

**Zoning Board of Appeals
December 5, 2018 Regular Meeting**

STAFF REPORT

Subject: ZBA18-029; 532 South Fifth Avenue

Summary:

Mark Schroeder, owner of Mahalo Properties, is requesting a variance from Chapter 55 Zoning Table 5:17-3 Multiple Family Residential Zoning District Dimensions. The property is zoned R4C Multiple Family Residential and has a required 12 foot side yard setback. The existing structure is seven feet four inches from the side property line. The owner proposes to construct an addition to the rear of the existing residence extending 40 feet three inches. This additional building length increases the required side yard setback to 13 feet seven inches. The variance request of six feet three inches will allow for the addition to be constructed along the same plane as the existing wall.

Background:

The property is zoned R4C, multiple family, and is located between Packard Street and East Madison Street. The home was constructed in 1901 and is approximately 1,534 square feet in size. The lot size is 6,621 square feet.

Description:

The variance being requested is the result of the owners desire to construct an addition to an existing duplex. The structure currently contains two units, one bedroom efficiency and a two bedroom second unit. The addition will increase the front unit to four bedrooms and the back unit to six bedrooms.

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 applicants state that the narrow lot and the close proximity of the residence to the north make complying with the side setback difficult.

- (b). *That the alleged hardships are 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.***

Complying with the setbacks will provide an unsafe situation relating to the driveway location and the existing structure.

- (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 granted, the addition will align with the existing structure and the south setback will remain in its current configuration which is greater than some R1 and R2 zoning districts.

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

The applicant states that the conditions are not self-imposed as the residence location, driveway, size of lot and the neighbors encroaching structure are all factors that have been in place prior to the adoption of the zoning ordinance.

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

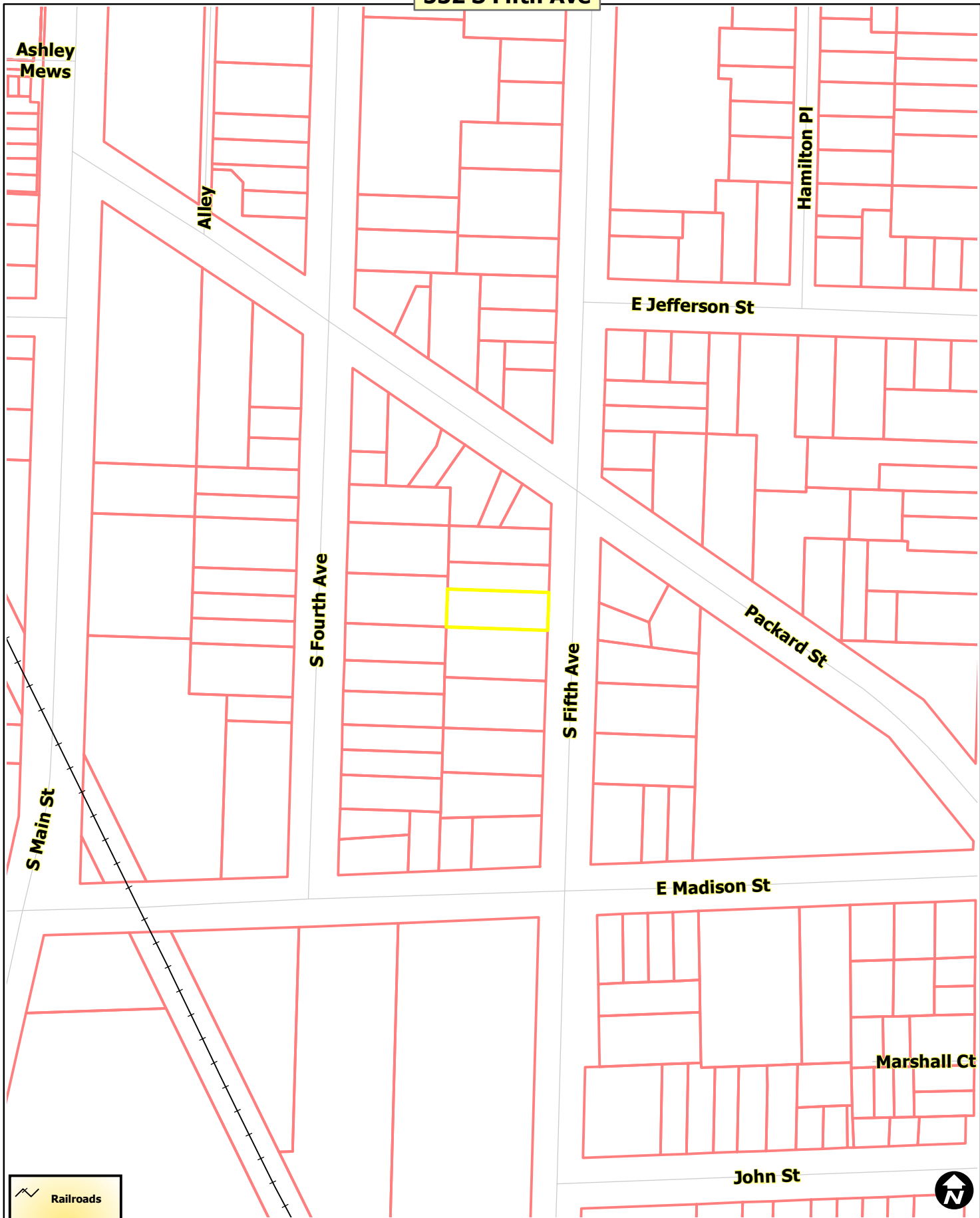
The variance requested is the minimum dimension that is reasonable for the existing lot and the existing structures.




Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Jon Barrett". The signature is stylized with large loops and a cursive font.

