

**Zoning Board of Appeals
February 22, 2017 Regular Meeting**

STAFF REPORT

Subject: ZBA17-001; 536 S Forest Avenue

Summary:

Robert A. Hoida, AIA, Hobbs and Black Architects, representing University Towers LLC, requests permission to alter a non-conforming structure in order to construct a three thousand (3,000) square foot enclosure over the existing outdoor pool. This will increase the overall floor area ratio (FAR) from 9.68 to 9.91.

Background:

The property is zoned D1, Downtown district and is located at the intersection of South Forest Avenue and South University Avenue. The use of the property is multi-family (predominantly student housing) and street retail. The applicant states that the building is eighteen (18) stories and constructed approximately fifty (50) years ago. The use and function of the site and the building will remain unchanged. While the FAR is proposed to increase, no additional units or other increase in use intensity is proposed.

Description:

The new enclosure will allow the residents use of the pool year round, as it currently is limited to only a few months per year. The intention is to create an enclosure, which will have retractable walls and skylights to allow them to be retracted during favorable weather conditions.

An Administrative Amendment to the approved site plan will be required for the additional floor area to be added to the structure. If the variance is approved, it should be conditioned upon the submittal and approval of the Administrative Amendment.

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.

Applicant states that the proposed construction will not have a negative impact on the surrounding properties or any other detrimental effects. The occupancy of the tower is not increasing. There will be no additional storm water run-off and traffic will be unaffected. The project will support the long- term viability of the building.

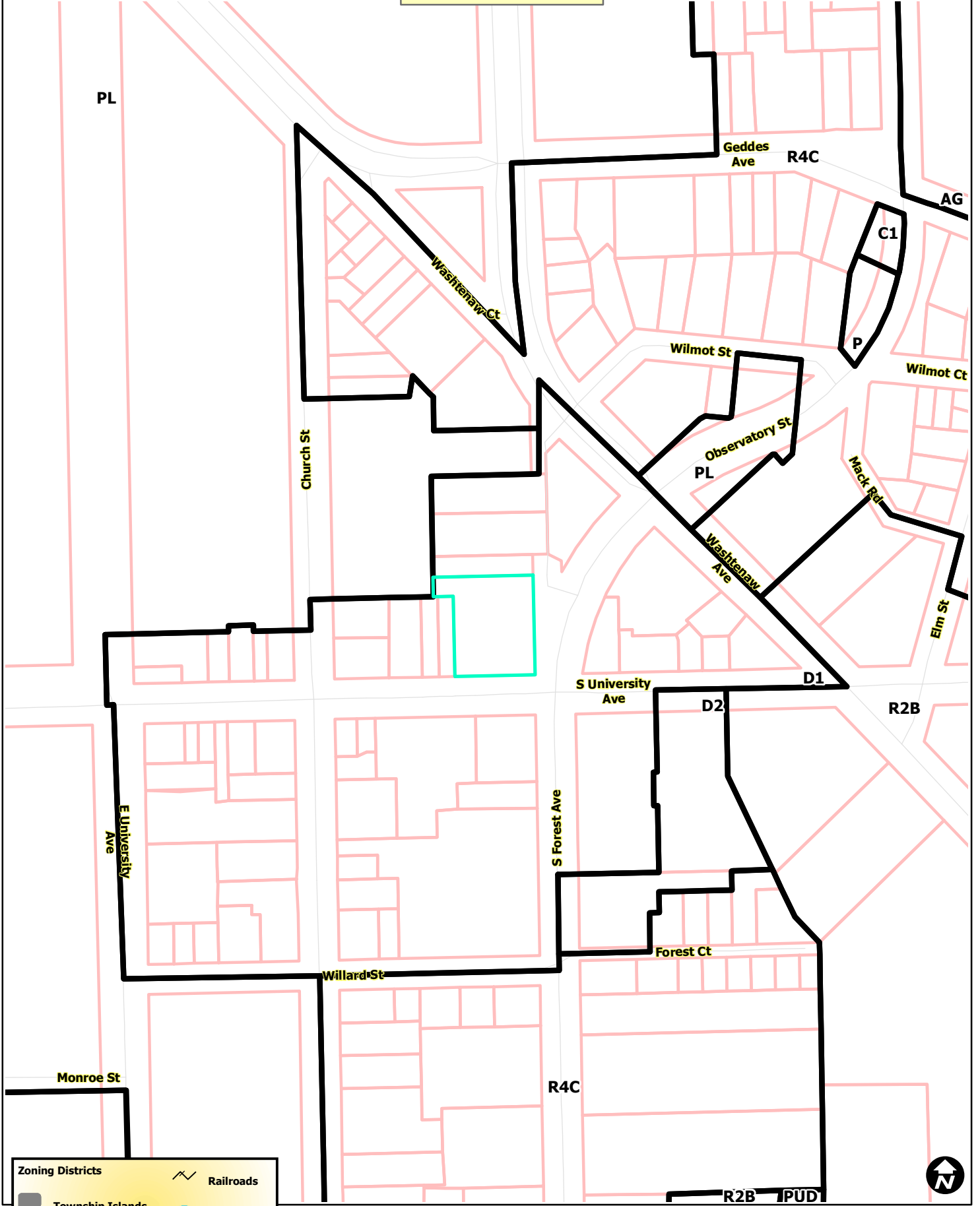
Zoning Board of Appeals
February 22, 2017

