

**Zoning Board of Appeals  
May 15, 2015 Regular Meeting**

**STAFF REPORT**

**Subject: ZBA15-010, 723 McKinley Avenue**

**Summary:** Michael Van Goor is requesting permission to alter a non-conforming structure (Chapter 55, Zoning, Section 5:87), from the Zoning Board of Appeals in order to allow expansion of an existing single-family structure over an existing non-conforming structure within the required rear open space.

**Description and Discussion:**

The subject parcel is located on the corner of McKinley Avenue and White Street, just east of State Street. The existing single-family dwelling is 910 square feet constructed in 1917. The parcel is zoned R4C, however single-family structures in the R4C zoning district are subject to the R1C zoning standards (Chapter 55, Section 5:10.8(2) (c). The parcel is non-conforming for lot size (7,200 sf; required, parcel size is 3,092 sf). The existing house is non-conforming because the house encroaches 17 feet into the required rear setback. The required rear setback is 30 feet, and the house is setback 13 feet from the rear property line. There is also a one-car attached garage at the rear of the house that is within 2 feet of the rear property line.

The petitioner is proposing to construct a 26 foot 6 inch by 20 foot 8 inch, 530-square foot third-story addition to the existing house. The proposed addition will be constructed directly over and will match the footprint of the existing second floor living space. The addition will not extend over the existing garage and will not extend any closer to the side or rear property line. The new addition will be 13 feet (required setback is 30 feet) from the rear property line and 7 feet 6 inches from the side property line (required setback is 5 feet) and will match the footprint of the existing house, not including the attached garage. The house currently has three bedrooms and is a registered rental with six occupants as the maximum. There is one legal parking space on the site, 1.5 spaces are required by City Code. After completion of the addition the house will have six bedrooms and the maximum occupancy will remain six people.

**Standards for Approval- Permission to Alter a Non-Conforming Structure**

The Zoning Board of Appeals has all the power granted by State law and by Section 5:98, from the City of Ann Arbor Zoning Ordinance. The following criteria shall apply:

***The alteration complies as nearly as practicable with the requirements of the Zoning Chapter and will not have a detrimental effect on neighboring property.***

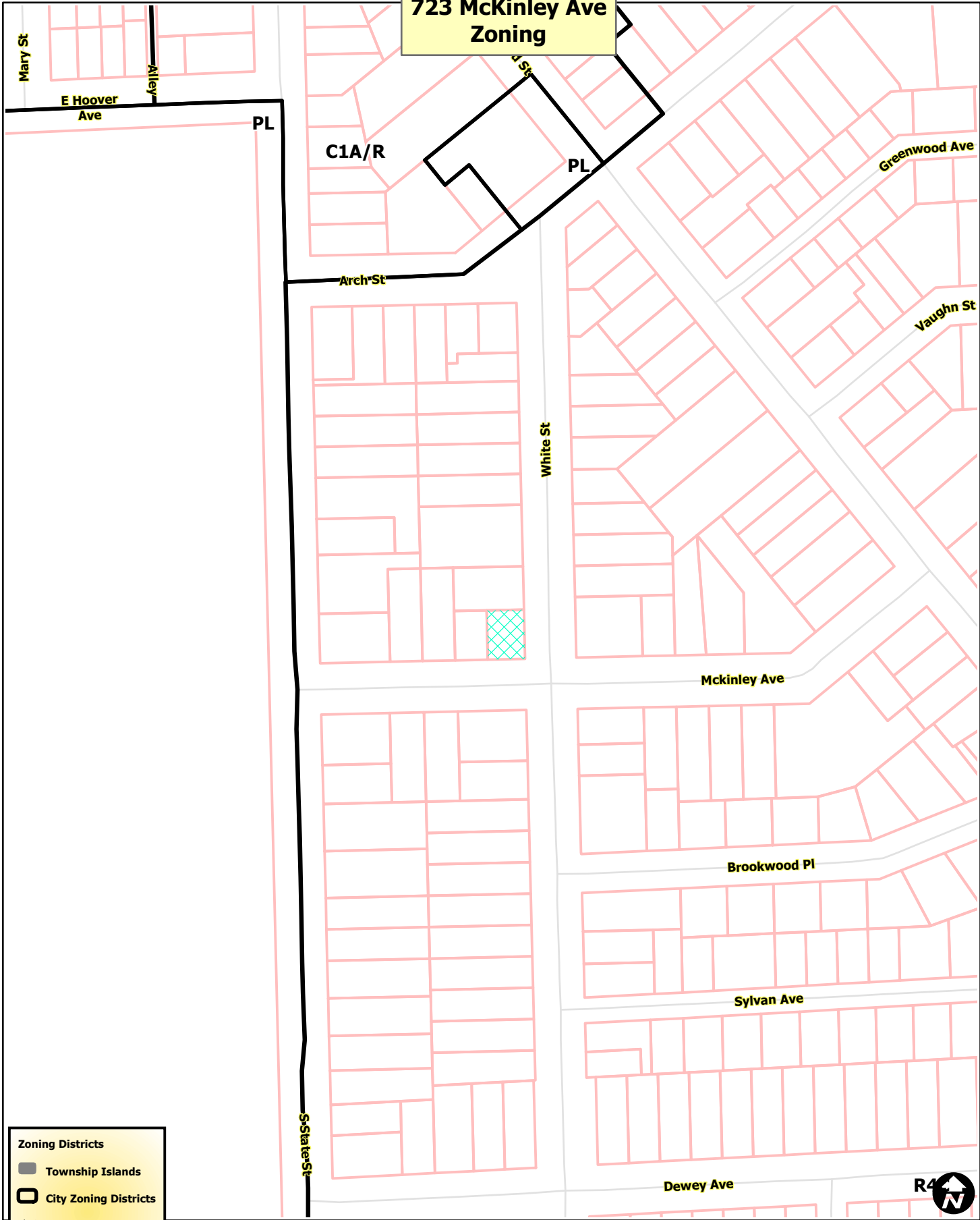
The existing structure is 910 square feet and the proposed addition is 530 square feet and will match the footprint of the existing building. The addition will comply with the 30 foot height limit in the zoning district and will not extend any closer to any property line than the existing structure. The structure is located in a primarily rental area with a maximum of at least 6 persons in the adjacent structures. While the massing of the structure will be increased, the petitioner has submitted photographs of structures in the neighborhood of similar size and massing. As a requirement of the constructing the addition, the entire building will be required to be brought up to existing building and safety codes.. While the property only has one legal parking space, the maximum legal occupancy will not be increased and will remain at six people.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'M. Kowalski', written in a cursive style.

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

# 723 McKinley Ave Zoning



**Zoning Districts**

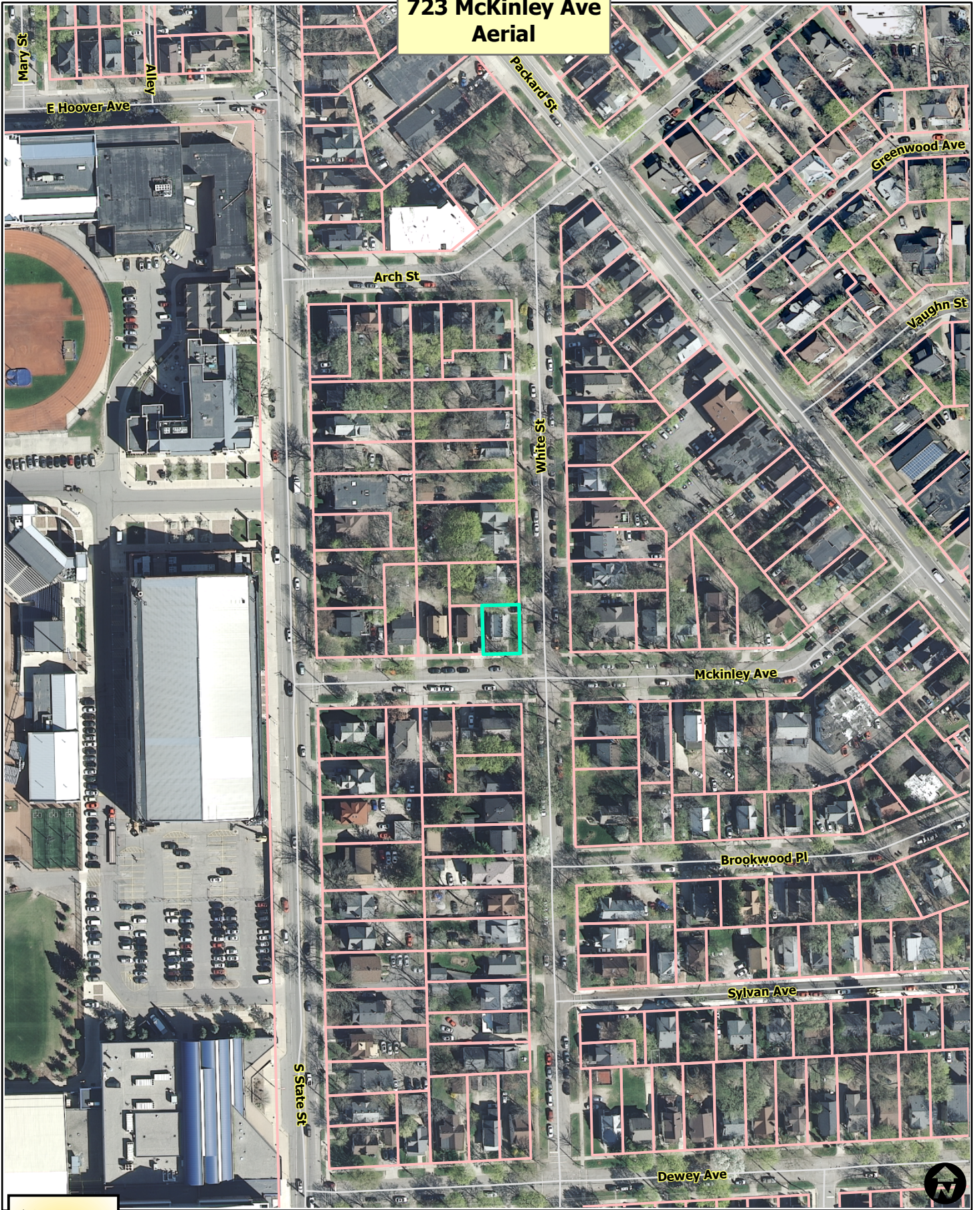
- Township Islands
- City Zoning Districts
- Railroads
- Parcels
- Huron River



