

**Zoning Board of Appeals
September 25, 2024, Regular Meeting**

STAFF REPORT

Subject: ZBA 24-0033; 710 Spring Street

Summary:

Tim Rayburn, representing the property owner, is seeking a 22 square foot variance from Section 5.16.6 (A) (2D) Accessory Uses and Structures. The variance will allow construction of a single-car garage that exceeds the maximum allowed building coverage in the rear open space. The maximum allowed impervious area is 216 square feet and the applicants are seeking to have 238 square feet of impervious area in the rear open space. The garage is 20'x14' (280 square foot) that will be three feet from the rear lot line. The property is zoned R2A, Two-Family Dwelling District.

Background:

The subject property is located on the east side of Spring Street north of Hiscock and West Summit streets in the Water Hill neighborhood. The residence was built in 1934 and the lot is approximately 2,874 square feet in area.

Description:

There is an existing two-car shared garage with the neighbor to the north at 714 Spring Street. Each property has a garage space, and the structure straddles the property line. A Building permit application (BLDGR24-1020) was applied for on May 3, 2024, to demolish the existing garage and build a new one car garage for each property. The subject property has less lot area than the adjacent property at 714 Spring Street and a smaller rear setback area. The proposed garage is required to be built five feet from the rear lot line while the garage at the neighboring property will be three feet from the rear lot line. If the variance is granted, the garage is to be located three feet from the rear lot line and will have an additional 22 square feet of garage area in the rear setback.

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: *“This home currently has a shared garage and shared driveway with the neighbor at 714 Spring St. We are building 2 new detached single car garages, the 714 Spring project garage will sit 3' off rear property line, due to lot sq. ft. this garage at 710 will need to sit 5' off rear property line. We would like them both to sit at the 3' off the rear property line, so both have better access to drive a car into and out of the garages.”*

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- (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: *“This is a 30' wide lot, by moving the garage back, the owner will have more yard space and the ability to back in and out of his new garage.”*

- (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: *“It makes sense to have both garages sitting 3' off the rear property line, NOT off set as this is a shared driveway, common in the Water Hill neighborhood.”*

- (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: *“due to zoning reg's.”*

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

Applicant response: *“Agree.”*

Respectfully submitted,

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

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