



# City of Ann Arbor

301 E. Huron St.  
Ann Arbor, MI 48104  
<http://a2gov.legistar.com/Calendar.aspx>

## Meeting Minutes Zoning Board of Appeals

---

Wednesday, July 25, 2012

6:00 PM

City Hall, 301 E. Huron Street, 2nd Flr.

---

### A CALL TO ORDER

*Chair Kuhnke called the meeting to order at 6:00 p.m.*

### B ROLL CALL

*Chair Kuhnke called the roll.*

**Present:** 8 - Candice Briere, Wendy Carman, Chair Carol A. Kuhnke, Sabra Briere, Alex Milshteyn, Perry Zielak, Ben Carlisle, and Maureen Sertich

### C APPROVAL OF AGENDA

**The Agenda was unanimously approved as presented.**

### D APPROVAL OF MINUTES

#### D-1 12-1003 Zoning Board of Appeals Meeting Minutes of June 27, 2012

**A motion was made by Zielak, seconded by Sertich, that the Minutes be Approved by the Commission and forwarded to the City Council and should be returned by 9/4/2012. On a voice vote, the Chair declared the motion carried.**

### E APPEALS AND ACTIONS

#### E-1 12-1001 ZBA12-012; 1306 West Madison Street Lopatin is requesting permission to alter a non-conforming structure and one variance from Chapter 55, Section 5:57 (Averaging an Existing front setback line) of 9 feet 9 inches for the expansion into the front setback; 34 feet 9 inches is required (Averaged Front Setback).

*Matt Kowalski gave the staff report.*

**DESCRIPTION:**

*The subject parcel is zoned R1C (Single-Family) and is located just south of Liberty, West of Eberwhite.*

*The petitioner is proposing to construct a 530 square foot addition to the first floor and a new 1,020 square foot second floor over the existing first floor. The existing house is 720 square foot and was built in 1940. The existing front setback matches the averaged established setback of 34 feet 9 inches from the front property line. The required setback without averaging is 25 feet. The existing house encroaches into the*

rear setback 8 feet 9 inches. The second floor addition will match the existing rear setback which will continue this rear setback encroachment, but will not be constructed any closer to the rear property line. The petitioner is proposing to add a single-story addition to the side of the house that extends into the required front setback 8 feet 9 inches, which will result in a front setback of 25 feet. Since the required setback is 34 feet 9 inches, the petitioner is requesting a front setback variance of 9 feet 9 inches.

**STANDARDS FOR APPROVAL:**

*Permission to Alter a Non-Conforming Structure*

*The Zoning Board of Appeals has all the power granted by State law and by Section 5:98, from the City of Ann Arbor Zoning Ordinance. The following criteria shall apply:*

*The alteration complies as nearly as practicable with the requirements of the Zoning Chapter and will not have a detrimental effect on neighboring property.*

*Permission is being requested in order to add a second floor over the existing first floor. Since the second floor will be constructed directly above the first floor it will encroach the same distance (8 feet 9 inches) as the existing first floor. The addition will not extend any closer to the rear property line than the existing structure. Planning Staff has received signed letters of support from several neighborhood residents.*

*Variance*

*The Zoning Board of Appeals have all the power granted by State law and by Section 5:99, Application of the Variance Power from the City of Ann Arbor Zoning Ordinance. The following criteria shall apply:*

*(a). That the alleged hardships or practical difficulties, or both, 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.*

*The subject parcel is a conforming lot in the R1C Zoning District (required is 7,200 square feet, subject parcel is 9,218 square feet). The parcel is an unusual 'pie' shape with a curved front property line. This results in a curved front setback line, two sides and an estimated rear lot line calculation per Chapter 55 5:1(31).*

*(b). That the alleged hardships or practical difficulties, or both, which 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 variance is being requested for additions to an existing 720 square foot home. Due to the irregular lot shape and the owners desire to protect an existing large Cherry tree in the front yard, there is limited area to construct an addition that complies with the setbacks on the site. A small addition could be constructed between the garage and the existing house without the need for a variance.*

*(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.*

*If the front variance is approved, the structure will be consistent with some houses in*

*the neighborhood. Although the proposed addition would extend into the averaged front setback, the curve of the street and existing mature vegetation should help minimize the impact to the surrounding neighborhood. Planning Staff has received signed letters of support from several neighborhood residents.*

