

**Zoning Board of Appeals
February 28, 2024, Regular Meeting**

STAFF REPORT

Subject: ZBA 24-0002; 1960 Ivywood Drive

Summary:

Robert Clark, representing the property owner, is seeking a variance of 12 feet one inch 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 19 feet by 16 feet and will be a total of approximately 304 total square feet. When finished, the sunroom will be 17.9 feet from the rear lot line. The property is zoned R1C, Single-Family Residential and requires a 30 foot required rear setback.

Background:

The subject property is located at the intersection of Dartmoor Road and Ivywood Drive in the Dartmoor neighborhood. The home was constructed in 1964 and is approximately 1,136 square feet in size.

Description:

The rear yard setback for the property is the southern portion of the lot. The rear yard is opposite and most distant from the front lot line per the Unified Development Code (UDC) definition of rear 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: *“The 30’ setback for the side yard is because it is a corner lot. If it was an interior lot, the setback would be 5’.”*

- (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: *“We have obtained a letter from the immediate neighbor who has no problem with the project. The homeowner does not feel it is a mere inconvenience and hopes the Board approves the project. The sunroom is not for*

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higher financial return. It allows the homeowner to expand outdoor living space and remove weather elements (rain, snow, bugs)."

- (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: *"Granting the variance will help the use of the space. Again, if this was not a corner lot we would have not needed a variance. We are not ignoring the required 30' setback. We followed the means by getting approval from the neighbor that would be affected by the addition."*

- (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: *"As stated above, it is not self-imposed. It is a matter of fact that this setback is because of the unusual and uncharacteristic setbacks placed on corner lots."*

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

Applicant response: *"If we follow the setback requirement the room would have to be roughly 4' and this does not make a reasonable space."*

Respectfully submitted,



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