Street for new single family residential use.

January 28, 2014

Mr. Matt Kowalski
Ann Arbor Planning Services
100 North 5th Avenue, Box 8647
Ann Arbor, Michigan 48107-8647

Re: 215 Beakes Street, Ann Arbor, Michigan, ZBA Application

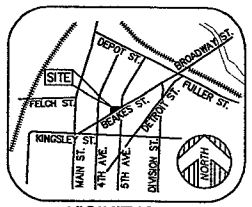
Dear Mr. Kowalski:

As owner of the property at 215 Beakes Street in Ann Arbor, Berardy Group, LLC authorizes David Esau of Cornerstone Design Inc. to act as applicant for our ZBA application for a variance to reconstruct and update the existing non-conforming structure. I am available for any questions that you may have on this matter.

Sincerely,

Michael Potter
Berardy Group, LLC
701 Tecumseh Road
Clinton, Michigan 49236
(517) 902-6415 cell phone

TOPOGRAPHIC SURVEY



VICINITY MAP
(NOT TO SCALE)

PARCEL AREA

4,227± SQUARE FEET = 0.10± ACRES

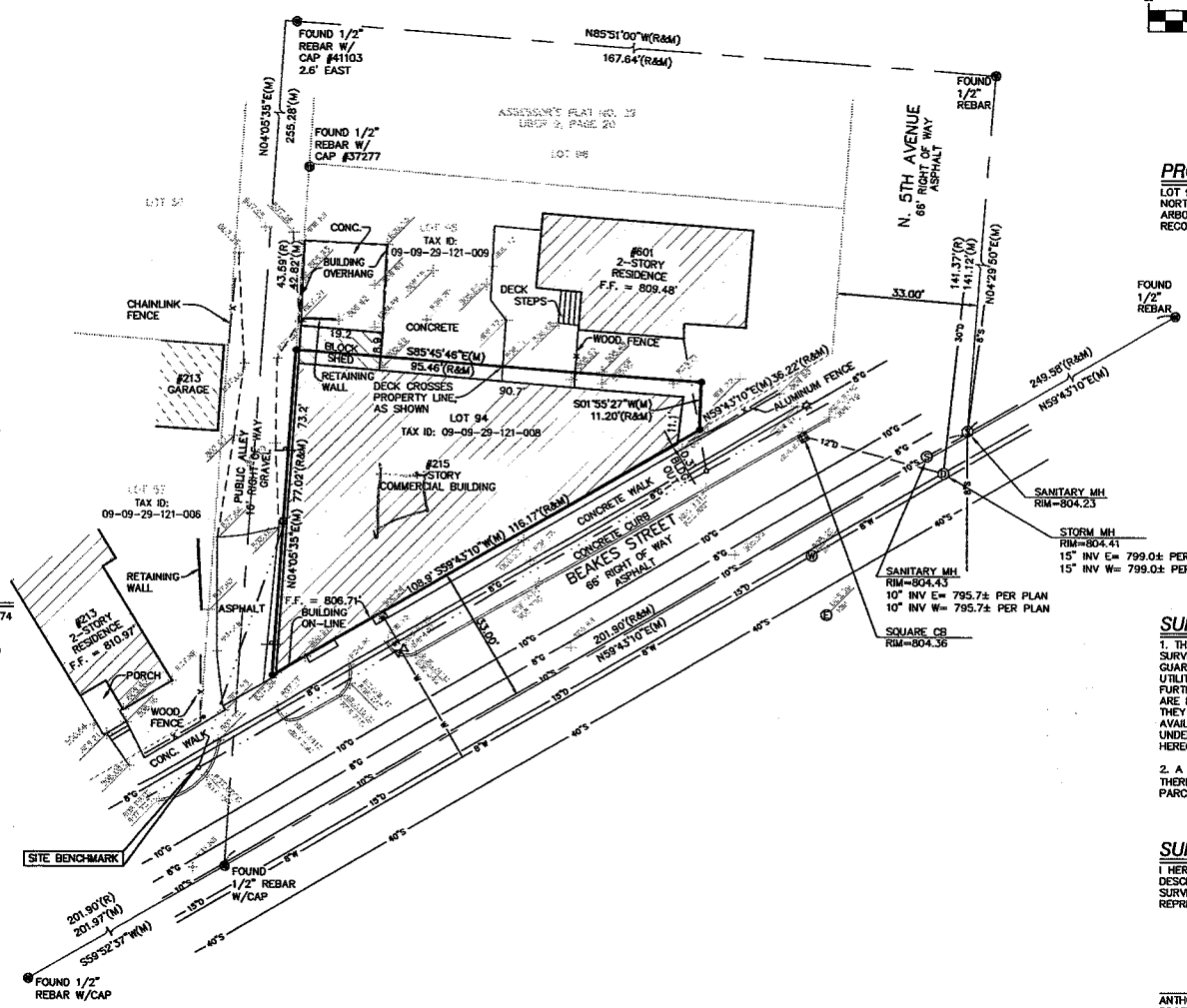
BENCHMARKS

MASTER BENCHMARK:
NUMBER: 1010 SECTOR: WC
BRASS DISC AT NORTHWEST CORNER OF BEAKES STREET AND NORTH FOURTH STREET ELEVATION = 811.95' (NAVD88)

SITE BENCHMARK:
SET MAG NAIL IN WEST SIDE OF UTILITY POLE, EAST OF APPROACH TO ALLEY, ELEVATION = 808.94' (NAVD88)

LEGEND

●	SET 1/2" REBAR WITH CAP P.S. 46674
◉	FOUND MONUMENT (AS NOTED)
◆	FOUND SECTION CORNER (AS NOTED)
(R&M)	RECORD AND MEASURED DIMENSION
