



ZONING BOARD OF APPEALS

**WEDNESDAY
September 6, 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@ypsitownship.org or 734-544-4000 ext. 1.

1. Call Meeting to Order
2. Roll Call – Determination of a quorum
3. Approval of Agenda
4. Approval of the July 12, 2023, Regular Meeting Minutes
5. Old Business

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.

6. Public Hearing

Applicant: Ted Ferenczy
Location: 1319 Davis Street, Ypsilanti, MI 48198
Parcel ID: K-11-10-407-035
Request: Article 8 – Sec. 802. Accessory Buildings and Accessory Uses: Request for Variance to the accessory building setback requirements.

7. 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
8. Any other business that may come before the Zoning Board of Appeals
9. Adjournment

(THERE IS NO WORK SESSION)

**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 (Alt)

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.

Respectfully submitted by Minutes Services.



Zoning Board of Appeals Staff Report

September 06, 2023

Re: 1155 E. Forest Ave - Parcel K -11-03-400-033

APPLICANT

Mr. Race Lamkin
The Lamkin Group LLC
7215 McKean Road
Ypsilanti, MI 48197

Variance Request:

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

LOCATION AND SUMMARY OF REQUEST

The subject property located is on the north side of east Forest Avenue. The property is zoned as RM-LD (Multiple-family low density residential district). 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, the setback requirements for RM-LD cannot be met for this specific location. The applicant has submitted plans for an apartment office building construction and the Zoning Ordinance does not allow for reduced setbacks for apartment office building construction without variance approval. The proposed apartment office building meets the front and rear setbacks, but not the side yard setbacks.

The applicant obtained preliminary site plan approval by the Planning Commission on June 27, 2023. This approval was contingent upon the applicant obtaining the required setback variance from the Zoning Board of Appeals.

CROSS REFERENCES

- Article 4 – Section 407 (Residential multiple family low density)
- Article 17 (Board of Zoning Appeals)

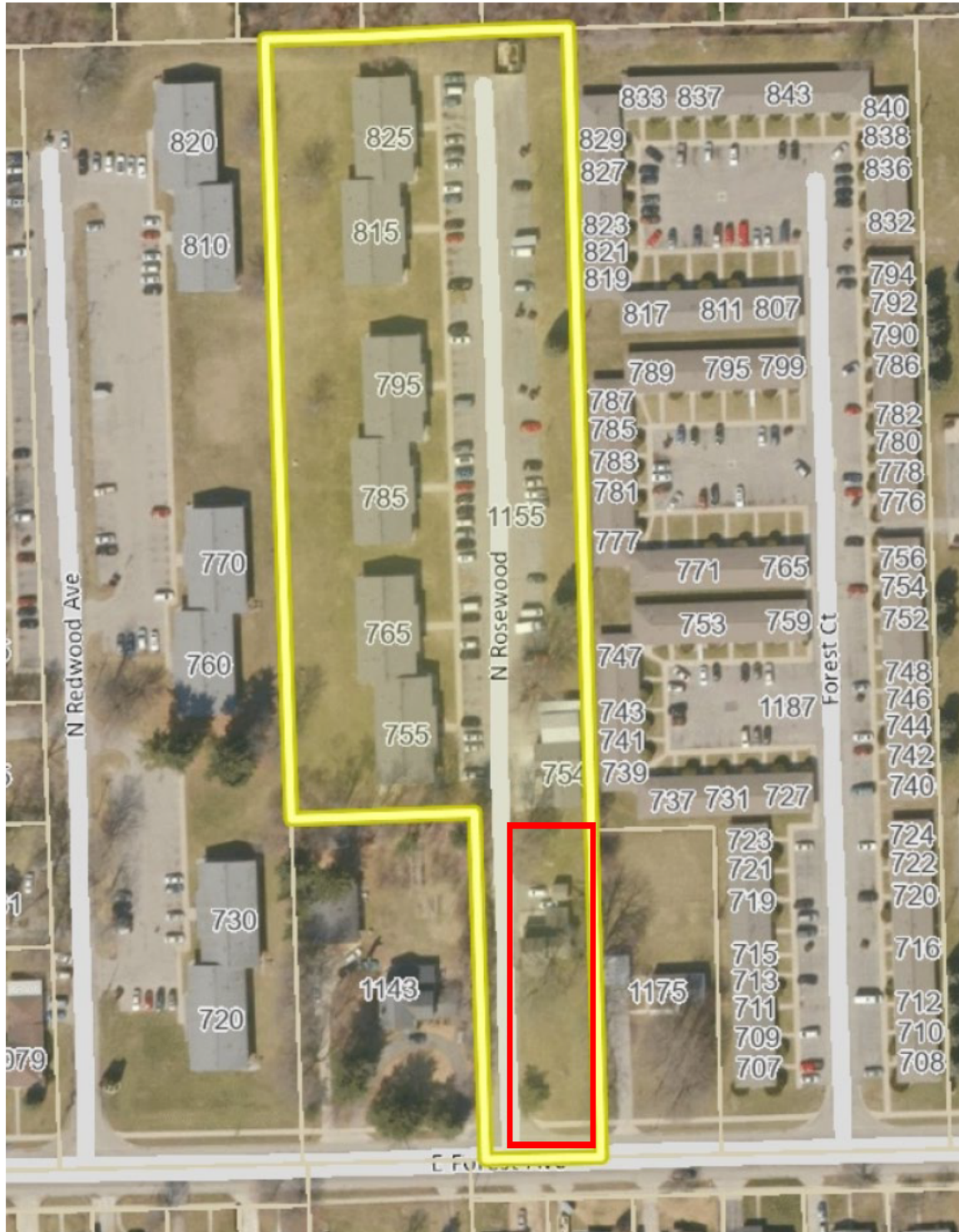
Township Supervisor
Brenda L. Stumbo
Township Clerk
Heather Jarrell Roe
Township Treasurer
Stan Eldridge



**YPSILANTI
TOWNSHIP**
— PLANNING & ZONING DEPARTMENT —

Trustees
John Newman II
Gloria Peterson
Debbie Swanson
Ryan Hunter

Aerial Photograph – 1155 E. Forest Avenue





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 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 site that would be the best for the proposed apartment office building does not meet the required RM-LD side setbacks as the area is narrow.

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.

This variance would help the functionality of the property as it is to be an apartment office for the units on the north side of the property. The current building on the site is no longer useful to the property and being able to improve the building conditions of the site also affect the neighboring properties.

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.

The current building that is located on the site already is less than 30' away from the property to the east of it. This development would also be an improvement of building quality and not be out of character of the neighborhood in design.

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 applicant did not create the current parcel and if the project were to be placed anywhere else in the parcel, it would need a variance no matter where it was placed.

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.

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.

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 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.

Approve:

I move to approve 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 within the building envelope as shown on the site plan dated 05-24-2023.

- 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 setback variance.

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 apartment office.

Denial:

I move to deny 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 within the building envelope as shown on the plot plan dated 05-24-2023.

(ZBA state reasons for denial).

Respectfully Submitted,

Fletcher Reyher, Planning and Development Coordinator

RECEIVED

BY _____

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

JUN 07 2023

ZONING BOARD OF
APPEALS APPLICATION

YPSILANTI TOWNSHIP
OCS

I. APPLICATION TYPE

- Variance
- Exceptions and Special Approvals (Includes: Temporary Uses and Structures)
- Administrative Review Appeal

II. PROJECT LOCATION

Address: 1155 E Forest Ave Parcel ID #: K-11-03-400-033 Zoning RM-LD
Lot Number: _____ Subdivision: _____

III. APPLICANT INFORMATION

Applicant: The Lamkin Group LLC Phone: (734)-945-3353
 Address: 7215 Mckean Rd City: Ypsilanti State: MI Zip: 48197
 Fax: _____ Email: race@thelamkingroup.com

Property Owner: Jo-Mar Realty Phone: (734)-483-1136
 Address: 813 E Michigan Ave City: Ypsilanti State: MI Zip: 48198
 Fax: _____ Email: paschallbroconstruction@gmail.com

