

**Zoning Board of Appeals  
November 19, 2014 Regular Meeting**

**STAFF REPORT**

**Subject: ZBA14-014; 1230 Olivia**

**Summary:** Michelle Adams is requesting one variance from Chapter 55 Section 5:59 (Accessory buildings) of 2 feet 6 inches from the side setback of 3 feet to permit construction of a detached accessory building 6 inches from the side property line.

**Description and Discussion:**

The subject parcel is located at 1230 Olivia, south of Wells and north of Granger. The parcel is zoned R2A (Two-Family Residential District). The house was built in 1925 and had a covered, but not enclosed, structure in the rear yard with a solid wall adjacent to the property line. That structure was located 6 inches from the property line at the closest point and was recently demolished. The applicant would like to build an enclosed structure while utilizing the existing footings from the previous structure. There is no driveway serving the rear yard. There is a single-car drive that ends at the front of the house. There is less than 8 feet from the house to the property line, 10 feet is required for a driveway. The petitioner is not planning on using the structure as a vehicle garage, only for storage.

The request is discussed in detail below:

The petitioner is proposing to construct a 394 square foot enclosed accessory building. The structure will be 12 feet tall (measured to the midpoint of the roof pitch) and will measure 16 feet by 24 feet 8 inches. According to Chapter 55, 5:59, an accessory building is not permitted within 3 feet of the side property line, reusing the existing footings would place the new structure 6 inches from the side property line. There is no structure directly adjacent on the neighboring property.

**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 6,403 sq ft lot and is 50 feet wide by approximately 127 feet deep. The lot is a non-conforming R2A lot for both lot width required (60 feet) and lot area required (8,500 square feet).

- (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 for construction of a detached accessory building on top of existing footings from a carport structure. If the variance is not granted, the structure could not be constructed at the proposed location and would need to be moved 2 feet 6 inches over or reduced in width in order to comply with the 3 foot required setback.

- (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.**

The proposed structure will place a wall six inches from the side property line. The previous carport structure also had a wall at this same location. The house on the adjacent property is not located next to the proposed structure and expansion in this area is unlikely given the required setbacks and width of the lot. The visual impact to the surrounding properties will be similar to the previous structure, but will significant aesthetic upgrade. The petitioner has submitted two letters of support from surrounding 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 petitioner would like to re-use the foundation and footings from the recently demolished structure. It is unclear when that structure was constructed, but it is visible in the 1947 aerial photo and was constructed prior to zoning setback standards. The foundation could be removed or altered in order to comply with the required 3 foot setback.

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

The petitioner would like to construct a new enclosed accessory building in the same location as a partially enclosed structure that was constructed before zoning standards were enacted. The proposed structure is 394 square feet, located entirely in the rear yard and should have minimal visual impact to the neighborhood. In addition, Chapter 55, Section 5:54(c) does permit certain architectural features such as eaves to project two feet into the required open space. The petitioner is requesting a 2 foot 6 inch variance from the three foot side setback requirement in order to allow placement of a wall and roof within the required setback.

