CHARTER TOWNSHIP
OF YPSILANTI
ZONING BOARD OF APPEALS

JASON IACOANGELI, CHAIR
MARSHA KRAYCIR, VICE CHAIR
ELIZABETH EL-ASSADI
GAGE SMITH
JIMMIE WILSON, JR.

December 4, 2019

Regular Meeting – 6:30 p.m.

Ypsilanti Township Civic Center
7200 S. Huron River Drive
Ypsilanti, MI 48197
REGULAR MEETING AGENDA
WEDNESDAY, DECEMBER 4, 2019
6:30 P.M.

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF THE NOVEMBER 6, 2019 REGULAR MEETING MINUTES.
4. APPROVAL OF AGENDA
5. PUBLIC HEARING
   A. VARIANCE – CASSANDRA BARRETT – 9749 TEXTILE ROAD – TO CONSIDER A
      VARIANCE FROM ZONING ORDINANCE SECTION 2114, FENCES AND WALLS, TO
      PERMIT THE INSTALLATION OF A 6-FOOT TALL VINYL PRIVACY FENCE IN THE
      FRONT YARD AT 9749 TEXTILE ROAD FOR A SITE ZONED R-2, ONE-FAMILY
      RESIDENTIAL, LOCATED AT, 9749 TEXTILE ROAD, PARCEL K-11-23-400-041, 9773
      TEXTILE ROAD, PARCEL K -11-23-400-010, AND 9729 TEXTILE ROAD, PARCEL K-11-
      23-400-040.
6. OLD BUSINESS
   A. NONE
7. NEW BUSINESS
   A. NONE
8. OPEN DISCUSSION FOR ISSUES NOT ON THE AGENDA
   A. CORRESPONDENCE RECEIVED
   B. ZONING BOARD OF APPEALS MEMBERS
   C. MEMBERS OF THE AUDIENCE
9. ANY OTHER BUSINESS THAT MAY COME BEFORE THE ZONING BOARD
10. ADJOURNMENT

(THERE IS NO WORK SESSION)
CALL TO ORDER
AND
ROLL CALL

1. The meeting is called to order by the ZBA chair and roll call is taken.
The regular meeting was called to order by Chair Jason Iacoangeli at 6:31 pm in Ypsilanti Township Civic Center Board Room, 7200 S. Huron River Drive, Ypsilanti Township.

Members Present: Chair Jason Iacoangeli and Commissioners Elizabeth El-Assadi, Jimmie Wilson, Jr. and Marsha Kraycir

Members Absent: Commissioner Gage Smith

Others in Attendance: Dennis McLain, Township Attorney; Charlotte Wilson, Planning and Development Coordinator

1. CALL TO ORDER

2. ROLL CALL

3. APPROVAL OF THE MEETING MINUTES FROM THE OCTOBER 2, 2019 REGULAR MEETING MINUTES

A motion was made by Commissioner Kraycir, supported by Commissioner Wilson, Jr. to approve the minutes from October 2, 2019. The motion carried unanimously.

4. APPROVAL OF THE AGENDA

A motion was made by Commissioner Kraycir, supported by Commissioner Wilson, Jr. to approve the agenda. The motion carried unanimously.

5. PUBLIC HEARING

A. VARIANCE – TAPAN PATEL – 800 SOUTH HEWITT ROAD – TO CONSIDER A VARIANCE FROM ZONING ORDINANCE SECTION 2001, SCHEDULE OF REGULATIONS, TO INCREASE THE MAXIMUM HEIGHT FROM 30 FEET TO 60 FEET AND FROM THREE (3) STORIES TO FOUR (4) STORIES FOR A 72-ROOM COMFORT INN AND SUITES HOTEL AT 800 SOUTH HEWITT ROAD FOR A SITE ZONED IRO, INDUSTRIAL RESEARCH OFFICE, PARCEL K-11-18-022.

