



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, August 26, 2015

6:00 PM

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

A **CALL TO ORDER**

Candice Briere called the meeting to order at 6:03 p.m.

D **ELECTIONS FOR AUGUST ZBA MEETING**

Briere informed the Board that due to the resignation of the ZBA Vice Chair and the absence of the Chair at tonight's meeting the Board would need to hold an election for Chair pro tem to Chair the August ZBA meeting with an election on September 23rd for the Vice Chair position.

Evan Nichols nominated Candice Briere to serve as Chair pro tem for the August 26th ZBA meeting, seconded by Dave DeVarti. The Board unanimously approved the nomination.

B **ROLL CALL**

Candice Briere called the roll.

Present: 9 - Candice Briere, Ben Carlisle, Nickolas Buonodono, Heather Lewis, Evan Nichols, David DeVarti, Kirk Westphal, VACANT POSITION 1, and VACANT POSITION 2

Absent: 1 - Alex Milshteyn

C **APPROVAL OF AGENDA**

Westphal moved to approve the agenda as amended to move Item D to follow A, seconded by DeVarti. On a voice vote, the Chair declared the motion carried.

E **APPROVAL OF MINUTES**

E-1 [15-1066](#) June 24, 2015 ZBA Meeting Minutes with Live Links

Moved by Councilmember Westphal, seconded by Buonodono, that

the Minutes be Approved by the Commission and forwarded to the City Council. On a voice vote, the Chair declared the motion carried.

F APPEALS AND HEARINGS

Carlisle announced the Ann Arbor District Library Game Player code.

(Public Hearings: Individuals may speak for three minutes. Please state your name and address for the record.)

(Comments about a proposed project are most constructive when they relate to: (1) City Code requirements, or (2) additional information about the area around the petitioner's property and the extent to which a proposed project may positively or negatively affect the area.)

- F-1 15-1062** ZBA15-017; 824 Sylvan Avenue
Leo Babcock is requesting permission to alter a non-conforming structure in order to construct a second story addition over the existing structure. The footprint of the structure will not be increased.

Matt Kowalski presented the following staff report:

Description and Discussion:

The request is discussed in detail below:

The subject parcel is located at 824 Sylvan, between White and Packard. The parcel is zoned R4C (Multiple-Family Residential District) and is 3,528 square feet; minimum required lot size in the R4C district is 8,500 square feet. The two bedroom single-family house was built in 1945 and is 1,078 square feet. The house is non-conforming for the rear setback; one parking space exists on the site and one space is required. The existing house has a partial second story which extends over the middle of the house. Due to the fact that the new addition does not conform to the required setbacks, but does not increase the encroachment into the setback, permission to alter a non-conforming structure is required.

The petitioner is proposing to construct a new 1,078 square foot second story over the existing first floor containing three bedrooms, one bathroom and a study. The petitioner is also excavating and lowering the basement floor to permit the addition of two bedrooms, a study and a bathroom in the basement for a total of 950 square feet. However, permission from the ZBA is not needed for the basement excavation on a single-family house only the addition of the second story. After all proposed additions, the house will be a total of 3,200 square feet,

including the basement.

There will be no expansion of the existing footprint of the house; the proposed addition will not extend any closer to the property lines than the existing house. The interior of the house will be re-configured to include two bedrooms in the basement, one on the main floor and three on the second floor for a total of six bedrooms and three bathrooms. According to zoning regulations, the maximum occupancy of the house is six unrelated people. Due to the size of the existing house, the current maximum occupancy is four according to the rental housing code.

Standards for Approval

The Zoning Board of Appeals has all the power granted by State law and by Section 5:98, from the City of Ann Arbor Zoning Ordinance. The following criteria shall apply:

(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.

The petitioner is asking to modify an existing non-conforming structure. After construction, the structure will continue to be used as a single-unit home. The footprint of the existing house will not be expanded; no part of the structure will be built closer to the property line than currently exists. The existing house is approximately 16 feet and one and a half stories tall, the new addition will make the house 25 feet tall and two and a half stories; an increase of 9 feet in height. After all planned renovations, the house will increase in size from 1,078 square feet to 3,200 square feet total on a parcel size of 3,528 square feet. Permission from the ZBA is required only for the additional 1,078 square foot second story. The structure will be increased from a two bedroom house with a maximum occupancy of four to a six bedroom house with two studies and a maximum occupancy of six.

