

**ANN ARBOR CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS  
WEDNESDAY, MARCH 19, 2008 3:00 PM**

**I. ROLL CALL**

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

Present: Chair Richard Mitchell, Commissioners Larry Burgess and Doug Price. Absent: Clerk Rena Basch, and William Dutil.

Also present: Building and Zoning Official John Hamlin and Deputy Clerk Marcie Scaturro.

**II. APPROVAL OF MINUTES**

Price moved approval of the Zoning Board of Appeals minutes from October 17, 2007; Burgess seconded. Motion passed unanimously.

**III. OLD BUSINESS**

- A. **ZBA-5-07 Domino's Farms Office Park** tabled at last meeting. Item remains tabled.

**IV. NEW BUSINESS**

- A. **ZBA-1-08** – Request by Steven Witter of 3200 East Joy Road (I-09-02-200-002) for a variance from *Zoning Ordinance Section 74-223 Expansion and substitution of nonconformity* in order to build addition.

- 1) **Petitioner Presentation:** Steve Witter introduced himself and his wife Christina.

Mr. Witter explained that they would like to add on to their home. The house is on 2.3 acres, and the property is zoned A-1 (lot size 10 acres or more).

First question: Are the hardships or practical difficulties in the use of your property exceptional and peculiar to your property? Why:

The house is approximately 872 square feet. The bedroom is at one end, and the kitchen and bathroom are at the other. There are no hallways and in order to move around the house and you must enter through the rooms. The house was built in 1937 or 1938 and is not energy efficient. The house would be more practical if there was a hallway and more bedrooms. He was not sure if the house is considered sanitary when someone is sick because you have to walk through the rooms to get to the bathroom. Having guests is very difficult when there is only one bedroom.

Second question: Do the hardships and practical difficulties supporting the variance include substantially more than mere inconvenience, inability to attain a higher financial return, or both? Why?

Steve began by answering yes to both questions due to safety issues and previous items stated above. The house needs a new roof, windows and lots of cosmetic work inside and out. Steve stated you basically come to the crossroads and have to decide either to make improvements or to let the house go. Steve and Christina believe if they are going to put the money into the house they would have to make the house practical for the future use such as starting a family. Therefore, it would not be economical or feasible to make improvements without making size and layout changes.

Third question: What effect will granting the variance have on the property of others that surrounds your property?

Steve believes this is a positive move. There are 1 to 3 houses in view of their home depending on the season. The property directly across the street sits on 2 acres and has an old garage on it. Other houses across the street are on 5 acre and 2 acre lots, and to the right of his home are 2 to 2 ½ acres lots. West of the his house located in Ann Arbor Township on 1.75 acres is a home that will be comparable in size (2500 sq ft) and similar style of the proposed addition. The house will be country style, wood with a wrap around front porch. Steve feels that the proposed improvements will bring the property value up as well.

Fourth question: What physical characteristics of your property; size, shape, location or topography prevent you from having a reasonable use of the property in a way that is consistent with the ordinance?

The ordinance calls for agricultural use. The house has been there since the late 30's as a residence and he does not know if agricultural use ever existed. To his knowledge he believes the property has remained the same shape and size. The current zoning would not allow for typical agricultural activities without purchasing adjacent property. The house is being used as a residence and is also land locked.

Fifth question: Is there any other property in your neighborhood that has the same or similar conditions? If so, please identify by street address.

At least 10 properties are at least similar in size and reside in Northfield Township with a different classification.

Commissioner Burgess was interested in how many of the homes he described were actually in Ann Arbor Township?

Four houses reside in Ann Arbor Township.

Commissioner Burgess asked if Mr. Witter had contacted any of the neighbors. At different times Steve spoke to a neighbor or two, but with no specific plans.

- 2) **Zoning Official's Report:** John Hamlin stated he drove by the site and confirms setbacks and ground floor requirements are met. Also noted the height requirement meets the standards and he recommends approval of the variance per his report dated February 26, 2008.
- 3) **Board Comments:** Chairman Mitchell asked for Board Comments. Commissioner Price commented on why he felt favorable about the proposal.
- 4) **Public Comment:** Chairman Mitchell opened and closed public comment. No public attended the meeting.
- 5) **Zoning Board of Appeals Discussion:** Chairman Mitchell commented he was also a member of the Planning Commission and explained that although this property has been designated in the Master Plan as agricultural, he agrees that the property will never be farmed.

John Hamlin also commented that the septic system was approved by the County Environmental Health Dept. and that the septic system was upgraded by the previous owners.

Chairman Mitchell asked if someone would like to make a motion. Commissioner Price commented the hardship has been demonstrated by the size of the property and the property owner's interest. Commissioner Price moved to approve the variance based upon the findings in Sec. 74-223 to grant non-conforming status to the addition of the existing property. Commission Burgess seconded, and the motion passed unanimously.

- V. **PUBLIC COMMENT** – Chairman Mitchell opened the Public Comment session. Steve Witter asked a few questions and Board responded. Chairman Mitchell closed Public Comment.
- VI. **ADJOURNMENT** – Price moved to adjourn the meeting at 3:23 pm. Burgess seconded. Motion passed.