

**Zoning Board of Appeals
March 28, 2018 Regular Meeting**

STAFF REPORT

Subject: ZBA18-008; 2510 Elmwood Avenue

Summary:

Daryl and Simone McDaniel, property owners, are requesting a seven (7) foot variance from Chapter 55 Zoning Section 5:57 Averaging an Existing Front Setback Line. The average front setback for the subject property is 40 feet. An enclosed front porch that is seven (7) feet wide by 21 feet long is being proposed.

Background:

The property is zoned R1C, single-family residential, and is located east of Platt Road and south of Scheffler Park. The residence was built in 1942 and is approximately 1,026 square feet in size. The subject parcel is a corner lot and consists of over 17,700 square feet.

Description:

The new porch will be approximately 147 square feet in size and will be consistent with the architecture style and materials of the home. A new 15 foot by 27 foot addition consisting of 405 square feet will be constructed on the north side of the home. The addition is not a part of this variance request as it meets the setbacks.

Standards for Approval- Variance

The Zoning Board of Appeals has all the power granted by State law and by Section 5:99, Application of the Variance Power from the City of Ann Arbor Zoning Ordinance. 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 two (2) houses to the south are setback further than the subject property and have created an average front setback of 40 feet. Therefore, any proposed additions to the home will require a variance. The proposed porch meets the required 25 foot front setback for the R1C district.

- (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 applicants state the porch is not related to any financial gain or yield any financial benefits.

- (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 residence is located on a large corner lot with a detached garage and a thick vegetative barrier to the neighboring properties providing a buffer that will not create any negative impacts to the surrounding properties.

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

The owners state that the average front setback was established after their home and neighborhood was established.

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

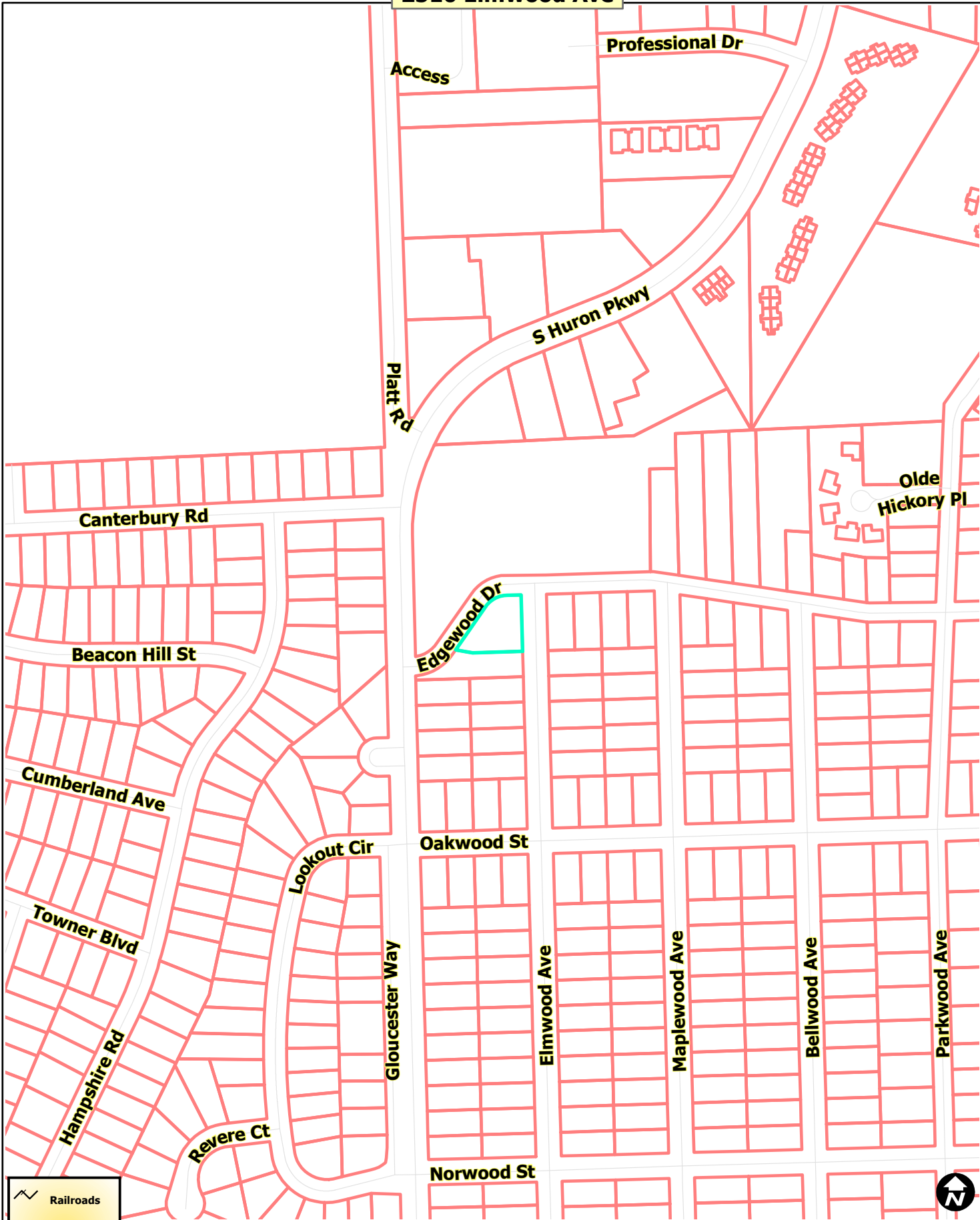
The variance requested is the minimum footprint to comfortably enjoy a front porch. The project will not be a detriment to the neighborhood.




