

**Zoning Board of Appeals  
February 24, 2021 Regular Meeting**

**STAFF REPORT**

**Subject: ZBA 21-002; 801 Amherst Avenue**

**Summary:**

R. Thomas Bray and Jeri Hollister, property owners, are seeking variances from Sections 5.19.10 (D) Driveways and Section 5.19.8 (A) Design of Vehicle Parking Facilities. The applicants are proposing a new curb cut and driveway along Amherst Avenue and are requesting to allow the existing curb-cut on Chandler Road to remain and not be closed. The property is zoned R1C, Single-Family Dwelling.

**Background:**

The subject property is located on the northeast corner of Chandler Road and Amherst Avenue in the Northside neighborhood. The home was built in 1937 and is approximately 1,284 square feet in size.

**Description:**

The owners are proposing to construct a new 470 (23'6"x20') square foot detached garage in the northeast corner of the rear yard. The garage will replace an existing shed. The existing attached garage has been converted to habitable space for an artist studio and workshop. This garage conversion has created vehicle parking in the front yard which is prohibited by the Unified Development Code (UDC).

**Section 5.19.10 (D):** All Driveways shall lead to a garage, carport, Parking Space or Parking Structure meeting the requirements of this chapter, or back onto a street by means of the original Opening or a second approved Opening.

**Section 5.19.8 (A):** Vehicular Parking Structures, Parking Lots and Parking Spaces shall not be located in the Front Yard.

**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 has stated that the existing curb cut is needed for the delivery of heavy materials and the removal of artwork and display structures.

- (b). *That the practical difficulties will result from a failure to grant the variance,***

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February 24, 2021

***include substantially more than mere inconvenience, inability to attain a higher financial return, or both.***

Access to the workshop via the existing paved area assists with the delivery of materials to the workshop.

- (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 applicant contends that the removal of the curb cut would place an undue burden on the property owners without any noticeable benefit to the neighborhood.

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

The petitioner states that the existing curb cut has existed for decades and the new curb cut, driveway and detached garage will serve as the parking area for vehicles. The existing paved area is to be for short-term delivery only and not for long-term parking.

