



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>

Wednesday, December 7, 2022

6:00 PM

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

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Members of the public can attend this meeting in person, through the webinar link, or by phone. Both the phone number and weblink are available below:

For phone access, please call 877-853-5247 and Enter Meeting ID: 938 1648 1007

For access via zoom, please click this URL to join:

<https://a2gov.zoom.us/j/93816481007?pwd=Tm1abDFtRnJ3SXZ0L2FvMWNBMBIh6dz09>
Passcode: 070269

A **CALL TO ORDER**

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

B **ROLL CALL**

Chari Briere called the roll.

Others present:

Jon Barrett, Zoning Coordinator

Chris Cheng, City Planner via Zoom

Courtney Manor, City Staff

Present: 7 - Candice Briere, David DeVarti, Michael B. Daniel, Todd Grant, Julia Goode, Christopher Madigan, and Kristina A. Glusac

C **APPROVAL OF AGENDA**

Moved by Dave DeVarti seconded by Chris Madigan to approve agenda. The agenda was unanimously approved as presented.

D **APPROVAL OF MINUTES**

D-1 **22-1827** Minutes of the September 28, 2022 ZBA Meeting

Attachments: September 28, 2022 ZBA Meeting Minutes.pdf

Moved by Julia Goode seconded by Todd Grant, to approve the September 28, 2022 meeting minutes. Minutes were unanimously approved as presented and forwarded to City Council.

E **PUBLIC HEARINGS**

E-1 **22-1828** ZBA22-2024; 1016 Daniel Street

Doug Selby representing property owners, are requesting relief from Section 5.32.2 Alteration to a Nonconforming Structure to construct a second story dormer addition that does not meet the required average front setback. The new dormer will create additional living space on the second floor. The property is zoned R2A, Two-Family District. The residence is nonconforming on the Brookridge Street side of the property.

Attachments: Staff Report ZBA22-2024; 1016 Daniel Street.pdf, 1016 Daniel St Zoning Map.pdf, 1016 Daniel St Aerial Map.pdf, 1016 Daniel St Aerial Map Zoom.pdf, 1016 Daniel Survey & Plans.pdf, ZBA 22-2024 Support Signatures x 4 for ADAMS.pdf

APPLICANT/REPRESENTATIVE:

Tim Risk, representing property owners and Daniel Adams, property owner, presented the proposed request.

PUBLIC HEARING:

Seeing no speakers, Chari Briere closed the Public Hearing.

Moved by Dave DeVarti seconded by Chris Madigan petition of ZBA22-2024; 1016 Daniel Street.

The Zoning Board of Appeals hereby grants relief from Section

5.32.2 Alteration to a Non Conforming Structure to allow construction of a second story dormer addition that does not meet the average front setback. The new dormer will create additional living space on the second floor. the addition is to be built per the attached plans.

BOARD DISCUSSION:

Board member Madigan expressed their displeasure with setback standard in ordinance saying it creates more problems than it solves . Board member DeVarti agreed with Madigan, and said he would be supporting the request.

On a roll call vote the vote was as follows with Chair Briere declaring the request GRANTED. Vote 7-0.

Yeas: 7 - Chair Briere, DeVarti, Daniel, Grant, Goode, Madigan, and Glusac

Nays: 0

E-2 [22-1829](#) ZBA22-2029; 815 Brown Street

David Lewis representing property owners, are requesting relief from Section 5.32.2 (C) Alteration to a Nonconforming Structure to convert the existing attached garage and mudroom to new habitable space. The new space will accommodate two bedrooms and a bathroom. The parcel is nonconforming for lot area, width and the residence does not meet the required setbacks for the district. The property is zoned R4C, Multiple-Family Dwelling District.

Attachments: Staff Report ZBA22-2029; 815 Brown St.pdf, 815 Brown St Zoning Map.pdf, 815 Brown St Aerial Map.pdf, 815 Brown St Aerial Map Zoom.pdf, 815 Brown St Survey & Plans.pdf

APPLICANT/REPRESENTATIVE:

David Lewis, representing property owners, and Louis Breskman, property owner, presented the proposed request.