Respectfully submitted,

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

Jon Barrett
Zoning Coordinator

536 S Forest Ave



Zoning Districts

- Township Islands
- City Zoning Districts

Railroads

Huron River

Tax Parcels



Map date 1/26/2017
Any aerial imagery is circa 2015 unless otherwise noted
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536 S Forest Ave





Map date 1/26/2017
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536 S Forest Ave



 Railroads

 Huron River

 Tax Parcels



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APPLICATION FOR VARIANCE OR NON-CONFORMING STRUCTURE

ZONING BOARD OF APPEALS

Section 1: Applicant Information

Name of Applicant: Robert A. Hoida, AIA, Hobbs+Black Architects

Address of Applicant: 100 N. State Street, Ann Arbor 48104

Daytime Phone: 734.663.4189 (office), 248.613.4698 (mobile)

Fax: 734.663.1770

Email: bhoida@hobbs-black.com

Applicant's Relationship to Property: Architect

Section 2: Property Information

Address of Property: 536 South Forest Avenue

Zoning Classification: D1

Tax ID# (if known): 09-09-28-313-040

*Name of Property Owner: University Towers L.L.C.

**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:

| | | |
|-------|-------|-------|
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

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)

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?

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

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?

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

Section 5: ALTERATION TO A NON-CONFORMING STRUCTURE

Current use of the property Multi-family residential (predominantly student housing)

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 22,704 Sq. ft./ .52 acresLot width 132 ft. (South University) 164 ft. (Forest Avenue)Floor area ratio 218,524 sq.ft./22,704 = 9.62Open space ratio 6,037 Sq. ft./22,074 = .266Setbacks 0 ft. all sides except north (4 ft.)Parking NoneLandscaping None/n.a.

Other _____

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

The subject property, University Towers, is a downtown (South University overlay district) high rise constructed approximately 50 yrs. ago. It contains residences and street retail. The open portion of the site contains a utility area and outdoor pool. This request is for permission to enclose the existing outdoor pool with a roof and operable glass walls. The use and function of the site and building will remain unchanged. Operationally the only change would be that the pool amenity would be used year round. See attached for further details.

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:

According to strict definition, it has been noted that the addition of an enclosure around this existing pool creates additional floor area, thereby increasing the FAR minutely. The addition does not create any change in function or usability of the site. There are no additional users, trip generation, storm water run-off, etc. There is no affect to any adjacent property owners. See attached for additional information.

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 existing swimming pool located at the northern edge of the property to be enclosed with a permanent structure of new walls and a roof. The proposed building enclosure is more fully described in the enclosures. This will allow an existing amenity to be fully used year round.

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.

