

CHARTER TOWNSHIP OF YPSILANTI

ZONING BOARD OF APPEALS

7200 S. Huron River Drive, Ypsilanti, MI 48197

REGULAR MEETING AGENDA

WEDNESDAY, SEPTEMBER 7, 2022 6:30 P.M.

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 734-544-4000.

1. Call Meeting to Order
2. Roll Call – Determination of a quorum
3. Approval of Agenda
4. Approval of the July 6, 2022 regular meeting minutes
5. Public Hearing
 - a) ZBA 2022-0006
Applicant: LynxDx, Inc. – Steven Riggs
Location: 2515 Ellsworth Rd, Ypsilanti MI 48198
Parcel ID: K-11-18-100-013
Request: Request for an extension to a temporary use approved by the Zoning Board of Appeals on March 2, 2022 to allow for a temporary outdoor Covid-19 testing drive-thru clinic per Section 1704.4.B. of the township zoning ordinance
 - b) ZBA 2022-0007
Applicant: Josh Angle
Location: 1435 Blossom
Parcel ID: K-11-01-236-053
Request: Request to permit a six-foot tall privacy fence in the required front yard along Wiard Road (maximum four-foot tall ornamental fence permitted, Section 1305.2).
6. Open discussion for issues not on the agenda
 - a. Planning Department report
 - b. Correspondence received
 - c. Zoning Board of Appeals members
 - d. Members of the audience and public
7. Any other business that may come before the Zoning Board of Appeals
8. Adjournment

(THERE IS NO WORK SESSION)

7200 S. Huron River Drive • Ypsilanti, MI 48197 • (734) 485-3943



**CHARTER TOWNSHIP OF YPSILANTI
ZONING BOARD OF APPEALS
Wednesday, July 6, 2022
6:30 pm**

COMMISSIONERS PRESENT

Elizabeth El-Assadi - Vice Chair
Morgan Foreman
Edward Burnett

STAFF AND CONSULTANTS

Jason Iacoangeli, Planning Director
Amy Steffens - AICP Planning and Zoning Coordinator
Fletcher Reyher, Staff Planner

i. CALL TO ORDER/ESTABLISH QUORUM

MOTION: Ms. El-Assadi called the meeting to order at 6:37 pm.

ii. APPROVAL OF AGENDA

MOTION: Ms. Foreman **MOVED** to approve the agenda as presented. The **MOTION** was **SECONDED** by Mr. Burnett and **PASSED** by unanimous consent.

iii. APPROVAL OF MARCH 3, 2022 MEETING MINUTES

MOTION: Ms. Foreman **MOVED** to approve the previous Board Meeting Minutes as presented. The **MOTION** was **SECONDED** by Mr. Burnett and **PASSED** by unanimous consent.

iv. PUBLIC HEARING

A. APPLICANT: Crystal and Michelle Whitt

LOCATION: 9906 Woodland Court, Ypsilanti MI 48197

PARCEL: K-11-26-475-004

REQUEST: Request to consider relief from Article 8, Section 805, Recreational Vehicles, of the Township Zoning Ordinance

Ms. El-Assadi indicated to the applicants that because three out of the five Board members were present, a vote to approve or deny must be unanimous and offered the option to table the request until a time when a full Board was available to hear the request. The applicants asked to go forward with the request at the present time.

Mr. Iacoangeli, the Township Planning Director, presented the staff report. If approved, the variance request would allow for the outdoor storage of a recreational vehicle in the front yard. Section 805.B.(3) specifies that “No recreational vehicle shall be stored outside unless in the rear yard or in an interior side yard behind the frontline of any primary building. The recreational vehicle must be stored at least six feet from any property line and must be screened from any adjacent properties in accordance with Section 1301.3.H. or a fence.”

Mr. Iacoangeli went through the five findings of fact that demonstrate a practical difficulty. While the property is a sizeable 0.95-acre parcel, the topography of the site would make driving a recreational vehicle to the rear of the property difficult. The property has a considerable upward grade change from the front of the property to the dwelling and a downward grade change from the dwelling to the rear yard. Additionally, along the east and west side yards there exists an established tree line with mature trees that would need to be partially removed to access the rear yard. Keeping a recreational vehicle is a typical residential activity found on many lots in the township. The grade change on this site does not exist on neighboring sites. The site has a required front yard setback of 25 feet. The aerial in the staff report shows that the dwelling on the site was built with a setback of approximately 170 feet, or more than three times the setback of the dwelling to the west. With the grade change and the established tree line there appears to be no other practical or viable location to store a recreational vehicle.

Crystal Whitt, co-applicant, spoke about the need for the variance. Ms. Whitt indicated that the pictures she submitted show the difficulty in getting to the backyard with the recreational vehicle. She responded to a letter addressed to the Board by neighbors Andrew Melichar and Kurtis Edwards, 9906 Woodland Court. Ms. Whitt said that the recreational vehicle is used for camping and does move during the year and she has parked it as close to the house as possible. The trees and hill make it impossible for her to move the vehicle into the rear yard.

Mr. Burnett asked if she was aware of the zoning ordinance requirements when she bought the vehicle. Ms. Whitt said she was not. Mr. Iacoangeli explained that prior to the current zoning ordinance being adopted on March 4, 2022, the zoning ordinance did not prohibit recreational vehicles in the front yard.

Ms. El-Assadi opened the public hearing at 6:52 pm.

Michelle Whitt introduced neighbors in support of the request.

Laura Good, 6794 Bunton Road, supports the variance request. She never noticed the recreational vehicle on the property because it sets so far back from the road.

Lynn Kisselburg, 6830 Bunton Road, supports the variance request because the recreational vehicle is tucked away on the lot.

Patricia Thomas, 9891 Woodland Court, supports the variance request. The recreational vehicle is not visible and was not aware it was parked on the lot.

Ms. El-Assadi closed the public hearing at 6:57 pm.

MOTION: Ms.Foreman **MOVED** to approve the request to consider relief from Article 8, Section 805, Recreational Vehicles, of the Township Zoning Ordinance for property located at 9906 Woodland Court (K-11-26-475-004) with the following conditions:

- No more than one recreational vehicle and trailer shall be stored outside of the rear or side yards
- The recreational vehicle shall be stored forward of the rear building line of the dwelling to the west
- The recreational vehicle shall be operational and maintained in a clean, well-kept state.

