



City of Ann Arbor

301 E. Huron St.
Ann Arbor, MI 48104
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Meeting Minutes Zoning Board of Appeals

Wednesday, March 27, 2013

6:00 PM

City Hall, 301 E. Huron Street, 2nd Flr.

A CALL TO ORDER

Chair Milshteyn called the meeting to order at 6:00 pm.

B ROLL CALL

Chair Milshteyn called the roll.

Present: 6 - Candice Briere, Wendy Carman, Alex Milshteyn, Perry Zielak, Maureen Sertich, and Nickolas Buonodono

Absent: 2 - Ben Carlisle, and Sally Petersen

C APPROVAL OF AGENDA

A motion was made by Zielak, seconded by Briere, that the Agenda be Approved. On a voice vote, the Chair declared the motion carried.

D APPROVAL OF MINUTES

[13-0331](#)

Zoning Board of Appeals Meeting minutes of January 23, 2013

A motion was made by Zielak, seconded by Carman, that the Minutes be Approved. On a voice vote, the Chair declared the motion carried.

E APPEALS AND HEARINGS

E-1 [13-0332](#)

ZBA13-004; 1653 Fulmer Street
Robert McCowan is requesting one variance from Chapter 55(Zoning) Section 5:77 (Lot Accessibility), of 1 foot from the required 30 feet for an access and utility easement to serve one single-family home; 30 feet is required.

Carman noted that with two Zoning Board members absent the petitioner would need affirmative votes from all present members to receive the variance.

Milshteyn asked the petitioner if they would like to postpone hearing their petition until later in the meeting or until a future meeting.

Robert McCowan, 1653 Fulmer Street said he would prefer to postpone his request until a full Zoning Board could be present.

Milshteyn said the public hearing, as noticed, would still be heard this evening.

Milshteyn recused himself from the hearing due to a conflict of interest with the petition.

Vice Chair Zielak took over chairing the meeting.

Matt Kowalski presented the following staff report:

SUMMARY:

Robert McCowan is requesting one variance from Chapter 55(Zoning) Section 5:77 (Lot Accessibility), of 1 foot from the required 30 feet for an access and utility easement to serve one single-family home; 30 feet is required.

DESCRIPTION AND DISCUSSION:

The subject parcel is zoned R1C (Single-Family) and is located on Fulmer, just north of Miller.

The petitioner is requesting a variance of 1 foot in order to provide a 29 foot access and utility easement for a parcel not directly fronting a public street. City code requires 30 feet. The subject parcel (1653 Fulmer) was approved in 2004 through a land division from parent parcel 1643 Fulmer, which also included the creation of the parcel (1647 Fulmer) immediately to the south. The southern parcel (1647) has direct access to Fulmer via a 29 foot wide section of the parcel. If approved, the petitioner would record a 29 foot easement for 1653 Fulmer over this parcel for access and utilities. Driveways serving single-family homes can be a minimum of 10 feet wide. The petition has been reviewed by Engineering staff and they have no objection to the variance request.

Standards for Approval- Variance

The Zoning Board of Appeals have all the power granted by State law and by Section 5:99, Application of the Variance Power from the City of Ann Arbor Zoning Ordinance. The following criteria shall apply:

(a). That the alleged hardships or practical difficulties, or both, are exceptional and peculiar to the property of the person requesting the variance, and result from conditions which do not exist generally throughout the City.

The subject parcel is a conforming lot in the R1C Zoning District (required is 7,200 square feet, subject parcel is 7,800 square feet). The parcel does not have direct access to a public road and the owner is unable to obtain a 1 foot easement over either adjacent parcel.

(b). That the alleged hardships or practical difficulties, or both, 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.

The variance is being requested in order to allow construction of one single-family house on an existing parcel approved in 2004. If the variance is not approved, the parcel will remain vacant.

(c). That allowing the variance will result in substantial justice being done, considering the public benefits intended to be secured by this Chapter, the individual hardships 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.

If the variance is approved, the petitioner will be allowed to construct a single-family house on the parcel. A single-family use is consistent with surrounding uses. A driveway exists for the adjacent house to the south (1647 Fulmer) and will be shared by 1653. The western property line is shared with a City Park and there will be no additional curb cuts onto Fulmer.

