



# City of Ann Arbor

## PLANNING & DEVELOPMENT SERVICES — PLANNING DIVISION

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### West Davis Avenue/West Hoover Street Area Rezoning Study

#### Zoning Information, Analysis & Preliminary Findings and Recommendations

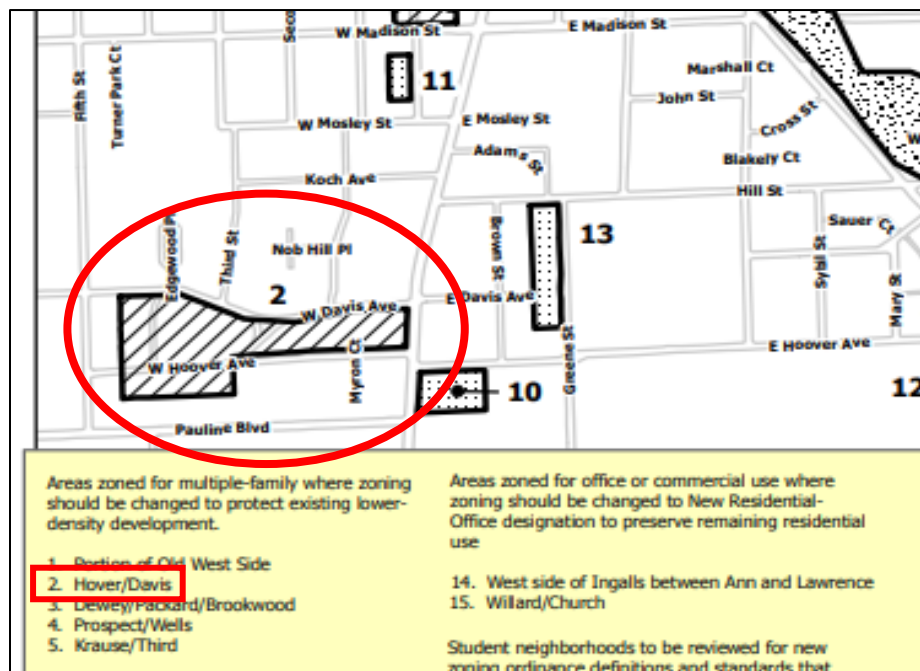
City Council directed staff to study the area of West Davis Avenue, West Hoover Avenue, Wilder Place, Edgewood Place and South Main Street for rezoning from R4C (Multiple-Family Dwelling) to R1D (Single Family Dwelling) or R1E (Single Family Dwelling) by approval of Resolution R-18-361 on September 4, 2018.

#### Study Area

The study area identified by City Council included the blocks on West Davis Avenue and West Hoover Avenue between South Main Street and South Fifth Street.

This area also generally corresponds to an area called out in the *Master Plan: Land Use Element* where the zoning designation “should be changed to protect existing lower-density development.”

Lots in the study area were created between 1917 and 1921 as part of the Edgewood Subdivision, the Wilder Addition, and the Allmendinger Height’s Addition plats. Buildings in the study area



Master Plan Land Use Element Area-Specific Recommendation Snip

average 80 years old (the average year of construction is 1938).

## Zoning Districts

Zoning is the regulation of land use. Cities, or any unit of local government, do this by adopting a zoning ordinance and zoning map. The zoning map divides the city into zones. The zoning ordinance provides the permitted and prohibited land uses and regulations for the placement, size, height and number of dwellings, buildings and structures in each zone.

Ann Arbor’s first zoning ordinance and map was adopted in 1923, with just 4 districts. Today’s ordinance was adopted in 1963 and has been amended dozens of times since. The city is now divided into 33 zoning districts. Among these 33 zoning districts, there are 5 single-family districts, 2 two-family districts, and 6 multiple-family districts. The remaining districts are for agriculture, mobile home park, office, business, downtown, hotel, parking, public land, research, office, and industrial uses.

