

**Zoning Board of Appeals
May 25, 2016 Regular Meeting**

STAFF REPORT

Subject: ZBA16-011; 1016 Daniel Street

Summary:

Jimmy Bevilacqua is requesting permission to alter a non-conforming structure in order to expand the non-conforming structure by constructing a front porch addition 20 feet 9.5 inches from the front property line; existing structure is 8 feet 7 inches from front property line, required setback is 10 feet (averaged front setback minimum).

Background:

The subject parcel is zoned R1D (Single-Family Residential District) and located on Gott Street, north of Miller Road. The parcel is non-conforming for required lot size: subject parcel is 4,486 square feet; minimum lot size is 5,000 square feet. The structure was built in 1901 and is 1,842 square feet.

Description:

The petitioner would like to construct an approximately 55 square foot covered porch addition to the front (west side) of the house. There is an existing 4 foot 11 inch by 12 foot 1 inch front porch that will be reconstructed and increased in length along the front of the house by 11feet 3 inches. After construction the entire front porch will be 23 feet 4 inches long by 4 feet 11 inches deep and 110 square feet. The proposed porch will be unenclosed and will match the architectural design of the house. The new porch will not be any closer to the front property line than the existing porch. The existing house is non-conforming for the front setback at 8 feet 7 inches to the existing covered front porch.

The required front setback which is based on averaging of existing neighboring properties is less than 10 feet. However, Chapter 55(Zoning), Section 5:57(Averaging an existing front setback) allows the averaged setback to be reduced only to a minimum of 10 feet. A variance is not required because the new porch addition will not encroach any further into the front setback than the existing porch.

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.

The home was constructed before current zoning standards were in effect. The proposed porch addition will be constructed to match the depth of the porch that was originally constructed on the house. The porch will be setback 8 feet 7 inches from the front property line consistent with the existing front porch.

The subject parcel is non-conforming for lot size required and the placement of the house near the front property line limits the area available for an addition to the rear of the house. The expansion of the porch will allow the petitioner to improve their property while respecting the intent of the Zoning Ordinance and remaining consistent with other houses on the neighborhood. Staff does not feel that the requested permission would negatively affect any surrounding property. The subject house is located in an area of houses with similar density and scale.

Respectfully submitted,



Matthew J. Kowalski, AICP
City Planner

1016 Daniel St

1B

PL

PL

R1C

AG

R4C

Sunset Rd

Brookridge Ct

Brookridge Rd

R2A

Charles St

Edward St

Daniel St

Spring St

Zoning Districts

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



Map date 5/5/2016
 Any aerial imagery is circa 2015
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1016 Daniel St



-  Railroads
-  Parcels
-  Huron River






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1016 Daniel St



-  Railroads
-  Parcels
-  Huron River



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

ZBA16-011

Section 1: Applicant Information

Name of Applicant: JIMMY BEVILACQUA
Address of Applicant: 3250 W. LIBERTY RD.
Daytime Phone: 917-822-0108
Fax: 734-332-1515
Email: JIMMY@HOMEWITHMEADOWLARK.COM
Applicant's Relationship to Property: DESIGNER / CONTRACTOR

Section 2: Property Information

Address of Property: 1016 DANIEL ST.
Zoning Classification: R2A
Tax ID# (if known): 09-09-20-405-001
*Name of Property Owner: DANIEL + MELISSA ADAMS

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

Section 3: Request Information

Variance PERMISSION TO ALTER

Chapter(s) and Section(s) from which a variance is requested:

Chapter 55, Article III, Section 5:30

Required dimension:

25' FRONT SETBACK
(corner lot)

PROPOSED dimension:

20' 9 1/2"

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)

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 placement of the existing home is non-conforming to the side (street side not front facing) setback.

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

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

None.

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?

The property is sloped in a way that the driveway access takes up ~~most~~ a large portion of buildable area.

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

Section 5: ALTERATION TO A NON-CONFORMING STRUCTURE

Current use of the property 401- 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 . . .)

