

**Zoning Board of Appeals
March 27, 2019 Regular Meeting**

STAFF REPORT

Subject: ZBA19-005; 1016 Daniel Street

Summary:

Daniel Adams, property owner, is requesting a variance from Chapter 55 Unified Development Code (UDC) Table 5:17-1 Single-Family Residential Zoning District Dimensions. The petitioners are seeking to construct a 411 square foot addition that will connect the existing detached garage to the residence. The connection will result in a 14 foot three inch variance from the required rear yard setback. The property is zoned R2A Two-Family, but the R1D Single-Family setbacks apply as the use of the property is single family.

Background:

The subject property is located at the corner of Daniel Street and Brookridge Road across from Hunt Park. The home was built in 1952 and is approximately 1,170 square feet in size.

Description:

The new construction will consist of an additional garage parking space, a mudroom, a small eating area and an extension of the existing kitchen. These new living areas will be built within the allowable setbacks. The connection of the two structures places the garage in a nonconforming status with the rear setback.

Standards for Approval- Variance

The Zoning Board of Appeals has all the power granted by State law and by Section 5.29.12, 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 existing detached garage was built in the allowable setback area of the rear yard, but the proposed construction requires a variance. If the garage was constructed adjacent to the home, a variance would not be required for the connection of the two structures.

- (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.***

The petitioners state that great care and detail were taken into account during the design phase of the project which took place prior to the City's adoption of the Unified Development Code (UDC) in July 2018. There will be no financial gain with the granting of the variance only added enjoyment of the property.

- (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 petitioners state that the variance will have no visual impact on surrounding properties or adverse impact on our neighbors. The portion of the garage that is located in the rear setback area is not visible to nearby homes. The rear property line abuts a wooded area and is further shielded by a privacy fence.

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

The current conditions of the property are not self-imposed as the existing garage was constructed by the previous property owners.

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

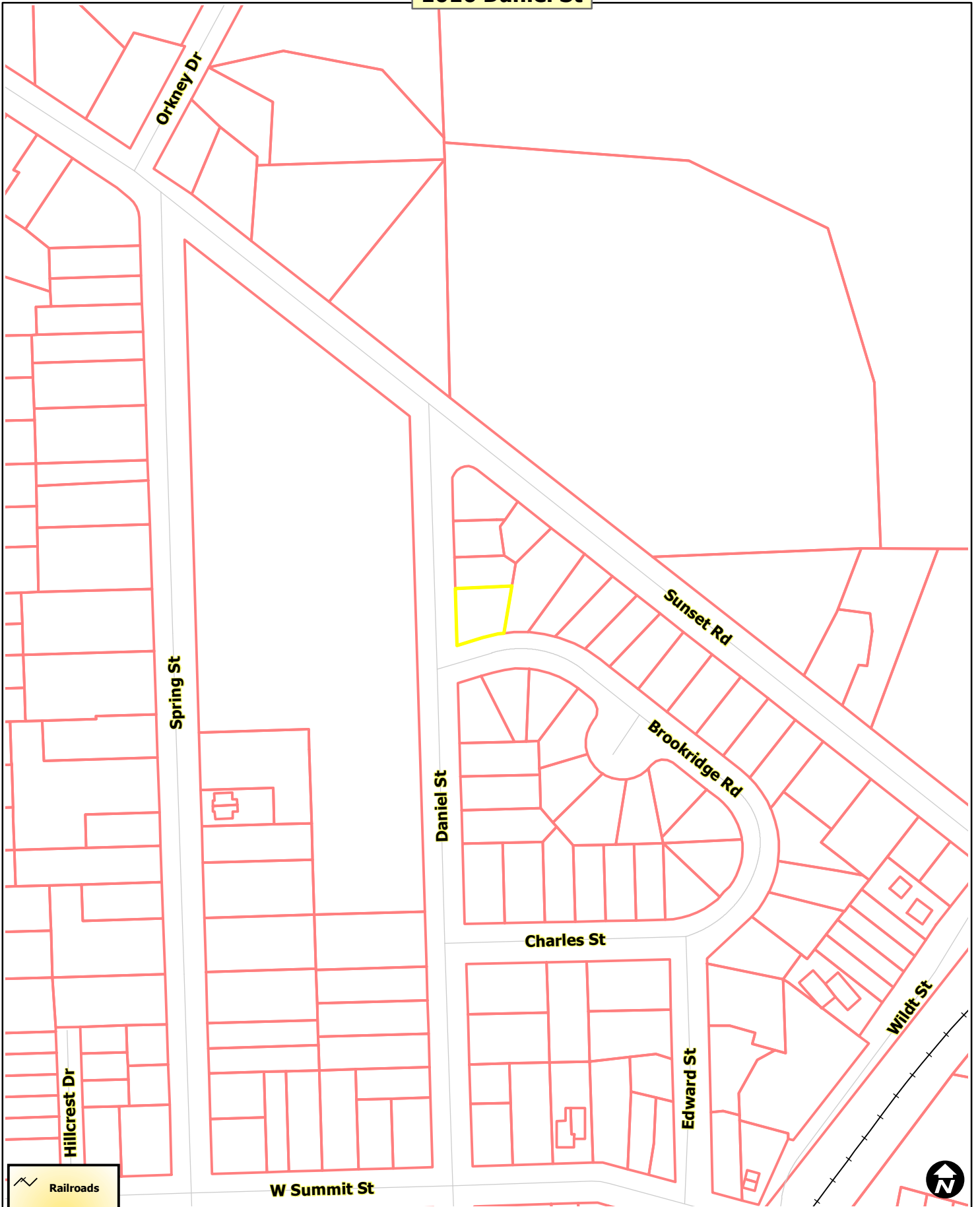
The variance requested is minimum amount that will accommodate a connection between the two structures which could have been approved prior to the adoption of the UDC.




