

**Zoning Board of Appeals
July 25, 2018 Regular Meeting**

STAFF REPORT

Subject: ZBA18-018; 1001 Vesper Road

Summary:

Arthur and Elizabeth Solomon, property owners, are requesting a four foot variance from Chapter 55 Zoning Section 5:26 (Area Height and Placement Regulations). The property is zoned R1A and has a 50 foot rear yard requirement. The owners are requesting to construct an 18 foot 4 inch by 10 foot 4 inch (190 square feet) addition to the rear of the home. The new addition will contain an ADA bathroom and a master bedroom closet.

Background:

The property is zoned R1A, single family, and is located at the corner of Vesper Road and Minglewood Way. The home was constructed in 1948 and is approximately 1,805 square feet in size. The lot size is 27,007 square feet.

Description:

The variance being requested is a result of the owners desire to construct a small addition at the southeast corner of the home. The R1A district requires a 50 foot rear yard. If the variance is granted the addition will be 46 feet from the rear property line.

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 variance is needed to construct an ADA accessible bathroom on the main level of the home.

- (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 the owners state that an ADA accessible bathroom will not be available from the master bedroom thereby creating a practical difficulty for the owners.

- (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.***

Zoning Board of Appeals
July 25, 2018

Considering the existing site conditions and the parameters set forth by the district, a variance will not have a negative impact on surrounding 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 will allow the occupants to age in place.

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

The variance being requested is the minimum needed to achieve an ADA accessible bathroom and closet.

Respectfully submitted,

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

Jon Barrett
Zoning Coordinator



**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: _____	ZBA: <u>18-018</u>
DATE STAMP CITY OF ANN ARBOR RECEIVED JUN 26 2018	
PLANNING & DEVELOPMENT SERVICES	

PROPERTY INFORMATION

ADDRESS OF PROPERTY: 1001 VESPER RD. ANN ARBOR, MI 48104	
ZONING CLASSIFICATION: R1-A	TAX ID: (if known) 09-09-20-209-004
NAME OF PROPERTY OWNER*: ARTHUR & ELIZABETH SOLOMON	

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

APPLICANT INFORMATION

NAME OF APPLICANT: DEXTER BUILDERS	
ADDRESS OF APPLICANT: 8820 JACKSON RD. DEXTER, MI 48130	
DAYTIME PHONE NUMBER: 734-834-7758	FAX NO:
EMAIL: RFOLEY@DEXTERBUILDERS.COM	
APPLICANT'S RELATIONSHIP TO PROPERTY: APPLICANT'S BUILDERS	

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)
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Section 1 - VARIANCE REQUEST

CHAPTER(S) AND SECTION(S) FROM WHICH A VARIANCE IS REQUESTED: (Example: Chapter 55, Section 5:26) CHAPTER 55, SECTION 5:26	
Required Dimension: (Example: 40' front setback) 50' REAR SETBACK	PROPOSED Dimension: (Example: 32') 46'-0"
Give a detailed description of the work you are proposing and why it will require a variance (Attach additional sheets if necessary) The project scope is to add an ADA accessible bathroom / closet off the master bedroom to assist in allowing the occupants to age in place.	



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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. The existing 1948 home consist of three bedrooms and one full bathroom on the main level. As the homeowners have reached retirement age they are need a full bathroom on the main level of the home to be ADA accessible.

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.
A failure to grant the variance would result in an inability to have a direct access to a bathroom near the master bedroom thus creating a practical difficultly for the aging occupants

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.

Considering the existing site conditions and the parameters set forth by the district a granted variance will not adversely affect the rights of others, nor public safety.

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

There is no self-imposed hardship nor self-imposed practical difficulty, due to the fact this request is based upon creating additional living space to allow the occupants to age in place.

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

Careful consideration was taking to ensure the minimum variance would be required to achieve an ADA accessible bathroom and closet.



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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: ffoley@dexterbuilder.com

Signature: X Richard Foley

Email address: _____

Print Name: Richard Foley

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

Richard Foley
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.

Richard Foley
Signature

I Arthur Solomon and Elizabeth Solomon authorize Ric Foley from Dexter Builder to submit our application to the Zoning Board of Appeals on our behalf.

