

**CHARTER TOWNSHIP OF YPSILANTI
ZONING BOARD OF APPEALS
Wednesday, May 3, 2023
6:30 p.m.**

COMMISSIONERS PRESENT

Elizabeth El-Assadi, Vice Chair
David Marshall
Brad Hine
Stan Eldridge
Edward Burnett

COMMISSIONERS ABSENT

Marsha Krachier, Chair

MANAGEMENT PRESENT

Jason Iacoangeli, Planning Director

i. CALL TO ORDER/ESTABLISH QUORUM

MOTION: Ms. El-Assadi called the meeting to order at 6:30 p.m. Ms. El-Assadi completed the roll call and confirmed a quorum was established.

ii. APPROVAL OF AGENDA

Ms. El-Assadi requested a friendly amendment to the dates of the previous approval of minutes.

MOTION: Mr. Eldridge **MOVED** to approve the agenda and change the dates from December 7, 2023, to December 7, 2022. The **MOTION** was **SECONDED** by Mr. Burnett and **PASSED** by unanimous consent.

iii. APPROVAL OF DECEMBER 7, 2022, MEETING MINUTES

MOTION: Mr. Eldridge **MOVED** to approve December 7, 2022; Regular Meeting Minutes as presented. The **MOTION** was **SECONDED** by Mr. Burnett and **PASSED** by unanimous consent.

iv. PUBLIC HEARING

Applicant: Andrew Shaw – ALDI, Inc.

Location: 1420 S. Huron Street, Ypsilanti, MI 49187

Parcel ID: K-11-38-280-014

Request: Article 5 – Sec. 503. Standards: Request for a variance to the build-to-line setbacks. Article 5 – Sec. 507.

Design Standards: Request for variance to the building location requirements.

Mr. Iacoangeli presented the highlights of the staff report. Mr. Iacoangeli stated that the Zoning Board of Appeals must hear this case judiciously and decide whether there is reason to grant variances. The applicant is present to prove the variances they request to seek relief to reasonably enjoy their property and development rights under the zoning ordinance.

The property is a 2.52-acre vacant parcel in the Seaver Farm Development, corner of South Huron Street and Brinker Way. The site is currently zoned Town Center (TC), part of the Township's new form-based zoning district, and the site type is D, and the building form is B. The primary use is for retail, group four of the zoning ordinance, and the applicant proposes constructing a new 20,664-square-foot Aldi store on the property.

The applicant's request is a relief from section 503 (The Build-to-line setbacks). The Town Center Form-Based Code requires a 10-foot build-to-line for new development in the zoning district. The ordinance makes a provision that this setback can be extended to 30 feet if the new development provides a permanent space for outdoor cafes, public spaces, or cross-connection access drive to adjacent property. Aldi has provided two elements in the plan: a public plaza and an area for a public art piece. They would also provide cross-access to the neighboring parcel to the north. This would increase the setback line to 30 feet; Aldi would have to accommodate a new easement for the proposed public water main along South Huron that is 15 feet in width. A structure or building cannot encumber this easement. YCUA is imposing that Aldi would need to provide a 15-foot-wide easement for a water main, adding to the need for additional space to set the building back further from the street. The easement cannot be burdened with a building; Aldi is seeking a variance to place the building at 40 feet from South Huron's right of way or 22 feet from the main water easement.

On the Brinker Way, it is the requirements set by the Town Center Form-Based Code. The form-based zoning requires that the main entrance to a public building be closely related to the street and identifiable to the public. Based on the nature of a grocery store type of retail use, the store requires that the front entrance also has easy access to a parking lot. Putting a grocery store into a foreign form base code where the front door must also be to the public right away doesn't leave much room for the parking to be immediately adjacent to the front door. It is based on the need to push a grocery cart from the store to the vehicle and back to the store, as ALDI does not use cart corrals in the parking lot like other stores. To present the front of the store architecture to South Huron, a parking lot has been located between the ALDI store and Brinker Way.

Mr. Iacoangeli informed the Commission that this was a new development; the Planning Commission at the last meeting stated that the Township has pushed Aldi to make sure that the two street side spaces of the building would have the best elevations that would be presented to the public. One of those elevations would need to be the main entrance, that main entrance then must accommodate parking. The Form-Based Code doesn't contemplate grocery store uses where the front door must be immediately adjacent to the parking lot. To use the best two sides of the building on the public street, the car park would be accommodated immediately adjacent to the front entrance. The other parking area would be behind the store along the new Commercial Drive. The built-to-line is located at 154 feet. The variance request on Brinker Way is 124 feet.

Section 507 Design Standards, the Town Center (TC) District Form-Based Code design standards have created a hardship on Aldi Stores, requiring that the public entrance to the building be on the street and visible to the public. Based on the need for a grocery store to have parking near the front entrance. It was necessary to use the secondary road frontage along Brinker Way for part of the parking lot. Mr. Iacoangeli pointed out that store parking is also proposed behind the building along the new Commercial Drive. The applicant seeks a variance to locate the building outside the corner adjacent to the intersection.

