

**Zoning Board of Appeals
October 24, 2012 Regular Meeting**

STAFF REPORT

Subject: ZBA12-020, 1320 South University

Summary: 1320 South University Apartments LLC, represented by Susan Friedlaender, is requesting three variances from **Chapter 55 (Zoning), Section 5:10.20:**

1. A variance varying in width from 1 foot at the south end to 25 feet at the north end to permit a setback of 15 - 39 feet along the east property line, which abuts the R2B (Campus Dwelling) district boundary. In the D2 (Downtown Interface) district 40 feet is the minimum setback required from the zoning district boundary of an abutting residential zoning district.
2. A variance varying in width from 2 feet 6 inches to 34 feet to permit a variable rear setback between the R4C (Multiple-Family Dwelling) district boundary and the rear of the proposed building. The proposed setback would range from 37 feet 6 inches at the southwest corner of the proposed building to 6 feet at the southeast corner of the proposed building, as shown on Exhibit. D.2 of the petitioner's application. In the D2 district, 40 feet is the minimum setback required from the zoning district boundary of an abutting residential zoning district.
3. A variance of 85 feet to permit a maximum height of 145 feet. 60 feet is the maximum height permitted in the D2 district.

Description and Discussion:

The subject parcel is located on South University Avenue, west of Washtenaw Avenue and east of Forest Avenue. It contains a 33,057 square-foot, three-story apartment building with 36 apartment units and a floor area ratio of approximately 92%. A surface parking lot is located behind the building. A storm sewer crosses the southeast portion of the property under the parking lot. The building was constructed in 1965 before site plans were required.

The parcel is zoned D2 (Downtown Interface) and is located in the South University Character Overlay District. The existing building is non-conforming due to the 40-foot setback required from the abutting residential zoning district on the east. The existing building complies with the D2 maximum building coverage requirement of 80%. It is unclear from the information provided whether the site complies with the D2 minimum open space requirement of 10%.

The parcel was zoned R4C (Multiple-Family Dwelling District) when the building was constructed in 1965. The parcel was rezoned to C2A (Central Business District) in October 2006 as part of the South University Area rezoning. Three years later, as a result of the A2D2 (Ann Arbor Discovering Downtown) project, the site was subsequently rezoned from C2A to

D2. Public hearings were held throughout the A2D2 zoning process, and a separate City Council public hearing was held on the proposed rezoning of 1320 South University at the request of the property owner.

The petitioner is requesting three variances in order to allow the construction of a new building on the parcel. The existing building would be demolished. A site plan for City Council approval will be required, and approval of the variances does not enable construction of the proposed project. Although standard ZBA practice is to consider variance requests after the Planning Commission has reviewed and made its recommendation on a site plan, the petitioner has declined to submit a site plan at this time. Due to the lack of a site plan for reference, staff responses are limited to information provided in the variance application packet provided by the petitioner.

The petitioner states that the D2 zoning regulations, in particular the 60-foot height limit and 40-foot side and rear setbacks, make it practically difficult to redevelop the property. The petitioner states that the D2 zoning regulations cause unnecessary and practical difficulties that are not imposed on other parcels located within the City's Downtown Districts and that the property contains unique characteristics compared to other D2 parcels as detailed on Attachment 1 to the application. The petitioner states that the high cost of redevelopment, including demolition, construction, underground parking, possible relocation of a sewer easement, footing drain disconnects, and compliance with other City regulations, means that complying with D2 zoning prevents any redevelopment of the property.

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.***

The subject parcel is 35,725 square feet; the D2 Zoning District has no minimum lot size requirement. This parcel is the second largest parcel in the South University Character Area and is larger than the adjoining D2-zoned parcel.

The parcel abuts residential zoning on the south (R4C) and east (R2B) sides, and D1 property is located to the north (across South University) and to the west. The other parcel in this D2 district, 625 S. Forest Avenue, abuts the R4C zoning boundary and also is subject to the 40 foot setback requirement.

The petitioner indicates that the side and rear setbacks result in 35% of the site being dedicated to setback areas, creating a hardship for redevelopment. The proposed variances would reduce this to 24.8%. The petitioner's arguments as to why the property is unique compared to other D2 parcels are stated in Attachment 1 to the petitioner's application.

- (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 variance is being requested in order to permit construction of a new mixed use building. If the variance is not granted, the existing building may continue to be used as an apartment building or be renovated to a mixed use building under the existing D2 zoning requirements.

As noted above, this parcel is larger than all but one of the parcels within the South State Street character area. The existing lot is 116 feet wide. The application of the required side setback of 40 feet will leave a buildable area with a minimum of 76 feet in width. Application of the required rear setback would leave a buildable area of approximately 250 feet in depth. With a 19,000 square foot floorplate, a 266% FAR, five-story, 60-foot tall building could be built in compliance with the 80% maximum building coverage requirement.

- (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.**

If the variance is approved, the structure referenced in this application would be similar in scale and massing to the adjacent building to the west. However, that parcel is zoned D1 (Downtown Core). D2 zoning standards were enacted to provide a transitional buffer between the D1 and the lower density housing to the south and east.

The proposed building could be 145 feet tall and a minimum of 6 feet from the adjacent residential zoned parcel to the southeast, which includes a single-family house.

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

As noted above, the site was rezoned from R4C to C2A in October 2006 and then subsequently rezoned from C2A to D2 in December 2009. Both of these rezonings

were the result of City ordinance amendments adopted as a result of a public process. While the petitioner did not support the rezoning to D2, the D2 zoning does permit redevelopment of the property, although at a smaller scale and massing than would be permitted if the variances are granted.

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

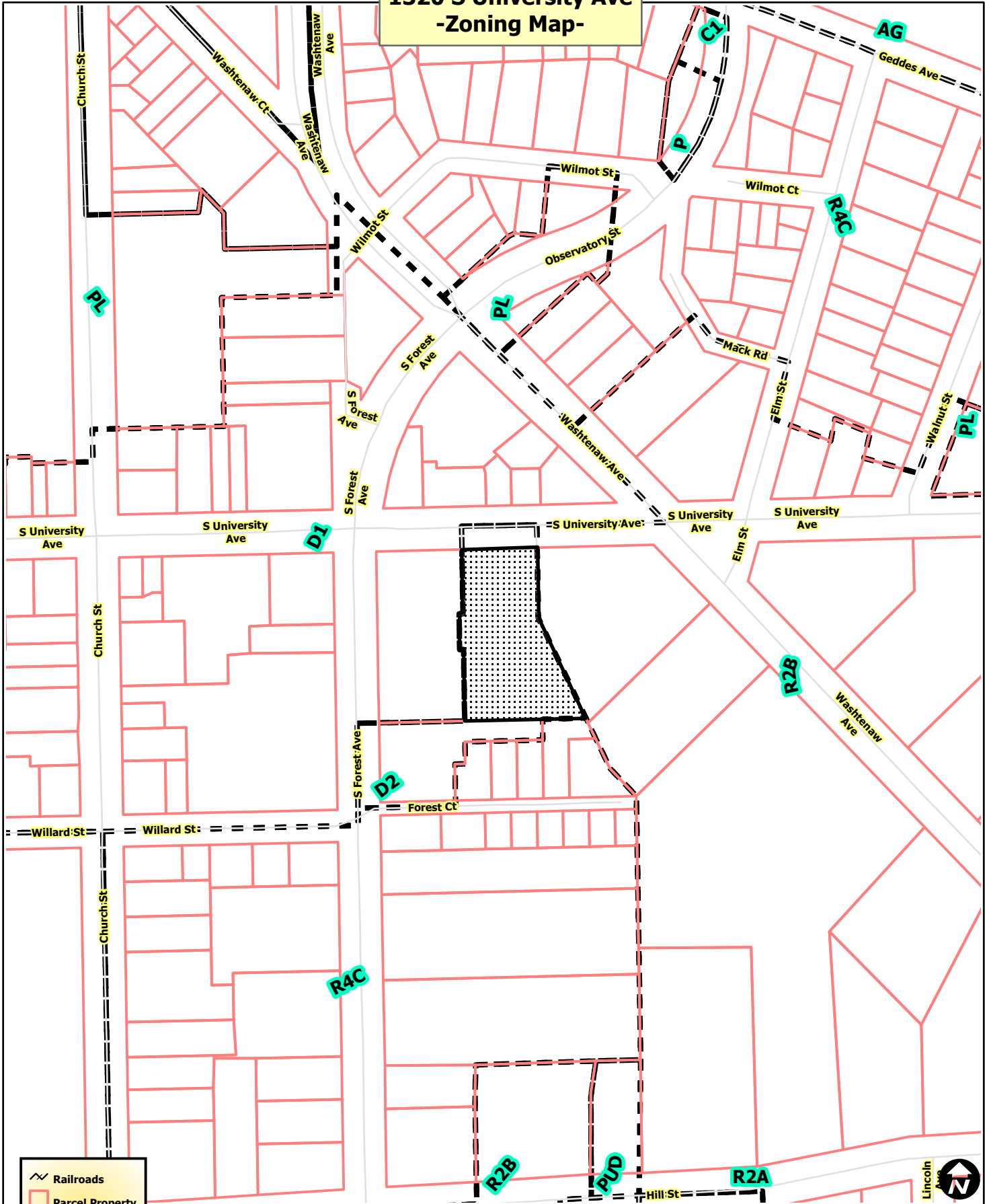
The D2 district allows a 200% Floor Area Ratio (FAR), with the ability to exceed this limit up to a total of 400% FAR if zoning premiums are met. The current building has a FAR of approximately 92%. Based on the Exhibit C rendering, the building is shown to be 13 stories tall. Using the footprint indicated in Exhibit D.2 (101 x 257 feet), a 6-story building would result in a FAR of approximately 400%.

