



City of Ann Arbor

Formal Minutes

Zoning Board of Appeals

301 E. Huron St.
Ann Arbor, MI 48104
<http://a2gov.legistar.com/Calendar.aspx>

Wednesday, October 23, 2019

6:00 PM

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

A CALL TO ORDER

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

B ROLL CALL

Present: 8 - Candice Briere, David DeVarti, Michael B. Daniel, Nicole Eisenmann, Todd Grant, Charlotte Wilson, Elizabeth Nelson, and Megan Peters

C APPROVAL OF AGENDA

Moved by DeVarti, seconded by Grant, and approved unanimously as presented.

D APPROVAL OF MINUTES

D-1 [19-1893](#) Minutes of the September 25, 2019 Zoning Board of Appeals Meeting

Attachments: 9-25-2019 ZBA Minutes.pdf

Approved by the Board and forwarded to the City Council due back on 12/16/2019

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

E-1 [19-1894](#) ZBA19-029; 614 Soule Boulevard
Forward Design Build, representing the property owners, is requesting a 17 foot variance from Table 5.17-1 Single-Family Residential Zoning District Dimensions. The property is zoned R1D and has a 20 foot rear

yard setback requirement. The owners are proposing construction of a new one car garage and mudroom on the first floor and a master bedroom and bathroom on the second floor.

Attachments: ZBA19-029; 614 Soule Blvd Staff Report with Attachments.pdf

City of Ann Arbor Zoning Coordinator, Jon Barrett, presented the staff report.

PRESENTATION BY PETITIONER

Chad Weiler, Forward Design Build, representing the property owners, presented the proposed project and explained that the variance is needed in order for the family to live in a home that meets their needs; he explained that there is currently not a bathroom on the first floor. He explained that the hardship experienced by the property owners is that the property is on a corner lot, and the intention is not to in fill the buildable area. He explained that the existing conditions present a variety of problems. He explained that the proposed project best fits in with the neighborhood character.

PUBLIC HEARING

Jeff Horowitz and Michelle Segar, property owners, emphasized the need for the proposed project and explained that it will provide work space for working from home, a bathroom on the first floor, and they explained that they love the neighborhood, and wish to continue to stay in their home.

Seeing no further speakers, Chair Briere closed the Public Hearing

Moved by DeVarti, seconded by Daniel, in Petition ZBA19-029; 614 Soule Boulevard

Variance:

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 variance from Chapter 55 Unified Development Code Table 5:17-1 Single Family Zoning District.

A variance of 17 feet from the 20 foot rear setback to allow construction of a new one car garage and mudroom on the first

floor and a master bedroom and bathroom on the second floor. The construction 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 discussed the standards for granting approval, the neighborhood support, and alternatives for building an addition.

On a roll call vote, the vote was as follows, the Chair declared the motion denied.

Yeas: 4 - Chair Briere, Eisenmann, Grant, and Peters

Nays: 4 - DeVarti, Daniel, Wilson, and Councilmember Nelson

E-2

19-1895

ZBA19-030; 1323-1325 Franklin Boulevard

Robert M. O'Reilly, property owner, is requesting an 11 parking space variance from Section 5.19.2 Required Parking. The property is zoned Office and the owner is proposing a new beauty salon use. Personal Service uses require one parking space per 100 square feet of floor area. The building is 1,187 square feet in size and will require 12 parking spaces. There is one parking space adjacent to the structure that meets Code requirements.

Attachments: ZBA19-030; 1323-1325 Franklin Staff Report with Attachments.pdf

Barrett presented the Staff Report

PRESENTATION BY PETITIONER

Alyssa Michaelides and Robert O'Reilly, property owners, presented the proposed variance request explaining that they intend to use the building for a hair salon. They emphasized that there will not be a negative impact to the neighborhood, and that the salon operates on limited hours on weekdays only, and that parking will not be an issue because clients will never be scheduled in a way that creates a parking problem. She explained that nearly 50 letters of support have been submitted. She also explained that any use other than medical or dental use would require a variance.

