

**Agenda**  
**Zoning Board of Appeals**  
**Council Chambers**  
**Wednesday, May 28, 2014 - 7:00 P.M.**

**I. Call to Order**

**II. Roll Call**

|                    |   |   |
|--------------------|---|---|
| John Bailey, Chair | P | A |
| Rod Johnson        | P | A |
| Tom Roach          | P | A |
| Eric Seymour       | P | A |
| Godfrey A. Udoji   | P | A |

**III. Approval of Minutes**

- April 23, 2014

**IV. Purpose of Meeting**

**V. Old Business**

**VI. New Business**

- Use Variance: 512 N. Hamilton
- Parking Variance: 50 Ecorse

**VII. Adjournment**

**ZONING BOARD OF APPEALS  
MEETING MINUTES  
April 23, 2014  
CITY COUNCIL CHAMBER  
7:00 P.M.**

**1. CALL TO ORDER**

The meeting was called to order at 7:06 p.m.

**II. ROLL CALL**

**Present:** J. Bailey, R. Johnson, E. Seymour, N. Sandberg

**Absent:** T. Roach, G. Udoji

**Staff:** T. Gillotti, Community Development Director  
N. Schuette, Executive Secretary

**III. APPROVAL OF MINUTES – November 21, 2013**

Commissioner Johnson moved to approve the minutes of November 21, 2013 as read (Support: E. Seymour) and the motion carried unanimously.

**VI. PURPOSE OF MEETING**

Commissioner Bailey stated that the purpose of the meeting is to appeal an administrative decision.

**VII. OLD BUSINESS**

None

**VIII. NEW BUSINESS**

1. Kingdom Grace Ministries, 624 S. Mansfield, Suite C

Ms. Gillotti, Community Development Director, stated this is an administrative appeal to a staff decision that was made on 15 January, 2014 that finds "churches, synagogues, and other religious buildings, facilities and services" are not an allowable use in the M1, Light Manufacturing Zoning District, under the provisions of Sec 122-233, with reference to Sec 122-422 and Sec 122-453 when it came to the attention of city staff that a church was located in the district. She stated that the process is based on a staff decision which can be appealed. It was related to a use in the M1 in the West Commerce Park. There is a provision that if a use is permitted in one district and not in

another, then it is considered to be prohibitive. In this case, churches or religious facilities are not allowed in industrial districts. The M1 light manufacturing district is designed to provide locations for wholesale activities, warehouses, and industrial operations, which produce minimal external impacts that are detrimental in any way to other uses in the district or to properties in adjoining districts. Permitted uses in the M1 light manufacturing district should be compatible with surrounding residential or commercial use, hence the reason for the decision.

It is staff's recommendation to uphold the original decision for the church use to not be allowed within that district. There was an allowable office related use that was supposed to be connected to manufacturing but part of that administrative decision was that the use of a church is not the same as the office use that was previously approved.

Some board members had questions on permitted uses, which Ms. Gillotti responded to in detail.

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

**Brian Koepp, A. F. Smith Electric, 624 S. Mansfield** – is the representative of the property, who was accompanied by the tenant. They were not appearing to argue the merits of the Zoning Ordinance or in defense of staff's decision; they would like a temporary variance to allow his tenant to finish out their two year lease, of which, there is only one year left. This would give his company time to re-market the space and also allow the tenant to find another location. While he does understand the need for zoning, in their case, every business in the industrial park is Monday thru Friday, 7:00 a.m. to 5:00 p.m. The church's time of operation is Wednesday evenings and Sunday. The previous tenant that occupied that space was a church.

**Nikki Vick** – explained they are a very small start-up church with the intent of moving on. They would just like to finish out their lease.

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

After further discussion by board members, Commissioner Johnson moved that the Zoning Board of Appeals affirm the administrative decision, with the following findings:

- 1) Per the provisions of Sec 122-233, Sec 122-452 and Sec-453, "churches, synagogues, and other religious buildings, facilities and services" are not allowable uses in the M1, Light Manufacturing zoning district.
- 2) The City Planner acted within the scope of the authority provided under Sec 122-32 when issuing a notice of violation.

The motion was supported by Commissioner Sandberg and carried unanimously.

2. Nomination of Officers

Due to a vacancy of Vice Chair with the resignation of Mike Shecket, it was agreed that we should fill this position. Commissioner Johnson moved to nominate Commissioner Udoji (support: E. Seymour) and the motion carried unanimously.

3. Future Business

Ms. Gillotti stated that there will be a meeting in May – one for a dimensional use at 50 Ecorse and Use variance on N. Hamilton.

**IX. ADJOURNMENT**

Since there was no further business, Commissioner Sandberg moved to adjourn the meeting (Support: R. Johnson) and the motion carried unanimously. The meeting adjourned at 8:00 p.m.



**City of Ypsilanti**

Planning and Development Department

**23 May 2014**

**Staff Review of Variance Application  
Hamilton House Engagement Center (Use Variance)  
512 N. Hamilton**

|                              |                                                                               |
|------------------------------|-------------------------------------------------------------------------------|
| <b>Applicant:</b>            | Charles E. Smith and Pamela Kekes<br>11760 Weiman Drive<br>Pinckney, MI 48169 |
| <b>Project:</b>              | Hamilton House Engagement Center<br>512 N. Hamilton<br>Ypsilanti, MI 48198    |
| <b>Application Date:</b>     | 11 April 2014                                                                 |
| <b>Location:</b>             | East side of North Hamilton, south of West Forest, north of Olive Street      |
| <b>Zoning:</b>               | R2 – One- and Two-Family Residential, H-OL Historic Overlay                   |
| <b>Action Requested:</b>     | Approval of a use variance to permit a Substance Abuse Treatment Facility     |
| <b>Staff Recommendation:</b> | Denial                                                                        |

The applicant has applied for a use variance. This differs from a dimensional variance, as it requires findings not only that a hardship exists on the site but that desired use, not allowed in the district, is the sole means to relief of the hardship for the particular parcel in consideration.

**Parcel description**

The parcel is approximately 9,156 square feet in size, fronting on North Hamilton. There is an existing two-story residential building of ~ 2,500 square feet on the parcel. The home was licensed by the State of Michigan as an Adult Foster Care home in 1973 and maintained that use until 2008. The property has been owned by Charles E. Smith and Pamela Kekes since 1973. They have either been involved with or leased to the operators of facility. The property is currently leased to Washtenaw County Community Mental Health and the facility is operated by Home of New Vision, a 501(c) 3 non-profit.

In 2008, the adult foster care home residents moved to a different facility. The residents were older and the two-story residence no longer served their needs nor fit with the best practices of barrier-free homes for adult foster care. Home of New Vision took over the residence and

began operations as an engagement center, a short-term crisis intervention boarding facility for adults with co-occurring substance abuse and mental health disorders. The facility is an alternative to emergency room treatment for adults who have mental health disorders and are inebriated but not in need of medical treatment. The engagement center operated under a continuation of the existing Adult Foster Care home license with the State of Michigan until January 1, 2011. The engagement center decided to withdraw the state license as the services they offer do not require an adult foster care license. The average length of stay is 4 days. The center has 8 beds and direct care staff 7 days week, 24 hours a day.

During a rental certification reinspection of the property in 2013, City of Ypsilanti staff found the engagement center no longer was a state-licensed facility and found the use to be Boarding Substance Abuse Treatment Facility (see attached letter from Bonnie Wessler dated August 14, 2013). The property is zoned **R2 – One- and Two-Family Residential**, which does not permit a Boarding Substance Abuse Treatment Facility. The site is in the H-OL Historic Overlay District as well.

**Figure 1: Subject Site Location**



**Figure 2: Site Close-up**



**Figure 3: Land Use and Zoning of Surrounding Area**

|              | <b>LAND USE</b>                    | <b>ZONING</b> |
|--------------|------------------------------------|---------------|
| <b>NORTH</b> | 2-unit, 4-unit                     | R2/H-OL       |
| <b>EAST</b>  | 2-unit, 4-unit residential         | R2/H-OL       |
| <b>SOUTH</b> | 4-unit, single family residential  | R2/H-OL       |
| <b>WEST</b>  | single family – 2-unit residential | R2/H-OL       |

**ORDINANCE**

**§122-272, §122-273 and §122-274**

The ordinance in Sec. 122-33 (a) states that

... land uses are permitted specifically in the various zoning districts of this chapter.  
Where not specifically permitted, uses are thereby specifically prohibited unless construed to be similar to a use expressly permitted.

Below are the lists of permitted, accessory, and special uses specific to the zoning district where this property is located.

**Sec. 122-272. Permitted Uses.**

In R2 one- and two-family residential districts, no uses shall be permitted except the following:

- (1) Essential services.
- (2) Manufactured housing located and installed according to the same standards that would apply to a site-built, single- or two-family dwelling on the same lot.
- (3) Single-family detached dwelling units.
- (4) Two-family dwellings.
- (5) Gardens/community gardens, exempt from area regulations in section 122-275 but subject to the requirements in section 122-816.

