



**CITY OF YPSILANTI**  
**Zoning Board of Appeals MEETING**  
**Thursday, September 15, 2022 @ [6 pm]**  
**Council Chambers**  
**One South Huron, Ypsilanti, MI 48197**

Page

**I. CALL TO ORDER**

**II. ROLL CALL**

Jake Albers, Chair  
Mike Auerbach  
Jessica Donnelly  
Georgina Hickey  
Tom Roach

Jason Ringholz, Alternate

**III. AGENDA APPROVAL**

**3** A. [ZBA Meeting Agenda](#)

**IV. APPROVAL OF MINUTES**

**5 - 6** A. [March Special Meeting Minutes Draft](#)

**V. PURPOSE OF MEETING**

**VI. OLD BUSINESS**

**VII. NEW BUSINESS**

**7 - 60** A. 319 N Huron St - Appeal of Administrative Decision.  
• *Public Hearing*  
[Staff Memo Regarding Appeals](#)  
[Staff Determination Documents](#)  
[Appeal Documents](#)

**VIII. ADJOURNMENT**



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

**Thursday, September 15, 2022 - 6:00 P.M.  
Council Chambers  
1 S Huron St, Ypsilanti, MI 48197**

**I. Call to Order**

**II. Roll Call**

Jake Albers, Chair	P	A
Mike Auerbach	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**

- 319 N Huron St – Appeal of Administrative Decision. The appellant is appealing the City’s administrative decision that the nonconforming auto repair use at 319 N Huron St had been abandoned. The property is zoned HC- Historic Corridor, and the business was formerly known as “My Car Guy.”
  - *Public Hearing*

**VII. Adjournment**



**DRAFT Special Meeting Minutes  
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
Jessica Donnelly	P
Georgina Hickey	P
Tom Roach	P
Jason Ringholz <i>alternate</i>	A

**III. Approval of Minutes**

- January 27, 2021  
*Motion to approve the January 27, 2021 minutes.*  
**Offered by:** Roach; **Seconded by:** Hickey  
**Approved:** Yes-4; No-0;  
**Motion carried.**

**IV. Purpose of Meeting**

**V. Old Business**

**VI. New Business**

- 12 E Forest Ave Variance  
*Public Hearing*

Andy Aamodt, City Planner, presented the staff report on the variance request. The request involves the parking lot encroaching the side setback requirement.

Boardmember Hickey asked for clarification regarding the uses of the property. The property will be used as a marijuana growing, processing, and safety compliance lab.

Candice Briere and Soujoud Hamade, representing the applicant, spoke about the upgrades to the site. They are working on obtaining permission to encroach the MDOT railroad. Due to the use of the property the site will not be generating consistent traffic, just traffic for the employees working there. It is not a retail use.

*Motion to open the public hearing.*

**Offered by:** Hickey; **Seconded by:** Roach  
**Approved:** Yes-4; No-0;  
**Motion carried.**

- Peter Thompson asked if the former Furnace Street entrance will be gated, and if it will be private use only. He then asked if the parking spaces would be open to the public.
- James Oyler asked if there are plans to improve the north side of the building that fronts E Forest Ave. It's a high pedestrian traffic area, and drainage is a concern as well.

- Emily Baker on Zoom commented that traffic has increased during the Cross St closure. There is a speeding issue on Forest and is concerned about the elementary school down the street. Concerned about addition of traffic affecting pedestrians and bicyclists.
- A letter from Karen Gnagi was read to the commission. This comment expressed concerns over parking proximity to the train tracks, noise, traffic, and theft.
- A letter from Gregory Elliott was read to the Commission. This comment expressed concerns about the easement to access his property.

*Motion to close the public hearing.*

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

**Approved:** Yes-4; No-0;

**Motion carried.**

*Motion to 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).*

**Offered by:** Donnelly; **Seconded by:** Hickey

**Approved:** Yes-4; No-0;

**Motion carried.**

- Approval of 2022 Meeting Schedule  
*Motion to approve the 2022 meeting schedule.*  
**Offered by:** Hickey; **Seconded by:** Donnelly  
**Approved:** Yes-4; No-0;  
**Motion carried.**

**VII. Adjournment**

*Motion to adjourn at 7:58 pm.*

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

**Approved:** Yes-4; No-0;

**Motion carried.**



## City of Ypsilanti

Community & Economic Development Department

To: Zoning Board of Appeals  
From: Andy Aamodt, City Planner  
Date: September 9, 2022  
Subject: ZBA Appeals Procedures and Review

---

The purpose of this memo is to summarize the review procedures regarding an appeal of an administrative decision.

The Michigan State University Extension's planning publication describes:

"When the ZBA does hear an appeal of an administrative decision, members must understand they are first reviewing the administrative decision to determine whether it was based on the standards in the zoning ordinance and is therefore a defensible decision.... When reviewing the previous decision, the ZBA is reviewing the case *de novo*, meaning they are reviewing the material anew — with fresh eyes (*Hughes v. Almena Township*, 284 Mich. App. 50 (2009)). In making its decision, the ZBA shall therefore consider the original information presented to the administrative official or body, the minutes, findings, and/or notes documenting the original decision, and any additional relevant evidence presented. Based on all the facts, the ZBA will decide whether the individual or body correctly applied the proper ordinance standards and acted within the scope of his/her/its authority."<sup>1</sup>

The City's Zoning Ordinance in Section 122-371(e) allows the ZBA to reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination from which an appeal is sought. In making the decision, the ZBA needs to clearly state its reasons.

Attached are excerpted sections from the zoning ordinance relevant to appeals (§122-371), ZBA authority (§122-395 through 399) as well as the nonconforming use nature of the today's case (Section 122-349).

---

<sup>1</sup> Brad Neumann, "How to handle appeals of administrative decisions." MSU Extension Planning, Michigan State University, August 19, 2022, [https://www.canr.msu.edu/news/how\\_to\\_handle\\_appeals\\_of\\_administrative\\_decisions](https://www.canr.msu.edu/news/how_to_handle_appeals_of_administrative_decisions)

### **Division 3: Nonconformities.**

#### **Sec. 122-345. Purpose.**

- (a) It is recognized that there exists within the districts established by this chapter uses of land which were lawful before this chapter was passed or amended, but which would be prohibited or restricted under the terms of this chapter.
- (b) It is the intent of this chapter to permit these nonconformities to continue until they are removed, abandoned, or brought into compliance with this chapter but not to encourage their survival. Such uses are declared by this chapter to be incompatible with permitted uses in the districts. It is further the intent of this chapter that nonconforming buildings, structures, or lots shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited in the district.
- (c) It is further recognized that certain nonconforming uses are not necessarily contrary to the public health, safety and welfare and that such uses were lawful at the time of their inception, and that no useful purpose would be served by the strict application of the elimination of lawful nonconforming use status. Therefore, two classes of nonconforming uses are designated, being class A and class B. All nonconforming uses are classified as class B nonconforming uses unless designated class A nonconforming uses.

#### **Sec. 122-346. Authority to continue class B nonconforming.**

Any class B nonconforming use which existed lawfully at the time of the adoption of the ordinance from which this chapter derives and which remains nonconforming and any such use which becomes nonconforming upon the adoption of this article, or of any subsequent amendments thereto, may be continued, subject to the regulations in this article.

#### **Sec. 122-347. Nonconforming lots.**

A nonconforming lot is a lot of record or a lot described in a deed or land contract existing at the effective date of the ordinance from which this chapter derives that does not meet the minimum area or lot dimensional requirements of the district in which the lot is located. The following regulations must apply to any nonconforming lot:

- (a) Use of nonconforming lot. Any nonconforming lot must be used only for a use permitted in the district in which it is located.
- (b) Single lot of record. A principal structure and customary accessory structures may be erected on any single lot of record at the effective date of adoption or amendment of this chapter, notwithstanding limitations imposed by other provisions of this chapter. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision must apply even though such lot fails to meet the requirements for area or width or both, that are generally applicable in the district, provided that yard setback dimensions and requirements other than those applying to area or width of the lot must conform to the regulations for the district in which such lot is located. However, no more than one dwelling unit must occupy any lot except in conformance with the provisions of this chapter for required lot area for each dwelling unit.
- (c) Variance from yard or other requirements. If the use of a legal nonconforming lot requires a variation from any yard or other requirements, other than lot area or width, then such variance must be obtained from the Zoning Board of Appeals.
- (d) Contiguous lots in same ownership. When two or more contiguous nonconforming lots or parts of nonconforming lots are in a single ownership at the time of, or subsequent to the adoption or amendment of this chapter, such lots must be considered to be a single lot for the purposes of this chapter, and no portion of such lot must be used, occupied, divided, or sold in any manner which would diminish compliance with minimum lot width and area requirements of this chapter.

#### **Sec. 122-348. Nonconforming use of land.**

A nonconforming use of land occurs when property is used for a purpose or in a manner which was lawfully in existence before this chapter was adopted, but has become nonconforming under the terms of this chapter or its amendments.

- (a) The nonconforming use of land not involving a building or structure, or in connection with which any building or structure thereon is incidental or accessory to the principal use of the land, may be continued subject to the regulations which follow:
  - (1) **Change.** The nonconforming use of land must not be changed to any other use except to a use permitted in the district in which the land is located.
  - (2) **Expansion.** A nonconforming use of land must not be expanded or extended beyond the area it occupies.
  - (3) **Moving.** No such nonconforming use must be moved in whole or in part to any other portion of the lot or

parcel occupied by such use at the effective date of adoption or amendment of this chapter.

- (4) **Change in occupancy or ownership.** A change in occupancy or ownership shall not constitute a change in use.
  - (5) **Abandonment.** If the nonconforming use of land is discontinued for a period of 365 consecutive days, where there is an intent demonstrated by the property owner to abandon the nonconforming use, such use shall not be renewed, and any subsequent use of the land must conform to the regulations of the district in which the land is located. A nonconforming use may be determined to be abandoned if the use has ceased and one (1) or more of the following conditions exist, that said condition(s) demonstrating intent on the part of the property owner to abandon the nonconforming use:
    - (i) One (1) or more utility meters, such as water, gas and electricity to the property, have been removed;
    - (ii) The property, buildings and/or grounds are unsafe or unsanitary, as described in Chapter 18, Article V;
    - (iii) Cessation of business operations;
    - (iv) Receipt of a written declaration by the property owner.
    - (v) Signs or other indications of the existence of the nonconforming use have been removed;
    - (vi) Removal of equipment or fixtures that are necessary for the operation of the nonconforming use;
    - (vii) Failure to maintain current licenses, certificates, permits, registrations or other appropriate documentation for the nonconforming use;
    - (viii) Bank or tax foreclosure;
    - (ix) Operation or maintenance of a permitted or different use at the property; or
    - (x) Other actions or omissions, which in the opinion of the Planning or Building Department(s), evidence an intention of the part of the property owner to abandon the nonconforming use.
- (b) A nonconforming use of land is not eligible for class A nonconforming designation.

