

**Zoning Board of Appeals
February 23, 2022 Regular Meeting**

STAFF REPORT

Subject: ZBA 22-001; 2012 Washtenaw Avenue

Summary:

Stacie McNulty, property owner, is requesting a three foot variance from Section 5.16.6 (2) (C) Accessory Uses and Structures in order to construct a 747 square foot detached garage at the rear of the property. The owners will demolish the existing garage and construct a new three car garage that adjoins the property line with the neighbor. The subject property will have two bays and the adjacent property will utilize the third bay. The property is zoned R1B, Single-Family Residential.

Background:

The subject property is located near the intersection of Washtenaw Avenue and Brockman Boulevard on the west side of the street. The home was built in 1849 and is approximately 3,363 square feet in size.

Description:

The existing three car detached garage is in a state of disrepair and requires demolition. The garage was constructed across the property line with the adjacent property at 2014 Washtenaw. The neighbors have a shared easement with the subject property to access their portion of the garage. The neighbors do not have a curb cut on Washtenaw or a driveway on their property. The applicants are requesting to build a new garage in approximately the same location with a shared wall with the neighbor.

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 states the demolition of their portion of the existing garage would result in damage to the neighbor's garage. Without the variance the new garage placement would impede on the shared easement and would impact the access for the neighbor. The new garage will require a three foot variance on one side of the garage while the remaining three walls will comply with the three foot setback.

- (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 owners state failure to grant the variance will result in a safety risk to both properties involved. Without the variance the damaged garage could not be demolished without posing a risk to the neighbors side of the structure.

- (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 applicants report the variance will allow substantial justice to allow removal of the safety risk and construction of a new safe and functional garage. Without the variance, the impacts to the neighbor's structure and easement would be significant.

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

The conditions were not self-imposed as the placement and structural integrity of the garage were in their current state when the property was purchased in 2019.

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

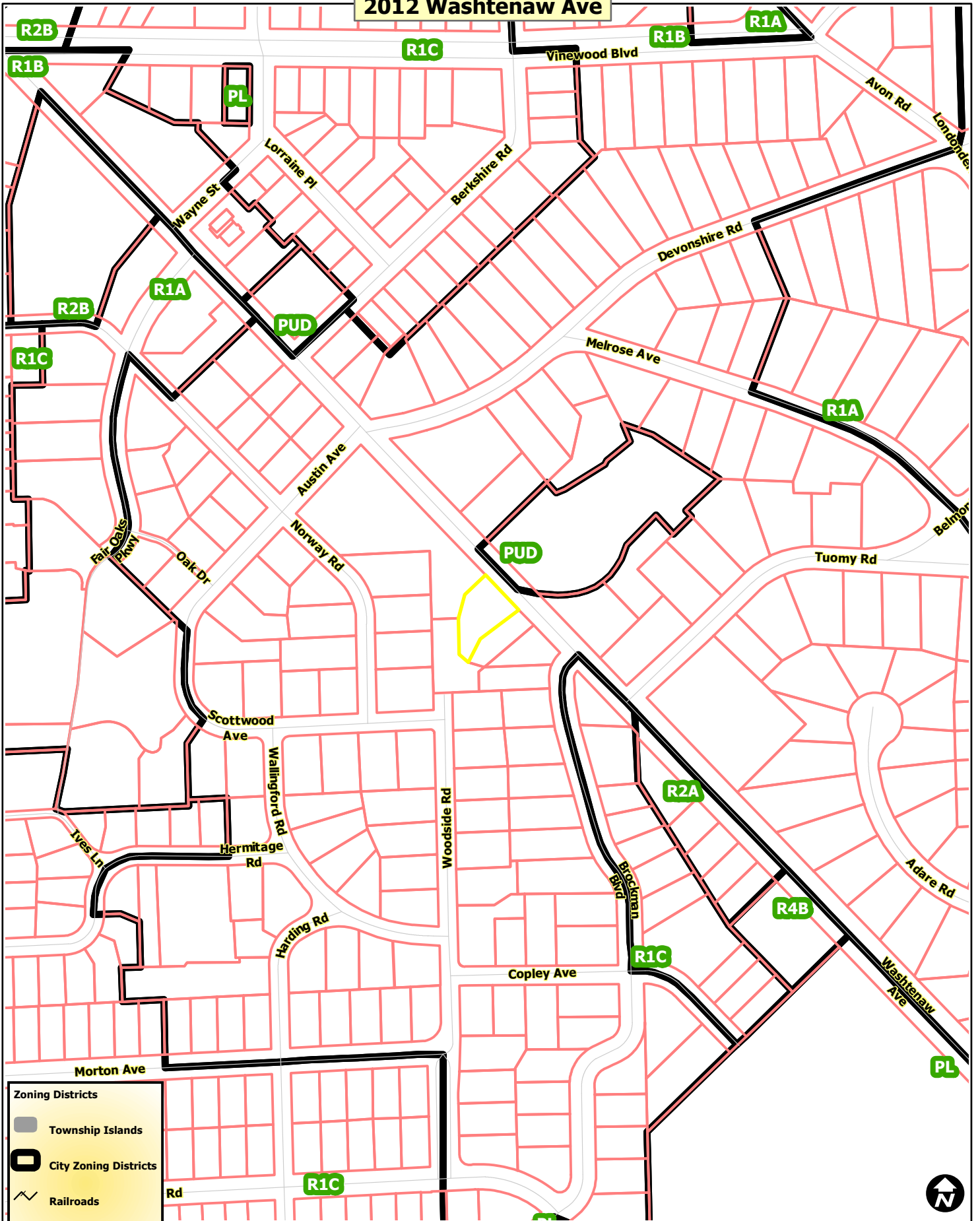
The variance of three feet is minimal because it is only being requested for one side of the garage and the remaining three sides will comply with setback requirements. The neighbors are in support of the variance request and there will not be any adverse impacts to surrounding properties.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Jon Barrett". The signature is stylized and cursive.