**Sec. 122-273. Permitted accessory uses.**

In R2 one- and two-family residential districts, uses or structures accessory to and customarily incidental to any permitted or special uses shall be permitted subject to the restrictions of the district regarding lot coverage, height and setbacks, and the restrictions in article XI, division 2 of this chapter regarding accessory structures and uses, including but not necessarily limited to:

- (1) Communication devices, subject to the provisions of article XI, division 3 of this chapter.
- (2) Family day care homes, adult foster care family homes, foster family homes, and foster family group homes, as defined by and subject to the provisions of section 122-773.
- (3) Garages and carports: A maximum of one private garage, the capacity of which shall not exceed three automobiles; and/or one carport, the capacity of which shall not exceed three automobiles; provided that the total combined capacity of all garages and carports may not exceed four automobiles.
- (4) Home occupations, as defined by and subject to the provisions of section 122-669.
- (5) Permitted signs, private off-street parking facilities, fences, walls, or privacy screens, subject to the provisions of this chapter.
- (6) Swimming pools, tennis courts, and other similar uses for the exclusive use of residents and their guests.
- (7) Toolhouses, sheds, and other similar buildings for the storage of domestic supplies.

**Sec. 122-274. Special uses.**

The following uses may be permitted in R2 one- and two-family residential districts, subject to the conditions specified for each use, review, and approval of the planning commission, the imposition of special conditions which in the opinion of the planning commission are necessary to fulfill the purposed of this chapter, and the procedures set forth in article V of this chapter:

- (1) Bed and breakfast lodgings, subject to the specific provisions in section 122-778.

- (2) Cemeteries on parcels of three acres or larger. All principal buildings and accessory buildings shall be set back at least 75 feet from all property lines.
- (3) Child care centers and group day care homes (not including dormitories), when not operated in conjunction with a private or public school or church/synagogue, subject to the specific provisions in section 122-779.
- (4) Churches, synagogues, and other religious buildings, facilities and services customarily incidental thereto, subject to the specific provisions in section 122-780.
- (5) Municipal, county, regional, and state service buildings and uses, subject to the specific provisions in section 122-795.
- (6) Private noncommercial recreational areas or social facilities, institutional or community recreational centers, and nonprofit swimming pool or tennis club, subject to the specific provisions in section 122-802.
- (7) Public and private educational institutions of post-secondary education, subject to the specific provisions in section 122-805.
- (8) Nursing homes, convalescent homes, and rest homes, subject to the specific provisions in section 122-796.
- (9) Restoration or replacement of legal non-conforming multiple apartment and/or roominghouse structures after removal, destruction, or severe damage of such structure pursuant to section 122-205 (5). Planning Commission shall consider standards of 122-165 and the specific provisions of section 122-812 in reviewing such application to restore a legally non-conforming multiple-apartment dwelling. All Site Plan Review standards shall be applied to the fullest extent possible in the interest of improving compliance with current standards.
- (10) Schools: Elementary, junior and senior high schools, public, parochial, and private, subject to the specific provisions in section 122-805. This regulation shall not apply to home education of children belonging to the family residing on the premises

## **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 since the house is a large, 2-story residence set up for congregate use with a staff office. They argue the house no longer follows best practices for single-story barrier-free adult foster care homes but is too large for a single-family residence.

Other residences of similar size are in the surrounding neighborhood, but the use is rental housing, mostly catering to Eastern Michigan University students. Boarding substance abuse treatment facilities are permitted as special land uses in the RO-Residential Office, B2-Community Business and B-4 General Business zoning districts.

- (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 no other substance abuse facilities with overnight boarding in the City of Ypsilanti. Some adult foster care homes, which must be allowed as accessory residential uses by the Michigan Zoning Enabling Act, may offer similar services. The R2 zoning district is a residential zoning district, and the substantial property rights enjoyed by other owners in the same district center around long-term residential living without services.

- (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 owners, lessors and operators of the engagement center chose to offer a service to meet a need they saw in the community.

- (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.*

Conformance with the ordinance would serve the description and purpose of Division 3, R2 One- and Two-Family Districts:

"...The R2 one- and two-family residential district is designed as an intermediate density zoning district that allows for a variety of housing types, including two-family attached dwellings occupying a single lot. The regulations are intended to stabilize and protect existing neighborhoods and promote a suitable environment for family life. The R2 one- and two-family residential district shall provide most of the desirable residential characteristics of the R1 district, except for the slightly higher density."

Applicant has made the argument that the Adult Foster Care home and the subsequent engagement center has fit into the neighborhood for its 40 years of existence.

- (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.*

No individual hardships appear as though they will be suffered as a result of denial of this variance.

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

The applicant in their application argues that classification of the engagement center as a Substance Abuse Facility is incorrect. While the program has short-term boarding, the applicant states it is a mental health program, for those with co-occurring mental and substance abuse disorders. The traditional Adult Foster Care license from the State of Michigan does not always fit with the philosophy or services of the engagement center.

The definitions from Section 122-2 of "adult foster care facility", "adult foster care family home" and "substance abuse treatment facility, boarding" are below:

"Adult foster care facility. A governmental or nongovernmental establishment having as its principle function the receiving of adults, 18 years of age or older, for foster care in accordance with Act No. 218 of the Public Acts of Michigan of 1979, and the adult foster care administrative rules as administered by the state department of social services. It includes facilities and foster care family homes for adults who are aged, emotionally disturbed, developmentally disabled, or physically handicapped who require continuous supervision on an ongoing basis but who do not require continuous nursing care. The following four types of adult foster care homes are provided for by these rules:

- a. Adult foster care family home. A private residence with the approved capacity to receive not more than six adults who shall be provided foster care for five or more days a week and for two or more consecutive weeks. The adult foster care family home licensee shall be a member of the household and an occupant of the residence." *(The other definitions are not included in this review since they are not permitted uses in the R2 district)*

"Substance abuse treatment facility means:

(1) Boarding. Any facility providing substance abuse treatment or preventive or addictive counseling, including the dispensing of or distribution of drugs as part of the treatment, where individuals receiving the treatment live on the premises for a period of time, including overnight stays."

The engagement center use does not match exactly any of the definitions. The use variance requested has the following deviations from the definition of an adult foster care home:

- The facility has the capacity to receive 8 adults, two more than the 6 allowed by the adult foster care home definition.
- Care is provided for less than two weeks
- The licensee is not necessarily a member of the household and an occupant of the residence
- Supportive services are offered for individuals with both mental and substance abuse disorders.

The variance requested is not the minimum. The capacity could be reduced to 6 beds to be in line with the capacity of an adult foster care family home.

*(7) Variances from uses of land permitted in this chapter shall also meet all of the following standards:*

- a. *The property in question cannot be put to reasonable use without unnecessary hardship if permitted to be used only under the conditions allowed by the regulations in the district in which it is located.*

The applicant has stated that the house cannot be put to a reasonable use for the permitted uses in the R2 district since it is a large, 2-story residence set up for congregate use with a staff office. They state that a single-story barrier-free is need for adult foster care homes but is too house large for a single-family residence. Houses of similar size are in the surrounding neighborhood, mostly used as rental housing for Eastern Michigan University students.

*b. The variation, if granted, will not alter the essential character of the area or neighborhood.*

The variation will not alter the essential character of the area or neighborhood. The engagement center has operated since 2008 without complaint.

*c. The conditions upon which the petition for a variance is based is not applicable to other property within the same zoning classification.*

The property is unique in that it has been used as a foster care group home for almost 40 years and then to a short-term boarding facility for those with co-occurring disorders. However, the physical size of the lot and house are similar to other property in the R2 district.

#### **STAFF RECOMMENDATION**

Staff recommends the Zoning Board of Appeals **deny** the use variance permit a boarding substance abuse facility by 122-273 and 122-274, as submitted on April 1 2014, 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. The allowance of the variance will not result in substantial justice being done, given the conditions spelled out in 122-94(b)(5).
5. Denial of this variance does not preclude the applicant's ability to put the property to reasonable use with a permitted use in the R2 district without unnecessary hardship, per the standards of 122-94(b)(7)(a).

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Teresa Gillotti  
Planner II, Community & Economic Development

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: 4-11-14

**VARIANCE APPLICATION**  
**USE**

**Applicant\***

|                                                  |                    |                                       |
|--------------------------------------------------|--------------------|---------------------------------------|
| Name<br><b>CHARLES E. SMITH AND PAMELA KEKES</b> |                    |                                       |
| Address<br><b>11760 WEIMAN DR.</b>               |                    |                                       |
| City<br><b>PINCKNEY</b>                          | State<br><b>MI</b> | Zip<br><b>48169</b>                   |
| Phone / Fax<br><b>734-878-2151</b>               |                    | E-Mail<br><b>pk.smith@charter.net</b> |

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

**Property**

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                         |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------|
| Name of project<br><b>HAMILTON HOUSE ENGAGEMENT CENTER</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                         |
| Address<br><b>512 N. HAMILTON</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                         |
| List all parcel identification numbers included in development:<br><b>1111-11-40-108-006</b>                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                         |
| Legal description of property (may be attached):<br><b>See attached</b>                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                         |
| Current Zoning:<br><b>R-2</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Current Use:<br><b>HAMILTON HOUSE ENGAGEMENT CENTER</b> |
| Attach an accurate, scaled drawing, of the property showing: <ul style="list-style-type: none"><li>• all property lines and dimensions correlated with the legal description</li><li>• the location and dimensions of all existing and proposed structures and uses on property</li><li>• any roads, alleys, easements, drains, or waterways which traverse or abut the property and the lot area and setback</li><li>• dimensions necessary to show compliance with the regulations of this Ordinance</li></ul> |                                                         |

**Request for Variance**

|                                                        |
|--------------------------------------------------------|
| Description of proposed project<br><b>See ATTACHED</b> |
|                                                        |

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

Ordinance 122-272, Permitted uses for the R2, One and

How the proposed project is contrary to ordinance

two FAMILY RESIDENTIAL DISTRICT

See attached

Practical difficulties which prevent compliance

See attached

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

See attached

**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:

Print Name:

PAMELA KEKES

4-11-14

**Legal Description of Property**

OLD SID – 11 11-441-378-00 YP CITY 44W-74 S 33 FT OF LOT 378 AND N 22 ½ FT OF LOT 381 NORRIS & CROSS ADDITION

**Description of proposed project**

In 1973 Charles Smith along with three partners purchased the home located at 512 N. Hamilton from Mrs. Virginia Daniels on a land contract. The intent was to open an Adult Foster Care home for people being released from Ypsilanti State Hospital. The home was licensed as an Adult Foster Care Home for 15 residents and operated by the four partners. Over the years the partners left and in 1977 Charles became the sole owner along with his wife, Pamela Kekes. Since 1973 Charles Smith and Pamela Kekes operated the Adult Foster Care Home under various names. At first Synod was a DBA, incorporated as a profit corporation in 1982 as Synod, Inc., and in 1986, a non profit, Synod Residential Services. In 2003, Pamela Kekes left Synod Residential Services and was no longer involved in the day to day operation of the home. Charles Smith was already no longer involved with Synod Residential Services, having left a few years earlier. The property however has always remained in our names. Due to that we have always paid property taxes on 512 N. Hamilton to the City of Ypsilanti.

