

CHARTER TOWNSHIP
OF YPSILANTI
ZONING BOARD OF APPEALS

**MARSHA KRAYCIR, CHAIR
ELIZABETH EL-ASSADI, VICE CHAIR
MORGAN MCGOVERN
GAGE SMITH
JIMMIE WILSON**

February 3, 2021

Regular Meeting – 6:30 p.m.

**Meeting being held via Zoom. Please go
to www.ytown.org for more information.**

CHARTER TOWNSHIP OF YPSILANTI
ZONING BOARD OF APPEALS
7200 S. Huron River Drive, Ypsilanti, MI 48197

REGULAR MEETING AGENDA
WEDNESDAY, FEBRUARY 03, 2021
6:30 P.M.

Due to the COVID-19 pandemic, Ypsilanti Township will be conducting this public meeting virtually in order to comply in compliance with the State of Michigan Open Meetings Act. To view and/or participate in the public meeting, please visit www.ytown.org.

To provide input or ask questions regarding business that will be considered at the meeting, please email planning@ytown.org or call 734-485-3943. If you need any assistance due to a disability, please contact the Planning Department at least 48 hours in advance of the meeting at planning@ytown.org or 734-485-3943.

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF THE DECEMBER 2, 2020 REGULAR MEETING MINUTES.
4. APPROVAL OF AGENDA
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 2013 Accessory Buildings and Accessory Uses in order to erect a pole barn on the property.
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.
7. OTHER BUSINESS
 - A. Approval of the 2021 Meeting Calendar
 - B. Election of Officers
8. OPEN DISCUSSION FOR ISSUES NOT ON THE AGENDA
 - A. CORRESPONDENCE RECEIVED
 - B. ZONING BOARD OF APPEALS MEMBERS
 - C. MEMBERS OF THE AUDIENCE
9. ANY OTHER BUSINESS THAT MAY COME BEFORE THE ZONING BOARD
10. ADJOURNMENT

**CHARTER TOWNSHIP OF YPSILANTI
ZONING BOARD OF APPEALS
MINUTES OF THE DECEMBER 3, 2020 REGULAR MEETING**

Chair Marsha Kraycir called the meeting to order at 6:30 pm via Zoom due to COVID-19.

Commissioners Present: Chair Marsha Kraycir and Commissioners Elizabeth El-Assadi, Jimmie Wilson Jr.

Absent: Gage Smith and Morgan McGovern

Others in Attendance: Dennis McLain, Township Attorney; Jason Iacoangeli, Planning Director; John Douglas Dillon, Township Resident

1. CALL TO ORDER

2. ROLL CALL

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

A motion was made by Commissioner El-Assadi, supported by Commissioner Wilson to approve the minutes of the September 2, 2020 Regular Meeting. The motion carried unanimously.

4. APPROVAL OF AGENDA

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

5. PUBLIC HEARINGS AND PLAN REVIEW

- 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 2013 - Accessory Buildings and Accessory Uses, in order to erect a pole barn on the property.**

Jason Iacoangeli, Planning Director; stated that the Property Owner of the above listed properties is asking for relief from the Accessory Structure and Use ordinance in order to erect a pole barn on his property at 7808, 7836, 7864, and 7892 Hitchingham. There are four parcels that are roughly 1.5 acres each. He is looking to erect a 30x50 pole barn on the

property. The Property Owner stated that the property will not perk. And therefore, will not accommodate a conventional septic field for a home and there are no public utilities available that are of a reasonable cost to provide sewage to these lots, rendering the lots unbuildable for a home. In order to have an accessory structure you have to have a primary structure, in this case a single family home. 1.5 acres is required for a pole barn so some of the properties will have to be combined in order to meet the size requirement. All adjacent zoning districts are R3 except for across the street is zoned for planned development, a subdivision neighborhood.

The PO is requesting a variance in order to erect a pole barn without a primary structure on the property in order to get some sort of use because again there's no utilities and he states that the health department has told him that the property will not allow for any septic system not allowing them to be buildable lots for a single family home.

Chair Kraycir asked how far is the pole barn from the residential development? Mr. Iacoangeli replied that there has been a plot plan provided with setbacks.

Township Attorney, Dennis McLain asked can the lots be combined? Mr. Iacoangeli stated we need to discuss in this meeting the requirement of combining of some of the lots.

Commissioner El-Assadi asked how four parcels won't perk but next door will? Mr. Iacoangeli stated evidence needs to be provided by the PO that the land won't perk.

Chair Kraycir asked Mr. Iacoangeli if he could define perk. Mr. Iacoangeli stated that it is a test that is done using a backhoe where a septic co that is licensed comes out and digs into the ground and tests the soil suitability to find out whether or not it will handle the affluent from a house, waste water and sewage. If the ground will handle allowing those liquid or fluids to percolate through the ground into the ground water table. Some soil materials allow for it and others, like clay, do not. There are cases where a certain property will not accommodate a septic system and there is no sewer available at the street.

Discussion followed regarding the combination of parcels and then the future of perhaps re-splitting the parcels.

Mr. Dillon stated that the land is dead land. He has a letter from the sanitarian for Washtenaw County stating there is 1.5 ft of sand 2 ft is needed. He had the property split into four parcels in the hope of building four homes. He would like to combine all four parcels and his plan is to put the pole barn on the most feasible portion of the land, so as to not cause drainage issues. Mr. Dillon intends to build a barn that satisfies all of the Township requirements. He does not plan to run a business out of it, his plan is only to use it as personal storage. Mr. Dillon states that he cannot build a house on the parcel and he cannot sell it because it cannot be built on, so he is just trying to get some use out of the property that he pays taxes on.

Township Attorney, Dennis McLain asked Mr. Iacoangeli, what is your opinion as the Planning Director, of putting a barn on a property without a primary residence to go with it? Mr. Iacoangeli's concern is not the structure but the future of it. If the pole barn will give Mr. Dillon some relief and some use of the property, I can see that being feasible. He'd request a removal agreement, if Mr. Dillon ever was to sell the property, he should be required to remove the structure. We don't want the accessory building to be sold to someone who we don't know what they are going to use it for. We know what Mr. Dillon intends to use it for, to store personal affects. Township Attorney, McLain stated, any kind of removal agreement can be extremely difficult to enforce.

Commissioner El-Assadi stated that combining and re-splitting lots could cause an assessing issue.

A motion was made by Commissioner Wilson to deny the request, there was no support.