Staff advises that if the ZBA approves the requested alteration, the floor plans of the house be significantly redesigned to remove any areas designated as studies. Historically, areas designated as studies in houses near campus have evolved into bedrooms and subsequently result in over occupancy of the structures and potential health and safety concerns.

QUESTIONS BY BOARD TO STAFF:

Westphal asked why the petition would come before the ZBA if they are requesting to add a second story.

Kowalski explained that the ZBA covers anything from the ground up; and the proposed addition would encroach into the rear setback which is 30 feet in the R4C Zoning district. He said because they are adding additional floor area to the structure and because the existing footprint already encroaches into the setback the applicant needs permission to alter a nonconforming structure.

Nichols asked if there was side setback issue.

Kowalski said, no, they meet the 5 foot requirement.

Carlisle asked about staff recommendation if the ZBA request be approved, that the floor plans of the house be significantly re-designed to remove any areas designated as studies. He asked if that referred to re-labeling the floor plans or removing walls to eliminate the area shown as partitioned off and shown as a study.

Kowalski said, it would be removing walls on the floor plans. He explained that, historically, staff have found in the areas particularly near the campus that floor plans designated as studies have evolved into bedrooms and subsequently result in over occupancy of the structure and potential health and safety concerns result.

Carlisle asked if over occupancy would be caught and corrected as part of the rental housing inspection requirement.

Kowalski said it would be; however the rental inspection cycle is only done every 2 ½ years.

Evans asked if the ZBA had purview on adding stipulations on interior spaces.

Kowalski said the standards for Permission to Alter allow them to look at the whole picture and since the request is to add a complete second story, the floor plans proposed could guide the ZBA on whether they approve or deny the request before them and therefore is a relevant issue to the ZBA.

Evans asked about enforcement of any stipulation on the plans.

Kowalski said the applicant would need to submit building plans for their permit and at that time he would review them to verify that they meet the ZBA's conditions and approval. He further noted that the property record would be flagged with these conditions so they would be permanently attached to the record for the future, whether the property stay with the current owner or if ownership changes.

DeVarti asked how many bedrooms the current structure has and how much parking is existing on site and how much parking is proposed.

Kowalski said the current house has 2 bedrooms and there are no changes proposed in the parking. He showed on the plan that there is currently 1 legal parking space which is legal for a 1-unit single-family use.

DeVarti asked if additional parking would be required if they added bedrooms.

Kowalski said parking requirements are based on units and not on bedrooms.

Nichols asked about potential reconfiguration of plans.

Kowalski said anything that is not counted as bedrooms, bathrooms, or mechanical areas, could be specified to be removed from plans.

Westphal asked if the condition could specify the total number of allowed bedrooms in the house.

Kowalski said, yes.

DeVarti referenced the application asking if the applicant could make interior alterations to the structure without coming before the ZBA.

Kowalski said, yes.

Lewis asked if the proposed addition would be 3 feet less than proposed then the applicant wouldn't need approval from the ZBA.

Kowalski said, correct.

PRESENTATION BY PETITIONER:

Leo Babcock, 309 N. Ann Street, Saline, MI, Architect, representing the owner was present to respond to the Board's enquiries. He explained that the structure of the exterior wall was the impracticality of building the addition differently than proposed. He said the smaller 'study areas' could possibly be altered on the plan and while he hadn't looked at it, noted that most of them were dead-end hallways and possibly not even large enough to hold a bed, adding that they could turn them into linen closets or cupboards.

Westphal asked if the proposed plans of the exterior walls were designed for support issues of the structure.

Babcock said yes, and passed around pictures of neighboring houses on the street showing they had the same rear yard issue. He said his understanding was that when these houses were built there was no rear yard setback as currently.

Carlisle asked if the setbacks had changed recently in this area.

Kowalski said he believed this house was built in 1945 so the zoning had changed since then.

Carlisle asked if the zoning had changed recently.

Kowalski said no, not recently.

Carlisle asked what other practical difficulty existed, other than the architectural concern, and what hardships were presented by the current lot. He asked if it were possible for a second story addition to be constructed within the existing setback.

Babcock said, yes, but it wouldn't be practical.