734.663.4189
 Phone Number
rhoida@hobbs-black.com
 Email Address

[Signature]
 Signature
ROBERT A. HOIDA
 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]
 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]
 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.**

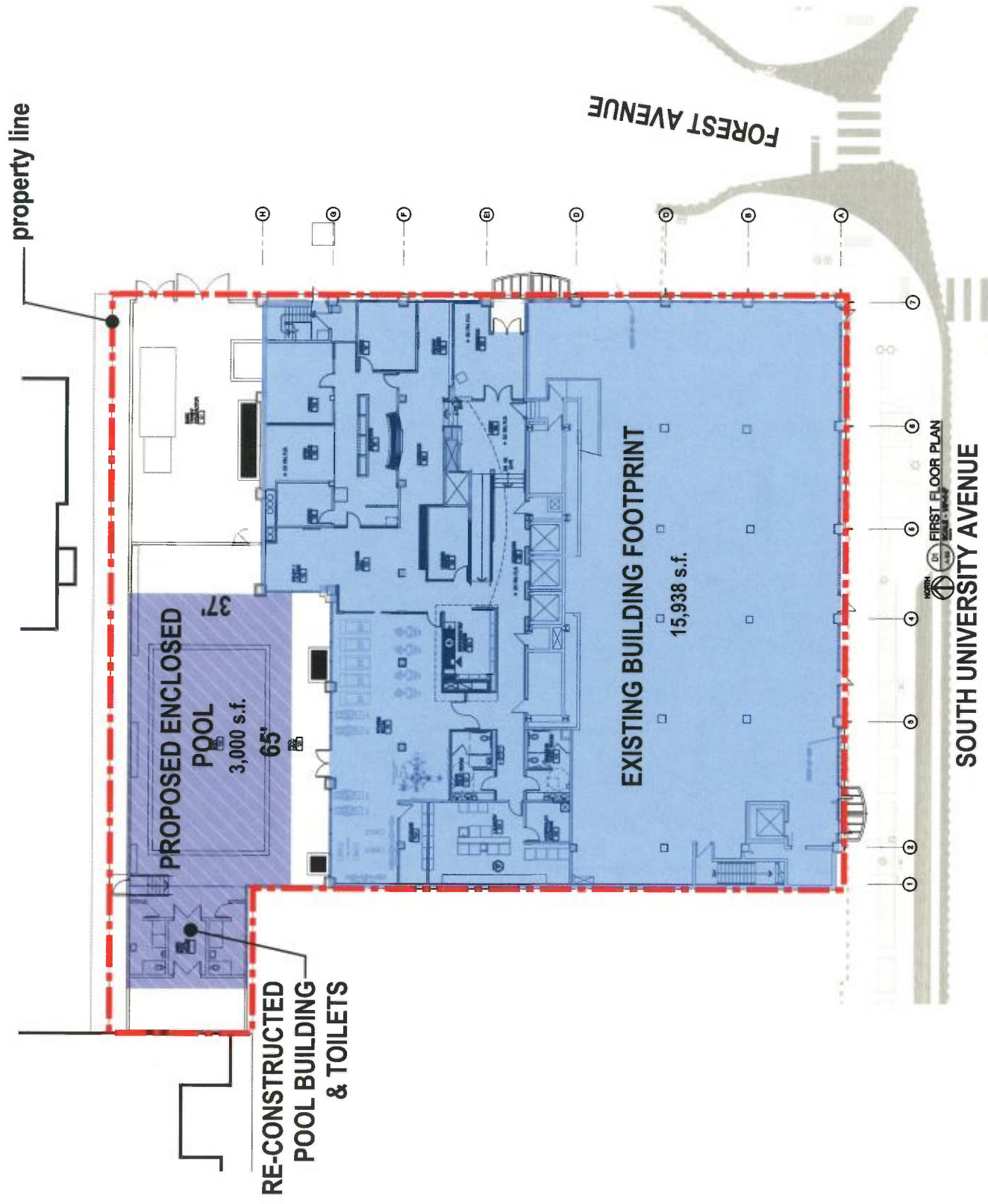
[Signature]
 Signature

On this 24th day of January, 2017, 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.

