

**Zoning Board of Appeals
May 26, 2021 Regular Meeting**

STAFF REPORT

ZBA21-008, 3010 Hickory Lane

Summary: Brent Schomaker, Ann Arbor Racquet Club General Manager, is requesting action by the Zoning Board of Appeals to allow construction of a 240 sq. foot partially sunken spa in the northeast corner front setback. This will require a variance from Chapter 55, Section 5.17 (Front Setback Requirement) of 24 feet from the front setback requirement of 40 feet.

Description and Discussion:

The Racquet Club is a private athletic club and the petitioner proposes installing a 240 sq. foot spa approximately 18-inches above grade at the northeast corner of the site. This location places the spa 24 feet into the front setback.

The parcel is zoned AG (Agriculture District) and is located on the southeast corner of Geddes Ave and Hickory Lane. The subject parcel is conforming for lot area; the required minimum lot area for AG is 100,000 square feet and the subject parcel is 340,373 square feet.

The proposed spa encroaches approximately 24 feet into the required 40-foot front setback off the Huron Parkway entrance ramp and requires a setback variance from the Zoning Board of Appeals. This Huron Parkway entrance ramp is no longer used by vehicles and has been converted into a pedestrian walkway.

As part of the 1997 site plan approval for the pool expansion at this site, variances were approved to waive parking lot lighting requirements and to encroach ten feet into the front setback to expand the pool. In 2015, a 7-foot variance request for a building expansion located in the 40-foot front setback off the Huron Parkway entrance ramp was denied by the ZBA.

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 AARC is situated such that it has frontage on three different streets requiring three front yard setbacks severely limiting the property owners right to enjoy their property in a manner similar to other AG zoned properties in Ann Arbor. The east setback is no longer used as a road (now a pathway).

- (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 failure to grant this variance will deny the applicant the opportunity to use this existing recreational area in a similar, but consistent use to historical activities.

- (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 granting of this variance will allow the continued use of areas of the existing pool deck to be used in a manner consistent with the previous aquatic activities. The granting of this variance and future construction will not impact any neighbor nor will it be visible to anyone outside the club.

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

The conditions that result in a third front yard setback stem from the construction of Huron Parkway in the 1960's while the AARC was already in existence.

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

The variance requested is a result of the placement for a spa within the current limits of the pool deck which is already being used for recreational purposes.

Staff does not feel that the requested variance would negatively affect any surrounding property. The subject building is located in an area away from the neighborhood. The expansion will allow the petitioner to improve their property while respecting the intent of the Zoning Ordinance.

