



City of Ann Arbor

Formal Minutes

Zoning Board of Appeals

301 E. Huron St.
Ann Arbor, MI 48104
<http://a2gov.legistar.com/Calendar.aspx>

Wednesday, January 27, 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: 934 8311 5569

A CALL TO ORDER

B ROLL CALL

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

D APPROVAL OF MINUTES

D-1 [21-0076](#) Minutes of the December 2, 2020 ZBA Meeting

Attachments: 12-2-2020 ZBA Minutes.pdf

Moved by Eisenmann, seconded by DeVarti, approved 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 934 8311 5569

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** **21-0077** ZBA20-027; 217 West Madison Street Dan Murphy, property owner, is requesting relief from Section 5.32.2 Alteration to a Nonconforming Structure, in order to construct a 68 (11'x6'2") square foot addition to the rear of an existing Single-Family home for a new entry and powder room. The plans also include raising the roof at the rear of the existing first floor five feet eight inches to accommodate a new master bedroom. The property is zoned R2A, Two-Family Dwelling District. The new additions will not encroach or extend further into the front and rear setbacks. The project received Historic District approval in April 2020.

Attachments: ZBA20-027; 217 W Madison St Staff Report w Attachments.pdf

City of Ann Arbor Zoning Coordinator, Jon Barrett presented the Staff Report.

QUESTIONS FROM BOARD TO STAFF

Boardmember Dave DeVarti inquired about work already being done on the property.

Barrett explained that the work taking place is interior remodeling.

PRESENTATION BY PETITIONER

Dan Murphy, property owner, explained the proposed request.

PUBLIC HEARING

Seeing no speakers, Chair Briere closed the Public Hearing

Moved by DeVarti, seconded by Wilson, in petition ZBA20-027; 217 West Madison 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 68 (11'x6'2") square foot addition at the back of the existing residence and the increase in roof height of five feet eight inches to accommodate a second -floor master bedroom. The additions are not to encroach or extend further into the front and rear setbacks.

BOARD DISCUSSION

The Board discussed the proposed request.

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

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

Nays: 0

- E-2** [21-0078](#) ZBA20-028; 929 Barton Drive Anne Daws-Lazar, representative of Northside Community Church, is requesting a variance from Section 5.24.4 (C)(2) to allow an electronic message sign to exceed the maximum allowable 25% total sign area of a sign. The proposed sign is 47.6 square feet in size and the electronic message center will be 25.6 square feet or 53.8 percent of the total sign area. The property is zoned R1C, Single-Family Residential.

Attachments: ZBA20-028; 929 Barton Drive Staff Report w Attachments.pdf

Barrett presented the Staff Report.

QUESTIONS FROM BOARD TO STAFF

Boardmember Todd Grant explained that under the previous sign ordinance, the sign would have required a smaller variance.

Barrett agreed.

Boardmember Chris Fraleigh inquired about the proposed sign and signs with messages that change.

Barrett explained that if approved, the message would have to stay the same for one minute before changing.

DeVarti inquired about the size of the proposed sign as it relates to the previous sign.

Barrett explained that the sign is slightly smaller.

PRESENTATION BY PETITIONER

Anne Daws-Lazar and Terence James McGinn, representing the project,

explained the process of planning the proposed sign, as well and the need for the proposed variance.

PUBLIC HEARING

Seeing no speakers, Chair Briere closed the Public Hearing

Moved by DeVarti, seconded by Fraleigh, in petition ZBA20-028; 929 Barton Drive 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 5.24.2 (C)(2).

A variance of 23.8 percent to allow a new ground sign with an electronic message center to exceed the allowable 25 percent of the total sign area.

On a roll call vote the vote was as follows with the Chair declaring the request granted.