[Signature]
 Notary Public Signature
August 25, 2019
 Notary Commission Expiration Date
Nicole Marie Hincka
 Print Name

Staff Use Only

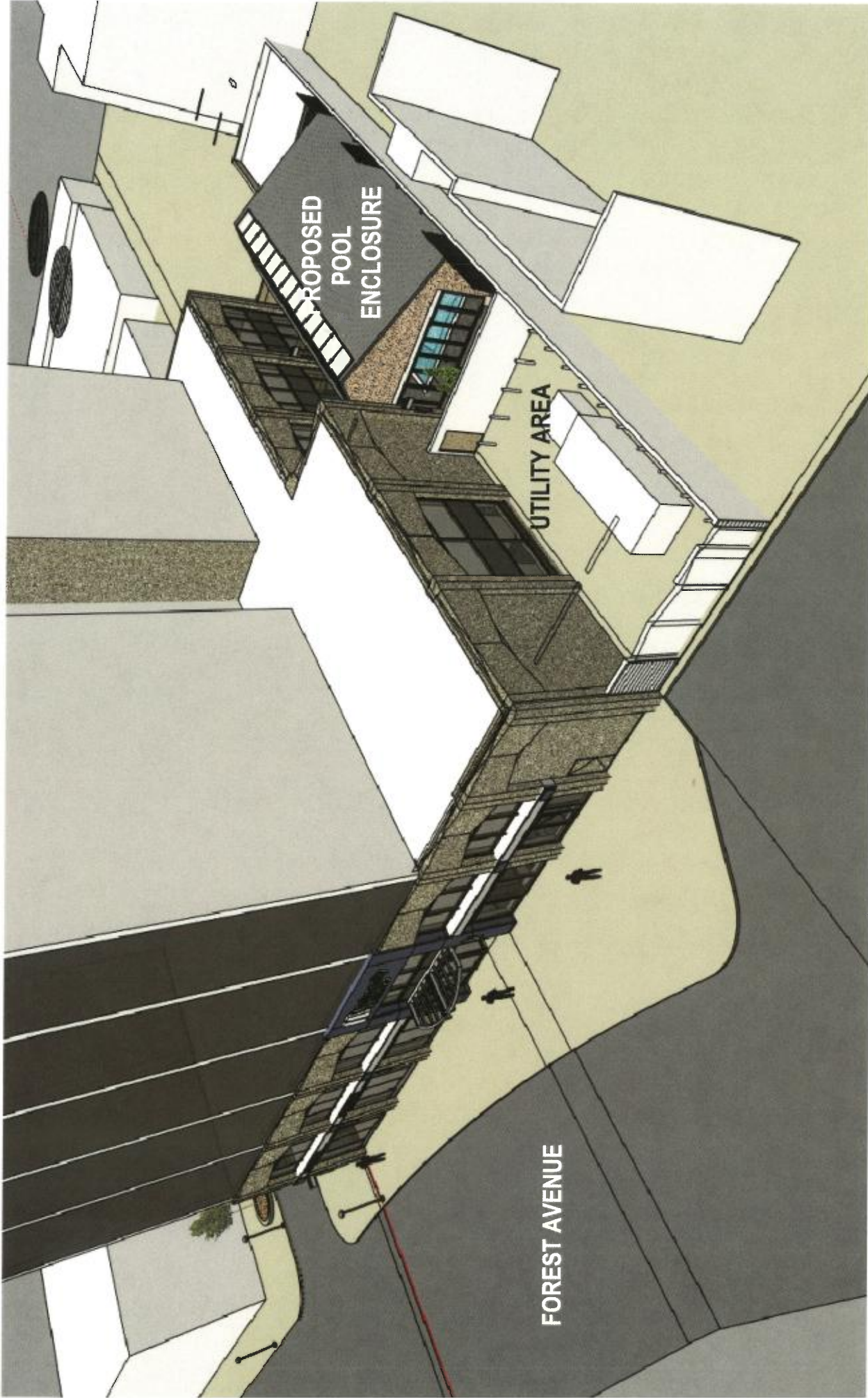
Date Submitted: _____ Fee Paid: _____
 File No.: _____ Date of Public Hearing _____
 Pre-filing Staff Reviewer & Date _____ ZBA Action: _____
 Pre-Filing Review: _____
 Staff Reviewer & Date: _____

