

**Zoning Board of Appeals  
December 13, 2017 Regular Meeting**

**STAFF REPORT**

**ZBA17-034, 1005 and 1015 Newport Road**

**Summary**

Erik Jensen, representing property owners, is seeking a ten (10) foot variance from Chapter 55 Zoning Section 5:27 (Area, Height and Placement Regulations). The property is zoned R1B Single-Family, which requires a minimum lot width of seventy (70) feet. The variance request will reduce the lot width to sixty (60) feet to enable the subject property to complete a land division.

**Description and Discussion**

The subject parcel currently contains two (2) separate dwelling units. The homes were built in 1930 and 1936.

The request is discussed in detail below:

The petitioner is proposing to divide the 120 foot wide lot into two 60 foot wide lots. All required setbacks for the R1B Zoning District will still apply. The minimum lot width for a lot in the R1B Zoning District is 70 feet. Both proposed lots will meet the minimum lot area required for the R1B District: 10,000 square feet is required and both proposed lots will be 13,110 square feet. The existing lot contains 26,266 square feet in area.

If the variance is granted, the applicant will be required to submit an application, fee and required information to be reviewed by City Staff prior to approval of the Land Division by the City of Ann Arbor. Approval of the requested variance does not indicate approval of the Land Division.

**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 applicant states that the subject property is surrounded by 60 foot wide lots and the proposed variance would be compatible with the surrounding neighborhood. The existing non-conforming condition (two principal dwellings on one lot) is unusual and the owners will bring the property into conformity with the current ordinance.

- (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 applicant desires to make major improvements to the property by demolishing the existing deteriorated structures and replacing with new homes. In order to construct two (2) new homes compliant with the R1B district requirements the existing parcel requires a land division and the variance is needed to enable this action.

- (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.***

Approval of the variance will allow two (2) single family houses to be constructed on 60 foot wide lots. Most of the adjacent lots maintain a 60 foot wide lot width, the addition of two single-family houses in this area is consistent with adjacent land uses and general development pattern.

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

The lot was previously combined (from two platted lots into one) prior to 1965 by a previous owner. The current conditions are not self-imposed or actions conducted by the current owner.

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

The applicant states in order to make reasonable use of the land a minimal variance is necessary. The variance requested of ten (10) feet is only a 14% request. The lots that will be created will be compatible with the adjacent neighbors.

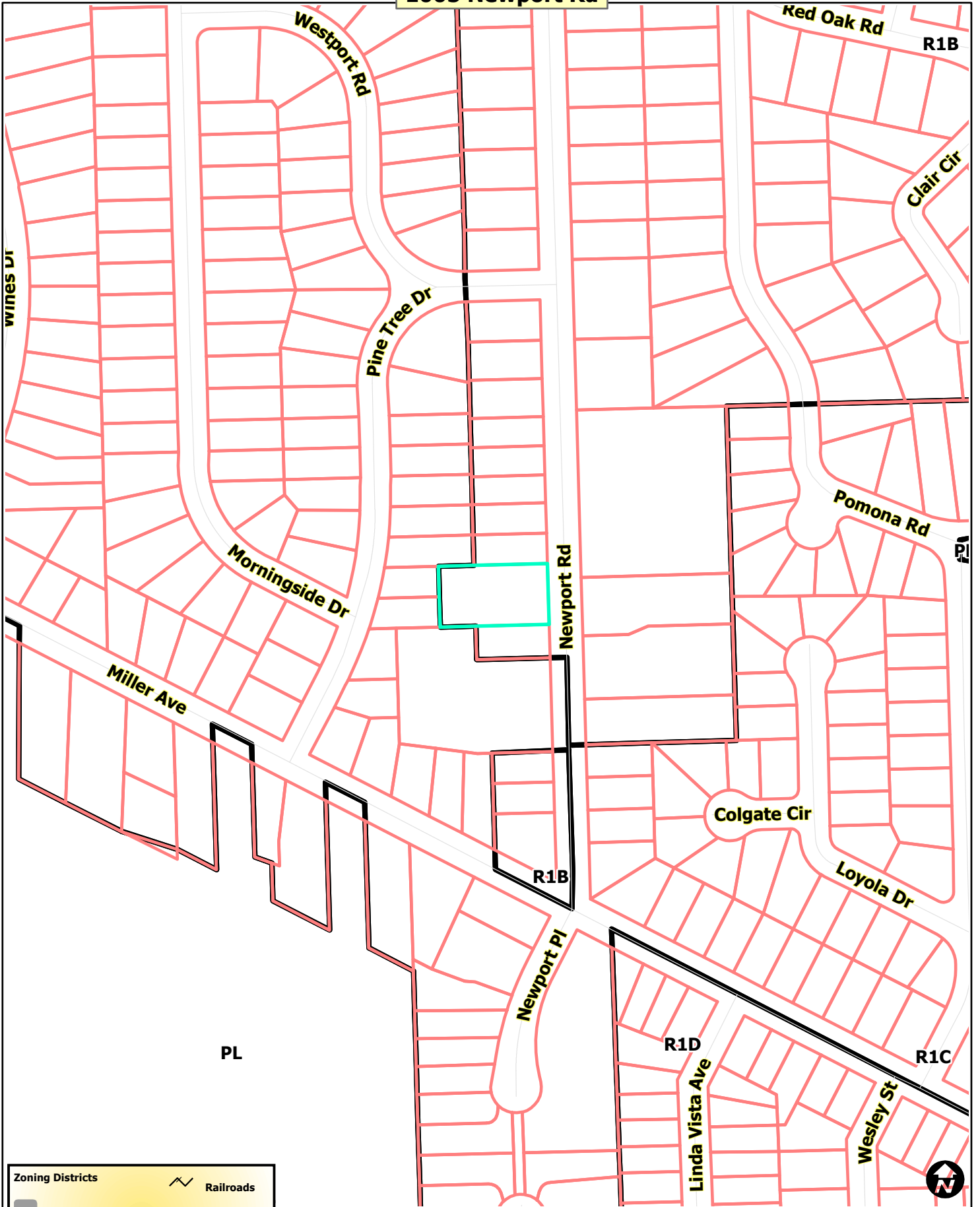
Zoning Board of Appeals  
Variance  
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Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Jon Barrett". The signature is stylized with large, overlapping loops.

