

**Zoning Board of Appeals  
December 2, 2020 Regular Meeting**

**STAFF REPORT**

**Subject: ZBA 20-024; 1912 Anderson Avenue**

**Summary:**

Catherine McCune, property owner, is requesting a variance from Table 5.17-1 Single-Family Residential Zoning District Dimensions. The owner is proposing to connect the existing detached garage to the residence with a 126 square foot addition that will expand the kitchen and add a mudroom. The property is zoned R1B and requires a five-foot side setback and a 14-foot total setback for both sides. The project will require a four-inch variance on the east side of the property and an overall four-foot total variance for both sides.

**Background:**

The subject property is located on the south side of Anderson Avenue due east of Packard Road in the Eastover Hills neighborhood. The home was built in 1951 and is approximately 1,290 square feet in size. The lot (10,802sf) meets the minimum area requirement of 10,000 feet, however, the lot (60') does not meet the minimum lot width of 70 feet.

**Description:**

The proposed attachment of the principal dwelling unit to the detached garage has initiated the requirement of the side setbacks being met. From the definition of Accessory Building below in the Unified Development Code (UDC) the highlighted portion stipulates this action.

**Accessory Building**

A Building that is subordinate in use, area and purpose to the Principal Land Use and Principal Building in which an Accessory Use is contained or conducted on the Lot. Accessory Buildings can be attached or detached to a Principal Building. **When attached, the Accessory Building shall be considered part of the Principal Building for setback purposes.**

**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 UDC. 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 that the variance request is minor and the addition will not change the building envelope and the addition will not change the streetscape appearance.

- (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 owners have stated that the addition is to assist with aging in place and the project is not for financial gain or benefit.

- (c). That allowing the variance will result in substantial justice being done, considering the public benefits intended to be secured by this Chapter, the Practical difficulties 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 exterior walls of the project remain unchanged and therefore have no impact on adjacent properties or the neighborhood.

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

The owner states that the R1B Zoning was designated after the home was built and made the lot nonconforming for lot width. The additional side setback requirements of the R1B district make an addition not possible without a variance.

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

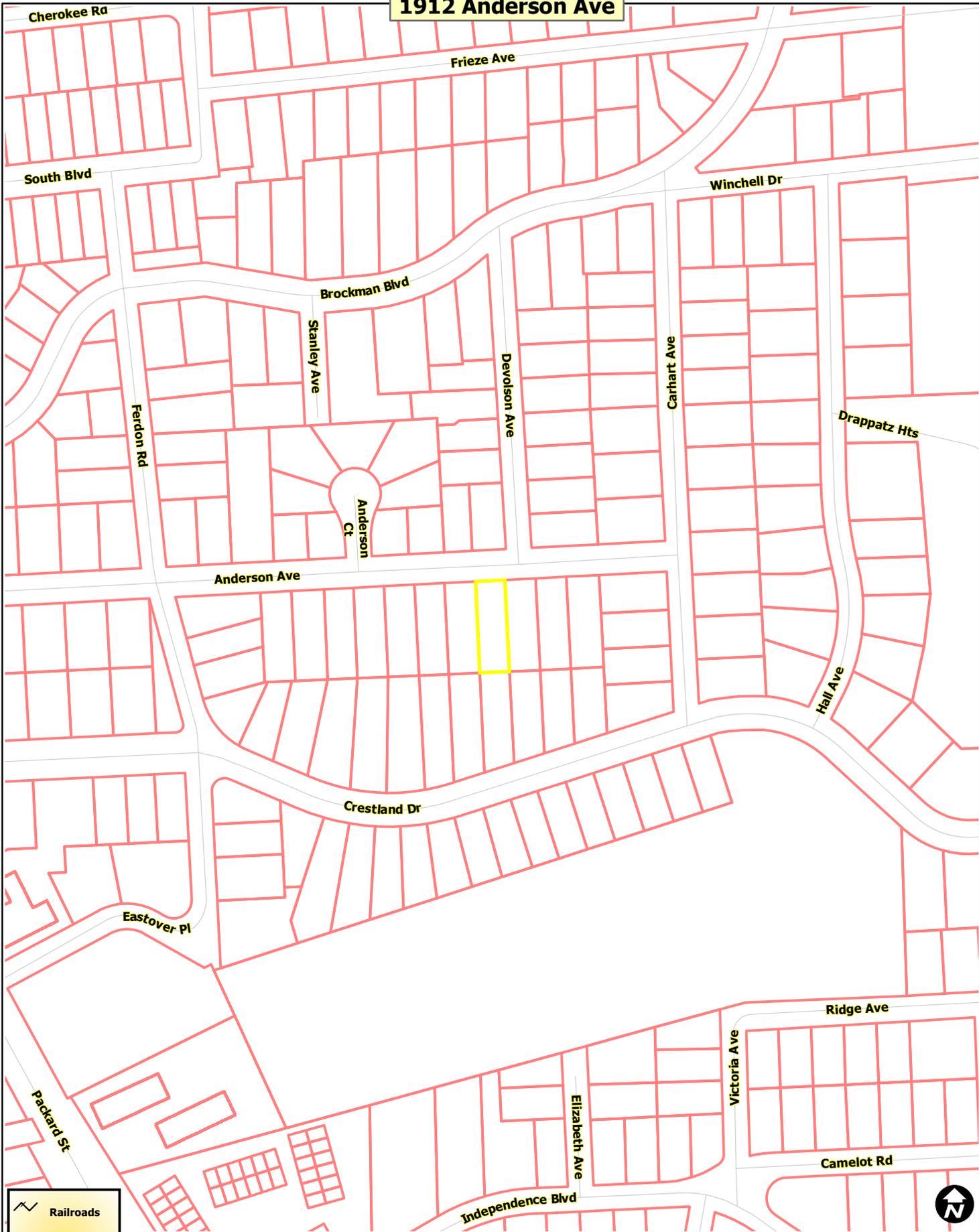
An addition from the rear of the home to the garage is not possible due to the steeply sloping topography.

