

Zoning Board of Appeals April 22, 2026, Regular Meeting

STAFF REPORT

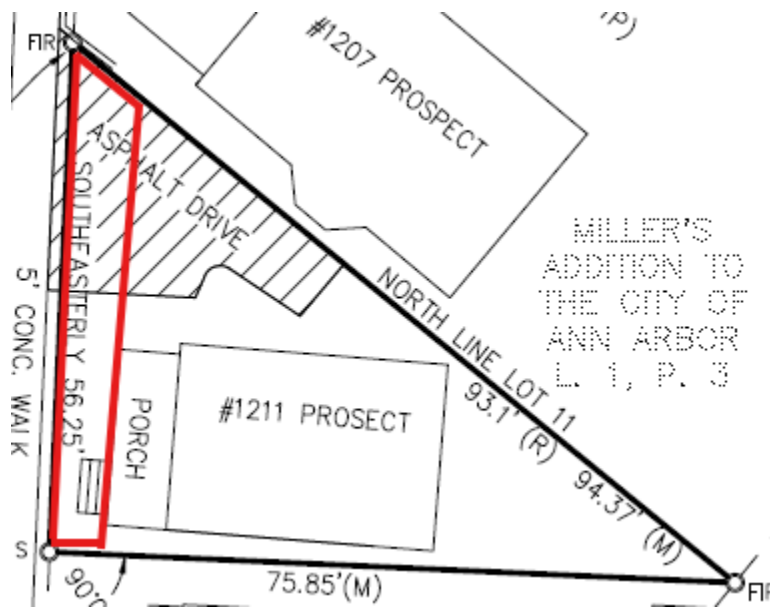
Subject: ZBA 26-0005 – 1211 Prospect Street

Background:

Location: East side of Prospect Street, just south of the intersection of Prospect and Church Streets
Lot Area (approx.): 3,920 square feet
Neighborhood: Burns Park
Parcel Identification Number: 09-09-33-235-025
Property Owner/Applicant: Julie Welch
Zoning District: R4C Multiple-Family Dwelling District

Description:

The applicant seeks to obtain after-the-fact approval of an existing 29-foot-wide, approximately 520-square-foot asphalt driveway/parking area partially within a front yard. The approximate front yard area in which parking is prohibited is shown in red below:



Requests:

- (1) A variance from Section 5.19.6.A.1 of the Unified Development Code (“UDC”) to permit parking spaces to be located within a front yard where parking spaces shall not be located within a front yard;
- (2) A variance from Section 5.19.9.A.1 of the UDC to permit a driveway to not lead to a garage, carport, parking space, parking lot, or parking structure meeting the requirements of the UDC; and
- (3) A 14-foot variance from Section 5.19.9.A, Table 5.19-6 of the UDC to permit a one-way driveway to be 29 feet in width where fifteen (15) feet is the maximum width permitted.

UDC Standards:

- (1) Per Section 5.19.6.A.1 of the UDC, “parking spaces shall not be located in the front yard....”
- (2) Per Section 5.19.9.A.1 of the UDC, “[a]ll driveways shall lead to a garage, carport, parking space, parking lot, or parking structure meeting the requirements” of the UDC.
- (3)

TABLE 5.19-6: DRIVEWAY DIMENSION STANDARDS			
ZONING DISTRICT	MINIMUM WIDTH	MAXIMUM WIDTH	INCREASE ALLOWANCE
R1, R2	10 ft.	24 ft.	May be widened beyond the <i>front lot line</i> up to 30% of <i>lot width</i> when leading to garage or carport
All Others	10 ft. for one-way 18 ft. for two-way	15 ft. for one-way 28 ft. for two-way	None

Variance Standards:

Under State law and the City Charter and Code, the Zoning Board of Appeals (ZBA) has the authority to grant nonuse variances. In considering a variance request, the ZBA shall consider the following criteria in Section 5.29.13.C of the UDC:

- 1. **A variance may be allowed by the ZBA only in cases involving practical difficulties after the ZBA makes an affirmative finding that each of these criteria are met:**
- 2. **That 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.**

APPLICANT RESPONSE: “The lot is uniquely shaped. It is essentially triangular, which limits how the driveway can be used. Under the current zoning, only two cars can be parked and they are stacked. Because of the lot’s shape, there isn’t a practical way to expand parking without a variance. Considering the peculiar shape of the parcel, it would be beneficial for the tenants to be able to park more than two stacked cars.

