

**Zoning Board of Appeals
October 28, 2015 Regular Meeting**

STAFF REPORT

Subject: ZBA15-024; 918 Packard Road

Summary:

Carl O. Hueter is requesting Permission to Alter a Non-Conforming structure and a front yard setback variance of 6 feet in order to allow a 19 foot front setback (25 feet is required) from Chapter 55(Zoning) Section 5:34, in order to construct a front porch addition.

Description and Discussion:

The subject parcel contains a 1,954-square foot two-family structure constructed in 1900. The parcel is the corner lot of McKinley Avenue and Packard Road. It is zoned R4C (Multiple-Family) and is non-conforming for lot area; the required minimum lot area for R4C is 8,500 square feet and the parcel is 5,793 square feet. The duplex is non-conforming for an encroachment of 3 feet into the side yard setback, required setback is 5 feet. The current front setback measures 25 feet to the Packard front of the existing house, not including a small uncovered stoop. The current front setback measures 14 feet at the closest point along the McKinley Avenue frontage. The required setback for R4C is 25 feet.

The petitioner is proposing to remove the existing uncovered stoop and construct a 25 foot by 6 foot covered front porch addition to the Packard front of the house which will wrap around the corner of the house to include a 12 foot by 6 foot front porch along the McKinley frontage. After construction, the porch of the house would encroach 6 feet into the front setback of 25 feet along Packard. While the proposed porch and the existing house extend into the McKinley street front setback, Section 5:58 of Chapter 55 (Zoning) allows corner lots to have a minimum of 25 foot wide building envelope. When that section is applied to this parcel, the porch along McKinley is within the 25 foot building width and does not require a variance. Although the public notice had noted this porch as requiring a variance, staff confirmed the application of this section of code after the notice was published. The total area of the front porch is approximately 150 square feet.

Chapter 55: Section 5:58. - Corner lot setback on the side street.

Any corner lot shall have a minimum required open space on the side street equal to the required front open space of the zoning district in which it is located; provided, however,

that this does not reduce the width suitable for a building on any lot of record to less than 25 feet.

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:

- (a). ***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 petitioner is asking to modify an existing non-conforming duplex structure. The footprint of the existing house will be expanded into the front setback for the addition of a front porch. No part of the structure will be built closer to the side or rear property line than currently exists. The majority of the house is in conformance with the side setback; however an approximately 10 foot by 3 foot projection encroaches into the side yard leaving a 2 foot setback in that area. There will be no addition to the floor area of the house, only the proposed 150 square foot unenclosed front porch.

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 a non-conforming lot in the R4C Zoning District (required is a minimum lot size of 8,500 square feet; parcel is 5,793 square feet). The existing house was built in 1900 before current zoning setbacks. The house was constructed 25 feet from the front property line with only a small uncovered front stoop. Any expansion of the existing stoop or covering will trigger the need for a setback variance. The R4C required setback is 25 feet; adjacent houses are setback similar to the subject property.

- (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 in order to construct and cover a 150 square foot front porch on the house. If the variance is not granted, the petitioner could construct an enclosed porch only on the McKinley (south) front of the structure with permission to Alter a Non-Conforming Structure from the ZBA.

- (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.***

If the variance is approved, the structure will be consistent with a number of houses in the neighborhood that have very similar front porches. The existing stoop will be removed and the porch will be constructed and covered in order to allow for a useable area in the front yard. A covered front porch would be an aesthetic improvement to the property and will enable residents to use the porch offering same protection from the elements. The addition will not be extended any closer to side property lines and no objections were received from the neighborhood.

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

The house was built in 1900 before current zoning standards were established. Changes in the zoning code after construction of the house made the house non-conforming. The existing stoop is sufficient in size to be used only for ingress/egress to the front doors and cannot be enlarged without permission from the ZBA.

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

The variance, if approved, will permit construction of a covered front porch. The porch is 6 feet wide which is a minimal depth for the addition of chairs while maintaining the ability to walk around them. Given the total useable area of the porch is approximately 150 square feet, the requested variance is minimal.