Respectfully submitted,

A handwritten signature in blue ink that reads "Jon Barrett". The signature is stylized and cursive.

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

1912 Anderson Ave

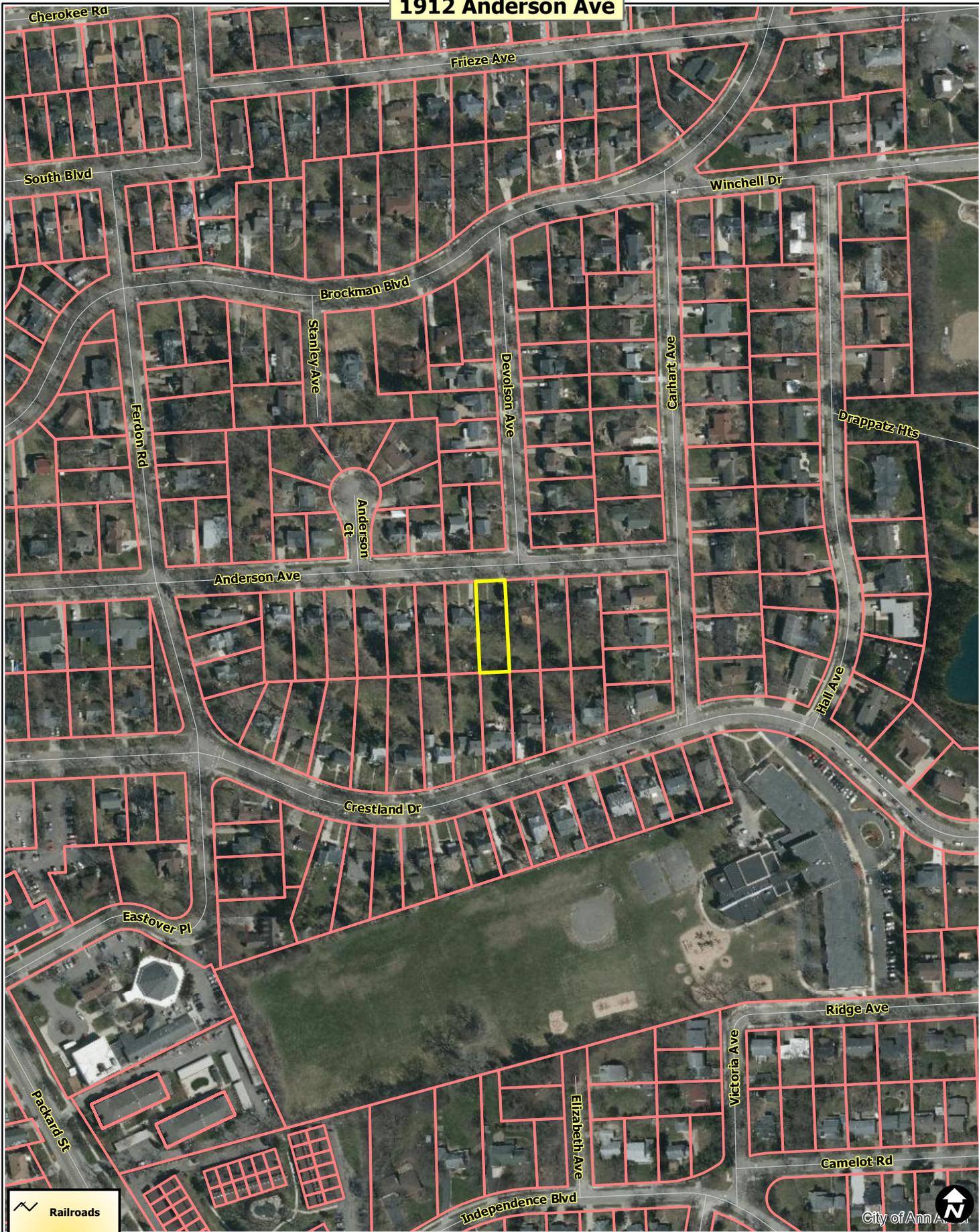


 Railroads  
 Huron River  
 Tax Parcels



Map date: 11/10/2020  
Any aerial imagery is circa 2018 unless otherwise noted  
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# 1912 Anderson Ave

