Zoning Board of Appeals June 23, 2021 Regular Meeting

STAFF REPORT

Subject: ZBA 21-022; 1302 Prescott Avenue

Summary:

Sarah Hieber, property owner, is requesting a three-foot variance from Section 5.18.1 (B4) Front Porches, in order to construct a (21'8"x8') front porch to the existing residence. The owner is also requesting relief from Section 5.32.2 Alteration to a Nonconforming Structure in order to construct a new second story to the single-story home. The residence does not meet the average front setback by three feet. The property is zoned R1D, Single-Family Dwelling District.

Background:

The subject property is located within the Allmendinger Heights neighborhood at the southwest corner of the intersection of Prescott and Snyder Avenues. The residence was built in 1940 and is approximately 850 square feet.

Description:

The proposed front porch is to be open and unenclosed and covered with a roof. Section 5.18.1 (B4) allows for an eight-foot encroachment into the average front setback for front porches, however, the residence projects three feet into the existing front setback thereby initiating this variance request.

The property is nonconforming as it does not meet the required average front setback of 27 feet 10 inches. The structure is 24 feet 10 inches from the front lot line. The proposed second story will accommodate a master suite and bath, three additional bedrooms, a children's bathroom and laundry room. The new second story will meet the side and rear setbacks and will not encroach further into the front setback than the first floor.

Section 5.18.1 (B4) Unenclosed porches, decks and platforms covered by a roof or canopy which do not extend above the first floor of a residential structure, nor extend more than eight feet in depth from any point along the principal building, and located in an R1A, R1B, R1C, R1D, R1E, R2A, or R4C District may project up to eight feet into the Required Front Setback Area. No unenclosed porch, deck, or platform shall be located within five feet from the Front Lot Line. For premises on which such encroachment occurs, the principal Established Front Building Line will continue to establish the existing Required Front Setback.1

Section 5.32.2 (A) The Alteration is approved by the Zoning Board of Appeals upon a 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.

Standards for Approval- Alteration to a Nonconforming Structure

The Zoning Board of Appeals has all the power granted by State law and by Section 5.32.2, Application of the Variance Power from the UDC. The following criteria shall

Zoning Board of Appeals June 23, 2021 apply:

> A) The alteration is approved by the Zoning Board of Appeals upon a 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.

The owner states the proposed second story addition will be constructed along the same plane as the first floor and will not adversely impact adjacent properties. The home will remain a single-family use and will not encroach further into the setbacks.

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 applicant states the existing home was built in 1940 and pre-dates the current Zoning regulations, encroaching into the average front setback by three feet. The current regulation allows the owners a five-foot front porch which they claim is insufficient to accommodate a group of four people. The owner states an eight-foot front porch is more appropriate.

(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 petitioner states that a front porch is vital to healthy streets and promotes community initiatives. Allowing the variance will enable the owner to enjoy their porch and be protected from the elements.

(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 petitioner states since the residence pre-dates current Zoning regulations not penalizing the owners for the three-foot variance would be a just determination.

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

Zoning Board of Appeals June 23, 2021

The applicant states the variance request is not self-imposed as the structure predates current regulations.

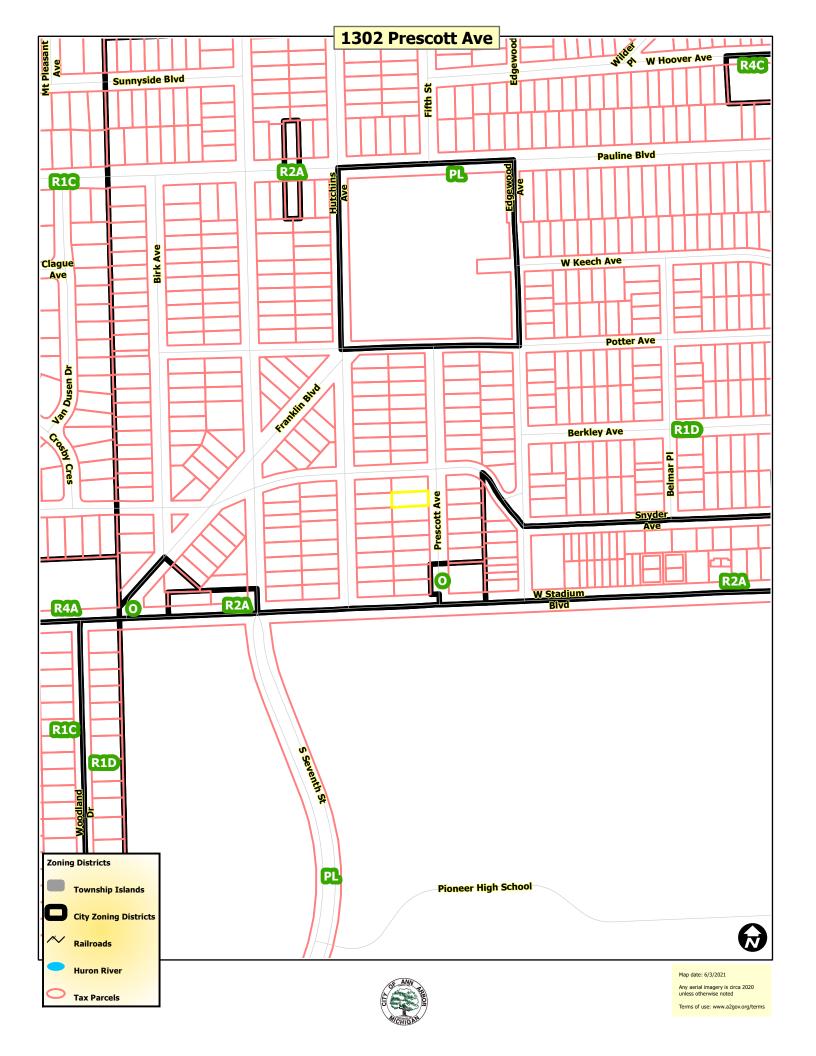
(e). A variance approved shall be the minimum variance that will make possible a reasonable use of the land or structure.