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

1016 Daniel St

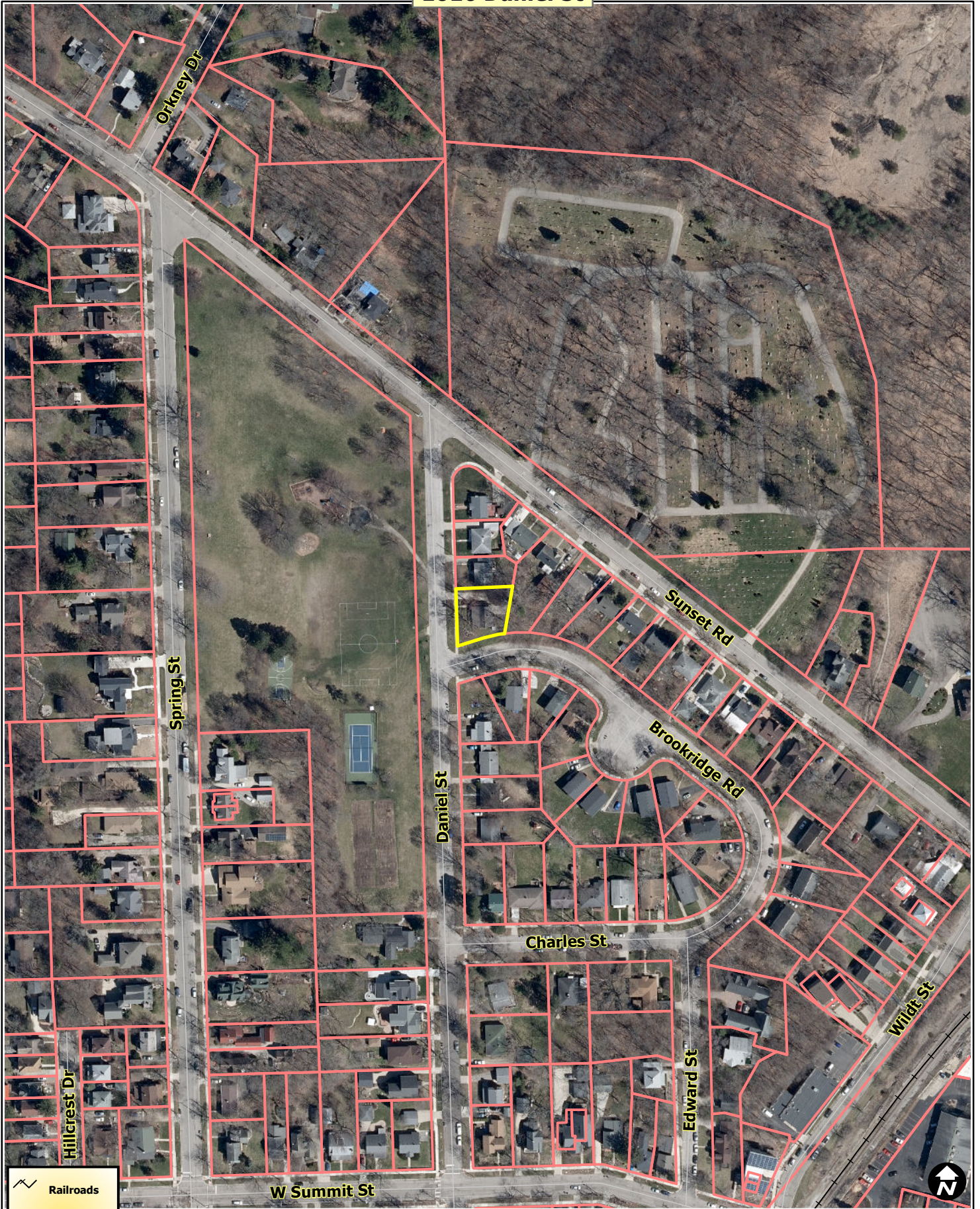





 Railroads
 Huron River
 Tax Parcels



Map date: 3/5/2019
Any aerial imagery is circa 2018
unless otherwise noted
Terms of use: www.a2gov.org/terms

1016 Daniel St

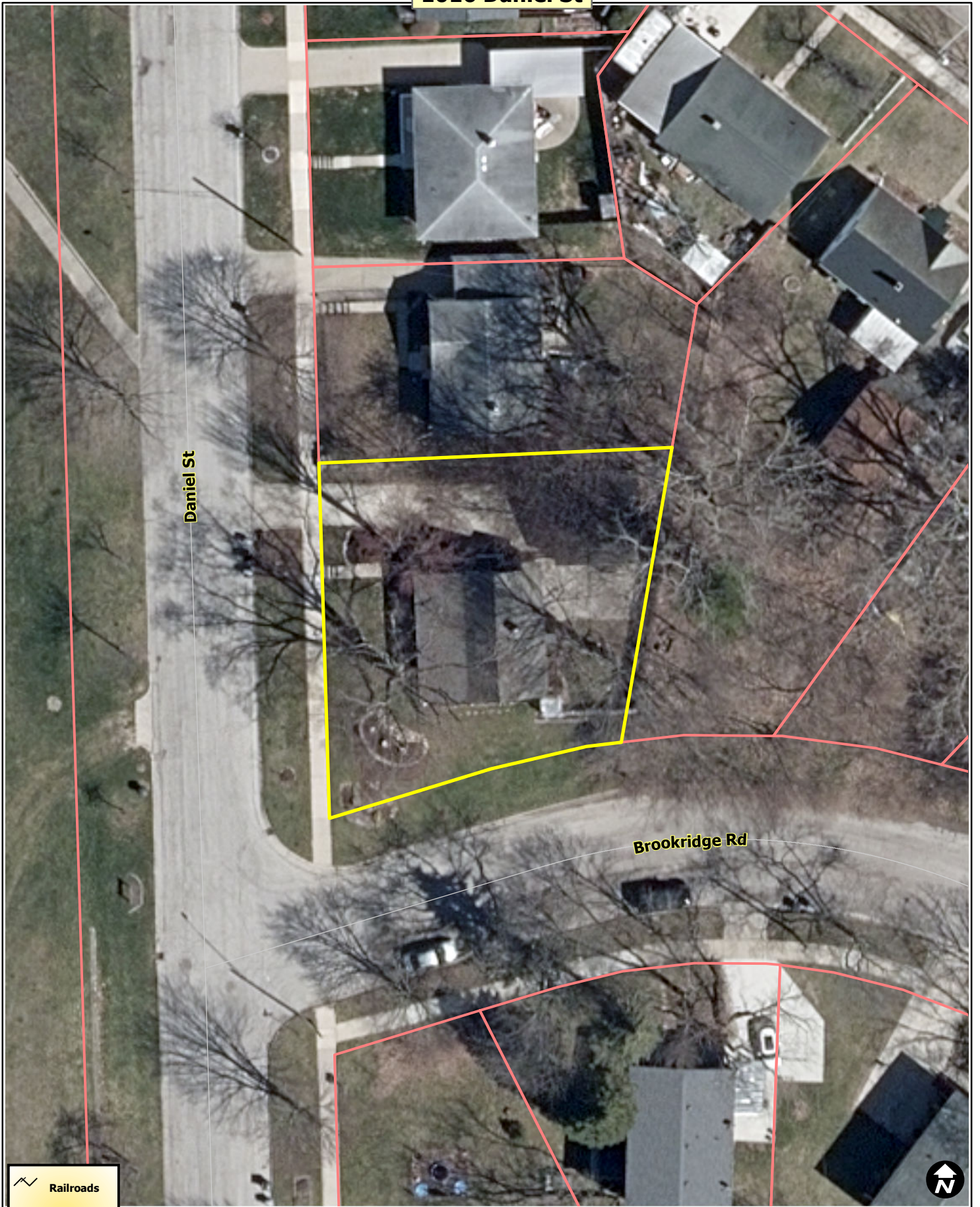


-  Railroads
-  Huron River
-  Tax Parcels




Map date: 3/5/2019
Any aerial imagery is circa 2018
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1016 Daniel St




