



City of Plymouth Zoning Board of Appeals Regular Meeting Agenda Thursday, January 7, 2021 – 7:00 p.m. ONLINE Zoom Webinar

City of Plymouth
201 South Main Street
Plymouth, Michigan 48170

www.plymouthmi.gov
Phone 734-453-1234
Fax 734-455-1892

Join the Webinar: <https://us02web.zoom.us/j/87651901533>

Statement of explanation of the reason why the public body is meeting electronically:

On March 10, 2020 the Governor of the State of Michigan declared a State of Emergency across the State of Michigan under section 1 of Article 5 of the Michigan Constitution of 1963, the Emergency Management Act, 1976 PA 390, as amended, MCL 30.401 – 421, and the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended, MCL10.31 – 33. These sections provide the governor with broad powers and duties to cope with dangers to this state or to the people of the state.

As a part of the response to the emergency, the Governor has deemed it reasonable and necessary to temporarily suspend rules and procedures relating to physical presence at meetings and hearings of public bodies and other governmental entities in Michigan. These public bodies and entities must continue to conduct public business during this emergency.

- 1) **CALL TO ORDER**
 - a) Roll Call
- 2) **CITIZEN COMMENTS**
- 3) **APPROVAL OF THE MINUTES**
 - a) Approval of the December 3, 2020 Meeting Minutes
- 4) **APPROVAL OF THE AGENDA**
- 5) **ELECTION OF OFFICERS**
- 6) **OLD BUSINESS**
 - a) **Z20-10:** 606 Maple, use variance for habitable space in detached garage
 - b) **Zoning Ordinance Interpretation: Sec. 78-21** Floor area ratio calculation and habitable space in a detached garage
 - c) **Z20-11:** 933 Church, non-use variance for lot coverage, FAR, front yard setback, and side yard setback - **Application Withdrawn**
- 7) **NEW BUSINESS**
 - a) **Z 21-01:** 1071 N. Holbrook, non-use variance for rear yard lot coverage
 - b) **Z 21-02:** 365 Joy, non-use variance for front yard setback
- 8) **COMMISSIONER COMMENTS**
- 9) **REPORTS AND CORRESPONDENCE**
- 10) **ADJOURNMENT**

Citizen Comments - This section of the agenda allows up to 3 minutes to present information or raise issues regarding items not on the agenda. Upon arising to address the Commission, speakers should first identify themselves by clearly stating their name and address. Comments must be limited to the subject of the item.

Persons with disabilities needing assistance should contact the City Clerk's office at 734-453-1234 Monday through Friday from 8:00 a.m. -4:30 p.m., at least 24 hours prior to the meeting. An attempt will be made to make reasonable accommodations.

City of Plymouth Strategic Plan 2017-2022

GOAL I - QUALITY OF LIFE

OBJECTIVES

1. Support the neighborhoods with high-quality customer service
2. Engage in collaboration with private entities and surrounding municipalities to implement the [Joint Recreation Master Plan](#)
3. Improve communication with the public across multiple platforms
4. Maintain a high level of cleanliness throughout the City
5. Support and host a diverse variety of events that foster community and placemaking

ONE YEAR TASKS 2019-2020

- Restore operations for recreation programs after Hines Park bridge repairs are completed
- Explore funding and partnership opportunities to increase and enhance pedestrian crossings
- Finalize [City website](#) update
- Develop and adopt a Master Plan for Kellogg Park, including the fountain
- Develop and implement strategy to market sponsorship opportunities to improve publicly owned assets
- Draft and approve amendments to [Tree Ordinance](#) to clarify implementation, enforcement, and scope

GOAL II - FINANCIAL STABILITY

OBJECTIVES

1. Approve balanced budgets that maintain fiscal responsibility
2. Advocate for increased revenue sharing with the State of Michigan
3. Encourage and engage in partnerships, both public and private, to share costs of services and equipment
4. Address the issue of legacy costs
5. Seek out and implement efficient and effective inter-departmental collaboration
6. Market our successes to attract new economic and investment opportunities

ONE YEAR TASKS 2019-2020

- Continue to support [Michigan Municipal League \(MML\)](#) efforts to [coordinate state initiatives](#) related to revenue sharing with municipalities
- Increase awareness of and support the [MML Save MI City campaign](#)
- Target revenue enhancements that support large capital projects, including grants and millages
- Explore internal and external potential for supplemental funding of legacy costs
- Develop a plan for capital improvement funding projects and purchases
- Explore enhanced investment opportunities

GOAL III - ECONOMIC VITALITY

OBJECTIVES

1. Continue to support and improve active, vibrant downtown branding
2. Support community and economic development projects and initiatives
3. Support a mix of industrial, commercial and residential development
4. Reference the [Master Plan](#) in economic decision-making

ONE YEAR TASKS 2019-2020

- Complete and approve the [DDA Master Plan](#)
- Address and implement recommendations in the [Redevelopment Ready Communities baseline report](#)
- Develop and approve city-wide economic development strategies (Saxton's property, parking system, connections between Old Village and the DDA, Bathey property remediation and development, 240 N. Main, Lumber Mart site)
- Identify other properties of significance to the economic development strategy
- Complete a community survey
- Increase collaborations with partners in the community
- Administer the City's [Master Plan](#) using implementation matrix ([Appendix Table 5](#))

GOAL IV - SERVICE AND INFRASTRUCTURE

OBJECTIVES

1. Support administration and staff by providing professional development opportunities, supplying resources, and maintaining a commitment to recruitment, retention and succession planning
2. Support and deliver safe and responsive emergency services
3. Maintain a sophisticated and responsive technology to communicate and manage data
4. Continually record, maintain, update, and improve City infrastructure

ONE YEAR TASKS 2019-2020

- Begin implementation of parking recommendations for City parking system
- Develop and utilize consistent message and branding across all platforms
- Develop and approve of plan for future delivery of emergency services
- Implement infrastructure asset management plan
- Approve agreement on sanitary sewer with [Western Township Utilities Authority \(WTUA\)](#)



City of Plymouth
Zoning Board of Appeals
Regular Meeting Minutes
Thursday, December 3, 2020 - 7:00 p.m.

City of Plymouth
201 S. Main
Plymouth, Michigan 48170-1637

www.plymouthmi.gov
Phone 734-453-1234
Fax 734-455-1892

Online Zoom Meeting

1. CALL TO ORDER

Chair Joe Elliott called the meeting to order at 7:00 p.m.

Present: Chair Elliott, Members Jim Burrows, Mike Devine, Mike Gowen, Ed Krol, Scott Silvers

Also present: City Commissioner Tony Sebastian, Assistant Community Development Director Greta Bolhuis

2. CITIZENS COMMENTS

There were no citizen comments.

3. APPROVAL OF THE MEETING MINUTES

Krol offered a motion, seconded by Devine, to approve the minutes for the November ZBA meeting. There was a roll call vote.

Yes: Burrows, Devine, Elliott, Gowen, Krol

MOTION PASSED 5-0

4. APPROVAL OF THE AGENDA

Burrows offered a motion, seconded by Krol, to approve the agenda. There was a roll call vote.

Yes: Burrows, Devine, Elliott, Gowen, Krol

MOTION PASSED 5-0

5. COMMISSION COMMENTS

There were no commission comments.

6. OLD BUSINESS

There was no old business.

7. NEW BUSINESS

- a. **Z 20-10- 606 Maple – non-use variance request for fence exceeding 6.5 feet, garage height exceeding 15 feet, habitable space in an accessory structure, garage height**

Citizen Comments

Scott Silvers, 883 Sutherland, said the property is affected by the Jewell Maple PUD, which allows variances. He supports the request.

Karen Sisolak, 939 Penniman, said she is in support of the variance due to the PUD, however, she is uncertain about whether the space on the upper level of the garage would be considered habitable.

Commissioner Comments

Board members discussed the request, in particular the question of whether the second floor of the garage would be habitable. They also discussed how the PUD, which is directly adjacent to the property, affects the applicant's ability to use his property. It was agreed that the variance request would be considered in three separate requests.

Devine offered a motion, seconded by Krol, to approve the 1.5 foot fence height variance to allow an 8 foot tall fence in the rear yard.

Findings of Fact

Current conditions don't allow the property to be fully utilized as intended.
There is unique zoning in surrounding properties

Conditions

The variance only applies to the north and west property lines

There was a roll call vote.

Yes: Burrows, Devine, Elliott, Gowen, Krol

MOTION PASSED 5-0

Devine offered a motion, seconded by Burrows, to approve a 3.9 foot variance for the accessory building height to allow a two story garage.

Findings of Fact

There are unique zoning conditions in adjacent properties
The width of the proposed garage makes it difficult to have storage space

Conditions

The variance is limited to the footprint submitted in the application
Window openings of the east side of the second floor must be limited to a 25% window-to-wall ratio

There was a roll call vote.

Yes: Burrows, Devine, Elliott, Gowen No: Krol

MOTION PASSED 4-1

Krol offered a motion, seconded by Devine, to table the request for habitable space in the accessory structure and to revisit it as a use variance at the next ZBA meeting. The board would like to receive clarification on what part of the building would be considered habitable and subject to the FAR ordinance.

There was a roll call vote.

Yes: Burrows, Devine, Elliott, Gowen, Krol

MOTION PASSED 5-0

b. Z 20-11– 933 Church – non-use variance request for lot coverage floor area ratio, front yard setback, side yard setback

Elliott offered a motion, seconded by Krol, to allow Devine to recuse himself from the discussion and vote due to a personal interest, and to have alternate Scott Silvers fill the open position.

