

1. Zoning Board Of Appeals Meeting Agenda

Documents:

[01- ZBA AGENDA 10-24-18.PDF](#)

2. Zoning Board Of Appeals Meeting Packet

Documents:

[ZBA MEETING PACKET 10-24-18.PDF](#)

Agenda
Zoning Board of Appeals
Wednesday, October 24, 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
Georgina Hickey	P	A

III. Approval of Minutes

- August 22, 2018

IV. Purpose of Meeting

V. Old Business

VI. New Business

- 528, 530 and 534 N Huron- Variance
Primary entrance facing street
Public Hearing
- 528, 530 and 534 N Huron- Variance
Commercial Frontage Requirements
Public Hearing

VII. Adjournment

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**ZONING BOARD OF APPEALS
MEETING MINUTES
AUGUST 22, 2018
CITY COUNCIL CHAMBERS
7:00 P.M.**

I. CALL TO ORDER

The meeting was called to order at 7:19 pm.

II. ROLL CALL

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

Absent: J. Talaga (excused)

Staff: C. Kochanek, Preservation Planner
B. Wessler, City Planner

III. APPROVAL OF MINUTES

Commissioner Garcia moved to approve the minutes of June 27, 2018 (Support: J. Symanns) and the motion carried unanimously.

IV. PURPOSE OF MEETING

Chairman Albers stated the purpose of the meeting.

Commissioner Symanns moved to amend the agenda to move the elections to the end of the meeting and to flip the order of the new business to bring 2 N Normal before 539-569 S Huron (Support: H. Khan) and the motion carried unanimously.

V. NEW BUSINESS

1. 2 N Normal – Variance

Staff report was presented by B. Wessler, City Planner, who stated that this is a request for approval of a variance from the parking requirements. They are seeking to maintain their one existing parking space in the front yard. 2 N Normal is currently a 3 unit house in a former single family house at the corner of Congress and N Normal. They experienced a fire earlier on this year and are reconstructing a unit. As part of the reconstruction, the applicant is planning to expand the unit which triggers a special use permit application and that means that they need to come up to today's standards. In so doing, they found that their parking is insufficient under the current zoning ordinance

which requires 5 parking spaces. Due to the topography on the site and how it is laid out, there is not any room for additional parking on the site. Staff has reviewed the application against the standards of Sec. 122-370 and supports the application for a variance.

Commissioner Garcia moved to open the public portion of the hearing (Support: J. Symanns) and the motion carried unanimously.

Vincent Zhang, owner of 2 N Normal – stated that in April they had a fire in the top unit. That unit has a balcony and that the balcony was an issue for storing trash and smoking and that is what caused the fire. Stated that they want to enclose the balcony during the remodel and that it would add square footage to the kitchen. They are not planning on adding any bedrooms or bringing in any additional tenants. He applied for a special use that was approved last week and he is following that up with this variance.

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

Commissioner Symanns stated that this seemed pretty clear cut to her. Commissioners Khan and Garcia agreed.

Commissioner Symanns moved that the Zoning Board of Appeals approve the variance requests from Sec. 122-683 (off street parking construction), 684 (parking landscaping), and 691 (parking quantity) to permit the existing single parking space in the front yard to remain at 2 N Normal, with the following findings per Sec. 122-370(b):

- (1) Literal enforcement of this chapter will pose practical difficulties to the applicant because of the grading of the lot and the footprint of the existing building.
- (2) Such variance is necessary for the preservation and enjoyment of a substantial property right enjoyed by other property owners in the same district; several other properties owners in the CN-Mid district of the north side of the 900 block of West Cross have the ability to park in their front yards due to a historical set of variances.
- (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.
- (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.
- (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.
- (6) This variance is the minimum variance that will make possible a reasonable use of the land, buildings, or structure.

The motion was supported by Commissioner Garcia and carried unanimously with a 4:0 vote.

2. **539-569 S Huron - Variance**

Staff report was presented by B. Wessler, City Planner, who stated that the applicant had applied for variances from frontage buildout and private frontages. The applicant has very recently changed architects and has now hit the required frontage buildout by 0.2%, they are now at 50.2% so that variance is no longer needed. The design standards for the commercial frontage (private frontages), this includes the space between the windows, the amount of glass and the maximum from which the windows can be from the grade.

Staff did recommend approval under the previous design, due to the challenging nature of the site. The area in which this building is located is in the S. Huron and I-94 corridor in an area that is not known for its walkability. The applicant has made great strides in trying to make a plan for this site which conforms with the intent of the zoning ordinance.

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

Dennis Cowan, attorney with Plunkett Cooney, 38505 Woodward, Bloomfield Hills, MI – stated that it is a difficult, irregular lot and that his client has been trying to do the right thing. The requests that they are making are really more textural. Stated that the client wants to make a firm commitment that they will be in the community for a long time.

David McDade, Roark Galt Architects, 10166 N Linden, Clio – stated that there are stipulations with the requirements for the amount of glass from the MI Energy Code but that he was able to raise the amount of glass from 31% to 41%. He does meet the 2 foot height from grade requirements on the three windows on the right. The others he has brought down to 2' 8", which is lower than it was before. The entry is also closer at 5' 6". Stated that he is not sure how the building could still meet the 60% transparency and still comply with the MI Energy Code. Stated that he has done as much as he can to meet the code.

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

Commissioner Symanns asked staff to confirm where the deficiencies in the private frontages are. Staff revisited the requirements and where the new plans were at. Further discussion was had on what the master plan requires for walkability.

Commissioner Garcia moved that they follow staff's recommendation to approve the variance request from Sec. 122-477- Private Frontages for the Patient Station New Build at 539-569 S Huron, with the following findings per Sec. 122-370(b):

- (1) Literal enforcement of this chapter will pose practical difficulties to the applicant because of the curved front of the lot.
- (2) Such variance is necessary for the preservation and enjoyment of a substantial property right enjoyed by other property owners in the same district; this is a new requirement and this is the first entirely new construction proposal put forth in this district with this building type, on a challenging lot.
- (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.
- (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.
- (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.
- (6) This variance is the minimum variance that will make possible a reasonable use of the land, buildings, or structure for the plans dated 8/17/18, which are the updated plans.

The motion was supported by Commissioner Khan and carried unanimously 4:0.

VI. OLD BUSINESS

Elections

A discussion was held on the election of officers. It was moved that Jake Albers and Cisco Garcia continue on in their respective roles as chair and vice-chair and supported unanimously.

VII. ADJOURNMENT

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

The meeting was adjourned at 7:45 pm.



October 12, 2018

**Staff Review of Variance Application
534 N Huron- The Keg-Proposed Addition
528, 530 and 534 N Huron**

GENERAL INFORMATION

Applicant:	Tom Tamou 3102 Farmdale Dr Sterling Heights, MI 48314
Project:	The Keg-Proposed Addition
Application Date:	September 25, 2018
Location:	Southeast corner of the intersection of N Huron and W Forest Ave
Zoning:	NC- Neighborhood Corridor
Action Requested:	Approval of a variance from §122-607(a), requiring that the building entrance face the street
Staff Recommendation:	No recommendation is provided per the settlement agreement

PROJECT AND SITE DESCRIPTION

The total for the three parcels is 0.434 acres; this includes 528 N Huron, 530 N Huron and 534 N Huron St addresses, 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 square foot commercial building at 530 N Huron that partially encroaches on the 528 N Huron parcel and a ~2,700 square foot 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 square foot addition to the existing 2,774 square foot building for a total of 6,294 square feet at the northwest corner of the parcels. The plans call for a demolition of the existing 1,200 square foot structure at 530 N Huron. Parking is proposed to the south of the structure with the entrance angled at the southwest corner of the new portion of the building thus requiring a variance from §122-607(a), requiring that the building entrance face the street. *Note: the three parcels will need to be combined in order to accommodate the proposed use as a parking lot cannot be a primary use in Neighborhood Corridor.*

A variance for the door was seen by the Zoning Board of Appeals back on May 23, 2018, at that time the door was not angled but fully facing the parking lot to the south of the building. The ZBA denied that variance application. At that meeting the ZBA stated that an acceptable compromise for the door may be to have it angled similar to how it is on the building currently. Since the May ZBA meeting, the applicant filed an appeal of the denial of the variances for the door location and the commercial frontages. Please see the attached memo from the attorney's office and the stipulation and order to dismiss without prejudice.

Figure 1: Subject Site Location



Figure 2: Site Close-up (2015)



Figure 3: Google image of site-looking southeast



Figure 4: Google image of site-looking north east from N Huron



Figure 5: Land Use and Zoning of Surrounding Area

	LAND USE	ZONING
NORTH	DPS Yard Multi-family residential	GC- General Corridor CN-Core Neighborhood
EAST	Single Family residential Rehab Center	NC-Neighborhood Corridor NC-Neighborhood Corridor
SOUTH	Single & Multi-family residential	CN-Core Neighborhood
WEST	Single Family residential	NC-Neighborhood Corridor

ORDINANCE

§122-607(a)

Sec. 122-607. Building Entrances, Rights of Way, and Easements.

(a) **Building entrance must face street.** No principal building can be placed on a lot unless the building is situated in such a manner that the front entry into the building faces the street to which the property is addressed.

STANDARDS

§122-370(b)

In regards to the front entry not facing N. Huron St but instead at the corner of the proposed addition:

"The prop. Entry must address both the street (N. Huron) and customer parking."

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.*

There are no conditions or circumstances unique to the property which would prevent an entrance on Huron Street, but a continuation of a similar configuration as to what exists- a door on the corner of the building- is a continuance of an existing non-conforming configuration and a compromise between what is required by the ordinance and the goal of the applicant to have an entrance/exit right off of the parking area.

- (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.*

This is the same standard that anyone applying for a site plan review in NC would be held to, however the angled door is also a very common configuration for similar stores in other zoning areas of the City.

- (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 zoning ordinance requires parking to the side or rear, and the primary entrance to face the street. This is specifically designed to encourage and support pedestrian traffic. The applicant has not created the auto-centric culture which dominates most of southeastern Michigan.

- (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 locating the door as proposed will be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located as an angled door configuration has existed on the current building for

years. It is anticipated that the door will help to support a walkable neighborhood, which is one of the aims of the zoning ordinance while satisfying the applicant's aim to keep some access at or near the parking lot.

- (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 that is intended to be secured by the door requirement is to promote and foster walkability and support eyes on the street. As staff has mentioned, the angled door is seen on many of the local contemporaries of the The Keg including both stores at W Cross and Ballard and another one at E Forest and N Prospect.

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

The angled door was the minimum variance that was listed in the previous staff review for the door variance for The Keg back on May 23, 2018.

STAFF RECOMMENDATION-building entrance on street

No recommendation is provided per the settlement agreement.

Cynthia Kochanek
Preservation Planner, Community & Economic Development Division

c.c. File
 Applicant



October 15, 2018

**Staff Review of Variance Application
534 N Huron- Party Store Expansion
528, 530 and 534 N Huron**

GENERAL INFORMATION

Applicant:	Tom Tamou 3102 Farmdale Dr Sterling Heights, MI 48314
Project:	The Keg-Proposed Addition
Application Date:	September 25, 2018
Location:	Southeast corner of the intersection of N Huron and W Forest Ave
Zoning:	NC- Neighborhood Corridor
Action Requested:	Approval of a variance from §122-477, requiring adherence to commercial frontage standards, to permit 8.8% transparency on Huron, a distance from ground to window of greater than 2.5', and a distance between openings of greater than 2'.
Staff Recommendation:	No recommendation is provided per the settlement agreement

PROJECT AND SITE DESCRIPTION

The project includes 528 N Huron, 530 N Huron and 534 N Huron St addresses, parcels # 11-11-40-105-029, 11-11-40-105-021 and 11-11-40-105-022, zoned NC, Neighborhood Corridor. 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, Huron being considered the front. There is an existing ~1,200 square foot commercial building at 530 N Huron that partially encroaches on the 528 N Huron parcel and a ~2,700 square foot commercial building on the 534 N Huron parcel. The existing building has no window or door openings on the W Forest St frontage and no window openings on the N Huron St frontage, with an angled entrance door at the southwest corner of the building.

The applicant is proposing a 3,520 square foot addition to the existing 2,774 square foot building for a total of 6,294 square feet at the northwest corner of the parcels. The plans also call for the demolition of the existing 1,200 square foot structure at 530 N Huron. Parking is proposed to the south of the structure. The building is addressed to N Huron. The proposed addition does not comply with the required commercial private frontage as required by §122-477 and described in §122-484, as it has only ~8.8% ground floor transparency (see calculations on page 9) on the N Huron addition, not the required 60%. The distance between

openings is proposed at 1'4" to 12'6;" the maximum permitted is 2'. The height to the bottom of proposed windows is 6'; the maximum permitted is 2.5'. The applicant has provided framed areas on the new N Huron and N Forest side of the building to accommodate signage or spandrel glass.

A variance request from the commercial private frontage requirements was heard by the Zoning Board of Appeals on May 23, 2018. At that time there was a proposed 3% ground floor transparency on the N Huron side, no transparency on the W Forest side of the building, the distance between openings was proposed at 2.5' to 24.5' and the proposed height to the bottom of the windows was 6'. The ZBA denied that variance application. Since the May ZBA meeting, the applicant filed an appeal of the denial of the variances for the door location and the commercial frontages. Please see the memo from the attorney's office and the stipulation and order to dismiss without prejudice included in the meeting packet. The relevant sections regarding design are excerpted below.

"Particularly, concerning Section 122-477 with regard to commercial frontage standards, the site plans will be revised to provide for the installation of windows and panels of brick veneer to both the west and north side of the existing building. The panels of brick veneer shall be installed so that they can be removed and replaced with glass windows in the future.

Additionally, concerning Section 122-607(a) with regard to the front entry, the site plans will be revised to provide for the entrance to the building on a 45-degree angle at the southwest corner of the proposed addition, abutting both N. Huron Street and the building's parking lot."

The applicant has provided windows on the new portion of frontage along North Huron, set into a larger "knock-out" potential future window. On the new south (parking lot) frontage, the applicant has provided knock-out areas not required by code or by the agreement. On the existing building to the north and west, the applicant has provided inset areas, mimicking the proposed windows in the addition, into which signage is proposed. This application has not been reviewed with regard to signage and whether the site signage meets the standards of 122-452(d)(2).

Figure 1: Subject Site Location



Figure 2: Site Close-up (2015)



