



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](http://a2gov.legistar.com/Calendar.aspx)

Wednesday, August 23, 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 6:02 pm.

B. **ROLL CALL**

Chair Briere called the roll.

Others present:

Jon Barrett, Zoning Coordinator

Jill Thacher, City Planner

Courtney Manor, City Staff

Present: 7 - Candice Briere, David DeVarti, Michael B. Daniel,
Christopher Madigan, Kristina A. Glusac, Dharma Akmon,
and Grace Whitney

Absent: 2 - Todd Grant, and Sadira Clarke

C. **APPROVAL OF AGENDA**

*Chair Briere stated she would be recusing herself from ZBA23-0019;
3380 Nixon Road based on her involvement in the proposed project.*

**Moved by Mike Daniel seconded by Dharma Akmon to approve the
agenda. The agenda was unanimously approved as presented.**

D. **APPROVAL OF MINUTES**

D-1. 23-1332 June 28, 2023 ZBA Meeting Minutes

Attachments: June 28, 2023 ZBA Meeting Minutes.pdf

Moved by Daniel seconded by Grace Whitney to approve the June 28, 2023 meeting minutes. Minutes were unanimously approved and forwarded to City Council.

D-2. 23-1333 July 26, 2023 ZBA Meeting Minutes

Attachments: July 26, 2023 ZBA Meeting Minutes.pdf

Moved by Daniel seconded by Kristina Glusac to approve the July 26, 2023 meeting minutes. Minutes were unanimously approved and forwarded to City Council.

E. PUBLIC HEARINGS

ROLL CALL

Sadira Clarke entered the meeting at 6:07 pm.

Present: 8 - Candice Briere, David DeVarti, Michael B. Daniel,
Christopher Madigan, Kristina A. Glusac, Dharma Akmon,
Grace Whitney, and Sadira Clarke

Absent: 1 - Todd Grant

E-1. [23-1334](#) **ZBA23-0013; 3720 Windemere Drive**

Ljubisa Mladenovic, property owner, is requesting a 2-foot variance from Section 5.26.2 (3) Fences; Residential Zoning Districts to construct a 10-foot privacy fence in the rear yard. The maximum height for a fence in the rear yard is 8 feet. The subject property is zoned R1B, Single-Family Dwelling District.

Attachments: Staff Report ZBA23-0013; 3720 Windemere Dr.pdf,
ZBA23-0013; 3720 Windemere Boundary Survey.pdf,
ZBA23-0013; 3720 Windemere Elevation Plans.pdf, 3720
Windemere Dr Zoning Map.pdf, 3720 Windemere Dr
Aerial Map.pdf, 3720 Windemere Dr Aerial Map
Zoom.pdf, Earhart Knolls Barrier Approval 3720
Windemere Drive.pdf, Earhart Knolls Homeowners Assoc
Email of Opposition 3720 Windemere Drive.pdf, Lloyd

letter of opposition 3720 Windemere Drive.pdf, McCarren and Spires Letter of Opposition 3720 Windemere Drive.pdf, Stein and Fisher Email of Opposition 3720 Windemere Drive.pdf

APPLICANT/REPRESENTATIVE:

Lillian Suba, representing property owner, presented the proposed request.

PUBLIC HEARING:

Joseph Lloyd, attorney, spoke in opposition to the proposed project.

Mary Spires, neighbor, spoke in opposition to the proposed project.

Ljubisa Mladenovic, property owner, spoke in support of his proposed project.

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 Dave DeVarti, seconded by Chris Madigan in petition of ZBA23-0013; 3720 Windemere Drive

Based on the following findings and in accordance with the established standards for approval, the Zoning Board of Appeals hereby GRANTS a two-foot fence height variance from Section 5.26.2 (3) Fences; Residential Zoning Districts. The variance allows for a 10 foot tall fence to be constructed in the rear yard. The fence is to be built per the submitted plans.

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

Yeas: 4 - Chair Briere, DeVarti, Glusac, and Whitney

Nays: 4 - Daniel, Madigan, Councilmember Akmon, and Clarke

Absent: 1 - Grant

E-2. 23-1335 ZBA23-0019; 3380 Nixon Road

Scott Betzoldt PE Midwestern Consulting, representing property owners, is requesting a 7.08 foot variance from Table 5.17.3 (B) Multiple-Family Residential Zoning District Dimensions. The owners are proposing construction of a new building in the northern section of the existing multi-family community. The variance is for the southeast corner of the proposed building adjacent to the wetland area owned by the City of Ann Arbor. The property is zoned R4D Multiple-Family Dwelling District and requires a 25 foot side yard setback.

Attachments: Staff Report ZBA23-0019; 3380 Nixon Road.pdf, 3380 Nixon Road Boundary Survey.pdf, 3380 Nixon Rd Zoning Map.pdf, 3380 Nixon Rd Aerial Map.pdf, 3380 Nixon Rd Aerial Map Zoom.pdf

Chair Briere recused herself from the discussion based on her involvement with the project.

APPLICANT/REPRESENTATIVE:

Brad Moore, representing property owners, presented the proposed request.

PUBLIC HEARING:

Seeing no speakers, Board Member DeVarti 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 Akmon in petition of
ZBA23-0019;3380 Nixon Road**

Based on the following findings and in accordance with the established standards for approval, the Zoning Board of Appeals hereby GRANTS a 7.08 foot rear yard setback variance from Table 5.17.3 (B) Multiple-Family Residential Zoning District Dimensions. The variance is for the southeast corner of the proposed building adjacent to the wetland area owned by the City of Ann Arbor. The property is zoned R4D Multiple-Family Dwelling District and requires

a 34.85 foot rear yard setback.

On a roll call vote the vote was as follows with Board Member DeVarti declaring the request carried as amended. Vote 7-0.

Yeas: 7 - DeVarti, Daniel, Madigan, Glusac, Councilmember Akmon, Whitney, and Clarke

Nays: 0

Absent: 1 - Grant

Recused: 1 - Chair Briere

F. UNFINISHED BUSINESS

None.

G. NEW BUSINESS

None.

H. COMMUNICATIONS

H-1. [23-1336](#) Various Communication to the ZBA

Received and Filed

I. PUBLIC COMMENT (3 minutes per speaker)

No speakers.

J. ADJOURNMENT

Moved by Madigan seconded by DeVarti to adjourn the meeting at 7:30 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, 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.

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.