



**APPROVED MINUTES OF THE REGULAR MEETING OF
THE ZONING BOARD OF APPEALS OF THE CITY OF ANN ARBOR
August 25, 2010**

The Regular Session of the Zoning Board of Appeals was held on Wednesday, August 25, 2010 at 6:00 p.m. in City Council Chambers, 100 N. Fifth Avenue, A2, MI. The meeting was called to order at 6:00 p.m. by Acting Chairperson Kathryn Loomis.

ROLL CALL

Members Present: (7) K. Loomis, C. Briere, S. Briere, A. Milshteyn,
D. Tope, E. Briggs & W. Carman (arr. @ 6:05 pm.)

Members Absent: (2) C. Kuhnke & D. Gregorka

Staff Present: (1) M. Kowalski

Introduction & Welcome of new board members Erica Briggs and Alex Milshteyn

A – APPROVAL OF AGENDA

A-1 - The Agenda was approved as presented.

On a VOICE VOTE – MOTION TO APPROVE – *PASSED – UNANIMOUSLY*

B - APPROVAL OF MINUTES - Not Available at time of publication.

C - APPEALS & ACTION

C-1 ZBA10-007 – 502 Soule Boulevard

Description and Discussion

Serge van der Voo and Kirsten Elling are requesting one variance from **Chapter 55 (Zoning) Section 5:57 (Averaging an Existing Front Setback Line)**: a reduction of 2 feet for expansion of an existing residential structure into the front setback; 28 feet is the averaged front setback required (R1D requires 25 foot front setback without averaging).

The petitioner is proposing to construct a 28-square foot covered front porch addition to the existing single-family house. The house was built in 1925 and is currently setback 30 feet from the front property line. It has an existing 2 foot 10 inch by 4 foot 11 inch (approximately 14 square feet) front stoop which is not covered. The petitioner wishes to replace the existing stoop with a 4 foot by 7 foot (28 square foot) covered, but unenclosed porch. The new porch will extend seven feet across the front of the house to match the points where the original front steps were connected to the house; these original steps were removed prior to 1960. Once constructed the proposed porch will be 26 feet from the front property line. Although the required front setback is 25 feet for the R1D zoning district, the averaged front setback at this location results in a required front setback of 28 feet. Once the front porch is covered it will not be permitted to be located within the front setback. The total porch area within the setback will be 14 square feet. The roof of the porch will be supported by columns.

52 **Questions to Staff by the Board**

53
54 D. Tope (To M. Kowalski) – Is there anything in the drawings showing how this was averaged?
55 (No, they've supplied the information). What is the neighboring setback? (I don't have that
56 information on hand).

57
58 W. Carman – The front setback averaging is determined by Soule (because this is a corner lot
59 and has two front setbacks). (Yes.) (W. Carman - Questioned the 'stoop' definition which
60 would change the dimensions of what is allowable.) I'm troubled by the idea that this is 14 sq.
61 feet of incursion.

62
63 **Presentation by the Petitioner**

64
65 Serge van der Voo and Kirsten Elling were present to speak on behalf of the appeal.

66
67 **Questions to the Petitioner by the Board** – None.

68
69 **Public Comment** - None. The chair mentioned that there was a lengthy petition of signatures
70 from neighbors which support the request.

71
72 **Discussion by the Board**

73
74 **MOTION**

75
76 Moved W. Carman, Seconded by S. Briere, **"In the case of ZBA10-007, 502 Soule**
77 **Boulevard, the Zoning Board of Appeals grants a Variance of 2 feet from the required**
78 **averaged front setback of 28 feet along Soule Boulevard, to allow construction of a**
79 **4 foot x 7 foot unenclosed roofed front porch, per submitted plan, based on the**
80 **following finding of facts:**

- 81
82 **1. The hardship or practical difficulty is to be able to tie into the existing structure**
83 **and build a porch that provides for safe and ingress and egress into and out of**
84 **the house;**
85
86 **2. The variance requested is minimal, having only about 8 square feet not in**
87 **compliance. If it is approved, it will be consistent with many houses in the**
88 **neighborhood;**
89
90 **3. The house was built in the 1920's and the Zoning standards were established**
91 **much later; and**
92
93 **4. The variance will be the minimum possible to build this porch."**

94
95 **On a Voice Vote – MOTION TO APPROVE – PASSED – UNANIMOUS**
96 **Variance Granted**

97
98 **C-2 ZBA10-008 – 913 Woodlawn Avenue**

99
100 **Description and Discussion**

101
102 Paul Horvath is requesting permission to alter a non-conforming structure as described in
103 Chapter 55, Zoning, Section 5:87, Structure Nonconformance.

