Township Supervisor Brenda L. Stumbo Township Clerk Heather Jarrell Roe Township Treasurer Stan Eldridge



Trustees
John Newman II
Gloria Peterson
Debbie Swanson
Ryan Hunter

ZONING BOARD OF APPEALS

WEDNESDAY

MAY 3 2023, @ 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 December 07, 2023 regular meeting minutes
- 5. 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 variance to the build-to-

line setbacks. Article 5 – Sec. 507. Design Standards: Request for

variance to the building location requirements.

- 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)

CHARTER TOWNSHIP OF YPSILANTI ZONING BOARD OF APPEALS Wednesday, December 7^{th,} 2022 6:30 p.m.

COMMISSIONERS PRESENT

COMMISSIONERS ABSENT

Elizabeth El-Assadi, Chair Jimmie Wilson, Commissioner Edward Burnett, Commissioner

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.

II. APPROVAL OF AGENDA

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

III. APPROVAL OF OCTOBER 5, 2022 MEETING MINUTES

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

IV. PUBLIC HEARING

APPLICANT: Keith Sharp

LOCATION: 7220 Colchester Lane, Ypsilanti MI 48197

PARCEL: K-11-35-114-188

REQUEST: Request for variance to the rear yard setback requirement of Section 406 of the Township

Zoning Ordinance for an addition to an existing dwelling.

Mr. Iacoangeli presented the request for variance to Section 406 to construct a home addition, or sun room, on the existing home. The property is zoned R3, one-family residential. The home was constructed in 2014. It sits on a corner lot meaning it has two front-yard setbacks. The applicant submitted plans for the construction of a 224 sq ft sunroom addition which would projected into

the required backyard setback of 35 ft by 7 ft, 4 inches for 27 ft, 4 inches of setback from the property line. The home also has an easement that runs behind it and adds to the limiting factor in the rear of the yard. The applicant supplied a plot plan illustrating the easement and the 35 ft rear yard setback and the 224 sq ft sunroom addition. There is still a sizeable amount of space to the edge of the property and the applicant was able to maintain the side yard setback and the front yard setback. The way that the house is situated on the lot, there is little space to add an addition or an expansion as other homes could, primarily due to where the house was placed on the lot and that it is a corner lot. To have consistent use as compared to the use of his neighbors, the Planning Department is requesting approval for the variance request.

Mr. Burnett noted that the deck appeared close the property line. Mr. Iacoangeli stated that flat areas are allowed to encroach onto setbacks while actual structures are not. He noted there is a proposed deck addition that would wrap around the sunroom and go up to the easement line, but the deck is in conformance with ordinance standards as they are allowed to encroach into setbacks.

Mr. Wilson stated the parcel appeared to be an odd shape compared to the other homes which is likely why it has these issues.

Mr. Sharp explained that the project would add a sunroom to the rear of the home. When the home was initially built, the sunroom was an option, but they had said no at the time. Now, 7 years later, they know what they want and that is why they would have the sunroom extending out to the back with the deck around it.

Mr. Burnett asked if the deck and sunroom were larger than the builder proposed. Mr. Sharp stated that the sunroom was the same size. He noted the builder didn't offer a deck.

Mr. Wilson asked if he received signatures from their neighbors. Mr. Sharp stated he had gone around and discussed with the neighbors for what they intended and asked the neighbors had issues with the project.

Public hearing was opened at 6:40 p.m.

Mr. Butch Milchavich, 17420 Natalie Drive, asked if letters had been sent to the adjoining houses so they were aware this is going on. Mr. Iacoangeli stated that everyone within 300 ft would get notices in the mail.

Mr. Lennard Hunter, 9671 Fallmalt Drive, stated he had hoped to see an outline of the structure. Mr. lacoangeli shared the outline of the sunroom. Ms. El-Assadi noted that the images would be shared online in the Board packet with this and all other meetings.

Public hearing was closed at 6:44 p.m.

Ms. El-Assadi stated the sunroom appears to fit all the standards they require and the hardship was placed upon them by the restrictions.

Mr. Wilson stated the builder had already offered it.

MOTION: Mr. Wilson **moved** to approve the variance request at 7220 Colchester Lane to the rear yard setback requirements in Section 406 of the Township Zoning Ordinance for construction of

a new sunroom addition within the building envelope as shown on the plan dated October 24, 2022 due to the reasons stated on the record as well as comments in the staff report. Mr. Burnett **seconded** the motion. The motion **passed** with unanimous consent.

V. OPEN DISCUSSION FOR ISSUES NOT ON AGENDA

A. PLANNING DEPARTMENT REPORT -

a. 2023 Meeting Schedule would be the first Wednesday of every month at 6:30 p.m.

MOTION: Mr. Burnett **motioned** to approve the 2023 Meeting Schedule. Mr. Wilson **seconded** the motion. The motion **passed** with unanimous consent.

