

**Zoning Board of Appeals  
May 25, 2016 Regular Meeting**

**STAFF REPORT**

**Subject: ZBA16-010; 806 Mount Vernon Avenue**

**Summary:**

Richard A. Goetsch is requesting one variance from Chapter 55 (Zoning) Section 5:57 (Averaging an Existing Front Setback Line), of 1 foot 10 inches to allow a 31 foot 2 inch setback; 33 feet is required (Averaged Front Setback).

**Description and Discussion:**

The subject parcel contains a 1726-square foot, single family dwelling constructed in 1949. The parcel is zoned R1C (Single-Family) and is conforming for lot area; the required minimum lot area for R1C is 7,200 square feet and the parcel is 9,081 square feet. The current front setback measures 36 feet to the front face of the house. The required setback for R1C is 25 feet; however using the required averaging section to include adjacent houses within 100 feet the required setback is increase to 33 feet.

The petitioner is proposing to construct a 10 foot by 20 foot wide cedar deck at the front of the house. The deck will be 3 feet off the ground near the house and increasing to 12 feet off the ground at the end of the deck. Applicant states that landscaping will be installed to reduce the visual impacts of the deck at the street level.

**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 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.***

The subject parcel is a conforming lot in the R1C Zoning District. The home currently is located 36 feet from the property line and has an inset of an additional 5 feet 2 inches for a total of 41 feet 2 inches. The deck is to be constructed at this 41 foot 2 inch inset. If the applicant was to comply with the 33 foot averaged setback, the deck would be 8 feet 10 inches in depth. However, the applicant proposes a 10 foot deep deck which encroaches the 1 foot 2 inches into the 33 foot averaged setback. The applicant states

that since the home was built in 1949 the subject home and surrounding neighborhood was built at a time period when front porches and decks were not constructed.

- (b). That the alleged hardships or 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.**

The variance is being requested in order to construct a front porch on the front of the house. If the variance is not granted, the petitioner could construct a front porch that would not encroach into the averaged setback and would be an 8 foot 10 inch deep wood deck.

- (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 ordinance requires a 25 foot setback for properties in the R1C district. The averaging of setbacks grants the property owners for this property an additional 8 foot for a 33 foot setback. The applicant has the option of constructing a deck in their front or rear yards. The applicant has several options of complying with the Zoning ordinance and substantial justice would be served by complying with the conditions of the code.

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

The applicant has the option of reducing the proposed deck to meet the average setback. The property does not have any variables such as irregular shaped lot or topography issues that are unique to this situation that make meeting the code difficult.

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

The variance, if approved, will permit construction of a 10'x16' front porch at the front yard of the property. Although the variance requested is small, only 1 foot 2 inches, by reducing the size of the deck the code requirements can still be met.

