



CITY OF YPSILANTI
Zoning Board of Appeals MEETING
Monday, March 14, 2022 @ 7:00 PM
Ypsilanti Freighthouse
100 Market Place, Ypsilanti, MI 48198

Page

I. CALL TO ORDER

- 3** A. [Zoom Virtual Meeting Link](#)

II. ROLL CALL

Jake Albers, Chair
Jessica Donnelly
Georgina Hickey
Tom Roach

Jason Ringholz, Alternate

III. AGENDA APPROVAL

- 5** A. [March 14, 2022 Special Meeting Agenda](#)

IV. APPROVAL OF MINUTES

- 7 - 8** A. [January 2021 Meeting Minutes](#)

V. PURPOSE OF MEETING

VI. OLD BUSINESS

VII. NEW BUSINESS

- 9 - 24** A. 12 E Forest Ave - Variance
Public Hearing
[12 E Forest Ave Packet \(Revised March 11, 2022\)](#)

- 25** B. 2022 ZBA Meeting Schedule
[Draft 2022 Meeting Schedule](#)

VIII. ADJOURNMENT



**PUBLIC NOTICE
CITY OF YPSILANTI
ZONING BOARD OF APPEALS SPECIAL MEETING
(HYBRID IN-PERSON/VIRTUAL MEETING)**

The Zoning Board of Appeals will hold a **special meeting** in the hybrid in-person/virtual meeting format, on Monday, March 14, 2022 at 7 p.m. at the Ypsilanti Freighthouse (Café Room), 100 Market Pl, Ypsilanti, MI 48198. The meeting is being held in this manner in order to prevent the spread of COVID-19.

The purpose of the special meeting is to hold a public hearing, review, and make a decision on an application for a variance for 12 E Forest Ave. Specifically, the variance requests relief from the parking side setback requirements in Section 122-432(a)(2).

The meeting can be attended in person at the Ypsilanti Freighthouse, or through the below link, or through the below toll free numbers.

March 14, 2022 Zoning Board of Appeals Special Meeting Virtual Access Link

<https://us02web.zoom.us/j/81167916790?pwd=VZJc1JORTBsVk1DWknV1IBN052QT09>

When prompted, enter **Passcode:** 571100

When prompted, enter **Meeting ID:** 811 6791 6790

March 14, 2022 Zoning Board of Appeals Special Meeting Toll Free Phone Number Access

877 853 5257 US Toll-free
888 475 4499 US Toll-free

When prompted, enter the **Meeting ID:** 811 6791 6790, followed by the **Passcode:** 571100, followed by #, press # again to be connected.

The public will be able to make comment during the Public Hearing. To address the Zoning Board of Appeals, meeting participants will need to "raise their hand" to indicate they want to speak.

To raise your hand while participating online, click the "Raise Hand" icon at the bottom of the Zoom Screen or press *9 via phone. After you raise your hand you will be informed when it is your turn to speak, and your microphone will be unmuted at that time. Your microphone will be muted again when you have finished your comments or when your speaking time has expired.

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.

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

Andrew Hellenga
City Clerk
Posted: March 10, 2022

**Special Meeting Agenda
Ypsilanti Zoning Board of Appeals**

**Monday, March 14 2022 - 7:00 P.M.
Ypsilanti Freighthouse
100 Market Place, Ypsilanti, MI 48198**

I. Call to Order

II. Roll Call

Jake Albers, Chair	P	A
Jessica Donnelly	P	A
Georgina Hickey	P	A
Tom Roach	P	A
Jason Ringholz <i>alternate</i>	P	A

III. Approval of Minutes

- January 27, 2021

IV. Purpose of Meeting

V. Old Business

VI. New Business

- 12 E Forest Ave Variance
Public Hearing
- Approval of 2022 Meeting Schedule

VII. Adjournment

MEETING MINUTES
Zoning Board of Appeals
Wednesday, January 27, 2021 - 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.cityofpsilanti.com and attached in the packet.

I. Call to Order

II. Roll Call

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

III. Approval of Minutes

- November 30, 2020 Special Meeting

Motion to approve the November 30, 2020 minutes.

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

Approved: Yes-5; No-0;

Motion carried.

IV. Purpose of Meeting

V. Old Business

VI. New Business

- 902 W Michigan Ave – Variances
 - *Public Hearing*

Motion to open the public hearing.

Offered by: Hickey; **Seconded by:** Roach

Approved: Yes-5; No-0;

Motion carried.

Motion to close the public hearing.

Offered by: Roach; **Seconded by:** Ringholz

Approved: Yes-5; No-0;

Motion carried.

Motion to deny the variance request from §122-484(c) to permit less than 60% ground floor transparency at 902 W Michigan Ave with the following findings:

- 1. There are not practical difficulties because of special conditions or circumstances which are unique to the specific property.*
- 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.*
- 3. The alleged practical difficulties on which the variance request is based have been at least partly created by the present owner.*
- 4. The granting of the variance will be detrimental to the public welfare in the neighborhood*

in which the property is located.

5. *The allowance of the variance would not ensure substantial justice being done, considering the public benefits that the zoning ordinance and planning efforts propose.*
6. *The variance request is not the minimum necessary.*

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

Approved: Yes-5; No-0;

Motion carried- variance denied.

Motion to approve the variance request from §122-695(c) to permit a loading space within 50 feet of a property zoned CN-Mid with the following findings and conditions:

Findings:

1. *Literal enforcement of the zoning ordinance poses practical difficulties regarding the placement of a loading space at least 50 feet from the adjacent residential lot.*
2. *Granting of the variance would not confer upon the applicant a special privilege that is denied by this chapter to other lands, structures, or buildings in the same district.*
3. *The practical difficulties of the site have not been created by the present owner of the property.*
4. *The granting of the variance shall not be detrimental to the public or injurious to the neighboring properties, especially considering screening with a six foot high masonry wall.*
5. *The allowance of the variance would ensure substantial justice being done, considering the difficulty and potential problems in placing the loading space elsewhere.*
6. *The variance request is the minimum necessary.*

Condition: *The rear property line be screened using a six feet high masonry wall.*

Offered by: Roach; **Seconded by:** Ringholz

Approved: Yes-5; No-0;

Motion carried- variance approved.

VII. Adjournment

Motion to adjourn.

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

Approved: Yes-5; No-0;

Motion carried.



