

**Zoning Board of Appeals  
October 23, 2019 Regular Meeting**

**STAFF REPORT**

**Subject: ZBA19-030; 1323-1325 Franklin Boulevard**

**Summary:**

Robert M. O'Reilly, property owner, is requesting an 11 parking space variance from Section 5.19.2 Required Parking. The property is zoned Office and the owner is proposing a new beauty salon use. Personal Service uses require one parking space per 100 square feet of floor area. The building is 1,187 square feet in size and will require 12 parking spaces. There is one parking space adjacent to the structure that meets Code requirements.

**Background:**

The subject property is located on a corner lot at the intersection of Franklin Boulevard and West Stadium Boulevard. The property was built in 1950.

**Description:**

The property is undergoing a change of use from a medical office use to a Beauty Salon. The property has one parking space (located in the side yard) which qualifies as an approved space. There are only interior alterations being proposed for the business. There are no planned additions or exterior changes to the building.

**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 property is irregularly shaped and located on a corner lot, therefore, only a small building envelope is left in which to construct or plan for necessary improvements. The requirement of a 12 space parking lot is not possible. The applicant states that four parking spaces are more than adequate for their business model and additional parking spaces will only create an increase of impervious surface and storm water runoff.

- (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 applicant states that the Beauty Salon is consistent with the character of the neighborhood and has a less detrimental effect on neighboring properties than the existing nonconforming use.

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**(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.**

As previously stated, the applicant contends the proposed Beauty Salon will be less intrusive than the medical use. The business has two stylists, allows clients on an appointment basis, has limited hours and do not have plans for expansion.

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

The applicants have stated the hardship is due to the Seller's Disclosure Statement at the time of purchasing the property. The owners were under the impression the property allowed for a Beauty Salon and were informed the driveway parking met City Code.

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

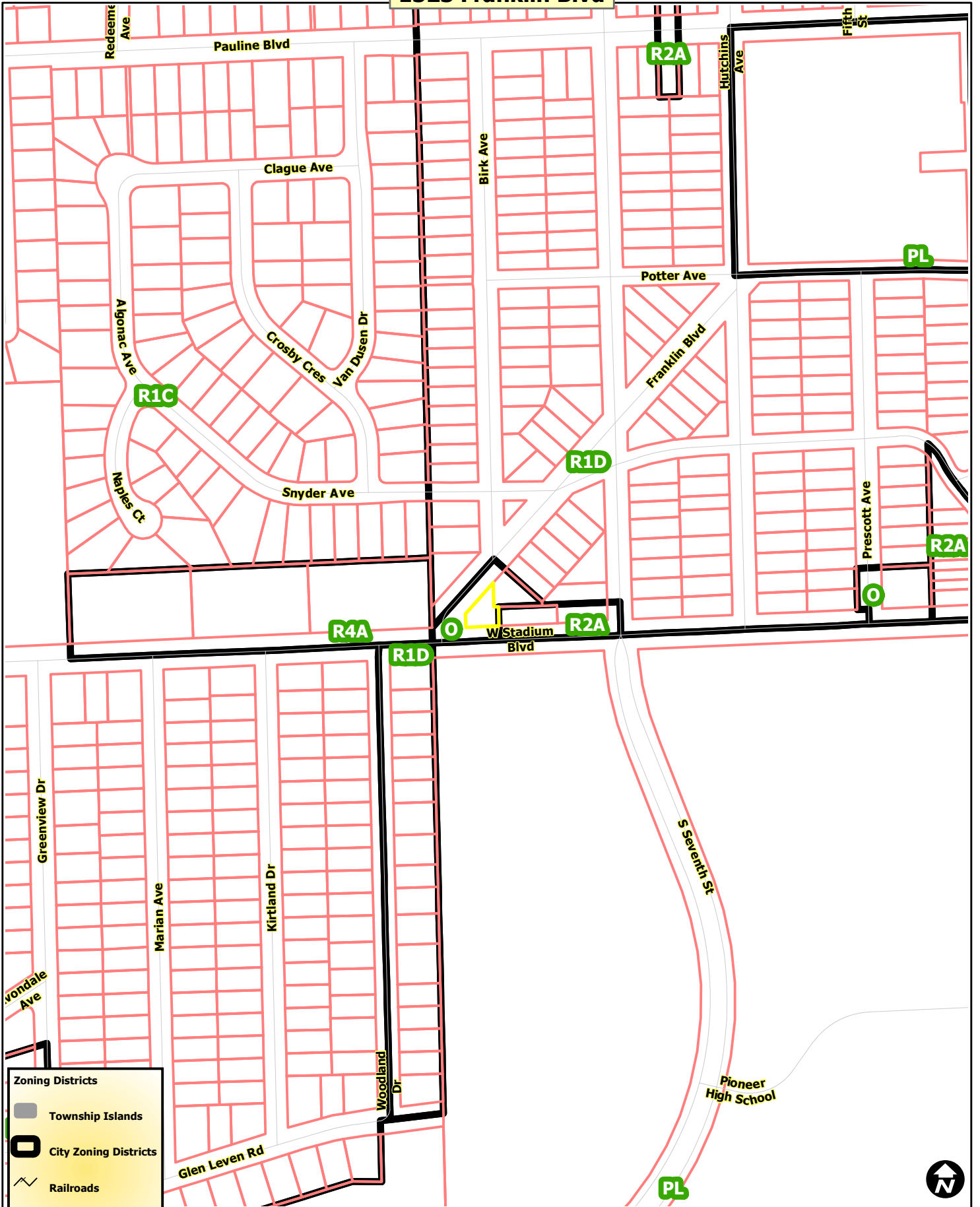
The variance being requested is the minimum and the current parking layout more than satisfies the needs of this small business.

