



City of Ann Arbor

Formal Minutes

Zoning Board of Appeals

301 E. Huron St.
Ann Arbor, MI 48104
[http://a2gov.legistar.com/
Calendar.aspx](http://a2gov.legistar.com/Calendar.aspx)

Wednesday, July 26, 2017

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**

Chair Briere called the roll.

Present: 8 - Candice Briere, Heather Lewis, Kirk Westphal, Michael Dobmeier, Michael B. Daniel, Nicole Eisenmann, Todd Grant, and Julie Weatherbee

Absent: 1 - David DeVarti

C **APPROVAL OF AGENDA**

Approved unanimously as presented.

D **APPROVAL OF MINUTES**

D-1 **[17-0998](#)** April 26, 2017 ZBA Minutes with Live Links

Postponed to a future Zoning Board of Appeals meeting. Passed unanimously.

D-2 **[17-0999](#)** May 24, 2017 ZBA Minutes with Live Links

Postponed to a future Zoning Board of Appeals meeting. Passed unanimously.

D-3 **[17-1112](#)** June 28, 2017 ZBA Minutes with Live Links

Moved by Weatherbee, seconded by Westphal, that the Minutes be Approved by the Board and forwarded to the City Council. On a voice vote, the vote was as follows with the Chair declaring the

motion carried.
8-0

E **HEARING AND APPEALS**

Public Hearings: Individuals may speak for three minutes. Please state your name and address for the record.

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** **17-1105** ZBA17-022; 307 Berkley Avenue
James Wanty, property owner, is requesting a thirty (30) percent variance from Chapter 55 Zoning, Section 5:59 (d) to allow for sixty-five (65) percent lot coverage in the rear yard setback, when thirty-five (35) percent is the maximum allowable. The petitioner is proposing to construct a twenty-four (24) foot by twenty (20) foot pavilion to an existing detached garage in the rear yard.

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

BACKGROUND:

The property is zoned R1D, single-family residential, which requires a three (3) foot rear yard and three (3) foot side yard setback for detached structures. The lot is six thousand six hundred twenty-one (6621) square feet in size and the home was built in 1951.

DESCRIPTION:

The proposed pavilion will be attached to the existing structure which has a covered carport attached to the garage. The garage and carport comprise a total of four hundred five (405) square feet in the rear setback, resulting in a non-conforming status for lot coverage. If the variance is approved, the total coverage of the three structures in the rear setback will be: garage, two hundred forty (240) square feet; carport, one hundred sixty-five (165) square feet; and pavilion, two hundred forty (240) square feet for an approximate total of six hundred forty-five square feet in the rear setback or sixty-five percent of the land in the rear setback.

Standards for Approval - Variance

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. The following criteria shall apply:

(a). That the practical difficulties 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.

Applicant states that the proposed location of the pavilion is the best use of the property to satisfy their needs.

(b). That the practical difficulties will result from a failure to grant the variance, include substantially more than mere inconvenience, inability to attain a higher financial return, or both.

Applicant claims that the owner will not benefit financially from the construction of the pavilion.

(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.

There will be little to no impact on surrounding properties as there is a vacant lot to the east and the property to the south is a parking lot serving a multi-family use.

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

Applicant states that the existing structures have been in place since 1947 and due to the nonconforming status, and the City's ordinance standards, no new construction is allowed which has created a hardship on the owner.

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

The proposed pavilion will be constructed to meet the side and rear setbacks of three (3) feet for the district.

QUESTIONS BY BOARD TO STAFF:

Boardmember Kirk Westphal inquired about lot coverage.

Barrett explained that the ordinances dealing with lot coverage are intended prevent several things, such as a lot of structures in rear setbacks, encroaching on adjoining properties, and negative environmental effects.

Boardmember Heather Lewis inquired about how long the structure had been installed before the petitioner had to remove it.

Barrett answered, 90 days.

Boardmember Julie Weatherbee asked if the pavilion could be located in other places in the yard.

Barrett responded, yes.

Boardmember Todd Grant asked if the proposed structure would violate any coverage rules if it was placed somewhere else on the property.

Barrett answered, no.

Boardmember Mike Dobmeier inquired about when the garage was built and if it met the current zoning code.

Barrett answered that it was built in the 1950s, prior to the current zoning code.

PRESENTATION BY PETITIONER:

James Wanty, 2806 Laurentide Drive, Ann Arbor, described that the current use for the yard and patio is used for tailgating events for the University of Michigan, he also noted the relationship the property has with a charitable organization. He also explained that he will not have any financial gain and that none of the neighboring properties will be negatively impacted if this variance is granted.

PUBLIC HEARING:

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

LIST OF EXHIBITS PRESENTED:

None.

**Moved by Dobmeier, seconded by Eisenman in Petition ZBA17-022;
307 Berkley Avenue, Variance:**

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 Zoning Board of Appeals took into consideration the presented application and discussed the matter.

On a roll call, the vote was as follows,with the chair declairing the motion denied. Vote 0-8

Variance DENIED

Yeas: 0

Nays: 8 - Chair Briere, Lewis, Councilmember Westphal, Vice Chair Dobmeier, Daniel, Eisenmann, Grant, and Weatherbee

Absent: 1 - DeVarti

- E-2** [17-1106](#) ZBA17-023; 1700 Packard Street
Costa Pro, LLC, are requesting relief from Chapter 55 Zoning Section 5:87 Structure Non-conformance in order to convert basement space to living space. Petitioner seeks to add two (2) additional bedrooms in the basement and join them to the first floor for a total of six (6) bedrooms in the unit. The residence is non-conforming as it does not meet the required lot width or lot size.

