

**Zoning Board of Appeals
March 27, 2013 Regular Meeting**

STAFF REPORT

Subject: ZBA13-005, 700 South State Street

Summary: Theta Delta Chi, represented by David Rochlen, is requesting permission to alter a non-conforming structure and three variances:

- 1) A variance from Chapter 59(Off-Street Parking) Section 5:167 (Required Parking) of 2 parking spaces in order to provide 5 parking spaces for the fraternity use. A total of 7 parking spaces are required.
- 2) A variance from Chapter 59(Off-Street Parking) Section 5:168 (Design of Off-Street Motor Vehicle Parking Facilities) of 2 feet 4 inches in order to provide a drive 15 feet 8 inches wide. A minimum width of 18 feet is required.
- 3) A variance from Chapter 62 (Landscape and Screening) Section 5:603 (C): A proposal to reduce the required 15 foot wide conflicting land use buffer in order to provide a 2 foot wide buffer with fence screen.

Background:

The parcel is zoned R2B (Two-Family Dwelling District) and is located on the southwest corner of Monroe and State Street. The structure was built in 1924 as a fraternity house for Theta Delta Chi. The petitioner has a site plan under review in order to construct a three story addition to the rear of the structure. The site plan was recommended for approval by the City Planning Commission on February 21, 2013 contingent upon the requested variances being granted by the ZBA. If the variances are approved by the ZBA, the petition will be scheduled for final approval by the City Council. The residential occupancy of the structure will not be increased from the maximum currently permitted of 33 residents.

The current floor area of the building is proposed to be expanded from 12,386 square feet to 14,752 square feet. The addition on the rear of the building would contain expanded restroom and shower facilities, common space, a resident manager's apartment, and a bike room with nine class A bicycle spaces. Parking for five vehicles is proposed (seven spaces are required): four in the rear (west) yard, with access off of Monroe Street, and one barrier-free space located off South State Street with a separate one-way driveway. A conflicting land use buffer is required along the vehicular use area abutting the west property line. The buffer strip is required to be an average of 15 feet in width (but no less than 8 feet in width); the proposed buffer is 2 feet in width. Additional requirements for a fence and trees in the buffer have been met.

Permission to alter a nonconforming structure (due to height and setbacks) will be required from the Zoning Board of Appeals, along with variances from Chapter 59 (Off-Street Parking) to reduce the number of parking spaces required and allow one parking space in the front open space, a variance from Chapter 59 (Off-Street Parking) to reduce the drive opening width, and a variance from Chapter 62 (Landscape and Screening) to reduce the conflicting land use buffer width.

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 to construct a 2,366 three-story addition to the rear of the building. The building is non-conforming for the height and the existing front setback along State Street. There are no changes to the front of the structure proposed. The addition in the rear will exceed the 30 foot maximum height allowed in the R2B District. The maximum required is 30 feet and height of proposed addition is 31 feet. The height of the addition will not exceed the height of the existing building which is 36 feet.

The rear addition does expand the building footprint, but the new addition will remain outside of any required setback. There will be no additional occupants to the building and modification to the site required by the site plan will be a benefit to the site and adjacent properties. The multiple-family use is consistent with the surrounding uses and the addition of floor area to the structure should not have a detrimental effect on adjacent property.

Variances #1 & 2 :

Chapter 59 (Off-Street Parking) 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 59, Section 5:566. The following criteria shall apply:

The Zoning Board of Appeals shall have authority to interpret this chapter and may in specific cases and after public notice and hearings in accordance with Chapter 55 of this Code grant variances and exceptions to these requirements, providing such variance or exception is in harmony with the general purpose and intent of the requirements. The procedural requirements for appeals under Chapter 55 shall be applicable to appeals under this chapter.

The structure has been used continuously as a fraternity since its construction. While the proposed plan does add floor area to the structure, the number of occupants will not increase. Currently 7 -9 spaces exist on the site in an informal parking arrangement on the site. The total number of spaces on the site will be reduced by planned improvements, including adding required landscape and an outdoor patio gathering area to the rear of the structure. With required modifications to the site, in addition to the proximity to campus, public transit and the availability of short term parking on the street approval of the parking variance will meet the intent of Chapter 59. Improvements to the site are more beneficial to the site and surrounding properties than the addition of 2 additional parking spaces. Future residents of the fraternity house will be informed of the parking available and can plan accordingly.

The proposed drive will be servicing 4 parking places and provide access to the solid waste facilities. While code requires a minimum of 18 feet in width, given the limited use of the drive, existing site conditions and the petitioner attempting to meet the code requirements as much as possible, a driveway width of 15 feet 8 inches will meet the intent of the Chapter 59.

Variance #3:

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.

