

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

Section 1: Applicant Information

Name of Applicant: MICHAEL A BOGGIO AIA
Address of Applicant: 30100 TELEGRAPH RD #216, 48025
Daytime Phone: 248-320-4920
Fax: 248-258-2843
Email: BOGGIO@AOL.COM
Applicant's Relationship to Property: ARCHITECT

Section 2: Property Information

Address of Property: 3600 PLYMOUTH ROAD
Zoning Classification: C-3
Tax ID# (if known): TO BE SPLIT FROM 09-09-19-40-401-008
*Name of Property Owner: DANIEL SOBERMAN

**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:

5.10.23 - 3B

Required dimension: PROPOSED dimension:

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)

TO ALLOW A DRIVE UP FACILITY FACING A PUBLIC
RIGHT OF WAY

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?

SEE ATTACHED

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

SEE ATTACHED

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

SEE ATTACHED

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 ATTACHED

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

SEE ATTACHED

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:
- 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.
 - 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.
 - 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.
- 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.

248-320-9920
 Phone Number
 bog480@aol.com
 Email Address


 MICHAEL A BODOU
 Signature
 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.


 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.

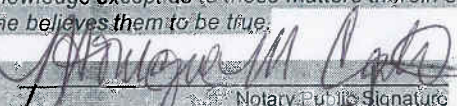

 Signature

I have received a copy of the informational cover sheet with deadlines and meeting dates and acknowledge that staff does not remind the petitioner of the meeting date and times.


 Signature

On this 18th day of September, 2014, 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.

November 13, 2015
 Notary Commission Expiration Date


 Notary Public Signature
 MONIQUE M CATO
 NOTARY PUBLIC - STATE OF MICHIGAN
 COUNTY OF OAKLAND
 Print Name
 Commission Expires Nov. 13, 2018
 Acting in the County of OAKLAND

Staff Use Only

Date Submitted: 9/18/14 Fee Paid: \$600

File No.: ZBA14-012 Date of Public Hearing: _____

Pre-filing Staff Reviewer & Date: _____ ZBA Action: _____

Pre-Filing Review: _____

Staff Reviewer & Date: _____

Zoning Board of Appeals
City of Ann Arbor

Section 4: VARIANCE REQUEST

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?*

The site is an approximate 1 acre site fronting Plymouth Road with frontage on the ramp to US-23. The ramp is being considered a street. The bank drive-up canopy fronts on to the US-23 ramp. The site circulation is organized to segregate drive through traffic from pedestrian traffic in the interest of safety.

There is a large green space between the drive through area and the US-23 ramp. There are numerous deciduous and coniferous trees proposed to be planted between the drive through facility and the US-23 ramp to provide screening.

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

The practical difficulty on this site is that due to the location of the US-23 ramp on the east side of the site, the location of the ingress and egress drives on the west side of the site and Plymouth Road on the north, only the south side of the building is not exposed to a street, ramp or drive. The need to separate pedestrians from the drive thru traffic for safety warrants placing the drive up service on the opposite side of the site from the ingress and egress. We have planned the drive up facility with a major setback to the US-23 ramp and proposed dense landscaping to screen it.

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

Granting this variance on this unique property will have no effect 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?*

The shape of the site fronting on Plymouth Road, frontage on the US-23 ramp on the east and the main common drive serving all of the commercial uses in the area on the west, offers only one building façade not fronting a street or traffic way. Planning the drive-up facility on the south side of this site will severely interfere with the overall site circulation and safety.

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

The condition that prevents this site from complying with the ordinance appears to be a relatively new amendment to the ordinance. The previous proposal for this site was a retail building with a drive-up window fronting onto Plymouth Road. The condition is self imposed due to the desire to segregate vehicular traffic from pedestrian traffic in the interest of safety.

LEGAL DESCRIPTION

PARCEL ID 09-09-14-401-008

(PER HOLIDAY INN NORTH CAMPUS PROPOSED LOT SPLIT PLAN
PREPARED BY ATWELL, DATED 9/3/99)