A motion was made by Commissioner El-Assadi to table the request for further research, supported by Commissioner Wilson

Kraycir: Yes Wilson: Yes El-Assadi: Yes

6. OLD BUSINESS

None

7. NEW BUSINESS

None

8. OPEN DISCUSSION FOR ISSUES NOT ON THE AGENDA

A. CORRESPONDENCE RECEIVED

None

B. ZONING BOARD OF APPEALS MEMBERS

None

C. MEMBERS OF THE AUDIENCE

Mr. Dillon asked if a garage could be built on the property instead of a pole barn, so at a later time a house could be built. He was unaware that the land would not perk.

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

None

10. ADJOURNMENT

None

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

The meeting was adjourned at approximately 7:23pm

CHARTER TOWNSHIP OF YPSILANTI

OFFICE OF COMMUNITY STANDARDS

Building Safety • Planning & Zoning • Ordinance Enforcement

**Zoning Board of Appeals
Staff Report
Variance – Vacant Property at 7836 Hitchingham
Parcel K-11-32-400-012**

November 23, 2020

CASE

The applicant is requesting consideration of a variance from Zoning Ordinance Section 2103, Accessory Buildings and Accessory Uses, to permit the construction of a 30' x 50' detached pole barn type structure at vacant property at 7836 Hitchingham Road for a site zoned R-3, One-Family Residential, located at 7836 Hitchingham Road, parcel K-11-32-400-014.

APPLICANT

John Douglas Dillion
6641 Hitchingham Road
Ypsilanti, MI 48197

LOCATION AND SUMMARY OF REQUEST

The 3.96-acre total acreage consists of four (4) lots. Each lot is .99 acres. The subject properties are located north of Bemis Road on the west side of Hitchingham near the intersection of Hitchingham and Hampton Drive. In the variance request dated November 10th, 2020 the applicant proposed a 30' x 50' pole barn building on the parcel 7836 Hitchingham, K-11-32-400-014.

CROSS REFERENCES

Township Zoning Ordinance – Article II Construction of Language and Definitions
Township Zoning Ordinance – Section 2103 Accessory Building and Accessory Uses
Township Zoning Ordinance – Article XXIV (Board of Zoning Appeals)

Aerial Photograph(s) – 7808,7836,7864, and 7892 Hitchingham Road

****Not to scale**



SUBJECT SITE ZONING AND COMPREHENSIVE PLAN

The parcel is currently zoned R-3, One-Family Residential, and is Master Planned Agricultural Preservation.

ADJACENT USES, ZONING AND COMPREHENSIVE PLAN

Direction	Use	Zoning	Future Land Use Designation
North	Single Family Residential	R-3	Agricultural Preservation
South	Single Family Residential	R-3	Agricultural Preservation
East	Single Family Residential	PD	Open Space / Neighborhood Preservation
West	Single Family Residential	R-3	Agricultural Preservation

VARIANCE DETERMINATION PER SECTION 2404.2.D.

The Zoning Board of Appeals may grant a dimensional or non-use variance only upon a finding that compliance with the strict letter of the restrictions governing area, setbacks,

frontage, height, bulk, density, or other dimensional provisions would create a practical difficulty and unreasonably prevent the use of the property. A finding of practical difficulty shall require demonstration that all the following conditions are met:

1. That there are exceptional or extraordinary circumstances or conditions applying to the property in question that do not apply generally to other properties or classes of uses in the same zoning district. Exceptional or extraordinary circumstances or conditions include but may not be limited to:
 - a. exceptional narrowness, shallowness or shape of a specific property;
 - b. exceptional topographic conditions;
 - c. any other physical situation on the land, building or structure deemed by the Zoning Board of Appeals to be extraordinary; or,
 - d. development characteristics of land immediately adjoining the property in question that creates an exceptional constraint.

Staff comment: The four (4) lots are approximately one acre in size and meet the minimum requirements for the R-3 One Family Zoning District. The applicant feels aggrieved as he states that the property does not perk and will not allow for the installation for a conventional septic system. The applicant feels that the sewer connection is cost prohibitive based on the amount of land that could be sold or developed.

2. That a variance is necessary for the preservation and enjoyment of a substantial property right possessed by other properties in the same zoning district and in the vicinity;

Staff comment: The applicant feels that the pole barn would give him use of his property that will not support the construction of a home. The question is whom is the use of the pole barn for? If the variance runs with the land will the applicant simply sell the property to someone who wishes to build a storage barn.

3. That the authorizing of such variance will not be a substantial detriment to adjacent property and will not materially impair the purposes of this ordinance or the public interest; and

Staff comment: The construction of a pole barn that is not expressly used for agricultural purposes or for a primary structure such as a home could lead to the building becoming an attractive nuisance if the pole barn is ever sold to someone who would wish to use it for something other than storage.

4. The problem and resulting need for the variance has not been self-created by any action of the applicant or the applicant's predecessors.

Staff comment: The applicant has not caused the land not to perk. However, if the applicant was aware at the time he purchased the property this would not be a

hardship as he was aware of the properties limitations with regard to supporting a home with a septic system.

ANALYSIS

Township Zoning Ordinance, Section 2103, Accessory Buildings sets the standards for pole barns in the Township. The applicant would be required to combine parcels as needed to accommodate a pole barn as it requires a minimum of 1.5 acres to be constructed. Further, as a condition of any variance the new structure should be required to meet all of the setback standards for new construction of a pole barn Section 201, Definitions, Accessory use, or accessory: A use which is clearly incidental to, customarily found in connection with, and located on the same zoning lot, unless otherwise specified, as the principal use to which it is related. This pole barn would not be tied to a primary use which would be a single-family home. The Township discourages the building of garages and pole barns on vacant land by requiring that a home come first.

If the Zoning Board of Appeals chooses to approve this request, the applicant will need to a zoning permit from the Office of Community Standards.

Suggested motions: *The following suggested motions and conditions are provided to assist the Zoning Board of Appeals in making a complete and appropriate motion for this application. The ZBA may utilize, add or reject any portion of the suggested motion or any conditions suggested herein, as deemed appropriate.*

Table

“I move to table the request for a variance from Zoning Ordinance Section 2103, Accessory Buildings, to permit the construction of a 30’x 50’ pole barn type structure on the property located at 7836 Hitchingham Road, parcel K-11-32-400-014, zoned R-3, One-Family Residential, to consider comments presented during this public hearing.”