Daniel St

Brookridge Rd

 Railroads

 Huron River

 Tax Parcels



Map date: 3/5/2019
Any aerial imagery is circa 2018
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ZONING BOARD OF APPEALS APPLICATION

City of Ann Arbor Planning Services

City Hall: 301 E Huron Street Ann Arbor, MI 48107-8647

Phone: 734-794-6265 Fax: 734-794-8460 Email: planning@a2gov.org

PROPERTY INFORMATION

ADDRESS OF PROPERTY

1016 Daniel St., Ann Arbor, MI

ZIP CODE

48103

ZONING CLASSIFICATION

R2A

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

Daniel and Melissa Adams

PARCEL NUMBER

09-09-20-405-001

OWNER EMAIL ADDRESS

danielnicholasadams@gmail.com

APPLICANT INFORMATION

NAME

Daniel Adams

ADDRESS

1016 Daniel St.

CITY

Ann Arbor

STATE

MI

ZIP CODE

48103

EMAIL

danielnicholasadams@gmail.com

PHONE

734-657-9761

APPLICANT'S RELATIONSHIP TO PROPERTY

Owner

REQUEST INFORMATION

VARIANCE REQUEST

Complete Section 1 of this application

REQUEST TO ALTER A NONCONFORMING STRUCTURE

Complete Section 2 of this application

REQUIRED MATERIALS

One hard copy application complete with all required attachments must be submitted. Digital copies of supportive materials included in the submitted hard copy will only be accepted in PDF format by email or accompanying the hard copy application on a USB flash drive.

Required Attachments:

- Boundary 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.

OFFICE USE ONLY

Fee Paid:

ZBA:

DATE STAMP

ACKNOWLEDGEMENT

All information and materials submitted with this application are true and correct.

Permission is granted to City of Ann Arbor Planning Services and members of the Zoning Board of Appeals to access the subject property for the purpose of reviewing the variance request.

Property Owner Signature :

Date:

2/26/19

Section 1 City of Ann Arbor Planning Services – Zoning Board of Appeals Application

VARIANCE REQUEST

ARTICLE(S) AND SECTION(S) FROM WHICH A VARIANCE IS REQUESTED: *(Example: Article 3, Section 5.26)*

REQUIRED DIMENSION: *(Example: 40' front setback)*
Feet: Inches:

PROPOSED DIMENSION: *(Example: 32 foot 8 inch front setback)*
Feet: Inches:

DESCRIPTION OF PROPOSED WORK AND REASON FOR VARIANCE:

The City of Ann Arbor Zoning Board of Appeals has the powers granted by State law and City Code Chapter 55, Section 5:29. 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 statements are found to be true. Please provide a complete response to each of the statements below.

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 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.

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

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

EXHIBIT A

I. Description of Proposed Work

We are planning to construct a small addition to our home at 1016 Daniel St. The addition will be built in buildable area that is currently a section of driveway in front of the existing garage. The addition will add approximately 146 square feet to the home and 249 square feet to the garage. While we plan to attach the addition to the garage, no changes are being made to the garage's footprint in the setback area, and we are not converting any portion of the garage into livable space.

II. Reason for Variance

We began designing this project with Meadowlark Builders in February 2018, prior to the City's July 2018 adoption of the Unified Development Code ("UDC"). Under the prior City code, the attachment of the new addition to the existing garage would not have required a variance. The City's adoption of the UDC changed the definition of "Accessory Building" to state that an attached Accessory Building "shall be considered part of the Principal Building for setback purposes."

The property is zoned R2A Two-Family. Because the dwelling is a Single-Family Dwelling, the R1D Single Family district setbacks apply. The R1D district requires a 20-foot rear setback. Because our existing detached garage sits within the 20-foot rear setback, we now require a variance to complete the project.

III. Analysis

- A. 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 garage was constructed by the prior owners of the home in the property's rear setback area, as permitted by City Code. The garage could have been built immediately next to the house, in the property's buildable area, and had it been built in this location, we would not require a variance to attach the addition to the garage.

- B. 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.**

During the design process, we took great care to design the addition so that it would be compatible with the neighborhood's character and the property's setbacks. We have spent, to date, over \$10,000 dollars designing the project, and a significant portion of the total was spent prior to the City's July 2018 adoption of the UDC and in reliance on the previous City zoning ordinances. We will need to abandon all or a material portion of this work product if the variance is denied.

- C. **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 variance will have no visual impact on surrounding properties or adverse impact on our neighbors. All new structures will be located in the property's buildable area. The project will neither expand the existing garage's footprint in the property's rear setback, nor change the garage's function—an unfinished, unconditioned Accessory Building. Whether our variance is granted or denied, the existing garage will remain in the property's rear setback area.

The portion of the garage that is located in the setback area, moreover, is not visible to any nearby homes. The rear property line abuts a densely forested wooded area and is further shielded from view by a tall wooden privacy fence. The owner of 1022 Daniel St., the only home with a line of sight to the kitchen addition (to be located in the property's buildable area), has reviewed the plans and supports the project. As completed, the finished home will be fully consistent with the character of the neighborhood.

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

The existing garage was constructed by the home's prior owners.

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

The proposed variance is the minimum amount that will accommodate the attachment of the addition to the current garage, which was constructed by the home's prior owners and which could have been attached to the home without a variance when we retained Meadowlark to begin the design process.

