

**Zoning Board of Appeals
January 23, 2013 Regular Meeting**

STAFF REPORT

Subject: ZBA13-003, 515 N. Fifth

Summary: Bowers and Associates, is requesting two variances from Chapter 62 (Landscape and Screening) Section 5:603 (C):

1. A variance to reduce the required 15 foot wide conflicting land use buffer in order to provide a 12 foot wide buffer along the north property line, All required landscaping will be installed.
2. A variance to reduce the required 15 foot wide conflicting land use buffer in order to provide a 1 to 12 foot wide variable buffer and plant 4 trees (9 trees are required) along the south property line.

Background:

Parcels zoned R4 and adjacent to parcels principally zoned or used for residential uses require conflicting land use buffers. This site requires conflicting land use buffers, which are 15 feet wide and contain landscaping trees every 15 feet, along the north, south and west property lines.

The subject parcel is located on North Fifth, just south of Beakes Street. The site is zoned Multiple-family Dwelling (R4C). The petitioner seeks to construct a three-story building housing 4 dwelling units on this 8,849 square foot parcel (R4C minimum lot size is 8,500 square feet). Four parking spaces will be located in a garage on the first floor of the structure.

The project requires action by the City Planning Commission, as well as final approval by City Council. The site plan for the project was recommended for approval by the Planning Commission on January 3, 2013, contingent upon the approval of the variance noted above. If the variance is granted, the plan will proceed to City Council for final approval. For more background information on the project, the Planning Commission staff report is attached

The petitioner mailed information postcards after submission of the proposed site plan to the Planning Commission. The petitioner has also met with the neighbors several times.

Chapter 62 (Landscape and Screening) Variance - Standards for Approval

The Zoning Board of Appeals has all the power granted by State law and by Section 5:99, Application of the Variance Power, from the City of Ann Arbor Zoning Ordinance and Chapter 62, Section 5:609. The following criteria shall apply:

Upon an appeal filed to the zoning board of appeals in accordance with the procedures of Chapter 55, a variance may be granted from the strict application of the provisions of this chapter in cases involving practical difficulties or hardships when the evidence supports that the public benefit intended to be secured by this chapter will exist with less than the required landscaping or screening.

As previously mentioned, the petitioner is proposing to construct a 4 unit residential building with parking provided under the building. Although the adjacent properties are all zoned R4C, the proposed multiple-family use, requires a 15 foot wide conflicting land use buffer along the two sides and the rear of the parcel. The conflicting land use buffer width is met on the west (rear) of the site. However, a variance is requested from landscaping requirements for the north and south sides.

The variance for the north buffer is requested in order to reduce the required 15 foot width down to a minimum of 12 feet for 56 feet along the north property line. The length of the required buffer is 133 feet which is the depth of the parcel from North Fifth Avenue. The remaining buffer area will meet all requirements. All required landscaping will be installed in the buffer area. As permitted by code, a sidewalk leading from Fifth Avenue to the front door of one unit will be located within the buffer area.

The variance for the south buffer is requested in order to reduce the required 15 foot width down to a minimum of 1 foot for 57 feet from the front property line and 12 feet 6 inches for 42 feet along the south property line. The length of the required buffer is 133 feet which is the depth of the parcel from North Fifth Avenue. A total of nine trees are required to be planted within the buffer. The petitioner is proposing to plant 4 trees, 5 less than required. The remaining buffer area will meet all requirements. A driveway leading to the enclosed 4 car garage will be located 2 feet from the south property line for the first 57 feet from the front. Although not required, a five foot high fence will be installed along the length of the southern property line to help mitigate for the reduced buffer. All required parking for the proposed development will be enclosed and not visible to the south.

A recent code change in 2011 added the requirements for landscaped buffers between R4C zoned properties. The two required conflicting land use buffers along the side property lines utilize almost half of the width of this site (the lot is 66 feet wide and total

Zoning Board of Appeals
ZBA13-003 Variance
January 23, 2013 - Page 3

buffer width is 30 feet). The total area required for buffers makes multiple-family residential development challenging on most R4C lots.

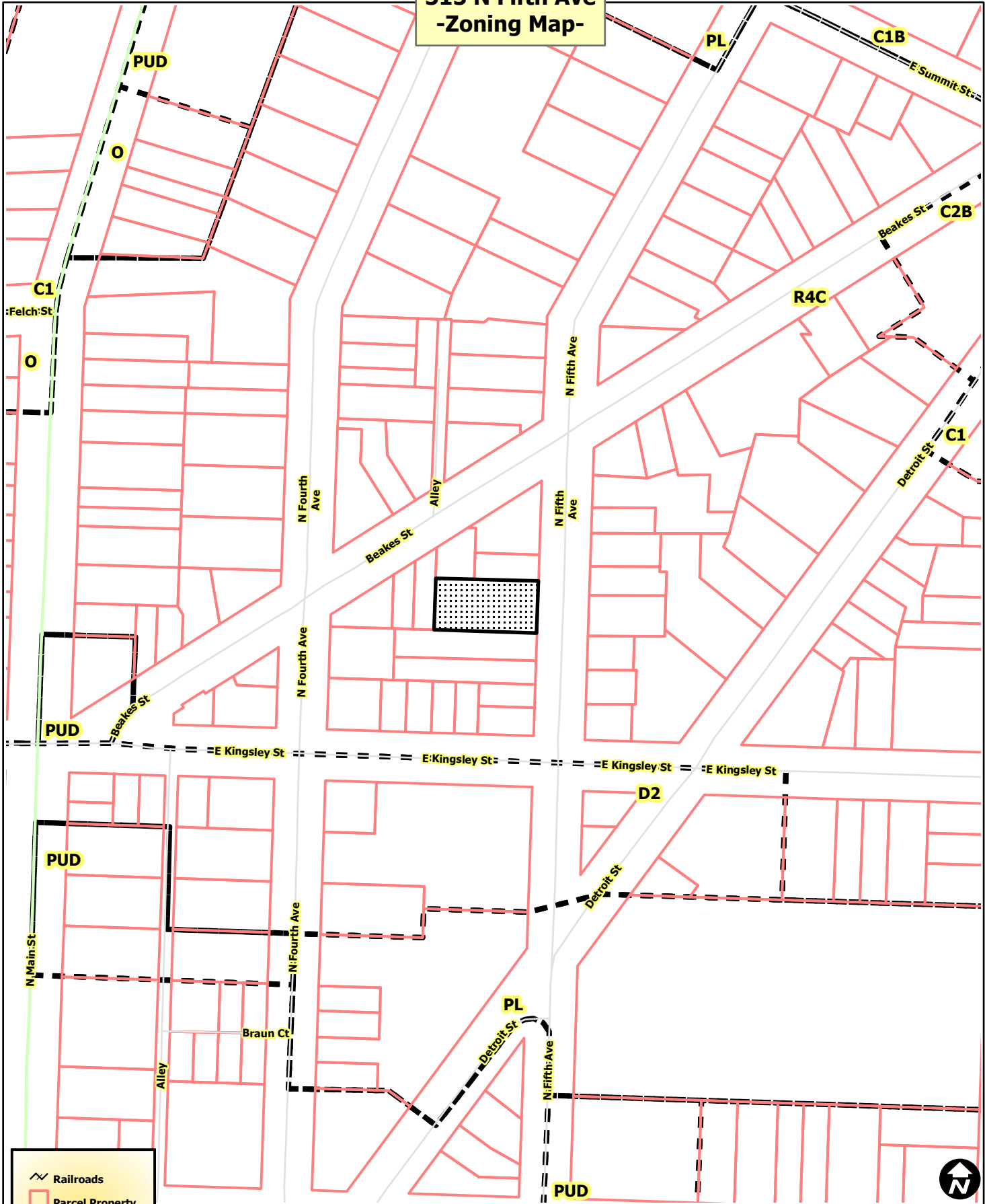
The variance request has been reviewed and is supported by staff responsible for landscape plan review.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'M. Kowalski', written in a cursive style.