Approve

“I move to approve the request for a variance from Zoning Ordinance Section 2103, Accessory Buildings, to permit the construction of a new 30’x 50’ pole barn or outbuilding structure at 7836 Hitchingham Road, parcel K-11-32-400-014 a parcel zoned R-3 One Family Residential, as the following practical difficulties have been noted:

1. The applicant shall provide a written letter from the Washtenaw County Health Division that the properties in question will not perk or provide for the construction of an on-site sanitary system.
2. The property will be combined with land from the applicant’s adjacent land in order to meet the minimum standard for the construction of a pole barn per Section 2103 Accessory Buildings. This process will be completed with the Ypsilanti Township Assessing Office prior to issuance of a permit.
3. The Pole Barn or outbuilding will meet all of the requirements of Section 2103.

4. The applicant will pull all of the necessary building and trade permits for the structure.

Denial

"I move to deny the request for a variance from Zoning Ordinance Section 2103, Accessory Buildings, to permit the construction of a new 30'x 50' pole barn or out-building at 7836 Hitchingham Road, parcel K-11-32-400-014, due to the following reason(s):

Please provide reasons for denial in the motion"

Respectfully Submitted,

Jason Iacoangeli

Jason Iacoangeli, AICP
Planning Director

**ZONING BOARD OF
 APPEALS APPLICATION**

I. APPLICATION TYPE

- Variance
- Exceptions and Special Approvals (Includes: Temporary Uses and Structures)
- Administrative Review Appeal

Name	Date modified	Type	Size
08-09-20-Application-Variance-Accessory-Structure-Setback...	3/9/2020 1:47 PM	Adobe Acrobat D...	1,595 KB
08-05-20-Letter-to-Applicant-Driveway-Setback-1273-Fall-R...	8/6/2020 11:47 AM	Microsoft Word D...	157 KB
08-05-20-Letter-to-Applicant-Driveway-Setback-1273-Fall-R...	8/6/2020 11:48 AM	Adobe Acrobat D...	110 KB
08-05-20-Staff-Report-Driveway-Setback-1273-Fall-River-Roa...	7/17/2020 3:19 PM	Microsoft Word D...	4,811 KB
08-05-20-Zoning-Board-of-Appeals-Meeting-Packet.pdf	8/5/2020 11:10 AM	Adobe Acrobat D...	2,743 KB
08-05-20-Zoning-Board-of-Appeals-Meeting-Zoom.docx	7/14/2020 10:39 AM	Microsoft Word D...	70 KB
08-05-20-Zoning-Board-of-Appeals-Meeting-Zoom.pdf	7/14/2020 10:40 AM	Adobe Acrobat D...	69 KB

II. PROJECT LOCATION

Address: 7816 - 7888 Zoning 2-101 - 008
 Lot Number: _____ Subdivision: _____

III. APPLICANT INFORMATION

Applicant: John Douglas Dillon Phone: 734-635-9088
 Address: 6641 Hitchingham Rd City: Ypsilanti State: MI Zip: 48197
 Fax: _____ Email: jdillon490@aol.com
Property Owner: John & Linda Dillon Phone: 734-635-9088
 Address: 6641 Hitchingham Rd. City: Ypsilanti State: MI Zip: 48197
 Fax: _____ Email: jdillon490@aol.com

IV. COST AND FEES

Total: \$ 125.00
 Breakdown of fee: Residential: \$ 125.00
 Non-residential: \$ 500.00

V. APPLICANT SIGNATURE

The undersigned [Signature] Applicant represents [Signature] Property Owner:

- That J.D. Dillon Property Owner is/are the owner(s) of lot(s) _____ located in the _____ Subdivision, Ypsilanti Township, Michigan, otherwise known as 7816-7888 Hitching Address and the property is zoned R-3 Zoning District
- That the petitioner hereby request VARIANCE under Section 2103 Article 1 of the Ypsilanti Township Zoning Ordinance. Variance/Temporary Use /Regular Meeting Section Article
- The petitioner further state that [Initial] Applicant have/has read and understands the provisions of said zoning ordinance as it applies to this petition.
- That the following is submitted in support of the petition (attach all pertinent data to support the request).

[Signature] Applicant Signature John D. Dillon Print Name Nov-10-2020 Date



J. Douglas Dillon
6641 Hitchingham Road
Ypsilanti, MI 48197

October 27, 2020

To: Zoning Board of Appeals, Ypsilanti Township, MI 48197
Re: Variance Request for Parcels K-11-32-400-012, K-11-32-400-013, K-11-32-400-014 & K-11-32-400-015

To Whom it May Concern,

I am requesting a variance to build a barn/garage on the four parcels listed above. The four parcels cover almost four acres that does not perk and is not eligible to be used as a building site for a home. Sanitary sewer was approved by YCUA (Ypsilanti Community Utilities Authority), but the cost of at least \$150,000 for that installation plus tap-in fees is well above my means.

To make this a usable property, I would like to build a barn/garage for equipment storage on Parcel 111 (as shown on the attached diagram). It is close to the largest trees on the property, and the setting will be attractive from the road. The rest of the property will be planted in clover for an apiary. The hives will be placed at the edge of the woods by the barn/garage. Please find attached a stock photo of the type of barn/garage I plan to build as a starting point for this conversation. It will have metal siding and a shingled roof, measuring 30' deep and 50' long with 10' high walls and a 4/12 roof. This will keep the overall height of the structure below the township height limits.