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**

**1323 Franklin Blvd**



**Zoning Districts**

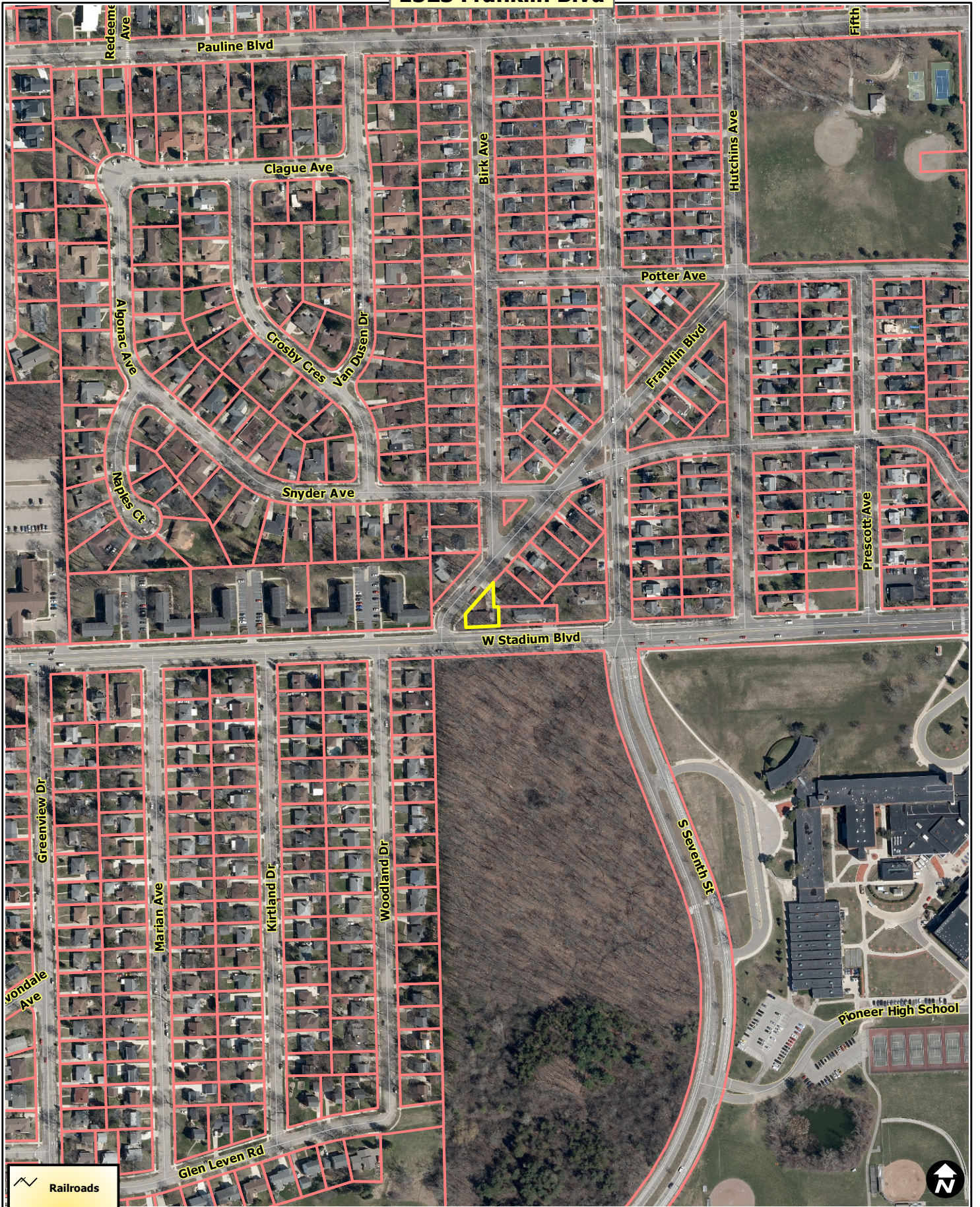
- Township Islands
- City Zoning Districts
- Railroads
- Huron River
- Tax Parcels






Map date: 10/1/2019  
 Any aerial imagery is circa 2018 unless otherwise noted  
 Terms of use: [www.a2gov.org/terms](http://www.a2gov.org/terms)



# 1323 Franklin Blvd



-  Railroads
-  Huron River
-  Tax Parcels



Map date: 10/1/2019  
Any aerial imagery is circa 2018  
unless otherwise noted  
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**1323 Franklin Blvd**



Birk Ave

Franklin Blvd

W Stadium Blvd

-  Railroads
-  Huron River
-  Tax Parcels



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# Section 1 City of Ann Arbor Planning Services – Zoning Board of Appeals Application

## VARIANCE REQUEST

ARTICLE(S) AND SECTION(S) FROM WHICH A VARIANCE IS REQUESTED: *(Example: Article 3, Section 5.26)*

Article IV, Section 5.19.2

REQUIRED DIMENSION: *(Example: 40' front setback)*

Feet:                      Inches:

PROPOSED DIMENSION: *(Example: 32 foot 8 inch front setback )*

Feet:                      Inches:

DESCRIPTION OF PROPOSED WORK AND REASON FOR VARIANCE:

Article IV, Section 5.19.2 requires 1 off-street parking space per 100 sq. ft. of Floor Area for a Personal Services

Services Commercial use. The proposed use of the building is a Beauty Salon and the Floor Area is 1,187 sq. ft.

Due to the small size and irregular shape of the parcel, it is not possible to provide 12 off-street parking spaces.

**The City of Ann Arbor Zoning Board of Appeals has the powers granted by State law and City Code Chapter 55, Section 5:29. A variance may be granted by the Zoning Board of Appeals only in cases involving practical difficulties or unnecessary hardships when all of the following statements are found to be true. Please provide a complete response to each of the statements below.**

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.

See attached.

The alleged hardships are 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.

See attached.

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.

See attached.

