

City of Ann Arbor

301 E. Huron St.

Ann Arbor, MI 48104

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Formal Minutes - Final

Wednesday, July 31, 2019

6:00 PM

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

Zoning Board of Appeals

A CALL TO ORDER**B ROLL CALL**

Vice Chair Dave DeVarti called the roll.

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

Absent: 1 - Candice Briere

C APPROVAL OF AGENDA

Moved by Grant, seconded by Daniel, approved unanimously as presented.

D APPROVAL OF MINUTES**D-1 [19-1420](#) Minutes of the June 26, 2019 ZBA Meeting**

Attachments: 6-26-2019 ZBA Minutes .pdf

Moved by Grant, seconded by Eisenmann, approved unanimously as presented and forwarded to the City Council.

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 [19-1421](#) ZBA19-013; 3250 Woe-Be-Tide
Robert Clark of Four Seasons Sunrooms, representing the property owners, is seeking a 13 foot 3 inch variance from Table 5:17-1 Single Family Zoning District Dimensions. The property is zoned R1D Single-Family Dwelling and requires a minimum 20 foot rear yard setback. The owners are proposing to construct a 10'x16' sunroom at the rear of the existing residence.

Attachments: ZBA19-013; 3250 Woe Be Tide Staff Report w Attachments.pdf

City of Ann Arbor Zoning Coordinator Jon Barrett presented the staff

report.

QUESTIONS FROM BOARD TO STAFF

None.

PRESENTATION BY PETITIONER

Robert Clark, 6055 Jackson Rd, representing the petitioner explained that the lot is unique, the existing house is already nonconforming and the proposed design fits in with the neighborhood and does not negatively impact the surrounding neighbors. He explained that the neighbors do not oppose the project.

Boardmember Todd Grant inquired about the need for the variance.

Clark explained that due to the uniqueness of the lot, the owners do not have a lot of privacy and the proposed variance would allow for privacy.

PUBLIC HEARING

Seeing no speakers, the Vice Chair DeVarti closed the Public Hearing.

Moved by Daniel, seconded by Grant in Petition ZBA19-013; 3250 Woe-Be-Tide

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 13 feet three inches from the 20 foot rear setback to allow construction of a new sunroom. 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 an approval. DeVarti stated that he viewed the site on the day of the meeting and has difficulty approving the variance.

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

VARIANCE GRANTED

Yeas: 5 - Daniel, Grant, Weatherbee, Councilmember Nelson, and Peters

Nays: 3 - DeVarti, Eisenmann, and Wilson

Absent: 1 - Chair Briere

- E-2** [19-1422](#) ZBA19-019; 200 West Hoover Avenue
Ken J. Graf, property owner, is seeking a variance from Section 5.16.6 (C) Accessory Uses and Structures. The owner is proposing to demolish an existing detached garage in the rear yard and construct a new 14'x20' garage in the same location. The owner is requesting a one foot four inch side setback variance and a two foot two inch variance from the rear setback. The property is zoned R1D Single-Family Dwelling.

Attachments: ZBA19-019; 200 W Hoover Ave Staff Report with Attachments .pdf

Barrett presented the Staff Report.

QUESTIONS FROM BOARD TO STAFF:

DeVarti inquired the measurements of the current property, and about the

property to the west.

Barrett reviewed the survey and explained that at the time of his site visit there was a building on the property to the west.

PRESENTATION BY PETITIONER:

Matt Heely, property owner, 200 W. Hoover, Ann Arbor, explained that the garage at the site is totally unusable due to the condition, and the uniqueness of the lot. He explained that almost the entire back yard is below grade. He explained that the intention is to be able to use the garage and minimally disrupt the neighbors.

DeVarti inquired about the property owner reconstructing the garage to be within requirements.

Heely explained that if the location of the garage were to change, it would effect the landscaping, the retaining wall, and the neighbors fence.

PUBLIC HEARING

Joe Hubert, 200 W. Hoover St, Ann Arbor, expressed support for the proposed variance.

Moved by Nelson, seconded by Grant in Petition ZBA19-019; 200 West Hoover Ave

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 5.16.6 (C) Accessory Uses and Structures.

A variance of one foot four inches for the side setback variance and a two foot two inch variance from the rear setback. 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 a variance as they relate to the proposed variance.