**DAN & LISA ADAMS
ADDITION & KITCHEN REMODEL
1016 DANIEL STREET
ANN ARBOR, MI 48103**



PROPOSED DESIGN -- RENDERING

PRINT DATE	2/26/19
PROJ. STATUS	ZBA
PROJ. #	ADAM18009
ZBA.1	

COVER SHEET

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

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

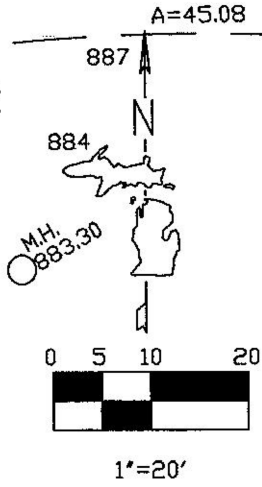
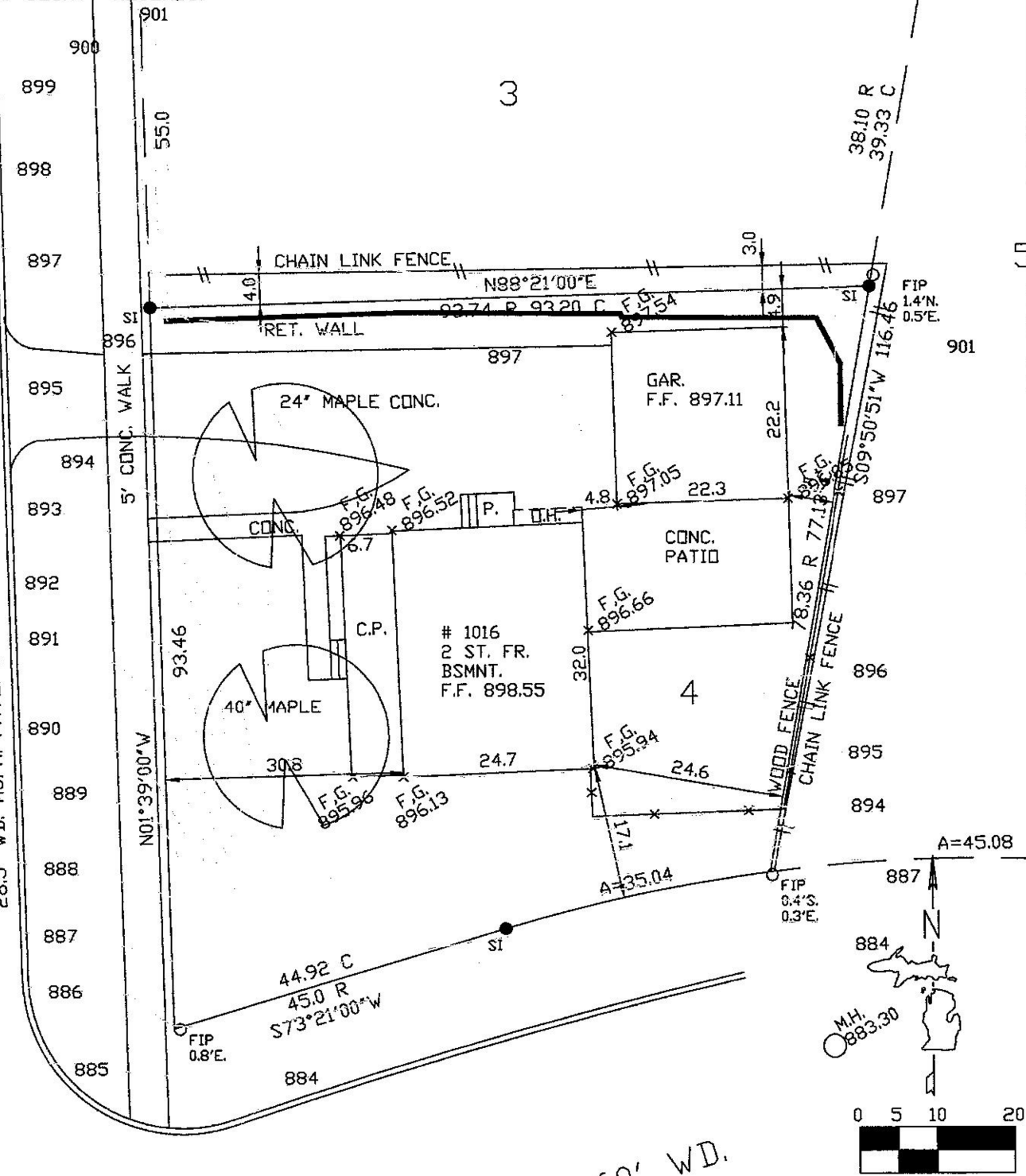
PLOT PLAN

LOT 4 "BROOKRIDGE HEIGHTS" PART OF THE SOUTH 1/2 OF SECTION 20, T.2S., R.6E., CITY OF ANN ARBOR, ANN ARBOR TOWNSHIP, WASHTENAW COUNTY, MICHIGAN, AS RECORDED IN LIBER OF PLATS, PAGE, WASHTENAW COUNTY RECORDS.

M.H. 900.17

DANIEL ST. 66' WD.
28.5' WD. ASPH. PAVE. C. & G.

BROOKRIDGE RD. 60' WD.
33.5' WD. ASPH. PAVE. C. & G.



NOTE: SITE IS SERVED BY MUNICIPAL WATER AND SANITARY SEWER.

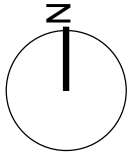
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2/26/19

