

**Zoning Board of Appeals
October 22, 2025, Regular Meeting**

STAFF REPORT

Subject: ZBA25-0032; 520 Soule Boulevard

Summary:

Theresa Angelini, representing the property owner, is requesting a variance of 179.6 square feet from Section 5.16.6 (D) Accessory Uses and Structures. If granted, the variance will allow a two-story detached garage with an Accessory Dwelling Unit (ADU) above to exceed the allowable 35% rear open space requirement for accessory buildings and structures. The maximum allowed building footprint in the rear open space on this corner lot is 241 square feet. The proposed two-story garage (ADU) will have a footprint of 420.6 square feet in the rear open space. The property is zoned R1D, Single-Family Residential.

Background:

The subject property is on a corner lot on the west side of Soule Boulevard south of West Liberty Street in the Eberwhite neighborhood. The parcel is at the intersection of Soule Boulevard and Wakefield Avenue. The home was constructed in 1929 and is approximately 1,917 square feet in area. The parcel contains 7,710 square feet.

Description:

The rear open space for the subject property is 20'x34.43' (687s.f). The maximum allowed impervious building footprint is 241 square feet. The total footprint of the detached structure is 613.4 sf but only 420.6 sf of that will be in the rear open space. The south side of the building will be six feet from the rear lot line and the west side will meet the required 3-foot side yard setback. The entrance to the garage will face Wakefield Avenue.

The ADU will resemble an efficiency apartment as there will not be a dedicated bedroom. The ADU will have an office/living area, a small kitchen, a bathroom and murphy bed.

Section 5.16.6

In Residential Zoning Districts and P District

Accessory buildings in these districts shall conform to the following regulations, except as may otherwise be provided in this chapter:

- a. *Accessory buildings* shall not exceed 21 feet in *height*, except in the R-6 District *accessory buildings* shall not exceed 15 feet.
- b. *Accessory buildings* shall not be erected in any *front required setback area*.
- c. Detached *accessory buildings* may occupy the *side required setback area* provided that such *buildings* are set back farther from the Street than any part of the *principal building* on the same *lot* and any part of the *principal building* on any *lot* abutting said *side*

required setback area. Accessory buildings shall not be located closer than three feet to any lot line.

- d. *Accessory buildings may occupy rear required setback areas provided that such buildings do not occupy more than 35% of the rear required setback area and are not closer than three feet to any lot line.*

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 site is on a corner with two front yard setbacks. There is an easement from the DTE power lines along the west end of 6 ft. The averaged front yard setback is 32.57 ft, which is greater than the R1D setback of 25 ft and this affects the buildable area in the rear yard setback, limited by the 35% coverage."*

- (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: *"Granting this variance allows the owner to provide her counseling services within a space that is detached from her home, yet still convenient. It also provides the flexibility to have a family member or caretaker live on site, separately, as they age. And this would allow the owners to have a new garage that has proper foundations."*

- (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 City wants to provide more housing and denser neighborhoods and this project is an example of a small living unit that fits discreetly into the neighborhood while being in scale with the original housing stock."*

- (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 corner site, DTE power lines above grade, and deeper averaged front yard setback were not self-created."*

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

Applicant response: *"An ADU of 800 SF would be allowable on this site but we are requesting a variance to build an ADU of 585 SF. A typical double car garage is approximately 625 SF but we are requesting a variance to build a single car garage of 424 SF."*

Respectfully submitted,

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

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