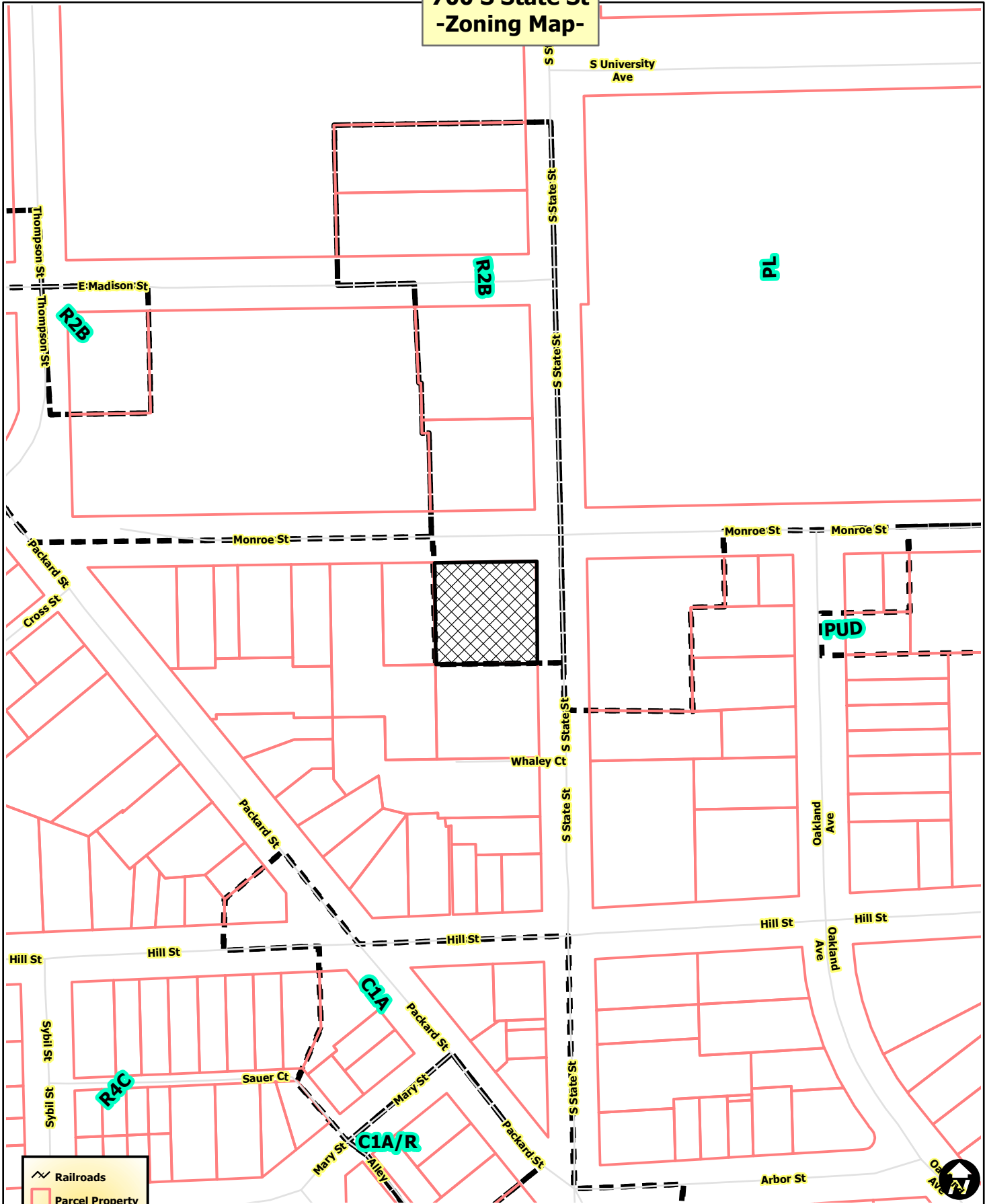
As previously mentioned, the petitioner is requesting a variance of 13 feet from the required 15 foot width of the conflicting land use buffer and a variance from the required tree and planting requirements. Due to the placement of the existing building and drive, the parking area would need to be eliminated in order to meet the requirements of this Chapter. The petitioner is providing a 4 foot high 20% opaque fence and will be providing all required Right of Way screening materials. The modification to the site will improve the appearance of the parking area and provide a benefit to the subject site and adjacent neighbors. The property owner most affected by the variance request has submitted a letter in support of the request.