(d). That the conditions and circumstances on which the variance request is based shall not be a self imposed hardship or practical difficulty.

The parcel was divided from 1643 Fulmer in 2004. Approval was based on the recording of a 1 foot easement over the adjacent property to the north. That easement was never recorded and petitioner is unable to obtain the 1 foot easement from either adjacent property.

(e). A variance approved shall be the minimum variance that will make possible a reasonable use of the land or structure

The variance of 1 foot, if approved, will allow a house to be constructed utilizing a 29 foot easement instead of the required 30 feet. The existing driveway servicing 1647 Fulmer will be used for access. Utilities will have adequate room within a 29 foot easement for installation and maintenance when required.

PRESENTATION BY PETITIONER:

Robert McCowan, 4672 Willowbrook Lane, Ann Arbor, property owner, was present and explained the application.

PUBLIC HEARING:

David Althorne, 1643 Fulmer Street, Ann Arbor, spoke in opposition to the application/request.

Jason Pace, 1691 Fulmer Street, Ann Arbor, spoke as a neighbor behind the subject parcel.

Bruce Conyseen, appearing on behalf of Mark Stein, 1641 Fulmer Street, Ann Arbor, spoke in opposition to the application, and stating that Stein was willing to grant McCowen the necessary one (1) foot easement which would make the variance request unnecessary.

Steven Gusfa, 1697 Fulmer Street, Ann Arbor, spoke in support of the application/request.

Laura Maurer, 1700 Fulmer Street, Ann Arbor, spoke in opposition to the application/request.

Jon Porter, 1693 Fulmer Street, Ann Arbor, spoke in support of the application/request.

Diane McCowen, co-owner, 4672 Williambrook Lane, spoke in support of the application/request.

Silvie Althorne, 1643 Fulmer Street, Ann Arbor, spoke in opposition to the application/request.

Noting no further public speakers the Vice Chair declared the public hearing closed.

LIST OF EXHIBITS PRESENTED:

Vice Chair Zielak noted that the Board had received the following communication in support of the request:

Petition by the petitioner, signed by 8 individuals.

Vice Chair Zielak noted that the Board had received the following communication in objection to the request:

Petition signed by 50 individuals.

Email from Laura Mauer, 1700 Fulmer Street, Ann Arbor.

BOARD DISCUSSION:

The members of the Board took into consideration the presented petition and discussed the matter.

Motion made by Carman, Seconded by C. Briere, that the application/request be postponed until the next Zoning Board of Appeals meeting. On a voice vote, the Vice Chair declared the motion carried.

Approved.

Yeas: 5 - Briere, Carman, Zielak, Sertich, and Buonodono

Nays: 0

Absent: 2 - Carlisle, and Councilmember Petersen

Recused: 1 - Chair Milshteyn

Chair Milshteyn returned to chair the remainder of the meeting.

E-2 [13-0333](#)

ZBA13-005; 700 South State Street
Theta Delta Chi Fraternity is requesting permission to alter a non-conforming structure and three variances:

1. A variance from Chapter 59 (Off-Street Parking) Section 5:167 (Required Parking) of 2 parking spaces in order to provide 5 parking spaces for the fraternity use. A total of 7 parking spaces are required.
2. A variance from Chapter 59 (Off-Street Parking) Section 5:168 (Design of Off-Street Motor Vehicle Parking Facilities) of 2 feet 4 inches in order to provide a drive 15 feet 8 inches wide. A minimum width of 18 feet is required.
3. A variance from Chapter 62 (Landscape and Screening) Section 5:603 (c): A proposal to reduce the required 15 foot wide conflicting land use buffer in order to provide a 2 foot wide buffer with fence

screen.

Matt Kowalski presented the following staff report.