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

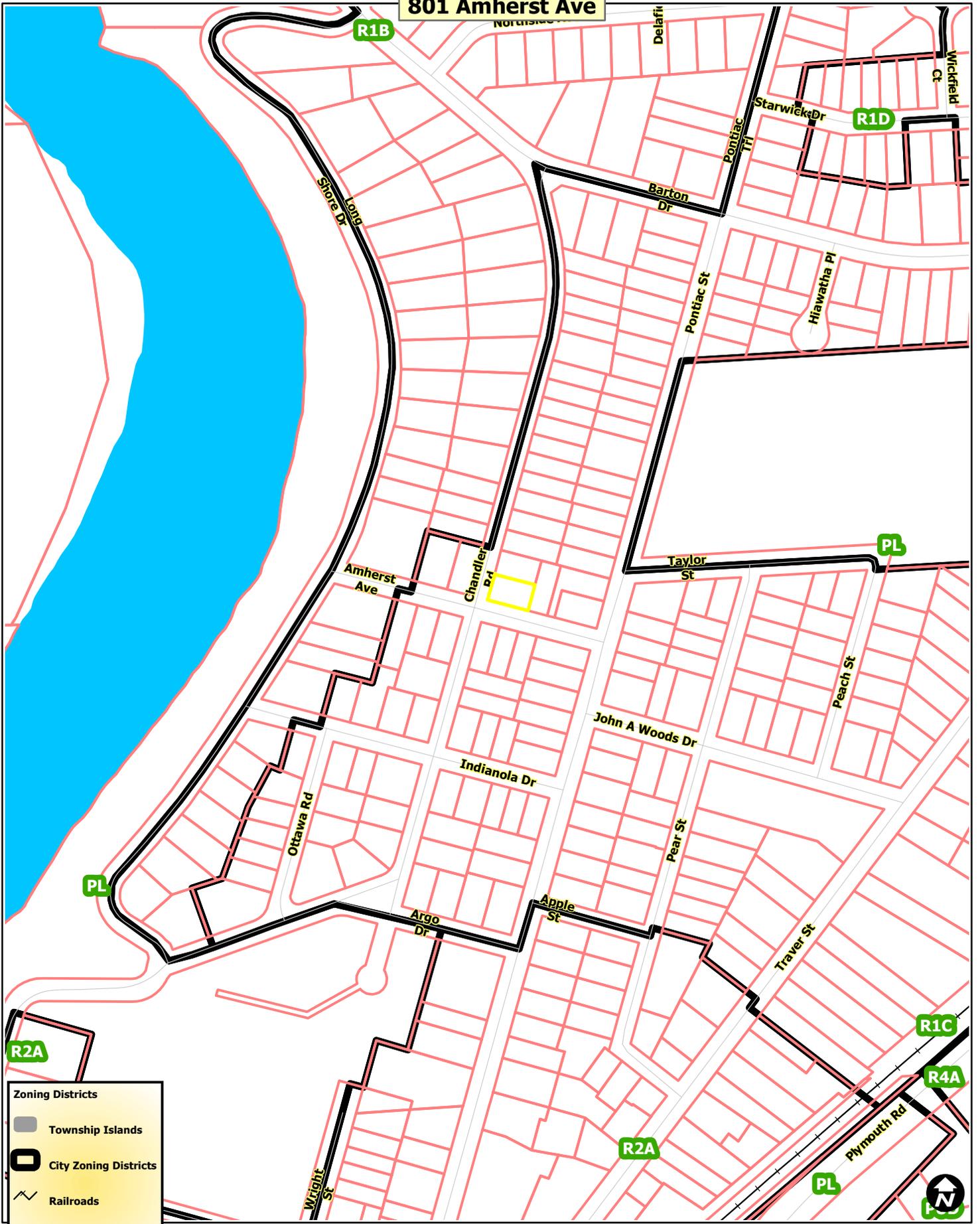
The property owner states that allowing the existing curb-cut to remain will have little to no impact on traffic or neighborhood aesthetics. The curb-cuts will be on opposite ends of the property and on separate streets.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Jon Barrett". The signature is stylized and cursive.

**Jon Barrett-  
Zoning Coordinator**

# 801 Amherst Ave



**Zoning Districts**

- Township Islands
- City Zoning Districts
- Railroads
- Huron River
- Tax Parcels



Map date: 2/1/2021  
Any aerial imagery is circa 2020 unless otherwise noted  
Terms of use: [www.a2gov.org/terms](http://www.a2gov.org/terms)

# 801 Amherst Ave



 Railroads  
 Tax Parcels



Map date: 2/1/2021  
Any aerial imagery is circa 2020 unless otherwise noted  
Terms of use: [www.a2gov.org/terms](http://www.a2gov.org/terms)



801 Amherst Ave



 Railroads

 Huron River

 Tax Parcels



Map date: 2/1/2021  
Any aerial imagery is circa 2020 unless otherwise noted  
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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 <b>801 Amherst Ave</b>		ZIP CODE <b>48105</b>
ZONING CLASSIFICATION <b>R1C</b>	NAME OF PROPERTY OWNER *If different than applicant, a letter of authorization from the property owner must be provided <b>R Thomas Bray &amp; Jeri Hollister</b>	
PARCEL NUMBER <b>09-09-21-205-021</b>	OWNER EMAIL ADDRESS <b>jerih@umich.edu</b>	

## APPLICANT INFORMATION

NAME <b>R Thomas Bray &amp; Jeri Hollister</b>			
ADDRESS <b>801 Amherst Ave</b>	CITY <b>Ann Arbor</b>	STATE <b>MI</b>	ZIP CODE <b>48105</b>
EMAIL <b>jerih@umich.edu</b>		PHONE <b>734-417-0219</b>	
APPLICANT'S RELATIONSHIP TO PROPERTY <b>Owners</b>			

## 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: *Jeri Hollister*

Date: *Jan 10, 2021*

*Thomas Bray*

# 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)*

Section 5.19.10(D) Driveways and Section 5.19.8 (A) Design of Vehicle Parking Facilities

REQUIRED DIMENSION: *(Example: 40' front setback)*

Feet:                      Inches:

PROPOSED DIMENSION: *(Example: 32 foot 8 inch front setback )*

Feet:                      Inches:

DESCRIPTION OF PROPOSED WORK AND REASON FOR VARIANCE:

We wish to build a garage in the NE corner of the property with a curb cut and driveway off of Amherst Ave. We would like to keep the original curb cut on Chandler.

