



**APPROVED MINUTES OF THE REGULAR MEETING OF
THE ZONING BOARD OF APPEALS OF THE CITY OF ANN ARBOR
May 25, 2011**

The Regular Session of the Zoning Board of Appeals was held on Wednesday, May 25, 2011 at 6:00 p.m. in the CTN Building, 2805 South Industrial Hwy., A2, MI. The meeting was called to order at 6:00 p.m. by Chairperson C. Kuhnke.

I-1 INTRO – Chair Carol Kuhnke welcomed its newest member, Perry Zielak to the Board.

ROLL CALL

Members Present: **(7)** C. Kuhnke, C. Briere, E. Briggs, J. Boggs,
D. Gregorka, W. Carman and Perry Zielak
Members Absent: **(2)** A. Milshteyn & S. Briere
Staff Present: **(1)** M. Kowalski

A – APPROVAL OF AGENDA

A-1 - The Agenda was approved as presented.

B - APPROVAL OF MINUTES -

B-1 Draft Minutes of the 2011-03-23 Regular Session

C. Briere stated that Line #29 shows that the motion was seconded by S. Briere, but S. Briere was not present at that meeting. J. Boggs stated that he was the second on that particular motion. Change ~~S. Briere~~ to **J. Boggs**.

MOTION

Moved by J. Boggs, Seconded by C. Briere, **“To Approve the March 23, 2011 Regular Session Minutes as Amended.”**

On a Voice Vote – MOTION TO APPROVE – *PASSED - Unanimous*

C - APPEALS & ACTION

C-1 ZBA11-005 – 514 East Ann Street

Description and Discussion

Zaki Alawi is requesting **Permission to Alter a Non-Conforming Structure** and one **Variance from Chapter 55 (Zoning) Section 5:30(R2A, Single Family)**: a variance of 1 foot 8 inches* for expansion of an existing residential structure into the side setback; 5 feet is the side setback required (subject property is zoned R4C, however per Chapter 55, Section 5:10.8(2)(c), R2A standards are used because structure will be a two-family after modifications).

53 * Variance dimension is reduced from original request based on boundary survey obtained by
54 the petitioner.

55
56 The petitioner is proposing to convert this single-family house into a duplex with two six-
57 bedroom units. The existing two-car attached garage will be converted into living space
58 (useable floor area) containing two bedrooms and a bathroom. This space was partially
59 converted into living space by the previous owner without appropriate building or zoning
60 permits, the current owner wishes to finish the construction and establish the area as living
61 space containing two bedrooms and a bathroom. The building footprint will not be expanded,
62 however because the petitioner is converting non-useable floor area (accessory structure
63 (garage)) into useable floor area, a variance is required. If approved as a duplex, the structure
64 is required to have a total of 3 off-street parking spaces for two residential units. These spaces
65 can be provided in front of the existing garage.

66
67 The basement currently contains two bedrooms, a sauna and two bathrooms. This space was
68 finished by the previous owner without Building permits and it does not meet the Housing or
69 Zoning code requirements to be considered habitable space. The petitioner is proposing to
70 convert the existing space into useable floor area by lowering the basement floor in order to
71 meet the zoning code requirement of 90 inches of headroom and constructing three bedrooms
72 and two bathrooms. The new construction will conform to all Zoning and Housing code
73 requirements, including the addition of egress windows. The property is located in the Old
74 Fourth Ward Historic and the petitioner received Historic District approval in 2010 for the
75 addition of the egress windows. A Stop Work Order was issued by the Building Official in May
76 2011 because work was begun on the basement without required permits and before ZBA
77 action on the request.

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79 If the application is approved by the ZBA, staff would advise that the petitioner be required to
80 remove the study rooms located on the third floor and basement.

81 **Questions to Staff by the Board**

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84 *General discussion by the Board regarding the request and the garage that was previously*
85 *built into the side setback in 1987 by permit. This would also require a variance due to the*
86 *garage that is built in the side setback as well as the permission to alter a non-conforming*
87 *structure. (Petitioner wants to use the garage as habitable space).*

88 **Presentation by the Petitioner**

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91 The petitioner, Zaki Alawi and his architect Mike Van Goor gave an overview of the homes
92 past as well as the most friendly way to be able to make this home safe with proper fire
93 separation areas, etc. They noted that these issues had also been discussed and approved at
94 the Historic District Commission meeting. Zaka Alawi, owner of this property, stated he hopes
95 that this plan would make it code conforming and a win-win situation for them and the city.

96 **Questions to the Petitioner by the Board**

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99 The board asked about the upgrades in the proposed plan. Mr. Van Goor stated that the entire
100 building would be gutted and remodeled to bring it completely to code with no additional rooms
101 where renters might be tempted to put additional people. Mr. Van Goor explained the entire
102 proposed plan at length.

103 **Public Comment**

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1. Ethel Potts, 1014 Elder Blvd., A2, MI - She stated that there is a committee formed to deal with the R2 and R4 Zoning (which she is a part). She stated that this appeal is based on a financial hardship which cannot be considered by law to meet the standards that the ZBA must use to grant a variance.

