

**Zoning Board of Appeals
January 24, 2018 Regular Meeting**

STAFF REPORT

Subject: ZBA 17-038; 533 South Fourth Avenue

Summary:

Carl O. Hueter, representing the property owner, is seeking an alteration to a non-conforming structure to an existing duplex. The property is zoned R4C and is non-conforming for lot size. If approved, a new bedroom and interior stairs will be added to the first floor and a new bedroom to the second floor. A new dormer will be added to the attic and a deck will be constructed to the exterior rear yard.

Background:

The subject parcel is zoned R4C (multiple family) and is located between Packard Street and East Madison Street east of South Main Street. The property is non-conforming as it contains 6,316 square feet and 8,500 is required in the R4C district. The home does not meet the side and front yard setbacks. Additionally, the lot is 48 feet in width and the code requires 60 feet. The home was built in the early 1900's and was converted into a duplex sometime in the 1960's.

Description:

The structure is currently a four bedroom apartment on the first floor and basement level. The second floor contains a two (2) bedroom apartment. The current owner, who purchased the home in 2011, plans on moving into the home and converting the second floor apartment into her living quarters. The bottom unit is occupied by her daughter.

The first floor renovations will consist of a new bedroom, an interior stairwell access area and an exterior deck. The second floor will receive stairwell access and a new bedroom that will accommodate the owner. The owner proposes to raise the roof in the attic and add a dormer to create a personal studio.

Currently, there are two (2) shed structures in the rear that will be demolished to allow for a compliant two (2) car garage that is not part of this permission request to alter a non-conforming structure.

As noted above, Chapter 55, Section 5:87 (1) (a) states that a nonconforming structure may be maintained or restored, but no alteration shall be made to a nonconforming structure unless one of the following conditions are met:

Standards for Approval- Permission to Alter a Non-Conforming Structure

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:

The alteration complies as nearly as practicable with the requirements of the Zoning Chapter and will not have a detrimental effect on neighboring property.

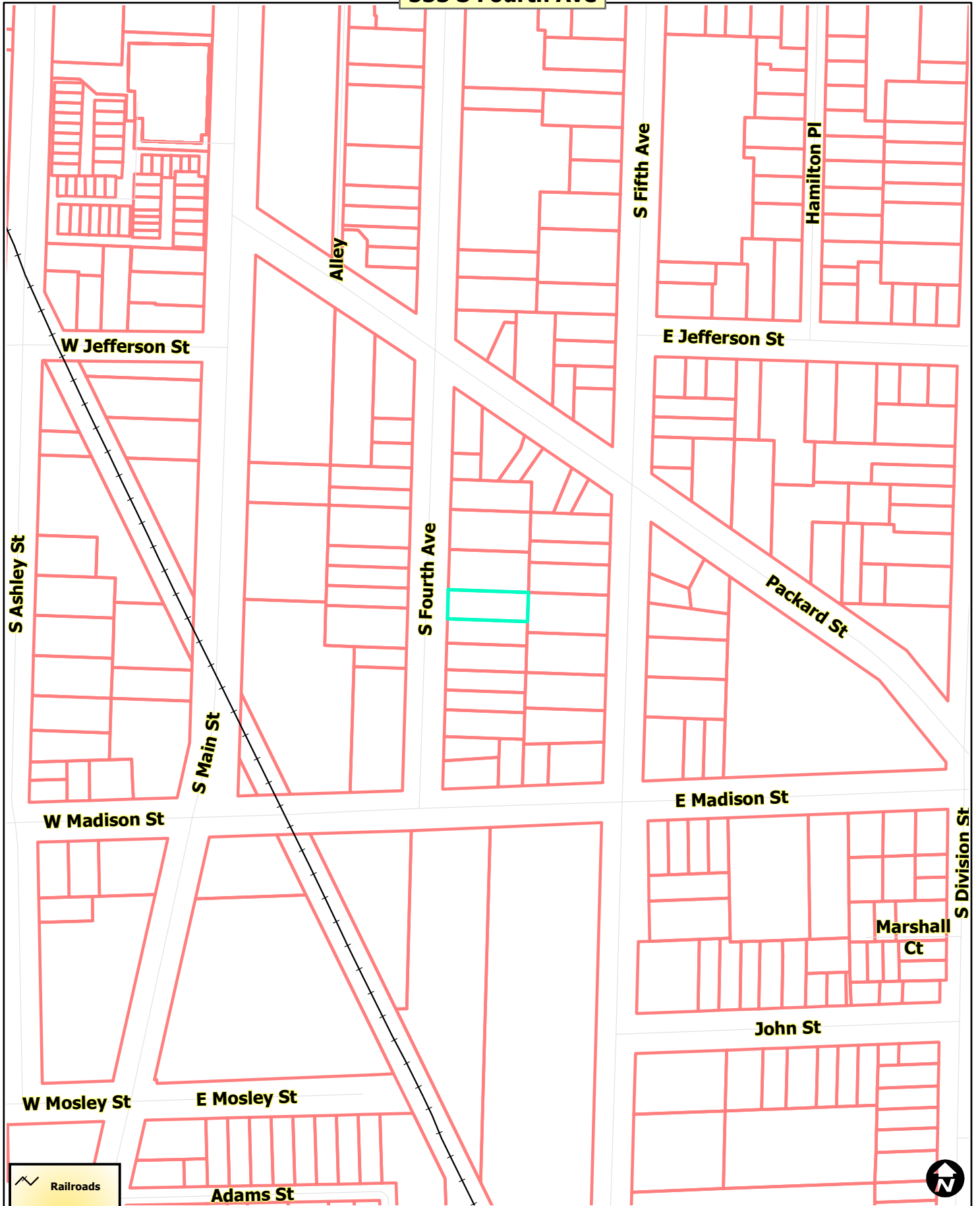
Permission is being requested in order to construct interior and exterior renovations to an existing duplex in order to accommodate the owner and her daughter. The proposed additions will not further encroach into the side setbacks and will not have an impact on the front or rear setbacks. The improvements will have little to no impact on the adjacent rental houses.



Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Jon Barrett". The signature is stylized with large, rounded loops for the letters "J" and "B".

**Jon Barrett
Zoning Coordinator**

533 S Fourth Ave

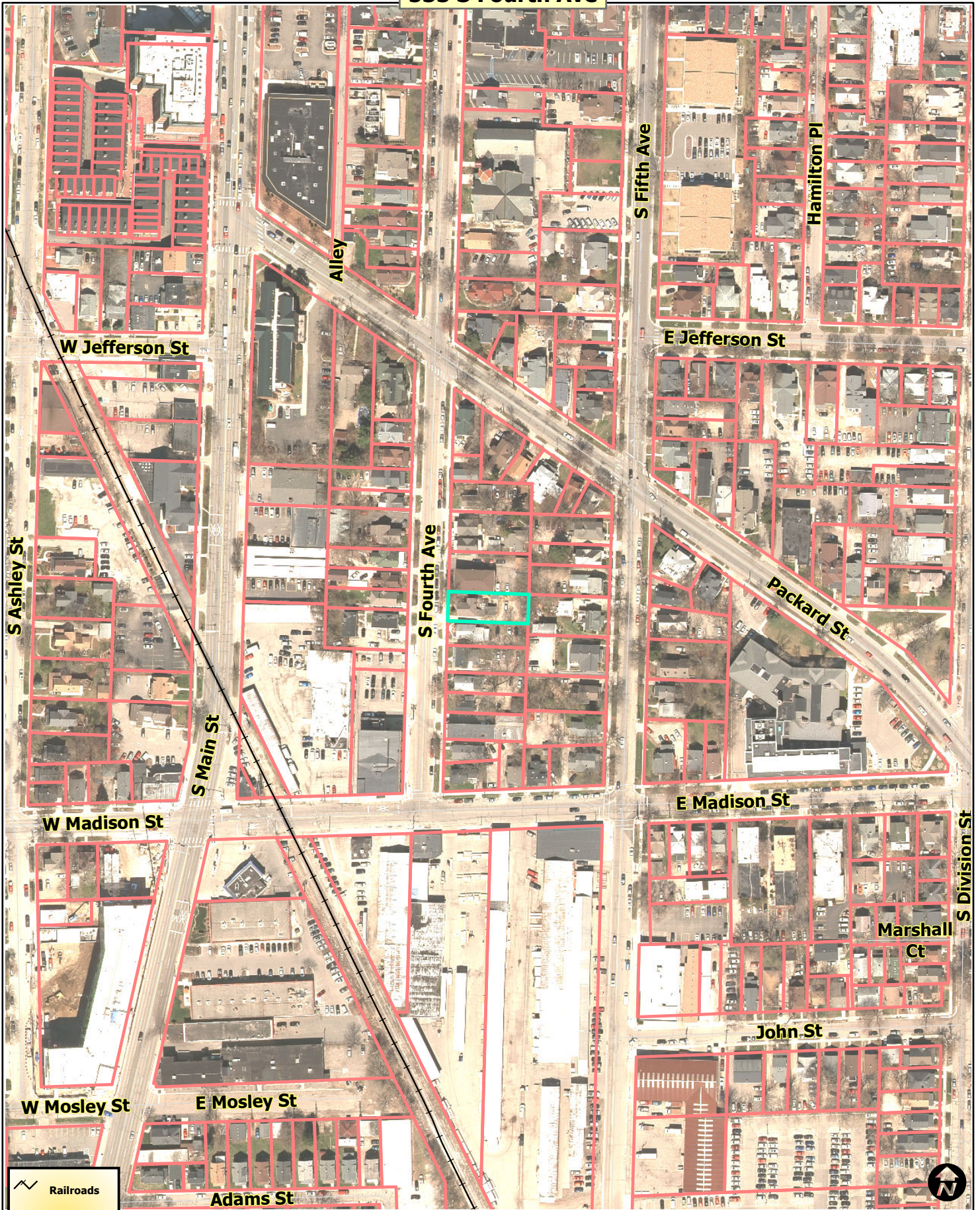


-  Railroads
-  Huron River
-  Tax Parcels



Map date 1/4/2018
 Any aerial imagery is circa 2015
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533 S Fourth Ave

