

1. Zoning Board Of Appeals Agenda

Documents: [ZBA AGENDA 04-22-15.PDF](#)

2. Zoning Board Of Appeals Packet

Documents: [04-22-15 ZBA PACKET.PDF](#)

**Agenda**  
**Zoning Board of Appeals**  
**Council Chambers**  
**Wednesday, 22 April 2015- 7:00 P.M.**

**I. Call to Order**

**II. Roll Call**

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

**III. Approval of Minutes**

- 3 December 2014

**IV. Purpose of Meeting**

**V. Old Business**

- *none*

**VI. New Business**

- Interpretation of Ordinance (staff request): Internally-lit box signs

**VII. Adjournment**

**Agenda**  
**Zoning Board of Appeals**  
**Council Chambers**  
**Wednesday, 22 April 2015- 7:00 P.M.**

**I. Call to Order**

**II. Roll Call**

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

**III. Approval of Minutes**

- 3 December 2014

**IV. Purpose of Meeting**

**V. Old Business**

- *none*

**VI. New Business**

- Interpretation of Ordinance (staff request): Internally-lit box signs

**VII. Adjournment**

**ZONING BOARD OF APPEALS  
MEETING MINUTES  
December 3, 2014  
CITY COUNCIL CHAMBER  
7:00 P.M.**

**1. CALL TO ORDER**

The meeting was called to order at 7:02 p.m.

**II. ROLL CALL**

**Present:** J. Bailey, R. Johnson, G. Udoji, T. Roach, J. Albers

**Staff:** B. Wessler, Planner II  
N. Schuette, Executive Secretary

**III. APPROVAL OF MINUTES – July 23, 2014**

Commissioner Johnson moved to approve the minutes of July 23, 2014 as read (Support: J. Albers) and the motion carried unanimously.

**IV. PURPOSE OF MEETING**

Chairman Bailey explained that a variance request is a request to change the law and make an exception to what the petitioner can do but neighbors would not be allowed. Standards written by council must be met and it is the responsibility of the Zoning Board of Appeals to interpret the standards. Since they are strict, oftentimes the request is denied and the petitioner should not take this personally.

**V. OLD BUSINESS**

None

**VI. NEW BUSINESS**

**1. Variance Request – Bell Street Apartments**

Bonnie Wessler, Planner II, stated that this is a small City of Ypsilanti Housing Commission owned apartment complex on the south-east corner of Bell Street and Spring Street. Staff sent out a memo prior to the meeting denying this variance. This is a request from curb-cut standards to provide parking along the front of the site on Bell Street. Staff's initial report recommended denial of the request, however, after staff examined this further and due to the grade changes along the rear of Spring Street, providing parking at the rear provides significant visibility challenges. It would also cause issues with site contamination and would likely

eliminate quite a bit of green space, therefore, staff has changed its recommendation to approval of the variance.

Commissioner Johnson asked about entryway to which Ms. Wessler responded that there is no other entry. She indicated on the drawing that parking is not to be expanded to north of existing parking lot.

Commissioner Udoji moved to open the public portion of the hearing (Support: T. Roach) and the motion carried unanimously.

**Zach Fosler, Exec. Director of the Ypsilanti Housing Commission, 601 Armstrong** – stated that this variance is part of a larger redevelopment project that they are currently involved in, which consists of 112 fully rehabbed properties. He introduced Vickie Vaughn, Development Consultant of Chesapeake Communities, the developer of the property and Mr. Steve Rossi, of Fusco Shaffer & Pappas, architect for the project.

Mr. Rossi presented an overview of the properties involved. Currently there are only six parking spaces, less than one car per unit; more parking is required for visitors. They propose to upgrade all the units including the two efficiency units which they are expanding to create one bedroom handicapped units. As a result of this, handicapped parking is required by expanding the existing parking, plus two existing units south. The intent is to provide four more spaces including handicapped spaces for the new units – giving them one car per unit and two visitors' spaces eliminating the need for any illegal parking since no parking is allowed on Bell or Spring Streets.

The current curb cut on Bell is 67 ft – they are proposing to expand between the two existing banks of parking an additional 33 ft, which would provide enough room for the four 9ft wide spaces. This expansion represents a 19 ft variance maximum width of a single curb cut, which is 20 ft. A 58 ft variance from the maximum total curb cut per road of 35 ft is what they are requesting. He stated that this site is unique because of the topography, trees and building layout. Contamination has been found on the site, which makes any work in the rear yard very risky. Access to the site from the south is very difficult. They would like to maintain the green space in the center.

