

**Zoning Board of Appeals
February 28, 2018 Regular Meeting**

STAFF REPORT

Subject: ZBA 18-005; 615 East Huron Street

Summary:

Steve Dykstra Hobbs & Black Architects, representing property owners A.J. Capital Partners, is seeking a twenty-two foot ten (10) inch variance from the required one hundred thirty foot maximum tower diagonal. The variance will allow the construction of a new elevator shaft which will increase the building diagonal to one hundred fifty-two feet ten (10) inches. The owners are also seeking permission to alter a non-conforming structure to construct a new rooftop restaurant and lounge. The current building height is one hundred forty-seven feet seven (7) inches and the maximum allowable height is one hundred twenty feet. The overall building height will not increase, but the alteration will allow for expansion of the existing rooftop conditions.

Background:

The property is zoned D1, downtown district, and is located at the northwest corner of the East Huron Street and South State Street intersection. The current use of the property is a hotel and was built in 1970.

Description:

The applicant is proposing to construct a new elevator shaft to the east side of the building which will extend the existing non-conforming diagonal dimension of the tower to 152 feet. The maximum allowable diagonal dimension allowed by the zoning ordinance is 130 feet which was established in 2015 after the building was built. The new elevator shaft will provide accessibility to a new rooftop bar and restaurant area.

Standards for Approval- Variance

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. The following criteria shall apply:

- (a). That the alleged hardships or practical difficulties, or both, are exceptional and peculiar to the property of the person requesting the variance, and result from conditions which do not exist generally throughout the city.***

The applicant states the diagonal requirement was added to the zoning ordinance after the subject building was constructed.

- (b). That the alleged hardships are practical difficulties, or both, which will result from a failure to grant the variance, include substantially more than mere inconvenience, inability to attain a higher financial return or both.***

The applicant contends that installing a code compliant elevator shaft to the interior

of the building is not feasible.

- (c). ***That allowing the variance will result in substantial justice being done, considering the public benefits intended to be secured by this Chapter, the individual hardships that will be suffered by a failure of the Board to grant a variance, and the rights of others whose property would be affected by the allowance of the variance.***

The applicant states the variance will have little impact on surrounding properties as the protrusion of the elevator shaft is minimal. The elevator shaft is six (6) feet six (6) inches in width and is a small increase when considering the entire building mass.

- (d). ***That the conditions and circumstances on which the variance request is based shall not be a self-imposed hardship or practical difficulty.***

The intent of the code is to achieve slender tower structures. The existing building nearly complies and the proposed addition has minimal impact.

- (e). ***A variance approved shall be the minimum variance that will make possible a reasonable use of the land or structure.***

The variance requested is an approximate two (2) percent increase to the existing dimension and will not be a noticeable increase in massing.

Standards for Approval- Permission to Alter a Non-Conforming Structure

The Zoning Board of Appeals has all the power granted by State law and by Section 5:98, from the City of Ann Arbor Zoning Ordinance. The following criteria shall apply:

The alteration complies as nearly as practicable with the requirements of the Zoning Chapter and will not have a detrimental effect on neighboring property.

Permission is being requested in order to construct a rooftop bar with an outdoor deck area. The existing building exceeds the allowable East Huron 1 character district overall building height of 120 feet. The ordinance was amended on July 20, 2015 to reduce building heights in this downtown district from 150 feet in height. The proposed height will not exceed the height of the existing mechanical equipment rooms. The proposed addition will be oriented to the south, opposite from the neighboring properties. The existing building height will not increase.

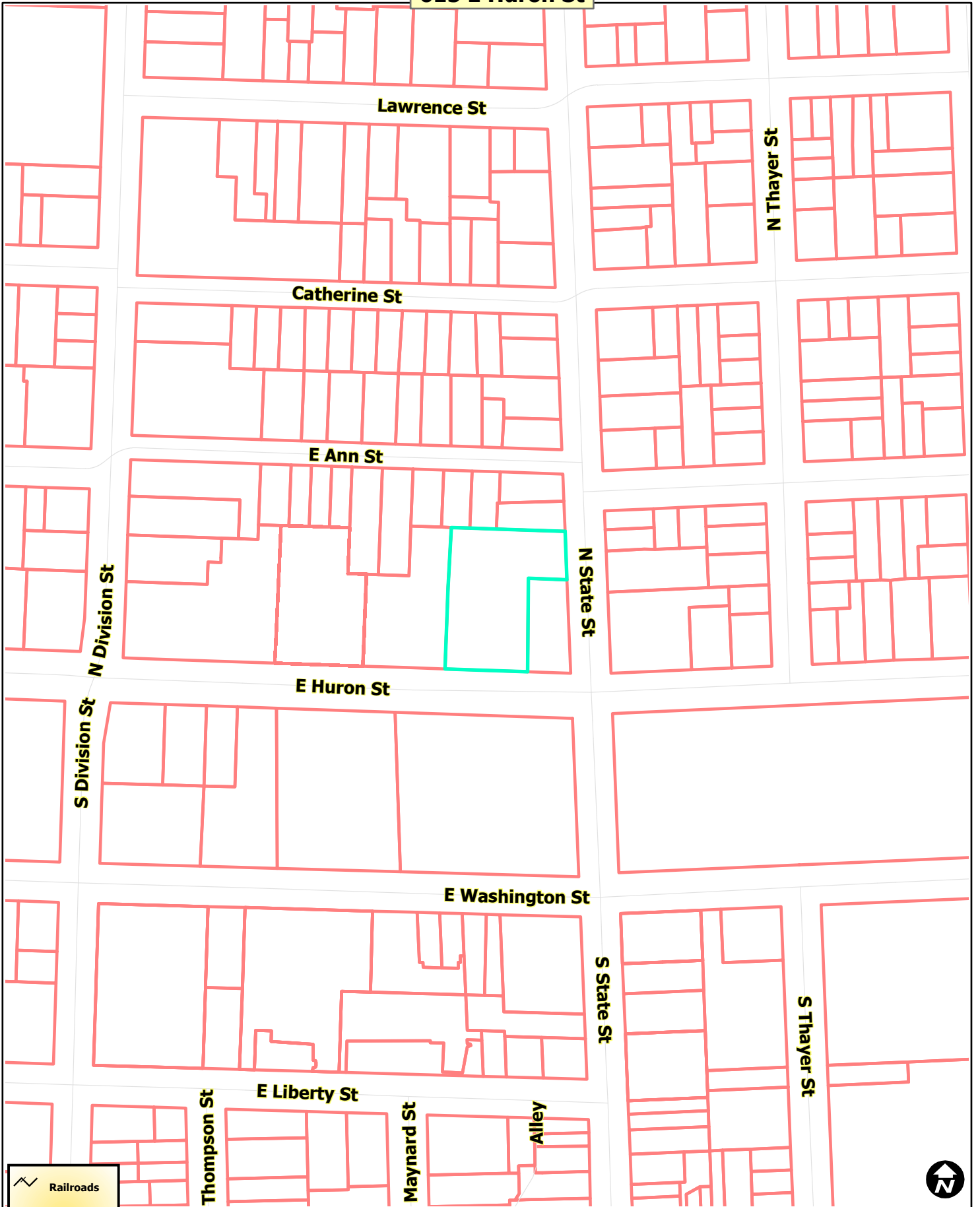
Zoning Board of Appeals
February 28, 2018




Respectfully submitted,

A handwritten signature in blue ink that reads "Jon Barrett". The signature is stylized, with the first name "Jon" written in a cursive-like font and the last name "Barrett" in a more formal, slightly cursive font.