	<u>Existing Condition</u>	<u>Code Requirement</u>
Lot area	7405 Φ	8500 SQ. FT.
Lot width	77 FT	60 FT
Floor area ratio	N/A	N/A
Open space ratio	N/A	N/A
Setbacks	29'-2" SIDE, 28'-6" REAR	5' SIDE, 30' REAR
Parking	N/A	N/A
Landscaping	N/A	N/A
Other		

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

THE CHANGES PROPOSED ARE TO REMOVE THE EXISTING FRONT PORCH AND
ADD A WIDER + DEEPER PORCH.

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 FRONT PORCH COMPLIES WITH THE FRONT SETBACK DICTATED BY
DANIEL STREET. IT ALSO DOES NOT EXTEND BEYOND THE SOUTH SIDE OF
THE HOUSE, CAUSING NO FURTHER IMPEDIMENT INTO THE FRONT SETBACK
DICTATED BY BROOKSIDE RIDGE. BOTH IMPACTED SIDES DO NOT HAVE
NEIGHBORING LOTS.

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

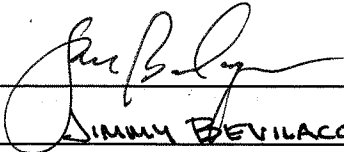
I, the applicant, request a variance from the above named Chapter(s) and Section(s) of the Ann Arbor City Code for the stated reasons, in accordance with the materials attached hereto.

917-822-6108

Phone Number

JIMMY@HOMEWITHMEADINLARK.COM

Email Address

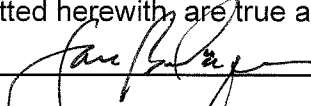


 Signature

JIMMY BEVILACQUA

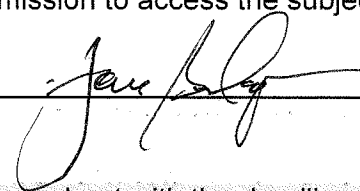
 Print Name

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.



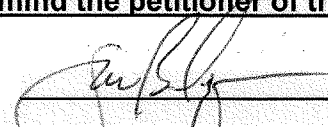
 Signature

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.



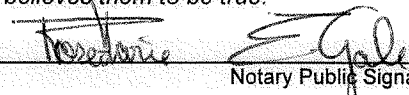
 Signature

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 27th day of April, 2016, 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

Oct 19th 2017

 Notary Commission Expiration Date

ROSE-MARIE E. GALE

 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: _____

4/25/2016


Re: Authorization of Designated Agent

To Whom It May Concern:

I have designated James Bevilacqua of Meadowlark Builders as my agent for all matters relating to obtaining/securing permits, zoning variances, and inspections, as required, for the new home construction project at:

1016 Daniel Street
Ann Arbor, MI 48104

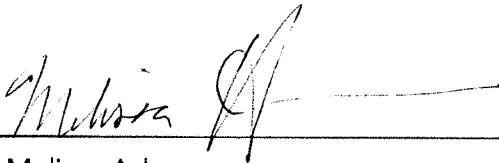
Thank you,



Daniel Adams

4/25/16

Date



Melissa Adams

4/25/16

Date

ADAMS RESIDENCE FRONT PORCH ADDITION/EXTERIOR REMODEL ZBA SUBMITTAL 1016 DANIEL STREET ANN ARBOR, MI 48103

- 1 COVER SHEET
- 2 SITE PLAN
- 3 EXISTING FIRST FLOOR PLAN
- 4 PROP. FIRST FLOOR PLAN
- 5 EXST + PROP EXT ELEVS (SOUTH)
- 6 EXST + PROP EXT. ELEVS (NORTH)
- 7 EXST + PROP EXT ELEVS (EAST)
- 8 EXST + PROP EXT ELEVS (WEST)
- 9 EXST PHOTOS
- 10 EXST PHOTOS
- 11 PROP. 3D VIEW

LEGAL INFORMATION

PARCEL NUMBER: 09-09-20-405-001
 PROPERTY CLASS: 401-RESIDENTIAL
 OCCUPANCY: SINGLE FAMILY
 FLOOD PLAIN: N/A
 HISTORIC DISTRICT: N/A
 YEAR BUILT: 1952