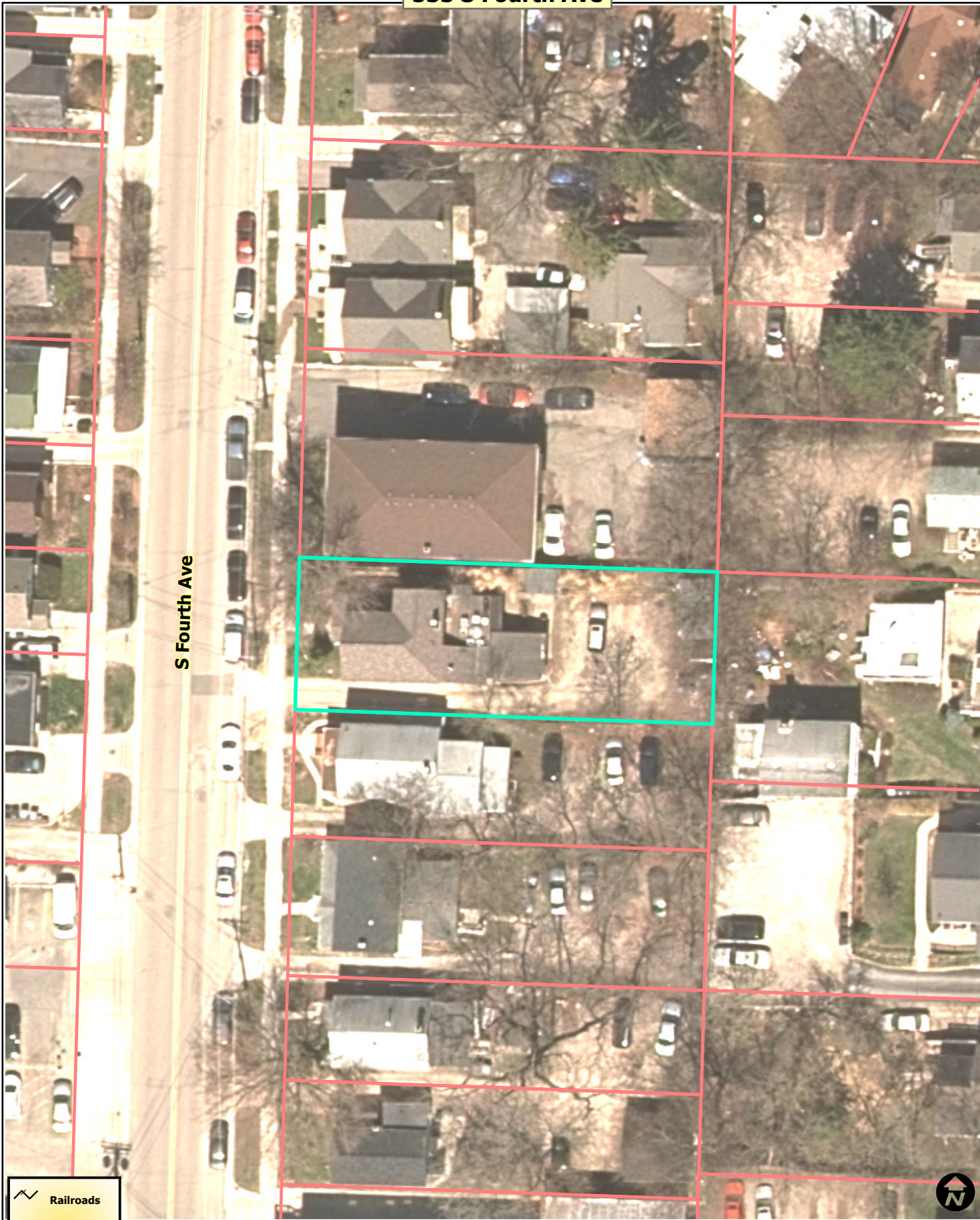





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533 S Fourth Ave



 Railroads
 Huron River
 Tax Parcels



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**ZONING BOARD OF APPEALS
PLANNING DEPARTMENT**

City Hall: 301 E. Huron St. Ann Arbor, MI 48104-6120
 Mailing: P.O. Box 8647, Ann Arbor, MI 48107-8647
 Phone: 734.794.6265 planning@a2gov.org
 Fax: 734.994.8460

APPLICATION MUST BE FILLED OUT COMPLETELY

Office Use Only	
Fee Paid: \$500	ZBA: 17-038
DATE STAMP CITY OF ANN ARBOR RECEIVED DEC 27 2017	
PLANNING & DEVELOPMENT SERVICES	

PROPERTY INFORMATION

ADDRESS OF PROPERTY:
533 SOUTH FOURTH AVE

ZONING CLASSIFICATION: **RHC** TAX ID: (if known)

NAME OF PROPERTY OWNER*:
MEI LING TOOLEY

**If different than applicant, a letter of authorization from the property owner must be provided*

APPLICANT INFORMATION

NAME OF APPLICANT:
CARL O. HUETER

ADDRESS OF APPLICANT:
1321 FRANKLIN BLVD.

