

**Zoning Board of Appeals
October 23, 2013 Regular Meeting**

STAFF REPORT

Subject: ZBA13-020, 911 Sunnyside Boulevard

Summary: Joseph Primeau is requesting one variance from Chapter 55(Zoning) Section 5:57 (Averaging an Existing front setback line), of 5 feet 9 inches for expansion of an existing residential structure into the front setback; 27 feet 9 inches is required (Averaged Front Setback).

Description and Discussion:

The subject parcel contains a 1,700 square foot, single-family dwelling constructed in 1930. The parcel is zoned R1D (Single-Family) and is located on Sunnyside Boulevard, just west of South Seventh Street. The existing setback measures 32 feet to the main house and 22 feet to the existing uncovered porch. The porch measures 5 feet by 9 feet 2 inches or approximately 50 square feet. The parcel is conforming for lot area; the required minimum lot area for R1D is 5,000 square feet and the parcel is 6,750 square feet.

The petitioner is proposing to cover the 50 square foot front porch which faces Sunnyside. There will be no increased size and the porch will not be enclosed. The front setback to the porch will remain 22 feet. The porch roof addition will match the rooflines of the structure and will be supported by columns.

Although the required front setback is 25 feet for the R1D zoning district, the averaged front setback at this location results in a required front setback of 27 feet 9 inches. The total encroachment of the house after the porch roof addition will remain at 5 feet 9 inches.

Standards for Approval- Variance

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

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

The subject parcel is a conforming lot in the R1D Zoning District (required is a minimum

lot size of 5,000 square feet; parcel is 6,750 square feet). The existing house was built in the 1930's before current zoning setbacks. The house, including the uncovered porch, was built 22 feet from the front property line. The R1D required setback is 25 feet; however the averaging of adjacent parcels adjusts the setback to 27 feet 9 inches. The subject parcel is a rectangular lot and is 50 feet wide at the front property line.

- (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 cover an existing front porch. If the variance is not granted, the existing porch can continue to be used and/or a ground level patio could be built, but not covered in the same location.

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

If the variance is approved, the structure will be consistent with a number of houses in the neighborhood. Although covering the existing porch does require a variance, it will not extend farther into the averaged front setback, it is minimal in total size (50 sq ft), and will not be enclosed. This should minimize the impact to the surrounding neighborhood. The porch will not be extended any closer to the side property line or adjacent neighbors.

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

The house was built in the 1930's before current zoning standards were established. The house, including the front porch, was built 22 feet from the front property line and does not currently comply with 25 foot front setback of the R1D district, or the averaged front setback based on neighboring properties of 27 feet 9 inches.

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

The variance, if approved, will permit construction of a covering over an existing front porch within the average front setback. The unenclosed porch will have columns supporting it, but should have a minimal impact to the surrounding neighborhood. A covered front porch would be consistent with some porches in the neighborhood.