110 **Discussion by the Board**

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D. Gregorka – Asked staff to comment on the R2 standards that Ms. Potts referred to. Mr. Kowalski explained the code at length in conjunction with Area, Height and Placement rules and Housing Code standards and requirements.

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J. Boggs – The garage appears to have been approved as a vehicle containing structure, and *not* habitable space, even though the garage was improved to habitable space. Mr. Kowalski stated that the garage was built with permits by the previous owner, but only as an attached garage. It was never permitted or allowed to be habitable space.

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Mr. Van Goor presented an alternate plan, whereby they would move the rear wall of the garage inward by three feet which would make the structure conforming. Extensive discussion regarding this, and it was determined that if this plan “B” were executed, that the variance and non-conforming structure requests were not needed. The board tabled the request (below) to allow the petitioner to return to the board if any other problems were incurred.

127 **MOTION**

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Moved by D. Gregorka, Seconded by C. Briere, **“In the case of ZBA11-005, 514 East Ann Street, the Zoning Board of Appeals hereby tables the request for Permission to Alter a Non-Conforming Structure and one Variance from Chapter 55 (Zoning) Section 5:30 (R2A, Single Family).”**

134 **On a Voice Vote – MOTION TO TABLE – PASSED – UNANIMOUS**
135 ***Application Tabled.***

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137 **C-2 ZBA11-006 – 506 Packard Street**

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139 **Description and Discussion**

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141 *Zaki Alawi is requesting **Permission to Alter a Non-Conforming Structure** in order to permit*
142 *the expansion of an existing Two-Family residential structure*

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144 The parcel is zoned R4C (Multiple-Family Residential) and is located on the corner of Packard
145 and Cross Streets. The two-story house was built in 1901 and is 2,144 square feet. The house
146 is currently registered as a duplex with 3 bedrooms in each unit and an unfinished basement.

147

148 The petitioner is proposing to lower the basement floor to obtain a ceiling height of 90 inches
149 (minimum required by the Zoning Ordinance) in order to convert the existing basement space
150 to useable floor area and add bedrooms. All renovation will be interior, with the exception of
151 egress window wells, and the building footprint will not be expanded. The basement will
152 contain a total of four bedrooms and two bathrooms (2 bedrooms, 1 bath for each unit). After
153 the renovations are completed, the structure will remain a duplex and each unit will have six
154 bedrooms, for a total of 12 bedrooms in the structure. The house is non-conforming for lot area
155 and rear setback.

156 The subject parcel lies on Packard in an area heavily occupied by student rental housing and
 157 larger apartment buildings. The existing house is surrounded on all sides by similar multi-family
 158 buildings of at least 2 stories. The proposed modifications will not be visible from the street
 159 side, other than enlarged basement egress windows. The petitioner will not be adding parking,
 160 however the parking provided will meet the minimum code requirement of 1.5 spaces per unit
 161 for a total of 3 parking spaces.

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 163 Staff does not feel that the proposed modifications would negatively affect any surrounding
 164 property. As stated previously, the surrounding uses are similar in scale and density.

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 166 **Questions to Staff by the Board**

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 168 *General discussion by the Board regarding the density allowed, number of beds, etc.*

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 170 **Presentation by the Petitioner**

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 172 Mr. Zaki Alawi, owner of this property and Scott Klaassen, contractor for Mr. Alawi speaks
 173 about upgrades. What currently exists is very outdated. Mr. Klaassen stated that all the
 174 mechanical, electrical and plumbing would also be upgraded, along with new egress windows
 175 in the basement.

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 177 **Questions to the Petitioner by the Board**

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 180 **Public Comment**

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 182 1. Ethel Potts, 1014 Elder Blvd., A2, MI – Stated that this is a major non-conformance that
 183 the petitioner is asking for. The lots in this area are very small. R2 Standards should
 184 apply. Only 4 residents in a unit. She says that this cannot meet code.

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 186 **Discussion by the Board**

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 188 D. Gregorka – Stated that he thinks it's a great project. With super upgrades, this proposal is a
 189 really nice thing. The lot area gives him concern. He does not think that we are meeting the
 190 standards for this particular project. The lot is deficient by 50% and we're adding additional
 191 people to the building. I don't think we're meeting the standards either.

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 193 **MOTION**

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 195 Moved by D. Gregorka, Seconded by W. Carman, **"In the case of ZBA11-006, 506 Packard,
 196 the Zoning Board of Appeals grants Permission To Alter A Non-Conforming Structure,
 197 based on the following findings of fact and per submitted plans;**

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 199 a) **The alteration complies as nearly as practicable with the requirements of the
 200 Zoning Chapter;**

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 202 a) **The alteration will not have a detrimental effect on neighboring property; And,**

203
 204 b) **There will be no exterior alterations of the structure.**

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 206 **On a Voice Vote – MOTION TO APPROVE - FAILED – UNANIMOUS**
 207 ***Permission To Alter A Non-Conforming Structure – Denied***

208

C-1 ZBA11-007 – 1117 Prospect/ 1032 Church Street**Description and Discussion**

Zaki Alawi is requesting permission to alter a non-conforming structure as described in Chapter 55, Zoning, Section 5:87, Structure Nonconformance.

