

**Zoning Board of Appeals  
June 26, 2019 Regular Meeting**

**STAFF REPORT**

**Subject: ZBA19-011; 1103 West Madison**

**Summary:**

Margaret and Theron Dobson, property owners, are seeking a variance from Chapter 55 Unified Development Code Section 5.18.5 Averaging an Established Front Building Line. An eight foot two inch variance is requested from the 28 foot two inch required front setback in order to construct a new porch and vestibule.

**Background:**

The subject property is zoned R1C Single-family dwelling. The home is located in the Selma section of the Eberwhite neighborhood.

**Description:**

The owners are proposing to demolish the existing foyer and porch and construct a new 116 square foot foyer and a new 140 square foot front porch. A two car garage and mudroom on the west side of the property is also part of the planned construction project but does not require variance approval.

**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 that the existing porch and vestibule are nonconforming at their existing setback of 24 feet 10 inches. The resulting variance request is for an additional 4 feet 10 inches therefore resulting in a total variance of 8 feet 2 inches. The goal of the project is to create a more forward façade to the street than the side view the home currently has. The current configuration of the home does not allow a porch and vestibule without a variance.

- (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.***

Denial of the variance will hinder the applicants ability to create a different architectural view of the home and significantly impact the scope of the project.

- (c). *That allowing the variance will result in substantial justice being done, considering the public benefits intended to be secured by this Chapter, the***

Zoning Board of Appeals  
June 26, 2019

***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.***

Granting of the variance will not affect or harm adjacent property owners. The variance will benefit the neighborhood by improving the streetscape.

- (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 is uniquely shaped and the position of the home creates a hardship to make any necessary improvements to the structure.

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

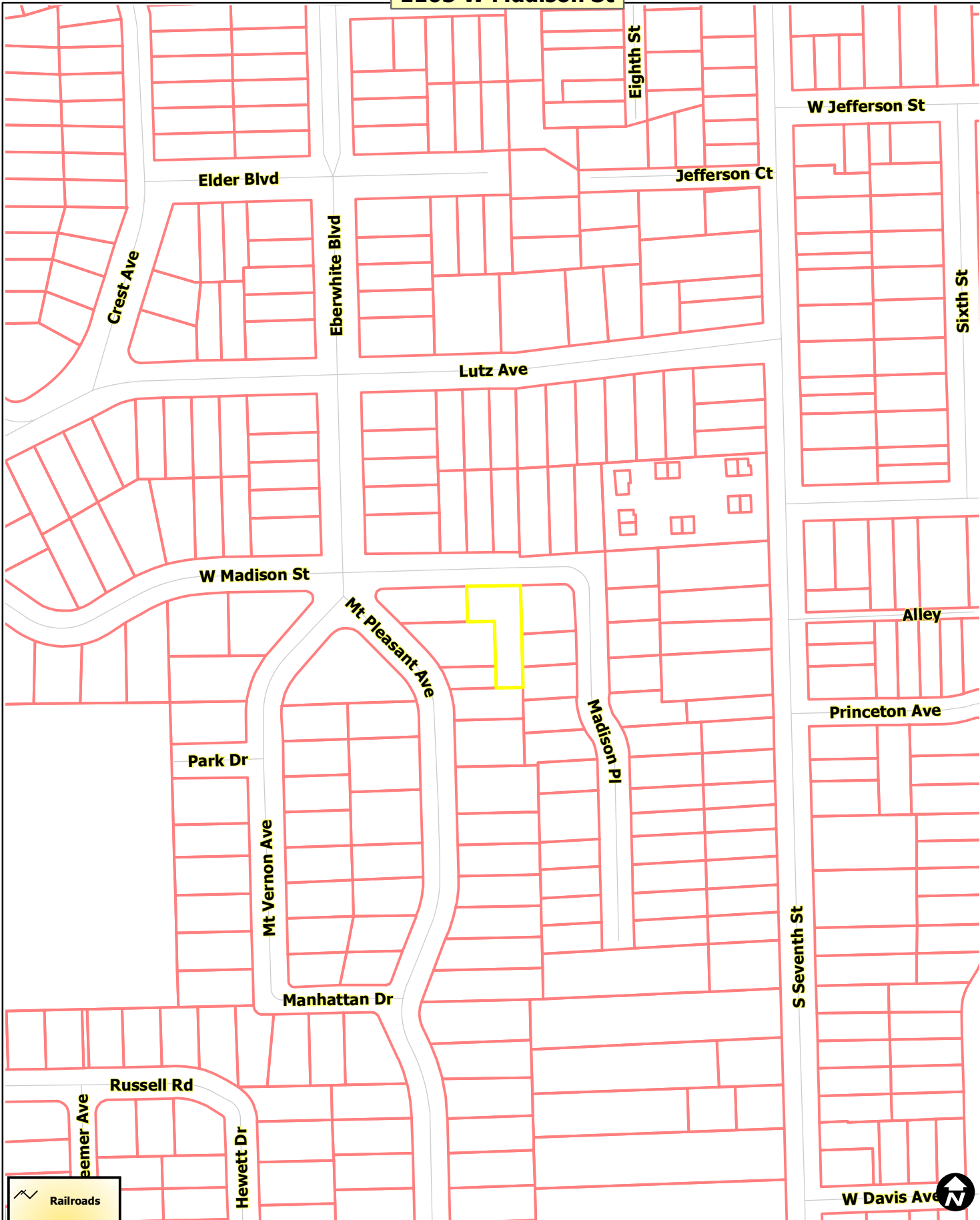
The variance request is minimal. The proposed porch will accommodate a swing and chair. The entry into the home will be on the side of the home and not from Madison Street. If a new front entry was proposed the variance request would be much larger.

