

**Zoning Board of Appeals
August 28, 2024, Regular Meeting**

STAFF REPORT

Subject: ZBA 24-0027; 2951 Kimberley Road

Summary:

Connie Berry, representing the property owner, is seeking a variance of 2,478 square feet from Table 5.17-1 Single-Family Residential Districts. The variance would allow for a land division of three lots that would be approximately 6,400 square feet in area. The parcel size is currently 19,122 square feet in area and three parcels in the R1C district would require a minimum lot size of 21,600 square feet. The property is zoned R1C, Single-Family and requires a minimum lot area of 7,200 square feet per parcel.

Background:

The subject property is located on the east side of Kimberley Road and is in the Allen neighborhood. The residence that existed since 1925 was recently demolished after a demolition permit was approved. The parcel is currently vacant.

Description:

Table 5.17-1 Single-Family Residential Districts requires a minimum lot size of 7,200 square feet in area and a parcel width of 60 feet. The proposed land division will create two new lots (3 total) that have 65 foot widths at the street. The applicant has stated that three new single-family homes are intended to be constructed.

TABLE 5.17-1: SINGLE-FAMILY RESIDENTIAL DISTRICTS									
Other use and development standards also apply and may supersede or effect the requirements in this table, such as Sections 5.16 Use Specific Standards, 5.18 Special Dimensional and Site Layout Standards, 5.19 Parking Standards and 5.20 Landscaping, Screening, and Buffering.									
DISTRICT	MIN. LOT AREA PER DWELLING UNIT	MIN. BUILDING SPACING	REQUIRED SETBACK				MAX. HEIGHT	LOT DIMENSIONS	
			MIN. FRONT	MIN. ONE SIDE	MIN. TOTAL OF TWO SIDES	MIN. REAR		MIN. AREA	MIN. WIDTH
AG	100,000 sq. ft.		40 ft. [A][B]	10% of lot width	20% of lot width	50 ft.	30 ft.	100,000 sq. ft.	200 ft.
R1A	20,000 sq. ft.	[C]	40 ft. [A]	7 ft.	18 ft.	50 ft.	30 ft.	20,000 sq. ft.	90 ft.
R1B	10,000 sq. ft.	[C]	30 ft. [A]	5 ft.	14 ft.	40 ft.	30 ft.	10,000 sq. ft.	70 ft.
R1C	7,200 sq. ft.	[C]	25 ft. [A]	5 ft.	10 ft.	30 ft.	30 ft.	7,200 sq. ft.	60 ft.
R1D	5,000 sq. ft.	[C]	25 ft. [A]	3 ft.	6 ft.	20 ft.	30 ft.	5,000 sq. ft.	40 ft.
R1E	4,000 sq. ft.	[C]	15 ft. [A]	3 ft.	6 ft.	20 ft.	30 ft.	4,000 sq. ft.	34 ft.

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: "The existing lot is 19,207.5 square feet. The variance proposal is to divide the lot to become three lots, each with 6,400 square feet which is below the required 7,200 square feet. The existing lot could potentially be divided into two lots of 9,600 square feet each, but those lots would be larger than a typical lot on this street, driving up costs so that each proposed new home would be more expensive. 6,400 square feet is closer to the average than 9,600. Dividing into the three lots affords the opportunity to build three new single family homes for Ann Arbor."

- (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 intent for the lot division to build three new single family homes to be sold. The price point for resale of the homes will be lower if there are three houses and lots than if there were two houses and lots. Three lots allows for more affordable housing than two lots. Allowing the variance will allow for more houses to be built, which will bring down the sale price of each house."

- (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 allow for more houses to be built, which will bring down the sale price of each house."

- (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 of the property wishes to build three new homes for resale to provide more single family housing for Ann Arbor. This variance is required to do so."

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

Applicant response: "The minimum variance being requested is the minimum that is required to split the lot from one lot to three lots."

Zoning Board of Appeals
August 28, 2024

Respectfully submitted,

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

Jon Barrett- Zoning Coordinator
City of Ann Arbor