



City of Ann Arbor

Formal Minutes

Zoning Board of Appeals

301 E. Huron St.
Ann Arbor, MI 48104
[http://a2gov.legistar.com/
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Wednesday, November 16, 2016

6:00 PM

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

A **CALL TO ORDER**

Chair Candice Briere called the meeting to order at 6:02 p.m.

B **ROLL CALL**

Chair Briere called the roll.

Staff Present: Zoning Coordinator Jon Barrett

Present: 7 - Candice Briere, Nickolas Buonodono, David DeVarti, Kirk Westphal, Michael Dobmeier, Michael B. Daniel, and Nicole Eisenmann

Absent: 2 - Heather Lewis, and Jeremy Peters

C **APPROVAL OF AGENDA**

Moved by DeVarti, seconded by Westphal, that the Meeting be Approved as presented. On a voice vote, the Chair declared the motion carried.

D **APPROVAL OF MINUTES**

D-1 **[16-1612](#)** August 24, 2016 ZBA Minutes with Live Links

Unanimously Postponed to the next Zoning Board of Appeals meeting.

D-2 **[16-1613](#)** September 28, 2016 ZBA Minutes with Live Links

Unanimously Postponed to the next Zoning Board of Appeals meeting.

E **APPEALS AND HEARINGS**

- E-1** **16-1614** ZBA16-024 815 Brookwood Place
Costa Pro, LLC on behalf of the owners Heidi Mitchell and Margaret Vincent, request permission to alter a nonconforming structure. Applicants propose a 12 foot 6 inch by 25 foot two story addition to the east side of the house for a 576 square foot addition. The single family residence will increase from 3 bedrooms to a total of 6 bedrooms and 3 full baths. The home will be 1,736 square feet in size after construction.

City of Ann Arbor Zoning Coordinator, Jon Barrett, provided the following staff report:

SUMMARY:

Costa Pro, LLC on behalf of the owners Heidi Mitchell and Margaret Vincent, request permission to alter a nonconforming structure. Applicants propose a 12 foot 6 inch by 25 foot two story addition to the east side of the house for a 576 square foot addition. The single family residence will increase from 3 bedrooms to a total of 6 bedrooms and 3 full baths. The home will be 1,736 square feet in size after construction.

BACKGROUND:

The subject parcel is zoned R4C (Multiple-Family Residential District) and located on Brookwood Place. The parcel is non-conforming for required lot size: subject parcel is 3,659 square feet; minimum lot size for the R4C district is 8,500 square feet. The structure was built in 1920 and is approximately 1,160 square feet.

DESCRIPTION:

The applicant is proposing to a two-story addition to the east side of the existing structure. The second floor of the home will be modified to accommodate the new two story addition. The bedroom total will increase from three to six and contain three full bathrooms. The addition will comprise 576 square feet bringing the total square footage of the residence to 1,736.

The new addition will not encroach into either the front or side setback, however, it will encroach into the rear setback a total of 11 feet 6 inches. This encroachment will be 1 foot 8 inches less than the existing structure. Applicant is providing a total of three parking spaces when only one is

required. A new moped parking pad and bicycle hoops will be provided to the tenants for alternative forms of transportation.

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:

(a) The alteration is approved by the Zoning Board of Appeals upon a 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.

(b) The alteration conforms to all requirements of this chapter and is made to a building which will be a single-family dwelling on completion of the alteration and is located in an R1, R2, R3 or R4 district.

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.

If the alteration is approved, the addition will be compatible in scale with the existing architecture and context of the surrounding neighborhood. The addition is situated discreetly behind the front and rear facades and meets the required 5 foot side yard requirement. No part of the proposed addition will encroach farther into the setback than the existing structure.

QUESTIONS BY BOARD TO STAFF:

DeVarti asked for clarification on the buildable lot area as shown on the slides.

Barrett reviewed the slides and the request.

PRESENTATION BY PETITIONER:

Robb Burroughs, OX Studio Inc., 302 S State Street, Suite B, Ann Arbor,

Architect for the project, was present and explained the application.

PUBLIC HEARING:

Charles Nelson, 822 Brookwood Place, Ann Arbor, neighbor of the proposed project, spoke in opposition to the request, and the existing parking problems in the street and the decrease in quality of life that additional vehicles would bring to the neighborhood.

Ilse Nelson, 822 Brookwood Place, Ann Arbor, neighbor, spoke in opposition to the request, and the negative effect of added vehicles from new construction in the area as well as current parking problems and safety concerns from vehicles parking against the flow of traffic on their street.

Noting no other public speakers, the Chair closed the public hearing.

LIST OF EXHIBITS PRESENTED:

The chair noted the Board had received the following communications:

Peter Deininger, Deinco Properties, LLC., Cappo Management, 318 E Jefferson # 6, Ann Arbor; Support

Kevin Dial; Support

Raymond Martini, 1230 White Street, Ann Arbor; Objection

Moved by Westphal, Seconded by DeVarti, in Petition ZBA16-024; 815 Brookwood Place, 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 members of the Board took into consideration the presented application and discussed the matter.

On a roll call, the vote was as follows with the Chair declaring the motion defeated. Vote: 0-7

Permission to Alter a Non-conforming Structure Denied.**Yeas:** 0**Nays:** 7 - Chair Briere, Buonodono, DeVarti, Councilmember Westphal, Vice Chair Dobmeier, Daniel, and Eisenmann**Absent:** 2 - Lewis, and Peters**F UNFINISHED BUSINESS****G NEW BUSINESS****H REPORTS AND COMMUNICATIONS****16-1615** Various Correspondences to the ZBA**Received and Filed****I PUBLIC COMMENTARY - (3 Minutes per Speaker)****J ADJOURNMENT**

Moved by Daniel, seconded by Westphal, that the Meeting be Adjourned at 6:45 p.m. On a voice vote, the Chair declared the motion carried.

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*Candice Briere
Chairperson of the Zoning Board of Appeals*

*Mia Gale
Recording Secretary*