

**Zoning Board of Appeals
May 27, 2015 Regular Meeting**

STAFF REPORT

Subject: ZBA15-011; 1404 Lutz Avenue

Summary:

Tom and Jean Bartlett are requesting one variance from Chapter 55 (Zoning) Section 5:57 (Averaging an Existing Front Setback Line), of 9 feet to allow for a front setback of 25 feet for expansion of an existing residential structure into the front setback; 34 feet is required (Averaged Front Setback).

Description and Discussion:

The subject parcel contains a 980-square foot, single-family dwelling constructed in 1928. The parcel is zoned R1D (Single-Family) and is conforming for lot area; the required minimum lot area for R1D is 5,000 square feet and the parcel is 5,183 square feet. The existing setback measures 26 feet 6 inches to the main house. The parcel is located on a dead end street leading into a drive to the Zion Lutheran Church parking lot. The house was constructed in front of the adjacent houses to the east and west. As a result, the required averaged front setback is 34 feet, which makes the structure non-conforming.

The petitioner is proposing to remove an existing 7 foot 9 inch by 26 foot enclosed front porch and construct a 9 foot 3 inch by 26 foot addition to the front of the house which would encroach a maximum of 9 feet at a corner into the averaged front setback of 34 feet. The new addition will be 1 foot 6 inches closer to the front property line. The front setback after the addition will be 25 feet which is the required setback before the averaging requirement is applied. The new floor area within the front setback will be approximately 35 square feet.

Standards for Approval- Variance

The Zoning Board of Appeals has all the power granted by State law and by Section 5:99, Application of the Variance Power from the City of Ann Arbor Zoning Ordinance. The following criteria shall apply:

- (a). *That the alleged hardships or practical difficulties, or both, are exceptional and peculiar to the property of the person requesting the variance, and result from conditions which do not exist generally throughout the City.***

The subject parcel is a conforming lot in the R1D Zoning District (required is a minimum lot size of 5,000 square feet; parcel is 5,183 square feet). The existing house was built

in 1928 before current zoning setbacks. The house, including the existing covered porch, was built 26 feet 6 inches from the front property line. The R1D required setback is 25 feet; however the averaging of adjacent parcels adjusts the setback to 34 feet. The subject parcel is a 50 feet wide which is non-conforming for lot width, which is 60 feet required.

- (b). ***That the alleged hardships or practical difficulties, or both, which will result from a failure to grant the variance, include substantially more than mere inconvenience, inability to attain a higher financial return, or both.***

The variance is being requested in order to construct an addition to the front of the house. If the variance is not granted, the petitioner could construct a smaller addition to the front. There is limited room to construct an addition to the rear of the house due to the placement of the detached garage.

- (c). ***That allowing the variance will result in substantial justice being done, considering the public benefits intended to be secured by this Chapter, the individual hardships that will be suffered by a failure of the Board to grant a variance, and the rights of others whose property would be affected by the allowance of the variance.***

If the variance is approved, the structure will be consistent in size with a number of houses in the neighborhood. The addition will extend 1 foot 6 inches closer than the existing structure to the front property line and will not be extended any closer to the side property line or adjacent neighbors.

- (d). ***That the conditions and circumstances on which the variance request is based shall not be a self imposed hardship or practical difficulty.***

The house was built in the 1920's before current zoning standards were established. The house is non-conforming for the averaged front setback requirement established by the construction and location of the adjacent houses.

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

The variance, if approved, will permit construction of an addition in the front yard. At the closest point the addition will be 25 feet from the front property line. The proposal represents an increase of approximately 35 square feet and will be 1 foot 6 inches closer to the front property line than the existing enclosed porch. Due to the layout and position of the house, any addition to the front would require a variance. There is an existing enclosed porch that will be removed and the increase in size and encroachment of the proposed addition is minimal.