IV. COST AND FEES

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

V. APPLICANT SIGNATURE

The undersigned Race Lamkin represents Jo-Mar Realty :
Applicant Property Owner

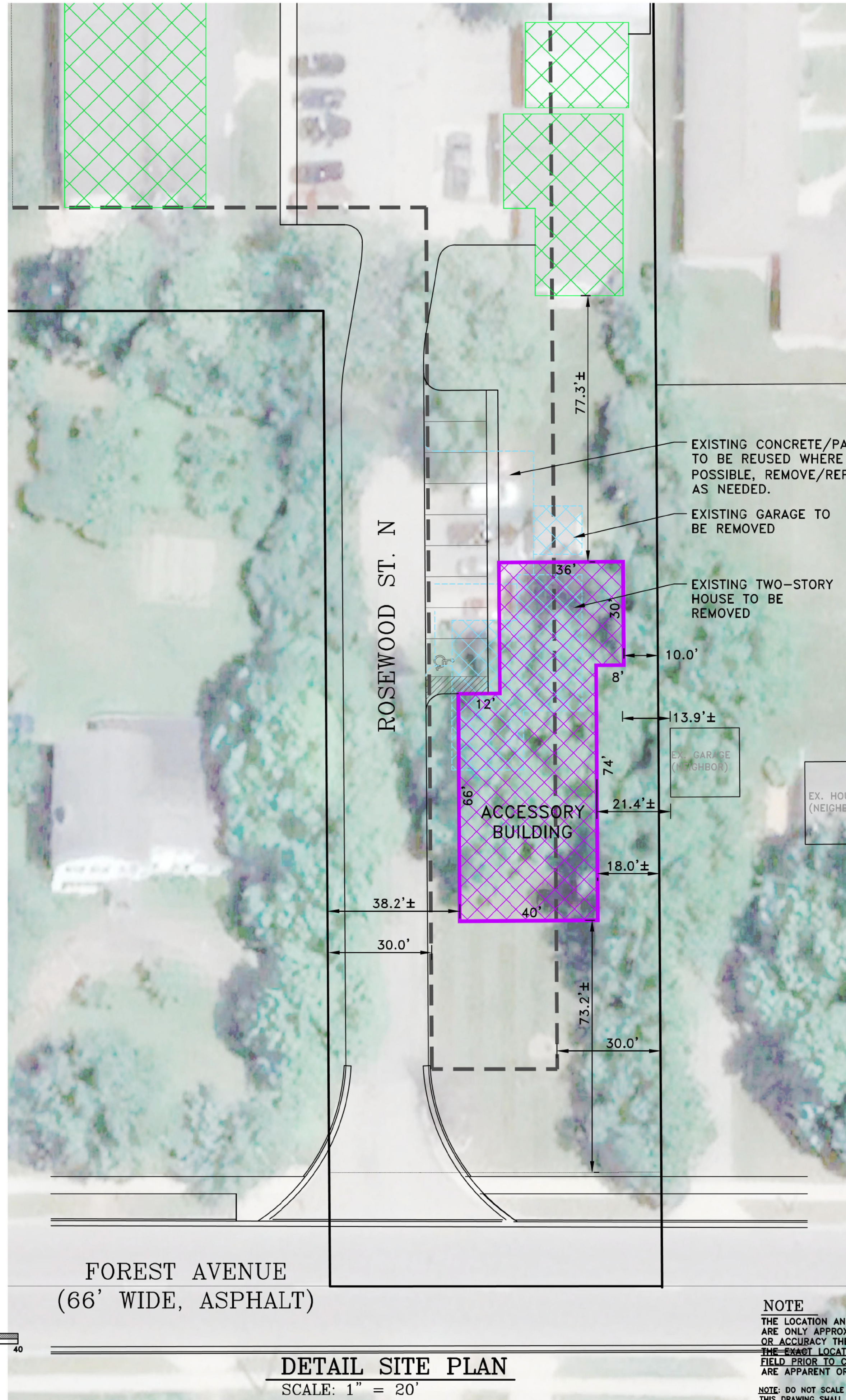
- That Jo-Mar Realty is/are the owner(s) of lot(s) N/A located in the N/A Subdivision, Ypsilanti Township, Michigan, otherwise known as 1155 E Forest Ave and the property is zoned RM-LD
Property Owner Lot Subdivision Address Zoning District
- That the petitioner hereby request variance under Section 4 Article 407.3 of the Ypsilanti Township Zoning Ordinance.
Variance/Temporary Use /Regular Meeting Section Article
- The petitioner further state that R.L. have/has read and understands the provisions of said zoning ordinance as it applies to this petition.
Applicant Initial
- That the following is submitted in support of the petition (attach all pertinent data to support the request).

[Signature] Race Lamkin 6/7/23
Applicant Signature Print Name Date



"PASCHALL EAST APARTMENTS"

1155 E. FOREST AVENUE
YPSILANTI, MICHIGAN 48198



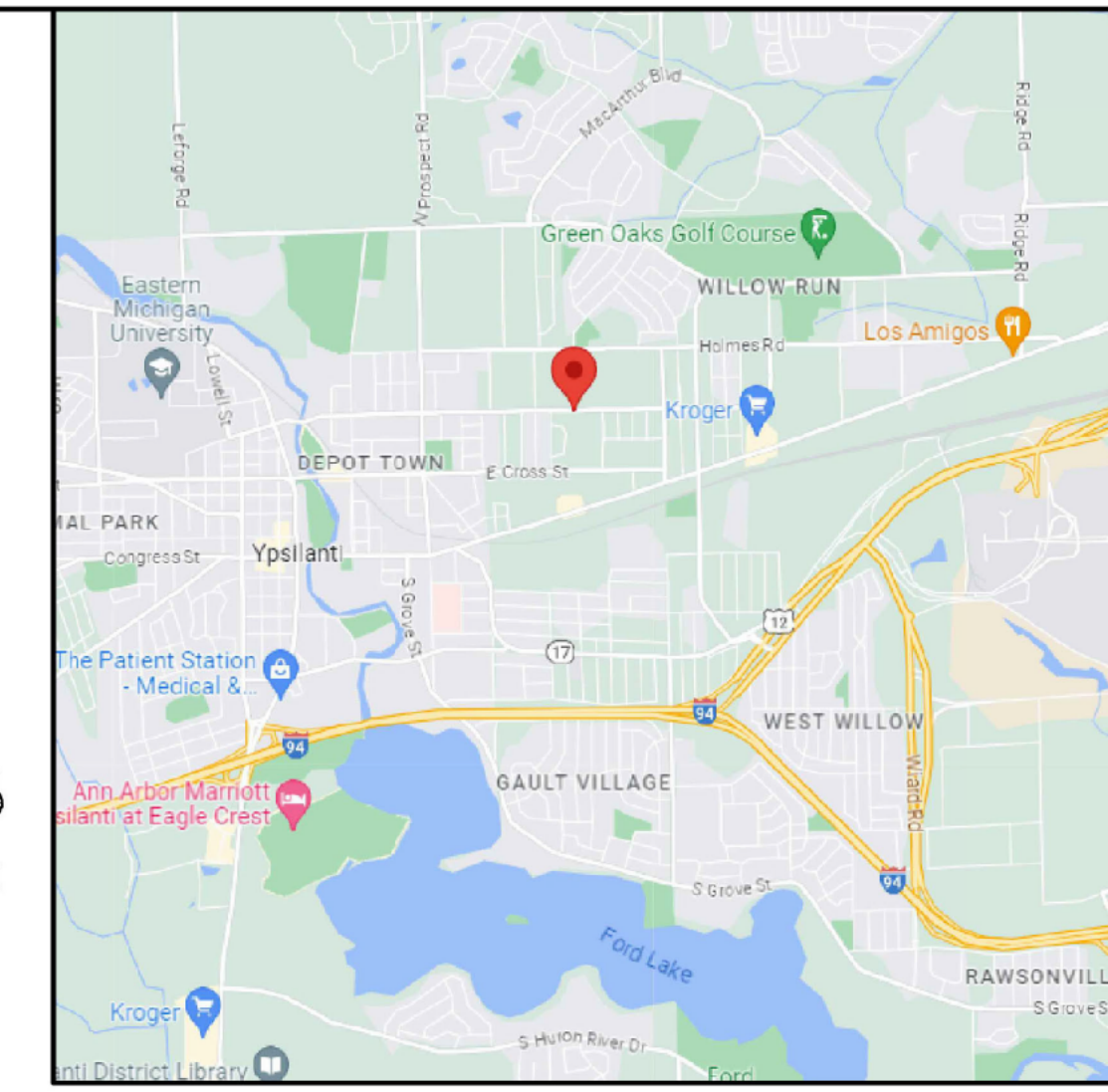
FOREST AVENUE
(66' WIDE, ASPHALT)

DETAIL SITE PLAN
SCALE: 1" = 20'

NOTE

THE LOCATION AND ELEVATION OF EXISTING UNDERGROUND UTILITIES AS SHOWN ON THESE DRAWINGS ARE ONLY APPROXIMATE. NO GUARANTEE IS EITHER EXPRESSED OR IMPLIED AS TO THE COMPLETENESS OR ACCURACY THEREOF. THE CONTRACTOR SHALL BE EXCLUSIVELY RESPONSIBLE FOR DETERMINING THE EXACT LOCATION AND ELEVATION OF EXISTING UTILITIES AND PROPOSED UTILITY CROSSINGS IN THE FIELD PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL NOTIFY THE ENGINEER IF ANY CONFLICTS ARE APPARENT OR IF THE LOCATION OR DEPTH DIFFERS SIGNIFICANTLY FROM THE PLANS.

NOTE: DO NOT SCALE DRAWING, USE PRINTED DIMENSIONS ONLY. IF DRAWING IS REPRODUCED IN A SIZE OTHER THAN 24" x 36", SCALE MAY DIFFER. THIS DRAWING SHALL NOT BE DUPLICATED, MODIFIED, TRANSFERRED OR ISSUED WITHOUT THE WRITTEN CONSENT OF DAVID ARTHUR CONSULTANTS, INC. - COPYRIGHT 2023.



LOCATION MAP
N.T.S.

LEGAL DESCRIPTION

PARCEL #K-11-03-400-033

YP#3-67C COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4, THENCE SOUTH 89° 58' WEST 428.74' FEET TO THE PLACE OF BEGINNING; THENCE NORTH 0° 23' WEST 914.90 FEET; THENCE NORTH 89°57' WEST 246.36 FEET; THENCE SOUTH 0° 23' EAST 631.90 FEET; THENCE NORTH 89° 58' EAST 150.00 FEET; THENCE SOUTH 0° 23' EAST 283.00 FEET; THENCE NORTH 89° 58' EAST 96.36 FEET TO THE PLACE OF BEGINNING, BEING PART OF SECTION 3, T3S, R7E, YPSILANTI CHARTER TOWNSHIP, WASHTENAW COUNTY, MICHIGAN.

PARCEL CONTAINS 4.20± ACRES

NARRATIVE

THE PROJECT CONSISTS OF THE REMOVAL OF AN EXISTING TWO STORY HOUSE, GARAGE, DRIVEWAY AND SIDEWALKS AND SHALL BE REPLACED WITH A SINGLE STORY BUILDING TO BE USED TO MANAGE THE EXISTING APARTMENTS ON SITE. THE PROPOSED BUILDING IS AN ACCESSORY USE TO THE EXISTING APARTMENTS ON-SITE.

THE BUILDING WILL INCLUDE OFFICES FOR MANAGEMENT, CONFERENCE ROOM(S) AND ACCESSORY SPACES TO SUPPORT THE TENANTS OF THE EXISTING APARTMENTS COMPLEX. THE IMPROVEMENTS WILL ALSO INCLUDE THE REQUIRED PARKING FOR THE COMPLEX MANAGER ALONG WITH ADA COMPLIANT SPACES AND AN ACCESSIBLE PATH FROM THE PARKING SPACES TO THE NEW BUILDING ENTRANCE.

NO OTHER CHANGES ARE PROPOSED ON SITE.

