

1. Zoning Board Of Appeals Meeting Agenda

Documents:

[01- ZBA AGENDA 01-23-19.PDF](#)

2. Zoning Board Of Appeals Meeting Packet

Documents:

[1-23-19 ZBA MEETING PACKET.PDF](#)

Agenda
Zoning Board of Appeals
Wednesday, January 23, 2019 - 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
Heather Khan	P	A
Jared Talaga	P	A
Jason Ringholz	P	A
Tom Roach	P	A
 Georgina Hickey	 P	 A

III. Approval of Minutes

- August 22, 2018

IV. Purpose of Meeting

V. Old Business

VI. New Business

- Election of Officers
 - *Vice Chair - vacancy*
- 528, 530 and 534 N Huron- Variances
 - §122-607(a), Building Entrances, Rights of Way, and Easements
Public Hearing
 - §122-477, Commercial Frontage Requirements
Public Hearing
- 307 N River- Variances
 - §122-672, Sidewalks
Public Hearing
 - §122-683, Off-Street Parking Layout and Construction
Public Hearing
 - §122-684, Parking Screening and Landscaping
Public Hearing
 - §122-685, Parking Dimensions
Public Hearing
- 708 Pearl-Variance
 - §122-683(b), Driveway width
Public Hearing
- 2019 Schedule of Meetings
- Bylaws Revision

VII. Adjournment

Agenda
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 - §122-685, Parking Dimensions
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- 708 Pearl-Variance
 - §122-683(b), Driveway width
Public Hearing
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- Bylaws Revision

VII. Adjournment

**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.

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Wednesday, January 23, 2019 - 7:00 P.M.
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VI. New Business

- 528, 530 and 534 N Huron- Variances
 - §122-607(a), Building Entrances, Rights of Way, and Easements
Public Hearing
 - §122-477, Commercial Frontage Requirements
Public Hearing



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

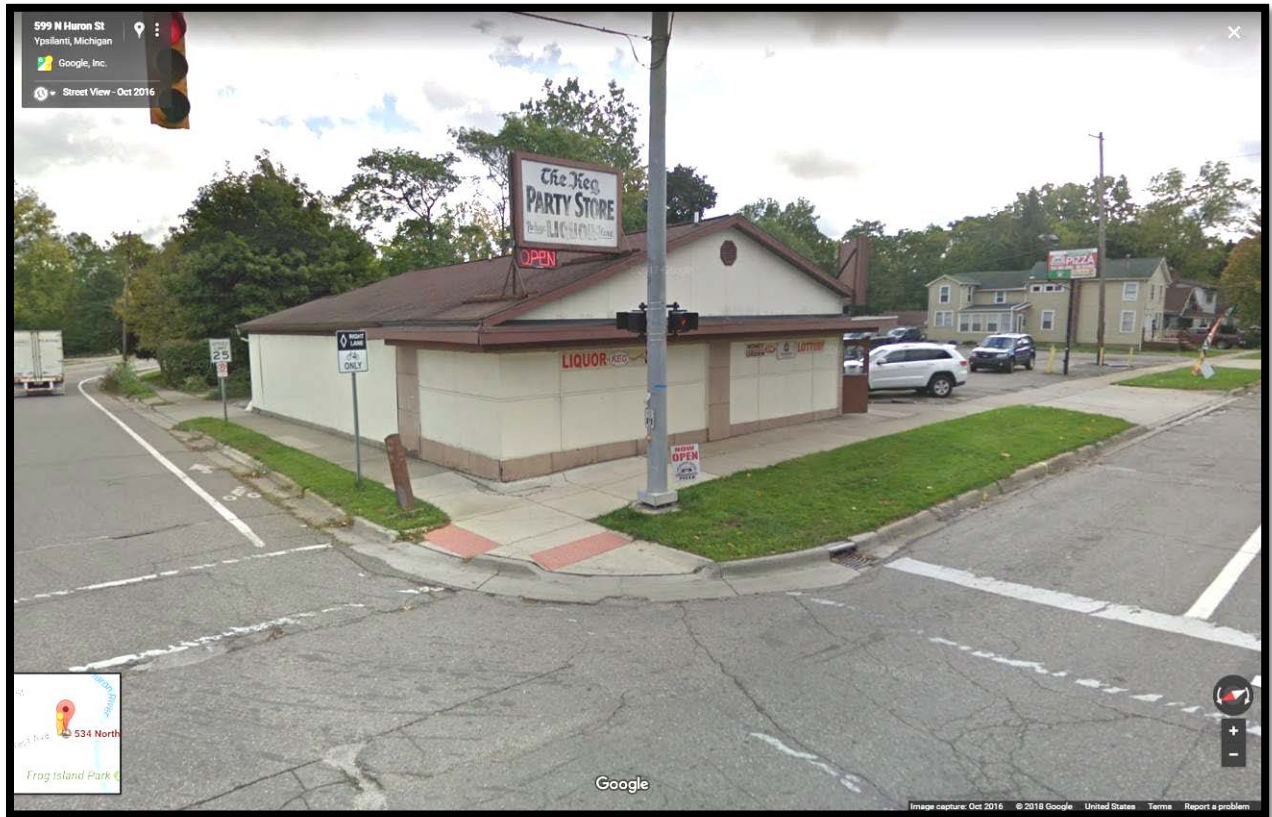


Figure 4: Google image of site-looking north east from N Huron

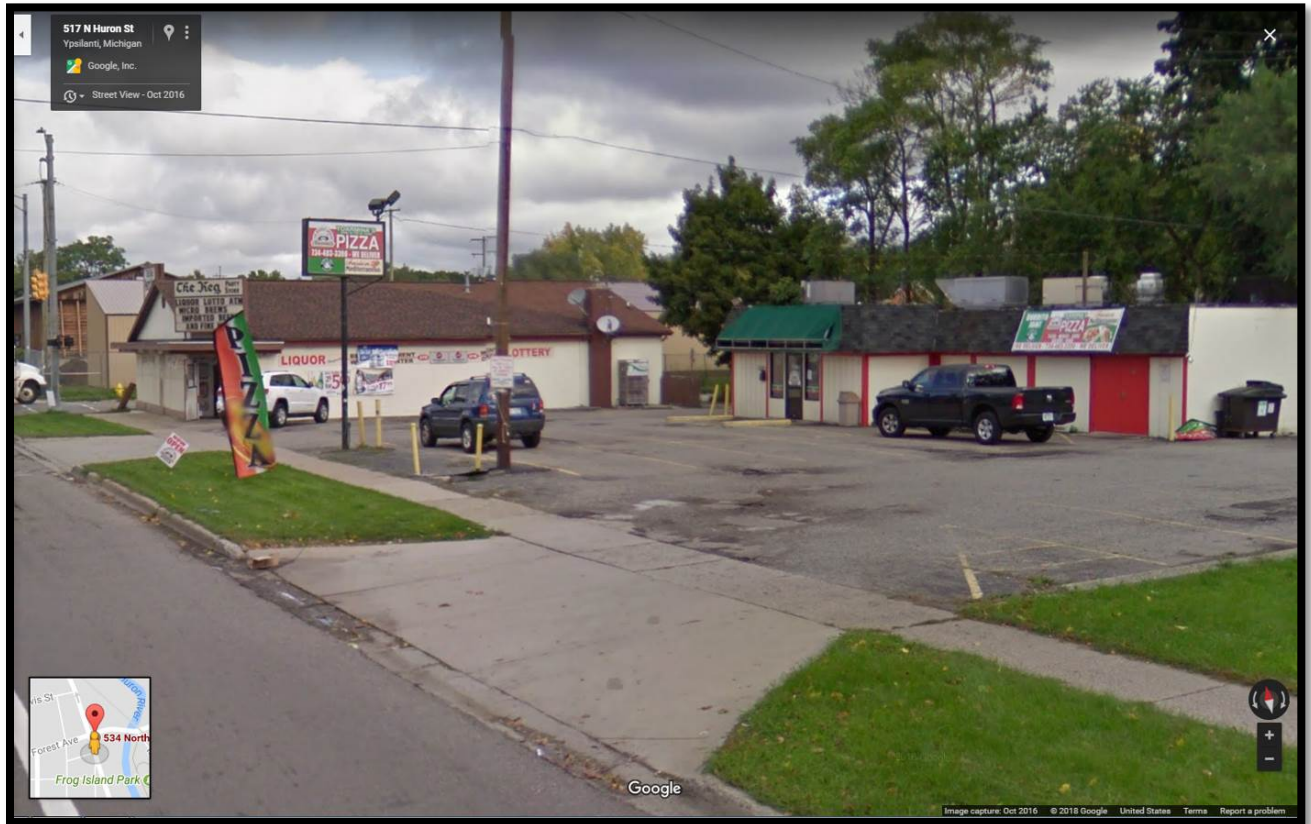


Figure 5: Land Use and Zoning of Surrounding Area

	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**

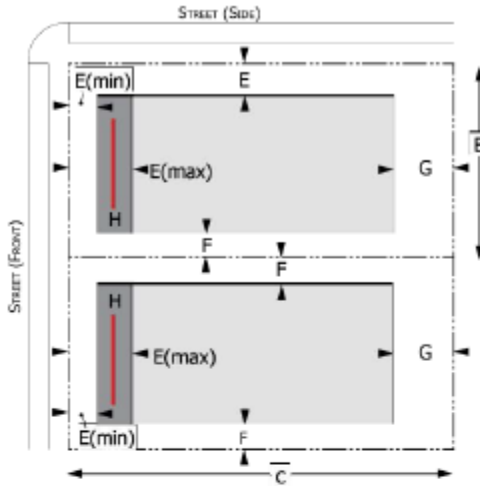
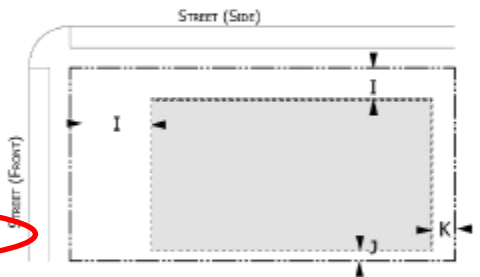
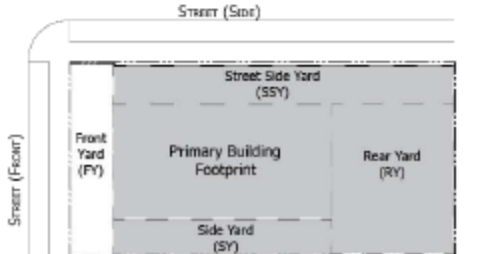
These are generally designed for a single commercial use, located in lots that accommodate accessory parking, loading, and waste disposal areas.

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	--

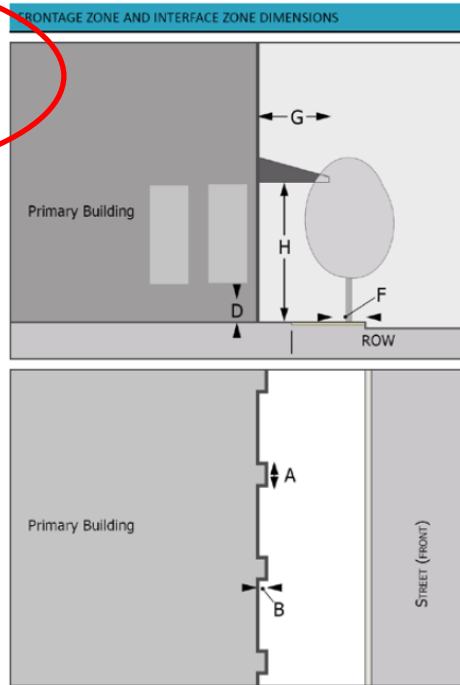


Figure 6: Staff Calculations for Frontage

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, January 23, 2019-7:00PM
City Hall-Council Chambers, 1 S Huron St
Ypsilanti, MI 48197

VI. New Business

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



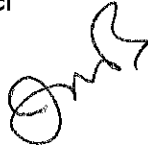
**Barr,
Anhut &
Associates, P.C.**
ATTORNEYS AT LAW

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

F:\docs\CITY\C\TAMOU, Tom v City of Ypsilanti Zoning Board of Appeals 3598\Litigation Summary Memo
092618.docx

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
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.

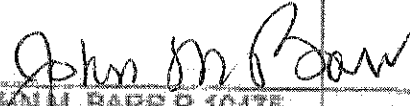
Dated: _____

Hon. Timothy P. Connors
Circuit Court Judge


TOM TAMOU
Appellant


JEFFREY M. LEIB P-16528
Attorney for Appellant

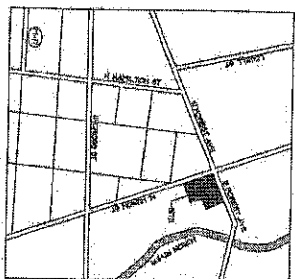
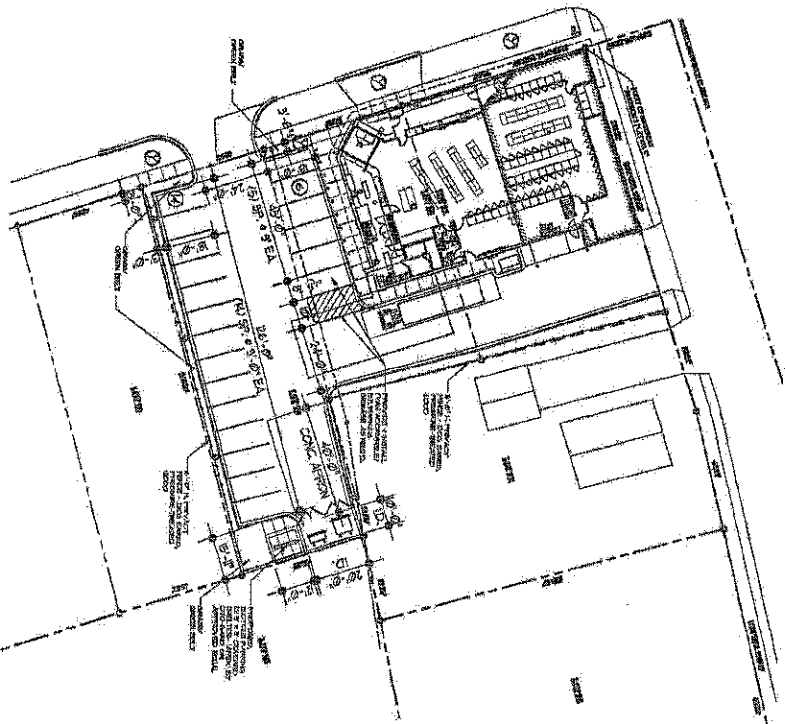
BARR, ANIUT & ASSOCIATES, P.C.


JOHN M. BARR P-10475
Attorneys for Appellee

ATTACHMENTS

PROPOSED SITE PLAN

SCALE: 1"=20'-0"



LOCATION MAP

SCALE: NTS

CURRENT ZONING
ZONED: NC (NEIGHBORHOOD
CORRIDOR)

CODE ANALYSIS
CODE(S) M.B.C. 2015
CONST. TYPE V-B (5-2)
STORIES OF BUILDING: ONE
USE GROUP(S) "M"
BUILDING AREA 4,294 SQ. FT.
OCCUPANCY: 73

PHARMACINE ANALYSE

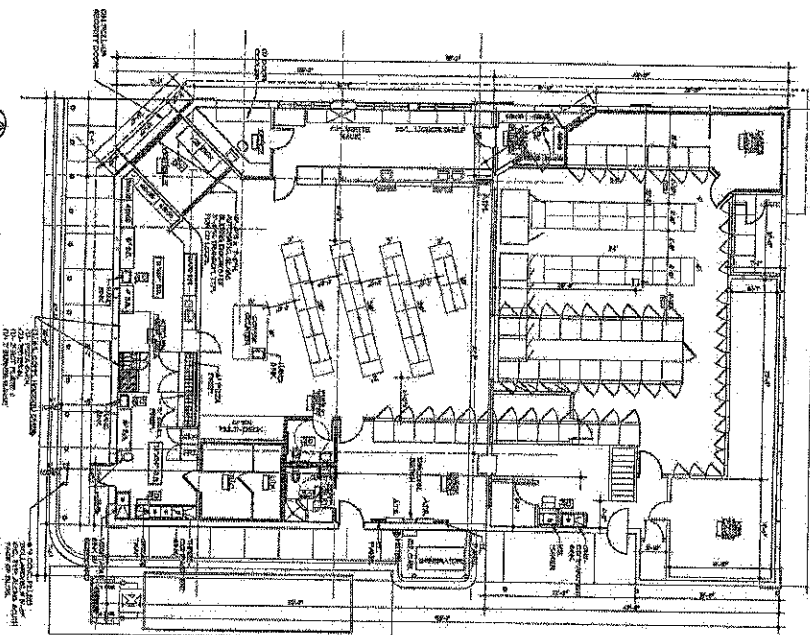
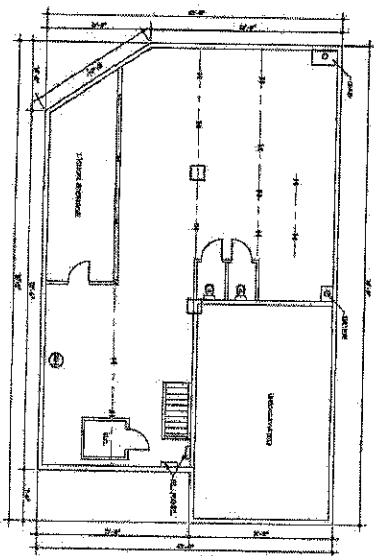
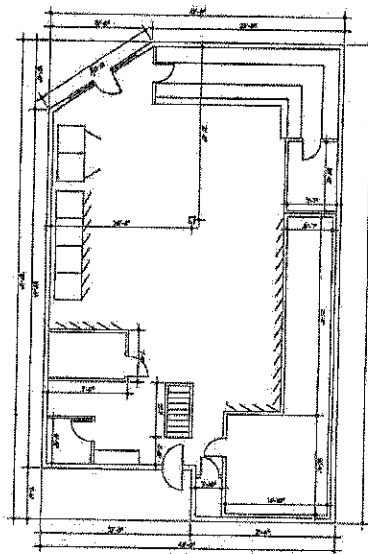
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PROPOSED
SITE PLAN,
LOCATION
MAP, NOTES
& ANALYSIS

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

Project Number: 170544
Shoot Number: S-1

Joseph A. Morfey
Architect
3828 22 Ave Road
Berkeley, CA 48072
(745) 453-2300

[illegible]

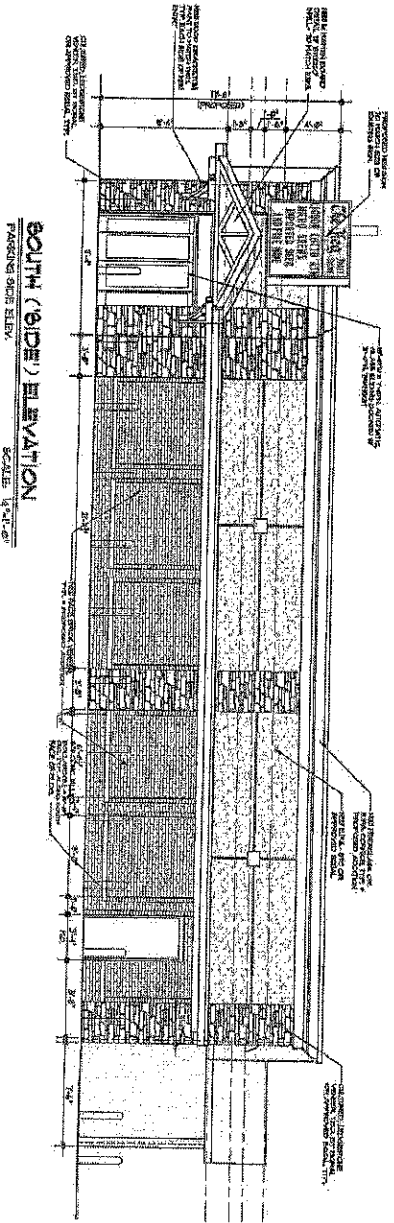
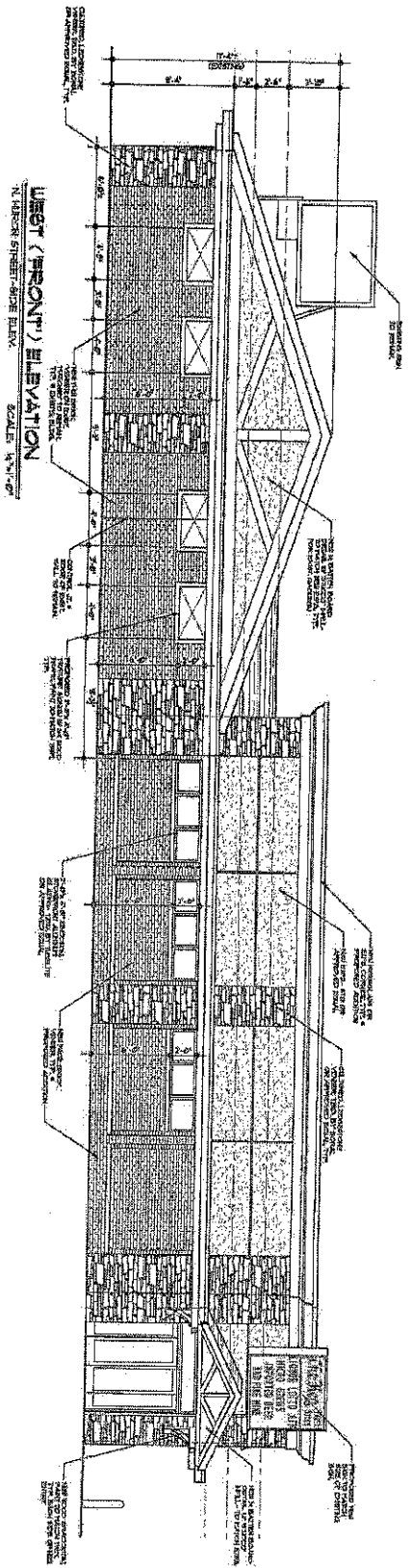
Project Name:
STORE- 534 N. HURON STREET
534 N. HURON STREET
YPSILANTI, MI 48197
OWNER:
TOM TAMOU

Sheet Title
EXISTING &
PROPOSED
FLOOR
PLAN(S)

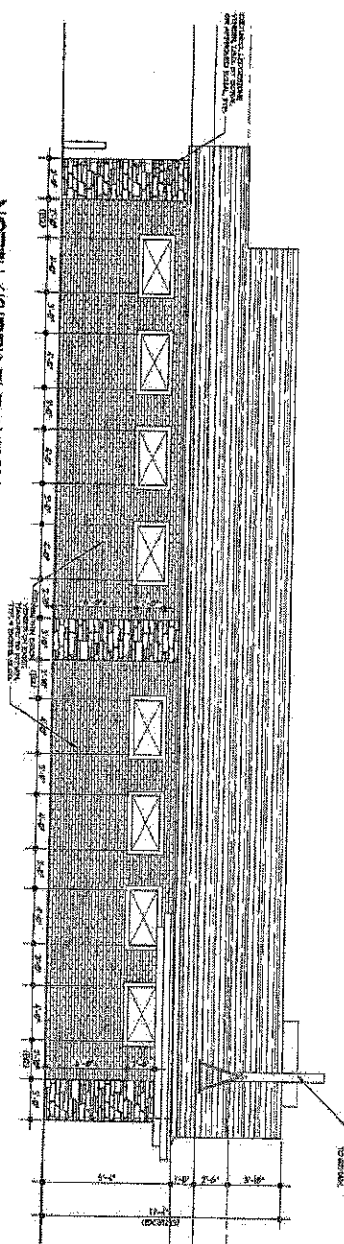
Date: 02/28/75
 Division: b7c, b7D, b7E
 Enlist Number: 17054
 Speed Number: A-1



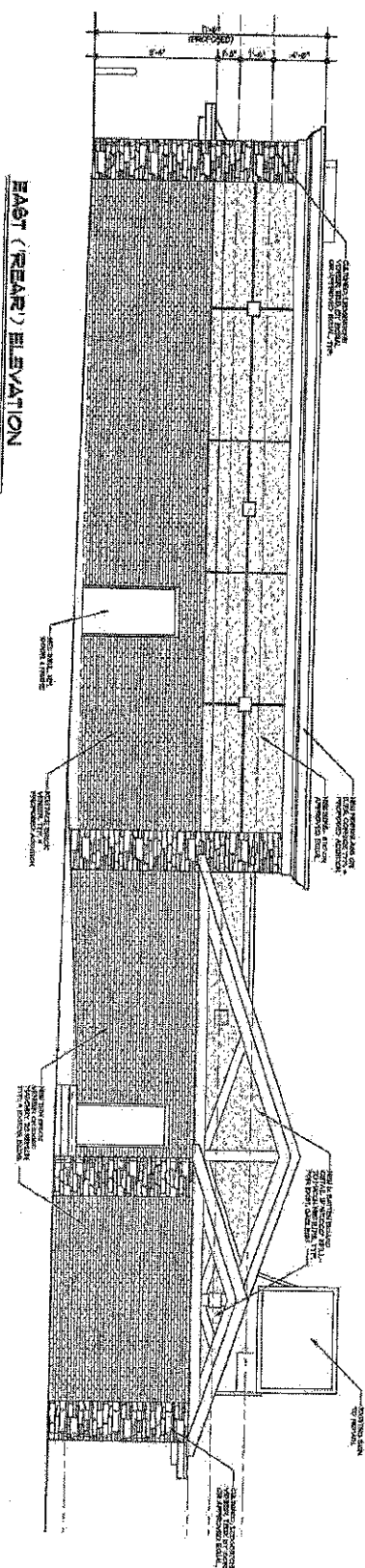
Joseph D. Northey
Architect
3886 W. Nile Road
Berkeley, CA 94702
(415) 433-2550



Joseph S. Northrup & Associates, Inc. 3805 E. 18th Road Berkley, MI 48072 (248) 469-2500	Scale	Project Name: STORE- 534 N. HURON STREET 534 N. HURON STREET TROY, MI 48067 OWNER: TOM TAMOU	Sheet Title: PROPOSED ELEVATIONS	DATE: 05/27/08 PROJECT NUMBER: 17054 DRAWN BY: CH. S.A.C. Sheet Number: A-3
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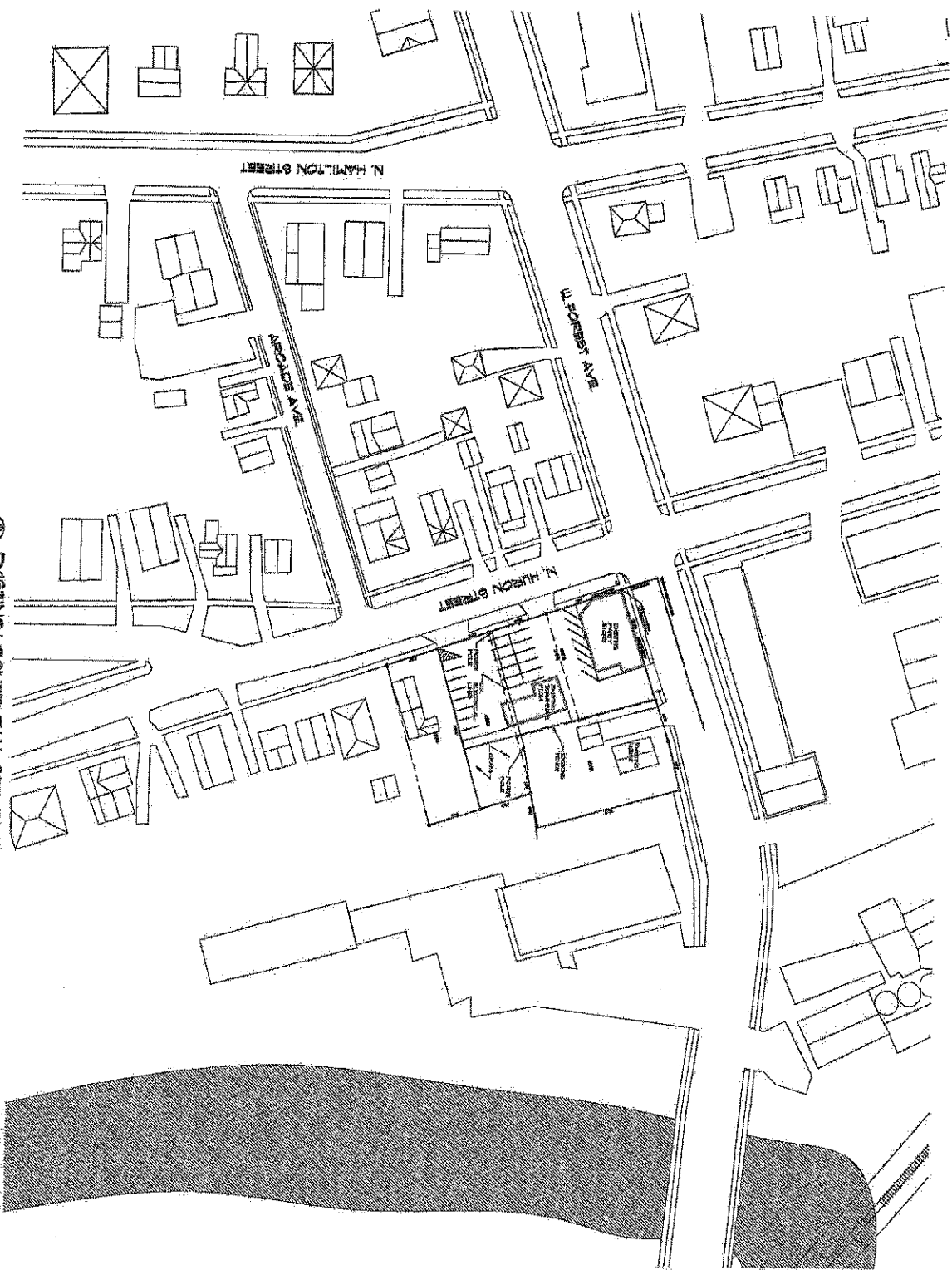
NORTH (SIDE) ELEVATION
 EL FORMER STREET-SIDE ELEV.
 SCALE: 1/4" = 1'-0"



