

CITY OF PLYMOUTH  
ZONING BOARD OF APPEALS MEETING  
THURSDAY, DECEMBER 1, 2016  
7:00 PM  
**AGENDA**

1. MEETING CALLED TO ORDER
2. ROLL CALL: Josh Birk, Kara Giummo, Ed Krol, Dan Mooney,  
and Mike Devine  
  
ALTERNATES: Gloria Poirier, Scott Silvers
3. APPROVAL OF MINUTES:  
August 4, 2016, amended  
September 1, 2016, amended  
November 3, 2016
4. APPROVAL OF THE AGENDA
5. OLD BUSINESS:  
None.
6. NEW BUSINESS:  
  
Z 16-22 768 Fairground  
Non-Use Variance Requested  
Side Yard Setback  
Zoned: R-1, Single-Family Residential  
Applicant: Karen Ochman
7. REPORTS AND CORRESPONDENCE
8. COMMISSIONER COMMENTS
9. MOTION TO ADJOURN

## City of Plymouth 2016 Goals

The City Commission met on January 4<sup>th</sup> to conduct a formal goals setting session for 2016. These goals were formally adopted on January 18<sup>th</sup> and amended on August 15, 2016. 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.
- Develop a succession plan for the city's key employees, especially considering the long tenures of many of our senior staff.
- 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.
- Develop an Ordinance to help address and preserve the City's Tree Canopy.
- To work collaboratively with the DDA and other Boards, as needed related to parking issues, including, but not limited to the expansion of parking in the Downtown.

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

A meeting of the Zoning Board of Appeals will be held on Thursday, December 1, 2016 at 7:00 P.M. in the Commission Chambers of the City Hall, 201 S. Main Street, Plymouth, MI, to consider the following:

Z 16-22    768 Fairground  
Non-Use Variance Requested  
Side Yard Setback  
Zoned: R-1, Single-Family Residential  
Applicant: Karen Ochman

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, August 4, 2016

---

1. Meeting called to order at 7:00 P.M. by Comm. Poirier

2. Roll Call

Members Present:	Dan Mooney, Gloria Poirier, Josh Birk
Members Absent:	Kara Giummo, excused, Mike Devine, excused
Alternates Present:	Scott Silvers
Alternates Absent:	Ed Krol
Others Present:	John Buzuvis, Community Development Director Greta Bolhuis, Assistant Comm. Development Director

3. Approval of the Meeting Minutes:

**A motion was made by Comm. Silvers, supported by Comm. Mooney to approve the regular minutes of July 7, 2016 as presented.**  
**MOTION CARRIED UNANIMOUSLY.**

4. Approval of the Agenda

**A motion was made by Comm. Birk and supported by Comm. Silvers to approve the agenda as amended.**  
**MOTION CARRIED UNANIMOUSLY.**

5. Old Business

None.

6. New Business

Z16-13      1302 Maple  
Non-Use Variance Requested  
Side Yard Setback  
Zoned: R-1, Single Family Residential  
Applicant: Jeff and Nicole Wassel

Jeff Wassel, owner and applicant, presented his case. The applicant explained that the current home presents design challenges to the modern family and they are proposing a modest addition. He discussed the uniqueness of the property lines and that there is usable space past the property marker due to the placement of the neighbor's fence.

**Public Comment**

Steve Ribar, 655 Forest, expressed support for the project.

Nathan Johns, 1298 Maple, expressed full support for the project. He explained it would not impact his property as the proposed addition would be adjacent to their garage.

**Board Discussion**

Comm. Silvers believed there was sufficient separation between the two buildings.

Comm. Mooney liked the step in the floor plan. He believed there was a hardship in the uniqueness of the corner clipped.

Comm. Silvers agreed and believed there was effort made to accommodate the uniqueness of the side property line.

Comm. Birk spoke about putting a contingency on the approved variance for the northeast corner only.

The board discussed the angle of the property line and the corner of the proposed addition.

### **Motion**

A motion was made by Comm. Silvers, supported by Comm. Birk, to approve Z16-13, side yard setback for the northeast corner of the proposed addition.

Finding of Fact: The lot is odd shaped which causes a hardship.

