



# 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)

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Wednesday, January 23, 2019

6:00 PM

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

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**A CALL TO ORDER**

*Meeting called to order at 6:00 p.m.*

**B ROLL CALL**

*Chair Briere called the roll.*

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

**Absent:** 1 - Michael Dobmeier

**C APPROVAL OF AGENDA**

**Moved by Weatherbee, seconded by Grant, approved unanimously as presented.**

**D APPROVAL OF MINUTES**

**D-1** [19-0108](#) Zoning Board of Appeals Meeting Minutes of December 5, 2018

**Attachments:** 12-5-2018 ZBA Minutes .pdf

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

**E PUBLIC HEARINGS**

**E-1** [19-0109](#) ZBA18-030; 532 South Fifth Avenue

Mark Schroeder, property owner, is requesting an alteration to a nonconforming structure in order to construct an addition to an existing duplex. The existing addition will be demolished and the new two story addition will total 1,734 square feet. The addition will meet the R4C district setbacks, but an alteration is required as the property does not meet the lot

size and lot width requirements.

**Attachments:** ZBA18-030; 532 S Fifth Ave Staff Report w Attachments .pdf, 5th Ave. Duplex Rendering .jpg

*Jon Barrett, City of Ann Arbor Zoning Coordinator, presented the staff report.*

**QUESTIONS FROM BOARD TO STAFF:**

*Boardmember Todd Grant inquired about bedrooms allowed as well as parking at the address.*

*Barret answered that six bedrooms are allowed and that three parking spaces are required.*

**PRESENTATION BY PETITIONER:**

*Mark Schroeder, property owner, explained his application. He clarified that the driveway is not shared and that the property is not a part of a recognized historic district.*

*David Lewis, Architect for the project, clarified that the request is for permission to alter a nonconforming structure, and that no variance is requested.*

*Boardmember Dave DeVarti inquired about the reason for the request.*

*Councilmember Elizabeth Nelson inquired about renting to students.*

*Schroeder answered that the reason for the request is to make needed updates to the home as well as make improvements to an aging addition. He stated that he rents to a variety of renters and at this house there is one student tenent.*

*DeVarti discussed Fair Housing and inquired about compliance with the regulations.*

*Schroeder stated that he rents to a variety of family types and sizes and does not discriminate.*

**Moved by DeVarti, seconded by Grant in Petition ZBA18-030; 532 South Fifth 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 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 proposed plans, the potential impacts to the neighborhood, and the neighborhood setting.*

**On a roll call 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

**Absent:** 1 - Vice Chair Dobmeier

**E-2**      **19-0110**      ZBA18-031; 3100 Washtenaw Avenue  
WPG Management Associates, Inc. represented by Ryan Vande Bosche, are requesting a six foot variance from Chapter 55 Zoning Section 5.24.4 (1) for the Arbor Hills shopping center. The variance will allow for wall signs to project up to 10 feet from the building wall. The code requires a maximum of four feet of projection from building walls.

**Attachments:**      ZBA18-031; 3100 Washtenaw Ave Staff Report w Attachments .pdf

*Barrett presented the Staff Report.*

**QUESTIONS FROM BOARD TO STAFF:**

*DeVarti inquired about additional LuluLemon signs along Washtenaw Avenue.*

*Barrett deferred to the applicant.*

*Boardmember ToddGrant inquired about when signs are reviewed during*

*the development process.*

*Barrett answered that signs are not reviewed during the site plan process.*

*Boardmember Julie Weatherbee inquired about whether or not the architectural features need to be removed.*

*Barrett answered that it would depend on whether or not the architectural features were approved as part of the applicant's site plan.*

**PRESENTATION BY PETITIONER:**

*Ryan Vande Bosche, Petitioner, explained the sign request is to allow the shopping center in general to receive the variance to allow the signs to be more easily viewed by the public. He explained that all size and height requirements will be followed for each store. He explained that the sign variance would not impact sight, traffic, or any area outside of the shopping center. He explained that an improvement in signage would allow for a diverse and high quality tenant pool for renting in the area.*

*DeVarti asked who the architect is and how much removing the steel feature would cost.*

*Vande Bosche answered that he is not the architect and that removing the steel signs would be extremely prohibitive due to cost.*

*Briere clarified that signs would be allowed to be on the metal area.*

*Nelson inquired about evidence for customers not knowing about the businesses*

*Vande Bosche answered that all evidence regarding that is anecdotal.*

**Moved by DeVarti, seconded by Daniel, in Petition ZBA18-031; 3100 Washtenaw Ave**

**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 5.24.4 (1) :**

**A variance to allow wall signs to project up to 10 feet from the building wall attached to the steel facade structure within the interior of the center.**

- 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 further discussed the sign code, the intent of the variance request, alternate sign configurations, and the standards for approval.*

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

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

**Nays:** 0

**Absent:** 1 - Vice Chair Dobmeier

- E-3**      [19-0111](#)      ZBA18-032; 800 Princeton Street  
Megan and Steven Christ, represented by Dawn Zuber Architect, are seeking a seven foot two inch variance from Chapter 55 Zoning Table 5:17-1 to allow for the construction of an attached garage into the rear yard setback. The property is zoned, R2A Two-Family, however, the R1D Single Family district setbacks apply as the proposed use of the property is single-family. The R1D district requires a 20 foot rear yard setback.