**Jon Barrett**  
**Zoning Coordinator**

1005 Newport Rd



<b>Zoning Districts</b>	Railroads
Township Islands	Huron River
City Zoning Districts	Tax Parcels



Map date 11/15/2017  
 Any aerial imagery is circa 2015  
 unless otherwise noted  
 Terms of use: [www.a2gov.org/terms](http://www.a2gov.org/terms)

# 1005 Newport Rd

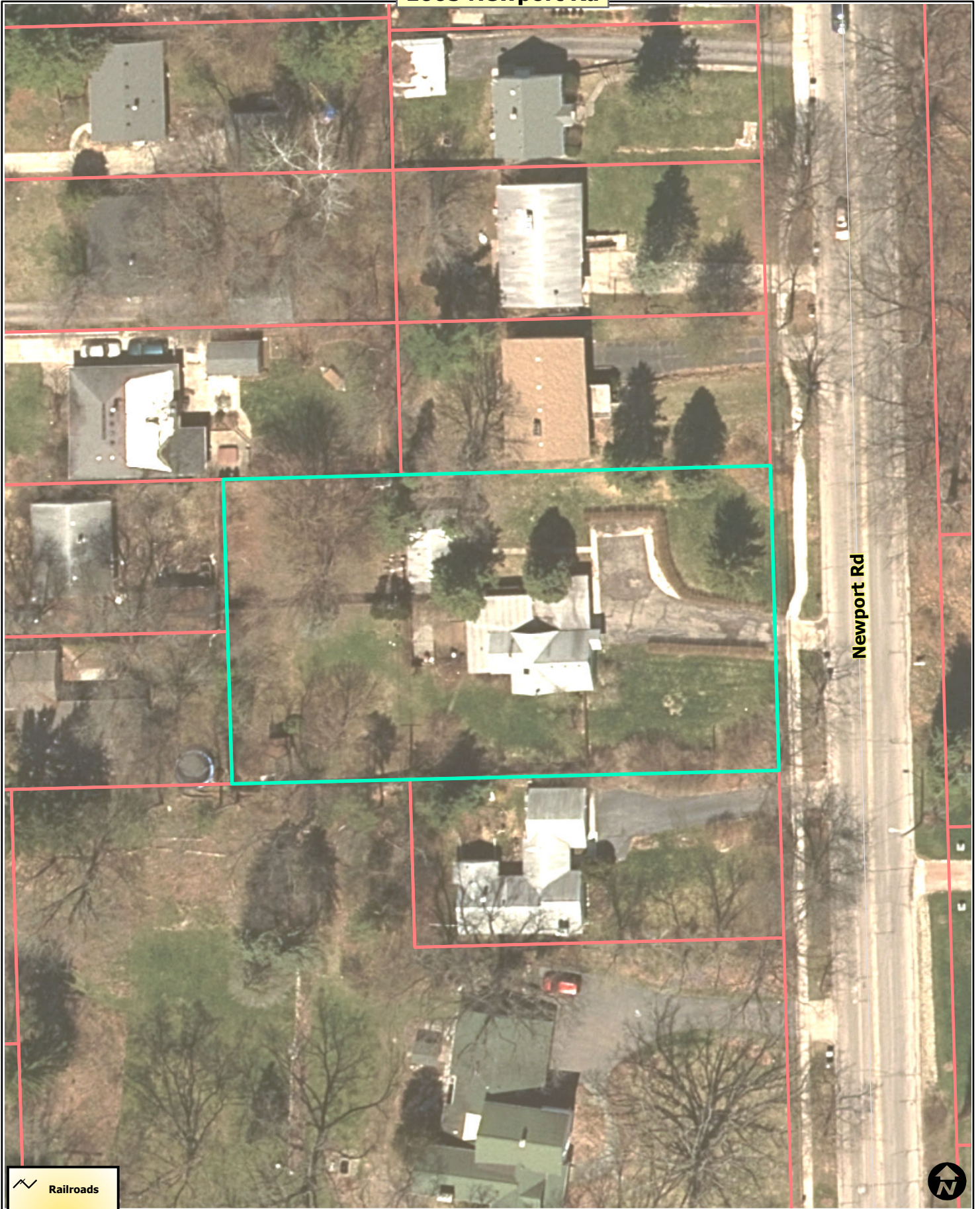





- Railroads
- Huron River
- Tax Parcels



Map date 11/15/2017  
Any aerial imagery is circa 2015  
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1005 Newport Rd



-  Railroads
-  Huron River
-  Tax Parcels



Newport Rd



Map date 11/15/2017  
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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](mailto:planning@a2gov.org)  
 Fax: 734.994.8460

**APPLICATION MUST BE FILLED OUT COMPLETELY**

Office Use Only	
Fee Paid: <u>\$500</u>	ZBA: <u>17-034</u>
DATE STAMP	
10/31/17	

**PROPERTY INFORMATION**

ADDRESS OF PROPERTY:  
1005 and 1015 Newport Rd., Ann Arbor, MI 48103

ZONING CLASSIFICATION: R1B TAX ID: (if known) 09-09-19-404-022

NAME OF PROPERTY OWNER\*:  
Sally S Rudisill and Thomas R. Rudisill

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

**APPLICANT INFORMATION**

NAME OF APPLICANT:  
Erik Jensen

ADDRESS OF APPLICANT:  
4501 Jacob Rd., Grasslake, MI 49240

DAYTIME PHONE NUMBER: 734-320-1785 FAX NO: 734-428-6973

