

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

**STAFF REPORT**

**Subject: ZBA17-003; 716 Packard Street**

**Summary:**

David Cesarini, property owner, is requesting a variance from Chapter 47, Section 4:20(4) (c) Curb cuts and driveway approaches. The applicant is seeking a one (1) foot, three (3) inch variance to allow an existing curb cut to remain as constructed. The minimum width of a driveway at the public right of way is twenty-four (24) feet; the existing curb cut is twenty-two (22) feet, nine (9) inches.

**Description:**

The subject parcel is zoned C1A/R **Campus Business Residential** district and is an irregular triangle shaped lot that totals 3,659 square feet in area. The property owner completed site and commercial building improvements in the fall of 2016 establishing the new Domino's Pizza business today.

**Discussion:**

The petitioner requests to allow the existing curb cut to remain in its present location and not be required to complete the expansion of an additional one (1) foot three (3) inches; to the required twenty-four (24) feet.

**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 if the curb cut expansion is required, the building would be exposed to vehicles accessing the site. The north side curb cut has a City owned pole sign in proximity to the right of way.

- (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.***

Applicant states that due to the irregular shape (triangular) of the lot and the close proximity of the building to the right of way (reduced setback) the reduced curb cut

dimension is required for safety reasons.

- (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 not impact the neighboring properties.

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

As previously stated the lot is small and irregular shaped. The building entrance has steps that may be exposed to vehicles entering the site on the south side of the curb.

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

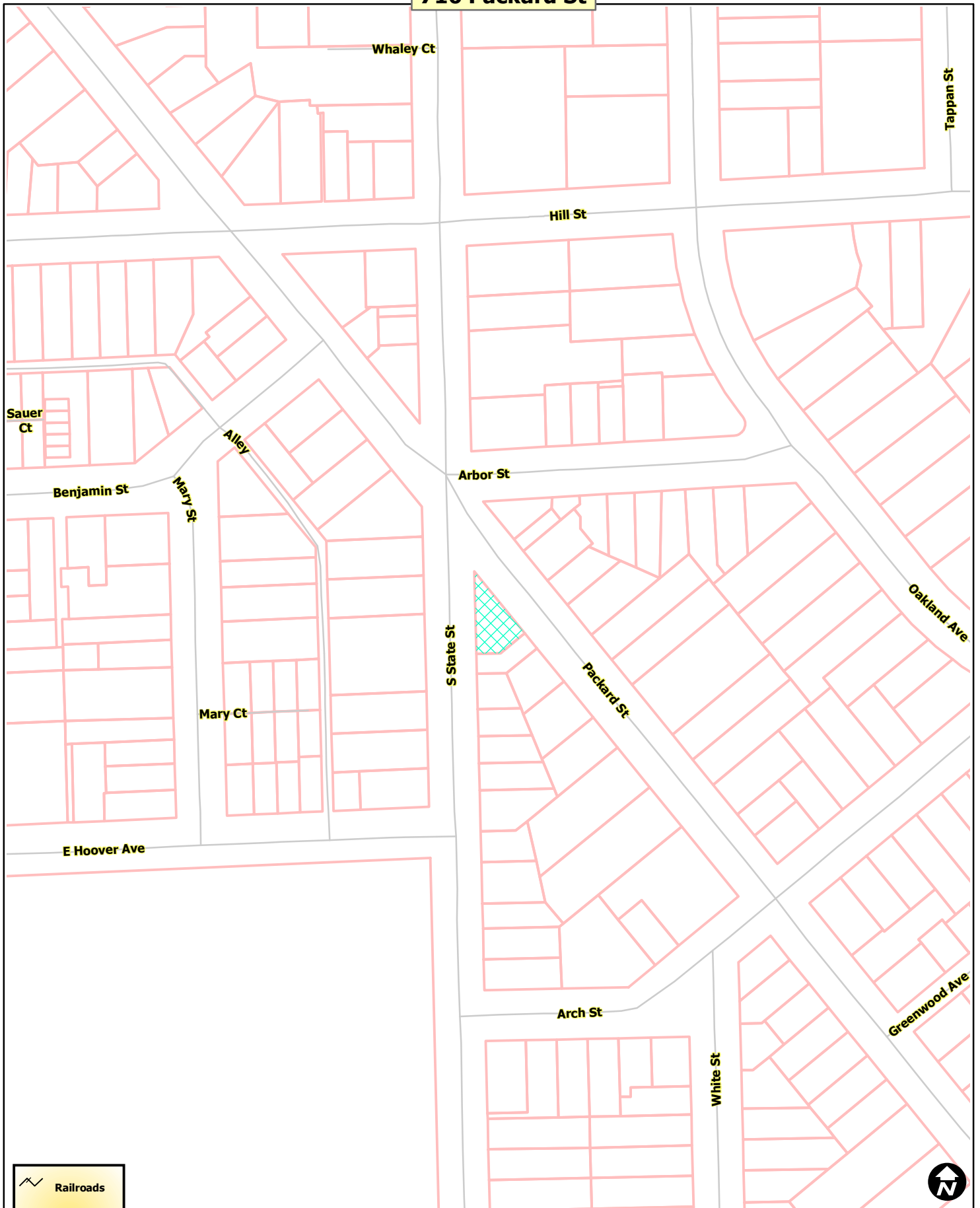
The variance of one (1) foot, three (3) inches, is a minimal request and will maximize safety on the site.