The house is currently registered as a tri-plex with 2 one-bedroom units and one 4-bedroom unit and an unfinished basement.

The petitioner is proposing to lower the basement floor to obtain a ceiling height of 90 inches (minimum required by the Zoning Ordinance) in order to convert the existing basement space to useable floor area and add bedrooms. The building will be converted from a triplex with 6 bedrooms to a duplex with 12 bedrooms. All renovation will be interior, with the exception of egress window wells and the building footprint will not be expanded. The basement will contain a total of four bedrooms and two bathrooms (2 bedrooms, 1 bath for each unit).

After the renovations are completed, the structure will remain a duplex and each unit will have six bedrooms, for a total of 12 bedrooms in the structure. The house is non-conforming for minimum lot area and rear setback. After the removal of one unit, the building will conform to the minimum required lot area/unit of 2,175 square feet. The petitioner will not be adding parking. Parking is currently provided in the driveway and will meet the minimum code requirement of 1.5 spaces per unit for a total of 3 parking spaces.

Staff does not feel that the proposed modifications would negatively affect any surrounding property. As stated previously, the surrounding uses are similar in scale and density.

Questions to Staff by the Board – None.

Presentation by the Petitioner

Mr. Zaki Alawi, owner of this property and Scott Klaassen, contractor were present to speak on behalf of the appeal. Mr. Alawi stated that you can have 6 people in each unit of this house. He wishes to make the house safer and better utilized. He is not going to change the outside. He will downsize the structure from 3 to 2 units and he will add more bedrooms. Scott Klaassen spoke about the mechanical improvements. He states that this is a benefit not a detriment.

Questions to the Petitioner by the Board

D. Gregorka – Asked Mr. Alawi if he has spoken to his neighbor, Ms. Lenora Collins about her concerns. (He stated that this was the first time he had heard anything about her or the house).

Public Comment

C. Kuhnke - An email was received from Lenora M. Collins, owner of 1136 Prospect. Although she does not come right out a say so, Ms. Collins does not appear to support this petition because she is opposed to the increased density.

1. Ethel Potts, 1014 Elder Blvd., A2, MI – Stated concerned about doubling of the occupancy from 8 residents to 12. She thinks that the Board needs to follow the code. She says this house is neglected and it would be nice to have it fixed up.

261 Although there is almost no parking and no open space, Ms. Potts also states that she
 262 believes that work may have already started on the house.
 263

264 **Discussion by the Board**

265
 266 D. Gregorka – Stated that he thinks it’s a great project. With upgrades, this proposal is a really
 267 nice thing, but the lot concerns me. The lot is deficient by 50% and we’re adding additional
 268 people to the building. I don’t think we’re meeting the standards either.
 269

270 **MOTION**

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 272 Moved by J. Boggs, Seconded by C. Briere, **“In the case of ZBA11-007, 1117 Prospect/1032**
 273 **Church Street, the Zoning Board of Appeals grants Permission To Alter A**
 274 **Non-Conforming Structure, based on the following findings of fact and per submitted**
 275 **plans;**
 276

- 277 a) **The alteration complies as nearly as practicable with the requirements of the**
 278 **Zoning Chapter;**
 279
 280 b) **The alteration will not have a detrimental effect on neighboring property; And**
 281
 282
 283 c) ***The lot area is half the requirement and there is a letter of opposition from a**
 284 **neighbor.**
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286 **On a Voice Vote – MOTION TO APPROVE - FAILED – UNANIMOUS**
 287 **Permission To Alter A Non-Conforming Structure – Denied**
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290 **D. OLD BUSINESS – None.**

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 292 **E. NEW BUSINESS – None.**

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 294 **F. REPORTS & COMMUNICATIONS – None.**
 295

296 **AUDIENCE PARTICIPATION – GENERAL – None.**
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298 **ADJOURNMENT**

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 300 Moved by D. Gregorka, Seconded by W. Carman, **“That the meeting be adjourned.”**
 301

302 **On a Voice Vote – MOTION TO ADJOURN - PASSED - UNANIMOUS**
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304 Adjournment – 7:22 p.m. **(Submitted by: Brenda Acquaviva, Administrative Specialist V**
 305 **& Ann Howard, Administrative Specialist III) – Zoning Board of Appeals)**
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309 _____
 C. Kuhnke, Chairperson

_____ Dated ZBA Minutes

310
 311 *Note: The complete record of this meeting is available in video format at
 312 <http://a2govtv.pegcentral.com/index.php> or is available for a nominal fee by contacting CTN at
 313 (734) 794-6150.