The conditions and circumstances on which the variance request is based shall not be a self-imposed hardship or practical difficulty.

See attached.

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

See attached.

ZONING BOARD OF APPEALS APPLICATION

Address of Property: 1323-1325 Franklin Blvd.

Parcel Number: 09-09-32-213-013

Attachment to Section 1 – Variance Request:

**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.**

Article III, Section 5.16.3(K)(2) of the Unified Development Code (“Code”) provides that Beauty Salons are the only permitted Personal Services in the Office zoning district. Article IV, Section 5.19.2 of the Code, requires one (1) off-street parking space per 100 sq. ft. of Floor Area for the proposed Beauty Salon (the Floor Area of the building is 1,187 sq. ft). Accordingly, the Code requires twelve (12) off-street parking spaces for the proposed Beauty Salon.

Due to the parcel’s small size, irregular shape, and small building envelope, the parking requirements of the Code are impossible to satisfy. The driveway can currently accommodate four (4) vehicles and while adding a few more spaces may be possible, four (4) parking spaces is more than adequate for the proposed Beauty Salon. Any additional parking spaces would never be used and therefore would only reduce the neighborhood character of the area, decrease green space, and increase the amount of impervious surface and stormwater runoff.

Accordingly, the Code’s parking requirement of twelve (12) off-street parking spaces is a hardship as it would render the property purchased as a Beauty Salon unusable. The granting of a variance would maintain the neighborhood character of the area and would permit a less intensive non-conforming use than currently exists.

**The alleged hardships are 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.**

If the variance is not granted, we will not have a place to continue our longstanding Ann Arbor business that we built over the last 37 years. We purchased the building with the sole intention of it being a more affordable space to conduct our business as our business has downsized through the years. We are planning to pay the mortgage with the money we make from running and operating the beauty salon. The proposed use is consistent with character of the neighborhood and has a less detrimental effect on neighboring properties than the existing non-conforming use.



ZONING BOARD OF APPEALS APPLICATION (continuation)

Address of Property: 1323-1325 Franklin Blvd.

Parcel Number: 09-09-32-213-013

**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.**

In granting the variance, substantial justice will be done in that a business that has been a part of the community for nearly 40 years and has a stellar reputation will be allowed to continue. The neighborhood will gain an excellent neighbor in both the meticulous way we maintain the property, and the quiet way in which we conduct our business.

The proposed Beauty Salon will be less of an intrusion to the neighborhood than the existing medical/dental non-conforming use as we have only two stylists, see clients by appointment only, and have no plans for expansion. Therefore, our business plan allows us to control the flow of clients and in turn our parking needs.

The salon currently operates on Tuesdays, Wednesdays, and Thursdays from 8am to 5pm and on Fridays from 9am to 1pm. The salon is not open on nights or weekends. We intend to maintain our current hours of operation.

Our clients are long standing members of this community and by not granting the variance, not only will we be forced to close our business, but we will be unable to serve the community that has counted on us for decades.

