

1. No Agenda

There is no agenda for this meeting. Please view minutes.

1.1. 7:00 PM Zoning Board Of Appeals - August 2020 Meeting

Documents:

[01 - AGENDA.PDF](#)
[02 - VIRTUAL MEETING NOTICE.PDF](#)
[03 - JUNE 2020 MINUTES.PDF](#)
[04 - 1810 WASHTENAW VARIANCE.PDF](#)
[FULL PACKET.PDF](#)

Agenda
Zoning Board of Appeals
Wednesday, August 26, 2020 - 7:00 P.M.

Please be advised that due to COVID-19, City Hall will not be open to the public. This meeting will be held electronically on a video conferencing application in accordance with Governor Whitmer's Executive Order. The access code is posted in the Public Notice on www.cityofypsilanti.com and attached in the packet.

I. Call to Order

II. Roll Call

Jake Albers, Chair	P	A
Jared Talaga, Vice Chair	P	A
Heather Khan	P	A
Jason Ringholz	P	A
Tom Roach	P	A
 Georgina Hickey <i>alternate</i>	 P	 A

III. Approval of Minutes

- June 24, 2020

IV. Purpose of Meeting

V. Old Business

VI. New Business

- 1810 Washtenaw Ave. – Variance
 - *Public Hearing*

VII. Adjournment



**PUBLIC NOTICE
CITY OF YPSILANTI
ZONING BOARD OF APPEALS MEETING – VIRTUAL MEETING**

The Ypsilanti Zoning Board of Appeals will hold a virtual meeting on Wednesday, August 26, 2020 at 7 p.m. The meeting will be held in accordance with Governor Whitmer's Executive Order 2020-154.

The Zoning Board of Appeals meeting is being held virtually in order to prevent the spread of COVID-19.

The meeting can be attended through the below link, or through the below toll free numbers.

August 26, 2020 Zoning Board of Appeals Meeting Virtual Access Link

<https://us02web.zoom.us/j/85353921388>

When prompted, enter **Meeting ID:** 853 5392 1388

August 26, 2020 Zoning Board of Appeals Meeting Toll Free Phone Number Access

877 853 5257 US Toll-free

888 475 4499 US Toll-free

When prompted, enter the **Meeting ID:** 853 5392 1388, followed by the #, press # again to be connected.

Instructions for Persons with Disabilities

Persons with disabilities who need accommodations to effectively participate in the meeting should contact the City Clerk, Andrew Hellenga at ahellenga@cityofypsilanti.com by 5:00 p.m. on the day before the meeting to request assistance. Closed Captions will be provided during the meeting.

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

Andrew Hellenga
City Clerk
Posted: August 24, 2020

**Minutes
Zoning Board of Appeals
Wednesday, June 24 2020 - 7:00 P.M.**

Please be advised that due to COVID-19, City Hall will not be open to the public. This meeting will be held electronically on a video conferencing application in accordance with Governor Whitmer's Executive Order. The access code is posted in the Public Notice on www.cityofypsilanti.com and attached in the packet.

I. Call to Order

II. Roll Call

Jake Albers, Chair	P
Heather Khan, Vice Chair	P
Jared Talaga	P
Jason Ringholz	P
Tom Roach	P
Georgina Hickey <i>alternate</i>	A

III. Approval of Minutes

- *February 26, 2020*

Offered By: Board Member Roach; Seconded By: Board Member Talaga

Approved: Yes – 4; No – 0; Abstained – 1 (Kahn); Absent – 0

IV. Purpose of Meeting

- Annual Organizational Meeting

Staff asked board members to bring forward any concerns with bylaws, proposed amendments, etc.

Staff asked board members to give ample notice of absence, so that the alternate can have enough advance notice.

There is intent to keep Board Member Talaga as the Planning Commission representative.

Chair Albers valued the Roberts Rules training and asked to keep an eye out for educational trainings for Board Members.

Staff asked the Board to bring forward any trainings they are interested in.

V. Old Business n/a

VI. New Business

- Election of Officers

Board Member Kahn would like to step down as Vice Chair.

Nomination for Jake Albers as ZBA Chair.

Offered By: Board Member Roach; Seconded By: Board Member Kahn

Approved: Yes – 5; No – 0; Absent – 0

Nomination for Jared Talaga as ZBA Vice- Chair.

Offered By: Board Member Albers; Seconded By: Board Member Roach

Approved: Yes – 5; No – 0; Absent – 0

VII. Adjournment

Motion to adjourn

Offered By: Board Member Kahn; Seconded By: Board Member Ringholz

Approved: Yes – 5; No – 0; Absent – 0



August 2020
Staff Review of Variance Request
1810 Washtenaw Ave.

GENERAL INFORMATION

Applicant:	Zaid Yalda Ypsi Y & Z, LLC
Project:	1810 Washtenaw Ave. front yard parking variance
Public Hearing Date:	August 26, 2020
Location:	Northwest side of Washtenaw and Courtland intersection. Parcel ID # 11-11-06-409-002
Zoning:	General Corridor (GC)
Action Requested:	Approval of a variance from <i>§122-465(7)</i> and <i>§122-475.CM</i> or <i>§122-477.SC</i> , to permit parking in the front yard of a site to be developed.
Staff Recommendation:	Denial

PROJECT AND SITE DESCRIPTION

1810 Washtenaw Ave. is vacant land at the corner of Washtenaw Ave. and Courtland St. The property is zoned "GC" General Corridor and is about 10,680 square feet.

The applicant wishes to construct a commercial building that would house a medical clinic, specifically an eye care center, and an unclassified tenant space. According to the conceptual site plan, these proposed spaces would be 2,500 square feet and 966 square feet, respectively. Also, the applicant proposes to include about 12 parking spaces in the front yard. The parking lot would be accessed from Courtland St. The applicant notes there is a right of access agreement with the adjoining 1820 Washtenaw property, so there is potential to connect the proposed lot to the existing lot at 1820.

The reason the variance request involves *§122-475.CM* "or" *§122-477.SC* is because as a vacant lot, the applicant could choose to develop in accordance with either the *Commercial Mixed-Use Medium* or *Single Story Commercial* building type regulations.

Figure 1: Subject Site Location (2015 Aerial)

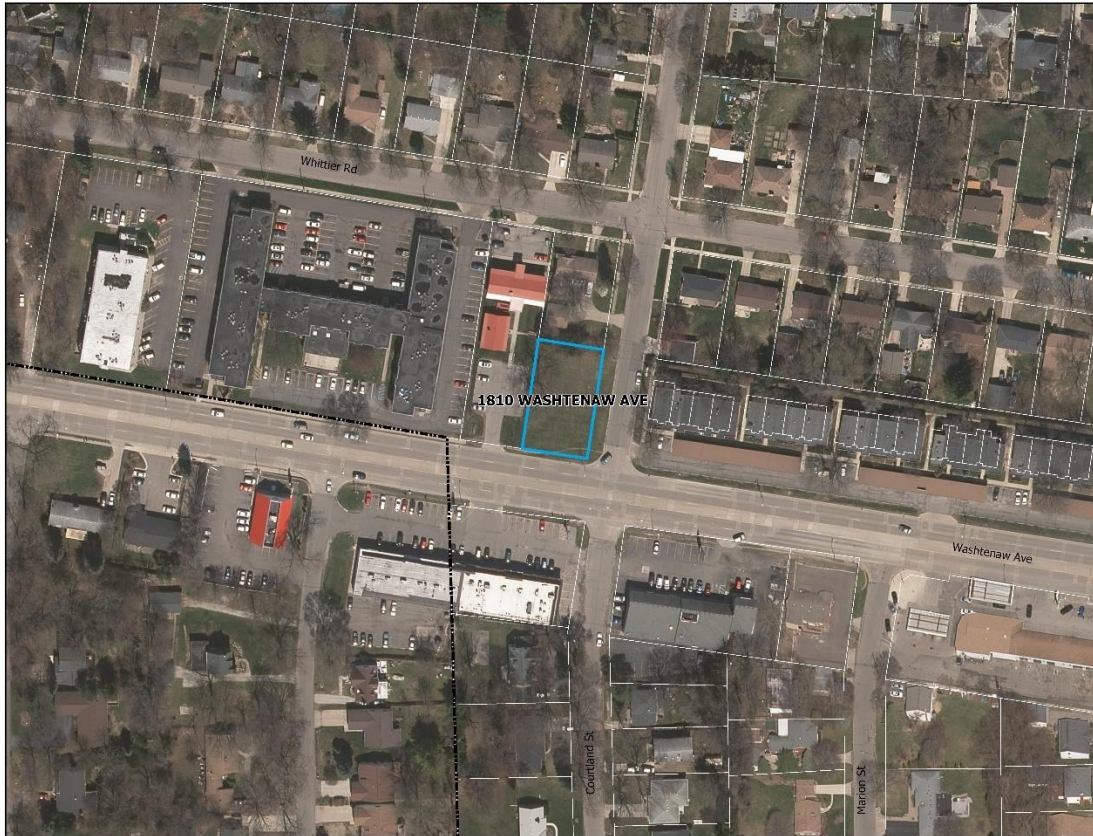


Figure 2: Site Close-up (2015 Aerial)

