

**CHARTER TOWNSHIP OF YPSILANTI
ZONING BOARD OF APPEALS
Wednesday, September 4, 2024
6:30 pm**

COMMISSIONERS PRESENT

Marsha Kraycir
Elizabeth El-Assadi
Stan Eldridge
David Marshall
Edward Burnett

STAFF AND CONSULTANTS

Fletcher Reyher, Staff Planner
Sally Elmiger, Carlisle Wortman Associates

• **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.

• **APPROVAL OF AGENDA**

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

• **APPROVAL OF AUGUST 7, 2024, REGULAR MEETING MINUTES**

MOTION: Ms. El-Assadi **MOVED** to approve the August 7, 2024, Regular Meeting Minutes as presented. **The MOTION** was **SECONDED** by Mr. Eldridge and **PASSED** by unanimous consent.

• **PUBLIC HEARING**

Applicant: EROP, LLC

Location: 2675 Washtenaw Avenue, Ypsilanti, MI 48197

Parcel ID: K-11-06-304-004

Request: Article 5 – Sec. 507. E: Transparency Requirements: Request for a variance to the transparency requirements on the Washtenaw Avenue facade in form-based districts.

Mr. Fletcher Reyher, Planning and Development Coordinator, presented a report on behalf of the applicant (EROP LLC). The request is for a variance for deficient glazing on the façade facing Washtenaw Avenue. This project is the White-Water Car Wash, located at 2675 Washtenaw Avenue. The site is zoned RC, a regional corridor with a Site Type A Designation, a Form-Based District.

The applicant has proposed to build a 6,820 sq. ft. tunnel car wash with two pay stations and 18 vacuum stations/parking spaces. The parking lot will also offer five employee parking spaces. The site is a 1.55-acre property. Access to the site occurs off a side road (Boston Ave.).

The transparency requirement requires 50% transparency on the facades facing right of way, the applicant is currently proposing 29%.

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

That there are exceptional or extraordinary circumstances or conditions applying to the property.

Ms. Elmiger shared with the Zoning Board that the site poses some challenges: locating a long building on a site that has a significant elevation change between the North End and the South End; the building has been designed from scratch where the primary side is facing the West, the driveway or Boston Avenue. Ms. Elmiger shared her view on the modification that would change the western facade; arrangement of windows and doors so that active uses within the building are visible from or accessible to the street, and to encourage and complement pedestrian-scale activity.

Ms. Elmiger stated that the applicant had stated in their response that they were concerned that if the glazing were increased, it would expose to passersby the activity inside the building and the equipment in the car wash. CWA feels that it would be interesting to have the open concept. CWA has suggested that the windows extend past the brick ledge to increase transparency (the applicant has yet to respond).

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

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.

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.

The intent of the transparency requirement is to establish a pedestrian-oriented corridor as new developments are established. While we don't think a variance will be detrimental to adjacent property owners, we do believe it will alter the essential character and vision that the Form-Based District is attempting to create. Meeting this requirement along Washtenaw Ave. will help to establish the desired pedestrian character.

The problem and resulting need for the variance have not been self-created by any action of the applicant or the applicant's predecessors.

Ms. Elmiger stated that it could be partly self-created by the choice of the building design; it's partly not self-created due to the extreme change in elevation between Washtenaw Avenue (front and the back of the site).

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.

Ms. Elmiger stated that options were suggested to increase transparency; the applicant has yet to respond.

Ms. El-Assadi inquired if the township has a severe transparency code or if it is because the latest building designs are being proposed since the issue of transparency has been brought to the Board many times. Ms. Elmiger stated that some of the new buildings proposed are corporate designs; in order for people to recognize a business just by looking at the building. The township ordinance is not too restrictive, but if transparency issues keep coming up, the suggestion is for the Planning Commission to review the codes.

Mr. Fletcher Reyher stated that Sheetz and White-Water Car Wash aren't very pedestrian-friendly developments or auto-oriented developments. Retail/residential establishments would be easier to meet ordinance requirements right away. Working

with two large companies that have establishments all over the country, with their corporate design that is tweaked to meet ordinance requirements with different municipalities.

