

**Zoning Board of Appeals
August 26, 2015 Regular Meeting**

STAFF REPORT

Subject: **ZBA15-018; 814 Sylvan**

Summary: Leo Babcock is requesting permission to alter a non-conforming structure as described in Chapter 55, Zoning, Section 5:87, Structure Nonconformance, in order to construct a second-story addition over an existing non-conforming structure.

Description and Discussion:

The request is discussed in detail below:

The subject parcel is located at 814 Sylvan, between White and Packard. The parcel is zoned R4C (Multiple-Family Residential District) and is 3,528 square feet; minimum required lot size in the R4C district is 8,500 square feet. The two bedroom single-family house was built in 1945. It currently is one story and 694 square feet in size. The house is non-conforming for the rear setback; one parking space exists on the site and one space is required. Due to the fact that the new addition does not conform to the required setbacks, but does not increase the encroachment into the setback, permission to alter a non-conforming structure is required.

The petitioner is proposing to construct a new 694 square foot second story over the existing first floor containing three bedrooms, one bathroom and a study area. The petitioner is also excavating and lowering the basement floor to permit the addition of two bedrooms, a study and a bathroom in the basement for a total of 600 square feet. However, permission from the ZBA is not needed for the basement excavation on a single-family house only the addition of the second story. After all proposed additions the house will be a total of 1,988 square feet, including the basement.

There will be no expansion of the existing footprint of the house; the proposed addition will not extend any closer to the property lines than the existing house. The interior of the house will be re-configured to include two bedrooms in the basement, one on the main floor and three on the second floor for a total of six bedrooms and three bathrooms. According to zoning regulations, the maximum occupancy of the house is six unrelated people. Due to the size of the existing house, the current maximum occupancy is four according to the rental housing code.

Standards for Approval

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 and will not have a detrimental effect on neighboring property.***

The petitioner is asking to modify an existing non-conforming structure. The footprint of the existing house will not be expanded; no part of the structure will be built closer to the property line than currently exists. The existing house is approximately 14 feet and one story tall; the new addition will make the house 25 feet tall and two and half stories an increase of 11 feet in height. After all planned renovations, the house will increase in size from 694 square feet to 1,988 square feet total on a parcel size of 3,528 square feet. Permission from the ZBA is required only for the additional 694 square foot second story. The structure will be increased from two bedroom house with a maximum occupancy of four to a six bedroom house with two studies and a maximum occupancy of six.