YES                    Mooney, Poirier, Birk, Silvers

NO                     None

### **MOTION APPROVED UNANIMOUSLY**

**The variance granted is for 1.5 feet to allow for a 4.5 foot side yard setback with the contingency that the variance only applies to the northeast corner of the proposed addition.**

Z16-15                1133 Linden  
Non-Use Variance Requested  
Rear Yard Setback  
Zoned: R-1, Single Family Residential  
Applicant: Matt Thurber

The applicant was given the option to withdraw because only four board members were present. The applicant decided to proceed.

Mike Ladmer, 26030 Pontiac Trail, South Lyon, applicant, presented his case. He explained that there are 98 lots within three blocks and they average 132 feet deep. It was explained that strict adherence to the setbacks on this lot with a depth of 83 feet would allow for a 31.7 foot deep house. The intent of coming back to the board was to redesign the house to fit within the current setbacks and have a front porch. He explained that Mr. Thurber has built 11 homes on lots with an average depth of 124 feet. Mr. Ladmer explained that the variance would increase walkability and the neighborhood effect by pushing the house back 4 feet. He said adjacent homes sit only 28 feet from the rear property line and the variance would allow for more attractive landscaping.

### **Public Comment**

Tom Robert, 1117 Beech, stated that reasonable people doing reasonable things with their properties was okay. He stated the Code exists so that the unique appeal of the city remains. He opposed the variance request. He also discussed the number and condition of properties under construction throughout the city.

Steve Ribar, 655 Forest, discussed the property under construction near his home and the condition of properties under construction throughout the city.

Travis Reeder, 1121 Linden, only neighbor directly next to this property. He was appalled that the neighbors were asked back for another variance request. He believed that Mr. Thurber should have known the regulations before purchasing the property. He opposed the variance request.

Jim Elias, 1128 Beech, discussed walkability and the lack of correlation with front porches. He produced a petition with 34 signatures opposing the variance request.

### **Board Discussion**

The board discussed a potential conflict of interest with Comm. Birk.

A motion was made by Comm. Silvers, supported by Comm. Mooney, to allow Comm. Birk to remain on the board.

YES — Mooney, Poirier, Silvers  
NO — None

Comm. Mooney believed that it wouldn't do any good to rehash the July 7 discussion.

Comm. Birk said that the city is divided against new homes. He believed height was the biggest issue rather than the footprint. He explained that all the lots on Linden have shallow lots and are non-conforming, many of which are considered grandfathered in or legal non-conforming.

Comm. Silvers didn't understand why or how the house was designed not in compliance with the setback requirements. He believed that using other sites as a precedent doesn't apply to this application.

Comm. Poirier received a letter prior to the start of the meeting and the citizen was against the variance request.

Comm. Silvers explained front porches and walkability as an urban design concept. He said it creates an interaction between people walking on the sidewalks, puts eyes on the street, and is a public-private interaction. He believed that because the house has already been designed, that is not a hardship.

Comm. Birk wanted the board to be careful when discussing individuals purchasing a property and knowing it was insufficient. He had reservations changing an opinion from last month's meeting.

Comm. Silvers believed no new information had been received to prove a hardship.

Comm. Mooney stated that the board treats each application as a separate petition.

The applicant requested to be tabled until a full board would be present. The request was denied.

### **Motion**

A motion was made by Comm. Mooney, supported by Comm. Silvers, to approve Z16-15, 1133 Linden as requested.

Finding of Fact: There is no hardship.

NO — Mooney, Poirier, Birk, Silvers

YES — None

### **MOTION NOT GRANTED**

**The variance denied is for 4 feet, to allow for a 31 foot rear yard setback.**

### 7. Reports and Correspondence

The board and members of the audience were encouraged to participate in the Master Plan Survey.

### 8. Commissioner Comments

None.

**A motion was made by Comm. Birk, supported by Comm. Silvers, to adjourn.  
MOTION CARRIED UNANIMOUSLY.**

Meeting adjourned at 8:02 p.m.