The **MOTION** was **SECONDED** by Mr. Burnett and **PASSED** by unanimous consent.

v. **OPEN DISCUSSION FOR ISSUES NOT ON AGENDA**

A. **PLANNING DEPARTMENT REPORT**

None

B. **CORRESPONDENCE RECEIVED**

None

C. **ZONING BOARD OF APPEALS MEMBERS**

None

D. **MEMBERS OF THE AUDIENCE/PUBLIC**

None

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

None

vii. **ADJOURNMENT**

MOTION: Ms. Foreman **MOVED** to adjourn at 7:00 pm. The **MOTION** was **SECONDED** by Mr. Burnett and **PASSED** by unanimous consent.

Respectfully Submitted by: Amy Steffens

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

Zoning Board of Appeals
Staff Report
Temporary Use Permit – 2515 Ellsworth Rd – K-11-18-100-013
ZBA: September 7, 2022

August 26, 2022

Case:

The applicant is requesting a temporary use permit to allow for the continuing operation of a COVID-19 Testing Drive-Thru located at 2515 Ellsworth Rd for an additional period to expire on December 16, 2022 or 100 days.

Applicant:

Steven Riggs
LynxDx, Inc.
333 Jackson Plaza
Ann Arbor MI, 48103

Location and Summary of Request:

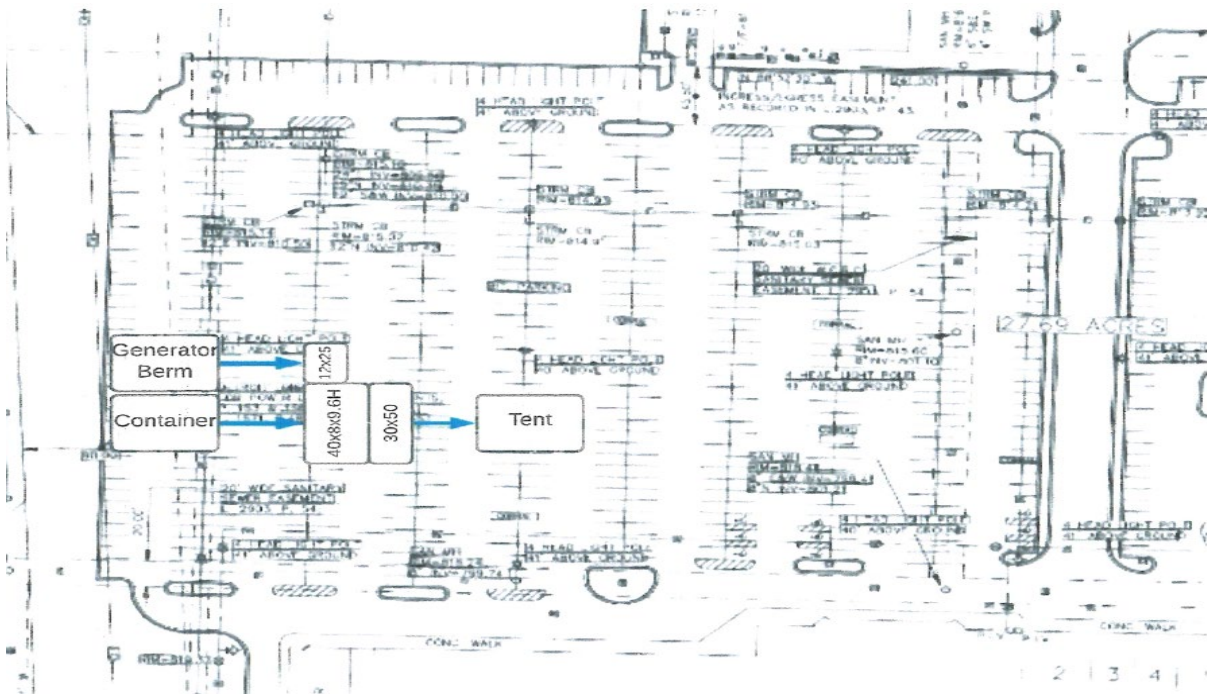
The subject property is located near the intersection of South Hewitt Rd and Ellsworth Rd and is known by the address of 2515 Ellsworth Rd. In the request dated January 28, 2022, the applicant stated that the facility is a 40' x 8' x 9.6' shipping container/mobile office with an interior restroom. The facility is covered by a 12' x 25' fire resistant commercial-grade containment tent. The testing facility is powered by a 36k diesel generator with fuel supplied by a 500 gallon double-wall fuel tank. This generator and fuel tank is lined and surrounded by a commercial-grade containment berm. Hours of operation will be seven (7) days a week, 9am to 5pm. There are six (6) to eight (8) staff members at the facility at any given time. The applicant has estimated that 200-400 people visit the site per day. An online scheduling system is used to prevent traffic congestion around the facility.

Cross References:

Township Zoning Ordinance – Article 17 (Board of Zoning Appeals)

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Aerial Photograph(s) – 2515 Ellsworth Rd.
**Not to scale



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Subject Location:

The shopping center is located near the corner of South Hewitt Rd. and Ellsworth Rd. in the parking lot of the former Walmart.

Subject Site Zoning:

The parcel is currently zoned General Business (GB). The former Wal-Mart store on the property is currently vacant, but it is adjacent to the Roundtree Place Shopping Center which is home to multiple retail businesses.

Adjacent Uses, Zoning and Comprehensive Plan:

| Direction | Use | Zoning | Future Land Use Designation |
|-----------|-------------|-----------------------|-----------------------------|
| North | Commercial | GB-General Business | NT-Neighborhood Transition |
| South | Undeveloped | RC-Regional Corridor | NT- Neighborhood Transition |
| East | Undeveloped | RM-MD Multiple Family | NT- Neighborhood Transition |
| West | Commercial | GB-General Business | NT- Neighborhood Transition |

Analysis:

On January 30th, 2020, the World Health Organization declared the COVID-19 outbreak a global health emergency. On March 11th, 2020, COVID-19 was formally declared a global pandemic. Since then, countries around the world have instituted lockdowns, mask mandates, and testing requirements for residents based on infection levels. Since the start of the pandemic, new technologies have been invented to slow the spread of the virus such as vaccines and tests. These technologies have been rolled out on a global scale with companies such as LynxDx, Inc. using their knowledge and resources to provide COVID-19 tests to residents around Washtenaw County.

With that said, it is the opinion of the staff that the local jurisdiction, particularly in this case the ZBA, has the authority to grant a temporary use permit for the erection of a tent, shipping container, and related facilities to LynxDx (a medical diagnostic company) to operate an outdoor COVID-19 Drive-Thru Testing Facility for a period not to exceed six (6) months in a developed portion of the Township such as 2515 Ellsworth Rd.

