

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

COMMISSIONERS PRESENT

Elizabeth El-Assadi
Stan Eldridge
David Marshall
Edward Burnett

STAFF AND CONSULTANTS

Fletcher Reyher, Planning and Development Coordinator
Sally Elmiger - Carlisle Wortman Associates
Dennis McLain – Township Attorney

• **CALL TO ORDER/ESTABLISH QUORUM**

MOTION: Ms. El-Assadi called the meeting to order at 6:30 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 NOVEMBER 6, 2024, SPECIAL MEETING MINUTES**

MOTION: Mr. Eldridge **MOVED** to approve November 6, 2024; Special Meeting Minutes as presented. The **MOTION** was **SECONDED** by Mr. Marshall and **PASSED** by unanimous consent.

• **PUBLIC HEARING**

Applicant: Andy Patel

Location: 350 & 460 Joe Hall Drive, Ypsilanti, MI 48197

Parcel ID: K-11-38-363-029 & K-11-38-363-003

Request: Article 4 – Sec. 414.3: Dimensional Requirements – To allow the hotel building to exceed 40-foot height by 14 Feet 8.5’, for a total height of 54 Feet 8.5’.

Mr. Fletcher Reyher, Planning and Development Coordinator, presented a variance request from Andy Patel seeking a height variance for a Holiday Inn Express located at 350 and 460 Joe Hall Drive. The subject parcel is located on the north side of Joe Hall Drive. The applicant proposes a 93-room, 4-story Holiday Inn. The site is zoned Innovation and Technology (I-T), and the maximum building height is 40-feet. The applicant is seeking a variance to exceed the maximum building height.

Mr. Fletcher Reyher informed the ZBA that 54 feet 8.5 inches is the top of what is called a parapet. A parapet is a faux roof, when viewed from outside it appears as a roof but it's a hollowed-out wall with mechanical equipment stored on top of the roof.

Mr. Fletcher Reyher informed the ZBA that the variance would change from 40 feet to the height of the roof shown on the plans (ZBA Packet dated December 04, 2024); the motion made by the ZBA would cover what is proposed in the plans.

The applicant, Mr. Patel, attended a Planning Commission meeting (November 26, 2024); the motion for preliminary site plan was postponed in order for the applicant to come before the ZBA to seek variance.

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 Innovation and Technology (I-T) district permits up to 4-stories, and 40-feet in height. The applicant complies with the maximum number of stories but exceeds the maximum height. The site is encumbered with regulated wetlands and woodlands, which reduce the total buildable area of the lot. Obtaining the required number of hotel rooms to make the hotel viable would require either significant detrimental impacts to the wetlands and woodlands or acquisition of additional property.

- **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 variances being requested would permit the use of the property for a hotel which is a permitted use in the Innovation and Technology (I-T) district. A height variance was granted to recent hotels including the Wolverine Eagle Hospitality hotel on Hewitt and Michigan Avenue and the Fairfield Inn on James L. Hart.
- **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:** The variance to extend the building height would not hinder the current character of the area as Hampton Inn and Fairfield Inn both on James L Hart Parkway are 54 feet in height.
- **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 parcel conditions and is working within the parameters.
- **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 feels that the additional height to the structure is reasonable based on the natural feature encumbrances on the parcel and the similar heights of hotels in the immediate area.

The Applicant (Andy Patel) and the Engineer (Zach Boeve: VK Civil) were present at the meeting. Mr. Zach Boeve shared with the ZBA that they were requesting a height variance and the reason being in order to make the hotel profitable and successful; the extra four story would allow extra rooms which would require the exceeding of the 40 Foot requirement. Another reason would permit the minimization of the footprint of the hotel; preserving the existing trees/ avoids the existing wetland, while still remaining economical. The extra height would allow the storage of the mechanical equipment onto the roof, rather than on the ground level, which reduces the footprint of the impact of the development, providing a more aesthetic look. Hotels in the

surrounding area have received the same variance as requested; this would help in following a precedence that is been set.

The ZBA inquired with the applicant if they could spread out the floor plan and have more rooms instead of extending upwards since the site is on two lots; Mr. Zach Boeve stated that a large utility easement for both water and sewer for the township runs though the lot and it is considered a no built easement. The plan is to maximize the available space between that easement, the ordinance setbacks on the west property line, and the regulated easements to the front or in the rear.

Mr. Patel stated that he was not the owner until he had the approval to build. The ZBA shared their concern that Mr. Patel would not have extraordinary circumstances at that point, because he's not the owner of the property.

Sally Elmiger (Planning Consultant - Carlisle Wortman) informed the ZBA that Mr. Patel has an option to purchase the property and permission from the property owner to seek approvals to develop this land, the criteria would be within the context of that agreement. Mr. Patel could buy another piece of property; the district does permit him to have four stories. The owner has given Mr. Patel the authority to seek the site plan and planning approvals that are necessary to develop the property.

The ZBA inquired about the applicant's response to the traffic report; Mr. Patel stated the Township attorney had responded to the seller's letter; Mr. Patel informed the ZBA that he was meeting the seller to discuss the light, since it is part of the site plan approval.

Ms. El-Assadi discussed the height variance (40 feet to 41 feet, 10.5 inches) and the traffic light (obtain all outside agency approvals, including the arrangement for the installation of the traffic signal).

PUBLIC HEARING OPENED AT 6:55 PM

(Hearing no comments)

PUBLIC HEARING CLOSED AT 6:56 PM

MOTION: Mr. Elridge **MOVED** to approve the variance request to permit an increase in the overall height of the proposed building located within the Innovation and Technology (I-T) district from 40 feet to 41 feet and 10.5 inches to the roof line in order to permit the construction of a 93-room hotel upon the property located at 350

and 460 Joe Hall Drive (K-11-38-363-029, K-11-38-363-003). The plans being referenced are included in this packet with the following practical difficulties 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.
- The site is encumbered with regulated wetlands and woodlands, which reduce the total buildable area of the lot, and it has been determined and agreed that the subject parcel has exceptional conditions requiring the additional building height.
- The proposed height is similar to other hotels in the immediate area.
- **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 and approvals for the construction of the hotel, including, but not limited to the property owner or the developer. Entering into a road improvement agreement with the Washtenaw County Road Commission for the installation of a traffic signal at the intersection of Huron Street and Joe Hall drive as part of the development.

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

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

MOTION PASSED.

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

- **PLANNING DEPARTMENT REPORT**

2025 Schedule of Meetings: Mr. Fletcher Reyher presented on screen the 2025 calendar dates for the Zoning Board of Appeals Meetings.

MOTION: Mr. Elridge **MOVED** to accept the 2025 meeting schedule as mentioned in the report. The **MOTION** was **SECONDED** by Mr. Burnett and **PASSED** by unanimous consent.

- **CORRESPONDENCE RECEIVED**

No Report

- **ZONING BOARD OF APPEALS MEMBERS**

No Report

- **MEMBERS OF THE AUDIENCE/PUBLIC**

No Report

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

No Report

- **ADJOURNMENT**

MOTION: Mr. Eldridge **MOVED** to adjourn at 7:02 p.m. The **MOTION** was **SECONDED** by Mr. Burnett and **PASSED** by unanimous consent.

Respectfully submitted by Minutes Services