



City of Ann Arbor

Formal Minutes - Draft

Zoning Board of Appeals

301 E. Huron St.
Ann Arbor, MI 48104
[http://a2gov.legistar.com/
Calendar.aspx](http://a2gov.legistar.com/Calendar.aspx)

Wednesday, March 22, 2023

6:00 PM

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

This meeting will be broadcast live on CTN Cable Channel 16, ATT Channel 99, and
online at a2gov.org/watchCTN

Public commentary can be made in person or by calling: 877 853 5247 or 888 788 0099

Enter Meeting ID 938 1648 1007

A. **CALL TO ORDER**

Chair Briere called the meeting to order at 6:03pm.

B. **ROLL CALL**

Chair Briere called the roll.

Others present:

Jon Barrett, Zoning Coordinator

Jeff Kahan, City Planner

Courtney Manor, City Staff

Present: 6 - Candice Briere, David DeVarti, Todd Grant, Christopher
Madigan, Kristina A. Glusac, and Dharma Akmon

Absent: 3 - Michael B. Daniel, Julia Goode, and Grace Whitney

C. **APPROVAL OF AGENDA**

*Moved by Dharma Akmon seconded by Dave DeVarti to approve the
agenda. The agenda was unanimously approved as presented.*

D. **APPROVAL OF MINUTES**

D-1. **23-0387** Minutes of the December 7, 2022 ZBA Meeting

Attachments: December 7, 2022 Meeting Minutes.pdf

Moved by Todd Grant seconded by Chris Madigan to approve the December 7, 2022 meeting minutes. Minutes were unanimously approved as presented and forwarded to City Council.

E. PUBLIC HEARINGS

E-1. 23-0388 Enactment No:

Attachments: Staff Report ZBA22-2028; 1710 Dhu Varren.pdf, Dhu Varren Survey 2022-06-15.pdf, 2022.01.20 Ann Arbor site plan-01.pdf, 1710 Dhu Varren Rd Zoning Map.pdf, 1710 Dhu Varren Rd Aerial Map.pdf, 1710 Dhu Varren Rd Aerial Map Zoom.pdf

ZBA22-2028; 1710 Dhu Varren Road [postponed from January and February ZBA meetings]

Robertson Brothers Homes is seeking a variance from the maximum front setback requirement (table 5.17-3) to begin construction on a proposing development project. In order to be compliant with the City's minimum open space requirements, the developer removed proposed homes along the panhandle portion of the site plan. However, removing the proposed homes on the site plan resulted in the petitioner no longer meeting the maximum front setback requirement of 40'. The developer has recently acquired additional land along Pontiac Trail that will allow them to restore the proposed homes at 1710 Dhu Varren at a later date to meet the maximum front setback requirement.

APPLICANT/REPRESENTATIVE:

Tim Loughrin, representing property owners, presented the proposed request.

PUBLIC HEARING:

Ken Garber, 28 Haverhill Court, spoke in favor of the proposed project stating Ann Arbor needs the housing but the proposed project does not align with Ann Arbor's current A2Zero goal and doesn't think the City should accelerate the project.

*Caller ending *534, 502 Miller Avenue, spoke in favor of the proposed project, asked the petitioner to take into consideration A2Zero goal and electrification.*

Seeing no additional speakers, Chari Briere closed the Public Hearing.

BOARD DISCUSSION:

Board member Grant said he would be voting in favor, as the problem is self created and is going to be self cured and the concerns about the A2Zero program is not part of the purview of this group and is irrelevant for the ZBA to consider. If not granting the variance would slow the project down, is always a concern of the developer.

Board member DeVarti stated he was torn on voting yes. If variance is granted, and phase II never happens, we approved a variance that doesn't comply with open space requirements. Stated he will be voting no.

Chair Briere commented she too was torn as the petition is unique and is hung up on the standards and how this meets the standards as the developer is coming in with another phase and there isn't really a hardship. Board member

Councilmember Akmon asked City staff what happens if board doesn't grant variance? Jeff Kahan, City Planner responded petitioner will be submitting phase II of the site plan over the next couple months and that site plan review could take a couple months. Phase II will include rezoning of 11 acres along Pontiac Trail which would result in two readings before City Council and it could be six months before petitioner gets site plan approval for second phase, so the developer will technically be on hold until site plan is approved. Approval of site plan is dependant on variance.

