

**Zoning Board of Appeals  
December 3, 2025, Regular Meeting**

**STAFF REPORT**

**Subject: ZBA25-0024; 2201 Lafayette Road**

**Summary:**

Saurabh Kumar, property owner, is requesting a variance of 5.75 feet from Table 5.17-1 Single-Family Residential Zoning District Dimensions. If granted, the variance will allow the existing 200 square-foot pergola in the side yard remains 1.25 feet from the side lot line. The property is zoned R1A, Single-Family Residential District and requires a minimum side yard setback of seven feet.

**Background:**

The subject property is located at the intersection of Concord Road and Lafayette Road. The parcel is north of Geddes Avenue in the Angell neighborhood. The home was constructed in 2013 and is approximately 3,090 square feet in size. The parcel is 21,039 square feet in area.

**Description:**

A Zoning Compliance permit was not obtained for the pergola prior to installation. A permit has subsequently been applied for, and a survey has since been completed. The survey indicates the structure is 1.25 feet from the side lot line at its closest point.

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: "2201 Lafayette Rd. (R1A) was created by a two-parcel split in January 2013, producing an irregular lot with no traditional backyard and only a narrow, usable open area behind the house that has privacy necessary for it to be a functional backyard. Because of that geometry and the home's placement, there are very few feasible, code-oriented locations for a modest shade structure that can provide standard backyard usage. Our 10'x20' pergola (two 10'x10' Mirador louvered aluminum modules) is in the only flat, utility-free area, about 1.5 ft from the side lot line, facing east and screened by a fence that runs along the whole property line. These conditions are peculiar to this parcel rather than common citywide or even in the neighborhood. In fact, houses in the immediate vicinity and neighborhood have well defined backyards with adequate privacy."

- (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: "Requiring full compliance here (moving from ~1.5 ft to a greater side-setback distance) would effectively preclude a functional placement within the only usable yard area, given the post-split lot geometry, existing house/patio placement, and the pergola's modular frame. Relocation would require significant demolition and repair of the patio; even then, the geometry leaves no workable spot and a relocation would result in a functionally unusable structure. This is more than mere inconvenience; it would deny ordinary, permitted residential use of modest shade on a uniquely constrained lot. Michigan law confirms that ZBAs may grant nonuse (dimensional) variances "related to dimensional requirements."

- (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: "A limited side-yard variance for this open, low-mass pergola achieves substantial justice. Its adjustable-louver design is open-air (not a solid wall), protecting light, air, and neighborhood character. It is more than 15–20 ft from the nearest neighbor windows on the east side and screened by a fence, so no adverse impacts to privacy, light, or views are anticipated. In any case, moving the pergola by a few feet will not change privacy, light or view for neighbors. This request is a site-specific relaxation that balances the zoning ordinance's public purposes with this parcel's unique constraints."

- (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: *"A limited side-yard variance for this open, low-mass pergola achieves substantial justice. Its adjustable-louver design is open-air (not a solid wall), protecting light, air, and neighborhood character. It is more than 15–20 ft from the nearest neighbor windows on the east side and screened by a fence, so no adverse impacts to privacy, light, or views are anticipated. In any case, moving the pergola by a few feet will not change privacy, light or view for neighbors. This request is a site-specific relaxation that balances the zoning ordinance's public purposes with this parcel's unique constraints."*

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

Applicant response: We seek only the minimum relief necessary to keep a small, open pergola functional in the sole area that operates as a usable backyard. We are willing to accept conditions—for example, maintain open-air/louvered design (no solid walls) and a reasonable height cap—to ensure compatibility."

Respectfully submitted,

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

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