

**Zoning Board of Appeals  
September 26, 2018 Regular Meeting**

**STAFF REPORT**

**Subject: ZBA18-021; 1420 South Maple Road**

**Summary:**

Midtown Ann Arbor, LLC, property owners are requesting two variances for a new community containing 256 townhomes, a community building, pool and 500 parking spaces. The first variance is from Chapter 55 Unified Development Code Table 5:17-3. The property is zoned R4B, multiple-family dwelling. The maximum front setback for a building is 40 feet. The request is for 118.52 feet from I-94. The second variance request is from Chapter 55 Unified Development Code Section 5.19.10 (C) to allow a 31 foot driveway. The maximum allowable width for a driveway serving uses other than single or two family is 24 feet.

**Background:**

The site is located on the west side of South Maple Road, opposite Pauline Boulevard and behind the Hansen Nature Area, in the west planning area and the Allen Creek watershed. The property is 20.46 acres in size and has two single-family homes that will be demolished.

**Description and Discussion:**

The driveway at the Pauline/Maple intersection is being approached by the applicant as an entrance more like a private road than a driveway, in part because of its location at the end of Pauline Boulevard. A landscape modification petition was approved by the Planning Commission to allow trees along this entry drive instead of right of way screening because of its private road appearance. Within the development, drive widths range from 22' to the maximum of 31' found near the entrance. Parallel parking is scattered along both sides of the interior driveways.

The 118.52 foot setback from I-94 is requested to provide room for a detention pond between the easternmost proposed residential building and the highway right of way. The applicant believes the additional setback also provides a quieter and healthier environment for occupants of that residential building.

**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 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.***

The applicant states that most properties in the City do not front on an expressway.

- (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.**

A variance will allow the owners to construct residential units that are more healthy because of greater separation from the expressway. The wider driveway will help balance the driveway with the Pauline/Maple intersection.

- (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 variance request is minimal and will have no negative impacts on surrounding properties.

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

The variance request is not self-imposed but rather an approach to existing conditions caused by the city's requirement to align the entrance driveway with Pauline Boulevard and the existence of I-94.

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

The variance being requested is for a maximum of seven (7) feet of driveway width, with that maximum only proposed at one point in the driveway. The remainder of the driveway system ranges from thirty feet down to twenty-two feet wide. The expressway setback is the minimum required to fit a detention pond between the expressway and nearest residential building.

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 August 8, 2018.

