

Zoning Board of Appeals
May 27, 2026, Regular
Meeting

STAFF REPORT

Subject: ZBA 26-0007; 182 Hiscock Street

Background:

Location: North side of Hiscock Street due south of West Summit and east of Daniel Street

Lot Area (approximate): 6,534 square feet

Neighborhood: Water Hill

Parcel Identification Number: 09-09-20-408-009

Property Owners/Applicants: Michael and Colleen Kay

Zoning District: R2A, Two-Family Dwelling District

Request:

A fifteen (15) foot variance from Section 5.18.5 Averaging an Established Front Building Line to reduce the forty (40) foot average front setback to twenty-five (25) feet. The lot is currently vacant. The vacant lot has an established 40-foot average front setback based on the parcel to the west and the three parcels to the east.

According to the applicant the total building envelope with the 40-foot setback is 2,120 square feet in area. If the 15-foot variance request is granted the buildable area will increase to 2,982 square feet.

The R2A district allows for duplex residential dwelling units.

UDC Standards:

Section 5.18.5

In Single-Family Zoning Districts, Two-Family Zoning Districts and the R4C zoning districts, where the average of the *established front building line* of *structures* on all adjacent *lots* that are located within 100 feet of either side of a *lot* and on which there are existing *buildings* is greater than the *front required setback* specified in this chapter, a *required setback line* shall be provided on the *lot* equal to this greater average depth but not to exceed 40 feet. Where the average of the *established front building line* is less than the minimum *front required setback*, the *required setback line* may be reduced to this lesser average depth but shall not be reduced to less than ten feet.

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: "This property lies along Hiscock St. adjacent to the Ann Arbor Railroad tracks. In this block of Hiscock the subject property is the only one that abuts Hiscock Street. Four properties have their frontages on Summit Street and the fifth addresses and fronts on Daniel. What would normally be front yards are rear yards or a side /front yard of the Daniel frontage. It is difficult to assign an established front yard for this reason. There is only the Daniel property for comparison and it has a side/front yard greater than 40 feet. For this reason, 40 feet is presumed to be the averaged front setback instead of the standard 25ft setback for the R2A zoning district.

Additionally, there is a 6 ft grade change along the 38 ft of buildable area north to south within the allowable building area. This is a 16% grade change. To gain driveway length the garage must be placed as far back on the site as possible to control the steepness of the driveway."

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: "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. The grades of a proposed driveway and pedestrian access via sidewalks would exceed the safe limits for driveways or walkways in this climate zone."

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: "Substantial justice will be done by allowing the owners to continue to live in the neighborhood and age in place. There will be no impact on neighboring properties across the street as they are commercial in nature. The houses fronting Summit have only adjacent rear garages and driveways that would be affected. The Residence on Daniel is quite far from the proposed new house."

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

APPLICANT RESPONSE: "The Owner has not created this situation by his actions. It is rather, the historic development patterns of this neighborhood which viewed Summit St. and Daniel as the more desirable streets to front on rather than Hiscock Street with its railroad-industrial character. This left Hiscock with no residential character which would have resulted in more front yards presumably with 25 ft. setbacks."

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

APPLICANT RESPONSE: "The lot is 6621 sf. The survey's shaded area depicts the lots buildable area which is 2120 sf. This is only 32% of the total lot area. With a 25 ft setback the buildable lot area would only be about 45% of the total lot size. For a standard rectangular R2 lot the buildable area is 56%."

Respectfully submitted,

Jon Barrett, CZO
Zoning Coordinator