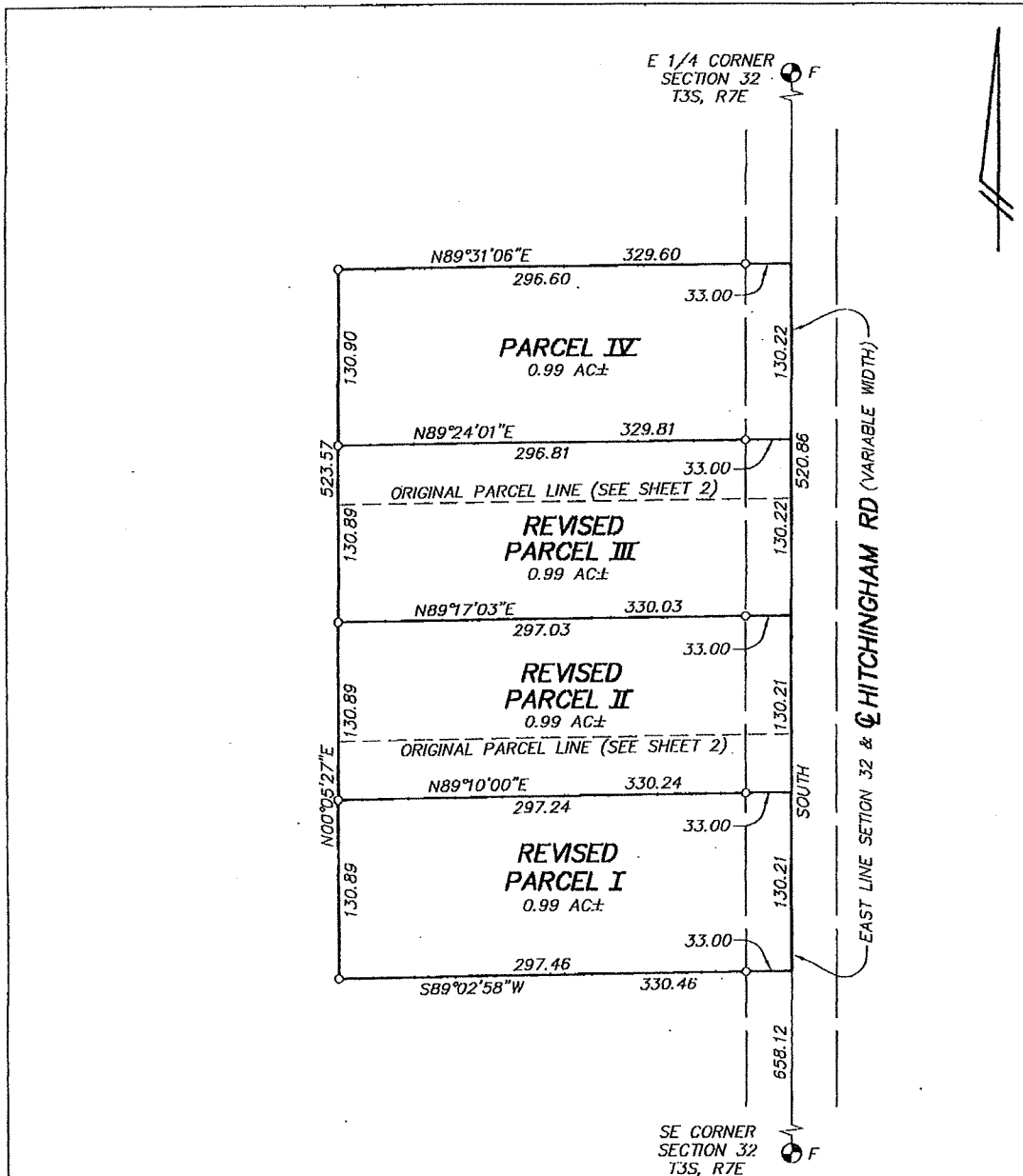
The current Township code requires 5 acres to build a barn/garage, and these four parcels total just under 4 acres, so I am asking for a variance. Please note the location is backed up by a farm field with acreage between the two houses surrounding my property. There are other barns and garages in the area, and this barn/garage will blend into its surroundings.

I realize you do not know much about me. I have lived in Ypsilanti Township since 1990. I first lived at 6637 Hitchingham Road until February of 1992, then moved to 6641 Hitchingham Road, which is the home I built for my family. I built the three other homes on Shamrock Hill, and one home just south of Shamrock Hill on Hitchingham Road. I have been a residential builder for about 35 years, running my business from my workshop barn/garage at my home. I started beekeeping a few years ago, and am planning to increase my number of hives now that I am mostly retired from building homes. I also own the property at 7172 Hitchingham Road and have a barn on that property as well. That barn is also used to store my equipment.

I appreciate you taking the time to review my request. I will be happy to meet with you to discuss and answer any questions you may have. I will look forward to hearing back from you soon.

Many thanks,

J. Douglas Dillon
6641 Hitchingham Road
Ypsilanti, MI 487197
734-635-9088



CERTIFICATE OF SURVEY

Bearings shown on this survey were determined in the following manner: Bearings are related to existing legal descriptions of original parcels I, II and III of this survey.

I hereby certify that I have surveyed and mapped the land above platted and/or described on April 23, 2019 and that the ratio of closure on the unadjusted field observations of such survey was 1:10,000, and that all of the requirements of P.A. 132, 1970 (as amended by P.A. 280, 1972 and P.A. 24, 1988) have been complied with.

		SCALE: 1 INCH = 100 FEET	
LEGEND F = FOUND IRON MARKER S = SET IRON MARKER		PROFESSIONAL SURVEYOR NO. 24620	
<p> WASHTENAW ENGINEERING COMPANY CIVIL ENGINEERS • PLANNERS SURVEYORS • LANDSCAPE ARCHITECTS 3526 W. LIBERTY RD, SUITE 400 ANN ARBOR, MICHIGAN 48103 TEL. 734-761-8800 FAX. 734-761-9530 weco@wengco.com www.washtenawengineering.com </p>	CLIENT: SUN CATCHER BUILDERS		
	TOWN <u>3</u> SECTION <u>32</u> SOUTH • RANGE <u>7</u> EAST YPSILANTI TOWNSHIP		
	WASHTENAW COUNTY • MICHIGAN		
	DATE <u>4-24-19</u>	REV.	
	DRAWN <u>DJH</u>	JOB <u>32604</u>	
CHECK <u>TLS</u>	F.B. —		
SHEET <u>1 OF 3</u>	FILE NO. <u>R--10572</u>		

REVISED PARCEL I

Commencing at the Southeast corner of Section 32, T3S, R7E, Ypsilanti Township, Washtenaw County, Michigan; thence NORTH 658.12 feet along the East line of said Section and the centerline of Hitchingham Road to the POINT OF BEGINNING; thence S89°02'58"W 330.46 feet; thence N00°05'27"E 130.89 feet; thence N89°10'00"E 330.24 feet; thence SOUTH 130.21 feet along the East line of said Section and the centerline of Hitchingham Road to the Point of Beginning. Being a part of the Southeast 1/4 of Section 32, T3S, R7E, Ypsilanti Township, Washtenaw County, Michigan and containing 0.99 acres of land, more or less. Being subject to the rights of the public over the Westerly 33 feet of Hitchingham Road. Also being subject to easements and restrictions of record, if any.

REVISED PARCEL II

Commencing at the Southeast corner of Section 32, T3S, R7E, Ypsilanti Township, Washtenaw County, Michigan; thence NORTH 788.33 feet along the East line of said Section and the centerline of Hitchingham Road to the POINT OF BEGINNING; thence S89°10'00"W 330.24 feet; thence N00°05'27"E 130.89 feet; thence N89°17'03"E 330.02 feet; thence SOUTH 130.21 feet along the East line of said Section and the centerline of Hitchingham Road to the Point of Beginning. Being a part of the Southeast 1/4 of Section 32, T3S, R7E, Ypsilanti Township, Washtenaw County, Michigan and containing 0.99 acres of land, more or less. Being subject to the rights of the public over the Westerly 33 feet of Hitchingham Road. Also being subject to easements and restrictions of record, if any.