The variance for the front porch will enhance architectural design character and will not negatively impact adjacent properties.

Respectfully submitted,

Jon Barrett

Zoning Coordinator







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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

PROPERTY INFORMATION							
ADDRESS OF PROPERTY 1302 Prescott					ZIP CODE 48103		
ZONING CLASSIFICATION R1D	NAME OF PROPERTY OWNER*If different than applicant, a letter of authorization from the property owner must be provided Sarah M. Hieber						
PARCEL NUMBER OWNER EMA			R EMAIL ADI	DRESS			
09-09-32-220-015 (Lot 226 Allmendinger Heights Addn)			hiebersa	ebersa@gmail.com			
APPLICANT INFORMAT	ION						
NAME Sarah Hieber							
ADDRESS 1302 Prescott			CITY Ann A	Arbor	STATE MI	ZIP CODE 48103	
hiebersa@gmail.com				PHONE 734.904.3616			
APPLICANT'S RELATIONSHIP TO PROPERTY Owner							
REQUEST INFORMATIO	N						
l ·				QUEST TO ALTER A NONCONFORMING STRUCTURE lete Section 2 of this application			
REQUIRED MATERIALS				OFFICE USE ONLY			
One hard copy application comp			t Fee Pa	Fee Paid: ZBA:			
be submitted. Digital copies of supportive materials included in the submitted hard copy will only be accepted in PDF format by email of				DATE STAMP			
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.			1				
■ Building floor plans showing interior rooms, including dimensions. ■ Photographs of the property and any existing buildings involved in the			he				
request.			inc				
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 : Date: May 17, 2021							

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$Section \ 1 \ {\it City of Ann Arbor Planning Services - Zoning Board of Appeals Application}$

VARIANCE REQUEST ARTICLE(S) AND SECTION(S) FROM WHICH A VARIANCE IS REQUESTED: (Example: Article 3, Section 5.26) Article IV, Section 5.18.5 27'-10" Avg. Bldg Setback + 8' porch= 19'-10" PROPOSED DIMENSION: (Example: 32 foot 8 inch front setback) REQUIRED DIMENSION: (Example: 40' front setback) Feet: 19 *Inches:* 10 to front of porch Feet: 16 *Inches:* 10 to front of porch DESCRIPTION OF PROPOSED WORK AND REASON FOR VARIANCE: The proposed enhancement includes adding a usable, covered, unenclosed porch to the front of the existing home. The home was originally constructed in 1940 at its current setback. The reason for the variance request is to permit a front porch of a dimension that can accommodate seating of 4 or more people at the front of the existing home. The available dimension of 5' is inadequate to seat 4 people with a central coffee table. 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. The practical difficulties include the following: The existing home, built in 1940 and predating the current zoning rules, encroaches into the current average building setback by 3'-0". Current ordinance allows a porch to project 8' into the setback. This would only permit a porch of 5'-0" which is insufficient to accommodate a group of 4 people. An 8' porch depth is considered most appropriate. 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. Activating the street is a stated goal of many initiatives in Ann Arbor. Having a place where a family can sit outdoors, under cover, and chat with passing neighbors is a hallmark of a healthy street that promotes community. A porch of 8' depth that can accommodate 4 people seated, out of blowing rain and hot sun, is a desirable goal. The porch also adds architectural depth/relief, which benefits the street character. 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 existing home was constructed in 1940, predating the current zoning setback rules. Not penalizing this home for its current position relative to adjacent homes would be a just determination. A front porch will not adversely impact adjacent homeowners. In fact, it will be of benefit by enhancing the architectural character and neighborliness of street. The conditions and circumstances on which the variance request is based shall not be a self-imposed practical difficulty. The existing home was constructed in 1940, predating the current zoning setback rules. Adjacent homes were also built before the current zoning rules were imposed. This is not a self-imposed practical difficulty. A variance approved shall be the minimum variance that will make possible a reasonable use of the land or structure. The variance to permit a front porch of 8' depth will permit a reasonable use of the porch for a family of 4 seated out of blowing rain and hot sun. It will enhance architectural design character.

$Section\ 2\ {\it City of Ann Arbor Planning Services-Zoning Board of Appeals Application}$

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.