DAYTIME PHONE NUMBER: **734.274.8175** FAX NO: **NONE**

EMAIL:
carl@hueterarchitects.com

APPLICANT'S RELATIONSHIP TO PROPERTY:
ARCHITECT

REQUEST INFORMATION

VARIANCE REQUEST (Complete the section 1 below) ALTERATION TO A NON-CONFORMING STRUCTURE (skip to Section 2)

Section 1 - VARIANCE REQUEST

CHAPTER(S) AND SECTION(S) FROM WHICH A VARIANCE IS REQUESTED: (Example: Chapter 55, Section 5:26)

Required Dimension: (Example: 40' front setback) PROPOSED Dimension: (Example: 32')

Give a detailed description of the work you are proposing and why it will require a variance (Attach additional sheets if necessary)



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Section 1 - VARIANCE REQUEST con't

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.

1. 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.

- NA -

2. 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.

- NA -

3. 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.

- NA -

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

- NA -

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

- NA -



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Section 2 – 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.

REQUIREMENT	EXISTING CONDITION	CODE REQUIREMENT
Lot Area	4336	8500
Lot Width	48	40
Floor Area Ratio	33%	/ /
Open Space Ratio	20% OPEN	' / /
Setbacks	22.5 / 9.8 & 10.8 / 70.2	25 / 12.14 / 30
Parking	4	4
Landscaping	EXISTING ONGOING	NONE
Other		

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

SEE ATTACHED

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:

SEE ATTACHED



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Section 2 – ALTERATION TO A NON-CONFORMING STRUCTURE

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

the noted alterations to a non-conforming structure.

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:

- One (1) hardcopy and one (1) electronic copy shall be submitted.
- The electronic copy shall include all associated supporting documentation with application submission.

- 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.

ACKNOWLEDGEMENT

I, the applicant, hereby 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.

Phone number:

734.276.8175

Signature: X

[Handwritten Signature]

Email address:

carl@hueferarchitects.com

Print Name:

CARL O. HUEFER

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

[Handwritten Signature]

Signature

Further, I hereby give the City of Ann Arbor Planning and 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.

[Handwritten Signature]

Signature

must contact property owner to setup entry 734.649.8882

21 DECEMBER 2017

533 SOUTH FIFTH AVENUE

CITY OF ANN ARBOR ZONING BOARD OF APPEALS VARIANCE REQUEST

FOR

ALTERATION TO A NON-CONFORMING USE

BACKGROUND:

533 South Fourth was originally constructed as a single family residence in the early 1900's. Somewhere in the 1960's the house was converted to a duplex and has been maintained as such ever since. In its current condition it consists of a first floor and lower level four bedroom apartment and a second floor two bedroom apartment. It was purchased by the current owner in 2011.

The current owner has reached a point in life where she chooses to contract from her existing large home on the perimeter of the city and move into town with her daughter. To accommodate this she wishes to renovate the existing structure to make the second floor her residence. Being that the position of the house on the property extends over the current described front & side setback lines, and the site is undersized the building is a non-conforming structure.

Note the adjacent property's building wall proximity to the subject property. The neighborhood is dominated by some larger apartment buildings and mixed in mostly converted older single family frame residences now used as rental housing properties.

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

SITE:

As one can see the site has three structures added to it over the years. It is assumed there once was garage at the rear of the lot, since there is foundation evidence of such. Two sheds (16 X 10 and 8 X 7) are to the east rear of the lot and an odd little greenhouse/studio structure built up against the north property line. Yes, the north property line is landscaped with a healthy grove of bamboo. The proposed new design is to eliminate all three of these structures and add a new compliant 22 X 20 foot two car garage placed three feet of the east rear and south side yard property lines. The gravel drive and parking areas are to remain.

The existing treated wood retaining walls will be attended to, rebuilt, straightened and better reinforced to not overturn.

The existing attached rear open exterior roof structure will also be removed to allow for the addition work

BUILDING:

First floor:

The existing rear open roof structure will be eliminated.

A new first floor addition at the rear of the existing building completely with-in the existing side building plane lines will contain new interior stair to the second floor owner's quarters. A third bedroom is to also be placed at this floor, which will be the office for the owner whom maintains a part-time accounting business. A new deck will be placed outside being built out of the existing brick pavers on site.

Second floor:

The existing deck and exterior stairs will be eliminated.

The majority of the work will occur here. This floor will be expanded out over the existing first floor rooms at the rear of the building and the noted first floor stair access arrive and terminate at this floor. This new area will be used to relocate an existing bedroom into and expand/open up the living, dining, and kitchen area. The existing bedroom located on the north will be converted into a second bathroom. The entire floor will be renovated and refurbished for the owner's residence.

