

1. Zoning Board Of Appeals Meeting Agenda

Documents:

[01- ZBA AGENDA 6-27-18.PDF](#)

2. Zoning Board Of Appeals Meeting Packet

Documents:

[ZBA MEETING PACKET 6-27-18.PDF](#)

Agenda
Zoning Board of Appeals
Wednesday, June 27, 2018 - 7:00 P.M.
City Hall-Council Chambers, 1 S Huron St
Ypsilanti, MI 48197

I. Call to Order

II. Roll Call

Jake Albers, Chair	P	A
Cisco Garcia, Vice Chair	P	A
Heather Khan	P	A
Jennifer Symanns	P	A
Jared Talaga	P	A
Tom Roach	P	A

III. Approval of Minutes

- May 23, 2018

IV. Purpose of Meeting

V. Old Business

- None

VI. New Business

- 32 Photo- Variance
Public Hearing
- 831 Oak- Variance
Public Hearing
- Elections

VII. Adjournment

Agenda
Zoning Board of Appeals
Wednesday, June 27, 2018 - 7:00 P.M.
City Hall-Council Chambers, 1 S Huron St
Ypsilanti, MI 48197

I. Call to Order

II. Roll Call

Jake Albers, Chair	P	A
Cisco Garcia, Vice Chair	P	A
Heather Khan	P	A
Jennifer Symanns	P	A
Jared Talaga	P	A
Tom Roach	P	A

III. Approval of Minutes

- May 23, 2018

IV. Purpose of Meeting

V. Old Business

- None

VI. New Business

- 32 Photo- Variance
Public Hearing
- 831 Oak- Variance
Public Hearing
- Elections

VII. Adjournment

**ZONING BOARD OF APPEALS
MEETING MINUTES
May 23, 2018
CITY COUNCIL CHAMBER
7:00 P.M.**

I. CALL TO ORDER

The meeting was called to order at 7:00 pm.

II. ROLL CALL

Present: J. Albers, C. Garcia, H. Khan, J. Symanns, J. Talaga

Staff: C. Kochanek, Preservation Planner
Nan Schuette, Executive Director

III. APPROVAL OF MINUTES

Commissioner Khan moved to approve the minutes of January 24, 2018 with correction (Support: C. Garcia) and the motion carried unanimously.

IV. PURPOSE OF MEETING

Chairman Albers stated the purpose of the meeting.

V. OLD BUSINESS

None

VI. NEW BUSINESS

1. 528, 530 and 534 N. Huron – Variances
 - Front Setback
 - Parking Setback
 - Commercial Frontage Requirements
 - Primary entrance facing street

The staff presentation was made by Preservation Planner Kochanek who stated this is a request for approval of a variance from Sec. 122-477, requiring adherence to commercial frontage standards to permit 3% transparency on Huron, a distance from ground to window of greater than 2.5', and a distance between openings of greater than 2' and Sec. 122-607(s) requiring that the building entrance face the street.

The total for the three parcels is 0.434 acres; this includes 528 N. Huron, 530 N. Huron and 534 N. Huron, parcels #11-11-40-105-029, 11-11-40-105-021 and 11-11-40-105-022. These parcels are on the southeast corner of the intersection of N. Huron and W. Forest Ave with frontage on N. Huron and W. Forest. There is an existing 1,200 sq. ft. commercial building at 530 N. Huron that partially encroaches on the 528 N. Huron parcel and a 2,700 sq. ft. commercial building on the 534 N. Huron parcel. The existing building has no window/door openings on the W. Forest St side and no window openings on the N. Huron St side with an angled entrance door at the southwest corner of the building.

Zoned NC-neighborhood Corridor, the applicant is proposing a 3,520 sq. ft. addition to the existing 2,774 sq. ft. building for a total of 6,294 sq. ft. at the northwest corner of the parcels. The plans also call for a demolition of the existing 1,200 sq. ft. structure at 530 N. Huron. Parking is proposed to the south of the structure with the entrance off the parking lot on the south side of the building, a variance from Sec. 122-607(a), requiring that the building entrance face the street. The building is addressed to N. Huron with frontage on both N. Huron and W. Forest. The proposed structure also does not comply with the required commercial private frontage required in Sec. 122-477 and fully listed Sec. 122-484 as it has only 3% ground floor transparency on the N. Huron Side, not the required 60% and no transparency on the W. Forest side of the building. The distance between openings is proposed at 2.5' up to 24.5' when the max is 2' and the height to the bottom of the window is 6' rather than the required 2.5'.

This application was tabled at the April 18th Planning Commission meeting in order to provide for applicant to seek the variances necessary for the proposed plans. There are a total of four variances that the applicant is seeking, two are addressed on one review and two on a subsequent review. Staff noted that the three parcels will need to be combined in order to accommodate the proposed use as a parking lot which cannot be a primary use in Neighborhood Corridor.

Staff reviewed all the applicable standards and sections for variances. Staff is recommending denial on the variances for commercial frontage and building entrance on street.

Staff went on to review the remaining two variances; one from Sec. 122-683, requiring a 10' setback of parking from neighboring lots, to permit a 3' setback and another from Sec. 122-477, requiring a street setback of between 5-15'.

Zoned NC-neighborhood Corridor, the applicant is proposing a 3,520 sq. ft. addition to the existing 2,774 sq. ft. building for a total of 6,294 sq. ft. at the northwest corner of the parcels. The plans also call for a demolition of the existing 1,200 sq. ft. structure at 530 N. Huron. Parking is proposed to the south of the structure adjacent to the building and the 3-unit residence to the south on N. Huron. The existing structure is nonconforming in regards to street setbacks on the N. Huron and W. Forest street sides; only the N. Huron St side is an expansion of the existing nonconforming setback thus the applicant is looking for a variance from Sec. 122-477 which requires a 5'-15' setback. The applicant is also proposing parking at a 3' setback instead of a 10' setback from the neighboring lot, an exception to Sec. 122-683(d).

Staff reviewed the standards and recommended denial on the street setback and tabling of the parking lot setback as the Planning Commission may choose to waive this requirement in whole or in part with a finding that the lot shares a common access and common parking with the adjoining lot, or that storm water, landscaping, and other similar concerns have been adequately addressed with other methods.

She gave a brief summary for benefit of the board. Some questions arose regarding the minimum variance, which she detailed. Commissioner Khan asked if the Planning Commission had provided input on the design of the proposed building. Ms. Kochanek explained that the design would have to go before the Planning Commission as well as the Historic District Commission for types of materials proposed.

Commissioner Talaga moved to open the public portion of the hearing (Support: H. Khan) and the motion carried unanimously.