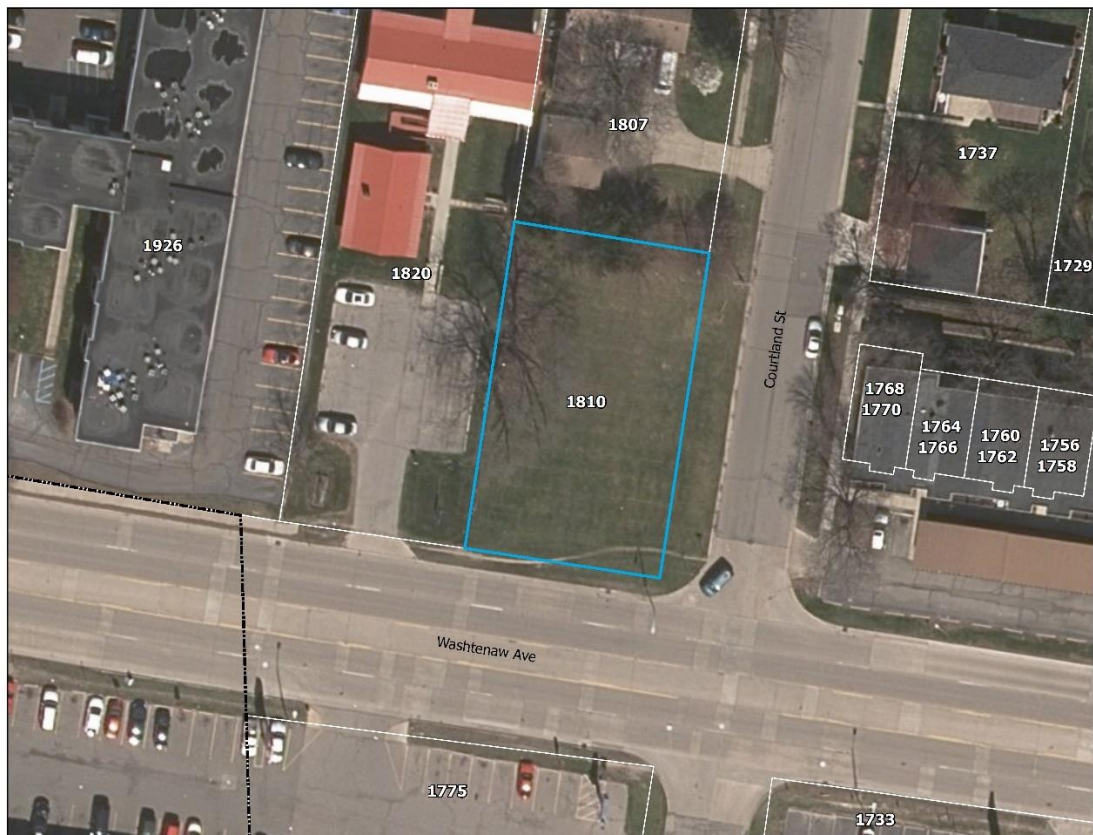


Figure 3: Site photo from Washtenaw Ave. (July 2019, Google Street-view)



Figure 4: Site photo from intersection (July 2018, Google Street-view)

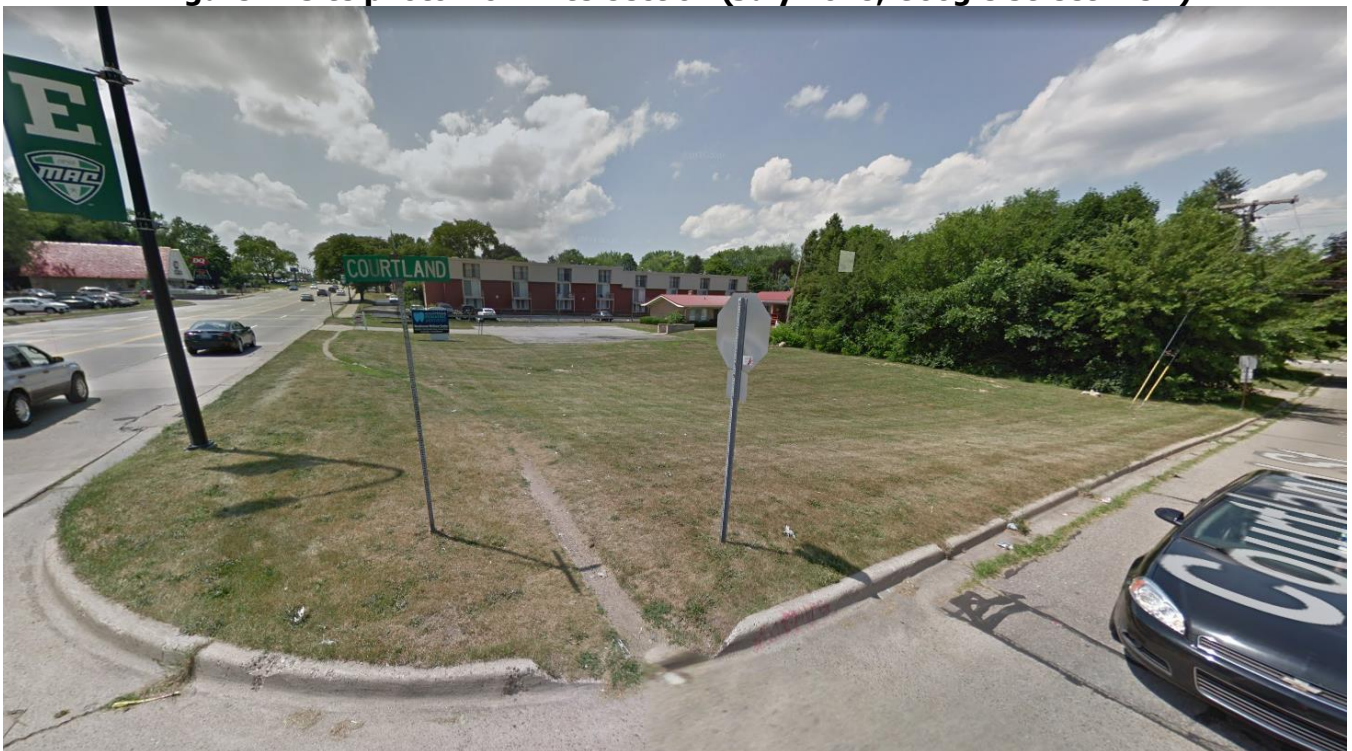


Figure 5: Site photo from Courtland St. (July 2018, Google Street-view)



Figure 6: Land Use and Zoning of Surrounding Area

	LAND USE	ZONING
NORTH	Single family dwelling	GC
EAST	Condominiums	NC
SOUTH	Commercial plaza	GC
WEST	Office building / Two-unit apartment	GC

Figure 7: Applicant's Layout Plan

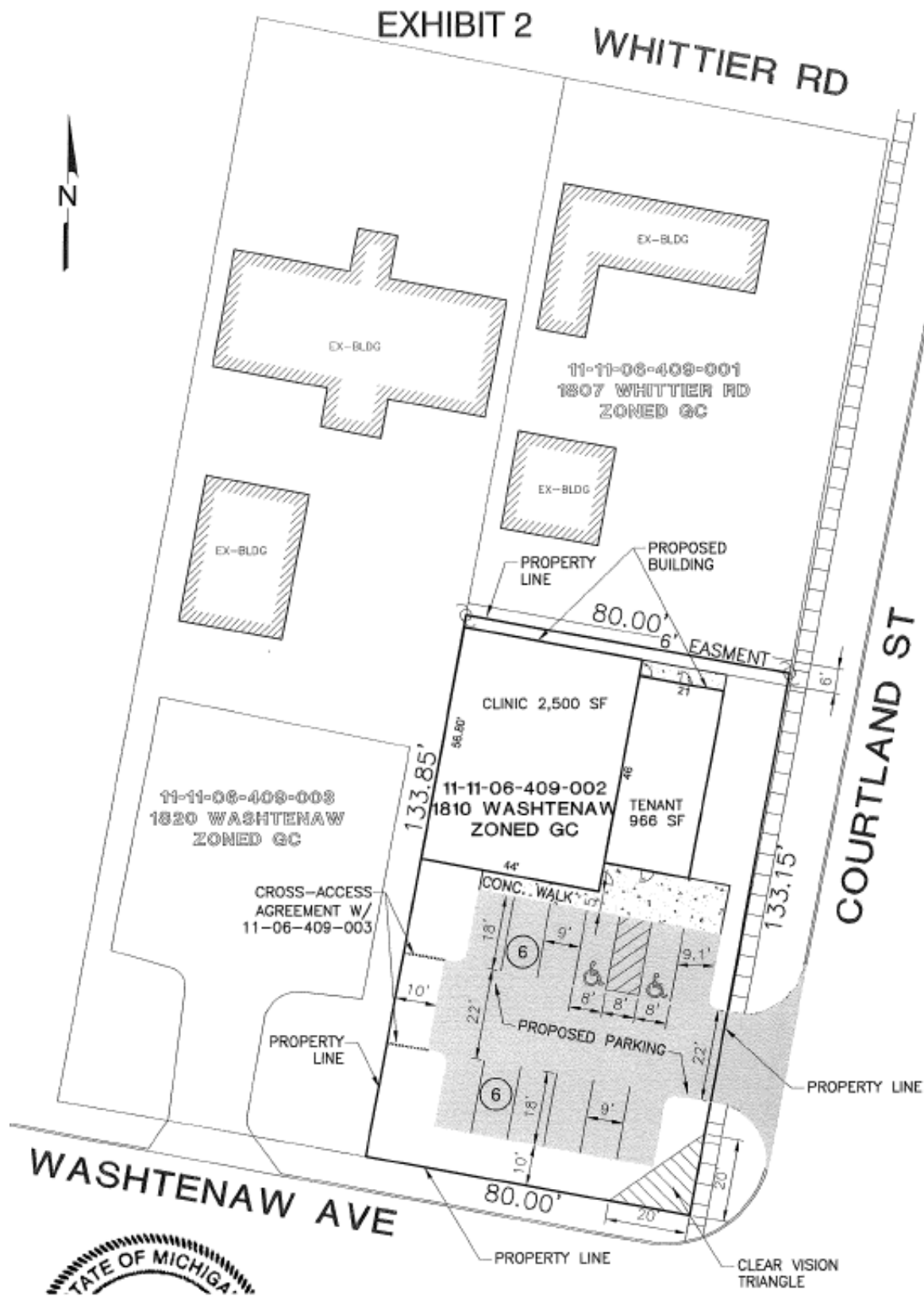


Figure 8: Purchase Agreement Text

1. Offer. Purchaser hereby offers and agrees to purchase the Real Estate together with all together with all buildings, structures and other physical improvements thereon and appurtenances thereto. Included in this sale are all leasehold interests, all tenements, hereditaments, privileges and appurtenances thereto belonging or in any way appertaining thereto, all future land division rights, if any, subject to those easements and restrictions of record which are not objected to pursuant to Section 4 herein. All of the foregoing is sometimes hereinafter referred to as the "Subject Premises."

