



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, April 22, 2020

6:00 PM

Electronic Meeting

This meeting will be broadcast live on CTN Cable Channel 16, ATT Channel 99, and online at a2gov.org/watchCTN

To speak at public comment call: 888 788 0099

Enter Meeting ID: 992 6028 3812

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; 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>)

A CALL TO ORDER

B ROLL CALL

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

Absent: 1 - Chris Fraleigh

C APPROVAL OF AGENDA

Approved as presented

D APPROVAL OF MINUTES

D-1 [20-0550](#) Minutes of the February 26, 2020 Zoning Board of Appeals Meeting

Attachments: 2-26-2020 ZBA Meeting Minutes .pdf

**Approved by the Board and forwarded to the City Council due back
on 6/8/2020**

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 20-0551 ZBA20-003; 1601 Shadford Road**
KLA Development, representing the property owners, is requesting relief from Section 5.32.2 Alteration to a Nonconforming Structure. The subject property is zoned R1C Single-Family Dwelling and is nonconforming as it does not meet the average required front setback. The applicants are seeking to construct a 182 square foot second story bedroom above an existing living room.

Attachments: ZBA20-003; 1601 Shadford Rd Staff Report with
Attachments.pdf, 1601 Shadford Rd Plans.pdf

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

QUESTIONS FROM BOARD TO STAFF

None.

PRESENTATION BY PETITIONER

Kate Meyers, applicant, explained that the application is to add some above-grade square footage while taking up as little space as possible. Meyers further explained that the subject property more closely resembles the other Shadford addresses.

PUBLIC HEARING

Julie, owner of 512 Packard Street, Ann Arbor, inquired about a property at 506 Packard Street.

Seeing no further speakers, Chair Briere closed the Public Hearing.

**Moved by DeVarti, seconded by Grant, in petition application
ZBA20-003; 1601 Shadford Road**

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 182 square foot second story bedroom above an existing room.

BOARD DISCUSSION:

The Board discussed the subject property being a corner lot and that there is no proposed change to the building envelope.

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, Weatherbee, Wilson, and Councilmember Nelson

Nays: 0

Absent: 1 - Fraleigh

- E-2** **20-0552** ZBA20-004; 506 Packard 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 and setbacks for the district. The applicant is seeking to add habitable space in the basement to enlarge the overall size of the bedrooms. The number of bedrooms per unit will not increase.

Attachments: ZBA20-004; 506 Packard St Staff Report with Attachements.pdf

Barrett presented the Staff Report.

QUESTIONS FROM BOARD TO STAFF

Boardmember Dave DeVarti inquired about parking at the site.

Barrett explained that parking in the front setback is not permitted.

PRESENTATION BY PETITIONER

Rob Fowler, builder for the property, explained that the first four bedrooms are very small, the living room is very small, under 90 square feet. Fowler explained that the intention is to make the subject property nicer for the

students and more competitive with the new high rises. He explained that the bedrooms and living room are proposed to be larger and that there will be no change visible from the street other than the window wells.

DeVarti inquired about existing egress windows, and the unit and bedroom layout.

Fowler explained that there are not egress windows in the basement because they are not currently finished. He explained that there are four window wells to be proposed. Fowler explained that occupancy will not increase

PUBLIC HEARING

Julie, owner of 512 Packard Street, Ann Arbor, expressed opposition for the proposed project, explaining that the lot is small and that there will be at least 12 tenants living in the small house, and the tenants' cars will fill the street parking, and that people park on their property, the caller also expressed concern for safety.

Seeing no further speakers, Chair Briere closed the Public Hearing.

**Moved by DeVarti, seconded by Wilson in petition application
ZBA20-004; 506 Packard 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 add a new bedroom in the basement. This new space will help to enlarge the overall size of all the bedrooms. The number of bedrooms per unit will not increase.

BOARD DISCUSSION:

The board discussed the layout of the proposed work, occupancy in each unit, and neighborhood parking concerns.

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, Weatherbee, Wilson, and Councilmember Nelson

Nays: 0

Absent: 1 - Fraleigh

- E-3** [20-0553](#) ZBA20-005; 7 Ridgeway Street
O/X Studio, c/o Robert Burroughs, representing property owner, is seeking a variance from Section 5.18.5 Averaging an Established Front Building Line and Table 5-17.1 Single-Family Residential Zoning Districts. The applicant is requesting to reduce the required front setback of 40 feet to 30 feet, and the rear yard setback requirement of 30 feet to 20 feet. Currently, there are no plans for new home construction.

