

**Zoning Board of Appeals
January 27, 2021 Regular Meeting**

STAFF REPORT

Subject: ZBA 20-030; 2003 Norfolk Avenue

Summary:

Marc Yesowitz, property owner, is requesting a two-foot variance from Section 5.16.6 Accessory Uses and Structures in order to construct a detached carport in the required five-foot side yard. The proposed carport will be 10' wide and 54 feet 8 inches in length with a 110 (11'x10') square foot attached unfinished storage room. The property is zoned R1C, Single-Family Residential.

Background:

The subject property is located on the southeast corner of Suffolk Avenue and Norfolk Avenue in the Dicken neighborhood. The home was built in 1959 and is approximately 1,753 square feet in size.

Description:

The new detached carport is designed to be large enough to accommodate two vehicles and a storage area. The carport has been designed to maintain a one-inch separation between the two structures. The previous carport has been demolished as it was the cause of drainage issues for the residence.

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 UDC. 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 applicant contends that due to the property being located on a corner lot the front setbacks on the north and west sides of the parcel have created a 15 foot side yard thereby reducing the size of a garage or carport on the driveway side of the lot.

- (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 applicant states the variance is needed to help accommodate the desired door width of 10 feet. If the variance is denied the width of the door opening will be reduced to less than eight feet. A width of less than eight feet is unsuitable as a standard garage door measurement is eight feet.

- (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 variance request will not have any negative impacts to adjacent or surrounding properties. The new carport will be an improvement from an aesthetics and structural stand point. The carport will be buffered from view to the south by the existing trees and shrubs.

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

The applicant states the conditions were existing and were not self-created but rather a situation that was inherited with the purchase of the property. The significant slope of the property to the south was not self-imposed but rather an external condition that the variance will help to alleviate the drainage concerns.

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

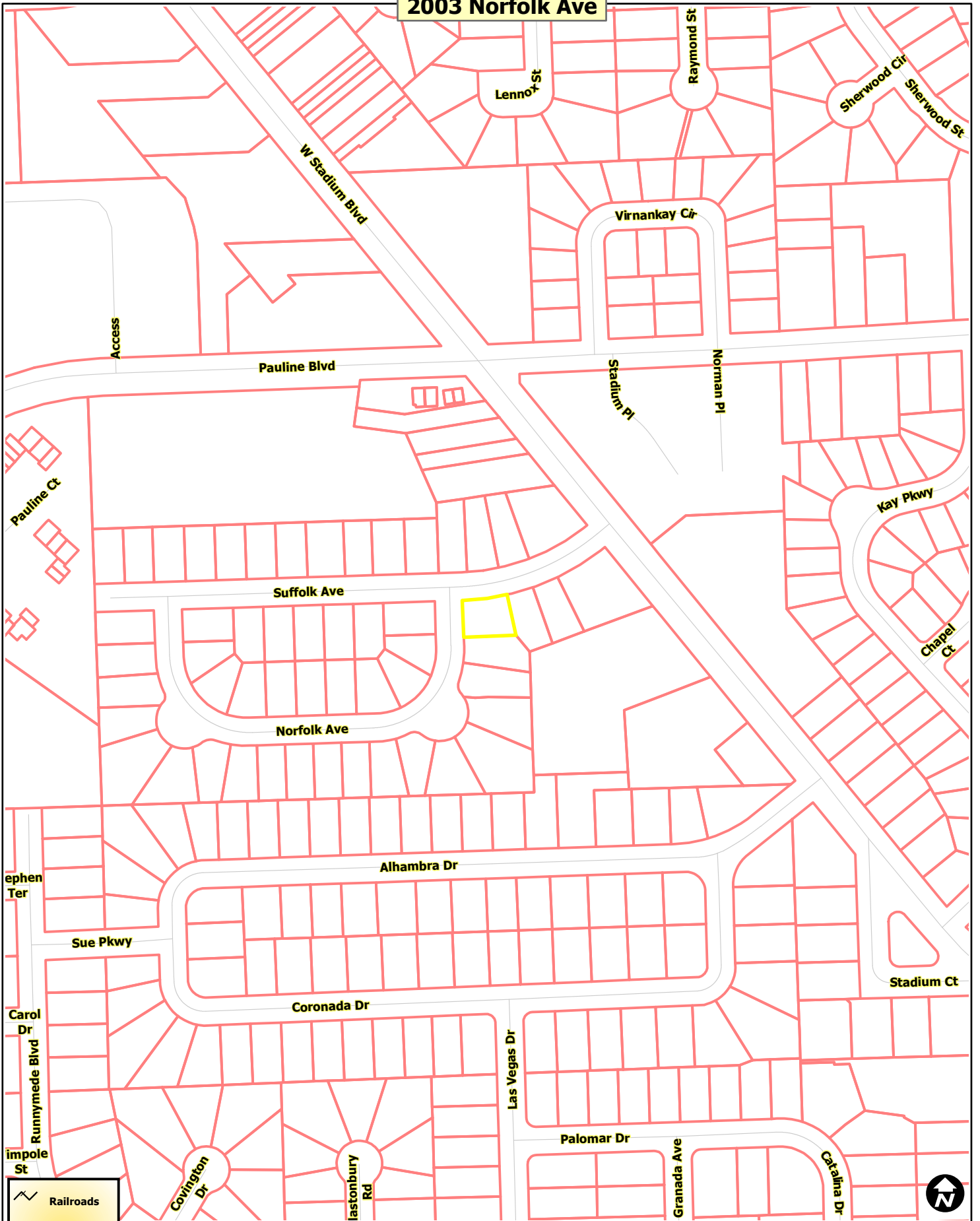
The petitioner states the request is the minimal amount in order to allow for a functional carport to be constructed.




Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Jon Barrett". The signature is stylized with a large, circular initial "J" and a long, sweeping underline.

**Jon Barrett-
Zoning Coordinator**

2003 Norfolk Ave



-  Railroads
-  Huron River
-  Tax Parcels



Map date: 1/4/2021
 Any aerial imagery is circa 2020
 unless otherwise noted
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2003 Norfolk Ave






Map date: 1/4/2021
Any aerial imagery is circa 2020 unless otherwise noted
Terms of use: www.a2gov.org/terms

2003 Norfolk Ave

Suffolk Ave

11k Ave

 Railroads
 Huron River
 Tax Parcels



Map date: 1/4/2021
Any aerial imagery is circa 2020 unless otherwise noted
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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		ZIP CODE	
ZONING CLASSIFICATION	NAME OF PROPERTY OWNER *If different than applicant, a letter of authorization from the property owner must be provided		
PARCEL NUMBER	OWNER EMAIL ADDRESS		

APPLICANT INFORMATION

NAME			
ADDRESS	CITY	STATE	ZIP CODE
EMAIL	PHONE		
APPLICANT'S RELATIONSHIP TO PROPERTY			

REQUEST INFORMATION

<input type="checkbox"/> VARIANCE REQUEST Complete Section 1 of this application	<input type="checkbox"/> REQUEST TO ALTER A NONCONFORMING STRUCTURE Complete Section 2 of this application
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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

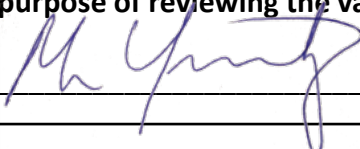
Fee Paid: ZBA:

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: _____

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 practical difficulties are exceptional and peculiar to the property of the Person requesting the variance, and result from conditions that do not exist generally throughout the City.

The alleged practical difficulties that 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 practical difficulties 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 practical difficulty.

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

VARIANCE REQUEST

ARTICLE(S) AND SECTION(S) FROM WHICH A VARIANCE IS REQUESTED:

(Example: Article 3, Section 5.26)

- Article III (Use Regulations), Section 5.16.6 (Accessory Uses and Structures) Paragraph A.2.c.

Detached Accessory Buildings may occupy the Side Setback Area provided that such Buildings are set back farther from the street than any part of the Principal Building on the same Lot and any part of the Principal Building on any Lot abutting said required Side Setback Area. Accessory Buildings shall not be located closer than three feet to any Lot Line.

- Article III (Use Regulations), Table 5.17-1 (Single Family Residential Zoning District Dimensions), Required Setback, Minimum on one side

REQUIRED DIMENSION: (Example: 40' front setback)

Feet: 5 Feet Inches: 0 side setback

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

Feet: 3 Feet Inches: 0 side setback

DESCRIPTION OF PROPOSED WORK AND REASON FOR VARIANCE:

We propose to build a detached carport on the southern side of the property adjacent to the house. We are requesting to reduce the side setback from 5 feet to 3 feet. If the side setback is maintained at 5 feet, the carport opening will be restricted to 8 feet wide, however, with a 3 feet setback the carport width can be designed at 10 feet.

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 practical difficulties are exceptional and peculiar to the property of the Person requesting the variance, and result from conditions that do not exist generally throughout the City.

The practical difficulties that will result from a failure to grant the variance are unique to this property for the following reasons:

- 1) The property is on a corner lot and the front setbacks on the North and West side of the property allow for only 15' between the South side of the existing house and the southern property line.
- 2) The grading of the property to the South (2007 Norfolk Avenue, Lot 35) is significantly sloped toward the property requesting the variance (2003 Norfolk Avenue, Lot 36). Allowing the variance for the carport will significantly improve drainage and alleviate concerns regarding groundwater incursion.
- 3) The property is very close to a major thoroughfare (West Stadium Boulevard). Allowing the variance will provide safety and security for both the property requesting the variance and the property to its south (2007 Norfolk Avenue).

The alleged practical difficulties that 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 practical difficulties that will result from a failure to grant the variance include the following significant impacts:

- 1) If the carport is built without the variance granted, the width of the carport between the footings and the stem wall along the southern property line would be 7' 11 ³/₄". This is unsuitable as a standard garage door width is 8'. This would significantly reduce or prohibit typical use of the carport.
- 2) The property requesting the variance would be subjected to a high risk of future drainage and water incursion issues.
- 3) The property requesting the variance and the property to its south would be exposed to a higher level of risk of a safety or security issue due to their proximity to West Stadium Boulevard.

Allowing the variance will result in substantial justice being done, considering the public benefits intended to be secured by this chapter, the practical difficulties 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.

This variance request will not have any negative impacts to adjacent or surrounding properties. Aesthetically, the new carport will be a significant improvement over the previously existing carport. The carport will be mostly buffered from view from the property to the south by existing trees and shrubbery.

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

The original carport and driveway conditions were previously existing for many years. This is not a self-created condition but rather one that was inherited with the purchase of the property. The grading of the neighbor's property and the proximity of the property to a major thoroughfare are not self-imposed, but rather are external conditions that this variance will help to address.