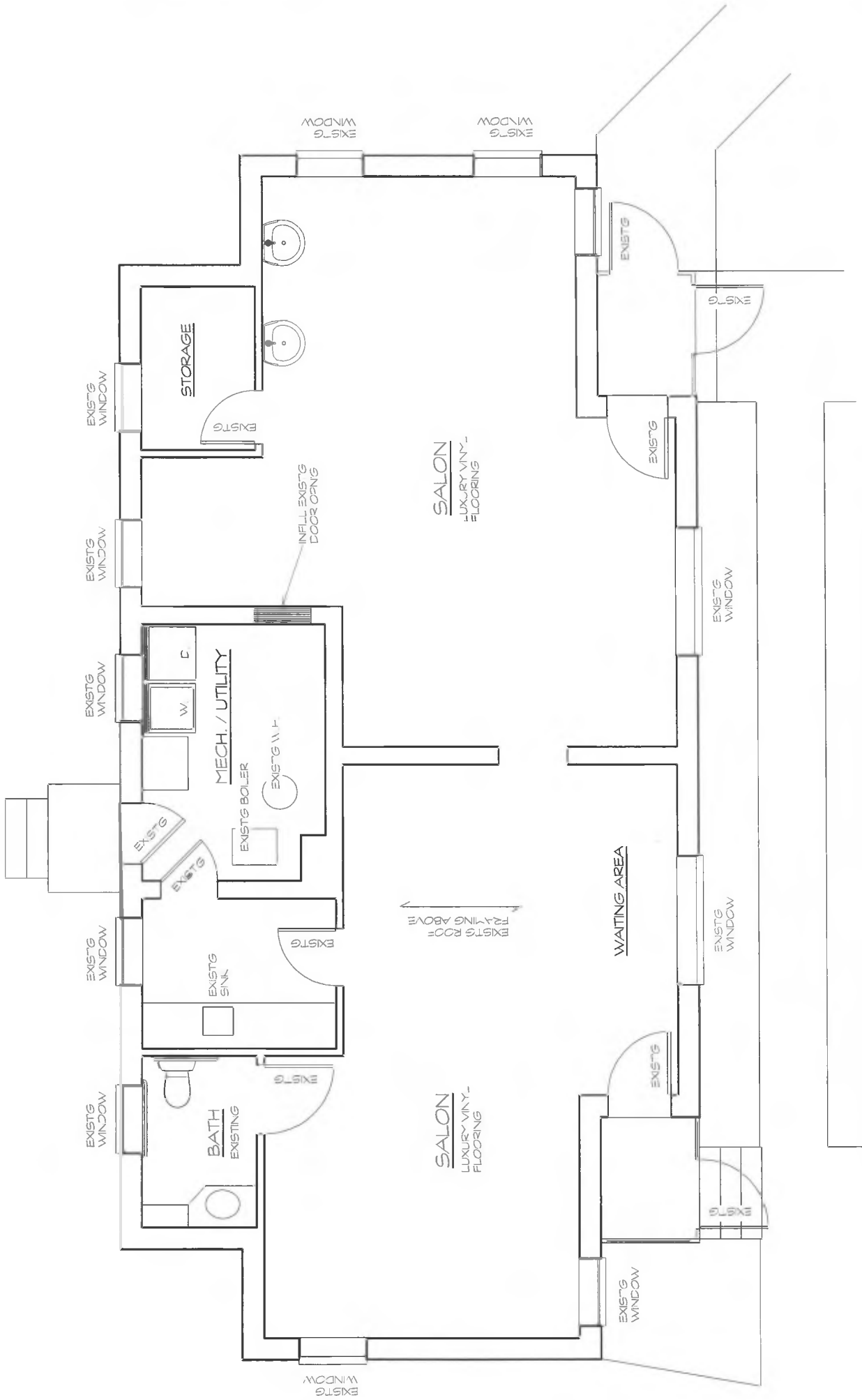
**The conditions and circumstances on which the variance request is based shall not be a self-imposed hardship or practical difficulty.**

The variance request is not self-imposed as our research before we purchased the property stated that the property was zoned for a Beauty Salon, which we confirmed both by contacting the City and reviewing the Code. Additionally, we were informed by the seller, via the Seller's Disclosure Statement, that there are currently 4 parking spaces in the driveway and that a parking variance was in place for the non-conforming use.

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

The minimum variance will be sufficient as the current parking layout of four (4) off-street parking spaces more than meets our parking needs.