Respectfully submitted,


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


**Jon Barrett**  
**Zoning Coordinator**

**716 Packard St**



 Railroads

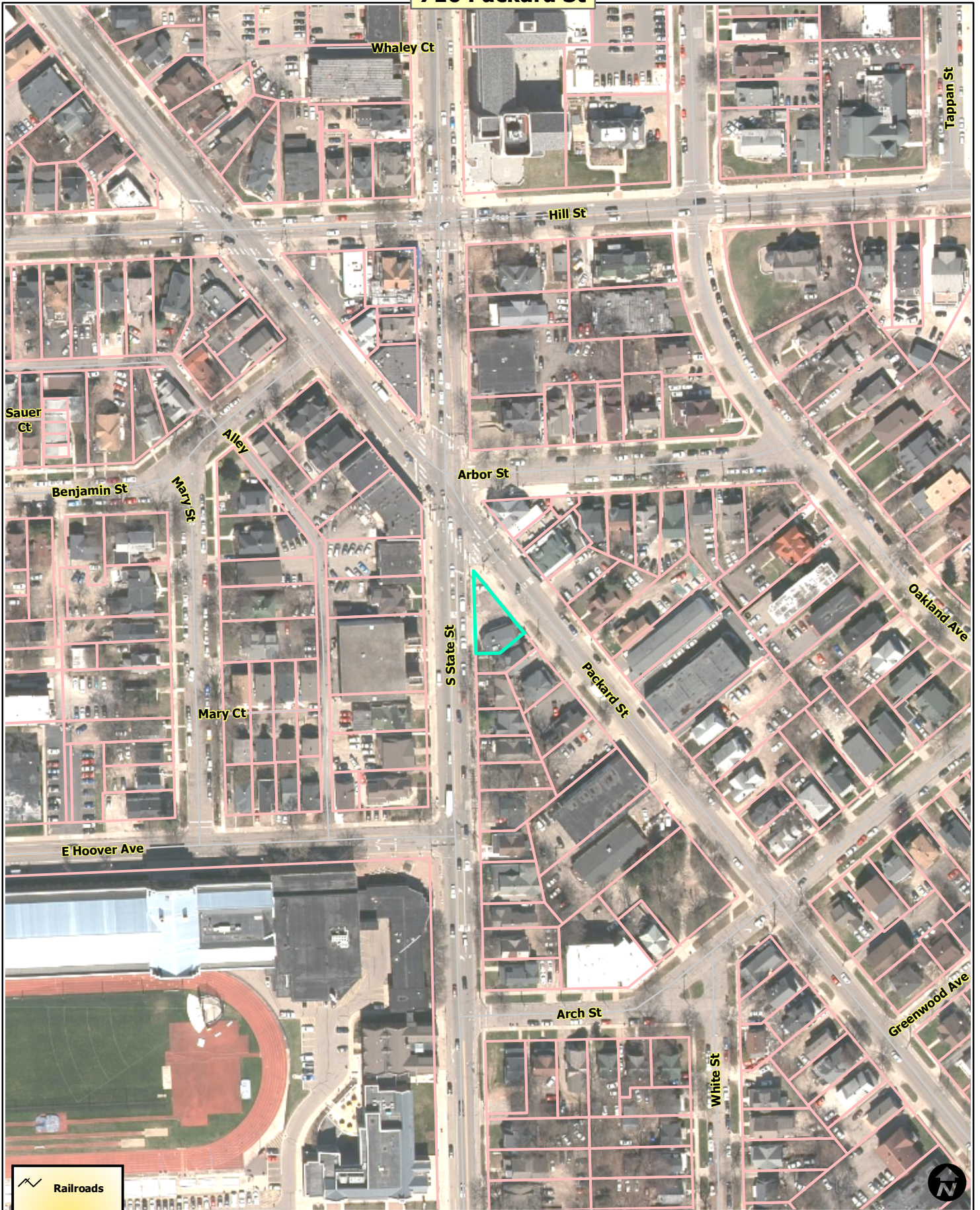
 Parcels


 Huron River





Map date 7/15/2016  
Any aerial imagery is circa 2015  
unless otherwise noted  
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# 716 Packard St



 Railroads

 Parcels


 Huron River



716 Packard St



 Railroads

 Parcels

 Huron River



Map date 7/15/2016  
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**APPLICATION FOR VARIANCE OR NON-CONFORMING STRUCTURE**  
**ZONING BOARD OF APPEALS**

**Section 1: Applicant Information**

Name of Applicant: David Cesarini  
Address of Applicant: 25 Jackson Industrial Dr; Ann Arbor, MI 48103  
Daytime Phone: 734-476-9386  
Fax: \_\_\_\_\_  
Email: DCES1122@GMAIL.COM  
Applicant's Relationship to Property: Tenant (owner of business)

**Section 2: Property Information**

Address of Property: 716 Packard St; Ann Arbor, MI 48104  
Zoning Classification: Commercial  
Tax ID# (if known): \_\_\_\_\_  
\*Name of Property Owner: 716 Packard LLC (Faramarz FARAHANCHI)

\*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:

24'

22'9"

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)

Keep State street entrance into  
parking lot 22'9" versus 24'.

**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?

Curb can not be cut back on south curb based on steps  
steps to store will be exposed to in-coming cars to lot.  
North side curb has city owned sign pole will have to be moved

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

Safety is the primary reason the curb is only 1'3" less then  
code; curb added to block cars from driving into main step  
entrance to business. Building is on a unique lot and setback