Tom Tamou, 3102 Farmdale Dr, Sterling Heights- is asking for help with this project. They are in the business of running a party store and safety is important for his customers, employees and avoiding break-ins. They are asking for these variances because they are needed in order to make the business work, i.e. layout of the building, equipment location, etc. They have been working on this project for approximately two years, re-doing numerous drawings for what will work for both the City, the Historic District and what works for this business, too. Everything here has to do with the business plan. The setback is going to interfere with the building and the parking. Both businesses are going to be in one building. The lighting will be kept on the property and there will be a 6' fence on the property which will contain any trash and light on the property. He reviewed the overall plans for the property with ZBA members. He has contacted the neighbors and they are very comfortable with the proposed building and fence. The setback is very important for them. It is his opinion that windows are not necessary since this is not an apparel shop where showing goods is important.

Commissioner Symanns confirmed with staff that this plan does not conform to our standards regarding windows, door, etc. to which Ms. Kochanek agreed. She also stated that the door should be on the N. Huron side or could be on an angle as it is currently, if the board agrees.

Joe Novitsky, Architect, 12 Mile, Berkeley, MI – working with the owner on this project. He stated there is not another commercial building close by in the area. In the context of the ordinance, the ordinance has been written with an overlay. That overlay is in the Historic District and while we truly respect the Historic District, this is an island within an overlay that doesn't exist. We are asking for the variances because it does not make sense for this specific business in this location. We are asking for this to make it a viable and successful business.

Commissioner Talaga moved to close the public portion of the hearing (Support: C. Garcia) and the motion carried unanimously.

Commissioners decided to address each variance request separately. After some discussion, Commissioner Talaga moved to approve a 2' variance request to permit the building addition to encroach on the street setback requirement in Sec. 122-477 at 528-534 N. Huron with the following findings:

1. The alleged practical difficulties on which the variance request is based has not been created by any person presently having an interest in the property.
2. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.

The motion was supported by Commissioner Symanns and carried unanimously.

Chairman Albers stated that it is his opinion that since the Planning Commission has the authority to make a determination on this issue, it is his thought that to let them do it based on whatever new information they would have as a result of this meeting. The other members were in agreement.

Commissioner Garcia moved that the Zoning Board of Appeals table the variance request to permit the parking within the 10' setback from neighboring lots as required in Sec122-683 back to the Planning Commission as the Planning commission may choose to waive this requirement in whole or in part with a finding that the lot shares a common access and common parking with the adjoining lot, or that storm water, landscaping, and other similar concerns have been adequately addressed with other methods.

The motion was supported by Commissioner Talaga and carried unanimously.

Commissioner Garcia confirmed with staff that any new building has to meet the requirement of windows, to which Ms. Kochanek agreed. Commissioner Symanns stated that it is her opinion that this building should not be compared to the gas station that was expanded on Washtenaw. Commissioner Talaga stated that it does not conform and if we are trying to create a walkable community, and there are residential units in the area, it should have windows. More discussion was held on the necessity of windows and it was the consensus that windows should be required. There was some discussion on how transparent windows would have to be; if windows could be built but yet be blacked-out. Ms. Kochanek was unsure if there was anything in the ordinance that would or would not allow some type of film over windows.

Commissioner Garcia moved that the Zoning Board of Appeals deny the variance request to permit a variance from Sec. 122-477, requiring adherence to commercial frontage standards, to permit 3% transparency on Huron, a distance from ground to window of greater than 2.5', and a distance between openings of greater than 2' at 528-534 N Huron, with the following findings:

1. The applicant has failed to show practical difficulty, as required under 122-307(b)(1).

2. The applicant has failed to show that such a variance is necessary for the preservation and enjoyment of a substantial property right enjoyed by other property owners in the same district, as required under 122-307(b)(2).
3. The applicant has failed to show that substantial justice would be done in the granting of this variance, as required under 122-307(b)(5).
4. The applicant has failed to show that this is the minimum variance that will make possible a reasonable use of the land, buildings, or structure, as required under 122-307(b)(6).

The motion was supported by Commissioner Talaga and the motion carried by a vote of 4:1. Commissioner Symanns opposed.

Chairman Albers stated that in terms of automotive traffic and no parking on Huron, having a door on Huron would not bother him but also depends on pedestrians – it is less a matter of how difficult that would be than if it actually fits into the required standards. He feels that if it should be on Huron according to the standards, then he would tend to require the door be on the front. Commissioner Symanns did not have a preference. Commissioner Talaga would like it to be on Huron but is okay with 45 degree angle and feels it would not hinder pedestrians. Commissioner Khan realized that the building will actually be bigger and might be more awkward if the door was on Huron – she continued by stating that it seems to work where it is and at that angle. Commissioner Garcia stated the angle would be fine with him – doesn't have a strong preference. Already having to remove second door but if they are building something new it should be conforming but he doesn't have a strong preference either way. Chairman Albers asked if the board was inclined to approve of the angle, if this would have to be brought back before the board. Ms. Kochanek responded that it would require a formal application to ask for the 45 degree angle.

Commissioner Talaga moved that the Zoning Board of Appeals deny the variance request to permit a variance from Sec. 122-607(a), requiring that the front entry into the building face the street to which the property is addressed at 528-534 N Huron, with the following findings:

1. The applicant has failed to show practical difficulty, as required under 122-307(b)(1).
2. The applicant has failed to show that such a variance is necessary for the preservation and enjoyment of a substantial property right enjoyed by other property owners in the same district, as required under 122-307(b)(2).
3. The granting of the variance will be detrimental to the public welfare, in that it will not aid in fostering a walkable community, per 122-307(b)(4).
4. The applicant has failed to show that substantial justice would be done in the granting of this variance, as required under 122-307(b)(5).
5. The applicant has failed to show that this is the minimum variance that will make possible a reasonable use of the land, buildings, or structure, as required under 122-307(b)(6).

The motion was supported by Commissioner Garcia and the motion carried unanimously.

VII. ADJOURNMENT

Since there was no further business, Commissioner Symanns moved to adjourn the meeting (Support: J. Talaga) and the motion carried unanimously.

The meeting was adjourned at 8:23 pm.

DRAFT



June 19, 2018

**Staff Review of Variance Application
Detached Accessory Structure Construction at 32 Photo St
32 Photo St**

GENERAL INFORMATION

Applicant: Adrienne Nickles and Janelle Sterling
32 Photo St
Ypsilanti, MI 48198

Project: Detached Accessory Structure construction at 32 Photo St

Application Date: May 14, 2018

Location: South side of Photo St, west of N River St

Zoning: HC- Historic Corridor

Action Requested: Approval of a variance from Sec. 122-651(b)(3) to permit a detached accessory structure in the front yard

Staff Recommendation: Approval

PROJECT AND SITE DESCRIPTION

Parcel # 11-11-09-131-039 is on the south side of Photo St west of N River at the end of Photo St just east of the Huron River. The parcel is 0.54 acres with frontage on Photo St. There is an existing ~2,046 square foot structure on site with one existing accessory structure, a shed, on site.

The applicant is looking to add a garage to the site in the front yard, at the end of Photo St. The structure is addressed to and faces Photo St. Staff determined that the area just west of Photo St, where the applicant is proposing to build a detached garage, is in the front yard thus the need for a variance from Sec. 122-651(b)(3). The lot is a non-traditional lot in that it has a substantial front yard due to how the structure is oriented on the site and where Photo St. ends. There is very little rear yard on the property and the only other option for a location in which to build the detached accessory structure is in the side yard to the west of the structure creating the need for a substantial driveway in which to access the garage.

