

**Zoning Board of Appeals
April 24, 2019 Regular Meeting**

STAFF REPORT

Subject: ZBA19-008; 2115 Woodside Road

Summary:

Giraffe Design Build, representing the property owners, are requesting a variance from Chapter 55 Unified Development Code (UDC) Table 5:17-1 Single-Family Residential Zoning District Dimensions. The petitioners are seeking to demolish an existing non-conforming garage and replace with an 890 square foot garage, storage area and mudroom connecting to the main residence. The new garage would be 15 feet from the rear property line resulting in a 25 foot variance from the required 40 foot rear setback.

Background:

The subject property is located west of Washtenaw Avenue in the Burns Park neighborhood. The residence was constructed in 1930 and is approximately 2,110 square feet in size.

Description:

The proposed garage is to be located outside of the fifteen foot DTE utility easement. The two and a half car garage will be connected by a mudroom that will attach to the rear of the home from the kitchen. A new patio is to be installed on the east side of the garage.

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 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 applicants state the placement of a detached garage in the rear yard is not feasible due to the utility easement. The other alternative for an attached garage would be located in the front yard which would have a greater impact on the neighborhood character.

- (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 application states that the attached garage will have the same visual impact as a detached garage as the placement is the same and the mudroom attachment is not visible from the public right of way.

- (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 applicants state that the proposed construction is the most practical solution to the property.

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

The fifteen foot DTE easement was not self-created and has imposed a hardship for the construction of a detached garage.

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

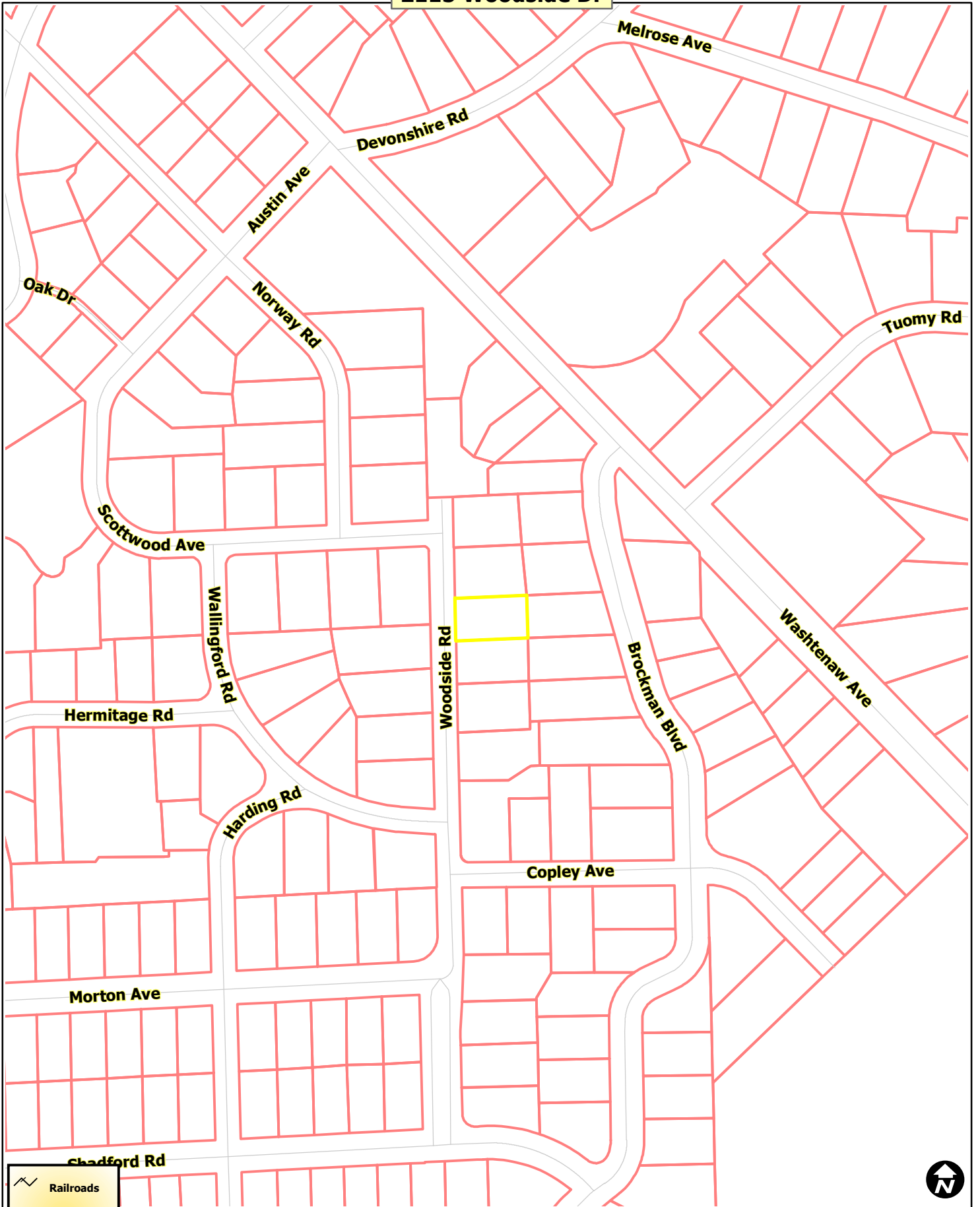
The applicants state the structure would comply with the zoning ordinance were it not for the mudroom attachment. The structure met the requirements of the previous zoning ordinance and will have less of an impact than an accessory structure built only three feet from the side and rear property lines.