Respectfully submitted,

A handwritten signature in blue ink that reads "Jon Barrett". The signature is stylized with a large, circular initial "J" and a long, sweeping underline.

**Jon Barrett
Zoning Coordinator**

2510 Elmwood Ave



 Railroads
 Huron River
 Tax Parcels



Map date 3/6/2018
Any aerial imagery is circa 2015
unless otherwise noted
Terms of use: www.a2gov.org/terms

2510 Elmwood Ave

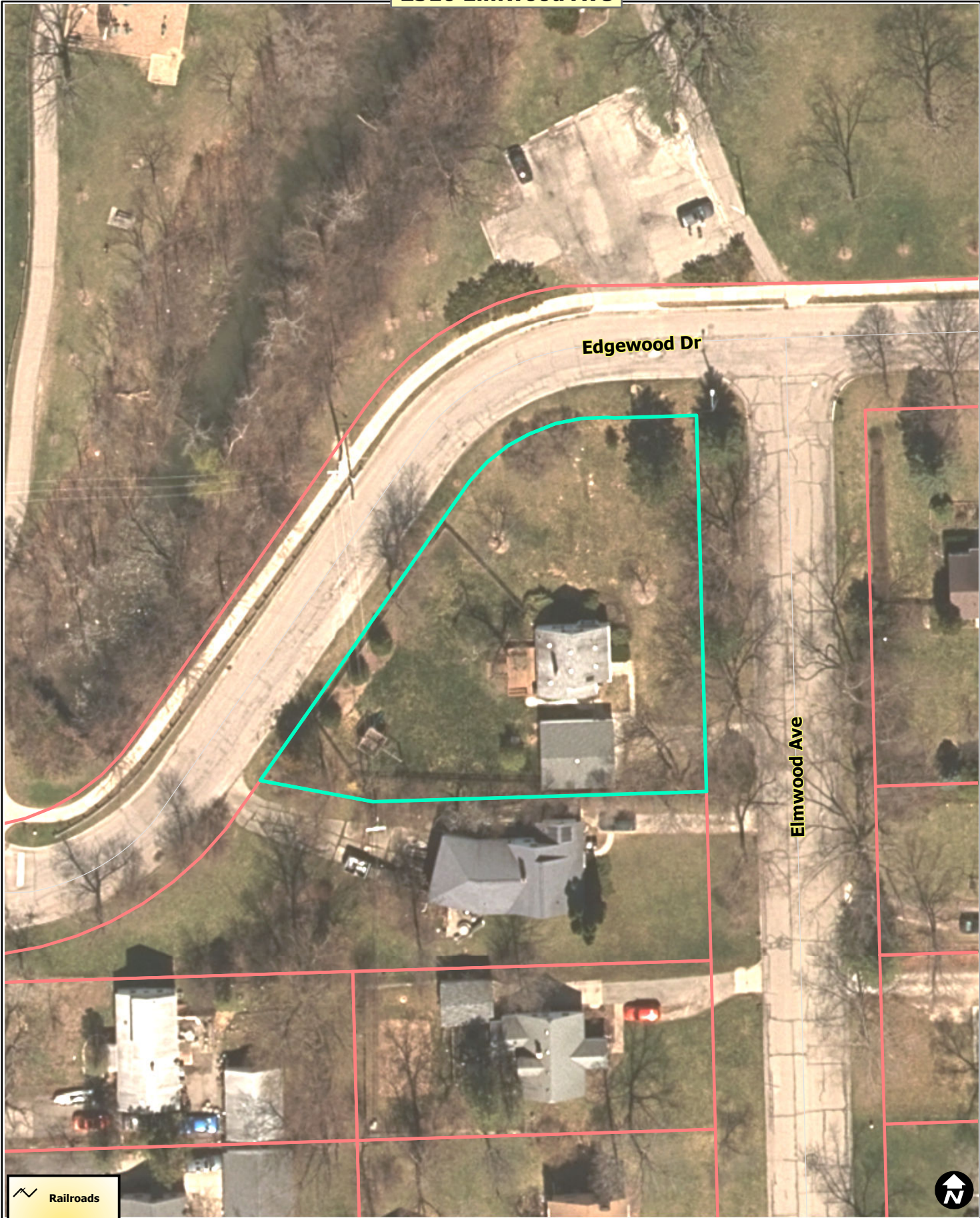


-  Railroads
-  Huron River
-  Tax Parcels






Map date 3/6/2018
Any aerial imagery is circa 2015
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2510 Elmwood Ave



Edgewood Dr

Elmwood Ave

-  Railroads
-  Huron River
-  Tax Parcels



Map date 3/6/2018
Any aerial imagery is circa 2015
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**ZONING BOARD OF APPEALS
PLANNING DEPARTMENT**

City Hall: 301 E. Huron St. Ann Arbor, MI 48104-6120
 Mailing: P.O. Box 8647, Ann Arbor, MI 48107-8647
 Phone: 734.794.6265 planning@a2gov.org
 Fax: 734.994.8460

APPLICATION MUST BE FILLED OUT COMPLETELY

Office Use Only	
Fee Paid: \$500	ZBA: _____
DATE STAMP	

PROPERTY INFORMATION	
ADDRESS OF PROPERTY: 2510 Elmwood Ave., Ann Arbor, MI 48104	