Respectfully submitted,

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

Matthew J. Kowalski, AICP
City Planner

700 S State St -Zoning Map-



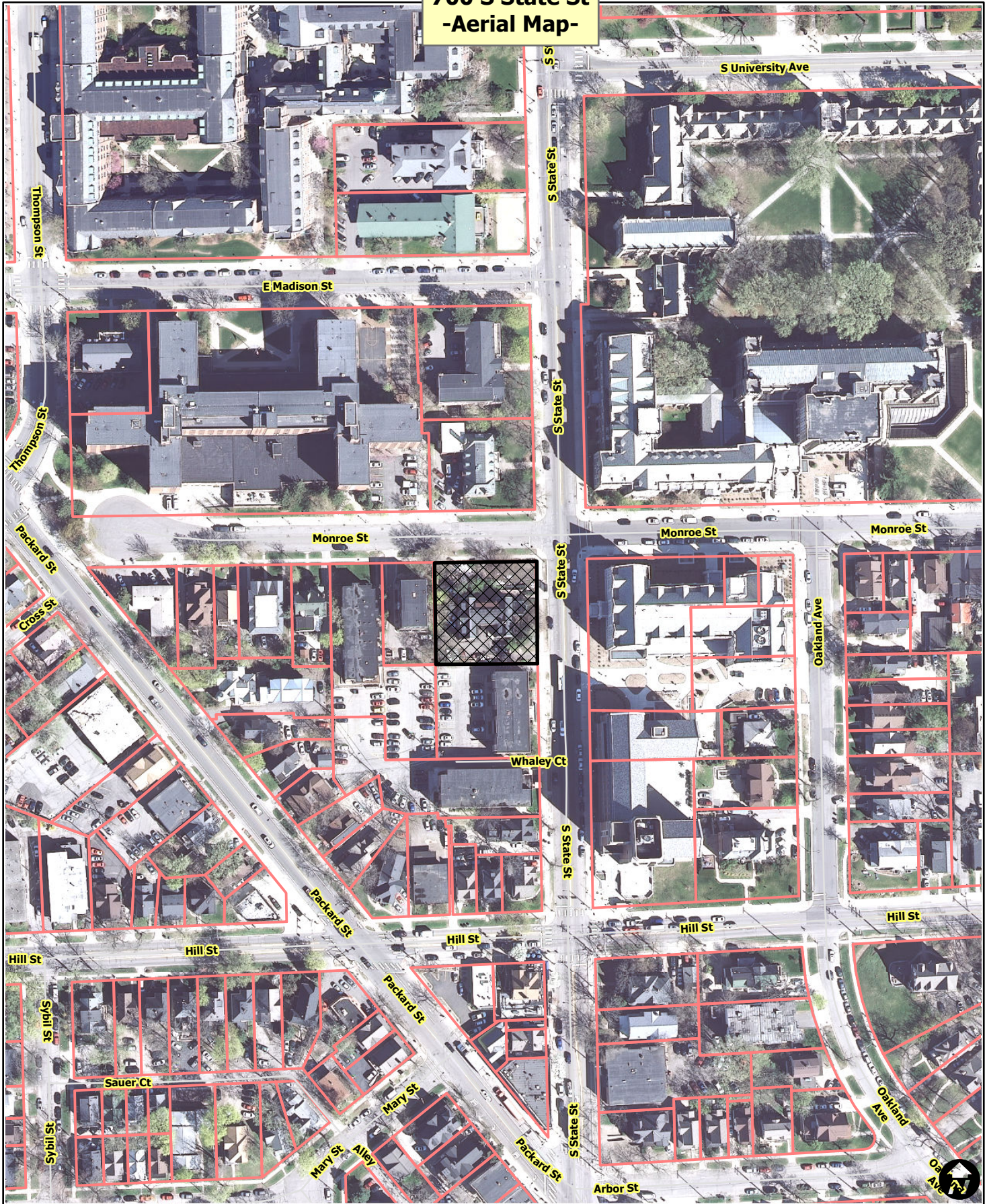
Legend

- Railroads
- Parcel Property
- Zoning**
- Township
- Zoning



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 Map Created: 3/4/2013

700 S State St -Aerial Map-

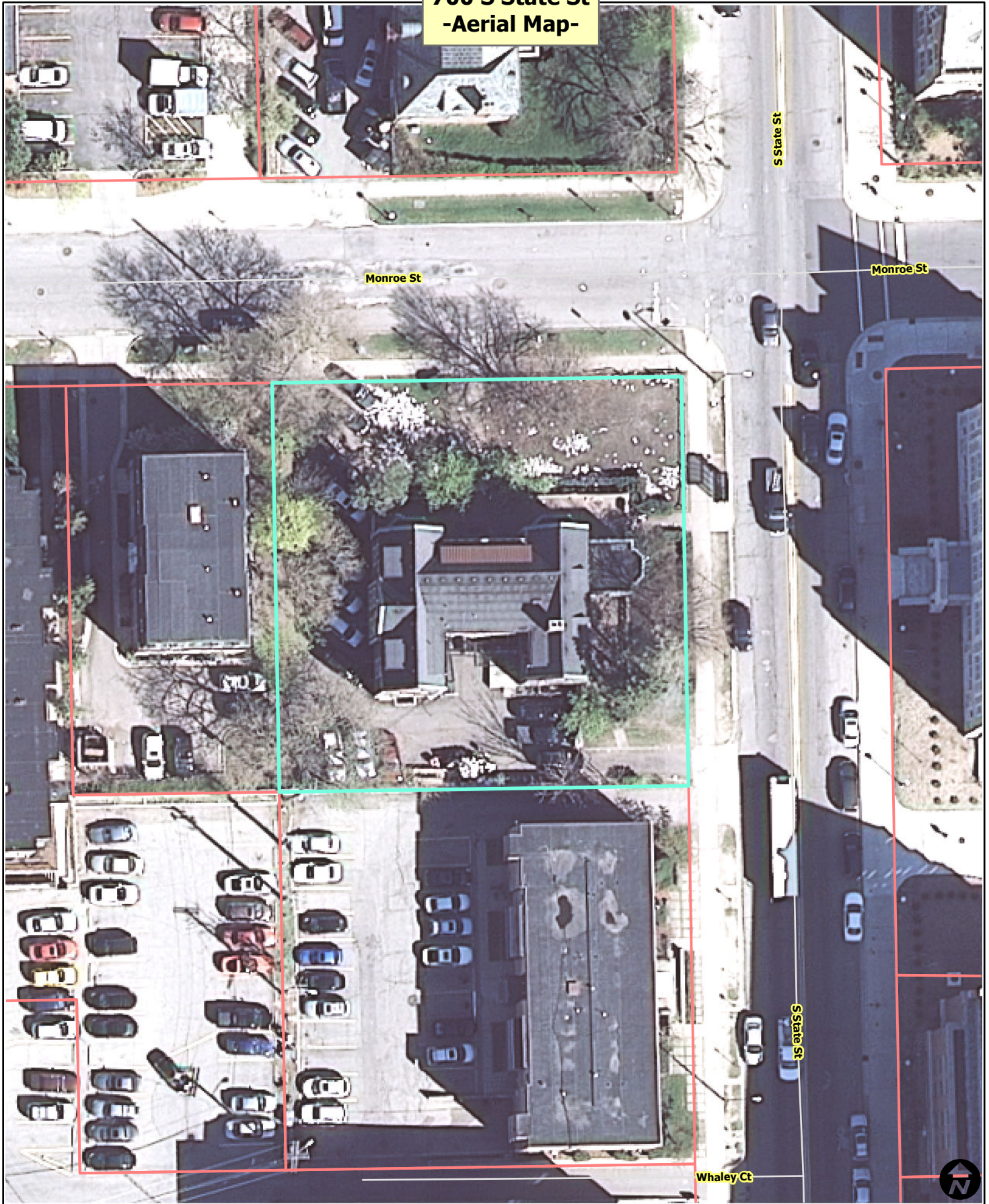


 Railroads
 Parcel Property



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 Map Created: 3/4/2013

**700 S State St
-Aerial Map-**



-  Railroads
-  Parcel Property



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 Map Created: 3/4/2013

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

Section 1: Applicant Information

Name of Applicant: David B. Rochlen, Assoc. AIA
Address of Applicant: 4709 N. Delhi Rd.
Daytime Phone: (734) 424-3344
Fax: (734) 864-5746
Email: dave.rochlen@hopkinsburns.com
Applicant's Relationship to Property: Intern Architect at HopkinsBurns Design Studio

Section 2: Property Information

Address of Property: 700 S. State St. (Theta Delta Chi Fraternity)
Zoning Classification: R2B Two-Family Dwelling District and Student Dwelling District
Tax ID# (if known): 09-09-29-421-018
*Name of Property Owner: Gamma Deuteron Building Association

**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:

	Required dimension:	PROPOSED dimension:
<u>Chapter 59, Section 5:167</u>	<u>7 parking spaces</u>	<u>5 parking spaces</u>
<u>Chapter 59, Section 5:168</u>	<u>18-24' drive width</u>	<u>15'-8" drive width</u>
<u>Chapter 62, Section 5:603</u>	<u>15' wide CLU buffer</u>	<u>2' wide CLU buffer</u>

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?

There are practical difficulties in complying with this ordinance. These practical difficulties are unique to this property in that they are a result of the existing conditions of the building relative to the site.

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

The practical difficulties are more than mere inconvenience. The location of the existing building relative to site boundaries do not allow this project to comply with the ordinances.

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

The variance will not have any negative impact on neighboring properties. The west neighbor has provided written approval of the site plan, see attached.

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?

The size of the site does not allow this project to conform with the ordinance.

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

The condition preventing compliance with the ordinance is not self-imposed. It is a result of the location of the existing house relative to the property lines.