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**

2115 Woodside Dr



 Railroads

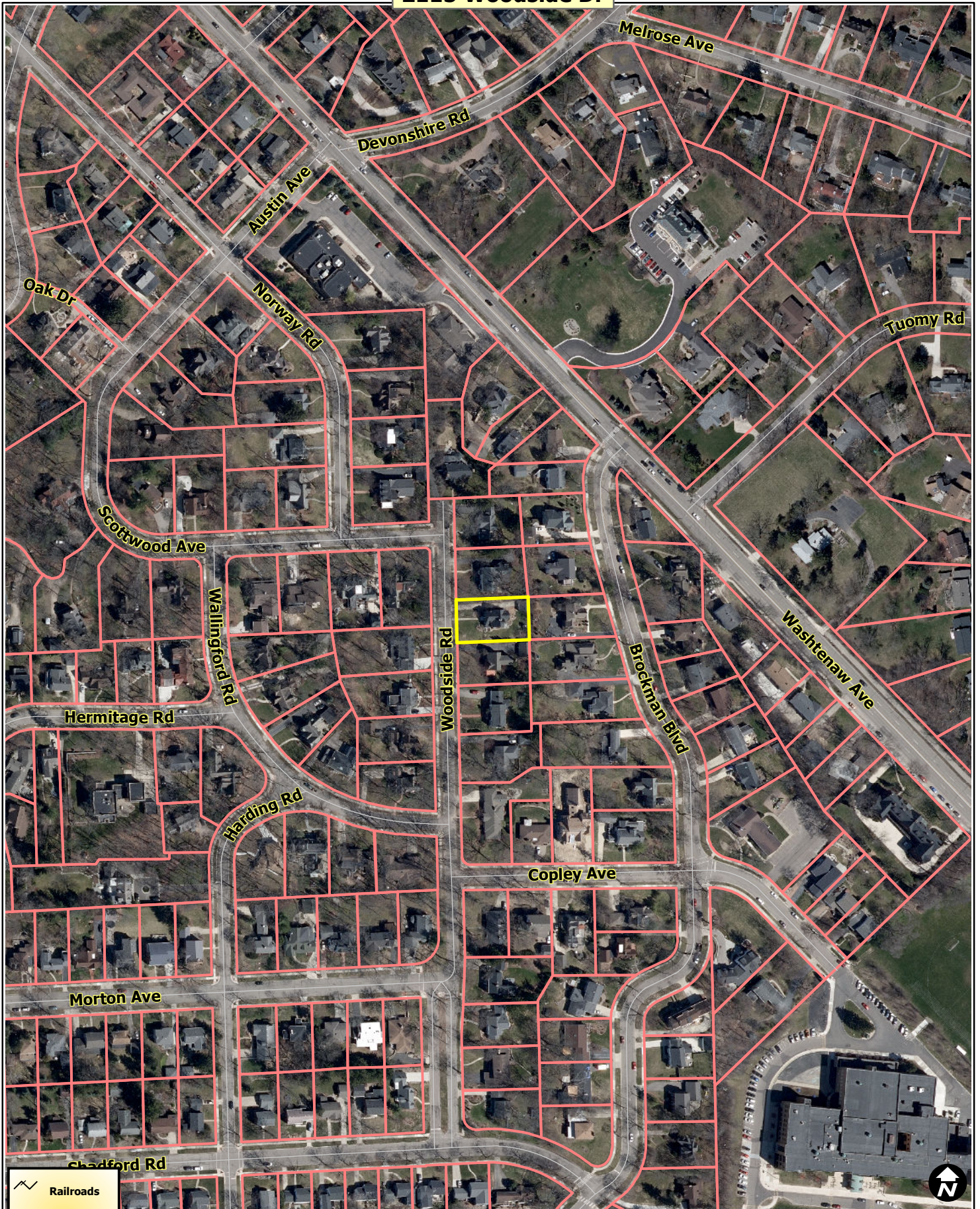
 Huron River

 Tax Parcels

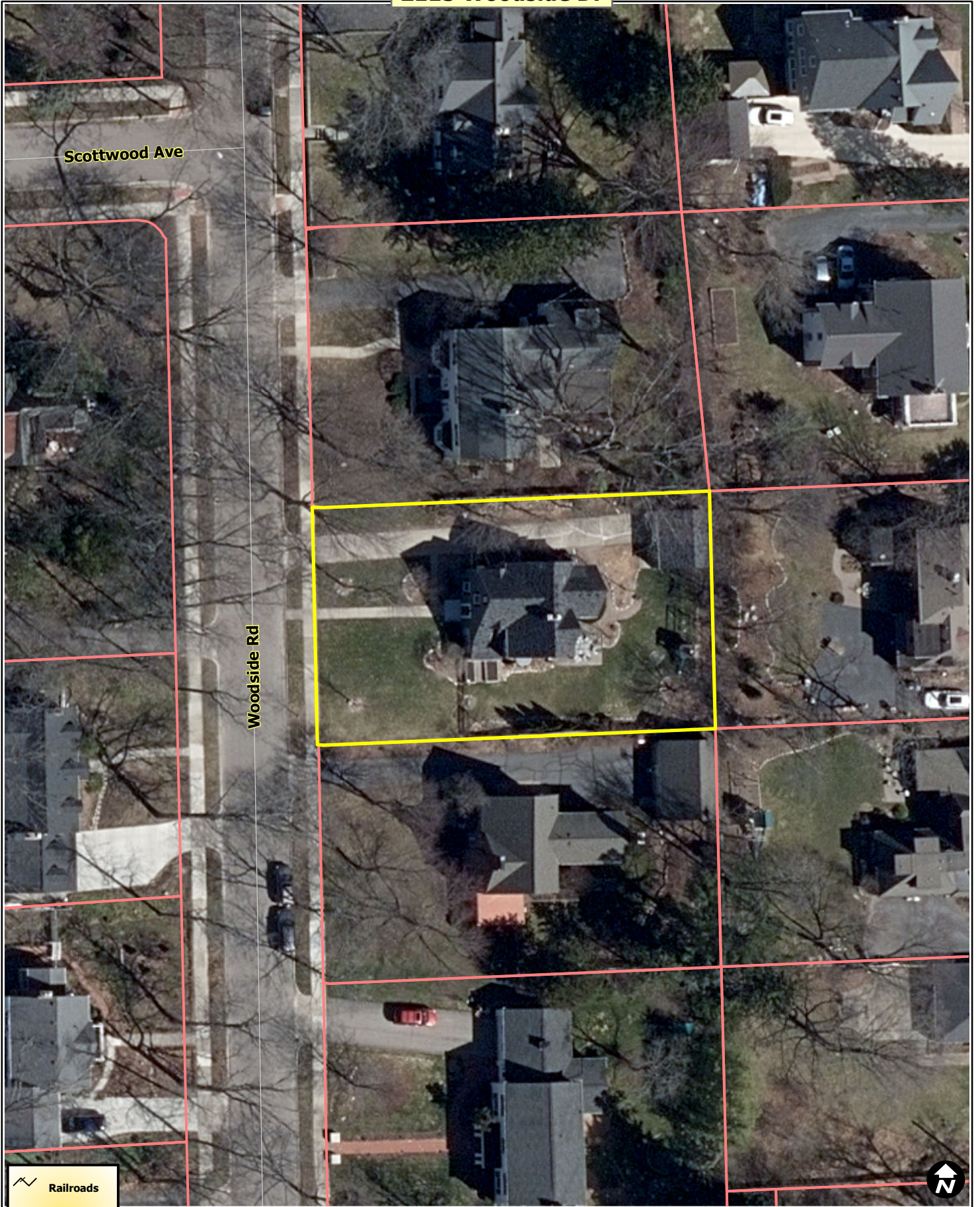





Map date: 4/2/2019
Any aerial imagery is circa 2018
unless otherwise noted
Terms of use: www.a2gov.org/terms

2115 Woodside Dr



2115 Woodside Dr



-  Railroads
-  Huron River
-  Tax Parcels



Map date: 4/2/2019
Any aerial imagery is circa 2018
unless otherwise noted
Terms of use: www.a2gov.org/terms



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

PROPERTY INFORMATION

ADDRESS OF PROPERTY

2115 Woodside Rd, Ann Arbor

ZIP CODE

48104

ZONING CLASSIFICATION

R1B

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

Kate & Dan Flewelling

PARCEL NUMBER

09-09-34-317-002

OWNER EMAIL ADDRESS

keraws@gmail.com

APPLICANT INFORMATION

NAME

Giraffe Design Build

ADDRESS

108b S Main St

CITY

Chelsea

STATE

MI

ZIP CODE

48118

EMAIL

jason@giraffedesignbuild.com

PHONE

(734) 489-1924

APPLICANT'S RELATIONSHIP TO PROPERTY

Designer / Contractor

REQUEST INFORMATION

☒ VARIANCE REQUEST

Complete Section 1 of this application

☐ REQUEST TO ALTER A NONCONFORMING STRUCTURE

Complete Section 2 of this application

REQUIRED MATERIALS

One hard copy application complete with 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.

Required Attachments:

- X Boundary Survey of the property including all existing and proposed structures, dimensions of property, and area of property.