As the years progressed the home downsized from its original 15 residents to 8 residents. In 1982, the State of Michigan transferred the responsibilities of the program to Washtenaw County Community Mental Health. At that time an individual lease was set up with Washtenaw County and ourselves (P. Kekes and C. Smith). This lease remains in effect today. Program funds were allocated to Synod as an annual budget and the lease payments were made to Charles Smith. Our only role since 2003 is that of a landlord with Washtenaw County as tenant. As the home is a two story house, it became more difficult for the aging residents of Synod Residential Services to negotiate and a barrier free home was been sought.

In 2008 the residents moved out and Home of New Vision opened the Hamilton House Engagement Center as a part of a project with the Washtenaw Community Health Organization and Synod Residential Services. Synod Residential Services was moving their long standing AFC group home to another location. There was an identified need in the community for services that provided crisis intervention for people with co-occurring (substance abuse and mental health) disorders, the Hamilton House Engagement Center began operations under Synod's AFC group home license, in December 2008. The Department of Licensing and Regulatory Affairs for the State of Michigan was aware of the facilities shift in focus from a longer term AFC group home to a short term crisis intervention group home and approved the use of Synod's AFC license. CARF, a national accreditation body that develop and maintain current, field driven standards that improve the value and responsiveness of the programs and services delivered to people in need of life enhancement services, visited the Hamilton House Engagement Center for the first time in 2010. Though this visit was not an official accreditation visit, the CARF surveyors, none-the-less, gave the Hamilton House Engagement Center and "Exemplary" rating for the services provided there. Hamilton House Engagement Center was awarded

full CARF accreditation in 2010 (the first "official" accreditation visit) as a Crisis Intervention Program.

The concept of the Engagement Center was born out of the Washtenaw Blueprint to End Homelessness. A recovery focused "model" emerged as a way to help people with these issues engage in services while having a "hopeful", safe and friendly environment to become connected with professionals and peers.

The Engagement Center is designed to offer an alternative to the Emergency Department for individuals who are not in need of a more intensive setting. Staffed by direct care workers on a 24/7 basis, many of whom are in recovery, and supported by peers and medical professionals from the recovery community, this program seeks to engage individuals and assist them in connecting to treatment and other resources available outside of the Engagement Center. The Engagement Center is not a treatment facility but a safe, supportive environment to introduce and promote recovery. The average length of stay is 4 days with the capacity of eight beds.

The Adult Foster Care Licensure was designed to regulate residential homes/programs where residents stayed for a long period of time and basically lived in the home. The Hamilton House Engagement Center does not provide long term residential services but provides an alternative crisis intervention model for managing persons with mental health and substance use disorders who are typically not engaged with traditional treatment systems. Often this population is homeless, mentally ill, actively using substances, and have a tendency to frequent the local emergency departments. The Engagement Center has created a model program that is successful in the community that does not fit in with the traditional AFC licensure regulations, and the decision was made to withdraw the license effective January, 1, 2011.

In the last several years, the Engagement Center has become established as a viable and cost-effective alternative to emergency care in this area. Referrals to the program continue to grow from multiple sectors. The Center has served over 1400 unique individuals since the program opened on December, 31, 2008. Between 2010 and 2013, 400 Ypsilanti residents have used this program, finding the home environment a comfort within their own community. These 400 individuals represent a total of 2,311 admissions over this time period. Hospital (864) and law enforcement referrals (37) have also increased over the years.

The program has proven to be a viable part of the Mental Health and Substance Abuse Community with and without the AFC license. Enclosed are support letters from the various agencies that utilize the program. Washtenaw Community Health Organization provides the program funds and provides over sight, supervision and accountability of the program which began when the program opened and continues today.

The Engagement Center is operated by Home of New Vision, a 501(c) 3 nonprofit whose main office is located in Ann Arbor, Michigan. Home of New Vision opened in 1996 with the mission to serve women in early recovery from substance addiction, by providing transitional housing services. Over the past 17 years, Home of New Vision has

expanded and now provides outpatient substance abuse services, co-occurring mental health and substance abuse services; case management; peer support services and a Recovery Residence Program (formerly transitional housing) for both men and women.

**Section of Ordinance in question (chapter, article, section, subsection format, please**  
Ordinance 122-272, Permitted Uses for the R2, One-and Two Family Residential District.

**How is the proposed project is contrary to ordinance**

The Engagement Center has been classified as a Substance Abuse Treatment Facility, Boarding under the City of Ypsilanti's Zoning Ordinance, however this program and facility is not a treatment facility. The program follows the plan for a mental health program, because co-occurring disorders are very common in this population. Services that are offered to our citizens in need have varied over the years and the traditional Adult Foster Care Licensure process does not always fit with the service philosophy of the Engagement Center. The home has been a program which provides services to our disadvantaged population since 1973 and Washtenaw Community Health Organization (previously Community Mental Health) has provided oversight since 1982 as program funds in part have come from them.

**Practical difficulties which prevent compliance**

The home was first designed to be an Adult Foster Care home in 1973, but the home has two floors and the trend in the Adult Foster Care community is to utilize barrier free-one story homes especially as the residents of Synod House was aging. This is the main reason CSTS (Washtenaw's Community Mental Health Agency) moved the residents and program after being there for 35 years. The home was already physically set up to provide residential services and Washtenaw County continued to hold the lease, they wanted to continue to utilize the home. The home was the perfect fit for the Engagement Center. At first the home operated under Synod's Adult Foster Care License. With the closures of the various State run hospitals and changes within the local Community Mental Health agencies, there has evolved many various types of residential and service delivery programs to care for the vulnerable population in our community. The Engagement Center has proven that they can successfully work with their consumers. The philosophy of care does not fit with the AFC licensure requirements and the licensure was withdrawn. The neighborhood continues to provide student housing and the majority of the homes are not owner occupied. The home physically fits in with the neighborhood and has been a good neighbor throughout the entire 40 years we have owned this property.

The home has been used as a group home and now a program for residents of our community struggling with substance use and mental illness for over 40 years. Washtenaw County has moved toward barrier free homes for their aging long term residential consumers and needed to move the residents into a one story barrier free home. The physical structure has been set up for congregate use with a staff office and very large for a single family home. The home only has one kitchen which is on the main floor would make it difficult to construct as a two family home. The neighborhood is

close to Eastern Michigan University and even though the zoning has changed in this area it still remains mostly composed of student housing. The neighborhood is not residential in nature.

The program has proven to be unique in how it has integrated itself into the short term emergent needs of our citizens who have various issues including homelessness, substance abuse, and mental illness. The various support letters from many agencies within Washtenaw County that utilize the services of the Engagement Center and the respect they have for the successes of this program. The program has a great deal of oversight and monitoring so that residents safety is a priority and working on engaging them into the various other services available to them.

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

The home has been a residential program for over 40 years. The home is a two story home and all physical changes to the home have occurred to support the nature of a congregate facility. The home fits into the neighborhood as there continues to be an area of student housing as we are close to Eastern Michigan University. The home has been providing services for mentally ill members of our community for over 40 years and has been a part of the neighborhood character for the entire time. The granting of the variance will not be detrimental to the public welfare or injuries to other property or improvements in the neighborhood in which we are located. The home continues to be staffed 24 hours daily and they provide oversight of the residents, program and physical structure of the home.



Shelter Association of Washtenaw County  
312 West Huron  
Ann Arbor, MI 48103  
ph: 734.662.2829  
fx: 734.996.3022  
[www.annarborshelter.org](http://www.annarborshelter.org)  
Hope happens here.

To: City of Ypsilanti Zoning Board

From: Ellen R. Schulmeister, Executive Director, Shelter Association of Washtenaw County

Re: The Engagement Center

Date: 1/22/2014

I am writing this letter in support of a special zoning permit in order for the Engagement Center to continue to operate in its current location. This program is a valuable asset in Washtenaw County.

As a place that is appropriately staffed to handle those individuals who are inebriated and on the street, it provides a safe alternative for these individuals. Since people arrive there under the influence staff members assist them with their immediate needs and when the alcohol in their system has dissipated they focus on engaging people into life altering treatment.

The outcomes from this program are: 1) inebriated individuals are removed from the street. 2) some enter into recovery because of this intervention. 3) Valuable public dollars are saved keeping them out of the local emergency rooms and 4) police and the sober shelter facility have an alternative for these individuals that is both safe and engaging.

