



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, May 25, 2022

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

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?](https://a2gov.zoom.us/j/93816481007?pwd=Tm1abDFtRnJ3SXZ0L2FvMWNBMIh6dz09)

[pwd=Tm1abDFtRnJ3SXZ0L2FvMWNBMIh6dz09](https://a2gov.zoom.us/j/93816481007?pwd=Tm1abDFtRnJ3SXZ0L2FvMWNBMIh6dz09) Passcode: 070269

A CALL TO ORDER

Chairperson Candice Briere called the meeting to order at 6:03 PM.

B ROLL CALL

Chair Briere called the roll.

Staff Present:

Jon Barrett, City of Ann Arbor Zoning Coordinator

Alexis DiLeo, City Planner via Zoom

Courtney Manor, City Staff

Present: 5 - Candice Briere, David DeVarti, Michael B. Daniel, Elizabeth Nelson, and Christopher Madigan

Absent: 3 - Todd Grant, Chris Fraleigh, and Julia Goode

Chairperson Candice Briere explained that 5 affirmative (yes) votes is required for Approval of an Appeal, and given that there are only 5 ZBA members present this evening, each case would require a unanimous affirmative vote of all ZBA members present.

She further explained, in these situations, the ZBA provides the opportunity for the Applicant to request a postponement to the following meeting; Public Hearings would still proceed this evening, since all cases have been noticed for such.

C APPROVAL OF AGENDA

Moved by Michael Daniel, Seconded by David DeVarti, to Approve the Agenda . The Agenda was Approved unanimously as presented.

D APPROVAL OF MINUTES

D-1 [22-0968](#) Minutes of the April 27, 2022 ZBA Meeting

Attachments: 4-27-2022 ZBA Minutes.pdf

Moved by Michael Daniel; Seconded by Christopher Madigan to Approve the April 27, 2022 ZBA Meeting Minutes and forward to City Council.

E PUBLIC HEARINGS

E-1 [22-0969](#) **Enactment No:**

Attachments: ZBA22-2006; 413 S Division Staff Report with Attachment.pdf

ZBA22-2006; 413 South Division Street

Chris and Dennis Vessels, property owners are requesting relief from Section 5.32.2 Alteration to a Nonconforming Structure to create habitable living space in the basement of a six unit seven bedroom rental home. The renovation project will reduce the number of units from six units to four units while increasing the number of bedrooms to 20. The property is zoned R4C, Multiple-Family Dwelling District and is nonconforming for lot area, lot width and setbacks.

STAFF REPORT:

Zoning Coordinator, Jon Barrett, provided the staff report.

REQUEST PRESENTATION:

The following individuals were available to answer any enquiries:

Chris Vessels, Applicant and Owner of 413 South Division Street, Ann Arbor.

PUBLIC HEARING:

Seeing no speakers, Chair Briere closed the Public Hearing.

22-0969

Enactment No:

Postponed

Moved by Christopher Madigan, seconded by Elizabeth Nelson, that Agenda item ZBA22-2006; 413 South Division Street, be Postponed to the June 22, 2022 ZBA Meeting. On a rollcall vote, the Chair declared the motion denied. Vote: 4-1 (5 affirmative votes required)

Yeas: 4 - Chair Briere, Daniel, Councilmember Nelson, and Madigan

Nays: 1 - DeVarti

Absent: 3 - Grant, Fraleigh, and Goode

BOARD DISCUSSION:

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

Mike Daniel, Chris Madigan, Elizabeth Nelson, spoke in support of the request.

DeVarti stated he would be voting No on the request, adding, "I am particularly concerned about the increasing number of petitioners, mostly developers, coming in with alterations to non-conforming structures, and they are significantly up-sizing the amount of impact on the community and the neighborhood by increasing, significantly, the number of bedrooms, frequently without any additional parking, concerns for neighborhood residents or historic nature of neighborhoods. Non-conforming means it doesn't conform to existing codes, even currently doesn't meet City codes and they're asking now to make a significant change that will place new demands on the existing neighborhood and its' residents and new demands on the community...". He noted he sees 2 or 3 of these every meeting, while other, more modest, requests for encroachments into setbacks are denied. He said, "I will need from here on out, to see evidence, supported evidence, that are significant benefits to the surrounding neighborhood and the entire community. Density for maximizing profit won't cut it for me, density for

density sake won't cut it for me, even density the supposedly reduces the carbon footprint and has positive effects on climate change, unless the petitioner can present convincing evidence to support that benefit, that won't cut it for me either. I'm voting No on this."

22-0969**Enactment No:****Amended**

Moved by Dave DeVarti, Seconded by Mike Daniel, in case ZBA22-2006; 413 S Division St: 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 unit will create habitable living space in a six unit seven bedroom rental home. The renovation project will reduce the number of units from six to four units while increasing the number of bedrooms to 20. The construction must comply with the submitted plans.

