

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

COMMISSIONERS PRESENT

Marsha Kraycir
Stan Eldridge
David Marshall
Edward Burnett

STAFF AND CONSULTANTS

Fletcher Reyher, Planning and Development Coordinator
Sally Elimger, Planning Consultant
Dennis McLain, Township Attorney

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

• **APPROVAL OF SEPTEMBER 18, 2024, SPECIAL MEETING MINUTES**

MOTION: Mr. Burnett **MOVED** to approve the September 18, 2024; Special Meeting Minutes as presented. The **MOTION** was **SECONDED** by Mr. Eldridge and **PASSED** by unanimous consent.

• **PUBLIC HEARING**

Applicant: Ypsilanti Community Utilities Authority

Location: 2777 State Street, Ypsilanti, MI 48198

Parcel ID: K-11-13-283-001

Request: Article 15 – Sec. 1509.3.B: Maximum Height, Maximum Area and Minimum Setback Requirements for Ground Signs: Request for variance to the maximum height and area for a ground sign located in the I-C, Industrial and Commercial Zoning District.

Mr. Fletcher Reyher, Planning and Development Coordinator, presented a variance request on behalf of the applicant (YCUA) located at 2777 State Street, Ypsilanti, MI 48198. Request for variance to the sign requirements of Article 15 – Sec. 1509.3.B: To allow the construction of a ground sign that exceeds the permitted height and area requirements for the zoning district they reside in.

The subject site is a 71-acre parcel located at the intersection of State Street and McGregor Road, zoned I-C (Industrial and Commercial). YCUA provides essential water and sanitary sewer services to residents in the surrounding area. YCUA seeks approval from the Zoning Board of Appeals for a 21-square-foot variance to exceed the 32-square-foot maximum sign area requirement, as well as a 6-inch variance beyond the 6-foot height limit. The proposed ground sign would measure 6.6 feet in height, 6 inches above the allowable height, and encompass 53 square feet in total area, which is 21 square feet more than the permitted maximum.

Mr. Fletcher Reyher informed the ZBA that they may grant dimensional or non-use variances and there needs to be a finding of a practical difficulty, and the applicant needs to demonstrate that the five criteria are met within the Township Zoning Ordinance.

Mr. Fletcher Reyher stated that the fence surrounding the property is essential for YCUA to be safe and secure and to ensure that residents and service users can easily locate the facility. The Planning Department concludes that the applicant does meet all the five criteria's.

Mr. Luther Blackburn (Director of YCUA) stated that the purpose of increasing the height of the sign is primarily to assist the traffic (southbound). This would ensure that the visitors to the facility or emergency services can readily see the sign and arrive at the proper location. The current sign sits back behind the fence line, and the fence is about six foot tall which impedes the visibility of the sign. An average of 20-50

individuals come to the site for payment of bills/ application; vendors visiting the site. The sign would be paid for by the YCUA.

PUBLIC HEARING OPENED AT 6:39 PM

PUBLIC HEARING CLOSED AT 6:40 PM

MOTION: Mr. Elridge **MOVED** to approve the variance requests at 2777 State Street, Ypsilanti, MI 48198, Parcel K-11-13-283-001 to the sign requirements of Section 1509.3.B of the Township Zoning Ordinance for the construction of a 6.6-foot tall, 53 sq. ft. ground sign behind the existing fence, as shown on the plot plan included in the Zoning Board of Appeals Application dated October 7, 2024. Granting of the requested variances meets the criteria for a non-use variance in Section 1704(D) of the Zoning Ordinance. Specifically, the approval is based on the following findings:

- There are exceptional conditions applying to this property that do not generally apply to other properties in the district, such as YCUA's critical public utility function and the need for security fencing around the property, which obstructs visibility of the sign.
- The variance will ensure adequate identification of the property for residents and service users, maintaining safe and clear visibility from State Street, given the facility's vital role in the community.
- The variances will not be a substantial detriment to adjacent properties and will not materially impair the purposes of this ordinance or the public interest. The sign is located behind the fence and will not alter the essential character of the area.
- The need for the variances is not self-created, as the fence is required for security purposes given the critical infrastructure housed on-site, and this has created visibility challenges for the sign.
- The proposed variances are the minimum necessary to ensure visibility of the sign while maintaining the security of the facility.

