

**ZONING BOARD OF APPEALS
MEETING MINUTES
MARCH 14, 2007
COUNCIL CHAMBERS
7:30 P.M.**

I. CALL TO ORDER

The meeting was called to order at 7:32 p.m.

II. ROLL CALL

Present: Helen Vick, Jamesenna Tillman, John Bailey, Kevin Short

Absent: Roberta Andrews (excused) Godfrey Udoji (excused)

Staff: Nathan Voght, City Planner, Nan Schuette, Executive Secretary

III. APPROVAL OF MINUTES – December 13, 2006

Commissioner Bailey moved to approve the minutes of December 13, 2006 (Support: J. Tillman) and the motion carried unanimously.

IV. OLD BUSINESS

None

V. NEW BUSINESS

1. 220 S. Huron – Variance to allow four off-street parking spaces to encroach in a 33 ft. wide public alley and Variance to install two ground signs.

N. Voght, City Planner, presented his staff report stating that these variances would be handled separately.

The first is a variance request to allow required off-street parking spaces to encroach on the public alley to the rear of the property. They already have Special Use and Site Plan approval from the Planning Commission. The initial site plan that was approved assumed an alley at a certain width and was approved. However, a surveyor did a revision of the plan and found that the platted alley was actually double the width. This created a technicality where there were four off-street parking spaces that the applicants were counting towards meeting their parking requirements but technically, they were not off-

street. They were 5-7 ft within the public alley. This variance being requested by the applicant is to take care of this issue but in the future, we will have to look at vacating half this alley. It has never been used as a 33 ft alley but rather used as a 16.5 ft alley. This is a minor encroachment of off-street parking spaces in the public alley right-of-way.

An aerial photo was provided to show where the parking spaces are also where carriage barns, garages and fences on several adjacent properties encroach several feet into the alley right-of-way.

Voght reviewed the standards for variance as follows:

Standards for Variances. A variance from the literal enforcement of this Ordinance may be granted by the Zoning Board of Appeals only if all of the following standards are met:

- (a) ***Literal enforcement of this Ordinance will cause undue hardship to the applicant because of special conditions or circumstances which are very unique to the specific property such as: exceptional shallowness or shape of the property, exceptional topographic conditions, extraordinary situation of a building or structure, use or development of an adjacent property, or practical difficulties relating to the construction or structural changes on the site. Mere inconvenience or a desire to attain higher financial return shall not itself be deemed sufficient to warrant a variance.***

All properties that are adjacent to this alley encroach upon the right-of-way with parking areas, fences, or structures; many of these encroachments are quite old. On this property, the parking encroachment has existed since before the current ownership – at least 8 years – and many of the existing encroachments are older. Literal enforcement of the requirement that “off-street parking” not encroach on the right-of-way is triggered by a change of use that requires a site plan; continued use as a single or two-family home would permit continued use of the encroaching parking area. Compliance would require removal of an existing fence at the front of the parking area as well as removal of garden and patio area. While the situation is certainly unique in that the legal width of the alley is twice as wide as historical use by all adjacent property owners would suggest, it is unclear that literal enforcement would cause more than “mere inconvenience” or additional expense, as there does appear to be space in the rear yard to move the parking entirely out of the right-of-way. This standard may not be met.

- (b) ***Such a variance is necessary for the preservation and enjoyment of a substantial property right enjoyed by other property owners in the same district under the terms of this chapter. Granting of the variance shall not confer upon the applicant any special privilege that is denied by this chapter to other land, structures, or buildings in the same district.***

The rear yards of six properties are adjacent to this alley. Of those six, three properties have existing carriage barns or garages that encroach on the alley right-of-way; two, including 220 S. Huron, have existing fences that encroach on the right-of-way. The sixth, while having no structures in the right-of-way, does use the

alley for parking. The variance will allow the applicant to utilize his alley frontage in the same way that all other property owners along the alley do. This standard is met.

