



City of Ann Arbor

301 E. Huron St.
Ann Arbor, MI 48104
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Meeting Minutes Zoning Board of Appeals

Wednesday, February 26, 2014

6:00 PM

City Hall, 301 E. Huron Street, 2nd Flr.

A CALL TO ORDER

Chair Milshteyn called the meeting to order at 7:00 p.m.

B ROLL CALL

Chair Milshteyn called the roll.

Present: 7 - Candice Briere, Alex Milshteyn, Perry Zielak, Ben Carlisle, Sally Petersen, Nickolas Buonodono, and Heather Lewis

Absent: 2 - Wendy Carman, and Evan Nichols

C APPROVAL OF AGENDA

A motion was made by Zielak, seconded by Buonodono, that the Agenda be Approved as presented. On a voice vote, the Chair declared the motion carried.

D APPROVAL OF MINUTES

[14-0323](#)

January 22, 2014 ZBA Minutes with Live Links

A motion was made by Councilmember Petersen, seconded by Buonodono, that the Minutes be Approved by the Board and forwarded to City Council. On a voice vote, the Chair declared the motion carried.

E APPEALS AND HEARINGS

E-1 [14-0309](#)

ZBA13-024; 921 East Huron Street
Scott Munzel, representing Safari LLC, is requesting a variance from the required lot area per dwelling unit in order to permit 6 dwelling units on an 8,783 square foot parcel; Maximum 4 units are allowed (2,175 square feet is required per unit) under the existing R4C (multiple-family) zoning.

Matt Kowalski presented the following staff report:

DESCRIPTION AND BACKGROUND:

The existing building is located at 921 E. Huron and is zoned R4C. The parcel is conforming for lot area, subject parcel is 8,783 square feet and the minimum conforming parcel size for R4C is 8,500 square feet. The building is 5,722 square feet and was built in 1962 with four residential apartments and eight bedrooms. In 1996, a

site plan was approved to convert the previous apartment use to a ten bedroom bed and breakfast. It is currently operating as a nine bedroom bed and breakfast and one apartment unit (one bedroom) for the owners of the building. There are ten parking spaces located underneath the building with a driveway providing access from East Huron.

The petitioner is proposing to convert the existing structure to six one-bedroom apartments with the owner residing in one of the units. No exterior changes are needed to facilitate this conversion, and due to the original construction design, minimal interior changes are required. This change would eliminate the bed and breakfast use and the total number of bedrooms in the building will be reduced from ten to six. Parking in the R4C zoning district is based on the number of units, with 1.5 spaces require per unit. With six units, nine parking spaces will be required and ten spaces are provided on site. The required lot area per dwelling unit in the R4C district is 2,175. The subject parcel is 8,783 square feet which would permit a total of four units. While the petitioner is proposing one bedroom units, zoning does permit a maximum of six bedrooms per unit.

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 parcel is a conforming R4C parcel for lot area and the building was constructed as a four unit apartment building with eight bedrooms in 1962. In 1996, a site plan was approved for a ten bedroom bed and breakfast which is what currently exists on the site. The structure could be converted to six apartments with minimal internal modifications and no exterior changes.

(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.

If the variance is not granted, the petitioner could continue to use the structure as a ten bedroom bed and breakfast. Alternatively, the petitioner could convert the existing structure into four six-bedroom apartments without the need for a variance from the lot area per dwelling unit requirement.

(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.

Approval of the variance will allow the conversion of a ten bedroom bed and breakfast into six one bedroom apartments. There are no exterior changes proposed to the building and the property has one more parking space than the nine required by code. The existing use has a more transient population of ten or more guests utilizing the establishment for shorter periods of time. The conversion to apartments will re-establish a more traditional residential use similar to the original use of the structure. The parcel is bordered by rental apartments to the rear and west side, church use to the east side and is across Huron from the University of Michigan

campus.

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

The structure was built as a four unit apartment building containing eight bedrooms in 1962. The existing bed and breakfast use was established in 1996 by the previous owner. The original design and interior layout of the building allow conversion to six apartments with minimal interior modifications, conversion to four units with additional bedrooms would involve significantly more interior modification. However, the structure could continue as currently operating.