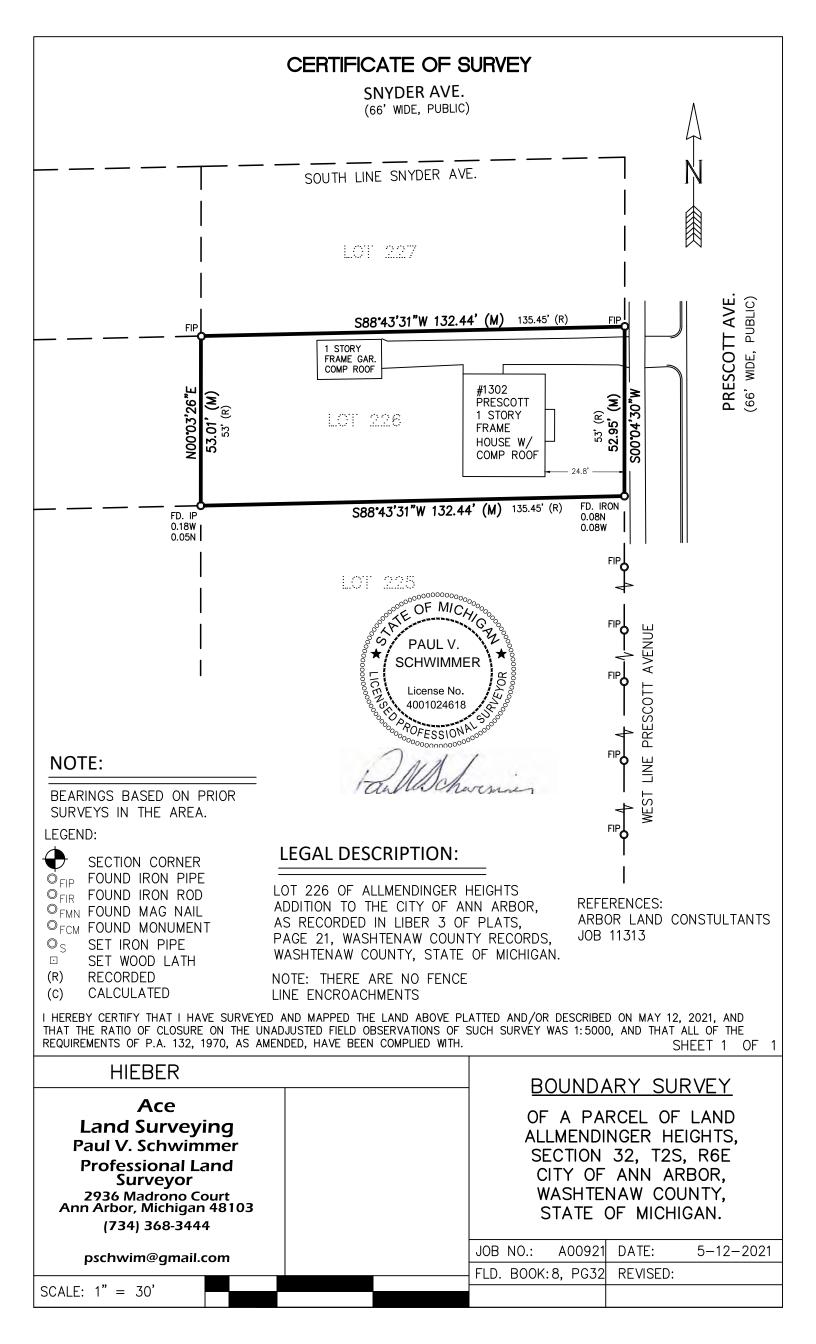
In the space below, describe the current use of the property, the proposed alteration, and the impact it would have on neighboring property.

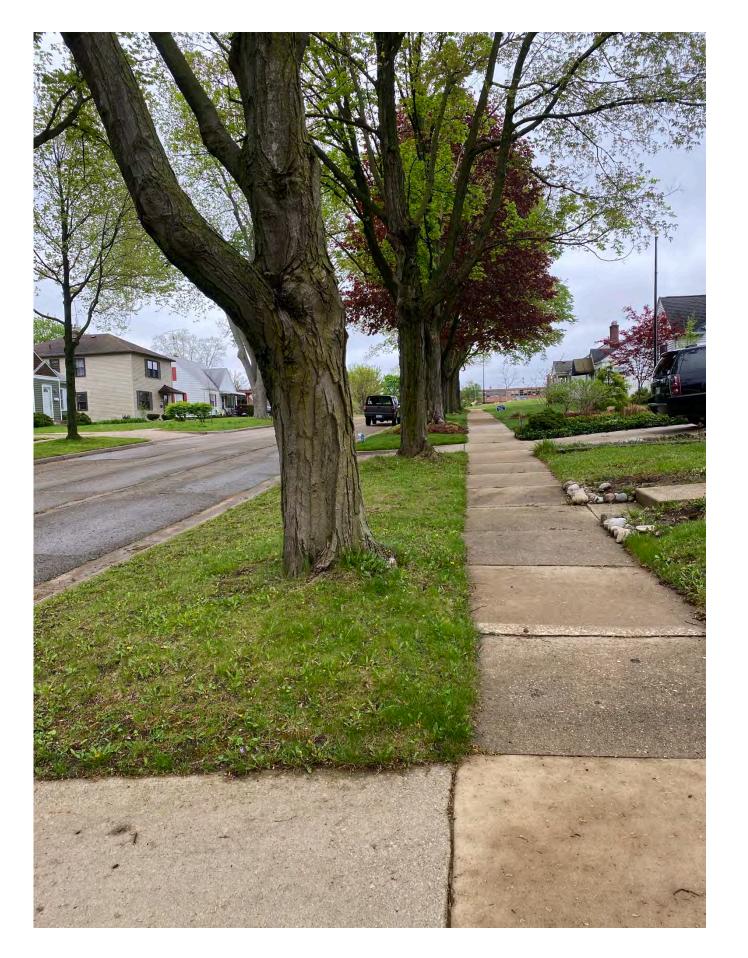
The current use of the property is a single family residence. It is intended to remain as a single family residence. The proposed enhancement includes adding a 2nd story to the front of the existing home. The home was originally constructed in 1940 at its current setback. The reason for the request to alter a non-conforming structure is to permit a full 2 story addition in alignment with the front wall of the existing home. This is the most architecturally efficient configuration for layout of interior spaces and will reduce the need for unnecessary additional structural supports.

