



City of Ann Arbor

Formal Minutes

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, September 26, 2018

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, David DeVarti, Michael Dobmeier,
Michael B. Daniel, Nicole Eisenmann, Todd Grant, Julie
Weatherbee, and Charlotte Wilson

Absent: 1 - Kirk Westphal

C APPROVAL OF AGENDA

**Moved by DeVarti, seconded by Grant, and approved unanimously
as presented.**

D APPROVAL OF MINUTES

D-1 [18-1632](#) Minutes of the August 22, 2018 ZBA Meeting

Attachments: 8-22-2018 ZBA Minutes .pdf

**Moved by Dobmeier, seconded by DeVarti, approved as presented,
and forwarded to the City Council.**

E PUBLIC HEARINGS

E-1 [18-1819](#) ZBA18-022; 517 Berkley Avenue
Douglas and Jane Henderson, property owners, are requesting relief from
Article IV: Section 5.18.5 Averaging an Established Front Building Line.
The property is zoned R1D single-family residential. The owners are
proposing to construct a new front porch (7' x 24'9") that will extend from the
front door to the garage entrance. The average front setback is 30 feet and
the variance request of three feet will reduce the setback to 27 feet.

Attachments: ZBA18-022; 517 Berkley Ave Staff Report w Attachments .pdf

Jon Barrett presented the Staff Report.

QUESTIONS FROM BOARD TO STAFF:

None

PUBLIC HEARING:

Doug Henderson, property owner, explained the request. He explained that the variance would allow he and his wife to enjoy their front porch area. He explained that the request will not have a negative impact on the neighborhood, but will improve the space and add to the local charm and fellowship of the neighborhood.

Boardmember Dave DeVarti inquired about the grade of the proposed porch area and that impact on the distance between the height of the doorway and the porch outside.

Henderson explained that the porch will be at grade and the step down from the doorway will be code allowed.

Brad Moore, neighbor and acting architect, explained that he and his wife are in support of the request. He explained the similarities between neighboring properties and the request.

Kathy Sanborn, 521 Potter Street, Ann Arbor, explained that expressed support for the request and stated that granting the approval would enhance the neighborhood.

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

**Moved by DeVarti, seconded by Eisenmann, in Petition ZBA18-022;
517 Berkley Avenue**

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 Article IV Section 5.18.5, Averaging an Existing Front Setback Line to allow:

A variance of three (3) feet in order to construct a new front porch that is seven (7) feet wide by 24 feet nine (9) inches long. The average front setback is thirty feet and the variance reduces the front setback to twenty-seven feet. 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.

COMMISSION DISCUSSION:

The Board discussed the existing conditions of the home and the benefits of front porches to neighborhoods.

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

Variance: GRANTED

Yeas: 7 - Chair Briere, DeVarti, Vice Chair Dobmeier, Daniel, Eisenmann, Grant, and Weatherbee

Nays: 1 - Wilson

Absent: 1 - Councilmember Westphal

- E-2** [18-1634](#) ZBA 18-023; 2104 Winchell Drive
Nancy Blow, property owner, is requesting relief from Article IV: Section 5.18.5 Averaging an Established Front Building Line. The property is zoned R1C single-family residential. The owner is proposing to construct a new front porch (7' x 22'1"). The average front setback is 39 feet six inches and

the variance request of three feet five inches will reduce the setback to 36 feet one inch.

Attachments: ZBA18-023; 2104 Winchell Staff Report w Attachments .pdf

Barrett presented the staff report.

QUESTIONS FROM BOARD TO STAFF:

Boardmember ulie Weatherbee inquired about the angle of the property and the effect on the average front setback.

Barrett answered that the angle is taken into consideration when the front setback is calculated.

DeVarti inquired about the setback requirements for the zoning.

Barrett answered that the zoning requires 30 feet, stating that the variance is due to the average front setback.

Boardmember Mike Dobmeier clarified that it's just a porch not an addition.

PUBLIC HEARING:

Nancy Blow, property owner, explained that the front porch will make her front entry more useable, with a wide staircase with hand rails. She explained that it would help shield the elements as well as create a space to enjoy her home during nice weather.

Name Unknown, Winchell Drive, expressed support for the project, and explained that the front porch will be more accessible with the variance request.

**Moved by DeVarti, seconded by Weatherbee in petition ZBA18-023;
2104 Winchell Drive**

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 Article IV Section 5.18.5, Averaging an Existing Front Setback Line to allow:

A variance of three (3) feet five inches in order to construct a new front porch that is seven (7) feet wide by 22 feet one (1) inch long. The average front setback is thirty-nine six inches and the variance reduces the front setback to thirty-six feet one inch. 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 existing conditions of the home as they relate to the standards for approval.

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

Variance: GRANTED

Yeas: 7 - Chair Briere, DeVarti, Vice Chair Dobmeier, Daniel, Eisenmann, Grant, and Weatherbee

Nays: 1 - Wilson

Absent: 1 - Councilmember Westphal

- E-3** **18-1635** ZBA 18-025; 3245 Kingwood Street
Margaret Szczygiel, property owner, is requesting an alteration to a non-conforming structure in order to construct an addition to the front of the home. The property is zoned R1C, single-family residential. The addition (6'11" x 23'7") will consist of a new porch, powder room and entry way. The

existing average front setback is 39 feet and the subject property is established at approximately 35 feet. The proposed addition will not encroach any further into the setback.