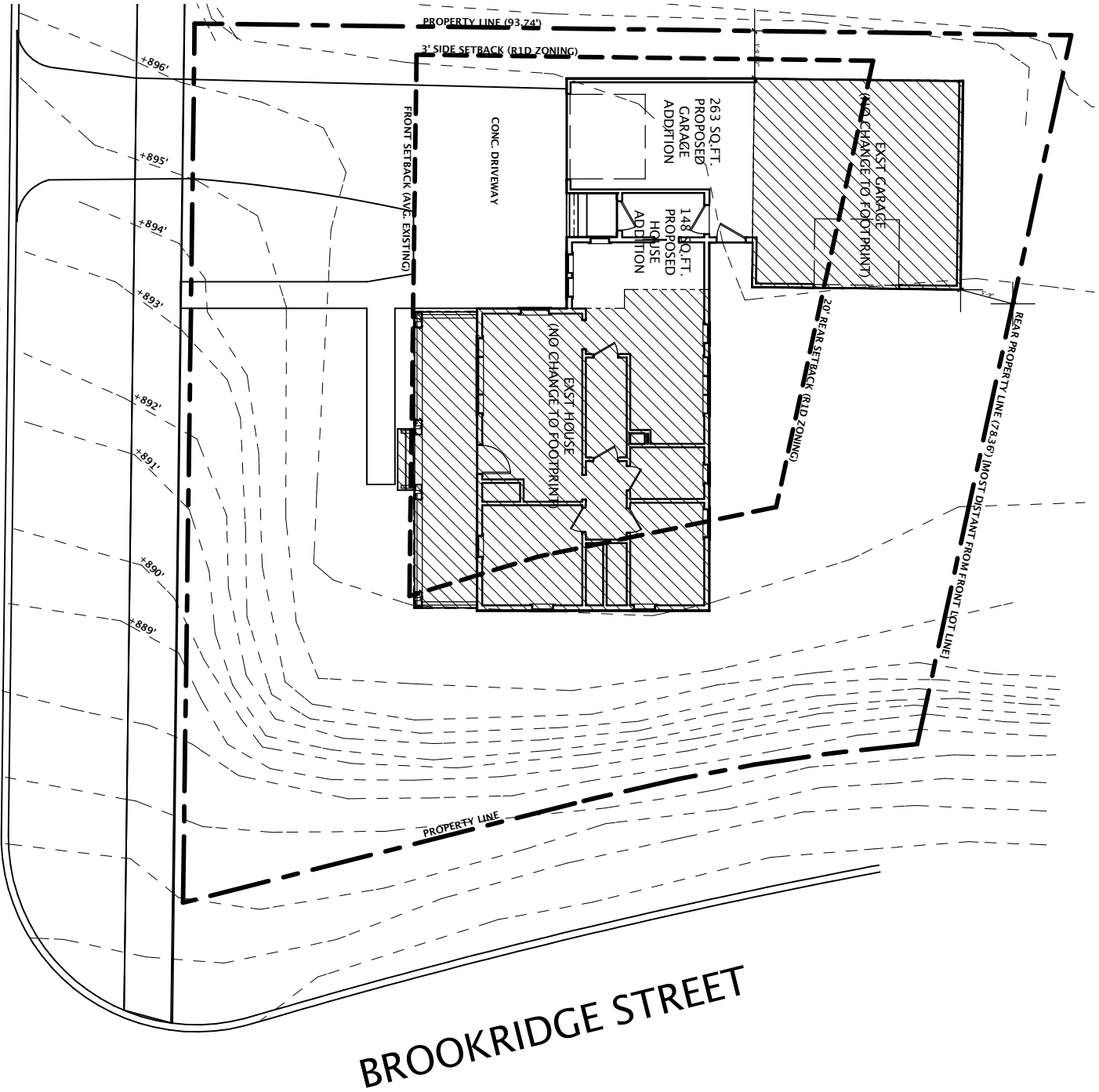
SURVEY - EXISTING

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ANN ARBOR, MI 48103

MEADOWLARK
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Ann Arbor, MI 48103
(734) 332-1500



DANIEL STREET



ZBA.3

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2/26/19
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PROJ. #:
ADMN18009

GRADING PLAN

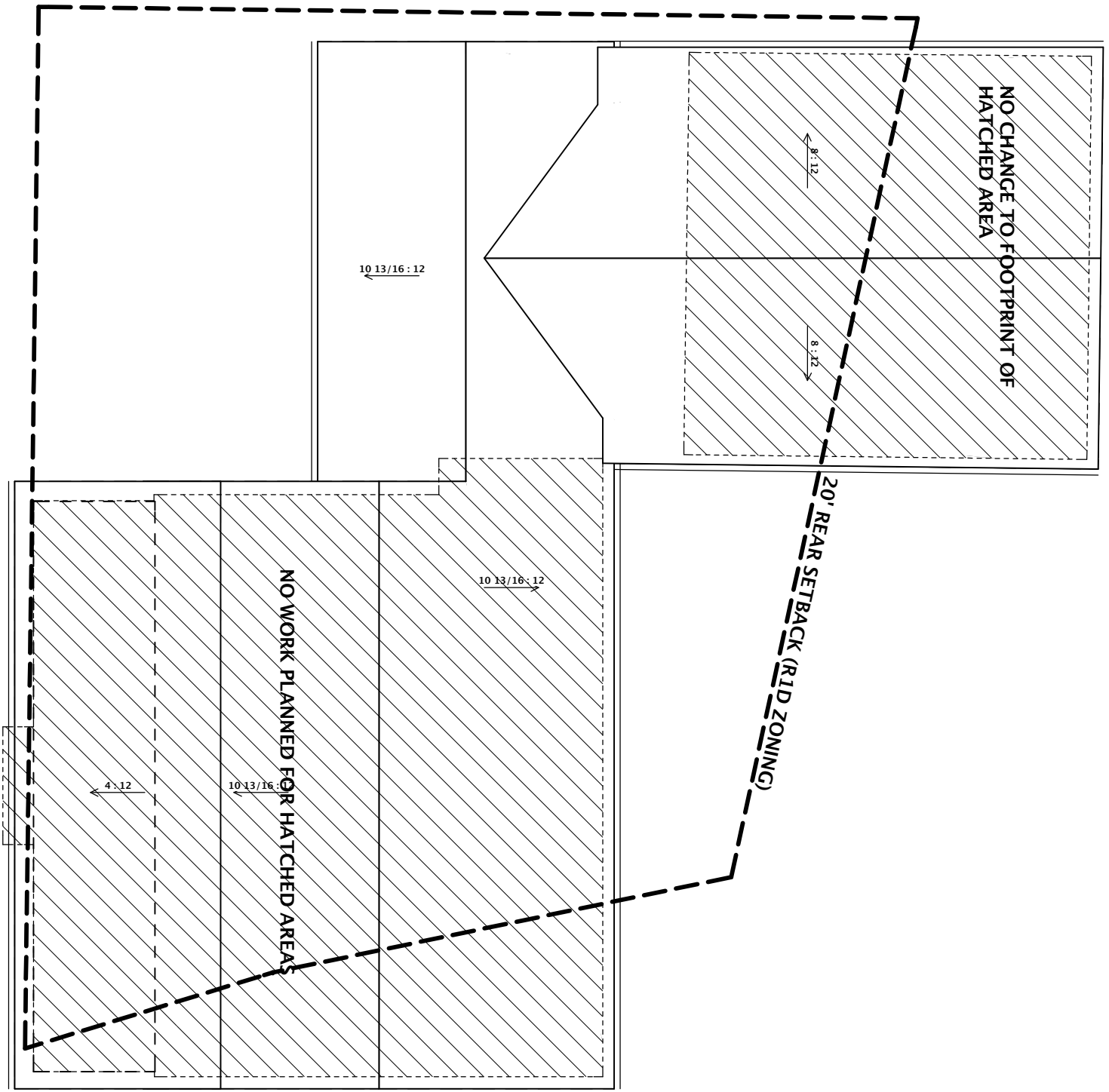
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MEADOWLARK



