

**CHARTER TOWNSHIP
OF YPSILANTI
ZONING BOARD OF APPEALS**

**MARSHA KRAYCIR, CHAIR
ELIZABETH EL-ASSADI, VICE CHAIR
MORGAN MCGOVERN
GAGE SMITH
JIMMIE WILSON
GARRET WOOD-STERNBURGH – ALT
EDWARD BURNETT - ALT**

May 5, 2021

Regular Meeting – 6:30 p.m.

**Ypsilanti Township Civic Center
7200 S. Huron River Drive
Ypsilanti, MI 48197**

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

REGULAR MEETING AGENDA
WEDNESDAY, MAY 05, 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 AGENDA
4. APPROVAL OF THE MARCH 3, 2021 REGULAR MEETING MINUTES.
5. PUBLIC HEARING
 - A. APPLICANT: Derek Russell
VARIANCE LOCATION: **6048 Oak Knoll Drive, 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.
 - 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.
6. OTHER BUSINESS
7. OPEN DISCUSSION FOR ISSUES NOT ON THE AGENDA
 - A. CORRESPONDENCE RECEIVED
 - B. ZONING BOARD OF APPEALS MEMBERS
 - C. MEMBERS OF THE AUDIENCE
8. ANY OTHER BUSINESS THAT MAY COME BEFORE THE ZONING BOARD
9. ADJOURNMENT

CHARTER TOWNSHIP OF YPSILANTI

OFFICE OF COMMUNITY STANDARDS

Building Safety • Planning & Zoning • Ordinance Enforcement

**Charter Township of Ypsilanti
Public Meeting Notice
Zoning Board of Appeals Regular Meeting
May 05, 2021 6:30pm**

PLEASE TAKE NOTICE that the Charter Township of Ypsilanti Zoning Board of Appeals will hold a Regular Meeting scheduled for MAY 05, 2021 at 6:30pm. This meeting will be conducted virtually (online and/or by phone), due to health concerns surrounding Coronavirus/COVID-19 pursuant to the State of Michigan Open Meetings Act.

Public comment will be handled by the “Raise Hand” method as instructed below within Participant Controls.

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.

Meeting Information:

Hi there,

You are invited to a Zoom webinar.

When: May 5, 2021 06:30 PM Eastern Time (US and Canada)

Topic: Ypsilanti Township - May 05, 2021 - Zoning Board of Appeals

Please click the link below to join the webinar:

<https://ytown.zoom.us/j/95402916788>

Or One tap mobile :

US: +13126266799,,95402916788# or +19292056099,,95402916788#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 312 626 6799 or +1 929 205 6099 or +1 301 715 8592 or +1 346 248
7799 or +1 669 900 6833 or +1 253 215 8782

Webinar ID: 954 0291 6788

International numbers available: <https://ytown.zoom.us/u/abaKN6sUtZ>

Zoom Instructions for Participants

To join the conference by phone:

1. On your phone, dial the teleconferencing number provided above.
2. Enter the Meeting ID number (also provided above) when prompted using your touch- tone (DTMF) keypad.

Before a videoconference:

1. You will need a computer, tablet, or smartphone with speaker or headphones. You will have the opportunity to check your audio immediately upon joining a meeting.
2. Details, phone numbers, and links to videoconference or conference call is provided below. The details include a link to “Join via computer” as well as phone numbers for a conference call option. It will also include the 9-digit Meeting ID.

To join the videoconference:

1. At the start time of your meeting, enter the link to join via computer. You may be instructed to download the Zoom application.
2. You have an opportunity to test your audio at this point by clicking on “Test Computer Audio.” Once you are satisfied that your audio works, click on “Join audio by computer.”

You may also join a meeting without the link by going to join.zoom.us on any browser and entering the Meeting ID provided.

If you are having trouble hearing the meeting, you can join via telephone while remaining on the video conference:

1. On your phone, dial the teleconferencing number.
2. Enter the Meeting ID number (also provided above) when prompted using your touch- tone (DTMF) keypad.
3. If you have already joined the meeting via computer, you will have the option to enter your 2- digit participant ID to be associated with your computer.

Participant controls in the lower left corner of the Zoom screen:



Using the icons in the lower left corner of the Zoom screen, you can:

- Mute/Unmute your microphone (far left)
- Turn on/off camera (“Start/Stop Video”)
- Invite other participants
- View Participant list – opens a pop-out screen that includes a “Raise Hand” icon that you may use to raise a virtual hand during Call to the Public
- Change your screen name that is seen in the participant list and video window
- Share your screen

Somewhere (usually upper right corner on your computer screen) on your Zoom screen you will also see a choice to toggle between “speaker” and “gallery” view. “Speaker view” shows the active speaker. “Gallery view” tiles all of the meeting participants.

If you have any further questions or concerns, please email or call the Planning Department at planning@ytown.org or 734-485-3943.