Erin McMachen (Stonefield Engineering and Design) informed the ZBA that the purpose of frontage glazing is typically to enhance street-level interaction and aesthetic appeal. The proposed glazing has been maximized in the areas where it is feasible and beneficial. The building has been designed to improve the pedestrian and streetscape experience, meeting the intent of the Form-based District with dense landscaping, two pedestrian connections and enhanced architectural features. Car Wash tunnels are usually long, but on this site, and being in the form-based district, the engineers had to meet the build-to-line and have the building against the front of the site, which was a challenge for a car wash. The glazing cannot be extended higher on the building façade as this would reveal the mechanical equipment inside of the building, and tinted/faux windows are not permitted by ordinance. The reason for not bringing the windows lower, two feet off of grade at a minimum, is movement for lawnmowers to pass by while maintaining the landscaping in the front of the building. Two feet of brick barrier was provided and the gaps between the windows are where the structural columns are of the building. The architect did ensure that he did max out the glazing on that facade, and the west facade that borders the neighbor is wrapped around with the same exact type of windows which can be seen from Washtenaw. Provision has been made for pedestrian connections down Boston Ave and provision of a staircase on Washtenaw to provide a secondary pedestrian connection.

White-Water Car Wash follows a set of standards; this establishment started in Illinois and is working its way through the Midwest. White-Water Car Wash is excited at the opportunity to come into Ypsilanti Township and provide high quality development.

Ms. Kraycir inquired why it has been difficult for the applicant to comply with the required transparency standards; Ms. Erin McMachen stated that the proposed development aims to enhance the architectural and functional landscape of the community, but the site contains unique design challenges. There is a significant grade change across the site, which resulted in a retaining wall across the frontage of the site, and approximately 5 FT of the front façade is below grade. This results in minimal area available above grade to meet the transparency requirement.

PUBLIC HEARING OPENED AT 6:48 PM

- Robert Borst, owner of 2675, North Lawn Avenue (the property directly behind the car wash). Mr. Borst shared his concern about the 15 commercial vacuums against

the back fence, which is about 40 feet from his property. Listening to car stereos and commercial vacuums from morning until closing time is a concern. Having a car wash in Washtenaw, which faces high traffic, is not feasible.

- 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. The Zoning Board of Appeals looks into the zoning ordinances and the requirements for each zoning ordinance.

PUBLIC HEARING CLOSED AT 6:56 PM

Ms. El-Assadi shared her thoughts while reviewing Carlisle Wortman's recommendations: Not an exceptional circumstance; the variance is not necessarily for the enjoyment of the property, and the need for the variance is being self-created since the building is not there. Since the windows haven't been put in yet, there is a possibility for different solutions that would not require the variance.

Mr. Fletcher Reyher stated that the grade starts right below the windows, and it's about a five-foot drop to the floor of the building. The applicant did not provide a separate 3d rendering with 50% transparency since they are present in front of the ZBA seeking the variance.

Ms. Sally Elmiger shared with the ZBA the design of the windows; she also noted that the brick ledge limits the proposed windows. The signage area (parapet) above the windows also is so large in relation to the remaining facade, that it makes the proposed windows/level of transparency appear even smaller.

Erin McMachen asked the ZBA if they could consider if the applicant could come back with an alternative along with the architect that might either minimize or eliminate the variance.

Ms. El-Assadi discussed the legality with the Commissioners on denial versus postponement of the motion.

MOTION: Ms. El-Assadi **MOVED** to postpone the variance request at 2675 Washtenaw Avenue, Ypsilanti, MI 48197, Parcel K-11-06-304-004, to the transparency requirements outlined in Article 5–Sec. 503.7 and indicated within the building envelope as shown in the site plan included in the Zoning Board of Appeals Packet dated June 11, 2024, to give the applicant an opportunity to address the comments made at this evening’s meeting, and return with a revised 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. El-Assadi (Yes). Edward Burnett (Yes).

MOTION PASSED.

- **OPEN DISCUSSION FOR ISSUES NOT ON AGENDA**

- **PLANNING DEPARTMENT REPORT:**

- Mr. Fletcher Reyher, Planning and Development Coordinator, requested the ZBA for Sheetz to come back for their transparency deficiencies on September 18, 2024, at 6:30pm, for a special meeting. The Planning staff has reviewed the new submission, which has shown significant changes.

- **CORRESPONDENCE RECEIVED:**

- None to Report.

- **ZONING BOARD OF APPEALS MEMBERS:**

- None to Report.

- **MEMBERS OF THE AUDIENCE/PUBLIC:**

None to Report.

- **OTHER BUSINESS THAT MAY COME BEFORE THE ZONING BOARD**

Mr. Fletcher Reyher informed the ZBA that they had received a Zoning Board of Appeals application for business on Packard for a multi-tenant sign. The sign is much taller and larger than what is currently permitted. Planning staff will continue to work with the applicant.

- **ADJOURNMENT**

MOTION: Ms. El-Assadi **MOVED** to adjourn at 7:05 p.m. The **MOTION** was **PASSED** by unanimous consent.

Respectfully submitted by Minutes Services.