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

No impact on 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?

Building entrance for customers has steps that would be  
exposed to incoming cars on south curb. North curb is city  
owned pole that would have to be relocated

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

Remodel of existing building included relocating entrance  
to west side of site that included building steps to our front entrance.  
The curb had to be extended to maximize safety entering lot.

for customers and incoming cars. Leaving us 1'3" narrower then code

#### Section 5: ALTERATION TO A NON-CONFORMING STRUCTURE

Current use of the property Pizza Restaurant

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 PROPOSED ALTERATION WE ARE SEEKING APPROVAL ON IS A 22'-9" CURB  
CUT ALONG STATE ST. THERE IS AN EXISTING CITY OF ANN ARBOR WAY FINDING POLE SET  
DIRECTLY ADJACENT TO THE CURB CLOSEST TO THE INTERSECTION. WE ALSO FEEL THAT THE  
CORRECTED CURB PROPERLY ADDRESSES THE NON-CORNING CURB THAT WAS PREVIOUSLY IN  
PLACE AND WE DO NOT INTERFERE ON THE CURB CUTS DISTANCE TO THE INTERSECTION.

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:

To widen or not widen the entrance on State Street will  
have no impact on neighboring property or pedestrians.  
The parking lot only has two parking spots and is a unique  
lot.

Wherefore, Petitioner requests that permission be granted from the above named Chapter and Section of the Ann Arbor City Code in order to permit \_\_\_\_\_

Entrance to parking lot from State street will remain 22' 9".

**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.

734476 9386

Phone Number

DCE51122@gmail.com

Email Address

*David Cesarini*

Signature

DAYIN Cesarini

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.