**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

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: 6048 Oak Knoll Dr. Parcel ID #: K-11-29-300-028 Zoning _____
Lot Number: _____ Subdivision: _____

III. APPLICANT INFORMATION

Applicant: Derek Russell Phone: (636) 262-0042
Address: 6048 Oak Knoll Dr. City: Ypsilanti State: MI Zip: 48197
Fax: _____ Email: derek@derek russell.com
Property Owner: Derek Russell Phone: (636) 262-0042
Address: 6048 Oak Knoll Dr. City: Ypsilanti State: MI Zip: 48197
Fax: _____ Email: derek@derek russell.com

IV. COST AND FEES

Total: \$ 125 Breakdown of fee: Residential: \$ 125.00
Non-residential: \$ 500.00

V. APPLICANT SIGNATURE

The undersigned Derek Russell represents Derek Russell:
Applicant Property Owner

1. That Derek Russell is/are the owner(s) of lot(s) _____ located in the _____
Property Owner Subdivision
Subdivision, Ypsilanti Township, Michigan, otherwise known as 6048 Oak Knoll Dr. and the property is
Address
zoned _____
Zoning District
2. That the petitioner hereby request _____ under Section _____ Article _____ of the Ypsilanti Township
Variance/Temporary Use Section Article
/Regular Meeting
Zoning Ordinance.
3. The petitioner further state that DR 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).

