

CITY OF PLYMOUTH
ZONING BOARD OF APPEALS MEETING
THURSDAY, OCTOBER 6, 2016
7:00 PM
AGENDA

1. Meeting called to order at _____p.m.
2. ROLL CALL: Josh Birk, Kara Giummo, Ed Krol, Dan Mooney,
and Mike Devine

ALTERNATES: Gloria Poirier, Scott Silvers
3. APPROVAL OF MINUTES
Regular Meeting – September 1, 2016
4. APPROVAL OF THE AGENDA
5. OLD BUSINESS:
None.
6. NEW BUSINESS:
 1. Z 16-18 476 Roe
Non-Use Variance Requested
Front & Side Yard Setbacks
Zoned: R-1, Single-Family Residential
Applicant: David Latawiec
 2. Z 16-19 141 N. Mill
Non-Use Variance Requested
Front Yard Setback
Zoned: I-1, Light Industrial District
Applicant: C & J Real Estate LLC
7. REPORTS AND CORRESPONDENCE
8. COMMISSIONER COMMENTS
9. MOTION TO ADJOURN

City of Plymouth
2016 Goals

The City Commission met on January 4th to conduct a formal goals setting session for 2016. These goals were formally adopted on January 18th. Below are the goals adopted by the City Commission for all City Boards, Commissions and Administration members.

- * Resolve Last Issues Regarding Dissolution of Plymouth Community Fire Department Agreement (Primarily Pension issues)
- * Work Collaboratively with Plymouth Arts & Recreation Complex (PARC) organization, the Plymouth Canton School Board, and the greater Plymouth Community to continue the repurposing of Central Middle School into a high quality Arts & Recreation Complex.
- * Developing a succession plan for the city's key employees, especially considering the long tenures of many of our senior staff.
- * Develop funding plan for future capital improvements
- * Work collaboratively with the DDA, community leaders, and other organizations to plan for Plymouth's 150th Birthday in 2017. This includes obtaining funding for new Kellogg Park Fountain and Kellogg Park upgrades.

**ZONING BOARD OF APPEALS
MEETING NOTICE
CITY OF PLYMOUTH, MICHIGAN
(734) 453-1234**

A regular meeting of the Zoning Board of Appeals will be held on Thursday, October 6, 2016 at 7:00 P.M. in the Commission Chambers of the City Hall, 201 S. Main Street, Plymouth, MI, to consider the following:

1. Z 16-18 476 Roe
Non-Use Variance Requested
Front & Side Yard Setbacks
Zoned: R-1, Single-Family Residential
Applicant: David Latawiec

2. Z 16-19 141 N. Mill
Non-Use Variance Requested
Front Yard Setback
Zoned: I-1, Light Industrial District
Applicant: C & J Real Estate LLC

All interested persons are invited to attend.

In compliance with the Americans with Disabilities Act, the City of Plymouth will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audiotapes of printed materials being considered at the meeting/hearing, to individuals with disabilities. Requests for auxiliary aids or services may be made by writing or calling the following:

Maureen Brodie, ADA Coordinator
201 S. Main Street
Plymouth, MI 48170, (734) 453-1234, Ext. 206

201 S. Main
Plymouth, MI 48170
www.ci.plymouth.mi.us
ZONING BOARD OF APPEALS MEETING MINUTES
Thursday, September 1, 2016

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

2. Roll Call

Members Present: Dan Mooney (arrived at 7:02), Gloria Poirier, Josh Birk,
Kara Giummo, Mike Devine
Alternates Present: Ed Krol
Alternates Absent: Scott Silvers
Others Present: Greta Bolhuis, Assistant Comm. Development Director

3. Approval of the Meeting Minutes:

A motion was made by Comm. Birk, supported by Comm. Giummo to approve the regular minutes of June 2, 2016 as presented.
MOTION CARRIED UNANIMOUSLY.

4. Approval of the Agenda

A motion was made by Comm. Poirier and supported by Comm. Giummo to approve the agenda as amended.
MOTION CARRIED UNANIMOUSLY.

5. Old Business

None.

6. New Business

Z16-16 199 Hamilton
Non-Use Variance Requested
Side Yard Setback
Zoned: R-1, Single Family Residential
Applicant: Ty Sasena

The applicant was not present. Case Z16-16 postponed.

The board returned to Case Z16-16 and the applicant was present.

Ty Sasena, owner and applicant, presented his case. He explained his home was built in the early 1900s and he wants to add approximately 1,000 square feet as a second floor addition. Mr. Sasena stated that because the home was built so long ago the variance is needed.

