



City of Ann Arbor

Formal Minutes

Zoning Board of Appeals

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

Wednesday, October 25, 2017

6:00 PM

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

A **CALL TO ORDER**

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

B **ROLL CALL**

Present: 8 - Candice Briere, Heather Lewis, David DeVarti, Kirk Westphal, Michael B. Daniel, Nicole Eisenmann, Todd Grant, and Julie Weatherbee

Absent: 1 - Michael Dobmeier

C **APPROVAL OF AGENDA**

Moved by Lewis, seconded by Daniel and approved unanimously as presented.

D **APPROVAL OF MINUTES**

D-1 **[17-1584](#)** Zoning Board of Appeals Meeting Minutes of September 27, 2017

Attachments: 9-27-2017 ZBA Meeting Minutes with Live Links .pdf

Move by Westphal, seconded by Daniel and approved unanimously by the Board and forwarded to the City Council.

E **HEARINGS AND APPEALS**

E-1 **[17-1580](#)** ZBA17-028; 1810 Abbott Avenue
Scott Peacor and Kyla Boyse, property owners, are requesting a variance from Chapter 55 Zoning Section 5:57 (Averaging an existing front setback line). Applicants are seeking to construct a front porch that will be 20 feet six (6) inches wide by seven (7) feet four (4) inches deep. The existing average front setback is 23 feet and the proposed porch will be 19 feet

eight (8) inches from the front setback. Therefore, a three (3) foot four (4) inch variance is being requested from the average front setback.

Attachments: Staff Report for ZBA17-028 1810 Abbott Ave with Attachments.pdf

City of Ann Arbor Zoning Coordinator, Jon Barrett, presented the following staff report:

SUMMARY:

Scott Peacor and Kyla Boyse, property owners, are requesting a variance from Chapter 55 Zoning Section 5:57 (Averaging an existing front setback line). Applicants are seeking to construct a front porch that will be 20 feet six (6) inches wide by seven (7) feet four (4) inches deep. The existing average front setback is 23 feet and the proposed porch will be 19 feet 8 (eight) inches from the front setback. Therefore, a three (3) foot four (4) inch variance is being requested from the average front setback.

BACKGROUND:

The property is zoned R1D, single-family residential, and is located south of Jackson Avenue and east of Glendale Drive. The residence was built in 1947 and is approximately 1,500 square feet in size.

DESCRIPTION:

The new porch will be approximately 150 square feet in size and will be consistent with the architecture style and materials of the home.

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 practical difficulties 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 house two lots to the east of the subject property has a setback of 27.5 feet and affects the average for the surrounding properties significantly.

(b). That the practical difficulties will result from a failure to grant the

variance, include substantially more than mere inconvenience, inability to attain a higher financial return, or both.

Without the variance a front porch would not be possible and the owners would be unable to utilize their front open space as they intend.

(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 porch will not have a detrimental effect on the adjacent properties. The porch will be open and will not impact sight lines for the neighbors.

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

The owners state that the setbacks of their home and the surrounding homes have been established for decades and were not self-created.

(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.

QUESTIONS BY BOARD TO STAFF:

Boardmember Dave DeVarti inquired about zoning as it related to porches.

Barrett answered that when a covered stoop is 20 square feet or greater it is considered a porch.

PRESENTATION BY PETITIONER:

Scott Peacor, property owner at 1810 Abbott Avenue, explained that he is looking to build a porch to allow a greater sense of community for his family in his neighborhood. He explained that he and his wife are planning on staying in their home long term and that having a porch will improve their experience doing so.

List of Exhibits presented:

Email from Kugel, 1802 Abbott Avenue, Ann Arbor, Support

Email from Sochacki, 1815 Abbott Avenue, Ann Arbor Support

Email from Stabb, 1809 Abbott Avenue, Ann Arbor, Support

Email from Stevenson, 1812 Abbott Avenue, Ann Arbor, Support

Email from Pertosa and Zacharda, 1808 Abbot Avenue, Support

**Moved by DeVarti, Seconded by Westphal in Petition ZBA17-028;
1800 Abbott 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 5:57, Averaging an existing front setback line to allow:

A variance of three (3) feet four (4) inches in order to construct a 150 square foot front porch. The average front setback is 23 feet and the new setback will be 19 feet eight (8) inches. The front porch 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.**

BOARD DISCUSSION:

The board discussed the peculiar setback situation that the applicant is experiencing. They explained that the property adjacent to the applicant has a greater setback than neighboring properties, which skews the setback requirement for the applicant's property.

