

**CHARTER TOWNSHIP OF YPSILANTI  
ZONING BOARD OF APPEALS  
Wednesday, September 18, 2024  
6:30 pm**

**COMMISSIONERS PRESENT**

Elizabeth El-Assadi  
Stan Eldridge  
David Marshall  
Edward Burnett

**STAFF AND CONSULTANTS**

Sally Elmiger, Carlisle Wortman Associates

- **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.

- **APPROVAL OF AGENDA**

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

- **APPROVAL OF SEPTEMBER 4, 2024, REGULAR MEETING MINUTES**

**MOTION:** Mr. Eldridge **MOVED** to approve the September 4, 2024; Regular Meeting Minutes as presented. The **MOTION** was **SECONDED** by Mr. Marshall and **PASSED** by unanimous consent.

- **PUBLIC HEARING**

**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 and East facades in form-based districts.

Ms. Sally Elmiger, Carlisle Wortman Associates (Planning Consultant to Ypsilanti Township) informed the Zoning Board that the applicant had presented a request for variance for the transparency requirements on W. Michigan Ave. and S. Hewitt St in August 2024. The new request is for the East side of the building. The applicant has submitted the revised plans. Ms. Elmiger stated that they reviewed the criteria to decide if the variance has been justified in the zoning ordinance.

Ms. Sally Elmiger shared with the Zoning Board on some of opinions with regards to the criteria's:

- The practical difficulty is that there is no back to this property since the zoning ordinance requires the applicant to put up the building directly next to the street facades. The rear of the building is also a front facade, leading to having four fronts on this building. One of the main concerns of the proposal is the side having the least amount of transparency is facing Michigan Avenue. The new plans show that the Michigan Avenue side still doesn't meet the transparency requirements, the applicant has modified the architecture on this side, and it looks like a front that is facing Michigan Avenue and it does not look like the rear of the building. The applicant has enlarged the windows, which are out of the two feet to eight-foot area, where transparency is calculated; the window sizes are larger, even without a change in the calculation (meets the practical difficulty standard).
- **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 new redesign of the building meets the intent of the form-based code by presenting fronts of buildings along Michigan Avenue and South Hewitt, which is welcoming to customers and the ability to see the activities in the building. On the South Hewitt side, the applicant has modified the building orientation, so the patio is on South Hewitt creating a welcoming environment for pedestrians. The east facade serves as a second service entrance which would be facing the residential properties. Another benefit of this redesign is the building between the patio and the residences, and the activities on the patio would be less intrusive to the residents that live east of the building.

- **The variance will not be a substantial detriment to adjacent property:** Modifying the patio location would buffer those residences from any activity on the patio.
- **The problem and resulting need for the variance has not been self-created by any action:** The business is needing a back of house on some facade, the difficulty to have four facades that are all fronts that doesn't permit any service activities. The applicant has made efforts to put facades facing the streets and has decorated them.
- **The proposed variance will be the minimum necessary:** Ms. Sally Elmiger informed the Zoning Board that the numbers in her review letter were based on the plans submitted for the recent variance, the applicant had discovered some errors made in those calculations. The variances may be slightly larger in the percentages, but the elevations have not changed.

The applicant David. B Sheetz informed the Zoning Board that they considered the feedback and made changes and was able to accomplish the intent of the code. Sheetz is a family business, started in 1952 in central Pennsylvania. The proposal is for a 3.65-acre site; 6,132 square foot restaurant, convenience store, eight fuel eight fuel stations and landscaping onsite. Mr. Sheetz presented the ZBA with pictures of the changes made; the east side of the building, which is now the South Hewitt side. One of the things considered is moving the patio and bigger windows onto the South Hewitt side, and the bottom elevation would be presented under the South Hewitt side. Other changes were the outdoor patio screening area, big windows on the east side, and Michigan Avenue. Effort was made to increase the visual appeal, and the addition of cupolas. On the east side, an addition of another window to increase the architecture and creating an alternate entrance to the building. Mr. Sheetz informed the ZBA that he is working with the architects on making changes to meet the transparency requirement on the elevation; meet the building code for energy efficiency.