- X Building floor plans showing interior rooms, including dimensions.
- X Photographs of the property and any existing buildings involved in the request.

OFFICE USE ONLY

Fee Paid: \$500- ZBA: 19-008

DATE STAMP
CITY OF ANN ARBOR
RECEIVED

MAR 27 2019

PLANNING & DEVELOPMENT SERVICES

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: Kate Flewelling

DocuSigned by:

95E4C493614B4EE

Daniel Flewelling

DocuSigned by:

DC52605773744AA

Date: 3/26/2019

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 IV, Section 5.17.3, Table 5:17-1

REQUIRED DIMENSION: (Example: 40' front setback)

Feet: 40 Inches: 0 Rear Setback

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

Feet: 15 Inches: 0 Rear Setback

DESCRIPTION OF PROPOSED WORK AND REASON FOR VARIANCE:

Demolition of an existing detached nonconforming one and a half car garage and replacement with a two and a half car garage with mudroom attaching the new structure to the existing house as shown on the drawings. As demonstrated in the attached documents, the rear yard is the most appropriate location for the new detached garage, and the DTE setback from an existing overhead power-line at the rear lot-line (15') restricts the reasonable placement of a new detached garage in the rear yard.

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.

Due to the placement of the existing house relative to the rear yard setback, and an existing overhead power-line at the rear lot-line, a reasonable placement of a detached garage in the rear yard is not feasible. The National Electric Safety Code (NESC) clearance of 15 feet is required by DTE for any new structures constructed underneath any existing overhead power-line. Although an attached 2 car garage may be feasible within the buildable area in the front of the house, we believe that this solution would have a far greater impact on the character of the existing house and subsequently the neighborhood as a whole. The rear yard is the most site-appropriate location for new garage, as it keeps to the character of the house (replacing existing dilapidated garage) and the larger neighborhood context as a whole.

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 would not result in a structure that looks at all different than if the garage were to be detached in the rear of the house. In fact from the street, a detached vs attached garage would look nearly identical to each-other. The significant difference for a detached garage is that it leaves an unreasonably narrow "alley" between the new detached garage and the existing house, rendering that space between the two completely impractical and unusable. A far more practical solution is the proposed mudroom spanning as a bridge between the two structures and having very little to no impact on the character of garage, whether attached or not.

