



**APPROVED MINUTES OF THE REGULAR MEETING OF  
THE ZONING BOARD OF APPEALS OF THE CITY OF ANN ARBOR  
July 27, 2011**

The Regular Session of the ZBA was held on Wednesday, July 27, 2011 at 6:00 p.m. in City Council Chambers, located at 301 East Huron, A2, MI

The meeting was called to order at 6:00 p.m. by Chairperson Carol Kuhnke

**ROLL CALL**

Members Present:               **(7)**    C. Briere, A. Milshteyn, J. Boggs, C. Kuhnke,  
D. Gregorka, S. Briere and E. W. Carman  
(arr. @ 6:09 p.m.)

Members Absent:               **(2)**    E. Briggs & P. Zielak

Staff Present:                   **(1)**    M. Kowalski

**A – APPROVAL OF AGENDA**

**A-1** - The Agenda was approved as presented.

**B - APPROVAL OF MINUTES**

**B-1**    Draft Minutes of the May 25, 2011 Regular Session *(Not available)*

**B-2**    Draft Minutes of the June 22, 2011 Regular Session *(Not available)*

**C - APPEALS & ACTION**

**C-1    ZBA11-013 – 514 Lawrence Street    *(WITHDRAWN BY PETITIONER)***

**Description and Discussion**

Robb Burroughs is requesting one variance from **Chapter 55** (Zoning) **Section 5:59** (Accessory Buildings), in order to allow an accessory building (New Garage) to occupy 52% of the rear open space. *(35% is the maximum coverage currently permitted by Code).*

C. Kuhnke – *Chair stated that the Petitioner had withdrawn their appeal.*

**C-2    ZBA11-014 – 1127 Clair Circle**

Michael Appel and Ruth Kraut are requesting one variance from **Chapter 55** (Zoning), **Section 5:27** (R1B, Single-Family) of 14 feet from the rear setback of 40 feet to permit construction of an addition located 26 feet from the rear property line. The petitioner is proposing to construct a 180 square foot covered and screened porch attached to the rear of the house.

**Description and Discussion**

The subject parcel is located at 1127 Clair Circle. The parcel is zoned R1B (Single-Family Residential District) and is 10,858 square feet (10,000 square feet is required). The house was built in 1955 and is 1,914 square feet.

The petitioner is proposing to construct a 180 square foot covered and screened porch attached to the rear of the house. The existing house is non-conforming for a 7 foot

encroachment into the rear open space; the proposed porch will encroach an additional 7 feet into the required rear open space for a total encroachment of 14 feet.

The porch addition measures 12 feet by 15 feet and will be constructed 15 feet from the south side property line and 26 feet from the rear property line. The screened porch would be attached to the family room and will be designed to match the architectural form and roof lines of the existing house. There is a small detached shed that will be removed, where the proposed porch will be constructed.

### **Questions to Staff by the Board**

None.

### **Presentation by the Petitioner**

Mr. Michael Appel and Ms. Ruth Kraut, owners and petitioners were present to speak on behalf of the appeal. Mr. Appel stated that they feel that this is a reasonable addition to the house. The setback was imposed on the house due to changes in the Zoning Ordinance. The owners also stated that they provided extensive information to the neighbors, and they know of no neighbors who have objected to the proposal.

### **Questions to the Petitioner by the Board**

D. Gregorka – How long have you lived there? (Since 1995). Was there any consideration given to ‘flip-flopping’ the deck with this to avoid the variance? *(Petitioners explained that part of that problem was access from the house to the proposed porch).*

*Note: W. Carman arrived during the staff presentation, approximately 6:09 p.m.*

S. Briere – Your plan shows a carport which goes all the way to the back – so from the street, you’ll be able to see all the way to your backyard? *(Petitioner – Yes. There is a deck on that side and the proposed porch is on the other side of that in the back, so you won’t be able to see those from the street – you’ll actually see nothing different).*

W. Carman – You have a proposed 12’ x 15’ with the 15 feet going straight out into the backyard. *(Petitioner – You’re wondering why you can’t build it the opposite way?)* Yes. *(Petitioner - You can’t see it, but there is a bank of windows behind the shed, so we would have to break into that bank. We went 12’ the other way to avoid an obstruction to those windows.)* Does the 15 feet out compromise the tree? Yes.

D. Gregorka – I asked why they couldn’t ‘flip flop’ the design of the deck with the porch, and you wouldn’t need a variance for the deck, and it would make the request for the variance smaller. If you did this, then you could walk out onto the porch, and you wouldn’t have to disrupt the windows. *(Petitioner stated that the yard slopes substantially so that this wouldn’t be feasible).*

D. Gregorka (to M. Kowalski) – They purchased the property in 1995, when did the ordinance change that affect this. *(1960’s, but they purchased it as non-conforming.)* I just wanted to point out that there has not been any change in the ordinance since they purchased it this way in 1995.

