



City of Ann Arbor

Formal Minutes - Draft

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, December 6, 2023

6:00 PM

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

This meeting will be broadcast live on CTN Cable Channel 16, ATT Channel 99, and
online at a2gov.org/watchCTN

Public commentary can be made in person or by calling: 877 853 5247 or 888 788 0099

Enter Meeting ID 938 1648 1007

A. **CALL TO ORDER**

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

B. **ROLL CALL**

Chair Briere called the roll.

Others present:

Jon Barrett, Zoning Coordinator

Present: 8 - Candice Briere, David DeVarti, Michael B. Daniel, Todd Grant, Christopher Madigan, Kristina A. Glusac, Dharma Akmon, and Grace Whitney

Absent: 1 - Sadira Clarke

C. **APPROVAL OF AGENDA**

Moved by Chris Madigan seconded by Mike Daniel to approve the agenda. The agenda was unanimously approved as presented.

D. **APPROVAL OF MINUTES**

D-1. **23-1877** October 25, 2023 ZBA Meeting Minutes

Attachments: October 25, 2023 ZBA Meeting Minutes.pdf

Moved by Madigan seconded by Dharma Akmon to approve the October 25, 2023 meeting minutes. Minutes were unanimously approved and forwarded to City Council.

ROLL CALL

Sadira Clarke entered the meeting at 7:10 pm.

Present: 9 - Candice Briere, David DeVarti, Michael B. Daniel, Todd Grant, Christopher Madigan, Kristina A. Glusac, Dharma Akmon, Grace Whitney, and Sadira Clarke

E. PUBLIC HEARINGS

E-1. 23-1878 ZBA23-0029; 1021 Robin Road

The property owners are requesting a 16 foot eight inch variance from Table 5.17-1 Single-Family Dwelling District Dimensions to construct an approximately 620 square foot addition to the existing attached garage. The new addition will provide additional vehicle parking and a one bedroom, one bathroom living area. The property is zoned R1B, Single-Family Dwelling.

Attachments: Staff Report ZBA23-0029; 1021 Robin Road.pdf, ZBA23-0029; 1021 Robin Road Boundary Survey.pdf, ZBA23-0029; 1021 Robin Road Elevation Plans.pdf, 1021 Robin Rd Zoning Map.pdf, 1021 Robin Rd Aerial Map.pdf, 1021 Robin Rd Aerial Map Zoom.pdf, Ackley email of support ZBA23-0029; 1021 Robin Road.pdf, Kelley email of support ZBA23-0029; 1021 Robin Road.pdf

APPLICANT/REPRESENTATIVE:

Patricia Laskowsky, property owner, and Jimmy Bevilacqua, representing property owner, presented the proposed request.

PUBLIC HEARING:

Sandra Kungle, 1201 Minglewood Way, spoke in opposition to the proposed request.

Andrea Bundra, Hockey Lane resident, spoke in opposition to the proposed request.

Peter Klaas, 1014 Robin Road, spoke in opposition to the proposed

request.

Seeing no additional speakers Chair Briere closed the Public Hearing.

BOARD DISCUSSION:

The Board took into consideration the presented petition and discussed the matter. [For a complete record of the discussion, please see available video format].

Moved by Dave DeVarti seconded by Grace Whitney in petition of ZBA23-0029; 1021 Robin Road

Based on the following findings and in accordance with the established standards for approval, the Zoning Board of Appeals hereby GRANTS a 16 foot eight inch variance from Table 5.17-1 Single-Family Dwelling District Dimensions to construct a 620 square foot addition to the existing garage. The new addition will encroach an additional 10 feet four inches into the front setback from its current location. The addition is to be built per the submitted plans.

On a roll call vote the vote was as follows with the Chair declaring the motion denied. Vote 2-7.

Yeas: 2 - Madigan, and Whitney

Nays: 7 - Chair Briere, DeVarti, Daniel, Grant, Glusac, Councilmember Akmon, and Clarke

E-2. [23-1879](#) ZBA23-0030; 413 South Division Street

Metro Property Service is requesting relief from Section 5.32.2 Nonconforming Structure to construct a 16 foot four by 4 foot addition to allow for additional area for the bedrooms on the first, second and third floors. The applicants are also requesting to add dormers to the third floor which will allow for a new bedroom to unit four. The additions will not encroach further into the side or rear setback areas. The property is zoned R4C, Multiple Family Dwelling District.

