

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

STAFF REPORT

Subject: ZBA13-001, 1771 Plymouth Road

Summary: Upland Green LLC, is requesting one variance from Chapter 47 (Streets), Section 4:20, to permit a total of three curb cuts on this parcel; two curb cuts are the maximum permitted. The third curb cut would be located on Upland Drive and serve a new multiple-family residential building.

Background:

The 2.64 acre site is located adjacent to the corner of Plymouth Road and Upland Drive. There is currently one existing building constructed along Plymouth Road. The existing building contains 11,020 square foot retail on the first floor and 20 apartment units on the second and third floors. The existing building was approved in 2004 and constructed in 2005. There are currently two curb cuts on the site, one from Plymouth Road and one from Upland Green, both curb cuts lead to the parking lot for the existing building. Approval of the original site plan also included an additional 26,216 square foot retail/office building in the rear of the site. This building contained one level of underground parking with a separate entrance from Upland Drive for a total of three curb cuts to the site. The rear building was never constructed.

The petitioner is now proposing to construct the rear building in the same location containing 34 apartments and 42 underground parking spaces. Due to the time elapsed and the proposed changes to the building, an administrative amendment to the previously approved site plan is required to construct the new building. The Administrative Amendment is currently under review by City Staff.

Access to the underground parking is proposed through a separate curb cut from Upland Drive in the same location as approved in 2004. Although approved previously with three curb cuts, City Code only permits a maximum of 2 curb cuts based on the linear frontage of the site. As part of the Administrative Amendment the entire site plan is reviewed by City Staff and it was determined that a variance would be required for the third curb cut. The new curb cut would lead directly to the underground parking and will be the only means of ingress or egress for vehicles.

Standards for Approval - Chapter 47 (Streets) 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 and Chapter 47(Streets), Section 4:20(9). The following criteria shall apply:

The Zoning Board of Appeals shall have the authority to interpret this Chapter and may, in specific cases involving practical difficulty or unnecessary hardship, grant variances or exceptions from the requirements of this Chapter providing such a variance or exception is in harmony with the general purpose and intent of this Chapter.

