

1. 7:00 P.M. Zoning Board Of Appeals November 2020 Special Meeting (Virtual Meeting)

Documents:

01- AGENDA.PDF
02 - AUGUST MEETING MINUTES.PDF
03 - OCTOBER MEETING MINUTES.PDF
04 - STAFF MEMO TO ZONING BOARD OF APPEALS.PDF
05 - ORDINANCE INTERPRETATION.PDF
06 - 212 N LINCOLN VARIANCE.PDF
PUBLIC NOTICE - SPECIAL VIRTUAL MEETING.PDF
FULL PACKET - NOVEMBER SPECIAL MEETING.PDF

**Special Meeting Agenda
Zoning Board of Appeals
Monday, November 30, 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. 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

- August 26, 2020 Meeting
- October 28, 2020 Meeting

IV. Purpose of Meeting

V. Old Business

- 212 N Lincoln St – Variances
 - *Tabled from October 28, 2020 meeting.*

VI. New Business

- Zoning ordinance interpretation – Courtyard Apartment building types and Forecourt private frontages

VII. Adjournment

DRAFT MEETING MINUTES
Zoning Board of Appeals – Virtual Meeting
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
Jared Talaga, Vice Chair
Heather Khan
Jason Ringholz
Tom Roach

P
A
P
P
A

Georgina Hickey

N/A - alternate

III. Approval of Minutes

- June 24, 2020

Spelling corrections were indicated.

Motion to approve June 24, 2020 minutes as amended.

Offered by: Khan; **Seconded by:** Ringholz

Approved: Yes-3; No-0; Absent-2

Motion carried.

IV. Purpose of Meeting

V. Old Business

VI. New Business

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

City Planner Andy Aamodt presented the staff report. The variance request is for relief from Section 122-465(7) and 122-475.CM or 122-477.SC, to permit parking in the front yard of a site to be developed. The site is currently vacant, and the applicant wishes to construct a roughly 3,500 square foot commercial building that would house a medical clinic as well as another smaller commercial suite.

Mr. Aamodt emphasized that this being a vacant rectangular lot, there are not any practical difficulties in staff's view. There are also planning efforts regarding Reimagine Washtenaw in which have guided how the City zones and regulates Washtenaw Avenue. In staff's mind this type of development would undermine Reimagine Washtenaw and planning efforts, not securing public benefits intended to be protected by the zoning ordinance. Staff recommended denial as not all of the standards were met.

Applicants Zaid Yalda and Tiffany Zair-Yalda spoke about the variance request. Their intention is to move from the current building across the street to construct this new building. They would like to take advantage of a cross-access agreement with the neighboring property, as they believe that would make the property more accessible.

Motion to open the public hearing

Offered by: Ringholz; **Seconded by:** Khan

Approved: Yes-3; No-0; Absent-2

Motion carried.

Andy Andre, worked with applicant on the development of the plans, spoke in favor of the variance.

Dave Witham, tenant of Zaid Yalda, spoke in favor of the variance.

Motion to close the public hearing

Offered by: Khan; **Seconded by:** Ringholz

Approved: Yes-3; No-0; Absent-2

Motion carried.

The ZBA deliberated on the case. ZBA specifically deliberated on safety concerns, weighing safety thoughts with the City's planning efforts to guide development.

*Motion to **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.*

Offered by: Khan; **Seconded by:** Ringholz

Approved: Yes-3; No-0; Absent-2

Motion carried.

VII. Adjournment

Offered by: Ringholz; **Seconded by:** Khan

Approved: Yes-3; No-0; Absent-2

Motion carried.

DRAFT MEETING MINUTES
Zoning Board of Appeals
Wednesday, October 28, 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. The access code is posted in the Public Notice on www.cityofpysilanti.com and attached in the packet.

I. Call to Order

II. Roll Call

Jake Albers, Chair
Jared Talaga, Vice Chair
Heather Khan
Jason Ringholz
Tom Roach

P
P
P
A
P

Georgina Hickey *alternate*

N/A

III. Approval of Minutes

- August 26, 2020 Meeting

Boardmember Roach and Talaga mentioned abstaining from the minutes because of being absent for the August 26, 2020 minutes.

Motion to table the August 26, 2020 minutes.

Offered by: Khan; **Seconded by:** Roach

Approved: Yes-4; No-0; Absent-1

Motion carried.

IV. Purpose of Meeting

Chairperson Albers explained the purpose of the meeting and the purpose for variances.

V. Old Business

No new business.

VI. New Business

- 212 N Lincoln St – Variances
 - *Public Hearing*

City Planner Andy Aamodt presented the staff report. Aamodt noted there are two variances: Variance #1 is a variance permitting a frontage buildout of less than 50%, and Variance #2 is a variance to permit no forecourt private frontage.

Boardmember Roach asked for clarity on the nonconformities. Pertaining to the frontage buildout, Aamodt explained that the site plan proposes an increase of building frontage, but because it does not increase the frontage buildout towards the 50% requirement, staff deemed a variance is required.

Boardmember Roach asked if a real, usable door is required as part of a private frontage. Aamodt responded that staff interprets a real door to be part of a private frontage.

Boardmember Khan asked if the variances go together or if they can be separated. Aamodt

responded that these variances are separated, and it is possible for one to be approved but not the other.

Chairperson Albers supported the idea that if variance one (frontage buildout) were to be approved, it should be phrased as "no less than 11% frontage buildout," because that is what currently exists.

Chairperson Albers discussed the Forecourt and how staff observes the entrance as a critical piece of the Forecourt. Staff interprets, at the very least, an entrance facing the street with a path of at least 6 feet in width and landscaping as the most important items in a renovation project like this. Renovating a building or constructing new walls for the sole purpose to create a depth and clear span width can be burdensome for applicants.

Todd Ballou, architect for the applicant, spoke. The applicant wishes to re-use the building footprints as is and does not wish to conduct substantial work to the parking lot and utilities. Mohamad Wahab, representative for the property owner, spoke and summarized the rationale for the request.

Todd Ballou explained an opinion where the Forecourt entrance does not need to face the front street- it can instead front an open space, an open space similar to what's explained in the Courtyard Apartment description. In this case the apartment buildings would front the parking lot and sidewalk space in the interior of the lot. Ballou stated this issue has caused confusion in their development in the plan and creates issue with the way Variance #2 is approached.

Chairperson Albers asked the applicants if the frontage buildout could be increased at all. The applicants stated it might be possible to increase the frontage buildout to about 16%. The wall would not be united with the current building face, but would be recessed a bit in a way where it can still contribute to the frontage buildout.

Boardmember Khan asked the applicant if the granting of one variance would jeopardize the other. Ballou stated the forecourt would not contribute to the frontage buildout because the minimum depth, at 12 feet, would be too far back to qualify, which creates an issue when imposing Forecourts at the front of a property.

Motion to open the public hearing

Offered by: Talaga; **Seconded by:** Khan

Approved: Yes-4; No-0; Absent-1

Motion carried.

No one spoke.

Motion to close the public hearing

Offered by: Roach; **Seconded by:** Khan

Approved: Yes-4; No-0; Absent-1

Motion carried.

Boardmember Roach pointed out that requiring the applicant to move their building wall up, it would actually take away some of the only landscaping that exists on the site.

Chairperson Albers asked staff for how they interpret the Courtyard Apartment text that says "partially or wholly open to the street." Aamodt replied that in staff's opinion that text is a general description. Aamodt stated the definition of private frontage should be considered and the further Forecourt requirements should be considered instead of this general text. However, staff acknowledges there is a point of confusion here.

Chairperson Albers wondered if there is flexibility in a building frontage facing an inner courtyard, which then opens to the street. Boardmember Roach concurred that is a main point right now.

Chairperson Albers asked staff what the next steps are if there is a piece of the ordinance that is too difficult to base a decision on especially regarding what is in front of the Board right now. The Courtyard Apartment and Forecourt private frontage and relationship is too unclear at this time. Aamodt responded that an interpretation of the zoning ordinance can be formally brought to the Zoning Board of Appeals as its own case. The ZBA's interpretation would then guide how the ordinance is interpreted going forward, in future cases and future site plans. A new meeting with proper public notice would be required to hold such an interpretation case. The other Boardmembers agreed this is the most fair option at this point.

Motion to table variance request from Section 122-472.CA to permit less than 50% frontage buildout at 212 N Lincoln St, until a special meeting can be arranged at a later date.

Offered by: Talaga; **Seconded by:** Khan

Approved: Yes-4; No-0; Absent-1

Motion carried.

Motion to table variance request from Section 122-472.CA/122-483 to permit no forecourt private frontage at 212 N Lincoln St, until a special meeting can be arranged at a later date.

Offered by: Roach; **Seconded by:** Talaga

Approved: Yes-4; No-0; Absent-1

Motion carried.

- Approval of 2021 Meeting Schedule

Motion to approve 2021 meeting schedule as presented.

Offered by: Roach; **Seconded by:** Talaga

Approved: Yes-4; No-0; Absent-1

Motion carried.

VII. Adjournment

Motion to adjourn.

Offered by: Khan; **Seconded by:** Roach

Approved: Yes-4; No-0; Absent-1

Motion carried.



Memo

To: Zoning Board of Appeals
From: Andy Aamodt, City Planner
Date: November 30, 2020
Subject: Ordinance Interpretation & Variance Cases

As you are well aware, you (Zoning Board of Appeals) decided at the October 2020 meeting to table the 212 N Lincoln variance cases until an ordinance interpretation could be heard, reviewed, and determined. In this meeting's packet I included the staff report for the variances exactly as it was written for the October meeting.

The ordinance interpretation case should be the first case on the November 30 special meeting agenda. **The ZBA should make a motion to amend the meeting agenda to place New Business before Old Business.** In general, ordinance interpretations do not need to be tied to a property, rather the zoning ordinance's text as presented. Do not feel the need to narrow your thoughts to the 212 N Lincoln property when analyzing this ordinance interpretation.

However, the reason this interpretation case will take place first is because it could potentially alter or adjust "Variance 2," the variance request from Section 122-472.CA/122-483 to permit no forecourt private frontage. Based on the potential options laid out in the attached staff report, the following scenarios could happen:

- If ZBA determines Option 1 or Option 3 as the proper interpretation, the Variance 2 case would be applied similarly to the October 2020 meeting. That is, a Forecourt private frontage would be a four-fold requirement, requiring a clear span width, depth, yard requirement, and the private frontage/building entry would need to face the street. The Variance 2 request would be asking for relief for this requirement in its entirety.
- If ZBA determines Option 2 or Option 4 as the proper interpretation, then the Variance 2 case changes to an extent. That is, the Forecourt private frontage and building entries would not need to face the street, rather an open area that is then opened to the street. The extent of this Variance 2 request might end up only applying to Forecourt depth- because the depth delineated by the two buildings combined with the rear fence would be greater than the maximum of 50 feet. A six feet minimum path would need to lead to the entries, and that appears possible based on the conceptual site plan. The clear span width would be greater than 12 feet, therefore in compliance. Variance 2 would therefore be asking for a more minimal variance.

Note that Variance 1, the variance request from Section 122-472.CA to permit less than 50% frontage buildout does not change and is still on the table.



November 30, 2020

**Staff Review of Ordinance Interpretation
Courtyard Apartments and Forecourt Private Frontages**

GENERAL INFORMATION

Applicant:	City of Ypsilanti
Project:	Ordinance interpretation for Courtyard Apartments and Forecourt private frontages
Public Hearing Date:	November 30, 2020
Location:	N/A
Zoning:	N/A
Action Requested:	ZBA to interpret the zoning ordinance pertaining to Courtyard Apartment building types and Forecourt private frontages.

CASE DESCRIPTION

At the October 28, 2020 Zoning Board of Appeals meeting, the Board ran into confusion pertaining to the ordinance standards for *Courtyard Apartment* building types and *Forecourt* private frontages.

Staff interpreted at that time, that all private frontages need entry doors facing the street. Upon reading the *Courtyard Apartment* description text, combined with the *Forecourt* description text, it appears that such an interpretation is not so straightforward.

According to Section 122-396(a)(2), the Zoning Board of Appeals shall hear and decide on questions regarding "the interpretation of the language of this chapter when its meaning is unclear, or when there is uncertainty as to whether the language applies to a particular situation."

ORDINANCE**§122-203; §122-472.CA; §122-483****§122-203 Definitions**

Frontage, Private refers to the side of the building that faces the primary street, and includes the area between the building façade and the lot line.

§122-472.CA**Sec. 122-472. CA Courtyard Apartment****CA COURTYARD APARTMENT**

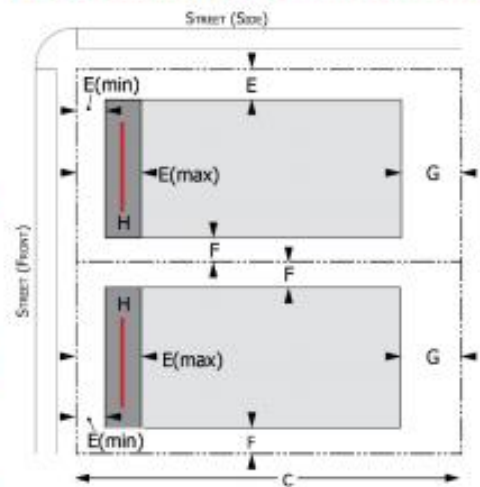
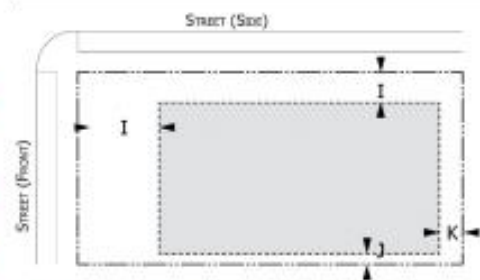
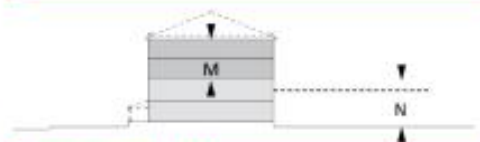
A Courtyard Apartment is generally a grouping of apartment buildings arranged around and fronting on a central courtyard that may be partially or wholly open to the street, on a lot that accommodates the associated parking and outdoor living areas. Each dwelling may have its own entrance.

LOT REQUIREMENTS		MIN	MAX
A	Lot size (sf)	6,400	20,000
B	Lot width (ft)	80	200
C	Lot depth (ft)	80	180
D	Lot coverage (%)	--	80
BUILDING ENVELOPE		MIN	MAX
E	Street setback (front or side) (ft)	10(1)	20
F	Side setback (interior lot line) (ft)	0	10
G	Rear setback (ft)	10	--
H	Frontage buildout (%)	50	75
ACCESSORY BUILDING ENVELOPE		MIN	MAX
I	Street setback (ft)	30	--
J	Side setback (ft)	5	--
K	Rear setback (ft)	5	--
L	Building footprint (sf)	--	800
BUILDING HEIGHT		MIN	MAX
M	Principal building (stories)	2	4
N	Accessory structure(s) (ft)	--	15
PARKING LOCATION		Permitted in the side and rear yards.	
PRIVATE FRONTAGES		Forecourt 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.



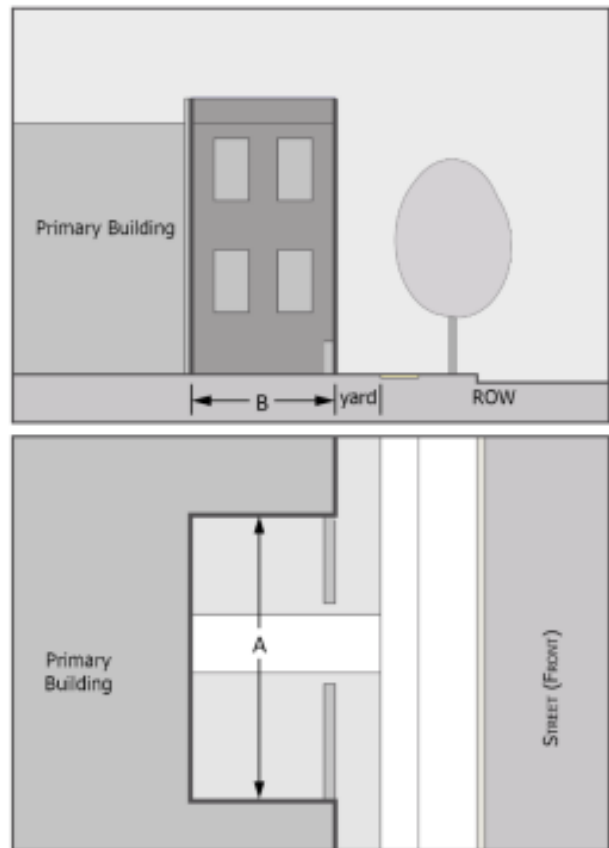
EXAMPLE

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

§122-483.Forecourt**F****FORECOURT**

The façade is set back from the front lot line per applicable street setback requirements. A portion of the façade is recessed to form an uncovered court. The court is suitable for outdoor dining, gardens, formal entries etc.. A fence, wall, or landscaping may be used to define the private space of the court. The court may be elevated behind a retaining wall at or near the front lot line with entry steps to the court.

FORECOURT DIMENSIONS		MIN	MAX
A	Clear span width (ft)	12	--
B	Depth (ft)	12	50
YARD REQUIREMENTS			
C	Must be landscaped/pervious, with a path at least 6 feet wide connecting the building entrance to the sidewalk.		

DIMENSIONS

OPTIONS

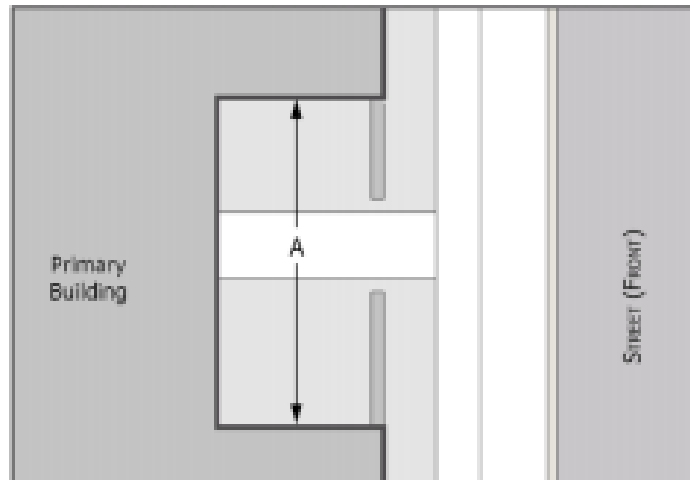
Option 1:

Explicit interpretation of ordinance prioritizing the definition of “private frontage” resulting in private frontage and building entry facing the street.

This option prioritizes the definition of “private frontage.” The definition of private frontage (§122-203) is clear that this is the side of the building that faces the street, therefore the door is assumed to also face the street.

This option would result in development that is more rigid towards the plan-view diagram in Section 122-483, and seen below. However, this option would enforce more street and front-facing development which represent goals of creating more walkability in the City. Additionally, building types are the form-based aspect of the City’s *Walkable Urban Districts* and these should enforce walkability rather than larger, more spacious “apartment complex” layouts.

As part of this interpretation, a Forecourt private frontage would encompass the following four items: clear span width, depth, yard requirement, and an entry door placed on the front of the building facing the street.



Note: Staff interpreted the ordinance this way in advance of the October 28, 2020 meeting. However, after further discussion it was decided that the ZBA was not quite comfortable in applying this interpretation regarding the subject variances, at least not before a formal interpretation case could be decided.

Option 2:

Flexible interpretation of ordinance prioritizing the Courtyard Apartment general description, with Forecourt private frontages and building entries allowed to not face the street, rather facing the open space created by the forecourt.

This option prioritizes the intent of the *Courtyard Apartment* building type. In the general description, the ordinance states the building(s) are “arranged around and fronting on a central courtyard that may be partially or wholly open to the street, on a lot that accommodates the associated parking and outdoor living areas”

Looking at the relationship of all building types to their required private frontages, Courtyard Apartments are the only building types that use Forecourt as a one-to-one relationship. *Apartment Building* offers *Forecourt* as an option, but also offers *Porch* and *Stoop* as potential private frontages. No other building types make reference to Forecourt private frontages, so it appears *Forecourts* are tailored specifically towards Courtyard Apartments.

This option would hypothetically allow for the Forecourt to be a more flexible, less rigid space that leads to the entrance of the building. The emphasis in this option is more-so open space rather than the physical development of building walls and entries. Visiting the *Forecourt* general description, “a fence, wall, or landscaping may be used to define the private space of the court. The court may be elevated behind a retaining wall at or near the front lot line with entry steps to the court.” This description appears to relate to a more flexible design of a forecourt.

Additionally, when designing a site and considering other ordinance standards, a strict ordinance interpretation would not allow frontage buildout and Forecourt private frontages to work in harmony. That is, with a minimum depth of 12 feet, a Forecourt private frontage would not contribute towards a frontage buildout percentage. That would then require an even greater amount of non-depth-creating building wall to occupy the required frontage buildout area.

The following aerial captures below are examples of ways this more flexible interpretation may be applied.* The conceptual *Forecourt* is filled in yellow. These examples are found in Ypsilanti Township.





*Keep in mind that these apartment examples are not following stricter zoning and building type requirements - building setback, frontage buildout, and parking location requirements to name a few- that the City's zoning ordinance now enforces through the building types.

Option 3

Wide-ranging strict private frontage interpretation where all building entries in any private frontage type need to face the street.

This would require every door opening- ranging from a *Porch* to a *Forecourt* to a *Thoroughfare Commercial* private frontage- to face the street with no exceptions or flexibility.

Essentially, Option 1 would be a part of this Option 3. This Option 3 would be a wider encompassing option pertaining to all private frontages. Staff does not recommend this Option 3 as it is not yet known if the development of the other private frontage types could present similar difficulties.

Option 4

Wide-ranging flexible private frontage interpretation where building entries in any private frontage do not need to face the street, so long as the private frontage space is clearly oriented towards the street, faces the street, and clearly connects to the street via a sidewalk.

This would mean all building entries do not need to face the street as long as private frontage space is clearly oriented towards the street/faces the street. This could look like a sidewalk leading up to the private frontage space and stairs oriented towards the space. The space could then lead to a physical vestibule, for example, with an entry door opening perpendicular to the street.

Essentially, Option 2 would be a part of this Option 4. This Option 4 would be a wider encompassing option pertaining to all private frontages. Staff does not recommend this Option 4 as it is not yet known if the development of the other private frontage types could present similar difficulties.

ZONING BOARD OF APPEALS DECISION

The Zoning Board of Appeals may interpret the ordinance in accordance to any of the four options listed above, or may formulate a different option to use in interpreting the ordinance. The motion should clearly state how the ordinance is to be interpreted.

Andy Aamodt
City Planner, Community & Economic Development Department

c.c. File
 Applicant



October 28, 2020

**Staff Review of Variance Requests
212 N. Lincoln St.**

GENERAL INFORMATION

Applicant: Hussein Wahab
1420 Washtenaw Ave.
Ypsilanti, MI 48197

Project: 212 N. Lincoln St. Variances

Public Hearing Date: October 28, 2020

Location: Parcel ID # 11-11-09-109-012; YP CITY 16E-67A LOTS 82 & 83 HUNTERS ADDITION.

Zoning: Neighborhood Corridor (NC)

Action Requested: Approval of two variances: a variance from the frontage buildout requirement, to permit less than 50% minimum frontage buildout; and a variance from the private frontage requirement, to permit no forecourt private frontage.

Staff Recommendation: Denial

PROJECT AND SITE DESCRIPTION

212 N. Lincoln St. currently exists as two commercial buildings. The applicant proposes renovations to these buildings, resulting in six residential units in each building. Building 1 proposes six 2-bedroom units and Building 2 proposes six 1-bedroom units. The building frontage buildout is less than the minimum 50 percent required, and the required forecourt is not provided. The applicant proposes to reuse the existing building foundations, a significant portion of the parking lot, and storm infrastructure.

For the sake of the staff review, "Variance 1" pertains to the frontage buildout variance, which is a variance from Section 122-472.CA. "Variance 2" pertains to the forecourt private frontage variance, which is a variance from Section 122-472.CA, leading into Section 122-483. Also, there are two buildings on site. "Building 1" pertains to the north building and "Building 2" pertains to the south building.

Figure 1: Subject Site Location (2015 Aerial)

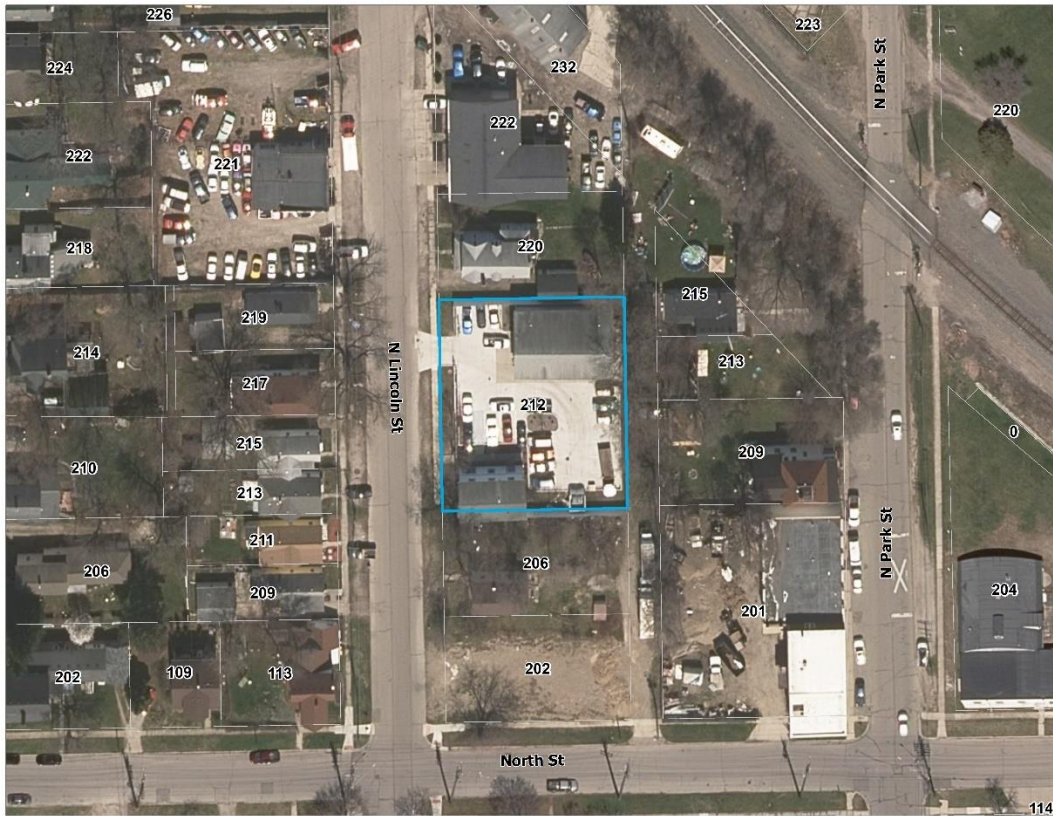


Figure 2: Site Close-up (2015 Aerial)

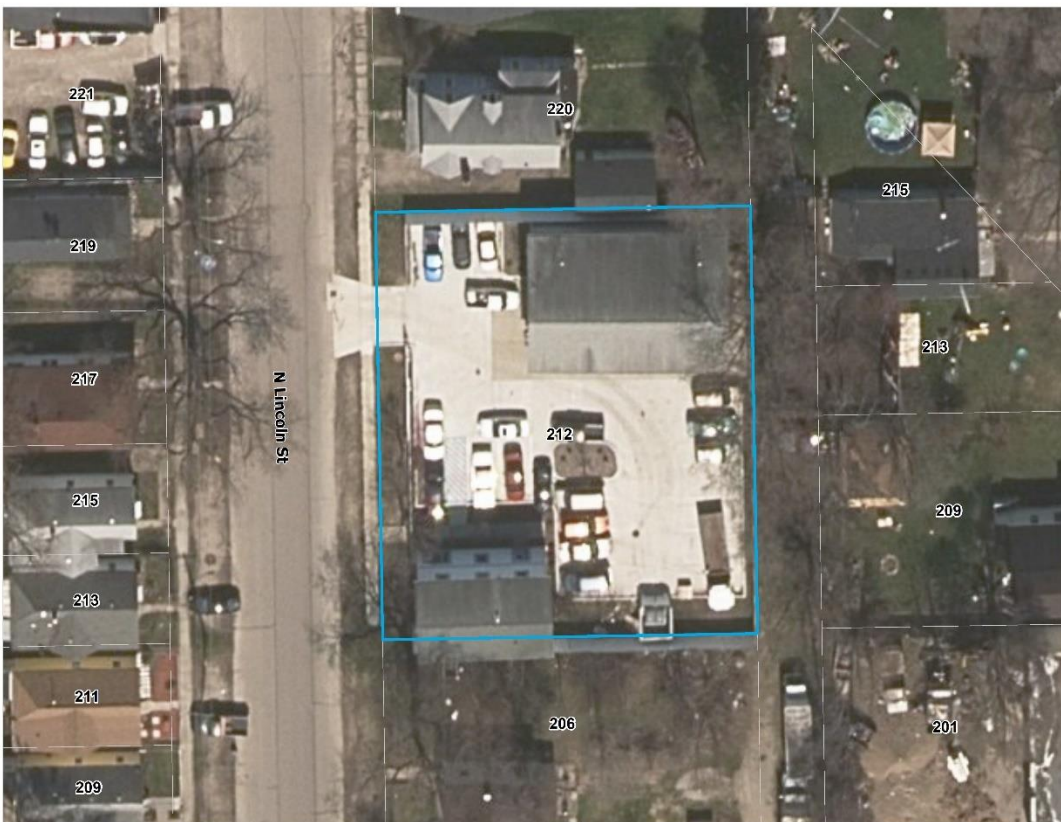


Figure 3: Photo of Building 1 (October 23, 2020)



