

**Zoning Board of Appeals
October 22, 2025, Regular Meeting**

STAFF REPORT

Subject: ZBA 25-0022; 315 West Huron (301, 311, 315, 317, 319 West Huron Street and 102, 106 South First Street)

Summary:

Brandon Cheney, representing the property owner, is requesting a height variance of 59'11" for a total proposed building height of 137'11" (including mechanical screening). The site is partially located in a floodway fringe and zoned D2 Downtown Interface. Unified Development Code (UDC) Table 5.17-6 Downtown Character Overlay Zoning Districts Building Massing Standards allows for a maximum building height of 60 feet in the D2 First Street Character Overlay District, which apply to this project location.

Background:

The requested variance is part of a proposed project for the same site. 315 West Huron Site Plan for City Planning Commission (SP25-0014) is a proposed plan for the construction of a fully electric, 10-story mixed-use development featuring 280 units, a coffee shop, retail, and amenity spaces. The ground floor would be mostly comprised of covered parking, including EV charging, with access from West Washington Street. The first floor would have additional covered parking, and coffee/retail space with access from South First Street. Floors 1-10 would contain a mixture of studio, one & two bedrooms, with 15% of the units reserved for Affordable Housing for households at 60% of the Area Median Income. The project seeks a 30% height bonus for sustainability/affordable housing, available under UDC 5.18.4.B. The project also requests a variance from D2's max building height of 60'. The site is partially located in a floodway fringe and zoned D2 Downtown Interface, First Street Overlay District, Secondary Street Designation, and is in Ward 5.

Description:

A variance is being requested for 59'11" for a total proposed building height of 137'11" (including mechanical screening). The required dimension (78') accounts for the 30% increase in height limits (60' - First Street) per Section 5.18.4(B) - Affordable Housing Developments.

Building Height Summary Table	
Allowed (D2-First Street)	60'
Allowed with 30% height increase	78'
Proposed	137'11"
Variance Request	59'11"

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	Staff Response
<p><i>“The hardships affecting 315 W. Huron are not typical across Ann Arbor, but exceptional to this parcel. A large portion of the property is encumbered by the FEMA-mapped flood fringe, which, while not expressly prohibited under UDC §5.14.2.I, is discouraged by guidance from the Hazard Mitigation Plan, the 2007 Flood Mitigation Plan, and the A²ZERO Carbon Neutrality Plan, which require safe placement of habitable structures and new construction to shift out of this zone to align with City policies.</i></p> <p><i>Additionally, the site is bounded on its western edge by an elevated active railroad line. Existing walls, which double as retaining structures for the berm, must remain in place, preventing excavation or realignment. These non-removable features consume buildable area and impose lasting physical constraints that do not exist on most downtown parcels.</i></p> <p><i>Finally, the site is directly adjacent to the Allmendinger Building, a structure noted in the City’s 1994 historic survey as significant. While not formally designated as historic, it is subject to the First Street Overlay’s directive to preserve assets of significance. To respect this policy, the project must step back from the building, further narrowing the available envelope.</i></p> <p><i>These three circumstances—flood fringe encumbrance, elevated railroad adjacency, and historic setback—are rare in combination and together create practical difficulties peculiar to this site alone.”</i></p>	<p>While there are specific features to this site, including adjacency to the Ann Arbor Railroad, Allmendinger Building, and Floodway Fringe, the precise impact of each on developability of the site should be considered.</p> <p>The Floodway Fringe encompasses 11.4% of the lot area of the two parcels. Additionally, a notable portion of the Floodway Fringe area overlaps with the area abutting the railroad.</p> <p>The total combined parcel perimeter of the two parcels proposed for the project (SP25-0014) is approximately 995 feet. Of this, an approximately 45-foot section of the lot line abuts the Allmendinger Building and an approximately 140-foot section is comprised of a building wall which retains the railroad berm.</p> <p>The proposed site plan demonstrates ability to avoid these areas while still achieving building area coverage of 78%. The maximum building area coverage permitted in the D2 (Downtown Interface) Zoning District is 80% (UDC Table 5.17.5).</p> <p>While the features listed by the applicant are unique to their property, the difficulties expressed are minor. It is common for a project to not achieve maximum allowed building coverage, especially with a 2% difference from the maximum allowable figure, as is the case in this petition.</p>