*(d). That the conditions and circumstances on which the variance request is based shall not be a self imposed hardship or practical difficulty.*

*The existing house was constructed before the current zoning code was in effect. While the subject parcel is more than conforming for lot size, the averaging of existing front setbacks requirement increases the required front setback by 9 feet 9 inches.*

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

*The variance, if approved, will permit construction of a single story addition extending into the averaged front setback 9 feet 9 inches. The single-story addition will be constructed to the 25 foot front setback required in the R1C zone. The application of averaged front setbacks and the unusual shape of the parcel reduces the buildable area of the parcel.*

**QUESTIONS TO STAFF BY THE BOARD:**

*W. Carman asked how the front yard setback had been estimated.*

*Kowalski said since they don't turn corners or cross streets to obtain the front setback averaging, nor use the parcel in question, he had used the existing structure on the one lot on the W. Madison side. He noted that the existing house and the garage structure used, in the estimating, both sit at a 34 foot setback.*

*A. Milshteyn asked if staff knew the average setback for the houses on W. Madison.*

*Kowalski said, no.*

*S. Briere asked what code requires the setback to be for this proposed lot.*

*Kowalski said 25 feet.*

**PRESENTATION BY THE PETITIONER:**

*Jeremy Lopatin, 1306 W Madison, the owner of the parcel was present, along with their architect, Mary Kalmes, 538 Glendale Circle. Lopatin reviewed his application with the Board, stressing the hardship of the pie shaped lot and the existing landmark tree.*

*W. Carman asked why the second floor addition would need to encroach into the setback.*

*Lopatin explained that they are in need of building the addition to facilitate his mother-in-law who is moving in with them. He said because it would be built directly above the existing first story, which was constructed before the current setbacks were established, it would now encroach into that setback.*

*W. Carman asked if the addition would encroach further into the front yard setback than the existing house.*

*Lopatin said yes, somewhat.*

*Kowalski reviewed the site plan with the Board.*

**AUDIENCE PARTICIPATION:**

*None*

**BOARD DISCUSSION:**

*C. Kuhnke noted that the Board had received the following correspondence in support of the application:*

*Gary and Elsie Claypool, 714 Soule; email in support of the project,  
Michelle Segar, neighbor; email in support of the project,  
Daniel and Kerri McConnell, 1308 W Madison; letter of support of project,  
Fritz Adams and Martha Crisler, 1304 W Madison; letter of support of project,  
Ben Fortson and Kelly Askew, 1311 Lutz; letter of support of project,  
Nancy Ambrose Gallagher, neighbor; letter of support of project.*

**Motion made by P. Zielak, seconded by Milshteyn, in the case of Petition ZBA12 012; 1306 West Madison, Permission to alter a nonconforming structure:**

**Based on the following findings of fact and in accordance with the established standards for approval, the Zoning Board of Appeals hereby grants permission to alter a non conforming structure, per submitted plans.**

**a) The alteration complies as nearly as practicable with the requirements of the Zoning Chapter and will not have a detrimental effect on neighboring property,**

**b) The rear setback is not impacted.**

**On a voice call, the vote was as follows with the Chair declaring the motion carried.**

**Permission to alter a con-conforming structure granted.**

**Yeas:** 8 - Briere, Carman, Chair Kuhnke, Councilmember Briere, Milshteyn, Zielak, Carlisle, and Sertich

**Nays:** 0

**Motion made by P. Zielak, seconded by Milshteyn, in the case of ZBA12-012; 1306 West Madison, Variance:**

**Based on the following findings of fact and in accordance with the established standards for approval, the Zoning Board of Appeals hereby GRANTS a variance from Chapter 55, Section 5:57 (Averaging Existing Front Setback) of 9 feet 9 inches from the required front setback of 34 feet 9 inches in order to permit a building addition 25 feet from the front property line, per submitted plans.**

**a) The alleged hardships are peculiar to the property and results from conditions which do not exist generally throughout the City; the oddly shaped lot.**

- b) That the alleged hardships or practical difficulties, or both, which will result from a failure to grant the variance, include substantially more than mere inconvenience, inability to attain a higher financial return, or both.
- c) The variance, if granted, will not significantly affect surrounding properties.
- d) The circumstances of the variance request are not self imposed.
- e) The variance request is the minimum necessary to achieve reasonable use of the structure, and it would still comply with the 25 foot required setback of the zoning code and the Board is merely waiving the averaging setback requirement.

