

**Zoning Board of Appeals
February 26, 2025, Regular Meeting**

STAFF REPORT

Subject: ZBA 25-0003; 333 Mulholland Avenue

Summary:

Robin Edelstein, property owner, is requesting a variance of 144 square feet from Table 5.16-2 Lot Area and Floor Area Requirements for Accessory Dwelling Units (ADUs). If granted, the variance will allow for an ADU of 744 square feet to become a habitable space for the existing detached garage. The property is zoned R2A Two Family Dwelling District.

Background:

The subject property is located on the east side of Mulholland Avenue between West Washington Street and West Liberty Street in the Old West Side Historic District. The home was built in 1910 and is approximately 1,050 square feet in size. The lot area is 7,100 square feet in size which allows for a 600 square foot ADU.

Description:

A residential building permit (PB031880) was applied for on January 29, 2004, for a new detached garage along with interior remodeling to the existing residence and a new mudroom. The permit stipulated that the second story space on the second story of the garage was for a workout and office area. At the time, the ADU ordinance had not been adopted. The current owner of the property has applied for a building permit to construct a kitchenette in the second story garage area. The second story area is now finished and has a full bathroom also. The combination of the finished space, bathroom and future kitchenette along with the owner's desire to accommodate guests, qualifies the space as an ADU. The variance is required as the 744 square foot second story exceeds the allowable size ADU for the lot area.

Standards for Approval- Alteration to a Nonconforming Structure

The Zoning Board of Appeals has all the power granted by State law and by Section 5.29.12, 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: *"I purchased this property in 2021; it included a detached garage with an approximately 750 sqft. living space above. The space currently includes a bathroom and electricity/water hookups. It is not currently being used as a living space, but I would like to add a kitchenette for my own and guests' use. Because doing so means that the space becomes an "ADU", I need to request this variance but will not be making any changes to the outside of the property. I also won't be making any changes to the inside other than the kitchenette, and I do not*

currently plan to house anyone in this space aside from occasional overnight guests."

- (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: *"Practically, not being allowed to add this kitchenette will make it less usable for my own purposes and for guests. It would also prevent me from being able to increase my property value in the event that I sell my home. I was not aware of the limitations of this space when I purchased the property and would like to alleviate this concern for any future transactions."*

- (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 this variance would have no effects on any neighboring properties, as I currently use the space daily as it is and nothing will visibly change from the outside."*

- (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: *"I'm not entirely sure what this means but my understanding is that I cannot make any meaningful changes to this space, which again I am currently using daily, without it becoming an "ADU"."*

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

Applicant response: *"The current structure is approximately 144 sf larger than allowed for an ADU given my property size. I'm not looking to enlarge the space in any way, just to add a sink, refrigerator, and shelving."*

Respectfully submitted,



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