- B. **CORRESPONDENCE RECEIVED** None
- C. ZONING BOARD OF APPEALS MEMBERS
 - a. Mr. Wilson shared that the night prior was his last Township Board meeting and this would be his last ZBA meeting.
- D. MEMBERS OF THE AUDIENCE AND PUBLIC None

VI. OTHER BUSINESS

None to Report.

VII. ADJOURNMENT

MOTION: Mr. Wilson **MOVED** to adjourn at 6:49 p.m. The **MOTION** was **SECONDED** by Mr. Burnett and **PASSED** by unanimous consent.

Respectfully submitted by Minutes Services

Zoning Board of Appeals Staff Report

April 13, 2023

RE: 1420 S. Huron Street, Ypsilanti MI, 48197 (K-11-38-280-017)

Legal Description:

Applicant:

ALDI Inc. 2625 N. Stockbridge Road Webberville, MI 48892

Variance Request:

Request for variance to Section 503.4 Build-to-line setback and Section 507.C.b.ii corner lot building location.

Location and Zoning:

The subject site is a 2.52 acre vacant parcel that is located in the Seaver Farm Development at the corner of South Huron Street and Brinker Way. The site is currently zoned Town Center (TC) which is a form based district in the zoning ordinance. The Site Type is D and the building form is B. The primary use is retail in Use Group 4. The applicant is proposing to construct a new 20,664 square foot ALDI grocery store on the property.



Cross References:

<u>Township Zoning Ordinance</u> – Article 5 – Section 503. Standards: Request for variance to the build-to-line setbacks.

<u>Township Zoning Ordinance</u> – Article 5 – Section 507. Design Standards: Request for variance to the building location requirements.

<u>Township Zoning Ordinance</u> – Article 17- Zoning Board of Appeals.

Summary of Request:

Section 503 Standards Front Build-to-Line (South Huron): The Town Center Form Based Code requires a ten (10) foot build to line for new development in the zoning district. The Ordinance does make a provision that this setback can be extended to thirty (30') feet if the new development provides for a permanent space for an outdoor café, public space, or a cross connection access drive to adjacent property. ALDI has provided two (2) of those elements in the plan by providing for a public plaza and area for a public art piece as well as cross access to the adjacent vacant property to the north. This would increase the setback line to thirty (30') feet. However, ALDI is having to accommodate a new easement for public water main along South Huron that is proposed at fifteen (15') feet in width. This easement cannot be encumbered by a structure or building. ALDI is seeking a variance to place the building forty (40') feet from the South Huron right of way or twenty-two (22') feet from the water main easement.

Section 503 Standards Front Build-to-Line (Brinker Way): The Town Center Form Based Code requires a ten (10) foot build to line for new development in the zoning district. The Ordinance does make a provision that this setback can be extended to thirty (30') feet if the new development provides for a permanent space for an outdoor café, public space, or a cross connection access drive to adjacent property. ALDI has provided two (2) of those elements in the plan by providing for a public plaza and area for a public art piece as well as cross access to the adjacent vacant property to the north. This would increase the setback line to thirty (30') feet. The form based zoning requires that the main entrance to a public building be in close relationship 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 have easy access to the parking lot. This 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. In order to present the front of the store architecture to South Huron parking lot has been located between the ALDI store and Brinker Way. The built-to-line is located at one-hundred and fifty-four (154') feet. This is a variance request in the amount of one hundred and twenty-four (124') feet.

Section 507 Design Standards Location: The Town Center (TC) District Form Based Code design standards require that buildings on parcels that abut an intersection that the building be located in the corner closest to the intersection. The ordinance creates a hardship for the ALDI store by requiring that the public entrance to the building be at the street and visible to the public. Based on the need for a grocery store to have parking in close proximity to the front entrance it was necessary to use the secondary road frontage along Brinker Way for part of the parking lot. It should be noted that store parking is proposed behind the building along the new Commercial Drive as well. The applicant is seeking a variance to locate the building outside of the corner adjacent to the intersection.

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.

The need to extend public utilities and provide easements in order 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 require a hardship with regarding to meeting the ordinance requirements with regard to build-to-line and location of the building.

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.

The Town Center (TC) Zoning District allows for the development of retail uses. The ALDI grocery store presents a unique set of challenges as it relates 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 a totally urban environment these variances will allow for the grocery store to be constructed and still meet the spirit and intent of the Zoning Ordinance.

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.

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.

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.

The need for the variance is not a self-created practical difficulty. The requirement 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 unique to the ALDI development further. The ordinance standards do not take into account the unique access that is required by a grocery store to have close proximity to the public entrance to the parking lot. The applicant has made great efforts to reduce and mitigate the needs for variances and has tried to comply with the Ordinance.

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.