ZONING CLASSIFICATION: R1C Single Family	TAX ID: (if known) 09-12-03-311-006
NAME OF PROPERTY OWNER*: Daryl & Simone McDaniel	

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

APPLICANT INFORMATION	
NAME OF APPLICANT: Daryl & Simone McDaniel	
ADDRESS OF APPLICANT: 2510 Elmwood Ave., Ann Arbor, MI 48104	
DAYTIME PHONE NUMBER: 734-649-7500	FAX NO: N/A
EMAIL: si_samano@yahoo.com	
APPLICANT'S RELATIONSHIP TO PROPERTY: Owners	

REQUEST INFORMATION	
<input checked="" type="checkbox"/> VARIANCE REQUEST (Complete the section 1 below)	<input type="checkbox"/> ALTERATION TO A NON-CONFORMING STRUCTURE (skip to Section 2)

Section 1 - VARIANCE REQUEST	
CHAPTER(S) AND SECTION(S) FROM WHICH A VARIANCE IS REQUESTED: (Example: Chapter 55, Section 5:26) 5:57 Averaging an Existing Front Setback Line	
Required Dimension: (Example: 40' front setback) 40' average	PROPOSED Dimension: (Example: 32') 33'
Give a detailed description of the work you are proposing and why it will require a variance (Attach additional sheets if necessary) We want to add a 7' wide porch to the front of our existing house. This will change our 40' setback to 33'.	



