

**Zoning Board of Appeals
June 24, 2015 Regular Meeting**

STAFF REPORT

Subject: ZBA15-013, 580 Liberty Pointe

Summary: John Leppiaho is requesting one variance from Chapter 55(Zoning) Section 5:32 (Multiple-family, R4A), of 8 feet for expansion of an existing residential structure into the side setback, 20 feet is required.

Description and Discussion:

The subject parcel is located on the corner of Liberty Pointe and Philadelphia Street. It is the end unit of a multiple unit condominium building located in a larger condominium development. The structure is zoned R4A (Multiple-Family). The condo is 2,044-square feet and was constructed in 1993. The existing structure is conforming for all zoning setback standards and has an existing uncovered rear deck. The required side setback is 20 feet, and the house is set back 22 feet from the rear property line.

The petitioner is proposing to construct a covered and enclosed 10 foot by 21 foot 11 inch, 220-square foot addition to the existing house. The proposed addition will be located behind the structure and will match the footprint of the existing deck. It will not be built any closer to the side property line than the existing unenclosed deck along the rear of the house. The new addition will be 12 feet (required setback is 20 feet) from the side property line and will match the architectural style and roofline of the existing structure.

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 unit requesting the variance is the end unit of a 5 unit structure. Many of the units in this development have unenclosed decks similar to the existing deck. The subject parcel is not exceptional or peculiar. It conforms to the minimum lot area and width requirements of the R4A Zoning District.

- (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 to construct a new 220 sq ft enclosed porch addition. If the variance is not granted, the existing unenclosed deck can remain. There is no area available on the site for a conforming addition to the 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.**

Allowing the variance will result in an addition to the structure that will not encroach any further into the side open space than the existing unenclosed deck. The addition and existing porch are visible from a public street and from adjacent attached residences. However, the existing deck does have an approximately 6 foot high opaque privacy fence between the subject unit and the neighboring unit immediately adjacent. Staff has not received any objections from neighbors. The Condominium Association has given preliminary approval of the addition pending final review of plans.

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

The existing deck was completed shortly after the building was constructed in 1993. The deck complies with code and would be permitted to remain as an unenclosed area.

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

The proposed addition is the same footprint as the existing deck. The requested variance is required only to enclose and cover this area. A smaller deck could be proposed, but would still require a variance due to the location of the building 2 feet from the required side setback.

