

CHARTER TOWNSHIP OF YPSILANTI
ZONING BOARD OF APPEALS
Wednesday, February 5, 2025
6:30 PM

COMMISSIONERS PRESENT

Edward Burnett
Elizabeth El-Assadi
Stan Eldridge
David Marshall
Ericka Vonyea

STAFF AND CONSULTANTS

Fletcher Reyher, Planning and Development Coordinator
Sally Elmiger, Carlisle Wortman Associates

- **CALL TO ORDER/ESTABLISH QUORUM**

MOTION: Ms. El-Assadi called the meeting to order at 6:30 pm. 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 DECEMBER 4, 2024, REGULAR MEETING MINUTES**

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

- **PUBLIC HEARING**

Applicant: Bank of America

Location: 2250 W. Michigan Avenue, Ypsilanti, MI 48197

Parcel ID: K-11-18-100-024

Request: Article 13 – Section 1303.3 (A & B) Lighting Requirements – Request to permit lighting levels along the western property line to exceed the maximum allowable illumination of 0.5 footcandles and allow light levels to exceed the maximum of 20 footcandles measured at ground level.

Mr. Reyher, Planning and Development Coordinator, presented a variance request from Bank of America to exceed the ordinance lighting requirements at their West Michigan Avenue location. The subject site is a 5.217-acre parcel located at the intersection of S. Hewitt Road and W. Michigan Avenue.

The applicant, Bank of America, is seeking a variance from Article 13, Sec. 1303.3 (A & B) of the Township Zoning Ordinance. The request is to exceed the maximum allowable illumination of 0.5 footcandles at the property boundary and the maximum light level of 20 footcandles measured at ground level. The proposed project includes replacing 31 existing light fixtures, adding 4 new fixtures, and installing 2 additional light poles with fixtures. In total, 38 light fixtures will be replaced, and 7 new fixtures will be added to improve the property's lighting.

Mr. Reyher presented an aerial view of the parcel; the property is adjacent to the Speedway gas station and across the street from Wendy's restaurant.

According to the Township Zoning Ordinance, Article 13, Sec. 1303.3 states that the maximum illumination levels at ground level along property lines adjacent to residential properties are limited to 0.5 footcandles. The submitted plans by Bank of America show a range of lighting footcandles from 0.0 to 13.5 footcandles, the variance would be up to 13 footcandles above the permitted level, if granted. The maximum illumination at ground level in any given area is 20.0 footcandles. The submitted plans show a maximum illumination range from 0.0 to 27.4 if a variance was granted, it would be up to 7.4 footcandles above the permitted level.

Mr. Reyher informed the ZBA that the ground level illumination is specifically underneath the bank awning where a customer can drive their car up to use the ATM.

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. A finding of practical difficulty shall require a demonstration that all the following conditions are met.

Criteria:

- **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 subject property, located at 2250 W. Michigan Avenue, is adjacent to a residential property to the west, making compliance with the ordinance's illumination standards critical to minimizing potential impacts on nearby residences. The applicant has not demonstrated any exceptional or extraordinary circumstances specific to this property that would prevent adherence to the lighting requirements.
- **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 lighting regulations outlined in the Township Zoning Ordinance are intended to balance functional site lighting with the protection of neighboring properties, particularly residential uses. The applicant has not provided evidence that exceeding the allowable lighting levels along the western property line or ground-level illumination is necessary to preserve a substantial property right.
- **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 proposed lighting levels along the western property line, ranging from 0.0 to 13.5 footcandles, exceed the allowable limit of 0.5 footcandles adjacent to residential property. Additionally, the ground-level illumination of up to 27.4 footcandles exceeds the maximum permitted level of 20.0 footcandles. These increases could create light spillover and glare, potentially impacting the adjacent residential property.
- **The property and resulting need for the variance has not been self-created by any action of the applicant or the applicant's predecessors:** Based on the submitted information, the need for the variance appears to be self-created. In the applicant's

application, they did not provide township staff with a valid explanation or justification as to why compliance with lighting regulations is not feasible.

- **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 applicant has not demonstrated that the requested variance represents the minimum necessary or that alternative solutions such as reducing light levels or modifying the lighting plan are unfeasible. Without this information, it is not evident that the variance request is the least intrusive option to achieve the desired functionality.

Mr. Alex (GMR- Lighting Consultant, designer for Bank of America) informed the ZBA that they surveyed all the exteriors of the ATM that Bank of America has for light levels, and the bank has minimum requirements for exterior ATMs in a 50-foot radius around that ATM. When sites do not meet their minimum requirements, they get pulled into a program called the exterior lighting program, where the readings are corrected to meet the minimum requirements. Some states have statutes that require a minimum amount of footcandles around the ATM, and some do not. Michigan does not have a requirement for a minimum amount of light around ATMs, but the lighting consultants are trying to meet the bank's requirements at this point.