Jon Barrett
Zoning Coordinator

615 E Huron St



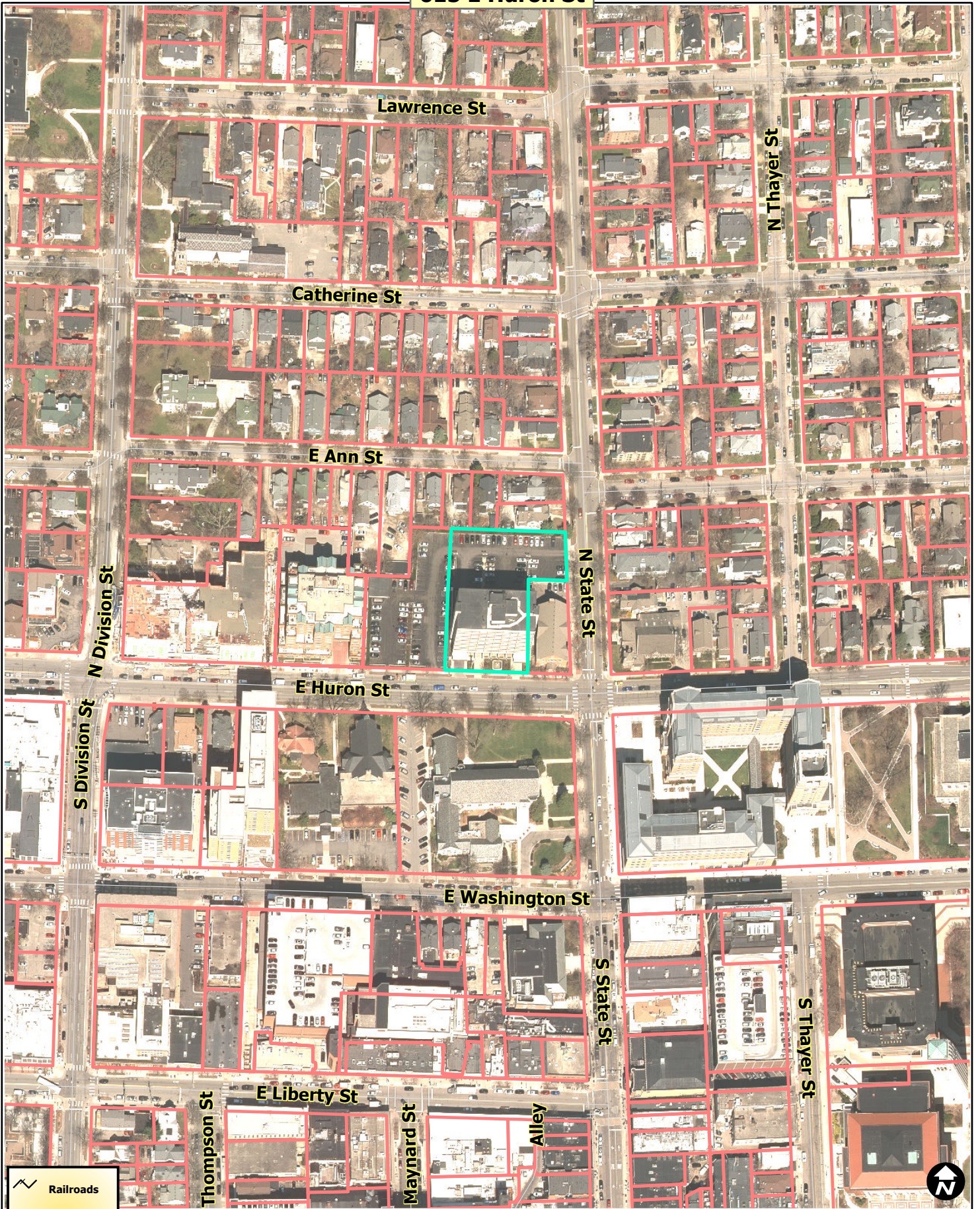
 Railroads
 Huron River
 Tax Parcels



Map date 2/2/2018
 Any aerial imagery is circa 2015
 unless otherwise noted
 Terms of use: www.a2gov.org/terms