There was a roll call vote.

Yes: Burrows, Devine, Gowen, Elliott, Krol

MOTION PASSED 5-0

Citizen Comments

Clark Chapin, 974 Church St., spoke in support of the request.

Kaen Sisolak, 939 Penniman, said the FAR ordinance was designed to limit the bulk and mass, not the height of a building.

Norma McKenna, 985 Church St., objected to the request.

Commissioner Comments

Members of the board commented that the request amounted to a 25% increase over coverage allowed under the FAR ordinance, and that the project's scope was somewhat unclear in the application.

Burrows offered a motion, supported by Krol, to table request Z20-21 until the January ZBA meeting to allow the applicant to revise and clarify the plan.

There was a roll call vote.

Yes: Burrows, Elliott, Krol, Gowen, Silvers

MOTION PASSED 5-0

8. REPORTS AND CORRESPONDENCE

Bolhuis said there are plans to offer hybrid online and in-person meetings in 2021.

9. ADJOURNMENT

A motion to adjourn was offered at 9:03 p.m. by Burrows and seconded by Krol.

There was a roll call vote.

Yes: Burrows, Elliott, Krol, Gowen, Silvers

MOTION PASSED 5-0

**City of Plymouth
Zoning Board of Appeals Notice
Thursday, January 7, 2021 – 7:00 p.m.
Online ZOOM**

201 S. Main Street Plymouth, Michigan 48170
Website: www.plymouthmi.gov Phone: (734) 453-1234 ext. 232

A regular meeting of the Zoning Board of Appeals will be held on Thursday, January 7, 2021 at 7:00 P.M. online via Zoom to consider the following:

Z20-10 Use Variance Request for 606 Maple
Habitable space in detached garage
Zoned: R-1, Single-Family Residential
Applicant: William Lincoln

Zoning Ordinance Interpretation
Sec. 78-21 Floor area ratio calculation and habitable space in a detached garage

Z21-01 Non-Use Variance Request for 1071 N. Holbrook
Rear Yard Lot Coverage
Zoned: R-1, Single-Family Residential
Applicant: Mark Oppat

Z21-02 Non-Use Variance Request for 365 Joy
Front Yard Setback
Zoned: R-1, Single-Family Residential
Applicant: Jill and Matt Nagle

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. 234

Publish: Thursday, December 24, 2020



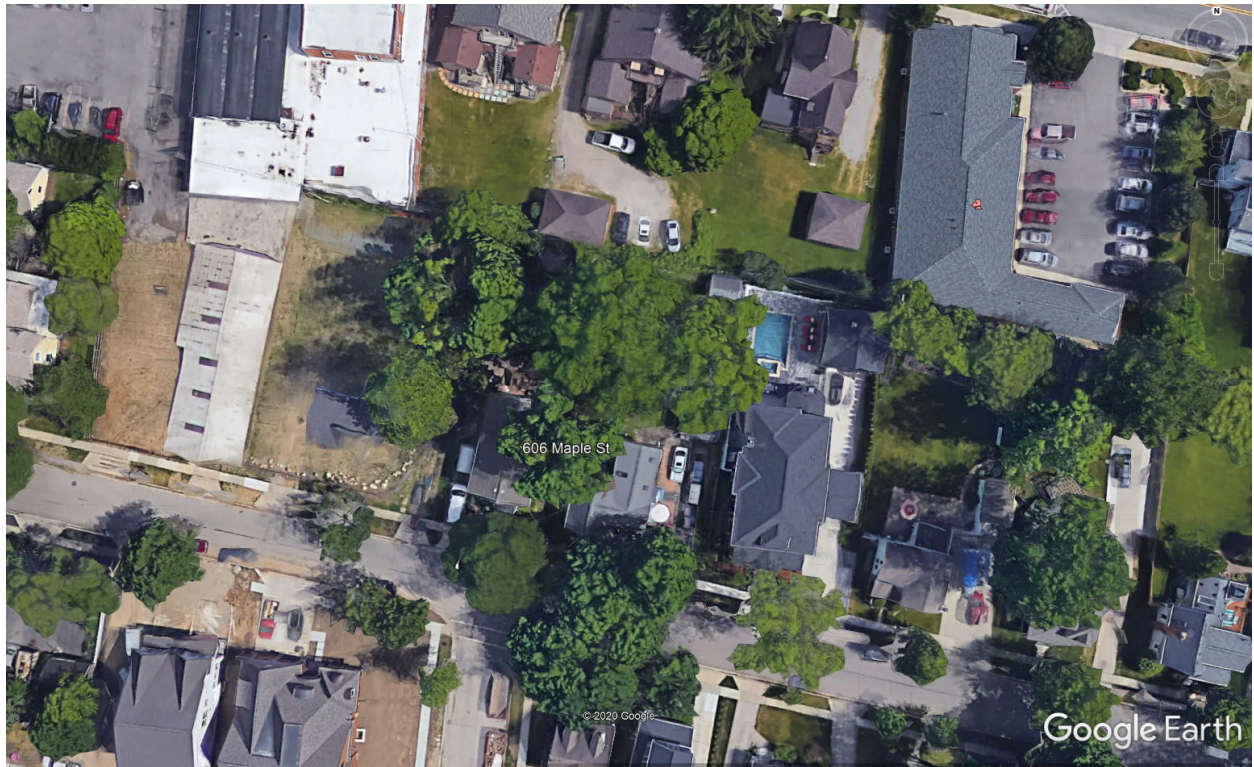
**CITY OF PLYMOUTH
COMMUNITY DEVELOPMENT**
201 South Main Street Plymouth, MI 48170
Ph. 734-453-1234 ext. 232
Website: www.plymouthmi.gov

TO: Zoning Board of Appeals Commissioners
FROM: Greta Bolhuis, Assistant Community Development Director
DATE: December 16, 2020
RE: Z20-10, 606 Maple, Use Variance

William Lincoln, owner, is requesting a use variance to a construct a detached accessory structure with habitable space. The property is approximately 45 feet wide and approximately 133 feet deep. The property is approximately 5,985 square feet and is zoned R-1, Single Family Residential.

Section 78-260 (12) states “Detached accessory buildings shall not be used as habitable space.” Section 78-21 states “Habitable space means a space in a structure for living, sleeping, eating or cooking.” A variance is required to construct a detached garage with habitable space.

Should you have any questions regarding this agenda item, please contact me directly.





Z 20-10 606 Maple
Use Variance- Habitable
space in detached garage.
ZBA Mtg 1/7/21

USE VARIANCE APPLICATION
Community Development Department
201 S. Main Street Plymouth, MI 48170 Ph. 734-453-1234 ext. 232
Website: www.plymouthmi.gov

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.

606 Maple Street

ORIG 11/5/20, Revised 12/9/2020

Address of Property

Date of Application

William Lincoln

William Lincoln

Applicant Name

Property Owner

606 Maple Street

Plymouth, MI. 48170

Address

City

State Zip

blincoln@nceusa.com

734-845-0041

Email

Phone

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.

Standards for Use Variance: [Click here to see full ordinance language.](#)

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.

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

The Zoning Board of Appeals meets the first Thursday of each month at 7:00PM. The completed application must be filed with a fee of \$250.00 for single family projects or \$500.00 for multi-family and non-residential. Visit the City's website for submittal deadlines and meeting dates: [Zoning Board of Appeals](#). Ten (10) copies of the application are needed at submittal.

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.

Article and Section of the Zoning Ordinance for which an appeal or variance is being requested:
Habitable 78-260(12)

I (We) hereby appeal to the Zoning Board of Appeals for a variance to: Allow the accessory building (1-car garage), to be habitable on the 2-FL. These variances will allow for a PRACTICAL screen for sound, light, and privacy from the adjacent commercial city parking, driveway, generator and 2-FL patio on the Jewell Building.

The key is "practical screening". A 20-foot wall is not practical/appropriate. The expense and disruption of a 2-story garage without being able to use it as habitable space is NOT practical or reasonable.

Description of Property

Current zoning classification: R-1 (adjacent to B-1, O1, and Saxton PUD development)

Current use of structure(s) on premises: Residential

Is it a corner or interior lot? Interior lot

Size and area of lot: 6,054.8 SF (per assessor's public records, 0.139 acres)

Total square footage of existing main structure(s): 1462 SF house/deck/porch footprint

Total square footage of accessory structure(s): See above, only house, porch, deck on lot.

Existing lot coverage (percentage) of all buildings and structures: 24.1%,(current) house divided by lot

Height of existing main and/or accessory structures: Main home: 25', (Proposed 1-car garage: 23')

Residential Only: Floor Area Ratio (FAR) should not exceed 0.4: 32 %, (current), see below

A scaled drawing or boundary survey depicting the above information.

The zoning and current use of the properties surrounding the subject property.

FAR's Calculation CURRENT, w/o Garage:

(1940 SF 1&2 FL home,
total divided
lot size of 6054.8 SF = 32.0%)

FAR's Calculation IF include Garage:

(1940 SF 1&2 FL home,
plus 402.3 SF 2FL over new garage,
equals 2342.3 SF total divided by
lot size of 6054.8 SF = 38.7%)

See attached supporting documents/drawings

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 neighborhood/City? _____

The current ordinances will not allow a PRACTICAL screening of the adjacent commercial parking, driveway, headlights, dumpster/generator and 2FL patio of the Jewell Bldg. My property has a unique situation in that my west property line and north property line is adjacent to a commercial property or multi family housing, both of which create privacy, light, aesthetic and noise concerns.