Citizen Comments

Ed Krol, asked if the basement walls could take the added load of an addition. It was confirmed that the Building Inspector would confirm those calculations.

Board Discussion

Comm. Birk asked if the second floor addition laid directly over the current structure or if it

extended into the rear yard.

It was confirmed that the addition would not be expanding the footprint.

Chairman Devine asked if the variance was for the front porch.

It was confirmed that because the home behind faces Roe, the property is considered to have two front yards.

Comm. Birk did not see a problem with the request because of the distance to the next house (on Roe) and because of longstanding situation of the house on the lot.

The board discussed the bay window and if it was calculated into the setback. The board and the applicant determined the original calculations were correct.

Motion

A motion was made by Comm. Poirier, supported by Comm. Mooney, to approve Z16-16, 199 Hamilton as requested.

Finding of Fact: The addition does not increase the existing non-conformity and it does not increase the footprint of the home.

MOTION GRANTED UNANIMOUSLY

The variance granted is for 5.8 feet to allow a 9.6 foot front yard setback on Roe Street.

Z16-17 898 S. Main
Use Variance Requested
Used Car Dealer License
Zoned: B-1, Local Business
Applicant: Jeff Bejma

Jeff Bejma, applicant, presented his case. He explained that his business is antique, classic cars that is online based and over the phone and shipped. He has 3-4 vehicles in the building at one time and said the vehicles do not stay outside. He discussed that he only has a small volume and his business is unlike a traditional used car dealer. Mr. Bejma explained that without the license he is only allowed to transfer 5 titles per year, is unable to obtain Michigan Fleet Insurance, is burdened with sales tax, and is excluded from dealer auctions without the license. He explained that he contacted the city initially to ensure his business was a permitted use (it was) and after he leased the building he found out that the city could not sign the Zoning and Municipal Approval forms.

Public Comment

Nancy Caviston, 864 S. Main, shared parking lot space with 898 S. Main and expressed concerns with the look of a used car dealership.

Tracy Moran, 853 Sutherland, did not want the look of a used car lot and discussed issues with other business parking there.

Gerri Kilsdonk, 375 Red Ryder, was opposed to a traditional used car dealership, but was not opposed to keeping vehicles inside.

Ed Krol, 1107 Beech, asked if there were other businesses like Mr. Bejma's in the metro Detroit area.

Board Discussion

Comm. Giummo asked if there could be a condition to only allow online sales.

It was confirmed that a used car dealership was not allowed in the B-1 zoning classification.

Comm. Poirier asked if the variance would stay with the property or the business.

Comm. Birk did not see a hardship because Mr. Bejma leased the building.
Chairman Devine asked about the confusion between the city's approval and the State license. He said the State license is vague and does not accommodate the applicant's use. The board received three letters in regards to the application. Two were in support, one was opposed.

Motion

A motion was made by Comm. Birk, supported by Comm. Poirier, to approve Z16-17, 898 S. Main as requested with the conditions that the display of vehicles will be limited to the interior of the building, no inventory parking on the surface lot, and there will be no additional marketing or signage related to vehicle sales.

Finding of Fact: The use is unique from what is defined in the ordinance for used car dealerships.

YES Mooney, Giummo, Poirier, Birk, Silvers

NO None

MOTION GRANTED UNANIMOUSLY

The variance granted is to allow a used car dealer license to be approved for 898 S. Main.

7. Reports and Correspondence

None.

8. Commissioner Comments

Chairman Devine recognized and thanked Comm. Poirier for her 18 years of service to the Zoning Board of Appeals Board.

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

Meeting adjourned at 7:42 p.m.

Respectfully Submitted,

Greta Bolhuis,
Assistant Community Development Director



**CITY OF PLYMOUTH
COMMUNITY DEVELOPMENT**
201 South Main Street Plymouth, MI 48170
Ph. 734-453-1234 ext. 232 Fax 734-455-1824
Website: www.ci.plymouth.mi.us

TO: Zoning Board of Appeals Commissioners
FROM: Greta Bolhuis, Assistant Community Development Director
DATE: September 23, 2016
RE: 476 Roe, Non-Use Variance

Dave Lataweic, applicant, seeks a non-use variance to construct a second story addition in the required front and side yard setbacks. The property is zoned R-1, Single Family Residential.

