

1. ZBA Agenda June 2019

Documents:

[01- ZBA AGENDA 06-24-19.PDF](#)

2. Draft Minutes

Documents:

[1-23-19 DRAFT ZONING MINUTES.PDF](#)

[5-1-19 DRAFT MINUTES ZONING BOARD OF APPEALS.PDF](#)

3. Adopted Bylaws

Documents:

[ZBA RULES OF PROCEDURE AND POLICY_ADOPTED_2019-01.PDF](#)

Agenda
Zoning Board of Appeals
Wednesday, June 26, 2019 - 7:00 P.M.
City Hall-Council Chambers, 1 S Huron St
Ypsilanti, MI 48197

I. Call to Order

II. Roll Call

Jake Albers, Chair	P	A
Heather Khan	P	A
Jared Talaga	P	A
Jason Ringholz	P	A
Tom Roach	P	A
Georgina Hickey	P	A

III. Approval of Minutes

- May 1, 2019

IV. Purpose of Meeting

- Annual Organizational Meeting

V. Old Business

VI. New Business

- Nomination of Officers
- Election of Officers

VII. Adjournment

**ZONING BOARD OF APPEALS
MEETING MINUTES
JANUARY 23, 2019
CITY COUNCIL CHAMBERS
7:00 P.M.**

I. CALL TO ORDER

The meeting was called to order at 7:00 pm.

II. ROLL CALL

Present: J. Albers, H. Khan, T. Roach, J. Ringholz, G. Hickey

Absent: J. Talaga

Staff: C. Kochanek, Preservation Planner
B. Wessler, City Planner
N. Schuette, Executive Secretary

III. APPROVAL OF MINUTES

Commissioner Kahn moved to approve the minutes of August 22, 2018 as written (Support: J. Albers) and the motion carried unanimously

IV. PURPOSE OF MEETING

Chairman Albers stated the purpose of the meeting.

V. OLD BUSINESS

None

VI. NEW BUSINESS

1. Election of Officers – Vice Chair vacancy

Chair Albers moved to elect Commissioner Kahn as Vice-Chair (Support: T. Roach) and the motion carried unanimously.

2. 528, 530 and 534 N. Huron – Variances

Sec. 122-607(a), Building entrances, Rights of Way, and Easements

City Planner Wessler stated that this is a request for approval of a variance from Sec 122-607(a), requiring that the building entrance face the street. They are proposing an addition and as part of this, they are changing the appearance of the building and expanding it to the south. They would like to change the door

to an angle to Huron St. The current door is at a similar angle to Huron. This is a unique situation wherein staff is not making a recommendation. A variance for the door was seen by the Zoning Board of appeals back on May 23, 2018, at that time, the door was not angled but fully facing the parking lot to the south of the building. ZBA denied that variance application. At that meeting the ZBA stated that an acceptable compromise for the door may be to have it angled similar to how it is on the building currently. Since the May ZBA meeting, the applicant filed an appeal of the denial of the variances for the door location and the commercial frontages. Included in the packet is a memo from the attorney's office and the stipulation and order to dismiss without prejudice. Therefore no recommendation is provided by staff per the settlement agreement.

Commissioner Kahn moved to open the public portion of the hearing (Support: G. Hickey) and the motion carried unanimously.

Jeff Leib - 30445 Northwestern Hwy, Ste 230, Farmington Hills, was in attendance to represent the owner of the property, Mr. Tamou. Mr. Tamou is requesting to renovate and upgrade the store that he has owned for upwards of 15 years. The existing store has been there for over 80 years existing as a party store. Following the May 23, 2018 ZBA meeting, there was a facilitation by the City Attorney, Dan Duchene, of Barr law firm. As a result of that meeting, they met with Ms. Wessler and agreed to come back to the ZBA for this request. The first variance request is for the transparency issue by installing windows on the north and west side of the existing building and propose four panels with brick veneer that can be removed and replaced with glass windows when the applicant, or his successor, changes the use of the building. The second variance request is to allow the new entrance to be at a 45 degree angle at the southwest corner of N. Huron and W. Forest; and the third variance is to approve the variance that was previously approved allowing the addition to be along the same line as existing store along Huron St in terms of setbacks. The practical difficulty relating to the transparency issue relates to the existing party store. Street level windows and liquor stores are inconsistent with each other and are mutually exclusive - strictly for security purposes. If the use changes, the brick veneer can easily be removed in favor of putting in preferred windows. 90% of customers of the keg drive there. He quoted Ms. Wessler's comments on Page 9 on this issue. The 45 degree angle of the entrance is a compromise that is consistent with what currently exists. He stated that they had received 348 signatures on petitions of customers, which he submitted. He added that the Site Plan Review and Special Use had been approved by the Planning Commission.