Matthew J. Kowalski, AICP
City Planner

515 N Fifth Ave -Zoning Map-





	Railroads
	Parcel Property
Zoning	
	Township
	Zoning



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Map Created: 9/21/2012

515 N Fifth Ave -Aerial Map-



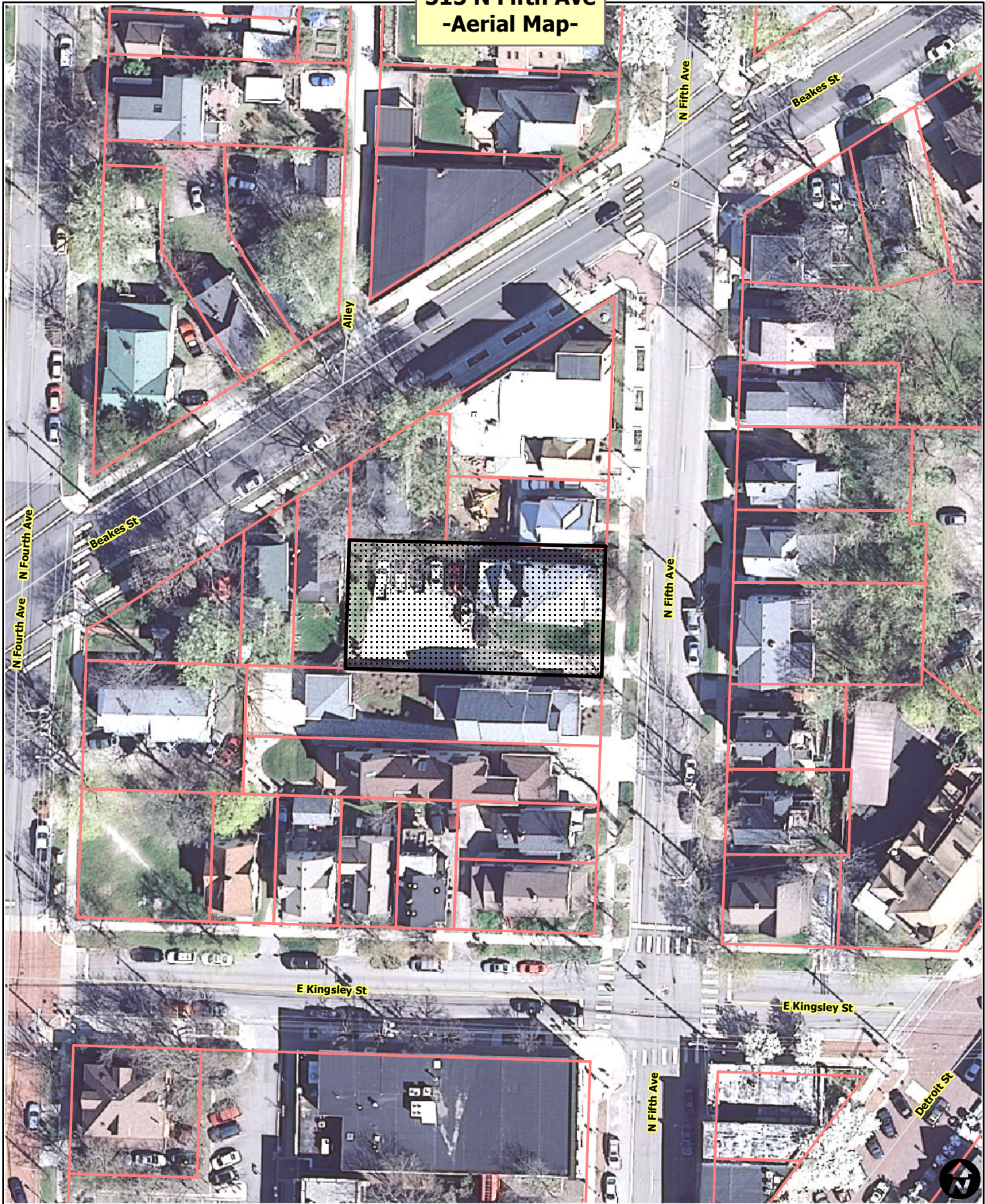
-  Railroads
-  Parcel Property





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 Map Created: 9/21/2012



515 N Fifth Ave -Aerial Map-



-  Railroads
-  Parcel Property



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 Map Created: 9/21/2012

ADDITIONAL TEXT: Application for Variance (515 N. Fifth Avenue)

Section 3: Request Information

Give a detailed description of the work you are proposing and why it will require a variance.

The applicant is proposing to construct a single 2-1/2 story building consisting of 4 dwelling units, four garage parking spaces and two deferred parking spaces, along with associated access drive and landscaping. The total width of the proposed improvements does not leave room for a complete Conflicting Land Use Buffer (CLUB) on the north and south sides that meet the width and planting requirements of Chapter 62. All adjacent parcels are zoned R4C as well.