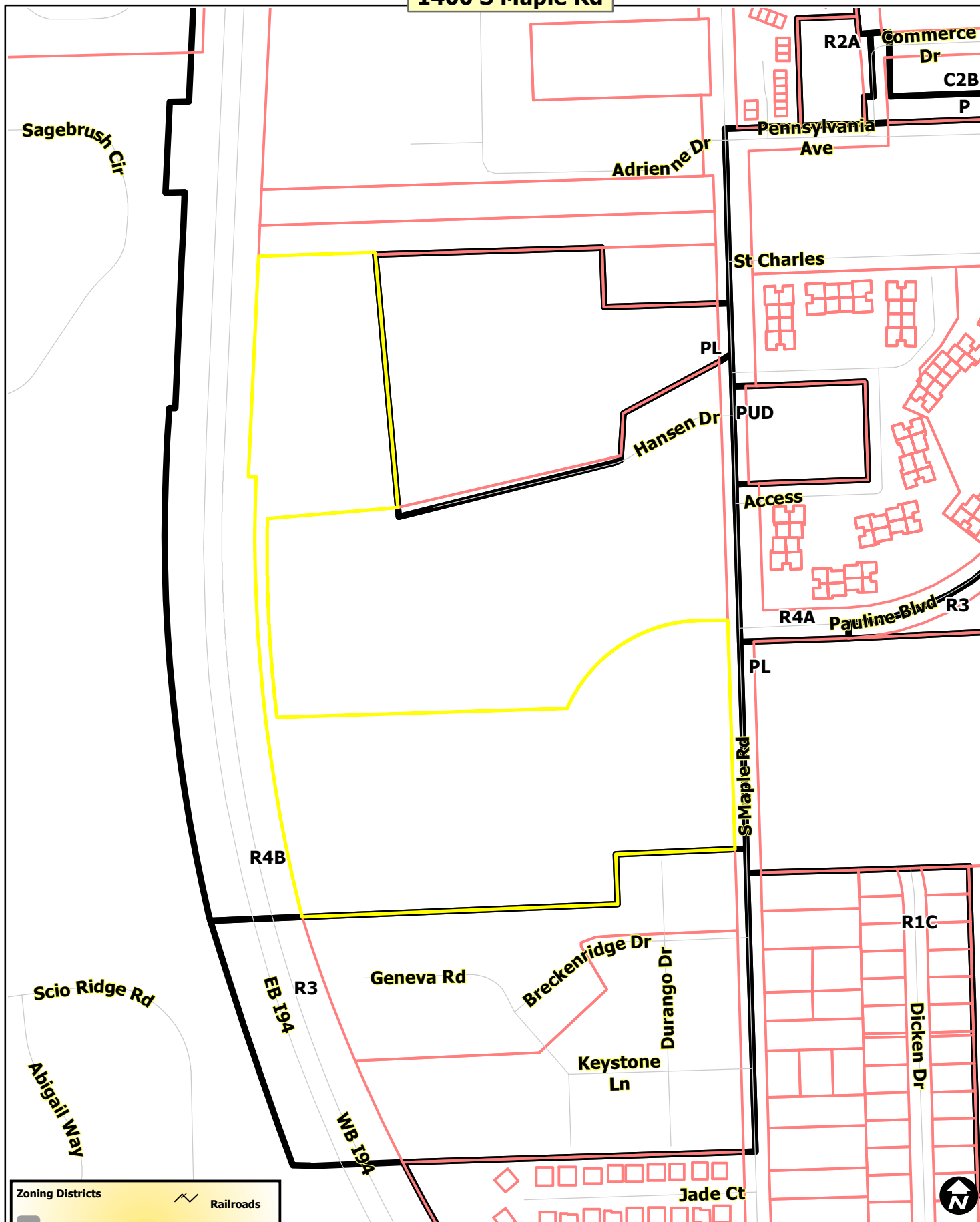
Zoning Board of Appeals  
ZBA 18-021 September 26, 2018  
Page 3

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Jon Barrett". The signature is stylized with large, overlapping loops for the letters "J" and "B".

