Zoning Board of Appeals August 24, 2016 Regular Meeting

STAFF REPORT

Subject: ZBA16-019; 716 Packard Street

Summary:

David Cesarini and Matthew Zaia on behalf of Faramarz Farahanchi are applying for the following variances from the City of Ann Arbor zoning ordinance:

- 1) Chapter 59, Section 5:167 Off-Street Parking, eleven spaces are required and two will be provided for a nine space variance request.
- 2) Chapter 55, Section 5:43(c) requires a 10-foot front setback. Applicant seeks a full 10-foot variance to allow for the construction of a 153 square foot attached walk-in cooler to be built to the property line.
- 3) Chapter 62, Section 5:603 Landscape and Screening requires a 15-foot landscape buffer. Applicant proposes a 7-15 foot varying buffer width between the subject property and the abutting residential use.
- 4) Chapter 62, Section 5:602(c) requires a 10-foot landscape buffer strip between the public right of way and the vehicle use area. Applicant seeks the full 10-foot variance from this requirement.

Description:

The subject parcel is zoned C1A/R **Campus Business Residential** district and is an irregular triangle shaped lot which totals 3,485 square feet in area. The existing building is 1,100 square feet in size and was the former Bell's Pizza. The surrounding zoning is both C1A and C1A/R and is comprised of both residential and retail uses. The property is being presented to the City Planning Commission on August 16, 2016 for recommendation to City Council.

Discussion:

The petitioner proposes adding a 153 square foot walk-in cooler to the north side of the new restaurant. The walk-in cooler is considered a structure that is required to meet the ten foot front setback. The proposal is for a zero setback and the cooler will be built up to the property line. The cooler will be accessed directly from the interior of the building.

The applicants are proposing two parking spaces and eleven are required due to building size. Additionally, two variances involving landscaping will be required. One variance will be of

Zoning Board of Appeals Variance August 24, 2016 - Page 2

varying width (7-15 feet) between the subject business and the abutting residential use. A new perennial hedge will be installed, however, due to the proximity of the two structures a fifteen foot wide buffer cannot be achieved. Lastly, the ten foot landscape buffer strip is being requested to be waived as the applicant states it cannot be installed due to the lack of property between the right of way and the parking area. However, some landscaping will be installed per the attached site plan.

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.

Applicant states that due to an irregular triangle shaped lot and the zoning ordinance applying two front setbacks the only option is to keep the building as it is and to build an addition to the only allowable area.

(b). That the alleged hardships or 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 size and shape of the lot make it extremely difficult to make improvements to the structure. The limited area and existing curb cuts limit building expansion and parking lot improvements.

(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 that the variance will have a positive effect on neighboring properties. There will be a half a million dollar investment into the property with state of the art updates and improvements. The building will undergo major elevation upgrades which will be an asset to the corridor.

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

Zoning Board of Appeals Variance August 24, 2016 - Page 3

As previously stated the lot is small and irregular shaped. The building location at the rear of the property limits the expansion possibilities. Neither of these hardships were self imposed by the applicant as these conditions have been existing for decades.