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

Joseph & Morley, Inc. 9000 W. 12th Avenue Berwyn, IL 60312 (312) 439-2030	Sheet	DATE: 10/1/83 DRAWN BY: JMC CHECKED BY: JMC APPROVED BY: JMC	Project Name: STORE- 534 N. HURON STREET
			534 N. HURON STREET YPSILANTI MI 48197 OWNER: TOM TAMOU
Draw Title: PROPOSED ELEVATIONS			
Drawn By: JMC Project Number: 17054 Sheet Number: A-4			

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 YONKAIT, MI 48072 Owner: TOM TAMOU	Scale: 1"=40'-0"		Joseph S. Northing Professional Engineer 5805 E. Main Road Berkley, MI 48072 (248) 459-2000
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Agenda
Zoning Board of Appeals
Wednesday, January 23, 2019-7:00PM
City Hall-Council Chambers, 1 S Huron St
Ypsilanti, MI 48197

VI. Old Business

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

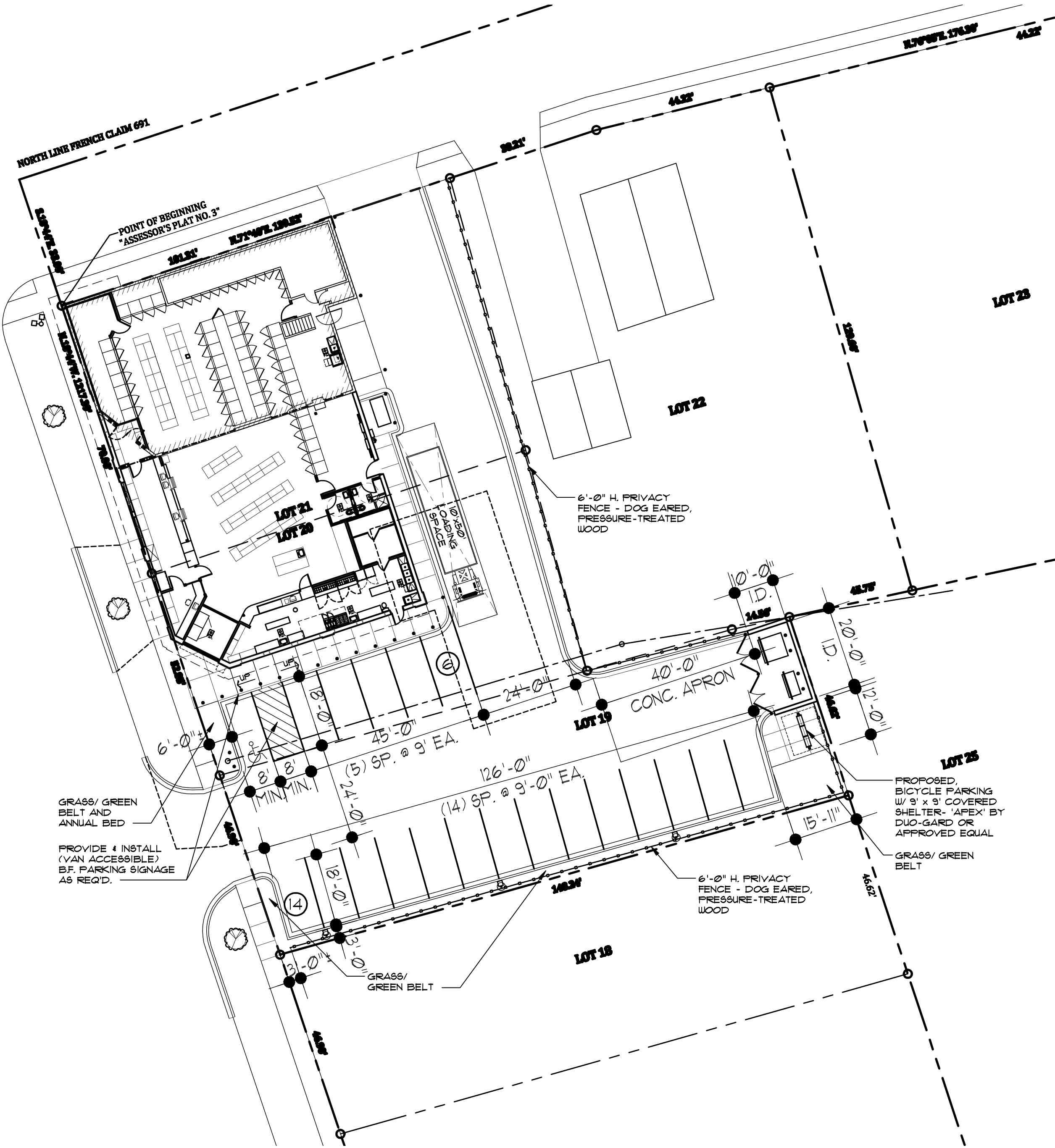
GENERAL NOTES MBC 2015

- 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.
- THESE NOTES ARE FOR GENERAL REFERENCE. WHERE CONFLICTS EXIST BETWEEN THESE NOTES AND CURRENT CODE(S), THE MORE STRINGENT REQUIREMENTS SHALL PREVAIL.
- 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.
- 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.
- 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.
- DO NOT SCALE DRAWINGS, USE FIGURED DIMENSIONS!
- PROVIDE TEMPORARY BRACING AS REQUIRED, TO INSURE THE STABILITY OF THE STRUCTURE UNTIL THE PERMANENT FRAMING IS IN PLACE.
- PROVIDE SAFETY GLAZING IN CONFORMANCE WITH CODE.
- 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.
- CONTRACTOR SHALL EXERCISE EXTREME CARE IN SETTING GRADES FOR NEW CONSTRUCTION AS THESE GRADES ARE CRITICAL.
- 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.
- SAND FILL UNDER SLABS SHALL BE COMPACTED TO 95% MODIFIED PROCTOR DENSITY.
- CONCRETE SHALL HAVE COMPRESSIVE STRENGTH OF 3,000 P.S.I. FOR FOUNDATION WORK AND FLOOR SLABS WITH 4,000 P.S.I. FOR WALKS AND STEPS. REINFORCING STEEL = 40KSI, ASTM 42.
- STRUCTURAL STEEL = 36 KSI ASTM GRADE 36.
- 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.
- THE INTENT IS TO UTILIZE ALL EXISTING UTILITIES: 16" PHONE, ELEC, GAS, WATER, AND SEWER.
- LIGHT GAUGE STEEL FRAMING TO CONFORM TO ASTM STANDARDS SPECIFIED.
- SUPPORT ALL ELECTRICAL EQUIPMENT & WIRING, INCLUDING LOW VOLTAGE WIRING, IN ACCORDANCE WITH ARTICLE 300-11 AND ARTICLES 123 THROUGH 232 OF THE NEC.

CODE ANALYSIS (I.B.C./ M.B.C. 2015)

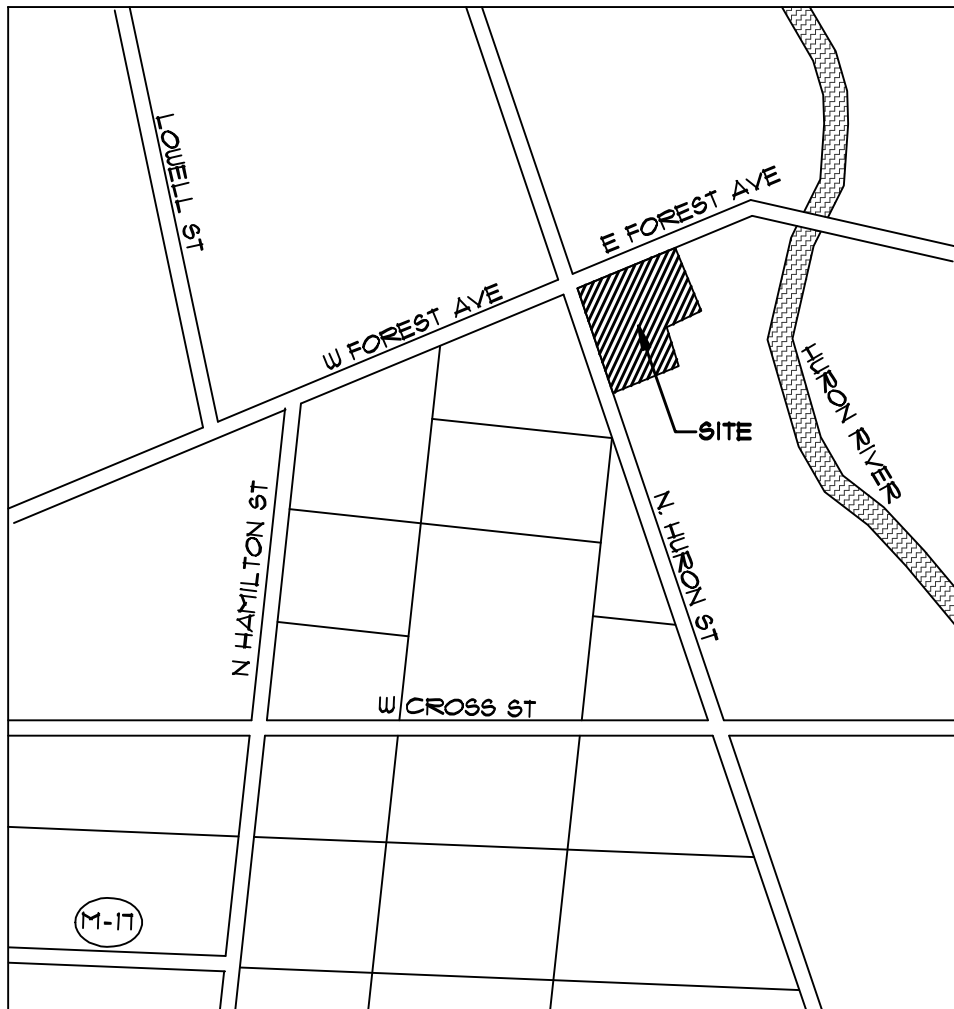
CHAPTER - 3	USE AND OCCUPANCY CLASSIFICATION 302.1 CLASSIFICATION USE GROUP(S): M (MERCANTILE)
CHAPTER - 5	GENERAL BUILDING HEIGHTS AND AREAS SCOPE OF WORK AS PROPOSED DOES NOT INCREASE EXISTING BUILDING HEIGHT OR AREA. GENERAL AREA AND HEIGHT LIMITATIONS FOR THE EXISTING FACILITY HAVE BEEN REVIEWED 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 ROOMS & 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) 3,872 SF, RETAIL AREA # 1/60 GROSS + 63 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.
ADA	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 ADA 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 STRUCTURALLY IMPRACTICAL TO MEET SUCH REQUIREMENTS. TENANT 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 PROFESSIONAL EFFORT TO INTERPRET APPLICABLE 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 YOU GUARANTEE THAT THE TENANT LEASED SPACE COMPLY WITH ALL INTERPRETATIONS OF THE ADA REQUIREMENTS AS THEY APPLY TO THIS 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.



PROPOSED SITE PLAN

SCALE: 1" = 20'-0"



LOCATION MAP

SCALE: N.T.S.

CURRENT ZONING

ZONED: NC (NEIGHBORHOOD CORRIDOR)

CODE ANALYSIS

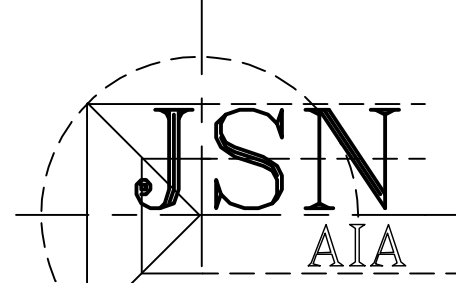
CODE(S): M.B.C. 2015
CONST. TYPE: V-B (5-B)
STORIES OF BUILDING: ONE (1)
USE GROUP(S): 'M'
BUILDING AREA: 6,294 SQ. FT.
OCCUPANCY: 73

PARKING ANALYSIS

TOTAL GROSS AREA (FOOTPRINT) = 6,294 SQ. FT.
CONVENIENCE STORE: 6,294 SQ. FT. (GROSS AREA)
CONVENIENCE STORE W/ CARRY-OUT PIZZA
RETAIL # 1 SP. PER 250 SF.
3,872 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 SHOWER
EMPLOYEE SHOWER = 4 SPACE REDUCTION
TOTAL = 6 SPACE REDUCTION

PARKING TOTAL(S):
20 (CONV. STORE) - 6 (REDUCTIONS)
TOTAL = 14 SPACES REQUIRED
TOTAL (PROVIDED) = 20 SPACES (PROPOSED)



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

Seal:



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
08/23/18	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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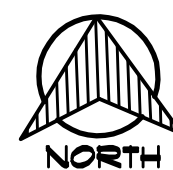
Date: 08/21/17
Drawn by: LDN, MLC

Project Number:

17054

Sheet Number:

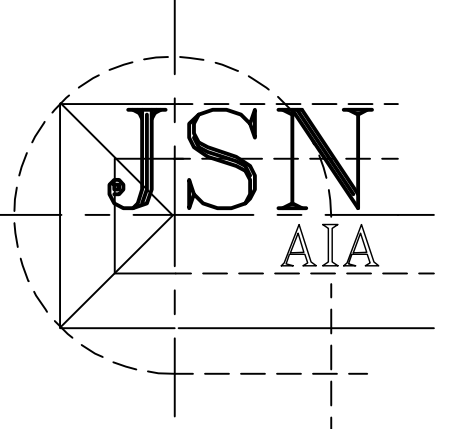
S-1



EXISTING/ CONTEXTUAL SITE PLAN

NEIGHBORHOOD/ CONTEXT

SCALE: 1"=40'-0"



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

Seal:



Revisions:

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02/21/17	REVIEW
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04/18/18	P.C. REVIEW- SPECIAL USE
09-29-18	Z.B.A. REVIEW

Project Name: STORE- 534 N. HURON STREET

534 N. HURON STREET
YPSILANTI, MI 48197

OWNER: TOM TAMOU

Sheet Title:

EXISTING /
CONTEXTUAL
SITE PLAN

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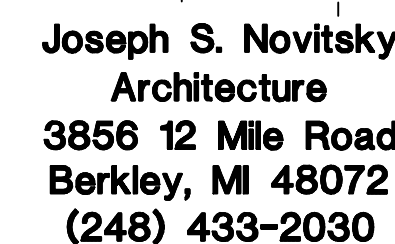
Date: 08/21/17
Drawn by: LDN, MLC

Project Number:

17054

Sheet Number:

S-2



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
04/18/18	P.C. REVIEW- SPECIAL USE
08/03/18	REVIEW
09/25/18	ZBA REVIEW

Project Name:
STORE- 534 N. HURON STREET

534 N. HURON STREET
YPSILANTI, MI 48197

ER: TOM TAMOU

Sheet Title:

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

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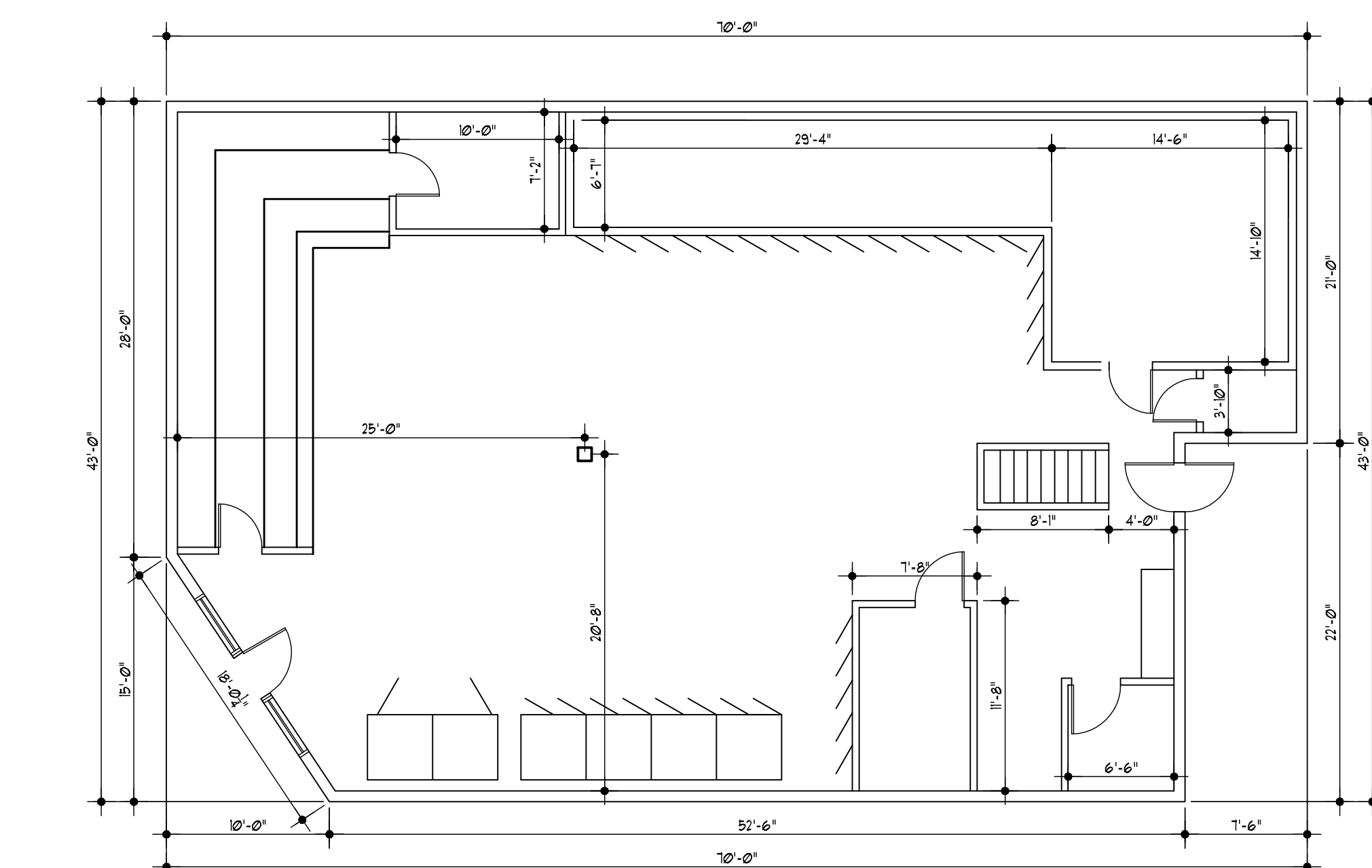
Date: 02/19/18
Drawn by: LDN, MLC

Project Number:

17054

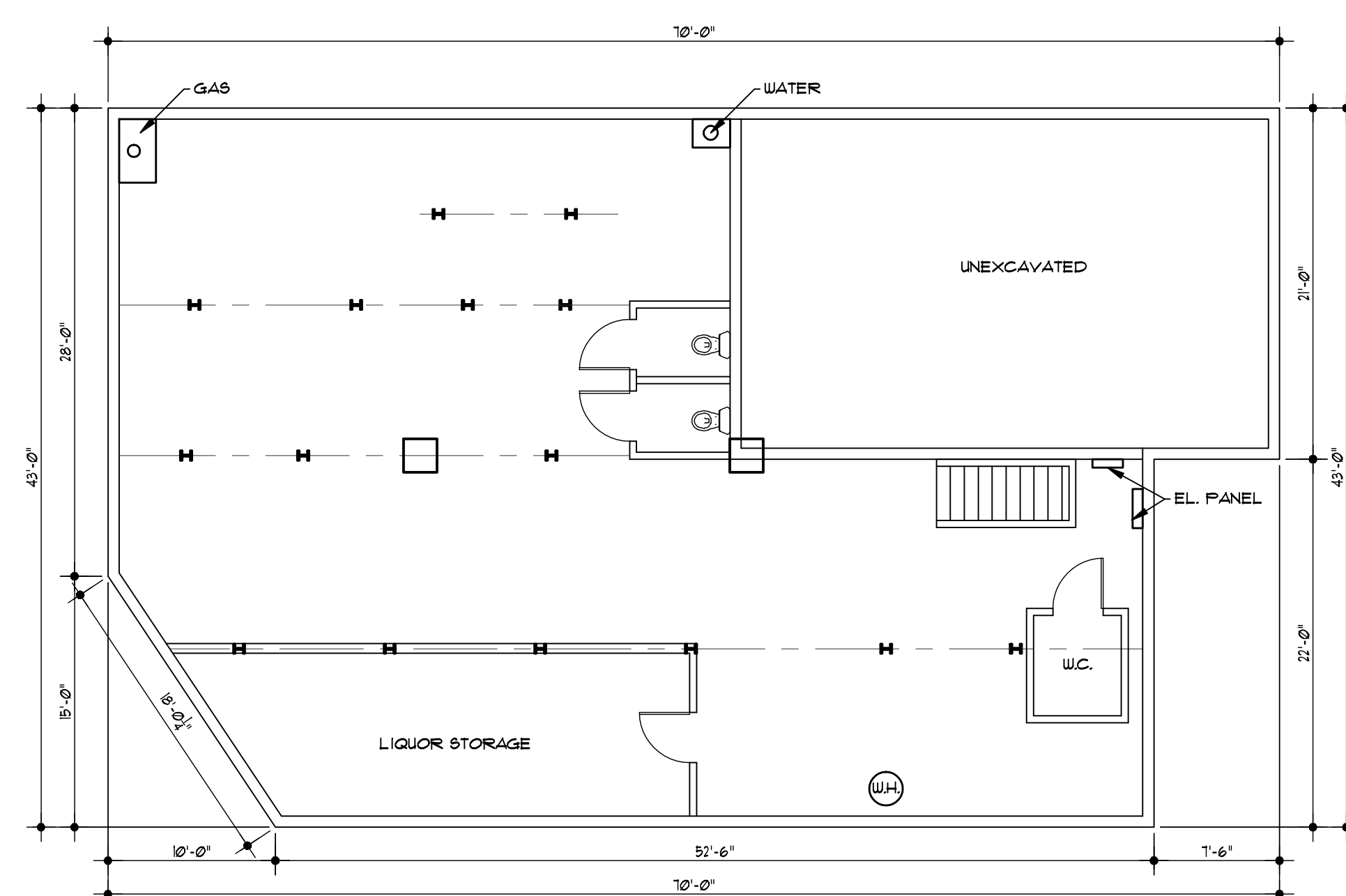
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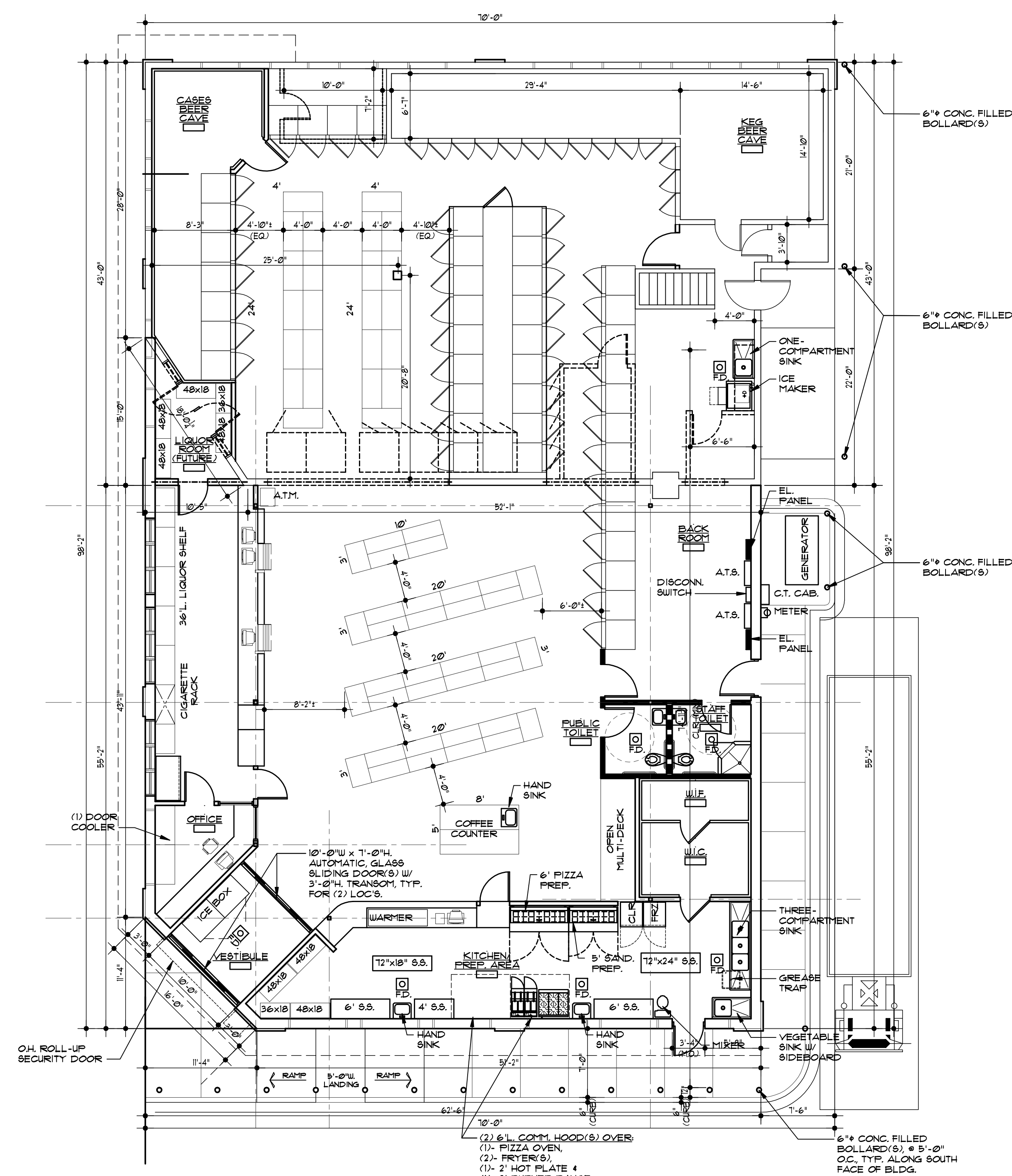
EXISTING FLOOR PLAN

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



EXISTING BASEMENT PLAN

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



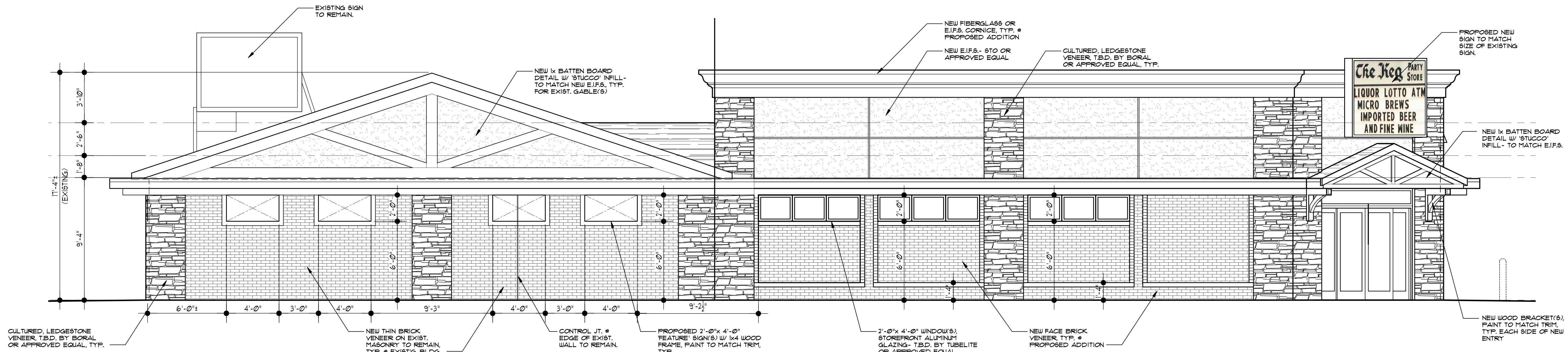
PROPOSED FIRST FLOOR PLAN

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.

