



City of Ann Arbor

Meeting Minutes - Final

Zoning Board of Appeals

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

Wednesday, March 27, 2019

6:00 PM

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

A CALL TO ORDER

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

B ROLL CALL

Present: 6 - David DeVarti, Michael Dobmeier, Nicole Eisenmann, Todd Grant, Julie Weatherbee, and Charlotte Wilson

Absent: 3 - Candice Briere, Michael B. Daniel, and Elizabeth Nelson

C APPROVAL OF AGENDA

Moved by DeVarti, seconded by Grant, unanimously as presented.

D APPROVAL OF MINUTES

D-1 [19-0433](#) Minutes of the February 27, 2019 Zoning Board of Appeals Meeting

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

E PUBLIC HEARINGS

E-1 [19-0756](#) ZBA19-005; 1016 Daniel Street

Daniel Adams, property owner, is requesting a variance from Chapter 55 Unified Development Code (UDC) Table 5:17-1 Single-Family Residential Zoning District Dimensions. The petitioners are seeking to construct a 411 square foot addition that will connect the existing detached garage to the residence. The connection will result in a 14 foot three inch variance from the required rear yard setback. The property is zoned R1D Single-family residential.

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

QUESTIONS FROM BOARD TO STAFF:

Commissioner Julie Weatherbee clarified that all new construction is within a permitted area.

Barrett agreed and commented that the connection is what needs the variance, when the garage becomes attached to the home, the existing garage encroachment will need a variance.

Boardmember DeVarti inquired about living space in the garage, and inquired about the setback requirements.

Barrett answered that the garage will not be converted into living space, and that the rear yard setback is five feet nine inches and the side yard is three feet.

PRESENTATION BY PETITIONER:

Daniel Adams, applicant, explained the history of his ownership of the property, he explained that the galley style kitchen is very small, and that the best option for an addition is what is proposed. He also explained that when the code changed, the plans were impacted. No new encroachments will take place, many neighbors have submitted a declaration of support, the rear of the garage is not visible to neighbors due to foliage and a privacy fence. Adams discussed a previous petition where with a similar situation that was granted. He explained the winter conditions of the driveway, and explained that he wants to avoid a teardown and rebuild.

PUBLIC HEARING:

Jimmy Bevilac Meadowlark builders, Architect, further explained that much of the planning was done prior to the change with the Unified Development Code (UDC), explained that through finding that out and reworking, the proposed plan is the best option.

Seeing no further speakers, Vice Chair Dobmeier closed the Public Hearing.

**Moved by DeVarti, seconded by Weatherbee in Petition ZBA19-005;
1016 Daniel 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 variance from Chapter 55 Unified Development Code Table 5:17-1 Single-Family Residential Zoning District Dimensions:

A variance of fourteen feet three inches from the 20 foot required rear setback to allow construction of a 411 square foot addition to connect the detached garage to the residence. 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.**

BOARD DISCUSSION:

The Board discussed the standards for granting the approval and the lack of impact to the neighboring properties.

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

Yeas: 6 - DeVarti, Vice Chair Dobmeier, Eisenmann, Grant, Weatherbee, and Wilson

Nays: 0

Absent: 3 - Chair Briere, Daniel, and Councilmember Nelson

- E-2** **19-0757** ZBA19-006; 500 Maple Ridge Street
Stephanie Rosales, property owner, is requesting a variance from Chapter 55 Unified Development Code (UDC) Table 5:17-1 Single-Family Residential Zoning District Dimensions. The petitioners are seeking a two foot three inch variance in order to lift the existing residence one foot above

the Base Flood Elevation (BFE). The petitioners are seeking to increase the height limit to 32 feet three inches. The maximum height for a single-family home in the R1D district is 30 feet.

Barrett presented the Staff Report.

Jerry Hancock, City of Ann Arbor Stormwater and Floodplain Coordinator, explained the obligation of the department to aid homeowners in preventing further loss, explaining that the variance would be a better option for the homeowners and bring the building up to building code.

QUESTIONS FROM BOARD TO STAFF:

DeVarti inquired about where the flooding water comes from.

Hancock explained that the water flows from west to east, either from the pipe system or the street.

PRESENTATION BY PETITIONER:

McLain Clutter, Architect, further explained that the goal of the variance is to lift the structure so that it is able to comply with building code, so that the existing first floor will move up to be the second floor. He explained that if the variance is not granted, the requirement would require installation of flood vents, which is not financially viable. He explained that all neighboring properties are elevated, and that there would negligible impact to neighboring properties.

Grant acknowledged that the project is substantial.

Stephanie Rosales, Applicant, agreed, and explained that it has been a tough situation to make the needed improvements.

DeVarti inquired about what will happen to the interior of the home.

Rosalas explained that the the existing first floor will be renovated, and the electrical and plumbing will be updated on the second floor.

PUBLIC HEARING:

Seeing no speakers, Vice Chair Dobmeier closed the Public Hearing.

**Moved by DeVarti, seconded by Eisenmann, in petition ZBA19-006;
500 Maple Ridge 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 variance from Chapter 55 Unified Development Code Table 5:17-1 Single-Family Residential Zoning District Dimensions:

A variance of two feet three inches from the 30 foot maximum height restriction to allow construction of a new floor level in the residence increasing the overall height to 32 feet three inches. 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 need for the variance, the impacts to the neighborhood, and the character of the existing neighborhood.

Approved by the Commission

Yeas: 6 - DeVarti, Vice Chair Dobmeier, Eisenmann, Grant, Weatherbee, and Wilson

Nays: 0

Absent: 3 - Chair Briere, Daniel, and Councilmember Nelson

F UNFINISHED BUSINESS

G NEW BUSINESS**H REPORTS AND COMMUNICATIONS****H-1** [19-0434](#) Various Communication to the ZBA**I PUBLIC COMMENTARY - (3 Minutes per Speaker)****J ADJOURNMENT**

Unanimously adjourned at 6:40 p.m.

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

Live Web streaming is one more way, in addition to these listed below, to stay in touch with Ann Arbor City Council and board and commission actions and deliberations. Video on Demand: Replay public meetings at your convenience online at www.a2gov.org/government/city_administration/communicationsoffice/ctn/Pages/VideoOnDemand.aspx
Cable: Watch CTN Channel 16 public meeting programming via Comcast Cable channel 16.
The complete record of this meeting is available in video format at www.a2gov.org/ctn, on "The Meeting Place" page (<http://www.a2gov.org/livemeetings>), or is available for a nominal fee by contacting CTN at (734) 794 6150.

Candice Briere, Chairperson of the Zoning Board of Appeals

/kvl