

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

STAFF REPORT

Subject: ZBA 21-016; 2150 Frieze Road

Summary:

St. Francis of Assisi Parish, property owners, are requesting a variance from installing the required EV (Electric Vehicle) parking spaces in existing parking lots fronting E. Stadium Blvd. and Frieze Ave. Section 5.19.1 requires a total of 91 EV parking spaces (EV-Installed – 26 spaces, EV-Ready – 26 spaces, and EV-Capable – 39 spaces). The property is zoned R1B, Single Family Residential District.

EV-I Parking Spaces shall have an installed electrical panel capacity with a dedicated branch circuit(s) including conductor in a raceway or direct buried, and an Electric Vehicle Charging Station (EVCS) capable of providing charge energy to an EV Parking Space(s) (See Figure 3). EV-I Parking Spaces shall include signage indicating the space is to be exclusively used for EV's.

EV-R Parking Spaces shall have an installed electrical panel capacity with a dedicated branch circuit(s) including conductor in a raceway or direct buried, terminated in an approved method in a junction box, for an EV Parking Space(s).

EV-C Parking Spaces shall have an installed electrical panel capacity with a dedicated branch circuits(s) and cable/raceway that is capped for future EV Parking Space(s) (See Figure 1). The dedicated branch circuit panel space shall be stenciled or marked legibly with the following text: Future Electric Vehicle Charging Circuit.

[EV Parking Ordinance](#)

Background:

The subject property is located on the south side of East Stadium Boulevard, west of St. Francis Drive. The church was built in the early 1960's with subsequent additions since then. A site plan, special exception use and variance from planting street trees were approved in 2021.

Description:

The applicant is proposing to construct a two-story, 14,570-sq foot parish structure on this 10.62-acre parcel for a new overall total floor area of 71,259-sq feet.

Site plans for City Council approval trigger the need for the entire site be brought into code compliance and the EV Parking was approved on January 19, 2021 and the site plan was approved on February 16, 2021. The applicant was aware the EV Ordinance was on a parallel approval track with their site plan.

Standards for Approval- Variance

The Zoning Board of Appeals has all the power granted by State law and by Section 5.29.12, Application of the Variance Power from the UDC. The following criteria shall apply:

(a). *That the practical difficulties 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 property is unique in that it is zoned R1B, even though the Church has been there since 1968. The Special Exception Use due to the zoning requires City Council approval; hence compliance with the EV Ordinance. The addition of the dedicated Parish hall does not change any of the parking requirements.

Staff Response: The SEU requires City Planning Commission approval. The size of the parish addition, 14,570-sq ft, triggers City Council approval due to the size. Staff agrees no new additional parking spaces are required as the number of students and parishioners are not increasing.

(b). *That the practical difficulties will result from a failure to grant the variance, include substantially more than mere inconvenience, inability to attain a higher financial return, or both.*

- Proximity to Stadium Blvd and the addition of the EV charging stations may encourage vehicle parking on private parking. The church and school have limited hours and cannot monitor use of the parking facilities during off hours.

(c). *That 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 project was initially submitted for Site Plan approval January 2020 and the EV Ordinance wasn't adopted until February 2021. Watermain, storm management, trash enclosures and landscaping have all been brought up to new requirements.

Staff Response: The site plan was formally submitted to the City on 7/30/20 and routed for city staff review on 8/3/20. Staff agrees all city site plan codes have been approved by staff.

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

- The proposed Parish Hall is intended to enhance use of the existing facility; not change any current use. The current zoning is a product of the history of the site prior to 1968; and does not reflect current use. Zoning districts east of the site include commercial uses; which permit religious facilities by right, not SEU.

Staff Response: This site is surrounded by single-family, multiple-family, office and public land zoning. These zonings require SEU approvals for private schools and religious assembly. Commercial zoning is located northeast of this site.

[Zoning Map](#)

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

A variance approval will allow the Church and School to continue to use the property as it is currently being used. Current faculty and administrative staff with EV's charge their vehicles at their homes. Average time for parishioners is 1.3 hours and the K-8 School parents are only pick-up and drop-off.

[Supplemental Application Information](#)

Staff Response: This proposal is unique in that most site plans approved by City Council requires additional parking spaces be constructed or parking lot improvements. This is not the case with this proposal as the existing parking on site sufficiently supports the church and school uses. EV parking spaces are typically installed when parking lots are proposed or under construction.