Jon Barrett  
**Zoning Coordinator**

1400 S Maple Rd



Zoning Districts

Township Islands

City Zoning Districts



Railroads



Huron River



Tax Parcels



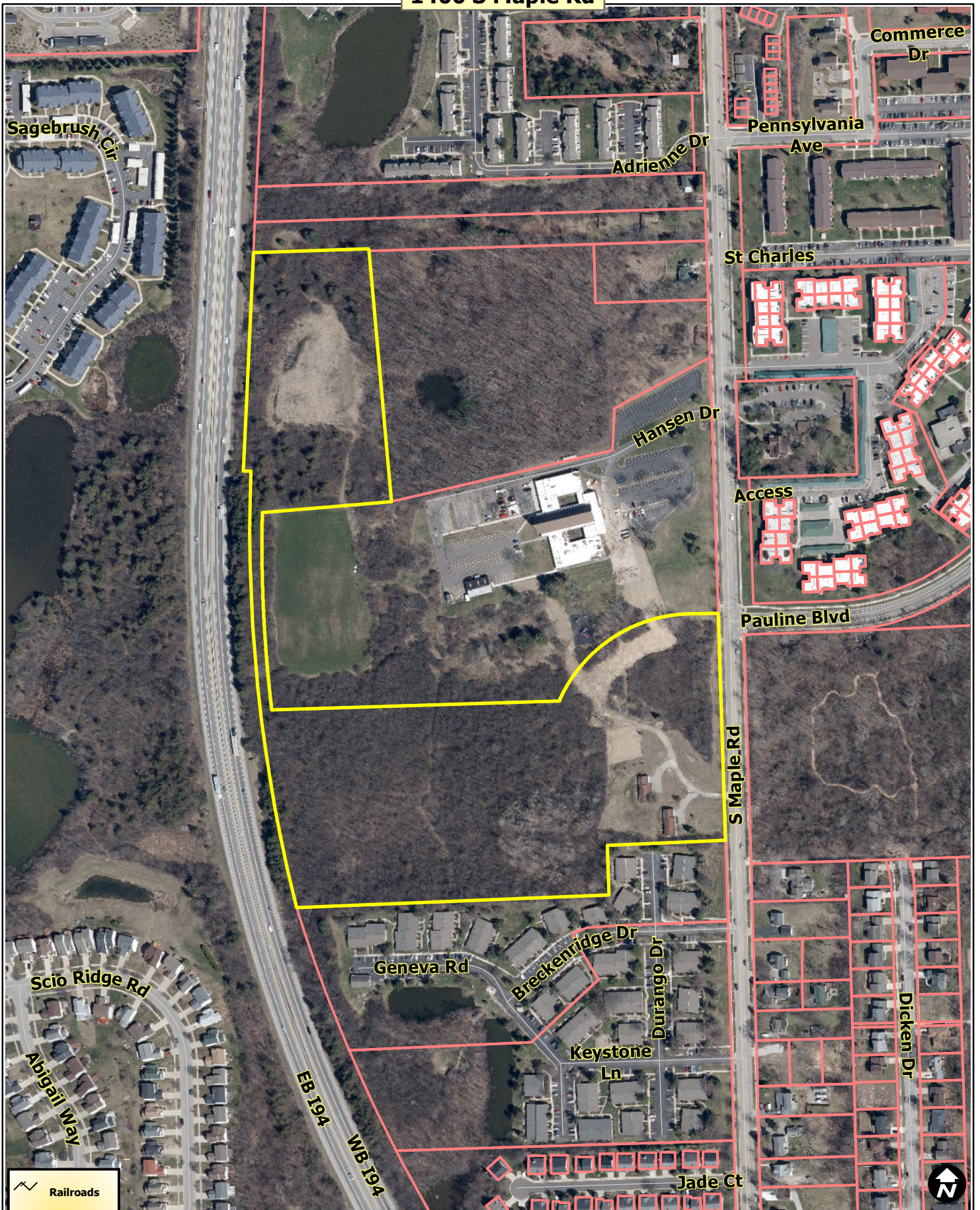
Map date: 8/30/2018




Any aerial imagery is circa 2018 unless otherwise noted

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# 1400 S Maple Rd



-  Railroads
-  Huron River
-  Tax Parcels





Map date: 8/30/2018  
 Any aerial imagery is circa 2018  
 unless otherwise noted  
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1400 S Maple Rd



 Railroads

 Huron River

 Tax Parcels



Map date: 8/30/2018  
Any aerial imagery is circa 2018  
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**ZONING BOARD OF APPEALS**  
**PLANNING DEPARTMENT**

City Hall: 301 E. Huron St. Ann Arbor, MI 48104-6120  
Mailing: P.O. Box 8647, Ann Arbor, MI 48107-8647  
Phone: 734.794.6265 [planning@a2gov.org](mailto:planning@a2gov.org)  
Fax: 734.994.8460

**APPLICATION MUST BE FILLED OUT COMPLETELY**

**Office Use Only**

Fee Paid: \$600. ZBA: 18-021

**DATE STAMP**

CITY OF ANN ARBOR  
**RECEIVED**

AUG 16 2018

PLANNING & DEVELOPMENT SERVICES

**PROPERTY INFORMATION**

ADDRESS OF PROPERTY:

1420 S. MAPLE ROAD

ZONING CLASSIFICATION:

R4B

TAX ID: (if known)

09-08-36-100-009

NAME OF PROPERTY OWNER\*:

MIDTOWN ANN ARBOR, LLC / WALTER COHEN

*\*If different than applicant, a letter of authorization from the property owner must be provided*

**APPLICANT INFORMATION**

NAME OF APPLICANT:

MIDTOWN ANN ARBOR, LLC

ADDRESS OF APPLICANT:

25925 TELEGRAPH ROAD, STE 202, SOUTHFIELD, MI 48033

DAYTIME PHONE NUMBER:

248-353-7981

FAX NO:

EMAIL:

WCOHEN@ARCO1952.COM

APPLICANT'S RELATIONSHIP TO PROPERTY:

OWNER

**REQUEST INFORMATION**

☒ **VARIANCE REQUEST** (Complete the section 1 below)

☐ **ALTERATION TO A NON-CONFORMING STRUCTURE** (skip to Section 2)

