

**Zoning Board of Appeals
April 24, 2024, Regular Meeting**

STAFF REPORT

Subject: ZBA 24-0013; 3050 Lakeview Drive

Summary:

Melissa and Michael Schmidt, property owners, are seeking a variance of 22 feet from Table 5.17-1 Single-Family Residential Zoning District Dimensions to allow construction of a 672 square foot attached garage to encroach into the required 30 foot rear setback. The existing 529 square foot detached garage will be demolished. A new 501 square foot addition to the rear of the residence is to be constructed with the new garage attached. The property is zoned R1C, Single-Family Residential.

Background:

The subject property is located near the intersection of Gralake Avenue and Lakeview Drive. The home was constructed in 1930 and is approximately 1,664 square feet in size.

Description:

The proposed addition to the rear of the home will have two stories. The first story will contain a new kitchen, pantry, mudroom and deck. The second story will include a bedroom, walk-in closet and office space. The single story garage will be connected to the addition and face the alley at the rear of the property. The garage will be accessible from the alley.

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 particular site and immediate area have parking and garage access from a rear alley. If an attached garage were set within the primary structure setbacks, a longer driveway would be required which leaves less yard space for play and gardening, and more impervious area. A front drive and side garage are not feasible as the front of the site is very steep, a curb cut would be required, and a front drive is not in keeping with the immediate context."*

- (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: *“The existing garage is in disrepair, has sagging walls and roof, has no foundation, and is less than 18” from a side property line. The proposed garage is of a similar size but is situated 5’ off the side property line allowing for usable area and is further from the neighbor. The garage is also set back from the alley by 8’ in lieu of 3’ which is allowed if it were detached.*

The growing family has lived in the home for over 10+ years and wishes to stay in the neighborhood. One family member is a public school teacher, of 15 years, at a nearby school and the family has history with the house as it belonged to grandparents in the 50’s. Now, there is a need for more space with a growing family and a requirement to work from home. The owners have a local business that requires some shop and storage space in a garage. The current rear home entry from the garage area is a side door on a tiny landing with stairs up and down which are dangerous for the kids. A new rear entry with direct access would be a much more effective use of space for a functional family entry.”

- (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 addition and garage are tucked in behind the house and won’t be noticeable from the street. The house is set way back from the street with a huge front setback, making the site more challenging regarding buildable area. There is no desire to add to the front or side and detract from the architecture and street presence, keeping the style and scale from the street intact. The scale of the proposed addition and garage are smaller in scale and are shorter in height than the existing house. The overall footprint is tight together to allow more space around the structure for larger setbacks, more distance from neighbors, more yard space, and less impervious area. The required setbacks over exceeded and the second floor addition is stepped in even further. An attached garage with mudroom space would be a huge benefit for the growing family. The current rear entry from the garage area is a side door on a tiny landing with stairs up and down which are dangerous for the kids. There is also recent precedent for such a variance at 835 Redeemer Ave on 12/6/23.”*

- (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 granted variance would allow for a shorter driveway, less impervious space, more yard space, and larger side setbacks than currently exist. The compact footprint of the overall structure allows for good yard access from front and rear and provides the maximum yard space for the family, and easy access to the structure is available for maintenance.”*

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

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Applicant response: "The proposed attached garage allows for a much shorter driveway than if the garage was attached and within the primary structure setbacks. The proposed garage has larger setbacks than would be allowed if detached. Lastly the proposed structure allows for pedestrians, bicyclist and neighbors along with city plows, recycling trucks and garbage vehicles to better access of the right of way, specifically sight lines, when navigating the narrow alley. All these points make good use of the site while allowing for maximum yard space, larger setbacks and being cognizant of the rear right of way than otherwise required."

Respectfully submitted,

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

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