Jon Barrett
Zoning Coordinator

2012 Washtenaw Ave



Zoning Districts

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






Map date: 2/2/2022
 Any aerial imagery is circa 2020 unless otherwise noted
 Terms of use: www.a2gov.org/terms



2012 Washtenaw Ave

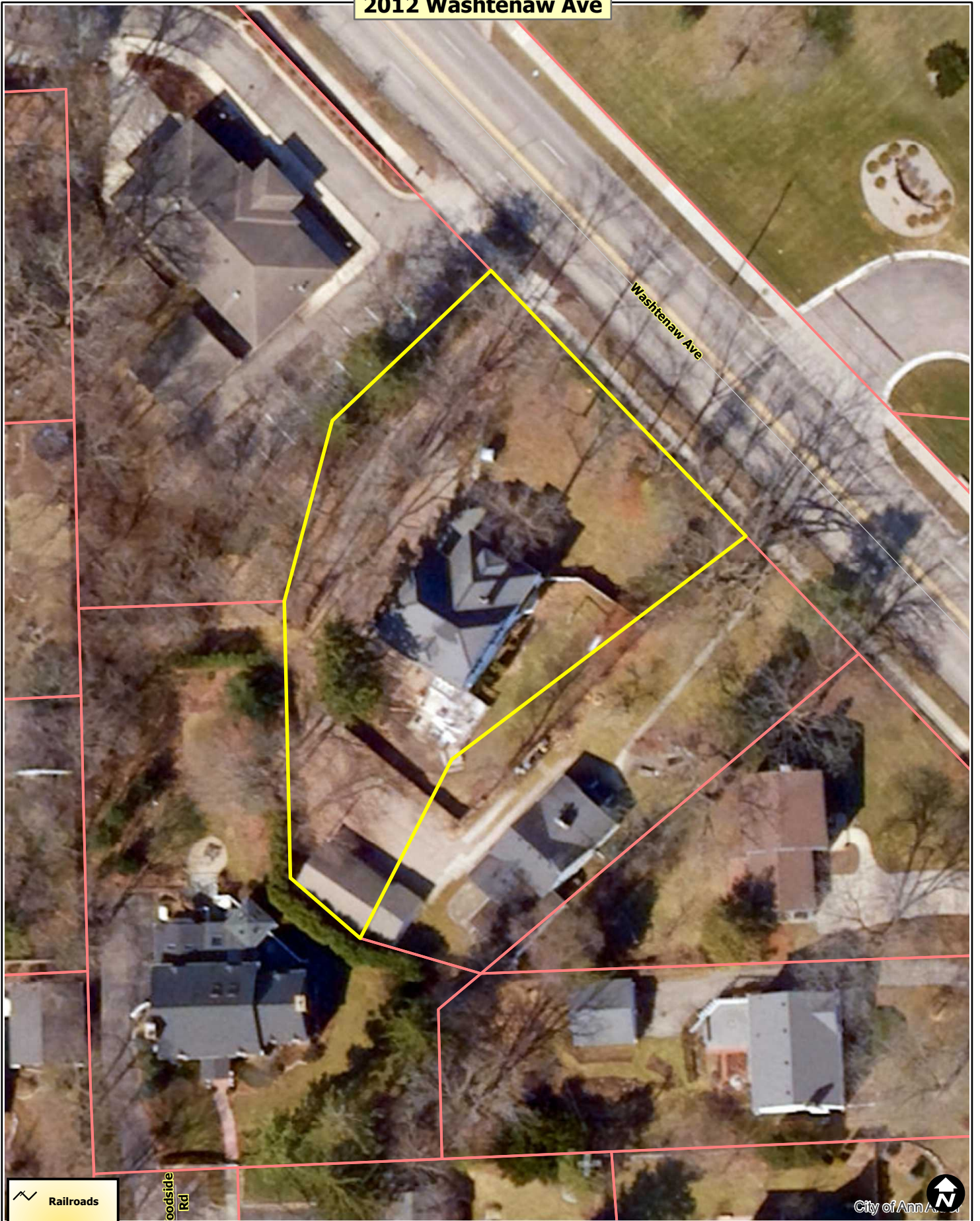


-  Railroads
-  Huron River
-  Tax Parcels



Map date: 2/2/2022
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2012 Washtenaw Ave



- Railroads
- Huron River
- Tax Parcels

Woodside Rd



City of Ann Arbor

Map date: 2/2/2022
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 2012 Washtenaw Ave		ZIP CODE 48104	
ZONING CLASSIFICATION 401 Residential	NAME OF PROPERTY OWNER *If different than applicant, a letter of authorization from the property owner must be provided Joshua and Stacie McNulty		
PARCEL NUMBER 09-09-34-204-007	OWNER EMAIL ADDRESS stacie.mculty@gmail.com		
APPLICANT INFORMATION			
NAME Stacie McNulty			
ADDRESS 2012 Washtenaw Ave	CITY Ann Arbor	STATE MI	ZIP CODE 48104
EMAIL stacie.mculty@gmail.com		PHONE 517-420-6548	
APPLICANT'S RELATIONSHIP TO PROPERTY Owner			
REQUEST INFORMATION			
<input checked="" 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	
REQUIRED MATERIALS		OFFICE USE ONLY	
<p>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.</p> <p>Required Attachments:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Boundary Survey of the property including all existing and proposed structures, dimensions of property, and area of property. <input checked="" type="checkbox"/> Building floor plans showing interior rooms, including dimensions. <input checked="" type="checkbox"/> Photographs of the property and any existing buildings involved in the request. 		<p>Fee Paid: _____ ZBA: _____</p> <p>DATE STAMP</p>	
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: Dec. 29, 2021	

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: 3' Inches:
3' accessory building setback from lot line

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

Feet: 0 Inches:
0 setback from lot line

DESCRIPTION OF PROPOSED WORK AND REASON FOR VARIANCE:

Our garage is in a state of disrepair and is a safety risk for us and our neighbors; it needs to be replaced. Our existing garage shares a wall with our neighbor's garage; the shared garage structure straddles the property lines, and our neighbor has an easement to her garage via our driveway. We have met with over 12 contractors, and all have said that we cannot repair or replace our garage without materially damaging our neighbor's structure. The contractors also said that, if we tried to repair our garage we would incur at least \$250-300,000 before it would be possible for them to know whether our 'repaired' garage would remain standing. The repair option is not practical and would cause undue financial hardship. We propose to rebuild a new garage structure in substantially the same footprint as the existing structure, which would mean that one wall of our garage would not comply with the 3' accessory building setback requirements. [continued on attached page]

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 are specific to the existing garage structure on our property, which is in disrepair and shares a wall with our neighbor's garage the garage structure is unique in that it straddles the property line. Because of the unique nature and placement of the existing structure, we cannot feasibly rebuild our portion of the garage structure without materially damaging our neighbor's property. Even if we could, we would not be able to change the placement of our garage without infringing on our neighbor's easement, or use of her garage and property. As a result, we request the variance in order to rebuild the garage structure in substantially the same footprint as the existing structure. Only one wall of our proposed garage would require a variance; the other walls would comply with the 3' accessory setback requirements. [continued on attached page]

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.