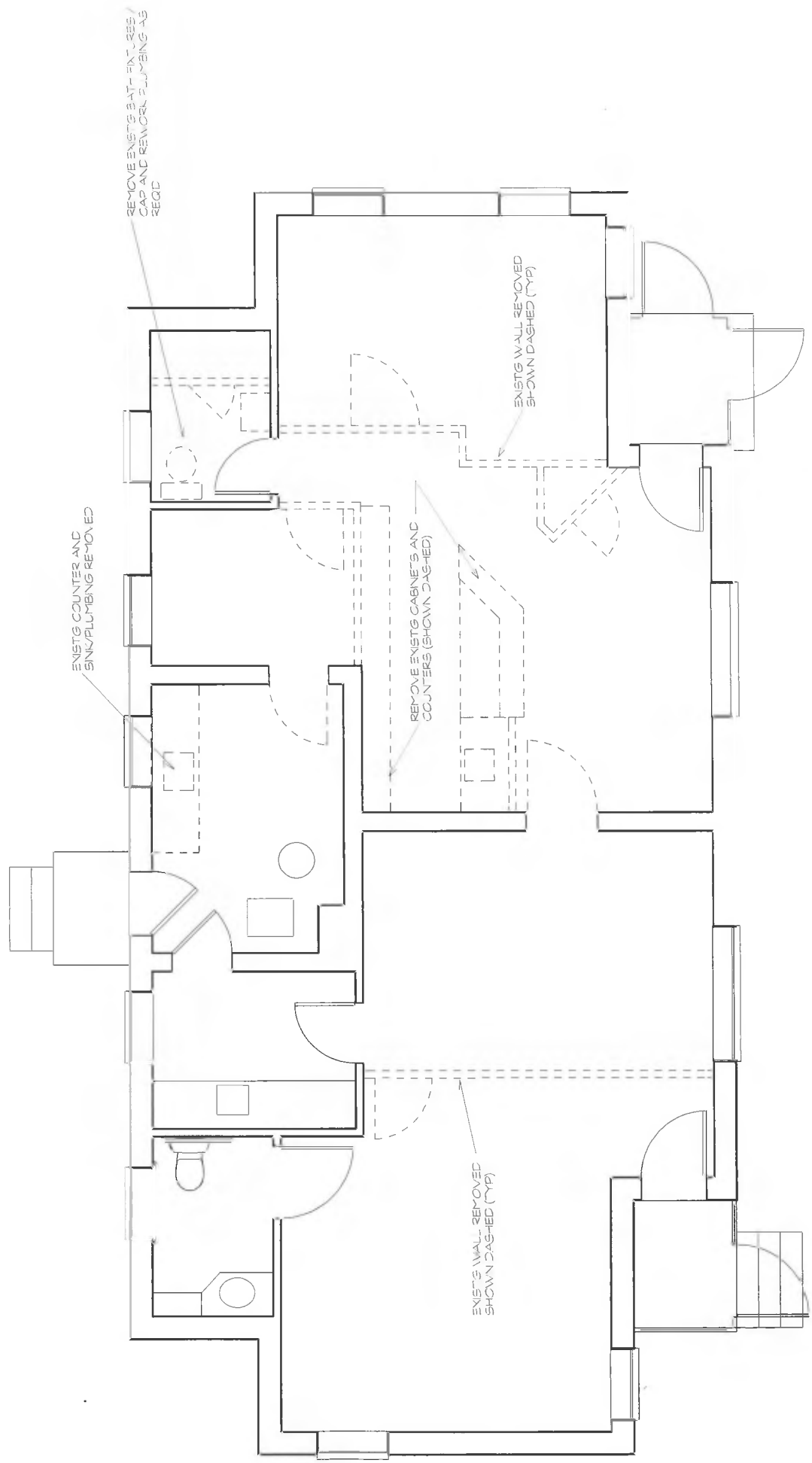




**FIRST FLOOR PLAN**