**Sec. 122-349. Class B nonconforming uses of buildings.**

All nonconforming uses of buildings not designated class A shall be class B nonconforming uses of buildings. Class B nonconforming uses of buildings shall comply with all the provisions of this article relative to nonconforming uses of buildings. The class B nonconforming use of a building, or building and lot in combination, may be continued subject to the following provisions:

- (a) **Change in use.** The nonconforming use of a building may not be changed to a different use unless the new use is permitted in that same district. Any building, or building and lot in combination, in or on which a nonconforming use is replaced by a permitted use, must thereafter conform to the regulations of the district in which it is located and the nonconforming use may thereafter not be resumed.
  - (1) A building or structure used for residential purposes which is nonconforming due to the number of dwelling units contained therein may only be changed so that the number of dwelling units is decreased, or so that the use is brought into conformity with this chapter.
  - (2) Notwithstanding the above, a nonconforming use of a building or structure may be changed to another nonconforming use so that the degree of nonconformity is lessened when authorized by the planning commission after a public notice and hearing in accordance with §122-323. In considering such authorization, the planning commission must consider the following:
    - (i) Whether the proposed use is equally or more appropriate than the present nonconforming zoning district in which the building, structure or land is located. No change to a less appropriate use may be authorized by the Planning Commission.
    - (ii) Whether the proposed use will interfere to a lesser extent with the use of adjoining lands or other properties in the surrounding neighborhood for the uses for which they have been zoned pursuant to the provisions of this chapter.
    - (iii) The effect of the proposed use on adjoining lands and the surrounding neighborhood.
    - (iv) In permitting such change, the Planning Commission may require appropriate conditions and safeguards in accord with the purpose and intent of this chapter.
    - (v) Where a nonconforming use of a structure, or structure and land, is hereafter changed to a more conforming use, it must not thereafter be changed to a less conforming use.
- (b) **Expansion of class B nonconforming use.**
  - (1) The nonconforming use of any part of a building or structure must not be expanded or extended into any other portion of such building or structure.
  - (2) No visible structural alteration must be made to the building or structure devoted to a nonconforming use, except repairs and maintenance work which are required to keep such building in sound condition or as required by law.
  - (3) An existing structure containing a nonconforming use shall not be enlarged, constructed, reconstructed, moved or structurally altered or extended, unless the use is changed to a use which is permitted in the district in which the structure is located.

- (c) **Change in occupancy or ownership.** A change of occupancy or ownership shall not constitute a change in use.
- (d) **Removal or destruction.** If a building or structure in which a nonconforming use is being conducted is removed, destroyed, or severely damaged to the extent that the cost of restoration of the structure exceeds 100 percent of the state equalized value (SEV) or 50 percent of a higher value established by the most recent appraisal of the structure exclusive of the foundation and land, the nonconforming use shall not be renewed, and any subsequent use of the premises must conform to the use regulations of the district in which the premises are located. Single-family homes on individual lots that are considered a non-conforming use in the NC, Neighborhood Corridor Zoning District, shall be allowed to be rebuilt regardless of the amount of damage done to the structure so long as the rebuilt building is not enlarged or expanded. Single-family and two-family homes on individual lots that are considered a non-conforming use in the PMD, Production, Manufacturing, and Distribution Zoning District, shall be allowed to be rebuilt regardless of the amount of damage done to the structure so long as the rebuilt building is not enlarged or expanded.  
For the purpose of calculating a fair and equitable cost of restoration regulated by this section, the average of two bid estimates from licensed contractors must be used. All work requiring permits under state and local regulations, and materials necessary to bring the structure up to current code must be included. Clean up costs, demolition, furnishings, appliances, and site work, i.e. landscaping, fencing, paving, shall not be included. The actual repair and reconstruction may be done by the owner or contractor of their choice.
- (e) **Abandonment.** If the nonconforming use of land is discontinued for a period of 365 consecutive days, where there is an intent demonstrated by the property owner to abandon the nonconforming use, it must not thereafter be renewed, and any subsequent use of the land must conform to the regulations of the district in which the land is located. A nonconforming use must be determined to be abandoned if the use has ceased and one (1) or more of the following conditions exist, that said condition(s) being deemed to demonstrate intent on the part of the property owner to abandon the nonconforming use:
  - (1) One (1) or more utility meters, such as water, gas and electricity to the property, have been removed;
  - (2) The property, buildings and/or grounds are unsafe or unsanitary, as described in Chapter 18, Article V;
  - (3) Cessation of business operations;
  - (4) Receipt of a written declaration by the property owner.
  - (5) Signs or other indications of the existence of the nonconforming use have been removed;
  - (6) Removal of equipment or fixtures that are necessary for the operation of the nonconforming use;
  - (7) Failure to maintain current licenses, certificates, permits, registrations or other appropriate documentation for the nonconforming use;
  - (8) Bank or tax foreclosure;
  - (9) Operation or maintenance of a permitted use or different use at the property; or
  - (10) Other actions or omissions, which in the opinion of the Planning or Building Department(s), evidence an intention of the part of the property owner to abandon the nonconforming use.

**Sec. 122-350. Class A nonconforming uses of buildings.**

Nonconforming uses of buildings shall be designated Class A provided that the Planning Commission finds all of the following exists with respect to the use or structure:

- (a) The use of structure was lawful at its inception.
- (b) The decision to continue the nonconforming use, if granted, will not alter the essential character of the area or neighborhood.
- (c) Continuance of the use or structure would not be contrary to the public health, safety, or welfare or the spirit of the chapter.
- (d) No useful purpose would be served by strict application of the provisions of this chapter with which the use or structure does not conform.
- (e) Nonconforming uses of buildings are subject to the following restrictions:
  - (1) Change in use. The nonconforming use of a building may not be changed to a different use unless the new use is permitted in that same district. Any building, or building and lot in combination, in or on which a nonconforming use is replaced by a permitted use, must thereafter conform to the regulations of the district in which it is located and the nonconforming use may thereafter not be resumed.
  - (2) A building or structure used for residential purposes which is nonconforming due to the number of dwelling units contained therein may only be changed so that the number of dwelling units is decreased, or so that the use is brought into conformity with this chapter.
  - (3) Notwithstanding the above, a nonconforming use of a building or structure may be changed to another nonconforming use so that the degree of nonconformity is lessened when authorized by the Planning Commission after a public notice and hearing in accordance with §122-323. In considering such authorization, the Planning Commission must consider the following:
    - (i) Whether the proposed use is equally or more appropriate than the present nonconforming zoning

- district in which the building, structure or land is located. No change to a less appropriate use may be authorized by the Planning Commission.
- (ii) Whether the proposed use will interfere to a lesser extent with the use of adjoining lands or other properties in the surrounding neighborhood for the uses for which they have been zoned pursuant to the provisions of this chapter.
  - (iii) The effect of the proposed use on adjoining lands and the surrounding neighborhood.
  - (iv) In permitting such change, the Planning Commission may require appropriate conditions and safeguards in accord with the purpose and intent of this chapter.
  - (v) Where a nonconforming use of a structure, or structure and land, is hereafter changed to a more conforming use, it must not thereafter be changed to a less conforming use.
- (f) Removal or destruction. If a class A nonconforming structure is destroyed, or severely damaged, it may be restored in conformance with the plans submitted when the status was conferred.
  - (g) This designation shall run with the land.

**Sec. 122-351. Class A Conditions.**

The decision to grant a class A designation shall be made by the Planning Commission in writing, setting forth its findings of fact and basis for the designation. Only multiple family dwellings and/or group residence uses in R1, CN-SF, and CN-Mid shall be eligible for this designation. For changes or improvements to a class A use, site plans shall be required.

- (a) Application. An application for class A nonconforming status shall be filed with the City Planner's office by the record owner of the property in question or by a person authorized to act on the record owner's behalf. The application shall consist of a completed application form, fee, and the following information:
  - (1) Name, address, and telephone number of the applicant and property owner; and the interest of the applicant in the property.
  - (2) Legal description, address, and tax parcel number of the subject property.
  - (3) An accurate, scaled drawing of the property, showing all property lines and dimensions correlated with the legal description; the location and dimensions of all existing and proposed structures and uses on the property; any roads, alleys, easements, drains, or waterways which traverse or abut the property; and the lot area and setback dimensions necessary to show compliance with the regulations of this chapter. In most cases, a site plan or survey will meet this requirement.
  - (4) The applicant shall show compliance with all applicable conditions of the City of Ypsilanti Code of Ordinances, and all applicable conditions of the International Property Maintenance Code, as adopted under Chapter 18 of the City of Ypsilanti Code of Ordinances.
  - (5) Other reasonable information deemed necessary by the Planning Commission in order to make a proper decision.
  - (6) No application for Class A designation shall be accepted after such time as the building has been destroyed as described in §122-349(d) or the use abandoned as described in §122-349(e).
- (b) Conditions. The Planning Commission may condition its approval on the following:
  - (1) Screening and landscaping in keeping with community standards to ensure compatibility with adjacent uses.
  - (2) Restrictions on lighting, noise, odor, or visual impact.
  - (3) Signage must comply with current zoning district requirements. Existing nonconforming signs may be required to be eliminated or reduced in size and number.
  - (4) Replacement of a building must not create a more nonconforming yard setback condition which would impact on conforming properties in the immediate vicinity.
  - (5) Other reasonable safeguards and improvements may be imposed by the Planning Commission to protect conforming uses in the surrounding area.
- (c) Procedure. By the following procedure, the Planning Commission shall assure the public health, safety and welfare, and the spirit and purpose of this chapter:
  - (1) A class A designation shall be deemed temporary until the Planning Commission has received written verification from the building official that the party requesting the class A designation has complied with all of the conditions set forth by the Planning Commission.
  - (2) Once the Planning Commission has received written verification from the building director that the party requesting the class A designation has complied with said conditions, the class A designation shall become final, subject to other provisions of this chapter as hereafter prescribed.
  - (3) No class A nonconforming use shall be resumed if it has been abandoned as defined in §122-349(e). No class A nonconforming use shall be used, altered, or enlarged in violation of any conditions imposed in its designation.
  - (4) A temporary class A nonconforming use designation shall be void after six months if any conditions imposed by the designation remain outstanding, unless the Planning Commission grants a written request

for an extension of six months. No more than two extensions may be granted.

