

**CHARTER TOWNSHIP OF YPSILANTI  
ZONING BOARD OF APPEALS**

**Wednesday, August 07, 2024**

**6:30 pm**

**COMMISSIONERS PRESENT**

Marsha Kraycir

Elizabeth El-Assadi

Stan Eldridge

David Marshall

**STAFF AND CONSULTANTS**

Fletcher Reyher, Planning & Development Coordinator

Sally Elmiger, Planning Consultant

Dennis McLain, Township Attorney

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

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

ii. **APPROVAL OF AGENDA**

**MOTION:** Mr. Eldridge **MOVED** to approve the agenda as presented. The **MOTION** was **SECONDED** by Ms. El- Assadi and **PASSED** by unanimous consent.

iii. **APPROVAL OF OCTOBER 4, 2023, REGULAR MEETING MINUTES**

**MOTION:** Ms. El- Assadi **MOVED** to approve the October 4, 2023; Regular Meeting Minutes as presented. The **MOTION** was **SECONDED** by Mr. Eldridge and **PASSED** by unanimous consent.

iv. **PUBLIC HEARING**

- **Applicant: Johnson Sign Company**

Location: 1201 S. Huron Street, Ypsilanti, MI 48197

Parcel ID: K-11-37-420-004

Request: Article 15 – Sec. 1509.6: Permitted Signs in Form-Based Districts: Request for variance to the ground sign requirements in form-based districts.

Mr. Fletcher Reyher, Planning and Development Coordinator, presented a report on behalf of the applicant (Johnson Sign Company).

Johnson Sign Company is requesting for variance to the ground sign requirements of Article 15 – Sec. 1506.6 – Permitted signs in form-based districts of the Township Zoning Ordinance to construct a ground sign that exceeds the height and size requirements allowed.

The parcel is a 132-acre parcel, located at the S. Huron Street and James L. Hart Parkway Intersection, just south of the S. Huron and I-94 Interchange. The property is Zoned TC, Town Center with a Site Type D Designation. This property is owned by the Charter Township of Ypsilanti but is leased to the Eagle Crest Golf Course.

Johnson Sign Company is asking the Zoning Board of Appeals to consider granting them a 209 sq. ft. variance, and a 2-foot height variance to the required 32 sq. ft. sign area and 6-foot height requirement.

Mr. Fletcher Reyher presented to the Zoning Board an aerial and the street view of the parcel.

Mr. Fletcher Reyher provided the Analysis & Criteria:

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.

**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 Planning Department opinion on the Eagle Crest property has unique characteristics that warrant the proposed variance. Specifically, the driveway entrance to the

property is at the first intersection about 1,000 feet south of the I-94 Highway interchange with a 45-mph speed limit. The location and speed limit require signage that is easily visible to drivers and the current zoning requirement would hinder it. The parcel is very large (132 acres), with a wide frontage on Huron St. (over 1,000 feet). This condition does not generally apply to other properties in this zoning district.

- **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 Planning Department opinion is that the variance is necessary to allow the applicant to enjoy the same substantial property rights possessed by other properties in the same zoning district, including adequate identification of the golf course given the traffic speeds and expansive size of the property. The property's unique location as the first entrance off a highway interchange, adequate signage is essential for safe and efficient navigation.
- **That the authorizing of such a 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, harmful to, or alter the essential character of the area. The new sign is adequately scaled relative to the size of the property and length of frontage.
- **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 arises from factors beyond the applicant's control, such as the property's unique location, roadway speed limits, size of the property, and visibility requirements.
- **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 proposed 8-foot tall, 241 sq. ft. sign is the minimum necessary to achieve the desired visibility and communication goals. The applicant has explored other options, but none would meet the requirements given the site conditions. The design of the proposed sign is also 51 sq. ft. (or 17%) smaller than the existing sign.

Ms. Kraycir inquired if the applicant explored any other options; Mr. Fletcher Reyher stated the applicant has explored the building signage under the current ordinance requirements.