March 14, 2022

Staff Review of Variance Request
12 E Forest Ave

GENERAL INFORMATION

Applicant: Ypsilanti Warehouse LLC

Project: 12 E Forest Variance

Public Hearing Date: March 14, 2022

Location: 12 E Forest Ave
(Parcel ID# 11-11-04-461-002; Legal Description: BEG AT NE COR LOT 305 NORRIS & CROSS ADDITION, TH S 120.78 FT, TH S 89-23-00 W 29.00 FT, TH S 49.50 FT, TH S 89-23-00 W 51.52 FT, TH S 18-30-00 E 88.30 FT, TH N 89-23-00 E 19.95 FT, TH S 56.27 FT, TH S 67-59-20 W 25.11 FT, TH S 26-42-35 E 55.30 FT, TH S 68-02-35 W 60.15 FT, TH S 44-30-17 E 194.47 FT, TH E 11.00 FT, S 54.97 FT, TH S 48-44-24 E 43.69 FT, TH S 52-48-30 W 68.44 FT, TH N 37-11-30 W 505.83 FT, TH 168.65 FT ALNG ARC OF CURV-RT- RAD 438.79 FT - CH N 26-10-51 W 167.61 FT, TH 28.59 FT ALNG ARC OF CURV-RT- RAD 133.85 FT- CH N 09-03-01 E 28.54 FT, TH N 33-36-14 W 17.81 FT, TH N 71-52-30 E 218.19 FT, TH N 89-23-00 E 142.39 FT TO THE POB. BEING LOT 306 & PART OF LOTS 305, 308 & 309 NORRIS & CROSS ADDITION, ALSO ADJ VAC FURNACE ST)

Zoning District: Production, Manufacturing, Distribution (PMD)

Action Requested: Approval of variance: specifically a variance from section 122-432(a)(2) to permit parking within the required parking setback in two general areas- the western lot line in the northern portion of the site, and the western lot line in the southern portion of the site.

Staff Recommendation: Approval with conditions

PROJECT AND SITE DESCRIPTION

The 12 E Forest Ave property is the former Michigan Ladder building and property. It had been used as a manufacturing facility for many decades before closing last year. The redevelopment plans for the site entail parking surfacing improvements, stormwater management, landscaping, a façade renovation, and more. The variances requested tonight feature two general areas- the western lot line in the northern portion of the site, and the western lot line in the southern portion of the site. In both cases, the parking spaces actually encroach the MDOT rail right-of-way. In the southern portion, the parking encroaches by only a few feet, if not inches, but is located 17.94' from the railroad at its nearest point. In the northern portion, the parking encroaches by approximately 26' but is located at least 21.24' from the railroad at its nearest point.

Variance Staff Review | 12 E Forest Ave | March 2022

Procedural Notes:

- ~~The submitted plans and request detail a small parking lot accessed from Norris St. In a discussion with the applicant's engineer on March 9, 2022, City staff asserted that parking lot does not comply with the use regulations of the CN-SF zoning district, and cannot be part of a larger zoning lot due to the differing zoning districts, therefore the parking lot cannot be developed. The applicant's engineer is revising the site plans accordingly and these plans will be updated in the meeting packet when ready. This staff report does not acknowledge that variance request. If plans are not updated accordingly, then staff recommends the Zoning Board of Appeals deny that specific request.~~ **UPDATED 3/11/2022- APPLICANT REVISED PLANS. NEW PLANS ARE DATED 3/10/2022.**
- The applicant must receive site plan review approval and special use permit approval by the Planning Commission. These items are placed on the March 16th Planning Commission agenda.
- The applicant must receive approval by MDOT in order to proceed with the site plan. It should be noted that variance or site plan approval does not guarantee MDOT permission.

Figure 1: Subject Site Location (2020 Aerial)



Figure 2: Photo of site from E Forest Ave (Google Street-view, July 2021)



Figure 3: Photo of site from Norris St (Google Street-view, October 2020)



Figure 4: Land Use and Zoning of Surrounding Area

	LAND USE	ZONING
NORTH	Warehousing	PMD
EAST	Residential	CN-SF
SOUTH	Residential/Parking	CN-SF/C
WEST	Railroad/Frog Island Park	Park

ORDINANCE

§122-432(a)(2)

§122-432(a)(2)

Sec. 122-432. Non-use and Dimensional Regulations.

(a) OVERALL SITE REGULATIONS		
<i>Also subject to Article VI</i>		
(1) Maximum Lot Coverage		
All impervious surfaces	90%	
(2) Parking Location and Setbacks		
Front & street side yard	10 feet	
Side and rear yards	10 feet	
From adjacent R-1, CN-SF, CN-Mid, CN, MD districts	15 feet	
(3) Minimum Lot Width		
Determined by the use and the required off-street parking, loading, screening and yard setbacks		
(4) Minimum Lot Area		
Determined by the use and the required off-street parking, loading, screening and yard setbacks		
(5) Outdoor Lighting		
See Section 122-609		
(6) Landscaping		
See section Article VI, Division 3 for additional guidelines regarding landscaping.		
Conflicting Land Use Screening	From adjacent R-1, CN-SF, CN-Mid, CN, MD, HHS districts	Section 122-634. Screening must be a solid wall or fence constructed of face brick, poured-in-place simulated face brick, precast brick face panels having simulated face brick, stone, or wood.
Greenbelt	<ul style="list-style-type: none"> • Must be provided along the front yard and any street side yard. • Must be landscaped with a minimum of one (1) tree for every thirty (30) feet of frontage. No evergreens. • No less than 10' deep • Remainder must be landscaped in grass, ground cover, shrubs and other natural landscape materials. • Access drives from public rights-of-way through required greenbelts are permitted, but such drives may not be subtracted from the dimension used to determine the minimum number of trees required. 	

The variance request involves parking areas that are within 10 feet of the side lot line.

STANDARDS

§122-370(b)

Standards for Variances. A variance from the literal enforcement of this Ordinance may be granted by the Zoning Board of Appeals only if all of the following standards are met.

(1) Literal enforcement of this chapter will pose practical difficulties to the applicant because of special conditions or circumstances which are unique to the specific property such as: exceptional shallowness or shape of the property, exceptional topographic conditions, extraordinary situation of a building or structure, use or development of an adjacent property, or difficulties relating to construction or structural changes on the site. Mere inconvenience or a desire to attain higher financial return shall not itself be deemed sufficient to warrant a variance.

The practical difficulties involve the minimal amount of site area possible for paving a parking lot in accordance with the Zoning Ordinance's standards. The lack of area is a result of the existing building's shape and large footprint, combined with lot lines that are deceptively close to the building due to the uniquely large width of the railroad right-of-way.

Staff Recommendation: Standard met.

