



City of Ann Arbor

Formal Minutes - Draft

Zoning Board of Appeals

301 E. Huron St.
Ann Arbor, MI 48104
<http://a2gov.legistar.com/Calendar.aspx>

Wednesday, October 25, 2023

6:00 PM

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

This meeting will be broadcast live on CTN Cable Channel 16, ATT Channel 99, and online at a2gov.org/watchCTN

Public commentary can be made in person or by calling: 877 853 5247 or 888 788 0099

Enter Meeting ID 938 1648 1007

A. **CALL TO ORDER**

Chair Briere called the meeting to order at 6:01 pm.

B. **ROLL CALL**

Chair Briere called the roll.

Others present:

Jon Barrett, Zoning Coordinator

Chris MacFarland, Code Compliance Official

Courtney Manor, City Staff

Present: 7 - Candice Briere, David DeVarti, Todd Grant, Christopher Madigan, Dharma Akmon, Grace Whitney, and Sadira Clarke

Absent: 2 - Michael B. Daniel, and Kristina A. Glusac

C. **APPROVAL OF AGENDA**

Moved by Chris Madigan seconded by Dave DeVarti to approve the agenda. The agenda was unanimously approved as presented.

D. **APPROVAL OF MINUTES**

D-1. 23-1686 September 27, 2023 ZBA Meeting Minutes

Attachments: September 27, 2023 ZBA Meeting Minutes.pdf

Moved by Todd Grant seconded by Madigan to approve the September 27, 2023 meeting minutes. Minutes were unanimously approved and forwarded to City Council.

E. PUBLIC HEARINGS

E-1. 23-1687 ZBA23-0025; 111 Longman Lane

Tansy Degen, property owner, has filed an administrative appeal regarding Section 5.33.6 Nonconforming Short-Term Rental-Non-Principal Residence and Section 5.32.1 (D) Nonconforming Use. The owner requests to re-establish a short-term rental (less than 30 days) use at the subject property. The Certificate of Rental Registration expired on January 29, 2022, which exceeds the one year discontinuance period. The applicant was denied a short-term rental license on August 24, 2023, and is appealing the decision of the Manager of Rental Housing Services.

Attachments: Staff Report ZBA23-0025; 111 Longman Ln.pdf, 111 Longman Ln Zoning Map.pdf, 111 Longman Ln Aerial Map.pdf, 111 Longman Ln Aerial Map Zoom.pdf, 111 Longman Ln Response Letter.pdf, ZBA23-0025; 111 Longman Lane Email.pdf

APPLICANT/REPRESENTATIVE:

Tansy Degen, property owner, presented the proposed request.

PUBLIC HEARING:

Seeing no speakers Chair Briere closed the Public Hearing.

BOARD DISCUSSION:

The Board took into consideration the presented petition and discussed the matter. [For a complete record of the discussion, please see available video format].

Moved by DeVarti seconded by Todd Grant in petition of ZBA23-0025; 111 Longman Lane

The Zoning Board of Appeals hereby OVERTURNS the decision of the Rental Housing Manager that the subject property does not meet the requirements of Section 5.33.6 Nonconforming Short-Term

Non-Principal Residence and Section 5.32.1 (D) Nonconforming Use.

On a roll call vote, the vote was as follows with the Chair declaring the motion denied. Vote 2-4.

Yeas: 3 - DeVarti, Grant, and Clarke

Nays: 4 - Chair Briere, Madigan, Councilmember Akmon, and Whitney

Absent: 2 - Daniel, and Glusac

E-2. 23-1688 ZBA23-0020; 1006 Packard Street

Chris Vessels, representing property owner, is seeking approval from Section 5.32.2 (C) Alteration to a Nonconforming Structure. The applicants are requesting to convert the basement into a three bedroom unit. The roof will be altered by the addition of two new gables that will create new living space on the third floor. The existing three unit rental property contains an efficiency apartment and a two bedroom and three bedroom units on the upper floors. The alteration will increase the number of bedrooms to 13 while the number of units remains at three. The corner lot property is zoned R4C Multiple-Family Dwelling District and is nonconforming for lot area, lot width, side setback and front setback along Brookwood Place.