When looking at the other lot sizes in the neighborhood, this issue is specific to this property. Most other homes in the neighborhood sit on standard rectangular lots and can accommodate three or more vehicles without difficulty. We are only seeking relief because of the unusual shape and limitations of this particular parcel.”

- 3. **That 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.**

APPLICANT RESPONSE: "Without the variance, parking will remain limited, which creates ongoing issues for tenants. Street parking is already tight, and there is no residential permit system in place as there are significant limitations on how long vehicles can be parked on the street. This leaves tenants competing for limited spaces and at risk of tickets. In addition, part of the existing driveway would need to be removed to comply with current zoning, resulting in unnecessary expense. Furthermore, there will be a significant financial burden on the tenants if they have to pay for long term parking/garaging if the variance is not granted. Parking is an important factor for tenants. Granting the variance would address these issues in a practical way."

- 4. That 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.**

APPLICANT RESPONSE: "By allowing this variance, the current tenants and future tenants will have a guaranteed place to park. Having a vehicle on campus is beneficial for a myriad of reasons: the students are able to go to their hometowns, go grocery shopping, travel to other parts of campus, and explore all the benefits Ann Arbor has to offer, which is not always accessible by public transportation. The benefit is largely for the tenants; if they are not provided with parking spots, their emotional and mental health may take a substantial hit. If only so many parking places are available, then many current tenants and future tenants will suffer because they will not have anywhere to park.

Furthermore, the neighborhood at large will benefit from less cars on the street: the street will be less congested, and houses that do not have driveways will benefit from having more parking spots available on the street. Indeed, there are several students that commute to campus everyday and utilize the parking on Prospect street. Granting the variance would also provide additional parking spots to students that commute because the driveway would provide adequate parking for the current tenants and they would not use parking spots on the street.

Just as important, parking three or more vehicles in this driveway is not new: it has been the consistent practice at this property for more than 60 years. The home has been under the same ownership since the mid-1960s, and throughout that time, accommodating three to four cars in the driveway has been the norm. It was only after the adoption of Ordinance No. 21-20 in 2021 (<https://www.a2gov.org/media/1zndxi3v/ord-21-20-approval-notice.pdf>) that this long-standing use became an issue. In other words, this request does not seek to expand or intensify use, but simply to continue what has always been done at the property."

- 5. That the conditions and circumstances on which the variance request is based are not a self-imposed practical difficulty.**

APPLICANT RESPONSE: "There are no self imposed practical difficulties should the Zoning Board of Appeals grant the variance. An additional parking space will benefit the neighborhood, the current tenants, and the future tenants. The limitations stem from the shape of the lot, not from any action taken by the owner. The need for a variance is driven entirely by the property's unique layout.

This request also reflects a long-standing, customary use of the property. For more than 60 years, the driveway has consistently accommodated three or more vehicles without issue. The current request simply asks that the Zoning Board of Appeals recognize and allow the continuation of that established use. We are not seeking to introduce something new or out of character for the property, but rather to maintain what has historically and practically worked for decades.”

- 6. The variance to be approved is the minimum variance that will make possible a reasonable use of the land or structure.**

APPLICANT RESPONSE: “Yes, this creates additional parking spaces for the tenants. The driveway will be used in perpetuity. The request is modest: approximately four additional feet of driveway width to allow for three vehicles instead of two. For a six-bedroom home, three parking spaces is a reasonable and proportional accommodation.

The improvement would be permanent and would make practical use of the property while addressing a consistent concern raised by tenants.”

Respectfully submitted,

Erik Perdonik, AICP
Zoning Coordinator