Provided, however, in the deed to be provided to the Purchaser, the Seller shall retain for the benefit of Seller's Adjacent Real Estate, as defined below, (a) a permanent right of access in the Subject Premises for the benefit of Seller's Adjacent Real Estate and (b) the right to install a sign for any business that is operated at the Seller's Adjacent Real Estate, provided that such sign is no larger than the existing sign on the Subject Premises and subject to municipal compliance. The Seller's Adjacent Real Estate is identified as LOT 481 OF COLLEGE HEIGHTS SUBDIVISION NUMBER ONE, BEING A PART OF THE SOUTH 1/2 OF SECTION 5, TOWN 3 SOUTH, RANGE 7 EAST, CITY OF YPSILANTI, WASHTENAW COUNTY, MICHIGAN.

ORDINANCE

§122-465 & §122-475.CM OR §122-477.SC

§122-465(7)

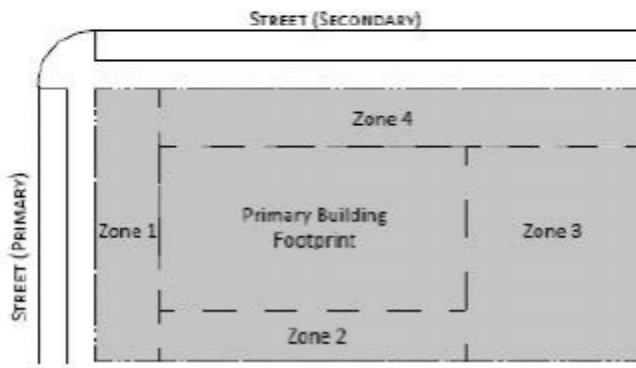
- (7) **Parking zones.** The amount of parking is determined by Article VI, Division 8 "Parking Types and Quantities," but the area in which parking may be provided is determined by building type. Driveways are permitted in any zone, provided all other requirements of this chapter have been met. The diagrams illustrate a corner lot on a primary and non-primary street. Zones are the lot area between the principal building and:

Zone 1: the right-of-way of any primary street;

Zone 2: any common interior lot line;

Zone 3: any rear lot line;

Zone 4: the right-of-way of any non-primary street.



§122-475.CM**Sec. 122-475. CM Commercial/Mixed Use Medium****CM****COMMERCIAL/
MIXED-USE - MEDIUM**

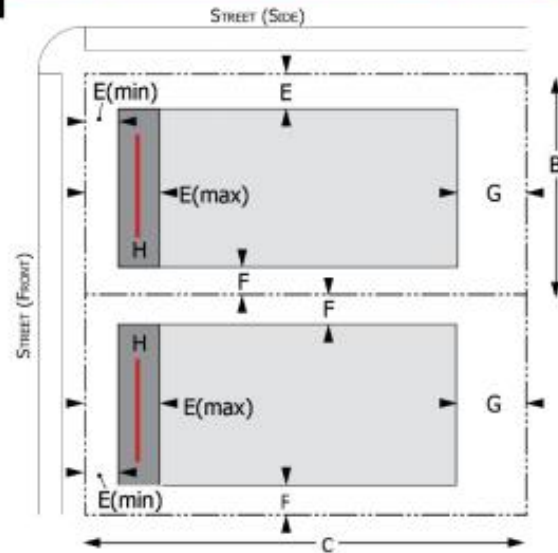
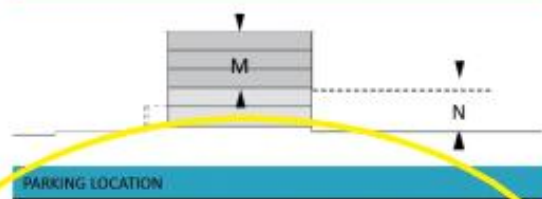
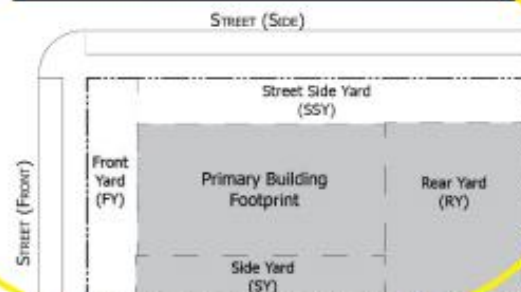
These are generally moderately-sized multiple-story buildings designed for commercial uses on the ground floor and dwellings or offices above, located on lots that can accommodate a building that spans 20-40% of that block's width.

LOT REQUIREMENTS		MIN	MAX
A	Lot size (sf)	--	60,000
B	Lot width (ft)	60	120
C	Lot depth (ft)	--	500
D	Lot coverage (%)	--	90
BUILDING ENVELOPE		MIN	MAX
E	Street setback (front or side) (ft)	0 ⁽¹⁾	15 ⁽¹⁾
F	Side setback (interior lot line) (ft)	0	--
G	Rear setback (ft)	10 ⁽²⁾	--
H	Frontage buildout (%)	90	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)	2	5
N	Accessory structure(s) (ft)	--	15
PARKING LOCATION		Permitted in the 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**

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

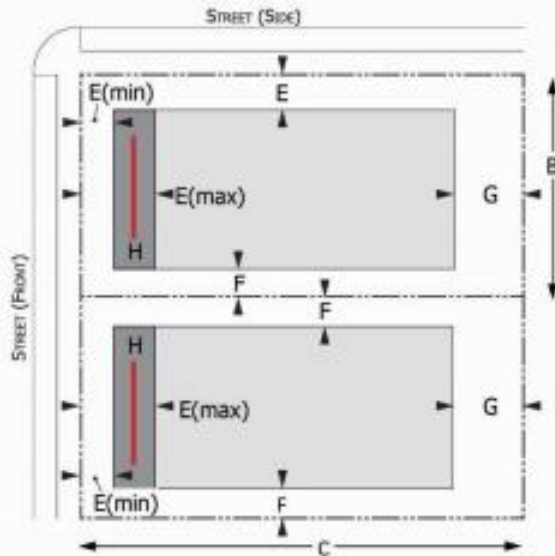
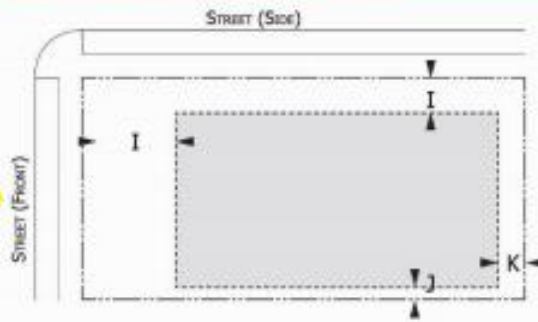
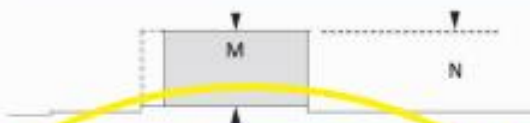
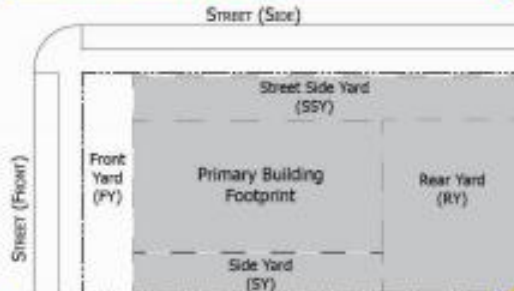
These are generally designed for a single commercial use, located in lots that accommodate accessory parking, loading, and waste disposal areas.

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		Thoroughfare 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**

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.

There are no exceptional conditions or circumstances unique to the specific property. This site is sitting vacant, therefore no existing structures are hindering future development. The concept plan's proposal could just as easily be proposed with parking in the rear yard.

The applicant notes a right of access agreement with the neighboring 1820 Washtenaw property. By an analysis of the two properties and the dimensions of the site, it appears reasonable to provide that access via a rear parking lot, or provide full vehicular access from Courtland St. rather than a cross access drive.

Staff Recommendation: Standard not met.

