

**Zoning Board of Appeals
October 25, 2017 Regular Meeting**

STAFF REPORT

Subject: ZBA17-028, 1810 Abbott Avenue

Summary:

Scott Peacor and Kyla Boyse, property owners, are requesting a variance from Chapter 55 Zoning Section 5:57 (Averaging an existing front setback line). Applicants are seeking to construct a front porch that will be 20 feet six (6) inches wide by seven (7) feet four (4) inches deep. The existing average front setback is 23 feet and the proposed porch will be 19 feet 8 (eight) inches from the front setback. Therefore, a three (3) foot four (4) inch variance is being requested from the average front setback.

Background:

The property is zoned R1D, single-family residential, and is located south of Jackson Avenue and east of Glendale Drive. The residence was built in 1947 and is approximately 1,500 square feet in size.

Description:

The new porch will be approximately 150 square feet in size and will be consistent with the architecture style and materials of the 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 practical difficulties 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 house two lots to the east of the subject property has a setback of 27.5 feet and affects the average for the surrounding properties significantly.

- (b). *That the practical difficulties 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 front porch would not be possible and the owners would be unable to utilize their front open space as they intend.

- (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 porch will not have a detrimental effect on the adjacent properties. The porch will be open and will not impact sight lines for the 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 owners state that the setbacks of their home and the surrounding homes have been established for decades and were not self-created.

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

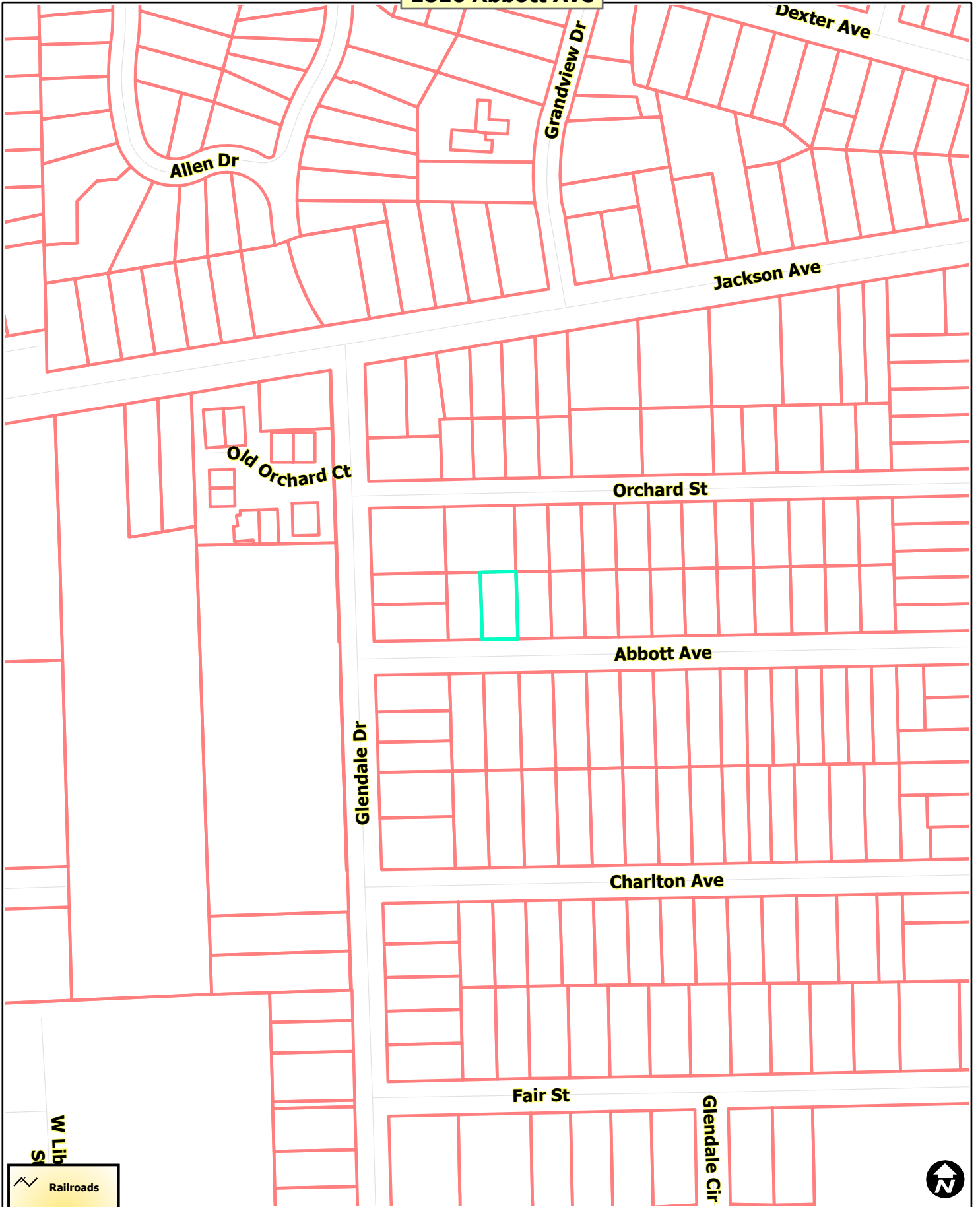
The variance requested is minimal in size and will not have a negative impact on the adjacent properties.