104 The subject parcel is located at 913 Woodlawn Ave, west of Packard. The parcel is zoned R2A
 105 (Two-Family Residential District). The house is two stories and 650 square feet, which does
 106 not meet the minimum dwelling unit requirement of 900 square feet of floor area. The house
 107 was built in approximately 1920.

108
 109 The petitioner is proposing to add a 12 foot by 22 foot 8 inch (250 square feet) two story
 110 addition on the rear of the house. The parcel is non-conforming for lot area and the house is
 111 non-conforming for the west side yard setback. The addition will follow the existing building
 112 lines of the house and will not extend any closer to the side property lines than the existing
 113 structure. The footprint of the existing house will be expanded 12 feet toward the rear of the
 114 site, but will remain out of the required rear setback. The existing house is 650 square feet and
 115 the addition will add 250 square feet of living space to the house; after construction the house
 116 will be 900 square feet total, which would meet the minimum dwelling size.

117
 118 **Questions to Staff by the Board**

119
 120 General questions regarding existing habitable space on the second floor and the current
 121 encroachment on this non-conforming home.

122
 123 **Presentation by the Petitioner**

124
 125 Mr. **Jason Paul** Horvath was present to speak on the appeal. He stated that that area in the
 126 second floor is used basically for gaming & family activities since the house is only 650 sq. ft.

127
 128 **Questions to the Petitioner by the Board**

129
 130 Discussion between the board members and the petitioner regarding the concerns of the next
 131 door neighbor which included possible property line encroachment, shared sewer lines and
 132 possible flooding issues.

133
 134 **Public Comment –**

- 135
 136 1. **Rob Gillespie** – Co-owner of the home next door (which is a rental unit). Stated his
 137 objections to the project. States that he wasn't notified (*Staff Note: All ZBA*
 138 *Applications are required to have mailings done no later than 15 days prior to every*
 139 *hearing, so the speaker was notified by the city by mail as well as notice in the*
 140 *Washtenaw Legal News.*)

141
 142 The chair mentioned that there was one letter of concern from the neighbor who spoke at
 143 public comment. (Addressed above in questions to the petitioner).

144
 145 **Discussion by the Board**

146
 147 E. Briggs – Has concerns with the lack of communication with the neighbors.

148
 149 K. Loomis – This is a difficult situation where the homes have very little space between them
 150 which makes maintenance and remodeling very difficult without encroaching upon your
 151 neighbors space. I'm not convinced that allowing this alteration will have a detrimental effect
 152 on the neighborhood with parking issues. The petitioner needs to work with his neighbor
 153 without trespassing on his neighbor's property, but what effect once constructed? I don't see a
 154 detrimental effect.

155

156 C. Briere – Does not think this is detrimental at all since the plan is not to go closer to the
157 sides, but back farther in the lot.

158
159 W. Carman – If this addition were jogged over just a bit, this would have much less impact on
160 the neighbor and vegetation. If this were R1D, it would still have a 3 ft. side setback.
161 (Additional dialogue between the petitioner and the Board).

162
163 **MOTION**

164
165 Moved W. Carman, Seconded by C. Briere, “**In the case of ZBA10-008, 913 Woodlawn**
166 **Avenue, the Board grants Permission Alter a Non-Conforming Structure to construct a**
167 **12 ft. x 22 ft. 8 inch two-story addition with basement per the submitted plans and the**
168 **following findings of fact:**

- 169
170 **1. The alteration complies as nearly as practicable given the fact that the lot is**
171 **only 30 feet wide and the house is only 650 square feet; and**
172
173 **2. The alteration will not have a detrimental effect on the neighborhood, as the**
174 **addition will make the house similar to others in density and scale.”**

175
176 **On a Roll Call Vote – MOTION TO APPROVE – PASSED – UNANIMOUS, 5 Yea, 2 Nay**
177 **Yea (5), C. Briere, S. Briere, K. Loomis, A. Milshteyn and E. Briggs**
178 **Nay (2) W. Carman & D. Tope**

179
180 ***Permission to Alter a Non-Conforming Structure – Granted***

181
182 **C-3 ZBA10-009 – 1109 Paul Street**

183
184 **Description and Discussion**

185
186 Penelope Frenette is requesting Permission to Alter a Non-Conforming Structure and one
187 variance from Chapter 55(Zoning) Section 5:57 (Averaging an Existing Front Setback Line): a
188 reduction of 10 feet 6 inches for expansion of an existing residential structure into the front
189 setback; 25 feet is the front setback required (Averaged front setback is 25 feet).