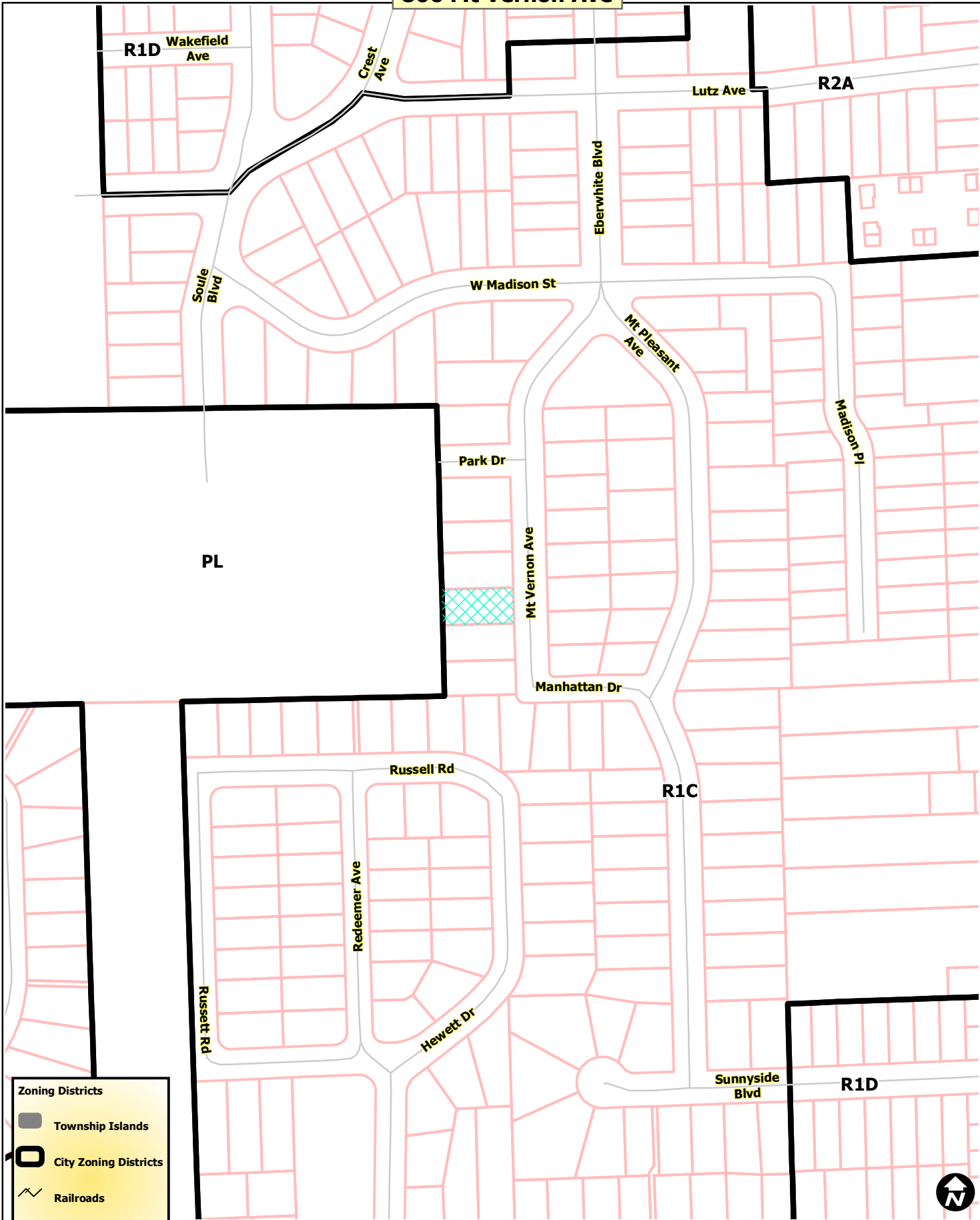
Respectfully submitted,

Zoning Board of Appeals  
Variance  
May 25, 2015 - Page 3

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

**Jon Barrett**  
**Zoning Coordinator**

# 806 Mt Vernon Ave



**Zoning Districts**

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

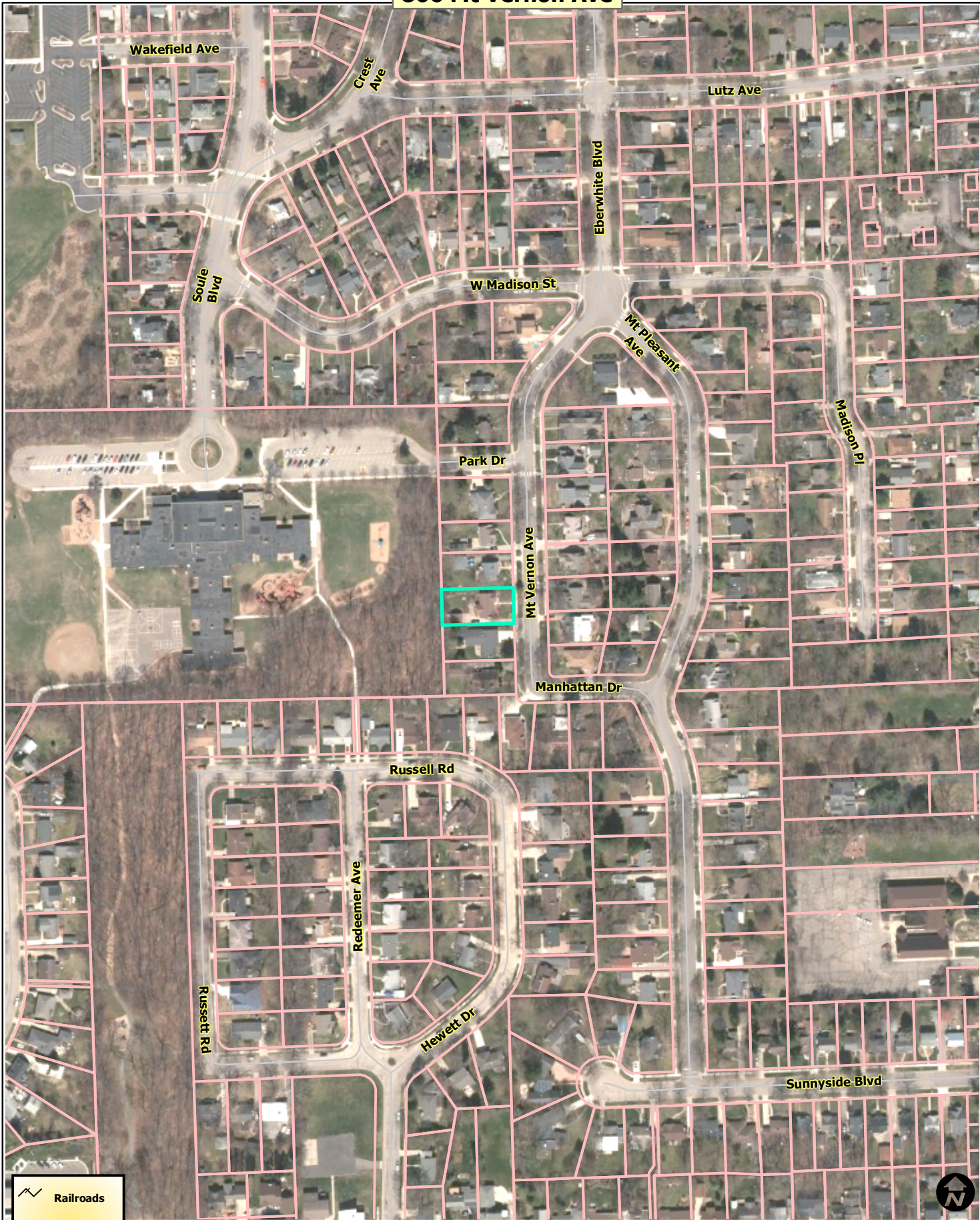


Map date 5/5/2016  
Any aerial imagery is circa 2015 unless otherwise noted  
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# 806 Mt Vernon Ave



-  Railroads
-  Parcels
-  Huron River





Map date 5/5/2016  
Any aerial imagery is circa 2015 unless otherwise noted  
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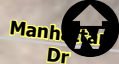
806 Mt Vernon Ave



 Railroads  
 Parcels  
 Huron River



Mt Vernon Ave



Map date 5/5/2016  
Any aerial imagery is circa 2015  
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**APPLICATION FOR VARIANCE OR NON-CONFORMING STRUCTURE**  
**ZONING BOARD OF APPEALS**

**Section 1: Applicant Information**

Name of Applicant: Richard A. Goetsch  
 Address of Applicant: 806 Mt Vernon Avenue, A2  
 Daytime Phone: 216-308-1243  
 Fax: \_\_\_\_\_  
 Email: rickg8ch@gmail.com  
 Applicant's Relationship to Property: Owner

**Section 2: Property Information**

Address of Property: 806 Mt Vernon Avenue, A2  
 Zoning Classification: \_\_\_\_\_  
 Tax ID# (if known): \_\_\_\_\_  
 \*Name of Property Owner: Richard A. Goetsch

*\*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, Section 5.57

Required dimension:

33' front setback

PROPOSED dimension:

31'2" setback

*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)

Please see "Attachment to Application" document

**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?

For questions 1-5, please see the "Attachment to Application" document