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

The variance requested will allow the conversion of a 10 bedroom bed and breakfast into 6 one bedroom apartments. The proposed conversion will require minimal interior modifications and no exterior changes to the building. While the R4C permits a maximum of six occupants per unit, given the size and layout of the apartments, maximum occupancy will likely be one or two people per unit. The parcel is conforming for required lot size in the R4C district. Based on the lot area per unit requirement for the R4C district a four unit six bedroom apartment building could be constructed on the site.

QUESTIONS BY BOARD TO STAFF:

Zielak asked if the variance were to be approved and given that the owners didn't need to submit a site plan, he wanted to make sure that if the proposed project was to fall through, and the parcel sold, that the new owners wouldn't be able to demolish the existing structure and rebuild six (6) units, instead of four (4).

Kowalski responded that the Board should, as they typically do, make sure to add the stipulation, 'Per submitted plans', to the motion. He also clarified that the Board has the ability to limit the parcel to the existing six (6) one-bedroom apartments, which would allow staff to control the use of the parcel per the submitted variance.

Petersen asked if the ongoing analysis of the R4C/R2A zoning district would affect the number of bedrooms for this parcel.

Kowalski explained that given the various recommendations from the study groups he was not able to say how they could or might apply to this specific site, since specifics have not yet been determined.

PRESENTATION BY PETITIONER:

Scott Munzel, 603 West Huron Street, Ann Arbor, Attorney for the petitioner, was present and explained the application.

Carlisle asked if the petitioner plans to run move ahead with the creation of the condominium association while continuing the operation of the bed and breakfast and if they foresee both uses operating simultaneously .

Munzel said yes, that could happen.

Carlisle asked staff how that would work with the allowable zoning for the parcel and if it would be permitted.

Kowalski said he would have to look into the matter, but noted that both uses would be permitted uses.

Munzel said the City doesn't have regulations for bed and breakfasts and he sees it as each owner having their own principal use of their condo unit.

Carlisle said he was in support of the request but didn't like the nebulence surrounding the timing and essentially two uses in the building.

Kowalski said if the variance was granted, each one of the 6 units could, in theory, be treated as a bed and breakfast.

Carlisle said the condo documents would need to be amended with each unit sale and conversion and he had concerns with possible timing issues.

Munzel explained that the condo documents would only show the final 6 units and not the existing 9 bedrooms, since some of the bedrooms will turn into living rooms. He said the only alterations that need to be done in the building is the addition of some doors and kitchens to each unit.

Milshteyn asked why they chose to convert it into 6 units instead of 4 units, given today's market demand.

Munzel said that the only way that makes sense is to return it back to its original intent; if the additional 2 units were not converted it would be wasted space.

LISTS OF EXHIBITS PRESENTED:

Chair Milshteyn noted that the Board had received the following communications in support of the request, as long as there were no exterior changes:

Derek Pogirski, AJP Rentals, 917 East Huron Street, Ann Arbor.

BOARD DISCUSSION:

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

Motion made by Zielak, seconded by Buonodono, in Petition ZBA13-024; 921 East Huron Street, 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 5:34 R4C. A variance from the required lot area per dwelling unit in order to purpose 6 dwellings, specifically six (6) one-bedroom units/condos, on an 8,783 square foot parcel, where a maximum four units are allowed. 2,100 square feet is required per unit under the existing R4C multiple-family zoning, per submitted plans, given:

(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.

(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). 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.

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

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

On a voice vote, the vote was as follows with the Chair declaring the motion carried. Approved: 6-0. Variance Granted.

Yeas: 7 - Briere, Chair Milshteyn, Zielak, Carlisle, Councilmember Petersen, Buonodono, and Lewis

Nays: 0

Absent: 2 - Carman, and Nichols

E-2 [14-0319](#)

ZBA14-001; 1200 Wright Street

Randall Velikan is requesting permission to alter a non-conforming structure in order to expand the non-conforming structure by constructing a front porch addition 10 feet 2 inches from the front property line; existing structure is 10 feet 2 inches from front property line; required setback is 31 feet 8 inches.