[Signature]
Applicant Signature

Derek Russell
Print Name

4/5/2021
Date

Charter Township of Ypsilanti

Office of Community Standards

7200 S. Huron Drive, Ypsilanti, MI 48197

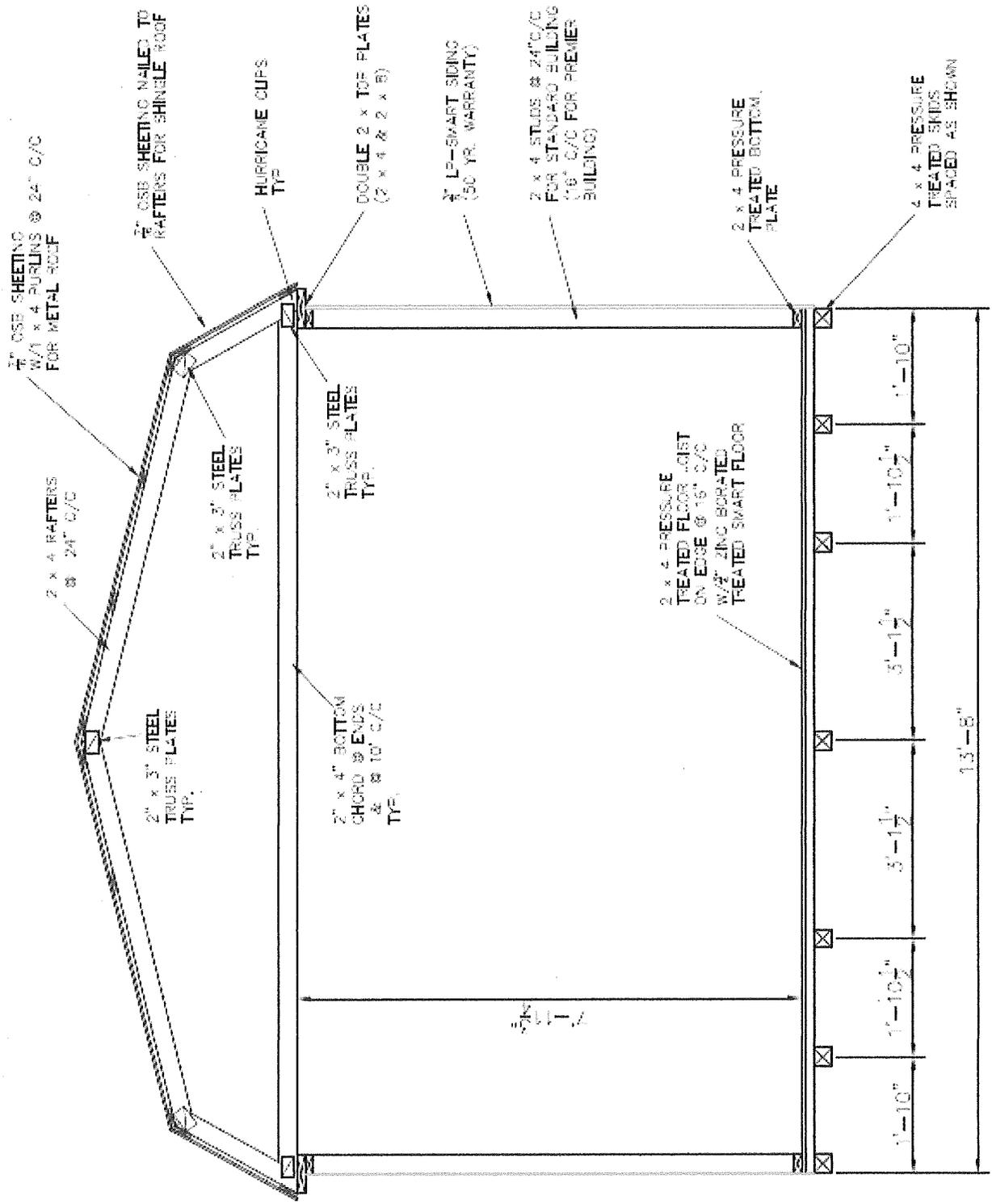
Phone: (734) 485-3943

Website: <https://ytown.org>

OFFICE USE ONLY

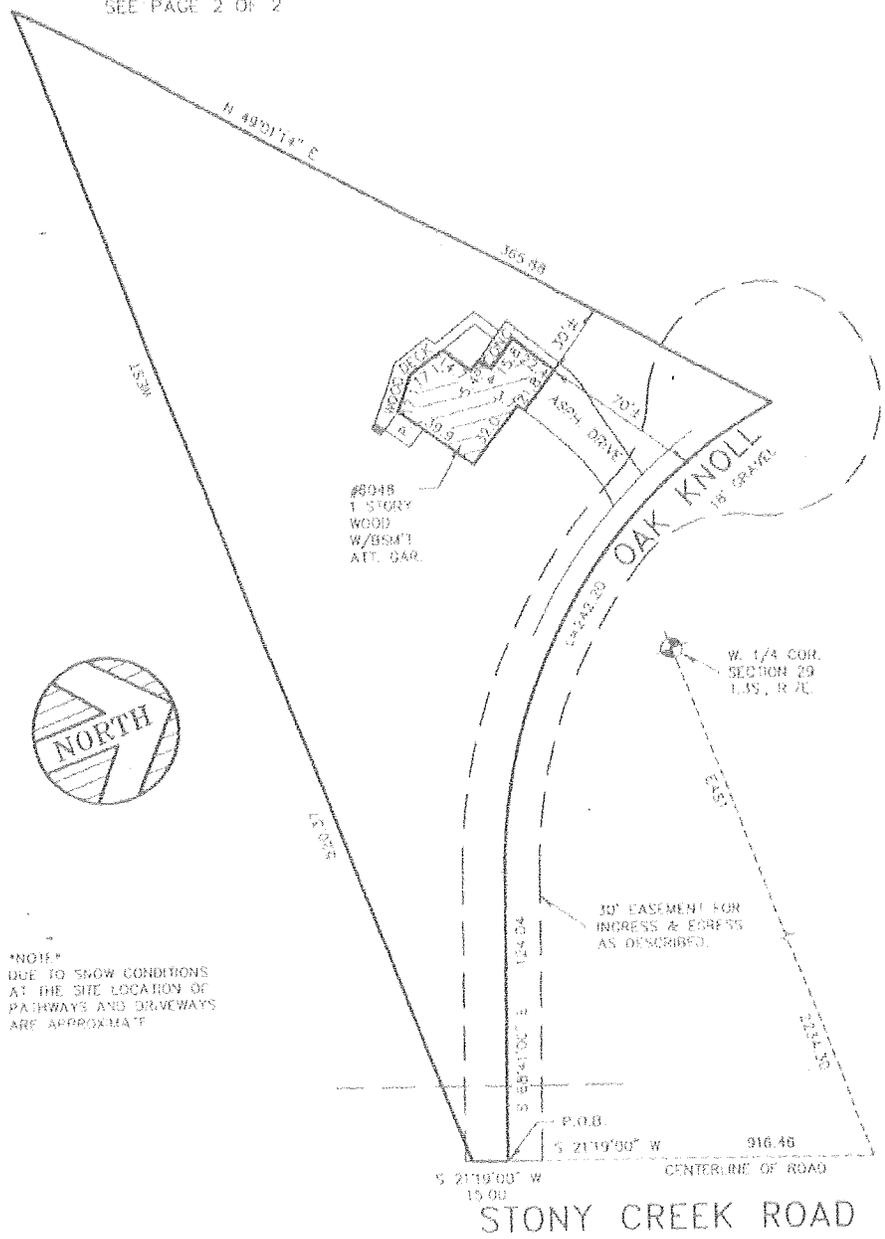
All Zoning Board of Appeals Applications

<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.



MORTGAGE SURV

Property Description
SEE PAGE 2 OF 2



NOTE
DUE TO SNOW CONDITIONS
AT THE SITE LOCATION OF
PATHWAYS AND DRIVEWAYS
ARE APPROXIMATE

CERTIFICATE: We hereby certify that we have surveyed the above-described property in accordance with the description furnished for the purpose of a mortgage loan to be made by the forementioned applicants, mortgagor, and that the buildings located thereon do not encroach on the adjoining property, nor do the buildings on the adjoining property encroach upon the property heretofore described, except as shown. This survey is not to be used for the purpose of establishing property lines, nor for construction purposes, no stakes having been set at any of the boundary corners.

PAGE 1 OF 2

J.R. Schradler P.E.

