

**Zoning Board of Appeals
January 25, 2017 Regular Meeting**

STAFF REPORT

Subject: ZBA16-029 611 East University Avenue

Summary:

CCSHP Ann Arbor Two LLC, represented by Tom Covert, request a variance from Chapter 47 (Streets) Section 4:20 (c), a variance to permit a twenty (20) foot driveway width; twenty-four (24) is required.

Description and Discussion:

The proposed project is located in the D1, Downtown Core, District, and will consist of a thirteen (13) story, 134,000 square foot mixed-use building with retail on the ground floor, two (2) levels of parking for fifty-six (56) vehicles and ninety (90) residential apartment units.

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 general purpose and intent of Chapter 47 because the reduced driveway width will allow for safer pedestrian right of way in the vicinity of the project. This site is located midblock and should be designed to benefit the urban experience. The proposed modification will accommodate delivery vehicles as well as large emergency vehicles, while minimizing potential conflicts with passenger vehicles and pedestrians.

The City's Traffic Engineer, Systems Planning Department and DDA representatives have reviewed this variance request and support the reduced drive width as it minimizes the gap in the continuous street wall, helping provide a safer and better urban experience. When possible, preserving the street wall and streetscape of downtown buildings is desired. It is also anticipated narrower street wall gaps will slow entering and exiting traffic to this site.

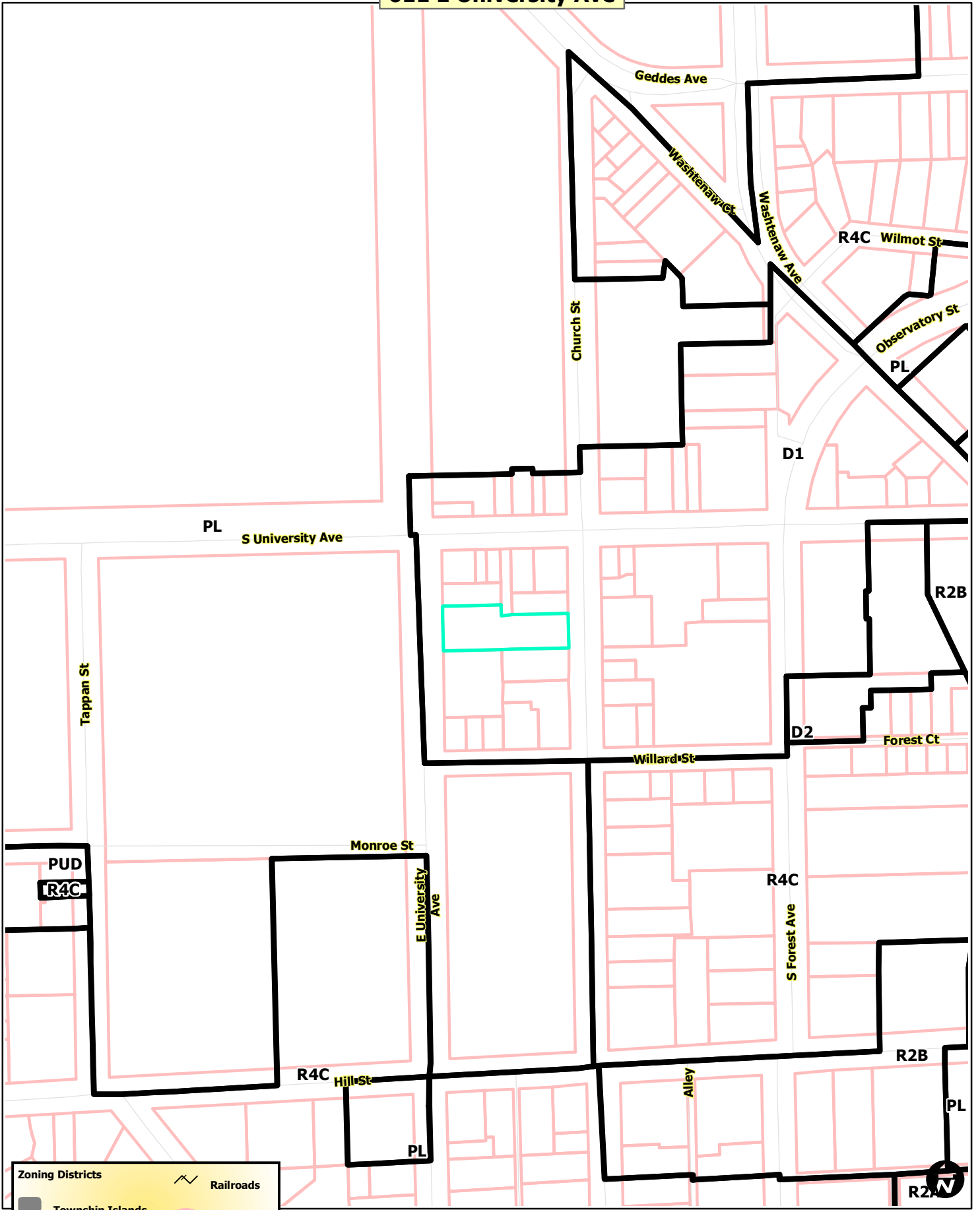
Zoning Board of Appeals
ZBA 16-028 January 25, 2017
Page 2