EMAIL:  
erik@jensenandsons.net

APPLICANT'S RELATIONSHIP TO PROPERTY:  
Friend of owner

**REQUEST INFORMATION**

VARIANCE REQUEST (Complete the section 1 below)       ALTERATION TO A NON-CONFORMING STRUCTURE (skip to Section 2)

**Section 1 - VARIANCE REQUEST**

CHAPTER(S) AND SECTION(S) FROM WHICH A VARIANCE IS REQUESTED: (Example: Chapter 55, Section 5:26)  
Chapter 55, Section ~~5:24~~ 5:27 AREA, HEIGHT, PLACEMENT REGS.

Required Dimension: (Example: 40' front setback) 70' lot width      PROPOSED Dimension: (Example: 32') 60' lot width

Give a detailed description of the work you are proposing and why it will require a variance (Attach additional sheets if necessary)

This is a request to split my existing 120' wide property into two equal parcels with each being 60' wide. Sometime prior to my purchase of the property (2003), they were two separate 60' wide parcels. Most of the adjacent properties are 60' wide. Currently there are two houses on the single lot with separate addresses, 1005 & 1015, which were assigned when the lots were originally created. The property is zoned R1B which requires a width of 70' and a variance is needed in order to split the property down the middle creating two parcels with 60' of width.



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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.