A new treated wood deck will be built on the northeast corner of this plan over the first floor paver deck space.

As part of this work a new roof will be placed over this new second floor interior work.

All of this work will stay within the established building side plane lines.

Attic:

An existing stair leads up to the attic. The proposed work here is to raise the south roof to allow a dormer to be placed to open up this space for a study/studio. Ceiling height limitations makes this a "non-inhabitable" space. Although suspect to be converted into a bedroom the owner wants to subvert any effort to do this by having Housing Services properly restrict this attic in their records, so it is clear to any inspector, future owner and/or tenant the limitations of this space.

The alteration complies as nearly as is practicable with the requirements of the Chapter and will not have a detrimental effect on the neighboring property for the following reasons:

- 1) All new work to expand the existing structure falls with-in the existing setbacks at the rear of the existing structure and as defined by the existing building side plane lines.
- 2) The remainder of the expansion work occurs on top of the existing house footprint over the existing first floor.
- 3) The existing and proposed use will remain the same, which is compatible with the neighboring properties.

POWER OF ATTORNEY

I, Mei-Ling Chang Tooley, owner of 533 South Fourth LLC. Presently of 8 Shipman Circle, Ann Arbor, MI 48104, hereby appoint Mr. Carl O. Hueter AIA, Architect, presently of 1321 Franklin Blvd., Ann Arbor, MI 48103 to be my true and lawful attorney for:

- (1) Represent my interest and act on my behalf in any and all communications for the duplex house located at 533 South Fourth Avenue, An Arbor, MI 48104 pertaining to any questions and concerns regarding the Ann Arbor Zoning Board of Appeals application with the City of Ann Arbor, and
- (2) This representation shall terminate for the aforementioned property on December 31, 2018.

STATE OF MICHIGAN)

WASHTENAW COUNTY)

Acknowledged before me in Washtenaw County, Michigan, on December 22, 2017,
by Mei-Ling Chang Tooley.

Mei-Ling Chang Tooley

Notary Public

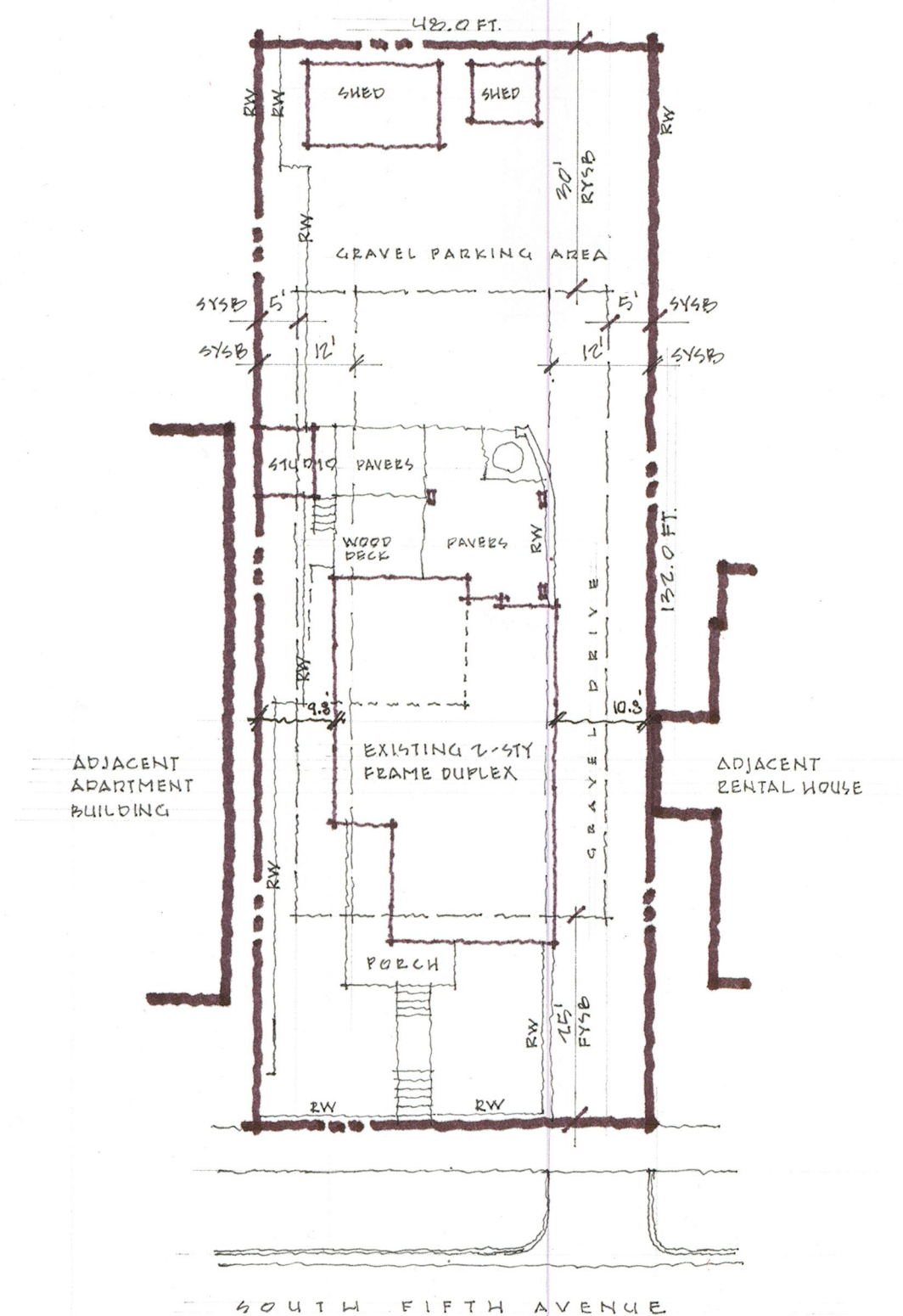
Allison Daisy Scureb
Notary Public, Washtenaw Co., MI
My Commission expires November 04, 2021