Maurice Charbonneau - JSN Architects, 3856 12 Mile Road, Berkley, MI, referred to the new site plan and items discussed with revisions. Two items specifically mentioned are a kiosk and relocating the rear bike rack.

Mr. Lieb added that the plan on transparency shows windows that were not on the original building – they are being added.

Since there were no further questions, Commissioner Roach moved to close the public portion of the hearing (H. Khan) and the motion carried unanimously.

Commissioner Roach moved to recess (Support: J. Ringholz) and the motion carried unanimously.

After some discussion by board members, Commissioner Roach moved to reopen the meeting (Support: H. Khan) and the motion carried unanimously.

Discussion was held by board members on their thoughts on the requested variances, after which, Commissioner Khan moved that the Zoning Board of Appeals approve the requested variance from Sec 122-607(a), for the Keg Proposed Addition at 528, 530 & 534 N. Huron, with the following findings that:

- a. Literal enforcement of the ordinance will pose practical difficulties because of the need to serve both a driving customer base and a pedestrian customer base.
- b. It is necessary for the preservation and enjoyment of a substantial property right, as the variance allows a current condition to continue.
- c. The practical difficulties have not been created by any person having an interest in the property.
- d. Granting the variance will not be detrimental to the public welfare or injurious to property.
- e. Substantial justice will be done, as it allows the store to serve a wide customer base while respecting the neighborhood fabric.

The motion was supported by Commissioner Hickey and carried unanimously.

Sec. 122-477, Commercial Frontage Requirements

Planner Wessler gave a brief staff presentation. The applicant is looking to be granted a variance to not adhere to the standards as laid out in Commercial Frontage as required in Sec 122-477 and Sec 122-484. As proposed, they are proposing 7.6% transparency along store front, ordinance requires 60%. There are several liquor stores in the city that can be compared to this site. Ms. Wessler distributed copies of other locations that are not necessarily local. Commissioner Khan asked if we are looking at the site in context of the neighborhood. Commissioner Hickey asked about calculations of transparency. Ms. Wessler responded that staff calculated the transparency differently than the applicant, which she detailed. She recommended that members look at the elevations since that will give them a better reference point, which she reviewed. Chair Albers added that he appreciated the effort, however, while he does not want to negate the support, he questions how much detail or information on the standards was given to the people prior to signing petitions. Commissioner Hickey added that she was "not quite there yet" on the windows. Chair Albers feels that more windows are a deterrent and wants this building to be more in line with Best Practices for a walkable neighborhood. While it may be 90% auto

dominated now, in the future it might not be the case. Commissioner Khan reiterated again that we should look at the site in the context of the neighborhood. She also asked about the process on how the 3% was calculated on the ground floor transparency on the N. Huron side.

Maurice Charbonneau stated that on the 3% calculation, he had gone back and checked it and found the calculation was in error. He added that there had previously been only two windows before and they have now added a third. The 4th area is office. In response to the signatures, they showed people elevations of the proposed layout and asked what their thought was on how it would work and they were very supportive. **Mr. Lieb** added that it was his opinion that they had come a long way in revisions, but have provided for future use but ask the commission to consider there is a practical difficulty.

Commissioner Roach moved to open the public portion of the hearing (Support: H. Khan) and the motion carried unanimously.