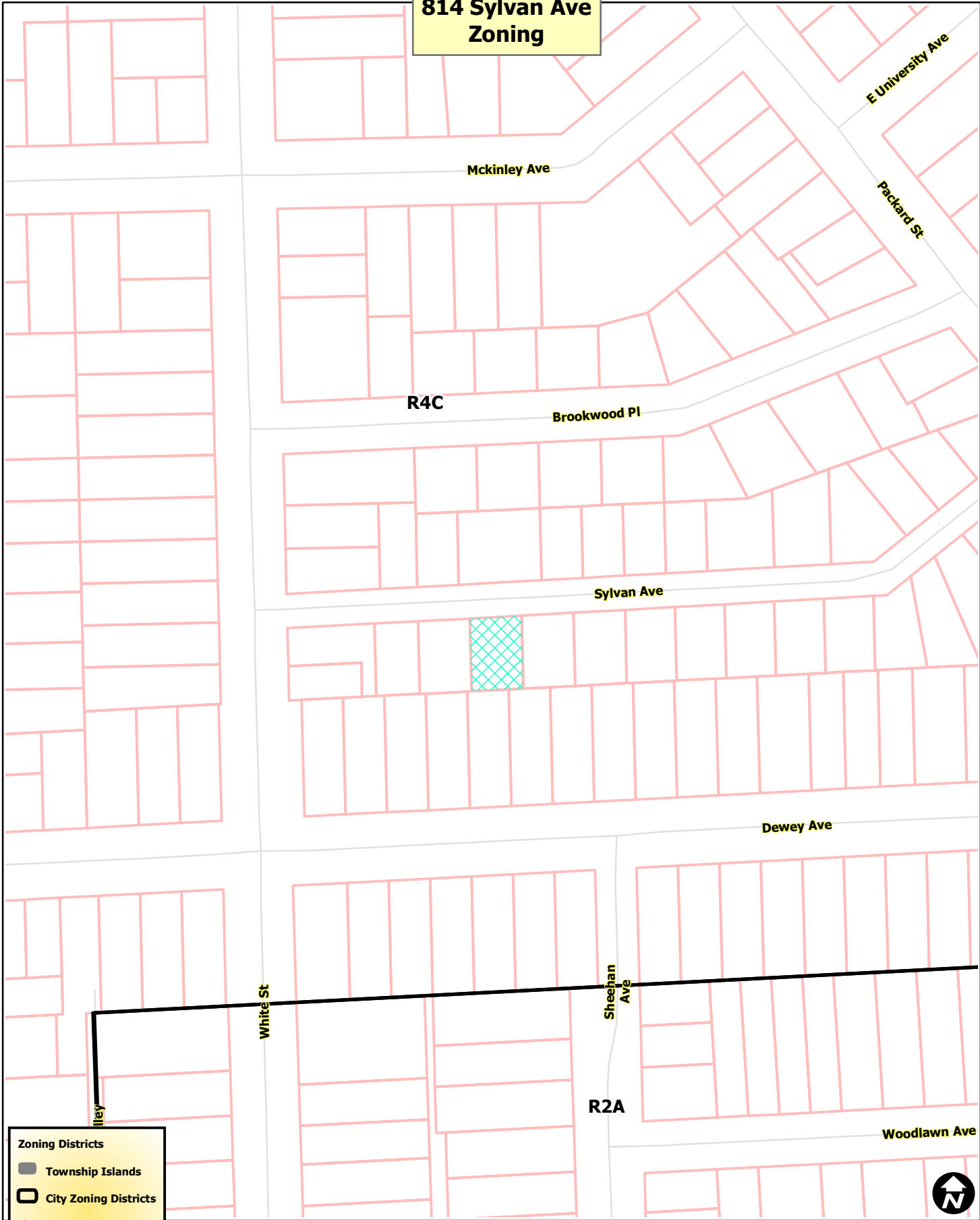
Staff advises that if the ZBA approves the requested alteration, the floor plans of the house be significantly redesigned to remove any areas designated as studies. Historically, areas designated as studies in houses near campus have evolved into bedrooms and subsequently result in over occupancy of the structures and potential health and safety concerns.