2. What effect will the variance have on neighboring properties? Will the variance alter the essential character of the area? _____

Making the 2-story, 1-car garage, habitable on 2FL will not have a negative effect on neighboring properties. In fact I consulted with each of the direct neighbors and they are all in support of the garage. It improves the neighboring business/multi family view, so not to be looking into my backyard, deck and kitchen. The garage does not alter the character of the area.

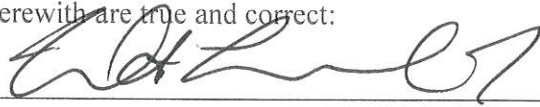
3. Is the hardship which prevents you from complying with the ordinance self-imposed? How did the hardship come about? (NOTE: The ZBA has generally found that purely aesthetic

consideration and self-created hardships are unacceptable grounds for a variance.) No, we did NOT create these conditions adjacent to our home. After we purchased the property, the City bought the adjacent lot for parking, and has used it for public parking since the purchase. We have headlights, noise and privacy concerns, since the property is intended to expand the parking further. Plus, the 2FL patio on the Jewell, and dumpster/generator is under development now

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

The ordinance unreasonably restricts me from using my backyard and home. Normal homes have residential property, with residential restrictions preventing 70+ cars to park & drive at all hours of day/night from local bars/restaurants allowing views/noise and light into our home and backyard. Also the new 2FL patio in the Jewell bldg will also have views into our home/backyard. The new development will have a generator/dumpster directly against our west propertyline (again, not allowed in residential area). These conditions are unique, not self-imposed.

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 14 day of DEC, 20 20

Notary Public

My Commission expires _____

From William Lincoln (applicant and Owner)

REVISED for USE Application: Summary, in accordance with the stated "Standards for Variance":

1. **Ordinance unreasonably prevents the owner from using the property for what it was zoned (residential).** YES. Our backyard is intended to be residential, which involves eating on our deck, playing in the backyard, having bar-b-q's, getting "sun tanned" on a blanket (for my teen girls), as well as simply enjoying the tranquility of our back yard. The next-door parking, driveways, lighting, views from the 2-FL patio of the adjacent new Jewell building, will certainly prevent us from fully enjoying our backyard and deck, as the property was zoned (residential).
2. **Is the problem due to the unique circumstances of the property?** YES. Our property presents a unique situation with a need for commercial screening. It is unusual, in residentially zoned properties, to have a 3-story rental home to the north, commercial property with a 2-FL patio to the NW, as well as a public city parking lot to the West. IF I was adjacent to a residential property, they would not be allowed to have 70+ cars parked/driving, nor have a 2-FL patio overlooking my backyard. Plus, there are NOT many things I can do to block this view/privacy, without spending a great deal of money. If it is NOT habitable, then it will not be worth the cost.
3. **Variance will NOT alter the essential character of the neighborhood.**
 - a. The height and use as habitable will have no effect on the neighborhood.
 - b. I have received permission from neighbors
 - c. The design of the garage is in keeping with the design of my house and the neighborhood.
4. **Was this problem self-created?** NO. All of these unique conditions were not created by us (the homeowner). In fact when we bought this home 18-years ago, we had 100% residential homes directly to the west of us. The City bought the property, tore down the homes next to us and left a temporary fence for the last 8-10 years, and created the parking lot we still have. Although we are thankful for the new development, it will certainly increase the light, noise, traffic, etc, which warrants this screening.

Couple other notes:

1. **"Practical" screening explanation-** A 2-story, 1-car garage is the only "practical" way to provide a true screening of the 2-FL Jewell patio and the parking lighting, while not creating an eye-sore like a 20-foot wall. Making it wider is not practical (we only designed a 1-car garage width because the lot is too narrow and angled). Making it habitable obviously provides substantial justice in both value and in available use, given the extreme cost needed to build. We need more space, but this seems most practical, considering the need for screening. My family (wife and 6-kids) will certainly have substantial justice, by use of the 2-FL, storage below, and screening for privacy, light, sound, and views. We believe our neighbors to the East will also benefit, since they also will benefit from the screening of the parking lot and commercial property. We believe the commercial property will benefit because they will not have to look down into our back yard and back deck.
2. **Enhancement of neighborhood and City as a whole-** We believe this will enhance the neighborhood, since it will provide a screen. The height of the proposed garage is MUCH shorter than the adjacent property, as well as my own home. Its design matches the design of my home, which will look better than a tall fence/screen.

Existing Lot SF

Two methods to determine:

1. Plymouth City Assessment, public records show lot to be 0.139 acres, which equates to 6,054.8 SF.

or ,

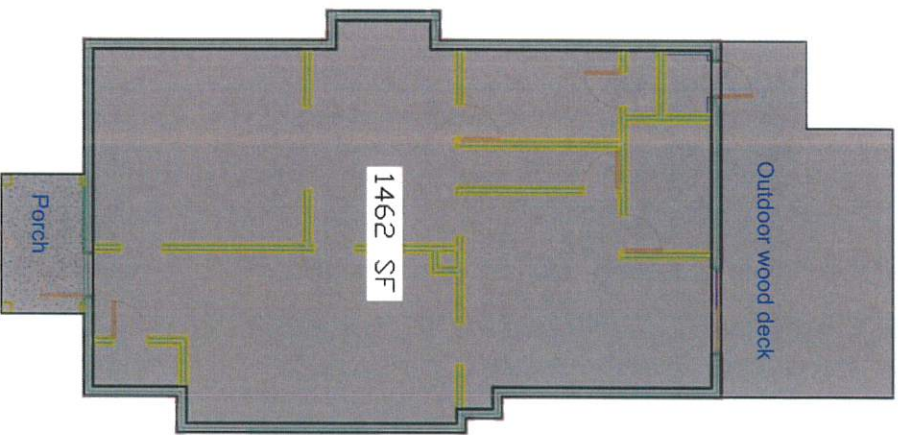
2. Scaling the plot map using standard pdf software, provides a quantity of 5995.3 SF.

Assessor record=
6,054.8 SF

5995.26 SF

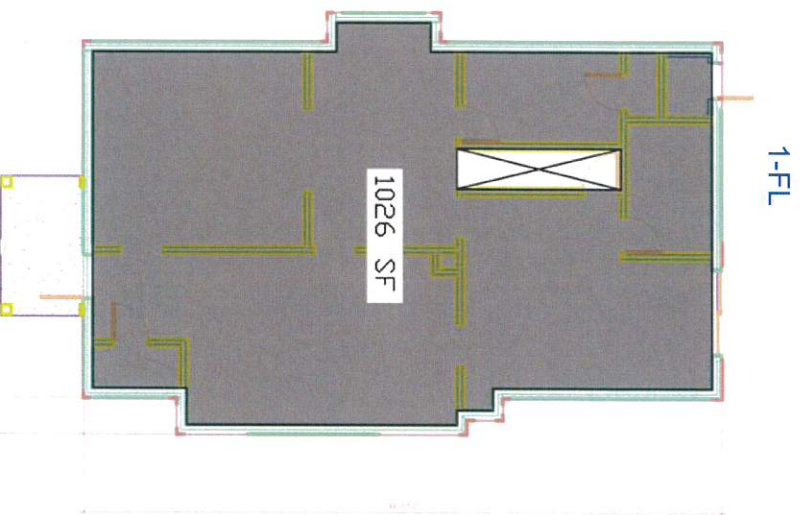


Existing Structures

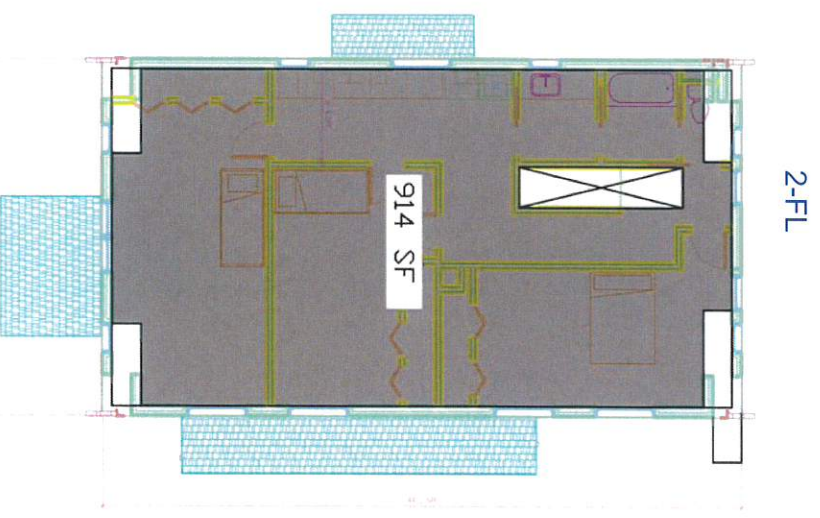


Total existing structure= 1,462 SF
Lot SF= 6,054.8 SF
Existing lot coverage= 24.1%
GOOD < 35%

