

**Zoning Board of Appeals
March 22, 2023 Regular Meeting**

STAFF REPORT

Subject: ZBA 23-0001; 518 Miller Avenue

Summary:

Melrosa, LLC is seeking a five-foot lot width variance from Table 5-17.2 Two-Family Residential Zoning District Dimensions to begin construction on a 720 square foot two-story addition to the rear of an existing duplex. The first-floor addition will contain a primary bedroom, an accessible bathroom and a mudroom. The second-floor addition will contain two bedrooms, bathroom and enlarged dining area. The new addition will meet the required side and rear setbacks. The subject property is zoned R2A Two-Family Dwelling. The existing lot is 35 feet in width and the R2A district requires a minimum 40-foot lot width.

Background:

The subject property is located on the north side of Miller Avenue near the intersecting thoroughfare of Chapin Street. The City of Ann Arbor owned West Park is in the vicinity to the south. The home was built in 1901 and is approximately 1,290 square feet in size.

Description:

The existing parcel is 4,356 square feet in area. The minimum lot size for the R2A district is 5,000 square feet. The property owners will obtain the required 644 square feet in area from the abutting property 528 Miller through the Administrative Land Transfer process.

One of the owners is planning to live in the downstairs unit. Granting the variance will permit construction of a unit with many handicapped accessible features. The first-floor addition will allow for aging in place for the resident, including a bedroom that accommodates wheelchair maneuverability, a handicap accessible bathroom, floor space in all areas to permit wheelchair clearance, main floor laundry facilities, and a 2-stair rear entrance with space for a ramp. The new addition will create a less hazardous entrance for the first-floor tenant that is existing.

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 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.***

The applicants responds that the property was built around 1918 when lot sizes varied and zoning requirements were different. Thus, 3 of the approximately 13 residential properties on Miller bounded by Spring and Fountain streets are 35' wide; the remaining ten houses have frontages from 40 to 55 feet.

- (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.***

The proposed addition project will assist a 79-year old owner to age in place with handicapped structural and living improvements with no intentions of financial gain.

- (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.***

The applicant believes that a unit permitting aging in place will benefit the neighborhood, particularly since most local homes have 2nd floor bedrooms as well as laundry facilities in the basement. Should a disabled person live on the 1st floor, the configuration of the property allows the 2nd floor to be used as a caretaker's residence. The nearest (non-relative) neighbor, who shares the driveway easement, supports the project.

- (d). ***That the conditions and circumstances on which the variance request is based shall not be a self-imposed hardship or practical difficulty.***

The lot width of 35 feet has existed since construction of the property in the early 1900's. Widening of the lot cannot be achieved due to side setback requirements of adjacent properties.

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

The owners of 518 will resolve the lot area deficiency to meet the 5,000 square foot minimum therefore a variance for the total area of the lot is not required. The lot width cannot be altered due to the limitation of available land to the west and east of the property. The owners have stated that the minimum variance request of five feet is being requested.

Respectfully submitted,

A handwritten signature in blue ink that reads "Jon Barrett". The signature is stylized with a large, circular initial "J" and a long, sweeping underline.

Jon Barrett
Zoning Coordinator