

**CHARTER TOWNSHIP OF YPSILANTI
ZONING BOARD OF APPEALS
Wednesday, October 15, 2025
6:30 pm**

COMMISSIONERS PRESENT

Elizabeth El-Assadi
Ericka Vonyea
Edward Burnett
David Marshall

STAFF AND CONSULTANTS

Mark Yandrick – Planning Director
Sally Elmiger - Carlisle Wortman
Denny O. McLain - Township Consultant Attorney, McLain & Winters

- **CALL TO ORDER/ESTABLISH QUORUM**

MOTION: Ms. El-Assadi called the meeting to order at 6:31 p.m. Ms. El-Assadi completed the roll call and confirmed a quorum was established.

- **OFFICIAL COMMUNICATION**

None to Report

- **APPROVAL OF AGENDA**

MOTION: Mr. Burnett **MOVED** to approve the agenda except for the public hearing session (since it was held at October 1, 2025, ZBA meeting). The **MOTION** was **SECONDED** by Ms. Vonyea and **PASSED** by unanimous consent.

- **OLD BUSINESS** (Public Hearing already held, item tabled previously)

Applicant: Antione and Johnita Porter

Location: 6070 S Miami Street, Ypsilanti, MI 48197

Parcel ID: K-11-27-102-021

Request: Article 8– Sec. 802.5., Accessory Buildings and Accessory Uses, and Article 4, Sec.406.3 District Regulation: Request for variances to expand an attached carport in the side yard, and to locate the outer edge of the carport less than required setback to the side property line.

Sally Elmiger (Planning Consultant - Carlisle Wortman) informed the Zoning Board that the applicant has updated the proposal. This proposal was discussed earlier at the October 1, 2025, meeting and the decision was postponed to October 15, 2025, to discuss the variance for the extension of the carport into the side yard setback. The ZBA had requested the planning staff to work alongside the applicant and the builders to look at options that were raised at the October 1, 2025, review meeting. The planning staff and the applicant met on October 6, 2025, and the applicant has come back with a modified proposal.

The new proposal reduces the needed variance by 1-foot. The original proposal extended the carport north by 6 feet, locating the carport 0.7 feet from the north side of the property line. During the October 1, 2025, meeting, the applicant also proposed the addition of a ramp (next to the house, underneath the carport) that would require the extension of the carport so that the applicant could drive around the ramp and park the car under the carport and exit the car and go up the ramp to enter the house. Ms. Elmiger shared that the existing carport is not 5- feet away from the side of the property line. They could widen the carport by 1.5 feet. The ordinance does permit someone to increase an overhang into the setback that would provide another 10 inches of roof to the north of the edge of the base part of the carport to provide additional cover. This would provide almost two more feet of covered carport without a variance and would place the carport at least 10 feet away from the neighbor's house. Another alternative is that a typical barrier-free parking space is 8 feet wide, and an access aisle is 5 feet wide, for a total of 13 feet. If the vehicle entered the carport from the street, the driver would have approximately 4 feet to exit the car and enter the house.

The proposed ramp is 2.5 feet wide; that would leave 10 feet of space for the parking of the car with the allowance for the car door to be opened.

Ms. Elmiger stated that the lot is a non-conforming setbacks, due to the requirement for the two side setbacks should be equal to 16 feet, the South property line is 6.4 feet away from the south property line and the North setback is 6.8 feet away (it does not equal to 16 feet).

Commissioner El-Assadi inquired with Ms. Elmiger if there were any other ideas or other feasible options that were shared during the meeting with the applicant. Mr. Yandrick stated that the planning staff was focused on the existing carport and tried to work with the existing measurements.

The applicant Johnita Porter informed the ZBA regarding her discussion with the planning staff on the breezeway/ overhang idea. The builder had indicated that the ramp dimensions must be 36 inches for wheelchair accessibility, and the possibility to narrow the ramp would be unsafe, and it would not fall within the ADA guidelines. Ms. Porter stated that the breezeway idea would require her to take more steps, and the recommendation from the physician, is to have a more direct path possible for her safety and accessibility, concluding that the breezeway from the garage would not be feasible.

Ms. Porter informed the ZBA that she has a letter from her physician on the applicant's accessibility and physical needs that require this accommodation. Ms. Porter informed the ZBA and Ms. Elmiger that she had written a letter in April specifying the need for a ramp, and it was somehow missing from the packet.

Ms. Porter informed the ZBA that she requires a cane, a walker, and a wheelchair for her mobility. The current structure does not provide enough clearance for her mobility to enter the house with a direct route. Her inability to move around has made it difficult to leave the house and easy access to her house would be convenient.

The applicant Antione Porter requested that he share photos of the accident: Commissioner El-Assadi shared with the applicant that they sympathize with them. Commissioner El-Assadi stated that the ZBA has a legal set of guidelines and criteria that permit variances.