PUBLIC HEARING:

Seeing no speakers, Chair Briere closed the Public Hearing.

Moved by DeVarti seconded by Grant in petition of ZBA22-2029; 815 Brown Street,

The Zoning Board of Appeals hereby grants relief from Section 5.32.2 Alteration to a Nonconforming Structure to all the conversion of an existing nonconforming attached garage to be converted to a new mudroom and two bedrooms.

BOARD DISCUSSION:

Board members Grant, Daniel and DeVarti expressed support of proposed petition.

On a roll call vote the vote was as follows with Chair Briere declaring the request GRANTED. Vote 7-0.

Yeas: 7 - Chair Briere, DeVarti, Daniel, Grant, Goode, Madigan, and Glusac

Nays: 0

E-3 [22-1830](#) ZBA22-2030; 545 South Main Street

Mallory Waring, Union Joints, representing property owner, is requesting variances from Sections 5.24.5 A (1) and Table 5.24-2 to install a 266 square foot wall sign exceeding the maximum allowable 200 square feet of sign area. This site currently has 166.5 sq. feet of sign area combined with the proposed wall sign area totals 432.5 sq ft. A sign area variance of 232 sq ft is requested. The property is zoned D2, Downtown Interface District.

Attachments: Staff Report ZBA22-2030; 545 S Main St.pdf, 545 S Main St Zoning Map.pdf, 545 S Main St Aerial Map.pdf, 545 S Main St Aerial Map Zoom.pdf, 545 S Main St Survey & Plans.pdf

APPLICANT/REPRESENTATIVE:

Curt Catello, business owner, presented the proposed request.

PUBLIC HEARING:

Seeing no speakers, Chair Briere closed the Public Hearing.

Moved by Mike Daniel seconded by DeVarti in petition of ZBA22-2030; 545 S Main Street.

Based on the following findings and in accordance with the established standards for approval, the Zoning Board of Appeals hereby grants a 232 foot sign variance from Sections 5.24.5 A (1)

and Table 5.24-2, The variance will allow a 266 square foot [19'x14'] wall sign to be installed on the shed structure at the west side of the parking lot adjacent to South Main Street. The maximum allowable signage for the subject property is 200 square feet. The variance allows for a total of 432.5 square feet of signage. The signs are to be installed per the submitted plans.

BOARD DISCUSSION:

Board member DeVarti expressed support for the proposed request. Board member Madigan stated there is no practical difficulty for the proposed request and doesn't meet the variance and will be voting no. Board member Goode was in agreement with Madigan and stated they would be voting no. Board member Daniel stated there was a practical difficulty. Board member Grant agreed with Board member Madigan's comments, but wasn't sure how he would be voting. Chair Briere stated they were unsure there was a hardship and was undecided on how to vote.

On a roll call vote the vote was as follows with Chair Briere declaring the request DENIED. Vote 3-4.

Yeas: 3 - DeVarti, Daniel, and Glusac

Nays: 4 - Chair Briere, Grant, Goode, and Madigan

E-4 22-1831 ZBA22-2025; 314 South Main Street

Louis Goral, representing Blue Llama Jazz Club, is requesting relief from Section 5.24.4C(2) Changeable Copy and Electronic Message Signs. An electronic message sign may only be included as a component of a larger sign and may not exceed 25% of the total sign area of the sign. The electronic message sign is located in the east facing window facing S. Main Street. The applicant is seeking a variance to allow the electronic message sign to be 100% of the sign area.

Attachments: Staff Report ZBA22-2025; 314 S Main St.pdf, 314 S Main St Zoning Map.pdf, 314 S Main St Aerial Map.pdf, 314 S Main St Aerial Map Zoom.pdf, 314 S Main St Photo.pdf

APPLICANT/REPRESENTATIVE:

Louis Goral, representing the property, presented the proposed request.