The proposed 2nd floor addition in line with existing front building wall will not adversely impact adjacent homeowners, many of whom have written letters of support of the project.

Please complete the table below as it relates to your request

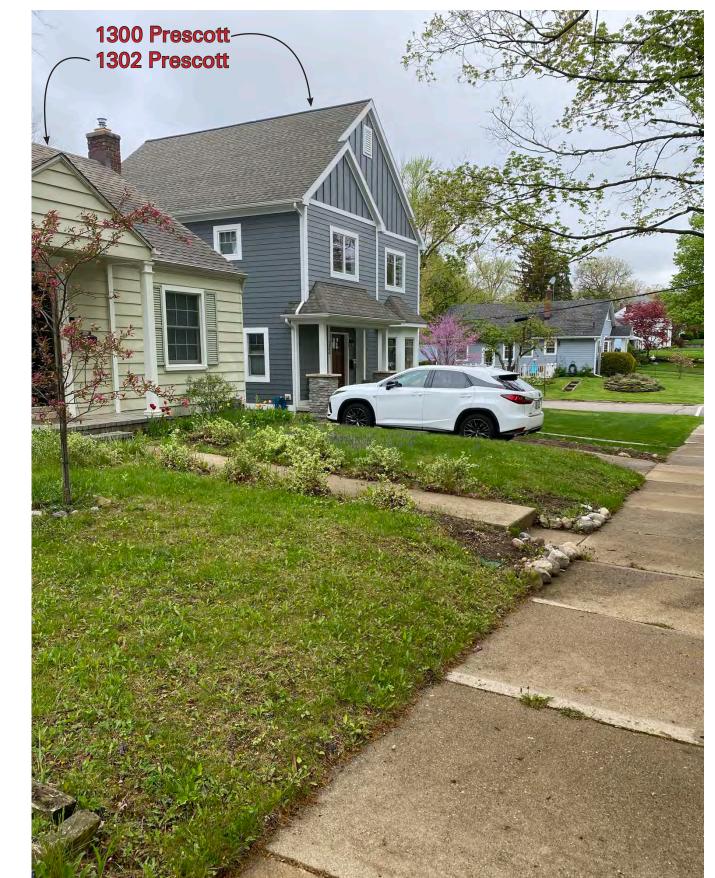
Requirement	Existing Condition	Code Requirement		
Lot Area	7,013 SF (0.161 acres)	5,000 SF		
Lot Width	53'	40'		
Floor Area Ratio	N/A	N/A		
Setbacks	24-10"	27'-10" (Average) or 25'		
Parking	N/A	N/A		
Landscaping	N/A	N/A		
Other				

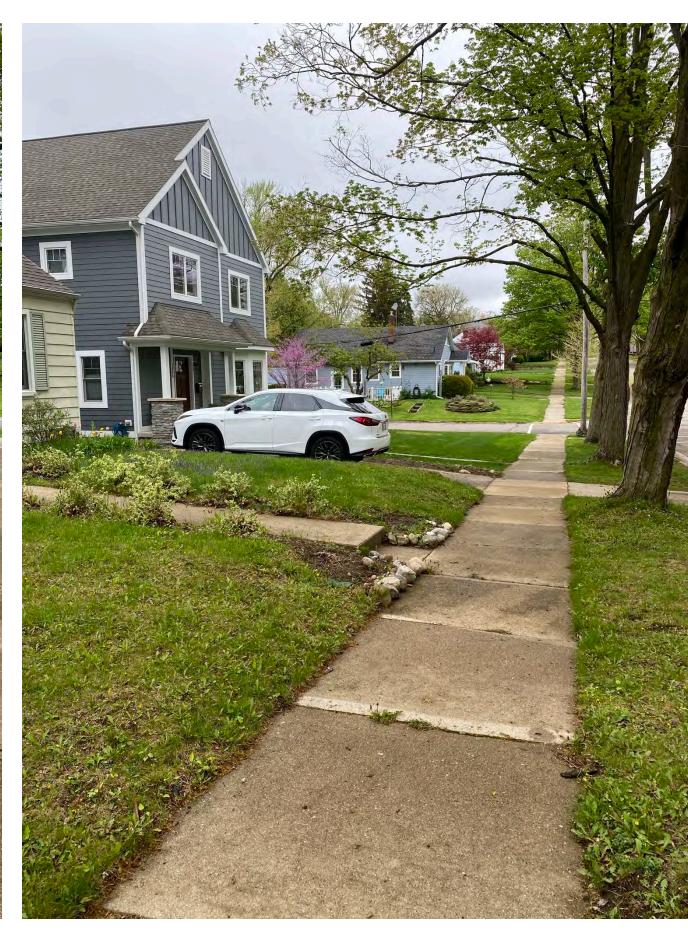














Adjacent Properties Photos







Anticipated Porch Character

PROJECT NARRATIVE

THIS PROJECT IS FOR A RENOVATION AND AN ADDITION TO THE EXISTING SINGLE FAMILY RESIDENCE AT 1302 PRESCOTT STREET, ANN ARBOR.

THE ADDITION WILL BE 2-STORY WITH A BASEMENT.
THE EX. FRONT STOOP WILL BE SALVAGED WITH ROOF MODIFICATIONS.
THE EX. GARAGE WILL REMAIN UNDISTURBED.

