

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

**STAFF REPORT**

**Subject: ZBA18-004; 440 Highland Road**

**Summary:**

Rochman Design Build, representing property owners, is requesting a twenty-five foot variance from Chapter 55 Zoning Section 5:27 Area, Height and Placement Regulations, in order to construct a detached carport in the required front setback. The ordinance requires a thirty foot setback for structures in the R1B residential district.

**Background:**

The property is zoned R1B, single-family residential, and is located north of Geddes Avenue. The home was built in 1920 and is approximately 2,310 square feet in size.

**Description:**

The applicant is seeking to construct an 18 foot by 20 foot detached carport in the front setback. The new carport will have a covered walkway connecting to a screened porch at the rear of the residence. A new single story addition will be added to the rear corner of the home on the carport side of the property. The addition, covered walkway and rear porch will all be located in the side yard and will meet the side setback requirement of five (5) feet.

**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 applicant states that the lot is triangular and irregular in shape. The home was built prior to current zoning regulations and has two (2) front setbacks which results in a limited building envelope. The topography of the lot is directing water towards the home which will be mitigated with the construction.

- (b). *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.***

The project is intended to provide a safer and more useable path from the driveway to the entrance of the house that will be protected from the elements and resolve water issues at the foundation.

- (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 proposed work is concentrated at the rear of the house which serves as the side yard and "secondary" front yard. The property that will be affected the most by this addition is to the west in the cul-de-sac.

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

The existing irregular shaped lot and two (2) front setbacks were not self-imposed or created by the current property owners.

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

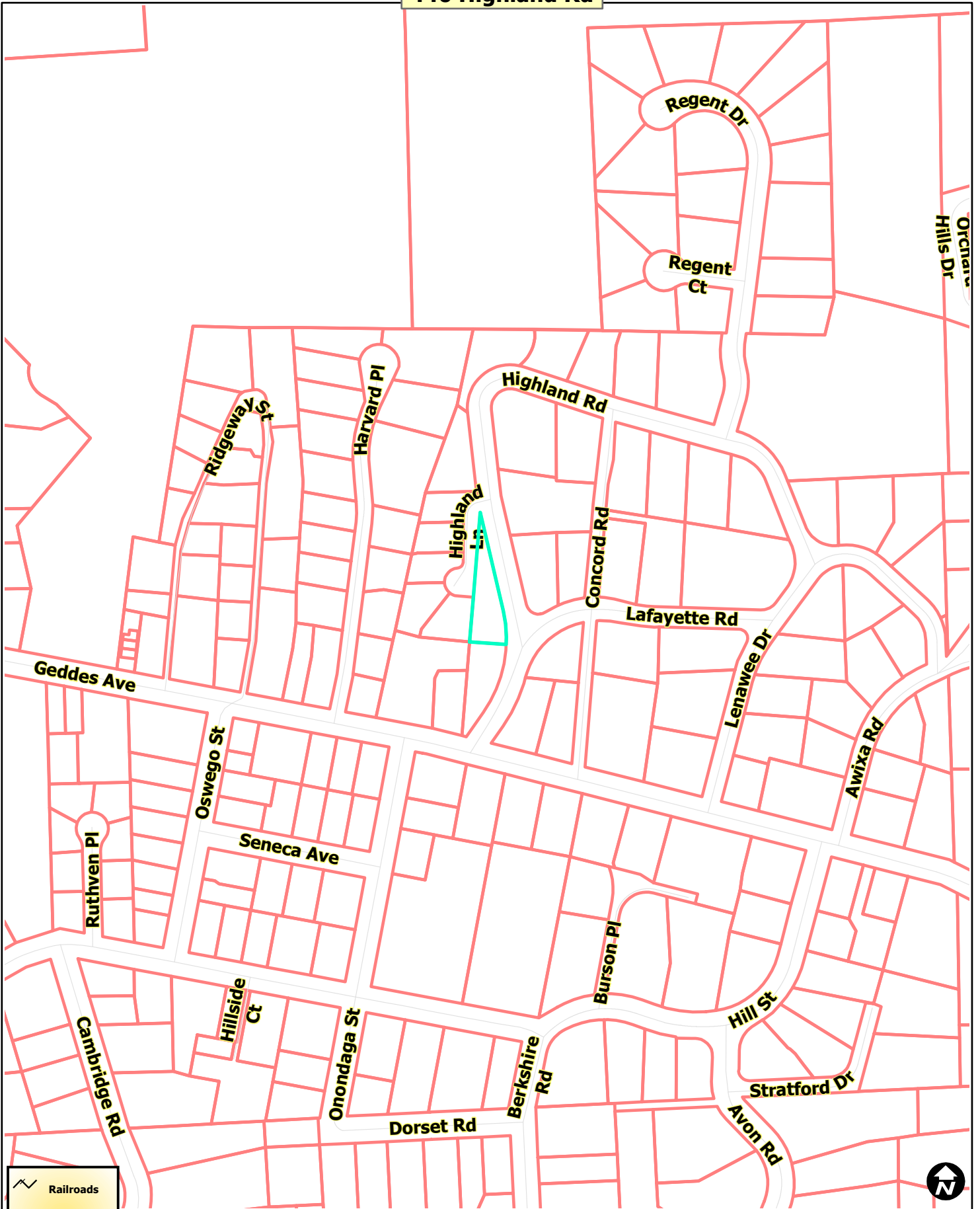
All proposed work is meeting the required setbacks with the exception of the detached carport.