PUBLIC HEARING:

Seeing no speakers, Chair Briere closed the Public Hearing.

**Moved by DeVarti seconded by Madigan in petition of ZBA22-2025;
314 South Main Street.**

Based on the following findings and in accordance with the established standards for approval, the Zoning Board of Appeals hereby grants a 75% variance for the entire sign to be an electronic message sign. An electronic message sign may only be included as a component of a larger sign and may not exceed 25% of the total sign area. The sign is to be installed and allowed to remain per the submitted plans.

BOARD DISCUSSION:

*Board member Grant and Chair Briere stated variance is self imposed.
Board member Madigan stated there was no practical difficulty.*

On a roll call vote the vote was as follows with Chair Briere declaring the request DENIED. Vote 0-7.

Yeas: 0

Nays: 7 - Chair Briere, DeVarti, Daniel, Grant, Goode, Madigan, and Glusac

E-5 [22-1832](#) ZBA22-2026; 215 North Maple Road

Allied Signs, Inc. representing property owner, is requesting variances from Sections 5.24.5 B (1) and Table 5.24-3 to install a 298 square foot wall sign exceeding the 20 foot height limit. The business is permitted a 200 square foot wall sign. The property is zoned C3 Fringe Commercial District.

Attachments: Staff Report ZBA22-2026; 215 N Maple Road.pdf, 215 N Maple Rd Zoning Map.pdf, 215 N Maple Rd Aerial Map.pdf, 215 N Maple Rd Aerial Map Zoom.pdf, 215 N Maple Rd Plans.pdf

APPLICANT/REPRESENTATIVE:

Jim Fields of Allied Signs, representing property owner, presented the proposed request.

PUBLIC HEARING:

Seeing no speakers, Chair Briere closed the Public Hearing.

**Moved by DeVarti seconded by Madigan in Petition of ZBA22-2026;
215 North Maple Road.**

Based on the following and in accordance with the established standards for approval, the Zoning Board of Appeals hereby grants a 98 square foot variance from Section 5.24.5 B (1) and a variance from Table 5.24-3, Other Mixed Use and Nonresidential and Special District Permanent Signs to install a 298 square foot wall sign above the maximum allowable 20 foot height limit. The sign is to be installed per the submitted plans.

BOARD DISCUSSION:

Board member Madigan stated his thoughts were the same on the sign variance request as previous requests and he could not support the request. Board member Grant stated request didn't meet several variance requirements. Board member DeVarti stated request did meet variance and he would be voting yes.

On a roll call vote the vote was as follows with Chair Briere declaring the request DENIED. Vote 2-5.

Yeas: 2 - DeVarti, and Daniel

Nays: 5 - Chair Briere, Grant, Goode, Madigan, and Glusac

E-6 22-1833 ZBA22-2031; 1301 Lutz Avenue

Mike Kirchner AIA, representing property owners, is requesting a 64 square foot variance from Section 5.16.6 (2)(D) Accessory Uses and Structures in order to construct a new detached garage that will exceed the maximum allowable 35% coverage in the rear setback area. The new garage is permitted to occupy 375 square feet of rear setback and the proposed garage will occupy 438 square feet (41%). The property is zoned R1C, Single-Family Dwelling District.

Attachments: Staff Report ZBA22-2031; 1301 Lutz.pdf, 1301 Lutz Ave Zoning Map.pdf, 1301 Lutz Ave Aerial Map.pdf, 1301 Lutz Ave Aerial Map Zoom.pdf, 1301 Lutz Ave Survey & Plans.pdf, Nisson email in support of 1301 Lutz.pdf, Segar Horowitz letter of support for 1301 Lutz.pdf, Niemi-Clak email of support for 1301 Lutz.pdf

APPLICANT/REPRESENTATIVE:

Mike Kirchner, representing property owner, and Josh Brugman, property owner, presented the proposed request.