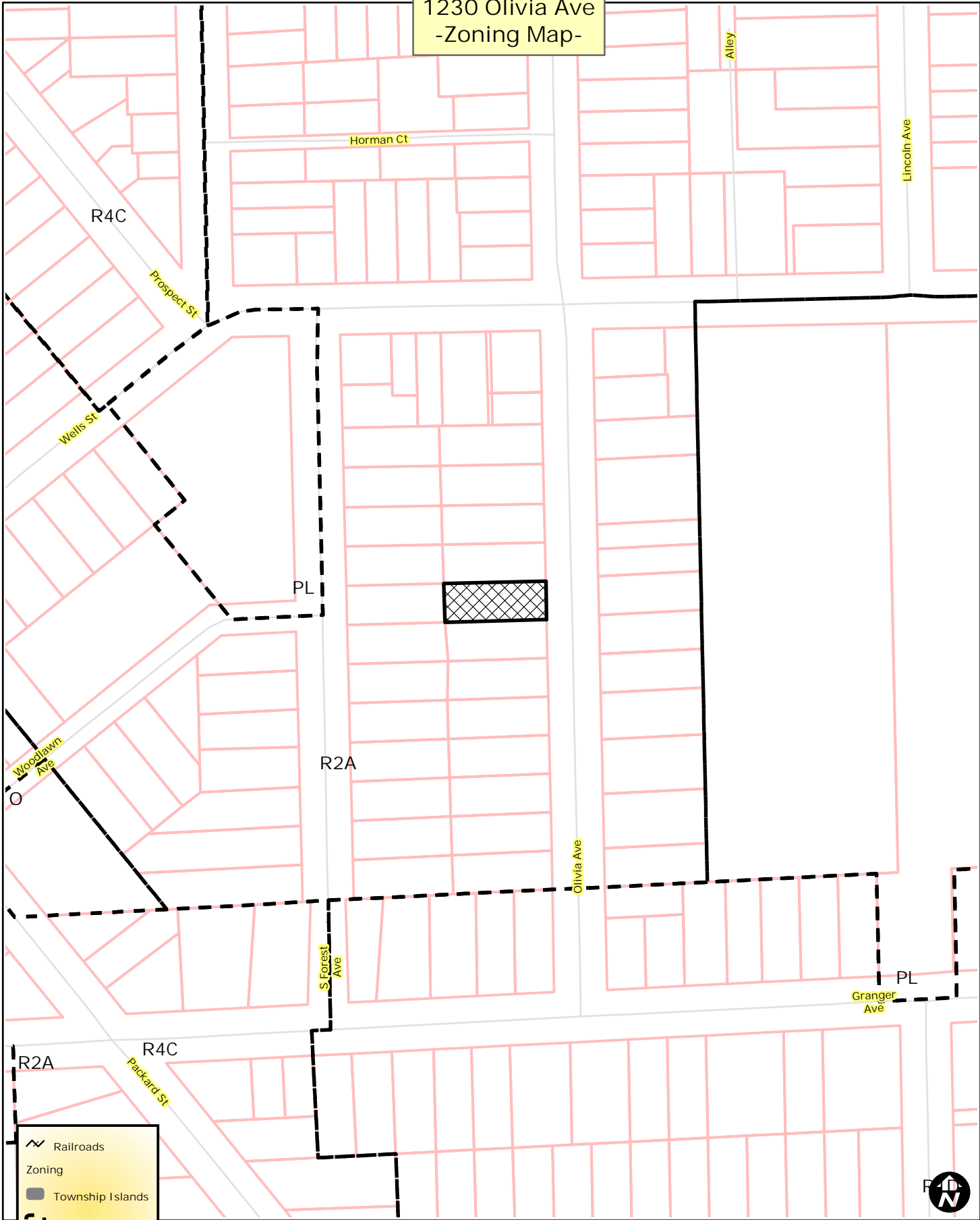
Zoning Board of Appeals  
Variance  
November 19, 2014 - Page 3

