

Agenda
Zoning Board of Appeals
Council Chambers
Wednesday, 21 November 2013 - 7:00 P.M.

I. Call to Order

II. Roll Call

John Bailey, Chair	P	A
Rod Johnson	P	A
Tom Roach	P	A
Mike Shecket	P	A
Godfrey A. Udoji	P	A
Anthony Bedogne (alternate)	P	A

III. Approval of Minutes

- 24 July 2013

IV. Purpose of Meeting

V. Old Business

VI. New Business

- Dimensional Variance Request: 301 S Hamilton

VII. Adjournment

**ZONING BOARD OF APPEALS
MEETING MINUTES
July 24, 2013
CITY COUNCIL CHAMBER
7:00 P.M.**

1. CALL TO ORDER

The meeting was called to order at 7:05 p.m.

II. ROLL CALL

Present: J. Bailey, T. Roach, M. Shecket, A. Bedogne

Absent: R. Johnson (excused) G. Udoji (excused)

Staff: B. Wessler, Planner I
N. Schuette, Executive Secretary

III. APPROVAL OF MINUTES – June 24, 2013

Commissioner Shecket moved to approve the minutes of June 24, 2013 as read (Support: T. Roach) and the motion carried unanimously.

IV. AGENDA CHANGE

Commissioner Shecket moved amend the agenda switching the two requests for dimensional variance (Support: T. Roach) and carried unanimously.

V. PURPOSE OF MEETING

Chairman Bailey stated that the purpose of the meeting is to request from the city a variance from the zoning ordinance.

VI. OLD BUSINESS

None

VII. NEW BUSINESS

1. 615 E. Michigan

Ms. Wessler stated that this is a request for approval of a dimensional variance to permit construction of an addition along existing building envelope 15' from rear property line; Entry Overlay requirements are 35'. The parcel is approximately one acre in size, fronting on Michigan Avenue and backing on to an active rail right-of-way. There are three existing buildings and parking lot. The applicant is working to complete a project

that began in 2009 and still has an outstanding item of a dumpster enclosure location, which will be addressed and relocated regardless of the outcome of this project. The planned expansion will join the two existing buildings and have a footprint of approximately 2,400 sq. ft and will contain an improved and expanded office, central reception area and laundry area in line with more modern facilities.

Ms. Wessler reviewed the land use and zoning of surrounding area as well as the standards for all variance requests.

Staff is recommending denial of the request to construct an expansion into the rear yard setback as defined in Sec 122-559(3) with the following findings – that 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, and denial of this variance does not preclude the applicant's ability to continue operation of a hotel on this site.

Commissioner Shecket asked if there were any other properties on that corridor with similar issues and Ms. Wessler responded that the Entry Overlay district goes along E. Michigan and West Michigan a portion of South Huron and Washtenaw Avenue. A lot of the buildings in those areas were built prior to the existence of the entry overlay district and many of them are built in that 35' rear setback. These buildings are totally non-conforming. She does not believe there have been any expansions that have encroached on the 35' setback. Some discussion was held on the slope going down to the railroad.

Commissioner Shecket moved to open the public portion of the hearing (Support: A. Bedogne) and the motion carried unanimously.

K. Singh – owner of the property was in attendance and accompanied by his Project Engineer, Hakim Shakir. Mr. Shakir stated that the proposed addition will join the north and west of the existing building but cannot meet the setback requirements. He continued by adding that many improvements had been made in the past and this request by the owner is to make the property more modern with a defined office space, ultimately bringing business to the city. An overhead presentation was made of the site in question.

A number of questions were asked by board members of Mr. Shakir, who responded in detail. After further discussion, Commissioner Shecket moved to approve the variance to permit construction of an expansion into the rear yard setback defined in Sec. 122-94 with the following findings:

1. The variance meets the standard generally of Sec 122-94(b), Sections 1, 3, 4, 5, 6 and 7, and in particular it meets Section 2 because the uniqueness of the particular property does not cause a variance to be conferred upon the applicant with a special privilege that is denied to other land, structures, or buildings in the same district.

The motion was supported by Commissioner Roach and carried unanimously.

2. Towner House, 303 N. Huron

Ms. Wessler gave a presentation stating that the property is owned by the First Presbyterian Church and is a historical structure. The Towner House Foundation is proposing to buy the house and restore it. Although the structure does sit on an existing lot, the church does not want to sell the entire lot, keeping a part of the lot for future use. The applicant is requesting a dimensional variance to permit a lot to be created with a smaller rear setback than required in this district. The applicant is proposing a rear yard of approximately ten feet, instead of a 35 ft setback. Staff is recommending denial as the applicant has not shown sufficient practical difficulty under the standards of the ordinance; 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 and the loss of a variance will not result in substantial justice being done given the conditions spelled out in the ordinance.

Some questions were asked by board and answered by staff.

Commissioner Shecket moved to open the public portion of the hearing (Support: A. Bedogne) and the motion carried unanimously.

Mark Namatevs, 619 E. Forest – stated that he is a member of the Towner House Foundation and is also a former member of the Historic District Commission and is a current member of the church. The main purpose of purchasing the property from the church is to make it more accessible for grants and restoration making the property more usable. It has no pastoral value to the church and would be owned by the Towner House Foundation.

After much discussion and questions by the board, Commissioner Roach moved to close the public portion of the hearing (Support: M. Shecket).

Commissioner Shecket moved for a five minute recess (Support: A. Bedogne) and the motion carried unanimously.

Commissioner Bedogne moved to resume the meeting (Support: M. Shecket) and the motion carried unanimously.

Commissioner Roach moved to approve the variance based on the following findings:

1. The literal enforcement will pose practical difficulty due to extraordinary historic significance.
2. The property, structure and lot predate the zoning ordinance.
3. Granting of the variance will not be detrimental to the public welfare
4. The allowance of the variance will result in substantial justice being done.

The motion was supported by Commissioner Bedogne and carried unanimously.