Jim Anderson representing Johnson Sign Company informed the Zoning Board on the new additional item to the packet is the Ypsilanti Township Logo (this was presented to the Board during the meeting). This is a fabricated aluminum logo with five colors, digitally printed. The logo would be added to the Eagle Crest Golf Course signage. Mr. Anderson shared about the new message board at Eagle Crest.

Ms. El- Assadi inquired about the brightness of the sign (day/night); Mr. Anderson stated that the signs are off during the day, during the night the signs are in accordance with lighting standards and will provide the same light throughout the night hours (the lights won't be bright).

Ms. Kraycir inquired on the height of the illumination (disruption to drivers); Mr. Anderson stated the height is around 7 feet and would not be a trouble to the drivers, and the colors used are green (not as intensive as red).

### **PUBLIC HEARING OPENED AT 6:59 PM**

### **PUBLIC HEARING CLOSED AT 7:00 PM**

**MOTION:** Ms. El-Assadi **MOVED** to approve e the variance requests at 1201 S. Huron Street, Ypsilanti, MI 48197, Parcel K-11-37-420-004 to the sign requirements of Section 1506.6 of the Township Zoning Ordinance for the construction of an 8-foot tall, 241 sq. ft. ground sign within the building envelope as shown on the plot plan included in the Zoning Board of Appeals Application dated June 26, 2024. Granting of the requested variance meets the criteria for a non-use variance in Section 1704(D) of the Zoning Ordinance. Specifically, granting the requested variances is based on the following facts:

1. There are exceptional conditions applying to this property that do not generally apply to other properties in this district, such as the size of the parcel, the entrance location relatively close to the highway interchange, and traffic speeds.
2. The variances will create adequate identification of the property's primary entrance, assisting in preserving safe traffic movements from a road with a 45-mph speed limit.
3. The variances will not be a substantial detriment to adjacent property and will not materially impair the purposes of this ordinance or the public interest.
4. The need for the variances is not self-created, as the applicant did not create proximity to the highway interchange, or traffic speeds.

5. The proposed variances are the minimum necessary to adequately identify the golf course, given the site conditions of proximity to the highway, traffic speeds, and large property size.

**This motion is further made with the following conditions:**

- The applicant shall obtain the required building permits and applicable trade permits for the sign's construction.

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

**Roll Call Vote:** Ms. Marsha Kraycir (Yes); Mr. Stan Eldridge (Yes); Mr. David Marshall (Yes); Ms. El-Assadi (Yes).

**MOTION PASSED.**

- **Applicant: Vance Palmer**

Location: 2789 Washtenaw Avenue, Ypsilanti, MI 48197

Parcel ID: K-11-06-303-003

Request: Article 11 – Sec. 1116.1: Veterinary Clinics: Request for variance to allow fenced animal run to be located outside.

Mr. Fletcher Reyher, Planning and Development Coordinator, presented a report on behalf of the applicant (Vance Palmer: Dr. Paws Veterinary).

Dr. Paws request for variance to the dog run requirements of Article 11 – Sec. 1116.1. Sec. 1116.1 requires that “veterinary clinics when such use is conducted entirely within an enclosed building. No animal kennels or animal runs shall be allowed outside the principal building. Animal kennels or runs within a principal building shall provide no windows which can be opened to the outside.

Vance Palmer is asking the Zoning Board of Appeals to consider granting Dr. Paws a variance to allow a 35’ x 65’ outdoor dog behind the building. This dog run is not for boarding purposes, but to allow animals to do their business when they are at the clinic for medical services.