Since there was no input from the public, Commissioner Hickey moved to close the public portion of the hearing (Support: T. Roach) and the motion carried unanimously.

Chair Albers moved that the Zoning Board of Appeals deny the requested variance from Sec 122-477, commercial frontage requirements, for the Keg proposed Additions as the standards of Sec 122-370(b) 1, 2, 4 and 5 are not met, with the following findings:

- a. Literal enforcement of the ordinance will not pose practical difficulties because there are no conditions or circumstances that are unique to the property, per the staff report.
- b. It is not necessary for the preservation and enjoyment of a substantial property right, as it is the same standard for everyone in NC would be held to.
- c. Granting the variance will be detrimental to the public welfare, as it does not foster a walkable, connected neighborhood, which have a positive effect upon public health.
- d. Allowance of a variance will not result in substantial justice being done, as the granting of a variance will not foster walkability or support eyes on the street.

3. 307 N. River – Variances

Sec 122-672, Sidewalks

Ms. Wessler provided a brief staff report on all of these variances which were reviewed and noted on one staff report with a break-out on each variance. She referred to page 25 of the Staff Report dated November 2018. See attachment #1, pages [25 and 26 of the staff report](#) for 307 N River. Staff is recommending

approval on two of the variances, Sec 122-683(b)(7) and Sec 122-683(i), and denial of the others, which she detailed. She also explained “payment of fee-in-lieu of” instead of reconstruction or addition of a sidewalk.

Mark Wright, Architect, 2400 Huron Parkway - stated there were a number of issues with the property and detailed some of the problems they are faced with on the sidewalks. It is his opinion that this would be impractical. Currently, the sidewalk comes in at the entrance of the building and that was where the pedestrian pathway would be.

Ryan Wallace, 907 Grant Street, is one of the owners along with his wife Rebecca – feels that this request is impractical since there is a house at the end of Photo Street that dead ends at the side of their property and the proposed sidewalk would be from the end of the house and then begin the sidewalk to nowhere.

Ms. Wessler explained how the ordinance works and that a finding of fact has to be made. When Planning Commission gives a waiver, they have to give a finding of fact as to why they are giving a waiver, so in this case, it would be telling the applicant they did not have to build a sidewalk because it would be a sidewalk to nowhere but you have to pay a fee or you can do the opposite and give some variation of fact. In other cases where the Planning Commission can grant a waiver, the Zoning Board of Appeals has occasionally tabled it, thus allowing the applicant the opportunity to go before the Planning Commission get a ruling there and then come back to ZBA.

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

Since there was no public comment, Commissioner Hickey moved to close the public portion of the hearing (Support: H. Khan) and the motion carried unanimously.

After discussion on the pros and cons of this issue; regarding granting a variance vs a payment of fee-in-lieu of, Commissioner Khan moved to table this item (Support: G. Hickey) and the motion carried unanimously.

Sec 122-683, Off-Street Parking Layout and Construction

Mark Wright, Architect – there is a power pole there which makes it difficult to get it off-set from Ninde.

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

Since there was no public comment, Commissioner Roach moved to close the public portion of the hearing (Support: J. Ringholz) and the motion carried unanimously.

Commissioner Khan moved that the Zoning Board of Appeals approve the following variance for the Cultivate Coffee and Tap House Improvement project:

A variance from 122-683(b)(7) at the intersection of Photo and Ninde, with the condition that the standards of Sec 122-683(b)(6) shall apply, with the following findings in alignment with Sec 122-320(b):

- a. Photo and Ninde streets are unique in their circulation patterns and low traffic volumes
- b. The granting of this variance will not be detrimental to the public welfare
- c. The granting of this variance will result in substantial justice, as it permits the applicant greater design flexibility on a low-volume street without compromising traffic safety

The motion was supported by Commissioner Hickey and carried unanimously.