Respectfully submitted,



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

918 Packard St

C1A

C1A/R

Packard St

PL

Arch

Tappan St

Greenwood Ave

Vaughn St

White St

E University Ave

Michigan Ave

R2A

Mckinley Ave

R4C

Brookwood Pl

Sylvan Ave

Dewey Ave

Zoning Districts

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



Map date 10/7/2015
 Any aerial imagery is circa 2012
 unless otherwise noted
 Terms of use: www.a2gov.org/terms



918 Packard St



- Railroads
- Parcels
- Huron River



Map date 10/7/2015
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: CARL O. HUETER
 Address of Applicant: 1321 FRANKLIN BLVD.
 Daytime Phone: 734 - 276 - 8175
 Fax: _____
 Email: carl@hueterarchitects.com
 Applicant's Relationship to Property: architect

Section 2: Property Information

Address of Property: 918 PACKARD
 Zoning Classification: R4C
 Tax ID# (if known): _____
 *Name of Property Owner: GARY SELESKO & JOY SELESKO

**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, 5:34
FRONT SETBACK

Example: Chapter 55, Section 5:26

Required dimension: PROPOSED dimension:

25'-0" 11'-0" & 11'-0"

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)

ADDING FRONT PORCH TO EXISTING STRUCTURE EXTENDING 13'-4" INTO
FRONT SETBACK ON CORNER LOT, 6'-0" INTO OTHER FRONT SETBACK.

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?

YES, HOUSE PLACEMENT PREDATES ZONING CONDITIONS IMPOSED
RENDERING PROPERTY NON-CONFORMING. PROPOSED NEW PORCH
FALLS WITHIN AVERAGE WIDTH & AREA OF ALL CURRENT NON-CONFORMING
PORCHES WITH IN 2 BLOCKS (17 SUCH) (AVG. WIDTH 4'-4", AVG AREA 187 SF)

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

YES, OWNER WOULD LIKE TO HAVE PORCH ON HOUSE CONSISTENT IN SIZE
W/ NEIGHBORHOOD & IN CHARACTER W/ CORNER HOUSE,

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

NONE, NEW PROPOSED PORCH FALLS INTO TYPICAL PORCH
ENCROACHMENTS & SIZE EXISTING IN NEIGHBORHOOD.

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?

(SEE ATTACHED SITE PLAN) PROPERTY SITE & CORNER LOT IMPOSE EXISTING
CONDITIONS OF PRACTICAL DIFFICULTY & HARDSHIP. POSITION OF HOUSE
DIRECTLY POSITIONING OF PORCH.

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

NO, CONDITION IMPOSED ON PROPERTY BY CURRENT ZONING
ORDINANCE ON STRUCTURE BUILT PRIOR TO CURRENT ZONING
ORDINANCE.

Section 5: ALTERATION TO A NON-CONFORMING STRUCTURE

Current use of the property DUPLEX, RENTAL HOUSING

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	5,808 SF	8,500 SF
Lot width	44.0 FT.	40.0 FT.
Floor area ratio	.414	.374
Open space ratio	.793	.40
Setbacks	18'6" F / 3'0" S / 52'-3" R	15' F / 12'6" S / 30' R
Parking	6 VEHICLES	3 VEHICLES
Landscaping	NA.	
Other		

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

ADDING 186 SF PORCH ON EXISTING

DUPLEX IN THE FRONT YARD SETBACKS, PRIMARILY
MCKINLEY AVE. PORCH TO HAVE ROOF, SINGLE STORY
IN HEIGHT. PORCH IS L-SHAPED (SEE PLAN)

12'-0" X 25'-0" X 6'-0" DEEP

SEE PREVIOUS PAGE FOR "WHY"

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:

PORCH HAS BEEN DESIGNED TO MEET THE AVERAGE

WIDTH & AREA OF NEIGHBORING, NON-CONFORMING
FRONT SETBACK ENCRACHING PORCHES

Wherefore, Petitioner requests that permission be granted from the above named Chapter and Section of the Ann Arbor City Code in order to permit

