

Agenda
Zoning Board of Appeals
Council Chambers
Wednesday, December 3, 2014 - 7:00 P.M.

I. Call to Order

II. Roll Call

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

III. Approval of Minutes

- 23 July 2014

IV. Purpose of Meeting

V. Old Business

- *none*

VI. New Business

- Variance request for Bell Street Apartments

VII. Adjournment

**ZONING BOARD OF APPEALS
MEETING MINUTES
July 23, 2014
CITY COUNCIL CHAMBER
6:00 P.M.**

1. CALL TO ORDER

The meeting was called to order at 6:03 p.m.

II. ROLL CALL

Present: J. Bailey, R. Johnson, G. Udoji, T. Roach,
J. Albers (not yet appointed)

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

III. APPROVAL OF MINUTES – May 28, 2014

Commissioner Roach moved to approve the minutes of May 28, 2014 as read (Support: R. Johnson) and the motion carried unanimously.

VII. OLD BUSINESS

None

VIII. NEW BUSINESS

Nomination of officers

Commissioner Johnson moved to appoint John Bailey to continue as Chairperson of the Zoning Board of Appeals (Support: T. Roach). Commissioner Bailey accepted and the motion carried 4:1. Commissioner Udoji moved to appoint Tom Roach as Vice-Chair (Support: R. Johnson). Commissioner Roach accepted and the motion carried 4:1.

IX. AUDIENCE PARTICIPATION

None

IX. ADJOURNMENT

Since there was no further business, Commissioner Roach moved to adjourn the meeting (Support: G. Udoji) and the motion carried 4:1. The meeting adjourned at 6:11 p.m.



City of Ypsilanti
Planning and Development Department

25 November 2014

**Staff Review of Variance Application
Bell Street Apartments
101, 103, 111, 113 Bell Street**

Applicant:	James Pappas, AIA Fusco, Shaffer & Pappas, Inc. 550 E. Nine Mile Road Ferndale, MI 48220
Project:	Bell Street Apartments 101, 103, 111, 113 Bell Street
Application Date:	14 October 2014
Location:	South-east corner of Bell Street and Spring Street
Zoning:	R-2, One and Two Family Residential District; EO, Entryway Overlay
Action Requested:	Approval of a dimensional variance to expand existing front yard parking on Bell Street. Applicant intends to: • Exceed maximum single curb cut of 20' by 16' • Exceed the total maximum curb cut / property line of 35' by 35'
Staff Recommendation:	Denial

The site consists of two parcels totaling approximately one acre in size, both fronting on Bell Street with the north parcel also adjacent to Spring Street. There are three residential duplexes on the north parcel: two buildings with two one-bedroom units each on the west side, and one building with two efficiency units on the east side. There is one residential duplex on the south parcel, which has two four-bedroom units. Concrete sidewalks link the buildings to each other as well as to the sidewalks and parking areas. Existing parking consists of six spaces: one bay with two adjacent spaces in front of each of the two buildings on the east side of the north parcel, and two non-adjacent spaces in front of the building on the south parcel.

The proposed variance applies to the two bays on the north parcel; no changes are considered to the south parcel's parking provisions. Additionally, the linear footage of the requested variance was not equal to the sum of the existing bays as measured and the proposed additions as noted on the conceptual site plan. Therefore, the requested variance has been revised to

reflect the linear footage as measured and proposed, and to remove the linear footage of the south parcel's curb cuts from the allowance of total maximum curb cuts on all property lines.

Parking in the existing site layout is nonconforming in two ways. First, it does not meet the minimum parking requirements in §122-836, which requires two parking spaces per dwelling unit. To meet the ordinance, an additional eight spaces would be required; four are proposed. Second, the existing site layout does not conform to two provisions of the Entryway Overlay district: Sec. 122-558 (1) (a), which requires a 10-foot landscaped greenbelt along all property lines, or to Sec. 122-558 (4), which requires parking at the rear of the building unless waived or modified by the Planning Commission.