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.

As mentioned prior, we feel that the rear yard is by far the most site-sensitive location for the new garage and has the least visual impact to the adjacent properties and the neighborhood as a whole. While a detached garage in this exact location would be allowed by current municipal code, we don't feel as though this solution is practical. The proposed solution has the same visual impact as would a detached garage and provides far more practicality to the space between the existing structure and the new garage.

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

A detached garage would be feasible were it not for the 15' DTE setback for the overhead power-line.

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

While we are requesting a variance to place an entire "attached" accessory structure within the rear yard, we feel this is reasonable considering the constraints outlined above. Furthermore, were the structure not "attached" via the mudroom, the structure would be deemed compliant and be allowed by current code. This structure does comply with the old Ann Arbor Zoning Ordinance, which permitted an attached accessory structure to be built within the required rear yard as long as it did not occupy more than 35% of the required rear yard.

Section 2

City of Ann Arbor Planning Services – Zoning Board of Appeals Application

REQUEST TO ALTER A NONCONFORMING STRUCTURE

For the purposes of Article VI: Nonconformities Section 5.32.2 Nonconforming Structure, **alteration** is defined as any change in a Building that results in additional Floor Area being fit for occupancy, a greater number of dwelling or rooming units or an increase in the exterior dimensions of the Building.

A nonconforming structure may be maintained or restored, but permission to alter a nonconforming structure will only be 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.

In the space below, describe the current use of the property, the proposed alteration, and the impact it would have on neighboring property.

[illegible]

Please complete the table below as it relates to your request

Requirement	Existing Condition	Code Requirement
Lot Area		
Lot Width		
Floor Area Ratio		
Setbacks		
Parking		
Landscaping		
Other		



3/26/2019

To whom it may concern,

We, Kate & Dan Flewelling, hereby authorize Giraffe Design Build, LLC to act on our behalf for the zoning variance application and any necessary applications for the construction to my house on the property located at 2115 Woodside Rd, Ann Arbor, MI 48104.

If you have any questions or concerns, we can be reached at the following:

Cell: (231) 631-5239

Email: keraws@gmail.com

danflewelling@gmail.com

Sincerely,

DocuSigned by:
Kate Flewelling
95E4C493614B4FF...

DocuSigned by:
Daniel Flewelling
DC52605773744AA...