EXISTING PROPERTY ZONING: RM-LD (RESIDENTIAL MULTIPLE-FAMILY: LOW DENSITY)

THERE IS NO PROPOSED CHANGE IN USE OF THE SITE

EXISTING MINIMUM REQUIRED SETBACKS:

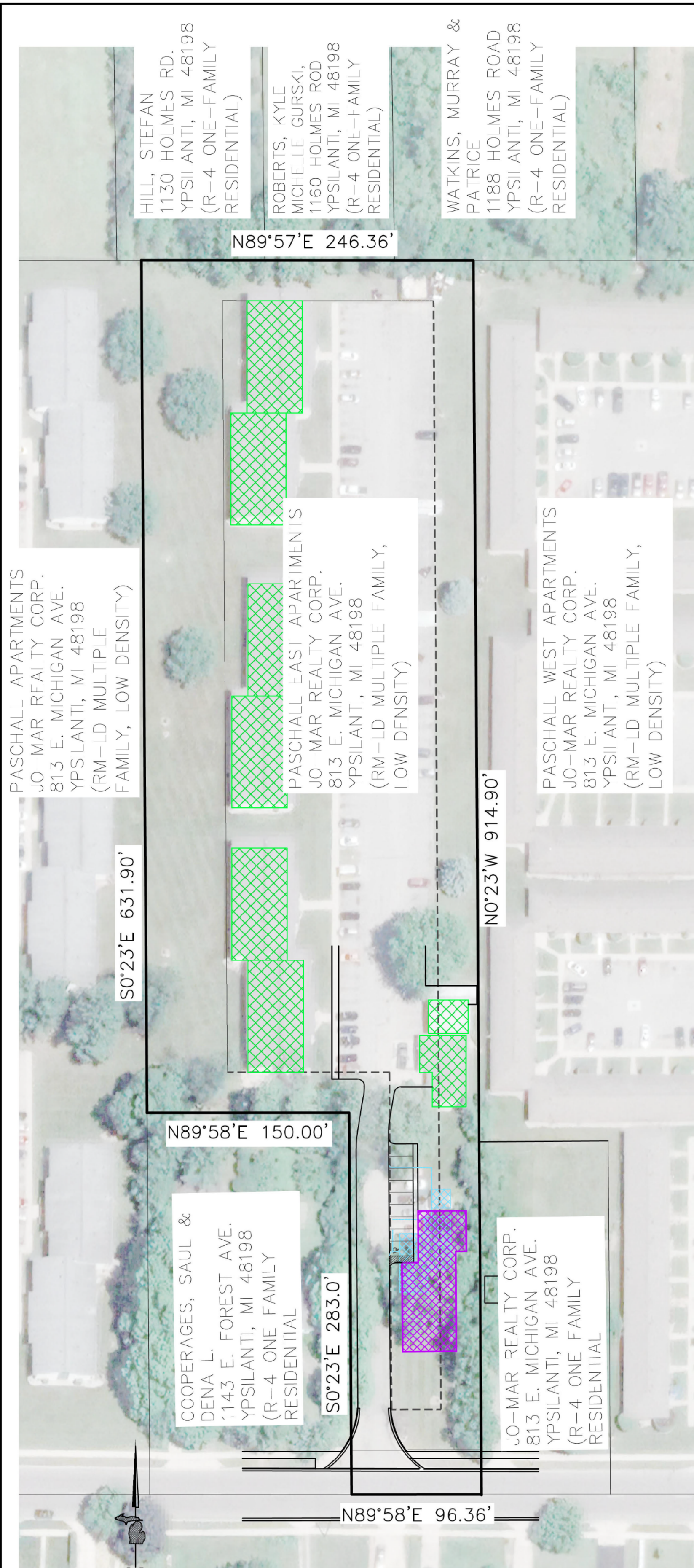
- FRONT - 30'
- REAR - 30'
- SIDE - 30' LEAST/ 60' TOTAL

PROPOSED BUILDING SETBACK DISTANCES:

- FRONT - 50'
- REAR - N/A
- SIDE - 10' (MIN.)/50' TOTAL

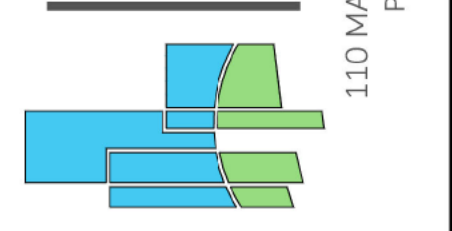
VARIANCE AS REQUESTED:

	ORDINANCE SECTION	CURRENT ORDINANCE REQUIREMENTS	REQUESTED VARIANCE	COMMENTS	
①	SIDE YARD SETBACK	ARTICLE IV, SECTION 407 RESIDENTIAL MULTIPLE-FAMILY, SIDE YARD	30'	10'	IN ACCORDANCE WITH SECTION 802, 7, NO ACCESSORY BUILDING SHALL BE LOCATED CLOSER THAN 5' TO ANY SIDE YARD LOT LINE.
		60'(BOTH)	48'(BOTH)		



OVERALL SITE PLAN
SCALE: 1" = 60'

DAVID ARTHUR CONSULTANTS, INC.
110 MAIN STREET, DUNDEE MI 48131
PHONE: (734) 823-5080



FOR REVIEW

PASCHALL EAST APARTMENTS
1155 E. FOREST AVENUE,
YPSILANTI, MICHIGAN 48198
VARIANCE SITE SKETCH

DEVELOPER/OWNER:
PASCHALL EAST APARTMENTS
DOUG PASCHALL
JO-MAR REALTY GROUP
813 E. MICHIGAN AVENUE
YPSILANTI, MICHIGAN 48198
PHONE:
FAX

REVISIONS	DATE	BY
FOR REVIEW	05/10/23	JRN
FOR REVIEW	05/22/23	JRN
FOR REVIEW	05/24/23	JRN

SCALE* AS NOTED
PLOT DATE 5/24/23
JOB NO. 23-D-5232
SHEET NO. C1



FOR REVIEW

PASCALL EAST APARTMENTS

1155 E. FOREST AVENUE,
YPSILANTI, MICHIGAN 48198

CONCEPTUAL DESIGN

DEVELOPER/OWNER:

PASCALL EAST APARTMENTS

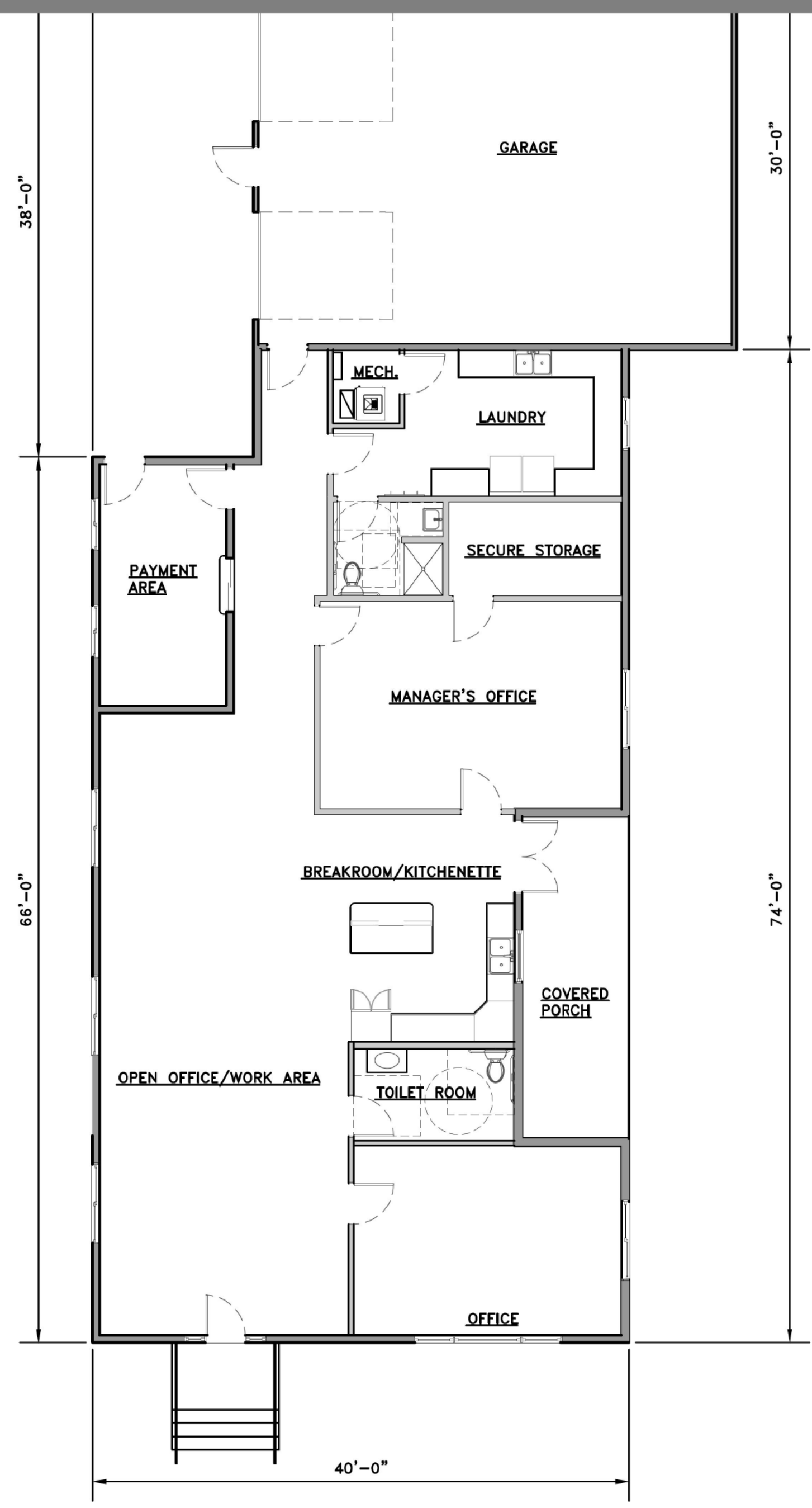
DOUG PASCALL
JO-MAR REALTY GROUP
813 E. MICHIGAN AVENUE
YPSILANTI, MICHIGAN 48198
PHONE:
FAX