Failure to grant the variance would result in substantial practical and financial hardship to the property owners, as well as to our neighbor. Our existing garage is in a state of disrepair and presents a significant safety risk to those on/near the property, as well as to the property of our neighbors; there is a risk the structure will collapse and harm/damage people or property. Without the variance we will not be able to rebuild the garage and remove the safety risk without materially damaging our neighbor's property or infringing on her easement and use of her property, which would cause both us and our neighbor to incur significant practical and financial hardship. If forced to rebuild separate garages, our neighbor could not build a new functional garage on her property that would comply with setback requirements.

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.

Allowing the variance will allow substantial justice in that we will be able to remove the safety risk presented by our existing garage structure, such that we will have a safe, usable garage. Allowing the variance will also allow us to rebuild our garage in a safe and practical manner, and in a way that will not materially damage our neighbor's property, or infringe on her easement or use of her garage. If the variance is not granted, there is a risk that the existing structure will fall down and harm people or property, including the property of our neighbors to the side and rear of our property and near to the garage structure. If forced to repair or rebuild our garage structure separately, we will incur significant financial and practical hardship, and our neighbor would suffer damage to her property and significant harm to her use and enjoyment of her easement and garage. Property owners plan to present documents showing our neighbor's support for granting the variance.

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

This variance request is based on conditions and circumstances which are not self-imposed and are beyond the control of the property owners and their neighbor -- that is, the structure and placement of the existing garages, which share a wall and straddle the property lines -- and the condition of the property owner's garage, which was in a state of disrepair when purchased from the prior owners in 2019. Since becoming aware of the significant safety risk and likelihood that the garage would collapse, we have diligently worked with multiple contractors as well as our neighbor to come up with a practical and financially feasible solution that preserves the property and rights of both us and our neighbor. The only workable, financially feasible solution depends on this variance request being granted.

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

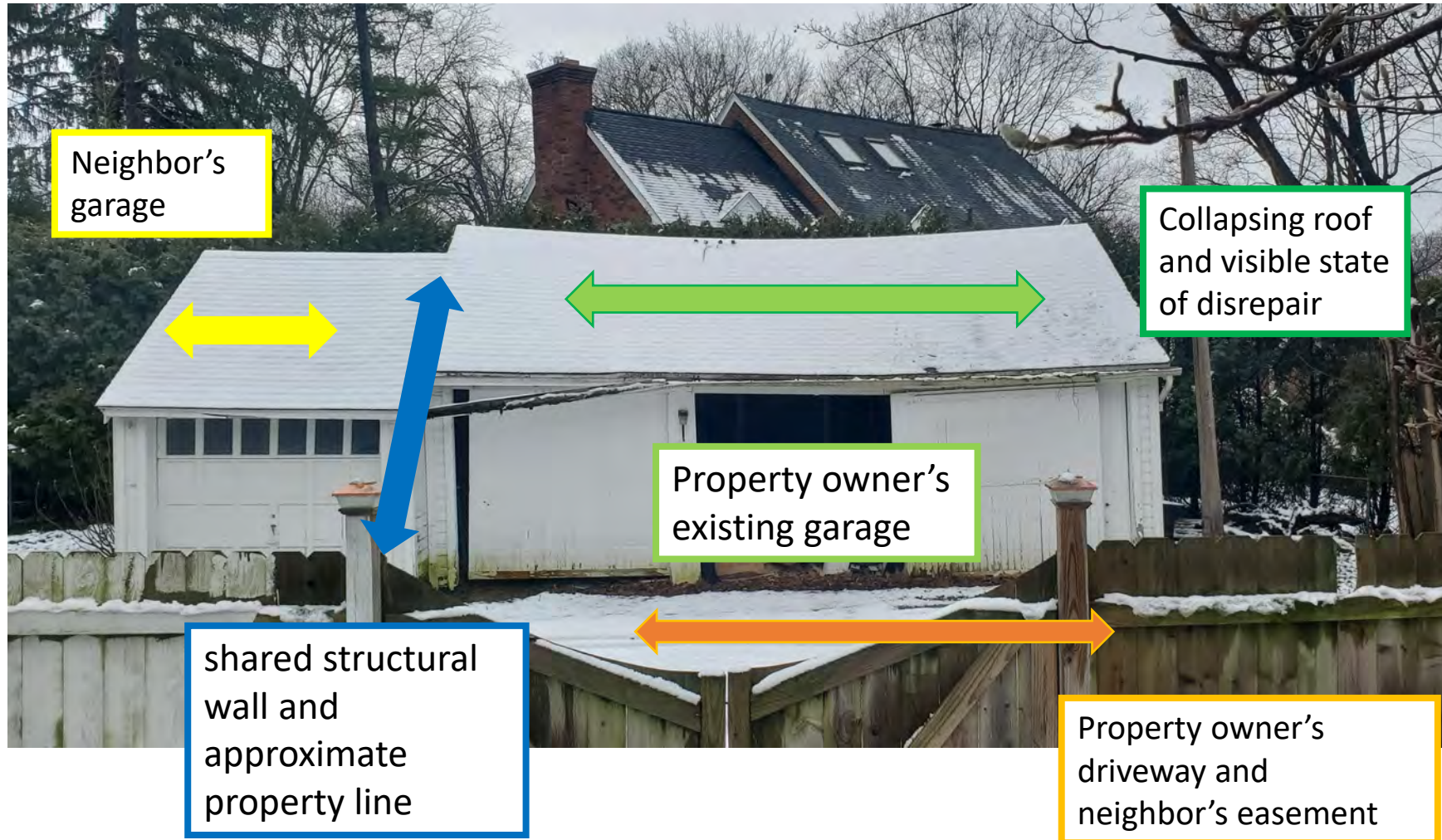
The requested variance is the minimum variance that will allow for both the property owners and their neighbor to make reasonable use of their land and structure. As shown in the attached plan drawings, the proposed structure will substantially conform to the existing footprint of the existing garage structure. Without the variance, the property owners would not be able to make reasonable use of the existing structure (in fact, the existing structure would continue to present a danger), and could not make reasonable use of their property (by repairing/rebuilding a separate garage) without incurring significant practical and financial hardship. Nor could the property owner's neighbor make reasonable use of her existing garage and easement, as her existing garage would be materially damaged and she would be unable to build a new functional garage that would comply with accessory setback requirements.