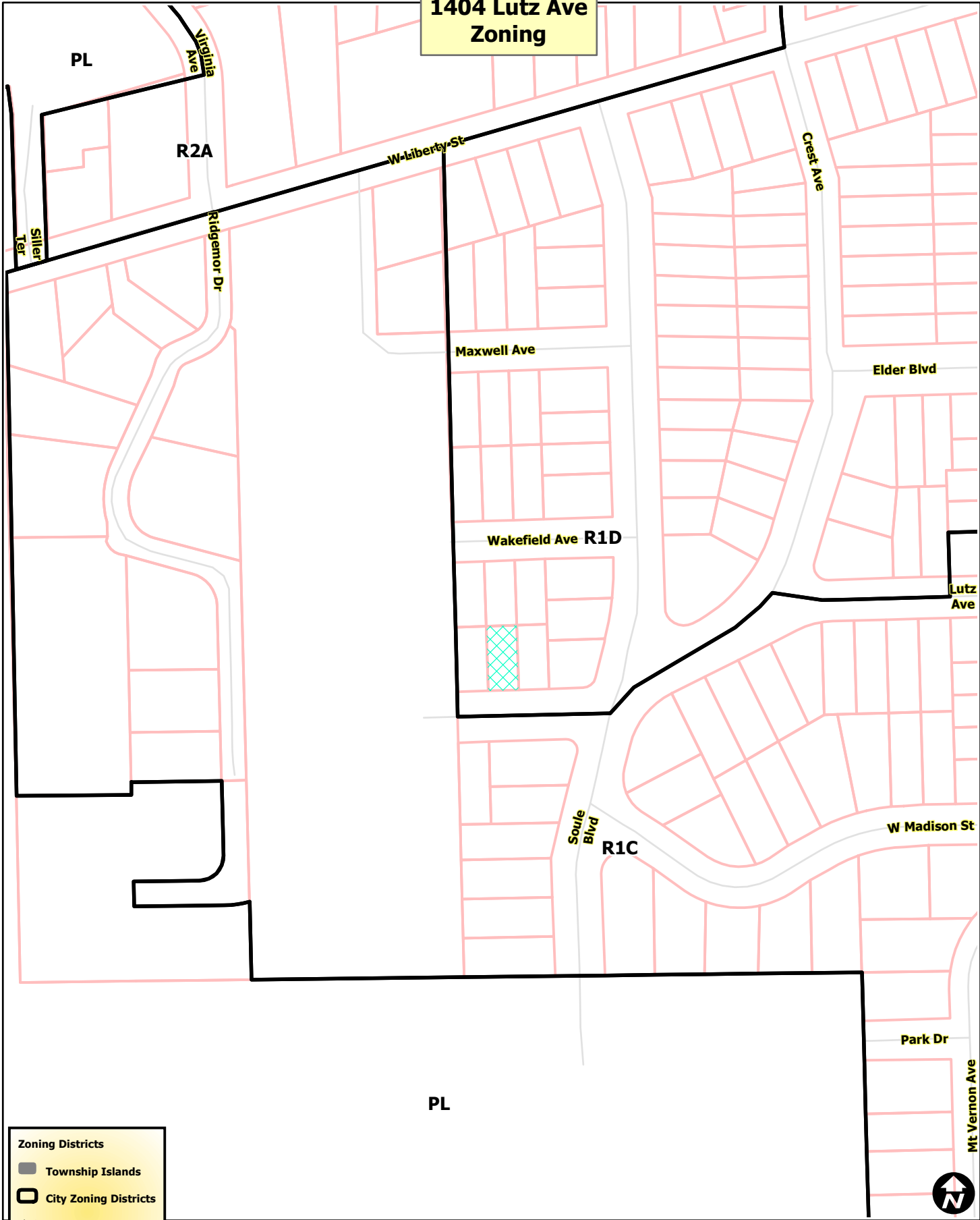
Zoning Board of Appeals
Variance
May 27, 2015 - Page 3

