

**Zoning Board of Appeals
May 23, 2018 Regular Meeting**

STAFF REPORT

Subject: ZBA18-013; 2386 Placid Way

Summary:

Benjamin A. and Denyce G. Kerner, property owners, are requesting a 16 foot two inch variance from Chapter 55 Zoning Section 5:27 (Area Height and Placement Regulations). The property is zoned R1B and has a 40 foot rear yard requirement. The residence is currently non-conforming as it is 38.7 feet from the rear property line. The owners are requesting to construct a 15 foot by 15 foot (275 square feet) addition to the rear of the home.

Background:

The property is zoned R1B, single family, and is located in the Traver Lakes subdivision, south of Dhu Varren Road and north of Traver Boulevard. The home was constructed in 1977 and is approximately 1,975 square feet in size. The lot size is 10,200 square feet.

On October 20, 1971 the Zoning Board of Appeals granted the Traver Lakes Subdivision variances to 96 lots of the 105 single-family homes that were constructed. The variances were for front and rear setbacks. Unfortunately, the dimensional distance and the applicable lots, were not included in the motion or the minutes.

Additionally, the Board should be made aware that the petitions listed below were granted dimensional variances from the R1B 40 foot rear yard requirements:

- A) 93-Z-30; 2420 Placid Way: a nine foot variance from the 40 foot rear yard requirement
- B) 98-Z-20; 2234 Placid Way: a four foot six inch variance from the 40 foot rear yard requirement
- C) ZBA10-015; 2428 Placid Way: a 13 foot six inch variance from the 40 foot rear yard requirement

Description:

The variance being requested is a result of the owners desire to construct a sick room along with a study at the rear of the home. The R1B district requires a 40 foot rear yard, which the existing structure does not meet. If the variance is granted the addition will be 23 feet ten inches from the rear property line.

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 applicants state that the variance is needed to accommodate a desired addition to the rear of the home to accommodate impaired mobility by the owner.

- (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.**

Without the variance the owners state that alternative (one-floor) housing will need to be obtained.

- (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.**

Granting the variance will allow for an addition that will be compatible with the materials and design of the existing home. The applicants contend that the addition will not deter from the character of the neighborhood.

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

The applicants contend that the variance request is not self-imposed but arises out of medical needs.

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

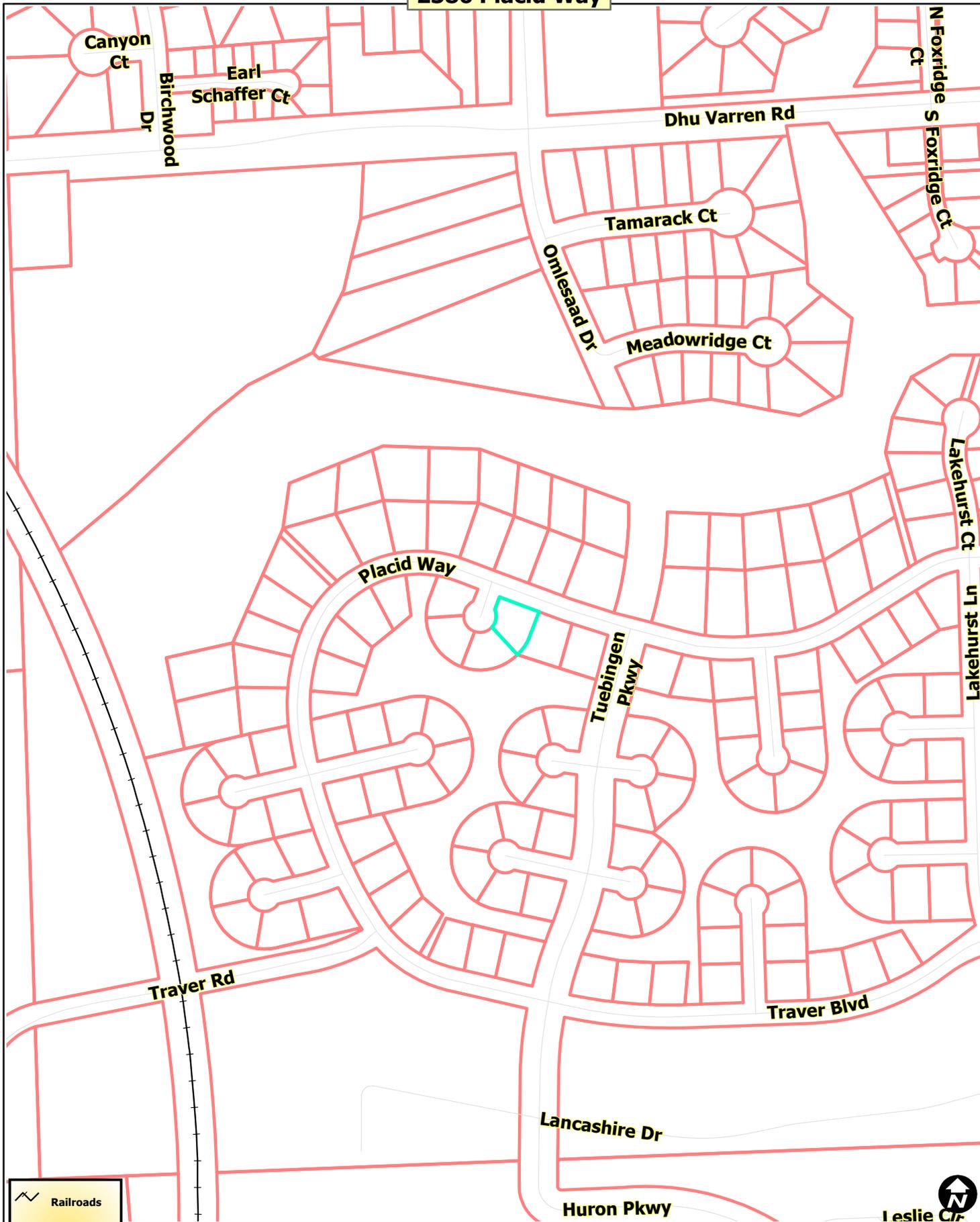
The new addition will not encroach any further into the rear setback than the existing deck that is on the other side of the home.