Respectfully submitted,

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

**Jon Barrett  
Zoning Coordinator**


1103 W Madison St







1103 W Madison St



 Railroads

 Huron River

 Tax Parcels






Map date: 5/31/2019  
Any aerial imagery is circa 2018  
unless otherwise noted  
Terms of use: [www.a2gov.org/terms](http://www.a2gov.org/terms)



1103 W Madison St

W Madison St

Mt Pleasant

-  Railroads
-  Huron River
-  Tax Parcels



Map date: 5/31/2019  
Any aerial imagery is circa 2018  
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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](mailto:planning@a2gov.org)

## PROPERTY INFORMATION

ADDRESS OF PROPERTY <b>1103 W Madison</b>		ZIP CODE <b>48103</b>
ZONING CLASSIFICATION <b>401Res (R1C)</b>	NAME OF PROPERTY OWNER* <i>If different than applicant, a letter of authorization from the property owner must be provided</i> <b>Margaret &amp; Theron Dobson</b>	
PARCEL NUMBER <b>09-09-30-409-016</b>	OWNER EMAIL ADDRESS <b>meglekander@gmail.com</b>	

## APPLICANT INFORMATION

NAME <b>Margaret &amp; Theron Dobson</b>			
ADDRESS <b>1103 W Madison</b>	CITY <b>Ann Arbor</b>	STATE <b>Mi</b>	ZIP CODE <b>48103</b>
EMAIL <b>meglekander@gmail.com, therondobson@gmail.com</b>		PHONE <b>5174046942</b>	
APPLICANT'S RELATIONSHIP TO PROPERTY <b>Owner</b>			

## 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
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REQUIRED MATERIALS	OFFICE USE ONLY
<p>One hard copy application complete will 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><b>Required Attachments:</b></p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Boundary Survey of the property including all existing and proposed structures, dimensions of property, and area of property.</li> <li><input checked="" type="checkbox"/> Building floor plans showing interior rooms, including dimensions.</li> <li><input checked="" type="checkbox"/> Photographs of the property and any existing buildings involved in the request.</li> </ul>	<p>Fee Paid: <b>5/24</b> ZBA:</p> <p><b>CITY OF ANN ARBOR CITY OF ANN ARBOR RECEIVED MAY 24 2019 <del>MAY 23 2019</del> PLANNING AND DEVELOPMENT SERVICES PLANNING &amp; DEVELOPMENT SERVICES</b></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: *M. Dobson Theron Dobson* Date: 5/23/2019



# 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)

**Article 4, Section 5.18.5**

REQUIRED DIMENSION: (Example: 40' front setback)

Feet: **28'** Inches: **2"**

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

Feet: **20'** Inches: **0"**

DESCRIPTION OF PROPOSED WORK AND REASON FOR VARIANCE:

See Attached (A.)