**Section 1 - VARIANCE REQUEST**

CHAPTER(S) AND SECTION(S) FROM WHICH A VARIANCE IS REQUESTED: (Example: Chapter 55, Section 5:26)

CH 55, ARTICLE 34 ~~SEC 5:33~~ TBLR 5:17-3

Required Dimension: (Example: 40' front setback)

40' MAX FRONT SETBACK

PROPOSED Dimension: (Example: 32')

118.52 FEET

Give a detailed description of the work you are proposing and why it will require a variance (Attach additional sheets if necessary)

CONSTRUCTION OF RESIDENTIAL STRUCTURE IN EXCESS OF THE MAXIMUM ALLOWED SETBACK



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

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.

1. 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 FRONT SETBACK IN QUESTION IS FROM AN  
EXPRESSWAY

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.

FAILURE TO GRANT THE VARIANCE WOULD PRODUCE AN  
UNHEALTHY ENVIRONMENT TO LIVE IN

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.

GRANTING THE VARIANCE WILL PROVIDE A SAFER, HEALTHIER  
AND QUIETER ENVIRONMENT

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

THE EXPRESSWAY IS EXISTING

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

THE SETBACK IS THE MINIMUM AMOUNT THAT WOULD ALLOW  
FOR THE CONSTRUCTION OF THE DETENTION POND BETWEEN THE  
EXPRESSWAY AND THE BUILDING





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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.

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

REQUIREMENT	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:



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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 **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.

- X All materials must be provided on 8 1/2" by 11" sheets:
- X • One (1) hardcopy and one (1) electronic copy shall be submitted.
  - X • 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. *SURVEY, SITE PLAN, GRADING PLAN.*

☒ 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 Section (s) of the Ann Arbor City Code for the stated reasons, in accordance with the materials attached hereto.

Phone number:

Signature: X

Email address:

Print Name:

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

Signature

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.

Signature



THE AVANT ENTRANCE/DRIVEWAY  
WIDTH VARIANCE REQUEST  
MIDWESTERN CONSULTING JOB #16223  
AUGUST 22, 2018

EXISTING SIDEWALK RAMPS AT ALL  
CORNERS OF THE MAPLE RD./PAULINE  
BLVD. INTERSECTION ARE TO BE  
VERIFIED AS ADA COMPLIANT. THEY ARE  
TO BE RE-CONSTRUCTED IF NECESSARY  
TO BE ADA COMPLIANT.

TYPE "M" DRIVE OPENING  
(SEE CITY OF ANN ARBOR  
STANDARD DETAILS)

PROPOSED 6" THICK CONC.  
SIDEWALK ACROSS DRIVE

EX. CONCRETE

PAULINE  
BLVD.

MODIFICATIONS TO THE EXISTING TRAFFIC  
SIGNAL TO CONTROL THE PROPOSED  
FOURTH APPROACH SHALL BE THE  
RESPONSIBILITY OF THIS DEVELOPMENT

PROPOSED 4" THICK PUBLIC SIDEWALK  
W/ADA COMPLIANT RAMPS AT MAPLE  
RD. AND PROPOSED DRIVE

EXISTING 33' WIDE  
EASEMENT FOR MAPLE RD.  
RIGHT-OF-WAY  
L. 5235, PG. 525

MODULAR BLOCK  
RETAINING WALL

8. MAPLE ROAD (66' WIDE)

608.34'

PROPOSED  
CURB AND

N88°41'00"E 95.54'

SHARED USE DRIVEWAY WITH  
VARIABLE WIDTH INGRESS/EGRESS  
EASEMENT FOR GRACE BIBLE CHURCH

40' WIDE WATERMAIN EASEMENT  
LIBER 5235, PAGE 526

32

5' HT. STEEL WIRE  
FENCE AT TOP OF  
RETAINING WALL

VEGETATED  
REINFORCED EARTH  
RETAINING WALL

COMMUNITY  
BUILDING

POOL  
852 SF

HOT TUB  
59 SF

4'-6" HT. FENCE;  
SEE ARCH. PLANS

7' WIDE SINGLE  
SWING GATE

4 CLASS 'C'  
BIKE SPACES

4 CLASS 'C'  
BIKE SPACES

RETAINING  
WALL

WATER  
BOOSTER  
STATION