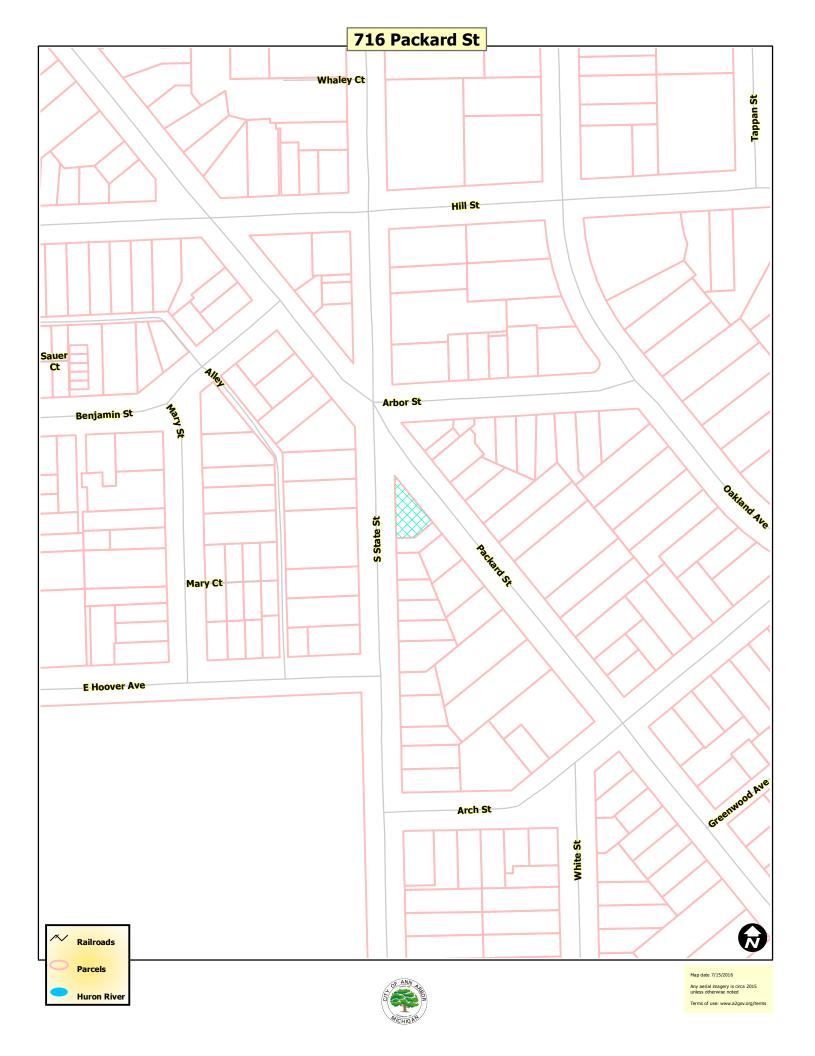
(e). A variance approved shall be the minimum variance that will make possible a reasonable use of the land or structure.

The variances, if approved, will permit construction of a 153 square foot walk-in cooler, parking lot and landscaping alterations which will be an overall improvement to the property and business corridor at this centrally located intersection within the campus area.

Respectfully submitted,

Jon Barrett

Zoning Coordinator







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

Section 1: Applicant Information	
Name of Applicant: David (ESHLIN) And Marthen ZAIA OUT Address of Applicant: 25 JACKSON INVOISTEIN DENE, SUTE OF Daytime Phone: 734-476-9386 Fax: Email: DCESII22 GMAIL COM. Applicant's Relationship to Property: TEMANT	
Section 2: Property Information	
Address of Property: The Packally Street, And Arror Mind Classification: CI-AR Tax ID# (if known): *Name of Property Owner: FARAMART FARAMANCHI / TIE Packally Owner of Mind Continuous C	mi, uc.
Section 3: Request Information	
Chapter(s) and Section(s) from which a variance is requested: 5:67 Required dimension: CHAPTER SP CFF-STREET PREMISE CHAPTER 55 SECTION 5:43C FRAIT SETENCY CHAPTER 62. UNIVSCHIPE SCIENTING 5:68 SUBSECTION (CHAPTER 62. Chapter 55, Section 5:26 CHAPTER 62. Sixt PON BIFTERING 10' Give a detailed description of the work you are proposing and why (attach additional sheets if necessary)	2 STACES D'SETBACK ON FACKALD. 7'-15' BUTTEL WINTH. ANN) ASSOCIATE ANNIAM DECAPING
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 THE SEVENTY HALVESTIPS AT THIS PROPERTY BUT CHIEF AMONETST AN
IS BORN FROM THE DOD SHAPE SIZE AND FEWTACE ON AN THREE SIDES OF THE
PEOPERTY WHE . ETHEN THE RESTRICTIONS AND COOK . THE ONLY SOLUTION IS TO KEEP
THE BUILDING AS IS AND HAVE AND EQUIPMENT ADDITION OF THE ONLY THOUMBLE STOACE.
2. Are the hardships or practical difficulties more than mere inconvenience, inability to obtain a higher financial return? (explain) THE SIZE OF THE LOT AND THE SETEMALS
MAKE IT WEALLY IMPOSSIBLE TO DO ALITHOUS WITH THIS STEWERRE. THE WET USAGIE SIZE
OF THE STRUCTURE AND THE WILLHED ALEN OF THE LOT AND CURB COTS PROVINCE LINE PALKING.
ALD UD ROOM TO EXPANS.
3. What effect will granting the variance have on the neighboring properties?
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LOT AND THE ENTIRE STRUGUE. THE NEWHOLDHAND WILL FORMULL BE IMPACTED WITH
A JIMPE- OF-THE-ART WE WHEN PHON BUSINESS THAT HAS BEEN IN BUSINESS FOR OVER SO YEARS.
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?
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TO A NOWIN FORD. THE EXICION STRUCTURE IS POSITIONED IN A MANUTER THE PROHIBIT
ENSALISON.
5. Is the condition which prevents you from complying with the ordinance self-imposed? How did the condition come about?
IT IS NOT . THE PROPERTY SOT BACKS ALT WIN CONFIDENCIAL , LIMITED PALALING ONE TO
Size of Lot, ROW BUFFELING CHUNOT BE UFT DUE TO TRINSTULAL SHEDE OF LOT.
ection 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.