REVISIONS

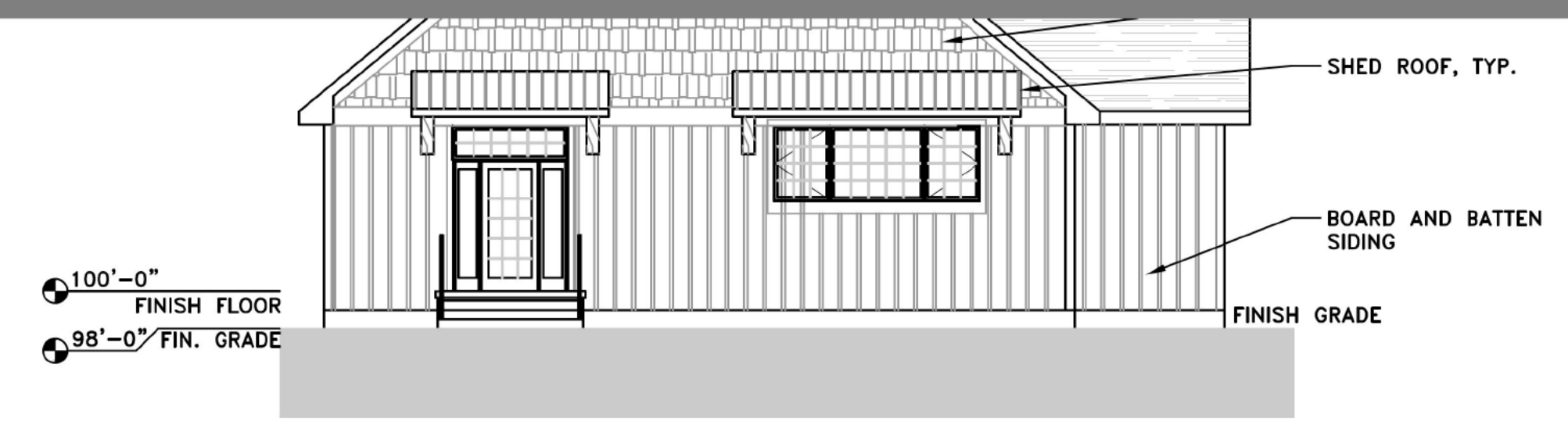
ITEM	DATE	BY	REVIEWED BY
FOR REVIEW	05/10/23	JRN	
FOR REVIEW	05/22/23	JRN	
FOR REVIEW	05/24/23	JRN	

SCALE* AS NOTED
PLOT DATE 5/24/23
JOB NO. 23-D-5232

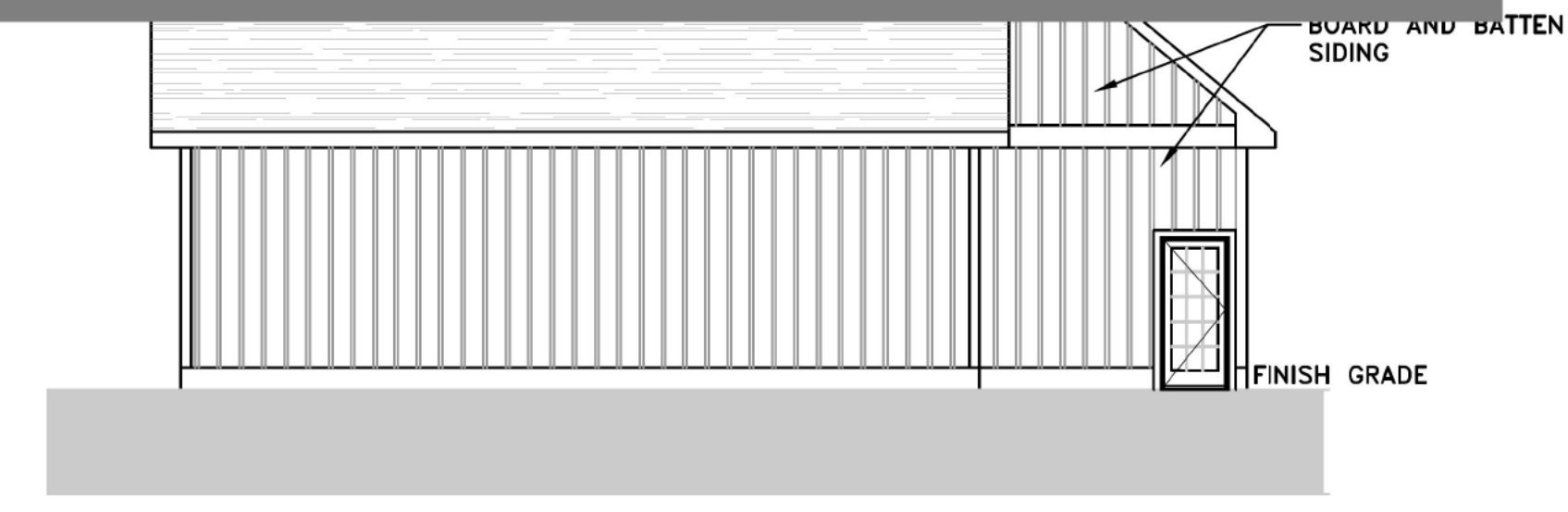
SHEET NO.
A.1



CONCEPTUAL FLOOR PLAN
SCALE: 1/8" = 1'-0"



SOUTH ELEVATION
SCALE: 1/8" = 1'-0"



NORTH ELEVATION
SCALE: 1/8" = 1'-0"



WEST ELEVATION
SCALE: 1/8" = 1'-0"



EAST ELEVATION
SCALE: 1/8" = 1'-0"

NOTE

THE LOCATION AND ELEVATION OF EXISTING UNDERGROUND UTILITIES AS SHOWN ON THESE DRAWINGS ARE ONLY APPROXIMATE. NO GUARANTEE IS EITHER EXPRESSED OR IMPLIED AS TO THE COMPLETENESS OR ACCURACY THEREOF. THE CONTRACTOR SHALL BE EXCLUSIVELY RESPONSIBLE FOR DETERMINING THE EXACT LOCATION AND ELEVATION OF EXISTING UTILITIES AND PROPOSED UTILITY CROSSINGS IN THE FIELD PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL NOTIFY THE ENGINEER IF ANY CONFLICTS ARE APPARENT OR IF THE LOCATION OR DEPTH DIFFERS SIGNIFICANTLY FROM THE PLANS.



NOTE: DO NOT SCALE DRAWING, USE PRINTED DIMENSIONS ONLY. IF DRAWING IS REPRODUCED IN A SIZE OTHER THAN 24" x 36", SCALE MAY DIFFER. THIS DRAWING SHALL NOT BE DUPLICATED, MODIFIED, TRANSFERRED OR ISSUED WITHOUT THE WRITTEN CONSENT OF DAVID ARTHUR CONSULTANTS, INC. - COPYRIGHT 2023.



Zoning Board of Appeals Staff Report

September 06, 2023

RE: 1319 Davis Street – Parcel K-11-10-407-035

Applicant:

Ted Ferenczy
3140 Platt Road
Ann Arbor, MI 48108

Variance Request:

Request for variance to the setback requirements of Article 8 – Sec. 802. – Accessory building and accessory uses: of the Township Zoning Ordinance for the construction of a garage addition. This variance request is being sought after the fact as the garage addition was erected without the necessary permits.

Location and Summary of Request:

The subject site is a 0.382-acre parcel, located in the Turnbull Subdivision, and is zoned R-5 – One-Family Residential. The home was constructed in 1950. And single-family dwellings surround the subject site in all directions. The home is currently being operated as an apartment building with three (3) separate units.

Township Planning Department has the following historical information to share with the Zoning Board of Appeals to better inform their understanding and ultimate decision:

- The garage addition was constructed in 2022 without a Building Permit.
- Township Staff became aware of this situation and sent Mr. Ferenczy a Notice of Violation on September 27, 2022. The N.O.V. requested that Mr. Ferenczy submit a Building Permit Application for review.
- A Building Permit Application was submitted on October 10, 2022. Staff required the applicant to submit revised plans as they were not adequate to review.
- January 31, 2023, the applicant submitted revised plans for the Building Permit Application. The permit was denied by Planning Department Staff because the garage addition did not meet the side yard setback requirements of Article 8 – Sec. 802. – Accessory building and accessory uses: of the Township Zoning Ordinance. The plans indicated a side yard setback of 3'6" when 5' is the minimum setback requirement.



- May 26, 2023, the Township Planning Department received a Construction Board of Appeals application from the applicant appealing the denial of his Building Permit Application. The Township Planning Department rejected the construction Board of Appeals application as this decision is a matter of zoning compliance and not building code interpretation.
- June 06, 2023, the Township Planning Department sent the applicant a new letter rejecting the Construction Board of Appeals application and requesting a Zoning Board of Appeals application to seek relief from Article 8 – Sec. 802 setback requirements.
- August 09, 2023, the Township Planning Department received a Zoning Board of Appeals Application from Mr. Ferenczy seeking relief from Article 8 – Sec. 802 setback requirements.

The applicant is seeking relief from Article 8 – Sec. 802 setback requirements. Mr. Ferenczy is asking the Zoning Board of Appeals to consider granting him an 18” variance to the required 5’ side yard setback requirement of Sec. 802.

Per Sec. 802.7:

“No detached accessory building shall be located closer than ten (10) feet to any main building nor shall it be located closer than five (5) feet to any side or rear lot line. A structure built of noncombustible product may be located closer than ten (10) feet to the main building at the discretion of the Building Official.”

Accessory Building Setback	Required	Proposed
	5 Feet	3'-6"

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



**YPSILANTI
TOWNSHIP**
— PLANNING & ZONING DEPARTMENT —

Trustees
John Newman II
Gloria Peterson
Debbie Swanson
Ryan Hunter

Aerial View – 1319 Davis Street





1319 Davis Street Exterior



Cross References:

Article 8 – General Provisions
Article 17 – Zoning Board of Appeals

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 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.



There are no exceptional or extraordinary circumstances applying to this property in question. The property is large enough to accommodate detached garage additions within the requirements of the Zoning Ordinance.

2. That a variance is necessary for the preservation and enjoyment of a substantial property right possessed by other properties in the same zoning district and in the vicinity.

Most homes on Davis Street have a detached garage for one or two automobiles. 1319 Davis Street already had a three-bay detached garage. The property owner could have added an additional bay to the right (East) of the garage and conformed with all Zoning Ordinance requirements. This variance is not necessary for the preservation and enjoyment of a substantial property right because the applicant could have made other arrangements.

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.

Variance relief for this property will not be a substantial detriment to adjacent property, will it be harmful to or alter the essential character of the area, and will not impair the purposes of this Ordinance or the public interest.

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 self-created. The applicant constructed the garage addition without a Building Permit Application. If the applicant were to submit the correct application, the Planning Department would have denied the application because of the encroachment into the requirement side yard setback of 5 feet.

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.

It is of the Planning Department's opinion that the applicant could have constructed a detached garage addition without a variance.

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 at 1319 Davis Street to the setback requirements of Section 802 of the Township Zoning Ordinance for the construction of a detached garage addition.