Attachments: ZBA18-025; 3245 Kingwood St Staff Report w Attachments .pdf

Barrett presented the staff report.

QUESTIONS FROM BOARD TO STAFF:

DeVarti inquired about public right-of-way between the neighborhood of the request and the nearby neighborhood.

Barrett answered that there is no existing right-of-way.

PUBLIC HEARING

Amos Sharato, Contractor representing the petitioner, explained the variance request.

BOARD DISCUSSION:

The board discussed the existing condition of the property, the neighborhood and the standards of approval.

**Moved by Daniel, seconded by Dobmeier in petition ZBA18-025;
3245 Kingwood Street**

Permission to alter a nonconforming structure:

Based on the following findings of fact and in accordance with the established standards for approval the Zoning Board of Appeals hereby grants permission from Section 5.32.2 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 existing condition of the property, the neighborhood, the standards of approval,

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

Permission: GRANTED

Yeas: 8 - Chair Briere, DeVarti, Vice Chair Dobmeier, Daniel, Eisenmann, Grant, Weatherbee, and Wilson

Nays: 0

Absent: 1 - Councilmember Westphal

- E-4** **18-1636** ZBA 18-021; 1420 South Maple Road
Midtown Ann Arbor, LLC, property owners are requesting two variances for a new community containing 256 townhomes, a community building, pool and 500 parking spaces. The first variance is from Chapter 55 Unified Development Code Table 5:17-3. The property is zoned R4B, multiple-family dwelling. The maximum front setback for a building is 40 feet. The request is for 118.52 feet from I-94. The second variance request is from Chapter 55 Unified Development Code Section 5.19.10 (C) to allow a 31 foot driveway. The maximum allowable width for a driveway serving uses other than single or two family is 24 feet.

Attachments: ZBA18-021; 1420 S Maple Rd Staff Report 2.pdf, 1420 S Maple Elevations and Renderings .pdf

Barrett presented the staff report.

QUESTIONS FROM BOARD TO STAFF:

Boardmember Todd Grant expressed that he would like to live as far away from I94 as possible, and inquired about the driveway width.

DeVarti inquired about future plans for development at the parcel and infiltration at the site.

Dobmeier inquired about properties near highways.

Barrett answered that almost every development or home near a highway would be faced with a situation like this, where the ordinance requires the setback to be established off of a public right-of-way.

PRESENTATION BY PETITIONER:

Scott Betzoldt, engineer representing the petitioner, explained the

variance request and how this situation is unique due to one of the right-of-ways being a highway. He explained that the curb-cut width request is due to the driveway of the development making a 3 way stop into a 4 way intersection, and the width is due to recommendation by City engineering staff

Chair Briere inquired about how far the width of the driveway would continue

Betzoldt answered that it will extend to where the parallel parking begins.

Grant inquired about a traffic signal at the new intersection.

Betzoldt answered that the petitioner is installing one.

DeVarti inquired about the driveway functioning as a public street.

Betzoldt answered that although the driveway is not a public street, it will appear and function as one due to the traffic signal and lining up with the existing intersection.

PUBLIC HEARING:

Thomas Sitterlet, (address unknown) explained that the neighborhood does not feel like that the type of development is needed, that development here has never panned out, he also expressed concern with infiltration at the site, and the street conditions.

Grant inquired about the previous projects at the site.

Sitterlet answered they have never panned out for many reasons.

Don Jones, (address unknown) explained that he lived in the vicinity of the proposed project, he explained that there has been an increased amount of wildlife diminishing in the area, and that because the area is the highest point in the city, and is very unique, and that it should be preserved. He expressed disappointment that this type of project is even being considered.

Sherry Rosen, (address unknown) expressed concern with the amount of noise that will occur with the proposed project, she expressed concern with the amount of trees being removed by the project.

**Moved by DeVarti, seconded by Dobmeier in Petition ZBA18-021;
1420 S Maple 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 Article IV Table 5:17-3 and Section 5.19.10 (C), to allow:

A variance of 118.52 feet from the maximum 40 foot front setback and a 7 foot variance from the maximum allowable 24 foot width for residential driveways. The residential buildings and driveways are to be constructed 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 appreciation for neighborhood involvement in the area, the benefits of the variances being granted, the duties of the Zoning Board of Appeals, the standards for approving the variance, and the existing conditions of the site.

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

Variance GRANTED.

Yeas: 8 - Chair Briere, DeVarti, Vice Chair Dobmeier, Daniel, Eisenmann, Grant, Weatherbee, and Wilson

Nays: 0

Absent: 1 - Councilmember Westphal

F UNFINISHED BUSINESS**G NEW BUSINESS****H REPORTS AND COMMUNICATIONS****H-1 [18-1637](#) Various Communication to the ZBA**

Attachments: Email from Francis and Antoinetta Judge .pdf, Letter from King-Moore .pdf, Letter from Sandberg.pdf, Email from Stannard and O'Brien.pdf

Received and Filed

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

Moved by DeVarti, seconded by Eisenmann, to adjourn the meeting at 7:12 p.m.

Unanimously adjourned.

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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