Respectfully submitted,

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

Matthew J. Kowalski, AICP
City Planner

1404 Lutz Ave Zoning



Zoning Districts

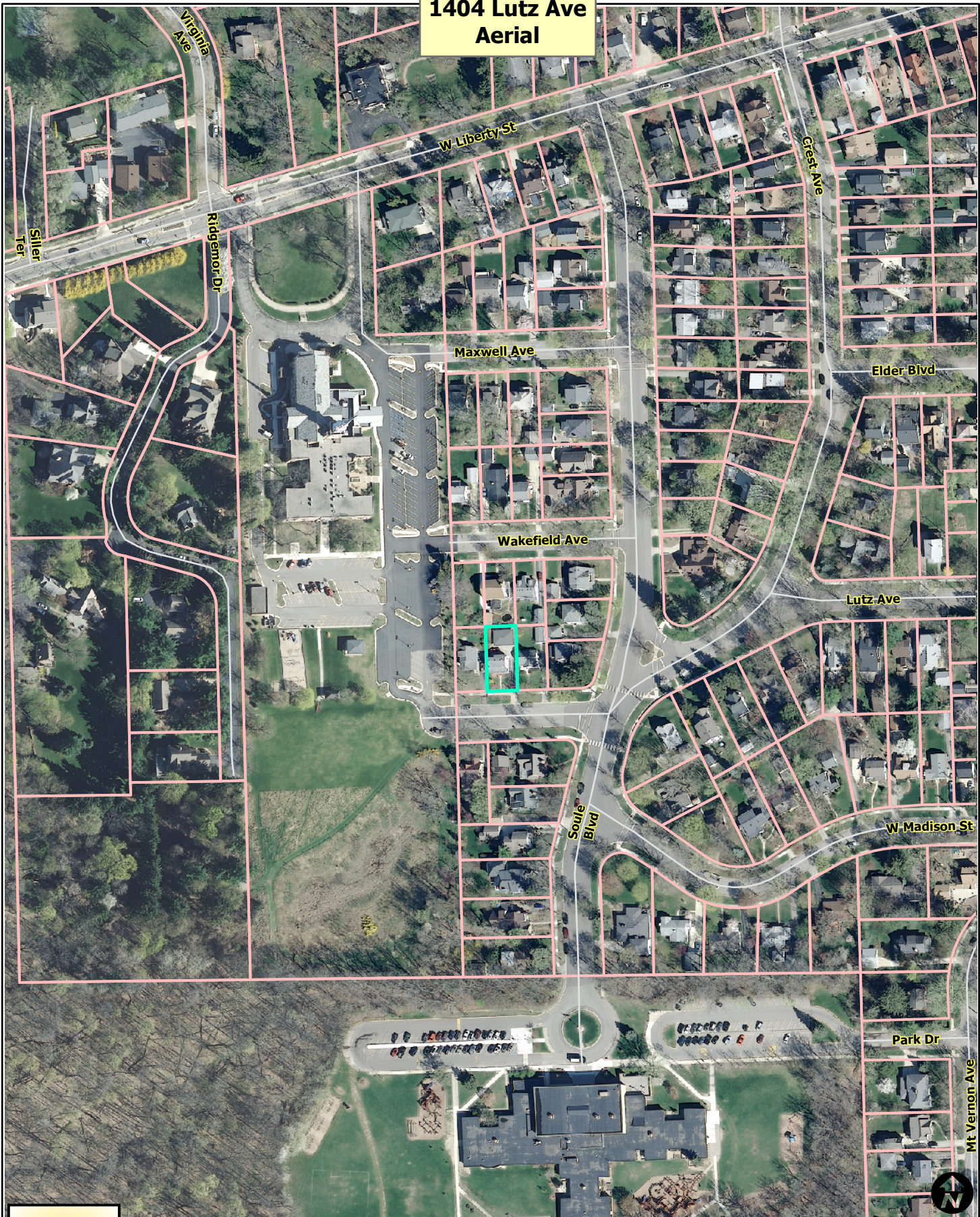
- Township Islands
- City Zoning Districts
- Railroads
- Parcels
- Huron River



Map date: 5/1/2015
Any aerial imagery is circa 2012 unless otherwise noted
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1404 Lutz Ave Aerial



- Railroads
- Parcels
- Huron River



Map date: 5/1/2015
Any aerial imagery is circa 2012
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1404 Lutz Ave Aerial

field Ave

Lutz Ave



-  Railroads
-  Parcels
-  Huron River



Map date 5/1/2015
Any aerial imagery is circa 2012
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APPLICATION FOR VARIANCE OR NON-CONFORMING STRUCTURE
ZONING BOARD OF APPEALS

Section 1: Applicant Information

Name of Applicant: Tom and Jean Bartlett
 Address of Applicant: 1404 Lutz Avenue
 Daytime Phone: 734-709-5025
 Fax: _____
 Email: COGNATUM@GMAIL.COM
 Applicant's Relationship to Property: OWNERS

Section 2: Property Information

Address of Property: same as above
 Zoning Classification: R1P
 Tax ID# (if known): PARCEL: 09-09-30-418-002
 *Name of Property Owner: Tom and Jean Bartlett

*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:

5:57

Required dimension:

34'

PROPOSED dimension:

25'

AVERAGING AN EXISTING FRONT SETBACK LINE

FRONT SETBACK

FRONT SETBACK

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)

REMOVING DETERIORATING ENCLOSED SCREEN PORCH AND REPLACING WITH FOUR-SEASON ADDITION ADDING 12 SQ. FT. OF ADDITIONAL ROOF AREA.