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

The unique width of the railroad right-of-way is larger on the north side of the site than at many other points along the railroad corridor. Based on the survey and site plan, if the applicant adhered to the zoning ordinance the closest a parking space could be to the railroad track is approximately 28 feet. The site plan proposes one parking space at about 17.94' at the closet distance to the railroad track's outer extents, but all of the spaces in the northern portion of the site are at least 21.24' from the railroad's outer extents. There are a few instances throughout the City where vehicles park within the aforementioned 28' distance, so in staff's opinion the granting of the variance would not confer the applicant a substantial privilege.

Staff Recommendation: Standard met.

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

The building has been around for over 120 years. Due to the limited open space throughout the site, parking spaces with adequate maneuvering lanes to code are practically impossible.

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.

The parking variance should not create an injurious situation to other properties or improvements in the neighborhood. Parking has occurred in this area since at least 1969, based on the MapWashtenaw GIS map's aerial imagery. The only reason this case is before the ZBA, and then before the Planning Commission is because there will be a change of use and the applicant intends to pave the asphalt parking lot to accommodate the change of use.

The implementation of the variance will only occur if MDOT grants the applicant license to encroach their right-of-way.

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.

The granting of the variance would allow the property to continue to do what has been done for decades- park in the side yard within the scope of the right-of-way. The reason this parking area is not acknowledged as a (legal) nonconformity is because it was unimproved and a site plan documenting the parking area cannot be found on file. Previous site planning likely took place prior to site plan review requirements.

Besides a similar production-related use to the ladder company, it is unlikely this building could suit any other uses unless parking setbacks were to be reduced by a variance, or unless an applicant were to propose waivers (bicycle parking, bus stop, etc.) to reduce nearly all of the parking. This issue could make the building practically unusable in the future, and can be negative effects to a building and site sitting vacant for a long time.

Additionally, the granting of the variance will allow the site plan to be developed in a way that improves the site and improves the surrounding area, by implementing orderly parking, as well as by implementing stormwater management strategies and landscaping for the first time.

Staff Recommendation: Standard met.

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

The variance is a reasonable request because the applicant has already reduced their total number of employees in order to provide less parking in accordance with the parking calculation standards of 122-691. Additionally, per 122-685 of the zoning ordinance, the applicant provides 22' of maneuvering lane width, which reduced the space to develop the parking spaces.

Staff Recommendation: Standard met.

STAFF RECOMMENDATION

Staff recommends the Zoning Board of Appeals **approve** the variance request from 122-432(a)(2) to permit parking within the required 10' west side setback at 12 E Forest Ave in accordance with the site plan dated March 10, 2022, with the following findings and conditions:

Findings:

1. Literal enforcement of the zoning ordinance poses practical difficulties. (§122-370.b.1)
2. Granting of the variance would not 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 practical difficulties of the site have not been created by the present owner of the property. (§122-370.b.3)
4. The granting of the variance shall not be detrimental to the public or injurious to the neighboring properties. (§122-370.b.4)
5. The allowance of the variance would ensure substantial justice being done. (§122-370.b.5)
6. The variance request is the minimum necessary. (§122-370.b.6)

Conditions:

1. The parking setback encroachment shall not exceed the distance presented in the site plan dated March 10, 2022.
2. The parking setback variance shall be for the west side setbacks only.
3. The applicant shall receive permits/authorization by MDOT to encroach into the right-of-way.
4. The variance shall become null and void if no building permit or no construction is started within one year of the approval date of the variance per 122-370(d).

Andy Aamodt
City Planner, Community & Economic Development Department

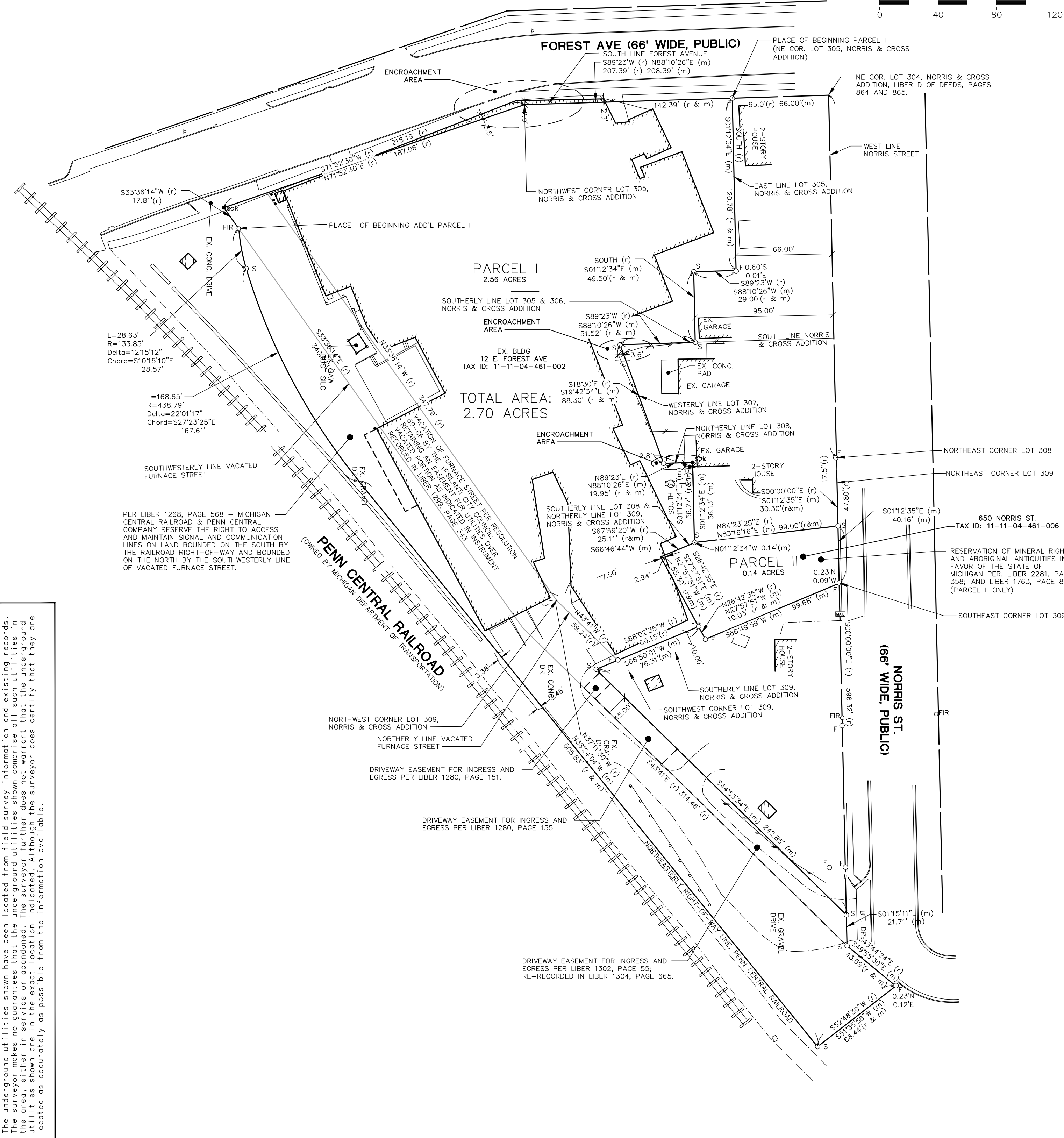
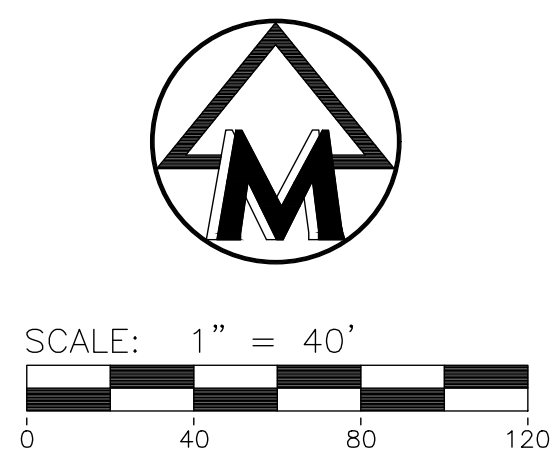
c.c. File
Applicant

