

**CHARTER TOWNSHIP OF YPSILANTI  
ZONING BOARD OF APPEALS  
Wednesday, July 12, 2023  
6:30 p.m.**

**COMMISSIONERS PRESENT**

Elizabeth El-Assadi, Vice Chair  
David Marshall (Alt)  
Brad Hine

**COMMISSIONERS ABSENT**

Marsha Kraycir, Chair  
Stan Eldridge  
Edward Burnett

**MANAGEMENT PRESENT**

Jason Iacoangeli, Planning Director  
Fletcher Reyher, Planning and Development Coordinator

i. **CALL TO ORDER/ESTABLISH QUORUM**

**MOTION:** Ms. El-Assadi called the meeting to order at 6:32 p.m. Ms. El-Assadi completed the roll call and confirmed a quorum was established.

ii. **APPROVAL OF AGENDA**

**MOTION:** Mr. Hine **MOVED** to approve the agenda. The **MOTION** was **SECONDED** by Mr. Marshall and **PASSED** by unanimous consent.

iii. **APPROVAL OF MAY 3, 2023, MEETING MINUTES**

**MOTION:** Mr. Hine **MOVED** to approve May 3, 2023; Regular Meeting Minutes as presented. The **MOTION** was **SECONDED** by Mr. Marshall and **PASSED** by unanimous consent.

iv. **PUBLIC HEARING**

- **Applicant:** Tapan Patel – Wolverine Eagle Hospitality.  
**Location:** 800 S. Hewitt Road, Ypsilanti, MI 48197

**Parcel ID:** K-11-18-100-022

**Request:** Article 5 – Sec. 503. Standards: Request for variance to the building

height requirements. Article 5 – Sec. 507. Design Standards: Request for variance to building transparency requirements.

Mr. Iacoangeli presented the ZBA with a request from Wolverine Eagle Hospitality for a new 78-room, 4-story Comfort Inn and Suites hotel to be constructed at 800 South Hewitt Road. The applicants request to the Zoning Board of Appeals are for two variances; Allowance for the height to be adjusted from 3-story to 4-story and for the west side of the building to have 11% transparency of the 30% that's required. Currently the subject property is zoned RC, Regional Corridor, type C which permits the proposed use by way of a special conditional use permit and site plan approval by the Planning Commission. The Wolverine Hospitality met with the Planning Commission on June 13, 2023, and obtained the preliminary site plan and conditional special land use approval. The request is to seek the variances necessary for building height and transparency.

The analysis that would grant dimensional variances is for the applicant to prove that they have exceptional qualities to the site that would allow them to deviate from what's required in the zoning ordinance.

The following are the criteria's:

- **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:** The parcel of property exhibits exceptional width to depth issues as it is a narrow piece of property. Obtaining the required number of hotel rooms, to make the hotel viable, would require additional property to be acquired. Based on the lot size, it would be difficult for the applicant to obtain 78 rooms, unless they build upwards instead of building out. With regards to transparency, the design standards require the facades to have 30% transparency, and in the case of a hotel, it is not easily achievable.
- **That a variance is necessary for the preservation and enjoyment of substantial property rights:** The variances being requested would permit the use of the property for a hotel. The current façade transparency requirements of the ordinance do not enhance the standards and functionality of the hotel design. The limitation transparency is based on not providing windows for “back of house” type operations. The applicant is unable to provide windows on one face of the building, because it would overlook laundry rooms, supply closets and that is not the intent of the ordinance to provide views of those types of facilities.
- **That the authorizing of such a variance will not be a substantial detriment to adjacent property:** The areas without windows are on the west side of the buildings which faces I-94 and that will not alter the character of the neighborhood. The height variance will not impact adjacent residential areas as there are not any

residential uses next to this new development. The variance to extend the building height would not hinder the current character of the neighborhood as the zoning district expects development that would bring a variety of building designs, even taller designs like building type D.

- **The property and resulting need for the variance has not been self-created:** The applicant did not create the current parcel; they just purchased it.
- **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 planning department view is that the additional height to the structure is reasonable based on the size of the parcel, and that other site types within the regional corridor allow for 4-story development. To gain the requested number of units to make the project viable a height variance would be required based on the size of the property.

The applicant (Tapan Patel – Wolverine Eagle Hospitality) shared with the ZBA for the request for the height and transparency variance for the construction of the 78 room Comfort Inn and Suites. Mr. Patel stated that the back end of the building would be facing the storage area and would also have the elevator shafts. Having additional windows would invade privacy.

**Public Hearing opened at 6:48 PM**

**Hearing No public Comments.**

**Public Hearing closed at 6:48 PM**

**MOTION:** Mr. Marshall **MOVED** to approve the variance request of Mr. Tapan Patel representing Wolverine Eagle Hospitality, to permit an increase in the overall height of the proposed building located within the RC, Regional Corridor, type C district from 3 stories or 38-feet to 4 stories or 53-feet to permit the construction of a 59,009 square-foot, 100 room hotel upon the property located at 800 s Hewitt, parcel K-11-18-100-022 as the following practical difficulties have been noted:

- The authorizing of the requested 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;
- It has been determined and agreed that the subject parcel has exceptional conditions requiring the additional building height.