Attachments: Staff Report ZBA23-0030; 413 S Division St.pdf, ZBA23-0030; 413 South Division Boundary Survey.pdf, ZBA23-0030; 413 South Division Street Elevation Plans.pdf, 413 S Division St Zoning Map.pdf, 413 S Division St Aerial Map.pdf, 413 S Division St Aerial Map Zoom.pdf

APPLICANT/REPRESENTATIVE:

Rob Fowler and Chris Vessels, presented the proposed request.

PUBLIC HEARING:

Seeing no speakers Chair Briere closed the Public Hearing.

BOARD DISCUSSION:

The Board took into consideration the presented petition and discussed the matter. [For a complete record of the discussion, please see available video format].

**Moved by DeVarti seconded by Madigan in petition of ZBA23-0030;
413 South Division Street**

The Zoning Board of Appeals hereby GRANTS relief from Section 5.32.2 Alteration to a Nonconforming -Structure to allow a 1) 16 foot by 4 foot addition to the first, second and third floors and 2) a new dormer to the third floor. The alterations will allow for additional bedroom area on each floor and a new bedroom to unit four. The additions will not encroach further into the side or rear setback areas. The alterations are to be built per the submitted plans.

On a roll call vote the vote was as follows with the Chair declaring the motion carried. Vote 9-0.

Yeas: 9 - Chair Briere, DeVarti, Daniel, Grant, Madigan, Glusac, Councilmember Akmon, Whitney, and Clarke

Nays: 0

E-3. [23-1880](#) **ZBA23-0031; 536 Walnut Street**

David Lewis, representing the property owner, is requesting a 125 square foot (10%) variance from Section 5.16.6 (D) Accessory Uses and Structures to construct a 599 square foot Accessory Dwelling Unit (ADU) with a portion outside of the rear setback area. The rear setback area allows for a 420 square foot structure and the applicants are seeking to build a 545 square foot structure in the rear setback area. The proposed ADU will meet the setbacks and height requirements. The property is zoned R4C, Multiple Family Dwelling District.

Attachments: Staff Report ZBA23-0031; 536 Walnut Street.pdf,
ZBA23-0031; 536 Walnut Street Boundary Survey.pdf,

ZBA23-0031; 536 Walnut Street Elevation Plans.pdf, 536 Walnut St Zoning Map.pdf, 536 Walnut St Aerial Map.pdf, 536 Walnut St Aerial Map Zoom.pdf

APPLICANT/REPRESENTATIVE:

David Lewis, representing property owner, presented the proposed request.

PUBLIC HEARING:

Seeing no speakers Chair Briere closed the Public Hearing.

BOARD DISCUSSION:

The Board took into consideration the presented petition and discussed the matter. [For a complete record of the discussion, please see available video format].

Moved by DeVarti seconded by Madigan in petition of ZBA23-0031; 536 Walnut Street

Based on the following findings and in accordance with the established standards for approval, the Zoning Board of Appeals hereby GRANTS a 125 square foot (10%) variance from Section 5.16.6 (D) Accessory Uses and Structures to construct a 599 square foot accessory dwelling unit (ADU) in the rear yard. The ADU will meet the setbacks and height requirements. The accessory structure is to be built per the submitted plans.

On a roll call vote the vote was as follows with the Chair declaring the motion denied. Vote 4-5.

Yeas: 4 - DeVarti, Daniel, Glusac, and Clarke

Nays: 5 - Chair Briere, Grant, Madigan, Councilmember Akmon, and Whitney

E-4. [23-1997](#) ZBA23-0032; 835 Redeemer Avenue

Tri-County Builders representing the property owner, are requesting a 10 foot variance from Table 5.17-1 Single-Family Dwelling District Dimensions to construct a two-story addition to the rear of the existing residence. The proposed addition will contain a one car garage, mudroom and stairs leading the second story. The second story will contain an office and a bathroom. The property is zoned R1C, Single-Family Dwelling District and

requires a minimum 30 foot rear yard setback.

Attachments: Staff Report ZBA23-0032; 835 Redeemer Avenue.pdf, ZBA23-0032; 835 Redeemer Avenue Elevation Plans.pdf, 835 Redeemer Ave Zoning Map.pdf, 835 Redeemer Ave Aerial Map.pdf, 835 Redeemer Ave Aerial Map Zoom.pdf, Clarke and Gates Letter of Support ZBA23-0032; 835 Redeemer Avenue.pdf, Sweet and Wells Letter of Support ZBA23-0032; 835 Redeemer Avenue.pdf

APPLICANT/REPRESENTATIVE:

Chris Childs, representing property owners, presented the proposed request.

PUBLIC HEARING:

Seeing no speakers Chair Briere closed the Public Hearing.