**Jon Barrett
Zoning Coordinator**

532 S Fifth Ave

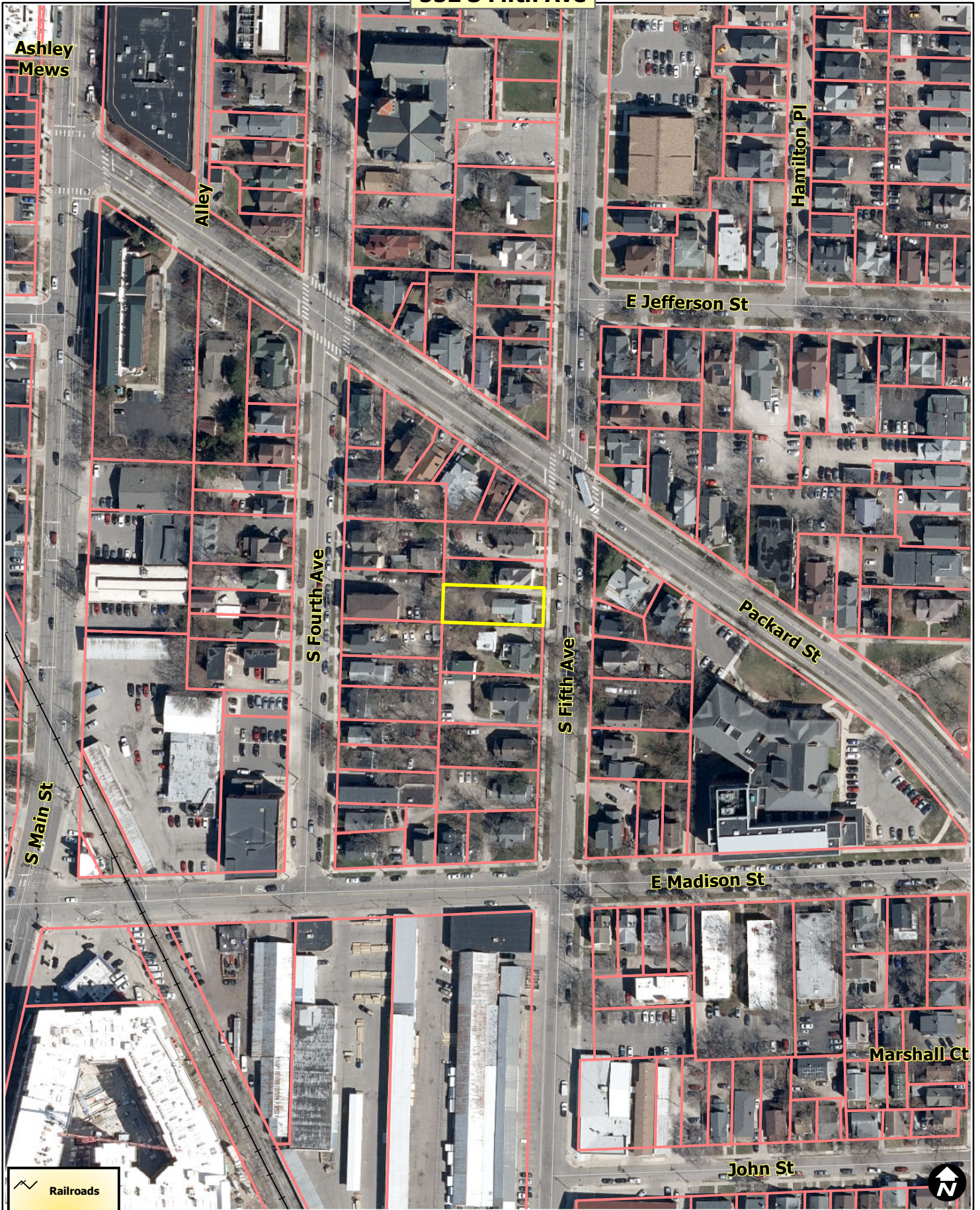


 Railroads
 Huron River
 Tax Parcels



Map date: 11/13/2018
Any aerial imagery is circa 2018
unless otherwise noted
Terms of use: www.a2gov.org/terms

532 S Fifth Ave



Railroads
Huron River
Tax Parcels



Map date: 11/13/2018
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532 S Fifth Ave



S Fifth Ave

-  Railroads
-  Huron River
-  Tax Parcels



Map date: 11/13/2018
Any aerial imagery is circa 2018
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ZONING BOARD OF APPEALS APPLICATION

City of Ann Arbor Planning Services **ZBA18-029**

City Hall: 301 E Huron Street Ann Arbor, MI 48107-8647

Phone: 734-794-6265 Fax: 734-794-8460 Email: planning@a2gov.org

CITY OF ANN ARBOR
RECEIVED

NOV 07 2018

PROPERTY INFORMATION

ADDRESS OF PROPERTY 532 South 5th Ave		ZIP CODE 48104	
ZONING CLASSIFICATION R4C	NAME OF PROPERTY OWNER* <i>If different than applicant, a letter of authorization from the property owner must be provided</i> 911 Woodlawn LLC / Mahalo Properties / Mark Schroeder		
PARCEL NUMBER 09-09-29-438-006	OWNER EMAIL ADDRESS mark.schroeder22@gmail.com		

APPLICANT INFORMATION

NAME Mark Schroeder			
ADDRESS P.O. Box 2198	CITY Ann Arbor	STATE MI	ZIP CODE 48106
EMAIL ADDRESS mark.schroeder22@gmail.com		PHONE 734-476-8023	
APPLICANT'S RELATIONSHIP TO PROPERTY Owner			

REQUEST INFORMATION

<input checked="" type="checkbox"/> VARIANCE REQUEST Complete Section 1 of this application	<input type="checkbox"/> REQUEST TO ALTER A NONCONFORMING STRUCTURE Complete Section 2 of this application
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REQUIRED MATERIALS

One hard copy application complete with all required attachments must be submitted. Digital copies of supportive materials included in the submitted hard copy will only be accepted in PDF format by email or accompanying the hard copy application on a USB flash drive.


Required Attachments:

- Boundary 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.

ACKNOWLEDGEMENT

All information and materials submitted with this application are true and correct.

Permission is granted to City of Ann Arbor Planning Services and members of the Zoning Board of Appeals to access the subject property for the purpose of reviewing the variance request.

Property Owner Signature : 

Date: 11/6/2018

Section 1 City of Ann Arbor Planning Services – Zoning Board of Appeals Application

VARIANCE REQUEST

ARTICLE(S) AND SECTION(S) FROM WHICH A VARIANCE IS REQUESTED: (Example: Article 3, Section 5.26)

TABLE 5:17-3

REQUIRED DIMENSION: (Example: 40' front setback) 13'-7" side yard setback (south side)	PROPOSED DIMENSION: (Example: 32' front setback) 7'-4" side yard setback (south side)
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DESCRIPTION OF PROPOSED WORK AND REASON FOR VARIANCE:

40'3" addition to existing duplex with a 6'3" reduction of the south side yard setback. The narrow lot (49.5') and the existing driveway (to the north) make it difficult to comply with the required south side-yard setback. We want to minimize the structural issues involved with the driveway being too close to the foundation walls.