Section 78-190 of the Zoning Ordinance requires a 6 foot side yard setback. The home is currently situated with a 1.5 foot side yard setback. The applicant is requesting a variance of 4.5 feet.

Section 78-191 (o) requires if the resulting setback is less than 15 feet, then the allowed setback shall be no less than the allowed setback average. The front yard setback worksheet allows for a front yard setback of 11.2 feet. The applicant is requesting a 12.5 foot front yard setback. A variance of 2.5 feet is required.

The property is 30 feet wide and 3,900 square feet in area. No other variances are required.

I will be glad to answer any questions regarding this agenda item.





**1031 South Main Street
Plymouth, MI 48170**

Phone: 734-259-5355

www.djlbuilders.com

Fax: 734-259-5455

City of Plymouth
201 S. Main Street
Plymouth, MI 48170
Attn: Greta Bolhuis

September 19, 2016

RE: Addendum to variance application for 476 Roe

To Whom It May Concern:

After submitting the application, it has been brought to our attention that the front setback also needs a variance of 2.5 feet. As you see we are in compliance using the front yard setback worksheet but do not fall outside the minimum 15-foot setback. Even though the house structure falls outside the 15-foot minimum, the covered porch does not.

We ask for a variance to enable us to add a second story to the original structure so the homeowners can have the ability to grow their family and have a comfortable home to live in.

Thank you for your consideration,
David J. Latawiec
734-751.-5544

Z16-18 476 Roe
Front & Side Yard Setbacks
ZBA Mtg 10/6/16

IN - DIMENSIONAL (NON-USE) VARIANCE

RECEIVED

SEP 16 2016
CITY OF PLYMOUTH
COMMUNITY DEVELOPMENT

DIMENSIONAL - Common regulations subject to dimensional (non-use) 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: 476 ROE

DAVID LATANIEC
Applicant Name

JASON STEPHENSON & KAREN GABRY
Property Owner

1031 S. MAW
Address

Plymouth
City

Mi 48170
State Zip

DAVE@DJLBUILDERS.COM 734 751 5544
Email Phone

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

SIDE SET BACK

I (We) hereby appeal to the Zoning Board of Appeals for a variance to: ALLOW TO CONSTRUCT 2ND STORY TO EXISTING FOOT PRINT THAT IS CURRENTLY IN SET BACK.

Description of Property

Current zoning classification: RESIDENTIAL

Is it a corner or interior lot? NO Size and area of lot: 30' x 31' x 125' x 135'

Total sq. footage of existing main buildings: 982 accessory structures: 0

Current use of buildings on premises: PRIVATE RESIDENCE

Percentage of lot coverage of all buildings, decks, and porches 30" above grade: 28.9%

Height and area of existing main and/or accessory structures: 1128 SF / 12' TALL AT MID-POINT

Description of Proposed Structures

Height of proposed structure: 21'6" AT MID-POINT

Dimensions and area of structure or addition to be constructed: REMODEL 1088 SF Addition:

Percentage of lot coverage of all buildings including proposed: 32.5%

941 2ND FLOOR
180 1ST FLOOR

Front yard setback after completion (measured from lot line): 17.5' CURRENT

Back yard setback after completion (measured from lot line): 62.2'

Side yard setback after completion (measured from lot line): 1.5' CURRENT / 9.7' CURRENT

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. Twelve (12) 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? IT IS AN OUT OF COMPLIANCE LOT. EXISTING HOUSE IS 1.5' FROM SIDE PROPERTY LINE
2. What effect will the variance have on neighboring properties? NONE. BOTH HOMES ARE ALSO ON 30' LOTS & BOTH HAVE BEEN REMODELED WITH SECOND STORIES
3. Is the practical difficulty which prevents you from complying with the ordinance self-imposed? How did the practical difficulty come about? IT IS NOT SELF-IMPOSED. IT IS THE WAY THE AREA WAS SUB-DIVIDED
4. Why do the ordinance restrictions unreasonably prevent the owner from using the property for a permitted purpose? WITHOUT A VARIANCE HOMEOWNERS WOULD HAVE TO LEAVE THE AREA TO GROW THEIR FAMILY & DEVELOP A MORE COMFORTABLE LIVING CONDITION

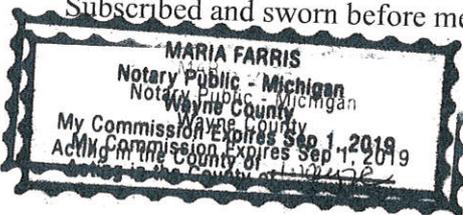
I hereby depose and say that all the above statements and the statements contained in the papers submitted herewith are true and correct:

Signature of Property Owner

Signature of Applicant

Subscribed and sworn before me this

16 day of September, 2016



Maria Farris
Notary Public

My Commission expires

Sept 1, 2019

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.