Variance Request to Zoning Board of Appeals – 2012 Washtenaw Ave

Attachment to Page 2 of Variance Application

1. *Continued from question 1.* Rebuilding in the footprint of the existing structure will ensure that we do not damage our neighbor's garage or use of her property; our neighbor does not have room to build a new, functional garage on her property that would comply with the accessory setback requirements.
2. *Continued from question 2.* If forced to rebuild new separate garages, our neighbor could not build a new functional garage on her property that would comply with accessory setback requirements. As a result, we request the variance in order to rebuild the garage structure in substantially the same footprint as the existing structure. Only one wall of our proposed garage would require a variance (the shared wall along the property line); the other walls would comply with the 3 foot accessory setback requirements.

2012 Washtenaw Existing Garage Structure





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**McNULTY RESIDENCE
GARAGE REPLACEMENT**
2012 WASHTENAW AVENUE · ANN ARBOR · MICHIGAN · 48104

project number:
210914
issue date:
2021 NOV 01

revisions:

sheet name:
**TITLE | CODE
STUDY**

sheet number:
00

McNULTY RESIDENCE

2012 Washtenaw Ave, Ann Arbor Michigan 48104

Garage Replacement

Permit Set

CODE STUDY

NAME OF PROJECT: McNulty Residence
 TYPE OF PROJECT: Garage Replacement
 ADDRESS: 2012 Washtenaw Ave, Ann Arbor, MI 48104
 OWNER: Josh & Stacie McNulty

BRIEF DESCRIPTION: Garage Replacement

APPLICABLE CODES: CITY OF ANN ARBOR, UNIFORM DEVELOPMENT CODE (ADOPTED JULY 16, 2018 W/AMENDMENTS THROUGH: FEBRUARY 14, 2021)
2015 MICHIGAN RESIDENTIAL CODE

PARCEL NUMBER: 09-09-34-204-007

LEGAL DESCRIPTION: COM NW COR LOT 2 BUELL SUB TH E ON NL 19.98 FT TH DEF 88 DEG 55 MIN LT 92.47 FT FOR POB TH DEF 125 DEG 12 MIN RT 30.15 FT TH DEF 89 DEG 4 MIN LT 41.15 FT TH DEF 11 DEG 28 MIN RT 184.71 FT TH DEF 90 DEG LT 129.86 FT TH DEF 93 DEG 35 MIN LT 115.4 FT TH DEF 26 DEG 38 MIN LT 61.12 FT TH DEF 17 DEG 23 MIN LT 94.41 FT TO POB PRT SEC 34 T2S R6E EXC WASHTENAW AVE

JURISDICTION: CITY OF ANN ARBOR

ZONING DESIGNATION: R1B - SINGLE FAMILY DWELLING

ZONING REQUIREMENTS: **TABLE 5:17-1**

	<u>REQ'D</u>	<u>PROPOSED</u>
MIN. LOT AREA PER DWELLING UNIT	10,000 SQ FT	EXISTING UNCHANGED
BUILDING SPACING	[C]	EXISTING UNCHANGED
MIN. FRONT YARD SETBACK	30 FEET [A]	EXISTING UNCHANGED
MIN. SIDE YARD SETBACK, ONE SIDE	5 FEET	EXISTING UNCHANGED
MIN. SIDE YARD SETBACK, TOTAL TWO SIDES	14 FEET	EXISTING UNCHANGED
MIN. REAR YARD SETBACK	40 FEET	EXISTING UNCHANGED
MAX. BLDG. HEIGHT	30 FEET	EXISTING UNCHANGED
MIN GROSS LOT DIMS, AREA	10,000 SQ FT	EXISTING UNCHANGED
MIN GROSS LOT DIMS, WIDTH	70 FEET	EXISTING UNCHANGED

NOTES:
[A] Also see additional regulations in **Section 5.16.6 (Accessory Uses and Structures)**.

A. All Accessory Uses and Structures

1. General

No Accessory Building shall be used prior to the Principal Building or Principal Use, except as a construction facility for a Principal Building. Such construction facility shall not be used for residential purposes. This exception is a temporary Accessory Building which shall lapse 30 days after completion of the Principal Building or Buildings.

2. In R-1, R-2, R-3, R-4, R-5, R-6, and P Zoning Districts

Accessory Buildings in these districts shall conform to the following regulations, except as may otherwise be provided in this chapter:

- a. Accessory Buildings shall not exceed 21 feet in height, except in the R-6 District Accessory Buildings shall not exceed 15 feet.
- b. Accessory Buildings shall not be erected in any Required Front Setback Area.
- 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.
- d. Accessory Buildings may occupy Rear Setback Areas provided that such Buildings do not occupy more than 35% of the required Rear Setback Area and are not closer than three feet to any Lot Line.
- e. Attached Accessory Buildings shall not occupy any portion of the required Side Setback Area.

CONTACT INDEX

OWNERS:

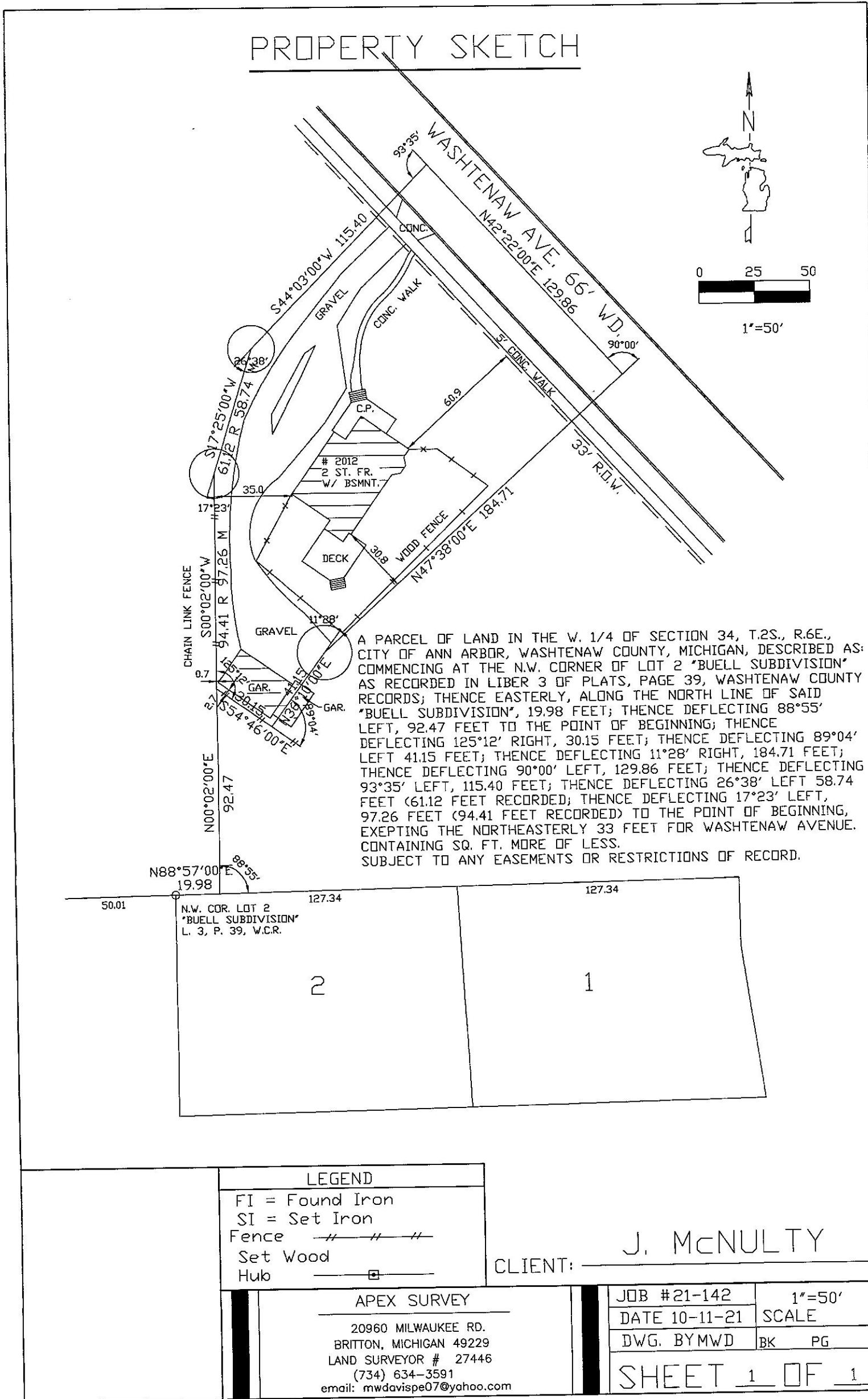
Josh & Stacie McNulty
josh.mcnulty@bracewell.com

DESIGNER:

Center Design Studio LLC
Jason J. Ennis
jason@centerdesignstudio.com
(734) 719-0685

SHEET INDEX

SHEET	NAME
00	TITLE CODE STUDY
01	SURVEY
02	SITE PLAN
03	FLOOR PLAN
04	ELEVATIONS



sheet number:
01

sheet name:
 SURVEY

project number:
 210914

issue date:
 2021 NOV 01

revisions:

McNULTY RESIDENCE
GARAGE REPLACEMENT
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City of Ann Arbor
 Planning & Development Services
 Phone: 734.794.6263 Fax: 734.994.8460

Impervious Area Worksheet
For Single Or Two-Family Residential
Development

Applicants for all projects creating new impervious area must fill out this worksheet and submit it to the Planning and Development Services Unit with their Grading permit application. If the new impervious area is greater than 200 sq ft you must provide stormwater management.

Property Address 2012 WASHTENAW AVE Date 11/01/2021

Applicant Name JOSH & STACIE McNULTY

Homeowner Name (If Different than Applicant) _____

IMPERVIOUS AREA CALCULATION

Impervious Area to be Constructed

Structures (measure from outer edge of eaves)	+ <u>840</u> sq ft
Parking/storage areas (including on-site driveways)	+ _____ sq ft
Walkways	+ _____ sq ft
Patios and Courtyards	+ _____ sq ft
Other (specify _____)	+ _____ sq ft
Constructed Impervious Area Subtotal	+ <u>840</u> sq ft

Existing Impervious Area to be Removed

Structures (measure from outer edge of eaves)	- <u>796</u> sq ft
Parking/storage areas (including on-site driveways)	- _____ sq ft
Walkways	- _____ sq ft
Patios and Courtyards	- _____ sq ft
Other (specify _____)	- _____ sq ft
Removed Impervious Area Subtotal	- <u>796</u> sq ft

+ <u>840</u> sq ft	Minus	- <u>796</u> sq ft	=	<u>44</u> sq ft
Constructed Impervious Area		Removed Impervious Area		New Impervious Area

If the "New Impervious Area" is less than 200 sq ft, no further information is necessary. Include this worksheet with the Grading Permit Application.

If the "New Impervious Area" is greater than 200 sq ft, storage of the First Flush (the first inch of runoff during a storm event) is required for the net new impervious area. Continue to the next calculation on the reverse side of this worksheet.