Attachments: ZBA20-005; 7 Ridgeway St Staff Report with Attachments.pdf

Grant inquired about holding the Public Hearing in April or in June.

Briere answered that the Public Hearing will be held at both meetings.

Moved by Daniel, seconded by Eisenmann, to postpone decision on item ZBA20-005 until the June 24, 2020 meeting.

Motion unanimously passed.

- E-4** [20-0554](#) ZBA20-007; 215 Packard Street
Steve Kaplan, 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 for the district. The applicant is seeking to add habitable space in the basement that will include two new bedrooms to adjoin the existing first floor apartment. The new unit will contain a total of 5 bedrooms in the basement and first floor and the other unit will remain a four bedroom.

Attachments: ZBA20-007; 215 Packard St Staff Report with Attachments.pdf, ZBA20-007; 215 Packard St Updated Staff Report.pdf

Barrett presented the Staff Report

QUESTIONS FROM BOARD TO STAFF

Grant inquired if there is any change to the exterior of the building envelope.

Barrett answered that the building envelope is not proposed to be changed.

PUBLIC HEARING

Steve Kaplan, applicant, explained that the subject property has been an ongoing project since 2012, and that the basement work is being proposed at this time.

Beverly Strassman, President of the Germantown Neighborhood Association, 545 South Fifth Avenue, explained that she is speaking on behalf of the Germantown Neighborhood Association, expressed opposition for the project due to the current petition being unlike the previous petition, increased density, parking issues, disingenuous development, and a negative impact on the association's safety and well fair.

Grant inquired about the subject property meeting parking requirements.

Barrett explained that the subject property meets the required amount of parking.

DeVarti discussed the communication received for this project and inquired about past variance requests.

Barrett answered that there was a variance request in 2013.

Kaplan answered that the intention of the work done at the property has been clear since the first variance request in 2013. Kaplan also explained that there are fewer people living at the subject property than the maximum allowed, and that the lot size is large.

Barrett added that the lot size is very close to the required lot size.

Seeing no further speakers, Chair Briere closed the Public Hearing.

Moved by DeVarti, seconded by Daniel in petition ZBA20-007; 215 Packard 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 new habitable space consisting of three new bedrooms in the basement adjoining unit 1 on the first floor. The construction must be built per the submitted plans.

BOARD DISCUSSION

The Board discussed the proposed work at the site, and the requirements for the site.

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, Weatherbee, Wilson, and Councilmember Nelson

Nays: 0

Absent: 1 - Fraleigh

- E-5** **20-0555** ZBA20-008; 245 Park Lake Avenue
J. Bradley Moore & Associates Architects, INC. representing the property owner are requesting a five-foot variance from Section 5.18.5 Averaging an Established Front Building Line. The property is zoned R1B, Single-Family residential and is a corner lot at the intersection of Park Lake Avenue and Lakeview Drive. The property is directly across the street from the First and Second Sister Lakes and the Dolph Nature Area. The owner is seeking to construct a new single-family home consisting of 2,900 square feet.

Attachments: ZBA20-008; 245 Park Lake Ave Staff Report with Attachments.pdf, ZBA20-008; 245 Park Lake Ave Updated Staff Report.pdf

Barrett presented the Staff Report.

QUESTIONS FROM BOARD TO STAFF

Boardmember Nicole Eisenmann inquired about the setback variance and the proposed design.

Barrett explained the terrain at the site, and explained that the applicant may be able to offer more information.

Grant explained that the home is not modest.

DeVarti inquired about the required setbacks of an R1B property, he also inquired if the proposed garage faces the lake

Barrett answered, 30 feet and that the garage does face the lake.

PRESENTATION BY PETITIONER

Brad Moore, Architect representing the petitioner, explained the proposed project, further explaining that the basement will be a walk out basement. Moore also explained that the neighborhood does not have an established front setback line.

DeVarti inquired about the owner of 255 Park Lake Ave.

Moore answered that he does not know if a buyer has been obtained.

Eisenmann inquired about the setback variance and the proposed design.

Moore answered that the request is for the minimum setback, and that the intention is to build the home, and the request could be reduced on the Lakeview side of the home if needed.

PUBLIC HEARING

Chad LaJoy, 2107 Andrea Court, Ann Arbor, described the steep embankment, and requested that there be a well-formed embankment wall, to prevent any sliding of the embankment. LaJoy also requested that the owners replace some of the trees that were taken out.