Respectfully Submitted,

Greta Bolhuis,  
Assistant Community Development Director

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 August 4, 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

201 S. Main  
Plymouth, MI 48170  
www.ci.plymouth.mi.us  
ZONING BOARD OF APPEALS MEETING MINUTES  
Thursday, November 3, 2016

---

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

2. Roll Call

Members Present:	Ed Krol, Josh Birk, Kara Giummo, Mike Devine
Member Absent:	Dan Mooney
Alternate Present:	Scott Silvers
Alternate Absent:	Gloria Poirier
Others Present:	John Buzuvis, Comm. Development Director

3. Approval of the Meeting Minutes

**A motion was made by Comm. Krol, supported by Comm. Silvers to approve the regular minutes of October 6, 2016 and the special meeting minutes of October 18, 2016 as presented.**

**MOTION CARRIED UNANIMOUSLY.**

**A motion was made by Comm. Giummo, supported by Comm. Krol to table the approval of the amended minutes of August 4, 2016 and September 1, 2016.**

**MOTION CARRIED UNANIMOUSLY.**

4. Approval of the Agenda

**A motion was made by Comm. Birk and supported by Comm. Krol to approve the agenda as amended.**

**MOTION CARRIED UNANIMOUSLY.**

5. Old Business

None.

6. New Business

Z16-21	546 Roe
	Non-Use Variance Requested
	Rear & Side Yard Setbacks
	Zoned: R-1, Single Family Residential
	Applicant: Dan MacKinnon

Kyle Marsh, designer, presented his case. He explained the existing conditions of the lot and house and described the proposed project.

**Citizen Comments**

LuAnne DeBeliso, 197 S. Union, wondered what the scope of the project was.

Brett Wilson, 508 Roe, asked about the setbacks for this project and commented about new construction throughout the city.

## **Board Discussion**

Comm. Krol asked about the foundation.

Comm. Birk discussed the unique layout of the lot. He believed that this case merited approval and was consistent with past projects that had been approved.

Comm. Silvers agreed with Comm. Birk's comments.

Chairman Devine discussed the large size of the lot and felt that building an addition over the existing structure was not the only solution.

The board discussed if and when variances can expire and non-conforming construction.

The board discussed the placement of the power lines and easements.

The board discussed conditioning the variance request and what that would mean for the other setbacks and lot lines of the property.

## **Motion**

A motion was made by Comm. Krol to approve Z16-21, 546 Roe as requested, with the condition that the approved variances stay with the structure and any additional construction requires additional variances.

No second, the motion died.

A motion was made by Comm. Birk, supported by Comm. Silvers, to approve Z16-21, 546 Roe as requested, with the condition that the variance to the north (rear yard setback) be limited to the existing footprint of the current structure.

Finding of Fact: The shape of the lot is unique, the circumstance has not been created by the applicant, and the current utility easement prohibits any kind of expansion to the east of the house.

YES                      Silvers, Giummo, Birk, Devine

NO                        Krol

## **MOTION CARRIED.**

**The variances granted are for 2.2 feet for the side yard setback and 11.3 feet for the rear yard setback.**

## 7. Reports and Correspondence

Chairman Devine gave an update about the Kellogg Park project from Mike Wright and the Historic District Commission. He said that the project will be moving forward with fountain improvements only, for the time being, and the target date for completion is still July 2017.

## 8. Commissioner Comments

None.

**A motion was made by Comm. Krol, supported by Comm. Giummo, to adjourn.**

**MOTION CARRIED UNANIMOUSLY.**

Meeting adjourned at 7:53 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](http://www.ci.plymouth.mi.us)

TO: Zoning Board of Appeals Commissioners  
FROM: Greta Bolhuis, Assistant Community Development Director  
DATE: November 22, 2016  
RE: 768 Fairground, Non-Use Variance

Karen Ochman, owner and applicant, seeks a non-use variance to construct an addition in the required side yard setback. 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 3 foot side yard setback. The applicant is requesting a variance of 3 feet.

The property is 80.66 feet wide and 148.5 feet deep totaling 11,978 square feet in area. No other variances are required.

