



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, February 24, 2021

6:00 PM

Electronic Meeting

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

To speak at public comment call 206-337-9723 or 213-338-8477 or Toll Free 877-853-5247 or 888-788-0099 Enter Meeting ID: 938 1648 1007

A CALL TO ORDER

Chair Candice Briere called the meeting to order at 6:01 p.m.

B ROLL CALL

Chair Briere called the roll.

Present: 9 - Candice Briere, David DeVarti, Michael B. Daniel, Nicole Eisenmann, Todd Grant, Charlotte Wilson, Elizabeth Nelson, Chris Fraleigh, and Julia Goode

C APPROVAL OF AGENDA

Moved by Daniel, seconded by Nelson to approve the agenda as presented.

Unanimously approved.

D APPROVAL OF MINUTES

D-1 [21-0367](#) Minutes of the January 27, 2021 ZBA Meeting

Attachments: 1-27-2021 ZBA Minutes.pdf

Moved by Fraleigh, seconded by Wilson approved unanimously as presented and forwarded to the City Council.

E PUBLIC HEARINGS

To speak during any of the Public Hearings please call +1 213 338 8477 or +1 206 337 9723 or 888 788 0099 (Toll Free) or 877 853 5247 (Toll Free) and enter meeting ID 938 1648 1007

In order to be called on to speak, callers must press *9 to raise their hand. Callers will then be called upon by City staff one by one using the last 3 numbers of their phone number. 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 applicant's property and the extent to which a proposed project may positively or negatively affect the area

- E-1** **21-0368** ZBA21-001; 909 Duncan Street
Matthew Robbins of Robbins Construction, representing property owner, is requesting relief from Section 5.32.2 Alteration to a Nonconforming Structure. A second story addition is being constructed that will add three bedrooms and a bathroom to the existing single-story residence. The home is nonconforming as it does not meet the required average front setback. The proposed construction will not encroach further into any of the required setbacks. The property is zoned R1D, Single-Family Residential.
- Attachments:** ZBA21-001; 909 Duncan Street Staff Report with Attachments .pdf
- Jon Barrett, City of Ann Arbor Zoning Coordinator presented the Staff Report.*

PRESENTATION BY PETITIONER

Matthew Robbins, representing the property owner, presented the proposed project and explained that there are 12 letters of support for the proposed work.

PUBLIC HEARING

Seeing no callers, Chair Briere closed the Public Hearing

Moved by DeVarti, seconded by Wilson, in petition ZBA21-001; 909 Duncan Street Alteration to a Nonconforming Structure:

The Zoning Board of Appeals hereby GRANTS relief from Section 5.32.2 Alteration to a Nonconforming Structure to allow a second story addition to the existing residence that will add three bedrooms and a bathroom. The new construction will not encroach any further into any of the required setbacks.

On a roll call vote, the vote was as follows with the Chair declaring

the Alteration Request GRANTED

Yeas: 9 - Chair Briere, DeVarti, Daniel, Eisenmann, Grant, Wilson, Councilmember Nelson, Fraleigh, and Goode

Nays: 0

- E-2** **21-0370** ZBA21-002; 801 Amherst Avenue
R. Thomas Bray and Jeri Hollister, property owners, are seeking variances from Sections 5.19.10 (D) Driveways and Section 5.19.8 (A) Design of Vehicle Parking Facilities. The applicants are proposing a new curb cut and driveway along Amherst Avenue and are requesting to allow the existing curb-cut on Chandler Road to remain and not be closed. The property is zoned R1C, Single-Family Dwelling.

Attachments: ZBA21-002; 801 Amherst Ave Staff Report with Attachments.pdf

Barrett presented the Staff Report.

PRESENTATION BY PETITIONER

Thomas Bray and Jeri Hollister, property owners, further explained their variance request and described the neighborhood support.

PUBLIC HEARING

Seeing no callers, Chair Briere closed the Public Hearing

Moved by DeVarti, seconded by Eisenmann, in Petition ZBA21-002; 801 Amherst Avenue Variance:

Based on the following findings and in accordance with the established standards for approval, the Zoning Board of Appeals hereby GRANTS the following variance from Chapter 55 Unified Development Code Section 5.19.10 (D) Driveways and Section 5.19.8 (A) Design of Vehicle Parking Facilities.

A variance to allow the existing curb-cut on Chandler Road to remain open and will not require to be closed. The permanent parking of vehicles will not take place on this driveway.