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Section 1 - VARIANCE REQUEST con't

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.

1. That 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. Because of the 40' avg setback of the two houses to the south of our property (according to ordinance 5:57) we cannot

construct a new 7' wide unenclosed porch even though at 33' it will still more than meet the district setback of 25'.

2. That 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.

This variance application does not relate to any financial gain. Our proposed unenclosed porch does not yield financial benefits.

3. 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.

Our new porch will have no negative impact on adjacent property. We have a large corner lot. Our garage and thick vegetation provides a barrier to our only adjacent neighbor so there is no negative visual impact. The hardship of not having a porch isolates us from the community and leaves us less protected during inclement weather.

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

The setback was created when the adjacent properties were built.

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

7' wide is the minimum footprint to place furniture and have room to invite neighbors passing by to sit and enjoy being outdoors overlooking our front yard. Also, during inclement weather this 7' porch will provide coverage for entry and keep delivered packages dry.



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Section 2 – ALTERATION TO A NON-CONFORMING STRUCTURE

Current Use of the Property: N/A

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.

REQUIREMENT	EXISTING CONDITION	CODE REQUIREMENT
Lot Area		
Lot Width		
Floor Area Ratio		
Open Space Ratio		
Setbacks		
Parking		
Landscaping		
Other		

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

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:



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Section 2 – ALTERATION TO A NON-CONFORMING STRUCTURE

Wherefore, Petitioner requests that permission be granted from the above named Chapter and Section of the Ann Arbor City Code in order to permit:
N/A

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 ½" by 11"** sheets:

- One (1) hardcopy and one (1) electronic copy shall be submitted.
- The electronic copy shall include all associated supporting documentation with application submission.

- 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.

ACKNOWLEDGEMENT

I, the applicant, hereby 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.

Phone number: 734-649-7500

Signature: *[Handwritten Signature]*

Email address: si_samano@yahoo.com

Print Name: Daryl & Simone McDaniel

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

[Handwritten Signature]
Signature

Further, I hereby give the City of Ann Arbor Planning and 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.


[Handwritten Signature]
Signature

PHOEBE T. HANKINS
Notary Public, State of Michigan
County of Washtenaw
My Commission Expires Apr. 11, 2022
Acting in the County of *Washtenaw*

[Handwritten Signature: Phoebe T. Hankins]