Arthur Solomon 6/25/18

Arthur Solomon
(homeowner of 1001 Vesper Rd Ann Arbor, MI 48103)

Elizabeth Solomon

Elizabeth
(homeowner of 1001 Vesper Rd Ann Arbor, MI 48103)

RESIDENTIAL ZBA APPLICATION PACKAGE

1001 VESPER RD ANN ARBOR, MI 48103



PACKAGE INDEX

AZ-100	TITLE SHEET
	ENGINEERED SURVEY FROM ARBOR LAND CONSULTANTS, INC.
AZ-101	PROPOSED SITE PLAN
AZ-102	EXISTING CONDITIONS / DEMOLITION MAIN LEVEL PLAN
AZ-103	PROPOSED MAIN LEVEL PLAN
AZ-104	PROPOSED EAST ELEVATION

1 PROJECT LOCATION MAP



SKETCH OF SURVEY

NW CORNER
SECTION 20
T2S, R6E

NOTE:

BEARINGS BASED ON PRIOR
SURVEYS IN THE AREA.

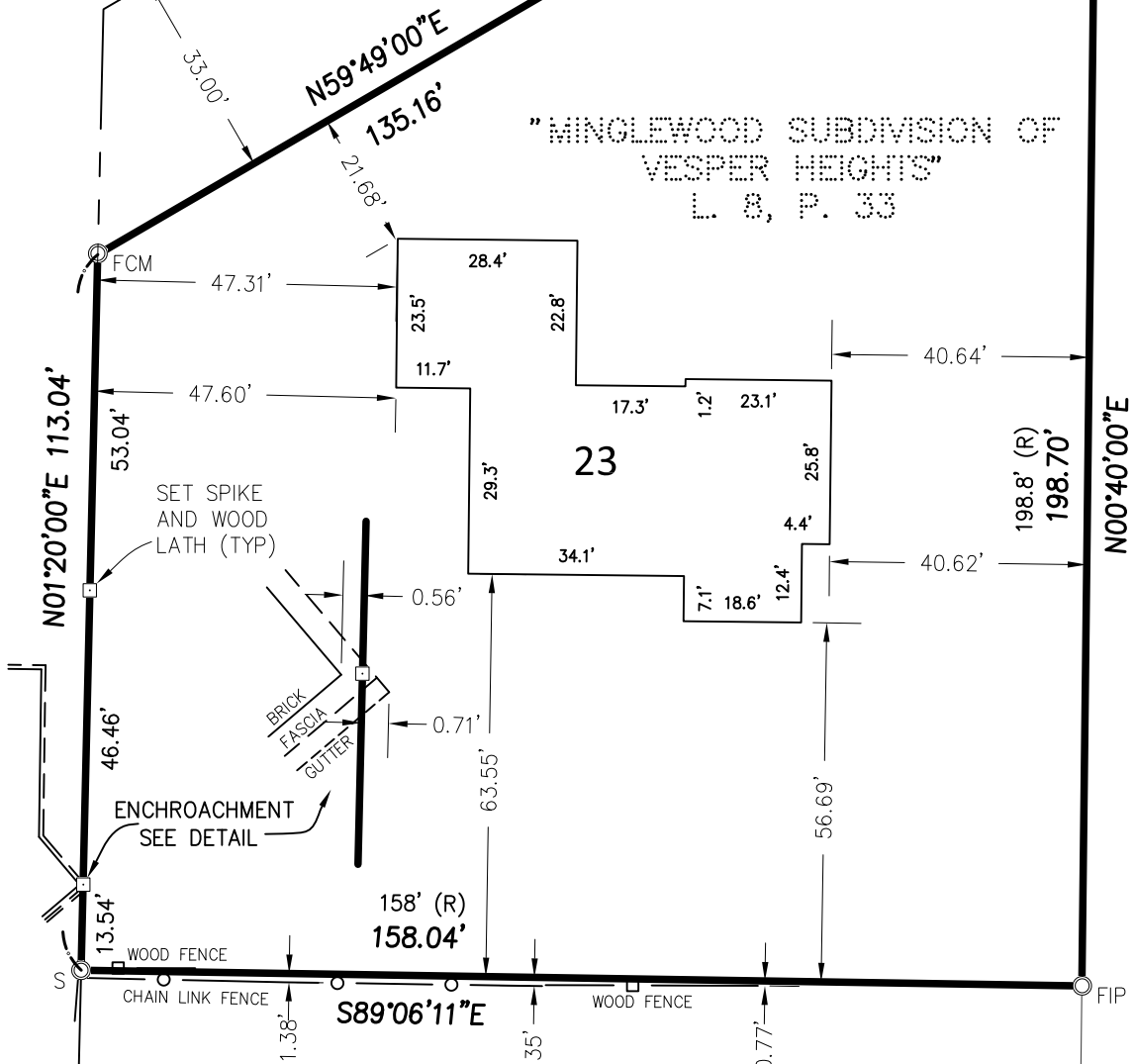
W. LINE SECTION 20 & W.
LINE "MINGLEWOOD SUB. OF
VESPER HEIGHTS"