PROJECT TEAM

DESIGN Mary Kalmes, Architect 538 Glendale Circle Ann Arbor, MI 48103 734.657.3370

CONTRACTOR JA & A Construction 2812 Barclay Way Ann Arbor, MI. 48105

Jeff Woelke 734.645.9444

1"=50' ⁷⁵

CITY OF ANN ARBOR BUILDING CODE DATA

ALL CONSTRUCTION SHALL COMPLY WITH THE FOLLOWING CODES AND AMENDMENTS AS ADOPTED BY THE JURISDICTION.

1. 2015 MICHIGAN RESIDENTIAL CODE

SITE DATA

1302 PRESCOTT STREET, ANN ARBOR, MI 48103 ADDRESS:

APN#: 09-09-32-220-015 7018.5876 SF LOT SIZE:

ZONING: R1D

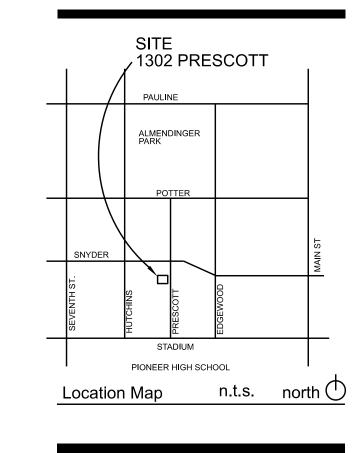
BUILDING AREA ADDITION TOTAL **EXISTING** 1ST FLOOR 850 S.F. 1,105 S.F. 255 S.F. 1,128.5 S.F. 1,128.5 S.F. TOTAL 850 S.F. 2,233.5 S.F. 1,383.5 S.F.

BUILDING HEIGHT

MAXIMUM HEIGHT ABOVE GRADE MEASURED TO THE MIDPOINT OF SLOPED ROOF= ~ 27'-4".
REFER TO EXTERIOR ELEVATION DRAWINGS.

DRAWING SHEET INDEX

A-0 COVER SHEET, CODE DATA
C-1 TOPOGRAPHIC SURVEY BASE / SITE PLAN
A-1 EX. & PROPOSED BASEMENT PLAN & DEMOLTION
A-2 PROPOSED 1st FLOOR PLAN & DEMOLITION + 2nd FLOOR FRAMING PLAN
A-3 PROPOSED 2nd FLOOR PLAN + ROOF FRAMING PLAN
A-4 PROPOSED EXTERIOR ELEVATIONS
A-5 PROPOSED SECTIONS



Beals / Hieber Home

1302 Prescott Ann Arbor, Michigan

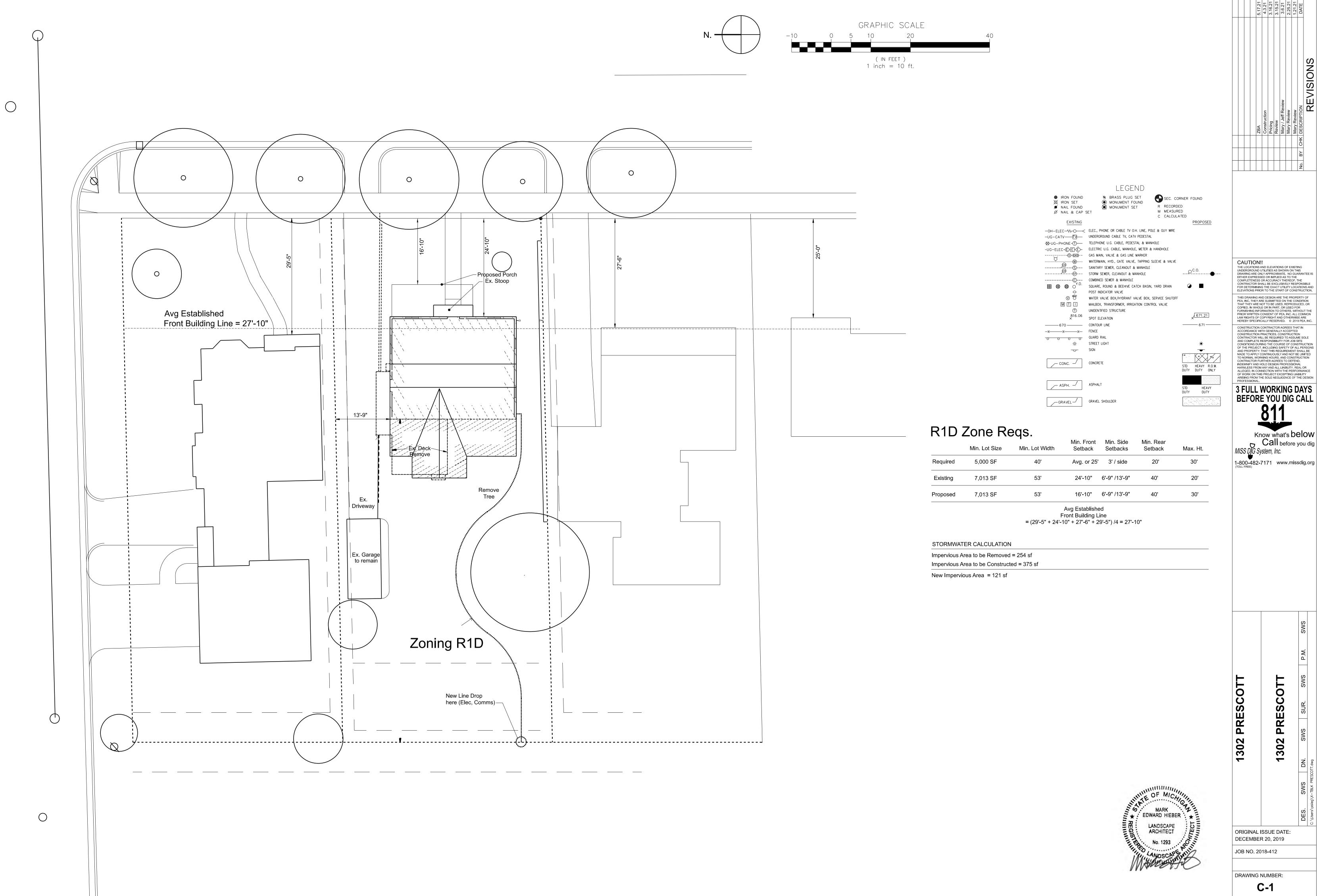
Date: Issued For: Design Review 1.4.21 Mary Review 1.24.21 Mary Review 2.25.21 Mary/ Jeff Review 3.6.21 3.14.21 Mary Review 3.15.21 Review 3.16.21 Pricing 4.3.21 Construction 5.17.21 ZBA