Single Family Districts								
<b>Intent</b>	<i>Single family districts are intended for single-family detached homes, encouraging the preservation and continuation of the longstanding residential fabric of existing neighborhoods.</i>							
<b>Permitted Uses</b>	Single family homes. Schools, religious assembly, and child care centers may be permitted with special exception approval by the Planning Commission. Day care and home occupations are allowed accessory uses. Occupancy by a family (of any size) or up to 4 unrelated persons.							
<b>Regulations</b>	<b>Lot Size</b>	<b>Building Size</b>	<b>Front Setback</b>	<b>Side Setback</b>	<b>Rear Setback</b>	<b>Height</b>	<b>Lot Width</b>	<b>Density</b>
	<i>Minimum square feet</i>	<i>Maximum square feet</i>	<i>Minimum feet</i>	<i>Minimum feet</i>	<i>Minimum feet</i>	<i>Maximum feet</i>	<i>Minimum feet</i>	<i>Dwelling units per Acre</i>
<b>R1A</b>	20,000	---	40	7 and 9	50	30	90	2
<b>R1B</b>	10,000	---	30	5 and 9	40	30	70	4
<b>R1C</b>	7,200	---	25	5	30	30	60	6
<b>R1D</b>	5,000	---	25	3	20	30	40	8
<b>R1E</b>	4,000	2,000	15	3	20	30	34	10

The study area is currently zoned R4C Multiple-Family District.

R4C Multiple-Family District								
<b>Intent</b>	<i>The R4C Multiple-family district is intended for medium-density, small multiple-family developments in the central area.</i>							
<b>Permitted Uses</b>	Single family homes, two-family homes (duplexes), townhouses, and multiple-family apartment buildings. Schools, religious assembly, child care centers, nursing care facility allowed with special exception use approval by Planning Commission. Day care and home occupations allowed as accessory uses. Occupancy by family (of any size) or up to 6 unrelated persons.							
<b>Regulations</b>	<b>Lot Size</b>	<b>Lot Area per Unit</b>	<b>Front Setback</b>	<b>Side Setback</b>	<b>Rear Setback</b>	<b>Height</b>	<b>Lot Width</b>	<b>Density</b>
	<i>Minimum square feet</i>	<i>Minimum square feet</i>	<i>Minimum feet</i>	<i>Minimum feet</i>	<i>Minimum feet</i>	<i>Maximum feet</i>	<i>Minimum feet</i>	<i>Dwelling units per Acre</i>
<b>R4C</b>	8,500	2,175	25	12	30	30	60	20

### Relevant Zoning Terms

Because the zoning ordinance contains minimum and maximum standards, and has permitted and prohibited uses for each district, there are cases where existing situations do not conform to the standards and requirements. The zoning ordinance defines 3 types of nonconformities provides rules for what to do in each situation.

**Conforming Lot** – A lot that meets the minimum lot area requirement of its zoning designation. This lot may be used for any permitted use. *Example, a 9,000-square foot lot in the R4C district (8,500-square foot minimum lot size requirement) is a conforming lot.*

**Nonconforming Lot** – A lot that does not meet the minimum lot area requirement of its zoning designation. If zoned for residential use, a nonconforming lot may only be used for single-family use. Duplexes or multiple-family developments are not permitted even if zoned R2, R3 or R4.

**Conforming Use** – A land use that is permitted in the zoning district, meeting all of the criteria of the zoning district. *Example, a 10-unit apartment building on a conforming lot in the R4C zoning district is a conforming use.*

**Nonconforming Use** – A land use that is prohibited in the zoning district or a land use that does not meet all of the criteria of the zoning district. Nonconforming uses can remain in use for as long as the life of the building but any new development on the lot must conform to the zoning ordinance regulations at the time of the redevelopment. *Example, a multiple-family development on a nonconforming lot in the R4C district.*

**Conforming Structure** – A structure or building that meets the placement (front, side and rear setback) and height regulations of its zoning designation.

**Nonconforming Structure** – A structure or building that encroaches into the required front, side or rear yard or exceeds the height limit of its zoning designation. *Example, a building with a 6-foot side setback in the R4C district or a 40-foot tall building in the R4C district.*

### **Existing Conditions in Study Area**

There are 70 lots in the study area (55 in the site-specific recommendation area). Sixty-one (61) contain a single family home and 9 contain a multiple-family building. It's current character is an eclectic mix of predominantly single family detached residential buildings with two single-family attached residential developments, some small multiple-family buildings and one large multiple-family apartment building.