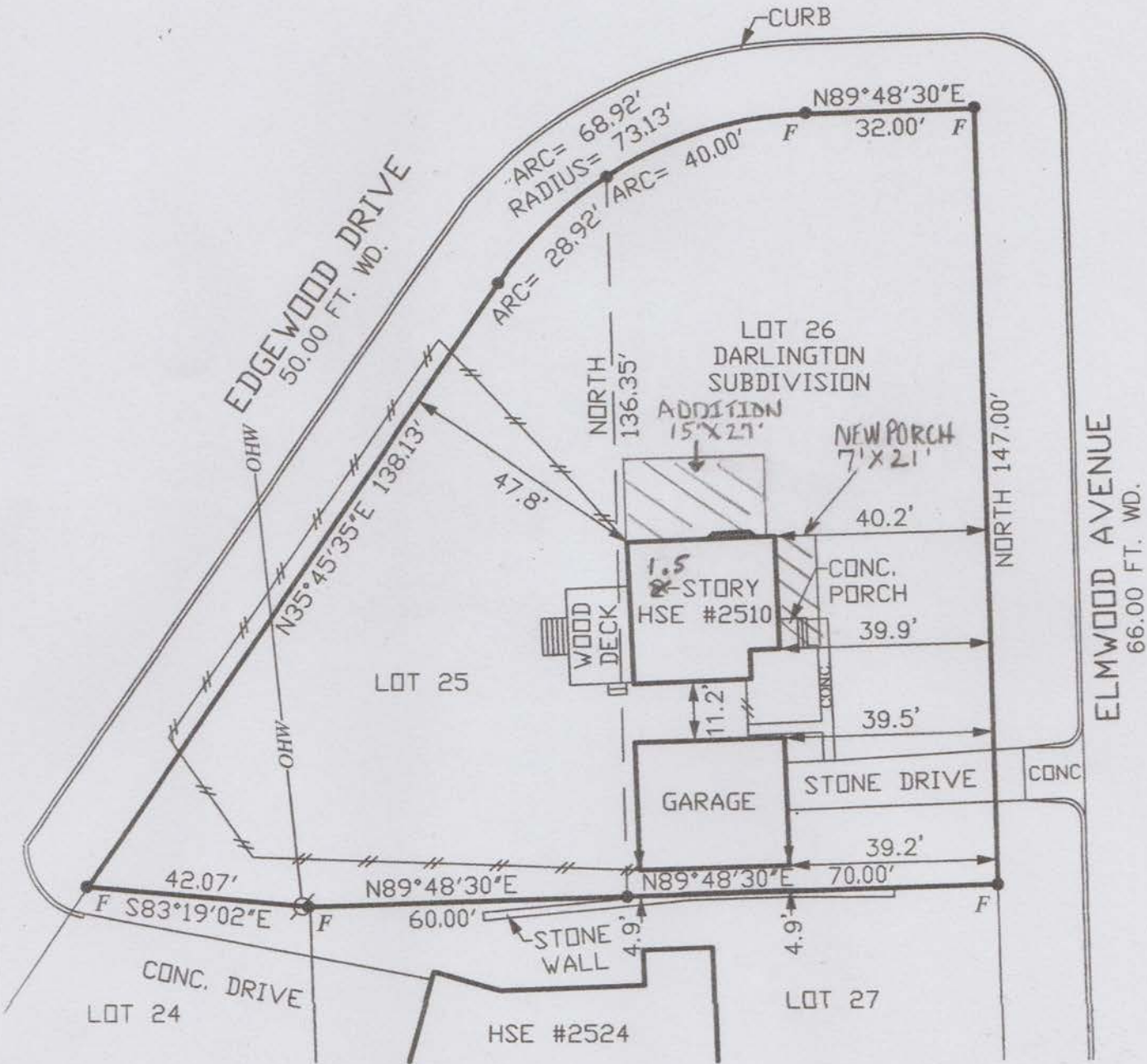
CERTIFICATE OF SURVEY

LEGEND

- IRON
- F FOUND IRON
- S SET IRON
- #—# FENCE
- OHW— OVERHEAD WIRE
-  PROPOSED ADDITION



SCALE: 1" = 30'



LEGAL DESCRIPTION:

LOTS 25 AND 26 OF DARLINGTON SUBDIVISION, LOCATED IN THE CITY OF ANN ARBOR, RECORDED IN WASHTENAW COUNTY RECORDS, PART OF SECTION 2, TOWN 3 SOUTH, RANGE 6 EAST, WASHTENAW COUNTY, MICHIGAN,