615 E Huron St

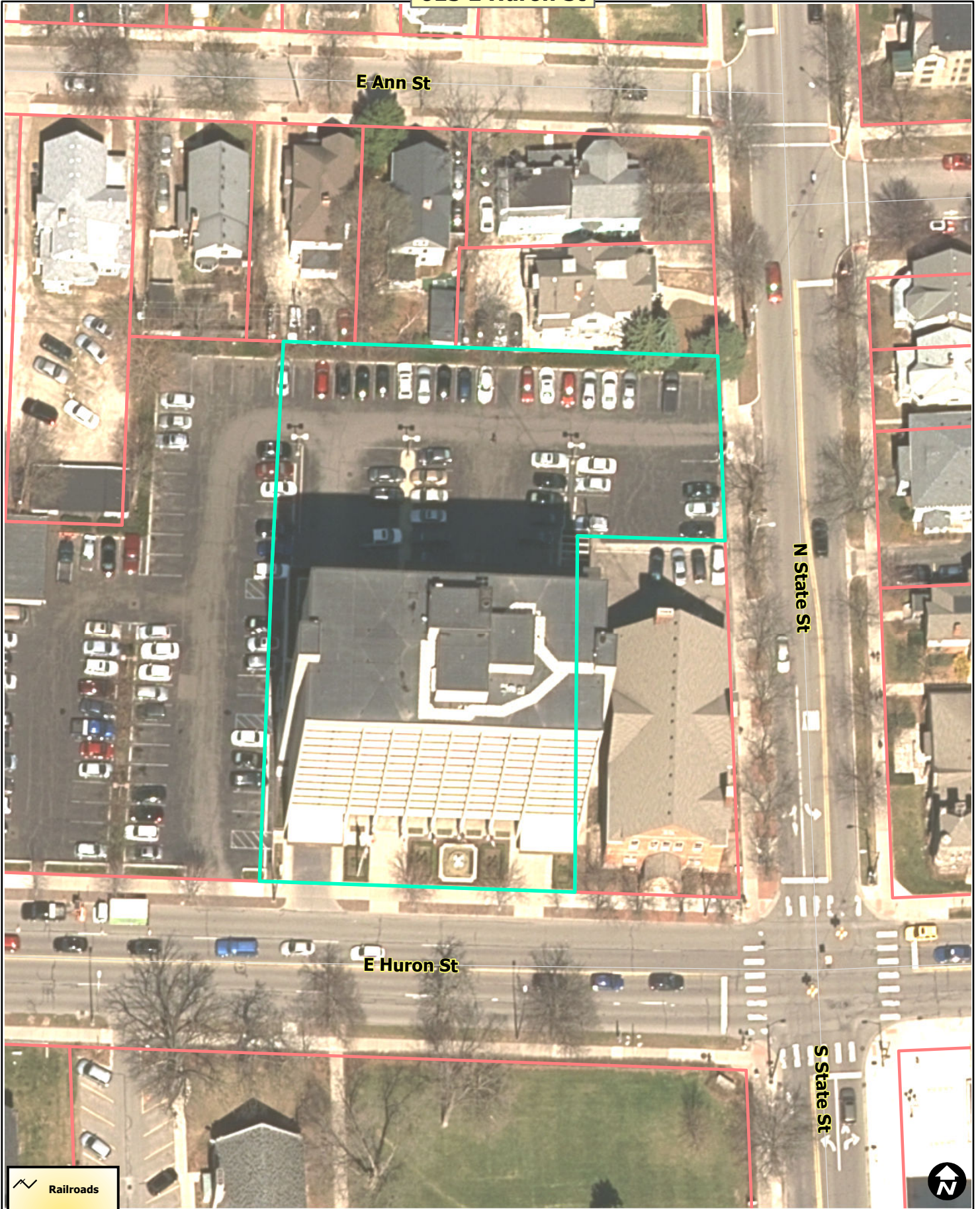





-  Railroads
-  Huron River
-  Tax Parcels



Map date 2/2/2018
Any aerial imagery is circa 2015
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615 E Huron St



-  Railroads
-  Huron River
-  Tax Parcels



Map date 2/2/2018
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**ZONING BOARD OF APPEALS
PLANNING DEPARTMENT**

City Hall: 301 E. Huron St. Ann Arbor, MI 48104-6120
 Mailing: P.O. Box 8647, Ann Arbor, MI 48107-8647
 Phone: 734.794.6265 planning@a2gov.org
 Fax: 734.994.8460

APPLICATION MUST BE FILLED OUT COMPLETELY

Office Use Only	
Fee Paid: <u>\$600</u>	ZBA: <u>18-005</u>
DATE STAMP RECEIVED JAN 31 2018	
PLANNING & DEVELOPMENT SERVICES	

PROPERTY INFORMATION

ADDRESS OF PROPERTY: 615 East Huron St.	
ZONING CLASSIFICATION: D1 / East Huron 1	TAX ID: (if known) 09-09-29-106-026
NAME OF PROPERTY OWNER*: A.J. Capital Partners	

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

APPLICANT INFORMATION

NAME OF APPLICANT: Steve Dykstra, Hobbs + Black Architects	
ADDRESS OF APPLICANT: 100 N. State Street, Ann Arbor, MI 48104	
DAYTIME PHONE NUMBER: (734)-663-4189	FAX NO: (734)-663-1770
EMAIL: sdykstra@hobbs-black.com	
APPLICANT'S RELATIONSHIP TO PROPERTY: Architect	

REQUEST INFORMATION

<input checked="" type="checkbox"/> VARIANCE REQUEST (Complete the section 1 below)	<input checked="" type="checkbox"/> ALTERATION TO A NON-CONFORMING STRUCTURE (skip to Section 2)
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Section 1 - VARIANCE REQUEST

CHAPTER(S) AND SECTION(S) FROM WHICH A VARIANCE IS REQUESTED: (Example: Chapter 55, Section 5:26) Chapter 55, Section 5:10.20	
Required Dimension: (Example: 40' front setback) 130' Maximum tower diagonal	PROPOSED Dimension: (Example: 32') 152'-10"
Give a detailed description of the work you are proposing and why it will require a variance (Attach additional sheets if necessary) Proposed new elevator, exterior to the existing building, will slightly increase the existing non-complying tower diagonal dimension	



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Section 1 - VARIANCE REQUEST con't

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.

1. That the alleged hardships or practical difficulties, or both, are exceptional and peculiar to the property of the person requesting the variance, and result from conditions which do not exist generally throughout the city. The 130' maximum tower diagonal requirement for the East Huron 1 overlay district was added to Chapter 55 after this building was constructed.

2. That the alleged hardships are practical difficulties, or both, which will result from a failure to grant the variance, include substantially more than mere inconvenience, inability to attain a higher financial return, or both.

Adding a code compliant elevator within the building is not feasible.

3. That allowing the variance will result in substantial justice being done, considering the public benefits intended to be secured by this chapter, the individual hardships that will be suffered by a failure of the board to grant a variance, and the rights of others whose property would be affected by the allowance of the variance.

The proposed elevator will allow public accessibility to the proposed rooftop amenity.

4. That the conditions and circumstances on which the variance request is based shall not be a self-imposed hardship or practical difficulty.

Intent of the code is to achieve slender tower structures. The existing building nearly complies and the proposed addition has minimal impact.

5. A variance approved shall be the minimum variance that will make possible a reasonable use of the land or structure.

The proposed increase in the tower diagonal dimension is minimal, approximately 2% increase to the existing dimension, and would not noticeably increase the building massing.



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Section 2 – 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.

REQUIREMENT	EXISTING CONDITION	CODE REQUIREMENT
Lot Area		
Lot Width		
Floor Area Ratio		
Open Space Ratio		
Setbacks		
Parking		
Landscaping		
Other Building Height	147'-7"	120' maxim Chapter 55, Section 5:10.20

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

Proposed addition for a rooftop bar. Existing building exceeds the East Huron 1 maximum building height.

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:

Proposed addition is oriented to the south, away from neighboring properties. Height of the addition would not exceed the height of the existing mechanical penthouses.



Steven Kehm
AJ Capital Partners – Graduate Ann Arbor Hotel
615 E Huron St
Ann Arbor, MI 48104
January 31, 2018

Jon Barrett
Zoning Coordinator
Zoning Board of Appeals – Planning Department
301 E. Huron St.
Ann Arbor, MI 48104