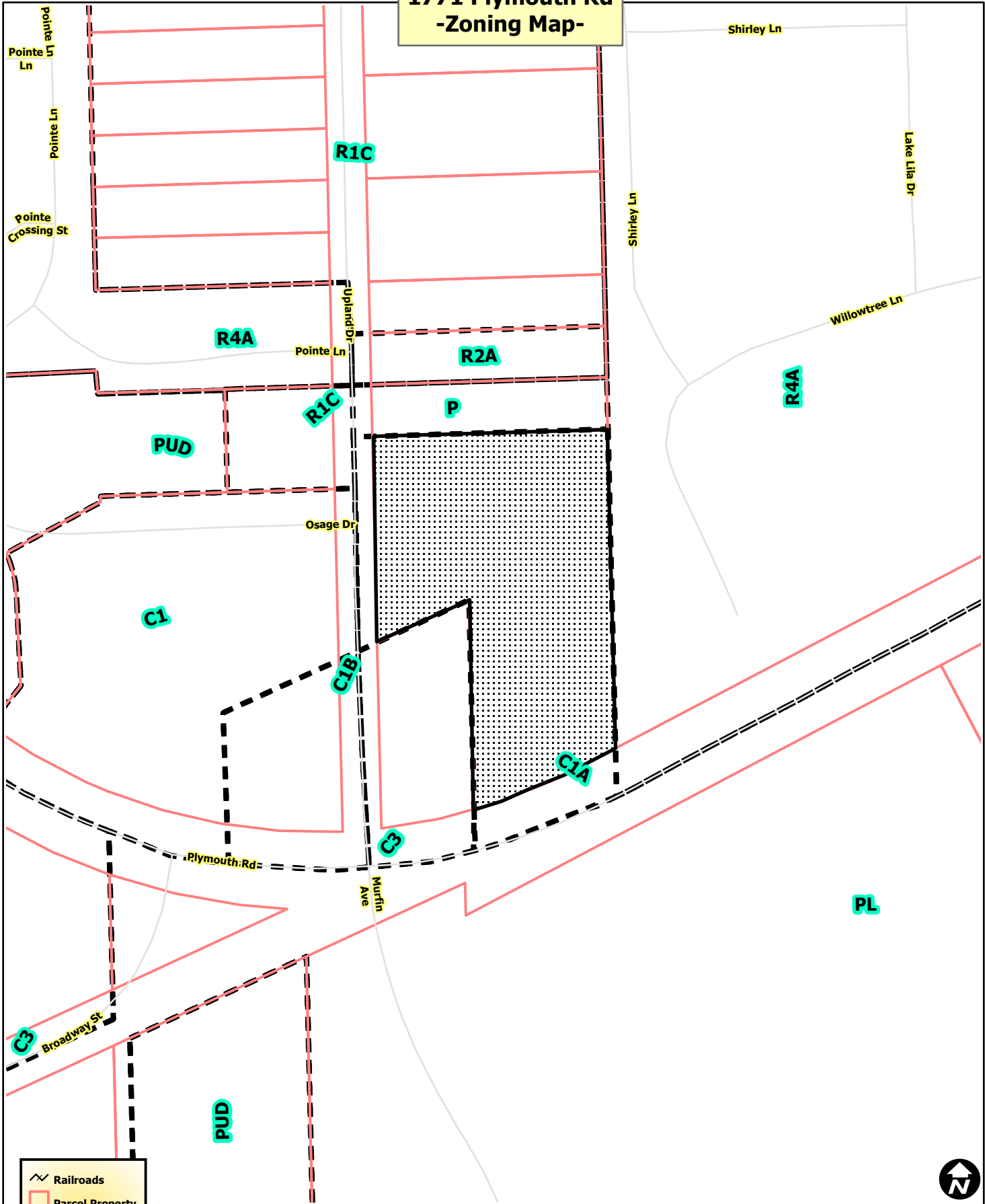
The variance requested will be in harmony with the purpose and intent of Chapter 47. As indicated above, given the scale of the project and mixture of uses on the site, the requested variance is reasonable. The additional driveway and curb cut will allow for safer traffic to and from the site for delivery vehicles as well as resident and customer traffic. If the variance is granted, access for the new parking will be directly from Upland Drive, minimizing potential pedestrian and vehicular conflicts within the existing parking lot. In addition, existing site conditions and topography between the site and Upland Drive make an entrance to the underground parking very challenging. The new curb cut will only service the underground parking garage used by the residents of the building above. Upland Drive is a dead end road and impact to existing traffic will be minimal. The City's Traffic Engineer is supportive of the request.