CODE DATA

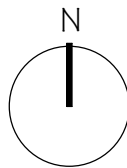
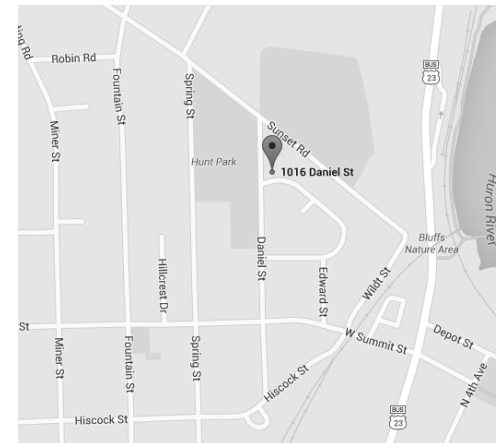
JURISDICTION: CITY OF ANN ARBOR
 ZONING: R2A (2-FAMILY DWELLING)
 CODES: MICH. RESIDENTIAL CODE, 2015

SCHEDULE OF REGULATIONS

	REGULATIONS	PROPOSED	VARIANCE REQ'D
MIN. LOT AREA	8500 SQ FT	7405 SQ FT	
MIN. LOT WIDTH	60'	77'	
MIN. FRONT YARD	25'	25'	
MIN. ROAD SIDE YARD	25'	20'-9"	REQ'D
MIN. SIDE YARD	5'	5'	
MIN. REAR YARD	30'	20'-8"	PRE-EXST NON-CONF.
MAX. BUILDING HEIGHT	30'	16'-6"	

SHEET INDEX

2



VICINITY MAP

1

PROJECT INFORMATION

NOT FOR CONSTRUCTION

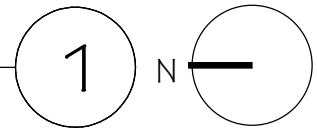
3



NOT FOR CONSTRUCTION

SITE PLAN

SCALE: 1" = 20'-0"