The City of Ann Arbor Zoning Board of Appeals has the powers granted by State law and City Code Chapter 55, Section 5:29. 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 statements are found to be true. Please provide a complete response to each of the statements below.

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.

Yes - the narrow lot and existing driveway make compliance difficult.

Additionally, the neighboring house to the north is very close to the property line.

The alleged hardships are 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.

Yes, complying with the setbacks will provide a unsafe situation

related to the driveway and the existing structure to the north of the driveway and the proposed structure to the south of the driveway.

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.

Yes, allowing this variance will result in justice. The addition will

align with the existing structure such that the existing south setback

will remain as-is, and still greater than what is required in R1 and R2 zones

The conditions and circumstances on which the variance request is based shall not be a self-imposed hardship or practical difficulty.

The conditions are not self imposed - the existing original house

location, size of the lot, location of the existing driveway, and the

location of the existing neighboring structures were all previously in place.

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

The variance requested is the minimum that makes sense for the existing lot

and the existing structures.

DESCRIPTION

SOUTH 49.50 FEET OF LOT 10, B5S R5E ANN ARBOR LAND COMPANY'S ADDITION AS RECORDED IN LIBER 18 PAGE 486, WASHTENAW COUNTY, MICHIGAN RECORDS, PART OF SECTION 29, T2S, R6E, CITY OF ANN ARBOR, WASHTENAW COUNTY, MICHIGAN



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800.222.1868

ANN ARBOR

3025 Miller Rd.
Ann Arbor, MI 48103
Phone: 734.929.6963

CHICAGO - COLUMBUS
GRAND RAPIDS
HOLLAND
INDIANAPOLIS - ST. LOUIS

PREPARED FOR:

Mahalo Properties, LLC
Mark Schroeder

P.O. Box 2198
Ann Arbor, MI 48106

CREATED BY:

CAD Technician: S.R. Date: 04-23-18
Field Technician: J.E. Date: 04-12-18

REVISIONS:

Rev:	Date:
Drawn:	Date:
Rev:	Date:
Drawn:	Date:
Rev:	Date:
Drawn:	Date:

532 South 5th Avenue
Part of Lot 10
"The Ann Arbor Land Company's Addition"

Topographic Survey

Parcel ID# 09-06-29-438-006

PART OF SECTION 29, T.2S, R.6E.,
CITY OF ANN ARBOR, WASHTENAW COUNTY, MICHIGAN

STAMP:

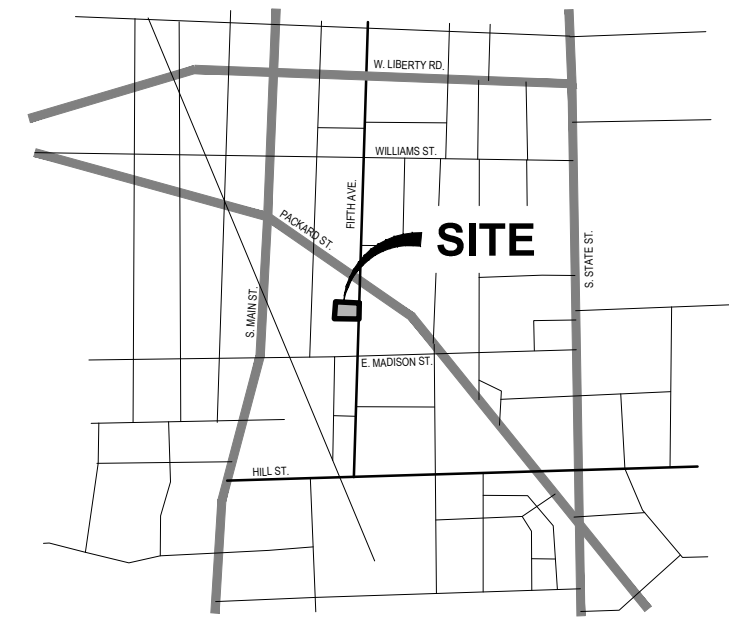


PROJECT NO:
18500040

SHEET NO:

TO

SHEET: 1 of 1

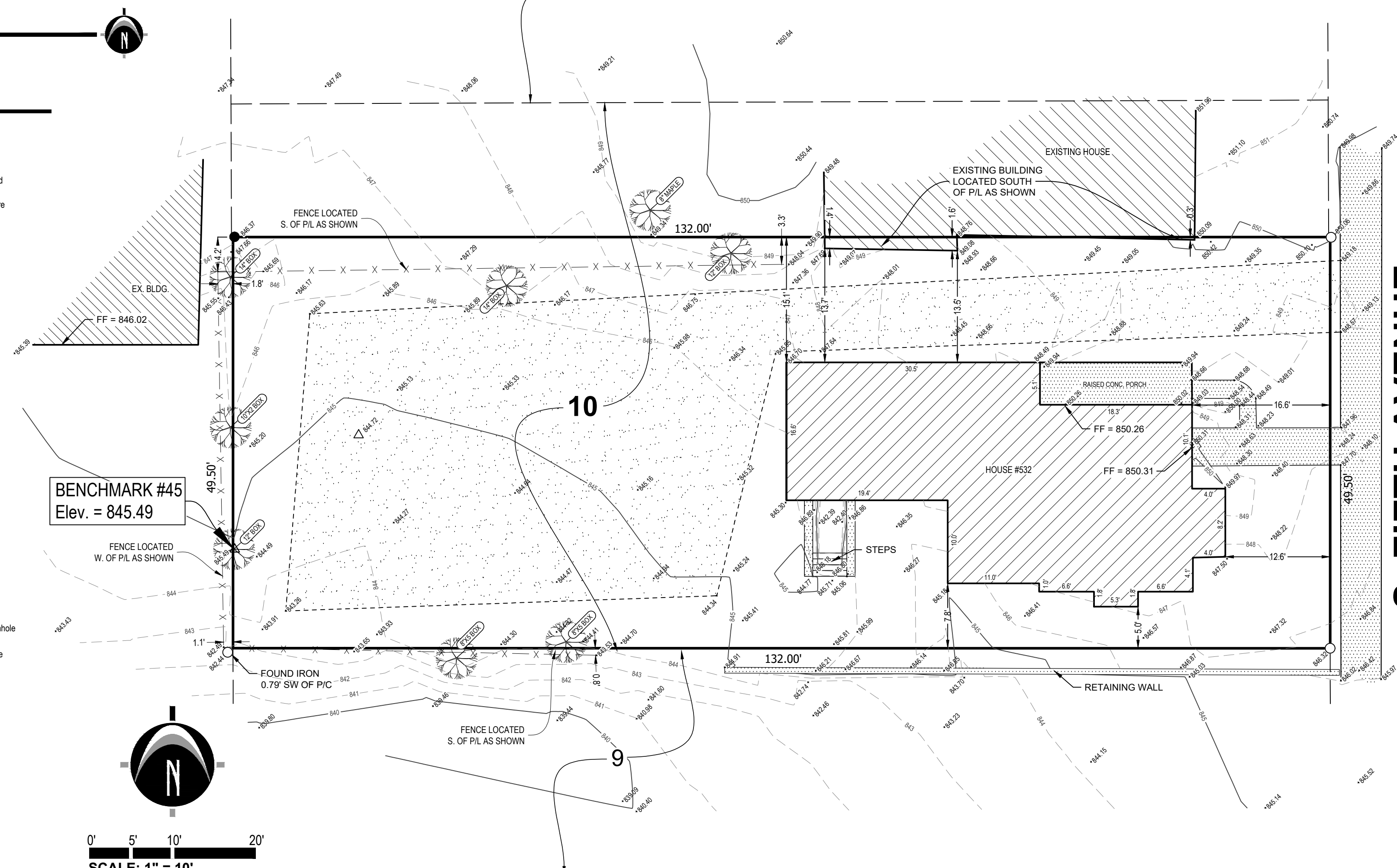


LOCATION MAP

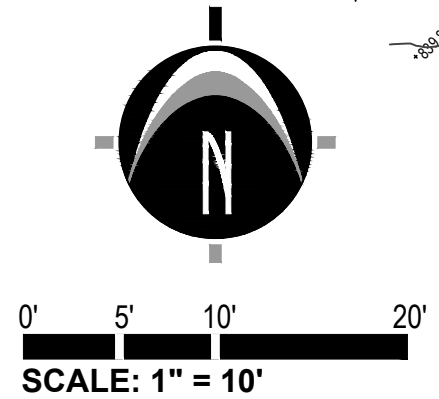
NOT TO SCALE

LEGEND

- AC Air Conditioner
- △ Benchmark
- ⊙ Catch Basin - Round
- ⊠ Catch Basin - Square
- CD Cleanout
- ⊙ Deciduous Tree
- EM Electric Meter
- ⊠ E Electric Riser
- GM Gas Meter
- ⊗ GV Gas Valve
- Guy Anchor
- GP Guy Pole
- Hydrant
- Iron - Set
- Iron - Found
- ☀ Light Pole
- ⊙ Manhole
- ⊙ Monument
- P Post
- ⊠ Phone Riser
- ⊙ Sanitary Sewer Manhole
- ⊙ Stormwater Manhole
- ⊙ Telephone Manhole
- TR Transformer
- Utility Pole
- WM Water Meter
- ⊙ Water Manhole
- ⊗ WV Water Valve
- X — X — Fence
- ▨ Asphalt
- ▨ Concrete
- ▨ Gravel
- ▨ Building



BENCHMARK #45
Elev. = 845.49



BENCHMARK

BENCHMARK #45 ELEV. = 845.49 (NAVD88)
R.R. Spike East face of Tree
North 12' of South Property Line Along the West Property Line

811 Know what's below. CALL before you dig.

UTILITY LOCATIONS ARE DERIVED FROM ACTUAL MEASUREMENTS OR AVAILABLE RECORDS. THEY SHOULD NOT BE INTERPRETED TO BE EXACT LOCATIONS NOR SHOULD IT BE ASSUMED THAT THEY ARE THE ONLY UTILITIES IN THIS AREA.

NOTE: EXISTING UTILITIES AND SERVICE LINES IDENTIFIED AS "PLAN" WERE OBTAINED FROM AVAILABLE CITY AS-BUILT RECORD DRAWINGS. THE CONTRACTOR SHALL VERIFY THE LOCATION, DEPTH AND STATUS OF ALL UTILITIES AND SERVICE LINES PRIOR TO NEW CONNECTIONS.

We hereby certify that we have examined the premises herein described, that the improvements are located entirely thereon as shown and that they do not encroach except as shown hereon. This survey was made from the legal description shown above. The description should be compared with the Abstract of Title or Title Policy for accuracy, easements and exceptions.

**Mahalo
Properties**

Addition to
Existing
Duplex

532 South 5th Ave
Ann Arbor MI 48104

project no: 18037

issue no:

owner review 31 Oct '18
ZBA 6 Nov '18

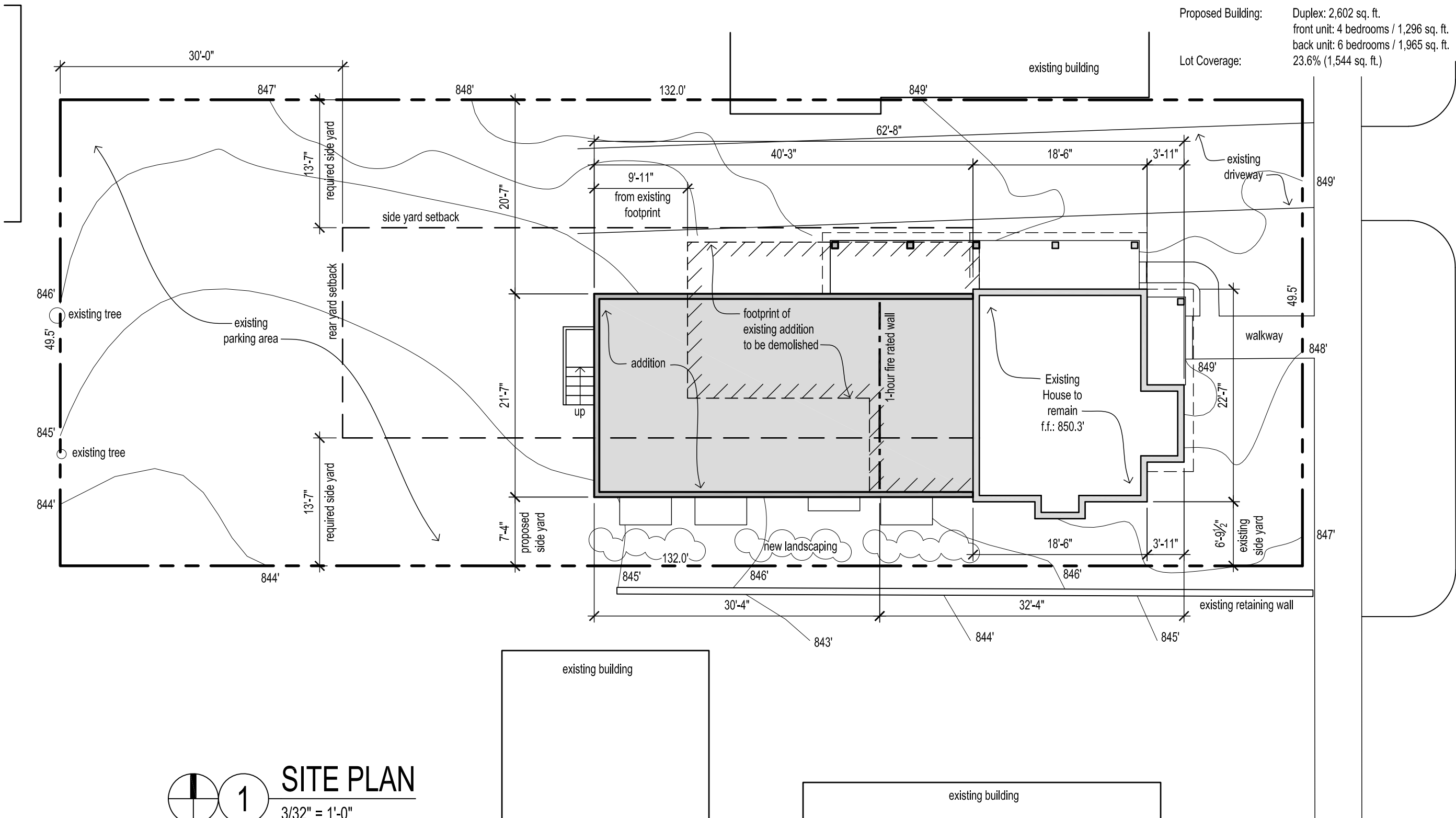
A1.1

PROJECT INFORMATION

Parcel Number: 09-09-29-438-006
Legal Description: S 49.5 FT Lot 10 B5S R5E Ann Arbor Land Company's Addition
Lot size: 6,534 sq. ft. (non-conforming)
Zone: R4C

Existing Building: Duplex: 1,496 sq. ft.
lower unit: 2 bdms / 1,066 sq. ft.
upper unit: studio / 430 sq. ft.
Lot Coverage: 18.4% (1,202 sq. ft.)

Proposed Building: Duplex: 2,602 sq. ft.
front unit: 4 bedrooms / 1,296 sq. ft.
back unit: 6 bedrooms / 1,965 sq. ft.
Lot Coverage: 23.6% (1,544 sq. ft.)



1 SITE PLAN
3/32" = 1'-0"

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GREENSPOON
ARCHITECTS LLC
440 s main st, ste 2
ann arbor, mi 48104
734 . 786 . 3757
www.lg-architects.com

**M a h a l o
Properties**

Addition to
Existing
D u p l e x

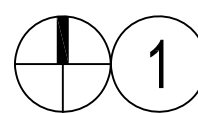
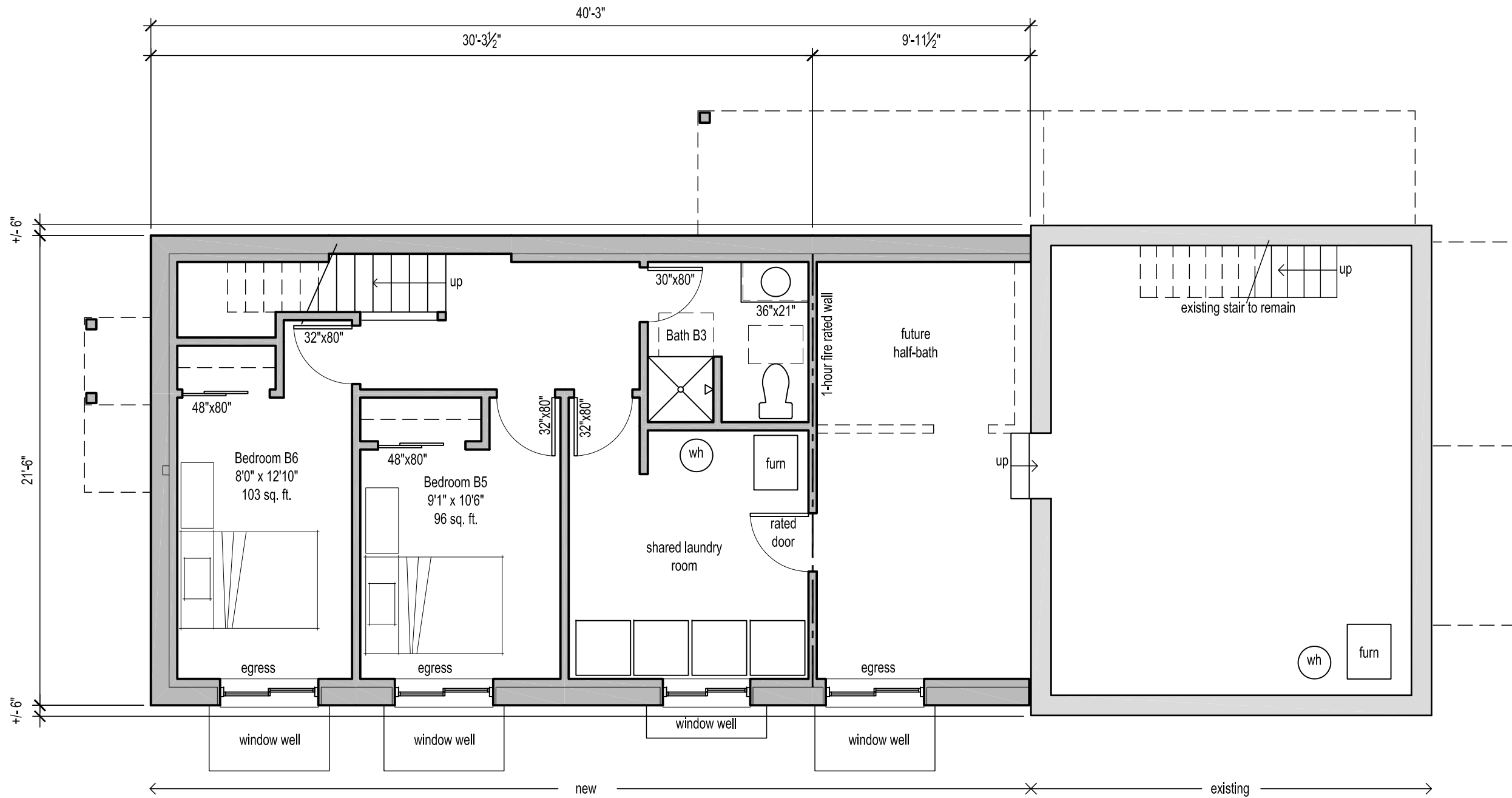
532 South 5th Ave
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A2.1