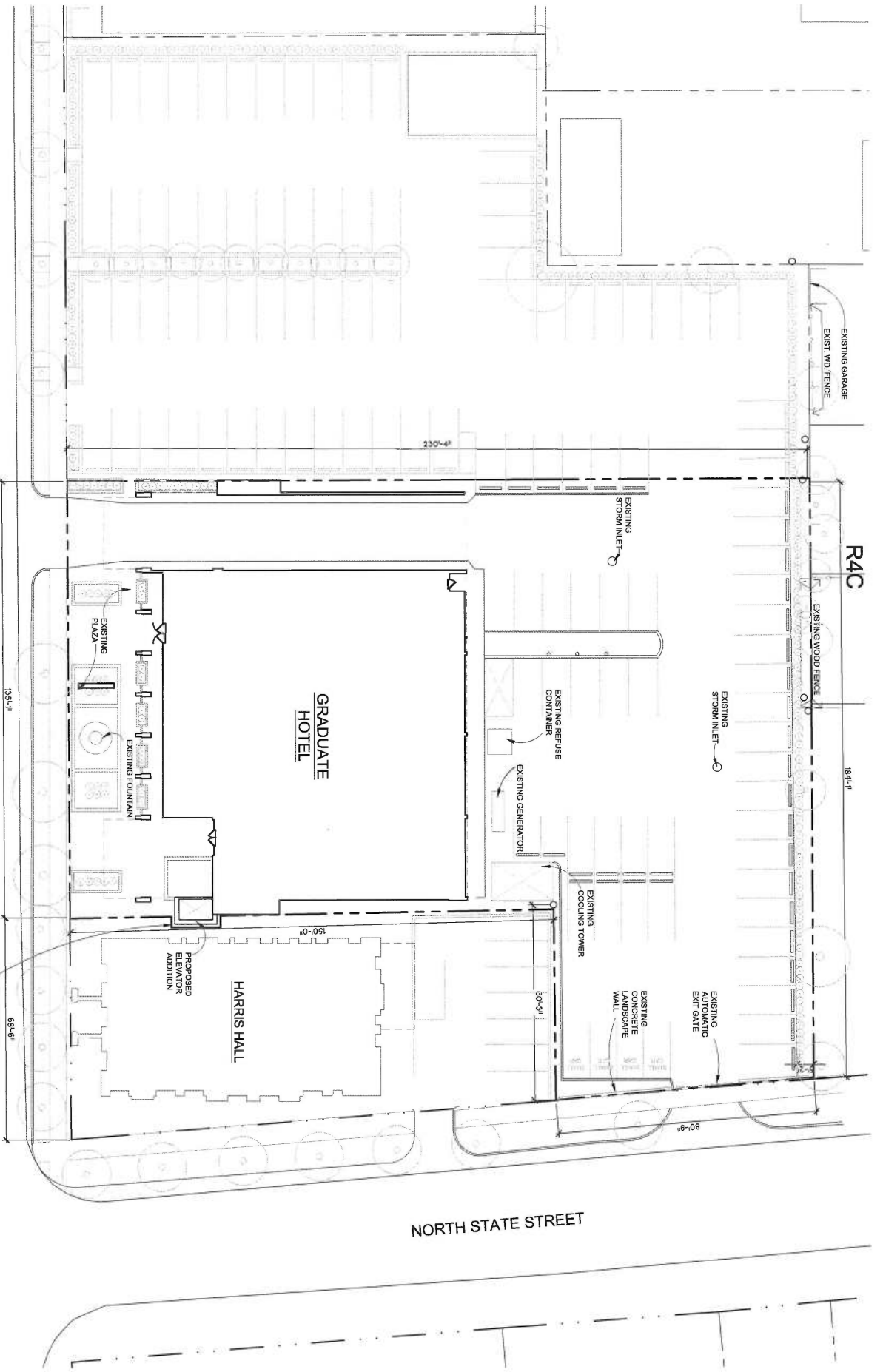
Dear Jon Barrett:

This letter confirms that Steve Dykstra, Vice President of Hobbs+Black Architects, is authorized to represent the company in the Zoning Board of Appeals Variance Application submitted on January 31, 2018. This authorization will run for duration of the proposed project (addition of a Rooftop Food and Beverage outlet at the existing Graduate Ann Arbor Hotel).

Sincerely,

A handwritten signature in black ink, appearing to read "SK", written in a fluid, cursive style.

Steven Kehm
Director Capital Projects – AJ Capital Partners, Graduate Ann Arbor Hotel