*David Cesarini*

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.

*David Cesarini*

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.

*David Cesarini*

Signature

On this 2nd day of February, 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.

April 7, 2022

Notary Commission Expiration Date

*Natalia V. Kondrashova-Pelava*

Notary Public Signature

Natalia V Kondrashova-Pelava

Print Name

NATALIA V. KONDRASHOVA-PELAVA  
NOTARY PUBLIC - STATE OF MICHIGAN  
COUNTY OF WASHTENAW  
My Commission Expires April 7, 2022  
Acting in the County of Washtenaw

### 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: \_\_\_\_\_







Now



BeFore

**City of Ann Arbor**  
**CONSTRUCTION PLANS**

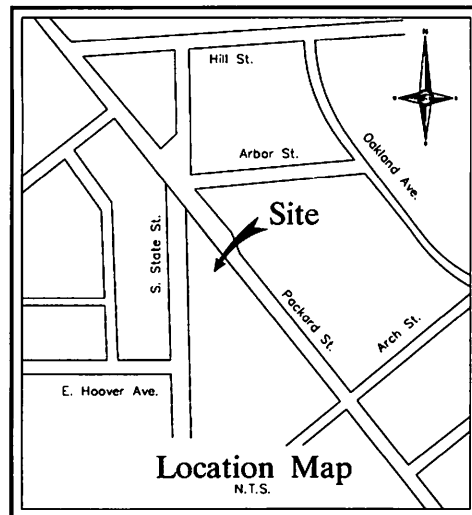
**Project Name:**

**Domino's Pizza**

716 Packard Street

City of Ann Arbor,

Washtenaw County, Michigan



**PROPERTY OWNER :**

PIES INC.  
25 Jackson Industrial Dr.  
Suite 600  
Ann Arbor, MI 48103

**Contact:**  
David Cesarini  
Tel: (734) 476-9386  
Email: dees1122@gmail.com

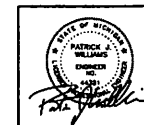
**CIVIL ENGINEER :**

NOWAK AND FRAUS ENGINEERS  
46777 Woodward Avenue,  
Pontiac, MI 48342

**Contact:**  
Patrick Williams, P.E.  
Tel: (248) 332-7931  
Fax: (248) 332-8257

**SHEET INDEX**

SP-1	Boundary, Topographic, Tree Survey
SP-2	Paving/Grading Plan
SP-3	Soil Erosion Plan
SP-1.0	Landscape Plan