Respectfully submitted,

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

**Matthew J. Kowalski, AICP**  
**City Planner**

1230 Olivia Ave  
-Zoning Map-



	Railroads
	Zoning
	Township Islands
	Zoning Districts
	Parcels
	Huron River

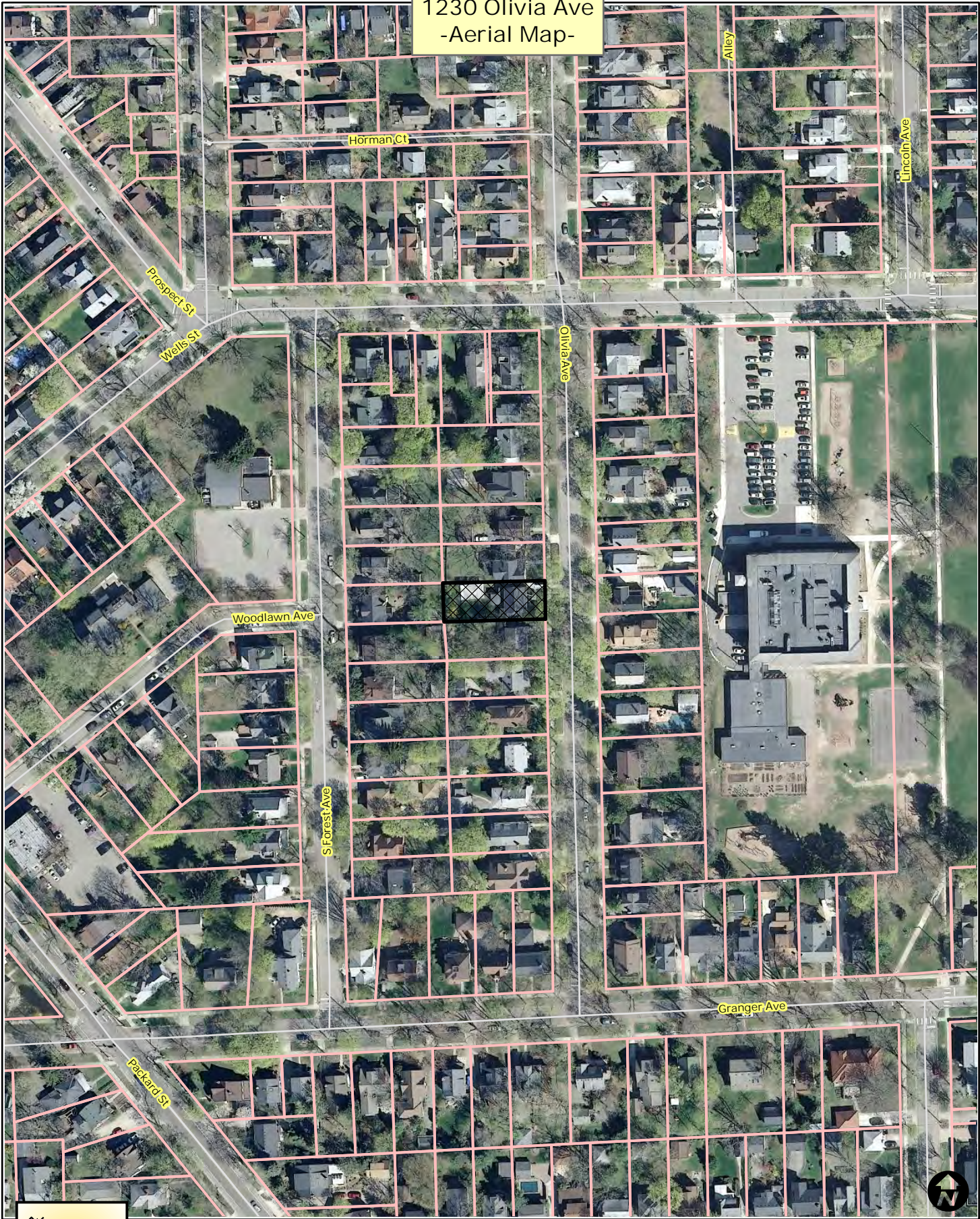


City of Ann Arbor Map Disclaimer: Map Date 10/27/2014

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# 1230 Olivia Ave -Aerial Map-



- Railroads
- Parcels
- Huron River






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1230 Olivia Ave  
-Aerial Map-



-  Railroads
-  Parcels
-  Huron River



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

**Section 1: Applicant Information**

Name of Applicant: CHARLES BRAHAM  
 Address of Applicant: 101 S. LEWIS ST SALINE MI 48176  
 Daytime Phone: (734) 429-2605  
 Fax: \_\_\_\_\_  
 Email: william charles custom homes@hotmail.com  
 Applicant's Relationship to Property: CONTRACTOR

**Section 2: Property Information**

Address of Property: 1230 OLIVIA ANN ARBOR MI.  
 Zoning Classification: RESIDENTIAL  
 Tax ID# (if known): \_\_\_\_\_  
 \*Name of Property Owner: MICHELLE ADAMS

*\*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:

CHAPTER 55  
SECTION 5:87 (3)

Required dimension:

3' FROM SIDE  
PROPERTY LINE

PROPOSED dimension:

6" FROM  
SIDE PROPERTY  
LINE

*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)

CHANGE AN EXISTING CARPORT INTO A GARAGE THAT  
IS 6" FROM SIDE PROPERTY LINE

**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?

THE PLAN FOR THE GARAGE WAS TO USE THE TWO EXISTING FOOTINGS AND ~~THE~~ BLOCK WALLS OF THE CARPORT. THESE ARE THE SIDE WALL (6" FROM PROPERTY LINE) AND BACK WALL. I'M SURE THERE ARE OTHER NON CONFORMING GARAGES IN THE NEIGHBORHOOD

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

WE WOULD HAVE TO TAKE DOWN THE BLOCK WALLS AND PULL OUT THE FOOTINGS TO MOVE THE BUILDING OVER 3' FROM PROPERTY LINE. COST WOULD BE THOUSANDS OF DOLLARS.