FRONT YARD SETBACK WORKSHEET

House Address:	546 17'10"	House Address: 508 10'9"	House Address: 488 12'6"	Your House Address: 476 DO NOT INCLUDE SETBACK	House Address: 464 12'6"	House Address: 448 8'8"	House Address:
1 FOOT BETWEEN SIDEWALK AND PROPERTY LINE				1 FOOT BETWEEN SIDEWALK AND PROPERTY LINE			
SIDEWALK		SIDEWALK		SIDEWALK		SIDEWALK	

Please label all addresses and front yard setbacks on above picture.

What you need to do is get all the front yard setbacks within 200 ft. of your property and on the same side of the street. Add up all then divide by how many homes you used. Then multiply by .90. You must provide this information along with your building applications and plans.

- **Front yard property begins one foot in from the sidewalk.
- ***If there is a porch on the home:
Covered porch: measure to the porch
Uncovered porch: measure to the house foundation
- ****There may be more or less homes in your equation than shown in the above picture depending on the width of lots in your area. Be sure to measure all setbacks within 200 ft. of your property.

Total sum of neighboring front yard setbacks = 62'-3"
 Total number of homes used = 5
 Sum of setbacks divided by homes used = 12'-5"
 Then multiply this number by .90

PROPOSED FRONT YARD SETBACK: 12'-6" The allowed front yard setback for your property = 11'-2"

Excerpt from the City of Plymouth Ordinance: The established front setbacks for structures within established R-1, RT-1, MU O-1 and O-2 zoning districts shall be at least 90 percent of the average front yard setback of surrounding buildings. The average setback and front building line shall be determined by examining existing buildings located on the same side of the street and within 200 feet of the subject parcel. If the resulting setback is less than 15 feet, then the allowed setback shall be no less than the allowed setback average. The building official may exclude structures used in calculating average front setbacks when the structure deviates by more than 25 feet forward or back from the average setbacks of other structures found within 200 ft.



CITY OF PLYMOUTH
COMMUNITY DEVELOPMENT
201 South Main Street Plymouth, MI 48170
Ph. 734-453-1234 ext. 232 Fax 734-455-1824
Website: www.ci.plymouth.mi.us

TO: Zoning Board of Appeals Commissioners
FROM: Greta Bolhuis, Assistant Community Development Director
DATE: September 23, 2016
RE: 141 N. Mill, Non-Use Variance

Craig Jagger, applicant, seeks a non-use variance to construct a balcony in the required front yard setback. The property is zoned I-1, Light Industrial.

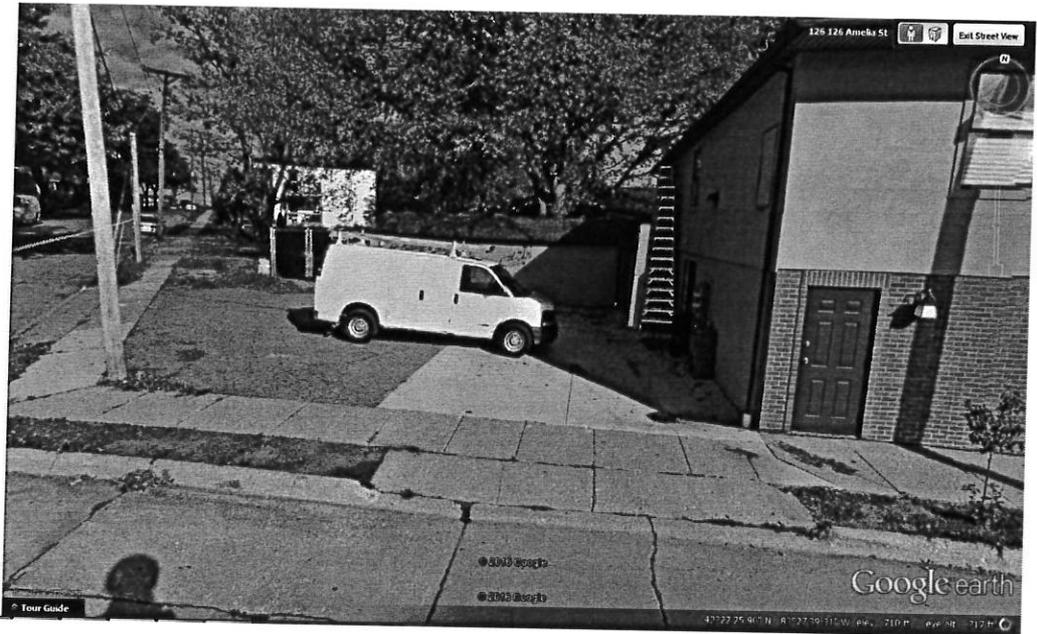
Section 78-190 of the Zoning Ordinance requires a 25 foot front yard setback. The setback cannot be averaged. The proposed front yard setback is 12 feet. A variance of 13 feet is required.