M:\C\115427\115427.dwg, 3/10/2022 5:42 PM, Mark Vander Veen, 2 EXISTING CONDITIONS - BOUNDARY, MLLC PDF, #23
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The underground utilities shown on this drawing are shown for information only. The surveyor does not warrant that the underground utilities shown are in the exact location indicated. Although the surveyor does certify that they are located as accurately as possible from the information on hand, the surveyor does not warrant that the underground utilities shown are in the exact location indicated. The surveyor further does not warrant that the underground utilities shown are in the exact location indicated. The surveyor does not warrant that the underground utilities shown are in the exact location indicated. Although the surveyor does certify that they are located as accurately as possible from the information on hand, the surveyor does not warrant that the underground utilities shown are in the exact location indicated.

NOTES

1. SEE MIDWESTERN CONSULTING ALTA SURVEY JOB#: 21169 FOR DETAILS OF ENCROACHMENTS



LEGAL DESCRIPTION

Per First American Title Insurance Company, Title Commitment #NCS-1072506-MICH, Dated: June 09, 2021

Land in the City of Ypsilanti, Washtenaw County, MI, described as follows:

Parcel I

Commencing at the intersection of the West line of Norris Street with the South line of Forest Avenue as now laid out and used, fractional Section 4, Town 3 South, Range 7 East, City of Ypsilanti, Washtenaw County, Michigan, said point being the Northeast corner of Lot 304 of Norris and Cross Addition to the City of Ypsilanti as recorded in Liber D, on Pages 864 and 865 of Washtenaw County Records, thence South 89 degrees 23 minutes West 65.0 feet along said South line of Forest Avenue and the Northerly line of said Lot 304 to the Northeast corner of Lot 305 of said Norris and Cross Addition for a **PLACE OF BEGINNING**;

thence South 120.78 feet along the East line of said Lot 305 and 66.0 feet West of and parallel with said West line of Norris Street;
 thence South 89 degrees 23 minutes West 29.00 feet 49.50 feet North of and parallel with the South line of said Norris and Cross Addition;
 thence South 49.50 feet parallel with and 95.00 feet West of said West line of Norris Street;
 thence South 89 degrees 23 minutes West 51.52 feet along the South line of Lots 305 and 306 of said Norris and Cross Addition;
 thence South 18 degrees 30 minutes East 88.30 feet along the Westerly line of Lot 307 of said Norris and Cross Addition and the Southerly extension thereof;
 thence North 89 degrees 23 minutes East 19.95 feet along the Northerly line of Lot 308 of said Norris and Cross Addition;
 thence South 56.27 feet parallel with said West line of Norris Street to a point on the Southerly line of said Lot 308 that lies South 47.80 feet along said West line of Norris Street and South 84 degrees 23 minutes 25 seconds West 99.00 feet from the Northeast corner of said Lot 308;
 thence South 67 degrees 59 minutes 20 seconds West 25.11 feet along the Southerly line of said Lot 308 to a point that lies North 67 degrees 59 minutes 20 seconds East 77.50 feet from the Southwest corner of said Lot 308;
 thence South 26 degrees 42 minutes 35 seconds East 55.30 feet to a point on the Southerly line of Lot 309 of said Norris and Cross Addition that lies North 58 degrees 02 minutes 35 seconds East 57.00 feet along the Southerly line of said Lot 309 and North 25 degrees 42 minutes 35 seconds West 10.03 feet from the present Southwest corner of said Lot 309;
 thence South 68 degrees 02 minutes 35 seconds West 60.15 feet parallel with and 10.00 feet North of the Southerly line of said Lot 309;
 present Southwesterly line of Lot 308 and the Northeastery line of Furnace Street as now laid out and used;
 thence North 71 degrees 52 minutes 30 seconds East 187.06 feet along the Southerly line of Forest Avenue as now laid out and used to the Northwest corner of said Lot 305;
 thence North 89 degrees 23 minutes 142.39 feet along said Southerly line of Forest Avenue and the Northerly line of said Lots 306 and 305 to the **PLACE OF BEGINNING**, Being Lot 106 and a part of Lot 305, a part of Lot 308 and a part of Lot 309 of said Norris and Cross Addition to the City of Ypsilanti and a part of said fractional Section 4, Town 3 South, Range 7 East.

TOGETHER WITH that portion of Furnace Street, vacated pursuant to City of Ypsilanti Resolution No. 69-66, promulgated on August 18, 1969, that is adjacent to the above described property.