Map date: 5/1/2015  
Any aerial imagery is circa 2012 unless otherwise noted  
Terms of use: [www.a2gov.org/terms](http://www.a2gov.org/terms)



# 723 McKinley Ave Aerial



- Railroads
- Parcels
- Huron River



Map date: 5/1/2015  
Any aerial imagery is circa 2012 unless otherwise noted  
Terms of use: [www.a2gov.org/terms](http://www.a2gov.org/terms)





# 723 McKinley Ave Aerial



-  Railroads
-  Parcels
-  Huron River



Map date 5/1/2015  
Any aerial imagery is circa 2012  
unless otherwise noted  
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**APPLICATION FOR VARIANCE OR NON-CONFORMING STRUCTURE**  
**ZONING BOARD OF APPEALS**

**Section 1: Applicant Information**

Name of Applicant: Michael T. Van Goor, AIA - Van Goor Architects, Inc.  
Address of Applicant: 1327 Jones Dr. Suite 106, Ann Arbor, MI 48105  
Daytime Phone: 734-741-9422  
Fax: ---  
Email: mike@vgarchitects.com  
Applicant's Relationship to Property: Architect retained by the Owner

**Section 2: Property Information**

Address of Property: 723 McKinley Ave., Ann Arbor, MI 48104  
Zoning Classification: R4C single family - R1C standards apply  
Tax ID# (if known): 09-09-33-209-016  
\*Name of Property Owner: Toms Keith E Trust

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

**Section 3: Request Information**

Variance

Chapter(s) and Section(s) from which a variance is requested:

Chapter 55, Section 5:28

Required dimension:

30.0' Rear Setback

PROPOSED dimension:

13.0' Rear Setback

*Example: Chapter 55, Section 5:26*

*Example: 40' front setback*

*Example: 32'*

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

\_\_\_\_\_  
\_\_\_\_\_

**Section 4: VARIANCE REQUEST (If not applying for a variance, skip to section 5)**

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. (continued...)



**1. Are there hardships or practical difficulties to complying with the ordinance? Are these hardships or practical difficulties an exception or unique to the property compared to other properties in the City?**

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**2. Are the hardships or practical difficulties more than mere inconvenience, inability to obtain a higher financial return? (explain)** \_\_\_\_\_

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**3. What effect will granting the variance have on the neighboring properties?** \_\_\_\_\_

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**4. What physical characteristics of your property in terms of size, shape, location or topography prevent you from using it in a way that is consistent with the ordinance?**

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**5. Is the condition which prevents you from complying with the ordinance self-imposed? How did the condition come about?**

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**Section 5: ALTERATION TO A NON-CONFORMING STRUCTURE**

Current use of the property Residential - Single Family

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

(continued . . . . . )

	<u>Existing Condition</u>	<u>Code Requirement</u>
Lot area	3,072 SF	7,200 SF
Lot width	48'	60'
Floor area ratio	.	
Open space ratio	.	
Setbacks	Rear 1.00' Garage (13.00' Habitable)	30.00' Rear
Parking	.	
Landscaping	.	
Other	Side: 4.167' Garage;	5.00' Side

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

We are proposing to add a 3rd floor above the existing habitable space, providing 3 bedrooms and a full bathroom (total of 6 bedrooms), and in the process of the renovation bring the existing bedrooms up to code with respect to life safety (egress windows, smoke detectors, & carbon monoxide detectors). The proposed addition will conform to the current zoning ordinance except the rear setback.

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:

The proposed addition will comply with the current zoning requirements for the R1C district in every way (setbacks, height, etc.) except for the 30' rear setback. The proposed addition will be located above existing habitable space and will not increase the nonconformity of the site, which was developed prior to the the establishment of the zoning ordinance. Further, many of the adjacent structures are already 3 stories in height with 6 bedrooms (see attached photos).

Wherefore, Petitioner requests that permission be granted from the above named Chapter and Section of the Ann Arbor City Code in order to permit the construction of a 3rd floor including 3 bedrooms & a full bathroom.

**Section 6: 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.** (Continued.....)



- 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.

**Section 7: Acknowledgement**

**SIGNATURES MUST BE SIGNED IN PRESENCE OF NOTARY PUBLIC**

I, the applicant, 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.

734-741-9422  
 Phone Number  
mike@vgarchitects.com  
 Email Address

Michael T. Van Goor  
 Signature  
Michael T. Van Goor  
 Print Name

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

Michael T. Van Goor  
 Signature

Further, I hereby give City of Ann Arbor Planning & 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.

Michael T. Van Goor  
 Signature

I have received a copy of the informational cover sheet with the deadlines and meeting dates and acknowledge that **staff does not remind the petitioner of the meeting date and times.**

Michael T. Van Goor  
 Signature

On this 29th day of April, 2015, before me personally appeared the above named applicant and made oath that he/she has read the foregoing application by him/her subscribed and knows the contents thereof, and that the same is true as to his/her own knowledge except as to those matters therein stated to be upon his information and belief as to those matters, he/she believes them to be true.

Kristen M. Freund  
 Notary Public Signature

August 9, 2021  
 Notary Commission Expiration Date  
Kristen M. Freund  
 Print Name

My Commission Expires Aug. 9, 2021  
 Jackson County  
 Acting in the County of Michigan

NOTARY PUBLIC of Michigan  
 KRISTEN M. FREUND

**Staff Use Only**

Date Submitted: \_\_\_\_\_ Fee Paid: \_\_\_\_\_  
 File No.: \_\_\_\_\_ Date of Public Hearing \_\_\_\_\_  
 Pre-filing Staff Reviewer & Date \_\_\_\_\_ ZBA Action: \_\_\_\_\_  
 Pre-Filing Review: \_\_\_\_\_  
 Staff Reviewer & Date: \_\_\_\_\_

Planning & Development Services Manager  
Planning & Development Services  
301 E. Huron St.  
Ann Arbor, Michigan 48107-8647  
734.794.6265

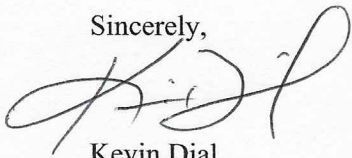
April 28, 2015

Project: 723 McKinley – ZBA Permission to Alter a Non-Conforming Structure

To Whom It May Concern:

I am writing to inform you that my Architect, Michael VanGoor of VanGoor Architects, has my permission to act on my behalf, and authority to represent me in all matters concerning my project at 723 McKinley. Please contact me at 734.662.9507 if you have any questions.