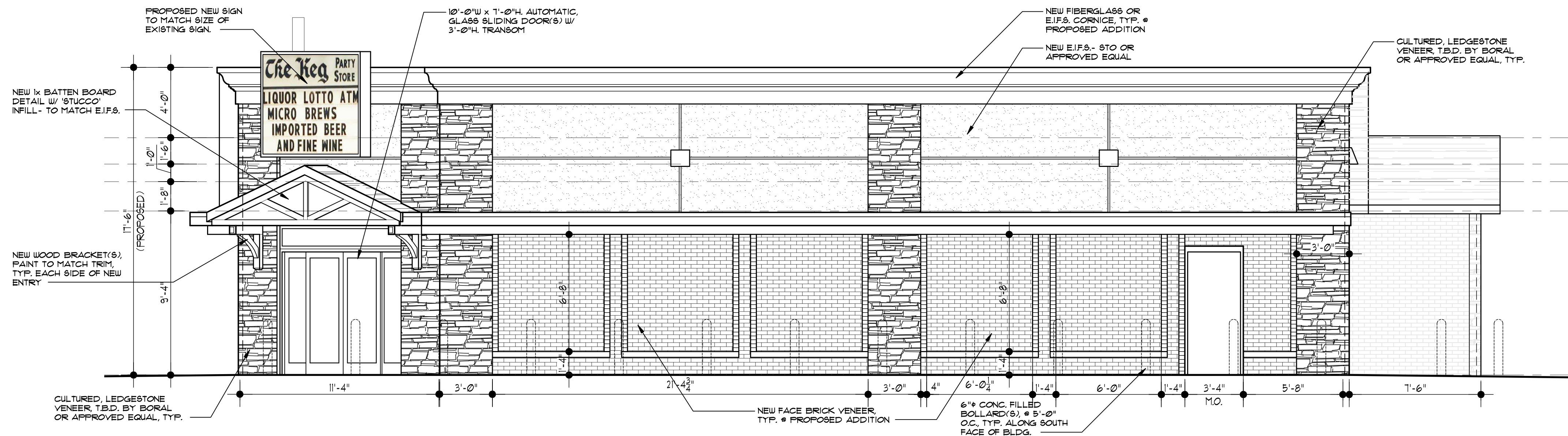


WEST ('FRONT') ELEVATION

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%)	

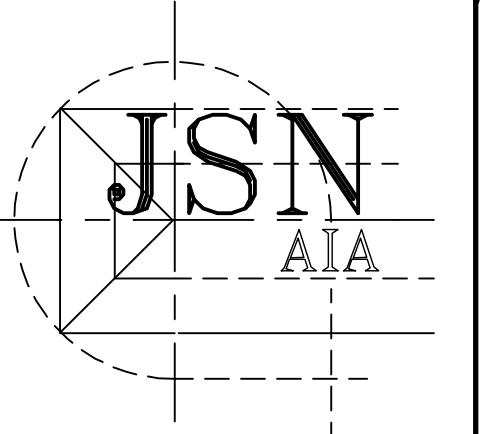


SOUTH ('SIDE') ELEVATION

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
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(248) 433-2030

Seal:



Revisions:

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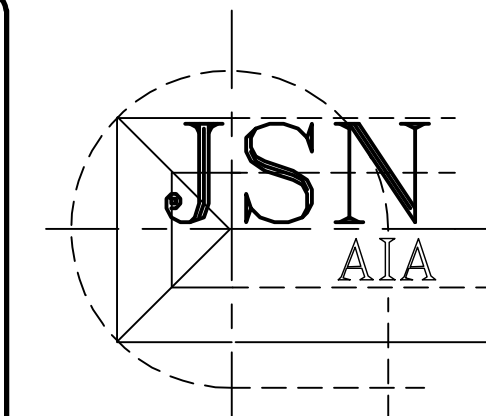
Date: 03/12/18
Drawn by: CH, MLC

Project Number:

17054

Sheet Number:

A-3



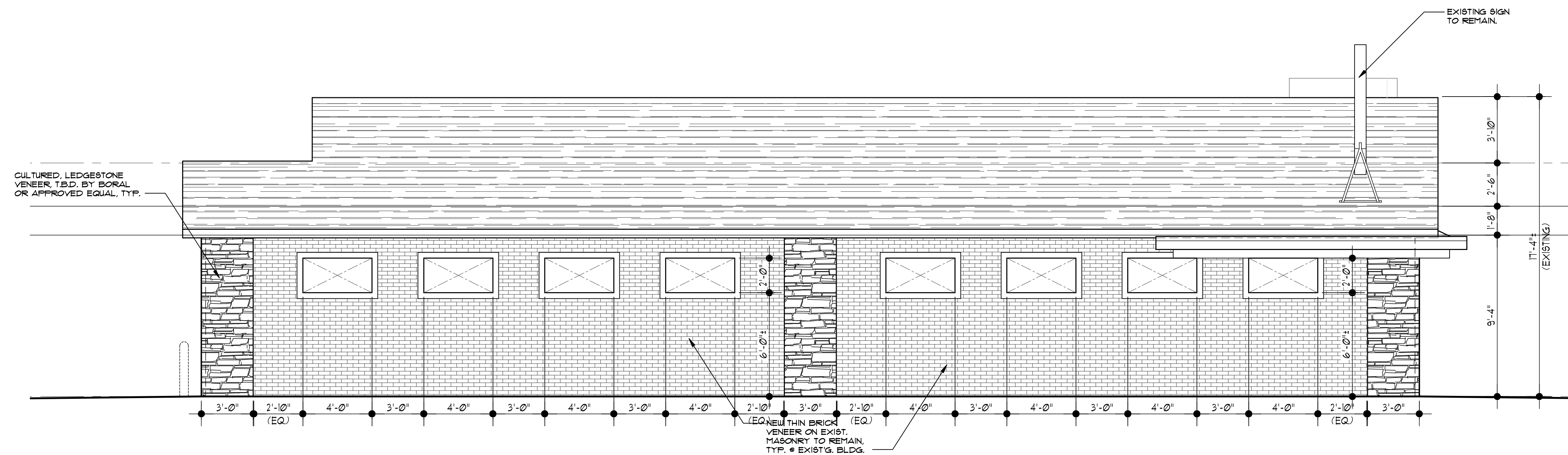
Joseph S. Novitsky
Architecture
3856 12 Mile Road
Berkley, MI 48072
(248) 433-2030

Seal:



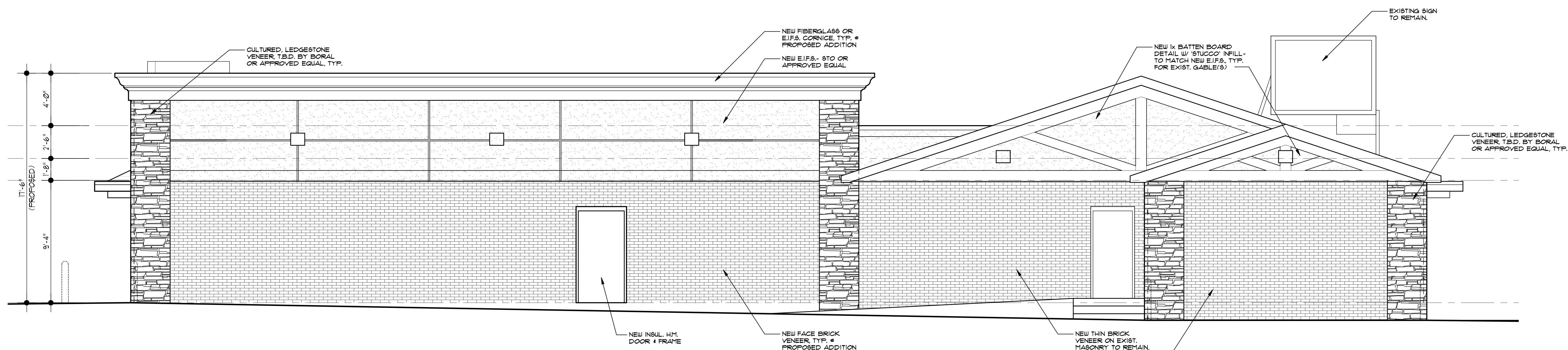
Revisions:

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

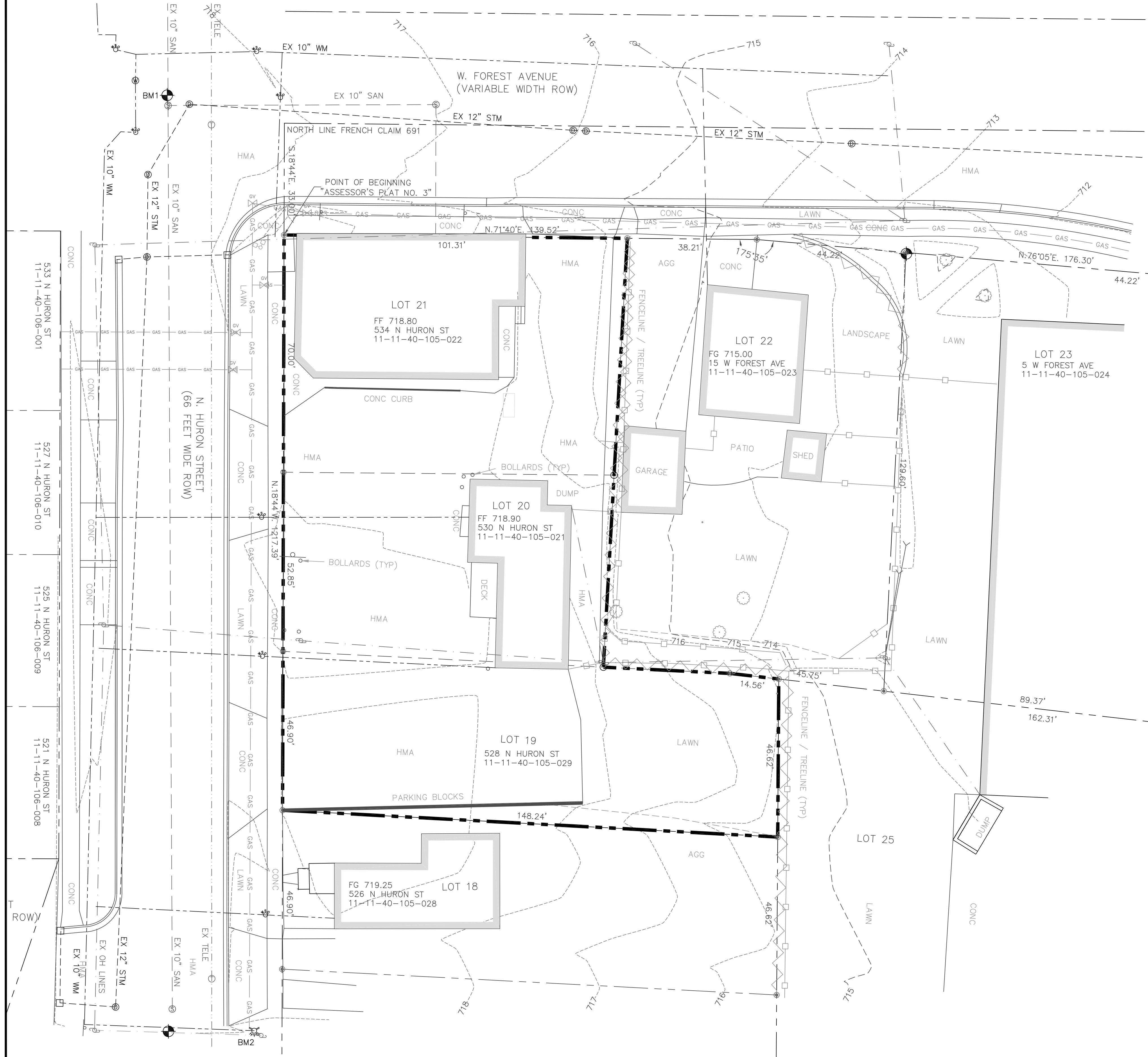
Sheet Title:
PROPOSED ELEVATIONS

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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

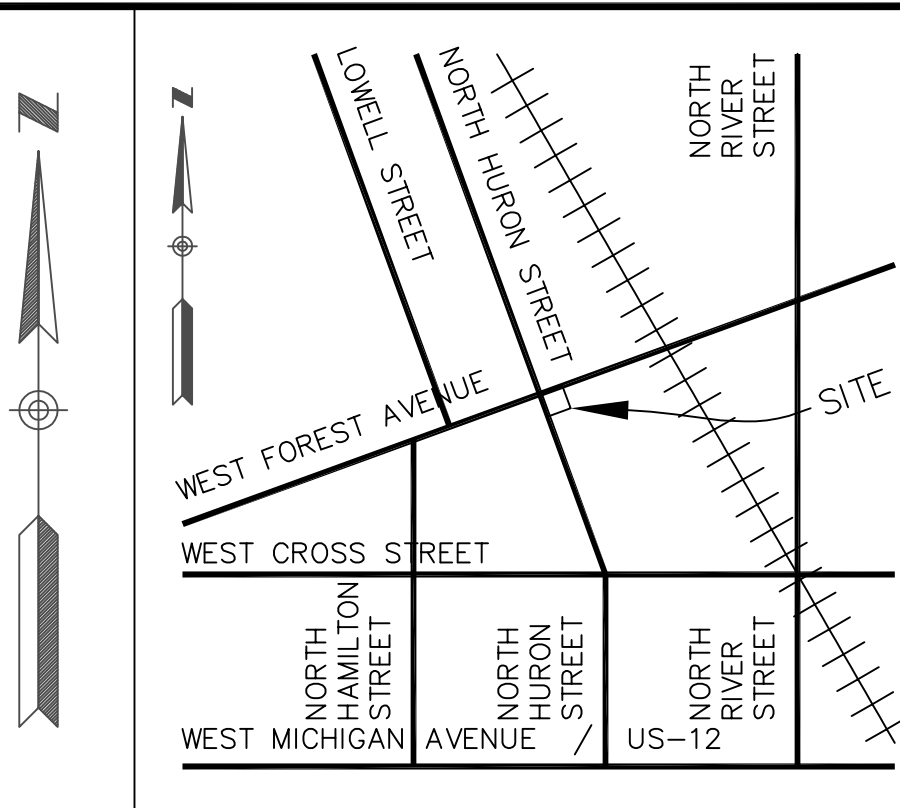
BENCHMARKS AND TOPO SURVEY ARE NAVD88 DATUM
CONVERT FROM NAVD88 TO NGVD29 AT NOAA WEBSITE:
https://www.ngs.noaa.gov/cgi-bin/VERTCON/vert_con.prl
CONVERSION +0.41' TO NGVD29 DATUM

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

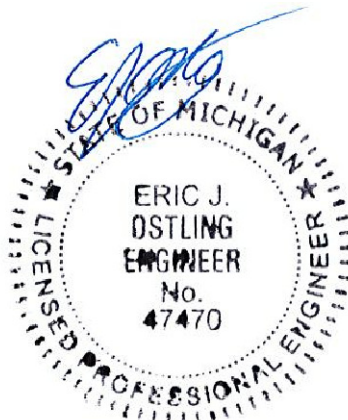


Know what's below.
Call before you dig.

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
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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

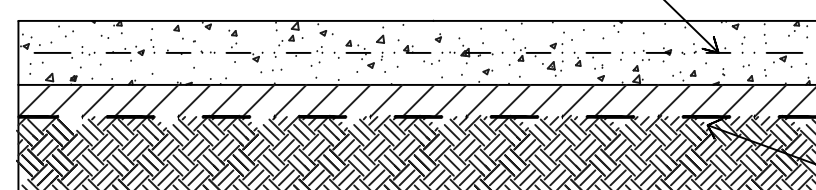
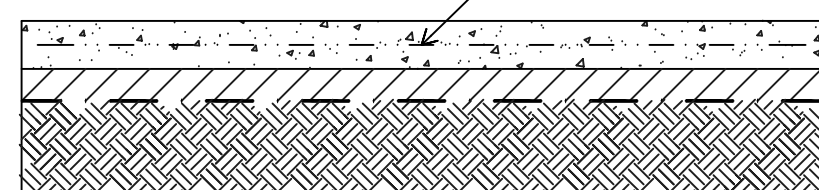
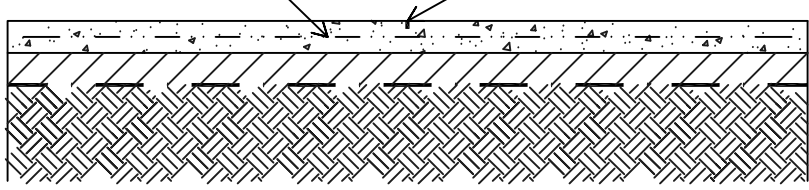
LEGEND

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

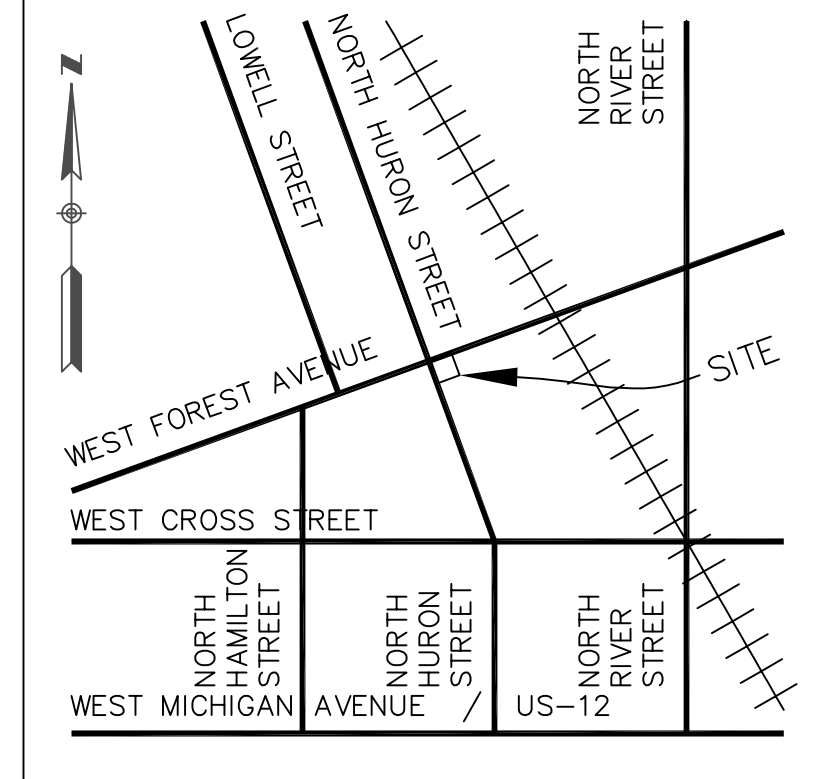
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FOUND IRON AT THE INTERSECTION OF THE CENTERLINES
OF N. HURON STREET AND W. FOREST AVENUE
718.98 NAVD88 CONVERSION +0.41'
719.39 NGVD29

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

PRELIMINARY STORM DRAINAGE CALCULATIONS

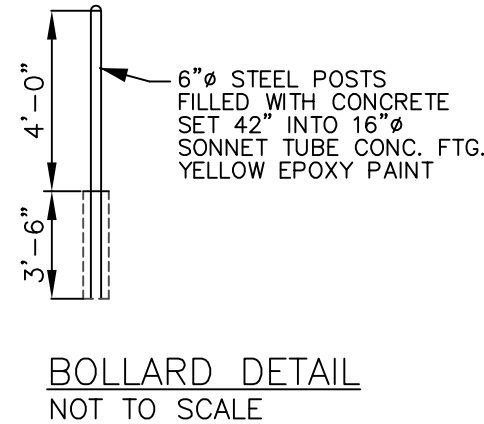
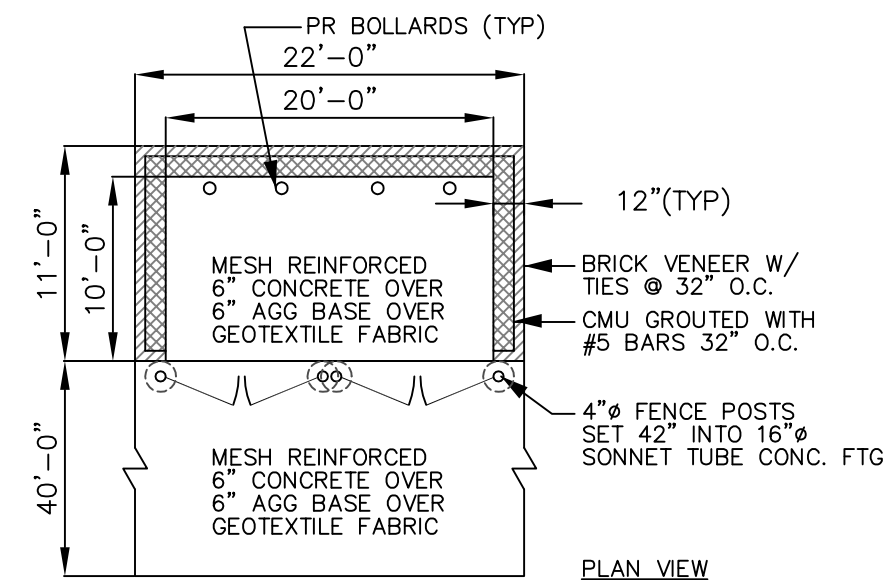
THE EXISTING SITE HAS NO UNDERGROUND DRAINAGE. BUILDING DOWNSPOUTS
DISCHARGE OVER LAND, SURFACE DRAINAGE TO THE ROAD RIGHT-OF-WAYS.

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.

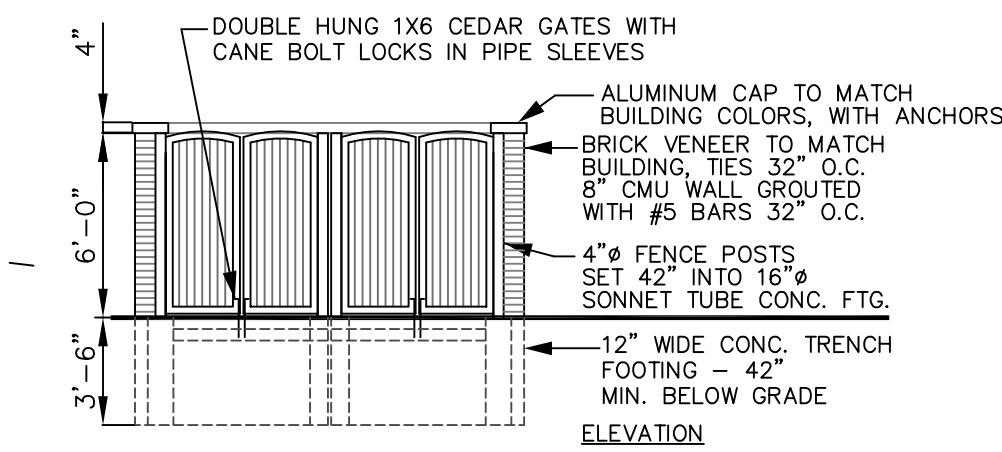
REQUEST VARIANCE NOT TO USE WASHTENAW COUNTY WATER RESOURCES
COMMISSIONER STANDARDS, AND NO REQUIRED STORM WATER DETENTION,
AS THIS SITE IS LESS THAN 0.50 ACRES.

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

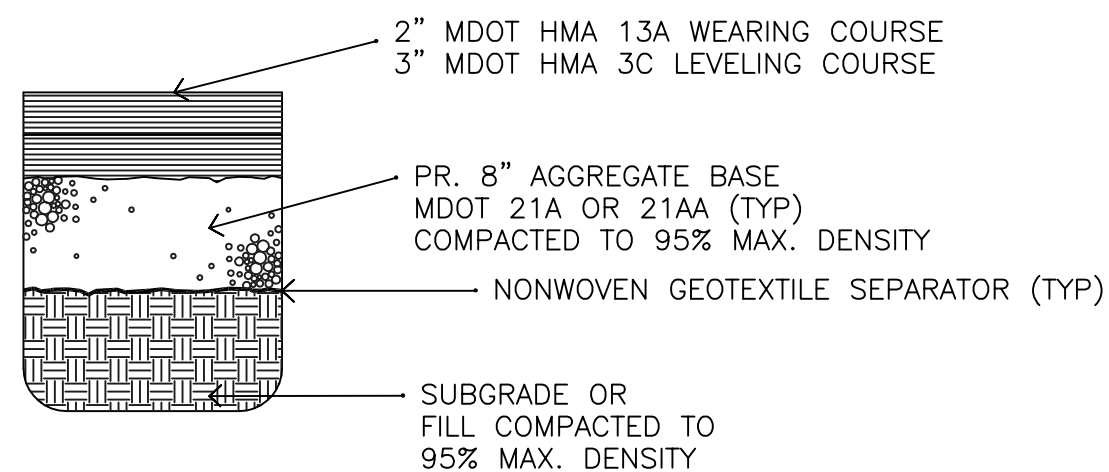


BOLLARD DETAIL
NOT TO SCALE



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	
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SIGN	
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UTILITY BOX/U.G.UTIL	
WATER - SHUT-OFF	
TREELINE	
TREE - DECIDUOUS	
TREE - EVERGREEN	



HURON
CONSULTANTS
ENGINEERS & SCIENTISTS

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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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
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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'

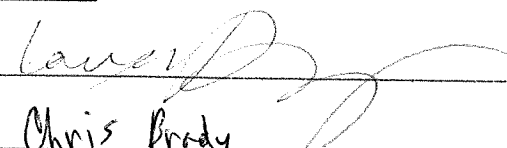
HC PROJECT NO:
17-12027

HC DRAWING NO:
17-12027TP

SHEET: 2

**PETITION IN SUPPORT OF VARIANCE REQUESTS OF THE KEG PARTY
STORE OF 534 N. HURON STREET, YPSILANTI, MICHIGAN 48197**

We, the undersigned, friends and neighbors of The Keg Party Store, and Ownership, hereby support his Application to the City of Ypsilanti Zoning Board of Appeals for Variances to permit the installation of applied window panels to both the west and north sides of the existing building and new brick veneer on the existing building, and that the panels of brick veneer on the new addition shall be installed so that they can be removed and replaced with glass windows in the future. We also support allowing the building entrance on a 45-degree angle at the southwest corner of the proposed addition, abutting both N. Huron St. and the building's parking lot. Finally, we support his request to the Planning Commission for a full or partial waiver eliminating the ordinance setback requirement of parking on the south side of the lot.

<u>NAME</u>	<u>ADDRESS</u>
	815 Dwight Ypsi 48198
Chris Brady	2904 Grayson St Apt A Ferndale MI 48220
Clay Newman	720 Lowell Street
CHRIS BLACKBURN	504 Thomas St
Grace Komagora	40103 Huron St Ypsi.
Bob Carmichael	40105 Huron St Ypsi
RYAN GILLES	504 St Johns St Ypsi 48197
Noah Torosanyi	1311 Leforbe Ypsi 48198
Shelby Lynch	404 W Forest Ave.
Jermaine Bennett	1627 Sheffield Dr Yps Michigan 48197
Mitchell Elder	317 Washtenaw Av 48197
Jill	801 Forest St. 48108
Cierra Hemphill	723 W. Clark rd 48198
ARMANDO LOPEZ	520 N. Huron Ypsi 48197
Shaquell Jackson	815 Villa Ypsi 48198
Jamelia McCalla	855 Green Rd Ypsi 48198
Alexander Goren	533 N. Huron Ypsi 48197

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NAME

ADDRESS

Laurence Shelly

890 Dons Dr.

Delana Wilson

48000 Tracey

Allison Livesey

499 Dogwood ct

Brandon-Woolley

823 Green Rd

John

609 Belmont DR 48198

Janine Driver

217 W Cross St. 48197

Danielle Adkins

526 N. Huron 48197

Mackenzie Whitfield

793 Green Rd

Dore Walthall

793 Green Rd

BRIAN GUERRERO

217 N. WASHINGTON

Dominique Pitts

635 N. Huron

David Reeltern

1160 Rue Willette

DONALD SHIPLEY

1160 HOLMES RD. 48198

DAMON CARPENTER

1764 Knollwood Bend

Amy Carpenter

1764 Knollwood Bend

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<u>NAME</u>	<u>ADDRESS</u>
Derek S. Giddens	423 N. Ham. Hwy, Ypsi 48197
Chloe Zoghegy	616 Weburn Huron Heights 48197
Epcker Hall	1917 Sheffield Dr 48198
Preston Robinson	
Wm. [Signature]	1800 Oak St Ypsilanti,
Elliot Wills-Begley	711 Oak St Ypsilanti
Erin Brown	741 Kowner St #12
Darrell T. Nolen	1972 WHITE OAK LN YPS. MI 48198
ERIN	201 W Huron
Charles Torbert	719 E. Cross
Julian Hagan	808 W River
[Signature]	454 AINSWORTH CR. 48197
Timothy D. Salisbury	14 W. Michigan Ave Ypsilanti, MI, 48197
[Signature]	605 N. River
Charles D. Dixon	505 N. Adams, Ypsi

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<u>NAME</u>	<u>ADDRESS</u>
Alex Komoroski	707 Oak Ypsilanti
Amanda Thomas	2143 William ave ypsilanti MI
Kyle McFarland	607 W River Ypsilanti
Tim Clend	823 Daigbtst Yps
Jamel Franklin	1663 Greenway Dr
Jonathan Blanks	928 Frederick yps
BARB BERTCHENKO	1521 ROBBY LAINE YPSI
Leery Hayes	12027 Grandmont Det MI.
Mike Zher	1637 W 9 Mile Apt 13 Ferndale MI
Celestia Jackson	670 Woburn Dr. Ypsilanti, MI 48198
Anne Lincoln	670 Woburn Dr.
Perce/ Franklin	721 W. Clark Rd Ypsilanti MI
GREGG M. Etzel	800 CAMPBELL AVE YPSI
EMILY GAINER	321 E Cross St #2
Michelle Defelice	41756 McBride

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NAME

ADDRESS

Ryan Stampak

49601 oak Dr, Plymouth

Rob Tacey

212 N Prospect, Ypsilanti, 48198

Kurt Jones

703 W. Michigan Ave

Mark Lafayette

Joshua Johnson

326 bryis St.

