

**Zoning Board of Appeals  
December 6, 2023, Regular Meeting**

**STAFF REPORT**

**Subject: ZBA 23-0031; 536 Walnut Street**

**Summary:**

David Lewis, representing the property owner, is requesting a 125 square foot (10%) variance from Section 5.16.6 (D) Accessory Uses and Structures to construct a 599 square foot Accessory Dwelling Unit (ADU) with a portion outside of the rear setback area. The rear setback area allows for a 420 square foot structure and the applicants are seeking to build a 545 square foot structure in the rear setback area. The proposed ADU will meet the setbacks and height requirements. The property is zoned R4C, Multiple Family Dwelling District.

**Background:**

The subject property is located on the west side of the Walnut Street with Geddes Avenue to the north and South University Avenue to the south. The home was built in 1910 and is approximately 1,748 square feet in size. The home is currently certified as a single-family four bedroom home with a maximum of six occupants.

**Description:**

The proposed ADU will contain two bedrooms, bathroom, kitchen and living room. The living area will be located over a three-car garage. The two bedrooms in the ADU and four bedrooms in the main residence will allow for six bedrooms for a maximum of six occupants for the property.

**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 Unified Development Code (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.***

Applicant response: *“The lot is only 0.091 acres. Many of the other lots on the block are larger, in the range of 0.114 to 0.137 acres. The existing house is fairly close to the rear-yard setback line (approximately 9’). The one-story addition at the back of the original house (a bathroom added by a previous owner) prevents the proposed ADU from being closer to the existing house (and therefore less in the required rear-yard).”*

- (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 response: *“If not approved, the six tenants will be required to continue to share bedrooms. This variance will improve the housing stock of Ann Arbor by allowing each tenant to have their own bedroom. This will also increase the number of bathrooms from two to three (for the six tenants).”*

- (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.**

Applicant response: *“The public benefit of improving the housing stock of Ann Arbor is valuable. The neighbors will not suffer any negative impacts. The number of off-street parking spaces will actually increase due to the removal of the old, deteriorating garage and the three new parking spaces provided under the proposed ADU.”*

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

Applicant response: *“The size of the lot and the location of the existing house are all conditions that existed prior to the current owner purchasing the property.”*

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

Applicant response: *“This variance will greatly improve the use of the land. The additional 10% of lot coverage is needed in order to fit the proposed ADU. Please note, the coverage of the actual rear yard will only be 35%. (This includes the yard beyond the minimum required rear yard.) The total number of renters will not change, but the quality of their housing will increase.”*

Respectfully submitted,



**Jon Barrett- Zoning Coordinator**