This valuable service came about through a community effort several years ago and has proven itself over and over again. The data from the Engagement Center supports its efforts and its success.

For the Shelter Association, we value Home of New Vision as a competent partner and work with them to support the recovery efforts of people dealing with substance issues. Sending people to the ER who are inebriated does not provide the engagement or follow up that is available at the Engagement Center. Medical Detox is only necessary when the person has a history of seizures or has a dangerous level of blood alcohol. The Engagement Center, The Delonis Center and the Hospital work collaboratively regarding these individuals to save money, time and most of all to save lives and get people into treatment and on a recovery track.

I realize the reluctance to have this facility here, given the present zoning, but given the lack of problems under the management of Home of New Vision and the benefit to the individuals and the wider community, the City of Ypsilanti has an opportunity to participate in the solution by providing a special change of zoning to allow this facility to continue to operate and serve the county.





555 Towner, Ypsilanti, MI 48197-0915  
Phone: (734) 544-3000 Fax: (734) 544-6732  
Trish Cortes, Executive Director



January 10, 2014

Glynis Anderson  
Home of New Vision  
3800 Packard, Suite 210  
Ann Arbor, MI 48108

Dear Ms. Anderson-

On behalf of Community Support and Treatment Services (CSTS), the Community Mental Health contracted service provider, I would like to express my strong support of the Hamilton House Engagement Center in our local community. CSTS provided mental health services to over 3,000 adults with mental illness in Washtenaw County in the last year. A substantial proportion of those adults served experience a co-occurring condition with substance use.

The Hamilton House Engagement Center is the only community resource available for those who are not fully abstinent from substances to begin the engagement and treatment process. Once at the Engagement Center, staff monitor for health and safety, provide supportive services, link to community resources and housing, and coordinate care with primary and behavioral health providers. What they provide is above and beyond solely shelter.

CSTS considers the Hamilton House Engagement Center a valuable and critical partner in meeting the needs of the individuals served by CSTS as well as the greater community.

Sincerely,

Trish Cortes  
Executive Director  
Community Support and Treatment Services



**WASHTENAW  
HEALTH  
INITIATIVE**

January 12, 2014

Home of New Vision  
c/o Glynis Anderson  
3800 Packard, Suite 210,  
Ann Arbor, MI 48108

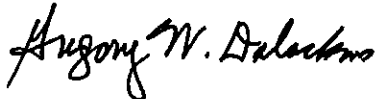
Dear Ms. Anderson:

I am writing on behalf of the Washtenaw Health Initiative (WHI) to express our strong support for the continuation of services provided by the Hamilton House Engagement Center. The WHI is a county-wide collaboration focused on improving access to coordinated care for the low-income, uninsured, and Medicaid populations. More than 40 organizations across the county participate in the WHI, including the cities of Ann Arbor, Saline and Ypsilanti. The Engagement Center is widely seen as a unique and vital county resource that has provided care to thousands of residents since its opening in 2009. The Center is a critically important care option for county residents with substance use or co-occurring mental health and substance use disorders.

As an alternative to emergency room care, the Engagement Center helps those needing a sobering facility and supports them in moving toward recovery. Treatment providers all over Washtenaw County, from hospitals to shelters to law enforcement agencies, refer patients to the Engagement Center for care. Without it, management of individuals with substance use disorders presenting to emergency rooms would be substantially more difficult, and care options in our county more limited. The Engagement Center serves some of the most vulnerable residents of Washtenaw County and is an essential part of our safety-net services.

We hope that you will agree that the services provided by the Hamilton House Engagement Center should not be interrupted or terminated, and that you will support efforts to see that the work of the Center continues in its current location. Thank you in advance for your consideration.

Sincerely,



Gregory Dalack, MD  
Chair, Mental Health/Substance Use Work Group  
Washtenaw Health Initiative

.....

1402 W. Cross  
Ypsilanti, Michigan 48197  
Tel: 734-765-7282  
Email: [tbiggs@biggsworks.com](mailto:tbiggs@biggsworks.com)

# Biggs Works L.L.C.

January 24, 2014

Home of New Vision  
c/o Glynis Anderson  
3800 Packard  
Suite 210  
Ann Arbor, MI 48108

Re: Hamilton House Engagement Center

Dear Ms. Anderson,

This letter is to express the strongest possible support for the continuation of the Hamilton House Engagement Center. The context is a discussion with the City of Ypsilanti regarding zoning and the continuation of the Hamilton House Engagement Center.

I serve on the Board of Directors of the Washtenaw Community Health Organization, the Board of Directors of the Washtenaw Health Plan, the Board of Directors of Packard Health, and I am a member of the Steering Committee of the Washtenaw Health Initiative. I am retired from the University of Michigan Hospitals where I was employed for 32 years. In addition, I served as the Interim Executive Director of Packard Health, where I was able to significantly improve Packard Health's financial condition.

I have dedicated my career and volunteer services to helping the uninsured and underinsured in Washtenaw County. As a result, I am very familiar with the needs of those who are served by the Hamilton House Engagement Center.

As a resident of Ypsilanti, I know the value that the Hamilton House Engagement Center provides for citizens of Ypsilanti and the surrounding community. As the former Chief Financial Officer of U of M Hospital and Health Centers, I know the Hamilton House Engagement Center provides a cost effective alternative to high cost emergency room services. The Hamilton House Engagement Center plays a critical role in assisting those with substance abuse conditions in Washtenaw County in a cost effective manner. It is the only site dedicated to early engagement and intervention.

Substance abuse services, under the leadership of Marci Scalera and community-based service providers, are a critical component of our system of care. The continued presence of the Hamilton House Engagement Center will play an important role in providing coordinated, seamless care to our most vulnerable residents in the years to come.

Sincerely,

Thomas D. Biggs  
President, Biggs Works, LLC

.....  
*Waking up every morning wondering how to serve you  
better.*



**Complex Care Management Program  
Faculty Group Practice**

January 6, 2014

Home of New Vision  
c/o Glynis Anderson  
3800 Packard  
Suite 210  
Ann Arbor, MI 48108

Re: Hamilton House Engagement Center

Dear Ms. Glynis,

This letter is to express the strongest possible support for the continuation of the Hamilton House Engagement Center. The context is a discussion with the City of Ypsilanti regarding zoning and the continuation of the Engagement Center.

This support is offered in my formal capacities as:

Medical Director, UM Complex Care Management Program  
Medical Director, Shelter Association of Washtenaw County Clinics (aka Robert J. Delonis Clinics)  
Member, Washtenaw Health Initiative Steering Committee  
UMHS Liaison to Washtenaw Community Health Organization

In addition to these formal positions, I served on the community-wide planning group whose work culminated in the genesis of Hamilton House. In these and other capacities I have observed and participated closely in understanding the needs, clinical services, and outcomes of persons with substance abuse disorders in Washtenaw County for over 20 years.

Hamilton House plays a critical role in the array of services for substance abuse conditions in Washtenaw County. It is the only site dedicated to early engagement and intervention. From the Shelter alone I hear regularly of the patients referred directly from the Shelter to Hamilton House, who otherwise would be sent to an Emergency Room or the street. The volume of patients has been significant; since 2010, the Shelter has referred 126 patients for a total of 539 transfers to Hamilton House. Similarly, the UM Complex Care Managers (Social Workers and nurses who provide care management for low-income patients with chronic mental illness and substance abuse disorders) frequently refer patients to Hamilton House and continue coordinating their care after discharge.

While hard data on patient outcomes are hard to collect and benchmark, there is no doubt that Hamilton House fills a unique and valuable niche in our community, having provided care over 5000 episodes of care to over 1000 patients since 2010.

Our community is presently at critical juncture, with increased communication and coordination across safety net entities. Substance abuse services, under the able leadership of Marci Scalera and community-based service providers, are a critical component of our system of care. Their continued presence will play an important role in providing coordinated, seamless care to our most vulnerable residents in the years to come.

Sincerely,

A handwritten signature in cursive script that reads "Brent C. Williams".

Brent C. Williams, MD, MPH  
Associate Professor of Internal Medicine  
Director, Complex Care Management Program



## BOARD OF COMMISSIONERS

220 NORTH MAIN STREET, P.O. BOX 8645  
ANN ARBOR, MICHIGAN 48107-8645

January 16, 2014

Home of New Vision  
Glynis Anderson  
3800 Packard Street, Suite 210  
Ann Arbor, MI 48108

Dear Glynis,

It is a pleasure to express my support for the Hamilton House Engagement Center. Not only do I support the services that Washtenaw County offers through Hamilton House, but I also support and admire the mission of Hamilton House, striving to help people with mental health and substance use problems overcome their issues while focusing on fostering relationships with peers and professionals. Creating a safe and friendly environment for these individuals is salient in ensuring a prosperous future. The impact that you and your organization has on the community is phenomenal and very much appreciated.

For over a decade, the Hamilton House Engagement Center has offered their services to all citizens within Washtenaw County, spearheading programs and activities that engage the people while producing benefits for society as a whole.

Again, I appreciate what you are doing and on behalf of the Board of Commissioners, would like to thank you for your dedication and ongoing commitment to our citizens.