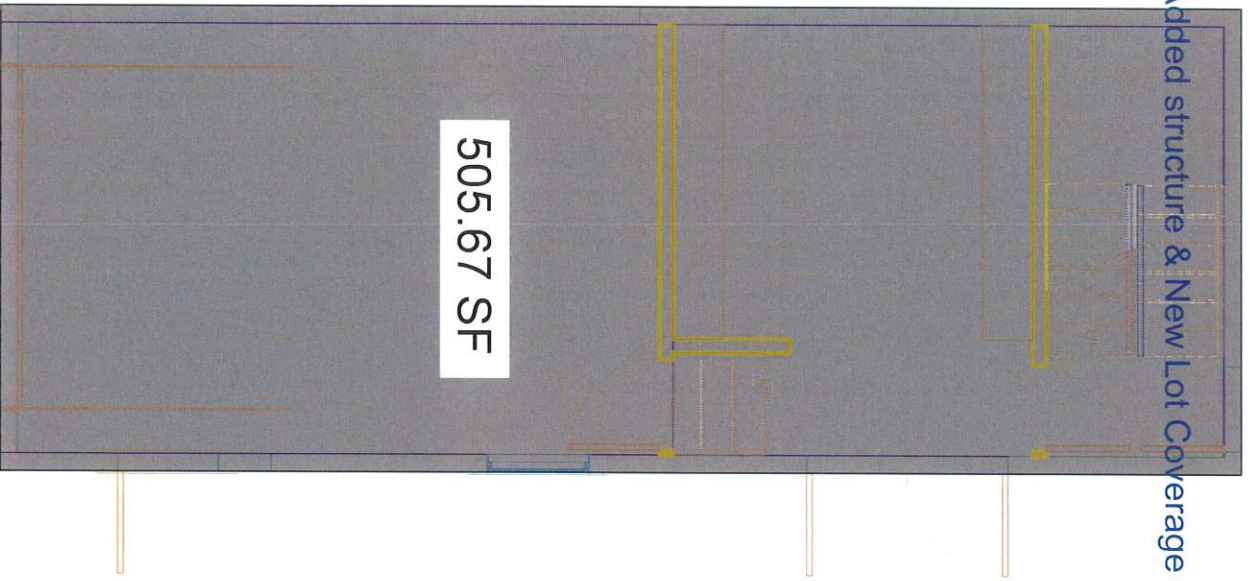
Existing Floor Areas



Total existing floor area= 1,026+914= 1,940 SF
Lot SF= 6,054.8 SF
Existing floor area ratio (FAR)= 32%
GOOD <40%

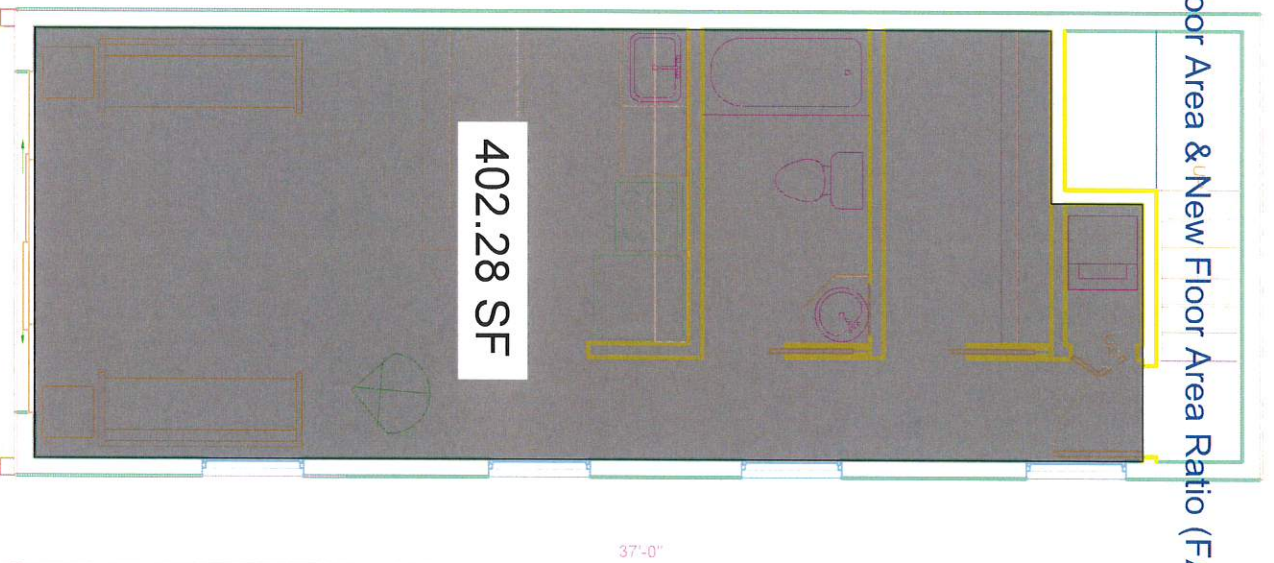


Added structure & New Lot Coverage



Existing structure plus new structure, $1,462 + 505.7 = 1,967.7$ SF
divided by lot SF of 6054.8 SF = 32.5%
GOOD <35%

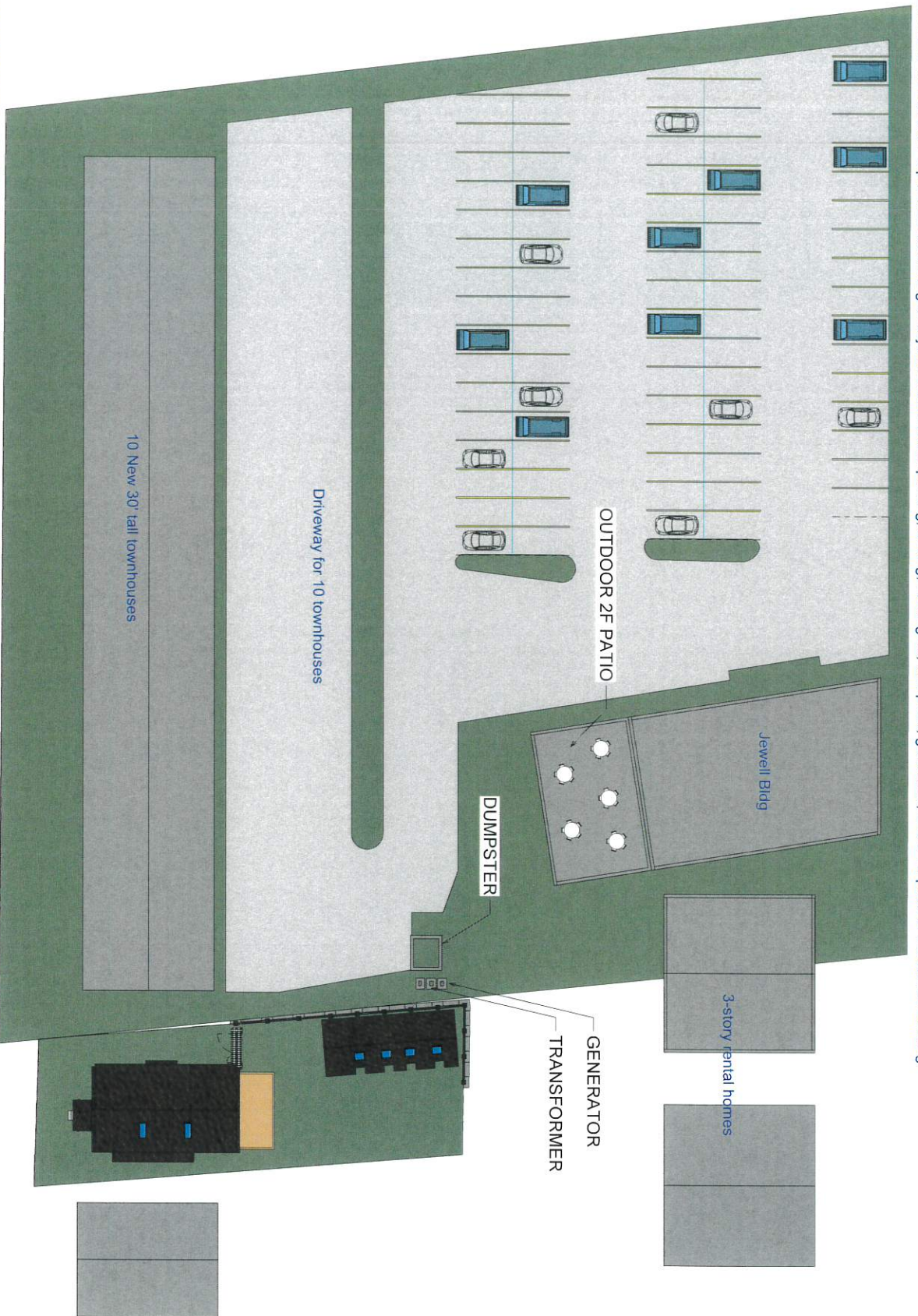
Added Floor Area & New Floor Area Ratio (FAR)



Existing floor SF plus new floor SF, $1,940 + 402.3 = 2,342.3$ SF
divided by the lot SF of 6054.8 SF = 38.7%
GOOD <40%