Respectfully submitted,



Matthew J. Kowalski, AICP
City Planner

1320 S University Ave -Zoning Map-



Railroads
 Parcel Property
Zoning
 Township
 Zoning



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 Map Created: 9/28/2012

1320 S University Ave -Aerial Map-

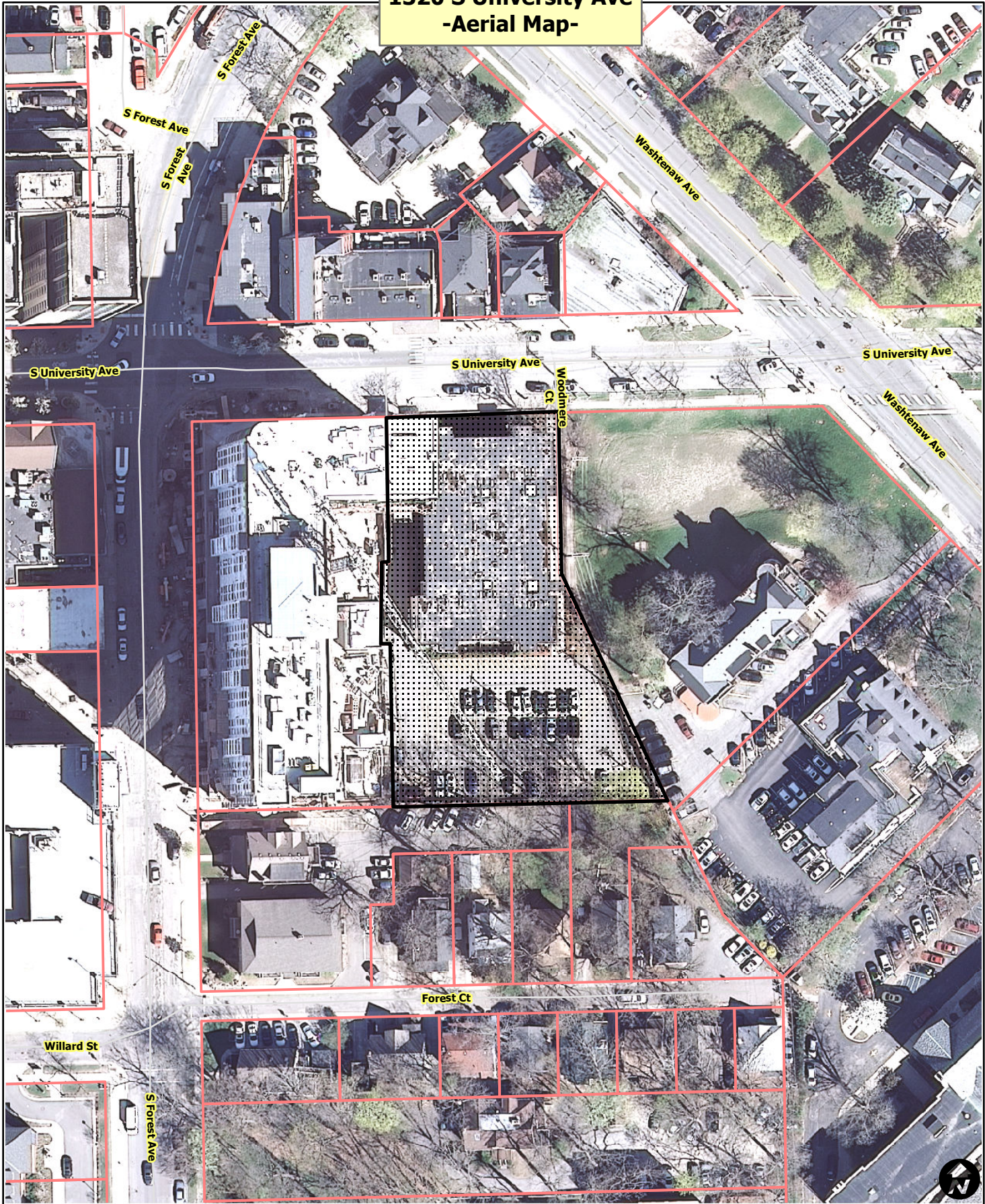


-  Railroads
-  Parcel Property



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1320 S University Ave -Aerial Map-



-  Railroads
-  Parcel Property



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 Map Created: 9/28/2012

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

Section 1: Applicant Information

Name of Applicant: 1320 South University Apartments LLC
Address of Applicant: 610 Church Street
Daytime Phone: 248-851-3434 (Susan Friedlaender - Applicant's attorney)
Fax: _____
Email: sfriedlaender@brrlawyers.com, friedlaender.susan@gmail.com
Applicant's Relationship to Property: Owner

Section 2: Property Information

Address of Property: 1320 South University
Zoning Classification: D2
Tax ID# (if known): 09-09-0928-309-034
*Name of Property Owner: See above

**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:

5:10.9 (3), Table 5:10.20(a)
South University Character Area
D2

Example: Chapter 55, Section 5:26

Required dimension: PROPOSED dimension:

<u>40' side yard setback</u>	<u>15' to 30'</u>
<u>60' Height Limit</u>	<u>145 Feet</u>
<u>40' rear yard setback</u>	<u>37.5' (Adjacent to D2 zoned lot)</u>

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)

The applicant is proposing the construction of a new apartment building. Attached as Exhibit C is an area plan and renderings of the proposed building. The proposal includes increasing a portion of the required rear yard setback to 70 feet. See Exhibit D for setback schematics

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?

Yes. The Property is subject to 40 foot side and rear yard setbacks that cause a loss of 35% of the buildable area. The Property is also subject to a 60 foot height restriction that makes it practically difficult to redevelop the Property according to D2 regulations. The D2 restrictions cause an unnecessary and practical difficulty that is not imposed on other parcels located within the City's Downtown Districts. The Property contains unique characteristics compared to the other D2 zoned parcels as detailed in Attachment 1 See Also Exhibit E-1,E-2,and E-3.