Sincerely,

Ronnie Peterson  
Washtenaw County Board of Commissioners  
District 6



University of Michigan  
Health System

Department of Psychiatry  
1500 E. Medical Center Drive  
Ann Arbor, MI 48109-5295

January 17, 2014

Home of New Vision  
c/o Glynis Anderson  
3800 Packard, Suite 210  
Ann Arbor, MI 48108

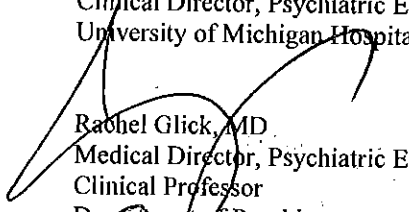
Dear Ms. Anderson:

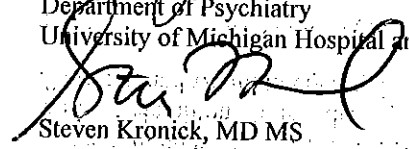
We are writing on behalf of the emergency services at University of Michigan in support of the Home of New Visions' Hamilton House Engagement Center. It is a vital and needed resource for members of the Washtenaw County community who are struggling with substance use disorders. At the University of Michigan Hospital Emergency Department and Psychiatric Emergency Services we see a significant number of these patients on a daily basis and have limited resources with which to help them. Hamilton House is one of only two programs in Washtenaw County that provides 24 hour care to these patients without consideration of financial or insurance issues. The Home of New Vision's program "model of care" provides for optimal outcomes for community members who are struggling with addictions. The uniqueness of the program is the active involvement of peers and professionals who meet immediately with the patient to develop an individual care "recovery treatment plan focused on the individual's needs, and includes finding immediate housing, if necessary, to support the patient's recovery. Without Hamilton House, these patients would be less likely to enter into "recovery care" for their substance use disorders, and would likely require an increase in services from law enforcement, EMS, and hospitals.

The Hamilton House's Engagement Center serves some of the most vulnerable residents of Washtenaw County, and is an essential part of our safety-net services. We hope you will agree the services provided by the Hamilton House Engagement Center should not be interrupted or terminated, and you will support efforts to see the work of the Center continues in its current location. Thank you in advance for your consideration.

Sincerely,

  
John Kertley, LMSW  
Clinical Director, Psychiatric Emergency Services  
University of Michigan Hospital and Health Systems

  
Rachel Glick, MD  
Medical Director, Psychiatric Emergency Services  
Clinical Professor  
Department of Psychiatry  
University of Michigan Hospital and Health Systems

  
Steven Kronick, MD MS  
Service Chief, Adult Emergency Medicine  
Associate Professor  
Department of Emergency Medicine  
University of Michigan Hospital and Health Systems



## COUNTY ADMINISTRATOR

220 NORTH MAIN STREET, P.O. BOX 8645  
ANN ARBOR, MICHIGAN 48107-8645

January 9, 2014

Home of New Vision  
Glynis Anderson  
3800 Packard Street, Suite 210  
Ann Arbor, MI 48108

Dear Glynis,

I'm honored to support the Hamilton House Engagement Center's mission, vision and values. The care you provide to the citizens of our community is exceptional, as is your unyielding commitment to ensure quality substance abuse recovery and treatment access for all, regardless of economic status.

The Hamilton House Engagement Center has been a staple in Washtenaw County for over 15 years, offering a variety of services to our citizens; always growing, adapting and adjusting for the changing demands of the community. Including your clients in their recovery plans by providing resources that promote healthy lifestyles increases the likelihood of lifelong success –by helping to establish and achieve goals.

Thank you, Glynis, for your ongoing commitment to our citizens. It is organizations like yours that continue to make Washtenaw County such a fantastic place to reside!

Sincerely,

Verna J. McDaniel  
Washtenaw County Administrator



copy

## City of Ypsilanti

Planning & Development Department

14 August 2013

Charles Smith & Pamela Kekes  
11760 Weiman  
Pinkney, MI 48169

RE: 512 N Hamilton, "Home of New Vision," violation of zoning ordinance

Ms Kekes;

At a recent rental certification reinspection, staff noted that this property is no longer a State-licensed Adult Foster Care (AFC) facility, having been licensed as such from approximately 1973 to approximately 2004, yet still offers many of the services found in an AFC home. The property is staffed and provides supportive services; and residents are temporary, staying generally less than a week as they recover from substance abuse and/or addiction-related issues. In our zoning ordinance, this use is classified as *Substance Abuse Treatment Facility, Boarding*, which is defined as "Any facility providing substance abuse treatment or preventive or addictive counseling, including the dispensing of or distribution of drugs as part of the treatment, where individuals receiving the treatment live on the premises for a period of time, including overnight stays." This use is not permitted in the R2, One- and Two-Family Residential zoning district.

A list of uses allowable in the R2 zoning district can be found in sections 122-272 through 122-274 of the City of Ypsilanti Zoning Ordinance. Please note that conversion to any of the uses listed in section 122-274 will require a site plan and special use permit application. Please contact us with any questions about these uses or permits required.

The property owner may appeal this decision to the Zoning Board of Appeals. The form for doing so can be found here: <http://cityofypsilanti.com/permits>, under "Appeal of Administrative Decision."

Please contact me at 734-483-9646 with any questions. The entire text of the Zoning Ordinance is available on our website, at <http://cityofypsilanti.com/zoning>.

Sincerely,

Bonnie Wessler  
Planner I, Community & Economic Development Department

CC: File  
Building Department



23 May 2014

**Staff Review of Variance Application**  
**PARS Auto Sales**  
**50 Ecorse**

**Applicant:** Jamal Garmo, Kuzana Enterprises LLC  
31600 W. 13 Mile Road, Suite 123  
Farmington Hills, MI 48334

**Project:** PARS Auto Sales  
50 Ecorse  
Ypsilanti, MI

**Application Date:** 17 April 2014

**Location:** South-west corner of Ecorse and Michigan, east of Center Street

**Zoning:** B4, General Business; EO, Entryway Overlay

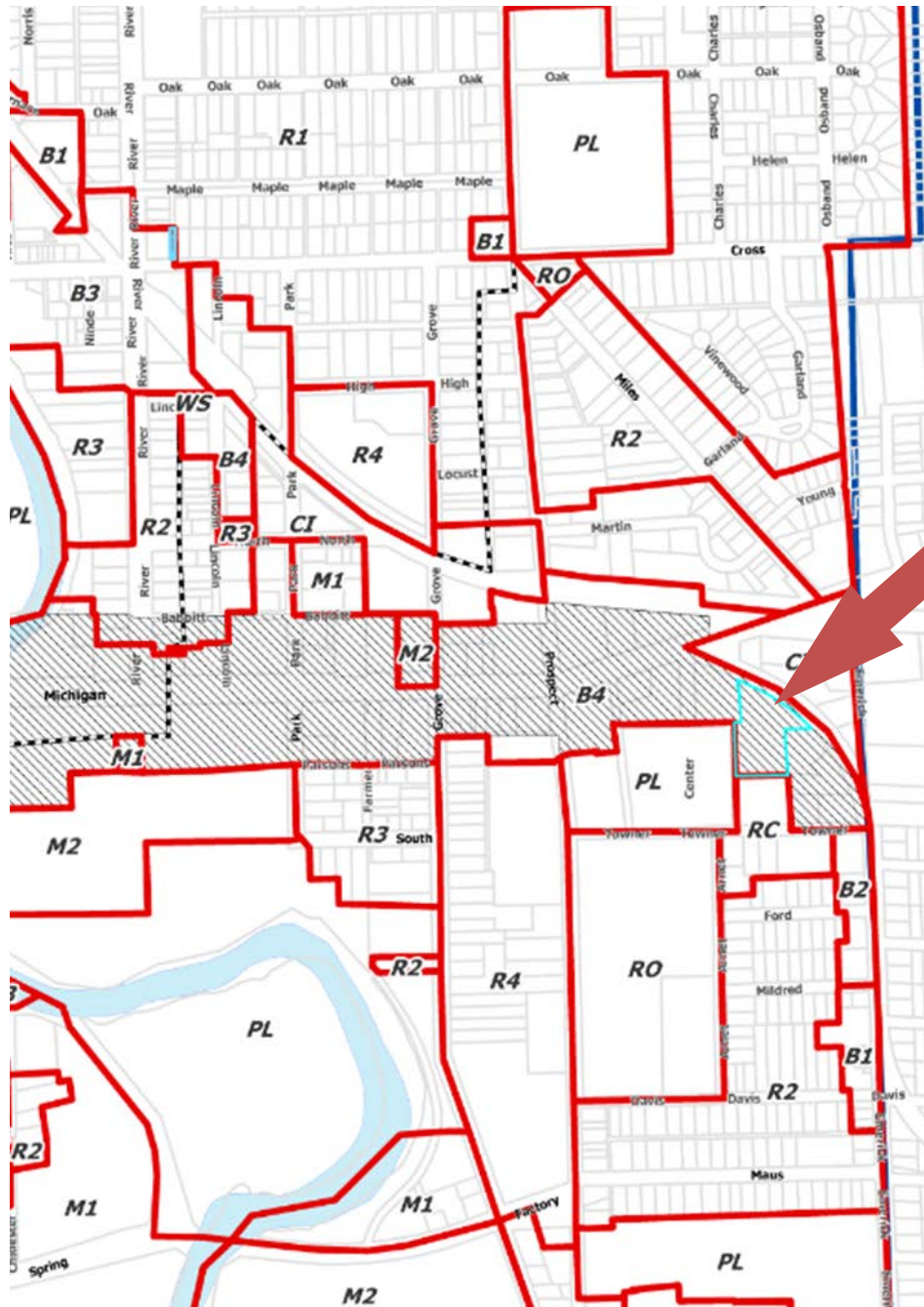
**Action Requested:** Approval of a non-use variance to reduce the number of required parking space by 43 spaces