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

IT WILL INCREASE THEIR VALUE BY INCREASING THIS PROPERTY'S VALUE. THE ~~NEIGHBOR~~ NEIGHBOR WHO'S PROPERTY LINE THE CARPORT IS 6" AWAY FROM WAS GLAD WE WERE CHANGING IT FROM CARPORT TO GARAGE.

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?

IT WAS ORIGINALLY BUILT 6" FROM SIDE PROPERTY LINE.

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

ORIGINAL STRUCTURE WAS PROBABLY BUILT BEFORE THERE WAS A CODE IN PLACE THAT SAYS BUILDINGS NEED TO BE 3' FROM PROPERTY LINES.

## Section 5: ALTERATION TO A NON-CONFORMING STRUCTURE

Current use of the property CARPORT

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 6" FROM SIDE LOT LINE 3' FROM SIDE LOT LINE

Parking \_\_\_\_\_

Landscaping \_\_\_\_\_

Other \_\_\_\_\_

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

ALTER CARPORT TO AN ENCLOSED GARAGE TO KEEP  
STORED CONTENTS FREE FROM RAIN, SNOW, AND  
UNWANTED ANIMALS AND INSECTS.

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:

THE EXISTING CARPORT DID NOT HAVE A DETRIMENTAL EFFECT  
ON NEIGHBORING PROPERTY. THE NEW GARAGE WILL IMPROVE  
THE VALUE OF THE NEIGHBORHOOD JUST LIKE RENOVATING  
A HOUSE WOULD.

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 ALTERATION

OF CARPORT TO GARAGE AT 1230 OLIVIA

**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) 429-2605  
 Phone Number  
William Charles custom homes  
 Email Address @hotmail.com

Charles Brattam  
 Signature  
CHARLES BRATTAM  
 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.

Charles Brattam  
 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.

Charles Brattam  
 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.**

Charles Brattam  
 Signature

On this 21st day of October, 2014, 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.

CHANTRAL TRAN  
 Notary Public, Washtenaw Co., MI  
 My Commission Expires May 12, 2018

