



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 2, 2020

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: 943 8241 9218

A CALL TO ORDER

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

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

Moved by DeVarti, seconded by Daniel, approved unanimously as presented.

D APPROVAL OF MINUTES

D-1 [20-1794](#) Minutes of the October 28, 2020 ZBA Meeting

Attachments: 10-28-2020 ZBA Minutes .pdf

Moved by Fraleigh, seconded by DeVarti, approved unanimously 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 943 8241 9218 . 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** **20-1788** ZBA20-022; 18 Heatheridge Avenue (returning from 10/28/2020 ZBA Meeting)
Ibrahim Shunnar, property owner, is seeking to alter a nonconforming structure and is requesting relief from Section 5.32.2 Nonconformities. The owner is proposing to construct a 260 (20'x13') square foot sunroom at the back of the existing residence that will be 21.87 feet from the rear lot line if approved. The property is zoned R1B Single-Family and requires a minimum rear yard setback of 40 feet. The single-family dwelling is currently 21.87 feet from the rear lot line.

Attachments: ZBA20-022; 18 Heathridge Ave Staff Report with Attachments.pdf

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

Boardmember Chris Fraleigh clarified the request.

Boardmember Dave DeVarti inquired about the permitting process.

Barrett answered that the permit will be flagged to ensure compliance with the ZBA ruling.

Councilmember Elizabeth Nelson discussed the placement of the proposed addition in relation to the neighboring properties.

PRESENTATION BY PETITIONER

Ibraheem Shunnar, property owner, explained the proposed request.

PUBLIC HEARING

Caller ending in 191, (name and address unknown) expressed opposition to the proposed project.

Seeing no further callers, Chair Briere closed the Public Hearing.

Moved by DeVarti, seconded by Wilson in petition ZBA20-022; 18 Heatheridge Avenue

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 260 (20'x13') square foot sunroom at the back of the existing residence that will be located 21.87 feet from the rear lot line.

BOARD DISCUSSION

The board discussed the surrounding properties and the standards for granting an alteration.

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

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

Nays: 0

E-2 **20-1789** ZBA20-024; 1912 Anderson Avenue
Catherine McCune, property owner, is requesting a variance from Table 5.17-1 Single-Family Residential Zoning District Dimensions. The owner is proposing to connect the existing detached garage to the residence with a 126 square foot addition that will expand the kitchen and add a mudroom. The property is zoned R1B and requires a five-foot side setback and a 14-foot total setback for both sides. The project will require a four-inch variance on the east side of the property and an overall four-foot total variance for both sides.

Attachments: ZBA20-024; 1912 Anderson Ave Staff Report with Attachments.pdf

Barrett presented the Staff Report.

Boardmember Fraleigh inquired about the need for a variance.

Barrett answered that a variance is required due to the request for an accessory building to be attached to a principal structure.

Boardmember Goode explained that most of the neighbors on the block had attached garages.

Boardmember DeVarti discussed alternative plans.

PRESENTATION BY PETITIONER

Lynden Kelly, property owner, explained the proposed project.

PUBLIC HEARING

Ramji Kaul, 1907 Crestland Drive, Ann Arbor, expressed support for the proposed variance request.

Seeing no further callers, Chair Briere closed the Public Hearing.

**Moved by Eisenmann, seconded by Fraleigh, in petition ZBA20-024;
1912 Anderson 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 Table 5.17-1 Single-Family Residential Zoning District Dimensions.

A variance of four inches on the east side and four feet overall for both sides to allow a connection of an existing detached garage and residence that will accommodate a kitchen expansion and mudroom.

BOARD DISCUSSION

The Board discussed the standards for granting the variance and the scope of the project.

Boardmember Mike Daniel stated for the record that he remains objective in his decision regarding this variance request despite having gone to law school with the caller who spoke during the Public Hearing.

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

- E-3** **20-1790** ZBA20-025; 1802 North Maple Road
Chris Childs of Tri-County Builders, representing property owner, is requesting relief from Section 5.32.2 Alteration to a Nonconforming Structure to allow for a (20'x13'4") 266 square foot addition to the rear of an existing Single-Family residence. The new construction will accommodate a bedroom and bathroom. The property is zoned R1C Single-Family Residential and currently does not meet the side setback requirement of five feet. The proposed addition will not encroach further into the side setback than the existing south side of the home.

Attachments: ZBA20-025; 1802 N Maple Rd Staff Report with Attachments.pdf

Barrett presented the Staff Report.

Boardmember Fraleigh inquired about the history of the property.

