## Zoning Board of Appeals April 25, 2018 Regular Meeting

## STAFF REPORT

## Subject: ZBA17-036; 2050 Commerce Boulevard

### Summary:

Midwestern Consulting, representing property owners, are requesting two variances in order to construct a 267 multi-family unit apartment complex. A variance from Chapter 47, Section 4:28(2) to allow a third curb cut where two is the maximum allowed for the subject property based on their street frontage. A second variance from Chapter 47 Section 4:20(3) (a) to allow a driveway to be located within 15 feet of an intersection.

## **Description and Discussion:**

The site currently contains a vacant 12,000 square foot office building. The petitioner proposes demolishing this structure and constructing a 4-story, 267-unit apartment building with a courtyard totaling 327,399 square feet. The parcel is 3.8 acres in size and is zoned C2B, Business Service District. There will be 298 interior parking spaces, 67 exterior spaces and a drop-off area on Commerce Boulevard.

## Standards for Approval - Chapter 47 (Streets) 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 and Chapter 47(Streets), Section 4:28(2) and Section 4:20 (3)(a). The following criteria shall apply:

The Zoning Board of Appeals shall have the authority to interpret this Chapter and may, in specific cases involving practical difficulty or unnecessary hardship, grant variances or exceptions from the requirements of this Chapter providing such a variance or exception is in harmony with the general purpose and intent of this Chapter.

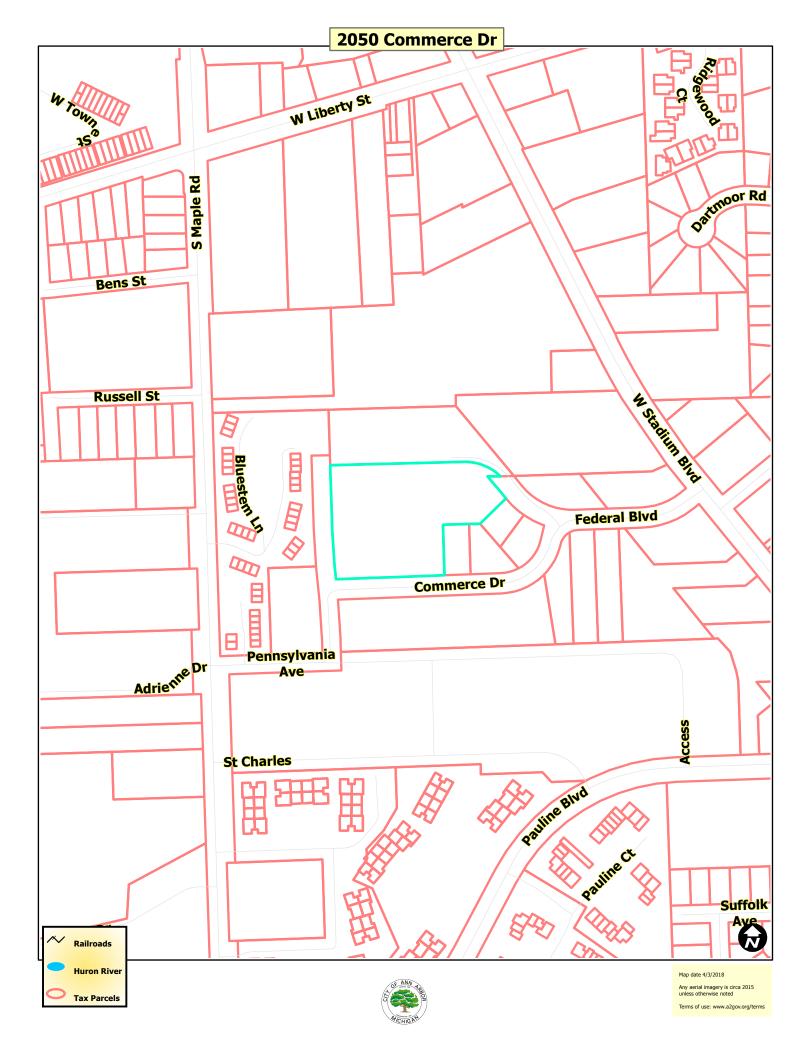
The two variances requested will be in harmony with the general purpose and intent of Chapter 47 because they will allow through circulation needed for emergency fire vehicles to gain access to the various buildings locations on site. It also ensures that in the event one entrance is blocked, an alternate access point to the property is available.