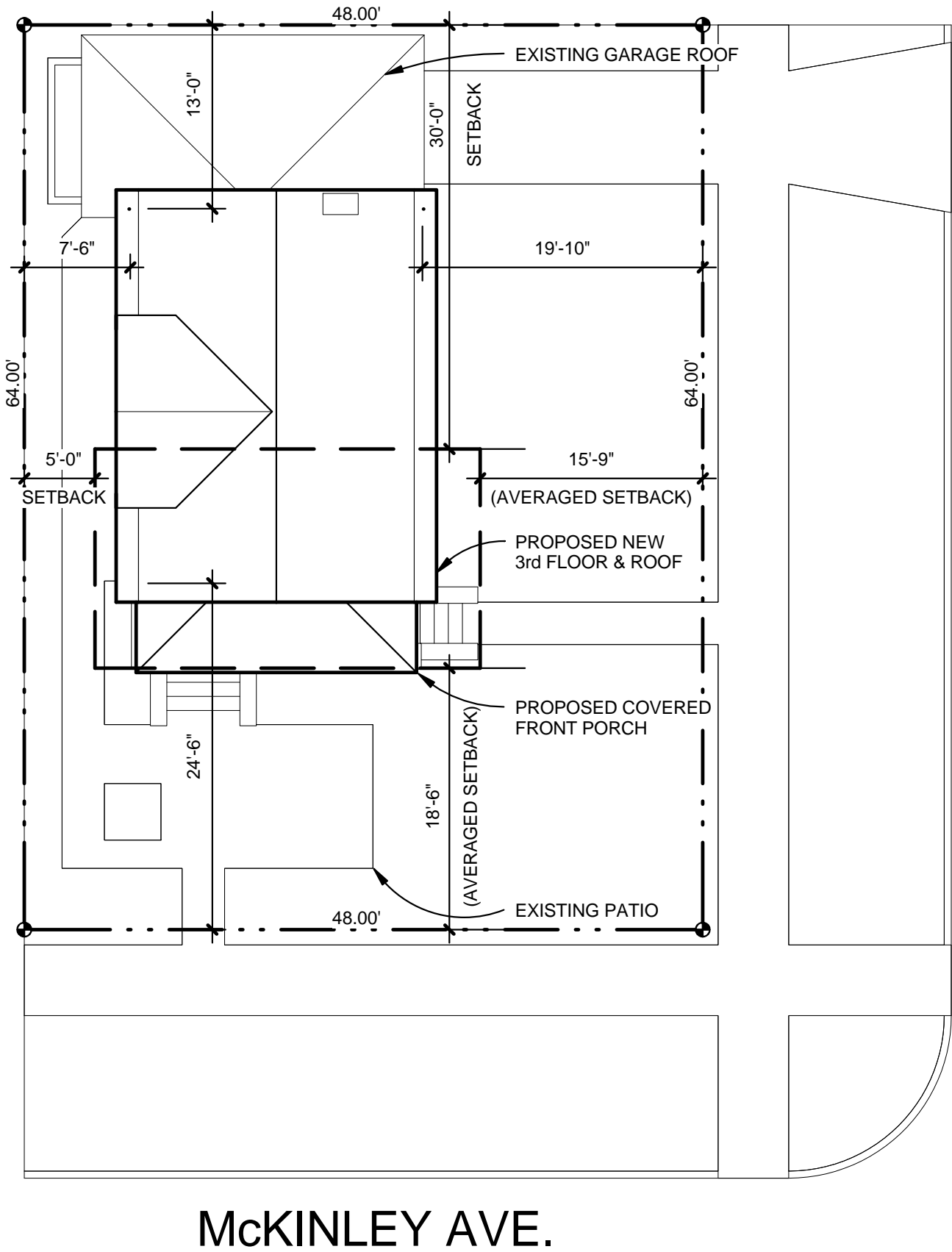
Sincerely,

A handwritten signature in black ink, appearing to read 'K. Dial', written in a cursive style.