PUBLIC HEARING:

Charles Nelson, 822 Brookwood Place, Ann Arbor, said he has lived at his house since 1978. He noted they have made improvements to their house over the years and when they moved in, their street was approximately 51% homeowner occupied but that has completely changed since then. He said whenever a house came up for sale landlords were able to offer more for the houses than homeowners so gradually the nature of the whole neighborhood has bled over from

McKinley to Brookwood Place, into Sylvan. He said they have stayed because they like living in Ann Arbor, but he wanted to raise a few issues. He said the parking has become vicious in this area and not only do they have the people who don't want to have to pay for parking somewhere else and are scouting for parking in the area, but the increase in the livable space in the units, with everyone having their own cars, has resulted in 5-6 cars on what used to be lawn. He said they have asphalted backyards in the area and some of it is irreversible but when there is any choice on the part of homeowners like himself, they would like to question, is it possible that this improvement is going to increase the density, occupancy rate, and people with cars in the area. He said that is their main objection. He continued, as far as the property owner wanting to improve the property, they appreciate that as it brings up the property values in the area.

Sidney Harris, 821 Sylvan Avenue, Ann Arbor, said his main concern is parking on the street. He said he has an empty lot across the street and with on-going construction he wants to know if they will be pulling into his empty lot.

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

LIST OF EXHIBITS PRESENTED:

*Patricia Simons, 1232 White Street, Ann Arbor; Opposed
Raymond J. Martini, 1230 White Street, Ann Arbor; Opposed*

BOARD DISCUSSION:

The members of the Board took into consideration the presented petition and discussed the matter.

Moved by DeVarti, seconded by Westphal, that in Petition ZBA15 017; 824 Sylvan Avenue 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 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.

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

motion denied.

VOTE: 2-5

Permission Denied

Yeas: 2 - Lewis, and Councilmember Westphal

Nays: 5 - Briere, Carlisle, Buonodono, Nichols, and DeVarti

Absent: 1 - Chair Milshteyn

F-2 [15-1063](#)

ZBA15-018; 814 Sylvan Avenue

Leo Babcock is requesting permission to alter a non-conforming structure in order to construct a second story addition over the existing structure. The footprint of the structure will not be increased.

Matt Kowalski presented the following staff report:

Description and Discussion:

The request is discussed in detail below:

The subject parcel is located at 814 Sylvan, between White and Packard. The parcel is zoned R4C (Multiple-Family Residential District) and is 3,528 square feet; minimum required lot size in the R4C district is 8,500 square feet. The two bedroom single-family house was built in 1945. It currently is one story and 694 square feet in size. The house is non-conforming for the rear setback; one parking space exists on the site and one space is required. Due to the fact that the new addition does not conform to the required setbacks, but does not increase the encroachment into the setback, permission to alter a non-conforming structure is required.

The petitioner is proposing to construct a new 694 square foot second story over the existing first floor containing three bedrooms, one bathroom and a study area. The petitioner is also excavating and lowering the basement floor to permit the addition of two bedrooms, a study and a bathroom in the basement for a total of 600 square feet. However, permission from the ZBA is not needed for the basement excavation on a single-family house only the addition of the second story. After all proposed additions the house will be a total of 1,988 square feet, including the basement.

There will be no expansion of the existing footprint of the house; the proposed addition will not extend any closer to the property lines than the

existing house. The interior of the house will be re-configured to include two bedrooms in the basement, one on the main floor and three on the second floor for a total of six bedrooms and three bathrooms. According to zoning regulations, the maximum occupancy of the house is six unrelated people. Due to the size of the existing house, the current maximum occupancy is four according to the rental housing code.

Standards for Approval

The Zoning Board of Appeals has all the power granted by State law and by Section 5:98, from the City of Ann Arbor Zoning Ordinance. The following criteria shall apply:

(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.

The petitioner is asking to modify an existing non-conforming structure. The footprint of the existing house will not be expanded; no part of the structure will be built closer to the property line than currently exists. The existing house is approximately 14 feet and one story tall; the new addition will make the house 25 feet tall and two and half stories an increase of 11 feet in height. After all planned renovations, the house will increase in size from 694 square feet to 1,988 square feet total on a parcel size of 3,528 square feet. Permission from the ZBA is required only for the additional 694 square foot second story. The structure will be increased from two bedroom house with a maximum occupancy of four to a six bedroom house with two studies and a maximum occupancy of six.

Staff advises that if the ZBA approves the requested alteration, the floor plans of the house be significantly redesigned to remove any areas designated as studies. Historically, areas designated as studies in houses near campus have evolved into bedrooms and subsequently result in over occupancy of the structures and potential health and safety concerns.