(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	Staff Response
<p><i>“Failure to grant the requested variance would result in substantial and unusual difficulties beyond mere inconvenience or financial return. Without relief, the site could only accommodate its program by expanding horizontally into areas of the mapped flood fringe, despite City policies advising against such development. Both the 2007 Flood Mitigation Plan and the 2022 Hazard Mitigation Plan discourage new construction in the floodplain.</i></p> <p><i>Additionally, the City’s A²ZERO Carbon Neutrality Plan recognizes hazard avoidance and climate resilience as core sustainability strategies, which directly tie to reducing or avoiding intensifying development in flood-prone areas. Denying the variance would therefore not only constrain development but would also force the project into direct conflict with adopted best practices.</i></p> <p><i>The absence of relief would also eliminate the ability to maintain a setback from the Allmendinger Building, a structure identified as significant in the City’s historical survey and guided under the First Street Character Overlay to be preserved as an existing asset of significance. Without the variance, the project would need to build hard against this building, obstructing light and air and undermining City policy.</i></p> <p><i>Additionally, without vertical organization, site constraints would force the project’s open space/greenspace to be internal rather than adjacent to the public way, limiting its contribution to the pedestrian realm. The project will deliver its committed affordable housing regardless of the variance, but without relief those units would be provided in a form that contradicts City policy. A building expanded into the flood fringe, pressed against the Allmendinger Building, and internalizing open / greenspace does not align with Ann Arbor’s guidance for responsible, resilient redevelopment. This demonstrates that the difficulty created by denial of the variance is substantial and rooted in public policy conflicts—not financial return.”</i></p>	<p>In the D2 (Downtown Interface) Zoning District, the maximum permitted building coverage of lot area is 80% (UDC Table 5.17.5). The proposed development as submitted in SP25-0014 and currently under review has a building coverage of 78%.</p> <p>In the project’s site plan application, the petitioner demonstrated they could avoid the cited site constraints of the Floodway Fringe, Railroad, and Allmendinger Building while nearly maxing out the permitted lot area coverage.</p> <p>If the petitioner were allowed to encroach upon these site constraints, they would then exceed the allowed buildable area of the site. While there are two possible percentage points of increased building area unrealized, this is not atypical. For example, other development requirements like solid waste and fire access could limit a project’s ability to achieve a building area at 80% coverage in a downtown context.</p> <p>The vertical organization sought through ZBA action is already available to the applicant in a more proportional measure through a 30% height bonus allowed under UDC 5.18.4.B.</p>

(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	Staff Response
<p><i>“Granting the variance ensures that public benefits are realized in a form that aligns with City objectives. The project provides 15% of its units as affordable housing. With the variance, these units are delivered in a form consistent with resilience and design policies—avoiding intensification in a floodplain, respecting the Allmendinger Building through a stepped-back design, and situating open / greenspace adjacent to the public way. Without the variance, the same affordable units would be built in a less responsible form, undermining hazard mitigation, urban design, and public realm goals.</i></p> <p><i>Additional public benefits further justify relief. The project will implement streetscape improvements consistent with DDA guidelines, widening sidewalks, burying overhead utilities, and enhancing plantings, lighting, and pedestrian safety. Sustainability measures include 100% electrification with no natural gas hookups, a high-performance thermal envelope with triple-pane windows, and rooftop solar and modular construction methods will reduce construction time, neighborhood disruption, and waste.</i></p> <p><i>Crucially, the variance advances resilience. By permitting vertical organization, it avoids intensification in the flood fringe, in direct alignment with the Hazard Mitigation Plan and A²ZERO. The project advances public benefits in affordable housing, sustainability, resilience, and streetscape improvements, while respecting the rights of adjacent property owners by stepping back from the Allmendinger Building and carefully managing scale in context with neighboring structures. This ensures that substantial justice is achieved by balancing development goals with long-term public safety, sustainability, and respect for adjacent properties.”</i></p>	<p>Staff do not find an injustice present to remedy with a proposed variance. The project already seeks a 30% height bonus by providing either an affordable housing or sustainability component allowed under UDC 5.18.4.B. (The height bonus is an either/or option and does not result in a cumulative height bonus if both are provided.) Availing themselves of this UDC provision would result in significant increased development potential for the project.</p> <p>Downtown Development Authority (DDA) streetscape components are a required component of site plans in the downtown and do not constitute a public benefit beyond what would be required of any development in this area.</p> <p>Any public benefit proposed via this application could also be realized through the current regulations and height bonus pathway.</p>