Q VESPER RD.
(66' WIDE, PUBLIC)

R=129.10
L=43.83
 $\Delta=19^{\circ}27'12''$
LCB=S69°32'36"W
LC=43.62

"MINGLEWOOD SUBDIVISION OF
VESPER HEIGHTS"
L. 8, P. 33

W. LINE MINGLEWOOD WAY
(80' WIDE, PUBLIC)



LEGAL DESCRIPTION:

LOT 23, "MINGLEWOOD SUBDIVISION OF VESPER HEIGHTS", A
SUBDIVISION IN THE WEST 1/2 OF SECTION 20, TOWN 2
SOUTH, RANGE 6 EAST, CITY OF ANN ARBOR, WASHTENAW
COUNTY, MICHIGAN, ACCORDING TO THE PLAT THEREOF AS
RECORDED IN LIBER 8 OF PLATS, PAGE 33, WASHTNEAW
COUNTY RECORDS.



CLIENT: SOLOMON

BOUNDARY SURVEY

#1001 VESPER
IN THE NW 1/4 OF
SECTION 20, T2S, R6E
CITY OF ANN ARBOR,
WASHTENAW COUNTY,
STATE OF MICHIGAN.

LEGEND:

- SECTION CORNER
- FOUND IRON PIPE
- FOUND IRON ROD
- FOUND MAG NAIL
- FOUND MONUMENT
- SET IRON PIPE
- SET WOOD LATH
- (R) RECORDED
- (C) CALCULATED

**Arbor Land
Consultants, Inc.**
Professional Land
Surveyors

2936 S. Madrono
Ann Arbor, MI 48103
(734) 669-2960
Fax 669-2961

www.arborlandinc.com



JOB NO.:	11916	DATE:	11-2-2016
FLD. BOOK:	00013	REVISED:	3-13-2017
SHEET 1 OF 1	BY:	KJG	

SCALE: 1" = 30'