Chair Albers moved that the Zoning Board of Appeals approve the following variance for the Cultivate Coffee and Tap House Improvement project:

A variance from Sec 122-683(i), to permit any gravel paving to omit striping, with the following findings in alignment with Sec 122-320(b):

- a. Gravel paving does not hold striping in the long term
- b. the applicant will provide wheel stops to indicate proper parking layout
- c. the granting of this variance will not be detrimental to the public welfare

The motion was supported by Commissioner Khan and carried unanimously.

Sec 122-683(b)(6) Drive Alignment

Ryan Wallace – stated that their property was there prior to the parking lot and when that became a parking lot, the paved parking was still the same as Ted's Auto Garage. He is wondering why they didn't have to conform their parking lot to match their property at that time. Ms. Wessler responded that the previous layout, which is now known as Cultivate is different. Right now the parking is laid out parallel with the building; previously they had been perpendicular with the building so cars could back out on to the street, which is no long allowed. A lot of the Zoning Ordinance was different at that time – i.e. no off-street landscaping was required at the Sidetrack parking lot so it was a very different engineering standard at that time.

A motion was made by Commissioner Hickey to open the public hearing of the building (Support: T. Roach) and the motion carried unanimously.

Since there was no comment from the public, Commissioner Hickey moved to close the public portion of the hearing (Support: T. Roach) and the motion carried unanimously.

Commissioner Hickey asked what would have to be done to the parking lot to have it be in line with the Zoning Ordinance. Ms. Wessler stated that the design would be the responsibility of the design architect. They bring us the design and we either approve or deny. She continued by adding that they could choose to conform to the ordinance or significantly change their site plan. This is a complex site and after further discussion, they agreed that there are a lot of moving parts in this set of variances which do relate to each other. Ms. Wessler added that the Zoning Board of Appeals has the power to table the item and refer back to Planning Commission.

There are a lot of moving parts in this set of variances and they do relate to each other. You have the power to table and refer back to Planning Commission.

Commissioner Roach moved to table the following variance requests for:

Sec 122-683(b)(6)
Sec 122-684, Parking Screening and Landscaping
Sec 122-685, Parking Dimensions

Commissioner Hickey supported the motion and by voice vote, carried unanimously.

4. 708 Pearl – Variance

Sec 122-683(b), Driveway width North side of Pearl St between N. Normal and Perrin

Preservation Planner Cynthia Kochanek presented the staff report stating that is a request for approval of a variance from driveway width requirements. The parcel is currently vacant. The house that previously existed on the site was demolished in 2006. No special use permits have previously been approved for this property. A variance was approved for the driveway back on November 29, 2017 but has since expired along with the site plan that was approved by Planning Commission in September 2017. One of the conditions of the site plan approval in 2017 was that the applicant seek a variance for the driveway width. The applicant will be returning to the Planning Commission for site plan approval in February.

The applicant has proposed a one way drive at 10' instead of the 20', or two-way drive required by the zoning ordinance in Sec 122-683(b) for ingress and egress. The original plans back in 2017 had a 13' wide drive without an access path, which is required by the zoning ordinance. Staff and the Planning Commission required the driveway width, which was already not large enough to accommodate two way traffic, to be decreased to accommodate a 5' access path. Staff is recommending denial with finding listed in the staff report dated January 18, 2019.

Todd Ballou, 3300 Berry Road, architect for the project – stated that they had started with a wider driveway but they couldn't meet the 20'. They would have to go down to 10' to put in a decent sidewalk; the whole issue on the frontage is fine with them.

Chair Albers asked what had happened between when they were approved originally and where we are now.

Mr. Ballou responded that the owner is doing the work and has other projects and just never got around to it and was out of the country for a while also.

Commissioner Hickey asked about the number of parking spaces and Mr. Ballou responded that they are proposing seven with six being required. These are revised plans after they went through the Planning Commission and Zoning Board. Commissioner Roach asked why staff is recommending denial now if it was approved before. Ms. Kochanek responded that staff has a duty to recommend denial unless every one of the variance standards is met.

Commissioner Roach asked if the driveway runs along the sidewalk.

Mr. Ballou stated that there is an entrance in the front and back of building so if you park at the back you have to use this sidewalk to get to the front because they had to stay away from the property line.