- (c) *The alleged hardships or practical difficulties on which the variance request is based have not been created by any person presently having an interest in the property.***

The practical difficulty of the difference between the perceived width and the actual width of the alley right-of-way appears to have been created in the distant past. The brick wall fencing the rear yard of this property, which encroaches on the alley, predates the current owners by many years, as do the encroaching structures on adjacent properties. As an estimate of when encroachment on this alley began, the Ypsilanti Heritage Foundation has declared the encroaching carriage barn at 212 S. Huron to be a significant historic structure, with a construction date of c. 1860. This standard is met.

- (d) *The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.***

No increase is proposed in the size or use of the encroachment. The proposed parking spaces are in a location that is already being used for parking, with no apparent injurious effects. As shown in Figure 2, above, vehicles parked in this area are screened from the sidewalk, and do not encroach further than existing structures along the alley or otherwise impede vehicular traffic along the alley. While the screening effect of the existing wall create very short sight distances for vehicles backing out of the parking area, the low-volume and low-speed nature of alley traffic minimizes the possibility of crashes. This standard is met.

- (e) *The allowance of the variance will result in substantial justice being done, considering the public benefits intended to be secured by this Ordinance, the individual hardships that will be suffered by a failure of the Board to grant the variance, and the rights of others whose property would be affected by the allowance of the variance.***

The variance will allow the applicant to continue to enjoy use of the alley in the same fashion that adjacent property owners enjoy and that previous owners of this property have enjoyed, without any significant negative affect on the rights of others. This standard is met.

- (f) *A variance granted shall be the minimum variance that will make possible a reasonable use of the land, buildings or structure.***

Granting a variance allowing the applicant to continue parking in the existing parking area, which extends 7 feet into the alley right-of-way, is a very minimal variance. An alternative variance to achieve the same goal might include reducing the number of required parking spaces such that the encroaching area is no longer required – that

variance would have a greater potential impact on the surrounding properties. Another alternative for addressing this issue would be to pursue vacation of the outer half of the alley right-of-way, an action that would address all of the encroachments, but that could also be considered a "larger" solution than the requested variance. This standard is met.

Voght summarized this request stating that while the variance may not meet all of the required criteria. Specifically, the Zoning Board of Appeals may find that denying the variance and requiring the applicant to remove the existing fence and locate the parking entirely off of the right-of-way constitutes an "inconvenience", rather than a "practical difficulty." Staff recommended that the board discuss the impact of locating the parking entirely on site with the applicant to resolve this question before granting the variance. However, the unique circumstances of the historical use of the alley presents a very strong case for granting the variance as a matter of substantial justice. For over a century, in some cases, the property owners adjacent to this alley have acted as though the alley is only 16.5 feet wide rather than 33 feet wide, and this understanding of the alley's boundaries is obviously agreed upon by all of the property owners adjacent to the alley.

Staff recommends the granting of this variance subject to further discussion by the board.

Regarding the second variance, the applicant wishes to install two ground signs identifying the bed and breakfast, where no signs are permitted to be erected on a lot primarily used for residential purposes in a residential district.

As stated above, the applicant received Special Use and Site Plan approval from the Planning Commission on November 15, 2006 to operate a 3-room bed and breakfast at his home at 220 S. Huron St. The property is zoned R2, one and two family residential. The applicant would like to place ground signs in the front and side yard to identify the bed and breakfast; the signs would each be 2' x 3' in size, mounted on posts with a maximum height of 6 feet. An existing ground sign in the front yard identifying the house by its historic name (the Barnard-Newton House) would be removed. One sign would be on Huron Street and the other on Catherine St to help in directing guests to park in the spaces discussed in the previous variance.

Voght referred to the aerial photo indicating placement of the potential signs. In the case of signs, there are only standards that must be met:

Standards for Variances. Section 122-879 provides findings that must be made by the Zoning Board of Appeals when a sign variance is requested. Note that these are different standards than those provided for a dimensional variance. Staff analysis of the proposal in relation to the standards follows.