Figure 3: Google image of site-looking southeast

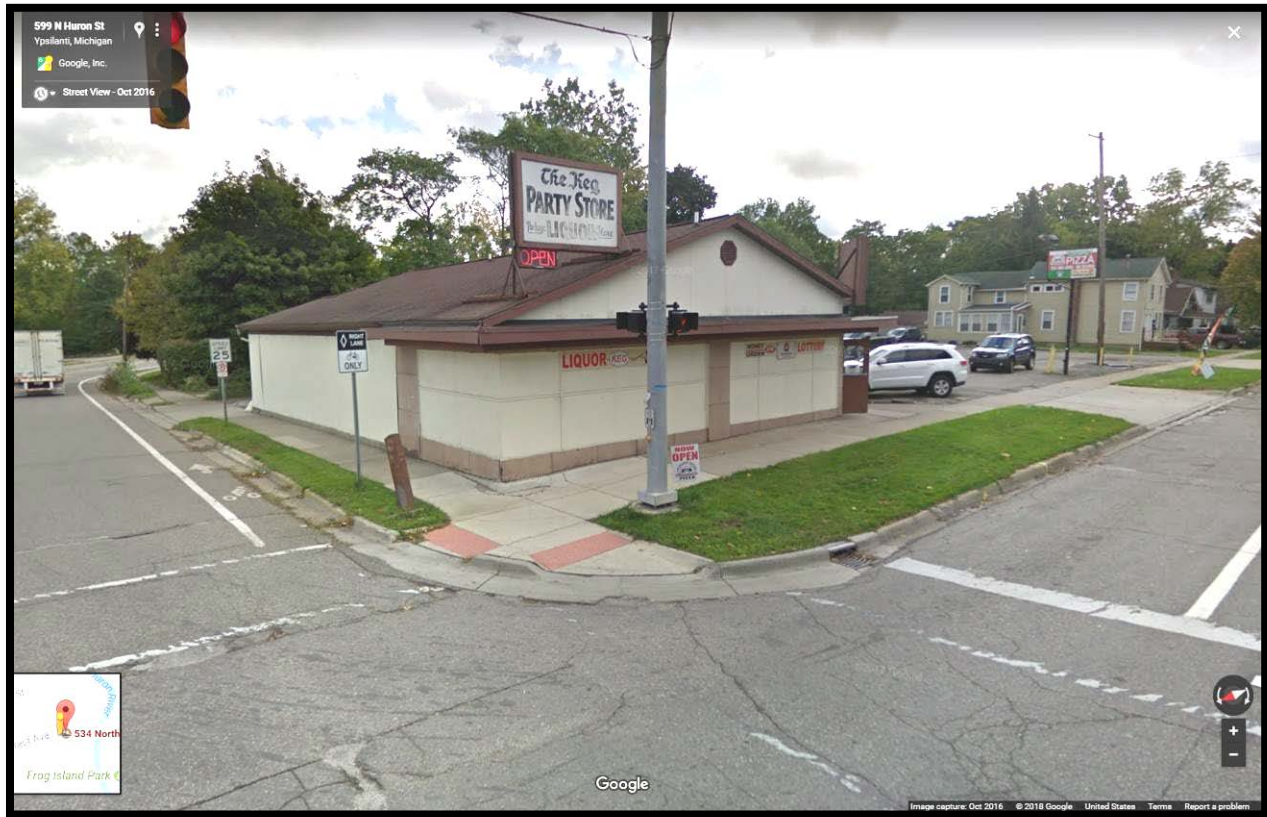


Figure 4: Google image of site-looking north east from N Huron

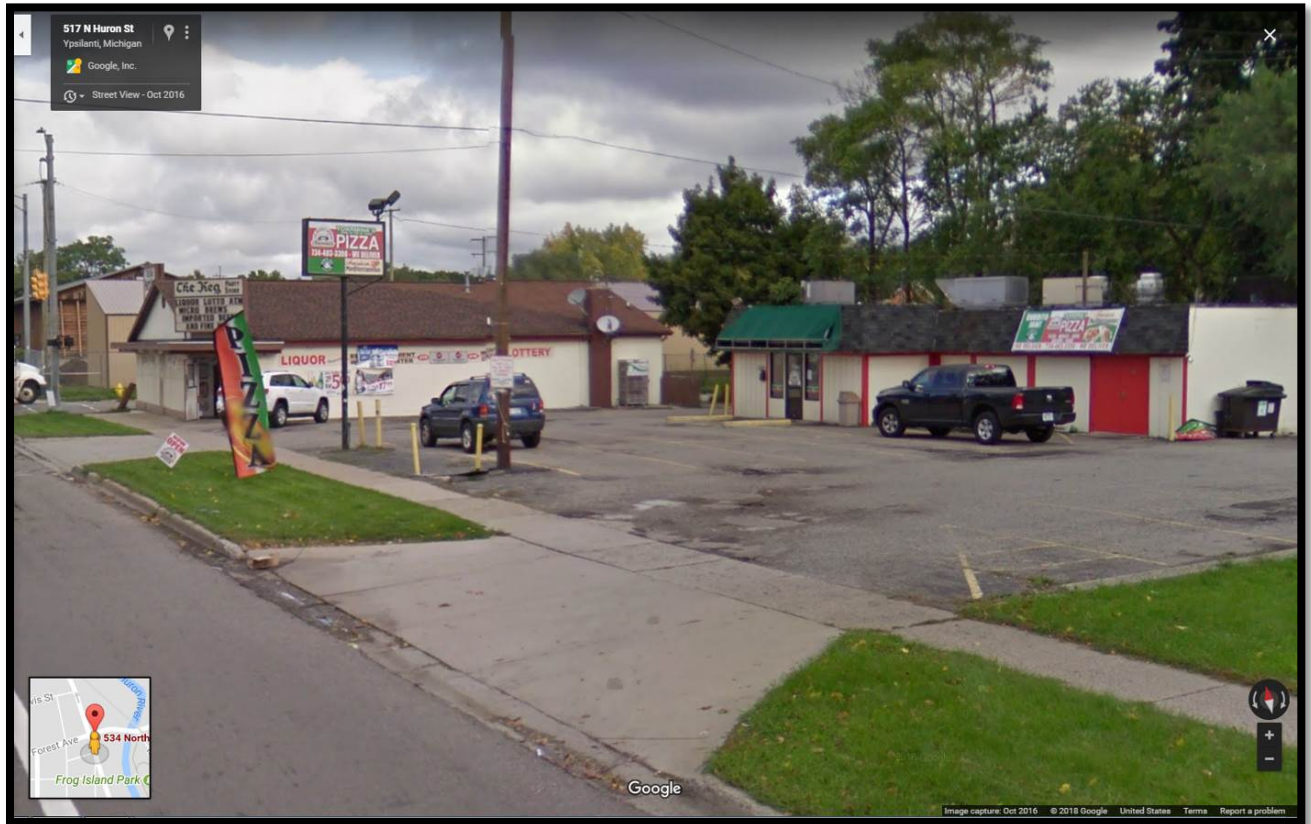


Figure 5: Land Use and Zoning of Surrounding Area

	LAND USE	ZONING
NORTH	DPS Yard, former farm bureau Multi-family residential	GC- General Corridor CN-Core Neighborhood
EAST	Single Family residential Rehab Center	NC-Neighborhood Corridor NC-Neighborhood Corridor
SOUTH	Single & Multi-family residential	CN-Core Neighborhood
WEST	Single Family residential	CN-Core Neighborhood

ORDINANCE**§122-477 (§122-484)****Sec. 122-477. SC Single Story Commercial Building****SC****SINGLE STORY COMMERCIAL BUILDING**

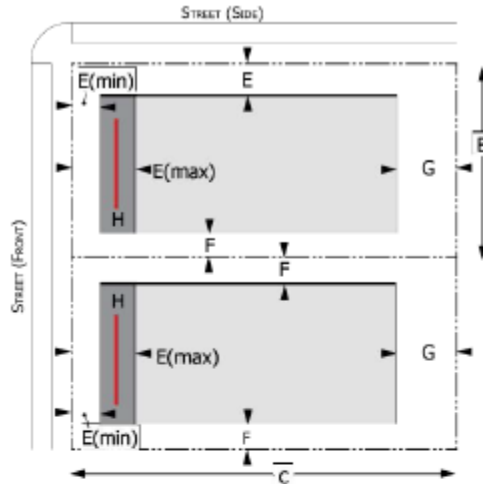
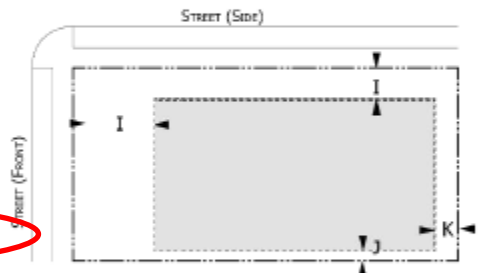
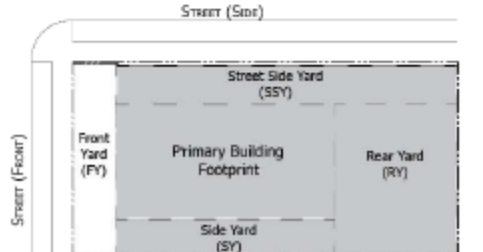
These are generally designed for a single commercial use, located in lots that accommodate accessory parking, loading, and waste disposal areas.

LOT REQUIREMENTS		MIN	MAX
A	Lot size (sf)	7,500	90,000
B	Lot width (ft)	50	300
C	Lot depth (ft)	100	300
D	Lot coverage (%)	--	60
BUILDING ENVELOPE		MIN	MAX
E	Street setback (front or side) (ft)	5 ⁽¹⁾	15 ⁽²⁾
F	Side setback (interior lot line) (ft)	0	--
G	Rear setback (ft)	15 ⁽²⁾	--
H	Frontage buildout (%)	50	100
ACCESSORY BUILDING ENVELOPE		MIN	MAX
I	Street setback (ft)	30	--
J	Side setback (ft)	10	--
K	Rear setback (ft)	10	--
L	Building footprint (sf)	--	800
BUILDING HEIGHT		MIN	MAX
M	Principal building (stories)	1	1
N	Accessory structure(s) (ft)	--	15
PARKING LOCATION		Permitted in the side, street side, and rear yards.	
PRIVATE FRONTAGES		Commercial required.	

- (1) If located on Washtenaw Avenue, must build no more than ten feet from future right-of-way line as defined in the ReImagine Washtenaw plan.
 (2) When adjacent to existing detached single-family homes, the rear setback shall be a minimum of 25 feet.



EXAMPLE

LOT REQUIREMENTS AND BUILDING ENVELOPE**ACCESSORY BUILDING ENVELOPE****BUILDING HEIGHT****PARKING LOCATION**

Sec. 122-484. Commercial

C COMMERCIAL

The façade is set back from the front lot line per applicable street setback requirements, typically at or near the front lot line with the entrance at sidewalk grade. The façade may include an awning, shed roof, or gallery (a lightweight colonnade with no habitable building space above it) that covers the sidewalk and may extend into the right-of-way. The façade has a substantial amount of glazing at the sidewalk level. Recessed entrances are acceptable.

FACADE DIMENSIONS		MIN	MAX
A	Distance between openings (ft)	--	2
B	Door recess (ft)	--	5
C	Ground floor transparency (%)	60	--
D	Height to bottom of window (ft)	--	2.5

YARD REQUIREMENTS

E Must be landscaped/pervious, with a path at least 6 feet wide connecting the building entrance to the sidewalk.

OPTIONAL AWNING OR GALLERY

F	Setback from curb (ft)	2	--
G	Clear depth - awning (ft)	4	10
	Clear depth - gallery (ft)	8	10
H	Clear height (ft)	8	--

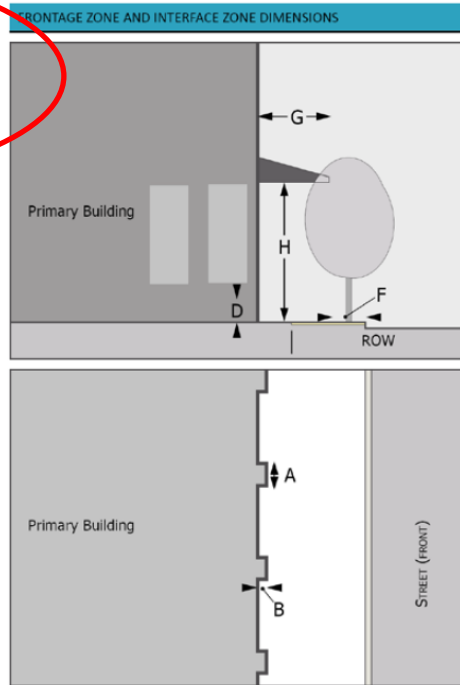


Figure 6: Staff Calculations for Frontage

Façade dimensions	Required- Zoning Ordinance	N Huron-Addition	
		Proposed	Knockout
Distance between openings	Max: 2 ft	1'4" to 12'6"	
Frontage area	n/a	12' tall frontage: 528 sf (60% = 316.8 sf) 9'4" tall frontage: 409 sf (60% = 245.4 sf)	
Ground floor transparency (%)	Min: 60%	8.8 % (12' tall) 11.3 % (9'4" tall)	38.2 % (12' tall) 49.3 % (9'4" tall)
Height to bottom of window	Max: 2.5 ft	6'	1'4"

There are slight discrepancies between the staff calculations for frontage area and the applicant's calculations. Staff measured a 44' wide addition, with either a 12' tall frontage (standard first story height per zoning) or a 9'4" tall frontage (matching existing first story height), calculating 528 square feet and 409.2 square feet, respectively. The applicant used a figure of 351.8 sf.

Staff also calculated the knockout area at 201.5 sf; the applicant calculated this area at 206.5sf.

Staff is not counting any of the doorway towards the Huron Street frontages, either in area or transparency. Staff accepts the calculations shown below for the angled doorway frontage.

The applicant's calculations are below:

FRONTAGE ANALYSIS PER ORDINANCE			
<u>'WEST' / N. HURON STREET FACE (# ADDITION):</u>		<u>'SOUTHWEST' / CORNER ENTRY FACE:</u>	
PROPOSED ADDITION:	351.8 SF.	PROPOSED ADDITION:	136.0 SF.
	x 60%		x 60%
WINDOW AREA REQUIRED:	211.1 SF.	DOOR/ WINDOW AREA REQ'D.:	81.6 SF.
TOTAL WINDOW AREA PROP. (INCLUDING BLOCKOUT AREAS)	206.5 SF. (58.7%)	DOOR/ WINDOW AREA PROP.:	85.0 SF. (62.5%)
WINDOW GLAZING, INSTALLED:	46.5 SF. (13.2%)		

STANDARDS

§122-370(b)

The applicant notes on their application the following practical difficulties:

In regards to the commercial frontage design standards:

“Storefront – 60% of area required with 7.6% installed and 57.8% with proposed future knock-out panels.”

“Safety/security dictates minimal use of glazed openings for use as proposed.”

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.

There are no conditions or circumstances which are unique to the property. Windows along street frontages are not physically challenging to construct. The applicant notes not a physical difficulty in meeting the commercial frontage standards, but rather security challenges related to the proposed use.

(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.

This is the same standard that anyone applying for a site plan review in NC would be held to. Notably, other convenience and liquor stores, including the recently approved and remodeled Sam's Citgo on Washtenaw, include many windows. Sam's was approved under the current standards. In contrast, the convenience and liquor stores at W Cross and Ballard have minimal windows, if any at all, but are in Center district and constructed under older zoning ordinances.

(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.

Security concerns are a challenging thing to attribute creation to, as often perception plays a significant role. The applicant has not created these concerns, but again, the zoning ordinance was specifically designed to avoid the appearance of “blank walls,” as these often foster a feeling of insecurity in pedestrians passing by. The applicant has added windows to the side of the existing N Huron building and the W Forest side where none exist currently.

(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.

Staff does not expect that the ground floor transparency, distance between openings or the height to the bottom of the windows as proposed will be directly detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located. However, these ordinance requirements were meant to foster a walkable neighborhood, which promote physical activity and connected neighborhoods, both of which have been shown to have a positive effect upon public health.

(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 that is intended to be secured by the commercial frontage requirements is to promote and foster walkability and support eyes on the street. The amount of proposed windows are similar to what exist on some other local convenience and liquor stores, specifically the store at the southwest corner of W Cross and Ballard.

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

The additional windows in the currently proposed plans are more than what were proposed in the site plans from 3-22-2018 for the previous variance, which only indicated a 3% transparency on the new addition and no windows on the existing non-conforming structure.

STAFF RECOMMENDATION-commercial frontage

No recommendation is provided per the settlement agreement.

Bonnie Wessler
City Planner, Community & Economic Development Division

Cynthia Kochanek
Preservation Planner, Community & Economic Development Division

c.c. File
 Applicant

Agenda
Zoning Board of Appeals
Wednesday, October 24, 2018 - 7:00 P.M.
City Hall-Council Chambers, 1 S Huron St
Ypsilanti, MI 48197

VI. New Business

- 528, 530 and 534 N Huron- Variance
 - Attorney Memo
 - Stipulation and Order to Dismiss without Prejudice



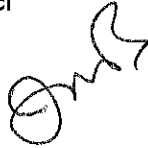
**Barr,
Anhut &
Associates, P.C.**
ATTORNEYS AT LAW

105 Pearl Street
Ypsilanti, MI 48197
(734) 481-1234
Fax (734) 483-3871
www.barrlawfirm.com
e-mail: jbarr@barrlawfirm.com

John M. Barr
Karl A. Barr
Daniel J. DuChene

Jesse O'Jack ~ Of Counsel
William F. Anhut ~ Of Counsel – Retired
Jennifer A. Healy ~ Legal Assistant

MEMORANDUM

TO: Bonnie Wessler, Ypsilanti City Planner
FROM: John Barr, Ypsilanti City Attorney 
DATE: September 26, 2018
SUBJECT: Tom Tamou v City of Ypsilanti Zoning Board of Appeals

The purpose of this memo is to share some background information and the current status on this matter.

Mr. Tamou owns a liquor store called "the Keg" on the southwest corner of Huron Street and Forest Avenue in the City. Mr. Tamou hopes to renovate and expand this building and perform some other work. Regarding the party store, he intends to add an addition to the west of the existing building, essentially expanding the footprint further in the parcel. Additionally, he plans to demolish another building on the property that he owns, which has historically operated as a pizzeria ("College Inn" used to be there), and adjust the parking lot on the parcel.

Some time ago, Mr. Tamou submitted a site plan to the Planning Commission for review and approval. Due to non-conformity with the Code of Ordinances, the Planning Commission tabled consideration of the site plan on April 18, 2018. Particularly, there were four issues based on zoning and the plans submitted: Under §122-683, parking is required to be set back from neighboring lots by 10 feet and the plans called for a 3-foot setback; under §122-477, a street setback of between 5 and 15 feet is required between the building and the property line, where the plans called for 3 feet for the addition (the existing building has a 3-foot setback); under §122-477, commercial frontage is required to have 60% transparency, a maximum distance from ground to window of 2.5 feet, and a maximum distance between openings of 2 feet, where the plans for the addition called for 3% transparency, a distance between openings of between 2.5 and 24.5 feet, and a distance from the ground to windows of 6 feet; and under §122-607, building entrances are required to face the street and the plans called for the entrance to face the parking lot. The owner

cc: Economic Development Director, City Manager

submitted an application for a variance with the Zoning Board of Appeals for each of these items on April 25, 2018.