(R)	RECORD DIMENSION
(M)	MEASURED DIMENSION
	GROUND POINT
E	ELECTRIC MANHOLE
⊠	ELECTRIC METER
○	UTILITY POLE
⊡	GAS METER
S	SANITARY MANHOLE
⊞	SQUARE CATCH BASIN
D	STORM DRAIN MANHOLE
W	WATER GATE MANHOLE
⋈	WATER VALVE
•	BOLLARD
☼	LIGHTPOST/LAMP POST
	SINGLE POST SIGN
	PARCEL BOUNDARY LINE
	PLATTED LOT LINE
	ADJOINER PARCEL LINE
	SECTION LINE
	EASEMENT (AS NOTED)
	BUILDING
	BUILDING OVERHANG
	CONCRETE CURB
	EDGE OF CONCRETE (CONC.)
	EDGE OF ASPHALT (ASPH.)
	EDGE OF GRAVEL
x	FENCE (AS NOTED)
	WALL (AS NOTED)
	OVERHEAD UTILITY LINE
G	GAS LINE
S	SANITARY LINE
D	STORM LINE
W	WATER LINE



GRAPHIC SCALE

20 0 10 20 40 80

(IN FEET)
1 inch = 20 ft.

PROPERTY DESCRIPTION

LOT 94; ASSESSOR'S PLAT NO. 29, BEING A REPLAT OF BLOCKS 3 AND 4 NORTH, RANGES 4, 5, AND 6 EAST ON THE PLAT OF THE VILLAGE OF ANN ARBOR, CITY OF ANN ARBOR, WASHTENAW COUNTY, MICHIGAN, AS RECORDED IN LIBER 9 OF PLATS, PAGE 20, WASHTENAW COUNTY RECORDS.

SURVEYOR'S NOTES

1. THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEES THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES OTHER THAN THE STRUCTURE INVENTORY SHOWN HEREON.

2. A CURRENT TITLE POLICY HAS NOT BEEN FURNISHED AT TIME OF SURVEY, THEREFORE EASEMENTS AND/OR ENCUMBRANCES AFFECTING SUBJECT PARCEL MAY NOT BE SHOWN.