On a roll call vote, the vote is as follows, with the Chair declaring the request denied. Vote: 4-1 (5 affirmative votes required for approval)

Yeas: 4 - Chair Briere, Daniel, Councilmember Nelson, and Madigan

Nays: 1 - DeVarti

Absent: 3 - Grant, Fraleigh, and Goode

BOARD DISCUSSION:

Daniel invoked 5.1C: recusing himself, due to a conflict of interest, stating if the application is approved it would benefit his employer, The University of Michigan, if UM students rented from the applicant.

Chair Briere noted that if Daniels was going to recuse himself from this agenda item, he would have needed to do so before discussion began on the application.

E-2**22-0970****Enactment No:**

Attachments: ZBA22-2008; 3095 Cedarbrook Staff Report with Attachments.pdf

ZBA22-2008; 3095 Cedarbrook Road

Bob Clark, representing property owners, is seeking a variance from Table 5.17-1 Single-Family Residential District Dimensions to construct a 10 foot by 16 foot sunroom at the rear of the existing residence. The requested variance is nine feet five inches to allow the sunroom to be 20 feet seven inches from the rear lot line. The property is zoned R1C, Single-Family Residential and requires a 30 foot rear setback.

REQUEST PRESENTATION:

The following individuals were available to answer any enquiries:

Bob Clark, Representing the Owner requested a postponement of his Agenda item to the June 22, 2022 ZBA meeting.

PUBLIC HEARING:

Mara Kent, 3087 Cedarbrook Road, neighbor to the left of Applicant, spoke in support of the sunroom request.

(Inaudible) Cedarbrook Road, neighbor across the street, spoke in support of the sunroom request.

Chair Briere noted the ZBA had received a letter of objection from Wendy Carman (no address provided).

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

E-3 [22-0971](#) **Enactment No:**

Attachments: ZBA22-2007; 1211 White St Staff Report with Attachments.pdf

ZBA22-2007; 1211 White Street

Aaron Vermeulen of O/X Studios representing property owners, is seeking variances from Table-5.17-3 Multiple-Family Residential District Dimensions and Section 5.18.1 (4) Front Porches to construct a three-unit townhome structure. The building will require a 12 foot 11 inch variance from the required 30 foot rear setback. The second story balconies will require a six foot eight inch variance to encroach into the average front setback. The existing single-family residence is to be demolished. The property is zoned R4C, Multiple-Family Dwelling District.

REQUEST PRESENTATION:

The following individuals were available to answer any enquiries:

Aaron Vermeulen of O/X Studios representing property owners, requested a postponement of his Agenda item to the June 22, 2022 ZBA Meeting.

PUBLIC HEARING:

Seeing no speakers, Chair Briere closed the Public Hearing.

F UNFINISHED BUSINESS

F-1 [22-0972](#) Review of Bylaws

Attachments: ZBA Rules -DRAFT 4-27-22.pdf

Unanimously postponed to the June 22, 2022 ZBA Meeting to allow feedback from additional ZBA members.

G NEW BUSINESS

H COMMUNICATIONS

H-1 [22-0973](#) Various Communication to the ZBA

Attachments: Email from Newland.pdf, Email from Charvat .pdf, Letter from Carman.pdf, Signatures - 3095 Cedarbrook.pdf

DeVarti requested to bring in someone from Planning or Legal to have a deeper discussion on issues of integrity as they relate to expansions of non-conforming structures.

Elizabeth Nelson supported DeVarti's request for a retreat to allow for further discussion on issues brought by DeVarti.

Received and Filed

I PUBLIC COMMENTARY - (3 Minutes per Speaker)

Nelson, stated she has lived in the United States for a long time and she lives in the Ann Arbor student ghetto. She said she feels there needs to be more planning in the City to add solar energy and electrification because buildings last more than 50 years. She spoke of the need for the University of Michigan to build affordable housing for students, because most students can't afford to live in the large dormitories with all of the amenities. She also spoke of trash issues, large parties, fights, garbage,

alcohol abuse, etc., of her neighborhood, wishing the University would educate the students on recycling and other matters. She expressed that we need to take care of Ann Arbor because upon entering the City one sees too much trash, and coming from a third world country, she feels we need to take care of our downtown.

Charles Nelson, 822 Brookwood Place, between White and Packard, stated he's been living in Ann Arbor since 1978. He said when they moved in the neighborhood it was 50% owner occupied, now he is the only one left. He's had neighbors tell him he should move if he doesn't like the neighborhood with the late night parties; however, he likes his house, neighborhood, and mature trees. He complained about parking on his street, adding he appreciated DeVarti's comments, earlier in the meeting. He thanked the ZBA for their work and civility.

J ADJOURNMENT

Moved by Mike Daniel, Supported by Elizabeth Nelson, to Adjourn the meeting at 6:58 PM. On a voice vote, the Chair declared the meeting Adjourned.

These meetings are typically broadcast on Ann Arbor Community Television Network Comcast 16 / AT&T 99 live at 6:00 PM. Recent meetings can also be streamed online from the CTN Video On Demand page of the City's website <https://a2gov.org/watchctn> . The complete record of this meeting is available in video format at <https://a2gov.org/watchctn>, or is available for a nominal fee by contacting CTN at (734) 794-6150