

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

STAFF REPORT

Subject: ZBA15-017; 824 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 824 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 and is 1,078 square feet. The house is non-conforming for the rear setback; one parking space exists on the site and one space is required. The existing house has a partial second story which extends over the middle of the house. 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 1,078 square foot second story over the existing first floor containing three bedrooms, one bathroom and a study. 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 950 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 3,200 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. After construction, the structure will continue to be used as a single-unit home. 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 16 feet and one and a half stories tall, the new addition will make the house 25 feet tall and two and a half stories; an increase of 9 feet in height. After all planned renovations, the house will increase in size from 1,078 square feet to 3,200 square feet total on a parcel size of 3,528 square feet. Permission from the ZBA is required only for the additional 1,078 square foot second story. The structure will be increased from a two bedroom house with a maximum occupancy of four to a six bedroom house with two studies and a maximum occupancy of six.

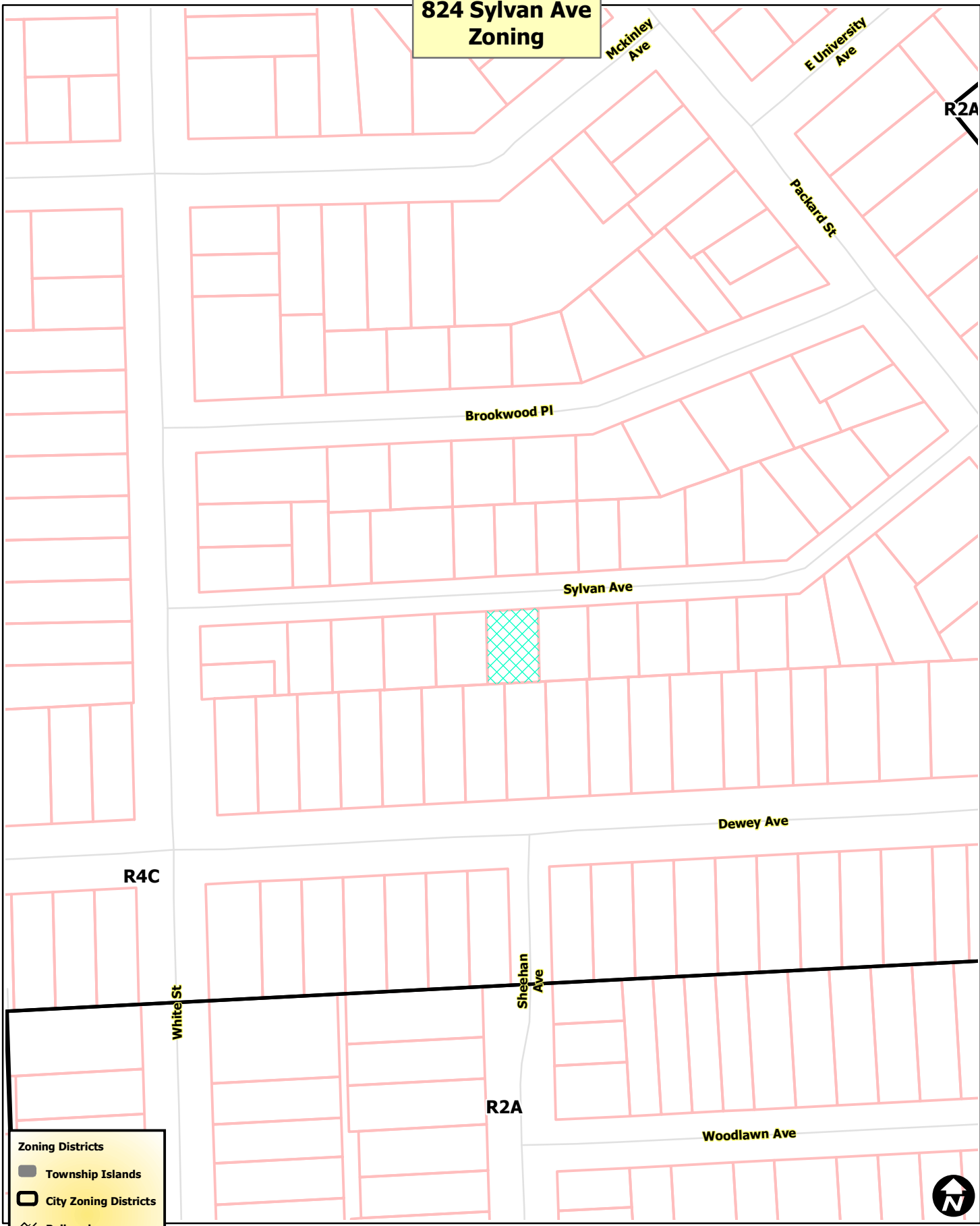
Staff advises that if the ZBA approves the requested alteration, the floor plans of the house be significantly redesigned to remove any areas designated as studies. Historically, areas designated as studies in houses near campus have evolved into bedrooms and subsequently result in over occupancy of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

Respectfully submitted,



Matthew J. Kowalski, AICP
City Planner

824 Sylvan Ave Zoning



Zoning Districts

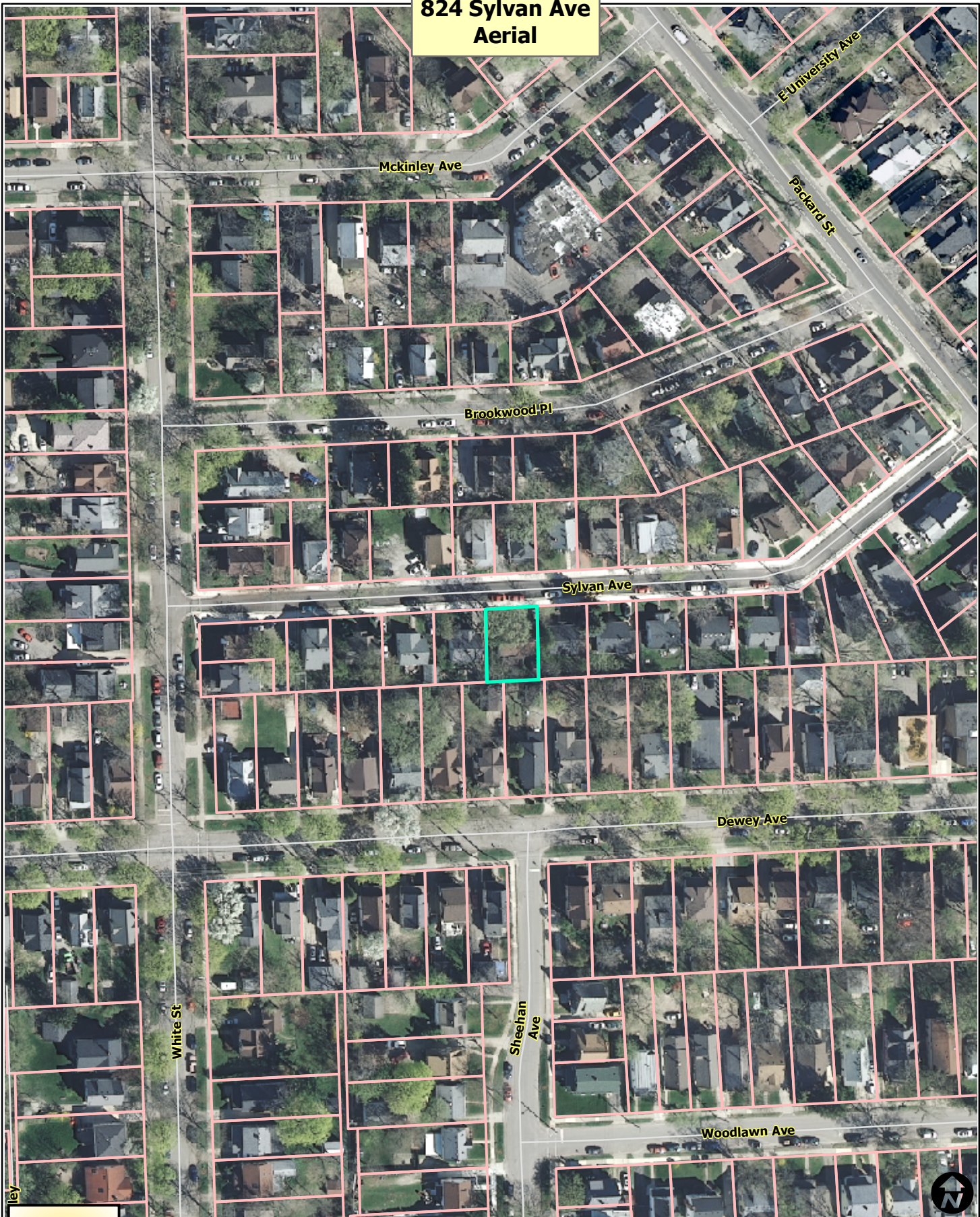
- Township Islands
- City Zoning Districts
- Railroads
- Parcels
- Huron River