The applicant would like to continue the use of a 40' x 8' x 9.6' shipping container/mobile office with an interior restroom. The facility is covered by a 12' x 25' fire resistant commercial-grade containment tent. The testing facility is powered by a 36k diesel generator with fuel supplied by a 500 gallon double-wall fuel tank. This generator and fuel tank is lined and surrounded by a commercial-grade containment berm. Hours of operation will be seven (7) days a week, 9am to 5pm. There are six (6) to eight (8) staff members at the facility at any given time. The applicant has estimated that 200-400 people visit the site per day. An online scheduling system is used to prevent traffic congestion around the facility.

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The applicant has provided this office with a letter of authorization from the property owner in addition to a certificate of insurance for which I have a copy for your review.

The applicant would like to continue to operate the testing facility at the Ellsworth Road location up to December 16, 2022. This date is to allow the LynxDX to operate through its current lease agreement with the property owner Orchard Square Property LLC.

Article 17. – Board of Zoning Appeals / Sec. 1704. – Jurisdiction:

Exceptions and special approvals: To hear and decide in accordance with the provisions of this ordinance, requests for exceptions, for interpretations of the zoning map, and for decisions on special approval situations on which this ordinance specifically authorizes the zoning board of appeals to pass. Any exception or other matter on which this ordinance specifically authorizes the zoning board of appeals to pass shall be subject to such conditions as the zoning board of appeals may require in order to preserve and promote the character of the zone district in question and otherwise promote the purpose of this ordinance, including the following:

Permit temporary buildings and uses for periods not to exceed two years in undeveloped sections of the township and for periods not to exceed six months in developed sections.

It is the opinion of the Planning Department that the six (6) months granted previously is the limit for temporary uses in developed portion of the Township. The extension of the temporary use for an additional one hundred (100) days would set a precedent for temporary uses within the Township especially those that are located within commercial districts such as this location on Ellsworth. Further, the Planning Department feels a use such as a COVID testing facility should be tied to an appropriate primary use such a Civic Building, Church, or Health Care Facility such as a hospital or clinic. These land uses are directly tied to Community Outreach and play a role as the anchors for communities in times of emergency due to natural disasters and or public health emergencies. The Planning Department feels that if the COVID facility relocated to one of these civic oriented uses that it would become an accessory use and stop being a temporary use. It would allow the facility to not be bound by the six (6) month not to exceed time frame for operation. LynxDX currently has a COVID testing facility in operation at the 2/42 Church in Scio Township which has been in operation for over a year. The Township has provided LynxDX with alternate locations within the Township that would be more suitable for this use including the New Covenant Missionary Baptist Church located at 2345 Tyler Road. This Church has been utilized in the past by the Washtenaw County Health Department for COVID-19 and Flu vaccination clinics.

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In addition the Township is aware that the property owner is actively marketing the property for sale to prospective developers and that a potential purchase agreement has been put in place for the Wal-Mart building. The empty Wal-Mart store front and parking lot add to the distress of the overall Roundtree Shopping plaza. The addition of a temporary COVID testing facility in the parking lot adds to the overall perception of this property being underutilized which effects the neighboring businesses and property owners.

Lastly, reviewing the lease or concession agreement for the use of the property if the “area becomes unavailable for use as intended” by LynxDX then they “shall be permitted to terminate this Agreement without penalty or premium upon five days advanced written notice to OSP”. This clause in the agreement would allow LynxDX to move from the site without accruing financial penalty for breaking the terms of the lease.

In summation the Planning Department is recommending that the Zoning Board of Appeals deny the request of LynxDX for an additional one hundred (100) days of temporary use to expire on December 16, 2022. The need to remain in the location for a time period of more than six (6) months per the Ordinance requirements is a self-created hardship, other viable more suitable areas of the Township are available for the testing facility to relocate.

The zoning board of appeals, in granting permits for the above temporary uses, shall do so under the following conditions:

1. The granting of the temporary use shall in no way constitute a change in the basic uses permitted in the district nor on the property wherein the temporary use is permitted.
2. The granting of the temporary use shall be granted in writing stipulating all conditions as to time, nature of development permitted and arrangements for removing the use at the termination of said temporary permit.
3. All setbacks, land coverage, off-street parking, lighting and other requirements to be considered in protecting the public health, safety, peace, morals, comfort, convenience and general welfare of the inhabitants of the Township of Ypsilanti, shall be made at the discretion of the zoning board of appeals or township planning commission as the case may be.
4. In classifying uses as not requiring capital improvement, the zoning board of appeals shall determine that they are either demountable structures related to the permitted use of the land; recreation developments, such as, but not limited to: golf

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driving ranges and outdoor archery courts; or structures which do not require foundations, heating systems or sanitary connections.

5. The use shall be in harmony with the general character of the district
6. No temporary use permit shall be granted without first giving notice to owners of adjacent property of the time and place of a public hearing to be held as further provided for in this ordinance.

Recommended Motions:

Table:

"I move to table the temporary use permit application to permit the operation of a COVID-19 Drive-Thru Testing Facility located at 2515 Ellsworth Rd, parcel K-11-18-100-013 for a period of one hundred (100) days to consider comments presented during this public hearing."

Approve:

"I move to approve the temporary use permit application to permit the operation of a COVID-19 Drive-Thru Testing Facility located at 2515 Ellsworth Rd, parcel K-11-18-100-013 for a period of one hundred (100) days, with the following condition(s):"

- All necessary building and/or trade permits shall be obtain from the Office of Community Standards.
- The COVID Testing facility will be completely removed on or before December 16, 2022.

Denial:

"I move to deny the temporary use permit application to permit the operation of a COVID-19 Drive-Thru Testing Facility located at 2515 Ellsworth Rd, parcel K-11-18-100-013 for a period of one hundred (100) days due to the following reason(s):"

Respectfully Submitted,

Jason Iacoangeli, AICP
Planning Director
Charter Township of Ypsilanti

JUN 23 2022

Charter Township of Ypsilanti
Office of Community Standards
7200 S. Huron Drive, Ypsilanti, MI 48197
Phone: (734) 485-3943
Website: <https://ytown.org>

YPSILANTI TOWNSHIP
OCS

**ZONING BOARD OF
APPEALS APPLICATION**

I. APPLICATION TYPE

- Variance
- Exceptions and Special Approvals (Includes: Temporary Uses and Structures) for a 12-month extension on the current permit.
- Administrative Review Appeal

II. PROJECT LOCATION

Address: 2515 Ellsworth Road Parcel ID #: K-11-18-100-013 Zoning B3
Lot Number: _____ Subdivision: _____

