

**Zoning Board of Appeals
February 25, 2026 Regular Meeting**

STAFF REPORT

Subject: ZBA26-0001; 404 West Huron Street

Summary:

Hugo Ceron, representing property owner, is requesting a variance from Table 5.19-2: Special Parking District Requirements. A variance of one EV-Installed and nine EV-Capable parking spaces is requested to provide ten new parking spaces in the floodway. When new parking is provided in special parking districts, 90% of spaces must be EV-Capable and 10% must be EV-Installed. An associated site plan (SP25-0018) is currently under review. The property is zoned D2, Downtown Interface and R2A, Two-Family Dwelling. As part of the site plan, a rezoning is proposed to zone the entire site D2, Downtown Interface. Associated addresses: 390, 400, 404, 410, and 416 West Huron Street.

EV-I Parking Spaces are parking spaces with an operational electric vehicle charging station.

EV-C Parking Spaces are parking spaces having a capped cable/raceway connecting the parking space to an installed electric panel with a dedicated branch circuit(s) to easily install the infrastructure and equipment needed for a future electric vehicle charging station. The dedicated branch circuit panel space shall be stenciled or marked legibly with the following text: Future Electric Vehicle Charging Circuit.

Background:

The subject property is located on the north side of Huron Street, east of Chapin Street and directly west of the railroad. There are multiple buildings on site, most of which are shown on the 1931 Sanborn Fire Insurance Map, when the complex was operating as the Artificial Ice Co. ice plant. This property is directly adjacent to the Old West Side Historic District but is not part of the district. It appears that there have not been substantive changes to the structures on site since their construction, so there are some existing non-conformities, namely the buffer with the residential zoning to the west.

There have been recent upgrades to the parking lot, which was reconfigured after a site plan was approved in 2020 (SP19-03). At the time, the ZBA granted a variance from the requirement of two additional street trees along West Huron (ZBA20-035).

Description:

The current site plan under review (SP25-0018) proposes to expand the parking lot with ten new spaces, as well as stormwater improvements. There are no proposed changes to the buildings on site.

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:

In the case of an application for a variance from the parking requirements of Section 5.19, a variance may be granted if the variance is in harmony with the general purpose and intent of the requirements.

- (a) **The alleged practical difficulties are exceptional and peculiar to the property of the Person requesting the variance, and result from conditions that do not exist generally throughout the City.**

The site of the proposed improvement to parking area in question is located entirely within regulated floodplain with a substantial portion located in the floodway and further located on top of the County's enclosed portion of the Allen Creek Drain. City of Ann Arbor reviewing staff members have indicated that any EV charging equipment would be required to be installed above the flood protection elevation. In this case, any EV charging equipment would be required to be installed approximately 5-8' higher than the existing surface of the ground. As such, installation is impossible and/or impractical due to the unique and peculiar nature of this property which are long-standing and unrelated to any of the proposed parking lot modifications.

- (b) **The alleged practical difficulties that will result from a failure to grant the variance, include substantially more than mere inconvenience, inability to attain a higher financial return, or both.**

The property owner is seeking to pave an area presently consisting of unpaved travel path and parking areas. Such an improvement would be consistent with the purposes of the Unified Development Code in bringing the property into greater compliance with applicable standards. Requiring EV charging equipment to be installed when such an installation is impossible or impractical due to the requirement that any charging equipment be located 5-8' higher than the surface of the ground is not a mere inconvenience but would render any efforts to improve the parking lot impossible and would also eliminate the possibility of improving the site with additional landscaping, buffering, and paved parking (all of which are benefits to the City and result in greater compliance for this site under today's ordinances and requirements).

- (c) **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.**

By allowing the project to proceed with a variance, the Zoning Board of Appeals would be recognizing the practical difficulties – if not impossibilities – of installing EV charging equipment 5-8' above the surface of the ground. The improvements to the parking area (including additional landscaping, buffering, and paved – rather than unpaved parking) will result in an improved functionality of the property, increased compliance with present day codes and requirements, and will result in area much more visually and operationally attractive to the users of the property in question as well as for the neighboring property owners. No objections have been received by the property owner at public input opportunities and substantial justice would be served through the issuance of a variance given the unique nature of the property and its relationship to floodplain and floodway issues.

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

The property owner has not created the unique site circumstances that exist relating to the floodplain, floodway, or location of the enclosed Allen Creek Drain. The challenges with compliance with the EV charging requirements are not in any way self-created by the property owner. In fact, the property owner desired the placement of EV charging stations previously and pursued grant funding to explore the possibility of placing EV charging stations at the property (prior to the current City requirements); however, the site constraints including the floodway, floodplain, enclosed Allen Creek Drain and the location of numerous public utility easements in the area resulted in the project being denied grant funding and deemed impossible to carry out due to the site constraints.

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

Given the nature of the site and the issues described in prior responses, the property owner is requesting a variance from the requirement to place any EV charging equipment since such equipment would be required to be installed 5-8' above the surface of the ground and restrictions on the placement of equipment inside existing easements or the location of the Allen Creek Drain make such installation impractical or impossible.

Floodplain Reviewer Comments:

The entire parcel for 416 W Huron is the floodway of the Allen Creek.

The floodway is an area of the floodplain where the deepest and fastest moving water will occur during a flood event. Per the Unified Development Code, no new buildings are permitted within the floodway portion of the floodway and redeveloped buildings must meet the criteria of section 5.14.2H.4. One of the criteria is to have utilities elevated to the flood protection elevation. It is prudent to have utilities not associated with buildings also elevated or floodproofed to the flood protection elevation

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The flood protection elevation in this area is approximately 803 ft. The ground elevation on the parcel ranges from approximately 793 – 795ft. Because of the anticipated velocity of flood waters, flood heights, and the site-specific ground elevation of the parcel, it is not recommended to install EV chargers at this location.

Respectfully submitted,

Mariana Melin-Corcoran

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City Planner