



City of Ann Arbor

Formal Minutes

Zoning Board of Appeals

301 E. Huron St.
Ann Arbor, MI 48104
[http://a2gov.legistar.com/
Calendar.aspx](http://a2gov.legistar.com/Calendar.aspx)

Wednesday, June 22, 2016

6:00 PM

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

A **CALL TO ORDER**

Chair Candice Briere called the meeting to order at 6:07 p.m.

B **ROLL CALL**

Chair Briere called the roll.

Staff Present: Zoning Coordinator Jon Barrett

Present: 6 - Candice Briere, Alex Milshteyn, Nickolas Buonodono,
David DeVarti, Kirk Westphal, and Nicole Eisenmann

Absent: 3 - Heather Lewis, Michael Dobmeier, and Michael B. Daniel

C **APPROVAL OF AGENDA**

**Moved by Milshteyn, seconded by Westphal, that the Agenda be
Approved as presented. On a voice vote, the Chair declared the
motion carried.**

D **APPROVAL OF MINUTES**

D-1 **16-0925** Zoning Board of Appeals Meeting Minutes of May 25, 2016

**Moved by Westphal, seconded by DeVarti, that the Minutes be
Approved by the Board and forwarded to the City Council. On a
voice vote, the Chair declared the motion carried.**

E **APPEALS AND HEARINGS**

Public Hearings: Individuals may speak for three minutes. Please state your name and address for the record.

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** **16-0923** ZBA16-011; 1016 Daniel St
Jimmy Bevilacqua is requesting a variance from Chapter 55 Section 5:57, Averaging an existing front setback line. The variance request of 1' foot 8 inches would allow for the construction of an 8 foot by 31 foot 6 inch front porch along the front of the existing home.

City of Ann Arbor Zoning Coordinator, Jon Barrett provided the following staff report.

Summary:

Jimmy Bevilacqua is requesting a variance from Chapter 55 Section 5:57, Averaging an Existing Setback. The current average front setback is 25 feet 3 inches and the applicant is proposing a 23 foot 7-inch setback for an overall variance of 1 foot 8 inches.

Description:

The subject parcel is zoned R2A (Two family) and is 7,230 square feet in area, code requires a minimum of 8,500 square feet for the district. The property is at the corner of Daniel Street and Brookridge Road, which requires the property to have two front setback requirements. The home was built in 1952 and is 1,170 square feet in size.

Discussion:

The petitioner would like to construct an approximately 252 square foot covered porch addition to the front of the house. There is an existing 4 foot 6 inch by 8 foot 4-inch front porch that will be reconstructed and increased in length along the entire front of the house (31'6") and increased in depth to 8 feet. After construction the entire front porch will be 31feet 6 inches long by 8 feet deep and 252 square feet. The proposed porch will be unenclosed and will match the architectural design of the house.

Standards for Approval - Variance

The Zoning Board of Appeals has all the power granted by State law and by Section 5:99, Application of the Variance Power from the City of Ann Arbor Zoning Ordinance. The following criteria shall apply:

(a) That the alleged hardships or practical difficulties, or both, are exceptional and peculiar to the property of the person requesting the variance, and result from conditions which do not exist generally throughout the City.

Applicant states that due to a corner lot and the zoning ordinance applying two front setbacks and the average front setback increasing the setback to 25 feet 3 inches; it reduces the size of an allowable front porch to 6 feet 8 inches.

(b) That the alleged hardships or practical difficulties, or both, 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.

Applicant states that most of the remaining area on the lot that remains buildable is where the driveway accesses the detached garage at the back of the lot. However, a smaller front porch could be constructed at this location without the need for a variance.

(c) That allowing the variance will result in substantial justice being done, considering the public benefits intended to be secured by this Chapter, the individual hardships that will be suffered by a failure of the Board to grant a variance, and the rights of others whose property would be affected by the allowance of the variance.

The applicant states that the variance will have no negative effect on neighboring properties. The front porch is consistent with many structures in the surrounding neighborhood.

(c) That the conditions and circumstances on which the variance request is based shall not be a self-imposed hardship or practical difficulty.

The front setback area has a sloped topography and the property has two front setbacks which limit the areas for expanding or improving the home. The existing house was constructed before zoning regulations were in place.

(d) A variance approved shall be the minimum variance that will make possible a reasonable use of the land or structure.