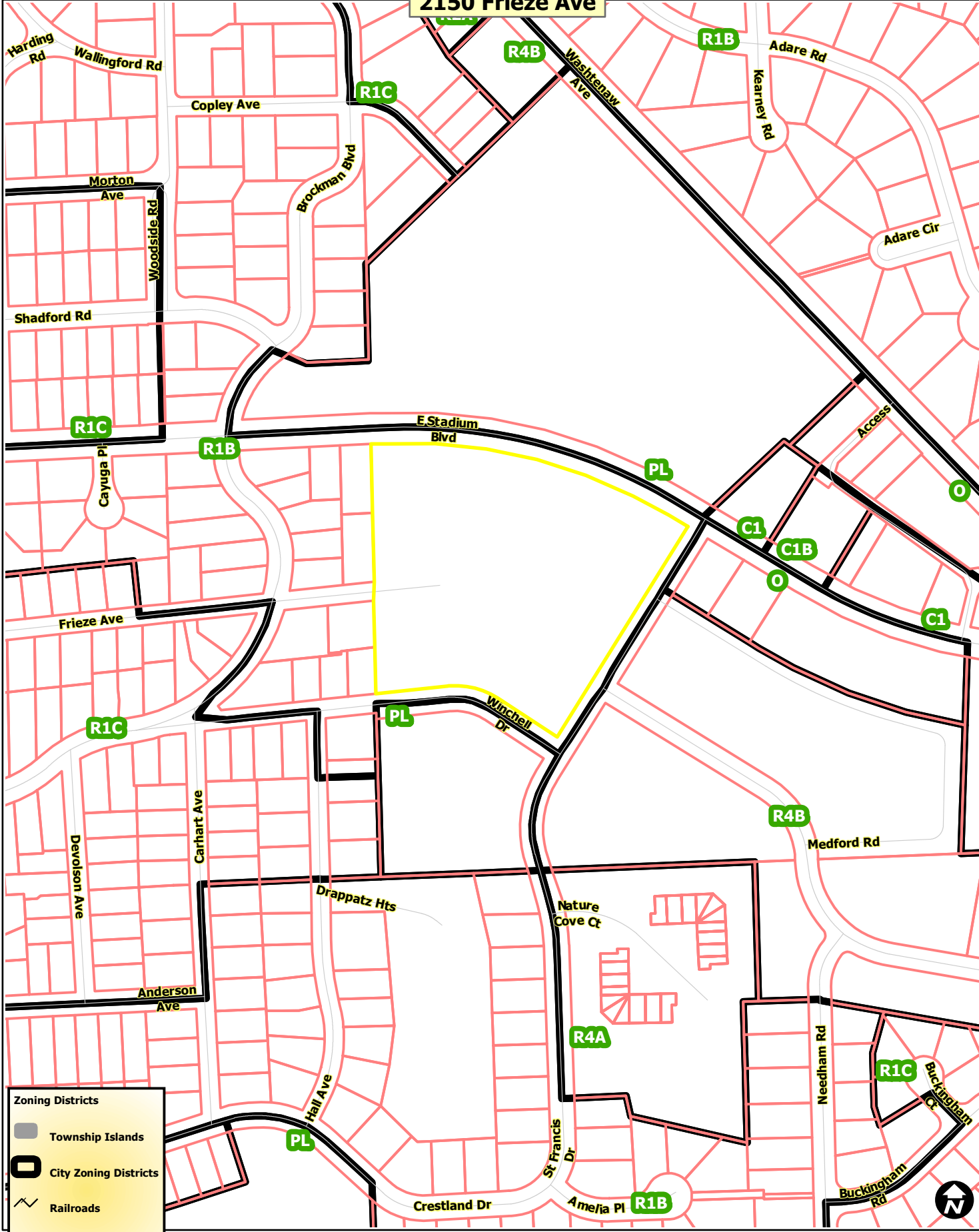
City Staff approved the petitioner's request for a landscape modification as part of the recently approved site plan to not install depressed bioretention islands as the existing parking lots are outside the limits of grading disturbance and the existing parking lots were part of previously approved site plans. The petitioner confirmed and noted on the landscape and grading plans there will be no ground disturbance to the existing parking lot.