Board member Madigan questioned the timeline of approval stating six months delay if petitioner is lucky, but probably more. Development takes a long time and rezoning isn't easy. Petitioner will be up against a rush if board votes no. This is not some small delay, or a two month delay until houses can go up. This is the stuff that kills projects. Thinks a lot about who will benefit from the project. People who aren't here. There are hundreds, if not thousands of people who will call this home and they won't give a thought about some technical things that allows projects to proceed. Stated he will vote in favor as it's the right thing to do and doesn't think it's a reasonable request to delay a project potentially through next winter to get started because they don't meet a small setback that will eventually be met.

**Moved by DeVarti seconded by Grant in petition of ZBA22-2028;
1710 Dhu Varren Road**

Based on the following findings and in accordance with the established standards for approval, the Zoning Board of Appeals hereby GRANTS a variance from the 40 foot maximum setback requirement established in Table 5.17-3 Multiple Family Dwelling District Dimensions. The variance allows the project to move forward for site plan approval from City Council.

On a roll call vote with the vote as follows, Chair Briere declared the request GRANTED. Vote 5-1.

Yeas: 5 - Chair Briere, Grant, Madigan, Glusac, and Councilmember Akmon

Nays: 1 - DeVarti

Absent: 3 - Daniel, Goode, and Whitney

E-2. [23-0389](#) Enactment No:

Attachments: Staff Report ZBA23-0001; 518 Miller Ave.pdf, Full Boundary Survey 518 Miller.pdf, BUILDING DETAILS.pdf, First Floor Bathroom 518 Miller.jpeg, Front Steps 518 Miller.jpeg, 518 Miller Ave Zoning Map.pdf, 518 Miller Ave Aerial Map.pdf, 518 Miller Ave Aerial Map Zoom.pdf, Danielle Gee Letter.pdf

ZBA23-0001; 518 Miller Avenue [postponed from January and February ZBA meetings]

Melrosa, LLC is seeking a five-foot lot width variance from Table 5-17.2 Two-Family Residential Zoning District Dimensions to begin construction on a 720 square foot two-story addition to the rear of an existing duplex. The first-floor addition will contain a primary bedroom, accessible bathroom and a mudroom. The second-floor addition will contain two bedrooms, bathroom and enlarged dining area. The new addition will meet the required side and rear setbacks. The subject property is zoned R2A Two-Family Dwelling. The existing lot is 35 feet in width and the R2A district requires a minimum 40-foot lot width.

APPLICANT/REPRESENTATIVE:

Rosalyn Barclay, property owner, presented the proposed request.

PUBLIC HEARING:

Caller ending in *534, 502 Miller Avenue, spoke in favor stating he would not have any objections to the proposed request.

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

BOARD DISCUSSION:

Board member DeVarti stated he will support the variance, as it is compliant in every way with our zoning codes except for this one aspect of the historic nature of zoning codes coming in after lots like this were split and created.

23-0389

Enactment No:

Approved by the Board

**Moved by DeVarti seconded by Madigan in petition of ZBA23-0001;
518 Miller Avenue**

Based on the following findings and in accordance with the established standards for approval, the Zoning Board of Appeals hereby GRANTS a five-foot variance from Table 5-17.5 Two-Family Residential District Dimensions to begin construction on a 720 square foot two-story addition to the rear of an existing duplex. The subject property is zoned R2A, Two-Family Dwelling District and a minimum 40 foot lot width is required. The addition is to be built per the submitted plans.

On a roll call vote with the vote as follows, Chair Briere declared the request GRANTED. Vote 6-0

Yeas: 6 - Chair Briere, DeVarti, Grant, Madigan, Glusac, and Councilmember Akmon

Nays: 0

Absent: 3 - Daniel, Goode, and Whitney

E-3.