Section 4: VARIANCE REQUEST

- 1. Are there any practical difficulties to complying with the ordinance? Are these hardships or practical difficulties an exception or unique to the property compared to other properties in the City?**

The building is constructed on .203 acres, with a lot width of 66.46 feet recorded and measured). The combined width of the proposed building and the driveway along the south side of the building is approximately 52.63 feet (20 foot wide required driveway; 32.63 foot wide building). A 12'-1" setback is required on the north side of the building which only leaves room for 1.46 foot wide Conflicting Land Use Buffer (CLUB) for 58 feet of the south property lines 132.93'(this balance would have a 12' Conflicting Land Use Buffer)
- 2. Are the hardships or practical difficulties more than mere inconvenience, inability to obtain a higher financial return?**

The practical difficulties are far more than an inconvenience. A strict application of the CLUB would prohibit this type of development. Most of the lot sizes in this zoning are not wide enough to develop with a starting point of 30' of Conflicting Land Use Buffer.
- 3. What effect will granting the variance have on the neighboring properties?**

The properties to the north will have the intent of the CLUB met with 15' buffer for 77' of the property and a 12' buffer for the balance of the property - 56' of length. The required plantings and a wood fence are provided.

The neighbors to the south understand and agree with the request for variance for the CLUB. We are providing 12'-6" buffer for 42.93' of the property line with required plantings. A wood fence exists. We propose to extend the fence to screen the vehicular use area – from the property to the south.
- 4. What physical characteristics of your property in terms of size, shape, location or topography prevent you from using it in a way that is consistent with the ordinance?**

As mentioned above, it is the size of the lot that prevents the use of the property that is consistent with the zoning ordinance. The total area required for the buffers makes multi-family residential development challenging on most R4C lots, including

this one. The buffering the same zoning against the same zoning seems counter to the label of Conflicting Land-Use Buffer.

5. Is the condition which prevents you from complying with the ordinance self-imposed? How did the condition come about?

The condition has come about not by the proposed building but by the wording of the ordinance, requiring a conflicting land use buffer, when: “The portion of a parcel zoned R3 or R4 adjacent to a parcel principally used or zoned for residential purposes.” Given this provision of Chapter 62(Conflicting Land Use Buffers), there is no practical alternative for infill development of the nature being proposed for R4C Multi-Family zoning, aside from a single family residence.

APPLICATION FOR VARIANCE OR NON-CONFORMING STRUCTURE ZONING BOARD OF APPEALS

Section 1: Applicant Information

Name of Applicant: Bowers + Associates, Inc.
 Address of Applicant: 2400 S. Huron Parkway Ann Arbor, MI 48104
 Daytime Phone: 734-975-2400
 Fax: 734-975-2410
 Email: susanb@bowersarch.com
 Applicant's Relationship to Property: architect/planner

Section 2: Property Information

Address of Property: 515 N. Fifth Avenue
 Zoning Classification: R4C
 Tax ID# (if known): 09-09-29-122-011
 *Name of Property Owner: 515 North Fifth Avenue, LLC

**If different than applicant, a letter of authorization from the property owner must be provided.*

Section 3: Request Information

Variance

Chapter(s) and Section(s) from which a variance is requested:

Chapter 62, Section 5603 item no. 1
Chapter 62, Section 5603, item no. 2

Required dimension:

15' CLUB Buffer
1 Tree/ 15' lineal

PROPOSED dimension:

12' CLUB Buffer / No Buffer
no tree for part of property line

Example: Chapter 55, Section 5:26

Example: 40' front setback

Example: 32'

Give a detailed description of the work you are proposing and why it will require a variance (attach additional sheets if necessary)

See attached sheet

Section 4: VARIANCE REQUEST (If not applying for a variance, skip to section 5)

The City of Ann Arbor Zoning Board of Appeals has the powers granted by State law and City Code Chapter 55, Section 5:98. A variance may be granted by the Zoning Board of Appeals only in cases involving practical difficulties or unnecessary hardships when **ALL** of the following is found **TRUE**. Please provide a complete response to each item below. These responses, together with the required materials in Section 5 of this application, will form the basis for evaluation of the request by staff and the Zoning Board of Appeals. (continued...)

1. Are there hardships or practical difficulties to complying with the ordinance? Are these hardships or practical difficulties an exception or unique to the property compared to other properties in the City?

See attached sheet

2. Are the hardships or practical difficulties more than mere inconvenience, inability to obtain a higher financial return? (explain)

See attached sheet

3. What effect will granting the variance have on the neighboring properties?

See attached sheet

4. What physical characteristics of your property in terms of size, shape, location or topography prevent you from using it in a way that is consistent with the ordinance?

See attached sheet

5. Is the condition which prevents you from complying with the ordinance self-imposed? How did the condition come about?

See attached sheet

Section 5: ALTERATION TO A NON-CONFORMING STRUCTURE

Current use of the property _____

The proposed change is allowed in accordance with Structure Non-Conformance, Section 5:87 (1) (a) & (b), which reads as follows:

- (1) A non-conforming structure may be maintained or restored, but no alteration shall be made to a non-conforming structure unless one of the following conditions is met:
 - a. The alteration is approved by the Zoning Board of Appeals upon finding that it complies as nearly as practicable with the requirements of this Chapter and that it will not have a detrimental effect on neighboring property.
 - b. The alteration conforms to all the requirements of this Chapter and is made to a building which will be a single-family dwelling on completion of the alteration and is located in an R1,R2, R3, or R4 district.
 - c. The structure is considered non-conforming due to the following reasons

(continued)

Existing Condition

Code Requirement

Lot area _____

Lot width _____

Floor area ratio _____

Open space ratio _____

Setbacks _____

Parking _____

Landscaping _____

Other _____

Describe the proposed alterations and state why you are requesting this approval:

The alteration complies as nearly as is practicable with the requirements of the Chapter and will not have a detrimental effect on neighboring property for the following reasons:

Wherefore, Petitioner requests that permission be granted from the above named Chapter and Section of the Ann Arbor City Code in order to permit _____

Section 6: Required Materials

The following materials are required for all variance requests. Failure to provide these materials will result in an incomplete application and will delay staff review and Zoning Board of Appeals consideration of the request. The materials listed below must accompany the application and constitute an inseparable part of the application.