Yeas: 8 - Chair Briere, DeVarti, Daniel, Eisenmann, Grant, Councilmember Nelson, Fraleigh, and Goode

Nays: 1 - Wilson

- E-3** **21-0079** ZBA20-029; 1301 Henry Street Joseph Philips, representing property owner, is requesting relief from Section 5.32.2 Alteration to a Nonconforming Structure, in order to construct a 784 (28'x28'5") square foot addition to the rear of an existing Single-Family home for a new bedroom, bathroom, pantry and garage. The plans also include an 80 (10'x8') square foot screened porch attached to the proposed addition. The residence does not meet the average front setback and the required side yard setback. The proposed addition will not encroach further into either setback. The property is zoned R1D, Single-Family Residential.

Attachments: ZBA20-029; 1301 Henry St Staff Report w Attachments.pdf

Barrett presented the Staff Report.

QUESTIONS FROM BOARD TO STAFF

DeVarti inquired about the existing fence at the property.

Barrett explained that the fence is nonconforming.

Boardmember Julia Goode inquired about the garage and curb cuts.

Barrett answered that the garage is proposed to stay and that there are two curb cuts.

PRESENTATION BY PETITIONER

Mary George, property owner, and Joseph Philips, representing Mary George explained that the proposed addition is to expand accessibility on the first floor of the home.

PUBLIC HEARING

Seeing no speakers, Chair Briere closed the Public Hearing

Moved by DeVarti, seconded by Grant, in petition ZBA20-029; 1301 Henry 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 784 (28'x28'5") square foot addition at the back of the existing residence for a new bedroom, bathroom, pantry and garage. The addition will not encroach further into the average front setback and the required side yard setback.

BOARD DISCUSSION

The Board discussed removal of trees at the site, the site conditions, and the proposed addition.

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

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

Nays: 0

E-4 **[21-0080](#)** ZBA20-030; 2003 Norfolk Avenue Marc Yesowitz, property owner, is requesting a two-foot variance from Section 5.16.6 Accessory Uses and

Structures in order to construct a detached carport in the required five-foot side yard. The proposed carport will be 10' wide and 54 feet 8 inches in length with a 110 (11'x10') square foot attached unfinished storage room. The property is zoned R1C, Single-Family Residential.

Attachments: ZBA20-030; 2003 Norfolk Ave Staff Report w Attachments.pdf

Barrett presented the Staff Report.

QUESTIONS FROM BOARD TO STAFF

Fraleigh inquired about the proposed construction footprint.

Barrett explained the proposed construction footprint location.

Goode discussed the carport that was demolished at the site.

Grant discussed alternatives to needing a variance at the site.

PRESENTATION BY PETITIONER

Marc Yesowitz presented the proposed project.

PUBLIC HEARING

Seeing no speakers, Chair Briere closed the Public Hearing

Moved by DeVarti, seconded by Eisenmann, in petition ZBA20-030; 2003 Norfolk 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 Accessory Structure and Uses.

A variance of two feet to allow a detached carport in the five-foot side yard. The proposed carport will be 10 feet wide and 54 feet and 8 inches in length with a 110 (11'x10') square foot attached storage room.

BOARD DISCUSSION

The board discussed the standards for granting a variance, alternative options to the proposed request, and the conditions of the site.

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-5 [21-0081](#) ZBA20-032; 400 South Maple Road Mary Ellen Madary, representative of Kroger, is requesting a 78.4 square foot variance from Section 5.24.5 (B) (1) Area of Permanent Signs. Applicant is proposing 278.4 square feet of signage exceeding the allowable 200 square foot of signage. The sign package is to include a new Kroger and Pharmacy sign and relocation of the existing Starbucks sign. The property is zoned C3, Fringe Commercial District.

Attachments: ZBA20-032; 400 South Maple Rd Staff Report w Attachments.pdf

Barrett presented the Staff Report.

QUESTIONS FROM BOARD TO STAFF

Grant requested a rendering of the proposed sign.

DeVarti inquired about the sign size.

Barrett explained the sign area calculation, and explained that the area calculation is larger than the previously approved sign.

