

1. Zoning Board Of Appeals Regular Meeting Agenda

Documents:

[01- ZBA AGENDA 12-23-15.PDF](#)

2. Packet

Documents:

[PACKET_2015-12.PDF](#)

Agenda
Zoning Board of Appeals
Council Chambers
Wednesday, 23 December 2015 - 7:00 P.M.

I. Call to Order

II. Roll Call

John Bailey, Chair	P	A
Jake Albers	P	A
Rod Johnson	P	A
Tom Roach	P	A
Eric Seymour	P	A

III. Approval of Minutes

- 30 September 2015

IV. Purpose of Meeting

V. Old Business

- *none*

VI. New Business

- Variance, 1420 Washtenaw Ave-rear setback
Public Hearing
- Variance, 720 Norris St-grain silo
Public Hearing

VII. Adjournment

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**ZONING BOARD OF APPEALS
MEETING MINUTES
September 30, 2015
CITY COUNCIL CHAMBER
7:00 P.M.**

1. CALL TO ORDER

The meeting was called to order at 7:02 pm

II. ROLL CALL

Present: J. Bailey, R. Johnson, T. Roach, E. Seymour

Absent: J. Albers

Staff: B. Wessler, City Planner
C. Kochanek, Associate Planner

III. APPROVAL OF MINUTES

Commissioner R. Johnson moved to approve the minutes of June 24, 2015 (Support: T. Roach) and the motion carried unanimously.

IV. PURPOSE OF MEETING

To discuss a variance request.

V. OLD BUSINESS

None

VI. NEW BUSINESS

1. 719 E Cross-Variance for an accessory structure (woodshed) in the front yard

Kochanek: Summarizes the application review. Per the staff report, advises that staff recommends the Zoning Board of Appeals deny the variance request to permit a wood shed in the front yard of 719 E Cross for the following reasons: The applicant has shown insufficient practical difficulty under §122-94(b)(1), such a variance is not necessary for the preservation and enjoyment of a substantial property right enjoyed by other property owners in the same district under the terms of the zoning ordinance, per the standards of 122-94(2). The allowance of the variance will not result in substantial justice being done, given the conditions spelled out in 122-94(b)(5). And that denial of this variance does not preclude the applicant's ability to place the wood shed in a location other than the front yard.

Johnson: Asks as to whether there are any other wood sheds in the front yards of any other structures in the city.

Kochanek: Advises that she is unsure about the rest of the city but that there are no accessory structures in the front of any other structures in the R-1 district.

Commissioner Johnson moved to open the public portion of the hearing (Support: E. Seymour) and the motion carried unanimously.

Charles Tombeau, 719 E Cross, applicant - States that placing the proposed woodshed in the rear or side yard would cause damage to the trees on the property as well as the pollinator garden. Noted that due to the construction of the fence in rear, it would make it extremely difficult to deliver wood. Noted that it would be his right to keep a tidy stack of wood in the front yard, not within a woodshed.

Several questions regarding the layout of the property, volume of wood, and the home's dependence upon a woodburning stove for heat were asked by commissioners and answered in detail by the applicant.

Chair J. Bailey invited members of the public in favor of the variance to speak.

Josh Sweeny, 808 E Cross – is in favor of the variance being granted. Also has a wood stove. Thinks the front yard is the only logical place for a woodshed given the property layout. Doesn't detract from the appearance of the neighborhood.

Mackenzie Rettie, 831 Helen – is in favor of the variance being granted. Believes the applicant is a good steward of the property. Wouldn't go so far as to call the proposed structure a "shed;" thinks it will add to the attractiveness of the yard. Doesn't believe the woodshed will contribute to vermin nor block any sightlines. Appreciates the opportunity to speak and the purpose of zoning.

Beverly Fonzo, 856 Helen – is opposed to the variance. Has lived in the neighborhood for more than fifty years. Has not seen a front yard shed or structure in all that time. Doesn't believe that it will add to the property values in the neighborhood. Doesn't believe that any of the boardmembers would wish for this in their neighborhood. Doesn't generally believe that woodpiles should be in the front yard; thinks them unsafe, believes there to be a City ordinance against woodpiles generally due to rodents. Wonders at what structures will be permitted in the front yard if this one is permitted. Doesn't believe the applicant can take care of the lawn with the proposed structure & wood upon it.

Robert Fonzo, 856 Helen – Notes that the area has been zoned R1 with no incident for many years. The people who lived at the applicant's home before the applicant kept wood in the garage or backyard; is generally in favor of that method of storage for the applicant.

Colleen Riccinto, 722 E Cross – Not in attendance. Staff distributed a letter from her to the boardmembers. Objects to the woodshed as it would be an eyesore that would alter the essential character of the neighborhood. Celebrates the beauty and vitality of the neighborhood and the city. Does not believe that the woodshed meets the criteria for a variance.

C Tombeau, applicant – stated that property values have been increasing in the past few years. Expressed his belief that there was a “changing of the guard” and a generational gap between his supporters and detractors. Noted that he wanted to keep the house and grounds tidy.

Commissioner T Roach moved to close the public portion of the hearing (Support: E. Seymour) and the motion carried unanimously.

Commissioner R Johnson asked questions of staff about the location and storage of firewood with relation to the zoning ordinance and other ordinances.

Chair Bailey asked the definition of a fence. Staff read the definition of a fence and noted that arranging the firewood at the perimeter of the front yard would be considered a fence under the zoning ordinance.

After discussion by boardmembers, Commissioner T Roach moved to deny the application for a variance (Support: R Johnson) with the following findings:

1. The applicant has shown insufficient practical difficulty under §122-94(b)(1).
2. Such a variance is not necessary for the preservation and enjoyment of a substantial property right enjoyed by other property owners in the same district under the terms of the zoning ordinance, per the standards of 122-94(2).
3. The allowance of the variance will not result in substantial justice being done, given the conditions spelled out in 122-94(b)(5).
4. Denial of this variance does not preclude the applicant's ability to place the wood shed in a location other than the front yard.

A roll call vote was taken and carried unanimously.

