

**Zoning Board of Appeals
November 19, 2014 Regular Meeting**

STAFF REPORT

Subject: ZBA14-015; 1600 Brooklyn

Summary: Carl O. Hueter is requesting permission to alter a non-conforming structure as described in Chapter 55, Zoning, Section 5:87, Structure Nonconformance, in order to construct a second-story addition over an existing non-conforming structure.

Description and Discussion:

The request is discussed in detail below:

The subject parcel is located at 1600 Brooklyn, on the corner of Brooklyn and Baldwin. The parcel is zoned R1C (Single-Family Residential District). The single-family house was built in 1922 and is 1,860 square feet. The house is non-conforming for front (Baldwin) and side setbacks; two parking space exist on the site and one space is required. The existing house has a second story which extends over the majority of the house except for a 12 foot by 15 foot covered rear porch. The existing covered porch encroaches 2 feet 6 inches into the required side setback of 5 feet. It is unknown when the covered porch was constructed, it is not visible in the 1947 aerials, but does appear in the 1966 aerial photo of the property. There were no Building permits found.

The petitioner is proposing to extend the second story over the covered rear porch with an addition containing 225 square feet for a total floor area of 2,085 square feet. There will be no expansion of the existing footprint of the house; the proposed addition will not extend any closer to the property lines than the existing house. The interior of the house will be re-configured to include a Master Bedroom in the proposed addition. The maximum occupancy of the house is 4 unrelated people and will not be increased if the addition is constructed.

Standards for Approval

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:

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

ZBA14-015; 1600 Brooklyn

The petitioner is asking to modify an existing non-conforming structure. After construction, the structure will continue to be used as a single-family home and is generally consistent in size and placement with other surrounding structures. The footprint of the existing house will not be expanded; no part of the structure will be built closer to the property line than currently existing. An existing single-story addition 2 ½ feet from the property line will become a two story structure and this will match the roof lines and height of the existing house. Staff considers this request to be minimal in context of the surrounding land uses. The expansion will allow the petitioner to improve their property while respecting the intent of the Zoning Ordinance.

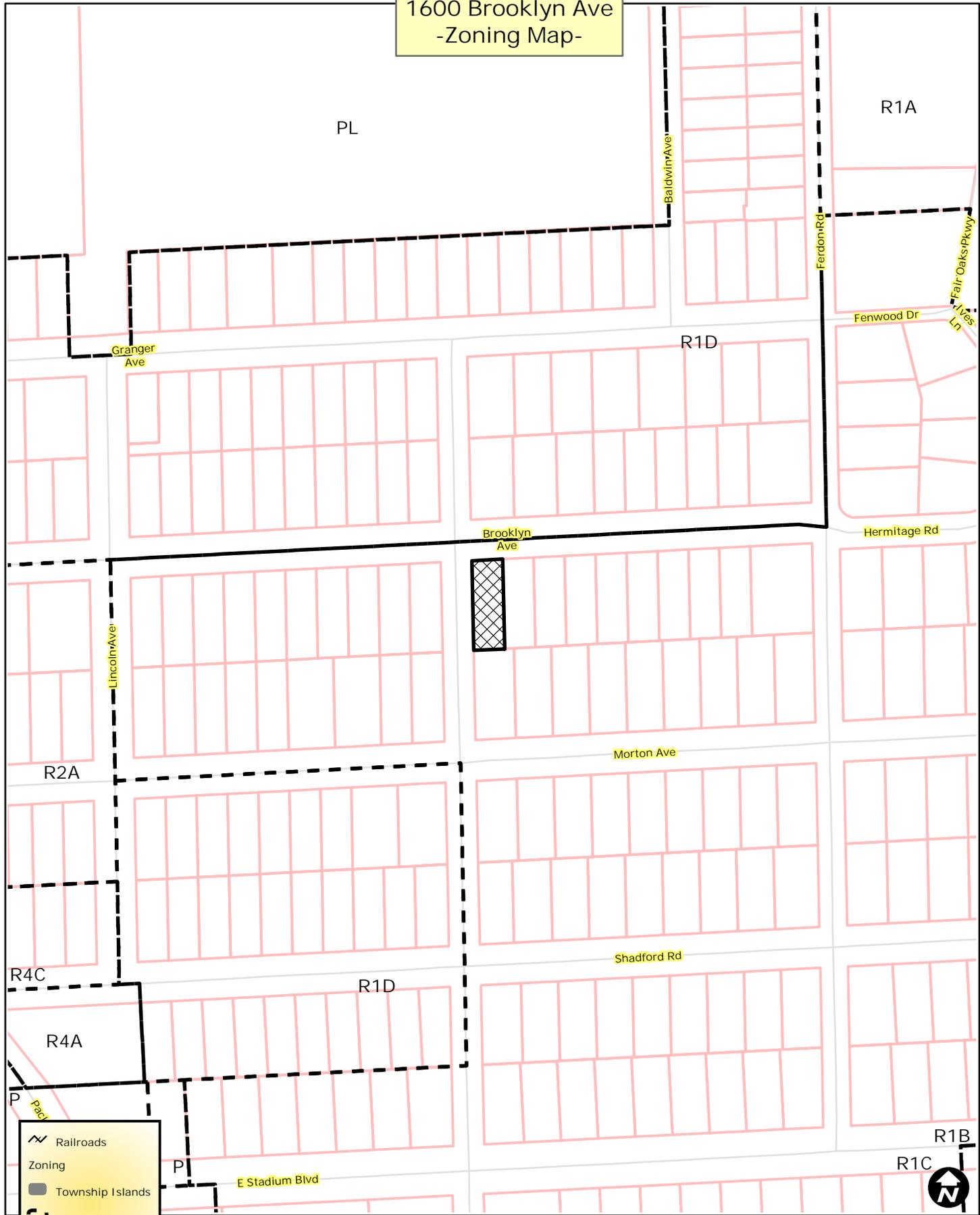
Staff does not feel that the requested alteration would negatively affect any surrounding property. A letter of support from an adjacent neighbor has been submitted.