The variance, if approved, will permit construction of a 31'6"x8' (252 square foot) front porch at the front yard of the property. Although the variance requested is small, only 1 foot 8 inches, by reducing the size of the deck the code requirements can still be met.

QUESTIONS BY BOARD TO STAFF:

DeVarti asked what the setback would be in an R2A zoning if it wasn't for the averaging.

Barrett said 25 feet.

DeVarti said because of the averaging he loses 3 inches.

PRESENTATION BY PETITIONER:

Jimmy Bevilacqua, Meadowlark Builders, 3250 W. Liberty Road, Ann Arbor, Design/Builder, was present on behalf of the property owner, and explained the application.

PUBLIC HEARING:

Noting no public speakers, the Chair closed the public hearing.

LIST OF EXHIBITS PRESENTED:

Chair Briere noted that the Board had received the following letters in support/opposition of the request:

*Tricia and Nate Foerg, 289 Sunset Road, Ann Arbor; Support
Trudy Wyss, 912 Daniel Street, Ann Arbor; Support
Geri Fields, 1026 Daniel Street, Ann Arbor; Support*

Moved by DeVarti, seconded by Buonodono, in Petition ZBA16 011; 1016 Daniel St - Variance: Based on the following findings of fact and in accordance with the established standards for approval, the Zoning Board of Appeals hereby GRANTS a variance from Chapter 55, Section 5:57 (R2A Two Family) of 1 foot 8 inches from the 25 foot 3 inch averaged front setback, per 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.
- c) The circumstances of the variance request are not self imposed.
- d) The variance request is the minimum necessary to achieve reasonable use of the structure.

BOARD DISCUSSION:

The members of the Board took into consideration the presented petition and discussed the matter.

On a rollcall vote the vote was as following with the Chair declaring the motion defeated. Vote: 4-2

Variance Denied.

(5 affirmative votes required to approve a variance)

Yeas: 4 - Chair Briere, Milshteyn, Buonodono, and DeVarti

Nays: 2 - Councilmember Westphal, and Eisenmann

Absent: 3 - Lewis, Vice Chair Dobmeier, and Daniel

E-2 [16-0924](#)

ZBA16-015; 2550 Packard St
Packard Square LLC is requesting two variances from Chapter 61 Section 5:502(2)(b) Exterior business signs, to allow for a business center ground mounted sign to be 2 feet from the property line and to be 10 feet in height. The code requires a 10 foot tall sign to be a minimum of 20 feet from the property line.

City of Ann Arbor Zoning Coordinator, Jon Barrett provided the following staff report.

Summary:

Packard Square, LLC is requesting two variances from Chapter 61 5:502(2)(b) Ground Signs to allow for a business center ground mounted sign to be 2 feet from the property line and to be 10 feet in height. The

code requires a 10-foot tall sign to be a minimum of 20 feet from the property line.

Background:

The variances include a reduction from the required setback from the right of way from 20 feet to 2 feet for an 18-foot variance request.

Additionally, the code requires a sign that is located 2 feet from the property line to be 1 foot in height. The petitioner is requesting a 10-foot tall sign and therefore a 9-foot variance from the height requirements is requested.

The subject parcel is zoned C1B (Community Convenience Center) and will be a mixed use development with approximately 23,500 square feet of retail space, 249 apartment units and 460 parking spaces.

Chapter 61 addresses sign height and setback requirements in the following sections:

5:502 Exterior Business Signs.

(2)(b) Ground Signs.

Signs not structurally attached to a building shall be at least 5 feet from all property lines. Such signs shall be permitted a maximum height of 1 foot for each 2 feet the sign is set back from the nearest property line, provided that the height of any such sign shall not exceed 25 feet.

Standards for Approval - Variance

The Sign Board of Appeals has the power granted by State law and by Section 5:517(4), Application of the Variance Power from the City of Ann Arbor Sign Ordinance The following criteria shall apply:

(a) That the alleged hardships or practical difficulties, or both, are peculiar to the property of the person requesting the variance and result from conditions which do not exist generally throughout the city.

The petitioner states that the building configuration contributes to a hardship and practical difficulty due to the zoning ordinance requiring the building be no less than 10 feet and no more than 25 feet from the property line. The Packard Square building will be located 10 feet from

the property line which limits the sign location and would reduce the visibility of the sign if it were setback further from the road. Additionally, the petitioner states that there is a significant grade change of approximately 7 feet from the right of way and the parking lot. Other obstacles for the sign location are a storm sewer and the parking lot configuration.