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?

EXISTING GARAGE STRUCTURE IN REAR OF LOT PREVENTS ADDITION TO REAR OF HOUSE, ADDITION WILL INCREASE FOOTPRINT OF HOUSE TO MATCH FOOTPRINT SIZE OF ADJACENT PROPERTIES.

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

ADDITION TO HOME WILL PROVIDE COMPARABLE FOOTPRINT TO ADJACENT PROPERTIES AND ESTABLISH STANDARD SETBACK AMENABLE TO ADJACENT PROPERTY OWNERS.

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

OWNERS OF ADJACENT PROPERTIES UNDERSTAND AND AGREE THAT REDUCING SETBACK 3 FT. FURTHER FROM CURRENT SCREENED IN PORCH WILL ENHANCE AESTHETICS OF THE NEIGHBORHOOD.

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?

LOT SIZE OF SUBJECT PROPERTY AND ADJACENT PROPERTIES ARE SUBSTANDARD AND A MITIGATING CIRCUMSTANCE THAT VALIDATES VARIANCE.

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

ADJACENT HOUSES EXTEND FURTHER BACK INTO LOTS THAN SUBJECT PROPERTY, A LONG STANDING CONDITION. ALSO, FRONTAGE OF ALL SUBJECT PROPERTIES INCLUDES WIDER THAN AVERAGE WIDTH OF BOTH APRON AND STREET, MAKING DISTANCE TO HOUSES ACROSS THE STREET GREATER THAN MANY AREAS OF THE NEIGHBORHOOD, MITIGATING THE EFFECT OF THE VARIANCE.

Section 5: ALTERATION TO A NON-CONFORMING STRUCTURE

Current use of the property RESIDENCE

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 50' X 104' 5200 SQ. FT.

Lot width 50'

Floor area ratio N/A

Open space ratio N/A

Setbacks FRONT 34', SIDES 10 FT., REAR 8 FT.

Parking OFF STREET PARKING

Landscaping FLOWER GARDEN, GRASS, BRICK PAVERS.

Other BLOCK IS ONLY 3 HOUSES, SUBJECT HOUSE WITH ADJACENT HOUSE ON EACH SIDE.

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

ADDITION ON FRONT OF HOUSE TO ALLOW FOR FOOTPRINT SIZE TO MATCH THAT OF ADJACENT HOMES.

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:

ALTERATION MOVES SETBACK TO STANDARD SETBACK, IS SUPPORTED BY OWNERS OF ADJACENT PROPERTIES AND WILL IMPROVE THE AESTHETIC APPEAL OF THE AREA WHICH WE BELIEVE IS THE INTENT OF CODE IN QUESTION.

Wherefore, Petitioner requests that permission be granted from the above named Chapter and Section of the Ann Arbor City Code in order to permit REDUCTION OF FRONT SETBACK TO THE STANDARD SETBACK AS VARIANCE FROM AVERAGING SETBACK CHAPTER AND SECTION 5:57 DUE TO ABOVE MITIGATING CIRCUMSTANCES.

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.

734-709-5025
 Phone Number
 COGNATUM@GMAIL.COM
 Email Address
 [Signature]
 Signature
 TOM BARTLETT
 Print Name

I, the applicant, hereby depose and say that all of the aforementioned statements, and the statements contained in the materials submitted herewith, are true and correct.

[Signature]
 Signature

Further, I hereby give City of Ann Arbor Planning & Development Services unit staff and members of the Zoning Board of Appeals permission to access the subject property for the purpose of reviewing my variance request.

