



**APPROVED MINUTES OF THE REGULAR MEETING OF
THE ZONING BOARD OF APPEALS OF THE CITY OF ANN ARBOR
November 18, 2009**

The Regular Session of the Zoning Board of Appeals was held on Wednesday, November 18, 2009 at 6:00 p.m. in City Council Chambers, 100 N. Fifth Avenue, A2, MI. The meeting was called to order at 6:00 p.m. by Chairperson Carol Kuhnke.

ROLL CALL

Members Present: (8) J. Carlberg, C. Briere, D. Tope, W. Carman, C. Kuhnke, Aaron Pilot, S. Briere and D. Gregorka (arr. 7:10 p.m.)

Members Absent: (1) K. Loomis

Staff Present: (1) C. Cheng

Staff Absent (1) B. Acquaviva

I - INTRODUCTIONS

I-1 The ZBA welcomed its newest member, Mr. Aaron Pilot.

A - APPROVAL OF AGENDA

A-1 Without Opposition, the Agenda was Approved as Presented.

B - APPROVAL OF MINUTES

B-1 Draft Minutes of the 2009-07-24 Regular Session (*There was no Regular Session for August 2009*)

Changes: Roll call shows **W. Carman** as absent; should say **was present** after initial roll call. **Remove K. Loomis** from roll call **as present** and **change to absent**.

Moved by D. Tope, Seconded by J. Carlberg "To approve the minutes of the July 24, 2009 Regular Session as Amended."

On A VOICE VOTE – MOTION TO APPROVE – PASSED - UNANIMOUS

C - APPEALS & ACTION

C-1 ZBA09-007 – 2401 VINEWOOD BLVD.

J. K. Janiga is requesting permission to alter a non-conforming structure and one variance from **Chapter 55 (Zoning), Section 5:27(R1B)**, of 10 inches for expansion of an existing residential structure into the side setback.

54 **Description and Discussion**

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56 The petitioner requests one variance from Chapter 55 (Zoning) Section 5:27 (R1B, Single-
57 Family Residential) of 10 inches to allow a side setback of 4 feet 2 inches for construction of
58 an attached garage; 5 feet is required.

59
60 The requested variance would allow the construction of a one-car attached garage 4 feet 2
61 inches from the side property line. The subject property is located on the corner of Vinewood
62 and Avalon Place in the R1B Single-Family Dwelling District. The property contains a single-
63 family dwelling (built in 1941) and driveway leading to a single-car carport in front of a garage.
64 The petitioner wishes to enclose the existing carport to create a new single-car garage and
65 renovate part of the existing garage for additional living space. The addition will follow the
66 existing rooflines of the house along the front, side and rear elevations. The proposed garage
67 would be approximately 13 feet wide and 22 feet deep.

68
69 The house is non-conforming due to a small section of the house that is located within the front
70 setback of Avalon Place. The majority of the house and proposed garage addition are located
71 outside of the required setbacks. Due to the fact that the house was built on a slight angle on
72 the lot, a very small section of the new garage will be located within the side setback. After
73 completion, the garage will be 10 inches closer to the side property line than the existing
74 carport. The existing carport is conforming; however the thickness of the proposed garage
75 walls and the location of the structure directly on the property line triggers the need for a
76 variance of 10 inches.

77
78 **Questions to Staff by the Board**

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80 W. Carman (To C. Cheng) – The post that holds up the carport – it’s actually in the side
81 setback (Yes). So, this house is non-conforming not only because of the front setback, but
82 also because a small portion of the carport is currently also in the front setback. (Correct).
83 Given that it’s non-conforming that way, do we have to give a variance? I know we have to
84 give permission to alter a non-conforming structure, but do we have to give a variance?
85

86 C. Cheng – I would say yes. My opinion would be that since they’re only enclosing what is
87 there, yes.
88

89 W. Carman – Which is exactly why I don’t think that they need a variance. We certainly need
90 to let them enclose it, but, if we’re not increasing the footprint and not getting any further into
91 the setback, then I’m not sure that we need to grant a variance. *(The rest of the board is very
92 much in agreement with Ms. Carman’s assessment of this.)*
93

94 **Petitioner Presentation**

95
96 Mr. Tim McCotter of J. K. Janiga Architects, was present to speak on behalf of the appeal. He
97 stated that they had provided a color rendering of what the proposed building would look like
98 and that staff covered the information well.
99

100 **Questions to the Petitioner by the Board**

101
102 W. Carman (To Petitioner) (Asked about the three various requests). The petitioner clarified
103 their position regarding the appeal request.
104

105 The residence that is closest to the construction – how far away is the next home?
 106 (Approximately 10 feet from the property line, and there is a line of trees. They were one of
 107 the signers in support of this petition).