ALSO

Commencing at the intersection of the West line of Norris Street with the South line of Forest Avenue as now laid out and used, Fractional Section 4, Town 3 South, Range 7 East, City of Ypsilanti, Washtenaw County, Michigan, said point being the Northeast corner of Lot 304 of Norris & Cross Addition to the City of Ypsilanti as recorded in Liber D, on Pages 864 and 865 of Washtenaw County Records, thence South 89 degrees 23 minutes West 208.30 feet along said South line of Forest Avenue and the North line of Lots 304, 305 and 306 of said Norris & Cross Addition to the Northwest corner of said Lot 306; thence South 71 degrees 52 minutes 30 seconds 218.19 feet along the Southerly line of Forest Avenue as now laid out and used; thence South 33 degrees 36 minutes 14 seconds East 340.94 feet along said West line of Norris Street from the Northeast corner of said Lot 304;

thence continuing South 33 degrees 36 minutes 14 seconds East 340.94 feet along said Southwesterly line of Furnace Street;
 thence South 43 degrees 41 minutes East 314.46 feet along the Southwesterly line of Furnace Street as now laid out and used to a point on the West line of Norris Street as now laid out and used that lies South 0 degrees 00 minutes 00 seconds East 596.32 feet along said West line of Norris Street from the Northeast corner of said Lot 304;
 thence South 43 degrees 44 minutes 24 seconds East 43.69 feet;
 thence South 52 degrees 48 minutes 30 seconds West 68.44 feet;
 thence North 37 degrees 11 minutes 30 seconds West 505.83 feet;
 thence Northwesterly 168.65 feet along the arc of a circular curve concave to the Northeast, radius 438.79 feet, central angle 22 degrees 01 minutes 19 seconds, chord North 26 degrees 10 minutes 51 seconds West 167.61 feet;

LEGEND

- SIGN MAILBOX POST
- FENCE GUARDRAIL
- SET IRON PIPE
- FOUND IRON PIPE
- SET P.K.
- SET IRON ROD
- FOUND IRON ROD (RECORDED)
- r FOUND IRON ROD (MEASURED)
- m

thence Northerly 28.59 feet along the arc of a compound circular curve concave to the East, radius 133.85 feet, central angle 12 degrees 14 minutes 20 seconds chord North 09 degrees 03 minutes 01 seconds West 28.54 feet to the **PLACE OF BEGINNING**. Being a part of said Norris & Cross Addition to the City of Ypsilanti as originally platted and a part of said Fractional Section 4, Town 3 South, Range 7 East.


Parcel II

Commencing 30.3 feet South of the Northeast corner of Lot 309, thence South 86 degrees West 99 feet; thence Southerly to the North line of Lot 309, at a point 77-1/2 feet Easterly of the Northwest corner of Lot 309; thence Southerly to the South line of Lot 309 at a point 57 feet Easterly of the Southwest corner of Lot 309; thence Northeasterly to the Southeast corner of Lot 309; thence Northerly along the East line of Lot 309 to the **PLACE OF BEGINNING**. Being a part of said Norris & Cross Addition to the Village (now City) of Ypsilanti, as recorded in Liber D of Plats, Pages 864 and 865, Washtenaw County Records. Being more particularly described as:

Commencing at the NE Corner of Lot 309, "Norris and Cross Addition to the Village (now City) of Ypsilanti", as recorded in Liber D of Plats, Pages 864 and 865, Washtenaw County Records, thence S 01°12'35" E 30.30 feet (S 00°00'00" E recorded) along the East line of said Lot 309 to the POINT OF BEGINNING,
 thence continuing S 01°12'35" E 40.16 feet along said line to the SE corner of said Lot 309;
 thence S 66°49'59" W 99.68 feet along the South line of said Lot 309 to a point 57 feet Easterly of the SW Corner of said Lot 309;
 thence N 27°57'51" W 65.33 feet (N 26°42'35" W recorded) to a point on the North line of said Lot 309 lying 77.50 feet Easterly of the NW Corner of said Lot 309;
 thence N 66°46'44" E 25.11 feet (N 67°59'20" E recorded) along the Northerly line of said Lot 309;
 thence N 01°12'34" W 0.14 feet (North recorded);
 thence N 83°16'16" E 99.00 feet (N 84°23'25" E recorded) to the POINT OF BEGINNING. Being a part of Lot 309, of said "Norris and Cross Addition to the Village (now City) of Ypsilanti" and containing 0.14 acres of land, more or less. Being subject to easements and restrictions of record, if any.

TOGETHER WITH that portion of Furnace Street, vacated pursuant to City of Ypsilanti Resolution No. 69-66, promulgated on August 18, 1969, that is adjacent to the above described property.

SURVEYORS CERTIFICATE

By: 
 Mark Vander Veen, P.S. No. 56788
 Midwestern Consulting, L.L.C.
 3815 Plaza Drive, Ann Arbor, MI 48108
 Date: March 10, 2022

MIDWESTERN CONSULTING

650 Plaza Drive, Ann Arbor, MI 48108
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 Land Development • Land Survey • Institutional • Municipal
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CLIENT

YPSILANTI WAREHOUSE, LLC
 ABDOUL SALEM

12 E. FOREST AVE SITE REDEVELOPMENT

PRELIMINARY SITE PLAN AND SPECIAL LAND USE EXISTING CONDITIONS - BOUNDARY

2

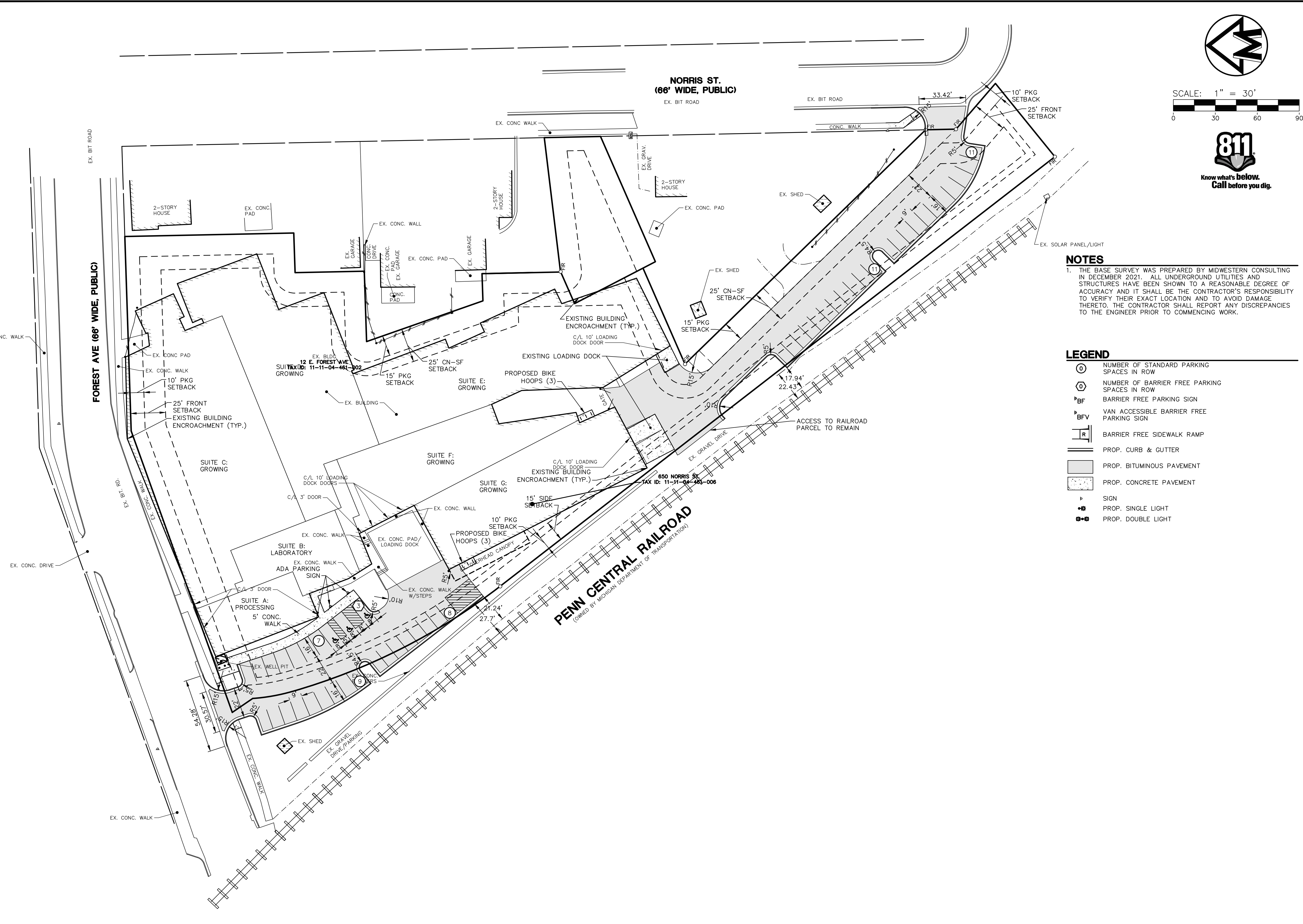
DATE: 02/07/2022
 SHEET: 2 OF 15
 REV. DATE: 03/10/22
 Dwg: OMB
 Pnk: JPH
 TCR: JPH
 2/13/2021