A variance from the literal enforcement of this Ordinance may be granted by the Zoning Board of Appeals only if both of the following standards are met:

- (a) *The alleged hardship or practical difficulties, or both, are peculiar to the property of the person requesting the variance, and result from conditions which do not exist generally throughout the city.*

The alleged hardship is the prohibition of a bed & breakfast, a use that has a commercial purpose along with a residential purpose, from displaying identifying signage. Homes without a commercial aspect do not require identifying signs; other businesses, or multifamily residences, in a residential zoning district are permitted to erect signs; and a bed-and-breakfast in a non-residential zoning district (such as the Parish House Inn, a block north of this property) is permitted to erect signs. The combination of residential and commercial purposes of a bed-and-breakfast with this lot's residential zoning creates a unique prohibition on signage. Additionally, the traffic volume and speeds on Huron Street, a major arterial, make navigation by street addresses alone difficult for out-of-town visitors, making signs particularly important at this location. The sign in the front yard will allow visitors to identify the residence, and the side yard sign will direct visitors to the parking, as the main parking area is not visible from Huron. This standard is met.

- (b) Allowing the variance will result in substantial justice being done, considering the public benefits intended to be secured by this article, individual hardships that will be suffered by a failure of the board to grant a variance, and the rights of others whose property would be affected by the allowance of the variance.***

Allowing the variance will allow a type and quantity of signs similar to those allowed for a purely commercial use in the same zoning district, resulting in substantial justice. Granting the variance will not have a significant effect on the rights of others. This standard is met.

Staff recommended approval of this variance.

Commissioner Bailey asked if someone at the City would recommend in the future that this alley be downsized and Voght responded in the affirmative but it is a long process, having to go before City Council. Bailey also asked if the four parking spaces have been in existence for some time and Voght responded that the resident could respond to that.

Commissioner Bailey moved to open the public portion of the hearing (Support: J. Tillman) and the motion carried unanimously.

Joe Queen, 220 S. Huron – owner of the property, distributed copies of the proposed signs and dimensions. He would like to have two signs – one for parking direction on Catherine Street and the other sign on north side of sidewalk on Huron Street.

Commissioner Bailey asked if the home had previously been used as a single family residence and always had four parking spaces, to which Mr. Queen responded in the affirmative.

Voght asked for clarification that Mr. Queen definitely would like to have the two signs since he previously had asked for only one. Mr. Queen reiterated that he would like to have the two signs since Catherine Street is “no parking” and this would ensure that guests do not park on the street. The first sign is the same as is currently placed on S. Huron. The second sign is the same width but is taller.

Commission Short asked if the signs would be subject to Historic Commission

approval and Mr. Queen responded that they would. Voght added that any approval should be subject to HDC approval as well as stating the height.

Commissioner Bailey moved to close the public portion of the hearing (Support: J. Tillman) and the motion carried unanimously.

Discussion was held by board members on both of these requests, after which time, Commissioner Tillman stated that based upon the variance request meeting the criteria described above, she moved to approve the variance for four required off-street parking spaces to be permitted to encroach on the 33 foot wide public alley right-of-way as shown on the site plan dated January 12, 2007. This approval is based on the following findings:

- a. Requiring the parking spaces to be located entirely within the lot lines would pose a practical difficulty to the property's use as a bed and breakfast.
- b. The historic use of the alley for parking, as well as the location of fences and structures on adjoining properties, demonstrates that allowing this variance will not constitute a special privilege nor be detrimental to the public welfare.
- c. Allowing parking to continue to encroach on the alley is a minimal variance that will create substantial justice.

The motion was supported by Commissioner Bailey and carried unanimously.

Commissioner Bailey stated that based upon the variance request meeting the criteria described above, he moved to approve the variance for placement of two signs at 220 S. Huron Street identifying the bed and breakfast at that location. This approval is based on the following findings:

- a. A bed and breakfast's combination of residential and commercial uses in a residential zoning district presents a unique situation.
- b. A lack of signs presents a practical difficulty to directing customers to a business, particularly in this location along a major through arterial with parking out of sight.
- c. Substantial justice would be done by permitting the applicant to install signs in the front and street side yards as a non-residential property.

The signs permitted by this variance shall be two ground signs, one on S. Huron to be 8ft in height maximum and 6 sq. ft. in size and the sign on Catherine shall be a maximum height of 6ft and 4 sq. ft or less in size and with final placement and design subject to approval by the Historic District Commission.