CONTINUED ON REVERSE SIDE



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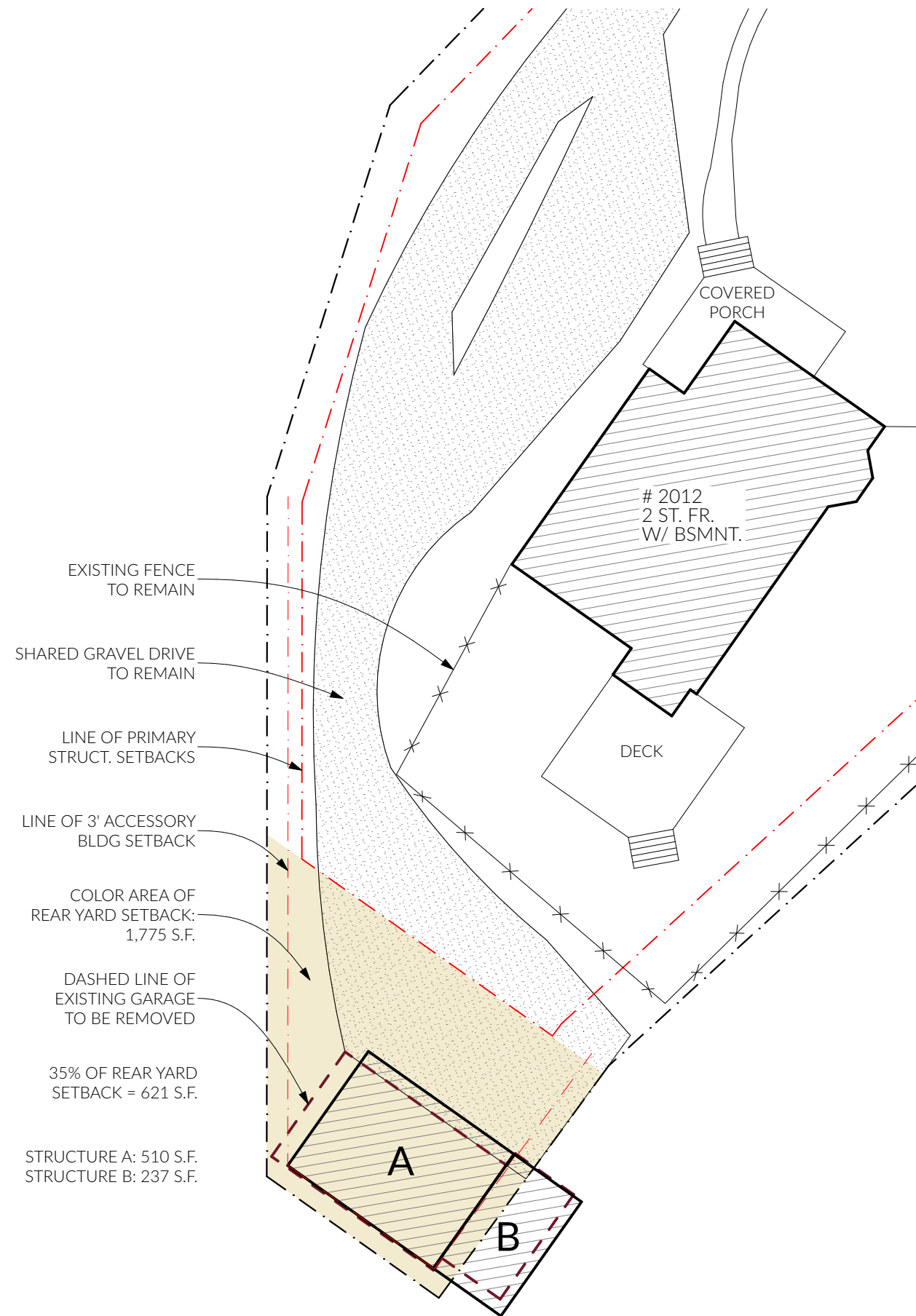
2012 WASHTENAW AVENUE · ANN ARBOR · MICHIGAN · 48104

project number:
210914
 issue date:
2021 NOV 01
 revisions: _____

sheet name:
SITE PLAN

sheet number:

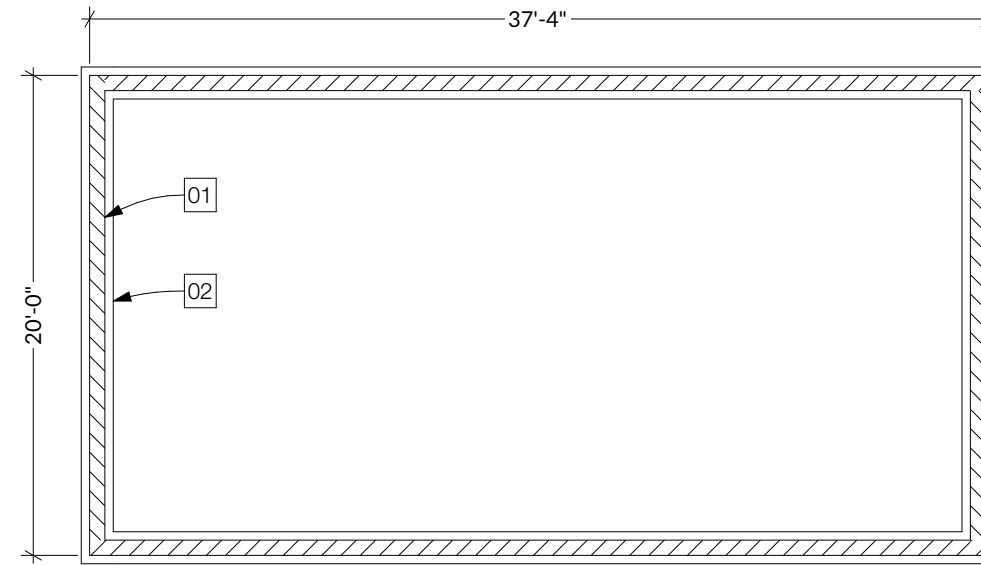
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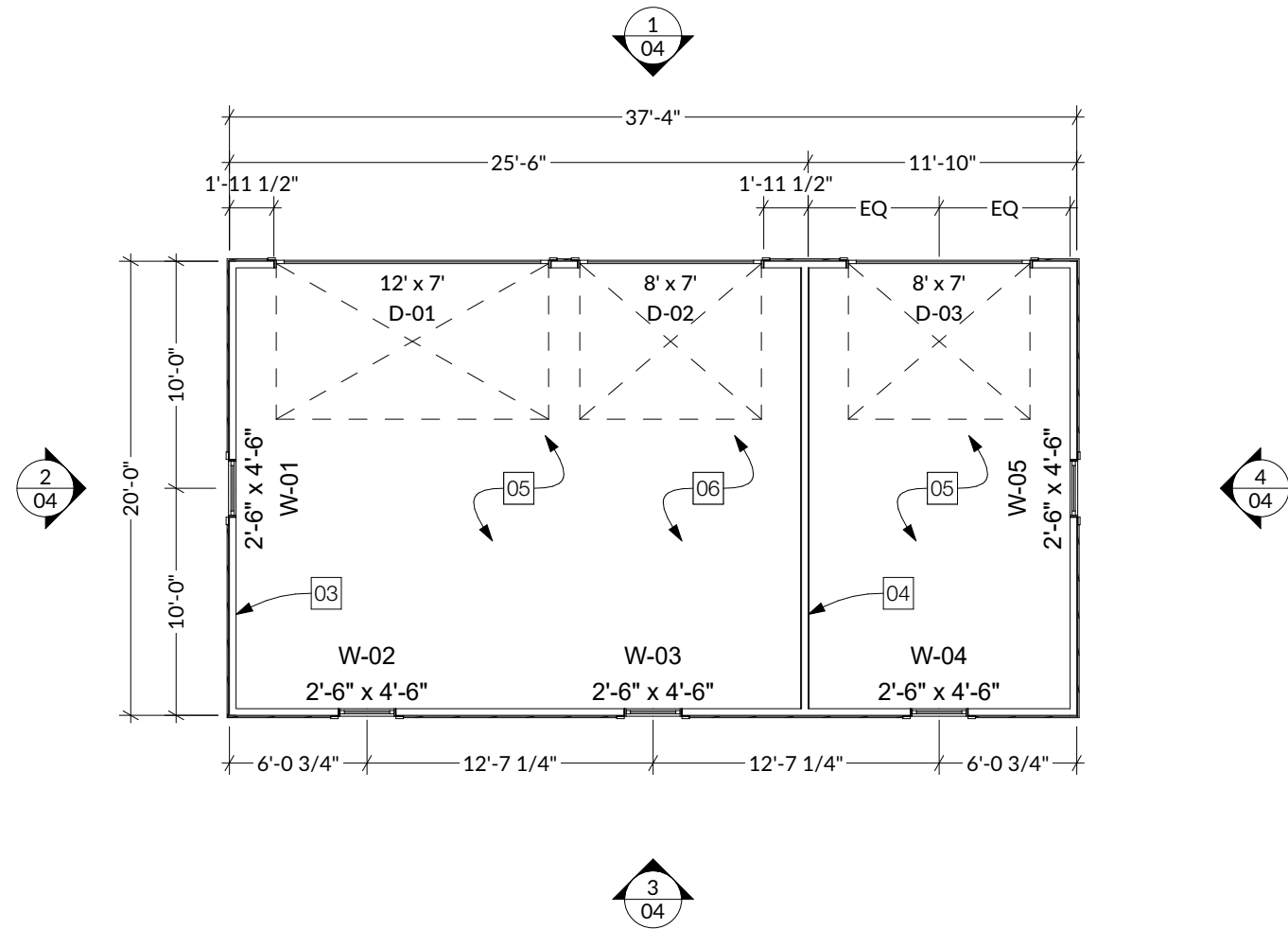
2 SITE PLAN
 SCALE: 1" = 20'

