

**Zoning Board of Appeals
June 25, 2025, Regular Meeting**

STAFF REPORT

Subject: ZBA25-0014; 812 Pauline Boulevard

Summary:

Brian Watha, property owner, is requesting a variance from Table 5.21-1 Maximum Number of Openings for a second driveway curb cut. The lot is 53 feet wide. A second curb cut requires 101 feet or more lot width. This variance seeks to retain an existing second curb cut. Additional variances from Sections 5.19.6 Placement of Vehicle Parking Facilities and 5.19.6 Driveways are required if the existing curb cut is permitted to remain. The subject property is zoned R1D, Single Family Dwelling District.

Background:

The subject property is located on the north side of Pauline Boulevard near the intersection of Pauline Boulevard and South Seventh Street. According to Assessors' records the home was built in 1920 and is currently a duplex. The home has a total floor area of 1,386 square feet.

Description:

The City Engineering Department is currently completing a road work project along Pauline Boulevard and contacted this office inquiring about the status of the two existing curb cuts at 812 Pauline Boulevard. The Zoning Department has determined that the area in the front yard that has been used for vehicle parking is illegal and not nonconforming. The western curb cut at this property is therefore non-functional, pursuant to Section 5.21.2.F of the UDC. This determination is supported by the following information:

- A 1963 letter from the City Director of Building and Safety Engineering stating that the semi-improved parking space at the west edge of the lot does not comply with the requirements of the Ordinance and the parking of a vehicle in subject area is to be discontinued.
- The property has never received a grading permit or any type of driveway improvement (asphalt, concrete, gravel etc.) approval.
- A 1991 fence permit issued by the Building Department to install a fence on the west side of the property and the subsequent installation of the fence eliminated the possibility of a legal parking space behind the front façade of the residence. Access to the side and rear yards for legal parking was also terminated with the fence installation.
- A memorandum from the City's Engineering Department stating support that the curb cut be closed.

The homeowner has not provided this office with any documentation to demonstrate compliance with the Unified Development Code (UDC) or that any approvals from the City have been granted to allow vehicle parking in the front yard. Therefore, this office determines that vehicle parking in the front yard is not permitted, and the closure of the

June 25, 2025

existing curb cut on the west side of the lot is required. The owner still has access to the property via the existing curb cut and driveway on the east side of the property.

Chapter 55 UDC Code below for reference:

Section 5.16.6 Placement of Vehicle Parking Facilities

1. *Parking lots* and *parking spaces* shall not be located in the *front yard*, unless an exception is listed in subsection B.

Section 5.19.9 Driveways

1. All *driveways* shall lead to a garage, carport, *parking space*, *parking lot*, or *parking structure* meeting the requirements of this chapter, or lead back to the Street through the original *opening* or a second *opening* in compliance with paragraph 2 below and Section 5.21

TABLE 5.21-1: MAXIMUM NUMBER OF OPENINGS			
Number of Openings	TOTAL STREET FRONTAGE		
	UP TO 100 FT.	101 FT. TO 200 FT.	201 FT. OR MORE
	1	2	2 for the first 200 ft. plus 1 for each additional 600 ft. of total <i>street frontage</i> after the first 200 ft.

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 Variance Power from the Unified Development Code (UDC).

The following criteria shall apply:

- That the practical difficulties are exceptional and peculiar to the property of the person requesting variance and result from conditions which do not exist generally throughout the City.***

Applicant response: *"I purchased this home in 2024 and have made significant investments as a duplex, nearly 100k; doing everything through the city ensuring permits and inspections. Never during the purchase of the home or through any inspections was I informed that the 2nd cutout violated any zoning, particularly as it had no historic zoning violations on file for the cutout.*

I live in the downstairs unit and have the upper unit rented with tenants moving in at the end of June. This home came with two cutouts, and 2 separate driveways which is great feature, but during the Pauline Road construction project, I was told I was going to lose the 2nd driveway. This is particularly more difficult as the road construction work is going to remove street parking making it harder to access the home."

June 25, 2025

- (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: "Without knowing this was in violation, I have a rental agreement with people moving in the upstairs apartment which calls out private driveway. Losing this will impact my contract with them and reduce the value of my home."

- (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 city is focused on densification, multi modal homes and new zoning to help make it easier to live in the city. Removing parking from a home while simultaneously removing parking from the street the home is on is counterproductive. If we as a city are inclined to think differently about densification; we need to be considerate of people being able to park reasonably close to their home. More cars would be parked on the fewer street parking we have, 2nd driveways where appropriate can be a potential fix."

- (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: "This is not self-imposed, I purchased the home understanding it had 2 driveways and wanted to invest in 812 Pauline and honor it as the previous owner let it waste."

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

Applicant response: "This cutout already exists, the city as part of the construction on Pauline want to close it. Leaving it alone is less effort for the city then filling it in as part on road construction work."

Respectfully submitted,

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

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