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 \_\_\_\_\_

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 . . .)



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:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**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.

216-308-1243  
 Phone Number  
rickg8ch@gmail.com  
 Email Address

Richard Goetsch  
 Signature  
Richard Goetsch  
 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.

Richard Goetsch  
 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.

Richard Goetsch  
 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.**

Richard Goetsch  
 Signature

On this 26<sup>th</sup> day of April, 2016, 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.

October 19, 2017  
 Notary Commission Expiration Date

Rose-Marie E. Gable  
 Notary Public Signature  
ROSE-MARIE E. GALE  
 Print Name

**Staff Use Only**

Date Submitted: 4/26-2016  
 File No.: ZBA16-010  
 Pre-filing Staff Reviewer & Date \_\_\_\_\_  
 Pre-Filing Review: \_\_\_\_\_  
 Staff Reviewer & Date: \_\_\_\_\_

Fee Paid: \$500<sup>00</sup>  
 Date of Public Hearing 5/25-16  
 ZBA Action: \_\_\_\_\_

## Attachment to Application for Zoning Variance

806 Mt Vernon Avenue

### Section 3: Detailed description of work & why it requires a variance

**Description:** I would like to construct a 10' deep by 20' wide cedar deck in front of my house. It will be a very low deck – approximately 3" off the ground near the house and approximately 12" off the ground at the front, due to the slope of the yard away from the house. Due to this low profile, there will be no rails, and appropriate landscaping will be added in front of the deck, so that the deck floor itself will actually be fairly hidden from the view of those walking by at street level.