The property received a use variance to allow residential on the second floor in 2011. The meeting date was December 1, 2011 and meeting minutes can be found on the City's website under the Agenda Center. For your reference the finding of fact is copied below.

Finding of Fact: That this parcel is very unique surrounded by residential on three sides and to the south by mixed use and that the current zoning is restrictive for the location. The variance would provide a more cohesive neighborhood use for that location.

The property is 60 feet wide, totaling 7,525 square feet in area. No other variances are required.

I will be glad to answer any questions regarding this agenda item.





Z16-19 141 N. Mill
Front Yard Setback
ZBA Mtg 10/6/16

ZBA APPLICATION-DIMENSIONAL (NON-USE) VARIANCE

request: DIMENSIONAL - Common regulations subject to
) variance requests: setbacks, signs, height or parking
age, bulk or landscaping restrictions. Uniqueness: odd shape,
reek, natural features, big trees or slopes.

RECEIVED

SEP 23 2016

CITY OF PLYMOUTH
COMMUNITY DEVELOPMENT

Address of Property: 141 N. Mill Street
Applicant Name: Craig Jagger Property Owner: C: J Pearl Estate
Address: 141 N. Mill St. City: Plymouth State: MI Zip: 48170
Email: VanBurenElectric@hotmail.com Phone: (734) 453 3320

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

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

Description of Property

Current zoning classification: I-1
Is it a corner or interior lot? CORNER Size and area of lot: 7525.3 sq ft
Total sq. footage of existing main buildings: _____ accessory structures: NA
Current use of buildings on premises: office/residential
Percentage of lot coverage of all buildings, decks, and porches 30" above grade: _____
Height and area of existing main and/or accessory structures: 33'

Description of Proposed Structures

Height of proposed structure: 8'11"
Dimensions and area of structure or addition to be constructed: 20' x 17'
Percentage of lot coverage of all buildings including proposed: 39.17%
Front yard setback after completion (measured from lot line): NA
Back yard setback after completion (measured from lot line): 22'
Side yard setback after completion (measured from lot line): ~~14' 8"~~ 12'

A scaled drawing or boundary survey depicting the above information.

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?

The corner property lot has a unique shape (submittal) with (2) front yards based on the angle of Amelia Street. The traffic increases on Mill Street and use of the Amelia Street corner for a "train bypass" creates concerns for ground level recreation. In an effort to continue with property improvements and create a safe outdoor recreation space environment for family, a variance for the side yard setback is respectfully requested.

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

I would respectfully submit that the proposed variance will bring a greater conformity of character to the property by offering outdoor recreation space consistent with the existing current residential conditions at properties on the same block. The changes to the exterior of the property have changed significantly in a positive direction since the original 2011 use variance with the addition of several green planting spaces and elimination of the "pole sign" in the front lot. Many neighbors have directly commented on the improvements.