On a voice vote, the vote was as follows with the Chair declaring the motion carried.

Variance granted.

Yeas: 8 - Briere, Carman, Chair Kuhnke, Councilmember Briere, Milshteyn, Zielak, Carlisle, and Sertich

Nays: 0

12-1002

ZBA12-013; 3365 Washtenaw Avenue

Leonard Nadolski is requesting two variances:

1) A variance from Chapter 59(Off-Street Parking) Section 5:167 (Required Parking): A request to exceed the maximum number of parking spaces permitted (100 spaces) by adding 12 spaces to the site for a total of 112 parking spaces.

2) A variance from Chapter 62 (Landscape and Screening) Section 5:603 (C): A proposal to reduce the required 15 foot wide conflicting land use buffer in order to provide a 4 to 15 foot wide variable buffer and provide a 15 foot wide conservation easement on the adjacent property to the north.

*Kowalski gave the staff report.*

**DESCRIPTION:**

*The parcel is zoned C3 (Fringe Commercial) and is located on the corner of Chalmers and Washtenaw. The Chalmers Place Retail site plan was approved in 2005 for a 26,237-square foot office/retail building. The building was constructed in 2006. A proposal to rezone the vacant lot to the north from residential to parking was recommended for denial in May 2012 by the City Planning Commission and was subsequently withdrawn by the petitioner.*

*A site plan to add a total of 24 new parking spaces to the site was approved by the Planning Commission on July 17, 2012, contingent upon approval of the two variances noted above. The new parking will be constructed along the north side property line and along the Chalmers street frontage to the east. If the variance is approved, the development will have a total of 112 parking spaces, 12 more than the maximum permitted by City Code. With the exception of the two variances requested, the expanded parking area will comply with all City Codes and regulations. Although not required, the petitioner held a public meeting in June before submission of the*

current plan to the Planning Commission. There were 5 residents in attendance and a summary of questions and answers is attached to the staff report.

STANDARDS FOR APPROVAL:

*Chapter 59 (Off-Street Parking) Variance*

*The Zoning Board of Appeals has all the power granted by State law and by Section 5:99, Application of the Variance Power, from the City of Ann Arbor Zoning Ordinance and Chapter 59, Section 5:566. The following criteria shall apply:*

*The Zoning Board of Appeals shall have authority to interpret this chapter and may in specific cases and after public notice and hearings in accordance with Chapter 55 of this Code grant variances and exceptions to these requirements, providing such variance or exception is in harmony with the general purpose and intent of the requirements. The procedural requirements for appeals under Chapter 55 shall be applicable to appeals under this chapter.*

*The petitioner is seeking to exceed the maximum number of parking spaces by 12 spaces. The parking maximum was established in 2000 and was intended to help limit unnecessary impervious surfaces and prevent new developments from providing parking far in excess of what is needed on daily basis. The Chalmers Place Retail Center was constructed in 2006 and has remained half vacant since that time. The petitioner has provided pictures and documentation to illustrate that the existing parking lot is at or near capacity and prospective tenants have declined leasing based on the amount of parking available on site. While Chapter 59 limits the amount of parking that can be provided, the general purpose and intent is to ensure all developments have sufficient parking for customers and employees. The new parking area will be designed using code requirements for small car parking spaces in order to minimize impervious surface and will be designated as employee parking.*

STANDARDS FOR APPROVAL:

*Chapter 62 (Landscape and Screening) Variance*

*The Zoning Board of Appeals has all the power granted by State law and by Section 5:99, Application of the Variance Power, from the City of Ann Arbor Zoning Ordinance and Chapter 62, Section 5:609. The following criteria shall apply:*

*Upon an appeal filed to the zoning board of appeals in accordance with the procedures of Chapter 55, a variance may be granted from the strict application of the provisions of this chapter in cases involving practical difficulties or hardships when the evidence supports that the public benefit intended to be secured by this chapter will exist with less than the required landscaping or screening.*