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

VARIANCE GRANTED

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

Nays: 0

Absent: 1 - Chair Briere

- E-3** [19-1423](#) ZBA19-018; 1500 East Stadium Boulevard
Aver Sign Company, representing property owner, is seeking a variance from Section 5.24.4 On-Premises Exterior Signs (2) Ground signs. The applicants are requesting to re-brand the existing non-conforming ground sign. The sign is located three feet from the property lines of Packard Street and East Stadium Boulevard and is required to be a minimum of 45 feet from the property lines. The ground sign is 22 feet 6 inches in height and is required to be two feet from the property line for every one foot in height.

Attachments: ZBA19-018 1500 E Stadium Staff Report with Attachments .pdf

Barrett presented the Staff Report.

QUESTIONS FROM BOARD TO STAFF

DeVarti inquired about the sign changes proposed to be made.

Barrett explained that the petitioner is requesting a reduction in size.

Boardmember Mike Daniel inquired about the size relationship between the proposed sign and the gas station sign neighboring the property.

Barrett answered that the signs are very close in size and that the neighboring gas station received a variance.

PRESENTATION BY PETITIONER

John Soard, Aver Sign Company, Ferndale, MI, representing the applicant. Soard explained that the existing sign is not in good shape and needs to be replaced. He explained that the sign is currently in the best location, and that the intention is to improve the entire site along with bring the sign closer to compliance.

Grant and Eisenmann inquired about sign design.

PUBLIC HEARING

Danielle Etzier, 1508 Shadford Rd., Ann Arbor, expressed support for the proposed variance.

Seeing no further speakers, Vice Chair DeVarti closed the Public Hearing.

**Moved by Grant, seconded by Weatherbee in Petition ZBA19-018;
1500 East Stadium Blvd**

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 5.24.4 (2) On-Premises Exterior Signs, Ground Signs

A variance of 42 feet to allow the existing non-conforming ground sign to remain in its present location in order to allow a re-branding

of the sign. The alterations are to be conducted 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 sign dimensions and design as they relate to the standards for granting a variance.

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

VARIANCE GRANTED

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

Nays: 0

Absent: 1 - Chair Briere

- E-4** [19-1424](#) ZBA19-014; 2875 Boardwalk Drive
International Transmission Company dba ITC Transmission, representing the property owners, is seeking a variance from Section 5.20.3 (B) Interior Landscape Islands. The requested variance is to allow the removal of required vegetation in the high voltage electric transmission lines easement areas only.

Attachments: ZBA19-014; 2875 Boardwalk Staff Report with Attachments.pdf

Barrett presented the Staff Report.

QUESTIONS FROM BOARD TO STAFF

Grant clarified the representative of the petition.

Weatherbee inquired about what vegetation should be required at each property.

Barrett explained that the variance request allows the properties to not be rendered nonconforming. He explained that a large amount of the required vegetation is missing from the landscape island area.

The board discussed the need for the variance.

PRESENTATION BY PETITIONER

Steven Esty, representing the petitioner, explained that ITC has the authority to seek a variance to assist landowners that are put into nonconformity caused by the required land easement. He explained that should the variance be denied, the property owners would have nonconforming properties and possibly have difficulty redeveloping.

The Board inquired about the location of the request, the vegetation to be removed, and the reason for the variance request.

Esty provided location and vegetation details, and explained that the locations were selected due to their minimum impact to the surrounding areas.

DeVarti inquired about energy efficiency.

Name and Address unknown, representing the petitioner, discussed efficiency, explaining a reduction in energy loss.

PUBLIC HEARING

Seeing no speakers, Vice Chair DeVarti closed the Public Hearing.

**Moved by Eisenmann seconded by Grant in Petition ZBA19-014;
2875 Boardwalk 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 5.20.3 (B) Interior Landscape Islands.

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.**

BOARD DISCUSSION

The Board discussed the proposed variance request.

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

VARIANCE GRANTED

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

Nays: 0

Absent: 1 - Chair Briere

E-5 **19-1425** ZBA19-015; 950 Victors Way
International Transmission Company dba ITC Transmission, representing
the property owners, is seeking a variance from Section 5.20.3 (B) Interior

Landscape Islands. The requested variance is to allow the removal of required vegetation in the high voltage electric transmission lines easement areas only.