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Jon Barrett". The signature is stylized with large, overlapping loops.

Jon Barrett
Zoning Coordinator

611 E University Ave






Zoning Districts	Railroads
Township Islands	Tax Parcels
City Zoning Districts	Huron River



Map date 1/3/2017
 Any aerial imagery is circa 2015 unless otherwise noted
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611 E University Ave

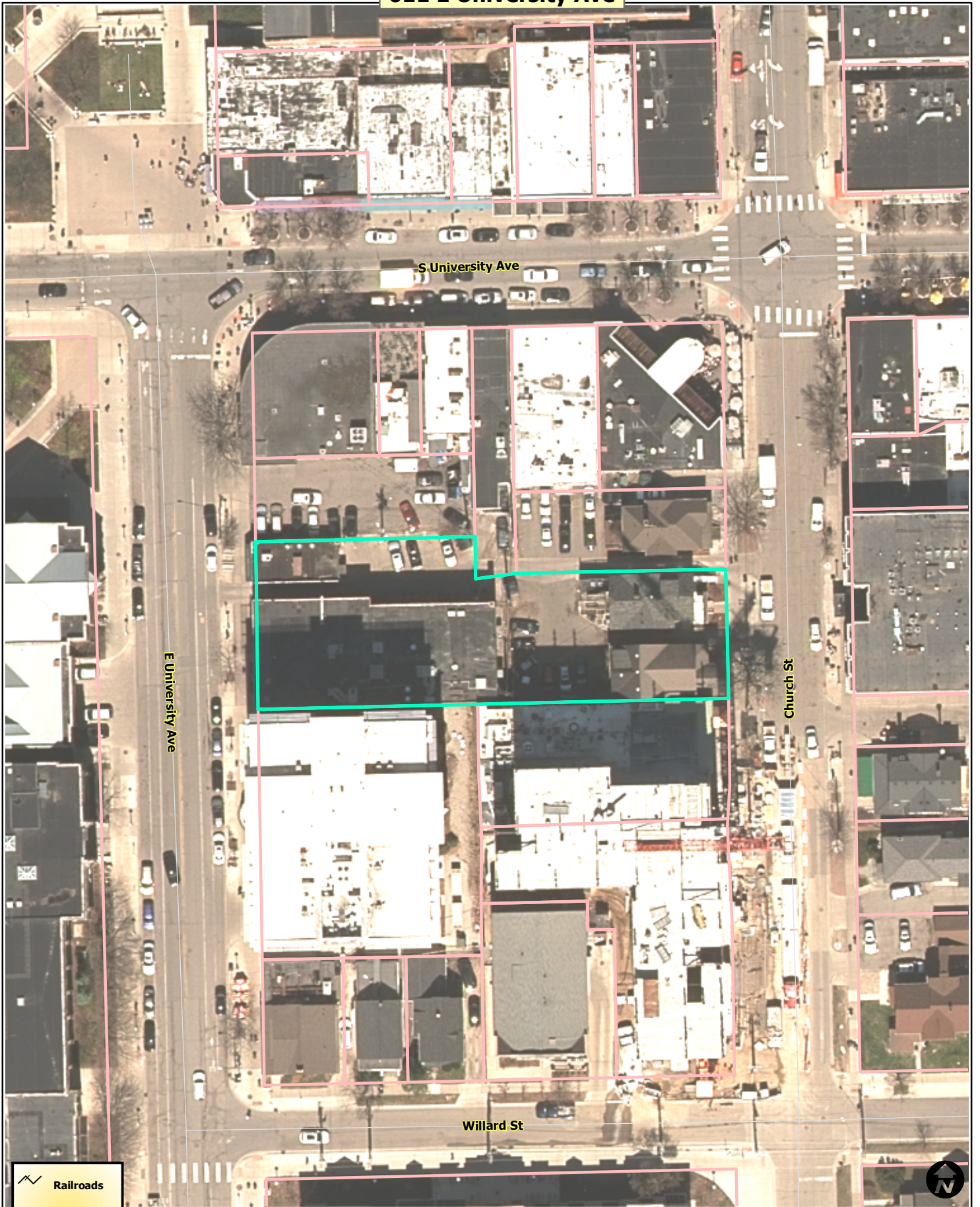





-  Railroads
-  Tax Parcels
-  Huron River



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611 E University Ave



-  Railroads
-  Tax Parcels
-  Huron River



Map date 1/3/2017
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APPLICATION FOR VARIANCE OR NON-CONFORMING STRUCTURE
ZONING BOARD OF APPEALS

Section 1: Applicant Information

Name of Applicant: CCSHP ANN ARBOR TWP, LLC
 Address of Applicant: 4043 WALNUT STREET PHILADELPHIA, 19014
 Daytime Phone: 214-415-1715
 Fax: _____
 Email: W.BURKE@CAMPUSAPTS.COM
 Applicant's Relationship to Property: OWNER

Section 2: Property Information

Address of Property: 611 E. UNIVERSITY
 Zoning Classification: D1
 Tax ID# (if known): _____
 *Name of Property Owner: CCSHP ANN ARBOR TWP, 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:

CH 47, SEC. 4.20

Required dimension:

24'

PROPOSED dimension:

20'

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)

LESSEN THE DRIVEWAY WIDTH FROM 24' TO 20' BECAUSE THE RAMP INTO THE PARKING GARAGE IS ONLY 20' ITSELF

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 PRACTICAL DIFFICULTY IS THAT THE CODE REQUIRING THE DRIVE WIDTH TO BE 24' DOESN'T ADDRESS THE FACT THAT PARKING STRUCTURE RAMPS ARE ALLOWED TO BE 20' WIDE

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

NO. IT IS JUST A WASTE OF USABLE SIDEWALK SPACE.

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

NONE

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?

WE ARE UTILIZING A PARKING STRUCTURE AS OPPOSED TO A PARKING LOT.

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

IT IS SELF IMPOSED - BUT ALLOWED.

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 ½" 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.

215-243-7079
 Phone Number
wburke@campusapts.com
 Email Address

Warren H. Burke, Jr.
 Signature
Warren H. Burke, Jr.
 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.

Warren H. Burke, Jr.
 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.

Warren H. Burke, Jr.
 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.

Warren H. Burke, Jr.
 Signature

On this 22nd day of DECEMBER, 2016, 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.