Mr. Fletcher Reyher provided the Analysis & Criteria:

The Zoning Board of Appeals may grant a dimensional or non-use variance only upon meeting the below criteria's:

- **That there are exceptional or extraordinary circumstances or conditions applying to the property in question:** The Planning Department opinion is that Dr. Paws t have exceptional or extraordinary circumstances. The nature of the veterinary clinic's operations, which includes the need for a designated area for dogs to relieve themselves, could be considered an exceptional circumstance.
- **That a variance is necessary for the preservation and enjoyment of a substantial property right possessed by other properties in the same zoning district:** The operational needs of the clinic, such as providing a space for dogs to relieve themselves, might justify this variance as a necessary allowance.
- **The 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:** Planning department's opinion that authorizing such a variance will not be a substantial detriment to adjacent properties, will not be harmful to or alter the essential character of the area. The proposed dog run is to be located behind the building, used only during business hours and accessed solely by staff. The site is along a busy commercial corridor (Washtenaw Avenue) surrounded by commercial businesses. The proposed dog run is located approximately 400 yard away from a residential property.
- **The property and resulting need for the variance has not been self-created by any action of the applicant:** The planning department suggests that the need for the variance does not appear to be self-created by any action of the applicant. The operational requirements of a veterinary clinic necessitate an area for dogs to relieve themselves, which seems to be an inherent need rather than a self-created situation.
- **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's opinion that the proposed variance appears to be the minimum necessary to meet the operational needs of the veterinary clinic. The dog run's size and location behind the building seem to be a practical solution.

Ms. Debbie Honea (Gazall Lewis Architect; Dr. Paws) informed the Zoning Board that the request made is due to safety reasons. The fenced-in area will help protect the dogs from running into adjacent yards, being exposed to traffic and parking vehicles and/or from running into a busy Washtenaw Avenue should an animal break loose from their collar and leash.

**PUBLIC HEARING OPENED AT 7:11 PM**

**PUBLIC HEARING CLOSED AT 7:12 PM**

**MOTION:** Mr. Elridge **MOVED** to approve the variance request at 2789 Washtenaw Avenue, Ypsilanti, MI 48197, Parcel K-11-06-303-003 to the dog run requirements of Section 1116.1 of the Township Zoning Ordinance to allow a 35’W x 65’L x 6’H chain link dog run to be constructed within the building envelope as shown on the plot plan included in the Zoning Board of Appeals application dated June 28, 2024. Granting of the requested variance meets the criteria for a non-use variance in Section 1704(D) of the Zoning Ordinance. Specifically, granting the requested variances is based on the following facts:

1. The nature of the veterinary clinic's operations, which includes the need for a designated area for dogs to relieve themselves, is considered an exceptional circumstance.
2. The variance will allow the veterinary clinic to perform their jobs and care for animals.
3. The proposed dog run is to be located behind the building, used only during business hours and accessed solely by staff. The dog run will not be seen by the public.
4. The operational requirements of a veterinary clinic necessitate an area for dogs to relieve themselves, which is not a self-created situation.
5. The variance appears to be the minimum necessary to meet the operational needs of the veterinary clinic.

**This motion is further made with the following conditions:**

The applicant shall obtain the required Zoning Permit for the construction of the dog run.

The **MOTION** was **SECONDED** by Ms. El-Assadi.

**Roll Call Vote:** Ms. Marsha Kraycir (Yes); Mr. Stan Eldridge (Yes); Mr. David Marshall (Yes); Ms. El-Assadi (Yes).

**MOTION PASSED.**

**The Zoning Board took a break at 7:06 pm.**

**The meeting resumed at 7:18 pm.**

- **Applicant: Skilken Gold**

Location: 755 S. Hewitt Rd., 2103 and 2059 W. Michigan Avenue, Ypsilanti, MI 48197  
Parcel ID: K-11-18-100-019, K-11-39-350-023, and K-11-39-350-022

Request: Article 5 – Sec. 507.E: Transparency Requirements: Request for variances to the transparency requirements on W. Michigan Ave. and S. Hewitt St. facades in form-based districts.