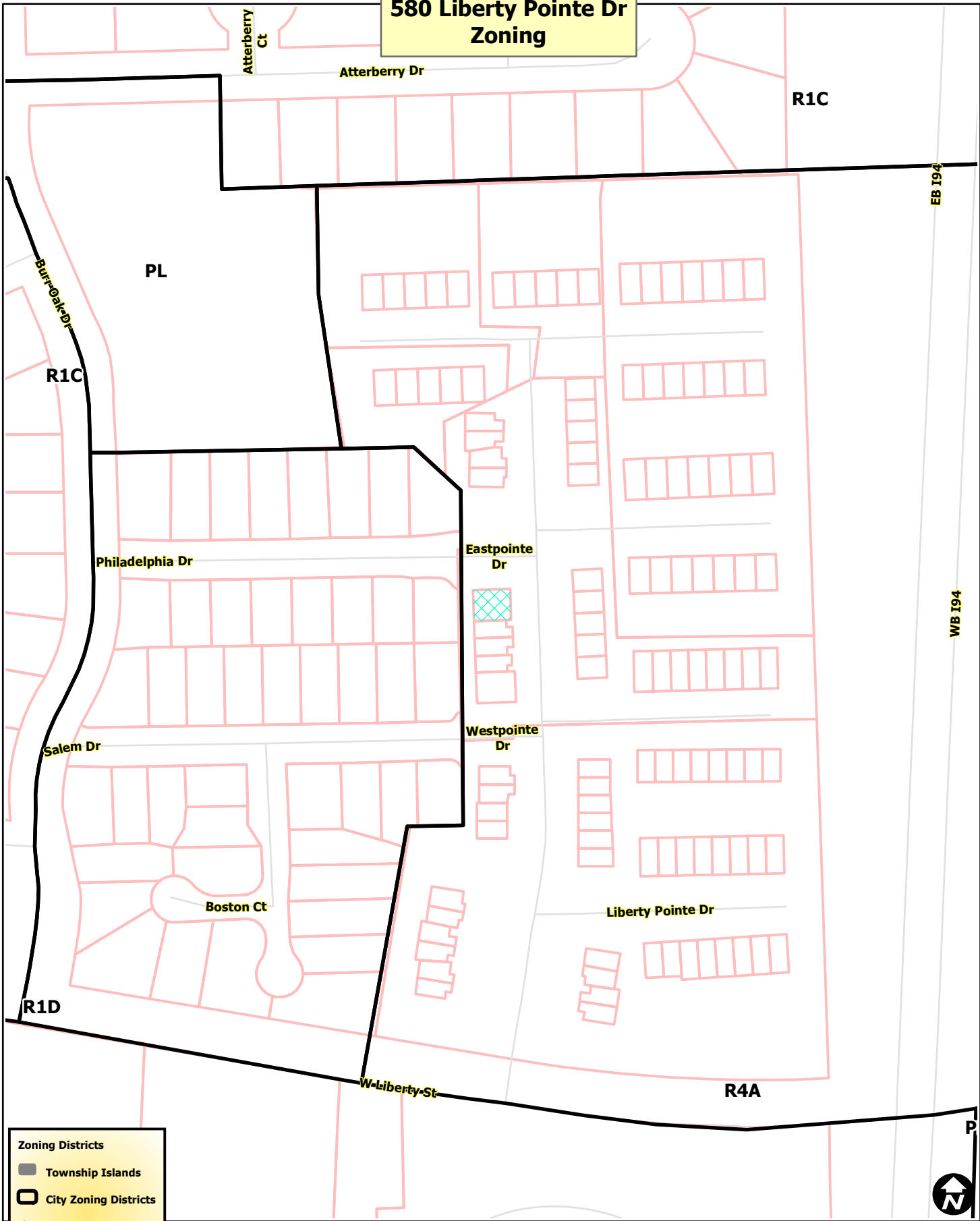
Respectfully submitted,

Zoning Board of Appeals
Variance
June 24, 2015 - Page 3

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

Matthew J. Kowalski, AICP
City Planner

580 Liberty Pointe Dr Zoning



Zoning Districts

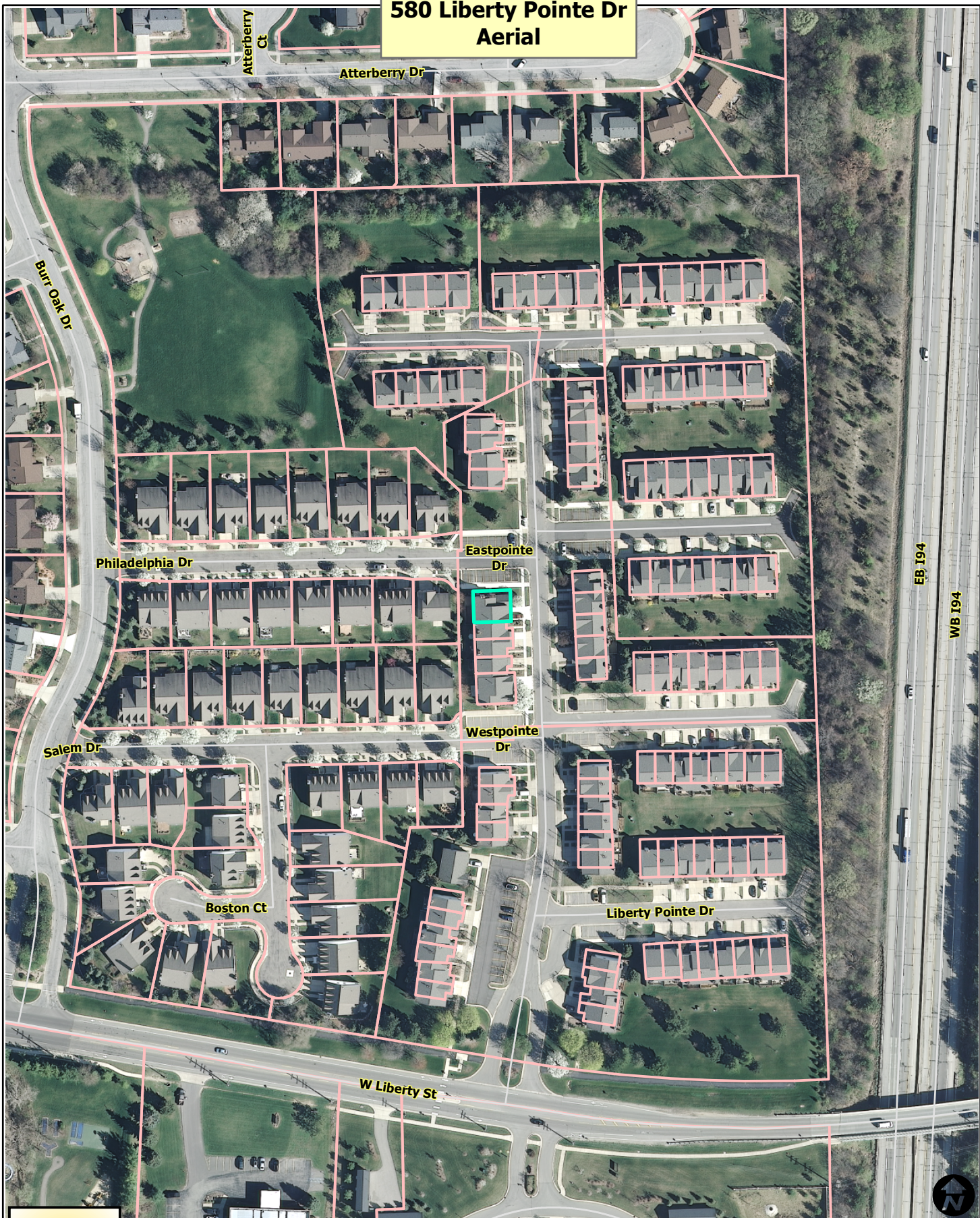
- Township Islands
- City Zoning Districts
- Railroads
- Parcels
- Huron River



Map date 5/29/2015
 Any aerial imagery is circa 2012
 unless otherwise noted
 Terms of use: www.a2gov.org/terms