Figure 1: Subject Site Location

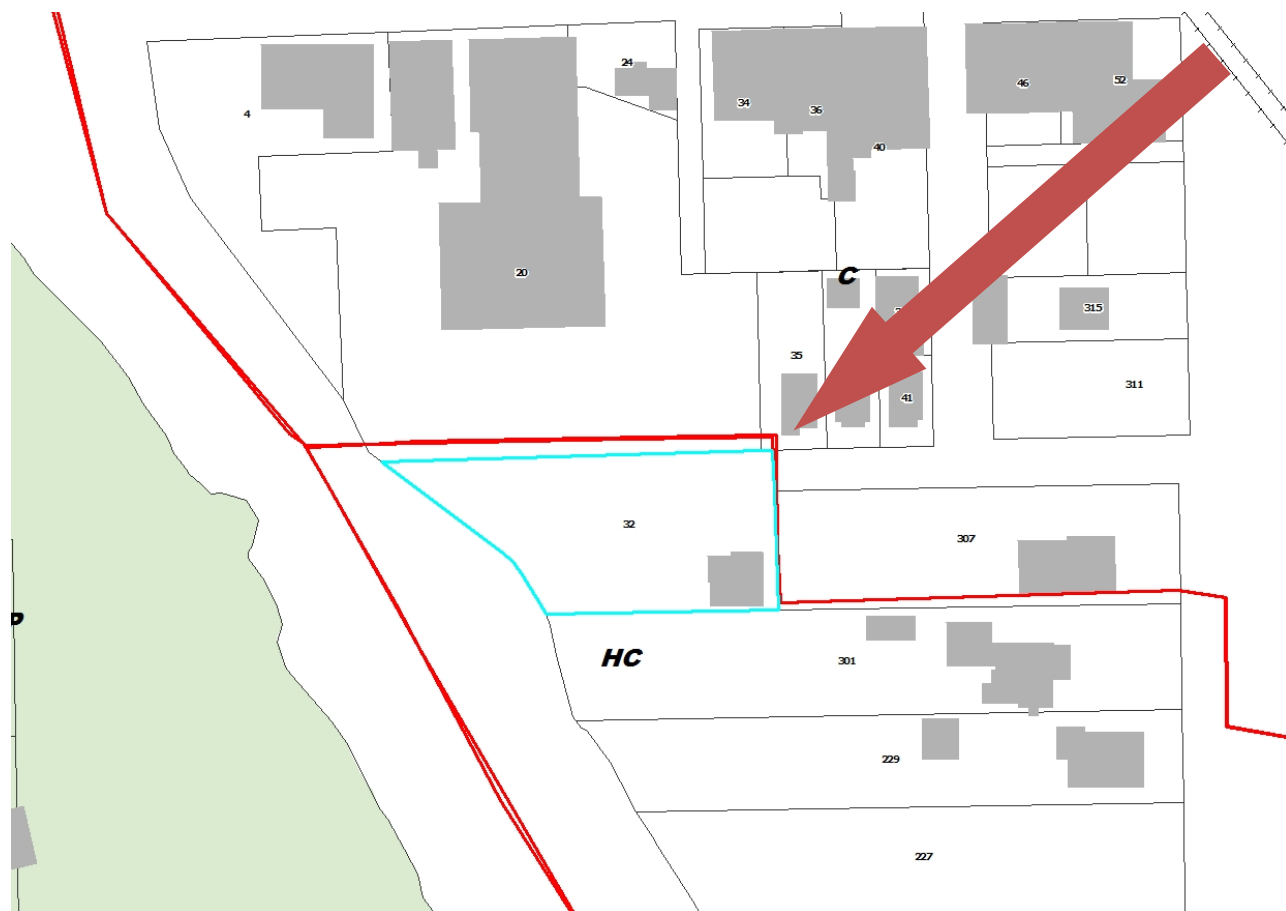


Figure 2: Site Close-up (2015)



Figure 3: photograph of structure, south of Photo St.



Figure 4: photograph of potential site, front yard west of the end of Photo St



Figure 5: Land Use and Zoning of Surrounding Area

	LAND USE	ZONING
NORTH	Commercial; retail/restaurant	C-Center
EAST	Single family homes & Coffee House and Parking lot	C-Center
SOUTH	Multi- family homes/vacant lot	HC- Historic Corridor
WEST	Huron River & Riverside Park	P-Park

ORDINANCE

§122-651(b)(3)

Sec. 122-651. General standards for accessory structures.

- (a) Attached Accessory Structures. Where an accessory structure is attached to and made a part of the principal building (excluding breezeways or canopies), such accessory structure must comply in all respects with the requirements of this chapter applicable to the principal building.
- (b) Detached Accessory Structures. The following standards, unless otherwise stated in this chapter, govern all detached accessory structures. A "detached accessory structure" is one which is not attached to the principal structure; however, a breezeway or other enclosed or roofed over connecting way may connect the principal structure to an accessory structure provided that such breezeway or connecting way does not exceed eight feet in width and does not exceed the height of the accessory structure. Detached accessory structures include, but are not limited to, garages, sheds, toolhouses, swimming pools, tennis or basketball courts or other recreational equipment.
 - (1) Building permit. No accessory structure may be erected, moved, altered, or razed until a building permit has been obtained from the Building Department.
 - (2) Height. The maximum height for a detached accessory structure must be 15 feet; except in the PMD district, in which accessory structures may be constructed equal to the permitted maximum height of structures in such district, subject to Planning Commission review and approval.
 - (3) Location. All detached accessory structures must be located in rear yards or side yards. On corner lots, detached accessory structures cannot be located in the required street side yard setback. In no instance may an accessory structure be located within a dedicated easement.
 - (4) Setback and ground coverage requirements. All detached accessory structures must meet the setback and ground coverage regulations for the underlying zoning district and, if applicable, building type.
 - (5) Architecture/siding. The architectural character of all accessory buildings must be compatible with that of the principal building. All accessory buildings in all zones except the PMD district, must be sided and roofed with materials which are complementary with the principal building.
 - (6) Sleeping quarters. The use of any accessory building for the overnight housing of persons is prohibited, unless expressly permitted by this chapter or this Code.
 - (7) Mobile homes. Mobile homes are not permitted as an accessory use to a permitted principal use.
 - (8) Subdivision of lots. No parcel or lot may be subdivided unless and until all detached accessory buildings comply with this chapter with respect to allowable size and setback requirements for the proposed lot on which the buildings are to be located.