Kate & Dan Flewelling



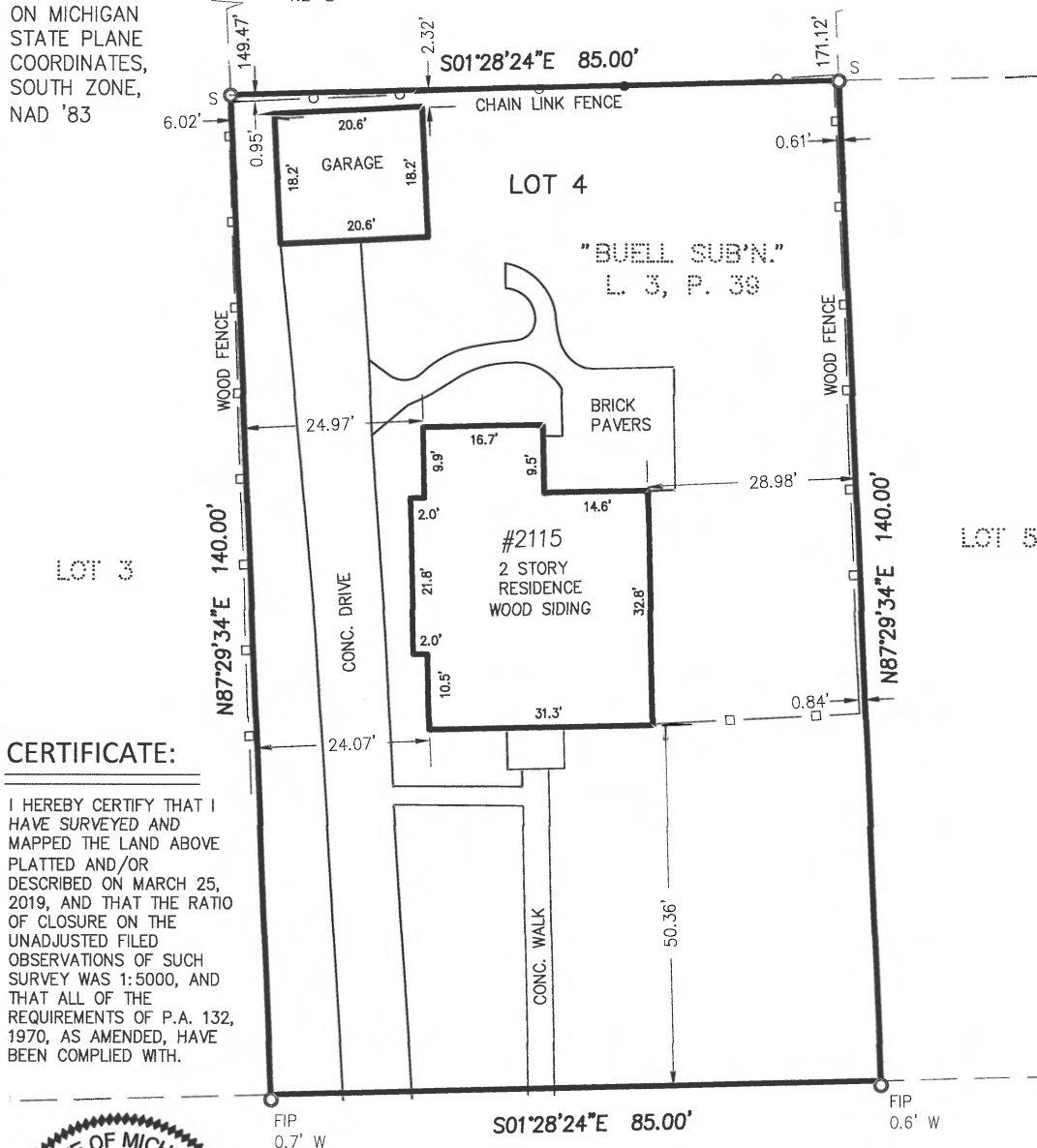
CERTIFICATE OF SURVEY

NOTE:

BEARINGS BASED
ON MICHIGAN
STATE PLANE
COORDINATES,
SOUTH ZONE,
NAD '83

NE COR.
LOT 16
FIP 0.4' S
1.2' E

SE COR.
LOT 16
FIP 2.0' E



CERTIFICATE:

I HEREBY CERTIFY THAT I
HAVE SURVEYED AND
MAPPED THE LAND ABOVE
PLATTED AND/OR
DESCRIBED ON MARCH 25,
2019, AND THAT THE RATIO
OF CLOSURE ON THE
UNADJUSTED FILED
OBSERVATIONS OF SUCH
SURVEY WAS 1:5000, AND
THAT ALL OF THE
REQUIREMENTS OF P.A. 132,
1970, AS AMENDED, HAVE
BEEN COMPLIED WITH.



WOODSIDE RD.
(50' WIDE, PUBLIC)

CLIENT: GIRAFFE DESIGN BUILD

BOUNDARY SURVEY

LOT 4, BUELL SUB'N.
IN THE W 1/2 OF
SECTION 34, T2S, R6E
CITY OF ANN ARBOR,
WASHTENAW COUNTY,
STATE OF MICHIGAN.

LEGEND:

- SECTION CORNER
- FOUND IRON PIPE
- FOUND IRON ROD
- FOUND MAG NAIL
- FOUND MONUMENT
- SET IRON PIPE
- SET WOOD LATH
- RECORDED
- CALCULATED