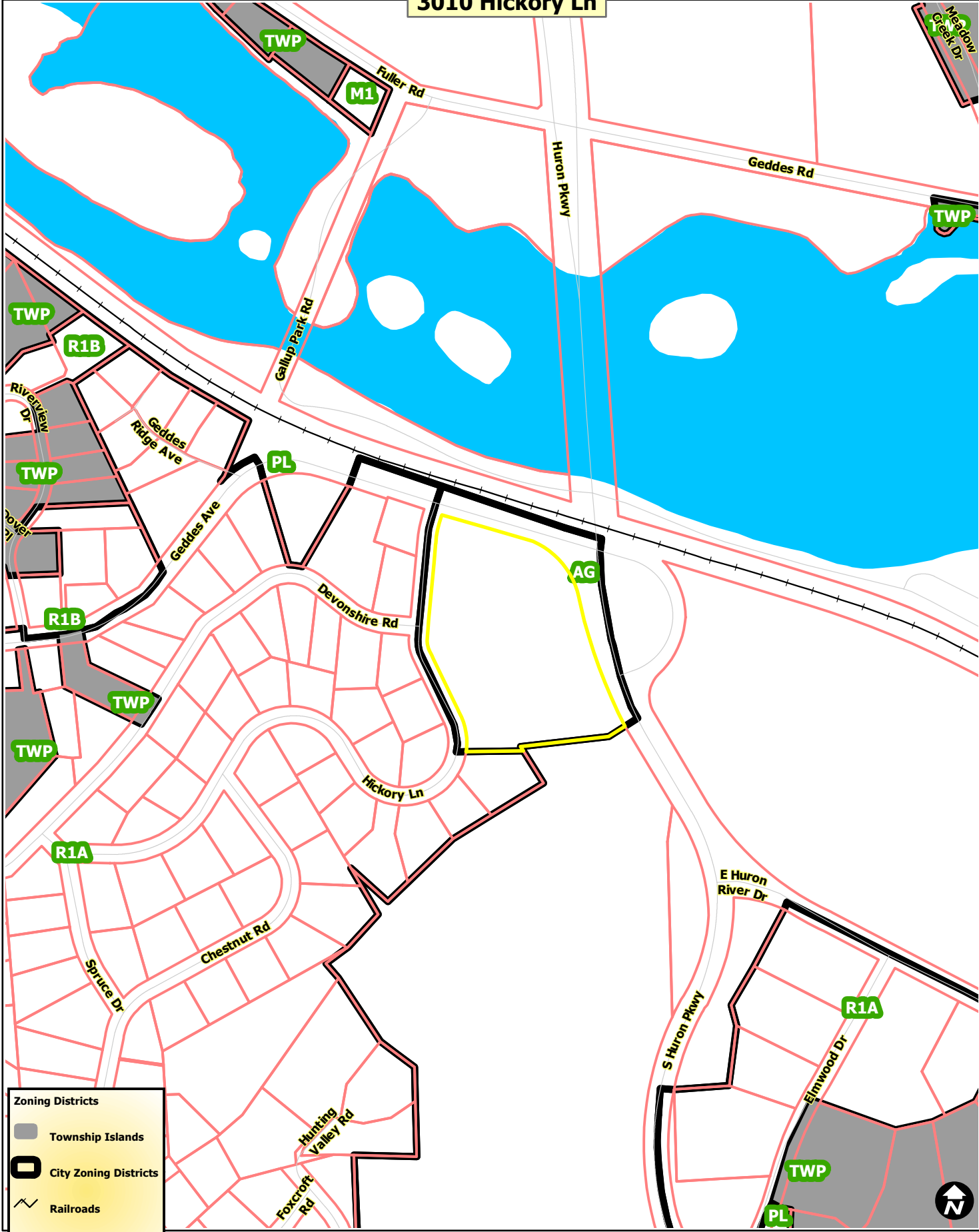
Zoning Board of Appeals
Variance Request
May 26, 2021 - Page 3

Respectfully submitted,

Chris Cheng

**Chris Cheng, AICP
City Planner**

3010 Hickory Ln



Zoning Districts

- Township Islands
- City Zoning Districts
- Railroads
- Huron River
- Tax Parcels





Map date: 5/4/2021
Any aerial imagery is circa 2020 unless otherwise noted
Terms of use: www.a2gov.org/terms



3010 Hickory Ln



 Railroads

 Tax Parcels



Map date: 5/4/2021
Any aerial imagery is circa 2020 unless otherwise noted
Terms of use: www.a2gov.org/terms

3010 Hickory Ln



 Railroads

 Tax Parcels



Map date: 5/4/2021
 Any aerial imagery is circa 2020
 unless otherwise noted
 Terms of use: www.a2gov.org/terms



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 3010 Hickory Lane		ZIP CODE 48108
ZONING CLASSIFICATION AG	NAME OF PROPERTY OWNER* <i>If different than applicant, a letter of authorization from the property owner must be provided</i> Ann Arbor Racquet Club	
PARCEL NUMBER 09-09-26-301-004	OWNER EMAIL ADDRESS BSchomaker@A2racquet.com	