Map date 8/5/2015
Any aerial imagery is circa 2012 unless otherwise noted
Terms of use: www.a2gov.org/terms



824 Sylvan Ave Aerial



ley

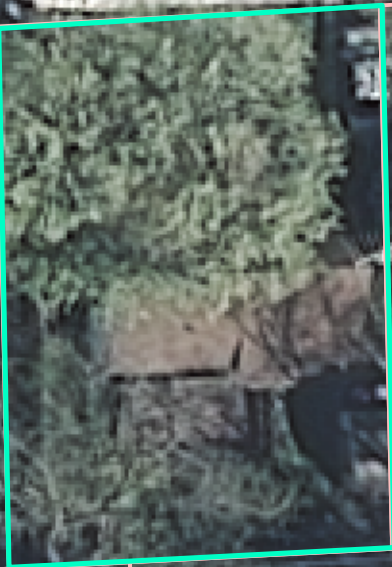
- Railroads
- Parcels
- Huron River



Map date 8/5/2015
Any aerial imagery is circa 2012
unless otherwise noted
Terms of use: www.a2gov.org/terms

**824 Sylvan Ave
Aerial**

Sylvan Ave



-  Railroads
-  Parcels
-  Huron River



Map date 8/5/2015
Any aerial imagery is circa 2012
unless otherwise noted
Terms of use: www.a2gov.org/terms

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 N. ANN ARBOR ST. SUITE
 Daytime Phone: 734-429-8551 MI 48106
 Fax: 734-429-8551 (call first)
 Email: leobabcock@comcast.net
 Applicant's Relationship to Property: Architect

Section 2: Property Information

Address of Property: 824 SYLVAN AVENUE, ANN ARBOR MI
 Zoning Classification: R4C
 Tax ID# (if known): _____
 *Name of Property Owner: Sylvan Street 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:

CH 55, SECTION 5:87(1)a

Required dimension: PROPOSED dimension:

30' REAR SETBACK 26'-9"

25' FRONT SETBACK 15'-8"

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-CONFORMING 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 compatibility of the other 2-Story 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 encroached 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	3602 SF	2175 SF
Lot width	50'	
Floor area ratio		
Open space ratio	73.1 %	40%
Setbacks	REAR = 26'-9" FRONT = 15'-8"	REAR = 30' FRONT = 25'
Parking	# 2 PROVIDED	1/2 REAR
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 walls & 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

Leo Babcocke.comcast.net

Email Address

Leo Babcock Signature

LEO BABCOCK 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.

Leo Babcock 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.

Leo Babcock 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.**

Leo Babcock 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 Commission Expiration Date

Oct 19, 2017

Rose-Marie E. Gale Notary Public Signature

ROSE-MARIE E. GALE Print Name

Staff Use Only

Date Submitted: 7/29/15

Fee Paid: \$500

File No.: ZBA15-017

Date of Public Hearing: 8/26-2015

Pre-filing Staff Reviewer & Date: (BAP) - 7/29/15

ZBA Action: _____

Pre-Filing Review: " "

Staff Reviewer & Date: _____

Sylvan LLC

3310 Packard #3A, Ann Arbor, MI 48108

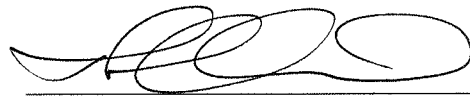
LETTER OF AUTHORIZATION

PROJECT: Home Renovation
824 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

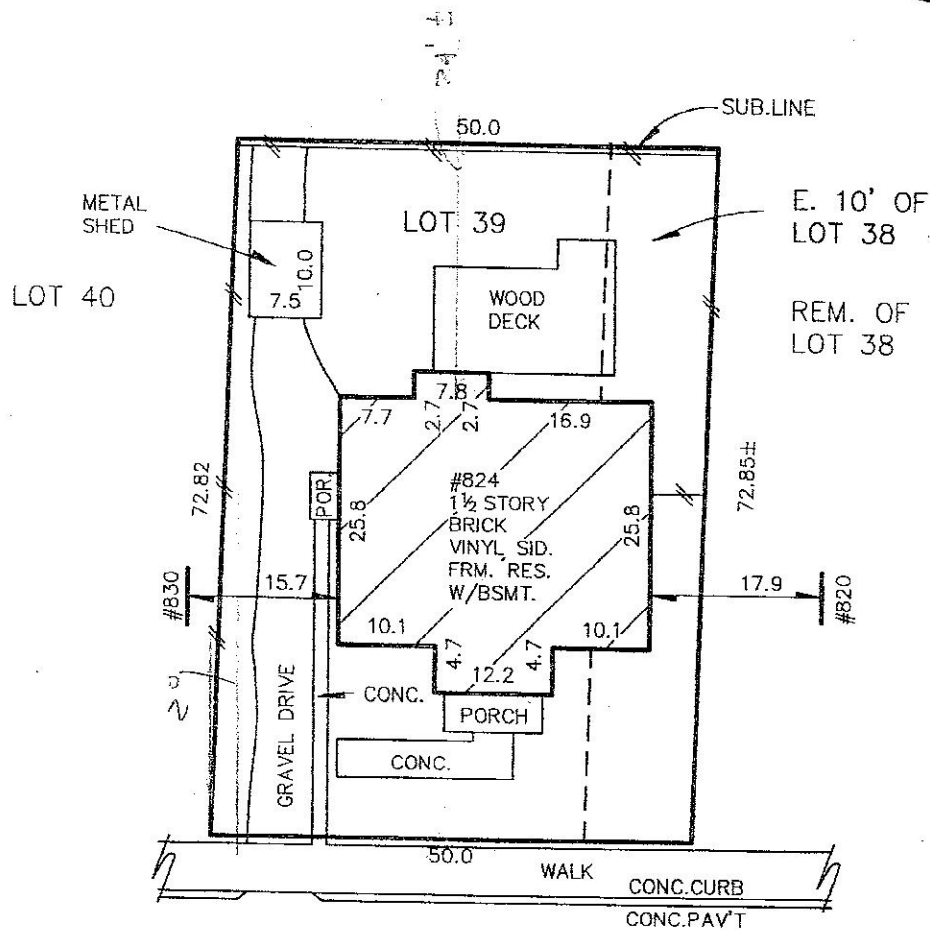
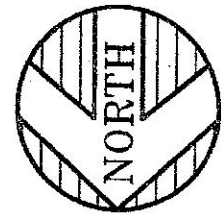
Certified to: ABSOLUTE TITLE, INC.