Chantrel Tran  
 Notary Public Signature

\_\_\_\_\_  
 Notary Commission Expiration Date

Chantal Tran  
 Print Name

**Staff Use Only**

Date Submitted: \_\_\_\_\_

Fee Paid: \_\_\_\_\_

File No.: \_\_\_\_\_

Date of Public Hearing \_\_\_\_\_

Pre-filing Staff Reviewer & Date \_\_\_\_\_

ZBA Action: \_\_\_\_\_

Pre-Filing Review: \_\_\_\_\_

Staff Reviewer & Date: \_\_\_\_\_

Michelle Adams  
1230 Olivia Ave  
Ann Arbor, Michigan 48104

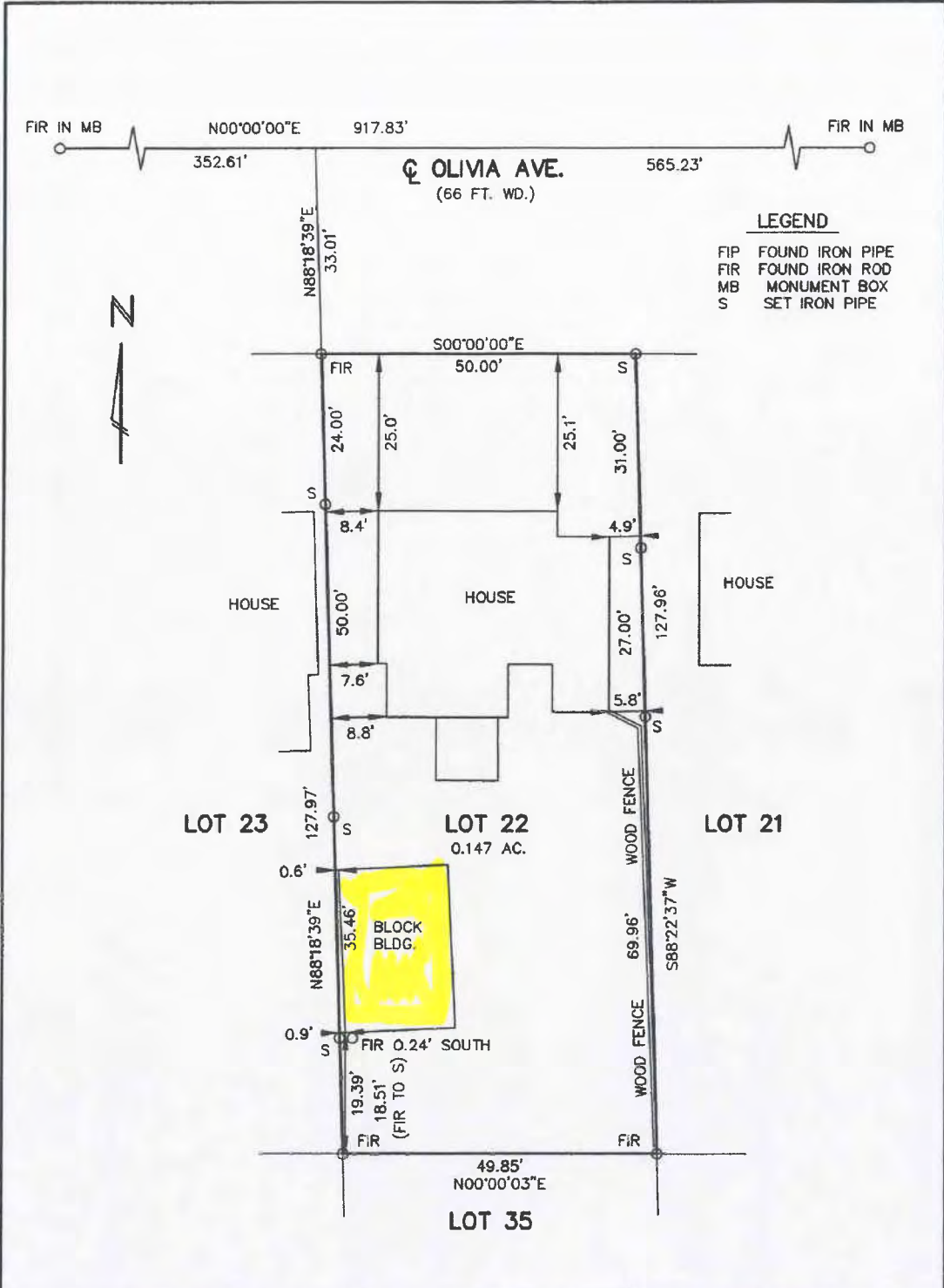
October 21st, 2014


To whom it may concern,

I authorized Charles Braham to act on my behalf to apply for a variance for a garage construction at 1230 Olivia Ave.



Michelle Adams



<b>COLEMAN LAND SURVEYING, PLC</b> 4301 SALINE-WATERWORKS, RD. PH 734-944-3266 SALINE, MI. 48176 FAX 734-944-3263		 KENNETH R. COLEMAN PROFESSIONAL SURVEYOR NO. 37271
CLIENT: WILLIAM CHARLES CUSTOM HOMES	SECTION 33, TOWN 2 SOUTH, RANGE 6 EAST	
SURVEY OF LOT 22,	CITY OF ANN ARBOR	