**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.

One of the owners makes a living selling artwork made in the former garage. We want to retain the existing curb cut so that vehicular access to the workshop can be maintained for the delivery of heavy materials and the removal of artwork and display structures.

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.

Access to the workshop via the existing paved area makes it possible to deliver and retrieve heavy materials needed for the ongoing work of a resident. Moving the loading point out to the street creates an unnecessary and difficult physical hardship.

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.

Allowing us to keep the existing curb cut and paved access to the studio would not be a notable change in the existing flow of the neighborhood. Not maintaining this paved access would create an undue burden on the residents without any demonstrable benefit to the neighborhood.

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

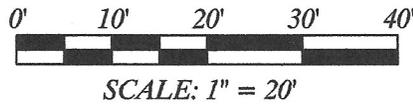
This access has existed for decades and we want to keep it for the reasons stated above. Our new garage with the curb cut on Amherst will be the parking area for our vehicles and we will not park in the existing paved access if allowed to keep it.

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

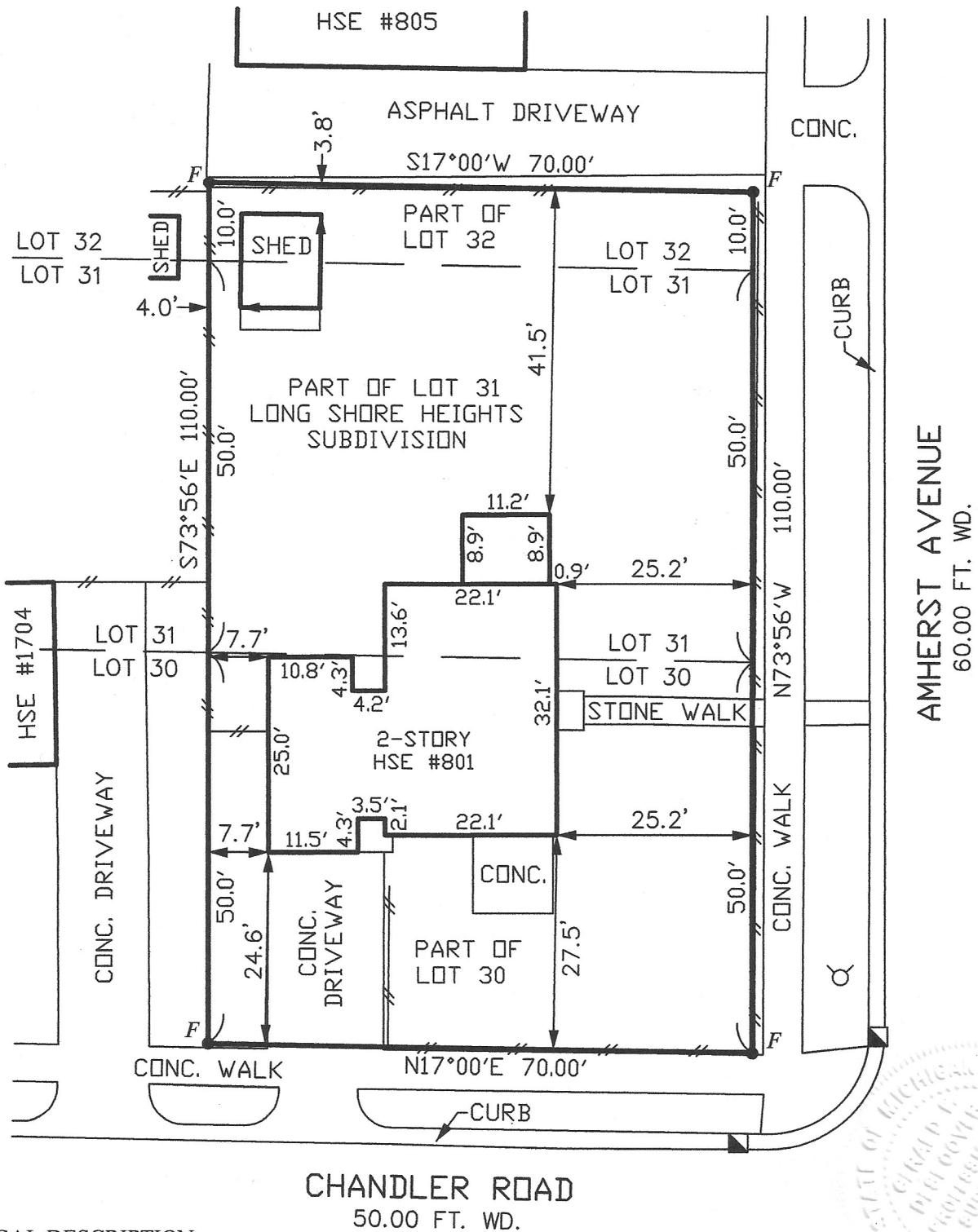
Allowing this will have little or no impact on the existing traffic flow or neighborhood aesthetic. Each curb cut is at opposite ends of the frontage, on separate streets, with the distance being similar to neighborhood standards.

