

1. Zoning Board Of Appeals Agenda

Documents: [ZBA AGENDA 09-30-15.PDF](#)

2. Zoning Board Of Appeals Packet

Documents: [09-30-15 ZBA PACKET.PDF](#)

**Agenda
Zoning Board of Appeals
Council Chambers
Wednesday, 30 September 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

- 24 June 2015

IV. Purpose of Meeting

V. Old Business

- *none*

VI. New Business

- Variance, 719 E Cross wood shed
Public Hearing

VII. Adjournment

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Public Hearing

VII. Adjournment

**ZONING BOARD OF APPEALS
MEETING MINUTES
June 24, 2015
CITY COUNCIL CHAMBER
7:00 P.M.**

1. CALL TO ORDER

The meeting was called to order at 7:05 pm

II. ROLL CALL

Present: J. Bailey, R. Johnson, T. Roach, J. Albers

Absent: Eric Seymour (excused)

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

III. APPROVAL OF MINUTES – May 27, 2015

Commissioner Albers moved to approve the minutes of May 27, 2015 with correction as noted (Support: t. Roach) and the motion carried unanimously.

IV. PURPOSE OF MEETING

To discuss a variance request

V. OLD BUSINESS

None

VI. NEW BUSINESS

1. 111 N. Huron – Variance

Ms. Wessler stated that this is a request for approval of the removal of the existing monument sign and the installation of a new larger monument sign at the same location. The property is zoned C-Center, which allows for mixed use of residential and business, however, this zone does not allow for any ground signage. Ms. Wessler reviewed the standards pertaining to variances. If the applicant had wanted to reduce the size or reface the current size, they would not have to go through the process. Staff is recommending denial since the applicant has not shown any insufficient practical difficulty.

Commissioner Roach asked how much larger the proposed sign would be and Ms. Wessler responded that it will be one square foot larger.

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

Dave Wayland, Director of Planning, St. Joseph Hospital Medical Center – stated that he is responsible for all new renovations for St. Jos. He added that the sign is actually smaller than the existing sign, since it is taller by about 7-1/2" but narrower than the old sign, which is 15 yrs old. The old sign is 56.3" and the new proposed sign is 48.29". It is actually deceptive because of the shape of the sign but is a better "wayfinding" sign since the address is included.

Commissioner Johnson asked staff if the applicant made a smaller sign, what the guidelines would be. Ms. Wessler stated that anything less than 10' and more than 3 ft from the property line would be considered conforming. She just noticed from the numbers she was using when calculating the size actually include the address, which should have been discounted, so it is her opinion that the applicant would not need a variance.

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

Commissioner Roach moved that the variance request is denied as requested due to new information regarding the signage being provided with the following findings:

1. That denial of this variance does not preclude the applicant's ability to retain the current sign, reface the current sign, or update the sign and make it smaller, in accordance with Sec 122-208.
2. That the sign as proposed is actually smaller than the existing sign.

The motion was supported by Commissioner Albers and carried unanimously by voice vote.

2. Election of Officers

Commissioner Johnson moved to re-elect John Bailey as Chairperson (Support: T. Roach) and the motion carried unanimously. Commissioner Bailey moved to re-elect Tom Roach as Vice-Chair (Support: J. Albers) and the motion carried unanimously.

VII. ADJOURNMENT

Since there was no further business, Commissioner Roach moved to adjourn the meeting (Support: R. Johnson) and the motion carried unanimously. The meeting adjourned at 7:30 p.m.



City of Ypsilanti
Planning and Development Department

11 September 2015

**Staff Review of Variance Application
Wood shed variance
719 E. Cross**

GENERAL INFORMATION

Applicant: Chuck Tombeau
719 E. Cross
Ypsilanti, MI 48198

Project: Wood Shed
719 E. Cross
Ypsilanti, MI 48198

Application Date: 26 August 2015

Location: South-east corner of E Cross and Osband St, east of N Prospect Rd

Zoning: R-1- Single-Family Residential

Action Requested: Approval of a variance to permit an accessory structure in the front yard with a 10' 10" setback.

Staff Recommendation: Denial

PROJECT AND SITE DESCRIPTION

The parcel is 0.187 acres in size, at the corner of E. Cross and Osband St., fronting on E. Cross St. There is an existing ~1300 square foot structure, including an attached garage. Two accessory structures and an in-ground pool already exist at the rear of the property.