Matt Kowalski presented the following staff report:

DESCRIPTION AND BACKGROUND:

The subject parcel is zoned R2A (Two-Family Residential District) and located on Wright Street, north of Long Shore Drive. The parcel is conforming for required lot size: subject parcel is 12,371 square feet; minimum lot size is 8,500 square feet. The structure was built in 1918 and is 1,010 square feet.

The petitioner would like to construct an approximately 72 square foot uncovered porch addition to the front (west side) of the house. The porch addition will measure 7 feet 11 inches by 8 feet 7 inches. After construction the entire front porch will be 15 feet 7 inches long by 7 feet 11 inches deep. The existing house is setback 10 feet 2 inches to the covered front porch and 18 feet 2 inches to the front wall of the house. The proposed porch will be unenclosed and will match the original porch design on the house. The original porch was structurally altered to reduce the size to the current configuration by previous owners. There are no building permits on file for this work and it is not known when this work was completed.

This structure did receive Permission to Alter a Non-Conforming Structure from the Zoning Board of Appeals in March 2013 in order to construct an addition on the south side of the house. During the construction and remodeling process, the aluminum siding was removed revealing that the porch previously extended along the front of the house. The petitioner plans to restore the porch to the previous extent.

The required front setback which is based on averaging of existing neighboring properties is 31 feet 8 inches. A variance is not required because the new porch

addition will not encroach any further into the front setback than the existing porch.

Standards for Approval - Permission to Alter a Non-Conforming Structure

The Zoning Board of Appeals has all the power granted by State law and by Section 5:98, from the City of Ann Arbor Zoning Ordinance. The following criteria shall apply:

The alteration complies as nearly as practicable with the requirements of the Zoning Chapter and will not have a detrimental effect on neighboring property.

The home was constructed before current zoning standards were in effect. The proposed porch addition will be constructed to match the extent of the porch that was originally constructed on the house. The porch will be setback 10 feet 2 inches from the front property line consistent with the existing front porch.

While the subject parcel is large, the placement of the house near the front property line limits the area available for an addition to the rear of the house. The expansion of the porch will allow the petitioner to improve their property while respecting the intent of the Zoning Ordinance and restoring the structure to the historical appearance. Staff does not feel that the requested variance would negatively affect any surrounding property. The subject house is located on a large lot in an area of houses with similar density and scale.

QUESTIONS BY BOARD TO STAFF:

Zielak asked for clarification on the previously granted permission to alter a non-conforming structure.

Kowalski explained the previously granted request and reviewed the site plan with the Board.

PRESENTATION BY PETITIONER:

Randy Velikan, 1200 Wright Street, was present and explained the application.

LISTS OF EXHIBITS PRESENTED:

Chair Milshteyn noted that the Board had received the following communications in support of the request:

Bertie Bonnell, 1219 Wright Street, Ann Arbor.

David William Cohen, 1126 Wright Street, Ann Arbor.

Gretchen Elsner-Sommer, 1129 Pontiac Trail, Ann Arbor.

Susanna Hapgood & Jeff Kupperman, 1205 Pontiac Trail, Ann Arbor.

BOARD DISCUSSION:

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

Motion made by Zielak, Seconded by C. Briere, in Petition ZBA14-001; 1200 Wright Street, based on the following findings of fact and in accordance with the established standards for approval, the Zoning Board of Appeals hereby GRANTS permission to alter a non-conforming structure, by construction of a front porch addition, 7 feet 11 inches by 8 feet 7 inches, resulting in a total porch that will be 15 feet 7 inches long by 7 feet 11 inches deep, which will be 10 feet, 2 inches from the front property line, per submitted plan and on the

condition that the porch remain open and uncovered, given;

a) The alteration complies as nearly as practicable with the requirements of the Zoning Chapter and will not have a detrimental effect on neighboring property.

On a voice vote, the vote was as follows with the Chair declaring the motion carried. Approved: 6-0. Permission to Alter a non-conforming structure Granted.

Yeas: 7 - Briere, Chair Milshteyn, Zielak, Carlisle, Councilmember Petersen, Buonodono, and Lewis

Nays: 0

Absent: 2 - Carman, and Nichols

E-3 [14-0320](#)

ZBA14-002; 215 Beakes Street

David Esau is requesting 4 variances from Chapter 55 (Zoning) Section 5:34 (R4C) in order to re-construct an existing non-conforming structure. Structure will be a single-family dwelling upon completion.

