#### Zoning Board of Appeals April 22, 2015 Regular Meeting

#### STAFF REPORT

#### ZBA15-004, 3010 Hickory Lane

#### Summary:

Brent Schomaker is requesting action by the Zoning Board of Appeals to allow construction of the northeast corner of a proposed 3,533 sq ft tennis building into the front setback. This will require a variance from Chapter 55, Section 5:25 (Front Setback Requirement) of 7 feet from the front setback requirement of 40 feet.

#### **Description and Discussion:**

The Racquet Club is a private athletic club and the petitioner proposes removing the existing tennis facility building as it is not handicap accessible and requires numerous upgrades and constructing a single-story 3,533-square foot tennis facility building further to the east. This new location places the northeast corner of the building 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 northeast corner of the tennis building encroaches approximately 7 feet into the required 40-foot front setback off Huron Parkway entrance ramp and requires a setback variance from the Zoning Board of Appeals. This Huron Parkway entrance ramp in 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.

#### 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 subject parcel is fronted by 3 public rights-of-way with the eastern right-ofway no longer used by vehicular traffic. This Huron Parkway entrance ramp has since been closed and converted to a pedestrian walkway.

#### (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 variance is being requested for the new building and interior site sidewalk connections to be ADA accessible and employing sound storm water drainage on site.

# (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.

Although the proposed addition would extend into the required front setback, it is minimal in total size as it is approximately 7 feet of the northeast corner of the proposed building. The building will not be extended any closer to the side property line or adjacent neighbors.

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

This site was originally used as a farm and it was zoned AG (Agriculture District) due to the lot size, private recreational use, and location of the surrounding golf course and single-family uses. The subject parcel is surrounded by 3 frontages. The petitioner proposes the location of this building into the front setback to accommodate both ADA accessibility and to properly drain storm water away from this area.

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

The variance, if approved, will permit construction of the northeast corner of the building within the front setback. The proposed building will have a minimal impact to the surrounding neighborhood. The size of the encroachment into the front setback is minimal.

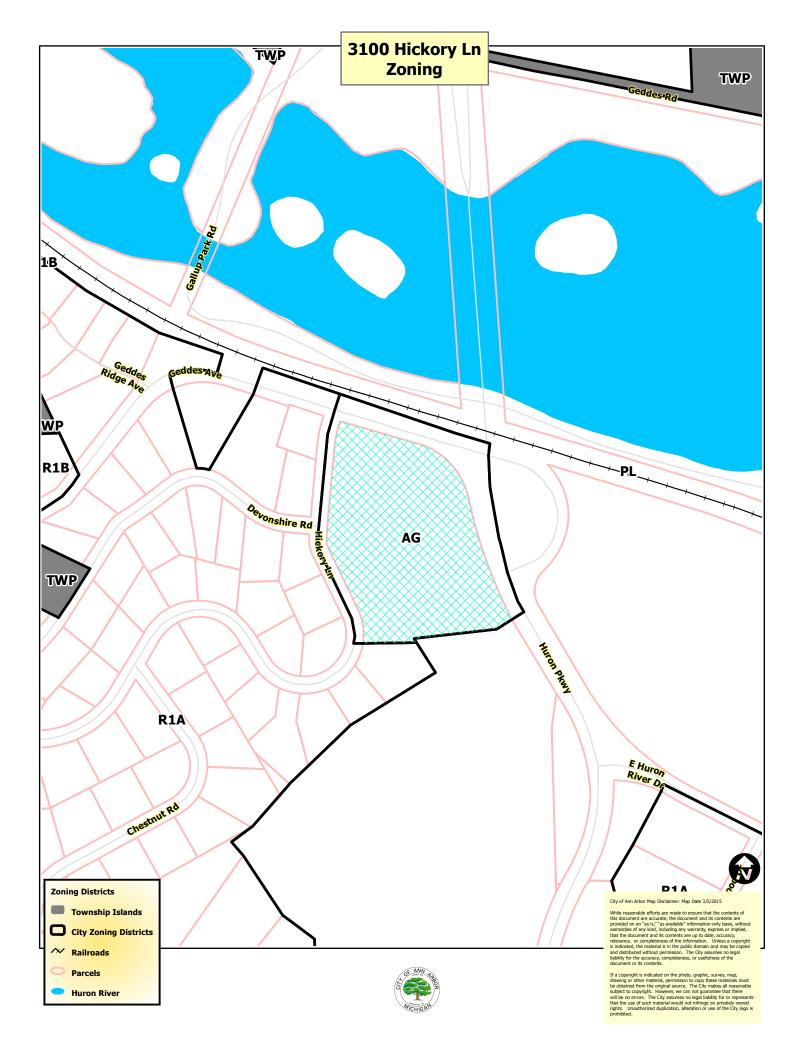
Zoning Board of Appeals Variance Request April 22, 2015 - Page 3