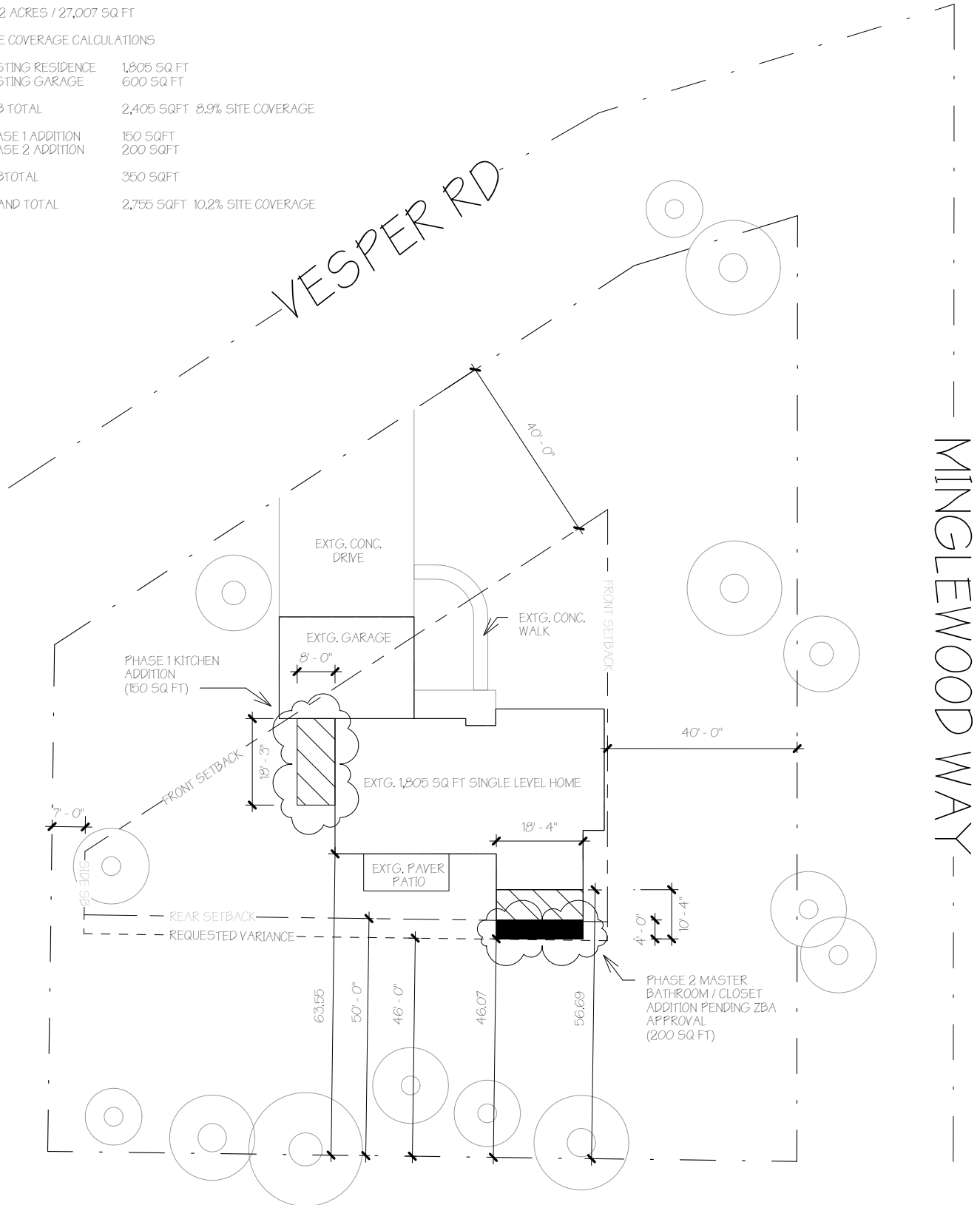
ZONING

CITY OF ANN ARBOR
 (R1-A) SINGLE FAMILY DWELLING DISTRICT
 FRONT SETBACK: 40FT
 SIDE SETBACK: 7FT
 TOTAL OF BOTH SIDE: 18FT
 REAR SETBACK: 50FT

0.62 ACRES / 27,007 SQ FT

SITE COVERAGE CALCULATIONS

EXISTING RESIDENCE	1,805 SQ FT	
EXISTING GARAGE	600 SQ FT	
SUB TOTAL	2,405 SQFT	8.9% SITE COVERAGE
PHASE 1 ADDITION	150 SQFT	
PHASE 2 ADDITION	200 SQFT	
SUBTOTAL	350 SQFT	
GRAND TOTAL	2,755 SQFT	10.2% SITE COVERAGE