All materials must be provided on **8 1/2" by 11" sheets.** (Continued.....)

- Survey of the property including all existing and proposed structures, dimensions of property, and area of property.
- Building floor plans showing interior rooms, including dimensions.
- Photographs of the property and any existing buildings involved in the request.
- Any other graphic or written materials that support the request.

Section 7: Acknowledgement

SIGNATURES MUST BE SIGNED IN PRESENCE OF NOTARY PUBLIC

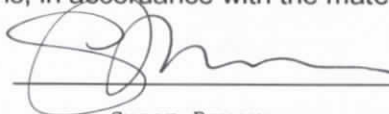
I, the applicant, request a variance from the above named Chapter(s) and Section(s) of the Ann Arbor City Code for the stated reasons, in accordance with the materials attached hereto.

734-975-2400

Phone Number

susanb@bowersarch.com

Email Address

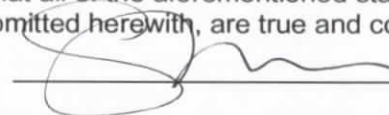


Susan Bowers

Signature

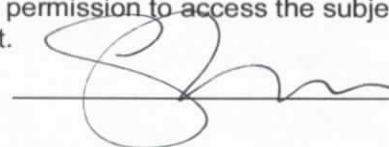
Print Name

I, the applicant, hereby depose and say that all of the aforementioned statements, and the statements contained in the materials submitted herewith, are true and correct.



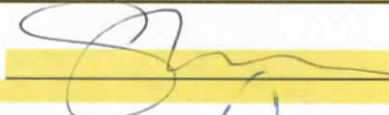
Signature

Further, I hereby give City of Ann Arbor Planning & Development Services unit staff and members of the Zoning Board of Appeals permission to access the subject property for the purpose of reviewing my variance request.



Signature

I have received a copy of the informational cover sheet with the deadlines and meeting dates and acknowledge that **staff does not remind the petitioner of the meeting date and times.**



Signature

On this 20 day of December, 2012, before me personally appeared the above named applicant and made oath that he/she has read the foregoing application by him/her subscribed and knows the contents thereof, and that the same is true as to his/her own knowledge except as to those matters therein stated to be upon his information and belief as to those matters, he/she believes them to be true.

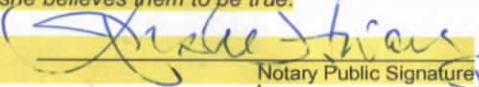
ANNIE HWANG

Notary Public, State of Michigan

County of Washtenaw

My Commission Expires 12-09-2018

Notary Commission Expiration Date



Notary Public Signature

Annie Hwang

Print Name

Staff Use Only

Date Submitted: _____

Fee Paid: _____

File No.: _____

Date of Public Hearing _____

Pre-filing Staff Reviewer & Date _____

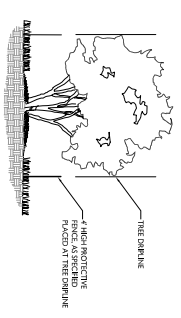
ZBA Action: _____

Pre-Filing Review: _____

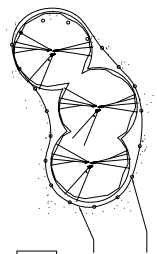
Staff Reviewer & Date: _____

LANDSCAPING GENERAL NOTES

1. THE CONTRACTOR SHALL VERIFY ALL RIGHTS OF WAY, EASEMENTS, PROPERTY LINES, AND UTILITIES PRIOR TO COMMENCING WORK AND COORDINATE WITH ALL PERTINENT UTILITIES COMPANIES TO LOCATE AND MARK ALL UTILITIES PRIOR TO ANY CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE TO UTILITIES OR OTHER ADJACENT PROPERTIES CAUSED BY ANY CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE TO UTILITIES OR OTHER ADJACENT PROPERTIES CAUSED BY ANY CONSTRUCTION.
2. ALL PLANTINGS SHALL BE INSTALLED IN ACCORDANCE WITH THE FOLLOWING SPECIFICATIONS AND SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.
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14. ALL PLANTINGS SHALL BE INSTALLED IN ACCORDANCE WITH THE FOLLOWING SPECIFICATIONS AND SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.



TREE PROTECTION DETAIL SECTION
NO SCALE



TREE PROTECTION DETAIL PLAN
NO SCALE

NOTE:
ALL DAMAGE TO EXISTING PLANTINGS SHALL BE REPAIRED OR REPLACED AT THE CONTRACTOR'S EXPENSE. ALL PLANTINGS SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.

LANDSCAPE REQUIREMENTS

1. **VEHICLE USE AREA**
VEHICLE USE AREA SHALL BE 10 FEET WIDE AND 10 FEET HIGH. THE CONTRACTOR SHALL PROVIDE A 10' HIGH CONCRETE CURB AND 10' HIGH WOOD FENCE TO SCREEN VEHICLES FROM THE ADJACENT PROPERTY.
2. **CONFLICTING LAND USE BUFFER (CHAPTER 63 SECTION 5903)**
THE CONTRACTOR SHALL PROVIDE A 10' HIGH CONCRETE CURB AND 10' HIGH WOOD FENCE TO SCREEN VEHICLES FROM THE ADJACENT PROPERTY.
3. **LANDMARK TREE MITIGATION**
THE CONTRACTOR SHALL PROVIDE A 10' HIGH CONCRETE CURB AND 10' HIGH WOOD FENCE TO SCREEN VEHICLES FROM THE ADJACENT PROPERTY.