[Signature]
 Signature

I have received a copy of the informational cover sheet with the deadlines and meeting dates and acknowledge that **staff does not remind the petitioner of the meeting date and times.**

[Signature]
 Signature

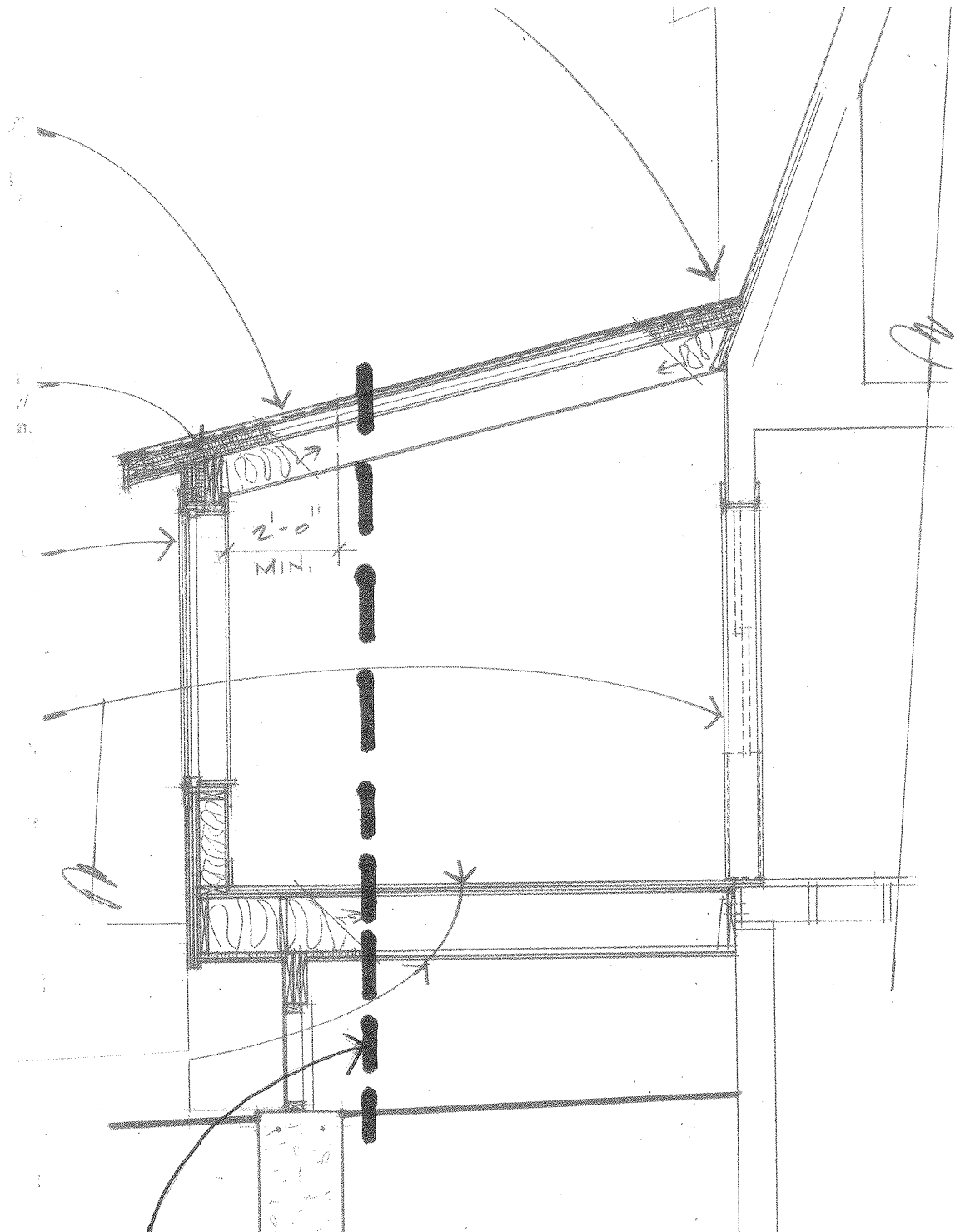
On this 29 day of April, 2015, before me personally appeared the above named applicant and made oath that he/she has read the foregoing application by him/her subscribed and knows the contents thereof, and that the same is true as to his/her own knowledge except as to those matters therein stated to be upon his information and belief as to those matters, he/she believes them to be true.