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



# ZBA APPLICATION-DIMENSIONAL (NON-USE) VARIANCE

**Z16-22 768 Fairground  
Side Yard Setback  
ZBA Mtg 12/1/16**

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

RECEIVED

NOV 15 2016

CITY OF PLYMOUTH  
COMMUNITY DEVELOPMENT

Address of Property: 768 Fairground Street

Karen Joann Ochman  
Applicant Name Property Owner

768 Fairground Street Plymouth Michigan 48170  
Address City State Zip

Karen.ochman@gmail.com (734) 451-9889  
Email Phone

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

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

### Description of Property

Current zoning classification: R1

Is it a corner or interior lot? no Size and area of lot: See attached survey

Total sq. footage of existing main buildings: See attached survey accessory structures: See attached survey

Current use of buildings on premises: home residence

Percentage of lot coverage of all buildings, decks, and porches 30" above grade: See attached survey

Height and area of existing main and/or accessory structures: See attached survey

### Description of Proposed Structures

Height of proposed structure: 14'-15' from grade

Dimensions and area of structure or addition to be constructed: approximately 196" x 107" x 135"

Percentage of lot coverage of all buildings including proposed:

Front yard setback after completion (measured from lot line): See attached survey

Back yard setback after completion (measured from lot line): Note: foot print of existing

Side yard setback after completion (measured from lot line): deck (approximately 20 yrs. old) will be replaced with the proposed addition

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](http://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? Existing lot line and house are on an angle. Setbacks, lot lines were established in 1920's.
2. What effect will the variance have on neighboring properties? None  
Existing structures to the proposed addition are: 9ft 1" from fence; approximately 40 feet from the neighbor (north) garage and home (see attached photos)
3. Is the practical difficulty which prevents you from complying with the ordinance self-imposed? How did the practical difficulty come about? lot line and house placement was created in 1920's. NOTE: footprint of the existing deck (approximately 20 yrs old) will be replaced with the proposed addition.
4. Why do the ordinance restrictions unreasonably prevent the owner from using the property for a permitted purpose? Proposed addition is not within the 6' lot line variance. Aesthetics of addition to the current house structure would be out of place/alignment. Internal layout of existing house affects the location of the addition.

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

Karen Joann Ochman  
Signature of Property Owner

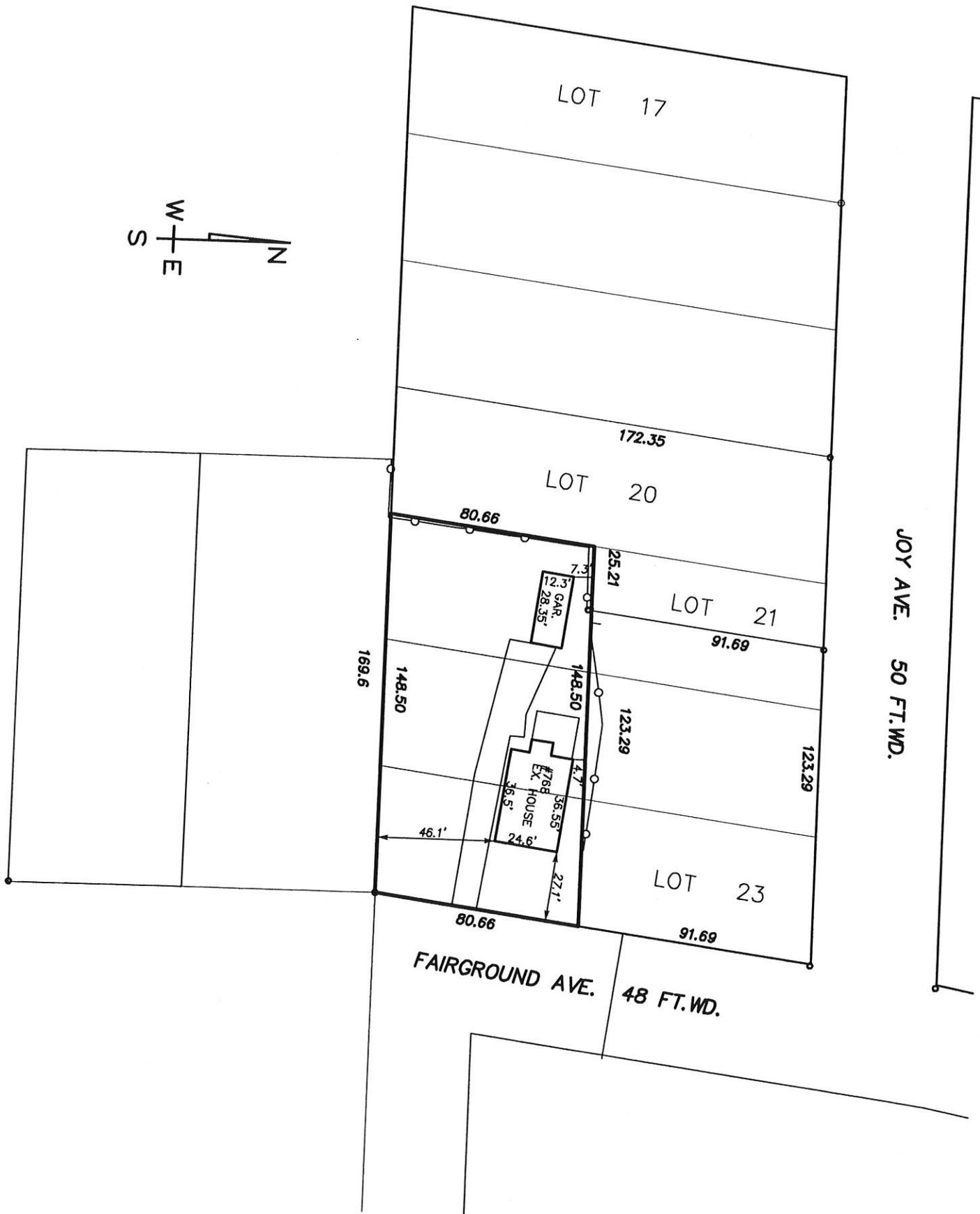
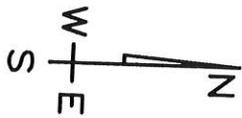
Karen Joann Ochman  
Signature of Applicant

