



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, September 27, 2017

6:00 PM

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

A **CALL TO ORDER**

Chair Candice Briere called the meeting to order at 6:02 p.m.

B **ROLL CALL**

Chair Briere called the roll.

Present: 7 - Candice Briere, David DeVarti, Kirk Westphal, Michael Dobmeier, Michael B. Daniel, Nicole Eisenmann, and Todd Grant

Absent: 2 - Heather Lewis, and Julie Weatherbee

C **APPROVAL OF AGENDA**

Approved unanimously as presented.

D **APPROVAL OF MINUTES**

Approved unanimously as presented.

D-1 **17-1238** August 23, 2017 ZBA Minutes with Live Links

Attachments: 8-23-2017 ZBA Minutes with Live Links.pdf

Approved by the Board and forwarded to the City Council.

E **HEARINGS AND APPEALS**

Public Hearings: Individuals may speak for three minutes. Please state your name and address for the record.

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 petitioner's property and the extent to which a proposed project may positively or negatively affect the area.

- E-1** **17-1365** ZBA17-026; 710 Taylor Street
Elizabeth Vandermark, owner, requests two (2) variances from Chapter 55 Zoning Section 5:28. A variance of three (3) feet in the front yard and two (2) feet in the rear yard is being requested. The front yard setback requirement is 19 feet six (6) inches and the rear yard setback requirement is 30 feet. The owners are seeking to construct a 915 square foot addition to the side of their existing 1100 square foot home.

Attachments: Staff Report for ZBA17-026 710 Taylor St with Attachments .pdf, 710 Taylor Street ZBA Variance 2006.pdf

City of Ann Arbor Zooning Coordinator, Jon Barrett, presented the following staff report.

SUMMARY:

Elizabeth Vandermark, property owner, requests two (2) variances from Chapter 55 Zoning Section 5:28. A variance of three (3) feet in the front yard and two (2) feet in the rear yard is being requested. The front yard setback requirement is 19 feet six (6) inches and the rear yard setback requirement is 30 feet. The owners are seeking to construct a 915 square foot addition to the rear of their existing 1,100 square foot home.

BACKGROUND:

The property is zoned R1C, single-family residential and is located on a corner lot that fronts Taylor Street and Pear Street directly across from Northside Park. The property received a variance on June 28, 2006 to reduce the Pear Street setback from 25' to 19'6". Applicants did not receive a rear yard variance at that hearing and are requesting a 2 (two) foot variance in the rear yard for the proposed addition.

DESCRIPTION:

The new addition will be 16' x 24' and contain two stories with a total height of 27' 6". The addition will contain a bathroom, three bedrooms and a new entry area for the house. It will be sited at the rear of the property and will encroach towards the Pear Street road frontage.

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 owners contend that the existing 1100 square foot, three (3) bedroom one (1) bath home has been outgrown for their family of five (5). The home is on a corner lot and has two (2) front setbacks and due to the existing driveway and garage the siting of the addition is difficult without a variance.

(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.

The house is small compared to others in the surrounding neighborhood and granting the variance will allow for this addition to be completed and the residence will then be more compatible to the rest of the neighborhood.

(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 neighborhood has a variety of styles and setbacks and the proposed addition will add to the diversity of the area.

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

Due to the long narrow shaped corner lot and having two front setbacks, the buildable area to the east is limited to a two (2) foot area.

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

The variance requested is minimal in size and will not have a negative

impact on the adjacent properties. The property is heavily vegetated and the addition will not be highly visible from the public street.

QUESTIONS BY BOARD TO STAFF:

Boardmember Todd Grant inquired if the applicant was granted a rear variance when they came before the Zoning Board of Appeals in 2006.

Barrett answered, no.

Boardmember Dave DeVarti inquired about the floor plan for the second floor of the requested addition.

Barrett explained that there will be two bedrooms on the second floor.

PRESENTATION BY PETITIONER:

Elizabeth Vandermark, 710 Taylor Street, property owner, explained her application. She described that the variance will allow more space for her family, make the house more modern and therefore more marketable, allow the home to be more energy efficient, and become more similar to houses in her neighborhood.