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3' SIDE SETBACK (R1D ZONING)



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2/28/19

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ZBA

PROJ. #
ADM18009

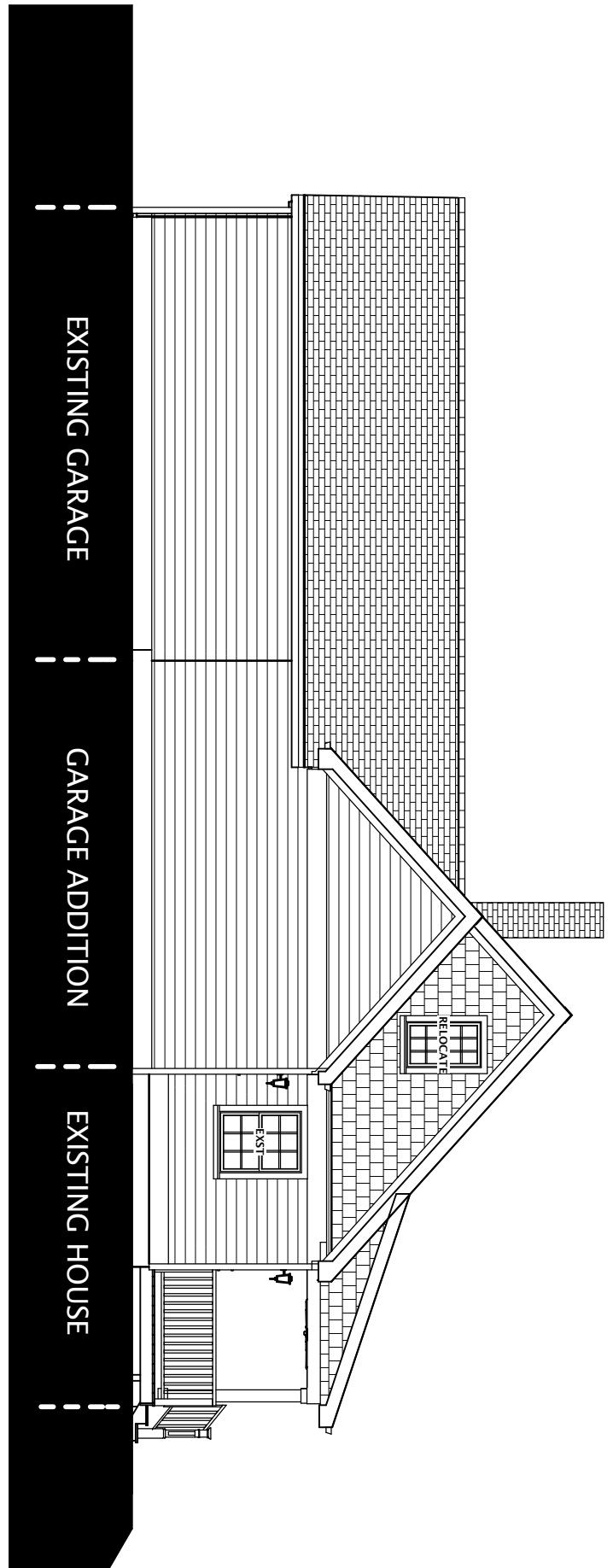
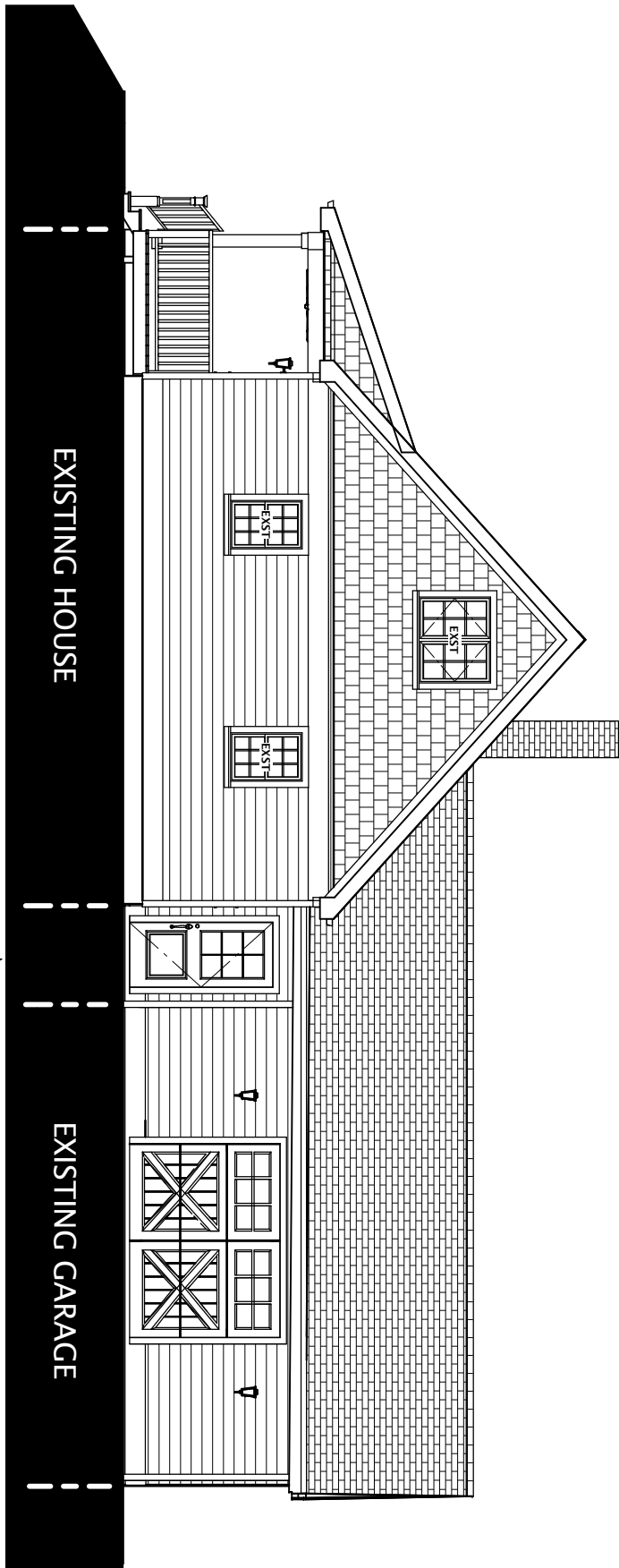
PROPOSED ROOF PLAN