Kevin Lambert

516 N Adams #1

WARRIE WILLIAMS

209 ARCADE ST. YPSI

Ryan Palmer

1720 LeForge YPSI 48198

Brad Philie

403 N Huron St

Angela Jennings

1110 Wray St Ypsi

Joshua B.

501 N. WASHINGTON ST.

Cherry B

345 gearhart ave #1

Jane Paul Whitell

635 nla Dr.

DEONARD M'DANIELS

855 GREEN Rd

GLENN CLARK

210 W. CROSS AVE 149

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<u>NAME</u>	<u>ADDRESS</u>
Terry Morgan	1676 Lefors Rd
Michael Bishop	117 Cherry St
Ryan Lee	236 Wilson Ave
Reed D Fanning	1276 Hunter Ave
Michael S Barnhart	504 SAINT JOHNS
MORGAN COX	511 Thomas St.
Gwen Jackson	1356 Concord Dr. 48198
Aaron Dismuke	1214 STAMFORD RD. 48198
Earl Hoeglund	329 Vinewood Ct. 48198
CARLOS TRIGO	1312 LEFORGE, 48197
Geoff Korr	15 W Forest, 48197
Millie Mars	616 Woburn Dr. Ypsilanti
Dean C. Chaneyfield	616 Woburn Dr. Ypsilanti
Antanara Vance	385 Firwood Ypsilanti
Terita Pinnacle	6207 Lake Dr Ypsilanti

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<u>NAME</u>	<u>ADDRESS</u>
Nicholas Greer	573 N Huron St.
E. C. Penet	108 N. Huron St.
Emily Bradbeck	627 N. Rm. St.
Donny Edwards	720 Lowell St.
JAMES CYLSR	625 NORRIS ST.
Chris Hershman	656 N. Huron
Justin Grouse	633 Huron St
Seatt Sch	773 GREEN RD
Eric Hines	411 Locust St
TREVOR MOIT	326 Jarvis St
Al Ruttan	206 W MICHIGAN AVE #2H
Corey Baker	Applewood Dr. Ypsilanti
MARLOS CLEMENT	314 brown Hall
Reginald Pogue III	504 SAINT JOHN ST #102 YPSI 48197
	1821 Carol Ann Ypsilanti, 48198

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<u>NAME</u>	<u>ADDRESS</u>
Bridget Boeysik	13445 Phal Rd. GRASS LAKE, MI
Doagstanko	825 George Place #13
Gale Drines	919 Woods Rd.
Brian Quinn	3255 2252 Glenview Hill Dr
Wayne Woods	1244 E. CROSS
Kristina Collins	663 Villa Dr
Jaime Ramsey	302 Jarvis St #1
Kadijah Collins	663 Villa Dr
Steve Nangle	2110 Champagne Dr Ann Arbor MI
Hankson Zamperla	265 Brooks Dr Ann Arbor MI
Gina Thompson	943 Cass Ypsi 48197
Raphae Bell	734-883-8199
Cruiser O. Dixon	734 420-7292
Bruce Hoyer	734 730 6927 427 BALLARD
Jennifer Garcia	2653 N. Prospect 48198

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NAME

ADDRESS

Trellis Lane
481

1000 N Huron Dr Apt 315
839 Green Rd

Myghan Melain

1529 Wisner St

Sean Hickey

124 W. Michigan Ave. #301

Kennedy R. Lee

Belleville, MI 48107, 5194 Sued

Car Stalder

1164 Oak St. 48198

Phyllis Smith

1010 Pauline 48103

Jay Williams

814 DWIGHT 48198

JAY WILLIAMS

825 GREEN #101, 48198

Matt Bringard

722 Lowell Street 48197

Kue J. Rink

206 W. Forest Ave - 2A

Nadine James

2420 Ellsworth Apt 303 48197

Cheryl A. Ford

1351 Green Apt 48198

McClary Muesels Jr

1519 Melvin St 48198

Brandon Cooper

773 Green rd 48198

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<u>NAME</u>	<u>ADDRESS</u>
Artem Saakov	1292 Letorpe rd. 48148
Nick Azar	621 N. ADAMS 48197
Drumshaun Mobrey	3143 scenic Lake Drive
Patrick Knechtel	1800 TRAVEL RD 48105
Venus Black	716 N. River St. 48198
Micala Evans	116 Cherry ct 48198
Matthew Streicher	8914 Holland, Taylor MI 48180
Matt Holliday	722 Charles st. 48198
MALE	404 W Forst Ave 48197
Sean Caron	801 Charles St. Yps MI 48198
Julie Ann Long	801 Charles St. Yps MI 48198
Rylan Petret	414 Olive, Yps. 48197
Martin Innes	1978 Frances Way 48198
Tremore Moore	941 Terrace Ln XPSI 48198
Jen Bachman	734 N. River St. #3 48198

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<u>NAME</u>	<u>ADDRESS</u>
Ryan Ford	232412 Westwood
Desiree Deper	710 Riddott Rd
Wade Buck	938 N River
Jeremy Henry	314 N Adams
Olivia Murray	314 N Adams
Amber Frazier	311 Jarvis St
Courtney Price	855 E. Clark Rd Bear
Catherine Hayes	553 Wabash Dr
Kaszy Kroske	533 Hunt place
Adam Henze	1900 E Viva
BRINNA SORCO	300 W ADAMS ST.
Autumn Smith	4523 Swiss Stone Ct
Kairen murphy	505 N Adams
KEVIN KOLLAR	1471 Gregory St
Jason Spangler	627 N. River St #4

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NAME

ADDRESS

Eric Rudolph	522 N. Huron St.
Derek Colon	508 N. Huron St.
Nash Mass	410 N. Huron St.
Tom McKee	408 N. Huron St.
Harvey Byrne	424 N. Washington
Wendy Schmeider	210 Arcade St.
ISAAC COWAS	516 N Adams St.
Rebbie Woods	1244 E CROSS
Vessel Jones	525 JEFFERSON ST.
Velma J Jones	505 JEFFERSON ST.
Amy Mosher	716 Dwight St
Chris Muhl	629 N River
Sharon Harper	1240 E. CROSS
Am J	213 Arcade
Luke Colley	213 Arcade

Cynthia Kochanek

From: Bonnie Wessler
Sent: Wednesday, October 24, 2018 7:24 PM
To: Cynthia Kochanek
Subject: Fwd: Objection to variances for 500 block north huron

--

Bonnie Wessler, AICP

City Planner
Community Development Division, City of Ypsilanti
734/483.9646 (office)
bwessler@cityofypsilanti.com

Sign up to receive City news and public notices here: <http://cityofypsilanti.com/list.aspx>

Sent from my phone, please excuse any spelling or grammar errors.

--

----- Original message -----

From: Richard Murphy <murph.monkey@gmail.com>
Date: 10/24/18 18:43 (GMT-05:00)
To: Bonnie Wessler <wesslerb@cityofypsilanti.com>, Nan Schuette <nschuette@cityofypsilanti.com>
Subject: Objection to variances for 500 block north huron

Nan, bonnie - a last minute conflict prevents me from attending tonight's ZBA meeting; please convey my comments:

ZBA members:

I'm writing to state my opposition to the variances proposed for the 500 block of North Huron regarding doors and windows on the front, sidewalk-facing facade.

As a resident of the Riverside neighborhood, I walk past this site regularly to get to Frog Island, my children's school, or the Corner Brewery -- I would very much hope to see new development at this intersection improve walkability and contribute to the neighborhood.

As currently proposed, the designs for the site do the opposite. Blank walls against the sidewalk discourage walking by reducing pedestrian safety, while active entrances and a high percentage of transparent glass in a front facade support pedestrian safety and contribute to neighborhood sense of place.

In my professional life, I work with communities around the state on planning, zoning, and placemaking issues -
- I would advise any of those communities against variances like these, as a matter of basic urban design.

Richard Murphy
406 Florence

Bonnie Wessler

From: Richard Murphy <murph.monkey@gmail.com>
Sent: Wednesday, November 28, 2018 10:14 AM
To: Georgina Hickey; Bonnie Wessler
Subject: Additional comments on frontage variance application for 534 N Huron

Georgina --

You asked whether my objections to the variance application for reduced frontage transparency at 534 N Huron were based on the current plans or a prior version. I am writing to confirm that my objections apply to the renderings supplied to the ZBA for tonight's (11/28) meeting.

Below, I have provided some additional citations on the importance of facade transparency for promoting pedestrian safety and activity in commercial districts. Within urban planning and design fields, this feature is broadly recognized as a basic necessity of creating walkable neighborhoods, and is required in zoning ordinances across the state and country.

While I recognize that requiring windows on the sidewalk-facing facade of the building will require a reworking of the interior floor plan, maintaining the ordinance's frontage requirement for transparency on at least the new portion of the building will support both the applicant's stated interest in safety and security as well as the community's interest in creating safe and pedestrian-friendly neighborhoods.

Sincerely,
Richard Murphy.

The Project for Code Reform's Guide to Enabling Great Places (2018), a collaboration of national zoning experts from the Congress for New Urbanism with the Michigan Municipal League, Michigan Association of Planning, Michigan Economic Development Corporation, and AARP Livable Communities, recommends minimum 50% transparent facades in areas intended for walkable commercial use (higher for "Main Street" areas), stating, "buildings with very few windows and doors reduce vibrancy. Similar to blank walls, walking along these buildings is boring and can be dangerous if there are very few openings"... "Pedestrians need to see inside buildings at the ground floor to keep their interest and feel safe. Tinted and fake windows, and displays with walls behind are not sufficient."

<https://www.cnu.org/sites/default/files/PCR-9-15-18.pdf>

MSU Extension, 2012, "Good urban form promotes walkability and physical health" references the role of building design in encouraging walking as part of a strategy for supporting community health --

https://www.canr.msu.edu/news/good_urban_form_promotes_walkability_and_physical_health_part_1

* In Part 1: "to attract and welcome people to walk by, building façades at the pedestrian level must be dominated by windows"

* In Part 2: "When buildings are oriented to the street and have front porches and/or numerous windows that allow for interaction between those inside and those outside, pedestrians feel safer and crime is deterred"

Ameli, et al, in Journal of Urban Design, 2015, found in peer-reviewed research that transparency of building facades had a significant positive relationship to the number of pedestrians walking in front of the facade, as discussed here: <https://www.citylab.com/design/2015/07/how-urban-designers-can-get-smaller-cities-walking/399545/>

The National Institute for Building Sciences references the "natural surveillance" provided by adequate windows as an important part of Crime Prevention Through Environmental Design (CPTED) -- "A design concept intended to make intruders easily observable, natural surveillance is promoted by features that maximize visibility of people, parking areas, and entrances. Examples are doors and windows that look onto streets and parking areas, pedestrian-friendly sidewalks and streets, front porches, and adequate nighttime lighting." -- <https://www.wbdg.org/resources/crime-prevention-environmental-design>

Agenda
Zoning Board of Appeals
Wednesday, January 23, 2019 - 7:00 P.M.
City Hall-Council Chambers, 1 S Huron St
Ypsilanti, MI 48197

VI. New Business

- 307 N River- Variances
 - §122-672, Sidewalks
Public Hearing
 - §122-683, Off-Street Parking Layout and Construction
Public Hearing
 - §122-684, Parking Screening and Landscaping
Public Hearing
 - §122-685, Parking Dimensions
Public Hearing



City of Ypsilanti
Planning and Development Department

November 2018

**Staff Review of Variance Application
Cultivate Coffee & Tap House Improvements
307 N River**

**Sidewalks
Off-Street Parking Layout & Construction
Parking Screening & Landscaping
Parking Dimensions**

GENERAL INFORMATION

Applicant:	Ryan Wallace Cultivate Coffee and Tap House 307 N River St Ypsilanti, MI 48198
Project:	Cultivate Coffee & Tap House Improvements
Application Date:	November 1, 2018
Location:	Depot Town, on the south-west corner of North River and Photo.
Zoning:	Center
Actions Requested:	Approval of variance from §122-672 to permit development without the addition or reconstruction of a sidewalk or payment of fee-in-lieu <i>Staff Recommendation: Denial</i> Approval of variance from §122-683 to permit ingress and egress to the site that is not offset from Ninde St or a commercial driveway (122-683(b)), no striping (gravel area only) (122-683(i)), no wheel stops (center aisle of paved area) (122-683(j)); <i>Staff Recommendation: Approval of a lesser variance</i> Approval of variance from §122-684 to omit the required off-street parking landscaping <i>Staff Recommendation: Denial</i> Approval of variance from §122-685 to allow more than 20% of the parking provided be designated small car spaces and abbreviated maneuvering aisle widths <i>Staff Recommendation: Denial</i>

PROJECT AND SITE DESCRIPTION

Cultivate Coffee & Tap House ("Cultivate") is located in the former Ted's Auto Electric, and has been in operation since early 2015. In 2016, they expanded their parking area to the west of the existing parking, and created an outdoor service area to the west of the existing building. This site plan submittal is in furtherance of coming into conformance with the ordinance. This issue is currently under review with the Administrative Hearings Bureau.

307 N River is zoned **Center**, which allows for bars and restaurants, as well as outdoor cafés, as permitted and accessory uses, respectively. Outdoor cafés are subject to specific standards found in 122-540. There are no parking minimums in the Center district. This application has not yet undergone full Site Plan review, including engineering review; this means that the method and location of paving (including use of gravel) is as yet hypothetical, as these choices are greatly influenced by stormwater standards.

A site plan application was submitted in March, and tabled by Planning Commission to allow the applicant time to revise their drawings. The applicant is now seeking four variances:

- (1) to permit development without the addition or reconstruction of a sidewalk or payment of fee-in-lieu as required by 122-672;
- (2) to permit ingress and egress to the site that is not offset from the intersection with Ninde St (122-683(b)) and not offset from a commercial drive (122-683(b)) and no striping (gravel area only) (122-683(i)) and no wheelstops (center of paved area) (122-683(j));
- (3) to omit the required off-street parking landscaping (122-684)
- (4) to allow more than 20% of the parking be designated small car spaces (122-685)

Figure 1: Land Use and Zoning of Surrounding Area

	LAND USE	ZONING
NORTH	Single-family residential, parking	C, Center
EAST	Grocery store, shopping, services	C, Center
SOUTH	Multifamily residential	HC- Historic Corridor
WEST	Single-family residential	HC- Historic Corridor

Figure 2: Subject Site Location

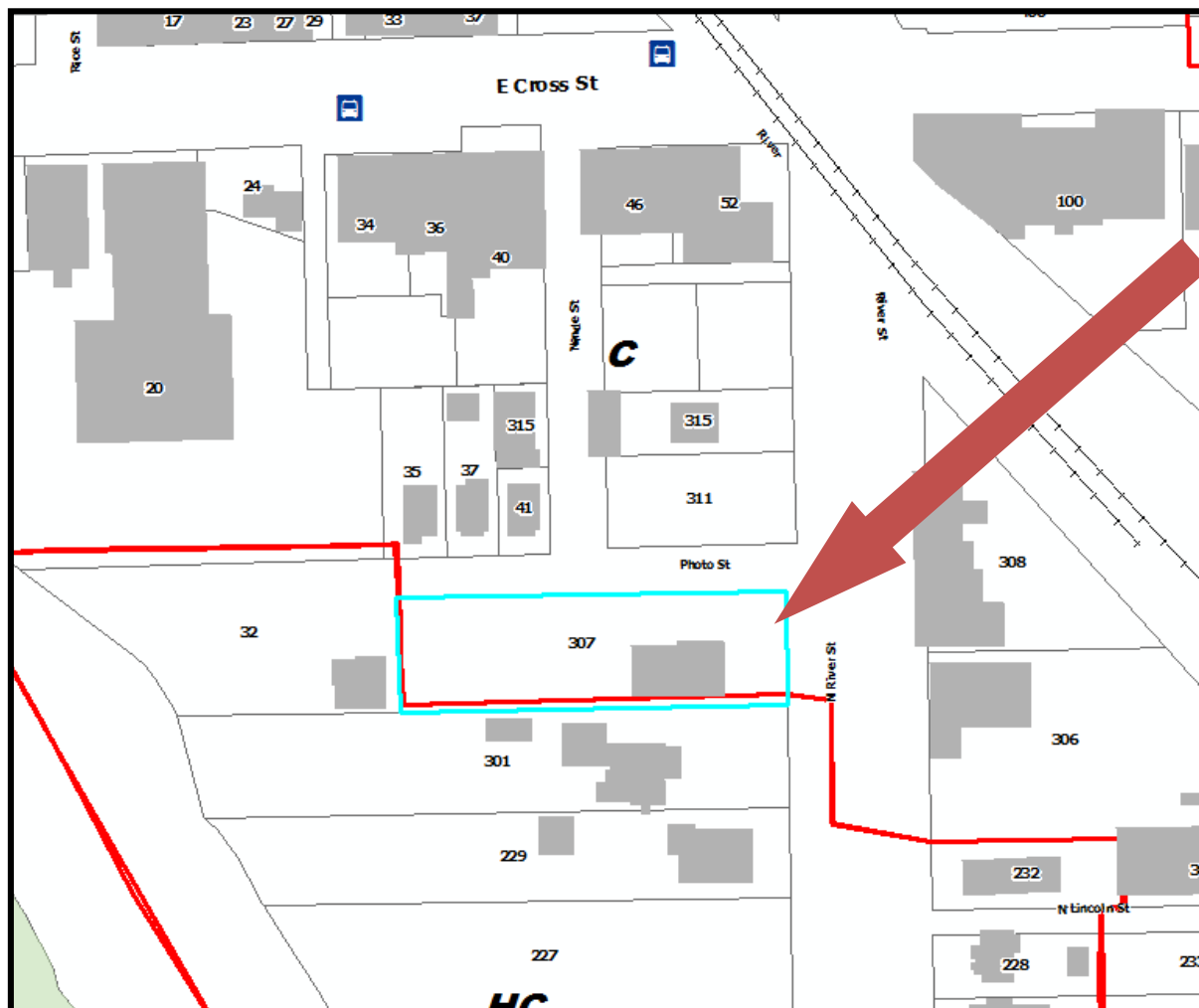


Figure 3: Site Close-up (2015)



Figure 4: Site Aerial (per Google, 2017)

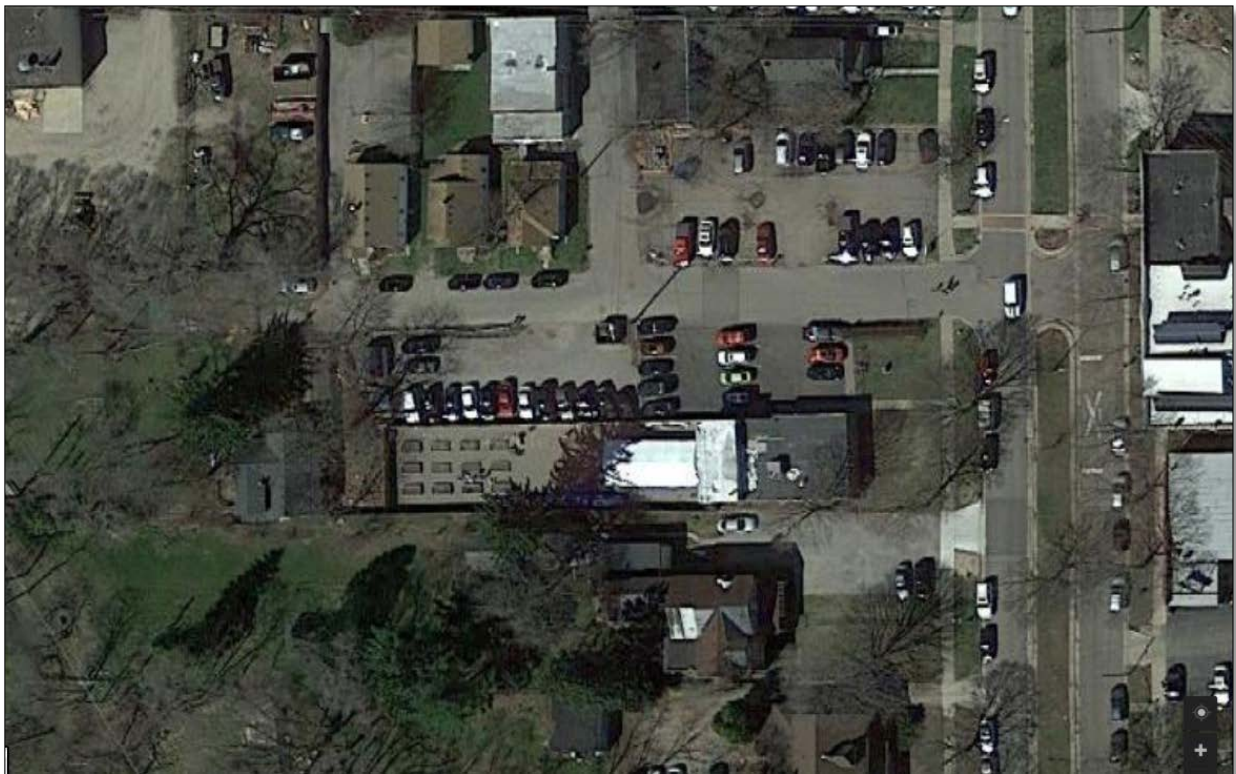


Figure 5: 2011 Google Street View of site



Figure 6: 2017 Google Street View of site



Variance 1

Sec. 122-672. Sidewalks.

ORDINANCE

§122-672

Sec. 122-672. Sidewalks.

- a) For all development projects, either a new public sidewalk or if necessary the reconstruction of existing sidewalks, must be provided along the perimeter of the lot which abuts any street. New or reconstructed sidewalks must be aligned with existing or proposed sidewalks and must be constructed to City standards and subject to Chapter 94 of the City Code of Ordinances.
- b) This requirement may be modified by the Planning Commission as follows:
 - (1) A shared-use path may be provided in lieu of a sidewalk, upon a finding that any portion of the perimeter of a lot is planned to be part of an area-wide non-motorized network that requires such a facility.
 - (2) **A fee in lieu of construction** may be provided by the development in the amount of 100% of the construction cost, upon a finding that any portion of the perimeter of a lot is included in a transportation project programmed in the City's 5-year Capital Improvement Plan, **or with a finding that sidewalk construction at this location is impractical due to lack of connectivity.** Any fee paid for this purpose is reserved for non-motorized improvements as a part of the identified transportation project or for path and sidewalk construction throughout the City, respectively.
 - (3) Any easement required for the construction, maintenance, or operation of a modified facility must be included on the site plan at the time the modification is requested.

APPLICATION

How the proposed project is contrary to ordinance:

Existing paved parking layout to remain does not meet current zoning ordinance standards for space sizes.

Parking area ingress and egress are not offset from Photo and Ninide intersection.

~~Proposed additional gravel compact car spaces exceed maximum percentage allowed.~~

Sidewalk, landscaping, curbing would be difficult to provide along photo street due to it's unique design.

Practical difficulties which prevent compliance:

Redesigning the existing parking to meet current standards would significantly reduce parking or require moving the building. The addition of the proposed striped islands will allow the current spaces to continue to be used as they exist while protecting those in the lot from the currently unmarked Right of Way and clarify where parking spots currently exist. The proposed Gravel lot will add additional parking spaces to the area without the additional impervious surfacing a paved lot would introduce. Striping can not be provided in the gravel parking area, limiting the lot in size for compact cars will allow the additional parking to be provided using the least amount of space and not giving the false perception to drivers that there are more parking spaces than provided.

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

The existing site layout was designed before current zoning standards were adopted.

Photo and Ninide street are atypical street layouts that are closer to drives / alleys in practice than streets as they are currently designated.

The site is zoned as a city center lot, however is adjacent to residential lots and shares Photo street with residential properties. Using the garden area as a buffer from Cultivate traffic to residential lots and sending less vehicles further down Photo street in order to park will benefit these residential properties.

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 it would be difficult to provide sidewalk, landscaping, and curbing along Photo St. due to its unique design. Photo is a short street that lacks curb & gutter; the current paved parking area is paved to the edge, and the new gravel area is also graveled to its edge. The area, in general, is highly connected. The zoning ordinance dictates that the remedy for impractical sidewalk placement is a fee in lieu of construction. The applicant is asking a variance to both not provide a sidewalk and not provide the fee-in-lieu.

- (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 variance is unnecessary for the preservation and enjoyment of a substantial property right enjoyed by others in this district. New and effectively new developments, including the Thompson Block, are and have been responsible for adding, replacing, or upgrading the public sidewalks at their perimeters.

- (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 challenge of having the paved parking area abutting the pavement of the street; the owner did place the gravel which also currently abuts the street.

- (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.*

Pedestrian safety is the most immediate concern regarding this variance. The applicant is proposing a private pathway adjacent to the fence and building for pedestrians to access the building entrance from the parking area. They would be responsible for keeping it clear in winter, as they would with a public sidewalk, but enforcement regarding lack of care for a private sidewalk is slower, generally, than with a public sidewalk. By not remitting a fee-in-lieu, the applicant also hinders connectivity throughout the City generally, as the City uses these funds to bridge gaps in sidewalk connectivity and construct shared-use paths to improve safety.

(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 does not appear as though substantial justice would be done by granting this variance.

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

A variance is not necessary to make a reasonable use of the land, buildings, or structure.

STAFF RECOMMENDATION

Staff recommends the Zoning Board of Appeals **deny** the variance request from §122-672, Sidewalks, for 307 N River, with the following findings:

1. The applicant has not shown practical difficulty, per 122-320(b)(1).
2. This variance is not necessary for the preservation and enjoyment of a substantial property right enjoyed by other property owners in the same district under the terms of the zoning ordinance §122-370(b)(2).
3. The owner did contribute to a portion of the alleged practical difficulty, by creating the graveled parking area, per 122-320(b)(3).
4. The granting of the variance could negatively affect pedestrian safety, per 122-320(b)(4).
5. The allowance of the variance will not result in substantial justice being done, per §122-370(b)(5).
6. This variance is not the minimum variance to make a reasonable use of the land, buildings, or structure, per §122-370(b)(6).

Variance 2

Sec. 122-683 Off-Street Parking Layout and Construction

Note: the paved parking area existed, and was considered legal-nonconforming, prior to 2015. The applicant is proposing extensive changes to the layout and construction of that area in addition to the complete addition of the gravel parking lot. Because of the proposed changes, these variances requested apply to both parking areas.

ORDINANCE

§122-683

Sec. 122-683. Off-street Parking layout and construction for all other uses.

Off-street parking facilities required for multiple-family and nonresidential uses shall be located on the same lot or parcel as the building or use they are intended to serve, or within 300 feet of such building or use, measured from the nearest point of the building to the nearest point of the off-street parking lot. A shared parking agreement or use easement for the land intended for shared parking must be on file with the county register of deeds, in order for the shared parking spaces to satisfy the quantity requirement. Parking spaces may be located within buildings or structures consistent with the Building Code.

- (a) **Review and approval requirements.** Except for off-street parking accessory to single-or two-family dwelling units, review and approval is required for off-street parking areas in accordance with Article III of this chapter.
- (b) **Ingress and egress.** Adequate ingress and egress to such parking lot shall be provided by means of clearly defined and limited drives having a minimum width of 20 feet for two-way traffic and 10 feet for one-way traffic, with a maximum of 30 feet. All such drives shall be located so as to minimize traffic congestion.
 - (1) On lots with a lot width of 100 feet or less, no more than one curb cut to a single street is permitted.
 - (2) All curb cuts accessing Washtenaw Avenue (M-17) must comply with the Michigan Department of Transportation M-17 Access Management Plan and the ReImagine Washtenaw Corridor Improvement Study.
 - (3) All curb cuts and approaches to such parking lots shall comply with adopted City standards for curb cuts.
 - (4) Ingress and egress for the parking area in an area zoned CN-Mid, CN, HC, NC, GC, C, HHS, PMD shall not cross land zoned for P, R1 or CN-SF.
 - (5) Parking lot driveways shall be situated so as to minimize vehicle headlights from shining on residential dwellings.
 - (6) Where possible, curb cuts shall be located across from any existing curb cuts on the opposite side of the street, or shall be offset from any opposite-side curb cuts by at least 25 feet.
(NB: the easternmost curb cut is misaligned from the southern Sidetrack parking lot curb cut)
 - (7) No curb cut for a parking lot may be closer than 50 feet to the intersection of any two streets as measured along the street right-of-way line. However, the Planning Commission may allow a curb cut for a parking lot situated on a small land parcel located no closer than 20 feet to the intersection of any two streets, upon finding that no other access points in compliance with City Ordinances is possible due to the size of the parcel.
- (c) **Access.** All parking spaces shall be provided adequate access by pedestrians and vehicles:
 - (1) **Walkways in Parking Lots.** Paved walkways a minimum of 5 feet in width shall be provided for access to adjacent parks, commercial areas, transit stops, anticipated walkways and institutions. Pedestrian movement shall be accommodated within parking lots through raised walkways, marked crosswalks or similar methods.