VII. ADJOURNMENT

Since there was no further business, Commissioner T. Roach moved to adjourn the meeting (Support: E. Seymour) and the motion carried unanimously. The meeting adjourned at 7:33 p.m.



City of Ypsilanti
Planning and Development Department

17 December 2015

Staff Review of Variance Application
1420 Washtenaw Addition
1420 Washtenaw

GENERAL INFORMATION

Applicant: Ali Wahab
1420 Washtenaw LLC
1420 Washtenaw Ave
Ypsilanti, MI 48197

Project: 1420 Washtenaw Addition

Application Date: 14 September 2015

Location: Northwest corner of Cornell and Washtenaw

Zoning: NC, Neighborhood Corridor

Action Requested: Approval of a non-use variance to permit expansion in the rear yard

Staff Recommendation: Approval of a lesser variance

PROJECT AND SITE DESCRIPTION

Parcel # 11-11-05-382-012 is a corner lot at Washtenaw Ave and Cornell Rd. The parcel is 0.55 acres with frontage on Washtenaw Ave. There is an existing ~2,300 square foot single story commercial building and two metal canopies at 912 square feet and 672 square feet. There are 13 marked parking spaces on the site. A conditional (special) use permit was approved in July 1988 for an expansion of the interior service station and to operate on a 24 hour basis.

Zoned **NC-Neighborhood Corridor**, which allows for an automobile filling station without repair and a food store with the sale of alcohol, less than 15,000 square feet as a special use. This parcel is just south of an R-1 single family residential district. Automobile filling stations are regulated under §122-776 and special land use is regulated under Article V of the zoning code. This location is within the Reimagine Washtenaw project boundaries.

The project has gotten conditional site plan and special use approval from the Planning Commission for this expansion.

Figure 1: Subject Site Location

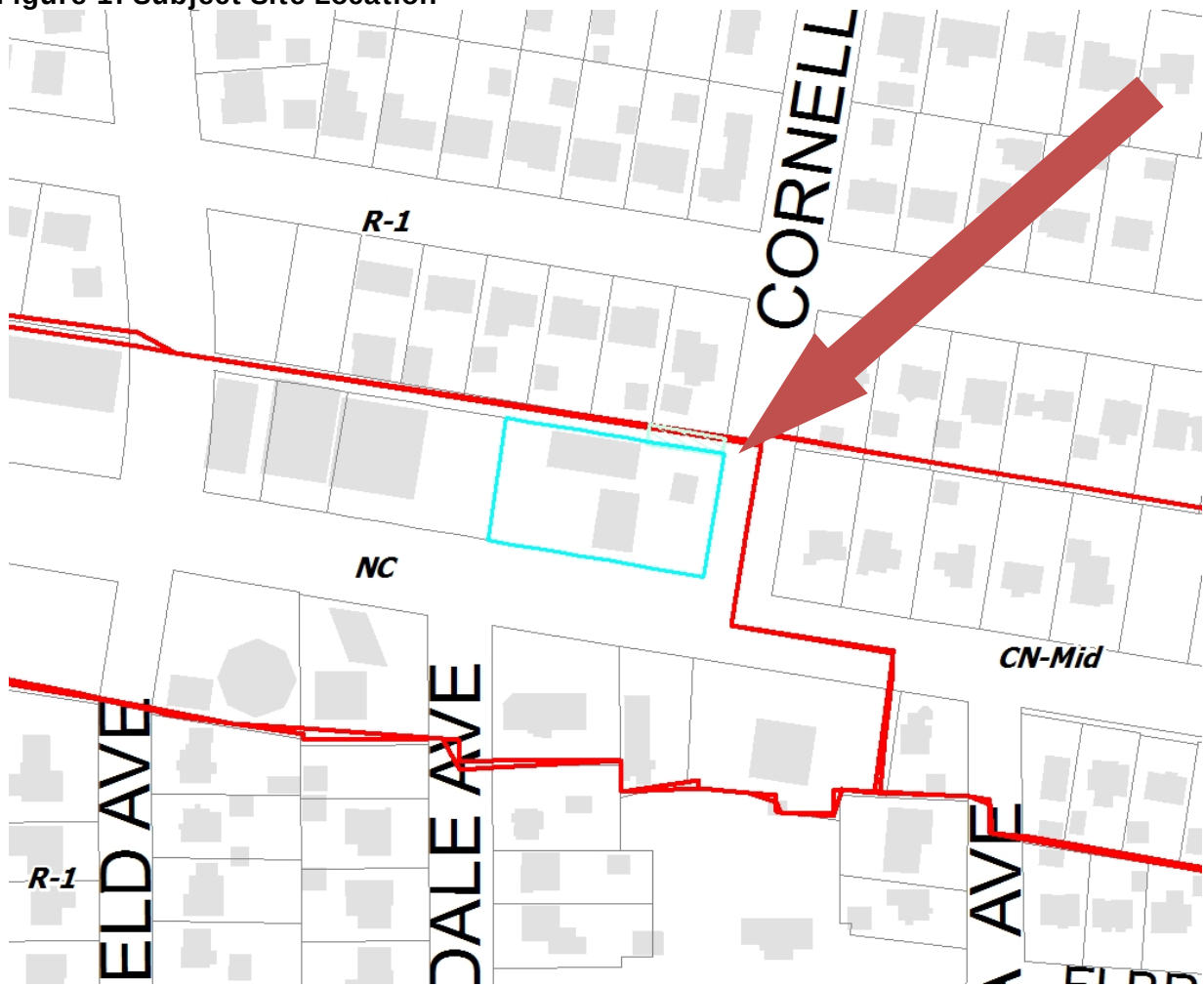


Figure 2: Site Close-up



Figure 3: Photograph of Site



Figure 4: Land Use and Zoning of Surrounding Area

	LAND USE	ZONING
NORTH	Single family homes	R-1- Single-family residential
EAST	Single family houses & multi-family (on Washtenaw)	CN-Mid- Core Neighborhood Mid
SOUTH	Restaurants and dry cleaners	NC-Neighborhood Corridor
WEST	Retail and commercial	NC- Neighborhood Corridor

ORDINANCE**§122-274****Sec. 122-274. Sign Design Standards.****(d) Building Type Parameters****(7) Standards for Building Types**

SC SINGLE STORY COMMERCIAL BUILDING

A single-story building, designed for non-residential use. They are located on lots that accommodate a detached primary building with the associated parking, loading, and waste disposal areas. A single use is generally located in each building.

