



**APPROVED MINUTES OF THE REGULAR MEETING OF
THE ZONING BOARD OF APPEALS OF THE CITY OF ANN ARBOR
June 23, 2010**

The Regular Session of the Zoning Board of Appeals was held on Wednesday, June 23, 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: (7) D. Gregorka, K. Loomis, C. Briere, S. Briere,
D. Tope, C. Kuhnke & W. Carman (arr. @ 6:03 pm.)

Members Absent: (2) J. Carlberg & One Vacancy

Staff Present: (1) M. Kowalski

A – APPROVAL OF AGENDA

The Agenda was approved as amended – Items under “B” (Draft Minutes) were not available at the time of the meeting.

On a VOICE VOTE – MOTION TO APPROVE – **PASSED – UNANIMOUSLY**

B - APPROVAL OF MINUTES - Not Available.

C - APPEALS & ACTION

C-1 ZBA10-004 – 2060 W. STADIUM BLVD.

Joseph Gilmour is requesting Permission to Alter a Non-Conforming structure from Chapter 55 (Zoning) Section 5:45 (C2B-Business Service District)

Description and Discussion

The petitioner is requesting Permission to Alter a Non-Conforming Structure in order to permit expansion of an existing non-conforming structure. **** This petition was advertised as a Variance request and Permission to Alter a Non-Conforming Structure; however, after a more detailed analysis it was determined that a variance is not required.**

The parcel is zoned C2B (Business Service District) and is currently used as an automobile dealership. The building was constructed in 1963 and has been used as a dealership continuously since that time. The existing building(overhang) is setback 12.9 feet from the front property line and is non-conforming due to an encroachment into the front setback of 27.1 feet; the required front setback is 40 feet. The existing setback to the enclosed interior space is 21.5 feet however; the building overhang extends to 12.9 feet at the closest point from the front property line. Chapter 55 (zoning) only permits a maximum of 2 foot building overhang into the required open space.

The petitioner is requesting to fill in most of the area underneath the overhang with useable floor area. A portion of the overhang will be removed for a proposed Millennium arch sign (to be reviewed separately). As a result, the setback to the building will be increased to 15.6 feet (12.9 feet existing) at the closest point of the building.

54 Due to the angle of the building and the angle of West Stadium Boulevard, the building setback
 55 increases in both directions from the closest point of 15.6 feet. No part of the structure will be
 56 closer to the front property line than the existing overhang. This building addition will not
 57 increase impervious surface on the site. The modifications requiring Zoning Board of Appeals
 58 action are part of an overall upgrade to the site in order to improve the appearance and
 59 increase functionality of the site.

60
 61 The addition of floor area requires an Administrative Amendment to an approved site plan.
 62 This was submitted in May 2010 and is currently being reviewed by planning staff. Zoning
 63 Board of Appeals approval is necessary for the Administrative Amendment to be approved.

64
 65 Planning staff is currently completing a study (Area, Height and Placement Project) that would
 66 revise the setbacks and zoning standards for commercial districts within the City of Ann Arbor.
 67 The proposed minimum setback for the C2B district would be 10 feet and the district would
 68 also have a maximum setback of 25 feet. These revisions will be presented to the Planning
 69 Commission for action on July 8, 2010 and will need final approval from City Council. If these
 70 changes are adopted by City Council, the proposed addition would be conforming and Zoning
 71 Board of Appeals permission would not be necessary. The petitioner is aware of these
 72 proposed modifications, but has indicated the timing of the project is critical and they would like
 73 to proceed as soon as possible with the proposed modifications.

74
 75 Staff would recommend that if the Zoning Board of Appeals approves this request it be
 76 conditioned that there is no parking of display vehicles in the remaining front open space. It is
 77 also recommended that any approval specifically exclude the 'Millennium Arch' sign as that is
 78 reviewed under the Sign Ordinance and not the Zoning Ordinance.

79
 80 **Questions to Staff by the Board**

81
 82 W. Carman (to M. Kowalski) - So, the arch will now be attached (Yes). Is that the revision?
 83 (Yes, and it becomes part of the structure.)

84
 85 K. Loomis – Does the arch itself extend any further into the setback? (It does not, and that is
 86 why we don't require a variance.)

87
 88 M. Kowalski – In the way it's set back and the site and building are angled, it's only 15 ft. 5 in.,
 89 so it's only decreasing.

90
 91 W. Carman – So your argument that this doesn't require a variance is due to the fact that this
 92 was already non-conforming with the overhang? (Yes. We allow two feet on the overhang,
 93 but this one was six feet over.) Was Stadium Blvd. widened - which would create this Non-
 94 Conforming condition?

95
 96 W. Carman – I don't know what the Zoning Standards/Setbacks were in 1963, but I'm certain
 97 that they had them by then.

98
 99 C. Kuhnke – Do you know what the setback was when this was constructed? (No.)

100
 101 **Presentation by the Petitioner**

102
 103 Mr. Joe Gilmore was present to speak on behalf of the appeal. He stated that he is the owner
 104 of Naylor Chrysler. The reason he has requested the appeal is that he is trying to add the
 105 Dodge and Ram lines to his current Chrysler and Jeep offerings. He stated that "Chrysler
 106 wanted me to move to Scio Township, but we fought to stay as we love Ann Arbor.

107 Their goal is to move all of the stores out to the auto mall in Scio Township. In order to stay in
 108 our current location, they require that I change the building to meet some of their facility
 109 requirements.

110
 111 The shape is actually a ‘Pentastar.’ Back in 1964, that was their (Chrysler’s) facility. There
 112 are about six of these types of buildings left in the country. When I purchased the store two
 113 years ago, I drew up plans to tear down the front of the building, remodel with a square
 114 building and people hated the idea; they loved the building and felt it was an Ann Arbor icon.