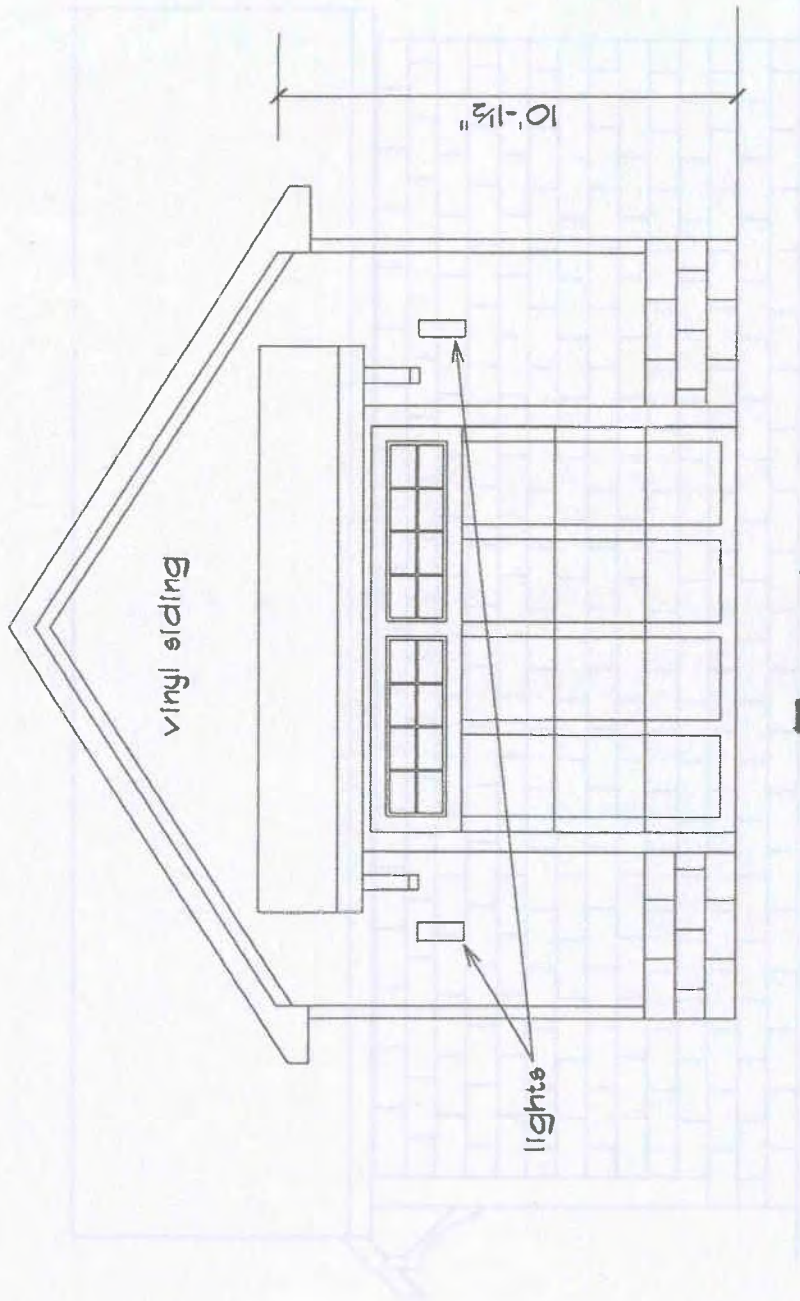