190
191 The petitioner is proposing to construct a 60 square foot covered front porch addition to the
192 existing single-family house. The house was built in 1947 and is currently setback 19 feet 6
193 inches from the front property line and has an existing 20 square foot front stoop, which is not
194 covered and extends 5 feet into the front setback. The petitioner wishes to replace the existing
195 stoop with a 5 foot by 12 foot (60 square foot) covered, but unenclosed porch. The new porch
196 will extend twelve feet across the front of the house to match the existing front façade of the
197 house. Once constructed the proposed porch will be 14 feet 6 inches from the front property
198 line. Although depth of the porch will not change, because it is increasing in length, the
199 dimension to the front property line is less than the existing porch due to the curve of the front
200 property line. Once the front porch is covered it will not be permitted to be located within the
201 front setback. The roof of the porch will be supported by columns. Based on the City
202 Assessor’s database photographs, the front porch was covered by an awning in 1999; it is
203 unknown when the awning was removed. The existing house is non-conforming due to its
204 location within the front setback.

205
206 **Questions to Staff by the Board – None.**

207
208

209 **Presentation by the Petitioner**

210

211 Penelope Frenette and her Builder, Tom Slider were present to speak on behalf of the appeal.

212

213 **Questions to the Petitioner by the Board**

214

215 A. Milshteyn – Any plans to enclose the porch? (No.)

216

217 **Public Comment** – The chair stated that the Board had received two letters of support from
218 the neighbors at 1105 Miller and 1201 Paul Street.

219

220 1. **Joyce Reece – 1105 Paul Street, A2, MI** – States she is in total support and stated
221 that she had done a similar addition to her home only five years earlier.

222

223 2. **Mark and Cindy Elzinger – 1122 Paul Street, A2, MI** – Stated that he measured
224 her current porch to the sidewalk and it doesn't encroach any more than it does right
225 now. They support the project and feel it will be a good improvement.

226

227 3. **Margaret Allen – 1124 Paul Street, A2, MI** – Stated that she has rented there for
228 two years and plans to be there for at least two more and fully supports the proposal.

229

230

231 **MOTION #1**

232

233 Moved by D. Tope, Seconded by S. Briere, "In the case of ZBA10-009, 1109 Paul Street, the
234 Board grants a Variance from Chapter 55 (Zoning) Section 5:57 (Averaging an Existing
235 Front Setback Line), a reduction of 10 feet 6 inches from the required front setback of 25
236 feet in order to permit building an addition 25 feet from the front property line, per
237 submitted plans and based on the following finding of facts:

238

239 1. The alleged hardships are peculiar to the property and result from conditions that
240 generally do not exist throughout the city;

241

242 2. The alleged difficulty or hardships (or both) which will result from a failure to
243 grant the variance include substantially more than a mere inconvenience or an
244 ability to obtain a higher financial return or both;

245

246 3. The variance (if granted) will not significantly affect surrounding properties;

247

248 4. The circumstances of the variance are not self-imposed; and

249

250 5. The variance is the minimum necessary to achieve reasonable use of the
251 structure."

252

253 On a Voice Vote – MOTION TO APPROVE – ***PASSED – UNANIMOUS***
254 ***Variance Granted***

255 **MOTION #2**

256

257

258

259

260

261

262

263

264

265

266

267

268

269

270

271

272

273

274

275

276

277

278

279

280

281

282

283

284

285

286

287

288

289

290

291

292

293

294

295

296

297

298

299

300

301

302

303

304

305

306

307

Moved by D. Tope, Seconded by A. Milshteyn, "In the case of ZBA10-009, 1109 Paul Street, the Board grants Permission To Alter A Non-Conforming Structure based on the established standards for approval and the following findings of fact:

1. The alteration complies as nearly as practicable with the requirements of the Zoning Chapter; and
2. The alteration will not have a detrimental effect on neighboring properties, per the submitted plans."