- Study area = approximately 13 acres
- Dwelling units = 127 (66 multiple-family units, 61 single family units)
- Density = approximately 9.5 dwelling units per acre
- Conforming Lots = 9 (13%)
- Nonconforming Lots = 61 (87%)
- Conforming multiple-family developments = 3
- Nonconforming multiple-family developments = 6
- Lots 8,500 square feet or more = 9
- Lots Between 8,499 square feet and 4,000 square feet = 52
- Lots Smaller than 4,000 square feet = 9
- Buildings = 70 (61 single-family homes, 9 multiple-family buildings)
- Average building size = 1,839 square feet
- Average single-family home size = 1,233 square feet
- Average year built = 1938

### Rezoning Analysis

City Council asked for a study of rezoning the area either R1D Single-family district or R1E Single-family district.

Rezoning Analysis If...			
Zoning	Conforming	Nonconforming	Comments
<b>Rezoned to R1D</b> <i>5,000 sq ft minimum lot size</i>	53 lots (76%)	17 lots (24%)	Would make 3 conforming multiple-family developments become nonconforming.
<b>Rezoned to R1E</b> <i>4,000 sq ft minimum lot size</i> <i>2,000 sq ft maximum house size</i>	61 lots (87%)	9 lots (13%)	Would make 3 conforming multiple-family developments become nonconforming, and because the R1E district has a maximum house size, would make 3 single family homes become nonconforming houses.

Rezoning to either R1D or R1E would reduce the total number of nonconforming lots but some new nonconformities would be created. So staff considered if a more nuanced approach would both achieve the Master Plan recommendation to protect the existing lower-density development and significantly increase the number of conforming lots but not create any new nonconformities.

There are 9 lots with more than 8,500 square feet in the study area, meaning they currently conform to the existing zoning designation and will conform to both the R1D and R1E minimum lot sizes. There are also 9 lots smaller than 4,000 square feet, meaning they are too small to conform to any single-family zoning designation. What would be the best fit for the 52 lots between 8,499 and 4,000 square feet?

West Hoover/West Davis Rezoning Study  
 Frequently Asked Questions & Preliminary Findings and Recommendation  
 December 18-20, 2018



Figure 1- There are 9 conforming lots in the study area, shown in purple. These lots will remain conforming regardless of zoning designation. There are 9 lots with less than 4,000 square feet, shown in gray. These lots will remain nonconforming regardless of zoning designation. The rezoning study focuses on the best fit for the 52 unshaded lots having between 8,499 and 4,000 square feet.

**Preliminary Recommendation**

Staff found the scenario offering the best fit to “protect the existing lower-density development” and achieves the most conformance while not creating any new nonconformities is to rezone most of the area to R1D (58 lots), keep some lots zoned R4C (8 lots) and rezone a few lots to R1E (4 lots).

