

**Zoning Board of Appeals
March 8, 2018 Regular Meeting**

STAFF REPORT

Subject: ZBA18-007; 302 West Hoover Avenue

Summary:

Joseph and Nicole Hubert, property owners, are requesting a seven (7) foot three (3) inch variance from Chapter 55 Zoning Section 5:28 (Area, Height and Placement Regulations). A 30 foot rear yard is required in the R1C Single Family Dwelling district. The existing residence will be demolished and construction of a new 1,885 square foot two (2) story house with enclosed garage is proposed.

Background:

The property is zoned R4C, multi-family, and is located west of South Main Street. The home was constructed in 1947 and is approximately 800 square feet in size. The lot is non-conforming as it is just above 3600 square feet. The R1C district standards apply for this single-family use.

Description:

The owners will be demolishing the existing dwelling and constructing a new single-family residence. The new home is proposed to encroach only seven (7) inches further into the rear setback than the existing home.

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 subject lot is half the required size of 7,200 square feet for the R1C district. The subject lot is the second smallest lot in the area and therefore, a more appropriate zoning classification should have been the R1D district. The R1D district requires a 5,000 square foot lot and a 20 foot rear setback. If this lot had a 20 foot rear setback than a variance would not be required for the proposed construction.

- (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.***

Without the variance a more modest home would be built and not fit the needs of a growing family.

- (c). *That allowing the variance will result in substantial justice being done,***

Zoning Board of Appeals
March 28, 2018

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.

Granting the variance will alleviate the restrictions on the size and configuration of a new home. Applicants state the newly constructed home will be further from the street and will improve the streetscape for neighboring properties.

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

The applicants contend that the variance request is not self-imposed as the existing home was built many years ago on a very small lot that does not meet today's zoning requirements.

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

The new residence will be sited seven (7) inches further into the rear yard and granting the variance will allow the home to be three (3) feet six (6) inches outside of the front setback thereby creating a more uniform streetscape.

Respectfully submitted,

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

**Jon Barrett
Zoning Coordinator**

302 W Hoover Ave

Koch Ave

Hill St

Third St

Nob Hill Ct

Nob Hill Pl

S First St

S Main St

E Davis Ave

W Davis Ave

Edgewood Pl

Wilder Pl

W Hoover Ave

Myron Ct

E Hoover Ave

Pauline Blvd

Edgewood Ave

Keech Ave

W Keech Ave

Belmar Pl




 Railroads
 Huron River
 Tax Parcels



Map date 11/15/2017
 Any aerial imagery is circa 2015
 unless otherwise noted
 Terms of use: www.a2gov.org/terms

