



**DRAFT MINUTES OF THE REGULAR MEETING OF  
THE ZONING BOARD OF APPEALS OF THE CITY OF ANN ARBOR  
July 27, 2011**

The Regular Session of the ZBA was held on Wednesday, July 27, 2011 at 6:00 p.m. in City Council Chambers, located at 301 East Huron, A2, MI  
The meeting was called to order at 6:00 p.m. by Chairperson Carol Kuhnke

**ROLL CALL**

- Members Present:           **(7)**   C. Briere, A. Milshteyn, J. Boggs, C. Kuhnke, D. Gregorka, S. Briere and C. Carman (arr. @ 6:09 p.m.)
- Members Absent:           **(2)**   E. Briggs & P. Zielak
- Staff Present:               **(1)**   M. Kowalski

**A – APPROVAL OF AGENDA**

**A-1** - The Agenda was approved as presented.

**B - APPROVAL OF MINUTES**

- B-1**   Draft Minutes of the May 25, 2011 Regular Session *(Not available)*
- B-2**   Draft Minutes of the June 22, 2011 Regular Session *(Not available)*

**C - APPEALS & ACTION**

- C-1**   ZBA11-013 – 514 Lawrence Street   ***(WITHDRAWN BY PETITIONER)***

**Description and Discussion**

Robb Burroughs is requesting one variance from **Chapter 55** (Zoning) **Section 5:59** (Accessory Buildings), in order to allow an accessory building (New Garage) to occupy 52% of the rear open space. *(35% is the maximum coverage currently permitted by Code).*

C. Kuhnke – *Chair stated that the Petitioner had withdrawn their appeal.*

- C-2**   ZBA11-014 – 1127 Clair Circle

Michael Appel and Ruth Kraut are requesting one variance from **Chapter 55** (Zoning), **Section 5:27** (R1B, Single-Family) of 14 feet from the rear setback of 40 feet to permit construction of an addition located 26 feet from the rear property line. The petitioner is proposing to construct a 180 square foot covered and screened porch attached to the rear of the house.

**Description and Discussion**

The subject parcel is located at 1127 Clair Circle. The parcel is zoned R1B (Single-Family Residential District) and is 10,858 square feet (10,000 square feet is required). The house was built in 1955 and is 1,914 square feet.

52 The petitioner is proposing to construct a 180 square foot covered and screened porch  
 53 attached to the rear of the house. The existing house is non-conforming for a 7 foot  
 54 encroachment into the rear open space; the proposed porch will encroach an additional 7 feet  
 55 into the required rear open space for a total encroachment of 14 feet.

56  
 57 The porch addition measures 12 feet by 15 feet and will be constructed 15 feet from the south  
 58 side property line and 26 feet from the rear property line. The screened porch would be  
 59 attached to the family room and will be designed to match the architectural form and roof lines  
 60 of the existing house. There is a small detached shed that will be removed, where the  
 61 proposed porch will be constructed.

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63 **Questions to Staff by the Board**

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65 None.

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67 **Presentation by the Petitioner**

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69 Mr. Michael Appel and Ms. Ruth Kraut, owners and petitioners were present to speak on  
 70 behalf of the appeal. Mr. Appel stated that they feel that this is a reasonable addition to the  
 71 house. The setback was imposed on the house due to changes in the Zoning Ordinance. The  
 72 owners also stated that they provided extensive information to the neighbors, and they know of  
 73 no neighbors who have objected to the proposal.

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75 **Questions to the Petitioner by the Board**

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77 D. Gregorka – How long have you lived there? (Since 1995). Was there any consideration  
 78 given to ‘flip-flopping’ the deck with this to avoid the variance? (*Petitioners explained that part*  
 79 *of that problem was access from the house to the proposed porch*).

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81 *Note: W. Carman arrived during the staff presentation, approximately 6:09 p.m.*

82

83 S. Briere – Your plan shows a carport which goes all the way to the back – so from the street,  
 84 you’ll be able to see all the way to your backyard? (*Petitioner – Yes. There is a deck on that*  
 85 *side and the proposed porch is on the other side of that in the back, so you won’t be able to*  
 86 *see those from the street – you’ll actually see nothing different*).

87

88 W. Carman – You have a proposed 12’ x 15’ with the 15 feet going straight out into the  
 89 backyard. (Petitioner – You’re wondering why you can’t build it the opposite way? (Yes). You  
 90 can’t see it, but there is a bank of windows behind the shed, so we would have to break into  
 91 that bank. We went 12’ the other way to avoid an obstruction to those windows. Does the 15  
 92 feet out compromise the tree? (Yes).

93

94 D. Gregorka – I asked why they couldn’t ‘flip flop’ the design of the deck with the porch, and  
 95 you wouldn’t need a variance for the deck, and it would make the request for the variance  
 96 smaller. If you did this, then you could walk out onto the porch, and you wouldn’t have to  
 97 disrupt the windows. (Petitioner stated that the yard slopes substantially so that this wouldn’t  
 98 be feasible).