DeVarti described his familiarity with the neighborhood where the variance is requested. He inquired about the positioning of the proposed addition.

Vandermark answered that due to fire code requirements they are avoiding building the addition too close to the garage. She added that she is also trying to create a mudroom entrance because at this time the main entrance is through the kitchen.

Boardmember Mike Dobmeier inquired about the proximity of the applicant's previous design to the garage.

Vandermark answered that the previous design was closer to the garage.

DeVarti asked if the applicant is working with an architect for the addition.

Vandermark answered that she is an architect.

List of Exhibits Presented:

*Email from Coon, 717 John A Woods Drive, Ann Arbor, Support
Email from Shea, 803 John A Woods Drive, Ann Arbor, Support
Email from Strickland and Michener, 1622 Pontiac Trail, Ann Arbor,
Support*

**Moved by DeVarti, seconded by Eisenmann, in Petition ZBA17-026;
710 Taylor 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
5:28, Area, Height and Placement regulations to allow:**

**A 915 square foot addition to be constructed at the rear of the home.
A variance of three (3) feet in the front yard (Pear St side) and a two
(2) foot variance in the rear yard. The new setback on Pear Street
will be 16'6" and the rear yard setback will be 28'. The addition is to
be constructed 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:

***The Board took into consideration the presented application and
discussed the matter.***

**On a roll call vote, the vote was as follows, with the chair declaring
the motion denied. Vote 0-7**

Variance DENIED.

Yeas: 0

Nays: 7 - Chair Briere, DeVarti, Councilmember Westphal, Vice Chair Dobmeier, Daniel, Eisenmann, and Grant

Absent: 2 - Lewis, and Weatherbee

- E-2** [17-1369](#) ZBA17-027; 1420 East Stadium Boulevard
Quatro Construction LLC, representing Circle K, are requesting a variance from Chapter 61 Section 5:502.2.b. in order for a 19 foot tall detached identification sign to remain in its current location. The sign is required to be two (2) feet behind the property line for every foot in height. A variance of 35.21 feet along Stadium Boulevard and a 31.75 foot variance along Packard Street will be required in order for the sign to complete a face change and remain at the corner of this intersection.

Attachments: Staff Report for ZBA17-027 1420 E Stadium (Circle K) with Attachments .pdf

City of Ann Arbor Zoning Coordinator, Jon Barrett, provided the following staff report.

SUMMARY:

A variance from Chapter 61 (Signs and Outdoor Advertising) of 35.21 feet from the required setback of 38 feet for a detached identification sign along East Stadium Boulevard. A variance of 31.75 along the Packard Street side is also required for the sign.

DESCRIPTION AND DISCUSSION:

The site is located on the southwest corner of East Stadium Boulevard and Packard Road.

The petitioner seeks to demolish the existing 2,360 square foot gas station/convenience store building and construct a new 4,000 square foot, single-story gas station and convenience store with four gasoline dispensing pumps capable of servicing 8 cars. The gasoline pumps will be covered by a 24 foot by 95 foot building canopy. There will be 14 vehicle parking spaces provided for the convenience store, plus an additional 8 spaces for vehicles at the gas pumps. A total of 2 Class C bicycle spaces (1 bicycle hoop) will be located along the northeast side of the building and adjacent to the sidewalk leading to Packard. There are currently 4 curb cuts leading to the site, two curb cuts will be removed as a result of this project.

The site currently has an existing identification sign with a digital sign face. The petitioner plans on re-facing the digital cabinet and replacing with an LED (light emitting diode) cabinet and a new Circle K cabinet and logo. The structural components of the sign will remain the same, only the cabinets will be replaced.

The City's Traffic Engineer has reviewed and supports the variance requests as proposed. The petitioner was seeking to erect a monument style sign in the same location as the existing sign, however, after an on-site inspection with the traffic engineer it was determined that the current pylon style sign was more appropriate for the traffic conditions. A monument style sign would block vision for motorists at the intersection and pedestrians would be hidden behind this style of sign.