- (2) **Vehicular Access.** All parking spaces must be accessible to vehicles by means of maneuvering aisles. Except for one-and two-family uses, maneuvering or backing from a parking space directly onto a street or walkway shall be prohibited, and all parking spaces shall be designed so that any motor vehicle may be parked or unparked without moving another vehicle.
- (d) **Maneuvering drives.** Each driveway providing access to an off-street parking lot containing five or more parking spaces shall be a minimum of ten feet in width. Where a turning radius is necessary, it shall be an arc that allows unobstructed vehicle flow.
- (e) **Surfacing.** All parking and loading facilities and access drives shall be paved with a durable bonded material in accordance with accepted engineering standards, or alternative surfacing materials to minimize impervious surface and stormwater runoff, employ environmental and other best practices, and achieve low impact design, at the discretion of the City Engineer. Use of pervious alternative surfaces is encouraged in proximity to the Huron River and Paint Creek. Paving materials proposed to improve aesthetics may also be considered by the City Planner and the Planning Commission. Alternative surfaces proposed shall be reviewed by the City's consulting engineer.
- (f) **Drainage.** All off-street parking and loading areas shall be graded and drained to public storm sewers. As an alternative, if in the opinion of the City's consulting engineer, the soils are of a type which will allow for efficient drainage, the use of drywells, infiltration trenches, swales, bio-retention or other best management practices for controlling urban runoff quality are permitted. No surface water shall be permitted to drain onto adjoining properties, unless there is a common engineered drainage system shared with the adjoining property or an appropriate watershed easement has been obtained. No surface water drainage from an off-street parking lot shall be permitted to drain across a public sidewalk.
- (g) **Setback from street.** Parking lot setbacks are designated by the zoning district in which they are located. An allowed exception are circular drives, which may be located in a required minimum front yard or street side yard, provided that such drives shall be designed so that no parking space is located closer than 25 feet to any street right-of-way line.
- (h) **Setback from adjacent lot.** Parking areas are required to be 10' from any adjacent lot. Planning Commission may 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 stormwater, landscaping, and other similar concerns have been adequately addressed with other methods.
- (i) **Striping.** For parking lots containing five or more spaces, all spaces shall be outlined with three-inch wide strips of white or yellow paint, except that barrier-free spaces shall be blue, with a symbol of compliance in blue, and signed in accordance with the State Barrier-Free Code.
- (j) **Wheel stops.** For parking lots containing five or more spaces or accessory to commercial uses, wheel stops or curbing shall be provided for all parking spaces to prevent any vehicle from projecting beyond the parking lot area, bumping any wall or fence, or encroaching upon any landscaping. In all cases where parking lots abut public or private sidewalks, continuous concrete curbing or bumper stops, at least six inches high, shall be placed so that a motor vehicle cannot be driven or parked on, or hang over, any part of any sidewalk.
- (k) **Lighting.** With the exception of multiple-family dwellings on individual lots containing no more than four units, parking and loading facilities utilized during night-time hours shall be artificially illuminated. All such outdoor lighting shall meet the requirements of §122-609.
- (l) **Maintenance.** All off-street parking areas, including striping, shall be maintained in good usable condition, and when necessary shall be treated to prevent dust or other nuisances. Such parking areas and drives shall also be kept free of litter, debris, and refuse.
- (m) **Additional requirements.** In addition to the above requirements, parking areas shall comply with additional requirements or conditions which may be deemed as reasonably necessary by the Planning Commission for the protection of abutting lots.

APPLICATION

How the proposed project is contrary to ordinance:

~~Existing paved parking layout to remain does not meet current zoning ordinance standards for space sizes.~~

~~Parking area ingress and egress are not offset from Photo and Ninide intersection.~~

~~Proposed additional gravel compact car spaces exceed maximum percentage allowed.~~

~~Sidewalk, landscaping, curbing would be difficult to provide along photo street due to it's unique design.~~

Practical difficulties which prevent compliance:

Redesigning the existing parking to meet current standards would significantly reduce parking or require moving the building. The addition of the proposed striped islands will allow the current spaces to continue to be used as they exist while protecting those in the lot from the currently unmarked Right of Way and clarify where parking spots currently exist. The proposed Gravel lot will add additional parking spaces to the area without the additional impervious surfacing a paved lot would introduce. ~~Striping can not be provided in the gravel parking area,~~ limiting the lot in size for compact cars will allow the additional parking to be provided using the least amount of space and not giving the false perception to drivers that there are more parking spaces than provided.

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

~~The existing site layout was designed before current zoning standards were adopted.~~

~~Photo and Ninide street are atypical street layouts that are closer to drives / alleys in practice than streets as they are currently designated.~~

The site is zoned as a city center lot, however is adjacent to residential lots and shares Photo street with residential properties. Using the garden area as a buffer from Cultivate traffic to residential lots and sending less vehicles further down Photo street in order to park will benefit these residential properties.

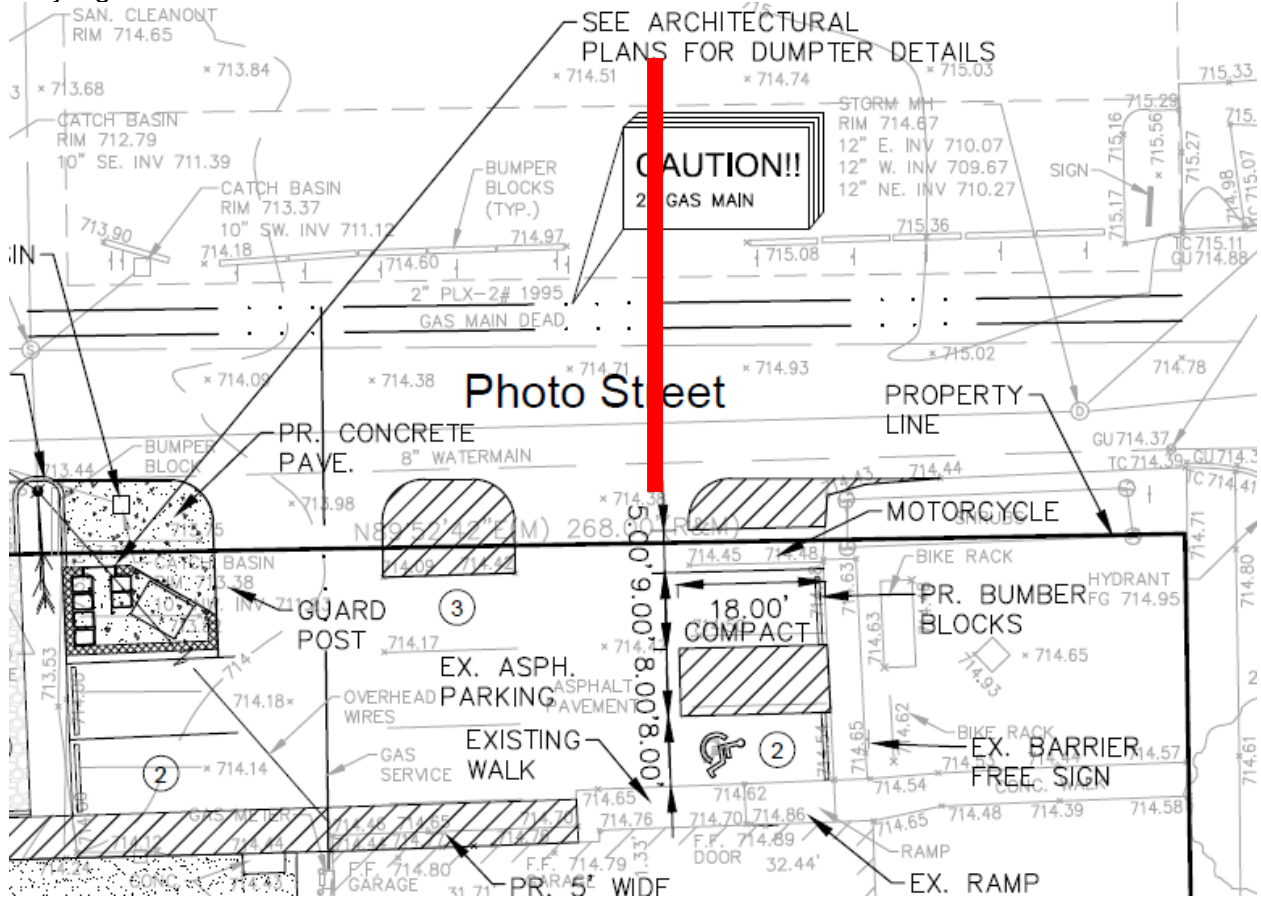
STANDARDS

§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.

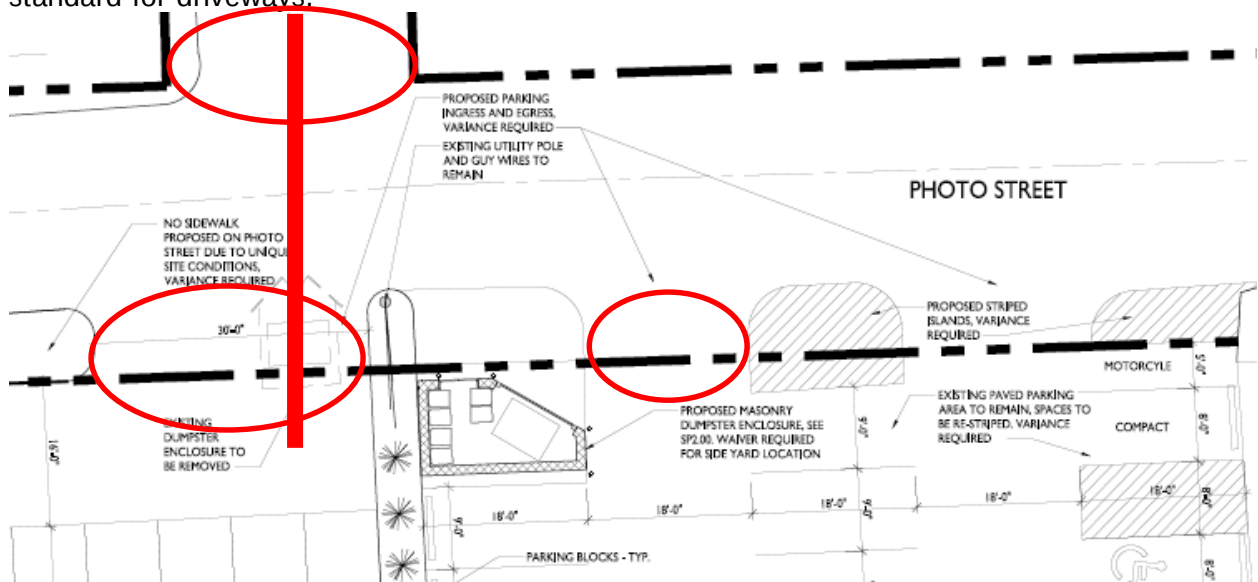
(1) *Literal enforcement of this chapter will pose practical difficulties to the applicant because of special conditions or circumstances which are unique to the specific property such as: exceptional shallowness or shape of the property, exceptional topographic conditions, extraordinary situation of 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.*

(b)(6) offset access- driveway: There are no special conditions apparent. The center of the Sidetrack driveway aligns roughly with the rear of the first aisle of parking. This creates potential conflicts with turning vehicles; this alignment also makes navigating the two entrances “illegible” – just close enough that a driver might believe them to align, then misjudge the turn.



(b)(7) offset access- street: The applicant is proposing a total of three curbcuts on the site: two for parking aisles in the paved parking area, and one for an entrance to the gravelled parking area. The eastmost aisle/ingress is in compliance; the middle and gravel entrance are not. Ninde and Photo both are relatively narrow streets lacking in curb & gutter; neither is a through street, and serve limited traffic. Treating the intersection of

Photo and Ninde under (b)(6), permitting them to be perfectly aligned or offset 25', rather than (b)(7), could make sense. These intersections as proposed do not currently meet that standard for driveways.



(i) striping: Striping is impractical upon graveled parking areas. The ordinance does not yet have a provision permitting gravel parking areas to forego striping, as permitting gravel for commercial parking areas is a relatively new allowance.

(j) wheel stops: The center three spaces in the paved parking area lack wheel stops/bumper blocks, allowing vehicles to pull through and pull out from either direction. There is no special condition on this site that necessitates the parking be arranged in such a way.

(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.

(b)(6) offset access- driveway: In the Center district, many of the parking lot entrances are located due to existing conditions- the entrances are where an alley or rail siding is or was located, for instance. Staff has been unable to find a location with similarly misaligned drives.

(b)(7) offset access- street: In and near the Center district, the examples of misalignment or nearness to an intersection (500 N Congress, 317 W Cross, 317 N Washington, 500 W Cross) seem to have occurred with either highly auto-oriented uses (gas stations, bus station) or existed and have persisted for quite some time. All are considered legal nonconforming at this time and will be required to conform in the case of a change of use.

(i) striping: To the best of staff's knowledge, all gravel lots in the City are unstriped.

(j) wheel stops: Wheel stops are a safety feature installed in the majority of parking lots throughout the City, where there are no curbs.

(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.

(b)(6) offset access- driveway: This is self-created.

(b)(7) offset access- street: This is largely self-created. The location of a utility pole precisely south of the intersection does make direct alignment with Ninde challenging, but there is quite a bit of space both west and east of the intersection.

(i) striping: This is self-created.

(j) wheel stops: This is self-created.

(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.

(b)(6) offset access- driveway: The proposed layout is likely to contribute to driver confusion and conflict.

(b)(7) offset access- street: The proposed layout is likely to contribute to driver confusion and conflict. However, a layout which treats the intersection of Photo and Ninde as driveways, and applying the standard of (b)(6) in lieu, would maintain safety.

(i) striping: This layout is likely to contribute to driver confusion and conflict. The presence of wheelstops will likely ameliorate that to some degree, but they will likely be obscured in the winter/snow.

(j) wheel stops: This layout is likely to contribute to driver confusion and conflict.

(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.

Staff does not believe that granting this variance would result in substantial justice being done, with one exception: staff does support that the applicant be able to follow the standards of 122-683(b)(6) in lieu of 122-683(b)(7) at the intersection of Ninde and Photo; this would allow this intersection to be treated as a driveway intersection rather than a street, which aligns with the way those streets are currently used.

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

A variance is not necessary to make a reasonable use of the land, buildings, or structure.

STAFF RECOMMENDATIONS

Staff recommends the Zoning Board of Appeals **approve** the following variances for the Cultivate Coffee & Tap House Improvements project:

1. A variance from 122-683(b)(7) at the intersection of Photo and Ninde, with the condition that the standards of 122-683(b)(6) shall apply, with the following findings in alignment with 122-320(b);
 - Photo and Ninde streets are unique in their circulation patterns and low traffic volumes
 - The granting of this variance will not be detrimental to the public welfare
 - The granting of this variance will result in substantial justice, as it permits the applicant greater design flexibility on a low-volume street without compromising traffic safety.
2. A variance from 122-683(i), to permit any gravel paving to omit striping, with the following findings in alignment with 122-320(b);
 - Gravel paving does not hold striping in the long term
 - The applicant will provide wheelstops to indicate proper parking layout
 - The granting of this variance will not be detrimental to the public welfare

Staff recommends the Zoning Board of Appeals **deny** the following variances for the Cultivate Coffee & Tap House Improvements project:

1. A variance from 122-683(b)(6) regarding the drive alignment with the commercial parking lot to the north, with the following findings in alignment with 122-320(b):
 - The applicant has not shown practical difficulty beyond inconvenience.
 - This variance is not necessary for the preservation &/or enjoyment of a substantial property right.
 - The alleged practical difficulty is self-created.
 - The granting of the variance will have a negative impact upon traffic safety.
 - The granting of the variance would not result in substantial justice being done.
 - A reasonable use of the land, buildings, or structure is possible without this variance.
2. A variance from 122-683(j) regarding the omission of wheel stops, with the following findings in alignment with 122-320(b):
 - The applicant has not shown practical difficulty beyond inconvenience.
 - This variance is not necessary for the preservation &/or enjoyment of a substantial property right.
 - The alleged practical difficulty is self-created.
 - The granting of the variance will have a negative impact upon traffic safety.
 - The granting of the variance would not result in substantial justice being done.
 - A reasonable use of the land, buildings, or structure is possible without this variance.

Variance 3

Sec. 122-684. Parking Screening and Landscaping

ORDINANCE

§122-684

Sec. 122-684. Parking Screening and Landscaping

- (a) Intent. Separate landscape areas shall be provided within parking lots so as to break up the broad expanse of pavement, mitigate heat island effect, support storm water management, and guide the circulation of vehicular and pedestrian traffic.
- (b) Required landscaping within off-street parking areas. Separate landscape areas shall be provided within off-street parking areas in accordance with the following requirements:
 - (1) There shall be a minimum of one (1) tree for every eight (8) parking spaces, provided that a landscape island shall be provided for no more than sixteen (16) continuous spaces.
 - (2) Landscape islands must meet the following size requirements:
 - (i) Landscape islands containing a tree shall be a minimum of 160 square feet and a minimum of nine (9) feet wide.
 - (ii) Landscape islands containing a pedestrian pathway shall be a minimum of eleven (11) feet wide, with a pathway of a minimum width of five (5) feet and minimum three (3) feet wide landscape area on both sides.
 - (iii) If landscaped islands are not used for storm water infiltration, the islands must be raised and curbed.
 - (3) The ends of all parking aisles and corners shall be protected with a curbed island.
 - (4) A minimum distance of three (3) feet from the backside of the curb and the proposed landscape plantings shall be provided. Where vehicles overhang a landscape island or strip, a minimum distance of five (5) feet from the backside of the curb and the proposed landscape plantings shall be provided.
 - (5) Shrubs and/or ground covers which will not impede vehicular visibility in accordance with this Ordinance may also be included.
- (c) Required Landscaping at the Perimeter of Off-Street Parking Areas, Loading Zones, and Access Drives. Separate landscape areas shall be provided at the perimeter of off-street parking areas in accordance with the following requirements. This landscaping cannot be counted toward any other landscaping requirement except for the "site landscaping" minimum percentage.
 - (1) Off-street parking areas in the side and rear yard which abut a R-1, MD, CN, CN-Mid, CN-SF zoning district must be screened in accordance with §122-634.
 - (2) All off-street parking areas that are visible from a public road shall be screened from view with a solid wall or landscape planting achieving at least 80% opacity year-round at least three (3) feet in height but no more than four (4) feet in height, in conformance with §122-675.
 - (3) All land between a parking lot and any street right-of-way shall be kept free from refuse and debris and must be landscaped. The ground area shall be planted in lawn or other live ground covering. All such landscaping and plantings shall be maintained in a healthy, growing condition, neat and orderly in appearance.
- (d) Landscaped areas, walls, structures, and walks shall be properly protected from vehicular encroachment or overhang through appropriate wheel stops or curbs, as well as a distance of at least 3 feet.

APPLICATION

How the proposed project is contrary to ordinance: Existing paved parking layout to remain does not meet current zoning ordinance standards for space sizes. Parking area ingress and egress are not offset from Photo and Ninide intersection. Proposed additional gravel compact car spaces exceed maximum percentage allowed. Sidewalk, landscaping, curbing would be difficult to provide along photo street due to it's unique design.
Practical difficulties which prevent compliance: Redesigning the existing parking to meet current standards would significantly reduce parking or require moving the building. The addition of the proposed striped islands will allow the current spaces to continue to be used as they exist while protecting those in the lot from the currently unmarked Right of Way and clarify where parking spots currently exist. The proposed Gravel lot will add additional parking spaces to the area without the additional impervious surfacing a paved lot would introduce. Striping can not be provided in the gravel parking area, limiting the lot in size for compact cars will allow the additional parking to be provided using the least amount of space and not giving the false perception to drivers that there are more parking spaces than provided.
Unique circumstances regarding the property (i.e. shape, topography, etc) which prevent compliance: The existing site layout was designed before current zoning standards were adopted. Photo and Ninide street are atypical street layouts that are closer to drives / alleys in practice than streets as they are currently designated. The site is zoned as a city center lot, however is adjacent to residential lots and shares Photo street with residential properties. Using the garden area as a buffer from Cultivate traffic to residential lots and sending less vehicles further down Photo street in order to park will benefit these residential properties.

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.

(b)(3) aisle protection: The applicant proposes striped islands at the north end of two of the parking aisles proposed, in the paved area. These are not sufficient to protect parked vehicles from turning cars, will be obscured by snow in the winter, and will likely be parked over during peak hour, potentially obstructing traffic on Photo Street. The applicant states that the practical difficulty is found in the potential reduction in the number of parking spaces and the lack of curb & gutter on Photo. Although the pavement and the building were existing in 2014/15, this parking layout is new, and created by the applicant. There are no parking requirements in the Center district, as it is a dense, walkable, historic area; there is no parking standard the applicant must meet.

(c)(2) screening: The applicant is not proposing any screening of the graveled or paved parking areas from the Photo right of way. The applicant notes that practical difficulty is found in the potential reduction of number of parking spaces; however, there is no parking minimum to which the applicant must adhere.

(d) encroachment: In the gravel parking area, the wheelstops are directly adjacent to the “walkway,” which is presumed to also be gravel. Standard vehicle overhang would significantly narrow this walkway. Likewise the westernmost paved parking shows wheelstops immediately adjacent to landscaping; vehicles would likely encroach. On the easternmost aisle of parking, the wheelstops are set such that the entire paved walkway would be occluded by overhang; this is particularly challenging at this location due to the barrier-free space location.

(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.

(b)(3) aisle protection: The Center district has few private parking lots; most predate the protected aisle-end requirement and are considered to be legal nonconforming. New parking lots are required to conform. Construction of a new lot that does not protect end vehicles from traffic is not a property right enjoyed by other property owners in the same district.

(c)(2) screening: The Center district has few private parking lots; several predate the screening requirement and are considered to be legal nonconforming. New parking lots are required to conform. Construction of a new lot without screening is not a property right enjoyed by other property owners in the same district.

(d) encroachment: The Center district has few private parking lots; most predate the encroachment requirement and are considered to be legal nonconforming. New parking lots are required to conform. Construction of a new lot that allows vehicles to encroach walkways is not a property right enjoyed by other property owners in the same district.

(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.

(b)(3) aisle protection: The applicant is not required to add parking per the code. The previously existing parking layout with seven spaces would have been acceptable as legal nonconforming under the code, with the conversion of one space to barrier-free. The proposed layout is of the applicant's choosing.





(c)(2) screening: The applicant is not required to add parking per the code. The addition of the graveled area was done without benefit of site plan or, staff believes, measurement to ensure it would serve parking needs adequately. The supposed need for a variance is entirely self-created.

(d) encroachment: This encroachment could simply be an oversight and is easily remedied, to some degree, by moving the wheelstops back 2-3'.

(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.

(b)(3) aisle protection: The eastern aisle-end is directly opposite the exit from a commercial parking lot. By only having a painted aisle-end here, vehicles parked in this area are at greater risk of crashes from traffic exiting that parking lot. Both aisle-ends about a public right-of-way, placing them at greater risk of conflict with passing traffic.

(c)(2) screening: The requirements for screening is intended to minimize the impact an expanse of parking has upon the aesthetics of the surrounding area; in this case, landscaping would also help to minimize runoff from the parking areas.

(d) encroachment: The requirements regarding encroachment are intended to protect landscaping or the pedestrian walkway, as applicable.

(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.

(b)(3) aisle protection: Lack of aisle protection would not result in substantial justice being done. It would place parked vehicles at increased risk of collision and increase the likelihood of vehicles parking in the right-of-way.

(c)(2) screening: Lack of screening would not result in substantial justice being done. The lack of the aesthetic benefit intended to be secured by the ordinance, as well as the potential stormwater benefit once the gravel and ground become compacted, would negatively impact the neighboring properties without securing a balancing benefit to the applicant.

(d) encroachment: Lack of properly placed wheelstops would not result in substantial justice being done. We believe this placement to be in error.

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

(b)(3) aisle protection: A reasonable use of the land, buildings, or structure is possible without this variance.

(c)(2) screening: A reasonable use of the land, buildings, or structure is possible without this variance.

(d) encroachment: A reasonable use of the land, buildings, or structure is possible without this variance.

STAFF RECOMMENDATION

Staff recommends the Zoning Board of Appeals **deny** the following variances for the Cultivate Coffee & Tap House Improvements project:

1. A variance from 122-684(b)(3) regarding the provision of curbed aisle-ends for the easternmost two bays of parking, with the following findings in alignment with 122-320(b):
 - The applicant has not shown practical difficulty beyond inconvenience.
 - This variance is not necessary for the preservation &/or enjoyment of a substantial property right.
 - The alleged practical difficulty is self-created.
 - The granting of the variance will have a negative impact upon traffic safety.
 - The granting of the variance would not result in substantial justice being done.
 - A reasonable use of the land, buildings, or structure is possible without this variance.
2. A variance from 122-684(c)(2) regarding the provision of screening between the parking areas and Photo Street, with the following findings in alignment with 122-320(b):

- The applicant has not shown practical difficulty beyond inconvenience.
 - This variance is not necessary for the preservation &/or enjoyment of a substantial property right.
 - The alleged practical difficulty is self-created.
 - The granting of the variance will have a negative impact upon aesthetics and stormwater management.
 - The granting of the variance would not result in substantial justice being done.
 - A reasonable use of the land, buildings, or structure is possible without this variance.
3. A variance from 122-684(d) regarding the location of wheelstops, with the following findings in alignment with 122-320(b):
- We believe the location shown to be in error.
 - The applicant has not shown practical difficulty.
 - This variance is not necessary for the preservation &/or enjoyment of a substantial property right.
 - The alleged practical difficulty is self-created.
 - The granting of the variance will have a negative impact upon pedestrian safety and accessibility, as well as landscaping durability.
 - The granting of the variance would not result in substantial justice being done.
 - A reasonable use of the land, buildings, or structure is possible without this variance.

Variance 4

Sec. 122-685. Parking Dimensions

ORDINANCE

§122-685

Sec. 122-685. Parking Dimensions

- (a) All off-street parking facilities required by this chapter shall be of adequate size and design to provide safe and reasonably direct ingress and egress from an alley or street. All parking spaces shall be adequate for parking a motor vehicle with room for opening doors on both sides.
- (b) Parking spaces required by this article shall be at least 9 feet wide and 18 feet long (16 feet long if 2 feet of overhang is provided when parking against a curb). Spaces directly adjacent to a fence, wall or enclosure shall be increased by 1 foot in width. Barrier free parking spaces must be designed as required by and in conformity with state law.
- (c) Up to 20% of the parking spaces may be designated as small car spaces, which shall be at least 8 feet wide and 16 feet long and clearly signed for "compact cars."
- (d) Up to 10% of the parking spaces may be designated as motorcycle spaces, which shall be at least 5 feet wide and clearly signed for "motorcycles."
- (e) Minimum Standards. The minimum standards for parking spaces and aisles are indicated in the table below.

Standard Vehicle Parking Dimensions					
Parking Patterns (Degrees)	Space Width (Feet)	Space Length (Feet)	Maneuvering Lane Width (Feet)	Total Width of One Tier of Spaces Plus Maneuvering Lane (Feet)	Total Width of Two Tiers of Spaces Plus Maneuvering Lane (Feet)
0 (parallel)	9	22	12 if one-way 10 if two-way	21 one-way 19 two-way	30 one-way 28 two-way
30 to 53	9	18	13	36	53
54 to 74	9	18	16	38	59
75 to 90	9	18	22	40	62
Compact Vehicle Parking Dimensions					
Parking Patterns (Degrees)	Space Width (Feet)	Space Length (Feet)	Maneuvering Lane Width (Feet)	Total Width of One Tier of Spaces Plus Maneuvering Lane (Feet)	Total Width of Two Tiers of Spaces Plus Maneuvering Lane (Feet)
0 (parallel)	8	18	12	20 one-way 32 two-way	28 one-way 40 two-way
30 to 53	8	17	13	36	53
54 to 74	8	17' 5"	16	38	59
75 to 90	8	16	22	42	62
Motorcycle Vehicle Parking Dimensions					
All motorcycle parking spaces shall be a minimum of five feet by eight feet.					

APPLICATION

How the proposed project is contrary to ordinance: Existing paved parking layout to remain does not meet current zoning ordinance standards for space sizes. Parking area ingress and egress are not offset from Photo and Ninide intersection. Proposed additional gravel compact car spaces exceed maximum percentage allowed. Sidewalk, landscaping, curbing would be difficult to provide along photo street due to it's unique design.
Practical difficulties which prevent compliance: Redesigning the existing parking to meet current standards would significantly reduce parking or require moving the building. The addition of the proposed striped islands will allow the current spaces to continue to be used as they exist while protecting those in the lot from the currently unmarked Right of Way and clarify where parking spots currently exist. The proposed Gravel lot will add additional parking spaces to the area without the additional impervious surfacing a paved lot would introduce. Striping can not be provided in the gravel parking area, limiting the lot in size for compact cars will allow the additional parking to be provided using the least amount of space and not giving the false perception to drivers that there are more parking spaces than provided.
Unique circumstances regarding the property (i.e. shape, topography, etc) which prevent compliance: The existing site layout was designed before current zoning standards were adopted. Photo and Ninide street are atypical street layouts that are closer to drives / alleys in practice than streets as they are currently designated. The site is zoned as a city center lot, however is adjacent to residential lots and shares Photo street with residential properties. Using the garden area as a buffer from Cultivate traffic to residential lots and sending less vehicles further down Photo street in order to park will benefit these residential properties.

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 is proposing five “regular” parking spaces, one motorcycle space, one compact space, and one barrier-free space in the paved area, and 13 “small car” spaces in the graveled area. The two-way maneuvering aisle in the graveled area is 16’ of a required 22’; the maneuvering aisles in the paved area are 18’ of a required 22’. The proposed difficulty alleged by the applicant lies in redesigning the current layout, which was constructed without benefit of review or permits.

- (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.*

Allowance of “small car” spaces is new since 2014. In addition, from approximately the 1970s to 2014 parking spaces were required to be 9’x20’, although staff could grant a

waiver to 18'. To the best of staff's knowledge, there are no lots in the City with more than 70% small car spaces.

(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 difficulties are self-created.

(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.