Mr. Fletcher Reyher, Planning and Development Coordinator, presented a report on behalf of the applicant; Request for three variances from Sheetz gas station located at 2103 East Michigan Avenue; 755 S. Hewitt Rd and 2059 W. Michigan Avenue (MI 48197). The applicant has gone to the Planning Commission, and their preliminary site plan and special land use application were postponed in order for them to come before the ZBA in an attempt to obtain the three variances.

The three variances are as follows:

- Building setback from S. Hewitt Rd.
- Parking is in the front yard along S. Hewitt
- Amount of glazing is deficient in W. Michigan Ave. and S. Hewitt St. façades.

Mr. Fletcher Reyher informed the Zoning Board that Sheetz proposal is to build a 6,132 sq. ft. convenience store/gas station and restaurant building, and eight (8) gas pumps (for a total of 16 fueling positions) at the southeast corner of W. Michigan Avenue and S. Hewitt Road. Other site features include an outdoor eating patio, parking, future EV charging stations, two air machines, outdoor sales of propane, ice, and windscreen fluid (shown on building elevations), and landscaping. This business will operate 24 hours per day, seven days a week.

Ms. Sally Elmiger (Planning Consultant - Carlisle Wortman) shared with the Zoning Board the following:

The standard for transparency requires 50% of any façade facing a right-of-way to be occupied by windows and doors. One way this is accomplished is by requiring the first floors of all buildings be designed to encourage and complement pedestrian-scaled activity by the use of windows and doors so that active uses within the building are visible from or accessible to the street. The façade facing W. Michigan



Ave. is 8.93% transparent, and the façade facing S. Hewitt Rd. is 11.03% transparent. On the Michigan Avenue side, many of the windows are blocked off and the Ordinance does not count windows that have an opaque film.

### **Criteria's:**

- **That there are exceptional or extraordinary circumstances or conditions applying to the property that is causing an issue for this particular variance or transparency:** Carlisle Wortman Associates (CWA) did not identify anything peculiar with the property that is requiring the applicant to not meet this standard for the Michigan Avenue facade. CWA opinion is that the façade facing W. Michigan Ave. is not designed as a “front” façade, welcoming pedestrians to the building. South Hewitt Facade; CWA has proposed the applicant to consider flipping the orientation of the building and locating the patio (with the associated window/door configuration) on the west side facing S. Hewitt, since this would eliminate the need for a transparency variance. The Form-Based ordinance would encourage locating the patio along the street-side of the project. This location could also be more pleasant for patio users rather than overlooking a parking lot. Lastly, placing the patio on this side of the building will screen any activity in the patio from the residences to the east.
- **That a variance is necessary for the preservation and enjoyment of a substantial property right possessed by other properties in the same zoning district:** CWA opinion is that the variance for transparency on the W. Michigan Ave. facade is not necessary to preserve a substantial property right possessed by other properties. The Form-Based standards are relatively new, and existing businesses along this corridor were developed before this standard was in place. The intent of the ordinance is to establish a pedestrian-oriented corridor as new developments are established.
- **The 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 intent of the transparency requirement is to establish a pedestrian-oriented-corridor as new developments are established. Meeting this requirement along W. Michigan Ave. will present a frontage along the street and will establish the desired pedestrian character.

**The Zoning Board of Appeals discussed and decided to make a motion at the end of the presentation from Ms. Sally Elmiger (Planning Consultant - Carlisle Wortman).**

- **Applicant: Skilken Gold**

Location: 755 S. Hewitt Rd, 2103 and 2059 W. Michigan Avenue, Ypsilanti, MI 48197  
Parcel ID: K-11-18-100-019, K-11-39-350-023 and K-11-39-350-022

Request: Article 5 – Sec. 503.4: Building Form Types: Request for variance to the building setback requirements along S. Hewitt Rd. in form-based districts.

Ms. Sally Elmiger (Planning Consultant - Carlisle Wortman) shared with the Zoning Board the building location variances: CWA opinion is that it does meet the criteria for a variance along South Hewitt, there is a large road right of way, and it's impossible to put the building at the 10-foot setback line along South Hewitt.