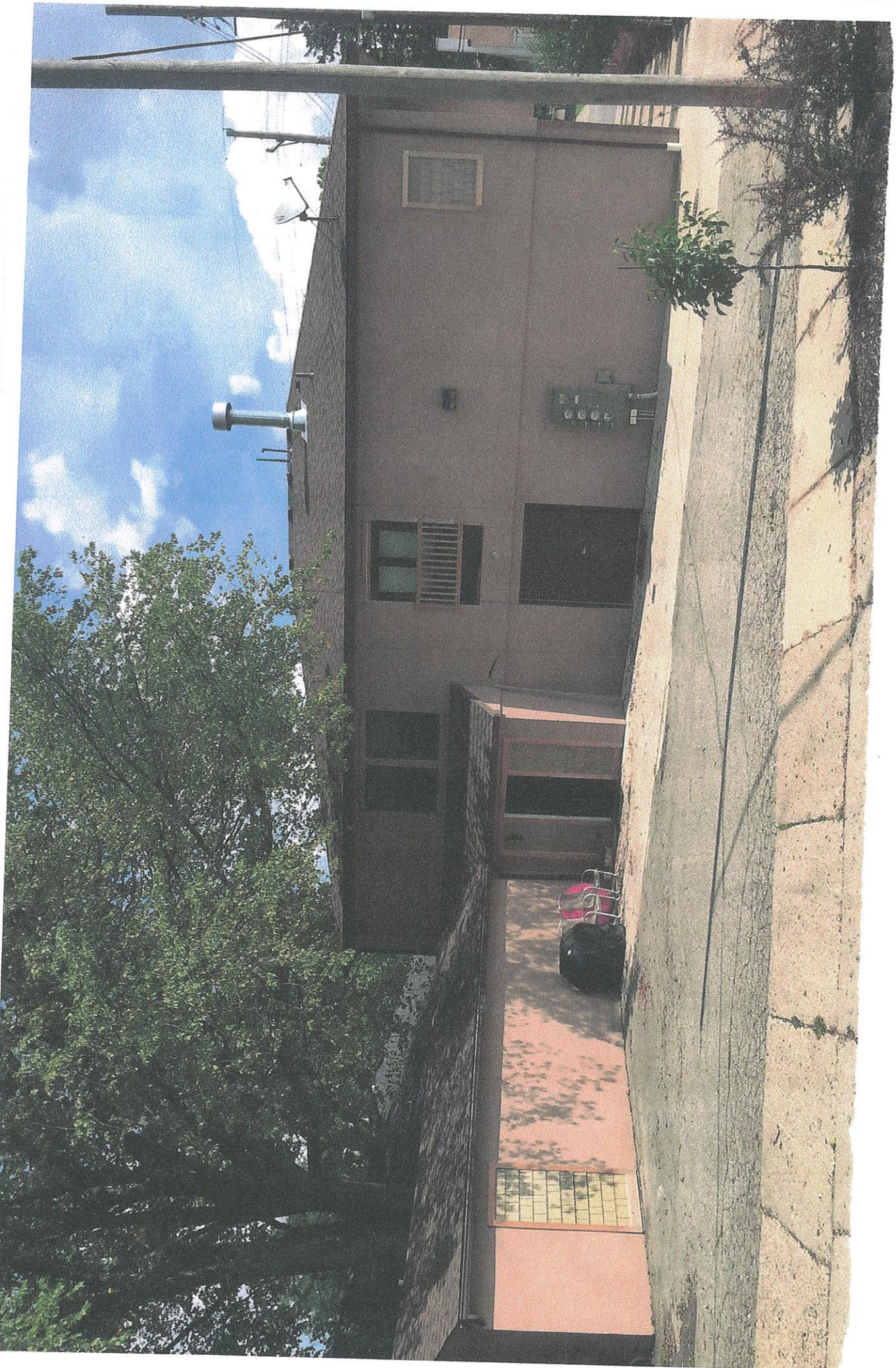
3. Is the practical difficulty which prevents you from complying with the ordinance self-imposed? How did the practical difficulty come about?

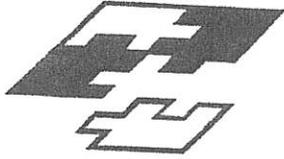
The corner lot creates (2) front yards which is not self-imposed. The required setback of the property zoned I-1 prevents property improvement with an outdoor recreation space.

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

As the property owner I did not create or ask for I-1 zoning. The current business Van Buren Electric has occupied the space for more than 25 years and will continue to reside in the lower level along with (1) additional office suite for the foreseeable future. The dramatic changes and demolition along this South block of Amelia Street and future potential mixed use development have permanently altered the future outlook for the property. With the original variance granted in 2011 for residential living space a concept of exterior outdoor space was considered and planned with an exterior door in place. The evolution of the property to the current status (photos) is vastly improved with added green planting spaces in the landscape. I respectfully submit that a variance to accommodate the setback for the outdoor recreational space will further promote an atmosphere consistent with the neighboring properties.







