

**Zoning Board of Appeals
December 19, 2012 Regular Meeting**

STAFF REPORT

Subject: ZBA12-019, 2196 West Stadium

Summary: Calvert and Lasalle, LLC is requesting three variances from Chapter 47 (Streets), Section 4:20:

1. A variance of 35 feet in order to permit a driveway turning radius of 50 feet, 15 feet is required.
2. A variance of 4 feet 6 inches in order to permit a driveway opening 0 feet from the property line, 4 feet 6 inches is required.
3. A variance of 6 feet in order to permit a driveway opening of 36 feet, 30 feet is the maximum required.

Description and Discussion:

The site is located on the east side of Stadium near the southeast corner of Liberty. The site is currently occupied by a 23,000 square foot retail building and has frontage on two roads, Liberty and Stadium. The site has three curb cuts, one on Stadium and two on Liberty. The building currently has three tenant spaces, two of which are occupied (O'Reilly Auto Parts and Dollar Tree). The applicant is proposing to sell the third space to Gordon Food Services, which has a need for large truck deliveries.

The existing curb cut from Stadium is a one way in entrance only. The petitioner is requesting the variances in order to reconstruct and enlarge the drive entrance from West Stadium. The modifications are needed to allow larger delivery trucks to enter from Stadium and use the drive along the rear of the building. This will allow for more direct access to the existing loading area in the rear of the building and will decrease truck traffic on Liberty and through the site where vehicle and pedestrian conflicts could occur. Utilizing the existing curb cuts will result in trucks entering and exiting from Liberty. This would require backing up and significant turning movements onsite to avoid backing onto Liberty.

The proposed driveway modifications require site plan approval and Administrative Amendment has been submitted and is currently under review.

The variances proposed have been reviewed and accepted by the City's traffic engineer as a safe and efficient design for the site.

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.

All of the variances requested will be in harmony with the general purpose and intent of Chapter 47 because they will allow for safer access to and from the site. The modifications proposed will assist delivery vehicles as well as large emergency vehicles navigate the site efficiently and minimize potential conflicts with passenger vehicles.

The proposed drive configuration will allow for more direct access to the existing loading area in the rear of the building and will decrease truck traffic on Liberty. Utilizing the existing curb cuts will result in greater impact to the general public by requiring that trucks both enter and exit from Liberty and will require numerous backing and turning movements onsite to avoid backing onto Liberty. Given the existing layout of the site and surrounding land uses, all of the requested variances are reasonable.

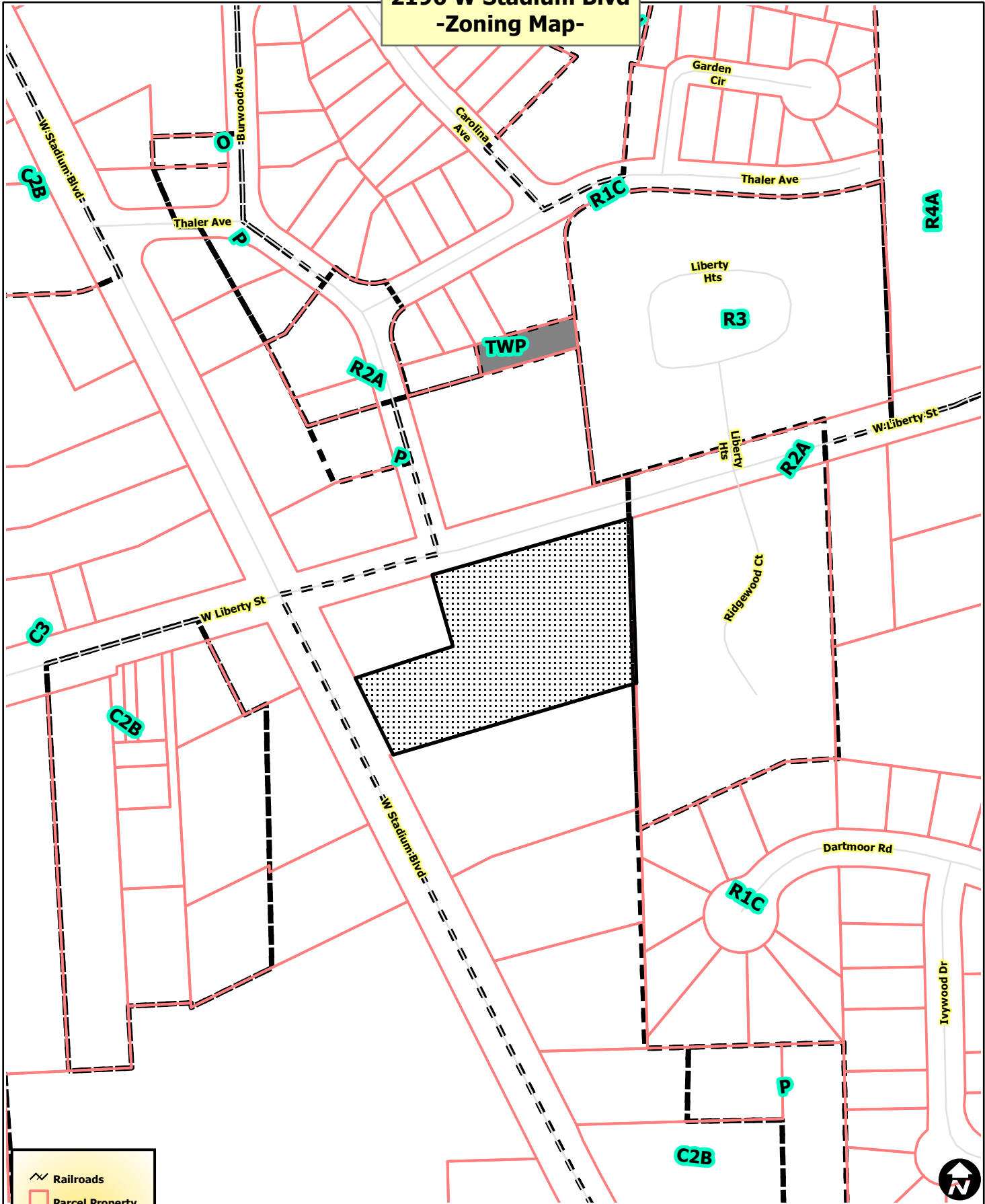
The City's Traffic Engineer has reviewed and supports the variance requests as proposed.