*As previously mentioned, the petitioner is proposing to construct parking along the rear (north) property line. A portion of the proposed parking will be constructed in the Conflicting Land Use Buffer, which is required between the commercial use of the subject property and the residential zoning on the adjacent parcel to the north. The construction of parking along the northern property line will result in a variable width buffer ranging from 4 to 15 feet; Chapter 62 requires the buffer to be 15 feet wide. The adjacent parcel is currently vacant and is owned by the petitioner. The variance requested is only for the proposed reduction in width, all vegetation required within the conflicting land use buffer will be provided on the commercial property adjacent to the parking. In order to meet the intent and secure the public benefit intended by the landscape buffer requirement, the petitioner is proposing to*

record a 15 foot wide permanent conservation easement over the adjacent property. The conservation easement will include landmarks trees and woodland that would not otherwise be protected on this single-family zoned parcel. Although this conservation easement is on an adjacent property, the preservation of this area will result in a de-facto buffer ranging from 19 to 30 feet between the two parcels. The variance request has been reviewed and is supported by staff responsible for landscape plan review.

QUESTIONS TO STAFF BY THE BOARD:

C. Kuhnke noted that the residential property to the north is currently long and skinny and with the landscape easement it will become even skinnier, in terms of a buildable lot. She asked staff if they knew what the width of that lot was.

Kowalski said, no.

W. Carman said the lot isn't as skinny as it looks, estimating approximately 100 feet wide by 400 feet long.

The applicant verified that the width is 100 feet wide.

W. Carman asked if the applicant is asking for permission to exceed the maximum amount of parking that they can have on the lot.

Kowalski said, yes.

W. Carman asked if the definition of maximum amount is based on the general concept that this is a retail center, but if they were to put restaurants into all those spaces, their maximum would be greater than the retail center maximum that is set. She noted that this is a sort of flexible maximum that the amount of parking you have is based on the use you have.

Kowalski said it is considered a commercial retail use and it doesn't matter what the uses are within that retail center, the parking requirements are the same indifferent of the uses of the center. He explained that the only time they have different requirements for restaurants are when they are stand alone buildings, not in a retail center.

W. Carman said it looks like, on their plans, they only built a 25,585 square foot building, not a 26,237 square foot building, which is what they were approved to build. She asked if they would have to go by the amount of building they built, instead of the amount they were approved for.

Kowalski noted that it could possibly be the difference between the gross and net square footage and suggested asking the petitioner.

Milshteyn asked what the required parking would be if the use of the building was as an office building.

Kowalski said it would depend if it was general office or medical offices.

B. Carlisle asked about the minimal and maximum parking requirements in retail centers.

Kowalski reviewed the requirements, noting that they were established approximately ten years ago. He explained that prior to that timeframe they had never had a

*maximum requirement.*

**PRESENTATION BY THE PETITIONER:**

*Kevin Travers, representing the owner of the property, along with owner, Leonard Nadolski, were present to respond to the Board's enquiries.*

*Traver said he has represented the property since it was built in 2005. He said they have exhausted every avenue in trying to fill the center, but with the parking capacity, it has been a challenge. He said 7,200 of this building is still dirt floors and has never been built out, which is a financial burden to them. He explained that the issue is something that they have tried to work through with the City of Ann Arbor in many different ways and as a last resort have come before the ZBA because they are in a desperate need.*

*W. Carman asked what the total square footage of the building is currently leased.*

*Travers said they have approximately 9,200 square foot left on the lower level, and upstairs he has 3 offices out of 9 that are leased, adding that the upstairs is approximately 70% vacant as well.*

*B. Carlisle asked how much of the commercial space was currently leased.*

*Nadolski agreed that there was approximately 13,000 square feet.*

*B. Carlisle asked if there was any particular user that was driving the parking numbers on the site.*

*Travers said the manicure and pedicure shop and the hair-cuts for men had a higher volume of customers than the other retail shops in the center.*

*W. Carman asked if they realized there was a parking problem after the beauty shop moved in.*

*Travers said they have always had a parking problem.*

*B. Carlisle said he is trying to understand what is driving the parking usage, when the center far exceeds the required parking. He asked if there was a deficiency in the code or whom the applicants were marketing to.*

*Nadolski said he believed there was a deficiency in the code, adding that he felt there should be different parking requirements based on the location of the retail center, noting that they are located in an area where there are less commuters.*

*B. Carlisle said the retail center is located on Washtenaw Avenue, which has the highest commuter volume in the whole County, and they are located on a commuter line as well as a transit line.*

*Nadolski mentioned that the Panera Bread parking lot is very full and it is very difficult to use the parking lot.*

*A. Milshteyn said that Panera Bread had leased 10-15 parking spots, from the bank, across the street on Huron Parkway. He asked the applicant if they had looked into leasing additional space from neighbors whom don't require the space.*



Travers said he thinks everyone is hard pressed and not willing to lease them parking spots. He said they have worked with the City Planning Department in looking at various options, one of which included using the City parking across Washtenaw Avenue, but said it is not safe to cross the street since there is no crosswalk or light.