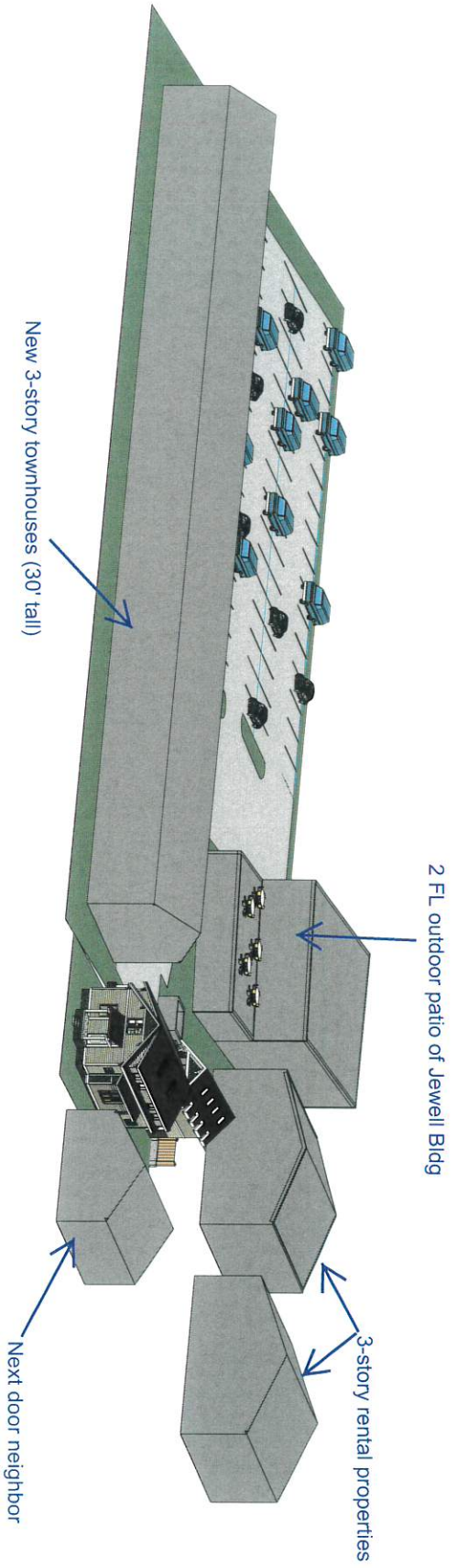
13'-8"

Current ordinances will not allow a practical screening of adjacent commercial parking, driving, headlights, dumpster, generator, and 2 FL patio of the Jewell Building

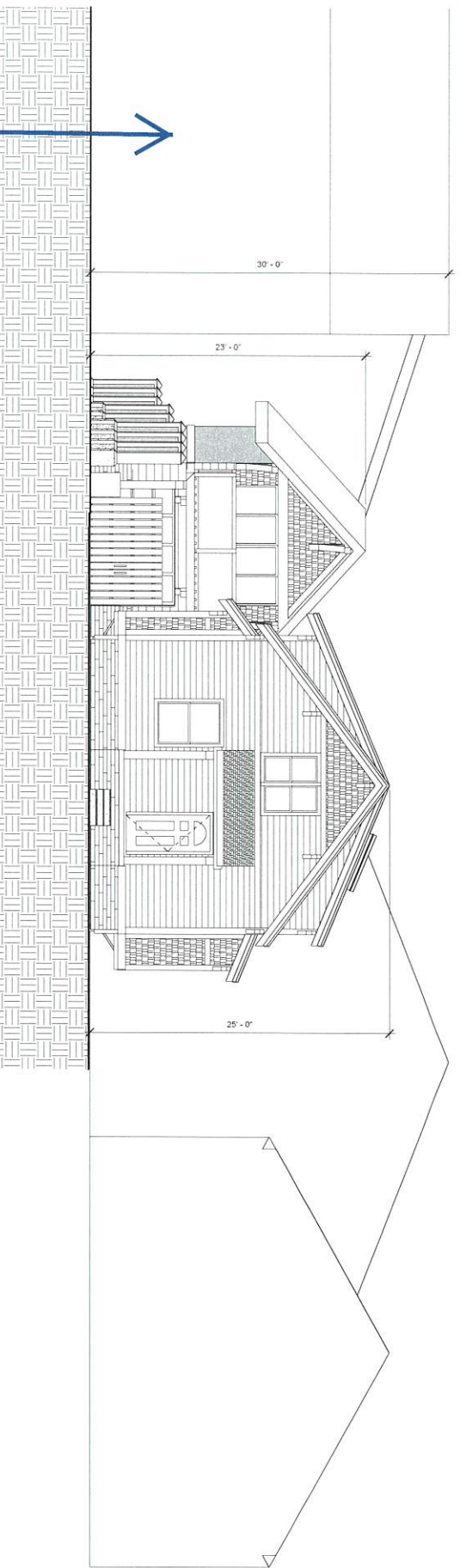


My property presents a unique situation with a need for commercial screening. All of these unique conditions were NOT created by me (the homeowner).

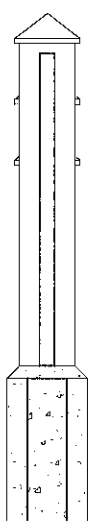
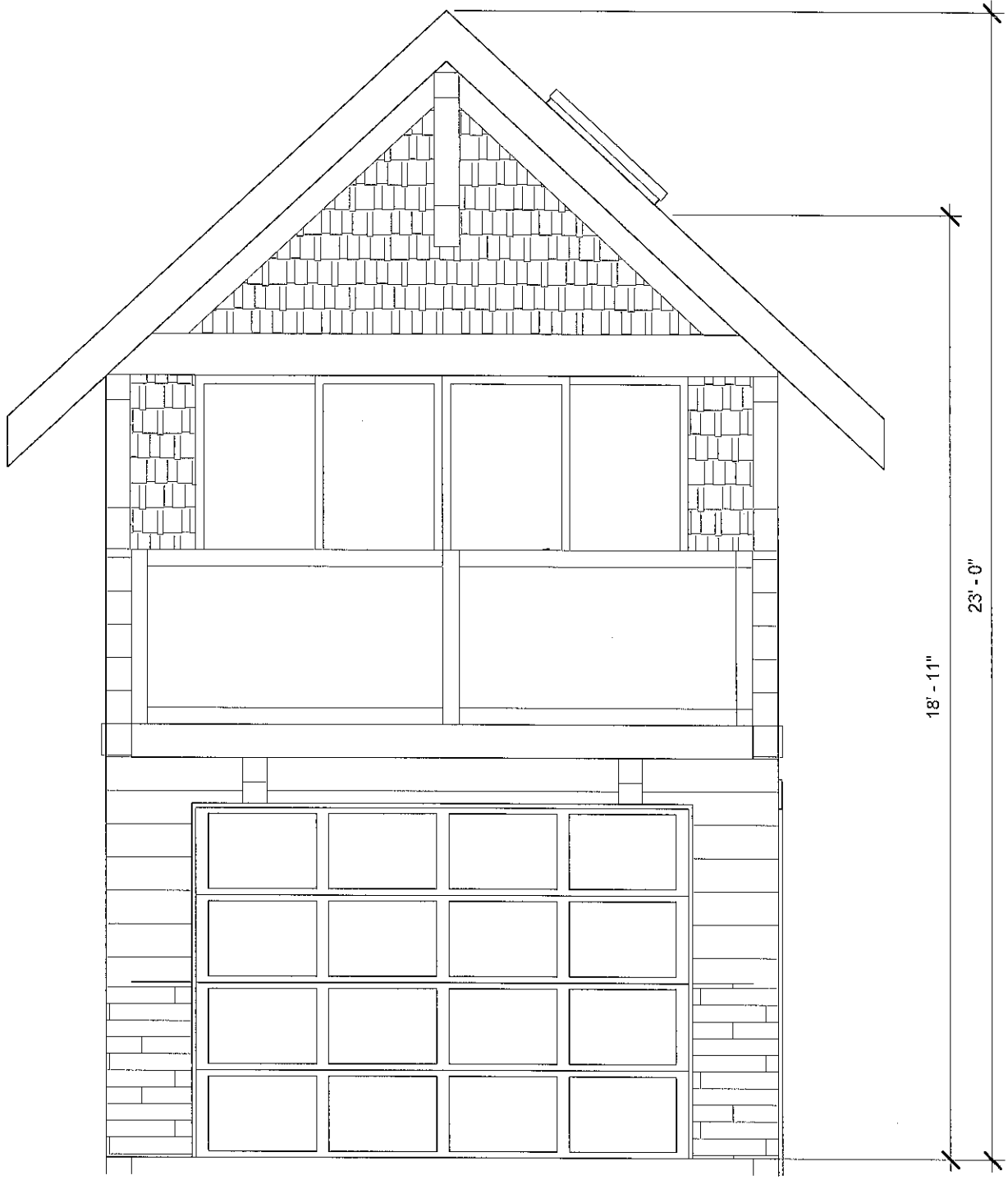
Scale of our house and the proposed garage, in relation to the new development, parking, rentals to the North, and the Jewell bldg. Notice how much shorter my house and the proposed garage is compared to the rentals, the Jewell bldg, as well as the 3-story townhouses under development.