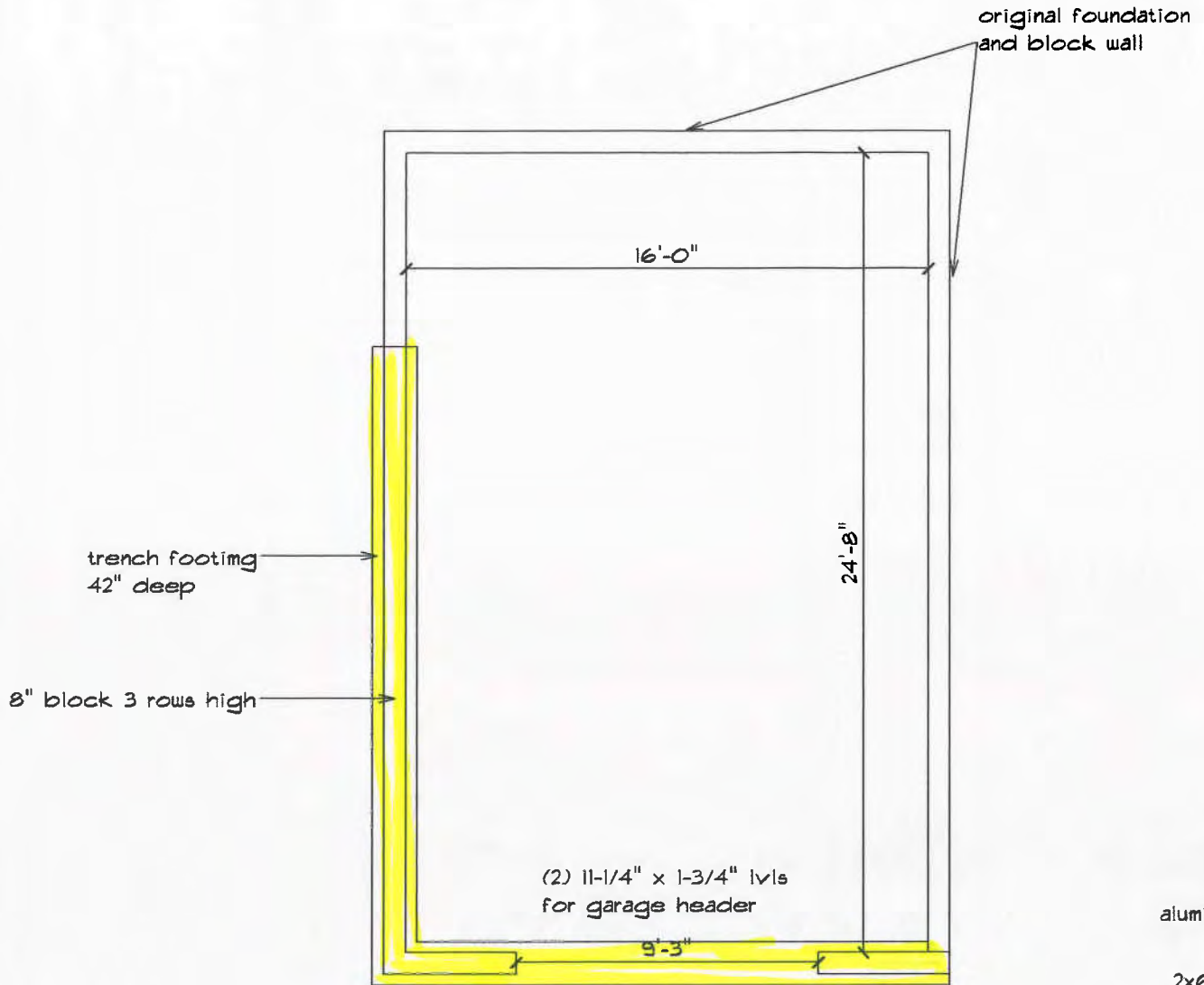
Vinyl siding

Front

lights

10'-1 1/2"