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

SUMMARY:

Costa Pro, LLC, are requesting relief from Chapter 55 Zoning Section

5:87 Structure Non-conformance, in order to convert basement space to living space. Petitioner seeks to add two (2) additional bedrooms in the basement and join them to the first floor for a total of six (6) bedrooms in the unit. The residence is non-conforming as it does not meet the required lot width or lot size.

BACKGROUND:

The subject parcel is zoned R4C (Multiple-Family Residential District) and is located on Packard Street. The parcel is non-conforming for required lot size and lot width. The subject parcel is six thousand six hundred twenty-one (6621) square feet. The minimum lot size for the district is 8,500 square feet, and the lot width requirement for the district is sixty (60) feet. The lot is fifty (50) feet in width. The structure was built in 1937 and is two thousand three hundred sixty-eight (2,368) square feet in size. Currently, the residence is a duplex containing four (4) bedrooms in each unit. The applicant is proposing to join the basement and the first floor with a spiral staircase creating one (1) unit with six (6) bedrooms.

DESCRIPTION:

If the alteration is approved, the new unit will contain six (6) bedrooms allowing a maximum of six (6) unrelated individuals to reside in the dwelling. The applicant is not proposing any exterior modifications or an increase in size to the footprint of the structure. The only changes will be internal to the residence. The property is required to have three (3) parking spaces and five (5) will be provided. Additionally, two (2) bike spaces will be provided for the tenants.

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.

If the alteration is approved, the rental unit will have ten (10) bedrooms between both units.

QUESTIONS BY BOARD TO STAFF:

Grant inquired about basement bedrooms and safety.

Barrett responded that the rooms will have to meet the requirements set by the Rental Housing Department .

Daniel asked if the petitioner would need this variance if the lot was conforming.

Barrett responded, no.

Daniel inquired about the amount of parking spots on the property.

Barrett replied, 5 spaces.

Westphal inquired about how the property owners would be effected if the property was larger.

Barrett responded with more detail on the property and the criteria.

Lewis inquired about the property and ordinances related if the property had three separate units.

Barrett responded to the inquiries.

Lewis inquired about the precedence set if the zoning variance is granted.

Westphal answered that it does not set precedence.

Barrett commented that every case is judged on it's own merit.

Dobmeier asked if the footprint of the structure will change.

Barret responded, no.

PRESENTATION BY PETITIONER:

Robb Burray, 302 South State Street, Ann Arbor, Architect representing the owner, described the zoning of the property and explained that the use of his property is similar to the use of nearby properties. He stated that the district is higher density and multi-family due to its close proximity to the University of Michigan. He explained that he is trying to expand the current four (4) bedroom unit to a six (6) bedroom unit,

including stairs. He stated that the property is a multifamily duplex, not a boarding house.

PUBLIC HEARING:

Letitia Shaprio, 1706 Packard Street, Ann Arbor, expressed her love for the neighborhood and explained the relationship between her property and the petitioner's property. She explained that the petitioner's property is renting individual rooms to people who are not related. She expressed that the 5 existing parking spaces are not enough. She explained experiences she had where tenants of 1700 Packard parked in her driveway when she was home. She also described experiences she had where tenants at 1700 Packard parked in her driveway when she was not home which prevented her from parking in her own driveway. She commented that renovating a basement doesn't take a long time or have a great impact, but the social implications of it do.

Heidi Mitchell, property owner, 1700 Packard, explained her connection to the community. She also explained the process her tenants go through when applying to live on her property. She expressed that she is disappointed that she missed the mark on being a good neighbor.

Briere noted the different letters of support and opposition

LIST OF EXHIBITS PRESENTED:

*Email from Webber, 1418 Henry Street, Ann Arbor, Opposed
Email from Rubins, 1424 Henry Street, Ann Arbor, Opposed
Email from Malcoms, 1420 Henry Street, Ann Arbor, Opposed
Email from Buchanan, 1412 Henry Street, Ann Arbor, Opposed
Email from Sattler/Flynn, 1428 Henry Street, Ann Arbor, Opposed
Email from O'Neal, 525 West William Street, Ann Arbor, Opposed
Email from Shapiro, 1706 Packard Street, Ann Arbor, Opposed
Email from Worden/Mayesky, 1614 Packard, Ann Arbor, Support*

**Moved by Grant, seconded by Westphal, in Petition ZBA17-023;
1700 Packard, Variance:**

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 Zoning Board of Appeals 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 approved. Vote 7-1

Variance GRANTED

Yeas: 7 - Chair Briere, Councilmember Westphal, Vice Chair Dobmeier, Daniel, Eisenmann, Grant, and Weatherbee

Nays: 1 - Lewis

Absent: 1 - DeVarti

F NEW BUSINESS

None.

G UNFINISHED BUSINESS

None.

H REPORTS AND COMMUNICATIONS

H-1 [17-1107](#) Various Correspondences to the ZBA

Received and Filed

I PUBLIC COMMENTARY - (3 Minutes per Speaker)

None.

J ADJOURNMENT

Moved by Westphal, seconded by Weatherbee to adjourn the meeting at 7:07 p.m. On a voice vote, the Chair declared the meeting unanimously adjourned.

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/VideoOnDemand.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.

Candice Briere
Chairperson of the Zoning Board of Appeals
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