# CERTIFICATE OF SURVEY

## LEGEND



- IRON
- F FOUND IRON
- S SET IRON
- /// FENCE
- ⊕ FIRE HYDRANT
- CATCH BASIN



**LEGAL DESCRIPTION:**

THE SOUTHERLY 70.0 FEET OF LOTS 30, 31 AND THE SOUTH 70.0 FEET OF THE WESTERLY 10.0 FEET OF LOT 32 OF LONG SHORE HEIGHTS SUBDIVISION, CITY OF ANN ARBOR, WASHTENAW COUNTY, MICHIGAN, AS RECORDED IN LIBER 5 OF PLATS, PAGE 44, WASHTENAW COUNTY RECORDS. SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.

I HEREBY CERTIFY THAT I HAVE SURVEYED AND MAPPED THE LAND ABOVE ON DECEMBER 15, 2020 AND THAT THE RATIO OF CLOSURE ON THE UNADJUSTED FIELD OBSERVATIONS OF SUCH SURVEY WAS 1/19000, AND THAT ALL OF THE REQUIREMENTS OF P.A. 132, 1970, AS AMENDED HAVE BEEN COMPLIED WITH.

**AMERICAN LANDMARK SURVEY P.L.C.**

SURVEY PART OF LOTS 30, 31, AND 32 LONG SHORE HEIGHTS SUBDIVISION, CITY OF ANN ARBOR, WASHTENAW COUNTY, MICHIGAN.

CLIENT: JERI HOLLISTER

DATE: 12/18/2020

DRAWN BY: GFD  
SCALE: 1" = 20'

SHEET 1 OF 1

JOB# 20192

*Gerald F. Deslover*  
**GERALD F. DESLOOVER**  
PROFESSIONAL SURVEYOR  
NO. 45166