SUMMARY:

Theta Delta Chi, represented by David Rochlen, is requesting permission to alter a non-conforming structure and three variances:

- 1) A variance from Chapter 59(Off-Street Parking) Section 5:167 (Required Parking) of 2 parking spaces in order to provide 5 parking spaces for the fraternity use. A total of 7 parking spaces are required.*
- 2) A variance from Chapter 59(Off-Street Parking) Section 5:168 (Design of Off-Street Motor Vehicle Parking Facilities) of 2 feet 4 inches in order to provide a drive 15 feet 8 inches wide. A minimum width of 18 feet is required.*
- 3) A variance from Chapter 62 (Landscape and Screening) Section 5:603 (C): A proposal to reduce the required 15 foot wide conflicting land use buffer in order to provide a 2 foot wide buffer with fence screen.*

DESCRIPTION AND DISCUSSION:

The parcel is zoned R2B (Two-Family Dwelling District) and is located on the southwest corner of Monroe and State Street. The structure was built in 1924 as a fraternity house for Theta Delta Chi. The petitioner has a site plan under review in order to construct a three story addition to the rear of the structure. The site plan was recommended for approval by the City Planning Commission on February 21, 2013 contingent upon the requested variances being granted by the ZBA. If the variances are approved by the ZBA, the petition will be scheduled for final approval by the City Council. The residential occupancy of the structure will not be increased from the maximum currently permitted of 33 residents.

The current floor area of the building is proposed to be expanded from 12,386 square feet to 14,752 square feet. The addition on the rear of the building would contain expanded restroom and shower facilities, common space, a resident manager's apartment, and a bike room with nine class A bicycle spaces. Parking for five vehicles is proposed (seven spaces are required): four in the rear (west) yard, with access off of Monroe Street, and one barrier-free space located off South State Street with a separate one-way driveway. A conflicting land use buffer is required along the vehicular use area abutting the west property line. The buffer strip is required to be an average of 15 feet in width (but no less than 8 feet in width); the proposed buffer is 2 feet in width. Additional requirements for a fence and trees in the buffer have been met.

Permission to alter a nonconforming structure (due to height and setbacks) will be required from the Zoning Board of Appeals, along with variances from Chapter 59 (Off-Street Parking) to reduce the number of parking spaces required and allow one parking space in the front open space, a variance from Chapter 59 (Off-Street Parking) to reduce the drive opening width, and a variance from Chapter 62 (Landscape and Screening) to reduce the conflicting land use buffer width.

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.

Permission is being requested to construct a 2,366 three-story addition to the rear of the building. The building is non-conforming for the height and the existing front setback along State Street. There are no changes to the front of the structure proposed. The addition in the rear will exceed the 30 foot maximum height allowed in the R2B District. The maximum required is 30 feet and height of proposed addition is 31 feet. The height of the addition will not exceed the height of the existing building which is 36 feet.

The rear addition does expand the building footprint, but the new addition will remain outside of any required setback. There will be no additional occupants to the building and modification to the site required by the site plan will be a benefit to the site and adjacent properties. The multiple-family use is consistent with the surrounding uses and the addition of floor area to the structure should not have a detrimental effect on adjacent property.

Variances #1 & 2 :

Chapter 59 (Off-Street Parking) Variance - Standards for Approval

The Zoning Board of Appeals has all the power granted by State law and by Section 5:99, Application of the Variance Power, from the City of Ann Arbor Zoning Ordinance and Chapter 59, Section 5:566. The following criteria shall apply:

The Zoning Board of Appeals shall have authority to interpret this chapter and may in specific cases and after public notice and hearings in accordance with Chapter 55 of this Code grant variances and exceptions to these requirements, providing such variance or exception is in harmony with the general purpose and intent of the requirements. The procedural requirements for appeals under Chapter 55 shall be applicable to appeals under this chapter.

The structure has been used continuously as a fraternity since its construction. While the proposed plan does add floor area to the structure, the number of occupants will not increase. Currently 7 -9 spaces exist on the site in an informal parking arrangement on the site. The total number of spaces on the site will be reduced by planned improvements, including adding required landscape and an outdoor patio gathering area to the rear of the structure. With required modifications to the site, in addition to the proximity to campus, public transit and the availability of short term parking on the street approval of the parking variance will meet the intent of Chapter 59. Improvements to the site are more beneficial to the site and surrounding properties than the addition of 2 additional parking spaces. Future residents of the fraternity house will be informed of the parking available and can plan accordingly.

The proposed drive will be servicing 4 parking places and provide access to the solid waste facilities. While code requires a minimum of 18 feet in width, given the limited use of the drive, existing site conditions and the petitioner attempting to meet the code requirements as much as possible, a driveway width of 15 feet 8 inches will meet the intent of the Chapter 59.