Attachments: Staff Report ZBA23-0020; 1006 Packard St.pdf, 1006 Packard Street Boundary Survey.pdf, 1006 Packard Street Elevation Plans.pdf, 1006 Packard St Zoning Map.pdf, 1006 Packard St Aerial Map.pdf, 1006 Packard St Aerial Map Zoom.pdf

APPLICANT/REPRESENTATIVE:

Chris Vessels, representing property owner, presented the proposed request.

PUBLIC HEARING:

Charles Nelson, 822 Brookwood, spoke in opposition of the proposed project expressing concerns with parking.

Seeing no additional speakers Chair Briere closed the Public Hearing.

BOARD DISCUSSION:

The Board took into consideration the presented petition and discussed

the matter. [For a complete record of the discussion, please see available video format].

**Moved by DeVarti seconded by Madigan in petition of ZBA23-0020;
1006 Packard Street**

The Zoning Board of Appeals hereby GRANTS relief from Section 5.32.2 Alteration to a Nonconforming -Structure to allow the basement to be converted to a three bedroom unit. The roofline will be altered by the addition of two new gables and a height increase to create living space on the third floor. The number of units for the property are to remain at three while the bedroom count increases to 13. The interior alteration is to be constructed per the submitted plans.

On a roll call vote, the vote was as follows with the Chair declaring the motion carried. Vote 7-0.

Yeas: 7 - Chair Briere, DeVarti, Grant, Madigan, Councilmember Akmon, Whitney, and Clarke

Nays: 0

Absent: 2 - Daniel, and Glusac

ROLL CALL

Chair Briere left the meeting at 7:00 pm.

Present: 6 - David DeVarti, Todd Grant, Christopher Madigan, Dharma Akmon, Grace Whitney, and Sadira Clarke

Absent: 3 - Candice Briere, Michael B. Daniel, and Kristina A. Glusac

- E-3.** **[23-1689](#)** **ZBA23-0028; 803 McKinley Avenue**
Robb Burroughs, representing property owner, is seeking approval from Section 5.32.2 (C) Alteration to a Nonconforming Structure. The applicants are requesting to convert the existing basement below four townhome units into habitable space consisting of two bedrooms for each unit above. Walls will be added in all four units in the basement to make them independent vertically through the top level. The bedroom count for each unit will increase from two bedrooms to four bedrooms. The property is zoned R4C Multiple-Family Dwelling District and is nonconforming for lot area and rear setback.

Attachments: Staff Report ZBA23-0028; 803 McKinley Ave.pdf, 803 McKinley Boundary Survey.pdf, 803 McKinley Exterior

Shot.pdf, 230927 MCK23 - ZBA Submission.pdf, 803 McKinley Ave Zoning Map.pdf, 803 McKinley Ave Aerial Map.pdf, 803 McKinley Ave Aerial Map Zoom.pdf

APPLICANT/REPRESENTATIVE:

Robb Burroughs, representing property owner, presented the proposed request.

PUBLIC HEARING:

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

BOARD DISCUSSION:

The Board took into consideration the presented petition and discussed the matter. [For a complete record of the discussion, please see available video format].

Moved by Madigan seconded by Grace Whitney in petition of ZBA23-0028; 803 McKinley Avenue

The Zoning Board of Appeals hereby GRANTS relief from Section 5.32.2 (C) Alteration to a Nonconforming-Structure to allow the basement to be converted to two bedrooms attached to the four townhome units above. There are no exterior changes planned at this time. The interior alteration is to be constructed per the submitted plans.

On a roll call vote, the vote was as follows with the Vice Chair declaring the motion carried. Vote 6-0.

Yeas: 6 - DeVarti, Grant, Madigan, Councilmember Akmon, Whitney, and Clarke

Nays: 0

Absent: 3 - Chair Briere, Daniel, and Glusac

E-4. [23-1690](#) ZBA23-0027: 331 East Ann Street

Robb Burroughs, representing property owner, is seeking approval from Section 5.32.2 (C) Alteration to a Nonconforming Structure to construct a 632 square foot addition to the rear of the existing two unit rental property. The proposed addition will increase the bedroom count from two bedrooms to eight bedrooms while the unit count remains at two. The existing six

space parking lot will be reduced from six spaces to four spaces. The property is zoned R4C, Multiple-Family Dwelling District and is nonconforming for lot area, lot width and the side setbacks. The property is located in the Old Fourth Ward Historic District.

