

**Zoning Board of Appeals  
September 28, 2016 Regular Meeting**

**STAFF REPORT**

**Subject: ZBA16-023 1315 N. Main Street**

**Summary:**

Michael Klement, AIA, on behalf of property owners Gregory and Rachel Crouch, requests a variance from Chapter 55, Section 5:57 *Averaging an existing setback line*. The average front setback has been established at 39 feet 10 inches. The applicant is seeking a 4-foot 1-inch variance to establish the setback at 35 feet 9 inches.

**Description:**

The subject parcel is zoned R4A (Multi-family) and the lot is 6,534 square feet in area. The R1C district standards will apply due to the proposed use being a single family home. The lot is currently vacant and fronts along North Main Street.

**Discussion:**

The petitioner would like to construct a new 32 foot by 32 foot (footprint) single family home.

**Standards for Approval- Variance**

The Zoning Board of Appeals has all the power granted by State law and by Section 5:99, 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.***

Applicant states that the property to the north is positioned to the rear yard and only has a 9 foot 4 inch rear setback. This home is non-conforming as it is encroaching 20 feet 8 inches into the rear setback and creates a difficulty for the subject property to meet the setbacks and therefore a variance is needed.

- (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.***

Applicant states that the home has been designed on a modest 32' by 32' footprint and that the living space will be stacked. The proposed home will fit within the building

envelope (R1C district) except for the minimal average setback requested. The positioning of the proposed home will be 10 feet 9 inches further back from Main Street than the home directly to the south.

- (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 proposed home is designed to meet all the setback requirements except for the minimal front averaged setback. The applicant states that the project will not have a negative impact on the surrounding properties and that the neighbors have been in support of the project.

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

The vacant parcel has steep sloped topography and is relatively small in size. The grade change for the property from Main Street to the rear of the lot is approximately 19 feet. The other challenge for the subject parcel is the need to provide adequate backing and turning for vehicles in the driveway due to the fact that the property fronts on Main Street which is a very busy thoroughfare. The averaging of setbacks reduces the building envelope and makes the lot difficult to construct a single-family residential unit.

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

The variance being requested is minimal in size and due to the topography of the lot the buildable area is limited.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Jon Barrett". The signature is stylized with a large "J" and "B".

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