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

Yes. The setback and height restrictions do not merely cause lower financial return or inconvenience but prevent the beneficial and feasible redevelopment of an aging and under-utilized property that would benefit not only the owner but Ann Arbor citizens in general. The high cost of developing Downtown property, which includes demolition, construction, underground parking and city imposed costs such as removing footing drains renders redevelopment infeasible. There is also a sewer easement that could require relocation that also adds to the prohibitive cost.

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

There would be a beneficial effect. The variances would permit the enhancement of the property, new public outdoor space and provide a buffer for the single abutting parcel on Forest Court . It would also provide an improved entrance way to South University Downtown Area.

See Exhibit F for Setback Proposal.

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 detailed answer to No. 1 above. In general, the location of the Property next to the R2B district and the small portion that abuts the R4C zone without regard to the character of those "r" zoned parcels unnecessarily restricts the redevelopment of the Property. The location of the sewer easement restricts the location of underground parking.

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

No. The condition arose from the City's rezoning of the Property from C2A to D2 in November 2009.

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. See Exhibit A
- Building floor plans showing interior rooms, including dimensions.
- Photographs of the property and any existing buildings involved in the request. Exh. B
- Any other graphic or written materials that support the request.
See Attached Exhibits

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.

248 851 3434
Phone Number

Philip Sotiroff Signature
PHILIP SOTIROFF AS

Email Address

AGENT, MANAGER FOR 1320 SOUTH UNIVERSITY APARTMENTS, LLC 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.

Philip Sotiroff 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.

Philip Sotiroff 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.**

Philip Sotiroff Signature

On this 25th 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.

KATHLEEN A. PARKS
NOTARY PUBLIC, STATE OF MI
COUNTY OF WAYNE

Kathleen A Parks Notary Public Signature

11/28/2014
Notary Commission Expiration Date Oakland

KATHLEEN A. PARKS 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: _____

ATTACHMENT 1 TO Variance Application

1. The Property contains unique characteristics compared to the other D2 zoned parcels in the City as follows:
 - The Property is part of the South University Downtown Area. It is the only parcel in the downtown area with frontage on South University that is subject to D2 development restrictions.
 - It is the only parcel located within the DDA in the South University Area that is subject to D2 development restrictions.
 - Although other parcels located on Willard and zoned D1 abut residential zoning districts these parcels are not subject to any setback restrictions because they are not located on the “same block” as those residential properties.
 - The majority of D2 zoned parcels within the City are located in relatively large and contiguous districts. The First Street Character District contains approximately 56 acres of land and numerous parcels. The Kerrytown district contains approximately 23 acres of land and numerous contiguous parcels. The Kerrytown and First Street Character areas have no D1 zoned parcels.
 - The South University Downtown Area is one of only two of the Downtown Overlay Character Districts that contain D1 and D2 zoned parcels. The other area is the Liberty /Division Character District. In that district there is an entire block of parcels zoned D2 of which almost all are located in the East Williams Historic District. The D2 area comprises approximately 4.5 acres of land.
 - The South University D2 area comprises approximately 1.5 acres of land and only includes two parcels. 1320 S. University is one of those two parcels. 1320 S. University unlike the D2 zoned parcels in the Liberty /Division Character District is not part of an historic district. See Attached Exhibit E-1
 - The parcels within the East Huron 2 Character District are located adjacent to R4C zoned parcels, which are located within an historic district but the East Huron 2 parcels are zoned D1. The City has found that the 30 foot setback requirements for the East Huron 2 parcels satisfy any need for a buffer zone or interface area. See Attached Exhibit E-2
 - The D2 zoned parcels in the Liberty/Division District primarily abut parcels on small lots zoned R4C See Exhibit E-1

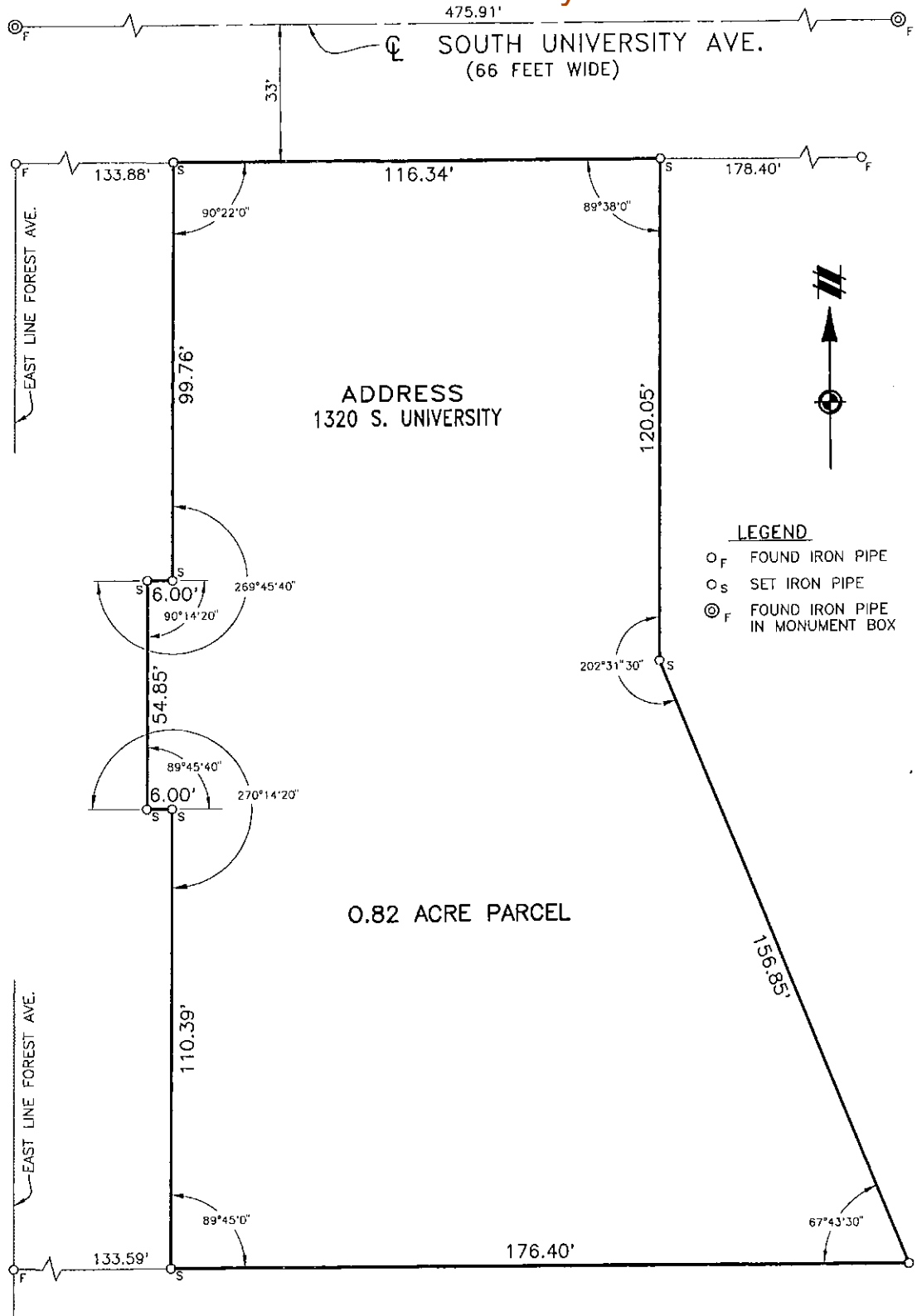
- The D2 character areas, Kerrytown and First Street primarily abut parcels on small lots zoned R4C and R2A. See Attached Exhibit See Exhibit E-3 D2 Districts
-
- The entire eastern boundary of 1320 S. University primarily abuts a single parcel that is approximately 1 acre in size and contains the Mud Bowl and a fraternity house. The adjacent parcel is also on a higher elevation than 1320 South University. Approximately 35% of the Property's rear or south lot line abuts a single parcel zoned R4C that contains the largest lot on the north side of Forest Court. The rear yard of the house is heavily treed and screened from 1320 South University. See Exhibit B, pictures
- The setback and height restrictions that the D2 zoning imposes on the Property are unnecessary to further any intent to create an interface between South University and adjacent "R" zoned property. The ability to provide a rear setback to the single parcel on Forest Court combined with the greater depth of that heavily treed lot serves the same purpose as interface zoning as the City has recognized in the East Huron 2 district. The character of the mud bowl parcel also eliminates the need for D2 zoning restrictions as a buffer to the South University Downtown District. The parcel is on a higher elevation than 1320 S. University. It contains an acre of land, most of which is in open space and the building contains considerable mass compared to most R4C zoned parcels.
- The D2 setback requirements generally apply to any district zoned "R" regardless of the character of the district. The intent was to protect stable residential neighborhoods. The subject property is unique in that the majority of its eastern boundary abuts a single parcel zoned R2B which does not meet the definition of a stable residential neighborhood. The Mud Bowl parcel is different than the usual small and narrow 40-foot platted lots that the D2 zone intends to protect. The Mud Bowl parcel contains approximately one acre of mostly open land and a single large house. The character of Forest Court, even though it has two parcels, which are owner occupied, is very different than the character of the established residential neighborhoods near the Kerry Town and First Street Districts or neighborhoods south of Hill Street and east of Washtenaw. Forest Court is a single small block surrounded by more massive development in the heart of the student residential district. See Exhibit F Aerials