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

MEADOWLARK



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EXTERIOR ELEVATIONS N/S

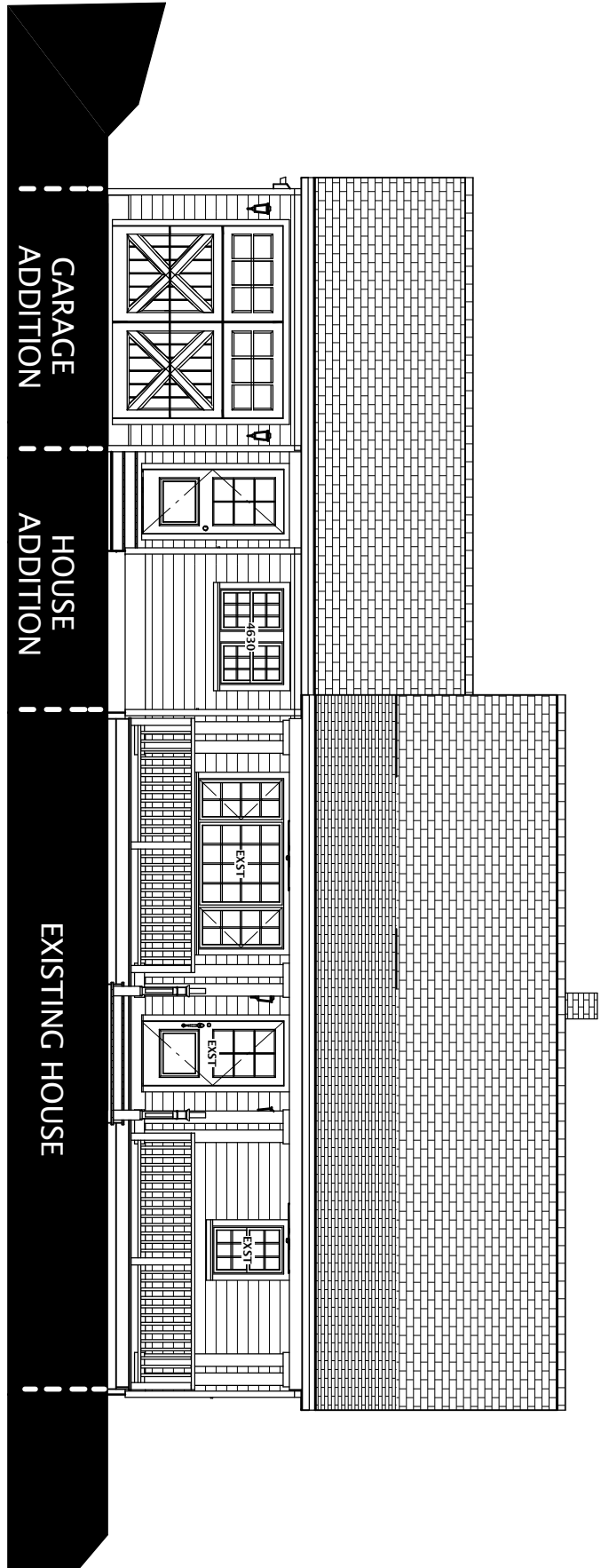
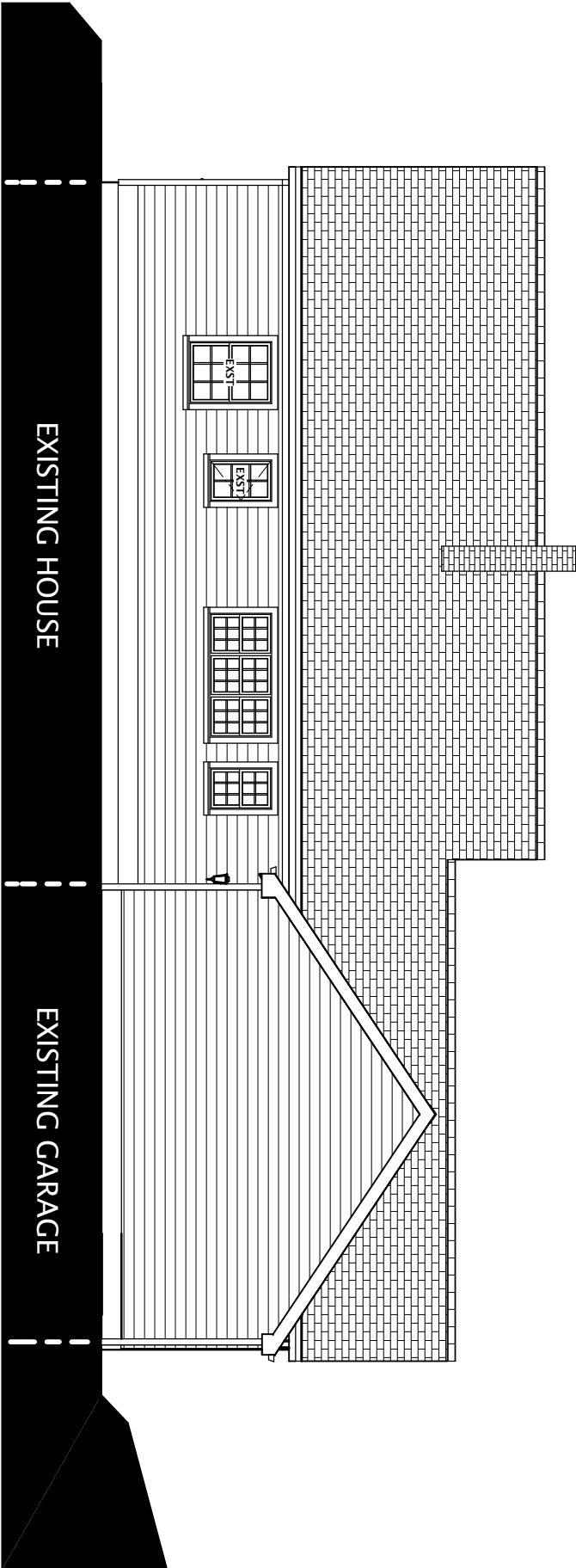
DAN & LISA ADAMS
 1016 DANIEL STREET
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 ADAMI18009
ZBA.7



PRINT DATE
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**EXTERIOR
 ELEVATIONS E/W**