Applicant: SYLVAN STREET, LLC

Property Description:

Lot 39 and the East 10 feet of Lot 38; ASSESSOR'S PLAT NO. 13, in the City of Ann Arbor, Washtenaw County, Michigan, as recorded in Liber 8 of Plats, Page 51 of Washtenaw County Records.

NOTE: A BOUNDARY SURVEY IS NEEDED TO DETERMINE EXACT SIZE AND/OR LOCATION OF PROPERTY LINES, AND FENCE LOCATIONS.



SYLVAN AVE. 33' WD.



EXISTING EXTERIOR



PROPOSED EXTERIOR

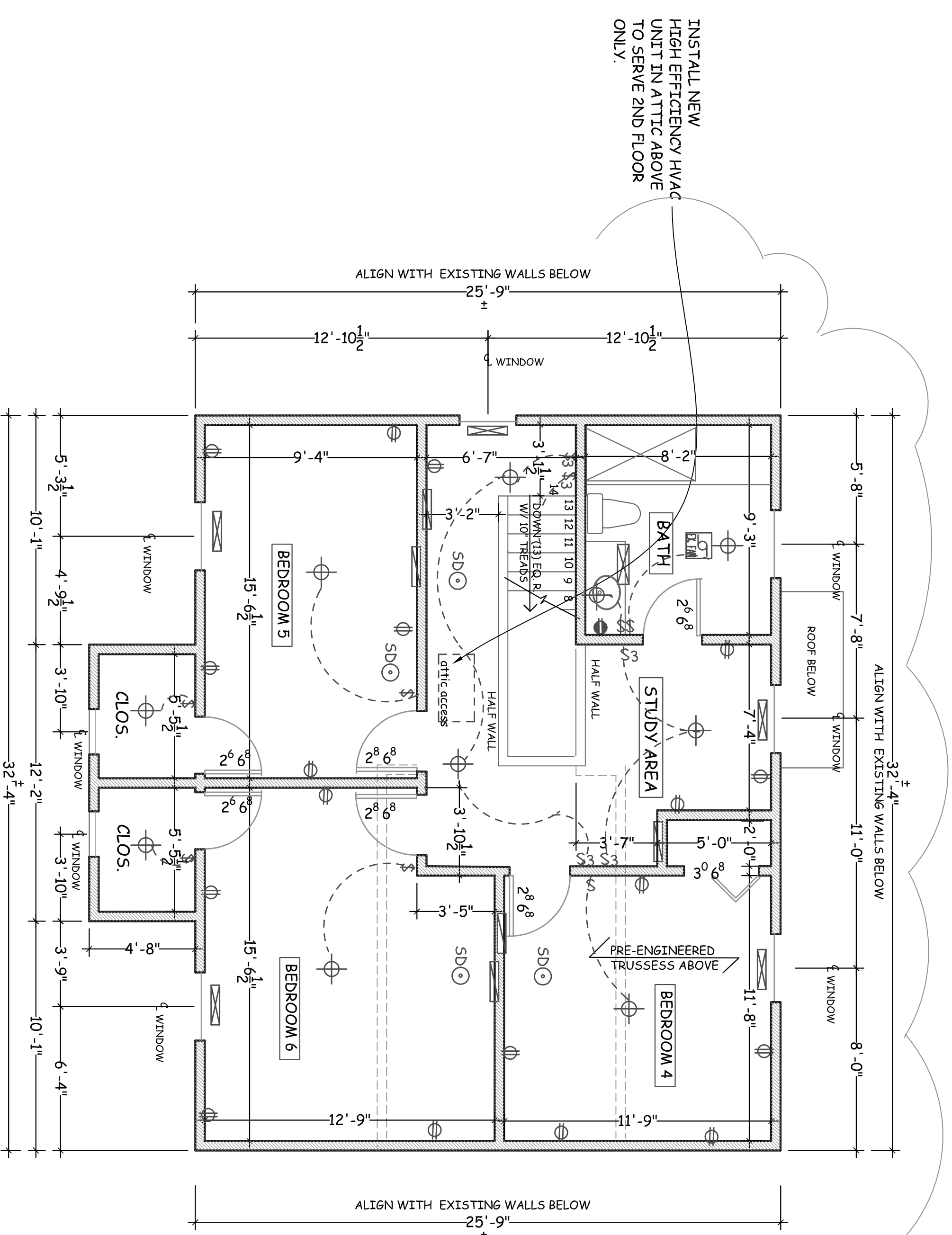
© 2015 the Babcock Design Studio

the Babcock Design Studio
Architecture, Interior and Graphic Design
309 North Ann Arbor St.
Saline, MI 48176-1140
(734) 429-8551

