

ACTION MINUTES
Zoning Board of Appeals
Monday, November 30, 2020 - 7:00 P.M.

Please be advised that due to COVID-19, City Hall will not be open to the public. This meeting will be held electronically on a video conferencing application. The access code is posted in the Public Notice on www.cityofypsilanti.com and attached in the packet.

I. Call to Order

II. Roll Call

Jake Albers, Chair	P
Jared Talaga, Vice Chair	A
Heather Khan	P
Jason Ringholz	P
Tom Roach	P
Georgina Hickey <i>alternate</i>	P

Motion to amend the agenda to place 'New Business' before 'Old Business.'

Offered by: Khan; **Seconded by:** Roach

Approved: Yes-4; No-0; Absent-1

Motion carried.

III. Approval of Minutes

- August 26, 2020 Meeting

Motion to approve the August 26, 2020 meeting minutes.

Offered by: Ringholz; **Seconded by:** Khan

Approved: Yes-4; No-0; Absent-1

Motion carried.

- October 28, 2020 Meeting

Motion to approve the October 28, 2020 meeting minutes.

Offered by: Ringholz; **Seconded by:** Roach

Approved: Yes-4; No-0; Absent-1

Motion carried.

IV. Purpose of Meeting

*Note: Boardmember Hickey joined the meeting.

V. New Business

- Zoning ordinance interpretation – Courtyard Apartment building types and Forecourt private frontages

Motion to open the public hearing.

Offered by: Hickey; **Seconded by:** Roach

Approved: Yes-5; No-0;

Motion carried.

Motion to close the public hearing.

Offered by: Khan; **Seconded by:** Ringholz

Approved: Yes-5; No-0;

Motion carried.

Motion that the Zoning Board of Appeals interprets the relationship between a Courtyard Apartment building type and a Forecourt private frontage by prioritizing the Courtyard Apartment general description in 122-472.CA, where forecourt private frontages and building entries are allowed to not face the street, rather face the open space created by the forecourt, so long as there is a direct pedestrian connection to the public sidewalk. Furthermore, a parking surface is not interpreted to be part of this open space and must not contribute to the clear span width and depth. The forecourt open space shall be a space that is suitable for outdoor dining, gardens, formal entries, as stated in §122-483.

Offered by: Hickey; **Seconded by:** Roach

Approved: Yes-5; No-0;

Motion carried.

VI. Old Business

- 212 N Lincoln St – Variances
 - *Tabled from October 28, 2020 meeting.*

Motion to approve the variance request from Section 122-472.CA to permit no less than 17% frontage buildout at 212 N Lincoln St with the following findings:

1. *Literal enforcement of this chapter will pose practical difficulties to the applicant because of special conditions or circumstances which are 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 difficulties relating to 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.*
2. *The alleged practical difficulties on which the variance request is based have not been created by any person presently having an interest in the property.*
3. *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.*
4. *There was a good faith effort by the applicant to improve the frontage buildout from the original 11% during this meeting's discussion.*

Offered by: Khan; **Seconded by:** Hickey

Approved: Yes-5; No-0;

Motion carried- variance granted.

Motion to deny the variance request from Section 122- 472.CA/122-483 to permit no forecourt private frontage at 212 N Lincoln St with the following findings:

1. *Literal enforcement of the zoning ordinance does not pose practical difficulties and there are no special conditions or circumstances unique to this property for the purpose of a forecourt private frontage variance. (§122-370.b.1)*
2. *Granting of the variance would confer upon the applicant a special privilege that is denied by this chapter to other lands, structures, or buildings in the same district. (§122-370.b.2)*
3. *The allowance of the variance would not ensure substantial justice being done, considering the public benefits that the zoning ordinance and planning efforts propose. (§122-370.b.5)*
4. *The variance request is not the minimum necessary. (§122-370.b.6)*

Offered by: Khan; **Seconded by:** Roach

Approved: Yes-5; No-0;

Motion carried- variance denied.

VII. Adjournment

Motion to adjourn.

Offered by: Hickey; **Seconded by:** Ringholz

Approved: Yes-5; No-0;

Motion carried.