99

100 D. Gregorka (to M. Kowalski) – They purchased the property in 1995, when did the ordinance  
 101 change that affect this. (1960’s, but they purchased it as non-conforming.) I just wanted to  
 102 point out that there has not been any change in the ordinance since they purchased it this way  
 103 in 1995.

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105 **Public Comment**

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1. **Ms. Sandra Fortier, 1109 Red Oak, Ann Arbor, MI** – I'm across the street, downhill from them. I don't have a big concern, I just don't know much about it. I was out of town when the postcard came. Since my house sits low, the people behind me are up and I'm kind of in a Valley. This house is a rental, by the way. I've lived somewhere else for some time now. My concern was more about what they're doing. *(The Chair stated that they welcome her comments, but if she had questions, staff would be happy to answer these at another time, but that this time is set aside for public comment on the issue at hand.) Ms. Fortier stated that she assumed that no one can actually answer her question.*

C. Kuhnke – Stated that the owners of 1128 Pomona Road had submitted a Letter of Support.

**Discussion by the Board**

D. Gregorka *(To M. Kowalski)* – Going back to the photo that shows the back of the carport – the two corner windows – This shows the carport ending at the electrical box, but the diagram shows the carport coming out to the end of the house. If they don't have to build that far out, they may not need any variance. *(Petitioner – Stated the concrete pad of the carport extends about 8 feet beyond the roof. That is a small patio. The idea is to make the desk contiguous with the deck.)*

W. Carman – So if you park your car there, you have to pull all the way to the end to fit? *(Petitioner – I don't know that we've ever parked our car there, but we could fit the car under the carport without encroaching on the concrete 'pad' that is not covered by the carport 'roof'.)*

*(To Petitioner)* – It is our charge to find the smallest variance possible for you to do what you to use your property along with what you are required to do for your property. There are a lot of 'if's' in that, so all of this work to find a way to lessen the variance is our job, If you don't use the carport at all, that would be a great place for your screened in porch. *(Petitioner – If we screened that in, we would technically not be able to claim that we have a parking spot. We wouldn't want to design our house around not having a carport.)*

D. Gregorka – I think that there are options here to do this project without any variances or at least a minimal variance. I think you can still build a screened in porch, even one larger than you propose, along with a deck without a variance or at least a minimal one. I'm having a difficult time supporting this because of that.

S. Briere – I'm trying to envision this without needing the variance, and I'm not being successful yet.

J. Boggs stated the same. There are a lot of other issues, the slope, the tree, the electrical wires, etc. I think it will still require a variance.

*(Additional discussion by the board regarding alternate planning for the deck and screened in porch).*

C. Kuhnke – *(To Petitioners)* – I suspect that you will not have the 5 vote support from the Board to pass a variance, and we do have the option to table this issue until the next meeting to allow you time to go back and reconfigure your drawings. This would then save you the application fee. *(Petitioner – If we could get a bit more of a sense of what the other Board members feel, rather than waiting additional time and spending more money on design).*

158 C. Kuhnke – You need to design your project to see that it encroaches less into the rear  
 159 setback. The concern is that your house is already beyond the allowable setback, and this  
 160 would only increase that. Your property, in my opinion, is not extraordinary. You have useable  
 161 property in other places on the lot. You'll have to show us either how this is the only place to  
 162 put the porch, or a plan that encroaches less into the rear setback.

163  
 164 A Milshteyn – I would want the opinion as to what the neighbors in the back have to say if it is  
 165 built in the alternate plan.

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 167 Petitioner – Can we get an idea of how the other Board members feel?

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 169 C. Kuhnke – You are certainly entitled to a vote on your issue if you like, but at this time it  
 170 doesn't look promising, that is why we offered you the option of tabling it and revising your  
 171 plans.

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 173 **MOTION**

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 175 Moved by D. Gregorka, Seconded by S. Briere, **“In the case of ZBA11-014,**  
 176 **1127 Clair Circle, the Zoning Board of Appeals hereby TABLES this issue until the next**  
 177 **meeting of the Board to allow petitioner time to revise and resubmit drawings.”**

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 179 **On a Voice Vote – MOTION TO TABLE – PASSED – UNANIMOUS**  
 180 **Table Granted.**

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 182 **D. OLD BUSINESS – None.**

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 184 **E. NEW BUSINESS – None.**

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 186 **F. REPORTS & COMMUNICATIONS – Covered under ‘Appeals & Action’**

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 188 **AUDIENCE PARTICIPATION – GENERAL – None.**

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 190 **ADJOURNMENT**

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 192 Moved by D. Gregorka, Seconded by C. Briere, **“That the meeting be adjourned.”**

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

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 196 Adjournment – 6:50 p.m. **(Submitted by: Brenda Acquaviva, Administrative Specialist V**  
 197 **– Zoning Board of Appeals)**

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 203 \_\_\_\_\_ Dated \_\_\_\_\_  
 C. Kuhnke, Chairperson ZBA Minutes

204  
 205 \*Note: The complete record of this meeting is available in video format at  
 206 <http://a2govtv.pegcentral.com/index.php> or is available for a nominal fee by contacting CTN at  
 207 (734) 794-6150.