REVISED PARCEL III

Commencing at the Southeast corner of Section 32, T3S, R7E, Ypsilanti Township, Washtenaw County, Michigan; thence NORTH 918.54 feet along the East line of said Section and the centerline of Hitchingham Road to the POINT OF BEGINNING; thence S89°17'03"W 330.02 feet; thence N00°05'27"E 130.89 feet; thence N89°24'01"E 329.81 feet; thence SOUTH 130.22 feet along the East line of said Section and the centerline of Hitchingham Road to the Point of Beginning. Being a part of the Southeast 1/4 of Section 32, T3S, R7E, Ypsilanti Township, Washtenaw County, Michigan and containing 0.99 acres of land, more or less. Being subject to the rights of the public over the Westerly 33 feet of Hitchingham Road. Also being subject to easements and restrictions of record, if any.

PARCEL IV

Commencing at the Southeast corner of Section 32, T3S, R7E, Ypsilanti Township, Washtenaw County, Michigan; thence NORTH 1048.76 feet along the East line of said Section and the centerline of Hitchingham Road to the POINT OF BEGINNING; thence S89°24'01"W 329.81 feet; thence N00°05'27"E 130.90 feet; thence N89°31'06"E 329.60 feet; thence SOUTH 130.22 feet along the East line of said Section and the centerline of Hitchingham Road to the Point of Beginning. Being a part of the Southeast 1/4 of Section 32, T3S, R7E, Ypsilanti Township, Washtenaw County, Michigan and containing 0.99 acres of land, more or less. Being subject to the rights of the public over the Westerly 33 feet of Hitchingham Road. Also being subject to easements and restrictions of record, if any.

ORIGINAL PARCEL I (K-11-32-400-009)

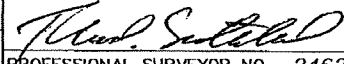

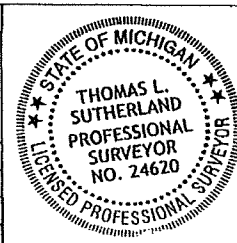
Commencing at the Southeast corner of Section 32, T3S, R7E, Ypsilanti Township, Washtenaw County, Michigan; thence NORTH 658.12 feet along the East line of said Section and the centerline of Hitchingham Road to the POINT OF BEGINNING; thence S89°02'58"W 330.46 feet; thence N00°05'27"E 174.52 feet; thence N89°12'17"E 330.17 feet; thence SOUTH 173.62 feet along the East line of said Section and the centerline of Hitchingham Road to the Point of Beginning. Being a part of the Southeast 1/4 of Section 32, T3S, R7E, Ypsilanti Township, Washtenaw County, Michigan and containing 1.32 acres of land, more or less. Being subject to the rights of the public over the Westerly 33 feet of Hitchingham Road. Also being subject to easements and restrictions of record, if any.

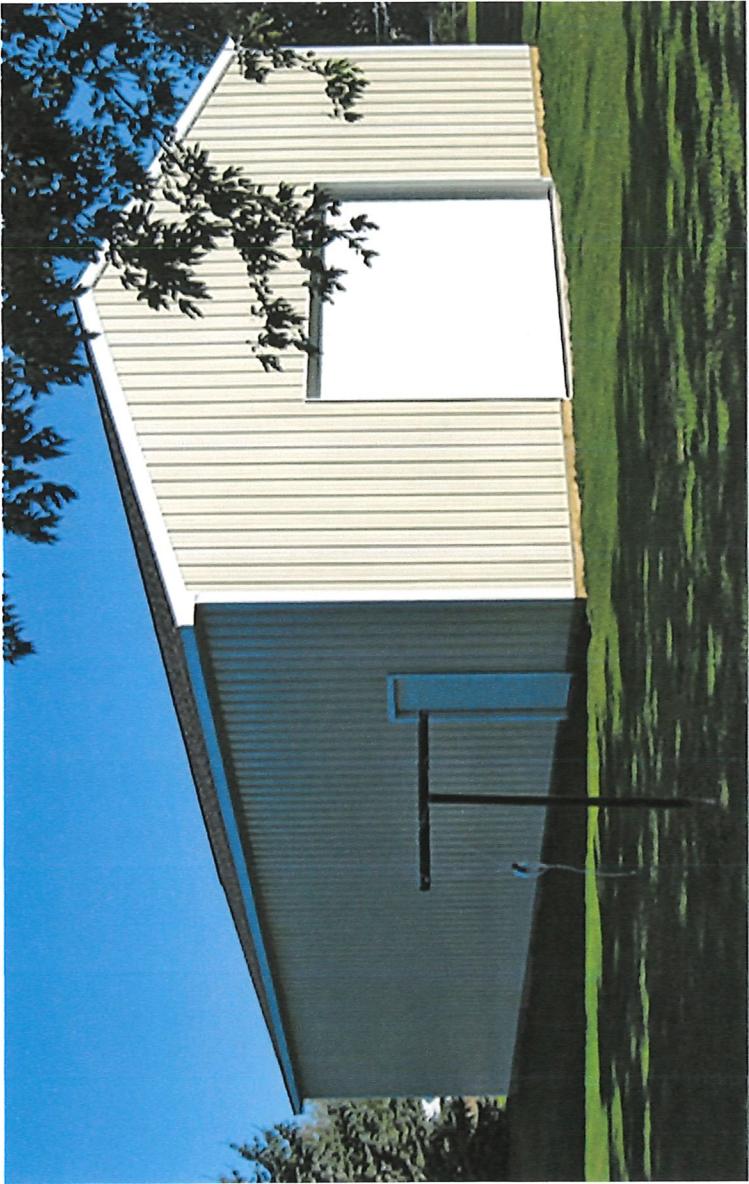
ORIGINAL PARCEL II (K-11-32-400-010)

Commencing at the Southeast corner of Section 32, T3S, R7E, Ypsilanti Township, Washtenaw County, Michigan; thence NORTH 831.74 feet along the East line of said Section and the centerline of Hitchingham Road to the POINT OF BEGINNING; thence S89°12'17"W 330.17 feet; thence N00°05'27"E 174.52 feet; thence N89°21'37"E 329.89 feet; thence SOUTH 173.62 feet along the East line of said Section and the centerline of Hitchingham Road to the Point of Beginning. Being a part of the Southeast 1/4 of Section 32, T3S, R7E, Ypsilanti Township, Washtenaw County, Michigan and containing 1.32 acres of land, more or less. Being subject to the rights of the public over the Westerly 33 feet of Hitchingham Road. Also being subject to easements and restrictions of record, if any.