LOT REQUIREMENTS	MIN	MAX
A - Lot Width (ft)	50	300
B - Lot Depth (ft)	100	300
C - Lot Size (sf)	7,500	90,000
D - Lot Coverage (%)	--	60

BUILDING ENVELOPE	MIN	MAX
E - Street Setback (ft)	5 ⁽¹⁾	15 ⁽²⁾
F - Side Setback (ft)	0	--
G - Rear Setback (ft)	15 ⁽²⁾	--
H - Frontage Buildout (%)	50	100

ACCESSORY BUILDING ENVELOPE	MIN	MAX
I - Street Setback (ft)	30 ⁽¹⁾	--
J - Side Setback (ft)	10	--
K - Rear Setback (ft)	10 ⁽¹⁾	--
L - Building Footprint (sf)	--	800

BUILDING HEIGHT	MIN	MAX
M - Principal Building (st)	1	1
N - Accessory Structure(s) (ft)	--	15

PARKING PROVISIONS

Location	Side, Street-Side and Rear Yards
Permitted:	Commercial

PRIVATE FRONTAGES Permitted: Commercial

⁽¹⁾ If located on Washtenaw Avenue, the building must be set back more than 10ft from future right-of-way line

⁽²⁾ When adjacent to existing single family residential detached homes, the rear setback shall be 25 ft.

LOT REQUIREMENTS AND BUILDING ENVELOPE

ACCESSORY STRUCTURE ENVELOPE

BUILDING HEIGHT

Figure 5: Proposed Setback (0.13' from alley)

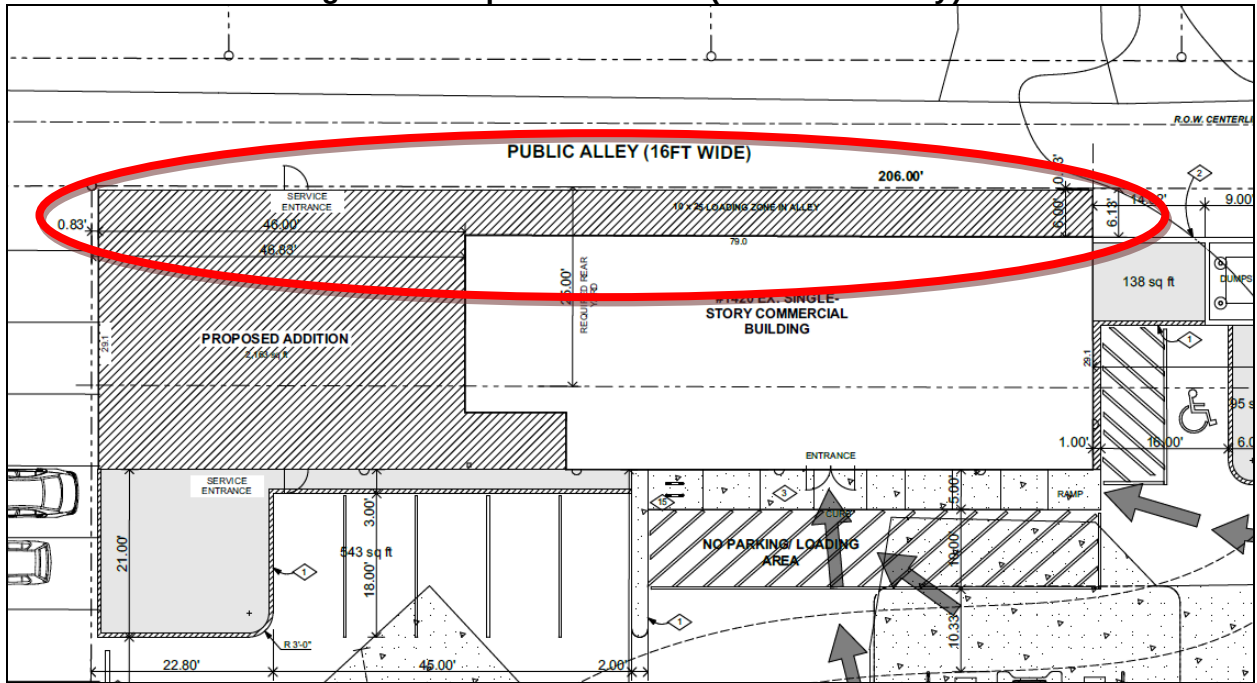
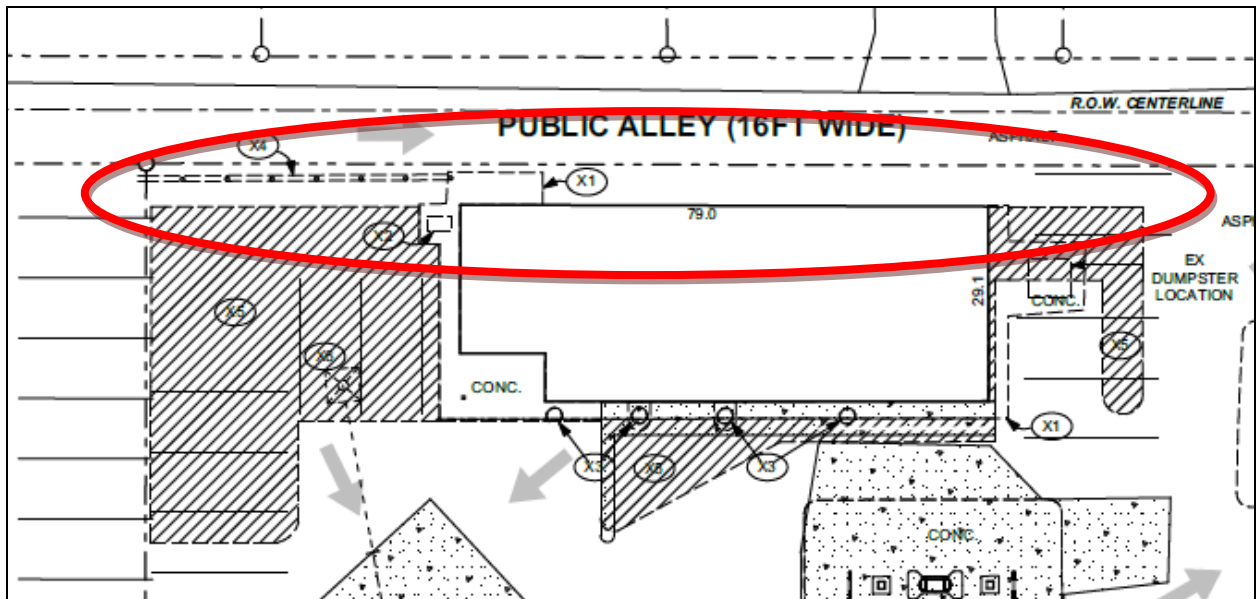