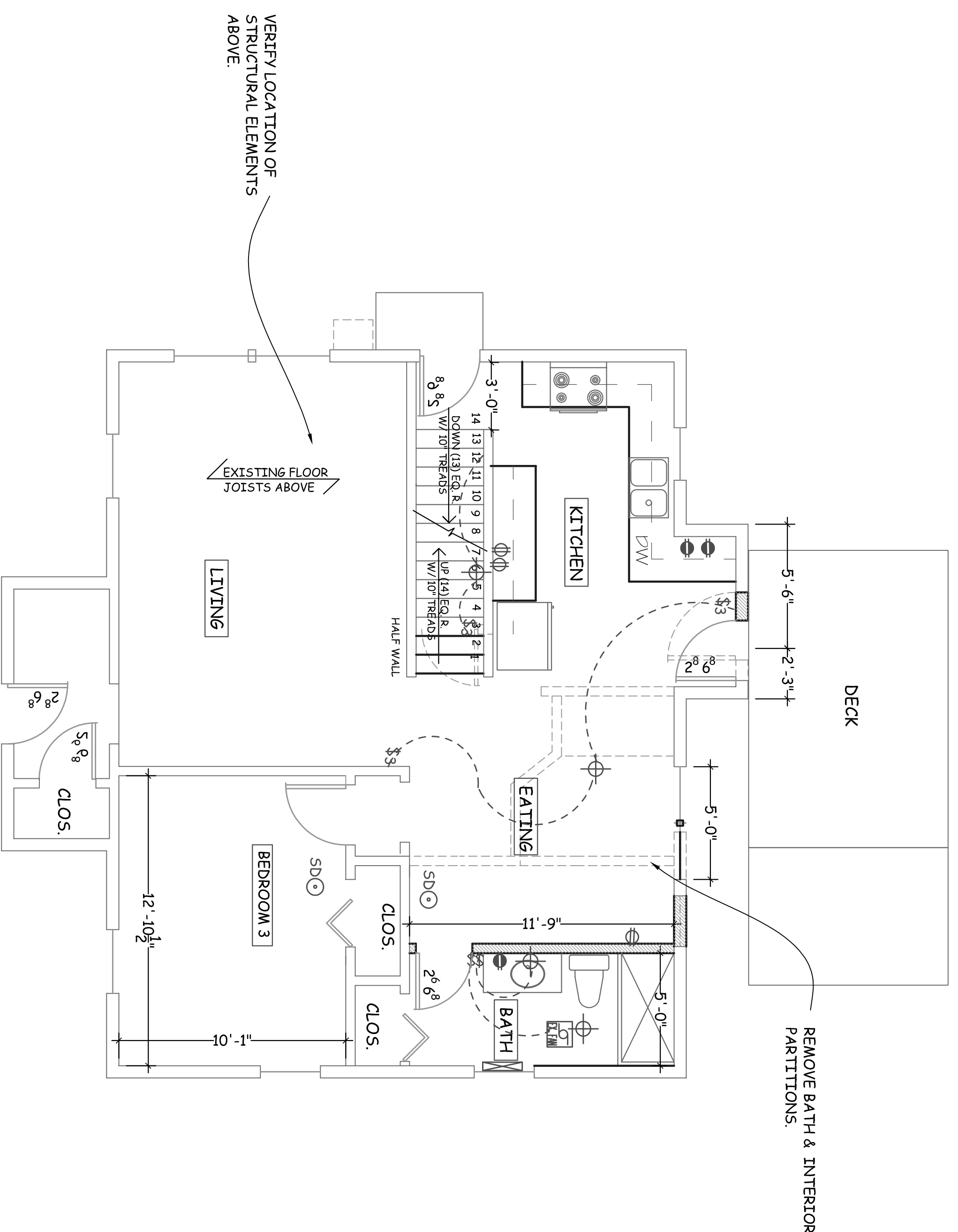
PROJECT NUMBER: 1524

Allmand Properties
Home Renovations
824 Sylvan Drive
Ann Arbor, MICHIGAN

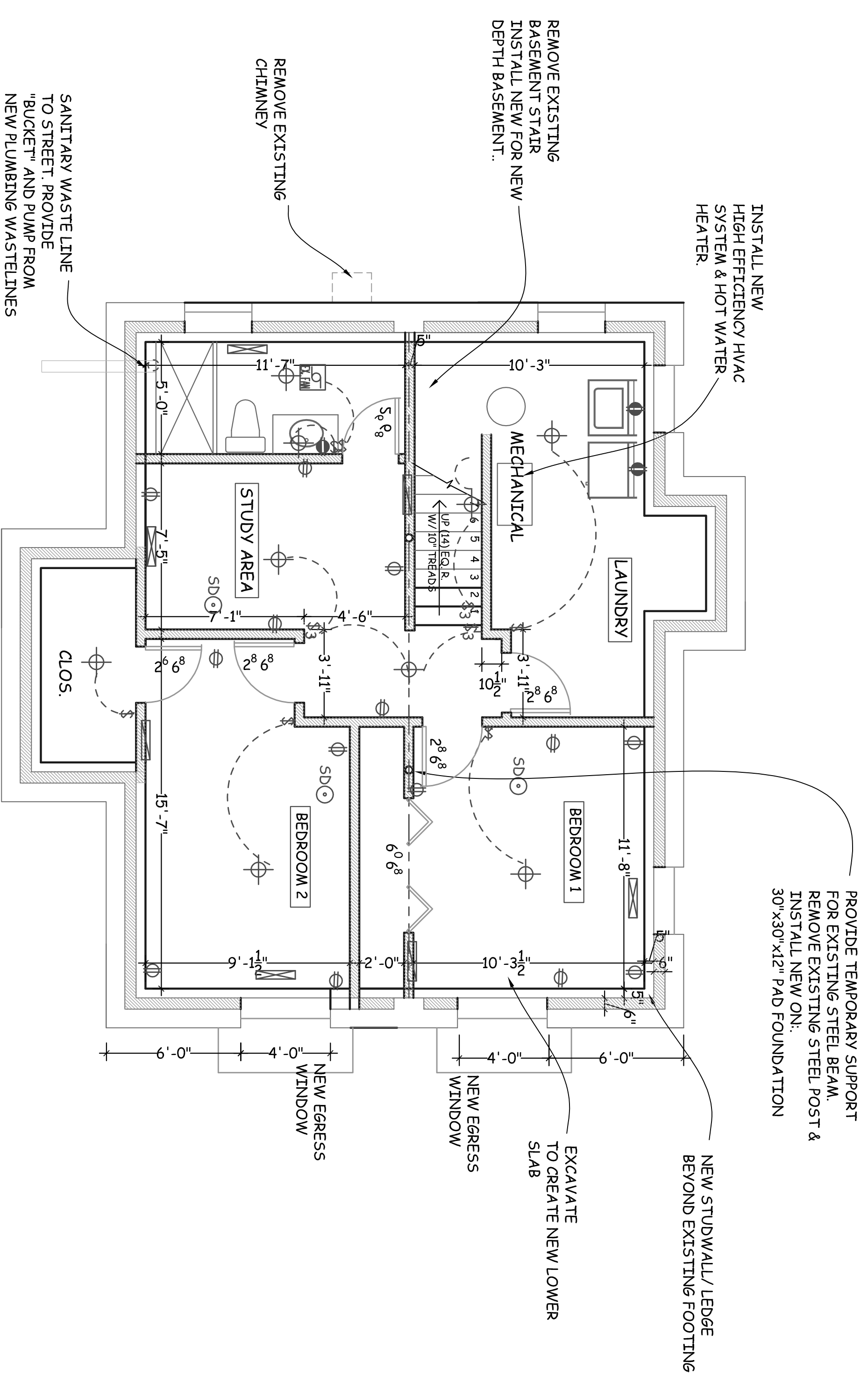
824



2ND FLOOR PLAN
1/4" = 1'-0"



FIRST FLOOR PLAN
1/4" = 1'-0"



BASEMENT PLAN
1/4" = 1'-0"

LEGEND FOR ALL DRAWINGS:

- EXISTING CONSTRUCTION TO REMAIN
- EXISTING CONSTRUCTION TO BE REMOVED
- NEW 2X6 EXTERIOR STUD WALL (5")
- NEW 2X4 INTERIOR STUD WALL (5")
- NEW CONCRETE BLOCK PIER FOUNDATION
- SMOKE DETECTOR LINKED TO OTHERS
- HVAC SUPPLY
- HVAC RETURN
- EXHAUST FAN
- DUPLEX OUTLET
- G.F.I.C RECEPTACLE
- ELECTRIC SWITCH
- 3-WAY SWITCH
- LIGHT FIXTURE

GENERAL NOTES:

1. ALL WORK TO BE PERFORMED SHALL COMPLY WITH THE MICHIGAN RESIDENTIAL BUILDING CODE AND ALL OTHER LOCAL, STATE AND NATIONAL CODES AS APPLICABLE.
2. DO NOT SCALE DIRECTLY FROM DRAWINGS
3. DIMENSIONS SHOWN ARE TAKEN AT FACE OF WALL OR CENTERLINE UNLESS OTHERWISE INDICATED
4. NOTES & DIMENSIONS ARE CONSIDERED TYPICAL FOR EACH SHEET UNLESS OTHERWISE INDICATED
5. TYPICAL WALL THICKNESSES ARE INDICATED IN LEGEND
6. VERIFY ALL SITE AND EXISTING CONDITIONS BEFORE STARTING ON THAT PART OF THE WORK
7. COORDINATE ALL ELECTRICAL, PLUMBING, AND HVAC SYSTEMS TO ALLOW FOR THE LAYOUTS AS SHOWN
8. GENERAL LAYOUTS ONLY FOR HVAC, PLUMBING AND ELECTRICAL ARE INDICATED. EXACT LOCATION OF EQUIPMENT AS WELL AS SUPPLY AND RETURN LINES AND RISERS SHALL BE DESIGNED BY CONTRACTORS AND COORDINATED IN THE FIELD.
9. DOOR SIZES SHOWN ARE INDICATED IN FEET & INCHES. Eg. 2' 6" = 2'-8" x 6'-8"
10. WINDOW SIZES SHOWN ARE INDICATED IN FEET & INCHES. Eg. 2' 6" x 5'-0" AND ARE INDICATED ON ELEVATIONS