Figure 4: Photo of Building 2 (October 23, 2020)



Figure 5: Site Photo (July, 2019 Google Street-view)



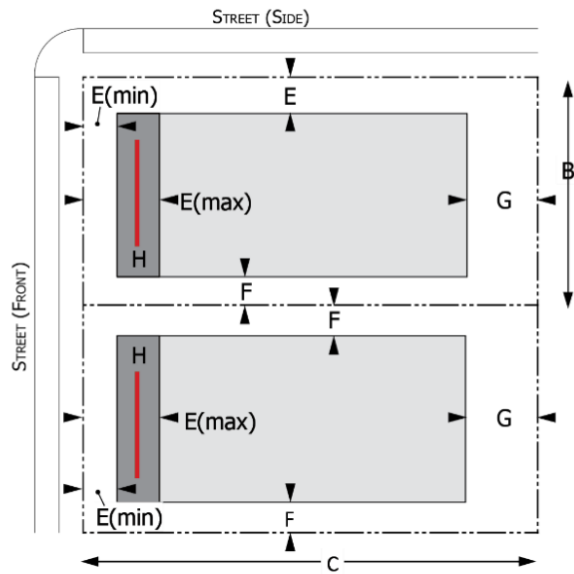
Figure 6: Land Use and Zoning of Surrounding Area

	LAND USE	ZONING
NORTH	Residential	NC
EAST	Residential	NC
SOUTH	Residential	NC
WEST	Residential	NC

ORDINANCE**§122-350 & §122-472.CA****§122-472.CA****CA****COURTYARD
APARTMENT**

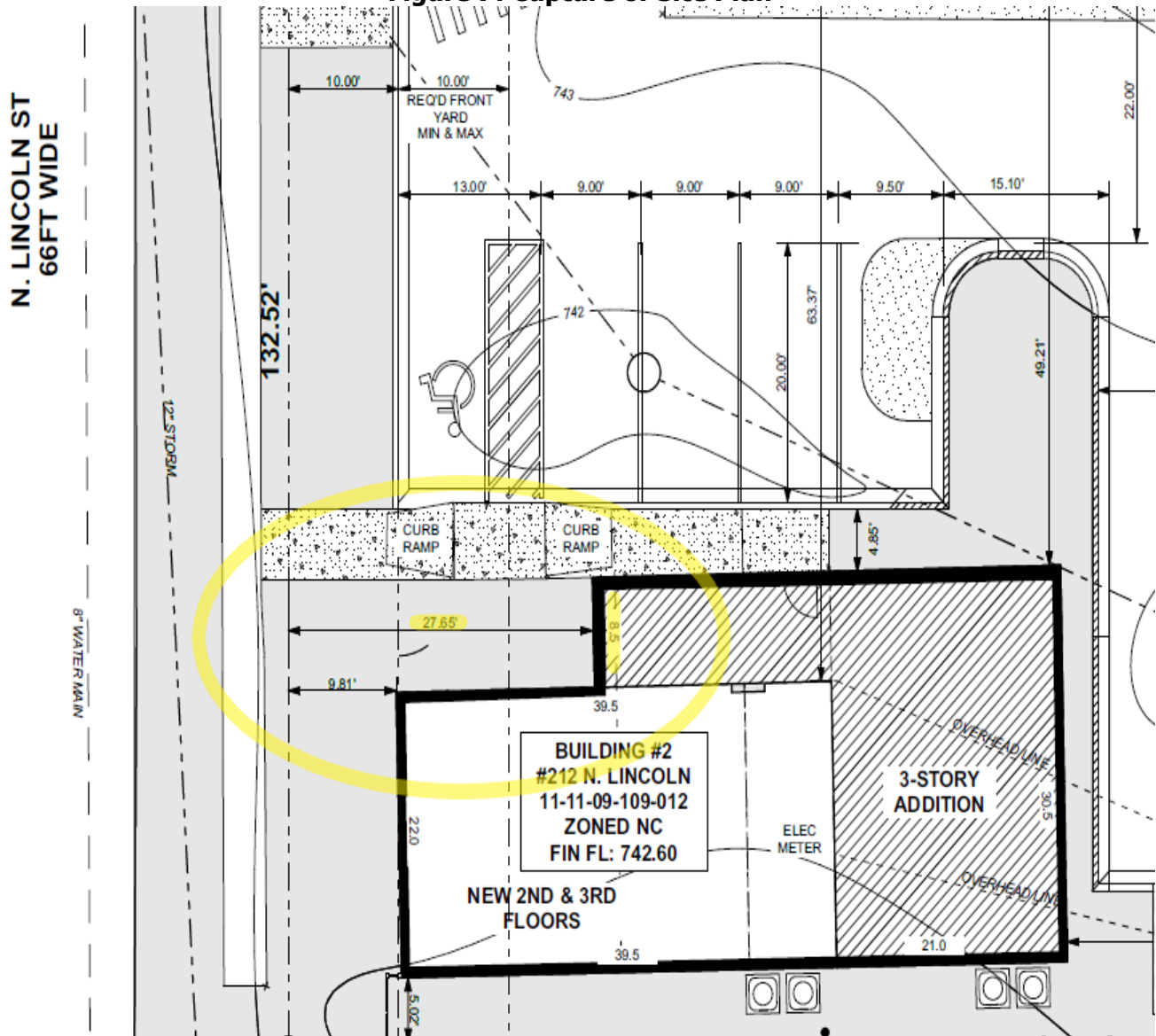
A Courtyard Apartment is generally a grouping of apartment buildings arranged around and fronting on a central courtyard that may be partially or wholly open to the street, on a lot that accommodates the associated parking and outdoor living areas. Each dwelling may have its own entrance.

LOT REQUIREMENTS		MIN	MAX
A	Lot size (sf)	6,400	20,000
B	Lot width (ft)	80	200
C	Lot depth (ft)	80	180
D	Lot coverage (%)	--	80
BUILDING ENVELOPE		MIN	MAX
E	Street setback (front or side) (ft)	10(1)	20
F	Side setback (interior lot line) (ft)	0	10
G	Rear setback (ft)	10	--
H	Frontage buildout (%)	50	75

LOT REQUIREMENTS AND BUILDING ENVELOPE**Staff Interpretation of *Frontage Buildout***

While not explicitly defined in the zoning ordinance, staff has interpreted frontage buildout to mean the percentage of the building that falls within the required front setback range. For *Courtyard Apartment* building types, this required setback range is 10' minimum and 20' maximum front setbacks. The *Courtyard Apartment* building type requires a frontage buildout of 50% to 75%. That means, out of the total length of the property's frontage, 50% to 75% of this frontage needs to be occupied by buildings falling within the 10' and 20' front setback range. See the above diagrams.

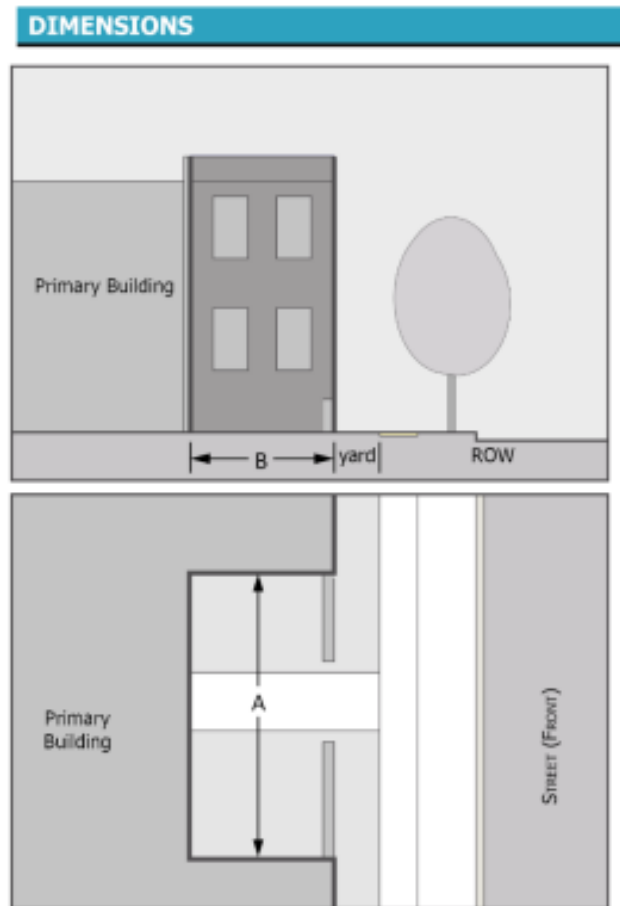
Figure 7: Capture of Site Plan



§122-483.Forecourt**F FORECOURT**

The façade is set back from the front lot line per applicable street setback requirements. A portion of the façade is recessed to form an uncovered court. The court is suitable for outdoor dining, gardens, formal entries etc.. A fence, wall, or landscaping may be used to define the private space of the court. The court may be elevated behind a retaining wall at or near the front lot line with entry steps to the court.

FORECOURT DIMENSIONS		MIN	MAX
A	Clear span width (ft)	12	--
B	Depth (ft)	12	50
YARD REQUIREMENTS			
C	Must be landscaped/pervious, with a path at least 6 feet wide connecting the building entrance to the sidewalk.		

**Staff Interpretation of *Forecourt Private Frontage***

Staff interprets *forecourt private frontage* to encompass four items, three of which are explicitly labeled above:

1. Forecourt dimension: clear span width
2. Forecourt dimension: depth
3. Yard requirements
4. AND, the entrance door placed on front of the building.

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.

Variance 1 (Frontage Buildout 122-472.CA):

The existing layout of the building and site provides the rationale for the request. The buildings are existing block buildings; the applicant wishes to maximize the re-use of the buildings. The addition proposed on Building 2 is placed in such a manner to prevent disruption of the storm drain and piping, and to retain the parking to the north of the building. In eliminating a few spaces to the east of the building, the site is able to slightly decrease its impervious surface by 252 square feet.

Staff Recommendation: Standard met.

Variance 2 (Forecourt Private Frontage 122-472.CA/122-483):

The applicant wishes to retain the orientation of entrances on the two buildings, in which both entrances are oriented towards the parking lot rather than the front/street. The zoning ordinance requires private frontages, where entrances to buildings are oriented towards the front (the street) and are designed a certain way. Both buildings are proposing stairwells as part of their entries. Building 2 may have a building width that is not sensible to contain a private frontage, but Building 1's shape seems, in staff's opinion, to be sufficient for a private frontage. A singular stairwell may be placed in the front (west building line) of the building, eliminating the double stairwells in the current design.

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.

Variance 1:

There are plenty of buildings in the immediate neighborhood of Lincoln St. and Park St., as well as nearby Depot Town, that comply with building frontage. This is a neighborhood that has small setbacks and buildings oriented close to the front. City staff is well aware of the structural nonconformities that exist in NC zones and its associated building types, and is consistent in applying the zoning ordinance from one scenario to the next.

Staff Recommendation: Standard not met

Variance 2:

There are plenty of buildings in the immediate neighborhood of Lincoln St. and Park St., as well as nearby Depot Town, that have private frontages at the very least, facing the street. City staff is well aware of the structural nonconformities that exist in NC zones and its associated building types, and is consistent in applying the zoning ordinance from one scenario to the next.

Staff Recommendation: Standard not met.

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

Variances 1 & 2:

The buildings were designed and built prior to the current owner (applicant) having an interest in the property. That, combined with the current iteration of the zoning ordinance being adopted in 2014, free the applicant from responsibility of the practical difficulties

Staff Recommendation: Standard 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.

Variance 1:

Staff does not believe granting of the variance will be detrimental to the public welfare or injurious to other property or improvements in the neighborhood. If anything, the locating of the building as the applicant proposes eliminates some impervious surface, by 252 square feet, which is a benefit to stormwater runoff and heat-island mitigation.

Staff Recommendation: Standard met.

Variance 2:

The lack of a forecourt private frontage should not create an injurious situation to other properties or improvements in the neighborhood.

Staff Recommendation: Standard 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.

Variance 1:

Staff does not believe that substantial justice will be done, nor that the individual circumstance outweighs the public benefit intended to be secured by the zoning ordinance in this case. The goal of the zoning ordinance building types are to require developments that are front-facing and conducive to walkability.

Staff Recommendation: Standard not met.

Variance 2:

Private frontages facing the street should increase walkability and safety. While having entrances from the side in this case does not create an injurious situation for adjacent properties on a property-to-property basis, the City aims to emphasize entrances facing the street for safety reasons and to help create more “eyes on the street.” It is not quite known why the private frontage cannot face the street, especially in Building 1’s case.

Staff emphasizes private frontage requirements should be consistently applied, and does not want to jeopardize planning and zoning efforts that stress such frontward building types.

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.

Variance 1:

The proposal does increase frontage by 8.5 feet, however, it unfortunately does so outside of the required frontage buildout range (10’ to 20’ feet from front property line). The current frontage buildout is currently at 11.3%. With the way the applicant proposes to design Building 2, this 11.3% frontage buildout would not be changing. Minimum necessary might mean increasing the frontage buildout by 8.5 feet, but again, this 8.5 feet expansion does not count towards frontage buildout.

Note: If the Zoning Board of Appeals were welcoming to this variance request, the variance approval language should be narrowed to say “variance request to allow for an 11% frontage buildout” to ensure that future development does not propose 0% frontage buildout.

Staff Recommendation: Standard not met.

Variance 2:

The forecourt private frontage requirement is essentially a four-fold requirement. It entails having a private frontage (entrance and facade) that faces the street, clear span width, depth, and a yard with a path bordered by landscaping/pervious surface. This request is waiving the whole package of a forecourt private frontage, to therefore use entrances that do not front the site, rather front the interior parking lot.

Note: If the Zoning Board of Appeals were welcoming to the spirit of this request, a potential lesser variance might entail relief from the clear span width and depth, but not the private frontage requirement altogether. In that case, the applicant would provide an entrance that clearly faces the street and has a path at least six feet wide bordered by landscaping, connecting the building entrance to the sidewalk. Staff does not believe this is the minimum variance necessary, but would be conducive towards a variance that waives the clear span width and depth, but still requires the private frontage.

Staff Recommendation: Standard not met.

STAFF RECOMMENDATION

Staff recommends the Zoning Board of Appeals **deny** the variance request from Section 122-472.CA to permit less than 50% frontage buildout at 212 N Lincoln St with the following findings:

Findings:

1. Granting of the variance would confer upon the applicant a special privilege that is denied by this chapter to other lands, structures, or buildings in the same district. (§122-370.b.2)
2. The allowance of the variance would not ensure substantial justice being done, considering the public benefits that the zoning ordinance and planning efforts propose. (§122-370.b.5)
3. The variance request is not the minimum necessary. (§122-370.b.6)

Staff recommends the Zoning Board of Appeals **deny** the variance request from Section 122-472.CA/122-483 to permit no forecourt private frontage at 212 N Lincoln St with the following findings:

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 for the purpose of a forecourt private frontage variance. (§122-370.b.1)
2. Granting of the variance would confer upon the applicant a special privilege that is denied by this chapter to other lands, structures, or buildings in the same district. (§122-370.b.2)
3. The allowance of the variance would not ensure substantial justice being done, considering the public benefits that the zoning ordinance and planning efforts propose. (§122-370.b.5)
4. The variance request is not the minimum necessary. (§122-370.b.6)

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 <u>Hussein Wahab</u>	
Address [REDACTED]	
Phone [REDACTED]	Email [REDACTED]

Property

Address <u>212 N. Lincoln Street</u>	Parcel ID <u>11-11-09-109-012</u>
Property owner* <u>Hussein Wahab</u>	
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

Lincoln St. Apartments. 12 apartments in 2 buildings

Building #1: (6) 2-bedroom units Building #2: (6) 1-bedroom units

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

Section 122-472 Courtyard APT, 122-483 Forecourt

Explain how the proposed project is contrary to ordinance

Building Frontage Buildout is less than min 50% required

Required Forecourt is not provided

Explain the unique conditions/circumstances to the property and why compliance with the ordinance will pose practical difficulties.

Project proposes to reuse the existing building foundations,
and significant portion of parking lot, storm infrastructure

Adding additional building frontage will disturb the existing parking lot and/or storm infrastructure. Providing a proper forecourt would require a third building, or disruption of the existing parking lot

Explain how the variance will not grant a special privilege that is not similarly enjoyed by other properties in the same district.

The existing arrangement of two buildings and parking lot are unique to this site

Have the practical difficulties been created by any person presently having an interest in the property?

The buildings predate the current owner. The parking lot was installed by the applicant to serve the existing buildings.

Will the granting of the variance be detrimental to the public welfare or neighborhood properties?

We believe the apartments will be beneficial to the public welfare compared to the previous automotive use.

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?

The proposed variances will permit the reuse of the existing building foundations and parking lot

Is this variance request the minimum variance that will make possible a reasonable use of land, buildings, or structure?

This is the minimum number of variances possible, particularly when compared with the Apartment Building (AB) building type.

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:

10/15/20

Print Name:

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:	Amount:	Account: 101-4-7210-607-01
☐ Cash		Code: 178 Rezone
☐ Check payable to City of Ypsilanti		Signature of person receiving deposit:
☐ Credit (+ 3.0% surcharge)		
Description of deposit:		

Lincoln St Apartments ZBA application
10/12/2020

The project proposes two variances: A non-conforming forecourt, and insufficient frontage buildout.

1. Forecourt Requirements

A forecourt is impractical because a conforming forecourt would not permit the reuse of the parking lot or existing building foundations. The Courtyard Apartment classification will create the minimum variances that will make possible the reuse of the building foundations and parking lot.

If the project was considered to be an Apartment Building (AB) building type, the forecourt requirement would be replaced by a porch or a stoop, but would generate additional nonconformities as follows:

- The larger Front Yard range of 10-25 ft will make Bldg #1 closer to conforming (but still not conforming)
- The larger minimum side setback of 5ft will make Building #1 more non-conforming.
- The larger rear yard setback of 25ft will make Building #1 more non conforming
- The larger frontage buildout requirement of 60-80% will make the project more non conforming.

2. Building Frontage Requirements

The current buildings have about 15 feet or 11% of conforming frontage build-out. If non-conforming frontages are also included, the proposed buildings will provide 70.5ft or 53% of frontage buildout. While technically non-confirming, the existing buildings certainly provide more definition to the streetscape than the 11% building frontage suggests.

It is our opinion that non-conforming building facades that face the street meet the definition of "Private frontage" even if it is non-conforming. The term "frontage buildout" however is not defined and open to interpretation. We further note that the existing buildings, classified as Single-Story Commercial (SC) will share the same 50% minimum frontage setback as the proposed Courtyard Apartment, and are previously equally non-conforming.

As mentioned in the previous section, the Apartment Building (AB) building type will increase the minimum frontage buildout to 60%, making the project more non-conforming.

LINCOLN ST. APARTMENTS

YPSILANTI, MI

SHEET INDEX

SHEET NO.	SHEET TITLE
S1	PROPOSED SITE PLAN
S2	EXISTING SITE PLAN
S3	GRADING PLAN
S4	LANDSCAPE PLAN
S5	SITE LIGHTING
A1	FOUNDATION PLAN
A2	1ST FLOOR PLAN
A3	2ND FLOOR PLAN
A4	3RD FLOOR PLAN
A5	ELEVATIONS
A6	ELEVATIONS
A7	SECTIONS
B1	FOUNDATION PLAN
B2	1ST FLOOR PLAN
B3	2ND & 3RD FLOOR PLANS
B4	ELEVATIONS
B5	SECTIONS
B6	SECTIONS

DESIGNED IN ACCORDANCE WITH THE MICHIGAN BUILDING CODE 2015 EDITION.

LEGAL DESCRIPTION: LOTS 82 & 83 OF HUNTERS ADDITION TO THE VILLAGE OF YPSILANTI, WASHTENAW COUNTY, MI AS RECORDED IN THE PLAT THEREOF, RECORDED IN LIBER 2, P. 166-167 OF WASHTENAW COUNTY RECORDS

PROPERTY OWNER: HUSSEIN WAHAB
212 N. LINCOLN ST.
YPSILANTI, MI 48198

PROJECT DESCRIPTION: CONVERSION OF EXISTING AUTOMOTIVE GARAGE & OFFICE TO TWO MULTI-FAMILY APARTMENTS, ONE WITH (6) 2-BEDROOM-UNITS, AND ONE WITH (6) 1-BEDROOM UNITS. MINOR ALTERATIONS TO PARKING AND LANDSCAPING ARE PROPOSED.

AREA ANALYSIS

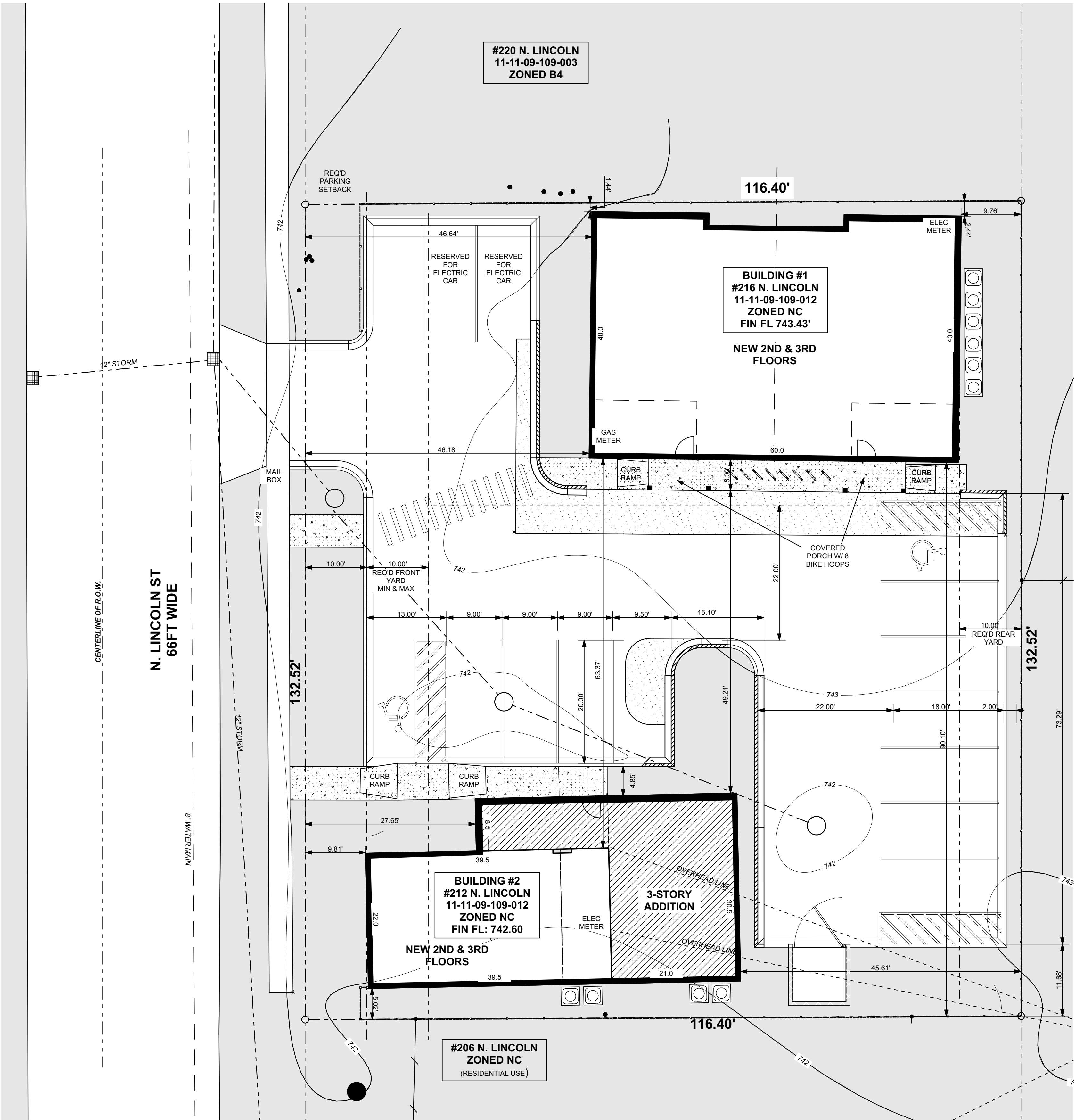
EXISTING	PROPOSED
EX. BUILDING #1 1ST FL 2,400 SF	EX. BUILDING #1 AREA REMOVED 2,400 SF BLDG #1 2ND FL ADDITION +2,356 SF BLDG #1 3RD FL ADDITION +2,356 SF PROP. BUILDING #1 AREA 7,068 SF BLDG #1 COVERED PORCH +208 SF
EX. BUILDING #2 1ST FL 866 SF EX. BUILDING #2 2ND FL 866 SF EX. BUILDING #2 AREA 1,732 SF	EX. BUILDING #2 1ST FLOOR 866 SF 1ST FL ADDITION +825 SF EX. BUILDING #2 2ND FLOOR 866 SF 2ND FL ADDITION +825 SF 3RD FL ADDITION +1,691 SF PROP. BUILDING #2 AREA 5,073 SF BLDG #2 PORCHES +100 SF
EX. BUILDING #1 FRONTAGE 0.00 FT ENTIRE FRONTAGE IS NON CONFORMING EX. BUILDING #2 FRONTAGE 15.0 FT PORTION OF FRONTAGE IS NON CONFORMING EX. FRONTAGE BUILDOUT 15 FT = 11.3% 132.52 FT	PROP. BUILDING #1 FRONTAGE 40.00 FT PROP. BUILDING #2 FRONTAGE 30.5 FT PROP. FRONTAGE BUILDOUT 70.5 FT = 53.2% 132.52 FT
EXISTING BLDG FOOTPRINTS 3,266 SF EX. LOT AREA 15,425 SF (.35 ACRES) EX. LOT COVERAGE 3,266 SF = 21.2% 15,425 SF	PROP. BLDG FOOTPRINTS 4,255 SF PROP. LOT COVERAGE 4,255 SF = 27.6% 15,425 SF

SCHEDULE OF REGULATIONS

BUILDING TYPE CA COURTYARD APARTMENT	REQ'D		EXISTING	PROPOSED	VARIANCE
	MIN	MAX			
LOT					
LOT AREA	6,400 SF	20,000 SF	15,312 SF	NO CHANGE	NONE
MIN LOT WIDTH	80.0 FT	200.0 FT	132.0 FT	NO CHANGE	NONE
MIN LOT DEPTH	80.0 FT	180.0 FT	116.0 FT	NO CHANGE	NONE
LOT COVERAGE	0%	80%	21.2%	27.6%	NONE
FRONT YARD	10.0 FT (1)	20.0 FT	46.64 FT	NO CHANGE	LEGAL NON-COMFORMITY EX. FRONT YARD TOO LARGE
SIDE YARD/ NORTH	0.0 FT	10.0 FT	1.44 FT	NO CHANGE	NONE
REAR YARD	10.0 FT	---	9.76 FT	NO CHANGE	LEGAL NON-COMFORMITY REAR YARD TOO SMALL
BLDG STORIES	2	4	1	3	NONE
FRONT YARD	10.0 FT (1)	20.0 FT	9.81 FT	NO CHANGE	0.19 FT LEGAL NON-COMFORMITY FRONT YARD TOO SMALL
SIDE YARD/ SOUTH	0.0 FT	10.0 FT	5.02 FT	NO CHANGE	NONE
REAR YARD	10.0 FT	---	66.07 FT	45.61 FT	NONE
BLDG STORIES	2	4	2	3	NONE
FRONTAGE BUILDOUT	50%	75%	11.3%	NO CHANGE	38.7% NON-COMFORMITY ADDITION DOES NOT IMPROVE BUILDOUT
FORECOURT CLEAR WIDTH	12.0 FT	---	63 FT±	49 FT±	NONE
FORECOURT DEPTH	12.0 FT	50.0 FT	116.40 FT	116.40 FT	PROP. 66.40 FT NON-COMFORMITY COURTYARD NOT PROVIDED

(1) OR USE ESTABLISHED AVERAGE SETBACK

TWO VARIANCES PROPOSED



1" = 10'

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ZBA 1 OCT 2020
ZBA 29 SEP 2020
REVIEW 14 SEP 2020
CONCEPT #2 17 AUG 2020
REVIEW 29 NOV 2018
CONCEPT 2 JAN 2018

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

	EXISTING	CHANGE	PROPOSED
IMPERVIOUS AREAS	12,218 SF	-252 SF	11,966 SF
BUILDINGS	3,266 SF	+989 SF	4,255 SF
ASPHALT PAVEMENT	6,461 SF	-543 SF	5,918 SF
CONCRETE CURBS	590 SF	-6 SF	592 SF
CONCRETE PAVEMENT	1,893 SF	-692 SF	1,201 SF
INCL DUMPSTER			
PERVIOUS AREAS	3,207 SF	+252 SF	3,459 SF
	20.8% OF SITE		22.4% OF SITE
SITE AREA	15,425 SF		15,425 SF
	0.35 ACRES		0.35 ACRES

PROJECT PROPOSES TO DECREASE IMPERVIOUS AREA BY 8%

RENTABLE AREA (1)

APT #1	934 SF	2-BEDROOM
APT #2	934 SF	2-BEDROOM
APT #3	967 SF	2-BEDROOM
APT #4	967 SF	2-BEDROOM
APT #5	967 SF	2-BEDROOM
APT #6	967 SF	2-BEDROOM
APT #7	599 SF	1-BEDROOM
APT #8	591 SF	1-BEDROOM
APT #9	612 SF	1-BEDROOM
APT #10	591 SF	1-BEDROOM
APT #11	639 SF	1-BEDROOM
APT #12	612 SF	1-BEDROOM

(1) EXCLUDES EXTERIOR & SHARED WALLS

GENERAL SITE PLAN NOTES

1. SITE IS ZONED NC (NEIGHBORHOOD CORRIDOR). THE ADJACENT PROPERTIES ARE ALSO ZONED NC, BUT THERE ARE RESIDENTIAL USES TO THE EAST AND SOUTH.