The property is zoned **R-1- Single-Family Residential**, which allows for tool houses, sheds and other similar accessory structures in the rear and side yards only. The maximum lot coverage is 35%. The required side street yard setback is 8 feet and side lot setback is 3 feet.

The applicant is requesting the variance to install a wood shed in the front yard of his property. The wood shed will be set back 10' 10" from the front and is two structures (3.5' x 8" and 3.5' x 7.5') connected by a cupola.

Figure 1: Subject Site Location

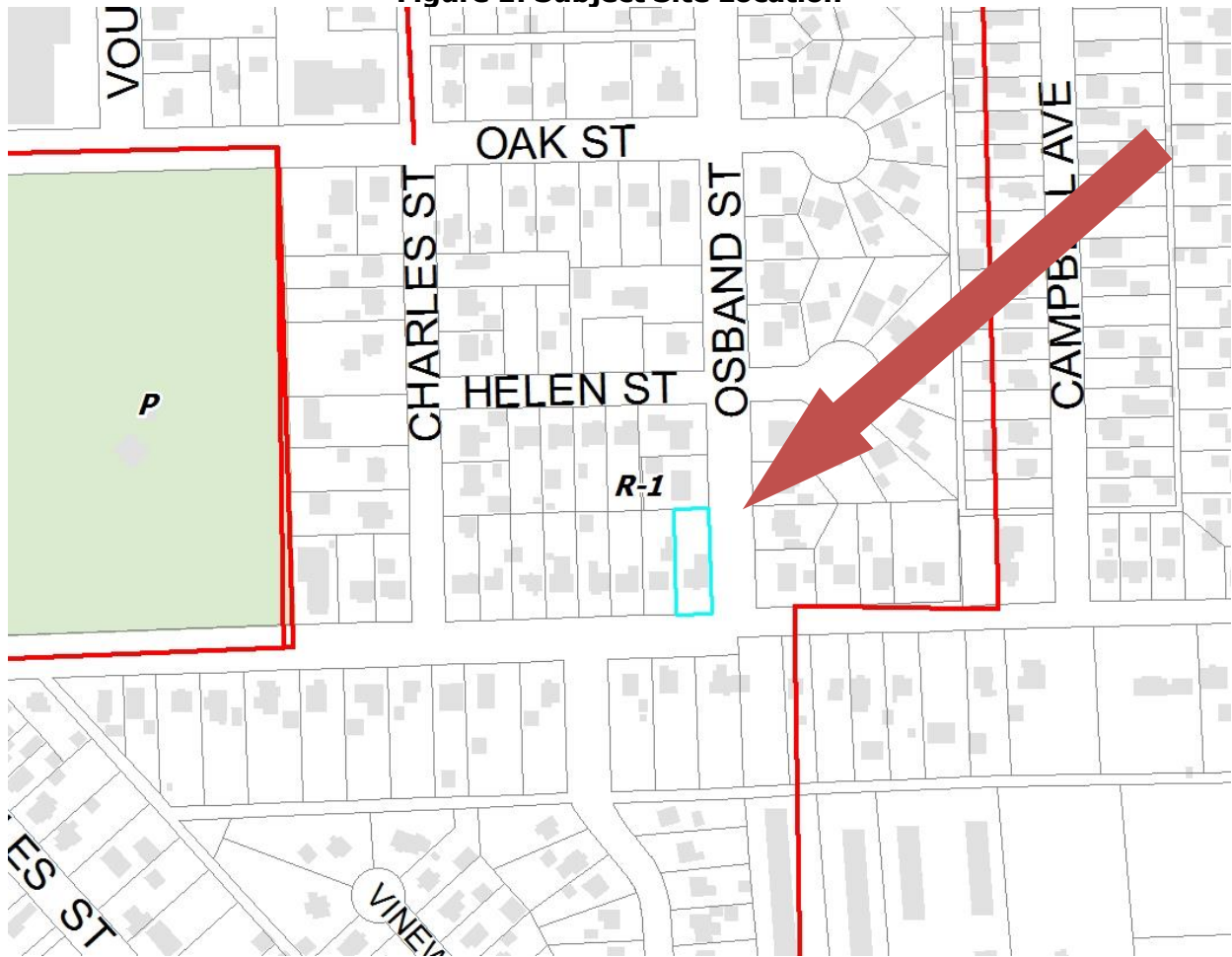


Figure 2: Site Close-up

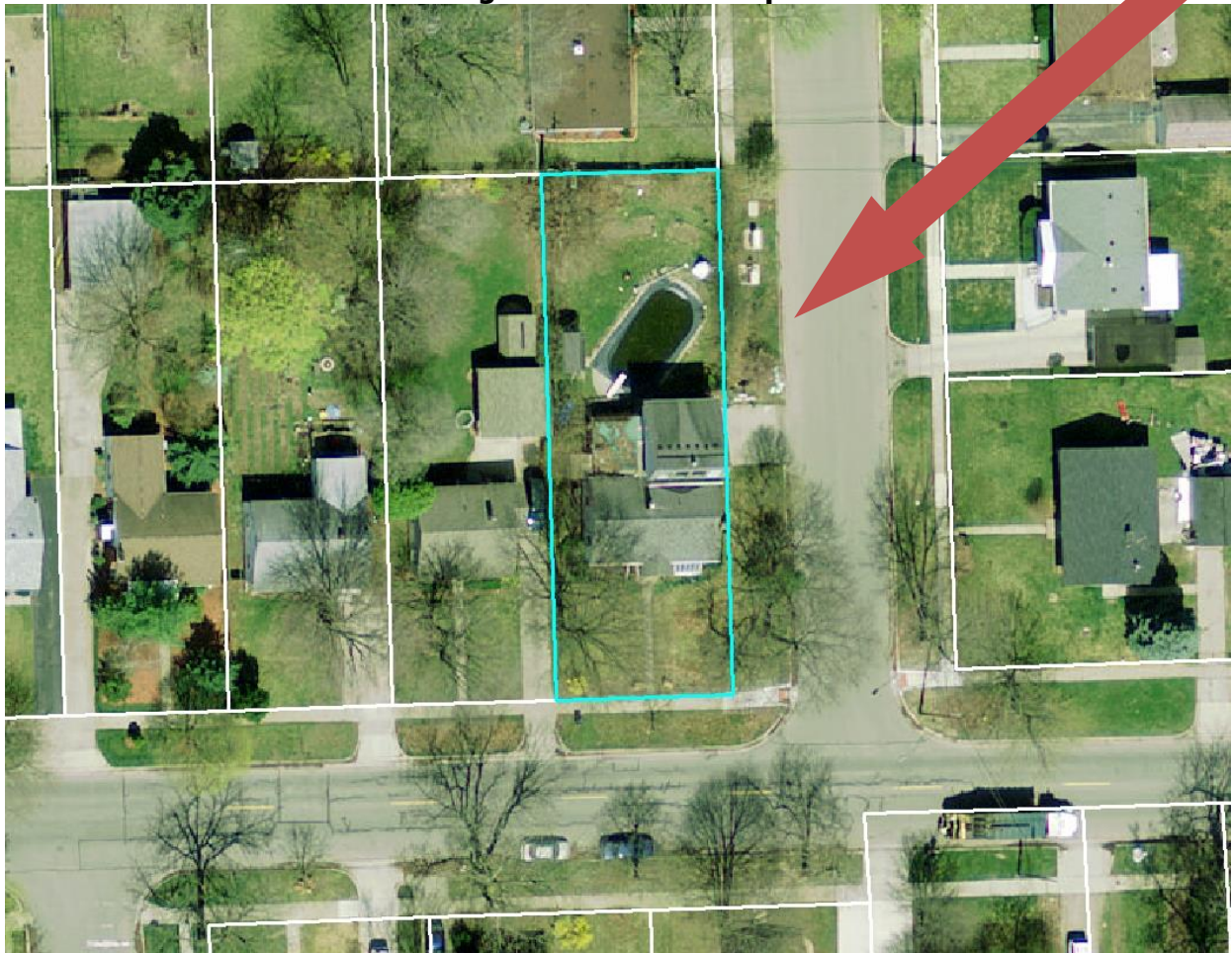


Figure 3: Land Use and Zoning of Surrounding Area

	LAND USE	ZONING
NORTH	Single family homes	R-1
EAST	Single family homes	R-1
SOUTH	Single family homes	R-1
WEST	Single family homes	R-1

ORDINANCE

§122-252

Sec. 122-252. Permitted Uses (R-1- Single-family residential.