The applicant is seeking to expand each of the two parking bays on the west side of the parcel from two spaces to four spaces; one newly created parking space in the north parking bay would meet ADA accessibility standards. The current spaces are designed for direct 90-degree ingress, and thus the curb cut is equal to the combined width of the parking spaces. The curb cut for each existing bay is approximately 21', so the total width of all existing curb cuts is approximately 42'. This design is maintained under the proposed conditions. The applicant intends to expand the north bay by 15' for a curb cut of 36', and to expand the south bay by 13' for a curb cut of 34'. The combined length of all proposed curb cuts along the parcel's property lines is 70'.

The applicant notes that there is no street parking allowed on Bell Street or Spring Street. The applicant argues that access to the site from Spring Street is not practical due to a steeply-sloped embankment from the road along the entire frontage, and that the existing configuration of buildings, trees, and walks poses a difficulty to accessing the rear yard for parking.

The property is zoned **R2 – One and Two Family Residential with E-OL Entryway Overlay**, which allows duplexes as a permitted use, with parking subject to the specific requirements of Article XIII: Off-Street Parking and Loading Requirements.

Figure 1: Subject Site Location

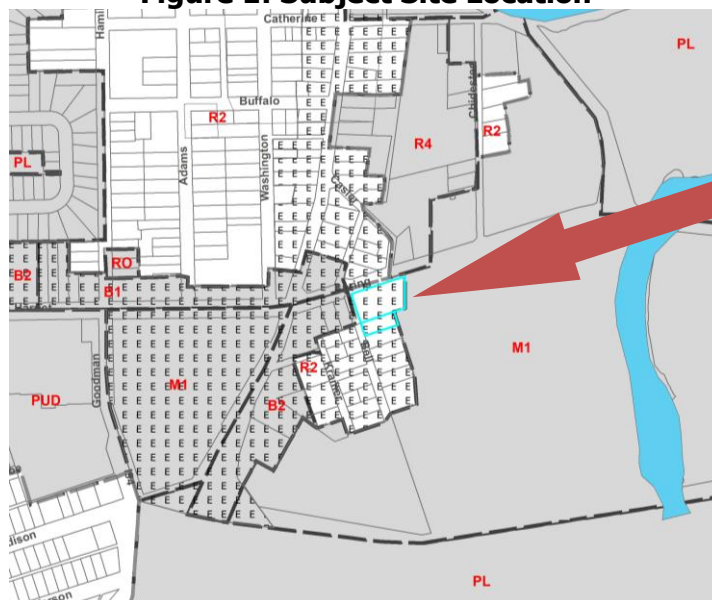