JOAN C. HENDRICKS
 Notary Public, State of Michigan
 County of Washtenaw
 My Commission Expires Feb. 5, 2020
 Notary Commission Expiration Date: Washtenaw

[Signature]
 Notary Public Signature
 JOAN C HENDRICKS
 Print Name

Staff Use Only

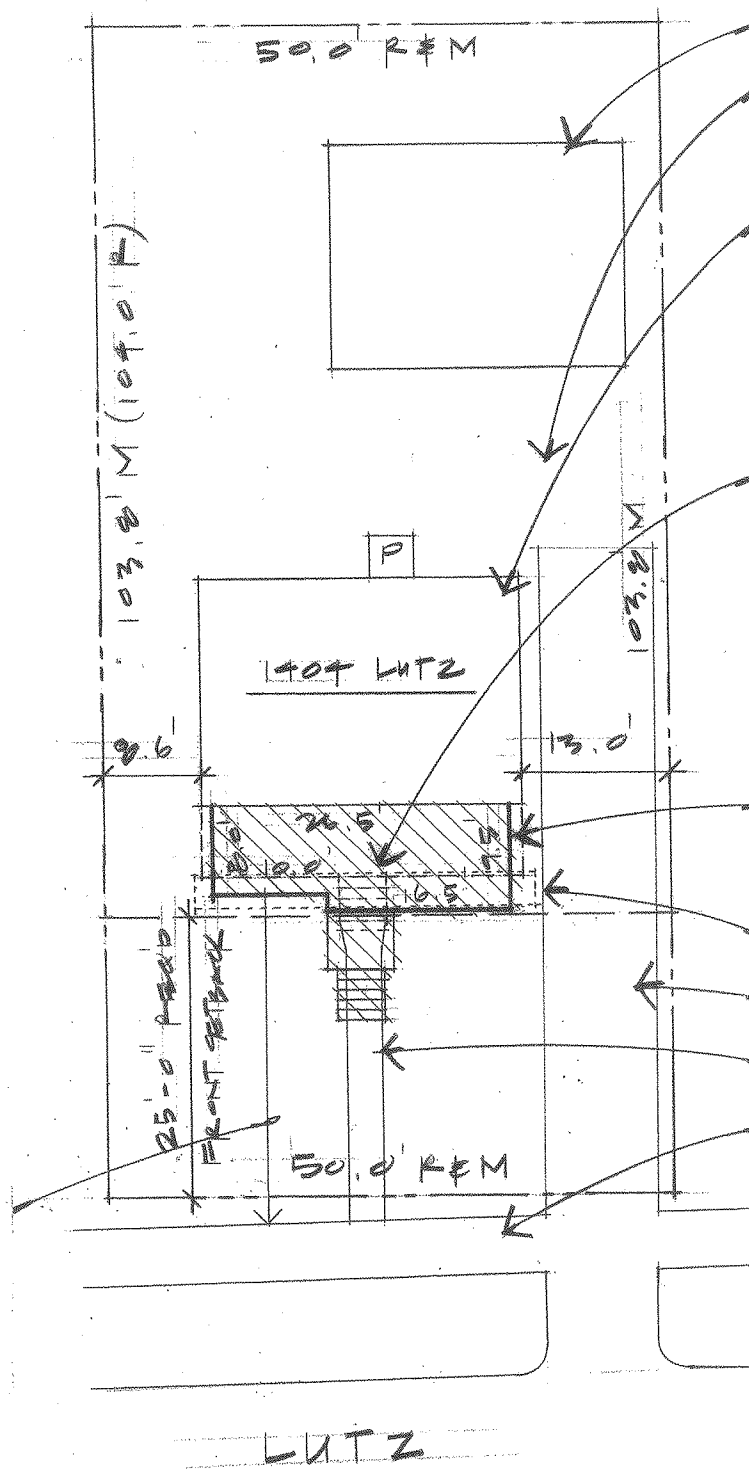
Date Submitted: 4/29/15
 File No.: ZBA15-011
 Pre-filing Staff Reviewer & Date: MK/BA 4/29/15
 Pre-Filing Review:
 Staff Reviewer & Date:
 Fee Paid: \$
 Date of Public Hearing:
 ZBA Action:



FORWARD EDGE OF
EXISTING SCREENED
IN PORCH

2 SECTION @ DINING AREA
R2 3/4" = 1'-0"

GENERAL GRADING NOTE: Overall existing grades on site to remain unchanged. Where required, local grading to be done around new & existing construction to ensure proper surface drainage. In newly graded areas, finish grade shall slope away from foundation walls a minimum of 6 inches within the first 10 feet. Where lot lines or other physical barriers prohibit this, swales or other modification shall be installed to ensure drainage away from structures.



Existing 2-car CMU garage.

Existing gravel driveway area.

Existing House: 2-story frame single-family residence w/full basement; aluminum siding; asphalt shingle roof.