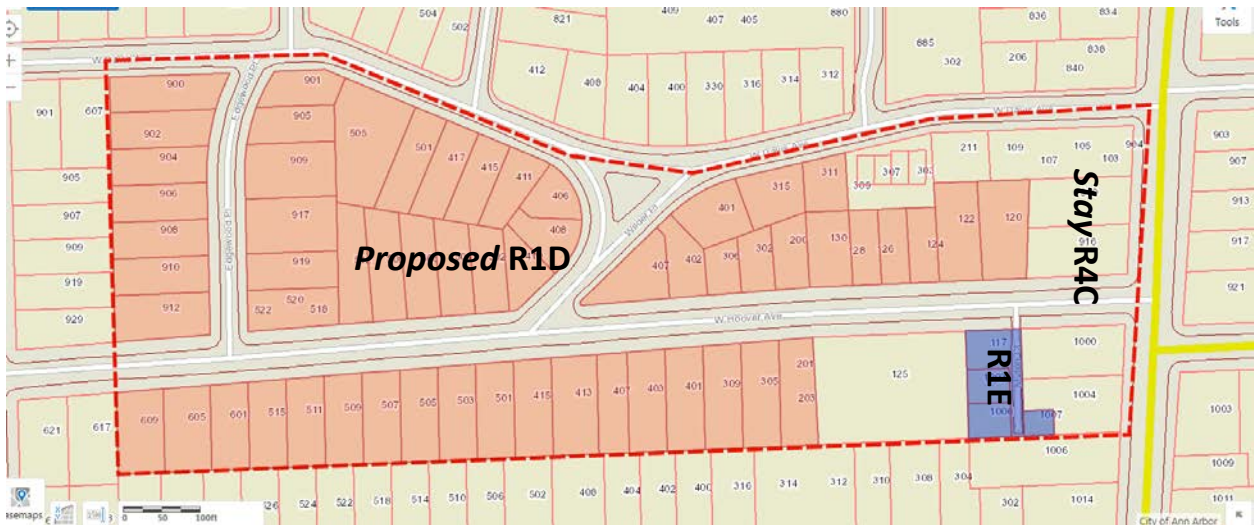


Figure 2 – The tentatively recommended rezoning scenario is to rezone 58 lots to R1D (shown in red), to rezone 4 lots to R1E (shown in blue) and to keep 8 lots zoned R4C (unshaded within study boundaries). This plan would protect the existing lower-density development as recommended in the Master Plan and reduce the number of nonconforming lots without creating any new nonconforming uses.

### **Evaluation of Proposed Rezoning Scenario**

The proposed rezoning scenario would increase the number of conforming lots in the R4C district from 13% to 75% (9 of 70 lots vs. 6 of 8 lots). Of the 58 lots in the proposed R1D district, 78% would be conforming (45 of 58). And 1 of the 4 lots in the proposed R1E district would be conforming.

The 3 conforming multiple-family developments remain in the R4C district and remain conforming. The 6 nonconforming multiple-family developments are proposed to be rezoned to R1D and will remain nonconforming uses.

Lots rezoned to R1D would have smaller front, side and rear setback requirements. It is possible that some nonconforming buildings could become conforming, or future additions may be possible. Homes in the R1D district could be expanded to any size so long as the building fit within the setback and height regulations.

### **Next Step**

Staff will prepare a formal petition to change the zoning map based on these preliminary findings and feedback received at informational meetings and directly from stakeholders.

The Planning Commission reviews all petitions to change the zoning ordinance and/or zoning map and, after a public hearing, provides a recommendation to City Council. City Council holds a first reading of the ordinance and/or map petition and if it decides to “pass” the petition, City Council holds a second reading and has a public hearing before deciding to adopt or deny.

Staff anticipates scheduling this West Hoover/West Davis rezoning petition for Planning Commission review and public hearing on February 5, 2019. (Public notices will be mailed to property owners and residents within the rezoning area and 300 feet surrounding.) City Council’s first reading of the petition will be about 6 weeks after the Planning Commission makes its recommendation.