23-0390

Enactment No:

Attachments: Staff Report ZBA23-0002; 511 E Ann Street.pdf, ZBA and Boundary Survey.pdf, 511 E Ann St Zoning Map.pdf, 511 E Ann St Aerial Map Zoom.jpg, 511 E Ann St Aerial Map Zoom.pdf, Crockett email of support 511 E Ann Street.pdf, Crown email of support 511 E Ann Street.pdf, Dunlap email of support 511 E Ann St.pdf, Harary email of support

511 E Ann Street.pdf, Hudolin email of support 511 E Ann St.pdf, Ritter email of support 511 E Ann Street.pdf, Smith email of support 511 E Ann St.pdf, Tyler email of support 511 E Ann Street.pdf, Wilson email of support 511 E Ann St.pdf, Wineberg email of support 511 E Ann Street.pdf

ZBA23-0002; 511 East Ann Street [postponed from January and February ZBA meetings]

Rob Burroughs AIA of O/X Studios, representing property owner, is seeking variances from Section 5.32.2 (A)(2) Nonconforming Lot and Table 5.17-3 Multiple-Family Residential Zoning District Dimensions to create a second unit to an existing single-family residence. The property is zoned R4C, Multiple-Family Dwelling District and requires a minimum lot size of 8,500 square feet and lot width of 60 feet. The existing lot is 6,473 square feet in area and 57 feet in width. A variance of 2,027 square- feet in area and three-foot in width is requested to allow for an additional dwelling unit on the subject nonconforming lot.

APPLICANT/REPRESENTATIVE:

Robb Burroughs, representing property owners, and Ryan Pantaleo, property owner, presented the proposed request.

PUBLIC HEARING:

*Caller ending *326 Jeff and Christine Crockett, 506 East Kingsley, spoke in support of the proposed request.*

BOARD DISCUSSION:

Board member DeVarti, stated this was such an easy petition to support, this project is just the kind of thing this city needs to keep the city vibrant .

23-0390

Enactment No:

Approved by the Board

**Moved by DeVarti seconded by Madigan in petition of ZBA22-0002;
511 East Ann Street**

Based on the following findings and in accordance with the established standards for approval, the Zoning Board of Appeals hereby GRANTS variances from Section 5.32.2 (A)(2) Nonconforming Lot and Table 5.17-3 Multiple Family Residential Zoning District Dimensions in order to create a second dwelling unit to an existing single-family residence. A variance of 2,027 square

feet in area and three feet in lot width is granted to allow a second unit on the subject nonconforming lot. All new construction is to be built per the submitted plans.

On a roll call vote with the vote as follows, Chair Briere declared the request GRANTED. Vote 6-0.

Yeas: 6 - Chair Briere, DeVarti, Grant, Madigan, Glusac, and Councilmember Akmon

Nays: 0

Absent: 3 - Daniel, Goode, and Whitney

E-4. [23-0391](#) Enactment No:

Attachments: Staff Report 23-0003; 1012 Hill St.pdf, 1012 Hill Street Boundary Survey.pdf, 1012 Hill St Zoning Map.pdf, 1012 Hill St Aerial Map.pdf, 1012 Hill St Aerial Map Zoom.pdf

ZBA23-0003; 1012 Hill Street [postponed from February ZBA meeting]

Robb Burroughs AIA of O/X Studios, representing property owner, are seeking a variance from Section 5.20 Landscaping, Screening and Buffering. A 15- foot Conflicting Landscape Use Buffer is required along the west side of the property where a shared driveway is located and a variance on the south side of the lot which is currently being used for parking. Relief from Section 5.32.2 Alteration to a Nonconforming Structure is being requested as the structure is being converted from three to four units. The existing structure contains three units with 19 total occupants. The petitioner seeks to increase to four units with 23 occupants. The property is zoned R4C, Multiple Family Dwelling District.

APPLICANT/REPRESENTATIVE:

Robb Burroughs, representing property owners, presented the proposed both the variance request and alteration to a non-conforming structure request. .

PUBLIC HEARING:

Seeing no speakers, Chair Briere closed the Public Hearing.

BOARD DISCUSSION:

Speaking to both motions, Board Member DeVarti stated the requirement

to the landscaping screening and buffering was ridiculous, as a result he would be supporting the first request. Stated he would support the second request as there is absolutely no change to the footprint

23-0391 Enactment No: **Approved by the Board**

**Moved by DeVarti seconded by Madigan in petition of ZBA23-0003;
1012 Hill Street [Motion I]**

Based on the following findings and in accordance with the established standards for approval, the Zoning Board of Appeals hereby GRANTS a variance from Section 5.20 Landscaping, Screening and Buffering. A 15- foot Conflicting Landscape Use Buffer is required along the west side of the property where a shared driveway is located and a variance on the south side of the lot which is currently being used for parking. Variance request is to eliminate the buffer from the west and south side of the property. All new construction is to be built per the submitted plans.