Section 5: ALTERATION TO A NON-CONFORMING STRUCTURE

Current use of the property Fraternity

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 Front Open Space (State St.): 16'-4" Avg. Front Setback (State St.): 19'-0" **No Change Proposed**

Parking _____

Landscaping _____

Other _____ Height: 36'-4" _____ Height: 30'-0"

Proposed Height: 25'-8", Top of Masonry; 31'-10", Top of Dormer

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

This project proposes a three story in-fill addition in the rear yard with a height of 31'-10".

The height of the addition is minimized as much as possible, while still maintaining a functional third floor. The height of the main massing of the building is 25'-8".

See attached elevation and rendering.

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:

The addition roof will be lower than the existing roof, so it will not have any detrimental effects on neighboring property.

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

The construction of a three story addition.

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) 424-3344

Phone Number

dave.rochlen@hopkinsburns.com

Email Address

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 _____ day of _____, 20____, 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.

Notary Public Signature

Notary Commission Expiration Date

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: _____

Zoning Application Additional Sheet

Project Description:

The proposed infill addition will consist of an interior renovation and addition that will include two new egress stairs, new toilet and shower rooms for the residents, new toilet rooms to support social events, an accessible sleeping room and bathroom, two new multi-purpose rooms for the residents, laundry facilities and long-term bike storage; and site plan improvements that will include a vehicular parking area with an accessible parking space, short-term bike parking, dumpster and recycling screening, an outdoor social space, screening at the lot lines, landscape plantings, site lighting and storm water management capabilities.

Variance Request:

This project is requesting a variance from Chapter 59 for two fewer parking spaces and a 2'-4" narrower drive width due to the constraints of the existing conditions on the site. The constraints of the site and the existing building prevent this project from complying with the chapter, so therefore, the variance request is in harmony with the general purpose and intent of the requirements.

This project is requesting a variance from Chapter 62 from the required tree planting and a 13'-0" narrower landscape buffer strip of a conflicting land use buffer due to the constraints of the existing conditions on the site. The constraints of the site and the existing building present a limited area for the conflicting land use buffer. This is a practical difficulty that does not allow this project to comply with this chapter. The intended public benefit of screening will exist with the proposed 4'-0" high, 20% opacity metal fence and proposed right-of-way screening. The neighbor sharing the property line has provided a note (attached) in support of the fence.

Note:

The capacity of the fraternity house will remain unchanged at 33 as a result of the proposed site plan approval.



City of Ann Arbor Planning Division
301 E. Huron
Ann Arbor, MI 48107

February 27, 2013

Dear City of Ann Arbor Officials:

Please accept the attached application forms and drawing sheets for your consideration of Zoning Variance and Alteration to a Non-Conforming Structure approval.

The Theta Delta Chi fraternity chapter of the University of Michigan was founded over a century ago and has been located in the same location for around nine decades, after it was moved (foundation and all!) across State St. to make way for the building of the Law Quad. This house has adequately supported the needs of its inhabitants all these years, however, the life safety demands and student housing standards of the 21st century simply cannot be met in its present configuration.

The stewards of the house, the Gamma Deuteron Building Association (GDBA), are proposing a sensible infill addition that will provide the code-required life safety features and the market-competitive housing amenities that will support the viability of this organization for the foreseeable future.

The proposed infill addition will consist of an interior renovation and addition that will include two new egress stairs, new toilet and shower rooms for the residents, new toilet rooms to support social events, an accessible sleeping room and bathroom, two new multi-purpose rooms for the residents, laundry facilities and long-term bike storage; and site plan improvements that will include a vehicular parking area with an accessible parking space, short-term bike parking, dumpster and recycling screening, an outdoor social space, screening at the lot lines, landscape plantings, site lighting and storm water management capabilities.

We greatly appreciate the opportunity to present this application and look forward to working with you through the steps of the approval process.

Sincerely,

A handwritten signature in black ink that reads "Eugene C. Hopkins". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Eugene C. Hopkins, FAIA
Principal

HopkinsBurns
DESIGN STUDIO
4709 N. Delhi Road
Ann Arbor, Michigan 48103
gene.hopkins@hopkinsburns.com
o| 734.424.3344 c| 313.610.3664

GAMMA DEUTERON BUILDING ASSOCIATION

Stewards of the ΘΔΧ house at the University of Michigan.
Incorporated 1930.

700 S. State Street
Ann Arbor, Michigan, 48104

buildgammadeut.blogspot.com



December 26, 2012

City of Ann Arbor
Planning and Development Services
301 E. Huron St
Ann Arbor, MI 48104

We hereby authorize Eugene C. Hopkins, FAIA, to act as Petitioner on our behalf with regard to our application to the Zoning Board of Appeals and City Council.

Sincerely,

Gamma Deuteron Building Association

Arthur J. Saulsberry

Arthur J. Saulsberry
Director, Restoration Program Manager

Digitally signed by Arthur J. Saulsberry
DN: cn=Arthur J. Saulsberry, o, ou,
email=arthur.saulsberry@gmail.com, c=US
Date: 2012.12.26 18:45:30 -05'00'

Dave Rochlen

From: Arthur Saulsberry [ajsaulsberry.gdba@gmail.com]
Sent: Tuesday, February 19, 2013 5:38 PM
To: Dave Rochlen
Subject: Fwd: electrical engineer's response on parking lot lighting

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Dave,

Please see the response below from our neighbor to the west regarding the fence and parking lot lighting.