GARAGE PLANS KEYED NOTES

- 01. 5 COURSES OF 8" CMU BLOCK
- 02. SPREAD FOOTING AS REQ'D PER CODE; EVALUATE SOIL CONDITIONS ON-SITE AFTER EXCAVATION PRIOR TO FORMING SPREAD FOOTING
- 03. ALL EXTERIOR WALLS TO BE 2x4 FRAMING W/ 7/16" SHEATHING AND VINYL SIDING
- 04. INTERIOR WALL TO BE 2x4 FRAMING TO U.S. ROOF DECK W/ 7/16" SHEATHING BOTH SIDES
- 05. SLOPE GARAGE SLAB TOWARD GARAGE DOOR MIN 1/8" PER FOOT
- 06. ROOF FRAMING ABV: PREMANUFACTURED ROOF TRUSSES W/ 1' O.H. @ 2' O.C.



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



2 FLOOR PLAN
SCALE: 1/8" = 1'-0"



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**GARAGE
PLANS**

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03



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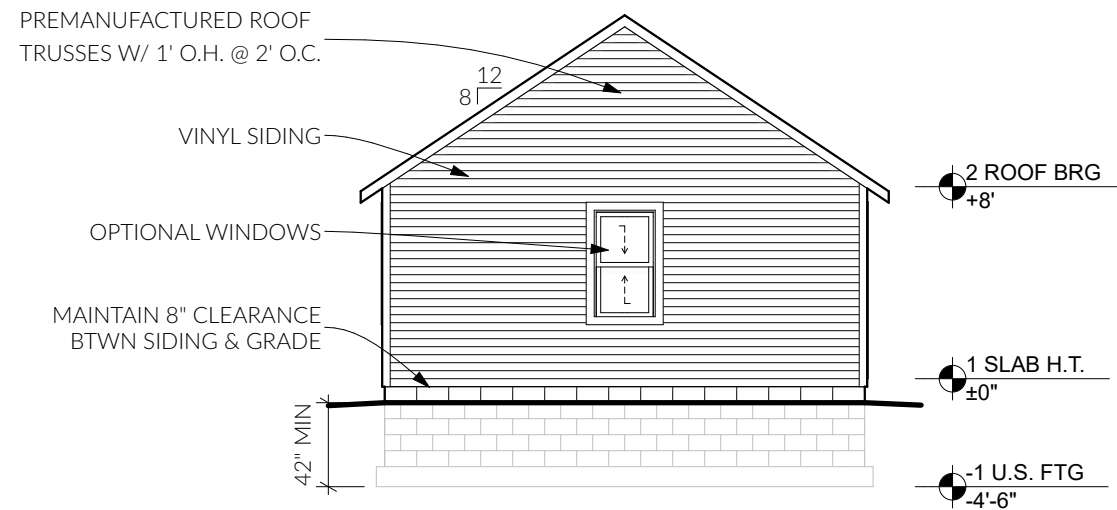
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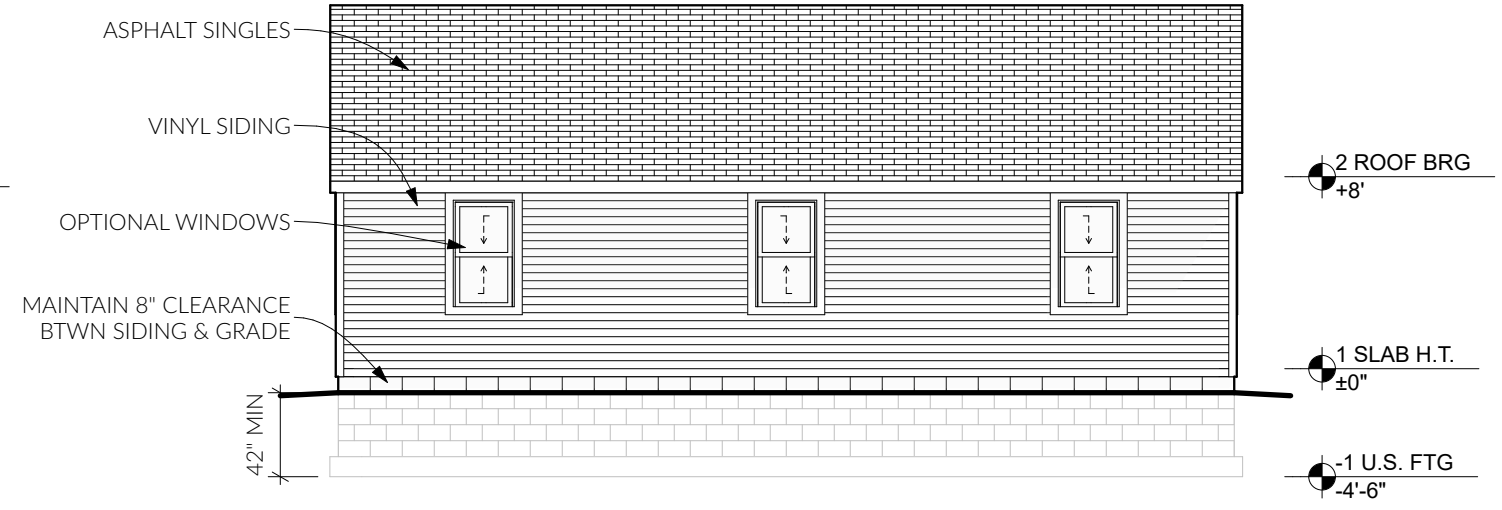
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BLDG
ELEVATIONS