VII. ADJOURNMENT

Since there was no further business, Commissioner Shecket moved to adjourn the meeting (Support: A. Bedogne) and the motion carried unanimously. The meeting adjourned at 8:20 p.m.

DRAFT



City of Ypsilanti
Planning and Development Department

15 November 2013

**Staff Review of Variance Application
Second Baptist – restroom addition
301 S Hamilton**

Applicant:	William Meier, MEIER Architects, PC 4844 Jackson Rd, Ste 175 Ann Arbor, MI 48103
Project:	Second Baptist – Barrier-free restroom addition 301 S Hamilton Ypsilanti, MI 48197
Application Date:	27 September 2013
Location:	East side of South Hamilton between Catherine and Buffalo
Zoning:	R2, One- and Two-family Residential District
Action Requested:	Approval of a non-use variance to permit a barrier-free restroom to be constructed within the north (side) and west (front) setbacks
Staff Recommendation:	Denial

The parcel is slightly more than two acres, fronting on South Hamilton Street. There is an existing ~10,000 square foot building, a shed, two houses, and an approximately 127-space parking lot. The applicant is proposing to add a 395 square foot barrier-free restroom (men's and women's) to the north side of the building, adjoining the sanctuary level, flush with the existing front facade.

The property is zoned **R2 – One- and Two-Family Residential**, which allows churches and other religious buildings as a special use, subject to the specific requirements of §122-780. The applicant is aware that a site plan and special use application is also required prior to construction.

Figure 1: Subject Site Location

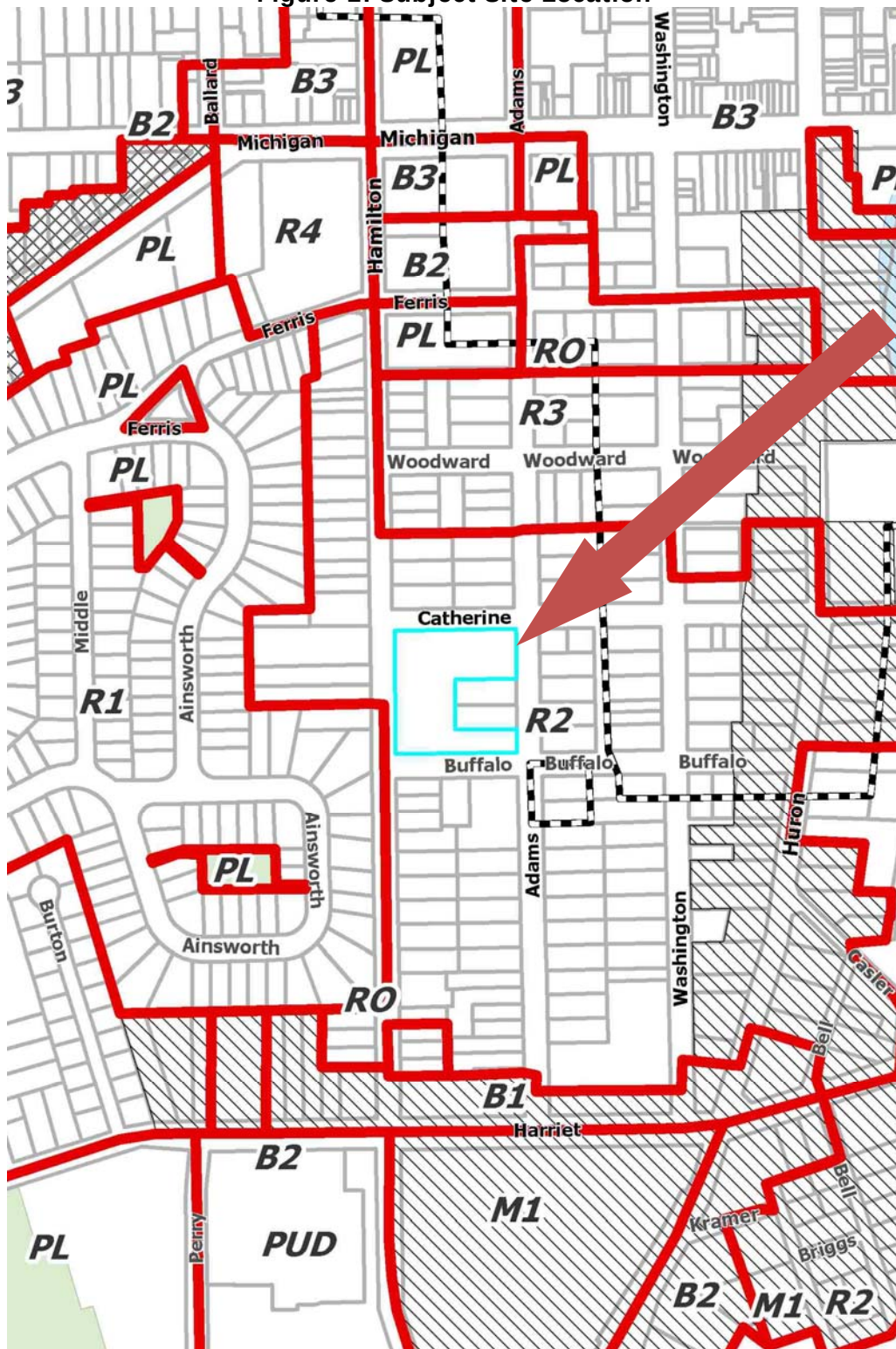


Figure 2: Site Close-up



Figure 3: Land Use and Zoning of Surrounding Area

	LAND USE	ZONING
NORTH	single-family homes	R2
EAST	single- and two-family homes	R2
SOUTH	Parking area for services; one- and two-family homes. Seventh-Day Adventist church to SE	R2
WEST	vacant lots, single-family homes	R2

ORDINANCE

§122-275(6)

Sec. 122-275. Area Regulations.

(6) *Other Yard Requirements.* For all uses permitted other than single- or two-family residential, all yard setbacks shall equal the height of the structure or the setback required under subsections (2) through (5) of this section, whichever is greater.