IRRIGATION GENERAL NOTES

1. LANDSCAPE CONTRACTOR TO INSTALL IRRIGATION SYSTEM AS PART OF THE CONTRACT.
2. IRRIGATION SYSTEM SHALL BE INSTALLED ON A 1/2\"/>

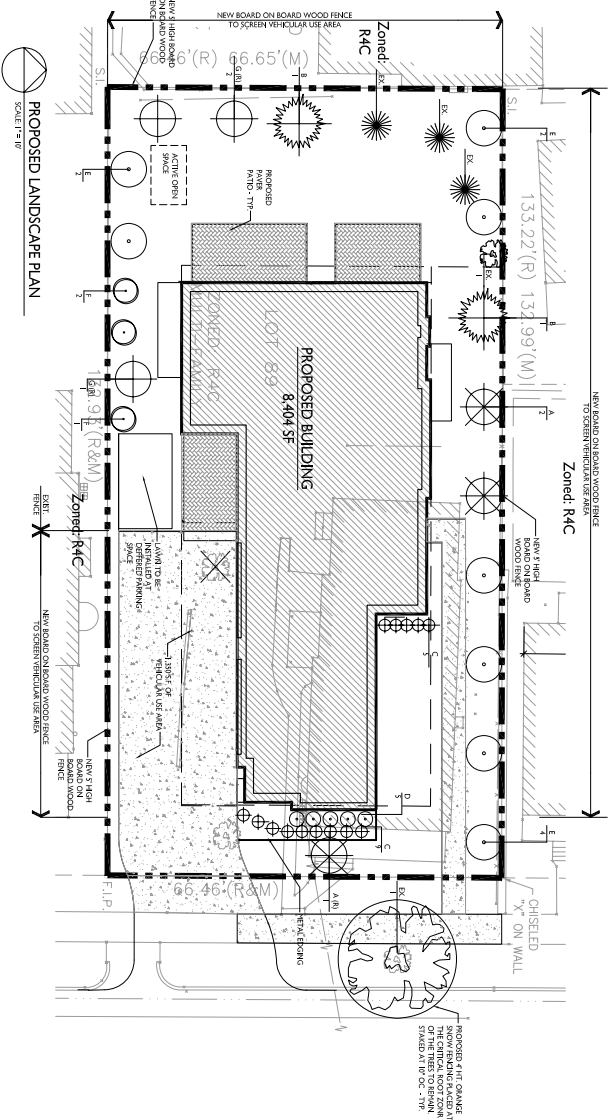
PLANT LIST

PLANT LIST	QTY	COMMON NAME	SCIENTIFIC NAME	REMARKS
1	3	RED TIGER	HYDRANGEA LYNDSAYAE	3' GAL. TR
2	3	RED TIGER	HYDRANGEA LYNDSAYAE	3' GAL. TR
3	3	RED TIGER	HYDRANGEA LYNDSAYAE	3' GAL. TR
4	3	RED TIGER	HYDRANGEA LYNDSAYAE	3' GAL. TR
5	3	RED TIGER	HYDRANGEA LYNDSAYAE	3' GAL. TR
6	3	RED TIGER	HYDRANGEA LYNDSAYAE	3' GAL. TR
7	3	RED TIGER	HYDRANGEA LYNDSAYAE	3' GAL. TR
8	3	RED TIGER	HYDRANGEA LYNDSAYAE	3' GAL. TR
9	3	RED TIGER	HYDRANGEA LYNDSAYAE	3' GAL. TR
10	3	RED TIGER	HYDRANGEA LYNDSAYAE	3' GAL. TR

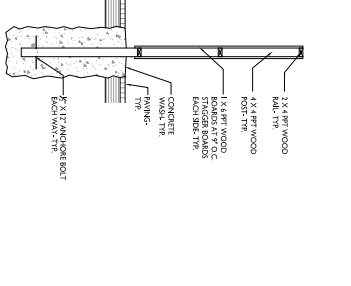
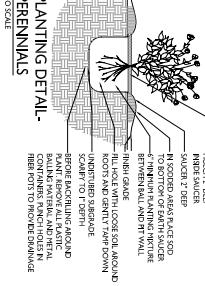
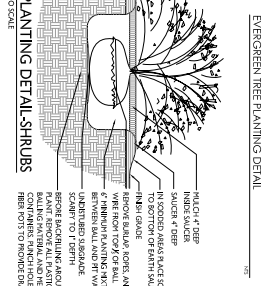
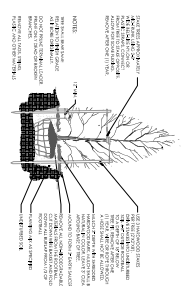
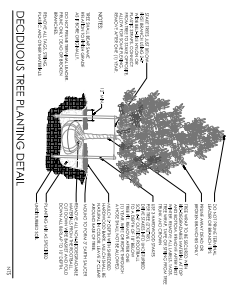
NOTE:
ALL FERTILIZER APPLICATION BEYOND THE PERIMETER OF THE PROPOSED BUILDING SHALL BE A FERTILIZER WITH NO PHOSPHORUS IN ACCORDANCE WITH THE ANN ARBOR ORDINANCES.

- GENERAL TREE PROTECTION NOTES**
1. APPROVED TREE PROTECTION SHALL BE INSTALLED WITHIN THE PERIMETER OF THE PROPOSED BUILDING.
 2. ALL TREE PROTECTION SHALL BE INSTALLED WITHIN THE PERIMETER OF THE PROPOSED BUILDING.
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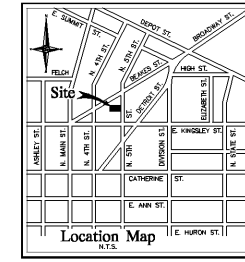
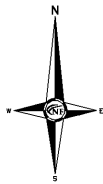
NOTE (TREE STAKING):
FOR ALL TREES, STAKING SHOULD ONLY BE USED FOR TREES GREATER THAN 3" IN DIAMETER. IF THE TREE IS GREATER THAN 3" IN DIAMETER, THE TREE SHOULD BE STAKED TO THE TRUNK.



PROPOSED LANDSCAPE PLAN
SCALE: 1/8" = 1'-0"

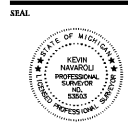


WOOD BOARD ON BOXED FENCE DETAIL
SCALE: 1/8" = 1'-0"



NF ENGINEERS
 CIVIL ENGINEERS
 LAND SURVEYORS
 LAND PLANNERS

NOWAK & FRAUS ENGINEERS
 46777 WOODWARD AVE.
 PONTIAC, MI 48342-5032
 TEL. (248) 332-7931
 FAX. (248) 332-6257



PROJECT
 515 N. 5th Avenue
 Ann Arbor, MI

CLIENT
 Bowers and Associates, Inc.
 2400 South Huron Parkway
 Ann Arbor, MI 48104

Contact: Susan Bowers
 (734) 975-2400 - Tel.
 (248) 645-9175 - Fax

PROJECT LOCATION
 Part of the NE 1/4
 of Section 29, Town 2
 South, Range 6 East, City
 of Ann Arbor, Washtenaw
 County, Michigan

SHEET
 Boundary / Topographic /
 Tree Survey



REVISIONS
 09-24-12 Prelim. Site Plan
 11-15-12 Prelim. Site Plan Revisions
 12-06-12 Site Plan Revisions

FLOOD HAZARD NOTE
 THIS PROPERTY IS NOT LOCATED WITHIN THE FLOOD HAZARD
 AREA INDICATED BY FLOOD INSURANCE RATE MAP (FIRM) NO.
 26023-K003-D DATED: JANUARY 2, 1982

CERTIFICATE OF SURVEY
 WE HEREBY CERTIFY THAT WE HAVE SERVICED THE PROPERTY HEREIN
 DESCRIBED AND THAT WE HAVE PLACED MARKERS BENEATH THE
 CORNERS OF THE PARCELS OR AS INDICATED IN THE ABOVE SECTION.