Kevin Dial  
1942 Steere Place  
Ann Arbor, MI 48104

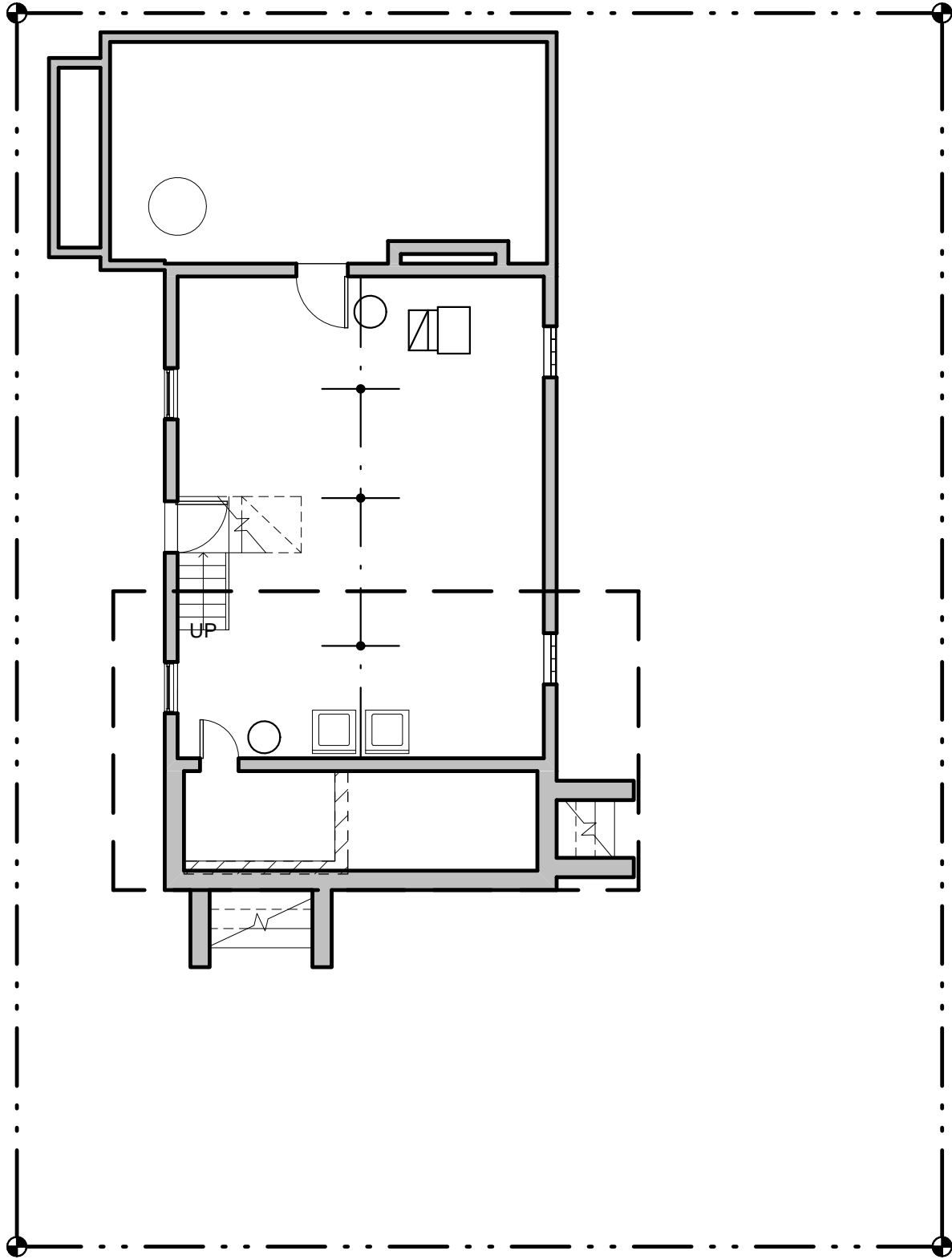






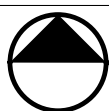
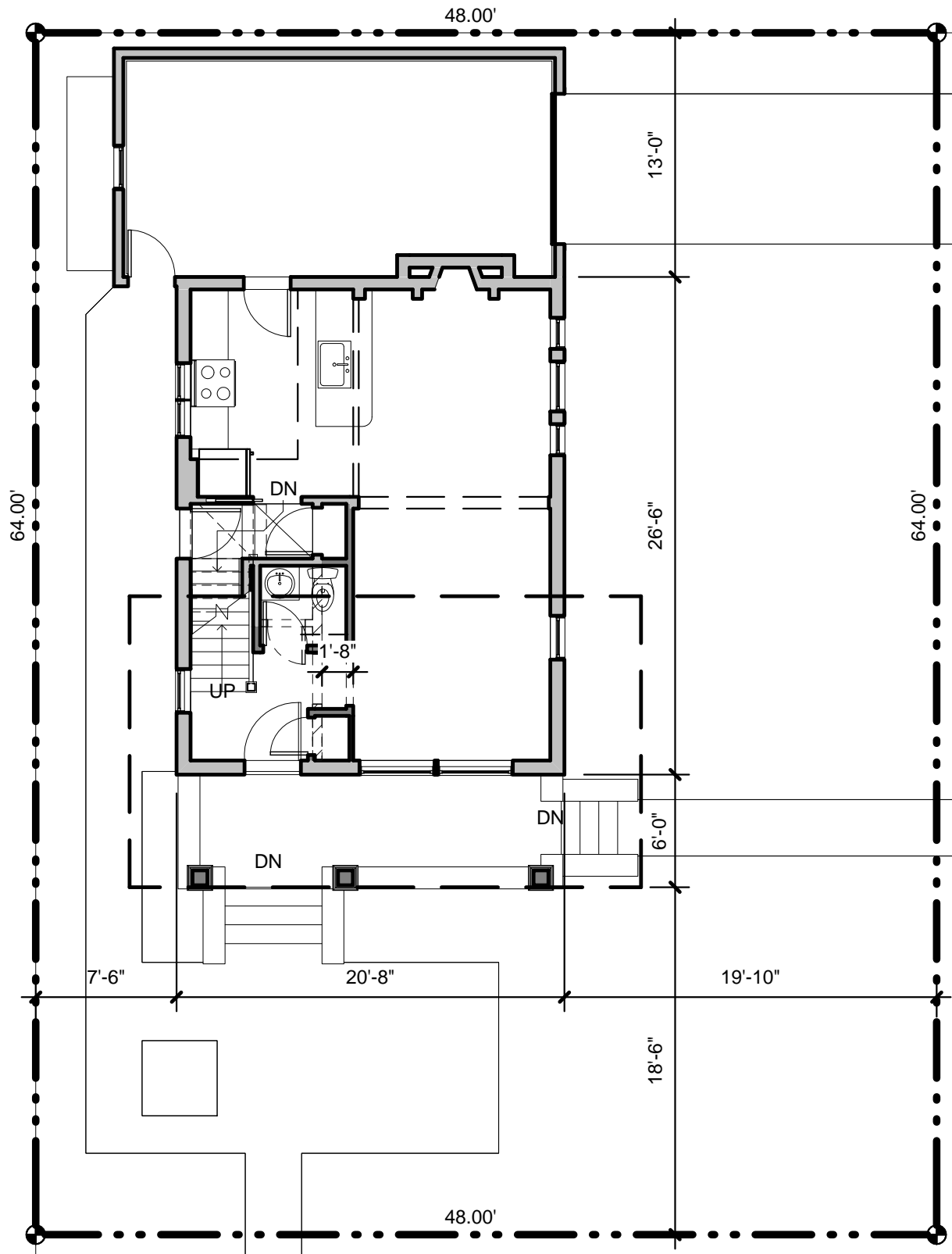
SITE PLAN

1" = 10'-0"



BASEMENT  
1/8" = 1'-0"



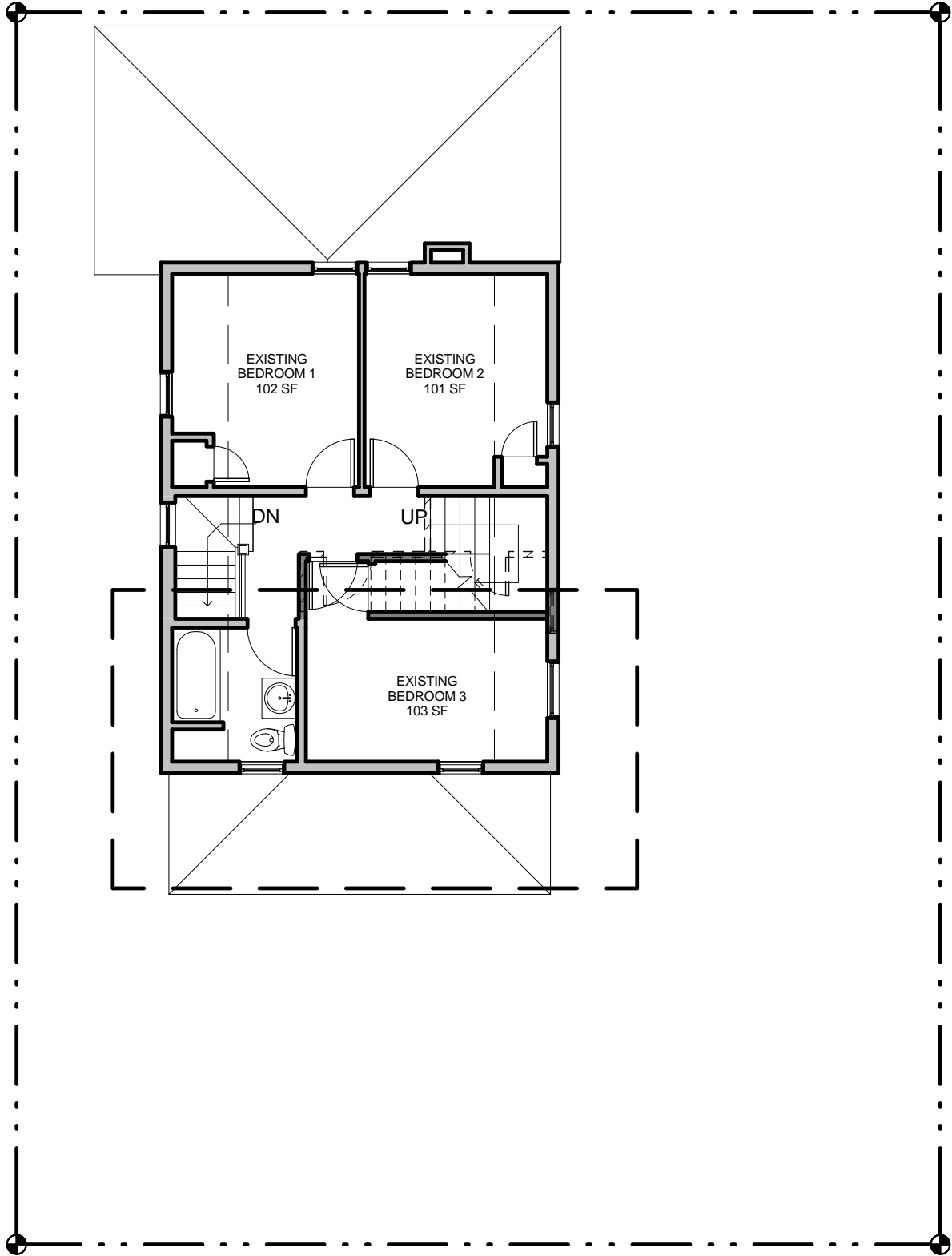


LEVEL 1

1/8" = 1'-0"