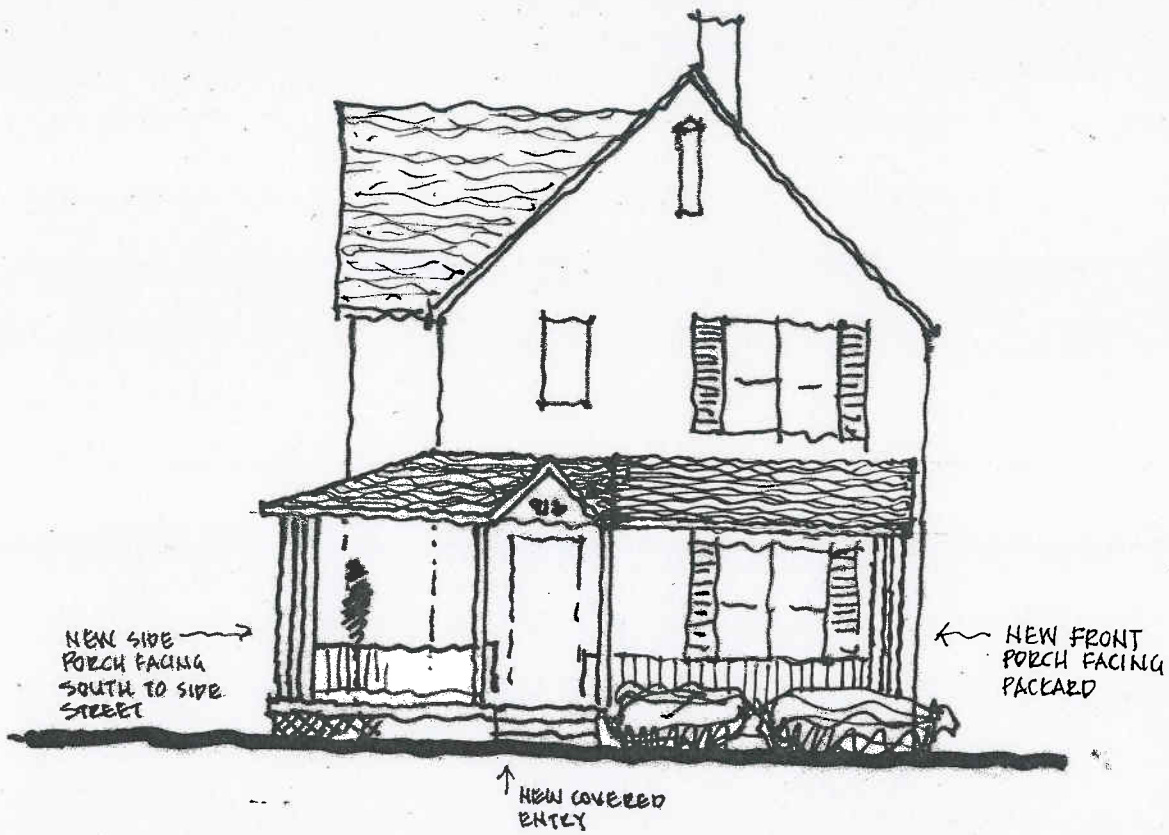
THE ADDITION OF AN 186 SF SINGLE STORY,

ROOFED, FRONT PORCH TO AN EXISTING NON-CONFORMING
STRUCTURE. PORCH WILL BE L-SHAPED EXTENDING
25'-0" ACROSS PACKARD FRONTAGE & 12'-0" RETURNING
ON THE MCKINLEY AVE FRONTAGE.

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.....)



713 PACKARD . ENTRY + SIDE PORCH . 12/14/2011

- 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.

734.236.8175
 Phone Number
carl@hueterarchitects.com
 Email Address

[Signature]
 Signature
Carl O. Hueter
 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]
 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]
 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]
 Signature

On this 9 day of July, 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.

Joan C. Hendricks
 Notary Public, State of Michigan
 County of Washtenaw
 My Commission Expires Feb. 5, 2020
 Acting in the County of Washtenaw