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 and allows the facility to be ADA compliant. The expansion will allow the petitioner to improve their property while respecting the intent of the Zoning Ordinance.

Respectfully submitted,

Chris Cheng

Chris Cheng, AICP City Planner











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### REC'D 9:56 AM 2-25-15 ZBAIS-004 APPLICATION FOR VARIANCE OR NON-CONFORMING STRUCTURE ZONING BOARD OF APPEALS

Section 1: Applicant Information	
Name of Applicant: <u>ANU ARBOR RACQUET CLUB</u>	
Address of Applicant: 3010 HICKORY LALE 481	08
Daytime Phone:	
Fax:	M-1-2-2-2-2-2-2-2-2-2-2-2-2-2-2-2-2-2-2-
Email: BSCHOMAKERC AARC. COM	
Applicant's Relationship to Property: MAUSUER	
Section 2: Property Information	
Address of Property: 3010 HICKORY LAUE	
Zoning Classification: AG	
Tax ID# (if known): 09-09-26-301-004	
*Name of Property Owner: AULL ARBOR RACQUET CLUB	· · · · · · · · · · · · · · · · · · ·
*If different than applicant, a letter of authorization from the property owner i	
Section 3: Request Information	
□ Variance	
	PROPOSED dimension:
CH 65, ART 3, 5:25 40' FRONT	33.11
	••••••••••••••••••••••••••••••••••••••
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 (attach additional sheets if necessary) . LOUGTOUT MELL TEMM 5 BUILTING, LEMETH O	
NELESSARY FOR ADA REQUREMENTS (SEE E	SUTE RALI)
Section 4: VARIANCE REQUEST (If not applying for a variance, sk	ip to section 5)
The City of Ann Arbor Zoning Board of Appeals has the powers grant Code Chapter 55, Section 5:98. A variance may be granted by the Zo only in cases involving practical difficulties or unnecessary hardships following is found <b>TRUE</b> . Please provide a complete response to eac responses, together with the required materials in Section 5 of this ap basis for evaluation of the request by staff and the Zoning Board of A	oning Board of Appeals when <b>ALL</b> of the ch item below. These oplication, will form the

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)

.

STE DITACHED

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

SEE ATTACKED

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?

SEF ATTACHER

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

SEE ATACHED

#### 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:
  - 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

(continued . . . . . . )