BOARD DISCUSSION:

The Board took into consideration the presented petition and discussed the matter. [For a complete record of the discussion, please see available video format].

Moved by Madigan seconded by Kristina Glusac in petition of ZBA23-0032; Redeemer Avenue

Based on the following findings and in accordance with the established standards for approval, the Zoning Board of Appeals hereby GRANTS a 10 foot variance from Table 5.17-1 Single-Family Dwelling District Dimensions to construct a two-story addition to the rear of the existing residence. The property requires a 30 foot rear setback. The addition will encroach 10 feet into the rear setback. The addition is to be built per the submitted plans.

On a roll call vote the vote was as follows with the Chair declaring the motion carried. Vote 9-0.

Yeas: 9 - Chair Briere, DeVarti, Daniel, Grant, Madigan, Glusac, Councilmember Akmon, Whitney, and Clarke

Nays: 0

E-5. [23-1998](#) ZBA23-0033; 819 Russett Road

Architectural Resource, representing the property owner, are requesting relief from Section 5.32.2 Nonconforming Structure to construct a second story addition vertically to the existing nonconforming residence. The building is four feet 10.5 inches from the side lot line and the proposed second story addition will be constructed on top of the existing nonconforming first floor. The proposed addition will not encroach further into the required five yard setback. The property is zoned R1C, Single-Family Dwelling District.

Attachments: Staff Report ZBA23-0033; 819 Russett Road.pdf, ZBA23-0033; 819 Russett Road Boundary Survey.pdf, ZBA23-0033; 819 Russett Road Elevation Plans.pdf, 819 Russett Rd Zoning Map.pdf, 819 Russett Rd Aerial Map.pdf, 819 Russett Rd Aerial Map Zoom.pdf, Dinov letter of support ZBA23-0033; 819 Russett Road.pdf, Email of support ZBA23-0033; 819 Russett Road.pdf, Ozzerby email of support ZBA23-0033; 819 Russett.pdf, Prieskorn email ZBA23-0033; 819 Russett Road.pdf, Puente letter of support ZBA23-0033; 819 Russett Road.pdf, White letter of support ZBA23-0033; 819 Russett Road.pdf

APPLICANT/REPRESENTATIVE:

Jeff May, Isabelle Winer, property owners, and Dale Babcock, representing property owners, presented the proposed request.

PUBLIC HEARING:

Seeing no speakers Chair Briere closed the Public Hearing.

BOARD DISCUSSION:

The Board took into consideration the presented petition and discussed the matter. [For a complete record of the discussion, please see available video format].

Moved by Madigan seconded by Dharma Akmon in petition of ZBA23-0033; 819 Russett Road

The Zoning Board of Appeals hereby GRANTS relief from Section 5.32.2 Alteration to a Nonconforming -Structure to allow a new second story to the existing nonconforming residence. The building encroaches two inches into the required five foot side setbacks. The addition is to be constructed vertically on top of the existing

nonconforming first floor. The addition will not encroach further into the side yard setbacks. The addition is to be built per the submitted plans.

On a roll call vote the vote was as follows with the Chair declaring the motion carried. **Vote 9-0.**

Yeas: 9 - Chair Briere, DeVarti, Daniel, Grant, Madigan, Glusac, Councilmember Akmon, Whitney, and Clarke

Nays: 0

F. UNFINISHED BUSINESS

None.

G. NEW BUSINESS

G-1. [23-1999](#) 2024 Zoning Board of Appeals Calendar for Approval

Attachments: 2024 ZBA Meeting Calendar for Approval.pdf

Moved by Madigan seconded by Whitney

The 2024 ZBA meeting calendar was approved unanimously.

Yeas: 9 - Chair Briere, DeVarti, Daniel, Grant, Madigan, Glusac, Councilmember Akmon, Whitney, and Clarke

Nays: 0

H. COMMUNICATIONS

H-1. [23-2000](#) Various Communication to the ZBA

Received and filed

Councilmember Akmon asked to share zoning changes made by City Council at the December 4, 2023 Council meeting:

- Passed a change to the zoning code about downtown premiums for D1 and D2 districts. Noting still existing are height bonuses.**
- Change to amend the TC1 front setbacks, measuring from the curb**

line to the front of the building.

-Approved Briarwood rezoning from office and parking lot to mixed use residential.

I. PUBLIC COMMENT (3 minutes per speaker)

No speakers.

J. ADJOURNMENT

Moved by Madigan seconded DeVartito adjourn the meeting at 7:48 pm. Approved unanimously.

Candice Briere, Chairperson

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. Check the current level for Washtenaw County through the CDC's website.

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.