580 Liberty Pointe Dr Aerial

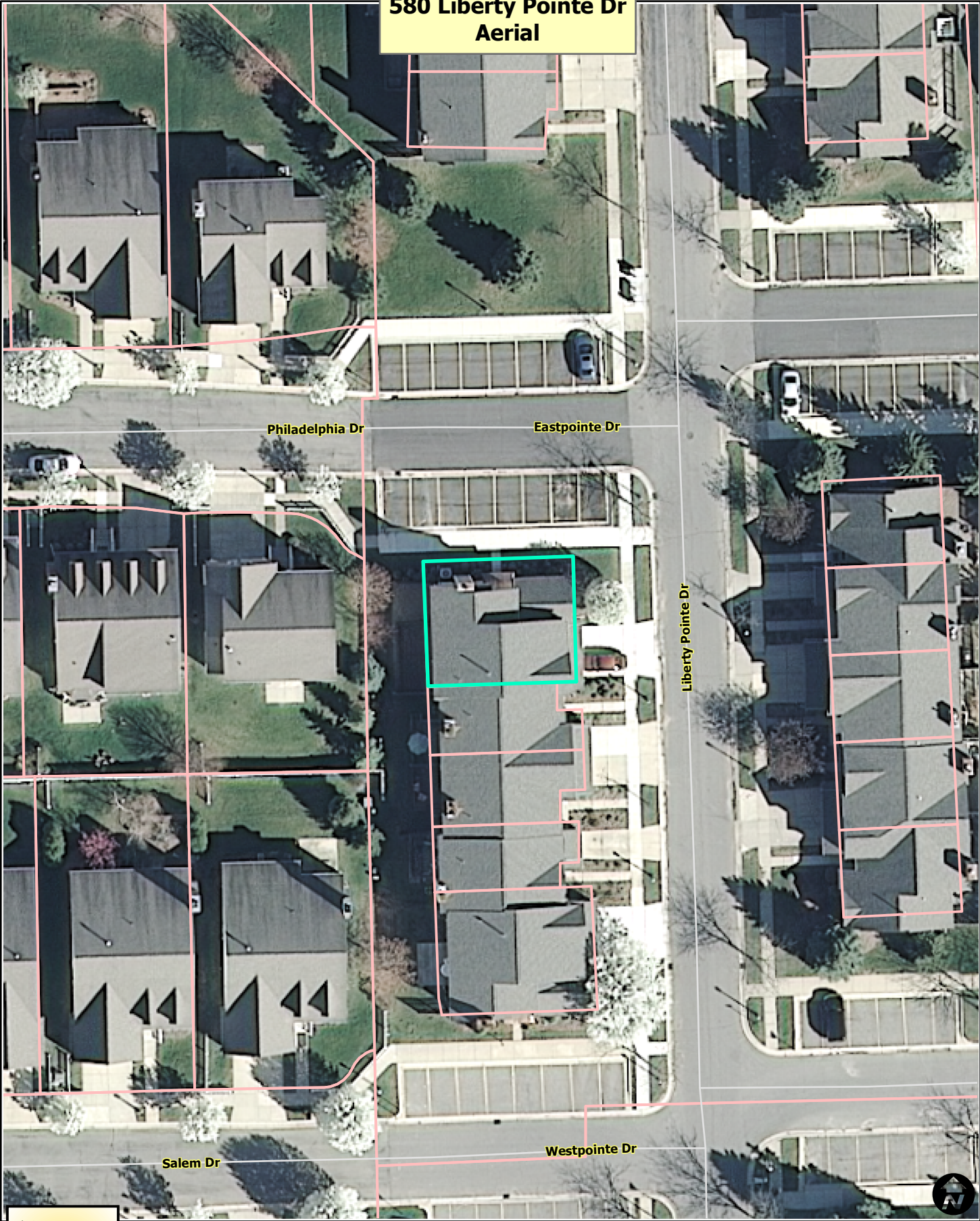


- Railroads
- Parcels
- Huron River



Map date 5/29/2015
Any aerial imagery is circa 2012
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Terms of use: www.a2gov.org/terms

580 Liberty Pointe Dr Aerial



-  Railroads
-  Parcels
-  Huron River



Map date 5/29/2015
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: Dexter Builders
 Address of Applicant: 8820 Jackson Rd. Dexter, MI 48130
 Daytime Phone: (734) 660-0275
 Fax: (734) 426-4336
 Email: j.meyer@dexterbuilders.com
 Applicant's Relationship to Property: General Contractor

Section 2: Property Information

Address of Property: 580 Liberty Pointe Dr.
 Zoning Classification: 09-08-25-404-122 -RL4A
 Tax ID# (if known): _____
 *Name of Property Owner: John Leppiaho

*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 5:32A

Required dimension:

20' side

PROPOSED dimension:

12' side

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)

Remove existing deck, install foundation (same footprint as deck)
Construct 12' x 20' screened in porch with concrete floor

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?

Zoning will not grant authorization because the screened in porch could be used as living space in windows, insulation, heating and cooling were to be installed in the future.

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

Homeowners are not able to use outside space due to sun and rain because it is not covered.

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

There will be no effect. This will not visually impede any sight from other units or impede egress.

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?

Location of condo is 22 ft. from the property line. New structure is going to be 12 ft. (same as existing deck) from the property line.

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

Not self imposed

Section 5: ALTERATION TO A NON-CONFORMING STRUCTURE

Current use of the property 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)

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:

Construct a screen in back porch in place of existing deck. Initial verbal approval of the project given by Jeffrey Kahan (Ad zoning) based on approval by condo association/property management. The approval was granted by condo association and now Ann Arbor zoning will not allow us to proceed.

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:

- New structure similar to the existing deck.
- Approval by condo association
- Verbal approval by adjacent neighbors
- Improve use and value of condo unit.

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.

(734) 660-0275 _____ Signature
 Phone Number
 jmeyerc@dexterbuilders.com _____ Print Name
 Email Address

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 19th day of May, 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.

 Notary Public Signature

June 14, 2021 _____
 Notary Commission Expiration Date Print Name

Staff Use Only

Date Submitted: 5/19/15. Fee Paid: \$500
 File No.: ZBA 15-013 Date of Public Hearing _____
 Pre-filing Staff Reviewer & Date MK/BA 5/19/15 ZBA Action: _____
 Pre-Filing Review: _____
 Staff Reviewer & Date: _____

Zoning Board of Appeals

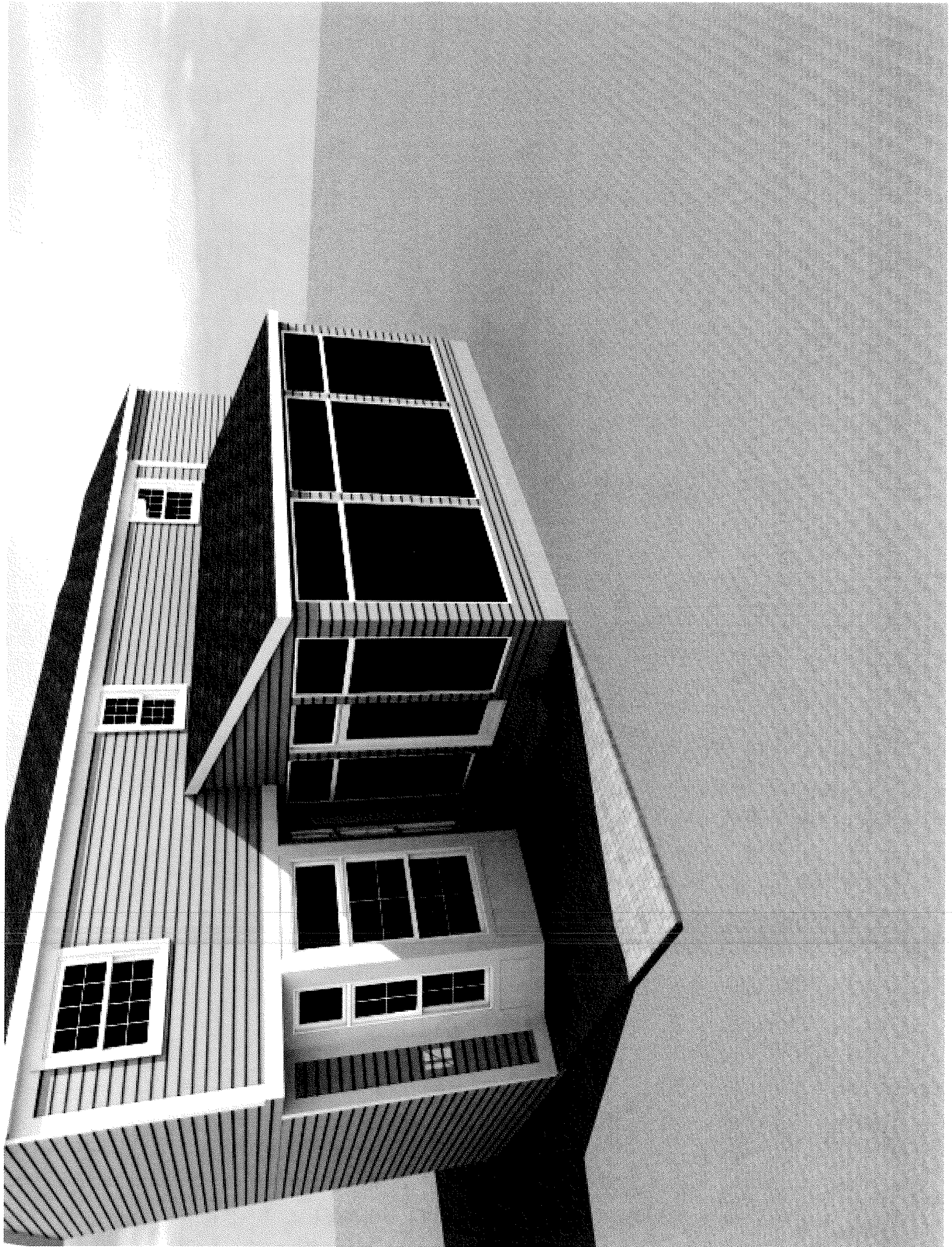
I John B Leppiaho certify that I am the owner of record on the project in discussion and give authorization to Dexter Builders to act as my Authorized Agent for any permit requirements for either zoning or building. If there are any further questions please contact me at _____, thank you.

