

**Zoning Board of Appeals
October 23, 2024, Regular Meeting**

STAFF REPORT

Subject: ZBA 24-0035; 1207 Roosevelt Avenue

Summary:

James Smiley, property owner, is seeking a variance from Table 5.17-3 Multiple-Family Residential Zoning District Dimensions. The property is zoned R4C, Multiple-Family Residential District and requires a minimum lot area of 8,500 square feet and a side yard setback of 12 feet. The subject parcel is 6,926 square feet in area. The applicants are proposing to construct a two-story, six bedroom rental house that will require a 1,574 square foot area variance and a seven foot variance from the side lot line.

Background:

The subject property is located on the north side of Roosevelt Avenue between Church Street and South Forest Avenue in the North Burns Park neighborhood. The existing residence was constructed in 1910 and is approximately 1,010 square feet in size.

Description:

The property owners are proposing a two-story six bedroom four bathroom home on the existing nonconforming parcel. The owners have stated the existing four bedroom rental will remain but the detached garage at the rear of the property will be demolished. The proposed new residence will be located five feet from the eastern lot line and will require a seven foot variance from the required side yard setback.

According to the Assessors office the parcel was combined prior to 1964 as their records do not reflect the combination from that year to present and their records do not pre-date 1964.

Section 5.32.3 (D) Nonconforming Lot (below) requires the parcel to be reviewed as one parcel.

Section 5.32.3 Nonconforming Lot

Where the owner of a Nonconforming Lot does not own and cannot reasonably acquire sufficient land to enable the owner to conform to the requirements of this chapter regarding Lot Area, Lot Width, or both, such a Nonconforming Lot may be used by such an owner under the following conditions.

Permitted Use

1. A Nonconforming Lot in a Single-Family or Two-Family Residential District may be used for Single-Family use.
2. **A Nonconforming Lot in a Multiple-Family Residential District may be used for Single -Family use.**
3. A Nonconforming Lot in a mixed use district may be used for any permitted Principal Use in the O Office district.

Section 5.32.3 (D) Two Abutting Lots

Where two abutting Lots are under the same ownership, and where one or both of those Lots are nonconforming, the Lots shall be considered as a single Nonconforming Lot subject to all the provisions of this section.

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: "Parcel Number: 09-09-33-223-011 (1207 Roosevelt Ave) consists of lots 16 and 17 as described in "Judson's Second Addition to the City of Ann Arbor". The property is currently zoned R4C and would allow for a multi-family dwelling, however, I would like to preserve the original home built in 1910 and build an additional structure on the empty lot 17."

- (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: "There will be no personal alleged practical difficulties if this variance is not granted. However, additional student housing units would not be available to the Ann Arbor student community, where demand continues to exceed supply."

- (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 property is in a student housing rental neighborhood. Allowing this variance would simply create more student housing for the City of Ann Arbor, while maintaining the integrity of the original neighborhood. The building would be consistent with the neighborhood aesthetic and be almost identical in appearance to the student rental home located at 1211 Roosevelt, which sits on on a parcel of land equal to the variance requested."

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

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Applicant response: *"The conditions and circumstances of this variance will not impose any practical difficulties."*

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

Applicant response: *"This minimum variance will make a reasonable use of the land possible."*

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**