The variances in question would be the minimum necessary to construct the building as close to South Huron street outside of the utility easement and still provide the required parking spaces necessary for the grocery store to operate without issues with too few parking spaces.

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 of ALDI Inc. at 1420 South Huron for in order to provide addition information based on the comments and questions raised as a part of the public hearing.

Approve:

I move 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 the 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 of the corner of the lot adjacent to the intersection.

Denial:

I move to deny the variance request of ALDI Inc. at 1420 South Huron for the variances requested for the following reason(s)*

*State the reasons for denial

Respectfully Submitted,

Jason Iacoangeli, AICP Planning Director Ypsilanti Township

CIVIL ENGINEERS LAND SURVEYORS

2183 PLESS DRIVE, BRIGHTON, MICHIGAN 48114-9463 (810) 227-9533 FAX (810) 227-9460

EMAIL: desine@desineinc.com



April 5, 2023

Mr. Jason Iacoangeli, AICP Planning Director Charter Township of Ypsilanti Office of Community Standards 7200 S. Huron Drive Ypsilanti, Michigan 48197

Re: ALDI #62

Application for Variance

Dear Mr. Iacoangeli,

Please find enclosed the following documentation for the above referenced project:

- One (1) Zoning Board of Appeals Application for variance
- One (1) check in the amount of \$500 for application fees
- One (1) copy of the Variance Request Narrative

ALDI Inc. is proposing to develop an ALDI grocery store on parcel K-11-38-280-017 located at 1420 S. Huron Street within Section 16 of Ypsilanti Township. As a part of this project, ALDI Inc. is requesting a variance to Section 503.4, Article 5 of the Charter Township of Ypsilanti Zoning Ordinance. We are submitting the enclosed documents for review and consideration at the upcoming May 3rd, 2023 Zoning Board of Appeals meeting. If you have any questions or should you require additional information, documentation and/or plan sets, please contact us at your convenience.

Respectfully,

DESINE Inc.

Christopher A. Grzenkowicz, P.E.

cc: Mr. Andrew Shaw / ALDI Inc.

224256/ALDI 62 TWNP VAR APP Sub Ltr.040523

ALDI #62 Variance Request Narrative

April 5, 2023

ALDI Inc. is proposing to develop an ALDI grocery store on Parcel K-11-38-280-014 located at 1420 S. Huron Street in Section 16 of Ypsilanti Township. The project site is a corner lot located at the northwest corner of South Huron Street and Brinker Way within the Seaver Farm development. The project site consists of 2.52 acres of vacant property that is zoned Form Based Use — Town Center. The proposed development project consists of a single-story commercial building, paved parking area, associated infrastructure and significant landscaping. Access to the site will be provided via a shared commercial drive way off of Brinker Way on the west side of the site which will allow for future extension and connection to by the adjacent properties to the north and west. The project site does have access to public water and sanitary sewer service, which will be extended past the site to allow for future connection by the adjacent properties to the north and west. Storm water detention is provided within existing detention area A of the Seaver Farm development. Pre-treatment of storm water runoff will be provided on site.

The project site is located within the Town Center corridor of the Form Based Zoning District. The proposed development project is Site Type D, Building Form B and Use Group 4. A variance to Sections 503 and 507, Article 5 of the Charter Township of Ypsilanti Zoning Ordinance is requested for this project as outlined below:

Huron Street Build-To Line:

Section 503.4 of the Zoning Ordinance requires a 10-foot build-to line along Huron Street for the proposed development based on building form B. Per the Zoning Ordinance, the Planning Commission can approve an increase in the build to line up to a maximum of 30 feet for projects that incorporate a permanent space for an outdoor café, public space, or a cross connection access drive with an adjacent parcel. This project incorporates two of these items. A public art display pad is proposed at the southeast corner of the property near the intersection of Huron Street and Brinker Way. A cross-connection drive is proposed along the west side of the development that provides access to adjacent properties to the north and west. Per the Zoning Ordinance, the proposed ALDI development qualifies for an allowable build to line of up to 30 feet.

As a part of this development, the Ypsilanti Community Utilities Authority will require the existing water main along Huron Street, which currently ends on the north side of Brinker Way, to be extended north across the project site's Huron Street frontage. The proposed water main will be located on-site within a 15-foot-wide easement that runs parallel to the Huron Street right of way. The water main will be located 10 feet from the Huron Street right of way, thus placing the inside edge of the water main easement at 17.5 feet from the Huron Road right of way. The proposed Huron Street build to line for this project is 40 feet from the Huron Street right of way and 22.5 feet from the edge of the water main easement.