2. The practical difficulties and hardships that prevent the redevelopment of the parcel under D2 restrictions go beyond mere inconvenience or inability to obtain a higher financial return. The restrictions do not merely provide for a redevelopment that would provide a lower financial return but as a practical matter the height and setback restrictions prevent any redevelopment of the property. The cost of redevelopment such as demolition, construction, and those costs that the city imposes on any commercial

redevelopment such as its unusually high permitting fees and footing drain removal costs prevent the redevelopment under D2 restrictions. The costs also include providing on-site parking, which would be beneficial to the city and surrounding neighbors. The hardships and difficulties are unnecessary because the restrictions fail to further the intent of the interface district while relegating the property to its underutilized state and continued depreciation and functional obsolescence. The property also has a sewer easement that interferes with the redevelopment without paying substantial costs to relocate it.

3. The redevelopment of the Property would have a beneficial effect on neighboring properties. As shown on the attached conceptual drawings, the redevelopment would provide new public outdoor space that adds to the vitality of this key downtown parcel. The variance also would still allow the Property to provide substantial setback and open areas adjacent to Forest Court. The Landmark building is approximately 163 feet tall, which exceeds the 150-foot limit because it was approved before the zoning change from C2A to D1. The height variance for 1320 South University would still make the building almost 20 feet lower than the landmark and would result in a narrower building than now exists which leaves the area adjacent to 1321 Forest Court more open than it now exists. The redevelopment of the site would beautify the area, which benefits the entire City.

Exhibit A Survey



CLIENT
1320 S. UNIVERSITY LIMITED PARTNERSHIP

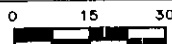
SURVEY OF 0.86 ACRE PARCEL
BEING PART OF LOTS 3 & 4
OF R.S. SMITH'S SECOND ADDITION
LIBER 48, PAGE 40

SECTION 28 TOWN 2 SOUTH RANGE 8 EAST

CITY OF ANN ARBOR
WASHTENAW COUNTY

SCALE:

1 INCH = 30 FEET



ATWELL-HICKS, INC.