3250 W. Liberty Rd.
Ann Arbor, MI
48103
(734) 332-1500



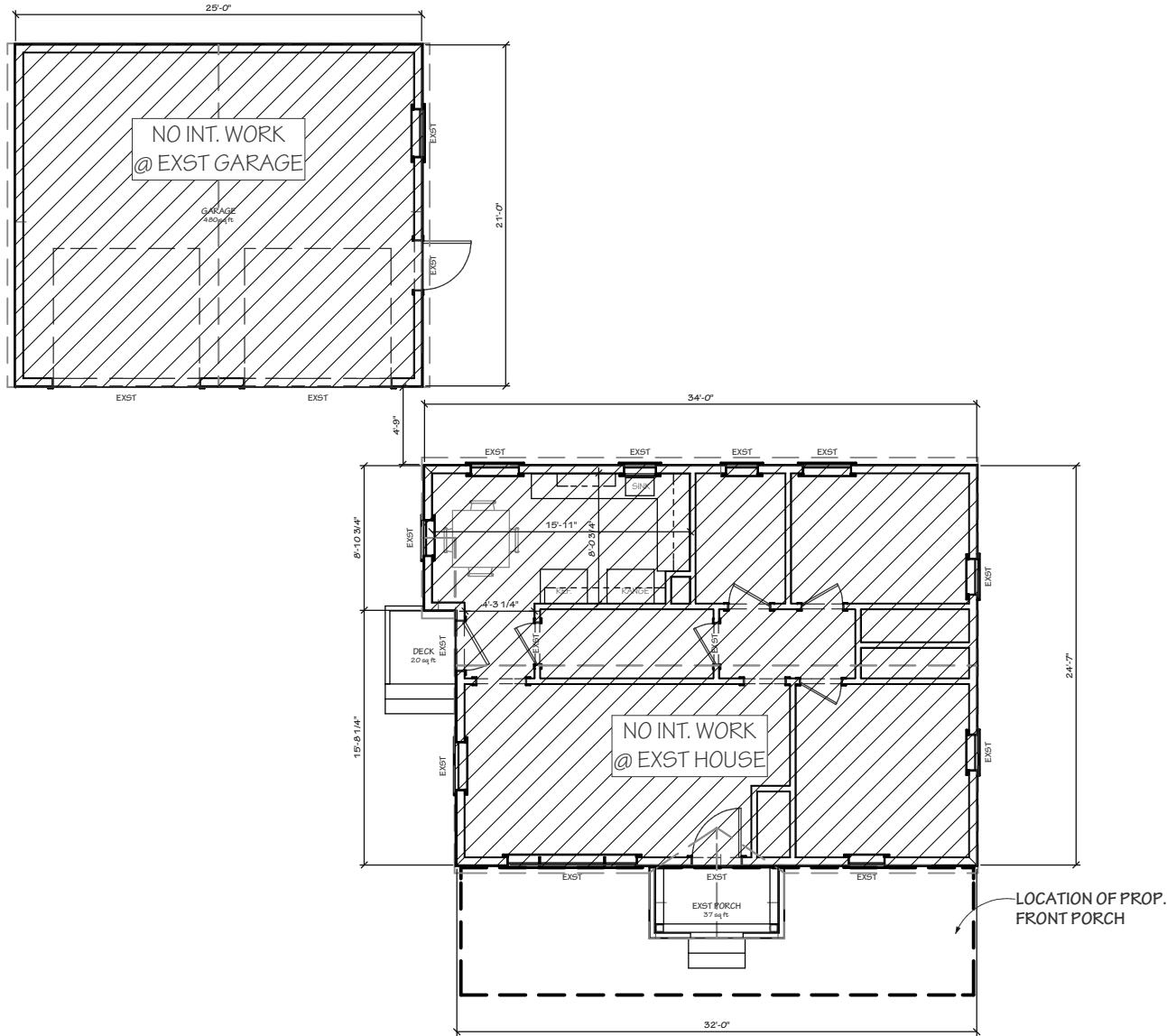
MEADOWLARK

DAN & LISA ADAMS
1016 DANIEL STREET
ANN ARBOR, MI 48103

SITE PLAN

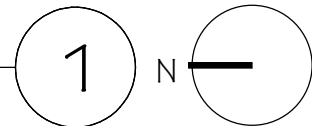
PRINT DATE
4/25/16
PROJ STATUS:
ZBA
PROJ #:
151ADA049

2



EXISTING FIRST FLOOR PLAN

SCALE: 1/8" = 1'-0"



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3250 W. Liberty Rd.
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(734) 332-1500



