

**Zoning Board of Appeals  
January 28, 2015 Regular Meeting**

**STAFF REPORT**

**ZBA14-018, 720-722 Spring Street**

**Summary**

Doug Selby, is requesting two variances from Chapter 55 (Zoning):

1. A variance from Section 5:30 (R2A Two-Family) of 5 feet from the minimum required lot width of 60 feet for construction of a residential duplex on a 55 foot wide lot.
2. A variance from Section 5:57 (Averaging an Existing front setback line) of 4 feet 6 inches for expansion of an existing residential structure into the front setback; 23 feet is required (Averaged Front Setback).

**Description and Discussion**

The subject parcels are 720 and 722 Spring Street, both lots are legally established parcels and zoned R2A (Two-family).

- The lot addressed as 720 Spring Street is currently vacant and is 4,399 square feet (non-conforming for lot area, required area is 8,500 square feet) with a lot width of 15 feet at the front setback line, required lot width is 60 feet. This is a buildable lot according to the zoning code.
- The lot addressed as 722 Spring Street currently has a single-family house constructed on it and is 8,851 square feet (conforming for lot area, required area is 8,500 square feet) with a lot width of 40 feet, required lot width is 60 feet.

The request is discussed in detail below:

The petitioner is proposing to combine the parcels addressed as 720 and 722 Spring Street and construct a duplex on the combined parcel. The resulting new parcel will have a total lot area of 12,976 square feet (8,500 square feet required) and a lot width of 55 feet at the front setback line (60 feet required). The parcel will be 65 feet wide for over half of the depth, however because zoning code measures lot width at the front setback line, the parcel is still considered non-conforming for lot width. Although zoned for duplex (R2A) only a single-family home could be constructed on

either the original lots or the combined lot without a variance. As such, a variance of 5 feet from the required lot width is required to construct a duplex.

The petitioner is also requesting a variance of 4 feet 6 inches from the average front setback of 23 feet for the construction of a covered front porch on the new structure proposed. The front wall of the principal structure would be located at 26 feet, the front of the proposed covered porch would be 18 feet 6 inches from the front property line.

If the variance is granted, the applicant will be required to submit a lot combination prior to construction of the duplex. Approval of the requested variance does not indicate approval of the lot combination.

### **Standards for Approval- Variance**

The Zoning Board of Appeals has all the power granted by State law and by Section 5:99, Application of the Variance Power from the City of Ann Arbor Zoning Ordinance. The following criteria shall apply:

**(a). *That the alleged hardships or practical difficulties, or both, 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.***

1. Lot Width Variance: The propose lot is 12,976 sq ft and would be 55 feet wide at the front and 65 feet in the rear. The lot will have an excess of 4,476 square feet greater than the minimum lot size of 8,500 square feet, but 5 feet less than the required lot width of 60 feet at the front setback line. Approximately 50 feet past the front setback line of 25 feet, the lot widens to a conforming width of 65 feet, 5 feet greater than required width. This is a unique condition in the area.
2. Front Setback Variance: There is a significant slope to the rear of the property and several landmark trees that the petitioner has committed to protect through the construction of the duplex. Although the trees are not protected by City code, the plans presented are designed to minimizing impact on the critical root zone of the trees.

**(b). *That the alleged hardships or practical difficulties, or both, which will result from a failure to grant the variance, include substantially more than mere inconvenience, inability to attain a higher financial return, or both.***

1. Lot Width Variance: The variance is being requested in order to facilitate the combination of two legal lots into one lot for construction of a duplex. If the variance is not granted, both existing lots can still be used to construct one single-family house on each lot. This would result in more site grading and additional impervious surface as well as the removal of significant landmark trees. As two separate lots, each would be entitled to a curb cut on Spring. The proposed project will only have one curb cut. .
2. Front Setback Variance: The proposed house could be constructed without a front porch or the footprint could be adjusted to move the structure to the rear removing the trees and increasing grading required.

**(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.***

1. Lot Width Variance: The construction of a duplex on a combined parcel with a width of 55 feet will not have a detrimental effect on the surrounding neighborhood. As mentioned a single-family house could be constructed on each of the existing two lots. This could result in the addition of impervious surface including a drive to serve the house, removal of landmark tree and placement of a house toward rear of the lot which would be inconsistent with existing development and more of a visual impact to the surrounding neighbors. There are other legal non-conforming duplexes in the immediate area.
2. Front Setback Variance: Although structures within 100 feet have an average setback of 23 feet the surrounding neighborhood is a unique mix of structures with varying setbacks, some with setbacks less than the setback requested. The addition of a covered but unenclosed porch is a positive aesthetic addition to the house and will help add activity to the front yard. A front porch is consistent with many structures in the surrounding neighborhood. Moving the structure back to add a front porch that conforms to setback requirements would require the removal of a significant tree that currently adds an intangible benefit to the City.

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

1. Lot Width Variance: The current configurations of the lots containing 720 and 722 Spring Street have existed prior to 1963. They are both considered legal non-conforming lots.
2. Front Setback Variance: The slope of the rear yard and locations of landmark trees on the site are not self imposed. However, the trees could be removed and the structure moved to closer to the rear of the site.

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

1. Lot Width Variance: The two existing lots can be used to construct a single family home on each lot. This may have more impact than one structure on the combined lots. The combination of the lots will create a single parcel that is 4,476 square feet greater than the required lot area of 8,500 square feet required for the construction of a duplex, but 5 feet narrower than required (60 feet) at the front setback. The new parcel is 214 feet deep from the street; the lot width will be 55 feet for the first 96 feet and 65 feet in width for the rear 118 feet. The lot width is consistent with the adjacent lots.
2. Front Setback Variance: A variance of 4 feet 6 inches for a proposed setback of 18 feet 6 inches is being requested in order construct a building while preserving a significant landmark tree on the site. The depth of the proposed porch will be 7 feet 6 inches which is consistent with other porches in the neighborhood. While not calculated in the averaged setbacks, several house just outside the measuring area have similar front setbacks of 18 feet or less.

Respectfully submitted,



**Matthew J. Kowalski, AICP  
City Planner**