21335

JOB NO.:
 REVISIONS:
 REVISED PER CITY REVIEW

M:\C\11347\11347.dwg, 3/9/2022 3:14 PM, Candice M. Briner, 6 DIMENSIONAL SITE LAYOUT, MLLC PDF, P3
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The underground utilities shown here have been located from utility survey information and field records. The surveyor makes no guarantee that the underground utilities shown on this drawing are all the utilities in the area, either in-service or abandoned. The surveyor further does not warrant that the underground utilities shown are in the exact location indicated. Although the surveyor does certify that they are located as accurately as possible from the information available.



SCALE: 1" = 30'

811
 Know what's below.
 Call before you dig.

NOTES

1. THE BASE SURVEY WAS PREPARED BY MIDWESTERN CONSULTING IN DECEMBER 2021. ALL UNDERGROUND UTILITIES AND STRUCTURES HAVE BEEN SHOWN TO A REASONABLE DEGREE OF ACCURACY AND IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THEIR EXACT LOCATION AND TO AVOID DAMAGE THERETO. THE CONTRACTOR SHALL REPORT ANY DISCREPANCIES TO THE ENGINEER PRIOR TO COMMENCING WORK.

- LEGEND**
- ⊙ NUMBER OF STANDARD PARKING SPACES IN ROW
 - ⊕ NUMBER OF BARRIER FREE PARKING SPACES IN ROW
 - P^{BF} BARRIER FREE PARKING SIGN
 - P^{BFV} VAN ACCESSIBLE BARRIER FREE PARKING SIGN
 - R BARRIER FREE SIDEWALK RAMP
 - PROP. CURB & GUTTER
 - PROP. BITUMINOUS PAVEMENT
 - ▨ PROP. CONCRETE PAVEMENT
 - P SIGN
 - PROP. SINGLE LIGHT
 - PROP. DOUBLE LIGHT