**Why a variance:** The current setback from the property line to the part of the house closest to the street is 36'0", but the main body of the house is set back another 5'2". The deck would be built out from this recessed main body of the house, so a deck 10' deep will result in a new setback of 31'2". However, according to Chapter 55, Section 5.57 of Ann Arbor's zoning code, the new setback may not be less than the average of the setbacks of houses within 100' on either side of my house. Because the average setback of those houses is 33', the proposed deck would exceed that average setback by 1'10" (see the included sheet, "*Diagram of Requested Variance*"). This is why I am requesting a variance.

### Section 4: Variance Request

- 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?**

The house is located on Ann Arbor's West Side, just outside of the actual historic district. The houses in this area often have front porches, since they were built at a time that valued opportunities to build neighborhood community (and at a time before air-conditioning, so porches were a cooler alternative space to spend time). When my wife and I lived in a 1921 Sears Home (the Castleton model) in Cleveland Heights, OH, we loved the front porch experience, saying "Hello" to passersby, talking across porches with neighbors, joining neighbors on their porches, or them joining us for a bit.

The hardship or practical difficulty is that, though we are in a relatively old Ann Arbor neighborhood, our house, built in 1949, lacks such a front porch or deck. To build a deck on the front of the house without a variance means that the deck will be only 8' deep. This is quite shallow for a deck; though it may not seem like a lot, an extra 2' of room can make a huge difference in how comfortable a space feels. It would be a shame to take the time, energy and money to build a narrower deck, then find that we have less incentive to use it because it is too small to be comfortable.

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



The issue is neither inconvenience nor financial return; it is enhancing the livability of our home and the community of our neighborhood in a way that makes a small visual impact from the street, but makes a huge impact on our family's ability to be more present to our neighbors.

We have lived at 806 Mt Vernon for 4 years, and we intend to stay at least until the youngest of our three children – the only children on the block – graduates from high school, which would be 11 more years.

As mentioned above, a deck that complies with the setback ordinance would be in danger of feeling too small to function as a true deck. We are wanting to create an attractive space that is deep enough not only for us to sit and watch life on our street, but that is deep enough that we can invite that life on the street, in our neighborhood, up onto our deck to put its feet up and stay awhile!

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

The visual impact should be quite subtle, but positive. Being such a low deck mostly hidden by small landscaping, it will be hardly visible to those walking by on the sidewalk or driving by on the road, because the slope down from our house to the sidewalk brings a low deck to an average eye-level (an attached picture shows what the view of the house looks like from the sidewalk for someone who is 5'5" tall).

This means that it should not *feel* as if the setback has changed at all, visually, because there will be no railings, awnings or roof to obstruct views or make it feel as if the house extends closer to the street. Nor will any neighboring sight lines be affected. Yet the attractiveness of the house will be improved as one walks up to it, and the attractiveness of the neighborhood will be improved by having a neighborhood family (us) spending more time in front of our house.