Attachments: Staff Report ZBA23-0027; 331 East Ann St.pdf, 331 East Ann Street Boundary Survey.pdf, 331 East Ann Street Elevation Plans.pdf, 331 E Ann St Zoning Map.pdf, 331 E Ann St Aerial Map.pdf, 331 E Ann St Aerial Map Zoom.pdf, Crockett Email of Support ZBA23-0027; 311 East Ann Street.pdf, Hudolin Email of Support ZBA23-0027; 311 East Ann Street.pdf, Kennedy Email of Support ZBA23-0027; 331 East Ann Street.pdf, Mirzania Email of Opposition.pdf, Ritter Email of Support ZBA23-0027; 331 East Ann Street.pdf, Smith Email of Support ZBA23-0027.pdf, Wilson Email of Support ZBA23-0027; 331 East Ann Street.pdf, Wineberg Email of Support ZBA23-0027; 331 East Ann Street.pdf

APPLICANT/REPRESENTATIVE:

Robb Burroughs, representing property owner and property owner Ryan Pantaleo, presented the proposed request.

PUBLIC HEARING:

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

BOARD DISCUSSION:

The Board took into consideration the presented petition and discussed the matter. [For a complete record of the discussion, please see available video format].

**Moved by DeVarti seconded by Madigan in petition of ZBA23-0027;
331 East Ann Street**

The Zoning Board of Appeals hereby GRANTS relief from Section 5.32.2 Alteration to a Nonconforming -Structure to allow construction of a 632 square foot addition to the rear of the existing two-unit rental property. The proposed addition and interior renovations will increase the number of bedrooms from two to eight. The unit count remains the same. All new construction is to be built per the submitted plans.

On a roll call vote, the vote was as follows with the Vice Chair declaring the motion carried. Vote 6-0.

Yeas: 6 - DeVarti, Grant, Madigan, Councilmember Akmon, Whitney, and Clarke

Nays: 0

Absent: 3 - Chair Briere, Daniel, and Glusac

E-5. [23-1691](#) ZBA23-0026; 526 Detroit Street

Robb Burroughs, representing the property owner, is making three requests: 1) Variances of two feet one inch and two feet eleven inches from Section 5.16.6 (2) (D) Accessory Uses and Structures. These variances are required for the east and south side of an existing detached garage to allow it to be converted to an Accessory Dwelling Unit (ADU). 2) The proposed addition to the rear of the home will require approval from Section 5.32.2 (C) Alteration to a Nonconforming Structure to allow the addition to be 3.82 feet from the side lot line. It will not encroach further into the side yard setback than the existing residence. 3) The addition also requires a one foot eight-inch variance from Table 5.17-3 Multiple-Family Residential Zoning District Dimensions to encroach into the required 30-foot rear yard setback.

Attachments: Staff Report ZBA23-0026; 526 Detroit Street.pdf, 526 Detroit Street Boundary Survey.pdf, 526 Detroit Street Elevation Plans.pdf, 526 Detroit St Zoning Map.pdf, 526 Detroit St Aerial Map.pdf, 526 Detroit St Aerial Map Zoom.pdf, Crockett Email of Support ZBA23-0027; 311 East Ann Street.pdf, Ellison Email of Opposition ZBA23-0026; 526 Detroit Street.pdf, Hudolin Email of Support ZBA23-0026; 526 Detroit Street.pdf, Kennedy Email of Support ZBA23-0026; 526 Detroit Street.pdf, Lewis Email of Support ZBA23-0026; 526 Detroit Street.pdf, Ritter Email of Support ZBA23-0026; 526 Detroit Street.pdf, Wilson Email of Support ZBA23-0026; 526 Detroit Street.pdf, Wineberg Email of Support ZBA23-0026; 526 Detroit Street.pdf

APPLICANT/REPRESENTATIVE:

Robb Burroughs, representing property owner and property owner Ryan Pantaleo, presented the proposed request.