© 2015 the Babcock Design Studio

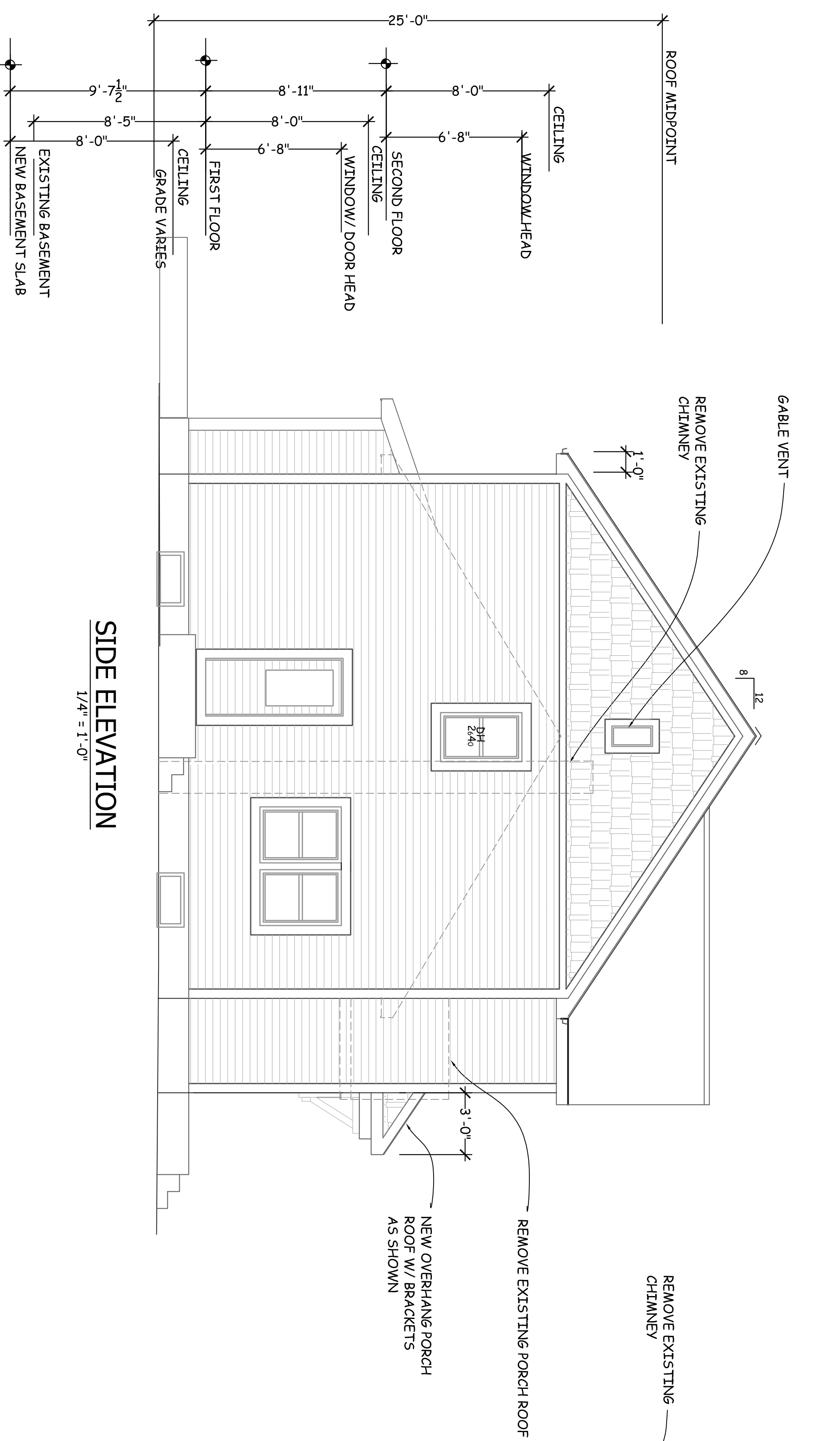
The Babcock Design Studio
309 North Ann Arbor St.
Sullivan, MI 48176-1140
(734) 429-8351

PROJECT NUMBER: 1524

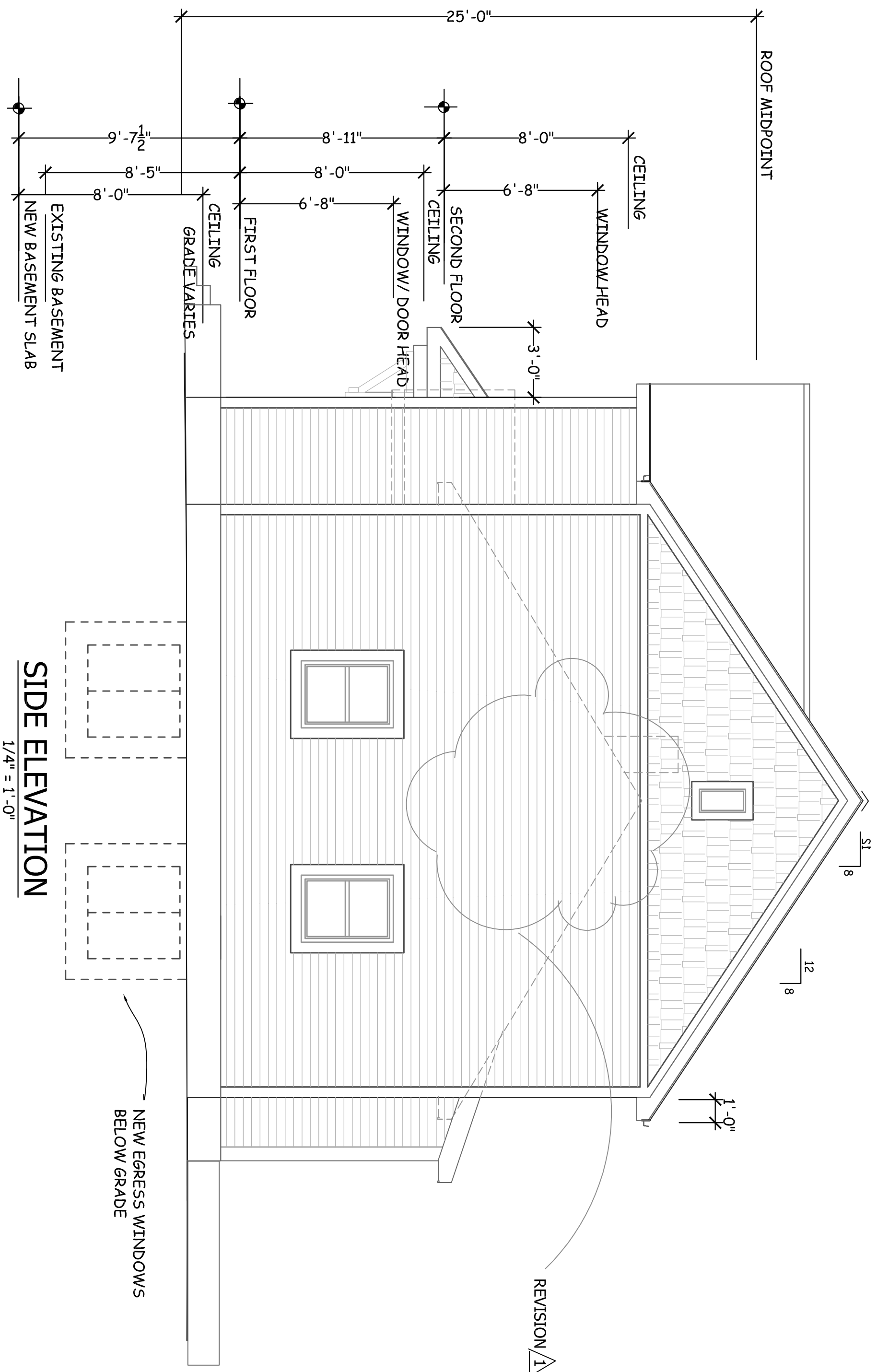
Allmand Properties
Home Renovations
824 Sylvan Drive
Ann Arbor, MICHIGAN