III. APPLICANT INFORMATION

Applicant: LynxDx, Inc. Phone: 734-648-2749
 Address: 333 Jackson Plaza City: Ann Arbor State: MI Zip: 48103
 Fax: _____ Email: annie@lynxdx.com

Property Owner: Orchard Square Property, LLC Phone: 313-737-4946
 Address: 27950 Orchard Lake Road, Suite 115 City: Farmington Hills State: MI Zip: 48334
 Fax: _____ Email: aheer123@hotmail.com

IV. COST AND FEES

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

V. APPLICANT SIGNATURE

The undersigned Ken Disney, Director of Operations, LynxDx, Inc. represents Orchard Square Property, LLC :
Applicant Property Owner

- That Orchard Square Property, LLC is/are the owner(s) of lot(s) K-11-18-100-013 located in the _____
Property Owner Lot Subdivision
Subdivision, Ypsilanti Township, Michigan, otherwise known as 2515 Ellsworth Road and the property is
Address
zoned B3
Zoning District
- That the petitioner hereby request Temporary Use under Section 2404 Article 24 of the Ypsilanti Township
Variance/Temporary Use Section Article
/Regular Meeting
Zoning Ordinance.
- The petitioner further state that KD have/has read and understands the provisions of said zoning ordinance as it
Applicant Initial
applies to this petition.
- That the following is submitted in support of the petition (attach all pertinent data to support the request).

Ken Disney
Applicant Signature

Ken Disney, Director of Operations, LynxDx, Inc.
Print Name

06/16/2022
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. |

June 16, 2022

To Whom It May Concern:

LynxDx, Inc., a Diagnostics Testing Company headquartered in Ann Arbor, Michigan, would like to continue operating a COVID-19 Testing Drive-Thru at 2515 Ellsworth Road for a period of six (6) months to benefit the residents and citizens of the Charter Township of Ypsilanti and the surrounding communities.

To achieve our mission, LynxDx, Inc. proposes using the following structures, equipment, and processes:

A 40'x 8'x 9.6' ft shipping container/mobile office with an interior restroom is covered by a commercial 30/50 certified fire-resistant tent.

The container is powered by a 36K diesel generator with fuel supplied via a 500 gallon double-wall fuel tank, which is lined and surrounded by a 12'x25' commercial-grade containment berm. The berm is protected on all sides by all-purpose roadway barricades around the perimeter.

We have equipped the unit with both a 2.5# ABC fire extinguisher on the interior and a 20# ABC fire extinguisher on the exterior.

We have contracted with water/sanitation services, delivering water and removing restroom waste twice weekly. Additionally, a portable restroom is also available on the exterior of the unit.

Directional A-frame signage is strategically placed throughout the parking lot to direct traffic.

Hours of operation will be seven (7) days per week, 9 am to 5 pm. Six to eight staff members will be present during these hours.

We expect between 30 to 100 people to visit the site over the course of an eight-hour day, with a maximum of 100 appointments per hour. Our reservations system schedules appointments in 30-minute intervals in order to prevent traffic congestion.

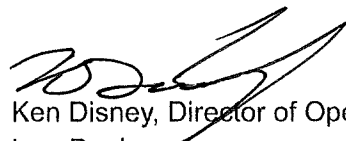
Patients will visit the structure, drive under the tent, stop at the service window, receive their test kit, drive out of the tent, collect their sample inside their own vehicle, deposit the sample from inside their vehicle into the collection bin, and exit the parking area.

Patient samples and trash/waste will be collected and removed from the site several times per day.

We sincerely appreciate the opportunity to continue providing this essential service to our community.

Thank you very much for your consideration.

Sincerely,



Ken Disney, Director of Operations
LynxDx, Inc.

Orchard Square Property, LLC
27950 Orchard Lake Road, Suite 115
Farmington Hills, MI 48334

June 16, 2022


To Whom It May Concern:

As the owner of Parcel# K-11-18-100-013 located at 2515 Ellsworth Road, Ypsilanti, MI 48197, I grant permission and access to LynxDx, Inc. to operate a COVID-19 Testing Drive-Thru to benefit the residents and citizens of Ypsilanti Charter Township and the surrounding greater community.

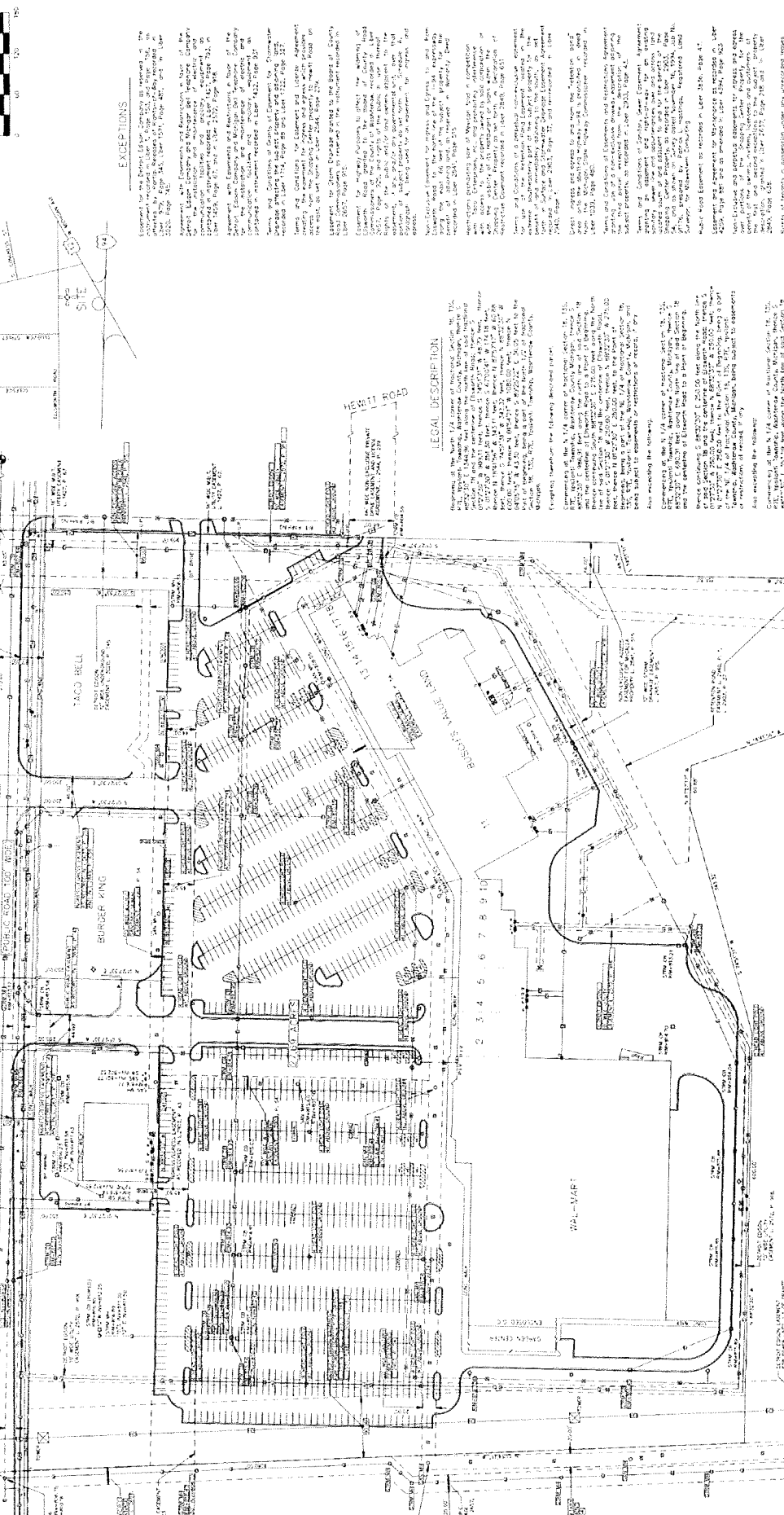
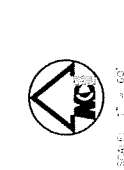
I understand LynxDx has provided you with evidence of the formal concession agreement between Orchard Square Property, LLC and LynxDx, Inc. and that document should also substantiate my approval and permission.