The tightness of the parking area will likely lead to increased traffic conflicts.

(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 traffic and parking safety. Substantial justice would not be done.

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

A reasonable use of the land, buildings, or structure is possible without this variance.

STAFF RECOMMENDATION

Staff recommends the Zoning Board of Appeals **deny** the following variance for the Cultivate Coffee & Tap House Improvements project:

1. A variance from 122-685(c) and 122-685(e) regarding the percentage of small vehicle spaces as well as maneuvering aisle dimensions, with the following findings in alignment with 122-320(b):
 - The applicant has not shown practical difficulty.
 - This variance is not necessary for the preservation &/or enjoyment of a substantial property right.
 - The alleged practical difficulty is self-created.
 - The granting of the variance will have a negative impact upon traffic safety.
 - The granting of the variance would not result in substantial justice being done.
 - A reasonable use of the land, buildings, or structure is possible without this variance.

SUMMARY

All Variances

Staff recommends the Zoning Board of Appeals *approve* the following variances for the Cultivate Coffee & Tap House Improvements project:

1. A variance from **§122-683(b)(7)** at the intersection of Photo and Ninde, with the condition that the standards of 122-683(b)(6) shall apply, with the following findings in alignment with 122-320(b);
 - Photo and Ninde streets are unique in their circulation patterns and low traffic volumes;
 - The granting of this variance will not be detrimental to the public welfare;
 - The granting of this variance will result in substantial justice, as it permits the applicant greater design flexibility on a low-volume street without compromising traffic safety.
2. A variance from **§122-683(i)**, to permit any gravel paving to omit striping, with the following findings in alignment with 122-320(b);
 - Gravel paving does not hold striping in the long term;
 - The applicant will provide wheelstops to indicate proper parking layout;
 - The granting of this variance will not be detrimental to the public welfare.

Staff recommends the Zoning Board of Appeals *deny* the following variances for the Cultivate Coffee & Tap House Improvements project:

3. A variance from **§122-672** regarding the installation or fee-in-lieu for sidewalks along Photo, with the following findings in alignment with 122-320(b):
 - The applicant has not shown practical difficulty beyond inconvenience.
 - This variance is not necessary for the preservation &/or enjoyment of a substantial property right.
 - The alleged practical difficulty is self-created with regards to the placement of the graveled lot.
 - The granting of the variance will have a negative impact upon pedestrian safety.
 - The granting of the variance would not result in substantial justice being done.
 - A reasonable use of the land, buildings, or structure is possible without this variance.
4. A variance from **§122-683(b)(6)** regarding the drive alignment with the commercial parking lot to the north, and from **§122-683(j)** regarding the omission of wheel stops, with the following findings in alignment with 122-320(b):
 - The applicant has not shown practical difficulty beyond inconvenience.
 - This variance is not necessary for the preservation &/or enjoyment of a substantial property right.
 - The alleged practical difficulty is self-created.
 - The granting of the variance will have a negative impact upon traffic safety.
 - The granting of the variance would not result in substantial justice being done.
 - A reasonable use of the land, buildings, or structure is possible without this variance.
5. A variance from **§122-684(b)(3)** regarding the provision of curbed aisle-ends for the easternmost two bays of parking, from **§122-684(c)(2)** regarding the provision of

screening between the parking areas and Photo Street, and from **§122-684(d)** regarding the location of wheelstops, with the following findings in alignment with 122-320(b):

- The applicant has not shown practical difficulty beyond inconvenience.
- This variance is not necessary for the preservation &/or enjoyment of a substantial property right.
- The alleged practical difficulty is self-created.
- The granting of the variance will have a negative impact upon traffic safety, aesthetics, stormwater management, pedestrian safety and accessibility, as well as landscaping durability.
- The granting of the variance would not result in substantial justice being done.
- A reasonable use of the land, buildings, or structure is possible without this variance.

6. A variance from **§122-685(c)** regarding the percentage of small vehicle spaces and **§122-685(e)** regarding maneuvering aisle dimensions, with the following findings in alignment with 122-320(b):

- The applicant has not shown practical difficulty.
- This variance is not necessary for the preservation &/or enjoyment of a substantial property right.
- The alleged practical difficulty is self-created.
- The granting of the variance will have a negative impact upon traffic safety.
- The granting of the variance would not result in substantial justice being done.
- A reasonable use of the land, buildings, or structure is possible without this variance.

Bonnie Wessler
City Planner, Community & Economic Development Division

Cynthia Kochanek
Preservation Planner, Community & Economic Development Division

Sarah Stachnik
Community and Economic Development Intern

c.c. File
 Applicant



**City of Ypsilanti
Planning & Development Department**

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



VARIANCE APPLICATION

Applicant*

Name RYAN WALLACE		
Address 307 N RIVER STREET		
City YPSILANTI	State MI	Zip 48198
Phone / Fax 616.502.3525	E-Mail ryan@cultivateypsi.org	

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

Property

Name of project CULTIVATE COFFEE & TAP HOUSE SITE IMPROVEMENTS	
Address 307 N RIVER STREET	
List all parcel identification numbers included in development: 11-11-09-131-023	
Legal description of property (may be attached): SEE SHEET C-2	
Current Zoning: C - CENTER	Current Use: COFFEE HOUSE & TAP ROOM
Attach an accurate, scaled drawing, of the property showing: • all property lines and dimensions correlated with the legal description • the location and dimensions of all existing and proposed structures and uses on property • any roads, alleys, easements, drains, or waterways which cross or abut the property and the lot area and setback • dimensions necessary to show compliance with the regulations of this Ordinance	

Request for Variance

Description of proposed project BEER GARDEN, COMMUNITY GARDEN, PAVED PARKING LOT RESTRIPIING, GRAVEL PARKING AREA, AND OTHER SITE IMPROVEMENTS. EXISTING BUILDING TO REMAIN.
Section of Ordinance (chapter, article, section, subsection format, please) Chapter 122, Article VI, Section 122, Subsections 672, 683, 684, and 685 (See Sheet SPI.00)

How the proposed project is contrary to ordinance: Existing paved parking layout to remain does not meet current zoning ordinance standards for space sizes. Parking area ingress and egress are not offset from Photo and Ninide intersection. Proposed additional gravel compact car spaces exceed maximum percentage allowed. Sidewalk, landscaping, curbing would be difficult to provide along photo street due to it's unique design.
Practical difficulties which prevent compliance: Redesigning the existing parking to meet current standards would significantly reduce parking or require moving the building. The addition of the proposed striped islands will allow the current spaces to continue to be used as they exist while protecting those in the lot from the currently unmarked Right of Way and clarify where parking spots currently exist. The proposed Gravel lot will add additional parking spaces to the area without the additional impervious surfacing a paved lot would introduce. Striping can not be provided in the gravel parking area, limiting the lot in size for compact cars will allow the additional parking to be provided using the least amount of space and not giving the false perception to drivers that there are more parking spaces than provided.
Unique circumstances regarding the property (i.e. shape, topography, etc) which prevent compliance: The existing site layout was designed before current zoning standards were adopted. Photo and Ninide street are atypical street layouts that are closer to drives / alleys in practice than streets as they are currently designated. The site is zoned as a city center lot, however is adjacent to residential lots and shares Photo street with residential properties. Using the garden area as a buffer from Cultivate traffic to residential lots and sending less vehicles further down Photo street in order to park will benefit these residential properties.

Signature

I hereby attest that the above information is accurate. I am authorized to and grant permission to the City of Ypsilanti staff to be on the subject property for the purposes of preparing staff reports and/or evaluating this application.

Print Name:

RYAN WALLACE

Fee Schedule

First variance for single-family property	\$200
Subsequent variance for single-family property	\$200
First variance for all other properties	\$450
Subsequent variance(s) for all other properties	\$450

*****FOR OFFICE USE ONLY*****

Date	Amount	Cash	Check
Account: 101-4-7210-607-01		Code: 178 Rezone	
Description of deposit:			

CULTIVATE COFFEE & TAP HOUSE

SITE IMPROVEMENTS

307 N. RIVER STREET
YPSILANTI, MI 48198

OWNER/DEVELOPER

307 PROPERTY LLC | RYAN WALLACE
307 N RIVER ST
YPSILANTI, MI 48198
T: 616.502.3525

ARCHITECT

BOWERS + ASSOCIATES, INC.
2400 S. HURON PARKWAY
ANN ARBOR, MI 48104
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F: 734.975.2410

CIVIL ENGINEER

NOWAK + FRAUS
46777 WOODWARD AVENUE
PONTIAC, MI 48342
T: 248.332.7931
F: 248.332.8257

PROJECT DESCRIPTION

SITE IMPROVEMENTS TO EXISTING PROPERTY
TO BRING UP TO CITY STANDARDS

SHEET INDEX

ARCHITECTURAL

T1.00 TITLE SHEET
SP1.00 SITE PLAN
SP2.00 SITE DETAILS
PH1.00 SITE LIGHTING PLAN

CIVIL

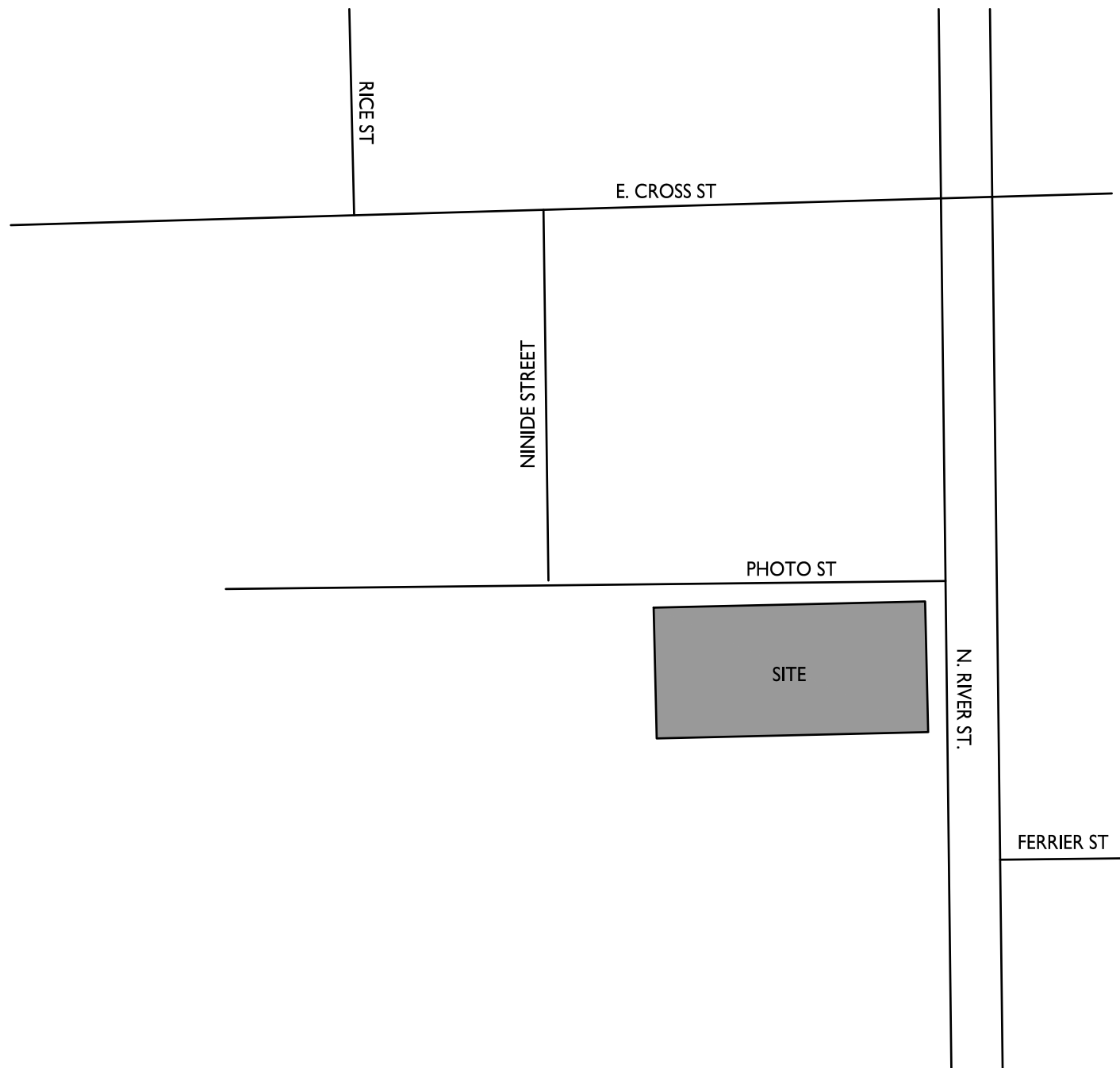
C1 BOUNDARY / TOPOGRAPHIC SURVEY
C2 PAVING / GRADING PLAN
C3 TRUCK TURN PLAN

ABBREVIATIONS:

ABV.	ABOVE
AFF	ABOVE FINISH FLOOR
ADJ.	ADJUSTABLE
AL.	ALUMINUM
ALUM.	ALUMINUM
ANOD.	ANODIZED
ANSI	AMERICAN NATIONAL STANDARDS INSTITUTE
APPROX.	APPROXIMATE
ARCH.	ARCHITECT
BD.	BOARD
BDRM	BEDROOM
B.F.	BARRIER FREE
B.F.F.	BELOW FINISH FLOOR
BIT	BITUMINOUS
BLDG	BUILDING
BLKG	BLOCKING
B.O.	BOTTOM OF
BOTT.	BOTTOM
BTWN.	BETWEEN
CAB.	CABINET
CJ	CONTROL JOINT
CL	CLOSET
CLOS.	CLOSET
CLG	CEILING
CMU	CONCRETE MASONRY UNIT
COL.	COLUMN
CONC.	CONCRETE
CONSTR.	CONSTRUCTION
CONT.	CONTINUOUS
CPT.	CARPET
C.T.	CERAMIC TILE
D.F.	DRINKING FOUNTAIN
DIA.	DIAMETER
DN.	DOWN
DPFG	DAMP PROOFING
DR.	DOOR
DS	DOWNSPOUT
DWG	DRAWING
EA.	EACH
EJ	EXPANSION JOINT
ELECT.	ELECTRICAL
ELEV.	ELEVATION
EQ.	EQUAL
EW	EACH WAY
E.W.C.	ELECTRIC WATER COOLER
EXP	EXPOSED
EX	EXISTING
EXT	EXTERIOR
FD	FLOOR DRAIN
FDN	FOUNDATION
FIN.	FINISH
FIXT.	FIXTURE
FLASH.	FLASHING
FLK.	FLOOR
FRP	FIBERGLASS REINFORCED PANEL
FRPFG	FIREPROOFING
FT.	FOOT, FEET
FTG.	FOOTING
GA	GAUGE
GALV	GALVANIZED
GB	GYP SUM BOARD
GFI	GROUND FAULT INTERRUPTER
GL.	GLASS, GLAZING
GYP.	GYP SUM
HD	HARDWOOD
HGT	HEIGHT
HM	HOLLOW METAL
HORIZ.	HORIZONTAL
H.P.	HIGH POINT
IN.	INCHES
INC.	INCLUDE, INCLUDING
INSUL	INSULATION, INSULATED
INT.	INTERIOR
ISOL.	ISOLATION
J.C.	JANITOR'S CLOSET
KIT	KITCHEN
L.	LENGTH
LAV.	LAVATORY
LBS.	POUNDS
LLH	LONG LEG HORIZONTAL
LLV	LONG LEG VERTICAL
MANUF.	MANUFACTURER
MAR.	MARBLE
MAS.	MASONRY
MATL.	MATERIAL
MAX.	MAXIMUM

ABBREVIATIONS CONT.:

MECH.	MECHANICAL
MEMB.	MEMBRANE
MET.	METAL
MEZZ.	MEZZANINE
MFR.	MANUFACTURER
MIN.	MINIMUM
MISC.	MISCELLANEOUS
M.O.	MASONRY OPENING
MR	MOISTURE RESISTANT
MTD	MOUNTED
MTL	METAL
NATL	NATIONAL
N.I.C.	NOT IN CONTRACT
NO.	NUMBER
NTS	NOT TO SCALE
O.C.	ON CENTER
O.F.	OVERFLOW
O.H.D.R	OVERHEAD DOOR
OPG	OPENING
OPP.	OPPOSITE
P.E.	PRE-ENGINEERED
PERIM	PERIMETER
PL	PLATE
PLAM.	PLASTIC LAMINATE
PLYWD	PLYWOOD
P.P.T.	PRESERVATIVE PRESSURE TREATED
PR	PAIR
PRE-ENG.	PRE-ENGINEERED
PREFAB	PREFABRICATED
PREFIN	PREFINISHED
PROJ.	PROJECT, PROJECTION
PROP.	PROPOSED/PROPERTY
PRTN	PARTITION
P	PAINT
PT	PORCELAIN TILE
QT	QUARRY TILE
R&S	ROD AND SHELF
R.C.	ROOF CONDUCTOR
R.D.	ROOF DRAIN
REFRIG.	REFRIGERATION, REFRIGERATOR
REINF.	REINFORCED
REINFG	REINFORCING
REQ'D	REQUIRED
RET.	RETARDER
RF	RESILIENT FLOORING
RM.	ROOM
R.T.	RESILIENT TILE
RTNG	RETAINING
S.A.C.	SUSPENDED ACOUSTICAL CEILING
S.A.F.	SPRAY APPLIED FIREPROOFING
S.C.	SEALED CONCRETE
SCHED.	SCHEDULE
SCWD	SOLID CORE WOOD
SH	SHELF
SHW	SHOWER
SHT.	SHEET
SIM	SIMILAR
SPEC.	SPECIFICATION
SQ.	SQUARE
SS	STAINLESS STEEL
STD.	STANDARD
STL.	STEEL
ST. STL.	STAINLESS STEEL
STRUCT.	STRUCTURE
SUPP.	SUPPORT, SUPPORTED
SUSP.	SUSPENDED
SV.	SHEET VINYL
T&G	TONGUE AND GROOVE
TH.	THRESHOLD
TEL	TELEPHONE
THK	THICKNESS, THICK
T.O.	TOP OF
T.O.S.	TOP OF STEEL
TRANSF.	TRANSFORMER
TYP.	TYPICAL
UNO	UNLESS NOTED OTHERWISE
UR	URINAL
V.	VERTICAL
VB	VINYL BASE
VCT	VINYL COMPOSITE TILE
VERT.	VERTICAL
VVC	VINYL WALL COVERING
W.C.	WATER CLOSET
WD	WOOD
W.W.F.	WELDED WIRE FABRIC
W.W.M.	WELDED WIRE MESH



BOWERS+ASSOCIATES

ARCHITECTURE DESIGN

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P: 734.975.2400 • F: 734.975.2410
WWW.BOWERSARCH.COM

CONSULTANT + NAME

PROJECT + INFORMATION

CULTIVATE

COFFEE & TAP HOUSE

307 N RIVER ST
YPSILANTI, MI 48198

PROJECT + NUMBER

17-306

ISSUE + DATE

03 NOV 2017

26 JAN 2018

12 MAR 2018

25 JUNE 2018

23 AUG 2018

17 SEPT 2018

19 OCT 2018

OWN REV

SITE

OWN. REV.

OWN REV

ZBA

SHEET + TITLE

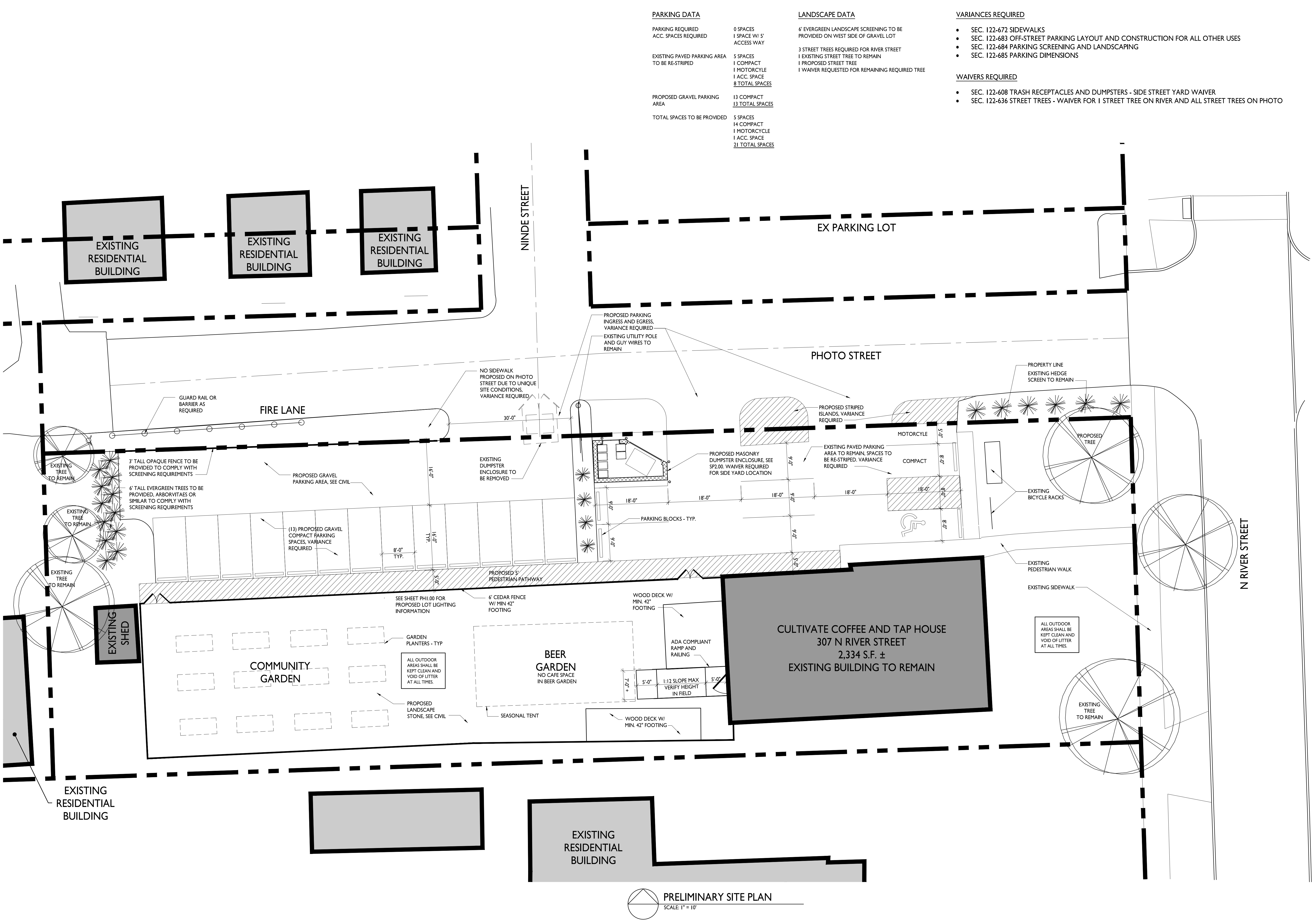
TITLE

SHEET

17306SP100f.dwg

SHEET + NUMBER

T1.00



PARKING DATA

PARKING REQUIRED	0 SPACES
ACC. SPACES REQUIRED	1 SPACE W/ 5' ACCESS WAY
EXISTING PAVED PARKING AREA TO BE RE-STRIPED	5 SPACES 1 COMPACT 1 MOTORCYCLE 1 ACC. SPACE 8 TOTAL SPACES
PROPOSED GRAVEL PARKING AREA	13 COMPACT 13 TOTAL SPACES
TOTAL SPACES TO BE PROVIDED	5 SPACES 14 COMPACT 1 MOTORCYCLE 1 ACC. SPACE 21 TOTAL SPACES

LANDSCAPE DATA

6' EVERGREEN LANDSCAPE SCREENING TO BE PROVIDED ON WEST SIDE OF GRAVEL LOT

3 STREET TREES REQUIRED FOR RIVER STREET

1 EXISTING STREET TREE TO REMAIN

1 PROPOSED STREET TREE

1 WAIVER REQUESTED FOR REMAINING REQUIRED TREE

VARIANCES REQUIRED

- SEC. 122-672 SIDEWALKS
- SEC. 122-683 OFF-STREET PARKING LAYOUT AND CONSTRUCTION FOR ALL OTHER USES
- SEC. 122-684 PARKING SCREENING AND LANDSCAPING
- SEC. 122-685 PARKING DIMENSIONS

WAIVERS REQUIRED

- SEC. 122-608 TRASH RECEPTACLES AND DUMPSTERS - SIDE STREET YARD WAIVER
- SEC. 122-636 STREET TREES - WAIVER FOR 1 STREET TREE ON RIVER AND ALL STREET TREES ON PHOTO

BOWERS+ASSOCIATES
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PROJECT + INFORMATION

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YPSILANTI, MI 48198

PROJECT + NUMBER

17-306

ISSUE + DATE

23 AUG 2017	
03 NOV 2017	
26 JAN 2018	OWN REV
2 MAR 2018	OWN REV
12 MAR 2018	SITE
25 JUNE 2018	OWN REV
18 AUG 2018	OWN REV
22 AUG 2018	OWN REV
17 SEPT 2018	OWN REV
19 OCT 2018	ZBA

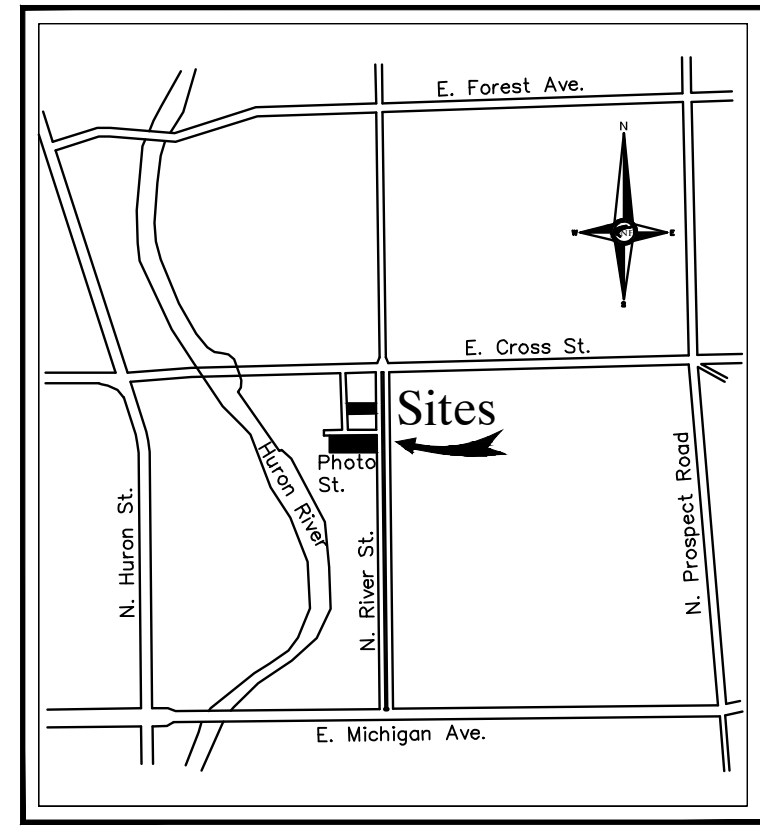
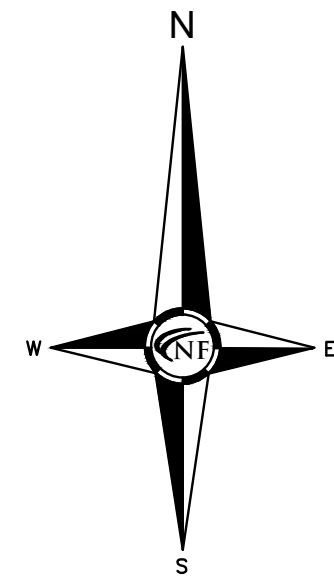
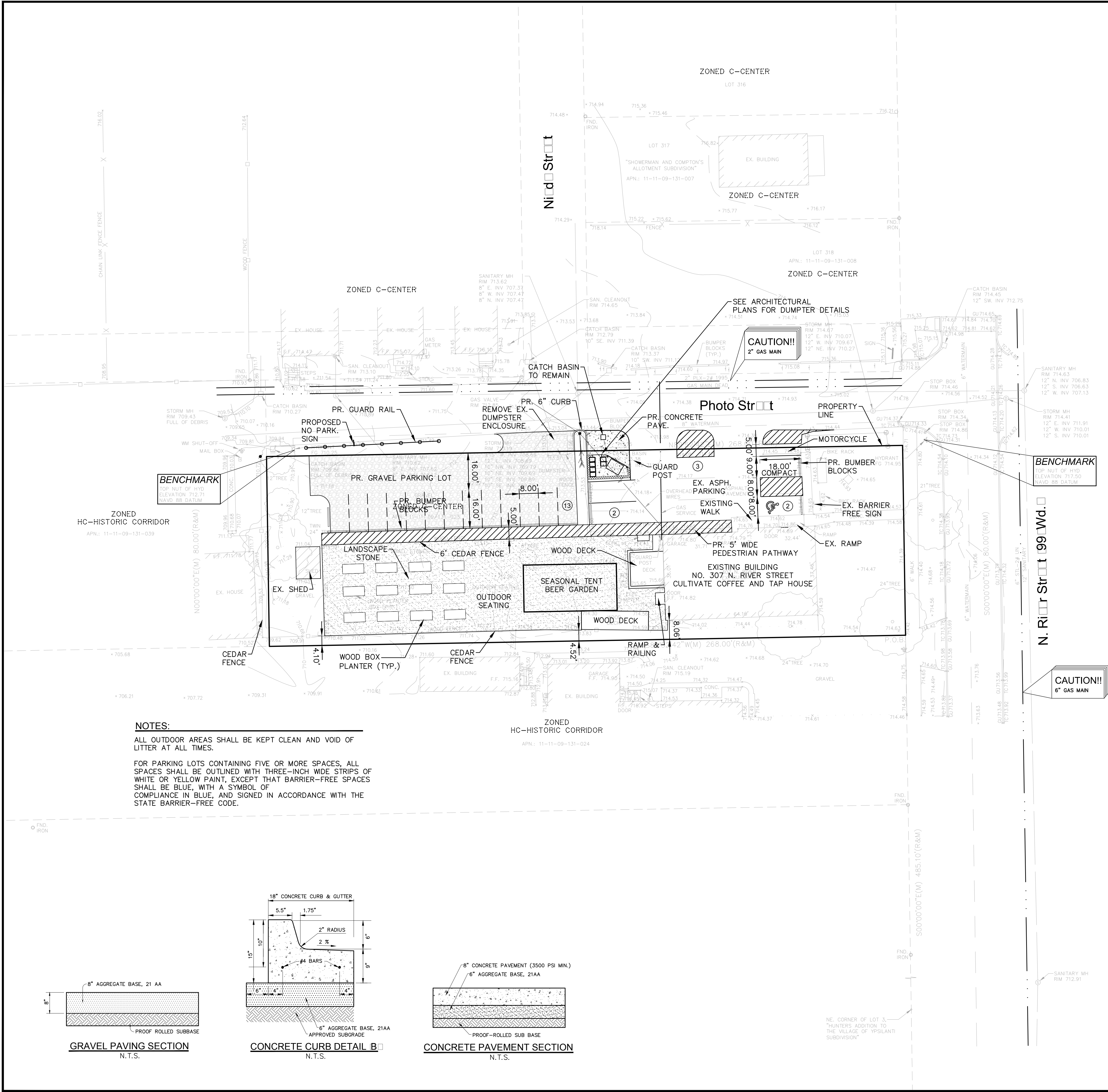
SHEET + TITLE

SITE PLAN

17306SP100f.dwg

SHEET + NUMBER

SP1.00



Location Map
N.T.S.