On a roll call vote, the vote was as follows with the Chair declaring the Variance Request GRANTED

Yeas: 7 - Chair Briere, DeVarti, Daniel, Eisenmann, Grant, Wilson, and Councilmember Nelson

Nays: 1 - Goode

Recused: 1 - Fraleigh

E-3 [21-0371](#) ZBA21-003; 1908 Scottwood Avenue
Shannan Gibb-Randall of In-Site Design Studio, Inc. representing the property owners is seeking a variance from Section 5.26.2 Fences in order to construct stone pillars five feet eight inches in height and the wall at 100 percent opacity. The maximum height of fences in front yards is four feet tall and 50 percent opacity. The property is zoned R1A, Single-Family District.

Attachments: ZBA21-003; 1908 Scottwood Avenue Staff Report with Attachments.pdf

Barrett presented the Staff Report.

PRESENTATION BY PETITIONER

Shannan Gibb-Randall, representing the property owner, presented the proposed project and described the variance request in detail.

PUBLIC HEARING

Caller ending in 738 (Name and Address Unknown), inquired about the fence variance location.

Caller ending in 597 (Name and Address Unknown), inquired about the fence variance location.

Caller ending in 598 (Name and Address Unknown), inquired about the fence variance location.

**Moved by DeVarti, seconded by Fraleigh, in petition ZBA21-003;
1908 Scottwood Avenue Variance:**

Based on the following findings and in accordance with the established standards for approval, the Zoning Board of Appeals hereby GRANTS the following variance from Chapter 55 Unified Development Code Section 5.26 Fences.

A variance to allow pillars of a stone wall to be five feet eight inches

in height and the wall itself to be at 100 percent opacity in the front yard. The stone wall will match the existing stone wall on the subject property and the surrounding neighborhood.

On a roll call vote, the vote was as follows with the Chair declaring the Variance Request GRANTED

Yeas: 9 - Chair Briere, DeVarti, Daniel, Eisenmann, Grant, Wilson, Councilmember Nelson, Fraleigh, and Goode

Nays: 0

- E-4** [21-0372](#) ZBA21-004; 1104 South Forest Avenue
Scott Klaasen, representing property owner, is requesting relief from Section 5.32.2 Alteration to a Nonconforming Structure, in order to modify a three-unit eight occupancy rental and convert the structure to a two-unit twelve occupancy residence. The proposed changes include two additions to the rear elevation in order to square off the footprint of the home. The applicant is proposing to add two bedrooms and two bathrooms to both the attic and the basement. The property is zoned R4C, Multiple-Family District.

Attachments: ZBA21-004; 1104 S Forest Staff Report with Attachments.pdf

Barrett presented the Staff Report.

PRESENTATION BY PETITIONER

Scott Klaassen, representing the property owner, presented the proposed project.

PUBLIC HEARING

Seeing no callers, Chair Briere closed the Public Hearing

Moved by Wilson, seconded by Fraleigh, in petition ZBA21-004; 1104 South Forest Avenue Alteration to a Nonconforming Structure:

The Zoning Board of Appeals hereby GRANTS relief from Section 5.32.2 Alteration to a Nonconforming Structure to allow the conversion of a three-unit eight occupancy rental and modify the structure to a two-unit twelve occupancy residence. The proposed changes include two additions to the rear elevation in order to square off the footprint of the home. The applicant is proposing to

add two bedrooms and two bathrooms to both the attic and the basement. The alterations will not encroach further into the existing setbacks.

On a roll call vote, the vote was as follows with the Chair declaring the Alteration Request GRANTED

- E-5** **21-0373** ZBA21-005; 201 South First Avenue
Amanda Caldwell of Ideal Due-Diligence, representing the property owners, is seeking a variance from Section 5.24.5 (B) Other Mixed-use and Nonresidential and Special Purpose Districts Area in order to install a 636 square foot wall sign on the east façade of the building. The maximum sign area allowed for this property is 200 square feet. The property is zoned PUD, Planned Unit Development District.

Attachments: ZBA21-005; 201 S First Ave Staff Report with Attachments.pdf

Barrett presented the Staff Report.

PRESENTATION BY PETITIONER

Amanda Caldwell, representing the property owner, presented the proposed variance.

PUBLIC HEARING

Tom Stulberg, 1202 Traver Street, Ann Arbor, discussed the sign ordinance, explaining that content cannot be regulated.

Moved by DeVarti, seconded by Wilson in petition ZBA21-005; 201 South First Avenue Variance:

Based on the following findings and in accordance with the established standards for approval, the Zoning Board of Appeals hereby GRANTS the following variance from Chapter 55 Unified Development Code Section 5.24.5 (B) Permanent Signs, Other Mixed-Use and Special Purpose Districts Area.