Respectfully submitted,



**Matthew J. Kowalski, AICP
City Planner**

1771 Plymouth Rd -Zoning Map-

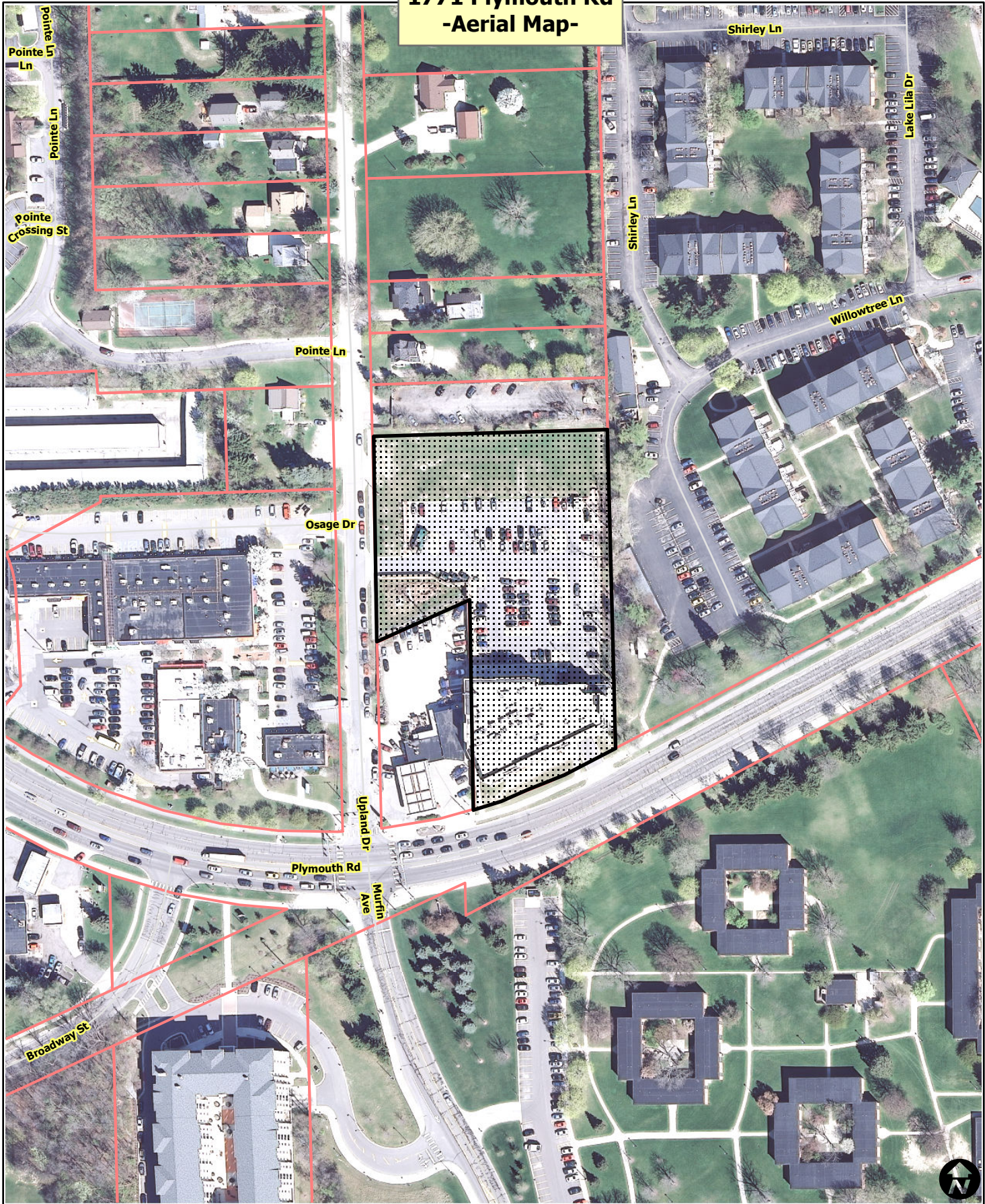


Railroads
 Parcel Property
Zoning
 Township
 Zoning



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 Map Created: 1/2/2013

1771 Plymouth Rd -Aerial Map-

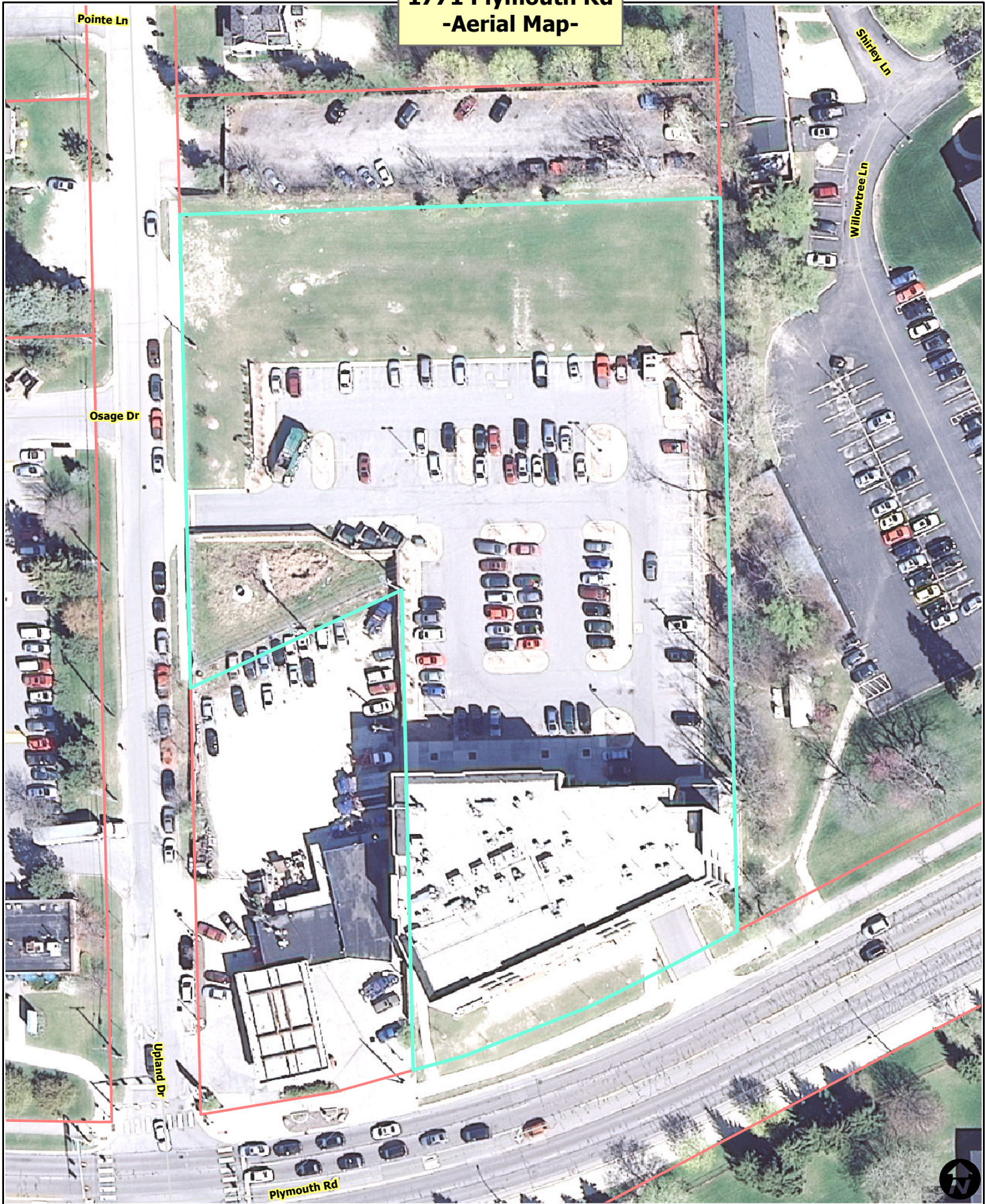


-  Railroads
-  Parcel Property



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1771 Plymouth Rd -Aerial Map-



-  Railroads
-  Parcel Property



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

Section 1: Applicant Information

Name of Applicant: UPLAND GREEN LLC

Address of Applicant: 3300 WASHTEAW AVE., SUITE 240, A2, MI 48104

Daytime Phone: (734) 973-2560

Fax: (734) 677-2207

Email: BILL CONLIN@HOTMAIL.COM

Applicant's Relationship to Property: _____

Section 2: Property Information

Address of Property: 1771 PLYMOUTH ROAD

Zoning Classification: C1A

Tax ID# (if known): 09-09-22-201-031 900

*Name of Property Owner: UPLAND GREEN LLC

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

Section 3: Request Information

Variance

<p>Chapter(s) and Section(s) from which a variance is requested:</p> <p><u>CHAPTER 47</u></p> <p><u>SECTION 4:20</u></p>	<p>Required dimension:</p> <p><u>2 CURB CUTS</u></p> <p><u>MAXIMUM</u></p>	<p>PROPOSED dimension:</p> <p><u>3RD CURB</u></p> <p><u>CUT</u></p>
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)

A CURB CUT IS NEEDED ON UPLAND DRIVE TO ACCESS
PROPOSED UNDERGROUND PARKING. THE PARCEL IS PERMITTED
2 CURB CUTS { ALREADY HAS 1 ON PLYMOUTH & 1 ON UPLAND DRIVE }

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?