Thank you very much for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Madan Aheer', with a horizontal line underneath.

Madan Aheer, Member
Orchard Square Property, LLC



EXCEPTIONS

Except as shown on this plan, all easements, rights, and interests in the property are shown as they exist on the date of recording of this plat. The surveyor has not conducted a physical inspection of the property and is not responsible for the accuracy of the information shown on this plan. The surveyor's responsibility is limited to the accuracy of the measurements and calculations shown on this plan. The surveyor does not warrant the accuracy of the information shown on this plan. The surveyor's responsibility is limited to the accuracy of the measurements and calculations shown on this plan. The surveyor does not warrant the accuracy of the information shown on this plan.

LEGAL DESCRIPTION

That certain parcel of land, more or less, situated in the County of Washington, State of Minnesota, and being a portion of the N 1/2 of the fractional Section 18, Township 2 North, Range 12 East, of the 3rd Principal Meridian, as shown on the plat of the Survey of the Round Tree Shopping Center, recorded in the County of Washington, Minnesota, in the Register of Deeds for said County, in Volume 142, Page 451.

NOTES

- 1) ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
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LEGEND

- 1. 2005 EXISTING ROAD
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NEIGHBORHOOD MAP

ADDITIONAL NOTES

The surveyor has not conducted a physical inspection of the property and is not responsible for the accuracy of the information shown on this plan. The surveyor's responsibility is limited to the accuracy of the measurements and calculations shown on this plan. The surveyor does not warrant the accuracy of the information shown on this plan.

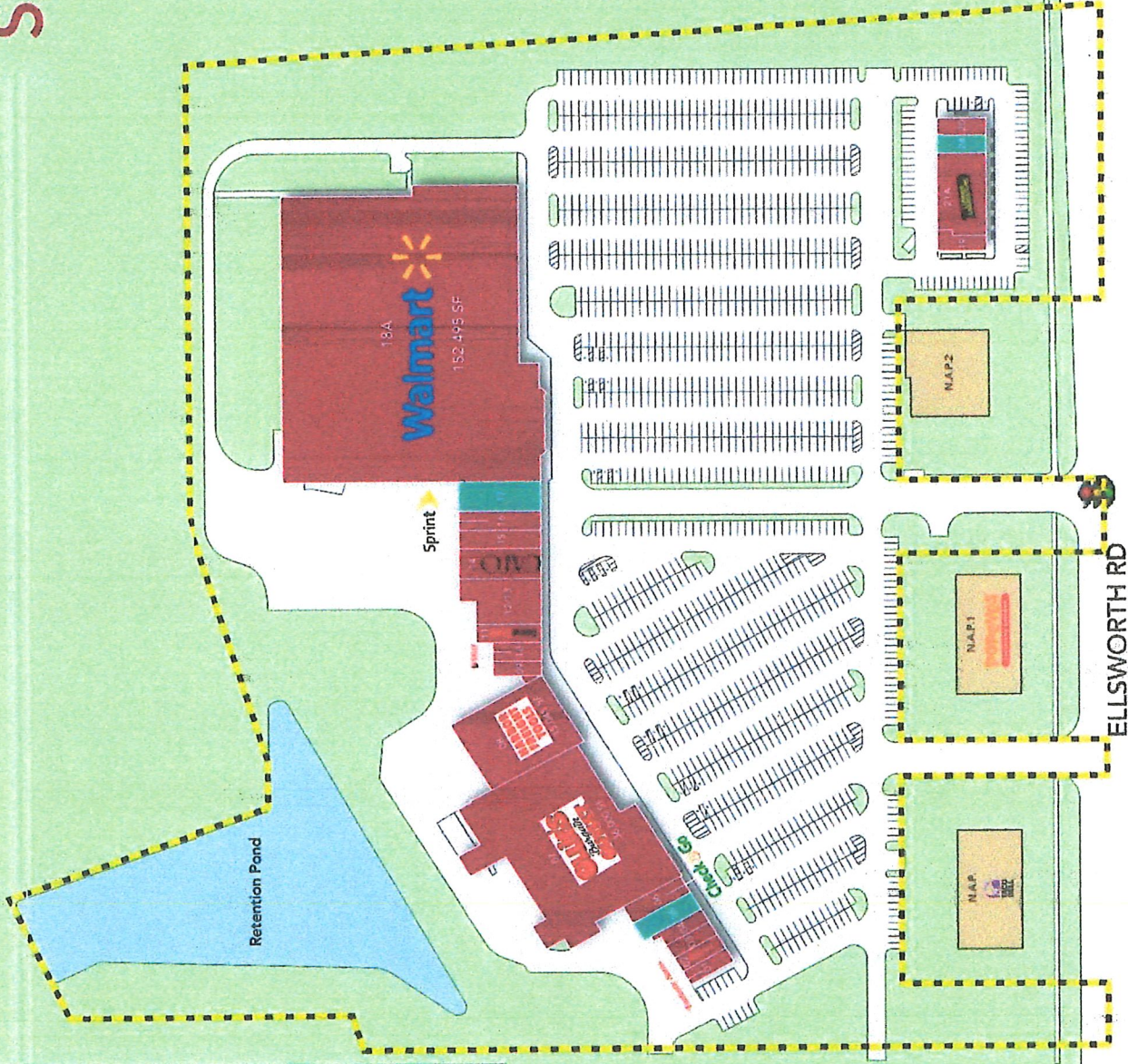
DATE 10/15/2005
BY [Signature]
SCALE AS SHOWN