Mr. Sheetz presented some visual glimpse inside of the building; South Hewitt side, (kitchen)/ ice machine (cooler); interior parking lot; restroom.

Mr. Sheetz informed the ZBA on the rectification of the miscalculations.

Ms. Sally Elmiger stated that the fueling canopy side would meet the 30% (no variance required for the fuel canopy side); South Hewitt side, the new percentage is 34.48 (CWA

review shows it at 40.07); the Michigan Avenue side was 8.9 which would be going down to 7 (this is only for the see through windows); East side the percentage is 5.54.

The applicant David. B Sheetz informed the Zoning Board that his attorney (Pat Len) had submitted a revised supplement to the variance application (changes to the elevation) to the staff.

### **PUBLIC HEARING OPENED AT 6:52 PM**

- Darrell Cell (808 Gouchnour) expressed his appreciation for the changes made to South Hewitt side (dead end street). Michigan Avenue has high traffic with a visibility of 7% which is a concern for public safety. Transparency requirement is to be considered. A 24-hour store is vulnerable to crime and certain risks.
- Margaret Cell (808 Gouchnour) inquired on what basis did Sheetz considered the location near the residential area.
- Lewis Frye Jr. (2103 W. Michigan Avenue) stated that he was impressed with the presentation and the improvements made; a good effort to make it work for the township and the community.
- Jan Curry (2080 W. Michigan Avenue) shared her concern that Sheetz is compared to Walmart/ Sams Club that would take over small businesses; disruption of life; traffic concerns. The Township should consider the residents first before making decisions.

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

The Zoning Board informed the public that they are unaware on how Sheetz selected the location; The township doesn't currently have an Economic Development Director, and Sheetz have found this place on their own. The ZBA has been meeting internally to discuss the ordinances and have had a number of businesses that have chosen not to make concessions to try to adhere to the expected transparency requirements. Appreciation was extended to Sheetz for the efforts made to work with the Township and the attempt to make changes while working with the Planning Department/ Consultants. This business will provide job opportunities to the community. This would also help in the tax base to pay for emergency services (police, fire, EMT).

**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 transparency requirements outlined in Article 5 –Sec. 503.7 is shown on the site plan included in The Zoning Board of Appeals packet dated September 18, 2024.

- Granting the requested variance meets the criteria for a non-use variance in Section 17, 04 Section D of the zoning ordinance.
- Specifically granting the requested variances based on the fact that there is practical difficulty with the existing ordinance that was not self-created by the applicant.
- It does not present a substantial detriment to adjacent properties.
- Allows the applicant the use and enjoyment of the property as others in that zoning district have with their properties.

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

**Ms. Sally Elmiger (CWA) reminded the Board to make a friendly amendment to the Motion stating that the amended site plan considering the new calculation that was presented at the meeting.**

**The Board agreed to the amendment to the Motion,**

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

**MOTION PASSED.**

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

• **PLANNING DEPARTMENT REPORT:**

None to Report.

• **CORRESPONDENCE RECEIVED:**

None to Report.

• **ZONING BOARD OF APPEALS MEMBERS:**

Ms. Elizabeth El-Assadi stated that with the increase in transparency issues, it would be recommended to have the Township attorney along with the Planning Department to be present for the meetings.

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

None to Report.

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

Ms. Sally Elmiger informed the ZBA of an applicant who is moving closer to a deadline since they were waiting for the school to start before, they conduct a traffic impact study. They may not be able to come to the November ZBA meeting. The request is for a meeting on October 16, 2024.

- **ADJOURNMENT**

**MOTION:** Mr. Eldridge **MOVED** to adjourn at 7:05 p.m. The **MOTION** was **SECONDED** by Mr. Burnett and **PASSED** by unanimous consent.

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Respectfully submitted by Minutes Services