Zoning Board of Appeals
Variance
October 23, 2013 - Page 3

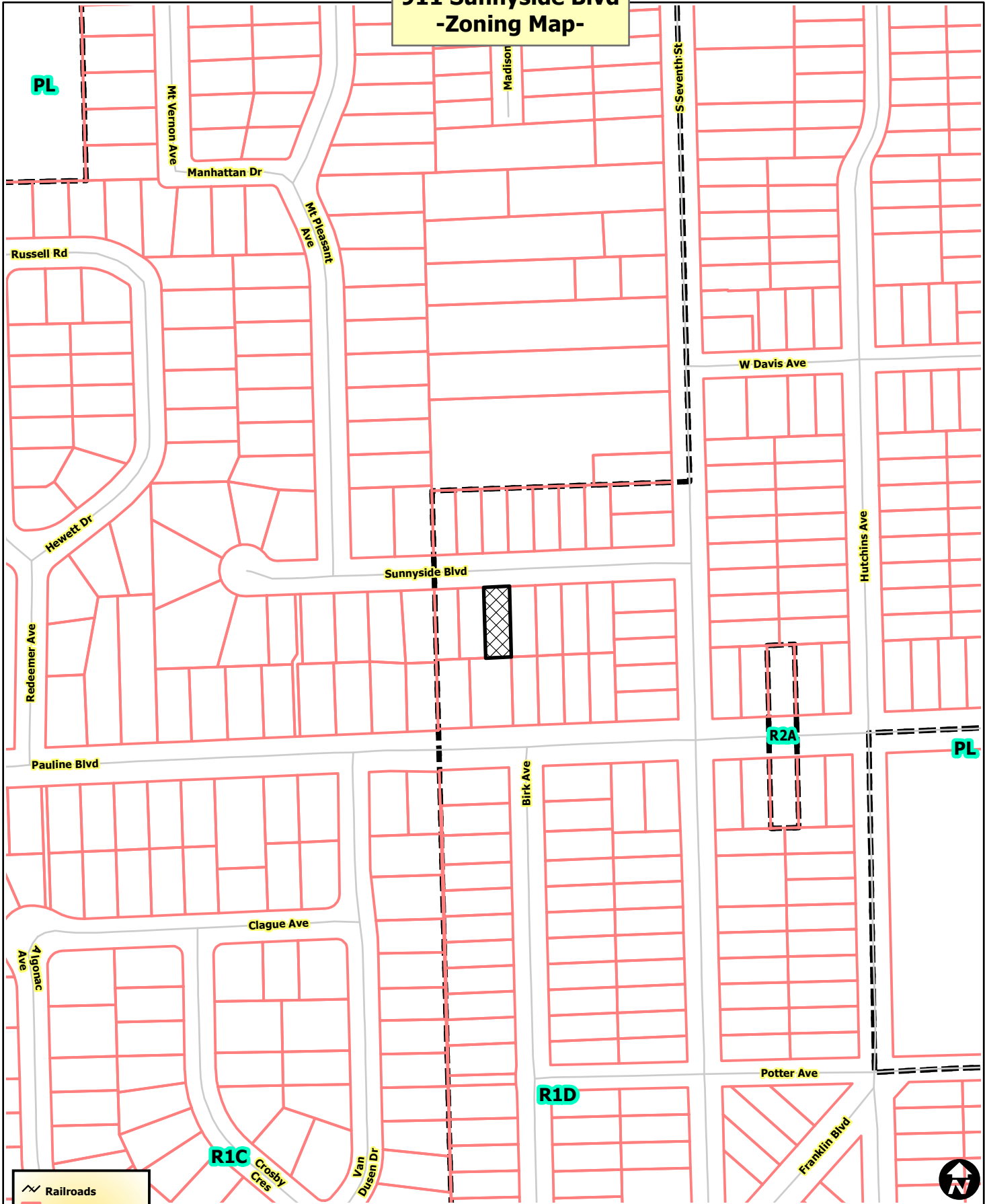
Although an uncovered front patio could be built without the need for a variance, the size and encroachment of the covered front porch is minimal.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'M. Kowalski', with a small mark to the right.