Additionally, the proposal received recommendation from the City Planning Commission on April 3, 2018.

Respectfully submitted,

Zoning Board of Appeals ZBA 17-036 April 25, 2018 Page 2

Jon Barrett Zoning Coordinator



2050 Commerce Dr





Tax Parcels

Map date 4/3/2018 Any aerial imagery is circa 2015 unless otherwise noted Terms of use: www.a2gov.org/terms





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OF ANIA FR	ZONING BOARD OF APPE		<u>.</u>	Office Use Only			
	PLANNING DEPARTMENT		Fee Paid	00 ZBA: 17-036			
Real Property Contraction	City Hall: 301 E. Huron St. Ann Arbor, MI 481	104-6120		DATE STAMP			
	Mailing: P.O. Box 8647, Ann Arbor, MI 4810 Phone: 734.794.6265 planning@a		0-0	11-1-			
CHIGAS	Phone: 734.794.6265 <u>planning@a.</u> Fax: 734.994.8460	2gov.org	REC.D.	11/15/17			
APPLICAT	TION MUST BE FILLED OUT COMPLETE	ELY					
PROPERTY INF	ORMATION						
ADDRESS OF PROP	ERTY:						
2050 C	OMMERCE BLVD. A2 M	u					
ZONING CLASSIFIC	ATION:		TA	X ID: (if known)			
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	<u>C2B-BUSINESS GERUICE</u> 09-09-81-209-024 NAME OF PROPERTY OWNER*:						
2050	COMMERCE, LLC						
*If different than a	applicant, a letter of authorization from the	property ow	vner must be pi	rovided			
APPLICANT INF	ORMATION						
NAME OF APPLICA	NT:						
	MIDWESTERH COUSU	ituly.	LLC				
ADDRESS OF APPLI	CANT:						
	3815 PLAZA DRIVE.	A2 MI	1 48103	)			
DAYTIME PHONE N		FAX NO:					
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APPLICANT S KELA							
	ENGINEER/AGENT						
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below)		(skip t	to Section 2)				
Section 1 - VA	RIANCE REQUEST						
CHAPTER(S) AND SI	ECTION(S) FROM WHICH A VARIANCE IS REQUES	TED: (Exampl	le: Chapter 55. Si	ection 5:26)			
CHATTER 4	17 SECTION 4:28(2)			SECTION 4:20 (32)			
	n: (Example: 40' front setback)	PROPOSED	Dimension: (Exa	ample: 32')			
REQUEST DOWN	LOWED - REQUEST 3 VELUSY LOCATED WITHIN 15'OF ILTER		3, 45, 2				
Give a detailed des	cription of the work you are proposing and why	it will require		ach additional sheets if necessary)			
SEVE ATTACHED							