Figure 6: City Staff's Determination Regarding Front Yard location

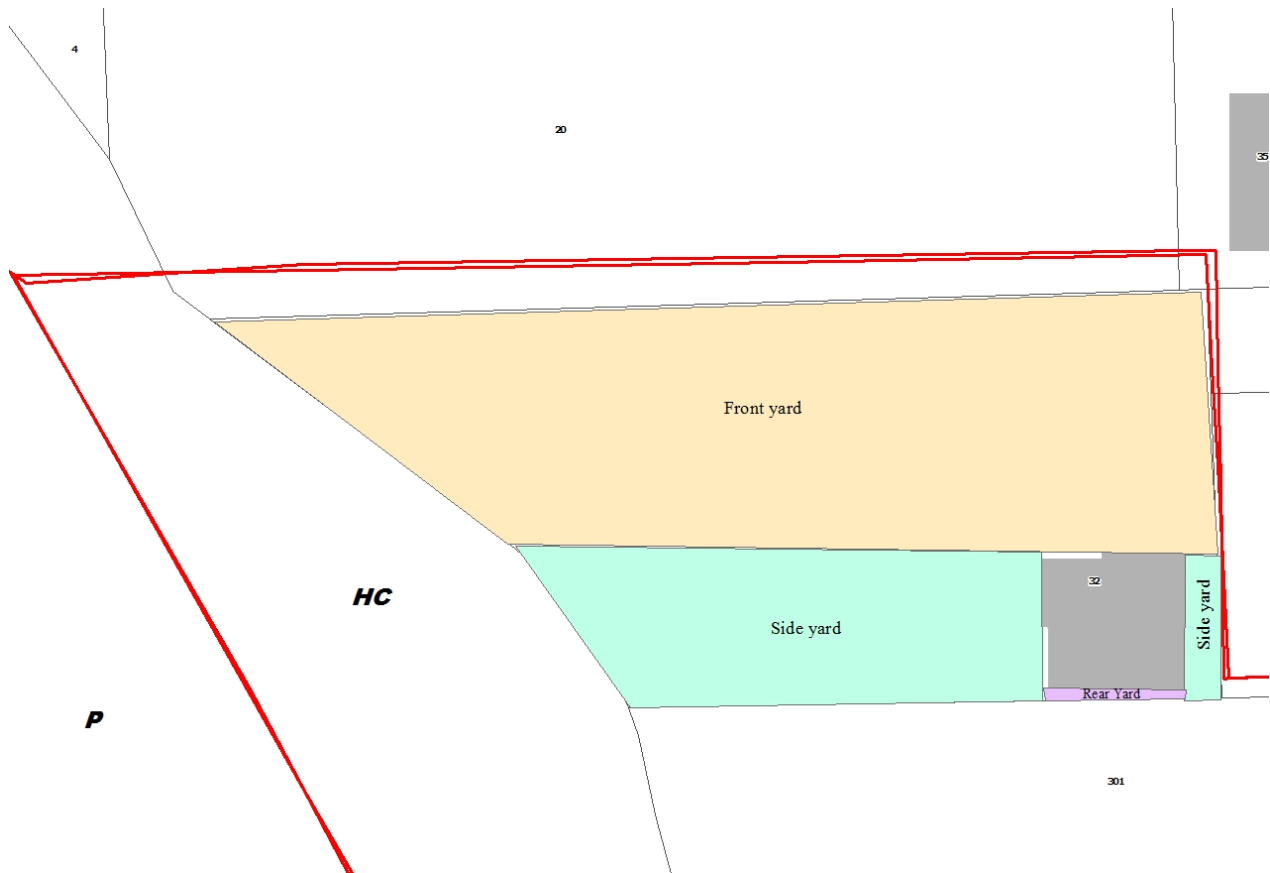
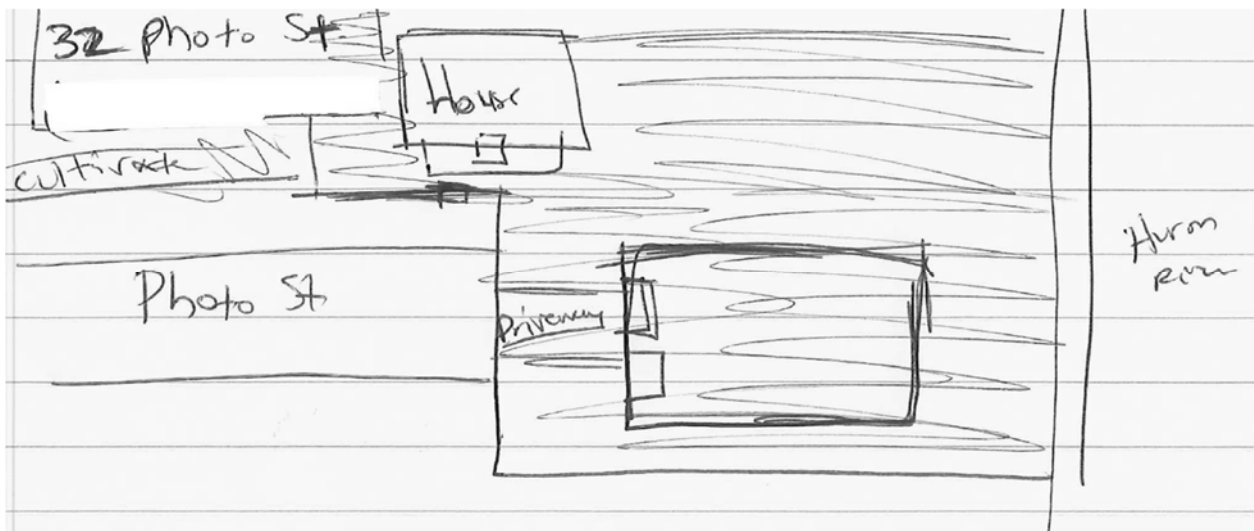


Figure 7: Applicant's site sketch (south is "up")



STANDARDS

§122-370(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 chapter will pose practical difficulties to the applicant because of special conditions or circumstances which are 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 difficulties relating to construction or structural changes on the site. Mere inconvenience or a desire to attain higher financial return shall not itself be deemed sufficient to warrant a variance.*

The applicant notes that practical difficulty is found in attempting to locate a garage on the site due to the property not being typical of residential lots. The applicant states “that the garage cannot be built behind the home, nor does it make sense to be built next to the home”. This lot is unique in that it has a substantial front yard and very little rear yard, indeed making rear yard placement impossible. The side yard on the east has no room for an accessory structure. The side yard on the west is the only other substantial area in which an accessory structure can be located. An accessory structure in the side yard on this property would require a more than 100 feet long driveway. It is also noteworthy that if the house were rotated 90° such that the entry of the house were facing eastward, this application would not be necessary. This standard is met.

- (2) Such 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 lands, structures, or buildings in the same district.*

As this lot has a substantial front yard area and is non-traditional in regards to the location and orientation of the house and setbacks, the granting of this variance will not confer upon the applicant any special privileges that is denied to others in this district. This standard is met.