Matthew J. Kowalski, AICP
City Planner

911 Sunnyside Blvd -Zoning Map-



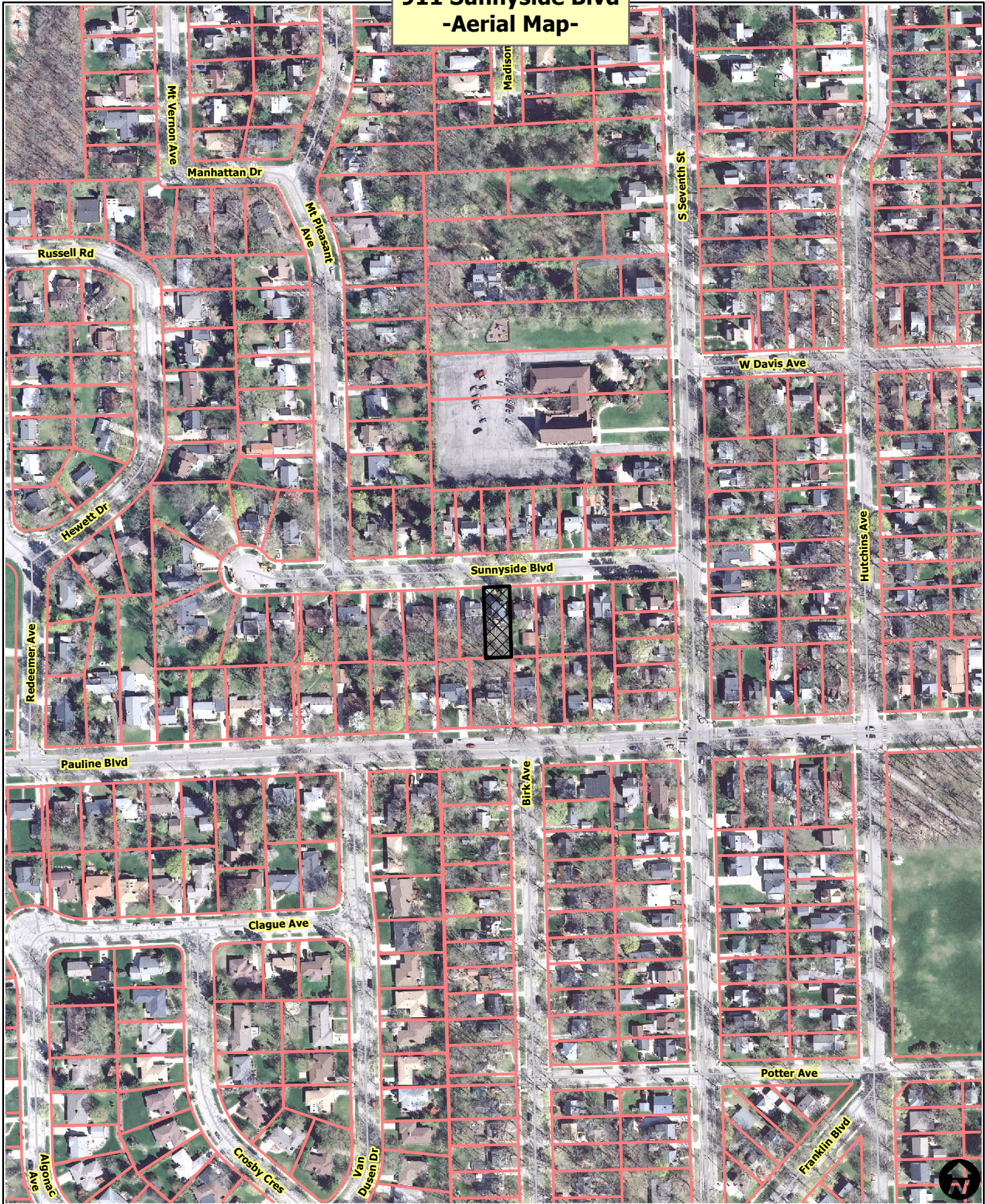
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
- Railroads
- Parcels
- Zoning**
- Township Islands
- Zoning Districts



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 Map Created: 10/1/2013

911 Sunnyside Blvd -Aerial Map-




-  Railroads
-  Parcels



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911 Sunnyside Blvd -Aerial Map-



 Railroads
 Parcels



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

Section 1: Applicant Information

Name of Applicant: JOSEPH PRIMEAU
Address of Applicant: 911 SUNNYSIDE BLVD
Daytime Phone: 248-287-6208
Fax: _____
Email: JLP0823@GMAIL.COM
Applicant's Relationship to Property: OWNER

Section 2: Property Information

Address of Property: 911 SUNNYSIDE BLVD
Zoning Classification: RESIDENTIAL R1D
Tax ID# (if known): 09-09-32-210-016
*Name of Property Owner: JOSEPH & CHRISTINE PRIMEAU

**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: ^{27' 9"} PROPOSED dimension:

55 SECTION 5:29 25' min 27.8 Avg 22'

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)

REBUILD EXISTING PORCH
ADD ROOF OVER PORCH WITH SIDE GUARD RAILS

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?

~~NO~~ NORTHERN EXPOSURE
~~SEA~~ AND EAST/WEST WIND CAUSES ICE BUILD UP DURING
WINTER PREVENT MAIL DELIVERY, EROSION OF DOOR
AND ~~BEACH~~ PORCH AN ONGOING PROBLEM.

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

~~NO~~ CONCERN FOR LIABILITY
DUE TO PORCH HEIGHT AND WINTER CONDITIONS, EROSION
OF PORCH DUE TO FREEZE/THAW CYCLE CAUSE PORCH
MATERIAL TO LOSE TO A POINT OF BEING UNSAFE

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

NONE, COVERED PORCHES WITH SIMILAR
SET BACK TO OTHER HOUSES IN 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?

NORTHERN EXPOSURE ~~IS~~ CAUSES THE PORCH
AND DOOR (HISTORIC) TO CONSTANTLY BREAK DOWN
WINTER ICE DOES NOT MELT DUE TO CONSTANT SHADE.