ASSEMBLERS, INC.
1508 Swarthout • Pinckney, MI 48169
(734) 878-5380

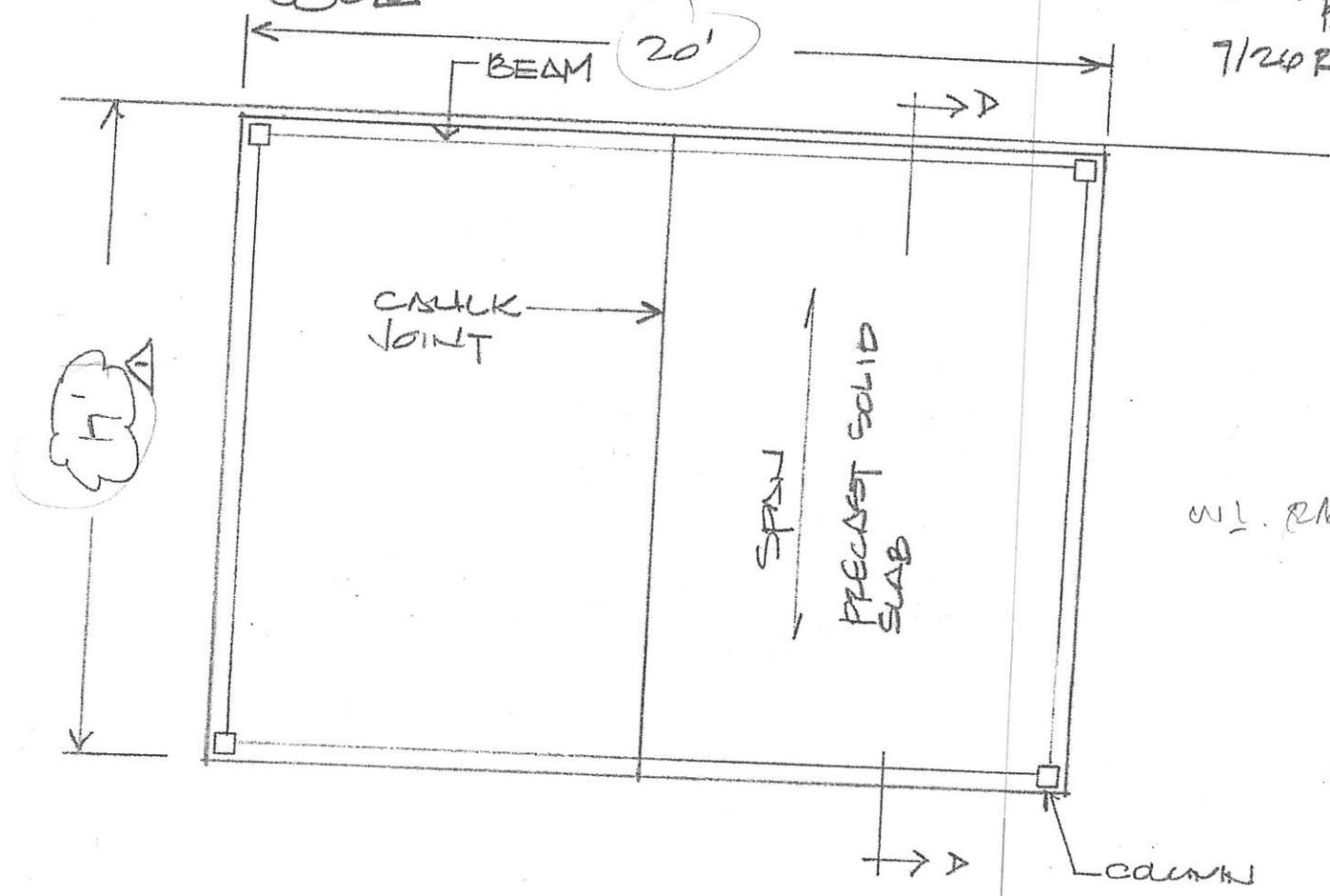
Steel and Precast Erection

ORIG
313-910-8772

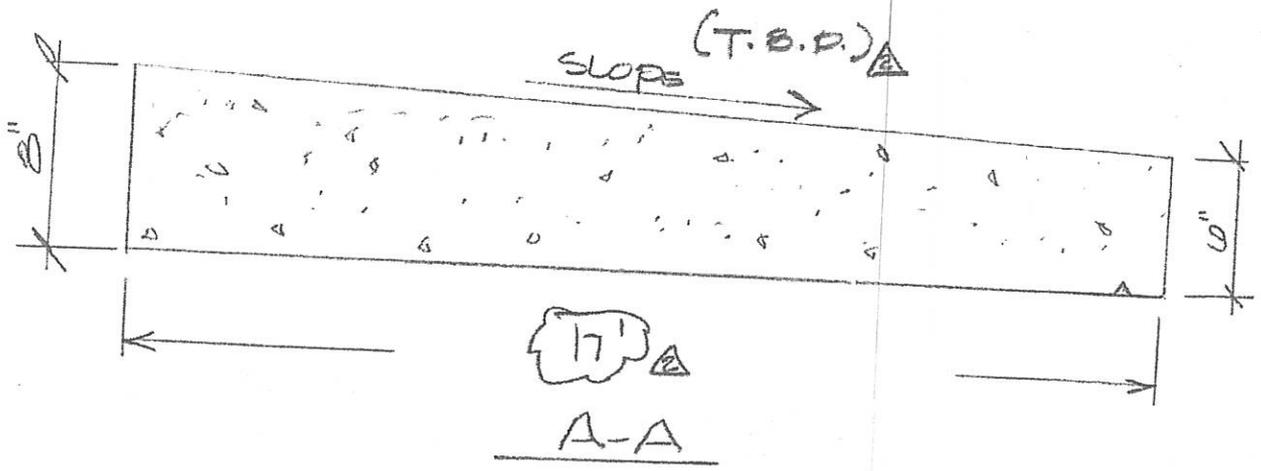
141 N. HILL STREET
PLYMOUTH, MI

17' x 20'

6/23/16
7/21/16
7/24/16



W.L. PHILL

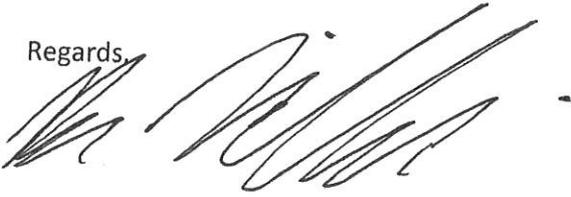


September 26, 2016

City of Plymouth,

My name is Benjamin Milkovich, and I am the homeowner of 103 Amelia Street. The purpose of this document is to help support, my neighbors, and the proposed variance for the deck space to be built on the Jagger's property at 141 North Mill Street. The property renovations will help the appearance of the home causing the home value to rise. This benefits me in more way than one. I will see benefits from the neighboring home value increase causing my own home value to increase and I will have the opportunity to see an aesthetically pleasing deck on my neighbors' property.

Regards,

A handwritten signature in black ink, appearing to read 'Benjamin Milkovich', written in a cursive style.

Benjamin Milkovich

Joseph Rea
157 N. Mill St.
Plymouth, MI 48170

September 26, 2016

City of Plymouth
201 S. Main
Plymouth, MI 48170

City of Plymouth,

Craig and Julia Jagger have been my immediate neighbor to the south for eight years now. They have consistently made improvements to their building. They have renovated areas on Mill street and also on the Amelia street side. They have consistently shown good judgement and an eye for aesthetically pleasing renovations. I have no doubt that their proposed deck will be good for the neighborhood. I am in favor of these improvements to their property.