JOB NO: 01-00376 SCALE: 1"=60'
DATE: 01-30-01 DR BY: RMH/MS/MLB

KEM-TEC
LAND SURVEYORS

22656 Grand Avenue
Eastpointe, MI 48021-2319
(810) 772-2222 * (800) 295-7322
FAX: (810) 772-6046



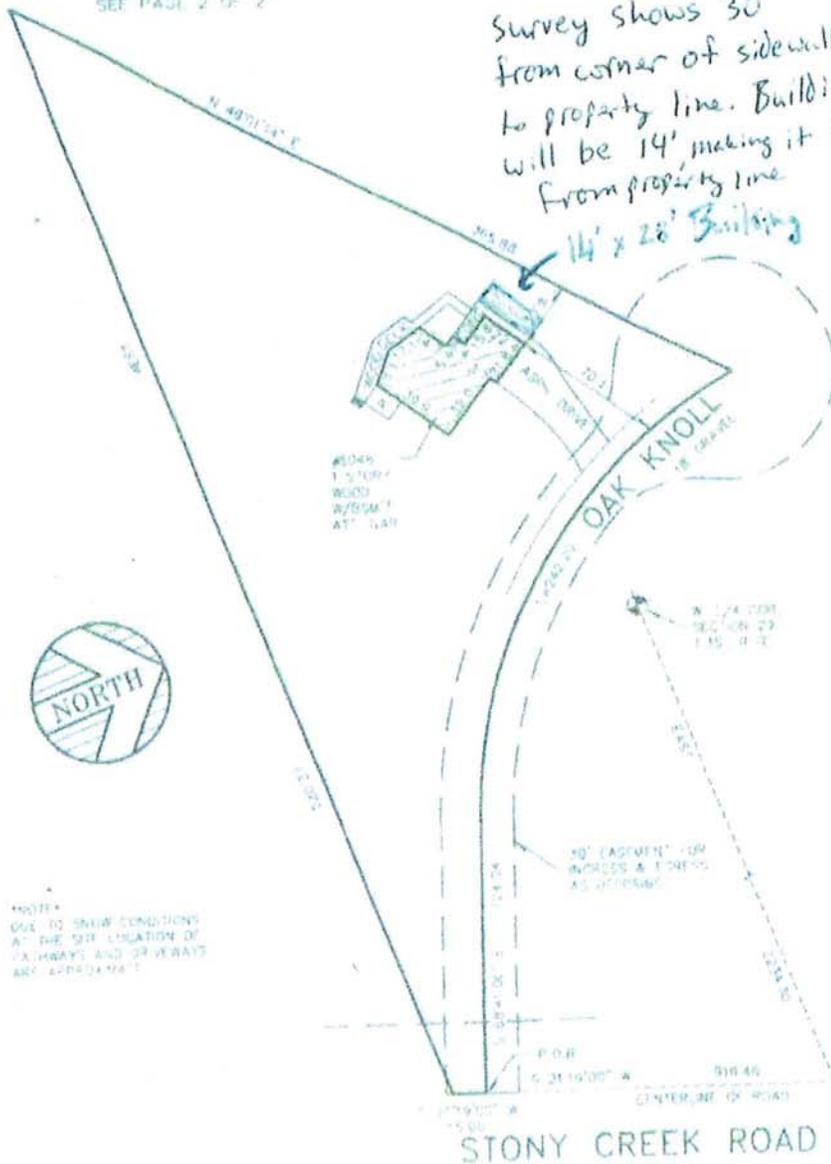
KEM-TEC WEST
LAND SURVEYORS

600 East Stadium
Ann Arbor, MI 48104-4355
(734) 994-0868 * (800) 433-6133
FAX: (734) 994-0867

MORTGAGE SURVI

Property Description
SEE PAGE 2 OF 2

Survey shows 30'
from corner of sidewalk
to property line. Building
will be 14' making it 16'
from property line
14' x 28' Building



NOTE:
DUE TO SNOW CONDITIONS
AT THE SITE LOCATION OF
PAVEMENTS AND DRIVEWAYS
ARE APPROXIMATE

CERTIFICATE: We hereby certify that we have surveyed the above-described property in accordance with the description furnished for the purpose of a mortgage loan to be made by the herein named applicants, mortgagor, and that the buildings located thereon do not encroach on the adjoining property, nor do the buildings on the adjoining property encroach upon the property heretofore described, except as shown. This survey is not to be used for the purpose of establishing property lines, nor for construction purposes, no stakes having been set at any of the boundary corners.

PAGE 1 OF 2

J.R. Schroeder P.E.

JOB NO: 01-60376 SCALE: 1"=60'
DATE: 01-30-01 DR BY: RMH/MS/MLR

KEM-TEC
LAND SURVEYORS
22050 Grace Avenue
Eastquilon, MI 48021-2219
(616) 772-2222 * (800) 295-7222
FAX: (616) 772-4048



KEM-TEC WEST
LAND SURVEYORS
900 East Stadium
Ann Arbor, MI 48104-4352
(734) 994-0888 * (800) 433-8133
FAX: (734) 994-0887

CHARTER TOWNSHIP OF YPSILANTI

OFFICE OF COMMUNITY STANDARDS

Building Safety • Planning & Zoning • Ordinance Enforcement

**Zoning Board of Appeals
Staff Report
Variance – 6048 Oak Knoll Drive
Parcels K-11-29-300-028**

April 27, 2021

CASE

The applicant is requesting consideration of a variance from Zoning Ordinance Section 2103 Accessory Buildings and Accessory Uses in order to allow a 14 x 28 accessory building located closer than ten (10') feet to the primary structure.

APPLICANT

Derek Russell
6048 Oak Knoll Drive
Ypsilanti MI 48197

LOCATION AND SUMMARY OF REQUEST

The subject property is located on the south side of Oak Knoll Drive. Oak Knoll is a cul-de-sac street that is located off the west side of Stoney Creek road between Textile and Merritt. The Parcel is zoned R-1 Single Family Residential. The applicant is seeking a variance from the accessory structures portion of the ordinance to allow an accessory building to be located closer than ten (10') feet to a primary structure. Also, a variance to allow an accessory structure in a side-yard.