Respectfully submitted,



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

2196 W Stadium Blvd -Zoning Map-

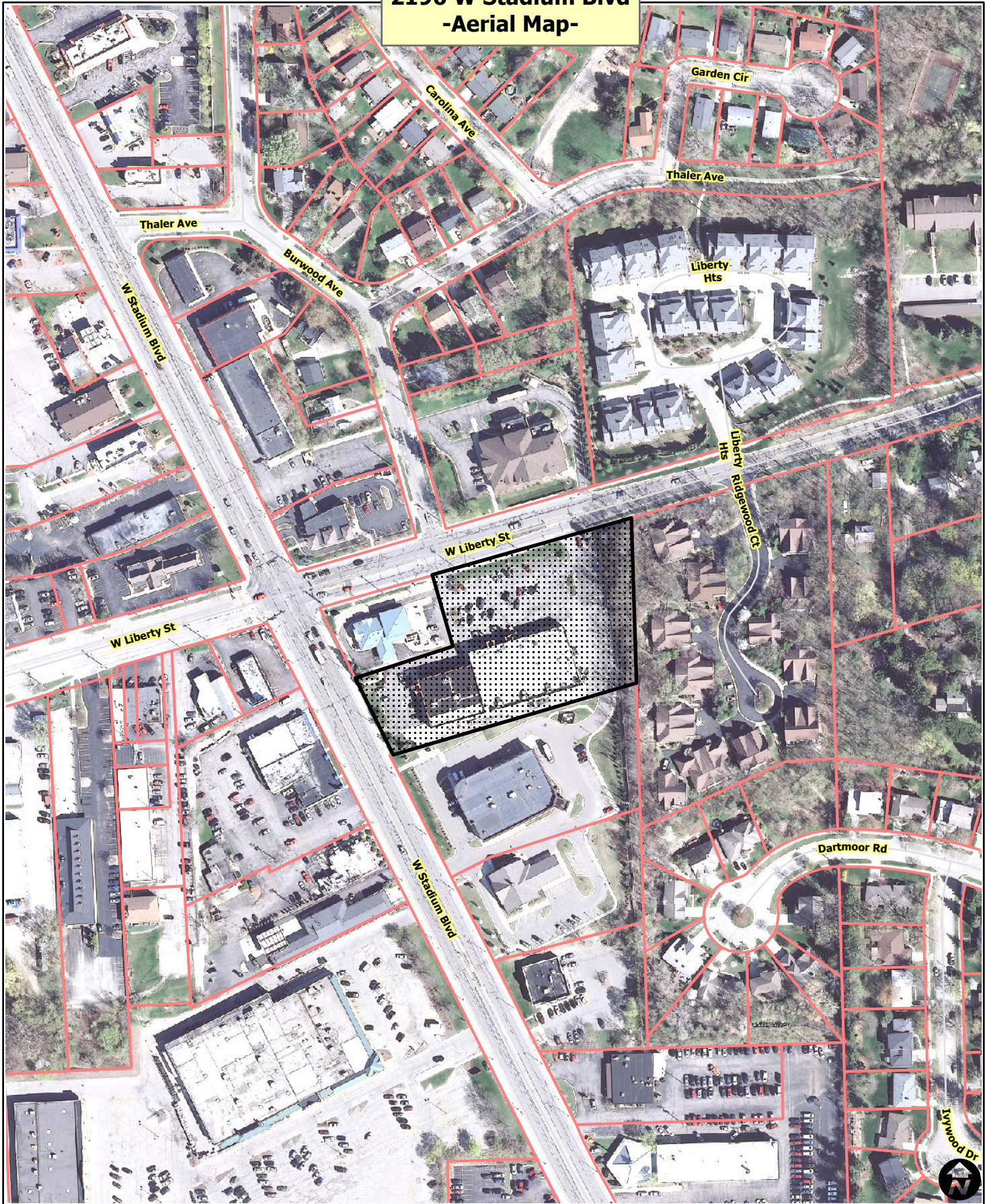




	Railroads
	Parcel Property
	Zoning
	Township
	Zoning



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 Map Created: 9/25/2012

2196 W Stadium Blvd -Aerial Map-





-  Railroads
-  Parcel Property



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2196 W Stadium Blvd -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: Calvert & Lasalle, LLC (Attn: Mickey Sisskind)
Address of Applicant: 30300 Northwestern Highway
Daytime Phone: (248) 932-0100
Fax: _____
Email: lhennessy99@hotmail.com
Applicant's Relationship to Property: Owner

Section 2: Property Information

Address of Property: 2196 W. Stadium Road
Zoning Classification: C-2B
Tax ID# (if known): 09-09-30-317-019
*Name of Property Owner: Calvert & Lasalle, 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:

	Required dimension:	PROPOSED dimension:
<u>Chap. 47, Section 4.20</u>	<u>15' max. radius</u>	<u>50'</u>
<u>Chap. 47, Section 4.20</u>	<u>4.5' min. to P/L</u>	<u>0'</u>
<u>Chap. 47, Section 4.20</u>	<u>30' max. width</u>	<u>36'</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

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

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

See Attached

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

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

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

See Attached

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.

(248) 932-0100

Phone Number

LHENNESSY99@hotmail.com

Email Address

Michael S. Siskins

Signature

MICHAEL S. SISKINS

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.

Michael S. Siskins

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.

Michael S. Siskins

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.**

Michael S. Siskins

Signature

On this 21st day of September, 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.

Liza S. Hennessy

Notary Public Signature

July 1, 2013

Notary Commission Expiration Date

Liza S. Hennessy

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: _____

September 18, 2012

City of Ann Arbor
Zoning Board of Appeals

Re: Driveway Dimensional Variance Request
2196 W. Stadium Blvd
O'Reilly's Auto Parts
Paradigm Project #1202019

Dear ZBA Members:

In addition to the Application for Variance and required plans, we have prepared the following summary of our proposed request.

The site currently contains an approximately 23,000 square foot building with three (3) tenant spaces; O'Reilly's Auto Parts, a dollar store, and a former CVS Pharmacy space which is now vacant. The site is located at the southeast corner of the signalized intersection of Stadium Blvd and Liberty Street, with two (2) driveways to Liberty and one (1) driveway to Stadium. The intent of this request is to modify (widen) the existing Stadium Boulevard drive opening to allow larger semi-trucks to access the site from Stadium.

- *Section 4.1: Are there any 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?*

This property is unique from most (but not all) properties in that it is located at a signalized intersection, which pushes the location of driveways away from the traffic signal and closer to the exterior property boundaries.

- *Section 4.2: Are the hardships or practical difficulties more than mere inconvenience, inability to obtain a higher financial reform?*

The difficulties arise from the need to provide access to longer semi-trucks than when the site was originally designed and constructed. The current truck delivery route involves 180 degree turns and long back-up maneuvers, which could potentially provide traffic conflicts within the site. Providing a more orderly, easier truck entrance and exit will provide better and safer interior site circulation.