Mr. Alex presented the aerial view of the property; the 13.5 footcandles stated in the report are on the property line and 5.2 feet off the property line. The 50-foot compliance area abuts the property line. The reason for the light spill is because of the initiation to light all the way to the property line; the existing 20 footcandles underneath the canopy will be replaced. All the wall lights are 45 degrees, and the new lights will be cut off, all the lights will shine straight down. The main reason for the variance is due to the proximity to the property line of the ATMs; the attempt to light the 50-foot radius, that is close to the property line thus causing a spill into the residential property.

Mr. Alex informed the Board that the adjacent property is set back from the property line with a lot of trees that would reduce the glare as compared to the western portion right by the ATM, which is a challenge.

Mr. Alex stated that the existing 27.5 footcandles underneath the canopy would be replaced with the existing line, and anything less would require the removal of fixtures underneath the canopy that would make it less safe for the customers to use at night.

Ms. El-Assadi inquired if Mr. Alex read the analysis made by the Planning Township; Mr. Alex stated that the planning department had requested different options to reduce the light spillover. Mr. Alex informed the ZBA that he has not created a new set of drawings but there can be changes made to underneath the canopy but over the property line, to meet the bank standard, which would be over 0.5, no matter what changes are made.

Mr. Alex addressed the criteria: **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:** Mr. Alex informed the ZBA that there will be no negative effect on the property next door due to the setback of the residential area and the landscaping, and there will be no glare or lights that will go into the property windows.

The property and resulting need for the variance has not been self-created by any action of the applicant or the applicant's predecessors: Mr. Alex stated that the bank property is old and the ATMs have been there since the establishment of the bank, and at that point, that probably was a self-imposed item by the bank, and the bank would not have a security lighting program for the ATM.

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: Mr. Alex stated that it would be difficult to make changes to the footcandle on the property line.

Ms. Vonyea inquired about the lighting; Mr. Alex stated that they are using high metal fluorescent, that would be built into the LED fixtures.

Ms. El-Assadi inquired about the company lighting policies; Mr. Alex stated the requirement for lighting is within the 10-foot radius of the ATM. Bank of America wants 10 footcandles, minimum underneath the ATM. And within 50 feet they need 2 footcandles around the ATM, if there is parking, it is 60 feet. And the 50-foot compliance area is close to the property line that is creating spillage.

Ms. El-Assadi informed the public that Ms. Vonyea is acting as a substitute for Marsha Kraycir; Ms. Vonyea would be part of the discussion but not a voting member.

Mr. Reyher informed the ZBA that the planning department could work with the applicant on some alternatives to shield LED lights or dim them to meet the standards or get closer to what the ordinance permits.

The ZBA inquired how far into that property the light would affect; Mr. Alex stated that the tall trees would create a buffer, and it would not create a glare.

Ms. Elmiger (Planning Consultant - Carlisle Wortman) inquired about the possibility of reducing the lighting under the canopy to 20 footcandles and if it would affect the lighting along the west boundary; Mr. Alex stated that there would be of no effect because the 27.4 is underneath the canopy and they would shine straight down. The wall fixtures on the drive-through canopy are causing the light to spill over the property line.

The ZBA suggestion to the Planning Department and the applicant is for them to work together and find a solution that would meet the township's requirements.

PUBLIC HEARING OPENED AT 7:03 PM

- A resident (West Michigan Avenue) shared her concern that she is uncomfortable using the Bank of America ATM because of the darkness; on the west side there is foliage, and there must be some meeting of the minds to come up with some compromise, whether the lighting is going to be shielded or not. The township is in need of a bank.

(Hearing no comments)

PUBLIC HEARING CLOSED AT 7:05 PM

MOTION: Mr. Elridge **MOVED** to postpone the variance requests at 2250 W. Michigan Avenue, Ypsilanti, MI 48197, Parcel K-11-18-100-024 to the lighting requirements of Article 13, Section 1303.3 (A & B) of the Township Zoning Ordinance, as shown on the plans submitted with the Zoning Board of Appeals Packet dated February 05, 2025. This postponement is to provide the applicant with an opportunity to address the comments made at this evening's meeting and return with a revised proposal that reflects those comments after meeting with the Planning Staff.

The **MOTION** was **SECONDED** by Mr. Burnett and **PASSED** by unanimous consent.

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

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

- **PLANNING DEPARTMENT REPORT**

No Report

- **CORRESPONDENCE RECEIVED**

No Report

- **ZONING BOARD OF APPEALS MEMBERS**

The ZBA welcomed the new Board members.

- **MEMBERS OF THE AUDIENCE/PUBLIC**

No Report

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

Mr. Reyher informed the ZBA that Dr. Siddiqui at 1900 Packard Road was present before the ZBA regarding a sign variance; the latest package from Dr. Siddiqui's office shows a significant change in the sign size; expected to see them at the March 5, 2025, meeting.

Culver's drive-through restaurant (1900 Packard Road) will be going to the planning commission in February to discuss the two variances to push the project forward.

- **ADJOURNMENT**

MOTION: Mr. Eldridge **MOVED** to adjourn at 7:10 pm. The **MOTION** was **SECONDED** by Mr. Marshall and **PASSED** by unanimous consent.

Respectfully submitted by Minutes Services, LLC