On a roll call, the vote was as follows with the Chair declaring the motion approved. Vote: 8-0

Variance GRANTED

Yeas: 8 - Chair Briere, Lewis, DeVarti, Councilmember Westphal, Daniel, Eisenmann, Grant, and Weatherbee

Nays: 0

Absent: 1 - Vice Chair Dobmeier

- E-2** [17-1581](#) ZBA17-029; 332 East William Street
Gallatin Manor, LLC, represented by Jeffrey R. Gallatin, is requesting an alteration to a nonconforming structure in order to construct two (2) new apartments. Each unit will contain two (2) bedrooms and will be built in the basement. The basement currently contains two (2) storage units and those will be converted into the apartments. Applicant seeks permission from Chapter 55 Zoning Section 5:87 (1) (a).

Attachments: Staff Report for 322 E William Street with Attachments .pdf

City of Ann Arbor Zoning Coordinator, Jon Barrett, presented the following staff report:

SUMMARY:

Gallatin Manor, LLC, represented by Jeffrey R. Gallatin, is requesting an alteration to a nonconforming structure in order to construct two (2) new apartments. Each unit will contain two (2) bedrooms and will be built in the basement. The basement currently contains two (2) storage units and those will be converted into the apartments. Applicant seeks permission from Chapter 55 Zoning Section 5:87 (1) (a).

BACKGROUND:

The subject parcel is zoned D2 (Downtown district) and is located near the intersection of E. William Street and S. Division Street. The property is non-conforming because of the floor area ratio (FAR). The D2 district has a 200% FAR and the subject parcel contains 13,852 square feet. This would allow for a 27,704 square foot structure and the apartment building currently contains 29,768 square feet of total area. The building is currently 2,064 square feet over the maximum allowable FAR thus requiring approval to alter a non-conforming structure if any new improvements are proposed. The site currently meets and exceeds the parking requirements.

DESCRIPTION:

The building known as the Washtenaw Apartments was constructed in 1925 and replaced a large two-story dwelling. The petitioner would like to convert the two (2) storage lockers in the basement into two (2) bedroom apartments. The apartment building currently contains 38 apartments and the additional units, if granted, would bring the building up to 40 units. The property is in the East William historic district. The exterior changes will be minimal, as four (4) windows will be installed and four (4) existing will be enlarged.

As noted above, Chapter 55, Section 5:87 (1) (a) states that a nonconforming structure may be maintained or restored, but no alteration shall be made to a nonconforming structure unless one of the following conditions are met:

(a) The alteration is approved by the Zoning Board of Appeals upon a finding that it complies as nearly as practicable with the requirements of this chapter and that it will not have a detrimental effect on neighboring property.

**STANDARDS FOR APPROVAL-PERMISSION TO ALTER A
NONCONFORMING STRUCTURE**

The Zoning Board of Appeals has all the power granted by State law and by Section 5:98, from the City of Ann Arbor Zoning Ordinance. The following criteria shall apply:

The alteration complies as nearly as practicable with the requirements of the Zoning Chapter and will not have a detrimental effect on neighboring property.

Permission is being requested in order to convert existing basement storage space into apartments. The conversion of the basement will not expand the footprint or maximum height of the structure. The multiple-family use is consistent with the surrounding uses and the additional habitable space should not have a detrimental effect on adjacent properties. If the alteration is approved the building will contain 40 units.

QUESTIONS BY BOARD TO STAFF:

DeVarti inquired about the parking requirement for the apartment building.

Barrett responded that the applicant does exceed the existing parking requirements for the building because he provides at least six spaces when he is not required to provide any.