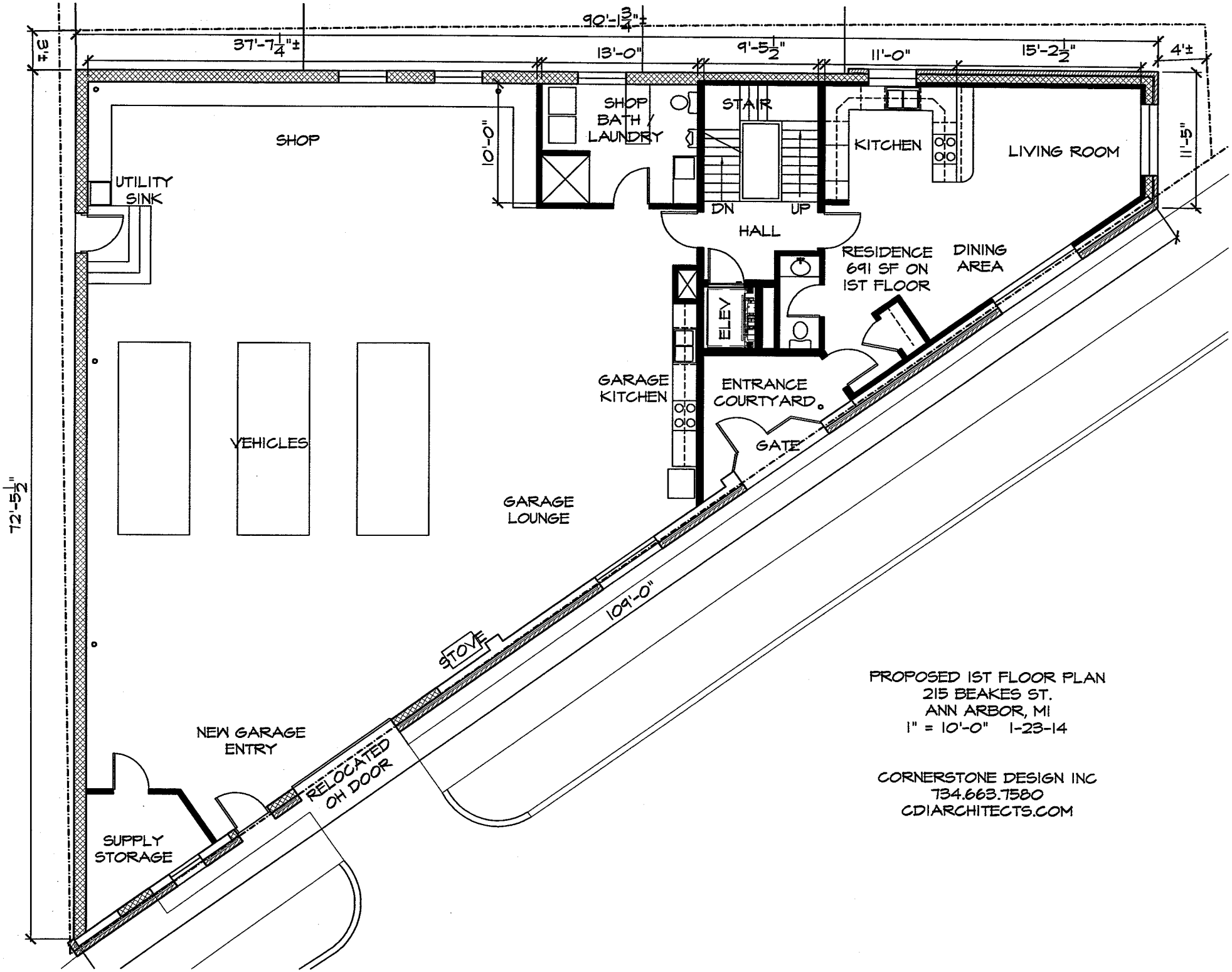
SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT I HAVE SURVEYED THE PROPERTY HEREIN DESCRIBED. THE ELEVATIONS SHOWN HEREON ARE BASED ON A FIELD SURVEY AND THE DRAWING HEREON DELINEATED IS A CORRECT REPRESENTATION OF THE SAME.

