

**Zoning Board of Appeals  
March 22, 2023, Regular Meeting**

**STAFF REPORT**

**Subject: ZBA 23-0003; 1012 Hill Street**

**Summary:**

Robb Burroughs AIA of O/X Studios, representing property owner, are seeking a variance from Section 5.20 Landscaping, Screening and Buffering. A 15- foot Conflicting Landscape Use Buffer is required along the west side of the property where a shared driveway is located and a variance on the south side of the lot which is currently being used for parking. Relief from Section 5.32.2 Alteration to a Nonconforming Structure is being requested as the structure is being converted from three to four units. The existing structure contains three units with 19 total occupants. The petitioner seeks to increase to four units with 23 occupants. The property is zoned R4C, Multiple Family Dwelling District.

**Background:**

The subject property is located on the south side of Hill Street west of East University Avenue across the street from the University of Michigan's campus. The residence is approximately 3,831 square feet in size and was built in 1910. The parcel is conforming for the lot area, width and front and rear setbacks. The residence does not meet either of the required 12 foot side setbacks.

**Description:**

The residence currently contains three dwelling units. The basement unit has four bedrooms with six occupants, the first floor unit has two bedrooms with four occupants and the third unit occupies the second and third floors with nine bedrooms and nine occupants for a nonconforming group quarters unit. The proposed changes include a six bedroom basement unit, a six bedroom first floor unit, a six bedroom second floor unit and the five bedroom third floor unit. The new construction will occur within the footprint of the home and there are no new additions proposed.

**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.***

Applicant states the CLUB (Conflicting Land Use Buffer) requirement is mandated based upon the underlying R4 zoning abutting another residentially zoned property. This impacts the west and south lot lines. In the case of this property, both the west and south lot area are presently functioning as vehicular ingress/egress (in a shared capacity) or part of the defined parking zone. This situation is specific to layout and arrangement of this property.

- (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.***

If required, this lot and potentially the adjoining property which shares the driveway would no longer have vehicular access to the rear yard were parking is accommodated for the tenants. Additionally, introduction of the CLUB in the rear lot area would not allow for

maintenance of parking nor rubbish storage.

- (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.***

Granting this variance will allow for continued use and access of the current driveway and parking area. It will likewise allow for normal management and removal of rubbish.

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

The layout of the site (including driveways, parking, etc.) and the placement of the structure are all existing conditions. No new work beyond these existing conditions, apart from a building code compliant exterior stair, is being proposed. The request is predicated upon an existing condition.

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

Driveways for vehicular ingress and egress and areas for vehicle parking spaces are practical and necessary requirements for the reasonable use of the land. Eliminating one of or both through introduction of a CLUB would render the land unusable.

#### **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.

#### **Applicant added the following response:**

The property is located on the southside of Hill Street – to the north side of Hill and directly across the street is the University of Michigan Central Campus. Additionally, UM likewise owns the property to the immediate east. The remaining adjoining properties are all zoned R4C and are a combination of fraternity/sorority housing and large apartment buildings. For instance, 829 Tappan backs up to the rear yard of this site and has 28 apartments with 112 occupants. The increase from 19 to 23 occupants being proposed will have a negligible impact on the surrounding properties and neighborhood.

Respectfully submitted,



**Jon Barrett**  
**Zoning Coordinator**