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

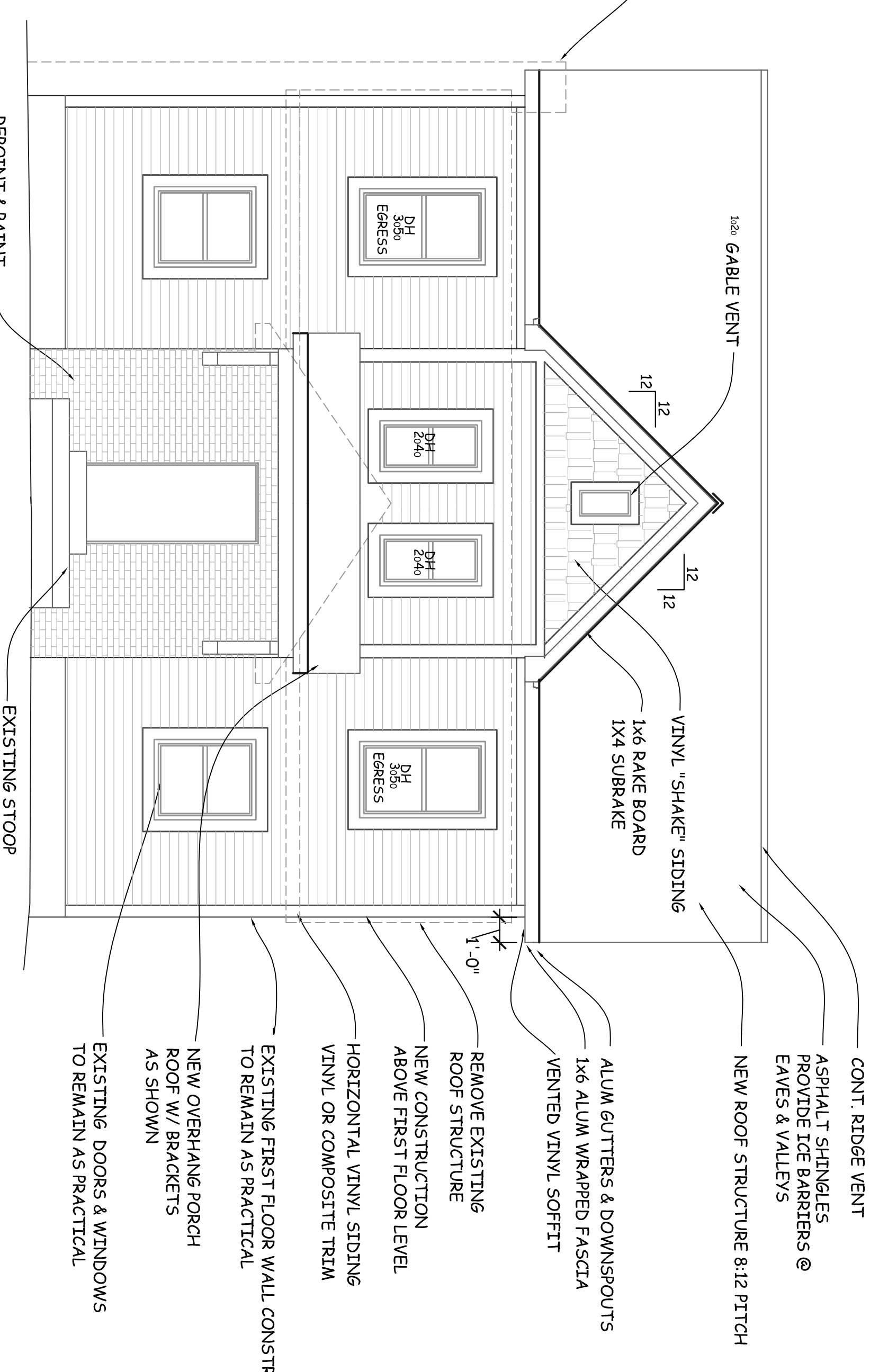
DATE:	ISSUE:
MAY 18, 2015	REVIEW
JUNE 1, 2015	REVIEW
JUNE 8, 2015	REVISION/A



SIDE ELEVATION
1/4" = 1'-0"

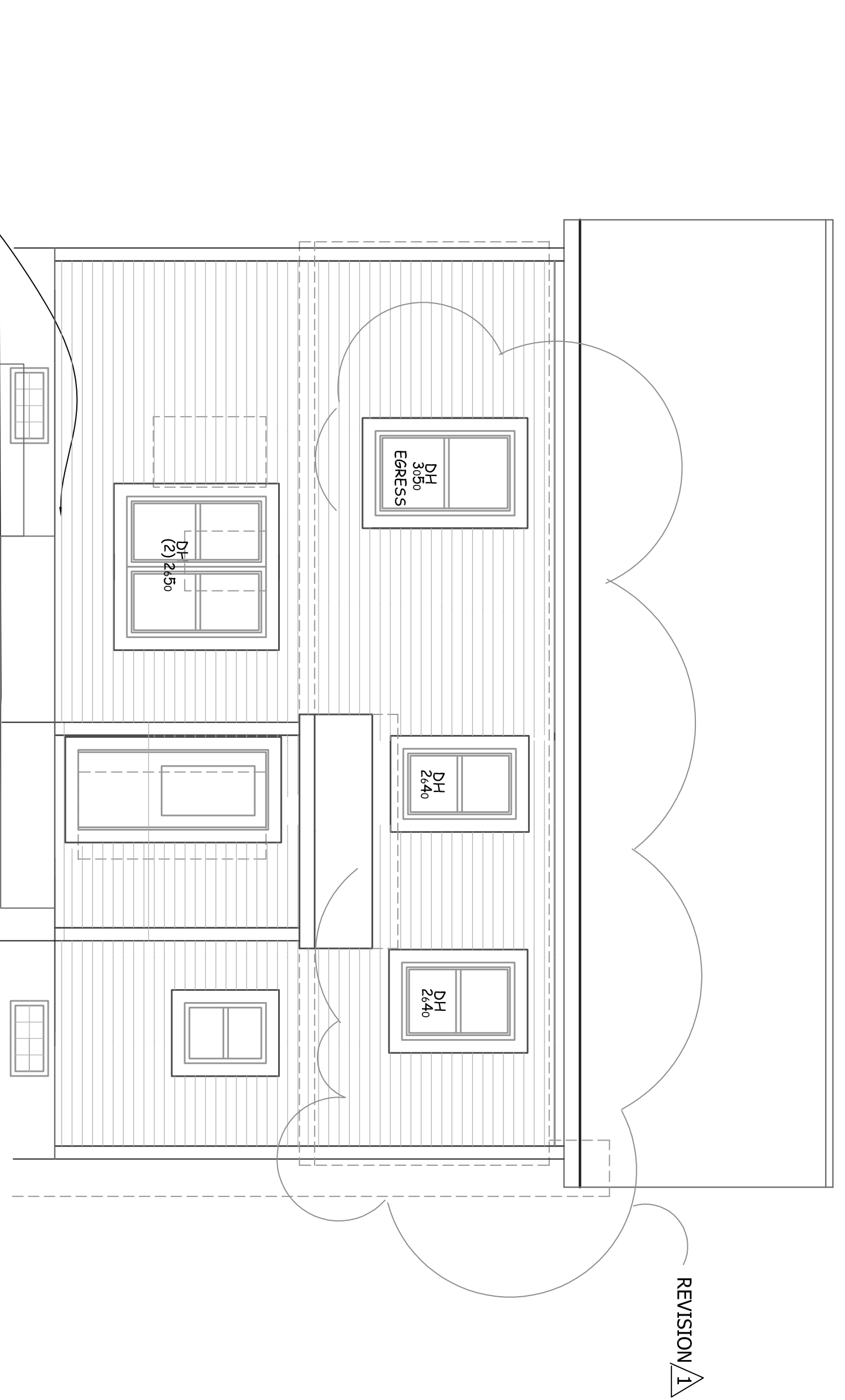


SIDE ELEVATION
1/4" = 1'-0"