(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	Staff Response
<p><i>“The conditions creating the hardship at 315 W. Huron are not self-imposed, but the result of longstanding external circumstances. The flood fringe mapping was established by FEMA and the City long after the site was developed. The railroad berm and retaining walls predate this application and must remain to support active rail infrastructure. The Allmendinger Building adjacency is likewise a fixed condition, guided by the First Street Overlay’s directive to respect assets of significance.</i></p> <p><i>Design decisions made by the applicant reduce impacts rather than create constraints. Reducing rather than intensifying development in a flood zone and stepping back from the Allmendinger Building reflect adherence to City policy, not an artificial limitation. Lifting the building above the railroad elevation and raising the First Street floor level to accommodate clearance for future uses and adaptability both respond to staff guidance and long-term livability, adaptability, and safety consistent with City development goals.</i></p> <p><i>The request for height relief arises not from choices by the applicant, but from responding responsibly to fixed conditions that compress the buildable footprint. The variance is therefore not a product of self-created hardship.”</i></p>	<p>While the existing conditions cited by the applicant may constrain development on the site to some degree, the proposed site plan already demonstrates a development scenario that addresses these challenges while also covering 78% of the lot area. The maximum permitted lot area coverage in the D2 (Downtown Interface) Zoning District is 80% (UDC Table 5.17.5).</p> <p>Therefore, the identified constraints do not appear to meaningfully limit the applicant’s ability to achieve the development potential as allowed by the Unified Development Code.</p>

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

Applicant Response	Staff Response
<p><i>“The relief requested is the min. necessary to make possible reasonable redevelopment of the property. Without the variance, the site could support only a bulkier 7-story (78’) scheme, which would expand into the flood fringe, build against the Allmendinger Building, and internalize greenspace. This scheme achieves comparable gross square footage but in a form that is less adaptable, less resilient, and contrary to City policy.</i></p> <p><i>The proposed 10-story building (127'-11" to the top of habitable space, 137'-11" including mechanical screen and solar) achieves the same density within a narrower footprint. The additional 10' of height over the building enclosure is requested in line with staff guidance, even though rooftop mechanicals and solar arrays are exempt under UDC §5.18.4.A and §5.16.6.B. The project is thus asking for no more than necessary to responsibly organize the program while respecting site constraints.</i></p> <p><i>Design strategies further minimize perceived scale and align with City policy: elevating the first occupied floor to match the railroad grade was made to improve long-term livability, setbacks along Huron and First align with nearby building heights, notching reduces bulk at the corners, and material changes at the upper levels reduce apparent height and massing. In context, the proposal provides a transitional form between the D1 zoning across First Street (permitting 180' heights) and the YMCA to the west at 72', consistent with D2's stated intent as a transitional zone under §5.12.6.B.2. Emerging zoning guidance (TC1) and the draft Comprehensive Land Use Plan reinforce this approach, identifying sites more than 300' from residential zoning—such as this one—as appropriate for heights up to 120' or greater.</i></p> <p><i>For these reasons, the variance is the min. necessary to allow a reasonable use of the site. It accommodates equivalent density that avoids floodplain impacts, preserves adjacent assets, and advances the City's long-term sustainability/resilience goals.”</i></p>	<p>The applicant's use of the land is already reasonable. In the D2 (Downtown Interface) Zoning District, the maximum permitted building coverage of lot area is 80% (UDC Table 5.17.5). The proposed development as submitted in SP25-0014 and currently under review has a building coverage of 78%.</p> <p>In the project's site plan application, the petitioner demonstrated they could avoid the cited constraints of the Floodway Fringe, Railroad, and Allmendinger Building while nearly maxing out the permitted lot area coverage.</p> <p>If the petitioner were allowed to encroach upon these site constraints, they would then exceed the allowed buildable area of the site. While there are two possible percentage points of increased building area unrealized, this is not atypical. For example, development requirements like solid waste and fire access could limit a project's ability to achieve a building area at 80% coverage in a downtown context.</p> <p>The maximum density permitted by the Unified Development Code in the D2 (Downtown Interface) First Street Overlay District is a factor of both the maximum building area of 80% and maximum permitted height of 60 feet (UDC Table 5.17-6).</p> <p>As demonstrated in the proposed site plan, there do not appear to be unreasonable limitations to the site's developability that would warrant a variance, in particular of such magnitude, when considering all development requirements found in the Unified Development Code. Given the maximum building area permitted, this variance would result in a significant increase in density than permitted by the Unified Development Code for the D2 zone and associated overlay.</p> <p>The relief sought is disproportionate to the site's challenges, which could also be remedied and achieve reasonable use through optional sustainability and affordability participation under UDC 5.18.4.B, resulting in a 30% height bonus without any ZBA action required.</p>

Respectfully submitted,

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