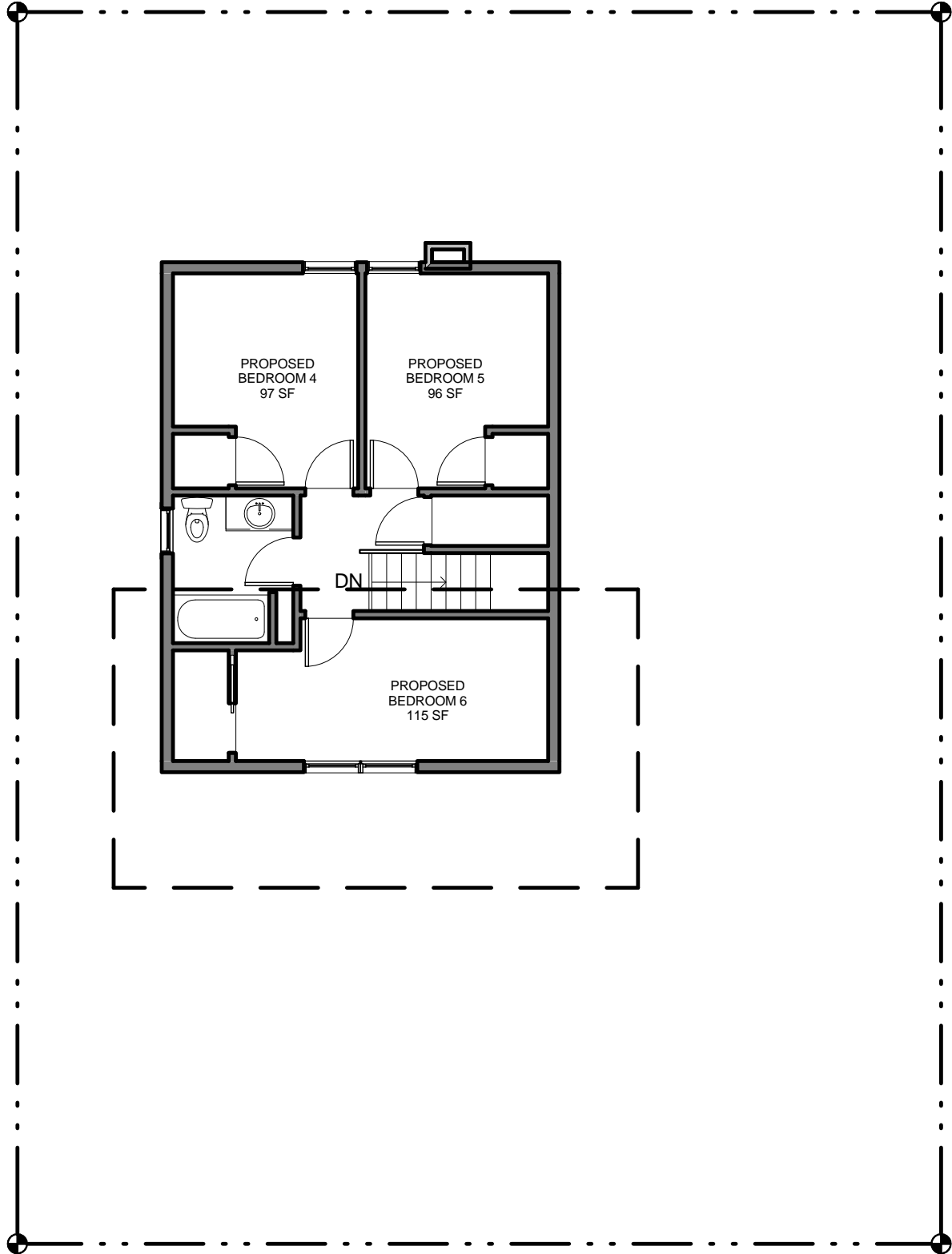


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LEVEL 2

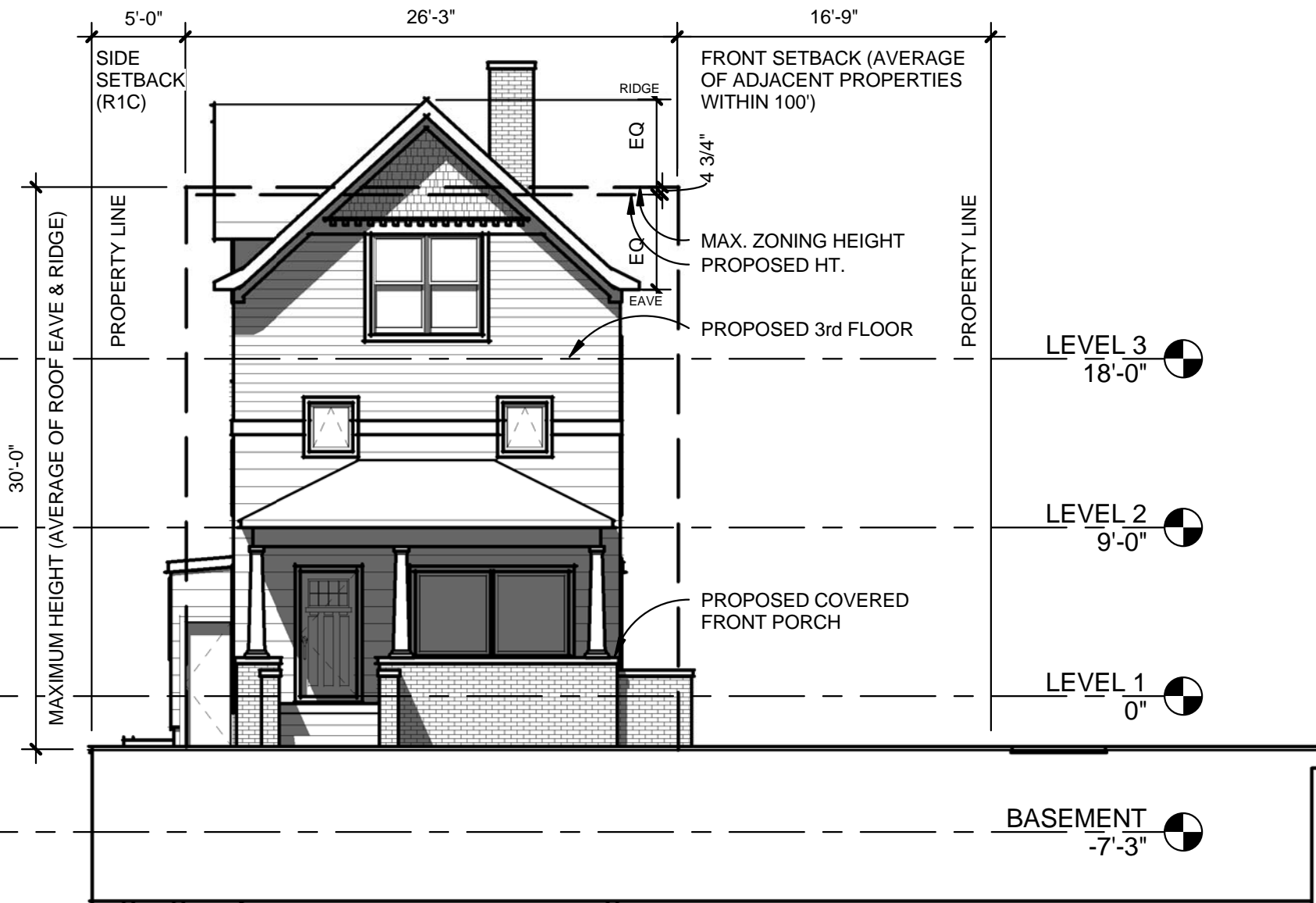
1/8" = 1'-0"



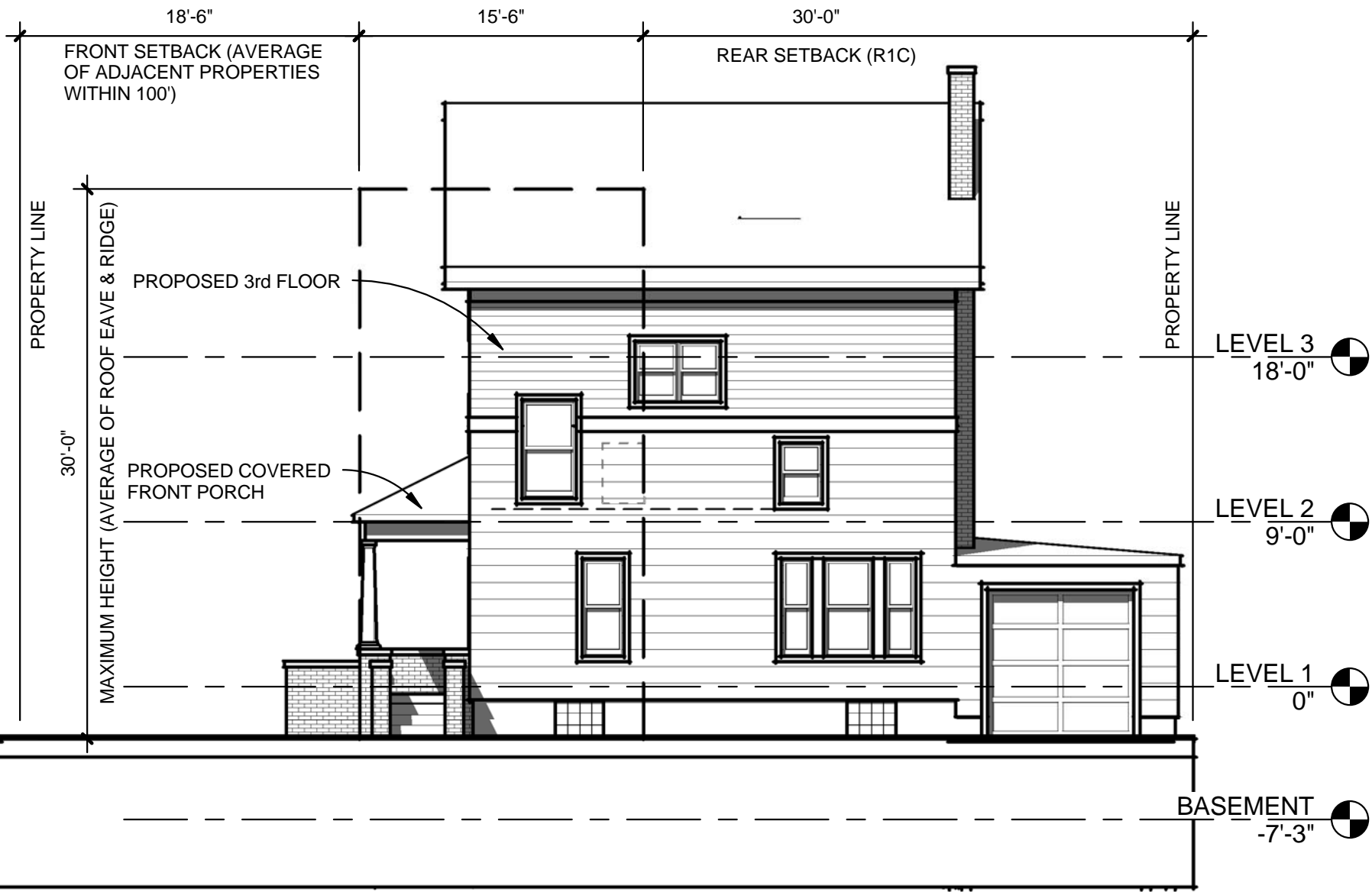
PROPOSED LEVEL 3

1/8" = 1'-0"