Drawn By: M. Hieber Checked By: M. Hieber

Sheet Title: COVER Sheet Number: **A-0**

\$\$REF01\$\$
\$\$REF02\$\$
\$\$REF03\$\$
\$\$REF04\$\$
\$\$REF05\$\$

\$\$DGN\$\$



CAUTION!! THE LOCATIONS AND ELEVATIONS OF EXISTING UNDERGROUND UTILITIES AS SHOWN ON THIS DRAWING ARE ONLY APPROXIMATE. NO GUARANTEE IS EITHER EXPRESSED OR IMPLIED AS TO THE COMPLETENESS OR ACCURACY THEREOF. THE CONTRACTOR SHALL BE EXCLUSIVELY RESPONSIBLE FOR DETERMINING THE EXACT UTILITY LOCATIONS AND ELEVATIONS PRIOR TO THE START OF CONSTRUCTION. THIS DRAWING AND DESIGN ARE THE PROPERTY OF PEA, INC. THEY ARE SUBMITTED ON THE CONDITION THAT THEY ARE NOT TO BE USED, REPRODUCED, OR COPIED, IN WHOLE OR IN PART, OR USED FOR FURNISHING INFORMATION TO OTHERS, WITHOUT THE PRIOR WRITTEN CONSENT OF PEA, INC. ALL COMMON LAW RIGHTS OF COPYRIGHT AND OTHERWISE ARE HEREBY SPECIFICALLY RESERVED. © 2019 PEA, INC.

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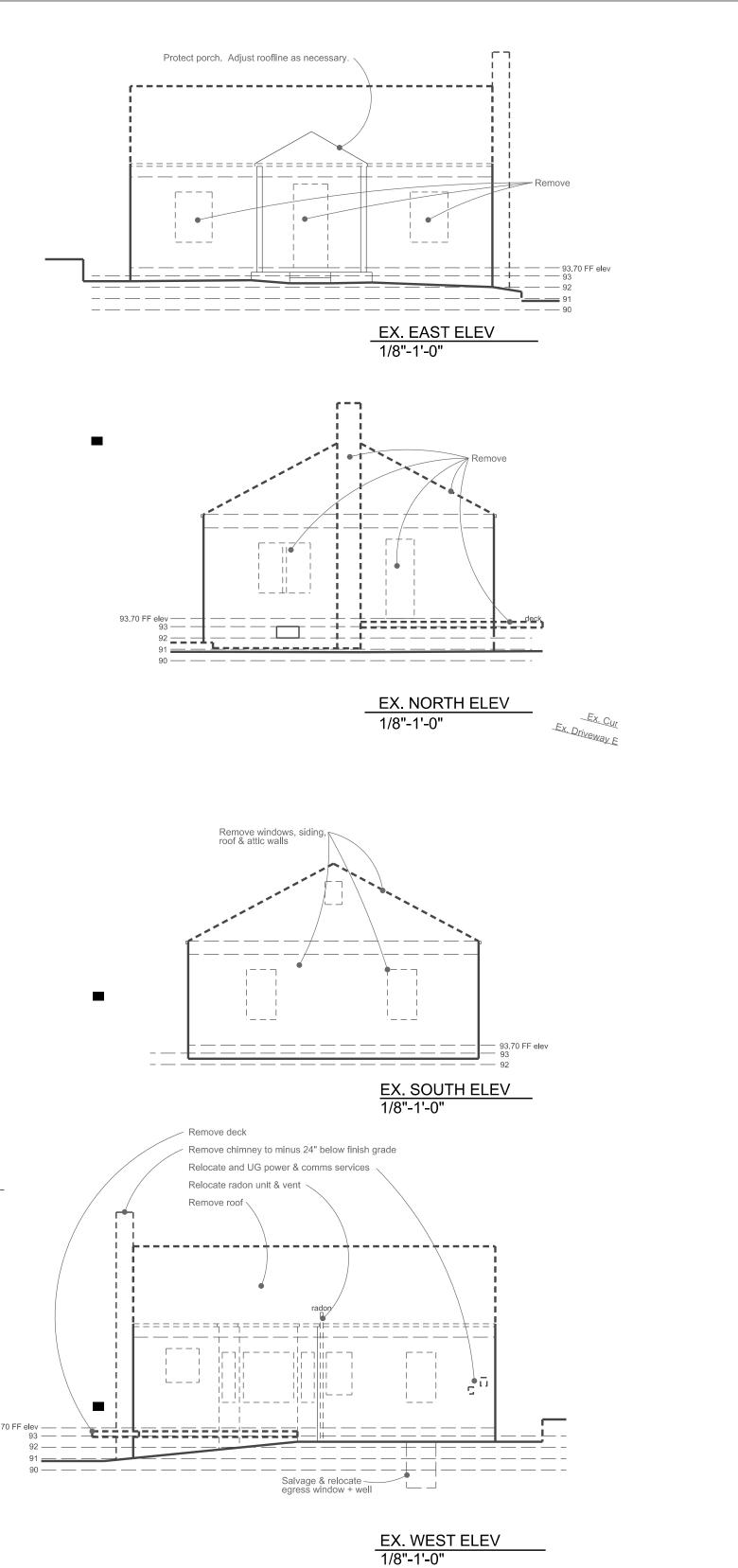
PRESCOTT 302