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

PROBLEM HAS EXISTED SINCE PURCHASE OF HOUSE

Section 5: ALTERATION TO A NON-CONFORMING STRUCTURE

Current use of the property _____

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 _____
Lot width _____
Floor area ratio _____
Open space ratio _____
Setbacks _____
Parking _____
Landscaping _____
Other _____

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

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:

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

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.

248-787-6208

Phone Number

jlp08a3@gmail.com

Email Address

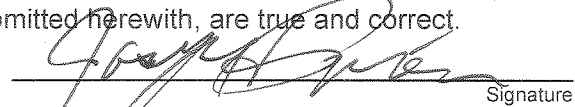


Signature

JOSEPH PRIMEAU

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.



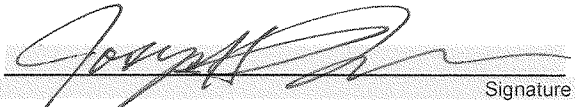
Signature

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

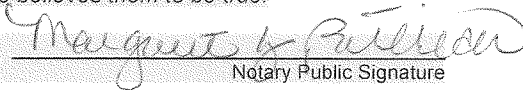
On this 24th day of September, 2013, before me personally appeared the above named applicant and made oath that he/she has read the foregoing application by him/her subscribed and knows the contents thereof, and that the same is true as to his/her own knowledge except as to those matters therein stated to be upon his information and belief as to those matters, he/she believes them to be true.