Charlotte Wilson, Planning and Development Coordinator, said the 2.72 acre parcel is at the southwest corner of West Michigan Avenue and South Hewitt Road. Hotels are a principal permitted use in the IRO district and the Planning Commission will be reviewing the request for preliminary site plan approval on November 12, 2019. She said the parcel and surrounding parcels are Master Planned general commercial. She stated her office reviewed the criteria in Section 2404.2.d and provided comments for each of the 4 provisions. For the first provision she said there are exceptional and extraordinary circumstances since the lot is a unique shape and it limits the building envelope’s size. For provision 2 she stated the height variance would be necessary for the preservation of property right, the shape of the lot, utilities locations and locations of detention ponds and fire lanes. For provision 3 she said the variance would not be detrimental to neighboring properties. For provision 4 she said the unique lot shape was not created by the property owner. She continued that staff had no objections to the proposed application and if the Board approved the variance the applicant would need to obtain preliminary site plan approval from the Planning Commission and building permits from the Office of Community Standards.

Brian Biskner, Powell Engineering, introduced himself as the applicant’s representative.
The public hearing opened at 6:37 pm.

No persons wished to speak.

The public hearing closed at 6:37pm.

A motion was made by Commissioner Wilson, Jr. to approve the request for a variance from Zoning Ordinance Section 2001, Schedule of Regulations, to increase the maximum height from 30 feet to 60 feet and from three (3) stories to four (4) stories for a 72-room Comfort Inn and Suites hotel at 800 South Hewitt Road for a site zoned IRO, Industrial Research Office, Parcel K-11-18-100-022 as the following practical difficulties have been noted:

The authorizing of the requested variance will not be a substantial detriment to the adjacent properties and will not materially impair the purposes of this ordinance or the public interest and has been determined and agreed that the subject parcel has a unique lot shape and the location of existing utilities justify the variance for the additional building height.

This motion is further made with the following conditions:

- The applicant shall obtain preliminary site plan approval from the Township Planning Commission
- The applicant shall obtain all necessary building permits from the Office of Community Standards.

A friendly amendment was made by Commissioner El-Assadi to change the number of rooms from 72 to 64. The friendly amendment was accepted. The friendly amendment passed unanimously.

The motion was supported by Commissioner Kraycir.

The motion carried as follows:

Iacoangeli: Yes  Kraycir: Yes  El-Assadi: Yes  Wilson, Jr.: Yes

6. OLD BUSINESS
   A. None

7. NEW BUSINESS
   A. None

8. OPEN DISCUSSION FOR ISSUES NOT ON THE AGENDA
   A. CORRESPONDENCE RECEIVED
      None
   B. ZONING BOARD OF APPEALS MEMBERS
      None
   C. MEMBERS OF THE AUDIENCE
      None

9. ANY OTHER BUSINESS THAT MAY COME BEFORE THE ZONING BOARD
   Ms. Wilson said there would be a fence variance.
A motion was made by Commissioner Wilson, Jr. and supported by Commissioner Kraycir to adjourn the meeting. The motion carried unanimously.

The meeting was adjourned at approximately 6:40 pm
APPROVAL OF AGENDA

1. Commissioners approve current agenda
Zoning Board of Appeals
Staff Report
Variance – 9749 Textile Road
ZBA 2019-12

November 8, 2019

CASE

The applicant is requesting consideration of a variance from Zoning Ordinance Section 2114, Fences and Walls, to permit the installation of a 6-foot tall vinyl privacy fence in the front yard at 9749 Textile Road for a site zoned R-2, One-Family Residential, located at 9749 Textile Road, parcel K-11-23-400-041, 9773 Textile Road, parcel K-11-23-400-010, and 9729 Textile Road, parcel K-11-23-400-040.

APPLICANT

Cassandra Barrett
9749 Textile Road
Ypsilanti, MI 48197

LOCATION AND SUMMARY OF REQUEST

The 1.64-acre subject property is located north of Textile Road and south of Ford Lake. In the variance request dated October 28, 2019, the applicant proposed a 6-foot vinyl privacy fence within their front yard. Privacy fences greater than 3.5 feet are not permitted within the front yard of a residential property.