1404 Lutz Zoning: R1D

Required Setbacks:

- Front Setback = 25'-0"
- Least Side Setback = 3'-0"
- Total of Two Side Setbacks = 6'-0"
- Rear Setback = 20'-0"

Existing enclosed front porch & steps to be removed (shown dashed). Porch supported by post foundations per Owner -- field verify prior to start construction.

Proposed New Construction: 1-story wood framed addition and entry stoop (shown hatched). Addition footprint will not occupy any portion of the required front setback based on survey information provided by Owner. Zoning Code permits proposed entry stoop and roof overhang within the front setback. Prior to start of construction, physically establish front setback line on the site. Notify Architect immediately of any discrepancy to permit any required modification of the design.

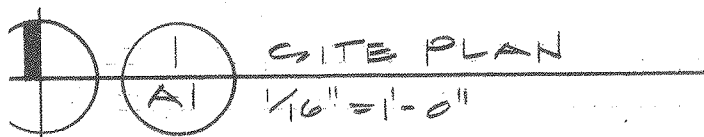
Area of earth disruption for addition trench footing

Existing asphalt driveway.

Existing concrete walk.

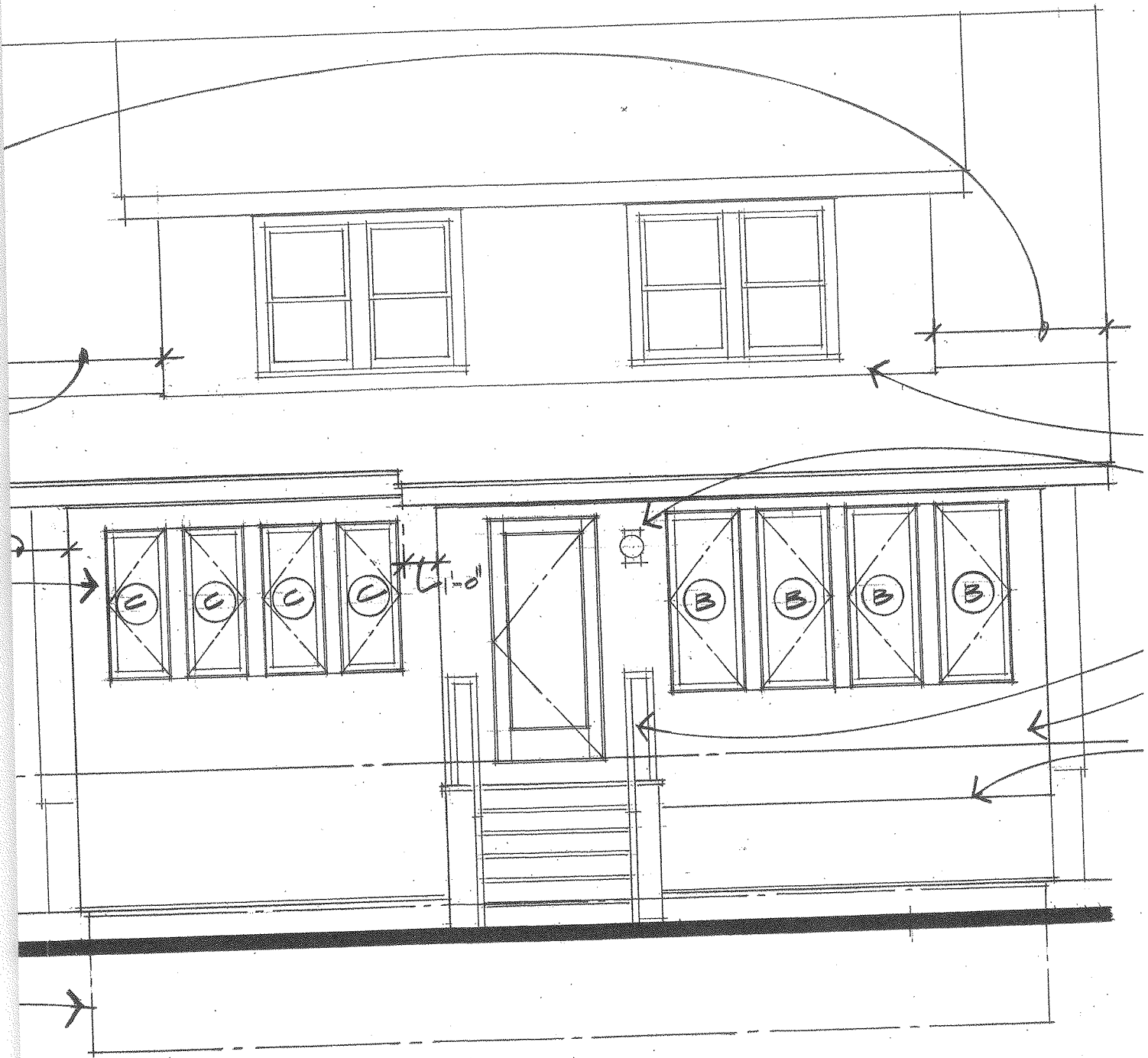
Existing sidewalk.