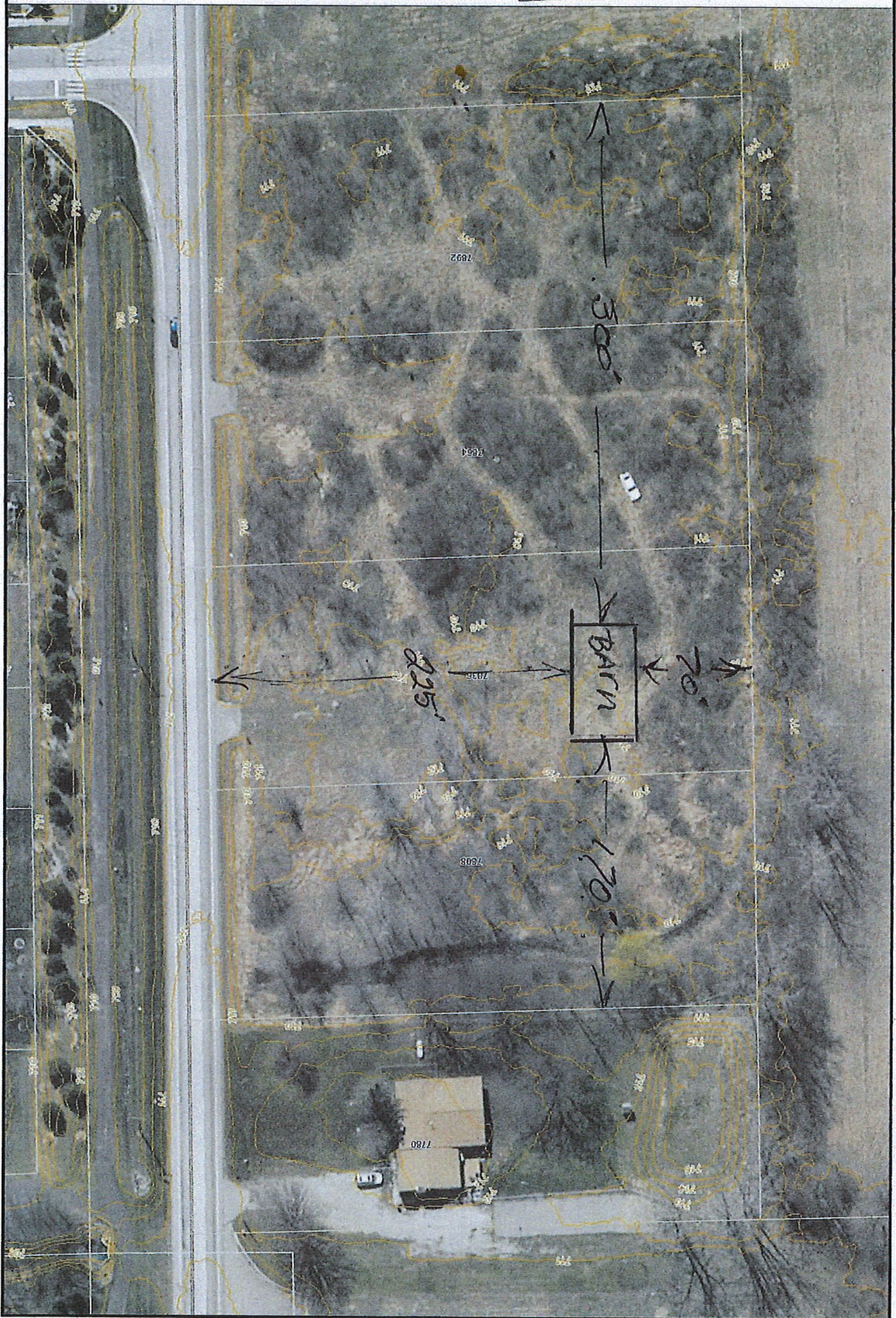
ORIGINAL PARCEL III (K-11-32-400-011)

Commencing at the Southeast corner of Section 32, T3S, R7E, Ypsilanti Township, Washtenaw County, Michigan; thence NORTH 1005.36 feet along the East line of said Section and the centerline of Hitchingham Road to the POINT OF BEGINNING; thence S89°21'37"W 329.89 feet; thence N00°05'27"E 174.53 feet; thence N89°31'06"E 329.60 feet; thence SOUTH 173.62 feet along the East line of said Section and the centerline of Hitchingham Road to the Point of Beginning. Being a part of the Southeast 1/4 of Section 32, T3S, R7E, Ypsilanti Township, Washtenaw County, Michigan and containing 1.32 acres of land, more or less. Being subject to the rights of the public over the Westerly 33 feet of Hitchingham Road. Also being subject to easements and restrictions of record, if any.

SCALE: 1 INCH = 100 FEET		 PROFESSIONAL SURVEYOR NO. 24620
LEGEND F = FOUND IRON MARKER S = SET IRON MARKER		
 WASHTENAW ENGINEERING COMPANY CIVIL ENGINEERS * PLANNERS SURVEYORS * LANDSCAPE ARCHITECTS 3526 W. LIBERTY RD, SUITE 400 ANN ARBOR, MICHIGAN 48103 TEL. 734-761-8800 FAX. 734-761-9530 wasco@wengco.com www.washtenawengineering.com	CLIENT: SUN CATCHER BUILDERS	
	TOWN <u>3</u> SECTION <u>32</u> SOUTH * RANGE <u>7</u> EAST YPSILANTI TOWNSHIP WASHTENAW COUNTY * MICHIGAN	
	DATE <u>4-24-19</u>	REV.
	DRAWN <u>DJH</u>	JOB <u>32604</u>
	CHECK <u>TLS</u>	F.B. <u>-</u>
	SHEET <u>3</u> OF <u>3</u>	FILE NO. <u>R-10572</u>
		







8/20/2020

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Geographic Information System
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NOTE: Pictures may not be scaled.



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THIS MAP REPRESENTS PARCELS AS THE TIME OF PRINTING. THE OFFICIAL PARCEL TAX MAPS ARE MAINTAINED SOLELY BY THE WASHITAW COUNTY GEOGRAPHIC INFORMATION SYSTEM AND CAN BE CONTACTED BY CONTACTING THEM AT 509.426.3333.

