



City of Ann Arbor

Formal Minutes

Zoning Board of Appeals

301 E. Huron St.
Ann Arbor, MI 48104
<http://a2gov.legistar.com/Calendar.aspx>

Wednesday, April 25, 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 6:02 p.m.

B **ROLL CALL**

Chair Briere called the roll.

Present: 9 - Candice Briere, David DeVarti, Kirk Westphal, Michael Dobmeier, Michael B. Daniel, Nicole Eisenmann, Todd Grant, Julie Weatherbee, and Charlotte Wilson

C **APPROVAL OF AGENDA**

Moved by Dobmeier, seconded by Eisenmann, and approved unanimously as presented.

D **APPROVAL OF MINUTES**

D-1 **18-0633** Minutes of the March 28, 2018 ZBA Meeting

Attachments: Minutes of the 3-28-2018 ZBA Meeting .pdf

Moved by DeVarti, seconded by Weatherbee, approved unanimously as presented and forwarded to the City Council.

E **HEARINGS AND APPEALS**

E-1 **18-0630** ZBA18-013; 2386 Placid Way
Benjamin A. and Denyce G. Kerner, property owners, are requesting a 16 foot two inch variance from Chapter 55 Zoning Section 5:27 (Area Height and Placement Regulations). The property is zoned R1B and has a 40 foot rear yard requirement. The residence is currently non-conforming as it is 38.7 feet from the rear property line. The owners are requesting to construct a 15 foot by 15 foot addition to the rear of the home.

Postponed to a future meeting.

- E-2** **18-0631** ZBA17-036; 2050 Commerce Boulevard
Midwestern Consulting, representing property owners, are requesting two variances in order to construct a 267 multi-family unit apartment complex. A variance from Chapter 47, Section 4:28(2) to allow a third curb cut where two is the maximum allowed for the subject property based on their street frontage. A second variance from Chapter 47 Section 4:20(3)(a) to allow a driveway to be located within 15 feet of an intersection.

Attachments: Staff Report for ZBA17-036; 2050 Commerce Blvd.pdf

Summary:

Midwestern Consulting, representing property owners, are requesting two variances in order to construct a 267 multi-family unit apartment complex. A variance from Chapter 47, Section 4:28(2) to allow a third curb cut where two is the maximum allowed for the subject property based on their street frontage. A second variance from Chapter 47 Section 4:20(3) (a) to allow a driveway to be located within 15 feet of an intersection.

Description and Discussion:

The site currently contains a vacant 12,000 square foot office building. The petitioner proposes demolishing this structure and constructing a 4-story, 267-unit apartment building with a courtyard totaling 327,399 square feet. The parcel is 3.8 acres in size and is zoned C2B, Business Service District. There will be 298 interior parking spaces, 67 exterior spaces and a drop-off area on Commerce Boulevard.

Standards for Approval - Chapter 47 (Streets) Variance :

The Zoning Board of Appeals has all the power granted by State law and by Section 5:99, Application of the Variance Power, from the City of Ann Arbor Zoning Ordinance and Chapter 47(Streets), Section 4:28(2) and Section 4:20 (3)(a). The following criteria shall apply:

The Zoning Board of Appeals shall have the authority to interpret this Chapter and may, in specific cases involving practical difficulty or unnecessary hardship, grant variances or exceptions from the requirements of this Chapter providing such a variance or exception is in harmony with the general purpose and intent of this Chapter.

The two variances requested will be in harmony with the general purpose and intent of Chapter 47 because they will allow through circulation needed for emergency fire vehicles to gain access to the various buildings locations on site. It also ensures that in the event one entrance is blocked, an alternate access point to the property is available.

Additionally, the proposal received recommendation from the City Planning Commission on April 3, 2018.

Questions from Board to Staff:

The Board requested information on the ownership of the Pennsylvania Avenue right-of-way, correspondence from the Ann Arbor Housing Commission, information on requesting relief from Engineering Standards, and fire truck access at the project site.

Barret answered that the Zoning Board of Appeals is the body that can allow relief from Engineering Standards, and that the Fire Department staff review of the request determined that the request would be sufficient for emergency vehicle access.

Presentation by Petitioner:

Scott Betzoldt Engineer for the project, and Brad Moore, Architect for the project explained the proposed variance request. They explained that the owner of the project owns the Pennsylvania Avenue right-of-way and that the Ann Arbor Housing Commission is supportive of the variance request.

The Board inquired about parking at the site.

Betzoldt and Moore explained that more parking than what is required is being provided, and that the parking spaces will be assigned to the apartment units. Moore explained that the area of the proposed project is highly walkable.

Public Hearing:

Diana Sheldon, studio owner of A2 Yoga, expressed concern with headlights shining into the yoga studio, traffic, noise, and pollution.

Moore explained that landscaping can be implemented to mitigate light from headlights.

Noting no further speakers, Chair Briere closed the public hearing.

Chair Briere noted the following correspondence:

Email from Kathren Summersgill- Support

Email from Jennifer Hall- Support

Moved by Westphal, seconded by DeVarti, Petition ZBA17-036, 2050 Commerce Boulevard:

Chapter 47 (Streets) Variance:

The Zoning Board of Appeals shall have the authority to interpret this Chapter and may, in specific cases involving practical difficulty or unnecessary hardship, grant variances or exceptions from the requirements of this Chapter providing such a variance or exception is in harmony with the general purpose and intent of this Chapter.

a) The variance requested is in harmony with the general purpose and intent of the requirements of this Chapter.

Board Discussion:

The Board discussed adding details regarding the requested variance to the motion.

A motion for a friendly amendment to the Main Motion was made by Westphal, and accepted by DeVarti, to include "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 Chapter 47 (Streets) to allow a third curb cut where two is the maximum allowed and to allow a driveway to be located within 15 feet of an intersection."

Amendment accepted unanimously.

Motion Including Friendly Amendment Reads as Follows:

Chapter 47 (Streets) 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 Chapter 47 (Streets) to allow a third curb cut where two is the maximum allowed and to allow a driveway to be located within 15 feet of an intersection.

The Zoning Board of Appeals shall have the authority to interpret this Chapter and may, in specific cases involving practical difficulty or unnecessary hardship, grant variances or exceptions from the requirements of this Chapter providing such a variance or exception is in harmony with the general purpose and intent of this Chapter.

a) The variance requested is in harmony with the general purpose and intent of the requirements of this Chapter.

Board Discussion on Amended Motion:

None.

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

Vote: 9-0

Variances GRANTED.

F **UNFINISHED BUSINESS**

None.

G **NEW BUSINESS**

None.

H **YEARLY ORGANIZATIONAL MEETING**

H-1 **18-0713** Approval of the Fiscal Year 2018-2019 Zoning Board of Appeals Meeting Calendar

Attachments: Final 2018-2019 - FY ZBA MEETING SCHEDULE v2.pdf

Unanimously approved as amended.

H-2 **18-0718** Review of ZBA Rules and Procedures

Attachments: Rules of the ZBA.pdf

Received and Filed

H-3 Officer Elections

Chair Briere and Vice Chair Dobmeier were elected to continue serving in their current positions.

I REPORTS AND COMMUNICATIONS

I-1 [18-0632](#) Various Communication to the Zoning Board of Appeals

Attachments: Letter from Hall, Ann Arbor Housing Commission .pdf, Email from Summersgill.pdf, Letter from Johnson received in May .pdf

Received and filed.

J PUBLIC COMMENTARY - (3 Minutes per Speaker)

K ADJOURNMENT

Unanimously adjourned at 7:03 p.m.