

INSTRUCTIONS FOR APPLYING TO THE ZONING BOARD OF APPEALS

Applicants must submit a draft application for review at least 10 business days prior to their desired meeting due date. Please email your draft application and any relevant materials to planning@a2gov.org.

If an application is submitted by someone other than the property owner, a letter of authorization must be provided by the property owner. The letter will give the applicant permission to appear before the Zoning Board of Appeals (ZBA) with the request.

Staff may require an electronic pre-submission meeting with the applicant.

Applications must be received by email by noon of the due date. Please see the ZBA Calendar or contact staff for the ZBA application due date.

The ZBA typically meets on the fourth Wednesday of each month. **Due to the COVID-19 Pandemic, a ZBA meeting may occur electronically.**

The application fees are as follows:

Single & Two-Family: \$750 per address

Multiple-Family & Commercial: \$1,000 per address

Administrative Appeal: \$1,000

The following materials are required to be submitted with a completed application:

- Boundary 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.
- A Letter of Authorization if the applicant is not the owner of the property.

Please contact Planning Services by phone at 734-794-6265 or by email at planning@a2gov.org with any questions about your application or the ZBA process.

This page is not required to be submitted with the application.



ZONING BOARD OF APPEALS APPLICATION

City of Ann Arbor Planning Services

City Hall: 301 E Huron Street Ann Arbor, MI 48107-8647

Phone: 734-794-6265 Fax: 734-794-8460 Email: planning@a2gov.org

PROPERTY INFORMATION

ADDRESS OF PROPERTY		ZIP CODE	
ZONING CLASSIFICATION	NAME OF PROPERTY OWNER *If different than applicant, a letter of authorization from the property owner must be provided		
PARCEL NUMBER	OWNER EMAIL ADDRESS		

APPLICANT INFORMATION

NAME			
ADDRESS	CITY	STATE	ZIP CODE
EMAIL	PHONE		
APPLICANT'S RELATIONSHIP TO PROPERTY			

REQUEST INFORMATION

<input type="checkbox"/> VARIANCE REQUEST Complete Section 1 of this application	<input type="checkbox"/> REQUEST TO ALTER A NONCONFORMING STRUCTURE Complete Section 2 of this application
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REQUIRED MATERIALS

One hard copy application complete with all required attachments must be submitted. Digital copies of supportive materials included in the submitted hard copy will only be accepted in PDF format by email or accompanying the hard copy application on a USB flash drive.

Required Attachments:

- Boundary 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.

OFFICE USE ONLY

Fee Paid:

ZBA:

DATE STAMP

ACKNOWLEDGEMENT

All information and materials submitted with this application are true and correct.

Permission is granted to City of Ann Arbor Planning Services and members of the Zoning Board of Appeals to access the subject property for the purpose of reviewing the variance request.

Property Owner Signature : _____

Date: _____

Section 1 City of Ann Arbor Planning Services – Zoning Board of Appeals Application

VARIANCE REQUEST

ARTICLE(S) AND SECTION(S) FROM WHICH A VARIANCE IS REQUESTED: *(Example: Article 3, Section 5.26)*

REQUIRED DIMENSION: *(Example: 40' front setback)*
Feet: Inches:

PROPOSED DIMENSION: *(Example: 32 foot 8 inch front setback)*
Feet: Inches:

DESCRIPTION OF PROPOSED WORK AND REASON FOR VARIANCE:

The City of Ann Arbor Zoning Board of Appeals has the powers granted by State law and City Code Chapter 55, Section 5:29. 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 statements are found to be true. Please provide a complete response to each of the statements below.

The alleged practical difficulties are exceptional and peculiar to the property of the Person requesting the variance, and result from conditions that do not exist generally throughout the City.

See attached

The alleged practical difficulties that will result from a failure to grant the variance, include substantially more than mere inconvenience, inability to attain a higher financial return, or both.

See attached

Allowing the variance will result in substantial justice being done, considering the public benefits intended to be secured by this chapter, the practical difficulties 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.

See attached

The conditions and circumstances on which the variance request is based shall not be a self-imposed practical difficulty.