**On a Voice Vote – MOTION TO APPROVE – PASSED – UNANIMOUS
Permission To Alter A Non-Conforming Structure - Granted**

C-4 ZBA10-010 –913 East Huron Street

K. Loomis (Chair) – Stated that the Board received a confidential communication regarding this appeal from the City Attorney's office. She asked if the members of the Board had had a chance to read that document. Abigail Elias from the City Attorney's office is present if the Board has any questions regarding that communication.

No one on the Board indicated that they needed additional information from the City Attorney's Office.

Description and Discussion

Faramarz Farahanchi is requesting one Variance from **Chapter 59 (Off-Street Parking), Section 5:167 (Required Parking)**, of 2 parking spaces and Permission to Alter a Non-conforming Structure in order to permit the conversion of the existing single-family residential structure into a duplex.

The house is located at 913 East Huron Street and is zoned R4C (Multiple-Family). The subject lot is extremely small and the total area measures only 3,038 square feet; the minimum lot area required for a R4C zoned lot is 8,500 square feet. The house is also non-conforming for both side and rear setbacks. There is one non-conforming parking space located in the front open space; historical photos indicate this space has been established since at least 1964.

The house was last inspected as a rental unit in October of 1993 and has been monitored as vacant ever since. The house was inspected in August 2009 by a City housing inspector, and she has confirmed the house was vacant at that time. The inspection also revealed that the house had been configured for one 4-bedroom apartment on the first floor and a 10-bedroom rooming house on the second and third floors. The house has been issued certificates of occupancy prior to 1993 that have verified the historical multiple-family use. The total number of units and bedrooms combined with the small lot size make the structure and multiple-family uses non-conforming to the R4C area requirements and the Off-Street Parking Ordinance requirements.

In September 2009, the previous owner filed for an Administrative Appeal of the Zoning Administrator's decision that the previous multiple-family use had been discontinued and therefore could not be reestablished. The Zoning Board of Appeals upheld the Zoning Administrator's decision and ruled that the house could only be used for a single-family structure.

308 The parcel currently has one legal non-conforming parking space in the front open space
 309 accessed directly from Huron Street. In order to use the property as a two-family dwelling, a
 310 total of three parking spaces is required, therefore a variance of two parking spaces is being
 311 requested. Given the historical occupation of the property by students and the location on a
 312 bus route and across the street from Central Campus, it is likely many of the residents will
 313 seek this location because they do not have cars available for transportation and desire a
 314 location where alternative means of transportation are easily accessible. There is no on-street
 315 parking permitted on Huron, and the neighborhoods along Thayer (west) and Ann (north) have
 316 a residential parking permit program which would limit availability of any parking in the area.
 317

318 **Current proposal:**

319
 320 The current owner proposes to use the house as a two-family dwelling and is requesting
 321 Permission to Alter a Non-Conforming structure in order to permit the addition of one unit
 322 within the existing house. Due to the fact that the Zoning Board of Appeals ruled it can only be
 323 used as a single-family house, Permission to Alter a Non-Conforming Structure must be
 324 granted in order to convert the previous rooming house on the second and third floor to an
 325 apartment to be occupied in addition to the previous apartment on the first floor. The floor area
 326 of the house will not be expanded; the existing 10-bedroom rooming house will be converted to
 327 one apartment unit with a maximum of six residents; and the existing apartment on the first
 328 floor will be designated for a maximum of four residents.
 329

330 The petitioner is also requesting a variance from the parking requirements (Chapter 59, section
 331 5:167) of City Code. The parcel currently has one legal non-conforming parking space in the
 332 front and the requested configuration of two units would require a total of three parking spaces;
 333 therefore a variance of two spaces is needed in order to meet City Code.
 334

335 **Questions to Staff by the Board**

336
 337 Questions regarding how to access the property. Access is granted through the neighbor's
 338 drive and available parking. This parcel is not subject to the parking permit restrictions due to
 339 the fact that this property has no frontage in the district. The only available parking would be
 340 off-street. (One current space).
 341

342 **Presentation by the Petitioner**

343
 344 Faramarz Farahanchi and his attorney were present to speak on behalf of the appeal. It was
 345 made clear that this is not the request of this owner to seek what the previous owner sought to
 346 make this a boarding house. This is put forth as a duplex only and the premises with
 347 constraints on tenants to comply with those rules.
 348

349 **Questions to the Petitioner by the Board**

350
 351 The petitioner also agreed to comply with the request of the Board to provide bicycle parking
 352 (possibly covered bicycle parking), but the petitioner pointed out that that structure would have
 353 to be approved by the Historic District Commission and may impede this request if the HDC
 354 denied the covered parking.
 355

356 **Public Comment** - One letter of support from 805 East Huron was received by the Board.
 357

358 **Discussion by the Board**

359 The Board discussed how to add the proposed bicycle parking language to the proposed
 360 motions without encroaching into the setback or needing HDC approval.