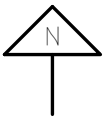
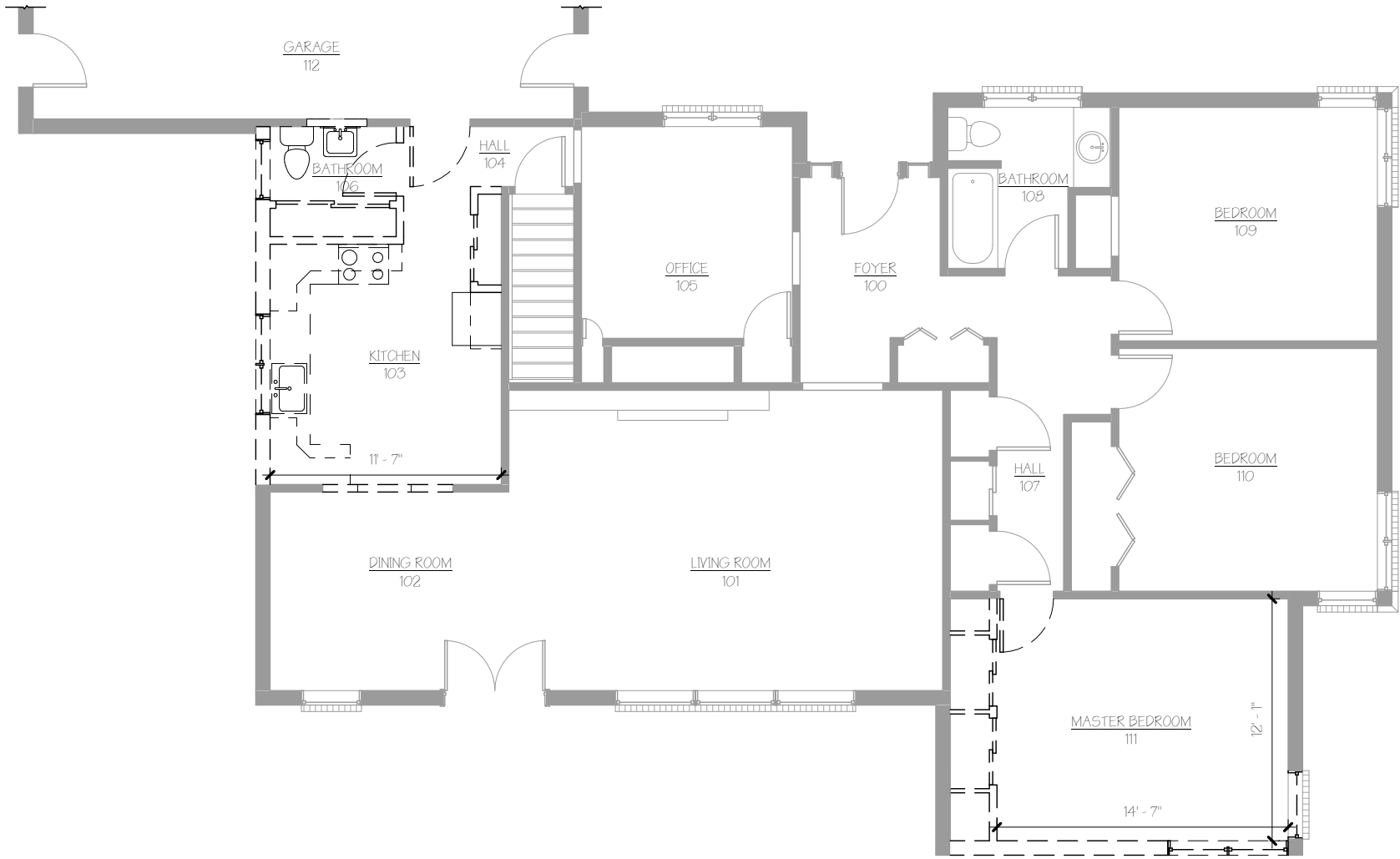


