

CITY OF PLYMOUTH
ZONING BOARD OF APPEALS MEETING
WEDNESDAY, JANUARY 7, 2016
7:00 PM
AGENDA

1. Meeting called to order at _____p.m.

2. ROLL CALL: Joshua Birk, Dan Mooney, Kara Giummo, Gloria Poirier,
and Mike Devine

ALTERNATES: Scott Silvers, Ed Krol

3. APPROVAL OF MINUTES:
Regular Meeting – December 3, 2015

4. APPROVAL OF THE AGENDA

5. ELECTION OF OFFICERS:

CHAIRPERSON

Nominated by _____

Action taken_____

- VICE-CHAIRPERSON

Nominated by _____

Action taken_____

6. OLD BUSINESS:
None.

7. NEW BUSINESS:
None.

8. REPORTS AND CORRESPONDENCE:
Final Approval of the ZBA Application

9. COMMISSIONER COMMENTS

10. MOTION TO ADJOURN



CITY OF PLYMOUTH
201 S. Main
Plymouth, MI 48170
www.ci.plymouth.mi.us
ZONING BOARD OF APPEALS - REGULAR MEETING MINUTES
THURSDAY, DECEMBER 3, 2015

1.- Meeting called to order at 7:00 P.M. by Chairperson Devine

2.- ROLL CALL

MEMBERS PRESENT: Joshua Birk, Kevin O'Keefe, Dan Mooney,
Gloria Poirier and Mike Devine

ALTERNATE ABSENT: Kara Giummo

OTHERS PRESENT: John Buzuvis, Comm. Dev. Director

3. - APPROVAL OF MINUTES

A motion was made by Comm. O'Keefe, supported by Comm. Birk to approve the regular minutes of November 5, 2015 with amendment. For 585 Maple the variance granted should be 6 feet to allow for a 9 foot side yard setback; the minimum setback for the district is 15 feet.

MOTION CARRIED UNANIMOUSLY.

4. - APPROVAL OF THE AGENDA:

A motion was made by Comm. O'Keefe supported by Comm. Mooney to approve the agenda.

MOTION CARRIED UNANIMOUSLY.

5. - OLD BUSINESS:

None.

6. - NEW BUSINESS:

Z 15-23 196 W. Liberty
Non-Use Variance Requested
Signage
Zoned: B-1, Local Business
Applicant: Kamie and Matthew Mai

Mr. Mai, applicant, presented his case. He explained that the sign has already been painted on the building. It was painted to be as large as possible. Mr. Mai explained that there retail traffic in that part of the community is minimal, so the sign was the best they could do to attract business. The age of the building prevents a wall sign because it could cause more leaking to occur. He stated there are other painted wall signs throughout Old Village.

Board Discussion

The Board discussed the following items:

- Signage/art exists in Old Village
- Brick in disrepair
- Brick has already been painted
- The building's roof is flat and would need to be peaked to fix problems
- Connie's Catering sign on Farmer Street
- Lots of existing painted signs
- The size of the sign is almost 3 times greater than allowed by ordinance
- A sign meeting the ordinance would not be visible from Starkweather
- The current sign will not last forever, would need to be repaired and refreshed
- A variance granted rides with the property

Motion

A motion was made by Comm. Poirier, seconded by Comm. O'Keefe, to approve Z-15-23 for a painted wall sign to be 2.6 times greater than the required 25 square feet. The variance pertains only to the word "Boutique" and any change would not be permitted.

Finding of Fact: Age and condition of existing façade do not warrant a wall mounted sign.

YES O'Keefe, Mooney, Poirier

NO Birk, Devine

MOTION PASSED.

Z 15-24 1380 Palmer
Non-Use Variance Requested
Rear yard setback
Zoned: R-1, Single Family Residential
Applicant: Brian and Joyce Nemes

Dennis Dinsler, Arcadian Design, presented his case. He explained that the existing garage wall is 4' 2" out of compliance with the ordinance. He said that building a master bedroom over the existing garage is a softer solution than an addition closer to Evergreen Street. Mr. Dinsler stated that most other homes in the area are not in compliance.

Board Discussion

Comm. Mooney believed the addition was a good solution that fit within the neighborhood.

Chairman Devine stated that it wasn't encroaching any more than the existing structure.

Comm. Birk agreed with Chairman Devine.

Motion

A motion was made by Comm. Poirier, seconded by O'Keefe, to approve Z-15-24 as submitted, to grant a 4 foot 2 inch variance for the rear yard to allow a 30 foot 10 inch rear yard setback.

Finding of Fact: Less intrusive than solution offered by ordinance if homeowner were to build closer to Evergreen Street.

YES O'Keefe, Devine, Birk, Mooney, Poirier

NO None

MOTION PASSED UNANIMOUSLY.

Z 15-25 302 Maple
Non-Use Variance Requested
To allow a lot split creating 2 50' wide lots
Zoning: R-1, Single Family Residential
Applicant: Marda Benson

Comm. O'Keefe stepped down from the board due to conflict of interest.