Figure 4: Proposed Addition

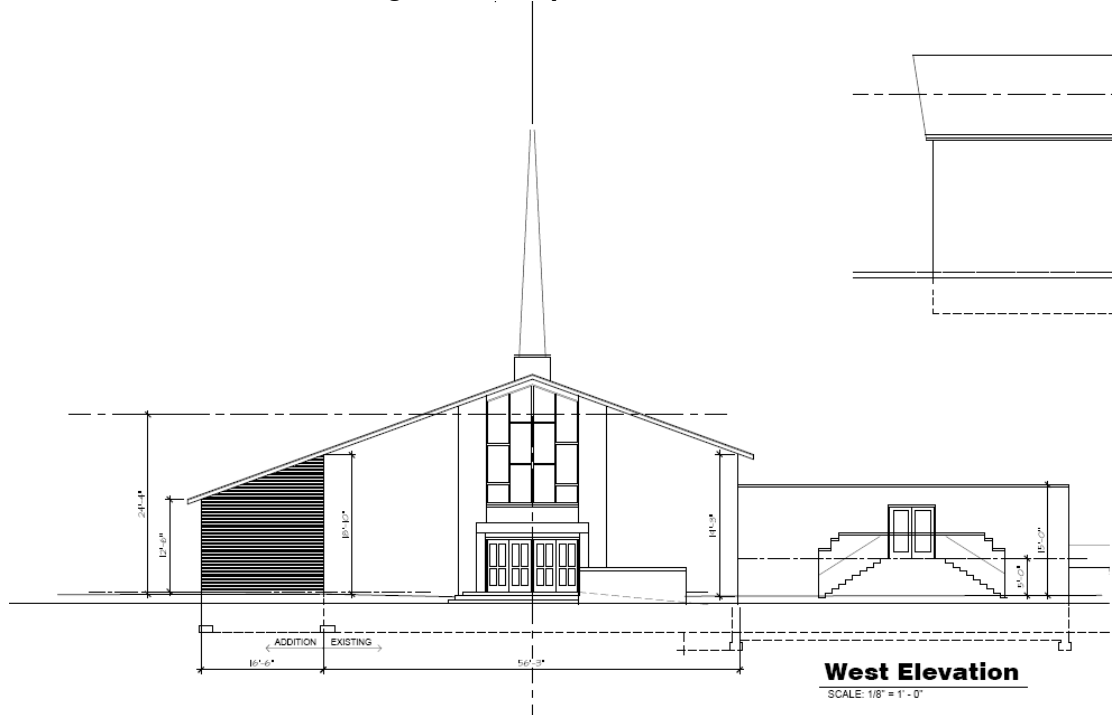
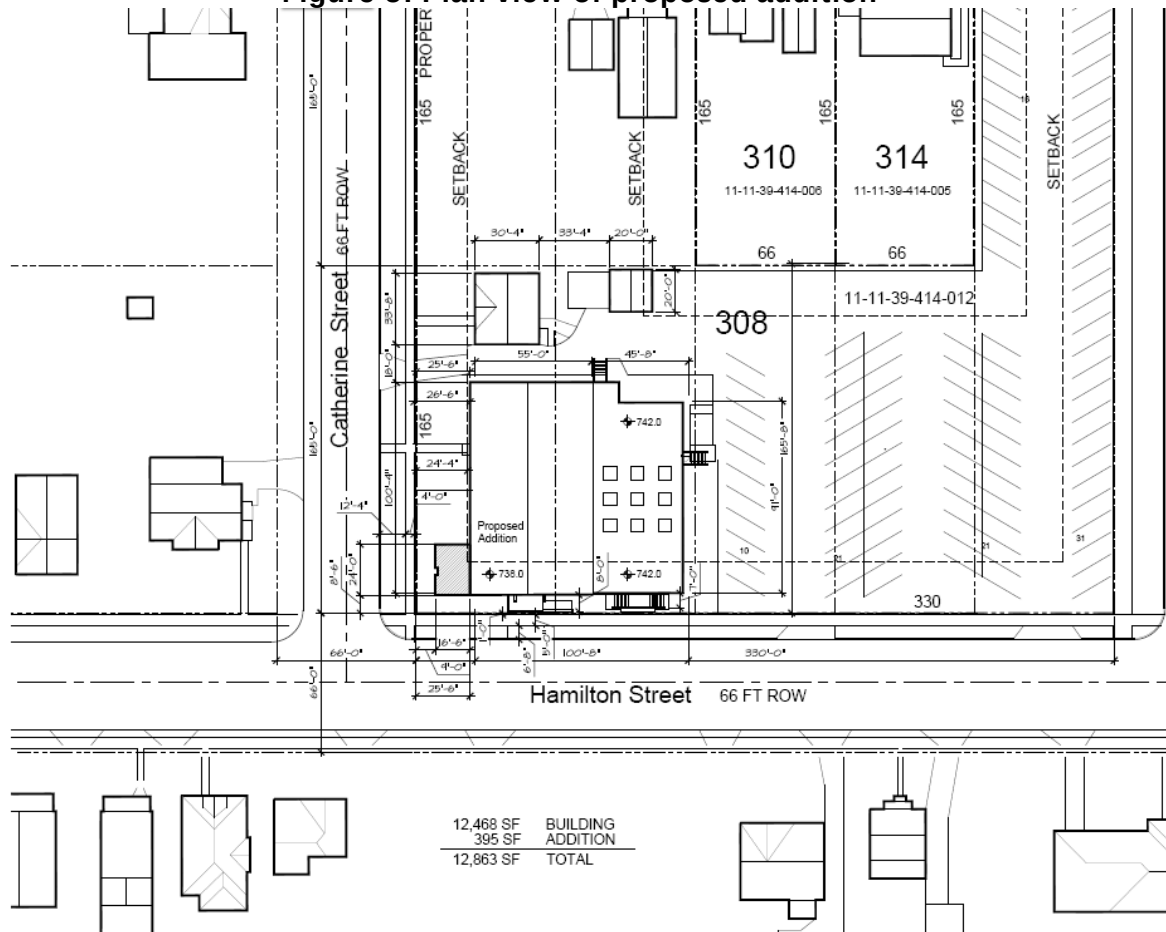