Approve:

I move to approve the variance request at 1319 Davis Street to the setback requirements of Section 802 of the Township Zoning Ordinance for the construction of a detached garage addition within the building envelope as shown on the plot plan dated October 10, 2022, with the following conditions:

- 1) The applicant shall shingle the roof of the garage so that the colors all match.
- 2) The applicant shall paint the entire building so to match in color.
- 3) The applicant shall make all garage doors match.

Denial:

I move to deny the variance request at 1319 Davis Street to the setback requirements of Section 802 of the Township Zoning Ordinance for the construction of a detached garage addition within the building envelope as shown on the plot plan dated October 10, 2022, with the following conditions:

- 1) The applicant shall demolish the constructed detached garage addition within sixty (60) days of the conclusion of this meeting.
- 2) The applicant shall obtain all necessary permits prior to the demolition of the building.

Respectfully Submitted,

Fletcher Reyher
Planning and Development Coordinator



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BY LD

AUG 09 2023

YPSILANTI TOWNSHIP
OCS

Walter Hamilton | Attorney

email: whamilton@a2.mich.com

firm: (734) 769-7500

direct: (734) 769-7503

fax: (734) 627-4939

August 1, 2023

Charter Township of Ypsilanti
Office of Community Standards
7200 S. Huron River Drive
Ypsilanti, MI 48197

Re: 1319 Davis Street
ZBA Appeals Variance Request

Dear Sir or Madam;

Enclosed is a Zoning Board of Appeals Application respecting the above referenced property.

If the appeal documentation is not correct or if anything else is required be contact me.

Thank you for your consideration.

Very Truly Yours,

Walter K. Hamilton

Walter K. Hamilton

Direct Dial Telephone: (734) 769-7503

Walter Hamilton
Kymberlie London
Kristin Davis

Retired:
Michael Schroer
Edward L. Vandenberg
Judith W. Judge

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

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BY LB

AUG 09 2023

ZONING BOARD OF APPEALS APPLICATION

YPSILANTI TOWNSHIP

I. APPLICATION TYPE

OCS

- Variance
 Exceptions and Special Approvals (Includes: Temporary Uses and Structures)
 Administrative Review Appeal

II. PROJECT LOCATION

Address: 1319 Davis Street Parcel ID #: K-11-10-407-035 Zoning R1
Lot Number: 18-20 Subdivision: Turnbull's

III. APPLICANT INFORMATION

Applicant: Ted Ferenczy Phone: [REDACTED]

Address: [REDACTED]

Fax: None Email: None

Property Owner: Ted Ferenczy Phone: [REDACTED]

Address: [REDACTED]

Fax: None Email: None

IV. COST AND FEES

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

V. APPLICANT SIGNATURE

The undersigned Ted Ferenczy represents Ted Ferenczy :

Applicant

Property Owner

1. That Ted Ferenczy is/are the owner(s) of lot(s) 18-20 located in the Turnbull's Subdivision, Ypsilanti Township, Michigan, otherwise known as 1319 Davis and the property is zoned R1

Property Owner

Lot

Subdivision

Address

Zoning District

2. That the petitioner hereby request variance under Section 802 Article VIII of the Ypsilanti Township Zoning Ordinance.

Variance/Temporary Use /Regular Meeting

Section

Article

3. The petitioner further state that [REDACTED] have/has read and understands the provisions of said zoning ordinance as it applies to this petition.

Applicant Initial

4. That the following is submitted in support of the petition (attach all pertinent data to support the request).

[Signature]
Applicant Signature

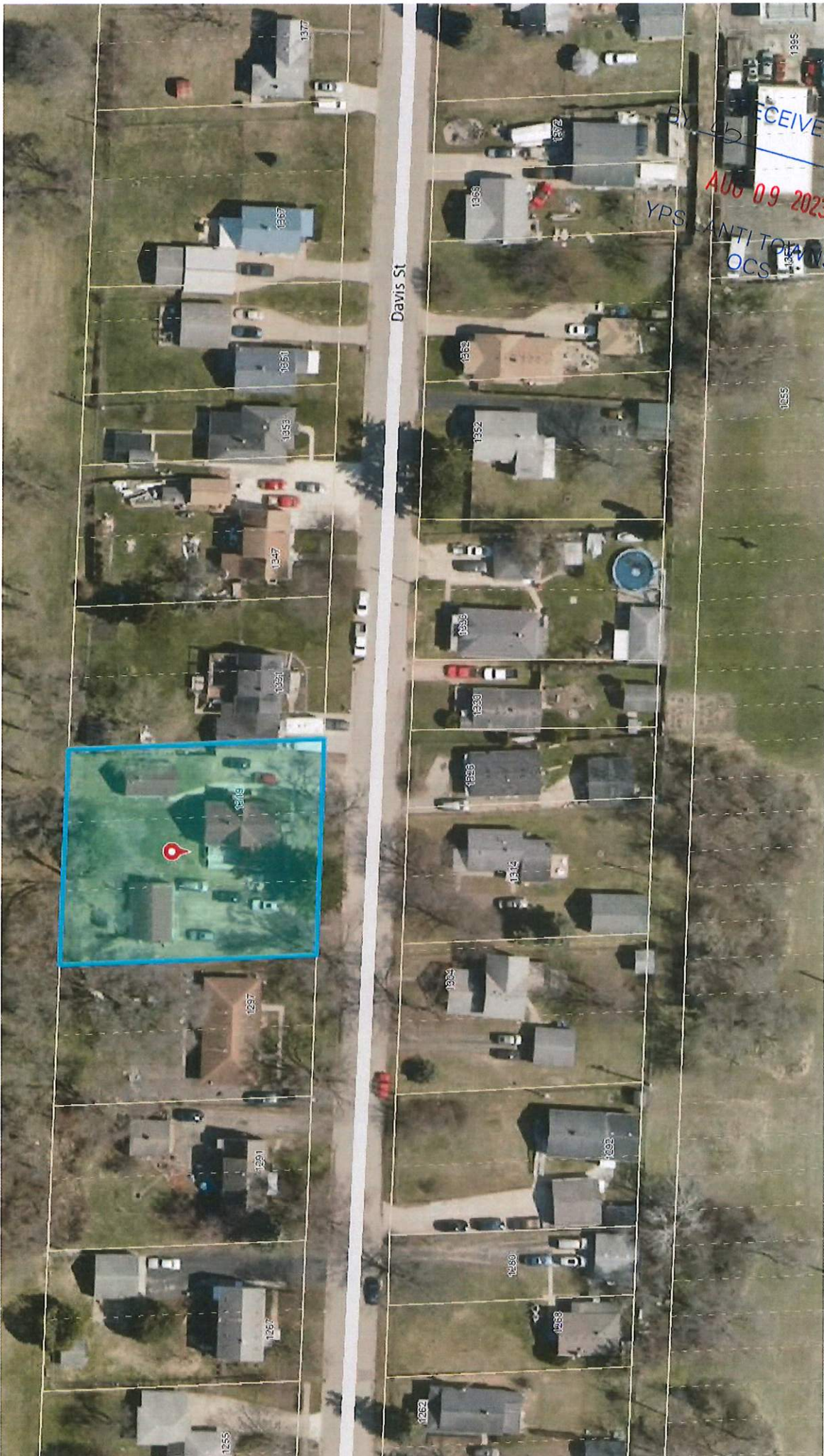
Ted Ferenczy
Print Name

July 31, 2023
Date

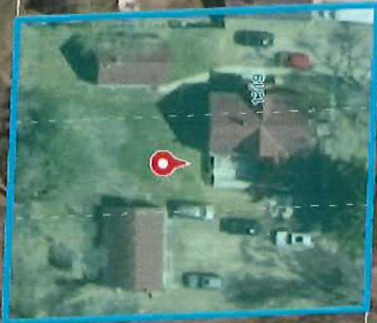
All Zoning Board of Appeals Applications	
<input type="checkbox"/> The application is filled out in its entirety.	<input type="checkbox"/> Plot plan or lot survey to scale showing the following:
<input type="checkbox"/> If the applicant is not the property owner, written and signed permission from the 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.

ATTACHMENT TO ZONING BOARD OF APPEALS
APPLICATION

1. My name is Ted Ferenczy and I am the owner of the property at 1319 Davis Street in Ypsilanti Township. Tax Parcel ID# K-11-10-407-035.
2. In 2022 I decided to repair the West wall of the garage on the property and to extend the garage by an additional 10'.
3. The Township website does list "addition" as an activity requiring a Building Permit.
4. I interpreted "addition" to mean an addition to the residential structure and did not believe that I needed a Building Permit to make an addition to a garage.
5. I did construct the addition in 2022.
6. If I was wrong in my interpretation it was an innocent mistake and I was and remain willing to correct that error.
7. I was and remain happy to obtain a Building Permit and inspection.
8. When the Township told me I needed a Building Permit I applied for a Building Permit.
9. I am a Licensed Residential Contractor and familiar with the applicable Building Codes.
10. The required setback from the property line under the Building Code is 3'.
11. I verified that distance from the property line is 3'6". The garage after the addition is not closer than 3'6" from the property line.
12. After I applied for a Building Permit the Township requested additional information which I did provide.
13. After I applied for the Building Permit the Township notified me that the required setback under the Zoning Ordinance is 5' and my garage is now 18" too close to the property line.
14. I am requesting a variance from the setback requirements of the Zoning Ordinance.
15. If a variance is not granted the Township is requesting that I demolish the structure which seems an excessive penalty for the encroachment and would adversely affect the value of the property and the neighborhood.
16. The affected neighbors do not object.