Figure 6: Existing Setback (6.13')



STANDARDS

§122-94(b)

Standards for Variances. A variance from the literal enforcement of this Ordinance may be granted by the Zoning Board of Appeals only if all of the following standards are met.

- (1) Literal enforcement of this chapter will pose practical difficulties to the applicant because of special conditions or circumstances which are unique to the specific property such as: exceptional shallowness or shape of the property, exceptional topographic conditions, extraordinary situation of a building or structure, use or development of an adjacent property, or difficulties relating to construction or structural changes on the site. Mere inconvenience or a desire to attain higher financial return shall not itself be deemed sufficient to warrant a variance.*

The applicant notes that practical difficulty is found in attempting to expand the building towards the south or the east due to the existing gas pumps, or any further to the west and south due to the property line and filling point for the fuel tanks. The applicant wishes to sell alcohol on the premises, and the State of Michigan requires that an extensive inventory of non-alcohol products be kept on the site, necessitating the expansion.

Staff agrees that the location of the existing gas pumps is a challenging condition, especially given the shallowness of the lot. The location of the gas pumps can only be changed with exceptional effort under today's safety and environmental standards. Staff also agrees that the applicant is subject to the State of Michigan's standards for the planned sale of alcohol. These two combined are the proverbial "rock and a hard place." However, it is likely that the applicant could accommodate the needed inventory requirements with items that have lesser volume or a more advantageous volume-to-value ratio- such as postage stamps. This standard is not met.

However, staff notes that the expansion along the current rear line of the building westward is crucial to any expansion of the convenience store use. This would expand the existing nonconformity of a 6.13 foot setback.

- (2) Such variance is necessary for the preservation and enjoyment of a substantial property right enjoyed by other property owners in the same district under the terms of this chapter. Granting of the variance shall not confer upon the applicant any special privilege that is denied by this chapter to other lands, structures, or buildings in the same district.*

Several structures along Washtenaw within the NC district have rear setbacks that approach zero. However, none were constructed within the past twenty years, nor under the current zoning ordinance, nor were any of them filling stations. The standard is not met.

Buildings that were constructed in compliance with the ordinance in effect at the time, but are not in compliance with the current ordinance, are considered to be *nonconforming* buildings. The existing building at 1420 Washtenaw was constructed in compliance with the ordinance at the time, but no longer complies in terms of its rear setback, so it is subject to the same conditions as other nonconforming buildings. Per the ordinance, nonconformities are allowed to continue and be maintained/repared, but not be expanded. The only variance needed in this case, however, is to encroach upon the rear setback, as the

building's rear setback would automatically become not nonconforming were a variance to be granted.

- (3) The alleged practical difficulties on which the variance request is based have not been created by any person presently having an interest in the property.*

The current property owners were not responsible for the present locations of the pumps nor the State of Michigan's alcohol sales requirements. However, the issue only arises when the applicant chooses to expand into alcohol sales, and could be remedied by expanding upwards- adding a second story- or by carrying a different inventory mix. The standard is not met.

- (4) The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.*

The area behind the existing building is already impervious surface, so no additional stormwater impacts will be made in this area. The existing rear yard is "dead space," unused for all but loading/unloading. The wall is proposed to be blank, with the exception of a service door with small transom window, similar to existing but longer; the applicant will also be required to provide a light in accordance with 122-641 for this door. Thus, the extension is not anticipated to have any immediate negative effects, nor a worsening of existing conditions. This standard is met.

- (5) The allowance of 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 zoning board of appeals to grant the variance, and the rights of others whose property would be affected by the allowance of the variance.*

No individual hardships appear as though they will be suffered as a result of denial of this variance. This standard is not met.

- (6) A variance granted shall be the minimum variance that will make possible a reasonable use of the land, buildings, or structure.*

The applicant has not shown that this is the only way to make the convenience store with alcohol "work" within the constraints of the site and the State of Michigan's requirements. This is not met. However, staff believes it is reasonable to grant a lesser variance of 6.13 feet, to permit the building to be extended to the west along its current footprint.

STAFF RECOMMENDATION

Staff recommends the Zoning Board of Appeals **approve** a lesser variance than that requested from 122-274, as submitted on 06 November 2015, to encroach into the required rear yard leaving only 6.13 feet, with the following findings:

1. The applicant has shown insufficient practical difficulty under §122-94(b)(1) for a decreased rear yard setback, but sufficient practical difficulty for an extension of the existing 6.13' rear yard setback.

2. A variance to permit a 0.13' setback is not necessary for the preservation and enjoyment of a substantial property right enjoyed by other property owners in the same district under the terms of the zoning ordinance, per the standards of 122-94(2).
3. The allowance of an 0.13' setback will not result in substantial justice being done, given the conditions spelled out in 122-94(b)(5); but a variance to permit a 6.13' setback meets the condition by allowing for a productive reuse of the site with minimal environmental impacts.