302 W Hoover Ave

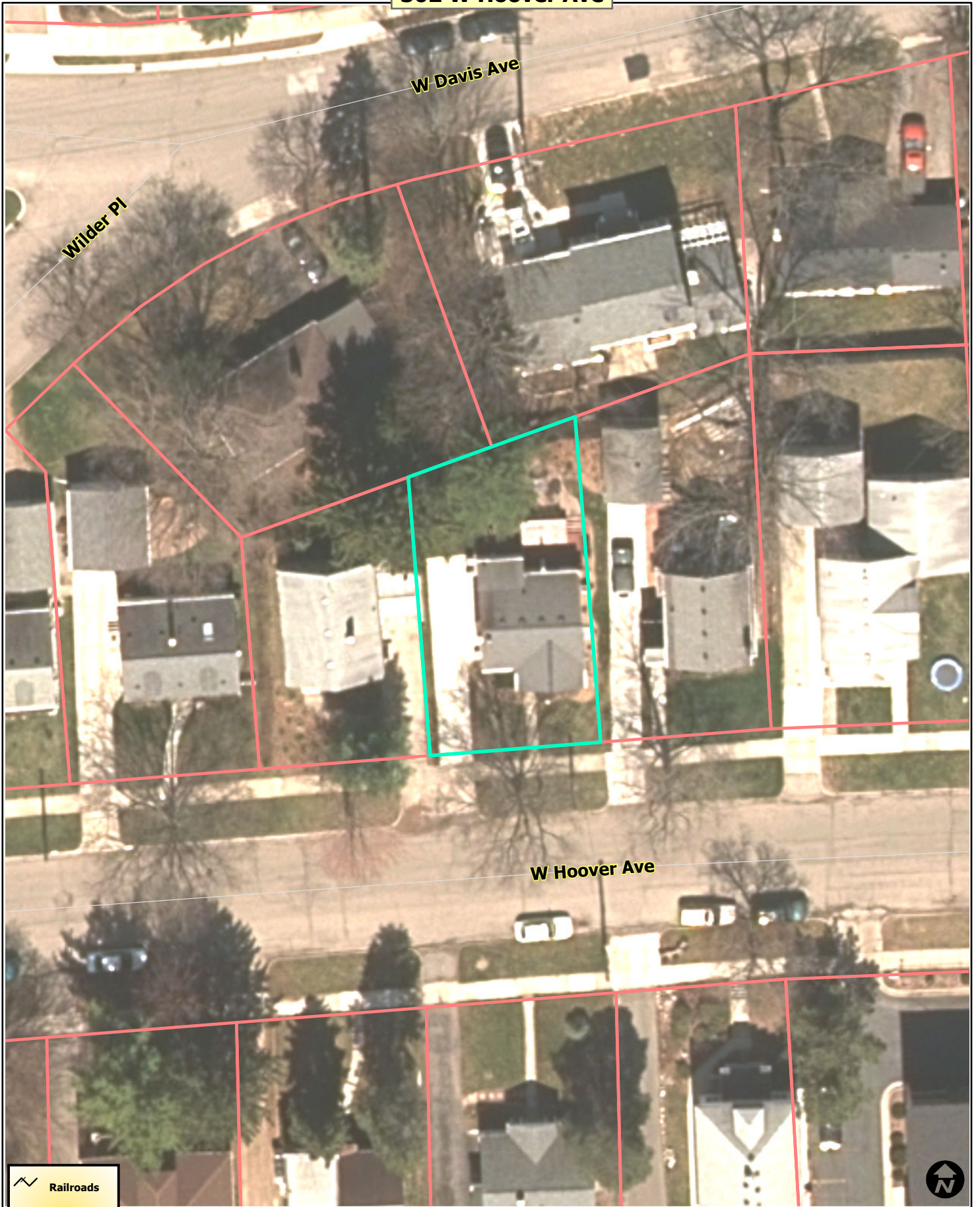



-  Railroads
-  Huron River
-  Tax Parcels





Map date 11/15/2017
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302 W Hoover Ave



 Railroads

 Huron River

 Tax Parcels



Map date 11/15/2017
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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: 18-007
DATE STAMP	
CITY OF ANN ARBOR RECEIVED FEB 20 2018	
PLANNING & DEVELOPMENT SERVICES	

PROPERTY INFORMATION	
ADDRESS OF PROPERTY: 302 West Hoover, Ann Arbor, MI 48103	
ZONING CLASSIFICATION: R4C - R1C regulations will apply for Single Family use	TAX ID: (if known) 09-09-32-205-013
NAME OF PROPERTY OWNER*: Joseph and Nicole Hubert	

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

APPLICANT INFORMATION	
NAME OF APPLICANT: Joseph and Nicole Hubert	
ADDRESS OF APPLICANT: 302 West Hoover, Ann Arbor, MI 48103	
DAYTIME PHONE NUMBER: 734-416-1056	FAX NO:
EMAIL: joseph.hubert@ubs.com	
APPLICANT'S RELATIONSHIP TO PROPERTY: owner	

REQUEST INFORMATION	
<input checked="" type="checkbox"/> VARIANCE REQUEST (Complete the section 1 below)	<input type="checkbox"/> 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) Section 5:87 (1) (a) & (b)	
Required Dimension: (Example: 40' front setback) Rear: 30', Front: 21'7", Sides: 5' (using R1C)	PROPOSED Dimension: (Example: 32') Rear: 22'9.5", Front: 21'7", Sides: 5'
Give a detailed description of the work you are proposing and why it will require a variance (Attach additional sheets if necessary) See attached memorandum.	



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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.

See attached.

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.

See attached.

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.

See attached.

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

See attached.

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

See attached.



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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		
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:



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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:

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 ½" 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: 734-416-1056

Signature: X

Email address: joseph.hubert@ubs.com

Print Name: Joseph Hubert

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

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.

Signature

MEMORANDUM

DATE: Feb 15, 2018
TO: Jon Barrett City of Ann Arbor Planning.
FROM: Marc M Rueter AIA
PROJECT: 302 W. Hoover, Ann Arbor, Mi
RE: Variance to reduce rear yard setback

Additions to section 1 variance request

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

An 800 square foot existing house will be demolished and a new 1885 square foot two story house with enclosed garage will be constructed. The present house encroaches into the rear yard setback 7' 9 1/2". The proposal is to construct the new house without encroaching into the rear yard setback any more than 7" beyond the existing house.

Section 1: Variance Request cont.

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

This property, and other lots in the neighborhood partially bounded by Hoover, Wilder and Davis Streets, was platted with irregular configurations and with some lots having very small depths. Many homes close by were built and have had additions encroaching into their rear-yards. The homes fronting Wilder and Davis have an advantage as they were built with average 14'-8" front setbacks, almost ten feet less than the subject property. Even so many of these structures still needed rear yard variances for additions or new construction. The existing 3600 square foot lot is much less than half the size of the 7200 sf R1C minimum lot area and is 15 feet narrower than the minimum 70 foot requirement. This is the second smallest lot in this area. A more appropriate zoning classification for this small area would have probably been R1D with a minimum 5000 square foot lot area and a 20 foot rear setback. No variance would be necessary if R1D zoning had been applied to this block.