BASEMENT PLAN

3/16" = 1'-0"

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**M a h a l o
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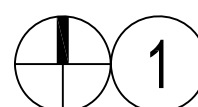
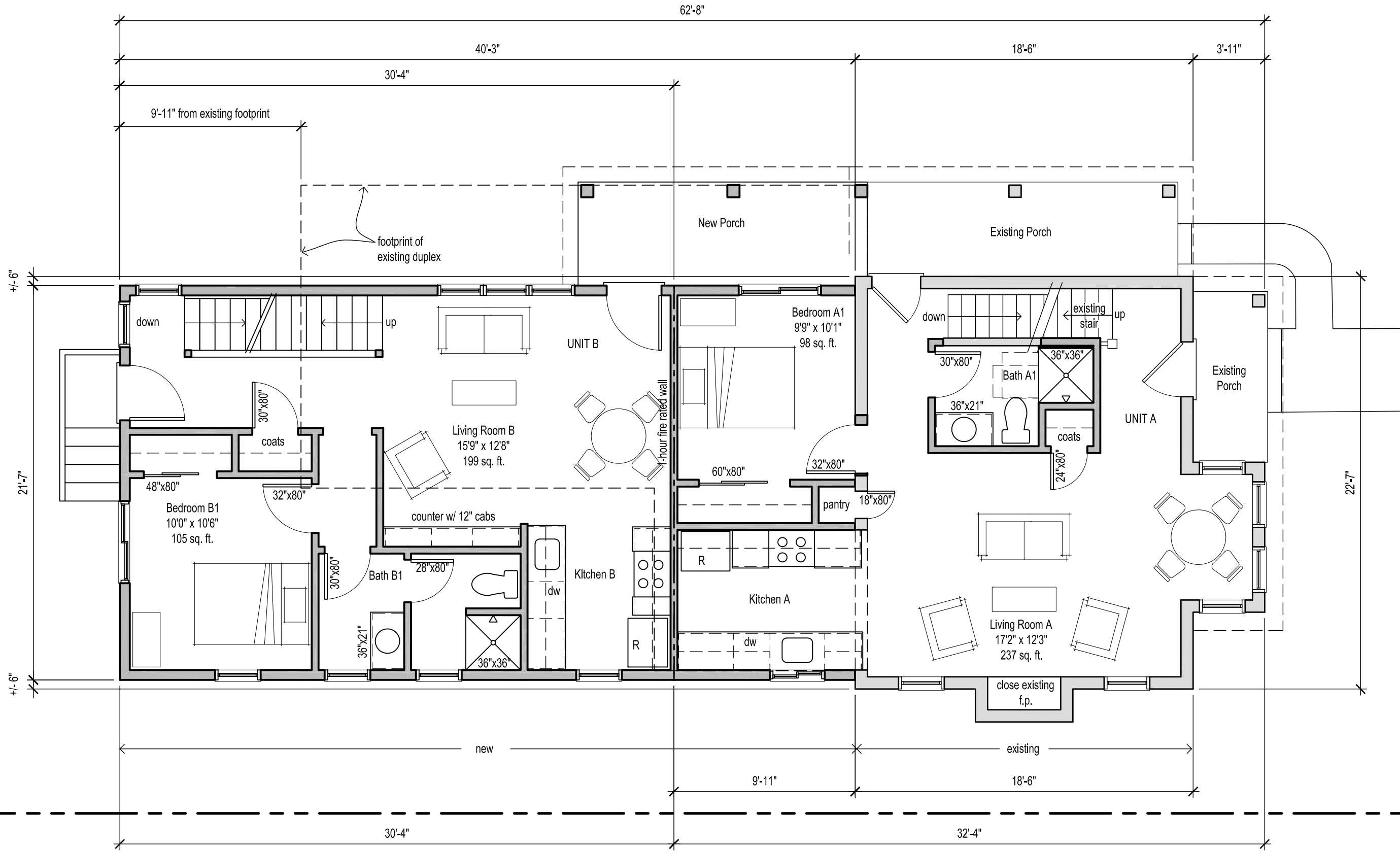
532 South 5th Ave
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project no: 18037

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A2.2



FIRST FLOOR PLAN

3/16" = 1'-0"

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**M a h a l o
P r o p e r t i e s**