and is located in an R1,R2, R3, or R4 district.c. The structure is considered non-conforming due to the following reasons

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

(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 r	requesting this approval:
The alteration complies as nearly as is practicable with the will not have a detrimental effect on neighboring property	e requirements of the Chapter and for the following reasons:
Wherefore, Petitioner requests that permission be granted and Section of the Ann Arbor City Code in order to permit	from the above named Chapter

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 <u>8 ½" by 11" sheets.</u> (Continued.....)

	property, and area of proper	
	Building floor plans showing	interior rooms, including dimensions.
	Photographs of the property	and any existing buildings involved in the request.
•		materials that support the request.
ection	7: Acknowledgement	
	SIGNATURES MUST BE	SIGNED IN PRESENCE OF NOTARY PUBLIC
Ann A	Arbor City Code for the stated r	rom the above named Chapter(s) and Section(s) of the reasons, in accordance with the materials attached
Phone N		Signature
Email A	ddress	Print Name
Furthe	er, I hereby give City of Ann Ar	Is submitted here with, are true and correct. Signature bor Planning & Development Services unit staff and peals permission to access the subject property for the
		equest.
l have	e received a copy of the inform	Signature ational cover sheet with the deadlines and meeting dates
and a	cknowledge that <u>staff does no</u>	Signature
and ac	cknowledge that <u>staff does no</u> <u>-</u>	ational cover sheet with the deadlines and meeting dates of remind the petitioner of the meeting date and Signature
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On this applicate content to be up MY (ACTING) Notary (Caff Use at Submire No.:	day of	ational cover sheet with the deadlines and meeting dates of remind the petitioner of the meeting date and Signature Signature Signature Signature Signature Ad the foregoing application by him/her subscribed and knows the so to his/her own knowledge except as to those matters therein stated lose matters, he/she believes them to be true. Notary Public Signature Medissa Jennings Print Name Fee Paid: Date of Public Hearing
On this applicate content to be up MY (ACTING Notary (Inc.) Acting the Submite No.:	day of July nt and made oath that he/she has rea ts thereof, and that the same is true a pon his information and belief as to the MELISSA JENNINGS NOTARY PUBLIC, STATE OF MI COUNTY OF WASHTENAW COMMISSION EXPIRES Oct 25, 2018 B IN COUNTY OF WASHTENAW COMMISSION EXPIRES Oct 25, 2018 Commission Expiration Date	ational cover sheet with the deadlines and meeting dates of remind the petitioner of the meeting date and Signature Signature Signature Signature Signature Ad the foregoing application by him/her subscribed and knows the is to his/her own knowledge except as to those matters therein stated nose matters, he/she believes them to be true. Notary Public Signature Melissa Jensings Print Name Fee Paid: Date of Public Hearing ZBA Action:

2446 Highland Dr., Ann Arbor, All 48105 Phone No : (734) 657-2096 E-mail: Info@pipmgi.com

Date: July 22, 2016

Attn.: City of Ann Arbor

To Whom It May Concern,

716 Packard, LLC as the owner of the property located at 716 Packard St., Ann Arbor, MI 48104, authorizes Mr. David Cesarini (the tenant of this property under lease agreement dated July 12, 2016) and his construction manager, Mr. Matt Zaia to represent the 716 Packard, LLC in regard to the approval process of the submitted site-plan to the Zoning and Planning Department at the City of Ann Arbor for the purpose of the addition of the exterior cooler at this site. The addition of this exterior cooler is considered as a part of the proposed remodeling of the interior of the building at 716 Packard St., city of Ann Arbor.

Please do not hesitate to contact me if you have any questions regarding this authorization.