PROJECT ROUND TREE SHOPPING CENTER
DATE 10/15/2005
BY [Signature]
SCALE AS SHOWN

SITE PLAN

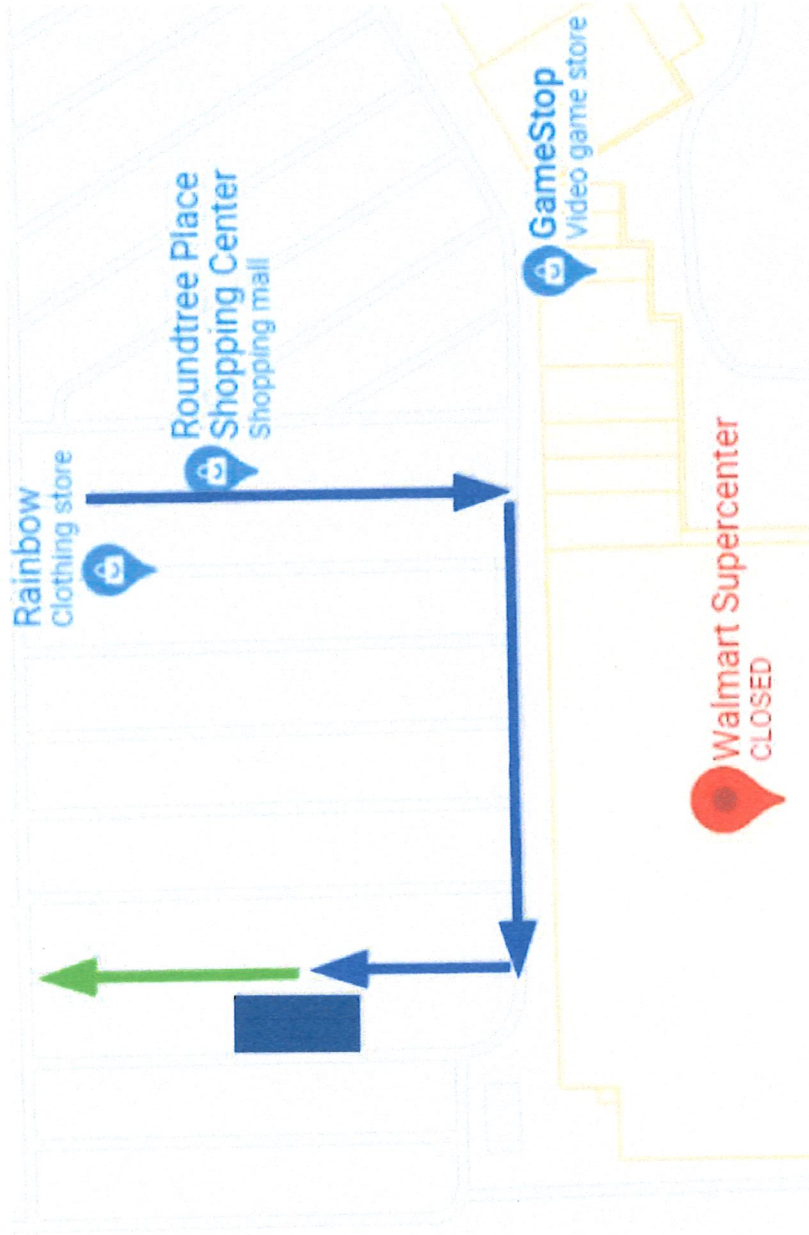
| SUITE | TENANT | SF |
|-------|--------------------------------|---------|
| 01 | Fantastic Sams | 1,200 |
| 02 | GNC | 1,200 |
| 03 | Modern Nails | 1,200 |
| 04 | Hong Kong Restaurant | 1,200 |
| 05 | Vacant | 2,200 |
| 06 | Check 'n Go | 2,000 |
| 07 | Ollie's Bargain Outlet | 36,000 |
| 08 | Harbor Freight Tools | 15,045 |
| 09 | Salon Labs | 1,200 |
| 10 | Sally Beauty Supply | 1,500 |
| 11 | GameStop | 2,000 |
| 12/13 | Dental Dreams | 5,400 |
| 14 | Cato | 4,000 |
| 15 | Sahara Market | 2,500 |
| 16 | Sprint | 2,500 |
| 17 | Vacant | 4,000 |
| 18A | Walmart | 152,495 |
| 19 | Revolver Electronic Cigarettes | 1,470 |
| 20 | Seafood Express | 1,264 |
| 21A | Lumber Liquidators | 6,891 |
| 24 | Vacant | 1,204 |

N.A.P. Taco Bell
 N.A.P.1 Popeyes
 N.A.P.2 Sinbad's Koney Island



Traffic Flow

- Lynx DX, Inc. Recognizes that lessor would like to maintain all main parking lot aisles free of standing vehicles to maintain unrestricted movement for lessor
- LynxDx will set up its drive through to ensure that access is not restricted as proposed to the right
- We can amend this as needed by the lessor
- **Blue Line** - Inbound traffic flow no cars will restrict access
- **Green Line** - Exit traffic flow no cars will restrict access
- **Blue Rectangle** - LynxDx testing site (PacVan Container with tent)



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

Zoning Board of Appeals
Staff Report

September 7, 2022

RE: 1435 Blossom Avenue (Parcel K-11-01-236-053)

Applicant:

Josh Angle
1435 Blossom Avenue
Ypsilanti MI 48198

Variance Request:

Request to permit a six-foot tall privacy fence in the required front yard along Wiard Road (maximum four-foot tall ornamental fence permitted, Section 1305.2)

Location and Summary of Request:

The subject site is a 0.22acre parcel, zoned in the R-5 single-family residential district, improved with a 1,492-square foot. The parcel is a through lot with right-of-way along two parallel sides: Blossom Avenue to the north and Wiard Road to the south. Single-family dwellings, all in the R-5 zoning district, are located to the north, east, and west; to the south is the township-owned Green Oaks golf course.