- *Section 4.3: What effect will granting the variance have on the neighboring properties?*

Granting of this variance will not have a negative effect on adjacent property to the south, as this is currently the loading/unloading area today and will remain this way. If anything, providing a truck entrance will get delivery trucks off Stadium Boulevard sooner, as in its present condition truck traffic needs to turn onto Liberty before entering the site.

- *Section 4.4: 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 location of the property at a signalized intersection forces the driveway farther south on Stadium Boulevard. A “typical” retail site not located near traffic signal would most likely have driveway located at center of parcel (in this case north of building) and provide a simpler access point. However, the driveway to this property is pushed as far south as possible, and needs to be wider than maximum width to allow truck movements within a small area at corner of property.

- *Section 4.5: Is the condition which prevents you from complying with the ordinance self-imposed? How did the condition come about?*

The condition is not self-imposed, but has become an issue due to increased traffic on Stadium Boulevard as well as an increase in the size of “standard” delivery vehicle over the past decades since the store and site were originally constructed.

Should you have any questions or comments regarding this site, please do not hesitate to contact me to discuss further.

Sincerely,

PARADIGM DESIGN, INC.

John R. Walsh, P.E. LEED® AP
Associate

Michael S. Siskind & Company

30300 Northwestern Highway, First Floor
Farmington Hills, Michigan 48334
(248) 932-0100 Fax (248) 932-1734

September 21, 2012

VIA OVERNIGHT DELIVERY

Mr. John Walsh
Paradigm Design, Inc.
550 3 Mile Road, NW, Ste. B
Grand Rapids, MI 49544

Re: Liberty – Stadium Center, Ann Arbor, Michigan

Dear John;

Per your direction, enclosed please find a signed Application for Variance regarding the above-captioned center.