ANTHONY T. SYCKO, JR., P.S.
PROFESSIONAL SURVEYOR
MICHIGAN LICENSE NO. 47976

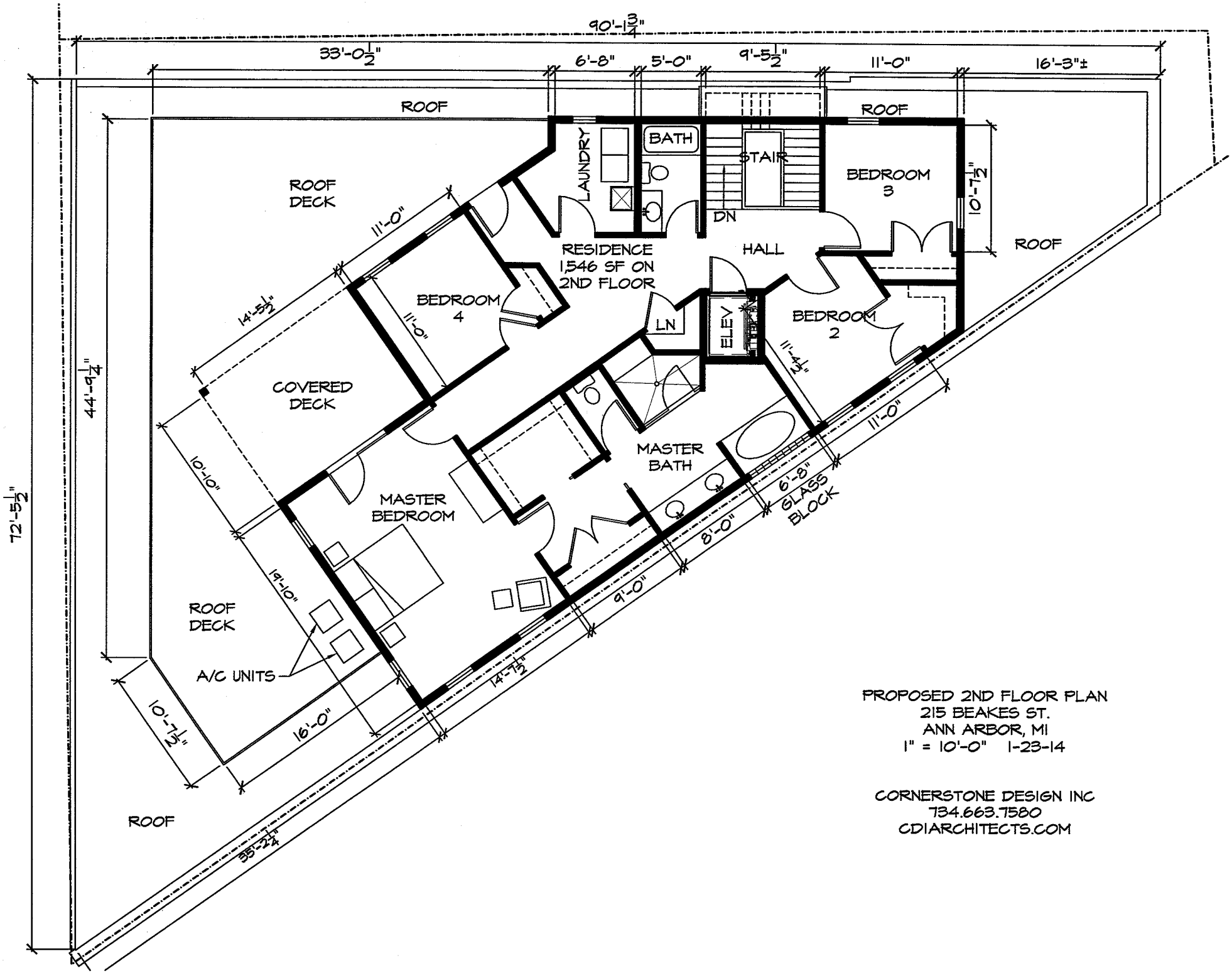
KEM-TEC & ASSOCIATES
PROFESSIONAL SURVEYORS – PROFESSIONAL ENGINEERS
22556 GRATIOT AVE * EASTPOINTE, MICHIGAN 48021
(586)772-2222 * (800)295-7222 * FAX (586)772-4048

CERTIFIED TO: CORNERSTONE DESIGN, INC.	
DATE: NOVEMBER 12, 2013	JOB #: 13-04627
SCALE: 1" = 20'	SHEET: 1 OF 1
DRAWN BY: SK / RCE	REV.:



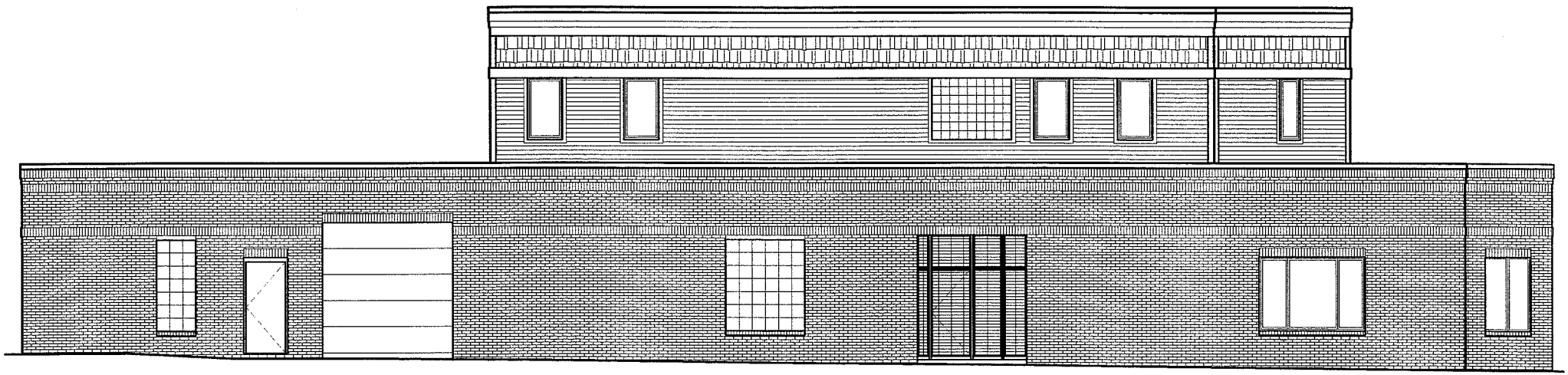
PROPOSED 1ST FLOOR PLAN
215 BEAKES ST.
ANN ARBOR, MI
1" = 10'-0" 1-23-14