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

This variance request is modest and is the minimal amount needed in order to allow for a functional carport to be constructed.

Supporting documentation:

Additional statement:

A carport was previously existing in this location when the property was purchased in August 2020. There was an urgent need to remove the carport and replace the driveway due to an apparent drainage and groundwater incursion issue. There appeared to be significant issues with groundwater incursion in the basement, caused by the age and design of the carport and driveway, and the unique topography directing water toward the property requesting the variance.

The previously existing carport was a nonconforming structure that did not meet the current code requirement of a 5-foot side setback. A decision was made to remove the exiting carport and replace the driveway in order to mitigate any possible future issues.



Figure 1 – Showing the proximity of the subject property to West Stadium Boulevard



Figure 2 – Previously existing carport and shed

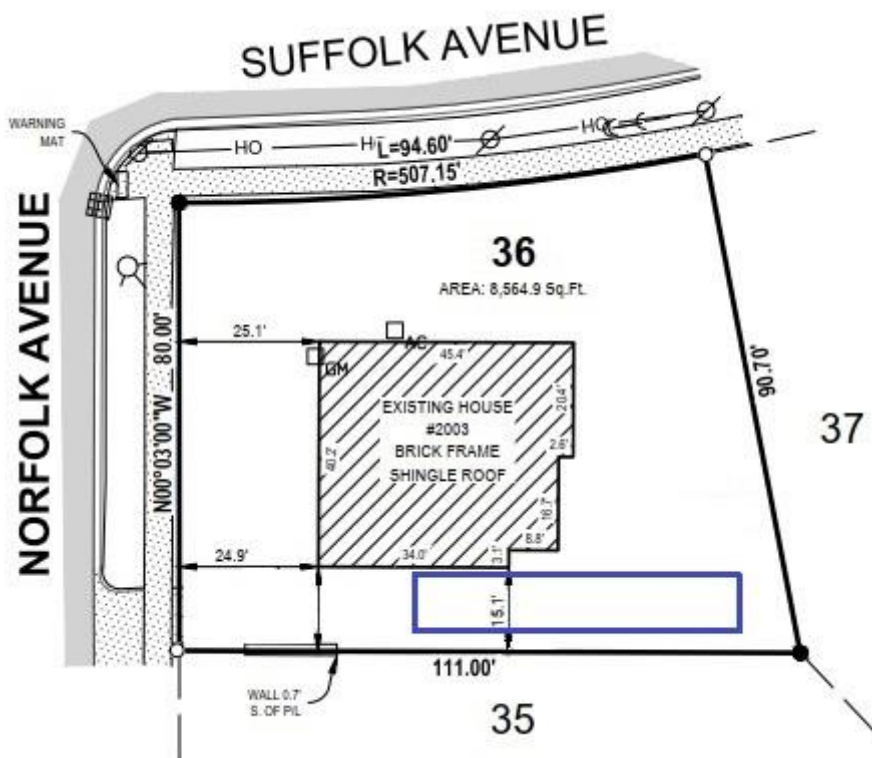
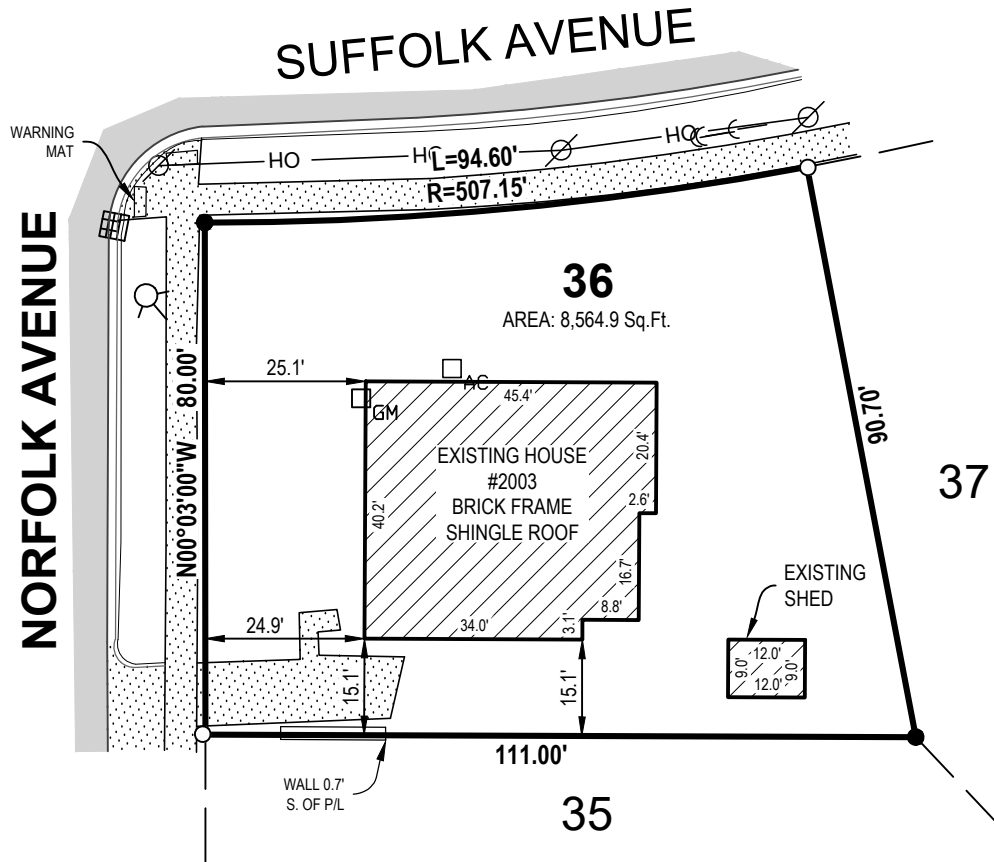