Very truly yours,

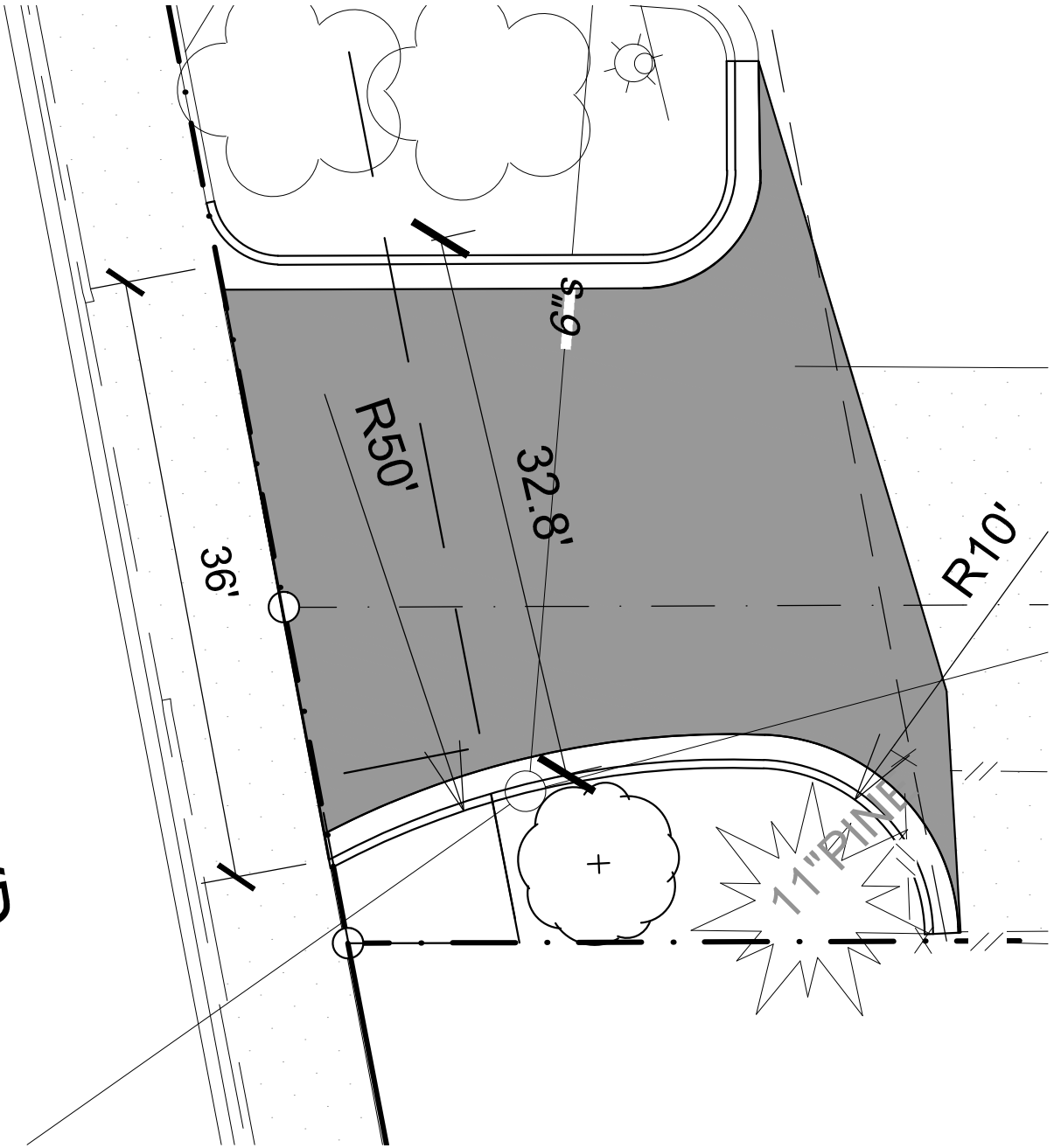


