

**CHARTER TOWNSHIP OF YPSILANTI  
ZONING BOARD OF APPEALS  
MINUTES OF THE MAY 5, 2021 REGULAR MEETING**

Chair Marsha Kraycir called the meeting to order at 6:34pm via Zoom due to COVID-19.

Commissioners Present: Chair Marsha Kraycir present in Ypsilanti Township; Vice-Chair Elizabeth El-Assadi, present in Ypsilanti Township; Commissioners: Jimmie Wilson Jr. present in Ypsilanti Township; Gage Smith present in Ypsilanti Township; Alternate Commissioner: Garret Wood-Sternberg present in Ypsilanti Township.

Commissioners Not Present: Morgan McGovern

Others in Attendance: Dennis McLain, Township Attorney; Heather Roe, Township Clerk; Jason Iacoangeli, Planning Director; Belinda Kingsley; Planning & Development; Derek Russell, Property Owner 6048 Oak Knoll; Fareed Mojaradi, Architect for Ypsilanti Tennis Club; Miodrag (Misha) Rakic, Property Owner 3160 W. Michigan Ave; Andrew Konja, Ypsilanti Township Resident.

**1. CALL TO ORDER**

**2. ROLL CALL**

**3. APPROVAL OF AGENDA**

**A motion was made by Commissioner El-Assadi, supported by Commissioner Smith to approve the agenda. The motion carried unanimously.**

**4. APPROVAL OF THE MARCH 3, 2021 REGULAR MEETING MINUTES**

**A motion was made by Commissioner Smith, supported by Commissioner El-Assadi to approve the minutes of the March 3, 2020 Regular Meeting. The motion carried unanimously.**

**5. PUBLIC HEARING**

**A. APPLICANT: Derek Russell**

**VARIANCE LOCATION: 6048 Oak Knoll Dr. Ypsilanti, MI 48197**

**PARCEL: K-11-29-300-028**

**VARIANCE REQUEST: To consider a request for a variance from Zoning Ordinance Section 2103 Accessory Buildings and Accessory Uses for the placement of an accessory building on the property.**

Jason Iacoangeli, Planning Director stated that the first item for discussion is an application by Mr. Derek Russell located at 6048 Oak Knoll Dr. Ypsilanti Township to consider two variances from section 2103 Accessory Buildings for the placement of a shed on the property. Mr. Russell is asking for two variances from the Zoning Board of Appeals tonight. One of which is to locate an accessory building in a side yard, currently the ordinance only allows accessory structures to be located in a rear yard. The other variance that is being requested is to allow the accessory structure to be located closer than 10 feet to the primary residence or the home. Currently the ordinance prohibits accessory buildings from being located any closer than 10 feet to the home. The Staff Report states there was an existing shed located here on the property, which the Applicant took down with the idea being that they were going to replace it. However, they weren't aware that once they removed the existing shed that the legal non-conforming status of it that had been in place. They would like to put the shed back where it was, on the side of the home, you can see that from the aerial photo in the Staff Report. The two variances to be asked for is 1. To place the shed where it is shown or located on the plot plan (picture shown via Zoom)

Discussion followed regarding the picture of the shed.

Mr. Iacoangeli stated that they've asked the Building Department to weigh in on whether or not the Michigan Building Code requires there to be a separation between primary structures and accessory structures. The Michigan Building code, according to the Chief Building Official at Township Hall, is that the building code allows for buildings to be as close as a foot together. They can even be attached without any kind of additional fire rating. If you were to build an attached garage there wouldn't need to be anything done to the attached garage to rate it for a fire situation. The Building Code really doesn't stipulate that a building needs to be separated 10 feet from the main building, we believe that maybe this language that is in this ordinance is dated and maybe had some history with provisions for fire protection. But the Michigan Building Code is mute on that as far as these structures needing to be separated by 10 feet. With regard to the setback, placing this building, if we were to consider this to be attached, the Applicant has about 16 feet from the edge of this building to where his lot line is. Even if this building attached to the home it would meet the setback requirements as if it was a part of the main structure. If this were to be considered garage it would meet the setback requirements for the Zoning District.

Commissioner Wilson asked if the report stated if the size of the structure previously, and what will it be now.

Mr. Iacoangeli asked the Property Owner to answer this question.

Commissioner Wood-Sternberg asked why the previous shed was taken down. Derek Russell, Property Owner of 6048 Oak Knoll stated it was old and dated and I wanted to replace it with a newer/nicer structure. The old structure was 12x24 and the new structure would be 14x28.

Commissioner Wood-Sternberg asked was the concrete pad from the old structure? Mr. Russell stated no it was just poured because there was a miscommunication regarding whether he could pour the concrete pad prior to his Building Permit being approved, where he thought he could.

Commissioner Smith asked was the shed on the property prior to your purchasing the property.

Mr. Russell stated yes, it was.