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ZONING BOARD OF APPEALS	Office Use Only					
PLANNING DEPARTMENT	Fee Paid: 4600 ZBA: 17-036					
City Hall: 301 E. Huron St. Ann Arbor, MI 48104-6120 Mailing: P.O. Box 8647, Ann Arbor, MI 48107-8647	CITY OF ANNARBOR					
Phone: 734.794.6265 <u>planning@a2gov.org</u> Fax: 734.994.8460	RECEIVED					
APPLICATION MUST BE FILLED OUT COMPLETELY	NOV 1 5 2017					
	PLANNING & DEVELOPMENT SERVICES					
PROPERTY INFORMATION						
ADDRESS OF PROPERTY:	17-2 1 11					
ZONING CLASSIFICATION:						
C2B-BUSINERS SERVICE TAXID: (if known) C2B-BUSINERS SERVICE 69-08-31-209-026						
NAME OF PROPERTY OWNER*:						
*If different than applicant, a letter of authorization from the property owner must be provided						
	owner must be provided					
APPLICANT INFORMATION						
MIDWESTERN CONSOLITING LL	NAME OF APPLICANT: MUDINESTERN CONSOLITING ULC					
ADDRESS OF APPLICANT: 3815 PLACE DR., ANN ARBOR, M. 48108						
124-995-0200 FAX NO: 724-995-0599						
EMAIL: rig & midweistern consulting, com						
APPLICANTIS RELATIONSHIP TO PROPERTY:						
ENGLHER ?-						
	ERATION TO A NON-CONFORMING STRUCTURE to Section 2)					
Section 1 - VARIANCE REQUEST						
CHAPTER(S) AND SECTION(S) FROM WHICH A VARIANCE IS REQUESTED: (Example: Chapter 55, Section 5:26)						
Required Dimension: (Example: 40' front setback) PROPOSED Dimension: (Example: 32') PROPOSED Dimension: (Example: 32') PROPOSED Dimension: (Example: 32') PROPOSED Dimension: (Example: 32')						
Give a detailed description of the work you are proposing and why it will require a variance (Attach additional sheets if necessary)						

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# ZONING BOARD OF APPEALS

PLANNING DEPARTMENT

301 E. Huron St. Ann Arbor, MI 48104-6120 P.O. Box 8647, Ann Arbor, MI 48107-8647 
 Phone:
 734.794.6265

 Fax:
 734.994.8460

 planning@a2gov.org

#### Section 1 - VARIANCE REQUEST con't

City Hall:

Mailing:

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.

- 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.
- 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.
- 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.
- 4. That the conditions and circumstances on which the variance request is based shall not be a self-imposed hardship or practical difficulty.
- 5. A variance approved shall be the minimum variance that will make possible a reasonable use of the land or structure.



# ZONING BOARD OF APPEALS

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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 <u>ALL</u> 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 Station (s) of the Ann Arbor City Code for the stated reasons, in accordance with the materials attached hereto. Phone number: 744 200 9959 Email address

Print N Ming . Com MIA CONCI RELICIO

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

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.

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Signature

Signature



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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.

REQUIREMENT

c. The structure is considered non-conforming due to the following reasons.

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:

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Project: #SP17-032 – 2050 Commerce

Date: November 15, 2017

#### Section 1 – Variance Request

Description: The applicant is requesting a variance from the section of the Code that limits the number of curb cuts any single parcel is allowed. In this case, the applicant is requesting one (1) additional curb cut more than the two (2) allowed by ordinance. The purpose for this cut is to allow through circulation needed for emergency fire vehicles to gain access to the various building sections. It also ensures that in the event one entrance is blocked, an alternate access point to the property is available.

#### Section 1 – Variance Justification

- 1. In this case, the City vacated a portion of the Federal Blvd. right-of-way to the adjacent property owners, but retained easement rights within the abandoned right-of-way for public utility installation. When the City did this, it reduced the property's Federal Blvd. frontage from 633' to 78'. Including the vacated frontage, the property would qualify for three (3) curb cuts. This situation is unique to this property. In addition, a driveway in the southwest corner of the property (and curb cut), provide access to the City's housing development, but cuts across and encroaches onto the subject property. This situation needs to be resolved. Lastly, in meeting with Fire Marshal during the development plans, it was stated that with the unique configuration of the property, and the through driveway access was needed for emergency vehicles, and for the health and safety of the new residents.
- 2. The hardships created for this project are both practical and necessary. Alternative access needs to be provided to the adjacent City housing property, and the encroachment needs to be formalized with new shared access and easement. The emergency access is also a practical difficulty required by the Fire Marshal. Both are more than mere inconveniences, and definitely do not financially benefit the project in any way.
- 3. The people who would suffer the most from a lack of grant of variance would be the new rental tenants of the apartment building and the residents of the City housing property. Both could potentially suffer dramatically in the case of a catastrophic fire emergency. The owner could also suffer in the event of a fire from unnecessary loss of property due to lack of access.
- 4. These hardships are NOT self-imposed, and were existing conditions at the time the current owner purchased the property. The driveway encroachment is a pre-existing condition, and the vacation of the Federal Blvd. right-of-way was done at the City's discretion, not at the behest of the property owner.