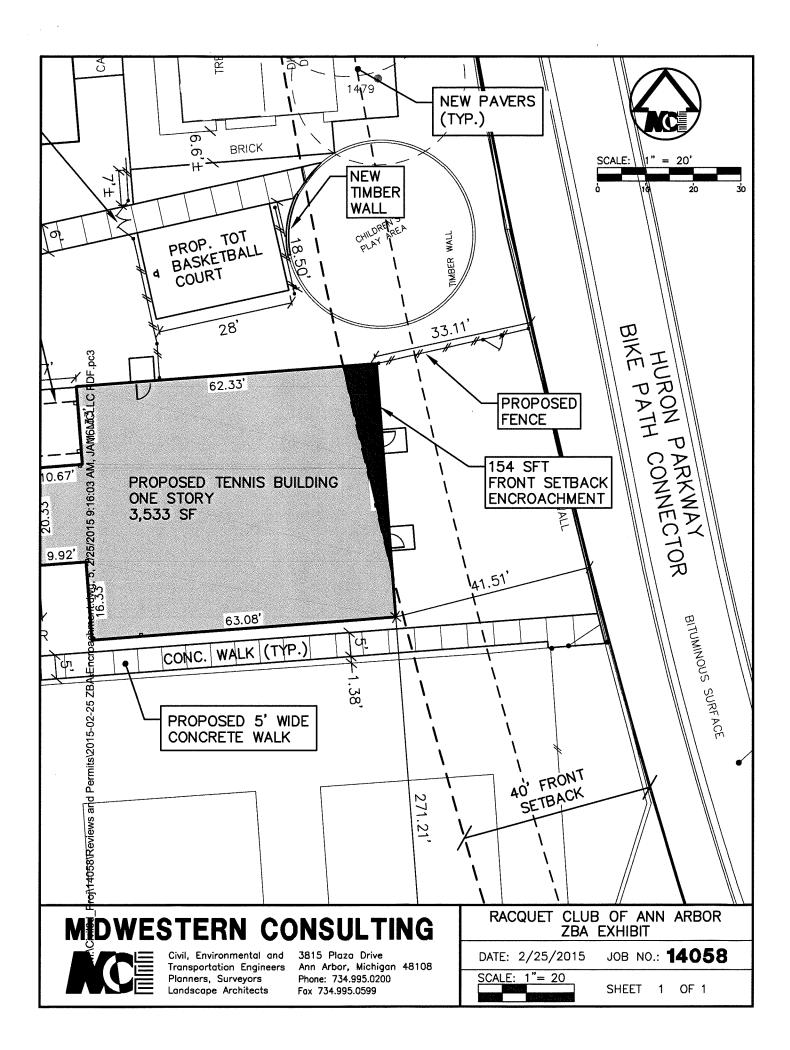
Civil, Environmental and Transportation Engineers Planners, Surveyors, Landscape Architects 3815 Plaza Drive Ann Arbor, Michigan 48108 734.995.0200 Phone 734.995.0599 Fax

