

**Zoning Board of Appeals  
January 24, 2018 Regular Meeting**

**STAFF REPORT**

**Subject: ZBA17-037; 618 Church Street**

**Summary:**

Mark Chalou, representing the property owner, is requesting a variance of six (6) feet from Chapter 61 Signs and Outdoor Advertising Section 5:502 (2)(a). The ordinance requires signs to be installed a maximum of four (4) feet from a building wall. The variance will enable a business sign to be installed and attached to a steel canopy ten (10) feet from the building wall.

**Description and Discussion:**

The petitioner is seeking to install a 44 square foot sign (see diagram) and attach to a steel canopy structure that is located above an outdoor seating area. The variance if approved will allow the proposed sign to project 44 inches into the public right of way. The sign will be required to be a minimum of eight (8) feet above the sidewalk to allow for pedestrian clearance.

The Zoning Board of Appeals has the power granted by State law and by **Section 5:517**, Application of the Variance Power from Chapter 61, the City of Ann Arbor Sign Ordinance. The following criteria shall apply (*petitioner's response in italics*, staff's response in regular type):

- (a) That the alleged hardships or practical difficulties, or both, are peculiar to the property of the person requesting the variance and result from conditions which do not exist generally throughout the city.**

The applicant states that when the building was originally constructed it was zoned C1A/R (Campus business residential district) which requires a ten (10) foot setback. The zoning in the area has since changed to D1 (downtown district) which allows for a zero front setback. The adjacent buildings to the restaurant have been built closer to the right of way which thus obscuring it from pedestrians and vehicular traffic from the northern and southern directions.

- (b) 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 the failure of the Board to grant a variance and the rights of others whose property would be affected by the allowance of the variance.**

Without the variance, the sign will be installed on the building wall and will not have the same visual effects as with the variance enabling installation on the steel canopy structure.

**(c) Is the condition which prevents you from complying with the ordinance self-imposed? How did the condition come about?**

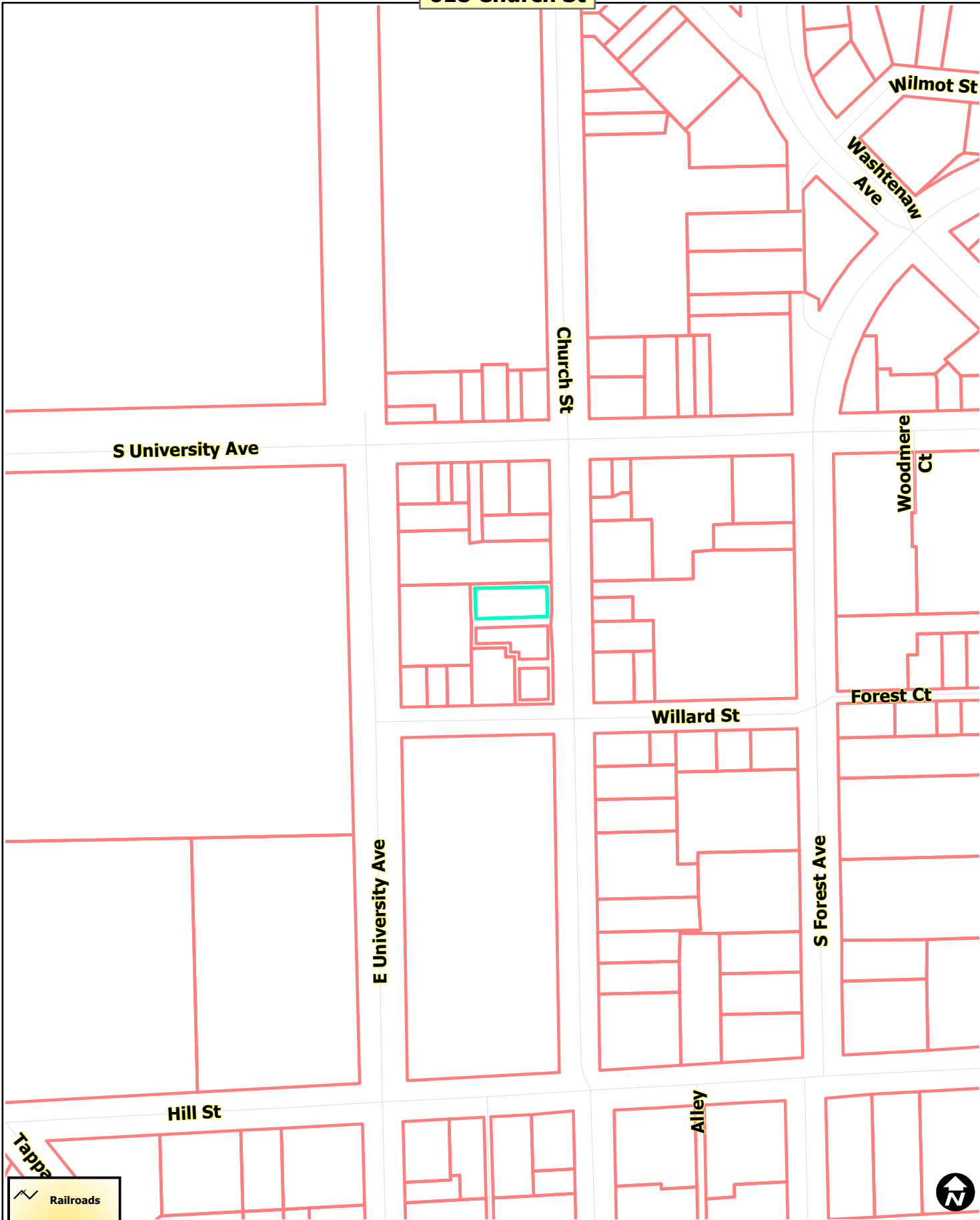
The applicant contends that the conditions were not self-imposed. The zoning in the surrounding area changed and the result is detrimental to the visibility for the subject property and its tenants.