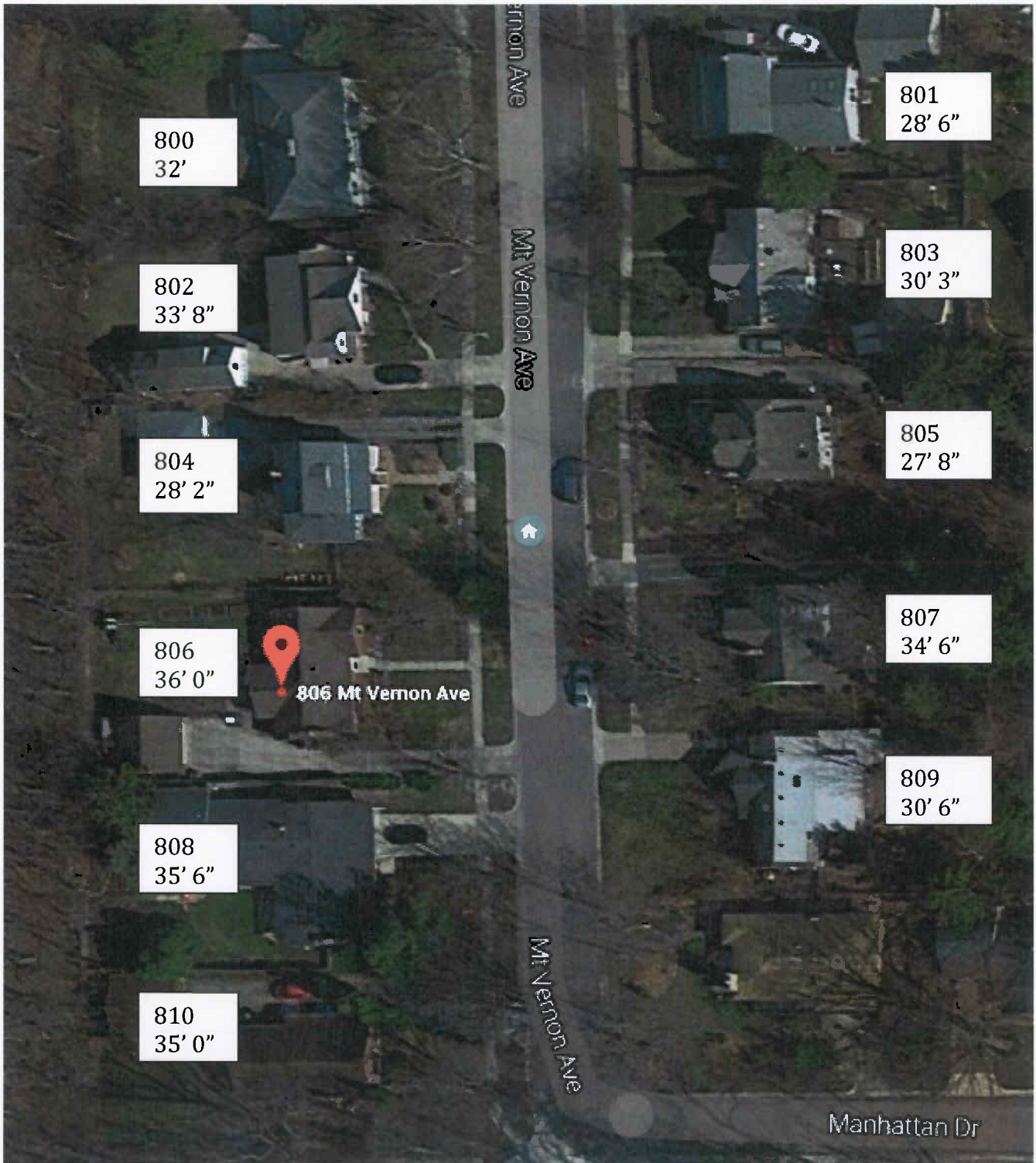
**4. What physical characteristics of your property in terms of size, shape, location or topography prevent you from using it in a way that is consistent with the ordinance?**

As mentioned above, the ordinance cited prevents me from building a deck that is deep enough to function