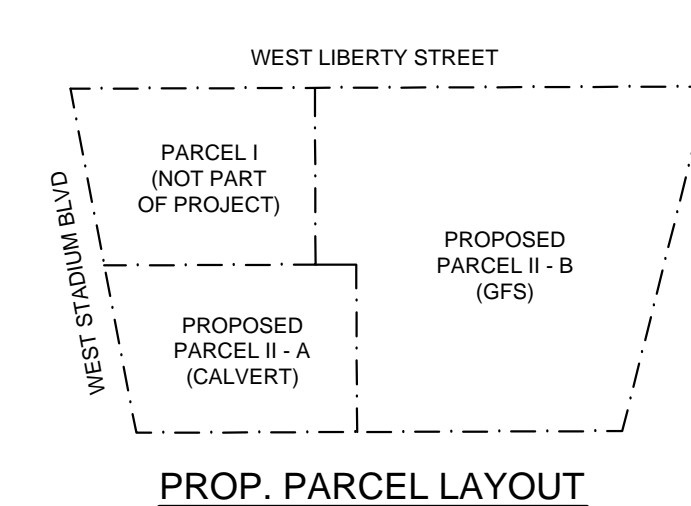
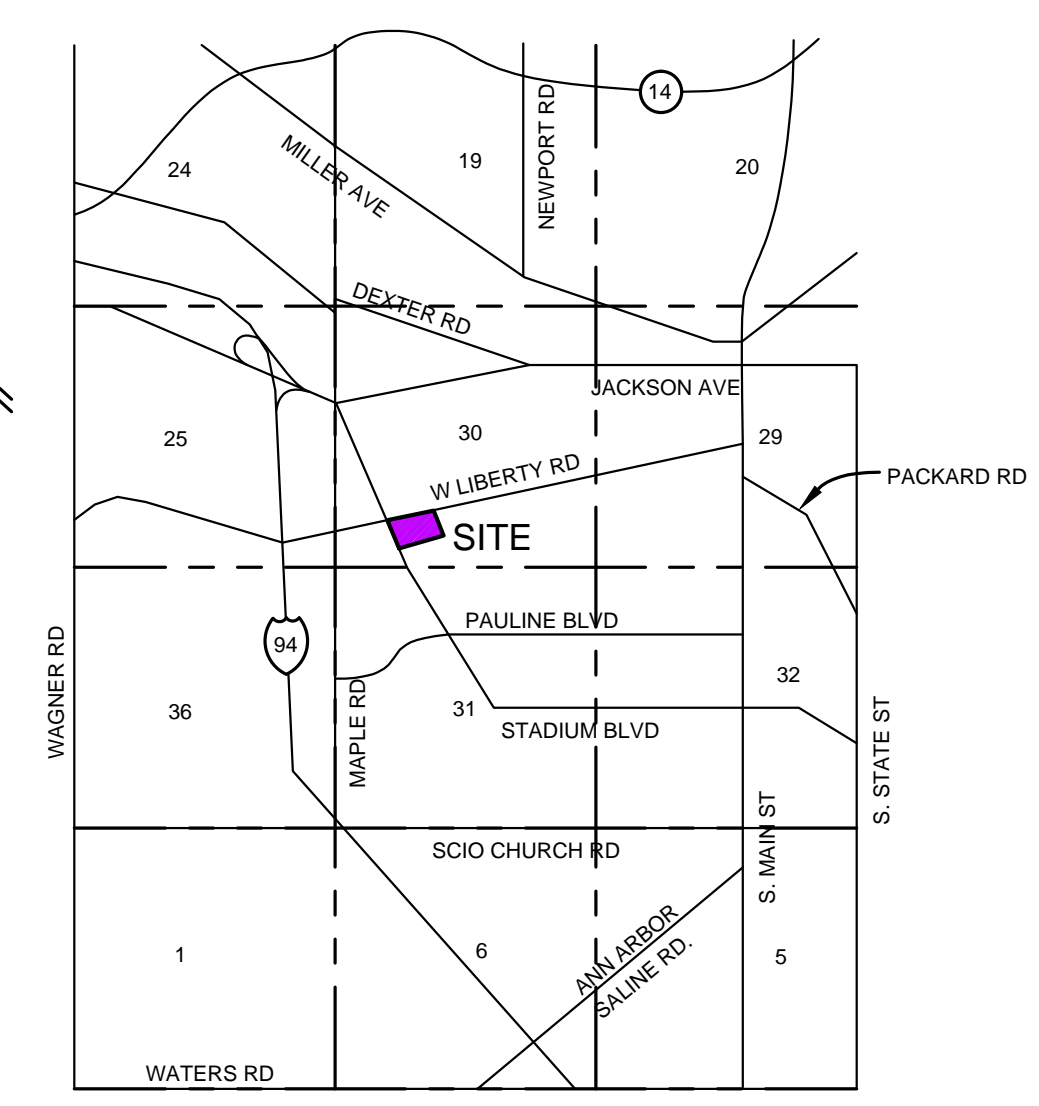