MARGARET Y. PARTRICH

Notary Public, Wayne County, Michigan
Acting in Washtenaw County

My Commission Expires February 8, 2014

Notary Commission Expiration Date



Notary Public Signature

Margaret Y. Partrich

Print Name

Staff Use Only

Date Submitted: 9/25-2013

Fee Paid: 500⁰⁰

File No.: ZBA13-020

Date of Public Hearing: 10/23-2013

Pre-filing Staff Reviewer & Date _____

ZBA Action: _____

Pre-Filing Review: _____

Staff Reviewer & Date: _____

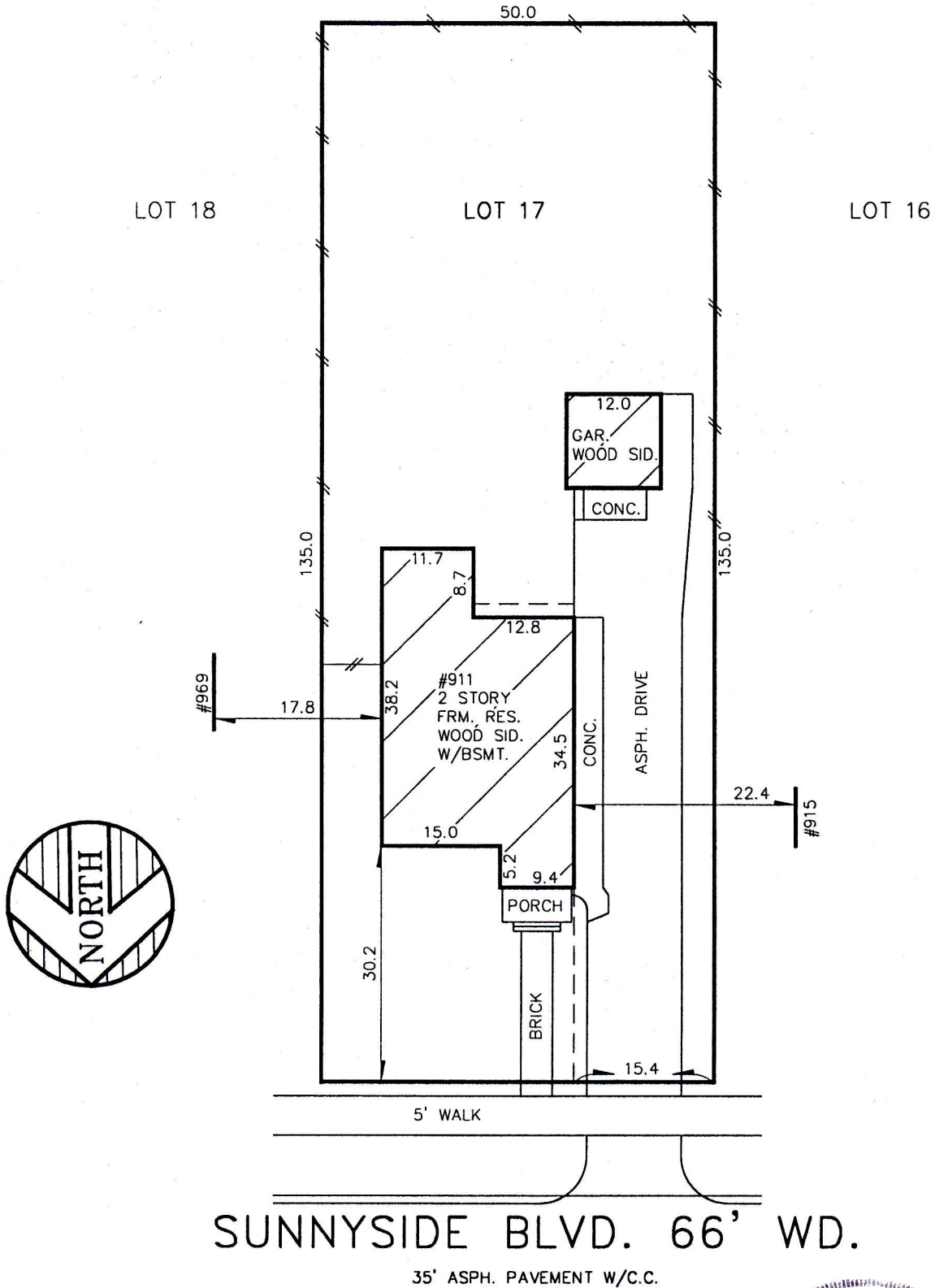
MORTGAGE SURVEY

Certified to: BANK OF ANN ARBOR

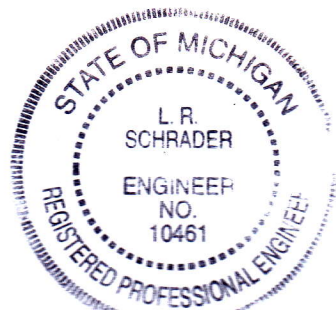
Applicant: JOSEPH PRIMEAU AND CHRISTINE ROBERTSON-PRIMEAU

Property Description:

Lot 17; AGER AND FINKBEINER SUBDIVISION, part of the Northwest 1/4 of Section 32, Town 2 South, Range 6 East, City of Ann Arbor, Washtenaw County, Michigan, as recorded in Liber 8 of Plats, Page 41 of Washtenaw County Records.



CERTIFICATE: We hereby certify that we have surveyed the above-described property in accordance with the description furnished for the purpose of a mortgage loan to be made by the forementioned applicants, mortgagor, and that the buildings located thereon do not encroach on the adjoining property, nor do the buildings on the adjoining property encroach upon the property heretofore described, except as shown. This survey is not to be used for the purpose of establishing property lines, nor for construction purposes, no stakes having been set at any of the boundary corners.