QUESTIONS BY BOARD TO STAFF:

Lewis asked about the proposed floor plans, and how many bedrooms the existing house had.

Kowalski reviewed the plans with the Board, noting that the existing house had 2 bedrooms and the proposed plans showed 6 bedrooms.

Evans asked if this request was the same as the previous request in that an addition could be built within the existing setback and not need approval from the ZBA.

Kowalski said, correct.

DeVarti asked about existing parking on the site

PRESENTATION BY PETITIONER:

Leo Babcock, 309 N. Ann Street, Saline, MI, Architect, representing the owner was present to respond to the Board's enquiries. He said the projects are very similar, with this house encroaching further into the setback than the previous house at 824 Sylvan.

Carlisle asked about unique features or hardships presented by the parcel.

Tom Allmand, Sylvan LLC, 3310 Packard #3A, Ann Arbor, property owner, was present and explained the application.

PUBLIC HEARING:

Charles Nelson, 822 Brookwood Place, Ann Arbor, spoke in support of upgrading the housing stock in the area, but was opposed to the increased density, lack of parking, and loud riotous parties, in this neighborhood.

Ciselle Nelson, 822 Brookwood Place, Ann Arbor, stated that having been a student herself she knows there is no such thing as study rooms because they become illegal bedrooms. She asked when they would be talking seriously about the issue and addressing the loud parties, noise, underage drinking, and lack of parking in this area. She said there are big fights resulting in the police intervening, especially in the evenings and on game days. She said they can't get out of their own driveways because everyone parks illegally, given their location being only 1 block from the gymnastics building and 3 blocks from the stadium. She said when she came to Ann Arbor it was a town and now it is a City that is noisy, dirty and loud. She said people park on lawns, destroy gardens, and leave their trash behind. She said she doesn't know why the City Council exists because they don't impose law and order. She said the owners of these houses live in nice neighborhoods but they have to live here in this

neighborhood where they see naked women running through the neighborhood, and it's terrible for those living there.

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

LIST OF EXHIBITS PRESENTED:

Patricia Simons, 1232 White Street, Ann Arbor; Opposed
Raymond J. Martini, 1230 White Street, Ann Arbor; Opposed

BOARD DISCUSSION:

The members of the Board took into consideration the presented petition and discussed the matter.

Moved by DeVarti, seconded by Lewis, in Petition ZBA15 018; 814 Sylvan Avenue 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 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.

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

VOTE: 4-3

5 affirmative votes required; Permission Denied

Yeas: 4 - Briere, Lewis, Nichols, and Councilmember Westphal

Nays: 3 - Carlisle, Buonodono, and DeVarti

Absent: 1 - Chair Milshteyn

F-3 [15-1064](#)

ZBA15-019; 303-307 West Davis Avenue
Maven Development is requesting one variance from Chapter 59 (Off-Street Parking) Section 5:68 (6), a variance to permit tandem parking within a garage to satisfy parking requirement of 1.5 spaces per unit; a total of 2 spaces per unit are provided with the tandem design.

Matt Kowalski presented the following staff report:

Description and Discussion:

The site is composed of two parcels, 303 West Davis and 307 West Davis. Each parcel has an existing single-family home that will be demolished. The petitioner seeks to construct a new four-unit townhome structure. The site currently is zoned R4C (Multiple-Family Dwelling District).

The site currently has two driveways to West Davis, one for each house. The two drives will be re-located and widened with each drive servicing two townhomes. The shared drives will access two garages each. Each garage will fit two cars in a tandem (front to back) formation. A total of 6 vehicle parking spaces are required for construction of the new building, there will be 8 spaces provided (two per unit) inside garages. A variance is being requested in order to permit this parking arrangement. A variance is also required in order to permit the west drive to line up directly with the terminus of First Street at West Davis.

The site plan was recommended for approval at the August 18, 2015 Planning Commission meeting. If the variances are granted, it will proceed to City Council for final site plan approval.

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 4:20(9). 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 variances requested will be in harmony with the general purpose and intent of Chapter 47 because it corrects an existing negative offset driveway and will allow for continued safe and efficient access to and from the site. Modifications required to shift the drive or use the existing curb cut will result in an offset drive similar to the existing condition which is not recommended by the City's Traffic Engineer. This residential driveway serves 2 units and will not have a high volume of traffic. Most visitors or deliveries will be able to park on the public street in the immediate

vicinity. Due to the fact that the proposed plan was designed for a drive to line up directly with the opposing public street, and the low volume of traffic, the City's Traffic Engineer has reviewed and supports the variance requests as proposed.