2. PROJECT IS TREATED AS BUILDING TYPE CA (COURTYARD APARTMENT) WHICH IS A PERMITTED BUILDING TYPE IN THE NC DISTRICT.

2. BLDG #1 IS A 6-UNIT BUILDING REQUIRING A SPECIAL USE PERMIT IN THE NC DISTRICT. BLDG #2 OS A 4-UNIT BLDG AND IS A PERMITTED USE IN THE NC DISTRICT.

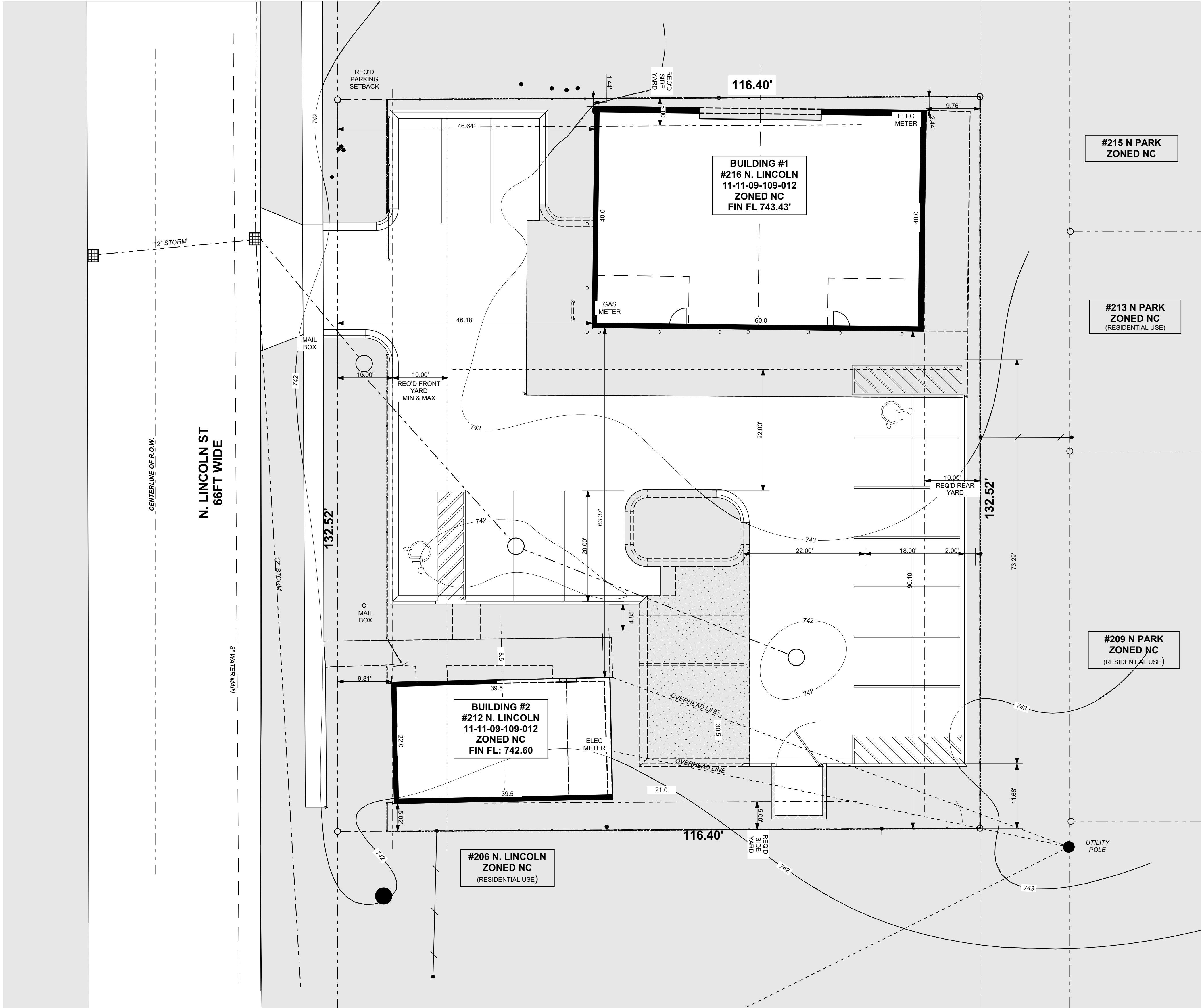
3. IT IS NOTED THAT THIS PROJECT COULD ALSO BE TREATED AS BUILDING TYPE AB (APARTMENT BUILDING), BUT THAT WOULD REQUIRE 1 ADDITIONAL VARIANCES, AND THE VARIANCES WOULD BE LARGER.

4. ALL PROPOSED SITE CONSTRUCTION WILL OCCUR AT ONE TIME.

PARKING REQUIREMENTS

MULTI-FAMILY RESIDENTIAL	
1.5 PER UNIT: 12 UNITS x 1.5 =	18
PLUS 1 PER 10 UNITS FOR GUESTS:	
12 UNITS /10 x 1 =	1.2
TOTAL PARKING REQUIRED	19.2
BIKE PARKING: 1 PER 5 VEHICLE SPACES	
15/5 = 3 BIKE HOOPS REQUIRED	

	15
STANDARD PARKING STALLS	11
BARRIER FREE PARKING STALLS	2
(2) RESERVED ELECTRIC CAR SPACE COUNTS AS 4 PARKING SPACES	4
(8) COVERED BIKE PARKING SPACES COUNTS AS 2 AUTOMOBILE PARKING SPACE	2
PLANNING COMMISSION AUTHORITY WAIVES THE ADDITIONAL FRACTION OF A PARKING SPACE	0.2
TOTAL PARKING PROPOSED	19.2



1
S2

SITE DEMOLITION PLAN

1" = 10'

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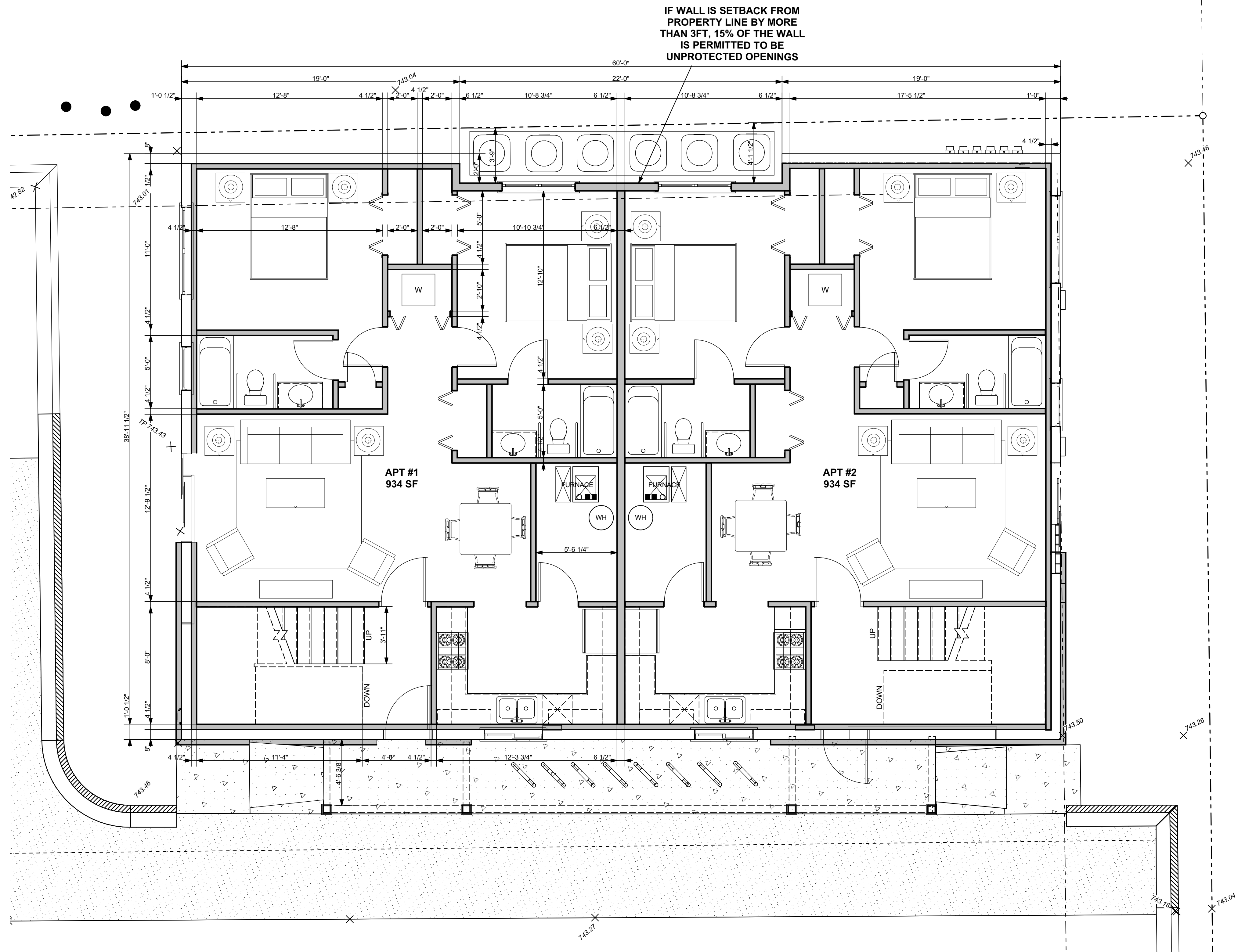
PROJECT:
LINCOLN ST. APARTMENTS
212 LINCOLN ST
YPSILANTI, MI

JOB NO:
1801

SHEET NO.

S2

TITLE: **EX. SITE PLAN**



2
A2 **BLDG #1- 1ST FLOOR PLAN**

1/4" = 1'-0"

CODE ANALYSIS
MICHIGAN BUILDING CODE 2015

306.2	BUILDING USE IS R2 (APARTMENT)
TABLE 504.3	ALLOWABLE BUILDING HEIGHT FOR CONSTRUCTION TYPE VB, R-2 USE WITH A SR13 SPRINKLER SYSTEM IS 60FT
TABLE 504.4	ALLOWABLE # OF STORIES FOR CONSTRUCTION TYPE VB, R-2 USE WITH AN S13R SPRINKLER SYSTEM IS 3. 2 STORIES ARE PROPOSED
TABLE 506.2	ALLOWABLE AREA FACTORS FOR CONSTRUCTION TYPE VB, R-2 USE WITH AN S13R SPRINKLER SYSTEM. $A_t = NS = 7,000$
506.2.3	BLDG #1 ALLOWABLE AREA $= [A_t + (NS \times I_f)] \times S_a = [7,000 + (7,000 \times 0.25)] \times 2 = 17,500$ SF BLDG #2 ALLOWABLE AREA $= [A_t + (NS \times I_f)] \times S_a = [7,000 + (7,000 \times 0.12)] \times 2 = 15,680$ SF
506.3	BLDG #1 FRONTAGE INCREASE FOR WEST & NORTH SIDES $I_f = \left[\frac{F}{P} - 0.25 \right] \times \frac{W}{30} = \left[\frac{(40+60)}{200} - 0.25 \right] \times \frac{30}{30} = 0.25$ BLDG #2 FRONTAGE INCREASE FOR NORTH SIDE $I_f = \left[\frac{F}{P} - 0.25 \right] \times \frac{W}{30} = \left[\frac{95.5}{258.8} - 0.25 \right] \times \frac{30}{30} = 0.12$
TABLE 601	CONSTRUCTION TYPE IS VB- WOOD FRAME CONSTRUCTION
TABLE 705.8	FOR BLDG #1, NORTH EXTERIOR WALL WITH FIRE SEPARATION DISTANCE BETWEEN 0 AND 3 FEET, NO OPENINGS ARE PERMITTED
903.2.8	AN AUTOMATIC SPRINKLER SYSTEM IS REQUIRED IN BUILDINGS WITH GROUP R USE
1107.6.4.2	IN APARTMENT BUILDINGS WITH 4 OR MORE UNITS, ALL UNITS ARE REQUIRED TO BE ACCESSIBLE TYPE B UNITS
1107.7.2	HOWEVER, MULTI-STORY DWELLING UNITS WITHOUT ELEVATOR SERVICE ARE NOT REQUIRED TO BE ACCESSIBLE/ TYPE B UNITS

ACCESSIBILITY

AN ACCESSIBLE ROUTE (ENTRANCE) IS NOT REQUIRED TO A STORY OF LESS THAN 3,000 SF. THIS 2ND AND 3RD FLOORS ARE 2,365 SF PER STORY. (MBC 1104.4 EXCEPTION 1)

BECAUSE BUILDING 1 HAS MORE THAN 4 UNITS IN A SINGLE STRUCTURE, ALL OF THE UNITS ARE REQUIRED TO BE TYPE B ACCESSIBLE UNITS (MBC 1107.6.2.2.2)

BECAUSE NO ELEVATOR IS PROPOSED IN BUILDING 1, ONLY THE LOWEST STORY WILL BE ACCESSIBLE AND CONTAIN TYPE B ACCESSIBLE UNITS (MBC 1107.7.1.1)

TYPE A ACCESSIBLE UNITS ARE NOT REQUIRED IN STRUCTURES WITH LESS THAN 20 DWELLING UNITS (MBC 1107.6.2.2.1)

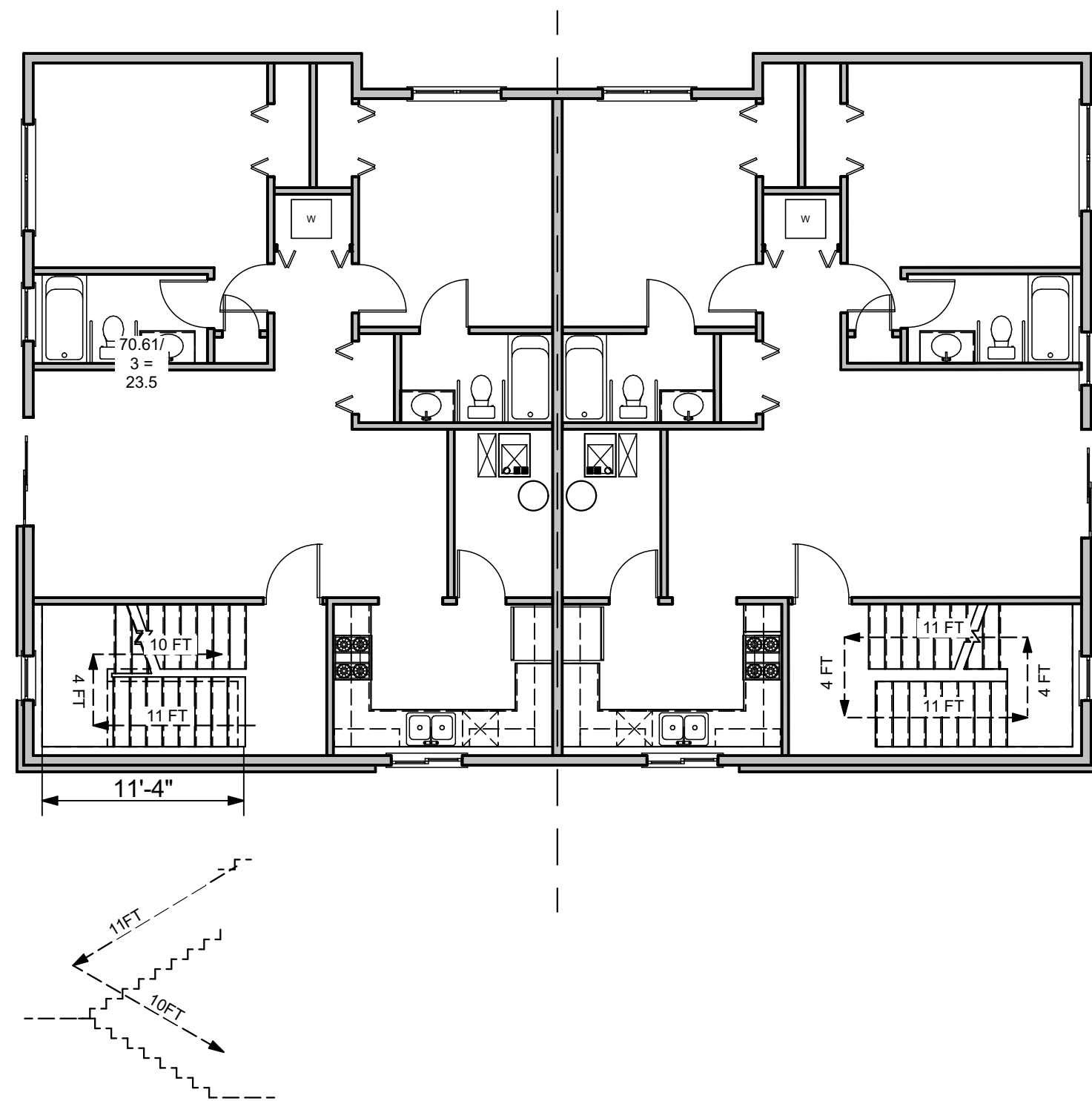
FIRE PROTECTION

AN **AUTOMATIC SPRINKLER SYSTEM** IS REQUIRED IN BUILDINGS WITH GROUP R USE (MBC 903.2.8)

DWELLING UNITS MUST BE SEPARATED BY FIRE PARTITIONS AND HORIZONTAL ASSEMBLIES WITH A FIRE RATING OF **1 HOUR** WHEN AN **NFPA 13R SPRINKLER** IS USED.

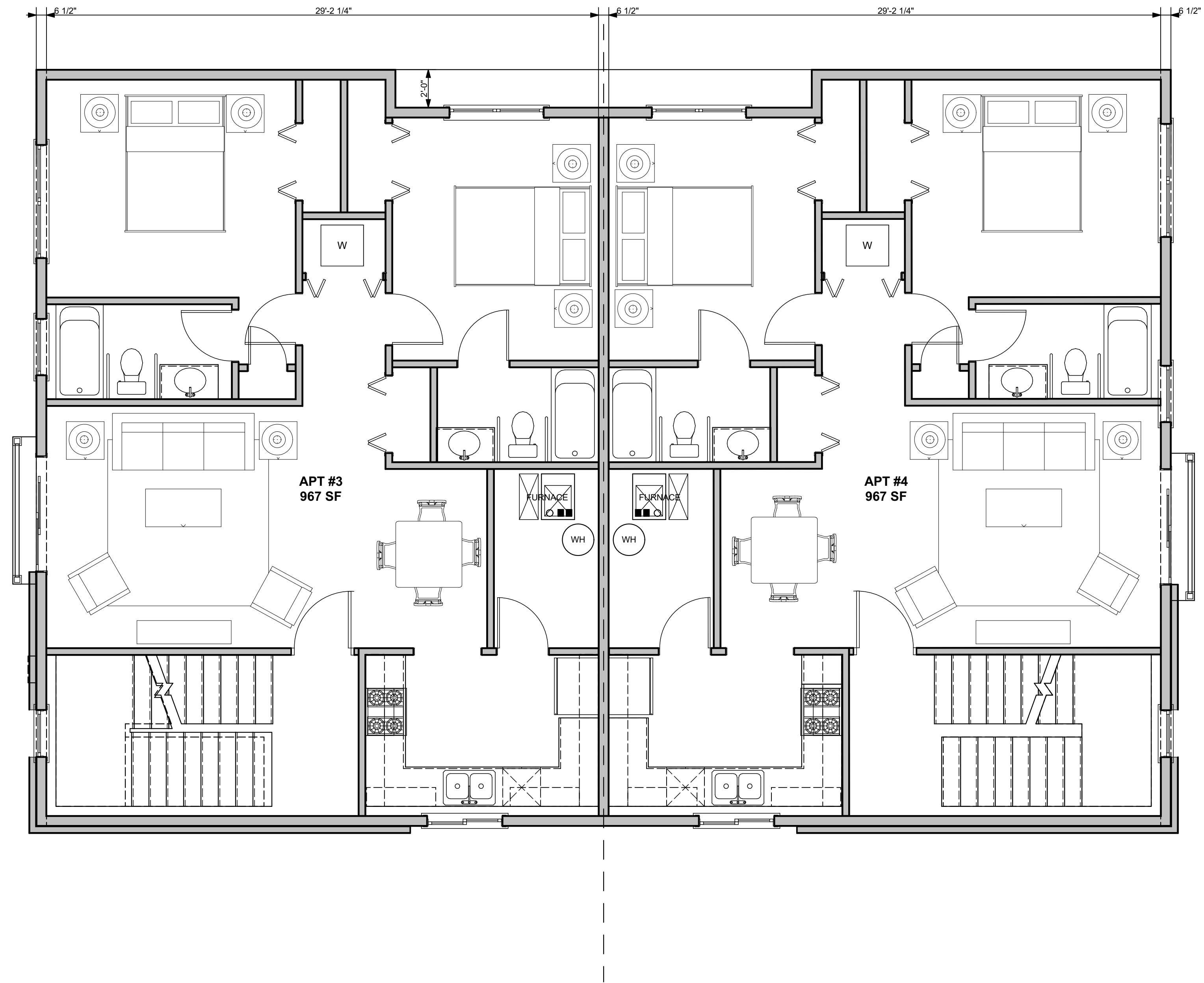
THE FIRE PARTITIONS AND HORIZONTAL ASSEMBLIES CAN BE REDUCED TO A FIRE RATING OF **1/2 HOUR** WHEN AN **NFPA 13 SPRINKLER** IS USED (MBC 708.3 AND 711.2.4.3)

THE INTERIOR EXIT STAIRWAYS MUST BE SEPARATED FROM THE REST OF THE BUILDING BY 1 HOUR CONSTRUCTION BECAUSE THE STAIRWAY CONNECTS LESS THAN 4 STORIES (MBC 1023.2)



2
A3 2ND FLOOR EGRESS PLAN

1/8" = 1'-0"



1
A3 2ND FLOOR PLAN: BLDG #1

1/4" = 1'-0"

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PROJECT:
LINCOLN ST. APARTMENTS
212 LINCOLN ST
YPSILANTI, MI

TITLE: **BLDG 1- 2ND FLOOR PLAN**

JOB NO:
1801

SHEET NO.

A3

ENTRANCE ACCESSIBILITY

IN APARTMENT BUILDINGS (USE R-2) WITH 4 OR MORE UNITS, ALL UNITS MUST BE ACCESSIBLE (MBC 1107.6.4.2)

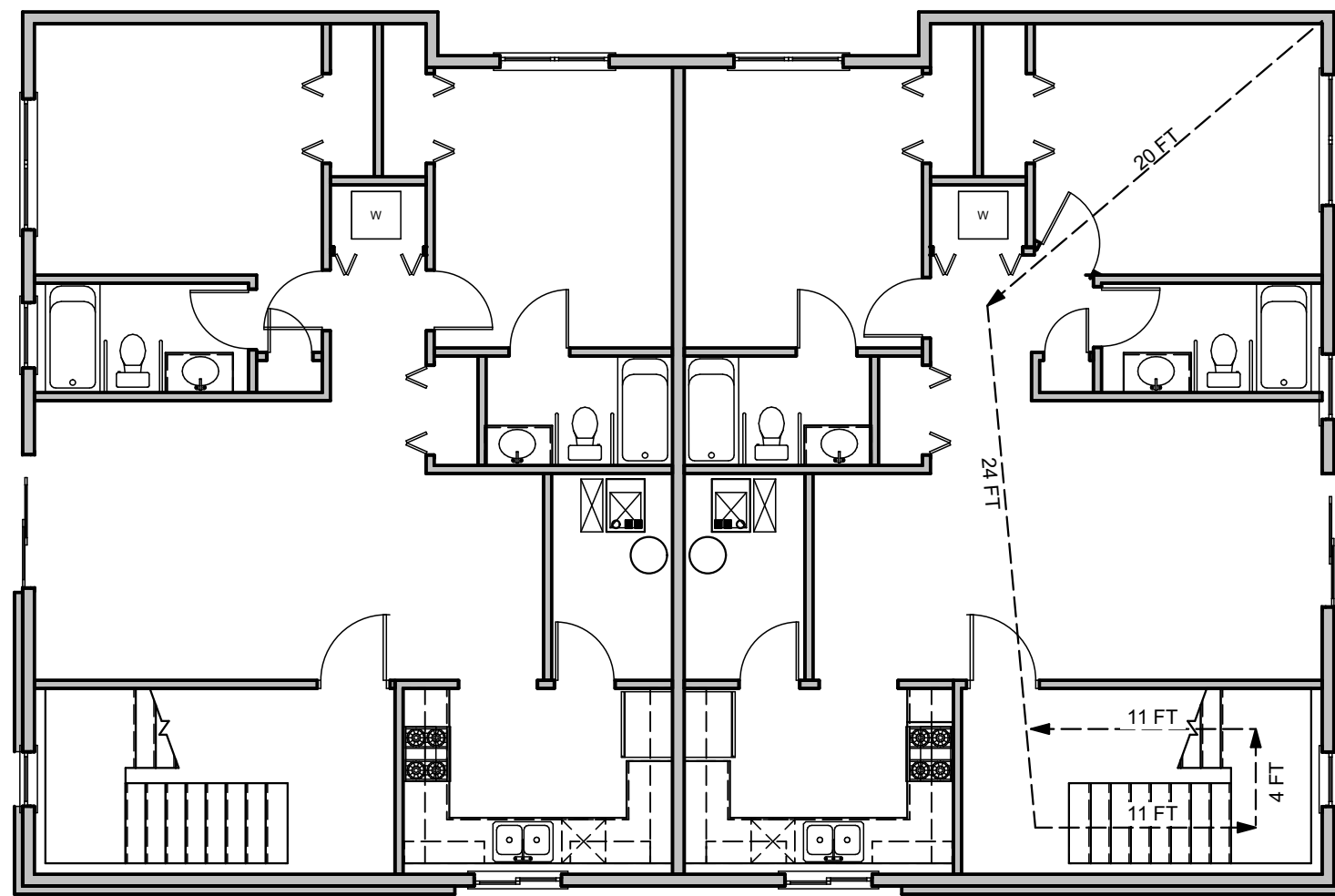
IN BUILDINGS WITHOUT ELEVATORS, AT LEAST ONE STORY MUST HAVE ACCESSIBLE TYPE B UNITS (MBC 1107.7.1)

2ND AND 3RD FLOORS WILL NOT CONTAIN ACCESSIBLE DWELLING UNITS BASED ON SECTION 1107. AN ELEVATOR IS NOT REQUIRED FOR STORIES THAT DO NOT CONTAIN ACCESSIBLE ELEMENTS BASED ON SECTION 1107. (MBC 1104.4 EXCEPTION 2)

EGRESS ACCESSIBILITY

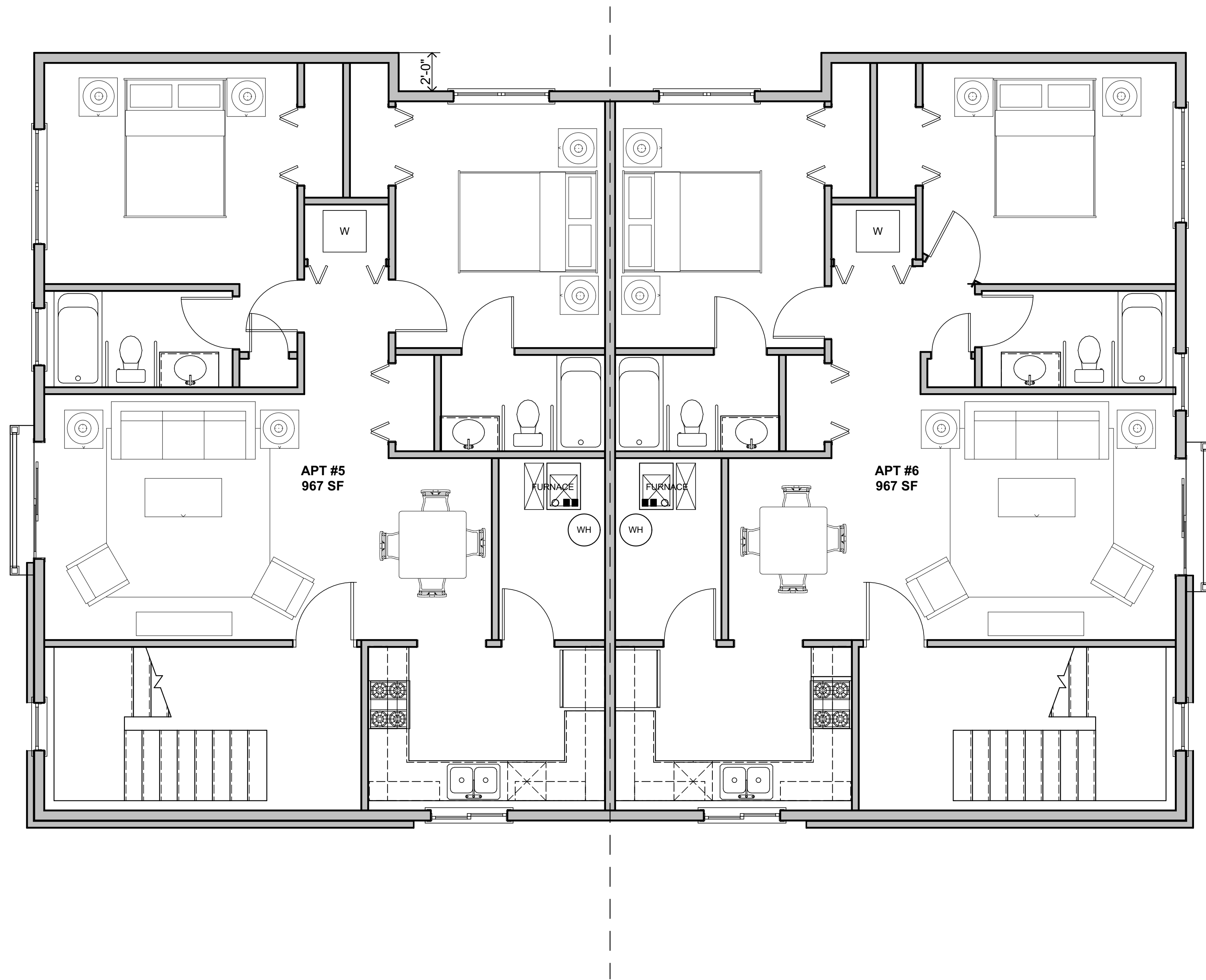
WITHOUT ACCESSIBLE ELEMENTS, THE 2ND & 3RD FLOOR ARE NOT CONSIDERED ACCESSIBLE SPACES THAT REQUIRE AN ACCESSIBLE EXIT. THEREFORE THE EXIT STAIRWAY WILL MEET THE REQUIREMENTS FOR STAIRWAYS AND INTERIOR EXIT STAIRWAYS (SECTIONS 1011 AND 1023) BUT NOT THE REQUIREMENTS FOR ACCESSIBLE STAIRS (SECTION 1109.3). THE MINIMUM WIDTH OF STAIRS WILL BE 36" FOR AN OCCUPANT LOAD LESS THAN 50.