PRESENTATION BY PETITIONER:

Jeffery R. Gallatin, 409 South Division Street, property owner, explained that he is seeking permission to alter the non-conforming structure, Gallatin Manor, in the basement of the apartment building. He explained that he has been working on the apartment for 40 years. He provided a brief history of the building explaining that he is the 3rd owner of the apartment building. He explained that he purchased the building because it reminded him of his home state, New York. He shared that he enjoys working with historic buildings. He added that his reason for remodeling the basement is not for financial gain, but because of his passion for remodeling historic buildings, he explained a desire to complete the building to how it was intended, he also explained that the community is in need of housing in the downtown area for seniors, students, and working people who want to be a part of the downtown life.

List of Exhibits Presented:

Email from Fei Hou, 322 East William Street, Ann Arbor, Opposed

**Moved by Westphal, seconded by Eisenmann, in Petition
ZBA17-029; 332 East William Streetm Variance:**

Based on the following findings of fact and in accordance with the established standards for approval, the Zoning Board of Appeals hereby grants permission 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 benefits of granting permission to alter the nonconforming structure. They also discussed the alteration as it relates to Historic District Commission approval. Parking was also discussed,

and a suggestion was made to create more bicycle parking at the apartment building.

On a roll call vote, the vote was as follows with the chair declaring the motion granted. Vote: 8-0.

Variance GRANTED

Yeas: 8 - Chair Briere, Lewis, DeVarti, Councilmember Westphal, Daniel, Eisenmann, Grant, and Weatherbee

Nays: 0

Absent: 1 - Vice Chair Dobmeier

- E-3** [17-1583](#) ZBA17-030 1500 Chandler Road
Jennifer Chapman and Matthew Solomon, property owners, are requesting a variance from Chapter 55 Zoning Section 5:28 (Area, Height, and Placement regulations). The owners are proposing to construct a 26 foot wide by 26 foot eight (8) inch deep addition to the north side of the residence. The rear yard requirement is 30 feet and the variance request is 19 feet six (6) inches. The result will be a ten (10) foot six (6) inch rear yard. The addition will contain a handicap accessible bedroom and bathroom. The subject property is a corner lot and the addition will be located in the rear yard which serves as the side yard for the property.

Attachments: Staff Report for 1500 Chandler With Attachments .pdf

City of Ann Arbor Zoning Coordinator, Jon Barrett, presented the following staff report:

SUMMARY:

Jennifer Chapman and Matthew Solomon, property owners, are requesting a variance from Chapter 55 Zoning Section 5:28 (Area, Height, and Placement regulations). The owners are proposing to construct a 28 foot wide by 26 foot eight (8) inch deep addition to the north side of the residence. The rear yard requirement is 30 feet and the variance request is 19 feet six (6) inches. The result will be a ten (10) foot six (6) inch rear yard setback. The addition will contain a handicap accessible bedroom and bathroom. The subject property is a corner lot and the addition will be located in the rear yard which serves as the side yard for the property.

BACKGROUND:

The property is zoned R1C, single-family residential, and is located on a

corner lot that fronts Chandler Road and Argo Drive and is located across from Beckley Park.

DESCRIPTION:

The new addition will be 28 feet wide by 26 feet 8 inches deep for an approximate total of 750 square feet. The addition will contain a master bedroom, master bathroom, laundry room and a connecting hallway. There will be two (2) decks, one (1) in the front and one (1) in the rear.

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 home is on a corner lot and has two (2) front setbacks. The home is 11 feet from the property along the east side which has a five (5) foot setback. The only option for an addition is the 30 foot rear yard which serves as the side yard due to the positioning of the home. The purpose of the addition is to provide handicapped bath and bedroom for the homeowner.

(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 proposed location is the only alternative for an addition to the home and without the variance the owners needs will not be accommodated.

(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 addition will not impact the adjacent property to the north. The

neighbor's garage is sited between their living area and the proposed addition. Any visual impacts will be minimal to the surrounding properties.

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

The lot is small and located on a corner lot and the two (2) front setbacks limit the building envelope and any future additions will have to be constructed in the location the owners are proposing.

(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 the smallest request to allow for a reasonable living area for the owners. The location of the addition will have the least impacts on the surrounding properties.