- (3) The alleged practical difficulties on which the variance request is based have not been created by any person presently having an interest in the property.*

The owner did not create the existing layout on the property. The owner is simply seeking to add an accessory structure on the property in way that makes sense within the irregular layout. This standard 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.*

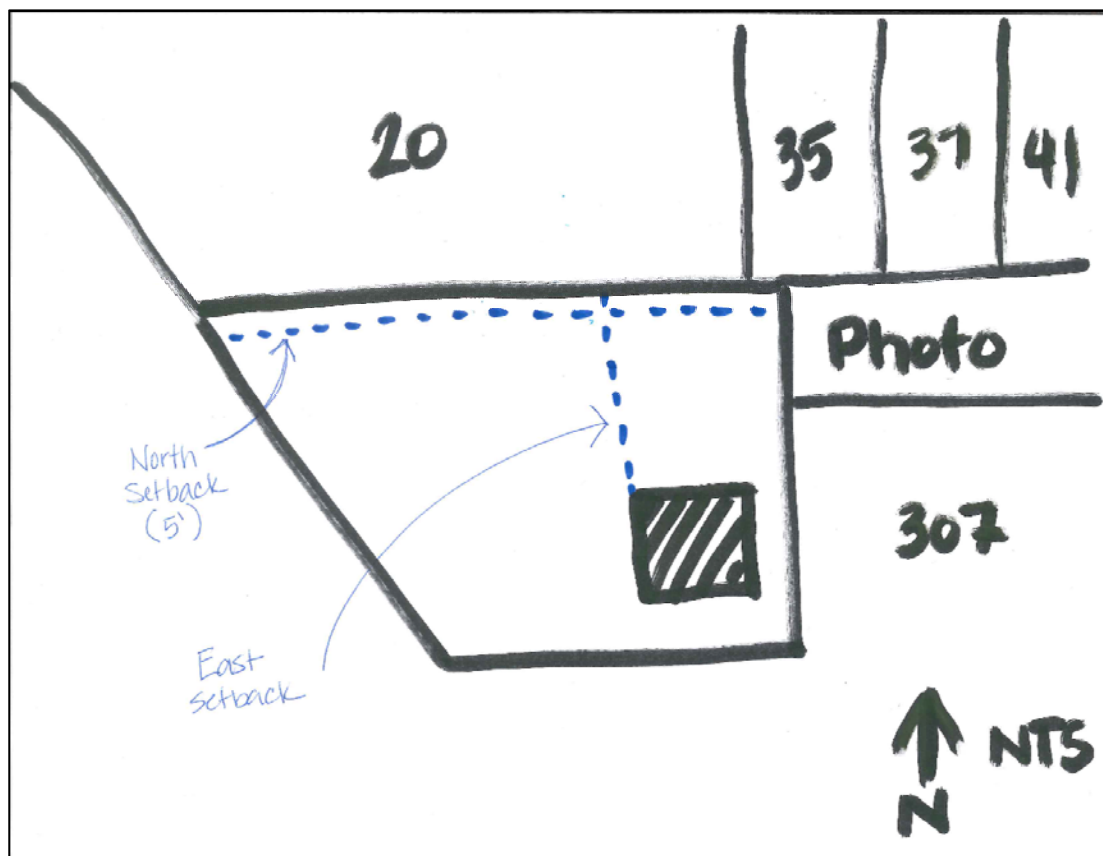
It is not expected that the granting of this variance will be detrimental to the public welfare or injurious to other property owners or improvements in the neighborhood. This standard is met.

- (5) *The allowance of the variance will result in substantial justice being done, considering the public benefits intended to be secured by this chapter, the individual hardships that will be suffered by a failure of the Zoning Board of Appeals to grant the variance, and the rights of others whose property would be affected by the allowance of the variance.*

The public benefit intended to be secured by the ordinance is the prevention of “snout houses” – houses whose primary “face” to the street is a garage. These are undesirable because they do not foster walkability, nor do they help to provide the “eyes on the street” that naturally come with the living quarters of a home (and any windows or porch) being at least flush with a garage.

As this home is already located 90° to Photo, and on the very end of a dead-end street, eyes on the street and walkability are already not an issue. Forcing this building into the side yard, between the home and the Huron River, only introduces additional impervious surfaces closer to the river and blocks the view of the river from the home.

The rights of neighboring property owners must be respected, and a setback from both the east property line (Photo Street) and the north property line (20 E Cross) could be established. Staff would recommend a 5' setback from the north property line, as would be permissible in a side yard. Staff would further recommend that the detached accessory structure be located no further eastward than the westernmost side of the house. Staff believes this standard can be met with the setbacks described.



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

The location proposed by the applicant, with the setbacks as described by staff, make possible a reasonable location for the garage. Placement of the garage in the side yard setback does not secure any additional benefit to the City or the community, increases the amount of impervious surface adjacent to the Huron River, and places an additional burden on the applicant in terms of damage to the view amenity, snow removal burden, and simply additional driving and wear and tear on vehicles. Placement of a detached accessory structure on this property improves the viability of a residential use of such a large and oddly shaped lot.

STAFF RECOMMENDATION

Staff recommends the Zoning Board of Appeals **approve** the variance request from Sec. 122-651(b)(3) to permit a detached accessory structure in the front yard at 32 Photo St, with the following findings:

1. The location of the lot and orientation of the house with respect to both Photo and the Huron River pose practical difficulty under §122-370(b)(1).
2. The granting of this variance will not confer upon the applicant any special privileges that are denied to others in this district, under §122-370(b)(2).
3. The practical difficulties on which the variance request is based have not been created by any person presently having an interest in the property, as the house was constructed in the 1920s under previous ownership, under §122-370(b)(3).
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, under §122-370(b)(4).
5. The allowance of the variance will result in substantial justice being done, considering the public benefits intended to be secured by this chapter, the individual hardships that will be suffered by a failure of the Zoning Board of Appeals to grant the variance, and the rights of others whose property would be affected by the allowance of the variance, under §122-370(b)(5).
6. This variance is the minimum variance that will make possible a reasonable use of the land, buildings, or structure, under §122-370(b)(6).

And the following conditions:

1. The detached accessory structure be set back at least 5' from the north property line;
2. The detached accessory structure be no closer to the east property line than the westernmost side of the existing house.

Cynthia Kochanek
Preservation Planner, Community & Economic Development Division

Bonnie Wessler
City Planner, Community & Economic Development Division

c.c. File, Applicant



June 20, 2018

Staff Review of Variance Application
831 Oak Detached Accessory Structure in Street Side Yard
831 Oak

GENERAL INFORMATION

Applicant:	Jared & Allyson Meeks 831 Oak St. Ypsilanti, MI 48198
Project:	831 Oak Detached Accessory Structure in Street Side Yard
Application Date:	May 19, 2018
Location:	North side of Oak, east of Osband St.
Zoning:	R-1, Single-Family residential
Action Requested:	Approval of a variance from Sec. 122-422(c)(4) to permit a detached accessory structure in the street side yard
Staff Recommendation:	Denial

PROJECT AND SITE DESCRIPTION

Parcel # 11-11-03-376-016 is on the north side of Oak St. just east of Osband St on a corner lot. The parcel is 0.163 acres with frontage on Oak and Osband in the Prospect Park area. There is an existing 1,036 square foot structure on site with a 400 square foot detached garage. City records list the garage at 280 square feet.