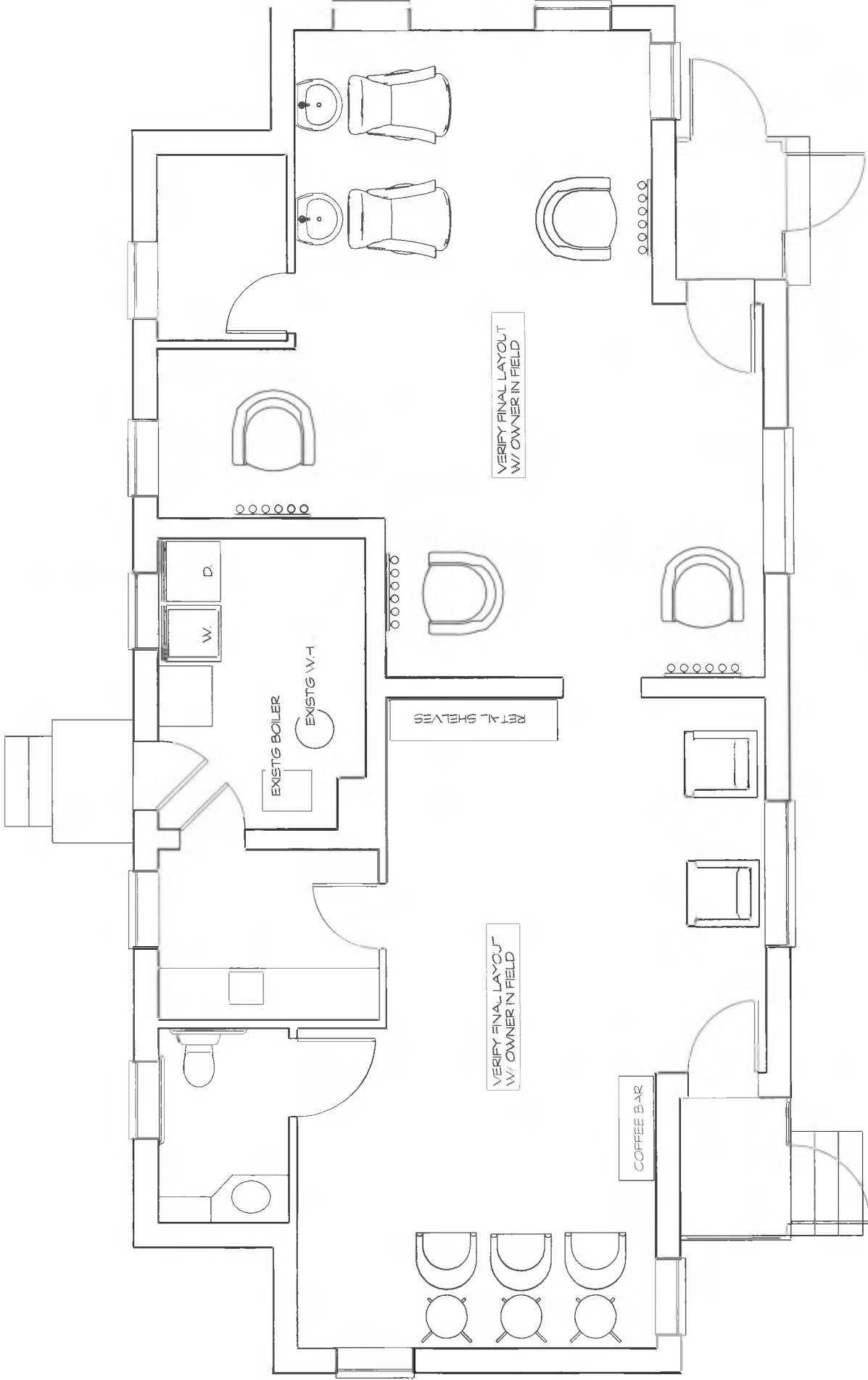
SCALE: 1/4" = 1'-0"