PUBLIC HEARING

Jim Pierson explained that he has been a customer of the salon for 25 years, and expressed support for the propose variance. He explained that there have never been 3 or 4 at the most vehicles in the parking lot, and that there has never been a need for more parking.

Carson (Last name unknown) expressed support for the proposed variance, and explained that the property owners are helpful and considerate neighbors. He explained that the parking requirement is more than what is actually required.

(Name unknown) explained that based on her experience as a periodontist, the permitted use on the site would actually require much more parking that the required minimum, and that a hair salon will be much less impactful.

Carl O' Heuter, expressed opposition for the proposed project, and explained that he owns the property adjacent to the proposed variance site. He expressed concern for parking at the site, and explained that he does not believe the variance should be granted.

O'Reilly clarified the request and the intention for the property.

Seeing no further speakers, Chair Briere closed the Public Hearing

**Moved by Grant, seconded by Nelson, Petition ZBA19-030;
1323-1325 Franklin Boulevard**

Variance:

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 variance from Chapter 55 Unified Development Code Section 5.19.2 Required Parking.

A variance of 11 parking spaces from the required 12 parking spaces. The construction 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.

The board discussed the standards for granting approval, parking, and neighborhood support.

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

Yeas: 8 - Chair Briere, DeVarti, Daniel, Eisenmann, Grant, Wilson, Councilmember Nelson, and Peters

Nays: 0

- E-3** [19-1896](#) ZBA19-028; 3915 and 3917 Research Park Drive International Transmission Company dba ITC Transmission, representing the property owners, is seeking a variance from Section 5.20 Landscaping, Screening and Buffering. The requested variance is to allow the removal of required vegetation in the high voltage electric transmission lines easement areas only.

Attachments: ZBA19-028; 3915-3917 Research Park Staff Report with Attachments.pdf

Barrett presented the Staff Report. He identified an error in the staff

report and corrected the error stating that the variance request is "a variance from Section 5.20 Landscaping, Screening and Buffering"

PRESENTATION BY PETITIONER

Mischa Bordman, representing ITC Transmission, explained the variance request, and explained the vegetation configuration within the easement area.

PUBLIC HEARING

Seeing no speakers, Vice Chair DeVarti closed the public hearing.

**Moved by Eisenmann, seconded by Wilson in Petition ZBA19-028;
3915 and 3917 Research Park Drive**

Variance:

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 variance from Chapter 55 Unified Development Code Section 5.20 Landscaping, Screening and Buffering.

A variance to allow the removal of required vegetation in the high voltage electric transmission line easement areas only.

- 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.

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

Yeas: 7 - DeVarti, Daniel, Eisenmann, Grant, Wilson,
Councilmember Nelson, and Peters

Nays: 0

Recused: 1 - Chair Briere

F UNFINISHED BUSINESS

G NEW BUSINESS

H COMMUNICATIONS

H-1 19-1897 Enactment No: Received and Filed

Attachments: 614 Soule Blvd Communication.pdf, 1323 Franklin
Communication.pdf, 1323 Franklin Communication 2 .pdf,
1323 Franklin Communication 3.pdf

Received and Filed

Various Communication to the ZBA

I ADJOURNMENT

Unanimously adjourned at 7:27 a.m.

Community Television Network Channel 16 live televised public meetings are also available to watch live online from CTN's website and also on demand at any time.

Live Web Streaming: a2gov.org/watchctn

Video on Demand: Replay public meetings at your convenience online: <https://a2ctn.viebit.com>

Cable: Watch CTN Channel 16 public meeting programming via Comcast Cable channel 16.

The complete record of this meeting is available in video format at www.a2gov.org/ctn, on "The Meeting Place" page (<http://www.a2gov.org/livemeetings>), or is available for a nominal fee by contacting CTN at (734) 794 6150.

Candice Briere, Chairperson of the Zoning Board of Appeals

/kvl