Respectfully submitted,




A handwritten signature in blue ink that reads "Jon Barrett". The signature is stylized with large, rounded loops for the letters.

**Jon Barrett
Zoning Coordinator**

1810 Abbott Ave



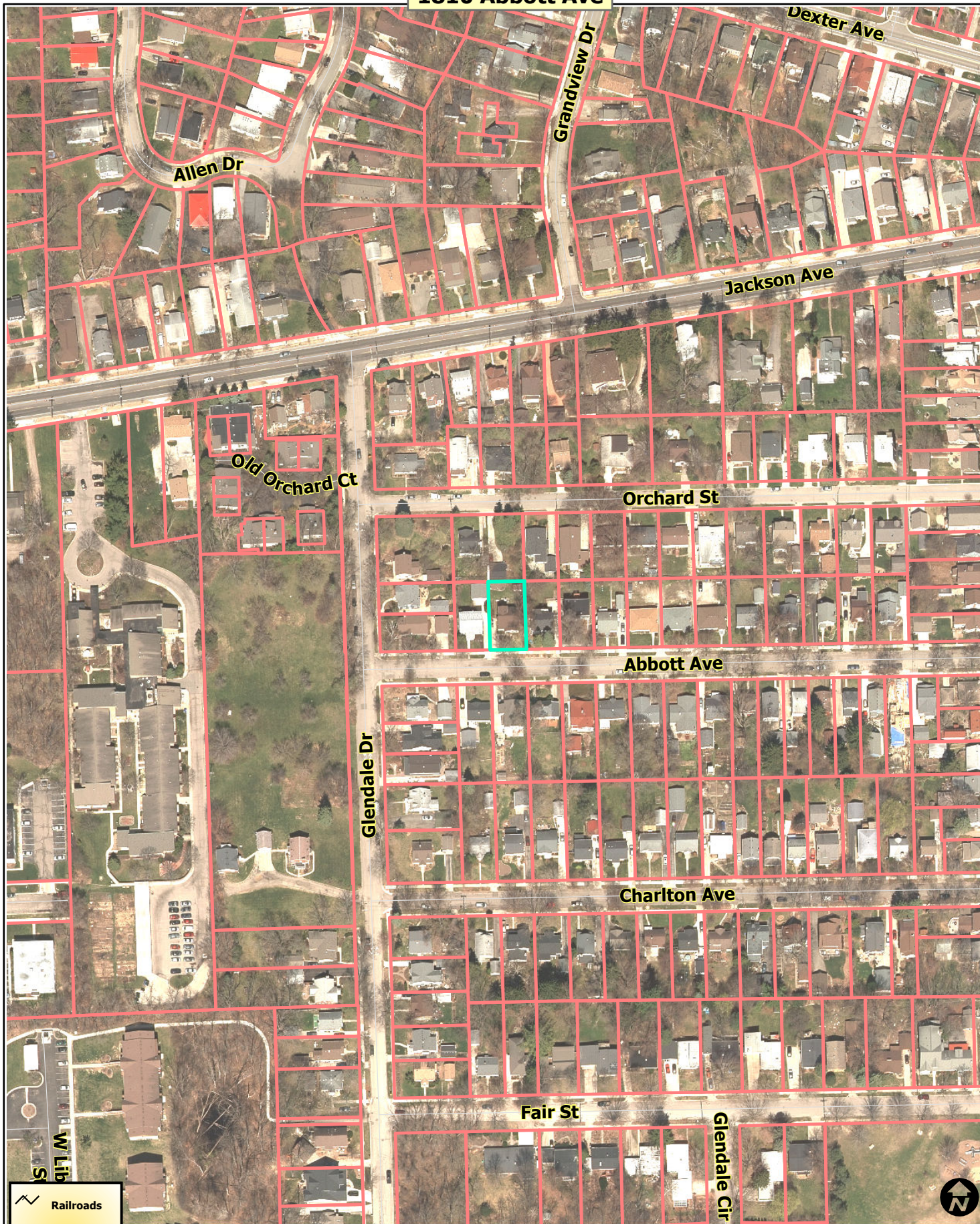
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S

-  Railroads
-  Huron River
-  Tax Parcels



Map date 9/29/2017
 Any aerial imagery is circa 2015
 unless otherwise noted
 Terms of use: www.a2gov.org/terms

1810 Abbott Ave



- Railroads
- Huron River
- Tax Parcels






Map date 9/29/2017
Any aerial imagery is circa 2015
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1810 Abbott Ave



