



# 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, February 26, 2020

6:00 PM

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

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Zoning Board of Appeals meetings are public meetings are held the fourth Wednesday of each month. All persons are encouraged to participate in public meetings. Individuals requiring translation or sign language services or other reasonable accommodations may contact the City Clerk's office at 734.794.6140; via e-mail to: [cityclerk@a2gov.org](mailto:cityclerk@a2gov.org); or by written request addressed and mailed or delivered to: City Clerk's Office, 301 E. Huron St., Ann Arbor, MI 48104. Requests need to be received at least two (2) business days in advance of the meeting. Zoning Board of Appeals meeting agendas and packets are available from the Legislative Information Center on the City Clerk's page of the City's website (<http://a2gov.legistar.com/Calendar.aspx>) or on the 1st floor of City Hall on the Friday before the meeting.

#### A CALL TO ORDER

*Meeting called to order at 6:00 p.m.*

#### B ROLL CALL

**Board member Todd Grant arrived at 6:15 p.m.**

**Present:** 7 - David DeVarti, Michael B. Daniel, Nicole Eisenmann,  
Todd Grant, Charlotte Wilson, Elizabeth Nelson, and Chris  
Fraleigh

**Absent:** 1 - Candice Briere

#### C APPROVAL OF AGENDA

**Moved by Nelson, Seconded by Daniel to approve the agenda.**

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

#### D APPROVAL OF MINUTES

D-1 [20-0212](#) Zoning Board of Appeals Meeting Minutes - January 22, 2020

**Attachments:** 1-22-2020 ZBA Minutes.pdf

**Moved by Wilson, seconded by Daniel, approved unanimously as**

presented and forwarded to the City Council.

## E PUBLIC HEARINGS

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 applicant's property and the extent to which a proposed project may positively or negatively affect the area.

- E-1      [20-0213](#)      ZBA20-001; 1907 Dogwood Court  
Donald Swiderski, property owner, is requesting an 11 foot 10 inch variance from Chapter 55 Table 5.17-1 Single Family Residential Zoning District Dimensions. The property is zoned R1C Single-Family Residential and requires a 30 foot setback. The owner is requesting to construct a 12'x14' screened porch on the existing deck. The new porch will be 18 feet two inches from the rear property line.

**Attachments:**      ZBA20-001; 1907 Dogwood Ct Staff Report with Attachments.pdf

*City of Ann Arbor Zoning Coordinator Jon Barrett presented the Staff Report.*

### QUESTIONS FROM BOARD TO STAFF

*Boardmember Mike Daniel inquired about whether the applicant would be able to build an addition instead of a screened in porch.*

*Barrett answered that to build an addition it would have to be within what was granted by the variance. He explained that the variance could be written to allow only the existing footprint to be built as an addition.*

*Boardmember Nicole Eisenmann inquired about the remediation of the water condition at the site.*

*Barrett deferred to the applicant.*

*DeVarti discussed the water easement, and inquired about the variance creating additional impervious surface. He inquired about easements on adjacent properties.*

*Barrett explained that as long as the addition is less than two hundred square feet, the applicant will not need a soil erosion permit. Barrett answered that he does not know how far the easement extends.*

*PRESENTATION BY APPLICANT*

*Donald Swiderski, property owner, explained the proposed variance. He explained that the drainage issue, explaining that there is a small conduit that leads to the ponded water that backs, and he is considering installing a French drain. He explained that he does not fill in the drainage issue area to prevent water from draining into his neighbor's yard.*

*PUBLIC HEARING*

*Seeing no further speakers, Vice Chair DeVarti closed the Public Hearing.*

**Moved by Eisenmann, seconded by Wilson in petition ZBA20-001;  
1907 Dogwood Court**

**Variance:**

**Based on the following findings and in accordance with the established standards for approval, the Zoning Board of Appeals hereby GRANTS the following variance from Chapter 55 Unified Development Code Table 5.17-1 Single Family Residential Zoning District Dimensions**

**A variance of 11 feet 10 inches from the required 30 foot setback to construct a 12 foot by 14 foot screened porch on the existing deck. The porch is to be built per the submitted plans.**

**That the alleged practical difficulties are exceptional and peculiar to the property of the Person requesting the variance, and result from conditions that do not exist generally throughout the City.**

**That the alleged practical difficulties that will result from a failure to grant the variance, include substantially more than mere inconvenience, inability to attain a higher financial return, or both.**

**That allowing the variance will result in substantial justice being done, considering the public benefits intended to be secured by this chapter, the practical difficulties 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.