CIVIL ENGINEERING • SURVEYING • PLANNING
ENVIRONMENTAL SERVICES
313-994-4000 • FAX NO. 313-994-1599
ANN ARBOR, MICHIGAN

DATE: 8-28-96

JOB: 42439 CAD 2439SU01

DR. WAB CH. PGF

BOOK 209 III PG. 56

SHEET 1 OF 1

FILE NO. 528-12

EXHIBIT B Photos of Property

1320 S. University



View looking West from Mud Bowl

EXHIBIT B

1320 South
University



EXHIBIT B Photos

View From South Property Line
Rear view of Forest Court Parcel



EXHIBIT B

South Line and rear of Forest Court Parcel #2 View



Exhibit C Rendering # 2

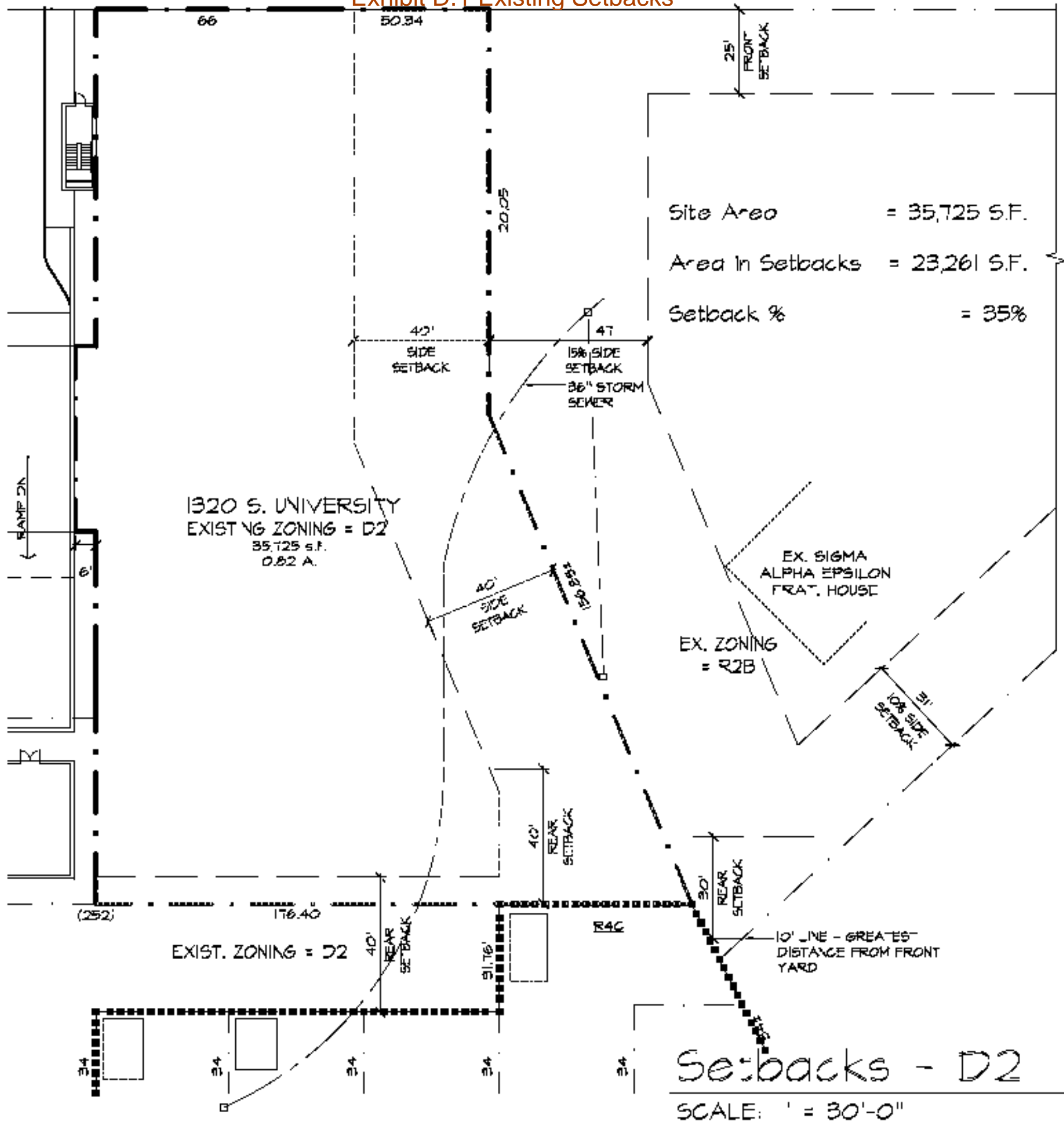




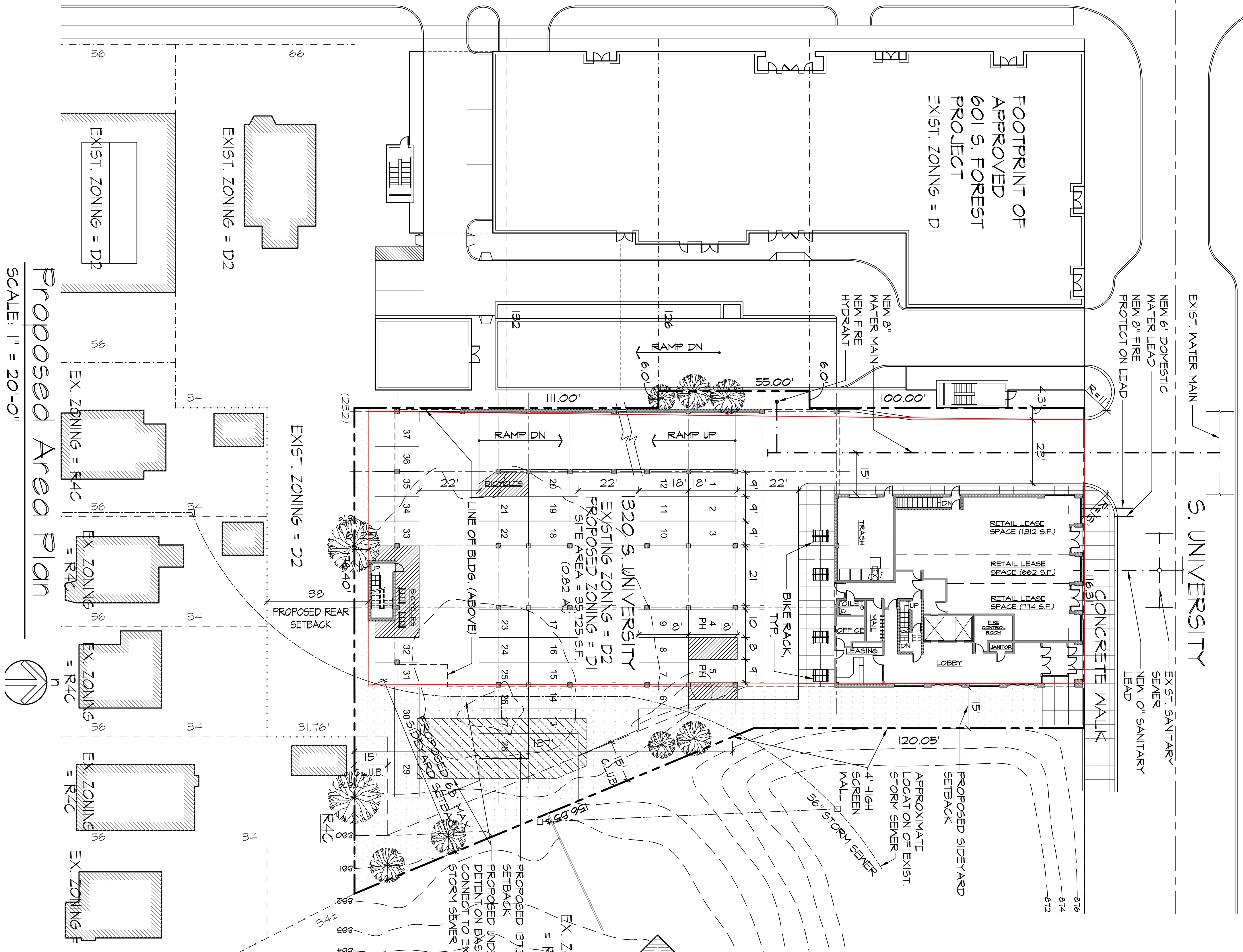
THE GATEWAY
1320 S UNIVERSITY

THE GATEWAY
1320 S UNIVERSITY

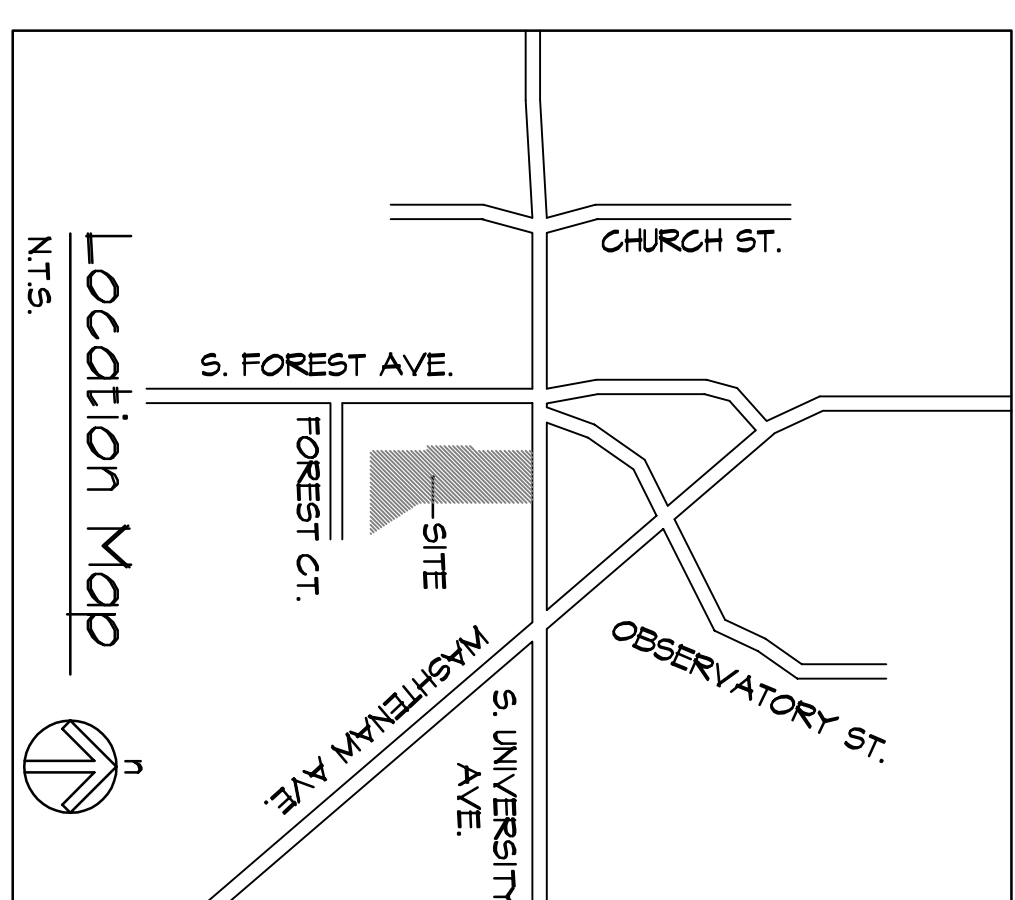
Exhibit D.1 Existing Setbacks



S. FOREST AVE.



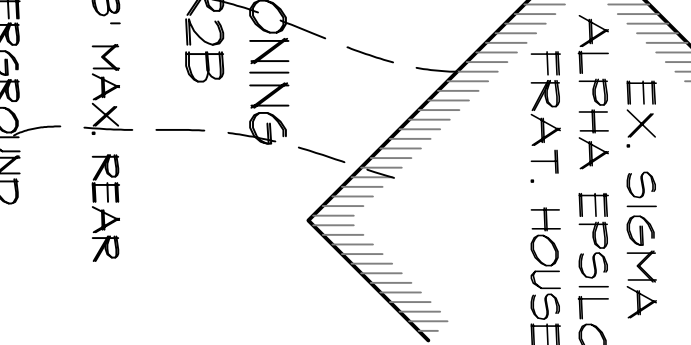
Proposed Area Plan
SCALE: 1" = 20'-0"



Potential Project Information - 1320 S. University
Development Program
In keeping with development trends in the area one contemplated use (as shown) is a mixed use development with street level retail spaces and residential uses above. The residential uses being targeted to college students. Attendee parking may be accommodated above, below and at-grade as shown. The existing apartment building would be demolished.

