



# City of Ann Arbor

## Formal Minutes

### Zoning Board of Appeals

301 E. Huron St.  
Ann Arbor, MI 48104  
[http://a2gov.legistar.com/  
Calendar.aspx](http://a2gov.legistar.com/Calendar.aspx)

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Wednesday, January 24, 2018

6:00 PM

Larcom City Hall, 301 E Huron St, Second  
floor, City Council Chambers

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**A**      **CALL TO ORDER**

*Chair Briere called the meeting to order at 6:03 p.m.*

**B**      **ROLL CALL**

**Present:** 9 - Candice Briere, Heather Lewis, David DeVarti, Kirk Westphal, Michael Dobmeier, Michael B. Daniel, Nicole Eisenmann, Todd Grant, and Julie Weatherbee

**C**      **APPROVAL OF AGENDA**

**Moved by Westphal, seconded by Weatherbee, and approved unanimously as presented.**

**D**      **APPROVAL OF MINUTES**

**D-1**      **18-0023**      Zoning Board of Appeals Meeting Minutes of December 13, 2017

**Attachments:**      12-13-2017 Minutes with Live Links .pdf

**Moved by Westphal, seconded by DeVarti, approved unanimously, and forwarded to the City Council.**

**E**      **HEARINGS AND APPEALS**

**E-1**      **18-0025**      ZBA17-031; 621 Madison Place  
Onna Solomon, property owner, is requesting a variance from Chapter 55 Zoning Section 5:28 (Area, Height and Placement regulations). Applicant is seeking a six (6) foot variance from the required 30 foot setback in order to construct a nine (9) foot nine (9) inch by 19 foot addition to the rear of the existing home. If granted the rear yard setback will be 24 feet.

**Attachments:**      621 Madison Place Staff Report with Attachments.pdf

*Background:*

*The property is zoned R1C, single-family residential, and is located between South Seventh Street and Eberwhite Elementary school. The home was built in 1948 and is approximately 1,224 square feet in size.*

*Description:*

*The new two (2) story addition will contain an entryway and mudroom along with a dining area for an approximate total of 197 square feet on the first floor. The second floor will be 125 square feet and will accommodate a new closet for an existing bedroom and a new bathtub for an existing bathroom. The combined square footage of both floors will be 322 square feet.*

*Standards for Approval- 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. 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 applicant states that the addition and renovation to the residence will result in improved access and modernization to the back entryway to the home. The addition will also create a safe and functional space. Without the variance, much needed repairs to the wood deck and windows will not move forward.*

*(b). That the alleged hardships are 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 front entrance to the home is farther than the rear entrance and is halfway down a steeply sloped drive that presents access challenges in poor weather conditions. The home is also small and lacks key necessities for this growing family.*

*(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.*

*The applicant states the variance will have little impact on surrounding properties as detached garages and vegetation help eliminate any visual impacts that the addition may have. The addition could be built at the front of the residence, however, the home would be in front of the neighbors and would change the visual aesthetics of the street.*

*(d). That the conditions and circumstances on which the variance request is based shall not be a self-imposed hardship or practical difficulty. The applicants contend that the variance request is not self-imposed as the front yard has topography and sloping issues. The back of the house currently is located almost to the 30 foot rear setback which would require a variance with any type of addition.*

*(e). A variance approved shall be the minimum variance that will make possible a reasonable use of the land or structure. The variance requested is for six (6) feet or 20 percent of the total rear yard setback requirement. The applicants state that this is a minimal request and still affords them the opportunity to make a reasonable use of the land.*

*Questions by Board to Staff:*

*Boardmember Todd Grant inquired about the petitioner's previous request.*

*Barrett answered that their previous request was for 10 feet.*

*Boardmember Mike Daniel inquired about the existing deck size and its relationship to the proposed addition.*

*Barrett answered that the Architect for the project will be able to provide that information.*

*Presentation by Petitioner:*

*Onna Soloman, 621 Madison Place, Ann Arbor, explained that the addition would be slightly smaller than the deck. She added that the house is in need of updating. She stated that their application shows the best way to utilize the little space they have.*

*Kasey Vilet, Contractor, Stated that he was available for any questions.*

**Moved by DeVarti, seconded by Lewis in petition ZBA17-031; 621**

**Madison Place**

**Based on the following findings of fact and in accordance with the established standards for approval, the Zoning Board of Appeals hereby GRANTS the following variances from Chapter 55, Section 5:28, (Area, Height and Placement regulations) to allow:**