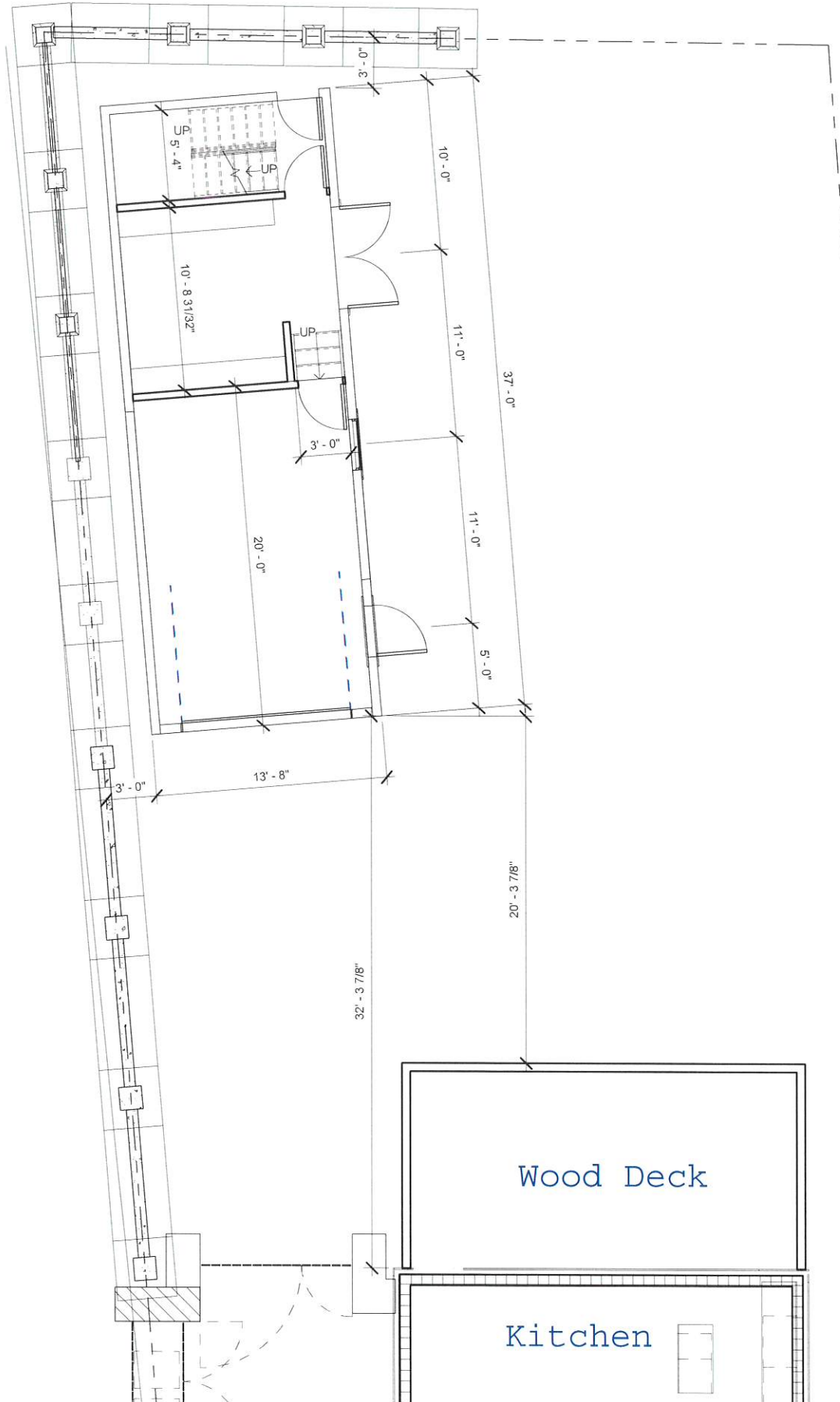
Scale of our house and the proposed garage, in relation to the new development, parking, rentals to the North, and the Jewell bldg. Notice how much shorter my house and the proposed garage is compared to the rentals, the Jewell bldg, as well as the 3-story townhouses under development.



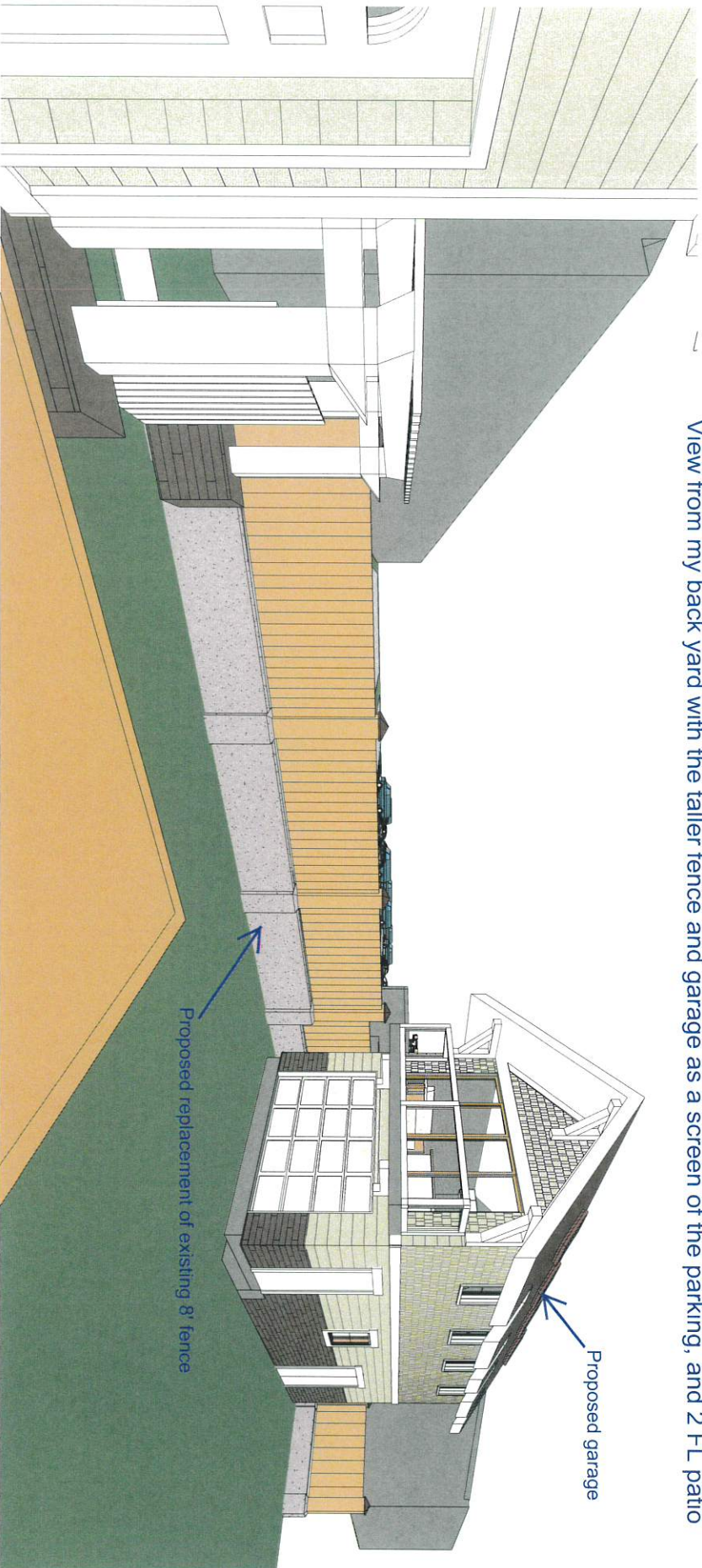
New 3-story townhouses (30' tall)



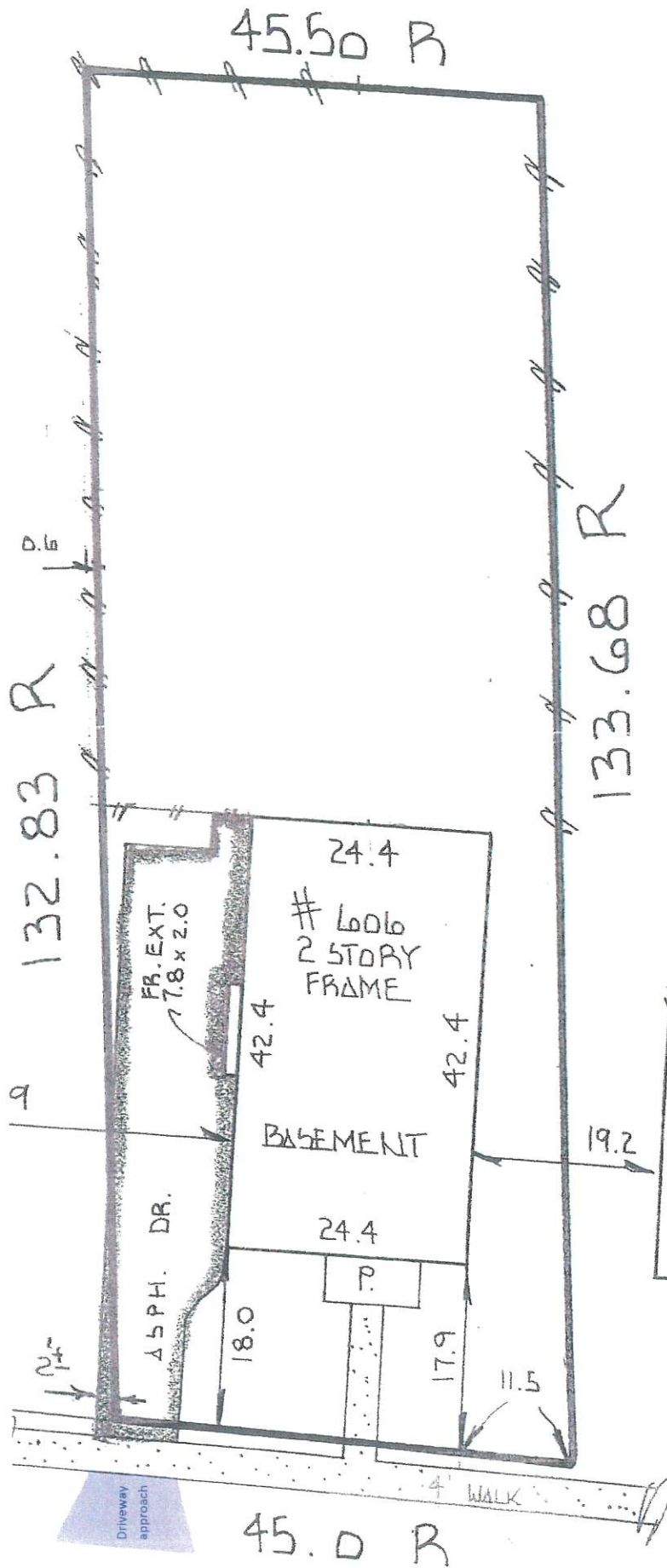
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View from my back yard with the taller fence and garage as a screen of the parking, and 2 FL patio



A 2-story, 1-car garage is the only "practical" way to provide a true screening of the 2-FL Jewell patio and the parking lighting, while not creating an eye-sore like a 20-foot wall. Making it wider is not practical (we only designed a 1-car garage width because the lot is too narrow and angled). Making it habitable obviously provides substantial justice in both value and in available use, given the extreme cost needed to build. We need more space, but this seems most practical, considering the need for screening. My family (wife and 6-kids) will certainly have substantial justice, by use of the 2-FL, storage below, and screening for privacy, light, sound, and views. We believe our neighbors to the East will also benefit, since they also will benefit from the screening of the parking lot and commercial property. We believe the commercial property will benefit because they will not have to look down into our back yard and back deck.