### **Public Comment**

- 107 **1. Ms. Sandra Fortier, 1109 Red Oak, Ann Arbor, MI** – I'm across the street, downhill  
 108 from them. I don't have a big concern, I just don't know much about it. I was out of  
 109 town when the postcard came. Since my house sits low, the people behind me are up  
 110 and I'm kind of in a valley. This house is a rental, by the way. I've lived somewhere  
 111 else for some time now. My concern was more about what they're doing. *(The Chair*  
 112 *stated that they welcome her comments, but if she had questions, staff would be happy*  
 113 *to answer these at another time, but that this time is set aside for public comment on the*  
 114 *issue at hand.) Ms. Fortier stated that she assumed that no one can actually answer*  
 115 *her question.*

116  
 117 C. Kuhnke – Stated that the owners of 1128 Pomona Road had submitted a Letter of Support.  
 118

### 119 Discussion by the Board

120  
 121 D. Gregorka *(To M. Kowalski)* – Going back to the photo that shows the back of the carport –  
 122 the two corner windows – This shows the carport ending at the electrical box, but the diagram  
 123 shows the carport coming out to the end of the house. If they don't have to build that far out,  
 124 they may not need any variance. *(Petitioner – Stated the concrete pad of the carport extends*  
 125 *about 8 feet beyond the roof. That is a small patio. The idea is to make the desk contiguous*  
 126 *with the deck.)*

127  
 128 W. Carman – So if you park your car there, you have to pull all the way to the end to fit?  
 129 *(Petitioner – I don't know that we've ever parked our car there, but we could fit the car under*  
 130 *the carport without encroaching on the concrete 'pad' that is not covered by the carport 'roof.')*

131  
 132 *(To Petitioner)* – It is our charge to find the smallest variance possible for you to do what you  
 133 do to use your property along with what you are required to do for your property. There are a  
 134 lot of 'if's' in that, so all of this work to find a way to lessen the variance is our job, If you don't  
 135 use the carport at all, that would be a great place for your screened in porch. *(Petitioner – If*  
 136 *we screened that in, we would technically not be able to claim that we have a parking spot.*  
 137 *We wouldn't want to design our house around not having a carport.)*

138  
 139 D. Gregorka – I think that there are options here to do this project without any variances or at  
 140 least a minimal variance. I think you can still build a screened in porch, even one larger than  
 141 you propose, along with a deck without a variance or at least a minimal one. I'm having a  
 142 difficult time supporting this because of that.

143  
 144 S. Briere – I'm trying to envision this without needing the variance, and I'm not being  
 145 successful yet.

146  
 147 J. Boggs stated the same. There are a lot of other issues, the slope, the tree, the electrical  
 148 wires, etc. I think it will still require a variance.

149  
 150 *(Additional discussion by the board regarding alternate planning for the deck and screened in*  
 151 *porch).*

152  
 153 C. Kuhnke – *(To Petitioners)* – I suspect that you will not have the 5 vote support from the  
 154 Board to pass a variance, and we do have the option to table this issue until the next meeting  
 155 to allow you time to go back and reconfigure your drawings. This would then save you the  
 156 application fee. *(Petitioner – If we could get a bit more of a sense of what the other Board*  
 157 *members feel, rather than waiting additional time and spending more money on design).*

158 C. Kuhnke – You need to design your project to see that it encroaches less into the rear  
 159 setback. The concern is that your house is already beyond the allowable setback, and this

would only increase that. Your property, in my opinion, is not extraordinary. You have useable property in other places on the lot. You'll have to show us either how this is the only place to put the porch, or a plan that encroaches less into the rear setback.

A Milshteyn – I would want the opinion as to what the neighbors in the back have to say if it is built in the alternate plan.

Petitioner – Can we get an idea of how the other Board members feel?

C. Kuhnke – You are certainly entitled to a vote on your issue if you like, but at this time it doesn't look promising, that is why we offered you the option of tabling it and revising your plans.

### **MOTION**

Moved by D. Gregorka, Seconded by S. Briere, **"In the case of ZBA11-014, 1127 Clair Circle, the Zoning Board of Appeals hereby TABLES this issue until the next meeting of the Board to allow petitioner time to revise and resubmit drawings."**

**On a Voice Vote – MOTION TO TABLE – PASSED – UNANIMOUS  
Table Granted.**

**D. OLD BUSINESS – None.**

**E. NEW BUSINESS – None.**

**F. REPORTS & COMMUNICATIONS – Covered under 'Appeals & Action'**

**AUDIENCE PARTICIPATION – GENERAL – None.**

### **ADJOURNMENT**

Moved by D. Gregorka, Seconded by C. Briere, **"That the meeting be adjourned."**

**On a Voice Vote – MOTION TO ADJOURN - PASSED - UNANIMOUS**

Adjournment – 6:50 p.m. **(Submitted by: Brenda Acquaviva, Administrative Specialist V – Zoning Board of Appeals)**

\*Note: The complete record of this meeting is available in video format at <http://a2govtv.pegcentral.com/index.php> or is available for a nominal fee by contacting CTN at (734) 794-6150.