GARDENS/COMMUNITY GARDENS

Toolhouses, sheds and other similar buildings for the storage of domestic supplies

A

Must meet accessory structure regulations for lot coverage and maximum floor area. Rear or side yard only.

The applicant is seeking a variance to place the structure in the front yard.

Figure 4: 719 E Cross (front yard) - 28 August 2015



Figure 5: 719 E Cross (side street yard) - 28 August 2015



Figure 6: 719 E Cross (side street yard w/ utility boxes) - 28 August 2015



ORDINANCE

§122-253

(a) All principal structures and attached accessory structures must comply with the following regulation in the R-1 single-family residential zoning district:

Maximum Lot Coverage	
Residential Uses	35%
Non-residential Uses	50%

The lot coverage is currently less than 35% and will remain under that amount even with the addition of the wood shed.

(c) All detached accessory structures must meet the following standards:

Regulations	R1	Notes
Minimum Setbacks (Accessory to Residential Uses)		
Front yard	Not allowed	
Side yard	3 feet	1 foot if lot line abuts an alley
Street Side yard	8 feet	
Rear yard	3 feet	1 foot if lot line abuts an alley, 12 feet for a through lot
Distance from principal structure	7 feet	Minimum distance to comply with fire regulations and/or building code, if greater than minimum listed. An attached enclosure or roof over a pathway between structures on a lot, such as a breezeway, is exempt from this setback provided it is 8 feet or less in width and 15 feet or less in height.
Height		
Maximum height	15 feet	
Size of Accessory Buildings		
Maximum Floor Area	Floor area of all accessory buildings must not exceed gross floor area of the ground floor of the principal structure and must not cause lot coverage regulations for all buildings and paved surfaces on-site to be exceeded.	

It appears that the structure may be close to the 7 foot minimum distance from the principal structure; exact measurements are needed to confirm. The floor area of all accessory buildings does not exceed the gross floor area of the ground floor of the principal structure.

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 practical difficulty is found in locating the wood shed at the rear of the structure due to fencing, trees and utility boxes that prevent the delivery of wood to a shed in the back yard. The applicant also argues that the side street yard would not be feasible due to existing trees with root structures that prevent proper installation of the posts for the shed and that the opposite side yard is only 7' 9" and does not allow for proper set back or distance from structure. There is some difficulty in finding a convenient location for the wood shed however, as noted above, mere inconvenience is not sufficient to grant a variance.

- (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 no other accessory structures in the front yards of other residential properties in the R-1-single family residential zone. The granting of this variance may confer upon this applicant a special privilege that is denied by this chapter to other land, structures, or buildings in the same district.

- (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 utility boxes, tree plantings and fencing were all installed prior to 2014 when the applicant purchased the property, so the difficulties were created prior to the applicant's ownership.

- (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.*

Applicant has made the argument that granting this variance would be acceptable to the neighbors and has included several emails in support of the project. The applicant also argues that the shed and use of wood for home heating supports the use of renewable

energy resources and that the roof would be sloped to encourage water run off to gardens in the front yard to conserve water and beautify the neighborhood.

(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.

There is some individual hardship that will be suffered by the applicant as a result of denial of this variance in trying to locate the wood shed elsewhere, especially as construction has already started however balanced against that is the rights of adjacent property owners and as to whether this would affect their property values, remains to be seen.

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

Another possibility is for the applicant to locate the shed in the rear yard and place a gate on the side of the fence for delivery.

STAFF RECOMMENDATION

Staff recommends the Zoning Board of Appeals **deny** the variance request to permit a wood shed in the front yard of 719 E Cross:

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

Cynthia Kochanek
Associate Planner, Community Development Division

c.c. File
 Applicant



City of Ypsilanti
Planning & Development Department

**Non-refundable
Planning Fee:**
\$200

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

Date: _____

VARIANCE APPLICATION

DIMENSIONAL OR OTHER NON-USE: SINGLE FAMILY RESIDENTIAL

Applicant*

Name CHUCK TOMBEAU		
Address 719 E. CROSS		
City YPSILANTI	State MI	Zip 48198
Phone / Fax 734-546-2141		E-Mail MR. CHARLES ROCK@gmail.