Staff reviewed the application according to the standards of §122-370(b) and issued a recommendation that all variance requests be denied. On May 23, 2018, the ZBA met and considered the application according to these same standards, as well as the recommendations of staff. After such consideration and discussion, the ZBA voted to grant the 2-foot setback variance regarding the building and table the 7-foot setback variance regarding parking in order that the Planning Commission might exercise its discretion and grant a whole or partial waiver of this requirement. The remaining two variances were denied by the ZBA.

On June 9, 2018, the owner filed a claim of appeal with the Washtenaw County Circuit Court from these determinations of the ZBA and withdrew his application for further review by the City on June 11, 2018. This claim of appeal was amended on July 25, 2018, to conform to the Michigan Court Rules. Subsequently, You, Economic Development Director Joe Meyers, and Assistant City Attorney Dan DuChene met with Mr. Tamou, his attorney, and his architect to discuss a resolution to the instant litigation. It was determined at this meeting that if the owner were permitted to submit revised plans to the ZBA then they would dismiss the pending appeal with the Circuit Court. Particularly, the new plans would call for windows added to the existing structure, which are not currently present and that the door would be put at an angle to face both the street and the parking lot, as it exists in the current structure. Further, the owner agreed to proceed with a waiver from the parking setback requirements through the Planning Commission, as recommended by the ZBA.

An stipulation and order were executed by the parties and submitted to the Court for entry according to this agreement. I will make a couple of notes regarding the agreement and stipulation. First, the owner has acknowledged that no determination of its application has been made prior to consideration and that no promise of such a determination has been given. Further, the City has agreed that the report issued by staff based on the application will not contain a specific recommendation regarding approval or denial, but all other portions of the report will be provided as per the usual course, including relevant provisions of the Code of Ordinances and standards for review.

This order has yet to be entered by the Court, but I have no reason to believe that it will not be entered. If the owner is aggrieved by a decision of his application, he can appeal that decision according to law.

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WASHTENAW

TOM TAMOU,

FILE NO. 2018-622-AA

Appellant,

Hon. Timothy P. Connors

v

CITY OF YPSILANTI ZONING
BOARD OF APPEALS,

**STIPULATION AND ORDER TO DISMISS
WITHOUT PREJUDICE**

Appellee.

JOHN M. BARR P-10475
Barr Anhut & Associates, P.C. (AF1001)
Attorneys for Appellee
105 Pearl Street
Ypsilanti, MI 48197
(734) 481-1234; fax 483-3871

JEFFREY M. LEIB P-16528
Attorney for Appellant
30445 Northwestern Hwy., Suite 230
Farmington Hills, MI 48334
(248) 851-7800

The parties, by and through their respective attorneys, stipulate to the following and consent to the entry of this order:

BACKGROUND

1. Appellant filed his Amended Claim of Appeal with this Court on July 25, 2018.
2. Appellant appeals from the May 23, 2018, decision of Appellee, particularly with regard to the denied applications for variance requests from Section 122-477 of the Code of Ordinances for the City of Ypsilanti regarding commercial frontage standards and from Section 122-607(a) of the Code of Ordinances for the City of Ypsilanti regarding the building's proposed front entry.
3. The parties have discussed this matter with each other and their respective attorneys and have reached a settlement in this matter.

AGREEMENT

4. Appellant will submit a new variance application to the City of Ypsilanti Zoning Board of Appeals with revised site plans.

5. Particularly, concerning Section 122-477 with regard to commercial frontage standards, the site plans will be revised to provide for the installation of windows and panels of brick veneer to both the west and north side of the existing building. The panels of brick veneer shall be installed so that they can be removed and replaced with glass windows in the future.

6. Additionally, concerning Section 122-607(a) with regard to the front entry, the site plans will be revised to provide for the entrance to the building on a 45-degree angle at the southwest corner of the proposed addition, abutting both N. Huron Street and the building's parking lot.

7. Appellant accepts the determination of the City of Ypsilanti Zoning Board of Appeals regarding Appellant's variance application from Section 122-683 of the Code of Ordinances for the City of Ypsilanti concerning the setback of parking from neighboring lots, in that the decision was tabled to provide for the City of Ypsilanti Planning Commission's consideration of a full or partial waiver. Appellant will submit a new application to the Planning Commission with regard to this concern.

8. For reference, a Proposed Site Plan (S-1), Existing Floor and Basement Plan and Proposed First Floor Plan (A-1), Proposed West and South Elevations (A-3), Proposed North and East Elevations (A-4), and Existing Site Plan (S-2) are attached hereto.

9. Appellant acknowledges that no decision or determination of the City of Ypsilanti Zoning Board of Appeals can be provided in advance and no promise of such has been given by Appellee, the City of Ypsilanti, its staff, or its agents.

10. Appellee agrees that in the "staff recommendation" section of the Planning and Development Department Staff Review Report to the City of Ypsilanti Board of Appeals, no specific recommendation will be given regarding approval or denial. However, this

report will address general information, the project and site description, relevant provisions of the Code of Ordinances for the City of Ypsilanti, and standards for review, as per the usual course in the consideration of variance applications.

11. Appellee acknowledges that Appellant will have the right to appeal the City of Ypsilanti Zoning Board of Appeals decision of the new variance application, as discussed herein, pursuant to Section 122-398 of the Code of Ordinances for the City of Ypsilanti and MCL 125.3606.

12. The instant appeal will be dismissed.

CONSENT ORDER

IT IS HEREBY ORDERED that Appellant's appeal is dismissed and this matter is now closed.

IT IS SO ORDERED.

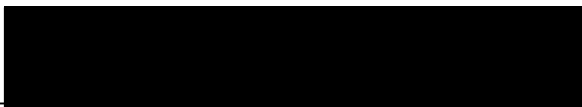
Dated: _____

Hon. Timothy P. Connors
Circuit Court Judge

15/ SEE ATTACHED
TOM TAMOU
Appellant

15/ SEE ATTACHED
JEFFREY M. LEIB P-16528
Attorney for Appellant

BARR, ANHUT & ASSOCIATES, P.C.


JOHN M. BARR P-10475
Attorneys for Appellee

report will address general information, the project and site description, relevant provisions of the Code of Ordinances for the City of Ypsilanti, and standards for review, as per the usual course in the consideration of variance applications.

11. Appellee acknowledges that Appellant will have the right to appeal the City of Ypsilanti Zoning Board of Appeals decision of the new variance application, as discussed herein, pursuant to Section 122-398 of the Code of Ordinances for the City of Ypsilanti and MCL 125.3006.

12. The instant appeal will be dismissed.

CONSENT ORDER

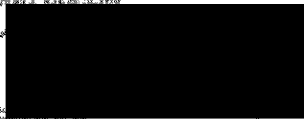
IT IS HEREBY ORDERED that Appellant's appeal is dismissed and this matter is now closed.

IT IS SO ORDERED.

Dated: _____

Hon. Timothy P. Connors
Circuit Court Judge


TOM TAMOU
Appellant


JEFFREY M. LEIB P-16528
Attorney for Appellant

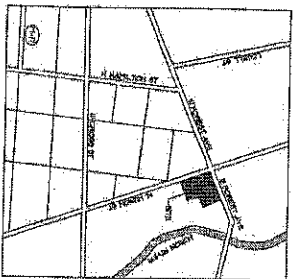
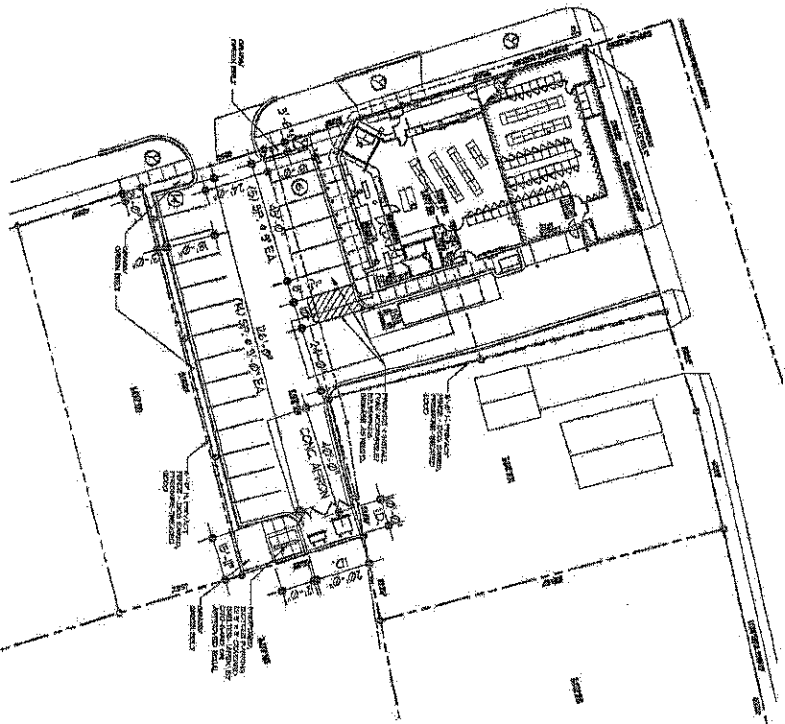
BARR, ANIUT & ASSOCIATES, P.C.


JOHN N. BARR P-10475
Attorneys for Appellee

ATTACHMENTS

PROPOSED SITE PLAN

SCALE: 1"=20'-0"



LOCATION MAP
SCALE: N.T.S.

CURRENT ZONING
ZONED: NC (NEIGHBORHOOD
CORRIDOR)

CODE ANALYSIS
CODE(S): M.B.C. 2016
CONST. TYPE: V-B (S-B)
STORIES OF BUILDING: ONE (1)
USE GROUP(S): "M"
BUILDING AREA: 6,294 SQ. FT.
OCCUPANCY: 73

PARACINE ANALYSIS

[illegible]

PROPOSED
SITE PLAN,
LOCATION
MAP, NOTE(S)
& ANALYSIS

Project Name:
STORE- 534 N. HURON STREET
534 N. HURON STREET
YPOCLANT, MI 48197
OWNER:
TOM TAMOU

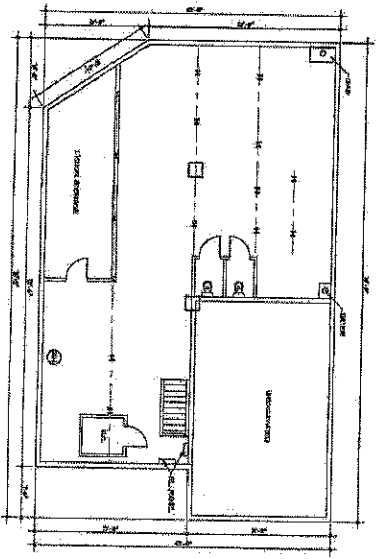
Case: 05-2417
 Entered by: LIA, NLS
 Project Number:
 17054
 Short Number:
 S-1

Joseph G. Kostin
Architecture
3828 12 Ave. Forest
Hawley, IN 46072
(245) 433-2383



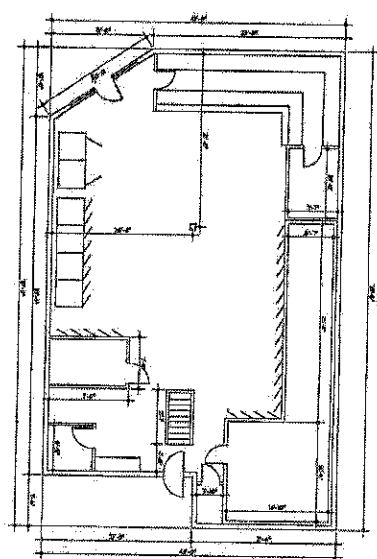
EXISTING BASEMENT PLAN

SCALE: 1/8" = 1'-0"



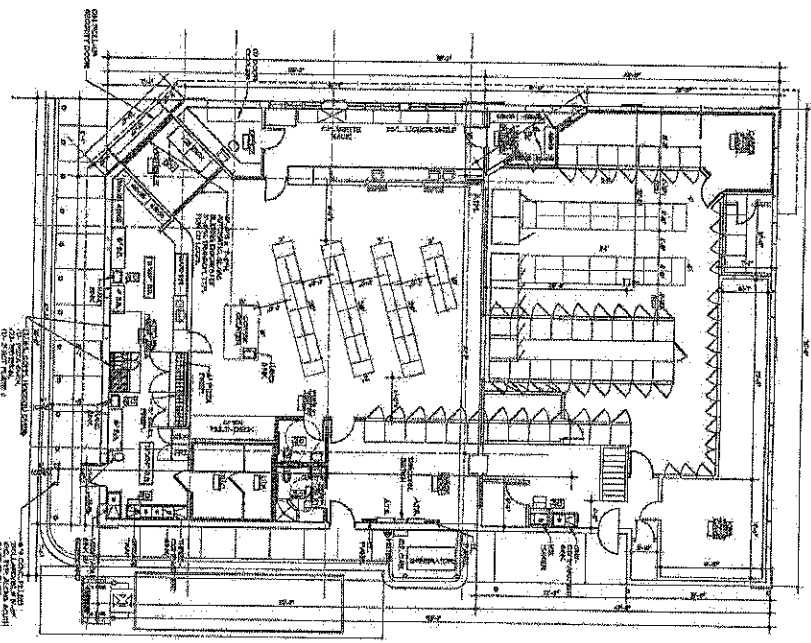
EXISTING FLOOR PLAN

SCALE: 1/8" = 1'-0"



PROPOSED FIRST FLOOR PLAN

SCALE: 1/8" = 1'-0"



REVISIONS

NO.	DATE	DESCRIPTION
1	10/1/01	ISSUED FOR PERMIT
2	10/1/01	ISSUED FOR PERMIT
3	10/1/01	ISSUED FOR PERMIT
4	10/1/01	ISSUED FOR PERMIT
5	10/1/01	ISSUED FOR PERMIT

PROJECT NAME:
STORE- 534 N. HURON STREET

334 N. HURON STREET
YPSILANTI, MI 48067

OWNER:
TOM TAMOU

DESIGN FIRM:
EXISTING & PROPOSED FLOOR PLANS

DATE:
10/1/01

PROJECT NUMBER:
77054

Sheet Number:
A-1

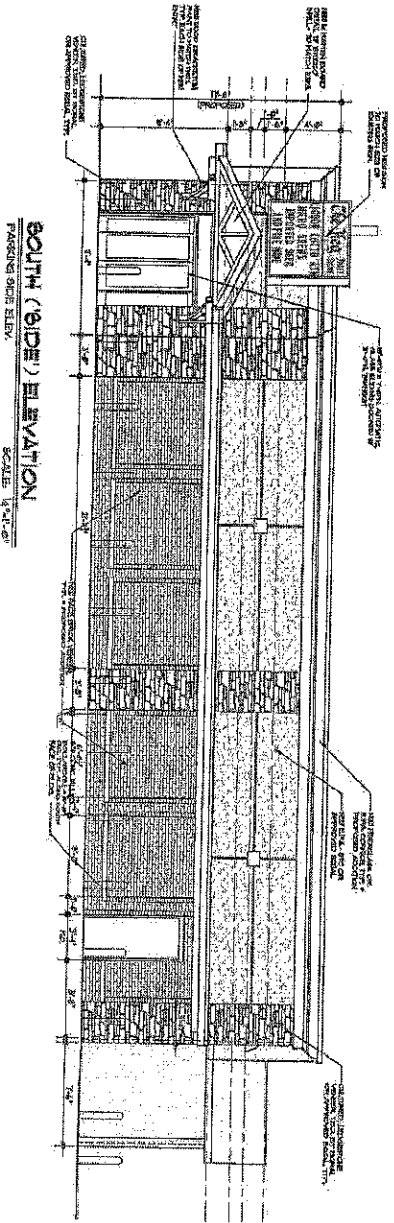
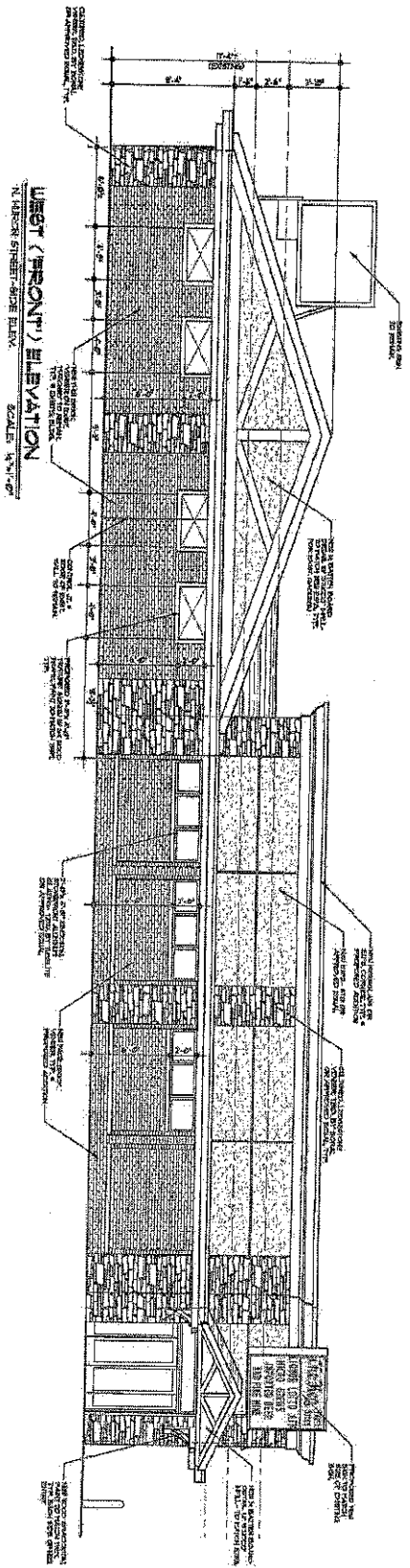
DESIGNER:
DAVID G. GRIFFIN