CROSS REFERENCES

Township Zoning Ordinance – Section 2114 (Fences and Walls)
Township Zoning Ordinance – Article XXIV (Board of Zoning Appeals)
**Subject Site Zoning and Comprehensive Plan**

The parcel is currently zoned R-2, One-Family Residential, and is master planned SFR-2.

**Adjacent Uses, Zoning and Comprehensive Plan**

<table>
<thead>
<tr>
<th>Direction</th>
<th>Use</th>
<th>Zoning</th>
<th>Future Land Use Designation</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>Ford Lake</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>South</td>
<td>Single Family Residential</td>
<td>PD</td>
<td>SFR-4</td>
</tr>
<tr>
<td>East</td>
<td>Single Family Residential</td>
<td>R-2</td>
<td>SFR-2</td>
</tr>
<tr>
<td>West</td>
<td>Single Family Residential</td>
<td>R-2</td>
<td>SFR-2</td>
</tr>
</tbody>
</table>

**Variance Determination Per Section 2404.2.d.**

The Zoning Board of Appeals may grant a dimensional or non-use variance only upon a finding that compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk, density, or other dimensional provisions would create a practical...
difficulty and unreasonably prevent the use of the property. A finding of practical difficulty shall require demonstration that all the following conditions are met:

1. That there are exceptional or extraordinary circumstances or conditions applying to the property in question that do not apply generally to other properties or classes of uses in the same zoning district. Exceptional or extraordinary circumstances or conditions include but may not be limited to:
   a. exceptional narrowness, shallowness or shape of a specific property;
   b. exceptional topographic conditions;
   c. any other physical situation on the land, building or structure deemed by the Zoning Board of Appeals to be extraordinary; or,
   d. development characteristics of land immediately adjoining the property in question that creates a exceptional constraint.

   **Staff comment:** The property is exceptionally long and narrow. In addition, the home is closer to the rear or lake side of the property than the front, creating an exceptionally large front yard.

2. That a variance is necessary for the preservation and enjoyment of a substantial property right possessed by other properties in the same zoning district and in the vicinity;

   **Staff comment:** The fence height variance is necessary for the preservation and enjoyment of a substantial property right as possessed by other properties in the same vicinity. Other homes in the area have accessory structures, such as fences, in the front yard in order to maximize the view of Ford Lake.

3. That the authorizing of such variance will not be a substantial detriment to adjacent property and will not materially impair the purposes of this ordinance or the public interest; and

   **Staff comment:** The variance will not be substantially detrimental to the neighboring properties. The fence would not extend into the side or front plane of the neighbor to the east.

4. The problem and resulting need for the variance has not been self-created by any action of the applicant or the applicant's predecessors.

   **Staff comment:** The home was not built by the property owner.

**Analysis**

Township Zoning Ordinance, Section 2114, states that privacy fences greater than 3.5 feet in height may not be permitted in the front yard. According to Township Zoning Ordinance, Section 201, Definitions, the front yard is, “An open depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building.” The main building is the home.
Many homes surrounding Ford Lake treat the defined front yard as a rear yard and vice versa. We hope to explore Zoning Ordinance exceptions to lakefront properties in the future to align with current practice.

If the Zoning Board of Appeals chooses to approve this request, the applicant will need to a zoning permit from the Office of Community Standards.

**Suggested motions:** The following suggested motions and conditions are provided to assist the Zoning Board of Appeals in making a complete and appropriate motion for this application. The ZBA may utilize, add or reject any portion of the suggested motion or any conditions suggested herein, as deemed appropriate.

**Table**

“I move to table the request for a variance from Zoning Ordinance Section 2114, Fences and Walls, to permit the installation of a 6-foot tall vinyl privacy fence in the front yard at 9749 Textile Road for a site zoned R-2, One-Family Residential, located at 9749 Textile Road, parcel K-11-23-400-041, 9773 Textile Road, parcel K -11-23-400-010, and 9729 Textile Road, parcel K-11-23-400-040, to consider comments presented during this public hearing.”