GENERAL SITE PLAN NOTE: Site Plan based on survey provided by Owner. Proposed project does not involve any changes to following existing conditions: property lines; existing driveway location; or existing residence footprint apart from demolition of existing enclosed front porch and steps for installation proposed addition front entry stoop. Proposed addition does not violate any required setbacks. Zoning Code per location of proposed entry stoop and roof overhang in the required front setback.



2 2 5

1 1 L



SOUTH ELEVATION

1/4" = 1'-0"

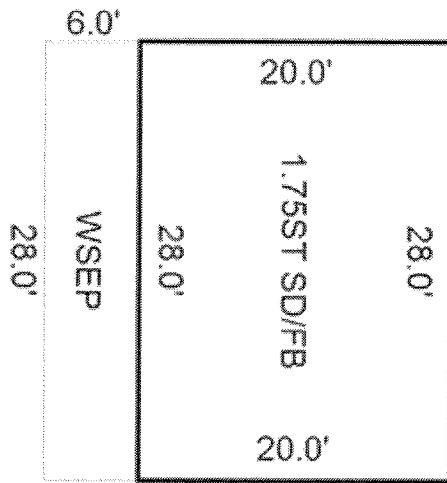
Image/Sketch for Parcel: 09-09-30-418-002

City of Ann Arbor

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SUBJECT HOUSE
560 SQ FT FOOTPRINT



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Image/Sketch for Parcel: 09-09-30-418-003

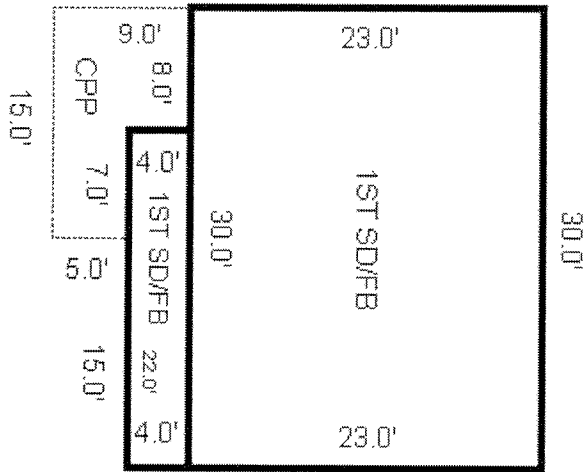
City of Ann Arbor

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Sketch by Apex I/m
AB/10-12-05

HOUSE EAST OF SUBJECT HOUSE
750 SQ FT FOOTPRINT



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Image/Sketch for Parcel: 09-09-30-418-001

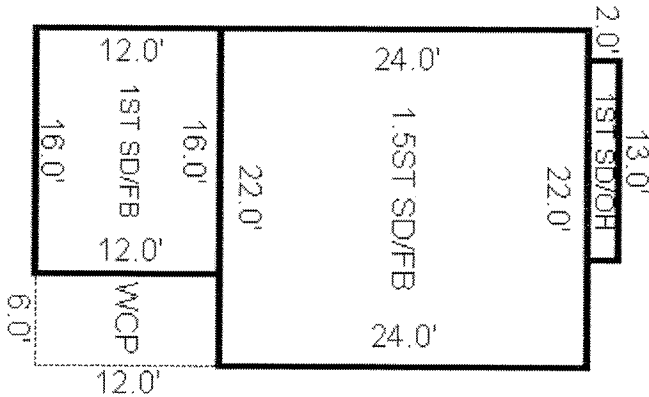
City of Ann Arbor

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Sketch by Apex I/m

HOUSE WEST OF SUBJECT HOUSE
746 SQ FT FOOTPRINT



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