Councilmember Elizabeth Nelson inquired further about sign area calculation.

Barrett explained the sign area calculation process per the sign ordinance.

PRESENTATION BY PETITIONER

Mary Ellen and Terri Holt representing Kroger, explained the sign package and described the sign application process.

PUBLIC HEARING

Seeing no speakers, Chair Briere closed the Public Hearing

Moved by DeVarti, seconded by Grant, in petition ZBA20-032; 400 South Maple Road

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)(1) Area of Permanent Signs.

A variance of 78.4 square feet to allow a three new wall signs that total 278.4 square feet, exceeding the allowable 200 square feet.

The Board discussed the proposed request and the standards for granting a variance.

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

Yeas: 8 - Chair Briere, DeVarti, Daniel, Eisenmann, Grant, Wilson, Councilmember Nelson, and Fraleigh

Nays: 1 - Goode

- E-6** **21-0082** ZBA20-031; 614 South Ashley Street Central Property Development, property owners, are requesting various width variances from the required 15-foot wide conflicting land use buffers along the north, south and west property lines and a variance from all required landscaping and screening along the south property line. Sections 5.20.4 (A)(3) and (B)(1)(2) & (3) requires conflicting land use buffers for parcels zoned O, RE, ORL, C or M abutting a public park or parcel principally used of zoned for residential purposes. The property is zoned C2B, Business Service District.

Attachments: ZBA20-031; 614 S Ashley St Staff Report w Attachments.pdf

City Planner Chris Cheng presented the Staff Report.

QUESTIONS FROM BOARD TO STAFF

Boardmember DeVarti inquired about parking requirements.

Cheng explained that parking requirements are met.

Boardmember Nicole Eisenmann inquired about the three existing

parking spaces.

Cheng confirmed that there are currently three spaces.

PRESENTATION BY PETITIONER

Joseph Maynard, Engineer representing property owner, explained the proposed project further.

PUBLIC HEARING

Seeing no speakers, Chair Briere closed the Public Hearing

Moved by DeVarti, seconded by Wilson ZBA20-031; 614 South Ashley Street

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 Sections 5.20.4 (A)(3) and (B)(1)(2) and (3) Conflicting Land use Buffers.

Various width variances from the 15 foot conflicting land use buffers along the north, south and west property lines and a variance from all required landscaping and screening along the south property line.

The Board discussed the conditions of the site and the situation of the petitioner, lack of neighborhood objection, and site improvement as a result of approving the variance.

On a roll call vote, the vote was as follows with the Chair declaring the variance request granted.

Yeas: 8 - Chair Briere, Daniel, Eisenmann, Grant, Wilson, Councilmember Nelson, Fraleigh, and Goode

Nays: 1 - DeVarti

- E-7** **21-0083** ZBA20-033; 907 and 913 South Main Street Main + Davis LLC, property owner, is requesting a variance from planting the required street trees along S. Main St. as there is not sufficient public right-of-way width to plant trees. Section 5.20.10(B) requires one street tree of the minimum size and

species meeting City standards shall be provided for every 45 linear feet of public street right-of-way abutting a site plan site. The property is zoned R4C, Multiple Family Residential District.

Attachments: ZBA20-033; 907-913 S Main Staff Report w Attachments.pdf

Cheng presented the Staff Report.

QUESTIONS FROM BOARD TO STAFF

DeVarti discussed making a mitigating contribution in lieu of planting the required trees.

Cheng explained that the option of a contribution can be explored.

PRESENTATION BY PETITIONER

Satch Chada, representing Main + Davis LLC, explained the unconventional situation of being unable to plant the required trees at the site.

PUBLIC HEARING

Seeing no speakers, Chair Briere closed the Public Hearing

Moved by Fraleigh, seconded by DeVarti, in Petition ZBA20-033; 907 and 913 South Main Street

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 Sections 5.20.10 (B) Street Trees Required With Site Plan Developments

A variance to waive the required street trees fronting South Main Street every 45 feet along the public street right of way abutting a site plan site.