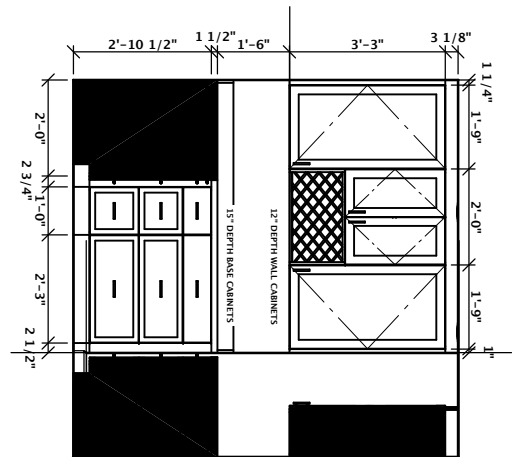
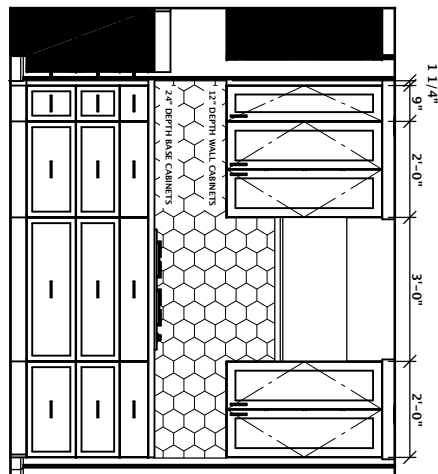
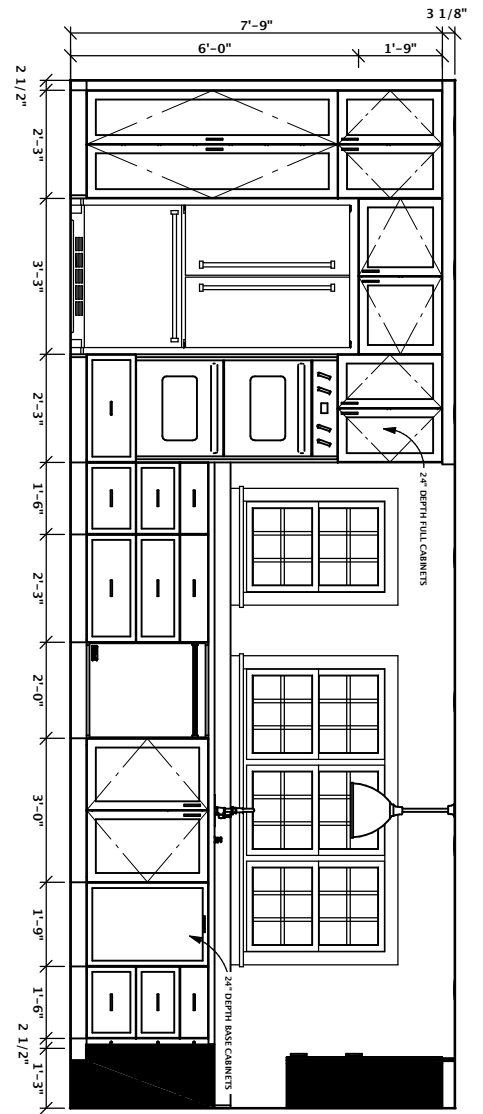
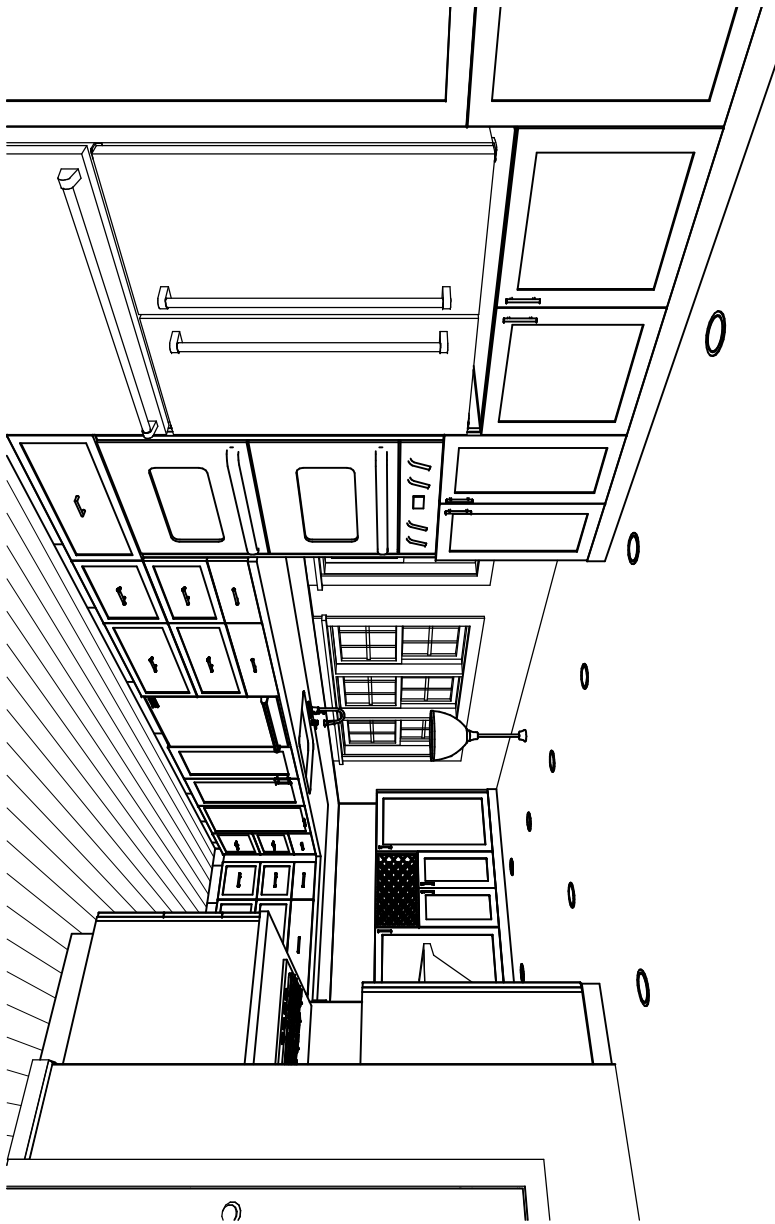
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ZBA.8



ZBA.9

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PROJ. #
ADM18009

ENLARGED PLANS
& INT. ELEVATIONS

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

MEADOWLARK



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