Bonnie Wessler

City Planner, Community & Economic Development Division

c.c. File
 Applicant
 Site designer



City of Ypsilanti
Planning and Development Department

10 December 2015

Staff Review of Variance Application
Corner Brewery Grain Silo
720 Norris

GENERAL INFORMATION

Applicant: Matt and Rene Greff
720 Norris St
Ypsilanti, MI 48198

Project: Corner Brewery
720 Norris St.
Ypsilanti, MI 48198

Application Date: November 24, 2015

Location: Norris St. northeast of the intersection of E Forest Ave and Norris St.

Zoning: NC- Neighborhood Corridor

Action Requested: Approval of a variance to allow an accessory structure to be built over the allowed 15 ft height limit

Staff Recommendation: Approval

PROJECT AND SITE DESCRIPTION

720 Norris St, parcel # 11-11-04-426-004, is approximately 1.72 acres in size, fronting on Norris St. There is an existing ~11,000 square foot building including the pre-manufactured storage structure. The outdoor beer garden includes another 3,528 square feet. The property was granted variances in 2005 for the beer garden to exceed the maximum of 20% of the gross indoor floor area and to allow for fewer off street parking spaces than required. Special use permits were issued in 2005 and in 2011 for the use as a microbrewery and a later expansion. The kitchen was expanded in 2014.

The property is zoned **NC- Neighborhood Corridor**, which allows for a microbrewery in less than 16,000 square feet as a permitted use and a bar as a special use. An accessory structure is allowed at a maximum height of 15 feet for the Large Single Story Commercial Building building type.

The applicant is seeking a variance to install an elevated grain hopper near the southeast corner of the building that will reach a height of approximately 32 feet above ground. With the principal structure fronting on Norris St., the proposed accessory structure will be located in the street side yard.

Figure 1: Subject Site Location

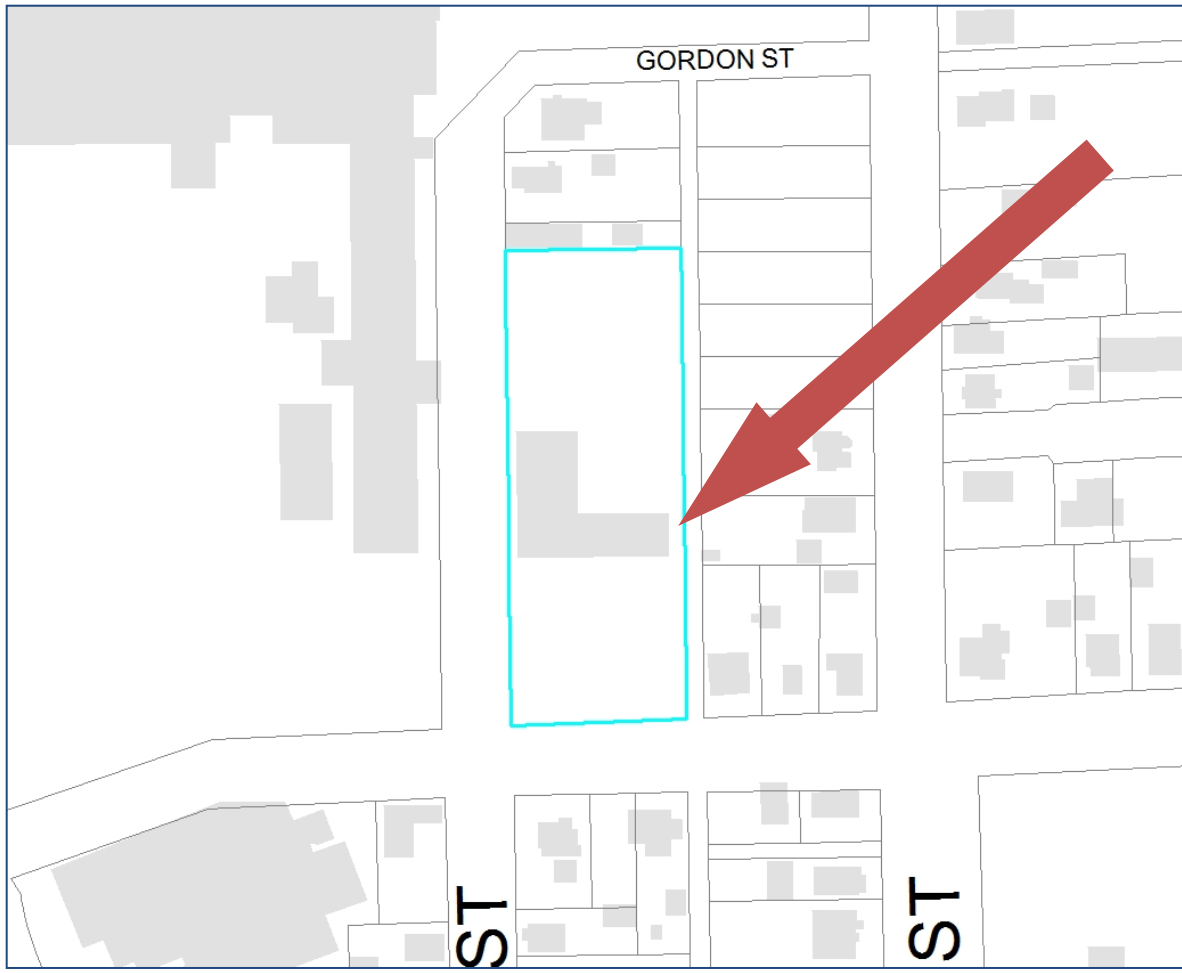


Figure 2: Site Close-up
Grain hopper proposed for circled area



Figure 3: Land Use and Zoning of Surrounding Area

	LAND USE	ZONING
NORTH	Single-Family Residential	NC -Neighborhood Corridor
EAST	Single-Family Residential	CN-Mid - Core Neighborhood Mid CN-SF - Core Neighborhood Single- Family
SOUTH	Single-Family Residential	CN-SF - Core Neighborhood Single- Family
WEST	Distribution Facility	PMD -Production, Manufacturing, Distribution

ORDINANCE

§122-667(2)

Sec. 122-667.