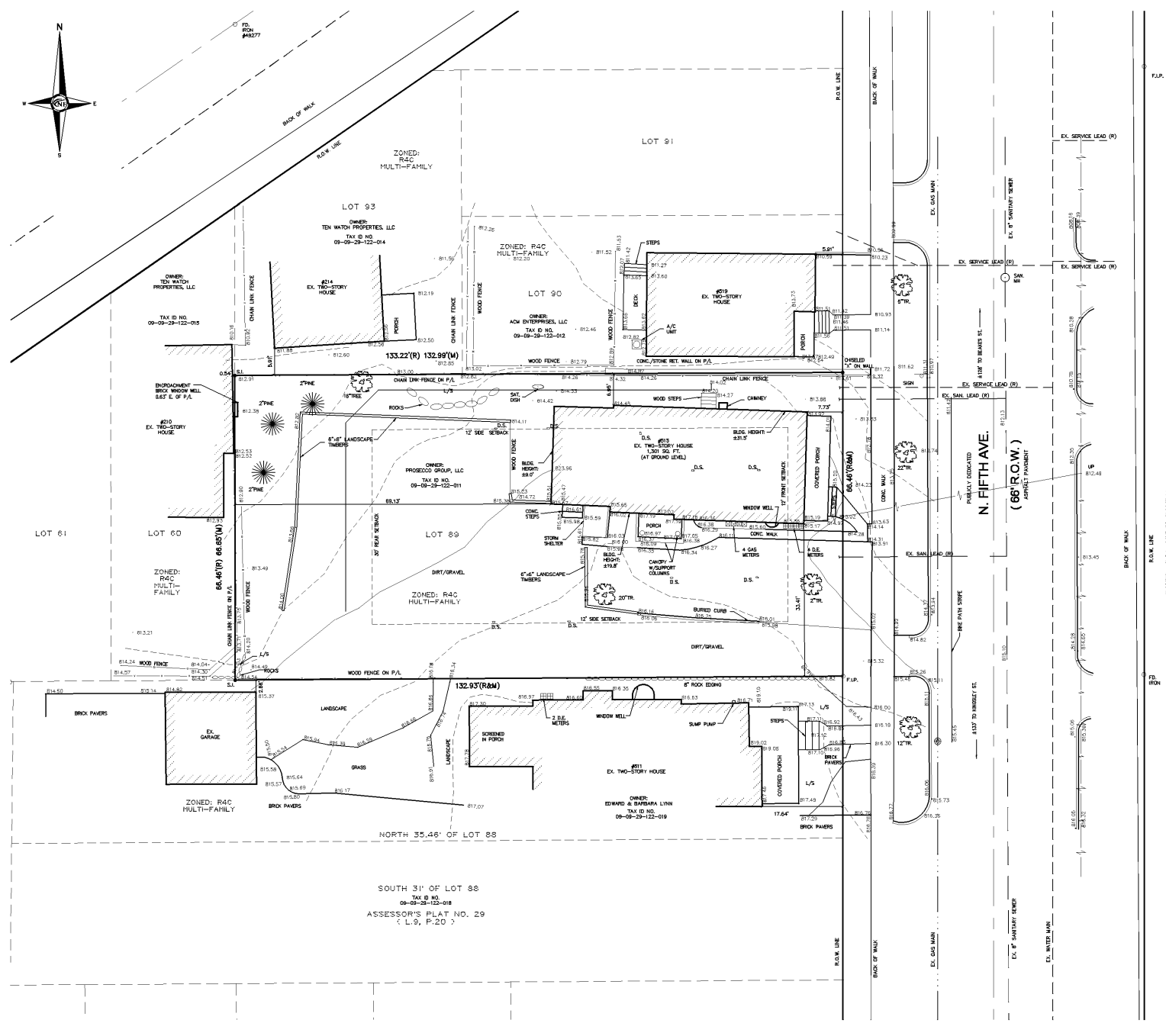
KEVIN NAVAROLI PLS NO. 33303 DATE: 10-03-09
 DRAWN BY:
 M. Carnaghi

APPROVED BY:
 K. Navaroli

DATE:
 09-24-2012

SCALE: N.T.S.
 10 0 10 20 30 40 50

NTE JOB NO. SHEET NO.
 G808 C1



SITE DATA
 SITE AREA:
 6,848.75 SQ. FT. OR 0.203 ACRES
 EXISTING ZONING: R4C, MULTI-FAMILY RESIDENTIAL DISTRICT
 EXISTING PARKING SPACES:
 NO EXISTING PARKING SPACES
 MINIMUM LOT AREA PER DWELLING UNIT:
 2,778 SQ. FT.
 MINIMUM FEASIBLE OPEN SPACE IN PERCENTAGE OF LOT AREA:
 10%
 MINIMUM GROSS LOT SIZE AREA:
 2,500 SQ. FT.
 MINIMUM GROSS LOT SIZE WITH:
 50 FT.
 BUILDING HEIGHT RESTRICTIONS:
 MAXIMUM HEIGHT: 30 FEET
 MINIMUM SETBACK REQUIREMENTS:
 FRONT: 25 FEET (1:32)
 SIDE: 15 FEET (5:1)
 REAR: 30 FEET
 (1) ALSO SEE ADDITIONAL REGULATIONS IN SECTION 9-108 OF CHAPTER 99
 AND SECTION 9-202 OF CHAPTER 92.
 A SURVEYOR CANNOT MAKE A CERTIFICATION ON THE BASIS OF AN
 INTERPRETATION OF OPINION OF ANOTHER PARTY. A ZONING
 INTERPRETATION LETTER SHOULD BE OBTAINED FROM THE CITY OF
 ANN ARBOR TO INSURE COMPLYING AS WELL AS MAKE A FINAL
 DETERMINATION OF THE REQUIRED BUILDING SETBACK REQUIREMENTS.