Figure 3 – Proposed footprint of new carport



LEGEND

- Iron - Set
- Iron - Found
- AC Air Conditioner
- GM Gas Meter
- ▣ Catch Basin Square
- ⊕ Hydrant
- ⊗ Utility Pole
- Guy Wire
- OH Overhead Utility
- Asphalt
- ▨ Concrete
- ▩ Existing Building

DESCRIPTION

The following property is located in the City of Ann Arbor, Washtenaw County, Michigan:

Lot 36, Douglas Woods, as recorded in Liber 13 of Plats, Pages 28 and 29, Washtenaw County Records.

(Warranty Deed as recorded in Liber 5266, Page 874, Washtenaw County Records.)



By: *Brandon G. Parent*
Brandon G. Parent Licensed Professional Surveyor No. 63096

SCALE: 1" = 30' 0' 15' 30'



Risa Yesowitz
2003 Norfolk Avenue
Ann Arbor, MI 48103

2003 Norfolk Avenue



Ann Arbor
3037 Miller Rd.
Ann Arbor, MI 48103
Chicago, Columbus, Grand Rapids,
Holland, Indianapolis, St. Louis

DRAWN BY: RP
REV. BY:
REV.:

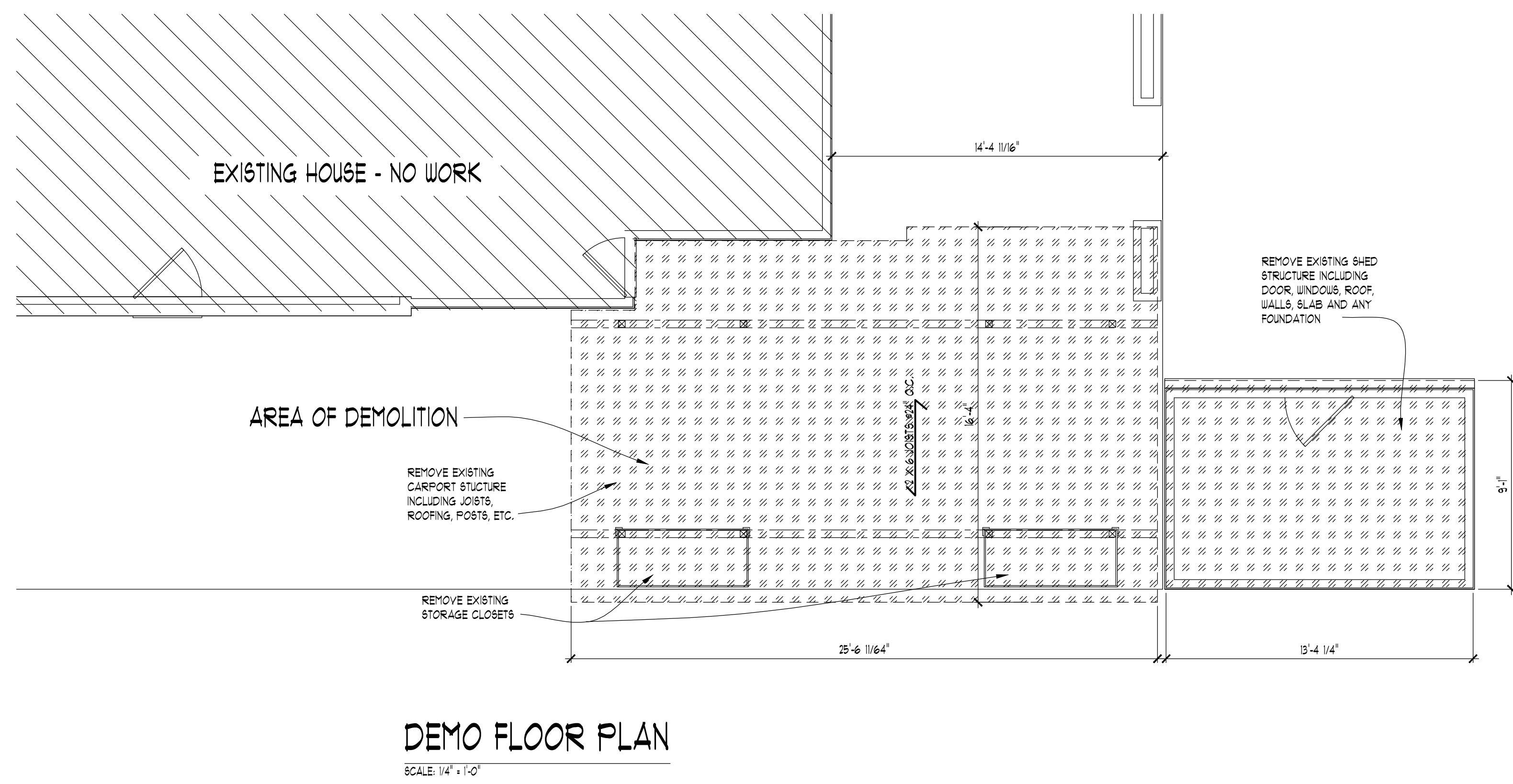
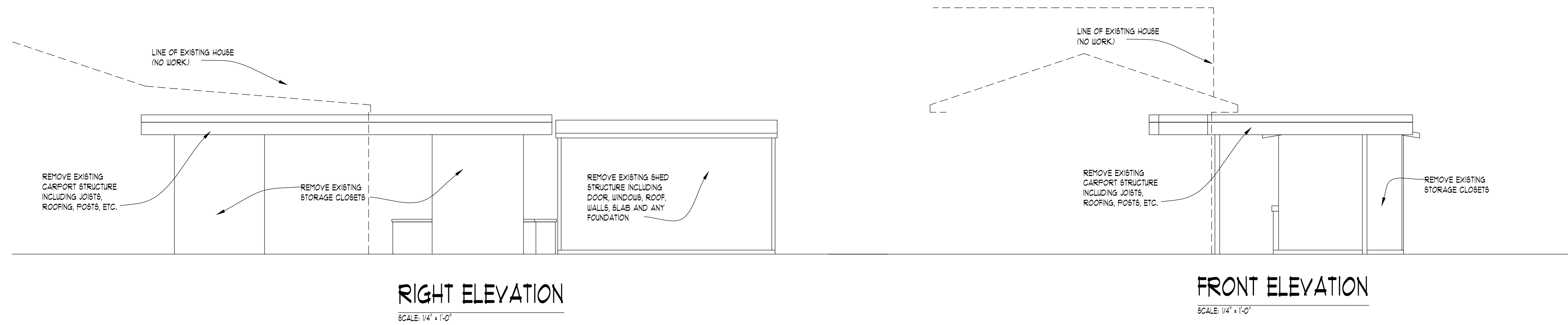
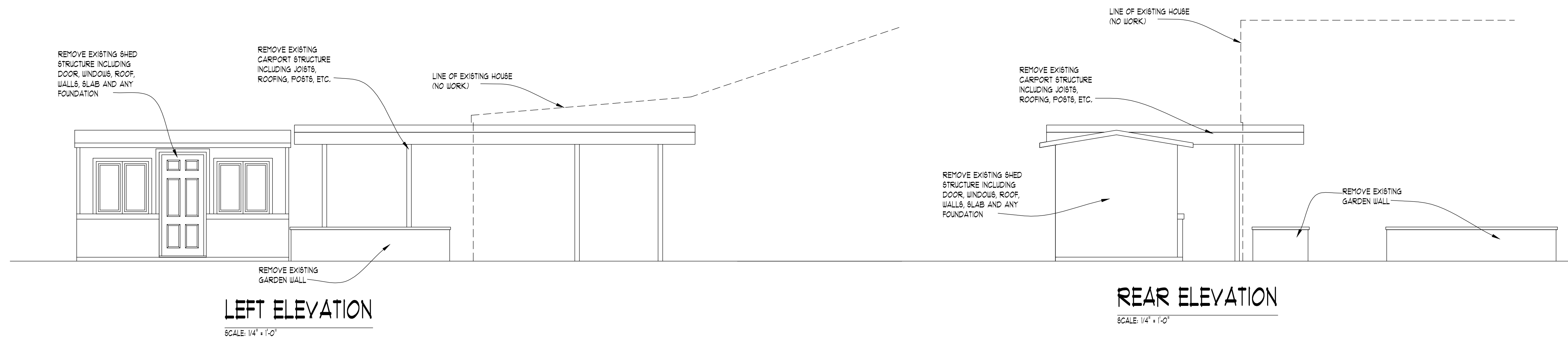
DATE: 09.04.20
REV. DATE:

PRJ #: 20500150

1 OF 1

We hereby certify that we have examined the premises herein described, that the improvements are located entirely thereon as shown and that they do not encroach except as shown hereon.

This survey was made from the legal description shown above. The description should be compared with the Abstract of Title or Title Policy for accuracy, easements and exceptions.