This motion is further made with the following conditions:

- The applicant shall obtain Final Site Plan and Detailed Engineering Approval; and shall obtain all outside agency permits for the construction of the hotel.

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

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

**MOTION:** Mr. Marshall **MOVED** to approve the variance request of Mr. Tapan Patel representing Wolverine Eagle Hospitality, to permit the transparency of the western façade to be the 11% of the required 30% percent per Ordinance upon the property located at 800 s Hewitt, parcel K-11-18-100-022 to consider comments presented during this public hearing.

- The authorizing of the requested 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;
- It has been determined and agreed that the subject parcel has exceptional conditions requiring the additional building height.

This motion is further made with the following conditions:

- The applicant shall obtain Final Site Plan and Detailed Engineering Approval; and shall obtain all outside agency permits for the construction of the hotel.

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

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

- **Applicant:** The Lamkin Group, LLC.

**Location:** 1155 E. Forest Avenue, Ypsilanti, MI 48198

**Parcel ID:** K-11-03-400-033

**Request:** Article 4 – Sec. 407.3 Dimensional Requirements: Request for variance to the building setback requirements.

Mr. Iacoangeli presented the ZBA with a request for a variance to construct an office for Paschall Apartments that is located at 1155 E. Forest Avenue, Ypsilanti, MI 48198. The property is located on the north side of east Forest Avenue. The property is currently zoned multiple family. The property currently has an existing single-family home that is

proposed to be demolished to become an office building for the apartments located north on Rosewood Street, Paschall East Apartments. An apartment office building is a permitted land use in the RM-LD Zoning District, however based on the shape of the lot the setback requirements for RM-LD cannot be met. The applicant has plans to build an apartment office building and is seeking variances for the front and rear setbacks.

Mr. Iacoangeli presented the aerial photograph that shows the proposed property marked in red. Currently the lot is occupied by single family home that's owned by the apartment complex that has been rented over the years. The proposal is to demolish the single-family home and replace it with an office building that would not only serve this complex, but the other two complexes owned by the same ownership. This would be a place where people would go to pay their rent and sort out any maintenance issues.

The following are the criteria's:

- **That there are exceptional or extraordinary circumstances or conditions applying to the property:** The piece of parcel is zoned multiple family and the house is exceptionally narrow and long that doesn't fit in the district. Single family homes are allowed in multiple family districts, but it is odd to have a single-family home on the same property as a single family or multiple family development.
- **That a variance is necessary for the preservation and enjoyment of substantial use of the property:** Planning Department view is that the variance would help the functionality of the property as it is to be an apartment office for the apartment complexes.
- **That the authorizing of such a variance will not be a substantial detriment to adjacent property:** Having an office that is open only during certain business hours is more conforming and more beneficial than having a house which is in a bad condition. This development would also be an improvement of building quality and not be out of character of the neighboring properties.
- **The property and resulting need for the variance has not been self-created:** The house was already on the property before the apartment complex. When the applicant bought the property years ago, the house was already there, and they built the apartments behind it.
- **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:** An apartment office building could be constructed on this lot that complies with the required 30-foot front and rear yard setbacks. However, the lot is only 66 feet wide, and the RM-LD side yard setback requirement is a total of 60 feet. The site does not have other areas where an apartment office could go without the need for a variance. The lot is 66 feet wide, and RM-LD side yard setback requirement is a total of 60 feet. The requested variance is to allow 10 feet on one side and 38 feet on one side.

Mr. Iacoangeli stated that the arrangement is compatible because Rosewood Street is there, and the building cannot be shifted any closer to the west side because it is the access drive that goes to the apartment complex. It is required to have parking, lighting, and landscaping per the Planning Commission's preliminary approval subject to receiving the variances for this request.

Mr. Iacoangeli presented the development projects that show the elevations. The new office building would have a garage for maintenance equipment, a manager's office, kitchenette, and some open space areas. The west elevation would face Rosewood and the east elevation will face the neighboring property. Mr. Iacoangeli presented Google Earth to show the existing property, to pull down the property some mature trees would need to be removed, and the applicant would be replacing these trees which would be the area where the new office building would be built.

The applicant (Race Lamkin) stated the building would be an improvement to the neighborhood. The office operation is conducted from 113 East Michigan Avenue and the owner has just sold the building and is leasing the space until further accommodation can be found. There are leasing offices for both; one on Brown Court located towards the east, Redwood has similar apartments as in Rosewood.

#### **Public Hearing opened at 7:08 PM**

- a. Midi McMaster resident at 1180 East Forest Avenue in Ypsilanti Township for 70 years, stated that she was there when Joe Paschall bought the property from Anderson and began to build the apartments. Ms. McMaster requested the Commission to deny the request based on the following:
  - The traffic on Forest Avenue has increased, since with the placement of the curb/butter along with the pavement.
  - There is constant commotion from the apartments at Forest court (Ipsy township fire department and ambulance which is there minimum three or four times a week).
  - The approval of the variance will raise the issue of parking since it is close to the road. Parents use the sidewalk to stroll their kids. Some kids play on the road since there is no playground for the apartments at Paschall.
  - Most Paschall residents do not pay attention to a stop sign, and it would be dangerous when backing out of a driveway.
  - The recommendation is to do something that would help the community and to protect the kids living in the neighborhood.
- b. Gregory Laycock, a resident at 1144 East Forest Avenue shared his concern on the large walnut trees on the property. Many trees have been lost due to storms,

disease, and the widening of the Forest Avenue Road. The second concern is the increase in traffic that can happen due to the new development.