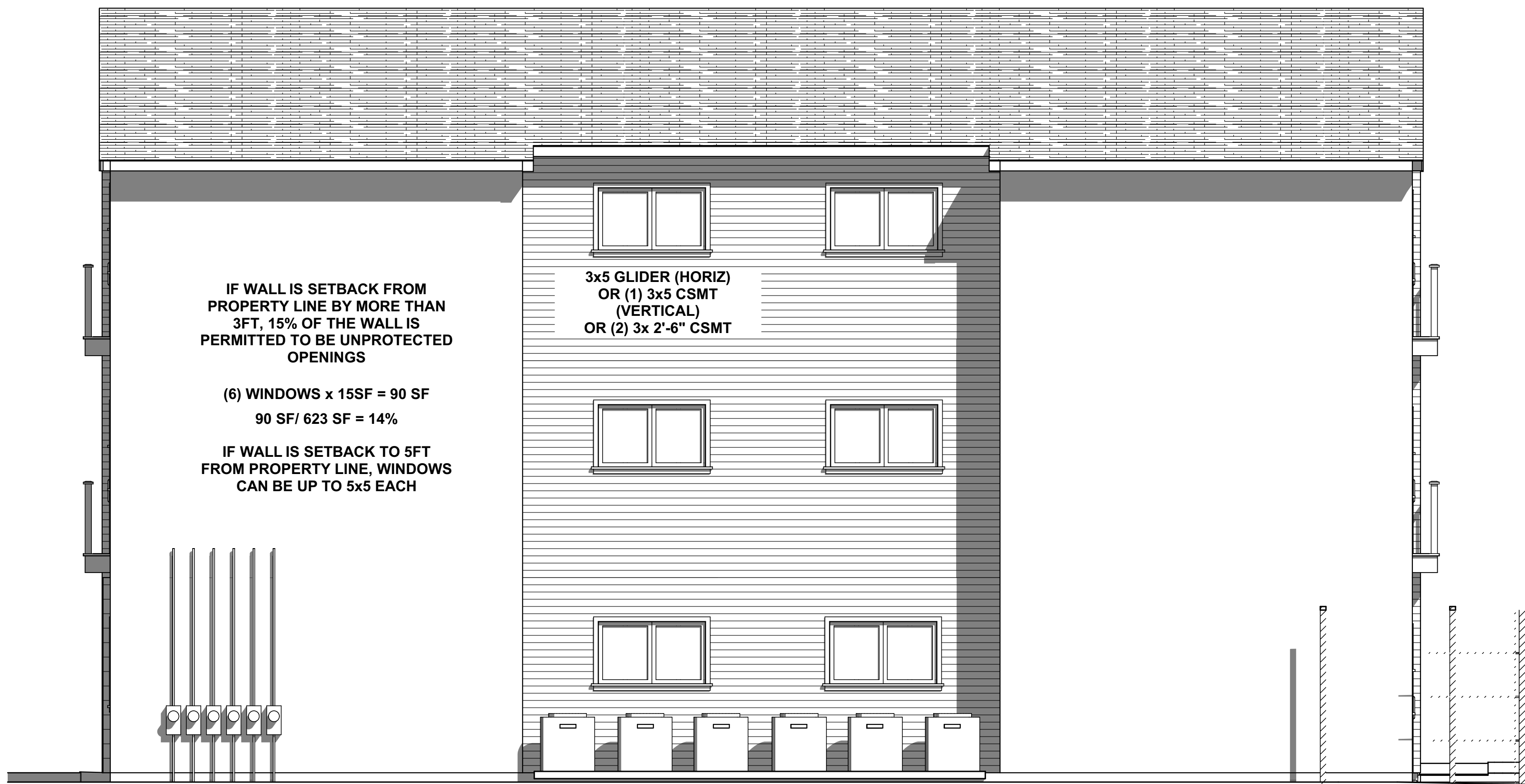
ALTERNATIVELY, THE WIDTH AND AREA OF REFUGE REQUIREMENTS FOR AN ACCESSIBLE STAIR ARE WAIVED FOR A BUILDING WITH AN AUTOMATIC SPRINKLER SYSTEM. (MBC 1109.3 EXCEPTION 2, 5, AND 8)



COMMON PATH OF EGRESS TRAVEL =
 $20 + 24 + (11 + 4 + 11) + (4 + 11 + 4 + 11) + 7 = 107 \text{ FT}$

TABLE MBC 1006.3.2(1) - WITH 3 STORIES, 2 UNITS PER FLOOR, AN AUTOMATIC SPRINKLER SYSTEM, AND EMERGENCY EGRESS OPENINGS, A SINGLE STAIRWAY IS SUFFICIENT FOR EACH FLOOR, WITH A COMMON PATH OF EGRESS TRAVEL LESS THAN 125 FT (MBC TABLE 1006.3.2. (1))





1 BLDG #1 LEFT ELEVATION
A5

1/4" = 1'-0"



2 BLDG #1: FRONT ELEVATION
A5

1/4" = 1'-0"

ZBA	29 SEP 2020
REVIEW	14 SEP 2020
CONCEPT #2	17 AUG 2020
REVIEW	29 NOV 2018
CONCEPT	2 JAN 2018

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

PROJECT:
LINCOLN ST. APARTMENTS
212 LINCOLN ST
YPSILANTI, MI

TITLE: **BLDG 1- ELEVATIONS**

JOB NO:
1801

SHEET NO.

A6



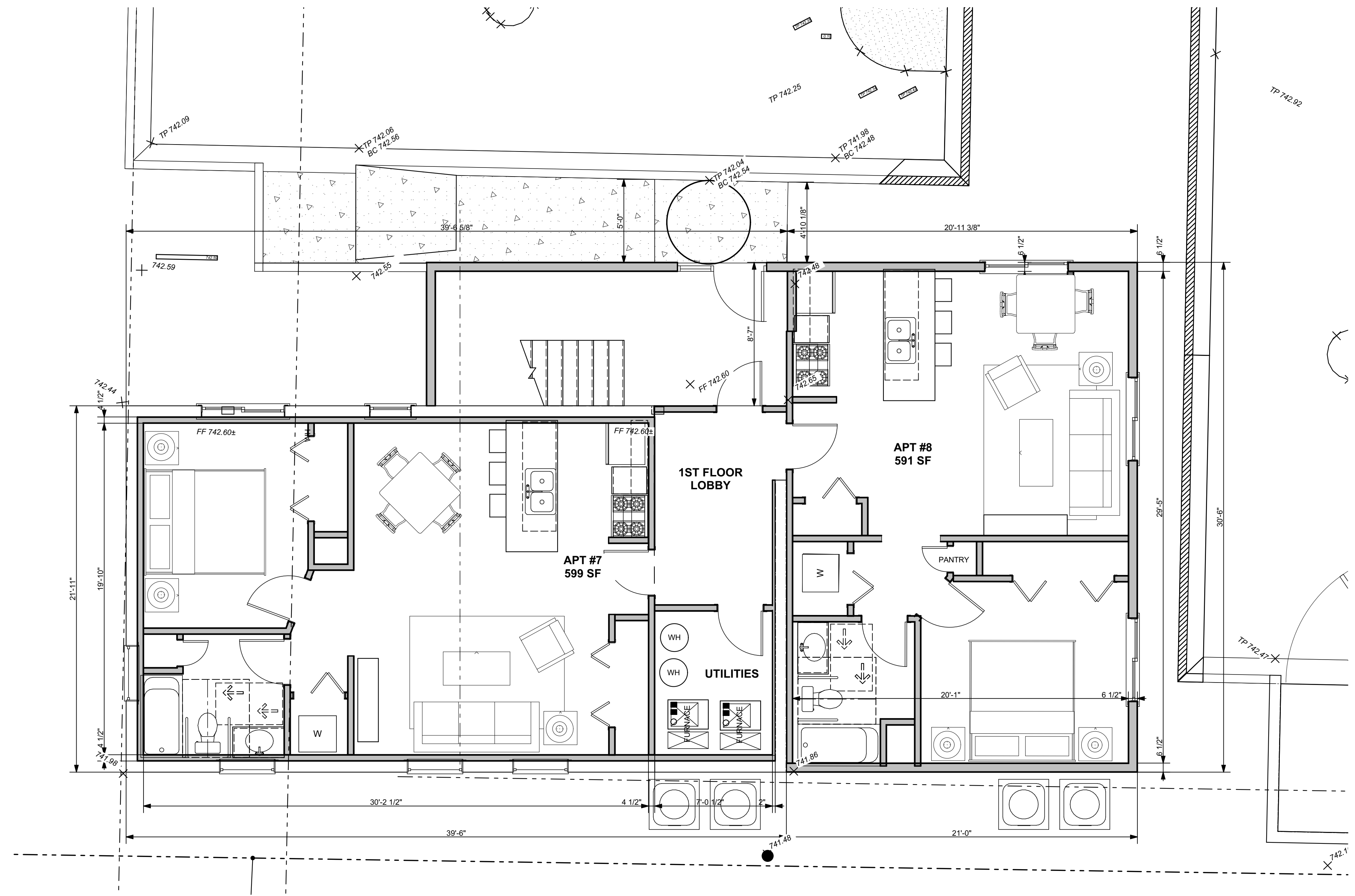
2
A6 BLDG #1: REAR ELEVATION

1/4" = 1'-0"



1
A6 BLDG #1- RIGHT ELEVATION

1/4" = 1'-0"



1 BLDG #2: 1ST FLOOR PLAN
B2

1/4" = 1'-0"

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ZBA 29 SEP 2020
REVIEW 14 SEP 2020
CONCEPT #2 17 AUG 2020
REVIEW 29 NOV 2018
CONCEPT 2 JAN 2018

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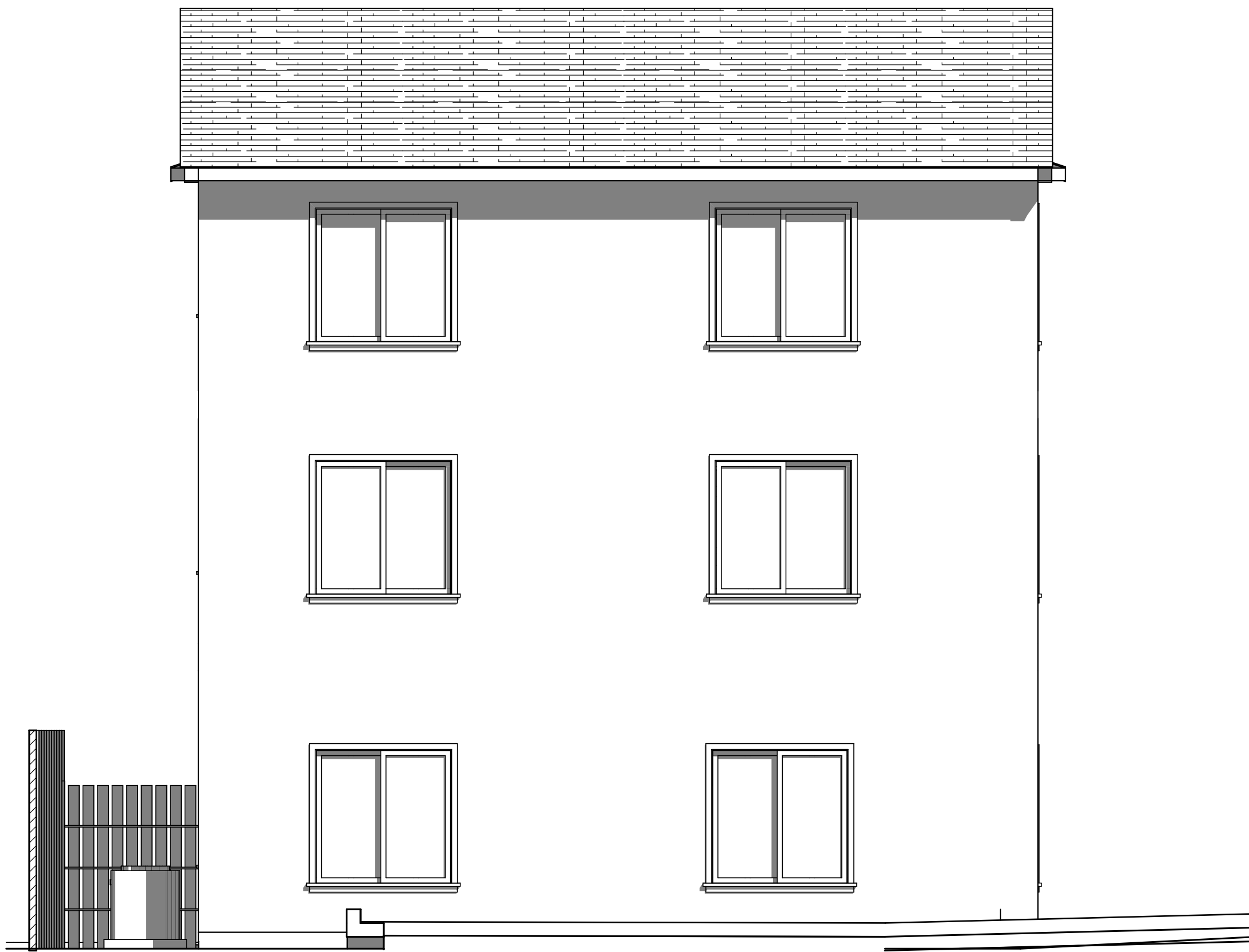
PROJECT:
LINCOLN ST. APARTMENTS
212 LINCOLN ST
YPSILANTI, MI

TITLE: **BLDG 2- 1ST FLOOR PLAN**

JOB NO:
1801

SHEET NO.

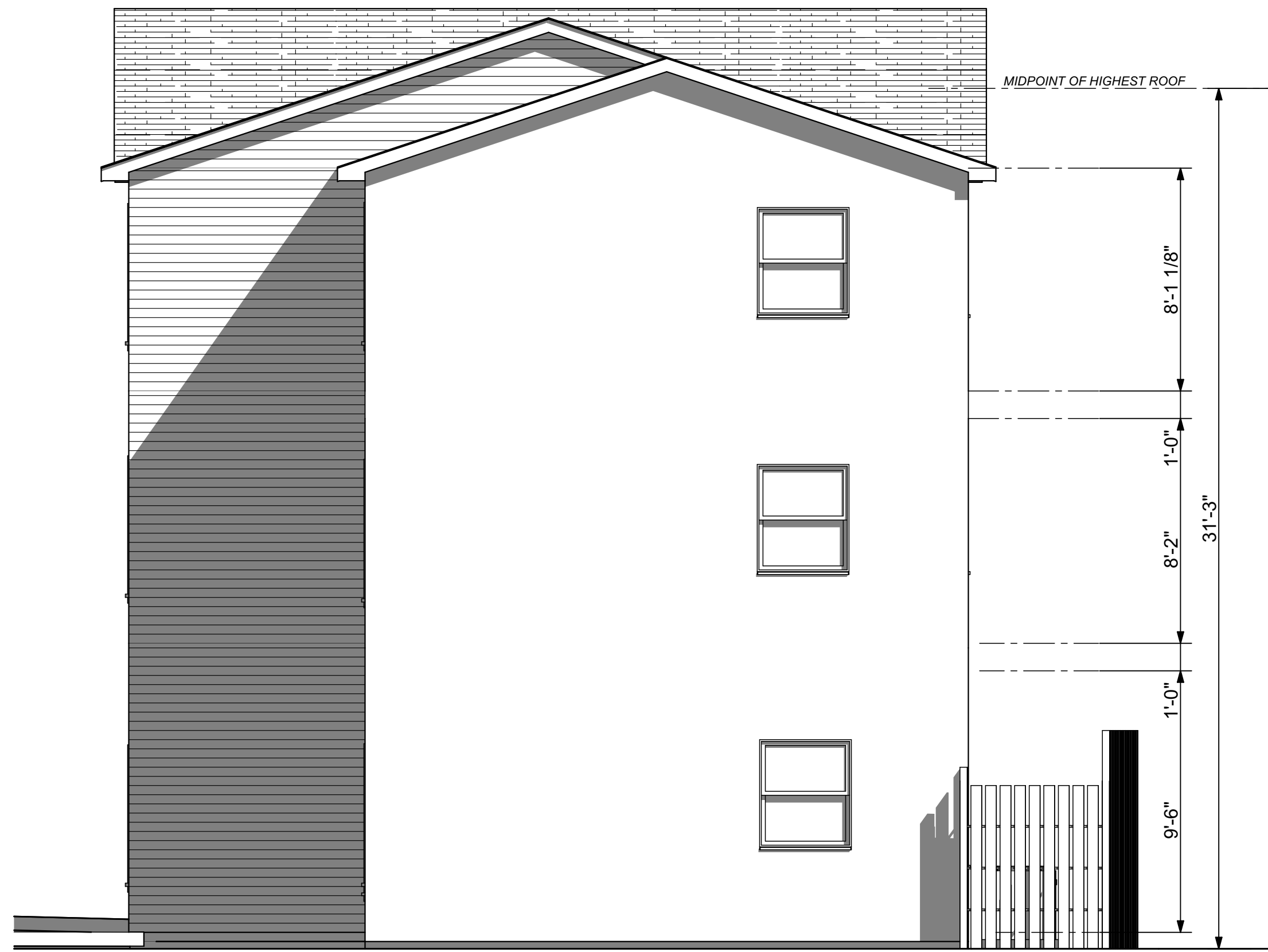
B2



3 BLDG #2: REAR ELEVATION
1/4" = 1'-0"



2 BLDG #2 RIGHT ELEVATION
1/4" = 1'-0"



4 BLDG #2: FRONT ELEVATION
1/4" = 1'-0"



1 BLDG #2 LEFT ELEVATION
1/4" = 1'-0"

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ZBA 29 SEP 2020
REVIEW 14 SEP 2020
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CONCEPT 2 JAN 2018

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PROJECT:
LINCOLN ST. APARTMENTS
212 LINCOLN ST
YPSILANTI, MI

TITLE: **BLDG 2- ELEVATIONS**

JOB NO:
1801

SHEET NO.

B4



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PROJECT:
LINCOLN ST. APARTMENTS
212 LINCOLN ST
YPSILANTI, MI

TITLE: **RENDERINGS**

JOB NO:
1801

SHEET NO.



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

The Ypsilanti Zoning Board of Appeals will hold a special virtual meeting on Monday, November 30, 2020 at 7 p.m.

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

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

November 30, 2020 Zoning Board of Appeals Meeting Virtual Access Link

<https://us02web.zoom.us/j/84426683247?pwd=SG5mamRvWkpGTVewL0o2M0Vnbm5vUT09>

When prompted, enter **Passcode**: 588426

When prompted, enter **Meeting ID**: 844 2668 3247

November 30, 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**: 844 2668 3247, followed by the **Passcode**: 588426, 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: November 24, 2020

**Special Meeting Agenda
Zoning Board of Appeals
Monday, November 30, 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. 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

- August 26, 2020 Meeting
- October 28, 2020 Meeting

IV. Purpose of Meeting

V. Old Business

- 212 N Lincoln St – Variances
 - *Tabled from October 28, 2020 meeting.*

VI. New Business

- Zoning ordinance interpretation – Courtyard Apartment building types and Forecourt private frontages

VII. Adjournment

DRAFT MEETING MINUTES
Zoning Board of Appeals – Virtual Meeting
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
Jared Talaga, Vice Chair
Heather Khan
Jason Ringholz
Tom Roach

P
A
P
P
A

Georgina Hickey

N/A - alternate

III. Approval of Minutes

- June 24, 2020

Spelling corrections were indicated.

Motion to approve June 24, 2020 minutes as amended.

Offered by: Khan; **Seconded by:** Ringholz

Approved: Yes-3; No-0; Absent-2

Motion carried.

IV. Purpose of Meeting

V. Old Business

VI. New Business

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

City Planner Andy Aamodt presented the staff report. The variance request is for relief from Section 122-465(7) and 122-475.CM or 122-477.SC, to permit parking in the front yard of a site to be developed. The site is currently vacant, and the applicant wishes to construct a roughly 3,500 square foot commercial building that would house a medical clinic as well as another smaller commercial suite.

Mr. Aamodt emphasized that this being a vacant rectangular lot, there are not any practical difficulties in staff's view. There are also planning efforts regarding Reimagine Washtenaw in which have guided how the City zones and regulates Washtenaw Avenue. In staff's mind this type of development would undermine Reimagine Washtenaw and planning efforts, not securing public benefits intended to be protected by the zoning ordinance. Staff recommended denial as not all of the standards were met.

Applicants Zaid Yalda and Tiffany Zair-Yalda spoke about the variance request. Their intention is to move from the current building across the street to construct this new building. They would like to take advantage of a cross-access agreement with the neighboring property, as they believe that would make the property more accessible.

Motion to open the public hearing

Offered by: Ringholz; **Seconded by:** Khan

Approved: Yes-3; No-0; Absent-2

Motion carried.

Andy Andre, worked with applicant on the development of the plans, spoke in favor of the variance.

Dave Witham, tenant of Zaid Yalda, spoke in favor of the variance.

Motion to close the public hearing

Offered by: Khan; **Seconded by:** Ringholz

Approved: Yes-3; No-0; Absent-2

Motion carried.

The ZBA deliberated on the case. ZBA specifically deliberated on safety concerns, weighing safety thoughts with the City's planning efforts to guide development.

*Motion to **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.*

Offered by: Khan; **Seconded by:** Ringholz

Approved: Yes-3; No-0; Absent-2

Motion carried.

VII. Adjournment

Offered by: Ringholz; **Seconded by:** Khan

Approved: Yes-3; No-0; Absent-2

Motion carried.

DRAFT MEETING MINUTES
Zoning Board of Appeals
Wednesday, October 28, 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. The access code is posted in the Public Notice on www.cityofpysilanti.com and attached in the packet.

I. Call to Order

II. Roll Call

Jake Albers, Chair
Jared Talaga, Vice Chair
Heather Khan
Jason Ringholz
Tom Roach

P
P
P
A
P

Georgina Hickey *alternate*

N/A

III. Approval of Minutes

- August 26, 2020 Meeting

Boardmember Roach and Talaga mentioned abstaining from the minutes because of being absent for the August 26, 2020 minutes.

Motion to table the August 26, 2020 minutes.

Offered by: Khan; **Seconded by:** Roach

Approved: Yes-4; No-0; Absent-1

Motion carried.

IV. Purpose of Meeting

Chairperson Albers explained the purpose of the meeting and the purpose for variances.

V. Old Business

No new business.

VI. New Business

- 212 N Lincoln St – Variances
 - *Public Hearing*

City Planner Andy Aamodt presented the staff report. Aamodt noted there are two variances: Variance #1 is a variance permitting a frontage buildout of less than 50%, and Variance #2 is a variance to permit no forecourt private frontage.

Boardmember Roach asked for clarity on the nonconformities. Pertaining to the frontage buildout, Aamodt explained that the site plan proposes an increase of building frontage, but because it does not increase the frontage buildout towards the 50% requirement, staff deemed a variance is required.

Boardmember Roach asked if a real, usable door is required as part of a private frontage. Aamodt responded that staff interprets a real door to be part of a private frontage.

Boardmember Khan asked if the variances go together or if they can be separated. Aamodt

responded that these variances are separated, and it is possible for one to be approved but not the other.

Chairperson Albers supported the idea that if variance one (frontage buildout) were to be approved, it should be phrased as "no less than 11% frontage buildout," because that is what currently exists.

Chairperson Albers discussed the Forecourt and how staff observes the entrance as a critical piece of the Forecourt. Staff interprets, at the very least, an entrance facing the street with a path of at least 6 feet in width and landscaping as the most important items in a renovation project like this. Renovating a building or constructing new walls for the sole purpose to create a depth and clear span width can be burdensome for applicants.

Todd Ballou, architect for the applicant, spoke. The applicant wishes to re-use the building footprints as is and does not wish to conduct substantial work to the parking lot and utilities. Mohamad Wahab, representative for the property owner, spoke and summarized the rationale for the request.

Todd Ballou explained an opinion where the Forecourt entrance does not need to face the front street- it can instead front an open space, an open space similar to what's explained in the Courtyard Apartment description. In this case the apartment buildings would front the parking lot and sidewalk space in the interior of the lot. Ballou stated this issue has caused confusion in their development in the plan and creates issue with the way Variance #2 is approached.

Chairperson Albers asked the applicants if the frontage buildout could be increased at all. The applicants stated it might be possible to increase the frontage buildout to about 16%. The wall would not be united with the current building face, but would be recessed a bit in a way where it can still contribute to the frontage buildout.

Boardmember Khan asked the applicant if the granting of one variance would jeopardize the other. Ballou stated the forecourt would not contribute to the frontage buildout because the minimum depth, at 12 feet, would be too far back to qualify, which creates an issue when imposing Forecourts at the front of a property.

Motion to open the public hearing

Offered by: Talaga; **Seconded by:** Khan

Approved: Yes-4; No-0; Absent-1

Motion carried.

No one spoke.

Motion to close the public hearing

Offered by: Roach; **Seconded by:** Khan

Approved: Yes-4; No-0; Absent-1

Motion carried.

Boardmember Roach pointed out that requiring the applicant to move their building wall up, it would actually take away some of the only landscaping that exists on the site.

Chairperson Albers asked staff for how they interpret the Courtyard Apartment text that says "partially or wholly open to the street." Aamodt replied that in staff's opinion that text is a general description. Aamodt stated the definition of private frontage should be considered and the further Forecourt requirements should be considered instead of this general text. However, staff acknowledges there is a point of confusion here.

Chairperson Albers wondered if there is flexibility in a building frontage facing an inner courtyard, which then opens to the street. Boardmember Roach concurred that is a main point right now.

Chairperson Albers asked staff what the next steps are if there is a piece of the ordinance that is too difficult to base a decision on especially regarding what is in front of the Board right now. The Courtyard Apartment and Forecourt private frontage and relationship is too unclear at this time. Aamodt responded that an interpretation of the zoning ordinance can be formally brought to the Zoning Board of Appeals as its own case. The ZBA's interpretation would then guide how the ordinance is interpreted going forward, in future cases and future site plans. A new meeting with proper public notice would be required to hold such an interpretation case. The other Boardmembers agreed this is the most fair option at this point.

Motion to table variance request from Section 122-472.CA to permit less than 50% frontage buildout at 212 N Lincoln St, until a special meeting can be arranged at a later date.

Offered by: Talaga; **Seconded by:** Khan

Approved: Yes-4; No-0; Absent-1

Motion carried.

Motion to table variance request from Section 122-472.CA/122-483 to permit no forecourt private frontage at 212 N Lincoln St, until a special meeting can be arranged at a later date.

Offered by: Roach; **Seconded by:** Talaga

Approved: Yes-4; No-0; Absent-1

Motion carried.

- Approval of 2021 Meeting Schedule

Motion to approve 2021 meeting schedule as presented.

Offered by: Roach; **Seconded by:** Talaga

Approved: Yes-4; No-0; Absent-1

Motion carried.