Respectfully submitted,


A handwritten signature in blue ink, appearing to read "Jon Barrett". The signature is stylized with a large, loopy "J" and "B".


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

# 440 Highland Rd



 Railroads

 Huron River

 Tax Parcels



Map date 2/2/2018  
Any aerial imagery is circa 2015  
unless otherwise noted  
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# 440 Highland Rd








# 440 Highland Rd

Highland Ln

Highland Rd

Lafayette Rd

-  Railroads
-  Huron River
-  Tax Parcels



Map date 2/2/2018  
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](mailto:planning@a2gov.org)  
Fax: 734.994.8460

**APPLICATION MUST BE FILLED OUT COMPLETELY**

#### Office Use Only

Fee Paid: **\$500.00** ZBA: **18-004**

#### DATE STAMP

#### PROPERTY INFORMATION

ADDRESS OF PROPERTY:

440 HIGHLAND ROAD, ANN ARBOR, MI 48104

ZONING CLASSIFICATION:

R1B

TAX ID: (if known)

09-09-27-301-054

NAME OF PROPERTY OWNER\*:

MARVIN PARNES & JANE HASSINGER

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

#### APPLICANT INFORMATION

NAME OF APPLICANT:

ROCHMAN DESIGN BUILD

ADDRESS OF APPLICANT:

2204 PACKARD STREET, ANN ARBOR, MI 48104

DAYTIME PHONE NUMBER:

734-761-6936

FAX NO:

734-761-1955

EMAIL:

Susan@RochmanDesignBuild.com

APPLICANT'S RELATIONSHIP TO PROPERTY:

DESIGNER, BUILDER

#### REQUEST INFORMATION

☒ VARIANCE REQUEST (Complete the section 1 below)

☒ 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)

CHAPTER 55, SECTION 5:59 (b)

Required Dimension: (Example: 40' front setback)

30'-0"

PROPOSED Dimension: (Example: 32')

5'-0"

Give a detailed description of the work you are proposing and why it will require a variance (Attach additional sheets if necessary)

PROPOSED WORK INCLUDES A DETACHED CARPORT (in "front" open space) WITH COVERED WALKWAYS

TO A PROPOSED SCREENED PORCH AT THE SIDE YARD OF THIS PROPERTY.





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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.

THIS IS AN IRREGULAR-SHAPED SITE, THE HOUSE WAS BUILT PRIOR TO THE ZONING ORDINANCE AND

LAND DIVISIONS. HAVING TWO FRONT SET BACKS LARGELY LIMITS THE BUILDING ENVELOPE. CURRENT TOPOGRAPHY DIRECTS WATER TOWARD AND INTO THE HOUSE.

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.

PURPOSE OF THIS WORK IS TO CREATE A SAFER AND MORE USEABLE PATH FROM THE DRIVEWAY TO THE

PRIMARY (informal) ENTRANCE OF THE HOUSE, THAT IS SOMEWHAT PROTECTED FROM THE ELEMENTS, AS WELL AS RESOLVE WATER ISSUES AT THE FOUNDATION.