Sincerely

Signature: John B. Leppiaho Date: 5/18/2015



Existing Deck





PROJECT NUMBER: 141402
 SUBJECT MANAGER: Josh Meyer
 REVISION: DATE: 1/22/14
 OWNER REVIEW

JOHN LEPPAHO
 580 LIBERTY POINT DR., ANN ARBOR, MI 48103
Screen Porch Addition

CLIENT PROJECT:

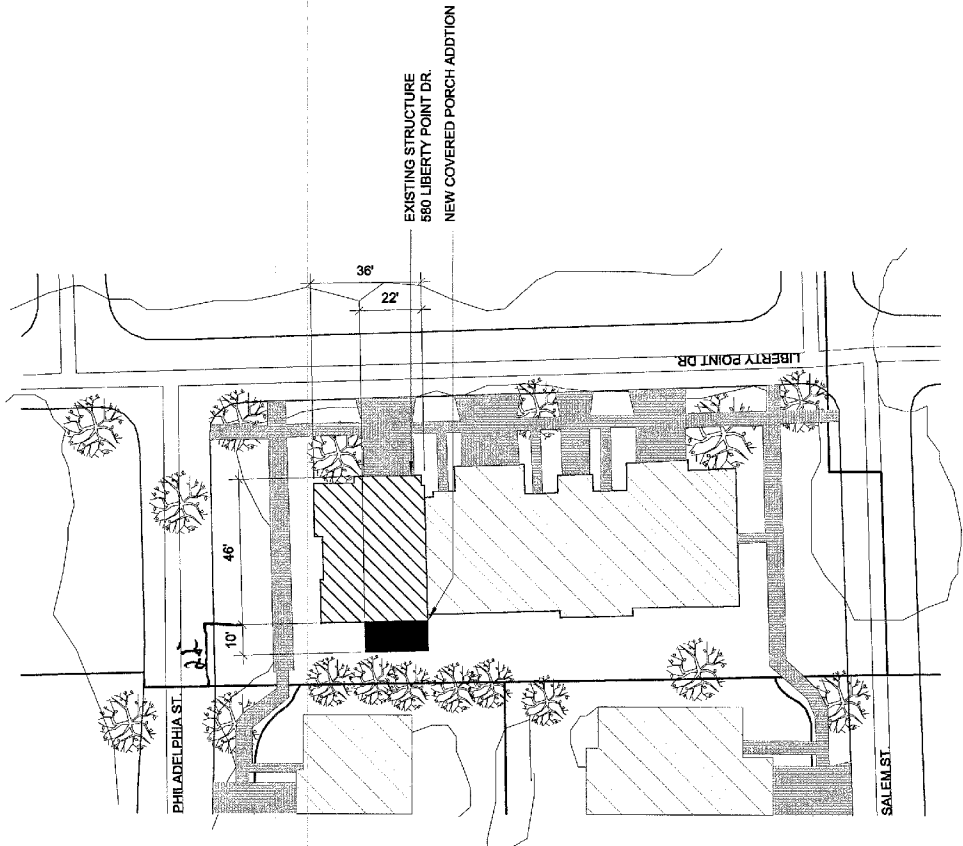
CHECKED BY: Joe Palmer
 DRAWN BY: Joe Palmer
 DRAWING: SITE PLAN
 SCALE: 1" = 40' - 0"
 SHEET: C-101

SITE PLAN GENERAL NOTES:

New construction is in accordance with all applicable codes and local ordinances.
 All site information taken from the Washtenaw County G.I.S. website and its accuracy is only equal to that of the website information.
 If vegetation needs to be removed that is not part of the scope of work, the FIRM should be contacted before commencing work.
 Removal of all stumps and trees to be done by homeowner unless agreed upon and outlined in scope of work.
 No additional landscaping beyond grading and seeding resulting to be done after the construction process.
 All landscaping and storm water management systems are to be maintained by the homeowner after the construction process is complete.
 Current storm water management system and proposed storm water management system consist of seeding and mulching only, unless otherwise annotated.
 Extent of earth disturbance not to exceed the designated area annotated on the site plan.
 All excavated soil from new foundation to be removed from site and any fill, if required, to be stockpiled in the designated location.
 Sit trees, if required, to be installed per Washtenaw County specifications and remain in place until final soil erosion and sedimentation control is in place.

SITE PLAN LEGEND

- Proposed structure
- Existing concrete surfaces
- Existing structures
- Existing topography in 2' intervals
- Existing major vegetation on project site



1 SITE PLAN
 scale: 1" = 40'





820 JACKSON RD., DEXTER, MI 48103
 TEL: 248-283-2852 FAX: 248-283-6568

PROJECT: 141402
 PROJECT MANAGER: Josh Meyer
 REVISION: DATE: 12/22/14
 OWNER REVIEW:

JOHN LEPIAHO
 580 LIBERTY POINT DR., ANN ARBOR, MI 48103
Screen Porch Addition

CUSTOMER PROJECT:

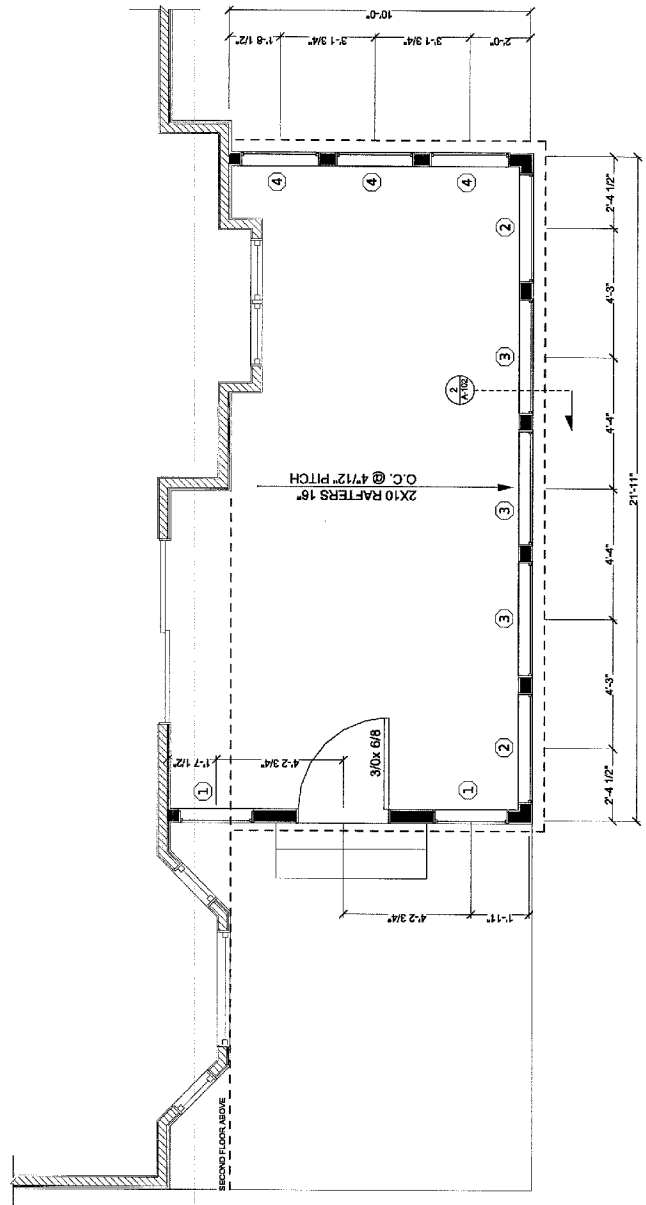
CHECKED BY:
 DRAWN BY: Joe Palmer
 FLOOR PLAN
 SCALE: 1/4" = 1' - 0"
 SHEET: A-101

CONSTRUCTION NOTES

If during construction the original structure does not meet current building code the owner shall be responsible for the extra cost required to bring the structure up to code.
 Owners shall allow access to work areas for all vehicles and vehicles and shall allow areas for storage of materials and debris.
 Owners agree to make domestic water, electricity, and toilet available to workers during the course of the project.
 Dexter Builders shall not be held responsible for damages caused by owner, acts of god, or anything beyond our control.
 Dexter Builders, or its duly appointed agent shall have sole control of construction personnel and any discrepancies should be brought to the project managers attention immediately.
 All dimensions associated with the existing structure should be verified on site and if discrepancies are discovered the project manager should be contacted.

PAGE LEGEND

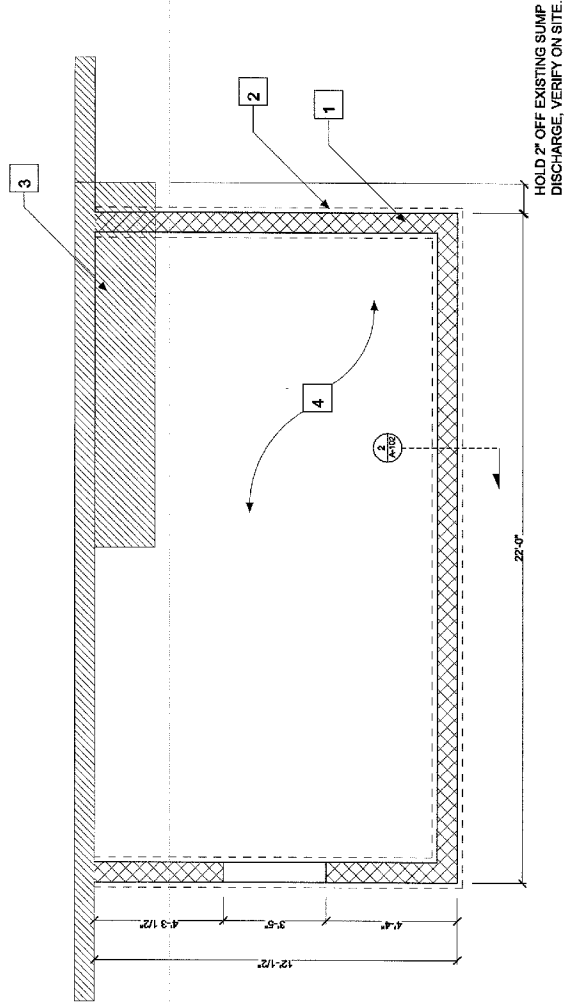
- New Exterior Framed Partition
- Existing Structure



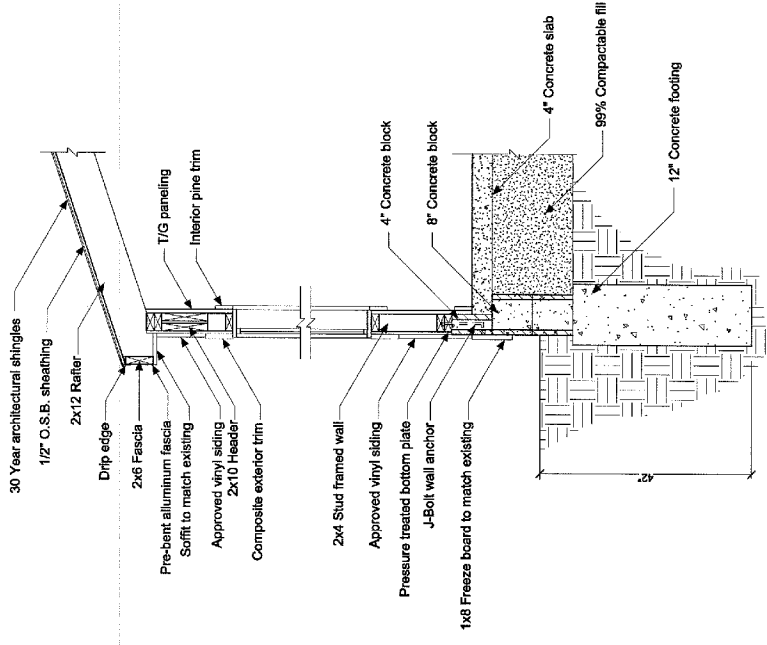
1 PORCH FLOOR PLAN
 scale: 1/4" = 1' - 0" N

Window Schedule

Mark	Size	Description	Count	Notes
1	2'-6" X 6'-3 1/2"	Custom Screen Opening	2	Vinyle frame with removable screen inserts by George Meyer Co.
2	3'-8" X 6'-3 1/2"	Custom Screen Opening	2	Vinyle frame with removable screen inserts by George Meyer Co.
3	3'-10" X 6'-3 1/2"	Custom Screen Opening	3	Vinyle frame with removable screen inserts by George Meyer Co.
4	2'-6" X 6'-3 1/2"	Custom Screen Opening	3	Vinyle frame with removable screen inserts by George Meyer Co.



