



# 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)

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Wednesday, July 25, 2018

6:00 PM

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

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**A CALL TO ORDER**

*Chair Briere called the meeting to order at 6:04 p.m.*

**B ROLL CALL**

**Present:** 8 - Candice Briere, David DeVarti, Kirk Westphal, Michael Dobmeier, Michael B. Daniel, Todd Grant, Julie Weatherbee, and Charlotte Wilson

**Absent:** 1 - Nicole Eisenmann

**C APPROVAL OF AGENDA**

**Moved by DeVarti, seconded by Weatherbee, and approved unanimously as presented.**

**D APPROVAL OF MINUTES**

**D-1**     [18-1299](#)   Zoning Board of Appeals Meeting Minutes of June 27, 2018

**Attachments:**   Minutes of the 6-27-2018 ZBA Meeting .pdf

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

**E PUBLIC HEARINGS**

**E-1**     [18-1300](#)   ZBA18-018; 1001 Vesper Road  
Arthur and Elizabeth Solomon, property owners, are requesting a four foot variance from Chapter 55 Zoning Section 5:26 (Area Height and Placement Regulations). The property is zoned R1A and has a 50 foot rear yard requirement. The owners are requesting to construct an 18 foot 4 inch by 10 foot 4 inch (190 square feet) addition to the rear of the home. The new addition will contain an ADA bathroom and a master bedroom closet.

**Attachments:** Staff Report ZBA18-018; 1001 Vesper Road.pdf

*Summary:*

*Arthur and Elizabeth Solomon, property owners, are requesting a four foot variance from Chapter 55 Zoning Section 5:26 (Area Height and Placement Regulations). The property is zoned R1A and has a 50 foot rear yard requirement. The owners are requesting to construct an 18 foot 4 inch by 10 foot 4 inch (190 square feet) addition to the rear of the home. The new addition will contain an ADA bathroom and a master bedroom closet.*

*Background:*

*The property is zoned R1A, single family, and is located at the corner of Vesper Road and Minglewood Way. The home was constructed in 1948 and is approximately 1,805 square feet in size. The lot size is 27,007 square feet.*

*Description:*

*The variance being requested is a result of the owners desire to construct a small addition at the southeast corner of the home. The R1A district requires a 50 foot rear yard. If the variance is granted the addition will be 46 feet from the rear property line.*

*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.*

*The applicants state that the variance is needed to construct an ADA accessible bathroom on the main level of the home.*

*(b). That the alleged hardships are 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.*

*Without the variance the owners state that an ADA accessible bathroom will not be available from the master bedroom thereby creating a practical difficulty for the owners.*

*(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.*

*Considering the existing site conditions and the parameters set forth by the district, a variance will not have a negative impact on surrounding properties.*

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

*The applicants contend that the variance request will allow the occupants to age in place.*

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

*The variance being requested is the minimum needed to achieve an ADA accessible bathroom and closet.*

#### **QUESTIONS FROM BOARD TO STAFF:**

*Boardmember Dave DeVarti inquired about the possibility of in addition to a variance, the applicant needing to request permission to alter a nonconforming structure.*

*Barrett answered that permission would not be needed in this case because the setback requirement is met and the home is single family.*

#### **PRESENTATION BY PETITIONER:**

*Arthur and Elizabeth Solomon introduced themselves and stated that they love their home.*

*Rick Foley, Dexter Builders, representing the petitioner, provided*

*background on the history of the home. He also explained how the needs of homeowners change over time, and that the petitioners are seeking to make some changes to their home to accommodate for a wheelchair. He explained that phase one of the project is to expand the hallways and update the kitchen, and that phase two is to construct a master bathroom that will be accessible from the master bedroom along with updating storage in the home. He explained that the request is the smallest request in order to meet the needs of the family.*

*The Board discussed the modesty of the request, the concept of aging in place, the need for the variance, the lack of visual impact in the change, the irregular shape of the lot, and the human judgment aspect of the Zoning Board of Appeals.*

*Boardmember Mike Dobmeier inquired about an alternative location for the shower.*

*Foley answered that if the proposed shower was placed in a different location, the bedroom would lose circulation space for movement with a wheelchair.*

*E. Soloman explained that they have worked hard to create a plan that is the best for cost and accessibility.*

*The Board further discussed the size of the request and contemplated whether or not it is the minimum required.*

**Moved by Daniel, seconded by Grant in Petition ZBA18-018; 1001 Vesper 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 variances from Chapter 55, Section 5:26, (Area, Height and Placement regulations) to allow:**

**A variance of four feet, in order to construct an 18 foot 4 inch by 10 foot 4 inch addition to the rear of the residence. The rear yard requirement is 50 feet. The result will be a 46 foot rear yard. 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:*

*None.*

**On a voice vote, the vote was as follows with the Chair declaring the variance granted.**

**Yeas:** 8 - Chair Briere, DeVarti, Councilmember Westphal, Vice Chair Dobmeier, Daniel, Grant, Weatherbee, and Wilson

**Nays:** 0

**Absent:** 1 - Eisenmann

- E-2**      [18-1301](#)      ZBA18-019; 822 West Jefferson Street  
Cameron Holdings, property owners, are requesting a 13 foot variance from Chapter 55 Zoning Section 5:57 (Averaging an Existing Front Setback Line) in order to construct a new deck on the west side of the residence. The average front setback is 26 feet six inches and the new requested dimension will be 13 feet six inches. If approved, the new covered porch will be 27 feet wide by ten feet in depth.