CROSS REFERENCES

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

Aerial Photograph(s) – 6048 Oak Knoll Drive
****Not to scale**

SUBJECT SITE ZONING AND COMPREHENSIVE PLAN



The parcel is currently zoned R-1, One-Family Residential, and is master planned for Agricultural Preservation (AP).

ADJACENT USES, ZONING AND COMPREHENSIVE PLAN

Direction	Use	Zoning	Future Land Use Designation
North	Single Family Residential	R-1	Agricultural Preservation (AP)
South	Single Family Residential	R-1	Agricultural Preservation (AP)
East	Single Family Residential	R-2	Agricultural Preservation (AP)
West	Single Family Residential	R-1	Agricultural Preservation (AP)

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 owner demolished an existing accessory building in the same location and has installed a concrete pad in the location of the old structure. He would now like to replace the structure in the same location which would be sixteen feet (16') feet from the property line. But less than ten (10') feet from the primary structure which is required by the Zoning Ordinance.

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 on Oak Knoll and nearby Stoney Creek Road have accessory structures. Accessory structures are a permitted use in the Single Family residential districts

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 shed location being requested for a variance would be setback sixteen (16') feet from the property line and approximately six (6') feet from the primary structure.

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 demolished an existing non-conforming shed and has placed a concrete pad in the old location in anticipation of a new shed. However, the new location does not meet the Zoning Ordinance requirements.

ANALYSIS

The applicant will need a variance from Section 2103.2 to allow the Accessory Structure to be placed in a side yard. Currently, the ordinance only allows for accessory structures to be erected in a rear yard. It should be noted that the accessory building will not extend past the front of the home. Township Zoning Ordinance, Section 2103 .4, requires that accessory structures be located at a minimum of ten (10') feet from the primary structure, unless the structure is non-combustible and approved by the Building Official. The old non-conforming shed was located approximately six (6') feet from the home and sixteen (16') feet from the property line in the side yard. If the shed were to be attached to the home it would require that it meet the side yard setback for this zoning district which would be a minimum of twelve (12') feet. The Planning Department has asked the Building Department on clarification of the Building Code as it relates to Accessory Buildings being located less than ten (10') feet to a structure. The Michigan Building Code allows accessory structures to be located on the same lot without fire rated assemblies. Further, there is no requirement for a minimum distance between a dwelling and an accessory building. In summation the Zoning Ordinance requires an accessory building to be separated a minimum of ten (10') feet from a primary structure, unless it's non-combustible. The Building Code does not require accessory buildings on the same lot to be fire resistant construction and do not have to be a minimum distance from the home. It can be then rationalized that if the accessory building is less than ten (10') feet from the home then it should meet the setback requirement as if it was attached, which it will. Placing it approximately sixteen (16') feet from the lot line.

If the Zoning Board of Appeals choose to approve the variance requested the applicant will still be required to pull all necessary permits from the Ypsilanti Township Building Department for the new accessory structure 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 6048 Oak Knoll Drive for variances from Zoning Ordinance Section 2103, Accessory Building and Accessory Uses for property zoned R-1 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 and Accessory Uses, to permit the construction of a new accessory building located at 6048 Oak Knoll Drive, 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 placed 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 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 2103, Accessory Buildings and Accessory Uses, to permit the construction of a new accessory building at 6048 Oak Knoll 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: 3160 West Michigan Ave. Parcel ID #: K-11-18-340-001 Zoning B-3
Lot Number: _____ Subdivision: _____

III. APPLICANT INFORMATION

Applicant: Miodrag Rakic Phone: (424)241-8608
Address: 7751 Whirlaway Dr. City: Saline State: MI Zip: 48176
Fax: (310)872-5076 Email: misa@rakingone.com
Property Owner: Ypsilanti Sports Center LLC Phone: (424)241-8608
Address: 7751 Whirlaway Dr. City: Saline State: MI Zip: 48176
Fax: (310)872-5076 Email: misa@rakingone.com

IV. COST AND FEES

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

V. APPLICANT SIGNATURE

The undersigned Miodrag Rakic represents Ypsilanti Sports Center LLC :
Applicant Property Owner

1. That Ypsilanti Sports Center LLC is/are the owner(s) of lot(s) _____ located in the _____
Property Owner Lot Subdivision
Subdivision, Ypsilanti Township, Michigan, otherwise known as 3160 West Michigan Ave., Ypsilanti, MI and the property is
Address
zoned B-3
Zoning District
2. That the petitioner hereby request Variance under Section _____ Article _____ of the Ypsilanti Township
Variance/Temporary Use Section Article
/Regular Meeting
Zoning Ordinance.
3. The petitioner further state that MR 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).