2. That the hardships, practical difficulties or both which will result from a failure to grant the variance, include substantially more than mere inconvenience, inability to obtain a higher financial return or both..

Complying with the ordinance would allow for the construction of a modestly sized new home for a growing family not able to accommodate their needs in the existing two bedroom 800 square foot house.

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.

Granting of this variance will help alleviate severe restrictions on the size and configuration of a new home. The granting of the variance will not harm neighbors and in fact will improve neighbors views up and down the street as the house will be set back further from the street.

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

The condition is not self-imposed as the home was built many years ago on a very small lot that does not meet the zoning requirements of the present era.

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

The proposed new home will require the minimum necessary rear yard variance to build a modest sized home. The new house will sit only 7" further into the backyard than the existing house. Additionally, granting the variance would allow for the construction of a new house which does not violate the 3' 6" front setback encroachment of the existing house. This will establish a uniform setback similar to adjacent properties.

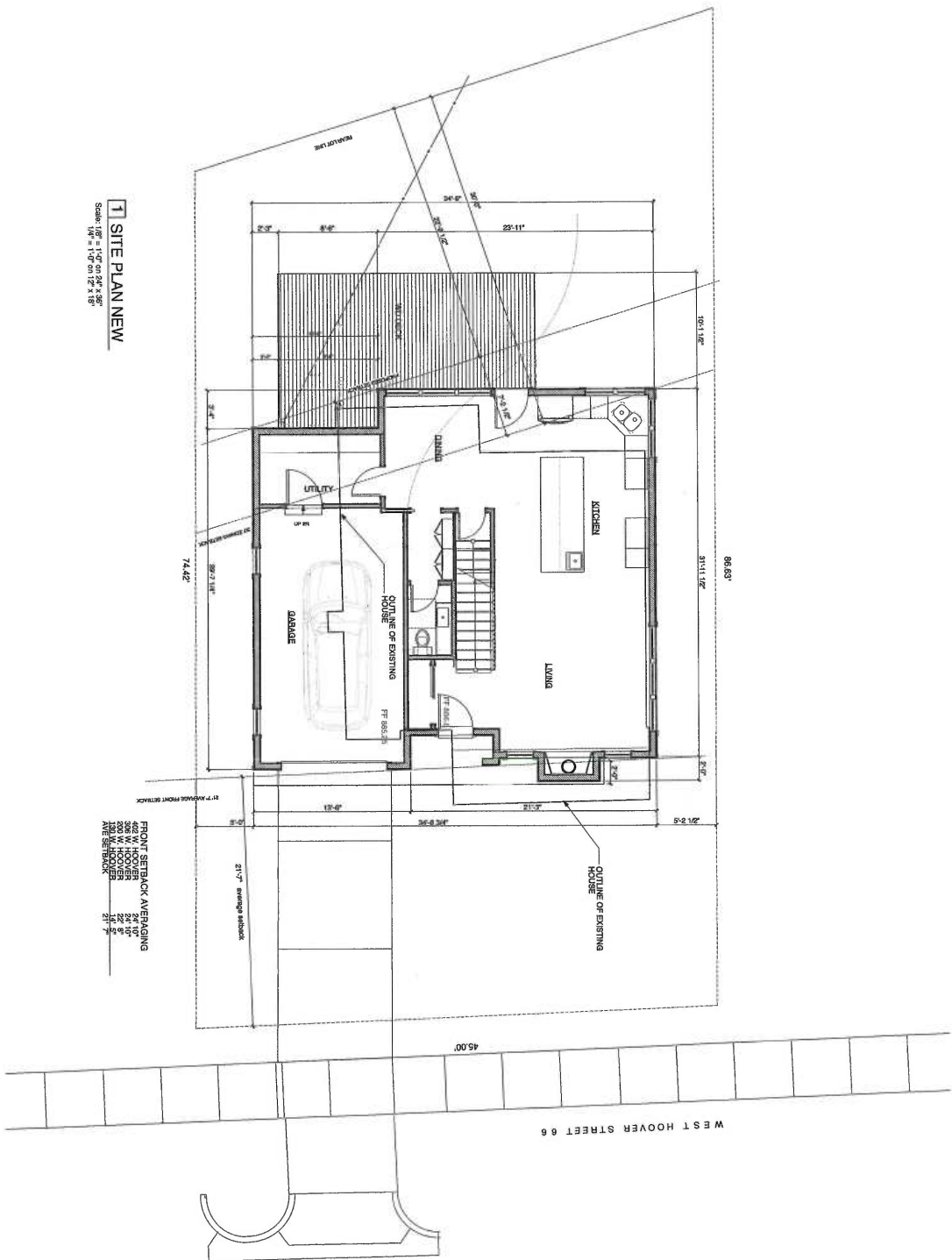


ABOVE: SUBJECT LOT WITH OTHER SMALL LOTS IN THIS NEIGHBORHOOD

Marc Rueter
Rueter Associates Architects

1 SITE PLAN NEW

Scale: 1/8" = 1'-0" (1/4" = 2'-0")