Sincerely,

Faramarz Farahanchi

Manager

716 Packard, LLC

Phone: (734) 657-2096 Fax: (734) 944-6633

E-mail: info@ptpmgt.com

Chartal Tran

CHANTRAL TRAN
Notary Public, Washtenaw Co., MI
My Commission Expires May 12, 2018

Certified to: ABSOLUTE TITLE, LLC

Applicant: FARAMARZ FARAHANCHI

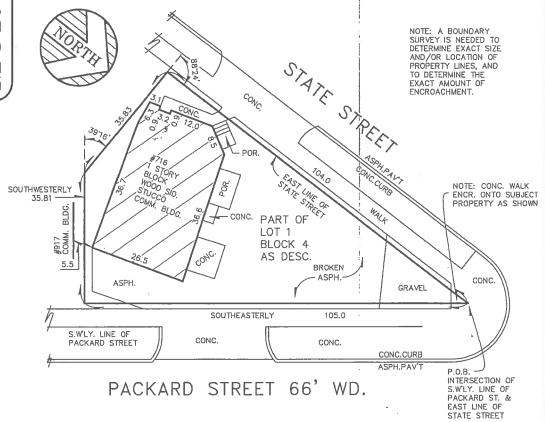
Property Description:

Land situated in the City of Ann Arbor, County of Washtenaw, State of

Michigan, described as follows:

Part of Lot 1 in Block 4 of Hill's Addition to the City of Ann Arbor, as recorded in Liber 60 of Deeds, Pages 134 through 136, Washtenaw County Records, described as: Commencing at an iron pipe monument at the intersection of the Southwesterly line of Packard Street with the East line of State Street; thence Southeasterly along the Southwest line of Packard Street 105 feet; thence at right angle to Rackard Street Southwesterly 35.81 feet to a point on the line bisecting the Southeasterly angle formed at the iron pipe monumented above described; thence deflecting 39 degrees 16 minutes to the right, 35.83 feet to an iron pipe in the East line of State Street at 104 feet South of the above named iron pipe monument; thence deflecting 88 degrees 24 minutes to the right 104 feet along the East line of State Street to the Place of Beginning, forming an interior angle of 37 degrees 40 minutes at the Place of Beginning.

Note: The property description is as furnished by client.



CERTIFICATE: We hereby certify that we have surveyed the abovedescribed property in accordance with the description furnished for the purpose of a mortgage loan to be made by the forementioned applicants, mortgagor, and that the buildings located thereon do not encroach on the adjoining property, nor do the buildings on the adjoining property encroach upon the property heretofore described, except as shown. This survey is not to be used for the purpose of establishing property lines, nor for construction purposes, no stakes having been set at any of the boundary corners.

JOB NO: 15-03444

SCALE: 1"=20'

DATE: 09/02/15 DR BY: LAO



PROFESSIONAL ENGINEERING. SURVEYING & ENVIRONMENTAL SERVICES

A GROUP OF COMPANIES

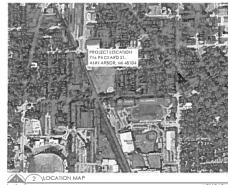
Detroit Eastpointe

(313) 758.0677 (800) 295,7222

Ann Arbor Grand Blanc (734) 994.0888 FAX: (586) 772.4048 FAX: (586) 772.4048 FAX: (734) 994.0687 FAX: (810) 694.9955

www.kemtecagroupofcompanies.com

PROJECT LOCATION 716 PACKARD ST. ANN ARBOR, MI 45104





provemer, MI 48104 4014 .: 9

Proje Domine ISSUED FOR SITE PLAN SUBMITTAL:

PEV: DATE: DESCRIPTION: SHEET NAME

ARCHITECTURAL SITE PLAN/ DRAWING INDEX/ LOCATION MAP/ VICINITY MAP/ PROJECT INFORMATION

SHEET NUMBER

SP1.0

LEGAL DESCRIPTION:

PART OF LOT 1 BLOCK 4 HILLS ADDITION, COM AT INT OF SWLY LINE OF PACKARD ST AND E LINE OF STATE ST, THISELY ALONG PACKARD ST 105 FT. THIAT READ AND ELINE OF STATE ST, THISELY ANGLE FORMED BY ELINE OF STATE ST AND SWILINE OF PACKARD ST. THIDEFL 30 DEG 18 MIN TO RT 35.83 FT TO IRON PIPE IN ELINE STATE ST. TH DEFL 88 DEG 24 M/N TO RT 104 FT ALONG E LINE OF STATE ST TO POB

PARCEL NO: 09-09-33-208-009

TOTAL ACREAGE: 0.08

ZOMNG CODE: CIA/R

ECF NEIGHBORHOOD CODE, 0204 - 204 CENTRAL CAMPUS COM

PROPERTY CLASS: 201-201 COMMERCIAL

LOT FRONTAGE, 104 00 FT. LOT DEPTH: 70.00 FT.

