

**ANN ARBOR CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
MEETING MINUTES TUESDAY, SEPTEMBER 20, 2022 - 4:00 PM**

I. ROLL CALL

In the absence of Chair Gorman, at 4:02 pm the meeting was called to order by Clerk Basch.

Present: Members Bill Burlingame, Jill Sweetman Lada, and Clerk Rena Basch

Absent: Chair Lee Gorman, Member Bud Collins

Also present: Township Planner Sally Elmiger from Carlisle/Wortman Associates

MOTION by Basch, support by Lada, to appoint Member Burlingame as Chair for this meeting. Motion carried by voice vote.

II. APPROVAL OF MINUTES - Approval of Zoning Board of Appeals minutes June 21, 2022.

MOTION by Basch, support by Lada, to approve the minutes of the meeting on June 21, 2022, as submitted. Motion carried by voice vote.

III. OLD BUSINESS - None

IV. NEW BUSINESS

- A. **ZBA-2-2022:** Land on northwest corner of N. Earhart Place and Plymouth Rd., Ann Arbor, Michigan, 48105, parcel numbers I-09-14-480-001, I-09-14-480-002, I-09-14-480-003, and I-09-14-480-004, zoned R-D, Research and Development. Applicant K.I. Properties Holdings, LLC is seeking a variance from the height requirement in Sec. 74-505 of the Zoning Ordinance. They are proposing to construct a four (4) story building (66 feet), when the maximum height allowed in this district is two (2) stories (35 feet).

1. Petitioner presentation

Chris Kojaian, Kojaian Companies, 39400 Woodward Ave, Bloomfield Hills, was present on behalf of this application for a variance for number of stories and height dimension to construct a 4-story, 66-foot-tall building. Thom Phillips, Hobbs & Black Architects, and Jonathon Curry, PEA Group, were also present.

Mr. Kojaian explained the reasons for this variance request:

- The site plan had been approved by the Planning Commission in August, pending a decision by the ZBA regarding this variance request.
- Taking the advice of the Township, the developer had shrunk the footprint of the impacted area, in order to preserve natural features on the site, including a number of landmark trees and a large number of other trees. In order to do that, the developer was proposing a taller building, in order to maintain square footage that would allow the building to be competitive in the marketplace. Parking was moved to be under the building at grade.
- The building was proposed to have three floors of office space and research and development space, with the first floor being used for parking and a lobby.

2. Consultant reports

Township Planner

Referencing her September 14, 2022 memorandum, Township Planner Elmiger summarized her review as follows:

- The subject site was heavily wooded, had significant topography, and there were also wetlands and a stream on the property.
- A previous proposal increased the disturbance to the property by over an acre and a half.
- The new proposal had additional floors and placed parking underneath the building so the amount of paving and grading had been significantly reduced.
- The site had peculiar and unusual natural features that created a practical difficulty.
- The proposed parking level height was 13-feet high; the second floor was 19-feet high, and the third and fourth floors were 16-feet high. The applicant should explain whether the proposed overall height of 66' could be lowered, and whether the requested variance was for the minimum height necessary. This was important in terms of whether the variance would be in harmony with the intent of the chapter.
- The higher elevations on the west property line would help diminish the height of the building as viewed from US 23. The parking level was diminished and would not draw the eye to the parking level. The building would read like a three-story building and not a four-story building.

Township Planner Elmiger recommended approval of the variance if the ZBA agreed with the information provided by the applicant, thought the information provided was adequate, and agreed that the ordinance criteria were met.

Mr. Phillips made the following points:

- The height of the first floor reflected the minimum elevation for the parking level. The height would allow an eight-foot-tall ambulance through the end of the level.
- The 19-foot height of the second floor would allow 16-foot ceilings that were necessary to accommodate research equipment.
- The 16-foot second and third floors would allow 12-foot ceilings that would accommodate typical research users and some research equipment.
- The building design started with 16-foot ceilings on each floor but was redesigned to be the minimum height possible to accommodate the needs of a research and development building.
- Other elements of the design related to research and development were the garage doors on the lower level, opening to a freight elevator that could accommodate research equipment.

Township Planner Elmiger referenced her 2019 review of the building as proposed at that time. The original two-story building was proposed to be about 34-feet to 35-feet high, or an average of about 17-feet per story.

The applicants explained that the height of the new ceilings made the new building competitive in the current marketplace, comparing favorably to renovating an existing space in which raising floors would not be cost effective. The building was designed to attract a large user.

The proposed ceiling heights would give users the ability to change equipment or install specialized

ventilation in addition to the regular AC systems that would already be in the ceilings.

Mr. Phillips pointed out that environmentally friendly mechanical systems required larger ducts for higher fresh air requirements. He suggested that the Township might consider revisiting the ordinance in terms of how floors were defined floor-to-floor in office and research districts.

3. Public Hearing – At 4:17 Chair Burlingame opened the public hearing.

John Petz, Domino’s Farms, said they were pleased to work with Kojaian Companies, particularly as Kojaian worked through modifications of this plan to bring this project to the community and future tenants of the building.

Clerk Basch advised that there the Township had done the standard mailing required by law, but no neighbors replied with comments.

Chair Burlingame closed the public hearing at 4:18pm as there were no more public comments.

4. Board questions/comments

Chair Burlingame agreed with the applicant’s comments regarding building and ceiling height in research and development buildings. He advised that any permanent liquid nitrogen tanks installed in the building would need Township approvals.

Clerk Basch thanked the applicant for coming up with this solution for constructing a research and development building while preserving the existing slopes and trees, and other natural features. She supported granting the variance.

MOTION by Basch, support by Lada, in the matter of ZBA-2-2022, Land on northwest corner of N. Earhart Place and Plymouth Rd, Ann Arbor, Michigan, parcel numbers I-09-14-480-001, I-09-14-480-002, I-09-14-480-003, and I-09-14-480-004, zoned R-D, Research and Development, applicant K.I. Properties Holdings, LLC, that the Zoning Board of Appeals grant the request for a variance from Section 74-505 of the Zoning Ordinance in order to construct a four (4) story building at a height of 66 feet, when the maximum height allowed in this district is 35 feet (a 31-foot dimensional variance), and the maximum permitted stories is two (2) stories, because there are special conditions and circumstances particular to the parcel, that granting the variance did not confer any special privilege on the applicant, and that the requested variance enhanced the intent of the township ordinance.

Motion carried unanimously by voice vote.

V. PUBLIC COMMENT - None.

VI. NON-AGENDA OR INFORMATION ITEMS - None.

VII. ADJOURNMENT

MOTION by Lada, support by Basch, to adjourn the meeting at 4:23pm.

Motion carried by voice vote.