DRAWN BY:
DAVID G. GRIFFIN

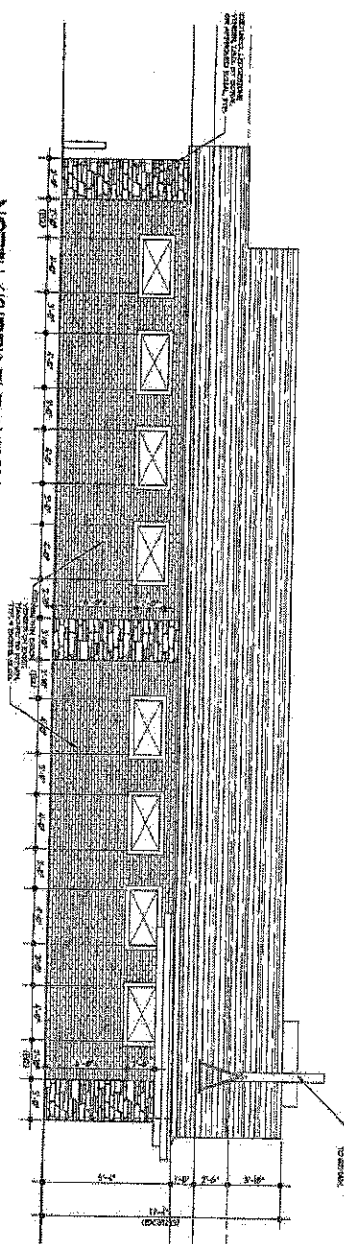
CHECKED BY:
DAVID G. GRIFFIN

APPROVED BY:
DAVID G. GRIFFIN

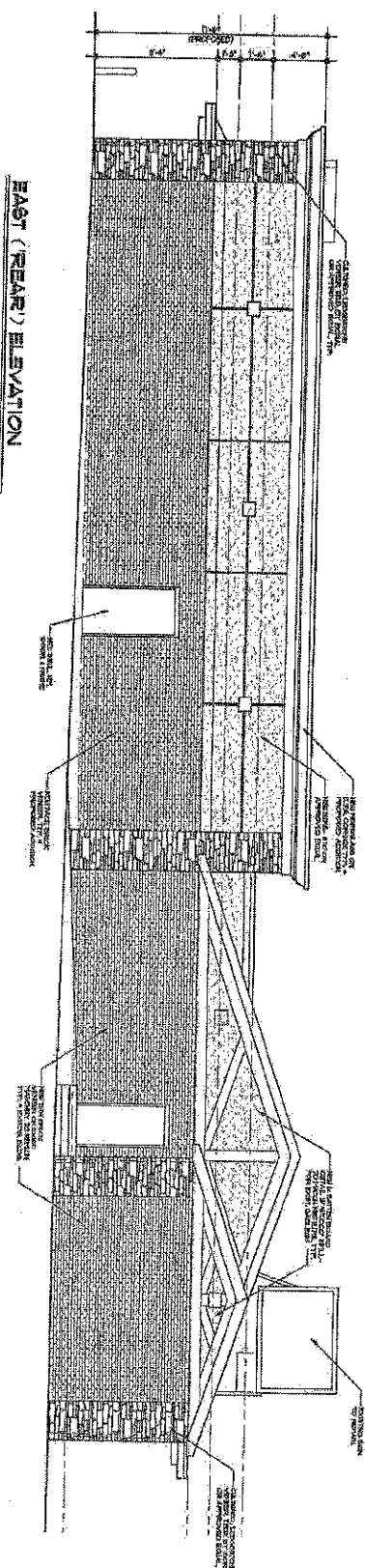
JOSEPH D. MORLEY
Professional Engineer
3845 E. 14th Street
Berkley, MI 48002
(248) 439-2030



Joseph S. Norbury, Inc. 3808 23rd Street Berwyn, IL 60472 (312) 469-2300	Scale	Project Name: STORE- 534 N. HURON STREET 534 N. HURON STREET SPRINGFIELD, IL 62761 OWNER: TOM TAMOU	Sheet Title: PROPOSED ELEVATIONS	DATE: 08/27/08 DESIGN: J.S.N. DRAWN: J.S.N. CHECKED: J.S.N. APPROVED: J.S.N.	17054 Sheet Number: A-3
					17054 Project Number: Drawn by: J.S.N.



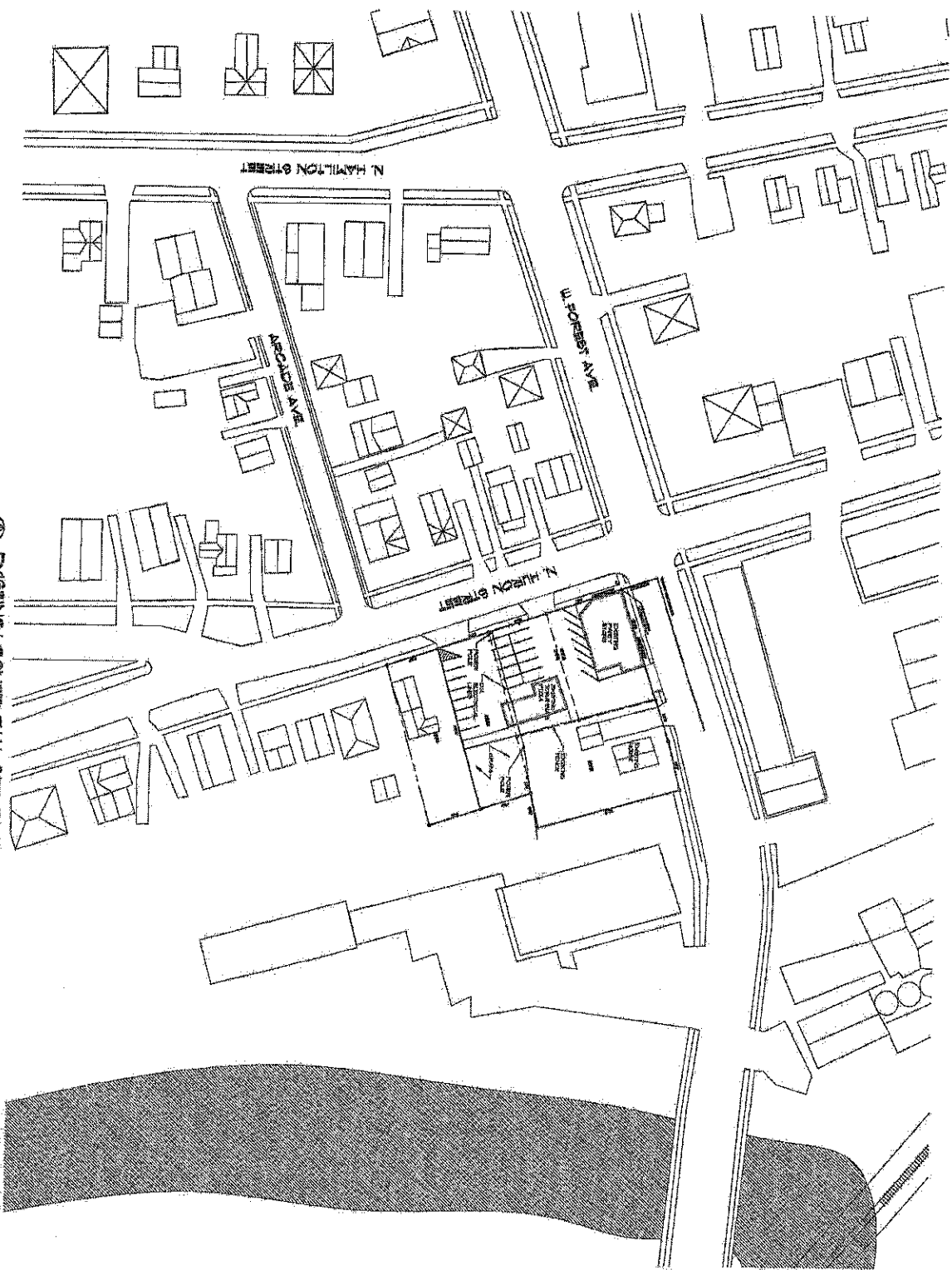
NORTH (SIDE) ELEVATION
 EL FORMER STREET-SIDE ELEV.
 SCALE: 1/4"=1'-0"



EAST (REAR) ELEVATION
 SCALE: 1/4"=1'-0"

Joseph & Son, Inc. 9000 W. 12th Avenue Berwyn, IL 60312 (312) 459-2000	Sheet Project Name: STORE- 534 N. HURON STREET 534 N. HURON STREET YPSILANTI MI 48197 OWNER: TOM TAMOU DATE: 10/1/00 DRAWN BY: J. S. J. / J. S. J. CHECKED BY: J. S. J. / J. S. J. APPROVED BY: J. S. J. / J. S. J.	Sheet Title: PROPOSED ELEVATIONS Drawn by: J. S. J. Project Number: 17054 Sheet Number: A-4	Owner: TAMOU Drawn by: J. S. J. Project Number: 17054 Sheet Number: A-4
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EXISTING / CONTEXTUAL SITE PLAN
 SCALE: 1"=40'-0"



Project Number: 17054 Sheet Number: S-2	EXISTING / CONTEXTUAL SITE PLAN	Project Name: STORE- 534 N. HURON STREET 534 N. HURON STREET YONKANT, NY 10807 Owner: TOM TAMOU	Scale: 1"=40'-0"		Joseph S. Northing Professional Engineer State of New York No. 12457 Exp. 12/31/2008
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Agenda
Zoning Board of Appeals
Wednesday, October 24, 2018 - 7:00 P.M.
City Hall-Council Chambers, 1 S Huron St
Ypsilanti, MI 48197

VI. New Business

- 528, 530 and 534 N Huron- Variance
Site Plans

1. ALL WORK SHALL CONFORM TO THE REQUIREMENTS OF THE M.B.C. 2015 BASIC BUILDING CODE AND ALL THE CITY AND LOCAL ORDINANCES AS ADOPTED BY THE STATE OF MICHIGAN.
2. THESE NOTES ARE FOR GENERAL REFERENCE, WHERE CONFLICTS EXIST BETWEEN THESE NOTES AND CURRENT CODE(S), THE MORE STRINGENT REQUIREMENTS SHALL PREVAIL.
3. MATERIALS OR CONSTRUCTION PROCEDURES WHICH ARE PROHIBITED BY LAW OR SHALL CAUSE A HARMFUL EFFECT TO THE NATURAL ENVIRONMENT OR TO THE HEALTH OF ANY PERSON ON THE SITE DURING CONSTRUCTION AND/OR DURING OCCUPANCY SHALL NOT BE USED ON THIS PROJECT.
4. ALL TRADES SHALL CONFORM WITH ALL APPLICABLE FEDERAL, STATE, LOCAL, AND OSHA CODES, RULES AND REGULATIONS. IN CASE OF CONFLICT, THE MOST STRINGENT REQUIREMENTS SHALL APPLY.
5. ANY DISCREPANCIES, ERRORS, AND/OR OMISSIONS IN THE DRAWINGS ARE TO BE BROUGHT TO THE ATTENTION OF THE ARCHITECT/DESIGNER. FAILURE TO DO SO MAY RESULT IN FUTURE CHANGES, THE COST OF WHICH WILL BE BORNE BY THE APPROPRIATE TRADE.
6. DO NOT SCALE DRAWINGS, USE FIGURED DIMENSIONS!
7. PROVIDE TEMPORARY BRACING AS REQUIRED, TO INSURE THE STABILITY OF THE STRUCTURE UNTIL THE PERMANENT FRAMING IS IN PLACE.
8. PROVIDE SAFETY GLAZING IN CONFORMANCE WITH CODE.
9. ALL WORK SHALL CONFORM TO THE REQUIREMENTS OF THE IBC BASIC BUILDING CODE AND ALL THE CITY AND LOCAL ORDINANCES AS ADOPTED BY THE STATE OF MICHIGAN.
10. CONTRACTOR SHALL EXERCISE EXTREME CARE IN SETTING GRADES FOR NEW CONSTRUCTION AS THESE GRADES ARE CRITICAL.
11. FOUNDATIONS SHALL BE CARRIED DOWN (MIN. 3'-6" DEEP) TO NATURAL UNDISTURBED SOILS CAPABLE OF SUPPORTING A 3,000 P.S.F. BEARING CAPACITY, OR ENGINEERED FILL. IF POORLY CONSOLIDATED SOILS ARE ENCOUNTERED AT THE DEPTHS SHOWN, THE ARCHITECT/DESIGNER SHALL BE NOTIFIED AND THE FOUNDATIONS WILL BE MODIFIED ACCORDINGLY.
12. SAND FILL UNDER SLABS SHALL BE COMPACTED TO 95% MODIFIED PROCTOR DENSITY.
13. CONCRETE SHALL HAVE COMPRESSIVE STRENGTH OF 3,000 P/SI FOR FOUNDATION WORK AND FLOOR SLABS WITH 4,000 P.S.I. FOR WALKS AND STEPS. REINFORCING STEEL = 40KSI, ASTM 40.
14. STRUCTURAL STEEL = 36 KSI ASTM GRADE 36.
15. THE OWNER IS NOT RESPONSIBLE FOR THE MEANS AND METHODS OF CONSTRUCTION, NOR FOR THE SAFETY ON THE JOBSITE, AND THAT THESE RESPONSIBILITIES ARE INTENDED TO BE AND TO REMAIN SOLELY THOSE OF THE GENERAL CONTRACTOR.
16. THE INTENT IS TO UTILIZE ALL EXISTING UTILITIES: i.e. PHONE, ELEC, GAS, WATER, AND SEWER.
17. LIGHT GAUGE STEEL FRAMING TO CONFORM TO ASTM STANDARDS SPECIFIED.
18. SUPPORT ALL ELECTRICAL EQUIPMENT & WIRING, INCLUDING LOW VOLTAGE WIRING, IN ACCORDANCE WITH ARTICLE 300-II AND ARTICLES 125 THROUGH 830 OF THE NEC.

CHAPTER - 3 USE AND OCCUPANCY CLASSIFICATION
3021 CLASSIFICATION
USE GROUP(S): 'M' (MERCANTILE)

CHAPTER - 5 GENERAL BUILDING HEIGHTS AND AREAS
SCOPE OF WORK AS PROPOSED DOES NOT INCREASE EXISTING BUILDING HEIGHT OR AREA. GENERAL AREA AND HEIGHT LIMITATIONS FOR THE EXISTING FACILITY HAVE BEEN REVIEWED AND APPROVED AS PART OF THE ORIGINAL BUILDING PERMIT.

CHAPTER - 6 TYPE(S) OF CONSTRUCTION
TYPE V-B (5-B), SPRINKLERED

CHAPTER - 7 FIRE AND SMOKE PROTECTIVE FEATURES
FIRE RESISTIVE RATING(S) FOR NEW CONSTRUCTION SHALL MEET THE REQUIREMENTS OF CHAPTER 7.

CHAPTER - 8 INTERIOR FINISHES
ROOM FINISHES SHALL MEET THE REQUIREMENTS OF SECTION 803 AND TABLE 803.3. CLASS 'C' FOR INTERIOR ROOFS & CLASS 'B' FOR CORRIDORS & GENERAL AREAS. INTERIOR FLOORS SHALL MEET THE REQUIREMENTS OF SECTION 804. CLASS II IN CORRIDORS AND OPEN AREAS AND TYPE DOC FF-1 IN ENCLOSED ROOMS.

