

**ANN ARBOR CHARTER TOWNSHIP
ZONING BOARD OF APPEALS MINUTES
WEDNESDAY, NOVEMBER 16, 2011**

I. ROLL CALL

The meeting was called to order at 3:00 pm by Doug Price, acting as Chair, at the Township Hall, 3792 Pontiac Trail, Ann Arbor, MI 48105.

Present: Commissioners Larry Burgess, Karen Mendelson, Doug Price, and Clerk Rena Basch.

Absent: Richard Mitchell

Also present: Building and Zoning Official John Hamlin.

II. APPROVAL OF MINUTES

Burgess moved approval of the October 19, 2011 minutes; Mendelson seconded. Motion passed unanimously.

III. OLD BUSINESS - None

IV. NEW BUSINESS

ZBA-05-11 Hearing to consider application filed by John Keough for the property at 1407 W. Joy Road (parcel ID I -09-06-200-021) for variances from Zoning Ordinance Section 74-426(d), the requirement that an accessory structure be located behind the rear line of the principal structure/dwelling.

1. Petitioner presentation: John Mouat, architect of Mitchell & Mouat Architects, presented on behalf of the home owners. Mouat also distributed an aerial picture and some pictures of the house from different directions. The Keoughs need an additional 1-car garage for storage. The front of the house faces south, and south of the house the land slopes downward to a marshy area. (Joy Road is to the north.) The house sits ~ 250 ft away from Joy Road on a 20 acre parcel. There is an accessory structure (a studio) to the west of the house that was previously granted a variance for construction. The septic system is to the southwest of the house. The petitioners feel there is no other place to position the new garage except what is being proposed, just to the north of the existing garage. The view from Joy Rd will be virtually the same as today with the proposed garage façade looking like the existing garage. Keoughs did not want to expand the existing garage because re-building the roofline would be a very expensive project. The Keoughs have a formal garden in what they consider the “back yard” to the north of the house, and would like to maintain access to the garden from the studio, hence the proposal to have a walkway between the existing garage and the proposed one.
2. Zoning Official’s report: To the south of the house, which is where the garage would have to be placed to be in line with the Zoning Ordinance, it is all undisturbed land, with a slope and marshy field. The proposed location and design is congruous with the existing structure.
3. Board questions/comments: The ZBA generally felt that the proposed project was desirable and that the proposed siting of the garage was the best position on the property. However, there was a general feeling that the petitioner’s application did not make the case for granting

the variance. Most concerning, Mendelson felt that the Section 74-266 Standards of Determination (1)c – that the special conditions and circumstances do not result from the actions of the applicant – was not met because the petitioner had built the house and chose to site it facing southerly, away from Joy Rd. Burgess pointed out that conditions change and it's not likely that people would anticipate 10 years in advance of when they would need to build an accessory structure. After some discussion, the ZBA generally concurred that even though the proposed garage was sited in an ideal spot on the property, the 74-266 Standards of Determination are not met. Basch brought up that if the garage was attached to the house, then a variance is not needed. Mouat said that the intent of the petitioners was to attach the proposed garage to the existing attached garage with a pergola, however the pergola was not shown on the drawings. The Hamlin informed the ZBA that "attached" is not defined in the Zoning Ordinance or in the MI Building Code. The ZBA encouraged the architect to go back to the Keoughs and explain the situation, that an attached garage would not need a variance. Mouat said that he would be willing to re-visit the design with the Keoughs and include the pergola on the drawings.

4. Public hearing. Price opened and closed the public hearing at 3:32 pm. Hamlin noted that a neighbor came in to look at the drawings but did not comment, nor follow up with any sort of communication.
5. The ZBA discussed the matter further and decided to table to allow the petitioners to revise their design. Mendelson moved to table the petition; Burgess seconded. Motion passed unanimously.

V. NON-AGENDA and INFORMATIONAL ITEMS

Hamlin updated the ZBA on the request to the Planning Commission to review the ordinance that requires accessory structures to be located behind the rear line of the principal structure/dwelling. The Planning Commission requested that Carlisle and Wortmann, the Township Planners, review the ordinance. The planner's report was that the ordinance was fine. Several Planning Commissioners pointed out that in many of rural areas it might not make sense. Hamlin pointed out that the ZBA could write a letter with their concerns and suggestions for this matter.

VI. ADJOURNMENT

Burgess moved to adjourn at 3:50 pm; seconded by Mendelson.