361 **MOTION #1**

362

363

364

365

366

367

368

369

370

371

372

373

374

375

376

377

378

379

380

381

382

383

384

385

386

387

388

389

390

391

392

393

394

395

396

397

398

399

400

401

402

403

404

405

406

407

408

409

410

Moved by S. Briere, Seconded by A. Milshteyn, "In the case of ZBA10-010, 913 E. Huron Street, the Board grants Permission to Alter a Non-conforming Structure, in accordance with the established Standards for approval and the following findings of fact

1. The alteration complies as nearly as practicable with the requirements of the Zoning Chapter and does not alter the footprint of the structure; and

The alteration will not have a detrimental effect on neighboring properties, ~~per the submitted plans.~~ "Per Revised Submitted Plans to the Building Department."

- 2.

W. Carman – Friendly amendment to insert verbiage regarding reducing the number of bedrooms in this dwelling down from 14 to 10; One unit with no more than four occupants and one unit with no more than six occupants. The plan does not alter the footprint of the structure.

The third kitchen in this home shall also be removed and allows the conversion of the property to a duplex. Remove verbiage stating 'per attached plans' as submitted plans are not accurate. Add "Per Revised Submitted Plans to the Building Department."

S. Briere – (Amends her original motion to add variance language):

Friendly amendments accepted by S. Briere and A. Milshteyn

388 **MOTION #1 (As Amended)**

Moved by S. Briere, Seconded by A. Milshteyn, with a friendly amendment by W. Carman, "In the case of ZBA10-010, 913 E. Huron Street, the Board grants Permission to Alter a Non-conforming Structure, in accordance with the established Standards for approval and the following findings of fact

1. The alteration complies as nearly as practicable with the requirements of the Zoning Chapter as it does not alter the footprint of the structure;
2. The alteration will not have a detrimental effect on neighboring properties;
3. This alteration allows for the conversion of the property to a duplex and limits the number of people in the ground floor unit to four and in the second and third story unit to six people;
4. The third kitchen that currently exists is to be removed as a condition of this approval; AND
5. *Per Revised Submitted Plans to the Building Department."*

On a Voice Vote – MOTION TO APPROVE – **PASSED – UNANIMOUS**
Permission To Alter A Non-Conforming Structure - Granted

409 **MOTION #2**

410

411 Moved by D. Tope, Seconded by W. Carman, "In the case of ZBA10-010, 913 E. Huron
 412 Street, the Board grants one Variance from Chapter 59 (Off-Street Parking), Section
 413 5:167 (Required Parking) to allow the maintenance of the current (1) existing (currently
 414 existing and grandfathered) parking space in the front open space and not provide for
 415 any additional parking spaces. In lieu of that, apply for obtaining necessary permits
 416 and permissions to provide (and install, pending necessary approvals) at least six
 417 bicycle storage spaces outside in the rear of the home that is accessible to tenants,
 418 This will permit the conversion of and satisfy the requirements of this existing single-
 419 family residential structure into a duplex."

420

421 **On a Voice Vote – MOTION TO APPROVE – PASSED – UNANIMOUS**422 **Permission To Alter A Non-Conforming Structure - Granted**

423

424

425 **D. OLD BUSINESS –**

426

427 D-1 Awaiting rules that were amended by the ZBA in July of this year. Still don't have those
 428 back from review from the Attorney's office.

429

430 D-2 Committee that was going to research our older decisions – W. Carman states she will
 431 be getting the information to the Board as soon as possible.

432

433

434 **E. NEW BUSINESS -.None.**

435

436 **F. REPORTS & COMMUNICATIONS – None.**

437

438 **AUDIENCE PARTICIPATION – GENERAL – None.**

439

440 **ADJOURNMENT**

441

442 Moved by D. Tope, Seconded by A. Milshteyn, "that the meeting be adjourned."

443

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


445

446 Adjournment – 8:00 p.m. (Submitted by: Brenda Acquaviva, Administrative Support
 447 Specialist V – Zoning Board of Appeals)

448

449

450

451 
 452 Kathryn Loomis, Acting Chairperson

453

454

455

456

457

458

12/15/10
 Dated ZBA Minutes

*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.