THE PROPOSED BUILDING HAS INTERIOR PARKING 6 FEET BELOW GRADE. THE EXISTING PARKING AREA CAN NOT PROVIDE ACCESS TO THIS PARKING.

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

THE ADDITIONAL PARKING IS NEEDED TO MAKE THE PROPOSED HUD FINANCED STUDIO & 1-BEDROOM APARTMENTS ECONOMICALLY VIABLE.

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

NONE. THERE ACTUALLY IS A CURB CUT W/1 A FEW FEET OF THE PROPOSED DRIVEWAY LOCATION THAT WAS APPROVED ON THE ORIGINAL SITE PLAN W/NO VARIANCE.

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 EXISTING SURFACE PARKING LOT IS 8 TO 9 FEET ABOVE UPLAND DRIVE. ACCESS TO PROPOSED PARTIALLY UNDERGROUND PARKING IS ONLY FEASIBLE VIA A CURB CUT ON UPLAND DRIVE.

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

THE ORIGINAL SITE PLAN INCLUDED THE 3RD CURB CUT TO ACCESS PARKING UNDER A PROPOSED RETAIL/OFFICE BUILDING. THAT ADDITIONAL PARKING IS NEEDED FOR THE CURRENTLY PROPOSED APARTMENTS. THE

EXISTING PARKING LOT WAS CONSTRUCTED TO BE AT THE PREVIOUS RETAIL GROUND FLOOR ELEVATION. IT IS TOO HIGH TO PROVIDE ACCESS TO THE UNDERGROUND PARKING.

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.

ORIGINAL APPROVED SITE PLAN & GRADING PLAN

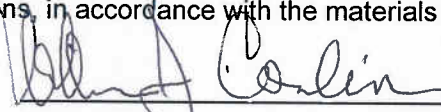
Section 7: Acknowledgement

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.

Phone Number _____

Email Address _____

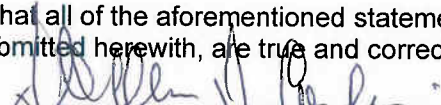


 WILLIAM J. CONLIN

Signature

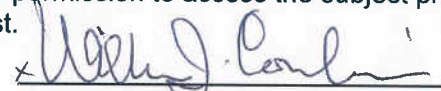
Print Name

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.



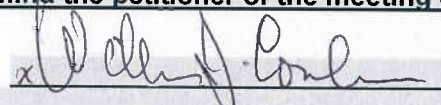
Signature

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.



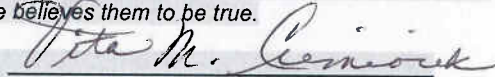
Signature

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 11th day of Dec., 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.



 Notary Public Signature

Dec. 15, 2016
 Notary Commission Expiration Date

VITA M. CIERNIOREK
 VITA M. CIERNIOREK
 NOTARY PUBLIC, STATE OF MI
 COUNTY OF WASHTENAW
 MY COMMISSION EXPIRES Dec 15, 2016
 ACTING IN COUNTY OF _____

Staff Use Only

Date Submitted: 12/11-2012

Fee Paid: 500⁰⁰

File No.: ZRA13-001

Date of Public Hearing: 1/23-2013

Pre-filing Staff Reviewer & Date _____

ZBA Action: _____

Pre-Filing Review: _____

Staff Reviewer & Date: _____



"Quality Since 1967"

MIDWESTERN
CONSULTING

Civil, Environmental and Transportation
Engineers, Planners, Surveyors,
Landscape Architects

December 7, 2012

City of Ann Arbor
Zoning Board of Appeals
100 N. Fifth Avenue
Ann Arbor, MI 48107