Addition to
Existing
D u p l e x

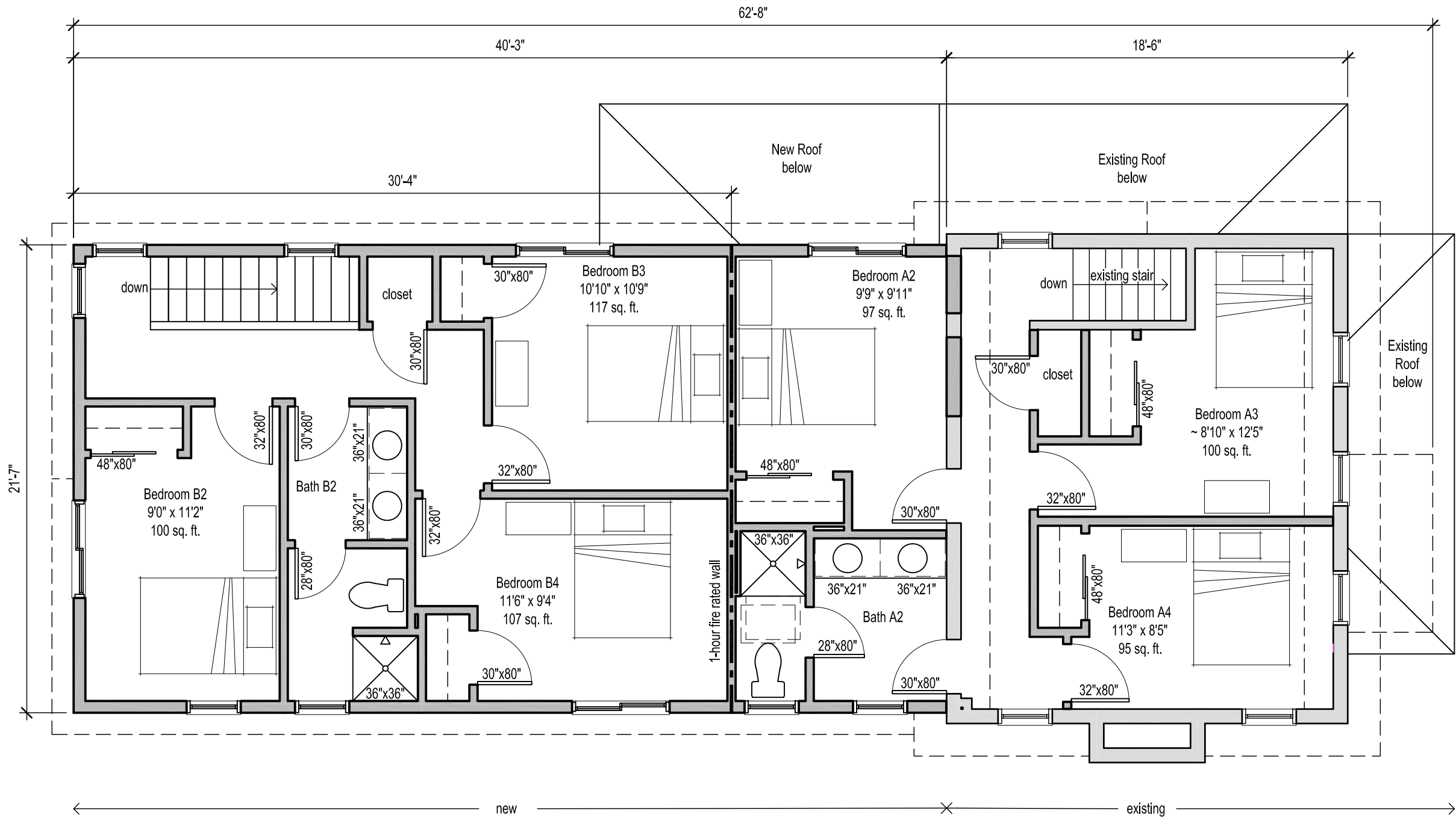
532 South 5th Ave
Ann Arbor MI 48104

project no: 18037

issue no:

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A2.3



1 SECOND FLOOR PLAN
3/16" = 1'-0"

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**M a h a l o
P r o p e r t i e s**

Addition to
Existing
D u p l e x

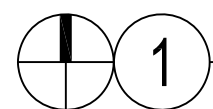
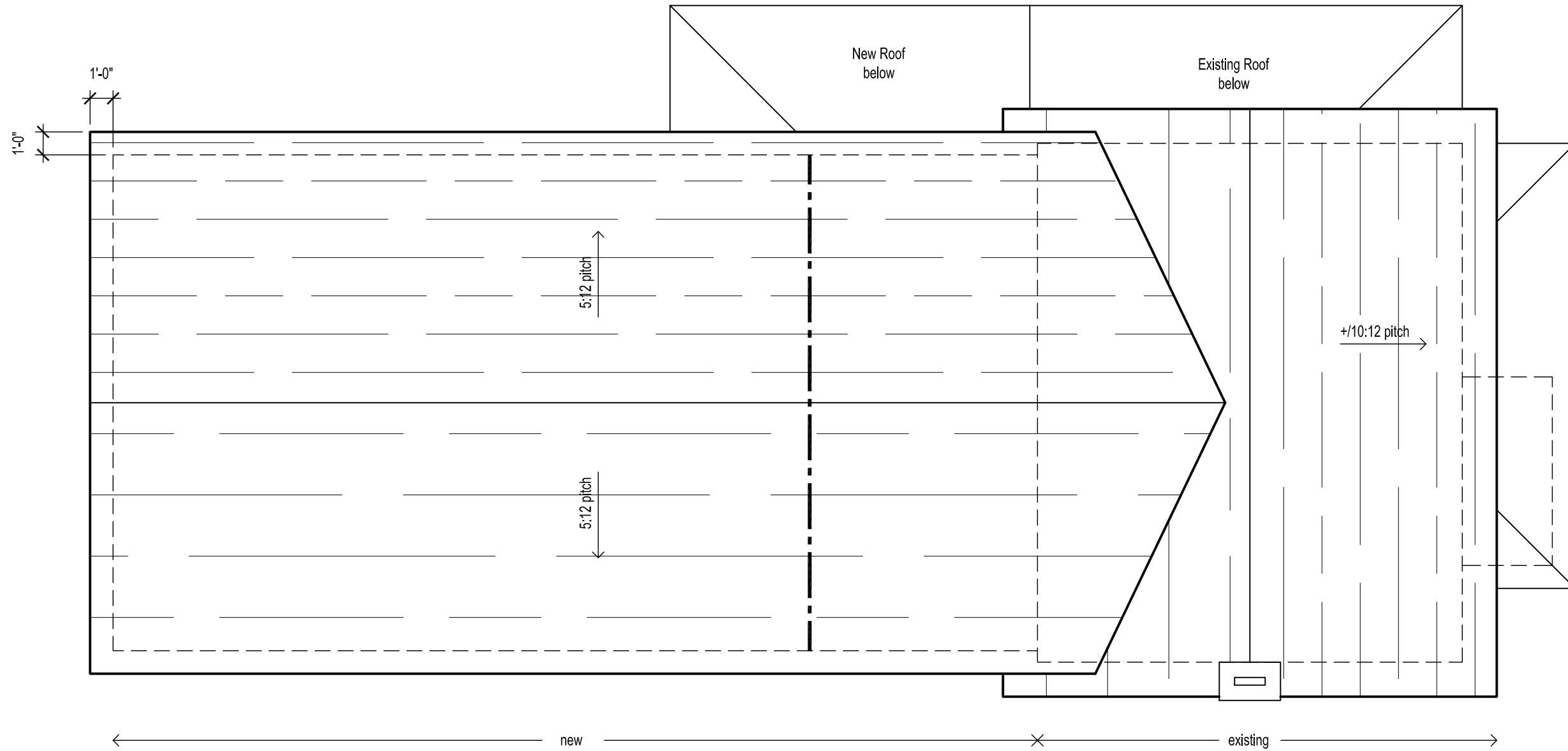
532 South 5th Ave
Ann Arbor MI 48104