**Approve**

“I move to approve the request for a variance from Zoning Ordinance Section 2114, Fences and Walls, to permit the installation of a 6-foot tall vinyl privacy fence in the front yard at 9749 Textile Road for a site zoned R-2, One-Family Residential, located at 9749 Textile Road, parcel K-11-23-400-041, 9773 Textile Road, parcel K -11-23-400-010, and 9729 Textile Road, parcel K-11-23-400-040, as the following practical difficulties have been noted:

1. The applicant shall obtain the necessary zoning permit from the Office of Community Standards.

**Denial**

“I move to deny the request for a variance from Zoning Ordinance Section 2114, Fences and Walls, to permit the installation of a 6-foot tall vinyl privacy fence in the front yard at 9749 Textile Road for a site zoned R-2, One-Family Residential, located at 9749 Textile Road, parcel K-11-23-400-041, 9773 Textile Road, parcel K -11-23-400-010, and 9729 Textile Road, parcel K-11-23-400-040, due to the following reason(s):

*Please provide reasons for denial in the motion*

Respectfully Submitted,

**Charlotte Wilson**

Charlotte Wilson, AICP
Planning & Development Coordinator
Charter Township of Ypsilanti
Office of Community Standards
7200 S. Huron Drive, Ypsilanti, MI 48197
Phone: (734) 485-3943
Website: https://ytown.org

ZONING BOARD OF APPEALS APPLICATION

I. APPLICATION TYPE
☒ Variance
☐ Exceptions and Special Approvals (Includes: Temporary Uses and Structures)
☐ Administrative Review Appeal

II. PROJECT LOCATION
Address: 9749 TEXTILE ROAD
Parcel ID #: K-11-23-400 AND 040 AND Zoning RESIDENTIAL?
Lot Number: ___________ Subdivision: ___________ - 010

III. APPLICANT INFORMATION
Applicant: CASSANDRA BARRETT
Address: 9749 TEXTILE ROAD
City: YPSILANTI
State: MI
Zip: 48197
Phone: (313) 316-2450
Fax: __________________ Email: __________________

Property Owner: CASSANDRA BARRETT
Address: 9749 TEXTILE ROAD
City: YPSILANTI
State: MI
Zip: 48197
Phone: (313) 316-2450
Fax: __________________ Email: __________________

IV. COST AND FEES
Total: $________ Breakdown of fee: Residential: $125.00 Non-residential: $500.00

V. APPLICANT SIGNATURE
The undersigned CASSANDRA BARRETT represents CASSANDRA BARRETT
1. That CASSANDRA BARRETT is/are the owner(s) of lot(s) ________ located in the
   Subdivision, Ypsilanti Township, Michigan, otherwise known as 9749 TEXTILE ROAD
   and the property is zoned ________ Zoning District.
2. That the petitioner hereby request Variance under Section 214/Section XXI of the Ypsilanti Township
   Zoning Ordinance.
3. The petitioner further state that ________ have/has read and understands the provisions of said zoning ordinance as it
   applies to this petition.
4. That the following is submitted in support of the petition (attach all pertinent data to support the request).

CASSANDRA BARRETT
Applicant Signature

CASSANDRA BARRETT
Print Name

10-22-19
Date

7200 S. Huron River Drive • Ypsilanti, MI 48197 • (734) 485-3943
# All Zoning Board of Appeals Applications

- The application is filled out in its entirety.
- If the applicant is not the property owner, written and signed permission from the property owner is required.
- Fees
- Letter of interest of the applicant in the property

- Plot plan or lot survey to scale showing the following:
  - All property lines and dimensions
  - All existing and proposed structures and dimensions
  - Lot area calculations necessary to show compliance with regulations
  - Easements and dimensions, if applicable
  - Location of drives, sidewalks, and other paved areas on the property and on the adjacent streets.
  - Location and dimensions of the nearest structures on adjacent properties.
Dear Ypsilanti zoning board of appeals,

Would you please grant me a variance for a six foot tall vinyl privacy fence in the front yard like the fence located two houses away on 9640 Textile Road? 9640 Textile Road extends 11 panels pass the front yard for a total of 88 feet on a small piece of property.