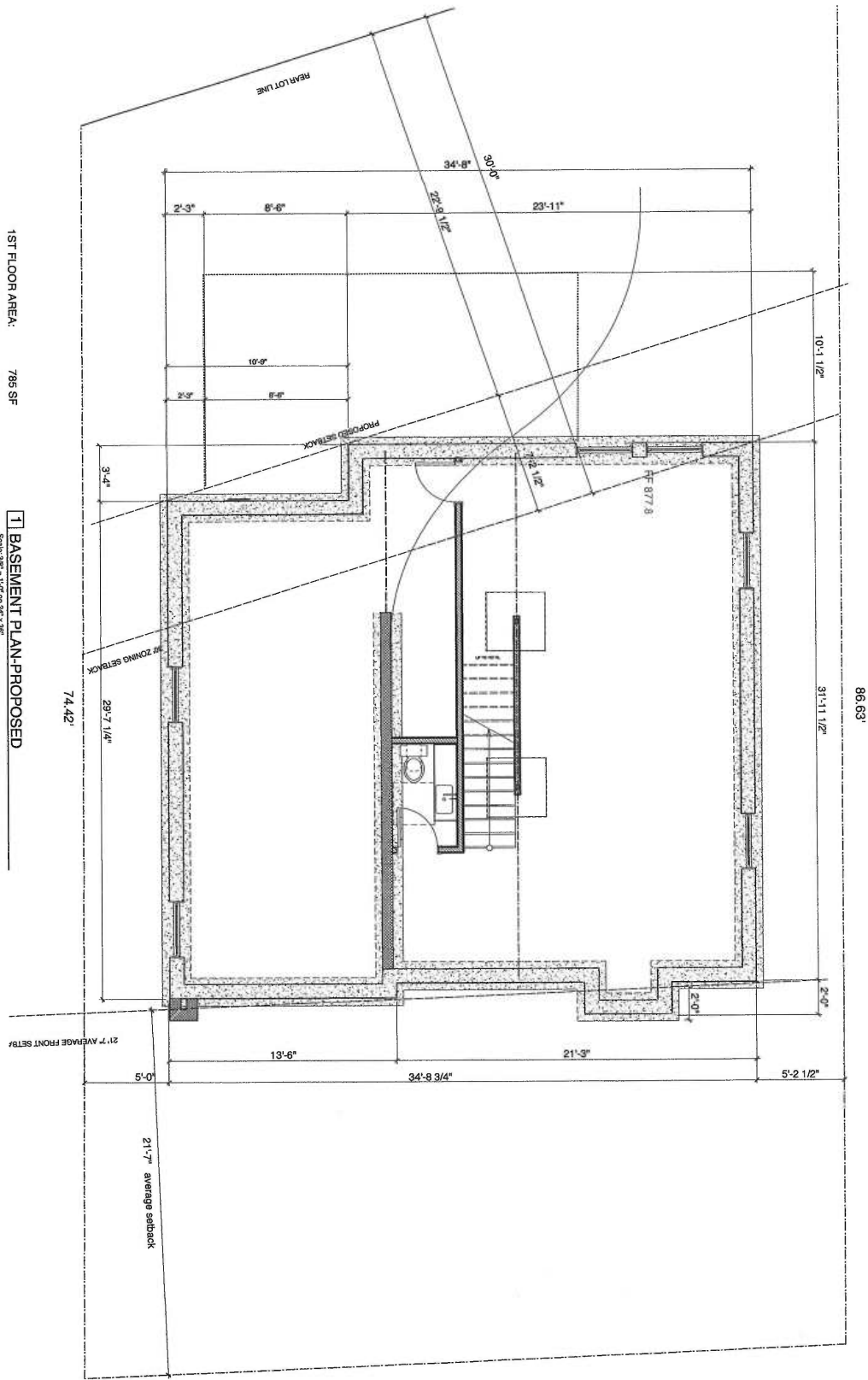
FRONT SETBACK AVERAGING
 48' W/ HOVER
 20' W/ HOVER
 22' W/ HOVER
 21' W/ HOVER
 21' W/ HOVER

ZBA SUBMISSION : 02 15 18

SHEET TITLE:	00.00.18
REVIEW SET:	00.00.18
BD & PERMIT SET:	00.00.18

Nichole and Joe Hubert
 302 West Hoover Street, Ann Arbor, Michigan 48103
 RA4 - 14-004