1 FOUNDATION PLAN
 scale: 1/4" = 1' - 0"

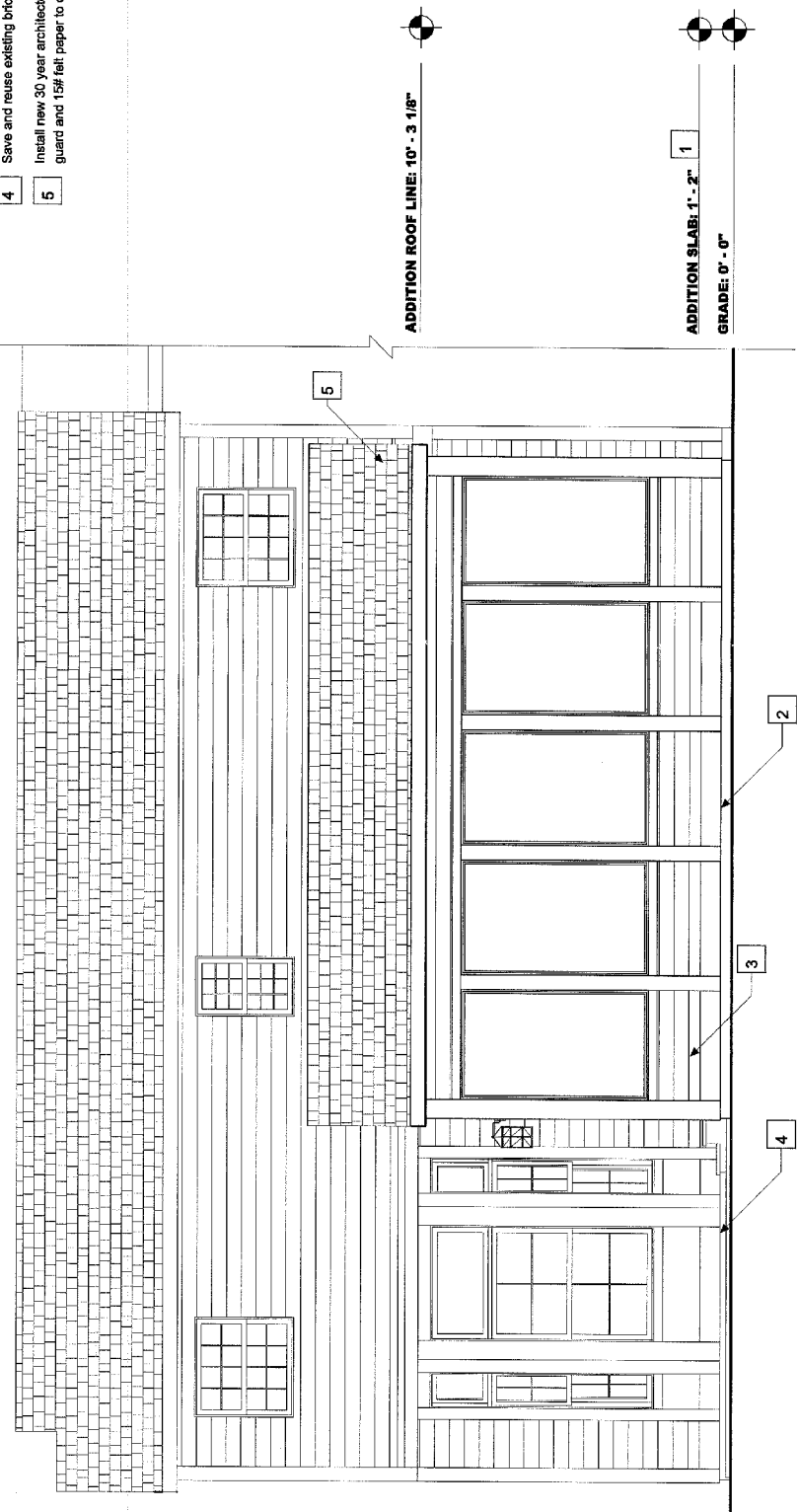


2 DETAIL WALL SECTION
 scale: 1/2" = 1' - 0"

- FOUNDATION NOTES:**
- 1** Install 2 courses of 8" concrete block with 1 course 4" concrete block above. Rod and core 4 O.C. and 1 from all corners with #4 reinforcing bar and type N mortar. Fill top course solid with type N mortar and provide wall anchors 4 O.C. and 1 from all corners.
 - 2** Install 12" concrete trench footing with 2 courses of #4 rebar in lower third. Bottom of footing should be no less than 42" below grade.
 - 3** Main floor wall above, and south extent of 580 Liberty Point Dr.
 - 3** Provide 99% compacted fill below 4" concrete slab. Concrete slab to finish floor of 1st level to have 3" minimum elevation change and should be verified on site.

ELEVATION NOTES:

- 1 New concrete slab to have a minimum change in elevation from existing finish floor of 3" and should be verified on site.
- 2 All new exterior trim to be composite in nature and should match existing trim in style and color.
- 3 Install approved vinyl siding on new addition.
- 4 Save and reuse existing brick patio.
- 5 Install new 30 year architectural shingle with rain and ice guard and 15# felt paper to code.



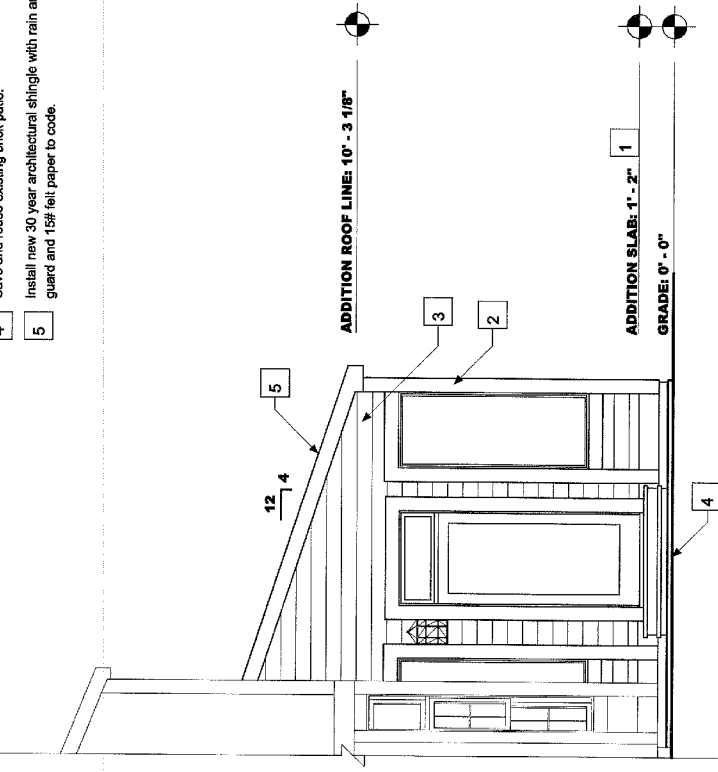
1 EAST ELEVATION
 scale: 1/4" = 1' - 0"