The applicant has added a 98 square foot detached accessory structure in the street side yard. The accessory structure is 6' in from the fence on the Osband St side, this fence appears to be inside the west side property line. The structure is 6' from the fence at the rear of the property.

Staff sent a letter to the homeowner in September 2017 after receiving a complaint and verifying that the accessory structure had been built in the street side yard. Accessory structures are not permitted to be built in the street side yard in R-1, thus the applicant is seeking a variance from §122-422(c)(4) for the structure to remain as built. Structures less than 200 sf do not require a building permit, however they must still comply with the zoning ordinance.

Figure 1: Subject Site Location

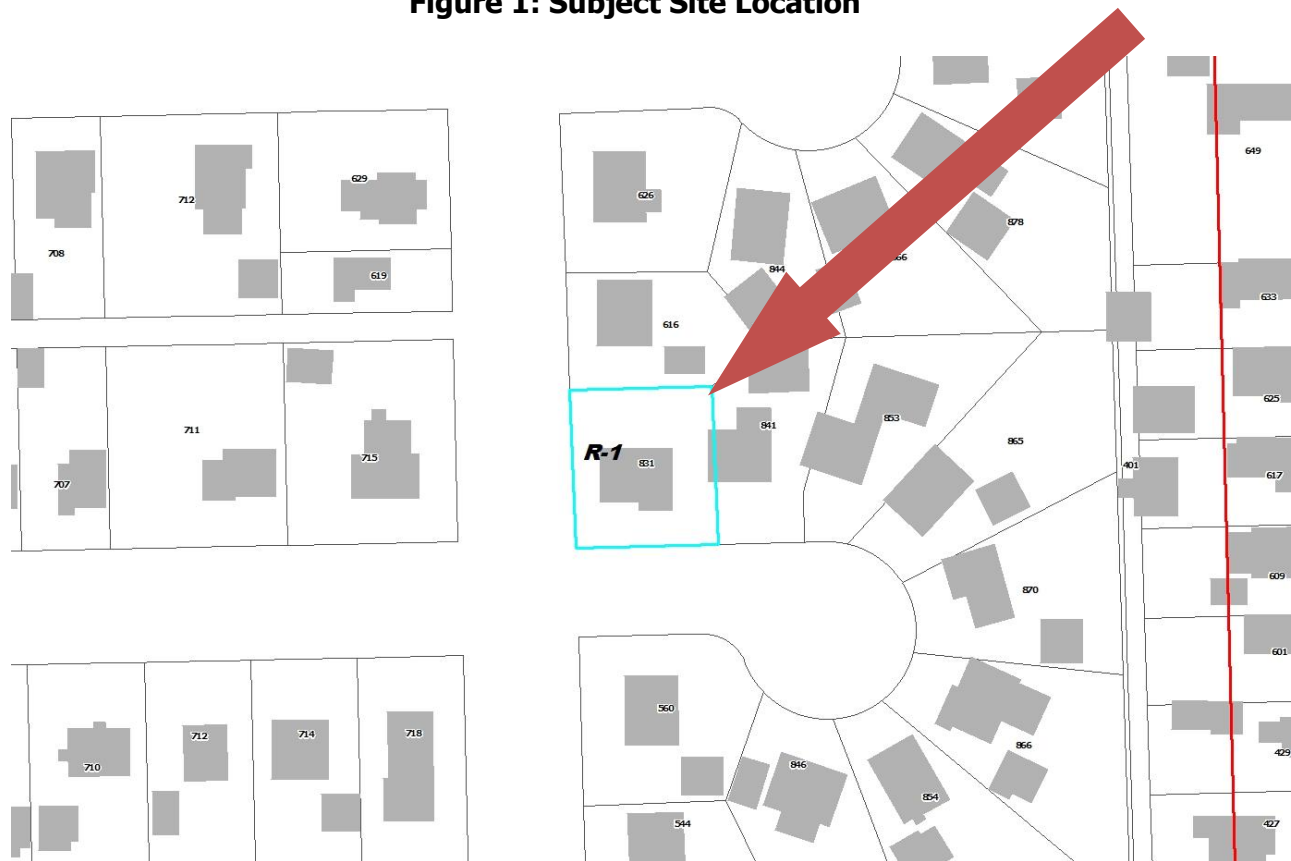


Figure 2: Site Close-up (2015)



Figure 3: photograph of site



Figure 4: photograph of site-close-up of shed



Figure 5: Site Close-up with 2 ft. contours showing elevation change

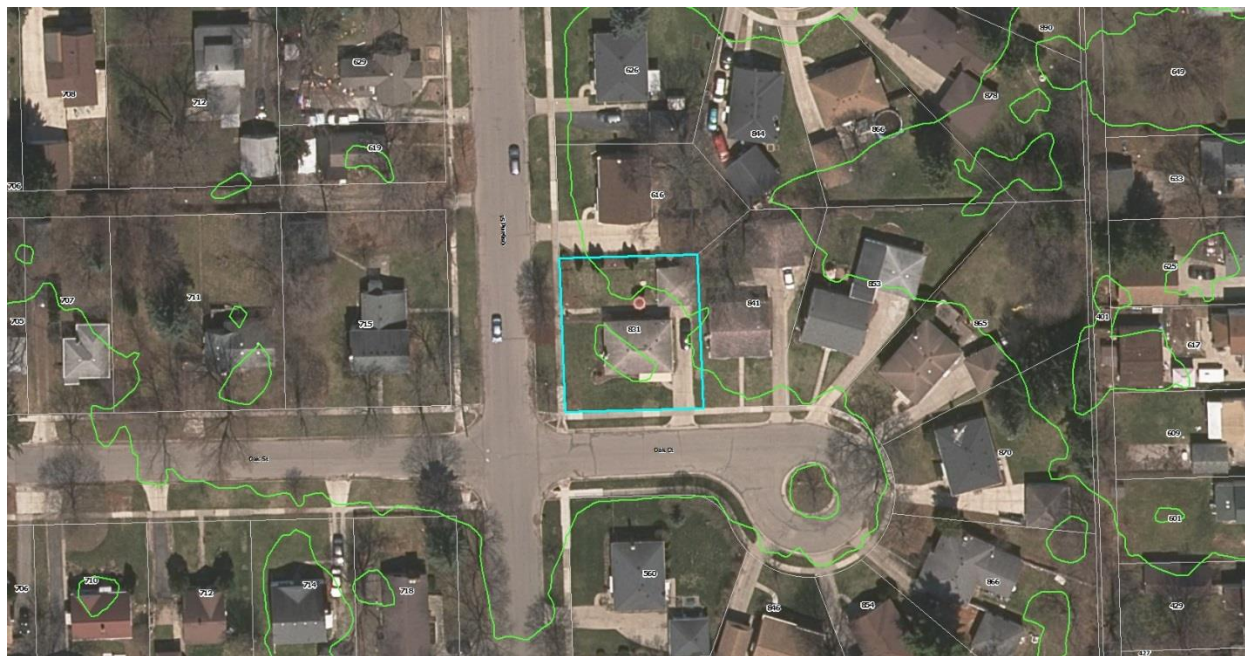


Figure 6: Land Use and Zoning of Surrounding Area

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

ORDINANCE**§122-422(c)(4)****Sec. 122-422. Non-Use and Dimensional Regulations. (R-1)**