**That the conditions and circumstances on which the variance request is based are not a self-imposed practical difficulty.**

**The variance to be approved is the minimum variance that will make possible a reasonable use of the land or Structure.**

*The Board discussed the drainage issue at the site, the standards for granting approval, and screened in porch options.*

**On a roll call vote, the vote was as follows with the Vice Chair declaring the motion failed.**

**Variance: DENIED**

**Yeas:** 0

**Nays:** 7 - DeVarti, Daniel, Eisenmann, Grant, Wilson, Councilmember Nelson, and Fraleigh

**Absent:** 1 - Chair Briere

- E-2**      **20-0214**      ZBA20-002; 210 Beakes Street  
Rob Fowler, representing property owner, is requesting relief from Section 5.32.2 Alteration to a Nonconforming Structure. The subject property is zoned R4C Multiple-Family Dwelling and is nonconforming as it does not meet the required lot area, lot width and setbacks for the district. The applicant is seeking to construct a 2'x12' dormer addition to the second story. The second story attic space is being converted to two habitable bedrooms.

**Attachments:**      ZBA20-002; 210 Beakes Street Staff Report with Attachments.pdf, Letter from Papak for ZBA20-002.pdf

*Barrett presented the Staff Report.*

#### QUESTIONS FROM BOARD TO STAFF

*Nelson inquired about the "Stop Order" that was issued as well as window placement.*

*Barrett answered that work beyond what the permit allowed was being done. He also indicated on the slideshow where the window is.*

*Boardmember Chris Fraleigh inquired about the nonconforming status.*

*Barrett answered that the house was built prior to the current zoning.*

*Boardmember Grant inquired about parking at the site.*

*Barrett answered that one parking space is required.*

*DeVarti inquired about parking at the site and inquired about alternative zoning and compliance.*

*Barrett answered that there is on street parking and explained that even if the property had another zoning, it would still be nonconforming.*

#### *PRESENTATION BY APPLICANT*

*Rob Fowler, builder on the property, explained that the property is downtown, and that he is constructing 4 bedrooms, and keeping the impact minimal. The dormer extension allows for legal stairs and headroom for building requirements.*

*Grant inquired about increasing the height of the building and discussed the impact of the dormer.*

*Fowler answered that the height is not being increased, and that a firewall will be installed.*

*Eisenmann inquired about the windows shown on the plans and the location of the kitchen. Eisenman discussed replacing a restroom to minimize the dormer size increase.*

*Fowler answered that no new windows are being installed, and that the kitchen is "L" shaped and near the bathroom. Fowler explained that Eisenmann's proposed configuration would create headroom problems.*

*DeVarti inquired about Fowlers role in the project and making building permit plans.*

*Fowler explained that he is the builder, and he explained that he planned to seek a revision. He explained that he is operating on requests from the homeowner, which sometimes results in revising building permits.*

*Nelson expressed concern with drawings proposing new windows.*

*Fowler answered that no new windows are being installed.*

*Eisenmann further discussed windows.*

*Grant inquired about the height of the east wall.*

*Fowler explained that the height of the building is not increasing.*

*DeVarti inquired about building department window requirements.*

*Fowler answered that the construction will meet building code.*

#### **PUBLIC HEARING**

*Dan Bayer, 515 North Fifth Street, Ann Arbor, explained that everyone in his building sent a letter opposing the variance. He expressed opposition for the proposed dormer. He expressed concern about density and parking.*

*Grant clarified where Bayer lives.*

*DeVarti inquired if 515 North Fifth is a condominium.*

*Bayer answered, yes.*

*Jameson Fitzsimmons, 614 North Main Street, expressed support for the proposed variance, explaining that allowing more people to live in the area would not be negative.*

*Seeing no further speakers, Vice Chair DeVarti closed the Public Hearing.*

**Moved by Eisenmann, seconded by Daniel**

**Application ZBA20-002; 210 Beakes Street**

**Alteration to a Nonconforming Structure:**

**The Zoning Board of Appeals hereby GRANTS relief from Section 5.32.2 Alteration to a Nonconforming Structure in order to allow construction of a 2 foot by 12 foot dormer addition on the second story on the east facing side of the existing building upon finding**

that it complies as nearly as practicable with the requirements of this chapter and that it will not have a detrimental effect on neighboring property. No new windows facing east as part of this dormer addition.

*BOARD DISCUSSION*

*The board discussed the impact on the neighborhood. They also discussed the impact as it relates to new windows being included. The board discussed the characteristics of the neighborhood.*

**On a roll call vote, the vote was as follows with the Chair declaring the motion passed.**

**Alteration: GRANTED**

**F UNFINISHED BUSINESS**

**G NEW BUSINESS**

**H COMMUNICATIONS**

**H-1 [20-0215](#) Various Communication to the ZBA**

**Attachments:** Email and Letter from Stalburg.pdf, Letter from Papak for ZBA20-002.pdf

**Received and Filed**

**I PUBLIC COMMENTARY – 3 MINUTES PER SPEAKER**

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

**J ADJOURNMENT**

*Adjourned at 7:10 p.m.*

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Candice Briere, Chairperson of the Zoning Board of Appeals

/kvl