PUBLIC HEARING:

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

BOARD DISCUSSION:

The Board took into consideration the presented petition and discussed the matter. [For a complete record of the discussion, please see available video format].

Moved by DeVarti seconded by Madigan in petition of ZBA23-0026

Based on the following findings and in accordance with the established standards for approval, the Zoning Board of Appeals hereby GRANTS a variance of two-feet one-inch and two-feet 11 inches from Section 5.16.6 (2)(D) Accessory Structures and Uses. The variances are required for the east and south side of an existing detached garage to allow it to be converted an Accessory Dwelling Unit (ADU). The proposed addition requires a one-foot eight inch variance from Table 5.17-3 Multiple Family Residential Zoning District Dimensions to encroach into the required 30 foot rear yard setback. All new construction is to be built per the submitted plans.

On a roll call vote, the vote was as follows with the Vice Chair declaring the motion carried. Vote 6-0.

Yeas: 6 - DeVarti, Grant, Madigan, Councilmember Akmon, Whitney, and Clarke

Nays: 0

Absent: 3 - Chair Briere, Daniel, and Glusac

Moved by DeVarti seconded by Madigan in petition of ZBA23-0026

The Zoning Board of Appeals hereby GRANTS relief from Section 5.32.2 Alteration to a Nonconforming -Structure to allow construction of an addition to the rear of the home that will be 3.82 feet from the side lot line. The addition will not encroach further into the side setback than the existing home. All construction is to comply with the submitted plans.

On a roll call vote, the vote was as follows with the Vice Chair declaring the motion carried. Vote 6-0.

Yeas: 6 - DeVarti, Grant, Madigan, Councilmember Akmon, Whitney, and Clarke

Nays: 0

Absent: 3 - Chair Briere, Daniel, and Glusac

F. UNFINISHED BUSINESS

None.

G. NEW BUSINESS

None.

H. COMMUNICATIONS

H-1. [23-1692](#) Various Communication to the ZBA

Received and filed.

I. PUBLIC COMMENT (3 minutes per speaker)

No speakers.

J. ADJOURNMENT

Moved by Madigan seconded Whitney to adjourn the meeting at 7:45 pm. Approved unanimously.

Candice Briere, Chairperson
Jon Barrett, Zoning Coordinator
/courtney manor

eComments for the Board may be left via our Legistar calendar page (column to the very right)

<http://a2gov.legistar.com/Calendar.aspx>

Zoning Board of Appeals meetings are typically held the fourth Wednesday of each month. All persons are encouraged to participate in public meetings. Persons requiring translation or sign language services or other accommodations may contact the City Clerk's office at 734.794.6140; via e-mail to:

cityclerk@a2gov.org ; or by written request addressed and mailed to: City Clerk's Office, 301 E. Huron St., Ann Arbor, MI 48104. Requests need to be received at least two (2) business days in advance of the meeting.

Zoning Board of Appeals meeting agendas and packets are available from the Legislative Information Center on the City Clerk's page of the City's website (<http://a2gov.legistar.com/Calendar.aspx>). Zoning Board of Appeals meetings have transitioned to a hybrid meeting model. The City of Ann Arbor highly encourages the public to view and participate in public meetings remotely due to the high COVID-19 transmission rate in Washtenaw County. In order to prevent the transmission of COVID-19, protect the health of meeting attendees, minimize the possibility of disrupting the meeting, and thereby promote public participation by creating a safer meeting environment, City Council has established a regulation that all in-person attendees at meetings are required to wear a mask. See the Mask Requirement signage that is posted throughout City Hall. The City of Ann Arbor has existing COVID-19 safety rules that are required of visitors entering city facilities. If you choose to attend a meeting in-person, the following safety rules are expected to be observed. These include:

Masks - Masks will be required for all meeting participants and guests when the local CDC Community Level in Washtenaw County is HIGH. Check the current level for Washtenaw County through the CDC's website.

Physical Distancing - Individuals should be physically distanced from one another at least 6 feet.

Illness - Anyone diagnosed with COVID-19, who has symptoms of COVID-19, or has had recent close contact with someone with COVID-19, should not attend a public meeting.