(b) That allowing the variance will result in substantial justice being done, considering the public benefits intended to be secured by this Chapter, the individual hardships that will be suffered by the failure of the Board to grant a variance and the rights of others whose property would be affected by the allowance of the variance.

Applicant contends that approval of the setback variance would not negatively impact other property owners, and the proposal does not cause negative sight impacts or create unsafe conditions.

(c) Is the condition which prevents you from complying with the ordinance self imposed? How did the condition come about?

Petitioner states that conditions preventing compliance with the ordinance are not self-imposed but are the result of grade change, building location and two egress points on site that have existed for 40 years for the previous Georgetown Mall. The two driveway access points at the front of the site for fire and customer vehicles limit the locations for the subject sign.

QUESTIONS BY BOARD TO STAFF:

Milshteyn asked if there would be additional signage on the building.

Barrett said he had not received any applications to date, but deferred to the applicant.

DeVarti asked if they erected a 5-foot tall sign would it need to be at a 10-foot setback.

Barrett explained that for every foot setback from the property line the code allows 2 feet of height; so a 10-foot setback would allow them a 5-foot tall sign.

PRESENTATION BY PETITIONER:

Craig Schubiner, Manager for Packard Square LLC, P.O Box 7067, Bloomfield Hills, was present and explained the application.

PUBLIC HEARING:

Noting no public speakers the Chair closed the public hearing.

LIST OF EXHIBITS PRESENTED:

Chair Briere noted that the Board had received the following letters in opposition/support of the request:

*Virginia Jordan, 1553 King George Blvd, Ann Arbor; Opposed
Mary H. Thieme, 2761 Page Street, Ann Arbor; Opposed
Susan & Michael Sinelli, 2856 Page Ave., Ann Arbor; Opposed
Karis Crawford & Paul Schwankl, 2040 Columbia, Ann Arbor; Opposed
Virginia Crawford, 1507 Pine Valley, Apt 7, Ann Arbor; Opposed*

Charles Mancherian, 1475 King George Blvd, Ann Arbor; Not opposed if no exterior lighting on sign.

Moved by DeVarti, seconded by Milshteyn, In Petition ZBA16 015 2550 Packard Street, Chapter 61 Variance: Based on the following findings of fact and in accordance with the established standards for approval, the Zoning Board of Appeals hereby GRANTS two variances from Chapter 61, Section 5:502 (2)(b) (Ground signs) to allow a 10-foot tall sign to be installed 2 feet from the property line, per submitted plans.

a) That the alleged hardships or practical difficulties, or both, are peculiar to the property of the person requesting the variance and result from conditions which do not exist generally throughout the City.

b) That allowing the variance will result in substantial justice being done, considering the public benefits intended to be secured by this Chapter, the individual hardships that will be suffered by a failure of the Board to grant a variance and the rights of others whose property would be affected by the allowance of the variance.

BOARD DISCUSSION:

The members of the Board took into consideration the presented petition and discussed the matter.

On a rollcall vote the vote was as following with the Chair declaring the motion defeated. Vote: 0-6

Variance Denied.

Yeas: 0

Nays: 6 - Chair Briere, Milshteyn, Buonodono, DeVarti, Councilmember Westphal, and Eisenmann

Absent: 3 - Lewis, Vice Chair Dobmeier, and Daniel

F UNFINISHED BUSINESS

G NEW BUSINESS

H REPORTS AND COMMUNICATIONS

16-0926 Various Correspondences to the ZBA

Received and Filed

I PUBLIC COMMENTARY - (3 Minutes per Speaker)

(Please state your name and address for the record and sign in.)

J ADJOURNMENT

Moved by Milshteyn, seconded by Councilmember Westphal, that the meeting be Adjourned at 6:50 p.m. On a voice vote, the Chair declared the motion carried.

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- *Video on Demand: Replay public meetings at your convenience online at www.a2gov.org/government/city_administration/communicationsoffice/ctn/Pages/VideoOnDemand.aspx*
- *Cable: Watch CTN Channel 16 public meeting programming via Comcast Cable channel 16.*

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*Candice Briere
Chairperson of the Zoning Board of Appeals*

*Mia Gale
Recording Secretary*