CORNERSTONE DESIGN INC
734.663.7580
CDIARCHITECTS.COM



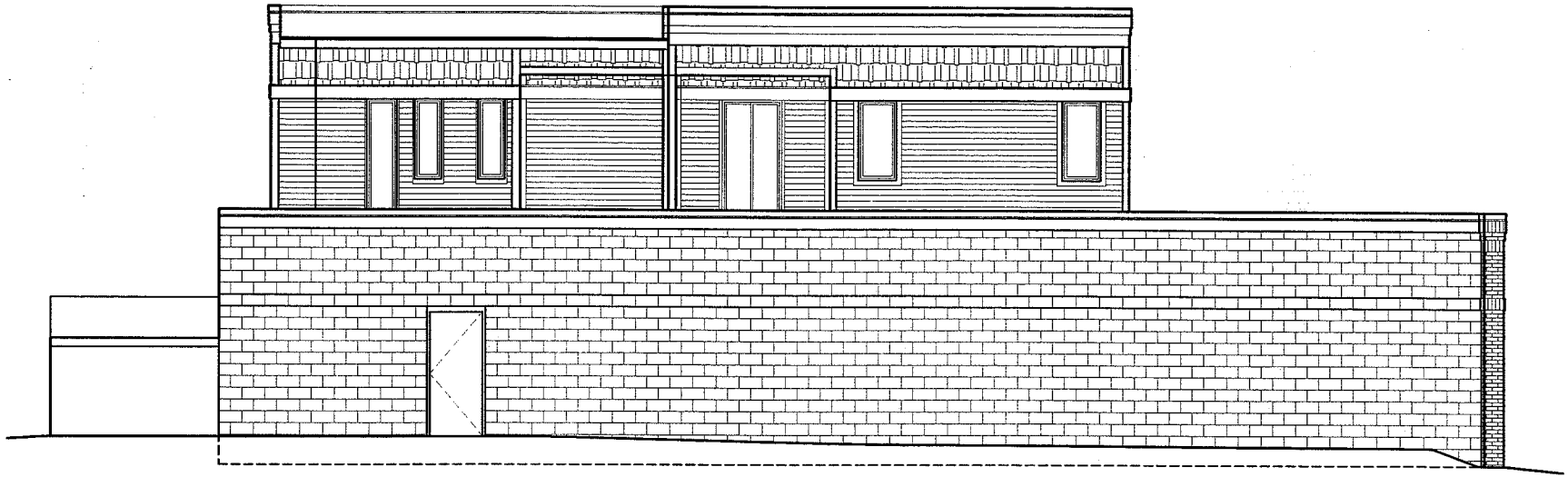
PROPOSED 2ND FLOOR PLAN
215 BEAKES ST.
ANN ARBOR, MI
1" = 10'-0" 1-23-14