This motion is further made with the following conditions:

The applicant shall obtain the required building permits and applicable trade permits for the construction of the sign.

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

Roll Call Vote: Ms. Marsha Kraycir (Yes); Mr. Stan Eldridge (Yes); Mr. David Marshall (Yes); Mr. Burnett (Yes).

MOTION PASSED.

Applicant: A1 Signs and Graphics

Location: 1900 Packard Road, Ypsilanti, MI 48197

Parcel ID: K-11-06-479-007

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

Mr. Fletcher Reyher, Planning and Development Coordinator, presented a variance request for to the ground sign requirements of Article 15 – Sec. 1509.6 –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 subject site is a 0.395-acre parcel, located at the Packard Road and Kewanee Street intersection (across the street from Ypsilanti High School). The property is zoned NC, Neighborhood Corridor, with a Site Type A Designation. This property is owned by Siddiqui Properties, LLC and is used as a multi-tenant space with medical and dental services.

A7 Signs & Graphics are asking the Zoning Board of Appeals to consider granting them a 52 sq. ft. variance, and a 7-foot height variance to the required 20 sq. ft. sign area and 4-foot height requirement.

Staff visited the site on October 14, 2024, and determined that the existing sign is approximately 9-feet tall and 4-feet wide for an area of 36 sq. Ft. The new sign, or the proposed sign, exceeds these requirements.

Mr. Fletcher Reyher presented an aerial view of the proposed site.

The Zoning Board of Appeals may grant dimensional nonuse variances upon finding compliance with a set of criteria listed in the township zoning ordinance:

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 property accommodates seven individual medical/dental businesses. A multi-tenant space located on a 35mph roadway. We consider these factors as creating conditions that

make advertising a business challenge. The existing signage requirements of 20 sq. ft. and 4 feet in height do not accommodate the listing of multiple tenants, making it difficult for the businesses on the property to adequately promote themselves to passing traffic.

The Planning Department finds this to be an exceptional condition that justifies the request for a larger sign to meet the needs of both the businesses and the community.

- **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 current signage limitations do not provide adequate space to list the multiple tenants on one ground sign, which could hinder the visibility and success of these businesses. The inability to install a sign large enough to accommodate multiple tenants could place the applicant at a disadvantage compared to other properties in the vicinity where the current ordinance limitations allow for adequate visibility.
- **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:** Granting the variances as proposed could negatively impact the overall character of the area, as the other property owners have complied with the ordinance limitations. However, some additional area/height may be needed to adequately advertise seven businesses at this site.
- **The property and resulting need for the variance has not been self-created by any action of the applicant or the applicant's predecessors:** The need for the variance is not self-created. The challenges stem from the number of individual businesses that occupy the building and the property's location on a 35mph roadway. The applicant did not build the building or create the road's conditions.
- **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 sign design allocates 50% of the space to one occupant of the building and divides the remaining 50% among the six other occupants of the building. The electronic message center occupies approximately 3.5 feet of the

proposed height, and 19.5 sq. ft. of the proposed sign area. If the electronic message center were eliminated, this would reduce the height of the sign to 7.5 ft., reducing the height variance to 3.5 feet. It would also reduce the area of the sign to 52.5 sq ft., reducing the area variance to 32.5 sq. Ft. The Planning Department's opinion is that eliminating the electronic message center will still allow the applicant to provide adequate signage for each tenant without being excessive. The Planning Department feels that that the size could be reduced to accommodate all of the tenants, and also meet all the five criteria's for a variance.

The ZBA inquired if the Planning Department has shared with the applicant the message board elimination/ reduction of size; Mr. Fletcher Reyher stated that the packet was shared with the applicant and the Planning Department has not yet had a depth conversation with application on the preference.