RUETER ASSOCIATES
 ARCHITECTS
 515 Fifth Street, Ann Arbor, Michigan 48103
 phone: (734) 769-0070, fax: (734) 769-0167



1ST FLOOR AREA: 795 SF

1 BASEMENT PLAN-PROPOSED
 Total SF = 112' on 2nd & 3rd
 31'6" = 1'0" on 12' x 18'

ZBA SUBMISSION : 20 15 18

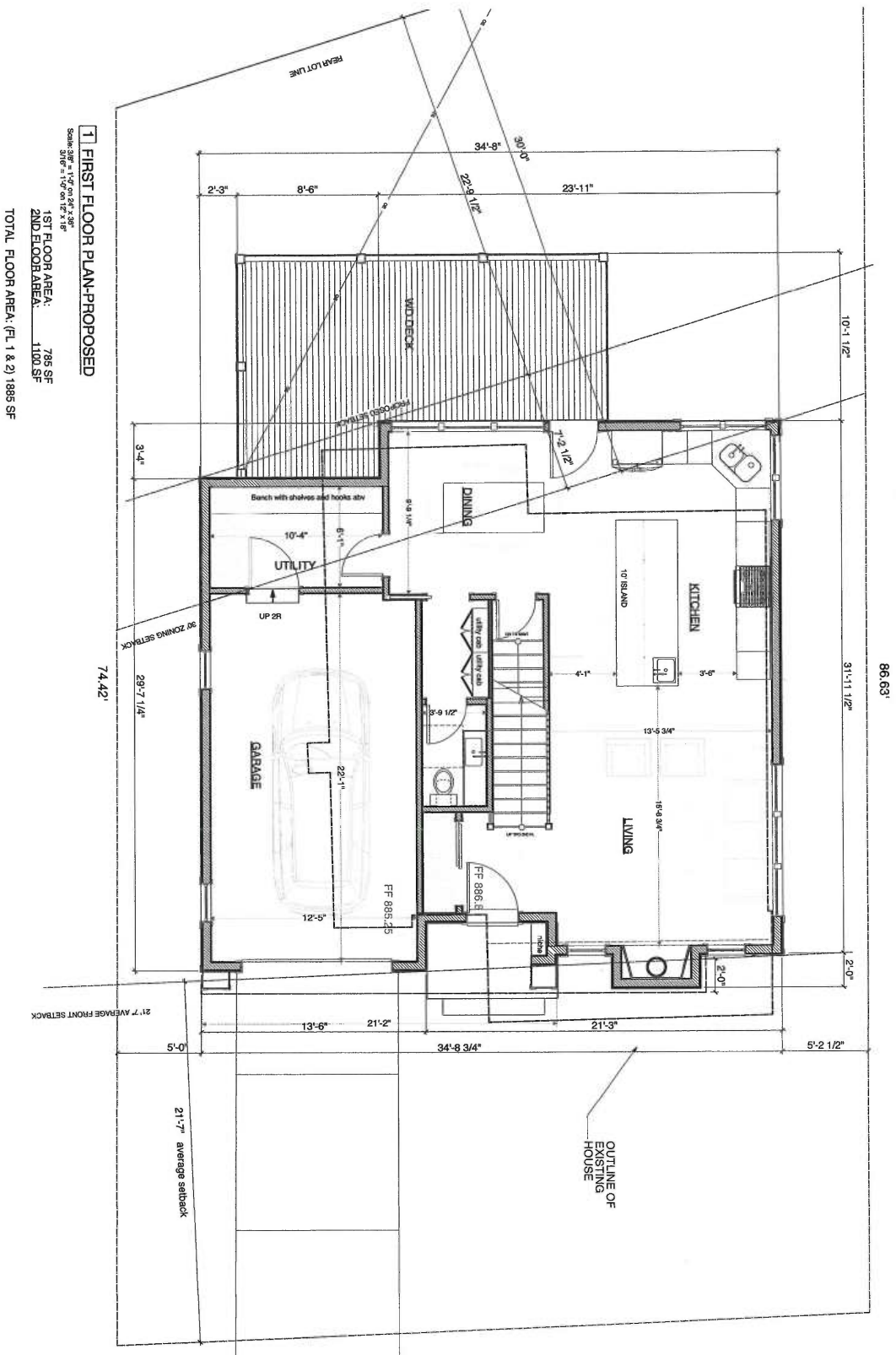
45.00'

A1.0

SHEET TITLE:
 REVIEW SET: 00.00.18
 RD & PERMIT SET: 00.00.18

Nichole and Joe Hubert
 302 West Hoover Street, Ann Arbor, Michigan 48103
 824-14-004