**Arbor Land
Consultants, Inc.**
Professional Land
Surveyors

2936 S. Madrono
Ann Arbor, MI 48103
(734) 669-2960
Fax 669-2961

www.arborlandinc.com



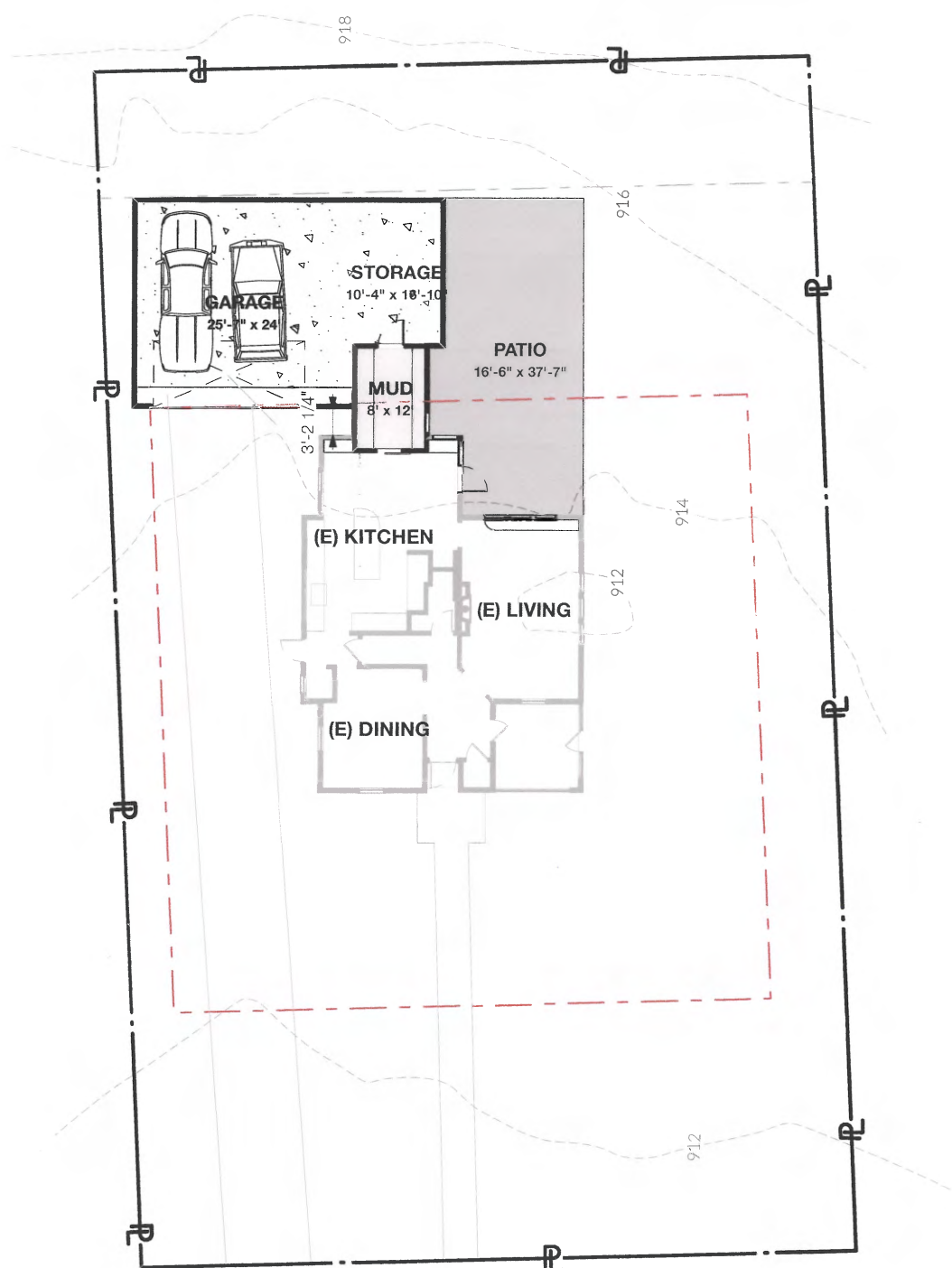
SCALE: 1" = 20'

JOB NO.: 00013	DATE: 12-12-2013
FLD. BOOK: 00013	REVISED: 12-12-2013
SHEET - OF -	BY: KJG



Giraffe
DESIGN BUILD

108 B S. Main
Chelsea, MI
48118
copyright ©



PROPOSED PLAN

SCALE: 1" = 20'

PROPOSED
PLAN

03/26/2019

FLEWELLING

GARAGE ADDITION

2115 Woodside Rd, Ann Arbor MI 48104

1



Giraffe
DESIGN BUILD

108 B S. Main
Chelsea, MI
48118
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VIEW FROM STREET

RENDER
03/26/2019

FLEWELLING
GARAGE ADDITION
2115 Woodside Rd, Ann Arbor MI 48104

2



EXISTING GARAGE



EXISTING HOUSE

GARAGE ADDITION

2115 Woodside Rd, Ann Arbor MI 48104