Respectfully submitted,

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

Jon Barrett
Zoning Coordinator

2386 Placid Way



 Railroads
 Huron River
 Tax Parcels



Map date 4/3/2018
Any aerial imagery is circa 2015
unless otherwise noted
Terms of use: www.a2gov.org/terms



2386 Placid Way



-  Railroads
-  Huron River
-  Tax Parcels



Map date 4/3/2018
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2386 Placid Way



-  Railroads
-  Huron River
-  Tax Parcels



Map date 4/3/2018
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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: <u>\$500.-</u>	ZBA: <u>18-013</u>
DATE STAMP CITY OF ANN ARBOR RECEIVED MAR 26 2018	
PLANNING & DEVELOPMENT SERVICES	

PROPERTY INFORMATION

ADDRESS OF PROPERTY: <u>2386 PLACID WAY</u>	
ZONING CLASSIFICATION: <u>RIB</u>	TAX ID: (if known) <u>09 09 15 205 034</u>
NAME OF PROPERTY OWNER*: <u>Benjamin A. and Denyce G. Kerner</u>	

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

APPLICANT INFORMATION

NAME OF APPLICANT: <u>Benjamin A. and Denyce G. Kerner</u>	
ADDRESS OF APPLICANT: <u>2386 Placid Way, Ann Arbor 48105</u>	
DAYTIME PHONE NUMBER: <u>313-965-1920</u>	FAX NO: <u>313-965-1921</u>
EMAIL: <u>benkerner@aol.com</u>	
APPLICANT'S RELATIONSHIP TO PROPERTY: <u>owners</u>	

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)
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Section 1 - VARIANCE REQUEST

CHAPTER(S) AND SECTION(S) FROM WHICH A VARIANCE IS REQUESTED: (Example: Chapter 55, Section 5:26) <u>CH. 55 Zoning: Section 5:27 Area, Height and Placement Regulations</u>	
Required Dimension: (Example: 40' front setback) <u>30' back setback</u>	PROPOSED Dimension: (Example: 32') <u>24.5' back setback.</u>
Give a detailed description of the work you are proposing and why it will require a variance (Attach additional sheets if necessary) <u>We propose to add a single room (for sick room use and study) to the ground floor. Minimum dimensions of the room (being approx. 15'x15') require the variance on the back setback.</u>	



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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. Mr. Kerner is 69 years old and has a life-threatening disease.

