

**Zoning Board of Appeals  
March 22, 2023 Regular Meeting**

**STAFF REPORT**

**Subject: ZBA 22-2028; 1710 Dhu Varren Road**

**Summary:**

Robertson Brothers Homes is the developer of a site plan called, "The Village of Ann Arbor" and is seeking a variance from the maximum front setback requirement of 40 feet (table 5.17-3) in order to begin construction on a proposed residential development project. The developer has acquired approximately 67 acres of land to build a residential community on a site that includes 1710 Dhu Varren Road. The petitioner is requesting R4A zoning. The site includes a panhandle portion which extends to Dhu Varren Road on the north side of the site. The developer originally proposed townhomes in this portion of the property. However, the developer is required to maintain at least 65% of the site as open space. In order to be compliant with the City's minimum open space requirements, the developer no longer showed new townhomes along the panhandle portion of the site plan which includes the 1710 Dhu Varren site. Removing the proposed homes on the site plan resulted in the petitioner no longer meeting the maximum front setback requirement of 40'. The developer has recently acquired additional land along Pontiac Trail to add to the site. This additional land will allow the developer to restore the proposed homes along the northern panhandle of the site which includes 1710 Dhu Varren Road at a later date. Once the townhomes are provided again along Dhu Varren Road, the petitioner will once again, meet the maximum front setback requirement.

**Background:**

The subject property is located on the south side of Dhu Varren Road, east of Pontiac Trail. A one story, ranch-style, single family home currently exists on the site. The home is approximately 1,500 square feet in size. The site has been acquired by Robertson Brothers Homes.

**Description:**

The existing parcel is 3.12 acres in size. The petitioner is requesting a rezoning to R4A in order to accommodate the construction of a 484 unit residential community on approximately 67 acres of land that includes 1710 Dhu Varren Road. The first reading of the rezoning is scheduled to take place at City Council on February 6, 2023; the second reading of the rezoning and site plan approval is scheduled to take place at City Council on March 6, 2023. The petitioner is requesting a variance from the maximum front setback requirement (40' MAX) in the R4A zoning district. The variance will allow the developer to begin construction on the development project. The petitioner soon intends to submit a revised site plan which includes additional land on the west side of the site that fronts Pontiac Trail. Once these parcels are added to the site, the petitioner intends to show townhomes along the northern panhandle of the site plan which includes the 1710 Dhu Varren Road parcel.

**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 specific requested variance is unique to the property in question as it is a function of the parcel of land located along Dhu Varren Road being planned for a future phase of development.

- (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 overall Village of Ann Arbor development would not be able to move forward without the variance as the maximum setback is applicable to a future development phase which has not been formally planned at this point.

- (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.***

There are no rights that would be affected by approving the variance for a maximum setback due to the fact that the property will remain in its current condition with the first phase of development.

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

The variance is not self-imposed as it is only a direct result of the phasing of the overall Village of Ann Arbor development plan, and therefore has not been planned to meet the maximum setback requirement.

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

The request is the minimum variance possible as the requested maximum setback will be from the first phase of the Village of Ann Arbor development.

Respectfully submitted,

*Jeff Kaban*

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**Jeff Kahan**  
**City Planner**