



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, February 23, 2022

6:00 PM

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

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For access via zoom, please click this URL to join: [https://a2gov.zoom.us/j/93816481007?](https://a2gov.zoom.us/j/93816481007?pwd=Tm1abDFtRnJ3SXZ0L2FvMWNBMIh6dz09)
pwd=Tm1abDFtRnJ3SXZ0L2FvMWNBMIh6dz09 Passcode: 070269

A CALL TO ORDER

Chair Candice Briere called the meeting to order at 6:04 PM

B ROLL CALL

Staff Present:

Jon Barrett, City of Ann Arbor Zoning Coordinator

Chris Cheng, City of Ann Arbor City Planner

Matt Kowalski, City of Ann Arbor City Planner

Kristen Vander Lugt, City Staff

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

Absent: 1 - Todd Grant

C APPROVAL OF AGENDA

Public Hearing Item E-8 was placed before item E-1.

Approved unanimously.

D APPROVAL OF MINUTES**D-1** [22-0146](#) Minutes of the December 1, 2021 ZBA Meeting**Attachments:** 12-1-2021 ZBA Minutes.pdf

Moved by Goode, seconded by DeVarti, approved unanimously as presented and forwarded to the City Council.

E PUBLIC HEARINGS**E-8** [22-0342](#) ZBA22-003; 140 Hill Street
Mark Schroeder, property owner & developer, is requesting A 15 foot variance and associated landscaping from Section 5.20.4 (B) Conflicting Land Use Buffers. The property is zoned R4C, Multiple-Family Dwelling District. The property has an existing shared driveway along the west property line with 132 Hill Street where the conflicting land use buffer cannot be met.**Attachments:** ZBA22-004; 140 Hill St Staff Report with Attachments.pdf

Chris Cheng presented the Staff Report.

PRESENTATION BY PETITIONER:

Property owner Mark Schroeder and Kathy Keinath, with Macon Engineering explained the variance request.

PUBLIC HEARING:

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

Moved by DeVarti, seconded by Fraleigh in Petition ZBA22-003 140 Hill Street:

Based on the following findings and in accordance with the established standards for approval, the Zoning Board of Appeals hereby GRANTS a fifteen foot variance from Chapter 55 Unified Development Code Section 5.20.4 (B) Conflicting Land Use Buffers. The applicant is proposing to construct a new 5,600 square foot four unit apartment building. The site shares a driveway with the adjacent property where the variance is requested. The conflicting land use buffer requirement will not be required along this lot line

The practical difficulty, which will result from a failure to grant the

variance, includes substantially more than mere inconvenience and/or inability to attain a higher financial return

Allowing the variance will result in substantial justice being done, considering the public benefits of the zoning ordinance, the practical difficulties that will be suffered by a failure to grant a variance, and the rights of others whose property would be affected by allowing the variance

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

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

Nays: 0

Absent: 1 - Grant

- E-1** [22-0152](#) ZBA21-042; 1455 Kelly Green Drive (postponed from December 1, 2021) Chima Ozor, property owner, is seeking a variance from Table 5.17-1 Single-Family Residential District Dimensions in order to construct a one-story addition to the rear of the existing home. The new 290 square foot addition containing a bedroom and bathroom and is proposed to be five and a half feet from the rear lot line. The property is zoned R1C, Single-Family Residential District and requires a 30-foot rear yard setback. The home is currently 20 feet from the rear lot line.

Attachments: ZBA21-042; 1455 Kelly Green Drive Staff Report w Attachments.pdf

Jon Barrett presented the Staff Report.

PRESENTATION BY PETITIONER:

Chima Ozor, and Ina Bibi, Architect, presented the proposed request.

PUBLIC HEARING

Diane Greenly 1415 Kelly Green Drive, Ann Arbor, expressed support for the proposed variance request.

Denis Armstrong expressed support for the proposed variance request.

(First name unknown) Aduroja, expressed support for the proposed variance request.

Uche George-Nwogu, expressed support for the proposed variance.

Ndu Ozor, expressed support for the proposed variance.

Chigö Ö, expressed support for the proposed variance.

Tasneen Bowe, expressed support for the proposed variance.

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

Moved by DeVarti, seconded by Goode in petition ZBA21-042; 1455 Kelly Green Drive:

Based on the following findings and in accordance with the established standards for approval, the Zoning Board of Appeals hereby GRANTS a 24 foot six inch variance from Chapter 55 Unified Development Code Table 5.17-1 Single-Family District Dimensions. The applicant is proposing to construct an addition to the rear of the existing nonconforming residence. The addition will contain a bedroom and bathroom and is to be built per the submitted plans.

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

Yeas: 1 - Fraleigh

Nays: 5 - Chair Briere, DeVarti, Daniel, Councilmember Nelson, and Goode

Absent: 1 - Grant

- E-2** [22-0147](#) ZBA21-043; 3016 Brockman Boulevard
Forward Design Build, representing property owners, is seeking a variance from Table 5.17-1 Single Family District Dimensions in order to construct a two-story addition to the existing home. The average front setback required is 23 feet six inches. The applicants are requesting a six foot six inch variance that will allow for a new garage, expanded kitchen and a second-story master bedroom and bathroom. The property is zoned R1D, Single-Family Residential District and is located at the intersection of Brockman Boulevard and Steere Place.