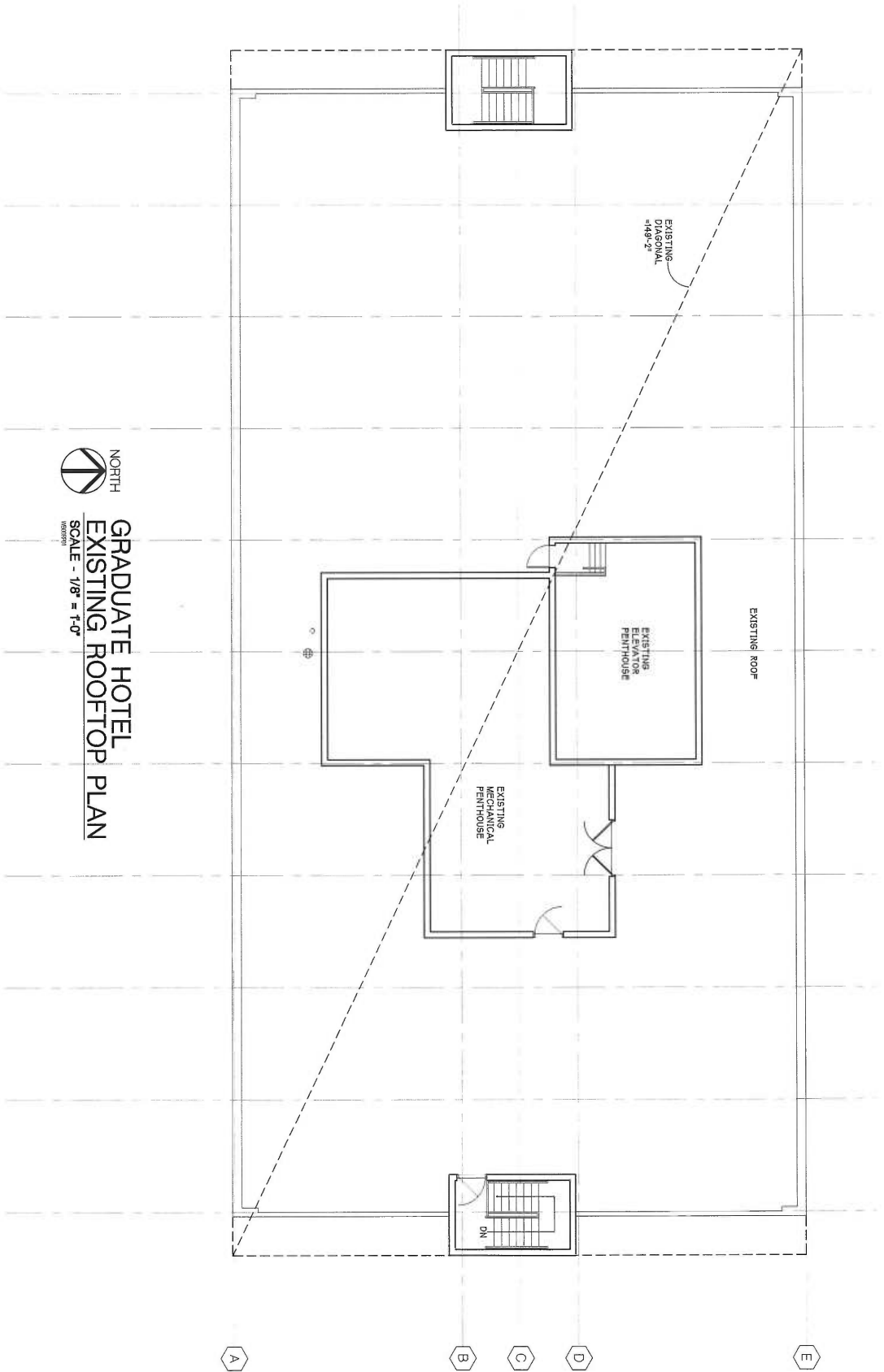


EAST HURON STREET

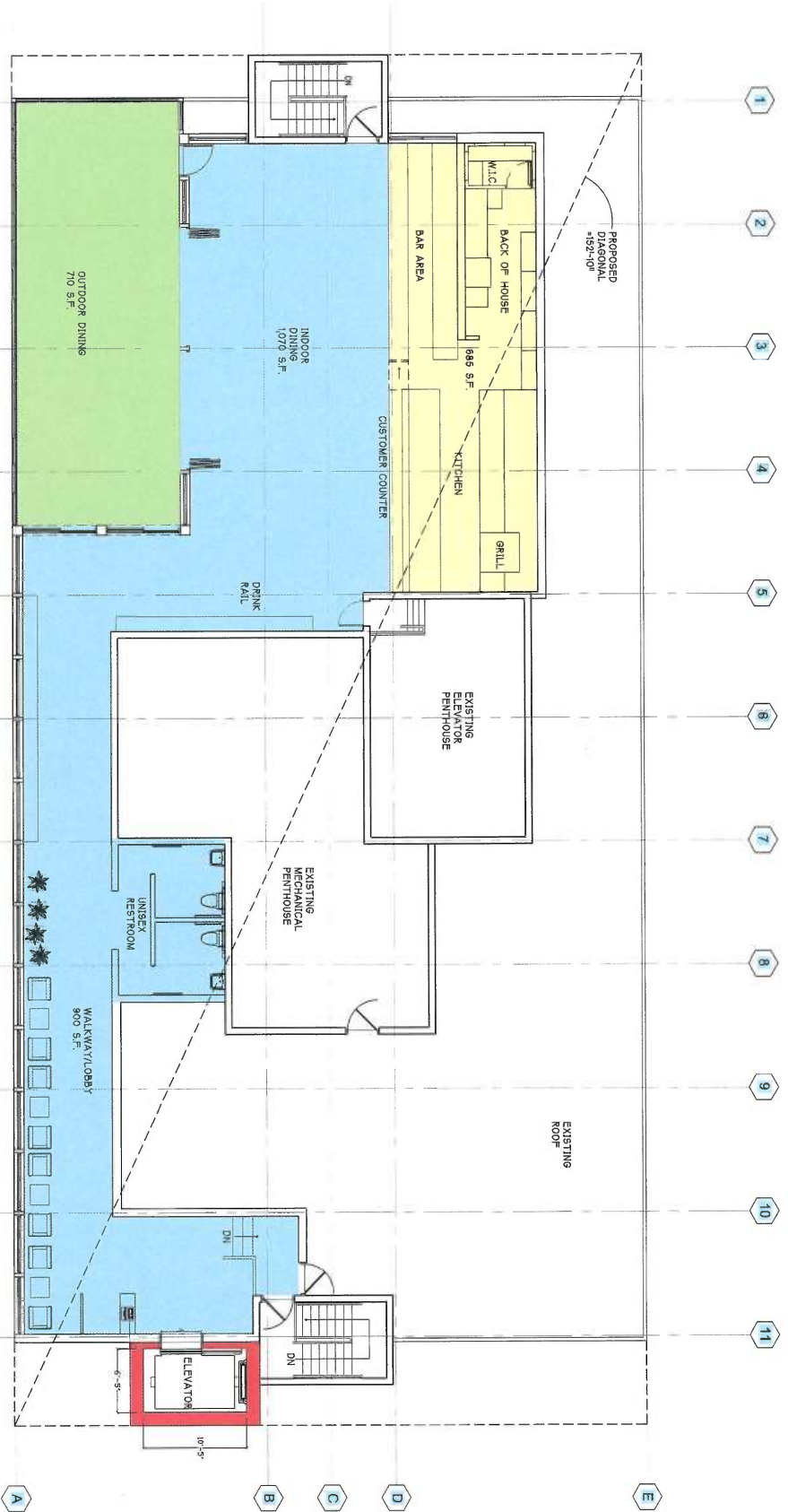
NORTH STATE STREET

NORTH GRADUATE HOTEL
 SITE PLAN
 SCALE - 1" = 20'
 08/17/18

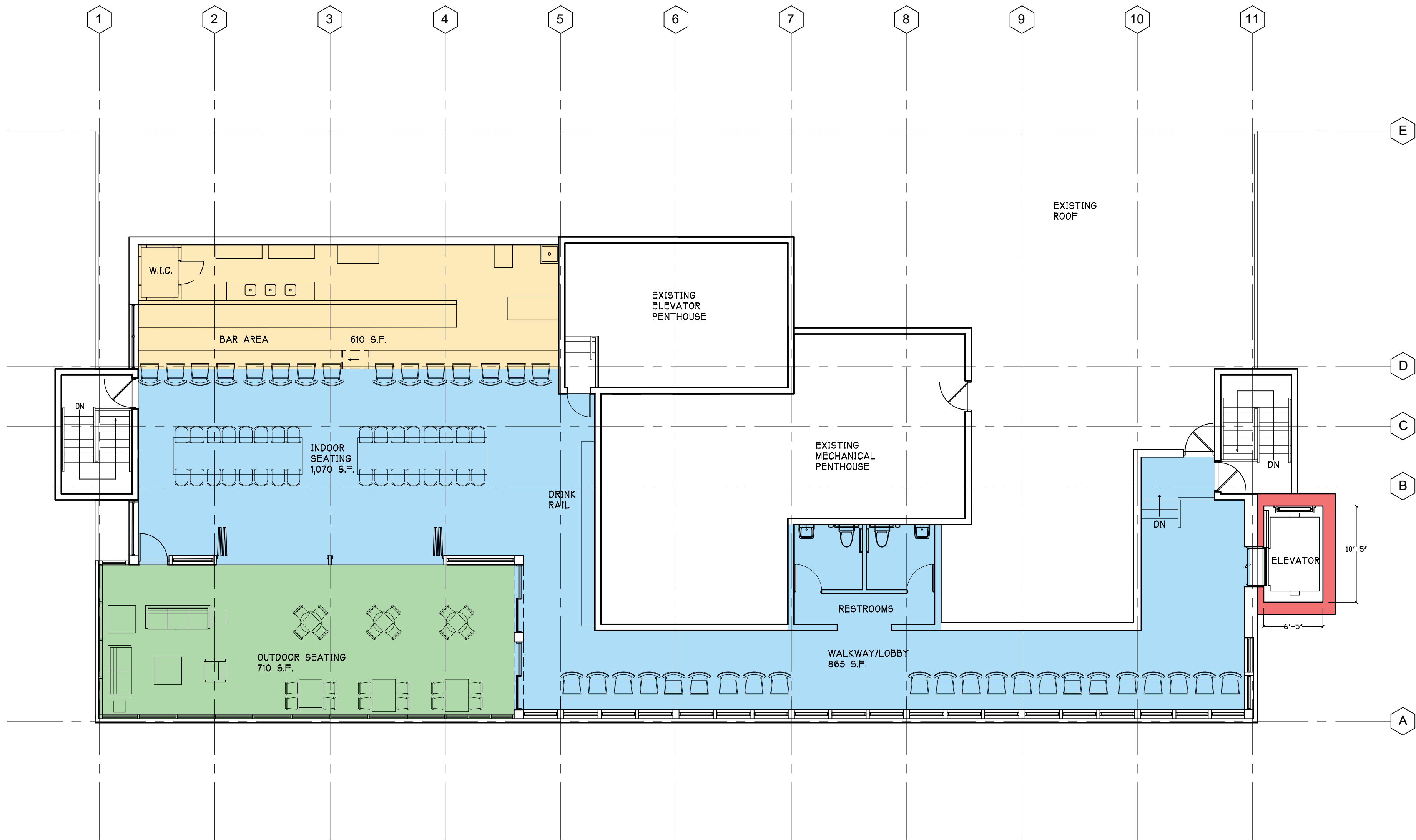
PROPERTY LINE TO BE ADJUSTED PER PERMITS ADMINISTRATIVE LAND TRANSFER