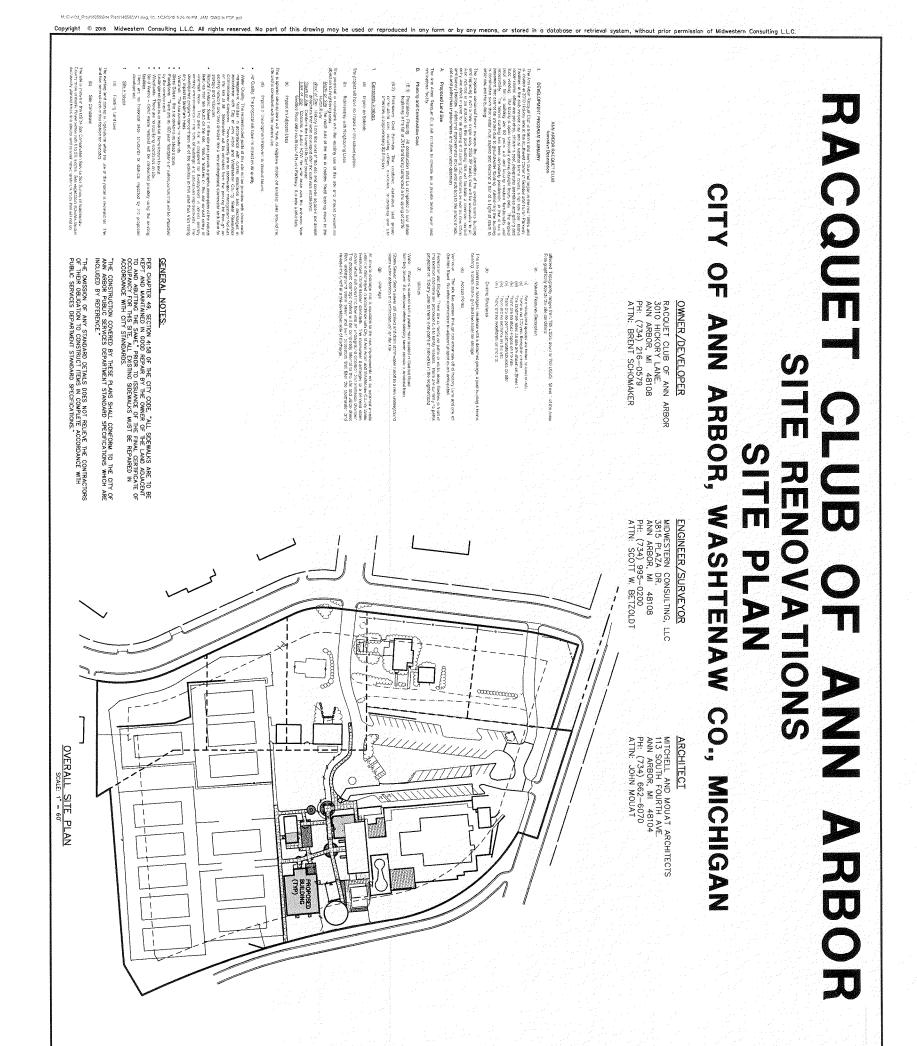
#### RESPONSES

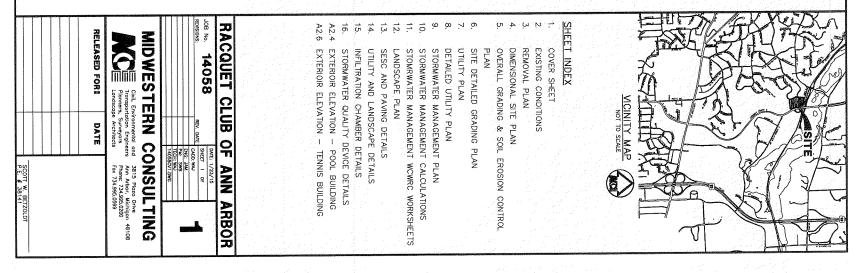
- 1. There are hardships that are unique to this site including the fact that the site is enveloped with three front setbacks and the front setback that is in question, while once a roadway, is now merely a bike path.
- 2. The hardships are caused by an attempt to conform to ADA sidewalk standards while still employing sound drainage practices of the site.
- 3. None.
- 4. The relationship in grade between the existing facilities (tennis courts to pool building) make it difficult to properly drain away from the buildings and maintain ADA standards for sidewalks.
- 5. The condition that prevents compliance is the fact that we are working among other existing facilities that were not sited in compliance with current design codes which makes it very difficult to comply today when we are contemplating reconstruction of one of the facilities in essentially the same location.