Existing Site Analysis
The existing site currently contains a two and a half story multi-family apartment building, along with the attendant surface parking, targeted to college students. The site to the east is zoned R2B and contains a fraternity as well as a landscape depression known as the "Mud Bowl". The site contains an underground storm sewer which cuts diagonal through the South-East corner. There is one existing curb cut along South University. All public utilities, including Water, Sanitary Sewer and Storm Sewer are available adjacent to or on the site.

Community Analysis
The area around the site is a diverse mixture of both residential and retail/commercial uses. The vast majorities of residential uses are multi-family in nature and cater to college students attending the University of Michigan. This area is one of the most densely populated areas within the downtown core. See the attached documentation for a more detailed recitation of the area demographics.
A mixed use high-rise development on this site would continue to expand retail opportunities in the area as well as contribute additional city residents that will support the retail/commercial uses already established. Such a development is consistent with current development trends as well as downtown development and transit oriented goals. See the attached documentation for more information.
No impact on the public schools is anticipated due to the fact that the proposed development will target college students not families.
No negative impact is anticipated on air and water quality. The existing site currently has no storm water treatment or detention where as the redeveloped site would have storm water control measures including sedimentation/retention and retention cell of which represent an improvement to the quality of water discharged from the site. The building will not significantly shade any of the homes to the south. There are no historic structures on-site.



DEVELOPMENT SUMMARY		
Zoning	Permitted	Proposed
D2	D1	D1 with conditions
S University Character Area	S University Character Area	S University Character Area
Street Wall Ht. 2 story Min./ 3 story Max	2 story Min./ 3 story Max	2 story Min./ 3 story Max
Lot Size: 45'	45'	45'
Area: 35,719.20 SF (82 AC)	35,719.20 SF (82 AC)	35,719.20 SF (82 AC)
Depth: 266.00'	266.00'	266.00'
Width: 176.40'	176.40'	176.40'
Min: 116.31'	116.31'	116.31'
Maximum Floor Area: 400% base, up to 900% max w/ premium	400% base, up to 900% max w/ premium	400% base, up to 700% w/ premium
71,438 sf (1,42,876.8 sf)	142,876.8 sf (2,21,472.8 sf max w/ prem)	142,876.8 sf (250,034.4 sf max w/ prem)
Min Building Ht. 24' / 2 stories	24' / 2 stories	24' / 2 stories
Max Building Ht. 60'	150'	145'
Tower offset above street wall 5'	5'	5'
Primary Street Frontage Setbacks:	0' Min. / 1' Max.	0' Min. / 1' Max.
Front:	0' Min. / 1' Max.	Varies
Side:	0' / 40' from 'R' Zoned properties	15' Min. tapering to 68' Max.
West:	0' / 40' from 'R' Zoned properties	137.3' Max. along eastern 58' existing R4C
East:	0' / 40' from 'R' Zoned properties	38' from R4C along balance of rear existing R4C
Rear:	0' for base FAR + 1/1,000st Prem. Area.	0' for base FAR + 1/1,000st Prem. Area
Parking:	1 space/5 units (5 required)	1 space/5 units (5 required)
Bicycle Parking:	50% A, 50% C	50% A, 50% C
R4C	did to the coverage of the rear and side setbacks at the SE corner of the property the effective max rear setback along the property the common with the R4C Zoned 1321 Forest Ct. parcel is 137.3'	

1320 S. University
Rezoning
Ann Arbor, Michigan

© Copyright 2010

J BRADLEY MOORE & ASSOCIATES

4844 Jackson Road, #150 Ann Arbor, MI 48103 (734) 930-1500

drawn: LMK
date: 06.30.10
08.24.11
12.15.11

job: 201160

revisions

shl
C1.1

Possible Site Plan

Exhibit E-1 South University Downtown Area

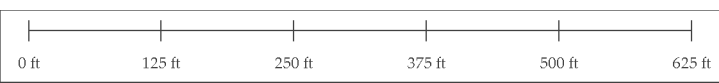
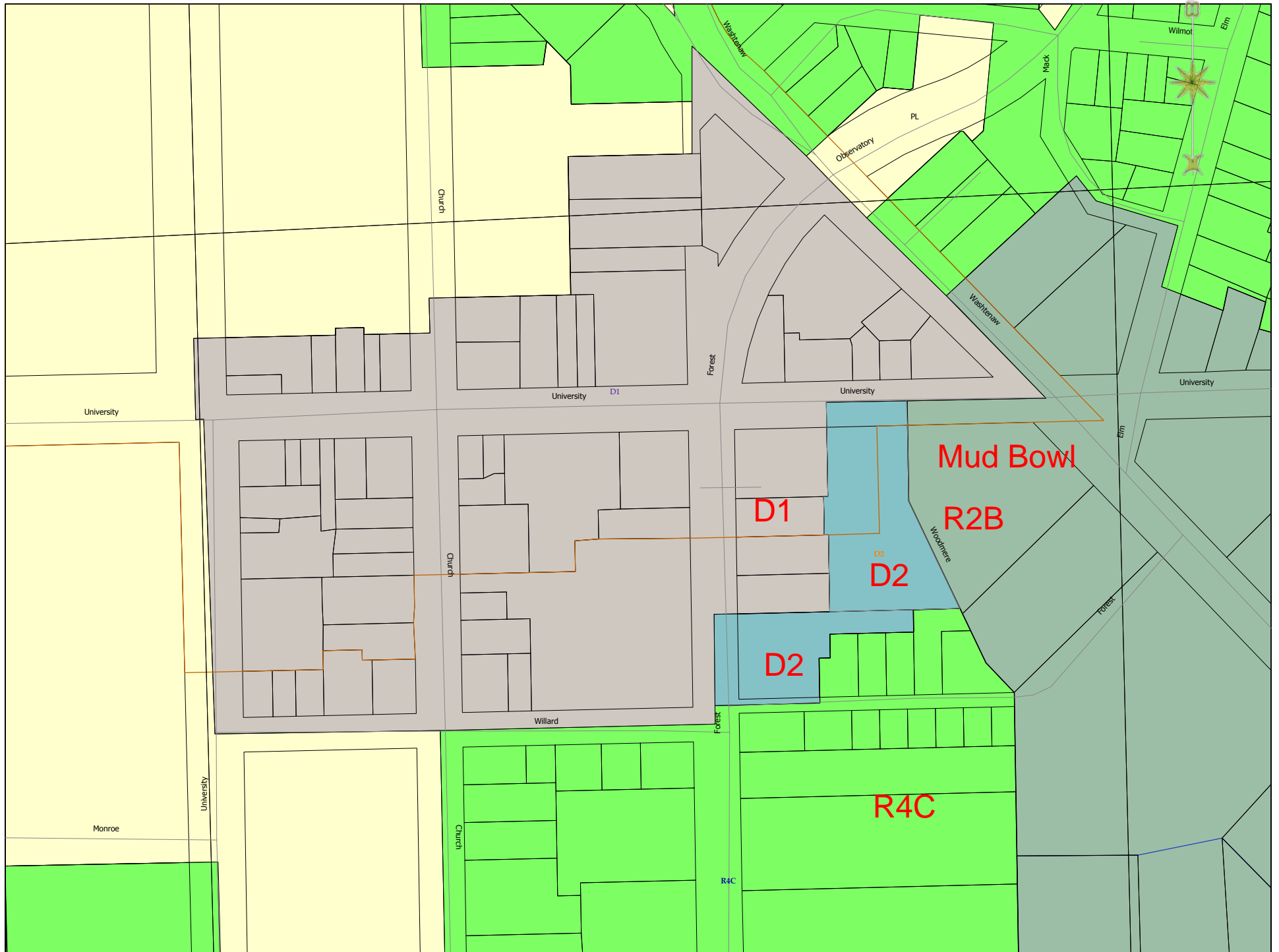