VII. Adjournment

Motion to adjourn.

Offered by: Khan; **Seconded by:** Roach

Approved: Yes-4; No-0; Absent-1

Motion carried.



Memo

To: Zoning Board of Appeals
From: Andy Aamodt, City Planner
Date: November 30, 2020
Subject: Ordinance Interpretation & Variance Cases

As you are well aware, you (Zoning Board of Appeals) decided at the October 2020 meeting to table the 212 N Lincoln variance cases until an ordinance interpretation could be heard, reviewed, and determined. In this meeting's packet I included the staff report for the variances exactly as it was written for the October meeting.

The ordinance interpretation case should be the first case on the November 30 special meeting agenda. **The ZBA should make a motion to amend the meeting agenda to place New Business before Old Business.** In general, ordinance interpretations do not need to be tied to a property, rather the zoning ordinance's text as presented. Do not feel the need to narrow your thoughts to the 212 N Lincoln property when analyzing this ordinance interpretation.

However, the reason this interpretation case will take place first is because it could potentially alter or adjust "Variance 2," the variance request from Section 122-472.CA/122-483 to permit no forecourt private frontage. Based on the potential options laid out in the attached staff report, the following scenarios could happen:

- If ZBA determines Option 1 or Option 3 as the proper interpretation, the Variance 2 case would be applied similarly to the October 2020 meeting. That is, a Forecourt private frontage would be a four-fold requirement, requiring a clear span width, depth, yard requirement, and the private frontage/building entry would need to face the street. The Variance 2 request would be asking for relief for this requirement in its entirety.
- If ZBA determines Option 2 or Option 4 as the proper interpretation, then the Variance 2 case changes to an extent. That is, the Forecourt private frontage and building entries would not need to face the street, rather an open area that is then opened to the street. The extent of this Variance 2 request might end up only applying to Forecourt depth- because the depth delineated by the two buildings combined with the rear fence would be greater than the maximum of 50 feet. A six feet minimum path would need to lead to the entries, and that appears possible based on the conceptual site plan. The clear span width would be greater than 12 feet, therefore in compliance. Variance 2 would therefore be asking for a more minimal variance.

Note that Variance 1, the variance request from Section 122-472.CA to permit less than 50% frontage buildout does not change and is still on the table.



November 30, 2020

**Staff Review of Ordinance Interpretation
Courtyard Apartments and Forecourt Private Frontages**

GENERAL INFORMATION

Applicant:	City of Ypsilanti
Project:	Ordinance interpretation for Courtyard Apartments and Forecourt private frontages
Public Hearing Date:	November 30, 2020
Location:	N/A
Zoning:	N/A
Action Requested:	ZBA to interpret the zoning ordinance pertaining to Courtyard Apartment building types and Forecourt private frontages.

CASE DESCRIPTION

At the October 28, 2020 Zoning Board of Appeals meeting, the Board ran into confusion pertaining to the ordinance standards for *Courtyard Apartment* building types and *Forecourt* private frontages.

Staff interpreted at that time, that all private frontages need entry doors facing the street. Upon reading the *Courtyard Apartment* description text, combined with the *Forecourt* description text, it appears that such an interpretation is not so straightforward.

According to Section 122-396(a)(2), the Zoning Board of Appeals shall hear and decide on questions regarding "the interpretation of the language of this chapter when its meaning is unclear, or when there is uncertainty as to whether the language applies to a particular situation."

ORDINANCE**§122-203; §122-472.CA; §122-483****§122-203 Definitions**

Frontage, Private refers to the side of the building that faces the primary street, and includes the area between the building façade and the lot line.

§122-472.CA**Sec. 122-472. CA Courtyard Apartment****CA COURTYARD APARTMENT**

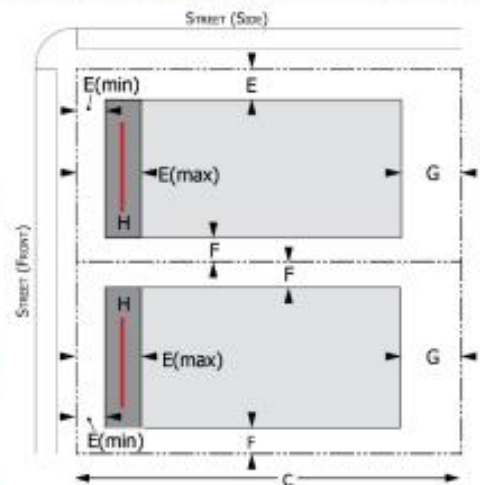
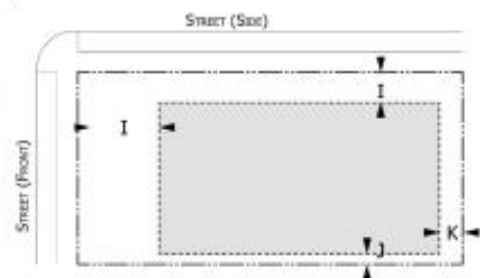
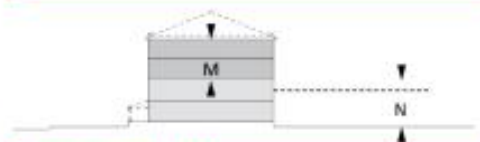
A Courtyard Apartment is generally a grouping of apartment buildings arranged around and fronting on a central courtyard that may be partially or wholly open to the street, on a lot that accommodates the associated parking and outdoor living areas. Each dwelling may have its own entrance.

LOT REQUIREMENTS		MIN	MAX
A	Lot size (sf)	6,400	20,000
B	Lot width (ft)	80	200
C	Lot depth (ft)	80	180
D	Lot coverage (%)	--	80
BUILDING ENVELOPE		MIN	MAX
E	Street setback (front or side) (ft)	10(1)	20
F	Side setback (interior lot line) (ft)	0	10
G	Rear setback (ft)	10	--
H	Frontage buildout (%)	50	75
ACCESSORY BUILDING ENVELOPE		MIN	MAX
I	Street setback (ft)	30	--
J	Side setback (ft)	5	--
K	Rear setback (ft)	5	--
L	Building footprint (sf)	--	800
BUILDING HEIGHT		MIN	MAX
M	Principal building (stories)	2	4
N	Accessory structure(s) (ft)	--	15
PARKING LOCATION		Permitted in the side and rear yards.	
PRIVATE FRONTAGES		Forecourt 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.



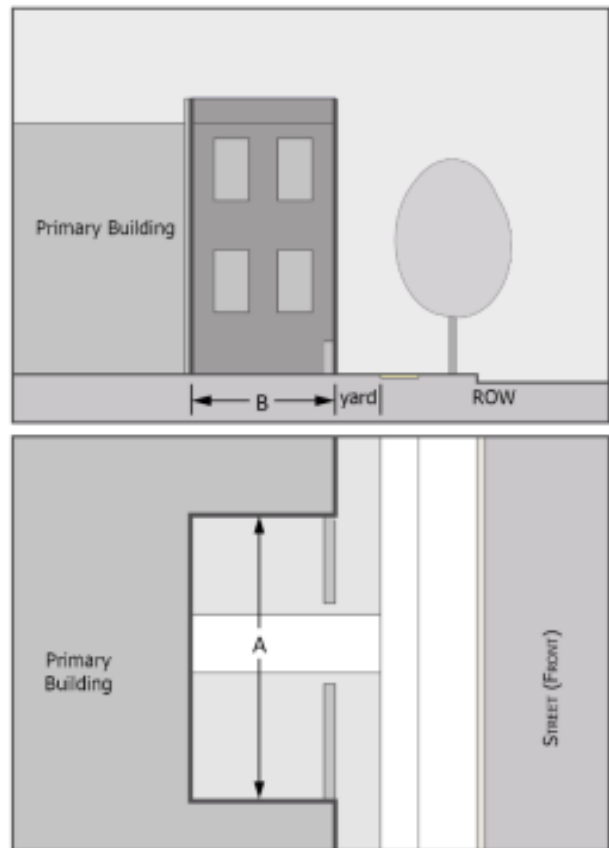
EXAMPLE

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

§122-483.Forecourt**F****FORECOURT**

The façade is set back from the front lot line per applicable street setback requirements. A portion of the façade is recessed to form an uncovered court. The court is suitable for outdoor dining, gardens, formal entries etc.. A fence, wall, or landscaping may be used to define the private space of the court. The court may be elevated behind a retaining wall at or near the front lot line with entry steps to the court.

FORECOURT DIMENSIONS		MIN	MAX
A	Clear span width (ft)	12	--
B	Depth (ft)	12	50
YARD REQUIREMENTS			
C	Must be landscaped/pervious, with a path at least 6 feet wide connecting the building entrance to the sidewalk.		

DIMENSIONS

OPTIONS

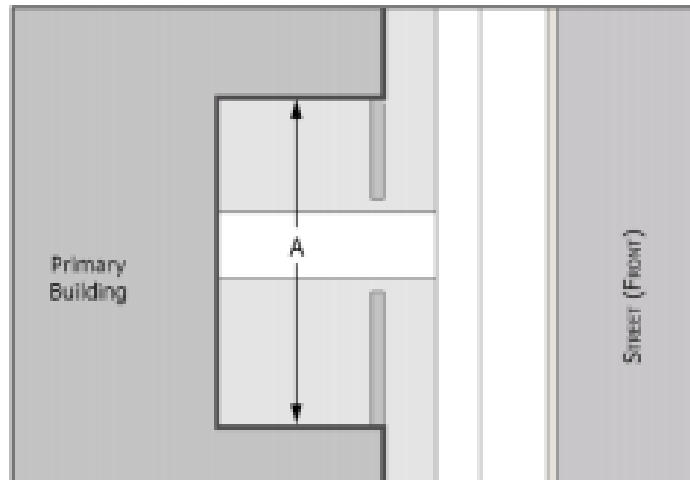
Option 1:

Explicit interpretation of ordinance prioritizing the definition of “private frontage” resulting in private frontage and building entry facing the street.

This option prioritizes the definition of “private frontage.” The definition of private frontage (§122-203) is clear that this is the side of the building that faces the street, therefore the door is assumed to also face the street.

This option would result in development that is more rigid towards the plan-view diagram in Section 122-483, and seen below. However, this option would enforce more street and front-facing development which represent goals of creating more walkability in the City. Additionally, building types are the form-based aspect of the City’s *Walkable Urban Districts* and these should enforce walkability rather than larger, more spacious “apartment complex” layouts.

As part of this interpretation, a Forecourt private frontage would encompass the following four items: clear span width, depth, yard requirement, and an entry door placed on the front of the building facing the street.



Note: Staff interpreted the ordinance this way in advance of the October 28, 2020 meeting. However, after further discussion it was decided that the ZBA was not quite comfortable in applying this interpretation regarding the subject variances, at least not before a formal interpretation case could be decided.

Option 2:

Flexible interpretation of ordinance prioritizing the Courtyard Apartment general description, with Forecourt private frontages and building entries allowed to not face the street, rather facing the open space created by the forecourt.

This option prioritizes the intent of the *Courtyard Apartment* building type. In the general description, the ordinance states the building(s) are “arranged around and fronting on a central courtyard that may be partially or wholly open to the street, on a lot that accommodates the associated parking and outdoor living areas”

Looking at the relationship of all building types to their required private frontages, Courtyard Apartments are the only building types that use Forecourt as a one-to-one relationship. *Apartment Building* offers *Forecourt* as an option, but also offers *Porch* and *Stoop* as potential private frontages. No other building types make reference to Forecourt private frontages, so it appears *Forecourts* are tailored specifically towards Courtyard Apartments.

This option would hypothetically allow for the Forecourt to be a more flexible, less rigid space that leads to the entrance of the building. The emphasis in this option is more-so open space rather than the physical development of building walls and entries. Visiting the *Forecourt* general description, “a fence, wall, or landscaping may be used to define the private space of the court. The court may be elevated behind a retaining wall at or near the front lot line with entry steps to the court.” This description appears to relate to a more flexible design of a forecourt.

Additionally, when designing a site and considering other ordinance standards, a strict ordinance interpretation would not allow frontage buildout and Forecourt private frontages to work in harmony. That is, with a minimum depth of 12 feet, a Forecourt private frontage would not contribute towards a frontage buildout percentage. That would then require an even greater amount of non-depth-creating building wall to occupy the required frontage buildout area.

The following aerial captures below are examples of ways this more flexible interpretation may be applied.* The conceptual *Forecourt* is filled in yellow. These examples are found in Ypsilanti Township.





*Keep in mind that these apartment examples are not following stricter zoning and building type requirements - building setback, frontage buildout, and parking location requirements to name a few- that the City's zoning ordinance now enforces through the building types.

Option 3

Wide-ranging strict private frontage interpretation where all building entries in any private frontage type need to face the street.

This would require every door opening- ranging from a *Porch* to a *Forecourt* to a *Thoroughfare Commercial* private frontage- to face the street with no exceptions or flexibility.

Essentially, Option 1 would be a part of this Option 3. This Option 3 would be a wider encompassing option pertaining to all private frontages. Staff does not recommend this Option 3 as it is not yet known if the development of the other private frontage types could present similar difficulties.

Option 4

Wide-ranging flexible private frontage interpretation where building entries in any private frontage do not need to face the street, so long as the private frontage space is clearly oriented towards the street, faces the street, and clearly connects to the street via a sidewalk.

This would mean all building entries do not need to face the street as long as private frontage space is clearly oriented towards the street/faces the street. This could look like a sidewalk leading up to the private frontage space and stairs oriented towards the space. The space could then lead to a physical vestibule, for example, with an entry door opening perpendicular to the street.

Essentially, Option 2 would be a part of this Option 4. This Option 4 would be a wider encompassing option pertaining to all private frontages. Staff does not recommend this Option 4 as it is not yet known if the development of the other private frontage types could present similar difficulties.

ZONING BOARD OF APPEALS DECISION

The Zoning Board of Appeals may interpret the ordinance in accordance to any of the four options listed above, or may formulate a different option to use in interpreting the ordinance. The motion should clearly state how the ordinance is to be interpreted.

Andy Aamodt
City Planner, Community & Economic Development Department

c.c. File
 Applicant



October 28, 2020

**Staff Review of Variance Requests
212 N. Lincoln St.**

GENERAL INFORMATION

Applicant: Hussein Wahab
1420 Washtenaw Ave.
Ypsilanti, MI 48197

Project: 212 N. Lincoln St. Variances

Public Hearing Date: October 28, 2020

Location: Parcel ID # 11-11-09-109-012; YP CITY 16E-67A LOTS 82 & 83 HUNTERS ADDITION.

Zoning: Neighborhood Corridor (NC)

Action Requested: Approval of two variances: a variance from the frontage buildout requirement, to permit less than 50% minimum frontage buildout; and a variance from the private frontage requirement, to permit no forecourt private frontage.

Staff Recommendation: Denial

PROJECT AND SITE DESCRIPTION

212 N. Lincoln St. currently exists as two commercial buildings. The applicant proposes renovations to these buildings, resulting in six residential units in each building. Building 1 proposes six 2-bedroom units and Building 2 proposes six 1-bedroom units. The building frontage buildout is less than the minimum 50 percent required, and the required forecourt is not provided. The applicant proposes to reuse the existing building foundations, a significant portion of the parking lot, and storm infrastructure.

For the sake of the staff review, "Variance 1" pertains to the frontage buildout variance, which is a variance from Section 122-472.CA. "Variance 2" pertains to the forecourt private frontage variance, which is a variance from Section 122-472.CA, leading into Section 122-483. Also, there are two buildings on site. "Building 1" pertains to the north building and "Building 2" pertains to the south building.

Figure 1: Subject Site Location (2015 Aerial)

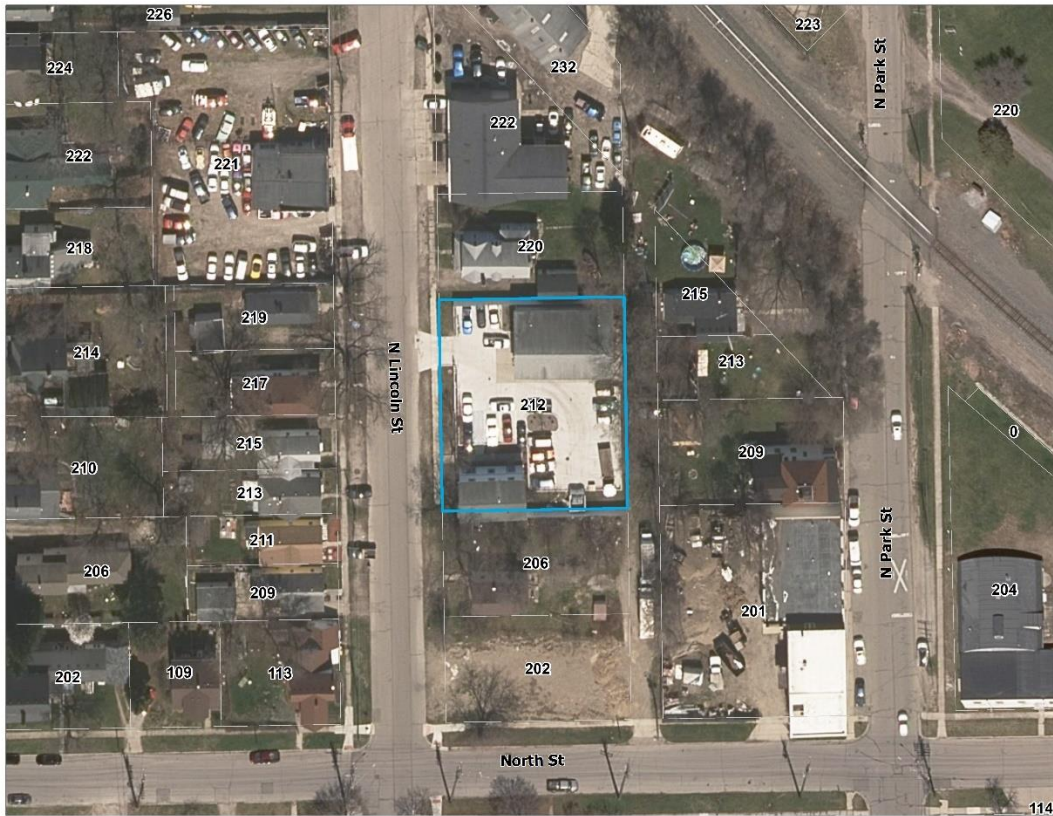


Figure 2: Site Close-up (2015 Aerial)

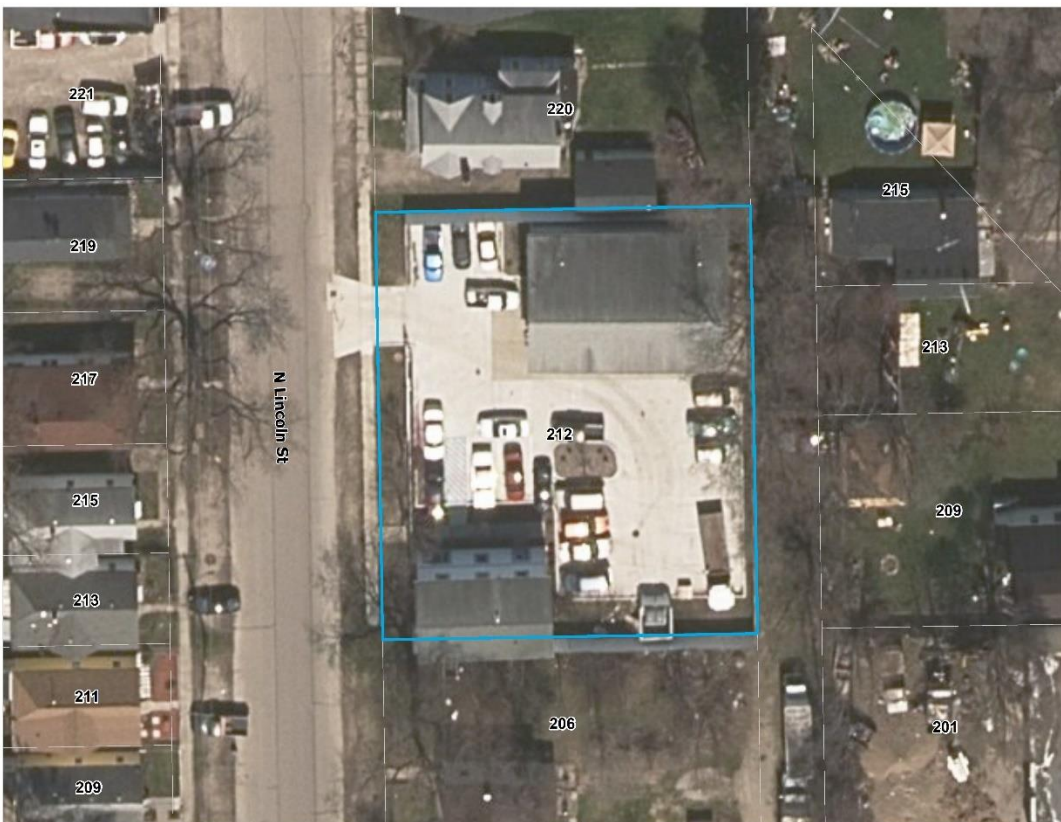


Figure 3: Photo of Building 1 (October 23, 2020)



Figure 4: Photo of Building 2 (October 23, 2020)



Figure 5: Site Photo (July, 2019 Google Street-view)



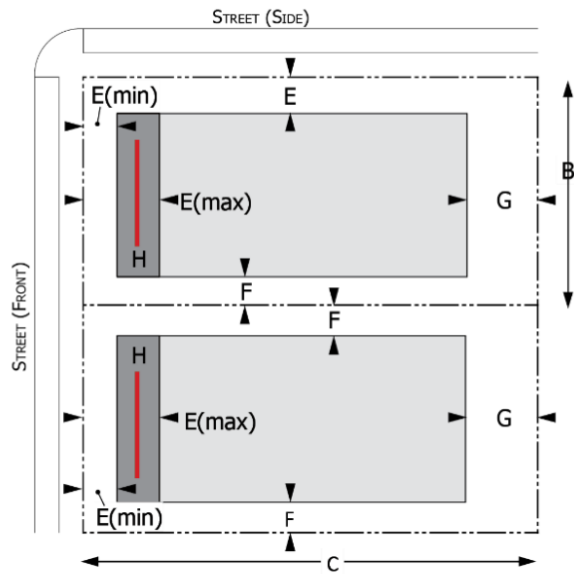
Figure 6: Land Use and Zoning of Surrounding Area

	LAND USE	ZONING
NORTH	Residential	NC
EAST	Residential	NC
SOUTH	Residential	NC
WEST	Residential	NC

ORDINANCE**§122-350 & §122-472.CA****§122-472.CA****CA****COURTYARD
APARTMENT**

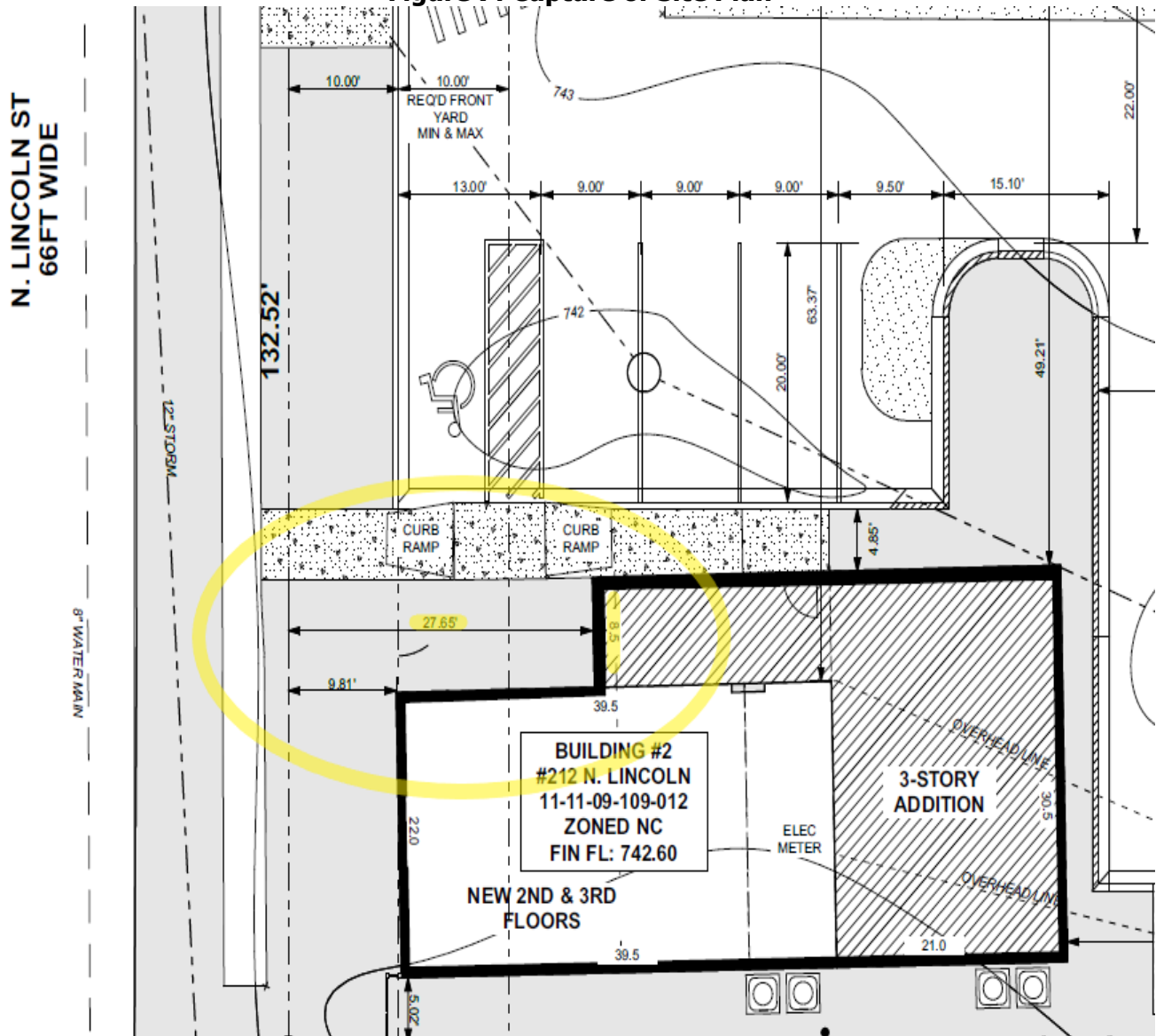
A Courtyard Apartment is generally a grouping of apartment buildings arranged around and fronting on a central courtyard that may be partially or wholly open to the street, on a lot that accommodates the associated parking and outdoor living areas. Each dwelling may have its own entrance.

LOT REQUIREMENTS		MIN	MAX
A	Lot size (sf)	6,400	20,000
B	Lot width (ft)	80	200
C	Lot depth (ft)	80	180
D	Lot coverage (%)	--	80
BUILDING ENVELOPE		MIN	MAX
E	Street setback (front or side) (ft)	10(1)	20
F	Side setback (interior lot line) (ft)	0	10
G	Rear setback (ft)	10	--
H	Frontage buildout (%)	50	75

LOT REQUIREMENTS AND BUILDING ENVELOPE**Staff Interpretation of Frontage Buildout**

While not explicitly defined in the zoning ordinance, staff has interpreted frontage buildout to mean the percentage of the building that falls within the required front setback range. For *Courtyard Apartment* building types, this required setback range is 10' minimum and 20' maximum front setbacks. The *Courtyard Apartment* building type requires a frontage buildout of 50% to 75%. That means, out of the total length of the property's frontage, 50% to 75% of this frontage needs to be occupied by buildings falling within the 10' and 20' front setback range. See the above diagrams.

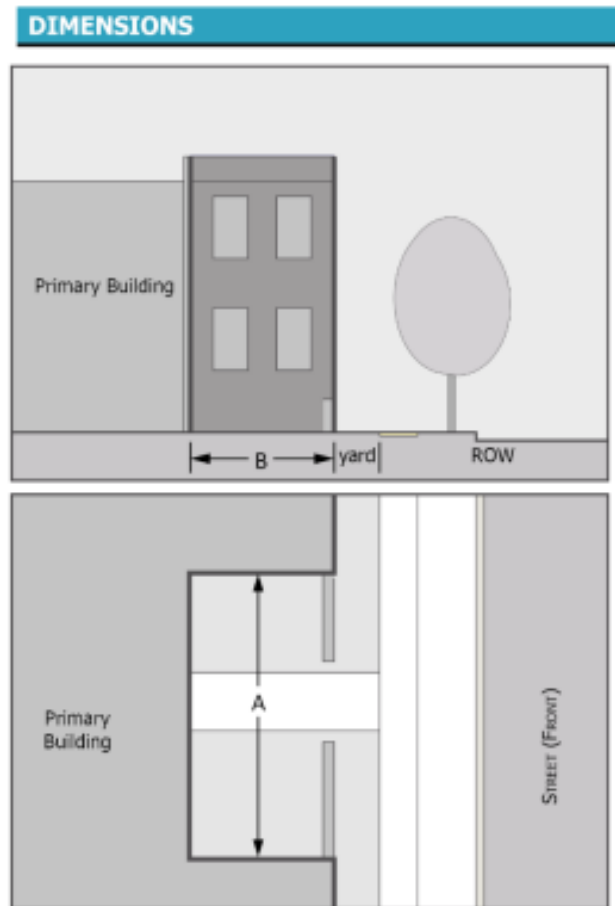
Figure 7: Capture of Site Plan



§122-483.Forecourt**F FORECOURT**

The façade is set back from the front lot line per applicable street setback requirements. A portion of the façade is recessed to form an uncovered court. The court is suitable for outdoor dining, gardens, formal entries etc.. A fence, wall, or landscaping may be used to define the private space of the court. The court may be elevated behind a retaining wall at or near the front lot line with entry steps to the court.