as a deck should, to create a comfortable area that draws our family out, and the neighborhood in.

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

The condition came about from the way the neighborhood was developed.

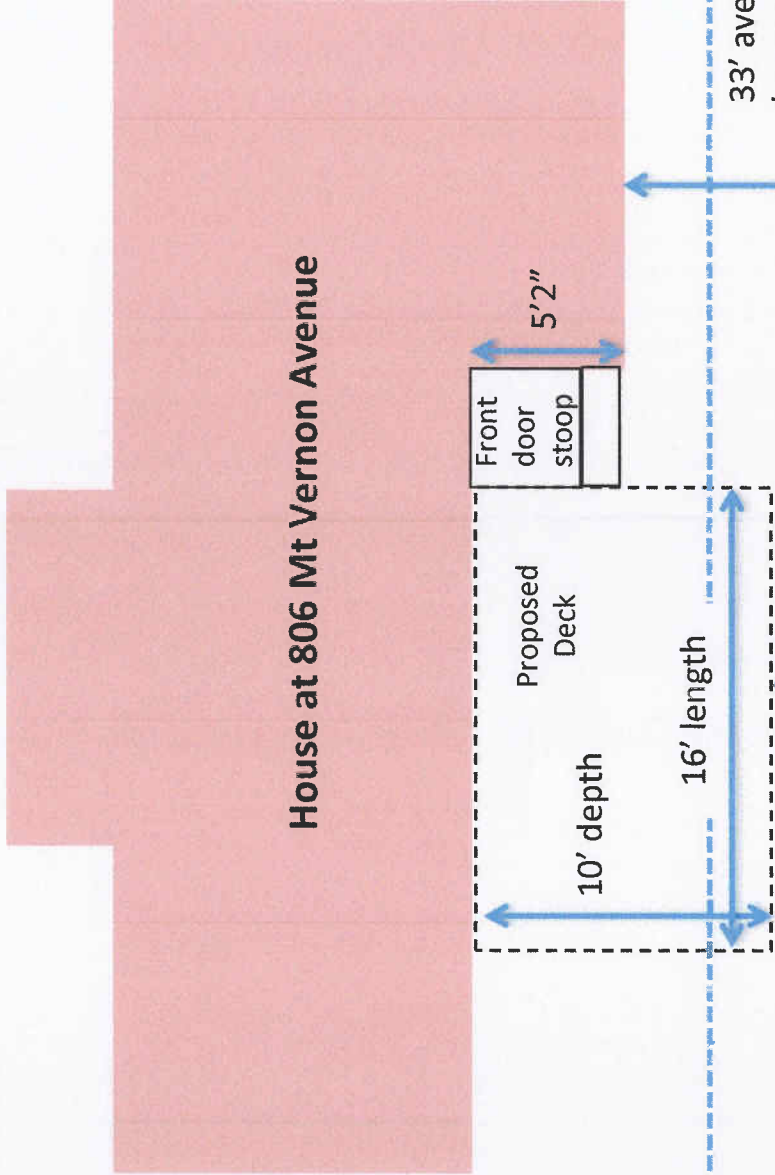
## Setbacks surrounding 806 Mt Vernon Avenue