Subscribed and sworn before me this 14th day of November, 2016

NICHOLAS S. MCLAUGHLIN  
Notary Public, State of Michigan  
County of Wayne  
My Commission Expires Sep. 10, 2020  
Acting in the County of Oakland

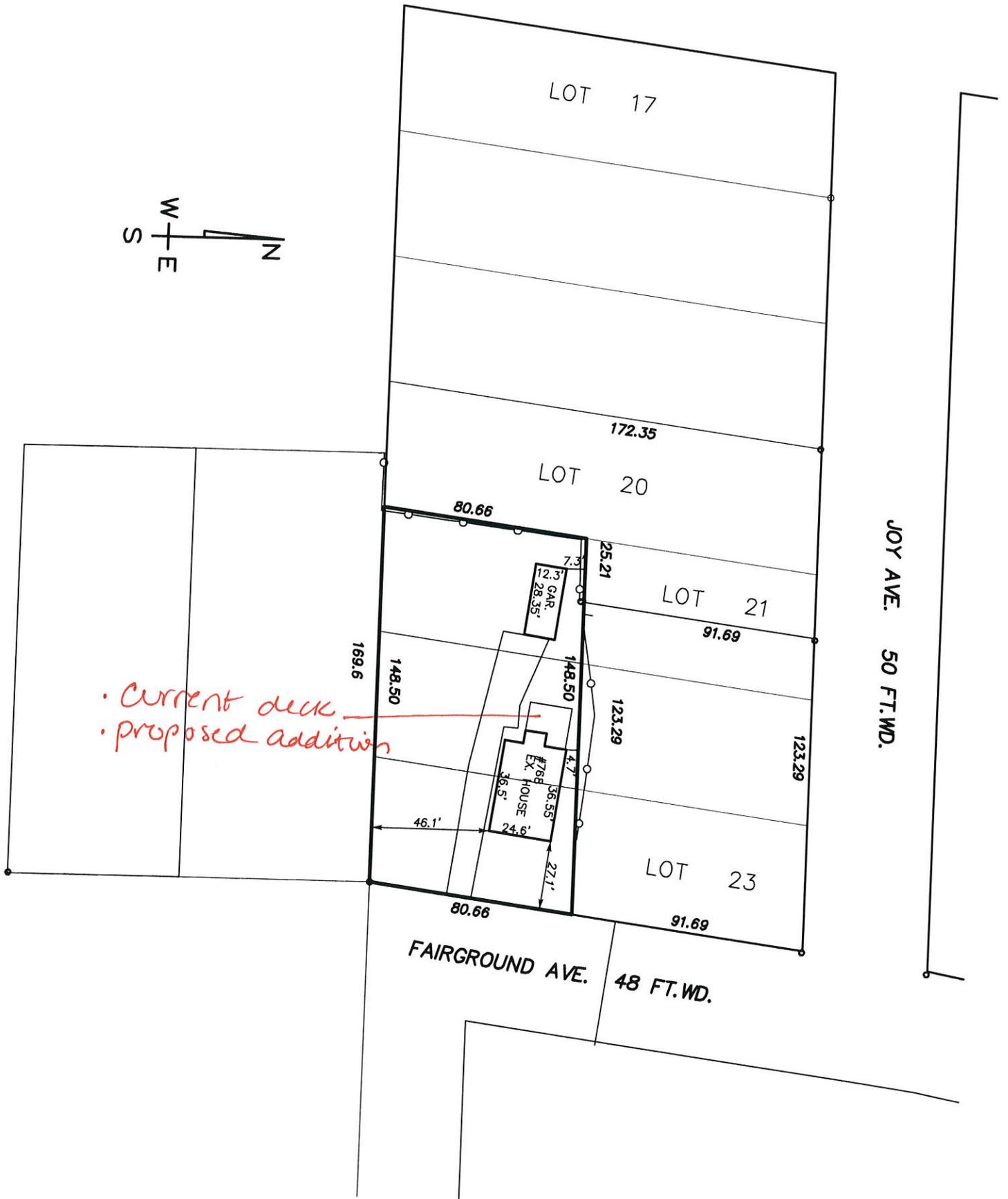
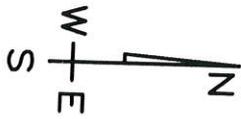
[Signature]  
Notary Public  
My Commission expires 9/10/20