Side facing neighbor

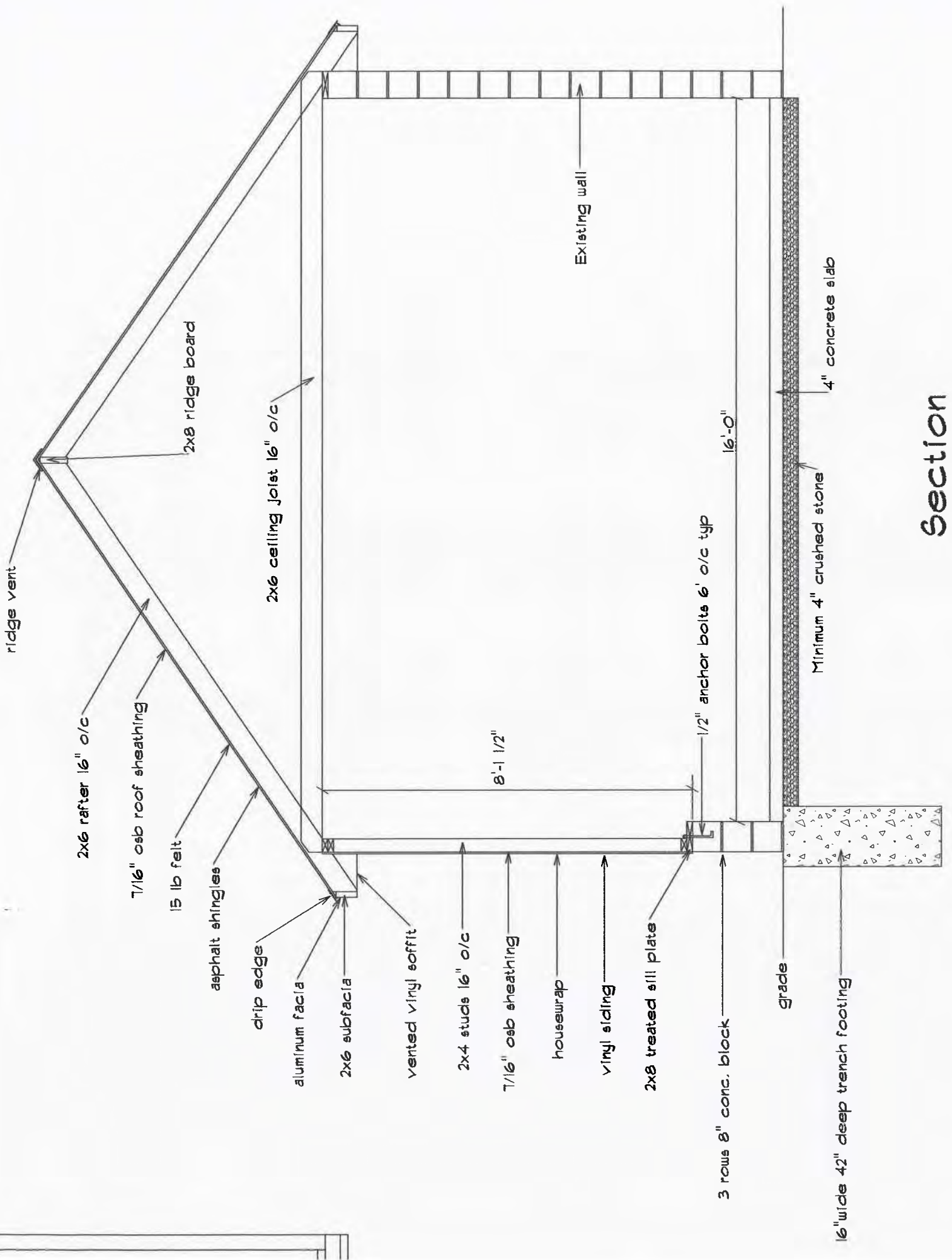


# Foundation plan

scale 1/4" = 1'-0"

- ac
- drip e
- aluminum facia
- 2x6 subfacia
- vented vinyl
- 2x4 studs 16
- 7/16" osb shee
- housewrap
- vinyl siding
- 2x8 treated si

3 rows 8" conc. block



Section

Re:  
1230 Olivia, Zoning Variance

Dear Matt (for the ZBA),

I support Charles Braham's request for a zoning variance. I do not see any problem with his desire to improve his property with a garage, and a 6-inch exception is easily acceptable. I am glad people want to make investments in the properties in my neighborhood. It helps Ann Arbor.

Thank you.

Jack

\*\*\*\*\*

Jack Fishstrom  
1313 S. Forest Ave.  
Ann Arbor, MI 48104  
734 213-1508  
[jackfish@umich.edu](mailto:jackfish@umich.edu)

Re: 1230 Olivia Ave.  
Parcel I.D, 09-09-33-230-008

To Whom It May Concern:

I have lived at 1302 Olivia Ave. since December 23, 1986. From the time I moved in, the driveway at 1230 Olivia has consisted of two well-worn ruts leading to a garage that accommodated one car and a storage area. Since this area has been consistently used as a driveway leading to an existing garage for the 28 years I have lived here and probably many more before that, I see no problem granting the six inch variance. In fact I am surprised that there is a problem. The entire area should have been grandfathered in.

Sincerely,  
Karen Svendsen Al-Saadi

**From:** John Teeter [<mailto:jteeter@firstmartin.com>]  
**Sent:** Wednesday, November 12, 2014 3:31 PM  
**To:** Planning; Kowalski, Matthew  
**Subject:** ZBA application for 1230 Olivia

Dear Matt/ZBA

I am writing in support of a variance from the minimum side setback required to convert an existing carport into a garage at 1230 Olivia Ave. We live directly across the street at 1231 Olivia Ave.

The orientation of the house on the lot in relation to the existing carport present a clear hardship in meeting the current side set back requirements

The proposed project will be an improvement to the property and neighborhood in general.

Warm regards  
John and Jen Teeter  
1231 Olivia

November 2, 2014

To: Zoning Board of Appeals

I live at 1728 Olivia and I think that changing the existing non-conforming carport at 1230 Olivia to an enclosed garage will have a positive effect on our neighborhood. The old carport is an eyesore. A beautiful new garage will compliment the renovations that have been done on the house, increasing 1230 Olivia's property value as well as my own.

David Klein

November 2, 2014

To: Zoning Board of Appeals

I live at 1306 Olivia Ave. and I think that changing the existing non-conforming carport at 1230 Olivia to an enclosed garage will have a positive effect on our neighborhood. The old carport is an eyesore. A beautiful new garage will compliment the renovations that have been done on the house, increasing 1230 Olivia's property value as well as my own.

Pat T. M. M.D.