



City of Ann Arbor

Formal Minutes - Final

Zoning Board of Appeals

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

Wednesday, July 27, 2022

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 comment can be made in person or by calling: 877 853 5247 or 888 788 0099
Enter Meeting ID 938 1648 1007**

Members of the public can attend this meeting in person, through the webinar link, or by phone. Both the phone number and weblink are available below:

For phone access, please call 877-853-5247 and Enter Meeting ID: 938 1648 1007

For access via zoom, please click this URL to join:

<https://a2gov.zoom.us/j/93816481007?pwd=Tm1abDFtRnJ3SXZ0L2FvMWNBMBIh6dz09>

Passcode: 070269

A. CALL TO ORDER

Board Member DeVarti called the meeting to order at 6:05 PM

B. ROLL CALL

Board member DeVarti called the roll.

Others present:

Jon Barrett, City of Ann Arbor Zoning Coordinator

Chris Cheng, City Planner via Zoom

Matt Kowalski, City Planner via Zoom

Courtney Manor, City Staff

Present: 6 - David DeVarti, Michael B. Daniel, Elizabeth Nelson, Chris Fraleigh, Julia Goode, and Christopher Madigan

Absent: 2 - Candice Briere, and Todd Grant

C. APPROVAL OF AGENDA

**Moved by Dave Devarti, Seconded by Chris Madigan, to approve the agenda with item E - 3 to be postponed.
Agenda was unanimously approved with changes.**

D. APPROVAL OF MINUTES

D - 1. [22-1283](#) Minutes of the June 22, 2022 ZBA Meeting

Attachments: 6-22-2022 ZBA Meeting Minutes.pdf

Moved by Devarti Seconded by Madigan, to approve the June 22, 2022 meeting minutes.

Minutes were unanimously approved as presented and forwarded to City Council.

E. PUBLIC HEARINGS

E - 1. [22-1284](#) ZBA22-2012; 521 South Fourth Avenue

Yishiuan Shen, property owner, is requesting relief from Section 5.32.2 Alteration to a Nonconforming Structure to construct a new unit that will be attached to an existing unit at the back of the property. A variance of 10 feet on the east side of the lot and a 15 foot variance on the south side of the property from Section 5.20.4 Conflicting Land Use Buffer is required. The property has three separate buildings that each contain a residential unit. The existing back unit does not meet the rear and side setback requirements. The proposed dwelling will contain six bedrooms and six bathrooms. The new residence will meet the setbacks for the district. The property is zoned R4C, Multiple-Family Dwelling District.

Attachments: sr ZBA22-2012; 521 S Fourth .pdf, 521 S Fourth Ave Zoning Map.pdf, 521 S Fourth Ave Aerial Map.pdf, 521 S Fourth Ave Aerial Map Zoom.pdf, ZBA Application-521 4th Avenue.pdf, 521S4thAve_BoundarySurvey.pdf, 521 S 4th Avenue-ZBA SubmittalREV-07-01-2022.pdf, 521 S 4th Avenue-ZBA Submittal(FloorPlan).pdf

MOTION I:

Moved by DeVarti Seconded by Daniel in Petition of ZBA22-2012; 521 South Fourth Avenue.

The Zoning Board of Appeals hereby GRANTS relief from Section

5.32.2 Alteration to a Nonconforming -Structure to allow construction to an existing dwelling at the rear of the property. The existing structure will be converted to six bedrooms and two and a half bathrooms and will meet the setbacks for the district. The new construction is to be built per the submitted plans.

ZBA22-2012; 521 South Fourth Avenue

Yishuan Shen, property owner, is requesting relief from Section 5.32.2 Alteration to a Nonconforming Structure to construct a new unit that will be attached to an existing unit at the back of the property. A variance of 10 feet on the east side of the lot and a 15 foot variance on the south side of the property from Section 5.20.4 Conflicting Land Use Buffer is required. The property has three separate buildings that each contain a residential unit. The existing back unit does not meet the rear and side setback requirements. The proposed dwelling will contain six bedrooms and six bathrooms. The new residence will meet the setbacks for the district. The property is zoned R4C, Multiple-Family Dwelling District.

APPLICANT/REPRESENTATIVE:

Scott Clausen and Kevin Brandon, representing the property owners, presented the proposed request.

PUBLIC HEARING:

Seeing no speakers, Vice Chair Fraleigh closed the Public Hearing.

On a roll call vote the vote was as follows with Vice Chair Fraleigh declaring the request APPROVED. 6 - 0

Yeas: 6 - DeVarti, Daniel, Councilmember Nelson, Fraleigh, Goode, and Madigan

Nays: 0

Absent: 2 - Chair Briere, and Grant

MOTION II

Moved by DeVarti Seconded by Madigan in Petition of ZBA22-2012; 521 South Fourth Avenue

Based on the following findings and in accordance with the established standards for approval, the Zoning Board of Appeals hereby GRANTS a variance of 10 feet on the east side of the lot and a 15 foot variance on the south side of the property from Section 5.20.4 Conflicting Land Use Buffer. A new six bedroom unit is to be

built per the submitted plans connected to the rear structure on the property. The new unit is to be built per the submitted plans.