(c) DETACHED ACCESSORY STRUCTURES

Also subject to Article VI, Division 4

(1) Height

Maximum height	15 feet	
----------------	---------	--

(2) Size of Accessory Buildings

Maximum Floor Area	The gross ground floor area of all accessory buildings must not exceed gross floor area of the ground floor of the principal structure, nor cause lot coverage regulations for all buildings and paved surfaces on-site to be exceeded.	
--------------------	---	--

(3) Fences

Front Yard	No more than 4' height and 50% opacity	• Opacity is measured by the observation of any two (2) square yard area of fence between one (1) foot above the ground level and the top of the fence. The observation is from a direction perpendicular to the place of the fence. • Subject to §122-635 • Subject to §122-675
Side, Street Side, and Rear Yards	6' height max, no opacity restriction	

(4) Buildings Accessory to Residential Uses

Front yard	Not allowed	
Side yard minimum	3 feet	1 foot if lot line abuts an alley
Street Side yard	Not allowed	
Rear yard minimum	3 feet	1 foot if lot line abuts an alley, 12 feet for a through lot
Distance from principal structure, minimum	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 buildings 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.

(5) Buildings Accessory to Non-residential uses

Front yard	Not allowed	
Side yard minimum	3 feet	1 foot if lot line abuts an alley
Street Side yard minimum	8 feet	
Rear yard minimum	3 feet	1 foot if lot line abuts an alley, 12 feet for a through lot
Distance from principal structure minimum	5 feet or minimum to comply with fire regulations and building code, whichever greater.	

STANDARDS

§122-370(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 chapter will pose practical difficulties to the applicant because of special conditions or circumstances which are 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 difficulties relating to construction or structural changes on the site. Mere inconvenience or a desire to attain higher financial return shall not itself be deemed sufficient to warrant a variance.*

The applicant notes that practical difficulty is found in attempting to locate the accessory structure in side or rear yard due to available space and elevation changes. The applicant states that after existing structures, drives and walkways are subtracted from the available square footage that there is only 845 sf of space in the rear yard and that there is no available space in the side yard due to the existing driveway and flower beds. Further, the applicant states that there is a 100 sf area in the rear yard where there is an elevation change of about 9". Figure 5 in this review depicts the approximate elevation changes in the area of the property.

While the applicant notes that there is an area of elevation change in the rear yard, there is still some area left in the rear yard in which the accessory structure could have been built. It is unclear as to whether the applicant explored other options in regards to the location of the accessory structure including the rearranging of the flower beds. The applicant has not submitted a topographic survey and grade changes are often worked around in construction. This standard is not met.

- (2) Such 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 lands, structures, or buildings in the same district.*

The applicant has argued that this site has some constraints in regards to locating the accessory structure in the required areas however this site is not unique in these constraints, in fact there are several other properties in this neighborhood that are in similar situations in regards corner lots with elevation changes and very little area in which to build an additional accessory structure, if wanted. Thus the granting of this variance may convey a special privilege denied to others in the R-1 zoning district. This standard is not met.

- (3) The alleged practical difficulties on which the variance request is based have not been created by any person presently having an interest in the property.*

The owner did not create the existing layout of the property. The applicant stated in the letter attached to the application that the accessory structure's location is a result of an incorrect reading of the zoning ordinance. This standard 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.*

As the applicant has taken care in the construction of the accessory structure, the appearance is not detrimental to the neighborhood and staff has determined that the shed is not within the visibility triangle for the northern neighbor's driveway. The shed is set back far enough on the lot, that it should not be a problem for anyone approaching the corner of Oak and Osband from the east. However the location is the issue, the reasoning behind the setback requirements for street side lots is to create a continuous street face for walkability and aesthetics. The placement of the accessory structure does create a significant break in the Osband street face continuity. This standard 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 chapter, the individual hardships that will be suffered by a failure of the Zoning Board of Appeals to grant the variance, and the rights of others whose property would be affected by the allowance of the variance.*

It is unlikely that the allowance of the variance will result in substantial justice being done. This standard 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.*

As staff has mentioned, by the applicant's own calculations, there was about 700 square feet of area in the rear yard in which this structure could have been built, and if built in the rear yard a variance would not be necessary for this accessory structure. The accessory structure could have been placed more to the east in the street side yard and while this would still require a variance for the location, it would have been less disruptive to the continuous street face. This standard is not met.

STAFF RECOMMENDATION

Staff recommends the Zoning Board of Appeals **deny** the variance from Sec. 122-422(c)(4) to permit a detached accessory structure in the street side yard at 831 Oak, with the following findings:

1. The applicant has shown insufficient practical difficulty under §122-370(b)(1).
2. It is unclear that this 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 the zoning ordinance §122-370(b)(2).
3. It is unclear as to whether the allowance of the variance will result in substantial justice being done under the terms of the zoning ordinance §122-370(b)(5).
4. This variance is not the minimum variance that will make possible a reasonable use of the land, buildings, or structure per §122-370(b)(6).

Cynthia Kochanek
Preservation Planner, Community & Economic Development Division

c.c. File
 Applicant

Supplemental materials from the applicant
831 Oak

Dear Board Members,

Hello, we are Jared & Allyson Meeks. We moved into Ypsilanti in August 2016. Since then we quickly fell in love with the quaint charm of the blue-collar neighborhood that is Prospect Park, and we've thoroughly enjoyed our time here, meeting our neighbors and making new friends. This area has an amazing sense of community and live-and-let-live that we hold close to our hearts. My wife and I grew up in the country, and when we learned that we could keep a small flock of chickens for ourselves we were delighted. We applied for, and were granted, our chicken permit soon after. Our new flock needed a home, and so I read the Zoning Ordinances, incorrectly interpreted them, and started building the Detached Accessory Structure in question today. I now know that I built the structure in the Street Side Yard rather than the Back Yard. I still feel that it stands on the best location on the property and it should remain where it stands permanently. I am hoping that this letter, along with some supporting pictures, will help to explain my story.

Attached to our Variance Application you will find several other documents. There is a scaled drawing of the lot in question. It is not the best print, for I am a mechanic and not an architect, but I hope it is sufficient to explain. It is 80' wide and 89' deep, which is 7120 sq. ft., or .163 acres.