Abbott Ave

 Railroads
 Huron River
 Tax Parcels



Map date 9/29/2017
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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: _____	ZBA: <u>17-028</u>
DATE STAMP CITY OF ANN ARBOR RECEIVED SEP 26 2017	
PLANNING & DEVELOPMENT SERVICES	

PROPERTY INFORMATION

ADDRESS OF PROPERTY: 1810 Abbott Ave.	
ZONING CLASSIFICATION: R1D	TAX ID: (if known) 09-09-30-201-008
NAME OF PROPERTY OWNER*: Scott Peacor and Kyla Boyse	

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

APPLICANT INFORMATION

NAME OF APPLICANT: Scott Peacor and Kyla Boyse	
ADDRESS OF APPLICANT: 1810 Abbott Ave.	
DAYTIME PHONE NUMBER: 734-994-9059	FAX NO: n/a
EMAIL: kylaboyse@gmail.com, peacor@msu.edu	
APPLICANT'S RELATIONSHIP TO PROPERTY: Owners, occupants	

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 5:57	
Required Dimension: (Example: 40' front setback) 25'9" front setback	PROPOSED Dimension: (Example: 32') 19'8" front setback
Give a detailed description of the work you are proposing and why it will require a variance (Attach additional sheets if necessary) Please see attached.	



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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 house two lots east of us has an unusually large set-back. It is a modern style and out of character with the rest of the neighborhood. Its large set-back of over 38 ft. skews our average considerably.

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 porch that is not as deep would not be the typical, practical porch size that is comfortable and useable, and is prevalent in our neighborhood, where people with such porches tend to sit out on them.

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.

It is our goal to enable spending more time out in front of our home instead of on the back patio. We like the neighborly feeling of greeting neighbors out for a walk, and the safety that comes from more eyes on the street. The porch will be very open, and will not impose on views or light of neighbors.

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

The location of the house of the lot, and the front setbacks of the other houses near us are not situations over which we have any control—they are an existing condition.

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

A porch of the proposed depth is the minimum to sit comfortably with a small group of people without feeling overly crowded or risking a fall.



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Section 2 – ALTERATION TO A NON-CONFORMING STRUCTURE

Current Use of the Property: Single family, owner-occupied home.

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:

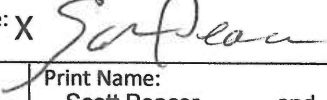
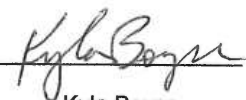
- One (1) hardcopy and one (1) electronic copy shall be submitted.
- The electronic copy shall include all associated supporting documentation with application submission.

- 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.

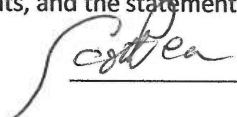
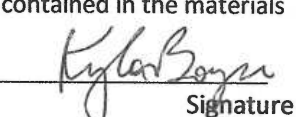
Phone number: 734-994-9059

Signature: X  

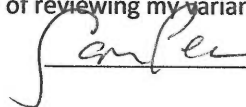
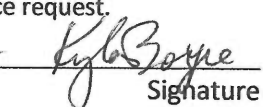
Email address: peacor@msu.edu, kylaboyses@gmail.com

Print Name: Scott Peacor and Kyla Boyse

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

Zoning Board of Appeals
Variance Application
Boyse/Peacor
1810 Abbott Ave. front porch
Section 1, page 3