Sincerely,
Joseph Rea

September 27, 2016

City of Plymouth,

My name is Lee Anderson and I am the owner of the home located at 172 N Mill St.

The purpose of this document is to support the proposed variance for the deck space at 141 N Mill St.

The recent property renovations have improved the neighborhood and this deck will provide a greater visual appearance to the property. As a neighbor, I am in favor of improvements to the property.

Sincerely,

A handwritten signature in cursive script that reads "Lee Anderson".

Lee Anderson

Proud to Offer



Stephen K. Rowley III, LUTCF
Financial Adviser*
151 N. Mill St.
Plymouth, MI 48170
skrowley@ft.newyorklife.com
www.steverowley.nylagents.com
Tel: 734.416.6214
Cell: 734.968.1069
Fax: 734.293.2650

September 26, 2016

To: City of Plymouth

Subject: Support for zoning variance at 141 N. Mill St.

My name is Stephen Rowley, and I am a tenant at 151 N. Mill St. The purpose of this letter is to provide my support for the requested variance for deck space at 141 N. Mill St. The recent property renovations by the Jagger's have improved the neighborhood, and I believe that the proposed deck addition will further improve the property and neighborhood. The Jagger's have demonstrated a commitment to improving this part of Plymouth, and their proposed deck is another step in that direction. I urge you to approve the requested variance.

Thank you for your consideration,

A handwritten signature in black ink that reads "Stephen K. Rowley III". The signature is written in a cursive style with a large, sweeping "S" and "R".