

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

**STAFF REPORT**

**Subject: ZBA 22-2012; 521 South Fourth Avenue**

**Summary:**

Yishiuan Shen, property owner, is requesting relief from Section 5.32.2 Alteration to a Nonconforming Structure to construct a new residential unit that will be attached to an existing unit at the back of the property. A variance of 10 feet on the east side of the lot and a 15 foot variance on the south side of the property from Section 5.20.4 Conflicting Land Use Buffer (CLUB) is required. The property has three separate buildings that each contain a residential unit. The existing back unit does not meet the rear and side setback requirements. The proposed dwelling will contain six bedrooms and six bathrooms. The new residence will meet the setbacks for the district. The property is zoned R4C, Multiple-Family Dwelling District.

**Background:**

The subject property is located on the east side of South Fourth Avenue due south of Packard Street. The property has three separate dwelling units (521, 523 and 525) and a detached garage located on the parcel. The subject dwelling unit was constructed in approximately 1915 and is a three bedroom two-story home.

**Description:**

The owners are proposing to convert the existing three bedroom one bath rental to a six bedroom two and a half bath unit. The project proposal also includes an addition to the north and west that will accommodate a six bedroom six bath unit attached to the existing dwelling.

**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 that the property is unique as it contains three residential structures and a detached garage. Each structure on the property encroaches in the 15 foot required Conflicting Land use Buffer. The CLUB requirements were established much later than the property was originally developed. Without a variance, no future development is possible due to this requirement.

- (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 failure to grant the variance to the subject property for the conflicting land use buffer will result in the inability for the applicant to perform any renovations or additions.

- (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.***

It is not the intention of this proposal to increase the nonconformity currently existing. The proposed addition and new unit conform to the current conflicting land buffer requirements.

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

The conditions and circumstances are based on existing conditions and not self-imposed by the applicant.

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

The variance is minimal due to the fact that the structures are existing and will be no more non-conforming than they currently are. There is to be no additional non-conformity created.

#### **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 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 applicants state the current use of the property is residential consisting of three separate houses. The structures are rented as student housing units. The proposed alteration is to the house located in the rear of the property. It is currently a 3 bedroom, 2 story home. The alterations planned for this house consist of additions to the north and west. The second floor is also being expanded with additional attic living area. The impact to the neighboring properties will be minimal as they all are used as student rental housing and are generally of the same size and height.

Respectfully submitted,

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

**Jon Barrett-**  
**Zoning Coordinator, City of Ann Arbor**