Davis Hoover Study Area GIS Data.xlsx

	A	E	F	G	H	I	J	K	L
1	PIN	PRPACOM	Lot Area (Sq Ft)	House Size	Year Built	Dwelling Units	Current Status	Recommendation	Future Status
2	09-09-32-229-029	1000 S MAIN ST	8,921	1,458	1880	1	Conforming	Remain R4C	Still Conforming
3	09-09-32-229-031	1002 MYRON CT	2,520	1,008	1930	1	Nonconforming	Rezone R1E	Still Nonconforming
4	09-09-32-229-028	1004 S MAIN ST	8,404	1,236	1910	1	Nonconforming	Remain R4C	Still Nonconforming
5	09-09-32-229-032	1006 MYRON CT	2,520	660	1929	1	Nonconforming	Rezone R1E	Still Nonconforming
6	09-09-32-229-027	1007 MYRON CT	1,321	660	1920	1	Nonconforming	Rezone R1E	Still Nonconforming
7	09-09-32-229-030	117 W HOOVER AVE	5,202	702	1929	1	Nonconforming	Rezone R1E	Made Conforming
8	09-09-32-205-020	120 W HOOVER AVE	8,239	840	1910	1	Nonconforming	Rezone R1D	Made Conforming
9	09-09-32-205-019	122 W HOOVER AVE	7,415	1,016	1924	1	Nonconforming	Rezone R1D	Made Conforming
10	09-09-32-205-018	124 W HOOVER AVE	3,748	1,336	1919	1	Nonconforming	Rezone R1D	Still Nonconforming
11	09-09-32-229-057	125 W HOOVER AVE	28,199	25,462	1968	30	Conforming	Remain R4C	Still Conforming
12	09-09-32-205-017	126 W HOOVER AVE	3,751	1,010	1920	1	Nonconforming	Rezone R1D	Still Nonconforming
13	09-09-32-205-016	128 W HOOVER AVE	3,753	1,195	1922	1	Nonconforming	Rezone R1D	Still Nonconforming
14	09-09-32-205-015	130 W HOOVER AVE	5,630	1,472	1925	1	Nonconforming	Rezone R1D	Made Conforming
15	09-09-32-205-014	200 W HOOVER AVE	4,246	1,008	1928	1	Nonconforming	Rezone R1D	Still Nonconforming
16	09-09-32-229-036	201 W HOOVER AVE	6,618	1,920	1929	2	Nonconforming	Rezone R1D	Made Lot Conforming
17	09-09-32-205-004	211 W DAVIS AVE	4,945	2,536	2017	1	Nonconforming	Remain R4C	Still Nonconforming
18	09-09-32-205-013	302 W HOOVER AVE	3,585	728	1947	1	Nonconforming	Rezone R1D	Still Nonconforming
19	09-09-32-205-900	303 W Davis Ave	9,895	6,000	2016	4	Conforming	Remain R4C	Still Conforming
20	09-09-32-229-037	305 W HOOVER AVE	6,933	714	1942	1	Nonconforming	Rezone R1D	Made Conforming
21	09-09-32-205-012	306 W HOOVER AVE	3,029	1,080	1947	1	Nonconforming	Rezone R1D	Still Nonconforming
22	09-09-32-229-038	309 W HOOVER AVE	6,842	1,384	1942	1	Nonconforming	Rezone R1D	Made Conforming
23	09-09-32-205-007	311 W DAVIS AVE	4,031	776	1942	1	Nonconforming	Rezone R1D	Still Nonconforming
24	09-09-32-205-008	315 W DAVIS AVE	5,601	1,528	1943	1	Nonconforming	Rezone R1D	Made Conforming
25	09-09-32-229-039	401 W HOOVER AVE	6,751	4,060	1937	6	Nonconforming	Rezone R1D	Made Lot Conforming
26	09-09-32-205-009	401 WILDER PL	5,965	875	1940	1	Nonconforming	Rezone R1D	Made Conforming
27	09-09-32-205-011	402 W HOOVER AVE	4,573	1,080	1947	1	Nonconforming	Rezone R1D	Still Nonconforming
28	09-09-32-229-040	403 W HOOVER AVE	6,657	1,143	1938	1	Nonconforming	Rezone R1D	Made Conforming
29	09-09-32-206-001	406 WILDER PL	3,750	1,680	1940	1	Nonconforming	Rezone R1D	Still Nonconforming
30	09-09-32-229-041	407 W HOOVER AVE	5,261	1,034	1948	1	Nonconforming	Rezone R1D	Made Conforming
31	09-09-32-205-010	407 WILDER PL	6,213	1,164	1947	1	Nonconforming	Rezone R1D	Made Conforming
32	09-09-32-206-019	408 WILDER PL	4,473	1,020	1940	1	Nonconforming	Rezone R1D	Still Nonconforming
33	09-09-32-206-018	410 WILDER PL	4,063	756	1947	1	Nonconforming	Rezone R1D	Still Nonconforming
34	09-09-32-206-002	411 W DAVIS AVE	4,850	1,234	1947	1	Nonconforming	Rezone R1D	Still Nonconforming
35	09-09-32-229-043	413 W HOOVER AVE	7,782	4,060	1929	6	Nonconforming	Rezone R1D	Made Lot Conforming
36	09-09-32-206-003	415 W DAVIS AVE	5,288	1,800	1930	1	Nonconforming	Rezone R1D	Made Conforming
37	09-09-32-229-044	415 W HOOVER AVE	6,384	1,238	1930	1	Nonconforming	Rezone R1D	Made Conforming
38	09-09-32-206-004	417 W DAVIS AVE	5,765	1,299	1940	1	Nonconforming	Rezone R1D	Made Conforming
39	09-09-32-206-005	501 W DAVIS AVE	6,243	1,088	1941	1	Nonconforming	Rezone R1D	Made Conforming
40	09-09-32-229-045	501 W HOOVER AVE	6,292	1,052	1940	1	Nonconforming	Rezone R1D	Made Conforming
41	09-09-32-206-017	502 W HOOVER AVE	5,092	1,176	1941	1	Nonconforming	Rezone R1D	Made Conforming
42	09-09-32-229-046	503 W HOOVER AVE	6,201	1,276	1941	1	Nonconforming	Rezone R1D	Made Conforming
43	09-09-32-206-016	504 W HOOVER AVE	5,587	1,331	1939	1	Nonconforming	Rezone R1D	Made Conforming