1. Front yard setback variance of 25 feet to allow a 0 foot front setback along Beakes Street.
2. Side yard setback (east) variance of 1 foot to allow a 4 foot side setback.
3. Side yard setback (west) variance of 5 feet to allow a 0 foot side setback.
4. Rear yard setback variance of 27 feet to allow a 3 foot side setback.

Matt Kowalski presented the following staff report:

DESCRIPTION AND BACKGROUND:

The subject 3,680 square foot building is located at 215 Beakes Street and is zoned R4C. The subject parcel is nonconforming for lot area, subject parcel is 4,227 square feet and the minimum conforming parcel size for R4C is 8,500 square feet. The building was built in approximately 1930 and is currently operating as a garage for repair, storage, parking of vehicles, as well as some use as a warehouse for storage of files and documents. Historical records indicate the building has been used for vehicle repair and storage for at least 40 years. As indicated above, the property is zoned R4C (Multiple-Family Residential) and all current and documented uses of the building are not permitted uses within the R4C zoning district.

In May 2011, the Zoning Board of Appeals granted permission for the previous owner to substitute one non-conforming use (warehouse/storage) for another less detrimental use (limited office). Since that time, the petitioner has purchased the property and intends to use it as a single-family use, which is a conforming use in the R4C District. In order to use the property as single-family, the petitioner would like to re-construct the majority of the existing building and add a second-story addition. The building would be re-constructed on the exact same footprint as the existing building with the possible exception of the front wall as noted in the next paragraph. A kitchen, living area and a bathroom will be constructed in 691 square feet of the first floor space, the remainder of the first floor will be used for parking and storage. The 1,546 square foot second story will contain bedrooms, bathrooms and a 122 square

foot outdoor deck area.

The existing single-story building is non-conforming for all required setbacks as the building occupies the majority of the triangular-shaped parcel. The small size and unusual shape of the parcel limits the buildable area to approximately 52 square feet. There is currently 0 setback for the front (Beakes) and west side and 4 foot setback for the east side and 3 foot setback for the rear. There is a slight encroachment of about 4 inches into the Beakes Street Right-of-Way (ROW). If this wall is removed, it will be built back along the property line which will remove any encroachment into the ROW. At this point it has not been determined the exact extent of what will be replaced, however it has been determined that enough of the structure will be replaced that it will exceed the changes permitted under Chapter 55, Section 5:87 (Structure non-conformance). As such the petitioner is required to seek variances in order to re-construct the building in the exact same footprint as existing.

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 structure is legal non-conforming and was constructed in 1930 before zoning regulations were adopted. It was built as an auto-service and storage building. The structure was constructed occupying the majority of the parcel with little or no minimum setbacks to the property line. The subject parcel is non-conforming for lot size (4,227 square feet, minimum R4C lot size is 8,500 square feet) and is triangular shaped. The small size and unusual shape result in a buildable area of approximately 52 square feet.

(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.

The existing structure is need of restoration and replacement of many structural elements. Any re-use of the building will likely require extensive restoration and ZBA permission. The small size, unusal shape, and limited buildable area of approximately 52 square feet would trigger the need for variances on any structure that was constructed on this parcel.

If the variances are not granted, the petitioner could try and re-use the existing walls, but would not be able to construct the second-floor addition. If the structure were demolished, no building could be constructed without zoning variances.

(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.

Approval of the variances will result in the re-construction of an existing non-conforming structure and an addition of 1,546 square feet to the second story. The structure was constructed in 1930 before any zoning standards were established and has been an established part of the neighborhood street presence since that

time. The proposed single-family use is a conforming use in the R4C district and should be less detrimental to surrounding properties than the previous non-conforming uses. The second-story addition will be setback from the east and west property line, with the majority of the building placed along the front line of Beakes Street. The neighbor immediately adjacent to the north has written a letter of support for the project.

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

The existing building is a legal non-conforming structure and was constructed before zoning standards were established. The existing single-story building is non-conforming for all required setbacks as the building occupies the majority of the triangular-shaped parcel. The small size and unusual shape of the parcel limits the buildable area to approximately 52 square feet.