Figure 5: Plan view of proposed addition



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 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 attempting to locate the needed barrier-free restroom facility on the same floor as the sanctuary level, or otherwise accessible to/from the sanctuary (ex: chair lift, elevator, etc). The church has grown over the years, both physically and in congregation size, and as such, various additions have been built with various floor heights as needed at the time. The different floor heights present a challenge to congregants' mobility, and make locating said restroom facility within the existing building challenging and expensive. This condition is not met; although locating

the restroom within the existing building would be challenging, it is not impossible. This condition is not 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.*

There are currently several other churches within the within the R2 zoning district, including but not limited to:

- St John the Baptist, 410 W Cross: the rear (north) portion of this church is within R2.
- Seventh-Day Adventist, 402 S Adams: wholly within R2
- Messiah Temple Church, 200 Harriet: the rear (north) portion is within R2
- Community Church of God, 565 Jefferson: wholly within R2
- St John the Baptist, 866 Monroe: wholly within R2
- Cathedral of Deliverance, 580 First Ave
- St James Church of God, 585 First
- Shiloh Church of God, 1076 Jefferson
- Brown Chapel AME, 1043 W Michigan
- Mount Olive, 436 Hawkins
- New Jerusalem Baptist, 407 S Adams

Religious facilities 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 *legal/nonconforming*. Per the ordinance, legal nonconforming structures may continue, but should they be altered, any alteration must be in conformance with the ordinance in effect at the time. This condition is not met.

- (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 Second Baptist Church was constructed as a church, but over the course of many years has been expanded to meet the needs of the church at the time. The need for a restroom on the same floor as the sanctuary is a fairly specific need and a difficult one to anticipate. This condition 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 proposed setback is not dissimilar to current setbacks at other churches and homes in the area. The addition will be small, and will blend with the western façade of the building. It does not appear that the addition will be detrimental to the public welfare or the neighborhood in general. This condition 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.*

Substantial justice and amelioration of individual hardships will take place should this variance be granted. This condition is met.

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

The barrier-free restrooms proposed appear to be as small as possible to enable access and conform to ADA regulations. The bathrooms could be located elsewhere in the building or on the property; the primary obstacle is cost. The property could continue to be used as it is, although some congregants may be excluded from participation in services. This condition is not met.

STAFF RECOMMENDATION

Staff recommends the Zoning Board of Appeals **deny** the variance request to permit an encroachment of 9 feet into the north (side) setback and 8'8" into the west (front) setback, as submitted on 27 September 2013, 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 practical difficulty being proposed is self-created, per §122-94(3)
4. Denial of this variance does not preclude the applicant's ability to continue to use the site as it is currently laid out, nor does it preclude other expansions or uses.

Bonnie Wessler
Planner I, Community Development Division

c.c. File
 Applicant
 Site designer



City of Ypsilanti Planning & Development Department

One South Huron • Ypsilanti, MI 48197
Phone: (734) 483-9646 • Fax: (734) 483-7260
www.cityofypsilanti.com

**Non-refundable
Planning Fee:**
\$450

Date: 9/25/2013

VARIANCE APPLICATION

DIMENSIONAL OR OTHER NON-USE

(single-family residential use: use separate application)

Applicant*

Name William Meier, MEIER Architects, PC		
Address 4844 Jackson Road		
Suite 175		
City Ann Arbor	State Michigan	Zip 48103
Phone / Fax (734) 741-8655 / (734) 741-8755		E-Mail bill@themeiergroup.com

*If applicant is not owner of property, a written, notarized statement from the owner authorizing this application must be included.

Property

Name of project SECOND BAPTIST CHURCH - Barrier-Free Toilet Room Addition	
Address 301 South Hamilton Street - Ypsilanti, Michigan 48197	
List all parcel identification numbers included in development: 11-11-39-414-012	
Legal description of property (may be attached): (see attached)	
Current Zoning: R-2	Current Use: Church Facility
Attach an accurate, scaled drawing, of the property showing: - all property lines and dimensions correlated with the legal description - the location and dimensions of all existing and proposed structures and uses on property - any roads, alleys, easements, drains, or waterways which traverse or abut the property and the lot area and setback - dimensions necessary to show compliance with the regulations of this Ordinance	

Request for Variance

Description of proposed project Second Baptist Church has need of barrier-free toilet room facilities that require an addition to the north side of the building in order to be built at the same level as the Sanctuary.

Section of Ordinance (chapter, article, section, subsection format, please)

Chapter 122, Article VII, Division 3, Section 122-275(6)

How the proposed project is contrary to ordinance:

All yards shall be equal the height of the structure = 24'-4"

The proposed addition results in a Catherine Street setback of 9'-0" (15'-4' variance required)

The Hamilton Street Setback equals the existing setback of existing structure - 8'-8" (15'-8" variance required)

Practical difficulties which prevent compliance:

~~The existing facility was designed with multiple levels before there was an emphasis on barrier-free toilet room accommodations.~~

~~Changing needs of aging church members make accessing the existing toilet facilities difficult.~~

~~After exploring all options available, an addition to the north side of the lobby is the only practical means of accommodating barrier-free toilet facilities on the same level as the Worship Area.~~

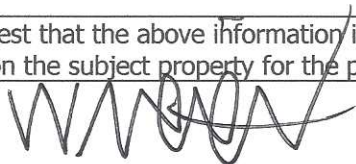
Unique circumstances regarding the property (i.e. shape, topography, etc) which prevent compliance:

~~The existing building location and configuration limits the available area to accommodate the need for barrier-free toilet accommodations on the same level as the worship center. Location of the toilet facilities in any other location do not fulfill the need for barrier-free facilities.~~

Signature

I hereby attest that the above information is accurate. I am authorized to and grant permission to the City of Ypsilanti staff to be on the subject property for the purposes of preparing staff reports and/or evaluating this application.