APPLICANT/REPRESENTATIVE:

Scott Clausen and Kevin Brandon, representing the property owners, presented the proposed request.

PUBLIC HEARING:

Seeing no speakers, Vice Chair Fraleigh closed the Public Hearing.

On a roll call vote the vote was as follows with Vice Chari Fraleigh declaring the request DENIED. 3 - 3.

Yeas: 3 - Daniel, Councilmember Nelson, and Madigan

Nays: 3 - DeVarti, Fraleigh, and Goode

Absent: 2 - Chair Briere, and Grant

BOARD DISCUSSION:

Julia Goode stated criteria for variants not being met and based on the current voting rules, will have to vote no on the request.

DeVarti, in agreement with Goode, stated proposed item did not meet criteria for variance request and that he will have to vote against the request.

- E - 2.** [22-1287](#) ZBA22-2013; 413 South Division Street
Chris and Dennis Vessels, property owners are requesting relief from Section 5.32.2 Alteration to a Nonconforming Structure to create habitable living space in the basement of a six unit seven bedroom rental home. The renovation project will reduce the number of units from six units to four units while increasing the number of bedrooms to 20. The exterior of the property will be adding permanent Public Bicycle Parking to the site, as well as an Outdoor Public Bicycle Pump Station to the front of the house for use by all residents and City of Ann Arbor Bicyclists on the adjacent Division Street Bikeway. The property is zoned R4C, Multiple-Family Dwelling District and is nonconforming for lot area, lot width and setbacks.

Attachments: ZBA22-2013; 413 S Division St Staff Report.pdf, 413 S Division St Zoning Map.pdf, 413 S Division St Aerial Map.pdf, 413 S Division St Aerial Map Zoom.pdf, 413 S Division Survey.pdf, 413 S Division - Elevations.pdf, 413 S Division- Floorplans.pdf, 413 S DIVISION SITE PLAN

REVISED (Bike Pump Station).pdf

Moved by DeVarti Seconded by Council Member Elizabeth Nelson.

The Zoning Board of Appeals hereby GRANTS relief from Section 5.32.2 Alteration to a Nonconforming -Structure to allow new habitable space in the basement of an existing nonconforming rental structure. The new basement unit will create habitable living space in a six unit seven bedroom rental home. The renovation project will reduce the number of units from six to four units while increasing the number of bedrooms to 20. The construction must comply with the submitted plans.

ZBA22-2013; 413 South Division Street

Chris and Dennis Vessels, property owners are requesting relief from Section 5.32.2 Alteration to a Nonconforming Structure to create habitable living space in the basement of a six unit seven bedroom rental home. The renovation project will reduce the number of units from six units to four units while increasing the number of bedrooms to 20. The exterior of the property will be adding permanent Public Bicycle Parking to the site, as well as an Outdoor Public Bicycle Pump Station to the front of the house for use by all residents and City of Ann Arbor Bicyclists on the adjacent Division Street Bikeway. The property is zoned R4C, Multiple-Family Dwelling District and is nonconforming for lot area, lot width and setbacks.

APPLICANT/REPRESENTATIVE:

Chris Vessels, owner, presented the proposed request.

PUBLIC HEARING:

Seeing no speakers Vice Chair Fraleigh closed the Public Hearing

On a roll call vote the vote was as follows with Vice Chair declaring the request APPROVED. 6 - 0.

Yeas: 6 - DeVarti, Daniel, Councilmember Nelson, Fraleigh, Goode, and Madigan

Nays: 0

Absent: 2 - Chair Briere, and Grant

E - 3. [22-1288](#) ZBA22-2009; 107 Valhalla Drive (Postponement Requested)

McIntosh Poris Associates is requesting a variance from Section 5.19.1 (A) Parking Standards Applicability. A variance of 99 vehicle parking spaces for this multi-family housing development. Proposed vehicular parking

reduction: parking ratio of 1.28 parking spaces per unit (576 spaces) proposed versus 1.5 parking spaces per unit (675 spaces) required by Chapter 66, Unified Development Code.

Attachments: MEMO ArbourMain Postpone.pdf

- E - 4.** **22-1289** ZBA22-2014; 3365 Washtenaw Avenue
Kevin Deters, Metro Detroit Signs, is requesting relief from Section 5.24.5B(2) Height, Placement, and Number to allow two wall signs on the south and west side of the building to exceed the allowed height requirement of 20 feet for wall signs. The applicants are seeking a 10 foot variance to allow the two wall signs to be installed 30 feet above grade. The site, also known as Chalmers Place, is zoned C3, Fringe Commercial District.

Attachments: ZBA22-2014; 3365 Washtenaw Staff Report.pdf, 3365 Washtenaw Ave Zoning Map.pdf, 3365 Washtenaw Ave Aerial Map.pdf, 3365 Washtenaw Ave Aerial Map Zoom.pdf, 3365-Washtenaw--Engineering_v1.pdf, 3365-Washtenaw--3365-Washtenaw--Renderings_v1_v1.pdf

Moved by Devarti Seconded by Madigan in Petition of ZBA22-2014; 3346 Washtenaw.