Thanks,

Arthur

----- Forwarded message -----

From: Dave Jarvis <Dave@campusrealty.com>
Date: Mon, Feb 18, 2013 at 4:13 PM
Subject: RE: electrical engineer's response on parking lot lighting
To: Arthur Saulsberry <ajsaulsberry.gdba@gmail.com>
Cc: Sally Stegeman <ssd@campusrealty.com>

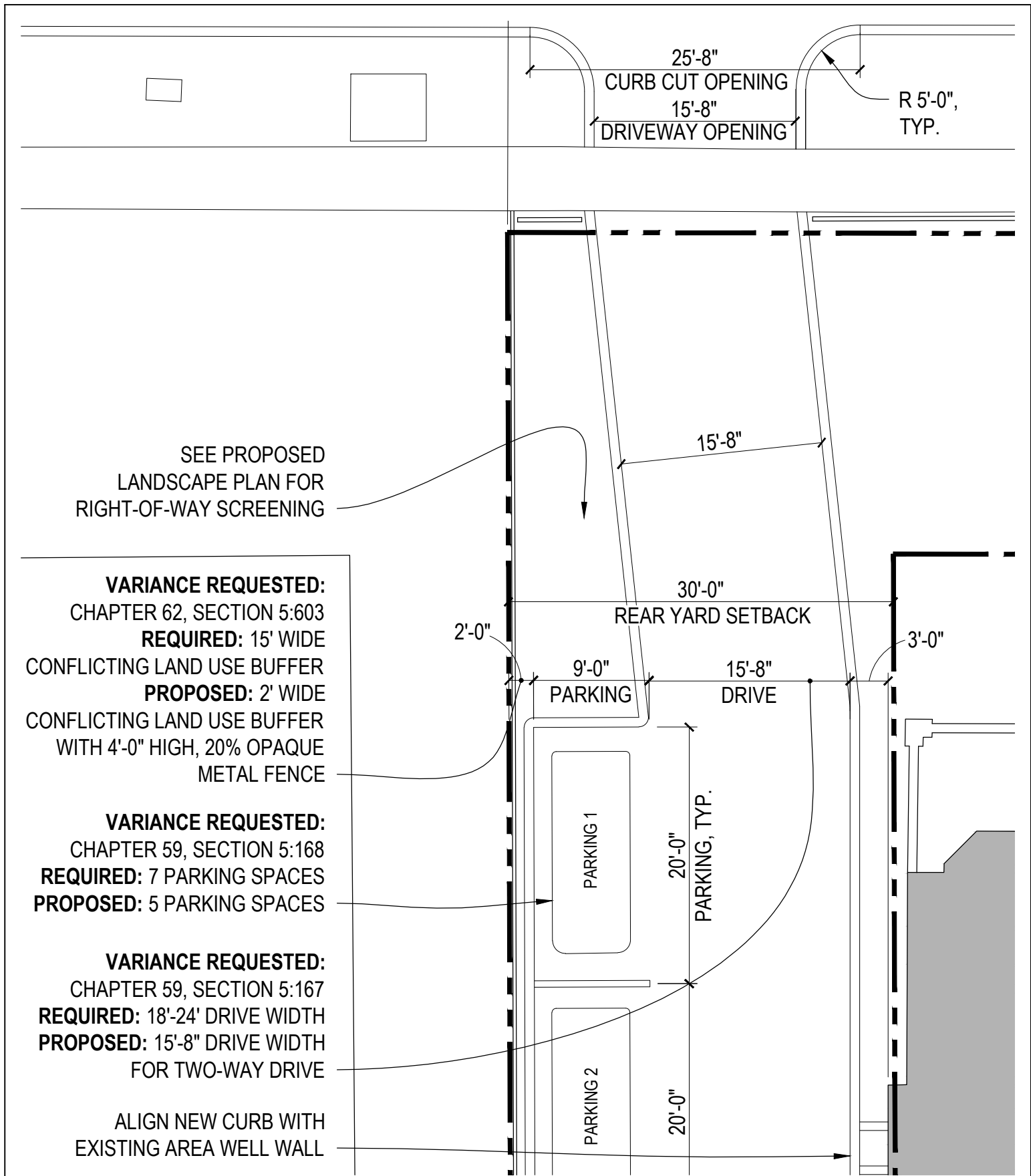
Arthur,

I would like to thank you for your time and looking into our concerns about the parking lot lights and fence next to our property 616 Monroe. The information on the lights you sent have eased our concerns about too much light at the property line. Our other concern is the fence at the property line. We would like to see a 4' metal fence. Similar to the fences along State St at the fraternities to the north of us and at the church at the corner of State and Williams instead of 6' opaque. We believe 4' metal fence would enhance both property's and go with the architecture of both buildings and the area. The opaque fence would be a graffiti and maintenance nightmare. Again thanks you.

Dave Jarvis

Director of operations

Campus Realty

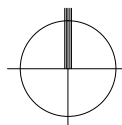


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Theta Delta Chi
Special Exception Use &
Site Plan
700 S State St
Ann Arbor, Michigan

NORTH ARROW:



SCALE:

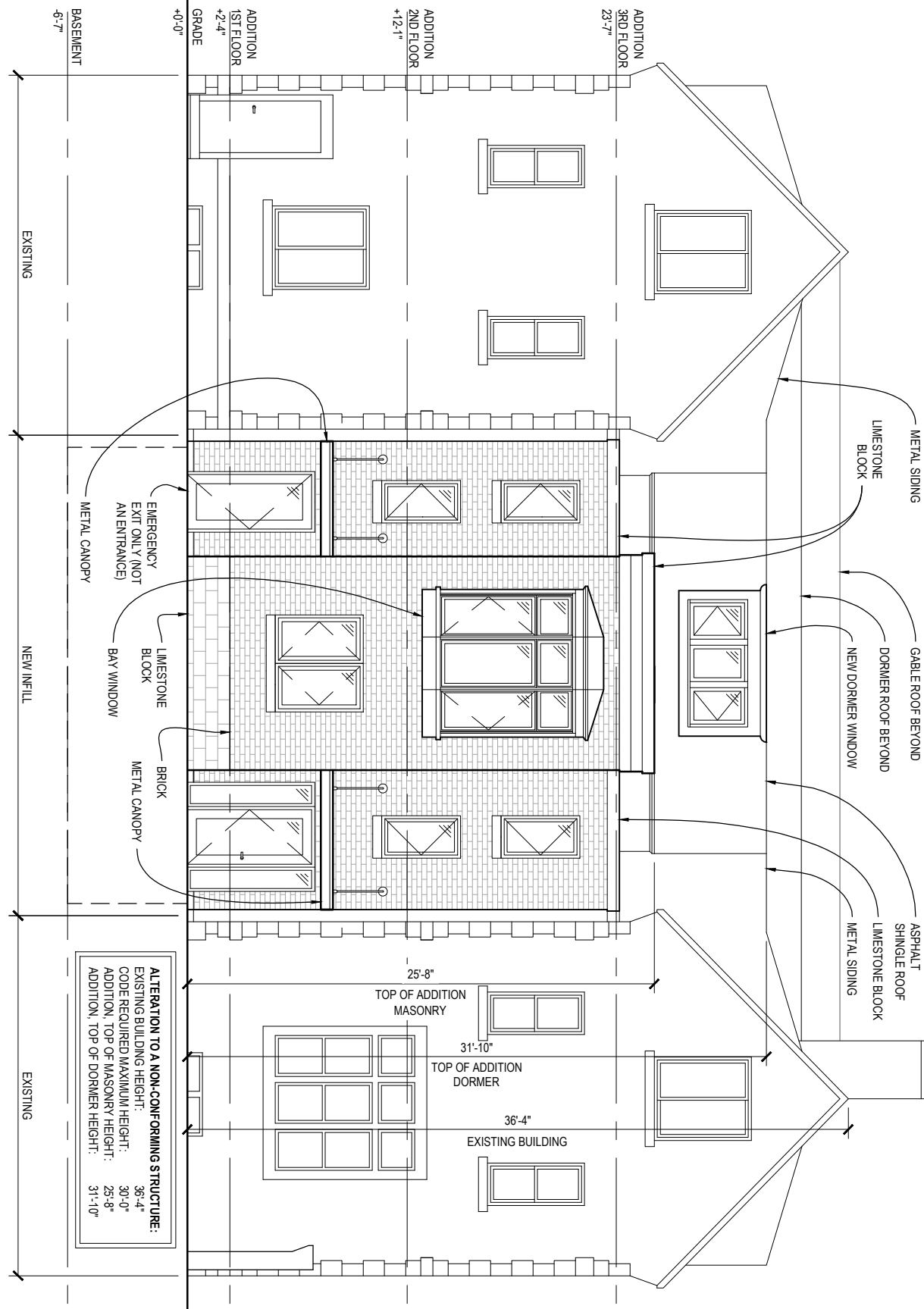
1" = 10'-0"