FRONT ELEVATION
1/4" = 1'-0"

NOTES AND DIMENSIONS SHOWN HERE ARE TYPICAL FOR ALL ELEVATIONS UNLESS OTHERWISE NOTED



REAR ELEVATION
1/4" = 1'-0"

© 2015 the Babcock Design Studio

the Babcock Design Studio
Architectural, Interior and Graphic Design
309 North Ann Arbor St.
Saline, MI 48176-1140
(734) 429-8551

PROJECT NUMBER: 1524

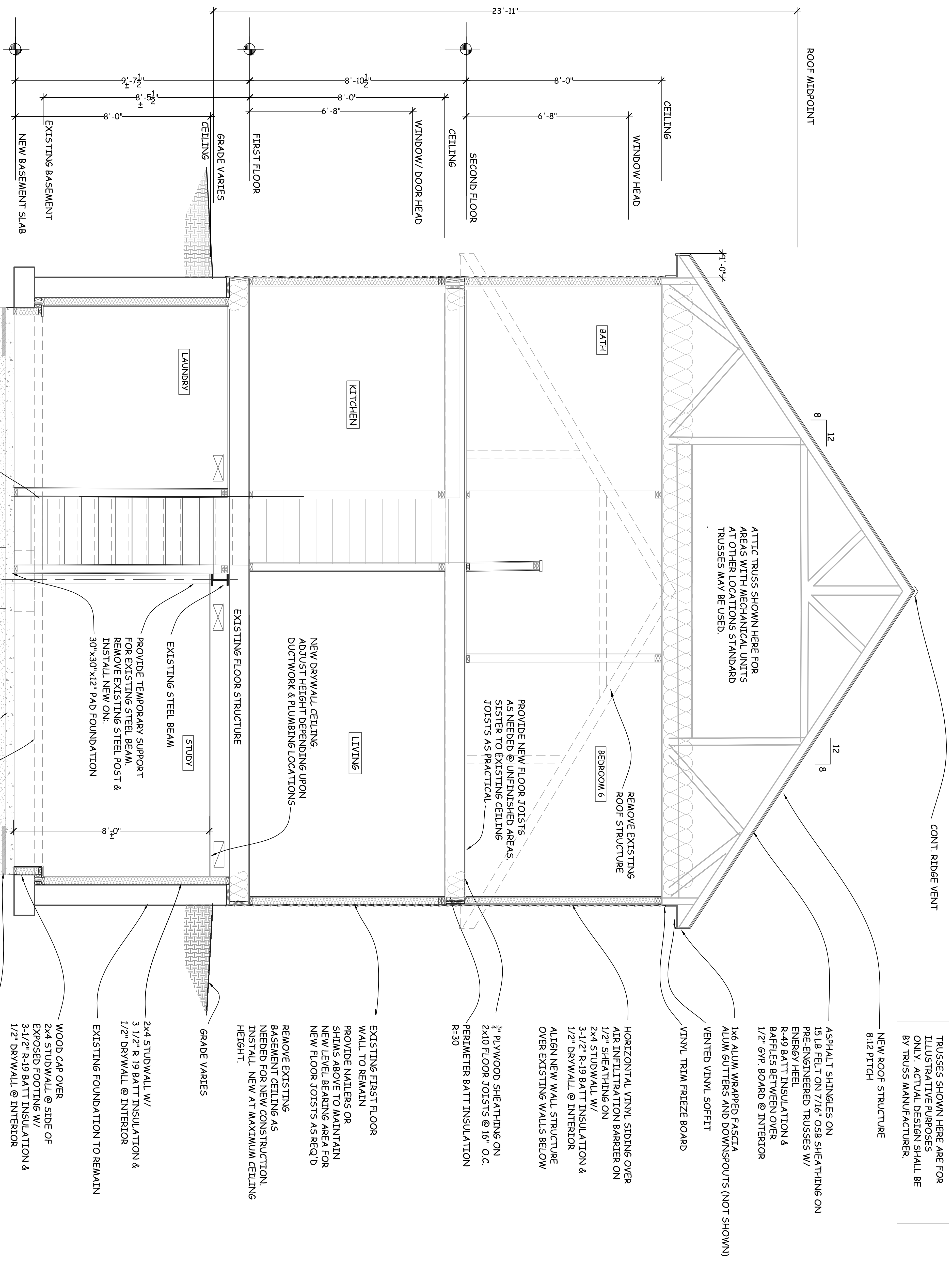
Allmand Properties
Home Renovations
824 Sylvan Drive
Ann Arbor, MICHIGAN

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

DATE: _____ ISSUE: _____

JUNE 1, 2015 REVIEW
JUNE 8, 2015 REVISION A

NOTES SHOWN HERE ARE TYPICAL THROUGHOUT UNLESS OTHERWISE NOTED.



CROSS SECTION

1/2" = 1'-0"