# FIRST FLOOR DEMOLITION PLAN

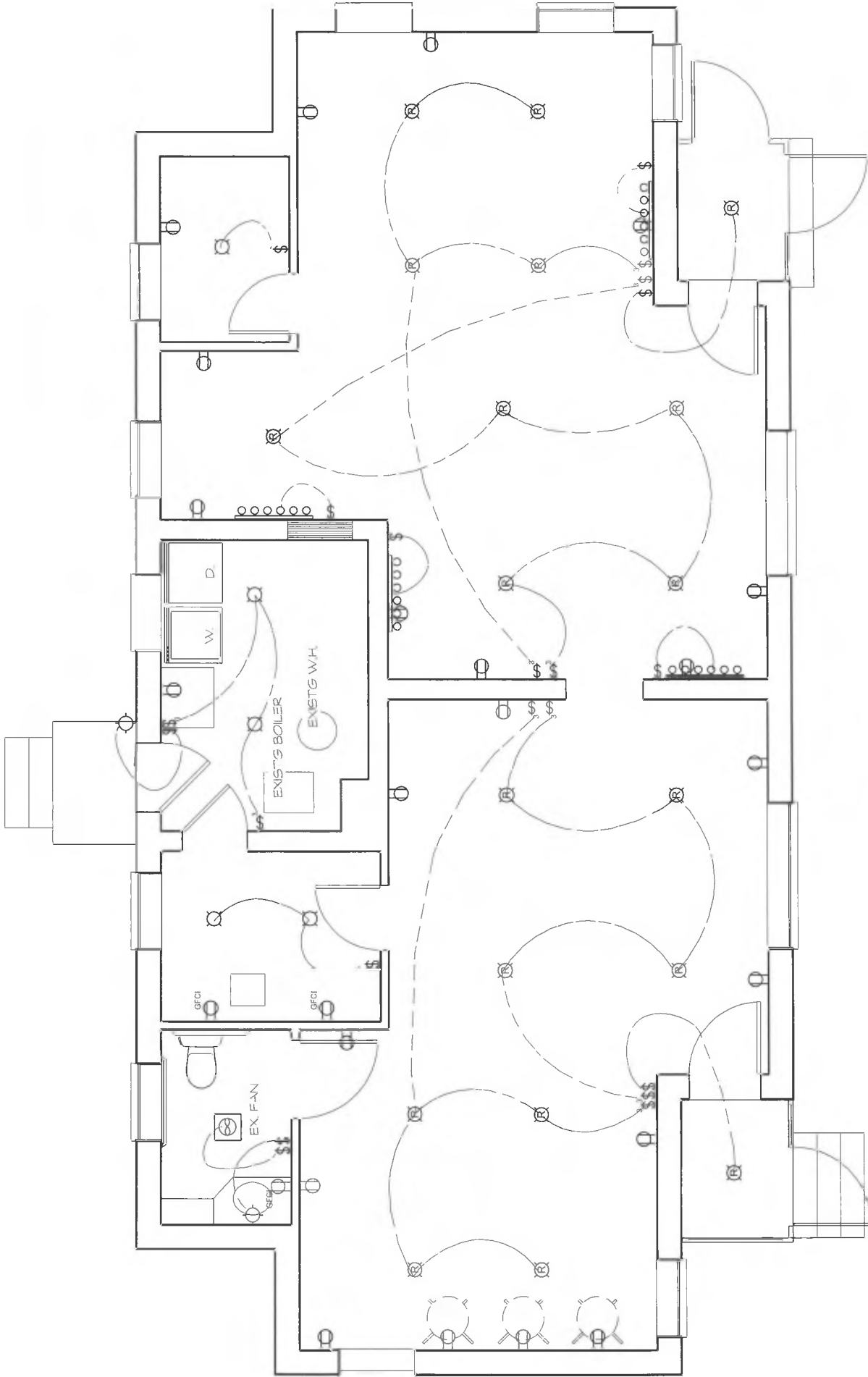
SCALE: 1/4" = 1'-0"



FURNITURE / EQUIPMENT LAYOUT

SCALE: 1/4" = 1'-0"





FIRST FLOOR ELECTRICAL PLAN

SCALE: 1/4" = 1'-0"









