

**Zoning Board of Appeals
April 23, 2025, Regular Meeting**

STAFF REPORT

Subject: ZBA 25-0012; 630 South Ashley Street

Summary:

Marc Rueter, representing the property owner, is seeking a 15-foot buffer variance from Section 5.20.4 Public Park and Residential Zoning District Buffers. The variance is required along the western property line for 42 feet running north from the southwest corner of the property. If the variance is granted it will allow construction of a two-story 544 square foot detached garage with a second-story residential unit in the required buffer. The property is zoned C2B, Business Service District. The property is within the Old West Side Historic District.

Background:

The subject property is located on the northwest corner of the intersection of South Ashley and West Mosley Streets. The site is currently vacant and was previously occupied by Armen Cleaners. In 2021, the Historic District issued a certificate of appropriateness to demolish the building. Since demolition, remediation has been completed to remove ground contamination.

Description:

The applicants are proposing to construct two residential units with an attached garage between the units, plus a detached garage with another residential unit above it. Unit A will be approximately 2,552 square feet and Unit B will be approximately 2,587 square feet in area. Both units will be three stories in height. The detached garage will be a two-story structure with vehicle parking on the first floor and a one-bedroom apartment on the second floor. The two properties to the west are both zoned R2A (Two-Family Dwelling District). One of the properties is a duplex and the other is a single-family dwelling.

The application received Historic District Commission approval on October 10, 2024. In December of 2024, the Zoning Board of Appeals granted a 26-foot two-inch variance from Table 5.17-4 Mixed Use Zoning District Dimensions for the construction of the detached garage and second-story residential unit in the required rear setback. A site plan for Planning Commission is currently under review.

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: "This property lies within a small, isolated zoning district (C2B) whose land uses have not substantially changed over many years. On the west side of Ashley Street, the character consists of smaller scaled residential structures with accessory buildings (garages) in the rear yards. The street did not transition to a commercial character as was envisioned when this property was zoned. Despite the C2B zoning the block in which this property lies has retained all of the original small scaled residential structures. As this block is within the Old West Side Historic District, changes to massing and scale will be slow or not likely to happen at all. This variance is sought to help maintain this character of individual houses and independent garages."

- (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: "A variance ZBA24-0037 was granted on December 4, 2024, to allow for an Accessory Dwelling Unit (ADU) to be located in the rear setback and 3.83 feet from the rear property line. Applying a 15 ft setback requirement at this location would negate the approved variance and its rationale for approval. That assumed scheme would have required a single large, raised building mass with parking underneath. The building would have had to be located 30 feet from the rear lot line reducing the buildable lot area. That would require it to be considerably taller and of greater bulk than the adjacent residences. It would resemble the larger apartment buildings sprinkled throughout the Old West Side which were constructed before the adoption of the Old West Side Historic District."

- (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: "Allowing the variance will enable the creation of a more affordable Accessory Dwelling Unit within the Old West Side neighborhood. As a measure of this project's impact upon others whose property will be affected, the Historic District Commission has approved unanimously a Certificate of Appropriateness for the scale and compatibility of the proposed project and its impact upon neighboring properties. Additionally, Variance ZBA24-0037 was unanimously granted with public notices, and no neighboring property objections were registered."

- (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 Owner has not created a situation by his actions that it would make it more difficult to develop the property. It is rather the historic development patterns of this block and early City zoning decisions which assumed that the small residences would be torn down and replaced with businesses that

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were much different in scale and that would large parking lots needing to be buffered from the houses to the west on First St. The C2B zoning may have been appropriate at that time when it was assumed that much of the area would be torn down and rebuilt. Later, the Old West Side became a Historic District which in effect froze the scale and character of development. The C2B zoning provision, for which a variance is sought is an impediment to maintaining this character.”

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

Applicant response: “The area of the present rear yard is 2280 sq ft. Thirty five percent of the rear yard may be occupied or 798 sf. (5.16.6 A.2.d). The accessory building footprint will be only 523 square feet or 66% of the allowable footprint. That is two thirds of the rear lot will have landscaping and fencing separating the two properties. The property to the west is approximately 30 feet away from this property line and includes a gravel parking area abutting this property.”

Respectfully submitted,

**Mariana Melin-Corcoran, City Planner
City of Ann Arbor**

5.20.4 Public Park and Residential Zoning District Buffers

A buffer shall be required where a parcel or portion thereof that is not in a Residential Zoning District abuts a public park or a parcel that is in a Residential Zoning District as follows:

Width

A buffer strip at least 15 feet wide. If there is an existing *building* or *vehicular use area* located within the 15-foot width, the buffer strip may have an average of 15 feet in width with no specific location being less than 8 feet in width.

Trees

One tree must be planted for each 15 feet or fraction thereof of abutting land spaced between 15 and 30 feet apart on center. At least 50% of the trees shall be evergreen. Arrangement of trees in clusters or groupings is encouraged and should be placed to obscure the view of new *buildings* from any existing *buildings* windows or patio area on adjacent properties.

Continuous Screen

A hedge, landform berm, wall or *fence*, or combination of those features, forming a continuous screen at least four feet high.