(2) Detached Accessory Structures

(b) Height. The maximum height for a detached accessory structure must be 15 feet; except in the PMD district, in which accessory structures may be constructed equal to the permitted maximum height of structures in such district, subject to Planning Commission review and approval.

The applicant proposes installing a grain hopper that will reach a height of approximately 32 feet in height.

(c) Location. All detached accessory structures must be located in rear yards or side yards. On corner lots, detached accessory structures must not be located in the required street side yard setback. In no instance may an accessory structure be located within a dedicated easement.

The applicant is planning to install the grain hopper in the street side yard.

(d) Setback and ground coverage requirements. All detached accessory structures must meet the setback and ground coverage regulations for the underlying zoning district and, if applicable, building type.

Lot coverage is unchanged.

(e) Architecture/siding. The architectural character of all accessory buildings must be compatible with that of the principal building. All accessory buildings in all zones except the PMD district, must be sided and roofed with materials which are compatible with the principal building and adjacent principal buildings.

This building was historically used for production and manufacturing offices, and it would not be uncommon for non-traditional uses of the structure and serviceable outbuildings.

Figure 4: Proposed Location of Silo (South parking lot)



Figure 5: Existing Conditions in the North Parking Lot



STANDARDS

§122-94(b)

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(1) Literal enforcement of this Ordinance will pose practical difficulties to the applicant because of special conditions or circumstances which are very unique to the specific property such as: exceptional shallowness or shape of the property, exceptional topographic conditions, extraordinary situation of a building or structure, use or development of an adjacent property, or practical difficulties relating to the construction or structural changes on the site. Mere inconvenience or a desire to attain higher financial return shall not itself be deemed sufficient to warrant a variance.

The applicant notes that practical difficulty is found in that malted barley (the product to be stored in the grain hopper) requires elevated vertical storage to support proper delivery to the equipment inside the microbrewery, which in turn requires the height to be more than 15 feet. Thus, the hopper, whether inside or outside of the building, would be at its proposed height. The current building, however, is not sufficiently tall to house the grain hopper; any accessory building erected to contain the grain hopper would have to be of a similar (or greater) height. This standard is met.

- (2) Such a variance is necessary for the preservation and enjoyment of a substantial property right enjoyed by other property owners in the same district under the terms of this chapter. Granting of the variance shall not confer upon the applicant any special privilege that is denied by this chapter to other land, structures, or buildings in the same district.*

This variance will permit the applicant to erect a piece of equipment necessary for the operation of the permitted use, a “microbrewer/small distiller/small wine maker less than 16,000 square feet.” There are currently no similarly situated businesses who have made a similar request.

- (3) The alleged hardships or practical difficulties on which the variance request is based have not been created by any person presently having an interest in the property.*

The need for the grain hopper stems from the use of the site as microbrewery. This is a permitted use in this district, and one that could conceivably arise at other permitted uses, such as craft production. The ordinance may need to change to ensure the accessory building height is appropriate per building type; currently, it is listed as 15 feet for all building types in all districts.

- (4) The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.*

The granting of this variance should not be detrimental to public welfare or injurious to the neighborhood. This standard is met.

- (5) The allowance of the variance will result in substantial justice being done, considering the public benefits intended to be secured by this Ordinance, the individual hardships that will be suffered by a failure of the Board to grant the variance, and the rights of others whose property would be affected by the allowance of the variance.*

If this variance was not granted, then the microbrewery would be unable to expand their operations,. The current planned expansion is still within the 16,000 square foot limit. This standard is not met.

- (6) A variance granted shall be the minimum variance that will make possible a reasonable use of the land, buildings or structure.*

A shorter grain hopper would likely need more frequent deliveries, which would increase traffic impacts. However, the site could be used at its current capacity indefinitely. This standard is not met.

STAFF RECOMMENDATION

Staff recommends the Zoning Board of Appeals **approve** the variance request to permit an accessory structure 32 feet in height in the south side yard at 720 Norris St in excess of the 15 feet height requirement, as submitted on November 23, 2015, with the following findings:

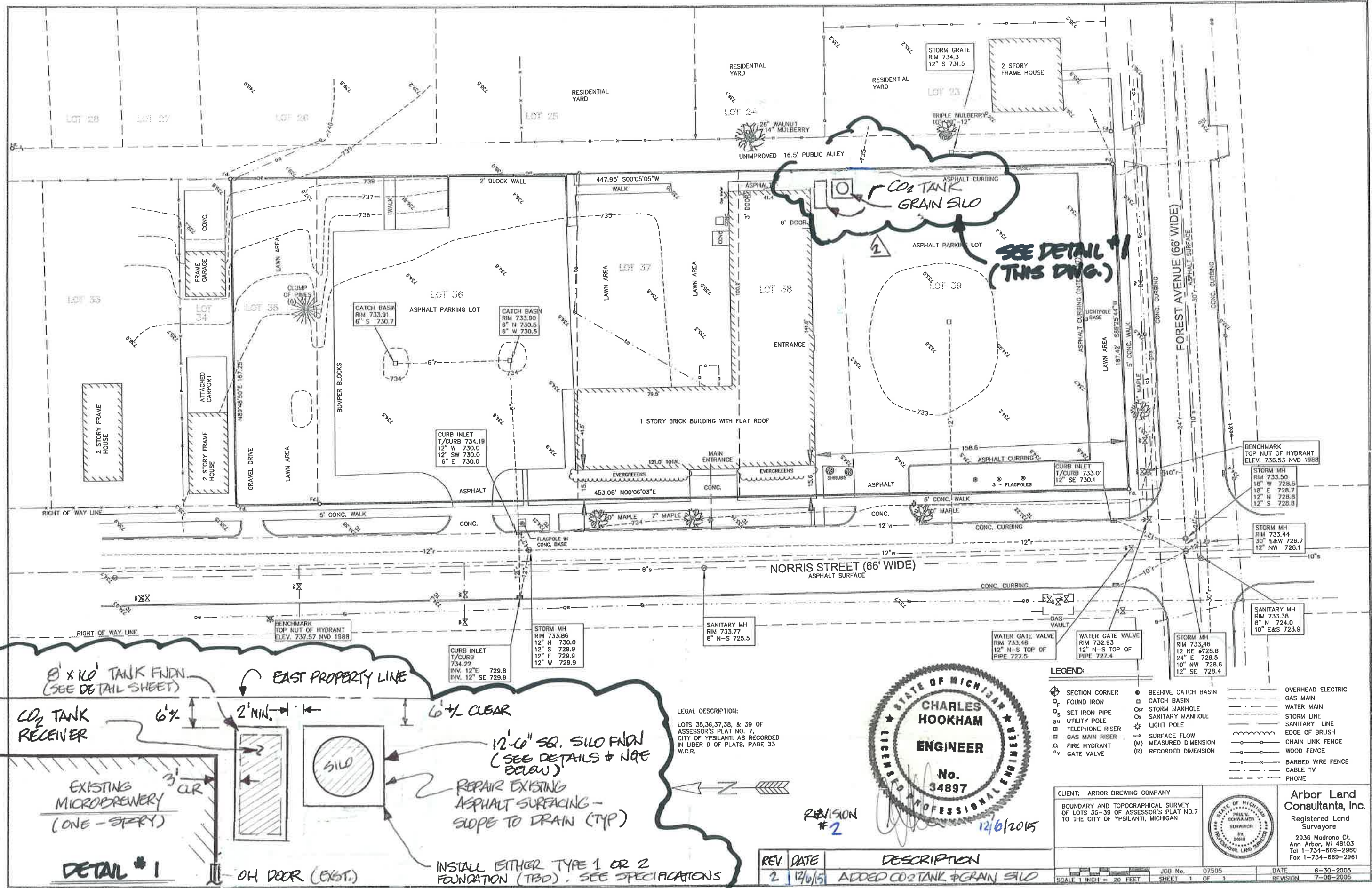
1. The applicant has shown sufficient practical difficulty under §122-94(b)(1).