### Setbacks in the Neighborhood of 806 Mt. Vernon, Ann Arbor

Measured from inside edge of sidewalk to house, porch, or stoop, minus 1 foot for the distance from the sidewalk to the presumed property line. Steps not included.

House at 806 Mt Vernon Avenue



Front door stoop

5'2"

Proposed Deck

10' depth

16' length

33' average setback of houses within 100'

Current 36'0" house setback

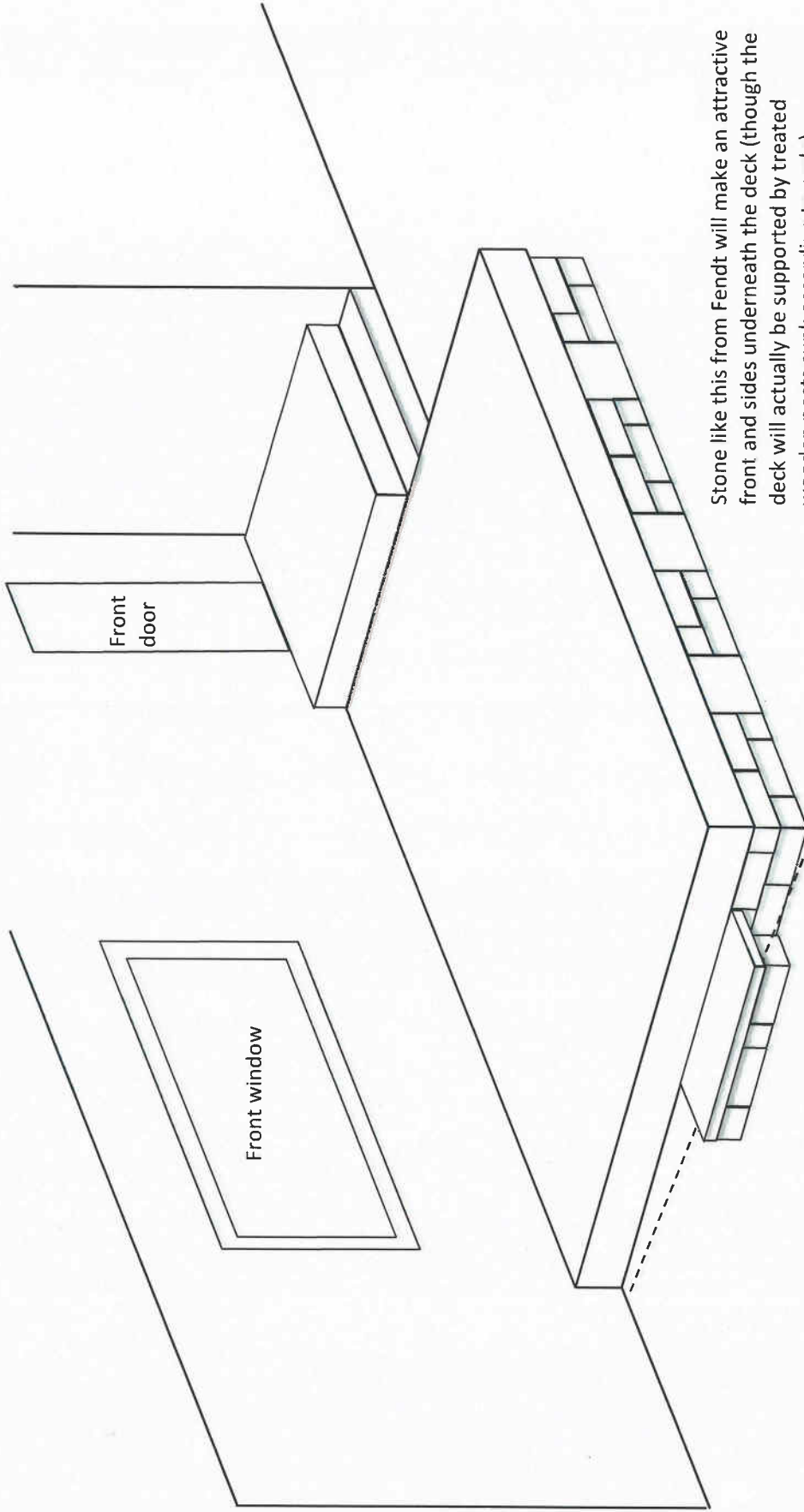
Requested variance 31'2" setback

Diagram of requested variance for 806 Mt Vernon Avenue





# 806 Mt Vernon Avenue 3D Drawing of Proposed Deck



Stone like this from Fendt will make an attractive front and sides underneath the deck (though the deck will actually be supported by treated wooden posts sunk according to code).



This dotted line represents the slope down from the front of the house. If the deck starts just at or above ground level near the house, it will be approximately 16" high at the front. Some low landscaping plants will help hide the deck from view.

STRESS ANALYSIS FOR LEVEL 1

CUSTOMER: RICHARD GOETSCH

DATE: 05/03/16 DESIGN: DECK16083 REF: 16083112.ZP1

SALESMAN # FOOTE

MEMBER TYPE	SIZE	STRESS FACTOR	FACTOR LOAD	COMPOSITE LOAD
JOISTS	2X8 16"	DEFLECTION	436 PSF	
		BENDING	320 PSF	
		SHEAR	206 PSF	
		COMPRESSION	320 PSF	206 PSF
		TOTAL LOAD		206 PSF
		DEAD LOAD		10 PSF
		LIVE LOAD		196 PSF
STRINGERS	2X12	DEFLECTION	1624 PSF	
		BENDING	854 PSF	
		SHEAR	435 PSF	
		COMPRESSION	1458 PSF	
		TOTAL LOAD		435 PSF
		DEAD LOAD		10 PSF
		LIVE LOAD		425 PSF
STRINGERS	2X12	DEFLECTION	2004 PSF	
		BENDING	1055 PSF	
		SHEAR	537 PSF	
		COMPRESSION	1801 PSF	
		TOTAL LOAD		537 PSF
		DEAD LOAD		10 PSF
		LIVE LOAD		527 PSF