5. Grant of the third curb cut for this property is the <u>absolute minimum</u> required to satisfy the need for emergency vehicle through access and circulation. This will also allow for the correction of the City's driveway encroachment at the southwest corner.

2050 Commerce LLC c/o JDI Realty LLC 853 North Elston Avenue Chicago, Illinois 60642 312-433-0500

Friday, September 22, 2017

To Whom it may concern;

Please be advised that 2050 Commerce LLC, owner of property commonly known as 2050 Commerce Blvd. in Ann Arbor, Washtenaw County, Michigan, do hereby authorize representatives of

J Bradley Moore & Associates Architects, Inc., and/or Midwestern Consulting, LLC to represent 2050 Commerce LLC in any and all capacities necessary to secure a site plan approval for said property.

Thank you for your consideration in this matter.

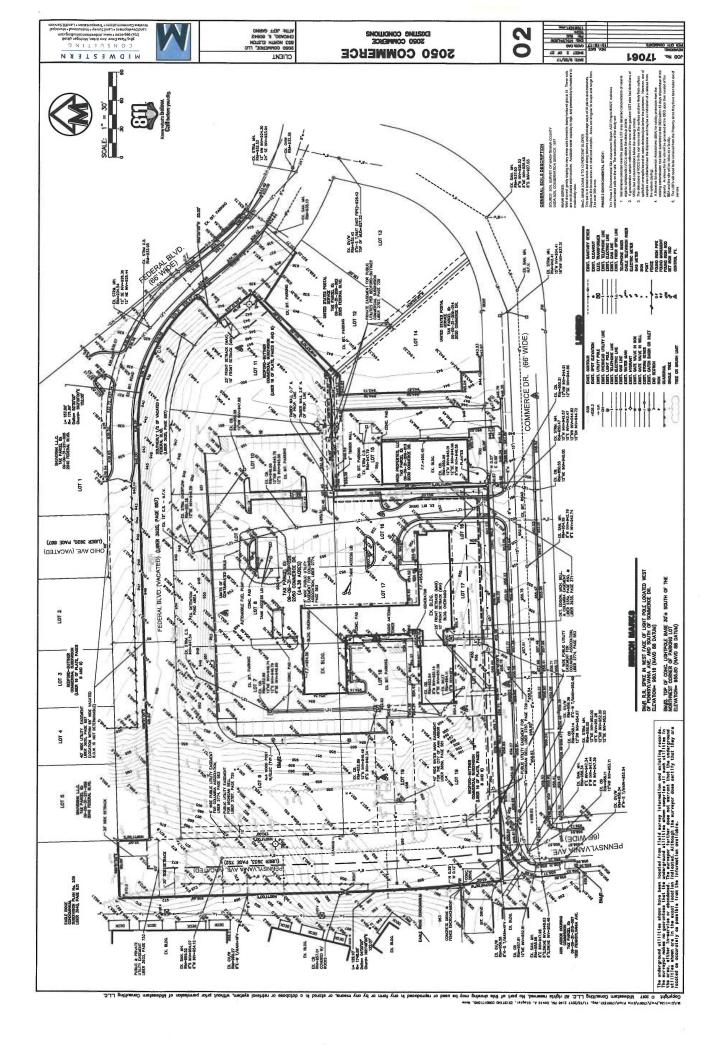
Sincerely,

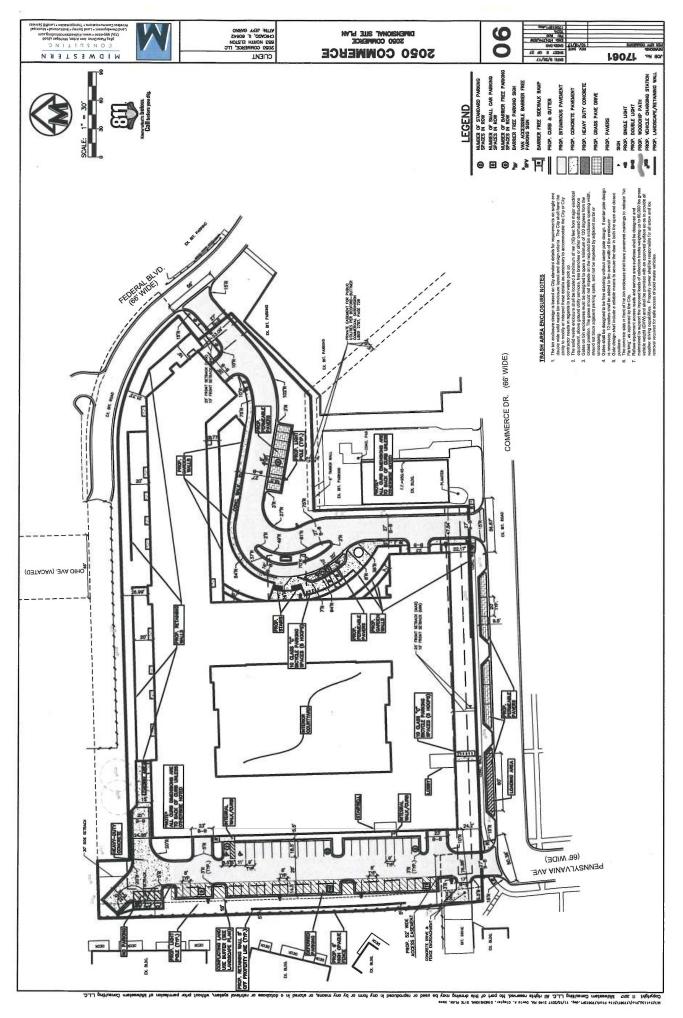
2050 Commerce LLC

By:

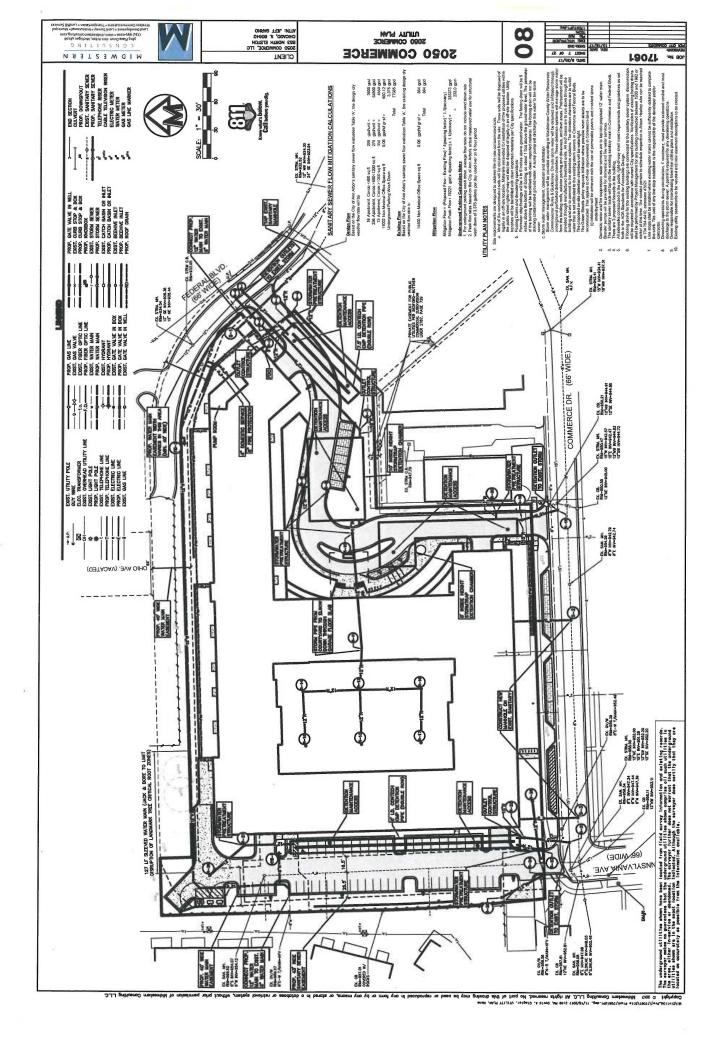
Name: Robert Weil Title: Manager Date: September 22, 2017