Davis St



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OCS

1255

1267

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BUILDING PERMIT APPLICATION

CHARTER TOWNSHIP OF YPSILANTI - OFFICE OF COMMUNITY STANDARDS

7200 S. HURON RIVER DR. - YPSILANTI, MI 48197 -- 734.485.3943

For Office Use Only

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OCT 10 2022

MINIMUM ITEMS NEEDED FOR SUBMITTAL (Office Use Only)

Plot Plan Construction Drawings (2 copies Residential / 3 copies Commercial / 3 copies New Home)
Signed Contract Sketch Plan (signs)

I. JOBSITE INFORMATION

Street Address & Job Location (Street No. & Name) <u>1319 PAVIS</u>		Name of Owner / Agent / Telephone # <u>Ted Ferenczy</u>	
Lot Number	Subdivision	<input checked="" type="checkbox"/> New <input checked="" type="checkbox"/> Alteration <input type="checkbox"/> Commercial <input type="checkbox"/> Homeowner Email Address Required <u>none call me only</u> <input type="checkbox"/> Service Only <input type="checkbox"/> Other	
Residential <input checked="" type="checkbox"/>	Commercial <input type="checkbox"/>		

YPSILANTI TOWNSHIP
OCS

II. CONTRACTOR (HOMEOWNER) INFORMATION

Name <u>Ted Ferenczy</u>	Driver's License #	Expiration Date
Address (Street No. & Name) <u>1319 Pavis</u>	City <u>Ypsilanti</u>	State <u>MI</u>
Telephone [REDACTED]	Cell #	Zip <u>48198</u>
Contractor License #	Worker's Comp Ins Carrier	MESEC Emp #
Federal Employer ID #	Email Address	

III. DESIGN PROFESSIONAL (2015 Michigan Building Code - Sec. 108 (A) 1107.3.4)

Where it is required that documents be prepared by a registered design professional, the building official shall be authorized to require the owner or the owner's authorized agent to engage and designate on the building permit application a registered design professional who shall act as the registered design professional in a responsible charge. If the circumstances require, the owner or the owner's authorized agent shall designate a substitute registered design professional in responsible charge who shall perform the duties required of the original registered design professional in responsible charge. The building official shall be notified in writing by the owner or the owner's authorized agent if the registered design professional in responsible charge is changed or is unable to continue to perform the duties. The registered design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building.

Registered Design Professional Name (please print)	Substitute Registered Design Professional Name (please print)
Registered Design Professional Signature / Date	Substitute Registered Design Professional Signature / Date

IV. COSTS / FEES / PERMITS

STRUCTURAL IMPROVEMENT VALUE	APPLICATION TYPE (Check appropriate box)
Value below is not included in the above cost	New Building
A. Electrical \$ <u>500</u>	Demolition
B. Plumbing \$ <u> </u>	Mobile Home Set-up
C. Heating / AC \$ <u> </u>	Alteration / Repair
D. Other \$ <u>4000</u>	Pre-Manufacture
TOTAL VALUE: \$ <u>6,000</u>	Sign
	Roof
	Other <u>CHANGE ADD 417</u>
FEES (office use only)	PROPOSED USE (Check appropriate box)
Permit \$	Residential Use
C of O (temp) \$	One Family
Plan Review \$	Two or More Families (# of units)
YCUA Permit #	Transient Hotel / Motel / Dorm (# of units)
WCRC Permit #	Garage <input checked="" type="checkbox"/> Carport
Bike Path \$	Other
Number of Sign Faces x \$50 \$	Non-Residential Use
Contractor Registration Fee \$	Church / Other Religious
Administration Fee \$	Hospital / Institutional
Other \$	Stores / Mercantile
Other \$	School / Library / Other Educational
TOTAL FEE: \$	Service Station / Repair Garage

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OCS

V. PROVIDE DETAILED DESCRIPTION

BUILDING: Describe in detail the proposed use of existing and / or new buildings and the work to be performed.
SIGNS: Describe in detail materials, structure, weight, method of attachment, color, sign copy, etc.

Add 10 x 21 Garage

VI. BUILDING CHARACTERISTICS (Check all appropriate boxes)

Principal Type of Frame		Type of Water Supply	
Masonry (wall bearing)	<input checked="" type="checkbox"/>	Public or Private Company	<input checked="" type="checkbox"/>
Wood Frame	<input checked="" type="checkbox"/>	Private (septic tank, etc.)	<input type="checkbox"/>
Structural Steel	<input type="checkbox"/>	Dimensions	
Reinforced Concrete	<input type="checkbox"/>	Number of Stories	1
Other	<input type="checkbox"/>	Total sq. ft. Of Floor Area (based on exterior dimension)	
Principal Type of Heating		Number of Off-Street Parking Spaces	
Gas	<input type="checkbox"/>	Enclosed	<input checked="" type="checkbox"/>
Oil	<input checked="" type="checkbox"/>	Outdoors	<input checked="" type="checkbox"/>
Electricity	<input checked="" type="checkbox"/>	Residential Buildings Only	
Coal	<input type="checkbox"/>	Number of Bedrooms	3
Other	<input type="checkbox"/>	Number of Bathrooms	2

VII. SIGN INFORMATION ONLY (Check all appropriate boxes)

Permanent Signs		Temporary Signs	
Ground	<input type="checkbox"/>	Construction	<input type="checkbox"/>
Wall	<input checked="" type="checkbox"/>	Special Event	<input checked="" type="checkbox"/>
Canopy	<input checked="" type="checkbox"/>	Real Estate	<input checked="" type="checkbox"/>
Marquee	<input checked="" type="checkbox"/>	Sale of Produce	<input type="checkbox"/>
Window	<input type="checkbox"/>	Number of Sign Faces	
Directional	<input type="checkbox"/>	One	<input checked="" type="checkbox"/>
Illuminated		Two	<input type="checkbox"/>
No	<input checked="" type="checkbox"/>	-- Enclose Fixture Specifications, Lamping Options and Photometric Grid	
Yes	<input type="checkbox"/>		

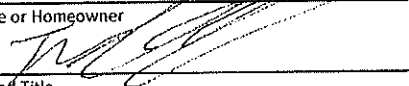
*Signs shall be designed by a registered design professional, licensed with the State of Michigan. Signs shall be designed in accordance with Appendix H, Section H105 of the Michigan Building Code, 2015

Area of Sign Face: <u> ? </u> sq. ft.	Sign Face Dimensions: <u> X </u>
Overall Sign: <u> X </u> ft.	Height to Bottom Edge of Sign Box: <u> X </u> ft.
Street Right of Way (ROW) Width: <u> X </u> ft.	Setback from Property Line / ROW: <u> X </u> ft.
Setback from Structures: <u> X </u> ft.	Depth of Footings: <u> X </u> ft.

The Office of Community Standards will not discriminate against any individual or group because of race, sex, religion, age, national origin, color, marital status, handicap or political beliefs.

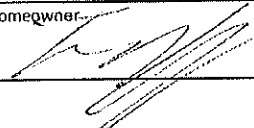
VIII. APPLICANT SIGNATURE

Section 23a of the State Construction Code Act of 1972, 1972 PA 230, MCL 125.1523A, prohibits a person from conspiring to circumvent the licensing requirements of this state relating to persons who are to perform work on a residential building or a residential structure. Violators of Section 23a are subject to civil fines.

Signature of Licensee or Homeowner 	Print Name Legibly Fred Feuncky
Witness Signature and Title	Date Oct 10, 2022

IX. HOMEOWNER AFFIDAVIT

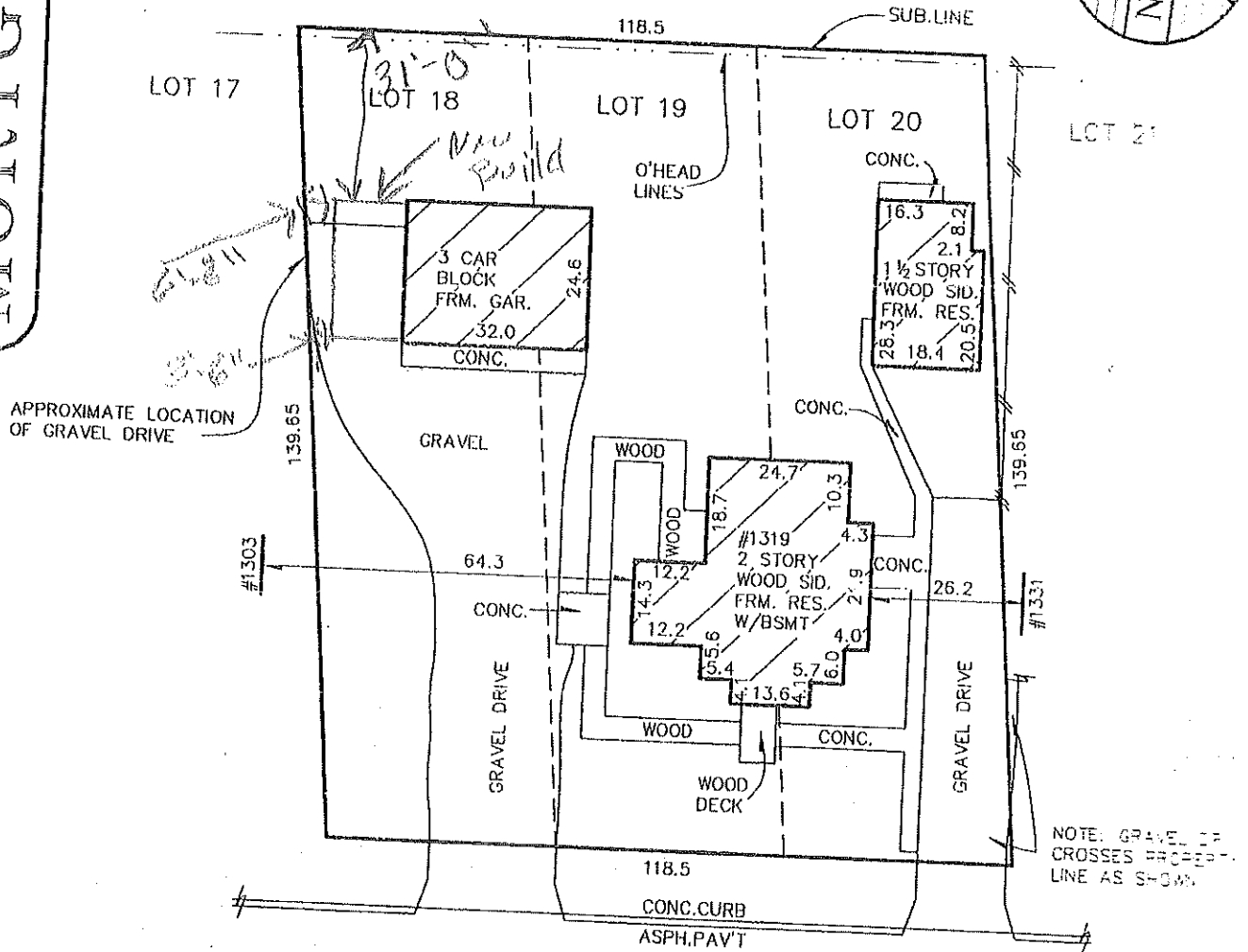
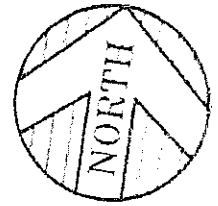
I hereby certify the work described on this permit application shall be installed by myself, in my own home, which I am living in or am about to occupy. All work shall be installed in accordance with the Michigan Building Code and shall not be enclosed, covered up or put into operation until it has been inspected and approved by the Building Inspector. I will cooperate with the Building Inspector and assume the responsibility to arrange for necessary inspections.