Allison Daisy Scureb

Washtenaw County, Michigan

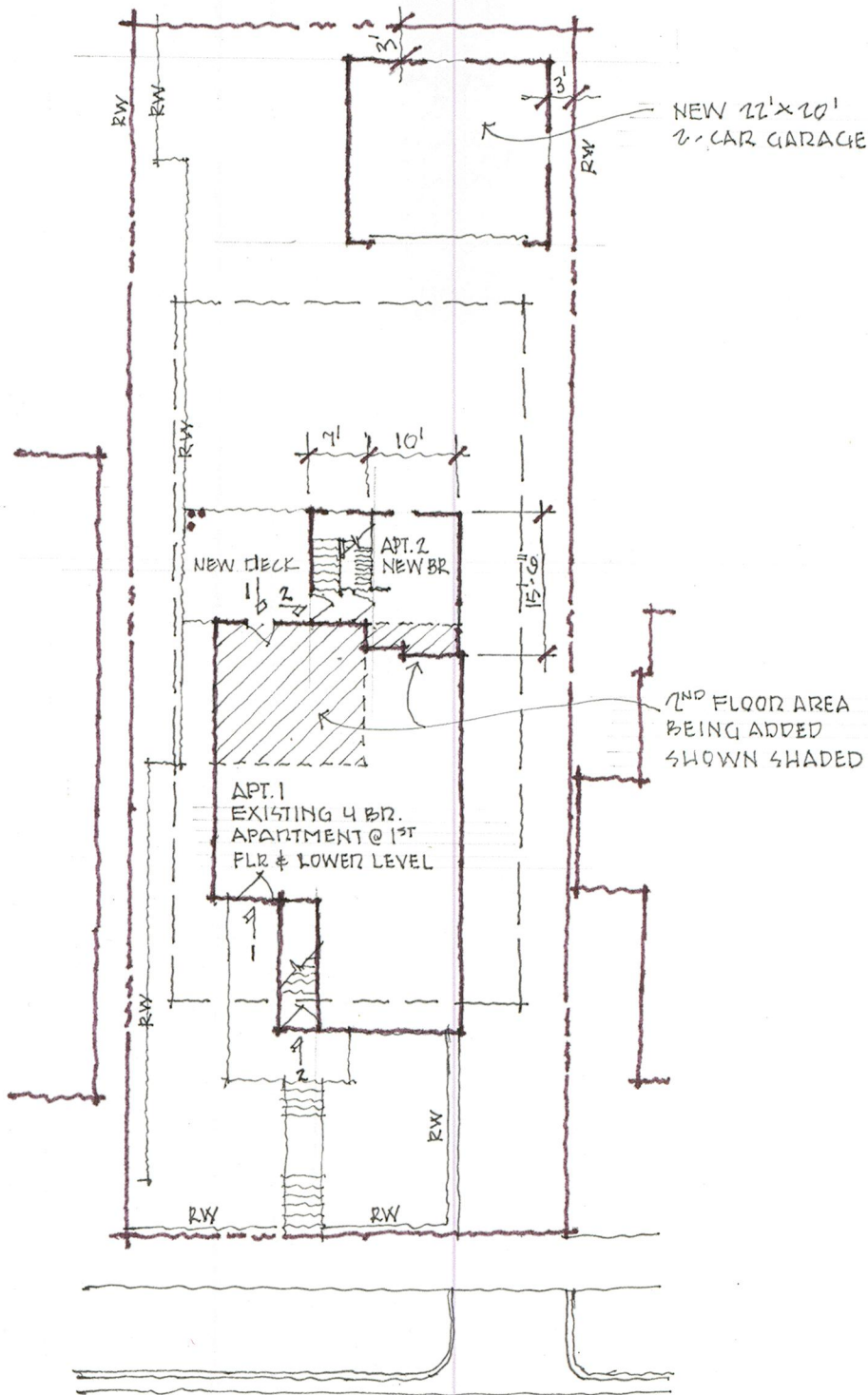
My commission expires November 04, 2021

Acting in Washtenaw County