108

109 **Public Comment** - None.

110

111 The chair stated that a communication in the form of a petition was submitted from various
 112 neighbors was submitted in support of this project. Those neighbors submitting support reside
 113 at: 2311, 2400, 2402, 2403, 2404, 2406, 2409 Vinewood and 2214 Avalon Place.

114

115 **Discussion by the Board**

116

117 **MOTION**

118

119 Moved by W. Carman, Seconded by D. Gregorka, “In the case of Appeal Number ZBA09-
 120 007, 2401 Vinewood Avenue, that based on the following findings of fact and in
 121 accordance with the established standards for approval, the Zoning Board of Appeals
 122 hereby grants permission to alter a non-conforming structure to convert a single
 123 carport to a single car garage per submitted plans, in accordance with the established
 124 standards and given the following findings of fact:

125

126 a) The alteration complies as nearly as practicable with the
 127 requirements of the Zoning Chapter, in that it is not intruding any
 128 further into the side setback than it already is. Only a small part of
 129 the new garage will extend into the side setback (less than 4.3 square
 130 feet). The dimension of the structure will be constructed with the
 131 minimal dimensions for a single car garage.

132

133 b) The alteration will not have a detrimental effect on neighboring
 134 property. It will not be closer than the existing carport and it will
 135 upgrade the appearance of the house. The neighbors - including the
 136 most affected neighbor – have no objections.

137

138 **On a Voice Vote – MOTION TO ALTER A NON-CONFORMING STRUCTURE - *APPROVED***
 139 **– *UNANIMOUS***

140

141 **D. OLD BUSINESS** – None.

142

143 **E. NEW BUSINESS**

144

145 D. Gregorka – Asked staff about the consultant who was hired to revamp the Zoning ordinance
 146 and when the meetings with the consultant were to take place. I would respectfully ask that
 147 someone provide us with some information about this.

148

149 J. Carlberg – Stated that she did have a schedule, but that she didn’t commit it to memory.
 150 This is supposed to be a year long process.

151

152 *(Lengthy discussion amongst the board regarding this consultant and the fact finding meetings.*
 153 **Staff Note: This is in actual reference to the project known as “Z.O.R.O.”).**

154

155

Mr. Tim McCotter of J. K. Janiga Architects, was present to speak on behalf of the appeal. He stated that they had provided a color rendering of what the proposed building would look like and that staff covered the information well.

Discussion by the Board

W. Carman (To Petitioner) (Asked about the three various requests). The petitioner clarified their position regarding the appeal request.

The residence that is closest to the construction – how far away is the next home? (Approximately 10 feet from the property line, and there is a line of trees. They were one of the signers in support of this petition).

The chair stated that a communication in the form of a petition was submitted from various neighbors was submitted in support of this project. Those neighbors submitting support reside at: 2311, 2400, 2402, 2403, 2404, 2406, 2409 Vinewood and 2214 Avalon Place.

The Board discussed this issue and made the following motions:

MOTION

Moved by W. Carman, Seconded by D. Gregorka, "In the case of Appeal Number ZBA09-007, 2401 Vinewood Avenue, that 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 to convert a single carport to a single car garage per submitted plans, in accordance with the established standards and given the following findings of fact:

a) The alteration complies as nearly as practicable with the requirements of the Zoning Chapter, in that it is not intruding any further into the side setback than it already is. Only a small part of the new garage will extend into the side setback (less than 4.3 square feet). The dimension of the structure will be constructed with the minimal dimensions for a single car garage.

b) The alteration will not have a detrimental effect on neighboring property. It will not be closer than the existing carport and it will upgrade the appearance of the house. The neighbors - including the most affected neighbor – have no objections.

On a Voice Vote – MOTION TO ALTER A NON-CONFORMING STRUCTURE - **APPROVED – UNANIMOUS**



C. Kuhnke, Chairperson

Date: 3-24-10