PUBLIC HEARING:

Seeing no speakers, Chair Briere closed the Public Hearing.

**Moved by DeVarti seconded by Madigan in Petition of ZBA22-2031;
1301 Lutz Avenue.**

Based on the following findings and in accordance with the established standards for approval, the Zoning Board of Appeals hereby grants a 64 square foot variance from Section 5.16.6 (2) (D) Accessory Uses and Structures in order to construct a new detached garage that will exceed the maximum allowable coverage in the rear setback area. The new garage is permitted to occupy 375 square feet of the rear setback and the proposed garage will occupy 438 square feet (41%). The garage is to be per the submitted plans.

BOARD DISCUSSION:

Board member DeVarti stated project overview makes a great case for proposed request and does meet many of the required criteria and he will be voting in support. Board member Madigan stated he disagrees there is a hardship and questioned if a smaller structure could be built and wasn't sure how he would vote. Board member Grant stated there was a hardship that could not be avoided and he would be voting yes. Chair Briere stated she understood Board member Madigan's statement, but there is an existing structure and the new structure is more in conformance and therefore could support the request.

On a roll call vote the vote was as follows with Chair Briere declaring the request GRANTED. Vote 6-1.

Yeas: 6 - Chair Briere, DeVarti, Daniel, Grant, Goode, and Glusac

Nays: 1 - Madigan

F UNFINISHED BUSINESS

Nomination of Vice Chair position.

Board member Grant volunteered to fill position. DeVarti seconded.

On a unanimous vote, Board member Grant was named Vice Chair.

G NEW BUSINESS

G-1 [22-1834](#) 2023 Zoning Board of Appeals Calendar for Approval

Attachments: 2023 ZBA Meeting Calendars for Discussion and Approval.pdf

Submission deadline for the January 2023 meeting moved from December 25, 2022 to December 28, 2022.

Approved by the Commission as Amended

H COMMUNICATIONS

H-1 [22-1835](#) Enactment No: Received and Filed

Received and Filed

Various Communication to the ZBA

I PUBLIC COMMENTARY - (3 Minutes per Speaker)

No speakers.

J ADJOURNMENT

Candice Briere, Chairperson

Moved by Daniel seconded by DeVarti to adjourn the meeting at 8:10 PM.

Jon Barrett, Zoning Coordinator
/courtney manor

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. All persons are encouraged to participate in public meetings. Persons requiring translation or sign language services or other accommodations may contact the City Clerk's office at 734.794.6140; via e-mail to: cityclerk@a2gov.org ; or by written request addressed and mailed to: City Clerk's Office, 301 E. Huron St., Ann Arbor, MI 48104. Requests need to be received at least two (2) business days in advance of the meeting.

Zoning Board of Appeals meeting agendas and packets are available from the Legislative Information Center on the City Clerk's page of the City's website (<http://a2gov.legistar.com/Calendar.aspx>). Zoning Board of Appeals meetings have transitioned to a hybrid meeting model. The City of Ann Arbor highly encourages the public to view and participate in public meetings remotely due to the high COVID-19 transmission rate in Washtenaw County. In order to prevent the transmission of COVID-19, protect the health of meeting attendees, minimize the possibility of disrupting the meeting, and thereby promote public participation by creating a safer meeting environment, City Council has established a regulation that all in-person attendees at meetings are required to wear a mask. See the Mask Requirement signage that is posted throughout City Hall. The City of Ann Arbor has existing COVID-19 safety rules that are required of visitors entering city facilities. If you choose to attend a meeting in-person, the following safety rules are expected to be observed. These include:

Masks - Masks will be required for all meeting participants and guests when the local CDC Community Level in Washtenaw County is HIGH.

Physical Distancing - Individuals should be physically distanced from one another at least 6 feet.

Illness - Anyone diagnosed with COVID-19, who has symptoms of COVID-19, or has had recent close contact with someone with COVID-19, should not attend a public meeting.