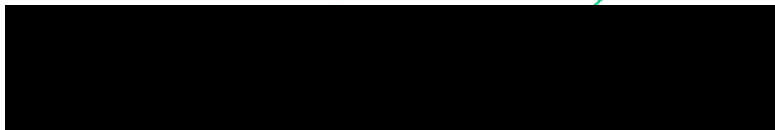
The attached Page A is an aerial view of the lot with property boundaries in pink. Page B illustrates the legal definitions of the various yards; Back to the north, Side to the East, Front to the South, and Street Side to the west. Page C is the same photo, with the built-in structures removed: the Garage, driveway, sidewalk, porch, raised flowerbeds, etc.

Page C also illustrates the lack of space this property has in the Back and Side yards. The Back Yard is technically only 1872 sq. ft. (.043 acre), however the actual usable space is only 845 sq. ft. (.019 acre) once the garage, sidewalk, and flower beds are subtracted. The Side Yard is 364 sq. ft., however it is entirely driveway, with flower beds between the driveway and the house.

You will also find several pictures of the Structure. I hope that the dedication and detail my family and I poured into it are self-apparent. It was going to have windows on the West and East sides, but after hearing that I may have to move it, I have not installed them yet, for fear of breakage.

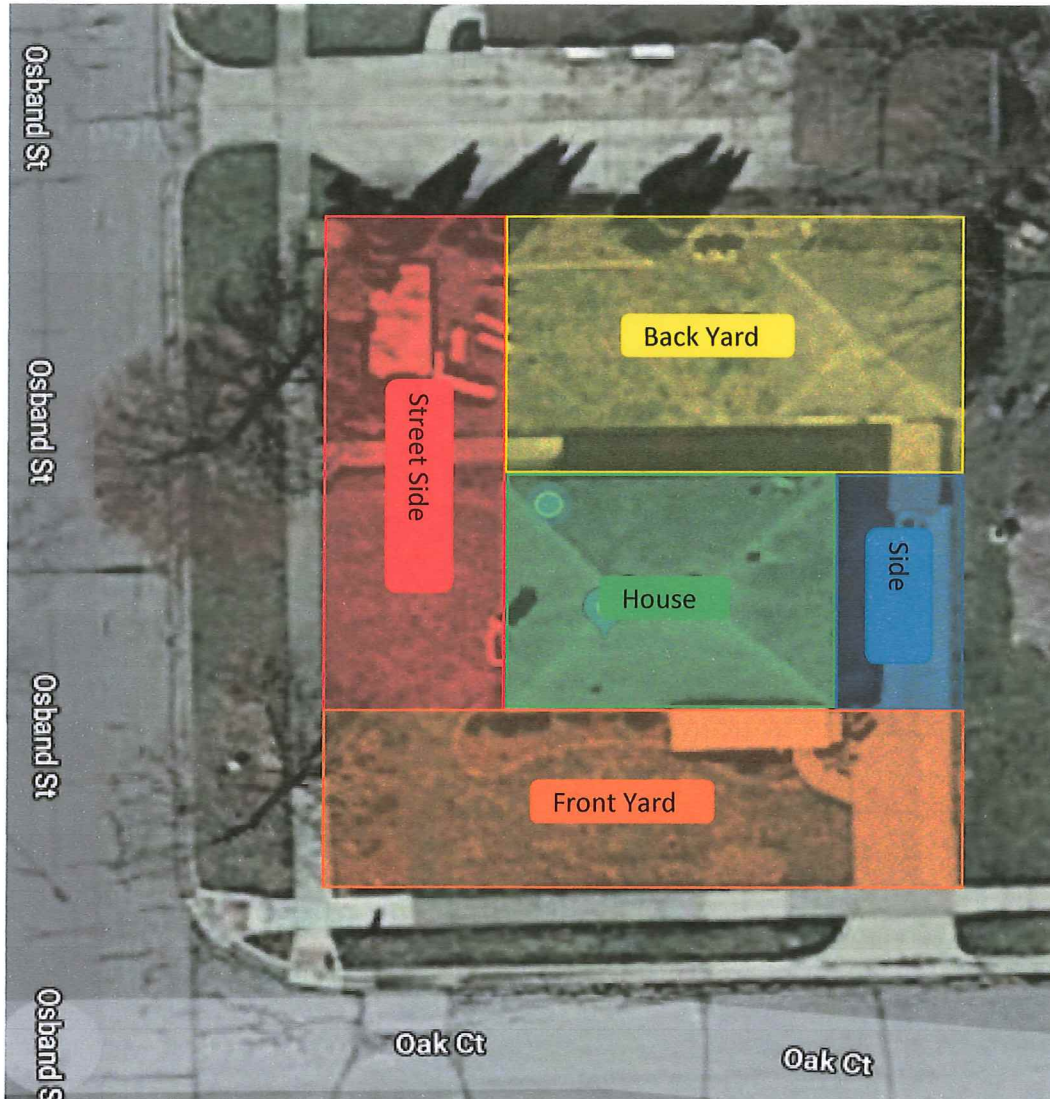
Lastly, I have attached a letter from my neighbor to the North, Catherine Rector. She has been an absolute joy to live next to, and our biggest fan. In reading her words, I hope you can see why we love our little community so much.

Thank you for your consideration,

A large black rectangular redaction box covering the signature area. A green checkmark is visible to the right of the box.

Jared & Allyson Meeks









N ↑

Osband St.

Sidewalk

F.B.

14'

7'

Detached Acc'y
Structure

F.B.

F.B.

20'

Garage

20'

F.B.

Sidewalk

Flower Bed (F.B.)

↑ Fence ↑

F.B.

28'

House

F.B.

37'

F.B.

Porch

19'

Driveway

OAK St.

S ↓

October 16, 2017

To Whom It Concerns,

I write in support of Jared and Allyson Meeks, of 831 Oak St., Ypsilanti. I understand they have been issued a citation regarding the outdoor structure Jared has built.

As his direct neighbor I can attest that the building does not, in any way, obstruct my view, or distract from my enjoyment of my neighborhood view. Further, it is not too close to my property, or in my opinion, the road, and does not inhibit my view when backing out of my driveway.

Jared has constructed an extremely well-built, attractive structure that blends with other neighborhood buildings. He and Allyson thought the project through, checking city regulations on size, they discussed the project with me, and others, to be sure there were no objections before they began.

Most impressive to me is the quality of the building. Jared constructed everything by hand + I've had a chance to watch the building go up. I doubt that any other addition in the area could compare to the quality.

Amazingly, Jared has completed the project over the summer, in record time, considering he has been working full-time, often traveling

internationally for his job, for days or weeks at a time.

What is most impressive about Jared and Allyson is their addition to our neighborhood. They introduced themselves, have been thoughtful and friendly, and have gone out of their way to help others. They are always first to lend a hand, be it trimming weeds, or shoveling a walk. The Meeks are an outstanding couple who do not deserve to be cited for a seldom-enforced violation; especially in light of other area structures that are shoddy and in violation. Jared and Allyson Meeks are to be celebrated and appreciated for who they are and all they bring to our neighborhood.

Please contact me if you would like further information.

Catherine Rector