**LEGAL DESCRIPTION -
 PER TITLE COMMITMENT**
 LAND SITUATED IN THE CITY OF ANN ARBOR, COUNTY OF
 WASHTENAW, STATE OF MICHIGAN, IS DESCRIBED AS FOLLOWS:
 LOT 89, ASSessor'S PLAT NO. 29, ACCORDING TO THE PLAT
 THEREOF, AS RECORDED IN LIBER 9 OF PLATE, PAGE 50,
 WASHTENAW COUNTY RECORDS.
 ADDRESS: 515 N. 5TH AVENUE, ANN ARBOR, MI
 TAX ITEM NO. 09-09-29-122-011
 CONTAINING: 6,848.75 SQ. FT. OR 0.203 ACRES

TOPOGRAPHIC SURVEY NOTES
 ALL ELEVATIONS ARE EXISTING ELEVATIONS UNLESS OTHERWISE
 NOTED.
 UTILITY LOCATIONS WERE OBTAINED FROM MUNICIPAL OFFICIALS
 AND RECORDS OF UTILITY COMPANIES, AND NO GUARANTEE CAN
 BE MADE TO THE COMPLETENESS OR EXACTNESS OF LOCATION.
 THIS SURVEY MAY NOT SHOW ALL EASEMENTS OF RECORD
 UNLESS THEY APPEAR ON THE TITLE COMMITMENT. THIS PROJECT IS FURNISHED TO THE
 SURVEYOR BY THE OWNER.

FLOOD HAZARD NOTE
 THIS PROPERTY IS NOT LOCATED WITHIN THE FLOOD HAZARD
 AREA INDICATED BY FLOOD INSURANCE RATE MAP (FIRM) NO.
 26023-K003-D DATED: JANUARY 2, 1982

LEGEND

MANHOLE	EXISTING SANITARY SEWER
HYDRANT	EXISTING SAN. CLEAN OUT
MANHOLE	EXISTING WATER MAIN
MANHOLE	EXISTING STORM SEWER
UTILITY POLE	EXISTING BURIED CABLES
UTILITY POLE	OVERHEAD LINES
UTILITY POLE	LIGHT POLE
UTILITY POLE	SIGN
UTILITY POLE	EXISTING GAS MAIN



Fifth Avenue



Existing Building Fifth Avenue



North Property Line



South Property Line



South Property Line



West Property Line

SITE PHOTOGRAPHS

Application for Variance

515 N. Fifth Avenue
Ann Arbor, Michigan

BOWERS+
ASSOCIATES
ARCHITECTURE DESIGN

2400 S. HURON PARKWAY + ANN ARBOR, MI 48104
P: 734.975.2400 + F: 734.975.2410 www.bowersarch.com

PLANNING AND DEVELOPMENT SERVICES STAFF REPORT

For Planning Commission Meeting of January 3, 2013

**SUBJECT: 515 North Fifth Site Plan for City Council Approval
(515 North Fifth Avenue)
File No. SP12-026**

PROPOSED CITY PLANNING COMMISSION MOTION

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the 515 North Fifth Site Plan and Development Agreement, subject to a variance for the Conflicting Land Use buffer being granted by the Zoning Board of Appeals.

STAFF RECOMMENDATION

Staff recommends that this petition be **approved**, because, if the proposed conditions are met, the development would limit the disturbance of natural features to the minimum necessary to allow a reasonable use of the land; comply with local, state and federal laws and regulations; would not cause a public or private nuisance; and would not have a detrimental effect on public health, safety or welfare.

STAFF REPORT

The 515 North Fifth Site Plan was postponed by the Planning Commission at the December 4, 2012 meeting to allow for the petitioner to address staff review comments regarding utility, landscaping and natural features analysis. The revised plans have been reviewed and all outstanding staff issues have been addressed.

Planning Commission also requested additional information regarding proposed massing in context with surrounding structures, height and site grading. This information was provided in a revised plan set. The architectural massing reductions are attached. Staff has reviewed and verified compliance with all applicable standards. There have been no other changes to the site plan presented at the December 4, 2012 meeting.

The petitioner has submitted an application for the conflicting land use buffer to the Zoning Board of Appeals. The hearing on the variance request has been scheduled for the January 23, 2013 Zoning Board of Appeals meeting.

Prepared by: Matthew Kowalski
Reviewed by: Wendy Rampson
Revised 1/3/13

Attachments: December 4, 2012 Planning Staff Report
December 28, 2012 Draft Development Agreement
Architectural Massing Elevations

c: City Attorney's Office
Systems Planning

PLANNING AND DEVELOPMENT SERVICES STAFF REPORT

For Planning Commission Meeting of December 4, 2012

**SUBJECT: 515 N. Fifth Site Plan for City Council Approval
(515 North Fifth Avenue)
File No. SP12-026**

PROPOSED CITY PLANNING COMMISSION MOTION

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the 515 North Fifth Site Plan and Development Agreement, subject to a variance for the Conflicting Land Use buffer being granted by the Zoning Board of Appeals.

STAFF RECOMMENDATION

Staff recommends that the site plan be **postponed** to give the petitioner an opportunity to address staff comments, including additional information required for utility, landscaping and natural features analysis.

LOCATION

The site is located on the west side of North Fifth Avenue, between Kingsley Street and Beakes Street (Central Area, Huron River Watershed).

DESCRIPTION OF PETITION

The petitioner is seeking site plan approval to construct a three-story, 8,404 square foot multiple-family structure containing a total of four units: two condominium units and two apartments. Each residential unit will contain two bedrooms for a total of eight bedrooms. The existing three-unit apartment structure on the site will be demolished. The estimated cost of construction is \$925,500.

The new structure will be configured with one apartment on the second floor and one apartment on the third floor. A front porch leads to an interior stairwell that will provide access to the two apartment units. The two condominium units will be located at the rear of the building and will have primary access from the sides: one entry door on the south and one on the north side. The building will have a basement with 2 window wells. The rear yard will contain two brick paver patios, one for each condominium unit. The rear units each have a small balcony accessed from the third floor.