Commissioner Roach moved to open the public portion of the hearing (Support: H. Khan) and the motion carried unanimously.

Since there was no public comment, Commissioner Khan moved to close the public portion of the hearing (Support: G. Hickey) and the motion carried unanimously.

Commissioner Albers moved that the Zoning Board of Appeals approve the variance request from Sec. 122-683 (b) to permit a one-way driveway with a 10' width at 708 Pearl, with the following findings:

- Per Sec. 122-370(b)(2) such a variance is necessary for the preservation and enjoyment of the property as many properties in this area have a one-way drive or a drive that is narrower than what is currently required by the zoning ordinance. This is expected due to the age of the area.
- Per Sec. 122-370(b)(4) 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 as the variance is only for the driveway width and it is not expected that the granting of this variance will be detrimental to the public welfare or injurious to other property or improvements in the neighborhood.

- Per Sec. 122-683(b)(6) the variance shall be the minimum variance that will make possible a reasonable use of the land, buildings, or structure. A 10' drive is reasonable considering the zoning requirements for frontage, pedestrian access and setbacks.

Condition:

1. This approval is contingent upon the installation of signage and/or mirrors to promote safe passage of automobile traffic at the site.

The motion was supported by Commissioner Hickey and carried unanimously.

5. 2019 Schedule of Meetings

Chair Albers moved to adopt the Zoning Board of Appeals 2019 Schedule of meetings with the following modification – addition of March 27, 2019 on the calendar (Support: H. Khan) and the motion carried unanimously.

6. Bylaws Revision

Planner Wessler stated that this revision was compiled over several months. The main purpose of the revision is two-fold: to reduce the quorum dropping it from four to three and also proposed other changes to clean it up; adding sections that are also in our other by-laws elsewhere. She reviewed all of the various sections and updates and making it easier.

Commissioner Roach moved to adopt the revisions as noted (Support: H. Khan) and the motion carried unanimously.

VII. ADJOURNMENT

Since there was no further business, Commissioner Roach moved to adjourn the meeting (Support: H. Khan) and the motion carried unanimously.

The meeting was adjourned at 9:30 pm.

SUMMARY

All Variances

Staff recommends the Zoning Board of Appeals *approve* the following variances for the Cultivate Coffee & Tap House Improvements project:

1. A variance from **§122-683(b)(7)** at the intersection of Photo and Ninde, with the condition that the standards of 122-683(b)(6) shall apply, with the following findings in alignment with 122-320(b);
 - Photo and Ninde streets are unique in their circulation patterns and low traffic volumes;
 - The granting of this variance will not be detrimental to the public welfare;
 - The granting of this variance will result in substantial justice, as it permits the applicant greater design flexibility on a low-volume street without compromising traffic safety.
2. A variance from **§122-683(i)**, to permit any gravel paving to omit striping, with the following findings in alignment with 122-320(b);
 - Gravel paving does not hold striping in the long term;
 - The applicant will provide wheelstops to indicate proper parking layout;
 - The granting of this variance will not be detrimental to the public welfare.

Staff recommends the Zoning Board of Appeals *deny* the following variances for the Cultivate Coffee & Tap House Improvements project:

3. A variance from **§122-672** regarding the installation or fee-in-lieu for sidewalks along Photo, with the following findings in alignment with 122-320(b):
 - The applicant has not shown practical difficulty beyond inconvenience.
 - This variance is not necessary for the preservation &/or enjoyment of a substantial property right.
 - The alleged practical difficulty is self-created with regards to the placement of the graveled lot.
 - The granting of the variance will have a negative impact upon pedestrian safety.
 - The granting of the variance would not result in substantial justice being done.
 - A reasonable use of the land, buildings, or structure is possible without this variance.
4. A variance from **§122-683(b)(6)** regarding the drive alignment with the commercial parking lot to the north, and from **§122-683(j)** regarding the omission of wheel stops, with the following findings in alignment with 122-320(b):
 - The applicant has not shown practical difficulty beyond inconvenience.
 - This variance is not necessary for the preservation &/or enjoyment of a substantial property right.
 - The alleged practical difficulty is self-created.
 - The granting of the variance will have a negative impact upon traffic safety.
 - The granting of the variance would not result in substantial justice being done.
 - A reasonable use of the land, buildings, or structure is possible without this variance.
5. A variance from **§122-684(b)(3)** regarding the provision of curbed aisle-ends for the easternmost two bays of parking, from **§122-684(c)(2)** regarding the provision of