Attachments: ZBA21-043; 3016 Brockman Blvd Staff Report with Attachments.pdf

Barrett presented the Staff Report.

PRESENTATION BY PETITIONER

Representative from Forward Design Build (name unknown), and Phil Tribble explained the variance request.

PUBLIC HEARING

Seeing no speakers, Chair Briere closed the Public Hearing.

**Moved by DeVarti, seconded by Fraleigh in Petition ZBA21-043;
3016 Brockman Boulevard:**

Based on the following findings and in accordance with the established standards for approval, the Zoning Board of Appeals hereby GRANTS a 6 foot 6 inch variance from Chapter 55 Unified Development Code Table 5.17-1 Single-Family District Dimensions. The applicant is proposing to construct a two-story one car garage with an expanded kitchen and a second story master bedroom and bathroom. The garage is to be built per the submitted plans.

There is practical difficulty that is exceptional and peculiar to the property and results from conditions that do not exist generally throughout the city

A variance shall be the minimum variance that will make possible a reasonable use of the land or structure

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

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

Nays: 0

Absent: 1 - Grant

- E-3** [22-0149](#) ZBA21-045; 1750 Dhu Varren Road
Howard Huang, representing property owners, is seeking two variances from Table 5.19.1 and Section 5.19.2 in order to construct a 9,161 square foot two-story multi-purpose addition to the existing church.
1. The project requires a total of 80 parking spaces and the applicant requests to provide 63 spaces, requesting a 17 space variance.
 2. The project requires 28 electric vehicle parking spaces and the

applicant is proposing to install 10 EV spaces for an 18 space variance. The property is zoned R4A Multiple-Family Residential District

Attachments: ZBA21-045; 1750 Dhu Varren Rd Staff Report with Attachments.pdf

Matt Kowalski presented the Staff Report.

PRESENTATION BY PETITIONER

Howard Huang, representing the proposed project, presented the variance request.

PUBLIC HEARING

MOTION ONE:

Moved by DeVarti, seconded by Goode, In Petition ZBA 21-045; 1750 Dhu Varren Road

A variance of 17 parking spaces from Chapter 55 Unified Development Code Section 5.19.2 Parking Standards. The applicants are constructing a 9,161 square foot two-story multi-purpose addition to an existing church that requires the additional parking spaces.

VOTE ON MOTION ONE:

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

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

Nays: 0

Absent: 1 - Grant

MOTION TWO:

Moved by DeVarti, seconded by Fraleigh in Petition ZBA21-045; 1750 Dhu Varren Road

In accordance with the established standards for approval, the Zoning Board of appeals hereby grants an 18 EV space variance from chapter 55 Unified Development Code Section 15.19.1. The applicants will install 8 electric vehicle capable spaces and 2

electrical vehicle ready spaces for a total of 10 spaces. The applicants are constructing a 9,161 square foot two-story multi-purpose addition to an existing church that requires the additional electric parking spaces.

VOTE ON MOTION TWO:

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

Yeas: 5 - Chair Briere, DeVarti, Daniel, Councilmember Nelson, and Fraleigh

Nays: 1 - Goode

Absent: 1 - Grant

- E-4** [22-0150](#) ZBA21-046; 2280 Chaucer Court
Frank and Sarah Rampton, property owners, are seeking a variance from Table 5.17-1 Single Family District Dimensions in order to complete construction on a screened porch at the rear of the existing home. The rear yard setback requirement is 30 feet and the owners are proposing the screened porch to be 21 feet from the rear lot line. The property is zoned R1C, Single-Family Residential District.

Attachments: ZBA21-046; 2280 Chaucer Court Staff Report with Attachments.pdf

Barrett presented the Staff Report.

PRESENTATION BY PETITIONER:

Frank and Sarah Rampton, property owners, presented the proposed variance request.

PUBLIC HEARING:

Jim Keene 2270 Chaucer, Ann Arbor, expressed support for the proposed variance request.

Seeing no further speakers Chair Briere closed the Public Hearing.

Moved by DeVarti, seconded by Daniel, In petition ZBA21-046; 2280 Chaucer Court:

Based on the following findings and in accordance with the established standards for approval, the Zoning Board of Appeals

hereby **GRANTS** a 9 foot variance from Chapter 55 Unified Development Code Table 5.17-1 Single-Family District Dimensions. The applicant is proposing to complete construction on a screened-in porch at the rear façade of the home. The screened porch is to be built per the submitted plans.

VOTE ON MOTION TWO:

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

Yeas: 1 - Councilmember Nelson

Nays: 5 - Chair Briere, DeVarti, Daniel, Fraleigh, and Goode

Absent: 1 - Grant

E-5 [22-0151](#) ZBA21-047; 943 Dewey Avenue
Scott Klaassen and Satch Chada, property owners, are requesting relief from Section 5.32.2 Alteration to a Nonconforming Structure to allow for new habitable space in the basement of the existing nonconforming residence. The home is currently a certified three-unit rental that is nonconforming for lot area, lot width and setbacks. The owners seek to renovate the entire structure and complete interior alterations that will not increase the number of existing units. The building footprint and setbacks will remain unchanged. The property is zoned R4C, Multiple-Family Residential District.