SHEET NUMBER:

Z3

DRAWING TITLE:

PROPOSED
SITE PLAN,
ENLARGED



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Theta Delta Chi
Special Exception Use &
Site Plan
700 S State St
Ann Arbor, Michigan

SCALE:

1/8" = 1'-0"

SHEET NUMBER:

74

DRAWING TITLE:

**SOUTH
ELEVATION**



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Theta Delta Chi
Special Exception Use &
Site Plan
700 S State St
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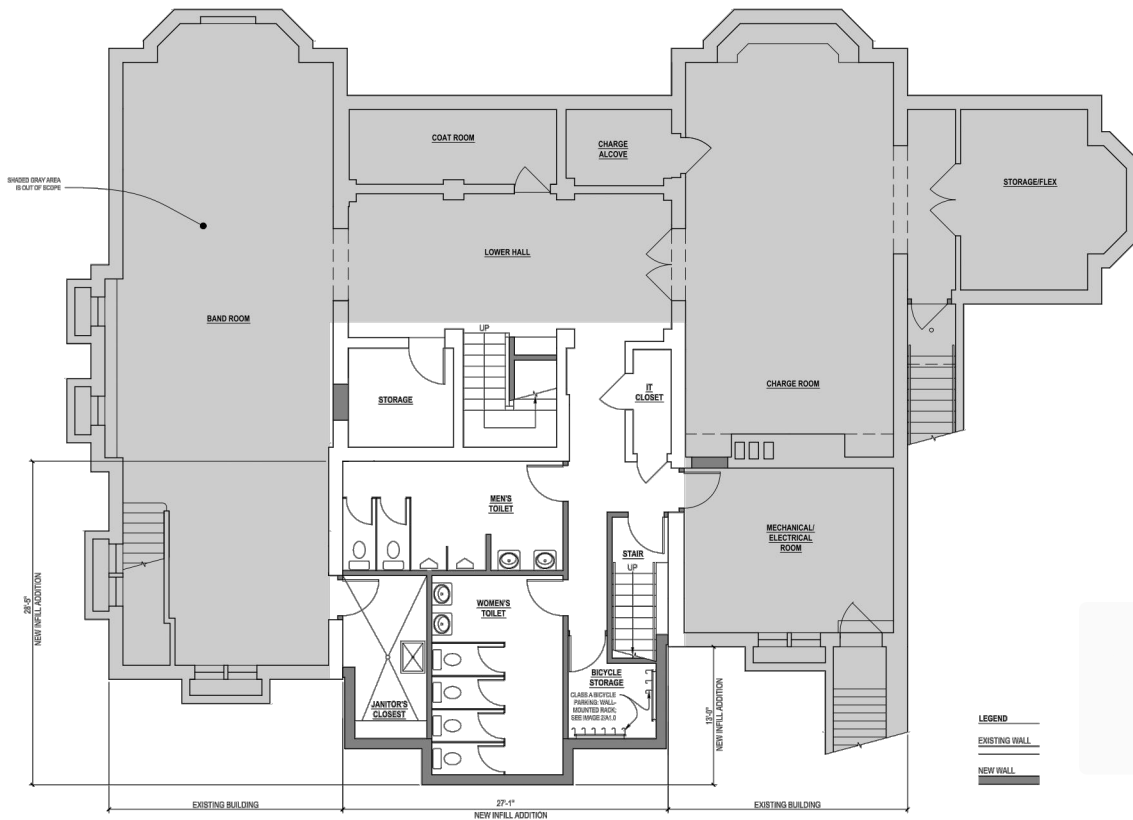
NOT TO SCALE

SHEET NUMBER:

Z5

DRAWING TITLE:

VIEW FROM
SOUTHEAST

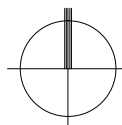


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Theta Delta Chi
Special Exception Use &
Site Plan
700 S State St
Ann Arbor, Michigan

NORTH ARROW:



SCALE:

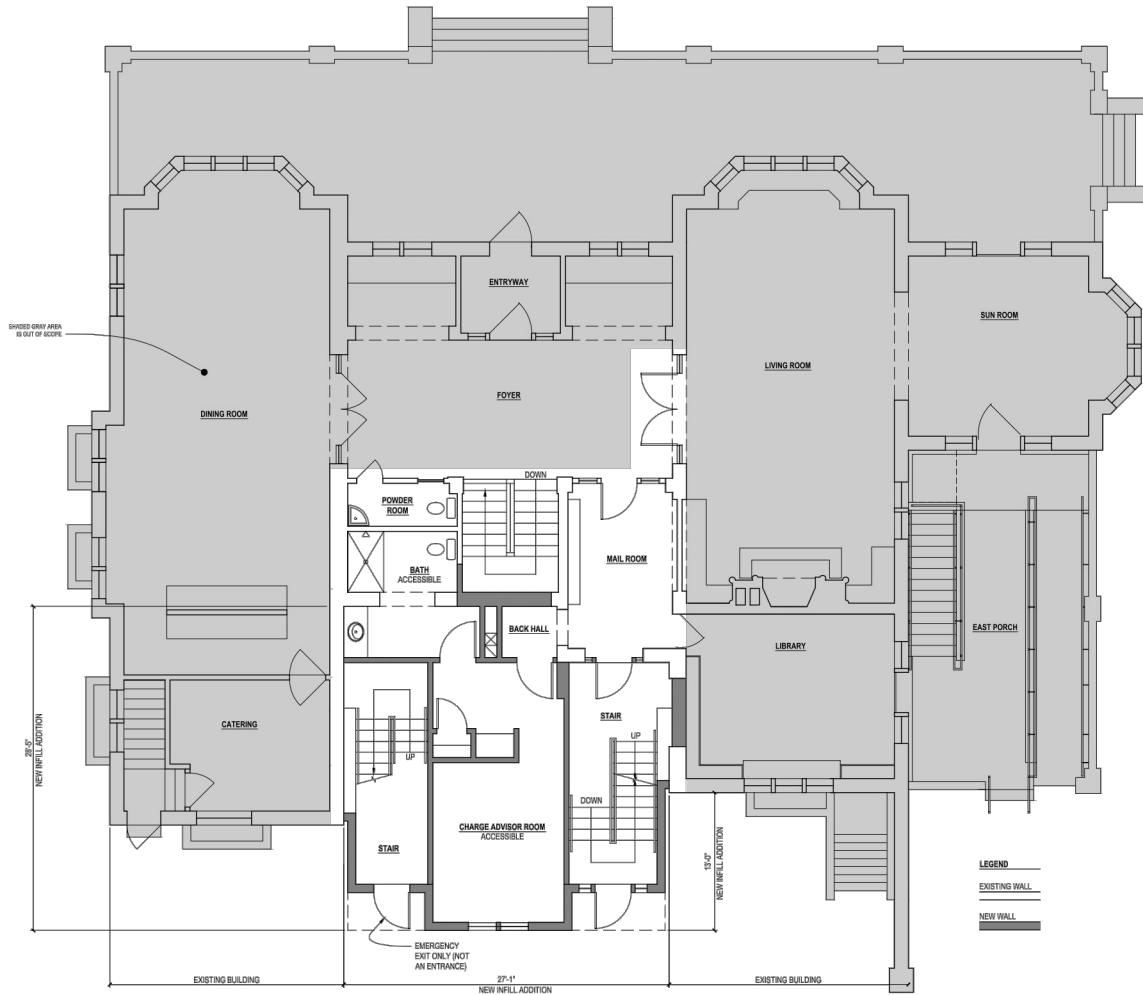
1/16" = 1'-0"

SHEET NUMBER:

Z6

DRAWING TITLE:

**BASEMENT
FLOOR PLAN**

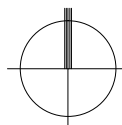


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Theta Delta Chi
Special Exception Use &
Site Plan
700 S State St
Ann Arbor, Michigan

NORTH ARROW:



SCALE:

1/16" = 1'-0"

SHEET NUMBER:

27

DRAWING TITLE:

FIRST FLOOR
PLAN

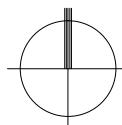


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Theta Delta Chi
Special Exception Use &
Site Plan
700 S State St
Ann Arbor, Michigan

NORTH ARROW:



SCALE:

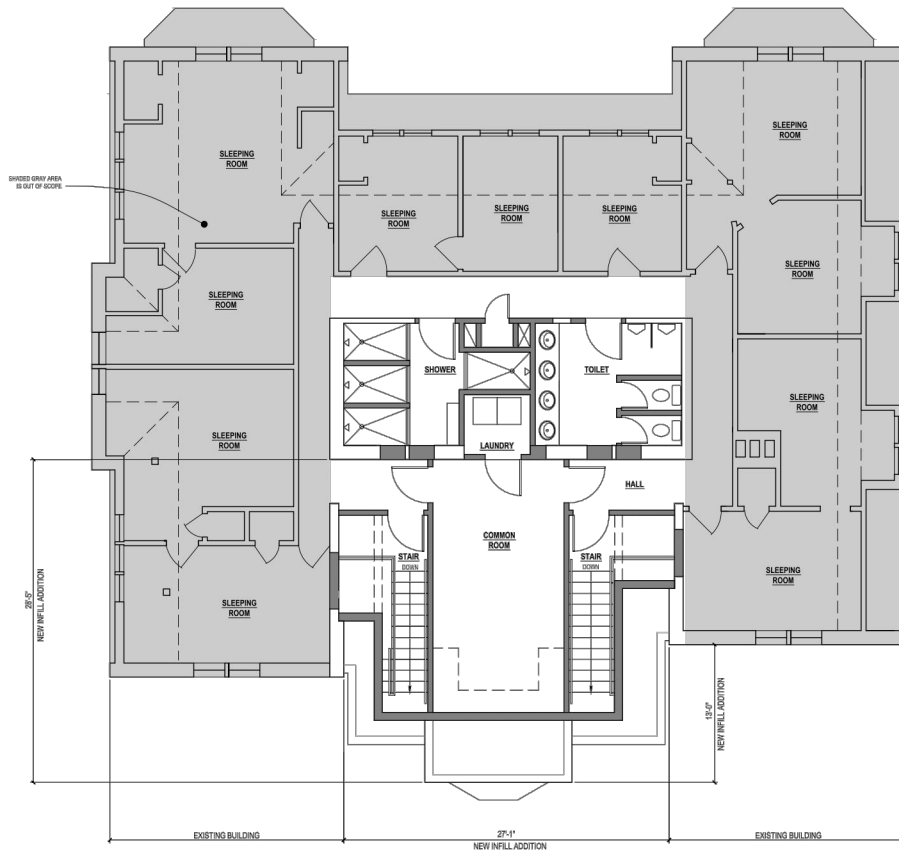
1/16" = 1'-0"