On a roll call vote the vote was as follows with Chair Briere declaring the request GRANTED. Vote 6-0.

Yeas: 6 - Chair Briere, DeVarti, Grant, Madigan, Glusac, and Councilmember Akmon

Nays: 0

Absent: 3 - Daniel, Goode, and Whitney

23-0391 Enactment No: **Approved by the Board**

**Moved by DeVarti seconded by Madigan in petition of ZBA23-0003;
1012 Hill Street [Motion II]**

The Zoning Board of Appeals hereby GRANTS relief from Section 5.32.2 Alteration to a Nonconforming -Structure to allow construction of a new fourth unit in an existing three unit rental property. The existing residence is being converted from three units with 19 bedrooms to four units with 23 bedrooms. No new additions or changes to the existing footprint to occur. All renovations are to take place on the interior of the building. All new construction is to be built per the submitted plans.

On a roll call vote the vote was as follows with Chair Briere declaring the request GRANTED. Vote 6-0.

Yeas: 6 - Chair Briere, DeVarti, Grant, Madigan, Glusac, and Councilmember Akmon

Nays: 0

Absent: 3 - Daniel, Goode, and Whitney

E-5. [23-0392](#) Enactment No:

Attachments: Staff Report ZBA23-0004; 435 Barber.pdf, 435 Barber Avenue Boundary Survey.pdf, 435 Barber Avenue Elevation Plans.pdf, 435 Barber Ave Zoning Map.pdf, 435 Barber Ave Aerial Map.pdf, 435 Barber Ave Aerial Map Zoom.pdf, Email list of neighbor support 435 Barber Avenue.pdf, Email of support 435 Barber Avenue.pdf, Hankins-Pacilio email of support 435 Barber Avenue.pdf, Robin email of support 435 Barber Avenue.pdf, Schat email of support 435 Barber Avenue.pdf

ZBA23-0004; 435 Barber Avenue [postponed from February ZBA meeting]

The property owners are requesting relief from Section 5.32.2 Alteration to a Nonconforming Structure to construct a new bedroom and bathroom over the existing garage. The home is located on a corner lot and does not meet the required average front setback on the Dupont Circle side of the property. The bedroom and bathroom will be approximately 900 square feet of new living space above the existing garage. The property is zoned R1C, Single-Family Residential.

APPLICANT/REPRESENTATIVE:

Leo Babcock, representing property owners, presented the proposed request.

PUBLIC HEARING:

Seeing no callers, Chair Briere closed the Public Hearing.

BOARD DISCUSSION:

Board member Madigan stated he would support as it seems the request clearly meets the standards for alterations.

[23-0392](#) Enactment No:

Approved by the Board

Moved by DeVarti seconded by Kristina Glusac on petition of ZBA23-0004; 435 Barber Avenue

The Zoning Board of Appeals hereby GRANTS relief from Section 5.32.2 Alteration to a Nonconforming -Structure to allow construction of a new bedroom and bathroom above an existing garage that does not meet the average front setback along Dupont Circle. The proposed addition will not encroach further into the existing front setback. The addition is to be built per the attached plans.

On a roll call vote the vote was as follows with Chair Briere declaring the request GRANTED. Vote 6-0.

Yeas: 6 - Chair Briere, DeVarti, Grant, Madigan, Glusac, and Councilmember Akmon

Nays: 0

Absent: 3 - Daniel, Goode, and Whitney

E-6. [23-0394](#) Enactment No:

Attachments: Staff Report ZBA23-0005; 926 Greenwood Ave.pdf, 926 Greenwood Avenue Boundary Survey.pdf, CareOne Greenwood 230221 ZBA elevations.pdf, 926 Greenwood Ave Zoning Map.pdf, 926 Greenwood Ave Aerial Map.pdf, 926 Greenwood Ave Aerial Map Zoom.pdf

ZBA23-0005; 926 Greenwood Avenue

David Lewis, representing property owners, is requesting relief from Section 5.32.2 (C) Alteration to a Nonconforming Structure to convert the existing attached garage to new habitable space. The new space will accommodate an approximate 157 square foot bedroom. The parcel is nonconforming for lot area, width and the residence does not meet the required setbacks for the district. The property is zoned R4C, Multiple-Family Dwelling District.