[Signature]
 Notary Public Signature
JOAN C HENDRICKS
 Print Name

Feb 5, 2020
 Notary Commission Expiration Date

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: _____

MORTGAGE SURVEY

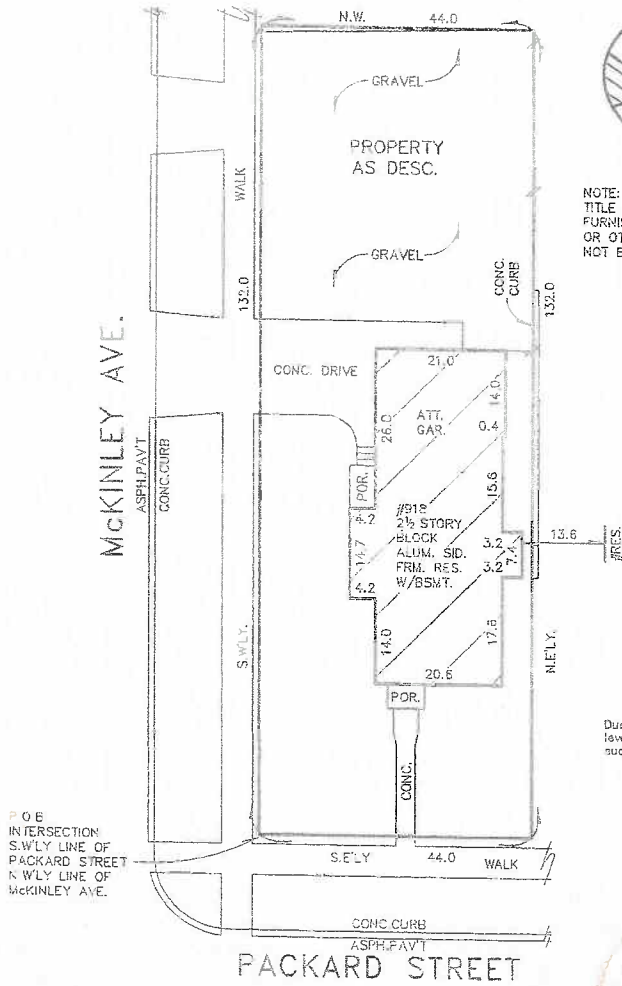
Certified to: DEVON TITLE AGENCY

Applicant: GARY SELESKO AND JOY SELESKO

Property Description:

Land in the City of Ann Arbor, Washtenaw County, Michigan, described as:
 Beginning at the intersection of the Southwesterly line of Packard Street with the
 Northwesterly line of McKinley Avenue; thence Southwesterly on McKinley Avenue 132
 feet; thence Northwest parallel to Packard Street 44 feet; thence Northeasterly to a point
 on Packard Street 44 feet Northwest of beginning; thence Southeasterly to the point of
 beginning, being a part of Section 33, Town 2 South, Range 6 East.

Note: The property description is as furnished by client.



NOTE: A COMPLETE CURRENT TITLE POLICY HAS NOT BEEN FURNISHED, THEREFORE EASEMENTS OR OTHER ENCUMBRANCES MAY NOT BE SHOWN AT THIS TIME.

NOTE:
 Due to snow cover some surface level features may not be shown, such as Conc. & Asph. etc.

P.O.E.
 INTERSECTION
 S.W. LY. LINE OF
 PACKARD STREET
 N.W. LY. LINE OF
 MCKINLEY AVE.

CERTIFICATE: We hereby certify that we have surveyed the above-described property in accordance with the description furnished for the purpose of a mortgage loan to be made by the aforementioned applicants, mortgagor, and that the buildings located thereon do not encroach on the adjoining property, nor do the buildings on the adjoining property encroach upon the property heretofore described, except as shown. This survey is not to be used for the purpose of establishing property lines, nor for construction purposes, no stakes having been set at any of the boundary corners.

[Handwritten Signature]

THIS SURVEY DRAWING IS VOID IF THE PROFESSIONAL SEAL IS NOT IN BLUE INK.