FORECOURT DIMENSIONS		MIN	MAX
A	Clear span width (ft)	12	--
B	Depth (ft)	12	50
YARD REQUIREMENTS			
C	Must be landscaped/pervious, with a path at least 6 feet wide connecting the building entrance to the sidewalk.		

**Staff Interpretation of *Forecourt Private Frontage***

Staff interprets *forecourt private frontage* to encompass four items, three of which are explicitly labeled above:

1. Forecourt dimension: clear span width
2. Forecourt dimension: depth
3. Yard requirements
4. AND, the entrance door placed on front of the building.

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.

Variance 1 (Frontage Buildout 122-472.CA):

The existing layout of the building and site provides the rationale for the request. The buildings are existing block buildings; the applicant wishes to maximize the re-use of the buildings. The addition proposed on Building 2 is placed in such a manner to prevent disruption of the storm drain and piping, and to retain the parking to the north of the building. In eliminating a few spaces to the east of the building, the site is able to slightly decrease its impervious surface by 252 square feet.

Staff Recommendation: Standard met.

Variance 2 (Forecourt Private Frontage 122-472.CA/122-483):

The applicant wishes to retain the orientation of entrances on the two buildings, in which both entrances are oriented towards the parking lot rather than the front/street. The zoning ordinance requires private frontages, where entrances to buildings are oriented towards the front (the street) and are designed a certain way. Both buildings are proposing stairwells as part of their entries. Building 2 may have a building width that is not sensible to contain a private frontage, but Building 1's shape seems, in staff's opinion, to be sufficient for a private frontage. A singular stairwell may be placed in the front (west building line) of the building, eliminating the double stairwells in the current design.

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.

Variance 1:

There are plenty of buildings in the immediate neighborhood of Lincoln St. and Park St., as well as nearby Depot Town, that comply with building frontage. This is a neighborhood that has small setbacks and buildings oriented close to the front. City staff is well aware of the structural nonconformities that exist in NC zones and its associated building types, and is consistent in applying the zoning ordinance from one scenario to the next.

Staff Recommendation: Standard not met

Variance 2:

There are plenty of buildings in the immediate neighborhood of Lincoln St. and Park St., as well as nearby Depot Town, that have private frontages at the very least, facing the street. City staff is well aware of the structural nonconformities that exist in NC zones and its associated building types, and is consistent in applying the zoning ordinance from one scenario to the next.

Staff Recommendation: Standard not met.

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

Variances 1 & 2:

The buildings were designed and built prior to the current owner (applicant) having an interest in the property. That, combined with the current iteration of the zoning ordinance being adopted in 2014, free the applicant from responsibility of the practical difficulties

Staff Recommendation: Standard 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.

Variance 1:

Staff does not believe granting of the variance will be detrimental to the public welfare or injurious to other property or improvements in the neighborhood. If anything, the locating of the building as the applicant proposes eliminates some impervious surface, by 252 square feet, which is a benefit to stormwater runoff and heat-island mitigation.

Staff Recommendation: Standard met.

Variance 2:

The lack of a forecourt private frontage should not create an injurious situation to other properties or improvements in the neighborhood.

Staff Recommendation: Standard 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.

Variance 1:

Staff does not believe that substantial justice will be done, nor that the individual circumstance outweighs the public benefit intended to be secured by the zoning ordinance in this case. The goal of the zoning ordinance building types are to require developments that are front-facing and conducive to walkability.

Staff Recommendation: Standard not met.

Variance 2:

Private frontages facing the street should increase walkability and safety. While having entrances from the side in this case does not create an injurious situation for adjacent properties on a property-to-property basis, the City aims to emphasize entrances facing the street for safety reasons and to help create more “eyes on the street.” It is not quite known why the private frontage cannot face the street, especially in Building 1’s case.

Staff emphasizes private frontage requirements should be consistently applied, and does not want to jeopardize planning and zoning efforts that stress such frontward building types.

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.

Variance 1:

The proposal does increase frontage by 8.5 feet, however, it unfortunately does so outside of the required frontage buildout range (10’ to 20’ feet from front property line). The current frontage buildout is currently at 11.3%. With the way the applicant proposes to design Building 2, this 11.3% frontage buildout would not be changing. Minimum necessary might mean increasing the frontage buildout by 8.5 feet, but again, this 8.5 feet expansion does not count towards frontage buildout.

Note: If the Zoning Board of Appeals were welcoming to this variance request, the variance approval language should be narrowed to say “variance request to allow for an 11% frontage buildout” to ensure that future development does not propose 0% frontage buildout.

Staff Recommendation: Standard not met.

Variance 2:

The forecourt private frontage requirement is essentially a four-fold requirement. It entails having a private frontage (entrance and facade) that faces the street, clear span width, depth, and a yard with a path bordered by landscaping/pervious surface. This request is waiving the whole package of a forecourt private frontage, to therefore use entrances that do not front the site, rather front the interior parking lot.

Note: If the Zoning Board of Appeals were welcoming to the spirit of this request, a potential lesser variance might entail relief from the clear span width and depth, but not the private frontage requirement altogether. In that case, the applicant would provide an entrance that clearly faces the street and has a path at least six feet wide bordered by landscaping, connecting the building entrance to the sidewalk. Staff does not believe this is the minimum variance necessary, but would be conducive towards a variance that waives the clear span width and depth, but still requires the private frontage.

Staff Recommendation: Standard not met.

STAFF RECOMMENDATION

Staff recommends the Zoning Board of Appeals **deny** the variance request from Section 122-472.CA to permit less than 50% frontage buildout at 212 N Lincoln St with the following findings:

Findings:

1. Granting of the variance would confer upon the applicant a special privilege that is denied by this chapter to other lands, structures, or buildings in the same district. (§122-370.b.2)
2. The allowance of the variance would not ensure substantial justice being done, considering the public benefits that the zoning ordinance and planning efforts propose. (§122-370.b.5)
3. The variance request is not the minimum necessary. (§122-370.b.6)

Staff recommends the Zoning Board of Appeals **deny** the variance request from Section 122-472.CA/122-483 to permit no forecourt private frontage at 212 N Lincoln St with the following findings:

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 for the purpose of a forecourt private frontage variance. (§122-370.b.1)
2. Granting of the variance would confer upon the applicant a special privilege that is denied by this chapter to other lands, structures, or buildings in the same district. (§122-370.b.2)
3. The allowance of the variance would not ensure substantial justice being done, considering the public benefits that the zoning ordinance and planning efforts propose. (§122-370.b.5)
4. The variance request is not the minimum necessary. (§122-370.b.6)

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 <u>Hussein Wahab</u>	
Address [REDACTED]	
Phone [REDACTED]	Email [REDACTED]

Property

Address <u>212 N. Lincoln Street</u>	Parcel ID <u>11-11-09-109-012</u>
Property owner* <u>Hussein Wahab</u>	
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

Lincoln St. Apartments. 12 apartments in 2 buildings

Building #1: (6) 2-bedroom units Building #2: (6) 1-bedroom units

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

Section 122-472 Courtyard APT, 122-483 Forecourt

Explain how the proposed project is contrary to ordinance

Building Frontage Buildout is less than min 50% required

Required Forecourt is not provided

Explain the unique conditions/circumstances to the property and why compliance with the ordinance will pose practical difficulties.

Project proposes to reuse the existing building foundations,
and significant portion of parking lot, storm infrastructure

Adding additional building frontage will disturb the existing parking lot and/or storm infrastructure. Providing a proper forecourt would require a third building, or disruption of the existing parking lot

Explain how the variance will not grant a special privilege that is not similarly enjoyed by other properties in the same district.

The existing arrangement of two buildings and parking lot are unique to this site

Have the practical difficulties been created by any person presently having an interest in the property?

The buildings predate the current owner. The parking lot was installed by the applicant to serve the existing buildings.

Will the granting of the variance be detrimental to the public welfare or neighborhood properties?

We believe the apartments will be beneficial to the public welfare compared to the previous automotive use.

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?

The proposed variances will permit the reuse of the existing building foundations and parking lot

Is this variance request the minimum variance that will make possible a reasonable use of land, buildings, or structure?

This is the minimum number of variances possible, particularly when compared with the Apartment Building (AB) building type.

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:

10/15/20

Print Name:

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:	Amount:	Account: 101-4-7210-607-01
☐ Cash		Code: 178 Rezone
☐ Check payable to City of Ypsilanti		Signature of person receiving deposit:
☐ Credit (+ 3.0% surcharge)		
Description of deposit:		

Lincoln St Apartments ZBA application
10/12/2020

The project proposes two variances: A non-conforming forecourt, and insufficient frontage buildout.

1. Forecourt Requirements

A forecourt is impractical because a conforming forecourt would not permit the reuse of the parking lot or existing building foundations. The Courtyard Apartment classification will create the minimum variances that will make possible the reuse of the building foundations and parking lot.

If the project was considered to be an Apartment Building (AB) building type, the forecourt requirement would be replaced by a porch or a stoop, but would generate additional nonconformities as follows:

- The larger Front Yard range of 10-25 ft will make Bldg #1 closer to conforming (but still not conforming)
- The larger minimum side setback of 5ft will make Building #1 more non-conforming.
- The larger rear yard setback of 25ft will make Building #1 more non conforming
- The larger frontage buildout requirement of 60-80% will make the project more non conforming.

2. Building Frontage Requirements

The current buildings have about 15 feet or 11% of conforming frontage build-out. If non-conforming frontages are also included, the proposed buildings will provide 70.5ft or 53% of frontage buildout. While technically non-confirming, the existing buildings certainly provide more definition to the streetscape than the 11% building frontage suggests.

It is our opinion that non-conforming building facades that face the street meet the definition of "Private frontage" even if it is non-conforming. The term "frontage buildout" however is not defined and open to interpretation. We further note that the existing buildings, classified as Single-Story Commercial (SC) will share the same 50% minimum frontage setback as the proposed Courtyard Apartment, and are previously equally non-conforming.

As mentioned in the previous section, the Apartment Building (AB) building type will increase the minimum frontage buildout to 60%, making the project more non-conforming.

LINCOLN ST. APARTMENTS

YPSILANTI, MI

SHEET INDEX

SHEET NO.	SHEET TITLE
S1	PROPOSED SITE PLAN
S2	EXISTING SITE PLAN
S3	GRADING PLAN
S4	LANDSCAPE PLAN
S5	SITE LIGHTING
A1	FOUNDATION PLAN
A2	1ST FLOOR PLAN
A3	2ND FLOOR PLAN
A4	3RD FLOOR PLAN
A5	ELEVATIONS
A6	ELEVATIONS
A7	SECTIONS
B1	FOUNDATION PLAN
B2	1ST FLOOR PLAN
B3	2ND & 3RD FLOOR PLANS
B4	ELEVATIONS
B5	SECTIONS
B6	SECTIONS

DESIGNED IN ACCORDANCE WITH THE MICHIGAN BUILDING CODE 2015 EDITION.

LEGAL DESCRIPTION: LOTS 82 & 83 OF HUNTERS ADDITION TO THE VILLAGE OF YPSILANTI, WASHTENAW COUNTY, MI AS RECORDED IN THE PLAT THEREOF, RECORDED IN LIBER 2, P. 166-167 OF WASHTENAW COUNTY RECORDS

PROPERTY OWNER: HUSSEIN WAHAB
212 N. LINCOLN ST.
YPSILANTI, MI 48198

PROJECT DESCRIPTION: CONVERSION OF EXISTING AUTOMOTIVE GARAGE & OFFICE TO TWO MULTI-FAMILY APARTMENTS, ONE WITH (6) 2-BEDROOM-UNITS, AND ONE WITH (6) 1-BEDROOM UNITS. MINOR ALTERATIONS TO PARKING AND LANDSCAPING ARE PROPOSED.

AREA ANALYSIS

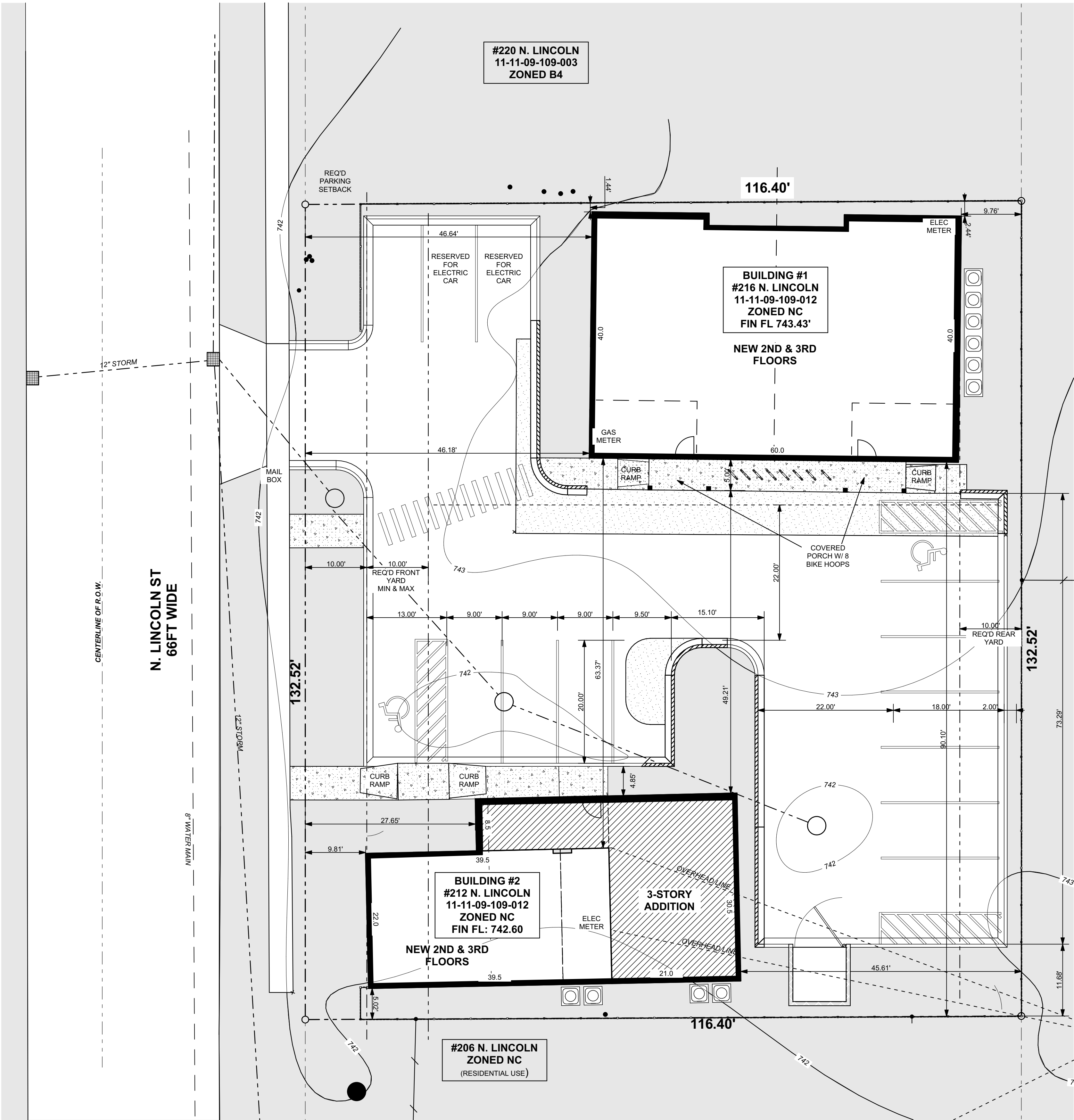
EXISTING	PROPOSED
EX. BUILDING #1 1ST FL 2,400 SF	EX. BUILDING #1 AREA REMOVED 2,400 SF BLDG #1 2ND FL ADDITION +2,356 SF BLDG #1 3RD FL ADDITION +2,356 SF PROP. BUILDING #1 AREA 7,068 SF BLDG #1 COVERED PORCH +208 SF
EX. BUILDING #2 1ST FL 866 SF EX. BUILDING #2 2ND FL 866 SF EX. BUILDING #2 AREA 1,732 SF	EX. BUILDING #2 1ST FLOOR 866 SF 1ST FL ADDITION +825 SF EX. BUILDING #2 2ND FLOOR 866 SF 2ND FL ADDITION +825 SF 3RD FL ADDITION +1,691 SF PROP. BUILDING #2 AREA 5,073 SF BLDG #2 PORCHES +100 SF
EX. BUILDING #1 FRONTAGE 0.00 FT ENTIRE FRONTAGE IS NON CONFORMING EX. BUILDING #2 FRONTAGE 15.0 FT PORTION OF FRONTAGE IS NON CONFORMING EX. FRONTAGE BUILDOUT 15 FT = 11.3% 132.52 FT	PROP. BUILDING #1 FRONTAGE 40.00 FT PROP. BUILDING #2 FRONTAGE 30.5 FT PROP. FRONTAGE BUILDOUT 70.5 FT = 53.2% 132.52 FT
EXISTING BLDG FOOTPRINTS 3,266 SF EX. LOT AREA 15,425 SF (.35 ACRES) EX. LOT COVERAGE 3,266 SF = 21.2% 15,425 SF	PROP. BLDG FOOTPRINTS 4,255 SF PROP. LOT COVERAGE 4,255 SF = 27.6% 15,425 SF

SCHEDULE OF REGULATIONS

BUILDING TYPE CA COURTYARD APARTMENT	REQ'D		EXISTING	PROPOSED	VARIANCE
	MIN	MAX			
LOT					
LOT AREA	6,400 SF	20,000 SF	15,312 SF	NO CHANGE	NONE
MIN LOT WIDTH	80.0 FT	200.0 FT	132.0 FT	NO CHANGE	NONE
MIN LOT DEPTH	80.0 FT	180.0 FT	116.0 FT	NO CHANGE	NONE
LOT COVERAGE	0%	80%	21.2%	27.6%	NONE
FRONT YARD	10.0 FT (1)	20.0 FT	46.64 FT	NO CHANGE	LEGAL NON-COMFORMITY EX. FRONT YARD TOO LARGE
SIDE YARD/ NORTH	0.0 FT	10.0 FT	1.44 FT	NO CHANGE	NONE
REAR YARD	10.0 FT	---	9.76 FT	NO CHANGE	LEGAL NON-COMFORMITY REAR YARD TOO SMALL
BLDG STORIES	2	4	1	3	NONE
FRONT YARD	10.0 FT (1)	20.0 FT	9.81 FT	NO CHANGE	0.19 FT LEGAL NON-COMFORMITY FRONT YARD TOO SMALL
SIDE YARD/ SOUTH	0.0 FT	10.0 FT	5.02 FT	NO CHANGE	NONE
REAR YARD	10.0 FT	---	66.07 FT	45.61 FT	NONE
BLDG STORIES	2	4	2	3	NONE
FRONTAGE BUILDOUT	50%	75%	11.3%	NO CHANGE	38.7% NON-COMFORMITY ADDITION DOES NOT IMPROVE BUILDOUT
FORECOURT CLEAR WIDTH	12.0 FT	---	63 FT±	49 FT±	NONE
FORECOURT DEPTH	12.0 FT	50.0 FT	116.40 FT	116.40 FT	PROP. 66.40 FT NON-COMFORMITY COURTYARD NOT PROVIDED

(1) OR USE ESTABLISHED AVERAGE SETBACK

TWO VARIANCES PROPOSED



1" = 10'

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ZBA 1 OCT 2020
ZBA 29 SEP 2020
REVIEW 14 SEP 2020
CONCEPT #2 17 AUG 2020
REVIEW 29 NOV 2018
CONCEPT 2 JAN 2018

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

	EXISTING	CHANGE	PROPOSED
IMPERVIOUS AREAS	12,218 SF	-252 SF	11,966 SF
BUILDINGS	3,266 SF	+989 SF	4,255 SF
ASPHALT PAVEMENT	6,461 SF	-543 SF	5,918 SF
CONCRETE CURBS	590 SF	-6 SF	582 SF
CONCRETE PAVEMENT INCL DUMPSTER	1,893 SF	-692 SF	1,201 SF
PERVIOUS AREAS	3,207 SF 20.8% OF SITE	+252 SF	3,459 SF 22.4% OF SITE
SITE AREA	15,425 SF 0.35 ACRES		15,425 SF 0.35 ACRES

PROJECT PROPOSES TO DECREASE IMPERVIOUS AREA BY 8%

RENTABLE AREA (1)

APT #1	934 SF	2-BEDROOM
APT #2	934 SF	2-BEDROOM
APT #3	967 SF	2-BEDROOM
APT #4	967 SF	2-BEDROOM
APT #5	967 SF	2-BEDROOM
APT #6	967 SF	2-BEDROOM
APT #7	599 SF	1-BEDROOM
APT #8	591 SF	1-BEDROOM
APT #9	612 SF	1-BEDROOM
APT #10	591 SF	1-BEDROOM
APT #11	639 SF	1-BEDROOM
APT #12	612 SF	1-BEDROOM

(1) EXCLUDES EXTERIOR & SHARED WALLS

GENERAL SITE PLAN NOTES

1. SITE IS ZONED NC (NEIGHBORHOOD CORRIDOR). THE ADJACENT PROPERTIES ARE ALSO ZONED NC, BUT THERE ARE RESIDENTIAL USES TO THE EAST AND SOUTH.

2. PROJECT IS TREATED AS BUILDING TYPE CA (COURTYARD APARTMENT) WHICH IS A PERMITTED BUILDING TYPE IN THE NC DISTRICT.

2. BLDG #1 IS A 6-UNIT BUILDING REQUIRING A SPECIAL USE PERMIT IN THE NC DISTRICT. BLDG #2 OS A 4-UNIT BLDG AND IS A PERMITTED USE IN THE NC DISTRICT.

3. IT IS NOTED THAT THIS PROJECT COULD ALSO BE TREATED AS BUILDING TYPE AB (APARTMENT BUILDING), BUT THAT WOULD REQUIRE 1 ADDITIONAL VARIANCES, AND THE VARIANCES WOULD BE LARGER.

4. ALL PROPOSED SITE CONSTRUCTION WILL OCCUR AT ONE TIME.

PARKING REQUIREMENTS

MULTI-FAMILY RESIDENTIAL	
1.5 PER UNIT: 12 UNITS x 1.5 =	18
PLUS 1 PER 10 UNITS FOR GUESTS: 12 UNITS /10 x 1 =	1.2
TOTAL PARKING REQUIRED	19.2
BIKE PARKING: 1 PER 5 VEHICLE SPACES 15/5 = 3 BIKE HOOPS REQUIRED	

	15
STANDARD PARKING STALLS	11
BARRIER FREE PARKING STALLS	2
(2) RESERVED ELECTRIC CAR SPACE COUNTS AS 4 PARKING SPACES	4
(8) COVERED BIKE PARKING SPACES COUNTS AS 2 AUTOMOBILE PARKING SPACE	2
PLANNING COMMISSION AUTHORITY WAIVES THE ADDITIONAL FRACTION OF A PARKING SPACE	0.2
TOTAL PARKING PROPOSED	19.2

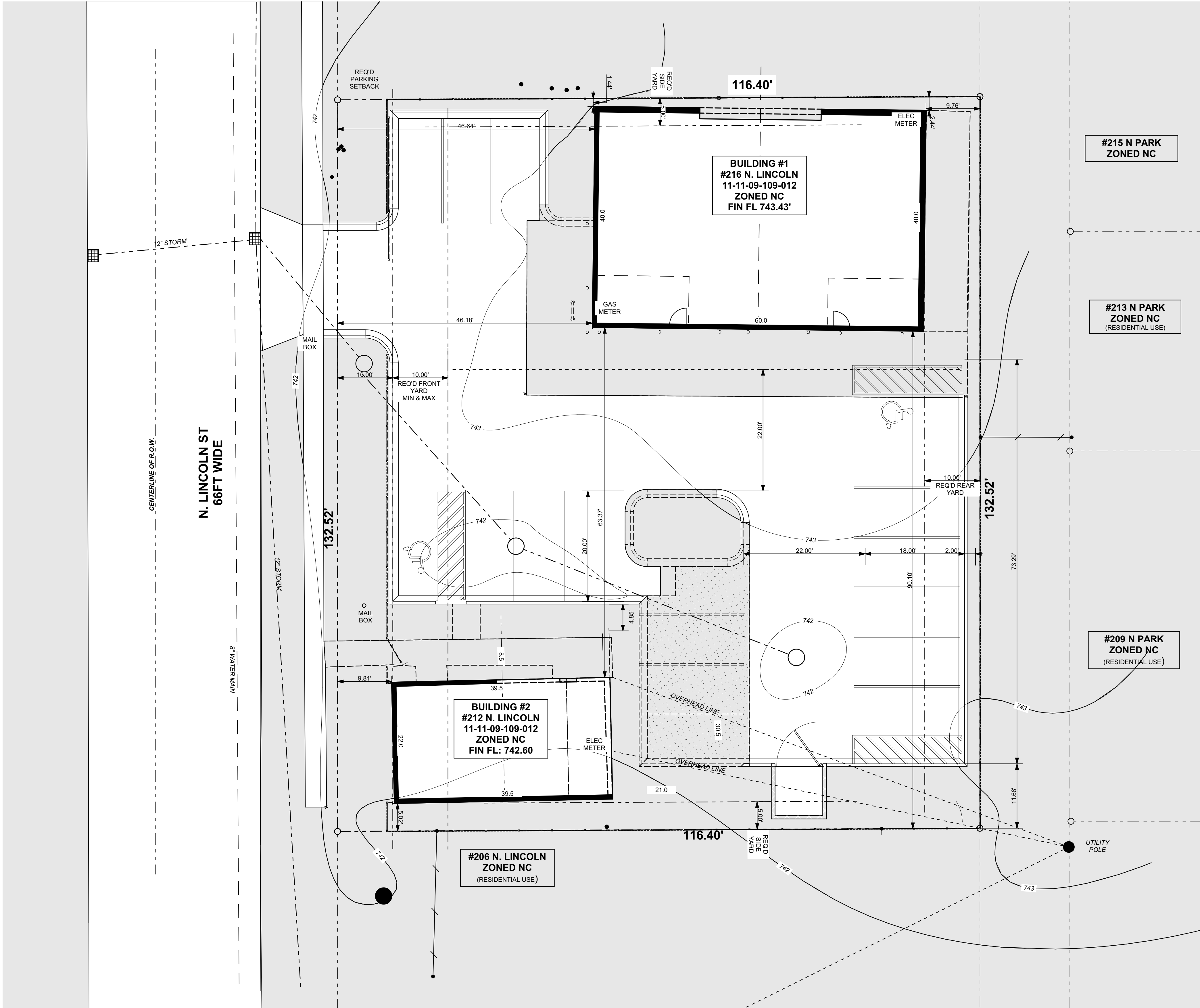
PROJECT:
LINCOLN ST. APARTMENTS
212 LINCOLN ST
YPSILANTI, MI

TITLE: SITE PLAN

JOB NO:
1801

SHEET NO.

