

**Zoning Board of Appeals
March 25, 2015 Regular Meeting**

STAFF REPORT

ZBA14-012, 3600 Plymouth Road

Summary

Michael A. Boggio, petitioner, is requesting a variance from Chapter 55 (Zoning) Section 5:10.23 (3)(b) (C3, Fringe Commercial District), to allow a drive-thru facility between the principal building and a street. The required front setbacks are met with 25 foot setbacks.

Description and Discussion

The subject parcel is located at the southwest corner of Plymouth Rd and US-23 entrance ramp and proposes an approximately 3,000-square foot, single-story back with a three-lane drive-thru facility. The parcel is conforming for lot size (45,433 sf; required is 6,000 sf) and zoned C3 (Fringe Commercial District). The proposed bank is conforming for zoning setbacks.

Chapter 55 was amended in 2014 prohibiting drive-thru facilities located between the principal building and a street. The proposed drive-thru facility is facing the US-23 entrance ramp and is considered a street as it is public right-of-way.

It is unlikely the proposed drive-thru will be visible from US-23 with the existing trees and proposed landscaping screening this site. The drive-thru facility will be located approximately 150-feet from the entrance ramp.

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 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.***

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.

The proposed drive-thru facility conforms to the required front setbacks and is setback nearly 10-feet from the entrance ramp. As stated by the petitioner, the bank will be screened with existing and proposed landscaping and will be well screened.

This is not a typical corner lot with two fronts. The US-23 entrance ramp is considered

a street as it's public right-of-way.

- (b). ***That the practical difficulties 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.***

If the variance is not granted, the petitioner could not construct a drive-thru facility at this location due to stacking and queing problems. This site has two frontages and the proposed eastern location best hides this drive-thru facility from pedestrians and traffic.

- (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 proposed bank has received site plan approval from the City Planning Commission. The site plan provides safe pedestrian connections to the site and was reviewed and approved by the city traffic engineer for safe traffic circulation.

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

The recently amended code prohibiting drive-thru facilities between buildings and streets was to hide the facility from public view. By placing this facility on the east side of the site with existing and proposed landscaping it will be difficult to see from both Plymouth Road and US-23.

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

The variance allows for the petitioner to utilize a drive-thru facility that is difficult to be seen from public-rights-of-way and is setback approximately 150-feet from US-23.

Respectfully submitted,

Chris Cheng

**Chris Cheng, AICP
City Planner**