Signature:



Date:

25 September 2013

Print Name:

William Meier, MEIER Architects, PC

Legal Description

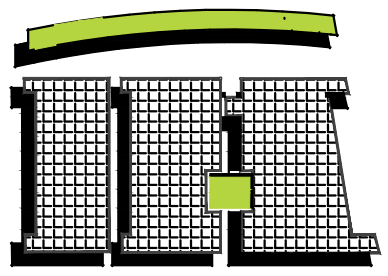
YPC 1-W56A A PARCEL OF LD BOUNDED ON THE NORTH BY CATHERINE STREET, ON THE EAST BY ADAMS STREET, ON THE SOUTH BY BUFFALO STREET , AND ON THE WEST BY HAMILTON STREET, EXCEPTING THE N 132 FT OF THE S 198 FT OF THE E 165 FT THEREOF. COMBINED ON 02/19/2013 FROM 11-11-39-414-007, 11-11-39-414-008, 11-11-39-414-009, 11-11-39-414-010, 11-11-39-414-011;

PARCEL NUMBER: 11-11-39-414-012

ADDRESS: 308 S ADAMS ST



Site Plan
SCALE: 1/32" = 1' - 0"



MEIER
ARCHITECTS

4844 JACKSON ROAD | SUITE175
ANN ARBOR, MICHIGAN 48103
734 741-8655 | 734 741-8755 FAX

ENGINEER

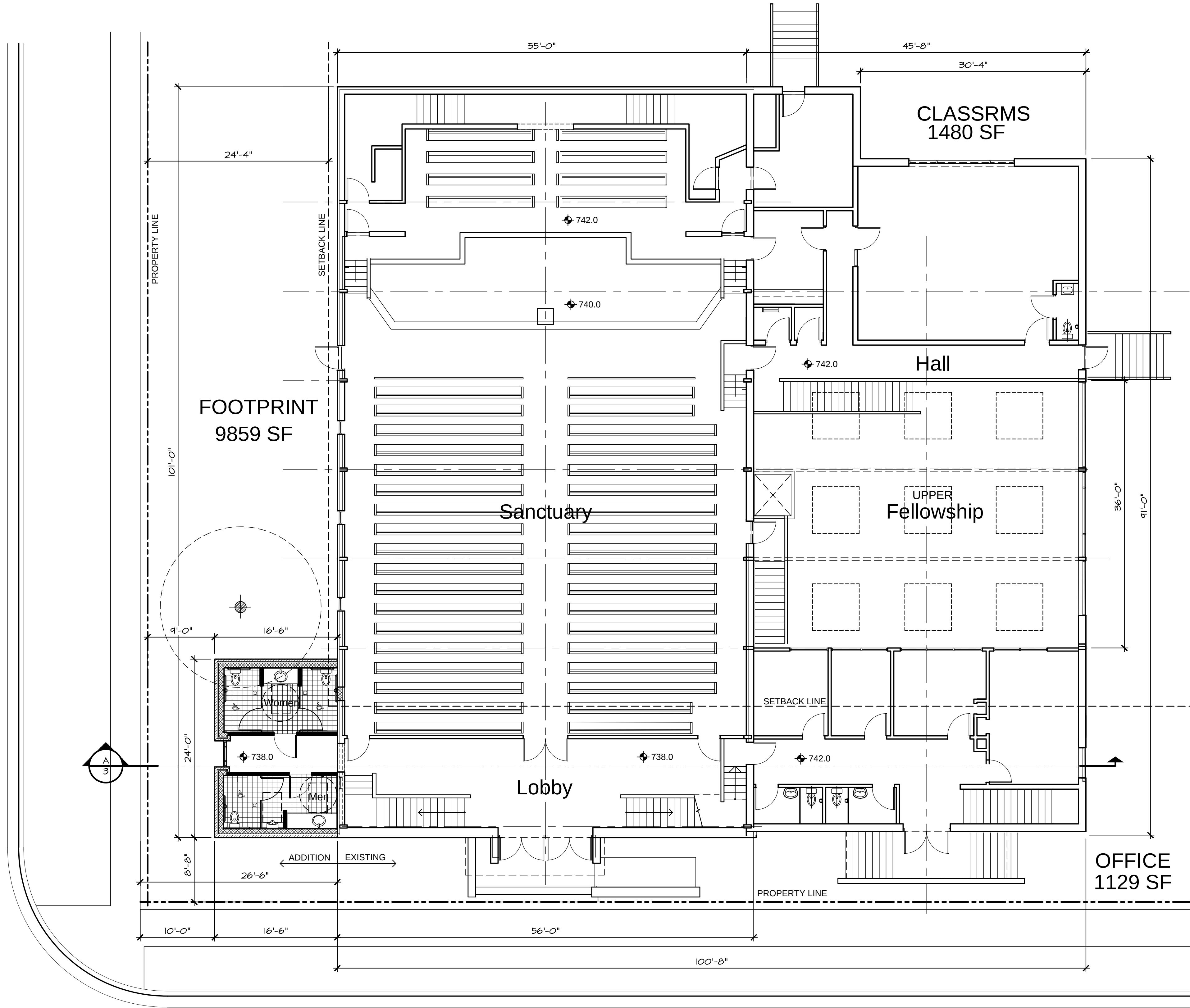
Second Baptist Church
BARRIER-FREE TOILET ROOM ADDITION
301 SOUTH HAMILTON ST. YPSILANTI, MICHIGAN

CONTACT
Al Robinson

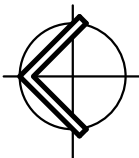
OWNER
SECOND BAPTIST CHURCH
301 SOUTH HAMILTON ST.
YPSILANTI, MI 48197

ZBA APPLICATION 09-25-2013
ISSUED FOR: DATE:

Catherine Street 66' ROW



Hamilton Street 66' ROW

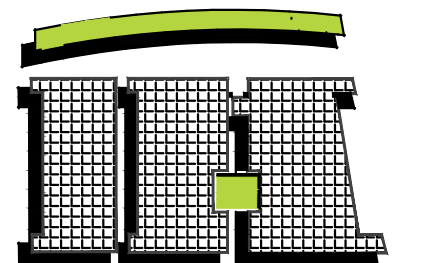


FLOOR PLAN

SCALE: 1/8" = 1' - 0"