**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 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.

See Attached (B.)

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.

See Attached (C.)

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.

See Attached (D.)

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

See Attached (E.)

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

See Attached (F.)

**A. Description of proposed work**

We request a variance of 8 ft 2 in (current average setback is 28 ft 2 in, proposed setback for our home is 20 ft 0 in) to accommodate adding a porch and vestibule to our existing home, as part of a renovation. Our existing vestibule and stoop are non-conforming, with a setback of 24 ft 10 in, so this would be an additional setback of 4 ft 10 in. We are seeking this variance as part of a broader renovation. Our goal is to renovate our home from its current side view to a forward facing home in keeping with the friendly, neighborly street where we live.

The setback variance will allow for an addition of an open front porch area, and a vestibule that promotes neighborhood participation and safety.

**B. 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.**

Given our homes configuration it is difficult to arrange a door and vestibule within the front setback. The home is situated on the property in a way that does not reasonably allow a covered porch without encroachment upon the front setback. There is also no reasonable solution to allow elderly/disabled access without similar encroachment. This variance will allow an improvement to a friendlier streetscape for our home and make it a more traditional style characteristic to the neighborhood.

**C. 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.**

Denial of this variance is not merely an inconvenience, or failure to meet financial returns. Failure to make this accommodation will inherently make it more difficult for us to create a forward facing architectural view of our home as we renovate and keep this streetscape in mind. Additionally, the space in variance specifically, will allow us to better host family gatherings including elderly and aging parents and grandparents, and potentially impact our ability to accommodate parents or grandparents staying with us should the need arise.

**D. 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.**

Regulations are important to limit the abuse of personal property. However, there is justice in flexibility with regulation to allow for personal autonomy in the case of community benefit, where no harm to others is evident, and the request is in keeping with the function of the property and neighborhood as is the case with our request.



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

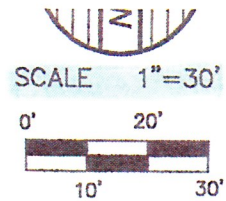
This hardship is not self-imposed. Our lot is uniquely shaped and our home is uniquely positioned on the lot in a way that does not allow other options for a front access without encroachment upon the front setback.