Respectfully submitted,

Chris Cheng

**Chris Cheng
City Planner**

2150 Frieze Ave



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

2150 Frieze Ave






- Railroads
- Huron River
- Tax Parcels



Map date: 5/4/2021
Any aerial imagery is circa 2020 unless otherwise noted
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2150 Frieze Ave



-  Railroads
-  Huron River
-  Tax Parcels



Map date: 5/4/2021
 Any aerial imagery is circa 2020 unless otherwise noted
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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 2150 Frieze Avenue		ZIP CODE 48104	
ZONING CLASSIFICATION R1C Single Family Residential	NAME OF PROPERTY OWNER *If different than applicant, a letter of authorization from the property owner must be provided St. Francis of Assisi		
PARCEL NUMBER 09-09-34-312-004 09-08-34-312-005	OWNER EMAIL ADDRESS rkehn@stfransisa2.org		

APPLICANT INFORMATION

NAME Robert Kehn, CMA			
ADDRESS 2150 Frieze Avenue	CITY Ann Arbor	STATE MI	ZIP CODE 48104
EMAIL rkehn@stfransisa2.org		PHONE 734-821-2111	
APPLICANT'S RELATIONSHIP TO PROPERTY Parish Business Manager			

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
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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: 4/12/2021

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*)

Chapter 55: Section 5.19.1; Table 5.19.1

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:

Add a Parish Hall to the existing Church; so that the existing dining area can become dedicated for school cafeteria use.

Requesting a variance for a total of 91 EV Parking stations; including 26 EV-I, 26 EV-R and 39 EV-C

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 property is unique in that it is zoned R1C, even though the Church has been there since 1968.

The Special Exception Use due to the zoning requires City Council Approval; hence compliance with the EV Ordinance.

The addition of the dedicated Parish hall does not change any of the parking requirements for the site.

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.

Proximity to Stadium Blvd. and the addition of EV charging stations may encourage vehicle parking on private property.

The Church and School have limited hours and cannot monitor use of the parking facilities during off hours.

Annual maintenance of the equipment (\$2,400/Station) may be compromised by off hours usage of the charging stations.

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 project was initially submitted for Site Plan Approval Jan 2020 and the EV Ordinance wasn't adopted until Feb 2021.

Watermain, storm management, trash enclosures and landscaping have all been brought up to new requirements.

The additional costs of the EV stations, and annual maintenance are unanticipated burdens on non-profit financing.

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

The proposed Parish Hall is intended to enhance use of the existing facility; not to change any current use.

The current zoning is a product of the history of the site prior to 1968; and does not reflect current use.

Zoning districts east of the site include commercial uses; which permit religious facilities by right; not SEU.

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

A variance approval will allow the Church and School to continue to use the property as it is currently being used.

Current faculty and administrative staff with EV's charge their vehicles at their homes.

Average time for parishioners is 1.3 hours; and the K-8 School parents are only pick-up and drop-off.

**SUPPLEMENTAL NARRATIVE TO:
ST FRANCIS OF ASSISI EV ZONING VARIANCE REQUEST**

Detailed Response to Zoning Variance Appeal application - tca April 12, 2021

Addition of a parish hall, kitchen office space to accommodate the increasing demand for School cafeterias and multi-purpose space, while continuing community support services and meeting rooms. Parking lot configuration has not increased, and usage is expected to remain the same with short-term parking during the weekend services and primary playground space during the school weekdays. Requirement for Electrical Vehicle Charging Stations will not deliver the anticipated results and be both non-effective and cost-prohibitive for a not-for-profit organization. Financial recovery of the EVC investment is not feasible given the current use of the property.

- 1) The property is unique in that it is zoned R1C, even though the Church facilities have been operated on-site since 1968. This zoning required City Council approval under the Special Use Exception, triggering the requirement to comply with the newly enacted EV Ordinance. This project does not increase site parking, does not change the mission or activities of the parish, and only allows greater flexibility to better serve the community.
- 2) The dedicated private site parking lots and drives are used for short-term parking for worship services, k-8 school playground activities, preschool activities, student drop-off - pickup traffic, and limited staff parking. These private lots do not accommodate overnight or extended parking. The average period a vehicle is on campus is approximately 1.3 hours/per vehicle/ per week. The substantial expense to install the projected EV Charging Station and supporting infrastructure will be increased by annual maintenance fees of \$2,400/per station. The Church as a not-for-profit organization has no way of recouping these expenses over time, and the maintenance fees will negatively impact the annual budget resulting in reduced resources available to serve the community.
- 3) We believe that allowing this variance will result in substantial justice being done; for the following reasons:
 - a) The project was initially submitted for Site Plan Approval in January 2020 and was revised to accommodate substantial city infrastructure improvements of the water main loop extension, stormwater management, trash enclosures, and landscaping all being brought up to new requirements. These modifications extended the formal review process - prior to presentation to the City Council.
 - b) The Electronic Vehicle Charging Station Ordinance was only adopted by the City Council in February 2021, without consideration of a grandfather exemption for projects currently submitted for Planning Commission review.