Signature of Homeowner 	Print Name Legibly
<p>GENERAL: Work shall not be started until issuance of permit. All installations shall be in conformance with the Michigan Code. No work shall be concealed until it has been inspected. When ready for inspection, call the building department at (734) 485.3943. A minimum of one business day advance notice required. The clerk will need the JOB LOCATION AND PERMIT NUMBER.</p>	<p>Expiration of Permit: A permit remains valid as long as work is progressing and inspections are requested and conducted. A permit shall become invalid if the authorized work has not commenced within six months after issuance of the permit or if the authorized work is suspended or abandoned for a period of six months after the time of commencing the work.</p>

A PERMIT WILL BE CANCELED WHEN NO INSPECTIONS ARE REQUESTED AND CONDUCTED WITHIN SIX MONTHS OF THE DATE OF ISSUANCE OR THE DATE OF A PREVIOUS INSPECTION. CANCELED PERMITS MAY NOT HAVE A 60% REFUND IF INSPECTIONS / SITE VISITS HAVE BEEN MADE OR SIX MONTHS TIME HAS ELAPSED SINCE PERMIT ISSUANCE. PLAN REVIEW FEES ARE NOT REFUNDABLE. RENEWALS OR EXTENSION APPLICATIONS SHALL BE IN WRITING BEFORE THE EXPIRATION DATE HAS OCCURED. A \$50 FEE SHALL BE CHARGED FOR RENEWALS.

MORTGAGE

PROPERTY LINES, AND FENCE LOCATIONS.



DAVIS ST. 50' WD.

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JAN 31 2023

YPSILANTI TOWNSHIP
OCS

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

[Handwritten Signature]

JOB NO: 14-04937 SCALE: 1"=30'
DATE: 12/08/14 DR BY: NS

THIS SURVEY DRAWING IS VOID IF THE PROFESSIONAL SEAL IS NOT IN BLUE INK.

KEM-TEC Professional Engineers & Surveyors

Eastpointe (800) 295.7222 Detroit (313) 759.0577 Ann Arbor 734.394.1133 Grand Blanc 810.394.3007
FLA 888.772.4242 ILL 888.772.4242 IND 764.394.1387 MI 810.394.1499

www.kemtecsurvey.com

PERMIT #1411

Remove old front roof

old Garage

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JAN 31 2023

YPSILANTI TOWNSHIP
OCS

2110 sq ft
24" O.C.

grabs of flooring

8' x 8'