screening between the parking areas and Photo Street, and from **§122-684(d)** regarding the location of wheelstops, with the following findings in alignment with 122-320(b):

- The applicant has not shown practical difficulty beyond inconvenience.
 - This variance is not necessary for the preservation &/or enjoyment of a substantial property right.
 - The alleged practical difficulty is self-created.
 - The granting of the variance will have a negative impact upon traffic safety, aesthetics, stormwater management, pedestrian safety and accessibility, as well as landscaping durability.
 - .The granting of the variance would not result in substantial justice being done.
 - A reasonable use of the land, buildings, or structure is possible without this variance.
6. A variance from **§122-685(c)** regarding the percentage of small vehicle spaces and **§122-685(e)** regarding maneuvering aisle dimensions, with the following findings in alignment with 122-320(b):
- The applicant has not shown practical difficulty.
 - This variance is not necessary for the preservation &/or enjoyment of a substantial property right.
 - The alleged practical difficulty is self-created.
 - The granting of the variance will have a negative impact upon traffic safety.
 - The granting of the variance would not result in substantial justice being done.
 - A reasonable use of the land, buildings, or structure is possible without this variance.

Bonnie Wessler
City Planner, Community & Economic Development Division

Cynthia Kochanek
Preservation Planner, Community & Economic Development Division

Sarah Stachnik
Community and Economic Development Intern

c.c. File
Applicant



MINUTES
Zoning Board of Appeals
Special Meeting
Wednesday, May 1, 2019 - 7:00 P.M.
City Hall-Council Chambers,
1 S Huron St
Ypsilanti, MI 48197

I. Call to Order

II. Roll Call

Jake Albers, Chair	Present
Heather Khan	Present
Jared Talaga	Present
Jason Ringholz	Present
Tom Roach	Present

Georgina Hickey (alternate) Absent

III. Approval of Minutes

- January 23, 2019

Commissioner Roach moved to approve the minutes of January 23, 2019 as written (Support: J. Ringholz) and the motion carried unanimously

IV. Purpose of Meeting

V. Old Business

VI. New Business

Staff Report- Staff was asked earlier in the year to make a determination by the building department regarding the non-conforming status of 472 Second St. It had in the past been used as a duplex and due to the previous owner taking it out of the rental inspection program affirming that they intend to use it as a single family owner-occupied residence, and the zoning ordinance changing at the end of 2014, and the house going into foreclosure, staff did make a determination that the non-conforming two family use had been abandoned. Staff has included information used to make the decision.

Applicant: Ellis Friedman, Attorney

The building was not built as a single family house. This has always been a duplex. The building is divided by a brick wall. The former owner never changed the house from a duplex to a single family home. The ordinance has specific objective criteria. In the state of Michigan abandonment is done voluntarily and with intent. The applicant challenged that foreclosure is not voluntary. The applicants do not believe that the previous owner voluntarily foreclosed his own property as he suffers from dementia, and still has mail sent to 472 Second. The duplex

has two sets of everything- kitchens, bathrooms, entrances, etc. There's no economic viability to blow out the wall and convert it into a single family home.

Commissioner Discussion- This area was zoned R2, two family by right up until 2015 when the down-zoning occurred, so there is about 100 years in which people could have made their homes multifamily. The house was not grandfathered in because it was abandoned, and it has to comply with the single family status.

• *472 Second St- Appeal of Administrative Decision 122-349(e), Abandonment of Nonconforming Use Public Hearing (none present)*

Commissioner Roach motioned to overturn staff decision based on findings that

1. There was no clear intent to abandon, and no letter from the previous owner to abandonment or change the use.
2. Foreclosure is not a voluntary action.