Respectfully submitted,



Matthew J. Kowalski, AICP
City Planner

814 Sylvan Ave Zoning



Zoning Districts

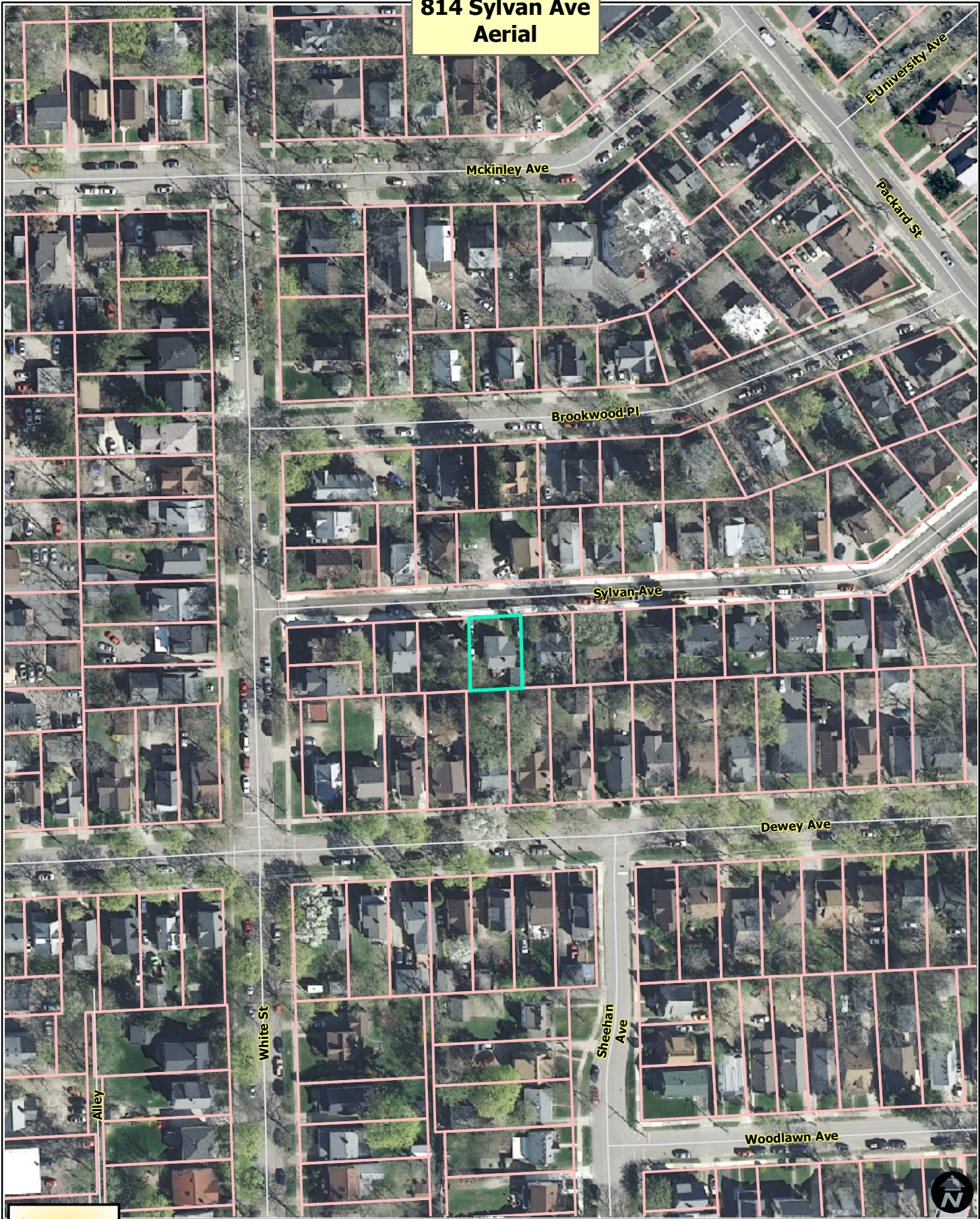
- Township Islands
- City Zoning Districts
- Railroads
- Parcels
- Huron River



Map date 8/5/2015
Any aerial imagery is circa 2012 unless otherwise noted
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814 Sylvan Ave Aerial



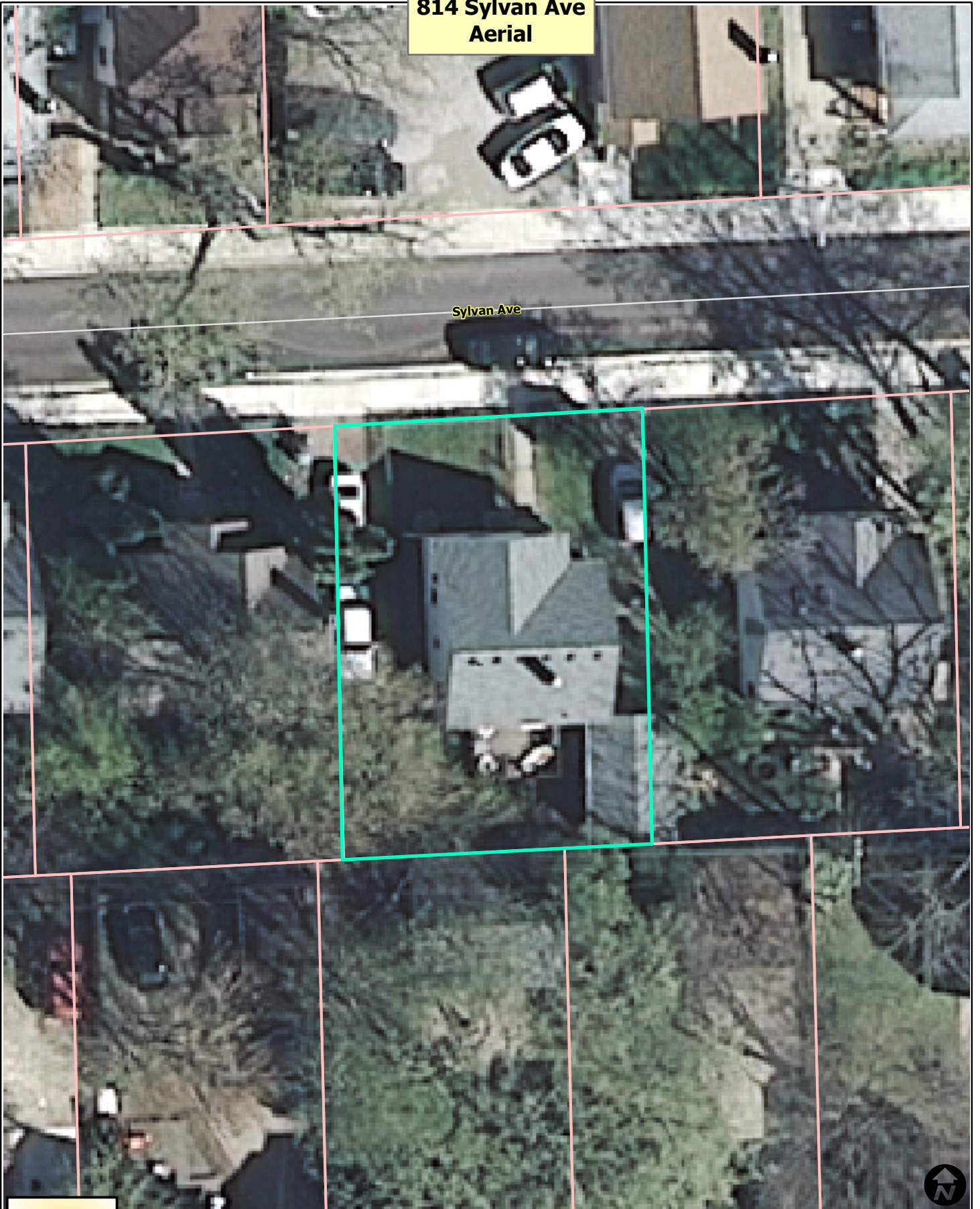
- Railroads
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**814 Sylvan Ave
Aerial**