NF
ENGINEERS
CIVIL ENGINEERS
LAND SURVEYORS
LAND PLANNERS

NOWAK & FRAUS ENGINEERS
46777 WOODWARD AVE.
PONTIAC, MI 48342-5032
TEL. (248) 332-7931
FAX. (248) 332-8257

SEAL

PROJECT
Cultivate Coffee And
Tap House
307 N. River Street

CLIENT
307 Property, LLC
307 N. River Street
Ypsilanti, MI 48198
Contact: Ryan Wallace
Phone: (616) 502-3525

PROJECT LOCATION
Part of Frac. of Section 9
T.3S., R.7E.
Ypsilanti
Washtenaw County, Michigan

SHEET
Site Plan



Know what's below
Call before you dig.

REVISIONS
07-23-2018 Revise per City review
10-05-2018 Revise per City review
10-18-2018 Revise Dumpster

DRAWN BY:
N. Naoum
DESIGNED BY:
N. Naoum
APPROVED BY:
M. Peterson
DATE:
02-22-2018
SCALE: 1" = 20'
NFE JOB NO. SHEET NO.
K166 2

PAVING LEGEND

	PROPOSED CONCRETE PAVEMENT
	PROPOSED ASPHALT PAVEMENT

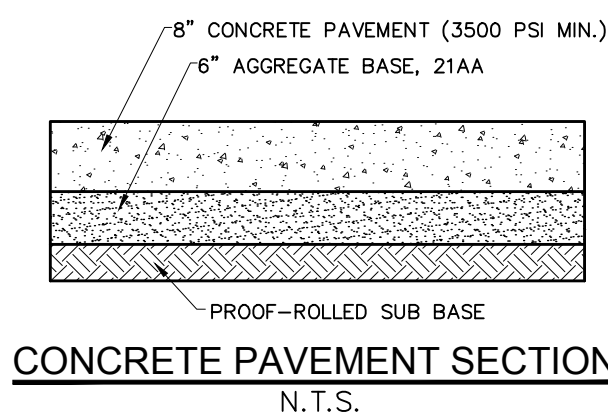
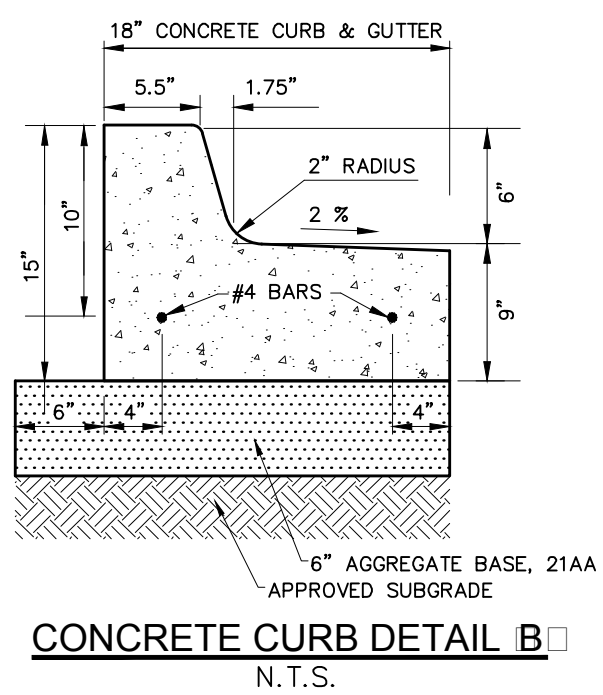
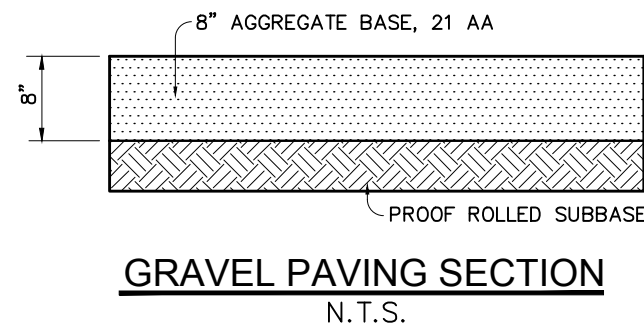
LEGEND

	MANHOLE		EXISTING SANITARY SEWER
	HYDRANT		SAN. CLEAN OUT
	GATE VALVE		EXISTING WATERMAIN
	CATCH BASIN		EXISTING STORM SEWER
	EX. R. Y. CATCH BASIN		EXISTING BURIED CABLES
	UTILITY POLE		OVERHEAD LINES
	GUY WIRE		LIGHT POLE
	SIGN		EXISTING GAS MAIN
	C.O.		PR. SANITARY SEWER
	INLET		PR. WATER MAIN
	MANHOLE		PR. STORM SEWER
	GATE VALVE		PR. R. Y. CATCH BASIN
	C.B.		PROPOSED LIGHT POLE
	MANHOLE		PR. TOP OF CURB ELEVATION
	TC 600.00		PR. GUTTER ELEVATION
	GU 600.00		PR. TOP OF WALK ELEVATION
	TW 600.00		PR. TOP OF PVT. ELEVATION
	TP 600.00		FINISH GRADE ELEVATION
	FG 600.00		

NOTES:

ALL OUTDOOR AREAS SHALL BE KEPT CLEAN AND VOID OF LITTER AT ALL TIMES.

FOR PARKING LOTS CONTAINING FIVE OR MORE SPACES, ALL SPACES SHALL BE OUTLINED WITH THREE-INCH WIDE STRIPS OF WHITE OR YELLOW PAINT, EXCEPT THAT BARRIER-FREE SPACES SHALL BE BLUE, WITH A SYMBOL OF COMPLIANCE IN BLUE, AND SIGNED IN ACCORDANCE WITH THE STATE BARRIER-FREE CODE.



Agenda
Zoning Board of Appeals
Wednesday, January 23, 2019 - 7:00 P.M.
City Hall-Council Chambers, 1 S Huron St
Ypsilanti, MI 48197

VI. New Business

- 708 Pearl-Variance
 - §122-683(b), Driveway width
Public Hearing



January 16, 2019

**Staff Review of Variance Application
Pearl Street Fourplex-driveway
708 Pearl**

GENERAL INFORMATION

Applicant:	Constantin & Lucia Chiparus 2850 Maplewood Dr. Ann Arbor, MI 48104
Project:	Pearl Street Fourplex-driveway
Application Date:	December 17, 2018
Location:	North side of Pearl St between N Normal St and Perrin St
Zoning:	CN-Core Neighborhood
Action Requested:	Approval of a variance from the driveway width requirement in §122-683(b)
Staff Recommendation:	Denial

PROJECT AND SITE DESCRIPTION

Parcel 11-11-40-430-015 is 0.24 acres on the north side of Pearl St, just east of Normal St, with frontage on Pearl St. The parcel is currently vacant. The house that previously existed on the site was demolished in 2006. No special use permits have previously been approved for this property. A variance was approved for the driveway back in November 29, 2017, but has since expired along with the site plan that was approved by Planning Commission in September 2017. One of the conditions of the site plan approval in 2017 was that the applicant seek a variance for the driveway width. The applicant will be returning to the Planning Commission for site plan approval in February.

The applicant has proposed a one way drive at 10' instead of the 20', or two -way drive required by the zoning ordinance in §122-683(b) for ingress and egress. The original plans back in 2017 had a 13' wide drive without an access path, which is required by the zoning ordinance. Staff and the Planning Commission required the driveway width, which was already not large enough to accommodate two way traffic, to be decreased to accommodate a 5' access path.

Figure 1: Subject Site Location



Figure 2: Site Close-up (2015)



Figure 3: photograph of site (Google image)



Figure 4: Land Use and Zoning of Surrounding Area

	LAND USE	ZONING
NORTH	Single family	CN- Core Neighborhood
EAST	Multi-family (4 unit)	CN- Core Neighborhood
SOUTH	Single and two family	CN- Core Neighborhood
WEST	Multi-family (3 unit)	CN- Core Neighborhood

ORDINANCE**§122-683****Sec. 122-683. Off-street Parking layout and construction for all other uses.**

Off-street parking facilities required for multiple-family and nonresidential uses shall be located on the same lot or parcel as the building or use they are intended to serve, or within 300 feet of such building or use, measured from the nearest point of the building to the nearest point of the off-street parking lot. A shared parking agreement or use easement for the land intended for shared parking must be on file with the county register of deeds, in order for the shared parking spaces to satisfy the quantity requirement. Parking spaces may be located within buildings or structures consistent with the Building Code.

(a) **Review and approval requirements.** Except for off-street parking accessory to single-or two-family dwelling units, review and approval is required for off-street parking areas in accordance with Article III of this chapter.

(b) **Ingress and egress.** Adequate ingress and egress to such parking lot shall be provided by means of clearly defined and limited drives having a minimum width of 20 feet for two-way traffic and 10 feet for one-way traffic, with a maximum of 30 feet. All such drives shall be located so as to minimize traffic congestion.

(1) On lots with a lot width of 100 feet or less, no more than one curb cut to a single street is permitted.

(2) All curb cuts accessing Washtenaw Avenue (M-17) must comply with the Michigan Department of Transportation M-17 Access Management Plan and the ReImagine Washtenaw Corridor Improvement Study.

(3) All curb cuts and approaches to such parking lots shall comply with adopted City standards for curb cuts.

(4) Ingress and egress for the parking area in an area zoned CN-Mid, CN, HC, NC, GC, C, HHS, PMD shall not cross land zoned for P, R1 or CN-SF.

(5) Parking lot driveways shall be situated so as to minimize vehicle headlights from shining on residential dwellings.

(6) Where possible, curb cuts shall be located across from any existing curb cuts on the opposite side of the street, or shall be offset from any opposite-side curb cuts by at least 25 feet.

(7) No curb cut for a parking lot may be closer than 50 feet to the intersection of any two streets as measured along the street right-of-way line. However, the Planning Commission may allow a curb cut for a parking lot situated on a small land parcel located no closer than 20 feet to the intersection of any two streets, upon finding that no other access points in compliance with City Ordinances is possible due to the size of the parcel.

(c) **Access.** All parking spaces shall be provided adequate access by pedestrians and vehicles:

(1) Walkways in Parking Lots. Paved walkways a minimum of 5 feet in width shall be provided for access to adjacent parks, commercial areas, transit stops, anticipated walkways and institutions. Pedestrian movement shall be accommodated within parking lots through raised walkways, marked crosswalks or similar methods.

(2) Vehicular Access. All parking spaces must be accessible to vehicles by means of maneuvering aisles.

Except for one-and two-family uses, maneuvering or backing from a parking space directly onto a street or walkway shall be prohibited, and all parking spaces shall be designed so that any motor vehicle may be parked or unparked without moving another vehicle.

(d) **Maneuvering drives.** Each driveway providing access to an off-street parking lot containing five or more parking spaces shall be a minimum of ten feet in width. Where a turning radius is necessary, it shall be an arc that allows unobstructed vehicle flow.

(e) **Surfacing.** All parking and loading facilities and access drives shall be paved with a durable bonded material in accordance with accepted engineering standards, or alternative surfacing materials to minimize impervious surface and stormwater runoff, employ environmental and other best practices, and achieve low impact design, at the discretion of the City Engineer. Use of pervious alternative surfaces is encouraged in proximity to the Huron River and Paint Creek. Paving materials proposed to improve aesthetics may also be considered by the City Planner and the Planning Commission. Alternative surfaces proposed shall be reviewed by the City's consulting engineer.

(f) **Drainage.** All off-street parking and loading areas shall be graded and drained to public storm sewers. As an alternative, if in the opinion of the City's consulting engineer, the soils are of a type which will allow for efficient drainage, the use of drywells, infiltration trenches, swales, bio-retention or other best management practices for controlling urban runoff quality are permitted. No surface water shall be permitted to drain onto adjoining properties, unless there is a common engineered drainage system shared with the adjoining

property or an appropriate watershed easement has been obtained. No surface water drainage from an off-street parking lot shall be permitted to drain across a public sidewalk.

(c) **Setback from street.** Parking lot setbacks are designated by the zoning district in which they are located. An allowed exception are circular drives, which may be located in a required minimum front yard or street side yard, provided that such drives shall be designed so that no parking space is located closer than 25 feet to any street right-of-way line.

(d) **Setback from adjacent lot.** Parking areas are required to be 10' from any adjacent lot. Planning Commission may 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 stormwater, landscaping, and other similar concerns have been adequately addressed with other methods.

(g) **Striping.** For parking lots containing five or more spaces, all spaces shall be outlined with three-inch wide strips of white or yellow paint, except that barrier-free spaces shall be blue, with a symbol of compliance in blue, and signed in accordance with the State Barrier-Free Code.

(h) **Wheel stops.** For parking lots containing five or more spaces or accessory to commercial uses, wheel stops or curbing shall be provided for all parking spaces to prevent any vehicle from projecting beyond the parking lot area, bumping any wall or fence, or encroaching upon any landscaping. In all cases where parking lots abut public or private sidewalks, continuous concrete curbing or bumper stops, at least six inches high, shall be placed so that a motor vehicle cannot be driven or parked on, or hang over, any part of any sidewalk.

(i) **Lighting.** With the exception of multiple-family dwellings on individual lots containing no more than four units, parking and loading facilities utilized during night-time hours shall be artificially illuminated. All such outdoor lighting shall meet the requirements of §122-609.

(j) **Maintenance.** All off-street parking areas, including striping, shall be maintained in good usable condition, and when necessary shall be treated to prevent dust or other nuisances. Such parking areas and drives shall also be kept free of litter, debris, and refuse.

(k) **Additional requirements.** In addition to the above requirements, parking areas shall comply with additional requirements or conditions which may be deemed as reasonably necessary by the Planning Commission for the protection of abutting lots.

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 add a 20' drive on the lot due to the narrowness of the property and the location of the existing utility pole. The site plan indicates that the frontage on the lot is 66' and the lot narrows to 63.07' at the rear; this amount is similar to other lots in the area. It is unclear as to whether or not the applicant has attempted other options in regards to site and building layout. However a an increase in the driveway width with a corresponding reduction in the width of the structure would mean that the frontage build out requirements of 60% to 80% for the apartment house building type would no longer be met. This property, unlike, some others in the area, does not have alley access.

- (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.*

Many properties in this area have a one-way drive or a drive that is narrower than what is currently required by the zoning ordinance. This is expected due to the age of the neighborhood. Many of the neighboring structures were originally built as single or two family homes but were later converted to multi-family structures due to their size and proximity to downtown and the university. Granting this variance is in keeping with the current arrangement of the neighborhood.

- (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 would require at least a 60% frontage build out for this property whether it was an apartment house or other building type. The only way that a 10' drive would be permitted by right is with a one or two family house however the applicant chose a more intense use for this 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.*

As the variance is only for the driveway width it is not expected that the granting of this variance will be detrimental to the public welfare or injurious to other property or improvements in the neighborhood. However it could create potential issues for access to and from the parking lot for residents of the property. Signage and/or a mirror would be required for safe usage of the drive as proposed.

- (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 allowance of the variance will result in substantial justice being done; the building form and layout that has been proposed closely matches the existing/desired building form for the area.

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

It is unclear if other options were explored by the applicant in regards to site layout such as a joint driveway on the west side of the property. Nevertheless, a 10' drive is reasonable considering the zoning requirements for frontage, pedestrian access and setbacks.

STAFF RECOMMENDATION

Staff recommends the Zoning Board of Appeals ***deny*** the variance request to permit a one-way driveway with a 10' width at 708 Pearl, with the following findings:

1. The alleged practical difficulties on which the variance request is based have in part been created by a person presently having an interest in the property under §122-370(b)(3).

Cynthia Kochanek

Preservation Planner, Community & Economic Development Division

c.c. File
 Applicant
 Site designer

ARCHITECTS. ENGINEERS. PLANNERS.



November 21, 2017

City of Ypsilanti Planning and Development Department
One South Huron Street
Ypsilanti, Michigan 48197

Attention: Ms. Bonnie Wessler

Regarding: 708 Pearl Street Fourplex
Variance Request
OHM Job No. 0094-17-1040

Dear Ms. Wessler:

The applicant is requesting a variance to section 122-683-B of the Zoning Ordinance for a fourplex apartment building on a vacant site on the north side of Pearl Street east of Normal Street. We have reviewed the request and offer the following comments:

1. The one-way drive is justified based on the low trip generation from the proposed development. The proposed drive meets the minimum width requirements for a one-way drive.
2. The available drive approach locations are constrained by the existing drives on the parcels on both sides of the subject parcel and the location of existing utility poles. The proposed location of the drive approach utilizes a shared approach with the property to the east and avoids the utility pole conflict.

Based on the material presented the variance request is justified from an engineering perspective.

If you have any questions, please contact me at (734) 522-6711.

Sincerely,

OHM Advisors

Digitally signed by
Marcus McNamara
Date: 2017.11.21
10:02:00-05'00'
Marcus J McNamara

CC: Stan Kirton, Department of Public Works
File

P:\0000_0100\SITE_YpsilantiCity\2017\0094171040_Pearl_Four\Variance\708Pearl_Variance.docx

OHM Advisors
34000 PLYMOUTH ROAD
LIVONIA, MICHIGAN 48150

T 734.522.6711
F 734.522.6427

OHM-Advisors.com



ARCHITECTS. ENGINEERS. PLANNERS.

September 15, 2017

City of Ypsilanti Planning and Development Department
One South Huron Street
Ypsilanti, Michigan 48197

Attention: Ms. Bonnie Wessler

Regarding: 708 Pearl Street Fourplex
Site Plan Review No. 1
OHM Job No. 0094-17-1040

Dear Ms. Wessler:

The applicant is requesting site plan approval for a fourplex apartment building on a vacant site on the north side of Pearl Street east of Normal Street. We have reviewed the plans dated August 11, 2017 for compliance with local ordinances and general engineering standards and offer the following comments:

1. The access driveway for the parcel to the west encroaches the subject property. It appears the applicant is proposing to maintain this access unchanged. If this is the intent, an access easement shall be recorded.
2. The applicant shall review Division 7 section 122.683 of the Zoning Ordinance and the City of Ypsilanti Engineering Standards for parking and drive requirements. The project as proposed does not meet the requirements for drive offset from the property line or minimum drive width. A variance will be required for the drive as proposed. It appears a reduction in the required drive width may be appropriate for the development in order to be consistent with the surrounding properties. The drive connection to Pearl Street could be greatly improved if the existing utility pole were relocated.
3. The plan proposes pervious pavement for a portion of the parking area. This is acceptable in concept. The applicant shall be aware that pervious pavement requires routine maintenance to function properly.
4. The plan also proposes sheet drainage into the right-of-way for the driveway. This is prohibited per Division 7 section 122.683 (f) of the Ordinance. A variance is justified in this case due to the fact that there is no underground storm sewer available for connection on this block.
5. A detailed review of the storm calculations will be completed during the engineering plan review phase.
6. The plans do not provide any information for the proposed water and sewer connections. Water and sewer connections will require review and approval from YCUA.

The applicant is advised that review and approval of detailed engineering plans is required prior to start of construction.

If you have any questions, please contact me at (734) 522-6711.

Sincerely,

OHM Advisors

Digitally signed by Marcus McNamara
Date: 2017.09.15 15:21:58-0400

Marcus J McNamara

CC: Stan Kirton, Department of Public Works
Scott Westover, YCUA
File

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OHM Advisors

34000 PLYMOUTH ROAD
LIVONIA, MICHIGAN 48150

T 734.522.6711
F 734.522.6427

OHM-Advisors.com

PEARL STREET FOURPLEX

YPSILANTI, MI

SHEET INDEX

SHEET NO.	SHEET TITLE
S1	SITE PLAN, ZONING INFORMATION
S2	LANDSCAPE & SITE LIGHTING PLAN
S3	STORM WATER MANAGEMENT CONCEPT
S4	SITE DETAILS
S5	SURVEY
A1	1st & 2nd FLOOR PLANS
A2	LOWER LEVEL PLAN & ELEVATIONS
A3	BUILDING ELEVATIONS

**DESIGNED IN ACCORDANCE WITH THE MICHIGAN
BUILDING CODE 2015 EDITION.**

LEGAL DESCRIPTION:

CURRENT PROPERTY ID: 11-11-40-430-015
OLD SID - 11 11-175-013-30 YP CITY 21W-20A E 66 FT OF LOTS 13 & 14 EXC
COM AT NW COR LOT 14 TH ELY 127 FT TO POB TH CONT E 6 FT TH S 24 FT
TH W 6 FT TH N 24 FT TO POB CROSS & BAGLEY'S ADDITION

PROPERTY OWNER & DEVELOPER:

COSTEL & LUCIA CHIPARUS
708 PEARL ST, YPSILANTI MI 48198
(734) 323-8826

PROJECT DESCRIPTION

CURRENT PROPERTY IS VACANT. NEW 4-UNIT APARTMENT AND NEW PARKING LOT IS PROPOSED

AREA ANALYSIS

EXISTING		PROPOSED	
(VACANT LAND)		PROP. 1ST FLOOR PER UNIT	512.5 SF
		PROP. 2ND FLOOR PER UNIT	512.5 SF
		PROP. LOWER LEVEL PER UNIT	512.5 SF
		TOTAL LIVING AREA PER UNIT	1,537 SF
		TOTAL LIVING AREA IN BLDG	4,612 SF
		PROP. BUILDING COVERED PORCHES	2,050 SF
EX. LOT AREA	10,013 SF (23 ACRES)	TOTAL	2,250 SF
		PROP. LOT COVERAGE	$\frac{2,250 \text{ SF}}{10,013 \text{ SF}} = 22.47 \%$
		BLDG WIDTH	$\frac{41.00 \text{ FT}}{66.00 \text{ FT}} = 62.1 \%$
		LOT WIDTH	

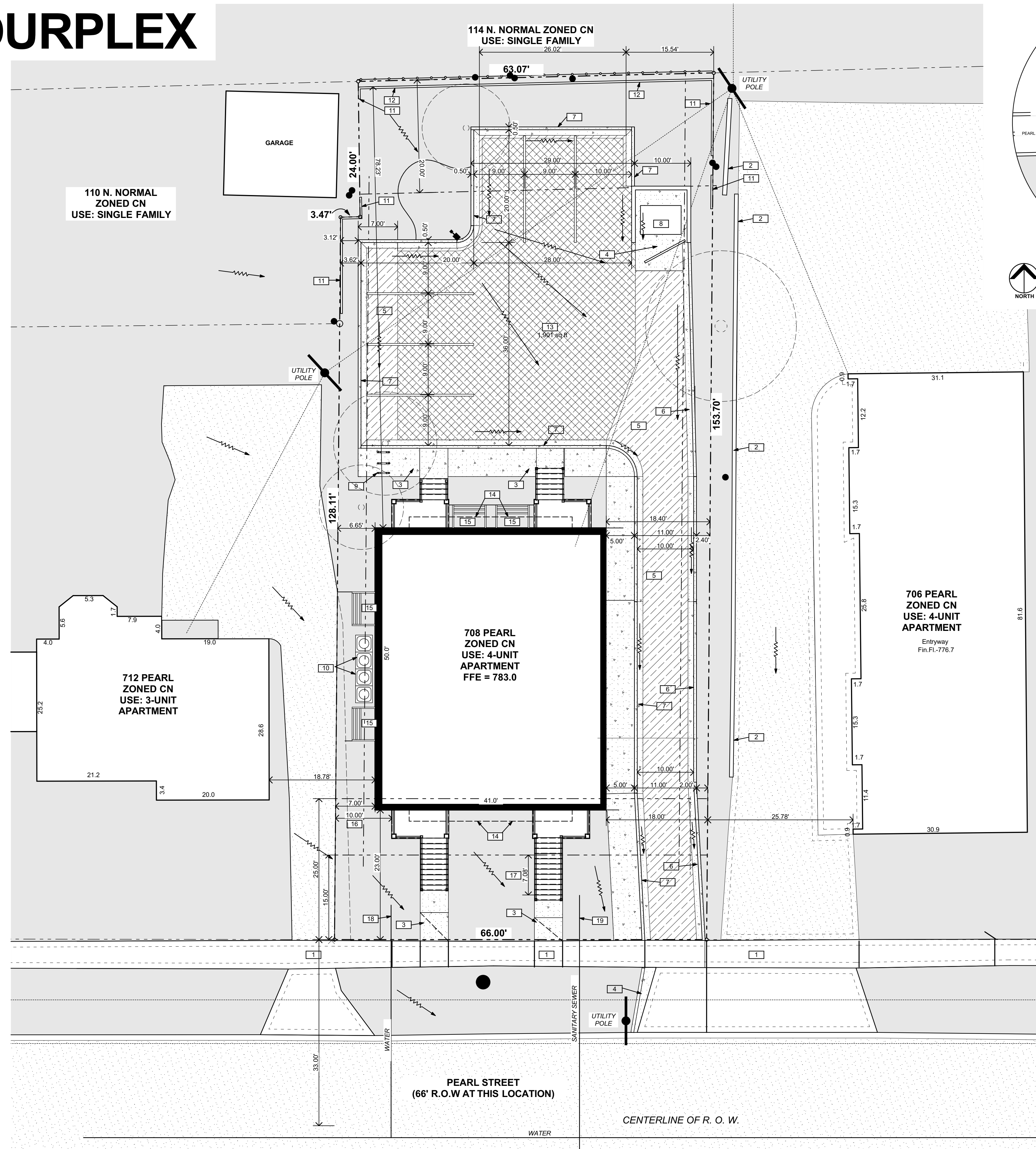
SCHEDULE OF REGULATIONS

BUILDING TYPE AH APARTMENT HOUSE	REQ'D	EXISTING	PROPOSED	VARIANCE
LOT SIZE	4,000-18,000 SF	10,013 SF	NO CHANGE	NONE
LOT WIDTH	40-120 FT	66.0 FT	NO CHANGE	NONE
LOT DEPTH	100-150 FT	153.70 FT	NO CHANGE	3.7 FT NON-CONFORMITY
LOT COVERAGE	0%-50%	0%	22.5%	NONE
STREET YARD	15-25 FT	N/A	23.00 FT	NONE
INTERIOR SIDE (EAST)	MIN 5.0 FT	N/A	17.99 FT	NONE
INTERIOR SIDE (WEST)	MIN 5.0 FT	N/A	6.65 FT	NONE
MIN REAR YARD	MIN 20.0 FT	N/A	78.23 FT	NONE
FRONTAGE	60-80 %	0 %	62.1 %	NONE
MAX BLDG HEIGHT	1-3 STORIES	N/A	2 STORIES	NONE

CODE ANALYSIS

**CODE ANALYSIS
YPSILANTI ZONING ORDINANCE**

ARTICLE 4 122-123	SITE PLAN REVIEW BY CITY PLANNER IS PERMITTED FOR NEW CONSTRUCTION OF PERMITTED BUILDING TYPE (NOT A LIMITED BUILDING TYPE) WHEN NO EXCEPTIONS ARE REQUESTED.
ZONING MAP	THIS PROPERTY ZONED CN, CORE NEIGHBORHOOD ALL ADJACENT PROPERTIES ARE ALSO ZONED CN
ARTICLE 7 122-272	MULTI-FAMILY, UP TO 4 UNITS IS A PERMITTED USE IN THE CN DISTRICT
ARTICLE 7 122-274	THE APARTMENT HOUSE (AH) BUILDING TYPE IS PERMITTED IN THE CN DISTRICT
ARTICLE 13 122-836	MULTI-FAMILY USES REQUIRE 1.5 SPACE PER DWELLING UNIT PLUS 1 FOR EACH 10 DWELLING UNITS FOR GUESTS 4 UNITS x 1.5 = 6 SPACES PLUS 4 UNITS x 1 SPACE /10 UNITS = 0.4 SPACES TOTAL PARKING REQUIRED = 6.4 SPACES- ROUND TO 6 SPACES TOTAL PARKING PROVIDED = 7 SPACES