**GRADUATE HOTEL
EXISTING ROOFTOP PLAN**
SCALE - 1/8" = 1'-0"
NORTH



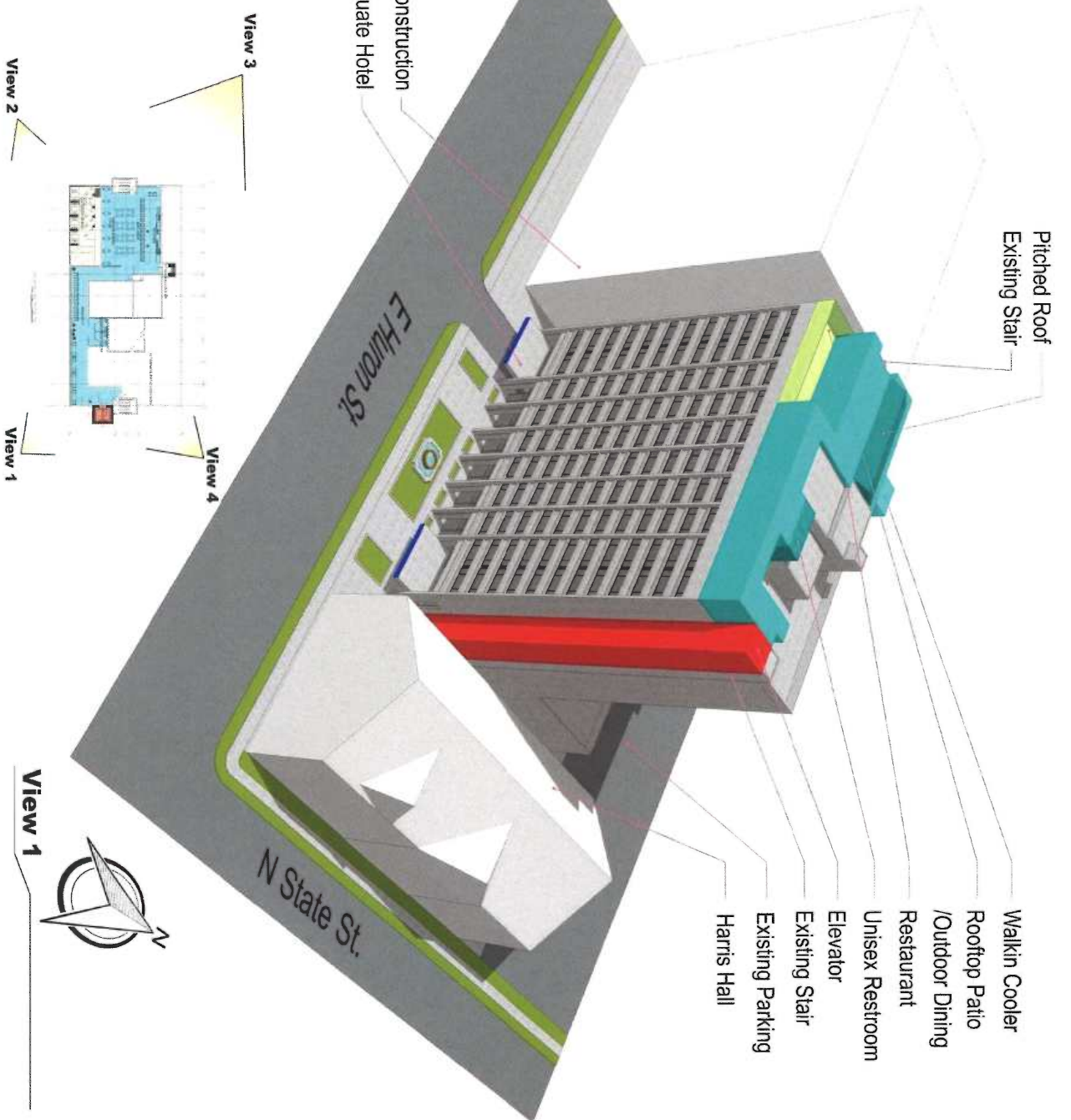
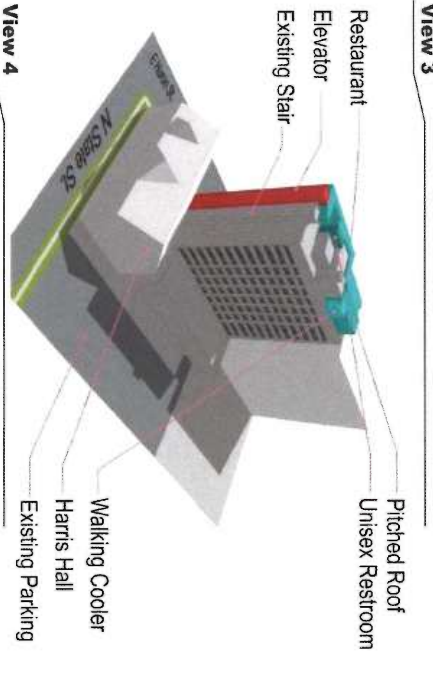
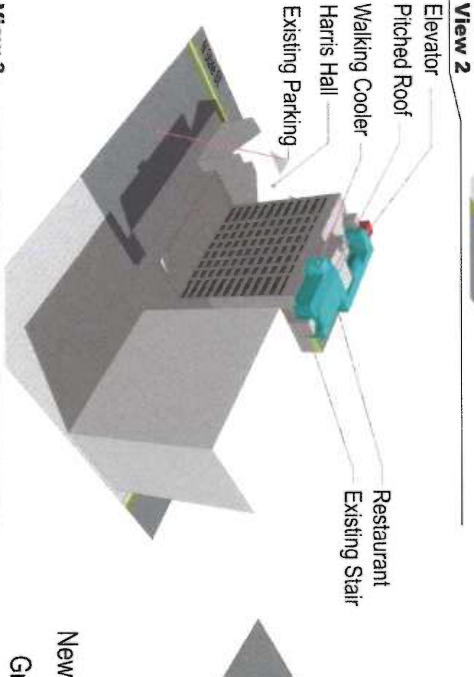
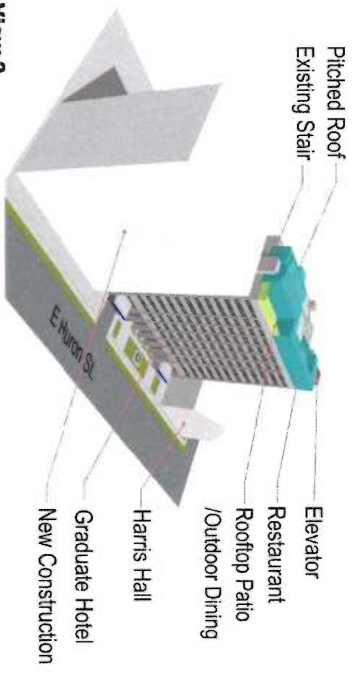
NORTH
GRADUATE HOTEL
PROPOSED ROOFTOP PLAN
 SCALE - 1/8" = 1'-0"
AWAY CONCEPTUAL ROOF PLAN IS