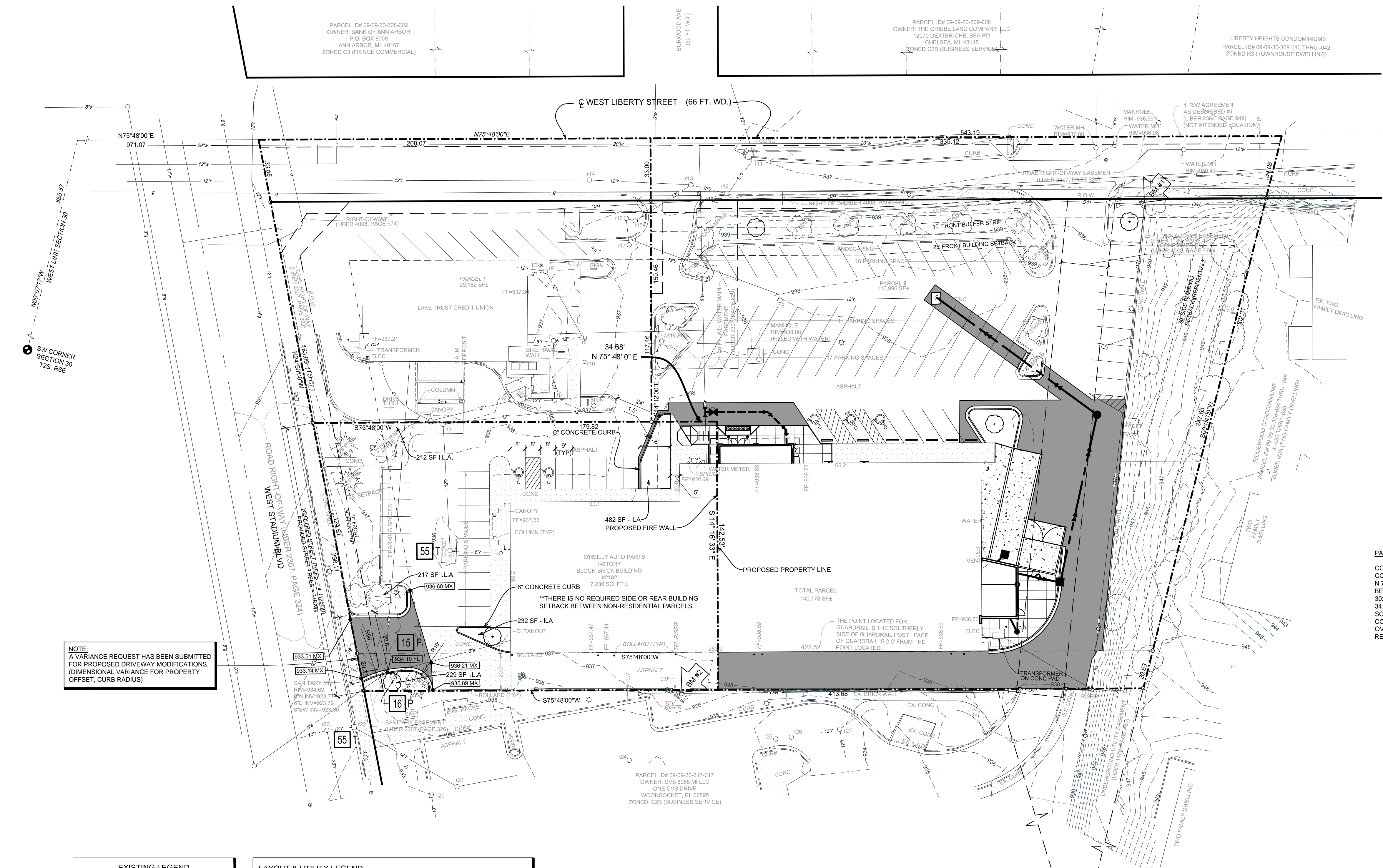
Michael S. Siskind