LOCATION PLAN

NO SCALE



-
- DIRECTION OF WATER RUN-OFF
- MULCH
- GRASS OR LANDSCAPE
- EXISTING CONCRETE
- NEW CONCRETE
- EX. ASPHALT
- NEW ASPHALT
- NEW PERVIOUS PAVEMENT

KEYED SITE PLAN NOTES

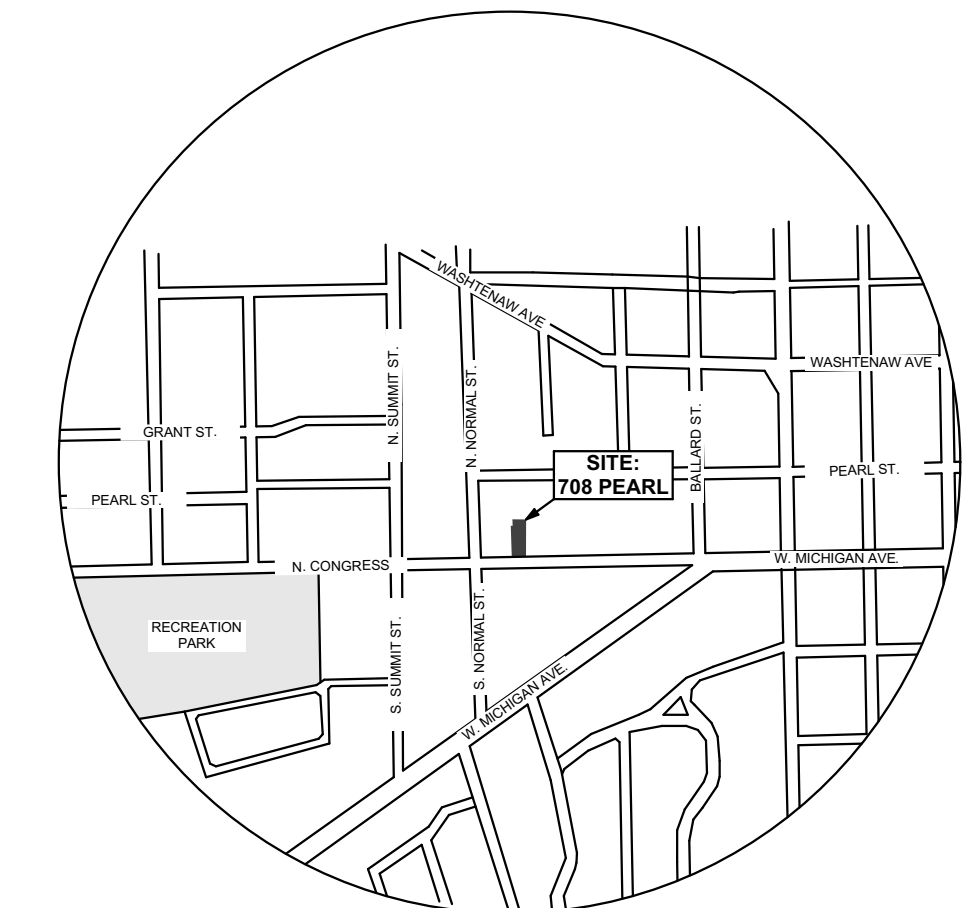
- 1 EX. CONCRETE SIDEWALK
- 2 EX. RETAINING WALL
- 3 PROPOSED 5 FT WIDE SIDEWALK, 4" CONCRETE
- 4 6" CONCRETE PAVEMENT & CURB- EXPAND EXISTING DRIVEWAY APPROACH
- 5 ASPHALT PAVEMENT
- 6 PROPOSED CONCRETE CURB- PITCH IN
- 7 PROPOSED CONCRETE CURB- PITCH OUT
- 8 10' x 10' DUMPSTER ENCLOSURE, 6 FT HIGH
- 9 3 BIKE HOOPS MOUNTED TO CONCRETE SIDEWALK
- 10 A/C CONDENSERS
- 11 6FT TALL VINYL PRIVACY FENCE, CENTERLINE OF POSTS LOCATED 6' INSIDE OF PROPERTY LINE
- 12 6FT TALL VINYL PRIVACY FENCE, CENTERLINE OF POSTS LOCATED 12' INSIDE OF PROPERTY LINE OR AS NEEDED TO AVOID EXISTING TREES
- 13 PROPOSED PERSPIVAC PAVEMENT

- 14 2ND FLOOR OVERHANGS BY 2 FT
- 15 PRE-FABRICATED EGRESS WELLS. 4048-66" SCAPEWELL" BY BIGLOS, WELCFAR OR SIMILAR
- 16 EXTERIOR PORCH (GRESS BALCONY) MUST BE MIN 10FT FROM PROPERTY LINE BASED ON MBC 102.5
- 17 OPEN OR UNENCLOSED PORCH IS PERMITTED TO EXTEND UP TO 10FT INTO THE REQUIRED FRONT YARD
- 18 EXISTING WATER LEAD IS EXPECTED TO EXIST, BUT LOCATION IS UNKNOWN. PREVIOUS HOUSE WAS DEMOLISHED AFTER 2005
- 19 EXISTING DWEER LEAD IS EXPECTED TO EXIST, BUT LOCATION IS UNKNOWN. PREVIOUS HOUSE WAS DEMOLISHED AFTER 2005

1. THIS SITE IS NOT WITHIN A FLOOD ZONE

GENERAL SITE PLAN NOTES

1. FOR USE GROUP R-2, OCCUPANCIES WITHOUT ACCESSIBLE UNITS ARE NOT REQUIRED TO PROVIDE ACCESSIBLE PARKING SPACES. (MBC 1106.2)



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BALLOU ENTERPRISES PLLC

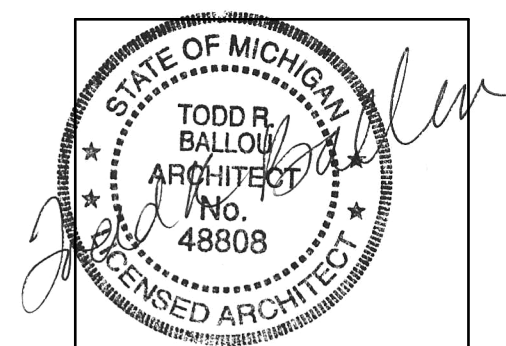
SITE PLAN & ZBA	
RESUBMITTAL	14 DEC 2018
ZBA	23 OCT 2017
SITE PLAN REVIEW	11 AUG 2017
PRELIMINARY	3 AUG 2017
CONCEPT	17 MAY 2017

focus / design
Todd Ballou, Registered Architect
(734) 276-2110
www.focusdesign.us
focusdesign@comcast.net
3300 Berry Rd., Ypsilanti, MI 48198

PROJECT:
PEARL STREET FOURPLEX
708 PEARL STREET
LYPSII ANTI MI

TITLE: SITE PLAN

JOB NO:
1712



SHEET NO.

S1



SITE PLAN

SCALE: 1" = 10'-0"



City of Ypsilanti
ZONING BOARD OF APPEALS
One South Huron Street
Ypsilanti, Michigan 48197

2019 Calendar of Meetings

The regular meetings of the City of Ypsilanti **Zoning Board of Appeals** for the year of 2019 will be held as noted below. Special meetings will be called as required, generally on the fourth Wednesday of the month at 7:00 p.m. in the City Hall Council Chambers (first floor) at One South Huron Street, Ypsilanti, Michigan.

Dates for 2019 meetings are as follows:

January 23
June 26
November 21

The City of Ypsilanti encourages persons with disabilities to participate and will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired, Limited English Proficiency (LEP) services, and audios of printed materials being considered at the meeting. Individuals requiring auxiliary aids or services should provide two (2) days' notice to the City, and contact the City by writing or calling the following:

City Clerk's Office
One South Huron Street
Ypsilanti, Michigan 48197-5420
(734) 483-1100

All persons are welcome to attend. For further information on the Zoning Board of Appeals, contact the Planning and Development Department at the above address, or 734-483-9646 or www.cityofypsilanti.com/zba.



THE RULES OF PROCEDURE AND BYLAWS

OF

THE ZONING BOARD OF APPEALS

OF

THE CITY OF YPSILANTI, MICHIGAN

Draft November 28, 2018
Based on Feb 2009 Adopted Rules

ARTICLE I – Name

The name of this Board shall be the Zoning Board of Appeals of the City of Ypsilanti, hereinafter referred to as “Board.”

ARTICLE II – Objectives

The objectives, purposes, powers, and duties of the Board are those set forth by Chapter 122, Zoning, of the City Code of Ordinances, and all subsequent amendments thereto, in accordance with Act No. 110 of the Public Acts of Michigan of 2006, as amended.

ARTICLE III – Membership

- Section 1. Members of the Board shall be as set forth in the Ordinance and in the Act.
- Section 2. The first priority of each member of the Board shall be to represent and advocate what is best for the City of Ypsilanti as a whole, putting aside personal or special interests.
- Section 3. Term length and residency requirements shall be in accordance with the Act, the Ordinance, and City Charter. Terms will be based on the City's fiscal year, from July 1 to June 30.
- Section 4. Each member of the Board shall avoid conflicts of interest, including, but not limited to, deliberating on, voting on, or reviewing a case concerning the member; the immediate family or household of the member; property owned by or adjacent to property owned by the member; or a corporation or partnership in which the member has an ownership, employment, or other financial interest. A Board member may consider the possibility of declaring a conflict of interest if their home or property falls within the public noticing radius requirement as prescribed by Section 103 of the Zoning Enabling Act. Determination of a conflict of interest shall be in accordance with Chapter 46, Article III, of the City of Ypsilanti Code of Ordinances.
- Potential conflicts of interest should be identified by the member prior to deliberation of the case; if the Board determines that a conflict exists, they shall remove themselves from the meeting room during hearing and deliberation of the case and abstain in accordance with the Ordinance.
- Section 5. The Board shall consist of five (5) regular members and two (2) alternates.
- Section 6. Alternates must vote at such times as specified in the Ordinance.
- Section 7. Any member may resign at any time by giving written notice of such resignation to the Chair in accordance with the Ordinance. The Chair shall promptly notify the Mayor and City Clerk of the resignation.
- Section 8. A member who is unable to attend a regular or special meeting shall contact the Chair or City Planner as far in advance of the scheduled meeting as practicable, so that an alternate member can be contacted.

ARTICLE IV – Officers and Their Duties

- Section 1. The officers shall be a Chair and Vice Chair.

- Section 2. Such other officers, subcommittees, etc. as are deemed necessary and advisable for the conduct of business shall be appointed as required and provided for by the Board.
- Section 3. The Chair shall preside at all meetings and hearings of the Board and shall have the duties normally conferred by parliamentary usage on such officers.
- Section 4. The Vice Chair shall preside and exercise all of the duties of the Chair in their absence. Should neither the Chair nor the Vice Chair be present at a meeting, a temporary Chair shall be elected by a majority vote of the members present.
- Section 5. The Chair and the City Planner shall sign all legal documents for the Board.
- Section 6. The City Planner or their delegate shall act as the Secretary of the Board and shall be responsible for the minutes and records of all proceedings and cases before the Board.
- Section 7. Nomination of officers shall be made from the floor at the annual organization meeting, which shall be the regular meeting in June each year, and the election shall be immediately thereafter.
- Section 8. A candidate receiving a majority vote of the entire Board, shall be declared elected and shall serve a term of one (1) year or until their successor shall take office.
- Section 9. Vacancies in offices shall be filled immediately by regular election procedures.
- Section 10. The officers shall be members of the Board.

ARTICLE V – Meetings

- Section 1. All regular and special meetings, hearings, and records shall be open to the public, under the Open Meetings Act of the State of Michigan.
- Section 2. The Board shall hold no less than two regular meetings per year.
- Section 3. A special meeting of the Board may be called by the Chair, or by the Vice Chair in the event the Chair is unavailable. Each member of the Board must receive at least two (2) days' notice of the time, place, and purpose of the meeting.
- Section 4. All inquiries, applications, or matters requiring official action by the Board shall be submitted in writing; be properly drafted on official forms necessary; and contain all relevant information regarding the matter upon which the Board is requested to act, in accordance with the requirements of the Zoning Ordinance. Further, any petitioners may withdraw a petition at any time by filing a written notice of withdrawal with the City Planner, or by withdrawing in person at the public hearing at which the matter is scheduled for consideration.
- Section 5. The normal order of business at meetings shall be as follows:
1. Call to Order
 2. Roll Call
 3. Approval of Minutes
 4. Purpose of Meeting
 5. Old Business
 6. New Business
 7. Adjournment

The order of business may be suspended by vote of two-thirds (2/3rds) of the members present.

Section 6. A quorum shall consist of three (3) members.

Section 7. All proceedings, decisions, and resolutions of the Board shall be initiated by motion.

Section 8. Parliamentary procedure in Board meetings shall be governed by Roberts Rules of Order, as amended. The City Planner or their designee shall act as Parliamentarian during Board meetings.

ARTICLE VI – Board Absences

Section 1. In order to maintain maximum participation of all appointed Board members at all regularly scheduled meetings, the following attendance guide and Board member replacement policy for “excused” or “unexcused” should be implemented:

- a. When appointed, each board member should state their willingness and intention to attend each scheduled meeting of the Board.
- b. In the event of unplanned personal matters, business trips, family vacation trips, changed job requirements, sickness, or other physical disabilities that prohibit the member from attending the scheduled meeting; the Board, professional staff of the City, or the Board Chair should be notified as early as possible prior to the start hour of their inability to attend the scheduled meeting. The Board member upon this notification will receive an “excused absence” for the involved scheduled meeting.
- c. There will be a limit of three (3) consecutive “excused absences” or two (2) consecutive “unexcused absences” for any member of the Board. If any member exceeds the above criteria for consecutive absences, the Board member will be recommended for dismissal unless extenuating circumstances exist.
- d. If any Board member is absent, whether excused or not, from any five (5) scheduled monthly Board meetings, whether consecutive or not, during any one year period, the Board member will be recommended for dismissal unless extenuating circumstances exist.
- e. The recommendation for dismissal as required will be initiated by City staff and forwarded on to the City Council for official action.

ARTICLE VII – Procedures

Section 1. The order of procedure of hearing shall be:

- a. The Chair shall state the name of the case and explain the particulars thereof in brief.
- b. City Planner or their designee shall present the official records, staff report, and staff recommendation in regards to the case.
- c. The applicant and/or their representative shall be invited to present their case.
- d. The Chair shall declare the public hearing open, and shall direct that all persons present in connection therewith identify themselves by name and address.
- e. The Chair may invite final comments from the applicant, at the Chair’s discretion.

- f. The motion to close the public hearing shall require majority concurrence of all members attending to carry.
- g. Discussion by Board members.
- h. Deliberation by the Board.

Section 2. All motions to approve, approve with conditions, or disapprove any request shall state the basis of the motion and the findings upon which the motion is made.

Section 3. Decisions shall be in accordance with the Zoning Ordinance, Michigan state law, and all judicial precedent guiding the application of the Zoning Ordinance.

ARTICLE VIII – Amendment/Adoption

These Rules of Procedure and Bylaws may be amended at any regular meeting upon an affirmative vote of two-thirds (2/3rds) of the members of the Board.

Moved by Boardmember ___ and supported by Boardmember ___ that the Rules of Procedure and Bylaws of the Zoning Board of Appeals be adopted as presented on ___.

AYES: ___ NAYS: ___ ABSENT: ___



THE RULES OF PROCEDURE AND BYLAWS

OF

THE ZONING BOARD OF APPEALS

OF

THE CITY OF YPSILANTI, MICHIGAN

Draft November 28, 2018
Based on Feb 2009 Adopted Rules

ZONING BOARD OF APPEALS | RULES OF PROCEDURE AND BYLAWS

ARTICLE I – Name

The name of this Board shall be the Zoning Board of Appeals of the City of Ypsilanti, hereinafter referred to as “Board.”

ARTICLE II – Objectives

The objectives, purposes, powers, and duties of the Board are those set forth by Chapter 122, Zoning, of the City Code of Ordinances, and all subsequent amendments thereto, in accordance with Act No. 110 of the Public Acts of Michigan of 2006, as amended.

ARTICLE III – Membership

Section 1. ~~Members of the Board shall be as set forth in the Ordinance and in the Act. shall be citizens of the City of Ypsilanti. One (1) regular member shall be a member of the Planning Commission. An employee or contractor of the legislative body may not serve as a member of the Zoning Board of Appeals. One member may be a member of the legislative body but shall not serve as chairperson of the Zoning Board of Appeals.~~

~~Section 2. The first priority of each member of the Board shall be to represent and advocate what is best for the City of Ypsilanti as a whole, putting aside personal or special interests.~~

~~Section 3. Term length and residency requirements shall be in accordance with the Act, the Ordinance, and City Charter. Terms will be based on the City's fiscal year, from July 1 to June 30.~~

~~Section 4. Each member of the Board shall avoid conflicts of interest, including, but not limited to, deliberating on, voting on, or reviewing a case concerning the member; the immediate family or household of the member; property owned by or adjacent to property owned by the member; or a corporation or partnership in which the member has an ownership, employment, or other financial interest. A Board member may consider the possibility of declaring a conflict of interest if their home or property falls within the public noticing radius requirement as prescribed by Section 103 of the Zoning Enabling Act. Determination of a conflict of interest shall be in accordance with Chapter 46, Article III, of the City of Ypsilanti Code of Ordinances.~~

~~Potential conflicts of interest should be identified by the member prior to deliberation of the case; if the Board determines that a conflict exists, they shall remove themselves from the meeting room during hearing and deliberation of the case and abstain in accordance with the Ordinance.~~

~~Section 25.~~ The Board shall consist of five (5) regular members and two (2) alternates.

~~Section 6. An alternate may vote when any one (1) member is absent. Alternates must vote at such times as specified in the Ordinance. Whenever an alternate is serving and an item at that meeting is tabled to a future meeting, the alternate must be present to vote on the tabled item.~~

~~Section 7. Any member may resign at any time by giving written notice of such resignation to the Chair in accordance with the Ordinance. The Chair shall promptly notify the Mayor and City Clerk of the resignation.~~

Commented [BW1]: This is all contained in the Act and in 122-395. No need to be redundant &/or have to chase down future conflicts.

ZONING BOARD OF APPEALS | RULES OF PROCEDURE AND BYLAWS

~~Section 8. A member who is unable to attend a regular or special meeting shall contact the Chair or City Planner as far in advance of the scheduled meeting as practicable, so that an alternate member can be contacted.~~

~~Section 3. A member who is absent from three (3) consecutive regular meetings, or three of seven consecutive meetings, without recorded consent of the chairperson shall be considered to have resigned from the Board by absence.~~

~~Section 4. A member who is unable to attend a regular or special meeting shall contact the City Planner at least one (1) week in advance of the scheduled meeting, whenever possible, so that an alternate member can be contacted.~~

Commented [BW2]: Removed. The Charter provides for methods of removal – this is not one of them.

ARTICLE IV – Officers and Their Duties

Section 1. The officers shall be a Chair~~person~~ and Vice Chair~~person~~.

Section 2. Such other officers, subcommittees, etc. as are deemed necessary and advisable for the conduct of business shall be appointed as required and provided for by the Board.

Section 3. The Chair~~person~~ shall preside at all meetings and hearings of the Board and shall have the duties normally conferred by parliamentary usage on such officers.

Section 4. The Vice Chair~~person~~ shall preside and exercise all of the duties of the Chair~~person~~ in ~~his/her/their~~ absence. Should neither the Chair~~person~~ nor the Vice Chair~~person~~ be present at a meeting, a temporary Chair~~person~~ shall be elected by a majority vote of the members present.

Section 5. The Chair~~person~~ and the City Planner shall sign all legal documents for the Board.

Section 6. The City Planner or ~~their~~ delegate shall act as the Secretary of the Board and shall be responsible for the minutes and records of all proceedings and cases before the Board.

ZONING BOARD OF APPEALS | RULES OF PROCEDURE AND BYLAWS

ARTICLE V – Election of Officers

- Section ~~4~~7. Nomination of officers shall be made from the floor at the annual organization meeting, which shall be the regular meeting in June each year, and the election shall be immediately thereafter.
- Section ~~2~~8. A candidate receiving a majority vote of the entire Board, shall be declared elected and shall serve a term of one (1) year or until ~~his/her~~their successor shall take office.
- Section ~~3~~9. Vacancies in offices shall be filled immediately by regular election procedures.
- Section ~~4~~10. The officers shall be members of the Board.

ARTICLE V – Meetings

- Section 1. All regular and special meetings, hearings, and records shall be open to the public, ~~in accordance with State of Michigan Public Act 442 of 1976 and 267 of 1976~~ under the Open Meetings Act of the State of Michigan.
- Section 2. The Board shall hold no less than two regular meetings per year. ~~regular meetings of the Board are to be held on the second fourth Wednesday of each month, except when such day falls on a legal holiday, in which case the Board shall determine when the meeting shall be held.~~
- Section 3. A special meeting of the Board may be called by the Chairperson, or by the Vice Chairperson in the event the Chairperson is unavailable, ~~or by any three members of the Board.~~ Each member of the Board must receive at least two (2) days' notice of the time, place, and purpose of the meeting.
- Section 4. All inquiries, applications, or matters requiring official action by the Board shall be submitted in writing; be properly drafted on official forms necessary; and contain all relevant information regarding the matter upon which the Board is requested to act, in accordance with the requirements of the Zoning Ordinance. Further, any petitioners may withdraw a petition at any time by filing a written notice of withdrawal with the City Planner, or by withdrawing in person at the public hearing at which the matter is scheduled for consideration.
- Section 5. The normal order of business at meetings shall be as follows:
1. Call to Order
 2. Roll Call
 3. Approval of Minutes
 4. Purpose of Meeting
 5. Old Business
 6. New Business
 7. Adjournment

The order of business may be suspended by vote of two-thirds (2/3rds) of the members present.

- Section 6. A quorum shall consist of ~~four (4)~~three (3) members.
- Section 7. All proceedings, decisions, and resolutions of the Board shall be initiated by motion.

Commented [BW3]: We adopt a calendar every year.
No need to have it proscribed in the bylaws.

ZONING BOARD OF APPEALS | RULES OF PROCEDURE AND BYLAWS

~~Section 8. The concurring vote of a majority of the members of the Board present shall be necessary to reverse any order, requirement, decision or determination of any administrative official, or to decide any matter upon which the Board is required to pass by law, or to effect any variance in the terms of the Zoning Ordinance except that a concurring vote of two thirds (2/3rds) of the members of the Board shall be necessary to grant a variance from uses of land permitted in the ordinance.~~

Commented [BW4]: Use variances aren't permitted anymore.

~~Section 9. Voting shall be by voice vote and shall be recorded as individual ayes or nays unless requested by a member of the Board, in which case, the Chairperson shall order the vote to be so recorded, except that any member may abstain by so declaring prior to vote.~~

~~Section 10.~~ Parliamentary procedure in Board meetings shall be governed by Roberts Rules of Order, as amended. The City Planner or their designee shall act as Parliamentarian during Board meetings.

~~Section 11. Minutes of all proceedings shall be kept, including all motions, findings, decisions, actions, and stipulations. The minutes shall be approved or amended by the Board at the following meeting and shall be kept on permanent record.~~

ARTICLE VI – Board Absences

~~Section 1. In order to maintain maximum participation of all appointed Board members at all regularly scheduled meetings, the following attendance guide and Board member replacement policy for “excused” or “unexcused” should be implemented:~~

- ~~a. When appointed, each board member should state their willingness and intention to attend each scheduled meeting of the Board.~~
- ~~b. In the event of unplanned personal matters, business trips, family vacation trips, changed job requirements, sickness, or other physical disabilities that prohibit the member from attending the scheduled meeting: the Board, professional staff of the City, or the Board Chair should be notified as early as possible prior to the start hour of their inability to attend the scheduled meeting. The Board member upon this notification will receive an “excused absence” for the involved scheduled meeting.~~
- ~~c. There will be a limit of three (3) consecutive “excused absences” or two (2) consecutive “unexcused absences” for any member of the Board. If any member exceeds the above criteria for consecutive absences, the Board member will be recommended for dismissal unless extenuating circumstances exist.~~
- ~~d. If any Board member is absent, whether excused or not, from any five (5) scheduled monthly Board meetings, whether consecutive or not, during any one year period, the Board member will be recommended for dismissal unless extenuating circumstances exist.~~
- ~~e. The recommendation for dismissal as required will be initiated by City staff and forwarded on to the City Council for official action.~~

ARTICLE VII – Procedures

ZONING BOARD OF APPEALS | RULES OF PROCEDURE AND BYLAWS

~~Section 1. Applications shall be made by the record owner of the property in question or by a person authorized to act on the record owner's behalf. Such applicant may appear in his/her own behalf or may be represented by his/her attorney or agent at the hearing.~~

~~Section 2. A written notice including the date, time, and place of the public hearing, the nature of the appeal, and a description of the property under consideration shall be mailed to the applicant, to persons to whom real property within 300 feet of the premises in question is assessed, and to occupants of all single family and two family dwellings within 300 feet of the premises. The notice shall also be published in a newspaper of general circulation in the city at least once fifteen (15) days prior to the public hearing and in accordance with other Michigan statutory requirements.~~

~~Section 3.~~ 1. The order of procedure of hearing shall be:

- a. ~~The Board Chairperson declares shall the public hearing open stating the name of the case and explain the particulars thereof in brief, and directs that all persons present in connection therewith identify themselves by name and address. Chairperson explains the procedure.~~
- b. ~~City Planner or their designee presents shall present the official records, and staff report, and staff recommendation in regards to the of the case.~~
- c. ~~City Planner presents staff recommendation. The applicant and/or their representative shall be invited to present their case.~~
- d. ~~Hearing of applicant's case. The Chair shall declare the public hearing open, and shall direct that all persons present in connection therewith identify themselves by name and address.~~
- e. ~~The Chair may invite Public Comment~~
- f. ~~There shall be a maximum of 60 total minutes of public comment allowed per application. The maximum time allowed for public comment remarks shall not exceed 3 to 5 minutes per person (time allowed will determined by Chairperson and will depend on the number of people participating).~~
- g-e. ~~Optional final comments by from the applicant, at the Chairperson's discretion, and limited to 5 minutes.~~
- h-f. ~~Closing of public hearing. The motion to close the public hearing shall motion to close shall require majority concurrence of all members attending to carry.~~
- i-g. ~~Discussion by Board members.~~
- j-h. ~~Deliberation by the Board.~~

~~Section 2. All motions to approve, approve with conditions, or disapprove any request shall state the basis of the motion and the findings upon which the motion is made.~~

~~Section 3. Decisions shall be in accordance with the Zoning Ordinance, Michigan state law, and all judicial precedent guiding the application of the Zoning Ordinance.~~

~~Section 5. An application for a variance which has been denied wholly or in part by the Board shall not be resubmitted for a period of 365 days from the date of denial, except on grounds of new evidence of changed conditions found by the Board to be valid.~~

ARTICLE VIII — Variances

~~Section 1. Decisions on variances shall be in accordance with the Zoning Ordinance, Michigan state law, and all judicial precedent guiding the application of the Zoning Ordinance.~~

~~Section 2. All motions to approve, approve with conditions, or disapprove any variance request shall state the basis of the motion and the findings upon which the motion is made.~~

ZONING BOARD OF APPEALS | RULES OF PROCEDURE AND BYLAWS

ARTICLE IX — Administrative Appeals

Section 1. Administrative appeals may be commenced by a person aggrieved only after a decision of the applicable city official or agency has been made. Said appeal shall be made within sixty (60) days of the determination (including but not limited to an order, denial of permit, or requirement).

Section 2. The filing of appeal stays all proceedings in furtherance of the action appealed from unless the Building Department certifies to the Zoning Board of Appeals that a stay would cause imminent peril to life or property.

ARTICLE X — Specific Interpretations

Section 1. A specific interpretation shall require public notice pursuant to Section 122-93 of the Zoning Ordinance, as amended.

Section 2. A special interpretation may be requested by staff as well as any other citizen or applicant.

ARTICLE XI — Disposition of Administrative Appeals and Applications

Section 1. Whenever any variance is approved by resolution of the Board, the necessary permits shall be obtained and any authorized actions shall be begun within one year following the date of such variance or authorization. Should the applicant fail to obtain such permits or fail to commence work within such subsequent period, it shall be presumed that the applicant/appellant has waived, withdrawn, or abandoned his appeal; and all permissions, authorizations, variances, and permits shall be deemed to be rescinded.

Commented [BW5]: All of this is contained within the ordinance.

ARTICLE VIII – Amendment/Adoption

These Rules of Procedure and ~~Policy~~ Bylaws may be amended at any regular meeting upon an affirmative vote of two-thirds (2/3rds) of the members of the Board.

Moved by Boardmember _____ and supported by Boardmember _____ that the Rules of Procedure and Bylaws of the Zoning Board of Appeals be adopted as presented on _____.

AYES: _____ NAYS: _____ ABSENT: _____