Attn: Matt Kowalski

Re: **Upland Green
Request for Variance for Third Curb Cut**

Dear Matt:

This letter and the attached materials constitute an application for a variance for a third curb cut on the Upland Green parcel. Attached are:

1. Application
2. Current Administrative Amendment Site Plans
Cover Sheet
Sheet 2: Existing Conditions and Removals
Sheet 3: Dimensional Site Plan
Sheet 4: Grading Plan
Sheet A-2: Basement Parking Level Plan
Sheet A-3: 1st Floor Plan
Sheet A-4: 2nd Floor Plan
Sheet A-17: South and North Elevations
Sheet A-18: East, West and Typical Unit Elevations
3. Original Site Plans
Sheet 3: Dimensional Site Plan
Sheet 4: Grading Plan
4. Photographs:
A. Upland Drive south driveway
B. Upland Drive north driveway
C. Plymouth Road entry
5. Fees of \$500

The original site plan for Upland Green included three curb cuts, one on Plymouth Road and two on Upland Green. This site plan was approved. No curb cut variance was required, applied for, or received. This oversight was discovered during staff review of the current Second Administrative Amendment.

All three of the curb cuts shown on the approved site plans were constructed along with the south building at the Plymouth Road frontage. The curb cut on Plymouth Road (picture 'C') provides access through/under the building to the parking on the north side of that building. The south curb cut on Upland Drive (picture 'B') provides access to surface parking from the west. The north curb cut on Upland Drive (picture 'A') was designed to provide access to underground parking below the north (not built) building.



As originally designed, the north building was to include a level of fully underground parking, ground floor retail, and an upper level of office use. The surface parking area south of that building was to be jointly used by the north and south buildings and was graded to provide access to the first floor of each building. Most of the required storm water detention is provided underground in the surface parking area.

The current plan for the north building has a different development program that now includes two levels of studio and 1-bedroom apartments over one level of interior parking that is 6 feet below finish grade on the south side of the building. That reduces the amount of required excavation and removal of excess material, and makes natural ventilation of the parking level possible. The first level of apartments is approximately 4 feet above the finish grade of the surface parking area.

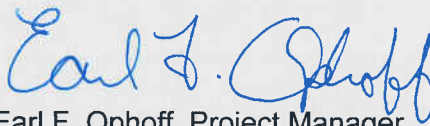
The grade differences and the location and elevation of the underground detention system makes access the proposed to underground parking from the existing surface parking area unfeasible. See picture 'A' that shows the grade relationship between the north curb cut (the subject of this application for a variance) and the location of the proposed building. The proposed curb cut for the north building is just a few feet north of the location of the existing north curb cut that is right behind the red car in this picture.

Picture 'B' shows the Upland Drive south driveway location and the slope up to the existing surface parking area.

Picture 'C' shows the curb cut on Plymouth Road, the passage under the building, and the parking behind the building rising up the slope.

Please accept this application for a variance and place Upland Green on the agenda of the January 23, 2013 Zoning Board of Appeals meeting. Contact me if additional information is required. As always, thank you for your assistance.

Respectfully submitted:
MIDWESTERN CONSULTING LLC



Earl F. Ophoff, Project Manager

Enc.