If approved, the variance request would allow for a six-foot tall fence in the required front yard along Wiard Road. Section 1305(2)(A) of the ordinance specifies that *“Only ornamental type fences shall be located in a required front yard, or in the case of a corner or through lot, in a required yard which adjoins a public or private street provided such fences shall not exceed four (4) feet in height.”*

The required front yard setback in the R-5 zoning district is 20 feet. The six-foot tall privacy fence, installed without a fence permit, is in the required front yard setback along the Wiard Road right-of-way and is not setback from the right-of-way by the required 20 feet. Only a four-foot tall ornamental fence would be permitted in this location.

On June 30, 2022, the applicant submitted a permit application for the installation of the fence and reconstruction of a driveway. On July 1, staff sent the property owner an email asking that additional information be submitted regarding the location of the fence on the property boundaries but no further contact was had from the applicant.

Cross References:

Township Zoning Ordinance – Section 1305 (Fences and walls)
Township Zoning Ordinance – Article XVII (Board of Zoning Appeals)

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

1435 Blossom Avenue



Wiard Road, looking west from subject site



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ZONING BOARD OF APPEALS
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Wiard Road, looking east from subject site



Analysis:

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 present the use of the property. A finding of practical difficulty shall require demonstration that all of 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.**

Single family dwellings typically have a customary and recognizable private rear yard. On a standard interior lot, that is a lot that is neither a through or corner lot, the ordinance would allow for the entire rear yard to be encompassed by a six-foot tall privacy fence placed on the property boundary. In the case of a through lot, however, the entire rear yard is not permitted to be fenced with a privacy fence. Any type of fence other than a four-foot tall ornamental must meet the front yard setback from the secondary right-of-way.

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7200 S. Huron River Drive, Ypsilanti, MI 48197

The subject site is a platted through lot in a high-density residential district. This parcel, like the adjacent parcels to the east and west along Blossom, benefits from an additional 38 feet of rear yard along Wiard Road that was combined with this lot from a metes and parcel.

This portion of Wiard Road has a 90-foot right-of-way, with a single traveled lane in each direction, which is a substantially wider right-of-way than a majority of thoroughfares. Additionally, the parcel to the south is being used as a township-owned golf course.

Staff finds that there is an exceptional or extraordinary circumstance applying to this property. The subject site is burdened by two rights-of-way but the 90-foot Wiard Road right-of-way to the south abuts a golf course that would mitigate any negative impact of a six-foot tall privacy fence in the required front yard.

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.

While an argument against a six-foot tall privacy fence immediately adjacent to the traveled roadway is strong, staff believes that the subject site under consideration deserves some relief from the ordinance because of the 90-foot right-of-way of Wiard Road that is likely not to be widened and the fact that the property immediately south of the site is being used as a golf course.

Allowing the full rear yard of the subject site to be encompassed by a six-foot tall fence privacy fence furthers the enjoyment of a substantial property right possessed by other properties in the same zoning district and in the vicinity.

3. That the authorizing of such variance will not be a substantial detriment to adjacent property, will not be harmful to or alter the essential character of the area, and will not materially impair the purposes of this Ordinance or the public interest.

If approved, the fence in the proposed location is not likely to be a substantial detriment to adjacent properties, be harmful to the essential character of the area, or materially impair the purposes of the ordinance or public interest. It is obvious when traveling along this portion of Wiard Road that the yards facing onto Wiard are rear yards, not front yards, where a privacy fence is customarily located.

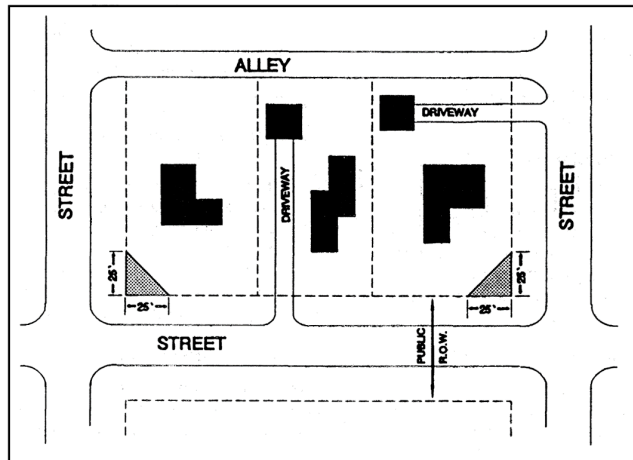
Additionally, the fence would need to be removed from the intersection of the driveway and Wiard Road right-of-way to comply with Sections 1202, Corner clearance, and 1305(3), Vision clearance, thereby mitigating any visual impediments imposed by the fence.

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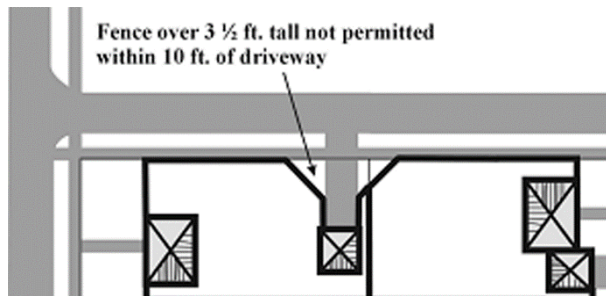
Sec. 1202. - Corner clearance:

No fence, wall, shrubbery, sign, vegetation, structure, or other obstruction to vision above a height of two (2) feet from the established street grades shall be permitted within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between said right-of-way lines at a distance along each line of twenty-five (25) feet from their point of intersection.

Sec. 1305(3) – Vision clearance



Vision clearance. All fences shall comply with Section 1202, Corner Clearance, herein. A fence that is located at the intersection of a driveway and a public sidewalk, or a sidewalk along a private street, shall not impede vision between the driveway and sidewalk.



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

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

While the applicant did install the fence without benefit of a permit, the ZBA must determine whether or not a condition of the property itself presents a practical difficulty not created by the applicant. As stated previously, the subject site is a through lot in a high density residential district, adjacent to a wide right-of-way, and adjacent to a golf course.

5. The proposed variance will be the minimum necessary and no variance shall be granted where a different solution not requiring a variance would be possible.

A compliant, four-foot tall fence could be erected, in the location where a six-foot tall fence has been installed, by right without the need for variance approval.

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 variance request to permit a six-foot tall privacy fence in the required front yard along Wiard Road to consider comments presented during this public hearing for 1435 Blossom Avenue.

Approve:

I move to approve the variance request to permit a six-foot tall privacy fence in the required front yard along Wiard Road (maximum four-foot tall ornamental fence permitted, Section 1305.2) at 1435 Blossom Avenue (Parcel K-11-01-236-053) with the following condition(s):

- The fence shall be brought into compliance with Sections 1202 and 1305.