project no: 18037

issue no:

owner review 31 Oct '18
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A2.4



ROOF PLAN

3/16" = 1'-0"

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**M a h a l o
P r o p e r t i e s**

Addition to
Existing
D u p l e x

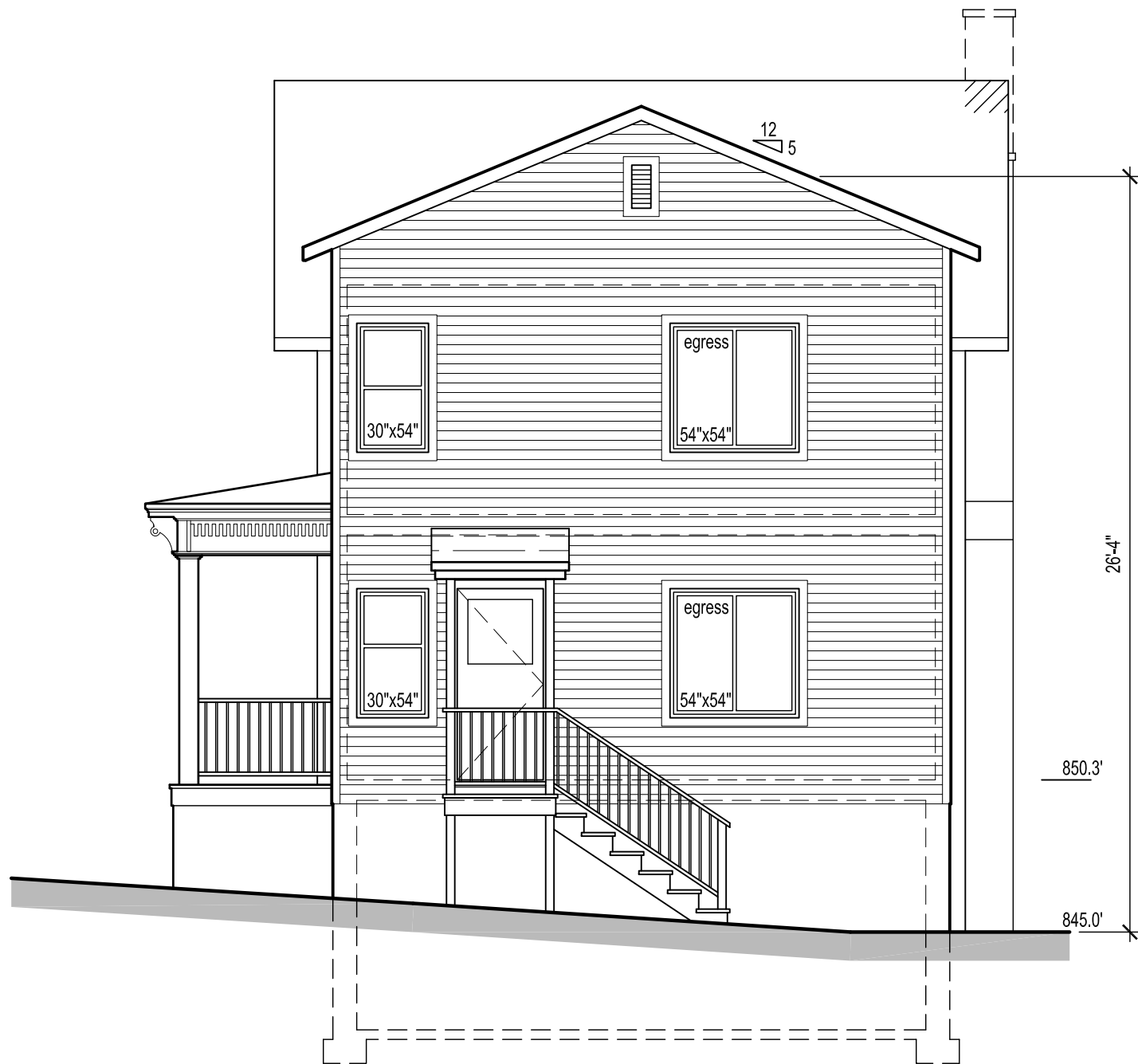
532 South 5th Ave
Ann Arbor MI 48104

project no: 18037

issue no:

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ZBA 6 Nov '18

A3.1



2 REAR / WEST ELEVATION
3/16" = 1'-0"



1 FRONT / EAST ELEVATION
3/16" = 1'-0"

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**M a h a l o
P r o p e r t i e s**

Addition to
Existing
Duplex

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ZBA 6 Nov '18

A3.2



1 SIDE / NORTH ELEVATION
3/16" = 1'-0"

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**M a h a l o
P r o p e r t i e s**

Addition to
Existing
D u p l e x

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project no: 18037

issue no:

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A3.3

EXTERIOR ELEVATIONS



1 SIDE / SOUTH ELEVATION
3/16" = 1'-0"