(2) Such variance is necessary for the preservation and enjoyment of a substantial property right enjoyed by other property owners in the same district under the terms of this chapter. Granting of the variance shall not confer upon the applicant any special privilege that is denied by this chapter to other lands, structures, or buildings in the same district.

There have not been many building renovations/expansions, let alone new construction, on this stretch of Washtenaw since the zoning ordinance's major update in 2014. City staff is well aware of the structural nonconformities that exist on this stretch of Washtenaw, and is consistent in applying the zoning ordinance from one scenario to the next.

Staff Recommendation: Standard not applicable.

(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.

Again, the lot is currently a vacant lot so there is a "blank slate" to work with, with no structural issues and very minimal noted utility issues (small easement on rear of property that restricts only a few feet).

The applicant notes the right of access between the adjacent 1820 Washtenaw, per the 1820 Washtenaw purchase agreement (see Figure 8). This would allow traffic to use 1820 Washtenaw's driveway and parking lot to access 1810 Washtenaw, to avoid putting an extra curb-cut on Washtenaw. However, there is no specific mention of where this is to be located. Providing a right of access in the rear parking lot appears very much achievable, and there are no issues with

providing access off Courtland St. Nonetheless, this hardship is self-created by the real estate transaction involving the current owner of the property.

Staff Recommendation: Standard not met.

(4) The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.

If anything, the proposal of the parking lot access point nearer to the Washtenaw/Courtland intersection has the potential to create more dangerous vehicle vs. vehicle, or vehicle vs. pedestrian conflicts. Providing the parking lot in the rear space would then space out the driveway access point further from the Washtenaw/Courtland intersection, creating a safer environment for vehicles and pedestrians.

The applicant argues parking in the rear yard may be injurious to the neighboring residential property. There are screening requirements that would be required if the property is developed in that circumstance. Also, the applicant owns the neighboring residential property (1807 Whittier) so if the baseline screening requirement on the subject property does not suffice, additional screening could be provided on the adjoining property.

Staff Recommendation: Standard not met.

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

The granting of the variance may undermine the *Reimagine Washtenaw* planning efforts (see below) and miss an opportunity to improve public safety and benefits. The adherence to the zoning ordinance's building type and site provisions, in this case, could be an incremental improvement to the Washtenaw Avenue corridor. Staff believes it is no longer in the City's best interest to increase the amount of front yard parking on the Washtenaw Avenue corridor.

Staff Recommendation: Standard not met.

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

There is not necessarily a measure of this request on a spectrum of minimum dimension to maximum dimension. The concept though provides for the parking fully in the front yard. It does not appear to be impossible to provide for parking in the rear yard, even considering the aforementioned right of access agreement.

Staff Recommendation: Standard not met.

OTHER CONSIDERATIONS:

The current zoning ordinance is based on the current edition of the Master Plan, which acknowledges the *Reimagine Washtenaw* planning initiative. This initiative works towards “improving mass transportation, providing safe bicycle and pedestrian networks, rethinking land use, and creating coordinated standards that transform the corridor from a necessary but unpleasant experience to a desirable, safe and useful one. The incremental results of this work will not only create a highly-functioning, multi-modal corridor, with sense of place, but also facilitate public investment, thereby increasing property values over time by attracting new private investment.”

STAFF RECOMMENDATION

Staff recommends the Zoning Board of Appeals **deny** the variance request from §122-465(7) and §122-475.CM or §122-477.SC, to permit parking in the front yard of a site to be developed, with the following findings:

1. Literal enforcement of the zoning ordinance does not pose practical difficulties and there are no special conditions or circumstances unique to this property.
2. The practical difficulties alleged by the applicant were partially caused by the applicant.
3. The granting of the variance would be detrimental to the public welfare or injurious to other property and improvements in the neighborhood.
4. The allowance of the variance would not ensure substantial justice being done, considering the public benefits that the zoning ordinance and planning efforts propose.
5. The variance request is not the minimum necessary.

Andy Aamodt
City Planner, Community & Economic Development Department

c.c. File
 Applicant



City of Ypsilanti
Planning & Development Department

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

VARIANCE APPLICATION

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED.

Applicant

Name Zaid Yalda (Managing Member of Ypsi Y & Z, LLC)	
Address [REDACTED]	
Phone [REDACTED]	Email [REDACTED]

Property

Address 1810 Washtenaw Ave, Ypsilanti, MI	Parcel ID 11-11-06-409-002
Property owner* Ypsi Y & Z, LLC	
Attach an accurate, scaled drawing of the property showing: • All property lines and dimensions • Location and dimensions of all existing and proposed structures and uses on the property • Any roads, alleys, easements, drains, or waterways which cross or abut the property and lot area and setback • Dimensions necessary to show compliance with the regulations of this ordinance.	

*If applicant is not the property owner: applicant must attach property owner's written, notarized authorization of application.

Request for Variance: Please attach additional pages to the application if needed.

Name and description of proposed project
Ypsilanti Vision Center: New development on vacant property that will incorporate vision center office as well as an attached tenant space.
Section of Zoning Ordinance (chapter, article, section, subsection format, please)
122-682(d) Parking in the front setback
Explain how the proposed project is contrary to ordinance
Parking is proposed along Washtenaw Ave., which is consistent with most current conditions along the roadway.
Explain the unique conditions/circumstances to the property and why compliance with the ordinance will pose practical difficulties.
1) Locating the parking in the rear of the building would pose possible issues and nuisance with the adjacent property
at 1807 Whittier Rd, which is currently a residential use.

2) There is a private cross-access easement agreement with 1820 Washtenaw Ave. that provides for right of access.
This agreement limits access points along Washtenaw Ave. and if the parking were not located along the frontage
the easement would not be accessible and could cause access issues for the subject property.
Explain how the variance will not grant a special privilege that is not similarly enjoyed by other properties in the same district.
The variance would allow parking along Washtenaw Ave., which is common to other developments along the
roadway in the immediate vicinity of the project area. The location of the proposed parking area would allow
cross-access with the adjacent property, which is not common along Washtenaw Ave., and would limit access
points to Washtenaw Ave.
Have the practical difficulties been created by any person presently having an interest in the property?
No
Will the granting of the variance be detrimental to the public welfare or neighborhood properties?
No. The granting of the variance would benefit the immediate area by not impacting 1807 Whittier Rd. with vehicular
traffic associated with the proposed development.
Will the granting of the variance result in substantial justice being done, public benefits, and individual hardships solved, while protecting the rights of other properties?
Yes. The limiting of access points along Washtenaw Ave. would be accomplished with the utilization of the private
cross-access agreement with 1820 Washtenaw Ave., thereby reducing possible traffic incidents within the
surrounding transportation network. The proposed parking layout has been setback from the intersection of
Washtenaw Ave. and Courtland St. to provide a clear vision triangle for vehicular traffic.
Is this variance request the minimum variance that will make possible a reasonable use of land, buildings, or structure?
Yes. Buffering of the parking lot with the adjacent property and roadway can be accomplished with landscaping.

Signature

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

Signature:



Date:

07/29/2020

Print Name:

ZAID A. YALDA

Fee Schedule

First variance for single-family property	\$500
Subsequent variance for single-family property	\$250
First variance for all other properties	\$1000
Subsequent variance(s) for all other properties	\$250

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

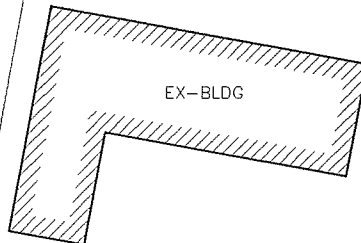
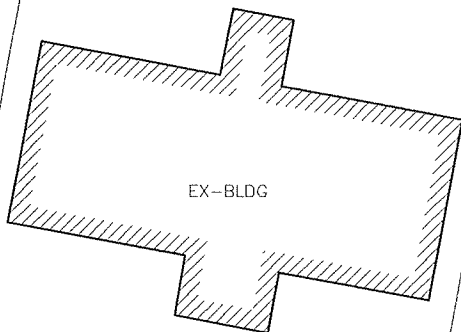
Date: 7/29/20	Amount: \$1000	Account: 101-4-7210-607-01
☐ Cash	Code: 178 Rezone	Signature of person receiving deposit:
☒ Check payable to City of Ypsilanti		
☐ Credit (+ 3.0% surcharge)		
Description of deposit:		

EXHIBIT 1

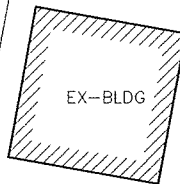
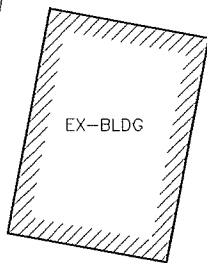


EXHIBIT 2

WHITTIER RD



11-11-06-409-001
1807 WHITTIER RD
ZONED GC



PROPOSED
BUILDING

PROPERTY
LINE

80.00'

6' EASEMENT

CLINIC 2,500 SF

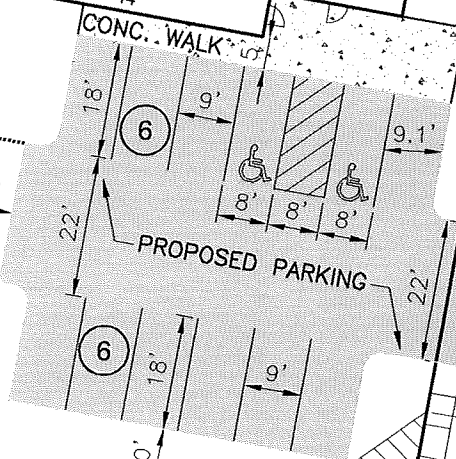
11-11-06-409-002
1810 WASHTENAW
ZONED GC

TENANT
966 SF

11-11-06-409-003
1820 WASHTENAW
ZONED GC

CROSS-ACCESS
AGREEMENT W/
11-06-409-003

PROPERTY
LINE



PROPERTY LINE

WASHTENAW AVE

COURTLAND ST



Agenda
Zoning Board of Appeals
Wednesday, August 26, 2020 - 7:00 P.M.

