

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

STAFF REPORT

Subject: ZBA25-0025; 601 Mary Court

Summary:

David Lewis, representing the property owner, is requesting a variance of 18 feet from Section Table 5.17-1 Single-Family Residential Dwelling Districts. If granted, the variance will allow the existing residence to be demolished and construction of a new three-story six-bedroom dwelling to be located 12 feet from the rear lot line. The required rear yard setback for the R4C district is 30 feet. The 2,308 square foot nonconforming parcel does not meet the minimum 8,500 square foot lot requirement for the district. The property is zoned R4C, Multiple-Family Dwelling District. The nonconforming lot is permitted to use the R1C district dimensions per Section 5.32.3 Nonconforming Lot of the Unified Development Code (UDC).

Background:

The subject property is located on the east side of Mary Street. Hoover Street is to the south and State Street is east of Mary Court. The home was built as part of an eight-property group of homes. The homes were constructed in 1901. The subject residence is approximately 1,120 square feet in size. A private drive separates four homes to the north and four homes to the south.

Description:

The owner also owns 603, 604, 605, 606, 607 and 608 Mary Court. The property owner plans on demolishing all structures and constructing new three-story six-bedroom single-family rental homes. The new residence at 601 Mary Court will have a kitchen and living area on the first floor and three bedrooms each on the second and third floors. The homes will also have a basement that will not be converted into habitable space.

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 existing lot is only 66' deep. The resulting buildable area is only 11' deep. It would be impossible to build a usable home that is only 11' deep."*

- (b). *That the practical difficulties will result from a failure to grant the variance,***

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include substantially more than mere inconvenience, inability to attain a higher financial return, or both.

Applicant response: "Without the variance, the owner would not be able to build a new home on the property. The existing homes are old and would be difficult to repair and upgrade to the level of new construction."

- (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: "The proposed new home is almost identical in footprint size to the existing house. The new house will have a slightly larger rear yard than the existing house (12' vs. 11'). It will also have a larger side yard (5' vs. 2'). Given the proposed location of the new house, it will be closer to the current zoning requirements - giving more justice to the neighboring properties than there exists now."

- (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: "The lot was created prior to the current owner purchasing the property. (It is assumed the lots were created over 100 years ago.) The condition of the home was already poor when the it was purchased."

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

Applicant response: "The proposed home is intentionally very compact with the goal of matching the footprint size of the existing home. The new home is located in a slightly different location than the existing home in order to increase the back yard and to provide a code compliant side yard."

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Jon Barrett". The signature is stylized with a large, loopy "J" and "B".

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