CHAPTER - 10 MEANS OF EGRESS
SECTION 1004 OCCUPANT LOAD FOR PROPOSED USE(S) (TABLE 1004.1.2)
'M' USE: 2,422 SF. STORAGE/ STOCK AREA @ 1/300 GROSS = 8 OCCUPANT(S)
3,812 SF. RETAIL AREA @ 1/60 GROSS = 65 OCCUPANT(S)
TOTAL = 73 OCCUPANT(S)

DOOR(S) PROVIDED ARE AT LEAST 36 INCHES WIDE WHICH MEET EGRESS AND ALSO BARRIER FREE REQUIREMENTS.

MEANS OF EGRESS REQUIREMENTS FOR THE EXISTING BUILDING TO REMAIN HAVE BEEN MET BOTH WITHIN THE EXISTING SPACE(S) AND HAVE BEEN DETERMINED TO BE ADEQUATE AS PART OF THE ORIGINAL PERMIT APPROVAL.

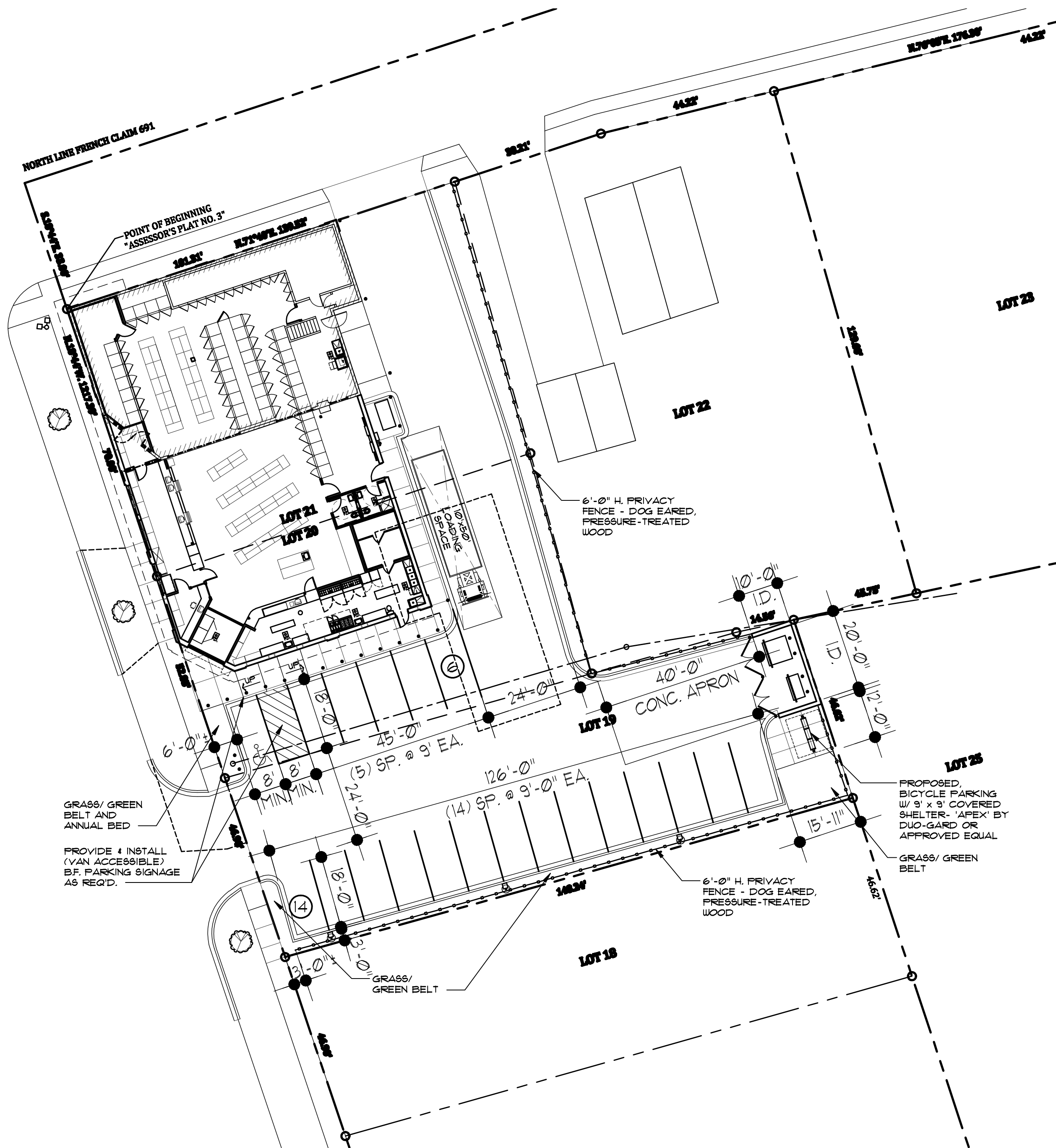
CHAPTER - 11 ACCESSIBILITY
ALL NEW CONSTRUCTION SHALL COMPLY WITH CHAPTER 11 REQUIREMENTS.

CHAPTER - 12 INTERIOR ENVIRONMENT
SECTION 1205 THE LIGHTING AND NATURAL LIGHT REQUIREMENTS HAVE BEEN DESIGNED TO MEET OR EXCEED THE MINIMUM REQUIRED LIGHTING LEVELS FOR BOTH DAY AND NIGHT FOR THE PROPOSED LEASE SPACE.

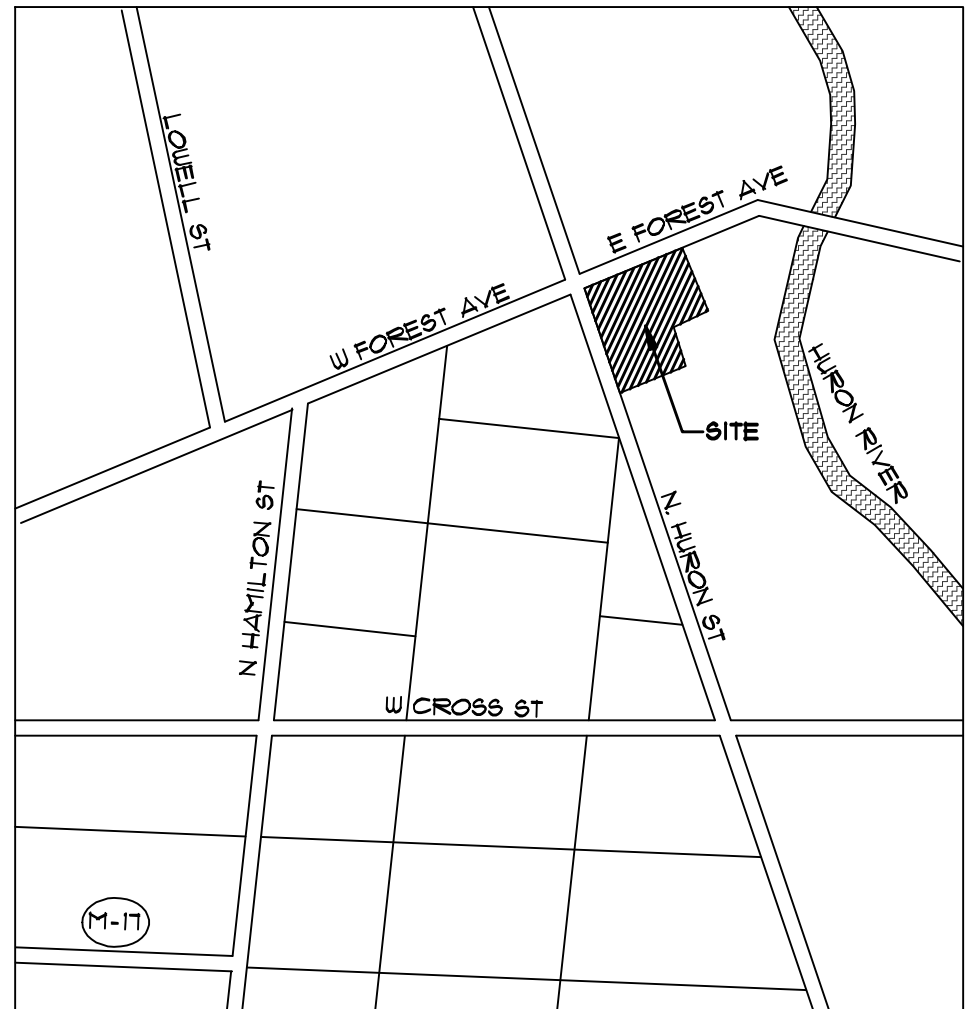
SECTION 1203 EXISTING MECHANICAL VENTILATION TO BE DESIGNED AND MODIFIED TO CORRESPOND WITH THESE PLANS AND OWNER REQUIREMENTS. THE MECHANICAL CONTRACTOR SHALL SUBMIT AIR DISTRIBUTION DRAWINGS, IF APPLICABLE, FOR REVIEW BY THE ARCHITECT AND THE CITY.

A.D.A. APPLICABLE PARTS OF THE AMERICANS WITH DISABILITIES ACT SHALL APPLY TO THIS PROPOSED ADDITION. ALL DOORS WIDTHS, ELECTRICAL DEVICES, PLUMBING DEVICES, CORRIDORS, SIGNAGE AND ALARM DEVICES SHALL MEET A.D.A. FOR THE PHYSICALLY, VISUALLY AND HEARING IMPAIRED.

THE AMERICANS WITH DISABILITIES ACT PROVIDES THAT IT IS A VIOLATION OF THE ADA TO CONSTRUCT A FACILITY FOR FIRST OCCUPANCY LATER THAN JANUARY 26, 1993, THAT DOES NOT MEET THE ACCESSIBILITY AND USABILITY REQUIREMENTS OF THE ADA, EXCEPT WHERE AN ENTITY CAN DEMONSTRATE THAT IT IS NOT FEASIBLE TO CONSTRUCT SUCH A FACILITY. THEREFORE, THE ARCHITECT AND LANDLORD ACKNOWLEDGE THAT THESE REQUIREMENTS OF THE ADA WILL BE SUBJECT TO VARIOUS AND POSSIBLY CONTRADICTORY INTERPRETATIONS. THE ARCHITECT, THEREFORE, WILL USE ITS BEST JUDGMENT TO INTERPRET AND APPLY THE ADA ACCESSIBLE ADA REQUIREMENTS AND OTHER FEDERAL, STATE AND LOCAL CODES, LAWS AND ORDINANCES AS THEY APPLY TO THE PROJECT. THE ARCHITECT, HOWEVER, CANNOT AND DOES NOT WARRANT OR GUARANTEE THAT THE TENANT LEASED SPACE COMPLY WITH ALL INTERPRETATIONS OF THE ADA REQUIREMENTS AS THEY APPLY TO THE PROJECT. THE ARCHITECT DOES NOT WARRANT OR GUARANTEE THAT THE DESIGN OF ANY COMPONENT IN THE TENANT LEASED SPACE WILL MEET THE REQUIREMENTS OF THE ADA IF THEY HAVE NOT BEEN SUBMITTED TO THE ARCHITECT FOR REVIEW.



SCALE: 1"=20'-0"



SCALE: N.T.S

**ZONED: NC (NEIGHBORHOOD
CORRIDOR)**

CODE(S): M.B.C. 2015
CONST. TYPE: V-B (5-B)
STORIES OF BUILDING: ONE (1)
USE GROUP(S): 'M'
BUILDING AREA: 6,294 SQ. FT.
OCCUPANCY: 73

TOTAL GROSS AREA (FOOTPRINT) = 6,234 SQ. FT.
 CONVENIENCE STORE; 6,234 SQ. FT. (GROSS AREA)
 CONVENIENCE STORE W/ CARRY-OUT PIZZA
 RETAIL = 1 SP. PER 150 SQ. FT.
 $3,871 \text{ SF.} / 250 = 15.48$, THEREFORE 16 SPACES
 STAFF = 1 SP. PER EMPLOYEE (LARGEST SHIFT)
 CONV. STORE: 2 EMPLOYEES = 2 SPACES
 CARRY-OUT (PIZZA): 2 EMPLOYEES = 2 SPACES

 TOTAL = 20 SPACES REQUIRED

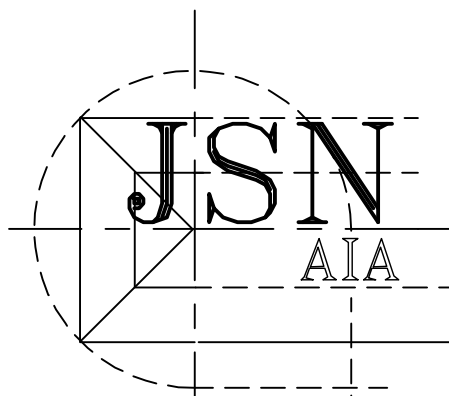
PARKING REDUCTION(S):
 BICYCLE(S) = 1 SPACE FOR EVERY 4 BICYCLE SPACES
 8 BIKE SPACES / 4 = 2 SPACE REDUCTION
 BICYCLE(S) = 4 SPACE(S) FOR PROVISION OF EMPLOYEE SHOULDER
 EMPLOYEE SHOULDER 4 SPACE REDUCTION

 TOTAL = 6 SPACE REDUCTION

PARKING TOTAL(S):
 $20 \text{ (CONV. STORE)} - 6 \text{ (REDUCTIONS)}$

 TOTAL = 14 SPACES REQUIRED

 TOTAL (PROVIDED) = 20 SPACES (PROPOSED)



Joseph S. Novitsky
Architecture
3856 12 Mile Road
Berkley, MI 48072
(248) 433-2030

Seat:

Revisions

DATE	DESCRIPTION
08/21/17	REVIEW
02/28/18	REVIEW
03/16/18	REVIEW
03/21/18	P.C. REVIEW
04/18/18	P.C. REVIEW- SPECIAL USE
08/03/18	REVIEW
09/25/18	Z.B.A. REVIEW

Project Name: **STORE- 534 N. HURON STREET**

534 N. HURON STREET
YPSILANTI MI 48197

OWNER:
TOM TAMOU

Sheet Title:

PROPOSED SITE PLAN, LOCATION MAP, NOTE(S) & ANALYSIS

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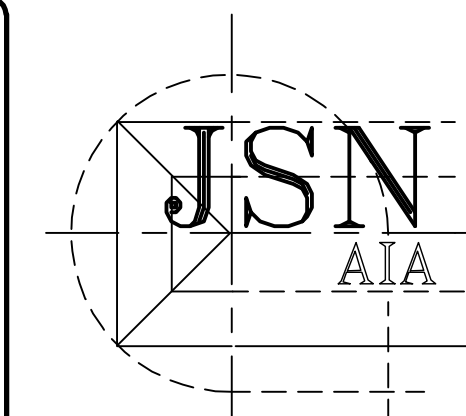
Date: 08/21/17
Drawn by: LDN, MLC

Project Number:

17054

Sheet Number:

S-1



**Joseph S. Novitsky
Architecture
3856 12 Mile Road
Berkley, MI 48072
(248) 433-2030**

Seal:



Revisions:

DATE	DESCRIPTION
08/21/17	REVIEW
03/21/18	P.C. REVIEW
04/18/18	P.C. REVIEW- SPECIAL USE
09-25-18	Z.B.A. REVIEW

Project Name:

Project Name: **STORE- 534 N. HURON STREET**

534 N. HURON STREET
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OWNER: **TOM TAMOU**

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EXISTING / CONTEXTUAL SITE PLAN

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Date: 08/21/17
Drawn by: LDN, MLC

Project Number:

17054

Sheet Number:

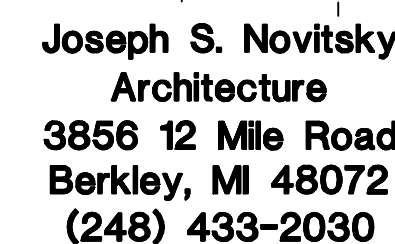
S-2



EXISTING/ CONTEXTUAL SITE PLAN

NEIGHBORHOOD/ CONTEXT

SCALE: 1"=40'-0"



Seal:



Revisions

DATE	DESCRIPTION
02/19/18	REVIEW
02/27/18	REVIEW
03/28/18	REVIEW
03/16/18	REVIEW
03/21/18	P.C. REVIEW
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09/25/18	ZBA REVIEW

Project Name:
STORE- 534 N. HURON STREET

534 N. HURON STREET
YPSILANTI, MI 48197

OWNER: **TOM TAMOU**

Sheet Title:

**EXISTING &
PROPOSED
FLOOR
PLAN(S)**

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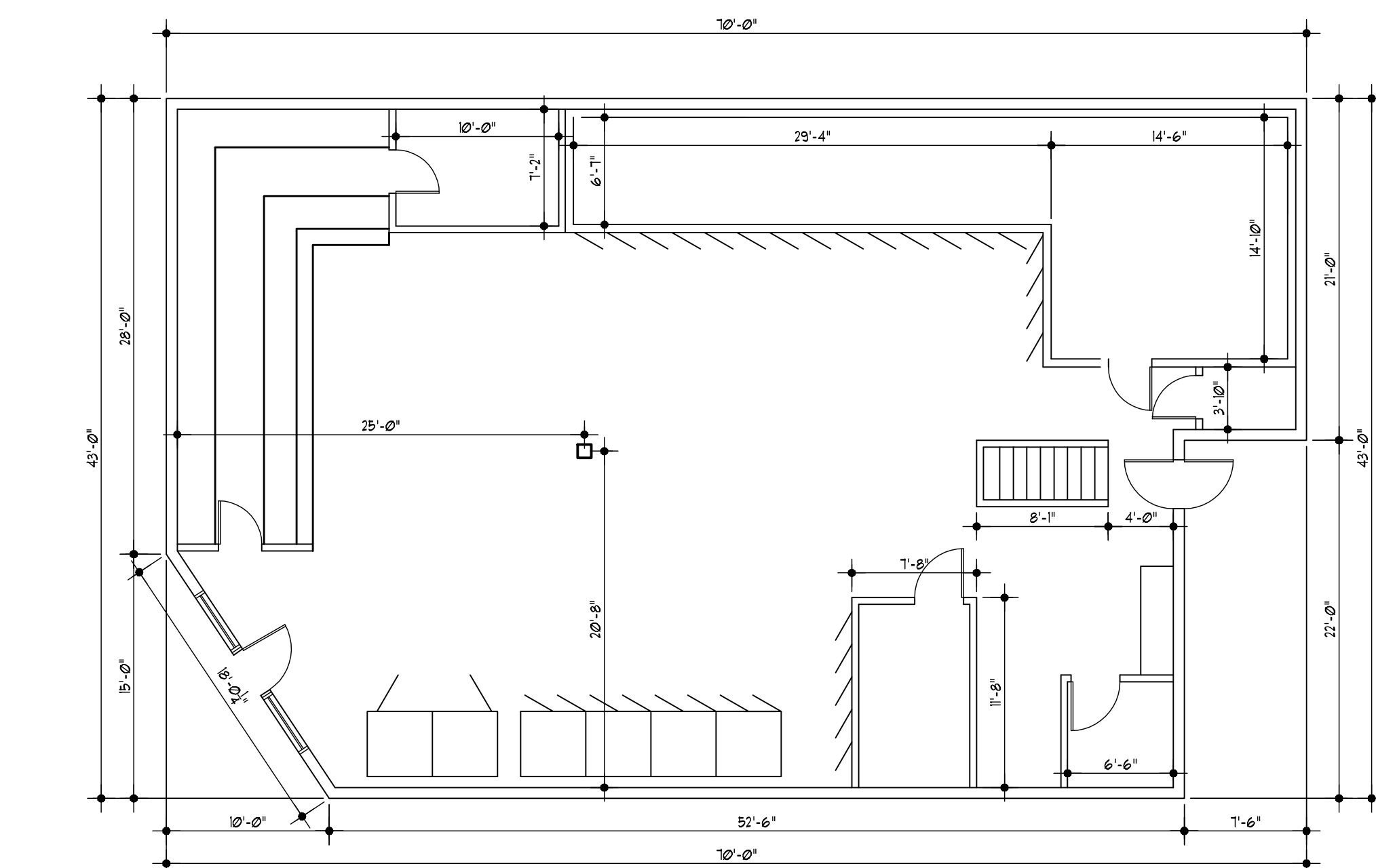
Date: 02/19/18
Drawn by: LDN, MLC

Project Number:

17054

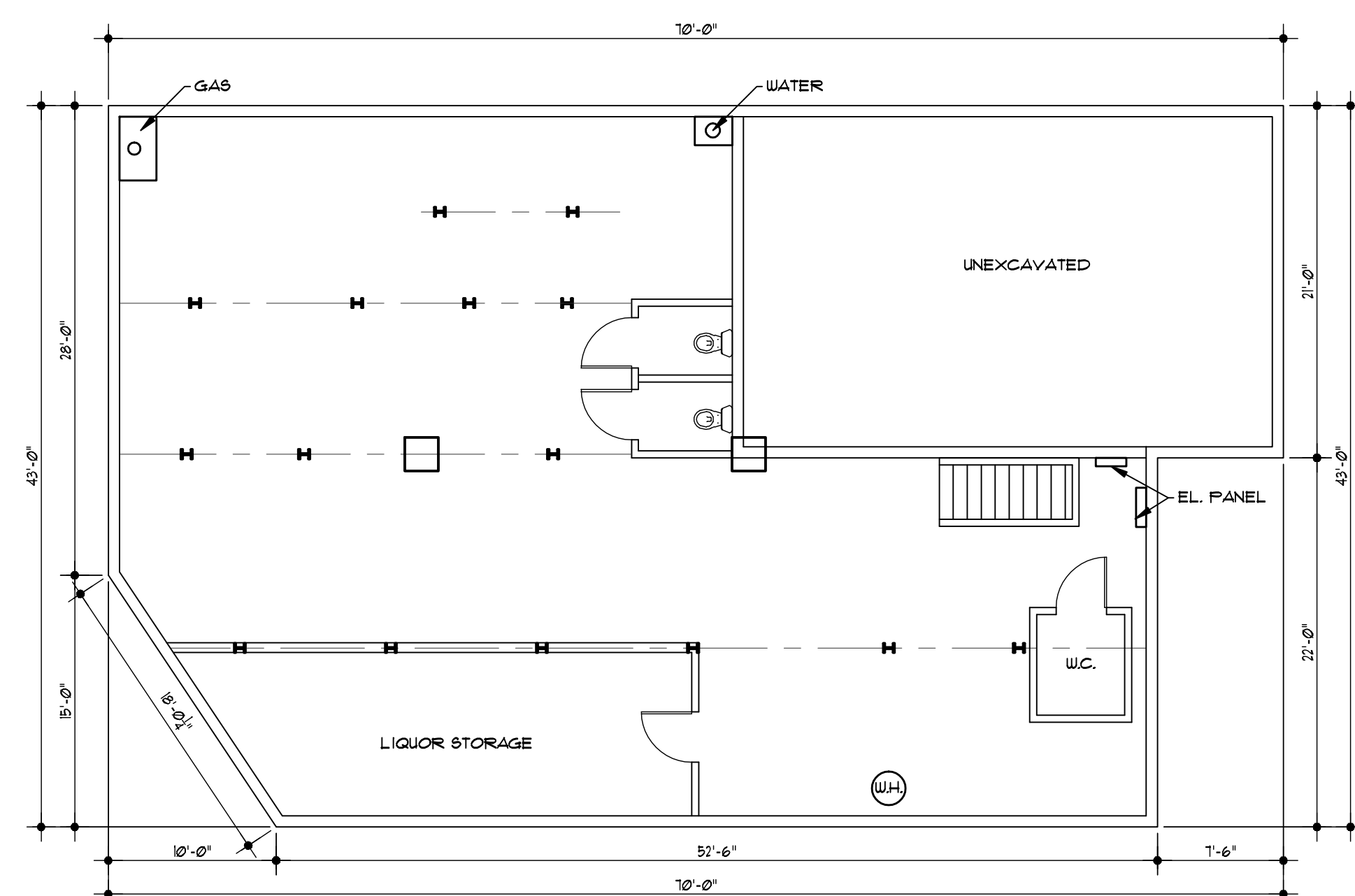
Sheet Number:

A-1



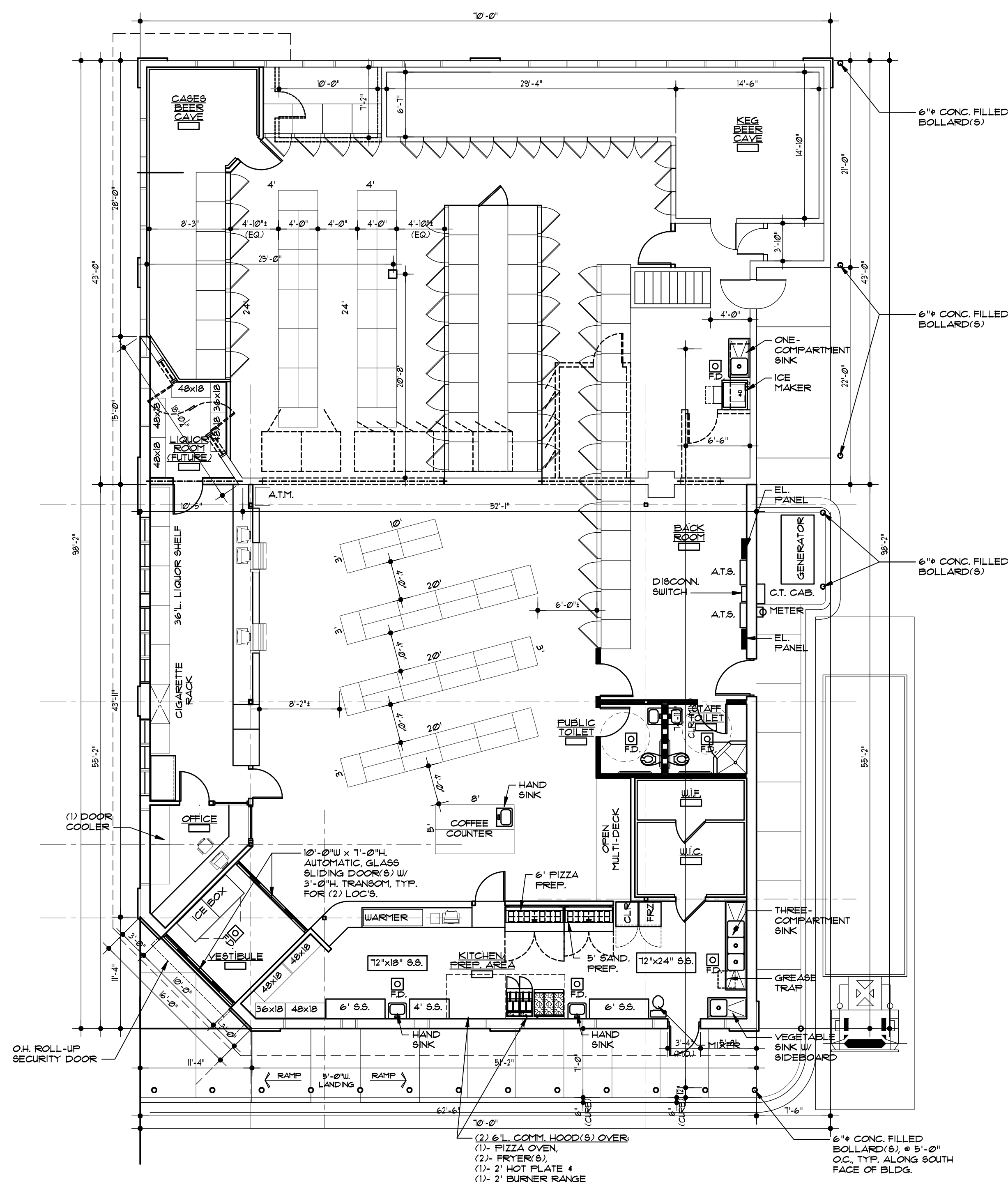
EXISTING FLOOR PLAN

SCALE: $\frac{1}{8}'' = 1' - 0''$



EXISTING BASEMENT PLAN

SCALE: $\frac{1}{8}" = 1' - 0"$



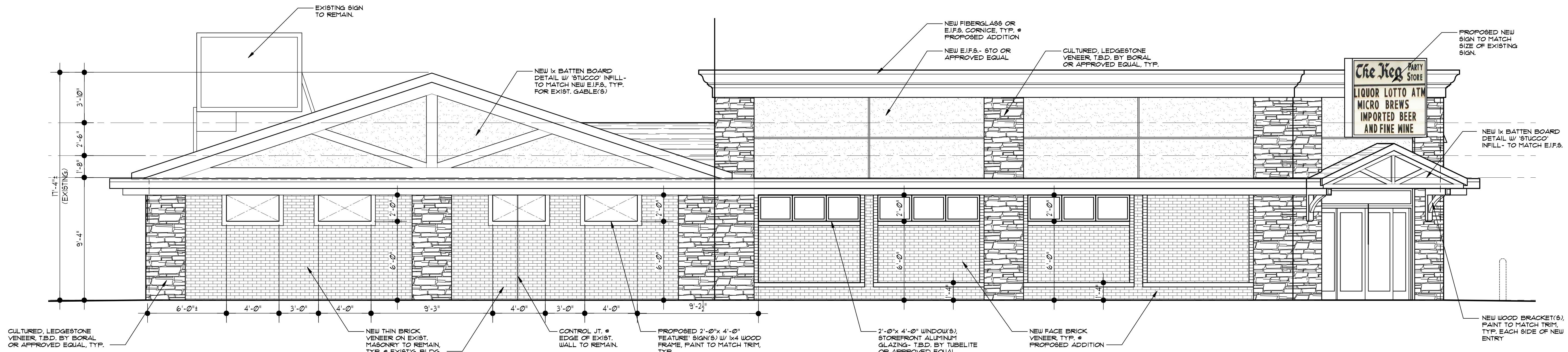
PROPOSED FIRST FLOOR PLAN

SCALE: $\frac{1}{8}'' = 1' - 0''$

BUILDING AREA ANALYSIS

EXISTING BUILDING:	2,774 SF.
PROPOSED ADDITION:	3,456 SF.
NEW BUILDING TOTAL:	6,230 SF.

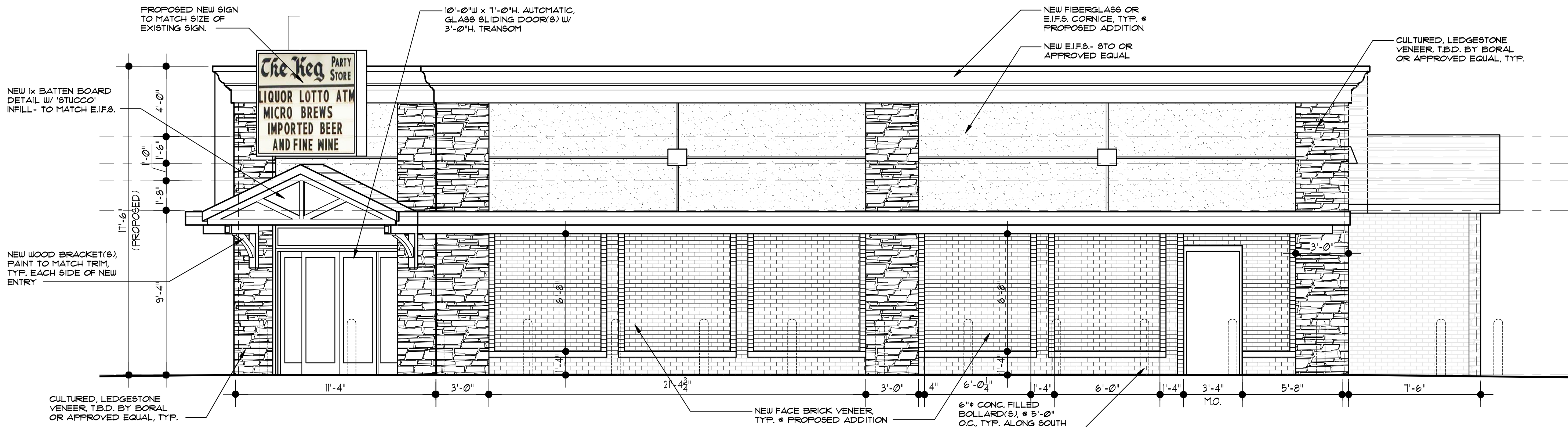
RESTAURANT: 835 SF.
STORE: 5,395 SF.