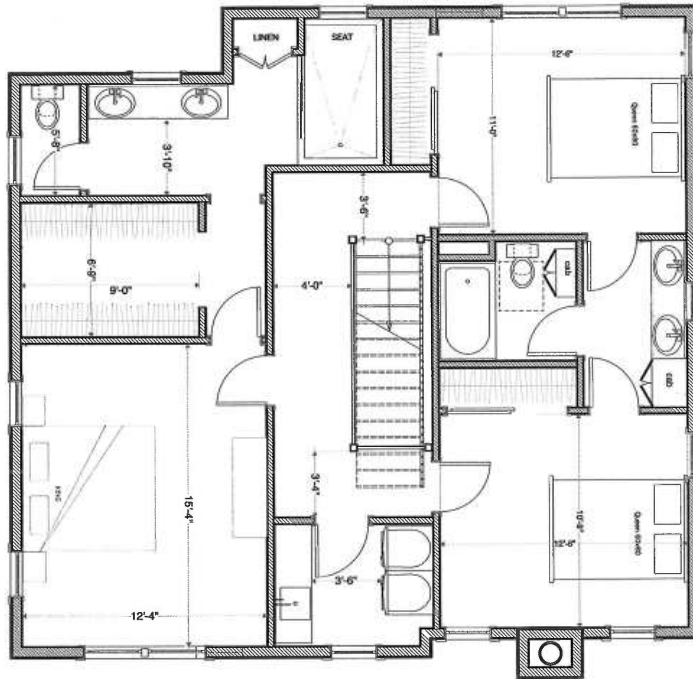
RUETER ASSOCIATES
 ARCHITECTS
 515 Fifth Street, Ann Arbor, Michigan 48103
 phone: (734) 766-0070, fax: (734) 766-0167



[1] FIRST FLOOR PLAN-PROPOSED
 Scale: 1/8" = 1'-0"
 1ST FLOOR AREA: 785 SF
 2ND FLOOR AREA: 1100 SF
 TOTAL FLOOR AREA: (FL 1 & 2) 1885 SF

1ST FLOOR AREA: 795 SF
 2ND FLOOR AREA: 1100 SF
 TOTAL FLOOR AREA: (FL 1 & 2) 1895 SF

[1] SECOND FLOOR PLAN-PROPOSED
 Scale: 3/16" = 1'-0" on 12" x 18"



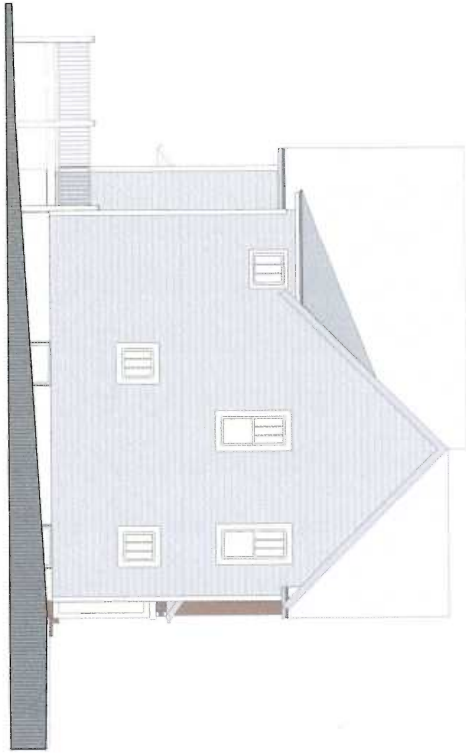
ZBA SUBMISSION : 02 15 18

A1.2

SHEET TITLE:
 REVIEW SET: 00.00.18
 BID & PERMIT SET: 00.00.18

Nichole and Joe Hubert
 302 West Hoover Street, Ann Arbor, Michigan 48103
 RA# : 14-004

RUETER ASSOCIATES
 ARCHITECTS
 515 Fifth Street, Ann Arbor, Michigan 48103
 phone: (734) 769-0070, fax: (734) 769-0167



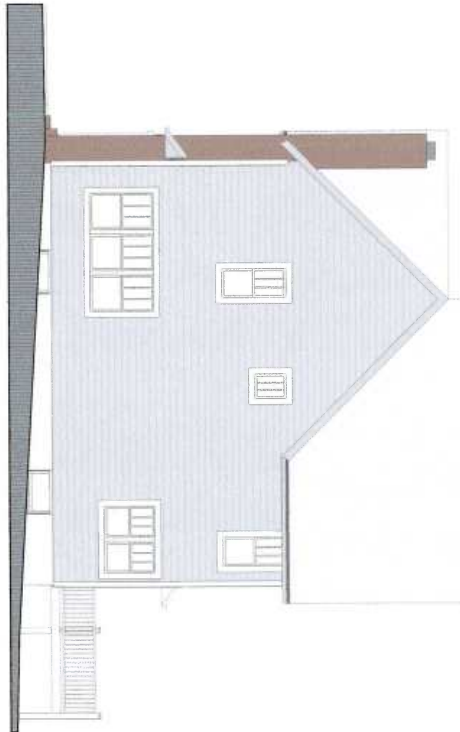
3 WEST ELEVATION

SCALE: 1/8" = 1'-0" ON 24" X 36"