LAND LOCATED IN THE CITY OF ANN ARBOR, WASHTENAW COUNTY, STATE OF MICHIGAN, AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH 1/4 CORNER OF SECTION 14, T2S, R6E, CITY OF ANN ARBOR, WASHTENAW COUNTY, MICHIGAN; THENCE S89°19'45"E 541.10 FEET ALONG THE SOUTH LINE OF SAID SECTION 14; THENCE N00°05'50"E 698.65 FEET, THENCE N19°05'30"W 238.10 FEET; THENCE N70°54'30"E 75.00 FEET ALONG THE SOUTH LINE OF PLYMOUTH ROAD (100 FEET WIDE) FOR A PLACE OF BEGINNING; THENCE CONTINUING N70°54'30"E 124.37 FEET ALONG THE SOUTH LINE OF SAID PLYMOUTH ROAD; THENCE THE FOLLOWING TWO (2) COURSES ALONG SOUTHWESTERLY LINE OF THE MICHIGAN STATE HIGHWAY DEPARTMENT RIGHT-OF-WAY: S64°06'20"E 151.91 FEET, S19°06'20"E 113.53 FEET; THENCE S70°54'30"W 231.85 FEET; THENCE N19°05'30"W 220.92 FEET TO THE PLACE OF BEGINNING, CONTAINING 1.043 ACRES OF LAND, MORE OR LESS, AND BEING PART OF THE SOUTHEAST 1/4 OF SECTION 14, T2S, R6E, CITY OF ANN ARBOR, WASHTENAW COUNTY, MICHIGAN, BEING SUBJECT TO EASEMENTS, CONDITIONS, RESTRICTIONS AND EXCEPTIONS OF RECORD, IF ANY.

TOGETHER WITH A NON-EXCLUSIVE AGREEMENT FOR INGRESS AND EGRESS, OVER AND ACROSS THE ROADS AND DRIVES IN LIBER 1228, PAGE 471, LIBER 1162, PAGE 190 AND LIBER 1375, PAGE 234, WASHTENAW COUNTY RECORDS.

ALSO TOGETHER WITH A NON-EXCLUSIVE AGREEMENT FOR INGRESS, EGRESS, ACCESS AND PARKING FOR VEHICULAR AND PEDESTRIAN TRAFFIC, USE OF STORM WATER DRAINAGE, RETENTION AND DETENTION FACILITIES AND AREAS, PARKING LOT LIGHT FACILITIES AND DIRECTIONAL SIGNAGE AS SET FORTH IN LIBER 4531, PAGE 613, WASHTENAW COUNTY RECORDS.



12A587



MSKTH



SOUTH LINE



100' 0" 100' 0" 100' 0"

RIGHT LANE
US 23 South
ONLY

TURN AT PLYMOUTH ROAD
Eastbound Traffic: Access
via Green Rd.
Southbound Traffic: Access
via Green Rd.

Holiday Inn

1.18.05

NOTICE OF PROPOSED FLAGSTAR BANK BRANCH

CITIZEN PARTICIPATION

INFORMATION IS BEING SENT TO ALL PROPERTY OWNERS WITHIN 500 FEET OF A PROJECT SITE TO GIVE NOTICE THAT A PROJECT PETITION WAS SUBMITTED ON AUGUST 25, 2014. THIS INFORMATION IS INTENDED TO INVITE YOU TO CONTACT PROJECT DEVELOPERS SO THAT YOU CAN LEARN, ASK QUESTIONS, AND EXPRESS CONCERNS REGARDING THE PROPOSED PROJECT. YOUR COMMENTS WILL BE CONSIDERED BY THE DEVELOPER WHEN FINALIZING PLANS AND THEN INCORPORATED INTO A REPORT FOR THE CITY PLANNING COMMISSION.

PROJECT DESCRIPTION

THE PROJECT IS A 2,840 SQUARE FOOT BRANCH BANK OFFICE WITH DRIVE-UP ATM AND REMOTE TELLER FACILITIES. THE SITE LIES ON THE SOUTH SIDE OF PLYMOUTH ROAD ON THE WEST SIDE OF THE RAMP TO US-23 ON PROPERTY PARTIALLY DEVELOPED AS HOLIDAY INN OVERFLOW PARKING. THE BUILDING IS PROPOSED TO BE A ONE STORY BRICK BUILDING WITH SLOPING ROOFS SOMEWHAT RESIDENTIAL IN CHARACTER. THE NEW BUILDING IS PROPOSED TO HAVE AMPLE LANDSCAPING ON ALL SIDES OF THE SITE TO SCREEN AND SOFTEN THE SITE.

QUESTIONS OR COMMENTS

QUESTIONS OR COMMENTS MAY BE DIRECTED TO MICHAEL A. BOGGIO OR STANLEY JONIEC, ARCHITECTS, AT bog48@aol.com OR DURING BUSINESS HOURS AT 248-258-5155 x203 OR x204.

PROPOSED FLAGSTAR BANK SITE PLAN REVIEW

IN ACCORDANCE WITH THE CITY OF ANN ARBOR'S CITIZEN PARTICIPATION ORDINANCE, YOU ARE BEING NOTIFIED THAT A PROPOSAL FOR A FLAGSTAR BANK BRANCH WILL BE SUBMITTED TO THE CITY OF ANN ARBOR'S PLANNING DEPARTMENT.

DETAILS ABOUT HOW YOU CAN LEARN MORE AND COMMENT UPON THIS PROJECT ARE DESCRIBED BELOW.