**Staff Recommendation:** Denial

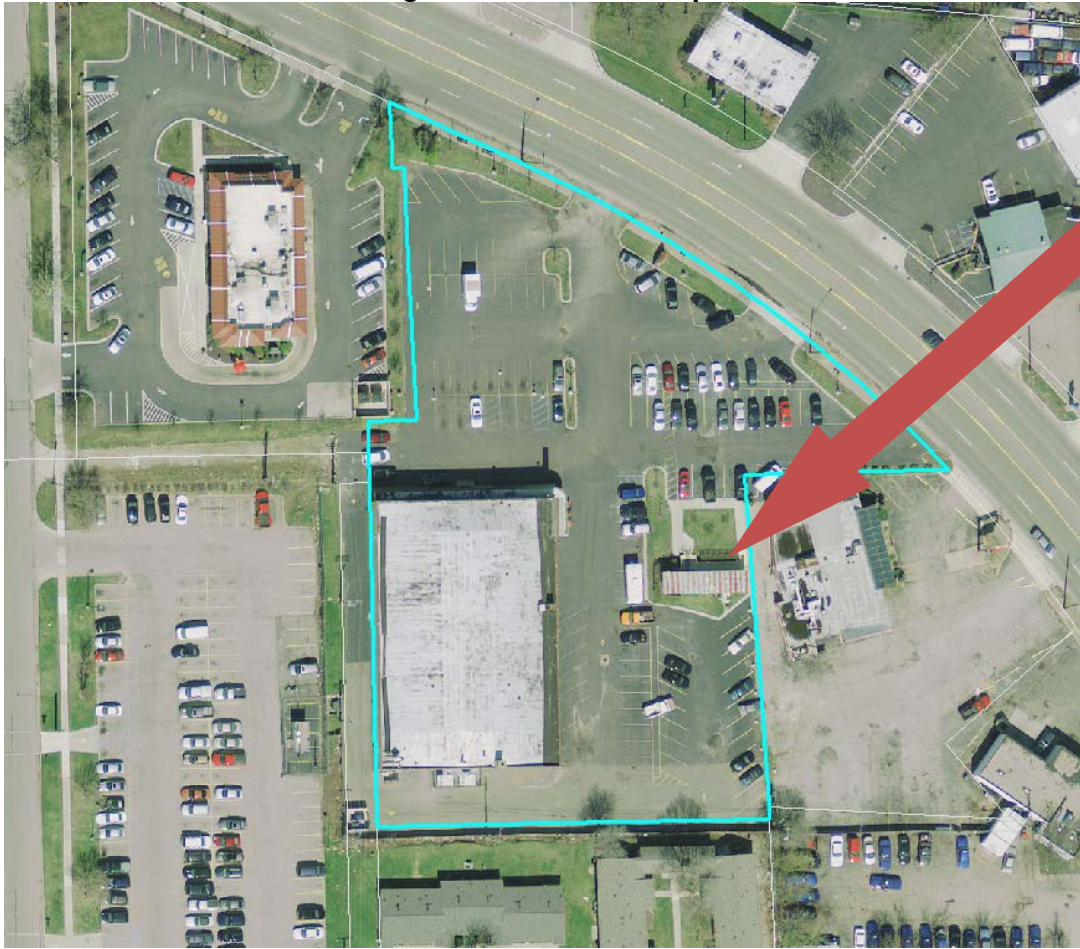
The parcel is 1.794 acres in size, fronting on Ecorse Road. There is an existing ~15,000 square foot retail building with three tenant spaces, a ~50 square foot auto sales building, and a 84-space parking lot with an additional 10 spaces reserved for the display of used cars. The applicant obtained special land use and site plan approval in January 2002. A condition of the special land use approval limited the number of display vehicles to ten in the spaces designated.

The property is zoned **B4 – General Business**, which allows outdoor sales of new or used automobile sales as a special use, with the outdoor display of vehicles being regulated by §122-413(11). Studies submitted by the applicant's designer, "Futuristic Design Consultant, regarding the current use of the parking lot suggests the underutilization of spaces within the lot by the other two stores on-site. The applicant wants the non-use variance to reduce the number required parking spaces for the retail building on the site, with the intent to apply for a special land use to use that space for outdoor automobile sales and display. As documented by the letters from the City attached, the applicant has parked automobiles for sale or display in the space designated for customer parking.

Figure 1: Subject Site Location



**Figure 2: Site Close-up**



**Figure 3: Land Use and Zoning of Surrounding Area**

|              | <b>LAND USE</b>                                           | <b>ZONING</b> |
|--------------|-----------------------------------------------------------|---------------|
| <b>NORTH</b> | Vet Clinic, Commercial Garage                             | CI            |
| <b>EAST</b>  | Vacant Restaurant                                         | B4/EO         |
| <b>SOUTH</b> | Public Housing, Other Residential                         | RC            |
| <b>WEST</b>  | Parking area for services – SW<br>Retail – Fast food – NW | B4/EO<br>B4   |

**ORDINANCE****§122-836(a)(7)****Sec. 122-836. Table of required number of parking spaces.**

The minimum number of off-street parking spaces by type of use in all zoning district shall be determined in accordance with the following schedule:

| Use                                                                                          | Spaces Per Unit of Measure                                                                                                                                                                                                               |
|----------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| All other retail or service uses not elsewhere specified                                     | 1 for each 200 square feet of gross floor area                                                                                                                                                                                           |
| Motor vehicle sales and service establishments, trailer sales and rental, and boat showrooms | 1 for each 200 square feet of usable floor space of sales room, plus 1 for every 500 square feet of outdoor sales area, plus 1 for each 1 auto service stall in service areas, plus 1 space per employee on the largest employment shift |

For the 15,000 square foot retail building, 75 spaces are required. For the ~3,938 square foot outdoor sales area, 8 spaces are required plus one space for a single employee on the largest shift. All existing 84 spaces on the site are required by Section 122-836. The variance requested is for over 50% of the required parking on the site.

If the applicant submitted a special land use and site plan application in the future, the Planning Commission, under Section 122-832 (4) may grant a reduction of required parking space up to 20%. For this site, with the 20% reduction, 67 spaces would be required.

**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 the limited amount of space currently allocated to them in the lot, partially created by the curved frontage of the lot and the two driveways. The applicant also argues there is enough parking for current users in the complex with the proposed variance. The photographs and study submitted by the applicant's designer show the Dollar General Store using only 10 parking spaces at one time during business hours of 10:00 a.m. to 9:00 p.m. They note the spaces in the southern portion of the site are almost always vacant. One of the three spaces in the retail building has been vacant during the time of their study. However, as noted above, neither mere inconvenience nor a desire to attain a higher financial return are sufficient to grant a variance. 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.*

The variance is not necessary for the preservation and enjoyment of a substantial property right enjoyed by other property owners in the same district. Parking is an accessory use and required for all uses. The granting of the variance may indirectly confer upon the applicant a special privilege to have more outdoor automobile display and storage, if the special use to use those spaces are granted by the Planning Commission. 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 shape of the lot and the two driveways has not been created by the applicant or any person presently having an interest in the property. However, the need for additional outdoor automobile sales and display is created by the applicant. 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.*

Granting the variance could potentially increase the number of customers coming to the site. If not fully occupied, the parking lot could become an area for illegal activity and/or undesirable activities.

However, granting of the variance could result in a lack of parking on the site in the future. The parking study provided by the applicant does not account for the parking needs of vacant space adjacent to the pharmacy. If a use with high customer turnover or parking requirements moves into the space, a lack of parking could result, causing business patrons to park off-site. Ecorse has limited pedestrian crossings. The lack of parking could endanger patrons parking off-site. Also, existing and future businesses on the site and neighboring properties may lose customers coming via automobile if parking is not easily seen and accessed.

- (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.*

No individual hardships appear as though they will be suffered as a result of denial of this variance. This condition 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 variance is for 43 parking spaces. The display area in the applicant's special use approval is for 10 spaces. The applicant has not provided information as to whether 43 spaces is the minimum needed. The automobile storage could be limited to the 16 spaces directly behind the car dealership building. The condition is not met.