- 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. Newport Road north of Miller Road is zoned R1B. However the majority of the properties in that area meet neither the 70' width nor the 10,000sf requirements. They are typically 60' wide and approximately 9,000sf. My property (1005 and 1015) was originally two lots and is 120' wide and 26,200sf. I feel the size of the adjacent properties is the norm for the neighborhood and would like to divide my property into two 60' wide parcels to match the surrounding properties.
- 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. There are currently two rental houses on the property which are in relatively poor condition and I feel they can no longer be brought up to adequate standards. I would like to replace them with two new structures. In order to be compliant with the R1B zoning requirement (single family home), the property needs to be split into two separate parcels, one for each house.
- 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 not granted, the two structures will remain and continue to deteriorate even with maintenance. It will create a sub-standard living situation for the occupants and be visually unpleasant for the neighbors in general.
- That the conditions and circumstances on which the variance request is based shall not be a self-imposed hardship or practical difficulty. The houses on the property were not well built originally. Since the property was purchased in 2003, I have worked hard at maintaining them to an adequate level but it has become an effort with diminishing returns. These are the existing conditions and are not self-imposed.
- A variance approved shall be the minimum variance that will make possible a reasonable use of the land or structure. I am requesting relief from only one zoning requirement, to be allowed to have a 60' wide lot rather than the R1B required lot width of 70'. This will allow me to create better living spaces and improve the neighborhood.





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### Section 2 – ALTERATION TO A NON-CONFORMING STRUCTURE

Current Use of the Property:

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	26,220 sf	10,000 sf each lot
Lot Width	120'	70'
Floor Area Ratio	N/A	N/A
Open Space Ratio	N/A	N/A
Setbacks	existing bldgs comply for 2 lot	front 30', rear 40', sides - total of 14'
Parking	N/A	N/A
Landscaping	N/A	N/A
Other	currently zoned R1B	

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

(See attached)

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:

(see attached)

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

The alterations being proposed are that the 120' wide lot be split down the middle to create two 60' wide lots. Each lot would have approximately 13,100sf which is more than the R1B requirement of 10,000sf. Currently there are two deteriorating houses on the property. It would be best to demolish them and build new structures that would be safer, more attractive and better fit into the neighborhood. It is not possible to build two new structures on the property as it exists due to R1B zoning requirements (single family). Therefore the property needs to be split into two parcels so that two new houses can replace the existing two houses.

The alteration complies as nearly as is practicable with the requirements ....

If this variance is granted, the two 60' wide parcels that it will create will be in keeping with the original layout of the neighborhood and more closely resemble the adjacent properties. Please see the attached printout from [www.a2gov.org/departments/planning/zoning](http://www.a2gov.org/departments/planning/zoning) showing an overview of existing plots in the area. I think it would be both visually and physically appropriate for the neighborhood.



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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:

*Splitting of the property at 1005 and 1015 Newport Rd.  
into equal parcels*

### 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:

- 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. *Lot split only*
- 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: *734-320-1785*

Signature: X *[Handwritten Signature]*

Email address: *erik@jensenandsons.net*

Print Name: *Erik Jensen*

I, applicant, hereby depose and say that all the aforementioned statements, and the statements contained in the materials submitted herewith, as true and correct.

*[Handwritten Signature]*  
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.