- c) The substantial costs being added to the project without a means to recover these ongoing expenses places a hardship on our faith community and places the project funding in question.
 - d) Allowing the requested variance should not negatively impact the neighboring properties in that residential properties would acquire charging units to maintain and charge their personal vehicles. Not having the charging stations on the church property would avoid a possible attractive nuisance for people attempting to charge vehicles overnight or increased traffic at other inconvenient times.
- 4) The circumstances and conditions associated with the variance request is not self-Imposed in that this proposed parish hall addition is intended to enhance the facilities to accommodate the growing needs of the community and reduce conflicting demands for existing space and resources.
- The current zoning is a product of the history of the site prior to 1968 and does not reflect the current zoning for east of the site that includes commercial uses (which permit religious facilities by right vs SEU review).
- 5) The variance approval will allow St Francis Assisi Parish to continue to operate in a way that is consistent with the mission to serve and educate the community in an efficient and effective manner. Staff and visitors to the campus will be able to recharge their Electric Vehicles at their residence prior to attending services and events that average 1.3 hours per visit. Current usage requirements preclude the effective use of charging stations on this site.

ADDENDUM 1	2/19/21
BIDS	2/2/21
CD Review	11/24/20
DESIGN DEVELOPMENT	12/19/19
SCHEMATIC DESIGN	3/15/19
DATE ISSUED	

SM	DRAWN BY
WZ	CHECKED BY

HOBBS + BLACK
ARCHITECTS
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 Ann Arbor, MI 48104
 P: 734.663.4189
 www.hobbs-black.com

ST. FRANCIS
 OF ASSISI
 2250 E STADIUM BLVD.
 ANN ARBOR, MI 48104

PROJECT

MAENGINEERING
 MECHANICAL/ELECTRICAL
 400 S. Oak Woodland Ave., Suite 100 11248126811810
 Birmingham, Michigan 48009 112481258118238
 CONSULTANT

ELECTRICAL
SITE PLAN

SHEET TITLE
 16905
 PROJECT NUMBER
E-400
 SHEET NUMBER

PANELBOARD: RP - CC1 (NEMA-3R) MOUNTING: UN-STRUT
 VOLTAGE: 208Y/120V, 3 PHASE, 4 WIRE + G AIC: AS SPECIFIED
 MAIN: 350 A MCB FEEDER: SEE RISER
 LOCATION: PARKING LOT SPD EQUIPPED: NO

Circ No	Breaker	Post	Trip	Location	Load Information Description	Code	Connected Watts		
							Phase A	Phase B	Phase C
1	2			PARKING LOT	ELECTRIC VEHICLE CHARGER		3300		
3			40					3300	
5	2			PARKING LOT	ELECTRIC VEHICLE CHARGER				3300
7			40				3300		
9	2			PARKING LOT	ELECTRIC VEHICLE CHARGER				3300
11			40					3300	
13	2			PARKING LOT	ELECTRIC VEHICLE CHARGER		3300		
15			40					3300	
17	1		20	SPARE					
19	1		20	SPARE					
21	1		20	SPARE					
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27	1		20	SPARE					
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41				SPACE					
43	2			PARKING LOT	ELECTRIC VEHICLE CHARGER		3300		
45			40					3300	
47	2			PARKING LOT	ELECTRIC VEHICLE CHARGER		3300		
49			40					3300	
51	2			PARKING LOT	ELECTRIC VEHICLE CHARGER		3300		
53			40					3300	
55	2			PARKING LOT	ELECTRIC VEHICLE CHARGER		3300		
57			40					3300	
59	2			PARKING LOT	ELECTRIC VEHICLE CHARGER		3300		
61			40					3300	
63	2			PARKING LOT	ELECTRIC VEHICLE CHARGER		3300		
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