**The public hearing opened at 6:47pm**

No Comments

**The public hearing closed at 6:48pm**

**A motion was made by Commissioner Smith, with support from Commissioner El-Assadi to approve the request for a variance from Zoning Ordinance Section 2103 Accessory Buildings and Accessory Uses to permit the construction for an accessory building located at 6048 Oak Knoll Dr. PARCEL: K-11-29-300-028 for the following variance for the reasons stated in the Staff Report.**

- 1. A variance to Section 2103.2 to allow an accessory structure to be places in a side yard.**
- 2. A variance to Section 2103.4 to allow the accessory structure to be located closer than ten feet to the primary structure.**

**The variance will have the following conditions;**

**The Applicant will need to pull all necessary building and trade permits from the Ypsilanti Township Building Department.**

**Kraycir: Yes   Wilson: Yes   El-Assadi: Yes   Smith: Yes  
Wood-Sternberg: No**

**B. APPLICANT: Miodrag Rakic – Ypsilanti Sports Center / Tennis Facility  
VARIANCE LOCATION: 3160 West Michigan Ave, Ypsilanti MI 48197  
PARCEL: K-11-18-340-001**

**VARIANCE REQUEST: To consider a request for a variance from zoning ordinance Section 2001 Schedule Limiting: height, bulk, density and area by zoning district, commercial, office and industrial districts for the construction of a new Tennis Facility.**

Mr. Iacoangeli stated that the application that is before you this evening is for a variance to height. The request is for 3160 W. Michigan Avenue. They are requesting consideration this evening for a variance from the Zoning Ordinance Section 2001, schedule limiting height, bulk, and density in a Commercial Zoning district in order to allow for an indoor tennis facility building that is 37 feet in height, which is over the maximum height for structures in the B3 General Business district, which allows 2 story's or 25 feet. This is a project that was just before the Planning Commission, which it received Special Conditional Use approval for an outdoor recreation facility and also preliminary Site Plan approval for a new indoor tennis facility. As a part of that, Michigan has 4 distinct seasons, in order for tennis to be played in the unseasonable months, the Applicant is wishing to build a building to accommodate tournament style tennis play indoors. Based on research we've done and that the Applicant's provided, in order to allow for that for tournament play, the gold standard is that there needs to be 35 feet of free clearance above the net. In order for play to not be interrupted by the ceiling or a roof truss or something of that nature. The request is for a variance for the building height to allow for the building to be 37 feet total height. (Picture shown via Zoom) It is located on Michigan Avenue near the overpass for I-94, just to the east is the Pines of Cloverlane apartment complex, and the parcel in question is wrapped like a horseshoe around the Shell Gas Station. Included in your packet was a Site Plan and a Building Elevation.

Further Discussion about the picture shown.

Miodrag Rakic, Property Owner of 3160 West Michigan Ave in Ypsilanti stated that they would like to build a tennis facility that is going to have indoor and outdoor tennis courts. The indoor tennis courts are being built by the standards provided in the official manual from the USTA. The only issue right now is the height of the building, above the center line it has to have, instead of 25 feet which is what the Township Ordinance states, it needs to have at least 35 feet above the net. So tennis play can be efficient. If you are building as per those standards, then you can participate in local tournaments. Not speaking of professionals but rather kids, starting at 6 years of age. In order to accommodate those dimensions we need to have 35 feet above the net. We are asking for the variance that is going to accommodate those 35 feet plus a couple of feet for the construction for trusses.

Commissioner Wilson stated he is glad that the Property Owner is sticking with this project and bringing it to the Township.

**The public hearing opened at 6:59pm**

No Comments

**The public hearing opened at 7:00pm**

**A motion was made by Commissioner El-Assadi, supported by Commissioner Wood-Sternberg, to approve the request for a variance from Zoning Ordinance Section 2001, Bulk, Height, and Density in Commercial districts, to permit the construction of a new tennis facility located at 3160 West Michigan Avenue. PARCEL: K-11-18-340-001 , for the following reasons stated in the Staff Report:**

- 1. A variance from Section 2001. Height, in a B-3 General Business District to allow a maximum height of thirty-seven (37') for the new indoor tennis facility building.**

**The variance will have the following conditions;**

**The Applicant will need to receive final site plan and engineering approval from Ypsilanti Township.**

**The Applicant will need to pull all necessary building and trade permits from the Ypsilanti Township Building Department prior to construction.**

**Kraycir: Yes      Wilson: Yes      El-Assadi: Yes      Smith: Yes      Wood-Sternberg: Yes**

**6. OTHER BUSINESS**

None

**7. OPEN DISCUSSION FOR ISSUES NOT ON THE AGENDA**

**A. CORRESPONDENCE RECEIVED**

None

**B. ZONING BOARD OF APPEALS MEMBERS**

Commissioner El-Assadi asked if there will be a special Zoning Board of Appeals on Wednesday, May 19, 2021.

Mr. Iacoangeli stated that yes there will be a special Zoning Board of Appeals meeting on May 19<sup>th</sup> for the American Center for Mobility, in order to consider a temporary use permit for the outdoor storage of vehicles. These are vehicles are basically from the Ford Motor Company that are awaiting microchips, you may have heard about this in the news. There is a shortage and the ACM has vacant property within their proving ground that they would like to utilize for the storage of vehicles. If the Zoning Board of Appeals find that is allowable and grant temporary uses up to six months per the Ordinance. More information to follow.

**C. MEMBERS OF THE AUDIENCE**

None

**8. ANY OTHER BUSINESS THAT MAY COME BEFORE THE ZONING BOARD**

None

**9. ADJOURNMENT**

**A motion was made by Commissioner El-Assadi, supported by Commissioner Wilson to adjourn the meeting. The motion carried unanimously.**

The meeting was adjourned at approximately 7:05pm