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.



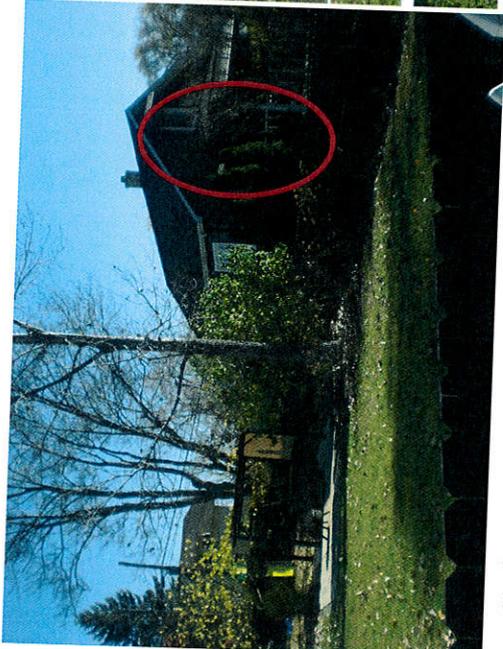
JOY AVE. 50 FT. WD.

FAIRGROUND AVE. 48 FT. WD.

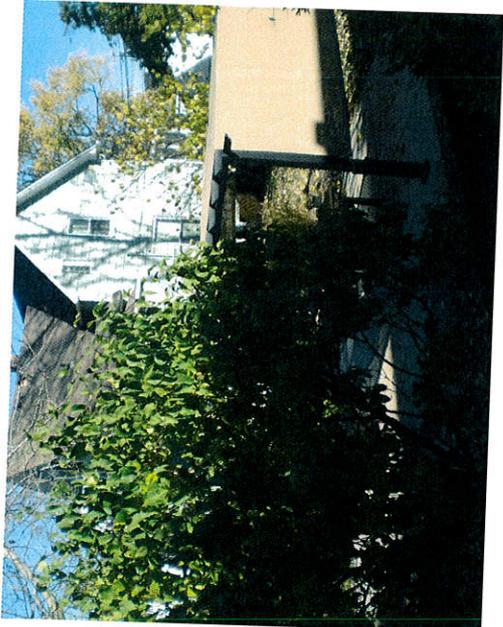
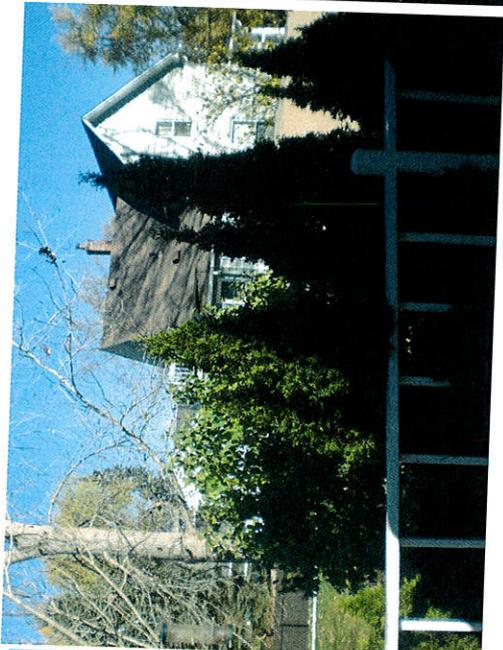