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

Property

Name of project WOOD SHED	
Address 719 E. CROSS	
List all parcel identification numbers included in development: 11-11-03-371-017	
Legal description of property (may be attached): attached	
Current Zoning: R1 - Single-Family Residential	Current Use: Single-Family Residential
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 The proposed project is a woodshed, consisting of 2 structures joined by a cupola with a steam engine bell and caboose weather-vane. The structures have walls on three sides with adequate ventilation to dry wood use in a wood-fire stove which heats this home.
--

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

Chapter 122 article VII section 122-253(c) and 122.VII.253(a)

How the proposed project is contrary to ordinance:

The ordinance does not allow accessory buildings in the front yard. (253(c)) The ordinance requires a 25-foot setback. (253(a)) The proposed structure would be in the front yard with a setback of 10 feet 10 inches.

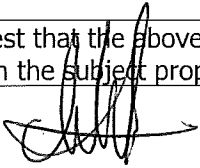
Practical difficulties which prevent compliance:

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

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:

8/26/15

Print Name:

CHUCK TOMBEAU

To heat the home for a season requires 3-4 cords of wood, which occupies 384-512 cubic feet. The woodshed keeps the home-heating fuel well-organized and protected from the elements to allow for clean and safe use in home heating. The wood shed cannot be located in the back yard because it is not feasible to deliver the wood to that location. Access is blocked for truck delivery by utility access boxes (see drawing), existing fencing and trees (trained apple trees and magnolia). Delivery aided by wheelbarrow is also not feasible due to steps and fencing at the entrance to the backyard. The woodshed cannot be constructed in the street side yard because of existing trees with root structures that prevent proper installation of posts for a stable and sound woodshed. The low branches of these trees would also interfere with the woodshed roof. The opposite side yard is only 7'9" so does not allow for proper setback. Requesting a side yard variance would put the woodshed adjacent to the neighbor's driveway, which is less desirable than the front yard where it is away from the neighbor's property. For these reasons, the front yard is the most suitable place to build the woodshed. This project is conceived in the spirit of both the history of Ypsilanti, incorporating bell and weathervane elements that connect to the railroad heritage of the community, and the future of Ypsilanti, with sustainability and DIY values at the forefront. The woodshed supports the use of renewable energy resources and the structure is designed with roof slopes that will encourage rainwater run-off to gardens in the front yard to conserve water and beautify the neighborhood. The response from neighbors to the front yard wood storage has been positive, including many pleasant conversations with passerby from diverse ages and backgrounds. I also attach letters from (Mackenzi Rettie, Catherine & Mary Mullalond, Jamie VanEffin & Carrie Gorga and Josh Sweeney) affirming their support for the project.



Chuck Rock
<mr.charlesrock@gmail.com>

Firewood Structure Support

2 messages

Mary Mullalond
<teammullalond@me.com>

Mon, Aug 24,
2015 at 9:41
AM

To: mr.charlesrock@gmail.com

Hi Chuck,

Please find a message below in support of your fire wood shelter.

Good luck!

Catherine & Mary

To whom it may concern:

We are writing in support of our neighbor, Chuck Tombeau, and his front-yard firewood shelter. As

homeowners in the East Prospect Park neighborhood since May 2011, we feel Mr. Tombeau's front-yard structure is completely in keeping with the look and feel of the neighborhood which includes many front-yard gardens, front-yard fences, and prominent children's play structures. Mr. Tombeau's firewood shelter is constructed with great care and deliberation, meant to enhance the aesthetics and functionality of his property. We fully support his front-yard firewood shelter.

Sincerely,

Catherine & Mary Mullalond
844 Helen St
Ypsilanti, MI 48198

Chuck Rock

<mr.charlesrock@gmail.com>

Mon, Aug 24,
2015 at 8:45 PM

To: Mary Mullalond <teammullalond@me.com>

thanks so much

[Quoted text hidden]



Chuck Rock
<mr.charlesrock@gmail.com>

Woodshed

2 messages

Jamie VanEffen
<popsdinners@gmail.com>

Mon, Aug 24,
2015 at 10:30
AM

To: mr.charlesrock@gmail.com

To Whom It May Concern:

Our family fully supports Chuck and his woodshed.
We have lived here for over 11 years, and find it no
different than any other structure in our
neighborhood.