MSS/lsh

Enc.

WEST STADIUM BLVD





PARCEL II - A
 COMMENCING AT THE SOUTHWEST CORNER OF SECTION 30, T2S, R6E, CITY OF ANN ARBOR, WASHTENAW COUNTY, MICHIGAN; THENCE N 0°07'17" W 855.37 FEET ALONG THE WEST LINE OF SAID SECTION; THENCE N 75°48'00" E 1178.14 FEET ALONG THE CENTERLINE OF WEST LIBERTY STREET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID CENTERLINE N 75°48'00" E 335.12 FEET; THENCE S 00°04'00" W 302.31 FEET; THENCE S 75°48'00" W 225.75 FEET; THENCE N 14°16'33" W 142.53 FEET; THENCE S 75°48'00" W 34.88 FEET; THENCE N 14°12'00" W 150.45 FEET TO THE POINT OF BEGINNING, BEING A PART OF THE SOUTHWEST 1/4 OF SECTION 30, T2S, R6E, CITY OF ANN ARBOR, WASHTENAW COUNTY, MICHIGAN AND CONTAINING 82,317 SQUARE FEET OF LAND, MORE OR LESS, BEING SUBJECT TO THE RIGHTS OF THE PUBLIC OVER THAT PORTION OF WEST LIBERTY STREET, AS OCCUPIED, ALSO BEING SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD, IF ANY.

SITE DATA (PROP. CALVERT PARCEL)
 ZONED: C-2B
 PROP. LOT AREA: 28,679 SF (0.66 AC.)
 PROP. LOT FRONTAGE: 145 FT
 EX. BUILDING AREA: 9,221 SF
 PROP. BUILDING AREA: 9,221 SF
 REQUIRED PARKING: 30 SPACES
 (1 SPACE PER 310 SF)
 PROVIDED PARKING: 24 SPACES + CROSS-PARKING
 FROM GFS (FUTURE RECIPROCAL EASEMENT AGREEMENT)
 (INCLUDE 2 BARRIER FREE)
 EX. IMPERVIOUS AREA: 24,969 SF
 PROP. IMPERVIOUS AREA: 24,806 SF
 REQUIRED BICYCLE PARKING: 3 SPACES
 (1 PER 3,000 SF)
 PROVIDED BICYCLE PARKING: 4 SPACES
 (2 COVERED, 2 STANDARD)
 VEHICLE USE AREA (V.U.A.): 12,785 SF
 REQUIRED INTERIOR LANDSCAPING (5% OF V.U.A.): 640 SF
 PROVIDED INTERIOR LANDSCAPING: 1,372 SF
 REQUIRED INTERIOR TREES: 3
 (1 PER 250 SF ILA)
 PROVIDED INTERIOR TREES: 3 (EXISTING)
 NOTE:
 CROSS-ACCESS AGREEMENT CURRENTLY
 IN PLACE BETWEEN LOTS 1 (LAKE TRUST CREDIT UNION)
 & LOTS 2 (PROJECT SITE)

NOTE:
 ALL SIDEWALKS ARE TO BE KEPT AND MAINTAINED IN GOOD REPAIR BY THE OWNER OF THE LAND ADJACENT TO AND ABUTTING THE SAME. PRIOR TO ISSUANCE OF THE FINAL CERTIFICATE OF OCCUPANCY FOR THIS SITE, ALL EXISTING SIDEWALKS IN NEED OF REPAIR MUST BE REPAIRED IN ACCORDANCE WITH CITY STANDARDS.

