

**Zoning Board of Appeals  
May 27, 2015 Regular Meeting**

**STAFF REPORT**

**Subject: ZBA15-011; 1404 Lutz Avenue**

**Summary:**

Tom and Jean Bartlett are requesting one variance from Chapter 55 (Zoning) Section 5:57 (Averaging an Existing Front Setback Line), of 9 feet to allow for a front setback of 25 feet for expansion of an existing residential structure into the front setback; 34 feet is required (Averaged Front Setback).

**Description and Discussion:**

The subject parcel contains a 980-square foot, single-family dwelling constructed in 1928. The parcel is zoned R1D (Single-Family) and is conforming for lot area; the required minimum lot area for R1D is 5,000 square feet and the parcel is 5,183 square feet. The existing setback measures 26 feet 6 inches to the main house. The parcel is located on a dead end street leading into a drive to the Zion Lutheran Church parking lot. The house was constructed in front of the adjacent houses to the east and west. As a result, the required averaged front setback is 34 feet, which makes the structure non-conforming.

The petitioner is proposing to remove an existing 7 foot 9 inch by 26 foot enclosed front porch and construct a 9 foot 3 inch by 26 foot addition to the front of the house which would encroach a maximum of 9 feet at a corner into the averaged front setback of 34 feet. The new addition will be 1 foot 6 inches closer to the front property line. The front setback after the addition will be 25 feet which is the required setback before the averaging requirement is applied. The new floor area within the front setback will be approximately 35 square feet.

**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 conforming lot in the R1D Zoning District (required is a minimum lot size of 5,000 square feet; parcel is 5,183 square feet). The existing house was built

in 1928 before current zoning setbacks. The house, including the existing covered porch, was built 26 feet 6 inches from the front property line. The R1D required setback is 25 feet; however the averaging of adjacent parcels adjusts the setback to 34 feet. The subject parcel is a 50 feet wide which is non-conforming for lot width, which is 60 feet required.

- (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 an addition to the front of the house. If the variance is not granted, the petitioner could construct a smaller addition to the front. There is limited room to construct an addition to the rear of the house due to the placement of the detached garage.

- (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 in size with a number of houses in the neighborhood. The addition will extend 1 foot 6 inches closer than the existing structure to the front property line and will not be extended any closer to the side property line or adjacent 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 house was built in the 1920's before current zoning standards were established. The house is non-conforming for the averaged front setback requirement established by the construction and location of the adjacent houses.

- (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 an addition in the front yard. At the closest point the addition will be 25 feet from the front property line. The proposal represents an increase of approximately 35 square feet and will be 1 foot 6 inches closer to the front property line than the existing enclosed porch. Due to the layout and position of the house, any addition to the front would require a variance. There is an existing enclosed porch that will be removed and the increase in size and encroachment of the proposed addition is minimal.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read 'M. Kowalski', with a small mark at the end.

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