This disease could drag out for a decade or more, requiring ground-floor living space to accommodate impaired mobility.

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. A failure to grant the variance for a sick-room study will

result in our seeking alternative (one-floor) housing. We would rather

stay at 2386 Placid Way, where we have lived for 20 years. It would be a hardship to move.

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 variance will result in an attractive 1st floor sick room study which will increase the value of nearby homes. All four direct neighbors, including the owner of the house on the back lot line (2388 Placid Way) have supported this application. (See letters at Appendix C).

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

The factual basis for the variance request is not a self-imposed hardship, but rather arises out of my illness.

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

The variance requested balances the open patio on the N.E. Corner of the house and has exactly the same setback as the patio. This is the minimum variance needed to make a viable addition. (5.5') See Appendix B2.



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Section 2 – 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:

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:

An encroachment on the back lot line of 5.5', i.e., 24.5' instead of 30'.

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:

- 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. Appendix A .
- Building floor plans showing interior rooms, including dimensions. Appendix B .
- Photographs of the property and any existing buildings involved in the request. Appendix D .
- Any other graphic or written materials that support the request. Letters of neighbors.App. C .

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: 313-506-8474

Signature: X Benjamin A. Kerner

Email address: benkerner@aol.com

Print Name: Benjamin A. Kerner

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

Benjamin A. Kerner

Benjamin A. Kerner
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.

Benjamin A. Kerner
Signature

APPENDICES

A. Survey of subject property

Diagram of property with New Addition

B. Interior of New Addition

Elevations of New Addition

C. Letters of Support—Gail Lutey (2388 Placid Way)

--Andrew and Marie Boehmer (2384 Placid Way)

--Otis and Rose Jones (2382 Placid Way)

--Greg Gaydos and Karen Mikus (2380 Placid Way)

D Photos of subject property—East facing (Street appearance of property)

--East facing (Looking to back lot line)

--North facing (Looking to brick patio)

--West facing (towards location of the addition)

Photos of neighboring properties

--2388 Placid Way (immediate back neighbor)

--2384 Placid Way (immediate South neighbor)

--2382 Placid Way (SW neighbor)

--2380 Placid Way (West, across the street)

APPENDIX A

Survey of subject property

Diagram of property with New Addition

CERTIFIED SURVEY

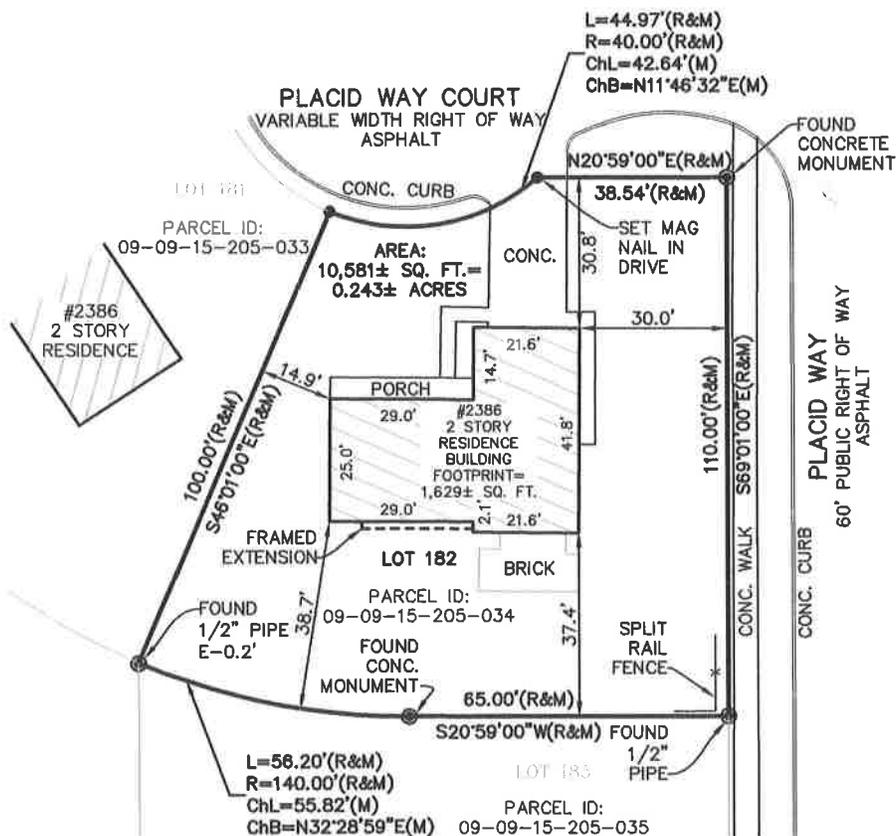
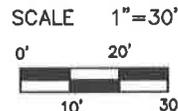
PROPERTY DESCRIPTION:

THE LAND SITUATED IN THE CITY OF ANN ARBOR, COUNTY OF WASHTENAW, STATE OF MICHIGAN, IS DESCRIBED AS FOLLOWS:

LOT 182 OF TRAVER LAKES SUBDIVISION No 1, AS RECORDED IN LIBER 16, PAGE 55 OF WASHTENAW COUNTY RECORDS

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.



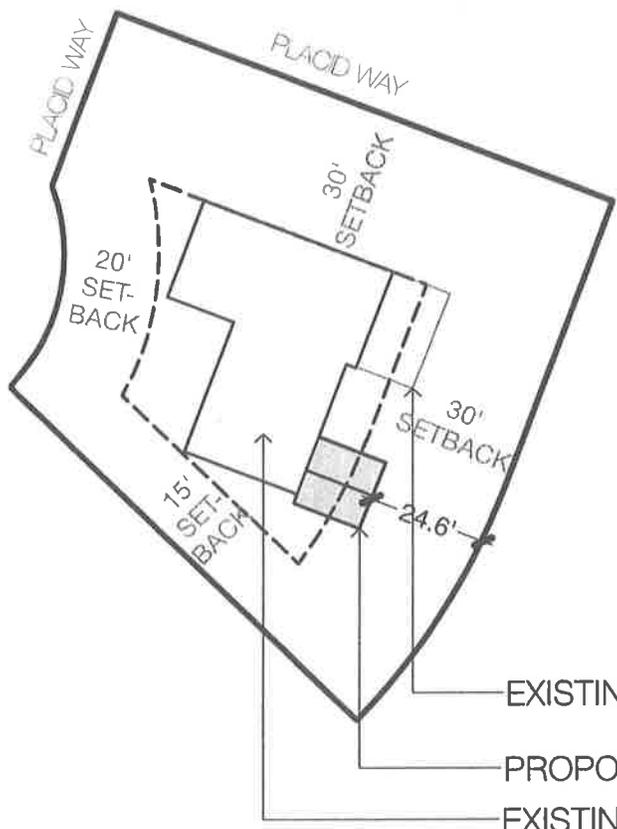
LEGEND

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

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 132 OF 1970.

THOMAS G. SMITH, P.S. NO. 32341

	KEM-TEC & ASSOCIATES	
	22556 GRATIOT AVE. EASTPOINTE, MI 48021 PROFESSIONAL SURVEYORS - PROFESSIONAL ENGINEERS (586)772-2222 * FAX (586)772-4048	
PREPARED FOR: BENJAMIN A. KERNER		
FIELD SURVEY: TS PM	DATE: MARCH 7, 2018	
DRAWN BY: DB	SHEET: 1 OF 1	
SCALE: 1" = 30'	JOB NO.: 18-00590	