**Attachments:**      ZBA18-032 800 Princeton St Staff Report w Attachments .pdf

*Barrett presented the Staff Report*

*QUESTIONS FROM BOARD TO STAFF*

*Grant commented that before the ordinance was revised, the applicant would not need a variance.*

*DeVarti inquired about historic properties in the area.*

*Weatherbee inquired about curbcuts.*

*Barrett answered that the property is not within a Historic District and any curb cuts would have to be permitted through the engineering department.*

#### **PRESENTATION BY PETITIONER**

*Dawn Zuber, representing the Applicant, explained that after the home was purchased, the owner suffered a spinal cord injury and is now confined to a wheelchair, and the home will be built to be as compact as possible, while being wheel chair accessible, and that the attached garage is intended to be kept in scale as much as possible with others in the neighborhood.*

*Boardmember Nicole Eisenmann inquired about the note on the plans for an addition.*

*Weatherbee inquired about the driveways at the site.*

*Steve Christ, Applicant, answered that although they would like to keep the curbcuts they do not plan to pave the driveway due to that creating an increase in impervious surface*

**Moved by Daniel, seconded by DeVarti, in Petition ZBA18-032; 800 Princeton Street**

#### **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 Table 5:17-1 Single-Family Residential Zoning District Dimensions:**

**A variance of seven feet two inches to allow construction of an**

attached garage into the required 20 foot rear yard setback. The garage 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 approval, the situation of the applicant, and the proposed variance plans.*

**On a roll call 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

**Absent:** 1 - Vice Chair Dobmeier

- E-4**      [19-0112](#)      ZBA18-033; 3309 Edgewood Drive  
Allison and Benjamin Tatum, property owners, are requesting a 10 foot one inch variance from Chapter 55 Zoning Table 5:17-1 to allow for the construction of an attached garage into the required front yard setback. The property is zoned R1C Single-Family and has an average front setback of 40 feet.

**Attachments:**      ZBA18-033; 3309 Edgewood Drive Staff Report w Attachments .pdf

*Barrett presented the Staff Report.*

**QUESTIONS FROM BOARD TO STAFF**

*Nelson inquired about the proposed garage protruding into the front yard potentially blocking views.*

*Barrett explained that the variance meets the district requirement but due to the neighboring properties being set back a greater distance, it requires a variance. He further explained that due to the position of the neighboring houses, it is not his opinion that views would be impacted.*

*DeVarti inquired about the potential location of future sidewalks.*

*Barrett answered that the sidewalks would be between the property line and the street.*

#### **PUBLIC HEARING**

*Allie Tatum, Applicant, explained that although her needs have changed which has prompted the variance request, she would like to stay in her home. She described her situation of being on a corner lot, as well as the house configuration which limits options for conforming additions or garages.*

**Moved by DeVarti, seconded by Eisenmann in Petition ZBA18-033;  
3309 Edgewood 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 variance from Chapter 55 Unified Development Code Table 5:17-1 Single-Family Residential Zoning District Dimensions:**

**A variance of ten feet one inch to allow construction of an attached garage into the required 40 foot front yard setback. The garage 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 proposed plans, the request, and the need for a variance.*

**On a roll call 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
- Absent:** 1 - Vice Chair Dobmeier

**F UNFINISHED BUSINESS**

**G NEW BUSINESS**

**H REPORTS AND COMMUNICATIONS**

**H-1 [19-0113](#) Various Communication to the ZBA**

**Attachments:** Email from Carpenter .pdf, Email from Lewinski.pdf, Email from Rudelich .pdf, Letter from Miller Building LLC.pdf, Email from Vincenz .pdf, Letter from Hammar.pdf, Letter from Holtman.pdf, Email from Strassmann .pdf, Email from Peterson .pdf, Email from Strassmann to planning email .pdf, Letter from Langenburg.pdf, Letter from Jacobson.pdf, Email from Langenburg .pdf, Email From Servais.pdf, Email from Easthaven Animal Hospital .pdf, Email from Hagy 1-25-2019 .pdf

**Received and Filed**

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

**J ADJOURNMENT**

**Unanimously adjourned at 7:36 p.m.**

Community Television Network Channel 16 live televised public meetings are also available to watch live online from CTN's website, [www.a2gov.org/ctn](http://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](http://www.a2gov.org/government/city_administration/communicationsoffice/ctn/Pages/VideoOnDemand.aspx)  
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Candice Briere, Chairperson of the Zoning Board of Appeals

/kvl