The motion was supported by Commissioner Tillman and carried unanimously.

2. 220 North Huron – Variances to allow expansion of a structure containing a non-conforming use, reduced two-way maneuvering aisle width, and reduction in required off-street parking spaces.

N. Voght presented his staff report stating that the applicant requests three variances related to a proposed Site Plan with a small addition on the north side of an existing museum to facilitate barrier-free access to the basement of the structure.

Voght gave some background information stating that the City of Ypsilanti owned the property since the 1970's and the museum has been a tenant for that whole time. A few years ago, the City looked into selling some of the properties it owned to get out of the property management business. The Historical Society approached the City and it was consequently sold to them. They have been making a number of improvements to the museum and one of the things they want to do is to move the archives into the basement of the museum and add an exterior stairwell and lift down to the basement to facilitate barrier-free access. Once an addition is made to the footprint of the building, it is subject to Site Plan Review.

The other issue that came into play was the Use and we determined the use was Non-Conforming and that is because museums are not a use that is allowed in this zoning district, which is R/O Residential Office. It has been zoned this way for a long time and at one time, museums were actually a Special Use but they were no longer permitted as of 1984. When a Non-Conforming Use is contained in a structure, the structure or floor area cannot be expanded since it is contrary to the zoning.

A preliminary Site Plan has been submitted and will be reviewed by the City Planner since it is so small but it was realized that when Site Plan Review was triggered, that triggered review of parking, landscaping and drainage if the parking lot was expanded. At that time, it was realized there was not enough parking since 18-19 are required. There is also an apartment building behind which they would like to make into a third apartment – currently there are two apartments. Six additional parking spaces would be required for the apartments for a total of 24 required spaces. Variance #2 requests providing a total of 10 off-street parking spaces where a total of 23 are required, pursuant to 122-836.

The third variance is to allow a two-way maneuvering aisle to be reduced to 18 ft. and the southerly 12 ft. of same to be shared with the neighboring property to the south, where section 122-834 requires a minimum of 22 ft. for two-way maneuvering aisles.

Staff has prepared an analysis of all requested variances which are listed below:

Standards for Variances. A variance from the literal enforcement of this Ordinance may be granted by the Zoning Board of Appeals only if all of the following standards are met:

Variance #1 – Expand/Enlarge a Non-Conforming Use.

- (a) *Literal enforcement of this Ordinance will cause undue hardship to the applicant because of special conditions or circumstances which are very unique to the specific property such as: exceptional shallowness or shape of the property, exceptional topographic conditions, extraordinary situation of a building or structure, use or development of an adjacent property, or practical difficulties relating to the construction or structural changes on the site. Mere inconvenience or a desire to attain higher financial return shall not itself be deemed sufficient to warrant a variance.*

The existing museum has been at the present location since the 1970s. The existing use was rendered non-conforming due to a change in zoning and the R/O zoning not providing for museum uses. The proposed exterior stairway and lift cannot be

provided within the existing building footprint. This presents a practical difficulty related to the proposed improvement.

This standard is met.

- (b) *Such a variance is necessary for the preservation and enjoyment of a substantial property right enjoyed by other property owners in the same district under the terms of this chapter. Granting of the variance shall not confer upon the applicant any special privilege that is denied by this chapter to other land, structures, or buildings in the same district.***

The granting of this variance will not confer a special privilege, but rather only allow barrier-free access to the basement of the structure.

This standard is met.

- (c) *The alleged hardships or practical difficulties on which the variance request is based have not been created by any person presently having an interest in the property.***

The current owner recently acquired the property from the City of Ypsilanti. The present zoning did not consider the existing museum use of the property.

This standard is met.

- (d) *The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.***

Granting the variance will not be detrimental to other property or persons or the neighborhood. Historic District Commission review will ensure the addition is appropriate.

This standard is met.

- (e) *The allowance of the variance will result in substantial justice being done, considering the public benefits intended to be secured by this Ordinance, the individual hardships that will be suffered by a failure of the Board to grant the variance, and the rights of others whose property would be affected by the allowance of the variance.***

The variance will result in substantial justice in allowing an improvement that will facilitate expanded public access to the historical museum and archives. This standard is met.