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II. Roll Call

Jake Albers, Chair	P	A
Jared Talaga, Vice Chair	P	A
Heather Khan	P	A
Jason Ringholz	P	A
Tom Roach	P	A
 Georgina Hickey <i>alternate</i>	 P	 A

III. Approval of Minutes

- June 24, 2020

IV. Purpose of Meeting

V. Old Business

VI. New Business

- 1810 Washtenaw Ave. – Variance
 - *Public Hearing*

VII. Adjournment



**PUBLIC NOTICE
CITY OF YPSILANTI
ZONING BOARD OF APPEALS MEETING – VIRTUAL MEETING**

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<https://us02web.zoom.us/j/85353921388>

When prompted, enter **Meeting ID:** 853 5392 1388

August 26, 2020 Zoning Board of Appeals Meeting Toll Free Phone Number Access

877 853 5257 US Toll-free

888 475 4499 US Toll-free

When prompted, enter the **Meeting ID:** 853 5392 1388, followed by the #, press # again to be connected.

Instructions for Persons with Disabilities

Persons with disabilities who need accommodations to effectively participate in the meeting should contact the City Clerk, Andrew Hellenga at ahellenga@cityofypsilanti.com by 5:00 p.m. on the day before the meeting to request assistance. Closed Captions will be provided during the meeting.

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

Andrew Hellenga
City Clerk
Posted: August 24, 2020

**Minutes
Zoning Board of Appeals
Wednesday, June 24 2020 - 7:00 P.M.**

Please be advised that due to COVID-19, City Hall will not be open to the public. This meeting will be held electronically on a video conferencing application in accordance with Governor Whitmer's Executive Order. The access code is posted in the Public Notice on www.cityofypsilanti.com and attached in the packet.

I. Call to Order

II. Roll Call

Jake Albers, Chair	P
Heather Khan, Vice Chair	P
Jared Talaga	P
Jason Ringholz	P
Tom Roach	P
Georgina Hickey <i>alternate</i>	A

III. Approval of Minutes

- *February 26, 2020*

Offered By: Board Member Roach; Seconded By: Board Member Talaga

Approved: Yes – 4; No – 0; Abstained – 1 (Kahn); Absent – 0

IV. Purpose of Meeting

- Annual Organizational Meeting
 - Staff asked board members to bring forward any concerns with bylaws, proposed amendments, etc.
 - Staff asked board members to give ample notice of absence, so that the alternate can have enough advance notice.
 - There is intent to keep Board Member Talaga as the Planning Commission representative.
 - Chair Albers valued the Roberts Rules training and asked to keep an eye out for educational trainings for Board Members.
 - Staff asked the Board to bring forward any trainings they are interested in.

V. Old Business n/a

VI. New Business

- Election of Officers
 - Board Member Kahn would like to step down as Vice Chair.

Nomination for Jake Albers as ZBA Chair.

Offered By: Board Member Roach; Seconded By: Board Member Kahn

Approved: Yes – 5; No – 0; Absent – 0

Nomination for Jared Talaga as ZBA Vice- Chair.

Offered By: Board Member Albers; Seconded By: Board Member Roach

Approved: Yes – 5; No – 0; Absent – 0

VII. Adjournment

Motion to adjourn

Offered By: Board Member Kahn; Seconded By: Board Member Ringholz

Approved: Yes – 5; No – 0; Absent – 0



August 2020
Staff Review of Variance Request
1810 Washtenaw Ave.

GENERAL INFORMATION

Applicant:	Zaid Yalda Ypsi Y & Z, LLC
Project:	1810 Washtenaw Ave. front yard parking variance
Public Hearing Date:	August 26, 2020
Location:	Northwest side of Washtenaw and Courtland intersection. Parcel ID # 11-11-06-409-002
Zoning:	General Corridor (GC)
Action Requested:	Approval of a variance from <i>§122-465(7)</i> and <i>§122-475.CM</i> or <i>§122-477.SC</i> , to permit parking in the front yard of a site to be developed.
Staff Recommendation:	Denial

PROJECT AND SITE DESCRIPTION

1810 Washtenaw Ave. is vacant land at the corner of Washtenaw Ave. and Courtland St. The property is zoned "GC" General Corridor and is about 10,680 square feet.

The applicant wishes to construct a commercial building that would house a medical clinic, specifically an eye care center, and an unclassified tenant space. According to the conceptual site plan, these proposed spaces would be 2,500 square feet and 966 square feet, respectively. Also, the applicant proposes to include about 12 parking spaces in the front yard. The parking lot would be accessed from Courtland St. The applicant notes there is a right of access agreement with the adjoining 1820 Washtenaw property, so there is potential to connect the proposed lot to the existing lot at 1820.

The reason the variance request involves *§122-475.CM* "or" *§122-477.SC* is because as a vacant lot, the applicant could choose to develop in accordance with either the *Commercial Mixed-Use Medium* or *Single Story Commercial* building type regulations.

Figure 1: Subject Site Location (2015 Aerial)

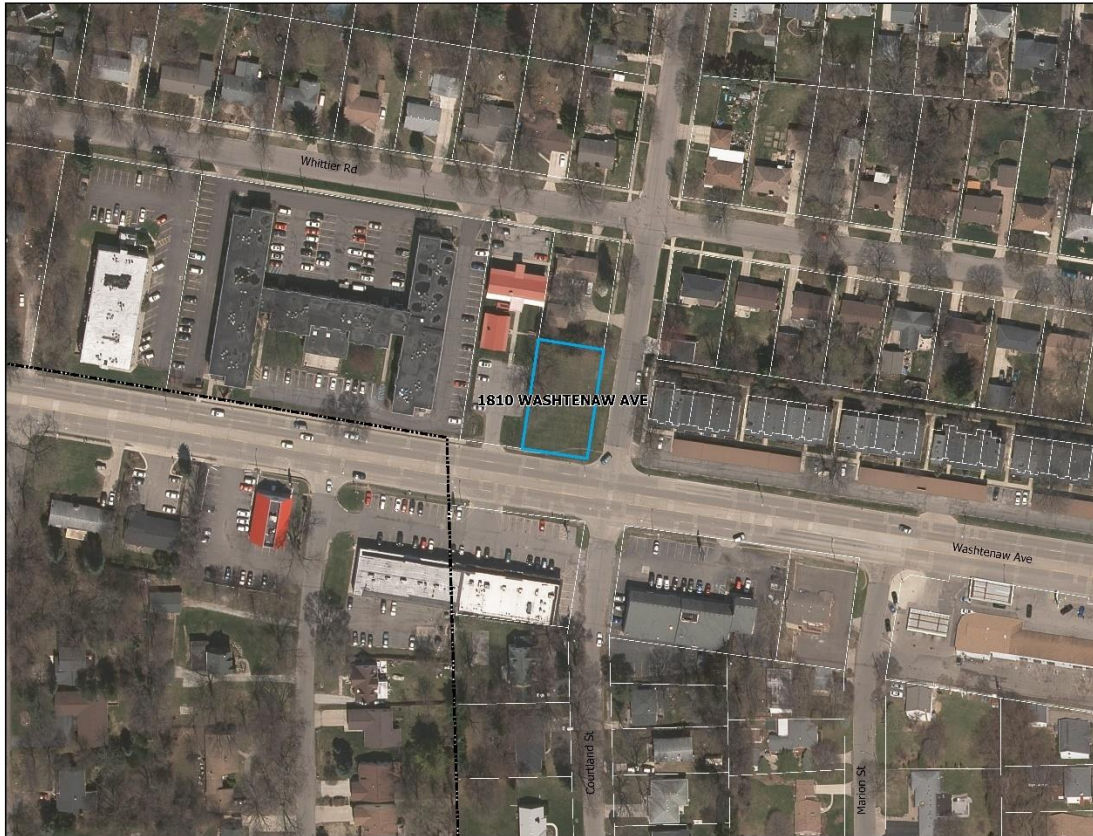


Figure 2: Site Close-up (2015 Aerial)

