



**APPROVED MINUTES OF THE REGULAR MEETING OF  
THE ZONING BOARD OF APPEALS OF THE CITY OF ANN ARBOR  
FEBRUARY 27, 2008**

The Regular Session of the Zoning Board of Appeals was held on Wednesday, February 27, 2008 at 6:00 p.m. in City Council Chambers, 100 N. Fifth Avenue, Ann Arbor, Michigan.

The meeting was called to order at 6:04 p.m. by Acting Chairperson Kathryn Loomis.

**ROLL CALL**

Members Present: (7) C. Carver, C. Briere, R. Eamus, D. Tope,  
D. Gregorka, K. Loomis and W. Carman

Members Absent: (2) C. Kuhnke and R. Suarez

Staff Present: (2) M. Kowalski and B. Acquaviva

**A – APPROVAL OF AGENDA**

**A-1** The Agenda was approved as presented without objection.

**B - APPROVAL OF MINUTES**

**B-1** Approval of Draft Minutes of the January 23, 2008 Regular Session.

Moved by D. Gregorka, Seconded by D. Tope, **“that the minutes of the January 23, 2008 Regular Session be approved as presented.”**

**On a Voice Vote – MOTION PASSED – UNANIMOUS**

**C - APPEALS & ACTION**

**C-1 828 Brookwood Place – 2008-Z-004**

Rueter Associates is requesting a rehearing in order to permit alteration to a non-conforming structure as described in Chapter 55, Zoning, Section 5:87, Structure Nonconformance.

**Description and Discussion:**

The ZBA denied an application for permission to alter a non-conforming structure at this location in December 2007. The petitioner has now made changes to the plan in order to address ZBA concerns and comments expressed at that meeting. The petitioner is requesting a rehearing in order to receive permission to alter a non-conforming building based on a revised plan. According to Chapter 55, Section 5:99, “An application for a rehearing shall be made in the same manner as the original hearing. The application for a rehearing shall be denied by the board if the petitioner is unable to present evidence to show that there has been a substantial change in facts, circumstances or scope or nature of relief requested.”

The previously denied petition proposed an 845 square foot two-story addition, 11 feet from the rear property line. The revised petition is proposing a 720 square foot two-story addition 17 feet 2 inches from the rear property line. All other setbacks remain the same from the previous proposal.

54 **Questions to Staff by the Board**

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56 W. Carman (to M. Kowalski) – This is zoned R4C. The lot isn't big enough to be R4C, R1C  
57 or R1D - why choose R1C as the prevailing rules for area, height and placement on this  
58 particular issue rather than R1D? (M. Kowalski – It's a single family house and the rules  
59 state that if it is a single family home in the R4C district, it directs you to use R1C, subject to  
60 the regulations of which it first occurs. Based on the R1C standards.) "Any permitted  
61 principal or special exception use of the R1C single family district, subject to all the  
62 regulations in the district in which it first occurs.

63

64 D. Tope – What is the total square footage that is being added – just on the first and second  
65 floor? (720 square feet total, so 360 on each floor.) They're adding habitable space in the  
66 basement? (Right now it's not counted unless it's 'finished' living space, and right now it's a  
67 basement.) (*Questions on possible future rental space can be addressed by the architect.*)

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69 **Petitioner Presentation**

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71 Mark Reuter, architect, was present to speak on behalf of the re-hearing. As to the egress  
72 window question, the basement could not be occupied as 'habitable space' since the stairway  
73 dimensions would have to be approved by BBA (too small to meet code) – so even though  
74 there is an egress window there, it's in our opinion that this was a basement, and the egress  
75 window is for the basement.

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77 **Questions of the Petitioner by the Board**

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79 K. Loomis – So, if the basement will be used as storage, etc., do you have any future plans  
80 for use of that space other than that? (Owner – Ideally, the point of the basement right now is  
81 to accommodate the six people in the house as a rec-room or study.)

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83 **Public Comment**

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85 Charles Nelson (next door neighbor) - 822 Brookwood Place; neighbor supports the petition.

86

87 **Discussion by the Board**

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89 D. Tope - Appreciates petitioner acknowledging the Board's concern of increasing square  
90 footage in the rear setback in consideration of future desirability of the property.

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92 D. Gregorka – Just to be clear, the current plans *do not include* finishing off any basement  
93 space – it will just be 'raw' basement? (Owner – Correct.) I think that the petitioner has been  
94 very responsive to the changes that we suggested at the previous meeting. It is a lot of  
95 building, but it is typical of the area and it was good to hear a neighbor support this.

96

97 K. Loomis – Even though I voted in favor of this the first time it was here, I certainly  
98 appreciate your responsiveness and that you're trying to satisfy the Boards' concerns.

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100 **MOTION**

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102 Moved by W. Carman, Seconded by D. Gregorka, **"In the matter of 2008-Z-004, 828**  
103 **Brookwood Place, that permission be granted to alter this non-conforming structure to**  
104 **allow a 720 square foot, 2 story addition to be made to this existing 1220 square foot**  
105 **residence, to create a 1940 square foot 6 bedroom house per submitted plans, given**  
106 **the following findings of fact:**

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- a) The existing residence sits on a lot which is non-conforming; the lot is shallow but wide enough to meet the R1C requirements;
- b) The addition complies as nearly as practicable, and will not have a detrimental effect on surrounding properties, in that the addition will have a larger front setback than the existing portion of the house.
- c) It will not encroach farther into the rear setback than the existing two-story portion of the house and the size of the structure will be similar to neighboring properties, per the submitted plans.”

**On a Voice Vote – MOTION PASSED – UNANIMOUS** (*Permission to Alter a Non-Conforming Structure – Granted*)

- D. **UNFINISHED BUSINESS** – None.
- E. **NEW BUSINESS** - None.
- F. **REPORTS & COMMUNICATIONS**
- G. **AUDIENCE PARTICIPATION – GENERAL** – None.

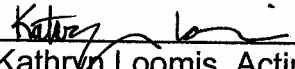
**ADJOURNMENT**

Moved by D. Gregorka, Seconded by C. Carver, “**that the meeting be adjourned.**”

**On a Voice Vote – MOTION TO ADJOURN - PASSED - UNANIMOUS**

Acting Chairperson Kathryn Loomis adjourned the meeting at 6:40 p.m.

**(Submitted by: Brenda Acquaviva, Administrative Support Specialist V – Zoning Board of Appeals)**

  
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Kathryn Loomis, Acting Chairperson

3/26/08  
Dated ZBA Minutes