WEST ('FRONT') ELEVATION

N. HURON STREET-SIDE ELEV. SCALE: 1/4"=1'-0"

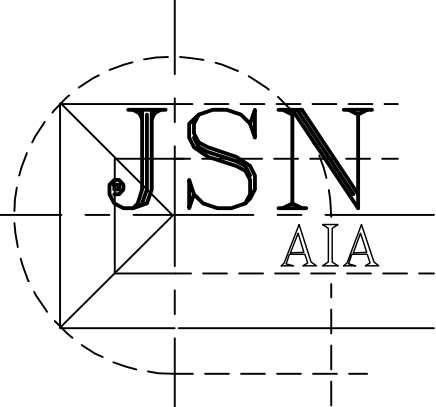
FRONTAGE ANALYSIS PER ORDINANCE	
'WEST' / N. HURON STREET FACE (* ADDITION):	'SOUTHWEST' / CORNER ENTRY FACE:
PROPOSED ADDITION: 351.8 SF.	PROPOSED ADDITION: 136.0 SF.
x 60%	x 60%
WINDOW AREA REQUIRED: 211.1 SF.	DOOR/ WINDOW AREA REQ'D: 81.6 SF.
TOTAL WINDOW AREA PROP. (INCLUDING BLOCKOUT AREAS): 206.5 SF. (58.1%)	DOOR/ WINDOW AREA PROP.: 85.0 SF. (62.5%)
WINDOW GLAZING, INSTALLED: 46.5 SF. (1.6%)	



SOUTH ('SIDE') ELEVATION

PARKING SIDE ELEV. SCALE: 1/4"=1'-0"

FRONTAGE ANALYSIS PER ORDINANCE	
'SOUTH' / PARKING FACE (* ADDITION):	
PROPOSED ADDITION: 414.3 SF.	
x 60%	
WINDOW AREA (* 60.0%): 248.6 SF.	
TOTAL WINDOW AREA PROP. (INCLUDING BLOCKOUT AREAS): 244.1 SF. (59.1%)	
DOOR, AS INSTALLED: 24.5 SF. (5.9%)	



Joseph S. Novitsky
Architecture
3856 12 Mile Road
Berkley, MI 48072
(248) 433-2030

Seal:



Revisions:

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04/18/18	P.C. REVIEW- SPECIAL USE
08/02/18	REVIEW
09/25/18	Z.B.A. REVIEW

Project Name: STORE- 534 N. HURON STREET

534 N. HURON STREET
YPSILANTI, MI 48197

OWNER: TOM TAMOU

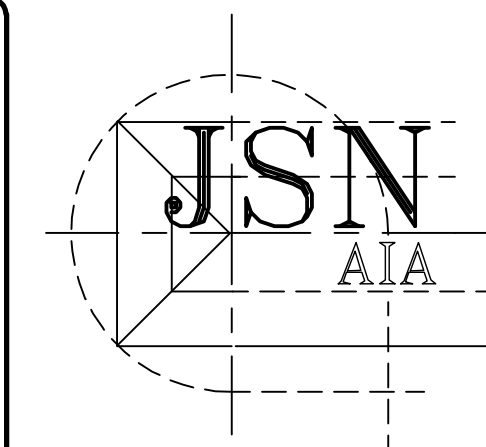
Sheet Title:
**PROPOSED
ELEVATIONS**

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Date: 03/12/18
Drawn by: CH, MLC

Project Number:
17054

Sheet Number:
A-3



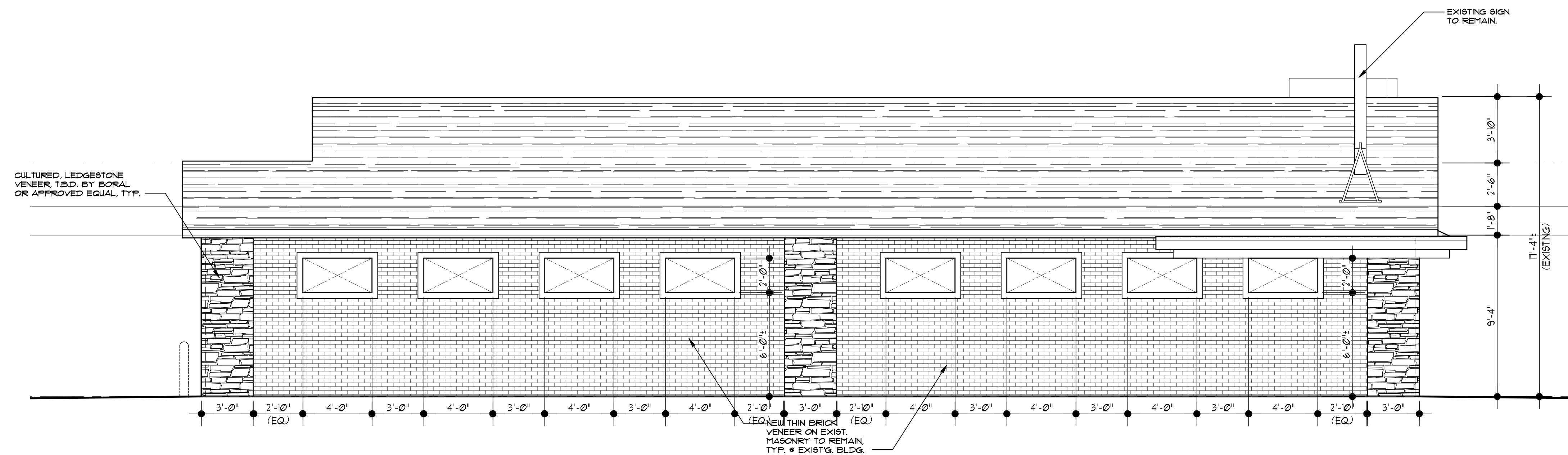
Joseph S. Novitsky
Architecture
3856 12 Mile Road
Berkley, MI 48072
(248) 433-2030

Seal:



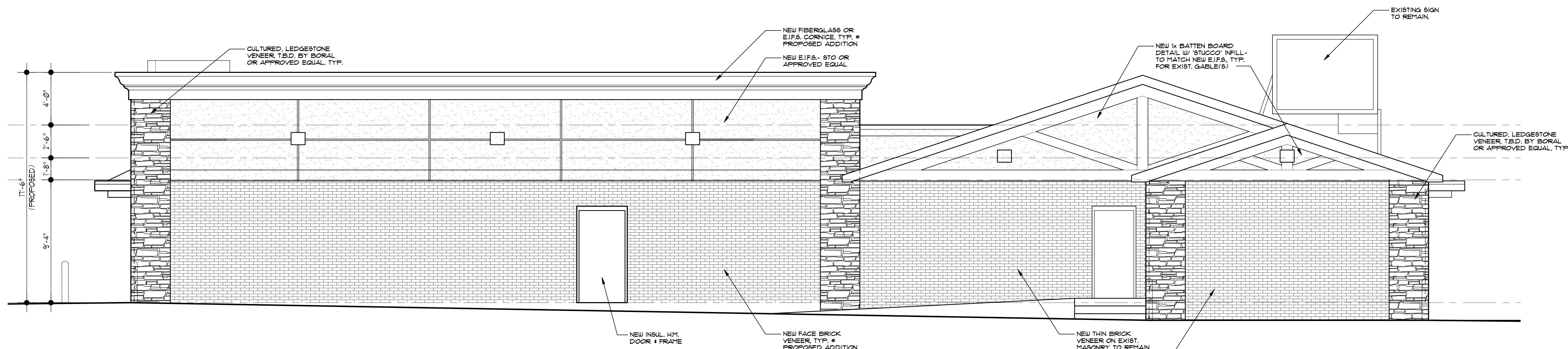
Revisions:

DATE	DESCRIPTION
03/16/18	REVIEW
03/21/18	P.C. REVIEW
04/18/18	P.C. REVIEW- SPECIAL USE
06/03/18	REVIEW
09/25/18	Z.B.A. REVIEW



NORTH ('SIDE') ELEVATION

W. FOREST STREET-SIDE ELEV. SCALE: 1/4"=1'-0"



EAST ('REAR') ELEVATION

SCALE: 1/4"=1'-0"

Project Name:
STORE- 534 N. HURON STREET

534 N. HURON STREET
YPSILANTI, MI 48197

OWNER:
TOM TAMOU

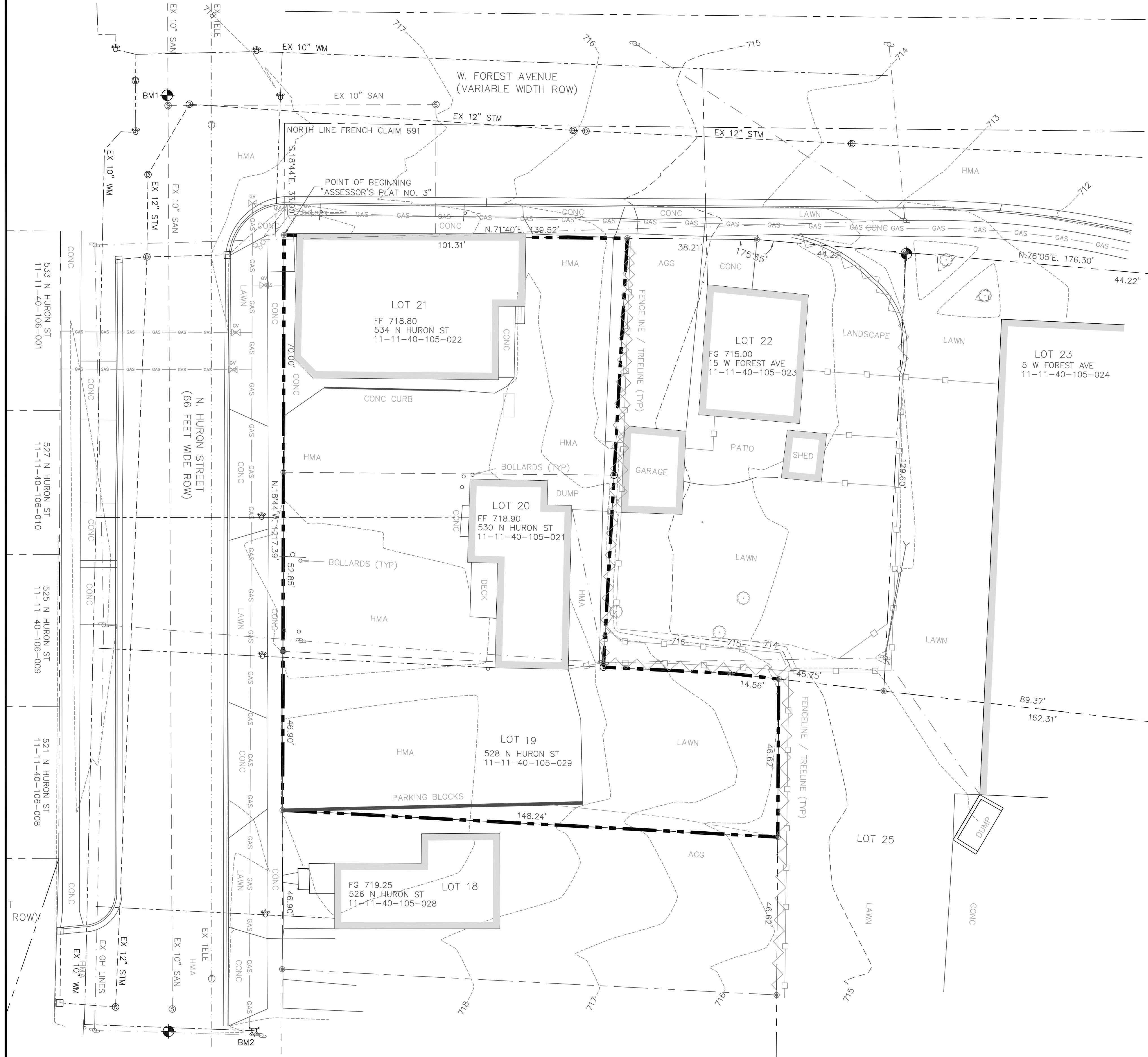
Sheet Title:
PROPOSED ELEVATIONS

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Date: 03/16/18
Drawn by: MLC

Project Number:
17054

Sheet Number:
A-4



FLOODPLAIN STATEMENT

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)
NATIONAL FLOOD INSURANCE PROGRAM (NFIP)
FLOOD INSURANCE RATE MAP (FIRM)
MAP NUMBER 26161C0426E
EFFECTIVE DATE APRIL 3, 2012
INDICATES THE SUBJECT PROPERTY IS NOT
WITHIN DESIGNATED FLOOD HAZARD AREAS.

SOIL CONDITIONS

NATURAL RESOURCES CONSERVATION SERVICE
WWW.NCRS.USDA.GOV WEB SOIL SURVEY
100% STB, ST. CLAIR CLAY LOAM, 2 TO 6 PERCENT SLOPES

WETLANDS STATEMENT

NATIONAL WETLANDS INVENTORY
WWW.FWS.GOV/WETLANDS/DATA/MAPPER.HTML
DOES NOT INDICATE WETLANDS ON THE SUBJECT PROPERTY.
HURON CONSULTANTS FOUND NO ONSITE INDICATION OF WETLANDS.

BENCHMARKS

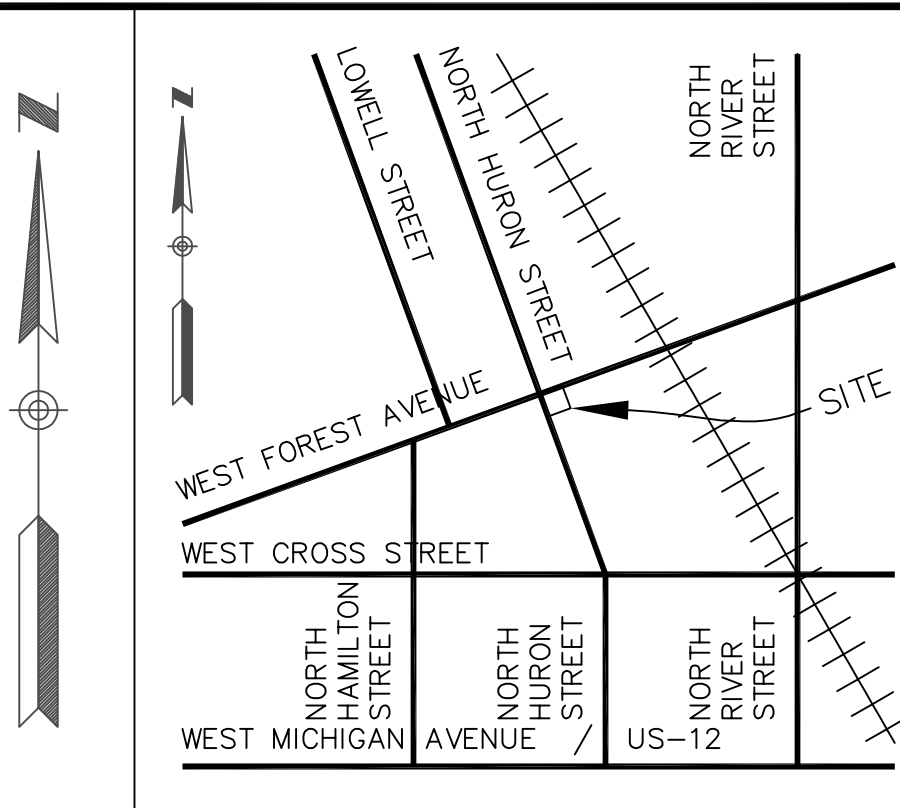
BENCHMARKS AND TOPO SURVEY ARE NAVD88 DATUM
CONVERT FROM NAVD88 TO NGVD29 AT NOAA WEBSITE:
https://www.ngs.noaa.gov/cgi-bin/VERTCON/vert_con.prl
CONVERSION +0.41' TO NGVD29 DATUM

BM1

FOUND IRON AT THE INTERSECTION OF THE CENTERLINES
OF N. HURON STREET AND W. FOREST AVENUE
718.98 NAVD88 CONVERSION +0.41'
719.39 NGVD29

BM2

ARROW ON HYDRANT, NEAR THE SOUTHWEST PROPERTY
CORNER OF HOUSE 526 N. HURON STREET
721.23 NAVD88 CONVERSION +0.41'
721.64 NGVD29



LOCATION MAP
SCALE 1" = 1/4 MILE

LEGAL DESCRIPTION

TAX PARCEL IDS:
11-11-40-105-029 LOT 19
11-11-40-105-021 LOT 20
11-11-40-105-022 LOT 21

LOTS 19-21 OF "ASSESSOR'S PLAT
NO. 3" - CITY OF YPSILANTI BEING
PART OF FRENCH CLAIM NO. 691

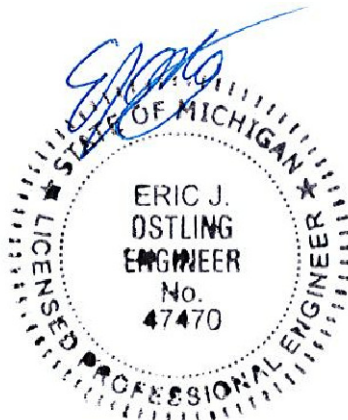


Know what's below.
Call before you dig.

PRIOR TO CONSTRUCTION, ALL EXISTING
UTILITIES LOCATION AND DEPTH WITHIN
THE PROJECT AREA SHALL BE FIELD
VERIFIED. CALL MISS DIG SYSTEM 3
WORKING DAYS PRIOR TO
CONSTRUCTION.