Respectfully submitted,

A handwritten signature in blue ink that reads "Jon Barrett". The signature is stylized, with the first name "Jon" written in a cursive-like font and the last name "Barrett" written in a more upright, blocky cursive style.

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

618 Church St






 Railroads  
 Huron River  
 Tax Parcels



Map date 1/4/2018  
 Any aerial imagery is circa 2015  
 unless otherwise noted  
 Terms of use: [www.a2gov.org/terms](http://www.a2gov.org/terms)

618 Church St






-  Railroads
-  Huron River
-  Tax Parcels



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-  Railroads
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**Zoning Board of Appeals Packet**

**Pizza House, 618 Church Street, Ann Arbor, MI, 48104**

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## ZONING BOARD OF APPEALS

### PLANNING DEPARTMENT

City Hall: 301 E. Huron St. Ann Arbor, MI 48104-6120

Mailing: P.O. Box 8647, Ann Arbor, MI 48107-8647

Phone: 734.794.6265

Fax: 734.994.8460

[planning@a2gov.org](mailto:planning@a2gov.org)

**APPLICATION MUST BE FILLED OUT COMPLETELY**

### NOTICE TO ALL APPLICANTS:

- A pre-filing meeting is **required** for all applicants. Contact Jon Barrett, Zoning Coordinator (734-794-6000 ext. 42654) or the Planning & Development Services unit to arrange a meeting. Bring any available materials, including a draft application, drawings, plans, etc. for discussion.
- All applications must be **signed**.
- Applications must include all required information, such as drawings, site plans, floor plans and/or photographs to completely describe the request.
- If an application is submitted by someone other than the property owner, a letter of authority must be provided from the property owner. This letter will give the applicant permission to appear **BEFORE** the Zoning Board of Appeals (ZBA) with the specific request.
- The ZBA meets on the fourth (4<sup>th</sup>) Wednesday of each month. Public notices for each request before the ZBA are published at least fifteen (15) days prior to the meeting, in accordance with State law. ***Applications must be received at least 4 weeks prior to the meeting date.***
- All applications will be reviewed by staff. **INCOMPLETE** applications will not be accepted. Applications with incorrect or inadequate information will be returned to the applicant for corrections and will be scheduled for the next available meeting date.
- Applicants must submit two (2) complete packets of information with all **required** information and materials, with letters of authority or one (1) original complete application packet and one (1) electronic copy of the original complete packet with all supporting materials on CD (Abode pdf format preferred).
- All communication with ZBA members must be through the application and at public meetings **ONLY**. ***Solicitation of members on an individual basis outside of these venues is inappropriate and prohibited.***
- Application to the ZBA does not guarantee the request will be scheduled, nor is the application any indication of ZBA action.