12/5/19
 Notary Commission Expiration Date

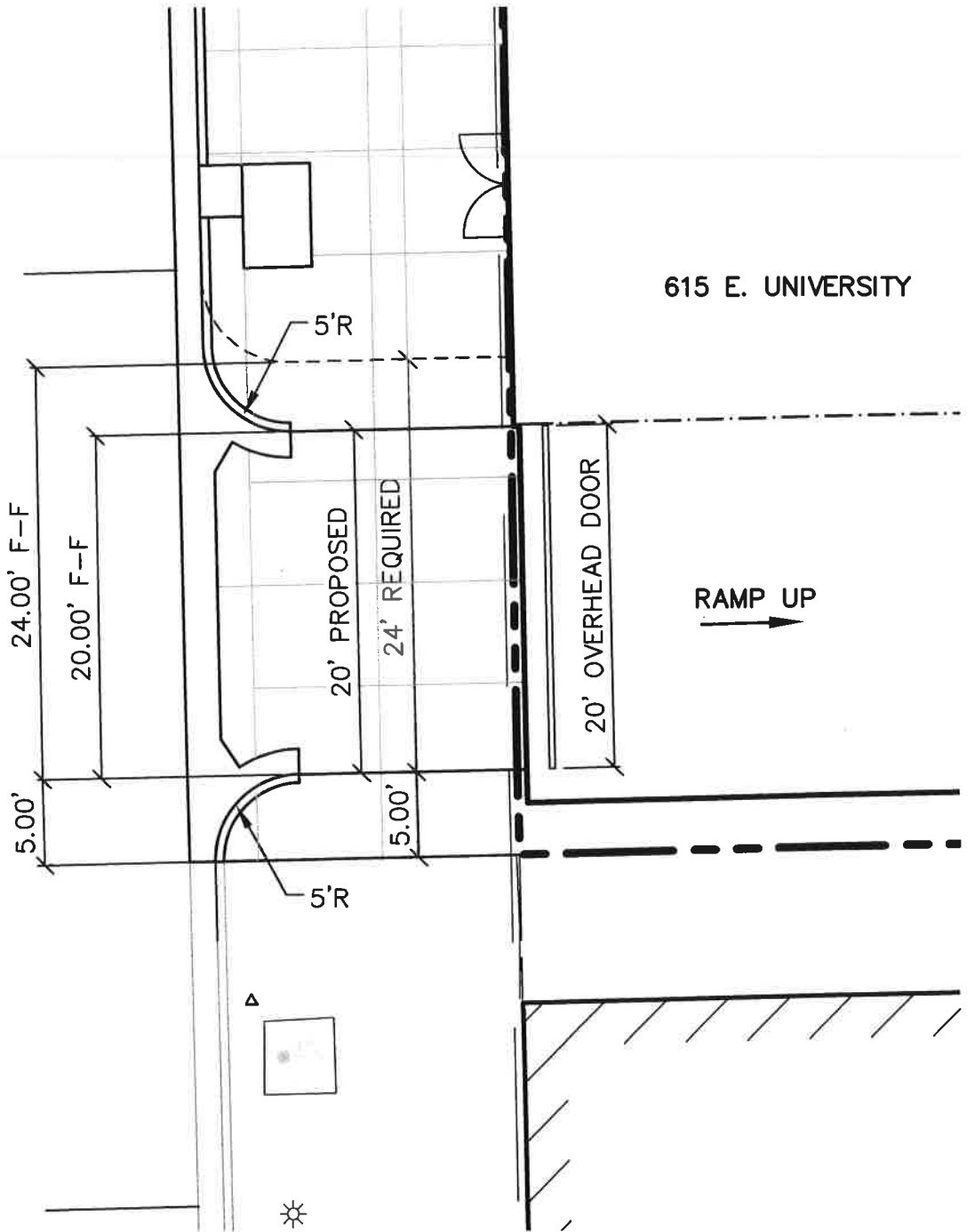
Amy S. Turner
 Notary Public Signature
Amy S. Turner
 Print Name



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: _____

E. UNIVERSITY AVE.



M I D W E S T E R N
C O N S U L T I N G

3815 Plaza Drive Ann Arbor, Michigan 48108
(734) 995-0200 • www.midwesternconsulting.com
Land Development • Land Survey • Institutional • Municipal
Wireless Communications • Transportation • Landfill Services

611 E. UNIVERSITY

DATE: 12/21/16

JOB NO.: **16028**

SCALE: 1" = 10'