- (f) *A variance granted shall be the minimum variance that will make possible a reasonable use of the land, buildings or structure***

The proposed improvement is modest in size and will not result in substantial increase in intensity of the existing use, other than enabling the location of the historical archives in the basement of the structure.

This standard is met.

Variance #2 – Off-Street Parking

- (a) ***Literal enforcement of this Ordinance will cause undue hardship to the applicant because of special conditions or circumstances which are very unique to the specific property such as: exceptional shallowness or shape of the property, exceptional topographic conditions, extraordinary situation of a building or structure, use or development of an adjacent property, or practical difficulties relating to the construction or structural changes on the site. Mere inconvenience or a desire to attain higher financial return shall not itself be deemed sufficient to warrant a variance.***

The existing museum has been at the present location since the 1970s. The existing use was rendered non-conforming due to a change in zoning and the R/O zoning not providing for museum uses. The proposed exterior stairway and lift will increase access to the basement, however, it does not increase total number of required parking spaces as basement and storage areas are already included in the definition of "gross floor area" and parking requirements. Literal enforcement of off-street parking requirements would not be appropriate.

This standard is met.

- (b) ***Such a variance is necessary for the preservation and enjoyment of a substantial property right enjoyed by other property owners in the same district under the terms of this chapter. Granting of the variance shall not confer upon the applicant any special privilege that is denied by this chapter to other land, structures, or buildings in the same district.***

The variance will allow the current use of the property as a museum, with accessory uses, to continue. This is a substantial property right, and will not confer any special privilege.

This standard is met.

- (c) ***The alleged hardships or practical difficulties on which the variance request is based have not been created by any person presently having an interest in the property.***

The current parking has existed since the house was used as apartments in the 1960s. The current owner recently acquired the property from the City of Ypsilanti.

This standard is met.

- (d) *The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.***

Granting the variance will not be detrimental to other property or persons or the neighborhood, considering nothing will substantially change about the current use and its existing impacts on the neighborhood. The public hearing will allow an opportunity for any neighborhood concerns to be heard.

This standard is met.

- (e) *The allowance of the variance will result in substantial justice being done, considering the public benefits intended to be secured by this Ordinance, the individual hardships that will be suffered by a failure of the Board to grant the variance, and the rights of others whose property would be affected by the allowance of the variance.***

The variance will result in substantial justice in allowing the continuation of the existing use and parking conditions, while allowing a barrier-free enhancement.

This standard is met.

- (f) *A variance granted shall be the minimum variance that will make possible a reasonable use of the land, buildings or structure***

The variance will only allow the existing use to continue at the present parking rate, with a minor addition to enhance accessibility.

This standard is met.

Variance #3 – Maneuvering Aisle

- (a) *Literal enforcement of this Ordinance will cause undue hardship to the applicant because of special conditions or circumstances which are very unique to the specific property such as: exceptional shallowness or shape of the property, exceptional topographic conditions, extraordinary situation of a building or structure, use or development of an adjacent property, or practical difficulties relating to the construction or structural changes on the site. Mere inconvenience or a desire to attain higher financial return shall not itself be deemed sufficient to warrant a variance.***

The existing parking lot has always shared the maneuvering aisle with the southern neighbor, which is a single-family home. The low volumes of traffic generated by the adjacent home do not cause a conflict with a shared maneuvering aisle. Literal enforcement of maneuvering aisle width will only serve to require existing parking spaces to be relocated north and additional pavement to be added, which is an undue hardship.

This standard is met.

- (b) *Such a variance is necessary for the preservation and enjoyment of a substantial property right enjoyed by other property owners in the same district under the terms of this chapter. Granting of the variance shall not confer upon the applicant any special privilege that is denied by this chapter to other land, structures, or buildings in the same district.***

The variance will allow the current use of the property as a museum, with accessory uses, to continue. This is a substantial property right, and will not confer any special privilege.

This standard is met.