NFE Job #J388



Revised: September 19, 2016

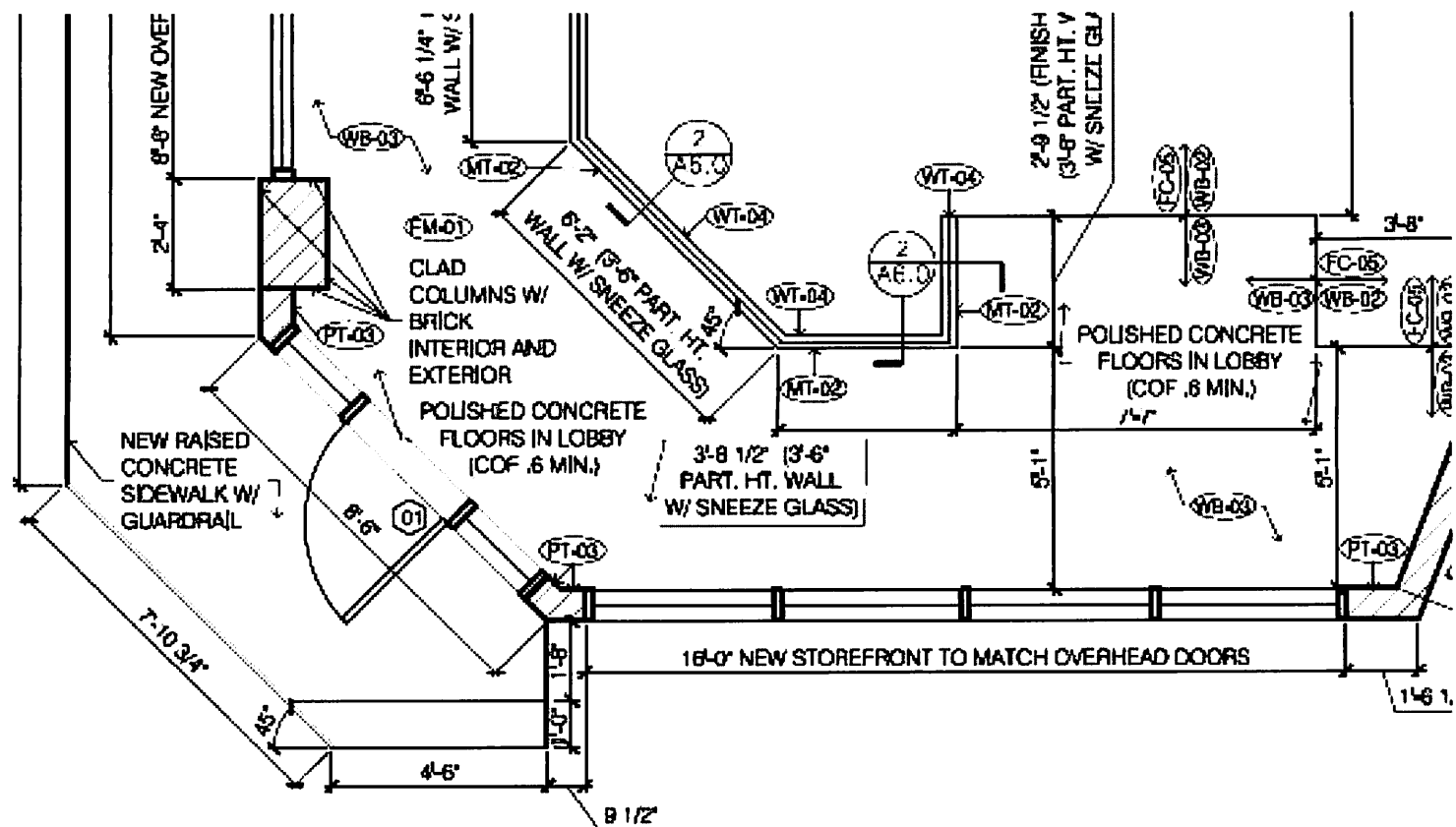


The site plan for Domino's restaurant at 1083 S.F. (F.F. 833.85) shows the following details:

- Proposed Features:**
  - Proposed Monolithic Walk:** A path with a width of 24.00' and a radius of 15.50'.
  - Proposed Domino's:** A 1083 S.F. building with a finished floor (F.F.) of 833.85.
  - Proposed Bike Rack:** Located near the bottom left of the building.
  - Proposed Landscaping:** Indicated in the top left corner.
- Existing Features:**
  - Existing Drive to Remain:** A drive with a width of 33.81'.
  - Existing Concrete:** To be removed and replaced with asphalt.
  - Match Lines:** Indicated by 'MATCH EX' labels.
- Dimensions and Bearings:**
  - Top boundary: 104.00' (R&M) with a bearing of N01°24'07"W(M).
  - Right boundary: 105.00' (R&M) with a bearing of S39°03'53"E(M).
  - Bottom boundary: 35.83' (R&M) with a bearing of N89°47'10"W(M).
  - Bottom-right boundary: 35.81' (R&M) with a bearing of N50°54'57"E(M).
- Other Labels:**
  - PROPOSED MONOLITHIC WALK:** Labeled with a width of 24.00' and a radius of 15.50'.
  - REMOVE AND REPLACE EXISTING CONCRETE WITH ASPHALT:** A note indicating the material change.
  - PROPOSED BIKE RACK:** A note indicating the location of the bike rack.
  - PROPOSED DOMINO'S 1083 S.F. F.F. 833.85:** A note indicating the building's area and finished floor.
  - PROPOSED LANDSCAPING:** A note indicating the landscaping area.
  - EXISTING DRIVE TO REMAIN:** A note indicating the drive to be retained.
  - FR. 6 CU. YD. DUMPSTER:** A note indicating the location of a 6 cubic yard dumpster.

ELE T I ETE





**Note: Jimmy John's recently remodeled. They have only 19' on Packard and 17' on Hill**