The Analysis was The Zoning Board of Appeals might 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 a demonstration that all the following conditions are met:

- That there are exceptional or extraordinary circumstances or conditions and the need to extend public utilities and provide easements to maintain and repair the easements along with the issues created by the ordinance with regard specifically to grocery stores and the need to have parking immediately adjacent to the public entrance requires a hardship with regarding meeting the ordinance requirements concerning build-to-line and location of the building.
- That variance is necessary to preserve and enjoy substantial property rights. The Town Center (TC) Zoning District allows for the development of retail uses. The ALDI grocery store presents a unique set of challenges related to the building needing to be oriented to the street and still providing the required parking format for a grocery store. Because South Huron is not an urban environment, these variances will allow for the grocery store to be constructed and still meet the spirit and intent of the Zoning Ordinance.

- Authorizing such variance will not be a substantial detriment to adjacent property and will not harm or alter the area's essential character. The granting of the variances requested will not cause detriment to adjacent property owners. Further, it will not be harmful to the character of the South Huron Street Corridor.
- The property and resulting need for the variance have not been self-created by any action of the applicant or the applicant's predecessors. The need for a variance is not a self-created practical difficulty. The need to loop utilities around the site and create an easement for the utilities would be required of any new development locating on this property and is not further unique to the ALDI development. The ordinance standards do not consider the unique access that a grocery store requires near the public entrance to the parking lot. The applicant has made great efforts to reduce and mitigate the need for variances and has tried to comply with the ordinance.
- 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. The variances in question would be the minimum necessary to construct the building close to South Huron Street outside the utility easement and still provide the necessary parking spaces for the grocery store to operate without issues with too few parking spaces.

Ms. El-Assadi inquired about the extension for the utilities; Mr. Iacoangeli stated that the initial requirement was to bring the water main down Huron Street to Joe Hall Drive; it was then determined that the loop didn't really need to go that far but loop the water main around the parcel and still provide water main to the new private driveway. The Engineer stated that the only part missed is the setback line requiring 10 feet. Aldi provided public space and cross-access to get the 30. But then you must add in this 50-foot-wide water meter easement. Twenty-two feet was put away from the water meter easement, which totals 40 feet from the property line.

Chris J (Design Engineer) highlighted some essential items; the view from Huron Street would have access to the sidewalk and the bike path in the front. The extra 10 feet would provide the landscaping required by the ordinance and maintain that easement. No plants/ shrubs in the easement in case of future water main repair. The parking lot is not directly visible; a wall screens it. The building entrance would be visible from Brinker Way and Huron Street to provide an easily identifiable entrance. The main water issue that YCUA and landscaping identified was taken into consideration by the design team. Aldi has met with the Township Staff/Consultants multiple times and continuously modified the proposed site layout to meet the Township vision.

Public Hearing opened at 6:57 PM

Public Hearing closed at 6:57 PM

MOTION: Mr. Eldridge **MOVED** to approve the variance request for ALDI Inc. to be located on a parcel at 1420 S. Huron Street, Ypsilanti, MI, 48197 (K-11-38-280-017). The variances are as follows:

1. Article 5, Section 503, Standards: To allow the front build-to-line for South Huron Street to be set at 40 feet from Huron Street right of way.
2. Article 5, Section 503, Standards: To allow the front build-to-line for Brinker Way to be set at 154 feet from the Brinker Way right of way.
3. Article 5, Section 507, Design Standards: To allow the building to be located outside the corner of the lot adjacent to the intersection.

The **MOTION** was **SECONDED** by Mr. Hine.

Roll Call Vote: Mr. Eldridge (Yes), Mr. Hine (Yes), Mr. Marshall (Yes), Mr. Burnett (Yes), Ms. El-Assadi (Yes). **MOTION PASSED.**

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

A. **PLANNING DEPARTMENT REPORT** – Mr. Iacoangeli informed the Commission that they were due for the election of officers in January 2023. At the next Zoning Board Meeting, the election of officers will be taking place. Members are interested in running for office/Chair/Vice-Chair/Secretary. There are upcoming developments in the pipeline. Frost Cannabis was the Township's first cannabis store. The Planning Commission approved it for a new development at Watson Street. The Pegasus Concrete Mill has a temporary CFO. They would be starting to distribute concrete in the Ypsilanti area. EMU continues constructing the men's and women's new golf facility at Eagle Crest. RNL Carriers continue with their construction project.

B. **CORRESPONDENCE RECEIVED** – None

C. **ZONING BOARD OF APPEALS MEMBERS** – None

D. **MEMBERS OF THE AUDIENCE AND PUBLIC** – None

vi. **OTHER BUSINESS**

None to Report.

vii. **ADJOURNMENT**

MOTION: Mr. Eldridge **MOVED** to adjourn at 7:02 p.m. The **MOTION** was **SECONDED** by Mr. Burnett and **PASSED** by unanimous consent.

Respectfully submitted by Minutes Services.