Please feel free to contact us at [\(734\) 276-1993](tel:(734)276-1993)
with any questions.

Thank you,

Jamie VanEffen and Carrie Gorga
718 Oak St

Janet <janetnelsonatattoo@gmail.com>

Tue, Aug 25,
2015 at 5:41
PM

To: Janet Nelson <janetnelsonatattoo@gmail.com>

my name is Josh Sweeney i live at 808
E.Cross . I've talked with my neighbor Chuck
about his plans to build a wood shed in his front
yard it sounds like a solid plan and in my opinion
it would be a nice touch to the street . I hope the
city will allow him to complete this project .

best regards , Josh



Chuck Rock
<mr.charlesrock@gmail.com>

in favor of wood shed

2 messages

Ginette Golembiewski
<ginnyleighg@yahoo.com>

Tue, Aug 25,
2015 at 10:15
PM

Reply-To: Ginette Golembiewski
<ginnyleighg@yahoo.com>
To: "mr.charlesrock@gmail.com"
<mr.charlesrock@gmail.com>

To Whom it may Concern,
I am a neighbor of Charles Rock. My name is Ginette Golembiewski and my partner is Dan Blades. We have lived for three years at the address 501 Osband, Ypsilanti 48198. The structures that are being built to hold wood on Mr. Rock's property look great and add a nice feeling to the neighborhood, he should be able to keep them.

Sincerely,
Ginette Golembiewski

Chuck Rock

<mr.charlesrock@gmail.com>

Tue, Aug 25, 2015

at 10:25 PM

To: Ginette Golembiewski <ginnyleighg@yahoo.com>

You are an ace thanks

Sent from my iPhone

[Quoted text hidden]



Chuck Rock
<mr.charlesrock@gmail.com>

My neighbor's wood shelter

2 messages

Justin ONeill (MW CRB)
<Justin.ONeill@wholefoods.com>

Wed, Aug
26, 2015
at 8:44 AM

To: "mr.charlesrock@gmail.com"
<mr.charlesrock@gmail.com>

Hello,

I'm writing a testimonial regarding my neighbor Charles Rock's wood shelter. His address I'm unsure of, but he lives on the corner of E. Cross St and Osband in the East Prospect park neighborhood of Ypsilanti. I live 2 houses down at 815 E. Cross St.

I heard through the grapevine that the city was taking issue with the wood shelter he is in the

process of building in his front yard. I just wanted to say that my wife and I have absolutely no issue with the structure. In fact, we think adds a nice rustic feel to the neighborhood, gives the yard and street a little more character, and we find it to be a neat, attractive, DIY wood shelter. I'm not sure if this will have any pull with the powers that be in the city, but I hope you will take this testimonial into consideration when making a decision on the future of this structure.

Thank you.

Justin O'Neill
815 E. Cross St
Ypsilanti, MI

Chuck Rock

Wed, Aug 26,



Chuck Rock
<mr.charlesrock@gmail.com>

Regarding the wood cover being built at the home of Chuck Rock

2 messages

Mackenzi Rettie
<mackenzikaren@gmail.com>

Sun, Aug 23,
2015 at 3:24
PM

To: chuck rock <mr.charlesrock@gmail.com>

To whom it may concern,

I had the pleasure of meeting my neighbor Chuck Rock this past spring. We have had many conversations, including his plans for the wood that he has been collecting and stacking on his corner lot. I find that the small wooden structure he recently started building is easy on the eye, in no way blocks the street view in any direction, and seems a perfect way to store his wood and keep it dry. Several other neighbors have asked me why he quit working on it, as they were also looking forward to seeing its completion. What Chuck is

building makes perfect sense to me and in no way detracts from the neighborhood. I applaud his efforts and hope to see this project finished soon.