Figure 2: Site Close-up with Contours

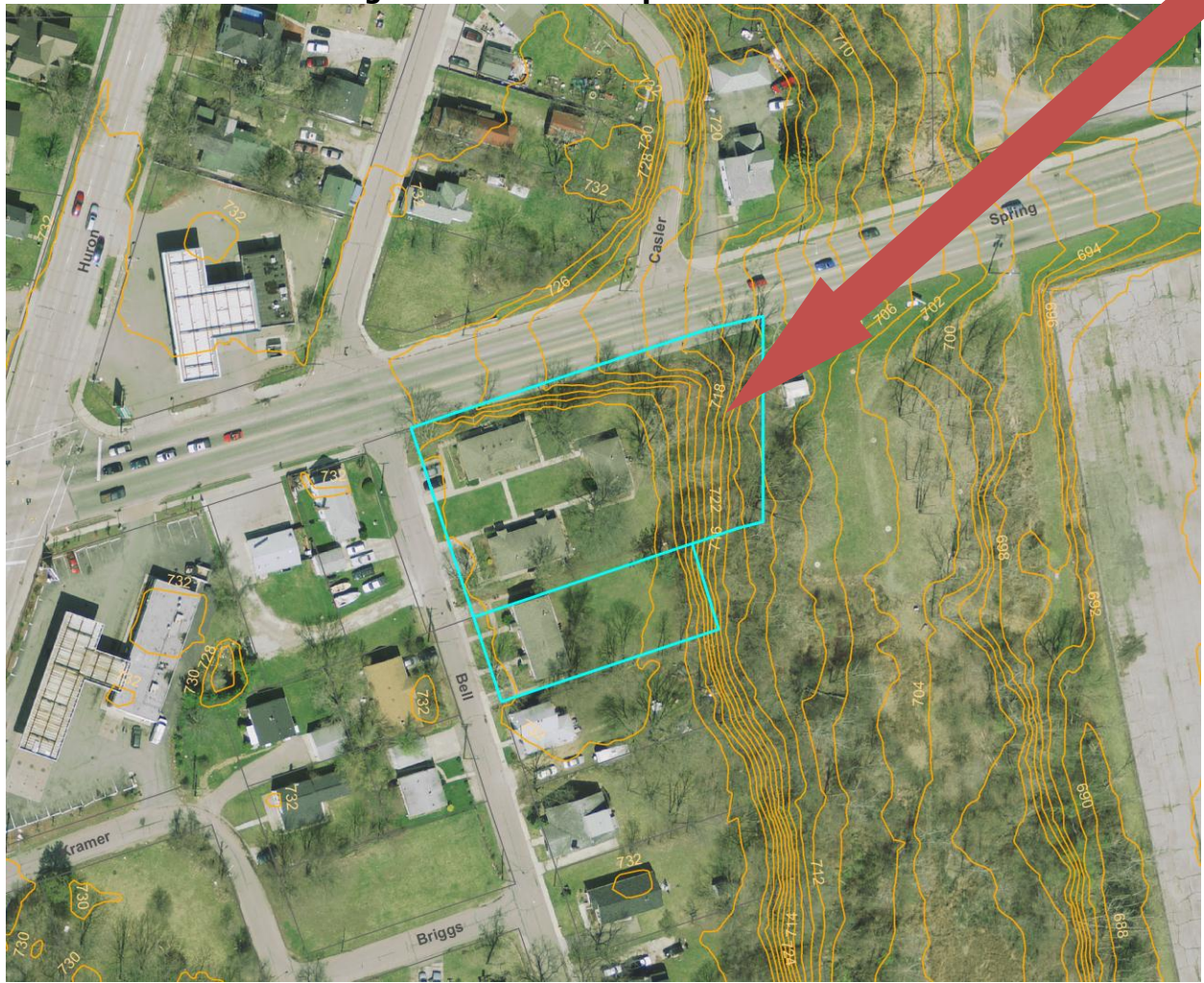


Figure 3: Land Use and Zoning of Surrounding Area

	LAND USE	ZONING
NORTH	Two-family residential Multifamily residential	R2/EO R4
EAST	Industrial parking lot, currently vacant	M1
SOUTH	Single-family residential	R2/EO
WEST	Single-family residential immediately adjacent; commercial behind Single-family residential	B4/EO R2/EO

ORDINANCE §122-833(1),(3); §122-836; §122-558(1)(a),(4)

Sec. 122-833. Off-Street Parking and Loading Requirements: General Requirements.

(1) *Off-street parking for one- and two-family dwellings.*

b. *Ingress and egress.* No individual curb cut for a single driveway shall exceed 20 feet in width. The total width of all curb cuts shall not exceed 35 feet on all property lines. On lots with a lot width of 60 feet or less, no more than one curb cut is permitted.

(3) *Setback from street.* Unless a greater setback is required elsewhere in this chapter, no part of any public or private off-street parking area, regardless of number of spaces provided, shall be located closer than ten feet to any street right-of-way line. In addition, in all residential districts (R1, R2, R3, R4, and RO), no parking shall be permitted within any required minimum front yard area or any required street side yard on a corner lot, unless on a driveway which leads to an approved parking space.

Sec. 122-836. Table of required number of parking spaces.