Supported by Commissioner Khan

Approved: Yes – 4; No – 1 (Albers)

VII. Adjournment

Commissioner Talaga moved to adjourn the meeting (Support: J. Ringholz) and the motion carried unanimously.



THE RULES OF PROCEDURE AND BYLAWS

OF

THE ZONING BOARD OF APPEALS

OF

THE CITY OF YPSILANTI, MICHIGAN

Adopted January 2019

ARTICLE I – Name

The name of this Board shall be the Zoning Board of Appeals of the City of Ypsilanti, hereinafter referred to as “Board.”

ARTICLE II – Objectives

The objectives, purposes, powers, and duties of the Board are those set forth by Chapter 122, Zoning, of the City Code of Ordinances, and all subsequent amendments thereto, in accordance with Act No. 110 of the Public Acts of Michigan of 2006, as amended.

ARTICLE III – Membership

- Section 1. Members of the Board shall be as set forth in the Ordinance and in the Act.
- Section 2. The first priority of each member of the Board shall be to represent and advocate what is best for the City of Ypsilanti as a whole, putting aside personal or special interests.
- Section 3. Term length and residency requirements shall be in accordance with the Act, the Ordinance, and City Charter. Terms will be based on the City's fiscal year, from July 1 to June 30.
- Section 4. Each member of the Board shall avoid conflicts of interest, including, but not limited to, deliberating on, voting on, or reviewing a case concerning the member; the immediate family or household of the member; property owned by or adjacent to property owned by the member; or a corporation or partnership in which the member has an ownership, employment, or other financial interest. A Board member may consider the possibility of declaring a conflict of interest if their home or property falls within the public noticing radius requirement as prescribed by Section 103 of the Zoning Enabling Act. Determination of a conflict of interest shall be in accordance with Chapter 46, Article III, of the City of Ypsilanti Code of Ordinances.
- Potential conflicts of interest should be identified by the member prior to deliberation of the case; if the Board determines that a conflict exists, they shall remove themselves from the meeting room during hearing and deliberation of the case and abstain in accordance with the Ordinance.
- Section 5. The Board shall consist of five (5) regular members and two (2) alternates.
- Section 6. Alternates must vote at such times as specified in the Ordinance.
- Section 7. Any member may resign at any time by giving written notice of such resignation to the Chair in accordance with the Ordinance. The Chair shall promptly notify the Mayor and City Clerk of the resignation.
- Section 8. A member who is unable to attend a regular or special meeting shall contact the Chair or City Planner as far in advance of the scheduled meeting as practicable, so that an alternate member can be contacted.

ARTICLE IV – Officers and Their Duties

- Section 1. The officers shall be a Chair and Vice Chair.

- Section 2. Such other officers, subcommittees, etc. as are deemed necessary and advisable for the conduct of business shall be appointed as required and provided for by the Board.
- Section 3. The Chair shall preside at all meetings and hearings of the Board and shall have the duties normally conferred by parliamentary usage on such officers.
- Section 4. The Vice Chair shall preside and exercise all of the duties of the Chair in their absence. Should neither the Chair nor the Vice Chair be present at a meeting, a temporary Chair shall be elected by a majority vote of the members present.
- Section 5. The Chair and the City Planner shall sign all legal documents for the Board.
- Section 6. The City Planner or their delegate shall act as the Secretary of the Board and shall be responsible for the minutes and records of all proceedings and cases before the Board.
- Section 7. Nomination of officers shall be made from the floor at the annual organization meeting, which shall be the regular meeting in June each year, and the election shall be immediately thereafter.
- Section 8. A candidate receiving a majority vote of the entire Board, shall be declared elected and shall serve a term of one (1) year or until their successor shall take office.
- Section 9. Vacancies in offices shall be filled immediately by regular election procedures.
- Section 10. The officers shall be members of the Board.