Several questions were asked by the commissioners to which Mr. Rossi responded in detail answering all their concerns.

Commission Udoji moved to close the public portion of the hearing (Support: T. Roach) and the motion carried unanimously.

After discussion by board members, Commissioner Johnson moved to approve the request of a dimensional variance to expand the existing front yard parking on Bell Street with the following findings:

Findings:

1. They are substantially in compliance with Sec. 122-94(b)(1). The slope of the site and grade change with respect to Spring Street makes a drive entrance from that angle extraordinarily challenging. A drive entrance to Spring Street would face visibility issues that are effectively not correctible, due to the slope of the road itself, and create a hazard for traffic as it enters and exits. Staff considers this condition to be met.
2. The Entryway-Overlay was designed with commercial properties in mind; its application to residential properties is limited. As a collection of duplexes, the site is considered to be

residential in nature. The issue of increasing nonconformity with the Entryway-Overlay district, thus, is of less significance than the increasing of conformity with the parking ordinance and its requirements, as well as the improvement to public welfare gained by providing at least one parking space to each residential unit, and two barrier-free spaces for the proposed barrier-free units. Sec 122-94(b)(4) has been met.

3. Staff now contends that substantial justice would be done, as no other feasible option exists for construction of accessible parking facilities on the site; furthermore, the proposed parking configuration has a minimal impact on the existing greenspace and vegetation, a particularly important feature in the provision of low-income housing. Staff considers Sec 122-94(b)(5) to be met.
4. The buildings are being remodeled as they are at the end of their useful life. As these buildings are brought to modern standards, so should we improve the site to modern standards. Parking needs cannot be met elsewhere on the site due to the unique conditions of slope, need for greenspace, and the need to limit disturbance to the soils in the area. Staff considers Sec 122-94(b)(6) to be met.

Staff does recommend that the ZBA grant the variance for the Bell Street Apartments; however, staff does recommend that the parking not be expanded to the north of the site, so that traffic to and from Spring Street is minimally impacted as noted in the staff report dated December 3, 2014.

The motion was supported by T. Roach. A roll call vote was taken and carried unanimously.

## 2. Meeting Schedule Approval

Commissioner Roach moved to approve the meeting schedule for 2015 (Support: J. Albers) and the motion carried unanimously.

## VII. ADJOURNMENT

Since there was no further business, Commissioner Johnson moved to adjourn the meeting (Support: G. Udoji) and the motion carried unanimously. The meeting adjourned at 7:35 p.m.



City of Ypsilanti

Community & Economic Development Department

17 April 2015

**Staff Request for Ordinance Interpretation  
Internally Lit Box Signs  
Article XIV**

**GENERAL INFORMATION**

**Applicant:** Planning and Development Department Staff

**Action Requested:** Staff requests that the Zoning Board of Appeals make a determination regarding staff interpretation of the phrase “internally lit box sign.”

**BACKGROUND**

The zoning ordinance defines many types of signs. However, one item was left without a definition: the internally lit box sign. This particular type of sign is listed specifically as a prohibited type of wall-mounted sign.

**Sec. 122-866. Sign Design Standards.**

(b) Building Mounted Signs. Building mounted signs, including wall, awning, projecting and window signs shall comply with the following requirements:

(4) Materials.

(c.) Internally lit box signs are prohibited.

Notes, meeting records, and staff recollections indicate that the intent of the wording is to prohibit square or rectangular signs on buildings with simple, rectangular faces, lit from behind, as in the following pictures.





Note that signs such as the following are permitted:



Or, to illustrate the issue on a single building face:



Sign 1, "Barn," would be permitted because it is not a plain box.

Sign 2, "America's Tax Center," was permitted as it is not lit, although it otherwise meets staff's interpretation of the ordinance's prohibitions.

Sign 3, "Mr Pizza," would be permitted as it has channel letters.

## **ZONING BOARD OF APPEALS AUTHORITY**

Section 122-92 of the Zoning Ordinance states that the Zoning Board of Appeals shall hear questions relating to whether Zoning Ordinance language is unclear.

### **Sec. 122-92. Powers and duties.**

- (a) The board of appeals shall hear and decide all questions and decisions regarding the following:
- (2) The interpretation of the language of this chapter when its meaning is unclear, or when there is uncertainty as to whether the language applies to a particular situation.

## **ACTION REQUESTED**

Staff is requesting the Zoning Board of Appeals determine whether staff's interpretation of this ordinance is correct; further, to indicate if there is a need to clarify this restriction.

---

Bonnie Wessler  
City Planner  
Community & Economic Development Department

c.c.     File