

**Zoning Board of Appeals
September 28, 2022 Regular Meeting**

STAFF REPORT

Subject: ZBA 22-2016; 700 Barton Drive

Summary:

Rodger Bowser, property owner, is requesting relief from Section 5.32.2 Alteration to a Nonconforming Structure and a variance of 14 feet 9 inches from Section 5.18.5 (Averaging an existing front setback) to construct a detached single-car garage along Chandler Road. The required averaged setback is 35 feet. The property is zoned R1C, Single-Family Dwelling District.

Background:

The subject property is located at the southeast corner of the intersection of Barton Drive and Chandler Road. The residence was built in 1948 and is approximately 902 square feet.

Description:

The proposed single-car garage will measure 13 feet by 20 feet for a total of 260 square feet. The structure will conform to the front setback along Barton Drive. The structure will extend into the 35 foot averaged front setback along Chandler and will be accessed via an existing driveway from Barton.

The existing structure is nonconforming as it does not meet the required average front setback of 35 feet along Chandler. The existing structure does meet the 25 foot front setback before the averaging section is applied. The property is a triangle shape due to the angle of Chandler Road and the new garage will align parallel to Barton Drive which minimizes the impact along Chandler Road. The proposed garage will increase the encroachment into the averaged front setback to 14 feet and 9 inches.

Standards for Approval- Alteration to a Nonconforming Structure

The Zoning Board of Appeals has all the power granted by State law and by Section 5.32.2, Application of the Variance Power from the UDC. The following criteria shall apply:

- A) The alteration is approved by the Zoning Board of Appeals upon a finding that it complies as nearly as practicable with the requirements of this chapter and that it will not have a detrimental effect on neighboring property.

The proposed garage addition will be constructed along the same plane for the Barton Drive frontage and there is an existing drive in this location. The corner lot setbacks and angled parcel shape limit the buildable area without removing large trees on the parcel. The proposed garage will not adversely impact adjacent properties. The home will remain a single-family use and will not encroach further into the setback that are adjacent to neighboring houses.

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.***

It is difficult to add any accessory structures to the property without going over setbacks.

The parcel is a triangular shape corner lot with two front setbacks, the averaging front setback requirements makes the existing house non-conforming.

- (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.***

Given the narrow corner lot and the way the house is positioned, there is no side yard or back yard, the entire lot is frontage on two sides. Another condition that is unique is that the house was built with two driveways and curb cuts.

- (c). ***That allowing the variance will result in substantial justice being done, considering the public benefits intended to be secured by this Chapter, the Practical difficulties 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.***

Practical difficulties would be not being able to add any square footage to the lot, other possible locations for an accessory structure would also result in request for variance and removing large mature tree as well as repaving part of the yard an possible curb cut.

The size of the proposed structure is only for a single car garage which is in the area furthest from any adjacent properties. A conforming structure could be built in the rear but would require a mature tree and landscaping to be removed, this would have more of an impact and be more visible to the adjacent properties.

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

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No corner sight lines will be infringed upon. This would increase density to this lot by adding an accessory/garage, the existing attached garage can be turned into livable space. The current house does not have the space in the lot to do any livable addition without major tear down and construction.

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

Three or four other lots with in 2 blocks have 24 foot setbacks for frontage and they all happen to be corner lots. One corner lot a block away is 21 foot setback. This request would be similar setbacks to other corner lots in the same neighborhood and zoning

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Matt Kowalski', written in a cursive style.

Matt Kowalski AICP
City Planner, City of Ann Arbor