Standards for Approval - Chapter 59 (Off-Street Parking) 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 59, Section 5:566. The following criteria shall apply:

The Zoning Board of Appeals shall have authority to interpret this chapter and may in specific cases and after public notice and hearings in accordance with Chapter 55 of this Code grant variances and exceptions to these requirements, providing such variance or exception is in harmony with the general purpose and intent of the requirements. The procedural requirements for appeals under Chapter 55 shall be applicable to appeals under this chapter.

In the R4C Zoning District, the parking requirement is 1.5 spaces per unit for a total of 6 spaces required. The project will provide 2 spaces for each unit in a tandem, front to back arrangement. With a tandem arrangement only one vehicle will be able to be moved without moving the other vehicle. The structure will contain 4 residential condominium units that contain 2-3 bedrooms each. The intent of Chapter 59 is to ensure all developments have safe and sufficient parking for residents. The units are likely to be occupied by families that can coordinate vehicle movement and not a group of unrelated residents. Street parking is also available along West Davis as well as along First Street.

QUESTIONS BY BOARD TO STAFF:

Nichols enquired about any safety concerns with tandem parking in an interior garage under a building.

Kowalski said no, they have not identified any safety concerns, noting that given that the proposed project requires site plan review the project has gone through an extensive review including the Fire Marshall.

Carlisle asked for clarification on the driveway variance request.

Kowalski explained the required City code to the Board.

Nichols asked if staff was aware of any potential projects in the area that would increase traffic flow.

Kowalski said, not that staff knows of.

PRESENTATION BY PETITIONER:

Dan Williams, Maven Development, 429 Felch Street, Ann Arbor, owner and developer, was present to respond to enquiries from the Board.

PUBLIC HEARING:

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

LIST OF EXHIBITS PRESENTED:

None

BOARD DISCUSSION:

The members of the Board took into consideration the presented petition and discussed the matter.

Moved by Nichols, seconded by Westphal, in Petition ZBA15 019; 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, the Zoning Board of Appeals hereby GRANTS this variance, per submitted plans, finding that;

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

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

VOTE: 8-0

Variance Granted

Yeas: 9 - Briere, Carlisle, Buonodono, Lewis, Nichols, DeVarti, Councilmember Westphal, POSITION 1, and POSITION 2

Nays: 0

Absent: 1 - Chair Milshteyn

F-4 **15-1065**

ZBA15-020; 303-307 West Davis Avenue

Maven Development is requesting one variance from Chapter 47 (Streets and Sidewalks) Section 4:20 (3) (a), a variance to permit a driveway with 0 foot offset from the adjacent intersection, 15 feet is required.

Description and Discussion:

The site is composed of two parcels, 303 West Davis and 307 West Davis. Each parcel has an existing single-family home that will be demolished. The petitioner seeks to construct a new four-unit townhome structure. The site currently is zoned R4C (Multiple-Family Dwelling District).

The site currently has two driveways to West Davis, one for each house. The two drives will be re-located and widened with each drive servicing two townhomes. The shared drives will access two garages each. Each garage will fit two cars in a tandem (front to back) formation. A total of 6 vehicle parking spaces are required for construction of the new building, there will be 8 spaces provided (two per unit) inside garages. A variance is being requested in order to permit this parking arrangement. A variance is also required in order to permit the west drive to line up directly with the terminus of First Street at West Davis.

The site plan was recommended for approval at the August 18, 2015 Planning Commission meeting. If the variances are granted, it will proceed to City Council for final site plan approval.

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 4:20(9). 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 variances requested will be in harmony with the general purpose and intent of Chapter 47 because it corrects an existing negative offset driveway and will allow for continued safe and efficient access to and from the site. Modifications required to shift the drive or use the existing curb cut will result in an offset drive similar to the existing condition which is not recommended by the City's Traffic Engineer. This residential driveway serves 2 units and will not have a high volume of traffic. Most visitors or deliveries will be able to park on the public street in the immediate vicinity. Due to the fact that the proposed plan was designed for a drive to line up directly with the opposing public street, and the low volume of traffic, the City's Traffic Engineer has reviewed and supports the variance requests as proposed.