*[Handwritten Signature]*  
Signature

October 27, 2017

Sally Rudisill  
1824 Norway Rd.  
Ann Arbor, Michigan 48104

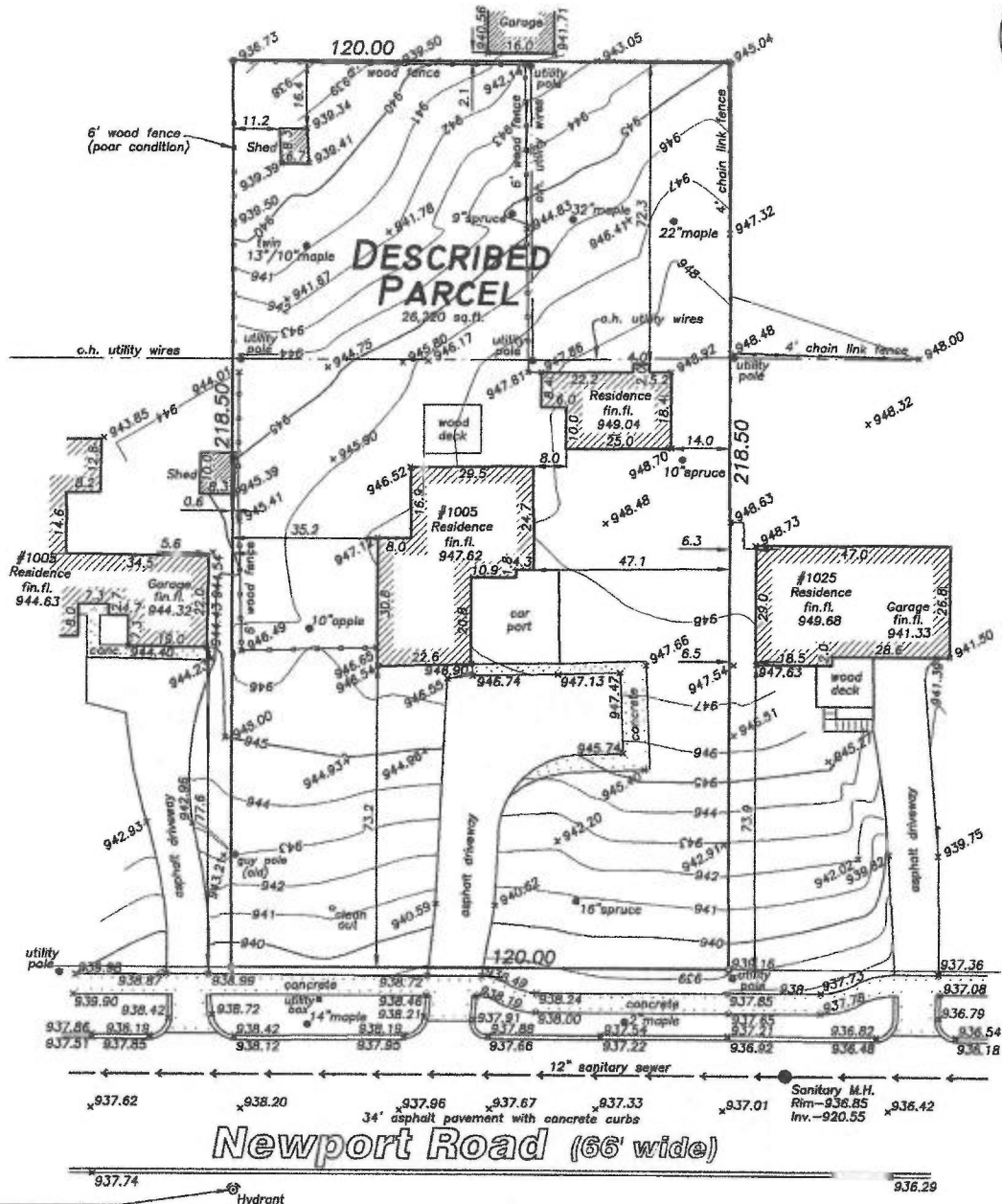
To whom it may concern:

As the owner of the property at 1005-1015 Newport Rd. in Ann Arbor (09-19-404-022), I am granting permission for Erik Jensen to act on my behalf before the Zoning Board regarding my application for a variance.

