



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, June 26, 2019

6:00 PM

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

A CALL TO ORDER

Chair Candice Briere called the meeting to order at 6:05 p.m.

B ROLL CALL

Chair Briere called the roll.

Dave DeVarti joined the meeting at 6:20 p.m.

Present: 8 - Candice Briere, David DeVarti, Michael B. Daniel, Nicole Eisenmann, Todd Grant, Julie Weatherbee, Charlotte Wilson, and Elizabeth Nelson

C APPROVAL OF AGENDA

Moved by Weatherbee, seconded by Nelson, and approved unanimously as presented.

D APPROVAL OF MINUTES

D-1 [19-1270](#) Zoning Board of Appeals Meeting Minutes of May 22, 2019

Attachments: 5-22-2019 FINAL ZBA Minutes.pdf

Moved by Wilson, seconded by Daniel, approved unanimously as amended and forwarded to the City Council.

E PUBLIC HEARINGS

E-1 [19-1271](#) ZBA19-011; 1103 West Madison
Margaret and Theron Dobson, property owners, are seeking a variance from Chapter 55 Unified Development Code Section 5.18.5 Averaging an Established Front Building Line. An eight foot two inch variance is requested from the 28 foot two inch required front setback in order to

construct a new porch and vestibule.

Attachments: ZBA19-011; 1103 W Madison St Staff Report w Attachments .pdf

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

QUESTIONS FROM BOARD TO STAFF

Councilmember Elizabeth Nelson inquired if the proposed garage is a part of the proposed variance.

Barrett answered that the the plans for the garage are not included in the variance request.

Boardmember Charlotte Wilson inquired if the porch is proposed to be opened or closed, and if the porch allowed to be closed.

Barrett answered that the variance is to be granted per the submitted plans, which does not include closing the porch.

PRESENTATION BY PETITIONER

Theron Dobson, 1103 W Madison Street, property owner explained that the porch and vestibule expansion is needed in order to make the entry way useable for the family and accessible for a person in a wheel chair. He explained that he has no intention to close the porch.

Boardmember Julie Weatherbee asked if the applicant looked at options other than requesting the variance.

Dobson explained that a porch would be possible if a portion of the house would be removed.

Boardmember Todd Grant inquired about putting the porch with the new garage.

Dobson explained putting the porch with the new garage would not work because the first floor would have to be rearranged. He explained that a front porch would be consistent with the character of the neighborhood.

Nelson asked for clarification on the proposed porch location.

Dobson explained that the current house is currently four feet into the

setback, and that the cement planter that is attached to the house, extends two feet, and the porch will only extend two feet beyond the existing house and planter for a total of eight feet extended into the setback.

PUBLIC HEARING

Alex Walsa, 1017 W. Madison Street, Ann Arbor, explained that he supports the proposed variance, has lived in the neighborhood for 27 years, he also had an addition and needed a variance to have a window, and that the other houses in the neighborhood have had additions, and that the work would not be different from what exists in the neighborhood.

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

**Moved by DeVarti, seconded by Weatherbee in Petition ZBA19-011;
1103 W. Madison**

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 Section 5.18.5 Averaging an Established Front Building Line.

A variance of eight feet two inches from the 28 foot two inch required front setback to allow construction of a new front porch and vestibule. 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 variances, the benefits of front porches, the lack of negative impact to the neighboring properties, the minimum necessary for someone in a wheelchair to gain access to the home, and the plan for repopulating the trees that are proposed to be removed.

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

Yeas: 6 - Chair Briere, Daniel, Grant, Weatherbee, Wilson, and Councilmember Nelson

Nays: 2 - DeVarti, and Eisenmann

E-2 [19-1272](#) ZBA19-012; 2167 Medford Road
John Oslin and Five Star Signs, representing Ann Arbor Woods is seeking a variance from Section 5.33.2 (B) Nonconforming Signs. A new sign package is proposed to replace the color, fonts and logos of directional and identification signs for a multi-family development.

Attachments: ZBA19-012; 2167 Medford Road Staff Report w Attachments.pdf

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

QUESTIONS FROM BOARD TO STAFF

Nelson inquired what the net reduction in square footage of signage.

Barrett explained that the variance is not granted based on square footage alone, but also on number of signs.

DeVarti explained that 16 signs are existing, and that 13 signs are proposed.

Barrett explained that two main identification signs are permitted and three are proposed, the ordinance does not list information about address signs and leasing center signs, and 10 are proposed.

DeVarti inquired about small signs in front yards that have addresses on them.

Nelson inquired about the location in the packet where the proposed signs are.

Barrett explained that address numbers are permitted if attached to the building, and he indicated the page where the proposed signs are in the packet.

PRESENTATION BY PETITIONER

Ron Sabourn, 2167 Medford Road, Applicant, explained that the signage is needed due to the configuration of the property. He explained that the reduction of the signs is the minimum needed to meet the needs of the apartment complex.

Chair Candice Briere expressed appreciation for the applicant returning to the ZBA with an appropriate application.

DeVarti expressed support for the proposed variance.

Boardmember Mike Daniel expressed support for the proposed variance.

PUBLIC HEARING

Seeing no speakers, Chair Briere closed the Public Hearing.

Moved by DeVarti, seconded by Grant Petition ZBA19-012; 2167 Medford 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 variance from Chapter 55 Unified Development Code Section 5.33.2 (B) Nonconforming Signs:

A variance to allow a new sign package that changes the color, fonts and logos of the existing nonconforming directional and identification signs for a multi-family development. The signs

package must comply with 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 sign request, discussing the appropriateness of the sign reduction, and the standards for granting a variance.

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

Yeas: 8 - Chair Briere, DeVarti, Daniel, Eisenmann, Grant, Weatherbee, Wilson, and Councilmember Nelson

Nays: 0

F UNFINISHED BUSINESS

G NEW BUSINESS

H COMMUNICATIONS

H-1 [19-1274](#) Various Communication to the ZBA

Attachments: Email from Van Luenen and Zwaanenburg- 1103 W Madison .pdf, Email from Munson -1103 W Madison.pdf, Email from Solomon- 1103 W Madison .pdf, Email from Tobin - 1103 W Madison .pdf

Received and Filed

I PUBLIC COMMENTARY - (3 Minutes per Speaker)

J ADJOURNMENT

Moved by DeVarti, seconded by Grant to adjourn the meeting at 6:51 p.m.

Approved Unanimously

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**Candice Briere, Chairperson of the Zoning Board of Appeals
/kvl**