**Criteria's:**

- Allowing the applicant this variance would preserve substantial property rights, because then they could develop the property.
- That the authorizing of such a variance will not be a substantial detriment to adjacent property. CWA opinion is that the variance request meets the purpose because that is placing the building as close to the west side of the property.
- The problem and resulting need for the variance has not been self-created by any action of the applicant or the applicant's predecessors; CWA stated that the applicant did not create the existing easement along S. Hewitt.
- CWA opinion is that the applicant meets the criteria for the building location setback variance.

- **Applicant: Skilken Gold**

Location: 755 S. Hewitt Rd., 2103 and 2059 W. Michigan Avenue, Ypsilanti, MI 48197  
Parcel ID: K-11-18-100-019, K-11-39-350-023 and K-11-39-350-022

Request: Article 5 – Sec. 503.4: Building Form Types: Request for variance to the parking lot location requirements in form-based districts.

Ms. Sally Elmiger (Planning Consultant - Carlisle Wortman) shared with the Zoning Board the variance requested is the location of the 6 parking lots along South Hewitt; CWA opinion is that the location of these parking spaces has a lot to do with the problem created by that road right of way, because the building has to be set back out of the easement, The location of the building is complicated by the existing

easement. This sets the building further east on the property, lessening the space to locate compliant parking spaces outside of the front yard along S. Hewitt. The fueling station component of the project requires that the interior of the site be occupied by the fuel pumps and canopy, requiring parking to be located around the perimeter of the site.

**Criteria's:**

- **That a variance is necessary for the preservation and enjoyment of a substantial property right possessed by other properties in the same zoning district:** CWA opinion is that due to the easement and the other features of this particular development it is difficult to locate the spaces elsewhere, placing them on the east side of the property would create the problem of being too close to the residential properties.
- **The 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: :** Allowing the variance to locate parking on the west side of the site vs. the east side of the site will reduce activity near the residences to the east.
- **The problem and resulting need for the variance has not been self-created by any action of the applicant or the applicant's predecessors;** CWA stated that because of the easement, the building is set further back from S. Hewitt than the ordinance calls for, limiting the possible locations for required parking that keeps the business activity away from the residences to the east.

Ms. Sally Elmiger (Planning Consultant - Carlisle Wortman) summarized by stating that CWA opinion is that the transparency variances are supported by the criteria, and the building/ parking location spaces meet the criteria for a variance.

The applicant David. B Sheetz presented to the Commission and public that Sheetz is family business, started in 1952 in central Pennsylvania. The business extended into dairy deli convenience store (1970); fuel (1980). Sheetz has 700 locations. The restaurant and convenience store are the main focus. Every building comes with standard four-sided architecture, full brick and stone sections, and lots of high-quality architectural materials to give it an outstanding look. Sheetz also provides outdoor dining.

The building will accommodate 30 indoor seats for customers to sit down and have a meal. Sheetz pioneered the touchscreen ordering system within the store market. Orders can be made on the touch screen. Sheetz features a 24/7 365 full kitchen full

menu and specialty coffees. Sheetz has heavily invested in security with 60 cameras on site. Sheetz focuses on giving back to the community through donations. Plastics and cardboard are recycled. Sheetz has about 100 Tesla stations across 700 locations. Sheetz is continuous to look into the future with innovation.

Eric Williams (Stonefield Engineering and Designs) presented to the ZBA that the site is approximately 3.6 acres. There are two driveways approved by the county road commission, one to Michigan Avenue and one to South Hewitt. Storm water on site is being managed via a detention pond at the Southwest of the site. There are some residences to the east, Sheetz has proposed approximately one-acre green space along that entire eastern boundary; 200 evergreen trees along with existing vegetation to ensure limited impacts to any neighbors.