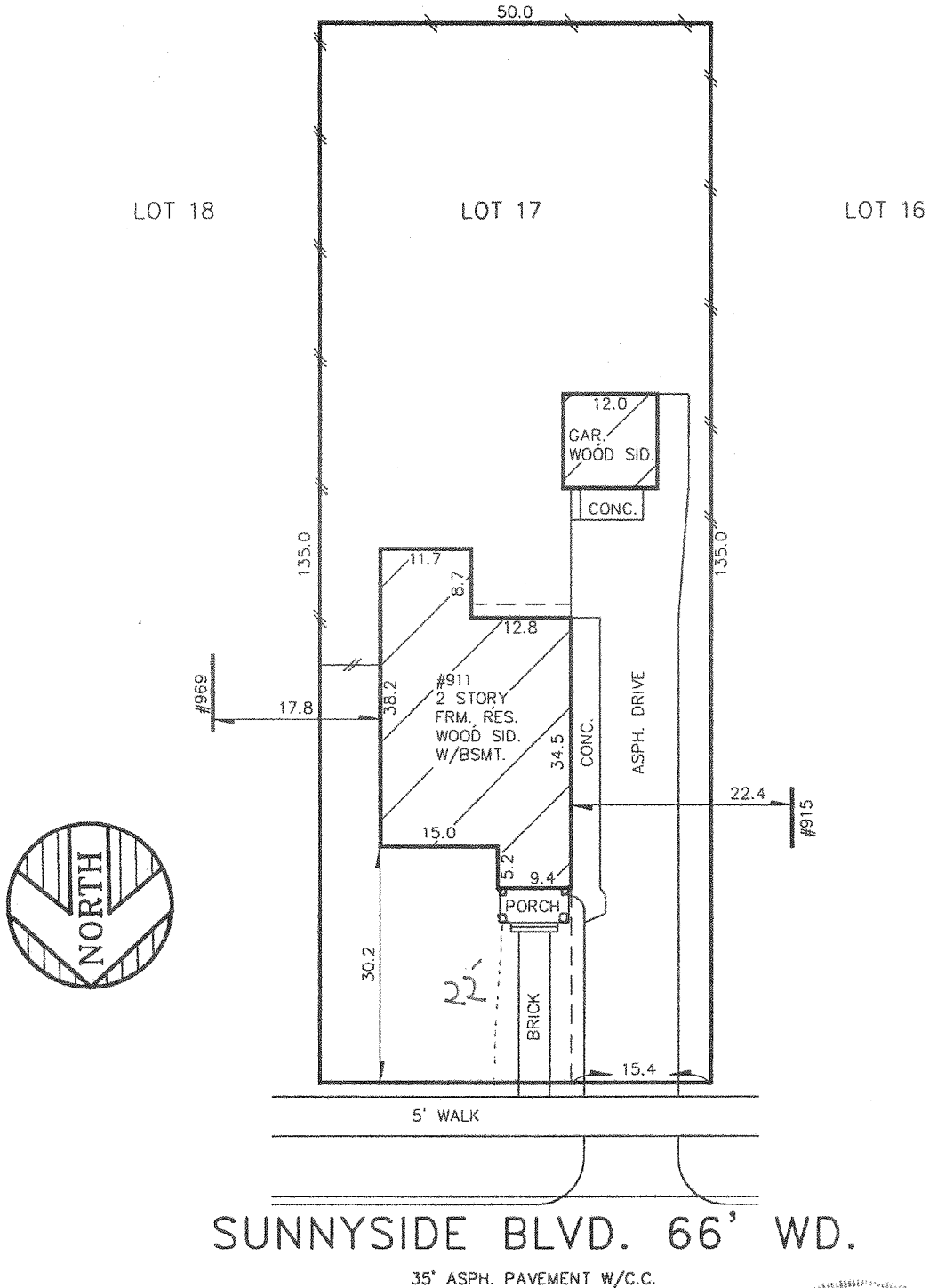
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Certified to: BANK OF ANN ARBOR

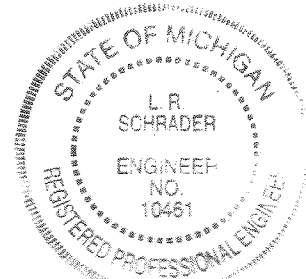
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309 North Ann Arbor Street
Saline, MI 48176-1140 (734) 429-8551

