



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, December 5, 2018

6:00 PM

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

CALL TO ORDER

Chair Briere called the meeting to order at 6:00 p.m.

ROLL CALL

Present: 6 - Candice Briere, David DeVarti, Michael Dobmeier,
Michael B. Daniel, Todd Grant, and Julie Weatherbee

Absent: 2 - Nicole Eisenmann, and Charlotte Wilson

APPROVAL OF AGENDA

Moved by DeVarti, seconded by Daniel, to approve the agenda as
presented. Approved unanimously.

APPROVAL OF MINUTES

[18-1982](#) Minutes of the October 24, 2018 ZBA Meeting

Attachments: 10-24-2018 ZBA Minutes .pdf

Moved by Weatherbee, seconded by Daniel, approved unanimously
as presented and forwarded to the City Council.

PUBLIC HEARINGS

[18-1983](#) ZBA18-026; 11 Ridgeway Street
Paul and Susan Bass, property owners, are seeking a variance from
Chapter 55 Zoning Section 5.26 Fences in order to install an eight foot tall
privacy fence in the side yard of their property. The fence will be 50 feet in
length along the southern property line and will terminate 25 feet from the
eastern and western property lines adjacent to Ridgeway Street.

Attachments: ZBA18-026; 11 Ridgeway St - Staff Report with
Attachments .pdf

Zoning Coordinator, Jon Barrett presented the staff report.

QUESTIONS FROM BOARD TO STAFF:

Boardmember Dave DeVarti and Boardmember Todd Grant inquired about the conditions of the neighboring property.

Barrett explained that he believes the retaining wall on the neighboring property is eight feet tall.

Boardmember Dobmeier confirmed that the retaining wall does not belong to the petitioner.

Boardmember Weatherbee inquired about the space between the retaining wall and the proposed fence.

Barrett answered that it would be between seven and eight feet.

PRESENTATION BY PETITIONER:

Susan and Paul Bass, property owners, explained their variance request. They described the conditions of their back yard, describing that their back yard area would be more pleasant and family friendly if they were able to build a fence. The fence would provide privacy and block noise from a neighbor's mechanical equipment.

PUBLIC HEARING:

Harold Borkim, 18 Ridgeway Street, Ann Arbor, expressed support for the fence request. He explained that the petitioners use the proposed fenced space for a back yard, and that he is sympathetic to their privacy concerns.

Lee Talbot, 2120 Woodwise Road, Ann Arbor inquired about the reason for opposition in a submitted correspondence for the petition.

Moved by DeVarti, seconded by, Dobmeier in Petition ZBA18-026; 11 Ridgeway Street

Variance:

Based on the following findings of fact and in accordance with the

established standards for approval, the Zoning Board of Appeals hereby GRANTS the following variance from Chapter 55 Zoning Section 5.26 Fences, to allow:

A variance to allow an eight foot tall privacy fence to be installed in the side yard along the southern property line. The fence is to be installed per the submitted site plan:

- 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.
- d) The circumstances of the variance request are not self-imposed.
- e) The variance request is the minimum necessary to achieve reasonable use of the land or structure.

BOARD DISCUSSION:

The Board discussed the request, the location of the fence, and the conditions of the property and neighboring property.

On a roll call vote, the vote is as follows with the Chair declaring the motion passed.

Yeas: 6 - Chair Briere, DeVarti, Vice Chair Dobmeier, Daniel, Grant, and Weatherbee

Nays: 0

Absent: 2 - Eisenmann, and Wilson

18-1984 ZBA18-027; 1632 Kirtland Street
Shepherd Whitcomb, property owner, is requesting a variance from Chapter 55 Zoning Section 5.18.5 Averaging an Established Front Building Line. The property is zoned R1C single-family residential. The owner is proposing to construct a new front porch (8' x 26'8"). The average front setback is 35 feet and the variance request of five feet eight inches will

reduce the setback to 29 feet four inches.

Attachments: ZBA18-027; 1632 Kirtland Dr - Staff Report with Attachments .pdf

Barrett presented the staff report.

QUESTIONS FROM BOARD TO STAFF:

DeVarti inquired about the setback distance for the neighborhood when not averaging the existing front setbacks.

Barrett answered 30 feet.

PRESENTATION BY PETITIONER:

Sheperd Witcomb, petitioner, explained the requested variance. He described the need and the added benefits that a porch would provide.

PUBLIC HEARING:

Seeing no speakers, Chair Briere closed the public hearing.

Moved by Daniel, seconded by DeVarti, in Petition ZBA18-027; 1632 Kirtland Drive

Variance:

Based on the following findings of fact and in accordance with the established standards for approval, the Zoning Board of Appeals hereby GRANTS the following variance from Chapter 55 Zoning Section 5.18.5 Averaging an Established Front Building Line to allow:

A variance of five feet eight inches to allow an (8'x 26'8") front porch which reduces the required front setback from 35 feet to 29 feet four inches:

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.

d) The circumstances of the variance request are not self-imposed.

e) The variance request is the minimum necessary to achieve reasonable use of the land or structure.

BOARD DISCUSSION:

The board discussed the benefits of front porches.