 Miodrag Rakic 3/29/2021
Applicant Signature Print Name Date

Charter Township of Ypsilanti

Office of Community Standards

7200 S. Huron Drive, Ypsilanti, MI 48197

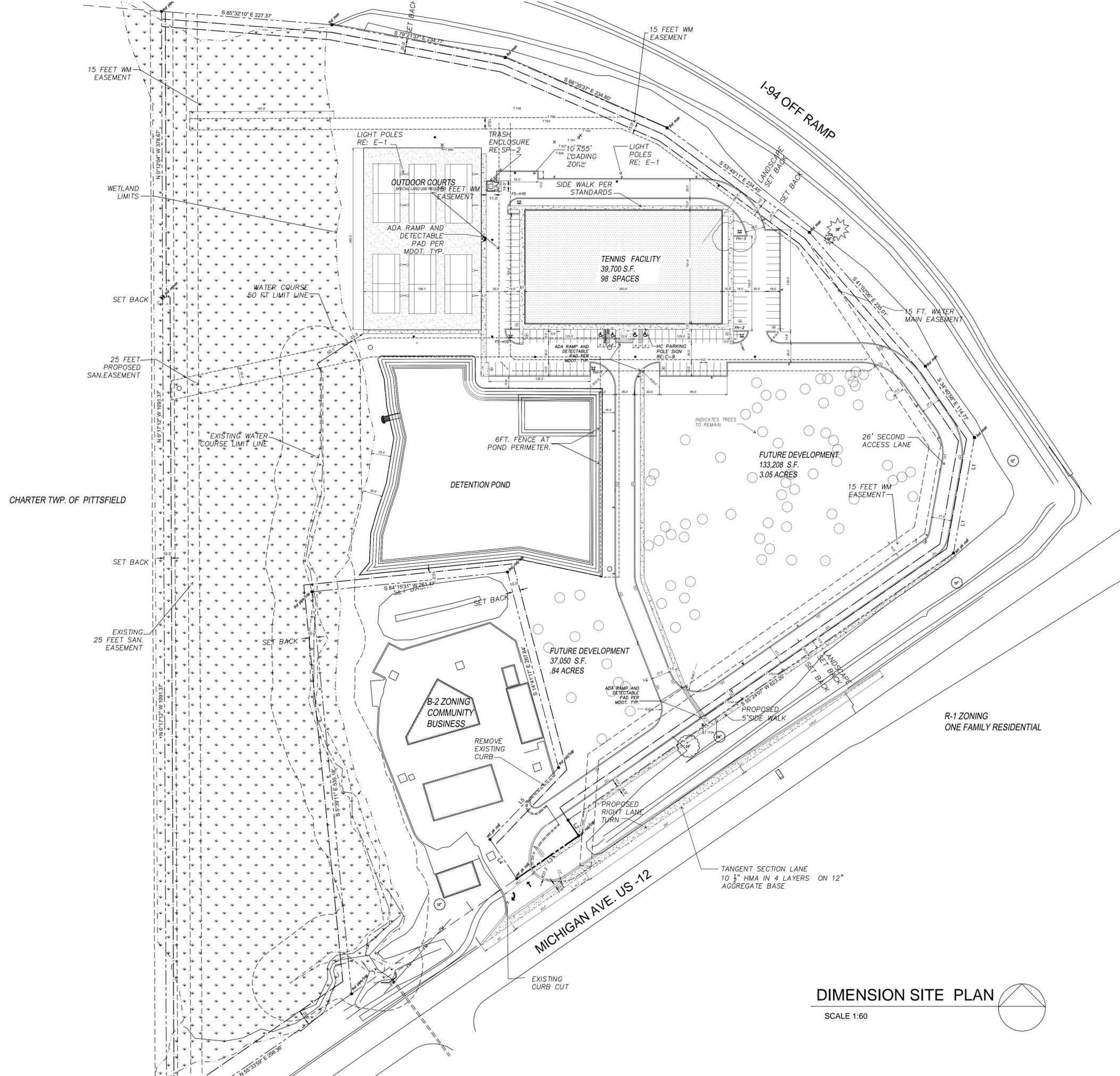
Phone: (734) 485-3943

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.



Atelier Architect, P.C.
 6346 Orchard Lake Rd Suite 16
 West Bloomfield, MI 48322-2327
 Phone: 248-885-8286
 Fax: 248-885-8287
 e-mail: Info@atelierarchitect.com

Project
 YPSILANTI TWP. TENNIS FACILITY

Project No.
 2019-16

Certification
 I hereby certify that the construction documents contained herein were prepared under my direct supervision and I am a registered architect under the laws of the State of Michigan.

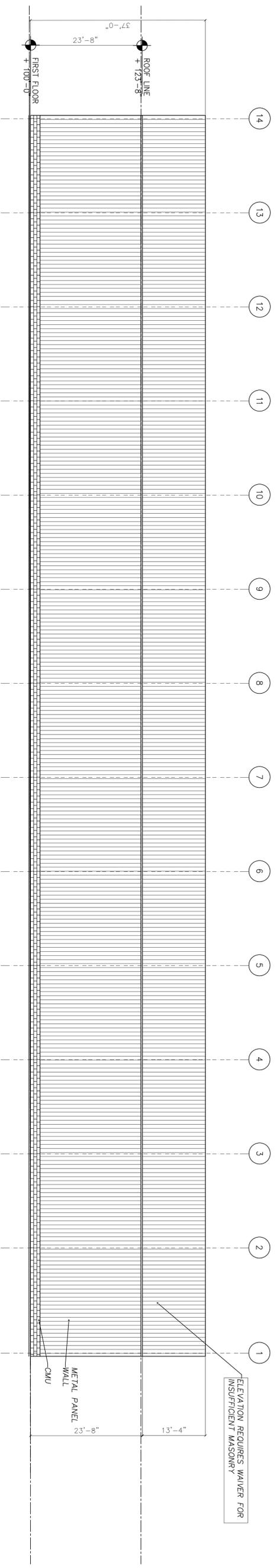


Sheet Title
 DIMENSION SITE PLAN

Issued	Date
SITE PLAN APPR.	11/05/2019
REVISION 1	03/02/2020
REVISION 2	09/07/2020