S1



1
S2

SITE DEMOLITION PLAN

1" = 10'

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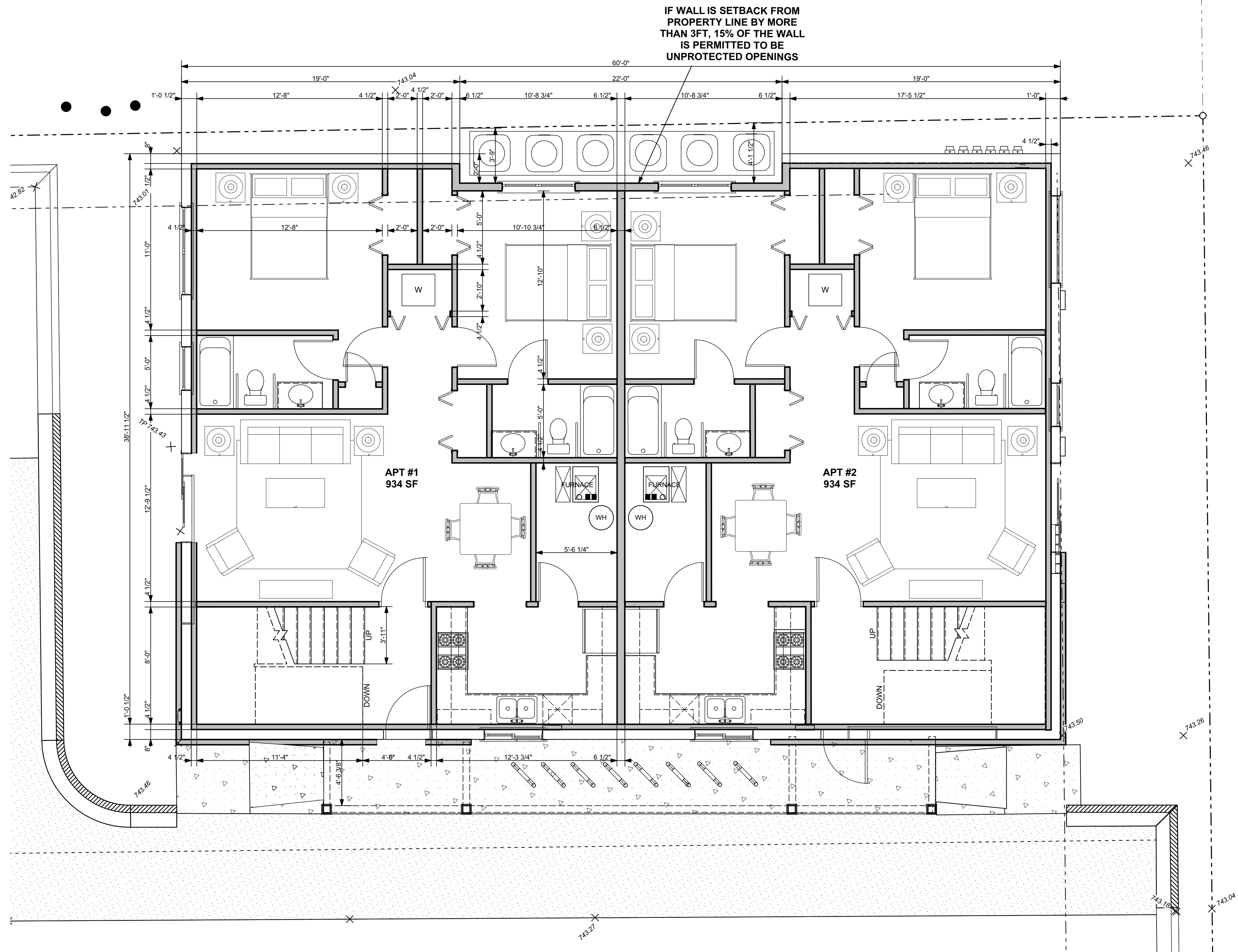
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focusdesign@comcast.net
3300 Berry Rd, Ypsilanti, MI 48198

PROJECT:
LINCOLN ST. APARTMENTS
212 LINCOLN ST
YPSILANTI, MI

TITLE: **EX. SITE PLAN**

JOB NO:
1801

SHEET NO.
S2



2
A2 **BLDG #1- 1ST FLOOR PLAN**

1/4" = 1'-0"

CODE ANALYSIS
MICHIGAN BUILDING CODE 2015

306.2	BUILDING USE IS R2 (APARTMENT)
TABLE 504.3	ALLOWABLE BUILDING HEIGHT FOR CONSTRUCTION TYPE VB, R-2 USE WITH A SR13 SPRINKLER SYSTEM IS 60FT
TABLE 504.4	ALLOWABLE # OF STORIES FOR CONSTRUCTION TYPE VB, R-2 USE WITH AN S13R SPRINKLER SYSTEM IS 3. 2 STORIES ARE PROPOSED
TABLE 506.2	ALLOWABLE AREA FACTORS FOR CONSTRUCTION TYPE VB, R-2 USE WITH AN S13R SPRINKLER SYSTEM. $A_t = NS = 7,000$
506.2.3	BLDG #1 ALLOWABLE AREA $= [A_t + (NS \times I_f)] \times S_a = [7,000 + (7,000 \times 0.25)] \times 2 = 17,500$ SF BLDG #2 ALLOWABLE AREA $= [A_t + (NS \times I_f)] \times S_a = [7,000 + (7,000 \times 0.12)] \times 2 = 15,680$ SF
506.3	BLDG #1 FRONTAGE INCREASE FOR WEST & NORTH SIDES $If = \left[\frac{F}{P} - 0.25 \right] \times \frac{W}{30} = \left[\frac{(40+60)}{200} - 0.25 \right] \times \frac{30}{30} = 0.25$ BLDG #2 FRONTAGE INCREASE FOR NORTH SIDE $If = \left[\frac{F}{P} - 0.25 \right] \times \frac{W}{30} = \left[\frac{95.5}{258.8} - 0.25 \right] \times \frac{30}{30} = 0.12$
TABLE 601	CONSTRUCTION TYPE IS VB- WOOD FRAME CONSTRUCTION
TABLE 705.8	FOR BLDG #1, NORTH EXTERIOR WALL WITH FIRE SEPARATION DISTANCE BETWEEN 0 AND 3 FEET, NO OPENINGS ARE PERMITTED
903.2.8	AN AUTOMATIC SPRINKLER SYSTEM IS REQUIRED IN BUILDINGS WITH GROUP R USE
1107.6.4.2	IN APARTMENT BUILDINGS WITH 4 OR MORE UNITS, ALL UNITS ARE REQUIRED TO BE ACCESSIBLE TYPE B UNITS
1107.7.2	HOWEVER, MULTI-STORY DWELLING UNITS WITHOUT ELEVATOR SERVICE ARE NOT REQUIRED TO BE ACCESSIBLE/ TYPE B UNITS

ACCESSIBILITY

AN ACCESSIBLE ROUTE (ENTRANCE) IS NOT REQUIRED TO A STORY OF LESS THAN 3,000 SF. THIS 2ND AND 3RD FLOORS ARE 2,365 SF PER STORY. (MBC 1104.4 EXCEPTION 1)

BECAUSE BUILDING 1 HAS MORE THAN 4 UNITS IN A SINGLE STRUCTURE, ALL OF THE UNITS ARE REQUIRED TO BE TYPE B ACCESSIBLE UNITS (MBC 1107.6.2.2.2)

BECAUSE NO ELEVATOR IS PROPOSED IN BUILDING 1, ONLY THE LOWEST STORY WILL BE ACCESSIBLE AND CONTAIN TYPE B ACCESSIBLE UNITS (MBC 1107.7.1.1)

TYPE A ACCESSIBLE UNITS ARE NOT REQUIRED IN STRUCTURES WITH LESS THAN 20 DWELLING UNITS (MBC 1107.6.2.2.1)

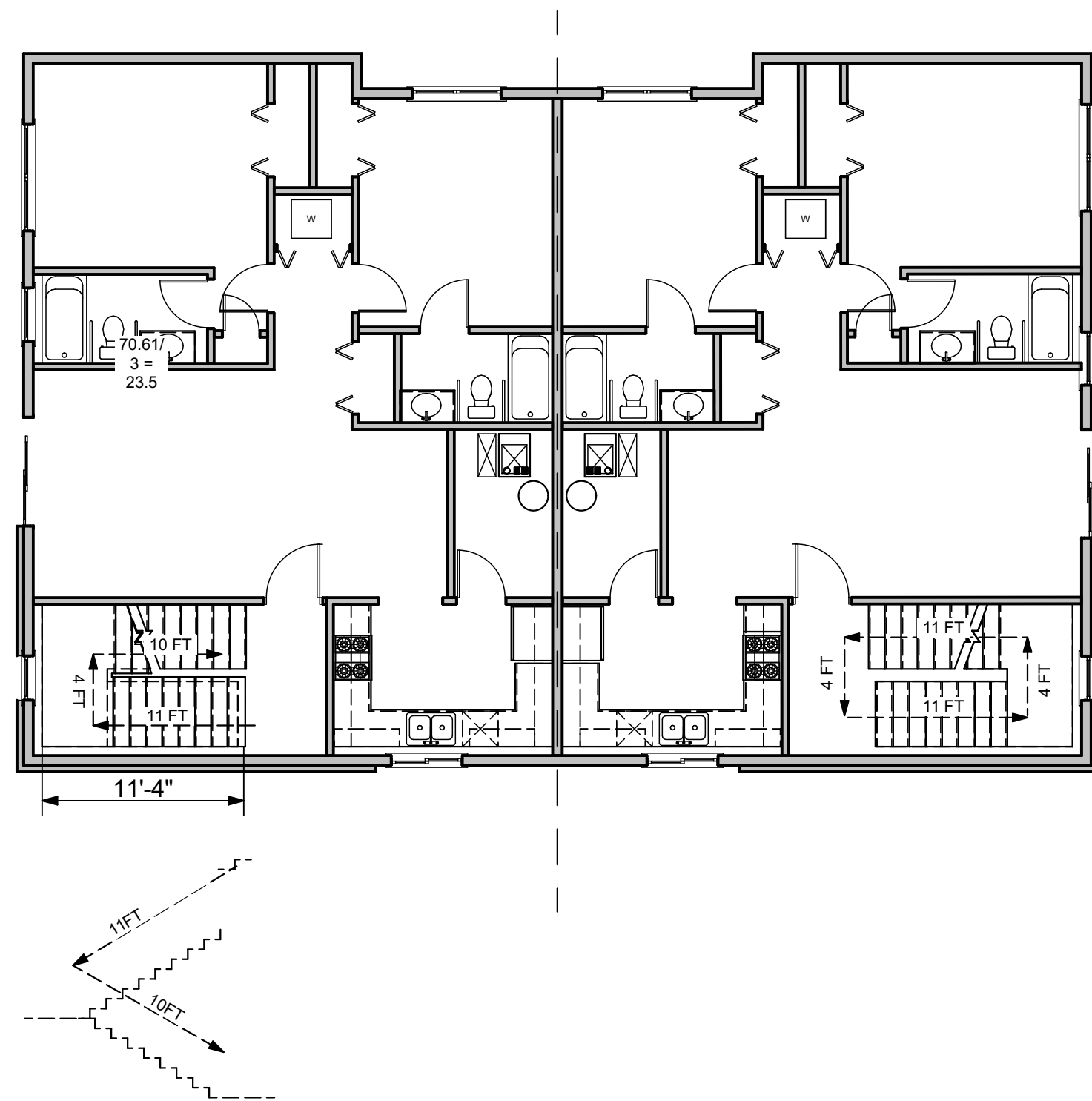
FIRE PROTECTION

AN **AUTOMATIC SPRINKLER SYSTEM** IS REQUIRED IN BUILDINGS WITH GROUP R USE (MBC 903.2.8)

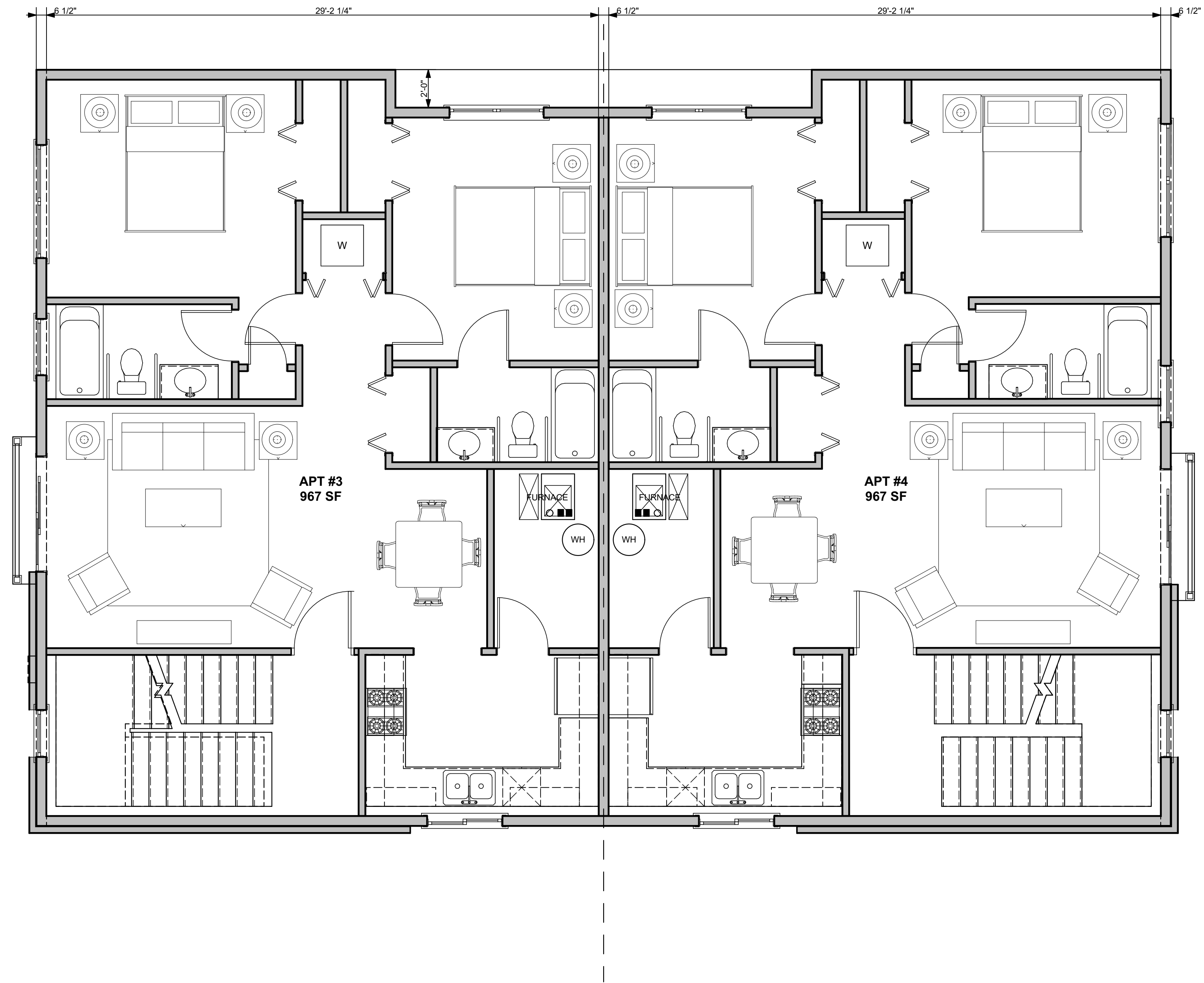
DWELLING UNITS MUST BE SEPARATED BY FIRE PARTITIONS AND HORIZONTAL ASSEMBLIES WITH A FIRE RATING OF **1 HOUR** WHEN AN **NFPA 13R SPRINKLER** IS USED.

THE FIRE PARTITIONS AND HORIZONTAL ASSEMBLIES CAN BE REDUCED TO A FIRE RATING OF **1/2 HOUR** WHEN AN **NFPA 13 SPRINKLER** IS USED (MBC 708.3 AND 711.2.4.3)

THE INTERIOR EXIT STAIRWAYS MUST BE SEPARATED FROM THE REST OF THE BUILDING BY 1 HOUR CONSTRUCTION BECAUSE THE STAIRWAY CONNECTS LESS THAN 4 STORIES (MBC 1023.2)



2
A3 2ND FLOOR EGRESS PLAN



1
A3 2ND FLOOR PLAN: BLDG #1

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PROJECT:
LINCOLN ST. APARTMENTS
212 LINCOLN ST
YPSILANTI, MI

TITLE: **BLDG 1- 2ND FLOOR PLAN**

JOB NO:
1801

SHEET NO.

A3

ENTRANCE ACCESSIBILITY

IN APARTMENT BUILDINGS (USE R-2) WITH 4 OR MORE UNITS, ALL UNITS MUST BE ACCESSIBLE (MBC 1107.6.4.2)

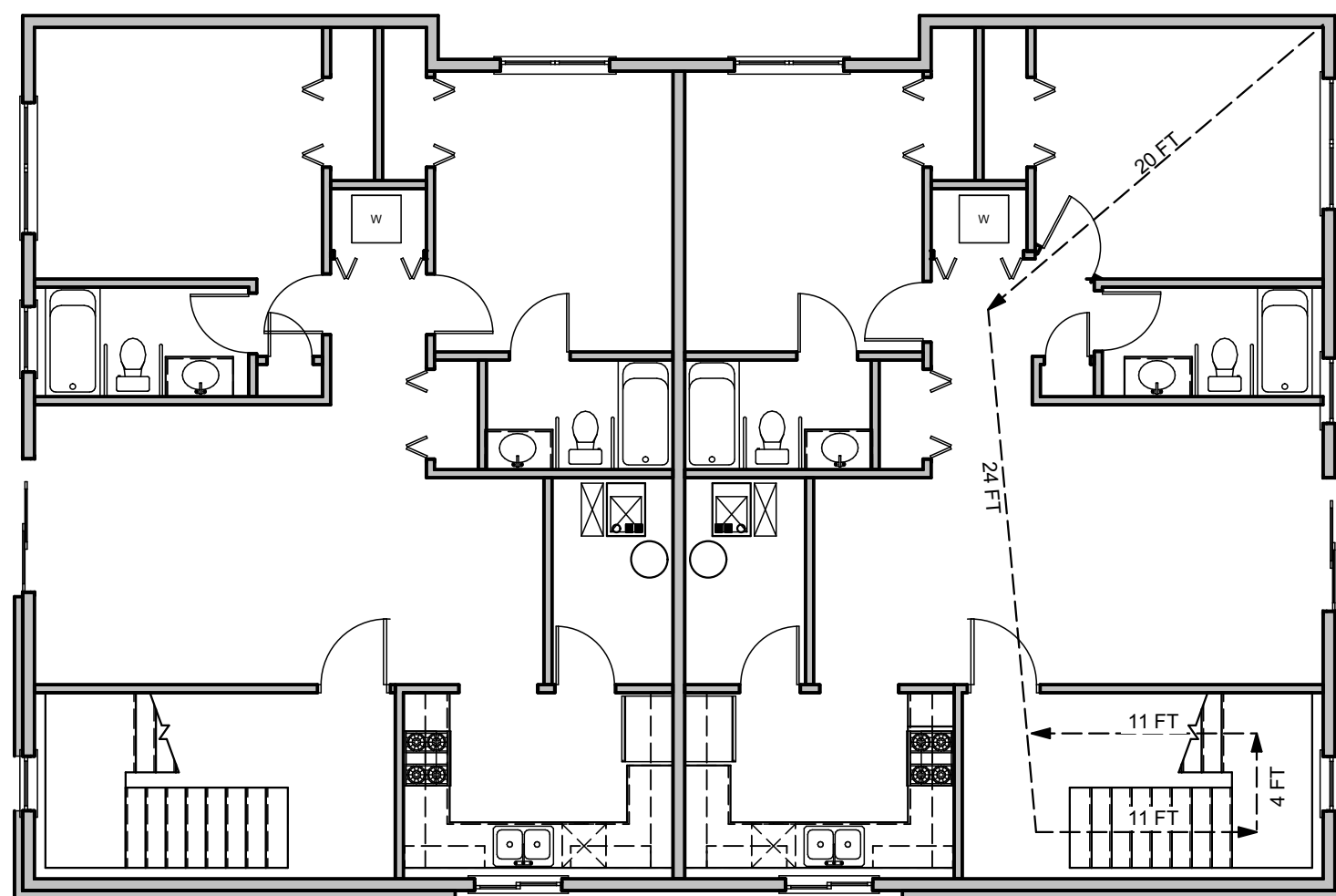
IN BUILDINGS WITHOUT ELEVATORS, AT LEAST ONE STORY MUST HAVE ACCESSIBLE TYPE B UNITS (MBC 1107.7.1)

2ND AND 3RD FLOORS WILL NOT CONTAIN ACCESSIBLE DWELLING UNITS BASED ON SECTION 1107. AN ELEVATOR IS NOT REQUIRED FOR STORIES THAT DO NOT CONTAIN ACCESSIBLE ELEMENTS BASED ON SECTION 1107. (MBC 1104.4 EXCEPTION 2)

EGRESS ACCESSIBILITY

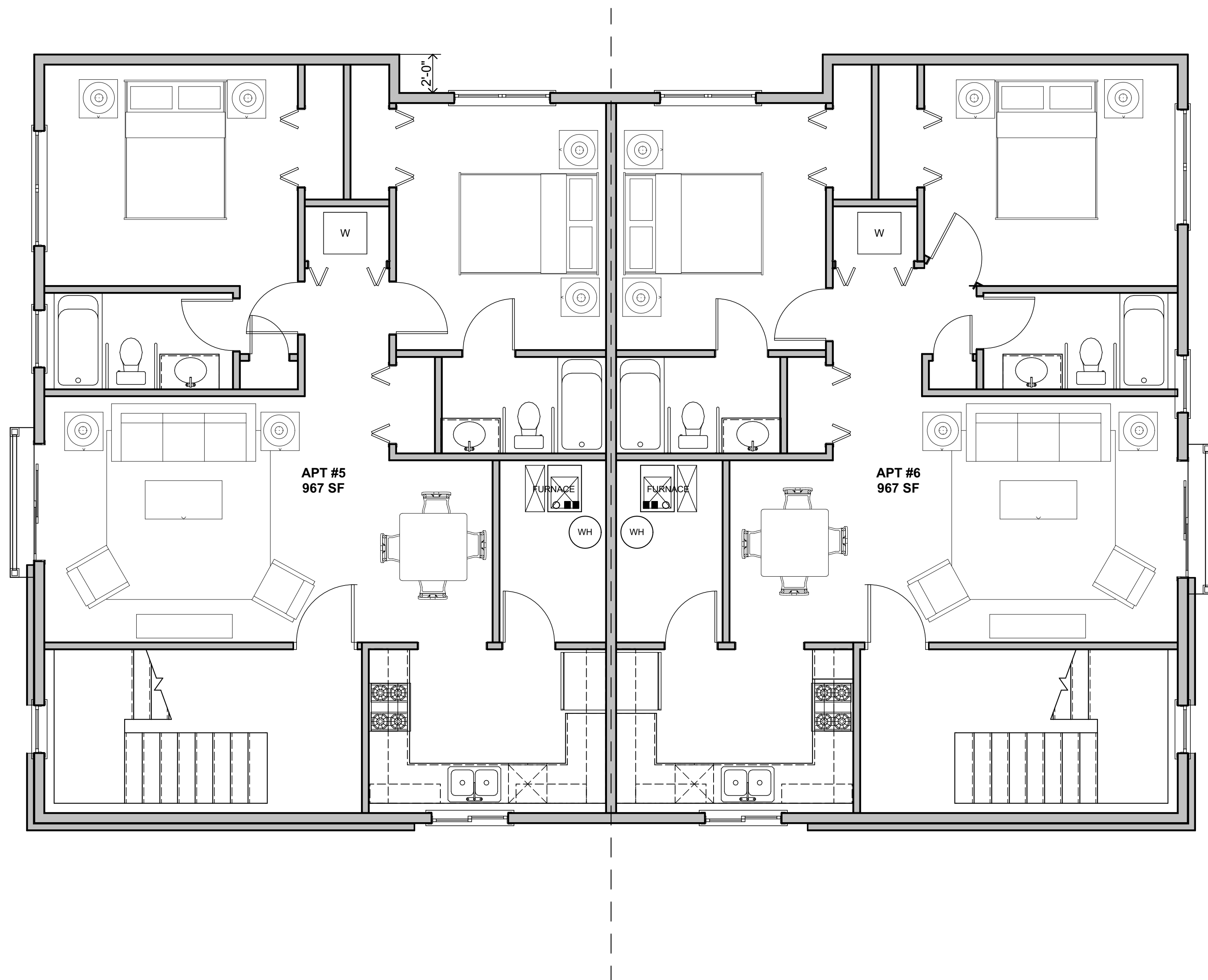
WITHOUT ACCESSIBLE ELEMENTS, THE 2ND & 3RD FLOOR ARE NOT CONSIDERED ACCESSIBLE SPACES THAT REQUIRE AN ACCESSIBLE EXIT. THEREFORE THE EXIT STAIRWAY WILL MEET THE REQUIREMENTS FOR STAIRWAYS AND INTERIOR EXIT STAIRWAYS (SECTIONS 1011 AND 1023) BUT NOT THE REQUIREMENTS FOR ACCESSIBLE STAIRS (SECTION 1109.3). THE MINIMUM WIDTH OF STAIRS WILL BE 36" FOR AN OCCUPANT LOAD LESS THAN 50.

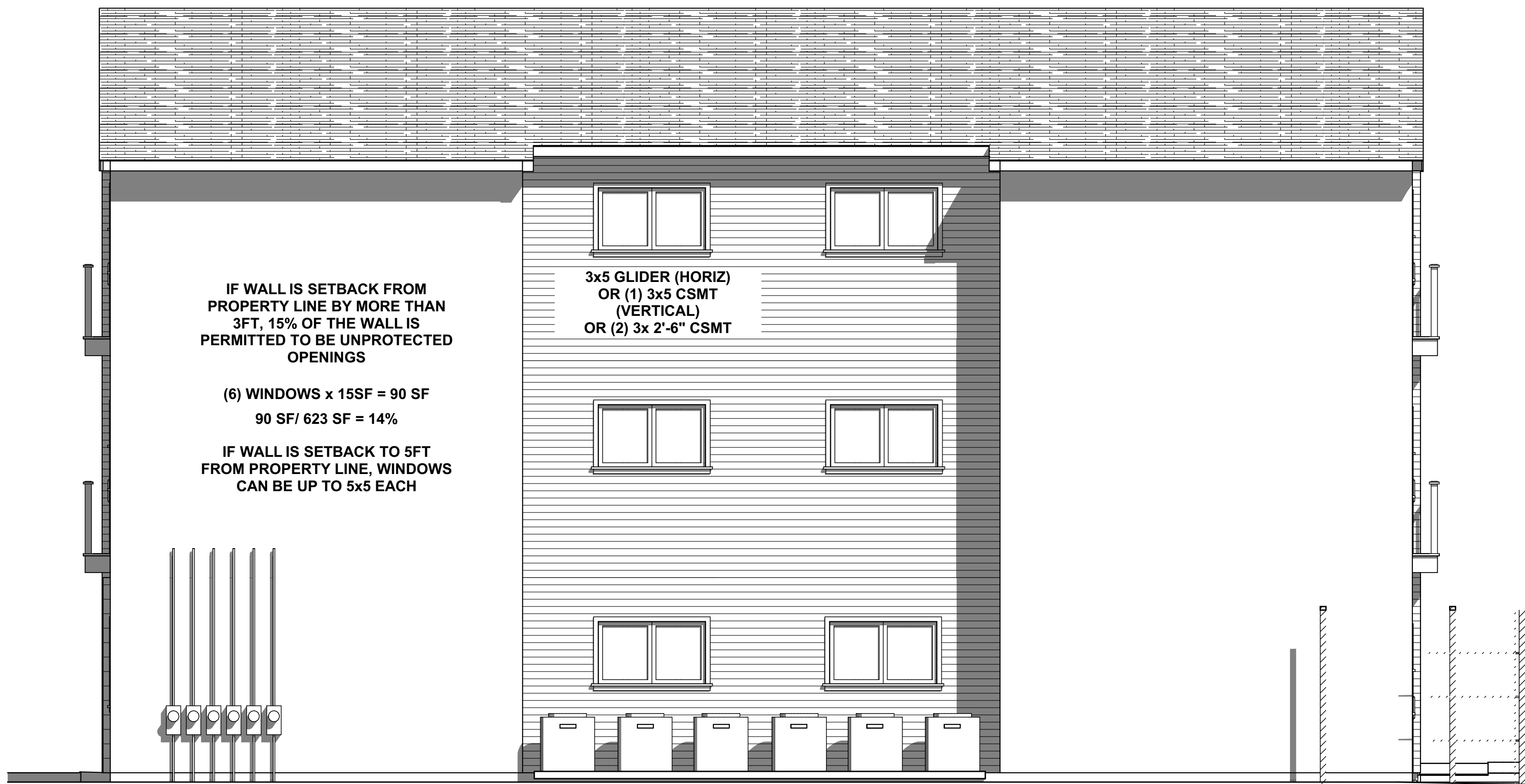
ALTERNATIVELY, THE WIDTH AND AREA OF REFUGE REQUIREMENTS FOR AN ACCESSIBLE STAIR ARE WAIVED FOR A BUILDING WITH AN AUTOMATIC SPRINKLER SYSTEM. (MBC 1109.3 EXCEPTION 2, 5, AND 8)



COMMON PATH OF EGRESS TRAVEL =
 $20 + 24 + (11 + 4 + 11) + (4 + 11 + 4 + 11) + 7 = 107 \text{ FT}$

TABLE MBC 1006.3.2(1) - WITH 3 STORIES, 2 UNITS PER FLOOR, AN AUTOMATIC SPRINKLER SYSTEM, AND EMERGENCY EGRESS OPENINGS, A SINGLE STAIRWAY IS SUFFICIENT FOR EACH FLOOR, WITH A COMMON PATH OF EGRESS TRAVEL LESS THAN 125 FT (MBC TABLE 1006.3.2, (1))





1 BLDG #1 LEFT ELEVATION
A5

1/4" = 1'-0"



2 BLDG #1: FRONT ELEVATION
A5

1/4" = 1'-0"

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PROJECT:
LINCOLN ST. APARTMENTS
212 LINCOLN ST
YPSILANTI, MI

TITLE: **BLDG 1- ELEVATIONS**

JOB NO:
1801

SHEET NO.