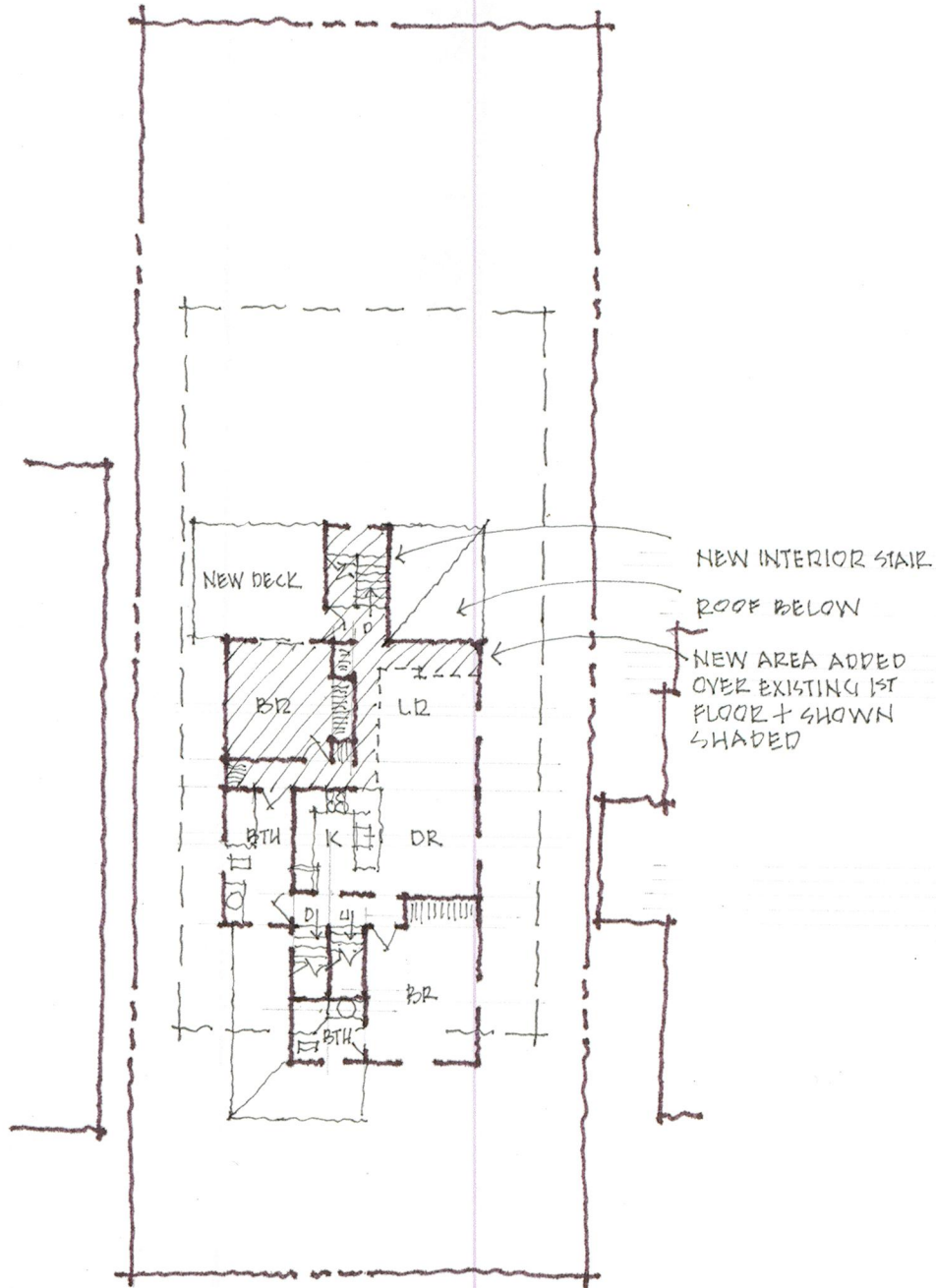


EXISTING SITE PLAN

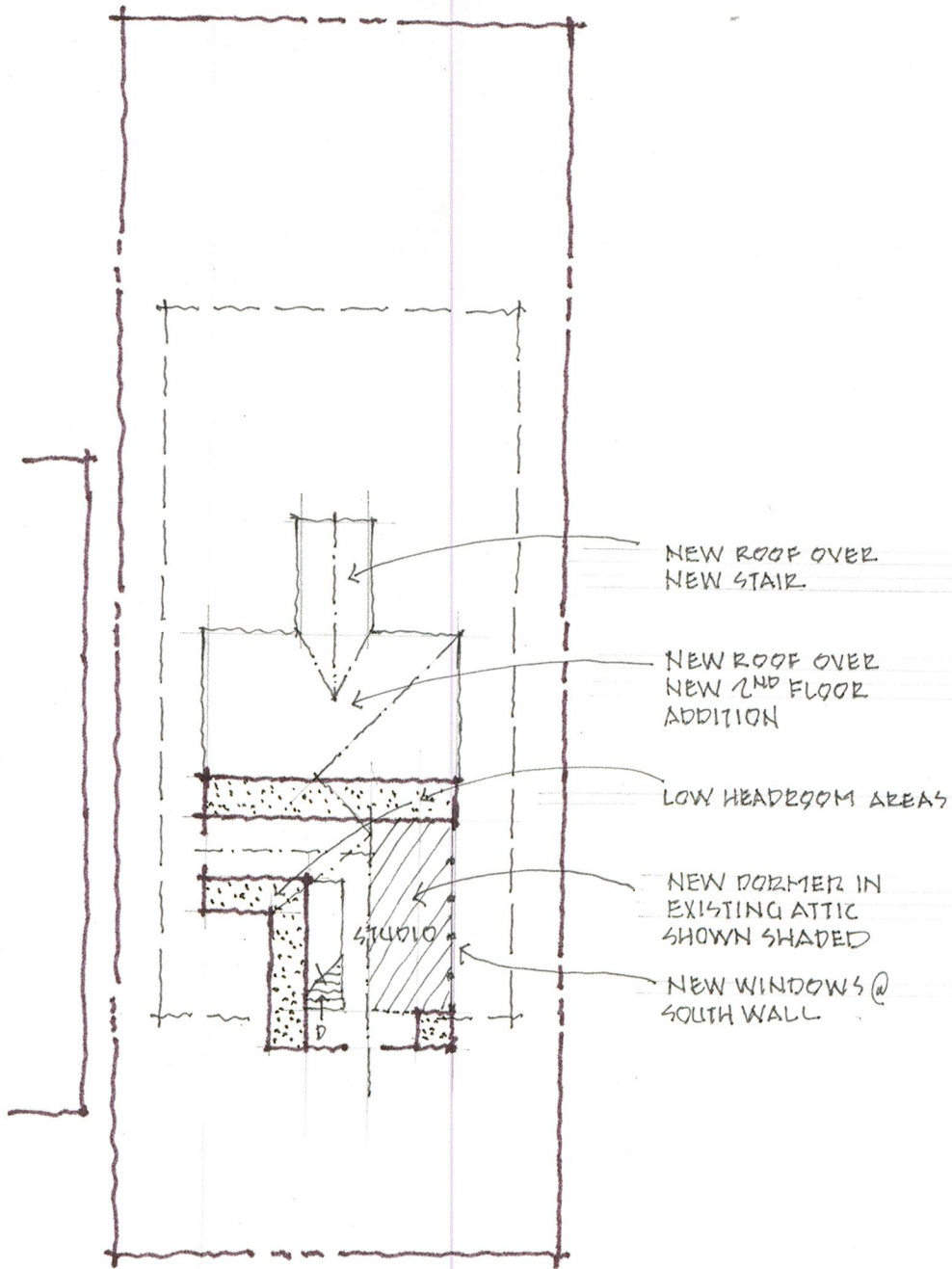
1" = 20'-0"



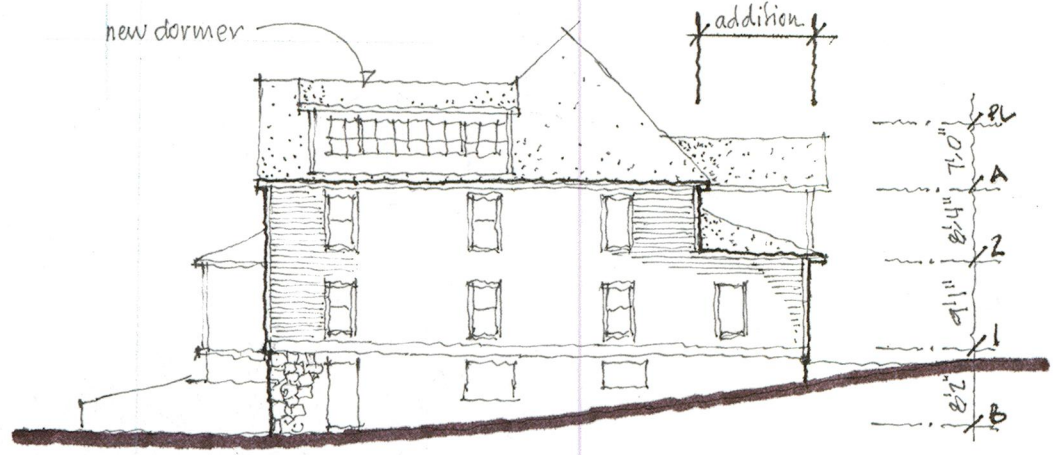
NEW SITE PLAN & FIRST FLOOR
1" = 20'-0"



REVISED SECOND FLOOR
 1" = 20'-0"



EXISTING ATTIC & NEW DORMER
1" = 10'-0"



SOUTH @ 1"=20'

5375 SOUTH FOURTH • EXTERIOR ELEVATIONS