12,468 SF	BUILDING
395 SF	ADDITION
12,863 SF	TOTAL

Parking



MEIER
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ENGINEER

Second Baptist Church
BARRIER-FREE TOILET ROOM ADDITION
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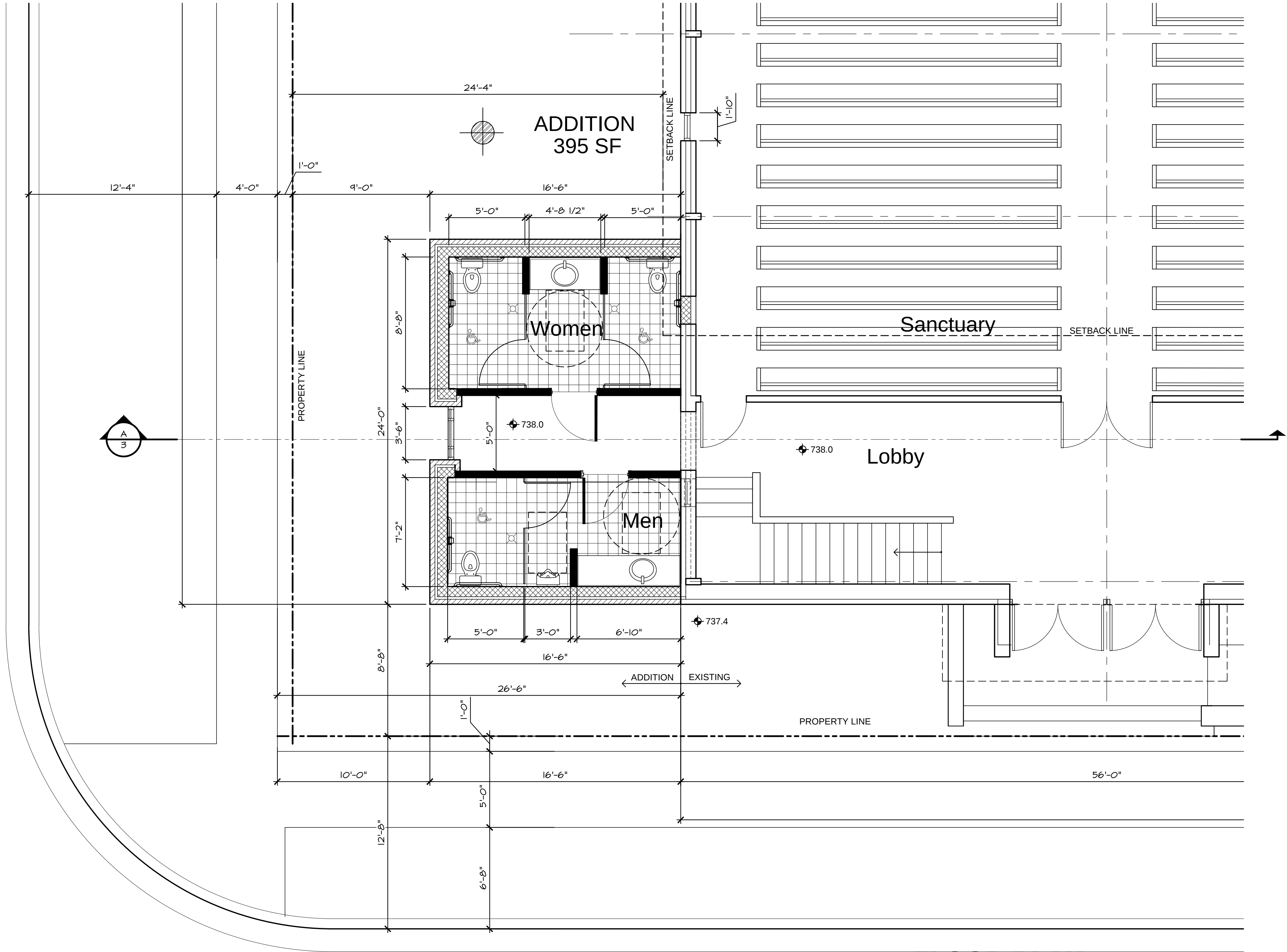
CONTACT
Al Robinson

OWNER
SECOND BAPTIST CHURCH
301 SOUTH HAMILTON ST.
YPSILANTI, MI 48197

ZBA APPLICATION 09-25-2013
ISSUED FOR: DATE:

FLOOR PLAN

Catherine Street 66' ROW



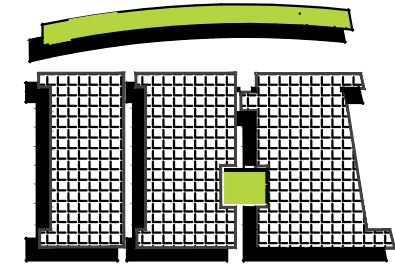
Hamilton Street 66' ROW



FLOOR PLAN

SCALE: 1/8" = 1' - 0"