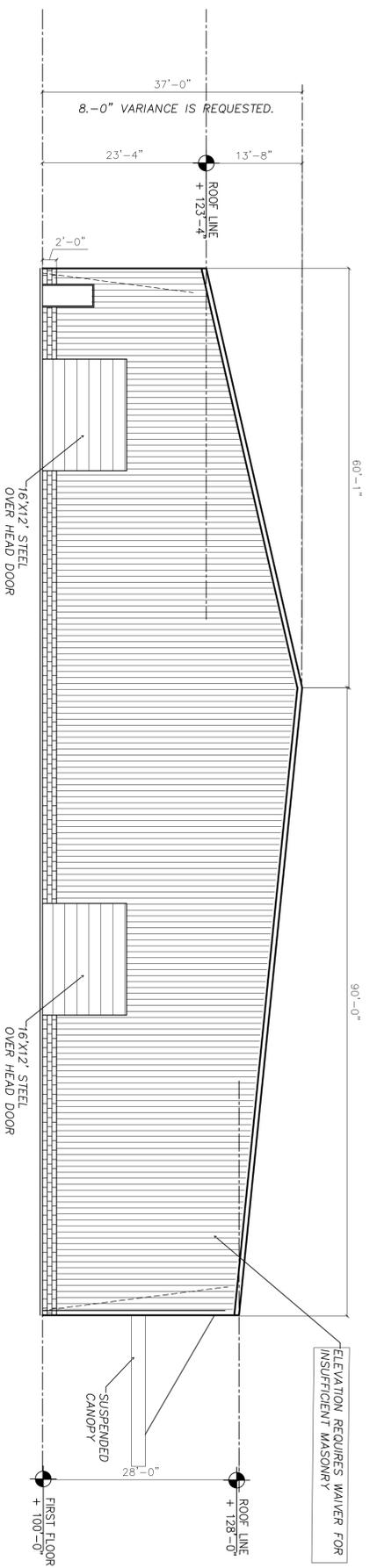
DIMENSION SITE PLAN
 SCALE 1:60

Sheet No.
 SP-1



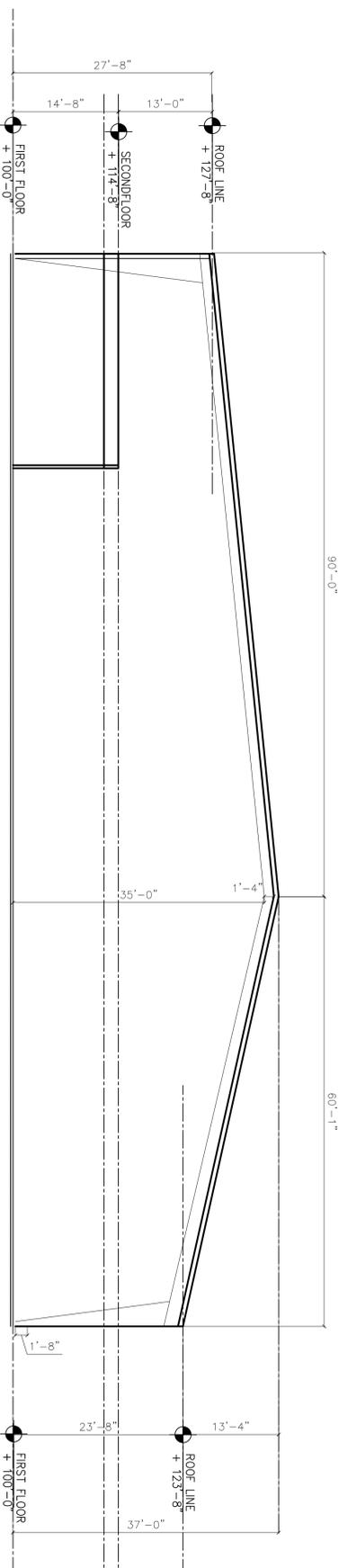
REAR ELEVATION -NORTH

SCALE: $\frac{3}{32}$ " = 1.00"



SIDE ELEVATION -WEST

SCALE: $\frac{3}{32}$ " = 1.00"



BUILDING SECTION

SCALE: $\frac{3}{32}$ " = 1.00"



Atelier Architect,

8348 Orchard Lake Rd Suite 16
West Bloomfield, MI 48322-2327
Phone: 248-895-8286
Fax: 248-895-4287
e-mail: info@atelierarchitect.com

Project

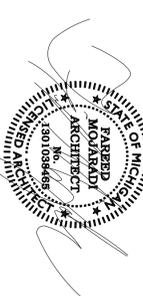
YPSILANTI TWP. TENNIS FACILITY

Project No.

2019-16

Certification

I here by certify that the construction documents contained herein were prepared under my direct supervision and I am a registered architect under the laws of the State of Michigan.



Sheet Title

BUILDING ELEVATION- SECTION

Issued Date

VARIANCE 04/06/2021

Sheet No.