BOARD DISCUSSION

The Board discussed the standards for approval.

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

the variance granted.

Yeas: 8 - Chair Briere, DeVarti, Daniel, Eisenmann, Grant, Wilson, Fraleigh, and Goode

Nays: 0

- E-8** **21-0084** ZBA20-034; 2150 Frieze Avenue St. Francis of Assisi Parish, property owners, are requesting a variance from planting the required street trees along W. Stadium Blvd. as there is not sufficient public right-of-way width to plant trees. Section 5.20.10(B) requires one street tree of the minimum size and species meeting City standards shall be provided for every 45 linear feet of public street right-of-way abutting a site plan site. The property is zoned R1C, Single Family Residential District.

Attachments: ZBA20-034; 2150 Frieze Ave Staff Report w Attachments.pdf

Cheng presented the Staff Report.

QUESTIONS FROM BOARD TO STAFF

None.

PRESENTATION BY PETITIONER

Brian Bagnick and Robert Kehn representing the property, explained the proposed request.

PUBLIC HEARING

Seeing no speakers, Vice Chair DeVarti closed the Public Hearing

Moved by Eisenmann, seconded by Grant, ZBA20-034; 2150 Frieze 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 Sections 5.20.10 (B) Street Trees Required With Site Plan Developments

A variance to waive the required street trees fronting W. Stadium Blvd. every 45 feet along the public street right of way abutting a site

plan site.

BOARD DISCUSSION

None.

On a roll call vote, the vote was as follows with the Vice Chair declaring the request granted.

Yeas: 8 - DeVarti, Daniel, Eisenmann, Grant, Wilson,
Councilmember Nelson, Fraleigh, and Goode

Nays: 0

Recused: 1 - Chair Briere

- E-9** [21-0085](#) ZBA20-035; 416 W Huron West Huron Properties, LLC, property owners, are requesting a variance from planting two required street trees along W. Huron due to the site location directly above the Allen Creek Drain. The Washtenaw County Water Resources Commission prohibits planting of trees in the drainage easements. Section 5.20.10(B) requires one street tree of the minimum size and species meeting City standards shall be provided for every 45 linear feet of public street right-of-way abutting a site plan site. The property is zoned D2, Downtown Interface District.

Attachments: ZBA20-035; 416 W Huron Staff Report w Attachments.pdf

Cheng presented the Staff Report.

QUESTIONS FROM BOARD TO STAFF

None.

PRESENTATION BY PETITIONER

Matthew Budds, representing the property owner, further explained the proposed request.

PUBLIC HEARING

Seeing no speakers, Chair Briere closed the Public Hearing

**Moved by Wilson, seconded by Eisenmann, in petition ZBA20-035;
416 West Huron Street**

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 Sections 5.20.10 (B) Street Trees Required With Site Plan Developments

A variance to waive the required two street trees fronting W. Huron St. every 45 feet along the public street right of way abutting a site plan site.

On a roll call vote the vote was as follows with the Chair declaring the variance granted.

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

Nays: 0

F UNFINISHED BUSINESS

G NEW BUSINESS

H COMMUNICATIONS

H-1 [21-0086](#) Various Communication to the ZBA

Attachments: Email From Kaganov - 907 & 913 S Main.pdf, Email from Bletcher - 907 & 913 S Main.pdf, Email from Wright 1301 Henry 1-22-2021pdf.pdf, Email from Wright - 1301 Henry 1-19-2021.pdf, From Email from Vinson 217 W Madison.pdf, Letter from Benko 217 Madison.pdf, Email from Dennis 929 Barton.pdf, Email from Mykenolenko and Niemela 217 W Madison.pdf, Email from Valtadoros 217 Madison.pdf, eComment from Roof.pdf

Received and Filed

I PUBLIC COMMENT

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J ADJOURNMENT

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