Marda Benson, applicant, presented her case. She explained that the existing structure is a 4 unit apartment building that is non-conforming with the property's zoning.

Public Comment

Scott Wright stated that the current structure is existing, non-conforming. He said that creating two 50 foot lots that meet ordinance requirements would be more conforming to the neighborhood.

Ed Krol, 1108 Beech, supported the proposal and supported detached garages on the new homes.

Board Discussion

The board discussed the proposed development and how it would adhere to the current ordinance including detached garage requirements.

Comm. Mooney believed that the proposal would help all lots become the highest and best use and that single-family houses would complement the existing lots.

Motion

A motion was made by Comm. Birk, seconded by Mooney, to approve Z-15-25 as submitted, to allow two lots less than 60 feet wide and less than 7,200 square feet in area to be created. The variance is contingent upon conformance with current ordinances for home sizing, setbacks, and garage locations.

Finding of Fact: The proposed lot split would allow the highest and best use and would conform to single-family zoning classification.

YES Devine, Birk, Mooney, Poirier

NO None

MOTION PASSED UNANIMOUSLY.

Comm. O'Keefe returned to the board.

Z 15-26 359 McKinley
Non-Use Variance Requested
Rear Yard Setback
Zoning: R-1, Single Family Residential
Applicant: Brendan Ronayne and Donna MacDonald

Tom Ryan, applicant, presented his case. He explained that the previous owners split 359 McKinley in 2006 and did not shift the lot to make Sheridan the front yard. This split, which was approved by the ZBA, made the lot wholly non-conforming. He stated that the solar room is 2 feet of the rear property line and to keep the current footprint and change it into a four-season room a variance is required. He explained that the rear yard will never be conforming and it was not caused by the current homeowners.

Public Comment

Doug Boebringer, 1230 Sheridan, asked how the original lot split was accomplished.

Board Discussion

The board discussed the existing building envelop and explained that if the variance was granted the entire backyard could be built to be 1 foot 9 inches off the property line.

Motion

A motion was made by Comm. Birk, seconded by O'Keefe, to approve Z-15-26 as submitted, to allow the enclosure of the existing solar room only which is 1 foot 9 inches off the property line. Approve a variance of 33 feet 4 inches.

Finding of Fact: The footprint already exists, not increasing the non-conformity, it is already walled and roofed

YES Devine, Birk, Mooney, Poirier, O'Keefe

NO None

MOTION PASSED UNANIMOUSLY.

7. REPORTS AND CORRESPONDENCE:

Draft ZBA Application Discussion

The board discussed the application and made some comments:

- Amend box on cover of both to say "scaled drawings or boundary survey"
- Include adjacent zoning for use variance requests

8. COMMISSIONER COMMENTS:

The board discussed Saxton's and received an update of the Historic District Commission meeting.

9. MOTION TO ADJOURN

**A motion was made by Comm. O'Keefe, supported by Comm. Poirier, to adjourn.
MOTION CARRIED UNANIMOUSLY.**

Meeting adjourned at 8:25 p.m.

Respectfully Submitted,

Greta Bolhuis,
Community Development Coordinator

ZBA APPLICATION – DIMENSIONAL (NON-USE) VARIANCE

Type of Variance Request: DIMENSIONAL – Common regulations subject to dimensional (non-use) variance requests: setbacks, signs, height or parking regulations, lot coverage, bulk or landscaping restrictions. Uniqueness: odd shape, small size, wetland, creek, natural features, big trees or slopes.

Address of Property: _____

Applicant Name _____ Property Owner _____

Address _____ City _____ State _____ Zip _____

Email _____ Phone _____

I (We) hereby appeal to the Zoning Board of Appeals for a variance to: _____

Description of Property

Current zoning classification: _____

Is it a corner or interior lot? _____ Size and area of lot: _____

Total sq. footage of existing main buildings: _____ accessory structures: _____

Current use of buildings on premises: _____

Percentage of lot coverage of *all* buildings, decks, and porches 30" above grade: _____

Height and area of existing main and/or accessory structures: _____

Description of Proposed Structures

Height of proposed structure: _____

Dimensions and area of structure or addition to be constructed: _____

Percentage of lot coverage of all buildings including proposed: _____

Front yard setback after completion (measured from lot line): _____

Back yard setback after completion (measured from lot line): _____

Side yard setback after completion (measured from lot line): _____

A scaled drawing or boundary survey depicting the above information.

NOTE: The Zoning Board of Appeals meets the first Thursday of each month at 7:00PM. The completed application and necessary/applicable plans must be filed with a fee of \$250.00 by **4:00 PM** on the third Tuesday of the month. Visit the City's website for submittal deadlines and meeting dates: www.ci.plymouth.mi.us. Ten (10) copies of the application and plans including but not limited to survey, plot map, building plans, and photos are needed at submittal.