21335

DATE: 02/07/2022
 SHEET: 6 OF 15
 REV. DATE: 03/10/25
 DESIGNED: CMB
 DRAWN: TRH
 CHECKED: TRH
 REVISIONS: /21335BPT

12 E. FOREST AVE SITE REDEVELOPMENT
 PRELIMINARY SITE PLAN AND SPECIAL LAND USE
 DIMENSIONAL SITE LAYOUT

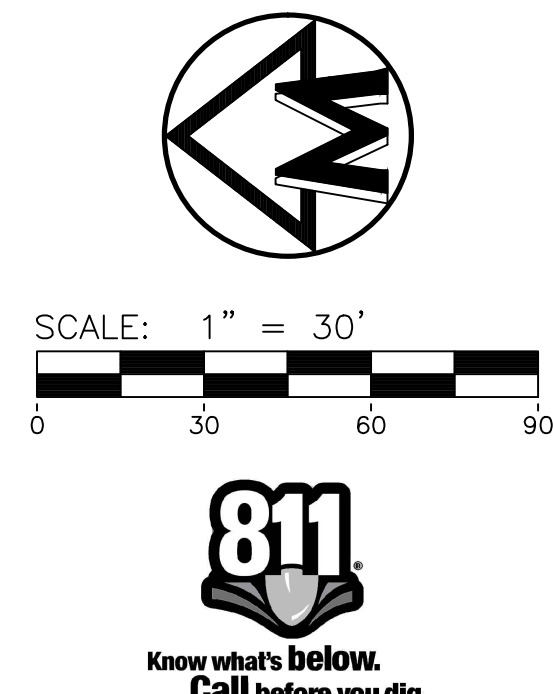
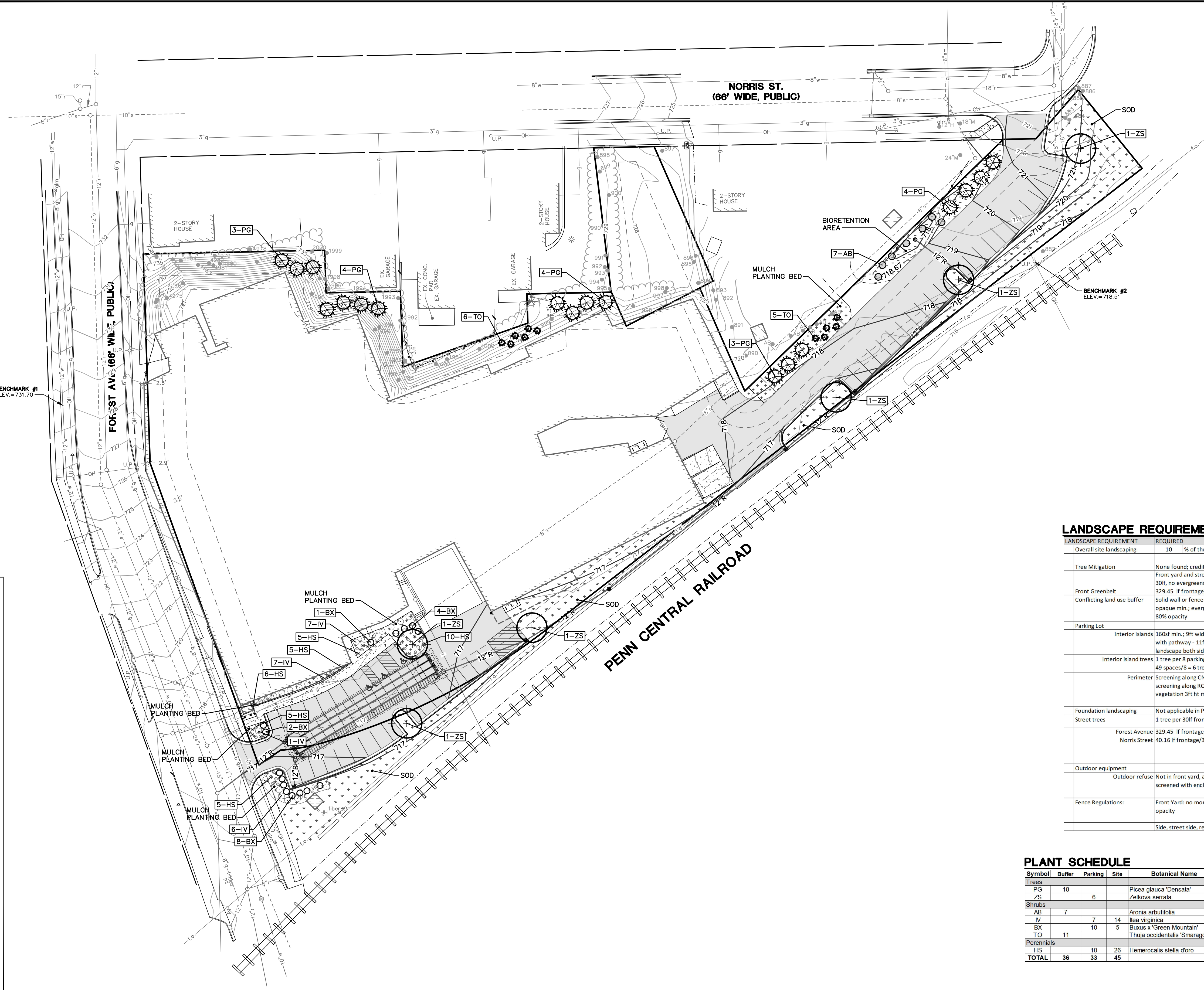
CLIENT: YPSILANTI WAREHOUSE, LLC
 ABDOUL SALEM

MIDWESTERN CONSULTING
 6500 Parkside, Michigan
 (734) 885-0200 • www.midwesternconsulting.com
 Land Development • Land Survey • Institutional • Municipal
 Wireless Communications • Transportation • Landfill Services

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MAC:\1134\1134.dwg, 3/9/2022 3:15 PM, Candice M. Brayer, 10 LANDSCAPE PLAN, MELLIC REF.#03
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The underground utilities shown have been located from utility survey information and do not represent the actual location of the utilities. The surveyor further does not warrant that the underground utilities shown are in the exact location indicated. Although the surveyor does certify that they are located as accurately as possible from the information on sheet 10816.



NOTES
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LANDSCAPE LEGEND

	TREE OR BRUSH LIMIT
	JAPANESE ZELKOVA
	BLACK HILLS SPRUCE
	EMERALD GREEN ARBORVITAE
	GREEN MOUNTAIN BOXWOOD
	CHOKEBERRY
	LITTLE HENRY SWEETSPICE
	STELLA D'ORO DAYLILY
	EXISTING TREE TO REMAIN
	SHREDDED HARDWOOD MULCH BED
	SOD
	BIOSWALE SEED MIX

LANDSCAPE REQUIREMENTS

LANDSCAPE REQUIREMENT	REQUIRED	PROPOSED
Overall site landscaping	10 % of the site = 11,737sf req.	11 % = 12,996sf provided
Tree Mitigation	None found; credits for existing to remain	NA
Front Greenbelt	329.45 lf frontage/30'=11 trees	Waiver requested for 11 trees due to lack of available planting area
Conflicting land use buffer	Solid wall or fence adjacent to CN-SF, 80% opaque min.; evergreen trees/shrubbery for 80% opacity	Existing vegetative buffer supplemented with 29 evergreens and 7 deciduous shrubs at bioswale location
Parking Lot	Interior islands: 160sf min.; 9ft wide min. with pathway - 11ft wide, 5ft walk, 3ft landscape both sides Interior island trees: 1 tree per 8 parking spaces 49 spaces/8 = 6 trees	Islands provided for interior trees 6 trees provided
Perimeter	Screening along CN-SF (see CLU section); screening along ROW - solid wall or vegetation 3ft ht min, 4ft ht max, 80% opacity	Shrub screen provided 15 shrubs mix of evergreen and deciduous to reach 4' max and 80% opacity
Foundation landscaping	Not applicable in PMD	NA
Street trees	Forest Avenue Norris Street 329.45 lf frontage/30'=11 trees 40.16 lf frontage/30'=2 trees	Fee for materials and installation to be provided due to lack of adequate space for planting along Forest 2 existing trees (#898,#899) used on Norris
Outdoor equipment	Outdoor refuse Not in front yard, adequate vehicular access, screened with enclosure 6ft ht	NA
Fence Regulations:	Front Yard: no more than 6' ht and 50% opacity Side, street side, rear yards: 10ft ht max, no	NA

PLANT SCHEDULE

Symbol	Buffer	Parking	Site	Botanical Name	Common Name	Size	Cont	Notes
PG	18			<i>Picea glauca</i> 'Densata'	Black Hills Spruce	6' hgt	B&B	12' o.c.
ZS		6		<i>Zelkova serrata</i>	Japanese Zelkova	2.5" cal	B&B	As shown
AB	7			<i>Aronia arbutifolia</i>	Chokeberry	36" hgt	B&B	As shown
IV		7	14	<i>Ilex virginica</i>	Little Henry Sweetspice	36" hgt	B&B	4' o.c.
BX		10	5	<i>Buxus x 'Green Mountain'</i>	Green Mountain Boxwood	No. 3	Cont.	4' o.c.
TO			11	<i>Thuja occidentalis</i> 'Smaragd'	Emerald Green Arborvitae	4' hgt	B&B	5' o.c.
Perennials			10	<i>Hemerocallis stella d'oro</i>	Stell D'Oro Daylily	No. 3	Cont.	2' o.c.
TOTAL	36	33	45					