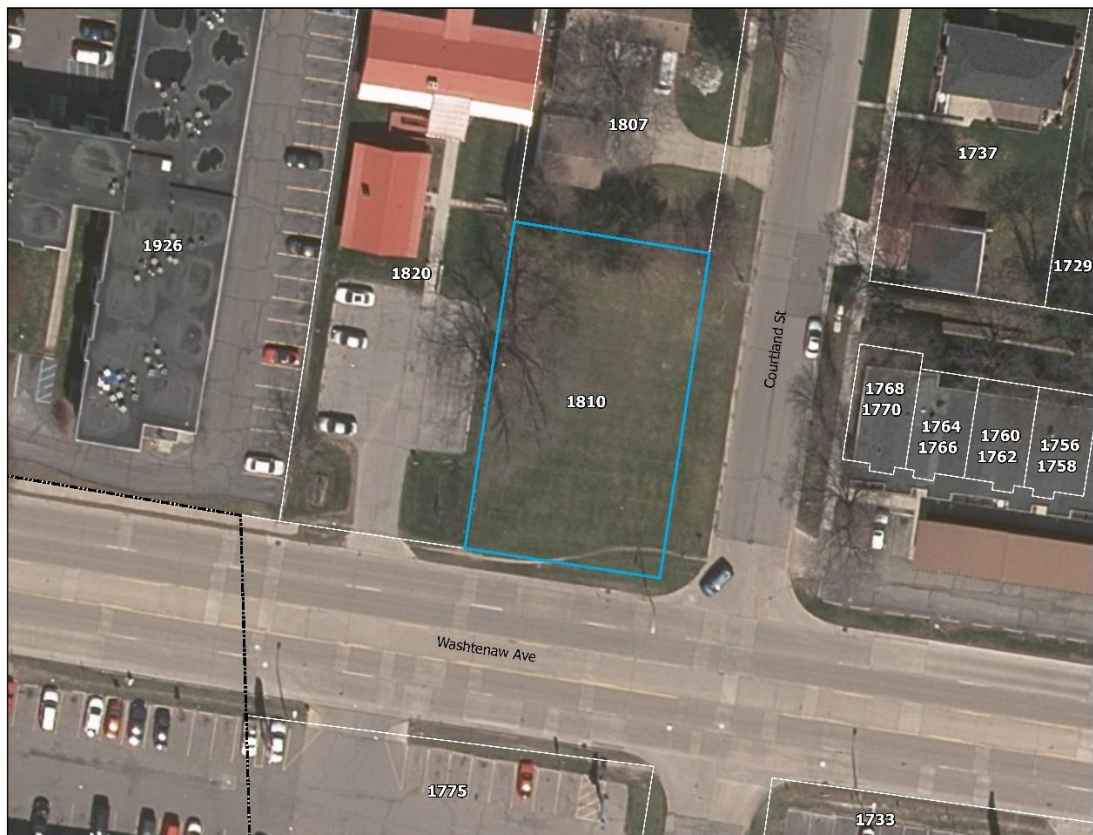


Figure 3: Site photo from Washtenaw Ave. (July 2019, Google Street-view)



Figure 4: Site photo from intersection (July 2018, Google Street-view)

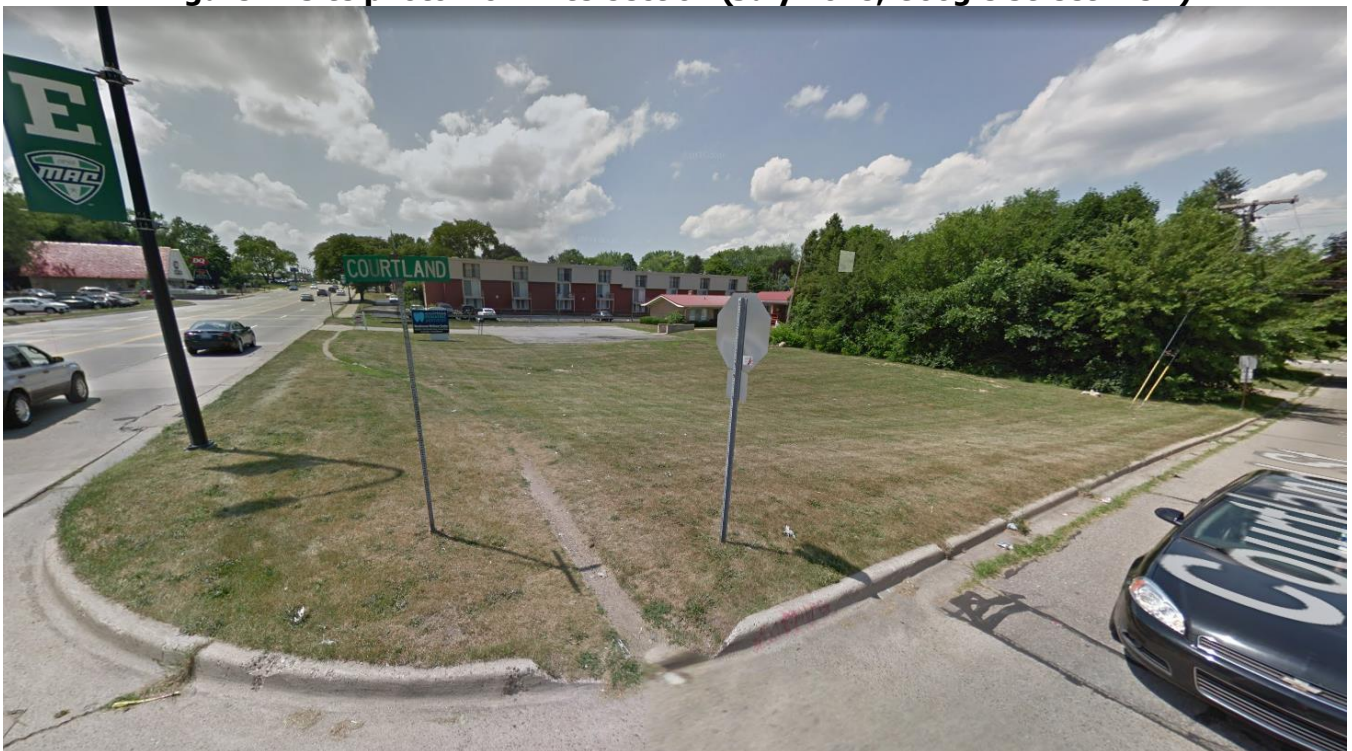


Figure 5: Site photo from Courtland St. (July 2018, Google Street-view)



Figure 6: Land Use and Zoning of Surrounding Area

	LAND USE	ZONING
NORTH	Single family dwelling	GC
EAST	Condominiums	NC
SOUTH	Commercial plaza	GC
WEST	Office building / Two-unit apartment	GC

Figure 7: Applicant's Layout Plan

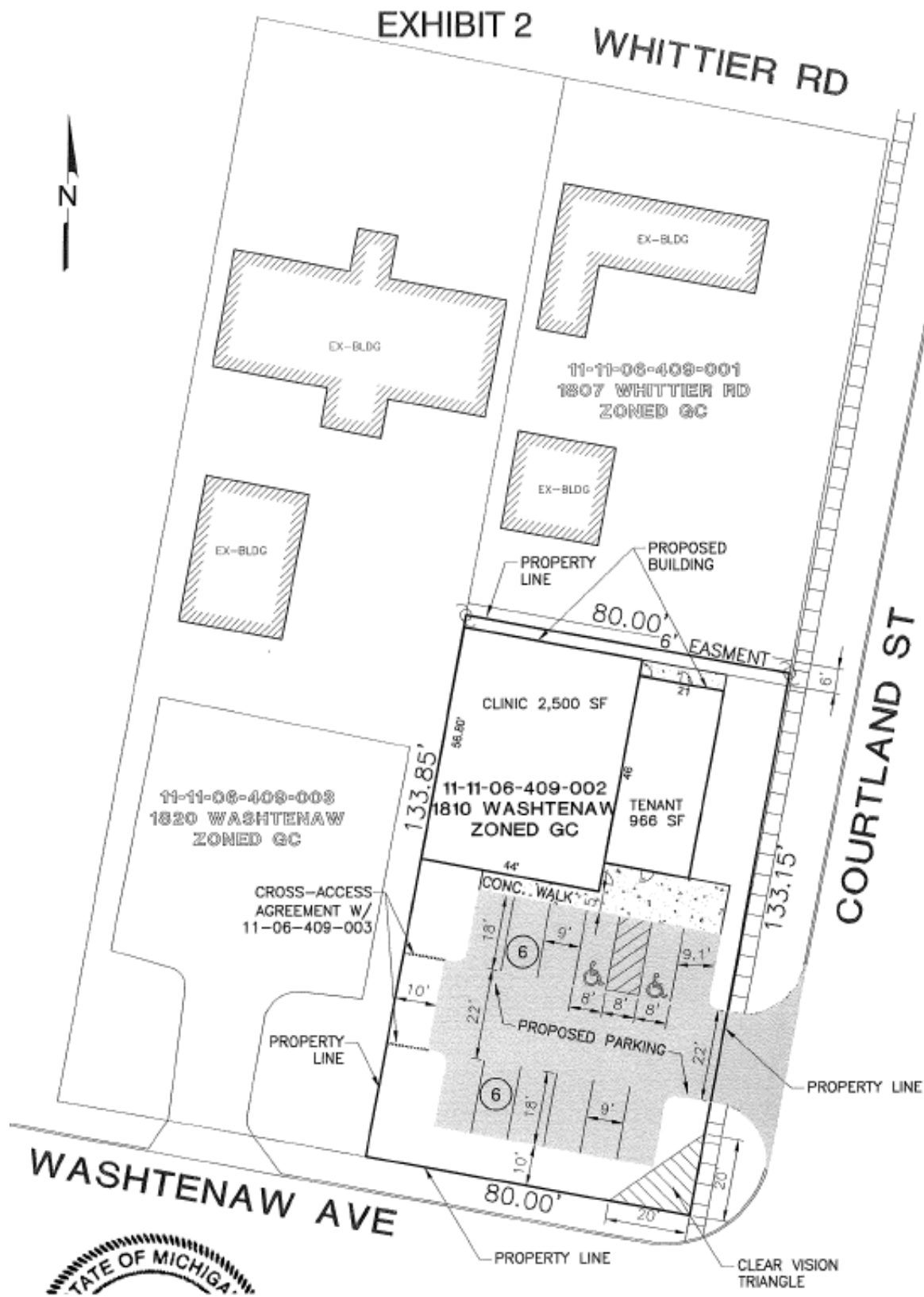


Figure 8: Purchase Agreement Text

1. Offer. Purchaser hereby offers and agrees to purchase the Real Estate together with all together with all buildings, structures and other physical improvements thereon and appurtenances thereto. Included in this sale are all leasehold interests, all tenements, hereditaments, privileges and appurtenances thereto belonging or in any way appertaining thereto, all future land division rights, if any, subject to those easements and restrictions of record which are not objected to pursuant to Section 4 herein. All of the foregoing is sometimes hereinafter referred to as the "Subject Premises."