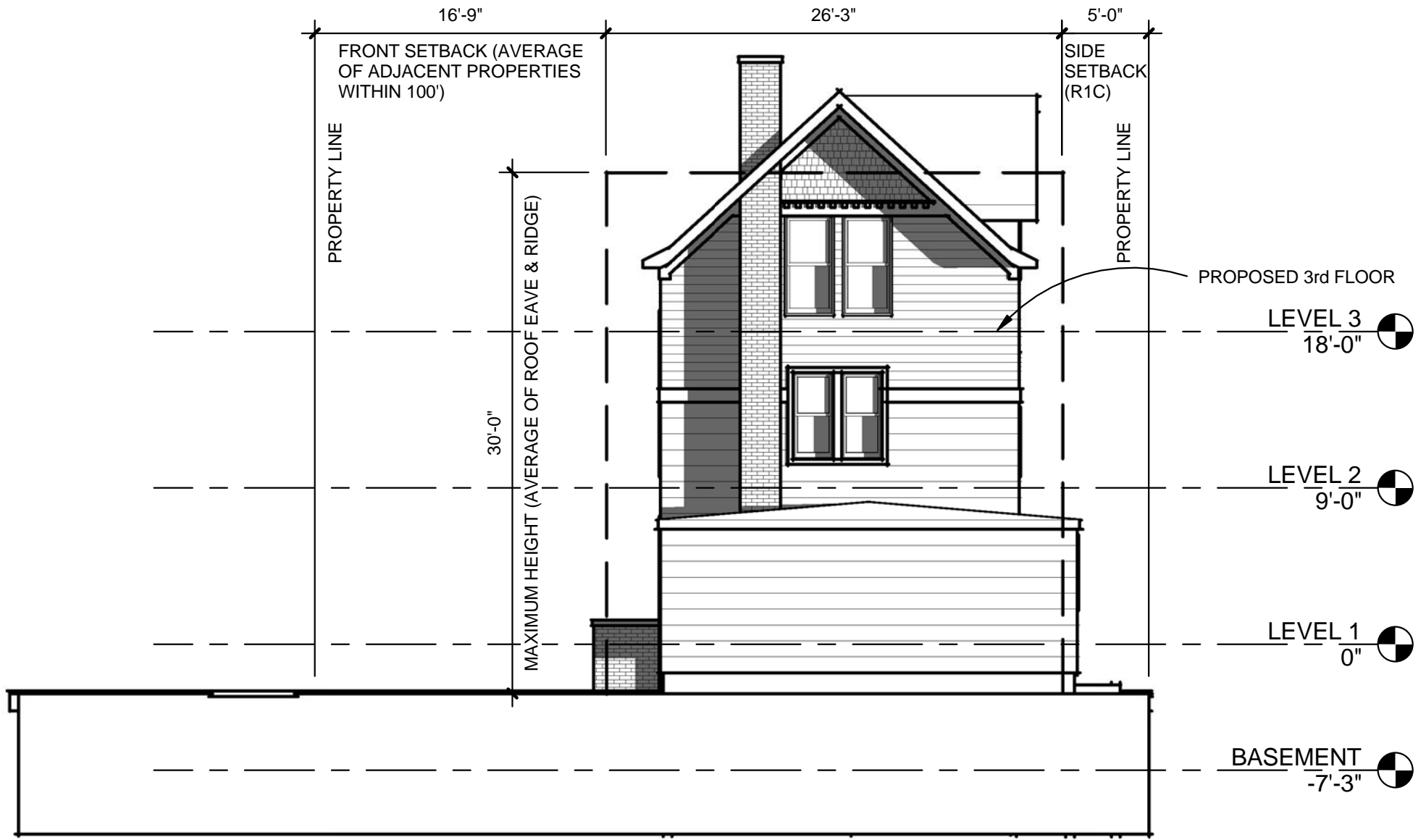




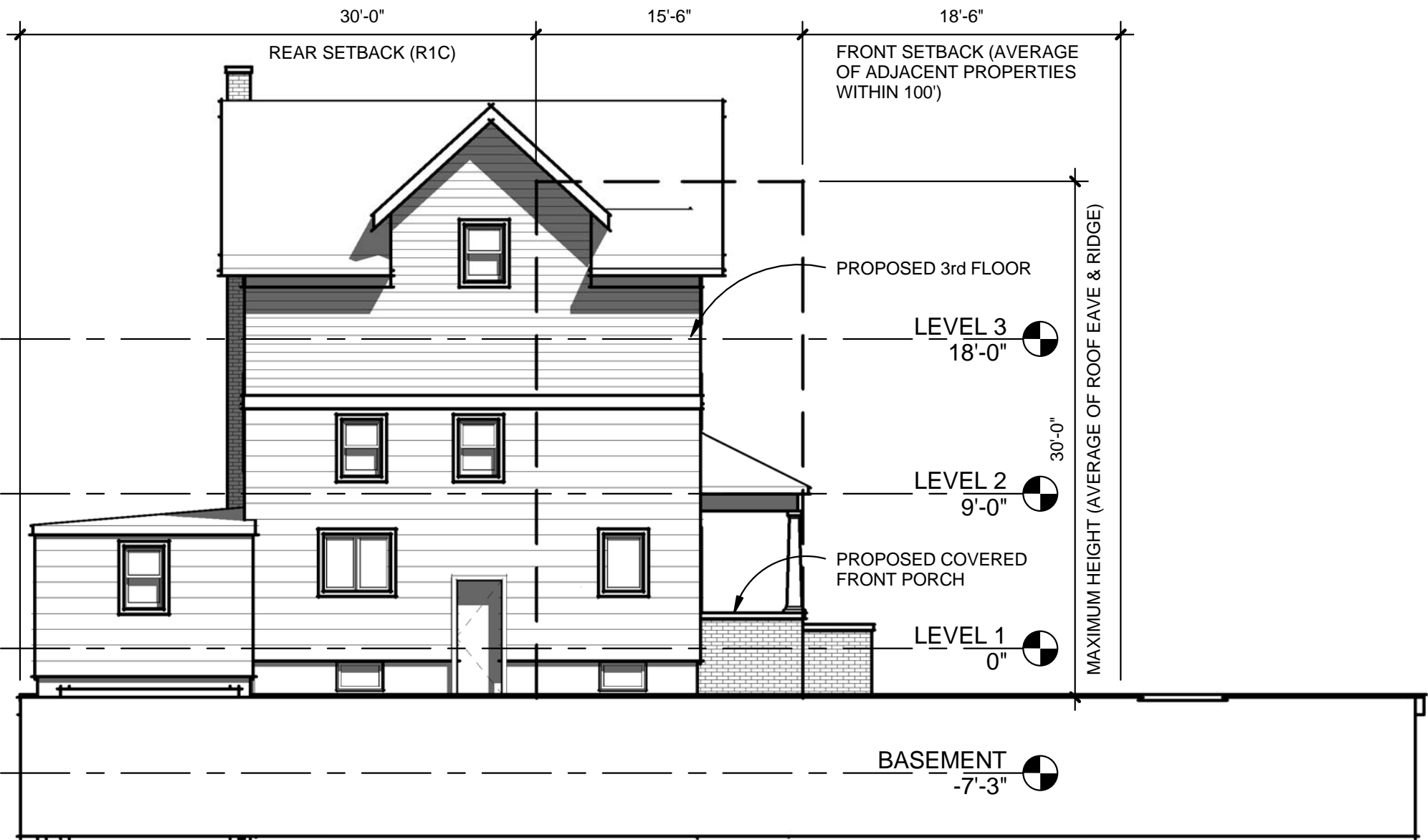
1 SOUTH - Front  
1/8" = 1'-0"