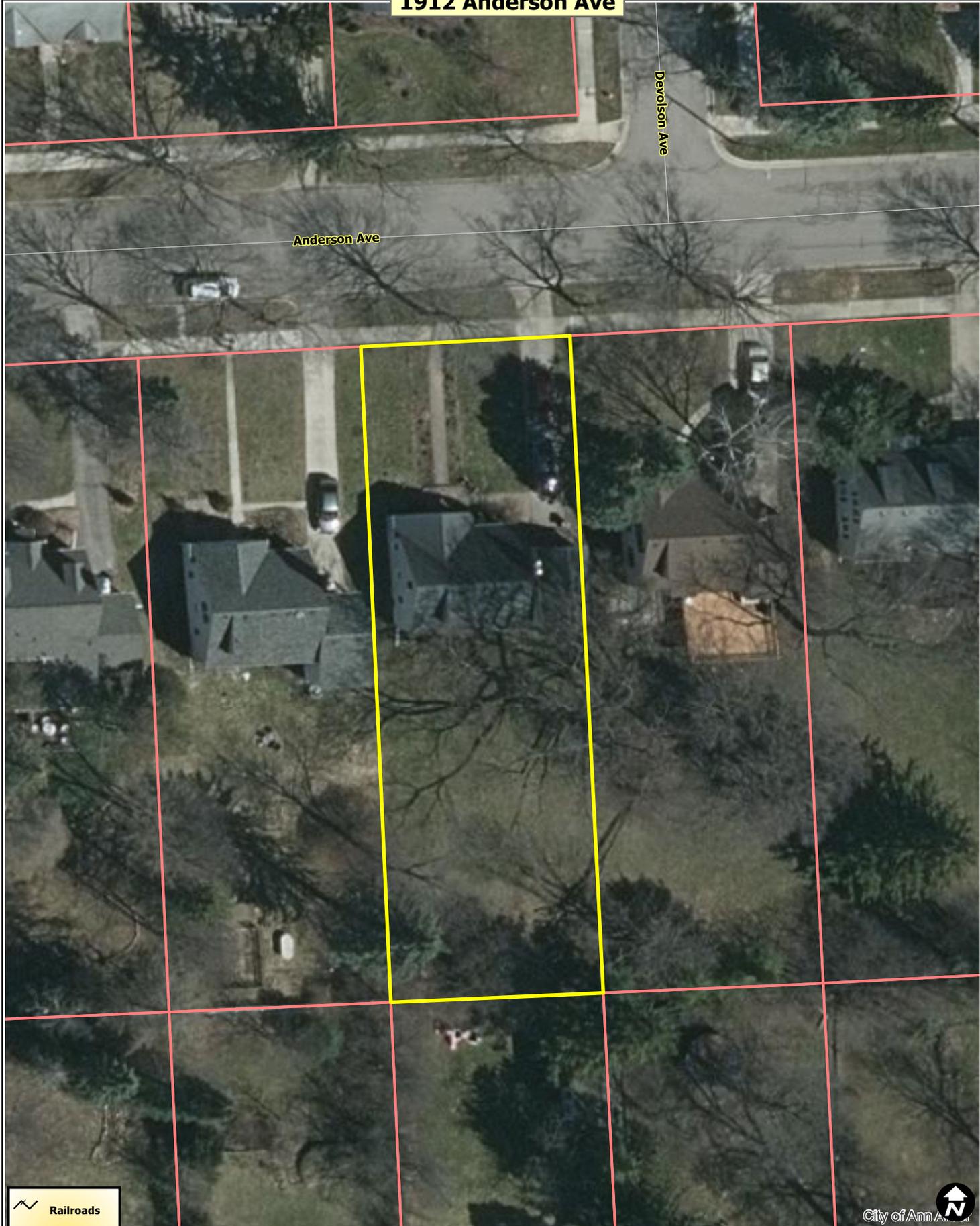


- Railroads
- Huron River
- Tax Parcels



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1912 Anderson Ave



Devolson Ave

Anderson Ave

 Railroads

 Huron River

 Tax Parcels



Map date: 11/10/2020  
Any aerial imagery is circa 2018  
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# 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](mailto:planning@a2gov.org)

## PROPERTY INFORMATION

ADDRESS OF PROPERTY 1912 ANDERSON AV		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 McCune, Catherine & Kelly, Lynden	
PARCEL NUMBER 09-12-04-110-008	OWNER EMAIL ADDRESS kmccune@provide.net lkelly@provide.net	

## APPLICANT INFORMATION

NAME McCune, Catherine			
ADDRESS 1912 ANDERSON AV	CITY ANN ARBOR	STATE MI	ZIP CODE 48104
EMAIL kmccune@provide.net		PHONE 734-223-4796	
APPLICANT'S RELATIONSHIP TO PROPERTY OWNER			

## REQUEST INFORMATION

<input checked="" type="checkbox"/> VARIANCE REQUEST Complete Section 1 of this application	<input type="checkbox"/> REQUEST TO ALTER A NONCONFORMING STRUCTURE Complete Section 2 of this application
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## 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:**

- Boundary 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.

### OFFICE USE ONLY

Fee Paid:	ZBA:
DATE STAMP	

## 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: Catherine McCune Date: 9.23.20

# 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)  
 5.17 AREA, HEIGHT & PLACEMENT REGULATIONS | 5.17.3 RESIDENTIAL ZONING DISTRICTS | TABLE 5.17-1

REQUIRED DIMENSION: (Example: 40' front setback) Feet: 15 Inches: TOTAL SIDE SETBACKS	PROPOSED DIMENSION: (Example: 32 foot 8 inch front setback) Feet: 10 Inches: TOTAL SIDE SETBACK
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DESCRIPTION OF PROPOSED WORK AND REASON FOR VARIANCE:  
 - see next sheet -

**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 practical difficulties are exceptional and peculiar to the property of the Person requesting the variance, and result from conditions that do not exist generally throughout the City.

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The alleged practical difficulties that will result from a failure to grant the variance, include substantially more than mere inconvenience, inability to attain a higher financial return, or both.

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Allowing the variance will result in substantial justice being done, considering the public benefits intended to be secured by this chapter, the practical difficulties 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.