Mr. Williams presented the plan to the ZBA and stated that the two elevations that the applicant is seeking transparency variances is the Michigan Ave frontage. The proposal is for two fully transparent windows (blue shading); along Hewitt Road, would be the bottom elevation. The requested variance is necessary for a unique business to be located on the subject property. The need for this variance stems from needing to have a “back of house” to allow for restaurant operations to occur while maintaining welcoming entrances on 3-sides of the building for customers. Mr. Williams informed the ZBA that the eastern elevation does comply with the zoning regulation and meets the standard, whereas Hewitt does not.

Mr. Williams stated that Sally Elmiger had mentioned flipping the building; Mr. Williams stated that he did not agree and would require an additional variance to be presented to the Board.

Mr. Pat Lennon, the attorney with the Huntington firm, presented the ZBA to discuss the standards applicable to the variance requests.

Mr. Lennon stated that they were pleased with the conclusions in the Planning Department report with respect to their statements on the setback for the building, and to the parking spaces. The applicant does agree with their positions on all of those criteria. The property as a whole is in a pretty complex situation. The easement in place has both direct and indirect impacts on the entire property. The direct impact is that the building cannot be placed exactly where the applicant desires it to be. It would have to be pushed against that boundary of the easement and also push it up against Michigan Avenue which would trigger a change to the floor plan; requirement to have the canopy and the primary access on the southern side of the building. The ordinance looks at things like transparency, assuming that

the Michigan and Hewitt sides of this building are actually on those streets, when it is actually the primary opening. Due to the form-based code that would require the flipping so that the canopy lines up with the primary entrance. It has been a challenge to design a site that needs to satisfy all requirements.

The indirect impact is the difficulty in fully complying with the transparency requirements on Michigan and Hewitt, because the back-room activities, have to be placed, and they have to be there if the entrance is going to be on the southerly side of the building, this has been a complex requirement.

Ms. Sally Elmiger stated that flipping and placing the patio on the west side of the building would still need a 10% variance and the transparency on the existing east side is 40%. Flipping that same elevation and putting it on the west side facing Hewitt, would still be 10% deficient. The current transparency on the West Side is approximately 11.9. It would definitely reduce the variance if the applicant were to put the patio on the west side (a variance is still required).

Mr. Derick Riba (Skilken Gold) stated that flipping the building would create another variance on the east side of the building.

Ms. El-Assadi discussed transparency when the building gets flipped, creating a deficiency of 10% (a huge difference) which would require other variances. Ms. El-Assadi requested that the applicant arrive at a solution.

The applicant informed the Zonal Board that they have proposed a new floor plan / interior works; some of the concerns have been solved through the new plan. The applicant requested a postponement of the transparency and requested a vote through the Board for the other two items related to parking and the setback variance.

Ms. El-Assadi inquired with Mr. Fletcher Reyher the impact on the other two variances when postponing the transparency; Mr. Fletcher Reyher stated that they should go ahead and postpone the transparency requirement action and make a motion on the building setback and parking location, and any changes would be brought to the ZBA for approval.

#### **PUBLIC HEARING OPENED AT 8:06 PM**

- Sharkey Haddad, working with the American Chamber of Commerce, informed the ZBA that 100 members of the Chamber of Commerce are gas station owners in southeastern Michigan. Sheetz plans on opening 70 to 80 gas stations in

southeastern Michigan (suburbs of Detroit). The gas stations would have a long-term effect on the community (crime/violence). Data on gas stations (24hrs) combined with restaurants has shown a high percentage in crime. Sheetz is also known for their environmental violations. There is information available on the gas leaks from the Sheetz gas tanks (EPA). Another violation that Sheetz was accused of is a lawsuit by the federal government for discriminating against black job applicants. Five communities have rejected Sheetz because of the many gas stations (Livonia, Madison Heights, Rochester Hills, Waterford and Fraser).