2 EAST - Side  
1/8" = 1'-0"

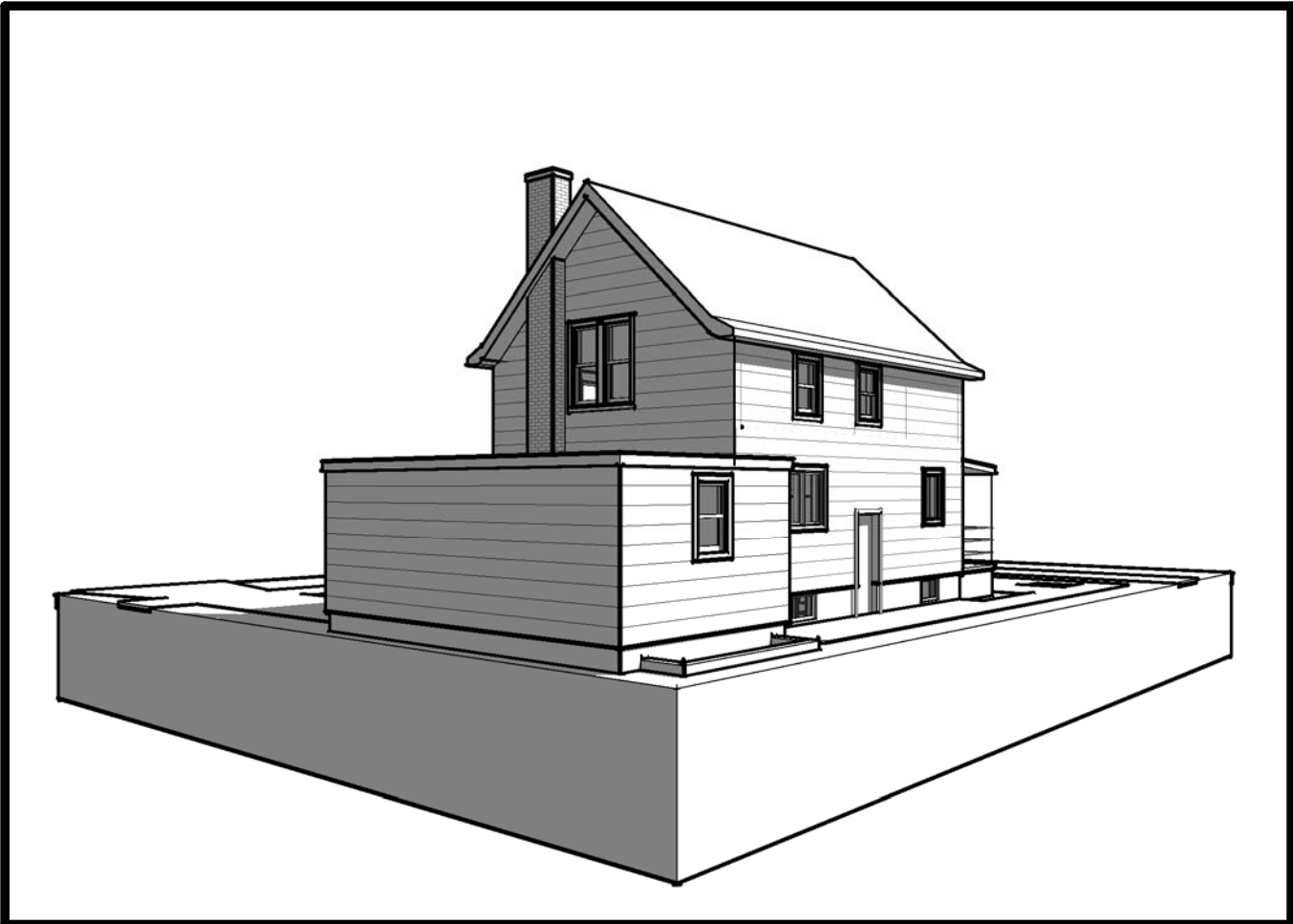
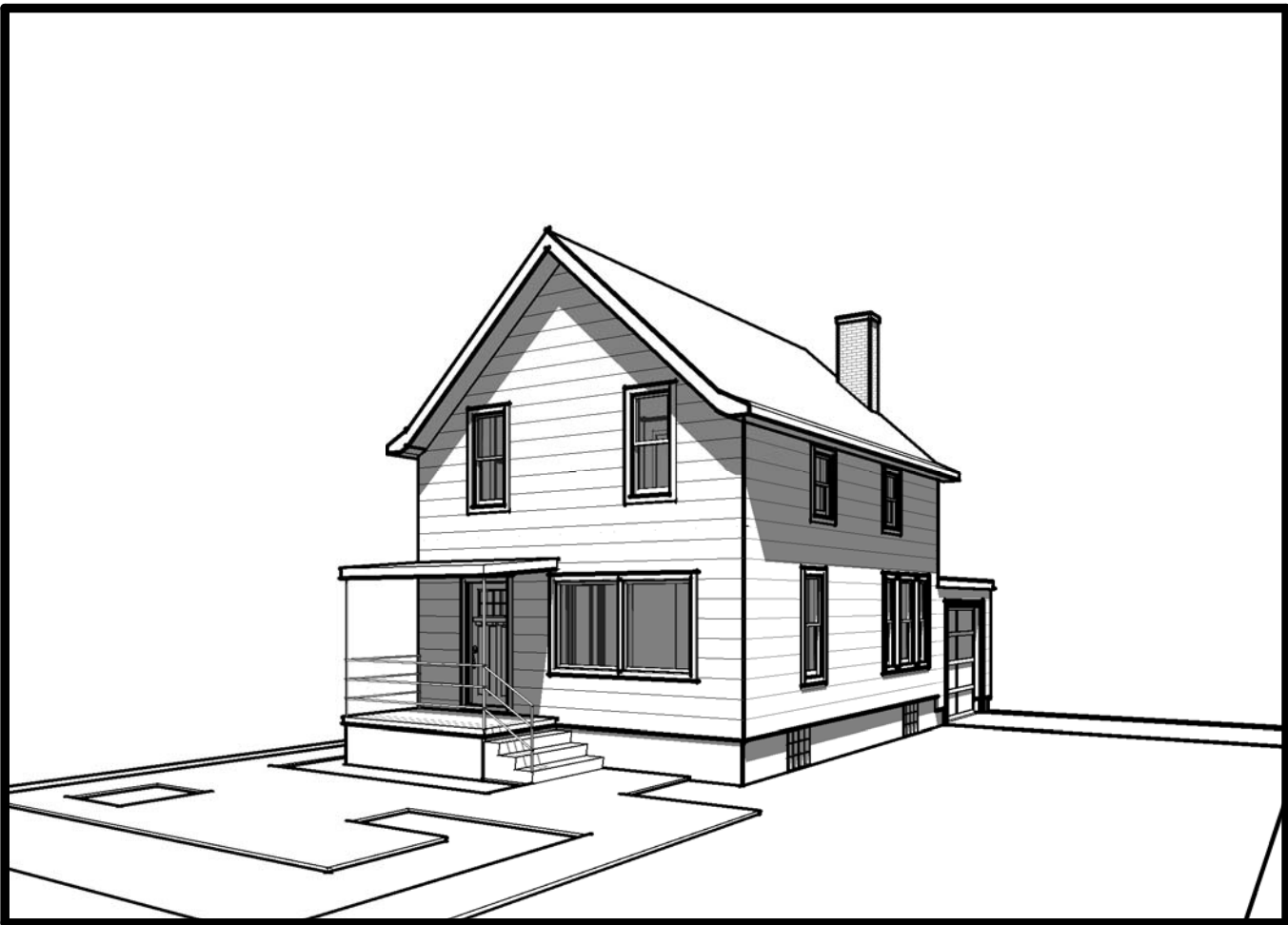