Exhibit E-2

D2 Areas

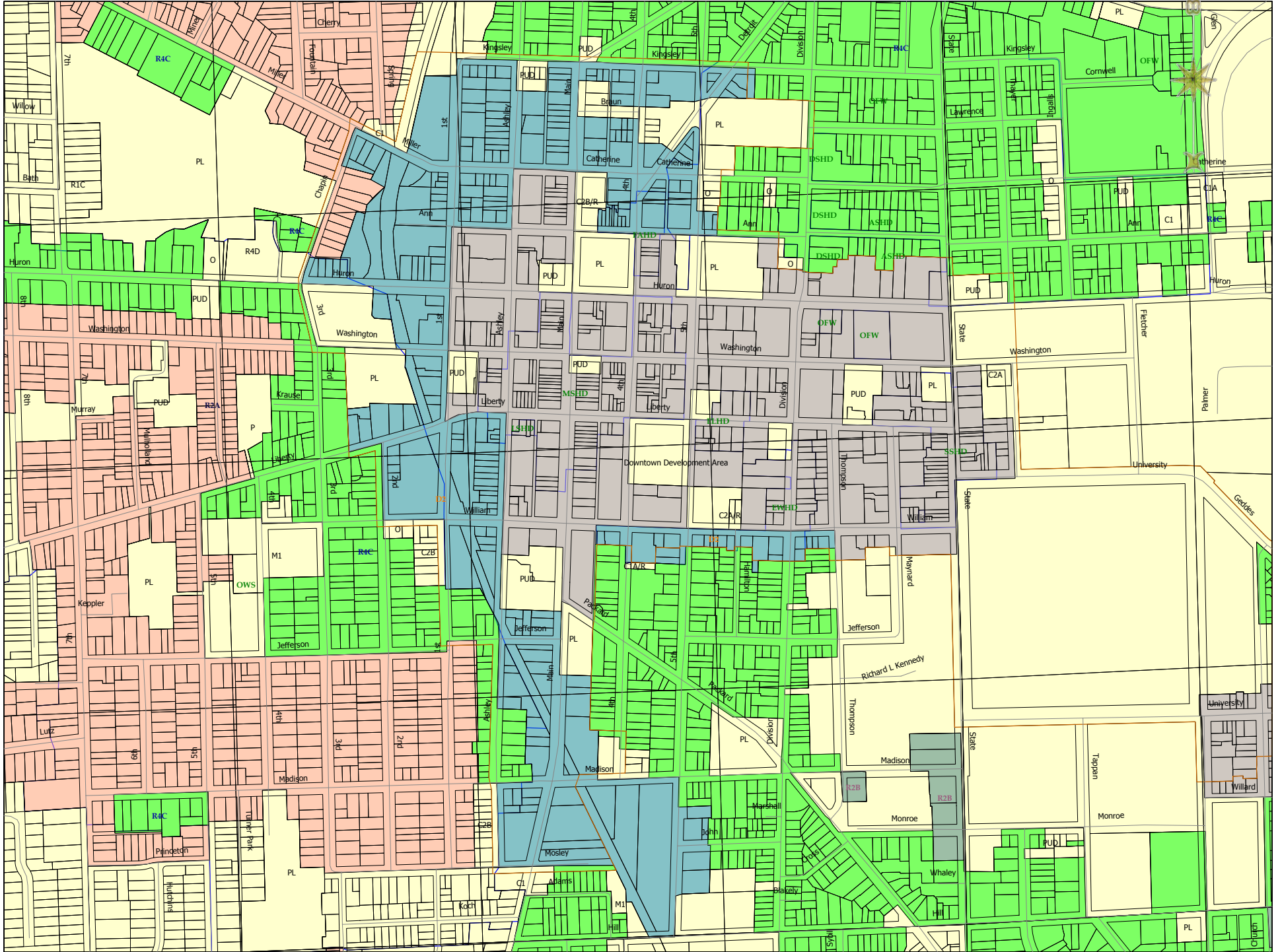


Exhibit E-3 Liberty/Division and East William D2 area

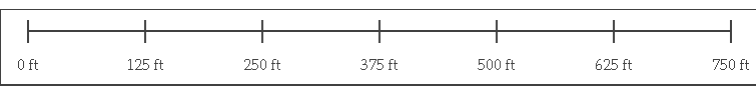
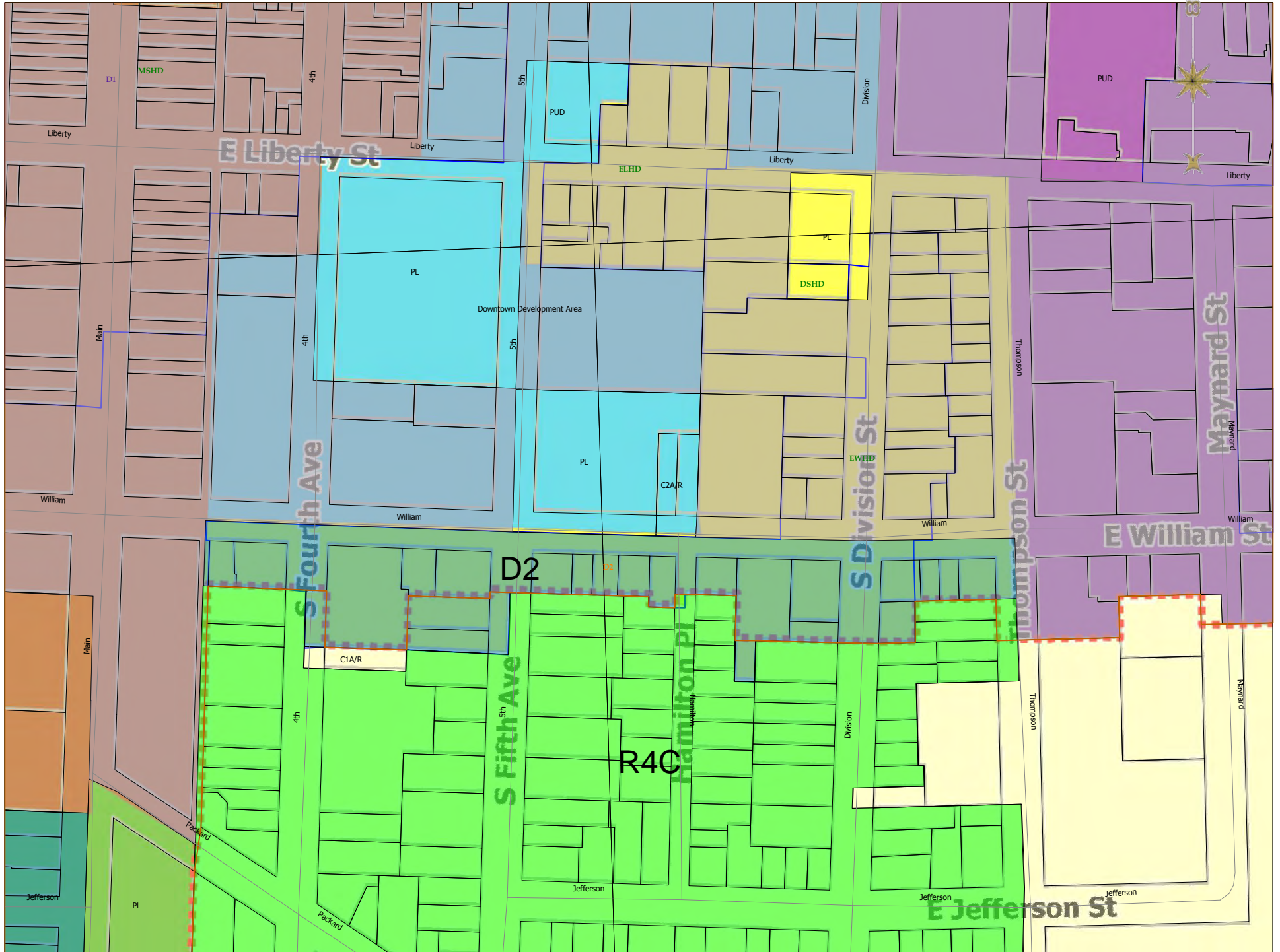