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

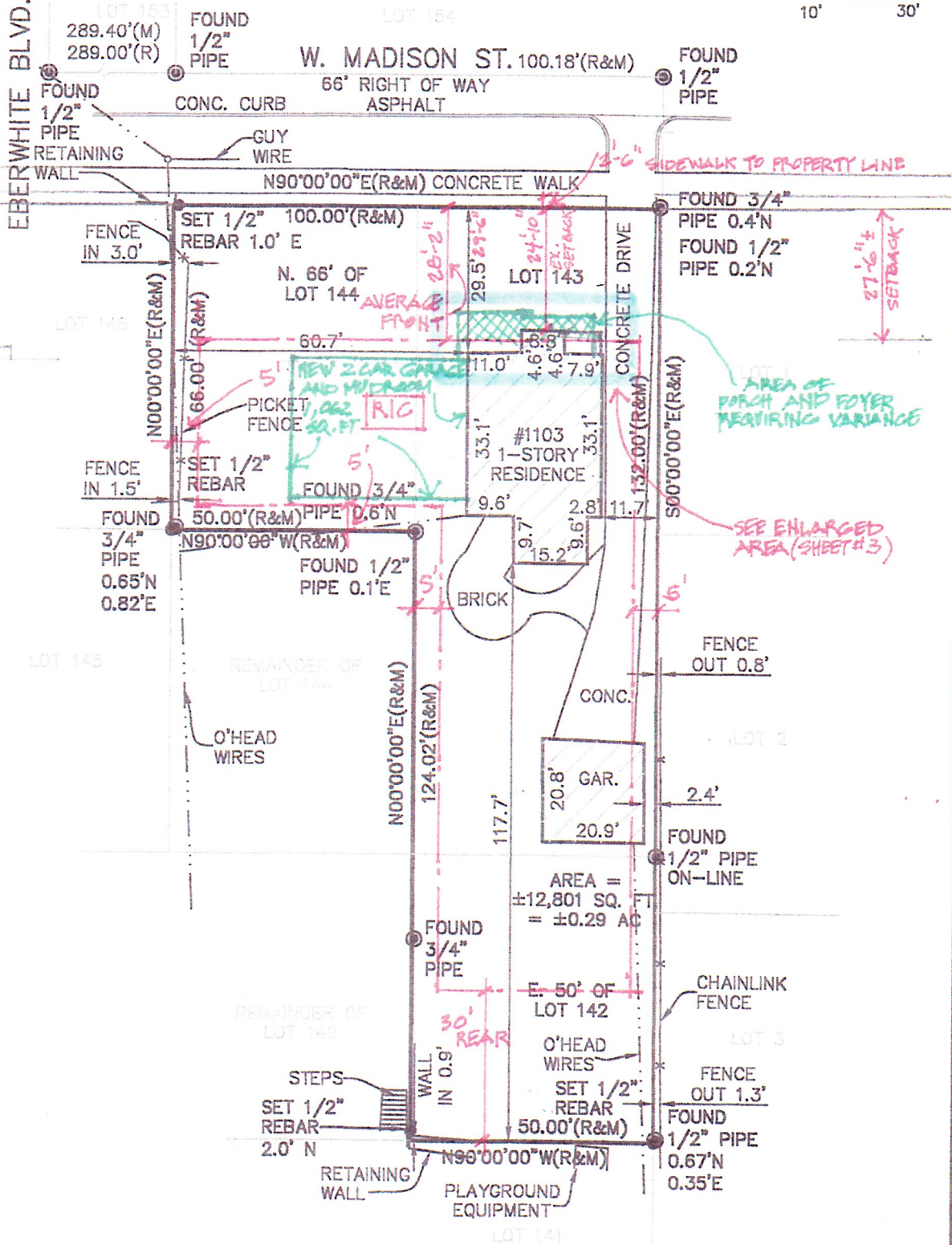
The porch requested is only large enough for a small porch swing and chair, and the entry way of this size will allow for a wheeled walker or wheel chair to turn to enter the home. The architectural line of the original roof is maintained by this porch. We have not requested a direct entry into the home from Madison St, as this approach would require a request for a greater variance, as it would further extend the steps/porch into the front yard.

**NOTE:**

A CURRENT TITLE POLICY HAS NOT BEEN FURNISHED AT TIME OF SURVEY, THEREFORE EASEMENTS AND/OR ENCUMBRANCES AFFECTING SUBJECT PARCEL MAY NOT BE SHOWN.



EBERWHITE BLVD.



EXISTING SITE PLAN

1"=30'-0"

**LEGEND**

- SET 1/2" REBAR WITH CAP, #32341
- ⊙ FOUND MONUMENT (AS NOTED)
- (M) MEASURED DIMENSION
- (R) RECORD DIMENSION

1.