Ms. Kraycir inquired how the applicant found out that they were out of compliance; Mr. Fletcher Reyher stated the applicant submitted a building permit application which is reviewed by the Planning Department prior to the building review, and it was identified the applicant's proposal did not meet requirements, and the Planning Department gave various options (either to comply or to seek a variance).

The applicant, Mr. Siddiqui, shared with the ZBA his proposal for replacing the current sign that is outdated and is not serving the tenants who have been at the location for many years. Currently the building is not fully occupied and having a sign would encourage prospective tenants to rent a space in the building and have open businesses.

The ZBA inquired with the applicant could meet with the Planning Department and discuss and accomplish that complies with the ordinance and also have his requirements met; Mr. Siddiqui stated that he would like to have a discussion with the Planning Department.

The ZBA inquired if the signage changes pictures or if it is stagnant with one picture; Michael Zacks (20720 North Elm Street, Southfield, Michigan; Manager of Universal Signs) stated that the sign would display messages for Dr Siddiqui and for the tenants in the building. The messages would be static messages (no flashes or scrolls). The sign would either consist of a picture or verbiage. The verbiage will change depending on if the township allows for programmable signs.

Dr Siddiqui has agreed to display community messages/ Amber Alerts if the sign were to be approved.

Ms. Kraycir inquired with the applicant why he did not meet the Planning Department for a discussion; Dr. Siddiqui stated that he wasn't aware of the review meeting.

Mr. Burnett inquired if the size of the sign base be decreased; Michael Zacks stated that they could reduce the size and comply with the ordinance.

PUBLIC HEARING OPENED.

- Gloria Morris, 505, Kewanee Street stated the proposed building has been referred to as the Dental Building and the sign has been up for 20 years and having a bigger sign is not necessary to bring in more customers. There are other businesses on the street that use smaller signs and serve the purpose. Having a big sign across a High School is not recommended.
- Flora Brumfield, 1890 Stratford Road shared her concern that an electronic sign might be lighted that could cause hinderance and distraction to the traffic at the intersection (especially during school hours).

PUBLIC HEARING CLOSED.

Ms. Kraycir on behalf of the ZBA inquired with Dr. Siddiqui (applicant) if he was willing to work with the Planning Department and decide on a resolution; Dr. Siddiqui stated that he agreed. The Zoning Ordinance requires the ZBA to decide within 90 days of the application. The date on the application is August 8, 2024 (84 days have passed). The ZBA stated that the applicant has agreed to extend the period to consider this variance past 90 days.

MOTION: Mr. Elridge **MOVED** to postpone the variance requests at 1900 Packard Road, Ypsilanti, MI 48197, Parcel K-11-06-479-007 to the sign requirements of Section 1506.6 of the Township Zoning Ordinance for the construction of an 11-foot tall, 72 sq. ft. ground sign within the building envelope as shown on the plot plan included in the Zoning Board of Appeals Application dated August 8, 2024, to give the applicant an opportunity to address the comments

made at this evening's meeting (commission members; public and staff) and return with a revised proposal based on these comments:

- Revised proposal within 30 days with the applicant understanding that this would exceed the 90-day requirement, and he is in approval with that.

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

Roll Call Vote: Ms. Marsha Kraycir (Yes); Mr. Stan Eldridge (Yes); Mr. David Marshall (Yes); Mr. Burnett (Yes).

MOTION PASSED.

Applicant: John and Robin Eggertsen

Location: 6369 Munger Road, Ypsilanti, MI 48197

Parcel ID: K-11-30-200-039

Request: Article 8 – Sec. 802: Accessory Buildings and Accessory Uses: Request for variance to the frontage requirements for pole barns.