General Notes

No.	Revision/Issue	Date

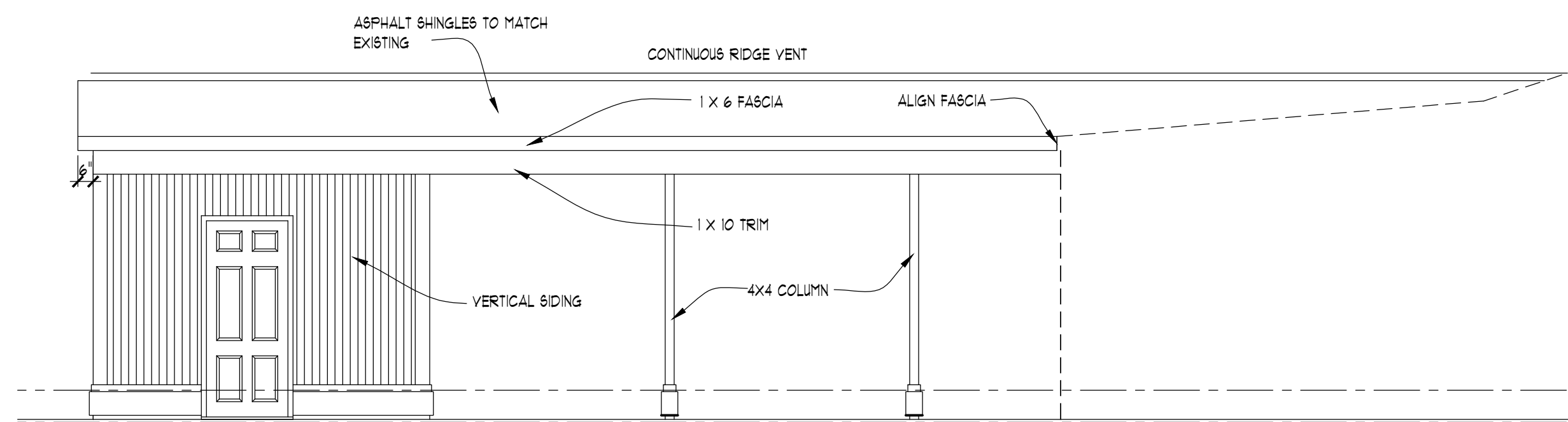
Firm Name and Address

WILLIAM BARBOUR
315 DEXTER ST.
MILAN, MI. 48160

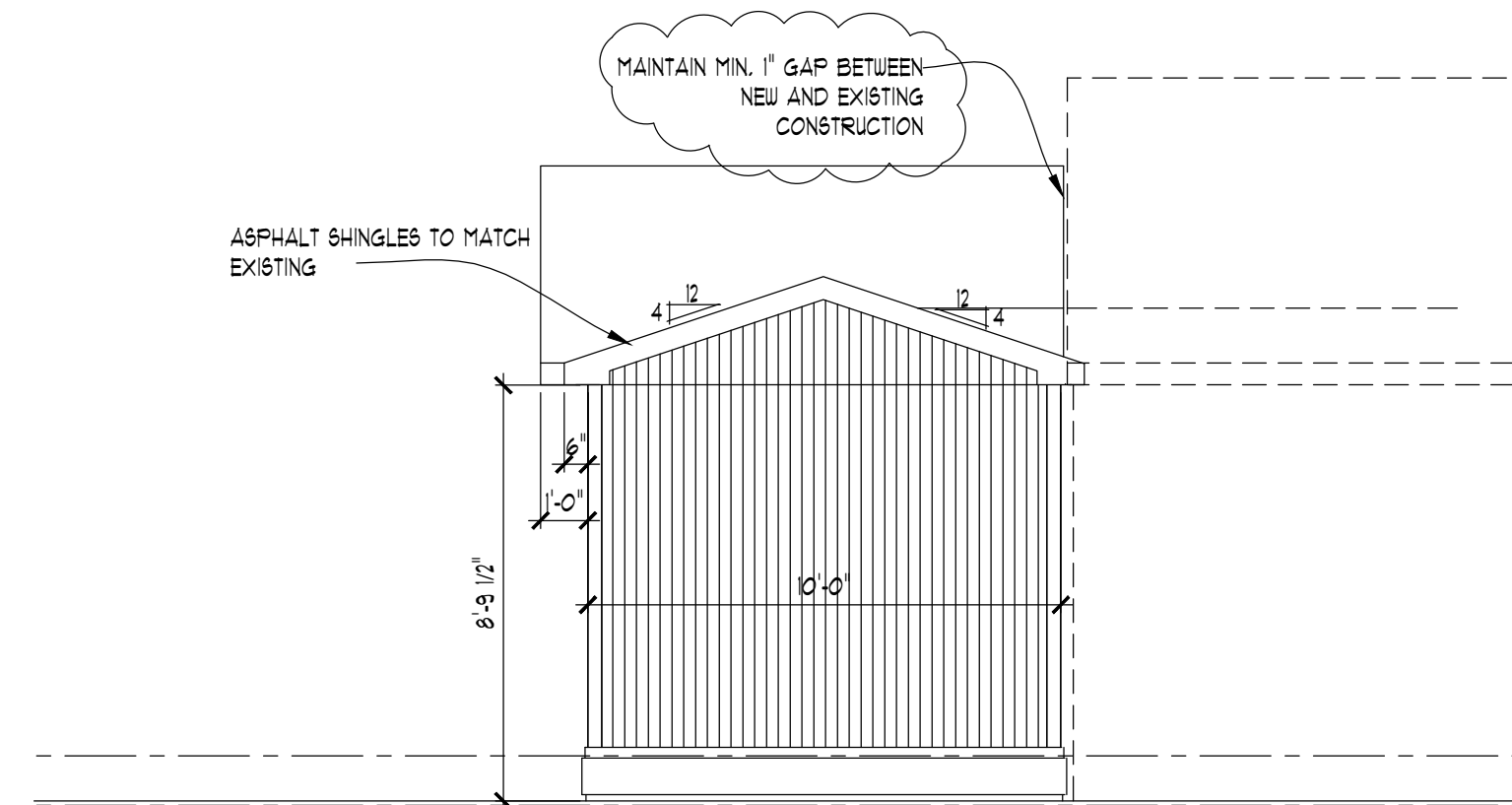
Project Name and Address

YESOWITZ
2003 NORFOLK
ANN ARBOR, MI 48103

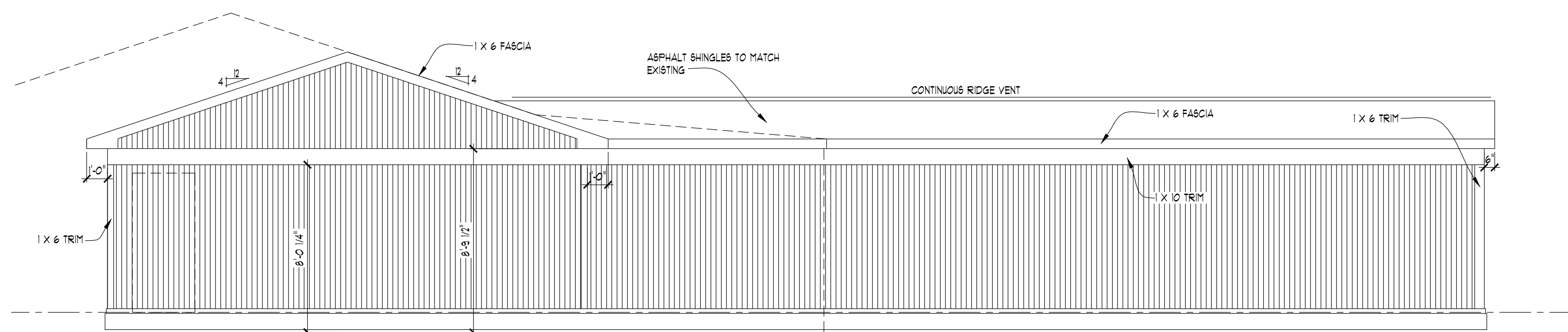
Project	CARPORT	Sheet	A1
Date	11/13/2020	Scale	
Scale	As Noted		



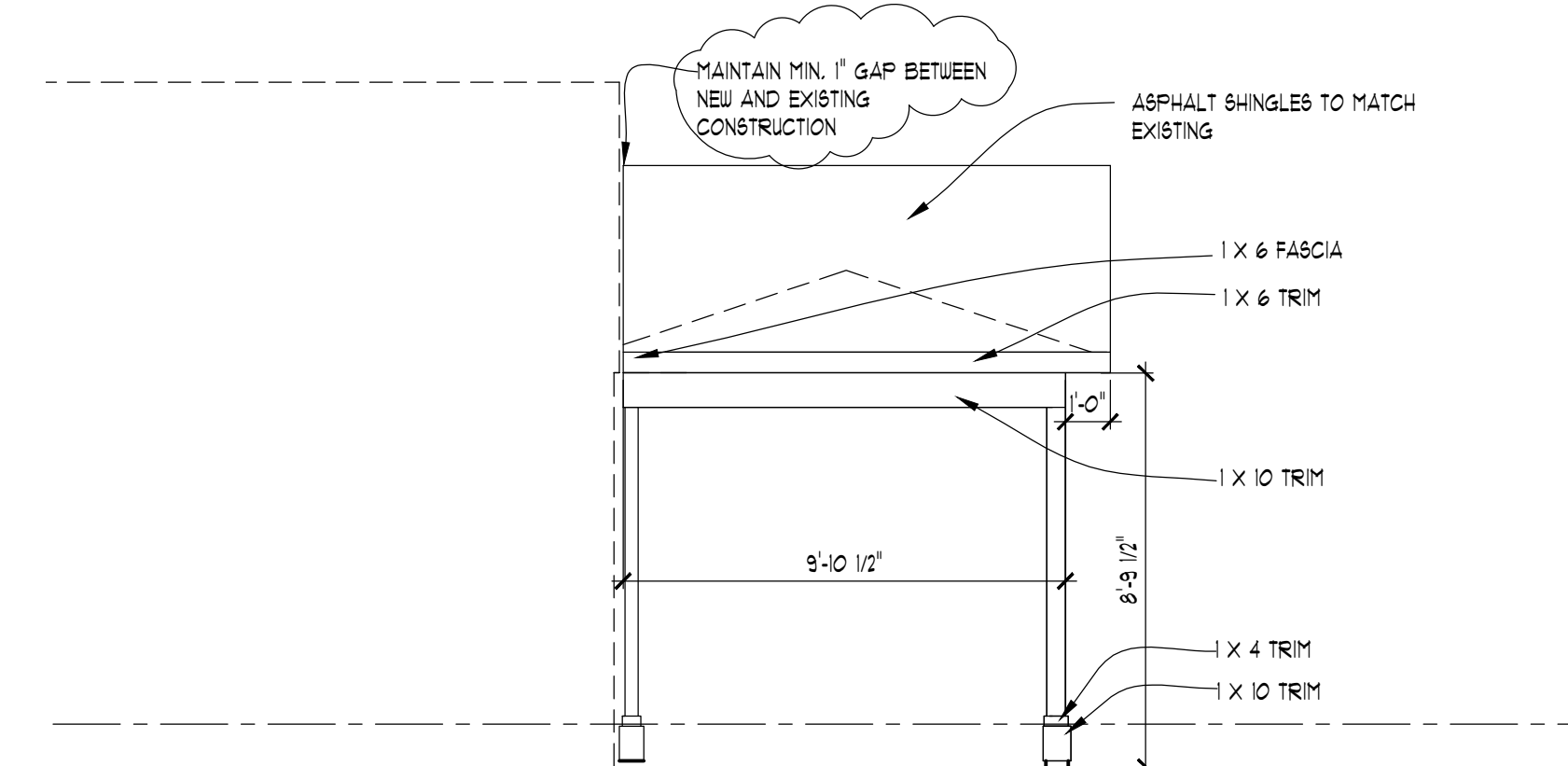
LEFT ELEVATION
SCALE: 1/4" = 1'-0"