Davis Hoover Study Area GIS Data.xlsx

	A	E	F	G	H	I	J	K	L
1	PIN	PRPACOM	Lot Area (Sq Ft)	House Size	Year Built	Dwelling Units	Current Status	Recommendation	Future Status
44	09-09-32-206-006	505 W DAVIS AVE	12,219	1,113	1928	1	Conforming	Rezone R1D	Still Conforming
45	09-09-32-229-047	505 W HOOVER AVE	6,110	1,260	1940	1	Nonconforming	Rezone R1D	Made Conforming
46	09-09-32-206-015	506 W HOOVER AVE	6,083	1,185	1941	1	Nonconforming	Rezone R1D	Made Conforming
47	09-09-32-229-048	507 W HOOVER AVE	6,017	1,116	1941	1	Nonconforming	Rezone R1D	Made Conforming
48	09-09-32-206-014	508 W HOOVER AVE	6,578	1,200	1941	1	Nonconforming	Rezone R1D	Made Conforming
49	09-09-32-229-049	509 W HOOVER AVE	5,925	779	1942	1	Nonconforming	Rezone R1D	Made Conforming
50	09-09-32-229-050	511 W HOOVER AVE	5,834	624	1941	1	Nonconforming	Rezone R1D	Made Conforming
51	09-09-32-206-013	512 W HOOVER AVE	6,282	2,396	1950	6	Nonconforming	Rezone R1D	Made Lot Conforming
52	09-09-32-229-051	515 W HOOVER AVE	5,742	1,260	1941	1	Nonconforming	Rezone R1D	Made Conforming
53	09-09-32-206-012	518 W HOOVER AVE	6,192	1,680	1955	3	Nonconforming	Rezone R1D	Made Lot Conforming
54	09-09-32-229-052	601 W HOOVER AVE	5,651	806	1942	1	Nonconforming	Rezone R1D	Made Conforming
55	09-09-32-229-053	605 W HOOVER AVE	6,879	2,640	1920	5	Nonconforming	Rezone R1D	Made Lot Conforming
56	09-09-32-229-054	609 W HOOVER AVE	6,695	741	1942	1	Nonconforming	Rezone R1D	Made Conforming
57	09-09-32-207-001	900 EDGEWOOD PL	6,955	1,598	1932	1	Nonconforming	Rezone R1D	Made Conforming
58	09-09-32-206-007	901 EDGEWOOD PL	4,542	944	1942	1	Nonconforming	Rezone R1D	Still Nonconforming
59	09-09-32-207-014	902 EDGEWOOD PL	6,382	1,691	1928	1	Nonconforming	Rezone R1D	Made Conforming
60	09-09-32-207-013	904 EDGEWOOD PL	6,061	1,388	1938	1	Nonconforming	Rezone R1D	Made Conforming
61	09-09-32-205-003	904 S MAIN ST	12,467	6,000	2018	4	Conforming	Remain R4C	Still Conforming
62	09-09-32-206-008	905 EDGEWOOD PL	5,306	1,752	1930	1	Nonconforming	Rezone R1D	Made Conforming
63	09-09-32-207-012	906 EDGEWOOD PL	6,018	1,274	1930	1	Nonconforming	Rezone R1D	Made Conforming
64	09-09-32-207-011	908 EDGEWOOD PL	6,019	1,450	1930	1	Nonconforming	Rezone R1D	Made Conforming
65	09-09-32-206-009	909 EDGEWOOD PL	8,589	1,136	1942	1	Conforming	Rezone R1D	Still Conforming
66	09-09-32-207-010	910 EDGEWOOD PL	6,020	1,326	1941	1	Nonconforming	Rezone R1D	Made Conforming
67	09-09-32-205-002	910 S MAIN ST	8,524	2,654	1914	1	Conforming	Remain R4C	Still Conforming
68	09-09-32-207-009	912 EDGEWOOD PL	7,351	2,184	1927	1	Nonconforming	Rezone R1D	Made Conforming
69	09-09-32-205-001	916 S MAIN ST	8,775	1,553	1910	1	Conforming	Remain R4C	Still Conforming
70	09-09-32-206-010	917 EDGEWOOD PL	8,640	1,270	1930	1	Conforming	Rezone R1D	Still Conforming
71	09-09-32-206-011	919 EDGEWOOD PL	5,760	1,625	1940	1	Nonconforming	Rezone R1D	Made Conforming