NOTE:
 A VARIANCE REQUEST HAS BEEN SUBMITTED FOR PROPOSED DRIVEWAY MODIFICATIONS. (DIMENSIONAL VARIANCE FOR PROPERTY OFFSET, CURB RADIUS)

EXISTING LEGEND

- SPOT ELEV.
- LIGHT POLE
- UTILITY POLE
- GUY ANCHOR
- HYDRANT
- POST
- GATE VALVE
- SIGN
- MANHOLE
- CATCH BASIN
- END SECTION
- TOP OF CURB
- TOP OF WALL
- GRAVEL
- FENCE
- CONCRETE
- ASPHALT
- EXISTING STORM
- EXISTING SANITARY
- EXISTING WATER
- EXISTING GAS
- EXISTING ELECTRIC
- EXISTING TELEPHONE

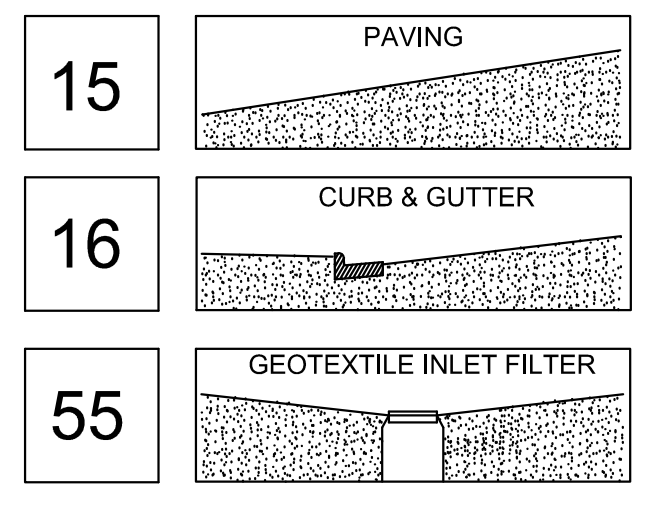
LAYOUT & UTILITY LEGEND

- STANDARD CURB AND GUTTER (DETAIL #4/C-501)
- BITUMINOUS PAVEMENT (DETAIL #9/C-501)
- DECIDUOUS TREE (DETAIL #12/C-501)

CONSTRUCTION SEQUENCE

	YEAR: 2013											
	JAN.	FEB.	MAR.	APR.	MAY	JUNE	JULY	AUG.	SEP.	OCT.	NOV.	DEC.
INSTALL TEMPORARY CONTROL MEASURES												
STORM UTILITIES												
TEMPORARY CONSTRUCTION ROADS												
FOUNDATION/ BUILDING CONSTRUCTION												
PERMANENT CONTROL MEASURES												
SITE CONSTRUCTION												
FINISH GRADING												
LANDSCAPING												
GENERAL CONTRACTOR SHALL COMPLETE CONSTRUCTION SEQUENCE SCHEDULE WHEN MAKING APPLICATION FOR SOIL EROSION CONTROL PERMIT												

**UNIFIED KEYING SYSTEM
 SOIL EROSION AND SEDIMENTATION CONTROL MEASURES**



THIS DOCUMENT IS PRELIMINARY IN NATURE AND IS NOT A FINAL, SIGNED AND SEALED DOCUMENT.

NOTE:
 ALL UTILITIES SHOWN ARE APPROXIMATE LOCATIONS FROM FIELD DATA AND AVAILABLE INFORMATION. THEY SHOULD NOT BE INTERPRETED AS EXACT LOCATIONS NOR SHOULD THEY BE ASSUMED TO BE THE ONLY UTILITIES IN THE AREA.



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paradigm design

550 3 MILE N.W.
 SUITE B
 GRAND RAPIDS, MI 49544

PHONE (616) 785-5656
 FAX (616) 785-5657
 WEB PARADIGMAE.COM

PROJECT

DRIVEWAY IMPROVEMENTS

ANN ARBOR

2196 W STADIUM BLVD.
 ANN ARBOR, MI 48103

OWNER:

CALVERT & LASALLE, LLC

30300 NORTHWESTERN HWY
 FARMINGTON HILLS, MICHIGAN

RELEASE DATE

10-26-12 PRELIMINARY OWNER REVIEW
 11-5-12 ADMIN AMENDMENT
 11-28-12 REVISED PER STAFF COMMENTS

PROJECT

1202019

SHEET

C-103