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

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

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# Section 1 City of Ann Arbor Planning Services - Zoning Board Of Appeals Application

## VARIANCE REQUEST

### **Description of proposed work and reason for variance:**

The property presently has a single family, owner occupied, home with a detached garage. For aging in place an attached Garage is desired. The proposed addition is between the garage and house. The proposed addition brings no exterior building walls closer to the street or property lines. Site drainage is not affected and will be improved with this proposed work. The variance is required because the detached garage is now attached to the house and as such does not meet house setback requirements.

### **The alleged practical difficulties are exceptional and peculiar to the property of the Person requesting the variance, and result from conditions that do not exist generally throughout the City:**

The house addition is to provide for aging in place allowing an interior connection from the house to the garage. The impact on the proposed property and neighborhood is very minor. From the building perimeter to parcel perimeter remains unchanged. This addition will not look out of place with most of the garages in the neighborhood are attached. The entire block of 60' wide lots makes spaces between houses look tighter than the normal 70' wide R1B zoning, and so the addition will not look out of place.

### **The alleged practical difficulties that will result from a failure to grant variance, including substantially more than mere inconvenience, inability to attain a higher financial return, or both.**

The proposed addition is being planned to enhance the living of the owners in their home and to be able to age in place into old age. Financial return is not the motivating factor for this work.

### **Allowing the variance will result in substantial justice being done, considering the public benefits intended to be secured by this chapter, the practical difficulties that will be suffered by 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 addition will have little or no impact on the immediate neighbors, exterior walls in relationship to the property perimeter remain unchanged. The publicly viewed side of this proposed addition is minor and fits into the surrounding properties.