The site is accessed by one curb cut from North Fifth Avenue; the new curb cut will be located in approximately the same location as the existing curb cut. A total of six parking spaces are required. The required parking will be provided in an attached four car garage and two exterior spaces adjacent to the building along the southern property line. The petitioner is requesting

that the exterior spaces be deferred at this time, consistent with provisions in Chapter 59 (Off-Street Parking) that allows deferral of up to 40% (2 spaces) of required parking spaces. The petitioner is proposing to plant grass in place of one exterior space and the second space will be constructed of brick pavers and used as a patio with primary entry to one unit. Although the petitioner has indicated they have no plans to construct the exterior parking, deferred parking can be installed at any time after site plan approval.

The site contains less than 5,000 square feet of impervious surface; therefore a storm water management system is not required. The petitioner has proposed a grass swale system to capture storm water and address potential off-site drainage concerns. There currently is no storm water system on the site.

One 20-inch landmark tree, located within the proposed driveway, is proposed to be removed. Mitigation is required and will be provided on site.

A conflicting land use buffer is required between the building and the parcels to the west, north and south. The petitioner meets the requirements of the buffer to the rear, however is requesting a variance for relief from the buffer requirements along the both the north and south side. The required buffer is 15 feet wide, and the petitioner is proposing a landscape buffer that varies from two to 12 feet on the south and a 12-foot buffer on the north, with a five-foot tall screening fence along the entire perimeter of the site.

CITIZEN PARTICIPATION

A citizen participation meeting was not required, but an information postcard was mailed out to all residents within 500 feet. The architect has met with neighborhood residents twice to answer questions and address concerns.

SURROUNDING LAND USES AND ZONING

	LAND USE	ZONING
NORTH	Residential/Office	R4C (Multiple-Family Residential District)
EAST	Residential	R4C (Multiple-Family Residential District)
SOUTH	Residential	R4C (Multiple-Family Residential District)
WEST	Residential	R4C (Multiple-Family Residential District)

COMPARISON CHART

	EXISTING	PROPOSED	REQUIRED
Zoning	R4C (Multiple-Family Residential District)	R4C (Multiple-Family Residential District)	R4C (Multiple-Family Residential District)
Gross Lot Area	8,849 sq ft (.20 acre)	8,849 sq ft (.20 acre)	8,700 sq ft MIN
Lot Area per Dwelling Unit	2,950 sq ft/unit	2,212 sq ft/unit	2,175 sq ft/unit MIN
Open Space in % of Lot Area	Unknown	40%	40% MIN
Setbacks	Front	7 ft 8 in	11 ft 4 in
	Side(s)	7ft (North) 33 ft 5 inches (South)	12ft 1 in MIN (North) 21ft 3 in MAX (North) 12ft 3 in MIN (South) 20ft MAX (South)
	Rear	69ft	32 ft 8 inches
Height	25 ft (approx)	29 ft	30 ft MAX
Parking - Automobiles	Unimproved gravel parking area	4 spaces (garages) 2 exterior (deferred)	6 spaces MIN
Parking – Bicycles	0 spaces	4 spaces – Class A (garages)	1 space MIN total (50% Class A, 50% Class C)

* Additional side setbacks are required due to length of building. Increased open space area is provided in the front half of the site in order to equal the additional area that would be contained in the required additional setback.

HISTORY

The existing house was constructed in 1901. A detached garage that was located in the rear yard was demolished in May 2009.

PLANNING BACKGROUND

The City of Ann Arbor Master Plan: Land Use Element (Future Land Use Map) recommendation for this site is multiple-family.

Chapter Seven (Central Area) of the City of Ann Arbor Master Plan: Land Use Element recommends preservation of the existing scale, massing and integrity of housing in the Central Area. New construction is encouraged to complement the existing scale and character of the neighborhood by design features such as front porches and reduced setbacks along streets to match the existing street patterns.

STAFF COMMENTS

Systems Planning – Revisions are needed to the Engineering plans in order to address outstanding staff concerns regarding the utility plan and specifications for improvements within the right-of-way. The site lacks complete fire hydrant coverage; a new hydrant will be required to be installed.

Planning – The petitioner has modified the plans in order to address Planning staff and neighborhood concerns regarding the initial architectural elevations. The project was redesigned to include a front porch and architectural elements that add visual relief to the massing. The majority of the building mass is located to the rear of the site, which allows for more open space in and near the front.

Staff supports the deferral of the two exterior parking spaces, which will allow more side open space and a covered side porch entry.

A development agreement will be required for this project in order to address architectural elevations and offsite improvements required by Project Management staff.

Forestry/Natural Features – The petitioner has indicated that a variance from the Zoning Board of Appeals will be requested for the conflicting land use buffer requirements along the north and south property lines. Staff has requested additional information on the relief requested, and the petitioner is in the process of revising the plans to minimize the variance required.

Soil Erosion/Grading – Additional grading plan information is requested to address concerns regarding potential off-site drainage.

Prepared by Matt Kowalski
Reviewed by Wendy Rampson

Attachments: Parcel/Zoning Map
Aerial Photo
Site Plan
Landscape Plan
Architectural Elevations
Floor Plans

c: Petitioner: 515 North Fifth Avenue LLC
18621 Steep Hollow Court
Northville, MI. 48168

Petitioner's Representative: Susan Bowers
Bowers and Associates
2400 S. Huron Parkway
Ann Arbor, MI 48104

City Attorney
Systems Planning
File Nos. SP12-026

From: Grace Singleton [<mailto:gsingleton@zingers.com>]
Sent: Wednesday, January 09, 2013 10:44 AM
To: Kowalski, Matthew
Subject: ZBA13-003 515 N. Fifth

Hello Matt-

I just wanted to send you a note of support for the zoning variances being proposed for 515 N. fifth

grace

Grace Singleton

Managing Partner
Zingerman's Delicatessen
deli- 734 663 3354

Matt,

We would like to make the same comment that we made to the Planning Commission:

Twice we have had the opportunity to review with the architects the plans for 515 North Fifth Avenue, and we are pleased that the plans have been significantly improved since the first rendition. Among the improvements, the rooflines are now more compatible with the neighboring structures, and a front door and porch have been included.

The building remains out of scale with the neighborhood, but we understand that by right the city code allows a building of this size to be constructed. We therefore have no objection to the granting of the variance that is being requested.

Barbara and Edward Lynn
511 North Fifth Avenue