See attached

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

See attached

ZBA Variance Request Application

TO: City of Ann Arbor Planning Department; Attn: Chris Cheng
FROM: NorthStadium, LLC; Contact: Sean Havera
RE: 2060 W. Stadium Redevelopment Project - ZBA Variance Request Application
DATE: 05/04/2021
eTrakit Project No.: SP20-019
MCLLC Project No.: 20034A

To whom it may concern,

The following document is provided in place of Section 1 of the City of Ann Arbor ZBA Application form in order to clearly identify the two variances being requested. The proposed development is requesting variances from two (2) sections from Article IV of the City of Ann Arbor Unified Development Code – Section 5.20.3.B Vehicular Use Area Interior Landscape Islands, and Section 5.20.10 Trees in the Public Right-of-Way.

Description of Proposed Work and Reason for Variance: Redevelopment of vacant parcel to include new 2-story financial institution with non-medical offices on second floor.

Reason for variance from 5.20.3.B: Documented on-site soil contamination creates a situation in which providing the required bio-retention islands is discouraged in order to limit contamination of sub-surface water.

Reason for variance from 5.20.10: The existing W. Stadium streetscape does not allow for the planting of street trees within the right-of-way while also maintaining the clear width of the existing pedestrian pathway.

Application Statement: *"The alleged practical difficulties are exceptional and peculiar to the property of the Person requesting the variance, and result from conditions that do not exist generally throughout the City."*

Response (Section 5.20.3.B Vehicular Use Area Interior Landscape Islands): The operations from previously existing development(s) have contributed to on-site soil contamination and create a unique situation on these parcels.

Response (Section 5.20.10 Trees in the Public Right-of-Way): The existing streetscape along W. Stadium is such that there is no lawn extension within the right-of-way. There is approximately 7 feet between the back of curb and the right-of-way line. A pedestrian sidewalk exists directly adjacent to the back of curb. Within the 3 feet immediately adjacent to the curb is an area including street lighting which impedes pedestrian traffic. The sidewalk width extends another 5 feet to provide a clear walking path – with roughly 4 feet within the right-of-way and no room for street trees without impacting the

clear width or existing underground utilities. This is a unique feature of this roadway layout when compared to other streets throughout the City.

Application Statement: *"The alleged practical difficulties that will result from a failure to grant the variance, include substantially more than mere inconvenience, inability to attain a higher financial return, or both."*

Response (Section 5.20.3.B Vehicular Use Area Interior Landscape Islands): Strict adherence to the requirement to provide bio-retention islands would promote water infiltrating into and filtering through contaminated soils which would be against best practices to promote public safety, health, and welfare.

Response (Section 5.20.10 Trees in the Public Right-of-Way): Failure to grant a variance and requiring trees to be planted in the right-of-way would deviate from the established W. Stadium streetscape and negatively impact pedestrians' ability to travel along this business corridor.

Application Statement: *"Allowing the variance will result in substantial justice being done, considering the public benefits intended to be secured by this chapter, the practical difficulties 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."*

Response (Section 5.20.3.B Vehicular Use Area Interior Landscape Islands): Allowing the variance from providing bio-retention islands will result in substantial justice being done for the public safety, health, and welfare by limiting transmission of contamination into the groundwater table.

Response (Section 5.20.10 Trees in the Public Right-of-Way): Substantial justice will be done for the public benefit of maintaining a clear pathway for pedestrians to use in travelling along W. Stadium Blvd.

Application Statement: *"The conditions and circumstances on which the variance request is based shall not be a self-imposed practical difficulty."*

Response (Section 5.20.3.B Vehicular Use Area Interior Landscape Islands): The existing soil contamination created by the operations of previous property owner(s) is not self-imposed.

Response (Section 5.20.10 Trees in the Public Right-of-Way): The layout of the existing roadway and pedestrian pathway within the right-of-way is not self-imposed.

Application Statement: *"A variance approved shall be the minimum variance that will make possible a reasonable use of the land or structure."*

Response (Section 5.20.3.B Vehicular Use Area Interior Landscape Islands): This is the minimum variance from this section of the Unified Development Code that would make a reasonable use of the land possible.

Response (Section 5.20.10 Trees in the Public Right-of-Way): This is the minimum variance from this section of the Unified Development Code that would make a reasonable use of the land possible.