MEADOWLARK

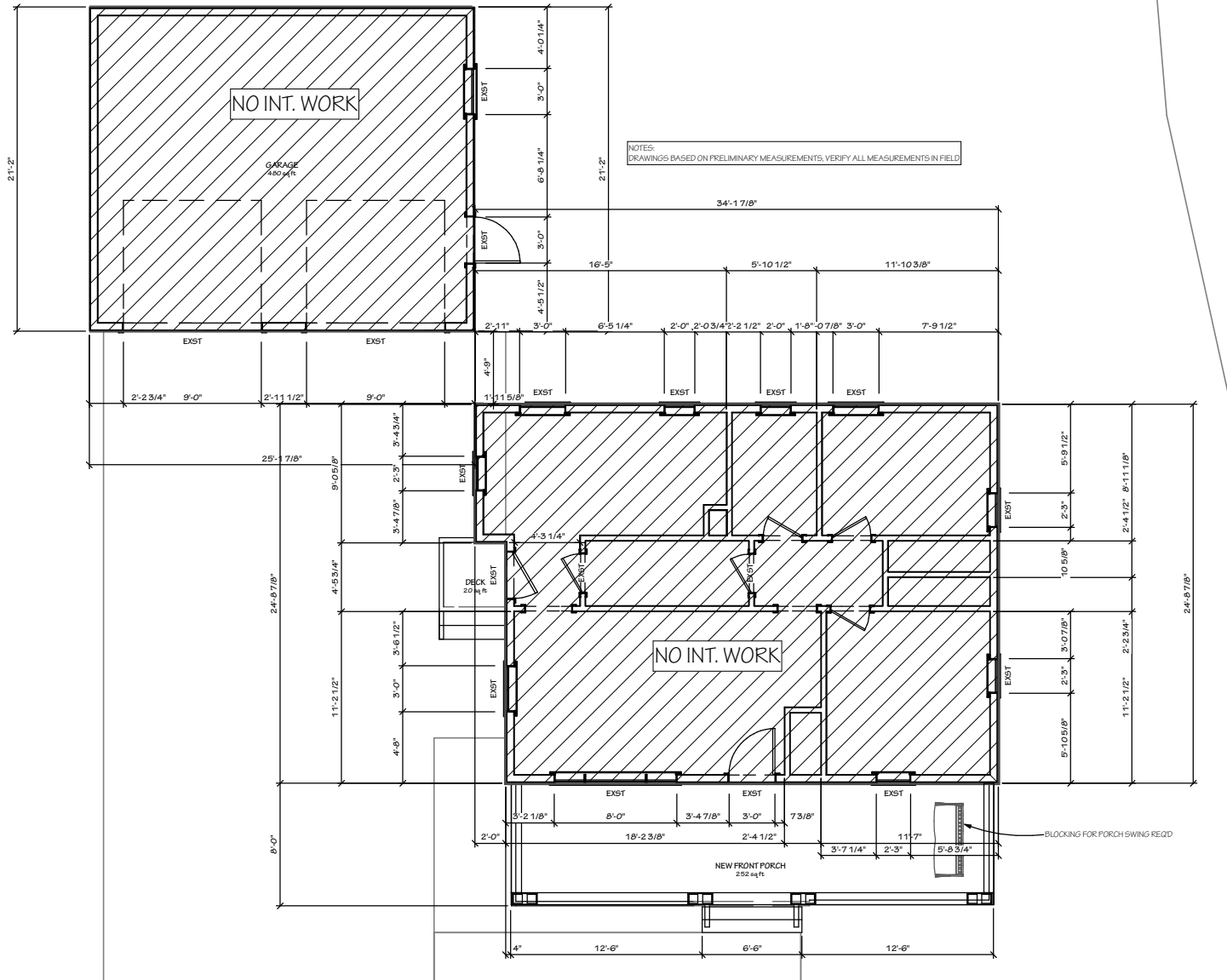
DAN & LISA ADAMS
1016 DANIEL STREET
ANN ARBOR, MI 48103

EXISTING FIRST
FLOOR PLAN

PRINT DATE
4/25/16
PROJ. STATUS:
ZBA
PROJ. #:
151ADA049

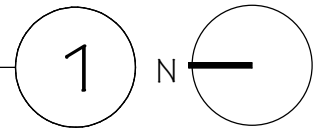
3

NOT FOR CONSTRUCTION



PROP. FIRST FLOOR PLAN

SCALE: 1/8" = 1'-0"