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

Yeas: 6 - Chair Briere, DeVarti, Vice Chair Dobmeier, Daniel, Grant, and Weatherbee

Nays: 0

Absent: 2 - Eisenmann, and Wilson

18-1985 ZBA18-028; 2105 Wallingford Road
Peter and Therese Sassalos, property owners, are requesting two variances from Chapter 55 Zoning Section 5.18.5 Averaging an Established Front Building Line and Table 5:17-1 Single Family Residential Zoning District Dimensions. The property is zoned R1B Single Family residential and requires a 40 foot average front setback. The owners plan to construct a new covered front porch (4'8" x 10') over an existing concrete porch. The new porch will encroach three feet eight inches into the required setback. The second variance is to allow a carport extension (15'x 14') to encroach one foot nine inches into the five foot side yard setback.

Attachments: ZBA18-028; 2105 Wallingford Staff Report - 12-3-2018 .pdf

Barrett presented the staff report.

QUESTIONS FROM BOARD TO STAFF:

DeVarti inquired about the existing carport meeting the setbacks.

Barrett answered that the the carport does meet the five foot setback.

PRESENTATION BY PETITIONER:

Peter and Therese Sassalos, petitioners, introduced their Architect, Robert Clark.

Clark explained the need for an updated front porch area, explaining that a new porch would be safer for the family. He also explained that the request for an additional area for a carport is due to the property and orientation of the existing home not allowing for a carport to be built without a variance. He also explained the conditions of the back yard area and how they do not allow for easily maneuvering turnarounds. He explained that the homeowners are both doctors and sometimes need to leave during the middle of the night in a hurry, and that having both cars covered from the elements they would be able to leave faster if called to the hospital.

DeVarti expressed support for the variance needed for the front porch alterations, and expressed opposition for the carport variance request and he proposed alternate plans.

Peter Sassalos explained further how the conditions during the winter do not allow for easy maneuvering, and a second carport area would be ideal.

Grant clarified that the proposed porch would be smaller than the existing porch.

PUBLIC HEARING:

Lee Talbot, 2120 Woodside Road, Ann Arbor, expressed support for the modifications to the front porch, and expressed opposition for the proposed variance for a carport. She explained that the previous owners of the home and their children had cars, and did not have trouble navigating the driveway. She explained that other people in the neighborhood who are doctors do not require extra accommodations for their vehicles. She suggested that the applicants use the existing garage in the back of the yard to store their car. Additionally, she expressed concern for the trees next to the carport area, explaining that the trees were planted to provide privacy to the neighboring property. She also suggested that the applicants practice using the driveway.

MOTION I:

Moved by DeVarti, seconded by Daniel, in Petition ZBA18-028; 2105 Wallingford Road

Variance:

Based on the following findings of fact and in accordance with the established standards for approval, the Zoning Board of Appeals hereby GRANTS the following variance from Chapter 55 Zoning Section 5.18.5 Averaging an Established Front Building Line:

A variance of three feet eight inches to allow an (4'8" x 10") front porch which reduces the required front setback from 40 feet to 36 feet four inches.

- 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.**
- d) The circumstances of the variance request are not self-imposed.**
- e) The variance request is the minimum necessary to achieve reasonable use of the land or structure.**

BOARD DISCUSSION ON MOTION I:

Dobmeier expressed support for covering the porch, but explained that he does not support the carport request.

On a roll call vote, the vote is as follows with the Chair declaring Motion I approved.

Yeas: 6 - Chair Briere, DeVarti, Vice Chair Dobmeier, Daniel, Grant, and Weatherbee

Nays: 0

Absent: 2 - Eisenmann, and Wilson

MOTION II:

**Moved by Dobmeier, seconded by Grant, in Petition ZBA18-028;
2105 Wallingford Road**

Variance:

Based on the following findings of fact and in accordance with the established standards for approval, the Zoning Board of Appeals hereby GRANTS the following variance from Chapter 55 Zoning Table 5:17-1 to allow to allow a variance of one foot nine inches to allow a carport to encroach into the five foot required setback. The porch and carport are to be built per the 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.**
- d) The circumstances of the variance request are not self-imposed.**
- e) The variance request is the minimum necessary to achieve reasonable use of the land or structure.**

BOARD DISCUSSION OF MOTION II:

The Board discussed the standards for granting the variance as well as the conditions of the property.

On a roll call vote, the vote was as follows with the Chair declaring Motion II defeated.

Yeas: 1 - Grant

Nays: 5 - Chair Briere, DeVarti, Vice Chair Dobmeier, Daniel, and Weatherbee

Absent: 2 - Eisenmann, and Wilson

18-1986 ZBA18-029; 532 South Fifth Avenue
Mark Schroeder, owner of Mahalo Properties, is requesting a variance from Chapter 55 Zoning Table 5:17-3 Multiple Family Residential Zoning District Dimensions. The property is zoned R4C Multiple Family Residential and has a required 12 foot side yard setback. The existing structure is seven feet four inches from the side property line. The owner proposes to construct an addition to the rear of the existing residence of 40 feet three inches. This additional building length increases the required side yard setback to 13 feet seven inches. The variance request of six feet three inches will allow for the addition to be constructed along the same plane as the existing wall.