- c. Valerie Nieto, a resident at 1172 East Forest Avenue shared her concern on the increase of traffic and her worry on her adult child (autistic) who uses the walkways/public transport. The other concern is when getting out of the driveway, the possibility of hitting someone is high because people that drive in the neighborhood drive without looking at the signs/across the streets/driveways. Kids won't be safe while playing since they do not have a designated playground. The value of the property was another concern that was shared.

### **Public Hearing closed at 7:19 PM**

Mr. Iacoangeli shared with the Commission that accommodation for parking has been made for the complex. The traffic pattern would be from the complex that commutes to work, with an average daily trip and more vehicle trip than usual that will go to this location because it is an office for all the various units at the complexes. The Planning Commission did take this into consideration when they approved the preliminary site plan for the requirement of additional parking.

Ms. El-Assadi inquired about how an office is considered as a multi-family; Mr. Iacoangeli stated the existing plot is already an apartment complex and apartment complexes have offices. The applicant's request is for accessory use to an apartment complex that fits. The only other option is for the applicant to investigate the other complexes for space that they might already have met the requirements, and build the office there, for which they don't have to come before the Zoning Board for approval. One of the reasons for the applicant's request is because they want to get rid of that house, which is becoming a millstone for them.

The ZBA shared their recommendation on passive ways to make people drive slower, by adding speed bumps; Mr. Iacoangeli agreed on this suggestion. The Zoning Board is charged more with looking at the setbacks on the request. The Zoning Board can table this matter to allow it to have more consideration at the Planning Commission level. The proposal was reviewed by the road commission, and there were no comments with regards to concern about the amount of traffic.

Mr. Iacoangeli informed the ZBA that if the office is to be moved elsewhere on the property, regardless of the ZBA decision, it would be allowed by right. The reason for the applicant being present is because they can't meet the setback requirements. The application would have to go through a final site plan approval and to work with the applicant to discuss the traffic implications.

Mr. Iacoangeli stated that any motion made would have the condition for the applicant be required to provide traffic analysis for the trip's generated for the office, and they would be required to mitigate it, either by moving the building to a different location or provide other traffic mitigation measures that might be required. This project still needs to go through the final site plan and detailed engineering approval administratively through the planning office, and through the Township's engineer. There is still another step that must be taken before this project can be given the green light to go ahead with construction and move forward.

Ms. El-Assadi stated as per discussion to make a motion of approval and adding a caveat to state the concerns about the traffic.

A resident shared her concern on the traffic, and she recommended turning one of the apartments in the complex into an office.

**MOTION:** Mr. Marshall **MOVED** to table the variance request at 1155 E Forest Ave to the setback requirements of Section 407 of the township zoning ordinance for construction of a new apartment office building to consider comments presented during this public hearing. **Hearing No Second. The MOTION DEFERRED.**

Mr. Iacoangeli and the Commission discussed the Motion that fails due to lack of support.

Mr. Iacoangeli stated that the chair of the Zoning Board of Appeals doesn't make motions and with the size of the quorum, all three votes would have to be "Yes" votes.

The ZBA had to refer to Roberts Rules for the decision.

A member of the public wanted to share information about the operations; Ms. El-Assadi stated that public comments was closed, and she had made an exemption earlier. Having discussions outside the public forum would lead to disruption of the meeting.

Ms. El-Assadi stated that if the motion is denied, that would mean that the project must wait for a year before it is resubmitted, or they make a substantial change. On this property, a substantial change may not be made. If it is tabled, then we can make the request for more information to be presented to a bigger board that will have more opinions. If approved, it would go forward only with the ZBA opinions attached. The ZBA opinions are for the record but don't necessarily have to be followed.

Ms. El-Assadi stated that since she is the Chair, she cannot make a motion or a second motion, but only the privilege to vote.



**MOTION:** Mr. Hine made a **MOTION** table the variance request at 1155 E Forest Ave to the setback requirements of Section 407 of the township zoning ordinance for construction of a new apartment office building to consider comments presented during this public hearing.

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

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

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

A. **PLANNING DEPARTMENT REPORT – None**

B. **CORRESPONDENCE RECEIVED – None**

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

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

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

Mr. Iacoangeli stated that the Planning Department would work with Mr. Lamkin and the residents at the apartment complex to address the issues and concerns raised and if required it would be presented before the Zoning Board of Appeals.

vii. **ADJOURNMENT**

**MOTION:** Mr. Hine **MOVED** to adjourn at 7:51 p.m. The **MOTION** was **SECONDED** by Mr. Marshall and **PASSED** by unanimous consent.

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Respectfully submitted by Minutes Services.