- (c) *The alleged hardships or practical difficulties on which the variance request is based have not been created by any person presently having an interest in the property.***

The current parking area and maneuvering aisle have existed since the house was used as apartments in the 1960s. The current owner recently acquired the property from the City of Ypsilanti.

This standard is met.

- (d) *The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.***

Granting the variance will not be detrimental to other property or persons or the neighborhood, considering nothing will substantially change about the use and its current impacts it may have on the neighborhood. The public hearing will allow an opportunity for any neighborhood concerns to be heard.

This standard is met.

- (e) *The allowance of the variance will result in substantial justice being done, considering the public benefits intended to be secured by this Ordinance, the individual hardships that will be suffered by a failure of the Board to grant the variance, and the rights of others whose property would be affected by the allowance of the variance.***

The variance will result in substantial justice in allowing the continuation of the existing parking and aisle conditions, while allowing a barrier-free enhancement.

This standard is met.

(f) A variance granted shall be the minimum variance that will make possible a reasonable use of the land, buildings or structure

The variance will only allow the existing use to continue, with a minor addition to enhance accessibility.

This standard is met.

Staff recommended approval of these variances.

Chairman Vick did not recall they are putting in another apartment adding that this makes a difference to her opinion because of the number of parking spaces. Some discussion was held on the easement for the adjoining resident and possible future parking lot.

Commissioner Bailey moved to open the public portion of the meeting (Support: J. Tillman) and the motion carried unanimously.

Al Rudisill, President of Ypsilanti Historical Society – stated that the museum was established by the City back in the 70's. The Ypsilanti Historical Society bought the property from the City with the stipulation that they continue use as a museum. When they were informed that the use was Non-Conforming with City Zoning, it was a surprise. They hope the board will be positive in recommending the variances and get the zoning change to be in conformance with that area.

The City rented all three levels of the carriage up until a few years ago. They moved to archives into the first level. There was a fire in the bottom level so that apartment was never re-conditioned. It needs considerable work but they plan to eventually rent out all three levels as one-bedroom apartments. They want to put on an addition to get access to the basement level which does not handicap accessibility at this time. It would include stairs plus a wheelchair lift. In the future, they would like to expand the parking lot. The adjacent neighbor does not park in the 12 ft next to her home, she parks across from that area and the 12 ft is used for maneuverability for everyone. They do plan to expand the parking lot in the future and at that time, they will have to come back before the Zoning Board of Appeals.

Commissioner Bailey asked if the new entrance to the basement would require HDC approval and Mr. Rudisill responded that it has already been approved by HDC.

Commissioner Vick asked if the Historical Society knew when they plan to enlarge the parking lot and Mr. Rudisill responded that there is no doubt that they will but did not know when at this time. Right now there is a large church lot that they have access to. He feels at this time that 17 parking spaces are enough and with the use of the church parking lot, it works out pretty well. Commissioner Vick stated that she agreed that 17 spaces would be adequate, however, at this time, they are asking for only 10. On numerous occasions throughout the year, there are many landlords who come before the board requesting parking variances and they are turned down. She feels there is a potential for a problem once they get the three

units completed. She does not feel that ten spots are adequate. Commissioner Bailey asked how often the lot is full and Mr. Rudisill responded that it happens once every three months when they have a membership meeting and people are advised to park in the church parking lot.

Commissioner Bailey moved to close the public portion of the hearing (Support: J. Tillman) and the motion carried unanimously.

After further discussion, Commissioner Bailey moved to approve Variance #1 to enlarge or expand a structure use with a 200 s.f. barrier-free addition on the north side of the existing structure. This approval is based on the following findings:

1. *The existing principal use of the property as a museum in the R/O, Residential-Office district is defined as a non-conforming use of a structure, and subject to section 122-205 of the City of Ypsilanti Zoning Ordinance.*
2. *Constructing the proposed stairwell and lift to the basement within the existing footprint of the historic structure and floor plan is not appropriate, which is a practical difficulty.*
3. *Granting the variances will not confer any special privilege on the applicant, and is necessary to preserve a substantial property right to continue to use the property as a museum, while making an important incremental improvement to building accessibility.*
4. *The practical difficulty of providing the barrier-free access to the basement within the existing structure is not caused by any action of the applicant, but rather the floor plan, and importance of protecting the historic integrity of the existing structure.*
5. *Granting the variances would not be detrimental to the public welfare or injurious to adjacent properties, as existing conditions would continue.*
6. *The variances will result in substantial justice, considering the minor improvement to the facility, and unnecessary hardship that would be incurred by prohibiting the barrier-free improvement.*
7. *The variances will be the minimum possible to allow continued reasonable use of the property as a museum and accessory uses.*

The motion was supported by Commissioner Tillman and carried unanimously.