### **The conditions and circumstances on which the variance request is based shall not be a self-imposed practical difficulty:**

This neighborhood has a variation in side setbacks and R1B and R1C zoning. The present zoning of R1B requires a lot width of 70'. When this zoning was assigned, the entire built out block had 60' wide lots.

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

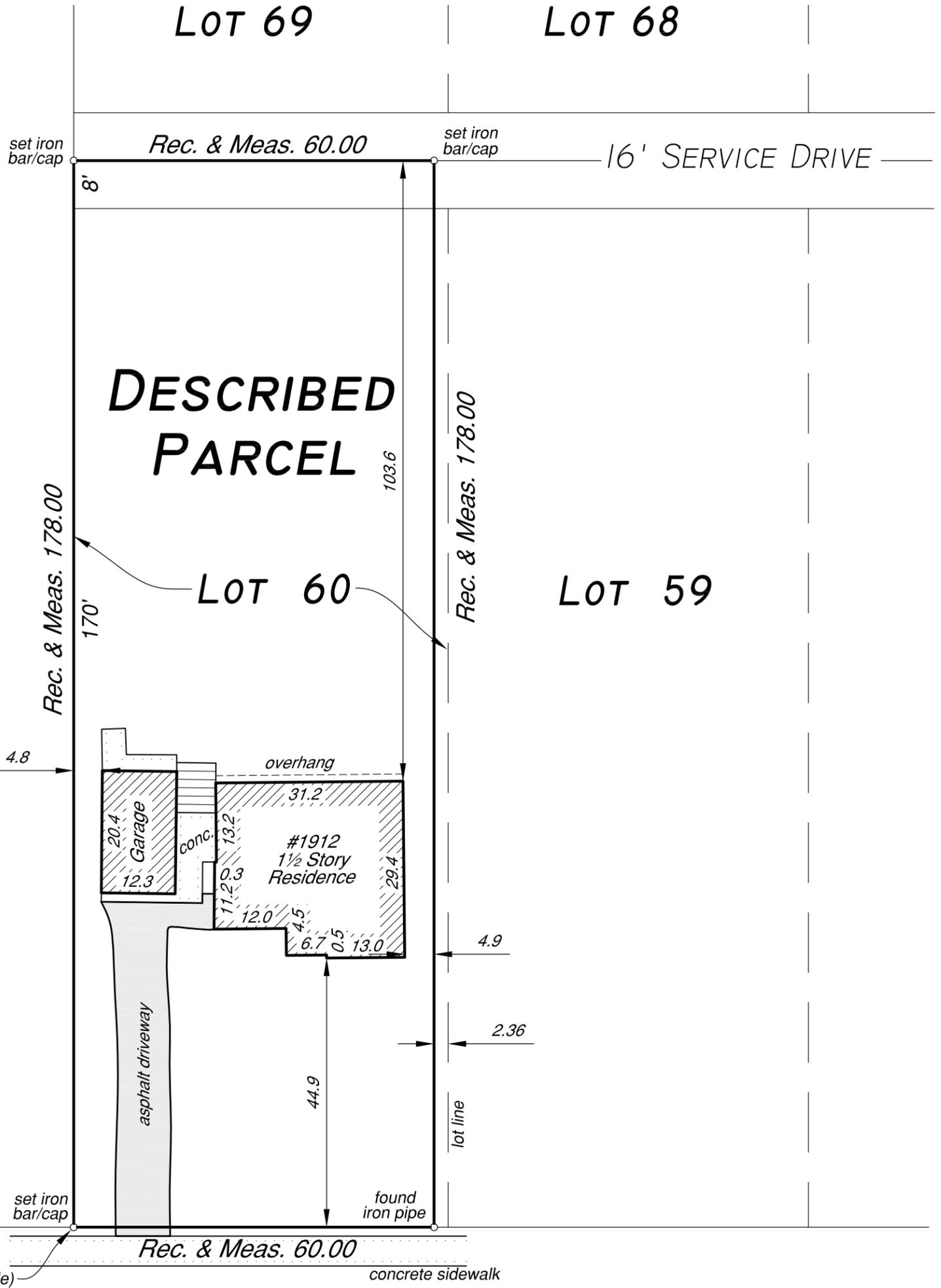
The proposed addition has the minimum impact on the site and neighborhood. An addition to the rear would not provide a connection to the garage and would project a structure into a large open shared backyard space.