Use	Spaces Per Unit of Measure
RESIDENTIAL:	
Residential, one-family and two-family dwellings, including manufactured homes	2 for each dwelling unit

Sec. 122-558. Entryway Overlay District: Special conditions and standards.

(1) All sites shall be landscaped and screened as follows, with the specifics of each found in Division 4, Landscaping, Greenbelts, and Screening.

(a) All uses shall provide no less than a ten (10) foot landscaped greenbelt along all parcel boundaries. The greenbelt shall be landscaped with no less than one (1) tree per every thirty (30) lineal feet, but may be clustered on the site.

(4) Parking shall be provided in the rear of the building, unless modified or waived at the discretion of Planning Commission.

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 argues that access to the parcel via Spring Street is not practical due to the sloped embankment between the buildings and Spring Street. The slope extending 18' south from the Spring Street curb ranges from 66% nearest the building to 11% nearest the east property line; both exceed the 10% maximum slope for residential driveways set forth in the Washtenaw County Road Commission Driveway Standards. The applicant also argues that existing buildings, walkways, and landscaping would pose a difficulty in accessing parking located in the rear of the buildings. Staff agrees that this is inconvenient but does not deem it to be an "extraordinary situation of a building or structure." 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 provision of adequate parking is necessary for the preservation and enjoyment of a substantial property right enjoyed by other property owners in the district under the terms of this chapter. At the time of construction in 1963, the average number of vehicles per US household was 1.03 (US Federal Highway Administration), making four parking spaces for six dwelling units reasonable if slightly under-provided. In 2000, this number was 1.9 (USFHWA); at least one study has found it to be 2.3 in 2013 (Experian Automotive). The proposed parking provisions still fall short of the minimum standard for the district, so the variance does not confer any special privilege that is denied to others in the district. This condition is 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 topographical challenges to the site were not created by any person presently having an interest in the property. The challenge to rear parking access created by existing buildings, infrastructure, and landscaping have been present since the site's construction, which was presumably in conformance with governing standards. This condition is 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.*

Reasonable outcomes of the addition of four parking spaces include increased trip generation and noise; the ordinance permits a greater number of spaces than proposed.

The purpose of a zoning ordinance is to guide development into forms agreed upon through legislative means. This variance will increase nonconformity with the Entryway Overlay District by increasing the number of lineal feet not covered by the 10-foot greenbelt required by Sec. 122.558(1)(a). It will also increase Sec. 122.833(3), which prohibits parking within the required front yard setback of 10 feet within the Entryway Overlay District. The purpose of the Entryway Overlay District is, in part, to "create uniform aesthetics/image, inter-relate with existing historic structures, and create a tie with focal points within the City, through uniform dimensional, architectural and environmental provisions." The proposed variance does not serve this intent and

thus is injurious to the conditions governing the other property or improvements in the neighborhood. This condition is not 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.*

The allowance of the variance does not result in substantial justice being done. Although allowing the variance would offer parking provisions that more closely meet the current governing standard, staff finds that these provisions could be met without the attendant increases in nonconformity that are presented by the proposed site plan. 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 buildings are currently in use and can continue to be used without modification. The provision of additional parking can be achieved via means other than the proposed layout. This condition is not met.

STAFF RECOMMENDATION

Staff recommends the Zoning Board of Appeals **deny** the variance request to expand existing front yard parking, as submitted on 14 October 2014, with the following findings:

1. The applicant has shown insufficient practical difficulty under §122-94(b)(1).
2. The variance will result in injury to the conditions governing the other property or improvements in the neighborhoods, given the conditions spelled out in 122-94(b)(4).
3. The allowance of the variance will not result in substantial justice being done, given the conditions spelled out in 122-94(b)(5).
4. Denial of this variance does not preclude the applicant's ability to offer or expand tenant parking.

Leah DuMouchel
Community Development Division

c.c. File
Applicant
Site designer

SHEET 4 of 5