### STAFF RECOMMENDATION

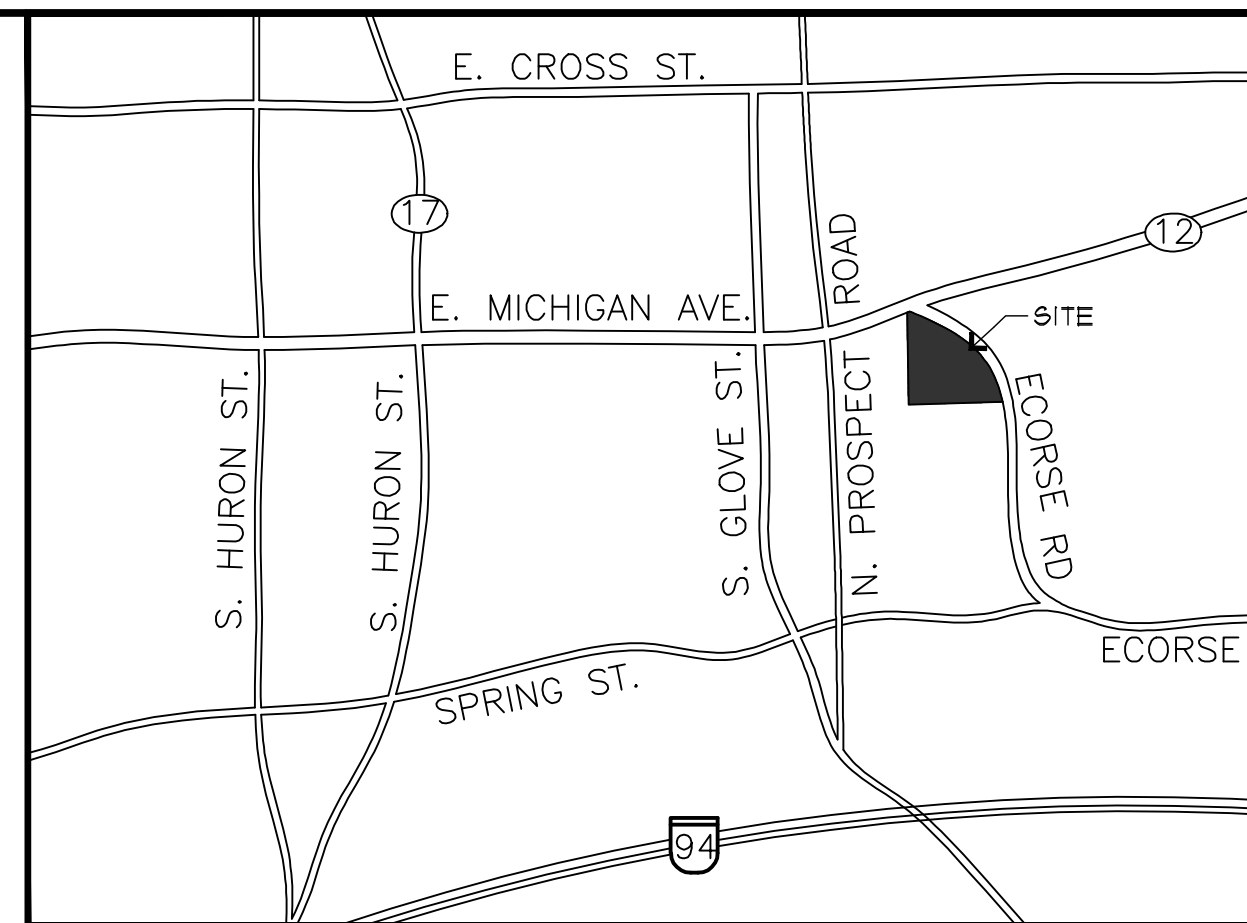
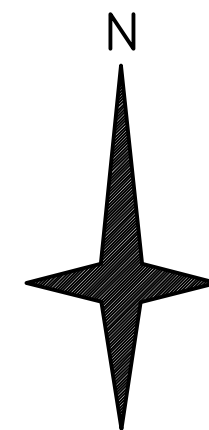
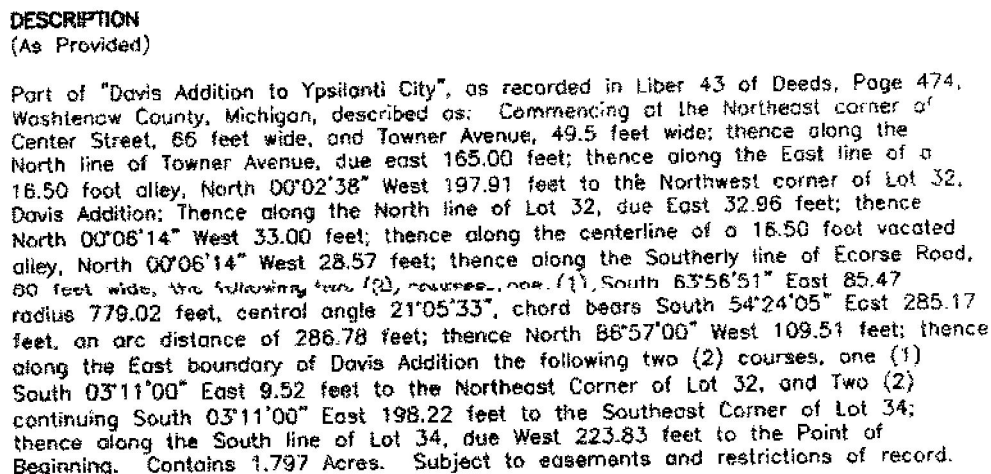
Staff recommends the Zoning Board of Appeals *deny* the non-use variance request to reduce the number of required parking spaces by 43, as submitted on 17 April 2014, with the following findings:

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.

---

Teresa Gillotti  
Planner II, Community Development Division

c.c.     File  
         Applicant  
         Site designer



LOCATION MAP  
SCALE: NONE

**SITE DATA :**

EXISTING ZONING: B-4 (GENERAL BUSINESS DISTRICT)

SITE AREA: 18,148 SF. = 1.194 ACRES

EXISTING USE: DOLLAR GENERAL (MERCANTILE)

EXISTING USE: KUZANA ENTERPRISE (PQRS USED CARS SALE)

TOTAL BUILDING AREA: 15,000 SF.

AUTO SALES BUILDING AREA: 500 SF.

EXISTING BUILDING HEIGHT 20'-0"±

**PARKING REQUIREMENTS (SECTION 122-836)**

RETAIL STORES: 1 FOR EACH 200 SQUARE FEET OF GROSS FLOOR AREA.

USABLE FLOOR AREA = 15,000

TOTAL PARKING SPACES REQUIRED:  $15,000 / 200 = 75$  SPACES

TOTAL PARKING SPACES PROVIDED (EXISTING) = 84 SPACES

USED CARS DISPLAY AREA: 10 CARS DISPLAY

EXCESS PARKING SPACES: 24 SPACES (EXISTING UNUSED).

DOLLAR GENERAL REQUIRED PARKING SPACES:  $80\% \times 9,000 / 200 = 36$  SPACES

THE PHARMACY REQUIRED PARKING SPACES:  $80\% \times 2,300 / 200 = 9$  SPACES

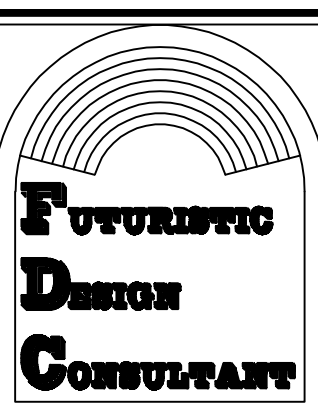
ACTUAL PARKING SPACES USED: 10 PARKING SPACES AT ALL TIME (BASED ON DAILY CENSUS OF HIGH BUSINESS HOURS 10:00 AM TO 3:00 PM)

ALSO BASED ON DOLLAR GENERAL DOCUMENTED STUDY: MORE THAN 40% OF THE STORE CUSTOMERS ARE WALKERS OR COME BY BUS.

SOUTH PARKING LOT (TOTAL OF 34 SPACES) REMAINS VACANT THROUGHOUT THE BUSINESS HOURS DAILY)

ACCESS PARKING SPACES OF 9 SPACES + ALL VACANT SPACES AT SOUTH PARKING LOT TO BE ADDED TO THE USED CAR LOT

VARIANCE REQUIRED  
 WAIVE TOTAL OF 43 ADDITIONAL PARKING SPACES FOR USED CAR SALES  
 DISPLAY.  
 TOTAL CAR DISPLAY SPACES: 53 SPACES



520 E. 12 MILE ROAD, SUITE A  
MADISON HEIGHTS, MI 48071  
PH: (586) 707-0080  
FAX: (248) 398-3822  
E-mail: [lmad-potres@yahoo.com](mailto:lmad-potres@yahoo.com)

DESIGNED BY:  
amad Potres

**REVISIONS:**

|    |     |          |
|----|-----|----------|
| 1- | ZBA | 04/14/14 |
| 2- |     |          |
| 3- |     |          |
| 4- |     |          |
| 5- |     |          |
| 6- |     |          |
| 7- |     |          |

# PROPOSED RENOVATION TO EXISTING RETAIL BUILDING

50 ECORSE ROAD  
YPSILANTI MI 48198

SEAL / SIGNATURE

**DATE:**

# EXISTING SITE PLAN

FILE NAME: Ecorse

DRAWN BY: IMAD  
CHECKED BY: IMAD  
DATE: 04/14/2014

SHEET NO

SP01

## 50 Ecorse Site Photographs



## 50 Ecorse Site Photographs



## 50 Ecorse Site Photographs



## 50 Ecorse Site Photographs



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## 50 Ecorse Site Photographs





**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: \_\_\_\_\_

**VARIANCE APPLICATION**  
**DIMENSIONAL OR OTHER NON-USE**  
*(single-family residential use: use separate application)*

**Applicant\***

Name

Jamal Ganma (KUZANA ENT)

Address

31600 W. 13 Mile Suite 123

City

Farmington Hills MI 48334

State

MI

Zip

48334

Phone / Fax

313-770-4426

E-Mail

Jganma@aol.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

KUZANA ENTERPRISES

Address

50 E 00SE

List all parcel identification numbers included in development:

11-11-10-267-002

Legal description of property (may be attached):

SEE ATTACHED

Current Zoning:

B-4

Current Use:

COMMERCIAL SALES

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

COMMERCIAL SALES

Section of Ordinance (chapter, article, section, subsection format, please) CHAPTER 122 ARTICLE XI  
DIVISION 6 SECTION 122.836

How the proposed project is contrary to ordinance:

FEWER PARKING SPACES

Practical difficulties which prevent compliance:

- 1) REQUESTED SURVEY SHOWS NEED  
OF ONLY 36 SPACES FOR DOLLAR GENERAL  
BUILDING 2) HAVE BEEN ADVISED NEW CITY  
ORDINANCE WILL REDUCE PARKING REQUIREMENTS
- 3) SECONDARY USE OF CAR LOT REQUIRES MORE  
PARKING