P.O. BOX 130043  
ANN ARBOR, MI 48113  
734-677-7000

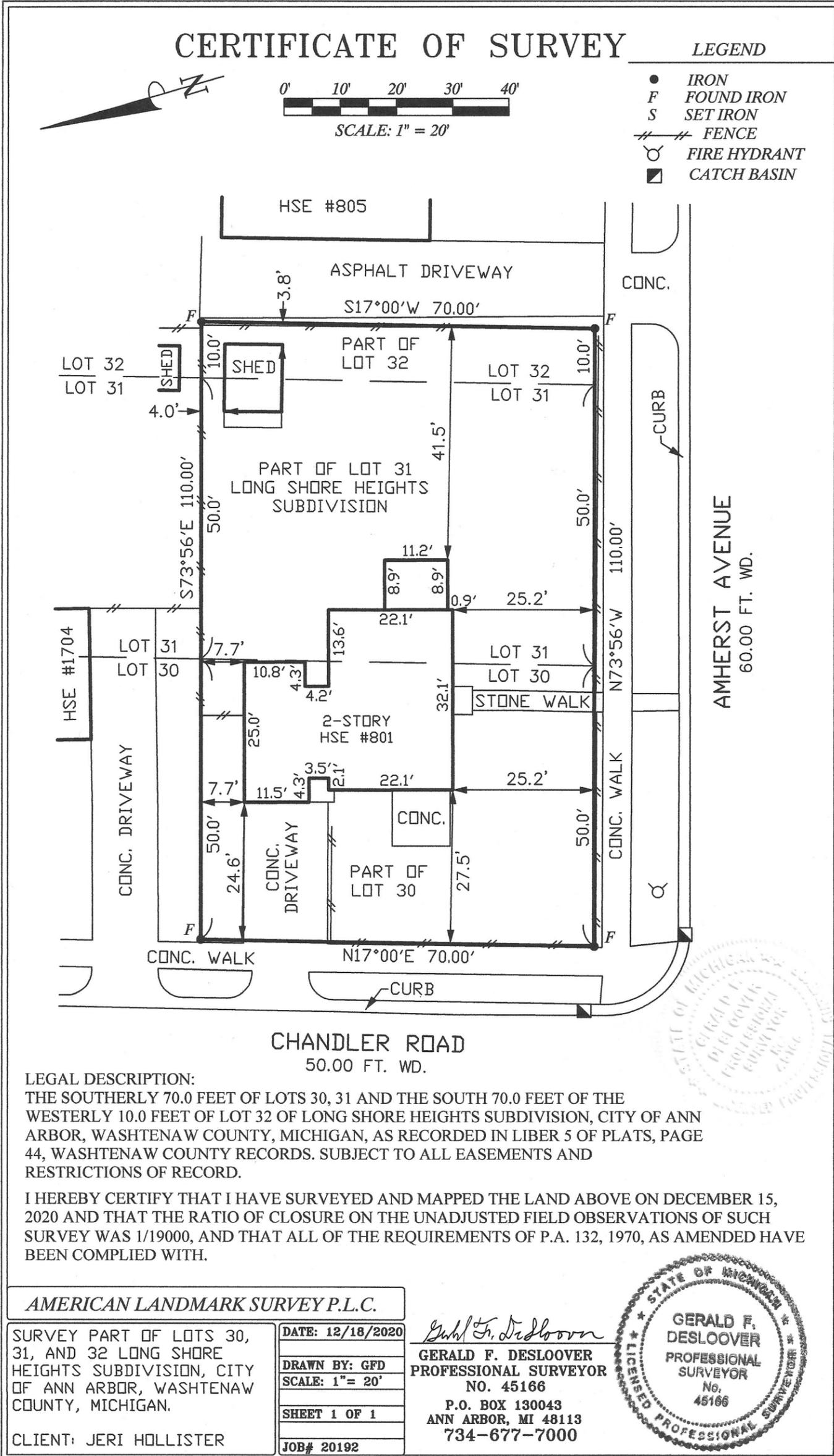


NO.	DATE	REV2	ISSUE
1	1.10.21		
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3			
4			
5			