The proposed use of this development is a grocery store. As is standard with grocery stores, shopping cart use will be a prominent part of the business operation. The proposed site layout has been designed to provide convenient pedestrian access to the building entrance from both the parking area and the Huron Street pedestrian walkway while ensuring smooth, unobstructed shopping cart access to and from the parking area and meeting current ADA requirements for sidewalks and accessible routes. A reduction of

the proposed build to line to 30 feet or less from the Huron Street right of way will have a negative impact on the efficiency of pedestrian access from the parking lot and will significantly reduce the width of the unobstructed access route for shopping cart maneuvers. Furthermore, a reduction of the proposed Huron Street right of way would reduce the area available for landscaping between the proposed building and Huron Street. Planting of trees and shrubs within the water main easement should be avoided to allow access to the water main for maintenance. The proposed landscape plan has been designed to meet the Huron Street landscaping requirements while maintaining the proposed plantings between the building and the water main easement so as not to hinder water main maintenance access.

Brinker Way Build-To Line / Parking Placement:

Section 503.4 of the Zoning Ordinance requires a 10-foot build-to line along Brinker Way for the proposed development based on building form B. As outlined above, the proposed ALDI development does qualify for an allowable build to line of up to 30 feet. Section 507 of the Zoning Ordinance requires the building to be placed adjacent to both street frontages of a corner lot. However, placement of the building at the hard corner of this site, for this use, creates a conflict with the Zoning Ordinance building placement and orientation requirements of Section 507 and results in an undesirable appearance along Brinker Way.

Section 507.1.B of the Zoning Ordinance requires building placement that provides a strong visual and functional relationship with its site, adjacent sites and the primary street which the site is located. This section of the Zoning Ordinance also requires primary building entrances to be located so that they are easily identifiable with convenient public access. The proposed site layout has been designed to achieve these features while accommodating the existing site features and the proposed use of the development. The proposed Brinker Way build to line for this project is 154.0 feet and the parking lot is proposed between the building and Brinker Way. The proposed layout provides the required strong visual appearance, functional relationships and easily identifiable entrance with convenient access.

Due to the proposed grocery use of this building, it is necessary for the building entrance to have direct access to the parking area for convenient public access and efficient use of shopping carts. If the proposed layout was reversed to place the building on the corner and the parking to the north, the building floor plan would also need to be reversed which would place the building entrance on the north side of the building facing away from Brinker Way. Since the proposed site entrance drive will be located on Brinker Way, the building entrance should also be visible from Brinker Way as well as Huron Street to provide the easily identifiable entrance, which the proposed layout does provide. If the building was placed within 30 feet of Brinker Way and the building entrance was also placed on Brinker Way, the entrance would not offer convenient access for customers entering from the parking lot, would not offer efficient shopping cart use and maneuverability and would not allow for convenient curbside pickup operations. As ALDI is a small-scale grocer and not a big box retailer, it is not feasible to have a second building entrance without a significant negative impact to the efficiency of the interior design of the building and operation of the facility.

The proposed site layout allows for the front building façades to face Huron Street, Brinker Way and the parking area thus providing a strong visual appearance that has a functional relationship with the site, the adjacent sites and the primary streets. ALDI has made significant modifications to the exterior building façades to provide an extremely attractive building at the gateway entrance to the Seaver Farm development.

Reversing the proposed layout to place the building adjacent to Brinker Way and the parking on the north, would result in the rear of the building facing Brinker Way. As the rear portion of the building is utilized mainly for storage, it is not feasible to provide the same level of transparency and exterior features currently proposed for the Brinker Way façade. Reversing the layout would also place the utility meters, disconnect boxes and roof drain downspouts in direct view from Brinker Way.

The existing surface grade of the project site falls approximately 19 feet from east to west. Brinker Way has a 5% downward grade and over 10 feet of fall from Huron Street to the proposed commercial access drive location for the development. The proposed site layout allows for the proposed site grading to be designed to flow with the existing site conditions. The proposed parking area is designed to slope from the northeast corner to the southwest corner mimicking the existing grade of Brinker Way to soften the visual appearance of the proposed development. Reversing the proposed layout to place the building along Brinker Way would harden the visual appearance of the development by making the building appear significantly taller than it actually is. Since the proposed finish floor of the building needs to be near the same elevation of the existing Huron Street pedestrian walkway to ensure an ADA accessible route between the building entrance and the public walk and since the finish floor of the building needs to remain constant, the building finish floor would range from 2 feet above to 12 feet above Brinker Way between Huron Street and the proposed commercial driveway if the layout was reversed.

ALDI has worked tirelessly with the Township Planning and Zoning Department to design a development that is functional and attractive while meeting the intent and requirements of the Township Zoning Ordinance to the greatest extent feasible. ALDI has met with the Township Staff and Consultants multiple times while continually modifying the proposed site layout and building facades to meet the Township's vision for this site. We respectfully request that the Township Zoning Board of Appeals grant the variance request for this development project to allow for a more attractive, functional, convenient and efficient development than could otherwise be developed under the strict confines of the Zoning Ordinance.