A6



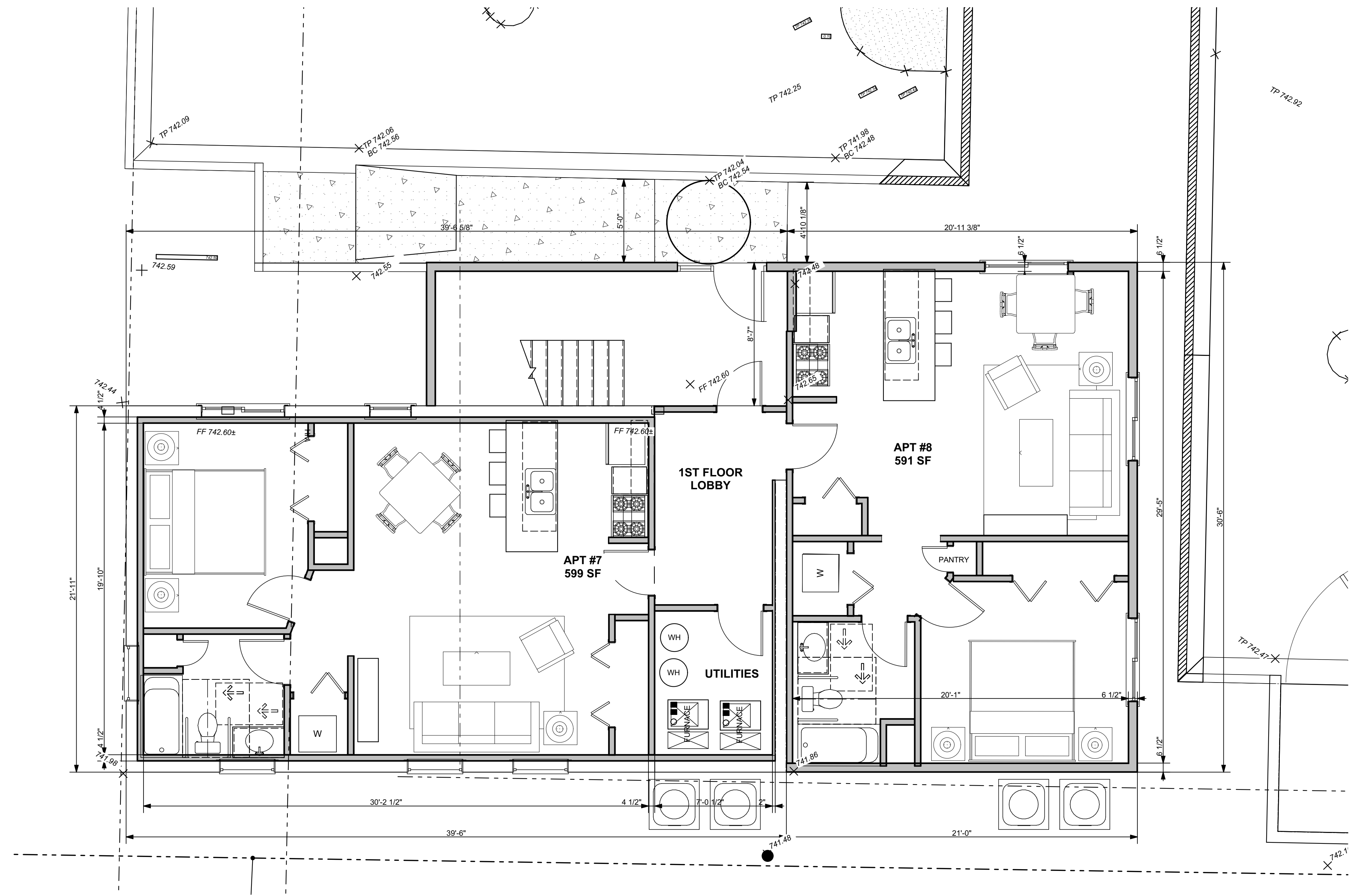
2
A6 BLDG #1: REAR ELEVATION

1/4" = 1'-0"



1
A6 BLDG #1- RIGHT ELEVATION

1/4" = 1'-0"



1 BLDG #2: 1ST FLOOR PLAN
B2

1/4" = 1'-0"

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212 LINCOLN ST
YPSILANTI, MI

JOB NO:
1801

SHEET NO.

B2

TITLE: **BLDG 2- 1ST FLOOR PLAN**

ENTRANCE ACCESSIBILITY

IN APARTMENT BUILDINGS (USE R-2) WITH 4 OR MORE UNITS, ALL UNITS MUST BE ACCESSIBLE (MBC 1107.6.4.2)

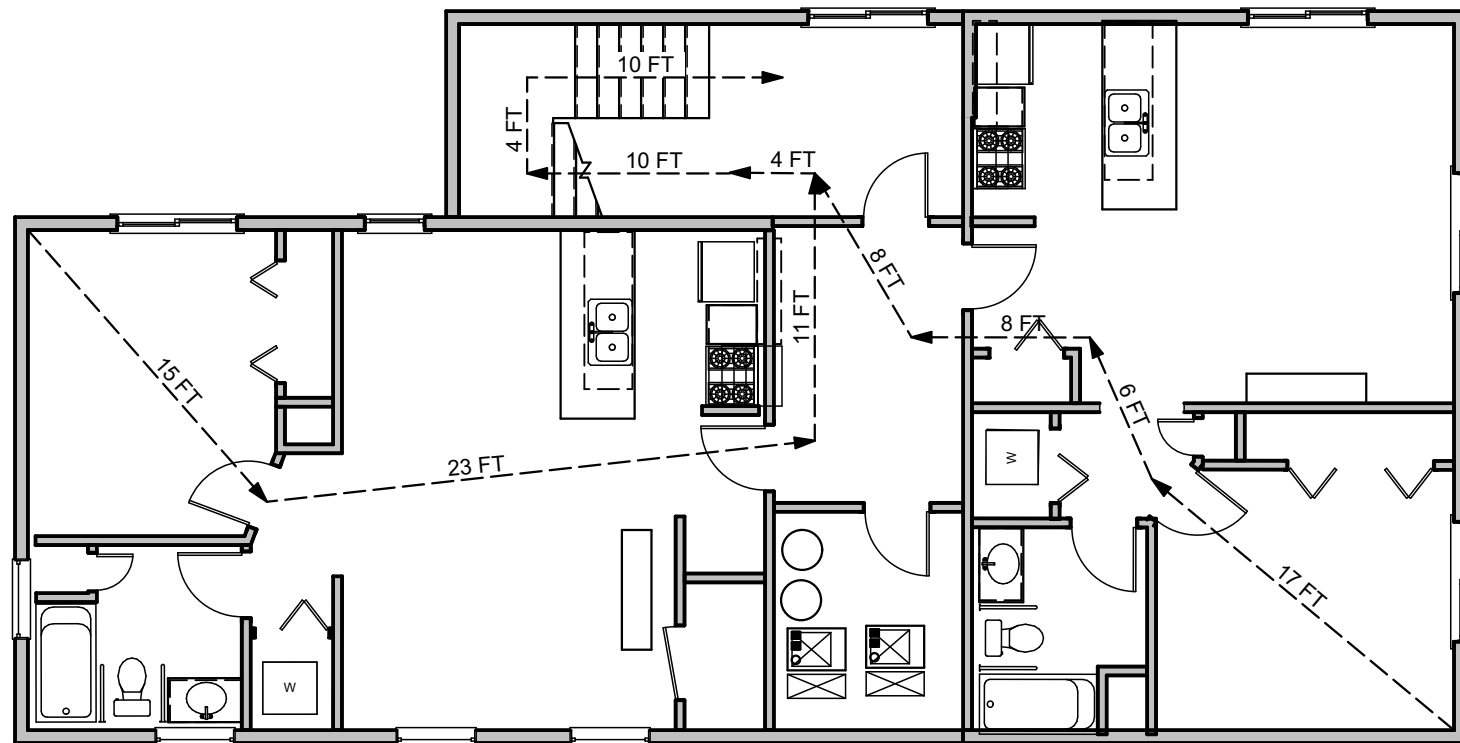
IN BUILDINGS WITHOUT ELEVATORS, AT LEAST ONE STORY MUST HAVE ACCESSIBLE TYPE B UNITS (MBC 1107.7.1)

2ND AND 3RD FLOORS WILL NOT CONTAIN ACCESSIBLE DWELLING UNITS BASED ON SECTION 1107. AN ELEVATOR IS NOT REQUIRED FOR STORIES THAT DO NOT CONTAIN ACCESSIBLE ELEMENTS BASED ON SECTION 1107. (MBC 1104.4 EXCEPTION 2)

EGRESS ACCESSIBILITY

WITHOUT ACCESSIBLE ELEMENTS, THE 2ND & 3RD FLOOR ARE NOT CONSIDERED ACCESSIBLE SPACES THAT REQUIRE AN ACCESSIBLE EXIT. THEREFORE THE EXIT STAIRWAY WILL MEET THE REQUIREMENTS FOR STAIRWAYS AND INTERIOR EXIT STAIRWAYS (SECTIONS 1011 AND 1023) BUT NOT THE REQUIREMENTS FOR ACCESSIBLE STAIRS (SECTION 1109.3). THE MINIMUM WIDTH OF STAIRS WILL BE 36" FOR AN OCCUPANT LOAD LESS THAN 50.

ALTERNATIVELY, THE WIDTH AND AREA OF REFUGE REQUIREMENTS FOR AN ACCESSIBLE STAIR ARE WAIVED FOR A BUILDING WITH AN AUTOMATIC SPRINKLER SYSTEM. (MBC 1109.3 EXCEPTION 2, 5, AND 8)



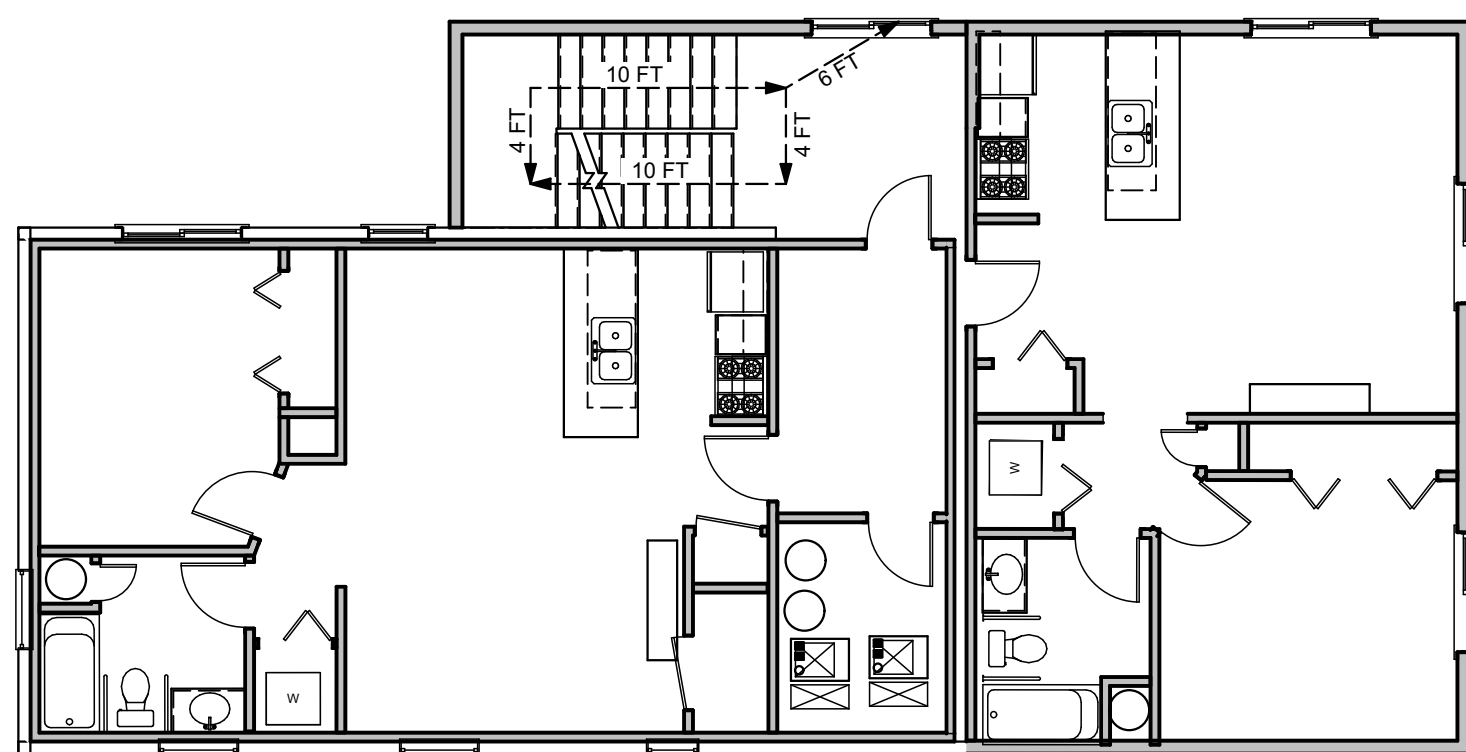
COMMON PATH OF EGRESS TRAVEL =
 $15 \times 23 + 11 \times 4 + (10 \times 4 + 10) + (4 \times 10 + 4 \times 10) + 6 = 111$ FT

TABLE MBC 1006.3.2(1) - WITH 3 STORIES, 2 UNITS PER FLOOR, AN AUTOMATIC SPRINKLER SYSTEM, AND EMERGENCY EGRESS OPENINGS, A SINGLE STAIRWAY IS SUFFICIENT FOR EACH FLOOR, WITH A COMMON PATH OF EGRESS TRAVEL LESS THAN 125 FT (MBC TABLE 1006.3.2, (1))

COMMON PATH OF EGRESS TRAVEL =
 $17 \times 6 + 8 \times 8 + 4 + (10 \times 4 + 10) + (4 \times 10 + 4 \times 10) + 6 = 101$ FT

3
B3 **BLDG 2- 3RD FL EGRESS PLAN**

1/8" = 1'-0"

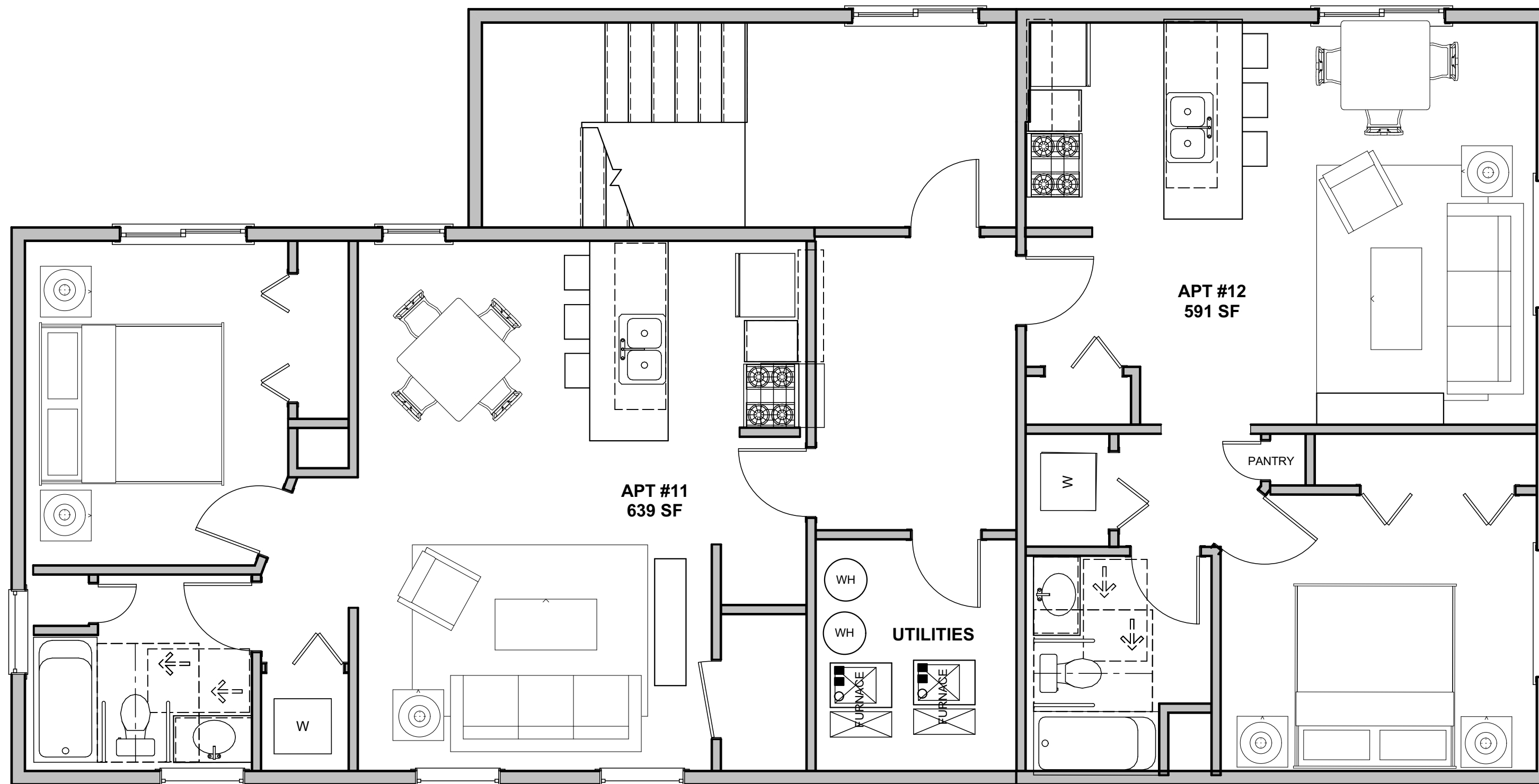


4
B3 **2ND FL EGRESS PLAN**

1/8" = 1'-0"

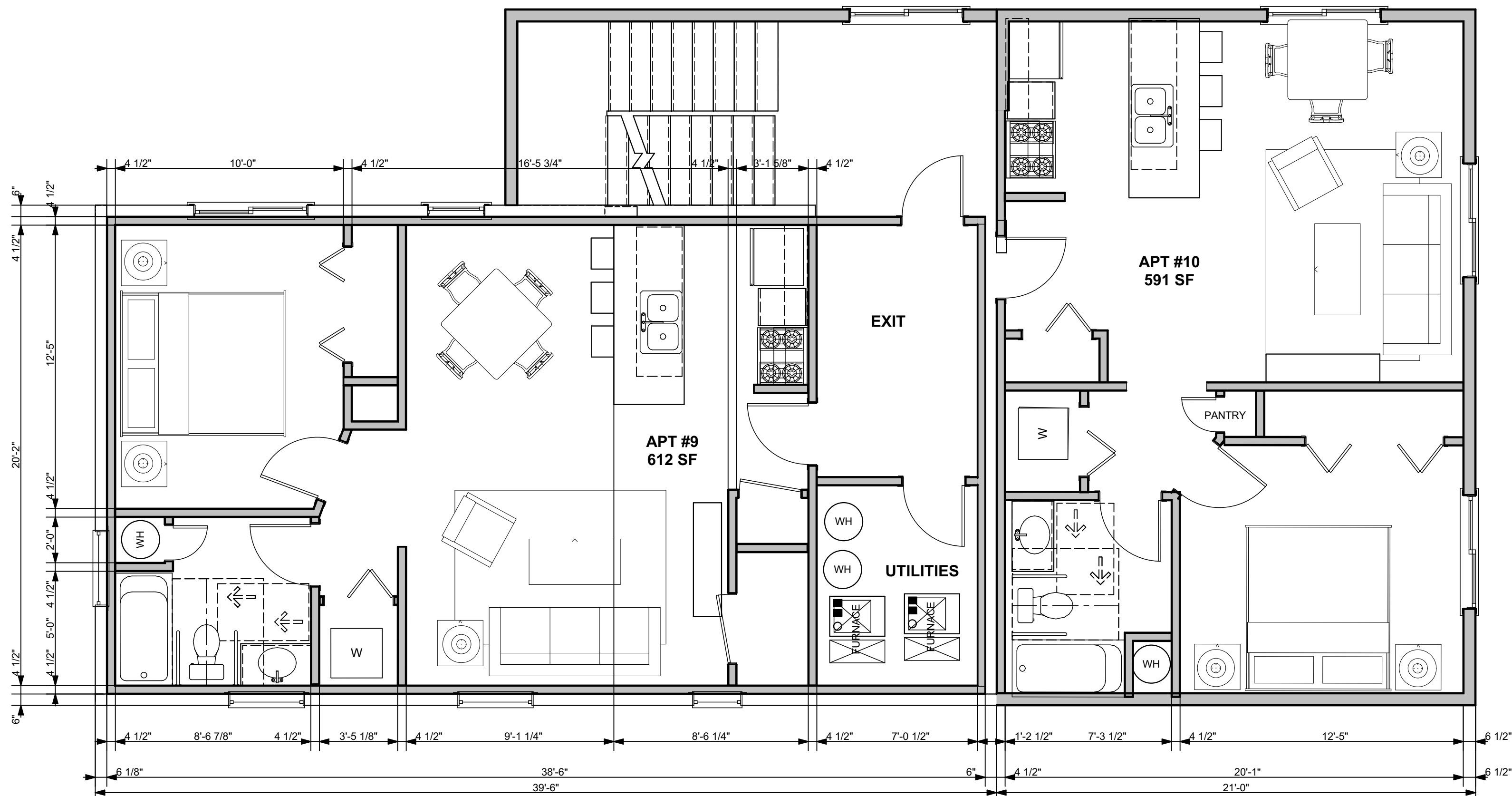
2
B3 **BLDG 2 3RD FLOOR PLAN**

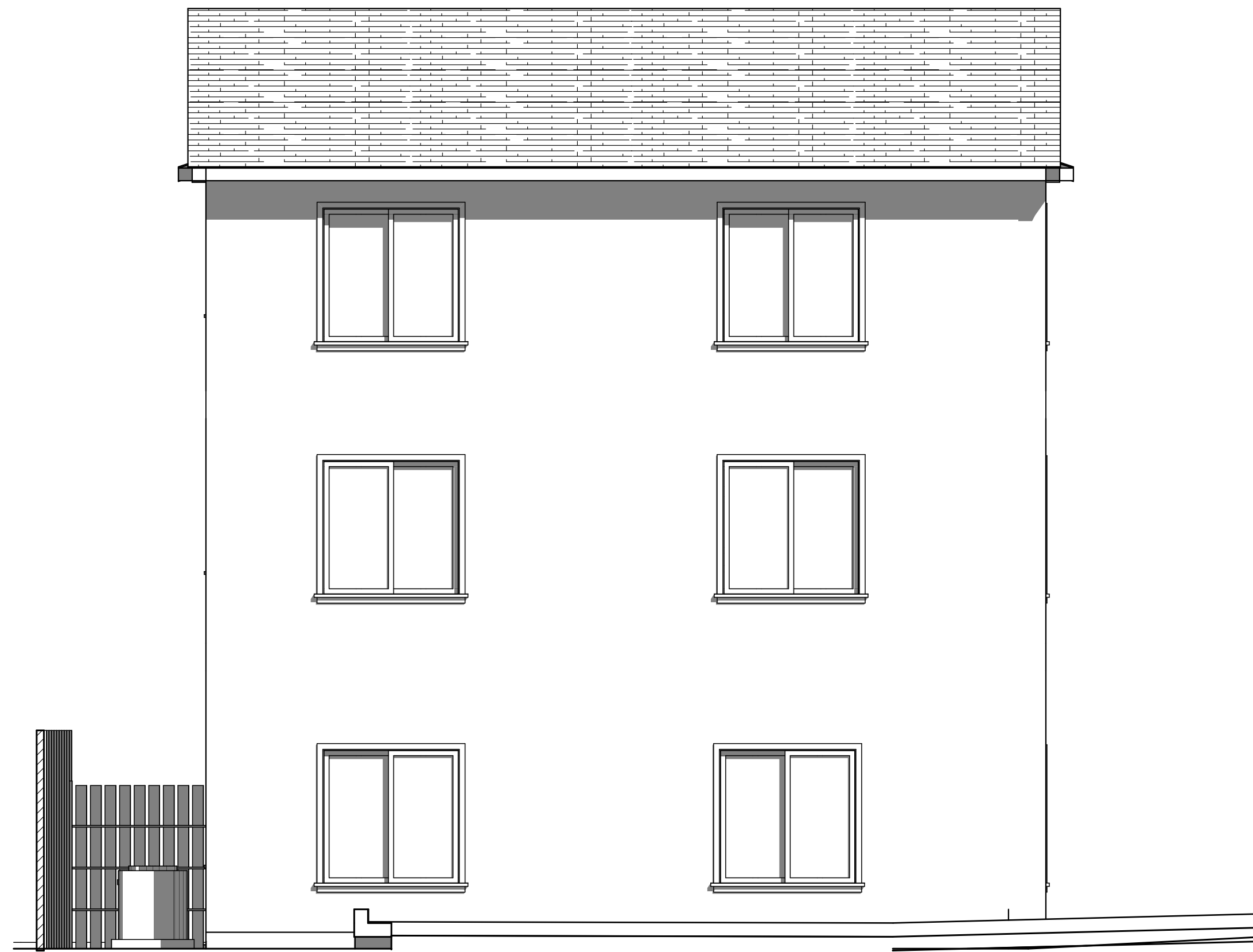
1/4" = 1'-0"



1
B3 **BLDG 2 2ND FLOOR PLAN**

1/4" = 1'-0"





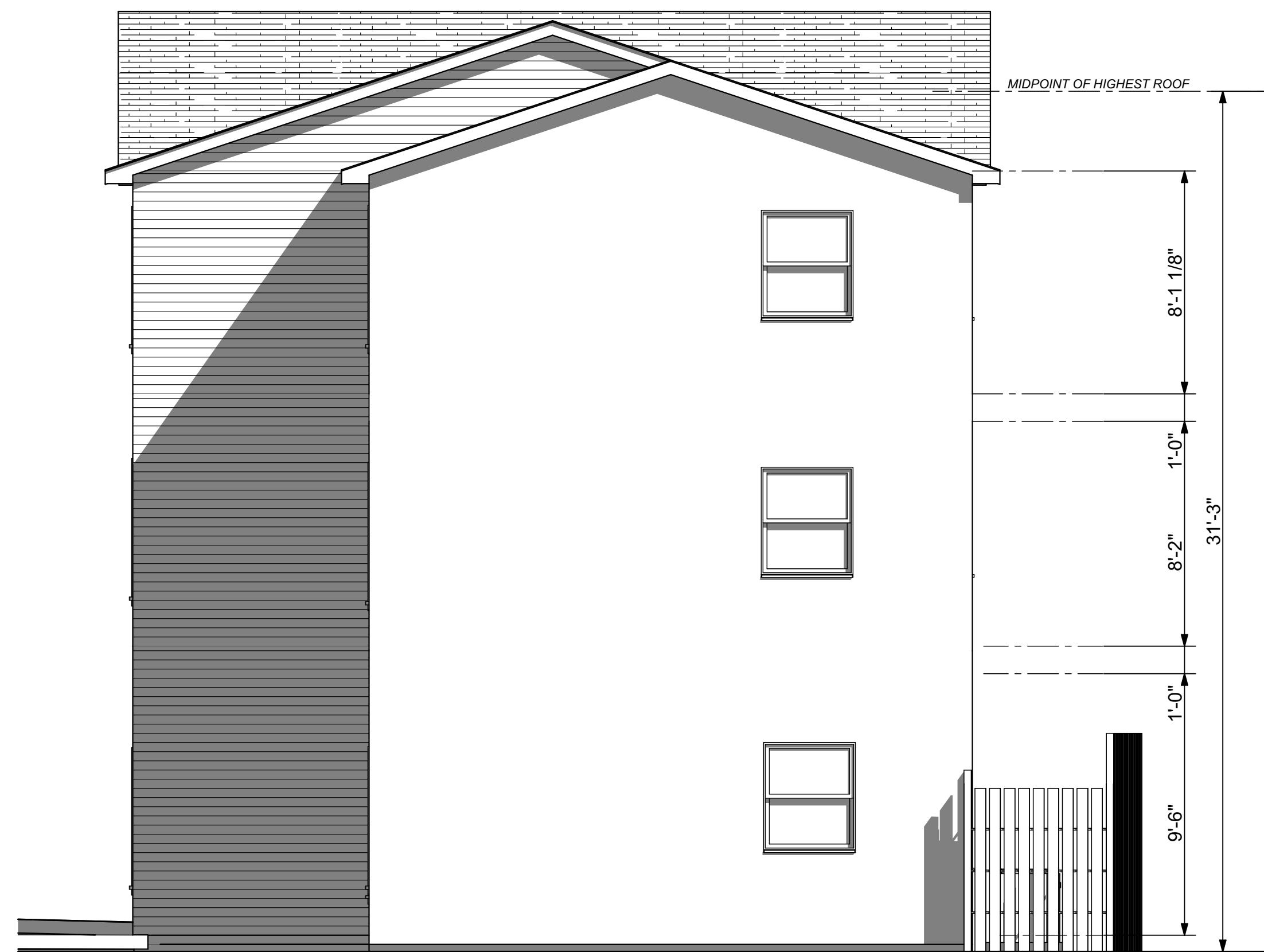
3 BLDG #2: REAR ELEVATION
B4

1/4" = 1'-0"



2 BLDG #2 RIGHT ELEVATION
B4

1/4" = 1'-0"



4 BLDG #2: FRONT ELEVATION
B4

1/4" = 1'-0"



1 BLDG #2 LEFT ELEVATION
B4

1/4" = 1'-0"



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3300 Berry Rd, Ypsilanti, MI 48198

PROJECT:
LINCOLN ST. APARTMENTS
212 LINCOLN ST
YPSILANTI, MI

TITLE: **RENDERINGS**

JOB NO:
1801

SHEET NO.



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

The Ypsilanti Zoning Board of Appeals will hold a special virtual meeting on Monday, November 30, 2020 at 7 p.m.

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

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

November 30, 2020 Zoning Board of Appeals Meeting Virtual Access Link

<https://us02web.zoom.us/j/84426683247?pwd=SG5mamRvWkpGTVewL0o2M0Vnbm5vUT09>

When prompted, enter **Passcode**: 588426

When prompted, enter **Meeting ID**: 844 2668 3247

November 30, 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**: 844 2668 3247, followed by the **Passcode**: 588426, 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: November 24, 2020