Mr. Fletcher Reyher, Planning and Development Coordinator, presented a variance request from John and Robin Eggertsen for a variance from the road frontage regulations for a pole barn under Article 8– Sec. 802.12 of the Township Zoning Ordinance, to allow the construction of a 1,200 sq.ft pole barn on a 12-acre property with 80-feet of frontage. The Township zoning ordinance requires properties to have 150-feet of frontage along a road for the construction of a pole barn.

The property is a 12-acre flag-shaped parcel located on Munger Road, just south of the intersection with Textile Road. The applicant is seeking approval from the Zoning Board of Appeals for a 70-foot variance from the 150-foot road frontage requirement to allow the construction of a pole barn. The property has only 80 feet of frontage due to the “flag” shape of the lot.

Mr. Fletcher Reyher presented an aerial view of the proposed site.

The Township Planning Department reviewed all five of the criteria for a variance to be granted, and states that the applicant meets the conditions and criteria as outlined in the zoning ordinance for a variance.

Mr. Fletcher Reyher highlighted certain criteria for the Board to consider:

- The property well exceeds the acreage requirements for a pole barn but doesn't meet the frontage requirements.
- The house, like the pole barn, sits far off the road, and the Planning Department does not find it to be a disturbance to the neighbors.
- Granting this variance will not negatively impact adjacent properties or alter the essential character of the area. The proposed pole barn will be in the rear of the property, and will comply with all other ordinance requirements, including setbacks and height limitations.

The ZBA stated that over the years when houses were to be built further away from the property line and one consideration was the water source in case of a fire; Mr. Fletcher Reyher informed the ZBA that the pole barn wouldn't be occupied, and people wouldn't be sleeping inside the building. The driveway is about 1300 square feet long, and that may exceed some type of fire department requirement. Mr. Fletcher Reyher recommendation to the Board to condition the building permit being reviewed by the fire marshal to ensure that there's no issues with that distance from the road.

The applicant John Eggertsen informed the ZBA that the property is 1500 feet away from Munger Road. There is a water line on the property attached to the city water line. None of the neighbors have objections to the pole barn. The barn will be used as storage for the lawn mowers and other items.

PUBLIC HEARING OPENED.

PUBLIC HEARING CLOSED.

MOTION: Mr. Elridge **MOVED** to the variance request at 6369 Munger Road, Ypsilanti, MI 48197, Parcel K-11-30-200-039 to the frontage requirement of Section 802.12 of the Township Zoning Ordinance for the construction of a pole barn on a lot with 80 feet of frontage, as shown on the plot plan included in the Zoning Board of Appeals Application dated October 11, 2024. Granting of the requested variance meets the criteria for a non-use variance in Section 1704(D) of the Zoning Ordinance. Specifically, the approval is based on the following findings:

- There are exceptional or extraordinary circumstances applying to this property that do not generally apply to other properties in the district. The flag-shaped lot with only 80 feet of frontage, a 1,300-foot-long driveway, and 12 acres of land present unique challenges that limit development potential under the current ordinance.
- The variance is necessary for the preservation of a substantial property right, allowing the applicant to construct a pole barn like what is allowed on other properties in the district that meet the frontage requirements.
- The variance will not be a substantial detriment to adjacent properties and will not materially impair the purposes of the ordinance or the public interest. The pole barn will comply with all other ordinance requirements, including setbacks, height, and location in the rear yard, ensuring it does not alter the essential character of the area.
- The need for the variance is not self-created, as the narrow frontage and flag shaped layout of the lot were pre-existing conditions that limit compliance with the frontage requirement.
- The variance is the minimum necessary to allow the applicant to construct the pole barn on the property while complying with all other zoning requirements.

This motion is further made with the following conditions:

The applicant shall obtain the required building permits and applicable trade permits for the construction of the pole barn.

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

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

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 A1 Signs and Graphics on Packard Road would be back within the month with their revised plans.

- **ADJOURNMENT**

MOTION: Ms. Kraycir **MOVED** to adjourn at 7:30 p.m. The **MOTION** was **SECONDED** by Mr. Eldridge and **PASSED** by unanimous consent.

Respectfully submitted by Minutes Services