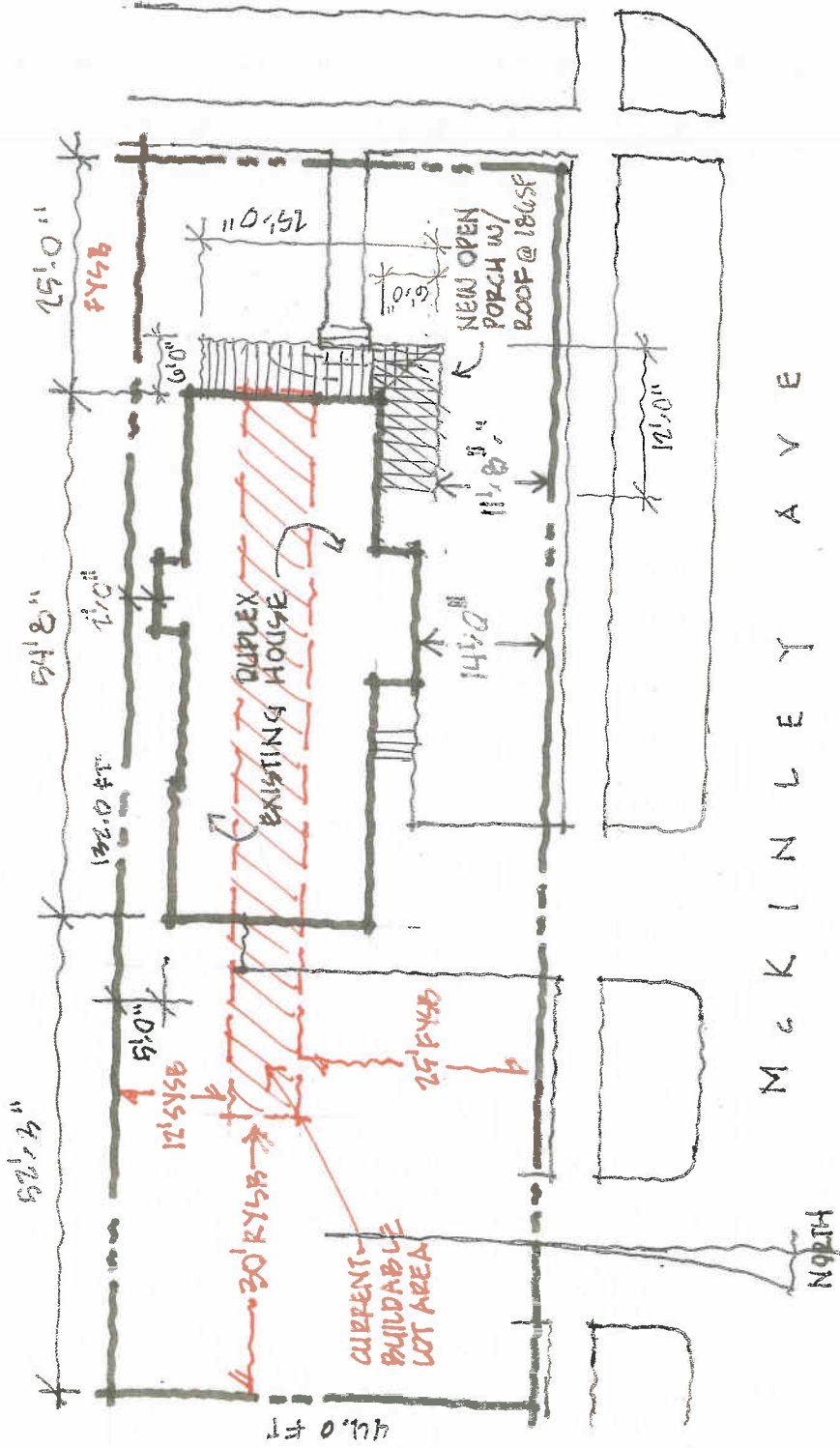
KEM-TEC Professional Engineers & Surveyors

Eastpointe (800) 285.7222	Detroit (313) 788.0677	Ann Arbor (734) 994.0868	Grand Blanc (810) 694.0001
FAX: (586) 772.4048	FAX: (586) 772.4048	FAX: (734) 994.0667	FAX: (810) 694.9955

www.kemtecsurvey.com

NO: 15-00418 SCALE: 1"=20'
 DATE: 02/11/15 DR BY: M.L.

P A C K A G E D S T



M C K I N L E Y A V E

SITE PLAN 1" = 20.0" 918 PACKARD

ZONED R4C

SITE AREA 5800 SF



918 PACICARD VIEW FROM STREET
CORNER TO PROPOSED PORCH LOCATION



TYPICAL PORCH ENCROACHMENTS INTO FRONT SETBACKS
ALONG PACKARD IN NEIGHBORHOOD OF 918 PACKARD