Attachments: ZBA18-029; 532 South 5th Ave - Staff Report with Attachments .pdf

Barrett presented the Staff Report.

QUESTIONS FROM BOARD TO STAFF:

DeVarti inquired about the side setback requirements in the area.

Barrett answered that the setback requirement increases when the building length is over 50 feet in length.

PRESENTATION BY PETITIONER:

David Lewis, Architect for the project, clarified that part of the proposal of the project is the demolition of a non-original addition to the house, and that the addition is only extending nine feet from the existing structure, and only six inches farther north. He further explained that the intention of the addition location is to position the addition behind the home, and to avoid structural issues that can come from a driveway being next to a basement wall.

Mark Schroeder, Applicant, explained that he wants to preserve the character of the home, while making the needed improvements.

Grant inquired about the need for the addition.

Schroeder answered that it would be for more units, because the area is popular for renting to students, and he explained that the existing addition is unusual and he can't find records for it.

DeVarti inquired about parking.

Lewis explained that he will meet the parking requirements.

Grant inquired about safety and compliance with required codes.

Lewis answered that all codes will be met.

PUBLIC HEARING:

Beverly Straussman, 545 S. 57th Avenue, Ann Arbor, President of the Germantown Neighborhood Association, expressed opposition for the proposed project. She stated that the proposed changes would destroy the character of the home. She expressed concern for the possible increase in students living in the building.

Grant inquired about the historic status of the property.

Straussman answered that the house is historic, but is not within a historic district in the City and therefore not protected.

Richard Jacobson, 538 S. 57th Avenue, Ann Arbor, explained that he owns property south of the applicant's property. He discussed the conditions of the existing home as well as the proposed plans for the addition. He explained the driveway on the lot, and that it is shared with the house on the north. He also explained that the plans submitted show an incorrect property line.

Claudius Vincent, 545 S. 57th Avenue, Ann Arbor explained that he is no longer a student, and that real people live on the block, and that there would be negative impacts of the additional density that the variance would allow. He requested that the ZBA deny the variance.

John Higby, 3225 Ravenwood, Ann Arbor, explained that he does not live on the street at this time, but he has in the past. He expressed opposition to increasing density at the proposed variance site, he expressed concern with parking at the site, and he expressed concern for safety and traffic in the neighborhood.

Marianne Zozza, 538 S Fifth Avenue, Ann Arbor, explained that she is

the wife of a property owner in the area. She stated that it would be unlawful to grant the variance, and that the applicant can build an addition within the required setbacks.

**Moved by DeVarti, seconded by Dobmeier, in Petition ZBA18-029;
532 S Fifth Ave**

Variance:

Based on the following findings of fact and in accordance with the established standards for approval, the Zoning Board of Appeals hereby GRANTS the following variance from Chapter 55 Zoning Table 5:17-3 Multiple Family Residential Zoning District Dimensions:

A variance of six feet three inches to allow an addition to the rear of the existing duplex to be seven feet four inches from the required side setback. The addition is to be built per the 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.**
- d) The circumstances of the variance request are not self-imposed.**
- e) The variance request is the minimum necessary to achieve reasonable use of the land or structure.**

BOARD DISCUSSION:

The Board discussed the standards for granting variances, discussing that there are ways to achieve the applicants goals without needing a variance. The Board discussed the benefits of having a diverse housing stock and group of people living in the neighborhood.

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

the motion defeated.

Yeas: 0

Nays: 6 - Chair Briere, DeVarti, Vice Chair Dobmeier, Daniel, Grant, and Weatherbee

Absent: 2 - Eisenmann, and Wilson

UNFINISHED BUSINESS

NEW BUSINESS

APPROVAL OF 2019 CALENDAR YEAR ZBA MEETING SCHEDULE

18-1987 2019 Calendar Year ZBA Schedule

Attachments: Proposed 2019 Calendar Year ZBA Schedule 2 .pdf

Moved by Daniel, seconded by Grant, and approved as presented.

Yeas: 6 - Chair Briere, DeVarti, Vice Chair Dobmeier, Daniel, Grant, and Weatherbee

Nays: 0

Absent: 2 - Eisenmann, and Wilson

REPORTS AND COMMUNICATIONS

18-1988 Various Communication to the Zoning Board of Appeals

Attachments: 11 Ridgeway - Email From Markley .pdf, 2105 Wallingford - Letter from Ludy.pdf, 2105 Wallingford - Letter from Bernstein .pdf, 2105 Wallingford - Letter from Hearty .pdf, 1632 Kirtland - Letter from Devine and Huges .pdf, 1632 Kirtland - Email from Ready .pdf, 11 Ridgeway - Letter From Snyder .pdf, 11 Ridgeway - Email from Bass .pdf, 11 Ridgeway - Email from Lepard .pdf, 11 Ridgeway - Email from Pitt.pdf

Received and Filed

PUBLIC COMMENTARY - (3 Minutes per Speaker)

ADJOURNMENT

Unanimously adjourned at 7:58 p.m.