APPLICANT INFORMATION

NAME Ann Arbor Racquet Club			
ADDRESS 3010 Hickory Lane	CITY Ann Arbor	STATE MI	ZIP CODE 48108
EMAIL BSchomaker@A2racquet.com		PHONE 734-216-0579	
APPLICANT'S RELATIONSHIP TO PROPERTY Manager/Designated Agent			

REQUEST INFORMATION

<input checked="" 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
--	---

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: **4-27-21**

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)

Article 5, Section 17.3.B

REQUIRED DIMENSION: (Example: 40' front setback)

Feet: 0 Inches: 0

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

Feet: 0 Inches: 0

DESCRIPTION OF PROPOSED WORK AND REASON FOR VARIANCE:

Maintenance, reconstruction of mechanical systems and the addition of a partially sunken spa result in encroachment into one of the three front yard setbacks.

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.

The AARC is situated such that it has frontage on three different streets requiring three front yard setbacks severely limiting the property owners right to enjoy their property in a manner similar to other AG zoned properties in Ann Arbor. East setback is no longer even a road (now a pathway)

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.

The failure to grant this variance will deny the applicant the opportunity to use this existing recreational area in a similar, but consistent use to historical activities.

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.

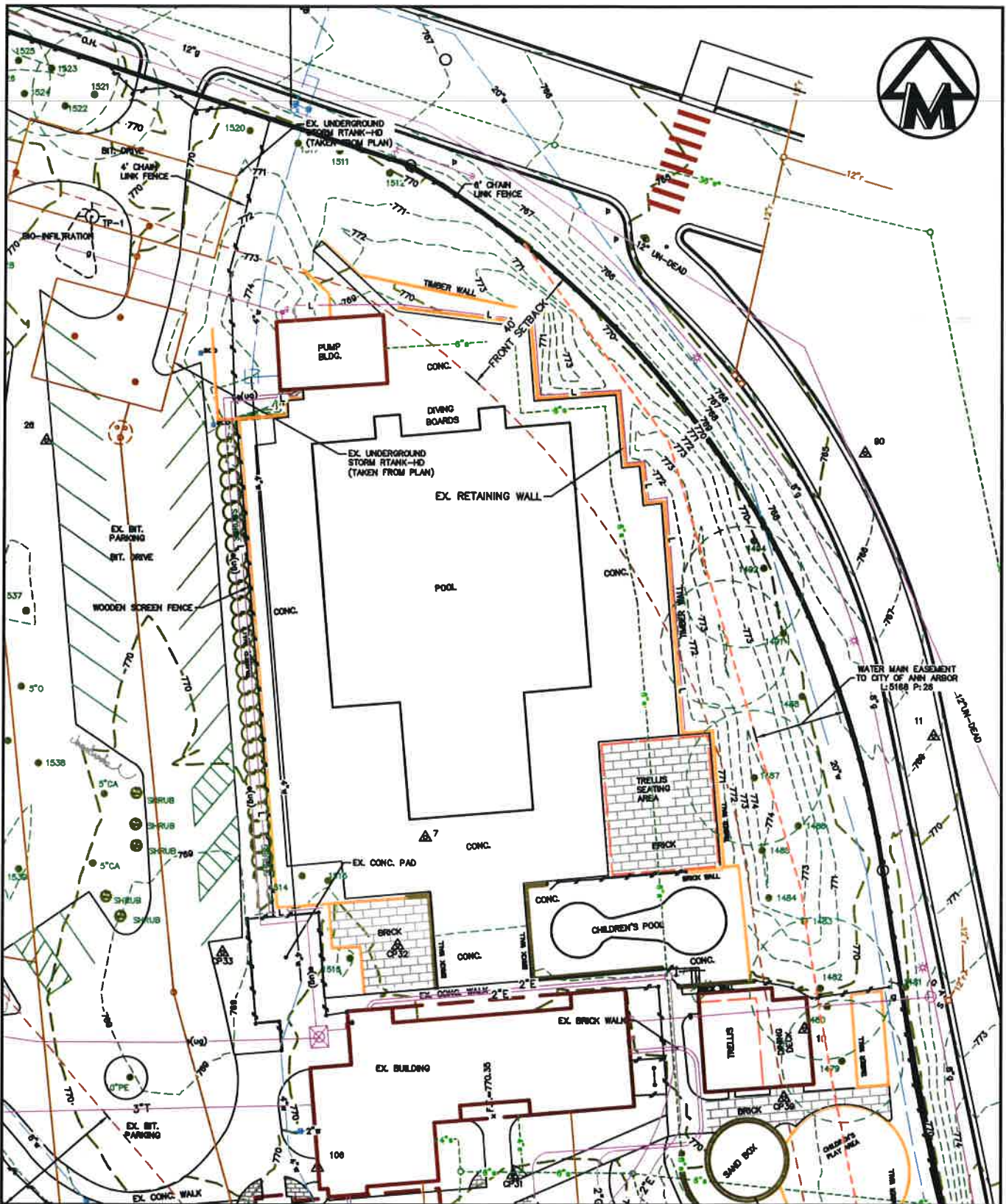
The grant of this variance will allow the continued use of this area of the existing pool deck to be used in a manner consistent with the previous aquatic activities. The grant of this variance and future construction will not impact any neighbor nor will it be visible to anyone outside of the club.