TRAVER LAKES SUB NO:1 L3

LOT 182

SETBACKS FOR CUL-DE-SAC LOTS @ AREA L3

- 10' SETBACK TO FRONT OF GARAGE
- 20' SETBACK TO FRONT OF HOUSE
- 30' REAR YARD
- 15' SIDE YARD

EXISTING 20'-0 X 14'-8" DECK

PROPOSED ADDITION 14'-10" X 14'-8" ADDITION

EXISTING HOUSE

site plan

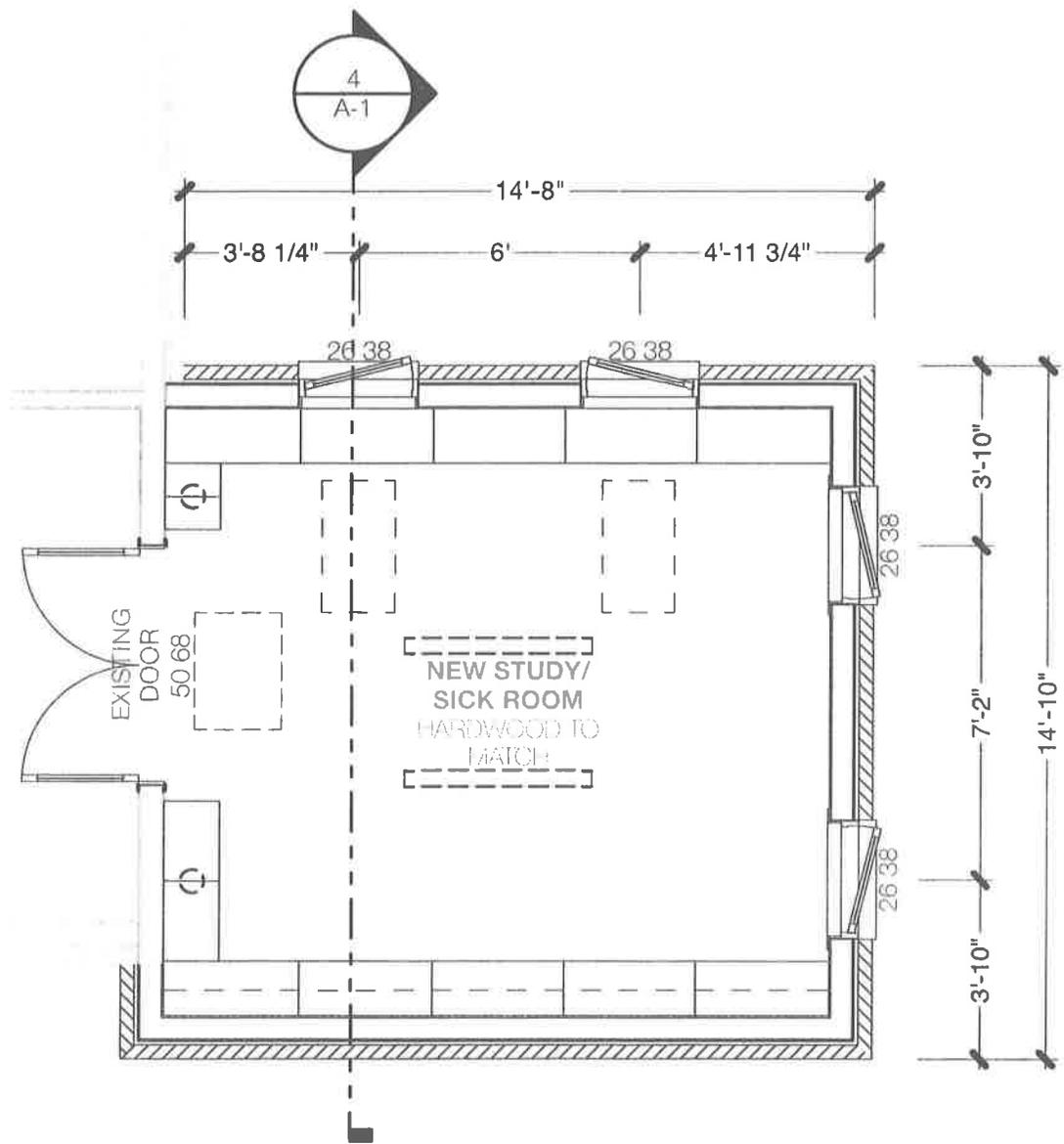
SCALE: 1" = 40'

KERNER NEW ADDITION

APPENDIX B

Interior of New Addition

Elevations of New Addition



1ST FLOOR

A-7

SCALE: 1/4" = 1'-0"

KERNER NEW ADDITION

BASEMENT

SCALE: 1/4" = 1'-0"

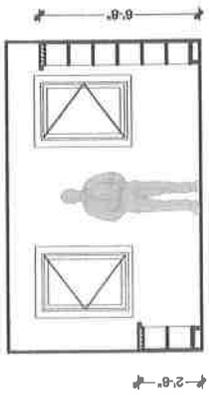
A-1



+9'-1 1/8"
2ND FLOOR

SCALE: 1/4" = 1'-0"

