

**ZONING BOARD OF APPEALS
MEETING MINUTES
November 21, 2103
CITY COUNCIL CHAMBER
7:00 P.M.**

1. CALL TO ORDER

The meeting was called to order at 7:02 p.m.

II. ROLL CALL

Present: J. Bailey, M. Shecket, G. Udoji, R. Johnson,

Absent: T. Roach (excused)

Staff: B. Wessler, City Planner I
N. Schuette, Executive Secretary

III. APPROVAL OF MINUTES – November 21, 2013

Commissioner Shecket moved to approve the minutes of July 24, 2013 as read (Support: R. Johnson) and the motion carried unanimously.

VI. PURPOSE OF MEETING

Commissioner Bailey stated that the purpose of the meeting is to request from the city a variance from the zoning ordinance.

VII. OLD BUSINESS

None

VIII. NEW BUSINESS

1. Dimensional Variance Request: 301 S Hamilton

Ms. Wessler presented the staff report. The applicant is requesting approval of a non-use variance to permit a barrier-free restroom to be constructed within the north (side) and west (front) setbacks. It would encroach into the front setback 8-08" and 9' into the north setback. Under the terms of R2 zoning, for uses that are not residential, height setbacks are stricter.

The parcel is slightly more than two acres, fronting on South Hamilton Street. There is an existing 10,000 square foot building, a shed, two houses and approximately 127

space parking lot. The applicant is proposing to add a 395 square foot barrier-free restroom (men's and women's) to the north side of the building, adjoining the sanctuary level, flush with the existing front façade. The property is zoned R2, one and two family residential, which allows churches and other religious buildings as a special use, subject to the specific requirements of Sec 122-780.

Ms. Wessler reviewed the land use and zoning of the surrounding area. She also reviewed the standards for variances after which, she stated that staff recommends the variance request be denied with findings as listed in the staff report dated November 15, 2013.

The board members had some questions regarding the encroachment, which staff responded to in detail.

Commissioner Udoji moved to open the public portion of the hearing (Support: M. Shecket) and the motion carried unanimously.

Bill Meier, Meier Architects, 4844 Jackson Road, Ann Arbor – was in attendance to represent the church. He gave some background information on the former church and various additions. He stated that the practical handicap adding that the restroom in that location was essential for elderly people, who otherwise would not be able to attend church because of the levels of the various parts of the church. He noted that surrounding churches in R2 are all encroaching. He also noted that no people currently attending church were around at the time it was built and did not create the difficulty. The neighbor most impacted has no objection to this expansion and the church serves an important role in the community.

Many questions and concerns were asked by board members of the architect. Some discussion was held on ADA regulations, which Mr. Meier addressed as it pertains to churches as well as non-residential setbacks. Commissioner Johnson asked any options available if this variance was denied and Mr. Meier stated that the design is the only alternative that they could come up with to accommodate the elderly members and without this addition, they would lose at least 20% of their membership.

Commissioner Shecket moved to close the public portion of the hearing (Support: R. Johnson) and the motion carried unanimously.

After further discussion, Commissioner Shecket made a motion that the Zoning Board of Appeals approves the variance request to permit an encroachment of 17'4" into the north (side) setback and 15'8" into the west (front) setback, as submitted on 27 September 2013 with the following findings:

1. The applicant has shown sufficient practical difficulty under Sec 122-94(b)(1) insofar as they have shown that they require the variance in order to satisfy the requirements of the barrier free restroom under the Michigan State Building Code.
2. Such a variance is necessary for the preservation and enjoyment of a substantial property right enjoyed by other property owners in the same district under the terms of the zoning ordinance, per the standards of Sec 122-94(2).

3. The practical difficulty being proposed is not self-created per Sec 122-94(3).
4. It does not appear that the addition will be detrimental to the public welfare or the neighborhood in general presented in Sec 122-94(4)
5. Allowance of minimum variance will allow substantial justice being done per the standards in Sec 122-94(5)
6. The variance is the minimum that will make possible a reasonable use of the land, buildings or structure per Sec 122-94(6).

2. Meeting Schedule

Commissioner Johnson moved to approve the meeting schedule for 2014 (Support: G. Udoji) and the motion carried unanimously.

3. Commissioner Johnson asked to be excused for the April 2014 meeting.
4. Commissioner Shecket informed the board that he would be resigning as of December 2013.

IX. ADJOURNMENT

Since there was no further business, Commissioner Shecket moved to adjourn the meeting (Support: R. Johnson) and the motion carried unanimously. The meeting adjourned at p.m.