A variance to allow a 636 square foot wall sign on the east façade of the Multi-Family building. The sign is to be applied to a vinyl surface with a solid border frame.

On a roll call vote, the vote was as follows with the Chair declaring

the Variance Request DENIED**Yeas:** 0**Nays:** 9 - Chair Briere, DeVarti, Daniel, Eisenmann, Grant, Wilson, Councilmember Nelson, Fraleigh, and Goode

- E-6** **21-0374** ZBA21-006; 1135 Birk Avenue
Jeffrey Heinz Willard, property owner, is requesting a variance of 27.5 percent from Section 5.16.6 (A)(2D) in order to construct a 917 square foot two-story detached garage. The ordinance allows a maximum of 35% of the rear open space to be impervious, the owner is requesting to occupy 62.5 percent of the rear open space. The owner is requesting relief from Section 5.32.2 Alteration to a Nonconforming Structure in order to construct a second story to the existing residence and to expand the existing front porch. The porch and second story will not encroach further into the required setbacks. The property is zoned R1D, Single-Family Dwelling.

Attachments: ZBA21-006; 1135 Birk Ave Staff Report with Attachments.pdf

Barrett presented the Staff Report.

PRESENTATION BY PETITIONER

Jeff Willard, property owner, further described the proposed request.

PUBLIC HEARING

Seeing no callers, Chair Briere closed the Public Hearing

MOTION ONE

Moved by DeVarti, seconded by in petition ZBA21-006 1135 Birk Avenue Alteration to a Nonconforming Structure:

The Zoning Board of Appeals hereby GRANTS relief from Section 5.32.2 Alteration to a Nonconforming Structure to allow a new second story addition to the existing residence and to expand the existing front porch. The porch and second story will not encroach further into the required setbacks.

VOTE ON MOTION I

On a roll call vote, the vote was as follows with the Chair declaring the Alteration Request

Yeas: 9 - Chair Briere, DeVarti, Daniel, Eisenmann, Grant, Wilson, Councilmember Nelson, Fraleigh, and Goode

Nays: 0

MOTION TWO

Moved by DeVarti seconded by Fraleigh in petition ZBA21-006; 1135 Birk Avenue Variance:

Based on the following findings and in accordance with the established standards for approval, the Zoning Board of Appeals hereby GRANTS the following variance from Chapter 55 Unified Development Code Section 5.16.6 (A)(2D) Accessory Uses and Structures.

A variance to allow a 917 square foot two-story detached garage to occupy 62.5 percent of the rear open space area. The detached garage is to be built per the submitted plans.

VOTE ON MOTION II

On a roll call vote, the vote was as follows with the Chair declaring the Variance Request DENIED

Yeas: 0

Nays: 9 - Chair Briere, DeVarti, Daniel, Eisenmann, Grant, Wilson, Councilmember Nelson, Fraleigh, and Goode

F UNFINISHED BUSINESS

None.

G NEW BUSINESS

None.

H COMMUNICATIONS

H-1 [21-0375](#) Various Communication to the ZBA

Attachments: Communication Regarding 909 Duncan.pdf,
Communication Regarding 1908 Scottwood.pdf,
Communication Regarding 1104 S Forest.pdf,
Communication Regarding 801 Amherst.pdf,
Communication Regarding 1908 Scottwood 2.pdf

Received and Filed

I PUBLIC COMMENT

To speak during any of the Public Hearings please call +1 213 338 8477 or +1 206 337 9723 or 888 788 0099 (Toll Free) or 877 853 5247 (Toll Free) and enter meeting ID: 938 1648 1007

In order to be called on to speak, callers must press *9 to raise their hand. Callers will then be called upon by City staff one by one using the last 3 numbers of their phone number. 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 applicant's property and the extent to which a proposed project may positively or negatively affect the area

No callers.

J ADJOURNMENT

**Moved by Fraleigh, seconded by Wilson, to adjourn at 8:38 p.m.
Adjourned Unanimously.**

Zoning Board of Appeals meetings are typically broadcast on Ann Arbor Community Television Network Comcast 16 / AT&T 99 live at 6:00 p.m. on the fourth Wednesday of each month. Recent meetings can also be streamed online from the CTN Video On Demand page of the City's website <https://a2gov.org/watchctn> . The complete record of this meeting is available in video format at <https://a2gov.org/watchctn>, or is available for a nominal fee by contacting CTN at (734) 794-6150

Candice Briere, Chairperson of the Zoning Board of Appeals
/kvl