- (d) **Revocation.** Approval of a Class A designation may be revoked by the Planning Commission if the use and building is not in conformance with the approved plans, or if compliance with conditions has not been consistently demonstrated. In such case, the issue shall be placed on the agenda of the Planning Commission for consideration. Written notice must be given to the applicant not less than ten days prior to the meeting. The applicant must be given the opportunity to present information to the Planning Commission and answer questions. The Planning Commission may revoke the Class A designation if it finds that a violation of the conditions set forth by the Planning Commission in their initial decision exists and has not been remedied prior to the meeting.

**Sec. 122-352. Nonconforming structures.**

- (a) A nonconforming building or structure is a structure, including a sign, which was lawful on the effective date of adoption or amendment of this chapter, but which does not conform to the new chapter regulations for building type, lot area, lot area per dwelling unit, lot width, lot coverage, floor area, height, screening, off-street parking, loading space, yard, or other requirements of the zoning district in which it is located.
- (b) Nonconforming buildings and structures may be re-used and occupied by new owners or tenants if all requirements of this Chapter are met and the restrictions below are met.
- (c) Nonconforming buildings and structures are subject to the following restrictions:
  - (1) Expansion. Nonconforming structures may be expanded only in compliance with the following regulations:
    - (i) All nonconforming structures, in any zoning district, may only be expanded in such a way that does not increase a non-conforming characteristic.
    - (ii) All expansions must meet all requirements of the zoning district in which it is located, including lot coverage, heights, yard requirements, and off-street parking.
    - (iii) A non-conforming building type may not be expanded.
  - (2) Alterations. A nonconforming structure may be altered to decrease its nonconformity.
  - (3) Moving. A nonconforming structure which is moved within a site or to another site must conform to the regulations of the district in which it is located.
  - (4) Damage and removal. A nonconforming structure which is damaged by any means may be restored to its original conditions and location prior to such damage, provided such construction is completed within 18 months of the date of damage and is diligently pursued to completion. Failure to complete reconstruction results in the loss of legal nonconforming status.
  - (5) Restoration or repair.
    - (i) All repairs and maintenance work required to keep a nonconforming building in sound condition may be made, but such structure may not be structurally altered in a way inconsistent with the description and purpose of this article.
    - (ii) If a nonconforming structure or a structure housing a nonconforming use becomes physically unsafe or unlawful or poses a threat to the public health, safety, and welfare due to a lack of repairs or maintenance, the structure may be declared by the Building Department to be unsafe or unlawful by reason of physical condition. Such structure may not thereafter be restored, repaired, or rebuilt except in conformity with the provisions of this Chapter.
- (d) Restoration of Historic Structures. Restoration may be permitted of a legal nonconforming structure, designated as historic by the Ypsilanti Historic District Commission, which has been destroyed or abandoned, as defined in §122-349, provided the Planning Commission finds all of the following provisions are met:
  - (1) The approved design of the restored building maintains the same design and historical character it had prior to the destruction or abandonment; or, in the case of a building that had been altered prior to destruction or abandonment, that the restored building more closely parallels the design of the original historic structure.
  - (2) All reasonable attempts at eliminating or reducing the nonconforming nature of the structure have been considered and are implemented in the restoration project.
- (e) Signs of Local Historic Significance. The City Council may approve and/or amend a list of existing nonconforming signs deemed to be of local historical significance by the Historic District Commission. Signs deemed historically significant may be repaired, reconstructed, or relocated, subject to review and approval by the Building Official.

**Sec. 122-353. Acquisition of nonconformities.**

The City may acquire private property to remove a nonconformity, as provided in Act No. 207 of the Public Acts of Michigan of 1921 (MCL 125.581 et seq., MSA 5.2931 et seq.), as amended.

**Sec. 122-354. Building or structure under construction on effective date of the ordinance from which this chapter is derived.**

Any building or structure must be considered existing and lawful for the purposes of this article if, on the effective date of the ordinance from which this chapter is derived, a building permit has been obtained therefore, if required; or if no building permit is required, a substantial start has been made toward construction and construction is thereafter pursued diligently to conclusion.

**Sec. 122-355. Unlawful nonconformities.**

- (a) No nonconformity shall be permitted to continue in existence if it was unlawful at the time it was established.
- (b) The City shall maintain records of nonconforming uses and structures as accurate as is feasible for determining legal nonconforming uses and structures in existence on the effective date of the ordinance from which this chapter is derived. However, failure on the part of a property owner to provide the City with necessary information to determine legal nonconforming status may result in denial of a required or requested permit.

**Secs. 122-356—122-359. Reserved.**

## **Division 5: Variances and Appeals.**

### **Sec. 122-370. Variances.**

- (a) **Application.** An application for a variance to the provisions of this chapter shall be filed with the City Planner's office by the record owner of the property in question or by a person authorized to act on the record owner's behalf. The application shall consist of a completed application form, fee, and the following information:
- (1) Name, address, and telephone number of the applicant and property owner; and the interest of the applicant in the property.
  - (2) Legal description, address, and tax parcel number of the subject property.
  - (3) An accurate, scaled drawing of the property, showing all property lines and dimensions correlated with the legal description; the location and dimensions of all existing and proposed structures and uses on the property; any roads, alleys, easements, drains, or waterways which traverse or abut the property; and the lot area and setback dimensions necessary to show compliance with the regulations of this chapter. In most cases, a site plan or sketch plan will meet this requirement.
  - (4) Other reasonable information deemed necessary by the Zoning Board of Appeals in order to make a proper decision.
- (b) **Standards for variances.** A variance from the literal enforcement of this chapter 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.
  - (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.
  - (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.
  - (4) The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.
  - (5) The allowance of the variance will result in substantial justice being done, considering the public benefits intended to be secured by this chapter, the individual hardships that will be suffered by a failure of the Zoning Board of Appeals to grant the variance, and the rights of others whose property would be affected by the allowance of the variance.
  - (6) A variance granted shall be the minimum variance that will make possible a reasonable use of the land, buildings, or structure.
- (c) **Variances; reapplication.** An application for a variance which has been denied wholly or in part by the Zoning Board of Appeals shall not be resubmitted for a period of one year from the date of denial, except on grounds of new evidence of changed conditions found by the Zoning Board of Appeals to be valid. The Zoning Board of Appeals shall review any subsequent application for a variance on the conditions and circumstances which exist at the time of the subsequent application.
- (d) **Variance to run with land.** A variance shall run with the land and shall not become void if property is sold to a new owner. However, a 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.

### **Sec. 122-371. Appeals.**

- (a) **Questions first go to administrative official.** All questions concerning administrative decisions under this chapter shall first be presented to the applicable City official or agency. Such questions shall be presented to the Zoning Board of Appeals only on appeal from the decisions of the applicable City official or agency.
- (b) **Filing appeal.** Appeals may be commenced by a person aggrieved by the decision of any officer, department, board, agency, or bureau of the City, county, state, or federal governments by filing a notice of appeal with the City Planner's office. The notice of appeal shall be signed, shall specify the requirement or decision from which the appeal is made, and shall state the specific grounds on which the appeal is based. The applicable fee shall be submitted with the notice of appeal; such fee shall be nonrefundable. Appeals shall be filed within 60 days of the decision in question.

- (c) **Stay of action.** An appeal stays all proceedings in the furtherance of the action appealed from unless the Building Department certifies to the Zoning Board of Appeals after the notice is filed that, by reason of facts stated in the certificate, a stay would cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Zoning Board of Appeals or by circuit court, following written request, notice to the officer or body from whom the appeal is taken, and due cause shown.
- (d) **Power to subpoena.** The Zoning Board of Appeals shall have the power to subpoena witnesses; administer oaths; compel testimony; and require the production of reports, papers, files, and other evidence pertinent to the matters before it.
- (e) **Decisions regarding appeals.** The Zoning Board of Appeals may, so long as such action is in conformity with the terms of this chapter, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination from which an appeal is sought. To that end, the Zoning Board of Appeals shall have the powers of the public official or body from whom the appeal is taken.

**Secs. 122-372 – 374. Reserved.**

## **Subdivision II: Zoning Board of Appeals.**

### **Sec. 122-395. Establishment and membership.**

- (a) **Established.** There is hereby established a Zoning Board of Appeals, which shall perform its duties and powers in accordance with Act No. 110 of the Public Acts of Michigan of 2006 (MCL 125.3101 et seq.), as amended, and in such a way that the objectives of this chapter shall be observed, public safety secured, and substantial justice done.
- (b) **Membership.** The Zoning Board of Appeals shall consist of five members appointed by the Mayor with the City Council's consent. The members of the Zoning Board of Appeals shall be residents of the City. No employee or contractor of the City Council may sit on the Zoning Board of Appeals. One member of the Zoning Board of Appeals shall also sit on the City Planning Commission. Each member of the Zoning Board of Appeals shall hold office for a term of three years. Terms shall be staggered to provide for as nearly as possible the appointment of an equal number of members each year. Those persons now serving as members of the Zoning Board of Appeals shall serve the balance of the terms for which they were appointed. All vacancies for unexpired terms shall be filled for the remainder of the term.
- (c) **Officers.** The Zoning Board of Appeals shall annually elect its own chairperson and vice-chairperson. The terms of the chairperson and vice-chairperson shall be for a period of one year.
- (d) **Alternate members.** The mayor, with the City Council's consent, shall appoint two alternate members for the Zoning Board of Appeals to sit as regular members of the Zoning Board of Appeals in the absence of a regular member. If a regular member is absent from or unable to attend one or more consecutive meetings of the Zoning Board of Appeals or for a period of more than 30 consecutive days, then alternate members may be called on a rotating basis to serve in the place of a regular member. For the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest, an alternate member may also be called. The alternate member having been appointed shall serve in the case until a final decision has been made. The alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals.
- (e) **Meetings.** All meetings of the Zoning Board of Appeals shall be held at the call of the chairperson and at such times as the Zoning Board of Appeals may determine. All hearings conducted by the Zoning Board of Appeals shall be open to the public. Minutes shall be kept of each meeting and the Zoning Board of Appeals shall record into the minutes all findings, conditions of approval, facts, and other relevant factors, and all its official actions. The vote of each member upon a question, or absence or abstention, shall be recorded into the minutes of the meeting.
- (f) **Rules and procedures.** The Zoning Board of Appeals shall adopt general rules and regulations governing its procedure and may make rules for the filing of appeals and other matters requiring its attention which shall not cause reasonable delays in the transaction of its business.
- (g) **Abstention.** A member of the Zoning Board of Appeals shall abstain from voting on any question on which they have a conflict of interest. Failure of a member to abstain in such cases shall constitute misconduct of office.
- (h) **Resignations.** When Zoning Board of Appeals members propose to resign, if reasonably feasible, they shall give notice of their intent in writing to the chairperson, and make the date of resignation effective in such a manner as to allow time for appointment of replacements. When a member dies or resigns, the chairperson shall promptly notify the mayor that a vacancy exists.

### **Sec. 122-396. Powers and duties.**

- (a) The board of appeals shall hear and decide all questions and decisions regarding the following:
  - (1) Interpretation of the official Zoning Map, including the interpretation of the location of zoning district boundaries when in doubt.
  - (2) 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.
  - (3) The hearing of requests for nonuse variances from the strict application of the provisions of this chapter in accordance with §122-370.
  - (4) The hearing of requests for appeals from any order, requirement, decisions, or determination made by an administrative body or official charged with the enforcement of this chapter in accordance with §122-371.
  - (5) Hear and decide on any other matters referred to the Zoning Board of Appeals or upon which the Zoning Board of Appeals is required to pass under the terms of this chapter.
- (b) The Zoning Board of Appeals shall not change the zoning district classification of any property or make any change in the terms of this chapter, and shall not take any action which would, as a result, make legislative changes in or negate any provisions of this chapter.

- (c) The Zoning Board of Appeals shall not have authority to hear appeals on decisions made by the Planning Commission or City Council regarding planned unit developments.
- (d) The Zoning Board of Appeals shall not have the authority to grant a use variance.

**Sec. 122-397. General procedures.**

- (a) **Hearings.** The Zoning Board of Appeals shall hold a public hearing on each question submitted to it for decision. Such hearing shall be set within a reasonable time, not to exceed 45 days from the filing date of an appeal or variance request. Written notice of such hearing including the date, time, and place of the public hearing; the nature of the appeal; and a description of any property in question; shall be given to the appellant, if different than owner(s) of the property, to persons to whom real property is assessed within 300 feet of the boundary of the property subject to the request, regardless of whether the property or occupant is located within the boundaries of the City of Ypsilanti, and to the occupants of all structures within 300 feet of the premises. The notice shall be delivered personally or by mail, addressed to the respective owners and tenants at the address given in the last assessment roll. If a tenant's name is not known, the term "occupant" may be used. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure. The notice shall also be published in a newspaper of general circulation in the City. All notices shall be given at least 15 days prior to the public hearing. An affidavit of mailing shall be filed with the Zoning Board of Appeals prior to the public hearing. The Zoning Board of Appeals may recess a hearing to gather additional information, to make site inspections, or to engage in other activities as may be necessary to make a proper decision. The Zoning Board of Appeals shall reconvene the hearing within 35 days of the original hearing date. The reconvened hearing date shall be announced at the original hearing and this announcement shall constitute proper public notification.
- (b) **Decisions by the Board of Appeals.** The concurring vote of a majority of the entire membership of the Zoning Board of Appeals (three votes) shall be necessary to reverse any order, requirement, or decision of any administrative official; to effect any variance in the non-use terms of this chapter; or to decide any matter upon which the Zoning Board of Appeals is required to pass by this chapter.
- (c) **Time limit.** The Zoning Board of Appeals shall decide upon all matters within 90 days from the filing date. The time limit may be extended by written agreement between the applicant or appellant and the Zoning Board of Appeals.
- (d) **Representation.** Any person may appear on their own behalf at a hearing or may be represented by an agent or attorney.
- (e) **Conditions of approval.** The Zoning Board of Appeals may attach conditions to any affirmative action as it deems reasonable to minimize any detrimental effects of its decisions and to promote the purposes of this chapter. Such conditions shall be in accordance with §122-326 and Act No. 110 of the Public Acts of Michigan of 2006 (MCL 125.3101 et seq.), as amended. A performance guarantee may be required as a condition of an affirmative action when in accordance with §122-317.
- (f) **Official record.** The decisions and orders of the Zoning Board of Appeals in disposing of an appeal or a request for a variance, along with any conditions attached, shall be entered into the official record for each case. Such record shall include the reasons for a determination, a summary of the evidence introduced, and the reasons for any conditions imposed.

**Sec. 122-398. Decisions final.**

All decisions of the Zoning Board of Appeals are final. However, a person having an interest aggrieved by a decision may appeal to the circuit courts, as provided in Act No. 110 of the Public Acts of Michigan of 2006 (MCL 125.3101 et seq.), as amended. Such an appeal must be filed within 30 days after the Zoning Board of Appeals certifies its decision in writing or approves the minutes of its decision.

**Sec. 122-399. Time limitations.**

If a variance or other requested action is granted or authorized, the necessary permits shall be obtained and any authorized actions shall be begun within one year following the date of such variance or authorization and shall be completed as authorized by the permit or elsewhere in this chapter. Should the applicant/appellant fail to obtain such permits or fail to commence work within such subsequent period, it shall be presumed that the applicant/appellant has waived, withdrawn, or abandoned their appeal; and all permissions, authorizations, variances, and permits shall be deemed to be rescinded.





## City of Ypsilanti

Community and Economic Development

August 10, 2022

John Abed  
Laith Issa  
Larry Lake

### RE: 319 N Huron St Nonconforming Use Status

To whom it may apply,

The following letter is the Community and Economic Development Department's administrative decision pertaining to the abandonment of the nonconforming use at 319 N Huron St (parcel ID# 11-11-40-410-001). Automobile repair shops are not a permitted use in the HC- Historic Corridor zoning district per §122-451. Therefore the former use of the building and land as an automobile repair shop was recognized as a nonconforming use, specifically a *Class B nonconforming use*. Section 122-349 of the City's Code of Ordinances (the "Zoning Ordinance") regulates Class B nonconforming uses (see attached Exhibit A).

### Under §122-349(e) of the Zoning Ordinance, we have found the nonconforming use to have been abandoned with intent, with the following supporting findings:

1. The former business ("My Car Guy") closed business more than 365 days ago and no auto repair business has lawfully re-opened since. Our department determined the former business to have closed on June 26, 2021. (§122-349(e)(3))
2. The signs associated with the former business have been removed. (§122-349(e)(5))
3. There was a failure for the property owner or tenant to maintain Business Occupancy and License registration for more than 365 days. (§122-349(e)(7))

This administrative decision may be appealed to the Zoning Board of Appeals per §122-371. To apply for an appeal of an administrative decision, please submit an "Appeal of Administrative Decision" application to our office as soon as possible. The application can be found at [www.cityofypsilanti.com/permitcenter](http://www.cityofypsilanti.com/permitcenter). The zoning ordinance requires you to file the appeal within 60 days of this letter.

Please contact me at 734-483-9646 or [aaamodt@cityofypsilanti.com](mailto:aaamodt@cityofypsilanti.com) if you have any questions. The full text of the zoning ordinance is available online at [www.cityofypsilanti.com/zoning](http://www.cityofypsilanti.com/zoning).

Sincerely,

  
Andy Aamodt  
City Planner, Community & Economic Development Department

CC: File  
Christopher Jacobs, Community Development Manager  
Joe Meyers, Community & Economic Development Department Director  
Building Department  
(Letter sent via email)

Page 1 of 2

One South Huron Street  
Ypsilanti, MI 48197

Tel (734) 483-9646  
Fax (734) 483-7260

[www.CityofYpsilanti.com](http://www.CityofYpsilanti.com)

**Exhibit A**

Section 122-349(e) of the zoning ordinance.

**Sec. 122-349. Class B nonconforming uses of buildings.**

(e) **Abandonment.** If the nonconforming use of land is discontinued for a period of 365 consecutive days, where there is an intent demonstrated by the property owner to abandon the nonconforming use, it must not thereafter be renewed, and any subsequent use of the land must conform to the regulations of the district in which the land is located. A nonconforming use must be determined to be abandoned if the use has ceased and one (1) or more of the following conditions exist, that said condition(s) being deemed to demonstrate intent on the part of the property owner to abandon the nonconforming use:

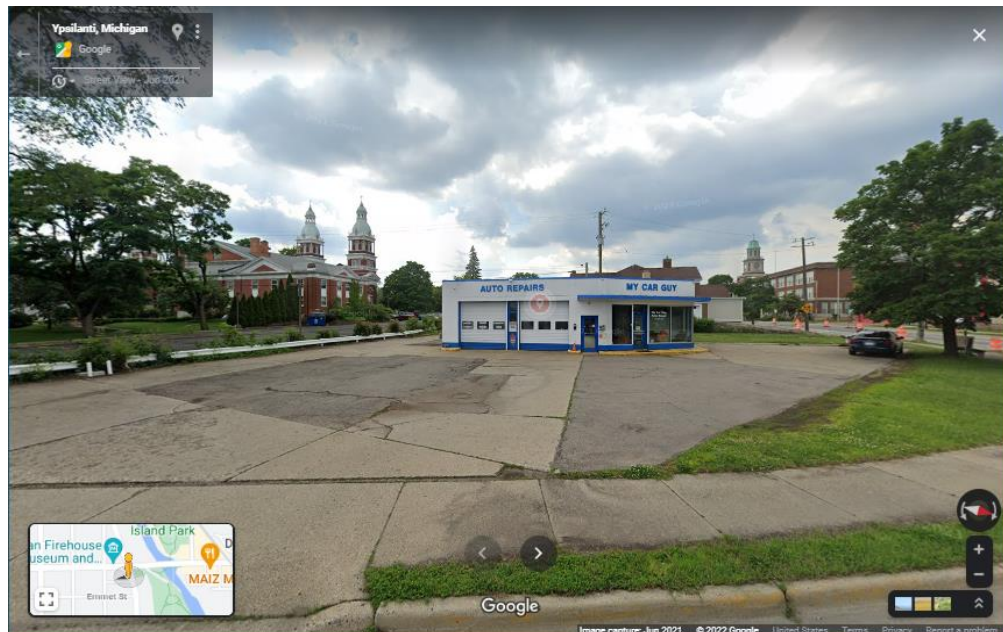
- (1) One (1) or more utility meters, such as water, gas and electricity to the property, have been removed;
- (2) The property, buildings and/or grounds are unsafe or unsanitary, as described in Chapter 18, Article V;
- (3) Cessation of business operations;
- (4) Receipt of a written declaration by the property owner.
- (5) Signs or other indications of the existence of the nonconforming use have been removed;
- (6) Removal of equipment or fixtures that are necessary for the operation of the nonconforming use;
- (7) Failure to maintain current licenses, certificates, permits, registrations or other appropriate documentation for the nonconforming use;
- (8) Bank or tax foreclosure;
- (9) Operation or maintenance of a permitted use or different use at the property; or
- (10) Other actions or omissions, which in the opinion of the Planning or Building Department(s), evidence an intention of the part of the property owner to abandon the nonconforming use.

## Attachments

**Figure 1: My Car Guy closure announcement on Facebook (June 26, 2021)**



**Figure 2: Google street-view with My Car Guy business sign existing (June 2021)**



**Figure 3: My Car Guy business sign removed (photo taken August 9, 2022)**



**Figure 4: Business inspection history via the City's Building Department**

- BUS CBOP-19-0189 Hold
- RETURNED MAIL - 11/9/2021
- Attachments
- Responsible Party: BELCHER BRUCE
- Certificate Holder: MY CAR GUY
- Occupant of Record: MY CAR GUY
- Transactions: \$175.00 Due: \$0.00
- Prerequisites (0)
- User Fields
- Business Initial, Violation(s) 3/17/2021
- Business Re-inspection, Not Complied 7/26/2021
- Business Re-inspection, Canceled 12/22/2021
- Business Re-inspection, Locked Out 8/4/2022

**See Figures 5 through 10 on the following pages: Letters sent by the Building Department starting with failed business inspection on March 16, 2021, then subsequent letters attempting to re-inspect the business.**



Figure 5

## City of Ypsilanti

Building Department

March 19, 2021

MY CAR GUY  
ATTN: BELCHER BRUCE  
319 N HURON  
YPSILANTI MI 48197

**SUBJECT: BUSINESS OCCUPANCY INSPECTION – 319 N HURON**

Dear property owner/agent,

This office recently conducted a business inspection at the above subject property. This inspection is authorized under Chapter 22, Article 6, of the Ypsilanti City Code, and conducted in accordance with the 2018 International Property Maintenance Code as adopted by the city. The attached report indicates violations and/or repairs that must be corrected, re-inspected and approved by the re-inspection date noted below in order to obtain a Business Occupancy Permit

Re-inspection date/time:  
**April 26, 2021 between 11:00 – 11:30 am**

Please contact this office, *in writing*, at least three (3) days prior to the scheduled date and time if this appointment cannot be kept. **Be advised**, not all requests can be granted. To avoid any misunderstandings and/or any additional fees, please call to verify approval of your request prior to the scheduled inspection appointment.

**Please be advised, pursuant to City Code Section 22-215**, No person, including but not limited to the owner, the manager, and the owner/manager, shall operate a new business at premises in the City unless that owner, manager, or owner/manager has first obtained a valid business occupancy permit from the city building inspection department covering the premises. If a business has more than one premises in the city, a separate business occupancy permit must be obtained for each separate premises. Additionally, no person shall allow a new business to operate on property that they own, lease, or control unless the business has a valid business occupancy permit from the city building department covering that business on those premises.

If you have questions regarding this report, please call the Building Department for clarification. Repairs include, but are not be limited to, the violations on the attached report. Permits are required for many electrical, mechanical, plumbing, and structural repairs. Also, if your property is within the Historic District, approval may be required for exterior repairs, replacements, changes, etc. **IF YOU ARE UNSURE, PLEASE CALL THE BUILDING DEPARTMENT TO VERIFY PERMIT REQUIREMENTS.**

**Application for appeal:** Any person directly affected by a decision of the code official or any notice or order given by the building inspection department pursuant to the International Property Maintenance Code may request an appeal to the Construction Board of Appeals. A written application for an appeal must be filed within 20 days after the decision, notice, or order

One South Huron Street  
Ypsilanti, MI 48197

Tel: (734) 482-1025  
Fax: (734) 483-7444

[www.cityofypsilanti.com](http://www.cityofypsilanti.com)

was served. An application for appeal shall be based on a claim that the true intent of the International Property Maintenance Code as amended or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this Code do not fully apply, or the requirements of the International Property Maintenance Code as amended are adequately satisfied by other means. Ypsilanti City Code Section 18-93.

**PLEASE NOTE: City Code Section 22-210 requires all persons owning a business shall register with the building inspection department indicating their name, address, telephone number and the address of all businesses owned by them in the City of Ypsilanti.**

Prior to the scheduled inspection, please be aware of the following:

- Business owner and/or property owner must be present to admit the inspectors throughout the structure(s). The inspection will include all common areas, mechanical rooms and accessory structures.
- If we are unable to complete the inspection, you will be charged **\$55.00 per commercial unit**.
- A business occupancy permit only applies to the structure's use under the building codes enforced by the Building Department and in no way does it approve the use under the city's Zoning Ordinance. Please refer all zoning issues to the Planning Department, (734.483.9646).
- **PM-603.7 HVAC Certification Requirement** - All gas fired heating equipment shall be serviced and inspected by a licensed mechanical contractor. The contractor must provide certification of inspection minimally every 4 years and shall be on the form approved by the Building Official, (obtain online or in office). Inspectors may require cleaning and service more frequently based on observations made during the inspections. Separate form required for each heating unit.
- Pursuant to section 106.3 of the International Property Maintenance Code as amended, the costs of any enforcement action will be charged against the real estate upon which the structure is located and are a lien upon such real estate. Additionally, fines, fees, and costs imposed for violations will be imposed and collected as set forth in City Code sections 1-15(4) and 71-73.

We appreciate your cooperation throughout this process.

CITY OF YPSILANTI

*John Roe*

John Roe  
Compliance Officer

Pc: LAKE LARRY & MICHELE TRUST [REDACTED]

**Inspection Report****CBOP-19-0189****Property and Inspection Information:**

<b>Property:</b> 319 N HURON	<b>Type:</b> Auto Repair
<b>Suite Number (if applicable):</b> 1	<b>Date of this inspection:</b> 03/16/2021
<b>Inspector:</b> John Roe	<b>HVAC Certification due:</b> Prior to issuance of certificate
<b>Date of next inspection:</b> April 26, 2021 between 11:00 – 11:30 am	

**Violations and/or Repairs:**

- 1) Scrape and paint the parking lot railing on the south side.
  - 2) Repair or replace the cyclone fencing.
  - 3) Clear brush from fence line.
  - 4) Install bollards around the natural gas meter to protect it from impact.
  - 5) Clean up trash around property west side and back of building.
  - 6) Repair or replace the back garage door.
  - 7) Remove the brush pile.
  - 8) Place the wiring to the front exterior light in the proper junction box.
  - 9) Replace the parking lot, Numerus trip hazards throughout the parking lot.
  - 10) Strip Parking lot and provide a barrier free parking space with signage.
  - 11) Place the electrical wiring in the junction box between the fans in the lobby.
  - 12) Place a cover over the open junction box in the south/west corner of the ceiling of the lobby.
  - 13) Remove the extension cord from behind the counter and install the proper outlet for the counter space. Extension cords are not to be used as permanent wiring.
  - 14) Place covers on electrical junction boxes in the storage room.
  - 15) Secure the cover on the wiring bus trough above the panels.
  - 16) Licensed contractor to **obtain permit** and final approved inspection for the 2017 Richmond water heater that was installed without a permit. A \$60.00 administrative fee will apply for work without a permit.
- Back garage
- 17) Place missing covers on all open electrical junction boxes.
  - 18) Place the spliced flexible conduit in the proper junction box.
  - 19) Install a smoke detector in the back garage area.
  - 20) Repair the damaged ceiling.
- Front garage
- 21) Scrape the loose paint from the ceiling and re-paint. Have paint checked for lead.
  - 22) Secure the outlet to the ceiling in the front garage.
- Bathroom
- 23) Replace the rusty bathroom sink.
  - 24) Replace the broken bathroom door.
  - 25) Patch the holes in the wall where the mirror was and paint the wall.
  - 26) Replace the light bulbs in the ceiling light.
- Note: Unprotected foam insulation used on interior windows is not allowed.**
- 27) Obtain HVAC certification per code 603.7 (page 2 of this letter); form for licensed contractor to complete is available online at [www.cityofpysilanti.com](http://www.cityofpysilanti.com) under Permit Center. Separate form required for each heating unit.



Figure 6

**City of Ypsilanti**  
Building Department

April 20, 2021

MY CAR GUY  
ATTN: BELCHER BRUCE  
319 N HURON  
YPSILANTI MI 48197

**SUBJECT: RESCHEDULING INSPECTION – 319 N HURON - 1 UNIT(S)**

Dear property owner/agent,

Per your written request, we are re-scheduling your re-certification inspection appointment of the above property to the inspection date listed below. If you wish to change this appointment date and time, please advise this office, ***in writing, at least three (3) days prior*** to the inspection. At that time, provide this office with a reasonable time schedule to complete the repairs and/or improvements. Be advised, due to the volume of inspections we perform, our policy is to grant only one (1) rescheduling and not all requests can be granted.

Inspection date: <b>June 16, 2021 between 11:00 - 11:30 AM</b>
<b>HVAC Certification due: Prior to issuance of certificate</b>

*\*\*Please read the previously enclosed "Covid-19 Inspection Procedures"\*\*\**

PLEASE NOTE: City Code Section 18-131 requires the City's Property Registration form to be completed and returned to this office prior to the issuance of a required Certificate of Compliance and Occupancy Permit for a residential rental property. The property owner/agent must notify this department in writing of any changes in ownership, mailing address, management, etc.

- For residential properties, City Ordinance 732 regulates the tenant's rights to privacy. The property owner must give the tenants at least **seventy-two (72) hours written notice** prior to the inspection date. Should you fail to provide proper notice to the tenants and they refuse to allow the inspection, you will be charged for a **NO-SHOW**.
- No-show inspection fees are **\$85 per unit for 1 & 2- family, \$55.00 per unit for multi-family and \$55.00 for commercial**.
- You or your agent must be present to admit the inspectors throughout the structure. The inspection will include all common areas, mechanical rooms, sleeping rooms, and apartments.

CITY OF YPSILANTI  
Building/Housing Department

pc: LAKE LARRY & MICHELE, TRUST [REDACTED]

One South Huron Street  
Ypsilanti, MI 48197

Tel: (734) 482-1025  
Fax: (734) 483-7444

[www.cityofypsilanti.com](http://www.cityofypsilanti.com)

**Inspection Report****CBOP-19-0189****Property and Inspection Information:**

<b>Property:</b> 319 N HURON	<b>Type:</b> Auto Repair
<b>Suite Number (if applicable):</b> 1	<b>Date of this inspection:</b> 03/16/2021
<b>Inspector:</b> John Roe	<b>HVAC Certification due:</b> Prior to issuance of certificate
<b>Date of next inspection:</b> June 16, 2021 between 11:00 – 11:30 am	

**Violations and/or Repairs:**

- 1) Scrape and paint the parking lot railing on the south side.
  - 2) Repair or replace the cyclone fencing.
  - 3) Clear brush from fence line.
  - 4) Install bollards around the natural gas meter to protect it from impact.
  - 5) Clean up trash around property west side and back of building.
  - 6) Repair or replace the back garage door.
  - 7) Remove the brush pile.
  - 8) Place the wiring to the front exterior light in the proper junction box.
  - 9) Replace the parking lot, Numerus trip hazards throughout the parking lot.
  - 10) Strip Parking lot and provide a barrier free parking space with signage.
  - 11) Place the electrical wiring in the junction box between the fans in the lobby.
  - 12) Place a cover over the open junction box in the south/west corner of the ceiling of the lobby.
  - 13) Remove the extension cord from behind the counter and install the proper outlet for the counter space. Extension cords are not to be used as permanent wiring.
  - 14) Place covers on electrical junction boxes in the storage room.
  - 15) Secure the cover on the wiring bus trough above the panels.
  - 16) Licensed contractor to **obtain permit** and final approved inspection for the 2017 Richmond water heater that was installed without a permit. A \$60.00 administrative fee will apply for work without a permit.
- Back garage
- 17) Place missing covers on all open electrical junction boxes.
  - 18) Place the spliced flexible conduit in the proper junction box.
  - 19) Install a smoke detector in the back garage area.
  - 20) Repair the damaged ceiling.
- Front garage
- 21) Scrape the loose paint from the ceiling and re-paint. Have paint checked for lead.
  - 22) Secure the outlet to the ceiling in the front garage.
- Bathroom
- 23) Replace the rusty bathroom sink.
  - 24) Replace the broken bathroom door.
  - 25) Patch the holes in the wall where the mirror was and paint the wall.
  - 26) Replace the light bulbs in the ceiling light.
- Note: Unprotected foam insulation used on interior windows is not allowed.**
- 27) Obtain HVAC certification per code 603.7 (page 2 of this letter); form for licensed contractor to complete is available online at [www.cityofypsilanti.com](http://www.cityofypsilanti.com) under Permit Center. Separate form required for each heating unit.



Figure 6

**City of Ypsilanti**  
Building Department

June 16, 2021

MY CAR GUY  
ATTN: BELCHER BRUCE  
319 N HURON  
YPSILANTI MI 48197

**SUBJECT: RESCHEDULING INSPECTION – 319 N HURON - 1 UNIT(S)**

Dear property owner/agent,

Per your written request, we are re-scheduling your re-certification inspection appointment of the above property to the inspection date listed below. If you wish to change this appointment date and time, please advise this office, *in writing*, at least three (3) days prior to the inspection. At that time, provide this office with a reasonable time schedule to complete the repairs and/or improvements. Be advised, due to the volume of inspections we perform, our policy is to grant only one (1) rescheduling and not all requests can be granted.

Inspection date:

**July 26, 2021 between 1:00 PM – 1:30 PM**

**HVAC Certification due: Prior to issuance of certificate**

*\*\*Please read the enclosed "Covid-19 Inspection Procedures" and complete the inspection sheet. The inspection sheet is to be completed and signed by the owner or registered agent and must be given to the inspection personnel prior to the start of the inspection\*\**

PLEASE NOTE: City Code Section 18-131 requires the City's Property Registration form to be completed and returned to this office prior to the issuance of a required Certificate of Compliance and Occupancy Permit for a residential rental property. The property owner/agent must notify this department in writing of any changes in ownership, mailing address, management, etc.

- For residential properties, City Ordinance 732 regulates the tenant's rights to privacy. The property owner must give the tenants at least **seventy-two (72) hours written notice** prior to the inspection date. Should you fail to provide proper notice to the tenants and they refuse to allow the inspection, you will be charged for a **NO-SHOW**.
- No-show inspection fees are **\$85 per unit for 1 & 2- family, \$55.00 per unit for multi-family and \$55.00 for commercial**.
- You or your agent must be present to admit the inspectors throughout the structure. The inspection will include all common areas, mechanical rooms, sleeping rooms, and apartments.

CITY OF YPSILANTI  
Building/Housing Department

pc: LAKE LARRY & MICHELE, TRUST [REDACTED]

One South Huron Street  
Ypsilanti, MI 48197

Tel: (734) 482-1025  
Fax: (734) 483-7444

[www.cityofypsilanti.com](http://www.cityofypsilanti.com)

**Inspection Report****CBOP-19-0189****Property and Inspection Information:**

<b>Property:</b> 319 N HURON	<b>Type:</b> Auto Repair
<b>Suite Number (if applicable):</b> 1	<b>Date of this inspection:</b> 03/16/2021
<b>Inspector:</b> John Roe	<b>HVAC Certification due:</b> Prior to issuance of certificate
<b>Date of next inspection:</b> July 26, 2021 between 1:00 – 1:30 PM	

**Violations and/or Repairs:**

- 1) Scrape and paint the parking lot railing on the south side.
  - 2) Repair or replace the cyclone fencing.
  - 3) Clear brush from fence line.
  - 4) Install bollards around the natural gas meter to protect it from impact.
  - 5) Clean up trash around property west side and back of building.
  - 6) Repair or replace the back garage door.
  - 7) Remove the brush pile.
  - 8) Place the wiring to the front exterior light in the proper junction box.
  - 9) Replace the parking lot, Numerus trip hazards throughout the parking lot.
  - 10) Strip Parking lot and provide a barrier free parking space with signage.
  - 11) Place the electrical wiring in the junction box between the fans in the lobby.
  - 12) Place a cover over the open junction box in the south/west corner of the ceiling of the lobby.
  - 13) Remove the extension cord from behind the counter and install the proper outlet for the counter space. Extension cords are not to be used as permanent wiring.
  - 14) Place covers on electrical junction boxes in the storage room.
  - 15) Secure the cover on the wiring bus trough above the panels.
  - 16) Licensed contractor to **obtain permit** and final approved inspection for the 2017 Richmond water heater that was installed without a permit. A \$60.00 administrative fee will apply for work without a permit.
- Back garage
- 17) Place missing covers on all open electrical junction boxes.
  - 18) Place the spliced flexible conduit in the proper junction box.
  - 19) Install a smoke detector in the back garage area.
  - 20) Repair the damaged ceiling.
- Front garage
- 21) Scrape the loose paint from the ceiling and re-paint. Have paint checked for lead.
  - 22) Secure the outlet to the ceiling in the front garage.
- Bathroom
- 23) Replace the rusty bathroom sink.
  - 24) Replace the broken bathroom door.

25) Patch the holes in the wall where the mirror was and paint the wall.

26) Replace the light bulbs in the ceiling light.

**Note: Unprotected foam insulation used on interior windows is not allowed.**

27) Obtain HVAC certification per code 603.7 (page 2 of this letter); form for licensed contractor to complete is available online at [www.cityofypsilanti.com](http://www.cityofypsilanti.com) under Permit Center. Separate form required for each heating unit.



Figure 8

**City of Ypsilanti**  
Building Department

October 27, 2021

MY CAR GUY  
319 N HURON  
YPSILANTI MI 48197

**SUBJECT: RESCHEDULING INSPECTION – 319 N HURON - 1 UNIT(S)**

Dear property owner/agent,

Per your written request, we are re-scheduling your re-certification inspection appointment of the above property to the inspection date listed below. If you wish to change this appointment date and time, please advise this office, ***in writing, at least three (3) days prior*** to the inspection. At that time, provide this office with a reasonable time schedule to complete the repairs and/or improvements. Be advised, due to the volume of inspections we perform, our policy is to grant only one (1) rescheduling and not all requests can be granted.

Inspection date:  
**January 07, 2022 between 3 - 3:30 PM**  
**Please be advised that this property is to remain vacant until certified.**

---

**HVAC Certification due:** Prior to issuance of certificate

*\*\*Please read the previously enclosed "Covid-19 Inspection Procedures"*

PLEASE NOTE: City Code Section 18-131 requires the City's Property Registration form to be completed and returned to this office prior to the issuance of a required Certificate of Compliance and Occupancy Permit for a residential rental property. The property owner/agent must notify this department in writing of any changes in ownership, mailing address, management, etc.

- For residential properties, City Ordinance 732 regulates the tenant's rights to privacy. The property owner must give the tenants at least **seventy-two (72) hours written notice** prior to the inspection date. Should you fail to provide proper notice to the tenants and they refuse to allow the inspection, you will be charged for a **NO-SHOW**.
- No-show inspection fees are **\$85 per unit for 1 & 2- family, \$55.00 per unit for multi-family and \$55.00 for commercial**.
- You or your agent must be present to admit the inspectors throughout the structure. The inspection will include all common areas, mechanical rooms, sleeping rooms, and apartments.

CITY OF YPSILANTI  
Building/Housing Department

pc: LAKE LARRY & MICHELE, TRUST [REDACTED]

---

One South Huron Street      Tel: (734) 482-1025      www.cityofypsilanti.com  
Ypsilanti, MI 48197      Fax: (734) 483-7444

**Inspection Report****CBOP-19-0189****Property and Inspection Information:****Property:** 319 N HURON**Type:** Auto Repair**Suite Number (if applicable):** 1**Date of this inspection:** 03/16/2021**Inspector:** John Roe**HVAC Certification due:** Prior to issuance of certificate**Date of next inspection:** July 26, 2021 between 1:00 – 1:30 PM**Violations and/or Repairs:**

Please be advised that this property is to remain vacant until certified.

- 1) Scrape and paint the parking lot railing on the south side.
  - 2) Repair or replace the cyclone fencing.
  - 3) Clear brush from fence line.
  - 4) Install bollards around the natural gas meter to protect it from impact.
  - 5) Clean up trash around property west side and back of building.
  - 6) Repair or replace the back garage door.
  - 7) Remove the brush pile.
  - 8) Place the wiring to the front exterior light in the proper junction box.
  - 9) Replace the parking lot, Numerous trip hazards throughout the parking lot.
  - 10) Strip Parking lot and provide a barrier free parking space with signage.
  - 11) Place the electrical wiring in the junction box between the fans in the lobby.
  - 12) Place a cover over the open junction box in the south/west corner of the ceiling of the lobby.
  - 13) Remove the extension cord from behind the counter and install the proper outlet for the counter space. Extension cords are not to be used as permanent wiring.
  - 14) Place covers on electrical junction boxes in the storage room.
  - 15) Secure the cover on the wiring bus trough above the panels.
  - 16) Licensed contractor to **obtain permit** and final approved inspection for the 2017 Richmond water heater that was installed without a permit. A \$60.00 administrative fee will apply for work without a permit.
- Back garage
- 17) Place missing covers on all open electrical junction boxes.
  - 18) Place the spliced flexible conduit in the proper junction box.
  - 19) Install a smoke detector in the back garage area.
  - 20) Repair the damaged ceiling.
- Front garage
- 21) Scrape the loose paint from the ceiling and re-paint. Have paint checked for lead.
  - 22) Secure the outlet to the ceiling in the front garage.
- Bathroom
- 23) Replace the rusty bathroom sink.
  - 24) Replace the broken bathroom door.

25) Patch the holes in the wall where the mirror was and paint the wall.

26) Replace the light bulbs in the ceiling light.

**Note: Unprotected foam insulation used on interior windows is not allowed.**

27) Obtain HVAC certification per code 603.7 (page 2 of previous letter); form for licensed contractor to complete is available online at [www.cityofypsilanti.com](http://www.cityofypsilanti.com) under Permit Center. Separate form required for each heating unit.



Figure 9

**City of Ypsilanti**  
Building Department

January 20, 2022

MY CAR GUY  
ATTN: BELCHER BRUCE  
319 N HURON  
YPSILANTI MI 48197

**SUBJECT: RESCHEDULING INSPECTION – 319 N HURON - 1 UNIT(S)**

Dear property owner/agent,

Per your written request, we are re-scheduling your re-certification inspection appointment of the above property to the inspection date listed below. If you wish to change this appointment date and time, please advise this office, ***in writing, at least three (3) days prior*** to the inspection. At that time, provide this office with a reasonable time schedule to complete the repairs and/or improvements. Be advised, due to the volume of inspections we perform, our policy is to grant only one (1) rescheduling and not all requests can be granted.

Inspection date:  
**March 31, 2022 between 3 - 3:30 PM**  
**Please be advised that this property is to remain vacant until certified.**  
**HVAC Certification due: Prior to issuance of certificate**

*\*\*Please read the previously enclosed "Covid-19 Inspection Procedures"*

PLEASE NOTE: City Code Section 18-131 requires the City's Property Registration form to be completed and returned to this office prior to the issuance of a required Certificate of Compliance and Occupancy Permit for a residential rental property. The property owner/agent must notify this department in writing of any changes in ownership, mailing address, management, etc.

- For residential properties, City Ordinance 732 regulates the tenant's rights to privacy. The property owner must give the tenants at least **seventy-two (72) hours written notice** prior to the inspection date. Should you fail to provide proper notice to the tenants and they refuse to allow the inspection, you will be charged for a **NO-SHOW**.
- No-show inspection fees are **\$85 per unit for 1 & 2- family, \$55.00 per unit for multi-family and \$55.00 for commercial**.
- You or your agent must be present to admit the inspectors throughout the structure. The inspection will include all common areas, mechanical rooms, sleeping rooms, and apartments.

CITY OF YPSILANTI  
Building/Housing Department

pc: LAKE LARRY & MICHELE, TRUST [REDACTED]

---

One South Huron Street      Tel: (734) 482-1025      www.cityofypsilanti.com  
Ypsilanti, MI 48197      Fax: (734) 483-7444

**Inspection Report****CBOP-19-0189****Property and Inspection Information:****Property:** 319 N HURON**Type:** Auto Repair**Suite Number (if applicable):** 1**Date of this inspection:** 03/16/2021**Inspector:** John Roe**HVAC Certification due:** Prior to issuance of certificate**Date of next inspection:** March 31, 2022 between 3 - 3:30 PM**Violations and/or Repairs:****Please be advised that this property is to remain vacant until certified.**

- 1) Scrape and paint the parking lot railing on the south side.
  - 2) Repair or replace the cyclone fencing.
  - 3) Clear brush from fence line.
  - 4) Install bollards around the natural gas meter to protect it from impact.
  - 5) Clean up trash around property west side and back of building.
  - 6) Repair or replace the back garage door.
  - 7) Remove the brush pile.
  - 8) Place the wiring to the front exterior light in the proper junction box.
  - 9) Replace the parking lot, Numerus trip hazards throughout the parking lot.
  - 10) Strip Parking lot and provide a barrier free parking space with signage.
  - 11) Place the electrical wiring in the junction box between the fans in the lobby.
  - 12) Place a cover over the open junction box in the south/west corner of the ceiling of the lobby.
  - 13) Remove the extension cord from behind the counter and install the proper outlet for the counter space. Extension cords are not to be used as permanent wiring.
  - 14) Place covers on electrical junction boxes in the storage room.
  - 15) Secure the cover on the wiring bus trough above the panels.
  - 16) Licensed contractor to **obtain permit** and final approved inspection for the 2017 Richmond water heater that was installed without a permit. A \$60.00 administrative fee will apply for work without a permit.
- Back garage
- 17) Place missing covers on all open electrical junction boxes.
  - 18) Place the spliced flexible conduit in the proper junction box.
  - 19) Install a smoke detector in the back garage area.
  - 20) Repair the damaged ceiling.
- Front garage
- 21) Scrape the loose paint from the ceiling and re-paint. Have paint checked for lead.
  - 22) Secure the outlet to the ceiling in the front garage.
- Bathroom
- 23) Replace the rusty bathroom sink.
  - 24) Replace the broken bathroom door.
  - 25) Patch the holes in the wall where the mirror was and paint the wall.
  - 26) Replace the light bulbs in the ceiling light.
- Note: Unprotected foam insulation used on interior windows is not allowed.** \_\_\_\_\_
- 27) Obtain HVAC certification per code 603.7 (page 2 of previous letter); form for licensed contractor to complete is available online at [www.cityofypsilanti.com](http://www.cityofypsilanti.com) under Permit Center. Separate form required for each heating unit.



Figure 10

**City of Ypsilanti**  
Building Department

February 11, 2022

MY CAR GUY  
319 N HURON  
YPSILANTI MI 48197

**SUBJECT: RESCHEDULING INSPECTION – 319 N HURON - 1 UNIT(S)**

Dear property owner/agent,

Due to a conflict in our schedule, we are re-scheduling your re-certification inspection appointment of the above property to the inspection date listed below. If you wish to change this appointment date and time, please advise this office, ***in writing, at least three (3) days prior*** to the inspection. At that time, provide this office with a reasonable time schedule to complete the repairs and/or improvements. Be advised, due to the volume of inspections we perform, our policy is to grant only one (1) rescheduling and not all requests can be granted.

Inspection date:  
**April 04, 2022 between 3 - 3:30 PM**  
**Please be advised that this property is to remain vacant until certified**  
**HVAC Certification due: Prior to issuance of certificate**

*\*\*Please read the previously enclosed "Covid-19 Inspection Procedures"*

PLEASE NOTE: City Code Section 18-131 requires the City's Property Registration form to be completed and returned to this office prior to the issuance of a required Certificate of Compliance and Occupancy Permit for a residential rental property. The property owner/agent must notify this department in writing of any changes in ownership, mailing address, management, etc.

- For residential properties, City Ordinance 732 regulates the tenant's rights to privacy. The property owner must give the tenants at least **seventy-two (72) hours written notice** prior to the inspection date. Should you fail to provide proper notice to the tenants and they refuse to allow the inspection, you will be charged for a **NO-SHOW**.
- No-show inspection fees are **\$85 per unit for 1 & 2- family, \$55.00 per unit for multi-family and \$55.00 for commercial**.
- You or your agent must be present to admit the inspectors throughout the structure. The inspection will include all common areas, mechanical rooms, sleeping rooms, and apartments.

CITY OF YPSILANTI  
Building/Housing Department

pc: LAKE LARRY & MICHELE, TRUST [REDACTED]

**Inspection Report****CBOP-19-0189****Property and Inspection Information:**

<b>Property:</b> 319 N HURON	<b>Type:</b> Auto Repair
<b>Suite Number (if applicable):</b> 1	<b>Date of this inspection:</b> 03/16/2021
<b>Inspector:</b> John Roe	<b>HVAC Certification due:</b> Prior to issuance of certificate
<b>Date of next inspection:</b> March 31, 2022 between 3 - 3:30 PM	

**Violations and/or Repairs:**

Please be advised that this property is to remain vacant until certified.

- 1) Scrape and paint the parking lot railing on the south side.
  - 2) Repair or replace the cyclone fencing.
  - 3) Clear brush from fence line.
  - 4) Install bollards around the natural gas meter to protect it from impact.
  - 5) Clean up trash around property west side and back of building.
  - 6) Repair or replace the back garage door.
  - 7) Remove the brush pile.
  - 8) Place the wiring to the front exterior light in the proper junction box.
  - 9) Replace the parking lot, Numerus trip hazards throughout the parking lot.
  - 10) Strip Parking lot and provide a barrier free parking space with signage.
  - 11) Place the electrical wiring in the junction box between the fans in the lobby.
  - 12) Place a cover over the open junction box in the south/west corner of the ceiling of the lobby.
  - 13) Remove the extension cord from behind the counter and install the proper outlet for the counter space. Extension cords are not to be used as permanent wiring.
  - 14) Place covers on electrical junction boxes in the storage room.
  - 15) Secure the cover on the wiring bus trough above the panels.
  - 16) Licensed contractor to **obtain permit** and final approved inspection for the 2017 Richmond water heater that was installed without a permit. A \$60.00 administrative fee will apply for work without a permit.
- Back garage
- 17) Place missing covers on all open electrical junction boxes.
  - 18) Place the spliced flexible conduit in the proper junction box.
  - 19) Install a smoke detector in the back garage area.
  - 20) Repair the damaged ceiling.
- Front garage
- 21) Scrape the loose paint from the ceiling and re-paint. Have paint checked for lead.
  - 22) Secure the outlet to the ceiling in the front garage.
- Bathroom
- 23) Replace the rusty bathroom sink.
  - 24) Replace the broken bathroom door.
  - 25) Patch the holes in the wall where the mirror was and paint the wall.
  - 26) Replace the light bulbs in the ceiling light.
- Note: Unprotected foam insulation used on interior windows is not allowed.** \_\_\_\_\_
- 27) Obtain HVAC certification per code 603.7 (page 2 of previous letter); form for licensed contractor to complete is available online at [www.cityofpysilanti.com](http://www.cityofpysilanti.com) under Permit Center. Separate form required for each heating unit.





**City of Ypsilanti  
Planning & Development Department**

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

**APPEAL OF ADMINISTRATIVE DECISION TO THE ZONING BOARD OF APPEALS**

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED.

**Applicant**

Name Laith Issa	
Address [REDACTED]	
Phone [REDACTED]	Email [REDACTED]

**Property**

Address 319 N. Huron Street	Parcel ID 11-11-40-410-001
Property owner* Laith Issa (Land Contract Purchaser)	

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


**Decision**

Administrative decision in question (include any ordinance section referenced in the decision; may be attached)
Declaration that non-conforming use has lapsed - see attached letter from City Planner dated 8/10/22
Argument in support of the appeal (may be attached)
Utilities were fully maintained, property and building were maintained (inside and out), equipment and fixtures necessary to the operation remained intact as far back as March of 2021. The previous owner was actively working on a list of repairs and updates provided by the city as well as marketing the

premises to prospective purchasers or tenants. The previous owner was hampered in efforts to
continue the use by the COVID pandemic.
Circumstances, factors, and other relevant information (may be attached)
Attached are pictures showing the premises was equipped to be an auto repair garage while it was
temporarily closed. New tenant Laith Issa has spent significant sums to bring the property fully up to
code, never having been told he would be denied the ability to open.

**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:
	8/15/2022
Print Name: Laith Issa	

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

Date:	Amount: <b>\$500</b>	Account: <b>101-4-7210-607-01</b>
<input type="checkbox"/> Cash <input type="checkbox"/> Check payable to City of Ypsilanti <input type="checkbox"/> Credit (+ 3.0% surcharge)		Code: <b>178 Rezone</b>
Description of deposit:		Signature of person receiving deposit:



## City of Ypsilanti

Community and Economic Development

August 10, 2022

John Abed  
Laith Issa  
Larry Lake

### RE: 319 N Huron St Nonconforming Use Status

To whom it may apply,

The following letter is the Community and Economic Development Department's administrative decision pertaining to the abandonment of the nonconforming use at 319 N Huron St (parcel ID# 11-11-40-410-001). Automobile repair shops are not a permitted use in the HC- Historic Corridor zoning district per §122-451. Therefore the former use of the building and land as an automobile repair shop was recognized as a nonconforming use, specifically a *Class B nonconforming use*. Section 122-349 of the City's Code of Ordinances (the "Zoning Ordinance") regulates Class B nonconforming uses (see attached Exhibit A).

### Under §122-349(e) of the Zoning Ordinance, we have found the nonconforming use to have been abandoned with intent, with the following supporting findings:

1. The former business ("My Car Guy") closed business more than 365 days ago and no auto repair business has lawfully re-opened since. Our department determined the former business to have closed on June 26, 2021. (§122-349(e)(3))
2. The signs associated with the former business have been removed. (§122-349(e)(5))
3. There was a failure for the property owner or tenant to maintain Business Occupancy and License registration for more than 365 days. (§122-349(e)(7))

This administrative decision may be appealed to the Zoning Board of Appeals per §122-371. To apply for an appeal of an administrative decision, please submit an "Appeal of Administrative Decision" application to our office as soon as possible. The application can be found at [www.cityofypsilanti.com/permitcenter](http://www.cityofypsilanti.com/permitcenter). The zoning ordinance requires you to file the appeal within 60 days of this letter.

Please contact me at 734-483-9646 or [aaamodt@cityofypsilanti.com](mailto:aaamodt@cityofypsilanti.com) if you have any questions. The full text of the zoning ordinance is available online at [www.cityofypsilanti.com/zoning](http://www.cityofypsilanti.com/zoning).

Sincerely,

[Redacted Signature]  
Andy Aamodt  
City Planner, Community & Economic Development Department

CC: File  
Christopher Jacobs, Community Development Manager  
Joe Meyers, Community & Economic Development Department Director  
Building Department  
(Letter sent via email)

Page 1 of 2

One South Huron Street  
Ypsilanti, MI 48197

Tel (734) 483-9646  
Fax (734) 483-7260

[www.CityofYpsilanti.com](http://www.CityofYpsilanti.com)

**Exhibit A**

Section 122-349(e) of the zoning ordinance.

**Sec. 122-349. Class B nonconforming uses of buildings.**

(e) **Abandonment.** If the nonconforming use of land is discontinued for a period of 365 consecutive days, where there is an intent demonstrated by the property owner to abandon the nonconforming use, it must not thereafter be renewed, and any subsequent use of the land must conform to the regulations of the district in which the land is located. A nonconforming use must be determined to be abandoned if the use has ceased and one (1) or more of the following conditions exist, that said condition(s) being deemed to demonstrate intent on the part of the property owner to abandon the nonconforming use:

- (1) One (1) or more utility meters, such as water, gas and electricity to the property, have been removed;
- (2) The property, buildings and/or grounds are unsafe or unsanitary, as described in Chapter 18, Article V;
- (3) Cessation of business operations;
- (4) Receipt of a written declaration by the property owner.
- (5) Signs or other indications of the existence of the nonconforming use have been removed;
- (6) Removal of equipment or fixtures that are necessary for the operation of the nonconforming use;
- (7) Failure to maintain current licenses, certificates, permits, registrations or other appropriate documentation for the nonconforming use;
- (8) Bank or tax foreclosure;
- (9) Operation or maintenance of a permitted use or different use at the property; or
- (10) Other actions or omissions, which in the opinion of the Planning or Building Department(s), evidence an intention of the part of the property owner to abandon the nonconforming use.





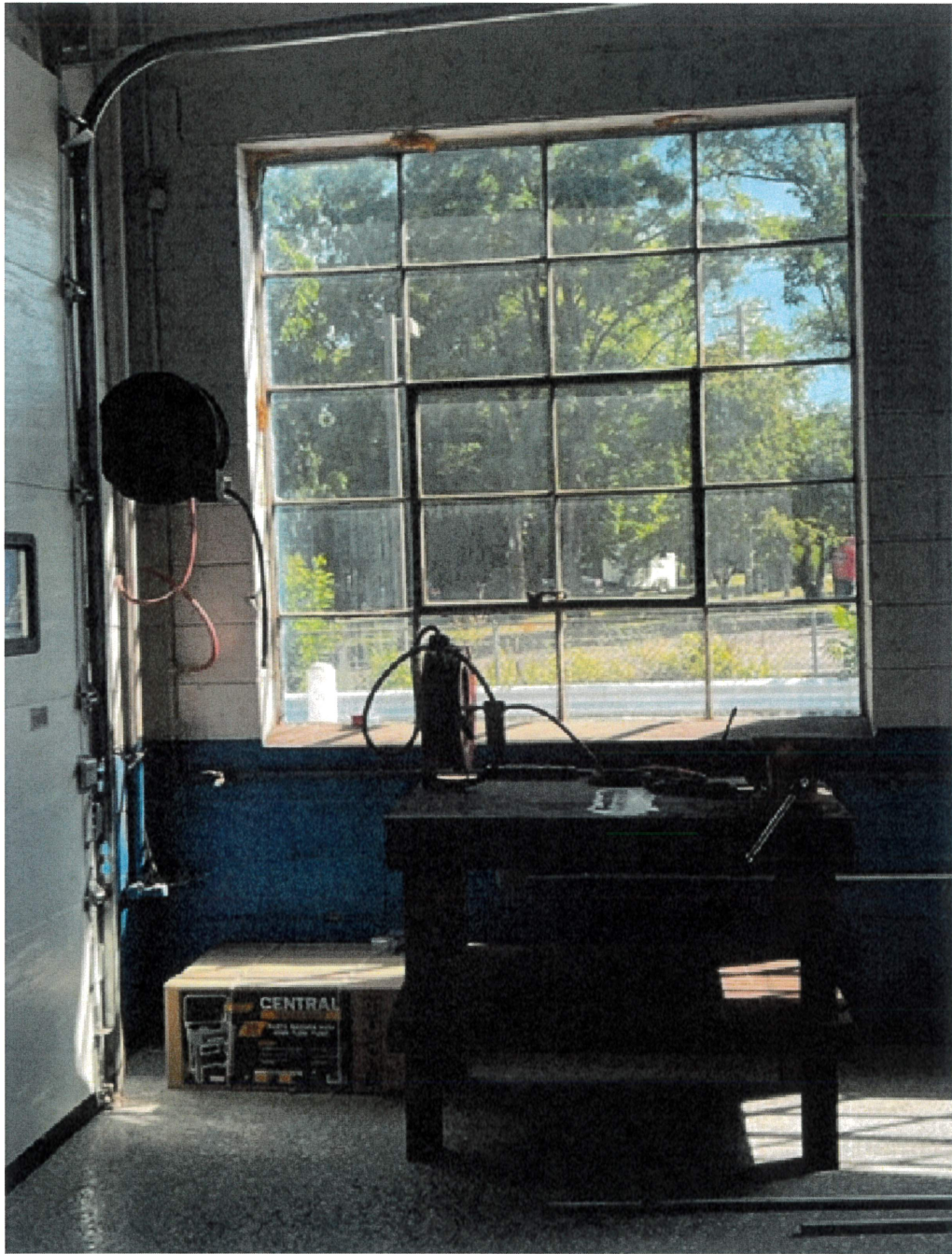






























**City of Ypsilanti  
Planning & Development Department**

**SUPPLEMENT TO ADMINISTRATIVE APPEAL**

**RE: 319 N. HURON STREET**

**YPSILANTI, MI 48197**

**Filed August 15, 2022**

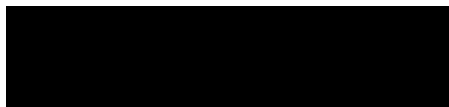
The issue of abandonment of a nonconforming use has been the subject of multiple lawsuits ultimately decided in the Michigan Court of Appeals. The caselaw is clear that “abandonment” of a use is an issue of intent. A simple time limit of nonuse is not sufficient to conclude a use has been abandoned. The decisions are summarized by the holding in *Livonia Hotel, LLC v. City of Livonia*, 259 Mich.App. 116,673 N.W.2d763 (Mich, App. 2003), in which the court stated:

As plaintiff points out, the Court in *Dusdal v. City of Warren*, 387 Mich. 354, 196 N.W.2d 778 (1972), and *Rudnik v. Mayers*, 387 Mich. 379, 196 N.W.2d 770 (1972), addressed the definition of “abandonment” in the context of zoning law. As stated in *Dusdal, supra* at 360, 196 N.W.2d 778:

The record does not support a finding of legal abandonment. Abandonment in the contemplation of the law is something more than mere nonuser. It is rather a nonuser combined with an intention to abandon the right to the nonconforming use. The burden of proving the abandonment was on the city. It introduced no evidence from which it would be reasonable to conclude that the plaintiff ever intended to relinquish or abandon his vested right to use his property in the manner in which it was being used prior to the residential zoning amendment.

...It is further undisputed that Glasnak, as plaintiff’s managing representative, then began to search for a new operator for the restaurant, which culminated in a lease with Hooters in September 2000. We agree with plaintiff that the “continued efforts to reopen a restaurant in the hotel [negates] any suggestion that Appellant abandoned its waiver use for a restaurant licensed to serve liquor.

During the period of closure, the owner, Larry Lake, was actively marketing the property as an auto repair shop. He interviewed several prospective purchasers but had not found what he believed to be a qualified buyer/operator until the petitioner herein approached him. At that point, Mr. Lake was satisfied that he had a qualified person to purchase and operate the shop. This is further evidence of the fact that at no time was the so-called nonconforming use “abandoned.”



Ellis B. Freatman, III (P34278)  
Attorney for Petitioner Laith Issa