4 NORTH ELEVATION

SCALE: 1/8" = 1'-0" ON 24" X 36"



1 EAST ELEVATION

SCALE: 1/8" = 1'-0" ON 24" X 36"



2 SOUTH ELEVATION

SCALE: 1/8" = 1'-0" ON 24" X 36"

ZBA SUBMISSION : 02 15 18

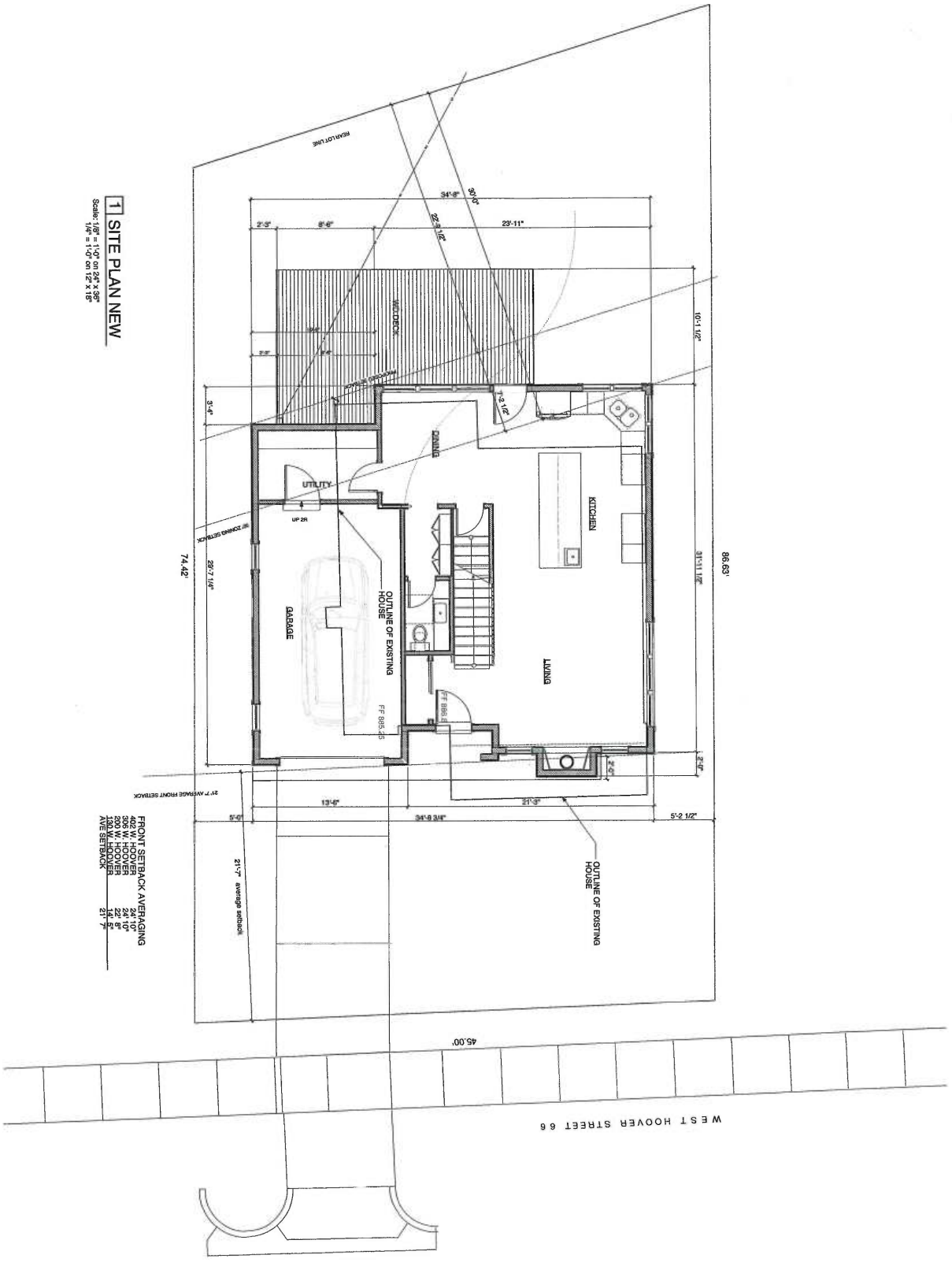
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REVIEW SET:	00.00.18
BD & PERMIT SET:	00.00.18

Nichole and Joe Hubert
302 West Hoover Street, Ann Arbor, Michigan 48103
RAA : 14-004

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515 Fifth Street, Ann Arbor, Michigan 48103
phone: (734) 769-0070, fax: (734) 769-0167