ARTICLE V – Meetings

- Section 1. All regular and special meetings, hearings, and records shall be open to the public, under the Open Meetings Act of the State of Michigan.
- Section 2. The Board shall hold no less than two regular meetings per year.
- Section 3. A special meeting of the Board may be called by the Chair, or by the Vice Chair in the event the Chair is unavailable. Each member of the Board must receive at least two (2) days' notice of the time, place, and purpose of the meeting.
- Section 4. All inquiries, applications, or matters requiring official action by the Board shall be submitted in writing; be properly drafted on official forms necessary; and contain all relevant information regarding the matter upon which the Board is requested to act, in accordance with the requirements of the Zoning Ordinance. Further, any petitioners may withdraw a petition at any time by filing a written notice of withdrawal with the City Planner, or by withdrawing in person at the public hearing at which the matter is scheduled for consideration.
- Section 5. The normal order of business at meetings shall be as follows:
1. Call to Order
 2. Roll Call
 3. Approval of Minutes
 4. Purpose of Meeting
 5. Old Business
 6. New Business
 7. Adjournment

The order of business may be suspended by vote of two-thirds (2/3rds) of the members present.

Section 6. A quorum shall consist of three (3) members.

Section 7. All proceedings, decisions, and resolutions of the Board shall be initiated by motion.

Section 8. Parliamentary procedure in Board meetings shall be governed by Roberts Rules of Order, as amended. The City Planner or their designee shall act as Parliamentarian during Board meetings.

ARTICLE VI – Board Absences

Section 1. In order to maintain maximum participation of all appointed Board members at all regularly scheduled meetings, the following attendance guide and Board member replacement policy for “excused” or “unexcused” should be implemented:

- a. When appointed, each board member should state their willingness and intention to attend each scheduled meeting of the Board.
- b. In the event of unplanned personal matters, business trips, family vacation trips, changed job requirements, sickness, or other physical disabilities that prohibit the member from attending the scheduled meeting; the Board, professional staff of the City, or the Board Chair should be notified as early as possible prior to the start hour of their inability to attend the scheduled meeting. The Board member upon this notification will receive an “excused absence” for the involved scheduled meeting.
- c. There will be a limit of three (3) consecutive “excused absences” or two (2) consecutive “unexcused absences” for any member of the Board. If any member exceeds the above criteria for consecutive absences, the Board member will be recommended for dismissal unless extenuating circumstances exist.
- d. If any Board member is absent, whether excused or not, from any five (5) scheduled monthly Board meetings, whether consecutive or not, during any one year period, the Board member will be recommended for dismissal unless extenuating circumstances exist.
- e. The recommendation for dismissal as required will be initiated by City staff and forwarded on to the City Council for official action.

ARTICLE VII – Procedures

Section 1. The order of procedure of hearing shall be:

- a. The Chair shall state the name of the case and explain the particulars thereof in brief.
- b. City Planner or their designee shall present the official records, staff report, and staff recommendation in regards to the case.
- c. The applicant and/or their representative shall be invited to present their case.
- d. The Chair shall declare the public hearing open, and shall direct that all persons present in connection therewith identify themselves by name and address.
- e. The Chair may invite final comments from the applicant, at the Chair’s discretion.

- f. The motion to close the public hearing shall require majority concurrence of all members attending to carry.
- g. Discussion by Board members.
- h. Deliberation by the Board.

Section 2. All motions to approve, approve with conditions, or disapprove any request shall state the basis of the motion and the findings upon which the motion is made.

Section 3. Decisions shall be in accordance with the Zoning Ordinance, Michigan state law, and all judicial precedent guiding the application of the Zoning Ordinance.

ARTICLE VIII – Amendment/Adoption

These Rules of Procedure and Bylaws may be amended at any regular meeting upon an affirmative vote of two-thirds (2/3rds) of the members of the Board.

Moved by Boardmember Roach and supported by Boardmember Khan that the Rules of Procedure and Bylaws of the Zoning Board of Appeals be adopted.

AYES: 5 NAYS: 0 ABSENT: 1 (Talaga)