2. The granting of this variance should not be detrimental to public welfare or injurious to the neighborhood, per 122-94(b)(4).
3. The allowance of the variance will result in substantial justice being done, given the conditions spelled out in 122-94(b)(5).

Cynthia Kochanek
Associate Planner, Community & Economic Development Division

Bonnie Wessler
City Planner, Community & Economic Development Division

c.c. File
 Applicant
 Site designer



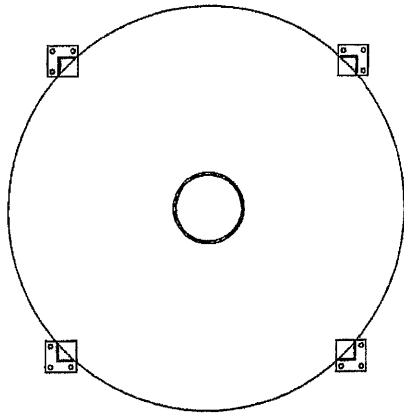
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 - FOUND IRON
 - SET IRON PIPE
 - UTILITY POLE
 - TELEPHONE RISER
 - GAS MAIN RISER
 - FIRE HYDRANT
 - GATE VALVE
 - BEHIVE CATCH BASIN
 - CATCH BASIN
 - STORM MANHOLE
 - SANITARY MANHOLE
 - LIGHT POLE
 - SURFACE FLOW
 - MEASURED DIMENSION
 - RECORDED DIMENSION
 - OVERHEAD ELECTRIC
 - GAS MAIN
 - WATER MAIN
 - STORM LINE
 - SANITARY LINE
 - EDGE OF BRUSH
 - CHAIN LINK FENCE
 - WOOD FENCE
 - BARBED WIRE FENCE
 - CABLE TV
 - PHONE

CLIENT: ARBOR BREWING COMPANY
BOUNDARY AND TOPOGRAPHICAL SURVEY
OF LOTS 35-39 OF ASSESSOR'S PLAT NO. 7
TO THE CITY OF YPSILANTI, MICHIGAN



Arbor Land Consultants, Inc.
Registered Land Surveyors
2936 Madrono Ct.
Ann Arbor, MI 48103
Tel 1-734-669-2960
Fax 1-734-669-2961