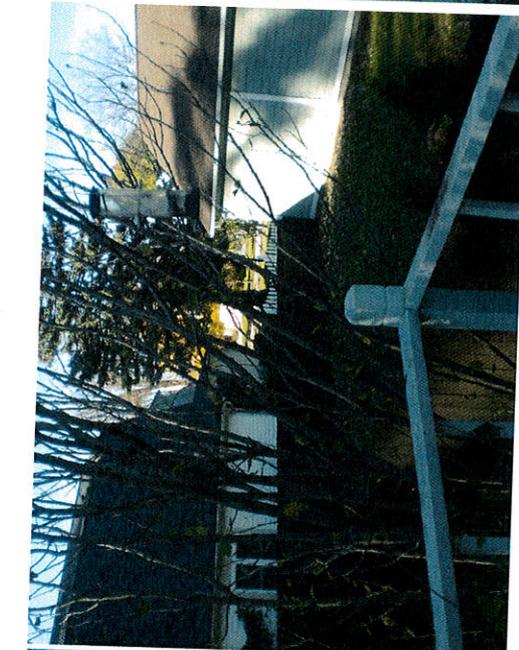
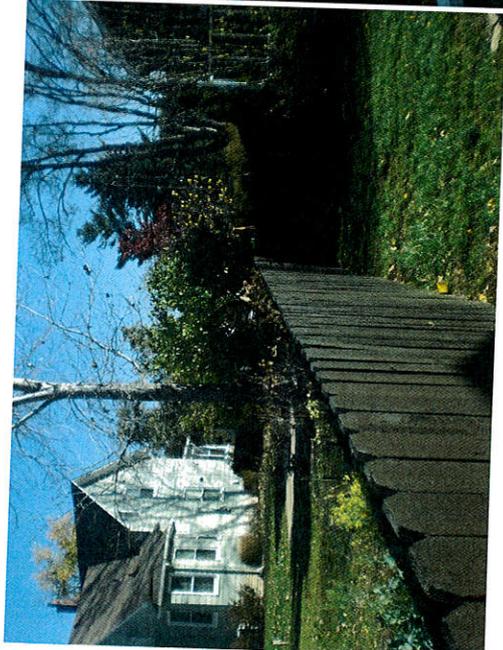
Circle highlights proposed addition area



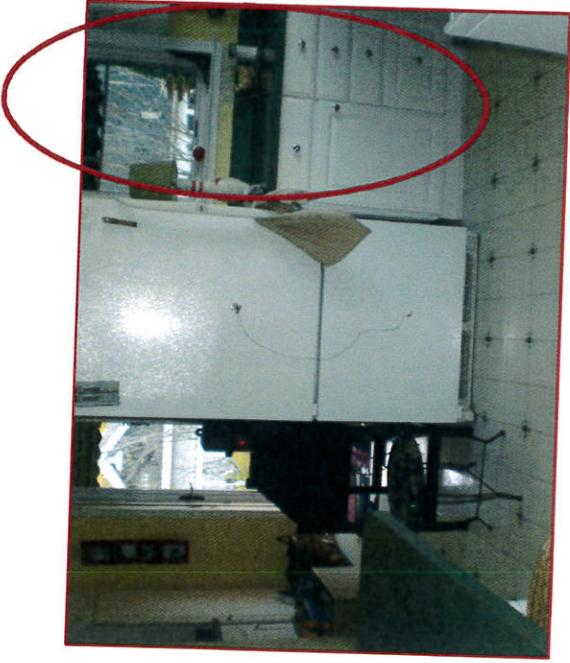
Circle highlights proposed addition area



Distance between proposed addition area and other structures



Distance between proposed addition area and other structures



Circle highlights proposed addition area