Variance #3:

Chapter 62 (Landscape and Screening) Variance - Standards for Approval

The Zoning Board of Appeals has all the power granted by State law and by Section 5:99, Application of the Variance Power, from the City of Ann Arbor Zoning Ordinance

and Chapter 62, Section 5:609. The following criteria shall apply:

Upon an appeal filed to the zoning board of appeals in accordance with the procedures of Chapter 55, a variance may be granted from the strict application of the provisions of this chapter in cases involving practical difficulties or hardships when the evidence supports that the public benefit intended to be secured by this chapter will exist with less than the required landscaping or screening.

As previously mentioned, the petitioner is requesting a variance of 13 feet from the required 15 foot width of the conflicting land use buffer and a variance from the required tree and planting requirements. Due to the placement of the existing building and drive, the parking area would need to be eliminated in order to meet the requirements of this Chapter. The petitioner is providing a 4 foot high 20% opaque fence and will be providing all required Right of Way screening materials. The modification to the site will improve the appearance of the parking area and provide a benefit to the subject site and adjacent neighbors. The property owner most affected by the variance request has submitted a letter in support of the request.

PRESENTATION BY PETITIONER:

Arthur Saulsberry, Restoration Manager and Steward of Gamma Deuteron Building Association, was present on behalf of the property owners, and explained the application.

Eugene Hopkins, Design Studio, 4709 N. Delhi Road, Ann Arbor, was present to respond to the Board's enquiries.

David Rochlen, Design Studio, 454 Second Street, Ann Arbor, Architect, was present to respond to the Board's enquiries.

PUBLIC HEARING:

Noting no public speakers the Chair declared the public hearing closed.

LIST OF EXHIBITS PRESENTED:

Chair Milshteyn noted that no correspondence had been received in support or opposition to the application.

BOARD DISCUSSION:

The members of the Board took into consideration the presented petition and discussed the matter.

Motion made by Zielak, Seconded by Carman, in petition ZBA13-005, 700 South State Street, that the Zoning Board of Appeals grants permission to alter a non-conforming structure, per submitted plans, and that the alteration complies as nearly practicable with the requirements of the Zoning Chapter and will not have a detrimental effect on neighboring property.

Approved. Permission Granted.

Yeas: 6 - Briere, Carman, Chair Milshteyn, Zielak, Sertich, and Buonodono

Nays: 0

Absent: 2 - Carlisle, and Councilmember Petersen

Motion made by Zielak, Seconded by Carman, in petition ZBA13-005, 700 South State Street, that the Zoning Board of Appeals also grants a variance from Chapter 59 (Off Street Parking) Section 5:167 (Required Parking) of 2 parking spaces in order to provide 5 parking spaces for the fraternity use, per submitted plans, and that the Zoning Board of Appeals shall have the authority to interpret this chapter and may in specific cases and after public notice and hearings in accordance with Chapter 55 of this Code grant variances and exceptions to these requirements, providing such variances or exceptions is in harmony with the general purpose and intent of the requirements. The procedural requirements for appeal under Chapter 55 shall be applicable to appeals under this chapter.

Approved. Variance Granted.

Yeas: 6 - Briere, Carman, Chair Milshteyn, Zielak, Sertich, and Buonodono

Nays: 0

Absent: 2 - Carlisle, and Councilmember Petersen

Motion made by Zielak, Seconded by Sertich, in petition ZBA13-005, 700 South State Street, that the Zoning Board of Appeals grants a variance from Chapter 59 (Off Street Parking) Section 5:168 (Design of Off-Street Motor Vehicle Parking Facilities) of 2 feet 4 inches in order to provide a drive 15 feet 8 inches wide, where a minimum width of 18 feet is required, per submitted plans.

Approved. Variance Granted.

Yeas: 6 - Briere, Carman, Chair Milshteyn, Zielak, Sertich, and Buonodono

Nays: 0

Absent: 2 - Carlisle, and Councilmember Petersen

Motion made by Zielak, Seconded by Briere, in petition ZBA13-005, 700 South State Street, that the Zoning Board of Appeals grants a variance from Chapter 62 (Landscape and Screening) Section 5:603 (C): A proposal to reduce the required 15 foot wide conflicting land use buffer in order to provide a 2 foot wide buffer with fence screen, per submitted plans.

Approved. Variance Granted.