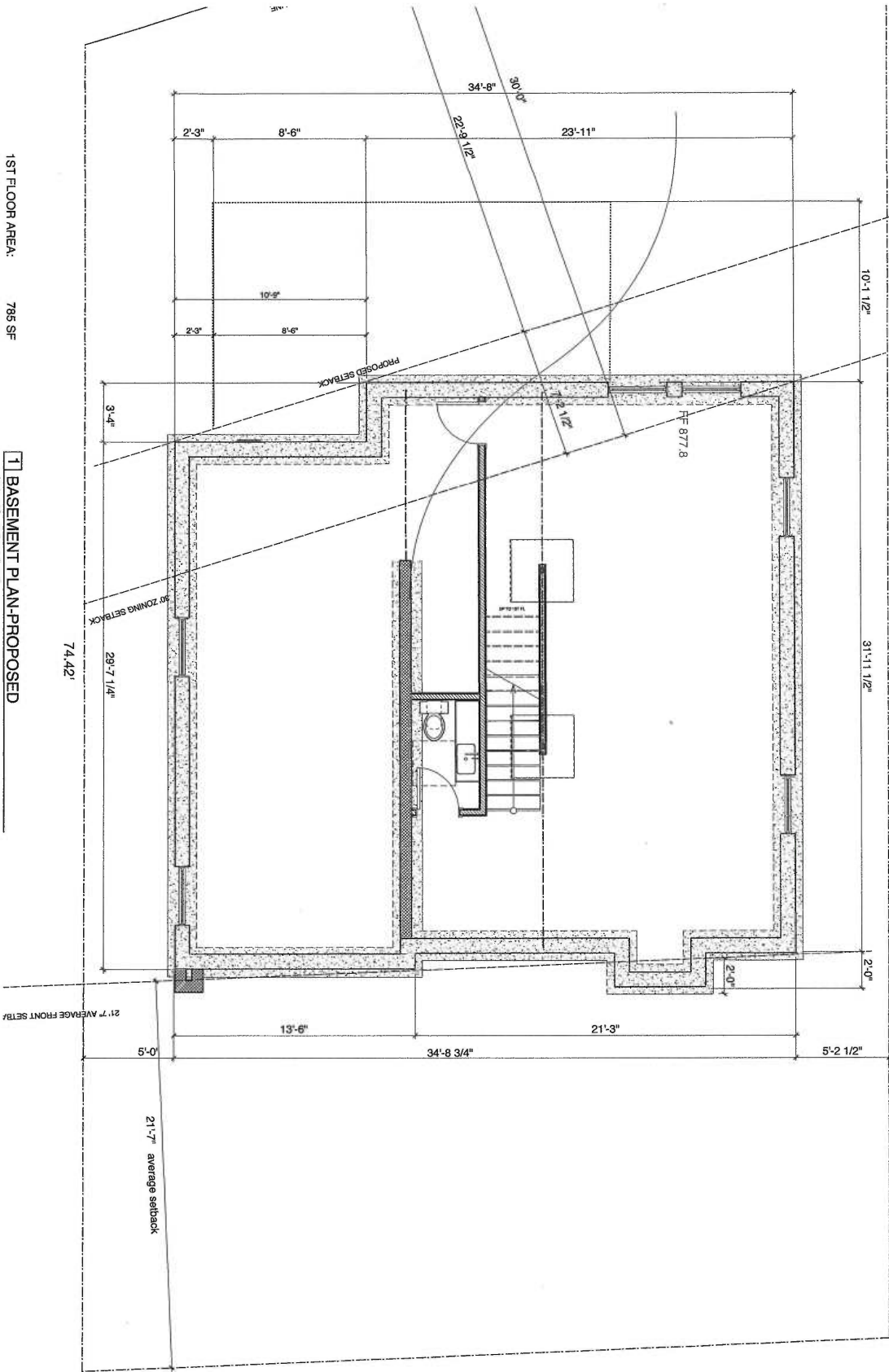
1 SITE PLAN NEW

Scale: 1/8" = 1'-0" on 24" x 36"



FRONT SETBACK AVERAGING
 27' W. HOVER
 28' W. HOVER
 29' W. HOVER
 21' W. HOVER
 21' W. HOVER
 21' W. HOVER

ZBA SUBMISSION : 02 15 18



1ST FLOOR AREA:

785 SF

1 BASEMENT PLAN-PROPOSED

Scale: 3/8" = 1'-0" on 24" x 36"
 3/16" = 1'-0" on 12" x 18"

ZBA SUBMISSION : 02 15 18

45.00'

SHEET TITLE:
 REVIEW SET: 00.00.16
 BID & PERMIT SET: 00.00.16

A1.0

Nichole and Joe Hubert
 302 West Hoover Street, Ann Arbor, Michigan 48103
 RAA : 14-004

RUETER ASSOCIATES
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