SHEET NUMBER:

Z8

DRAWING TITLE:

SECOND
FLOOR PLAN

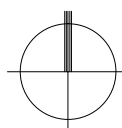


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Theta Delta Chi
Special Exception Use &
Site Plan
700 S State St
Ann Arbor, Michigan

NORTH ARROW:



SCALE:

1/16" = 1'-0"

SHEET NUMBER:

Z9

DRAWING TITLE:

THIRD FLOOR
PLAN

MONROE STREET

30" HIGH ROPE AND POST FENCE WITH METAL POSTS AND METAL CHAIN

30" HIGH ROPE AND POST FENCE WITH METAL POSTS AND METAL CHAIN

NYSSA SYLVATICA

EXISTING 16" LITTLE LEAF LINDEN

6 - SPIRAEA X B. 'ANTHONY WATERER'

3 - JUNIPERUS C. 'SPARTAN'

EXISTING HEDGE

EXISTING HEDGE

STEEL EDGING

CRUSHED 3/8" - 3/4" NATURAL GRANITE STONE MULCH, FULL RANGE OF COLOR

4' HIGH, 20% OPAQUE METAL FENCE ALONG WEST BOUNDARY

EXISTING HOSE BIB

EXISTING HEDGE

EXISTING 17" LITTLE LEAF LINDEN

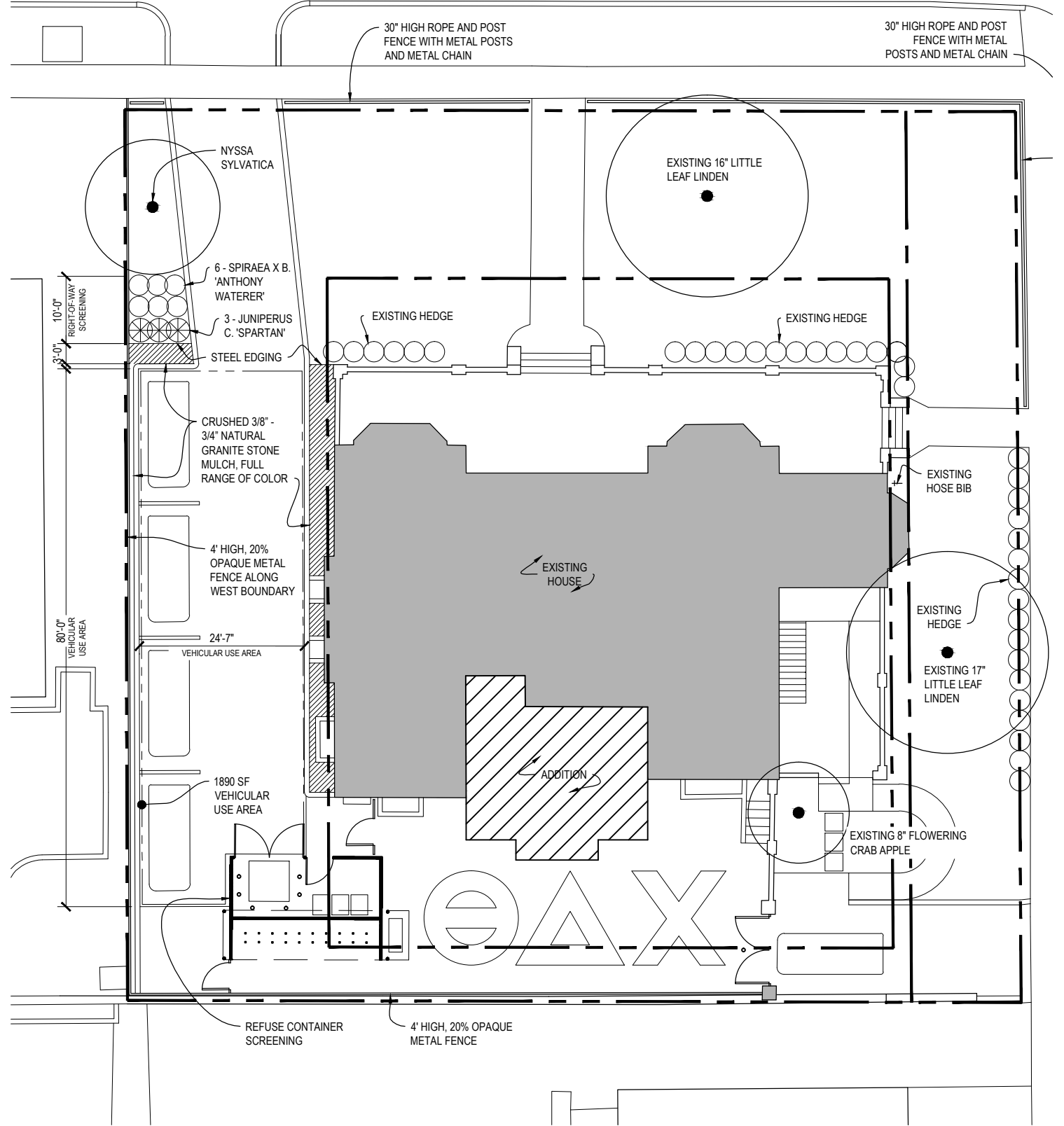
EXISTING HOUSE

ADDITION

EXISTING 8" FLOWERING CRAB APPLE

REFUSE CONTAINER SCREENING

4' HIGH, 20% OPAQUE METAL FENCE

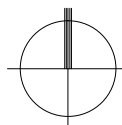


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Theta Delta Chi
Special Exception Use &
Site Plan
700 S State St
Ann Arbor, Michigan

NORTH ARROW:



SCALE:

1" = 20'-0"

SHEET NUMBER:

Z10

DRAWING TITLE:

PROPOSED
LANDSCAPE
PLAN



EXISTING NORTH ELEVATION



EXISTING SOUTH ELEVATION

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DESIGN STUDIO

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Ann Arbor, Michigan 48103
734.424.3344
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NOT TO SCALE

SHEET NUMBER:

Z11

DRAWING TITLE:

PHOTOS 1



EXISTING WEST ELEVATION



EXISTING EAST ELEVATION

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NOT TO SCALE

SHEET NUMBER:

Z12

DRAWING TITLE:
PHOTOS 2