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

PROPERTY'S CURVED FRONTAGE AND  
MANY DRIVEWAYS RESTRICT PARKING

**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:

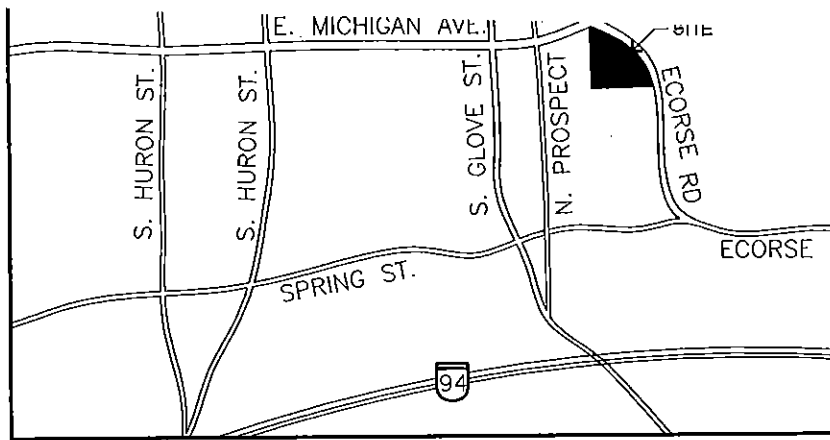
Jamal S Germer

Date:

4-17-2014

Print Name:

Jamal S Germer



## LOCATION MAP

SCALE: NONE

### CONSULTANT

620 E. 12 MILE ROAD, SUITE A  
MADISON HEIGHTS, MI 48071  
TEL: (588) 707-0080  
FAX: (248) 396-3822  
E-mail: imad-potres@yahoo.com

DESIGNED BY:  
Imad Potres

#### REVISIONS:

|    |     |          |
|----|-----|----------|
| 1- | ZBA | 04/14/14 |
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| 6- |     |          |
| 7- |     |          |

PROPOSED RENOVATION TO  
EXISTING RETAIL BUILDING

50 ECORSE ROAD  
MADISON HEIGHTS MI 48071

#### SITE DATA :

EXISTING ZONING: B-4 (GENERAL BUSINESS DISTRICT)

SITE AREA: 18,148 SF. = 1.794 ACRES

EXISTING USE: DOLLAR GENERAL (MERCANTILE)

EXISTING USE: KUZANA ENTERPRISE (PARTS USED CARS SALE)

TOTAL BUILDING AREA: 15,000 SF.

AUTO SALES BUILDING AREA: 500 SF.

EXISTING BUILDING HEIGHT 20'-8"

#### PARKING REQUIREMENTS (SECTION 122-836)

RETAIL STORES: 1 FOR EACH 200 SQUARE FEET OF GROSS FLOOR AREA

USABLE FLOOR AREA = 15,000

TOTAL PARKING SPACES REQUIRED:  $15,000 / 200 = 75$  SPACES

TOTAL PARKING SPACES PROVIDED (EXISTING) = 84 SPACES

USED CARS DISPLAY AREA: 10 CARS DISPLAY

EXCESS PARKING SPACES: 24 SPACES (EXISTING UNUSED).

DOLLAR GENERAL REQUIRED PARKING SPACES:  $80\% \times 15,000 / 200 = 36$  SPACES

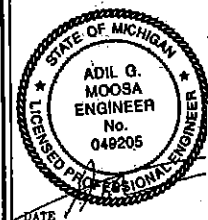
THE PHARMACY REQUIRED PARKING SPACES:  $80\% \times 2,300 / 200 = 9$  SPACES

ACTUAL PARKING SPACES USED: 10 PARKING SPACES AT ALL TIME (BASED ON DAILY OBSERVATION THROUGH BUSINESS HOURS 10:00 AM TO 3:00 PM)  
ALSO BASED ON DOLLAR GENERAL DOCUMENTED STUDY: MORE THAN 40% OF THE STORE CUSTOMERS ARE WALKERS OR COME BY BUS.

SOUTH PARKING LOT (TOTAL OF 34 SPACES) REMAINS VACANT THROUGHOUT THE BUSINESS HOURS DAILY

ACCESS PARKING SPACES OF 9 SPACES + ALL VACANT SPACES AT SOUTH PARKING LOT TO BE ADDED TO THE USED CAR LOT

SEAL / SIGNATURE



DATE

SITE PLAN

#### VARIANCE REQUIRED

WAIVE TOTAL OF 43 ADDITIONAL PARKING SPACES FOR USED CAR SALES DISPLAY.

TOTAL CAR DISPLAY SPACES: 53 SPACES

**DESCRIPTION**  
(As Provided)

Part of "Davis Addition to Ypsilanti City", as recorded in Liber 43 of Deeds, Page 474, Washtenaw County, Michigan, described as: Commencing at the Northeast corner of Center Street, 66 feet wide, and Towner Avenue, 49.5 feet wide; thence along the North line of Towner Avenue, due east 165.00 feet; thence along the East line of a 16.50 foot alley, North 00°02'38" West 197.91 feet to the Northwest corner of Lot 32, Davis Addition; Thence along the North line of Lot 32, due East 32.96 feet; thence North 00°06'14" West 33.00 feet; thence along the centerline of a 16.50 foot vacated alley, North 00°06'14" West 28.57 feet; thence along the Southerly line of Ecorse Road, 80 feet wide, the following two (2) courses, one (1), South 63°56'51" East 85.47 feet, an arc distance of 286.78 feet; thence North 86°57'00" West 109.51 feet; thence along the East boundary of Davis Addition the following two (2) courses, one (1) South 03°11'00" East 9.52 feet to the Northeast Corner of Lot 32, and Two (2) continuing South 03°11'00" East 198.22 feet to the Southeast Corner of Lot 34; thence along the South line of Lot 34, due West 223.83 feet to the Point of Beginning. Contains 1.797 Acres. Subject to easements and restrictions of record.



## City of Ypsilanti

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Building Inspection and  
Code Enforcement Department

November 19, 2013

Kuzana Enterprises, LLC  
24045 Rockingham Street  
Southfield, Michigan 48034

Re: 50 Ecorse, Ypsilanti

To Whom It May Concern;

We appreciated your initial interest in correcting the violation of your conditional use permit but to date we have not received any plan submittals or applications to revise your conditional use permit. A violation of this sort may result in the resending of your conditional permit and your Business Occupancy Certificate. The City will start issuing citations starting November 30, 2013, if this problem is not resolved and you continue to have more than ten cars parked on the property at one time.

If you have questions or concerns regarding this matter, please feel free to contact me at 734-822-3127 or the City of Ypsilanti Planning Department at 734-483-9646.

Sincerely,

Kurt F. Welland  
Zoning Administrator  
City of Ypsilanti



## City of Ypsilanti

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Building Inspection and  
Code Enforcement Department

April 16, 2013

Pars Auto Sales  
52 Ecorse  
Ypsilanti, MI 48198

Re: 52 Ecorse, Ypsilanti

To Whom It May Concern;

It has been brought to our attention that the used car business located at the above referenced location is in violation of their conditional use permit that was issued by the City of Ypsilanti. The conditional use permit limits the number of vehicles that may be parked on the property at one time to ten (10). The last site visit revealed more than seventy (70) cars on the property. A violation of this sort may result in the rescinding of your conditional permit and your Business Occupancy Certificate. Immediate action to correct this problem must be taken in order to avoid further enforcement action.

If you have questions or concerns regarding this matter, please feel free to contact me at 734.822.3127 or the City of Ypsilanti Planning Department at 734.483.9646.

Sincerely,

Kurt F. Weiland  
Zoning Administrator  
City of Ypsilanti

PC: PLANNING

Pc: Kuzana Enterprises, LLC, 24045 Rockingham Street, Southfield, Michigan 48034



## City of Ypsilanti

Planning & Development Department

05 February 2014

Jamal Garmo  
Kuzana Enterprises, LLC  
24045 Rockingham St  
Southfield, MI 48034

RE: 50 Ecorse (11-11-10-267-002), violation of and revocation of Special Use Permit conditions

To Whom It May Concern:

Staff has noted that the business at 52 Ecorse, PARS Auto Sales, is in violation of the conditions of the Special Use Permit, granted in January of 2002, and approved site plan. Staff has been in contact with the business owner several times in 2013, and the business remains in non-compliance. There are several options for the business to come into compliance:

1. Reduce the number of vehicles offered for sale/lease on the site to no more than ten. Restore site layout to original configuration.
2. Apply to amend the site plan/special use permit, based on additional parking usage data. This would entail submitting a site plan for the entire 50 Ecorse parcel; it may also include an application for a variance from parking standards. The application for a Special Use Permit, Site Plan Review, and a non-use variance are enclosed. These forms have attached factsheets; we encourage you to review them.

Should an application for a variance or other remedy not be received by March 19<sup>th</sup>, the Planning Commission will hear the case for revocation of the Special Use Permit at their April 16<sup>th</sup> 2014 meeting, at 7:00pm in City Hall. You, your representative, and the business owner are cordially invited to attend.

Please contact me at 734-483-9646 with any questions. The entire text of the Zoning Ordinance is available on our website, at <http://cityofypsilanti.com/zoning>.

Sincerely,

Bonnie Wessler  
Planner I, Community & Economic Development Department

CC: File  
Building Department  
Business Owner: Mehrdad Mohagheghi, Pars Auto Sales, 52 Ecorse