Respectfully submitted,

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

Matthew J. Kowalski, AICP
City Planner

1600 Brooklyn Ave
-Zoning Map-



Railroads

Zoning

Township Islands

Zoning Districts

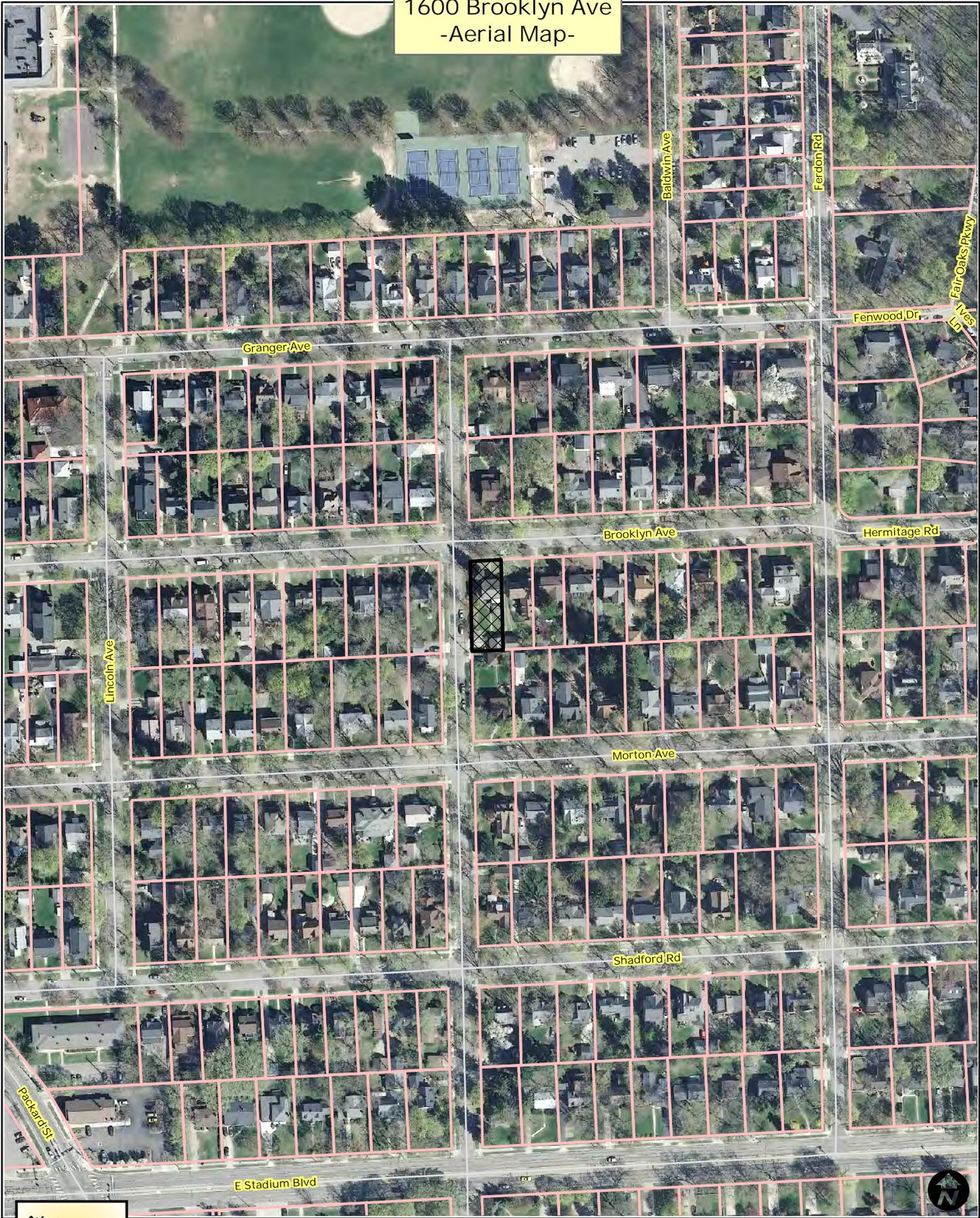
Parcels

Huron River



City of Ann Arbor Map Disclaimer: Map Date 10/27/2014
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1600 Brooklyn Ave
-Aerial Map-



-  Railroads
-  Parcels
-  Huron River



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1600 Brooklyn Ave
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APPLICATION FOR VARIANCE OR NON-CONFORMING STRUCTURE
ZONING BOARD OF APPEALS

Section 1: Applicant Information

Name of Applicant: CARL O. HUETER
 Address of Applicant: 1301 FRANKLIN BLVD.
 Daytime Phone: 734-270-8175
 Fax: _____
 Email: carl@hueterarchitects.com
 Applicant's Relationship to Property: architect

Section 2: Property Information

Address of Property: 1000 BROOKLYN
 Zoning Classification: R1C
 Tax ID# (if known): _____
 *Name of Property Owner: JAMES JOYCE & EMILY SANTEE

**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 5107

Required dimension:

5' SIDE YD. SETBK.

PROPOSED dimension:

0'0"

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)

EXPANDING EXISTING REAR FIRST FLOOR ADDITION WITH A NEW
SECOND FLOOR BEDROOM ADDITION.

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?

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

3. What effect will granting the variance have on the neighboring properties? _____