Nadolski said they have approached Paesanos Restaurant but he is also maxed out and looking for additional parking.

A. Milshteyn asked what the going rate is for the retail center, and if they have tried to adjust their lease rate in attempts of attracting potential clients.

Travers said the Ann Arbor market is very hot and along the Washtenaw corridor, the rates range from \$ 20.00 to \$ 40.00 per square foot. He said they have cut their lease rates in half.

Nadolski said their rate is less than the thirty year old center across the street, and they have offered incentives to potential clients, but their biggest objection remains the parking issue.

M. Sertich asked if they have potential clients that are willing to sign, contingent upon the approval of the additional parking.

Travers said he has several clients that are waiting to hear of some resolution to the parking issue.

M. Sertich mentioned that they would only be adding five additional spaces for each of the future clients, and if that would meet the parking needs of the center. She asked if it is possible to get off-peak customers into the center.

Travers said they are looking into that as well.

Nadolski said this plan is the second best option, after their first request was turned down by the City Planning Commission.

W. Carman asked if the applicant had provided conservation easement language to the City.

Travers said they are working on it together with Chris Cheng, but that the City had not required it before the ZBA meeting.

Kowalski said that the ZBA motion would be contingent upon the easement being recorded.

S. Briere said she wanted to be certain that once the building boundaries are confirmed, that there will be ample space, on the adjacent lot, to build without anyone needing a variance.

Kowalski said yes, since the lot is just shy of an acre.

**BOARD DISCUSSION:**

C. Kuhnke noted that the Board had received the following correspondence in support of the application:

Multiple correspondence from tenants in the retail center.  
John Swisher, Discount Tire Store; email in support of the project.

*W. Carman said it is a troubling situation, in that there is one lot with a mix of tenants and parking that don't work out. She said it is troubling to think that we have an approval process that estimates that you would only need this small amount of space. She said she didn't know when and if the City changed their parking rules for the minimum required spaces. She said maybe the minimums have gone down in an effort to get everyone to ride the bus or carpool. She said the retail center is a C3 zoned parcel and the intent of C3 is that everyone will come there with their car. She said it allows uses that require parking and she isn't convinced that the added parking spaces will help the applicant rent their center. She acknowledged that it is a real problem for the applicant and doesn't think it is a simple problem to solve. She added that she isn't sure if it is the City ordinance's fault.*

*C. Kuhnke asked how many projects the City has had since they implemented the maximum parking requirements.*

*Kowalski said he couldn't say how many there have been in the ten years, since it was implemented, adding that there haven't been too many large strip-mall, commercial type projects, such as the Whole Foods on Washtenaw Avenue. He said there was a lot of research that went into the ordinance, and that the intent was to limit the acres and acres of parking in front of the retail centers, and to limit the impervious surfaces.*

*S. Briere asked about parking issues at the office building, located on the corner of Huron Parkway and Washtenaw Avenue, across the street from Whole Food.*

*A. Milshteyn said there was no parking issues there because they have underground parking available to them. He said the owner of the building knew what they were getting into when they started construction and he feels that they probably over-built, somewhat, and the 24 additional spaces might help some, but not make a big difference in the long run.*

*C. Kuhnke said she felt it wasn't that they have over-built for the site, so much as having built more than the maximum parking will support.*

*A. Milshteyn asked staff if the developer would have made the retail center a PUD [Planned Unit Development], would that have allowed them to have more parking.*

*Kowalski said the site is very limited as to where the parking would've gone, so he doesn't believe it would have made a difference. He noted that there would have been many associated issues to look at on a PUD.*

*S. Briere asked staff to explain why the Planning Commission had rejected the rezoning of the empty residential lot to C3.*

*Kowalski explained that since the Master Plan speaks clearly about encroachment into the residential area along Chalmers Avenue and the encroachment of a parking use, as well as significant natural features on the site, the reasoning was there to deny it. He said there was significant neighborhood opposition as well.*

*M. Sertich asked if there are any examples of rooftop parking in Ann Arbor.*

*Kowalski said he wasn't aware of any.*

*C. Kuhnke said she was in favor of giving them the added parking, since the alternative is to cut out some of the retail space. She said they need relief from the maximum parking restriction and they are using their own property to gain that added*

space, and creating a buffer that protects the neighborhood.