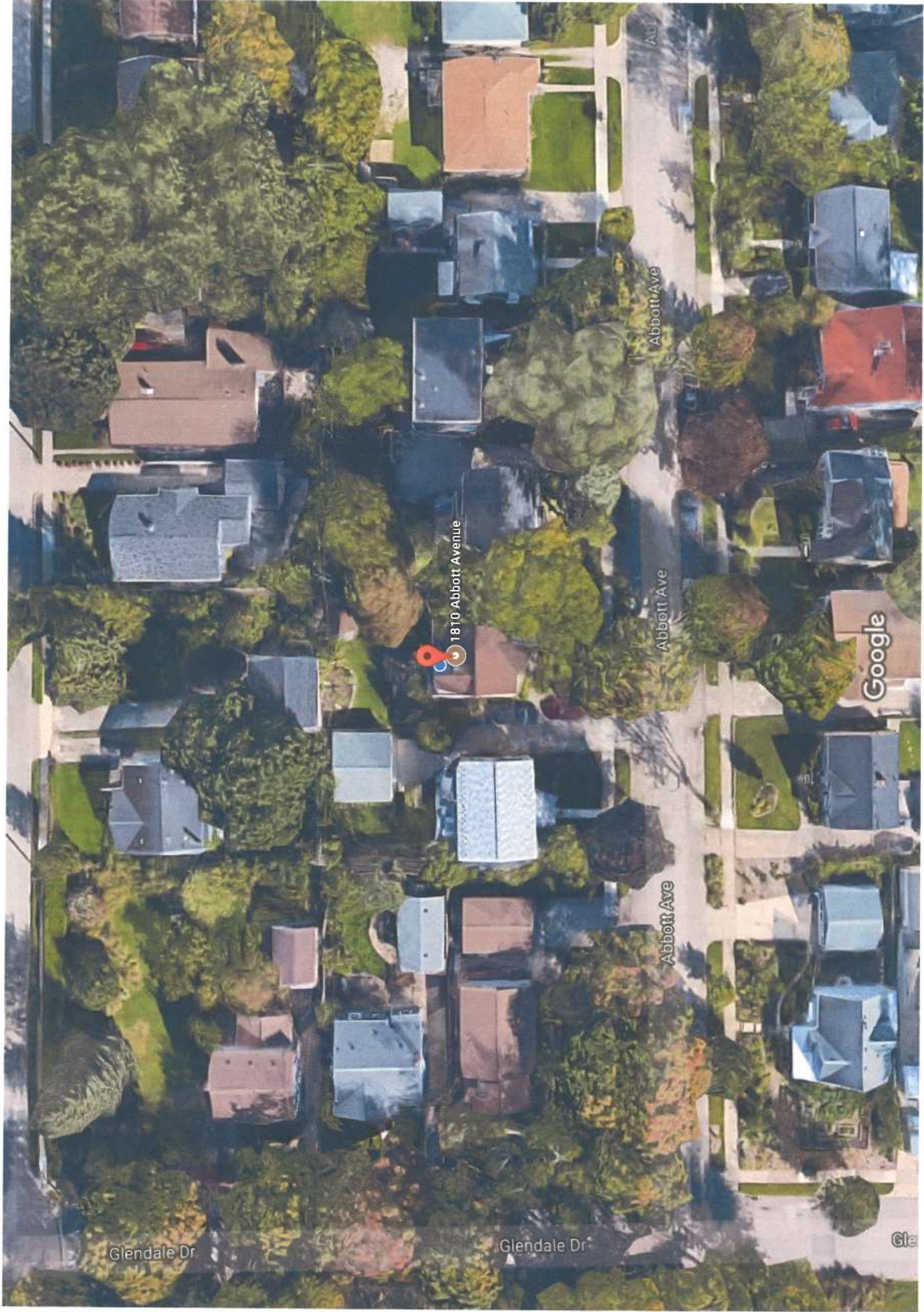
We propose to add a front porch to our home. We would like it to be deep enough to be comfortable to use regularly, and after touring our neighbors' porches in our neighborhood, and sitting on them and measuring them, we determined that it should ideally be about 7'4" deep.

The front setback of our home is 27'0.5". The neighbors on either side have setbacks of 18'1" and 21'4.5". The neighbors two lots away from us on each side are set back 25'11" and 38'2". The house with the 38'2" setback is an anomaly on our street-- a very modern, new construction, and with its unusually deep setback skews the average of these four setbacks considerably.

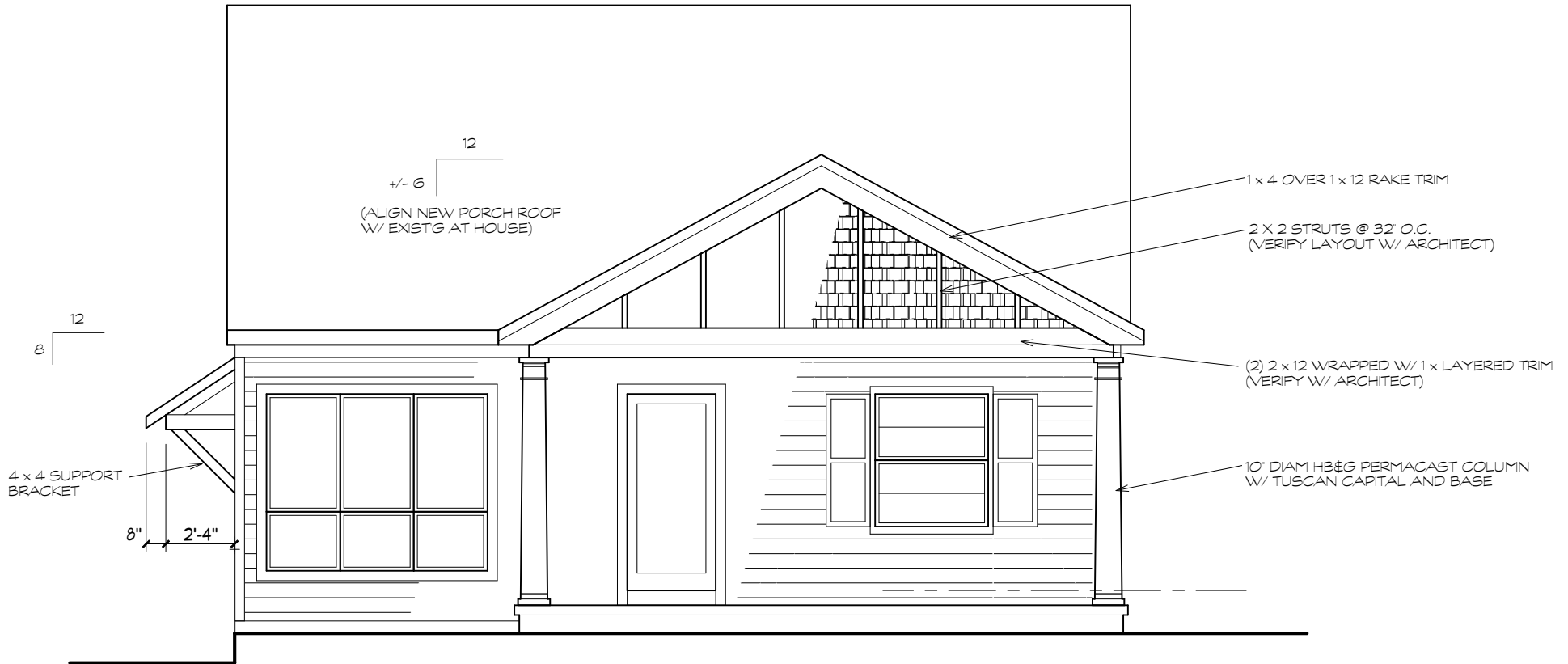
With the proposed depth of the porch we would like to add, our setback would become 19'8.5", which is about the same as the average of our immediate neighbor's setbacks. However, the average of the four houses within 100 ft. on each side of us is 25'9". Thus, we would be extending about 6' beyond the average of these four houses, which is why we are requesting a variance. Of note: our setback would then be quite similar to those on each side of us.