APPLICANT/REPRESENTATIVE:

David Lewis, representing property owners, and Mustafa Ali, property owner, presented the proposed request.

PUBLIC HEARING:

Seeing to speakers, Chair Briere closed the Public Hearing.

BOARD DISCUSSION:

Councilmember Akmon asked in regards to a letter received if considering concern of number of occupancy vs max occupancy was of concern to decision.

Board member Madigan stated it shouldn't be a factor in decision and isn't appropriate for board to use this vote as a way to punish someone for this. Might be better, more appropriate avenues for the City to take. Said will be voting in support.

Board member DeVarti stated board needs to take occupancy into consideration when making a decision. Doing business like this has a detrimental effect on properties and that he will be voting no.

Board member Grant stated the letter is completely irrelevant to what the board has to consider as these non conforming uses are pretty easy. Expressed he's been unhappy with the landlords in town and how some deal with current lease ordinance in the City. Landlords renting beyond the allowed number of occupants to maximize their revenue is not the job of the Zoning Board to sort out. Request is a very easy yes.

23-0394

Enactment No:

Approved by the Board

Moved by Madigan seconded by Glusac in petition of ZBA23-0005; 926 Greenwood Avenue.

The Zoning Board of Appeals hereby GRANTS relief from Section 5.32.2 Alteration to a Nonconforming -Structure to allow the conversion of an existing nonconforming attached garage to be converted to new habitable space. The new space will accommodate an approximate 157 square foot bedroom. The interior alteration is to be constructed per the submitted plans.

On a roll call vote the vote was as follows with Chair Briere declaring the request GRANTED. Vote 5-1.

Yeas: 5 - Chair Briere, Grant, Madigan, Glusac, and Councilmember Akmon

Nays: 1 - DeVarti

Absent: 3 - Daniel, Goode, and Whitney

F. UNFINISHED BUSINESS

None.

G. NEW BUSINESS

None.

H. COMMUNICATIONS

H-1. [23-0395](#) Various Communication to the ZBA

Attachments: Garber comments 1710 Dhu Varren Road.pdf

Received and Filed

I. PUBLIC COMMENTARY - (3 Minutes per Speaker)

No speakers.

J. ADJOURNMENT

Moved by Madigan seconded by Grant to adjourn the meeting at 8:07pm.

Approved unanimously.

Candice Briere, Chairperson
Jon Barrett, Zoning Coordinator
/courtney manor

eComments for the Board may be left via our Legistar calendar page (column to the very right)
<http://a2gov.legistar.com/Calendar.aspx>

Zoning Board of Appeals meetings are typically held the fourth Wednesday of each month. All persons are encouraged to participate in public meetings. Persons requiring translation or sign language services or other accommodations may contact the City Clerk's office at 734.794.6140; via e-mail to: cityclerk@a2gov.org ; or by written request addressed and mailed to: City Clerk's Office, 301 E. Huron St., Ann Arbor, MI 48104. Requests need to be received at least two (2) business days in advance of the meeting.

Zoning Board of Appeals meeting agendas and packets are available from the Legislative Information Center on the City Clerk's page of the City's website (<http://a2gov.legistar.com/Calendar.aspx>). Zoning Board of Appeals meetings have transitioned to a hybrid meeting model. The City of Ann Arbor highly encourages the public to view and participate in public meetings remotely due to the high COVID-19 transmission rate in Washtenaw County. In order to prevent the transmission of COVID-19, protect the health of meeting attendees, minimize the possibility of disrupting the meeting, and thereby promote public participation by creating a safer meeting environment, City Council has established a regulation that all in-person attendees at meetings are required to wear a mask. See the Mask Requirement signage that is posted throughout City Hall. The City of Ann Arbor has existing COVID-19 safety rules that are required of visitors entering city facilities. If you choose to attend a meeting in-person, the following safety rules are expected to be observed. These include:

Masks - Masks will be required for all meeting participants and guests when the local CDC Community Level in Washtenaw County is HIGH. Check the current level for Washtenaw County through the CDC's website.

Physical Distancing - Individuals should be physically distanced from one another at least 6 feet.

Illness - Anyone diagnosed with COVID-19, who has symptoms of COVID-19, or has had recent close contact with someone with COVID-19, should not attend a public meeting.