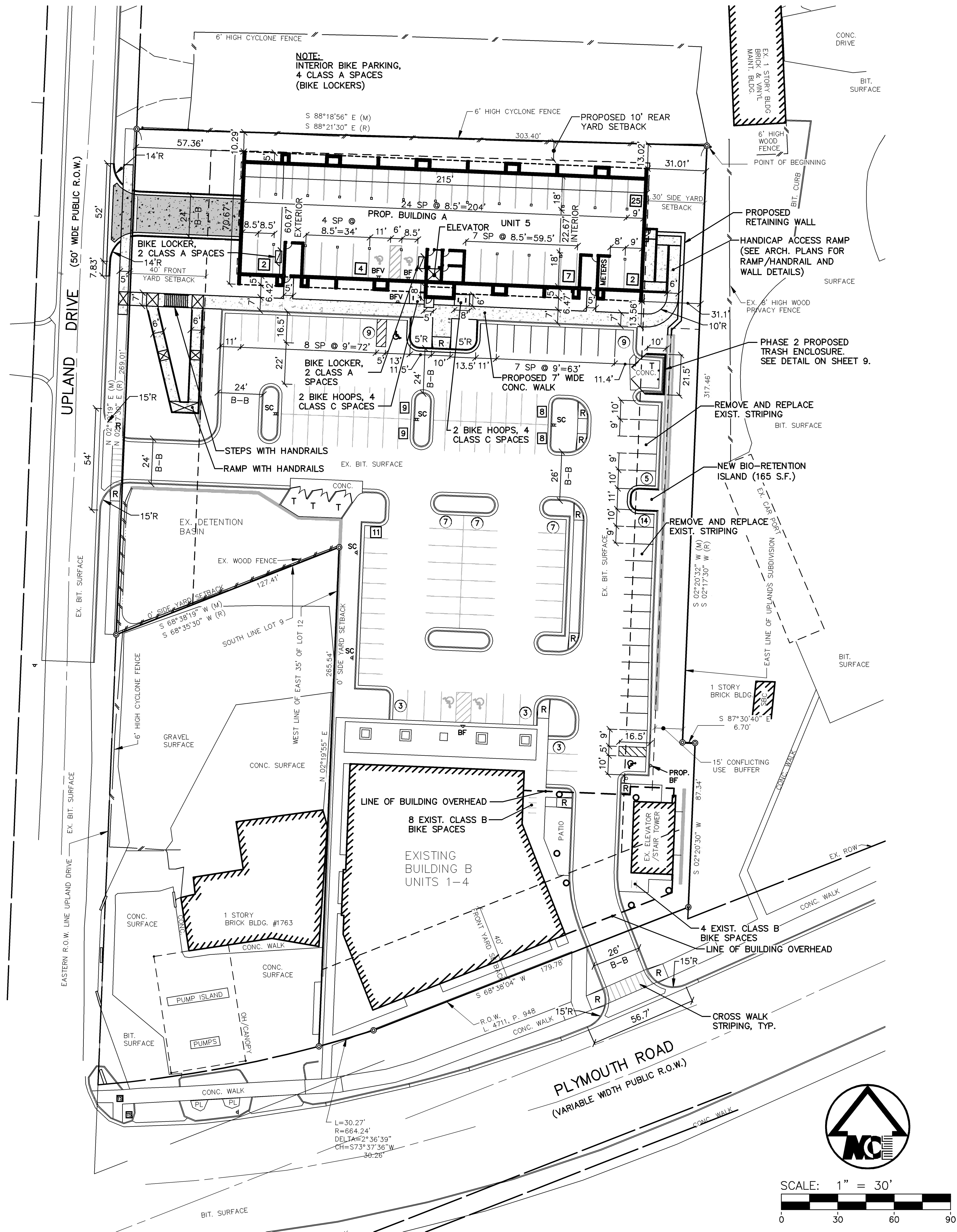
A.



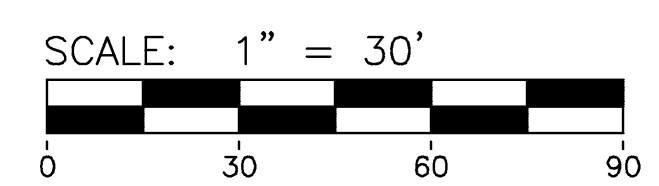
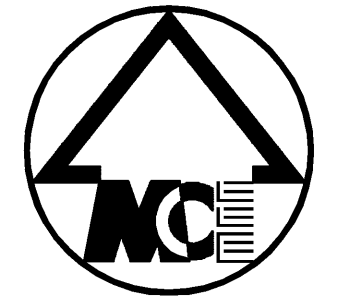
B.