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.

THE PROPOSED WORK IS CONCENTRATED AT REAR OF THE HOUSE WHICH IS CONSIDERED THE SIDE YARD AND

"secondary" FRONT YARD. THE PROPERTY MOST AFFECTED BY THIS ADDITION IS PREDOMINANTLY THE CUL-DE-SAC

TO THE WEST. TWO FRONT SETBACKS AT THE DRIVEWAY SIDE OF THE HOUSE RESTRICTS ACCESS FROM THE CAR.

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

THE EXISTING GARAGE IS BELOW GRADE, UNDER THE HOUSE, AND SIZED FOR A CARRIAGE. WATER PROBLEMS

WILL BE CORRECTED WITH PROPOSED WORK.

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

ALL PROPOSED WORK HAS BEEN HELD WITHIN THE REQUIRED SETBACKS WITH THE EXCEPTION OF THE CARPORT.



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#### Section 2 – 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.

REQUIREMENT	EXISTING CONDITION	CODE REQUIREMENT
Lot Area	17,313 SF	10,000 SF
Lot Width	93 FT down to 0 FT	70 FT
Floor Area Ratio	9% (13% proposed)	(no code req't specified)
Open Space Ratio	-	(no code req't specified)
Setbacks	FRONT= 16'-8" +/-	FRONT= 30'-0"
Parking	-	-
Landscaping	-	-
Other		

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

CARPORT ADDITION, INTENDED TO REMEDY WATER PROBLEM, AND A WALKWAY TO CREATE SAFE PATH INTO HOME.

AGING IN PLACE IS LARGE CONSIDERATION.

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:

THE NEIGHBORING PROPERTY OF THE PROPOSED CARPORT IS A CUL-DE-SAC. PROPERTIES ON THE CUL-DE-SAC ARE ZONED R1B AND APPEAR TO BE CLOSER THAN REQUIRED 30'-0" FRONT SETBACK.





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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:

ACCESSORY STRUCTURE LOCATED IN A FRONT SETBACK

#### 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:

734-761-6936

Signature: X

Email address:

[Susan@RochmanDesignBuild.com](mailto:Susan@RochmanDesignBuild.com)

Print Name:

Susan G. Amrhein

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

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.

Signature



**ROCHMAN**  
DESIGN | BUILD

*elevating your love of home*

January 11, 2018

Zoning Board of Appeals  
City of Ann Arbor  
301 E. Huron St.  
Ann Arbor, Michigan 48104

To whom it may concern,

This letter is intended to provide authorization to Rochman Design Build to apply for Zoning Board of Appeals on our behalf.

Owners: Marvin Parnes and Jane Hassinger  
Address: 440 Highland Road  
Ann Arbor, Michigan 48104