**LEGAL DESCRIPTION**

THE WESTERLY 60.00 FEET OF LOT 60, ALSO THE NORTH 1/2 OF THE NOW CLOSED ADJACENT SERVICE DRIVE OF "EASTOVER HILLS No.1" SUBDIVISION, PART OF THE NORTHEAST 1/4 OF SECTION 4, TOWN 3 SOUTH RANGE 6 EAST, PITTSFIELD TOWNSHIP (NOW CITY OF ANN ARBOR), WASHTENAW COUNTY, MICHIGAN, AS RECORDED IN LIBER 4 OF PLATS ON PAGE 40, WASHTENAW COUNTY RECORDS. LOT CONTAINS 10,680 SQUARE FEET. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.



VACATED DEVOLSON AVE. (50' WIDE)



**ANDERSON AVE.** (60' Wide)  
asphalt pavement with concrete curbs



**CERTIFICATE OF SURVEY**

Prepared For: Joe Hileman  
Hileman Construction Co.  
734 678-6469

**Jekabson & Associates, P.C.**  
Professional Land Surveyors  
1320 Goldsmith, Plymouth, MI 48170  
(734) 414-7200 (734) 414-7272 fax

by: *[Signature]*



Date	12 Oct 2020
Job No.	20-10-006
Scale	1" = 20'
Drawn	AAH
Checked	JGE
Sheet	1 OF 1

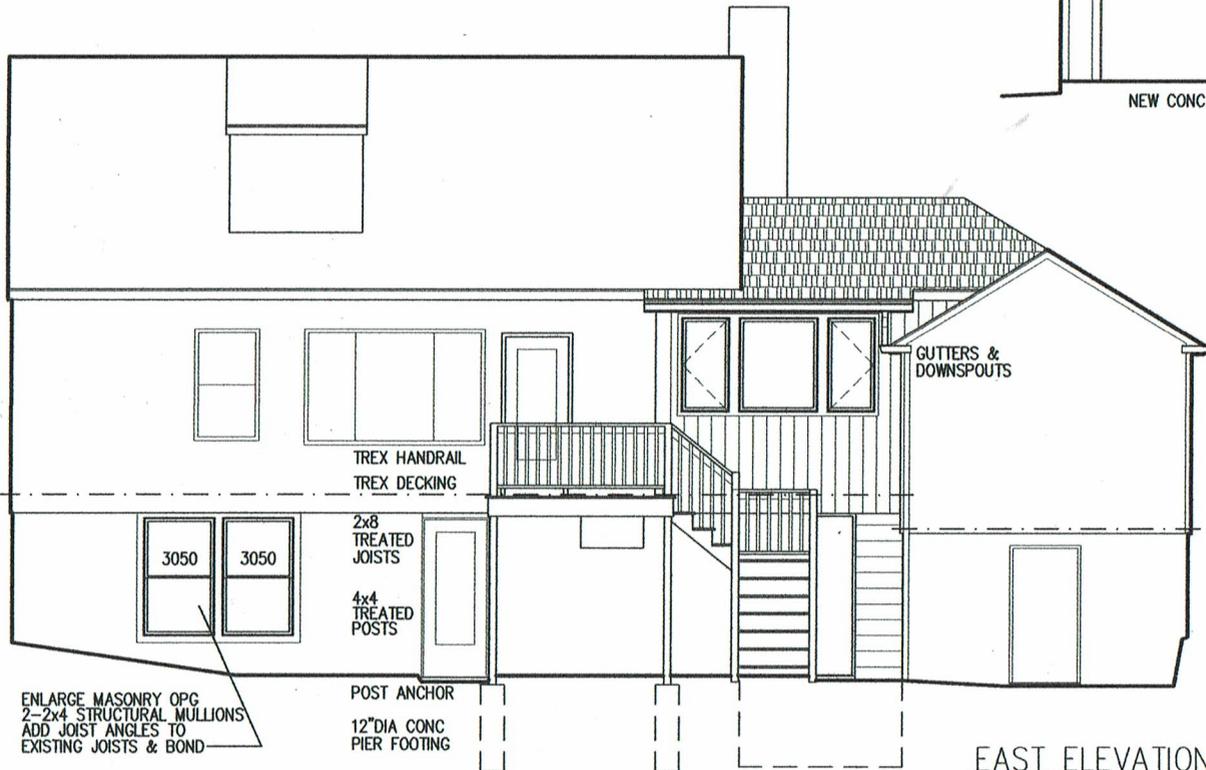


# ELEVATION NOTES

1. ROOFING ASPHALT SHINGLES ARCHITECTURAL TEXTURED TO MATCH EXISTING
2. WOOD 1x6 FASCIA & VEE BEAD BOARD SOFFIT

3. CLAD WOOD WINDOWS SIZES IN FEET & INCHES OPERATION AS SHOWN ALTERNATE#1- VINYL WINDOWS
4. WINDOW HEADER HEIGHT DIMENSIONS TO ROUGH FRAMING
5. DOORS & WINDOW SIZES IN FEET & INCHES FOR WIDTH & HEIGHT