A-1



ROOM ELEVATION

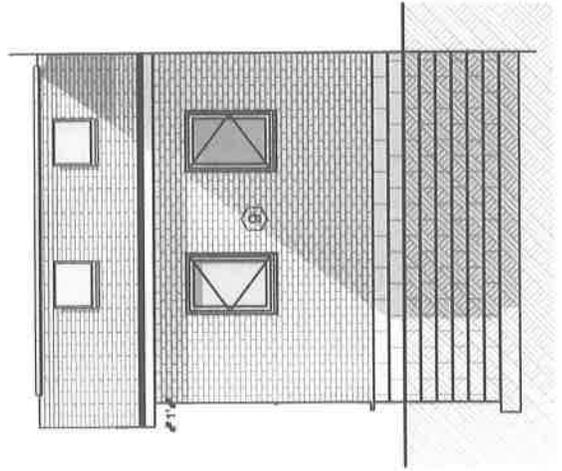
SCALE: 1/4" = 1'-0"

A-1

ROOM ELEVATION (2)

SCALE: 1/4" = 1'-0"

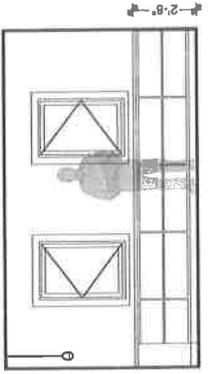
A-1



+0"
1ST FLOOR

SCALE: 1/4" = 1'-0"

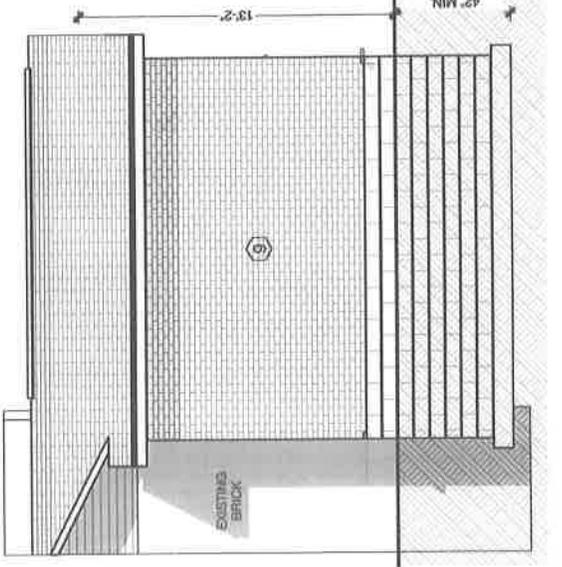
A-1



ROOM ELEVATION (1)

SCALE: 1/4" = 1'-0"

A-1



7 EAST ELEVATION

15 SOUTH ELEVATION

- KEY NOTES:**
- 1 - CRAWL SPACE ACCESS
 - 2 - 16" X 24" 20"X10" POURED FOOTING
 - 3 - FOUNDATION WALL ASB BLOCK FOUNDATION WALL W/ #4 INSULATION
 - 4 - FLOOR ASSEMBLY: 3/4" JOISTS @ 16" O.C.
 - 5 - WALL ASSEMBLY: BRICK 1/2" SHEATHING ON 2X6 STUDS
 - 6 - ROOF ASSEMBLY: ASPH FELT ON 7/16" SHEATHING ON P INSULATION, ICE AND WATER SH INSIDE FACE OF WALL
 - 7 - 2" MUD SLAB W/ 6 MIL V CONTINUOUS RIDGE VEL
 - 8 - BRICK TO MATCH EXIST
 - 9 - SKYLIGHT - 1'10 1/2" X 3
 - 10 - SKYLIGHT - 1'10 1/2" X 3
 - 11 - STONE SILL TO MATCH
 - 12 - 6'-8" TALL CHERRY CABINETS
 - 13 - PENDANT LIGHT CHOOSE
 - 14 - 4" LED STRIP LIGHT FIXT
 - 15 - 22" X 30" ATTIC ACCESS
 - 16 - SIDING TO MATCH EXIST
 - 17 - SKYLIGHTS WELL FRAM
 - 18 - TIE NEW FOUNDATION T REBAR @ 16" O.C. VERTICALLY.