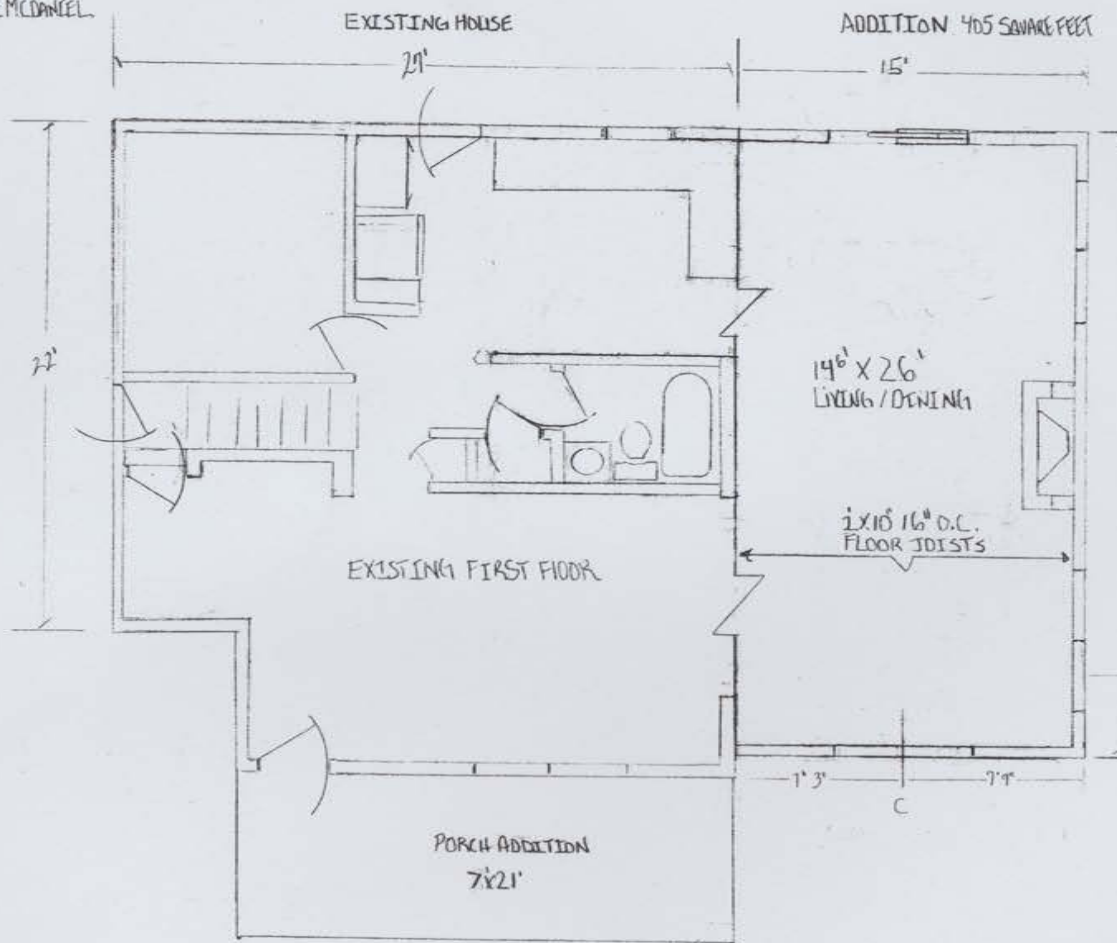


2510 ELMWOOD AVE MIDNANTFI ADDITION (VIEW OF PROPOSED PORCH FROM STREET)

NORTH →

McDANIEL ADDITION
25 IDELMWOOD AVE. ANN ARBOR, MI 48104
SCALE 1/4" = 1'-0"
JANUARY 1, 2018
PREPARED BY: SIMONE McDANIEL

FIRST FLOOR & FOUNDATION PLAN

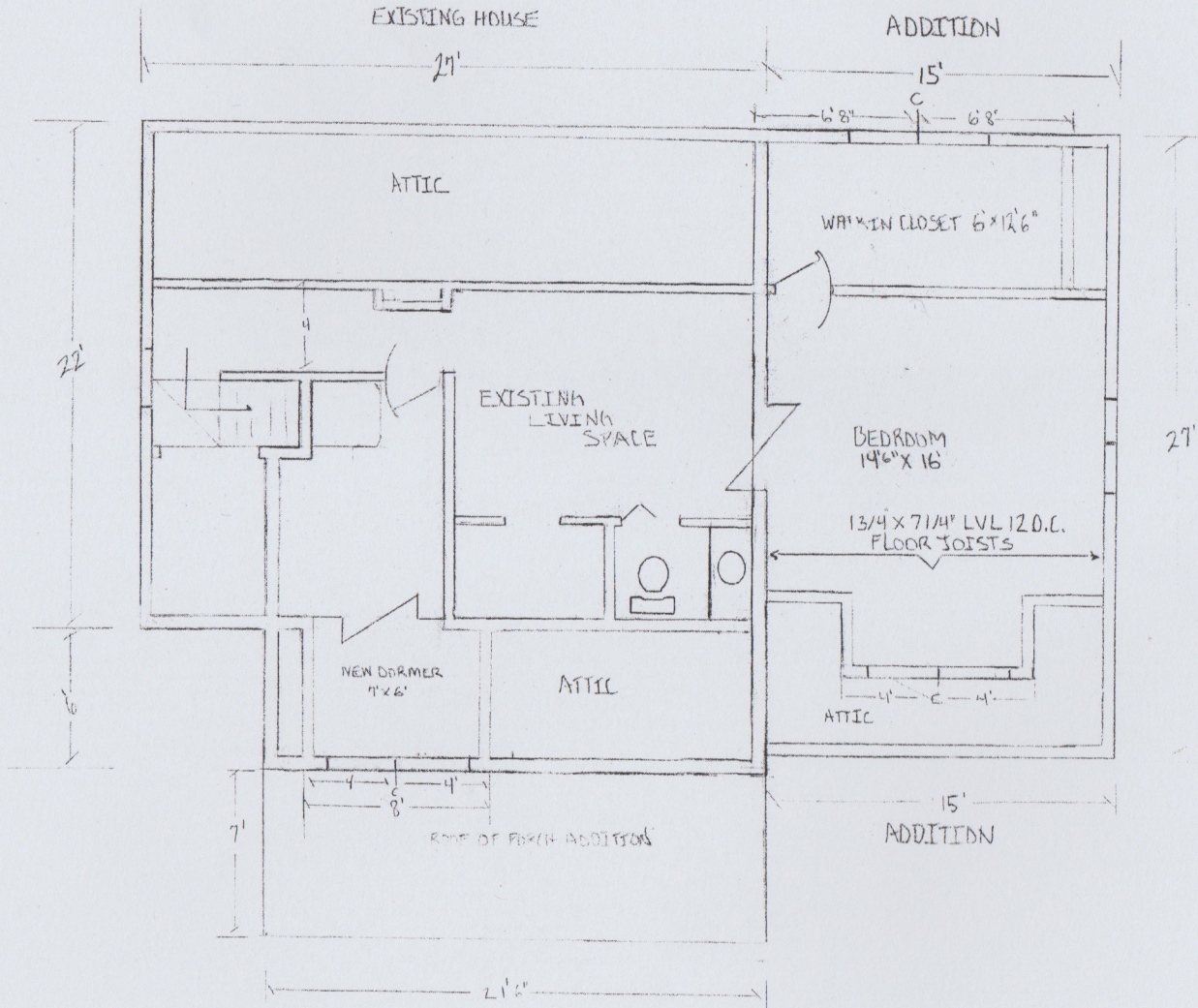


FRONT OF HOUSE

NORTH →

MCDANIEL ADDITION
2570 ELMWOOD AVE. ANN ARBOR 48104
SCALE 1/4 INCH
JANUARY 1, 2018
PREPARED BY: SIMONE MCDANIEL

SECOND FLOOR



FRONT OF HOUSE



**View of McDaniel House from northeast Elmwood curb near Edgewood.
NOTE: only adjoining neighbor is on other side of garage and trees.**



Front view of McDaniel House from Elmwood curb. Only adjoining neighbor is to the left of garage. NOTE: New porch will occupy about the same space as current concrete stoop and giant shrubs



View from Elmwood curb with houses to the south more visible.



**View of adjoining neighbor with McDaniel house in the distance on the right.
NOTE: Beyond McDaniel yard is Edgewood Drive then Scheffler Park.**