Please answer all of the following questions as they relate to the dimensional variance, use additional sheets as necessary:

1. What are the practical difficulties preventing compliance with the ordinance? Are these practical difficulties an exception or unique to the property compared to other properties in the City? _____

2. What effect will the variance have on neighboring properties? _____

3. Is the practical difficulty which prevents you from complying with the ordinance self-imposed? How did the practical difficulty come about? _____

4. Why do the ordinance restrictions unreasonably prevent the owner from using the property for a permitted purpose? _____

Article and Section of the Zoning Ordinance that is being appealed or variance requested:

I hereby depose and say that all the above statements and the statements contained in the papers submitted herewith are true and correct:

Signature of Property Owner

Signature of Applicant

Subscribed and sworn before me this _____ day of _____, 20__

Notary Public

My Commission expires _____

NOTE: The Zoning Board of Appeals will not accept incomplete applications. Signature of property owner and applicant, as well as notarization is required for every application. There are notaries located in City Hall. The Community Development Department has the right to remove an item from the agenda due to incompleteness.



CITY OF PLYMOUTH
BUILDING DEPARTMENT
ZONING BOARD OF APPEALS (ZBA) APPLICATION
201 S. Main Street Plymouth, MI 48170
Ph. 734-453-1234 Fax 734-455-1892
Website: www.ci.plymouth.mi.us

General Information

Three Basic Functions of the ZBA:

1. Interpreting the zoning ordinance (text and map) and nonconforming situations.
2. Deciding appeals on administrative decisions, special land uses, or PUDs.
3. Granting variance requests (see definition below).

Appeal Guidelines

The following guidelines will be considered in determining the validity of each variance request:

- The proposed variance involves a practical difficulty (non-use) or a hardship (use)
- The proposed variance involves exceptional and unique circumstances
- The proposed variance will not impair the adequate supply of light and air to adjacent property owners nor increase the congestion in public streets
- The proposed variance will not increase the hazard of fire or flooding nor endanger the public safety
- The proposed variance will not unreasonably diminish or impair established property values within the surrounding area
- The proposed variance will not in any other respect impair the public health, safety, or welfare of the inhabitants of the City
- The proposed variance will not alter the essential character of the neighborhood
- The spirit of the Ordinance must be observed

A two-thirds majority (4 of 5 board members) is required for all use variance requests.

Note: The ZBA cannot grant a variance because it is inconvenient or more expensive to build to Ordinance or solely to satisfy aesthetic concerns. The ZBA has generally found that purely aesthetic consideration and self-created hardships are unacceptable grounds for a variance.

Definitions

Variance – allows a departure from a requirement of the zoning ordinance in a particular instance. A two thirds vote of the Board is necessary to grant a variance.

Non-use Variance – when an owner is unable to use a property for any permitted purpose. Non-use refers to an enduring characteristic of the property, not based upon the current property owner, such as altering setbacks or roof height.

Use Variance – allows for a land use not permitted by the zoning ordinance.

Standards for Use Variance

1. Property cannot be reasonably used for purposes permitted in the zone
2. Problem results from circumstances unique to the property, not the neighborhood
3. Variance will not alter the essential character of the neighborhood
4. Problem is not self-created.

Standards for Non-Use Variance

1. Ordinance unreasonably prevents the owner from using the property for what it is zoned
2. Variance will do substantial justice to the applicant, and the surrounding community
3. Problem is due to the unique circumstances of the property
4. Problem is not self-created

ZBA APPLICATION – USE VARIANCE

Type of Variance Request: USE – A use variance permits a use of land that is otherwise not allowed in that zoning district. The applicant must present evidence to show that if the zoning ordinance is applied strictly, unnecessary hardship to the applicant will result.

Address of Property: _____

Applicant Name _____ Property Owner _____

Address _____ City _____ State _____ Zip _____

Email _____ Phone _____

I (We) hereby appeal to the Zoning Board of Appeals for a variance to: _____

Description of Property

Current zoning classification: _____

Is it a corner or interior lot? _____ Size and area of lot: _____

Total sq. footage of existing main buildings: _____ accessory structures: _____

Current use of buildings on premises: _____

Percentage of lot coverage of *all* buildings, decks, porches 30" above grade: _____

Height and area of existing structure: _____

A scaled drawing or boundary survey depicting the above information.

The zoning of the properties surrounding the subject property.

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Please answer all of the following questions as they relate to the requested variance, use additional sheets as necessary:

1. What are the hardships to preventing compliance with the ordinance? Are these hardships an exception or unique to the property compared to other properties in the City? _____

2. What effect will the variance have on neighboring properties? _____

3. Is the hardship which prevents you from complying with the ordinance self-imposed? How did the hardship come about? _____

4. Why the property could not be reasonably used for the purpose permitted in that zone? _____

Article and Section of the Zoning Ordinance that is being appealed or variance requested:

I hereby depose and say that all the above statements and the statements contained in the papers submitted herewith are true and correct:

Signature of Property Owner

Signature of Applicant

Subscribed and sworn before me this _____ day of _____, 20____.

Notary Public

My Commission expires _____

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