The design of the porch is open and airy, and it will not obstruct views. In fact, we should note that the neighbors east of us have tall plantings lining the property line, so don't have much view in our direction anyway. I've spoken to our neighbors about the plans, and they are positive about our adding a porch.

Currently, we spend a lot of time outside on our back patio, since that is the only place we have to sit outside. We like our neighborhood and our neighbors, and would like a place to sit comfortably out in front of our house to increase of sense of connection with our neighborhood.



Imagery ©2017 Google, Map data ©2017 Google United States 20 ft



FRONT ELEVATION (South)

SCALE: 1/4" = 1'-0"

PROVIDE ALUM GUTTER AND
DOWNSPOUT SYSTEM AT
NEW PORCH

LINE OF EXISTG ROOF EXTENDED
FOR NEW PORCH AS SHOWN

ASPHALT SHINGLES

FASCIA TRIM TO MATCH EXISTG

(2) 2 x 12 WRAPPED W/ 1 x TRIM
(VERIFY W/ ARCHITECT)

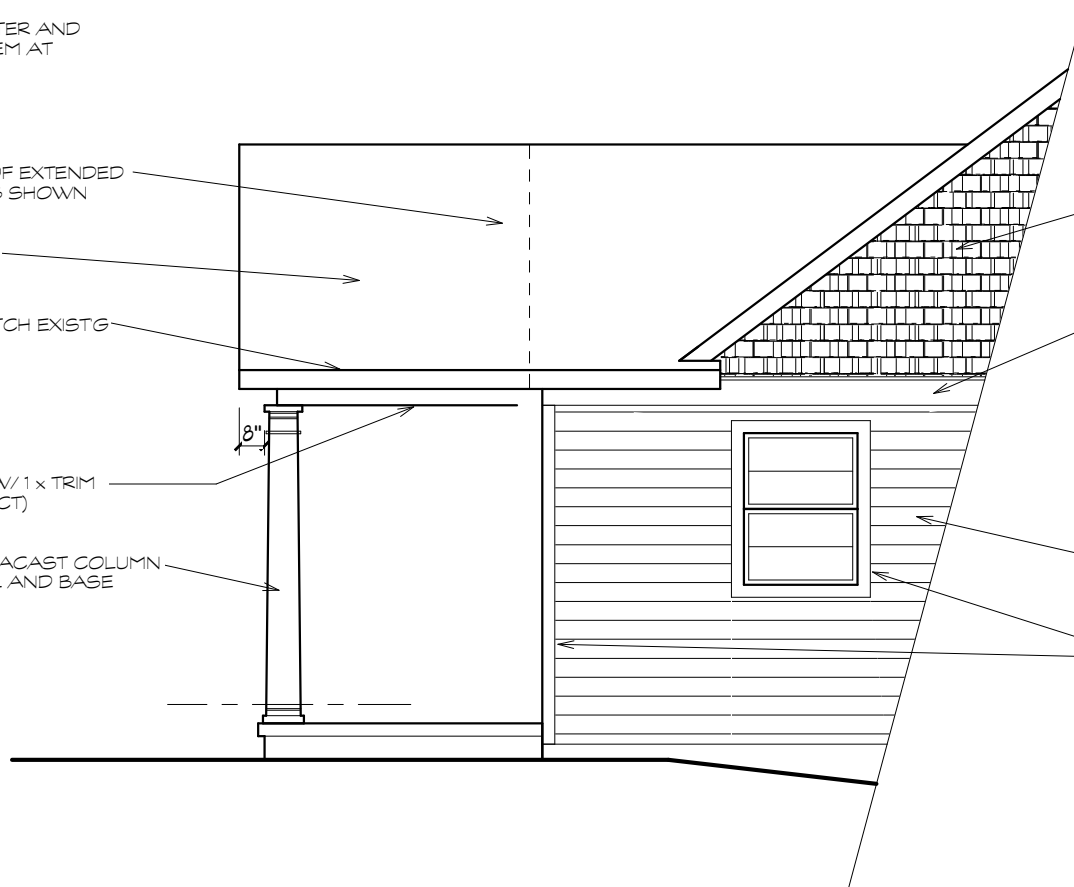
10' DIAM HB&G PERMACAST COLUMN
W/ TUSCAN CAPITAL AND BASE

NEW CEMENT BOARD SHAKE SIDING
IN GABLE (VERIFY W/ OWNER)

8' COMPOSITE BAND TRIM
W/ DRIP CAP

NEW CEMENT BOARD SIDING
W/ 6' EXPOSURE (TYP)

1 x 4 COMPOSITE CORNER AND
WINDOW TRIM

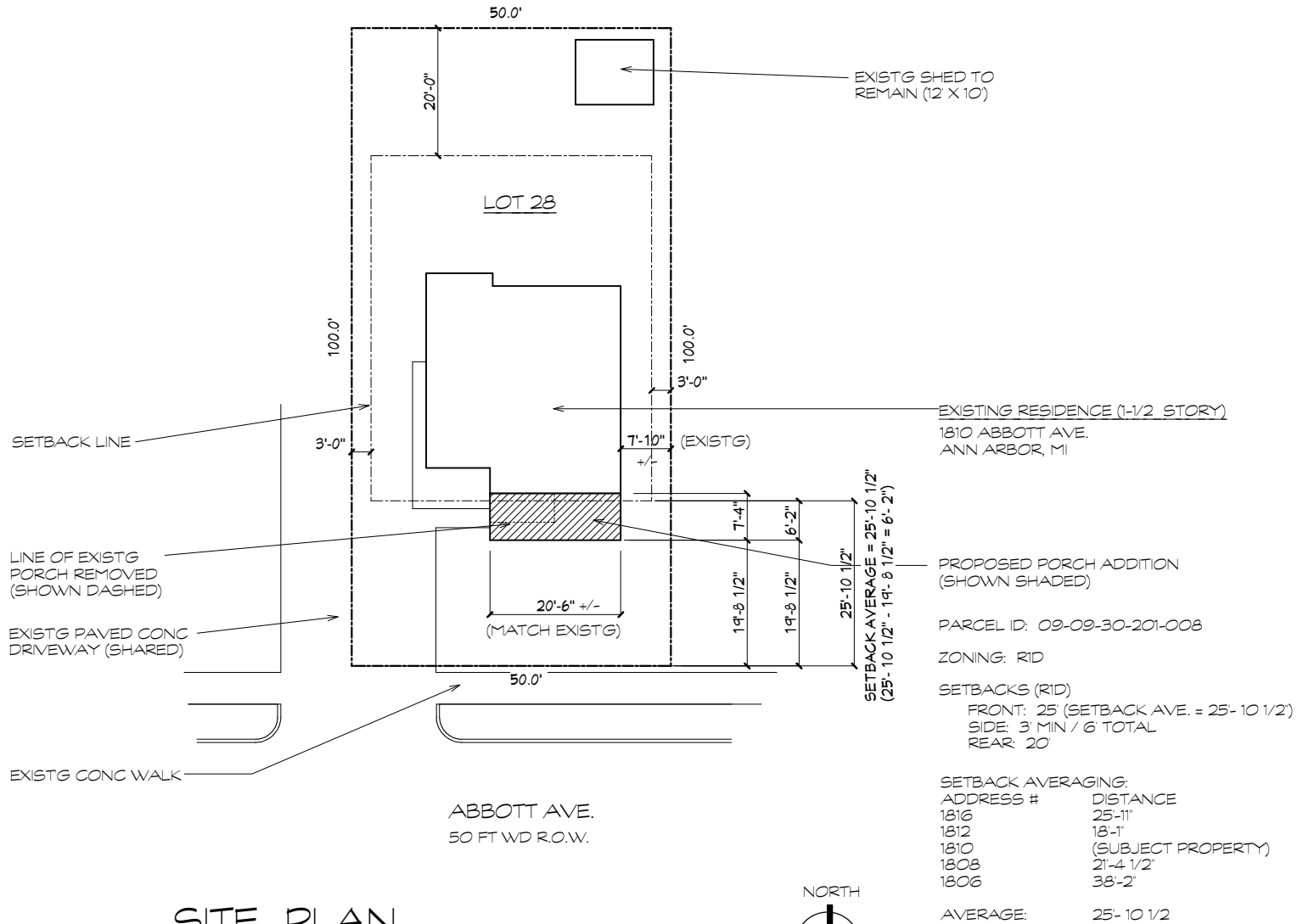


SIDE ELEVATION (East / Partial)