**GRADUATE HOTEL
PROPOSED ROOFTOP PLAN**

SCALE - 1/8" = 1'-0"

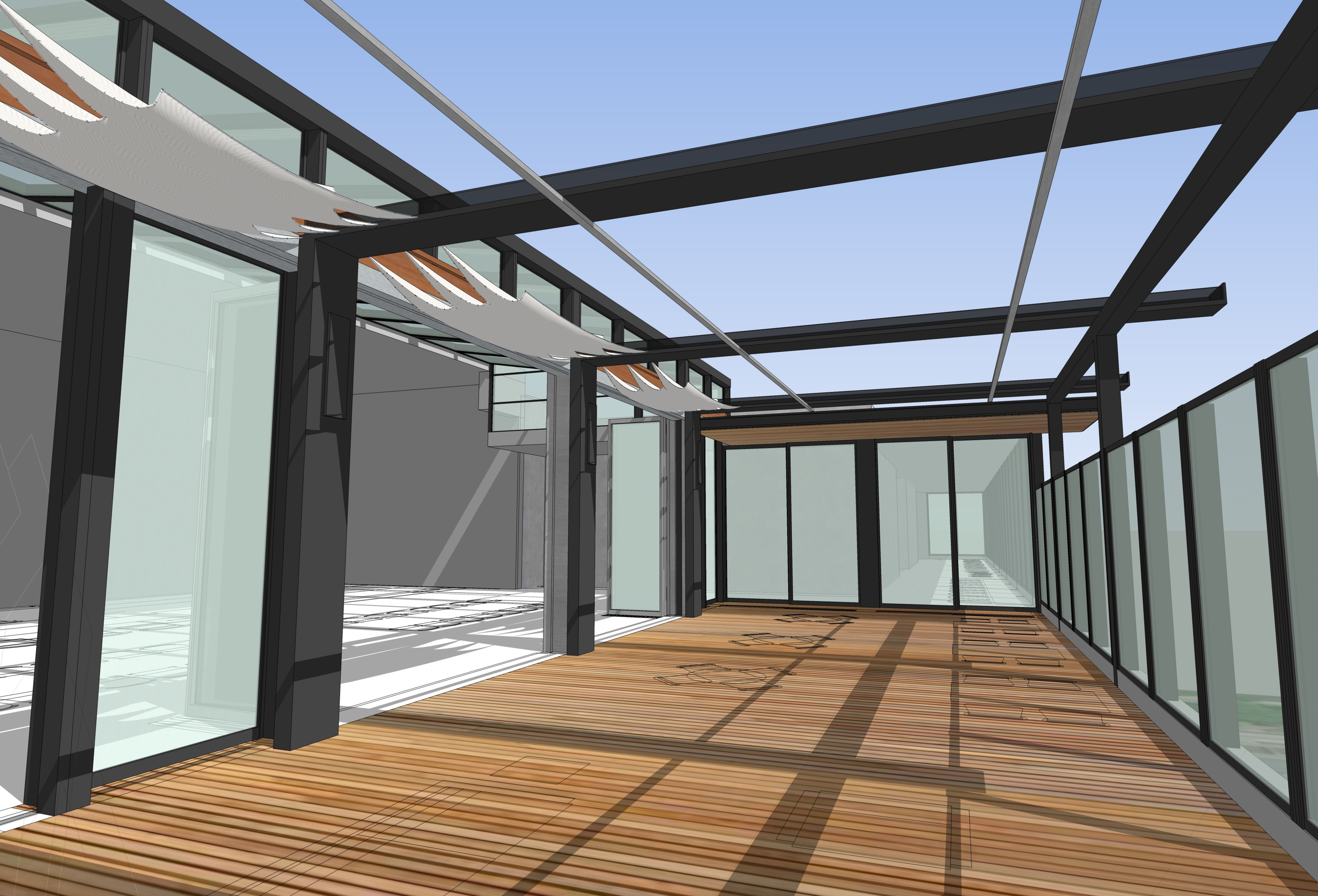
WB00RP CONCEPTUAL ROOF PLAN 2-13



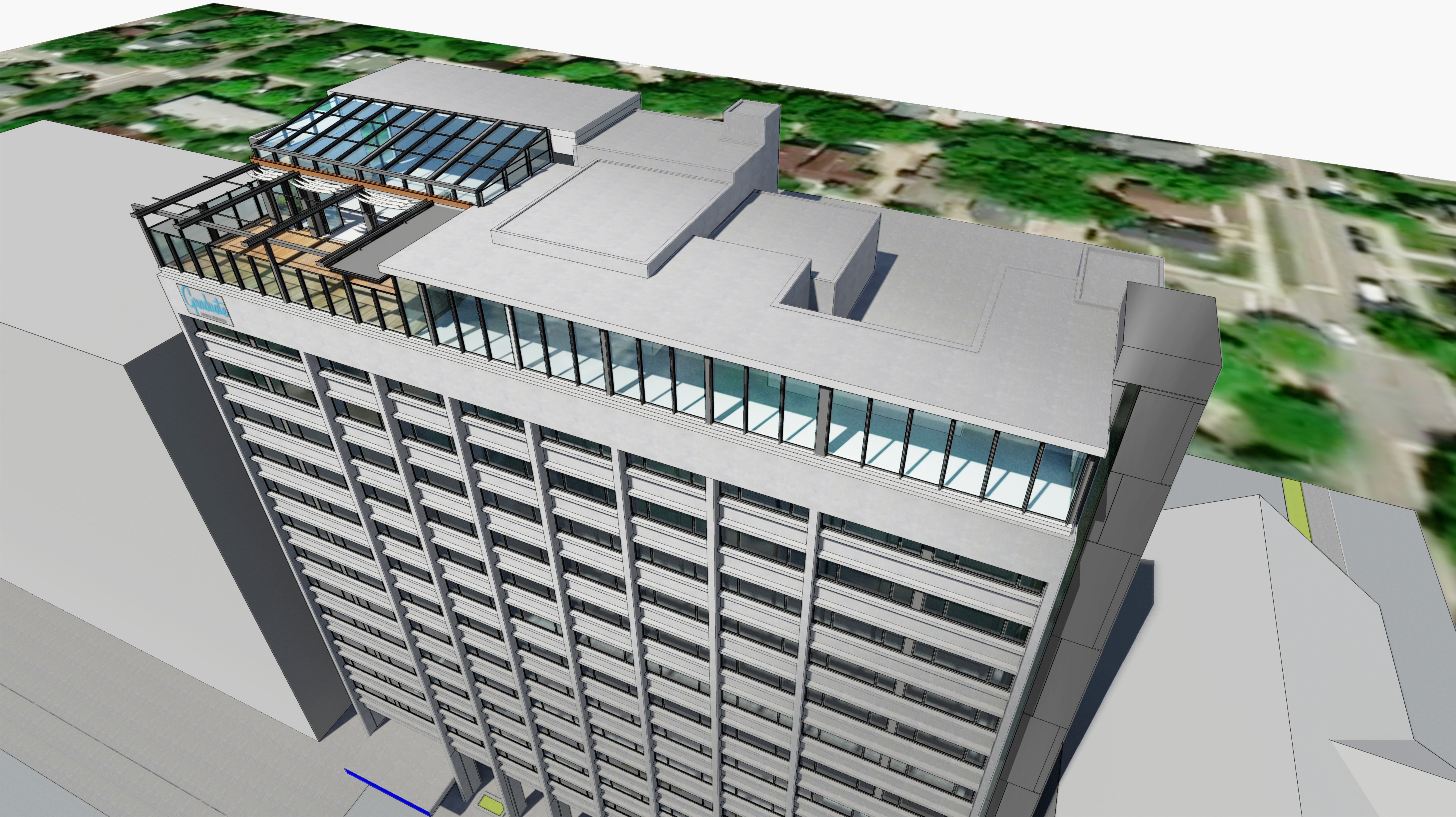