Project: Screened-porch, Carport and Bedroom Addition

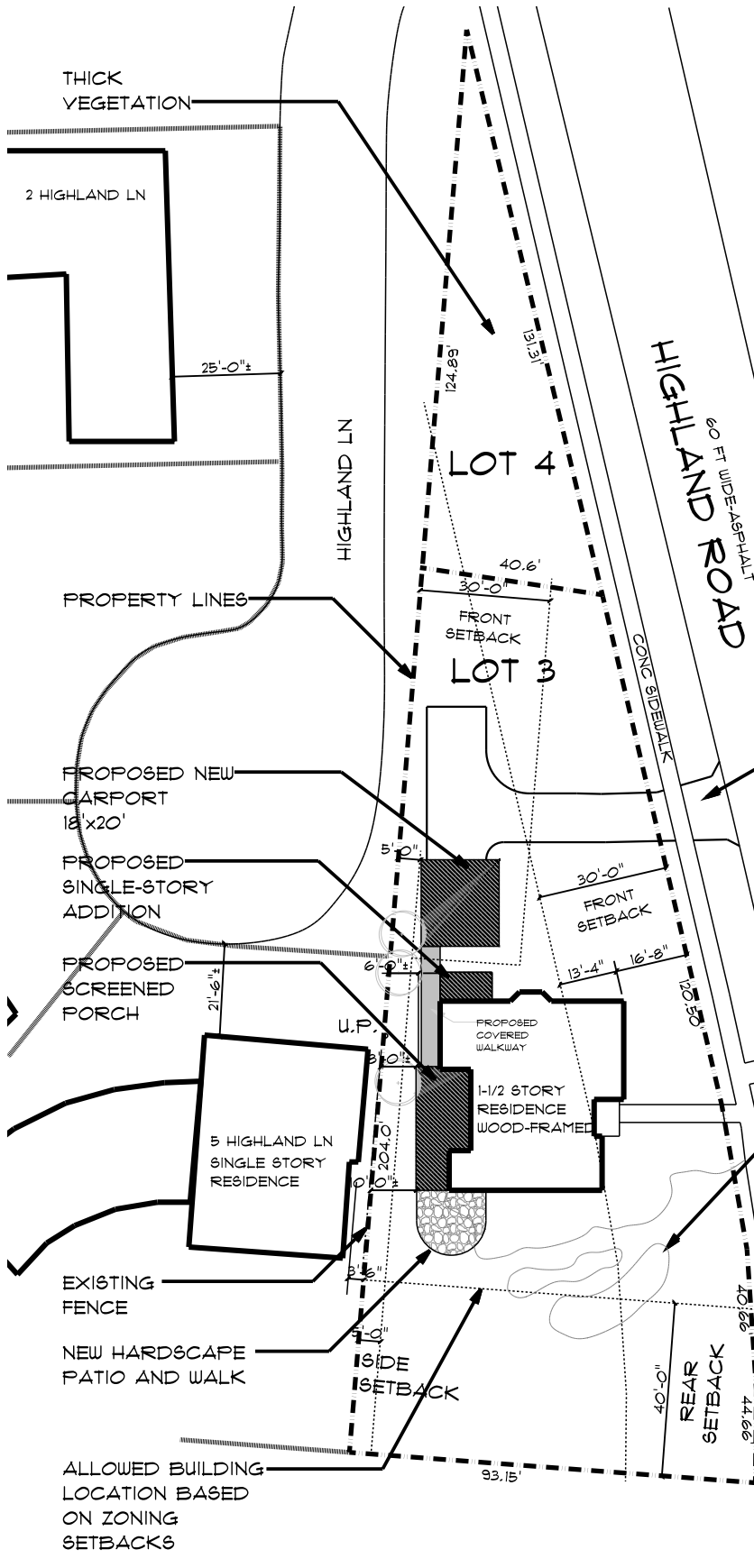
Signed: Marvin G. Parnes  
Jane A. Hassinger

2204 Packard Street  
Ann Arbor Michigan 48104  
Off 734.761.6936 | Fax 734.761.1955

[www.RochmanDesignBuild.com](http://www.RochmanDesignBuild.com)



TOTAL FLOOR AREA= 2348 SF  
PROPOSED F.A.R.= 13%



EXISTING ASPHALT  
DRIVEWAY TO BE REPAIRED.  
CURB CUTS AND APPROACH  
TO REMAIN

—EXISTING  
PLANTING BEDS

CITY of ANN ARBOR  
ZONING BOARD  
of APPEALS

ADDRESS:

HASSINGER-PARNES  
440 HIGHLAND RD  
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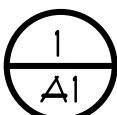
2204 Packard Street      734-761-6936 office  
Ann Arbor, MI 48104      734-761-1955 fax

Date:

1/30/18

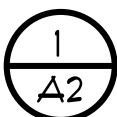
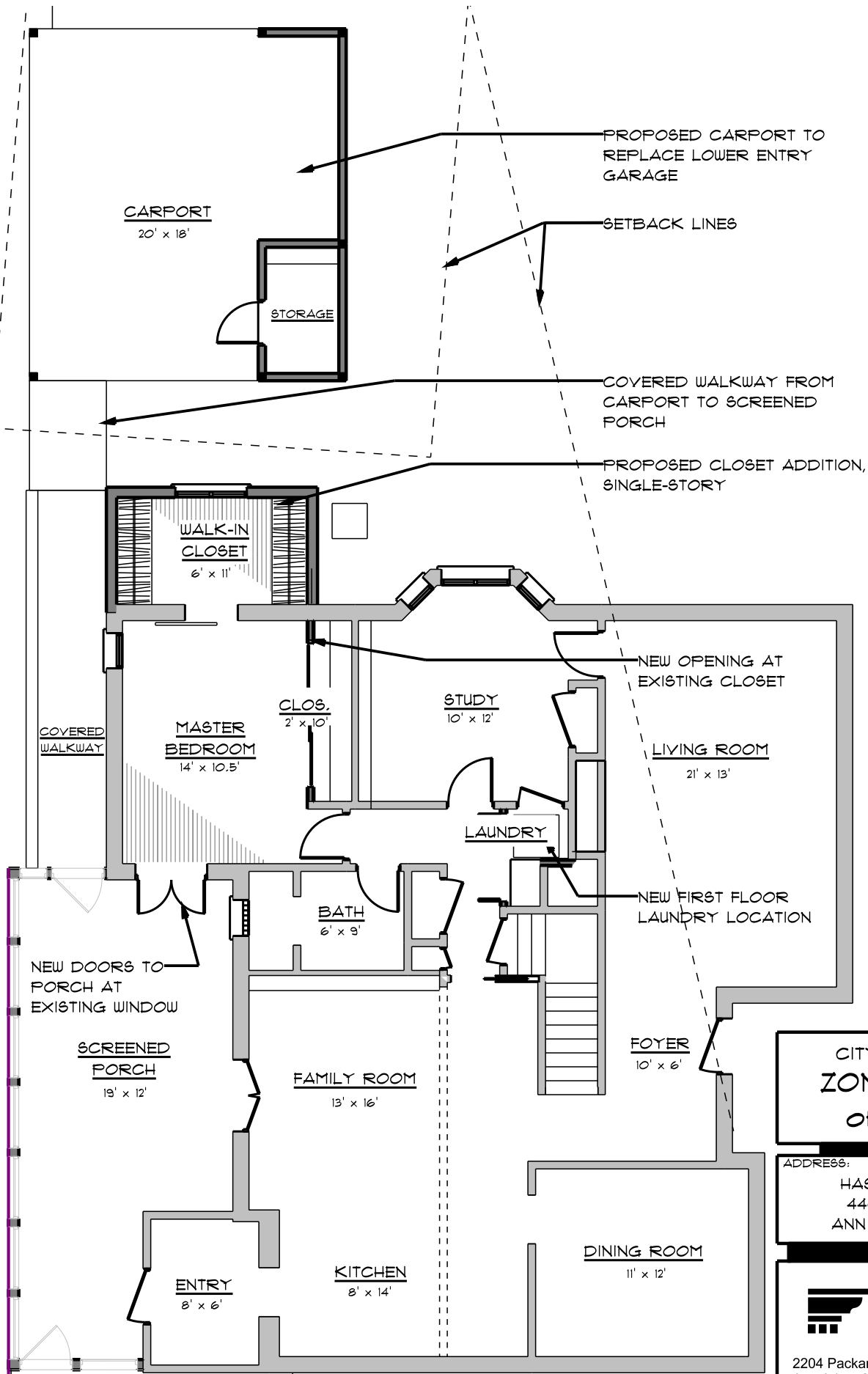
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# SITE PLAN

SCALE: 1"=40'-0"



# **FIRST FLOOR PLAN**

SCALE: 1/8"=1'-0"

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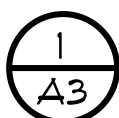
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FRONT OF HOUSE



AERIAL IMAGE  
NO SCALE

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Ann Arbor, MI 48104 734-761-1955 fax