Denial:

I move to deny the variance request to allow for the outdoor storage of a recreational vehicle in the front yard at 1435 Blossom Avenue (parcel K-11-01-236-053) due to the following reason(s):

Respectfully Submitted,

Amy Steffens, AICP
Ypsilanti Township Planning and Development Coordinator

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: 1435 BLOSSOM Parcel ID #: K-11- Zoning _____
Lot Number: _____ Subdivision: _____

III. APPLICANT INFORMATION

Applicant: JOSH ANGLE Phone: [REDACTED]
Address: 1435 BLOSSOM City: YPSILANTI State: MI Zip: 48198
Fax: _____ Email: [REDACTED]
Property Owner: SAME Phone: _____
Address: _____ City: _____ State: _____ Zip: _____
Fax: _____ Email: _____

IV. COST AND FEES

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

V. APPLICANT SIGNATURE

The undersigned JOSH ANGLE Applicant represents JOSH ANGLE Property Owner:

- That JOSH ANGLE Property Owner is/are the owner(s) of lot(s) _____ Lot _____ located in the _____ Subdivision _____ Subdivision, Ypsilanti Township, Michigan, otherwise known as 1435 BLOSSOM Address _____ and the property is zoned _____ Zoning District
- That the petitioner hereby request Variance under Section 13 Article 130^S of the Ypsilanti Township Zoning Ordinance.
Variance/Temporary Use /Regular Meeting Section Article
- The petitioner further state that [Signature] Applicant Initial 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 JOSH ANGLE Print Name 8-8-22 Date

Charter Township of Ypsilanti

Office of Community Standards

7200 S. Huron Drive, Ypsilanti, MI 48197

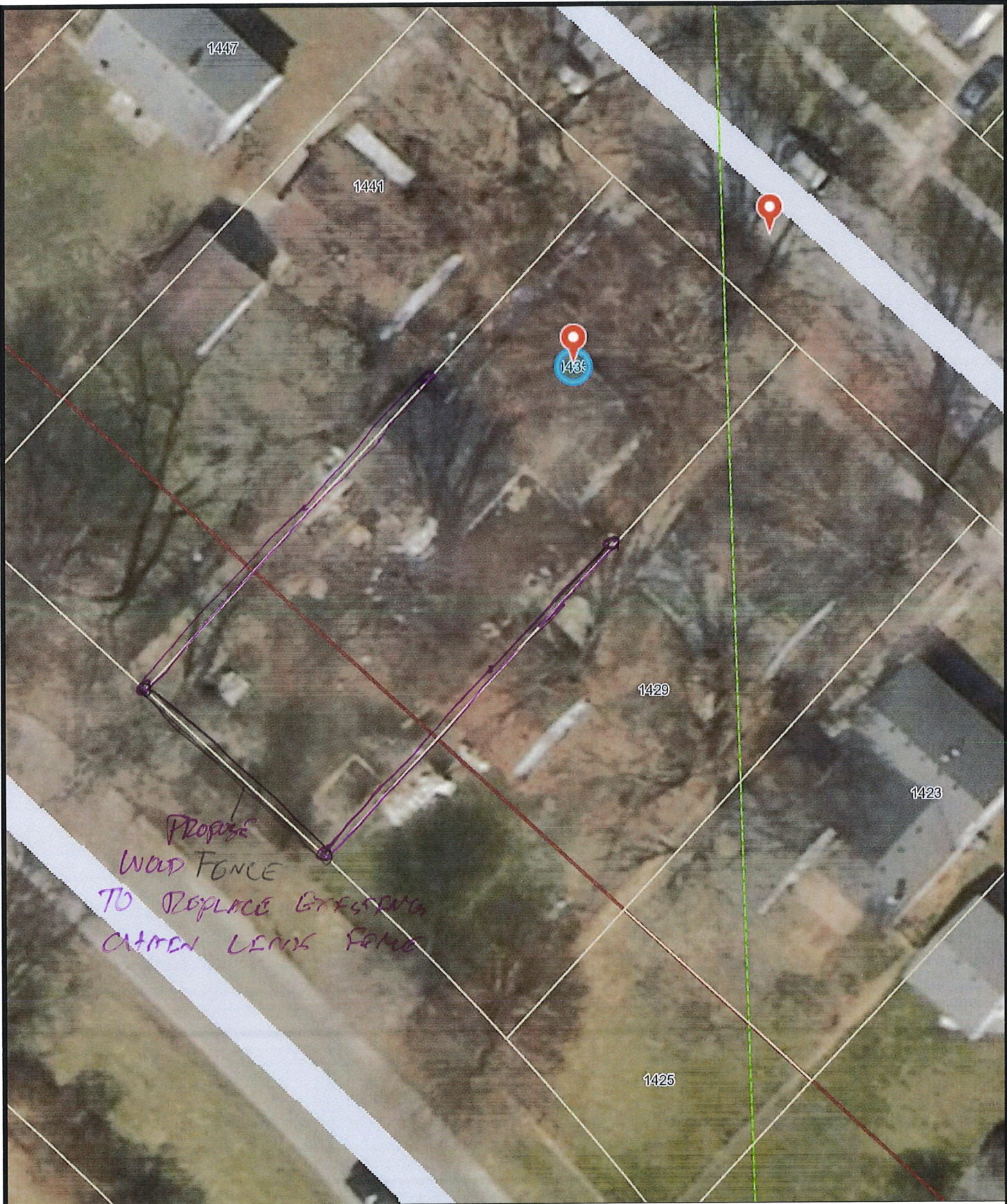
Phone: (734) 485-3943

Website: <https://ytown.org>

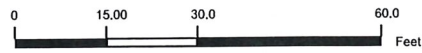
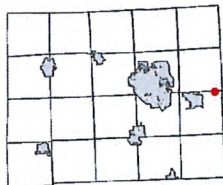
OFFICE USE ONLY

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. |



PROPOSE
WOOD FENCE
TO REPLACE EXISTING
CHAIN LINK FENCE



1: 360

8/8/2022



NOTE: Parcels may not be to scale.

The information contained in this cadastral map is used to locate, identify and inventory parcels of land in Washtenaw County for appraisal and taxing purposes only and is not to be construed as a "survey description". The information is provided with the understanding that the conclusions drawn from such information are solely the responsibility of the user. Any assumption of legal status of this data is hereby disclaimed.

Google Maps



Imagery ©2022 Maxar Technologies, U.S. Geological Survey, USDA/FPAC/GEO, Map data ©2022 100 ft



Site



2A118



2A18



Sider