DAN & LISA ADAMS
1016 DANIEL STREET
ANN ARBOR, MI 48103

PROP. FIRST FLOOR
PLAN

PRINT DATE
4/25/16
PROJ. STATUS:
ZBA
PROJ. #:
151ADA049

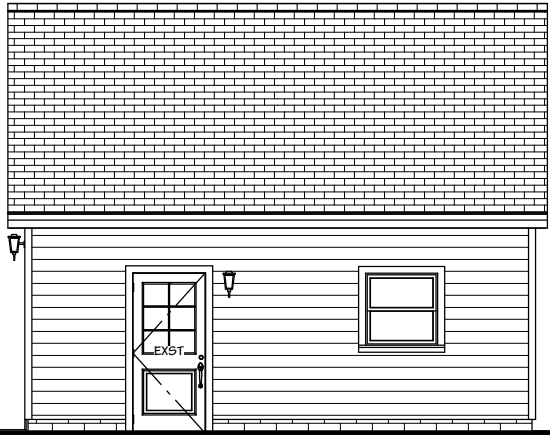
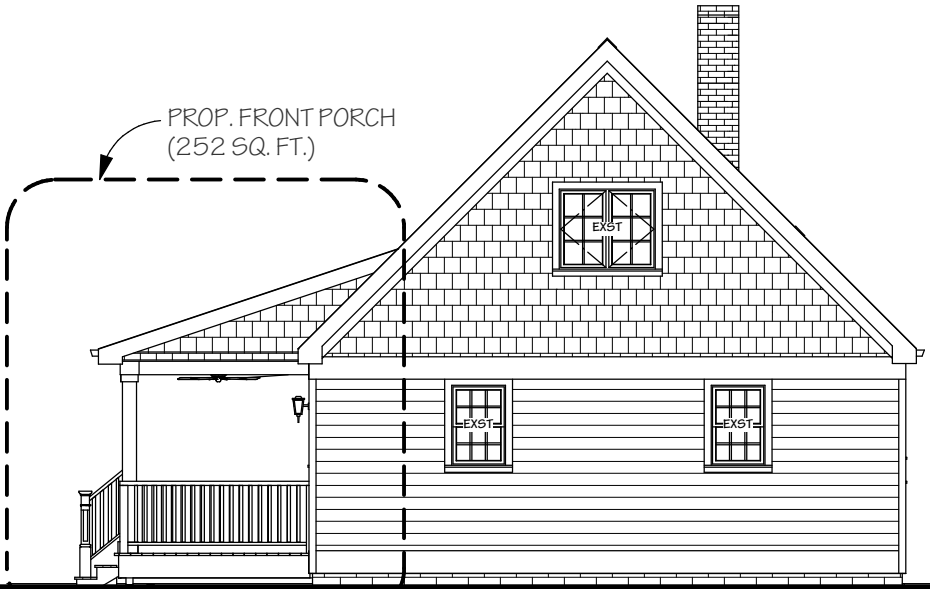
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DAN & LISA ADAMS
1016 DANIEL STREET
ANN ARBOR, MI 48103

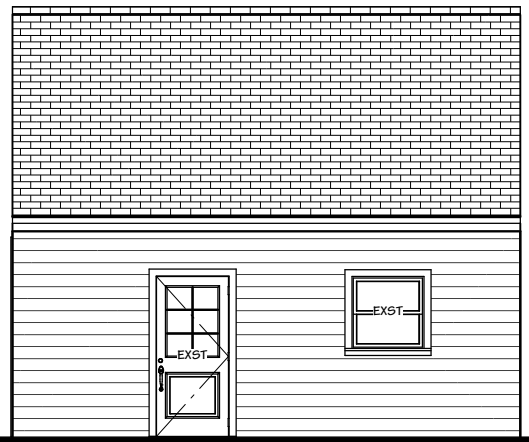
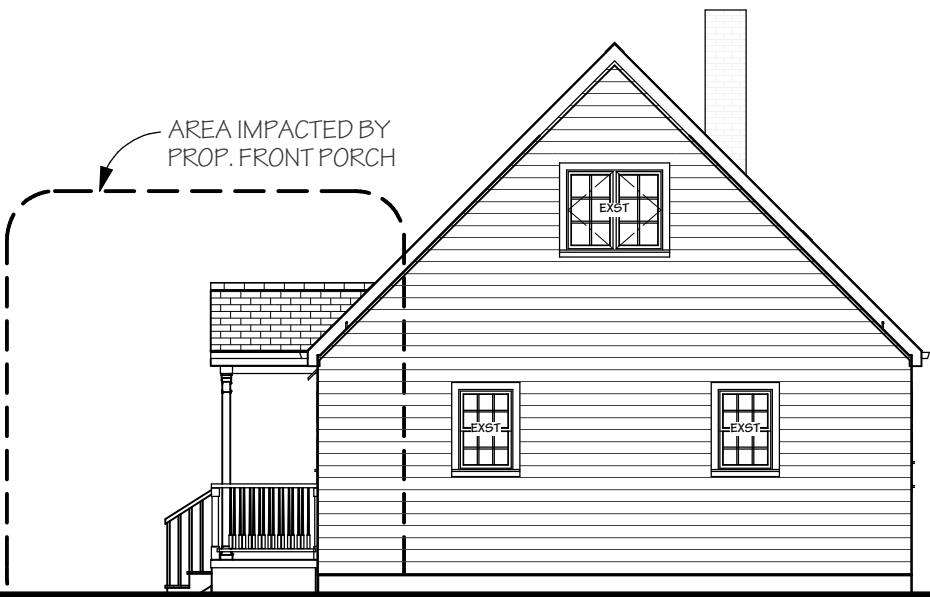
EXST + PROP EXT
ELEVS (SOUTH)



