



**APPROVED MINUTES OF THE REGULAR MEETING OF  
THE ZONING BOARD OF APPEALS OF THE CITY OF ANN ARBOR  
March 24, 2010**

The Regular Session of the Zoning Board of Appeals was held on Wednesday, March 24, 2010 at 6:00 p.m. in City Council Chambers, 100 N. Fifth Avenue, A2, MI. The meeting was called to order at 6:00 p.m. by Chairperson Carol Kuhnke.

**ROLL CALL**

Members Present: (9) J. Carlberg, C. Briere, K. Loomis  
C. Kuhnke, A. Pilot, D. Tope, W. Carman, D.  
Gregorka and S. Briere (arrived at 6:10 p.m.)

Members Absent: (0)

Staff Present: (1) M. Kowalski

**A – APPROVAL OF AGENDA**

**A-1** Without Opposition, the Agenda was Approved as Presented.

**B - APPROVAL OF MINUTES**

**B-1** Draft Minutes of the 2009-11-18 Regular Session

**Changes:** Aaron *Pilot* should be changed to *"Pilat"* throughout the body of the November 2009 minutes.

Moved by D. Tope, Seconded by C. Briere **"To approve the minutes of the November 18, 2009 Regular Session as Amended."**

**On A VOICE VOTE – MOTION TO APPROVE – PASSED - UNANIMOUS**

**C - APPEALS & ACTION**

**C-1 ZBA10-001 – 509 North Ashley Street**

David Crouse is requesting one variance from **Chapter 55 (Zoning) Section 5:28**, of 2 feet 6 inches for expansion of an existing residential structure into the side setback (5 feet is required by Code.)

**Description and Discussion:**

**Note:** *Petitioner was not present when this appeal was heard, but the Chair asked Staff to report on the appeal and hold the public hearing for anyone who might want to comment).*

The subject parcel is located at 509 North Ashley, north of Kingsley. The parcel is zoned R4C (Multiple-Family Residential District), however because the structure is used as a single-family house, according to Chapter 55 Section 5:10.8(2)(c), R1C zoning standards are applicable.

51 The house was built in 1901 and is 1122 square feet in floor area. The house has a one-car  
52 detached garage.

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54 The petitioner is proposing to construct a 336 square foot unenclosed carport with roof deck  
55 above. The roof deck will not be enclosed and will be accessed through a proposed door on  
56 the second floor. The carport will be eight feet tall attached to the house on one side and  
57 supported by 4 posts on the other side. The carport will also provide cover to the side door of  
58 the house. According to Chapter 55, 5:59, a carport is an accessory building and is not  
59 permitted in the required side open space. The proposed carport will extend 14 feet from the  
60 house and will result in a two foot 6 inch side setback, requiring a variance of two feet six  
61 inches from the site setback requirement of 5 feet. There is 16 feet 6 inches in between the  
62 house and the side property line.

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64 The petitioner has submitted four letters of support from neighbors. Note: Member Sabra  
65 Briere arrived after the staff report.

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### 67 **Questions to Staff by the Board**

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69 W. Carman (To M. Kowalski) – Am I correct that the most affected property is condemned so  
70 no one will be responding? (Yes).

71

72 D. Gregorka - Does the current residence meet the setback requirements? (Yes, it does).

73

74

75 K. Loomis – Is the current garage conforming? (Yes. Even with this change, this does  
76 conform. There will be no alteration to that structure.

77

78 A. Pilat – So a free standing carport would have a three foot setback? (If it were not attached  
79 – otherwise, it would have to conform to the regular setback of 5 feet).

80

81 W. Carman – If you have a garage or a free standing carport and another garage but not in the  
82 rear but still meet the ordinance? (Yes, simply not attached – he could have as many as he  
83 wanted).

84

85 C. Kuhnke – So you could have garages around the perimeter of your property as long as  
86 you're within the setback?

87

88 M. Kowalski – Yes, but you have to maintain 35% of Open Space remaining in the rear, so that  
89 is what is used to control that aspect.

90

91 D. Tope – “Attached’ has never had a definitive decision as to what is considered detached or  
92 attached. It seems to me that the reason he’s attaching it to the house is to have that balcony  
93 up above.

94

95 *(Discussion on the carport and its attachment)*

96

97 J. Carlberg – I thought that one of the reasons he wanted this on the side was protection for  
98 the side entrance, which is the main entrance? (M. Kowalski – Yes). It doesn’t have to go into  
99 the side setback to do that. Is there anything that prevents him from enclosing this on the  
100 south side?

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102 C. Kuhnke – Any change to that would have to come back to us. (M. Kowalski – We wouldn't  
103 allow that to be enclosed).

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105 **Questions to the Petitioner by the Board**

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107 ***Petitioner was NOT PRESENT.***

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109 D. Gregorka – Is there anything that states that the petitioner must be present to hold the  
110 appeal?

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112 C. Kuhnke – Asked the board to look at the ZBA rules regarding this issue.

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114 K. Loomis – (Quoted from her copy of the ZBA rules) *She quoted* “Unless the petitioner, his  
115 agent or his attorney is present for the hearing of petition, the Chairperson shall dismiss the  
116 petition and the petition shall not be heard again by the board for four months from the date of  
117 dismissal.”

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119 C. Kuhnke – It is 6:15 and we're here with all nine members of the board. We are powerless to  
120 move forward on this.

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122 *(Discussion on the board regarding re-hearing of this petition again in the future).*

123  
124 **Public Comment**

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126 C. Kuhnke – Is there anyone here to speak on this petition – from the petitioner or the public?  
127 (No response). The public hearing is closed.

128  
129 *Board members suggested calling the individual. A call was made to the petitioner and was*  
130 *reached only by voicemail, stating he was unavailable.*

131  
132 C. Kuhnke – Pursuant to Article 3, Section 5, Subsection 4, we are obligated to dismiss this  
133 petition and it cannot be re-heard until at least four months have passed from today's date.

134  
135 **D. OLD BUSINESS** – None.

136  
137 **E. NEW BUSINESS** - None.

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139 **F. REPORTS & COMMUNICATIONS** – None.

140  
141 **AUDIENCE PARTICIPATION – GENERAL** – None.

142  
143 **ADJOURNMENT**


144  
145 Moved by D. Gregorka, Seconded by D. Tope, “**that the meeting be adjourned.**”  
146 **On a Voice Vote – MOTION TO ADJOURN - PASSED - UNANIMOUS**

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148 Adjournment - 6:21 p.m. (**Submitted by: Brenda Acquaviva, Administrative Support**  
149 **Specialist V – Zoning Board of Appeals**)

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Carol Kuhnke, Chairperson

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Dated ZBA Minutes