sheet number:

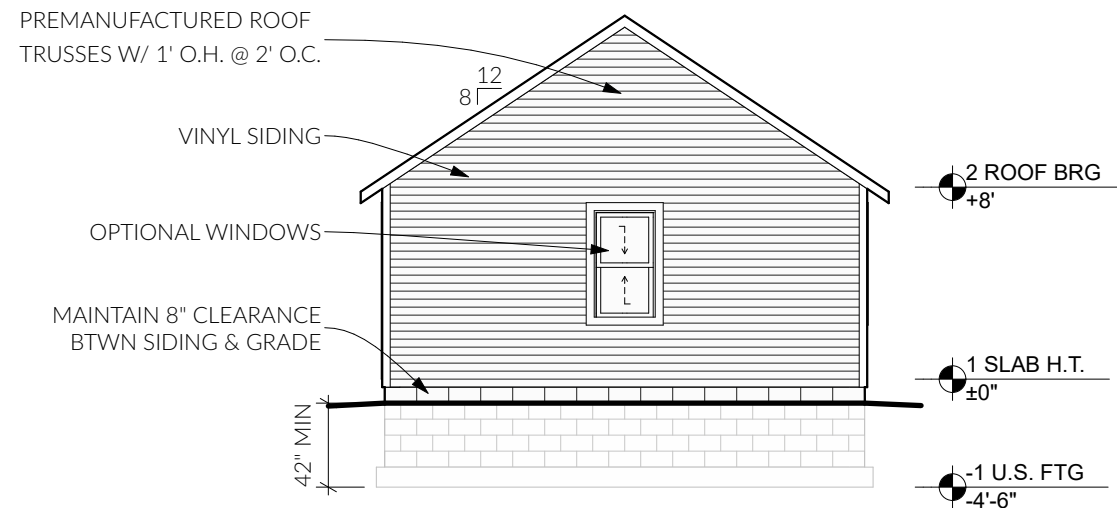
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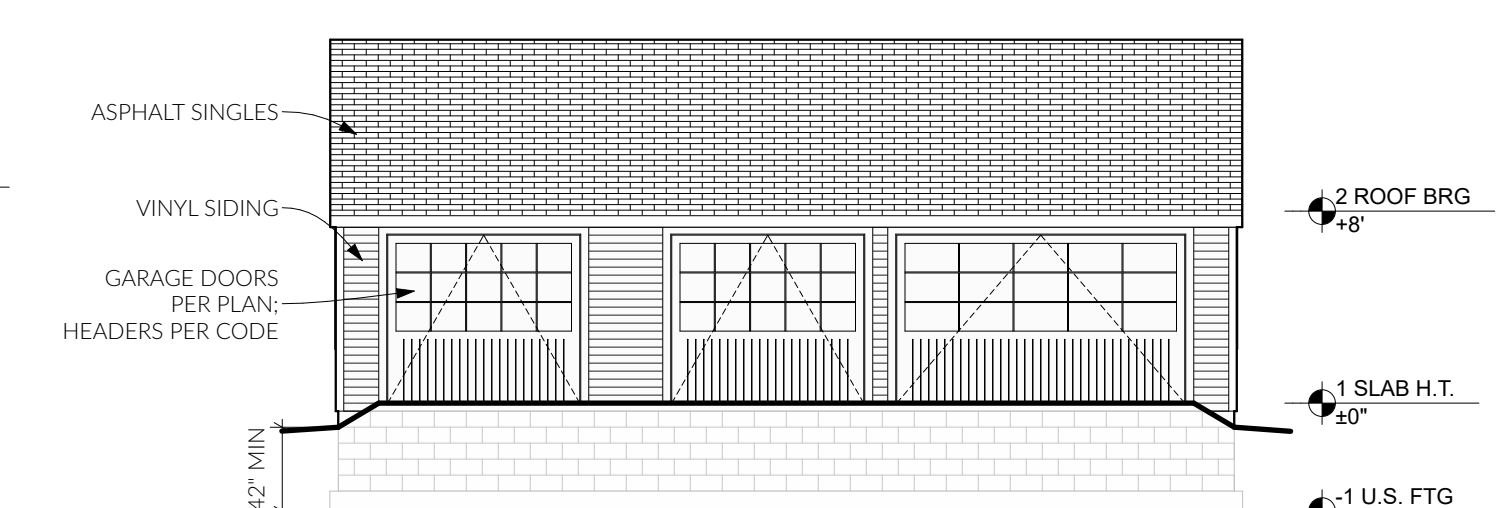
4 EAST ELEVATION
SCALE: 1/8" = 1'-0"



3 SOUTH ELEVATION
SCALE: 1/8" = 1'-0"



2 WEST ELEVATION
SCALE: 1/8" = 1'-0"



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