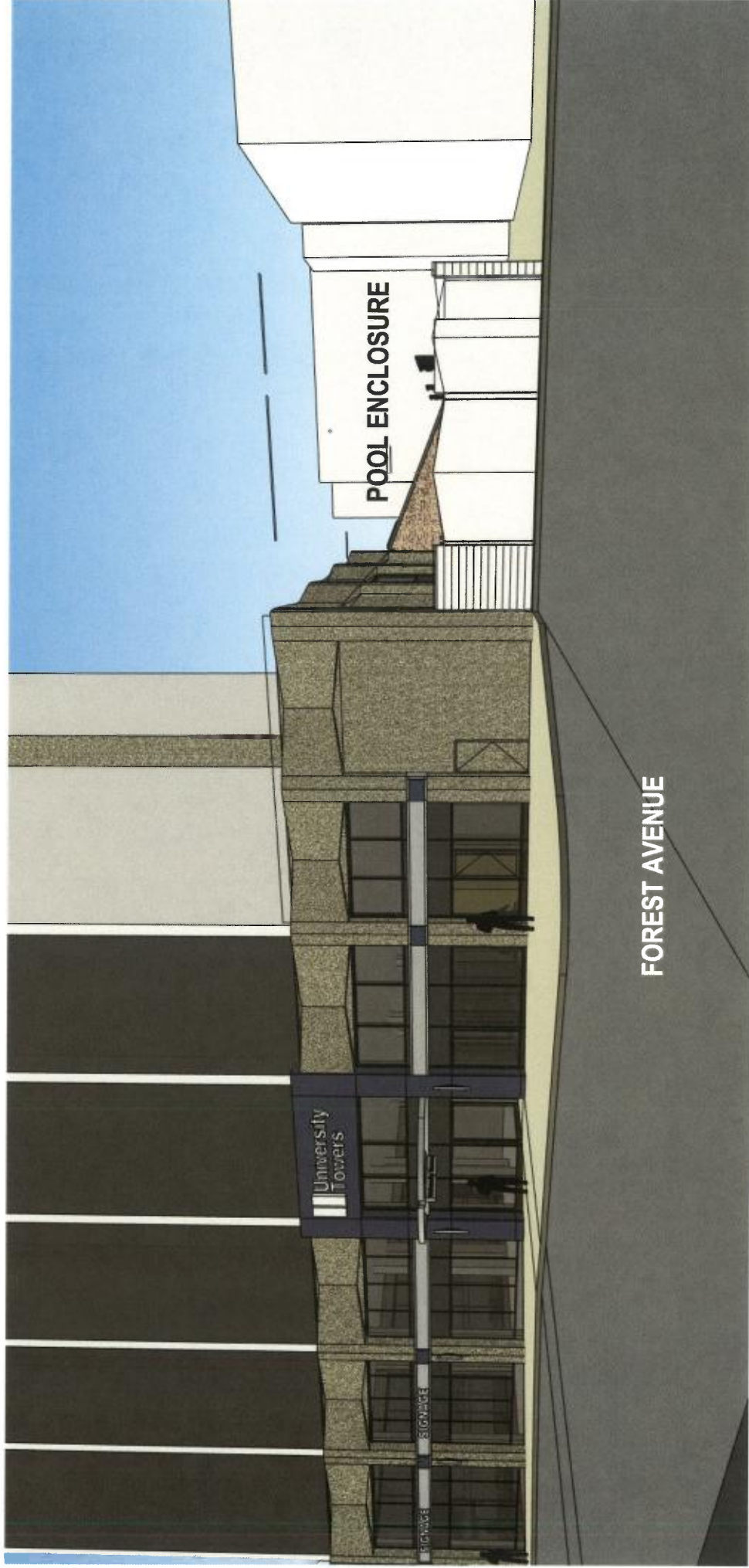












STREET VIEW FROM FOREST AVENUE



January 24, 2017

City of Ann Arbor
Zoning Board of Appeals
c/o Mr. Jon Barrett
Zoning Coordinator
Larcum City Hall, first floor
301 East Huron St.
Ann Arbor, MI 48104

RE: University Towers – Proposed Pool Enclosure
536 South Forest Avenue
Hobbs+Black Project #:15-811.02

Dear Mr. Barrett:

I thank you for accepting this request made to the Zoning Board of Appeals on behalf of University Towers, L.L.C. The request is to allow an alteration to a non-conforming structure, the University Towers apartments located at 536 South Forest Avenue. The site is at the northwest corner of Forest Avenue and South University Avenue. Our client is requesting that the existing pool located at the north edge of the site. The attached site plans illustrate the location of the pool.