Provided, however, in the deed to be provided to the Purchaser, the Seller shall retain for the benefit of Seller's Adjacent Real Estate, as defined below, (a) a permanent right of access in the Subject Premises for the benefit of Seller's Adjacent Real Estate and (b) the right to install a sign for any business that is operated at the Seller's Adjacent Real Estate, provided that such sign is no larger than the existing sign on the Subject Premises and subject to municipal compliance. The Seller's Adjacent Real Estate is identified as LOT 481 OF COLLEGE HEIGHTS SUBDIVISION NUMBER ONE, BEING A PART OF THE SOUTH 1/2 OF SECTION 5, TOWN 3 SOUTH, RANGE 7 EAST, CITY OF YPSILANTI, WASHTENAW COUNTY, MICHIGAN.

ORDINANCE

§122-465 & §122-475.CM OR §122-477.SC

§122-465(7)

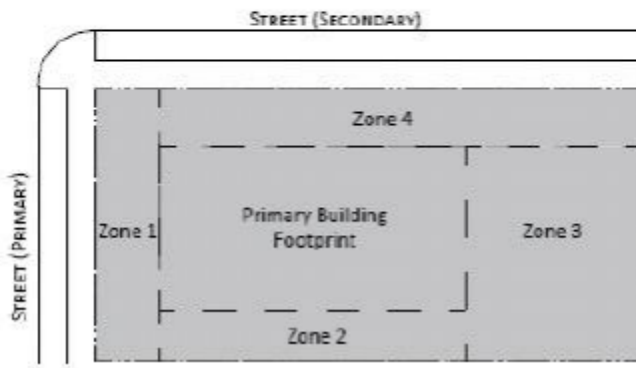
- (7) **Parking zones.** The amount of parking is determined by Article VI, Division 8 "Parking Types and Quantities," but the area in which parking may be provided is determined by building type. Driveways are permitted in any zone, provided all other requirements of this chapter have been met. The diagrams illustrate a corner lot on a primary and non-primary street. Zones are the lot area between the principal building and:

Zone 1: the right-of-way of any primary street;

Zone 2: any common interior lot line;

Zone 3: any rear lot line;

Zone 4: the right-of-way of any non-primary street.



§122-475.CM**Sec. 122-475. CM Commercial/Mixed Use Medium****CM****COMMERCIAL/
MIXED-USE - MEDIUM**

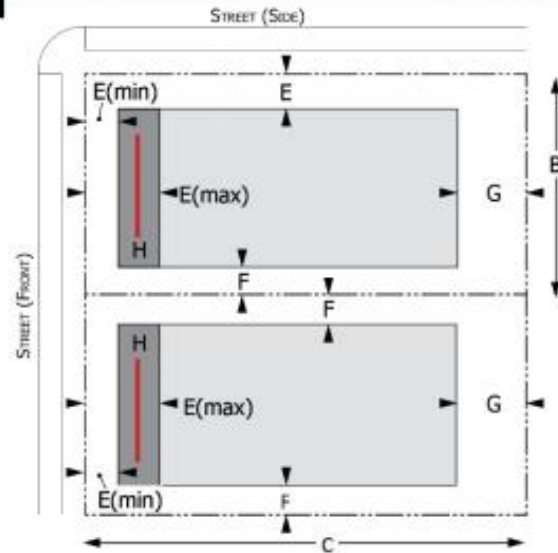
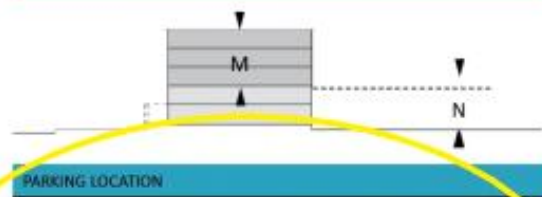
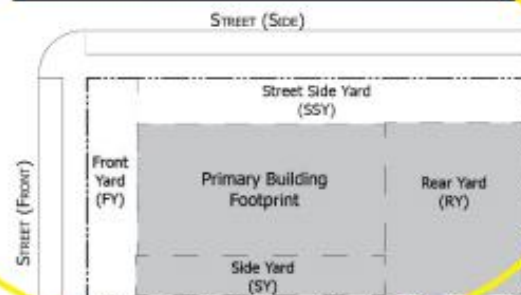
These are generally moderately-sized multiple-story buildings designed for commercial uses on the ground floor and dwellings or offices above, located on lots that can accommodate a building that spans 20-40% of that block's width.

LOT REQUIREMENTS		MIN	MAX
A	Lot size (sf)	--	60,000
B	Lot width (ft)	60	120
C	Lot depth (ft)	--	500
D	Lot coverage (%)	--	90
BUILDING ENVELOPE		MIN	MAX
E	Street setback (front or side) (ft)	0 ⁽¹⁾	15 ⁽¹⁾
F	Side setback (interior lot line) (ft)	0	--
G	Rear setback (ft)	10 ⁽²⁾	--
H	Frontage buildout (%)	90	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)	2	5
N	Accessory structure(s) (ft)	--	15
PARKING LOCATION		Permitted in the 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**

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

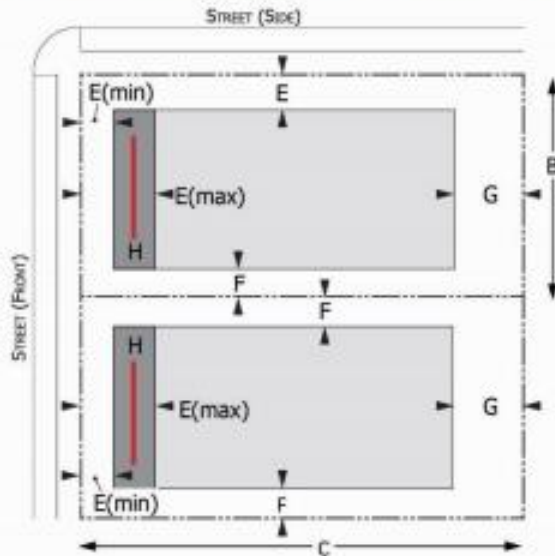
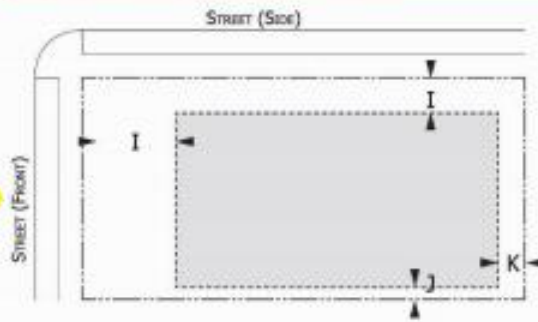
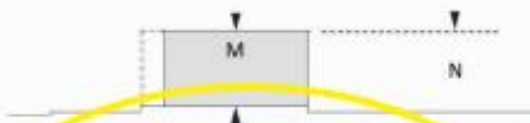
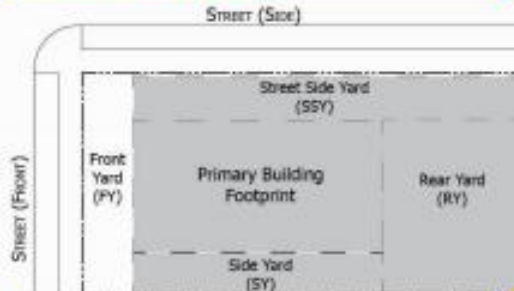
These are generally designed for a single commercial use, located in lots that accommodate accessory parking, loading, and waste disposal areas.

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		Thoroughfare 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**

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.

There are no exceptional conditions or circumstances unique to the specific property. This site is sitting vacant, therefore no existing structures are hindering future development. The concept plan's proposal could just as easily be proposed with parking in the rear yard.

The applicant notes a right of access agreement with the neighboring 1820 Washtenaw property. By an analysis of the two properties and the dimensions of the site, it appears reasonable to provide that access via a rear parking lot, or provide full vehicular access from Courtland St. rather than a cross access drive.

Staff Recommendation: Standard not met.

(2) Such variance is necessary for the preservation and enjoyment of a substantial property right enjoyed by other property owners in the same district under the terms of this chapter. Granting of the variance shall not confer upon the applicant any special privilege that is denied by this chapter to other lands, structures, or buildings in the same district.

There have not been many building renovations/expansions, let alone new construction, on this stretch of Washtenaw since the zoning ordinance's major update in 2014. City staff is well aware of the structural nonconformities that exist on this stretch of Washtenaw, and is consistent in applying the zoning ordinance from one scenario to the next.

Staff Recommendation: Standard not applicable.

(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.