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

The conditions that result in a third front yard setback stem from the construction of Huron Parkway in the 1960's while the AARC was already in existence.

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

The variance requested is a result of the placement of the spa within the current limits of the pool deck which is already being used for recreational purposes.



MIDWESTERN
CONSULTING

3815 Plaza Drive Ann Arbor, Michigan 48108
 (734) 995-0200 • www.midwesternconsulting.com
 Land Development • Land Survey • Institutional • Municipal
 Wireless Communications • Transportation • Landfill Services

RACQUET CLUB OF ANN ARBOR
EXISTING CONDITIONS FOR ZBA

DATE: 4/27/2021 JOB NO.: **20213**

SCALE: 1" = 40'



SHEET 1 OF 2



Racquet Club OF ANN ARBOR

3010 Hickory Lane
P.O. Box 130228
Ann Arbor, Michigan 48113

April 27, 2021

To whom it may concern,

I, Ed Heberlein, on behalf of the Board of Directors and as acting president authorize and approve Brent Schomaker, General Manager of the Racquet Club of Ann Arbor to sign documents, petitions, applications or other required notices regarding the submitted plans for the project for Racquet Club of Ann Arbor.

Regards,

Ed Heberlein
President, Racquet Club Board of Directors

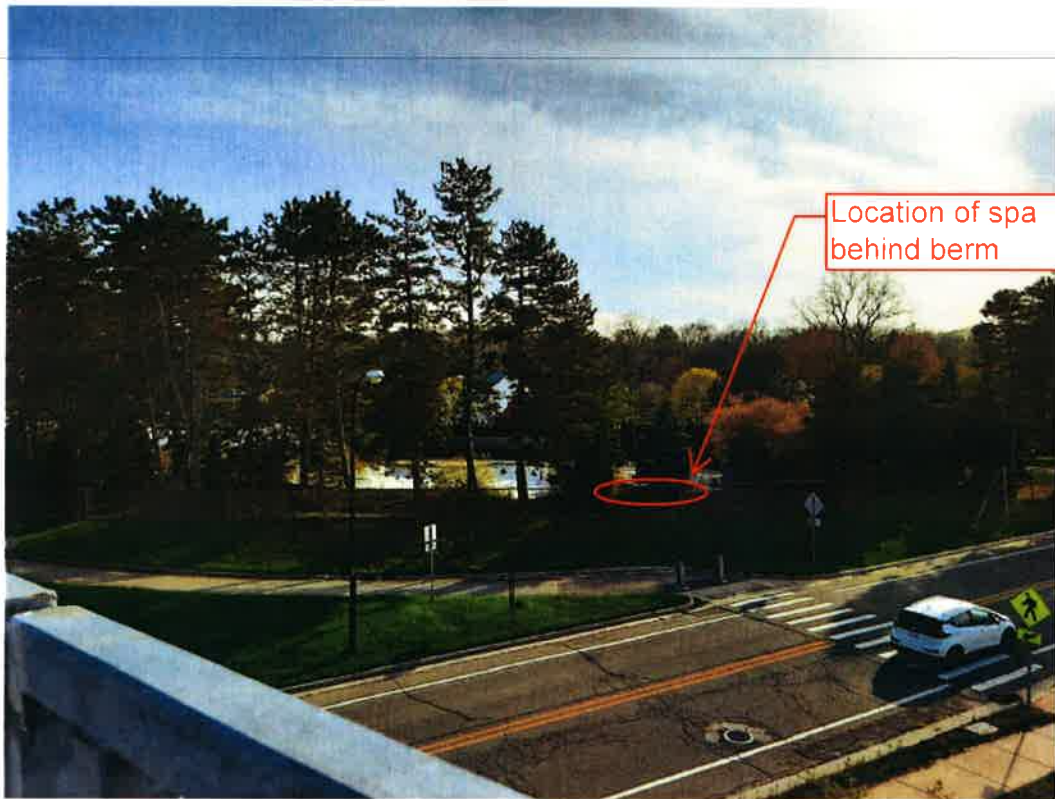
**LEGAL DESCRIPTION OF A 7.86 ACRE PARCEL OF LAND LOCATED
IN THE SW 1/4 OF SECTION 26 & THE NW 1/4 OF SECTION 35, TOWN 2 SOUTH
RANGE 6 EAST, CITY OF ANN ARBOR, WASHTENAW COUNTY, MICHIGAN**

Commencing at a point on the West line of the aforementioned Section 26, 515.92 feet North of the SW corner of said Section; thence S 71°47'25" E along the centerline of Huron River Drive 506.79 feet to the POINT OF BEGINNING;

