

**Zoning Board of Appeals
July 27, 2022 Regular Meeting**

STAFF REPORT

Subject: ZBA 22-2017; 1301 Morningside Drive

Summary:

A Child's Place, LLC is seeking an eight-space off-street parking variance for proposed child care center at 1301 Morningside Drive. The proposed child care center is requesting approval for up to 40 children and 10 caregivers, which requires 10 off-street parking spaces for the caregivers per Section 19.2 and 5.16.2.B.1.b of the Unified Development Code. The proposed site has two existing off-street parking spaces. The applicant intends to establish a child care center at 1301 Morningside Drive, a 14,000-square foot lot zoned R1C that currently has an approximately 3,000-square foot one-story building and two off-parking spaces. A special exception use petition to allow a child care center for up to 40 children and 10 caregivers has been submitted to the City Planning Commission for approval at their August 3, 2022 regular meeting. Based on the proposed capacity, ten off-street parking spaces are required.

Background:

The subject property is located at 1301 Morningside Drive, a 14,000-square foot lot zoned R1C that currently contains an approximately 3,000-square foot building and two off-street parking spaces. The site appears to have been originally constructed as a single-family dwelling and has been most recently used as a six-bedroom residential care facility. It has been purchased by A Child's Place, LLC, who has separately applied to the City Planning Commission for special exception use approval for a child care center for up to 40 children with 10 caregivers. As provided in Section 5.19.2 and 5.16.2.B.1.b, child care centers in residential zoning districts require one off-street parking space for each state licensed capacity required caregiver, plus adequate off-street or on-street parking spaces within 250 feet of the site for drop off and pick up.

Description:

The applicants intend to operate a child care center for up to 40 children with 10 caregivers. The subject site has a driveway approximately 32 feet long and roughly 20 feet wide at the sidewalk, increasing to over 30 feet wide where it meets a two-car carport attached to the principal building. Between the carport and the driveway, the site has enough paved surface area to accommodate five vehicles. However, only the two carport spaces conform to the size and access standards of Section 5.19 Parking Standards and can be applied toward the off-street parking requirement for child care centers in residential zoning districts.

It should be noted that the City Planning Commission, on May 17, 2022, recommended approval on a package of amendments to Unified Development Code that would eliminate all minimum off-street parking requirements for all land uses, including off-street parking for caregivers at child care centers in residential zoning districts. City Council passed the amendments at first reading on July 18, 2022. A second reading, public hearing and vote is scheduled for August 15, 2022. It is anticipated that shortly after this variance request is considered by the Zoning Board of Appeals, the need for the variance may be moot.

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. General criteria are provided in paragraph C of that section, and alternative criteria for specific types of variances,

Zoning Board of Appeals
July 27, 2022
ZBA22-2017

including parking standards, are provided in paragraph D. Section 5.29.12.D.6 states, “in the case of an application for a variance from the parking requirements of Section 5.19, a variance may be granted if the variance is in harmony with the general purpose and intent of the requirements.”

The applicant has provided responses to the criteria for approval in Section 5.29.12 of the UDC, which are attached to this report. In summary, the applicant states that, given the size and configuration of the site, additional off-street parking spaces would result in undesirable changes to the character of the neighborhood.

Staff note that there are over 25 on-street parking spaces within 250 of the subject site.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Jon Barrett".

Jon Barrett
Zoning Coordinator, City of Ann Arbor

A handwritten signature in blue ink, appearing to read "Alexis DiLeo".

Alexis DiLeo, AICP
City Planner

Attached – Application Form and Responses
Survey Drawing