Sylvan Ave



-  Railroads
-  Parcels
-  Huron River



Map date 8/5/2015
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APPLICATION FOR VARIANCE OR NON-CONFORMING STRUCTURE
ZONING BOARD OF APPEALS

Section 1: Applicant Information

Name of Applicant: LEO BABCOCK
 Address of Applicant: ARCHITECT - 309 NORTH ANN ARBOR ST. SALINE MI 48176
 Daytime Phone: 734 - 429-8551
 Fax: 734 - 429-8551 (CALL FIRST)
 Email: Leo.Babcock@comcast.net
 Applicant's Relationship to Property: ARCHITECT

Section 2: Property Information

Address of Property: 814 SYLVAN AVENUE, ANN ARBOR, MI
 Zoning Classification: R4C
 Tax ID# (if known): _____
 *Name of Property Owner: SYLVAN STREET L.L.C.

**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:

CH 55 SECTION 587 (A)

Required dimension:

30' REAR SETBACK

PROPOSED dimension:

23'

25' FRONT SETBACK

19'-3"

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)

PROPOSED NEW 2ND STOREY ADDITION OVER EXISTING NON-COMFORMING 1 1/2 STOREY HOUSE

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?

ANY RENOVATIONS TO THE STRUCTURE WOULD NOT COMPLY WITH CURRENT SETBACKS.

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

YES. TO CREATE OR IMPROVE ANY LIVING SPACE OF THE EXISTING STRUCTURE WOULD NOT BE ALLOWED.

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

IMPROVE THE VALUE OF THE NEIGHBORING PROPERTIES AND ADD TO THE COMPATABILITY OF THE OTHER 2- STOREY HOMES.

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?

EXISTING STRUCTURE IS BUILT BEYOND CURRENT SETBACK REQUIREMENTS.

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

NO. RECENT ZONING LAWS ENVOACHED ON EXISTING BUILDING.

Section 5: ALTERATION TO A NON-CONFORMING STRUCTURE

Current use of the property SINGLE FAMILY RESIDENTIAL

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	3614 SF	2175
Lot width	50'	
Floor area ratio		
Open space ratio	71.9%	40%
Setbacks	REAR = 23' FRONT = 19'-3"	REAR = 30' FRONT = 25'
Parking	2 PROVIDED	1 1/2 REQ'D
Landscaping	-	
Other	-	

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

NEW RENOVATION AT 2ND FLOOR. WILL BEAR ON EXISTING EXTERIOR WALL & FOUNDATION. EXISTING EXTERIOR WALL & FOUNDATION ARE NOT WITHIN THE CURRENT SETBACKS.