3 NORTH - Back  
 1/8" = 1'-0"

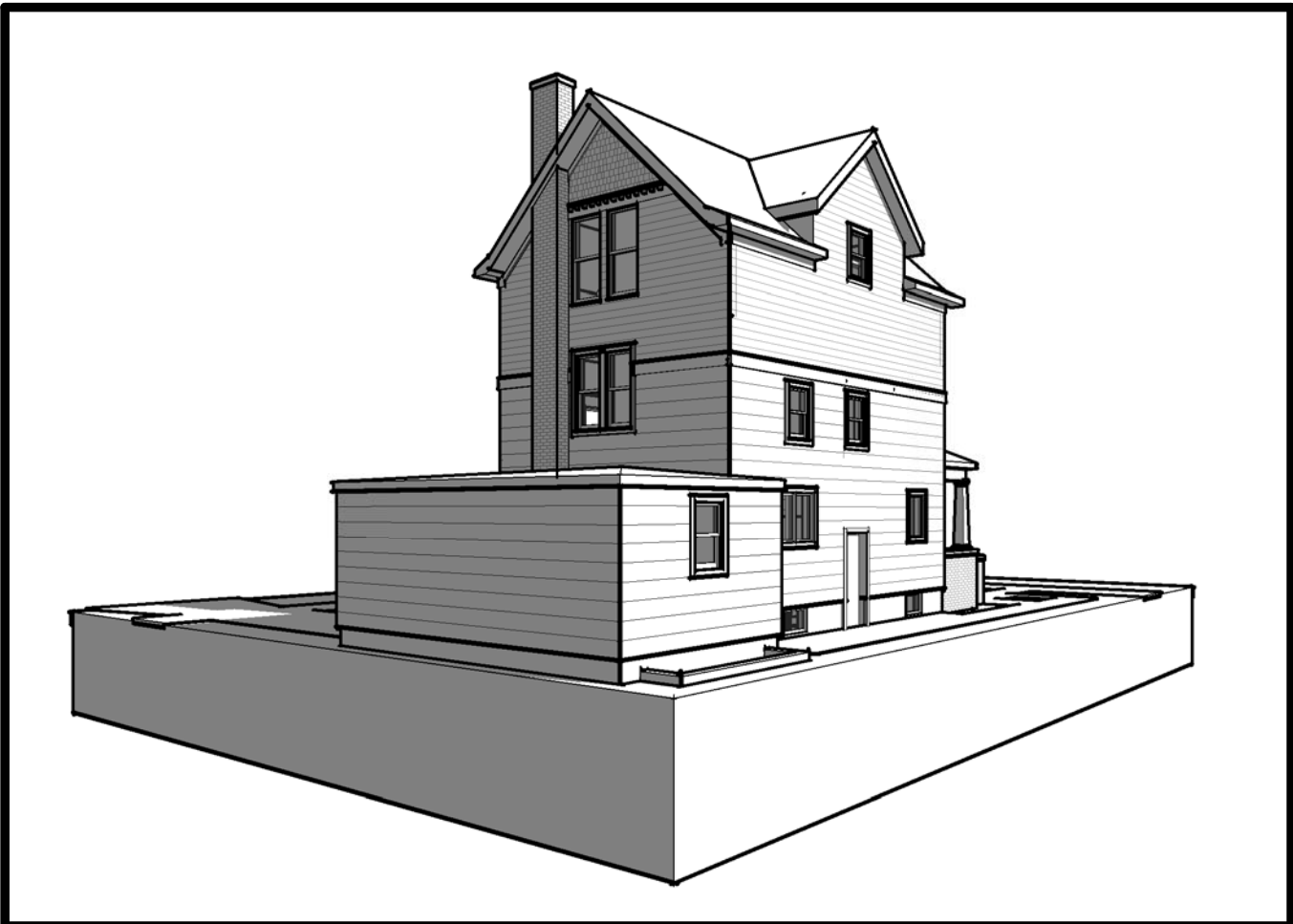
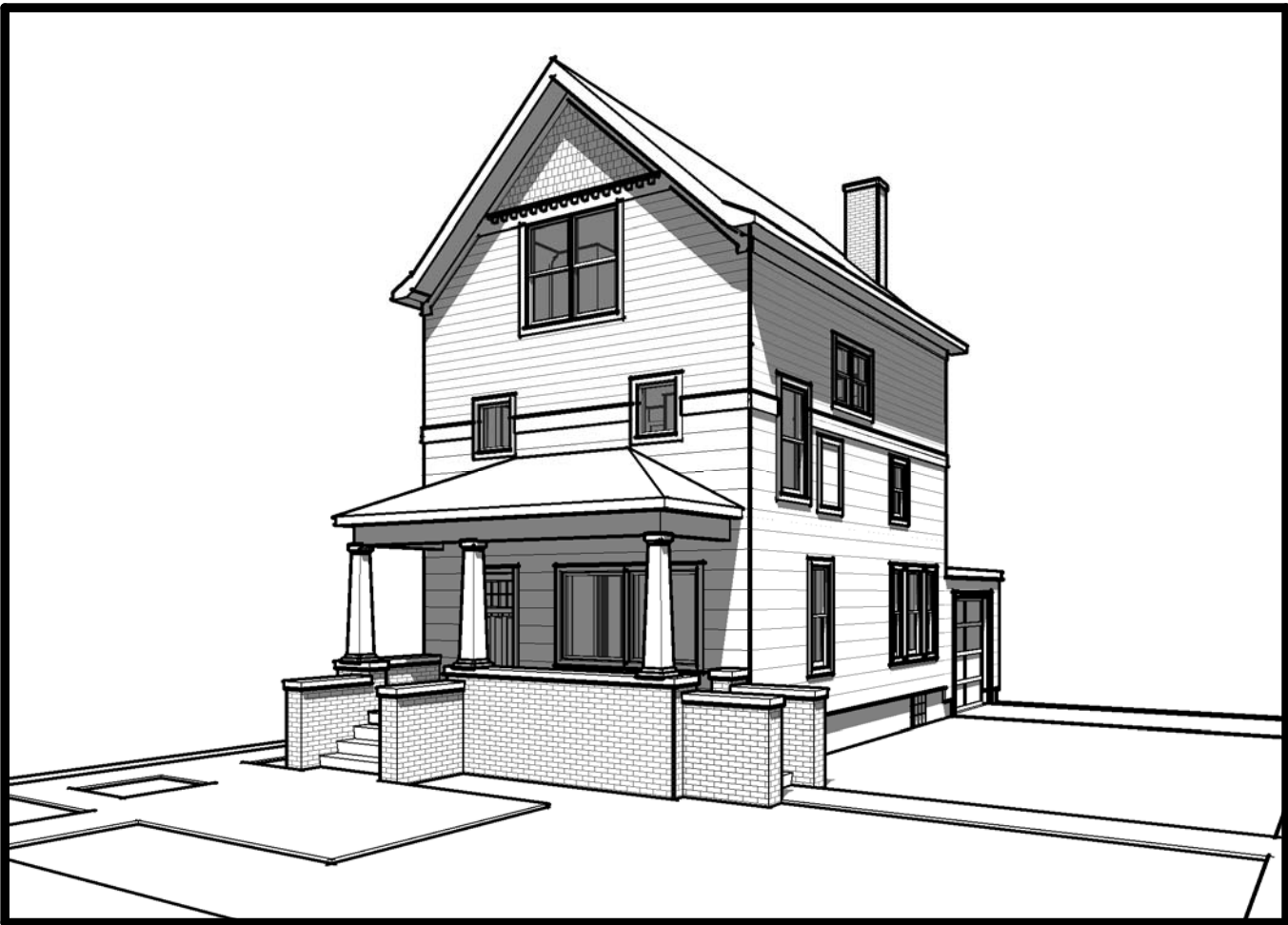


4 WEST - Side  
 1/8" = 1'-0"





PERSPECTIVES - EXISTING





Southwest corner



Southeast Corner

723 McKinley Avenue - Existing Exterior

Zoning Board of Appeals - Alteration of a Non-Conforming Structure

04/29/15





Northeast Corner



Comparison Across Intersection

723 McKinley Avenue - Existing Exterior

Zoning Board of Appeals - Alteration of a Non-Conforming Structure

04/29/15





View West Down McKinley



View East Down McKinley

723 McKinley Avenue - Adjacent Homes

Zoning Board of Appeals - Alteration of a Non-Conforming Structure

04/29/15



715 McKinley



717 McKinley

723 McKinley Avenue - Adjacent Homes

Zoning Board of Appeals - Alteration of a Non-Conforming Structure

04/29/15





719 McKinley



803-809 McKinley

723 McKinley Avenue - Adjacent Homes

Zoning Board of Appeals - Alteration of a Non-Conforming Structure

04/29/15



813 McKinley



815 McKinley

723 McKinley Avenue - Adjacent Homes

Zoning Board of Appeals - Alteration of a Non-Conforming Structure

04/29/15





817 McKinley



NORTH

723 McKinley Avenue - Adjacent Homes

Zoning Board of Appeals - Alteration of a Non-Conforming Structure

04/29/15





1132 White



1128 White

723 McKinley Avenue - Adjacent Homes

Zoning Board of Appeals - Alteration of a Non-Conforming Structure

04/29/15



1122 White



1133 White (across street - east)

723 McKinley Avenue - Adjacent Homes

Zoning Board of Appeals - Alteration of a Non-Conforming Structure

04/29/15





1201 White (across street - southwest)



722 McKinley (across street - south)

723 McKinley Avenue - Adjacent Homes

Zoning Board of Appeals - Alteration of a Non-Conforming Structure

04/29/15