PRESENTATION BY PETITIONER

Chris Childs, with Tri County Builders, representing the property owner, presented the proposed project and explained the existing conditions of the site.

PUBLIC HEARING

Seeing no callers, Chair Briere closed the Public Hearing.

**Moved by DeVarti, seconded by Fraleigh, in petition ZBA20-025;
1802 North Maple Road**

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 266 (20'x13'4") square foot addition at the rear of an existing residence. The addition is to be located 4.2 feet from the side lot line.

BOARD DISCUSSION:

The board discussed the proposed request.

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

the alteration request granted.

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

Nays: 0

- E-4** **20-1791** ZBA20-026; 2540 Londonderry Road
KLA Development, representing property owner, are requesting two variances and three Alterations to a Nonconforming Structure. The first variance request is from Section 5.21.2B to allow for a third driveway curb cut that will create a circular drive along the Londonderry right of way. The second variance is from Section 5.26.2 (A1) Fences to allow a six-foot tall 100% opaque fence in the front yard. The three Alterations are 1) to allow a second story addition to an existing first floor that does not meet the required front and rear setbacks 2) construction of a roof over an outdoor cooking area that will encroach into the rear setback and 3) construction of a new covered front porch that will encroach into the front setback. The property is zoned R1B Single-Family Residential.

Attachments: ZBA20-026; 2540 Londonderry Staff Reports with Attachments.pdf, RE_ 2540 Londonderry.pdf

Barrett presented the Staff Report.

Councilmember Nelson discussed the conditions of the site, and the possibility of future sidewalk installation.

Boardmember Fraleigh discussed the lot configuration and building envelope.

Boardmember Grant discussed the need for a third curb cut.

Boardmember DeVarti discussed parking at the site.

Boardmember Goode expressed apprehension regarding the proposed curb cut.

Boardmember Eisenmann inquired about future implications of granting the fence variance.

Barrett explained that the Board can grant a fence variance for a specific length for the fencing that would not allow more fence than was granted in the future.

PRESENTATION BY PETITIONER

Ryan Kratz, Architect, representing the property owner, explained the proposed project.

PUBLIC HEARING

Seeing no speakers, Chair Briere closed the Public Hearing.

BOARD DISCUSSION

The board discussed the requests, expressing support for the proposed alterations, discussed alternatives for the proposed variance, and the conditions at the site.

MOTION 1

Moved by DeVarti, seconded by Wilson in petition ZBA20-026; 2540 Londonderry 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 5.21.2B Curbcuts and Driveway Approaches and Section 5.26.2 (A1) Fences to allow:

A variance to allow a third curb cut along Londonderry Road that will enable a circular driveway and a variance of two feet in height and 50% opacity to allow a four foot tall 100% opaque fence in the front yard.

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

Yeas: 0

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

MOTION 2

Moved by Wilson, seconded by Fraleigh in petition ZBA20-026 2540 Londonderry Road

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 new second story addition that encroaches four feet into the front setback and 23 feet into the rear setback. The second alteration allows for a 93 square foot roof over a new outdoor barbecue area which will not encroach further into the rear setback than the residence. The third alteration is for a new covered front porch 136 square feet in size that is further from the front lot line than the existing garage.

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

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

Nays: 0

F UNFINISHED BUSINESS

None.

G NEW BUSINESS

G-1 [20-1792](#) Approval of the 2021 ZBA Meeting Calendar

Attachments: 2021 ZBA Calendar DRAFT.pdf

Moved by Wilson, seconded by DeVarti, and unanimously approved as presented.

H COMMUNICATIONS

H-1 [20-1793](#) Various Communication to the Zoning Board of Appeals

Attachments: 1912 Anderson Neighbor Letters.pdf, 1802 N Maple Neighbor Letter.pdf, Email from Wolf.pdf, Email from

Turner-Sheerin.pdf, Letter from Kim.pdf

Received and Filed

I PUBLIC COMMENT - (3 Minutes per Speaker)

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Seeing no speakers, Chair Briere closed Public Comment.

J ADJOURNMENT

Moved by Nelson, seconded by Fraleigh to adjourn the meeting at 8:14 p.m.

Approved Unanimously.

These meetings are typically broadcast on Ann Arbor Community Television Network Comcast 16 / AT&T 99 live at 6:00 p.m. on the fourth Wednesday of the month. Recent meetings can also be streamed online from the CTN Video On Demand page of the City's website <https://a2gov.org/watchctn> . The complete record of this meeting is available in video format at <https://a2gov.org/watchctn>, or is available for a nominal fee by contacting CTN at (734) 794-6150.

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