ADDITION SLAB: 1' - 2"
 GRADE: 0' - 0"

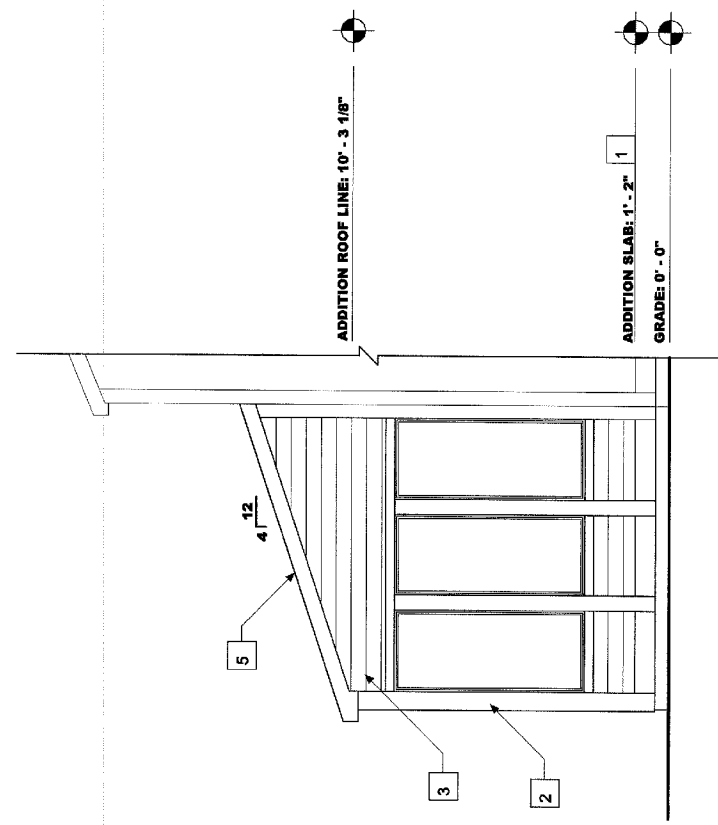
ADDITION ROOF LINE: 10' - 3 1/8"

ELEVATION NOTES:

- 1 New concrete slab to have a minimum change in elevation from existing finish floor of 3" and should be verified on site.
- 2 All new exterior trim to be composite in nature and should match existing trim in style and color.
- 3 Install approved vinyl siding on new addition.
- 4 Save and reuse existing brick patio.
- 5 Install new 30 year architectural shingle with rain and ice guard and 15# felt paper to code.



2 NORTH ELEVATION
 scale: 1/4" = 1' - 0"



1 SOUTH ELEVATION
 scale: 1/4" = 1' - 0"

JOHN LEPIAHO
580 LIBERTY POINT DR., ANN ARBOR, MI 48103

Screen Porch Addition

GENERAL NOTES

All work shall conform to the latest applicable codes. In addition construction shall comply with procedures, specifications and standard details of manufacturers of building components, systems and assemblies.

Dexter Builders is to obtain all permits required for building and arrange for all inspections correlated with such permits, and supply project with all licensed subcontractors to complete scope of work.

All subcontractors are to complete required work detailed in scope of work for the project unless otherwise directed by the project manager or qualified representative of Dexter Builders.

Any deviations from the outlined scope of work and estimate are subject to an additional charge which the client will be notified of and agree to prior to work commencing.

Contract documents include the construction agreement, and all associated documents including the proposal, construction plans, change orders etc.

All new construction dimensions are from face of stud to face of stud, dimensions from existing structure are from face of finished surface unless otherwise noted. All dimensions shall have preference over scale and if discrepancies should occur contact architect or project manager.

Contractors shall provide project manager with regular updates of construction schedule and any unforeseen problems that arise in the field and construction progress.

Details shown are intended to describe scope and profile, where details have not been provided the work is intended to be similar in character to those areas detailed.

Where specific dimensions, details, or design intent cannot be determined consult project manager before commencing work

The site shall remain weather tight and secure at the end of each workday, and during any periods in which the facility is unoccupied by a representative of Dexter Builders.

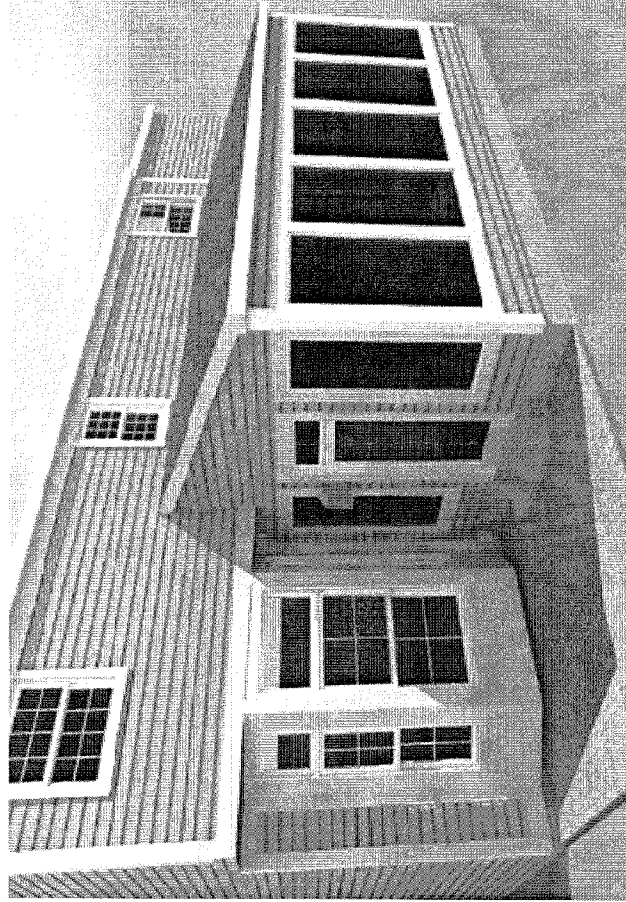
The job site shall be left clean and all debris shall be disposed of properly at the end of each work day.

