

**Zoning Board of Appeals
February 28, 2024, Regular Meeting**

STAFF REPORT

Subject: ZBA 24-0001; 1294 Jewett Avenue

Summary:

Jeffrey Wynes, property owner, is seeking a variance of 63 square feet from Chapter 55, Table 5.17-1 Single-Family Residential Zoning Districts, Lot Area Minimum. The property is zoned R1B, Single-Family Residential, and is 19,937 square feet. Parcels in the R1B district require a minimum lot area of 10,000 square feet. The variance, if granted, will allow for approval of a Land Division and the creation of one 9,937 square foot parcel and one 10,000 square foot parcel.

Background:

The subject property is located on the south side of Jewett Avenue directly across the street from the Clonlara Private Day School. There is a one bedroom, one bathroom, 882 square foot home on the property currently. The home was constructed in 1920. The owner has stated the existing home will remain and there are plans to construct their pri

Description:

The owner has stated the existing home will remain and there are plans to construct a new primary residence. The existing detached garage will be demolished to accommodate the required 30 foot access easement to the newly created rear lot.

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: *"The variance is being requested to enable the construction of our primary residence, while retaining the existing house which conforms to the setback requirements. The total lot size is 19,937 S.F. (72.5 x 275). What is exceptional about our case is that the variance relative to the size of the lot is extremely minimal; only 63 S.F or 31.5 S.F. per parcel."*

"If the variance is approved, the existing garage will be removed to create drive-way access from Jewett Ave to the newly formed southern parcel where the primary home will be built."

- (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: *“If the variance is not approved, we would likely have to sell the parcel and forgo the opportunity to build a home in Ann Arbor. We are not in a position to use the existing 1BR home as our primary residence.”*

- (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: *“Approving the variance would increase housing supply by adding a newly built primary residence while retaining the existing 1BR house. The east-end of Jewett Ave is in a transitioning neighborhood with several large, underdeveloped lots. New-builds in the area will have a positive impact on the community by increasingly density and available housing inventory.*

Our plans are on-par with the trajectory of developments on Jewett Ave. The neighboring lot at 1282 Jewett Ave (immediately west of our lot at 1294 Jewett Ave) is currently undergoing a building project which mirrors the land-division plan that we are proposing. The 1282/1288 lot has been split in-half to build two new houses on two parcels, which would be almost identical to the dimensions and layout of our lot at 1294 Jewett Ave. In addition, the parcel that is two lots to the west of our lot at 1294 Jewett has also been divided into two (1270/1276 Jewett Ave).

In addition, precedent has been set for parcels sizes smaller than 10,000 S.F. on Jewett Ave; R1B zoning district. Specifically, 1318 Jewett Ave, which is just two parcels to the east of our lot at 1294 Jewett, has a house and garage on a 9,600 S.F. parcel (60x160). Based on the lay-out of 1318 Jewett Ave, it appears that the parcel immediately to the south was divided and transferred to 1908 Jewett Ave (the property immediately east of our lot at 1294 Jewett Ave).”

- (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 entered into a purchase agreement with the understanding that the parcel would meet the required 20,000 minimum square footage, based on the City of Ann Arbor public property records published by BS&Aonline.com, which lists the parcel at .461 Acres and 73 ft. x 275 ft; equating to 20,0075 S.F. However, after ordering a land survey, the parcel was assessed at .458 acres (19,937 S.F.). It is unclear to us which source provides the most accurate information about the square footage of the parcel. However, we are submitting a variance application based on the land survey.”*

- (e). ***A variance approved shall be the minimum variance that will make possible***

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a reasonable use of the land or structure.

Applicant response: *“The property only has a small 882 S.F. home on an extremely oversized parcel, which provides limited utility as a primary single family residence. The existing ranch home was built in 1920 and we would like to maintain the historic integrity of this home while making adequate use of the large lot.”*

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Jon Barrett". The signature is stylized and cursive.

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