SCALE: 1/4" = 1'-0"

DESCRIPTION

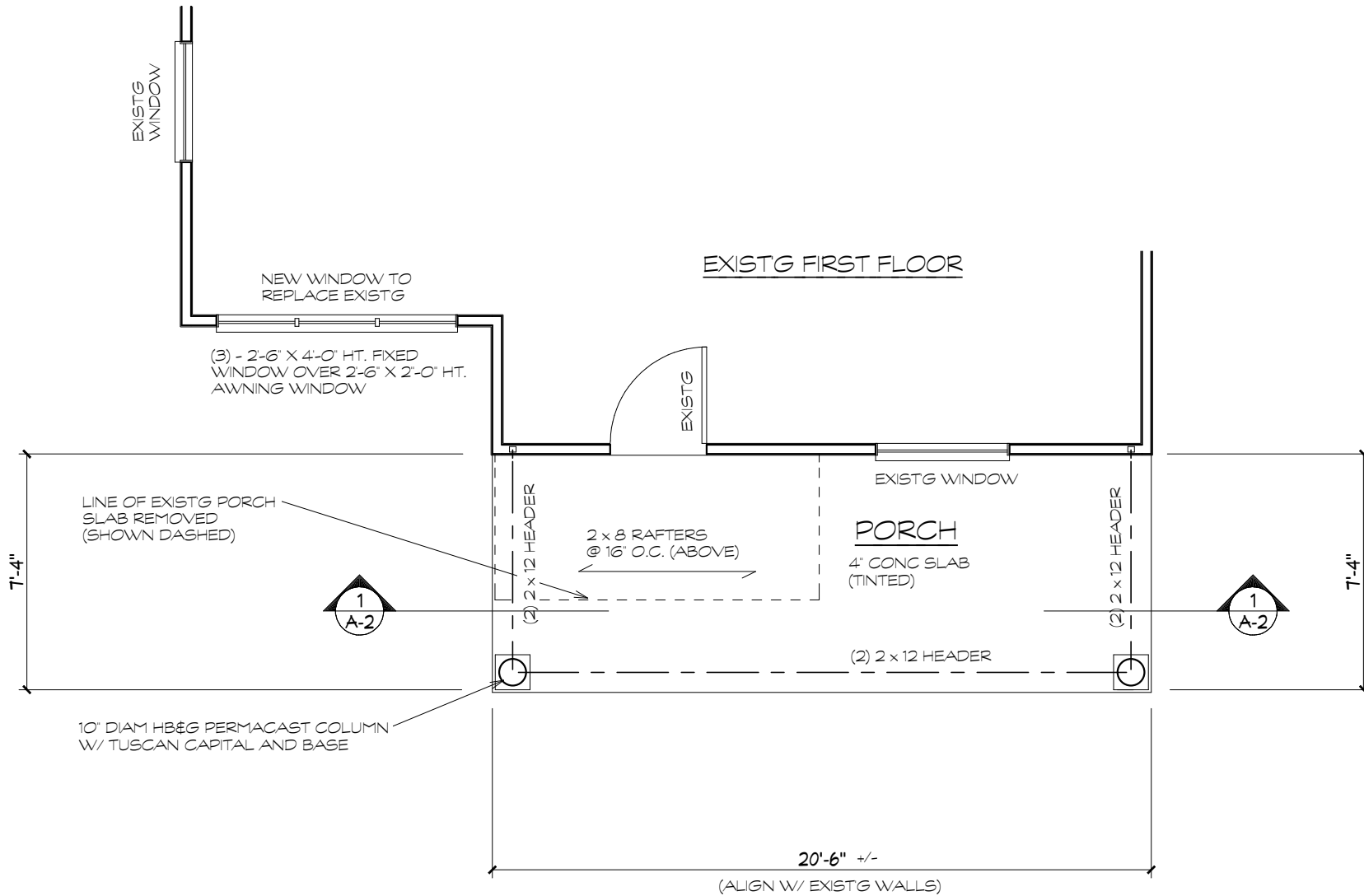
LOT 28; ALLMAND HEIGHTS, IN THE CITY OF ANN ARBOR, PART OF SECTION 30, TOWN 2 SOUTH, RANGE 6 EAST, WASHTENAW COUNTY, MICHIGAN, AS RECORDED IN LIBER 8 OF PLATS, PAGE 42, WASHTENAW COUNTY RECORDS.