CORNERSTONE DESIGN INC
734.663.7580
CDIARCHITECTS.COM



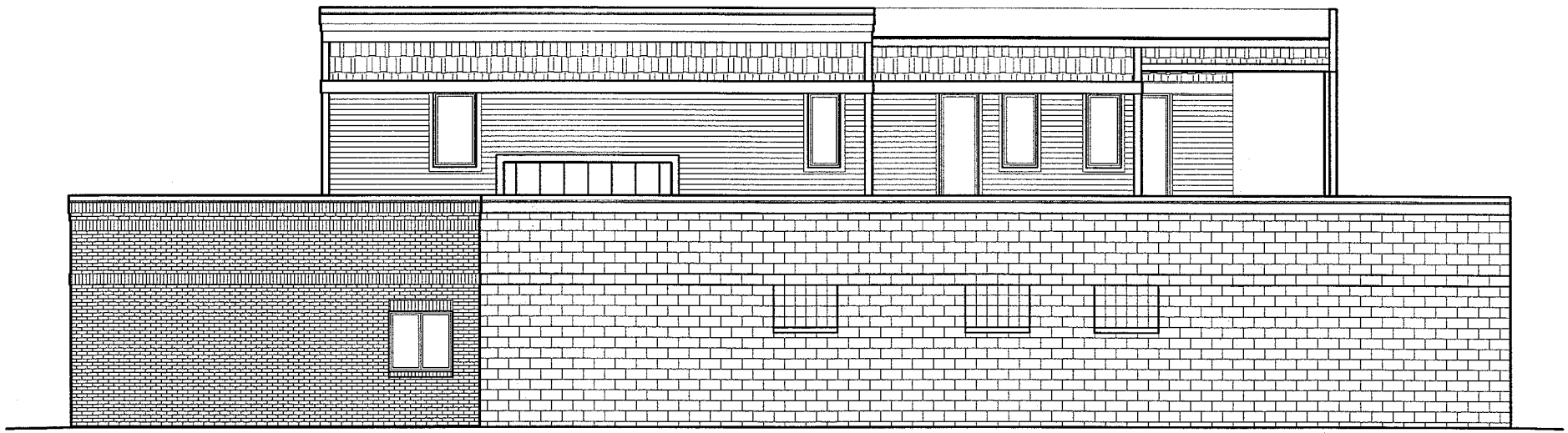
CORNERSTONE DESIGN INC
734.663.7580
CDIARCHITECTS.COM

PROPOSED FRONT (SOUTH) ELEVATION
215 BEAKES ST.
ANN ARBOR, MI
NO SCALE 1-23-14



CORNERSTONE DESIGN INC
734.663.7580
CDIARCHITECTS.COM

PROPOSED WEST ELEVATION
215 BEAKES ST.
ANN ARBOR, MI
NO SCALE 1-23-14



CORNERSTONE DESIGN INC
734.663.7580
CDIARCHITECTS.COM

PROPOSED NORTH ELEVATION
215 BEAKES ST.
ANN ARBOR, MI
NO SCALE 1-24-14

David A. Santacroce
601 North Fifth Avenue
Ann Arbor, MI 48104
dasanta@umich.edu
734.355.0074

January 28, 2014

Zoning Board of Appeals
City of Ann Arbor
100 N. 5th Avenue
Ann Arbor, MI 48107

Re: *215 Beakes Street Request for Variance*

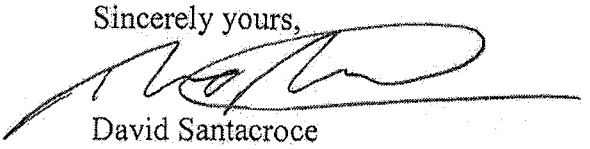
Dear Members of the Zoning Board of Appeals:

I write to express my unequivocal support for the January 2014 Application for Variance for 215 Beakes Street, Ann Arbor.

I am the immediate prior owner of 215 Beakes Street and the owner of 601 N. 5th Avenue, the property adjacent to and immediately north of 215 Beakes Street. 601 N. 5th Avenue is my primary residence, a former student rental duplex that I have spent considerable time and effort rehabilitating back into a single family home. In 2008 I purchased 215 Beakes Street to improve the appearance of the corner of Beakes and 5th Avenue and help protect my investment in my home. After replacing the front wall of 215 Beakes Street, removing over 100 feet of curb cut and obtaining a variance for office use, I listed the property for sale in September of 2011.

I spent the next two years entertaining offers for 215 Beakes. There was little interest in office use. Rather, the interest in the property was uniformly from developers seeking to add a full second floor to the building to accommodate 3 or 4 condo units. Each had little regard for the streetscape or how the proposed building would relate to neighboring properties including my home. In all that time Mr. Potter was the only interested party with a genuine concern for the neighborhood, how redevelopment of the property would impact it, and a commitment to preserve an outbuilding at my home that slightly encroaches upon a portion of the 215 Beakes Street property. To my mind, the proposed re-design of the property properly relates to the neighborhood in its size, scale and massing and the proposed single family use is the most appropriate density. The proposed single family use will also forever eliminate the current parking and auto-maintenance/ repair uses that are not compatible with the neighborhood. Thus I fully support the application for a variance.

Sincerely yours,



David Santacroce