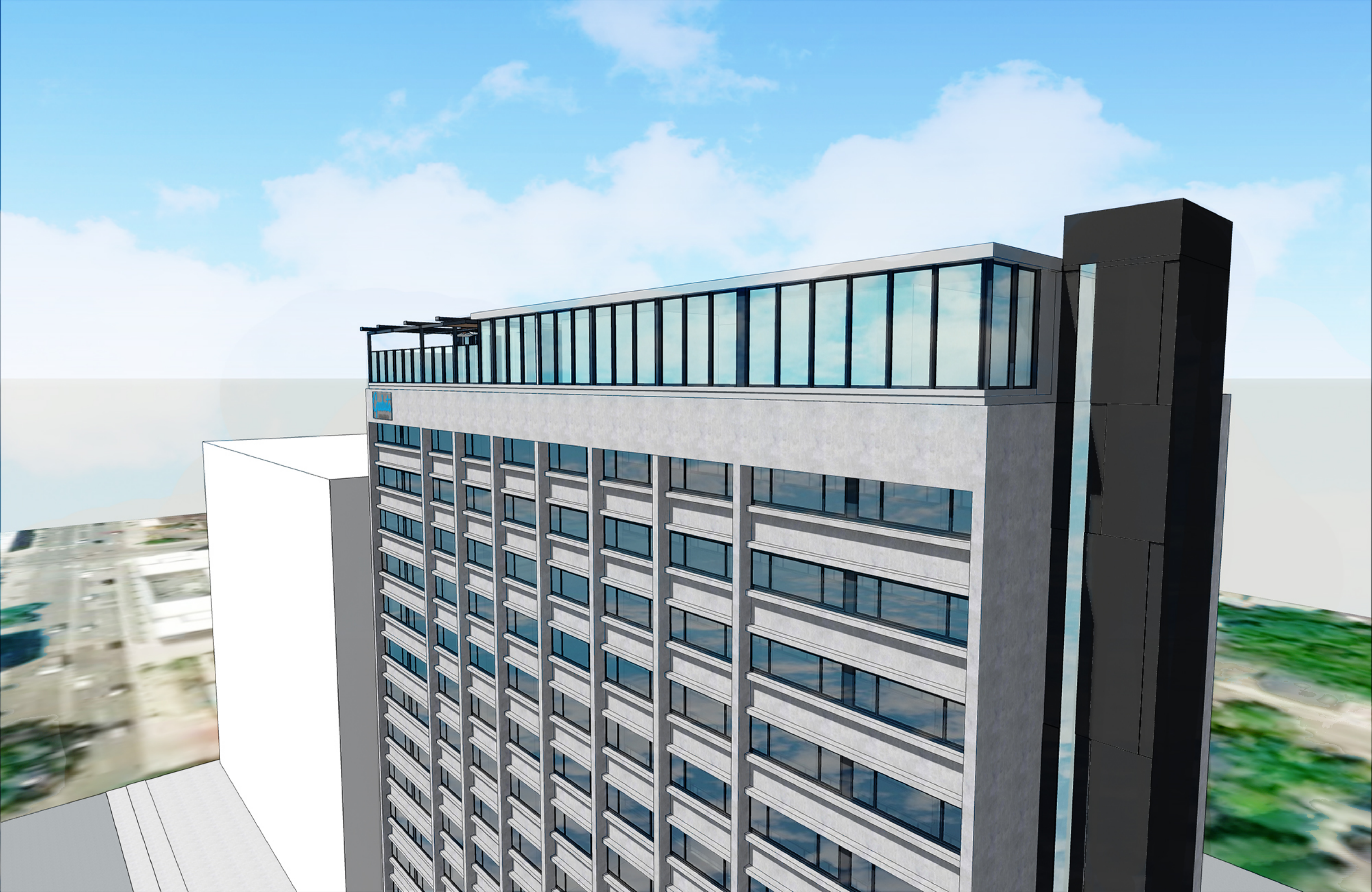
HARRIS
HALL

NORTH
GRADUATE HOTEL
PROPOSED FIRST FLOOR PLAN
 SCALE - 1/8" = 1'-0"
RENDER CONCEPTUAL ROOF PLAN











Graduate
UNIVERSITY