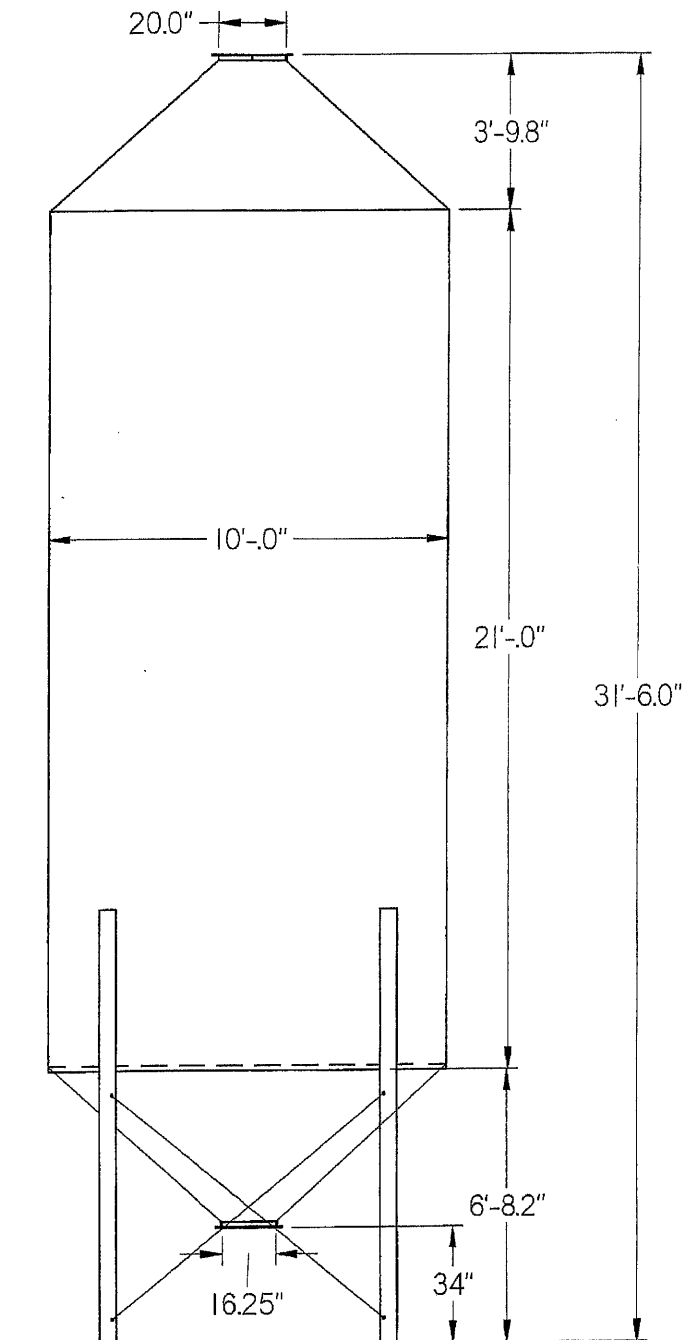
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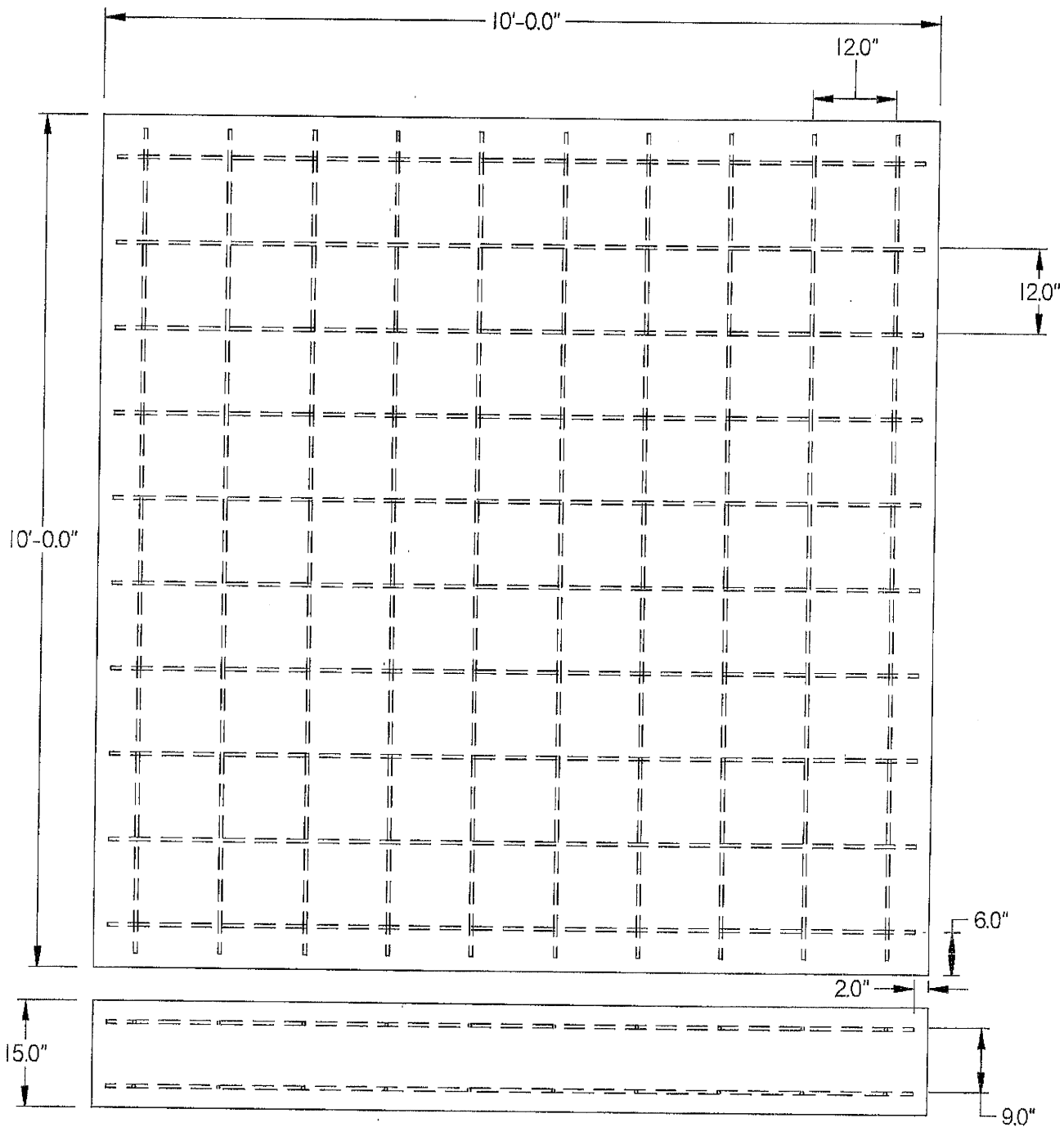
Drawing # DC 1804
Drawn For Ross w/
Top Line Co.
Ph 616.772.9146 Fax 616.772.0055

HP 45 10x21
1,842 Cubic Foot Capacity
60,786 Lbs @ 33lbs/cu. ft.

From: Dave Stuaan Schuld / Bushnell
Ph 309.772.3106 Fax 309.772 2045
email: dave@schuldbushnell.com



Bin pad dimensions for 10 x 18
 From Dave Stuaan Schuld / Bushnell
 Ph 309.772.3106 Fax 309.772.2045
 1/2" Rebar- Double Layered



DISCLAIMER: Concrete foundations are only as good as the soil conditions and bed preparation on which they are constructed. It is the customer's responsibility to attain necessary permits, to contact an area contractor / engineer knowledgeable of the bed conditions and requirements of the bin site, and to establish the final design of the site preparation and foundation. Engineering drawings if required are the responsibility of the customer. Schuld / Bushnell will not be held liable for a concrete foundation failure. These foundation drawings are provided as a guideline only.