**Attachments:**      Staff Report ZBA18-019; 822 W Jefferson St.pdf

*Subject: ZBA18-019; 822 W Jefferson Street*

*Summary:*

*Cameron Holdings, property owners, are requesting a 13 foot variance from Chapter 55 Zoning Section 5:57 (Averaging an Existing Front Setback Line) in order to construct a new deck on the west side of the*

*residence. The average front setback is 26 feet six inches and the new requested dimension will be 13 feet six inches. If approved, the new deck will be 27 feet wide by ten feet in depth totaling 270 square feet.*

*Background:*

*The subject property is located at the corner of Jefferson Street and South Seventh Street. The property is zoned R2A, two-family residential but it is a single-family dwelling. The home was built in 2016 and is approximately 2,384 square feet in size. The property is in the Old West Side Historic district.*

*Description:*

*The proposed deck received approval from the Historic District Commission on June 14, 2018. The existing deck and a portion of the front porch on the eastern side of the home are to be removed as a part of this variance request.*

*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 practical difficulties 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.*

*The current deck on the east side of the home is less than five feet in width and cannot be used for outdoor recreation. The home is on a corner lot and has two front yards. The only viable option for a deck is the proposed location as the home was constructed to the eastern side of the property.*

*(b). That the practical difficulties will result from a failure to grant the variance, include substantially more than mere inconvenience, inability to attain a higher financial return, or both.*

*The lot has sloping topography that limits the type of construction to a raised deck.*

*(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 granting of the variance will allow the occupants to enjoy the neighborhood and the neighbors. The public benefit will be an outdoor living space that will not have a negative impact on surrounding properties.*

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

*The owners purchased the home in its current state and are attempting to remedy poor site development.*

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

*There will not be any negative impacts to adjacent properties. The owners have installed landscaping to help create a buffer from South Seventh Street. The HDC requested the deck be reduced in width from 12 feet to 10 feet. The applicants have accommodated this request.*

#### **QUESTIONS FROM BOARD TO STAFF:**

*The Board discussed the current conditions of the property and the neighboring property.*

#### **PRESENTATION BY PETITIONER:**

*Betty Marvin, representing Cameron Holdings, the property owner, explained that the proposed plan is the only logical option for the property, as well as the smallest request possible, and that it has been approved by the Ann Arbor Historic District Commission.*

*Ed Calley, 504 S. Seventh Street, Ann Arbor, explained that he has lived*

*in the neighborhood for many years, and that this is not the first rebuild of a house he has seen in the neighborhood, and that the house is too large for the neighborhood. He expressed opposition for the proposed deck.*

*The Board discussed the size of the deck, the setback for the area, and alternative options for egress. They also discussed the request as it related to the standards for approval.*

**BOARD DISCUSSION:**

*None.*

**Moved by Dobmeier, seconded by Grant, in Petition ZBA18-019; 822 West Jefferson 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 variances from Chapter 55, Section 5:57, Averaging an Existing Front Setback Line to allow:**

**A variance of thirteen (13) feet in order to construct a new wood deck that is ten (10) feet by 27 feet long. The average front setback is twenty- feet six inches. The wood deck 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.**



On a roll call vote, the vote is as follows with the Chair declaring the variance denied.

**Yeas:** 0

**Nays:** 8 - Chair Briere, DeVarti, Councilmember Westphal, Vice Chair Dobmeier, Daniel, Grant, Weatherbee, and Wilson

**Absent:** 1 - Eisenmann

**F UNFINISHED BUSINESS**

**G NEW BUSINESS**

**H REPORTS AND COMMUNICATIONS**

**H-1**      [18-1302](#)    Various Communication to the ZBA

**Attachments:**    822 W Jefferson- Letter from Lee .pdf, 822 W Jefferson- Letter from Taft.pdf, Email from Lams -1001 Vesper .pdf, Letter from Danielson re 1001 Vesper.pdf, Letter from Desai re 1001 Vesper.pdf, Letter from Foulk regarding 1001 Vesper Rd.pdf, Letter from Taubman 1001 Vesper .pdf, Letter from Thomson re 1001 Vesper.pdf

**Received and Filed**

**I PUBLIC COMMENTARY - (3 Minutes per Speaker)**

*Betty Marvin, representing petitioner for 822 W Jefferson, inquired about the course of action for the noncompliant deck since her variance request was denied.*

**J ADJOURNMENT**

**Unanimously adjourned at 7:10 pm**

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Live Web streaming is one more way, in addition to these listed below, to stay in touch with Ann Arbor

City Council and board and commission actions and deliberations.

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Place" page (<http://www.a2gov.org/livemeetings>), or is available for a nominal fee by contacting CTN at (734) 794 6150.

Candice Briere

Chairperson of the Zoning Board of Appeals

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