Standards for Approval - Chapter 55 (Zoning) 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 site currently has two zoning designations P (Parking) and C3 (Fringe Commercial). The western approximately one third of the site is zoned P. There is also a unique deed restriction filed with the existing gas station construction, the area zoned P cannot contain a structure of any type and must remain parking until said deed restriction is released. As a result, the building and gas canopy must be constructed on the remaining eastern two thirds of the site which is zoned C3. The site has spent several years in the planning stages and the proposed site layout is an outcome to address neighbors and petitioners concerns. This layout design has resulted in limited sign location possibilities.

(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 existing location of the sign is the best case scenario for the owner and failure to grant the variance would result in the sign needing to be removed.

(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 granted, the new LED style sign will draw less power than the existing sign. The sign and the conditions are existing, the only change will be the style and design of the sign.

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

As mentioned previously, a deed restriction placed in the 1950s on the property limits the area available on the site for construction of any structure. The site is small and located on a corner lot which limits possible locations for signage of this type.

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

The variance requested allows the sign to remain in its current location which is reasonable due to site layout and traffic concerns

QUESTIONS BY BOARD TO STAFF:

DeVarti asked if a small sign that was seen in the staff presentation is a legal sign.

Barrett answered, no.

Boardmember Mike Dobmeier asked if anything is changing about the sign except the exterior cabinets.

Barrett answered, no. He added that it is favorable to allow the sign to remain the same to allow a clear line of vision around the corner where the sign is located. He added that sign was erected in the early 1970s.

Boardmember Kirk Westphal inquired about the height of the sign and the canopy. He inquired further about installing a monument sign.

Barrett answered that the sign is 19 feet and the canopy is 17 feet. Barrett explained that it was the recommendation of the traffic engineer to allow the sign to remain as is to allow a clear line of site around the corner of the gas station.

DeVarti inquired about signs on the gas station.

Barrett answered that the sign package is currently being reviewed.

PRESENTATION BY PETITIONER:

Rich Lawrence, Director of real-estate for Circle K, explained that their intention is to maintain the sign that they have already while making minor improvements. He added that it has been a three year process working with a site plan, the city, and the neighborhood and this is the best they have come up with.

Westphal inquired about properties where the signs are connected to the canopy or not freestanding.

Lawrence answered, that he has seen them but there are none in his portfolio.

PUBLIC HEARING:

Garrett Scott, 1421 Iroquois Place, expressed support for the proposed variance request. He added that the sign is at the furthest point possible from residential properties and that the current sign placement is what is safest for the neighborhood.

LIST OF EXHIBITS PRESENTED:

None.

**Moved by DeVarti, seconded by Dobmeier, in Petition ZBA17-027;
1420 E. Stadium Boulevard, Variance:**

Based on the following findings of fact and in accordance with the established standards for approval, the Zoning Board of Appeals hereby GRANTS two variances from Chapter 61, Section 5:502 (2)(b) (Ground signs) to allow a fifteen (15) foot tall sign to be installed six (6) feet six (6) inches from the Washtenaw Avenue property line and twenty-eight feet (28) three (3) inches from the Yost Boulevard property line.

a) That the alleged hardships or practical difficulties, or both, are peculiar to the property of the person requesting the variance and result from conditions which do not exist generally throughout the City.

b) 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.

On a roll call vote, the vote was as follows, with the chair declaring the motion granted. Vote 6-1

Variance GRANTED.

Yeas: 7 - Chair Briere, DeVarti, Councilmember Westphal, Vice Chair Dobmeier, Daniel, Eisenmann, and Grant

Nays: 0

Absent: 2 - Lewis, and Weatherbee

F **NEW BUSINESS**

None.

G **UNFINISHED BUSINESS**

None.

H **REPORTS AND COMMUNICATIONS**

H-1 [17-1366](#) Various Correspondence to the ZBA

Attachments: Email from Coon- Support.pdf, Email from Shea-Support.pdf, Email from Strickland & Michener-Support.pdf

Received and Filed

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

None.

(Please state your name and address for the record and sign in)

J **ADJOURNMENT**

Moved by Westphal, seconded by Daniel to adjourn the meeting at 7:09 p.m. On a voice vote, the Chair declared the meeting unanimously adjourned.

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Candice Briere
Chairperson of the Zoning Board of Appeals
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