ORIGINAL ISSUE DATE: DECEMBER 20, 2019

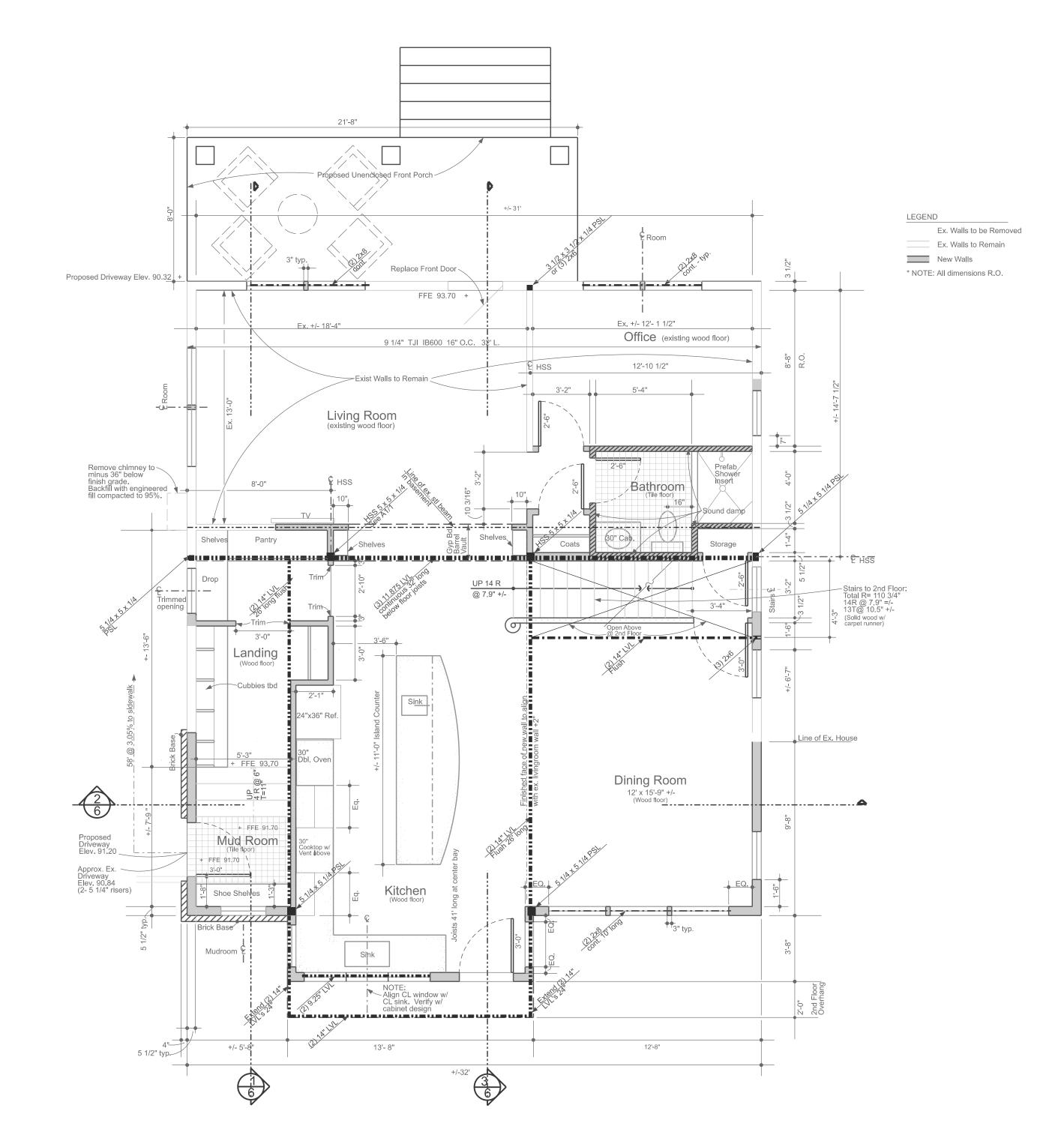
JOB NO. 2018-412

DRAWING NUMBER:

C-1

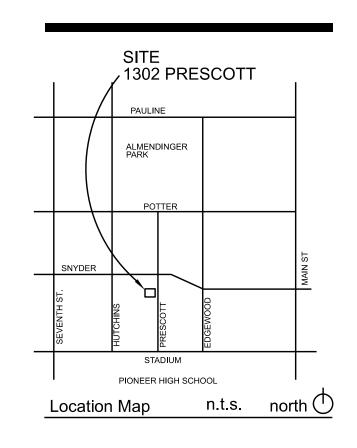


Ex. Walls, Cabinets & Fixtures to be Removed Ex. Walls to Remain



PROPOSED 1st FLOOR PLAN

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



Beals / Hieber Home 1302 Prescott Ann Arbor, Michigan

Date: 1.4.21 1.24.21	Issued For: Review Mary Review
2.25.21 3.6.21	Mary Review Mary / Jeff Review
3.14.21	Review
3.15.21	Review
3.16.21	Pricing
4.3.21	Construction
5.17.21	ZBA