Exhibit E-4 East Huron 2 District

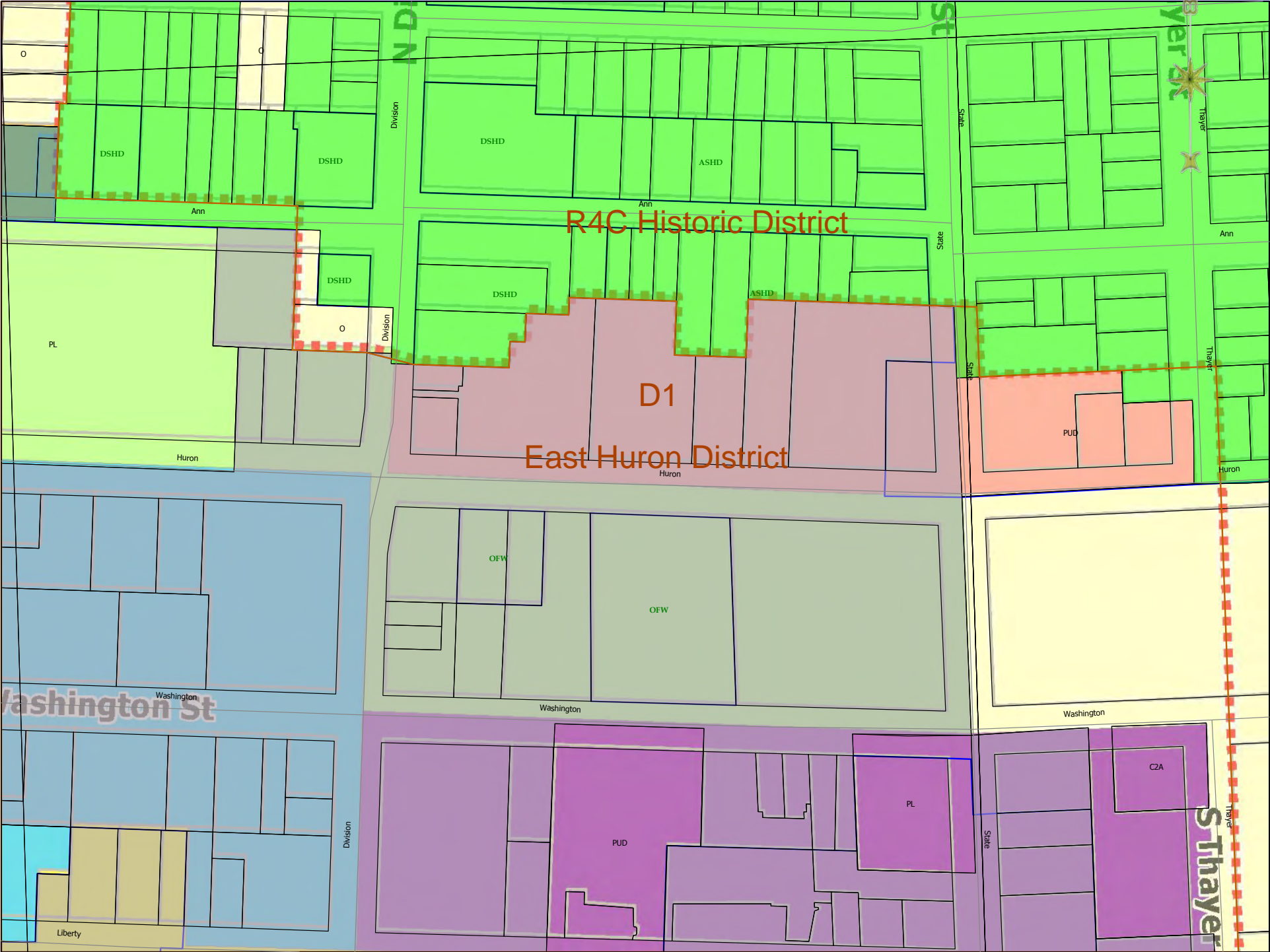


EXHIBIT F Aerial View



From: [Earl Barr](#)
To: [Gale, Mia](#);
Subject: South University Zoning of 1320 S. University
Date: Wednesday, October 10, 2012 5:04:40 PM

Dear Ms. Mia Gale,

My name is Earl Barr, I live at 1320 Forest Court. I recieved a notice about the application of Mr. J. Sotiroff and Mr. P. Sotiroff, wanting to use a variance. I am under the impression that this particular piece of real estate was zoned D1? How is it, that these gentlemen think that they can build up their property, when the zoning doesn't allow for it?

They have owned this real estate for sometime now and have not been the best of landlords. There have been times when the trash, the grounds, and the actual building, have not been kept up to par. Their intention to build up their property, now, is a short coming. They should have taken better care of their real estate over the years. But, now they want to re-build, bring more residents in and probably not keep their property up. I am against any variance, zoning change, or building up of their property. They have zoning in place, now they have to live by that. They seem like they are trying to "pull a fast one", over the neighborhood, and the committees who handle these variances. I strongly object to this application. Why are they going to a new committee? Didn't the City Council tell them once, already, the zoning doesn't allow it?

Please stop this sneaky behavior, at once! Thank you, Earl R. Barr 734-663-4685

1321 Forest Court
Ann Arbor MI 48104
October 16, 2012

Zoning Board of Appeals
City of Ann Arbor
Ann Arbor, MI

Re: Appeal # ZBA 12-020 – 1320 South University Avenue

Dear ZBA Members:

For the past 30 years, we have owned and lived at 1321 Forest Court, the property that abuts 1320 South University at its southern boundary. Our house is approximately 1,700 square feet on a 1/10th of an acre lot and it closely resembles the other 11 houses on Forest Court. Two of these houses are owner occupied and the others are owned by long-term landlords, who maintain them well. Because of the proximity of these houses to the portion of South University that is zoned for high density (D-1), the A2D2 zoning ordinance designated as D-2 the three small apartment buildings that abut the small residential parcels on Forest Court. This designation of D-2 was to provide an interface and buffer between our small houses and the D-1 properties along South University, which include the very large parcel, 1300 South University, that was recently developed as a 14-story, 600 resident apartment building on the northwest portion of our block.

The owners of 1320 South University have repeatedly petitioned to be rezoned from D-2 to D-1. In 2009, City Council refused to hear their first petition. On February 7, 2012, the Planning Commission unanimously rejected their petition to be rezoned. And on April 16, 2012, City Council unanimously rejected their petition to be rezoned. The variance request that they have currently submitted to the ZBA asks for variances that closely resemble the height, side setback and rear setback that they were not able to obtain in a rezoning process. This variance request therefore seems to be in direct contradiction to the ZBA's powers, which are not to "effect changes in the zoning map," but to "be the minimum variance that will make possible a reasonable use of the land or structure."

The variance of 85 feet in height, that they request, is extreme, to say the least. It amounts to a 145-foot building, which is nearly 2 ½ times the D-2 permitted height of 60 feet. Similarly, the side and rear setback variances they are requesting are very large and totally unacceptable to us as their abutting neighbors. The owners of 1320 South University already make "reasonable use" of their property, by regularly renting it. They could also renovate this property or develop it to conform to the D-2 zoning.

The petitioners claim that our trees and our lovely back yard already provide us with an acceptable interface. This is a specious argument that we find thoroughly ridiculous and insulting. Their zoning applies to regulations on their property and has nothing to do with the character or features of ours. Whatever interface is required must be on their side of the property line.

Forest Court is a beautiful street with 100 year-old houses and many red and white oak trees that are even older. It is a true gem in Ann Arbor and deserves to be protected.

We therefore urge all of you to reject this variance request.

Most sincerely,

Eleanor Linn and Marc Gerstein