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INTENTIONALLY**





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**APPLICATION MUST BE FILLED OUT COMPLETELY**

Office Use Only	
Fee Paid: <u>\$600</u>	ZBA: <u>17-037</u>
<b>DATE STAMP</b>	
CITY OF ANN ARBOR RECEIVED	
DEC 21 2017	
PLANNING & DEVELOPMENT SERVICES	

PROPERTY INFORMATION	
ADDRESS OF PROPERTY: <u>618 CHURCH ST.</u>	
ZONING CLASSIFICATION: <u>D1</u>	TAX ID: (if known) <u>NA</u>
NAME OF PROPERTY OWNER*: <u>DENNIS TICE</u>	

*\*If different than applicant, a letter of authorization from the property owner must be provided*

APPLICANT INFORMATION	
NAME OF APPLICANT: <u>MARK CHALOU CHALOU DESIGNS</u>	
ADDRESS OF APPLICANT: <u>3458 EAST PINEVIEW DR DEXTER MI 48130</u>	
DAYTIME PHONE NUMBER: <u>734 320 1215</u>	FAX NO: <u>N/A</u>
EMAIL: <u>CHALOU DESIGNS</u>	
APPLICANT'S RELATIONSHIP TO PROPERTY: <u>SIGN FABRICATOR</u>	

REQUEST INFORMATION	
<input checked="" type="checkbox"/> VARIANCE REQUEST (Complete the section 1 below)	<input type="checkbox"/> ALTERATION TO A NON-CONFORMING STRUCTURE (skip to Section 2)

Section 1 - VARIANCE REQUEST	
CHAPTER(S) AND SECTION(S) FROM WHICH A VARIANCE IS REQUESTED: (Example: Chapter 55, Section 5:26) <u>Section 5:502(2)(A)</u>	
Required Dimension: (Example: 40' front setback) <u>4 ft from the building</u>	PROPOSED Dimension: (Example: 32') <u>10 ft</u>
Give a detailed description of the work you are proposing and why it will require a variance (Attach additional sheets if necessary) <u>See Attached Documents.</u>	



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### Section 1 - VARIANCE REQUEST con't

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.

1. 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. See Attached letter from J Bradley Moore and Associates Architects, paragraph #1.

2. That the alleged hardships are 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. With this hardship Pizza House will be difficult to locate and lose valuable revenue.

3. 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. Due to the construction of the 2 new buildings the Pizza House's signage is obstructed.

4. That the conditions and circumstances on which the variance request is based shall not be a self-imposed hardship or practical difficulty. Zoning frontage requirements changed after Pizza Houses construction.

5. A variance approved shall be the minimum variance that will make possible a reasonable use of the land or structure. The variance would be to extend the original ordinance of 4 ft setback to 10ft, so the signage is visible.



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### Section 2 – 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.

REQUIREMENT	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:

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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:

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### Section 2 – ALTERATION TO A NON-CONFORMING STRUCTURE

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

### 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:

- One (1) hardcopy and one (1) electronic copy shall be submitted.
- The electronic copy shall include all associated supporting documentation with application submission.

- 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.

### ACKNOWLEDGEMENT

I, the applicant, hereby 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.

Phone number: 734 320 1215

Signature: X

Email address: [GAMMADESIGNS@ATT.NET](mailto:GAMMADESIGNS@ATT.NET)

Print Name: IVANNA C. WATSON

I, applicant, hereby depose and say that all the aforementioned statements, and the statements contained in the materials submitted herewith, as true and correct.

Signature

Further, I hereby give the City of Ann Arbor Planning and 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

**Dennis Tice**

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**From:** Mark Chalou <chaloudesigns@att.net>  
**Sent:** Wednesday, December 13, 2017 11:35 AM  
**To:** Dennis Tice  
**Subject:** please sign and send back

Dennis,

Please see the authorization form that I need for the zoning Board of appeals, all I need you to do is print it sign it and send it back to me....

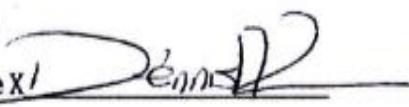
Subject: Letter of Authorization  
To: Jon Barnett, Zoning Coordinator City of Ann Arbor  
From: Dennis Tice, President  
Date: December 13, 2017

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Mr. Jon Barnett,

I hereby authorize Mark Chalou from Chalou Designs to commence with the zoning Board of appeals application form for my property at 618 Church St, Ann Arbor, MI 48104.