Based on the following findings and in accordance with the established standards for approval, the Zoning Board of Appeals hereby GRANTS a 10 foot variance from Section 5.24.5B (2) to allow two wall signs to be installed 30 feet above grade. The signs are to be installed on the south and west sides of the building in accordance with the submitted plans.

Allowing the variance will result in substantial justice being done.

ZBA22-2014; 3365 Washtenaw Avenue

Kevin Deters, Metro Detroit Signs, is requesting relief from Section 5.24.5B(2) Height, Placement, and Number to allow two wall signs on the south and west side of the building to exceed the allowed height requirement of 20 feet for wall signs. The applicants are seeking a 10 foot variance to allow the two wall signs to be installed 30 feet above grade. The site, also known as Chalmers Place, is zoned C3, Fringe Commercial District.

APPLICANT/REPRESENTATIVE:

Paul Deters, representing the property owners presented the proposed request.

PUBLIC HEARING:

Seeing no speakers Vice Chair Fraleigh closed the Public Hearing

On a roll call vote the vote was as follows with Vice Chair declaring the request DENIED. 4 - 2.

Yeas: 2 - Goode, and Madigan

Nays: 4 - DeVarti, Daniel, Councilmember Nelson, and Fraleigh

Absent: 2 - Chair Briere, and Grant

BOARD DISCUSSION:

Madigan states he doesn't think the request meets a single one of the variant standards so he is going to vote against the request.

E - 5. **22-1290** ZBA 22-2017; 1301 Morningside Drive

Dave & Pamela Gee, A Child's Place LLC, property owner, is requesting an eight parking space variance from Section 5.16.2.B.1.b of the Unified Development Code which requires one off-street parking space for each caregiver at a Child Care Center. If granted, the site would provide two City Code compliant parking spaces where ten would be typically required. The property is zoned R1C Single-Family Residential and the owner is proposing a new child care center.

Attachments: ZBA22-2017; 1301 Morningside Staff Report.pdf, 1301 Morningside Dr Zoning Map.pdf, 1301 Morningside Dr Aerial Map.pdf, 1301 Morningside Dr Aerial Map Zoom.pdf, 1301 Morningside ZBA Application.pdf, 1301-Morningside--1301 Morningside site survey_v2 (2).pdf, 1301 Morningside Variance Standards.pdf, Comments pertaining to ZBA 22-2017; 1301 Morningside Drive.pdf

Moved by DeVarti Seconded by Madigan in Petition of ZBA22-2017; 1301 Morningside Drive.

Based on the following findings and in accordance with the established standards for approval, the Zoning Board of Appeals hereby GRANTS an eight parking space variance from Section 5.16.2 (B) 1.b for the proposed child-care center. Proposed vehicular parking space reduction from ten required spaces to two parking spaces.

ZBA 22-2017; 1301 Morningside Drive

Dave & Pamela Gee, A Child's Place LLC, property owner, is requesting an eight parking space variance from Section 5.16.2.B.1.b of the Unified Development Code which requires one off-street parking space for each caregiver at a Child Care Center. If granted, the site would provide two City Code compliant parking spaces where ten would be typically required. The property is zoned R1C Single-Family Residential and the owner is proposing a new child care center.

APPLICANT/REPRESENTATIVE:

Dave Gee, owner, presented the proposed request.

PUBLIC HEARING:

Julie Pfeiffer, 1511 Hill Ridge Boulevard spoke in person in opposition of the variance request.

Vanda Shadigian, 1315 Morningside Drive, via phone, spoke in opposition of the variance request.

John [inaudible], 1235 Morningside Drive, spoke in person in support of the variance request.

Seeing no additional speakers Vice Chair Fraleigh closed the Public Hearing

On a roll call vote the vote was as follows with Vice Chair Fraleigh declaring the request APPROVED. Vote 6 - 0.

Yeas: 6 - DeVarti, Daniel, Councilmember Nelson, Fraleigh, Goode, and Madigan

Nays: 0

Absent: 2 - Chair Briere, and Grant

F. UNFINISHED BUSINESS

G. NEW BUSINESS

H. COMMUNICATIONS

H - 1. [22-1291](#) Various Communication to the ZBA

Received and Filed.**I. PUBLIC COMMENTARY**

No Speakers

J. ADJOURNMENT

Madigan moved all commissioners seconded with a unanimous vote to adjourn the meeting at 7:50 pm.

Christopher Fraleigh, Vice 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, City Council has established a regulation that all in-person attendees at meetings are required to wear a mask. See the Mask Requirement signage that is posted throughout City Hall. 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 - Required in Council Chambers. Masks are available at the guest services desk in the lobby of Larcom City Hall.

Physical Distancing - Individuals should be physically distanced from one another at least 6 feet.

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.