UTILITY INFORMATION SHOWN ON THIS
DRAWING ARE APPROXIMATE AND MAY BE
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PROJECT NAME:
YPSILANTI
SITE PLAN

LOTS 19-22 OF
"ASSESSOR'S PLAT NO 3"

TOPOGRAPHIC
SURVEY

PROJECT LOCATION:
PART OF FRENCH CLAIM 691
T. 3 S., R. 7 E.
CITY OF YPSILANTI
WASHTENAW COUNTY

Drawn By: EJO
Checked By: DSM
Approved By: EJO

REVISIONS:
2018-03-15 TOPO SURVEY
2018-03-22 SITE PLAN
2018-09-18 SITE PLAN

SCALE VERIFICATION:
0 0.5
BAR IS ONE-INCH
ADJUST SCALES ACCORDINGLY IF NOT

SCALE:
1/16" = 1'

HC PROJECT NO:
17-12027

HC DRAWING NO:
17-12027TP

SHEET: 1

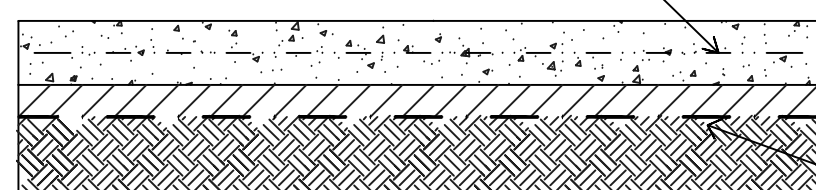
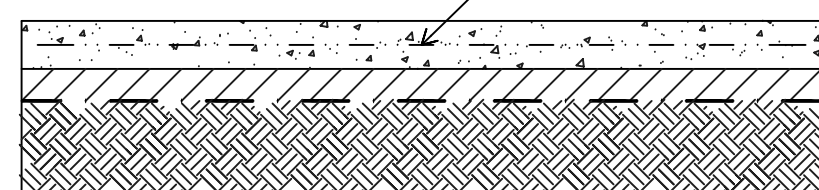
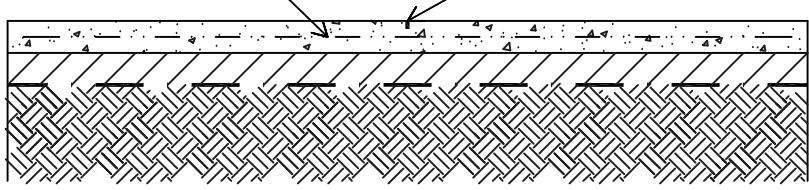
LEGEND

CATCH BASIN - DRAIN	
FENCE - CHAIN LINK	
FENCE - WOOD	
GAS VALVE - PIPELINE	
HYDRANT	
HYDRANT SHUTOFF	
IRON/PROPERTY CORNER	
LIGHT POLE	
MAILBOX	
MANHOLE - DRAINAGE	
MANHOLE - ELECTRIC	
MANHOLE - SEWER	
MANHOLE - TELEPHONE	
MANHOLE - WATER	
SANITARY CLEANOUT	
SECTION CORNER/MONUMENT	
SIGN	
UTILITY POLE/O.H.UTIL	
UTILITY BOX/U.G.UTIL	
WATER - SHUT-OFF	
TREELINE	
TREE - DECIDUOUS	
TREE - EVERGREEN	

W2.9 (NOMINAL DIAMETER 0.192")
WIRE MESH, 4" CENTER TO CENTER
LONGITUDINAL AND TRANSVERSE

1" SAWCUT FOR AESTHETIC JOINT PATTERNS
TYPICAL FOR ALL CONCRETE SIDEWALK PAVEMENTS
NOT APPLICABLE TO PARKING LOT PAVEMENTS

W2.9 (NOMINAL DIAMETER 0.192") WIRE MESH 4" CENTER TO
CENTER LONGITUDINAL AND TRANSVERSE WIRE SPACING



28 DAY 3500 PSI CONCRETE (TYP)
9" HMA CRUSHED & SHAPED AGGREGATE
OR MDOT 21AA CRUSHED LIMESTONE
(OR MDOT 22A CRUSHED LIMESTONE (TYP)
NONWOVEN GEOTEXTILE SEPARATOR
(TYP ALL PAVEMENT SECTIONS)
COMPACTED UNDISTURBED EARTH OR FILL (TYP)

4" Concrete Pavement Detail
(Ex and Pr Sidewalks, No Scale)

6" Concrete Pavement Detail
(Dumpster Pad, Onsite Concrete, No Scale)

9" Concrete Pavement Detail
(Right-of-way Approaches, No Scale)

FLOODPLAIN STATEMENT

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)
NATIONAL FLOOD INSURANCE PROGRAM (NFIP)
FLOOD INSURANCE RATE MAP (FIRM)
MAP NUMBER 26161C0426E
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BENCHMARKS

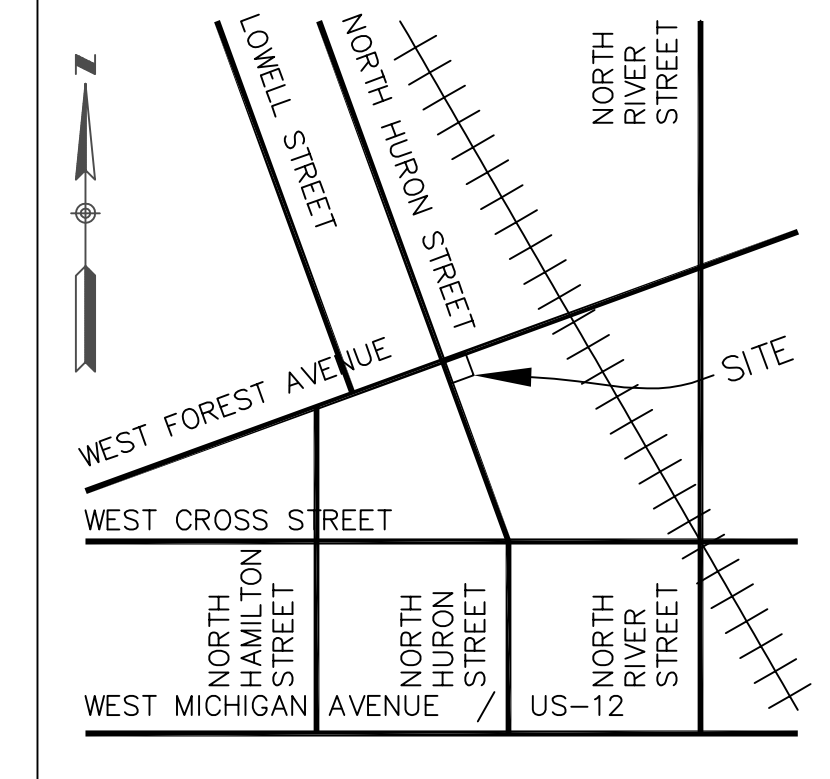
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BM2

ARROW ON HYDRANT, NEAR THE SOUTHWEST PROPERTY
CORNER OF HOUSE 526 N. HURON STREET
721.23 NAVD88 CONVERSION +0.41'
721.64 NGVD29



LOCATION MAP
SCALE 1" = 1/4 MILE

LEGAL DESCRIPTION

TAX PARCEL IDS:
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11-11-40-105-021 LOT 20
11-11-40-105-022 LOT 21

LOTS 19-21 OF "ASSESSOR'S PLAT
NO. 3" - CITY OF YPSILANTI BEING
PART OF FRENCH CLAIM NO. 691

PRELIMINARY STORM DRAINAGE CALCULATIONS

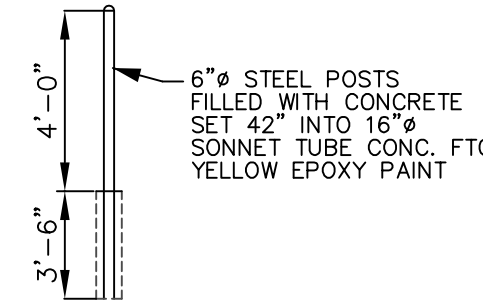
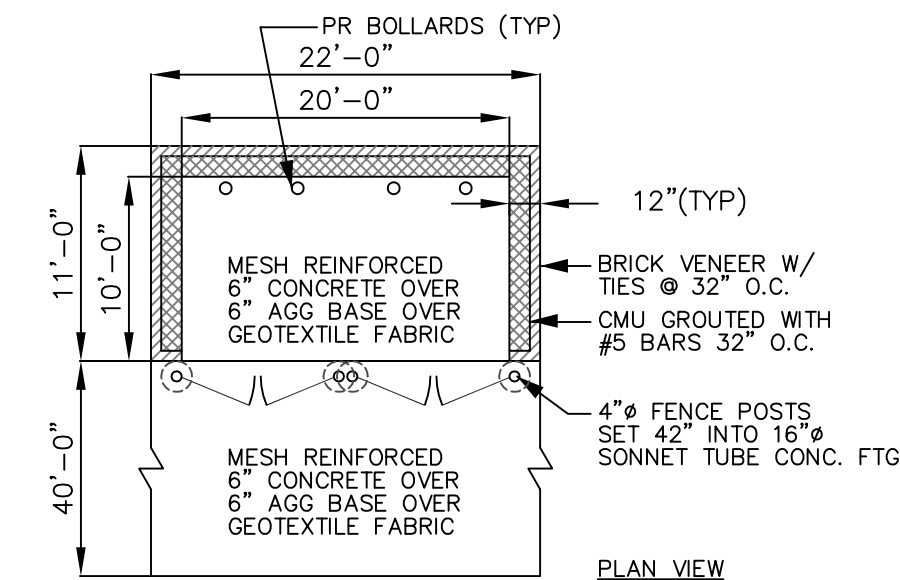
THE EXISTING SITE HAS NO UNDERGROUND DRAINAGE. BUILDING DOWNSPOUTS
DISCHARGE OVER LAND, SURFACE DRAINAGE TO THE ROAD RIGHT-OF-WAYS.

PROPOSED CONDITIONS SHALL BE UNDERGROUND STORM DRAINS, WITH ROOF
DRAINS INTERIOR TO THE PROPOSED BUILDING, WITH CONNECTIONS FOR ROOF
DRAINS SYSTEM AND SUMP PUMP DISCHARGE TO PROPOSED CATCH BASIN 1.

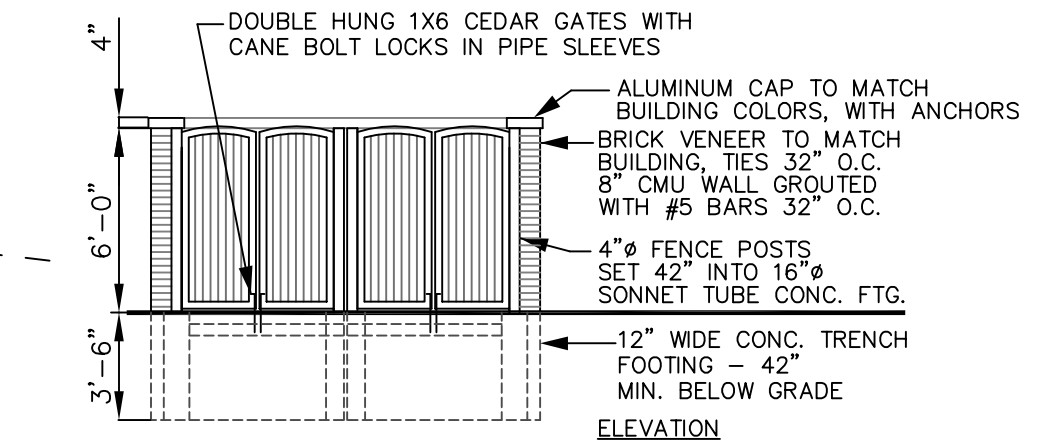
REQUEST VARIANCE NOT TO USE WASHTENAW COUNTY WATER RESOURCES
COMMISSIONER STANDARDS, AND NO REQUIRED STORM WATER DETENTION,
AS THIS SITE IS LESS THAN 0.50 ACRES.

RATIONAL METHOD DRAINAGE CALCULATIONS:

LOTS 19, 20 AND 21
NET LOT AREA 19,125 SFT (0.439 AC)
EXISTING IMPERVIOUS AREA 15,700 SFT (0.360 AC)
PROPOSED IMPERVIOUS AREA 17,960 SFT (0.412 AC)
INCREASED IMPERVIOUS AREA 17,960 - 15,700 = 2,260 / 15,700 = 14.39%
PROPOSED CONDITIONS: UNDERGROUND STORM CONVEYANCE 12"RCP:
10-YEAR STORM RATIONAL METHOD Q=CIA
C = 0.90 COMMERCIAL
I = 3.89 IN/HR
A = 0.439 AC
Q = 0.90 * 3.89 * 0.439 = 1.54 CFS
12"RCP @ 0.32% MINIMUM CONVEYS 2.02 CFS

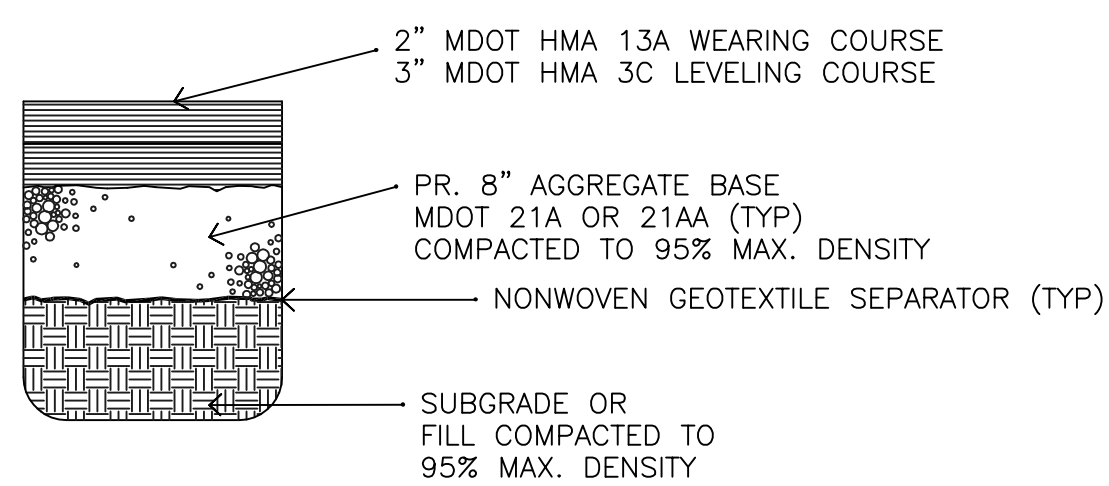


BOLLARD DETAIL
NOT TO SCALE



SCREENED DUMPSTER ENCLOSURE DETAIL

NOT TO SCALE
ALL WOOD SHALL BE TREATED, SANDED WITH POLYURETHANE.
ALL HARDWARE SHALL BE ZINC TEMPERED STEEL.



5" Hot Mix Asphalt (HMA) Detail
(No Scale)

LEGEND

CATCH BASIN - DRAIN	
FENCE - CHAIN LINK	
FENCE - WOOD	
GAS VALVE - PIPELINE	
HYDRANT	
HYDRANT SHUTOFF	
IRON/PROPERTY CORNER	
LIGHT POLE	
MAILBOX	
MANHOLE - DRAINAGE	
MANHOLE - ELECTRIC	
MANHOLE - SEWER	
MANHOLE - TELEPHONE	
MANHOLE - WATER	
SANITARY CLEANOUT	
SECTION CORNER/MONUMENT	
SIGN	
UTILITY POLE/O.H.UTIL	
UTILITY BOX/U.G.UTIL	
WATER - SHUT-OFF	
TREELINE	
TREE - DECIDUOUS	
TREE - EVERGREEN	



3811 24th Ave. Suite A
Fort Gratiot, MI 48059
TEL: (810) 966-0680
FAX: (810) 966-0681

www.huronconsultants.com

CLIENT NAME:

TAMOU'S
ELECTRICAL
CONTRACTORS

8541 KENWOOD
OAK PARK, MI 48237
TEL: (810) 560-9665
FAX: (586) 803-9700

3 WORKING DAYS
800-482-7171



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PROJECT NAME:

YPSILANTI
SITE PLAN

LOTS 19-22 OF
"ASSESSOR'S PLAT NO 3"
PRELIMINARY
ENGINEERED
SITE PLAN

PROJECT LOCATION:
PART OF FRENCH CLAIM 691
T. 3 S., R. 7 E.
CITY OF YPSILANTI
WASHTENAW COUNTY

Drawn By: EJM
Checked By: DSM
Approved By: EJM

REVISIONS:

2018-03-15 TOPO SURVEY
2018-03-22 SITE PLAN
2018-09-18 SITE PLAN

SCALE VERIFICATION:

0 0.5
BAR IS ONE-INCH
ADJUST SCALES ACCORDINGLY IF NOT

SCALE:
1/16" = 1'

HC PROJECT NO:
17-12027

HC DRAWING NO:
17-12027TP

SHEET: 2