SHEET 1 OF 1

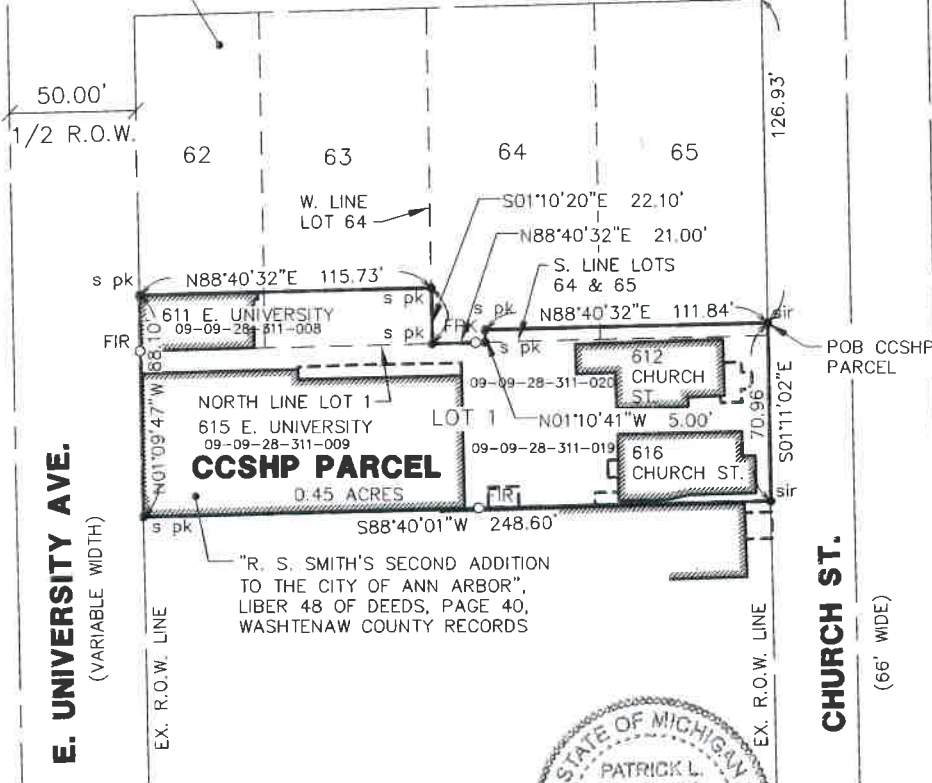
SURVEY OF A PARCEL OF LAND BEING A PART OF
 R.S.SMITH'S ADDITION AND R.S. SMITH'S 2ND ADDITION TO THE CITY
 OF ANN ARBOR LOCATED IN THE E 1/2 OF SW 1/4 OF SECTION
 28, T2S, R6E, CITY OF ANN ARBOR, WASHTENAW COUNTY
 MICHIGAN

"R. S. SMITH'S
 ADDITION TO THE CITY
 OF ANN ARBOR",
 LIBER 42 OF DEEDS,
 PAGES 446 & 447,
 WASHTENAW COUNTY
 RECORDS

S. UNIVERSITY AVE.

(66' WIDE)

NE CORNER
 LOT 65



E. UNIVERSITY AVE.
 (VARIABLE WIDTH)

CHURCH ST.
 (66' WIDE)

CCSHP PARCEL
 0.45 ACRES



"R. S. SMITH'S SECOND ADDITION
 TO THE CITY OF ANN ARBOR",
 LIBER 48 OF DEEDS, PAGE 40,
 WASHTENAW COUNTY RECORDS



LEGEND

- F FOUND IRON PIPE
- sir SET IRON ROD
- POB POINT OF BEGINNING
- s pk SET PK NAIL

NOTE:
 BEARINGS ARE BASED ON GPS OBSERVATIONS
 ON FEBRUARY 3, 2016.