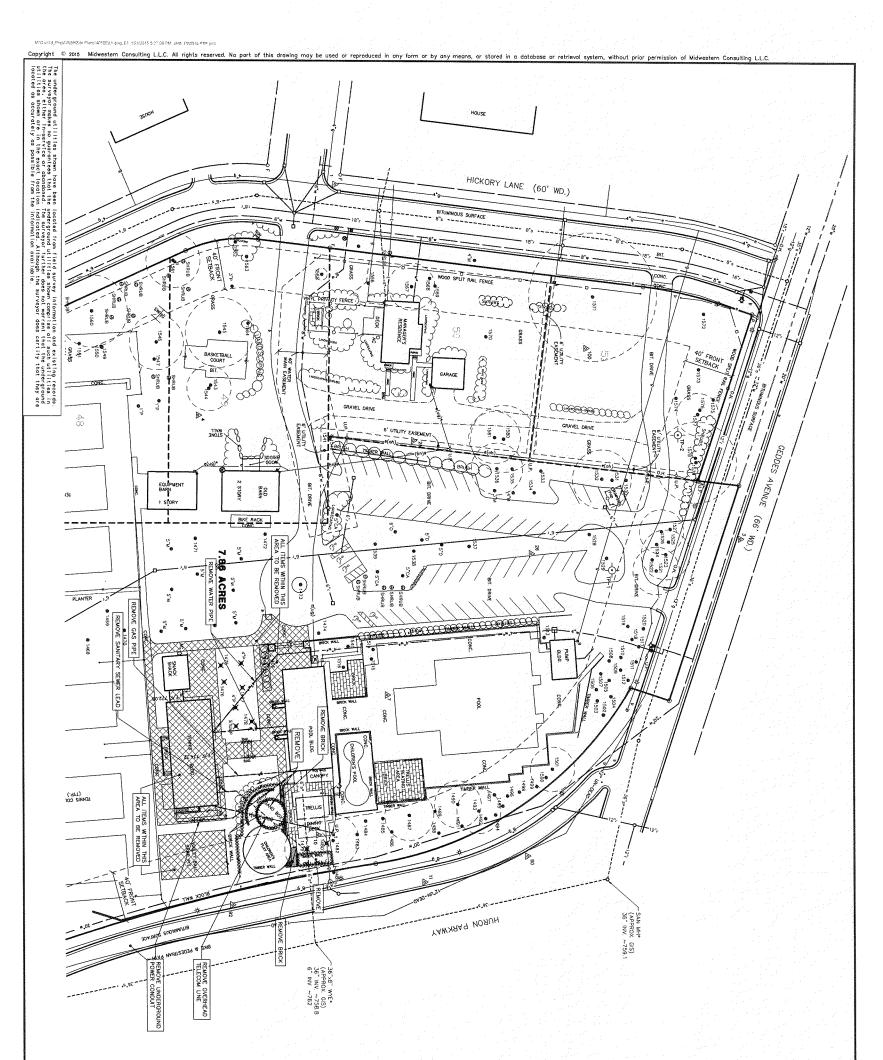
Existing Condition	Code Requirement
Lot area	
Lot width	
Floor area ratio	
Open space ratio	
Setbacks	
Parking	
Landscaping	
Other	
Describe the proposed alterations and state why you	are requesting this approval:
The alteration complies as nearly as is practicable wit will not have a detrimental effect on neighboring prope	h the requirements of the Chapter and erty for the following reasons:
Wherefore, Petitioner requests that permission be gra and Section of the Ann Arbor City Code in order to pe	nted from the above named Chapter rmit
ection 6: Required Materials	
The following materials are required for all variance re materials will result in an incomplete application and w of Appeals consideration of the request. The materials application and constitute an inseparable part of the a	vill delay staff review and Zoning Board s listed below must accompany the
All materials must be provided on <u>8 ½" by 11" sheet</u> s	s. (Continued)

	urvey of the property including roperty, and area of property.	all existing and proposed structures, dimensions of
	uilding floor plans showing inte	rior rooms, including dimensions.
	hotographs of the property and	any existing buildings involved in the request.
	ny other graphic or written mate	
	· · ·	· · ·
Section 7:	Acknowledgement	
	SIGNATURES MUST BE SIG	NED IN PRESENCE OF NOTARY PUBLIC
		the above named Chapter(s) and Section(s) of the ons, in accordance with the materials attached
734-2	16-0579	Krintkilun
Phone Numb	er BCHOMAKER	Signature BSCHOMAKER & AZRACQUET, COM Print Name
		that all of the aforementioned statements, and the Ibmitted herewith, are true and correct.
		DMAD Sugment
and ackno		Signature Signature nal cover sheet with the deadlines and meeting dates mind the petitioner of the meeting date and
<u>times.</u>		But Sall and
	1	Signature
applicant an contents the to be upon l	nd made oath that he/she has read the preof, and that the same is true as to l his information and belief as to those i	_, 20 <u>/5</u> , before me personally appeared the above named a foregoing application by him/her subscribed and knows the his/her own knowledge except as to those matters therein stated matters, he/she believes them to be true.
	15,2016	_ VITA M. ClEmioret
Notary Com	mission Expiration Date	Print Name VITA M. CIEMIOREK NOTARY PUBLIC, STATE OF MI COUNTY OF WASHTENAW
Staff Use On	ly shore it	MY COMMISSION EXPIRES Dec 15, 2016 ACTING IN COUNTY OF
Date Submitted:	725-15	Fee Paid: <u>600 <sup>60</sup> /</u>
File No.:		2/
	A 15-004	Date of Public Hearing <u>325-2015</u>
Pre-filing Staff Re	eviewer & Date	Date of Public Hearing <u>25-2015</u> ZBA Action:
Pre-Filing Review		Date of Public Hearing <u>325-2015</u> ZBA Action:

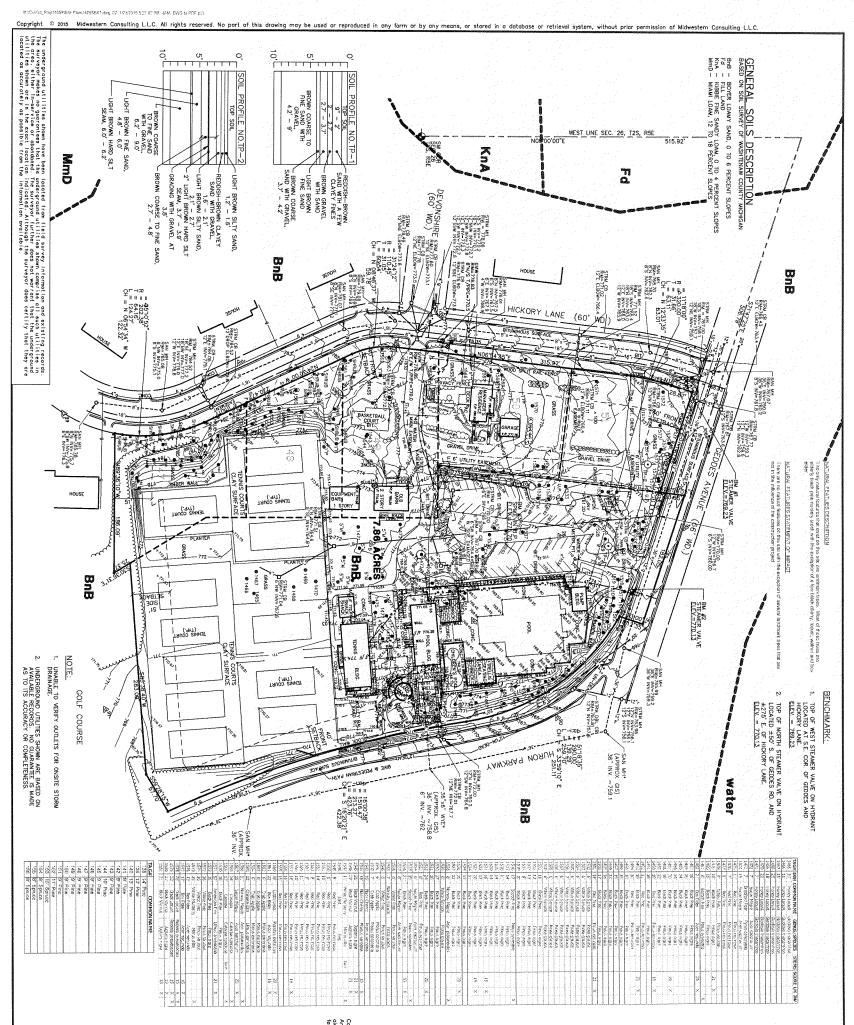


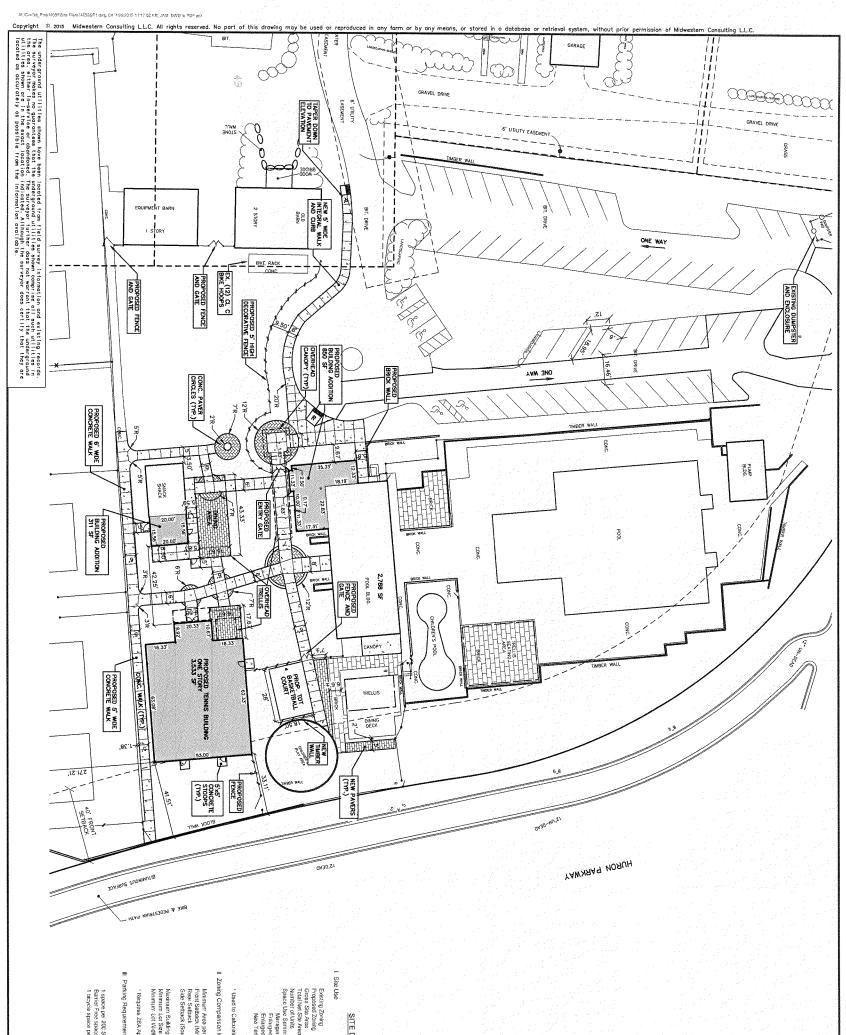




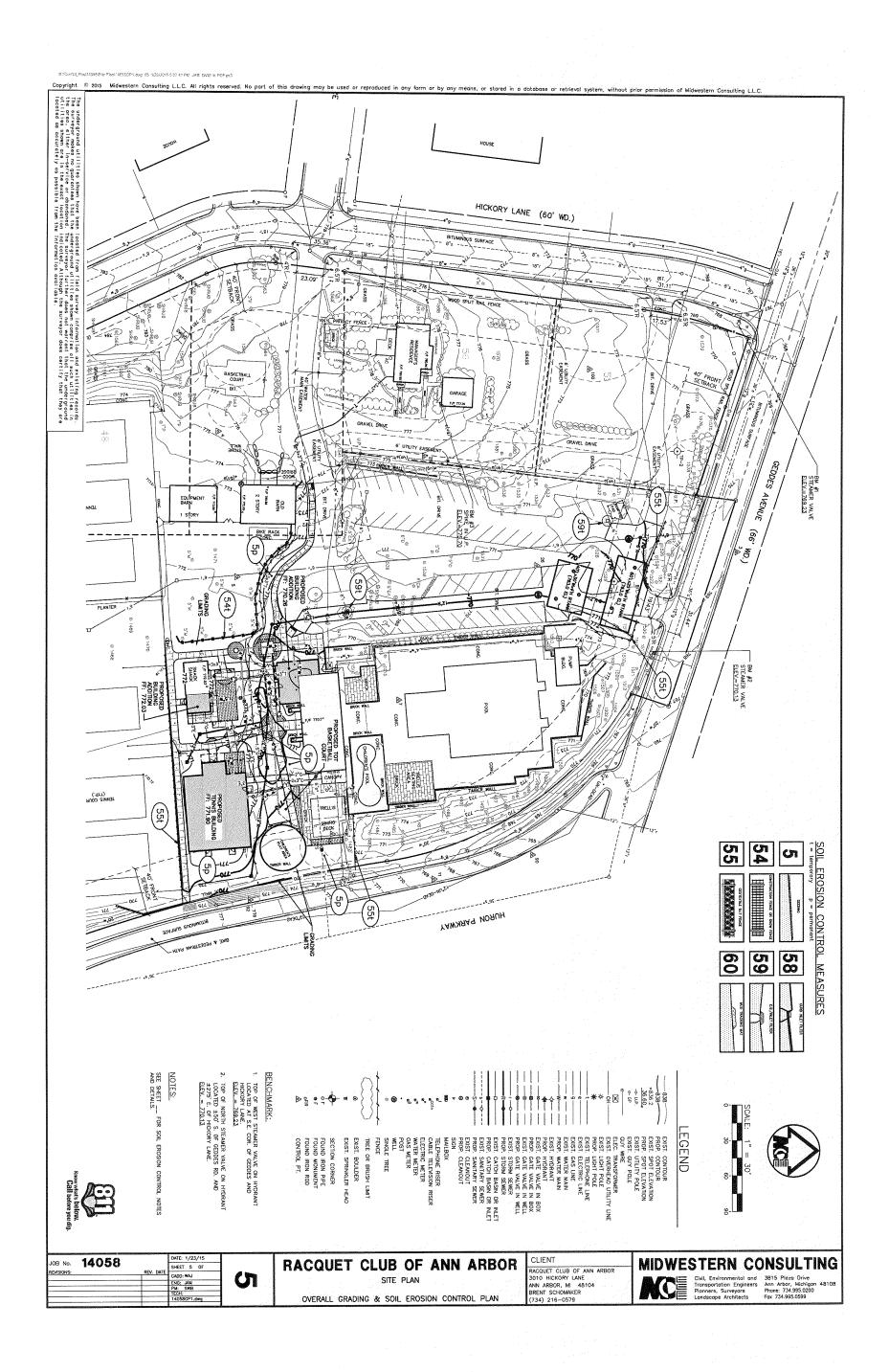


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JOB NO. 14058	DATE: 1/28/15 SHEET 4 OF 19 CAOD: WAI FRG: JAM PECH. SN9 TECH.	RACQUET CLUB OF ANN ARBOR   CLIENT     BITE PLAN   RACOUT CLUB OF ANN ARBOR   CLIENT     DIMENSIONAL SITE PLAN   RACOUT CLUB OF ANN ARBOR, MI 48104   MIDWESTERN CONSULTING     DIMENSIONAL SITE PLAN   RACOUT CLUB OF ANN ARBOR, MI 48104   MIDWESTERN CONSULTING



Xin Jing, M.D. and Leilei Lin 3003 Hickory Lane Ann Arbor, MI 48104

March 13, 2015

Zoning Board of Appeals

C/O Mia Gale

301 East Huron

Ann Arbor, MI 48104

RE: ZBA15-004; 3010 Hickory Lane

Dear Sir/Madam,

It is too bad that we won't be able to attend the hearing held on March 25, 2015 since we will be out of town. We appreciate the opportunity to express our opinion.

We are totally against any project that affects the side of Hickory Lane due to the following risks:

- 1) Loss of many old/mature trees in our front yard
- 2) Loss of our front yard/land
- 3) Decrease of our property value
- 4) Decrease of our standard of living

Thanks for your attention. We look forward to hearing from you.

Sincerely,

Xin Jing and Leilei Lin