LOT 730



**CITY OF PLYMOUTH
COMMUNITY DEVELOPMENT**
201 South Main Street Plymouth, MI 48170
Ph. 734-453-1234 ext. 232
Website: www.plymouthmi.gov

TO: Zoning Board of Appeals Commissioners
FROM: Greta Bolhuis, Assistant Community Development Director
DATE: December 16, 2020
RE: Z20-10, 606 Maple, Zoning Interpretation

Section 78-408 states “The Zoning Board of Appeals [...] does have power to act on those matters where this chapter provides for an administrative review, interpretation or exception and to authorize a variance as defined in this section and laws of the state.” The Administration is asking the ZBA to interpret the following sections of the ordinance, should a variance that allows habitable space in the garage be granted.

Section 78-21 states “Floor area ratio means the ratio of the floor area of a building to its lot area.” It further states “Floor area, residential means the sum of the horizontal areas of each story of the building measured from the exterior faces or from the centerline of walls separating two dwellings. The floor area measurement shall include any habitable space, bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas, and attached garage. Examples of architectural features that are included or excluded in the FAR calculation are shown in the following table.” The table referenced in the ordinance states “Included in FAR: Accessory structures (except detached garages)”. It also states, “Excluded from FAR: Detached garages”. See below:

	Architectural Feature	Conditions
	First Story	
Include in FAR:	Upper Story	<ul style="list-style-type: none"> Connected by a fixed stairway to the first story, and <ol style="list-style-type: none"> With headroom of five (5) feet or more (between top of floor and bottom of rafter), or Which may be made usable for human habitation
	Attached Garages	
	Enclosed Porches	
	Accessory Structures (except Detached Garages)	
	Car Ports	
	Porte Cochere	
	Architectural Projections with Floor Area (See Sec. 78-217(2))	
Exclude from FAR:	Basements	
	Unfinished Attics	<ul style="list-style-type: none"> With headroom of less than five (5) feet (between top of floor and bottom of rafter), and Which may NOT be made usable for human habitation
	Unenclosed Breezeways	
	Unenclosed Porches	
	Detached Garages	

Section 78-21 states “Habitable space means a space in a structure for living, sleeping, eating, or cooking.” It further states “Occupiable space means a space within a structure used for bathrooms, toilet compartments, closets, halls, storage or utility spaces, and similar areas.”

The Zoning Board of Appeals is being asked to interpret whether habitable space in a detached garage would be included in the calculation of floor area ratio.

Should you have any questions regarding this agenda item, please contact me directly.



**CITY OF PLYMOUTH
COMMUNITY DEVELOPMENT**
201 South Main Street Plymouth, MI 48170
Ph. 734-453-1234 ext. 232
Website: www.plymouthmi.gov

TO: Zoning Board of Appeals Commissioners
FROM: Greta Bolhuis, Assistant Community Development Director
DATE: December 16, 2020
RE: Z20-11, 933 Church, Non-Use Variance

At this time, the applicant has withdrawn their application from ZBA consideration. See the letter, attached. No Board action is required.

Should you have any questions regarding this agenda item, please contact me directly.

JOSEPH PHILIPS

ARCHITECT, LLC

921 Wing Street

Plymouth, Michigan 48170

(734) 455-8354

(734) 455-8350 Fax

josephphilipsarchitect@gmail.com

www.josephphilipsarchitect.com

December 16, 2020

Attn: Chairman Elliott
Zoning Board of Appeals

City of Plymouth
201 S. Main Street
Plymouth, Michigan 48170

RE: 933 Church Street
Job No.: 20716

Dear Chairman Elliott:

I just wanted to give you an update on the proposed project presented earlier this month. After carefully considering all that was said at the last meeting my client has decided not to return to the ZBA next month.

The owner truly values the homes history, but realized that trying to maintain & modify the existing structure within the regulations set forth by the ordinance would limit his ability to personally enjoy both the interior & exterior environment of his property.

We are currently examining what could be constructed on site if the existing structure is razed. Initial sketches appear favorable and worth pursuing. This approach will allow the owner the ability to design the new home with the desired function & shape as the main criteria and be limited only by zoning restrictions, which are far less than those required to work within the shape and confines of the existing four walls.

I would also like to take this opportunity to make the following comments:

While not located within the Kellogg Historic District, the house at 933 Church Street is well over 130 years old, making it historically significant. Unfortunately, this point was not a major factor during the last meetings discussion. I believe maintaining history benefits the entire community and would be interested to know if perhaps beginning a dialogue between the ZBA & the Historic District Commission might be beneficial in allowing more weight to be given to this matter in the future.

I truly thank The Board for their time and comments, and I believe that the client will now be able to move forward more confident in his decision on how to proceed.

If you would please remove this item from next month's meeting agenda, it would be much appreciated.

Sincerely,



Joseph Philips, AIA
Joseph Philips- Architect - LLC

cc Randy Balconi
Colleen Polin
File

20716 ZBA Letter 20.12.16



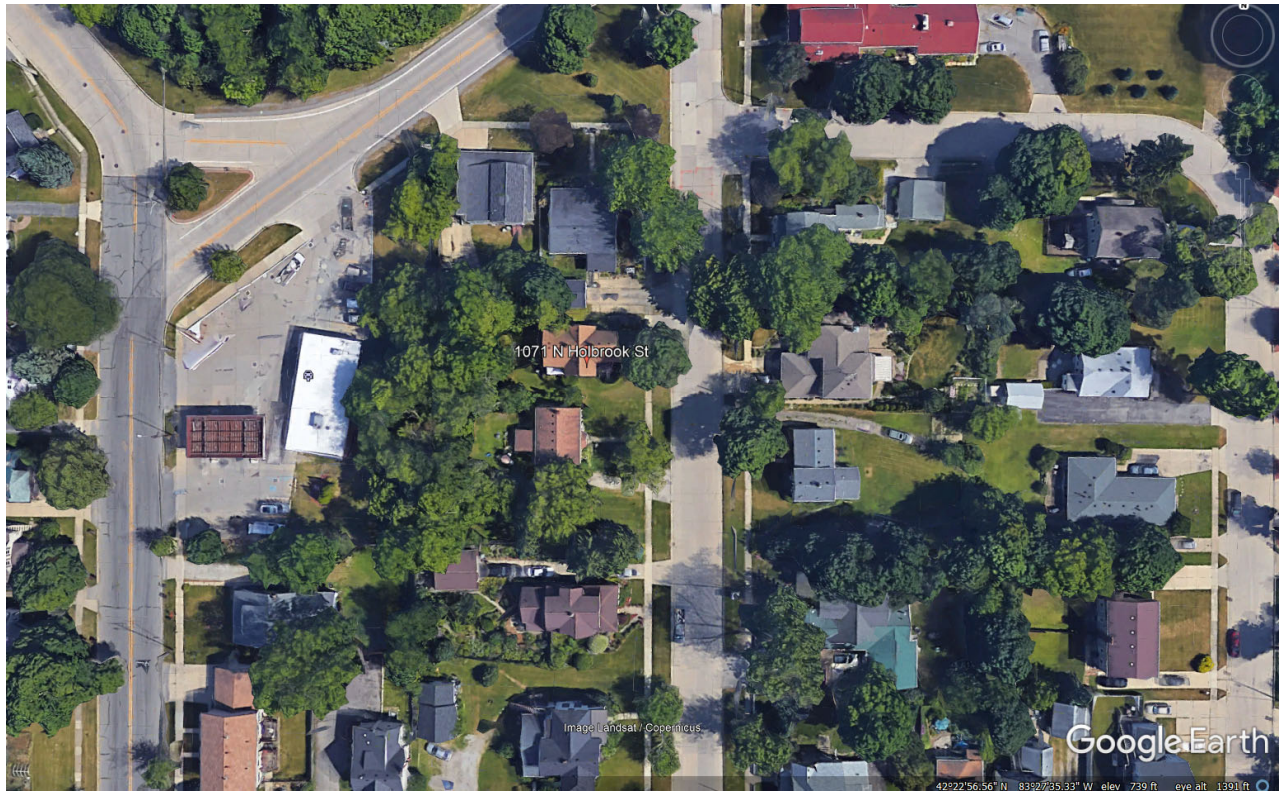
**CITY OF PLYMOUTH
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201 South Main Street Plymouth, MI 48170
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Website: www.plymouthmi.gov

TO: Zoning Board of Appeals Commissioners
FROM: Greta Bolhuis, Assistant Community Development Director
DATE: December 16, 2020
RE: Z21-01, 1071 N. Holbrook, Non-Use Variance

Mark Oppat, owner, is requesting a non-use variance to a construct a detached garage that exceeds the allowed rear yard lot coverage. The property is approximately 51 feet wide and approximately 117 feet deep. The property is approximately 5,967 square feet and is zoned R-1, Single Family Residential.