Thank you,



Sally Rudisill



NAVD88 BENCH MARK  
ARROW ON HYDRANT  
ELEVATION = 941.40

LEGAL DESCRIPTION  
TBD

**811**  
Know what's below.  
Call before you dig.

**LEGEND**  
 000.00 = EXISTING ELEV.  
 [000.00] = PROPOSED ELEV.  
 --- = DRAINAGE COURSE  
 ~~~~ = SILT FENCE  
 F.G. = BRICK LEDGE  
 --- = EXISTING CONTOUR

| TOPOGRAPHIC SURVEY                                                                                                                          |  | REVISIONS                                                      |
|---------------------------------------------------------------------------------------------------------------------------------------------|--|----------------------------------------------------------------|
| PREPARED FOR: SALLY RUDISILL<br>1824 NORWAY RD<br>ANN ARBOR, MI 48104<br>(734) 474-5503                                                     |  | DATE<br>28 SEP 17<br>JOB NO.<br>17-06-020<br>SCALE<br>1" = 20' |
| JEKABSON & ASSOCIATES, P.C.<br>Professional Land Surveyors<br>1320 Goldsmith, Plymouth, MI 48170<br>(734) 414-7200 (734) 414-7272 fax<br>by |  | DRAWN<br>JRN<br>CHECKED<br>JGE<br>SHEET<br>1 OF 1              |



Scale is 15,652



10/18/2017



R1C  
0919

1011

1019

1023

1029

970

1000

existing  
1005-1015 Newport

e Tree Dr

022

1028

X

R1B

1005-1015

1025

1035

1057

1065

1075

Newport Rd

980

1056

Scale is 1/707



10/19/2017



R1C  
0919

1011

1019

1023

1029

Fine Tree Dr

970

1000

1006

1012

1018

1022

1028

Proposed  
 1005 - 1015 lot split  
 each lot would be  
60' wide  
 218.5' deep  
 13110 sq. foot.  
 per lot

X

X

R1B

1005-1015

1025

1035

1057

1065

1075

Newport Rd

980

1056

Scale is 1"=70'

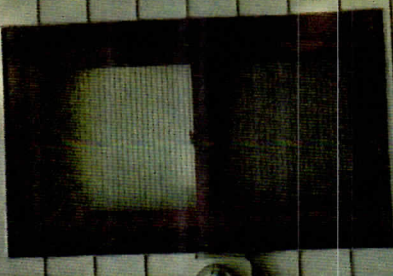
10/18/2017







105

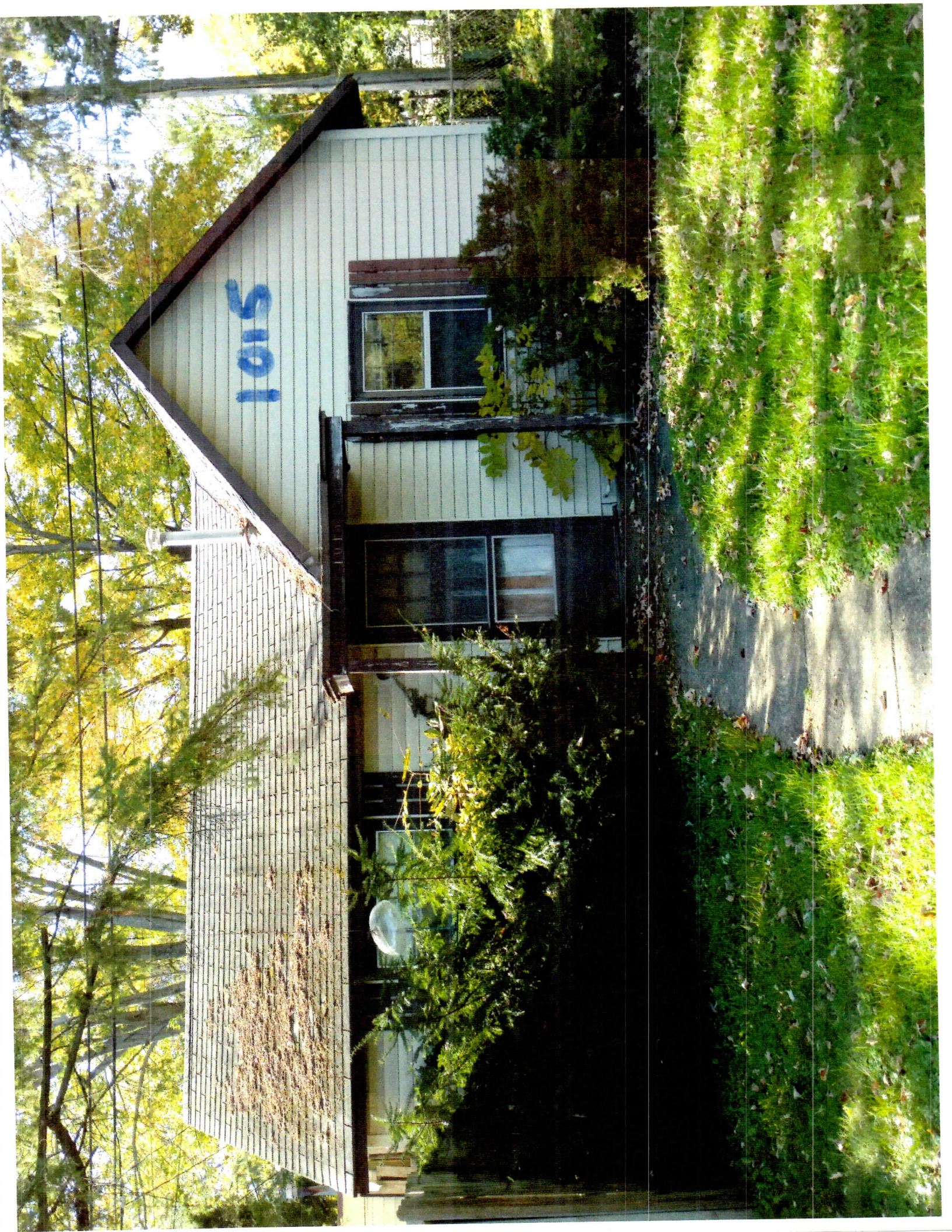




1005



1003



5101