STRESS ANALYSIS FOR LEVEL 2

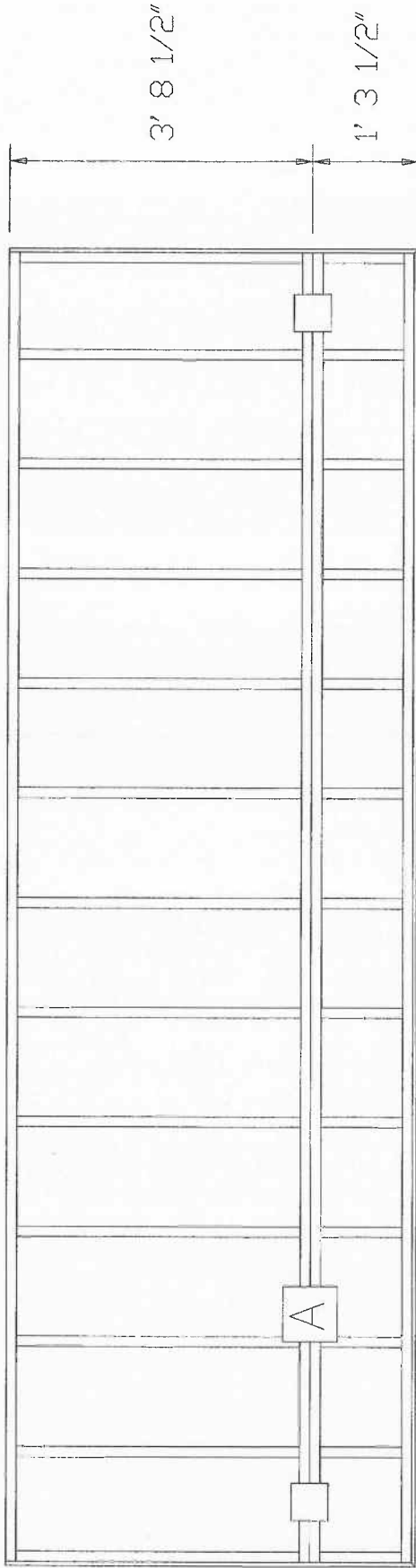
CUSTOMER: RICHARD GOETSCH

DATE: 05/03/16 DESIGN: DECK16083 REF: 16083112.ZP1

SALESMAN # FOOTE

MEMBER TYPE	SIZE	STRESS FACTOR	FACTOR LOAD	COMPOSITE LOAD
JOISTS	2X8 16"	DEFLECTION	2195 PSF	
		BENDING	950 PSF	
		SHEAR	436 PSF	
		COMPRESSION	552 PSF	436 PSF
BEAMS	2-2X12LM	DEFLECTION	101 PSF	
		BENDING	81 PSF	
		SHEAR	106 PSF	
		COMPRESSION	654 PSF	81 PSF
POSTS	6X6	STABILITY	-1 PSF	
		BEARING	1032 PSF	-1 PSF
		TOTAL LOAD		81 PSF
		DEAD LOAD		10 PSF
		LIVE LOAD		71 PSF





BEAM LABEL	BEAM LENGTH	POST COUNT	POST SPACING
A	15' 11"	2	14' 5 1/2"

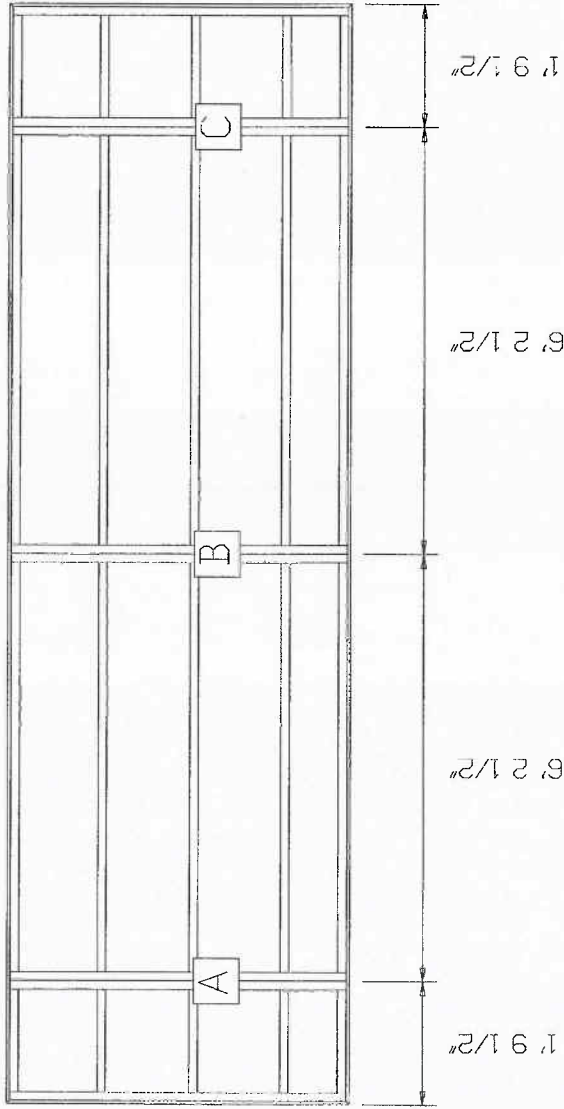
Post spacing is measured center-to-center.

Depth of post-in-concrete footers --- 42"

Beam Layout for Level 2  
 Richard Goetsch  
 05/03/16  
 Ref: Deck16083  
 Scale: 1/2" = 1'

Fingerle Lumber  
 617 S. 5th Ave  
 Ann Arbor, MI  
 (800) 555 1212





BEAM LABEL	BEAM LENGTH	POST COUNT	POST SPACING
A	4' 11"	0	
B	4' 11"	0	
C	4' 11"	0	

Post spacing is measured center-to-center.

Depth of post-in-concrete footers ---- 42"

Beam Layout for Level 1  
 Richard Goetsch  
 05/03/16  
 Ref: Deck16083  
 Scale: 3/8" = 1'

Fingerle Lumber  
 617 S. 5th Ave  
 Ann Arbor, MI  
 (800) 555 1212