Moved by DeVarti, seconded by Grant in petition ZBA20-008; 245 Park Lake Avenue

Variance:

Based on the following findings and in accordance with the established standards for approval, the Zoning Board of Appeals hereby GRANTS the following variances from Chapter 55 Unified Development Code a 5 foot variance from Section 5.18.5 Averaging an Established Front Building Line on the Park Lake frontage and a 10 foot variance along the Lakeview Drive frontage.

The Board discussed the lot size, potential impacts to neighboring properties and the requirements for granting a variance.

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, Weatherbee, Wilson, and Councilmember Nelson

Nays: 0

Absent: 1 - Fraleigh

- E-6** [20-0556](#) ZBA20-009; 255 Park Lake Avenue
J. Bradley Moore & Associates Architects, INC. representing the property owner are requesting a 6.67 foot variance from Section 5.18.5 Averaging an Established Front Building Line. The property is zoned R1B, Single-Family residential and is located directly across the street from the First and Second Sister Lakes and the Dolph Nature Area. The owner is seeking to construct a new single-family home consisting of 2,750 square feet.

Attachments: ZBA20-009; 255 Park Lake Ave Staff Report with Attachments.pdf

Barrett presented the Staff Report

QUESTIONS FROM BOARD TO STAFF

None.

PRESENTATION BY PETITIONER

Moore explained the requested variance, highlighting the topography of the site.

PUBLIC HEARING

Chad LaJoy, 2107 Andrea Court, Ann Arbor inquired about the elevation at the site as it relates to his property, expressing concern with sight lines being impacted.

Moore answered that he can't confirm how the ridgeline of the house relates to structures outside of 255 Park Lake Avenue

Craig Salvesen requested to speak regarding 7 Ridgeway

Chair Briere answered that there will be an opportunity to speak during the Public Comment item on the agenda.

Seeing no further speakers, Chair Briere closed the Public Hearing.

Moved by DeVarti, seconded by Daniel in petition ZBA20-009; 255 Park Lake Avenue

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 a 6.67 foot variance from Section 5.18.5 Averaging an Established Front Building Line for the required front setback.

The Board discussed the conditions at the site and potential impacts to neighboring properties.

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

F UNFINISHED BUSINESS**G NEW BUSINESS****G-1 Zoning Board of Appeals Annual Organizational Meeting****G-1a Election of Officers**

The board unanimously reappointed Candice Briere as Chair and Dave DeVarti as Vice Chair.

G-1b Review of Bylaws**[20-0564](#) ZBA Bylaws**

Attachments: ZBA Rules -Approved 4-23-2014.pdf

Moved by Grant, seconded by Eisenmann to approve the Zoning Board of Appeals Bylaws as presented.

H COMMUNICATIONS**H-1 [20-0557](#) Various Communication to the ZBA**

Attachments: Email from Polley - 7 Ridgeway.pdf, Email from Lebold - 7 Ridgeway.pdf, Feeley-Harnik & Harnik - 7 Ridgeway.pdf,

Letter from Coffin - 7 Ridgeway.pdf, Email from Markley (1) - 7 Ridgeway.pdf, Email from Markley (2) - 7 Ridgeway.pdf, Email from Markley (3) - 7 Ridgeway.pdf, Email from Shore - 7 Ridgeway.pdf, Letter from Bass - 7 Ridgeway.pdf, Email from Salvesen - 7 Ridgeway.pdf, Email From Lepard - 7 Ridgeway.pdf, Email from Shellhaas - 245 & 255 Park Lake.pdf, Email from Borkin - 7 Ridgeway.pdf, Email From Jessup - Park Lake.pdf, Email from La Joie - 7 Ridgeway.pdf, Letter from Kamaly - 7 Ridgeway.pdf, Letter From Tucker & Blank - 7 Ridgeway.pdf, Email from Salvesen (2) - 7 Ridgeway.pdf, Email from Connell - 215 Packard .pdf, Email from Strassman - received 4-22 and 4-23.pdf, Email from Freely-Harnik - received 4-22.pdf

Received and Filed

I PUBLIC COMMENTARY - (3 Minutes per Speaker)

AUDIENCE PARTICIPATION

Craig Salvesen, 3 Ridgeway, Ann Arbor, encouraged the Board to consider the letters of opposition submitted regarding this project. Requested that the board review the submitted materials.

Dave DeVarti discussed the electronic billboard located on University of Michigan property.

Seeing no further speakers, Chair Briere closed Audience Participation

(Please state your name and address for the record)

J ADJOURNMENT

Moved by DeVarti, seconded by Nelson, adjourned unanimously at 9:00 p.m.

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Candice Briere, Chairperson of the Zoning Board of Appeals
/kvl