Mackenzi Karen Rettie
831 Helen St.
Ypsilanti, MI 48198
[734-487-4029](tel:734-487-4029)
mackenzikaren@gmail.com

Chuck Rock

<mr.charlesrock@gmail.com>

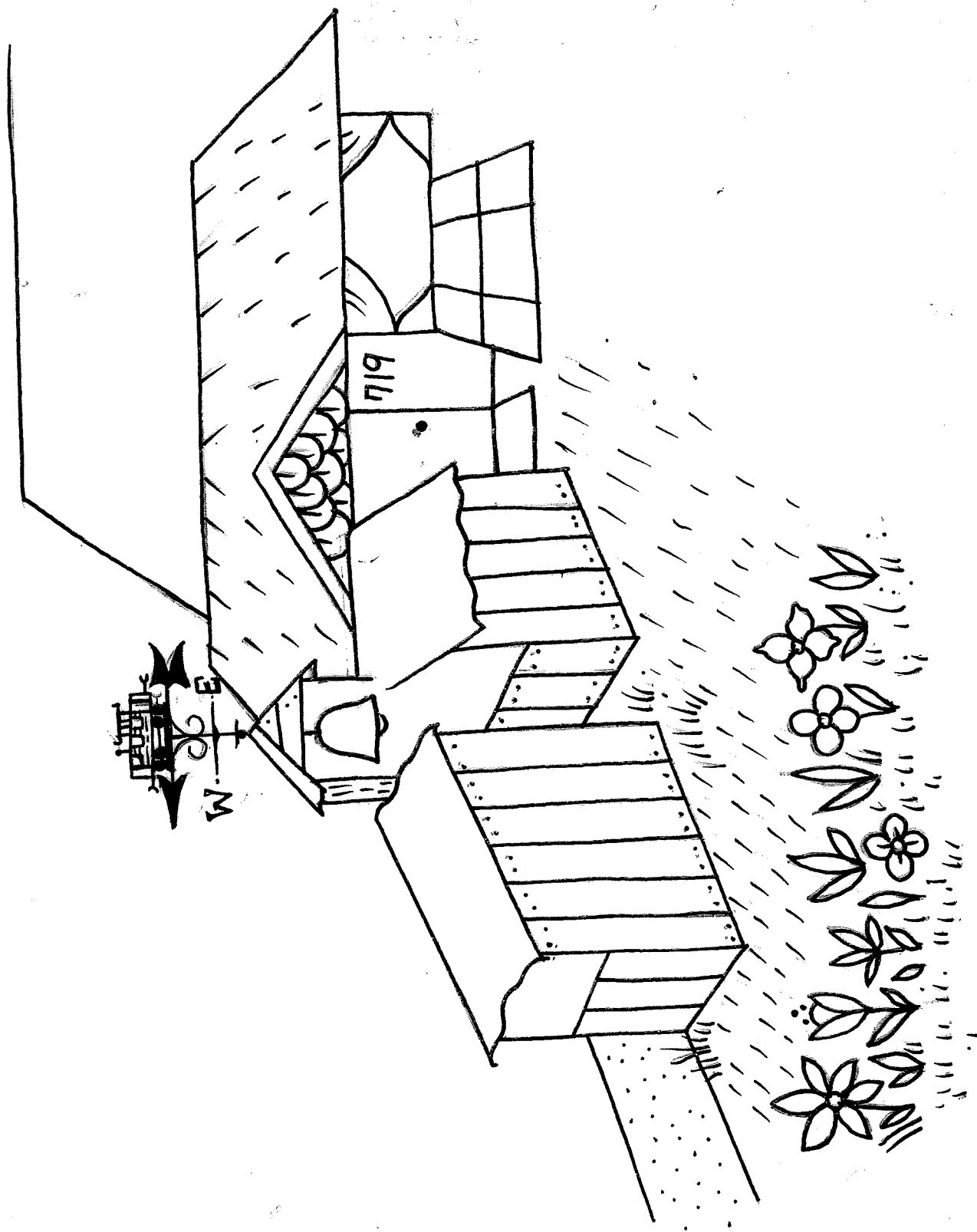
Sun, Aug 23,
2015 at 5:27 PM

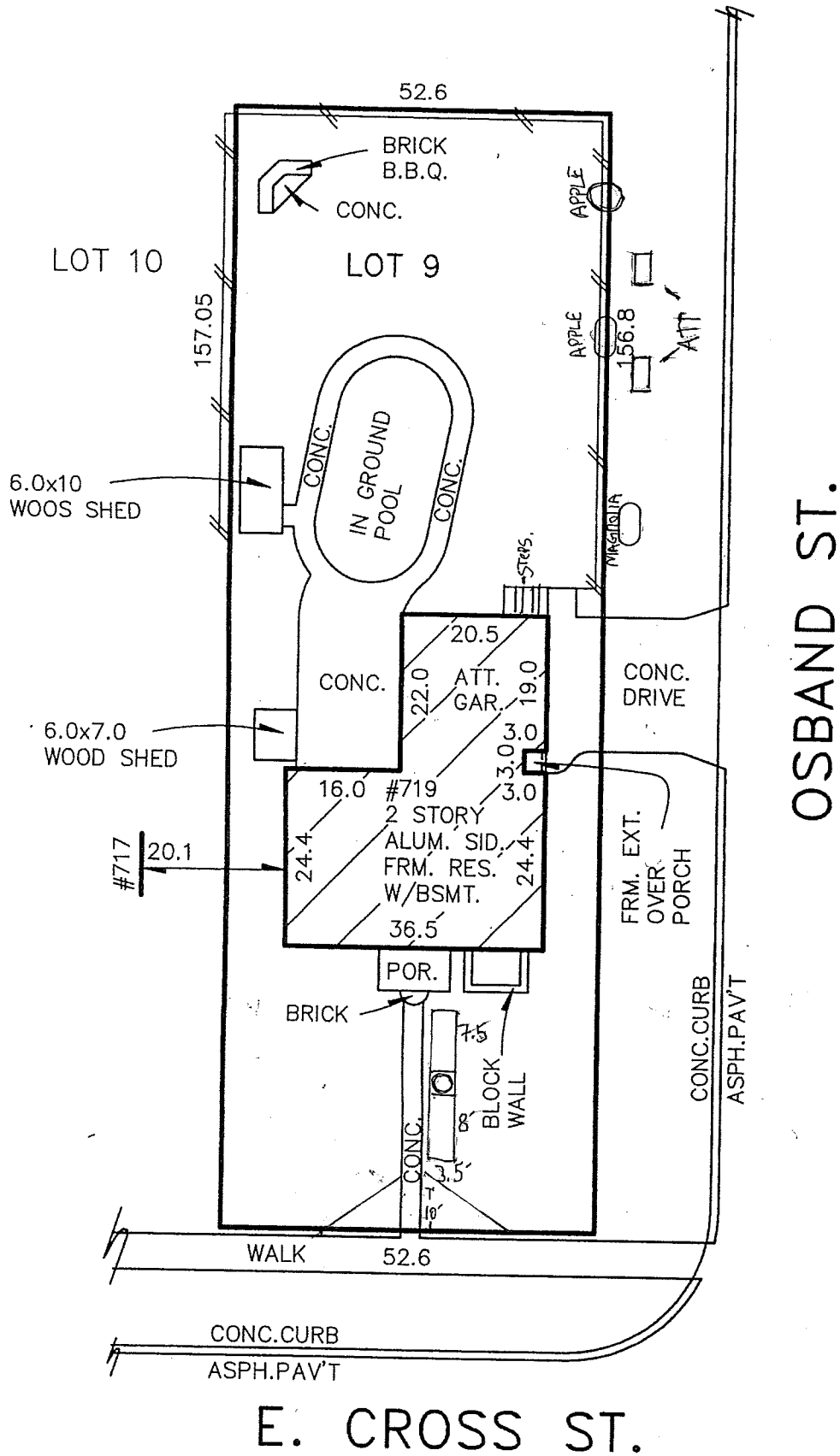
To: Mackenzi Rettie <mackenzikaren@gmail.com>

Thanks so much !

Sent from my iPhone

[Quoted text hidden]





TO: FRANCES McMULLAN
CITY CLERK

I WILL BE UNABLE TO ATTEND
THE HEARING, BUT WOULD LIKE TO
COMMENT.

THAT PROPERTY AT 719 E. CROSS ST.
IS NOT ONLY AN EYE SORE, BUT
IF ALLOWED TO CONTINUE, WILL
NO DOUBT DECREASE PROPERTY VAL-
UES IN THE AREA. IF THAT IS
ALLOWED TO CONTINUE, WHAT WILL
WE ALLOW NEXT? I AM AGAINST
THE VARIANCE!

CLYDE CAWILL
819 E. CROSS
YPSILANTI, MI 48198

Clyde Cawill