CHARTER TOWNSHIP OF YPSILANTI

OFFICE OF COMMUNITY STANDARDS

Building Safety • Planning & Zoning • Ordinance Enforcement • Police Services

January 20, 2021

**Chairwoman Krachier
Ypsilanti Township Zoning Board of Appeals**

RE: Removal Agreement for 7836 Hitchingham Mr. Douglas Dillion

This memo is being written at the request of the Zoning Board of Appeals to clarify the legality surrounding the use of a removal agreement for a proposed pole barn located at 7836 Hitchingham on a lot(s) without a primary structure. The Planning Department has discussed this issues with Township Attorney Mr. Dennis McLain since the last Zoning Board of Appeals meeting held in December of 2020 when the case was tabled pending clarification of this issue. It was explained by Attorney McLain that removal agreements are indeed a legal tool that can be used in certain applications. These legal agreements are recorded against the property at the Washtenaw County Register of Deeds. With regard to this particular case a removal agreement would be in place until such time that Mr. Dillion or his assigns cease to own the property. Once the property is sold the applicant would have a given amount of time typically three (3) to six (6) months to remove the structure and place the property back to a condition prior to construction. This would mean grading, seeding and stabilizing the property. Also, a condition of a removal agreement would be a removal bond that would be held in the event that the new property owner does not comply with the agreement and does not remove the structure. Once the prescribed time for the removal has passed the agreement would give the Township the right to remove the structure utilizing the bond and returning the property to a pre-construction condition.

In my conversations with Mr. McLain he made clear that the use of a removal agreement is not ideal in this situation as it “invites litigation” as the Township would be required to go after the new property owner for the removal of the structure in the event that the property is ever sold. Further, it places the Township in position to be the “enforcer” of the agreement and would require the Township to utilize its time and resources to gain compliance in a situation that would ordinarily exist based on the current ordinance not allowing accessory structures without first having a home or primary structure. The Township would also need to police the situation and periodically check the ownership of the property and the use of the pole barn making sure it is being used for the prescribed use for Mr. Dillions personal storage. This situation overall would set a bad president in the Township and grants a substantial benefit that other property owners do not share.

If you have any further questions regarding this matter, please feel free to contact me. I look forward to discussing the issue with you further at the February meeting.

Respectfully,

Jason Iacoangeli

Jason Iacoangeli, AICP
Planning Director
Charter Township of Ypsilanti

CHARTER TOWNSHIP OF YPSILANTI

Cc: McLain Winters
ZBA File

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**Zoning Board of Appeals
Staff Report
Variance – Vacant Property at 8067 Lake Crest Drive
Parcels K-11-22-250-043**

January 26, 2021

CASE

The applicant is requesting consideration of 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. The applicant is asking for consideration with regard to the front yard setback and the side yard setback portion of the Ordinance.

APPLICANT

Christina Petrarca
45282 Gerald Ct.
Canton MI, 48188

LOCATION AND SUMMARY OF REQUEST

The subject property is located on the north side of Lake Crest Drive on Ford Lake. Lake Crest Drive runs along the edge of Ford Lake on a peninsula that is located off of South Huron River Drive. The property is zoned R-4 One Family Residential.

CROSS REFERENCES

Township Zoning Ordinance – Article II Construction of Language and Definitions
Township Zoning Ordinance – Article XX Section 2000 Schedule of Regulations
Township Zoning Ordinance – Article XXIV (Board of Zoning Appeals)

Aerial Photograph(s) – 8067 Lake Crest Drive

****Not to scale**



SUBJECT SITE ZONING AND COMPREHENSIVE PLAN

The parcel is currently zoned R-4, One-Family Residential, and is master planned SFR-2.

ADJACENT USES, ZONING AND COMPREHENSIVE PLAN

Direction	Use	Zoning	Future Land Use Designation
North	Ford Lake	N/A	N/A
South	Single Family Residential	R-4	Neighborhood Preservation (NP)
East	Single Family Residential	R-4	Neighborhood Preservation (NP)
West	Single Family Residential	R-4	Neighborhood Preservation (NP)

VARIANCE DETERMINATION PER SECTION 2404.2.D.

The Zoning Board of Appeals may grant a dimensional or non-use variance only upon a finding that compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk, density, or other dimensional provisions would create a practical difficulty and unreasonably prevent the use of the property. A finding of practical difficulty shall require demonstration that all the following conditions are met:

1. That there are exceptional or extraordinary circumstances or conditions applying to the property in question that do not apply generally to other properties or classes of uses in the same zoning district. Exceptional or extraordinary circumstances or conditions include but may not be limited to:
 - a. exceptional narrowness, shallowness or shape of a specific property;
 - b. exceptional topographic conditions;
 - c. any other physical situation on the land, building or structure deemed by the Zoning Board of Appeals to be extraordinary; or,
 - d. development characteristics of land immediately adjoining the property in question that creates a exceptional constraint.

Staff comment: The property has extreme topography on the Lake Side of the lot making the rear seventy 70' feet of the lot unsuitable for building. Further, building on extreme slopes leads to additional soil erosion.

2. That a variance is necessary for the preservation and enjoyment of a substantial property right possessed by other properties in the same zoning district and in the vicinity;

Staff comment: The majority of the homes along Lake Crest Drive along the north side of the road on Ford Lake are built closer to the road to avoid the topography along the lake side.

3. That the authorizing of such variance will not be a substantial detriment to adjacent property and will not materially impair the purposes of this ordinance or the public interest; and

Staff comment: The variance will not be substantially detrimental to the neighboring properties. The new home would be placed on the lot in the same manner many of the homes along Lake Crest are located.

4. The problem and resulting need for the variance has not been self-created by any action of the applicant or the applicant's predecessors.

Staff comment: The topography of the lot at 8067 Lake Crest is not a self-created hardship.

ANALYSIS

Township Zoning Ordinance, Section 2000, requires that the Front Yard Setback for homes in the R-4 District be twenty (25') feet. The applicant is seeking a variance in the amount of five (5') feet to place the house setback at twenty (20') feet from the property line. Also, the applicant is seeking a variance to side yard setback. The R-4 Zoning District requires that the side yard setbacks be a minimum of five (5') feet from the property line total of sixteen (16') for the two setbacks. The applicant is asking for a variance to allow for the side yard setback to be 5-10" on the west side and 5-0" on the

east side for a total of 10' feet. This would require a variance in the amount of six (6') feet.

If the Zoning Board of Appeals choose to approve the variances requested the applicant will still be required to pull all necessary permits from the Ypsilanti Township Building Department for the new home construction.