PROP EXT ELEVATION (SOUTH)

SCALE: 1/8"=1'-0"

2



EXST EXT ELEVATION (SOUTH)

SCALE: 1/8"=1'-0"

1

NOT FOR CONSTRUCTION

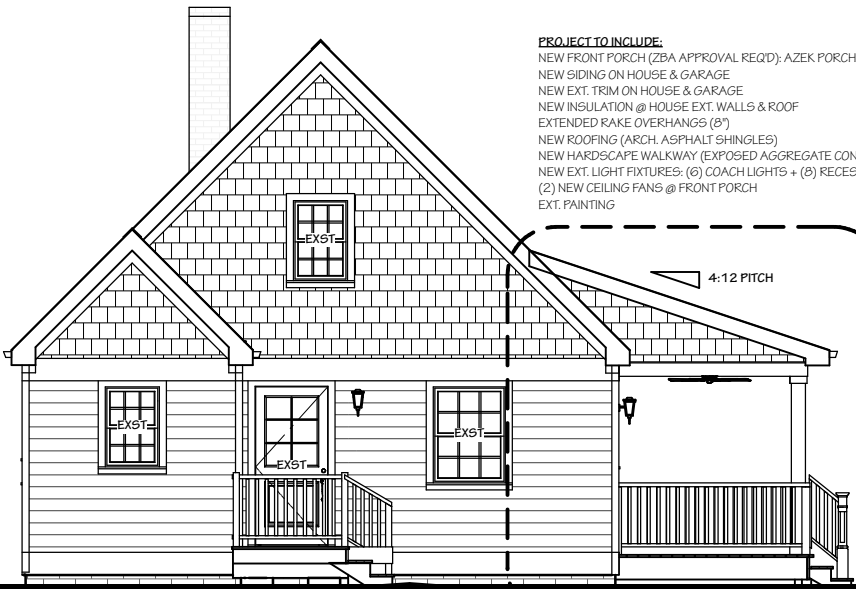
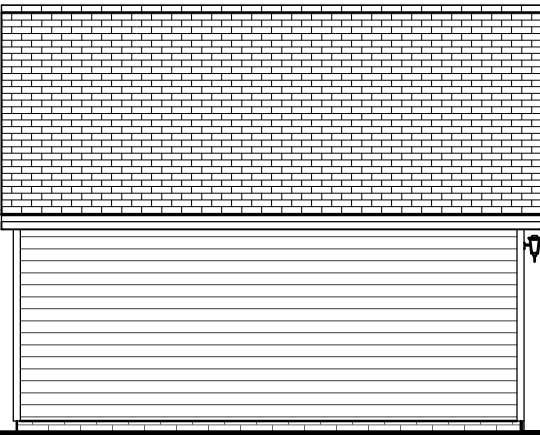
PROJECT TO INCLUDE:
 NEW FRONT PORCH (ZBA APPROVAL REQ'D); AZEK PORCH FLR & RAIL, DOUGLAS FIR T&G BEADBOARD CLG.
 NEW SIDING ON HOUSE & GARAGE
 NEW EXT. TRIM ON HOUSE & GARAGE
 NEW INSULATION @ HOUSE EXT. WALLS & ROOF
 EXTENDED RAKE OVERHANGS (8")
 NEW ROOFING (ARCH. ASPHALT SHINGLES)
 NEW HARDSCAPE WALKWAY (EXPOSED AGGREGATE CONCRETE) FROM DRIVEWAY TO FRONT PORCH
 NEW EXT. LIGHT FIXTURES: (6) COACH LIGHTS + (8) RECESSED CANS @ FRONT PORCH
 (2) NEW CEILING FANS @ FRONT PORCH
 EXT. PAINTING

JAMES HARDIE SIDING TO INCLUDE:
 HARDIE PLANK 5" EXPOSURE SMOOTH LAP SIDING @ 1ST
 HARDIE SHINGLE 5" STRAIGHT EDGE PANELS @ 2ND FLR

AZEK TRIM PACKAGE TO INCLUDE:
 5/4x4x4 TRADITIONAL CORNER BOARD.
 5/4x12 BAND BOARD.
 5/4x6 FRIEZE.
 5/4x8 FASCIA.
 5/4x12 SKIRT BOARD W/ WATER TABLE CAP.
 5/4x4 WINDOW CASING W/ HISTORIC SILL, AND
 COLUMN WRAPS

PROP. FRONT PORCH
 (252 SQ. FT.)