E-3 [13-0334](#)

ZBA13-006; 521 Potter Avenue
Phillip Sanborn is requesting one variance from Chapter 55(Zoning) Section 5:29 (R1D, Single-Family), of 6 feet 8 inches to enclose an existing covered porch in the front setback; 25 feet is required.

Matt Kowalski presented the following staff report:

SUMMARY:

Phillip Sanborn is requesting one variance from Chapter 55(Zoning) Section 5:29 (R1D, Single-Family), of 6 feet 8 inches to enclose an existing covered porch in the front setback; 25 feet is required.

DESCRIPTION AND DISCUSSION:

The subject parcel is zoned R1D (Single-Family) and is located on the corner of Potter and Edgewood, south of Pauline.

The petitioner is proposing to enclose a 6 foot 7 inch by 19 foot 8 inch (130 square feet) existing covered front porch. The enclosed porch will become a four-season room. The porch extends into the front setback of Edgewood and is 18 feet 4 inches from the front property line along Edgewood. The house is 1,519 square foot and was built in 1977. The porch was constructed in 2002 with all appropriate permits and inspections, while it was originally approved as covered, it was not enclosed. The enclosure will include significant windows along all three sides and will match architectural style of the house. The front setback and existing building footprint will not change if the porch is enclosed. If approved, the front setback along Edgewood will remain 18 feet 4 inches, required is 25 feet so the petitioner is requesting a front setback variance of 6 feet 8 inches.

Standards for Approval- Variance

The Zoning Board of Appeals have all the power granted by State law and by Section 5:99, Application of the Variance Power from the City of Ann Arbor Zoning Ordinance. The following criteria shall apply:

(a). That the alleged hardships or practical difficulties, or both, are exceptional and peculiar to the property of the person requesting the variance, and result from conditions which do not exist generally throughout the City.

The subject parcel is a conforming lot in the R1D Zoning District (required is 5,000 square feet, subject parcel is 6,656 square feet). The parcel is a corner lot, which results in 2 front setbacks of 25 feet.

(b). That the alleged hardships or practical difficulties, or both, 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.

The variance is being requested for enclosure of an existing covered front porch. If the variance is denied, an addition could be constructed to the east or south side of the house. Due to the elevated first floor, any first floor addition would also need to be raised above the elevation of the finished ground level.

(c). That allowing the variance will result in substantial justice being done, considering the public benefits intended to be secured by this Chapter, the individual hardships 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.

If the variance is approved, the footprint of the existing structure will not be expanded. The porch is currently covered; windows and walls will be added to three sides to complete the enclosure. The existing front setback will not be reduced and the setback is consistent with some other houses in the neighborhood. Existing mature vegetation along the street and numerous windows along the façade should help minimize the impact to the surrounding neighborhood.

(d). That the conditions and circumstances on which the variance request is based shall not be a self imposed hardship or practical difficulty.

The existing covered porch was constructed with all appropriate building permits in 2002.

(e). A variance approved shall be the minimum variance that will make possible a reasonable use of the land or structure

The variance, if approved, will permit enclosure of a 130 square foot covered front porch. The footprint of the structure will not be expanded and will not encroach any further into the front setback. Windows will be added to all sides in order to minimize visual impact of the enclosure to the neighborhood.

PRESENTATION BY PETITIONER:

Phillip Sanborn, property owner was present to explain the application.

PUBLIC HEARING:

Noting no public speakers the Chair declared the public hearing closed.

LIST OF EXHIBITS PRESENTED:

Chair Milshteyn noted that the Board had received the following communication in support of the request:

*Bradley Moore, 1304 Edgewood Ave. Ann Arbor.
John Burhenn and Robin Berry, 1203 Edgewood Avenue, Ann Arbor.
Deborah Foster, 519 W. Keech, Ann Arbor.
Charlene Donahey, 511 W. Keech, Ann Arbor.
Meg and Rich Crawley, 1200 Edgewood Ave, Ann Arbor.
Petition of support with 49 signatures*

BOARD DISCUSSION:

The members of the Board took into consideration the presented petition, discussed the matter and decided granting permission to alter a non-conforming structure, was more appropriate, given the unique circumstances of this case..