MINGLEWOOD WAY



PROPOSED SITE PLAN





1

EXISTING CONDITIONS / DEMOLITION MAIN LEVEL PLAN

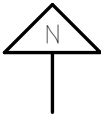
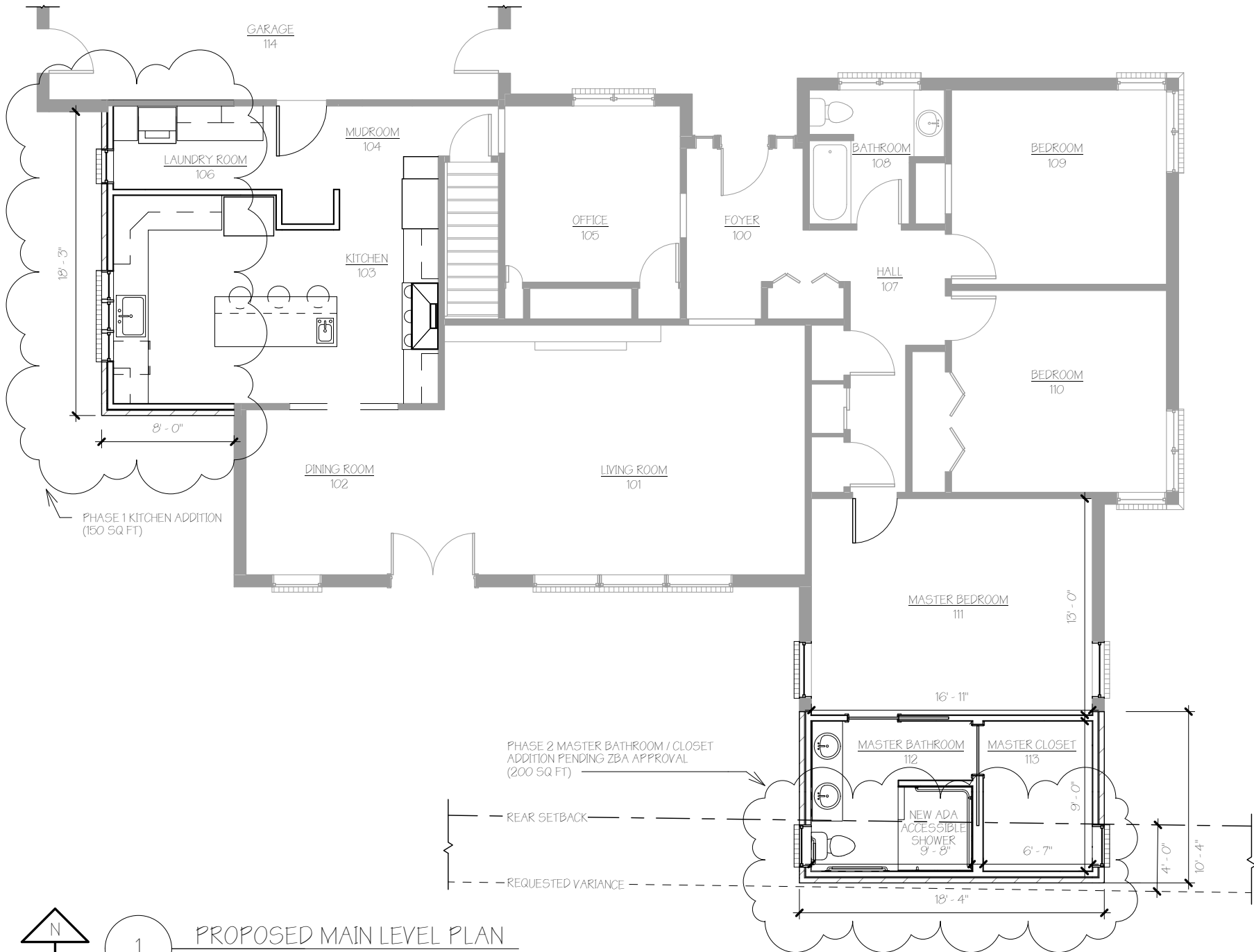
SCALE 1/8" = 1'-0"

SHEET NUMBER AZ-102

PROJECT NUMBER: 170719

OWNER: ARTHUR & ELIZABETH SOLOMON





1

PROPOSED MAIN LEVEL PLAN





1 PROPOSED EAST ELEVATION



VIEW FORM MIGLEWOOD WAY LOOKING AT EAST ELEVATION OF 1001 VESPER



EAST ELEVATION OF 1001 VESPER STANDING IN FRONT YARD SETBACK FROM MINGLEWOOD WAY



SOUTH / EAST ELEVATION OF 1001 VESPER STANDING IN FRONT YARD SETBACK FROM MINGLEWOOD WAY



EAST ELEVATION OF 1001 VESPER STANDING IN FRONT YARD SETBACK FROM MINGLEWOOD WAY