Ms. Porter informed the ZBA that Ms. Elmiger had encouraged her to read Article 17 of the ordinance to understand the criteria. The Township Masterplan talks about the goal of preserving and creating great neighborhoods that meet the daily needs of all residents. Ms. Porter requested the ZBA to consider the criteria's that would support accessibility issues for people with disabilities.

The Commissioners went into discussion on the ADA standards pertaining to public use and single-family residential homes, and the recommendation is to stick with the criteria and the suggestions that were provided by Ms. Elmiger.

Commissioner El-Assadi stated that there will be no public hearing, but homeowners will be addressed during any discussion.

Commissioner Burnett inquired with Ms. Elmiger about the possibility of the ramp being re-positioned for the applicant's access: Ms. Elmiger stated that Ms. Porter would enter the home from the front and head west towards the door on the side of the building. Ms. Porter would need enough room from the passenger side to exit the car and use the ramp and the side door (under the carport) to enter the house. Ms. Porter stated that the expansion of the driveway would help the car park closer to the ramp, which would save Ms. Porter from walking. Clearance would be required for the door to be opened; that would help easy access for the wheelchair.

Ms. Elmiger shared with the Commissioners that the carport is 6.7 feet away from the side property line. The suggestion is to expand the carport by another 1.5 feet, which would allow the expansion of the roof and extension of the pavement underneath the carport to another 10 inches into the setback. The car would be parked past the ramp for Ms. Porter to be able to open the door and allow her to backtrack to the bottom of the ramp and use it for her entrance into the house (this would need more walking). Ms. Porter stated that this recommendation would be physically impossible for her.

Commissioner Burnett talked about flipping the ramp: Ms. Elmiger stated that due to the structure of the backyard, it would make a significant change to the slope that would make it impractical and non-functionable.

Ms. Elmiger reviewed the following criteria:

- There are exceptional, extraordinary circumstances or conditions applying to the property in question that do not generally apply to other properties or classes of use in the same zoning district. There are exceptional or extraordinary circumstances or conditions include, but may not be limited to narrowness, shallowness, topographical physical situation the land, building or structure or development characteristics of land immediately joining the property in question that creates except exceptional constraint: Ms. Elmiger stated that the exceptional or extraordinary circumstances is with the land and not to the person utilizing the land. Commissioner Marshall stated that in the past the ZBA has reviewed commercial properties and have considered physical needs as exceptional circumstances and resident needing additional space does satisfy an exceptional circumstance, where the property would need to serve the applicants condition. Ms. Elmiger stated that all variances are unique, and a decision on a variance in one situation doesn't necessarily mean that it would be the same decision for a different parcel.

- The variance is necessary for the preservation and enjoyment of the substantial property rights possessed by other properties in the same zoning district and in the vicinity. Commissioner Marshall stated that access and egress from the applicant's home is a substantial property right enjoyed by others similar properties.
- That the authorization of such 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. Commissioner Vonyea shared that the situation is for someone who needs this compliance to be independent and mobile and have the enjoyment of their home, and this should help the Commissioners make their decision. Commissioner Burnett stated the applicant has received support from both neighbors.
- The problem and resulting need for the variance has not been self-created by any action of the applicant or the applicant's predecessors: Commissioner Vonyea stated the circumstance faced by the applicant has requested the need for the variance.
- The proposed variance will be minimum necessary, and no variance shall be granted where a different solution, not requiring a variance, would be possible: Ms. Elmiger stated that the planning staff has discussed the proposal and has reviewed the various options of moving the ramp that would allow enough room for the applicant to make the movement, but this is dependable on the applicants allowance to make these moves.
- Ms. Elmiger stated that her review letter stated that one of the criteria's that was met by the applicant was the issue was not self-created. Ms. Elmiger stated that she did not find any unusual situation on the property. Looking at the criteria for preservation and enjoyment of a substantial property right, Ms. Elmiger stated that she was looking at the home to have both a carport and a garage but had not considered the accommodating access and the need to limit steps (new information was shared at the meeting). The Building Code requires a minimum of 10-foot separation between residential buildings, unless special fire rating construction is used. 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 request is essentially to make a non-conforming situation more non-conforming, due to the increase of the structure into a setback. It does not meet the total of two with the minimum two side setback requirements of 16 feet. The property is currently 13.5 feet in total of two side setbacks. By putting the structure into the side setback, it would reduce the total of two which would be less than 16 feet.

- Commissioner Burnett inquired about the neighbors who are in support and in the future if they sell their properties to new owners, there is a possibility for the new neighbors to have an issue with the setback, resulting this variance to be brought in front of the ZBA or the courts: Ms. Elmiger stated that if the ZBA agrees on the variance, the new neighbors cannot contest it. Mark Yandrick (Planning Director) stated that a neighboring property owner can put up a fence and if the variance gets approved, the post would be a foot and a half away. The general rule of planning requires a 5-foot setback otherwise it could lead to long term maintenance issues, and the ZBA must consider not having anything too close to the neighbors keeping the future in mind.
- Commissioner El-Assadi inquired if Ms. Elmiger would have any options for the applicant or the builder to consider: Ms. Elmiger stated that the planning department is open to have discussions with the applicant.

