



**APPROVED MINUTES OF THE REGULAR MEETING OF  
THE ZONING BOARD OF APPEALS OF THE CITY OF ANN ARBOR  
JUNE 27, 2007**

The Regular Session of the Zoning Board of Appeals was held on Wednesday, June 27, 2007 at 6:00 p.m. in City Council Chambers, 100 N. Fifth Avenue, Ann Arbor, Michigan.

The meeting was called to order at 6:04 p.m. by Chairperson Carol Kuhnke.

**ROLL CALL**

Members Present: (8) C. Kuhnke, C. Carver, D. Gregorka, C. Briere, R. Suarez, K. Loomis, R. Eamus and W. Carman (arr. 6:08 p.m.)

Members Absent: (1) D. Tope

Staff Present: (2) M. Kowalski and B. Acquaviva

**A – APPROVAL OF AGENDA**

**A-1** Approved as Presented.

**B - APPROVAL OF MINUTES**

**B-1** Approval of Draft Minutes of the May 23, 2007 Regular Session.

Moved by D. Gregorka, Seconded by K. Loomis, **“that the minutes of the May 23, 2007 Regular Session be approved as presented.”**

**On a Voice Vote – MOTION PASSED – UNANIMOUS**

**C - APPEALS & ACTION**

**C-1 217 North Division – 2007-Z-011**

**Summary:** H Scott Diels is requesting permission to alter a non-conforming structure as described in Chapter 55, Zoning, Section 5:87, Structure Nonconformance.

**Description and Discussion:**

The subject parcel is located at 217 North Division Street. The parcel is zoned R4C (Multiple-Family Residential District) and is located on the corner of Division and Catherine Streets. The house was built in 1904 and is 2227 square feet.

The petitioner is proposing to reconstruct and slightly enlarge the existing building containing 5 units. The proposed addition will not add any bedrooms or units to the existing house, but will add one bathroom. The additions will increase the first floor area by 56 square feet and the second floor area by 92 square feet. The new additions will not be placed any closer to property lines than any part of the existing structure. The new construction will ‘fill in’ the some of the area in between the existing attached garage and the house and will improve the front facade of the house.

54 The existing area between the house and the garage was constructed in several phases and  
 55 is inconsistent in form with the rest of the house. The house is non-conforming for lot area  
 56 and front, side and rear setbacks. The house is located in the Old Fourth Ward Historic  
 57 District and received approval from the Historic District Commission for the proposed  
 58 modification in April 2007.

59

### 60 **Standards for Approval**

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

64

65 **(a). *The alteration complies as nearly as practicable with the requirements of the***  
 66 ***Zoning Chapter.***

67

68 The footprint of the existing house will only be slightly expanded and will not encroach  
 69 and close to property lines than the existing building; the petitioner is only asking to  
 70 modify an existing non-conforming structure. The total square footage of the house will  
 71 only slightly increase by 148 square feet. After enlarging the bedrooms and adding the  
 72 bathroom the number of total units in the building will not increase. The structure is  
 73 generally consistent with other surrounding uses.

74

75 Staff considers this request to be minimal in context of the surrounding land uses. The  
 76 expansion will allow the petitioner to improve their property while respecting the intent  
 77 of the Zoning Ordinance.

78

79 **(b). *The alteration will not have a detrimental effect on neighboring property***

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81 The subject parcel lies on Division in an area heavily occupied by student rental  
 82 housing and larger apartment buildings. The existing house is surrounded on all sides  
 83 by similar multi-family buildings of at least 2 stories. The proposed modifications will  
 84 only be visible from the street side and not from adjacent properties. The house is  
 85 located in a historic district and the Historic District Commission has approved the  
 86 proposed modifications.

87

88 Staff does not feel that the requested variance would negatively affect any surrounding  
 89 property. As stated previously, the surrounding uses are similar in density and this addition  
 90 will be a positive architectural modification to the structure.

91

92 **Audience Participation** - None.

93

94

### 95 **Discussion by the Board to Staff**

96

97 D. Gregorka – Are they also putting in a dormer? (M. Kowalski – Because the site is so small  
 98 because of the setbacks, they're allowed 25 feet of build-able area and that addition falls  
 99 within there, and is not part of this request. They're allowed this because they're on a corner  
 100 lot and the setbacks are so confining).

101

102 M. Kowalski – Stated that there had been no communication from the public on this appeal.

103

104 C. Carver – Will the rear stairs have to be rebuilt? Isn't that a second form of egress?  
 105 (M. Kowalski – It's not in the plan. The petitioner needs ZBA approval before obtaining a  
 106 building permit. If the plan doesn't meet code, they won't get a building permit.)

107 **Petitioner Presentation**

108

109 Scott Diels was present to speak on behalf of the appeal. He stated that the rear stair is  
 110 being eliminated. This structure is multi-family, which only requires one means of egress –  
 111 one 36-inch door and windows in bedrooms that meet the requirements for a second means  
 112 of egress out of a sleeping area.

113

114 *(Other conversation regarding egress. The Board mentioned that this should be noted so*  
 115 *that when this issue gets to the Building Department that this is not overlooked.)*

116

117 Mr. Diels mentioned that they are ‘squaring up’ the back of the building to give it a more  
 118 formal appearance (suggested by the Historic District Commission). We also took that  
 119 opportunity to bring some of the interior spaces up to code. That bedroom right now is less  
 120 than 8 feet and there are some other requirements that are presently needed. Unit 4  
 121 currently has no bathroom – and has to go out into the hall and down three steps to get to the  
 122 bathroom. It was fine in 1938, but there are other things we’re addressing as well.

123

124 **Discussion by the Board**

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126 C. Carver – Stated that as long as all of the building codes are adhered to, he had no  
 127 objections to this request.

128

129 K. Loomis – It clearly meets our requirements and looks like an improvement.

130

131 D. Gregorka – There is a minimal increase in footprint, there’s not really any more  
 132 encroachment into the setback and no neighborhood objections. This will probably end up a  
 133 better structure in the long run.

134

135 **Written Communications – None.**

136

137 **MOTION**

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139 Moved by K. Loomis, Seconded by W. Carman, **“that in the case of Appeal Number**  
 140 **2007-Z-011, 217 North Division, the Zoning Board of Appeals grants permission to alter**  
 141 **a non-conforming structure based on the following findings of fact in accordance with**  
 142 **the established standards for approval and in accord with the submitted plans that:**

143

144 a) **The alteration complies as nearly as practicable with the requirements of the**  
 145 **Zoning Chapter.**

146

147 b) **The alteration will not have a detrimental effect on neighboring property.”**

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149 **On a Voice Vote – MOTION PASSED – UNANIMOUS (Variance Granted)**

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152 **D. UNFINISHED BUSINESS – None.**

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154 **E. NEW BUSINESS – None.**

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156 **F. REPORTS & COMMUNICATIONS**

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158 **G. AUDIENCE PARTICIPATION – GENERAL – None.**

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**ADJOURNMENT**

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Moved by D. Gregorka, Seconded by C. Carver, "that the meeting be adjourned."

**On a Voice Vote – MOTION PASSED - UNANIMOUS**

Chairperson Carol Kuhnke adjourned the meeting at 7:27 p.m.

**(Submitted by: Brenda Acquaviva, Administrative Support Specialist V – Zoning Board of Appeals)**

Kathryn Loomis  
Kathryn Loomis, Acting Chairperson

8/22/07  
DATE