IMPERY:
ROOF STRUCTURE:
PARKING:
WALKWAYS:
PATIOS:
EXISTING TO BE RE
TOTAL:

262 SF X .08 =

1 NORTH ELEVATION

APPENDIX C

Letters of Support—

Gail Lutey (2388 Placid Way)

Andrew and Marie Boehmer (2384 Placid Way)

Otis and Rose Jones (2382 Placid Way)

Greg Gaydos and Karen Mikus (2380 Placid Way)

TO: ZONING BOARD OF APPEALS
CITY OF ANN ARBOR

Re: Application of Benjamin & Denyce Kerner for a variance
2386 Placid Way
Ann Arbor, MI 48105

Date: February 21, 2018

TO WHOM IT MAY CONCERN:

My name is Gail Lutey. I am a resident of Ann Arbor and own the property at 2388 Placid Way. Mr. and Mrs. Benjamin Kerner have informed me of their proposal to build an addition on the East wall of their home at 2386 Placid Way.

My property abuts the property line with the Kerners' home. My home is directly to the east of their property. We share a property line [their East property line; my West property line] and some trees. I have had a chance to talk with Mr. Kerner about the use of the addition as a sick room and study and he has showed me architectural sketches showing matching brick as the main construction material of the addition.

I have no objection to the addition. I think it will enhance property values in the immediate vicinity. I support the Kerners' application for a variance on the setback from their back property line.



Gail Lutey

Date 3/8/18

+

TO: ZONING BOARD OF APPEALS
CITY OF ANN ARBOR

Re: Application of Benjamin & Denyce Kerner for a variance
2386 Placid Way
Ann Arbor, MI 48105

Date: February 14, 2018

TO WHOM IT MAY CONCERN:

We are residents of Ann Arbor and own the property at 2384 Placid Way. Mr. and Mrs. Benjamin Kerner have informed us of their proposal to build an addition off the back of their home at 2386 Placid Way.

Our property is on the same cul de sac with the Kerners' home and abuts their property. We share a property line [their South property line; our North property line].

We have had a chance to talk with Mr. Kerner about the use of the addition as a study and he has showed us architectural sketches showing matching brick as the main construction material of the addition.

We have no objection to the addition. We think it will enhance property values in the immediate vicinity. We support the Kerners' application for a variance on the setback from their back property line.



Andrew Boehmer



Marie Boehmer

TO: ZONING BOARD OF APPEALS
CITY OF ANN ARBOR

Re: Application of Benjamin & Denyce Kerner for a variance
2386 Placid Way
Ann Arbor, MI 48105

Date: February 19, 2018

TO WHOM IT MAY CONCERN:

We are residents of Ann Arbor and own the property at 2382 Placid Way. Mr. and Mrs. Benjamin Kerner have informed me of their proposal to build an addition off the back of their home at 2386 Placid Way.

Our property is on the same cul de sac with the Kerners' home. We have had a chance to talk with Mr. Kerner about the use of the addition as a study and sick room and he has showed us architectural sketches showing matching brick as the main construction material of the addition.

We have no objection to the addition. We think it will enhance property values in the immediate vicinity. We support the Kerners' application for a variance on the setback from their back property line.



Otis V. Jones



Rose C. Jones

TO: ZONING BOARD OF APPEALS
CITY OF ANN ARBOR

Re: Application of Benjamin & Denyce Kerner for a variance
2386 Placid Way
Ann Arbor, MI 48105

Date: February 19, 2018

TO WHOM IT MAY CONCERN:

We are residents of Ann Arbor and own the property at 2380 Placid Way. Mr. and Mrs. Benjamin Kerner have informed me of their proposal to build an addition off the back of their home at 2386 Placid Way.

Our property is on the same cul de sac with the Kerners' home. We have had a chance to talk with Mr. Kerner about the use of the addition and he has showed us architectural sketches showing matching brick as the main construction material of the addition.

We have no objection to the addition. We think it will enhance property values in the immediate vicinity. We support the Kerners' application for a variance on the setback from their back property line.



Gregory Gaydos



Karen Mikus

APPENDIX D

Photos of subject property

- East facing (Street appearance of property)
- East facing (Looking to back lot line)
- North facing (Looking to brick patio)
- West facing (Towards location of the addition)

Photos of neighboring properties

- 2388 Placid Way (immediate back neighbor)
- 2384 Placid Way (immediate South neighbor)
- 2382 Placid Way (SW neighbor)
- 2380 Placid Way (West, across the street)



view of 2386 - Facing E.



view of 2388 - Facing E.



view of 2386 - facing N.



view of 2386 - facing W.



view of 2388 (Luteg)



view of 2384 (Boehmer)