

**Zoning Board of Appeals
June 24, 2015 Regular Meeting**

STAFF REPORT

Subject: ZBA15-014, 1304 Horman Court

Summary: Gina and Peter Katz are requesting permission to alter a non-conforming structure in order to expand the non-conforming structure by constructing a building addition to the side of the existing non-conforming structure.

Description and Discussion:

The subject parcel is zoned R2A (Two-Family Residential District) and located on Horman Court, between Olivia and South Forest. The parcel is non-conforming for required lot size. The size of the parcel is 4,138 square feet and the minimum lot size is 8,500 square feet. The house was built in 1924 and is 1,470 square feet.

The petitioner would like to construct a 16 foot by 21 foot 2 inch two-story addition to the south side of the house. The existing house is non-conforming for the required rear yard setback. The required rear setback is 30 feet, the existing house is setback 10 feet and the depth of the lot is only 44 feet. The addition will be inset 1 foot from the existing rear wall for a rear setback to the new addition of 11 feet. The existing house is setback 8 feet 6 inches from the front property line which is conforming because this is based on front setback averaging of existing properties which makes the front setback approximately 8 feet. The addition will be inset 2 feet from the front wall of the existing house for a setback of 10 feet 6 inches to the new addition

A variance is not required because the new addition will not encroach any further into the front or rear setback than the existing house. The addition complies with the required side setback of 5 feet.

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 subject parcel is non-conforming for parcel size (4,138 square feet; required minimum lot size is 8,500 square feet). The lot dimensions are 44 feet deep by 96 feet wide. The home was constructed before current zoning standards were in effect. The shallow depth of the parcel and required 30 foot rear setback results in a 14 foot deep buildable area. The depth of the parcel limits the area available for an addition to the rear or front of the house.

The proposed 16 foot by 21 foot 2 inch two-story addition will be set back 1 foot from the existing rear wall of the house and 2 feet from the front wall, the addition will comply with required side setbacks of 5 feet. The addition will be designed to be consistent with the existing design of the house. The expansion will allow the petitioner to improve their property while respecting the intent of the Zoning Ordinance. Staff does not feel that the requested variance would negatively affect any surrounding property. The subject house is located on a parcel in an area of houses with similar sized parcels and scale of structures.

Respectfully submitted,

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

Matthew J. Kowalski, AICP
City Planner