Thank you,

Dennis Tice X   
President  
Pizza House  
618 Church St  
Ann Arbor, MI 48104  
Date: December 13, 2017

**HOBBS + BLACK ARCHITECTS**  
ARCHITECTURE | ENGINEERING | INTERIOR DESIGN

November 22, 2017

Marc Chalou  
Chalou DeSigns

RE: Pizza House Proposed Signage  
618 Church St.

Dear Marc,

We have reviewed the Ann Arbor sign ordinance with respect to your proposed sign for the Pizza House restaurant. In our opinion, the proposed sign complies with the ordinance, specifically Section 5:502 (2)(a). The recently added canopy is clearly part of the building, and it would be reasonable to consider the canopy edge as the building wall for determination of the allowable sign extension.

Sincerely,



Steve Dykstra  
Vice President



December 12, 2017

To Whom It May Concern,

When the Pizza House restaurant, at 618 Church Street, was constructed the zoning was C1A/R which required a minimum front set-back of at least 10 feet (which the original building complied with). Subsequently the zoning in the area was changed to C2A and then D1 (D1 being the current zoning). The subsequent zoning districts had a zero front set-back requirement. The buildings approved and built (or under construction) on either side of the Pizza House restaurant, under the current zoning, have been approved and built significantly closer to the front lot line than the restaurant thus obscuring it from view from pedestrians and vehicular traffic either north or south of the restaurant.

The restaurant recently commissioned us to design an extension of the southern portion of the front of the first floor of the Pizza House building from the original building line out to the front property line. This addition to the building, now completed, has foundations and a roof structure with structural supporting columns and is therefore a permanent portion of the building. While this addition extends a portion of the building structure (at the first floor level) out to the front property line the nature of the building occupancy (and the bulk of the building) is still obscured by the much taller adjacent buildings north and south of the restaurant. A new sign is needed at the front property line, permanently attached to the new building addition, to increase visibility for the business in the older building.

If you have any questions or need additional information please feel free to contact me.

Sincerely,

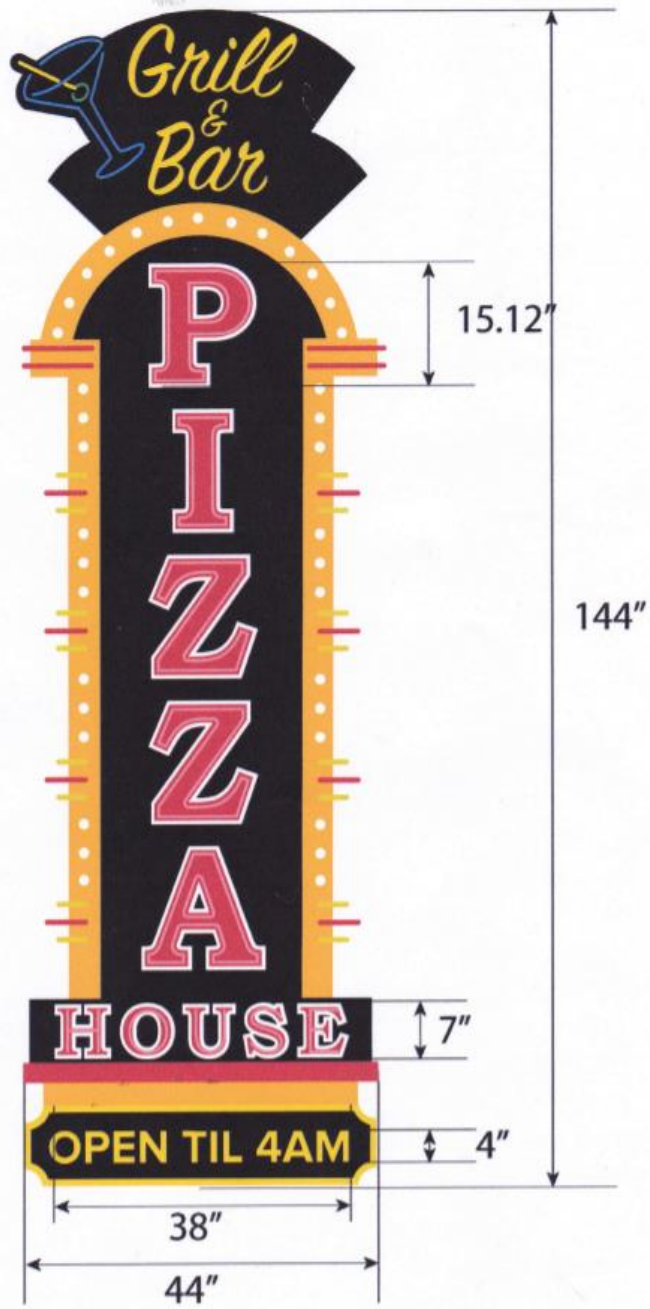
J Bradley Moore, AIA  
President, J Bradley Moore & Associates, Architects, Inc.