QUESTIONS BY BOARD TO STAFF:

None.

PRESENTATION BY PETITIONER:

Jennifer Chapman, 1500 Chandler Road, explained her families need for the addition of a handicap accessible space. She shared that her husband's diagnosis of multiple sclerosis created a need for her family to live in a one story home. She explained that there is a need for handicap accessible homes in Ann Arbor.

DeVarti stated that during his review of the property he noticed a permit posted on the house that would allow a second story to be built. He commented that the applicant would be able to build a second story on top of their first floor addition by right if the variance is granted. He inquired about the applicant's intention of building a second story to the house.

Chapman explained that they pursued building a second story, and realized that their true need was to create an accessible space on the first floor of their home.

Matthew Soloman, 1500 Chandler Road, explained that he was later to acknowledge his need for having a one story house than his wife Jennifer, and that due to his more recent acceptance to his "new normal" is what prompted the changes in plans from building a second floor addition to building a first floor addition.

PUBLIC HEARING:

Andrew Pieknik, 711 Argo Drive, expressed that he lives one house away from 1500 Chandler. He shared his concerns with granting the variance explaining that he does not believe the requirements are met. He explained that he participated in bidding on the house, and that the owners are making progress on building the second story, which he expressed his disagreement with. He claimed that his line of sight from his backyard would be impacted if the addition was built. He stated that he believes it would be unfair if the applicant was granted the variance. He shared that he believes there are financial motives to adding the addition to the house.

Grant inquired about the line of sight blockage that could occur if the addition is granted.

Pieknik answered that his west facing view would be obstructed if the addition was built.

Boardmember Nicole Eisenmann stated that she lives at 711 Argo Drive, with Andrew Pieknik. She explained that she would be voting against the variance request because she does not believe the request meets the standards for a variance.

List of Exhibits Presented:

Email from Cook and Van Alstine, 719 Argo Drive, Ann Arbor, Support

Email from Hampel, 1511 Chandler Road, Ann Arbor, Support

Email from Mack Jones, 1504 Chandler Road, Ann Arbor, Opposed

Email from Mack Jones, 1504 Chandler Road, Ann Arbor, Support

Email from Pieknik, 711 Argo Drive, Ann Arbor, Opposed

Email from Lori and Paul, Address Unknown, Support

**Moved by Daniel, seconded by Westphal, in Petition ZBA17-030;
1500 Chandler Road, 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 variance of nineteen feet six (6) inches in order to construct a 26 foot wide by 26 foot eight (8) inch deep addition to the north side of the residence. The rear yard requirement is 30 feet. The result will be a ten (10) foot six (6) inch rear yard. The addition 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.

BOARD DISCUSSION

The board discussed allowing the first floor of the house to be handicap accessible. The also discussed the possibility of a second story being built on the existing footprint of the house and on the footprint of the house if the variance was granted.

On a roll call vote, the vote was as follows, with the chair declaring the motion denied. Vote: 0-8

Variance DENIED

Yeas: 0

Nays: 8 - Chair Briere, Lewis, DeVarti, Councilmember Westphal, Daniel, Eisenmann, Grant, and Weatherbee

Absent: 1 - Vice Chair Dobmeier

F **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.

G **NEW BUSINESS**

None.

H **UNFINISHED BUSINESS**

None.

I **REPORTS AND COMMUNICATIONS**

None.

17-1752 Various Correspondence to the ZBA

Attachments: Email from Hampel .pdf, Email from Pieknik.pdf, Email from Mack Jones .pdf, Email from Cook and Van Alstine .pdf

Received and Filed

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

None.

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

K **ADJOURNMENT**

Moved by Westphal, seconded by Grant that the meeting be adjourned at 7:16 p.m. On a voice vote the chair declared the meeting unanimously adjourned.

Community Television Network Channel 16 live televised public meetings are also available to watch live online from CTN's website, www.a2gov.org/ctn, on "The Meeting Place" page (<http://www.a2gov.org/livemeetings>).

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Cable: Watch CTN Channel 16 public meeting programming via Comcast Cable channel 16.

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Candice Briere
Chairperson of the Zoning Board of Appeals
kv/