PROJECT NUMBER: 1358

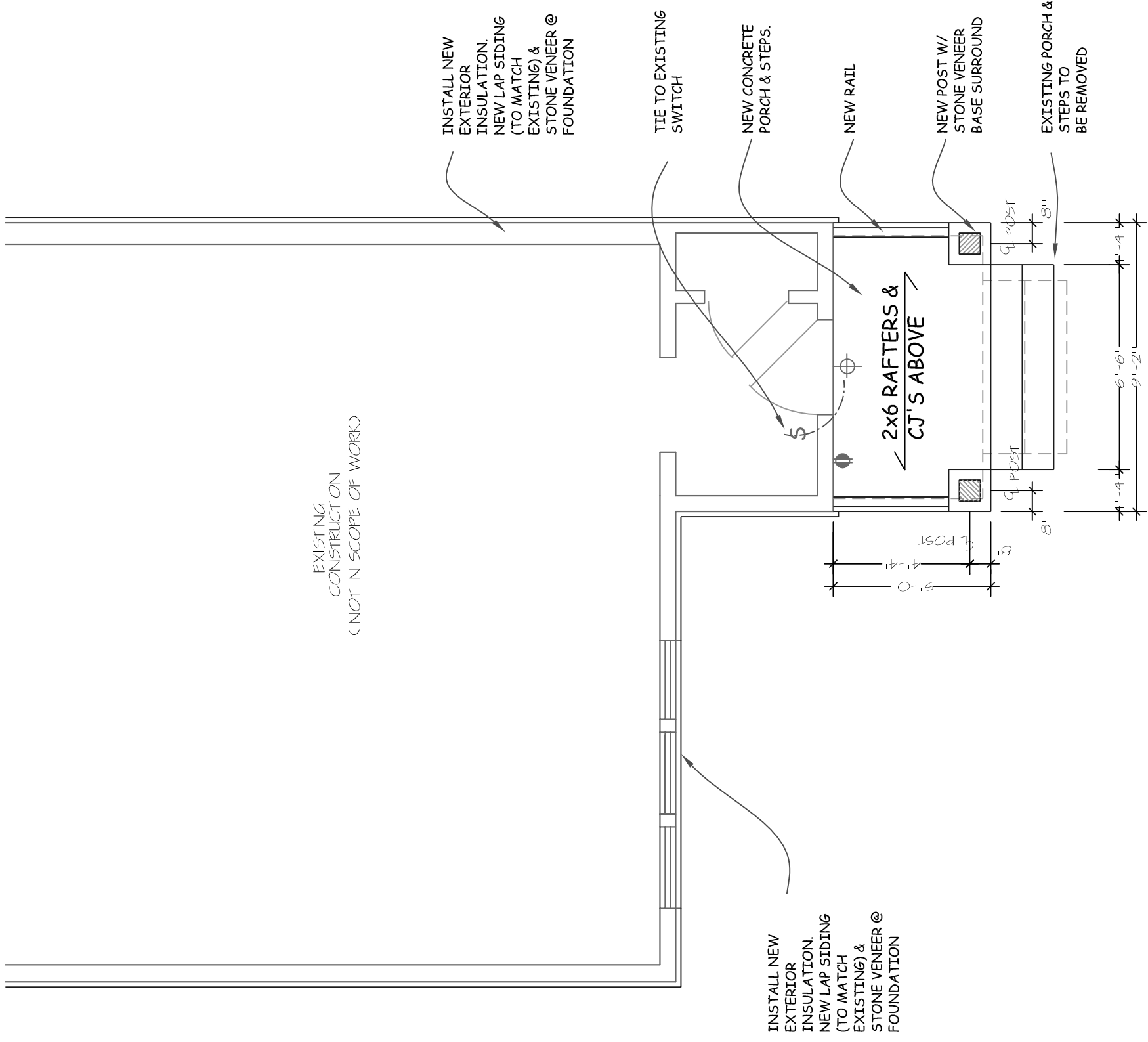
Primeau Residence
Renovations
911 Sunnyside
Ann Arbor, MI

SCALE: 1/4" = 1'-0"
DATE: June 24, 2013 ISSUE: REVIEW

1/4" = 1'-0"

FRONT ELEVATION - SHAKES

A-3



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309 North Ann Arbor Street
Saline, MI 48176-1140 (734) 429-8551