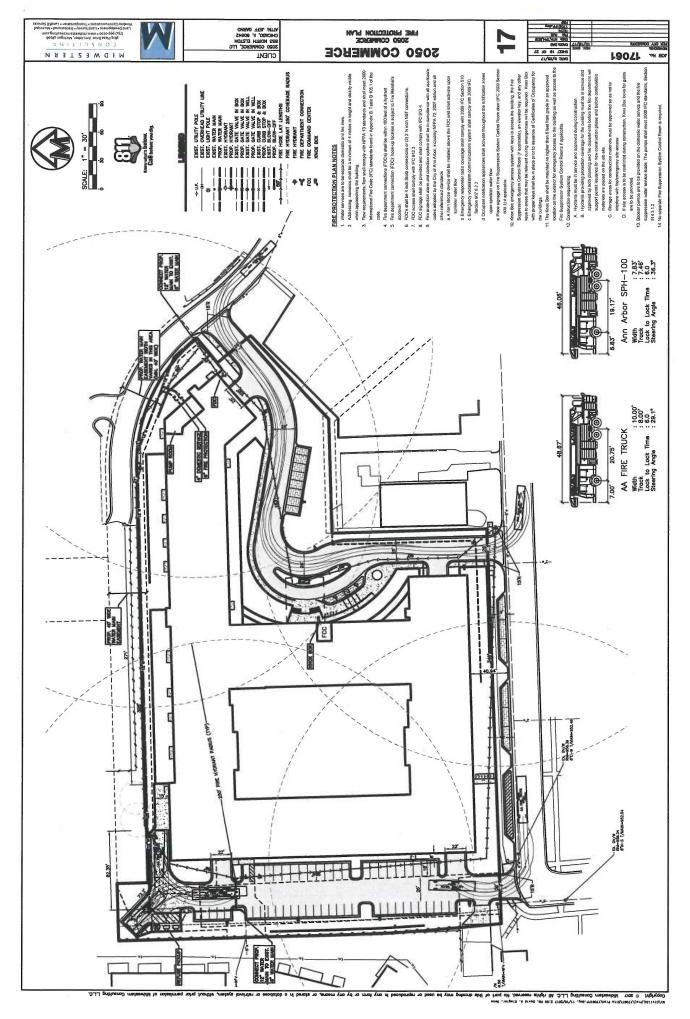
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# Conservation Fund

Ann Arbor Greenbelt Program | 301 East Huron Street | Ann Arbor, MI 48104 Phone: 734-794-6210 ext. 42798 | Email: greenbelt@a2gov.org www.a2gov.org/greenbelt | www.conservationfund.org

November 15, 2017

David and Susan Cavanaugh 1515 East Joy Road Ann Arbor, MI 48105

Dear Mr. and Mrs. Cavanaugh:

It is my pleasure to contact you to arrange a meeting for the City of Ann Arbor's annual monitoring visit of your Conservation Easement property. I would also like to discuss the terms of the conservation easement and answer any questions you may have about it. I will be calling you in the next few days to set up a time to meet and walk your property as part of the annual monitoring.

Attached is the form that I will complete for the visit. Please bring the form with you to our meeting. If you are considering any new buildings or changes to the property, please let me know during the monitoring visit, and feel free to discuss anything else you have on your mind regarding the easement. In the meantime, please contact me if you have any questions, you can reach me by at 734-794-6210 ext. 42798, or by email at <u>rthornton@a2gov.org</u>.

Thank you for your time.

Sincerely,

Ruth Thornton Ann Arbor Greenbelt Program Manager