Install complete fire blocking and draft stopping as required by code.

No procedures, products, or processes shall be permitted to be used in the project which are prohibited by law or snow cause of harmful effect to the natural environment or to the health of any person on or offsite during construction of the project.

During the construction process reasonable care should be taken to protect, preserve and maintain all existing property and vegetation not part of the scope of work.

If work is delayed by owner requested changes, or delays over which Dexter Builders has no control, the time for completion shall be extended accordingly and amended in the contract.



PROJECT#: 141402

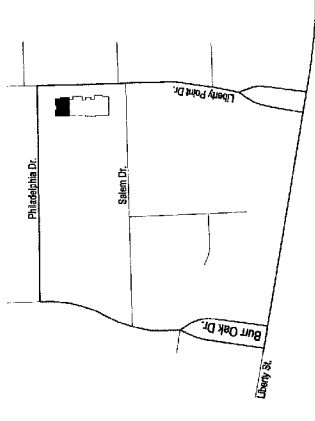
PROJECT MANAGER: Josh Meyer

DRAWING SET INDEX	
SHEET INDEX	DATE
NUMBER	REVISION
C-101	Owner Review
D-101	12/18/14
A-101	
A-201	
A-301	

SYMBOLS LEGEND

- DRAWING DETAIL TITLE : P/W, Title
- SECTION TAG : SECTION NUMBER, SECTION LOCATION
- DETAIL / WALL SECTION TAG : DETAIL / WALL SECTION TAG, SECTION LOCATION 1
- WINDOW TAG : #
- DOOR SCHEDULE REFERENCE TAG : #
- ELEVATION SYMBOL : #
- WALL TYPE INDICATOR : #

LOCATION MAP FOR 580 LIBERTY POINT DR.



8820 JACKSON RD, DEXTER, MI 48103
PH: 734-428-3882 FAX: 734-428-4338

COVER SHEET
G-001

MICHIGAN ENERGY CODE STANDARDS

As Per 2012 Michigan Uniform Energy Code

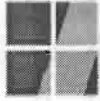
Insulation Requirements for Climate Zone 5, Bv, Component

Roofing	U-Factor	0.35
Skylight (a)	U-Factor	0.60
Ceiling/Attic	R-Value	38
Wood Frame Wall	R-Value	20 or 13+5 (a)
Mass Wall (f)	R-Value	13/17
Floor	R-Value	30 (d)
Basement Wall (b)	R-Value	10/13
Slab (c)	R-Value, Depth	10, 2R
Crawl Spaces (g)	R-Value	10/13

- a. The insulation U-factor column excludes windows.
- b. The first R-value in parentheses indicates the required insulation, the second to framing cavity insulation; either insulation meets the requirement.
- c. R-5 shall be added to the required value for exterior walls, if the exterior wall is a masonry wall.
- d. Ceilings shall be insulated to R-38, unless otherwise specified.
- e. R-13+5 means R-13 exterior insulation plus R-5 included sheathing. If structural sheathing covers 25% or less of the exterior, R-5 sheathing is not required where structural sheathing is used. If structural sheathing covers more than 25% of exterior, structural sheathing shall be supplemented with insulated sheathing of at least R-2.
- f. The second R-value applies when there is an air barrier on the interior.

PROJECT SUMMARY:

Project Description:	Covered Porch Addition
Building Use:	R1D, Residential
Lot size (Acres, sqft) :	Liberty Point Condo Complex
Allowable Lot Coverage:	N/A
County:	Washtenaw
Township:	City of Ann Arbor
Setbacks:	Front-25; Side: least one-3, total two-6, Rear-20
Original Gross sqft:	N/A
Project sqft:	N/A
New Gross sqft:	N/A
Applicable Codes:	2012 Michigan Residential Building Code, 2012 Michigan Uniform Energy Code, And International Residential Building Code



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November 14, 2014

John & Barbara Leppiaho
580 Liberty Pointe Dr.
Ann Arbor, MI 48103

Dear John & Barbara,

Per your request please let this letter serve as a conditional approval for your screened porch.

The board of directors has approved your screen porch in concept but is retaining final approval once final drawings and samples of materials have been submitted.

Sincerely,

Paul A. Ewing, CMCA
Association Manager Liberty Pointe

1100 Victors Way, Suite 50 • Ann Arbor, MI 48108
734.973.5500 800.794.9297 Fax 734.973.0001 www.kramertriad.com

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Kramer-Triad Management Group

May 5, 2015

John & Barbara Leppiaho
580 Liberty Pointe Drive
Ann Arbor, MI 48103

Re: Screen Porch Modification Approval

Dear Mr. & Mrs. Leppiaho:

After reviewing your request, the Liberty Pointe Condominium Board of Directors has approved your proposal to install screen porch in accordance to the plans included with your application. Additionally, the following conditions will apply:

- Co-owner must record the modification (upon completion) with the city so it appears on the deed to the unit;
- Co-owner must provide comments from co-owner at 582 Liberty Pointe;
- Co-owner must provide permit from the city of Ann Arbor;
- Co-owner must provide detailed building plans and a project time line to the Board prior to the start of the project;
- Co-owner must post \$5,000.00 bond with Kramer Triad (received);
- Co-owner must provide proof of insurance from all contractors involved.

All work is to be performed at your sole cost and is your responsibility. All local permits that are required must be obtained and fulfilled. In addition, all work is to be completed within 90 days unless you receive a Board approved written extension for completion.

Finally, any damage resulting from this work or corrections needed from variances to the approved specifications are to be repaired at your sole cost and responsibility.

I trust this provides you with a framework for assisting you in this matter. Please feel free to contact me should you have any further comments or questions.

Sincerely,

Kathleen Walczak, CMCA
Community Association Manager
Liberty Pointe Condominium Association

Cc: Board of Directors
Unit File

RE: ZBA15-013
580 Liberty Pointe Dr

John Leppiaho's condo is attached to mine. He has asked me to write to you regarding if he can have windows in the proposed sun porch. I don't see what difference windows would make. My only concern would be if the footprint of the porch would be deeper than the footprint of his existing deck. I need to be able to walk behind his deck to carry deck furniture from my garage to my deck. It is a very small clearance right now. It won't fit through my house so I have to carry it behind the units to my deck and if I can't carry it behind his deck, I would have to go the other direction around the block and behind 4 units instead of one unit. It would be a far distance.

Jan LeLand