

**Zoning Board of Appeals
April 24, 2024, Regular Meeting**

STAFF REPORT

Subject: ZBA 24-0007; 2119 Devonshire Road

Summary:

Robert Clark, representing the property owner, is seeking a variance of 7.5 feet from Chapter 55, Table 5.17-1 Single-Family Residential Zoning Districts. The variance, if granted, will allow for a new enclosed glass sunroom addition in the rear yard of the parcel. The new addition is approximately 21.5 feet by 16 feet and will be a total of 344 total square feet. When finished, the sunroom will be 32.5 feet from the rear lot line. The property is zoned R1B, Single-Family Residential and requires a 40 foot rear yard setback.

Background:

The subject property is located on the north side of Devonshire Road west of the intersection of Avon Road and Devonshire Road in the Angell neighborhood. The home was built in 1934 and is approximately 2,058 square feet in size. The parcel is 12,066 square feet in area.

Description:

The proposed sunroom will be a one-story unconditioned enclosed glass sunroom. The north side of the sunroom will encroach one foot into the rear yard setback and gradually increase to seven and a half feet towards the east side of the lot near the side yard. A portion of the brick paver patio area will be removed. The rear yard has a privacy fence along the lot line.

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: *“Many properties do not have the angled lot line that this property has.”*

- (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: *“The request is not for a higher financial gain. It is simply a*

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fact. On the start before the lot line moves east the addition shows that it is within 1' of the required setback."

- (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: "As shown with a straight set back line the request for a variance would not be needed. Substantial justice will be served by approving the request."

- (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 a self-imposed practical difficulty for all the reasons above."

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

Applicant response: "Minimum can be read differently by all. The homeowner is trying to create a room that will house family and friends when enjoying the outdoors."

Respectfully submitted,



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