Attachments: ZBA19-015; 950 Victors Way Staff Report with Attachments.pdf

Barrett presented the Staff Report.

PRESENTATION BY PETITIONER:

Esty discussed exhibit H within the packet as it relates to the proposed project.

PUBLIC HEARING:

Seeing no speakers, Vice Chair DeVarti closed the Public Hearing.

Moved by Wilson, seconded by Grant in Petition ZBA19-015; 950 Victors Way

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 5.20.3 (B) Interior Landscape Islands.

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.**

BOARD DISCUSSION:

None.

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

VARIANCE GRANTED

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

Nays: 0

Absent: 1 - Chair Briere

E-6 **19-1426** ZBA19-016; 1000 Victors Way
International Transmission Company dba ITC Transmission, representing the property owners, is seeking a variance from Section 5.20.3 (B) Interior Landscape Islands. The requested variance is to allow the removal of required vegetation in the high voltage electric transmission lines easement areas only.

Attachments: ZBA19-016; 1000 Victors Way Staff Report with Attachments.pdf

PRESENTATION BY PETITIONER:

Esty discussed the future possibility of requiring a tree in the landscape island.

Grant discussed including the landscape island in the motion.

PUBLIC HEARING

Seeing no speakers, Vice Chair DeVarti closed the Public Hearing.

MAIN MOTION

**Moved by Eisenmann, seconded by Grant in Petition ZBA19-016;
1000 Victors Way**

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 5.20.3 (B) Interior Landscape Islands.

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.

BOARD DISCUSSION OF THE MAIN MOTION:

The board discussed amending the motion to include the entire landscape island in the south east corner of the parking lot in the variance.

AMENDMENT TO MAIN MOTION:

Moved by DeVarti, seconded by Nelson to amend the main motion to read as follows:

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 5.20.3 (B) Interior Landscape Islands to include the entire landscape island in the south east corner of the property.

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.

BOARD DISCUSSION ON AMENDMENT TO MAIN MOTION:

None.

VOTE ON AMENDMENT TO MAIN MOTION:

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

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

Nays: 0

Absent: 1 - Chair Briere

VOTE ON MAIN MOTION

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

VARIANCE GRANTED

Approved Variance Reads as Follows:

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 5.20.3 (B) Interior Landscape Islands to include the entire landscape island in the south east corner of the property.

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.**

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

Nays: 0

Absent: 1 - Chair Briere

- E-7** **19-1427** ZBA19-017; 1200 Victors Way
International Transmission Company dba ITC Transmission, representing the property owners, is seeking a variance from Section 5.20.3 (B) Interior Landscape Islands. The requested variance is to allow the removal of required vegetation in the high voltage electric transmission lines easement areas only.

Attachments: ZBA19-017; 1200 Victors Way Staff Report with Attachments.pdf

PRESENTATION BY PETITIONER:

None.

PUBLIC HEARING:

Seeing no speakers, Vice Chair DeVarti closed the Public Hearing.

Petition ZBA19-017; 1200 Victors Way

**Moved by Weatherbee, seconded by Grant in petition ZBA19-017;
12000 Victors Way**

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 5.20.3 (B) Interior Landscape Islands.

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.**

BOARD DISCUSSION:

None.

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

VARIANCE GRANTED

Yeas: 8 - DeVarti, Daniel, Eisenmann, Grant, Weatherbee, Wilson, Councilmember Nelson, and Peters
Nays: 0
Absent: 1 - Chair Briere

F UNFINISHED BUSINESS

None.

G NEW BUSINESS

None.

H COMMUNICATIONS

H-1 [19-1428](#) Various Communication to the ZBA

Attachments: Communication Regarding 200 W Hoover from Hubert.pdf, Communication Regarding Woe-be-tide - From Kabirs and Cunningham.pdf, Communication Regarding 200 W Hoover - From Krajcovic.pdf

Received and Filed

I PUBLIC COMMENTARY - 3 MINUTES PER SPEAKER

Seeing no speakers, Vice Chair DeVarti closed Public Commentary.

J ADJOURNMENT

Moved by Weatherbee, seconded by Daniel, to adjourn the meeting at 7:45 p.m.

Unanimously Adjourned

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Candice Briere, Chairperson of the Zoning Board of Appeals

/kvl