W. Carman asked if the size of the building would be smaller, would the parking also need to be smaller.

Kowalski said, yes, since the parking requirement is based on the square footage of the building.

M. Sertich asked if the applicant could offer incentives to their tenant's employees, such as subsidized transportation.

Kowalski said that would be between the applicant and their tenants and not something that the City would get involved in.

S. Briere said the City's efforts to encourage employers to encourage their employees to use AATA is already underway.

W. Carman stated that if the variance is to be in harmony with the general purpose and intent of the requirements, and with the general intent being that the impervious surface be minimized, in granting the variance they would not be meeting the intent by enlarging a parking. She asked if there is a possibility of requiring the applicant to use porous pavers in the rear parking lot.

Kowalski said it is difficult if the parking surface is inconsistent, for maintenance purposes and drainage. He said their storm water system does have enough capacity to cover the extra impervious surface.

**Motion made by W. Carman, seconded by C. Briere, in the case of ZBA12 013; 3365 Washtenaw, that the ZBA grant a variance from Chapter 59 (Off Street Parking), Section 5:167(34) to allow the maximum number of parking spaces permitted to be increased from 100 spaces to a total of 112 spaces, per submitted plans, based on the following findings of fact:**

a. Given that such a variance will be in harmony with the general purpose and intent of the requirement since the additional parking has been proven to be needed based on evidence provided by the petitioner that without additional parking they cannot rent more than 50% of the space and this additional parking will be the minimum necessary to meet that need.

On a voice vote, the vote was as follows with the Chair declaring the motion carried.

**Variance granted.**

**Yeas:** 8 - Briere, Carman, Chair Kuhnke, Councilmember Briere, Milshteyn, Zielak, Carlisle, and Sertich

**Nays:** 0

**Motion made by W. Carman, seconded by S. Briere, in the case of ZBA12 013; 3365 Washtenaw, that the ZBA grant a variance from Chapter 62 (Landscape and Screening) Section 5:603 (C) to reduce the required 15 foot wide conflicting land use buffer in order to provide a variable 4 to 15 foot wide buffer and provide a 15 foot wide conservation easement on the adjacent property to the north, per submitted plans, given that evidence supports:**

a. The public benefit intended to be secured by this chapter will exist with

less than the required landscaping or screening,

b. Given that all landscaping and screening will be provided in the narrow width buffer and,

c. In addition there will be a conservation easement of 15 feet on the neighboring property to the north,

d. Subject to approval by City staff on the wording of the conservation easement and recording of that easement as a deed restriction on the property.

On a voice vote, the vote was as follows with the Chair declaring the motion carried.

Variance granted.

Yeas: 8 - Briere, Carman, Chair Kuhnke, Councilmember Briere, Milshteyn, Zielak, Carlisle, and Sertich

Nays: 0

## F OLD BUSINESS

### F-1 12-1000 Discussion on the ZBA Rules and Procedures

*Kevin McDonald, Senior Assistant City Attorney, reviewed the ZBA Rules and Procedures with the Board and said he was present to answer questions from the Board.*

*He noted that Chapter VII, Section 8, had been modified to reflect the Board's previous comments that staff should be able to cancel meetings when necessary as well as post public notices.*

*He said the references to 'by-laws' had been changed to rules or procedures, along with other slight language modifications throughout the document.*

*General discussion pursued regarding the rules and procedures.*

*Exit Milshteyn.*

*The Board requested the Attorney's office to use more clarifying language in Chapter V, Section 12, noting they are unaware what matters are handled administratively within the City Planning and Development Services Unit.*

*The Board asked if it was possible to change the language in Chapter V, Section 11, to read, 'A Member shall not appear before the ZBA...'*

*McDonald said he didn't have an issue with that change. He said he would make the requested modifications and return the revised rules and procedures to the Board.*