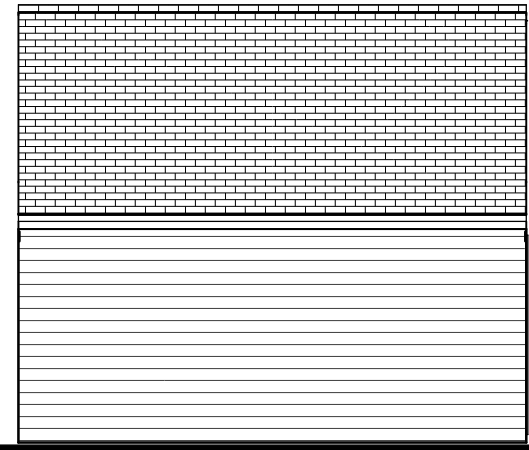
4:12 PITCH



PROP EXT ELEVATION (NORTH)

SCALE: 1/8" = 1'-0"

2



AREA IMPACTED BY
 PROP. FRONT PORCH

EXST EXT ELEVATION (NORTH)

SCALE: 1/8" = 1'-0"

1

NOT FOR CONSTRUCTION

3250 W. Liberty Rd.
 Ann Arbor, MI
 48103
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DAN & LISA ADAMS
 1016 DANIEL STREET
 ANN ARBOR, MI 48103

EXST + PROP EXT.
 ELEVS (NORTH)

PRINT DATE
 4/25/16
 PROJ. STATUS:
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6



PROP EXT ELEVATION (EAST)

SCALE: 1/8" = 1'-0"

2



EXST EXT ELEVATION (EAST)

SCALE: 1/8" = 1'-0"

1

NOT FOR CONSTRUCTION

3250 W. Liberty Rd.
Ann Arbor, MI
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ANN ARBOR, MI 48103

EXST + PROP EXT
ELEVS (EAST)

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PROJ #:
151ADA049

7



PROP EXT ELEVATION (WEST)

SCALE: 1/8"=1'-0"

2



EXST EXT ELEVATION (WEST)

SCALE: 1/8"=1'-0"

1

NOT FOR CONSTRUCTION

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Ann Arbor, MI
48103
(734) 332-1500



DAN & LISA ADAMS
1016 DANIEL STREET
ANN ARBOR, MI 48103

EXST + PROP EXT
ELEVS (WEST)

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8



EXST PHOTO: WEST ELEVATION

NOT FOR CONSTRUCTION

1

3250 W. Liberty Rd.
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DAN & LISA ADAMS
1016 DANIEL STREET
ANN ARBOR, MI 48103

EXST PHOTOS

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9



EXST PHOTO: NW CORNER

1

NOT FOR CONSTRUCTION

3250 W. Liberty Rd.
Ann Arbor, MI
48103
(734) 332-1500



MEADOWLARK

DAN & LISA ADAMS
1016 DANIEL STREET
ANN ARBOR, MI 48103

EXST PHOTOS

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4/25/16
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ZBA
PROJ #:
151ADA049

10



NOT FOR CONSTRUCTION

PROP. 3D VIEW

1

3250 W. Liberty Rd.
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48103
(734) 332-1500



MEADOWLARK

DAN & LISA ADAMS
1016 DANIEL STREET
ANN ARBOR, MI 48103

PROP. 3D VIEW

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4/25/16
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PROJ. #:
151ADA049

11

From: Tricia Martin
Sent: Monday, May 16, 2016 6:07 PM
To: Gale, Mia
Subject: ZBA16-011; 1016 Daniel Street

Hello Mia,
My husband and I live at 289 Sunset Rd., Ann Arbor, 48103. We would like to let the board know that we hope that our neighbors at 1016 Daniel will be allowed the variance to build their front porch.
Thanks,
Tricia and Nate Foerg