CLIENT: CCSHP Ann Arbor Two, LLC	DATE: 9/19/16	 PATRICK L. HASTINGS PROFESSIONAL LAND SURVEYOR NO. 37277
JOB NO.: 16028	SHEET 1 OF 2	
SECTION: 28 TOWN: 2S RANGE: 6E	SCALE: 1in. = 60 ft.	
CITY OF ANN ARBOR	BOOK: 451	
WASHTENAW COUNTY, MICHIGAN	BY:	
 <p style="text-align: center;">M I D W E S T E R N CONSULTING</p> <p style="text-align: center; font-size: small;">3815 Plaza Drive Ann Arbor, Michigan 48108 (734) 995-0200 • www.midwesternconsulting.com Land Development • Land Survey • Institutional • Municipal Wireless Communications • Transportation • Landfill Services</p>		I HEREBY CERTIFY THAT I HAVE SURVEYED AND MAPPED THE LAND ABOVE PLATTED AND/OR DESCRIBED ON SEPTEMBER 19, 2016 AND THAT THE RATIO OF CLOSURE ON THE UNADJUSTED FIELD OBSERVATIONS OF SUCH SURVEY WAS 1/5000 AND THAT ALL OF THE REQUIREMENTS OF P.A. 132 1970, AS AMENDED, HAVE BEEN COMPLIED WITH.

LEGAL DESCRIPTION

Commencing at the NE Corner of Lot 65 of "R.S. Smith's Addition to the City of Ann Arbor", as recorded in Liber 42 of Deeds, Pages 446 and 447, Washtenaw County Records, thence S 01°11'02" E 126.93 feet along the East line of said Lot 65 and the Westerly right-of-way line of Church Street (66.00 feet wide) to the POINT OF BEGINNING:

thence continuing S 01°11'02" E 70.96 feet along the East line of said Lot 65, the East line of Lot 1 of "R.S. Smith's Second Addition to the City of Ann Arbor", as recorded in Liber 48 of Deeds, Page 40, Washtenaw County Records, and the Westerly right-of-way line of said Church Street;
 thence S 88°40'01" W 248.60 feet along the South line of said Lot 1;
 thence N 01°09'47" W 88.10 feet along the West line of said Lot 1, the West line of Lot 62 of said R.S. Smith's Addition to the City of Ann Arbor", and the Easterly right-of-way line of East University Avenue (variable width);
 thence N 88°40'32" E 115.73 feet;
 thence S 01°10'20" E 22.10 feet along the West line of Lot 64 of said R.S. Smith's Addition to the City of Ann Arbor;
 thence N 88°40'32" E 21.00 feet along the South line of said Lot 64;
 thence N 01°10'41" W 5.00 feet;
 thence N 88°40'32" E 111.84 feet to the POINT OF BEGINNING. Being all of Lot 1 of "R.S. Smith's Second Addition to the City of Ann Arbor", as recorded in Liber 48 of Deeds, Page 40, and parts of Lot's 62, 63, 64 and 65 of "R.S. Smith's Addition to the City of Ann Arbor", as recorded in Liber 42 of Deeds, Pages 446 and 447, Washtenaw County Records, Michigan and containing 0.45 acres of land, more or less. Being subject to easements and restrictions of record, if any.



CLIENT: CCSHP Ann Arbor Two, LLC	DATE: 09/19/16	PATRICK L. HASTINGS PROFESSIONAL LAND SURVEYOR NO. 37277
JOB NO.: 16028	SHEET 2 OF 2	
SECTION: 28 TOWN: 2S RANGE: 6E	SCALE: 1in. = 60 ft.	
CITY OF ANN ARBOR	BOOK: 451	
WASHTENAW COUNTY, MICHIGAN	BY:	
M I D W E S T E R N CONSULTING <small>3815 Plaza Drive Ann Arbor, Michigan 48108 (734) 995-0200 • www.midwesternconsulting.com Land Development • Land Survey • Institutional • Municipal Wireless Communications • Transportation • Landfill Services</small>		I HEREBY CERTIFY THAT I HAVE SURVEYED AND MAPPED THE LAND ABOVE PLATTED AND/OR DESCRIBED ON SEPTEMBER 19, 2016 AND THAT THE RATIO OF CLOSURE ON THE UNADJUSTED FIELD OBSERVATIONS OF SUCH SURVEY WAS 1/5000 AND THAT ALL OF THE REQUIREMENTS OF P.A. 132 1970, AS AMENDED, HAVE BEEN COMPLIED WITH.

