

**Zoning Board of Appeals
June 26, 2024, Regular Meeting**

STAFF REPORT

Subject: ZBA 24-0022; 618 Stratford Drive

Summary:

Ventures Design, representing the property owner, is seeking a 10 foot variance from Section 5.18.5 Averaging an Established Front Building Line. The owners are proposing to construct a pool in the average front setback. The established average front setback is 40 feet, and a variance is being sought to allow for the construction to take place in the front setback area. The property is zoned R1B, Single Family Dwelling District.

Background:

The subject property is located at the southeast corner of the Hill Street and Avon Road intersection in the Angell neighborhood. The home was built in 1950 and is approximately 2,804 square feet in size. The lot comprises 18,730 square feet in area.

Description:

The owners are proposing to construct a crescent shaped pool behind the home in the average front setback. The pool will be surrounded by a four foot tall aluminum fence.

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 is unique to the city. The property is on a corner and has frontage on 3 roads, Hill St, Avon Rd., and Stratford Drive. Because of this, the back and side yards are considered "front yards" by the city, and it is not possible to build a pool that is common to properties in the rest of the city."*

- (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: *"Pools are an allowable structure in this district per ordinance and strict compliance with the setback leaves the homeowner without any yard space to enjoy the same property rights possessed by other properties in the same zoning 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: "Other homeowners in the neighborhood have pools and denying this variance would deprive the homeowner rights commonly enjoyed by other property owners. What we are proposing is a permitted use structure and the current zoning ordinance is prohibiting the owners their privilege/right that their peers in the community enjoy."

- (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 difficulty with the property is due to the unique shape of the property fronting on 3 roads."

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

Applicant response: "The variance will allow the pool to be built in the rear of the property and still maintain a setback of 30' from the "front" property lines. Per ordinance pools are allowed 3' from side and rear lot lines so we believe this is a reasonable request given the circumstances."

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Jon Barrett".

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