12,468 SF	BUILDING
395 SF	ADDITION
12,863 SF	TOTAL



MEIER
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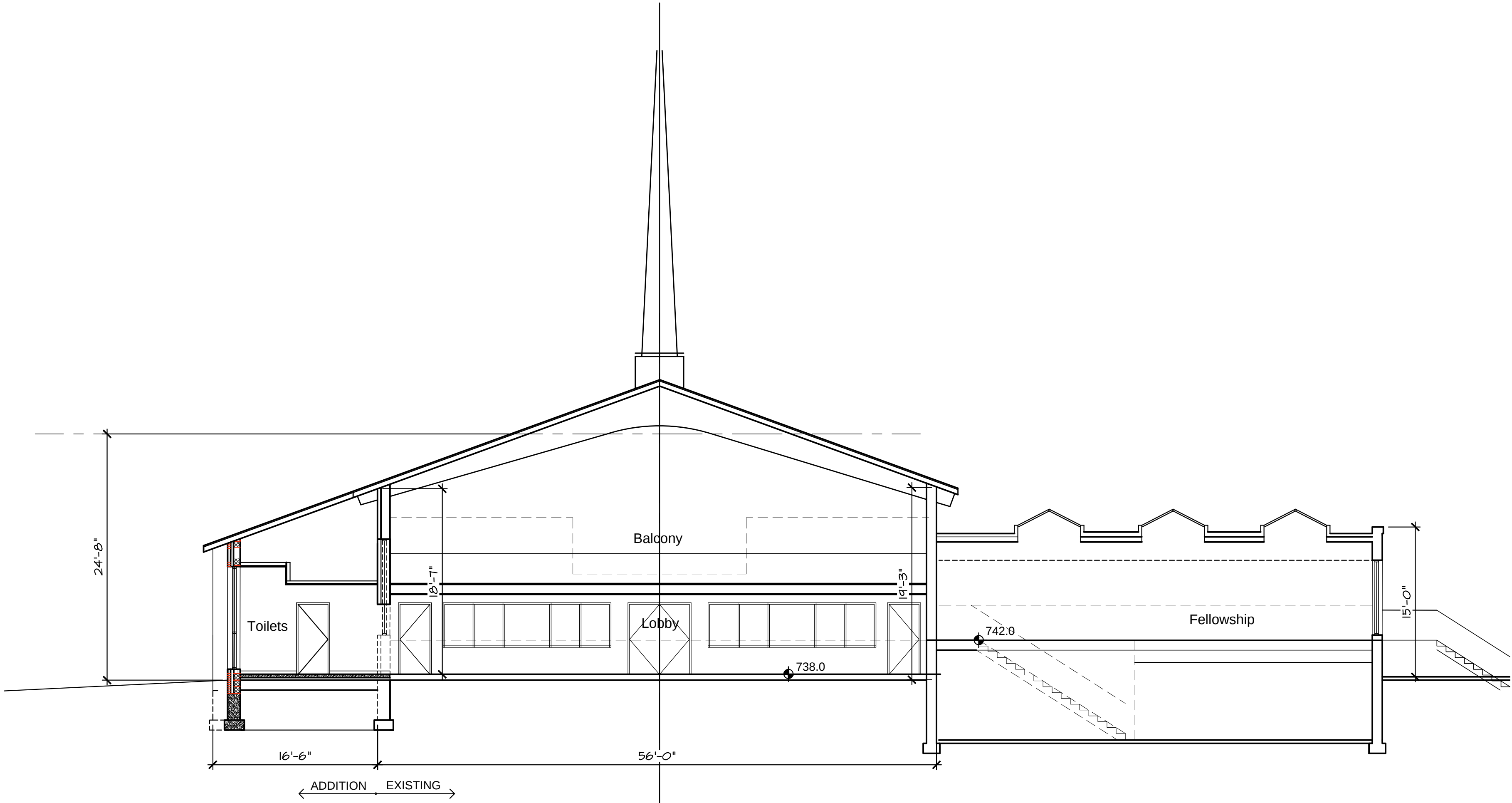
ZBA APPLICATION 09-25-2013

ISSUED FOR: DATE:

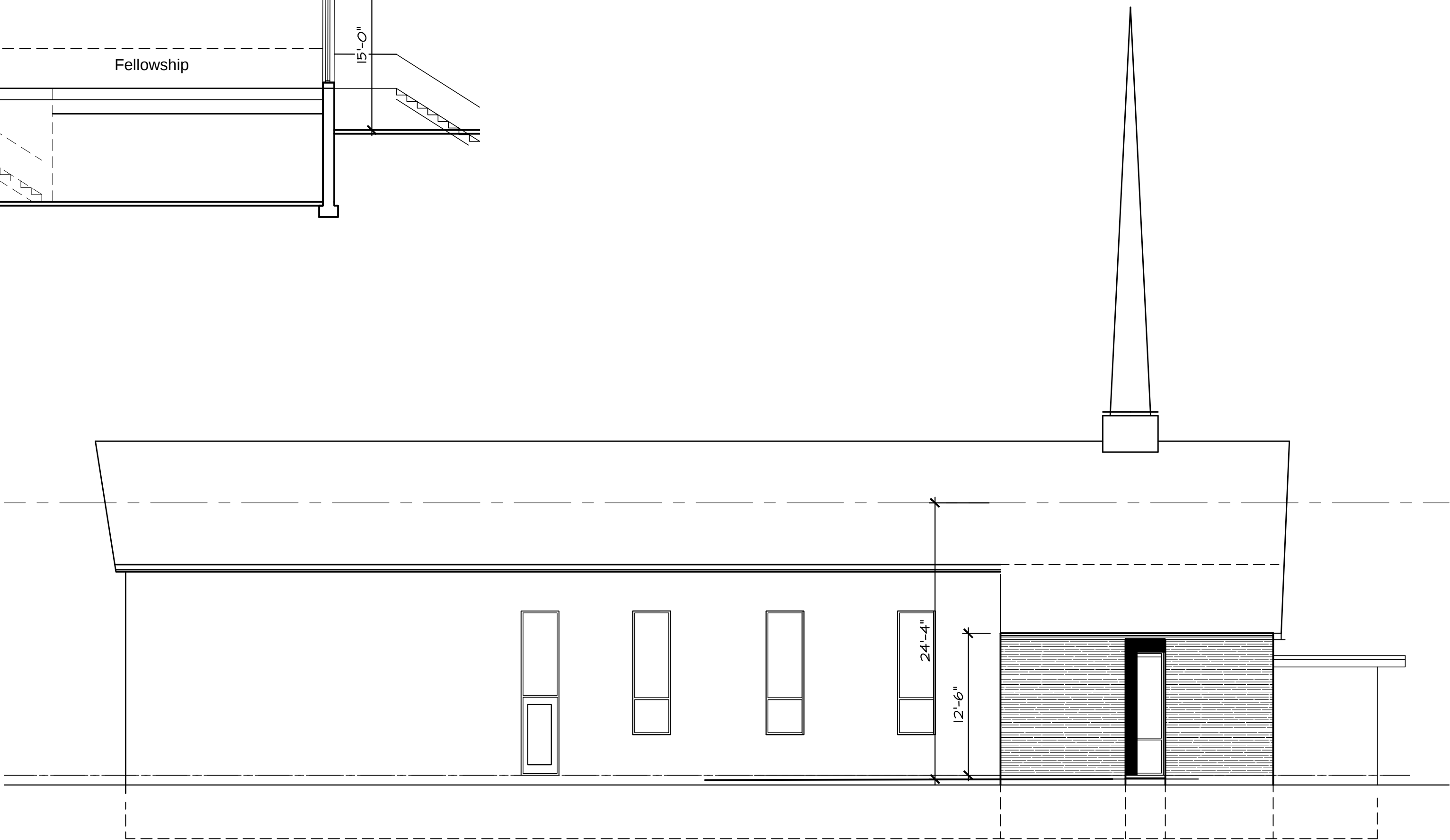
FLOOR PLAN

3

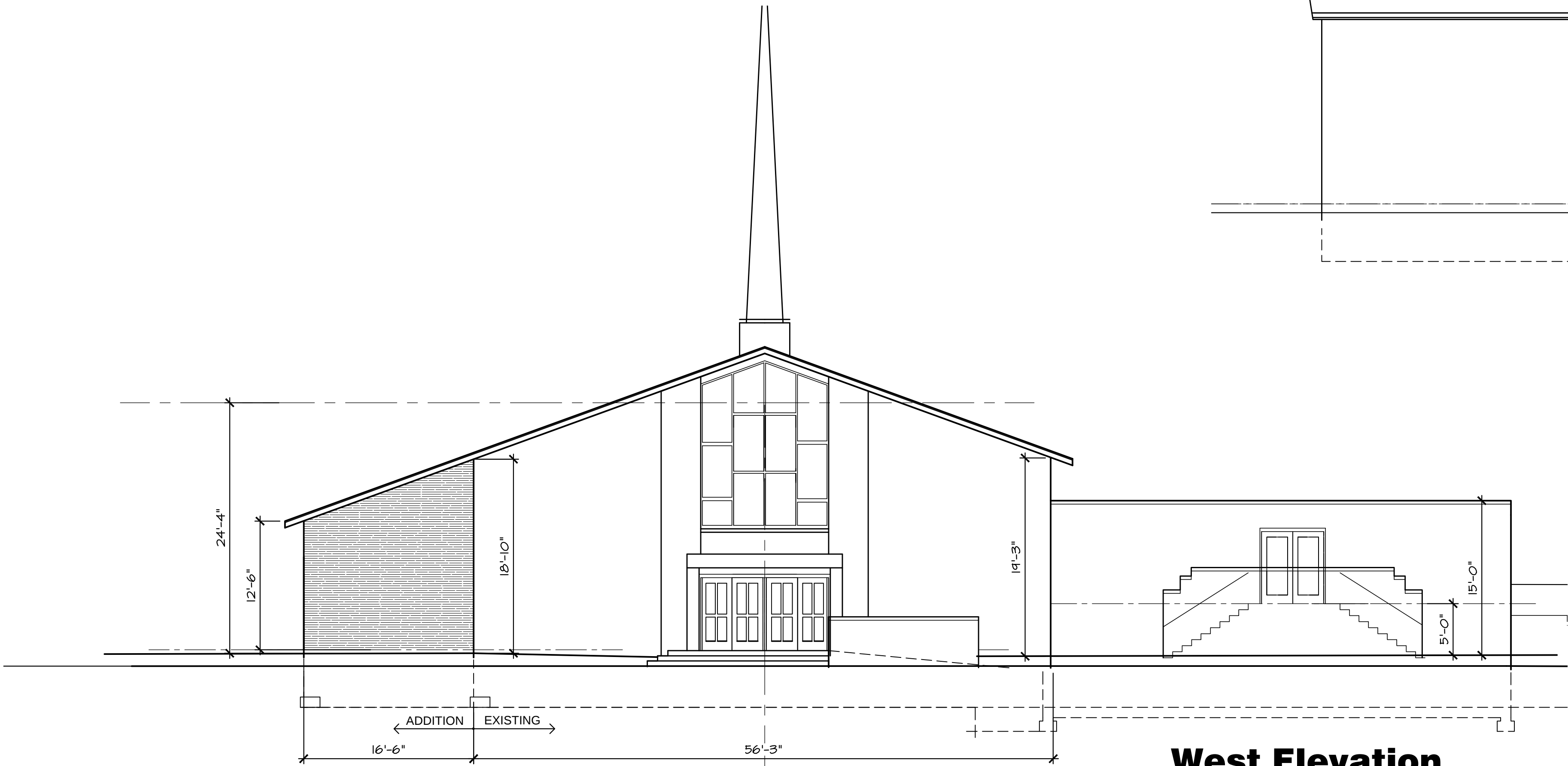
PROJECT NUMBER:
610 - 2013



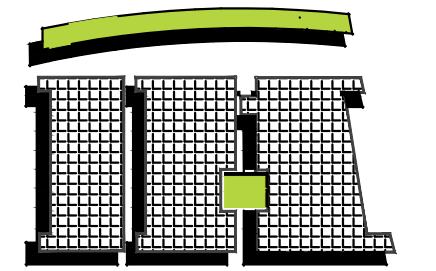
Section A
SCALE: 1/8" = 1' - 0"



North Elevation
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West Elevation
SCALE: 1/8" = 1' - 0"



MEIER
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ENGINEER

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CONTACT
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OWNER

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301 SOUTH HAMILTON ST.
YPSILANTI, MI 48197

ZBA APPLICATION 09-25-2013

ISSUED FOR: DATE:

FLOOR PLAN

4

PROJECT NUMBER:
610 - 2013