Motion made by Carman, Seconded by Zielak, in the case of ZBA13-006, 521 Potter Avenue, that the Zoning Board of Appeals grants permission to alter a non-conforming structure, per submitted plans, by allowing the enclosure of the existing 19 feet 8 inches by 6 feet 7 inch porch on this house, given that the alteration will not alter the nonconformity or change the footprint of the house and will not have a detrimental effect on the neighboring property.

Approved. Permission Granted.

Yeas: 6 - Briere, Carman, Chair Milshteyn, Zielak, Sertich, and Buonodono

Nays: 0

Absent: 2 - Carlisle, and Councilmember Petersen

E-4 [13-0335](#)

ZBA13-007; 1107 South State Street
Carl O. Hueter is requesting permission to alter a non-conforming structure to expand the non-conforming structure by modifying the roof in order to add one bedroom to the existing third floor.

Matt Kowalski presented the following staff report:

Summary:

1107 South State Street LLC, represented by Carl O. Hueter, is requesting permission to alter this non-conforming structure by modifying the roof in order to add one bedroom to the existing third floor.

Background:

The subject parcel is zoned R4C (Multiple-Family Residential District) and located on South State Street, south of Arch Street. The parcel is non-conforming for required lot size: subject parcel is 5,280 square feet; minimum lot size is 8,500 square feet. The structure was built in 1910 and is 2,541 square feet. The rear of the site contains a paved parking area of less than 1,200 square feet that can accommodate four vehicles.

Description:

The petitioner would like to add a bedroom to the third floor, which will result in the expansion of floor area being used for occupancy, but will not change the footprint of the structure. The existing structure is a registered 4 unit rental with a total of 7 bedrooms. It is zoned R4C, which permits a maximum occupancy of 6 unrelated people per unit. The property is currently permitted a maximum of 11 occupants based on Rental Housing code and unit configuration. Due to the fact that the lot does not meet the minimum lot area requirement of 8,500 square feet, the existing structure is a legal non-conforming structure with four units (City Code requires 2,175 square feet per unit). The owner is allowed to reduce, but not increase, the total number of units. The proposed plan would reduce the total number of units from four to two and keep the same maximum number of occupants (11). The number of bedrooms will be increased by one, resulting in one 6 bedroom and one 2 bedroom unit, for a total of 8 bedrooms.

In December 2012, a building permit was approved that allowed the petitioner to raise the roof and address structural issues through repairs. While the structural work has been completed, the modifications raised the ceiling height in an approximately 8 foot by 12 foot section of the third floor. The interior has not been finished and the Building permit for finish work is on hold pending ZBA action. The petitioner would like to add a bedroom in this location, which will result in the expansion of floor area being used for occupancy. The petitioner has indicated there will be no increase in the building occupancy of 11 people. As noted above, Chapter 55, Section 5:86 (1)(c) states that a nonconforming use cannot be, "expanded or increased in the intensity of use". With the addition of a room, it is expanding the floor area fit for occupancy.

If the variance is approved, the new bedroom (and all other planned improvements) will be inspected and will be required to meet all housing and building codes for health and safety, including emergency egress. If the variance is not approved, the petitioner will not be able to use the area gained by the roof reconfiguration as a living space.

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.

Permission is being requested in order to add a bedroom to the existing third floor.

The addition of this bedroom will not expand the footprint or maximum height of the structure. The petitioner will reduce the total number of units from four to two, making the structure slightly closer to conforming, though the minimum lot size will still not be met. While the roofline has changed, the structure is no closer to any property line and the occupancy will not be increased from the current maximum of 11. The multiple-family use is consistent with the surrounding uses and the addition of one bedroom to the structure should not have a detrimental effect on adjacent property.

PRESENTATION BY PETITIONER:

Carl O. Hueter, 1321 Franklin Blvd., Ann Arbor, Architect, was present on behalf of the property owner, and explained the application.

PUBLIC HEARING:

Noting no public speakers the Chair declared the public hearing closed.

LIST OF EXHIBITS PRESENTED:

Chair Milshteyn noted that no correspondence had been received in support or opposition of the application.

BOARD DISCUSSION:

The members of the Board took into consideration the presented petition and discussed the matter.

Motion made by Carman, Seconded by Zielak, in the case of ZBA13 007; 1107 South State Street, that the Zoning Board of Appeals grants permission to alter a non-conforming structure, to allow an existing third floor storage room to be converted to a bedroom, per submitted building permit BLDG12-2614 plans. This complies as nearly practicable in that it does not increase the footprint or the occupancy and will not have a detrimental effect on neighboring property.