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



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



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

ELEVATION NOTES

1. ALL ROOF SADDLES TO BE PLYWOOD SHEATHED WITH ICE & WATER SHIELD AND SHINGLES.
2. PROVIDE ICE & WATER SHIELD MIN. 6'-0" COVERAGE AT ALL VALLEYS
3. FIREPLACE FLUE TO BE DETERMINED PER MANUFACTURER'S SPECIFICATION
4. METAL FLASHING AS REQUIRED BY CODE.
5. ROOF & SOFFIT VENTS AS REQUIRED BY CODE.
6. PROVIDE GUTTERS & DOWNSPOUTS FOR DRAINAGE OF ROOF WATER. DOWNSPOUTS ARE TO BE LOCATED SO THAT THE DISCHARGE WILL NOT SPILL ON OR FLOW ACROSS ANY PORCHES, WALKS OR DRIVES.
7. CARPENTER TO VERIFY THICKNESS OF MASONRY PRIOR TO BUILDING BRICK RACK

NOTE:
OVERHANG DIMENSIONS (O.H.) ARE FROM SHEATHING U.L.O.

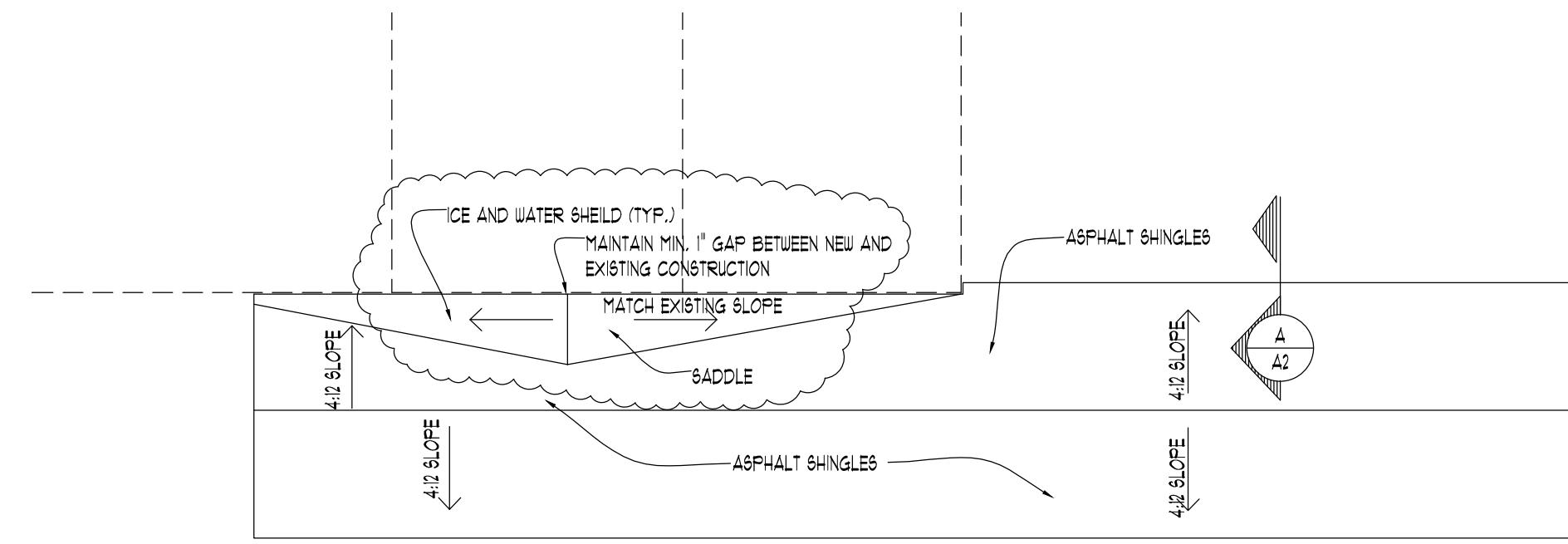
General Notes

No.	Revision/Issue	Date

Firm Name and Address
WILLIAM BARBOUR
315 DEXTER ST.
MILAN, MI. 48160

Project Name and Address
YESOWITZ
2003 NORFOLK
ANN ARBOR, MI 48103

Project CARPORT	Sheet A3
Date 11/13/2020	
Scale As Noted	



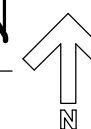
PROPOSED ROOF PLAN

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



SITE PLAN

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



LOT INFO.
 CITY / TOWNSHIP ANN ARBOR RIC
 ZONE
 LOT AREA 8592 SQ.FT.
 BUILDING AREA 2579 SQ.FT.
 LOT COVERAGE 30%

General Notes

No.	Revision/Issue	Date

Firm Name and Address
WILLIAM BARBOUR
 315 DEXTER ST.
 MILAN, MI. 48160

Project Name and Address
 YESOWITZ
 2003 NORFOLK
 ANN ARBOR, MI 48103

Project	CARPORT	Sheet	COVER SHEET
Date	10/25/2020		
Scale	As Noted		