MOTION: Mr. Burnett **MOVED** to approve the following variance request from the Township Zoning Ordinance at 6070 S. Miami St., Ypsilanti, Mi 48198, Parcel K-11-27-102-021: Article VIII – Sec. 802.5 Accessory Buildings and Accessory Uses, and Article IV, Sec. 406.3 District Regulations. Request for variances to expand an attached carport in the side yard, and to locate the outer edge of the carport less than the required setback to the side property line.

Granting the request variances meets the criteria for a non-use variance in Section 17042-D of the zoning ordinance, specifically, the approval is based on the following findings:

- The applicant has demonstrated the presence of extraordinary circumstances applying to the property that prevent compliance with the setback in the locational zoning requirements, specifically the circumstances of the subject site.
- The request is necessary for the preservation of substantial property rights, which is the ability to access the site via vehicle.
- The extended carport will not create a substantial detriment for adjoining properties owners.
- The need for the variance is not self-created as the applicant, nor did their predecessors create the need for additional space to access a vehicle.
- The variances request is the minimum necessary to provide vehicle access.

The above MOTION was DEFERRED.

Ms. Elmiger requested that the ZBA state facts regarding the above findings.

The Commissioners went into discussion, and Commissioner Burnett decided that he would resend his Motion, after further discussion with the ZBA. Commissioner Marshall recommended the ZBA adding “exceptional narrowness of the property” for the applicants to access her home. Commissioner El-Assadi stated that there is no exceptional narrowness, smallness or shape of the property since the property is like the other properties on the street. Commissioner Vonyea talked about the development characteristics of land immediately adjoining the property in question that creates an exceptional constraint (issues that can arise from being too close to the adjacent property line).

The Commissioners discussed and decided to amend the previous Motion.

Ms. Elmiger informed the ZBA that the criteria state exceptional or extraordinary circumstances or conditions applying to the property, and the property in question does not apply generally to other properties or classes of uses in the same zoning district. Ms. Elmiger requested that the ZBA be specific on the criteria for the property in discussion.

MOTION: Ms. Vonyea **MOVED** to approve the following variance request from the Township Zoning Ordinance at 6070 S. Miami St., Ypsilanti, Mi 48198, Parcel K-11-27-102-021: Article VIII – Sec. 802.5 Accessory Buildings and Accessory Uses, and Article IV, Sec. 406.3 District Regulations. Request for variances to expand an attached carport in the side yard, and to locate the outer edge of the carport less than the required setback to the side property line.

Granting the request variances meets the criteria for a non-use variance in Section 17042-D of the zoning ordinance, specifically, the approval is based on the following findings:

- The applicant has demonstrated the presence of extraordinary circumstances applying to the property that prevent compliance with the setback and locational zoning requirements specifically the circumstance of the subject site is Section A: exceptional narrowness, shallowness and shape of specific property. Although most of the properties in this neighborhood are the same size, the narrowness, shallowness and shape of this particular property is causing an hindrance to the owner of the home, which is why the applicant needs permission from the ZBA to make the modifications and changes to be able to have access to the ramp because of circumstances that was not self-created.
- The request is necessary for the preservation of substantial property rights, which is the ability to access the site via vehicle.

- The extended carport will not create a substantial detriment for adjoining properties owners.
- The need for the variance is not self-created as the applicant, nor did their predecessors create the need for additional space to access a vehicle. The demonstration of practical difficulty development circumstances of land immediately adjoining the property in question creates an exceptional constraint, although all the properties in the neighborhood are the same or similar. This particular property is causing an exceptional constraint to the applicant due to circumstances that were not self-created, and the builder should be one hour fire rated.
- The variances request is the minimum necessary to provide vehicle access.

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

Roll Call Vote: Ms. Elizabeth El-Assadi (No: Since it does not meet Criteria 1); Mr. David Marshall (Yes); Mr. Burnett (Yes); Ericka Vonyea (Yes).

MOTION PASSED.

- **OPEN DISCUSSION FOR ISSUES NOT ON AGENDA**
 - **PLANNING DEPARTMENT REPORT**

Mark Yandrick talked about 840 Maus; the applicant is working with the ordinance team since the township is working with the neighboring property (contempt of court), and the applicant is a witness. The applicant is working with the neighboring property owner for installation of a fence with the neighbor's consent; that would not require a variance.

The next scheduled meeting is for November 5, 2025.

- **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**

None to Report.

- **ADJOURNMENT**

MOTION: Mr. Burnett **MOVED** to adjourn at 7:59 p.m. The **MOTION** was **SECONDED** by Mr. Marshall and **PASSED** by unanimous consent.

Respectfully submitted by Minutes Services