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

The variances are being requested in order to re-construct a non-conforming structure. While the structure could be reduced in size, which could minimize variances needed, any building constructed would require variances due to the size and shape of the parcel.

QUESTIONS BY BOARD TO STAFF:

Zielak asked about the encroachment into the Beakes Street Right of Way (ROW).

Kowalski explained that the existing wall creates an encroachment of about 4 inches and would be rebuilt along the property line and out of the ROW.

Petersen asked if the proposed changes from an auto repair/storage use to a residential use would require any environmental mitigation through Planning and Zoning.

Kowalski said No, not from a planning and zoning standpoint, given that the proposed use would be single-family, there is no site plan review process required.

Milshhteyn asked if the property currently has a basement.

Kowalski said, no.

PRESENTATION BY PETITIONER:

David Esau, Cornerstone Design, 310 Depot Street, Suite 2, Ann Arbor, architect for the application was available and explained the request.

Michael Potter, Berardy Group, LLC, 701 Tecumseh Road, Clinton, owner was present to respond to the Board's questions.

Petersen asked if the petitioner was concerned with the environmental conditions of the site, given that it had been used for auto service.

Esau said the previous owner had conducted an environmental review.

Carlisle noted the large garage and asked for verification that the house would only

be used for single-family use.

Esau said yes.

Milshiteyn asked about the plans showing stairs leading to a basement and if the petitioner planned on adding a new foundation and basement.

Esau responded that since they didn't believe the construction was a part of the ZBA review they hadn't included the the basement/foundation plans in the application.

Milshiteyn asked if the walls would also need to be replaced if they were planning to dig a basement and add a foundation.

Esau said he expected the basement to be smaller than the existing building envelope, and would likely be a partial basement. He said the existing walls would probably be coming down given their condition.

David Santacroce, 601 North Fifth Avenue, Ann Arbor, neighbor and former owner, explained the application in relationship to the neighborhood and his support for the request.

LISTS OF EXHIBITS PRESENTED:

Chair Milshiteyn noted that the Board had received the following communications in support of the request:

David Santacroce, 601 North Fifth Avenue, Ann Arbor.

BOARD DISCUSSION:

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

Motion made by Zielak, Seconded by C. Briere, in Petition ZBA14-002; 215 Beakes Street, 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 5:34 (R4C) per submitted plans:

- 1) **Front yard setback variance of 25 feet to allow a 0 foot front setback along Beakes.**
 - 2) **Side yard setback (east) variance of 1 foot to allow a 4 foot side setback.**
 - 3) **Side yard setback (west) variance of 5 feet to allow a 0 foot side setback.**
 - 4) **Rear yard setback variance of 27 feet to allow a 3 foot side setback.**
- 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 structure.

On a voice vote, the vote was as follows with the Chair declaring the motion carried. Approved: 6-0. Variance Granted.

Yeas: 7 - Briere, Chair Milshteyn, Zielak, Carlisle, Councilmember Petersen, Buonodono, and Lewis

Nays: 0

Absent: 2 - Carman, and Nichols

E-4 [14-0321](#)

ZBA14-003; 2117 Alice Street
Matthew Zeichman is requesting one variance from Chapter 55 (Zoning) Section 5:57 (Averaging an Existing front setback line), of 9 feet for expansion of an existing residential structure into the front setback; 24 feet is required (Averaged Front Setback).

Matt Kowalski presented the following staff report:

DESCRIPTION AND BACKGROUND:

The subject parcel contains a 1,178-square foot, single-family dwelling constructed in 1950. The house was built on a slab with no basement. The parcel is zoned R1D (Single-Family) and is conforming for lot area; the required minimum lot area for R1D is 5,000 square feet and the parcel is 6,136 square feet. The existing setback measures 22 feet to the main house. The parcel is located on a cul-de-sac with a curved front lot line which results in a curved front setback line. The house was constructed in a line with adjacent houses to the east that are located on the straight section of Alice Street. As a result, one corner of the house is within the required averaged front setback of 24 feet, which makes the structure non-conforming.

The petitioner is proposing to construct an addition to the front of the house which would encroach a maximum of 9 feet at a corner into the averaged front setback of 24 feet. Due to the curve of the front lot line and the location of the house, the majority of the new addition will conform to the setback. The maximum encroachment of 9 feet is due to a small covered, not enclosed, front entry porch. The new floor area within the front setback will be 37.5 square feet.

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 subject parcel is a conforming corner lot in the R1D Zoning District (required is a minimum lot size of 5,000 square feet; parcel is 6,136 square feet). The existing house was built in the 1950's before current zoning setbacks. The house, including the uncovered porch, was built 22 feet from the front property line. The R1C required

setback is 25 feet; however the averaging of adjacent parcels adjusts the setback to 24 feet. The subject parcel is an unusual shape with a curved front property line, which brings the front setback line closer into the existing house.

(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.

The variance is being requested in order to construct an addition to the front of the house. If the variance is not granted, the petitioner could construct a smaller addition to the front. There is limited room to construct an addition to the rear of the house due to a significant slope in the rear yard. The no basement in the house, so any expansion of useable floor area will require a building addition.

(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.

If the variance is approved, the structure will be consistent with a number of houses in the neighborhood. Although the addition will be constructed on the front of the house, the location of the house on the cul-de-sac results in a front line of the house that is further back than houses to the east. The addition is staggered to minimize the impact the neighboring property to the west and the surrounding neighborhood. The addition will not be extended any closer to the side property line or adjacent neighbors.

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

The house was built in the 1950's before current zoning standards were established. The parcel has a curved front lot line, which brings the front setback line closer to the existing house. The house has no basement and a significant slope in the rear yard.

(e). 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 an addition in the front yard. At the closest point the enclosed house addition will be 18 feet from the front property line and 15 feet to the small covered porch. Due to the curve of the front property line, there are only two small corners of the house encroaching which totals 37.5 square feet. Due to the position of the house and staggered front façade the addition should have a minimal impact to the surrounding neighborhood. Although a smaller addition could be built without the need for a variance, the size and encroachment of the proposed addition is minimal.

QUESTIONS BY BOARD TO STAFF:

Carlisle asked if the stoop was covered.

Kowalski said yes, and given that the stoop exceeds the allowable 20 square feet [without a variance] he had to take the setback to the post [shown on plans].

PRESENTATION BY PETITIONER:

Matt Zeichman, 2117 Alice Street, Ann Arbor, owner was present and explained the

application.

LISTS OF EXHIBITS PRESENTED:

Chair Milshteyn noted that the Board had received the following communications in support of the request:

Allison Smith, 2115 Alice Street, Ann Arbor.

A petition in support of the application was signed by 11 neighbors.

BOARD DISCUSSION:

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

Motion made by Zielak, Seconded by C. Briere, in Petition ZBA14-003; 2117 Alice Street, 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 (Averaging Existing Front Setback) of 9 feet from the required front setback of 24 feet, 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.**
- 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 structure.**

On a voice vote, the vote was as follows with the Chair declaring the motion carried. Approved: 6-0. Variance Granted.

Yeas: 7 - Briere, Chair Milshteyn, Zielak, Carlisle, Councilmember Petersen, Buonodono, and Lewis

Nays: 0

Absent: 2 - Carman, and Nichols

F UNFINISHED BUSINESS

G NEW BUSINESS

H REPORTS AND COMMUNICATIONS

[14-0322](#)

Various Correspondences to the ZBA

Chair Milshteyn noted that since there were no new applications received for the March ZBA scheduled meeting, the previously postponed ZBA hearing [ZBA13-025; 305 West Keech] would be moved to the April meeting.

Received and Filed

I PUBLIC COMMENTARY - (3 Minutes per Speaker)

None

J ADJOURNMENT

A motion was made by Zielak, seconded by Buonodono, that the Meeting be Adjourned. On a voice vote, the Chair declared the motion carried.

Community Television Network Channel 16 live televised public meetings are also available to watch live online from CTN's website, www.a2gov.org/ctn, on "The Meeting Place" page (<http://www.a2gov.org/livemeetings>).

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.

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

The complete record of this meeting is available in video format at www.a2gov.org/ctn, on "The Meeting Place" page (<http://www.a2gov.org/livemeetings>), or is available for a nominal fee by contacting CTN at (734) 794-6150.