SITE PLAN

SCALE: 1" = 20'-0"





FIRST FLOOR PLAN at PORCH

SCALE: 1/4" = 1'- 0"

PROPOSED PORCH: 150.33 SQ. FEET

Front porch

Subject: Front porch

From: Pamela Ramseyer <psram@sbcglobal.net>

Date: 9/26/2017 7:59 AM

To: kyla.boyse@att.net

Kyla-

I'm writing in support of your plan to add a front porch to your house on Abbott. As one of your neighbors, we believe it would enhance the neighborhood and are all for it! Front porches make for closer-knit communities.

Best,

Pamela

Sent from my iPad

(1806 Abbott Ave)

From: Jeff Kugel

Sent: Tuesday, October 17, 2017 9:52 PM

To: Barrett, Jon <JBarrett@a2gov.org>

Subject: ZBA17-028, 1810 Abbott porch variance

Jon,

I am the property owner at 1802 Abbott. I am in favor of granting the porch variance at 1810 Abbott.

I am guessing that the averaging system might have been implemented to try to keep people from constructing things out of character with the surrounding properties. In this case I think the average may be skewed deeper by 1806 Abbott, which is set farther back than any other house on the street and is of itself out of character with the neighborhood. Regardless, I am in favor of more front porches on this street. Streets with lots of big front porches always feel friendlier to me.

Thanks,

Jeff Kugel

From: Kate Sochacki

Sent: Thursday, October 05, 2017 11:18 AM

To: Barrett, Jon <JBarrett@a2gov.org>; Vander Lugt, Kristen <KVanderLugt@a2gov.org>

Cc: Nick Sochacki

Subject: 1810 Abbott Ave. porch variance - We support it!

Hello - I'm writing to offer my support for my neighbors, Scott Peacor & Kyla Boyse, who are petitioning to have a variance approved for a front porch project.

We own the house directly across the street at 1815 Abbott Ave and our front windows look out towards their house.

I am fully supportive of the variance being approved and of them adding a porch to their house for the following reasons:

- It will improve safety on our block by having more lights on and having people sitting outside in the evenings more regularly
- It will improve aesthetics, make their house more appealing to look at which also helps increase home values on our block. (This is something we desperately need since the Glendale Orchard Project will soon be underway at the end of our block)
- The homes in our neighborhood with front porches tend to turn into informal gathering spaces when we are in our yards or out for a walk. Since Scott and Kyla are some of the most social on our block, I see their porch as becoming that as well. A place where neighbors can gather to say hello, discuss their day and build community within the neighborhood.

Overall, I think this would be a great addition to their house and the neighborhood and fully support the city issuing them a variance so this project can proceed.

Thank you,

Kate & Nick Sochacki
Homeowners @ 1815 Abbott Ave

From: Heidi Stabb
Sent: Saturday, October 07, 2017 8:37 PM
To: Barrett, Jon <JBarrett@a2gov.org>
Cc: Vander Lugt, Kristen <KVanderLugt@a2gov.org>
Subject: Support for porch variance at 1810 Abbott Avenue

Dear Mr. Barrett and Ms. Vander Lugt,

We are emailing to show our support for the porch variance requested by our neighbors Scott Peacor and Kyla Boyse at 1810 Abbott Ave.

My husband Eric and I live across the street at 1809 Abbott and view the Peacor / Boyse home from our living room windows. We've seen the architectural plans and think the porch will be a lovely addition to their home and enhance the charm of our street.

Scott and Kyla are wonderful people and so hospitable to all the neighbors this end of Abbott Ave. They've hosted 2 backyard barbecues for the neighbors and have really made an effort to connect the next generation of families living in the neighborhood, especially those with new babies and young children.

We are so appreciative of their kindness and hope the city grants them this variance to complete their project.

Thank you so much for your consideration.

Eric and Heidi Stabb
1809 Abbott Avenue
Ann Arbor
(734) 904-9241
(310) 889-8438

From: Andrea Stevenson

Sent: Monday, October 09, 2017 1:28 PM

To: Barrett, Jon <JBarrett@a2gov.org>; Vander Lugt, Kristen <KVanderLugt@a2gov.org>

Subject: 1810 Abbott Ave porch addition

Hello,

I am writing in support of the proposed porch addition at 1810 Abbott Avenue. I live next door at 1812. I am very pleased with the architect's renderings and think it will add a much more welcoming and finished look to the house. I am not concerned with it obstructing any views and think it will be an improvement. If you have any questions please let me know.

Thank you,
Andrea Stevenson
1812 Abbott Avenue

Subject:1810 Abbott- porch build

Date:Tue, 26 Sep 2017 20:57:28 -0400

From:Andrea P.

To:planning@a2gov.org

CC:Kyla Boyse

I understand my neighbors Scott Peacor and Kyla Boyse wish to build a front porch on their home, which is directly adjacent to ours (1808 Abbott).

My wife and I support our neighbors' plan to build their front porch and believe that it would be an improvement to our neighborhood by enhancing property values and building a greater sense of community.

Thank you for your consideration.

Andrea Pertosa & Nicole Zacharda
1808 Abbott Ave.
Ann Arbor