- Thomas Konja (Owner of gas station at Livonia) shared with the Board that when he had opened the station, he had received some violations, and one of the violations was a window violation. Everything was replaced and has abided by the rules and guidelines. It is recommended for Sheetz to abide by the rules.
- Darrell Cell (808 Gossner) stated that since the proposed site has complexity, it could be the wrong site. Sheetz, being a highly developed commercial area and placing it in a residential area would be an encroachment.
- Margaret Cell (808 Gossner) stated that her backyard backs up into the new project. Ms. Cell shared her concern that the fencing for her property and the neighbors is broken and does not serve the purpose. West Michigan Avenue, and the east of Hewitt is already a busy traffic area which could lead to congestion on I94.
- Sammy Farha stated that Washtenaw County lacks a 24-hour gas /food station. The proposal for an EV charging station would be an interesting addition into the county.
- Tappan Patel (800 South Hewitt), owner of the Comfort Suites at South Hewitt stated that Sheetz gas station would be an asset to the development.
- Mike Mofed (8047 Spring Water; Ypsilanti) stated that he has visited the Sheetz and was impressed with what they offer, and it would be a wonderful addition to Ypsilanti Township.
- Sullivan Algieri (2324 Michigan Avenue) expressed his concern about the traffic, which is not a good environment for residential areas with kids.
- Jan Curry, West Michigan Avenue shared her concern on sale of liquor, traffic congestion. The safety concerns of the residents have to be the first priority for the township.
- Tina stated that Sheetz would be a wonderful addition to Ypsilanti Township. Sheetz follow high standards with their interiors and would provide work opportunities for the youth.
- Rhena Cassem (8047 Spring Water, Ypsilanti) requested the Board to approve Sheetz, which would be an investment into the local economy and provide valuable amenities to the community.

## **PUBLIC HEARING ENDED AT 8:24 PM**

Ms. El-Assadi shared with the public that the Zoning Board of Appeals looks into the zoning ordinances and the requirements for each zoning ordinance. The ZBA appreciates all public comments.

Ms. Kraycir stated that the Zoning Board of Appeals specifically looks at how the buildings are placed relative to the lot, which would be a consistent application for all the variances, so that the community has a consistent look. The ZBA does not determine the usage of the proposed projects.

### **Motion for Building Setback:**

**MOTION:** Ms. El-Assadi **MOVED** to approve the variance request at 2103 E. Michigan Avenue, 2509 E. Michigan Avenue, and 755 S. Hewitt Road, Ypsilanti, MI 48197, Parcel K-11-39-350-023, K-11-39-350-022, and K-11-18-100-019 to the building setback requirements to S. Hewitt Road outlined in Article 5 – Sec. 503.4 and indicated within the building envelope as shown on the site plan included in the Zoning Board of Appeals Packet dated June 12, 2024. Granting of the requested variance meets the criteria for a non-use variance in Section 1704(D) of the Zoning Ordinance. Specifically, granting the requested variances is based on the following facts:

- The site is occupied by a road easement in the northwest corner, as shown on Sheet C-6. The ordinance requires that the building be placed at the 10-foot built-in, which is the line 10-feet from the front property line along a street. Because of this road easement, the building cannot be located 10 feet from the S. Hewitt Rd. property line. Therefore, special circumstances exist on this property that make compliance with the ordinance for building location impossible.
- To locate the building on the site, the applicant cannot put it in the easement. Locating the building out of the easement means that the building cannot meet the build-to-line requirement. Granting the building location variance will allow development of this site.
- The building is proposed as close to the corner as possible, given the existing easement along S. Hewitt.
- The applicant did not create the existing easement along S. Hewitt.
- The location of the building is 10 feet away from the edge of the easement, making the requested variance the minimum necessary.