The Request

The following narrative outlines the existing conditions at the site and those proposed with the addition of the roof and walls which would enclose the pool. The pool is currently outdoors and is usable only in the limited favorable summer weather conditions. The proposed enclosure will allow extended use of the pool. The intention is to create an enclosure which will have retractable walls and skylight to allow them to be retracted during good weather conditions.

According to the zoning ordinance definition of floor area, enclosing the pool creates additional floor area. This is due to the permanent enclosure (walls and roof.) However, there will be no practical change in use of the area. The area is currently is and will remain as a recreational pool for resident use. It will merely be able to be used year round. The occupancy of the building will not change. There will be no additional storm water run-off. Traffic will be unaffected. There will be no detrimental effect on any of the neighboring properties.

You will note that the existing pool is located behind a masonry wall, and is visible only from above the height of the wall, specifically the second floor of the adjacent property. The pool is located behind the property's utility enclosure, and is not visible from the street. When constructed, the pool roof will barely be visible from the street, behind the utility enclosure. This is illustrated in a street view in the attachments. This is a view from Forest Avenue. Photos in the attachments also illustrate a similar view. Aerial photos also illustrate the location of the existing pool as well as an illustration of a proposed roof over the existing pool, as it is proposed.

Pertinent facts

University Towers is an eighteen-story apartment building which was constructed approximately fifty years ago. The following table illustrates the existing building and site areas.

| | | |
|-------------------------------|------------------------------|----------------------------|
| Site Area | 22,740 sq. ft. | |
| Floor | Existing Area n(s.f.) | Proposed Addl. s.f. |
| Basement | 16,042 | |
| Ground Floor | 15,938 | |
| Ancillary structure | 729 | 3,000 (net add) |
| 2 nd Floor | 15,991 | |
| 3 rd Floor | 10,714 | |
| 4 th Floor | 10,714 | |
| 5 th Floor | 10,714 | |
| 6 th Floor | 10,714 | |
| 7 th Floor | 10,714 | |
| 8 th Floor | 10,714 | |
| 9 th Floor | 10,714 | |
| 10 th Floor | 10,714 | |
| 11 th Floor | 10,714 | |
| 12 th Floor | 10,714 | |
| 13 th Floor | 10,714 | |
| 14 th Floor | 10,714 | |
| 15 th Floor | 10,714 | |
| 16 th Floor | 10,714 | |
| 17 th Floor | 10,714 | |
| 18 th Floor | 10,714 | |
| TOTAL | 220,124 | 223,124 |
| FAR (Floor Area Ratio) | 9.68 | 9.81 |

Conclusions

The proposed addition of the roof over the existing pool has no practical effect on the use of the property. The proposed addition of the structure has no detrimental effect on any neighboring properties. In fact it will barely be noticeable.

There will be no additional storm water run-off, since there is no additional hard surface area.

The addition caused additional floor area (3,000 sq. ft.), by definition in the zoning ordinance, increases the existing FAR by only minutiae, from 9.68 to 9.81.

No additional traffic is created.

We thank you again for hearing our petition and look forward to discussing this request further at an upcoming hearing.

Sincerely,
Hobbs+Black Architects

Robert A. Hoida, AIA, NCARB
Senior Associate

RAH

Enclosures: ZBA Application form
 Letter of authorization from University Towers, L.L.C.
 Existing Site plan
 Proposed site plan
 Aerial photos from Google Earth
 Sketches of proposed structure

cc: James Baldini, University Towers
 Dena Isley, University Towers

University Towers

January 23, 2017

City of Ann Arbor
Zoning Board of Appeals
c/o Mr. Jon Barrett
Zoning Coordinator
Larcum City Hall, first floor
301 East Huron St.
Ann Arbor, MI 48104

Re: University Towers – Proposed Pool Enclosure 536 South Forest Avenue Hobbs+Black
Project #:15-811.02

Dear Mr. Barrett, et. al.:

This is a request made to the City of Ann Arbor and the Zoning Board of Appeals on behalf of University Towers, L.L.C. Please be advised that by copy of this letter, University Towers, L.L.C. grants permission to Bob Hoida and Hobbs+Black, the architects, to represent University Towers apartments located at 536 South Forest Avenue with regard to this matter.

Sincerely,



Dena K. Isley
Property Manager
536 S Forest Ave.
Ann Arbor, MI 48104
734-761-2680