Approved. Permission Granted.

Yeas: 6 - Briere, Carman, Chair Milshteyn, Zielak, Sertich, and Buonodono

Nays: 0

Absent: 2 - Carlisle, and Councilmember Petersen

E-5 [13-0336](#)

ZBA13-008; 1200 Wright Street

Randall Velikan is requesting permission to alter a non-conforming structure in order to expand the non-conforming structure by constructing a building addition 19 feet 2 inches from the front property line; existing structure is 11 feet 2 inches from front property line; required setback is 31 feet 8 inches.

Matt Kowalski presented the following staff report:

Summary:

Randall Velikan is requesting permission to alter a non-conforming structure in order to expand the non-conforming structure by constructing a building addition 19 feet 2 inches from the front property line; existing structure is 11 feet 2 inches from front property line, required setback is 31 feet 8 inches.

Background:

The subject parcel is zoned R2A (Two-Family Residential District) and located on Wright Street, north of Long Shore Drive. The parcel is conforming for required lot size: subject parcel is 12,371 square feet; minimum lot size is 8,500 square feet. The structure was built in 1918 and is 1,010 square feet.

Description:

The petitioner would like to construct a 288 square foot single-story addition to the south side of the house. The existing house is setback 11 feet 2 inches to the covered front porch and 18 feet 2 inches to the front wall of the house. The proposed addition will be inset 1 foot from the existing front wall for a front setback to the new addition of 19 feet 2 inches. The required front setback is based on averaging of existing properties which is 31 feet 8 inches. A variance is not required because the new addition will not encroach any further into the front setback than the existing house.

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.

While the subject parcel is large, the placement of the house near the front property line limits the area available for an addition to the rear of the house. The home was constructed before current zoning standards were in effect and the existing house is only 20 feet wide. The proposed addition will be set back 1 foot from the existing front wall of the house and be consistent with the existing architecture of the house. The house will be enlarged; however the addition will be over 30 feet from the closest side property line. The expansion will allow the petitioner to improve their property while respecting the intent of the Zoning Ordinance. Staff does not feel that the requested variance would negatively affect any surrounding property. The subject house is located on a large lot in an area of houses with similar density and scale.

PRESENTATION BY PETITIONER:

Randy Velikan, 1212 Wright Street, Ann Arbor, property owner, was present to explain the application.

PUBLIC HEARING:

Noting no public speakers the Chair declared the public hearing closed.

LIST OF EXHIBITS PRESENTED:

Chair Milshteyn noted that the Board had received the following communication in support of the request:

David Cohen, 1126 Wright Street, Ann Arbor.

Susanna Hapgood and Jeff Kupperman, 1205 Pontiac Trail, Ann Arbor.

Chris Fraleigh, 1123 Pontiac Street, Ann Arbor.

BOARD DISCUSSION:

The members of the Board took into consideration the presented petition and discussed the matter.

Motion made by Zielak, Seconded by Carman, in petition ZBA13-008, 1200 Wright Street, the Zoning Board of Appeals grants permission to alter a non-conforming structure, by allowing a 288 square foot single-story addition to be added, per submitted plans, and that the alteration complies as nearly practicable with the requirements of the Zoning Chapter and will not have a detrimental effect on neighboring property.

Approved. Permission Granted.

F OLD BUSINESS

G NEW BUSINESS

H REPORTS AND COMMUNICATIONS

I PUBLIC COMMENTARY - (3 Minutes per Speaker)

None

J ADJOURNMENT

A motion was made by Zielak, seconded by Briere, that the meeting be Adjourned at 7:58 p.m. On a voice vote, the Chair declared the motion carried.

Community Television Network Channel 16 live televised public meetings are also available to watch live online from CTN's website, www.a2gov.org/ctn, on "The Meeting Place" page (<http://www.a2gov.org/livemeetings>).

Live Web streaming is one more way, in addition to these listed below, to stay in touch with Ann Arbor City Council and board and commission actions and deliberations.

- *Video on Demand: Replay public meetings at your convenience online at www.a2gov.org/government/city_administration/communicationsoffice/ctn/Pages/VideosOnDemand.aspx*
- *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.