**A variance of six (6) feet, in order to construct a nine (9) foot nine (9) inch by 19 foot addition to the rear of the residence. The rear yard requirement is 30 feet. The result will be a twenty-four foot rear yard. The addition is to be built per the submitted plans:**

- a) The alleged practical difficulties are peculiar to the property and result from conditions which do not exist generally throughout the City**
- b) That the practical difficulties, 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 land or structure.**

*Board Discussion:*

*The Board expressed general support for the requested variance.*

**On a roll call, the vote was as follows with the Chair declaring the motion approved. Vote 8-1**

**Variance: GRANTED**

**Yeas:** 8 - Chair Briere, Lewis, DeVarti, Vice Chair Dobmeier, Daniel, Eisenmann, Grant, and Weatherbee

**Nays:** 1 - Councilmember Westphal

- E-2**      **18-0026**      ZBA17-037; 618 Church Street  
Mark Chalou, representing the property owner, is requesting a variance of six (6) feet from Chapter 61 Signs and Outdoor Advertising Section 5:502

(2)(a). The ordinance requires signs to be installed a maximum of four (4) feet from a building wall. The variance will enable a business sign to be installed and attached to a steel canopy ten (10) feet from the building wall.

**Attachments:** 618 Church Street Staff Report with Attachments .pdf

*Description and Discussion:*

*The petitioner is seeking to install a 44 square foot sign (see diagram) and attach to a steel canopy structure that is located above an outdoor seating area. The variance if approved will allow the proposed sign to project 44 inches into the public right of way. The sign will be required to be a minimum of eight (8) feet above the sidewalk to allow for pedestrian clearance.*

*The Zoning Board of Appeals has the power granted by State law and by Section 5:517, Application of the Variance Power from Chapter 61, the City of Ann Arbor Sign Ordinance. The following criteria shall apply (petitioner's response in italics, staff's response in regular type):*

*(a) That the alleged hardships or practical difficulties, or both, are peculiar to the property of the person requesting the variance and result from conditions which do not exist generally throughout the city.*

*The applicant states that when the building was originally constructed it was zoned C1A/R (Campus business residential district) which requires a ten (10) foot setback. The zoning in the area has since changed to D (downtown district) which allows for a zero front setback. The adjacent buildings to the restaurant have been built closer to the right of way which thus obscuring it from pedestrians and vehicular traffic from the northern and southern directions.*

*(b) 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 the failure of the Board to grant a variance and the rights of others whose property would be affected by the allowance of the variance. Without the variance, the sign will be installed on the building wall and will not have the same visual effects as with the variance enabling installation on the steel canopy structure.*

*(c) Is the condition which prevents you from complying with the ordinance self-imposed? How did the condition come about? The applicant contends that the conditions were not self-imposed. The zoning in the surrounding area changed and the result is detrimental to the visibility for*

*the subject property and its tenants.*

*Questions from Board to Staff:*

*Grant inquired the nearby sign relating to sign code.*

*Barrett answered that the code requires signs to be attached to a building wall. The petitioner is requesting to attach a sign to a steel canopy.*

*Boardmember DeVarti commented that the applicant is at a hardship due to a zoning change.*

*Boardmember Heather Lewis inquired about enclosing the outdoor area walls to allow the sign to be attached without a variance.*

*Barrett answered that the petitioner is taking the most streamlined approach to obtain a sign permit.*

*DeVarti inquired about the sign code relating to how far neighboring signs are extending over the sidewalk.*

*Barrett answered that a sign at this location can extend four feet into the right-of-way.*

*Presentation by Petitioner:*

*Mark Chalou, Applicant, explained that he is a sign designer and gave examples of signs that he designed in Ann Arbor.*

*Brad Moore, Architect, provided alternatives to the Board for the variance as it related to the code, stating his opinion that a variance is not needed for attachment to an awning.*

**Moved by Daniel, seconded by DeVarti in petition ZBA17-034; 618 Church Street**

**Chapter 61 Variance:**

**Based on the following findings of fact and in accordance with the established standards for approval, the Zoning Board of Appelas hereby GRANTS a six (6) foot variance from Chapter 61, Section 5:502 (2)(A) Exterior Business Signs. The subject business will install a wall sign ten (10) feet from the wall.**

a) That the alleged hardships or practical difficulties, or both, are peculiar to the property of the person requesting the variance and result from conditions which do not exist generally throughout the City.

b) 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 variances.