Date: 1/30/18

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VIEW WEST FROM  
STREET



VIEW NORTH ALONG  
WEST PROPERTY LINE



VIEW WEST FROM  
HOUSE



VIEW SOUTHWEST AT PORPOSED  
CARPORT LOCATION

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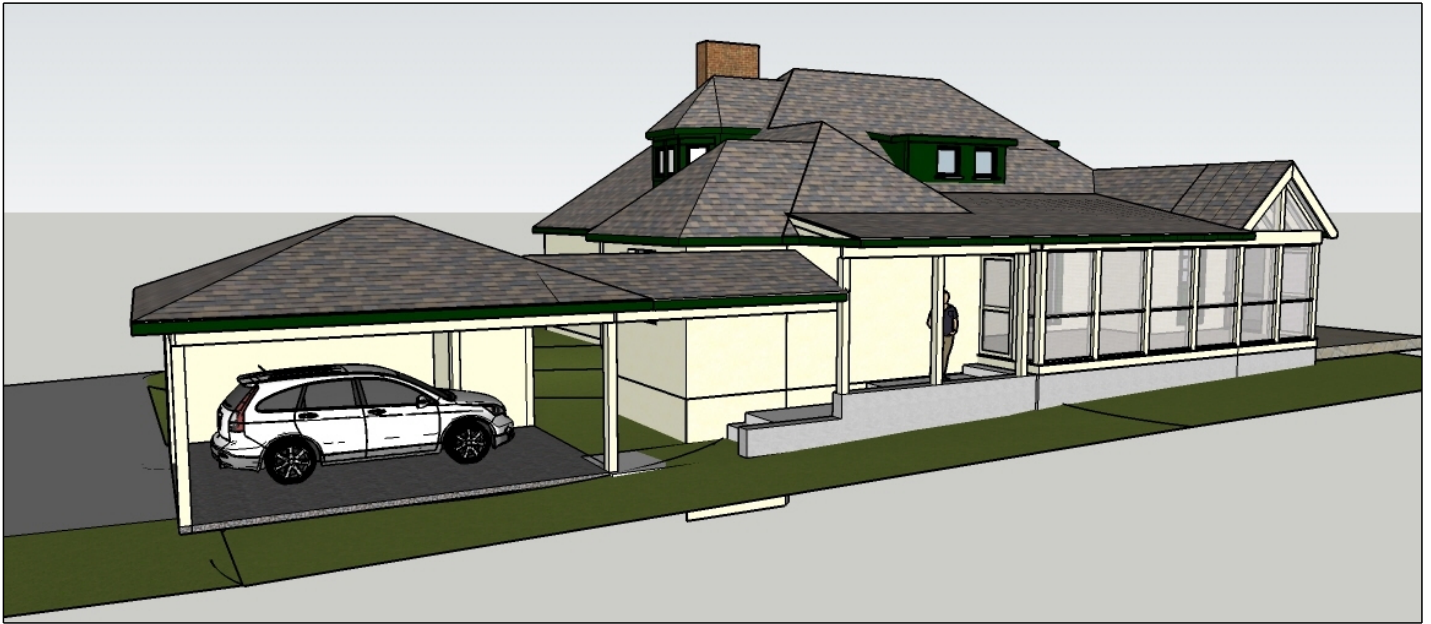
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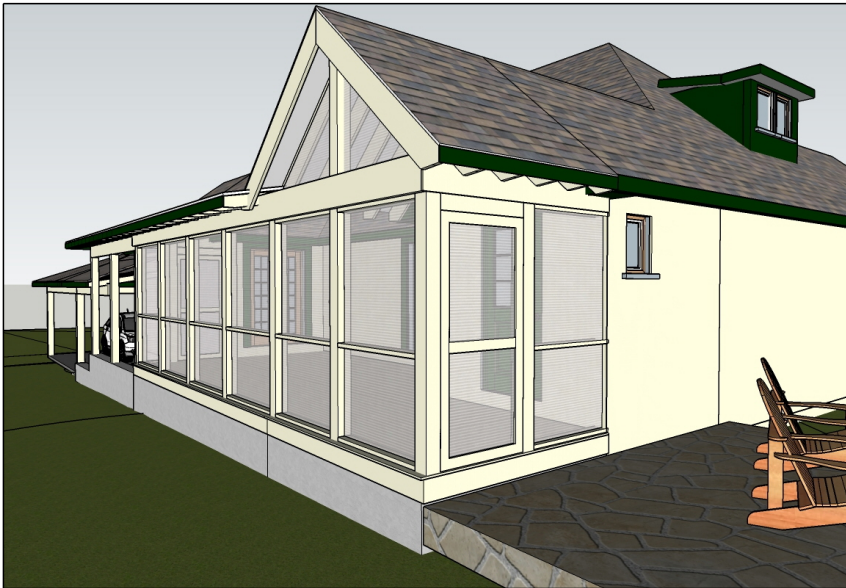
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3D VIEW OF PROPOSED  
CARPORT AND WALKWAYS



3D VIEW OF PROPOSED  
SCREENED PORCH



3D VIEW OF PROPOSED  
CARPORT FROM STREET

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