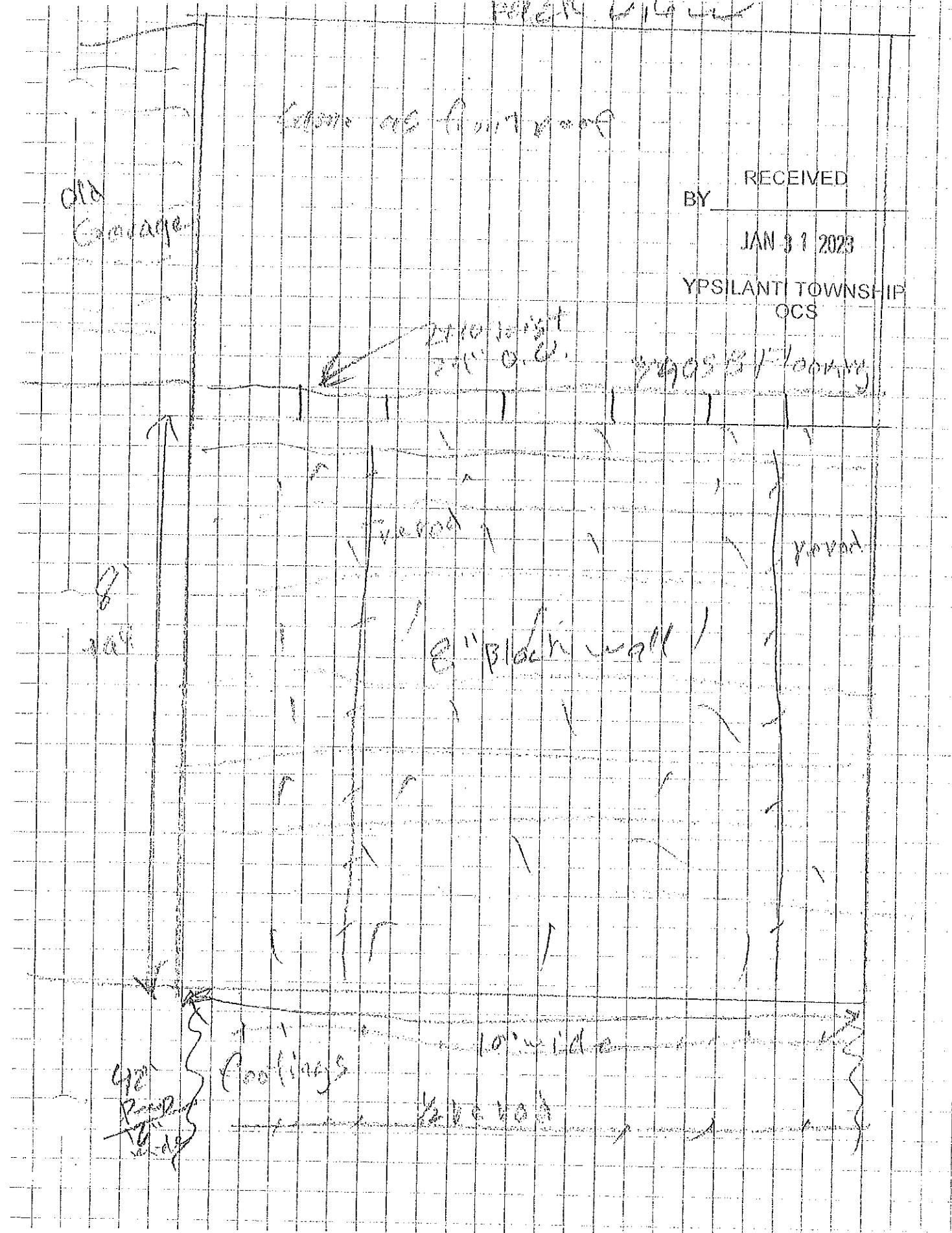
8" block wall

42" Ramp
to side

Roofing

10' wide

take out



West Side

12' x 12' platform

RECEIVED
BY _____
JAN 3 1 2023
YPSILANTI TOWNSHIP
OCS

1/203 B
Siding
Building
Footings

8'
Tall

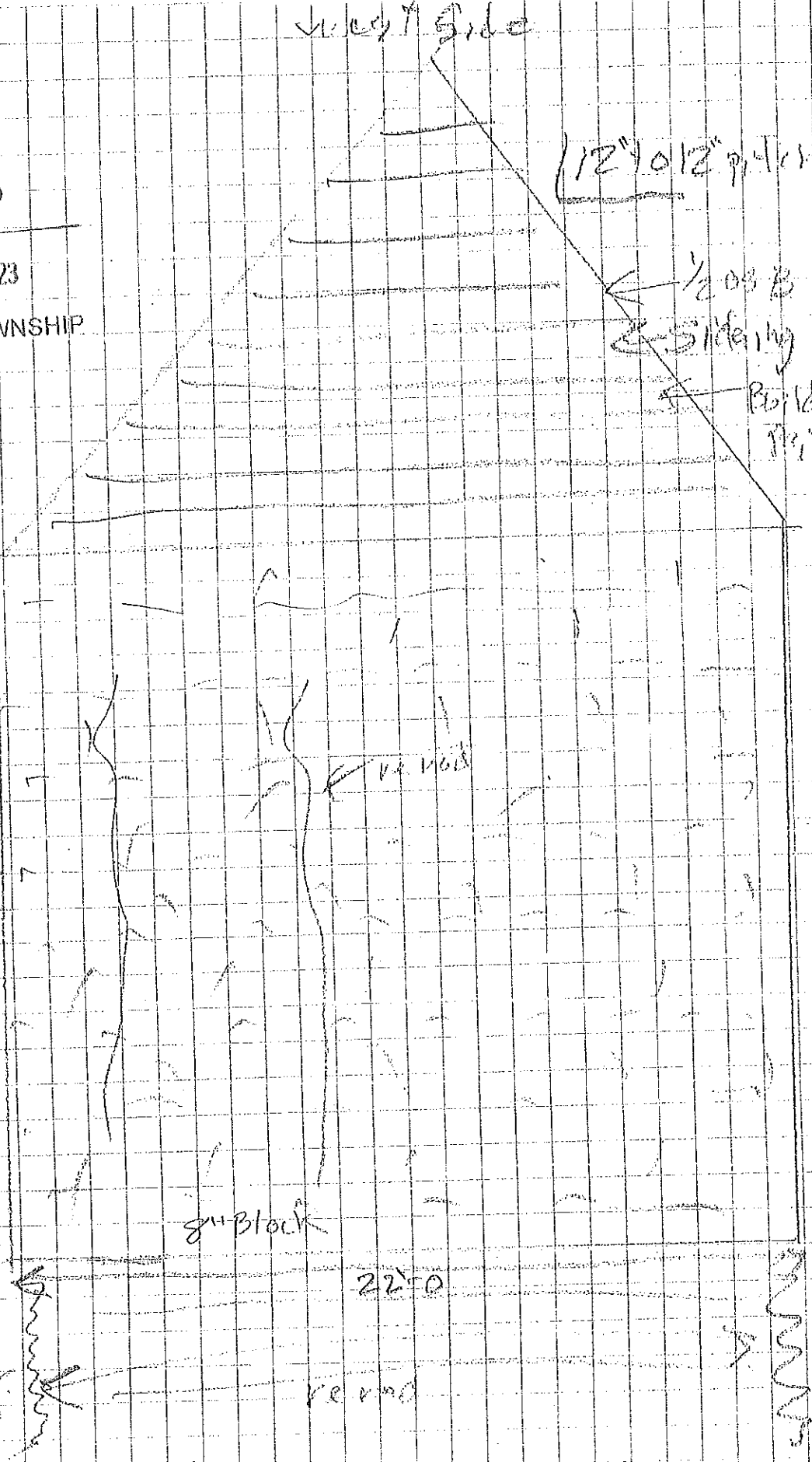
removed

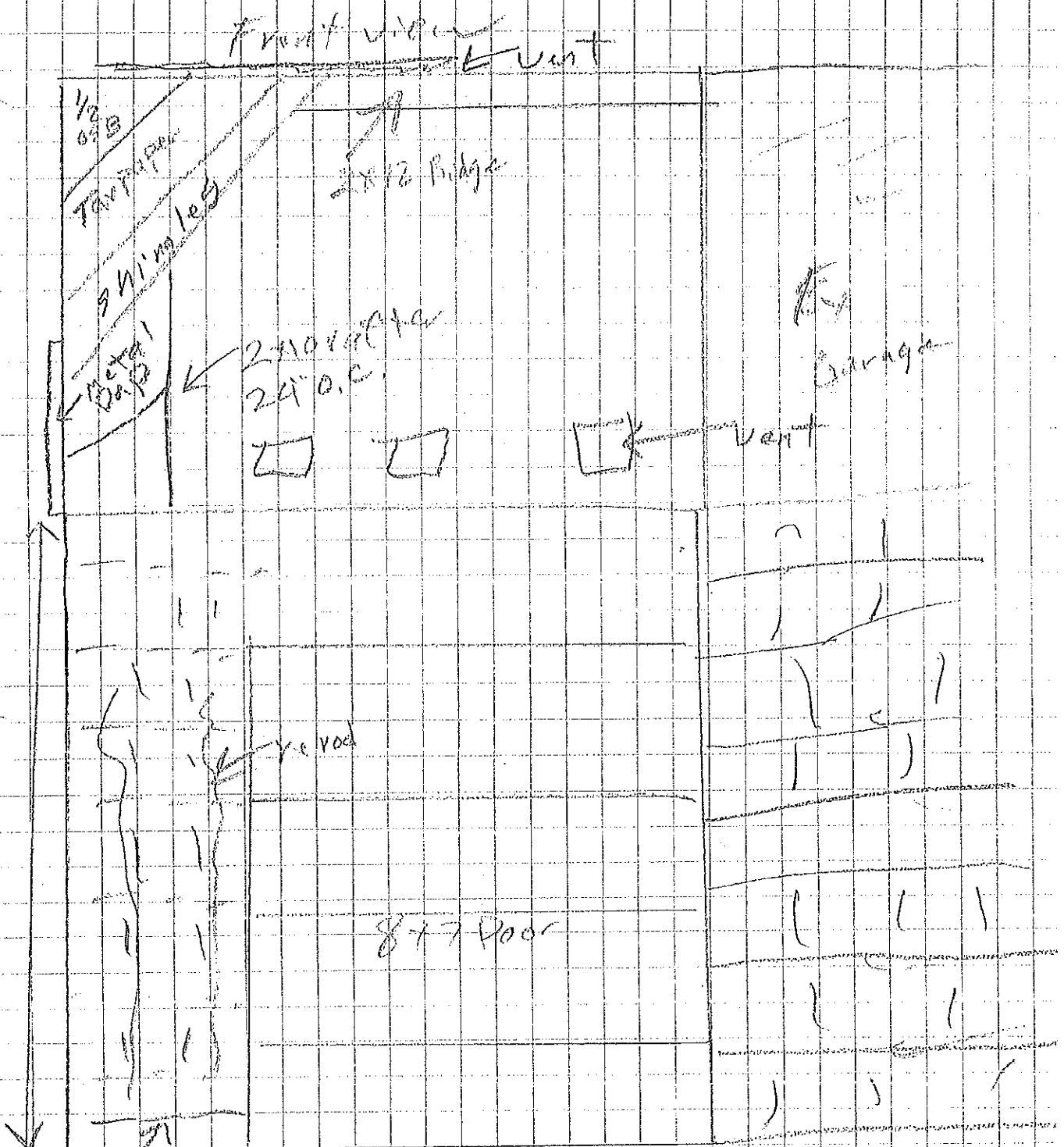
8" Block

22'-0"

2' x 2'
12" wide
footings

removed





10-0
wide

47"
12" wide

Block

Garage

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BY _____

JAN 31 2023

1319 Park
NTS

YPSILANTI TOWNSHIP
003

Jan 2023

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



**YPSILANTI
TOWNSHIP**
— PLANNING & ZONING DEPARTMENT —

Trustees
John Newman II
Gloria Peterson
Debbie Swanson
Ryan Hunter

June 06, 2023

Ted Ferenczy
3140 Platt Rd,
Ann Arbor, MI 48108

Re: Construction Board of Appeals Application – 05-28-2023

Dear Mr. Ferenczy,

On **September 26, 2022**, the Office of Community Standards confirmed during a site visit that the property located at 1319 Davis St, Ypsilanti, MI 48198, parcel #K-11-10-407-035 has erected a garage addition on the property without Township approval which is in violation of **Sec. 802. – Accessory Buildings and Accessory Uses of the Township Zoning Ordinance.**

On **May 26, 2023**, the Office of Community Standards received a Construction Board of Appeals Application from you seeking relief from your denied Building Permit Application for a 10' garage addition constructed in 2022. Per Sec. R112.1 of the State of Michigan Residential Code:

“An interested person has the right to appeal a decision of the enforcing agency to the board of appeals in accordance with the act. An application for appeal shall be based on a claim that the true intent of the code or the rules governing construction have been incorrectly interpreted, the provisions of the code do not apply, or an equal or better form of construction is proposed. The decision of a local board of appeals may be appealed to the construction code commission in accordance with the act and time frames.”

The Construction Board of Appeals Application submitted to the Office of Community Standards does not comply with Sec. R112.1 of the State of Michigan Residential Code and is **rejected**. Furthermore, the check submitted with the application is inadequate due to the property being used for multi-family purposes. **The garage addition is a matter of zoning compliance and not building code interpretation.** Township Staff can hold the submitted application and check for you to pick up or we can destroy it if requested.

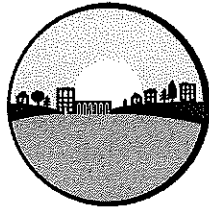
Be advised that the Building Permit Application and Applicable plans submitted on **January 31, 2023** (attached), show the garage addition with a 3'6" side yard setback. In addition, your Construction Board of Appeals Application states that the garage addition is 3'6" from the property line which you attest is "...not too close to the property line" (attached).

Per Sec. 802 of the Township Zoning Ordinance (attached), **"No detached accessory building shall be located closer than ten (10) feet to any main building nor shall it be closer than five (5) feet to any side or rear lot line."**

You constructed this garage addition 1'6" too close to the property line and are in violation of the Township Zoning Ordinance. I have included with this letter a Zoning Board of Appeals Application for you to fill out and submit to the Office of Community Standards. **To keep the garage addition as is, you must seek relief from Sec. 802 of the Township Zoning Ordinance. A variance is required for the garage**

BY LB RECEIVED
AUG 09 2023
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to remain. Please submit the Zoning Board of Appeals Application and the applicable \$500 fee so our office may present your case to the Zoning Board of Appeals for review. **Please submit this application on or before June 20, 2023.**

An application for a variance shall contain, at a minimum, the following information:

- Legal description, address, and tax parcel number of the subject property.
- An accurate scale drawing of the property, showing all property lines, dimensions, and bearings or angles correlated with the legal description; and all existing and proposed structures and uses on the property; and dimensions of structures and the dimensional locations; lot area calculations necessary to show compliance with the regulations of the zoning ordinance; and location of drives, sidewalks, and other paved areas on the property and adjacent streets.
- Location and dimensions of the nearest structures on adjacent properties.
- Name and address of the applicant, property owner, and the interest of the applicant in the property.

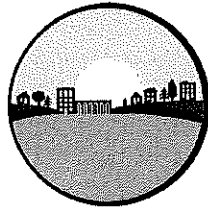
Per Sec. 1704. D. 1. Of the Township Zoning Ordinance (attached):

The Zoning Board of Appeals may grant a dimensional or non-use variance only upon a finding that compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk, density, or other dimensional provisions would create a practical difficulty and unreasonably prevent the use of the property. A finding of practical difficulty shall require demonstration that all the following conditions are met:

- (1) That there are exceptional or extraordinary circumstances or conditions applying to the property in question that do not apply generally to other properties or classes of uses in the same zoning district. Exceptional or extraordinary circumstances or conditions include but may not be limited to:
 - A. Exceptional narrowness, shallowness, or shape of a specific property;
 - B. Exceptional topographic conditions;
 - C. Any other physical situation on the land building or structure deemed by the Zoning Board of Appeals to be extraordinary; or,
 - D. Development characteristics of land immediately adjoining the property in question creates an exceptional constraint.
- (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;
- (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;
- (4) The problem and resulting need for the variance has not been self-created by any action of the applicant or the applicant's predecessors; and
- (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.

In almost all Zoning Board of Appeals cases, the applicant applies for a variance after the denial of a Building Permit Application. In your case, the garage addition has already been erected in violation of the

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Township Zoning Ordinance. You will need to make your case to the Zoning Board of Appeals to explain why you meet the criteria listed above.

If you have any questions or concerns regarding the zoning ordinance requirements or Zoning Board of Appeals process, please call the Ypsilanti Township Planning and Zoning Department at 734-544-4000 ext. 1 or email planning@ypsitownship.org

Thank you,

Fletcher Reyher

Planning and Development Coordinator

RECEIVED

BY LD

AUG 09 2023

YPSILANTI TOWNSHIP
OCS

July 24, 2023

To Whom It May Concern:

I am the homeowner at 1331 Davis St. in Ypsilanti. My house is located to the east of 1319 Davis in Ypsilanti, owned by Ted Ferenczy. Mr. Ferenczy has recently built a detached garage at 1319 Davis. The garage adds value to his home and the neighboring homes. It is visually appealing and well-built.

I support any variance requests submitted by Mr. Ferenczy to the Ypsilanti zoning board, as I have no issues with the structure location on his property.

Sincerely,



Zoltan Szeghalmi

1331 Davis St., Ypsilanti, MI