*Commission Discussion:*

*The Board discussed the hardship the applicant is experiencing and expressed support for the variance request.*

**On a roll call, the vote was as follows with the Chair declaring the motion approved. Vote: 9-0**

**Variance: GRANTED**

**Yeas:** 9 - Chair Briere, Lewis, DeVarti, Councilmember Westphal, Vice Chair Dobmeier, Daniel, Eisenmann, Grant, and Weatherbee

**Nays:** 0

- 0E-3**      [18-0027](#)      ZBA17-038 533 South Fourth Avenue  
Carl O. Hueter, representing the property owner, is seeking an alteration to a non-conforming structure to an existing duplex. The property is zoned R4C and is non-conforming for lot size. If approved, a new bedroom and interior stairs will be added to the first floor and a new bedroom to the second floor. A new dormer will be added to the attic and a deck will be constructed to the exterior rear yard.
- Attachments:**      533 South State Street Staff Report with Attachments .pdf

*Background:*

*The subject parcel is zoned R4C (multiple family) and is located between Packard Street and East Madison Street east of South Main Street. The property is non-conforming as it contains 6,316 square feet and 8,500 is required in the R4C district. The home does not meet the side and front yard setbacks. Additionally, the lot is 48 feet in width and the code*

*requires 60 feet. The home was built in the early 1900's and was converted into a duplex sometime in the 1960's.*

*Description:*

*The structure is currently a four bedroom apartment on the first floor and basement level. The second floor contains a two (2) bedroom apartment. The current owner, who purchased the home in 2011, plans on moving into the home and converting the second floor apartment into her living quarters. The bottom unit is occupied by her daughter.*

*The first floor renovations will consist of a new bedroom, an interior stairwell access area and an exterior deck. The second floor will receive stairwell access and a new bedroom that will accommodate the owner. The owner proposes to raise the roof in the attic and add a dormer to create a personal studio.*

*Currently, there are two (2) shed structures in the rear that will be demolished to allow for a compliant two (2) car garage that is not part of this permission request to alter a nonconforming structure.*

*As noted above, Chapter 55, Section 5:87 (1) (a) states that a nonconforming structure may be maintained or restored, but no alteration shall be made to a nonconforming structure unless one of the following conditions are met:*

*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 construct interior and exterior renovations to an existing duplex in order to accommodate the owner and her daughter. The proposed additions will not further encroach into the side setbacks and will not have an impact on the front or rear setbacks. The improvements will have little to no impact on the adjacent rental houses.*



*Questions by Board to Staff:*

*Boardmember Julie Weatherbee inquired about the bedroom configuration at the house*

*Barrett answered that the applicant can answer.*

*Grant inquired the envelope of the building changing.*

*Barrett answered that the first floor rear will be expanding and still meeting the rear setback requirements.*

*Presentation by Petitioner:*

*Carl O. Hueter, Architect, representing the owner explained the plans for the property. He added that there will be bedrooms and an office.*

**Moved by DeVarti, seconded by Dobmeier in petition ZBA17-038;  
533 South Fourth Ave:**

**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.**

*Board Discussion:*

*The Board discussed the petition and expressed general support for the project.*

**On a roll call, the vote was as follows with the Chair declaring the motion approved. Vote 9-0**

**Yeas:** 9 - Chair Briere, Lewis, DeVarti, Councilmember Westphal, Vice Chair Dobmeier, Daniel, Eisenmann, Grant, and Weatherbee

**Nays:** 0

**F PUBLIC HEARINGS**

Individuals may speak for three minutes. Please state your name and address for the record.

Comments about a proposed project are most constructive when they relate to: (1) City Code requirements, or (2) additional information about the area around the petitioner's property and the extent to which a proposed project may positively or negatively affect the area.

**G NEW BUSINESS**

*None.*

**H UNFINISHED BUSINESS**

*None.*

**I REPORTS AND COMMUNICATIONS**

*None.*

**I-1 [18-0028](#) Various Communication to the ZBA**

**Attachments:** Photo from Chalou- Luigi Neon Sign 'At Night' .pdf, Email and Photos from Chalou .pdf, Letter from Tice.pdf, Letter from Ladd.pdf, Letter from Peltier.pdf

**Received and Filed**

**J PUBLIC COMMENTARY - (3 Minutes per Speaker)**

*None.*

(Please state your name and address for the record and sign in)

**K ADJOURNMENT**

**Moved by DeVarti, seconded by Westphal that the meeting be adjourned at 7:04 p.m. Based on a voice vote, the Chair declared the meeting adjourned**

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Candice Briere  
Chairperson of the Zoning Board of Appeals  
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