PROJECT DESCRIPTION

EXISTING 1, 105 S.F. PIZZA STORE TO BE REMODELED FOR DOMINOS PIZZA, ADDITION OF 153 S.F. TRASH ENCLOSURE ON THE WEST SIDE OF THE EXISTING BUILDING.

PROJECT VALUATION: \$150,000 - \$500,000

PETITIONER AND AGENT INFORMATION:

DAMD CESARINI 716 PACKARD STREET ANN ARBOR, MI 48104 P: 734 476 9386 E. DCES1122 g GMAIL COM

VARIANCE REQUESTS

VARIANCE 1. EXISTING BUILDING IS NON-CONFORMING WITH EXISTING 10' VARIANCE : LOSS HOUR BUILDINGS TO MEST SIDE OF BUILDING AT HEVE SETBACK, ASKING FOR ZERO LOT LINE ON WEST SIDE OF BUILDING AT HEV TRASH ENCLOSURE AND ON EAST SIDE AT NEW SIDEWALK AND HANDRAL VARIANCE 2. 100 S.F. ACCESSORY STRUCTURE ALLOHANCE, ASKING FOR ADDITIONAL 53 S.F. FOR A TOTAL OF 153 S.F. ACCESSORY STRUCTURE ALLOWANCE FOR NEW TRASH ENCLOSURE ON WEST SIDE OF BUILDING ALLYMINGE FOR REW I MASH ENCLOSING ON WEST SIDE OF BUTWARD.

VARIANCE 3 PARKING RECOURSEMENT IS 1 FER 100 S.F. ASSING FOR A VARIANCE FOR 2 PARKING SPACES (DOMINO SIS PRIMARELY CARRYOUT EMPLOYEE PARKING IS A PERMIT AREA OF SITE, CUSTOMERS TO USE STREET PARKING, 2 BKE SPACES RECURED AND 8 PROMDED. VARIANCE 4 NON-CONFORMING CURB CUTS AT EAST DRIVE (STATE STREET) TO

BE BROUGHT INTO COMPLIANCE.

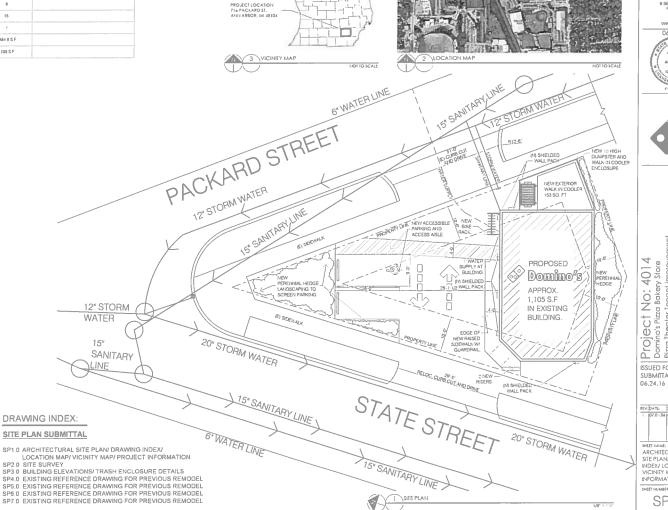
COMMUNITY ANALYSIS:

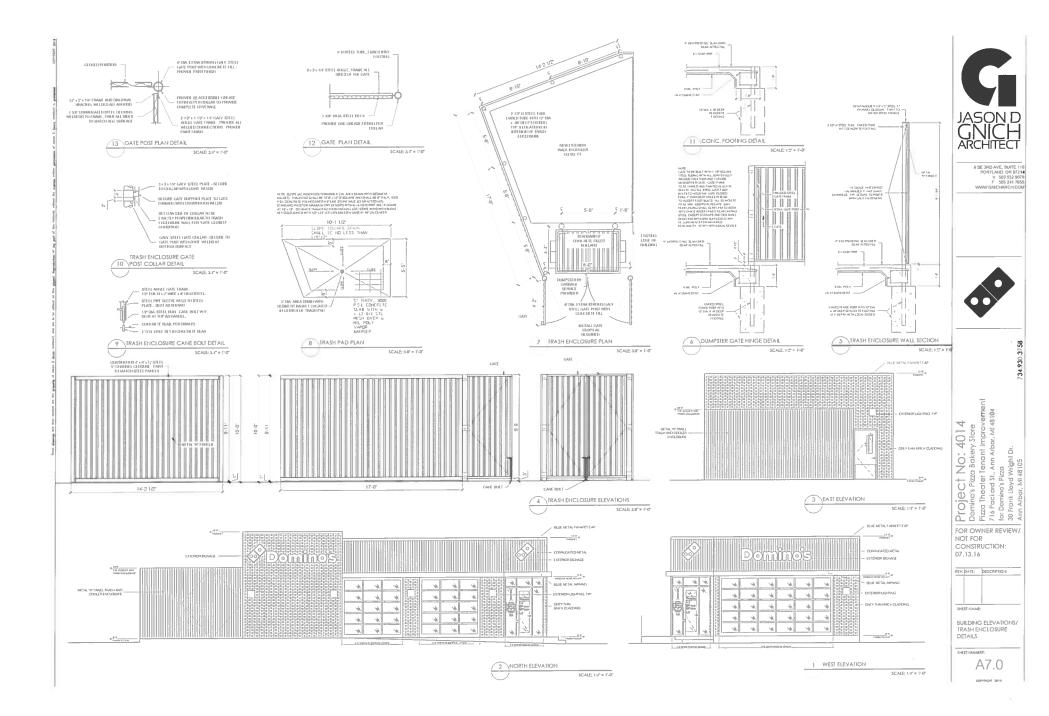
NO CHANGE IN USE IS PROPOSED. NO IMPACT ON PUBLIC SCHOOLS. SURROUNDING DEVELOPMENT, AIR OR WATER QUALITY, NATURAL FEATURES, OR HISTORIC SITES OR STRUCTURES.

NO IMPACT ON TRAFFIC CARRY-OUT AND BIKE TRAFFIC, PUBLIC TO USE

SITE ANALYSIS:

NO CHANGE IN IMPERMOUS SERVICE, SIDEWALKS TO BE REPLACED PER REVIEW IF FOUND TO BE NON-CONFORMING





EQUIPMENT SCHEDULE

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e,		45 × 82 × 82 FREEABWOOLLANSOFFIT	PC ECAFAA ISDNA			
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MAJUFACTURERS SPECIFICATIONS.

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N Let	2	DIVING TACKE FOR AND FEASE OF 12Y	PC 263/15/2642%	DANGFOOM	6.65	ác .
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		EXTEROR TRACHICAN: SEGALLON	PC 27,016	DITERIOR DISPAG ANGA		
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Pr 10 I		NO SQUARE QUITODOR FARLE WITH BACE, SEATS 4	PC 2:10/2/2407)	EXTERIOR CHANG AREA		
Pi W	_	7 HEE DUTDOOR TABLE LARRELLA WIENGE ADD DIANLI LOGO	FC 318417185H	EXTERIOR DIVING APILA		
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71.77		THANCE PAIG.	PC 171001			

45" + 25" + 52" 00" + 22" + 12" 451401441 42" + 42" + 45" 60" x 60" x 66" MT+35'+32" 148 00 330 de 185 m 275 to 185 hs Sti Res. Mate. 550% 25 % 110 mg. A 90 ms. 12° fm. 18 ga. Street Shore Personer Erect f Dann Gurery 9 Street Ballions

175

34 GLAESSIA

| EQUIPMENT LAYOUT

| N 01

Z NEW PEREPS -

EDGE OF NOW PARED BODWALK WEGINADIYAL

DRIVER'S AREA





Project No: 4014
Domino's Pizza Bakery Store
Pizza Theater Tenant Improvement
716 Packard St., Ann Arbar, MI 48104
tor Domino's Pizza
30 Frank Loyd Wright Dr.
Ann Arbar, MI 48105

FOR OWNER REVIEW/ NOT FOR CONSTRUCTION: 07.13.16

REV. DATE: DESCRIPTION



EQUIPMENT LAYOUT/ COUNTER CABINETS/ SCHEDULES

SHEET NUMBER: A1.0

WISHACHGUNGS BUTH SUES HC III SA PERAMENT OF ATTACHED BOOK REPORT U.S.

OUTTON THE SC FT COCKER THE DAYS 14"

