Standards for Approval - Chapter 59 (Off-Street Parking) 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 59, Section 5:566. The following criteria shall apply:

The Zoning Board of Appeals shall have authority to interpret this chapter and may in specific cases and after public notice and hearings in accordance with Chapter 55 of this Code grant variances and exceptions to these requirements, providing such variance or exception is in harmony with the general purpose and intent of the requirements. The procedural requirements for appeals under Chapter 55 shall be applicable to appeals under this chapter.

In the R4C Zoning District, the parking requirement is 1.5 spaces per unit for a total of 6 spaces required. The project will provide 2 spaces for each unit in a tandem, front to back arrangement. With a tandem arrangement only one vehicle will be able to be moved without moving the other vehicle. The structure will contain 4 residential condominium units that contain 2-3 bedrooms each. The intent of Chapter 59 is to ensure all developments have safe and sufficient parking for residents. The units are likely to be occupied by families that can coordinate vehicle movement and not a group of unrelated residents. Street parking is also available along West Davis as well as along First Street.

QUESTIONS BY BOARD TO STAFF:

Nichols enquired about any safety concerns with tandem parking in an interior garage under a building.

Kowalski said no, they have not identified any safety concerns, noting that given that the proposed project requires site plan review the project has gone through an extensive review including the Fire Marshall.

Carlisle asked for clarification on the driveway variance request.

Kowalski explained the required City code to the Board.

Nichols asked if staff was aware of any potential projects in the area that would increase traffic flow.

Kowalski said, not that staff knows of.

PRESENTATION BY PETITIONER:

Dan Williams, Maven Development, 429 Felch Street, Ann Arbor, owner and developer, was present to respond to enquiries from the Board.

PUBLIC HEARING:

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

LIST OF EXHIBITS PRESENTED:

None

BOARD DISCUSSION:

The members of the Board took into consideration the presented petition and discussed the matter.

Moved by Westphal, seconded by Nichols, in Petition ZBA15-020, Chapter 59 (Off Street Parking) Variance – The Zoning Board of Appeals shall have authority to interpret this chapter and may in specific cases and after public notice and hearings in accordance with Chapter 55 of this Code grant variances and exceptions to these requirements, providing such variance or exception is in harmony with the general purpose and intent of the requirements. The Zoning Board of Appeals GRANTS this variance per submitted plans, finding;

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

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

VOTE: 8-0

Variance Granted

Yeas: 9 - Briere, Carlisle, Buonodono, Lewis, Nichols, DeVarti, Councilmember Westphal, POSITION 1, and POSITION 2

Nays: 0

Absent: 1 - Chair Milshteyn

G UNFINISHED BUSINESS

H NEW BUSINESS

I REPORTS AND COMMUNICATIONS

Carlisle reported that this would be his last meeting with the Zoning Board of Appeals and he would be resigning. He explained that with the Planning Manager, Wendy Rampson's retirement, his firm has been hired to assist the City in the transition between the current Director and the new Director. He said because they will be reviewing plans and assisting the Planning Department it would be a conflict of interest for him to stay on the Zoning Board of Appeals.

Carlisle said his time on the Board has been great and it had been a pleasure serving with everyone, and he appreciated the time he was able to serve. He said when his contract with the City was complete the Board might see him return.

Kowalski reported that anyone interested in serving on the Zoning Board of Appeal's should submit their applications for consideration, directly to the Mayor's office.

J PUBLIC COMMENTARY - (3 Minutes per Speaker)

K ADJOURNMENT

Moved by Buonodono, seconded by DeVarti, that the meeting be adjourned at 7:30 p.m. On a voice vote, the Chair declared the motion carried.

Community Television Network Channel 16 live televised public meetings are also available to watch live online from CTN's website, www.a2gov.org/ctn, on "The Meeting Place" page (<http://www.a2gov.org/livemeetings>).

Live Web streaming is one more way, in addition to these listed below, to stay in touch with Ann Arbor City Council and board and commission actions and deliberations.

- *Video on Demand: Replay public meetings at your convenience online at www.a2gov.org/government/city_administration/communicationsoffice/ctn/Pages/VideoOnDemand.aspx*
- *Cable: Watch CTN Channel 16 public meeting programming via Comcast Cable channel 16.*

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.

*Mia Gale
Recording Secretary*