



# 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, February 27, 2019

6:00 PM

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

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**A CALL TO ORDER**

*Chair Candice Briere called the meeting to order at 6:00 p.m.*

**B ROLL CALL**

**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 DeVarti, and approved unanimously as presented.**

**D APPROVAL OF MINUTES**

**D-1**     [19-0318](#)   Minutes of the January 23, 2019 Zoning Board of Appeals Meeting

**Attachments:**   1-23-2019 ZBA Minutes.pdf

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

**E PUBLIC HEARINGS**

**E-1**     [19-0319](#)   ZBA19-001; 2750 Pontiac Trail  
Commercial Property Investors of Pontiac Trail, LLC are requesting a variance from Chapter 55 Unified Development Code (UDC) Section 5.19.2 Parking Requirements. The 69 unit three-story townhome development is required to supply two parking spaces per unit for a total of 138 parking spaces. The petitioner is proposing to install 94 parking spaces resulting in a 44 parking space variance. The property is zoned

R4A Multiple Family.

**Attachments:** ZBA19-001 2750 Pontiac Trail Staff Report with Attachments .pdf

*City of Ann Arbor City Planner Chris Cheng presented the Staff Report*

#### QUESTIONS FROM BOARD TO STAFF

*Boardmember Todd Grant expressed concern with there being to few spaces and inquired about the chosen parking layout.*

*Cheng answered that the layout would reduce stormwater detention and preserve woodlands.*

*Councilmember Elizabeth Nelson inquired about the number of bedrooms in each unit.*

*Brad Moore, Architect, answered, two bedrooms with a possibility of three.*

*Boardmember Dave DeVarti discussed the parking requirements in other zoning districts.*

#### PRESENTATION BY PETITIONER

*Scott Betzoldt, Midwestern Consulting explained that 197 useable parking spaces are being provided which exceeds the code requirement. He clarified that because the spaces are tandem, they are not recognized by code.*

*Moore clarified that the proposed buildings are single family condos, and that each dwelling will have interior and exterior parking. He further explained that the spaces in each driveway are exclusively for the owner's use.*

*DeVarti asked if there will be basements.*

*Moore answered that some units will have partial basements.*

*DeVarti expressed opposition for the requested variance, explaining that a garage can be filled with the owner's belongings and not used for parking.*

*Boardmember Mike Daniel explained that he fits a Sports Utility Vehicle*

*(SUV), a normal car, and plenty of other possessions in his garage and driveway. He inquired about guest parking at the development.*

*Developer explained that the guest parking is provided and will be enforced.*

*Grant discussed the possibility of expanding parking into the woodland area.*

*Cheng explained that keeping the woodlands is preferred.*

*Nelson inquired about the impacts to stormwater if parking is expanded*

*Betzolt explained that the retention ponds would have to increase in size by 30 percent if the site was paved in order to provide parking to code.*

#### **PUBLIC HEARING**

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

**Moved by Daniel, seconded by DeVarti, in Petition ZBA19-001; 2750 Pontiac Trail**

#### **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 5.19.2 Parking Requirements.**

**A variance of forty-four parking spaces to allow the construction of a 69 unit three-story townhome development. The site plan project 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.**

*The Board discussed the need for parking, the impacts to the woodlands, the code requirement, and stormwater at the site.*

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

**Yeas:** 6 - Chair Briere, Daniel, Eisenmann, Grant, Weatherbee, and Wilson

**Nays:** 2 - DeVarti, and Councilmember Nelson

**Absent:** 1 - Vice Chair Dobmeier

- E-2**      [19-0320](#)      ZBA19-002; 1619 South University  
Darren Kummerer, representing Administrative Holdings III, LLC are requesting a variance from Chapter 55 Unified Development Code (UDC) Table 5:17-2 Two Family Residential Zoning District Dimensions. The petitioners are seeking to convert an existing nine-bedroom single family home into a two-unit duplex consisting of a three bedroom unit and a six bedroom unit. The property is zoned R2B Two-family that requires a minimum lot width of 60 feet. The subject property is 50 feet in width, resulting in the ten foot variance.

**Attachments:**      ZBA19-002; 1619 S University Ave Staff Report with Attachments .pdf

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

*Grant clarified that there will be no external changes to the unit*

*DeVarti clarified the need for the variance*

*Barrett explained that the lot does not meet the lot size for the zoning district*

**PRESENTATION BY PETITIONER**

*Daren Kummerer, applicant, explained that the house already functions as a multi family home and that alterations would technically just be putting walls up on the interior of the home.*

*Eisenmann inquired about the entry of the home.*

*Kummerer indicated on the presentation where the entry is.*

*DeVarti inquired about the parking spaces provided.*

*Kummerer answered, six spaces.*

#### **PUBLIC HEARING**

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

**Moved by DeVarti, seconded by Eisenmann, in Petition ZBA19-002;  
1619 South University**

#### **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 5:17-2 Two-Family Residential Zoning District Dimensions:**

**A variance of ten feet to allow the conversion of an existing nine-bedroom single family home into a two-unit duplex consisting of a three bedroom unit and a six bedroom unit. 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 that there are no exterior changes proposed.*

**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-3**

**19-0321**

ZBA19-003; 2000 Anderson Court  
Carmel Gerber, property owner, is requesting a variance from Chapter 55 Unified Development Code (UDC) Section 5.18.5 Averaging an Established Front Building Line and Table 5:17-1 Single-Family Residential Zoning District Dimensions. The petitioner is seeking to construct a new front porch and dormers that will require a 12 foot 10 inch variance and to connect the existing detached garage to the residence which results in a two inch variance.

**Attachments:** ZBA19-003; 2000 Anderson Court Staff Report with Attachments .pdf

*Barrett presented the Staff Report.*

**QUESTIONS FROM BOARD TO STAFF:**

*DeVarti clarified that the front porch is not covered, and inquired about the requirements at the address without averaging the setbacks.*

*Barrett answered that the requirement would be 25 feet.*

*Nelson inquired about additions being added to other homes in the neighborhood.*

*Barrett answered that many homes in the area have had additions.*

*DeVarti discussed the second floor dormer location.*

**PRESENTATION BY PETITIONER:**

*Carmel Gerber, applicant, explained that when she purchased the home she has made many improvements, explaining that the home was previously neglected. She explained that her application is a request to finish making the improvements needed to bring the house up to the standard of the neighborhood.*

*DeVarti inquired about the how close the new front porch would be to the property line.*

*Barrett answered 21.41 feet.*

**PUBLIC HEARING:**

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

**Moved by DeVarti, seconded by Wilson, in Petition ZBA19-003; 2000 Anderson Court**

**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 Existing Setback and Table 5:17-1 Single-Family Residential Zoning District Dimensions:**

**A variance of twelve feet ten inches to allow construction of a new front porch and dormers and a two inch variance to connect the existing detached garage to the residence. 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 benefits of front porches, the request, and the standards for approval.*

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

**Absent:** 1 - Vice Chair Dobmeier

**F UNFINISHED BUSINESS**

**G NEW BUSINESS**

**H REPORTS AND COMMUNICATIONS**

**H-1**      [19-0322](#)    Various Communications to the Zoning Board of Appeals

**Received and Filed**

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

**J ADJOURNMENT**

**Moved by Weatherbee, seconded by DeVarti, to adjourn the meeting at 7:01 p.m.**

**Approved Unanimously**

Community Television Network Channel 16 live televised public meetings are also available to watch liveonline 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)  
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](http://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.

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