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:

NEIGHBORING HOMES HAVE VERY SIMILAR SIZE TO THE PROPOSED ADDITION.

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

NEW CONSTRUCTION OVER EXISTING BUILDING WITHIN THE CURRENT SETBACKS.

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.

734-429-8551
 Phone Number _____ Signature
 Leo Babcock@comcast.net _____
 Email Address _____ Print Name
 Leo Babcock

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 JULY, 2015 before me personally appeared the above named applicant and made oath that he/she has read the foregoing application by him/her subscribed and knows the contents thereof, and that the same is true as to his/her own knowledge except as to those matters therein stated to be upon his information and belief as to those matters, he/she believes them to be true.

ROSE-MARIE E. GALE
 Notary Public, State of Michigan
 County of Lenawee
 My Commission Expires Oct. 19, 2017
 Acting in Washtenaw County

 Notary Public Signature

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

Staff Use Only

Date Submitted: 7/29/15
 Fee Paid: \$500
 File No.: ZBA 15-018
 Date of Public Hearing: 8/26-2015
 Pre-filing Staff Reviewer & Date: (PBA) 7/29/15
 ZBA Action: _____
 Pre-Filing Review: " "
 Staff Reviewer & Date: _____

Sylvan LLC

3310 Packard #3A, Ann Arbor, MI 48108


LETTER OF AUTHORIZATION

PROJECT: Home Renovation
814 Sylvan Avenue
Ann Arbor, MI 48104

DATE: July 29, 2015

I, Tom Allmand of Sylvan LLC 3310 Packard #3A, Ann Arbor, MI 48108, owner of 814 Sylvan Avenue, Ann Arbor, MI 48104, hereby grant Leo Babcock , architect, whose address is 309 North Ann Arbor Street, Saline, MI 48176, to act on my behalf for the above mentioned property.

7-29-15
Date



Tom Allmand
of Sylvan LLC 3310 Packard #3A, Ann Arbor,
MI 48108

8/15/2015

RE: Comment - Building Variance Requests

I am submitting this email to register my objections to the two requests for building variance at the addresses 812 Sylvan Avenue and 824 Sylvan Avenue (Appeal # ZBA15-018 and ZBA15-017).

This area is already densely populated and the additions of second stories on these structures will mean even more individuals living in the area.

With more individuals usually come additional vehicles. It appears that it will not be possible, given the limited grounds of the properties, to provide off-street parking for additional vehicles. Off-street parking is already very difficult to find on this narrow street.

Additional individuals and additional vehicles will negatively impact the congestion that already exists here.

I am asking that the Zoning Board deny these requests for variances.

Thank you.

Raymond J. Martini
1230 White St.
Ann Arbor, MI 48104

7/19/2015 Via Email
RE: Objection

I am submitting this email to register my objections to the two requests for building variance at the addresses 812 Sylvan Avenue and 824 Sylvan Avenue (Appeal # ZBA15-018 and ZBA15-017).

This area is already densely populated and the additions of second stories on these structures will mean even more individuals living in the area.

With more individuals usually come additional vehicles. It appears that it will not be possible, given the limited grounds of the properties, to provide off-street parking for additional vehicles. Off-street parking is already very difficult to find on this narrow street.

Additional individuals and additional vehicles will negatively impact the congestion that already exists here.

Furthermore, issues of community respect and safety are always under pressure in areas of high ratio student occupancy, and the results have been noticeable here. A year ago, for instance, drunken students smashed several cars parked on White St near the intersection with Sylvan Ave, and at least one of the damaged cars was judged to be beyond repair by the insurance company. Such issues as noise are also a concern in this area. To increase the occupancy ratio even further will thus substantially decrease the security, comfort and rights of long-term, property tax paying residents like myself.

I am sure that the majority of students in the area, who are law abiding, will also be inconvenienced by an increase in the intensity of household density and vehicular traffic here.

I am asking that the Zoning Board deny these requests for variances.

Thank you.

Patricia Simons
1232 White St.
Ann Arbor, MI 48104