



# 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](http://a2gov.legistar.com/Calendar.aspx)

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Wednesday, August 28, 2019

6:00 PM

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

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**A CALL TO ORDER**

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

**B ROLL CALL**

Chair Briere called the roll.

**Present:** 9 - Candice Briere, David DeVarti, Michael B. Daniel, Nicole Eisenmann, Todd Grant, Julie Weatherbee, Charlotte Wilson, Elizabeth Nelson, and Megan Peters

**C APPROVAL OF AGENDA**

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

**D APPROVAL OF MINUTES**

**D-1** [19-1515](#) Zoning Board of Appeals Meeting Minutes of July 31, 2019

**Attachments:** 7-31-2019 ZBA Minutes .pdf

Moved by Grant, seconded by Wilson, approved unanimously as  
presented and forwarded to the City Council.

**E PUBLIC HEARINGS**

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** [19-1641](#) ZBA19-020; 827 East University  
Daniel Jones, property owner, is proposing to construct a new bedroom in

an existing nonconforming two-family residence. Section 5.32.2 Nonconforming Structure requires approval from the Zoning Board of Appeals for any new floor area being fit for occupancy. The property is zoned R4C Multiple Family Dwelling.

**Attachments:** ZBA19-020 827 E University Staff Report with Attachments.pdf

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

#### QUESTIONS FROM BOARD TO STAFF

*None.*

#### PRESENTATION BY PETITIONER

*Rob Boroughs, representing the petitioner, discussed that in 2017 the home was purchased under the blight ordinance, and the owner has made significant improvements. He explained that the building footprint will not change, and that the basement dwelling unit will be completely code compliant with building and rental housing standards.*

#### PUBLIC HEARING

*Seeing no speakers, Chair Briere closed the Public Hearing.*

**Moved by Daniel, seconded by DeVarti, in petition ZBA19-020; 827 E University**

#### **Alteration to a Nonconforming Structure:**

**Based on the following findings of fact and in accordance with the established standards for approval the Zoning Board of Appeals hereby grants permission from Section 5.32.2 to alter a non-conforming structure, per submitted plans.**

**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.**

#### BOARD DISCUSSION

*Boardmember Todd Grant expressed support for the proposed 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, Weatherbee, Wilson, Councilmember Nelson, and Peters

**Nays:** 0

**E-2**      **19-1642**      ZBA19-021; 807 South Division Street  
UM Ann Arbor Properties LLC, are proposing to construct a second story addition to the existing nonconforming single-family residence. Section 5.32.2 Nonconforming Structure requires approval from the Zoning Board of Appeals for any new floor area being fit for occupancy. The new addition will not further encroach into the rear yard setback than the existing first floor. The property is zoned R4C.

**Attachments:**      ZBA19-021 807 S Division Staff Report with Attachments.pdf

*Barrett presented the Staff Report*

#### QUESTIONS FROM BOARD TO STAFF

*Boardmember Dave DeVarti inquired about parking at the site. Barrett answered that there is a curb cut shown on the survey.*

#### PRESENTATION BY PETITIONER

*Susan Darcy, property owner, explained that the nonconformity will not be increased, and the footprint will not be changed, and the lot is small and therefore the building envelope is small. She explained that the property has been vacant since 2015. She explained that there will be no impact to surrounding properties because the surrounding properties are parking lots. She explained that due to the conditions of the site there are no other options for improvements without getting permission to alter the structure or a variance. .*

*DeVarti inquired about how many parking spaces would be provided.*

*Darcy explained that there will be at least two spaces, possibly more.*

**Moved by Nelson, seconded by Daniel, in Petition ZBA19-021; 807 S**

**Division****Alteration to a Nonconforming Structure:**

**Based on the following findings of fact and in accordance with the established standards for approval the Zoning Board of Appeals hereby grants permission from Section 5.32.2 to alter a non-conforming structure, per submitted plans.**

**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.**

*BOARD DISCUSSION:*

*The Board discussed the standards for granting approval.*

**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, Weatherbee, Wilson, Councilmember Nelson, and Peters

**Nays:** 0

**E-3**      [19-1643](#)      ZBA19-022; 2335 Hill Street  
Susan Edwards, property owner, is requesting an 18 foot six inch variance from the rear yard setback. The property is zoned R1A, Single Family Dwelling and requires a 50 foot rear yard setback. The owners are proposing to construct a 21'x12'4" sunroom with a connecting mudroom to the rear of the residence.