Again, the lot is currently a vacant lot so there is a "blank slate" to work with, with no structural issues and very minimal noted utility issues (small easement on rear of property that restricts only a few feet).

The applicant notes the right of access between the adjacent 1820 Washtenaw, per the 1820 Washtenaw purchase agreement (see Figure 8). This would allow traffic to use 1820 Washtenaw's driveway and parking lot to access 1810 Washtenaw, to avoid putting an extra curb-cut on Washtenaw. However, there is no specific mention of where this is to be located. Providing a right of access in the rear parking lot appears very much achievable, and there are no issues with

providing access off Courtland St. Nonetheless, this hardship is self-created by the real estate transaction involving the current owner of the property.

Staff Recommendation: Standard not met.

(4) The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.

If anything, the proposal of the parking lot access point nearer to the Washtenaw/Courtland intersection has the potential to create more dangerous vehicle vs. vehicle, or vehicle vs. pedestrian conflicts. Providing the parking lot in the rear space would then space out the driveway access point further from the Washtenaw/Courtland intersection, creating a safer environment for vehicles and pedestrians.

The applicant argues parking in the rear yard may be injurious to the neighboring residential property. There are screening requirements that would be required if the property is developed in that circumstance. Also, the applicant owns the neighboring residential property (1807 Whittier) so if the baseline screening requirement on the subject property does not suffice, additional screening could be provided on the adjoining property.

Staff Recommendation: Standard not met.

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

The granting of the variance may undermine the *Reimagine Washtenaw* planning efforts (see below) and miss an opportunity to improve public safety and benefits. The adherence to the zoning ordinance's building type and site provisions, in this case, could be an incremental improvement to the Washtenaw Avenue corridor. Staff believes it is no longer in the City's best interest to increase the amount of front yard parking on the Washtenaw Avenue corridor.

Staff Recommendation: Standard not met.

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

There is not necessarily a measure of this request on a spectrum of minimum dimension to maximum dimension. The concept though provides for the parking fully in the front yard. It does not appear to be impossible to provide for parking in the rear yard, even considering the aforementioned right of access agreement.

Staff Recommendation: Standard not met.

OTHER CONSIDERATIONS:

The current zoning ordinance is based on the current edition of the Master Plan, which acknowledges the *Reimagine Washtenaw* planning initiative. This initiative works towards “improving mass transportation, providing safe bicycle and pedestrian networks, rethinking land use, and creating coordinated standards that transform the corridor from a necessary but unpleasant experience to a desirable, safe and useful one. The incremental results of this work will not only create a highly-functioning, multi-modal corridor, with sense of place, but also facilitate public investment, thereby increasing property values over time by attracting new private investment.”

STAFF RECOMMENDATION

Staff recommends the Zoning Board of Appeals **deny** the variance request from §122-465(7) and §122-475.CM or §122-477.SC, to permit parking in the front yard of a site to be developed, with the following findings:

1. Literal enforcement of the zoning ordinance does not pose practical difficulties and there are no special conditions or circumstances unique to this property.
2. The practical difficulties alleged by the applicant were partially caused by the applicant.
3. The granting of the variance would be detrimental to the public welfare or injurious to other property and improvements in the neighborhood.
4. The allowance of the variance would not ensure substantial justice being done, considering the public benefits that the zoning ordinance and planning efforts propose.
5. The variance request is not the minimum necessary.

Andy Aamodt
City Planner, Community & Economic Development Department

c.c. File
 Applicant



City of Ypsilanti
Planning & Development Department

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

VARIANCE APPLICATION

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED.

Applicant

Name Zaid Yalda (Managing Member of Ypsi Y & Z, LLC)	
Address [REDACTED]	
Phone [REDACTED]	Email [REDACTED]

Property

Address 1810 Washtenaw Ave, Ypsilanti, MI	Parcel ID 11-11-06-409-002
Property owner* Ypsi Y & Z, LLC	
Attach an accurate, scaled drawing of the property showing: • All property lines and dimensions • Location and dimensions of all existing and proposed structures and uses on the property • Any roads, alleys, easements, drains, or waterways which cross or abut the property and lot area and setback • Dimensions necessary to show compliance with the regulations of this ordinance.	

*If applicant is not the property owner: applicant must attach property owner's written, notarized authorization of application.

Request for Variance: Please attach additional pages to the application if needed.

Name and description of proposed project
Ypsilanti Vision Center: New development on vacant property that will incorporate vision center office as well as an attached tenant space.
Section of Zoning Ordinance (chapter, article, section, subsection format, please)
122-682(d) Parking in the front setback
Explain how the proposed project is contrary to ordinance
Parking is proposed along Washtenaw Ave., which is consistent with most current conditions along the roadway.
Explain the unique conditions/circumstances to the property and why compliance with the ordinance will pose practical difficulties.
1) Locating the parking in the rear of the building would pose possible issues and nuisance with the adjacent property
at 1807 Whittier Rd, which is currently a residential use.

2) There is a private cross-access easement agreement with 1820 Washtenaw Ave. that provides for right of access.
This agreement limits access points along Washtenaw Ave. and if the parking were not located along the frontage
the easement would not be accessible and could cause access issues for the subject property.
Explain how the variance will not grant a special privilege that is not similarly enjoyed by other properties in the same district.
The variance would allow parking along Washtenaw Ave., which is common to other developments along the
roadway in the immediate vicinity of the project area. The location of the proposed parking area would allow
cross-access with the adjacent property, which is not common along Washtenaw Ave., and would limit access
points to Washtenaw Ave.
Have the practical difficulties been created by any person presently having an interest in the property?
No
Will the granting of the variance be detrimental to the public welfare or neighborhood properties?
No. The granting of the variance would benefit the immediate area by not impacting 1807 Whittier Rd. with vehicular
traffic associated with the proposed development.
Will the granting of the variance result in substantial justice being done, public benefits, and individual hardships solved, while protecting the rights of other properties?
Yes. The limiting of access points along Washtenaw Ave. would be accomplished with the utilization of the private
cross-access agreement with 1820 Washtenaw Ave., thereby reducing possible traffic incidents within the
surrounding transportation network. The proposed parking layout has been setback from the intersection of
Washtenaw Ave. and Courtland St. to provide a clear vision triangle for vehicular traffic.
Is this variance request the minimum variance that will make possible a reasonable use of land, buildings, or structure?
Yes. Buffering of the parking lot with the adjacent property and roadway can be accomplished with landscaping.

Signature

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

Signature:



Date:

07/29/2020

Print Name:

ZAID A. YALDA

Fee Schedule

First variance for single-family property	\$500
Subsequent variance for single-family property	\$250
First variance for all other properties	\$1000
Subsequent variance(s) for all other properties	\$250

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

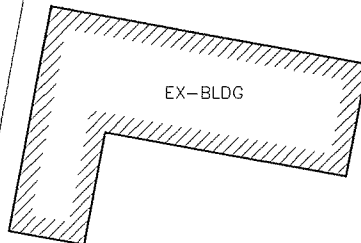
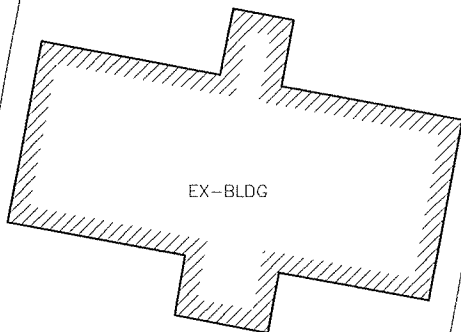
Date: 7/29/20	Amount: \$1000	Account: 101-4-7210-607-01
☐ Cash	Code: 178 Rezone	Signature of person receiving deposit:
☒ Check payable to City of Ypsilanti		
☐ Credit (+ 3.0% surcharge)		
Description of deposit:		

EXHIBIT 1

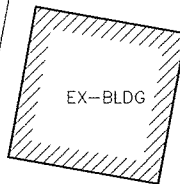
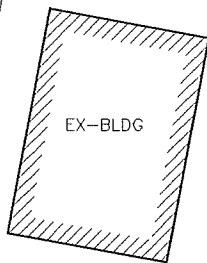


EXHIBIT 2

WHITTIER RD



11-11-06-409-001
1807 WHITTIER RD
ZONED GC



PROPOSED
BUILDING

PROPERTY
LINE

80.00'

6' EASEMENT

CLINIC 2,500 SF

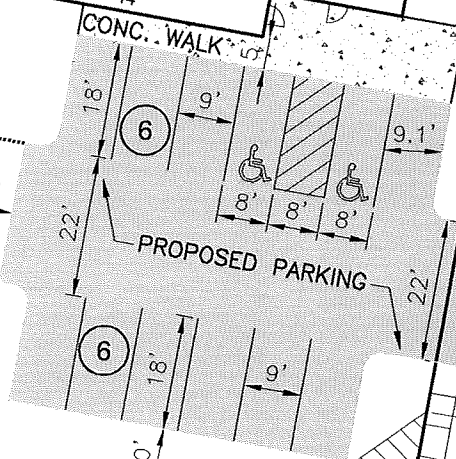
11-11-06-409-002
1810 WASHTENAW
ZONED GC

TENANT
966 SF

11-11-06-409-003
1820 WASHTENAW
ZONED GC

CROSS-ACCESS
AGREEMENT W/
11-06-409-003

PROPERTY
LINE



PROPERTY LINE

WASHTENAW AVE

COURTLAND ST

PROPERTY LINE

CLEAR VISION
TRIANGLE