*Kowalski mentioned that regarding Chapter XI, Section 4, staff would like the Board to consider changing the language to allow Planning staff to sign the decision and order letters. He said since there is a 10 day time restraint on getting the letters out, it becomes difficult since staff must currently coordinate with the ZBA Chair to sign the letters before they can be sent out.*

*W. Carman said it has historically been used as a means of checks and balances to make sure staff hasn't made a mistake, which has happened in the past. She suggested initiating an electronic signature so the Chair could review and sign the letters without having to make a separate trip to City Hall.*

*C. Kuhnke, Chair, said either which way is fine with her.*

*McDonald said he could review to see if there was an issue with the use of an electronic signature, suggesting that the letters could be reviewed by the Chair but might not need to be signed, which could help speed up the process.*

**A motion was made by Zielak, seconded by Briere, that the changes to the ZBA Rules and Procedures as amended be Approved, and be returned to the ZBA after 30 days for adoption. On a voice vote, the Chair declared the motion carried.**

**Yeas:** 6 - Briere, Chair Kuhnke, Councilmember Briere, Zielak, Carlisle, and Sertich

**Nays:** 1 - Carman

**Absent:** 1 - Milshteyn

*COMMISSION DISCUSSION:*

*It was concluded that the Board should wait until the September ZBA meeting to take action on the amended ZBA Rules and Procedures.*

**Motion made by Zielak, seconded by Briere, to reconsider withdrawing the motion to allow the ZBA a 30 day period from initial presentation to final action. On a voice vote, the vote was as follows with the Chair declared the motion carried.**

**Yeas:** 7 - Briere, Carman, Chair Kuhnke, Councilmember Briere, Zielak, Carlisle, and Sertich

**Nays:** 0

**Absent:** 1 - Milshteyn

**G**      **NEW BUSINESS**

**H**      **REPORTS AND COMMUNICATIONS**

*S. Briere asked McDonald about ZORO variants/report that were on the City's webpage.*

*McDonald said the report was not yet posted on the webpage.*

*W. Carman said she thought that they had made that decision that the report should be up on the website so people could see it before the presentation was given.*

*McDonald said they are processing the changes as quickly as they have them.*

*W. Carman said the guy making the changes isn't going to see the changes our Committee is making.*

*McDonald said it is an on-going process and at some point in time they are going to put a current draft on the website. He said there currently shouldn't be a draft on the*

website because the consultant as well as the staff team are still working on that draft. He said there will be a public meeting and presentation of the first public draft of the Zoning Ordinance Revisions Draft Ordinance, held, Thursday, August 2, 2012, held at 7:00 pm in the basement of City Hall. He explained the schedule for the process.

S. Briere asked how she, as a member of the public, would be able to evaluate the ordinance because she hasn't seen a draft copy in advance of the public meeting.

McDonald said they are working towards getting the draft ready, adding that this is the beginning of a lengthy public involvement process and not the end. He explained that the ordinance would go through the Planning Commission review process before moving on to City Council.

S. Briere asked if it will be available before next Thursday.

McDonald said yes.

**I     PUBLIC COMMENTARY - (Items not on the Agenda - 3 Minutes per Speaker)**

**J     ADJOURNMENT**

**A motion was made by Briere, seconded by Councilmember Briere, that the meeting be Adjourned. On a voice vote, the Chair declared the motion carried. Meeting adjourned at 8:07 p.m.**

Community Television Network Channel 16 live televised public meetings are also available to watch live online from CTN's website, [www.a2gov.org/ctn](http://www.a2gov.org/ctn), on "The Meeting Place" page (<http://www.a2gov.org/livemeetings>).

Live Web streaming is one more way, in addition to these listed below, to stay in touch with Ann Arbor City Council and board and commission actions and deliberations.

- Video on Demand: Replay public meetings at your convenience online at [www.a2gov.org/government/city\\_administration/communicationsoffice/ctn/Pages/VideoOnDemand.aspx](http://www.a2gov.org/government/city_administration/communicationsoffice/ctn/Pages/VideoOnDemand.aspx)
- Cable: Watch CTN Channel 16 public meeting programming via Comcast Cable channel 16.

The complete record of this meeting is available in video format at [www.a2gov.org/ctn](http://www.a2gov.org/ctn), on "The Meeting Place" page (<http://www.a2gov.org/livemeetings>), or is available for a nominal fee by contacting CTN at (734) 794-6150.