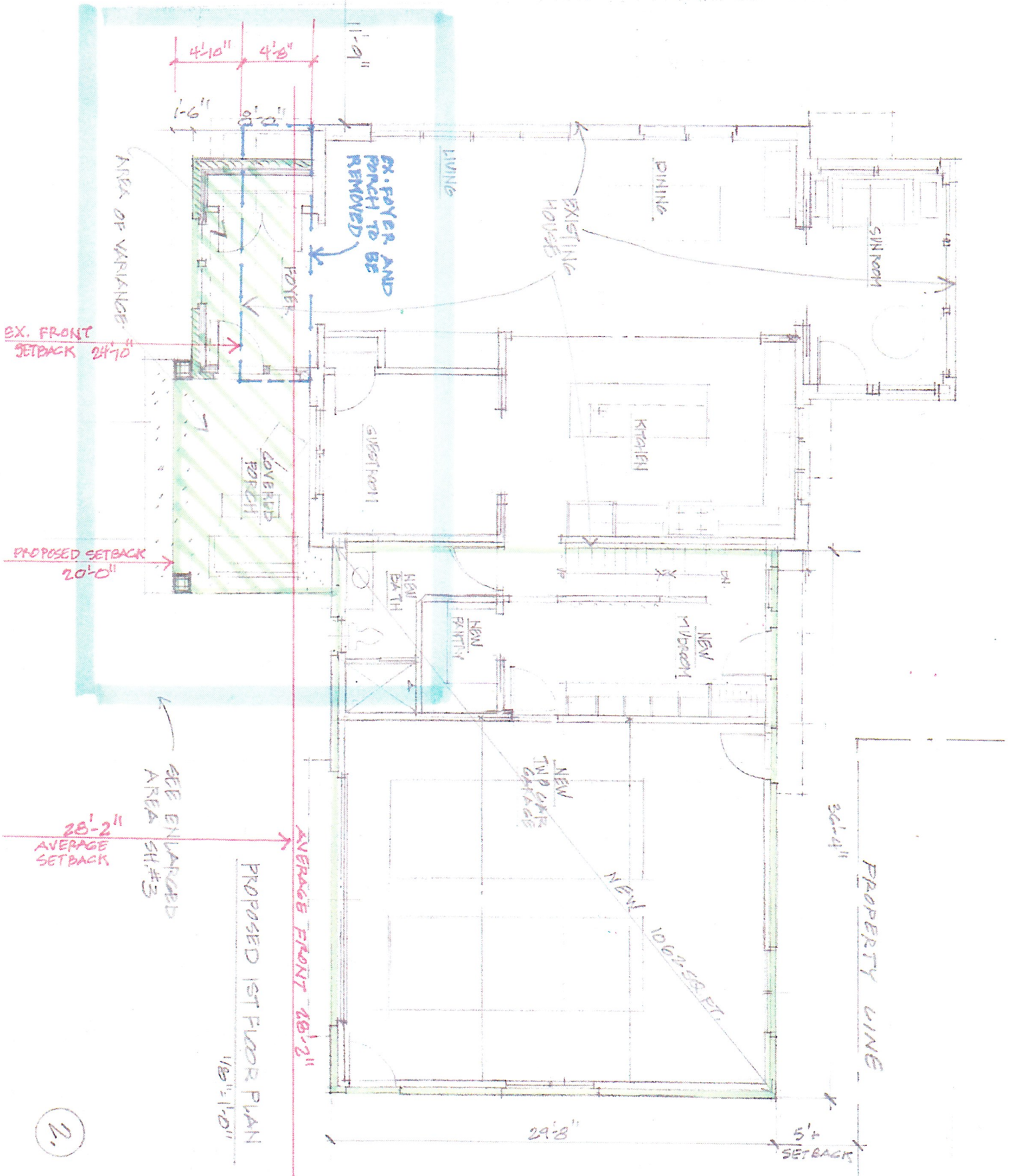
I HEREBY CERTIFY THAT I HAVE SURVEYED THE LAND HEREIN PLATTED AND DESCRIBED AND THAT THE RATIO OF CLOSURE MEETS THE REQUIREMENTS OF PUBLIC ACT



**KEM-TEC & ASSOCIATES**  
22556 GRATIOT AV. FASTPOINTE, MI 48021



PROPERTY LINE



ENLARGED FLOOR PLAN  
14'-10"

4'-10" 4'-8"  
1'-6" 8'-0"

REMOVE BK. 77 SQ. FT.  
PORCH AND PORCH

NEW PORCH (6'x16')  
(TOTAL 116 SQ. FT.)

NEW PORCH  
(TOTAL 140 SQ. FT.)

AREA OF VARIANCE

20'-0"  
FRONT SETBACK  
PROPOSED

FRONT AVE. 28'-2"

3.