Attachments: ZBA21-047; 943 Dewey Ave Staff Report with Attachments.pdf

Barrett presented the Staff Report.

PRESENTATION BY PETITIONER:

Satch Chada, and Scott Klaassen, presented the proposed project.

PUBLIC HEARING:

Seeing no speakers, Chair Briere closed the Public Hearing.

Moved by Fraleigh seconded by Daniel In petition ZBA21-044; 943 Dewey 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 new habitable space in the basement of an existing nonconforming rental structure. The new basement will create a six bedroom

apartment. The building footprint and setbacks remain unchanged with no additional encroachments. The construction must comply with the submitted plans.

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

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

Nays: 0

Absent: 1 - Grant

E-6 22-0340 Enactment No:

Attachments: ZBA22-001; 2012 Washtenaw Ave Staff Report with Attachments.pdf

Moved by Fraleigh, seconded by Goode, in petition ZBA22-001; 2012 Washtenaw Avenue:

Based on the following findings and in accordance with the established standards for approval, the Zoning Board of Appeals hereby GRANTS a three foot variance from Chapter 55 Unified Development Code Section 5.16.6 (2)(C) Accessory Structures and Uses. The applicant is proposing to demolish an existing garage and replace with a three car garage to be located adjacent to the property line. The garage is to be built per the submitted plans.

ZBA22-001; 2012 Washtenaw Avenue

Stacie McNulty, property owner, is requesting a three foot variance from Section 5.16.6 (2) (C) Accessory Uses and Structures in order to construct a 747 square foot detached garage at the rear of the property. The owners will demolish the existing garage and construct a new three car garage that adjoins the property line with the neighbor. The subject property will have two bays and the adjacent property will utilize the third bay. The property is zoned R1B, Single-Family Residential.

Barrett presented the Staff Report.

PRESENTATION BY PETITIONER:

Stacie and Joshua McNulty, property owners, presented the request.

PUBLIC HEARING:

Seeing no speakers, Chair Briere closed the Public Hearing.

22-0340 Enactment No:**Received and Filed**

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

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

Nays: 0

Absent: 1 - Grant

E-7**22-0341**

ZBA22-004; 1448 Harpst Street

Timothy Risk, representing property owner, is requesting a two foot eight inch variance from Sections 5.18.1(4) Front Porches and Section 5.18.5 Averaging an Established Front Building Line in order to construct a new covered front porch. The new front porch will be approximately 77 square feet in size and does not meet the average front setback of 33 feet 9 inches. The property is zoned R1D, Single-Family Residential.

Attachments: ZBA22-004; 1448 Harpst Staff Report w Attachments.pdf

Barrett presented the staff report.

PRESENTATION BY PETITIONER

Timothy Risk, applicant, and Tracy Berman, property owner explained the variance request.

PUBLIC HEARING:

Molly Kleinman, expressed support for the proposed variance.

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

Moved by Fraleigh seconded by DeVarti, in petition ZBA22-004 1448 Harpst Street:

Based on the following findings and in accordance with the established standards for approval, the Zoning Board of Appeals hereby GRANTS a two foot eight inch variance from Chapter 55 Unified Development Code Section 5.18.1 (4) Front Porches and Section 5.18.5 Averaging an Established Front Building Line. The applicant is proposing to construct a new 77 square foot front porch that does not meet the average front setback. The porch is to be built per the submitted plans.

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

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

Nays: 0

Absent: 1 - Grant

F UNFINISHED BUSINESS

G NEW BUSINESS

H COMMUNICATIONS

H-1 [22-0153](#) Various Communication to the ZBA

Attachments: Email from Schulte and Sverdlik - 3016 Brockman Blvd.pdf, Email from Shalis - Chaucer Ct.pdf, Email from Weaverdyck regarding 3016 Brockman Blvd.pdf, Email from Davis & Lark Speyer regarding 1448 Harpst.pdf, Email from Salvette regarding 2012 Washtenaw.pdf, Email from Walda regarding 1448 Harpst.pdf, Email from Harden regarding 1455 Kelly Green .pdf, Email form Beeman - Regarding 2280 Chaucer.pdf, Email from Hubbard- 1455 Kelly Green.pdf, Email from Harden - 1455 Kelly Green.pdf, Email from Foster - 1455 Kelly Green.pdf, Email from Watkins 1455 Kelly Green.pdf, Email from Sauter- 1455 Kelly Green.pdf, Email from Rotberg 1455 Kelly Green.pdf

Received and Filed

[22-0573](#) Various Communication to the ZBA

Attachments: Email from McNaughton 943 Dewey.pdf, Email from Kleinman 1448 Harpst.pdf

Received and Filed

Received and Filed

I PUBLIC COMMENT - (3 Minutes per Speaker)

No speakers.

J ADJOURNMENT

Unanimously adjourned at 9:34 PM

Candice Briere, Chairperson

/kvl

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.

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