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

**Roll Call Vote:** Ms. Marsha Kraycir (Yes); Mr. Stan Eldridge (Yes); Mr. David Marshall (Yes); Ms. El-Assadi (Yes).

**MOTION PASSED.**

**Motion for Parking:**

**MOTION:** Mr. Eldridge **MOVED** to approve the variance request at 2103 E. Michigan Avenue, 2509 E. Michigan Avenue, and 755 S. Hewitt Road, Ypsilanti, MI 48197, Parcel K-11-39-350-023, K-11-39-350-022, and K-11-18-100-019 to the parking location requirements outlined in Article 5 – Sec. 503.4 and indicated within the building envelope as shown on the site plan included in the Zoning Board of Appeals Packet dated June 12, 2024. Granting of the requested variance meets the criteria for a non-use variance in Section 1704(D) of the Zoning Ordinance. Specifically, granting the requested variances is based on the following facts:

- The location of the building is complicated by the existing easement. This sets the building further east on the property, lessening the space to locate compliant parking spaces outside of the front yard along S. Hewitt.
- The required location of the building necessitates the parking be shifted into the front yard along S. Hewitt St., given the fuel pumps and canopy occupying the rear yard behind the building. The applicant is not proposing any more parking spaces than required.
- Authorizing the variance to locate parking on the west side of the site vs. the east side of the site will reduce activity near the residences to the east, helping to maintain the residential character to the east.
- Because of the easement, the building is set further back from S. Hewitt than the ordinance calls for, limiting the possible locations for required parking that keeps the business activity away from the residences to the east.
- The location of the six parking spaces is 30-feet from the S. Hewitt St. Property line, and approximately 32-53 feet ahead of the S. Hewitt St. Building façade. The location of these six spaces also accommodates the 14 parking spaces along the building. We consider this variance to be the minimum necessary because the project is only proposing the required number of parking spaces, and



locating the six spaces on the west side of the site keeps the activity in the parking lot as far from the residential neighbors as possible.

The **MOTION** was **SECONDED** by Ms. El-Assadi.

**Roll Call Vote:** Ms. Marsha Kraycir (Yes); Mr. Stan Eldridge (Yes); Mr. David Marshall (Yes); Ms. Elizabeth El-Assadi (Yes).

**MOTION PASSED.**

**Motion for Transparency Requirements:**

**MOTION:** Ms. El-Assadi **MOVED** to postpone the variance request at 2103 E. Michigan Avenue, 2509 E. Michigan Avenue, and 755 S. Hewitt Road, Ypsilanti, MI 48197, Parcel K-11-39-350-023, K-11-39-350-022, and K-11-18-100-019 to the transparency requirements outlined in Article 5 –Sec. 503.7 and indicated within the building envelope as shown on the site plan included in the Zoning Board of Appeals Packet dated June 12, 2024, to give the applicant an opportunity to address the comments made at this evening's meeting, and return with a revise proposal based on these comments.

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

**Roll Call Vote:** Ms. Marsha Kraycir (Yes); Mr. Stan Eldridge (Yes); Mr. David Marshall (Yes); Ms. Elizabeth El-Assadi (Yes).

**MOTION PASSED**

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

a. **PLANNING DEPARTMENT REPORT:**

None to Report.

b. **CORRESPONDENCE RECEIVED:**

Mr. Fletcher Reyher informed the Zoning Board of Appeals that they have received a packet. The same packet will also be delivered to the Planning Commission when the applicants return, it is a petition of signatures from residents, people out of town, people out of state, opposing the Sheetz Development.

c. **ZONING BOARD OF APPEALS MEMBERS:**

None to Report.

d. **MEMBERS OF THE AUDIENCE/PUBLIC:**

The public hearing opened at 8:34 PM.

The public hearing was closed at 8:34 PM.

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

None to Report.

vii. **ADJOURNMENT**

**MOTION:** Ms. El-Assadi **MOVED** to adjourn at 8:35 p.m. The **MOTION** was **SECONDED** by Mr. Eldridge and **PASSED** by unanimous consent.

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Respectfully submitted by Minutes Services