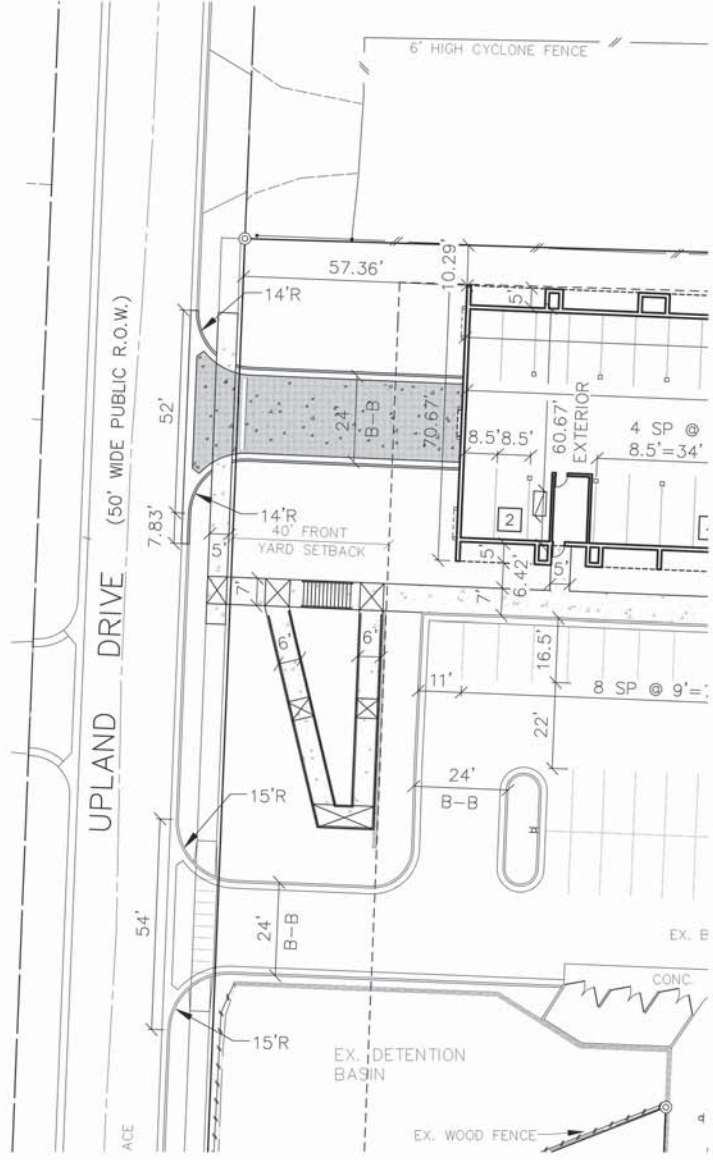


2.



JOB No.	10161
DATE	10-22-12
REVISIONS:	SHEET 3 OF 19
REV. PER	CITY REVIEW
REV. DATE	11-27-12
DESIGNED BY	DAK, WAI
ENGINEER	JAF
TECHNICAL	EFO
2ND ADMIN AMEND	10/18/12
FILE NO.	10161-373





10161

DATE: 10-22-12	REV. DATE:
SHEET: 3 OF 19	CHAD DALY
PROJECT:	PROJECT
NO.:	NO.
SCALE:	SCALE
DATE PLOTTED:	DATE PLOTTED
BY:	BY

3

UPLAND GREEN
 PLANNED PROJECT
 SECOND ADMINISTRATIVE AMENDMENT
 DIMENSIONAL SITE PLAN

CLIENT
 UPLAND GREEN, LLC
 1000 W. WASHINGTON
 ANN ARBOR, MI 48104
 ATTN: WILLIAM CONLIN
 (734) 973-2589

MIDWESTERN CONSULTING
 1000 W. WASHINGTON
 ANN ARBOR, MI 48104
 TRANSPORTATION ENGINEERS
 PLANNERS, SURVEYORS
 LANDSCAPE ARCHITECTS
 Phone: 734-992-0000
 Fax: 734-992-0899