6. VERTICAL 1x6 T&G WOOD SIDING WITH 1x2 WOOD TRIM TO MATCH EXISTING & PAINT
7. ARCHITECTURAL GRADE CEDAR 4x4 & 2x4 BRACKETS

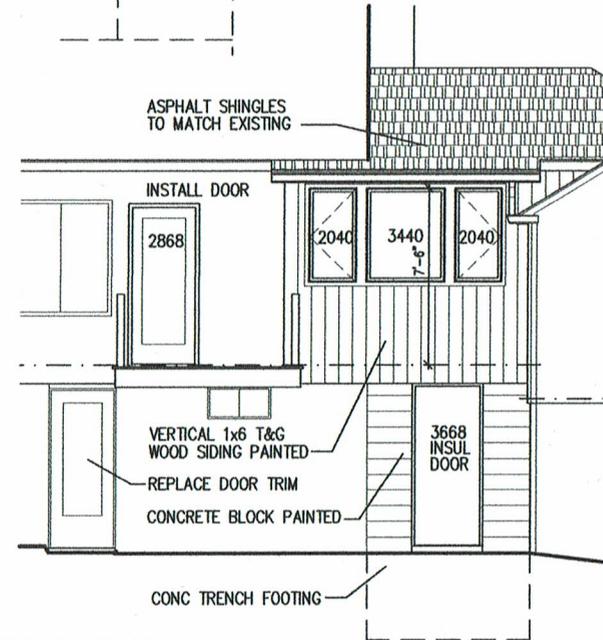
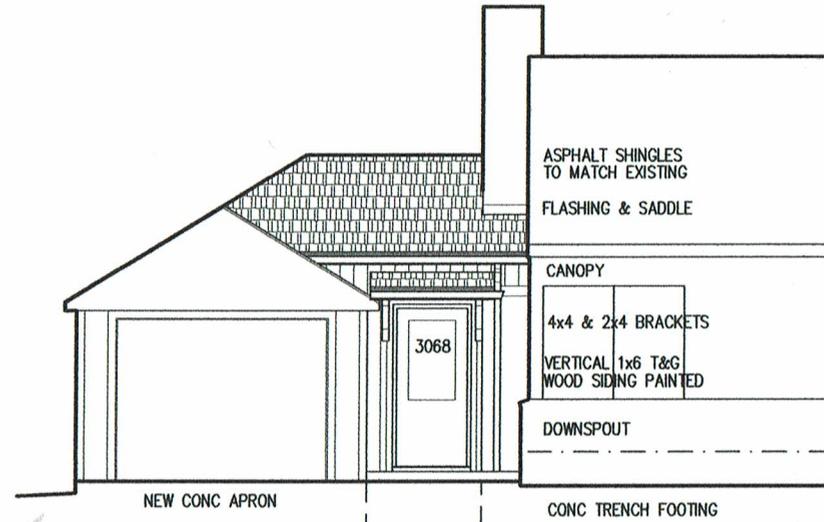


ENLARGE MASONRY OPG  
2-2x4 STRUCTURAL MULLIONS  
ADD JOIST ANGLES TO  
EXISTING JOISTS & BOND

POST ANCHOR  
12"DIA CONC  
PIER FOOTING

## EAST ELEVATION

SCALE: 3/16" = 1'-0"



KELLY  
McCUNE  
RESIDENCE  
1912 ANDERSON  
ANN ARBOR, MICHIGAN  
48104

REVISIONS  
ISSUED FOR:

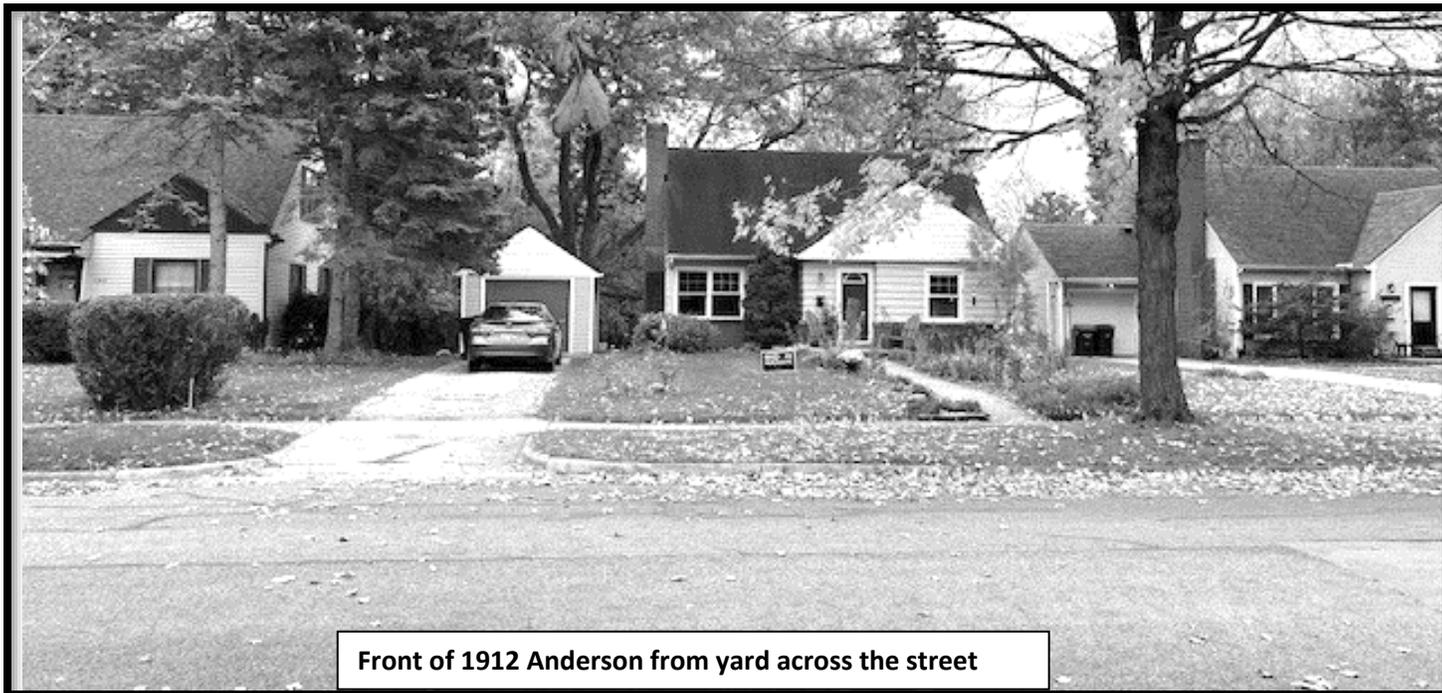
1/25/2020	FEASIBILITY PLAN
1/26/2020	PLAN UPDATE
1/27/2020	PLAN UPDATE
1/28/2020	OWNER REVIEW
1/29/2020	CON PROPOS
1/27/2020	OWNER REVIEW
4/6/2020	FOR CONSTRUCTION
6/20/2020	OWNER REVIEW
8/25/2020	FOR PERMIT

EXTERIOR  
ELEVATIONS  
SCALE: 3/16" = 1'-0"

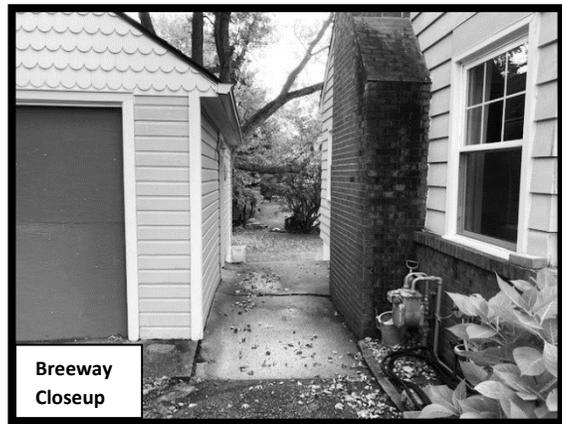
H. SCOTT DIELS  
ARCHITECT  
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Ann Arbor, MI  
48104-3652  
734.649.2787 Cell  
hscottdiels@att.net

A4

EXHIBIT - D



Front of 1912 Anderson from yard across the street



Breeeway  
Closeup



Back of house from tree



Back of house from property line