Drawn By: M. Hieber Checked By: M. Hieber

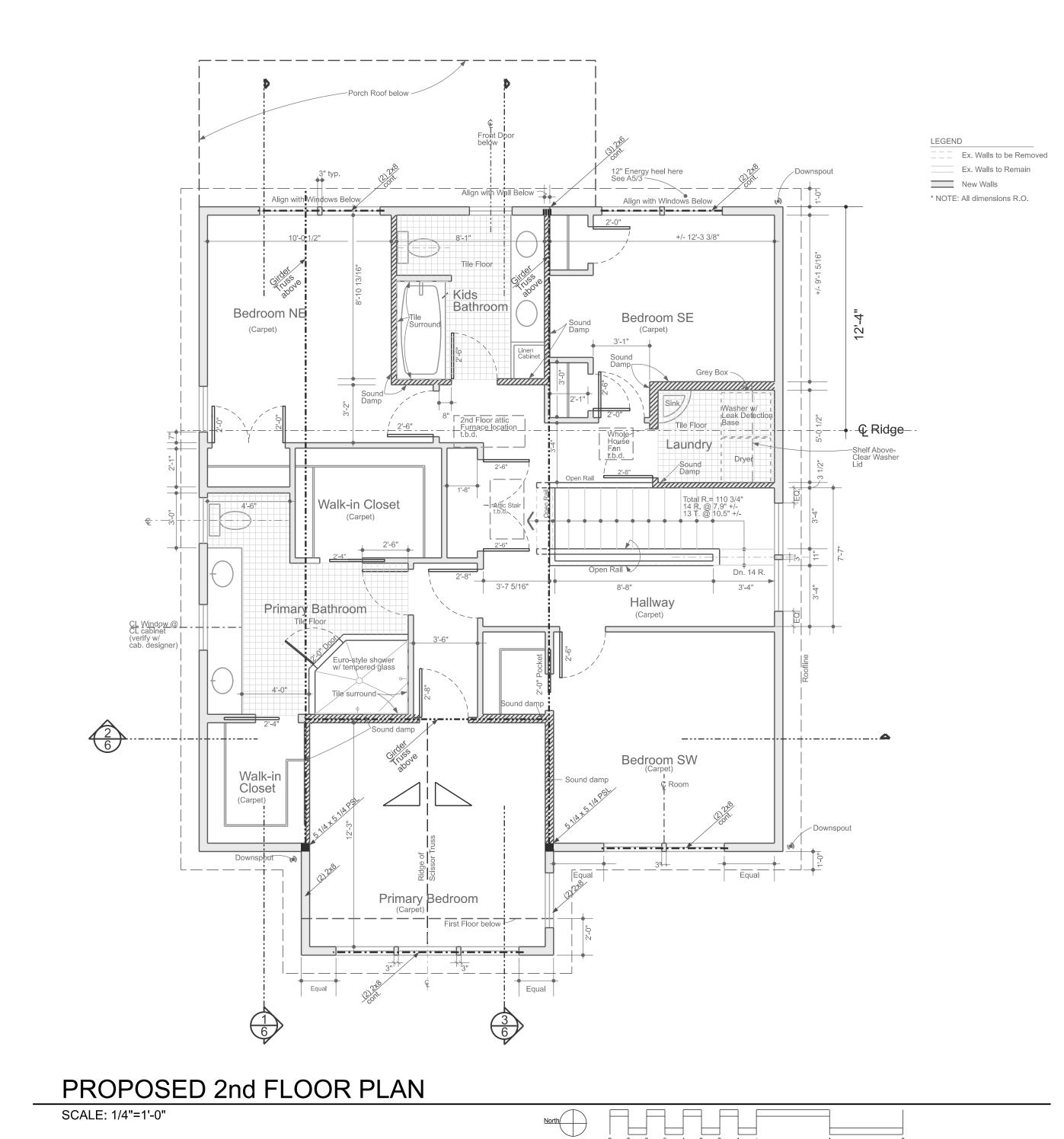
Sheet Title: PROPOSED 1st FL PLAN & DEMO & 2nd FL FRAMING PLAN Sheet Number: A-2

\$\$DGN\$\$

\$\$REF01\$\$ \$\$REF02\$\$ \$\$REF03\$\$ \$\$REF04\$\$ \$\$REF05\$\$

1st FLOOR DEMO PLAN

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



SITE , 1302 PRESCOTT ALMENDINGER PARK PIONEER HIGH SCHOOL Location Map n.t.s. north

> Beals / Hieber Home 1302 Prescott Ann Arbor, Michigan

Issued For: Date: 1.4.21 Review 1.24.21 Mary Review 2.25.21 Mary Review 3.6.21 Mary / Jeff Review 3.14.21 Review 3.15.21 Review 3.16.21 Pricing 4.3.21 Construction 5.17.21 ZBA



Drawn By: M. Hieber Checked By: M. Hieber

Sheet Title:
PROPOSED 1st FL PLAN & DEMO & 2nd FL
FRAMING PLAN
Sheet Number: **A-3**

\$\$REF01\$\$
\$\$REF02\$\$
\$\$REF02\$\$
\$\$REF03\$\$
\$\$REF04\$\$

\$\$DGN\$\$

\$\$REF07\$\$ \$\$REF08\$\$ \$\$REF09\$\$ \$\$REF10\$\$ \$\$REF11\$\$