PROJECT NUMBER: 1358

**Primeau Residence
Renovations**

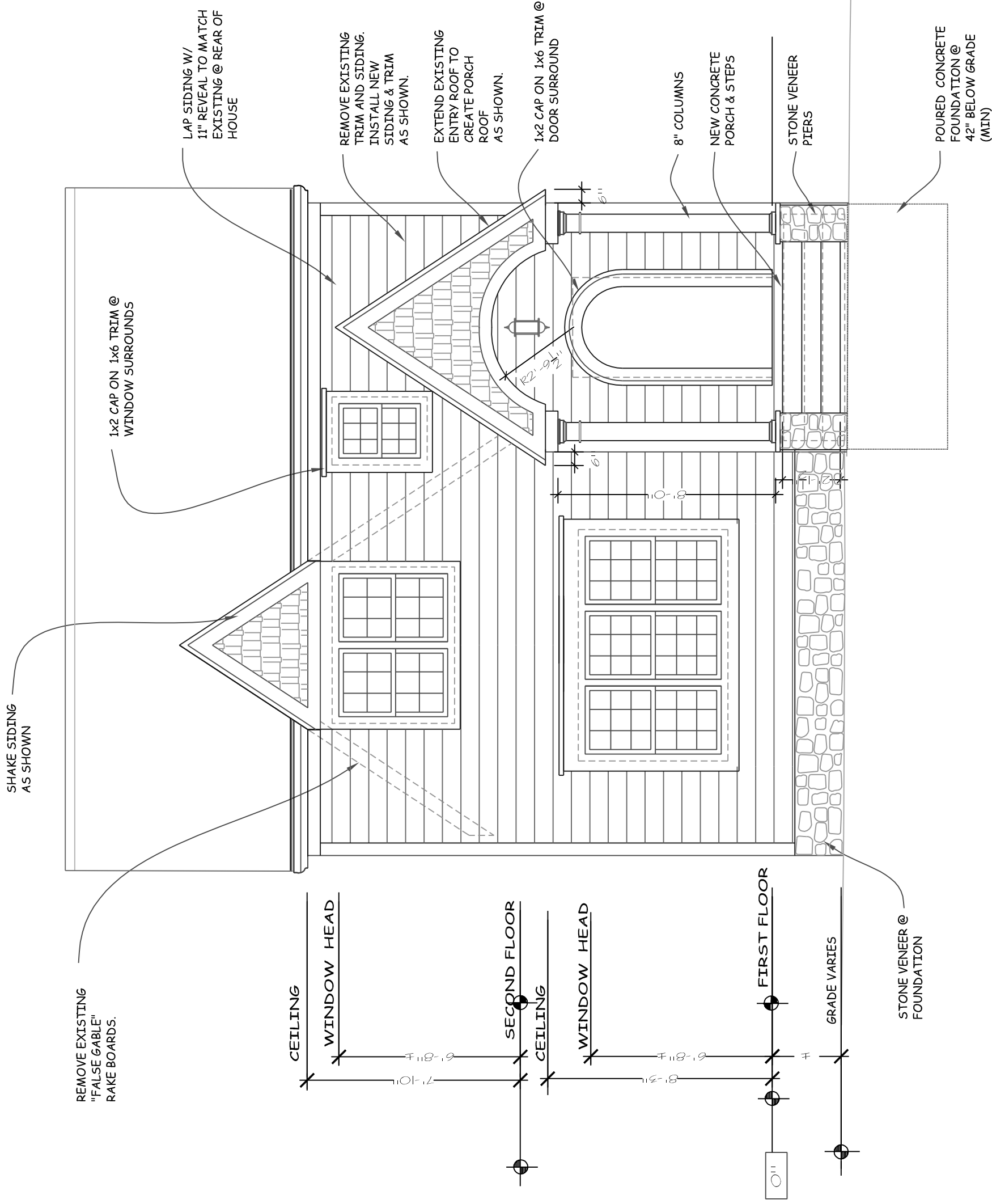
911 Sunnyside
Ann Arbor, MI

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

DATE: June 24, 2013
ISSUE: REVIEW

FIRST FLOOR PLAN

A-2



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 309 North Ann Arbor Street

 Saline, MI 48176-1140 (734) 429-8551

PROJECT NUMBER: 1358

Primeau Residence
Renovations
 911 Sunnyside
 Ann Arbor, MI

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

DATE: June 24, 2013
 ISSUE: REVIEW

1/4" = 1'-0"

FRONT ELEVATION - SHAKES

A-3



FINGERLE
LUMBER CO.
ANN ARBOR, MI

Tyvek
HomeWrap

DUPONT
Tyvek
HomeWrap

DUPONT
Tyvek
HomeWrap

FINGERLE
LUMBER CO.
ANN ARBOR, MI

DUPONT
Tyvek
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LUMBER CO.
ANN ARBOR, MI

DUPONT
Tyvek
HomeWrap

FINGERLE
LUMBER CO.
ANN ARBOR, MI

Tyvek
HomeWrap

Tyvek
HomeWrap



911 Sunnyside Blvd



907 Sunnyside Blvd



903 Sunnyside Blvd



Corner of Sunnyside and 7th

From: [sally oey](#)
To: [Gale, Mia](#)
Subject: Re: Requesting info about ZBA13-020
Date: Tuesday, October 15, 2013 9:47:47 PM

Hi Mia,

Thank you very much for this info. We have no objection.

Sally

From: "Gale, Mia" <RGale@a2gov.org>
To: sally oey <ms_oey@yahoo.com>
Sent: Tuesday, October 15, 2013 11:40 AM
Subject: RE: Requesting info about ZBA13-020

Hello Sally,

Yes, the staff report will include the full application. I'm also attaching it to this email.

Mia Gale

Administrative Assistant V
Planning Division

Tel: 734 794 6265 x42665
Fax: 734 994 8312

From: sally oey [mailto:ms_oey@yahoo.com]
Sent: Friday, October 11, 2013 7:05 PM
To: Gale, Mia
Subject: Requesting info about ZBA13-020

Dear Ms. Gale:

Thank you for the notice of the request for a zoning variance by Joseph Primeau of 911 Sunnyside Blvd.

Will the staff report that will be posted on your website include the proposed plan? If not, would you be able to email it to me?

Thank you,
Sally Oey