thence continuing S 71°47'25" E along the centerline of Huron River Drive 182.05 feet;
thence S 18°12'35" W 33.00 feet;
thence 259.70 feet along the arc of a 290.00 foot radius circular curve, concave
Southwesterly through a central angle of 51°18'35", the long cord of which bears
S 33°59'10" E 251.11 feet;
thence 423.76 feet along the arc of a 1516.47 foot radius circular curve, concave
Northeasterly through a central angle of 16°00'39", the long chord of which bears
S 16°20'21" E 422.38 feet;
thence S 59°28'15" W 57.70 feet;
thence S 85°38'40" W 283.47 feet;
thence N 30°36'31" W 120.00 feet along the Easterly line of Lot 47, Riverside Hills
Subdivision No. 2, as recorded in Liber 17 of Plats, Pages 25 and 26, Washtenaw
County Records;
thence N 00°11'36" E 314.24 feet along the East line of Lot 47, 48, and 49 of said Plat;
thence N 89°36'10" W 70.36 feet along the North line of Lot 49 to the SE corner of
Lot 50 of the aforementioned plat;
thence N 06°54'35" E 337.06 feet along the East line of Lots 50 and 51 of said plat to the
centerline of Huron River Drive and the POINT OF BEGINNING. Being part of
the SW 1/4, Section 26 and also part of the NW 1/4, Section 35, T2S, R6E, Ann
Arbor Township, Washtenaw County, Michigan. Also being subject to the right
of the public over the Northerly 33 feet thereof and to sanitary and storm sewer
rights-of-way in favor of the City of Ann Arbor.

Also: Lots 47 through 51 inclusive of Riverside Hills Subdivision No. 2 as recorded in Liber 17 of Plats, Pages 25 and 26, Washtenaw County Records.

VIEW FROM HURON PARKWAY BRIDGE:



VIEW FROM GEDDES ROAD:

