

**CHARTER TOWNSHIP OF YPSILANTI
ZONING BOARD OF APPEALS
MINUTES OF THE MARCH 3, 2021 REGULAR MEETING**

Vice-Chair Elizabeth El-Assadi called the meeting to order at 6:39pm via Zoom due to COVID-19.

Commissioners Present: Vice-Chair Elizabeth El-Assadi; Commissioners: Jimmie Wilson Jr.; Gage Smith; Morgan McGovern; Alternate Commissioner: Garret Wood-Sternberg

Commissioners Not Present: Chair Marsha Kraycir

Others in Attendance: Dennis McLain, Township Attorney; Jason Iacoangeli, Planning Director; Belinda Kingsley; Planning & Development; John Adams, Christina Petrarca, 8067 Lakecrest; Doug Baker, 8074 Lakecrest; Richard Tapper, Phantom Fireworks; Michelle Towler, OCS Clerk.

1. CALL TO ORDER

2. ROLL CALL

3. APPROVAL OF THE DECEMBER 2, 2020 REGULAR MEETING MINUTES

A motion was made by Commissioner Smith, supported by Commissioner Wilson to approve the minutes of the December 2, 2020 Regular Meeting. The motion carried unanimously.

4. APPROVAL OF AGENDA

A motion was made by Commissioner Wilson, supported by Commissioner Smith to approve the agenda. The motion carried unanimously.

5. OLD BUSINESS

- A. APPLICANT: John Douglas Dillon, 6641 Hitchingham Road, Ypsilanti, MI 48197
VARIANCE LOCATION: 7808, 7836, 7864, and 7892 Hitchingham
PARCELS: K-11-32-400-015, K-11-32-400-014, K-11-32-400-013, K-11-32-400-012
VARIANCE REQUEST: To consider a request for a variance from Zoning Ordinance Section 2103 - Accessory Buildings and Accessory Uses, in order to erect a pole barn on the property.**

A motion was made by Commissioner Wilson to remove this discussion from the table, supported by Commissioner Smith.

A motion was made by Commissioner McGovern to deny the variance request for Zoning Ordinance Section 2103 - Accessory Buildings to permit the construction of a new 30 x 50 pole barn or out building at 7836 Hitchingham PARCELS: K-11-32-400-015, K-11-32-400-014, K-11-32-400-013, K-11-32-400-012, due to the following reason, that this is a self-created hardship, supported by Commissioner Wilson.

McGovern: Yes Wilson: Yes El-Assadi: Yes Smith: Yes Wood-Sternberg: Yes

6. PUBLIC HEARING

- A. APPLICANT: Christina Petrarca, 45282 Gerald Ct. Canton MI 48188 VARIANCE LOCATION: 8067 Lake Crest Drive, Ypsilanti MI 48197 PARCEL: K-11-22-250-043 VARIANCE REQUEST: To consider a request for a variance from Zoning Ordinance Article XX Section 2000 - Schedule of Regulations for property zoned R-4 Single Family Residential for the construction of a new single-family home.**

Jason Iacoangeli, Planning Director, stated that this request is for a variance to Section 2000, the schedule of regulations for properties zoned R-4 for the construction of a new home. The applicants are asking for consideration to the front yard setback portion of the ordinance in order to allow this home to sit closer to Lake Crest Drive and to pull it away from the shoreline of Ford Lake since this is a riparian lot. The parcel is zoned R-4, single family residential, as well as the entire neighborhood surrounding this home. This is a vacant lot on Ford Lake that has some issues with regard to topography, the closer you get to the water's edge. The last 70 feet of the property is unsuitable for building because of the extreme slopes. These folks have been made aware by the Township staff that they would need to secure soil erosion permits and all the necessary building permits for the development of this new home as well as to seek variances for the location of the house and where they want to place it. They are asking for the home to be set back 20 feet from the property line, the district requires a 25 foot setback, so the difference is 5 feet. Also, they are meeting all of the side setback requirements, it requires a minimum of 5 feet on each side, with a combined total of 16 feet, and they are proposing a total of 16 feet. They have demonstrated on their plans that they will meet those side yard setback conditions, with the addition of some additional property purchased from one of the neighboring lots.

Discussion followed regarding the specifics of setbacks and this request.

John Adams, design professional for 8067 Lake Crest, stated that they need the additional 5 feet closer to the street in order to make the house work. He also stated

that the house is very similar to the other homes in the neighborhood, it is a single level home with a livable basement area.

Christine Petrarca, 8067 Lakecrest, stated that they did acquire an additional 5 feet on the east side of the property and that was all they could obtain at that time. The neighbor on the west was not conducive to selling anything on his property.

The public hearing opened at 6:58pm

Mr. Doug Baker is the neighbor across the street (residing at 8074 Lake Crest) stated that the neighbor just to the east dug further into the ground in order for them to keep the house the same distance from the sidewalk, it was a little bit more of an excavation project but they were able to maintain the correct sidewalk distance.

Mr. John Adams stated that is not an option because the depth of the lot in question is much less than the other lots in the neighborhood. This lot is in the center, there were three lots and the two outer lots were sold a while ago. Ms. Petrarca did purchase this lot and an additional 5 feet on the east side, so the size of the house she could build would be similar to others in the area. There is not room for extra depth, the basement ceiling height will be 12 feet. The home will be built into the slope of the land and has to be protected so it won't slide. He stated that they would like to have the setback reduced by 10 feet but 5 feet will do.

Mr. Doug Baker stated that they purchased their home in 1995, and they were told that their taxes were higher on their side of the street because the two lots across the street could never be built on and obviously that isn't the case. He asked if this will have an impact on the taxation of the homes across the street from these lots. One was built 15 to 20 years ago and he didn't recall his taxes dropping. He also stated that this will take away his lake view and that was why he purchased his home. He paid a premium to have a lake view. He does appreciate that the design of the new home will be similar to the others in the neighborhood.

The public hearing closed at 7:03pm

Commissioner McGovern wanted to confirm that Mr. Adams and Ms. Petrarca weren't going to come before the board again requesting an additional 5 feet since he stated that they would like 10 feet. Mr. Adams stated that they would not.

Mr. Baker asked another question outside the public hearing, and Chair El-Assadi did allow it. Mr. Baker stated does the approval of this variance now mean that other neighbors can exercise the same variance and expand their houses further towards the sidewalk?

Chair El-Assadi stated that the Zoning Board of Appeals can hear requests from anyone regarding variances and it is based on each hardship and they can join the meeting to plead their case but that doesn't mean that they will be granting everyone a variance.

Mr. Iacoangeli stated that the Zoning Board of Appeals takes every case individually, and if a variance is granted for one property it doesn't mean that variance applies to any other property.

Mr. Baker asked if this approval would set a precedence or is it because of the unique circumstance of this property.

Mr. Iacoangeli stated that every case is individual.

A motion was made by Commissioner Wilson to approve the request for a variance from Zoning Ordinance Article XX Section 2000 - Schedule of Regulations for property zoned R-4 Single Family Residential for the construction of a new single-family home located at 8067 Lake Crest for the following front yard setback variance, to allow the building to be constructed 20 feet from the setback line, also side yard setbacks to allow the home to be located 5 feet on the West side of the property and 5 feet from the East side of the property for a total of 10 feet, supported by Commissioner Smith. The following conditions need to be met, the applicant will need to pull all necessary building and trade permits from the Ypsilanti Township building department.

Mr. Iacoangeli stated that side yard setbacks are no longer needed and that part should be taken out.

The side yard setback portion of the motion was removed with a friendly agreement.

McGovern: Yes Wilson: Yes El-Assadi: Yes Smith: Yes Wood-Sternberg: Yes

B. APPLICANT: Richard Tapper – Phantom Fireworks VARIANCE LOCATION: 3020 Washtenaw Ave PARCEL: K-11-06-325-031 VARIANCE REQUEST: To consider a temporary use permit for the outdoor storage and sale of fireworks from June 24, 2021 to July 4, 2021 for a site zoned B-3, General Business, located at 3020 Washtenaw Ave. The request also includes a 16'x5' banner attached to the tent.

Mr. Iacoangeli stated that this is a repeat request for Mr. Tapper for 3020 Washtenaw. They are looking to lease the site from June 10, 2021 to July 16, 2021. They would be operating this location from June 24 to July 4, and they're proposing that their hours would be 10am-10pm. They typically utilize a tent and a storage container for the fireworks at these locations. They also have a banner associated with the location. Phantom Fireworks has been utilizing this location for a few years now.

Chair El-Assadi wanted to confirm that setup will begin around June 10 but they will not be opening until June 24. Mr. Tapper stated that this would be the earliest that they would be setting up, but they don't have an exact date.

The public hearing opened at 7:13pm

No Comments

The public hearing opened at 7:14pm

A motion was made by Commissioner Smith to approve the request for the Temporary Use Permit application for the temporary outdoor sale of fireworks from June 10, 2021 to July 16, 2021 site zoned B-3, General Business, located at 3020 Washtenaw Ave. PARCEL: K-11-06-325-031, with the following conditions:

- 1. All necessary building permits shall be obtained from the Office of Community Standards prior to occupying the tent.**
- 2. The applicant shall post and make available to the public Township Municipal Code Section 42-210 – Fireworks, outlining when fireworks may be discharged in Ypsilanti Township.**

This motion was supported by Commissioner Wood-Sternberg.

McGovern: Yes Wilson: Yes El-Assadi: Yes Smith: Yes Wood-Sternberg: Yes

C. APPLICANT: Richard Tapper – Phantom Fireworks VARIANCE LOCATION: 2299 Ellsworth Road PARCEL: K-11-18-100-003 VARIANCE REQUEST: To consider a temporary use permit for the outdoor storage and sale of fireworks from June 24, 2021 to July 4, 2021 for a site zoned B-3, General Business, located at 2299 Ellsworth Road. The request also includes a 16'x5' banner attached to the tent.

Mr. Iacoangeli stated that this request is the same as the previous one except that this location is at 2299 Ellsworth in the Roundtree Plaza. They are looking to lease the site from June 10, 2021 to July 16, 2021. They would be operating this location from June 24 to July 4 and they're proposing that their hours would be 10am-10pm. They typically utilize a tent and then a storage container for the fireworks at these locations.

The public hearing opened at 7:17pm

No Comments

The public hearing closed at 7:17pm

A motion was made by Commissioner Wood-Sternberg to approve the request for the Temporary Use Permit for the temporary outdoor sale of fireworks from June 10, 2021 to July 16, 2021 for a site zoned B-3, General Business, located at 2299 Ellsworth Rd. PARCEL: K-11-18-100-003, with the following conditions:

- 1. All necessary building permits shall be obtained from the Office of Community Standards prior to occupying the tent.**

The applicant shall post and make available to the public Township Municipal Code Section 42-210 – Fireworks, outlining when fireworks may be discharged in Ypsilanti Township.

This motion was supported by Commissioner Smith.

McGovern: Yes Wilson: Yes El-Assadi: Yes Smith: Yes Wood-Sternberg: Yes

7. OTHER BUSINESS

Approval of the 2021 ZBA meeting schedule. First Wednesday of every month at 6:30pm.

A motion was made by Commissioner Wilson, supported by Commissioner Wood-Sternberg to approve the meeting schedule. The motion carried unanimously.

A motion was made by Commissioner Smith, supported by Commissioner Wood-Sternberg to elect the same Board officials for 2021 as were in 2020. The motion carried unanimously.

8. OPEN DISCUSSION FOR ISSUES NOT ON THE AGENDA

A. CORRESPONDENCE RECEIVED

None (Probably no meeting for April)

B. ZONING BOARD OF APPEALS MEMBERS

None

C. MEMBERS OF THE AUDIENCE

None

9. ANY OTHER BUSINESS THAT MAY COME BEFORE THE ZONING BOARD

None

10. ADJOURNMENT

A motion was made by Commissioner Smith, supported by Commissioner Wilson to adjourn the meeting. The motion carried unanimously.

The meeting was adjourned at approximately 7:23pm