12 E. FOREST AVE SITE REDEVELOPMENT
 PRELIMINARY SITE PLAN AND SPECIAL LAND USE LANDSCAPE PLAN

10

DATE: 02/07/2022
 SHEET: 10 OF 15
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 DRAFTER: CMB
 CHECKER: JTB
 REVISIONS: /21335LPT

21335

JOB No. 21335
 REVISIONS:
 REVISED PER CITY REVIEW

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 YPSILANTI WAREHOUSE, LLC
 ABRUJL SALES



**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 Ypsilanti Warehouse LLC	
Address [REDACTED]	
Phone [REDACTED]	Email [REDACTED]

Property

Address 12 E Forest Avenue, Ypsilanti, MI 48198	Parcel ID 11-11-04-461-002 and 11-11-04-461-006
Property owner* Michigan Ladder Properties LLC	
Attach an accurate, scaled drawing of the property showing: <ul style="list-style-type: none"> • 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 12 E Forest Avenue Site Redevelopment: This proposed redevelopment project involves renovations to the existing warehouse building and minor site modifications for use as a marijuana growing, processing, and testing facility. Proposed site improvements include resurfacing of the existing gravel drives with asphalt, designation of striped parking spaces, stormwater management system improvements, and installation of additional landscaping. Drive aisles and parking spaces encroach into the required parking setbacks in three general areas.
Section of Zoning Ordinance (chapter, article, section, subsection format, please) Chapter 122, Article IV, Sec. 122-432(a)(2)
Explain how the proposed project is contrary to ordinance The existing parking areas on site are located within the required parking setbacks, however, these parking areas are not formally striped and there is no site plan on file with the City to document the nonconformity. The proposed redevelopment project would resurface the existing gravel drives and parking areas with asphalt, and provide striped parking areas conforming to current Ordinance requirements. The parking areas will continue to encroach into required parking setbacks along the western property line (adjacent to the Penn Central Railroad property). Additionally, the new parking area being constructed on the east side of the site will encroach into the required parking setback by 5.5 ft on the north side and by varying amounts on the south side (encroachment of 11.34 ft at closest point).
Explain the unique conditions/circumstances to the property and why compliance with the ordinance will pose practical difficulties. The existing curb cut onto E Forest Avenue is located on the property line, with a portion of the drive on the 12 E Forest Avenue parcel and a portion on the Penn Central Railroad property. This existing drive, and all parking spaces located on the south side of the drive, are located within the required parking setback and partially on the Penn Central Railroad property. Due to the existing drive and building locations, nearly all of the parking near the northwest corner of the

building is located within the required parking setback. On the south side of the site, near the existing drive onto Norris Street, the property lines converge as they move northward thereby creating a pinch point where the area that meets the parking setback requirements is only 20.5 ft wide. This is not even wide enough for a standard 22-ft wide drive aisle, let alone any parking. Similarly, the new parking area on the east side of the site, farther north along Norris Street, is constrained by the angles of the property lines which are not perpendicular to the street and result in setback lines too narrow to construct even one driveway with a single row of parking. Finally, the existing parking areas on site are located within the required parking setbacks, however, these parking areas are not formally striped and there is no site plan on file with the City to document the nonconformity. The proposed redevelopment project would resurface a portion of these existing gravel drives and parking areas with asphalt, maintaining a site condition that has existed for decades.

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

The variance will not grant a special privilege to this property. This is an historic site with a building and site conditions that have remained largely unchanged for decades. Historic aerial imagery accessible on the Washtenaw County GIS website (MapWashtenaw) shows vehicles parking in the areas along the property line and on the adjacent property as far back as 1966. The existing parking areas on site are located within the required parking setbacks, however, these parking areas are not formally striped and there is no site plan on file with the City to document the nonconformity, largely due to the historic nature of the property. The proposed redevelopment project would resurface a portion of these existing gravel drives and parking areas with asphalt, maintaining a site condition that has existed for decades.

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

No, the practical difficulties have not been created by any person having an interest in this property. The proposed parking is consistent with how the property has historically been used, however, the existing parking areas are not formally striped and there is no site plan on file with the City to document the nonconformity.

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

No, granting of the variance will not be detrimental to the public welfare or neighborhood properties. The proposed parking is consistent with how the property has historically been used. Additionally, the majority of the parking encroachments are located along the wetrn property line, adjacent to the Penn Central Railroad property.

Will the granting of the variance result in substantial justice being done, public benefits, and individual hardships solved, while protecting the rights of other properties?


Yes, granting of the variance will result in substantial justice being done, public benefits, and individual hardships solved, while protecting the rights of other properties. Due to the existing building size, location, and site configuration, there is nowhere that the required number of parking spaces could be provided on site without requiring a variance, regardless of the proposed use. The existing drives and parking areas on site are located within the required parking setbacks, however, these parking areas are not formally striped and there is no site plan on file with the City to document the nonconformity, largely due to the historic nature of the property. Granting of the requested variance to allow for parking within the required parking setbacks would allow for renovation and reuse of this existing vacant site. In addition to providing paved drive aisles and parking areas, the proposed project would include enhancements to the building facade and roof, and installation of site landscaping to beautify the site and provide enhanced screening for adjacent properties. Additionally, there are currently no stormwater management facilities on site. The proposed project would construct an underground detention system to manage stormwater runoff as well as a bioswale to promote treatment and infiltration.

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

Yes, the variance request is the minimum that will make possible a reasonable use of the land, building, and structure. The existing drive aisles and parking areas on site are located within the required parking setbacks, however, these parking areas are not formally striped and there is no site plan on file with the City to document the nonconformity, largely due to the historic nature of the property. Due to the existing building location and site configuration, there is nowhere that the required number of parking spaces could be provided on site without requiring a variance. The requested variance would allow for parking spaces to be provided on site, meeting the minimum dimensional requirements of the current Zoning Ordinance.

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: 02-11-2022
Print Name: ABDUL Saleh	

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
<input type="checkbox"/> Cash		Code: 178 Rezone
<input type="checkbox"/> Check payable to City of Ypsilanti		Signature of person receiving deposit:
<input type="checkbox"/> Credit (+ 3.0% surcharge)		
Description of deposit:		



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

2022 Calendar of Meetings

The regular meetings of the City of Ypsilanti **Zoning Board of Appeals** for the year of 2022 will be held as noted below. Special meetings will be called as required, generally at 7:00 p.m. in the City Hall Council Chambers (first floor) at One South Huron Street, Ypsilanti, Michigan.

Dates for 2022 meetings are as follows:

April 4
June 6
October 3
December 5

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

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

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