115
 116 Instead of that at the time, I remodeled everything inside, knowing that I was really going to try
 117 to stay. I’ve decided that if they wouldn’t let me keep the building as is, I decided that we
 118 would just do without the additional Dodge and Ram lines. We have been working with
 119 Chrysler instead to try to reach a compromise to stay in our current location.”

120
 121 Mr. Frank Martin of Dorchen Martin Architects was also available to speak regarding the
 122 appeal. He expounded on the building shape and required square footages that Chrysler
 123 requires, and part of that is addressed by adding the overhang. We were approved by
 124 Chrysler Corporation, but need the Board’s approval for the setback requirements. The “Arch”
 125 is one thing that Chrysler stipulates must be a part of this building. As Matt stated, we are
 126 actually further from the right-of-way than the current ‘point’ overhang. (He provided the Board
 127 with additional photos).

128
 129 **Questions to the Petitioner by the Board**

130
 131 D. Gregorka – Staff mentioned that you currently park cars into the front setback for display.
 132 Will you continue to park those in the front open space if you receive this approval?
 133 (F. Dorchen – No.)

134
 135 J. Gilmore – We currently have an existing variance to park cars there, but once we redo the
 136 building we won’t park cars there anymore because there simply won’t be enough room and
 137 it’s not the best place to display them. We want people to be able to see into the showroom.

138
 139 C. Kuhnke – It seems that you’ll still be parking cars along the driveway where there is asphalt
 140 and a proper drive? (J. Gilmore – For display purposes?) For any purpose. (J. Gilmore –
 141 There is actual parking on the other side; this side is solely for pulling up people’s cars after
 142 they’ve been washed after service - when the owner picks it up.)

143
 144 D. Gregorka (To Staff) - Is there a formal variance granted for that? (M. Kowalski – Yes, there
 145 is). How do we deal with that if we don’t want cars parked there?

146
 147 W. Carman – You could add a rider to it.

148
 149 D. Gregorka – If we make this contingent on that, we could override the variance? (Yes).

150
 151 M. Kowalski – They are also going through an Administrative Amendment for the site plan with
 152 Planning and would not allow this either – so this change will become a part of that and will
 153 preclude any parking there.

154
 155 **Public Comment** - None.

156 **Discussion by the Board**

157

158 W. Carman (To Staff) – Since this is Non-Conforming and we are not providing a variance, this
 159 will still be Non-Conforming, correct? (Yes, although it is noted in the staff report that the area,
 160 height and placement project that staff is working on would reduce that setback to ten feet
 161 which would make this a conforming building – if it passes the Planning Commission and City
 162 Council).

163 W. Carman – That isn't clear that those will pass.

164

165 D. Tope (To Staff) – This is the situation that got it here to begin with; the Zoning Ordinance
 166 changed, the setbacks changed, it was existing so it was made non-conforming. Do you have
 167 any idea how many buildings within that stretch between Pauline to Liberty? How many
 168 structures are Non-Conforming due to the Ordinance? (M. Kowalski – I don't know). So this
 169 condition is not unusual. (Probably not.)

170

171 W. Carman – Did you do averaging of setbacks? (M. Kowalski – That is for residential and not
 172 commercial). I don't think that is true. When this passed, it affected structures on Main Street.
 173 We should talk about this afterwards.

174

175 D. Tope – Are you contemplating adding the amendment to the motion regarding the display
 176 vehicles?

177

178 D. Gregorka – I think we should make this 'subject to' not parking display vehicles in the front
 179 open space.

180

181 D. Tope – That is what I was referencing – Not all vehicles but 'display' vehicles.

182

183 **MOTION**

184

185 Moved D. Gregorka, Seconded by S. Briere, **"In the case of ZBA10-004, 2060 West Stadium**
 186 **Boulevard, I move that the Zoning Board of Appeals grants Permission to Alter a Non-**
 187 **Conforming Structure, from Chapter 55, Section 5:45 (*per the attached plans*) and**
 188 **subject to prohibiting display vehicles to be parked in the front open space immediately**
 189 **in front of the building (and as shown on the site plan – only other than currently**
 190 **marked parking) and based on the following findings of fact:**

191

192 a. **The alteration complies as nearly as practicable with the requirements of the**
 193 **Zoning Chapter.**

194

195 b. **The proposed building will not encroach any further to the front property line**
 196 **other than the existing building overhang.**

197

198 c. **The alteration will not have a detrimental effect on neighboring property**

199

200 d. **There are other similar buildings in the area that are in the same proximity to**
 201 **the road.**

202

203 **On a Voice Vote – MOTION TO APPROVE – PASSED – UNANIMOUS**

204 ***Permission to Alter a Non-Conforming Structure - Approved.***

205

206 **On a VOICE VOTE – MOTION TO APPROVE – PASSED – UNANIMOUS**

207

208 D. OLD BUSINESS – None.

209

210 E. NEW BUSINESS - None.

211

212 F. REPORTS & COMMUNICATIONS – None.

213

214 AUDIENCE PARTICIPATION – GENERAL – None.

215

216 ADJOURNMENT

217

218 Moved by D. Gregorka, Seconded by W. Carman “**that the meeting be adjourned.**”

219

220 **On a Voice Vote – MOTION TO ADJOURN - PASSED - UNANIMOUS**

221

222 Adjournment - 6:45 p.m. (*Submitted by: Brenda Acquaviva, Administrative Support*
223 *Specialist V – Zoning Board of Appeals*)


224

225 **The Yearly Organizational meeting followed the Regular Session.*

226

227

228

229 
Carol Kuhnke, Chairperson

7-28-10
Dated ZBA Minutes