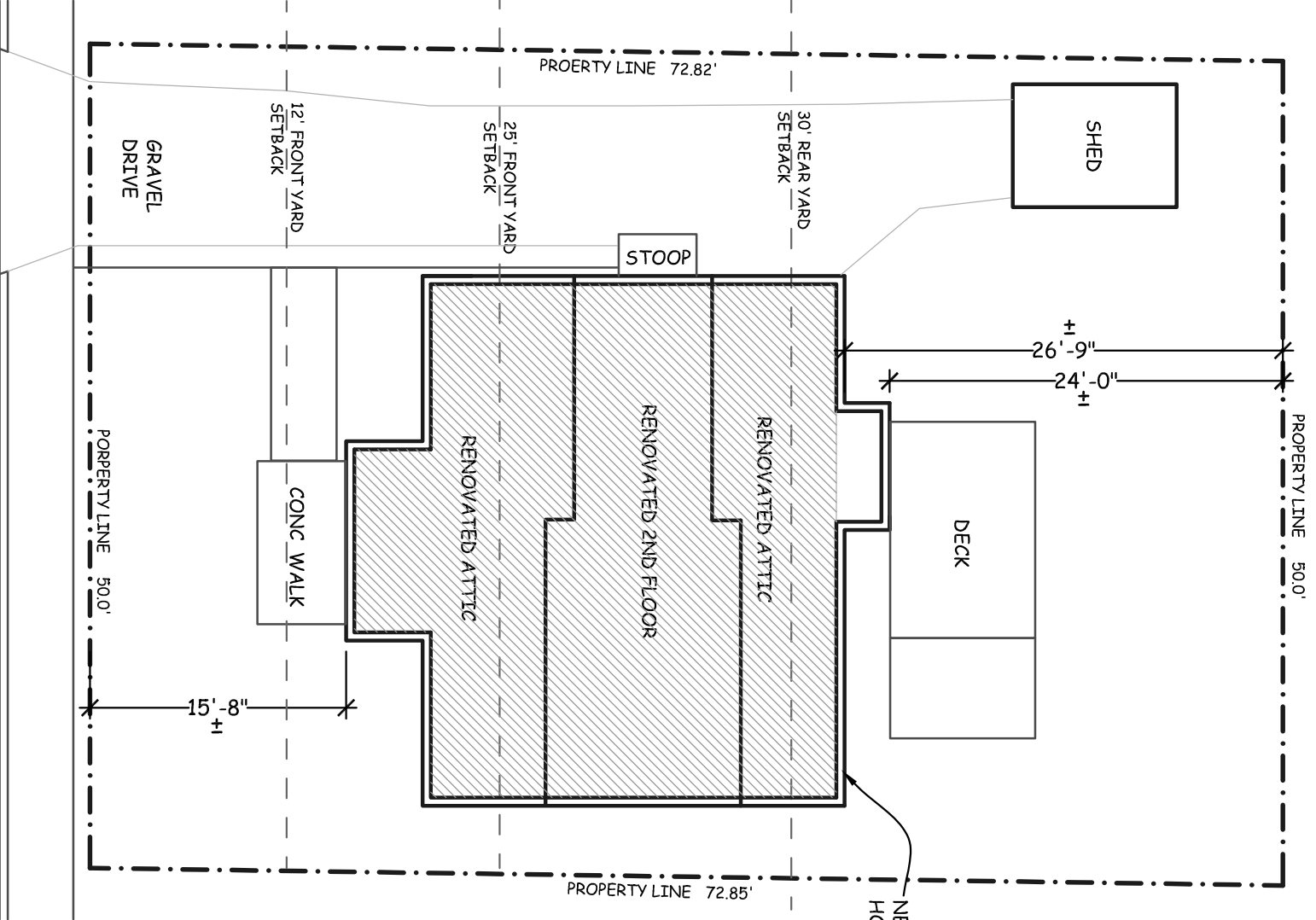
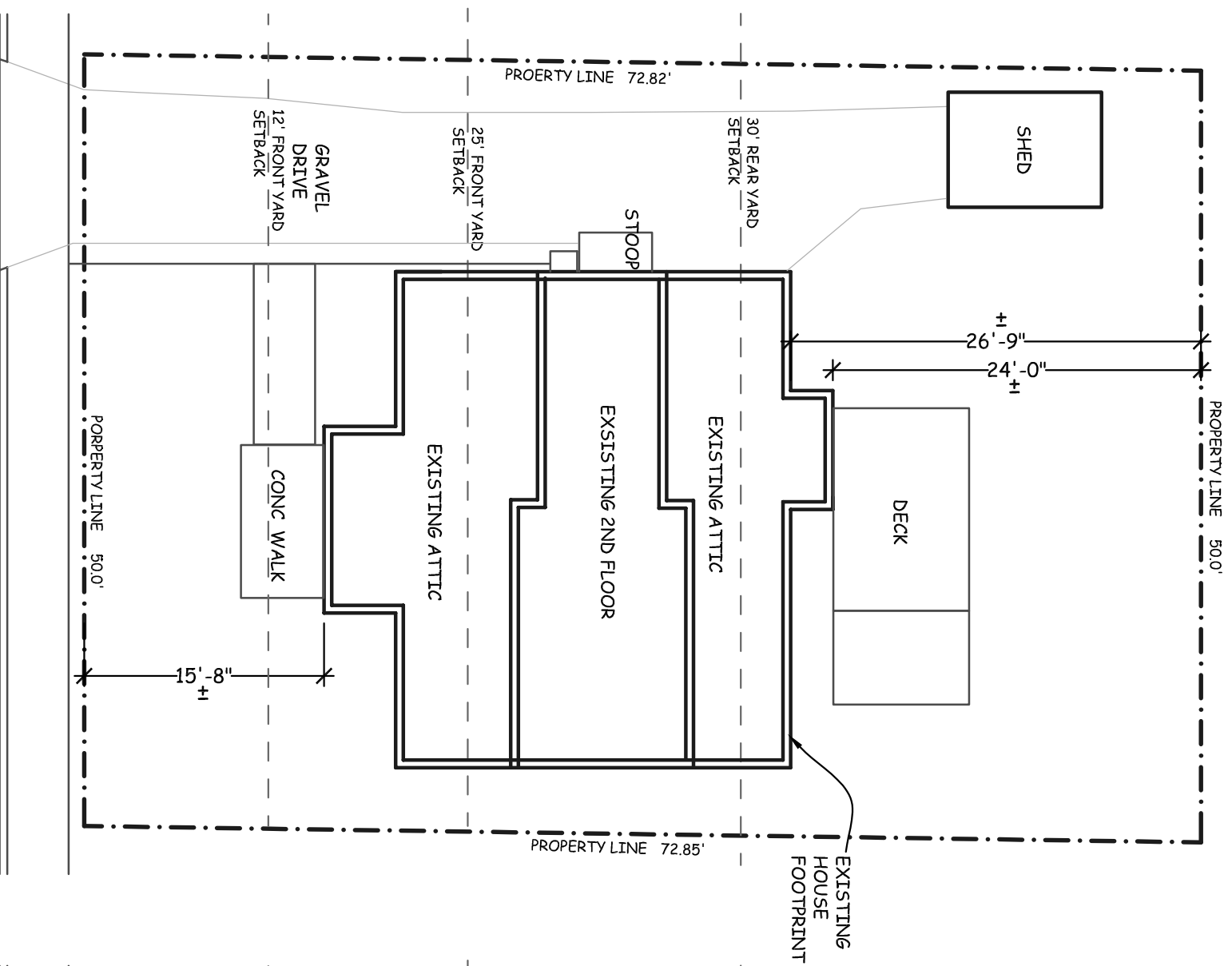
© 2015 the Babcock Design Studio
the Babcock Design Studio
Architectural, Interior and Graphic Design
309 North Ann Arbor St.
Saline, MI 48176-1140
(734) 429-8851
PROJECT NUMBER: 1524

Allmand Properties
Home Renovations
814 Sylvan Drive
Ann Arbor, MICHIGAN

SCALE: 1/2" = 1'-0"
DATE: ISSUE:
JUNE 1, 2015 REVIEW

ZONING DISTRICT R4C

MINIMUM SETBACK REQUIREMENTS	SETBACKS PROVIDED FOR NEW WORK	CHANGES FROM EXISTING TO NEW WORK
FRONT - 25'	FRONT - 15.7'	NONE
REAR - 30'	REAR - 24.0'	NONE
MINIMUM LOT SIZE REQUIRED 2175 SF	LOT SIZE PROVIDED 3662 SF	NONE
MINIMUM OPEN SPACE PER UNIT 40 %	OPEN SPACE PROVIDED 73.1%	NONE
MAXIMUM HEIGHT ALLOWED 30'	MAXIMUM HEIGHT @ NEW ADDITION 25'	ADDITIONAL 9.3' OF BUILDING HEIGHT ADDED



© 2015 the Babcock Design Studio

the Babcock Design Studio
 Architecture, Interior and Graphic Design
 309 North Ann Arbor St.
 Saline, MI 48176-1140
 (734) 429-8551

PROJECT NUMBER: 1524

Allmand Properties Home Renovations
 824 Sylvan Drive
 Ann Arbor, MICHIGAN

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

DATE: JUNE 18, 2015 ISSUE: REVIEW

EXISTING SITE PLAN

1/10" = 1'-0"

PROPOSED SITE PLAN

1/10" = 1'-0"

824 S-1

ARCHITECTURAL SITE PLAN

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

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