**Attachments:**      ZBA19-022; 2335 Hill Street Staff Report with Attachments.pdf

*Barrett presented the Staff Report.*

*QUESTIONS FROM BOARD TO STAFF*

*None.*

*PRESENTATION BY PETITIONER*

*Susan Edwards, property owner, explained that only two feet will be added to the existing structure. She explained that her neighbors who would be*

*affected signed a petition in support. She explained that the lots and lot sizes in her neighborhood are unusual.*

*Eisenmann inquired about the reason for the extra two feet*

*Edwards explained that the existing piece does not have footings and that since the work is being done, she would like to create the most usable space.*

**PUBLIC HEARING**

*Seeing no speakers, Chair Briere closed the Public Hearing.*

**Moved by DeVarti, seconded by Grant, in Petition ZBA19-022; 2335 Hill St**

**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 variance from Chapter 55 Unified Development Code Table 5:17-1 Single Family Zoning District.**

**A variance of 18 feet six inches from the 50 foot rear setback to allow construction of a new sunroom and connecting mudroom. The construction is to be built 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.**

*The Board discussed the standards for granting approvals as they related to the proposed variance.*

**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, Weatherbee, Wilson, Councilmember Nelson, and Peters

**Nays:** 0

- E-4**      [19-1644](#)    ZBA 19-023; 410 South Division Street  
Scott Klaassen, representing the owner, is proposing to convert a third floor attic space for two bedrooms. The existing rental property has four units. The owners are reducing the number of units to two. The first floor unit will contain four bedrooms and the second and third story unit will contain six bedrooms. The property is zoned R4C, Multiple Family Dwelling and located in the East William Street Historic District. There will be no exterior changes to the structure.

**Attachments:**    ZBA19-023; 410 S Division St Staff Report with Attachments.pdf, 410 S Division Attic Photos -Received 8-25-2019 .pdf

*Barrett answered that there is parking on the side of the house.*

#### *PRESENTATION BY PETITIONER*

*Scott Klaassen, representing the petitioner, explained the proposed work. He explained that the attic space is partially finished. He explained that the area is high density, the neighboring properties have 3 floor units. He explained that the house will have safety improvements after the finishes are completed.*

*DeVarti inquired about parking.*

*Klaassen answered that there are spaces for two units and that many renters in this area do not have cars.*

#### *PUBLIC HEARING*

*Seeing no speakers, Chair Briere closed the Public Hearing*

**Moved by Eisenmann, seconded by Grant, in Petition ZBA19-023;  
410 S Division**

**Alteration to a Nonconforming Structure:**

**Based on the following findings of fact and in accordance with the**

established standards for approval the Zoning Board of Appeals hereby grants permission from Section 5.32.2 to alter a non-conforming structure, per submitted plans.

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.

*BOARD DISCUSSION*

*The Board expressed support for the variance, due to the standards being met and the improvements proposed.*

**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, Weatherbee, Wilson, Councilmember Nelson, and Peters

**Nays:** 0

**F UNFINISHED BUSINESS**

**G NEW BUSINESS**

**H COMMUNICATIONS**

**H-1 [19-1516](#) Various Communication to the ZBA**

**Attachments:** Letter regarding 2335 Hill Street.pdf, Map Submitted during Public Commentary .pdf

**Received and Filed**

**I PUBLIC COMMENTARY - (3 MINUTES PER SPEAKER)**

*Susan Sacks, neighbor to 2335 Hill Street, submitted an easement map for the record.*

**J ADJOURNMENT**

**Unanimously adjourned at 6:44 p.m.**

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