The vinyl fence I am requesting is not near the property line. It is 12 feet west of the easement thus giving the neighbor complete use of the easement, plus two extra feet so that I might enjoy some relief from the following issues listed below.

The police told me to put up a privacy fence many times.

Invasion of privacy - Mr. Clancy was granted permission to dig a 343 foot long electrical trench from his garage to trees by my house. He installed two cameras. One points directly inside my lakeside door and the other my front porch.

Eyesores - A six foot tall wood pile extending 80 feet in length blocked my lake view for two years (See pictures). The year after that multiple fires simultaneously burning down wet land (See pictures). Thirty one wood chip piles left untouched for months.

Stalking, blocking easement, false police reports - On 7-4-19, over 40 cars parked all around my home to watch Mr. Clancy light fireworks. Officer Larkin told cars to move off of our property, police report #19-51982. On 7-8-2019, police report #19-53422, Officer Cory, Mr. Clancy was shining his car headlights into my bathroom window at 2:00 am. On 4-23-18, Mr. and Mrs. Clancy made a false police report stating Mr. Barrett had cut a tree down on his property. Officer Weise discovered it was a stump planted in the ground without any roots so he turned it over to the prosecutor, police report #18-30347. 5-20-18 Clancy cutting up trees in easement with tractor and chain saw, police report #18-38088, Officer Pearson. 7-9-18 Mr. Clancy had neighbor park his red truck in front of my car and had his son stand in front of car - had to drive on grass to get home, police report #18-53162, Officer Weise. 8-25-18 Clancy filming our private investigator and his family while they were trying to watch Thunder over Michigan air show. 10-4-18 Mr. Clancy filming me in his car while I was trying to have dinner with my friends from the Kingdom Hall. 12-5-18 Clancy cutting down more trees in easement. The above are just some of the police reports and problems. I can give additional examples if you need them as well as copies of all the police reports.

Since the fence has been installed, no police have had to be called.

I am seriously begging the zoning board help me get rid of a continuous eye sore, witnessing the burning destruction of wetland, being blocked by Clancy and his neighbors in my own easement, stalking my company and workers and invasion of privacy with cameras pointed inside my doors. Please consider my request. Thank you, Cassandra Barrett
PINK FENCE

9640 TEXTILE ROAD
6 FT TALL X 80 FT LONG
WOODPILE - ONLY MY ROOF TOP
VISIBLE

12-22-15 5:23PM
STALKING MY FRIENDS FROM KINGDOM HALL TRYING TO EAT DINNER OUTSIDE 18-4-18
MR. CLANCY AND SON TRYING TO INTIMIDATE ME ON MY WAY OUT
STALKING MY ELECTRICIAN

BULLSHIT IN MY EASEMENT
7-9-18
BLOCKING MY CAR TO GO HOME
PARKED TRUCK
AND WALKED AWAY
CLANCY'S SON BLOCKING MY CAR SO COULDN'T GO DOWN EASEMENT 7-9-18

MR. CLANCY UNINVITED AND FOLED TO LEAVE

MY ATTORNEY
IN MY DRIVEWAY
FOUR FEET FROM
MY PORCH

7-9-18 HAD TO
DRIVE ON GRASS
TO GET HOME
HOPING NOT TO
GET FLAT TIRE
ON STUMPS
FOUR FEET FROM MY PORCH INTIMIDATING

MY HOUSE
Some of the bricks thrown in yard

3 flat lawn mower tires in 2 weeks due to neighbor throwing bricks in yard
OLD BUSINESS

1. None
NEW BUSINESS

1. None
OPEN DISCUSSION

a. Correspondence Received- None
b. ZBA Members
c. Members of the audience
PLANNING COMMISSION REPRESENTATIVE REPORT

THERE IS NO WRITTEN REPORT
TOWNSHIP BOARD
REPRESENTATIVE REPORT

THERE IS NO WRITTEN REPORT
TOWNSHIP ATTORNEY REPORT

THERE IS NO WRITTEN REPORT
OTHER BUSINESS

1. Any other business that may come before the Zoning Board