Commissioner Bailey moved to approve Variance #2 to provide a total of 10 off-street parking spaces where a total of 23 are required, pursuant to Section 122-836 with the condition that a minimum of six additional spaces will be added within two years and subject to approval by HDC and Site Plan approval by the City

or the applicant must return to the Zoning Board of Appeals to request a further variance based on the following findings:

1. *The existing principal use of the property as a museum in the R/O, Residential-Office district is defined as a non-conforming use of a structure, and subject to section 122-205 of the City of Ypsilanti Zoning Ordinance.*
2. *Constructing the proposed stairwell and lift to the basement within the existing footprint of the historic structure and floor plan is not appropriate, which is a practical difficulty.*
3. *Granting the variances will not confer any special privilege on the applicant, and is necessary to preserve a substantial property right to continue to use the property as a museum, while making an important incremental improvement to building accessibility.*
4. *The practical difficulty of providing the barrier-free access to the basement within the existing structure is not caused by any action of the applicant, but rather the floor plan, and importance of protecting the historic integrity of the existing structure.*
5. *The practical difficulty in providing all required off-street parking spaces and maneuvering aisle width, which would result in a significant increase in pavement and impervious surface, and loss of historic character.*
6. *Granting the variances would not be detrimental to the public welfare or injurious to adjacent properties, as existing conditions would continue.*
7. *The variances will result in substantial justice, considering the minor improvement to the facility, and unnecessary hardship that would be incurred by prohibiting the barrier-free improvement, or requiring a significant increase in parking and maneuvering aisle width.*
8. *The variances will be the minimum possible to allow continued reasonable use of the property as a museum and accessory uses.*

The motion was supported by Commissioner Tillman and carried unanimously.

Commissioner Bailey moved to approve Variance #3 to allow a reduced maneuvering aisle width of 18 ft. with the southerly 12 ft. shared with the adjacent property based on the following findings:

1. *The existing principal use of the property as a museum in the R/O, Residential-Office district is defined as a non-conforming use of a structure, and subject to section 122-205 of the City of Ypsilanti Zoning Ordinance.*

2. *Constructing the proposed stairwell and lift to the basement within the existing footprint of the historic structure and floor plan is not appropriate, which is a practical difficulty.*
3. *Granting the variances will not confer any special privilege on the applicant, and is necessary to preserve a substantial property right to continue to use the property as a museum, while making an important incremental improvement to building accessibility.*
4. *The practical difficulty of providing the barrier-free access to the basement within the existing structure is not caused by any action of the applicant, but rather the floor plan, and importance of protecting the historic integrity of the existing structure.*
5. *The practical difficulty in providing all required off-street parking spaces and maneuvering aisle width, which would result in a significant increase in pavement and impervious surface, and loss of historic character.*
6. *Granting the variances would not be detrimental to the public welfare or injurious to adjacent properties, as existing conditions would continue.*
7. *The variances will result in substantial justice, considering the minor improvement to the facility, and unnecessary hardship that would be incurred by prohibiting the barrier-free improvement, or requiring a significant increase in parking and maneuvering aisle width.*
8. *The variances will be the minimum possible to allow continued reasonable use of the property as a museum and accessory uses.*

The motion was supported by Commission Tillman and carried unanimously.

2. Walgreen's

Voght stated that there may be one item for next month's agenda.

VIII. ADJOURNMENT

Since there was no further business, Commissioner Bailey moved to adjourn the meeting (Support: J. Tillman) and the motion carried unanimously. The meeting adjourned at 8:56 p.m.