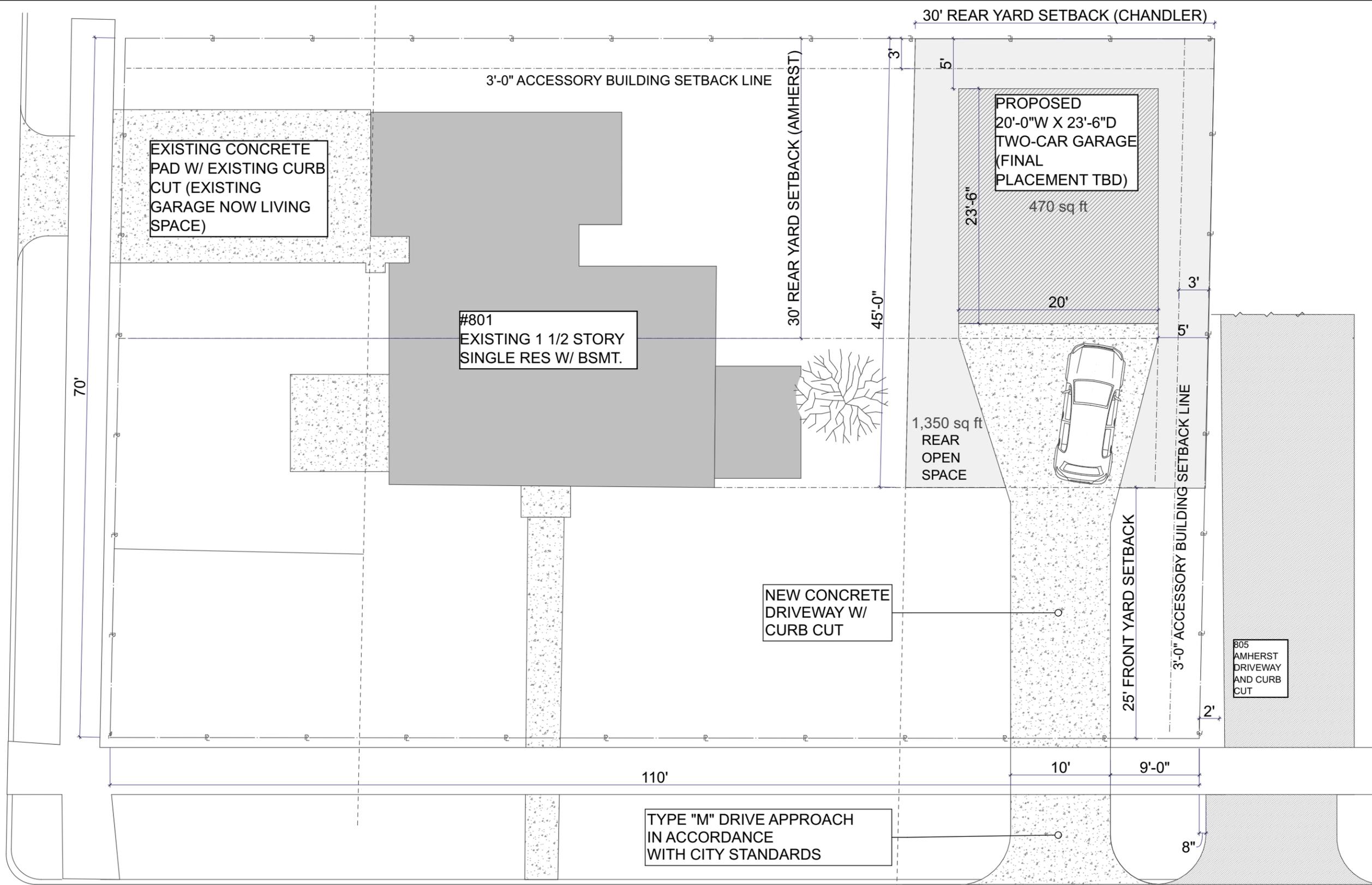
**BRAY + HOLLISTER**  
 801 AMHERST AVE.  
 ANN ARBOR, MI  
 48103

CURB CUT +  
 DRIVEWAY

**SURVEY**



(50' WIDE)  
**CHANDLER**



**mka**  
MICHAEL KIRCHNER ARCHITECT  
210 S. REVENA BLVD.  
ANN ARBOR, MI 48103  
734.834.1945  
MSK@MICHAELKIRCHNERARCHITECT.COM

5		
4		
3		
2		
1	1.10.21	REV2
NO.	DATE	ISSUE

**BRAY + HOLLISTER**  
801 AMHERST AVE.  
ANN ARBOR, MI 48103  
CURB CUT + DRIVEWAY

**SITE PLAN**

**AMHERST**

(60' WIDE)

**PROPOSED SITE PLAN W/ NEW CURB CUT**

SCALE: 1" = 10'

1  
C1

**C1**





Lisa Blach

Blue and white sign

Ave

ROAD CLOSED  
LOCAL TRAFFIC ONLY

Idea  
Disch





LOCALLY  
INVESTED

Local  
Investment