A-4

CHARTER TOWNSHIP OF YPSILANTI

OFFICE OF COMMUNITY STANDARDS

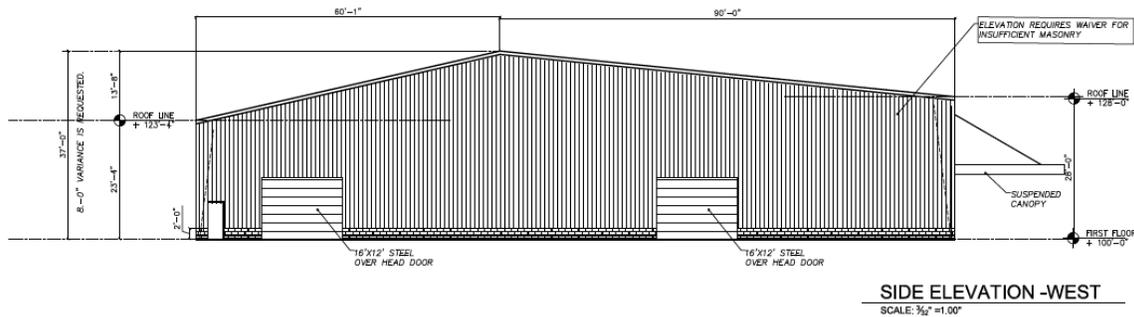
Building Safety • Planning & Zoning • Ordinance Enforcement

Zoning Board of Appeals Staff Report Variance – 3160 West Michigan Avenue Parcels K-11-18-340-001

April 27, 2021

CASE

The applicant is requesting consideration of a variance from Zoning Ordinance Section 2001 Schedule Limiting Height, Bulk, Density and Area in Commercial Zoning Districts in order to allow an Indoor Tennis Facility Building that is thirty-seven (37') feet which is over the maximum height for structures in the B-3 General Business District which is 2 stories or twenty-five (25') feet.



APPLICANT

Miodrag Rakic
Ypsilanti Sports Center LLC
7751 Whirlaway Drive, Saline MI 48197

LOCATION AND SUMMARY OF REQUEST

The subject property is located on the north side of West Michigan Avenue to the south west of the I-94 interchange. The property is conditionally zoned B-3 General Business.

CROSS REFERENCES

Township Zoning Ordinance – Article II Construction of Language and Definitions
Township Zoning Ordinance – Article XX Section 2001 Height, Bulk and Density in Commercial Districts
Township Zoning Ordinance – Article XXIV (Board of Zoning Appeals)

Aerial Photograph(s) – 3160 West Michigan Avenue

****Not to scale**



SUBJECT SITE ZONING AND COMPREHENSIVE PLAN

The parcel is currently zoned B-3, General Business, and is master planned for Neighborhood Transition (NT).

ADJACENT USES, ZONING AND COMPREHENSIVE PLAN

Direction	Use	Zoning	Future Land Use Designation
North	Inter State I-94	NA	NA
South	Gas-Station and Repair Facility	B-3	Regional Corridor
East	Inter-State I-94 Interchange	NA	NA
West	Pines of Clover Lain Apartments	R-3	Multiple Unit II

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 building height is proposed at thirty-seven (37') feet to accommodate the standards for an indoor tennis facility based on the height required by best practices governing facilities for indoor tournament play. " For indoor facilities, the minimum overhead clearance free of any obstructions should be 20 ft. above the baseline and 35 ft. above the net"

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 Tennis Facility was granted a Special Conditional Use for the use for an Outdoor Recreational Facility for six outdoor tennis courts. Because of the weather in the State of Michigan an indoor facility is required to play tennis in the winter months. The height of the building is based on the standards and best practices for indoor tennis facilities.

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 use of the property as a Tennis Facility is a compatible use for the Apartment Complex to the west and the fact the facility is surrounded on two sides by Inter State 94 and US-12 on another.

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 did not write the standards for the height requirements for an Indoor Tennis Facility.

ANALYSIS

The variance being requested by the applicant is for twelve (12') feet. The total height of the structure will be thirty (37') feet. The maximum height allowed under the current ordinance is twenty-five (25) feet. Although the entire building is not thirty-seven feet (37') in height the variance being requested needs to accommodate the tallest part of the building. The roof line will vary in height based on the sloping of the roof line from front to back (see attached elevations). The request is being made because the industry standards for an indoor tennis facility that can accommodate tournament style play must have thirty-five (35') feet of clearance above the net. The height of the building will accommodate this clearance.

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 3160 West Michigan Ave. for a variance from Zoning Ordinance Section 2001, Bulk, Height, and Density in a Commercial District for property conditionally zoned B-3 General Business, to consider comments presented during this public hearing.”

Approve

“I move 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 Ave., parcel K-11-18-340-001 for the following variances for the 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') feet for the new indoor tennis facility building.

The variances will have the following conditions. The applicant will need to receive final site plan and engineering approval from Ypsilanti Township. And pull all necessary building and trade permits from the Ypsilanti Township Building Department prior to construction.

Denial

“I move to deny the request for a variance from Zoning Ordinance Section 2001, Bulk, Height, and Density, to permit the construction of an indoor tennis facility at 3160 West Michigan Ave., parcel K-11-18-340-001, due to the following reason(s):

Please provide reasons for denial in the motion”

Respectfully Submitted,

Jason Iacoangeli

Jason Iacoangeli, AICP
Planning Director