**10 Feet  
Wide  
Patio**

**70 Feet  
of Total  
Frontage  
for Pizza**





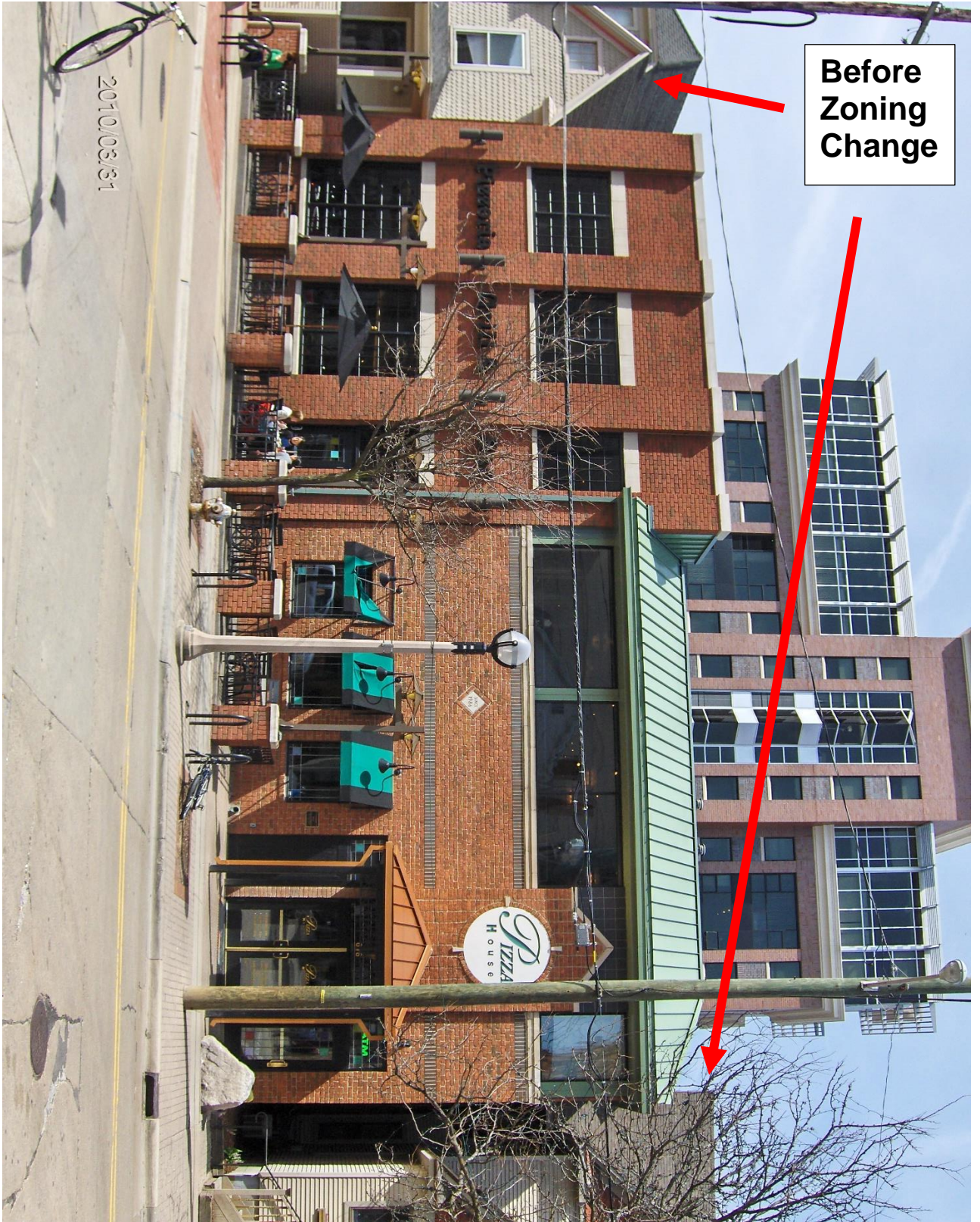


**\*Not to Scale**



**View of  
Pizza  
House,  
looking to  
the West**





**Before  
Zoning  
Change**