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?

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

Section 5: ALTERATION TO A NON-CONFORMING STRUCTURE

Current use of the property SINGLE FAMILY RESIDENCE

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 | 7,162 SF | 7,200 SF |
| Lot width | 50 FT CORNER LOT | 60 FT |
| Floor area ratio | - | - |
| Open space ratio | - | - |
| Setbacks | 831' / 52.5' / 274' | 825' / 55' / 230' |
| Parking | 4 | 2 |
| Landscaping | - | - |
| Other | CORNER LOT | |

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

ADDING SECOND FLOOR BEDROOM OVER AN EXISTING FIRST FLOOR ADDITION. THIS SPACE IS CURRENTLY A COVERED SECOND FLOOR DECK AREA. ADDITION IS A RATIONAL EXPANSION OF EXISTING 2ND FLOOR PLAN, OVER AN EXISTING ADDITION, MODEST IN SIZE (225SF) & CONSISTENT WITH THE NEIGHBORHOOD.

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:

SIZE & VOLUME OF THIS ADDITION ARE MODEST & CONSISTENT WITH RENOVATIONS OCCURRING IN THIS NEIGHBORHOOD. ADJACENT NEIGHBORING HOUSE IS SET OFF COMMON PROPERTY LINE BY A NEW 10 FT. WIDE DENEWAY.

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 SECOND FLOOR ADDITION OVER AN EXISTING FIRST FLOOR ADDITION ON A NON-CONFORMING SINGLE FAMILY RESIDENCE

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.

734 276 8175
 Phone Number _____ Signature _____
carl@hveterarchitects.com
 Email Address _____ CARL O. HUETER
 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.

 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.

 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.**

 Signature _____

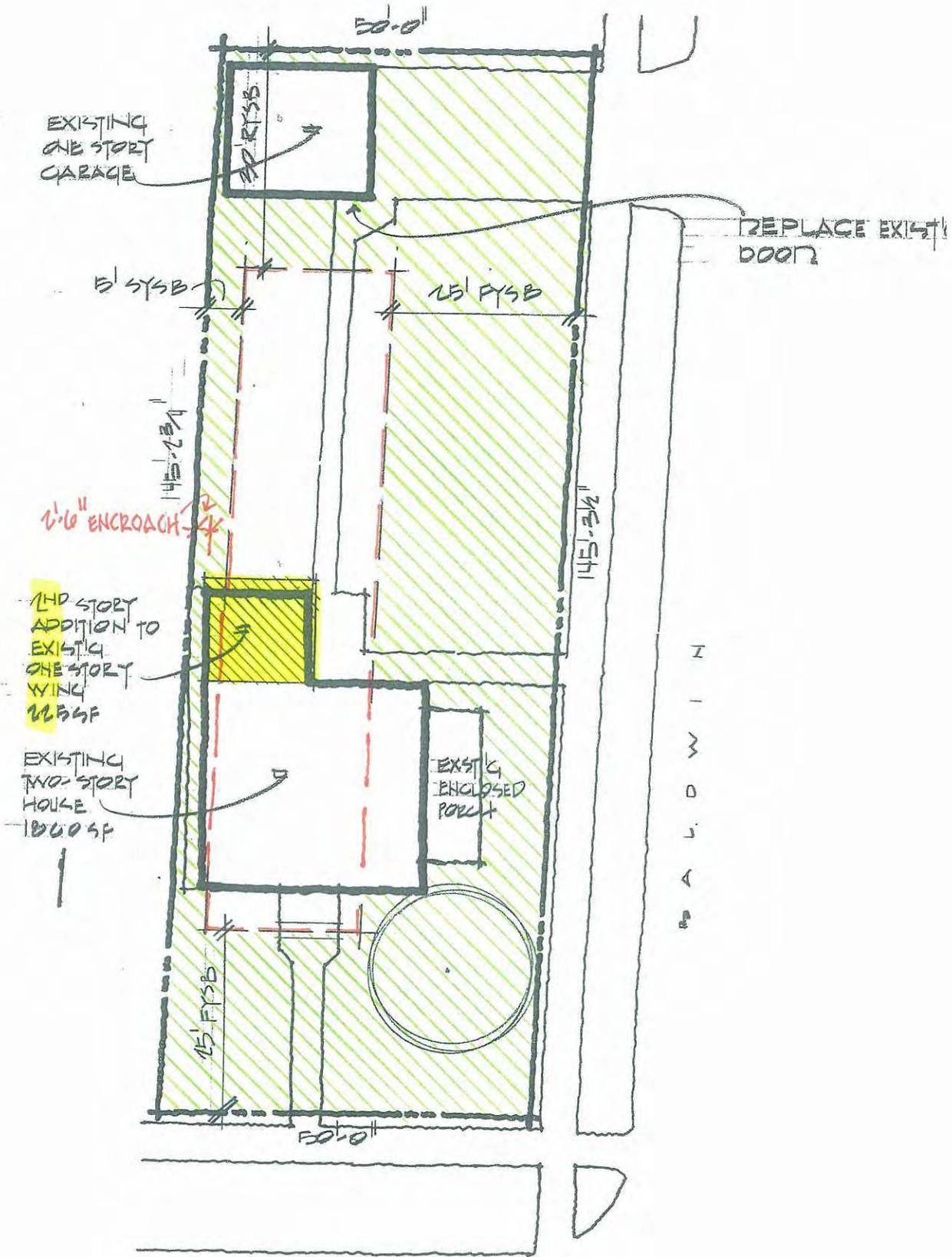
On this 22 day of October, 2014, before me personally appeared the above named applicant and made oath that he/she has read the foregoing application by him/her subscribed and knows the contents thereof, and that the same is true as to his/her own knowledge except as to those matters therein stated to be upon his information and belief as to those matters, he/she believes them to be true.

 Notary Public Signature _____
12-26-2019
 Notary Commission Expiration Date _____ Valerie Latnie
 Print Name _____

VALERIE LATNIE
 Notary Public, Monroe County, MI
 My Commission Expires 12-26-2019
 Acting in Washtenaw County

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: _____

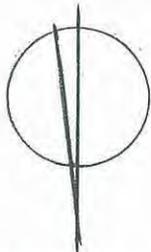
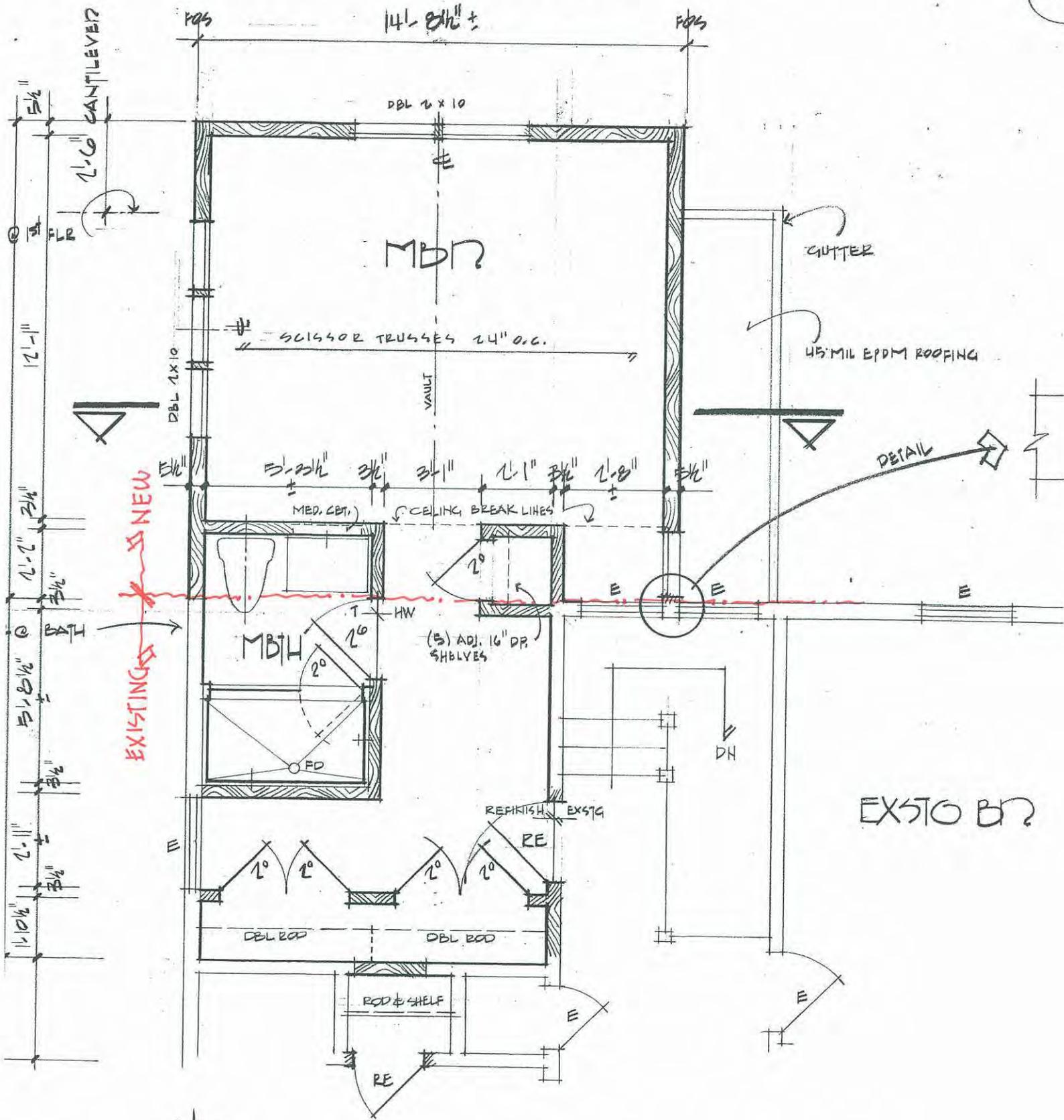


B R O O K L Y N A Y E .



2ND FLOOR FRAMING

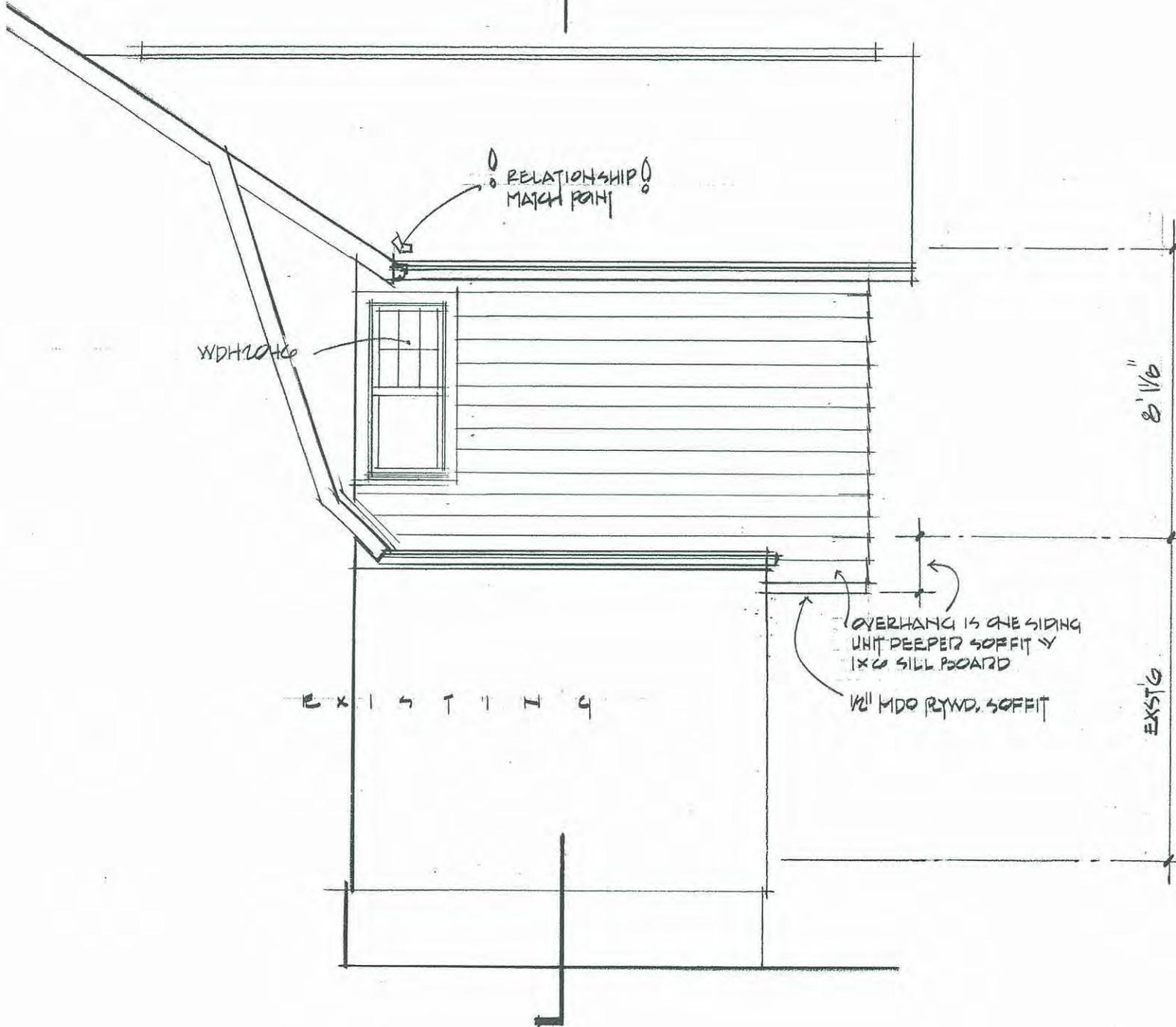
ALL 2x10's 16" O.C. INCLUDING DBL JOISTS



NEW SECOND FLOOR PLAN

RE = RELOCATED EXISTING

SECTION



WEST ELEVATION @ 1/4" = 1'-0"

SECTION

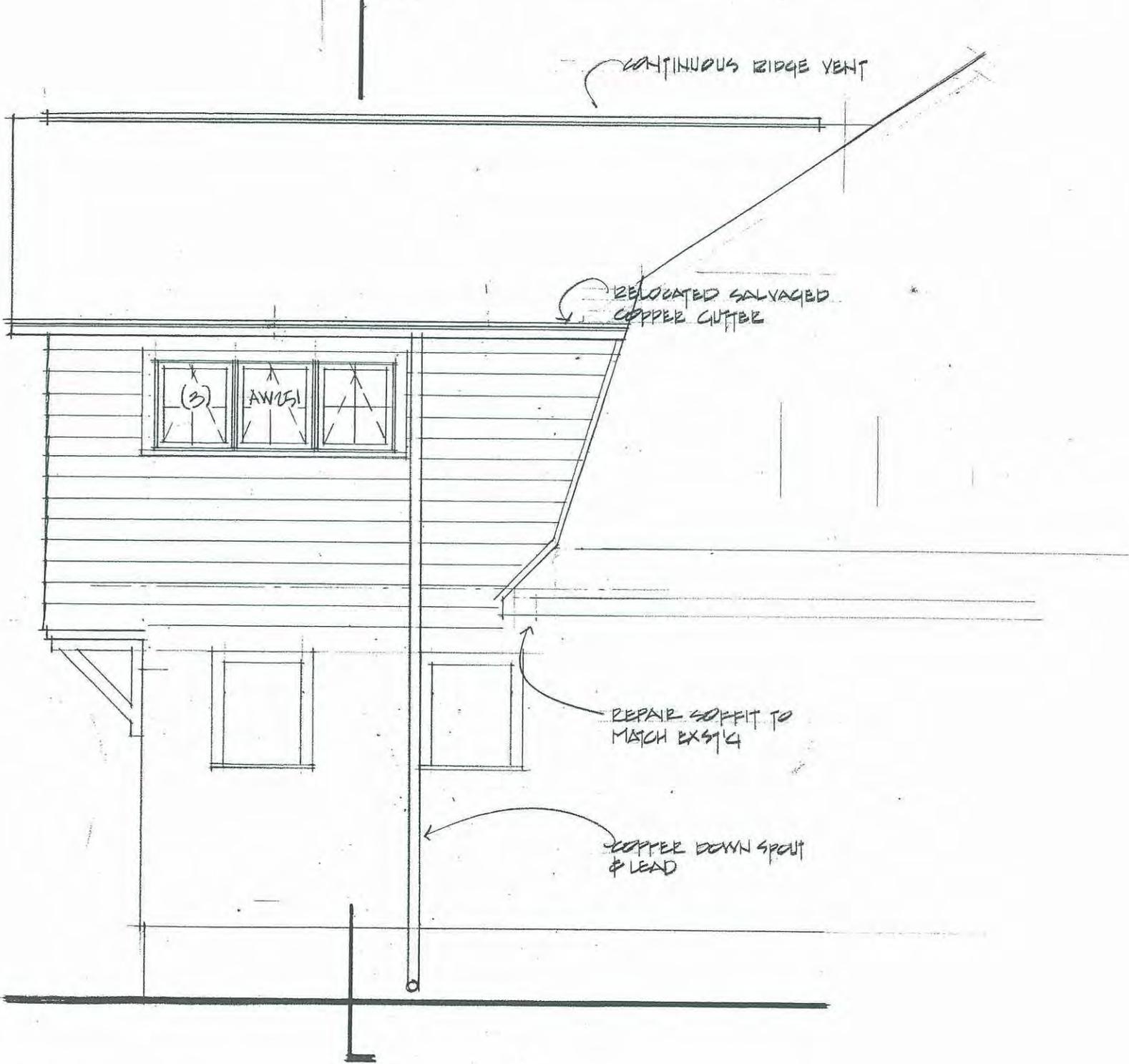
CONTINUOUS RIDGE VENT

RELOCATED SALVAGED
COPPER GUTTER

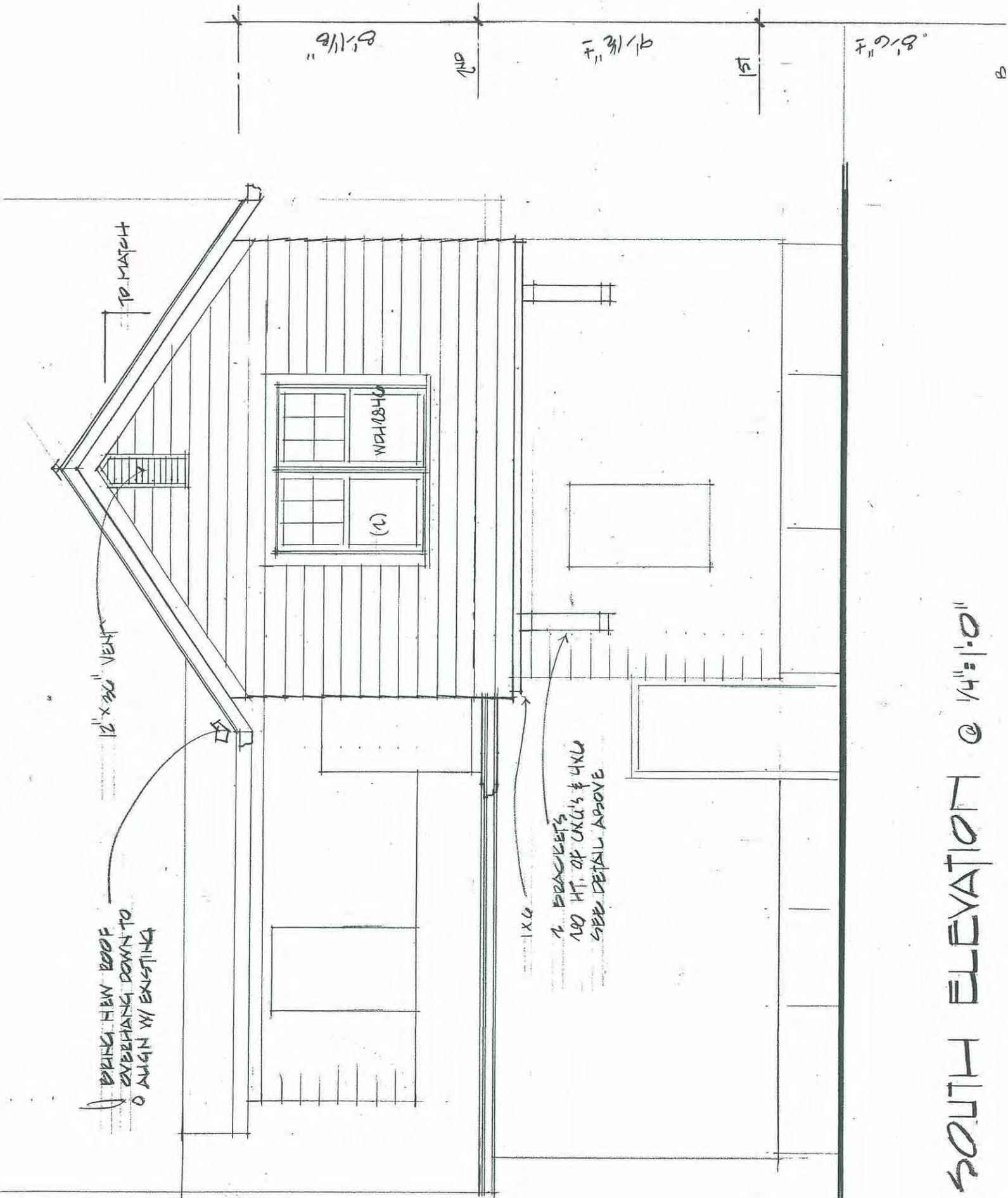
REPAIR SOFFIT TO
MATCH EXST'G

COPPER DOWN SPOUT
& LEAD

EAST ELEVATION



SOUTH ELEVATION @ 1/4" = 1'-0"



BRING NEW ROOF
OVERHANG DOWN TO
ALIGN W/ EXISTING

12" x 20" VENT

TO MATCH

WINDOW
(1)

1 X 6
100 HT. OF 2X4'S @ 4X6
SEE DETAIL ABOVE

9'-1 1/8"

15'

8'-0"

B

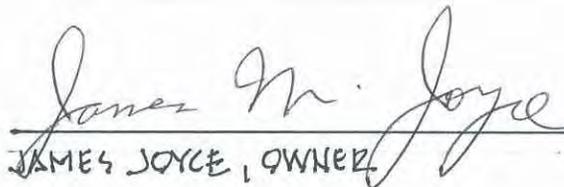
B

POWER OF ATTORNEY :

IN RESPECT TO REPRESENTING JAMES JOYCE & EMILY SANTER OWNERS OF 1600 BROOKLN A SINGLE FAMILY RESIDENCE IN REGARDS TO A PETITION BEFORE THE CITY OF ANN ARBOR ZONING BOARD OF APPEALS.

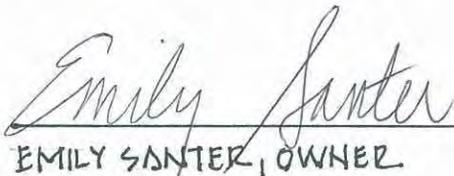
CARL O. HUETER AIA, ARCHITECT IS GRANTED POWER OF ATTORNEY TO REPRESENT OUR INTERESTS IN THIS SPECIFIC PETITION IN FRONT OF THE CITY OF ANN ARBOR.

SINCERELY,



JAMES JOYCE, OWNER

Oct. 21, 2014
DATE



EMILY SANTER, OWNER

10/21/14
DATE

David Grand
1604 Brooklyn Ave.
Ann Arbor, MI 48104
(734) 780-7697

City of Ann Arbor
Zoning Board of Appeals
Larcom City Hall
301 E. Huron St., first floor
Ann Arbor, MI 48104

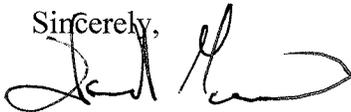
November 14, 2014

Dear Members of the Zoning Board of Appeals:

I own the residence located at 1604 Brooklyn Ave., in Ann Arbor. My next-door neighbors, James M. Joyce and Emily M. Santer, who own 1600 Brooklyn Ave., are planning an addition to their home and will be requesting a variance for the project. I understand that the project will entail enclosing an existing second-floor porch and turning it into a bedroom; thus, I understand that the project will not alter 1600 Brooklyn's existing footprint. The second-floor porch was apparently added in the 1950s or early 1960s, before the Stille-DeRossett-Hale Single State Construction Code Act was enacted in 1972. I understand that the old addition, if built today, would not conform to the requirement for a 5' side-yard setback, as it is set back 2'6" from the edge of our property. Since the proposed new addition would sit exactly on top of the old addition, it would leave the setback exactly as it is. The current setback does not cause my family any problems, and extending the existing structure to the second floor would also not present any problems for us.

Accordingly, as next-door neighbor of James Joyce and Emily Santer, I write to advise the Zoning Board of Appeals that I have no objection to the proposed construction project described above. Please do not hesitate to contact me if you have any questions regarding these matters.

Sincerely,



David Grand