Suggested motions: *The following suggested motions and conditions are provided to assist the Zoning Board of Appeals in making a complete and appropriate motion for this application. The ZBA may utilize, add or reject any portion of the suggested motion or any conditions suggested herein, as deemed appropriate.*

Table

"I move to table the request for 8067 Lake Crest Drive for variances from Zoning Ordinance Section 2000, Schedule of Regulations for property zoned R-4 One Family Residential, to consider comments presented during this public hearing."

Approve

"I move to approve the request for a variance from Zoning Ordinance Section 2000, Schedule of Regulations, to permit the construction of a new single family home located at 8067 Lake Crest Drive, parcel K-11-22-250-043 for the following variances:

1. Front Yard Setback Variance to allow the building to be located twenty (20') feet from the front yard setback line.
2. Side-Yard Setback to allow the home to be located 5-0" on the west side of the property and 5-0" on the east side of the property for a total of 10-0".

The variances will have the following conditions. The applicant will need to pull all necessary building and trade permits from the Ypsilanti Township Building Department.

Denial

"I move to deny the request for a variance from Zoning Ordinance Section 2000, Schedule of Regulations, to permit the construction of a new single-family home at 8067 Lake Crest Drive, due to the following reason(s):

Please provide reasons for denial in the motion"

Respectfully Submitted,

Jason Iacoangeli

Jason Iacoangeli, AICP
Planning Director

ZONING BOARD OF APPEALS APPLICATION

I. APPLICATION TYPE

- Variance
- Exceptions and Special Approvals (Includes: Temporary Uses and Structures)
- Administrative Review Appeal

II. PROJECT LOCATION

Address: 8067 Lake Crest Dr Parcel ID #: K-11-22-250-043 Zoning Residential
Lot Number: Lot 29 Subdivision: Ford Lake Heights Sub

III. APPLICANT INFORMATION

Applicant: Christina Petrarca Phone: (734)502-5897
Address: 45282 Gerald Ct City: Canton State: MI Zip: 48188
Fax: _____ Email: christinapetrarca@comcast.net
Property Owner: Self Phone: _____
Address: as above City: _____ State: _____ Zip: _____
Fax: _____ Email: as above

IV. COST AND FEES

Total: \$ _____ Breakdown of fee: Residential: \$ 125.00
Non-residential: \$ 500.00

V. APPLICANT SIGNATURE


The undersigned Christina Petrarca represents Self :
Applicant Property Owner

1. That Christina Petrarca is/are the owner(s) of lot(s) Lot 29 located in the Ford Lake Heights
Property Owner Lot Subdivision
Subdivision, Ypsilanti Township, Michigan, otherwise known as 8067 Lake Crest Dr and the property is
Address
zoned Residential
Zoning District

2. That the petitioner hereby request variance under Section _____ Article _____ of the Ypsilanti Township
Variance/Temporary Use Section Article
Zoning Ordinance.
/Regular Meeting

3. The petitioner further state that C. P. have/has read and understands the provisions of said zoning ordinance as it
Applicant Initial
applies to this petition.

4. That the following is submitted in support of the petition (attach all pertinent data to support the request).


Applicant Signature

Christina Petrarca
Print Name

9/9/2020
Date

Charter Township of Ypsilanti

Office of Community Standards

7200 S. Huron Drive, Ypsilanti, MI 48197

Phone: (734) 485-3943

Website: <https://ytown.org>

OFFICE USE ONLY

All Zoning Board of Appeals Applications

<input type="checkbox"/> The application is filled out in its entirety.	<input type="checkbox"/> Plot plan or lot survey to scale showing the following:
<input type="checkbox"/> If the applicant is not the property owner, written and signed permission from the property owner is required.	<input type="checkbox"/> All property lines and dimensions
<input type="checkbox"/> Fees	<input type="checkbox"/> All existing and proposed structures and dimensions
<input type="checkbox"/> Letter of interest of the applicant in the property	<input type="checkbox"/> Lot area calculations necessary to show compliance with regulations
	<input type="checkbox"/> Easements and dimensions, if applicable
	<input type="checkbox"/> Location of drives, sidewalks, and other paved areas on the property and on the adjacent streets.
	<input type="checkbox"/> Location and dimensions of the nearest structures on adjacent properties.

Application for Variance

Address: 8067 Lake Crest Drive
Parcel ID #-11122-250-043,
Lot Number: 29, Ford Lake Heights Subdivision

Applicant: Christina Petrarca,
45282 Gerald Ct., Canton, MI 48188,
email: christinapetrarca@comcast.net

Project Description

Our request was suggested by a Township Official that had knowledge of this specific lot which offers a beautiful lake front view along with significant development constraints. Proposed is a single story house with walkout lower level as shown on the attached site plan and sectional drawings. Our goal is to construct this house and protect the existing slope.

Variance request for reduction in the front setback from 25 feet to 20 feet to allow construction of a home on a by-passed lake front lot overlooking Ford Lake. The proposed plan is to match the lower level to the current steep slope thus minimizing slope erosion and providing structural stabilization for house and slope.

Neighboring houses comply with the 25 feet setback. The house on Lot 31 to the west sets back 26 - feet and the house on Lots 27 and 28 to the east ranges from 27 to 30 feet. Five additional feet of lot width has been acquired from Lot 28 thus providing frontage of 60 feet along the front property line of the new lot 29 and 63 feet of width at the 20 feet setback as requested.

Side yard setbacks of 6 feet minimum with a total of 16 feet for both sides will be maintained.

The structural foot print of the house is 1776 sf including the attached garage. Driveway, access walks and walkout patio adding 1140 sf for a total impervious area of 2915 sf resulting in an impervious factor of 26.5 percent of the 10,988 sf parcel. Storm water from the front portion of the property and roof drains will flow to the street.

CHARTER TOWNSHIP OF YPSILANTI

OFFICE OF COMMUNITY STANDARDS

Building Safety • Planning & Zoning • Ordinance Enforcement

2021 Schedule of Meetings

Zoning Board of Appeals Charter Township of Ypsilanti

<u>Meeting Date</u>	<u>Application Deadline</u>
January 6	December 7, 2020
February 3	January 4
March 3	February 3
April 7	March 8
May 5	April 5
June 2	May 3
July 7	June 7
August 4	July 6
September 1	August 2
October 6	September 7
November 3	October 4
December 1	November 1

**Work Session – 6:00 p.m.

Meeting Time – 6:30 p.m.

**Work session may or may not be necessary due to the length of the agenda. Please see posted agenda for Work Session time.