Section 78-260 (7) states “All accessory buildings, structures and uses shall cover no more than 35 percent of the area created by the required rear yard setback.” The proposed rear yard lot coverage is 43%. A variance of 8% is required.

Should you have any questions regarding this agenda item, please contact me directly.



Z 21-01 1071 N. Holbrook
Rear Yard Lot coverage.
ZBA Mtg 1/7/21



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CITY OF PLYMOUTH
COMMUNITY DEVELOPMENT

DIMENSIONAL (NON-USE) VARIANCE APPLICATION

Community Development Department

201 S. Main Street Plymouth, MI 48170 Ph. 734-453-1234 ext. 232

Website: www.plymouthmi.gov

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

1071 N. Mill St.

Address of Property

Date of Application

MARK OPPAT

Applicant Name

Property Owner

253 Blanche St

Plymouth

MI 48170

Address

City

State Zip

MOPPAT@COMCAST.NET 734-502-3794

Email

Phone

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.

Standards for Dimensional (Non-Use) Variance: [Click here to see full ordinance language.](#)

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

A quorum (3 members) is required for approval of all non-use variance requests.

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 for single family projects or \$500.00 for multi-family and non-residential. Visit the City's website for submittal deadlines and meeting dates: [Zoning Board of Appeals](#). Ten (10) copies of the application and plans including but not limited to survey, plot map, building plans, and photos are encouraged at submittal.

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.

Article and Section of the Zoning Ordinance for which an appeal or variance is being requested:

rear yard lot coverage %

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

Build garage (18w x 26'deep) next to existing historic 'model T' garage

Description of Property

Current zoning classification: Residential

Current use of structure(s) on premises: Residential

Is it a corner or interior lot? No

Size and area of lot: APPROX 51' x 117'

Total square footage of existing main structure(s): 780 ground floor x 2 = 1560 total

Total square footage of accessory structure(s): 18' x 18' = 324 (exterior meas.)

Existing lot coverage (percentage) of all buildings and structures: 28.2% 18.4%

Height of existing main and/or accessory structures: house - approx 27', garage approx 15'

Description of Proposed Structures

Dimensions and area of structure or addition to be constructed: 18'w x 26'deep

Front yard setback after completion (measured from property line): 88'

Rear yard setback after completion (measured from property line): 3'

Side yard setback after completion (measured from property line): 3'

Height of proposed structure: approx 18' to peak

Lot coverage (percentage) after completion: 26.2%

Residential Only: Floor Area Ratio (FAR) after completion (shall not exceed 0.4):

A scaled drawing or boundary survey depicting the above information.

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? (NOTE: The ZBA cannot grant a variance because it is inconvenient or more expensive to build to ordinance or solely to satisfy aesthetic concerns.) Rear lot coverage allowed is 35% of rear 35' of lot $35' \times 52.4' = 1834 \text{ sq ft} \times .35 = 641 \text{ sf}$ allowed, exist. garage (18'x18') = 324 sf, new garage 18x26 = 468 sf, request 151^{sq}sf behind new garage be allowed
2. What effect will the variance have on neighboring properties? none, set back ~~to~~ to neighbor is same, rear yard abuts speedway gas station rear lot, not a home.
3. Is the practical difficulty which prevents you from complying with the ordinance self-imposed? How did the practical difficulty come about? (NOTE: The ZBA has generally found that purely aesthetic consideration and self-created hardships are unacceptable grounds for a variance.) no; existing "Model T" garage (18'x18') is oddly placed in center of rear lot. Due to position & size, it is not usable for modern vehicles, trying to preserve existing historic garage recently repaired to city requirements.
4. Why do the ordinance restrictions unreasonably prevent the owner from using the property for a permitted purpose? only issue is total sf. of rear yard coverage, variance will allow use of rear yard space that abuts speedway gas station, not neighbors, allowing garage to be placed in line with ~~the~~ new driveway and deep enough for modern vehicle & storage.

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

Mark T. Oppat
Signature of Property Owner

Mark T. Oppat
Signature of Applicant

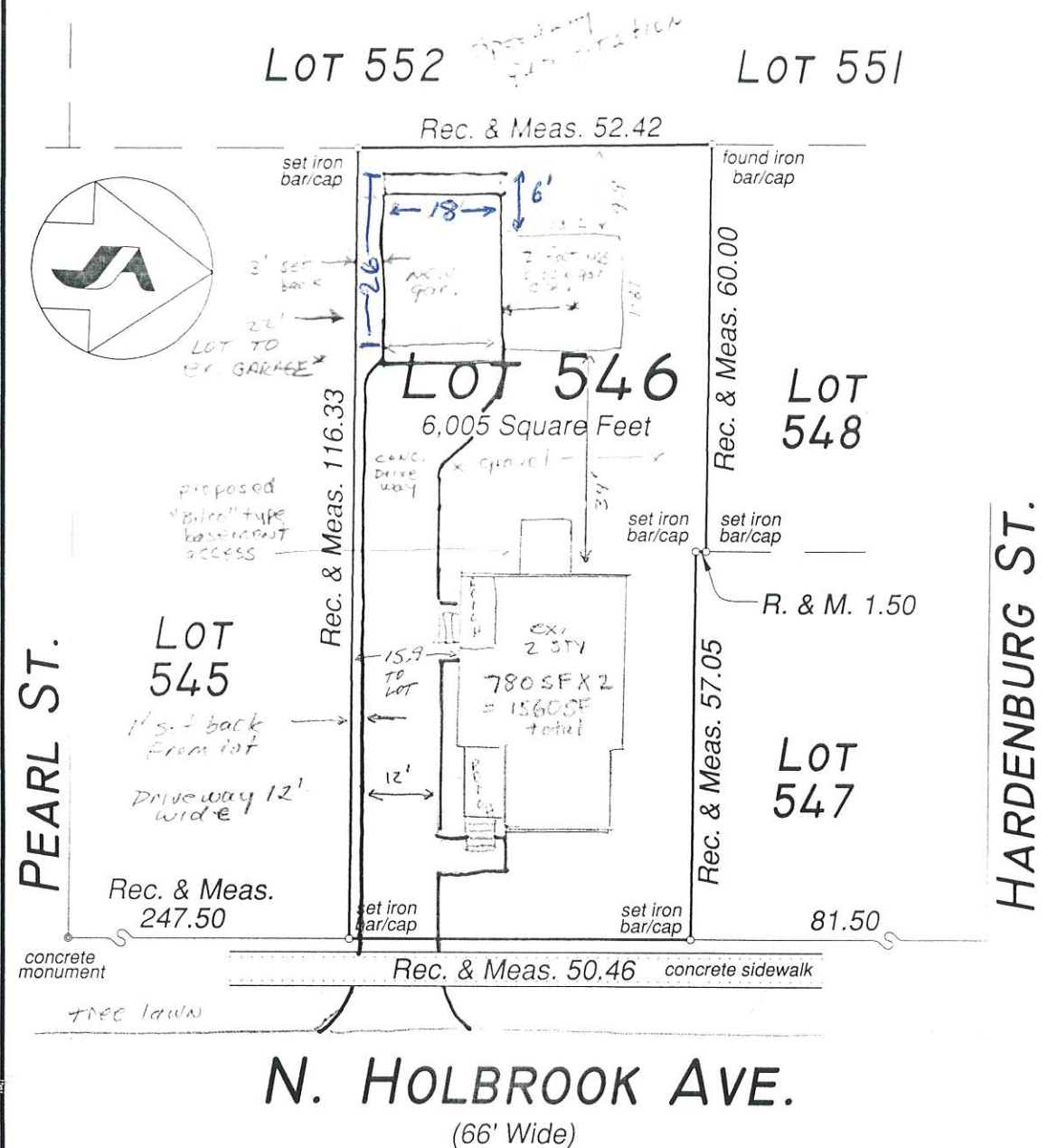
Subscribed and sworn before me this 4th day of December, 2020

SARAH ASHER
Notary Public, State of Michigan
County of Wayne
My Commission Expires May 01, 2026
Acting in the County of Wayne

Sarah Asher
Notary Public
My Commission expires 5.1.2026

LEGAL DESCRIPTION

LOT 546 OF "ASSESSOR'S PLYMOUTH PLAT No.16. PART OF THE SOUTHWEST ¼ OF SECTION 23, TOWN 1 SOUTH, RANGE 8 EAST, CITY OF PLYMOUTH, WAYNE COUNTY, MICHIGAN, AS RECORDED IN LIBER 66 OF PLATS ON PAGE 82, WAYNE COUNTY RECORDS. LOT CONTAINS 6,005 SQUARE FEET. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.



CERTIFICATE OF SURVEY

Prepared For: Mark Oppat
253 Blanche St.
Plymouth, MI 48170
(734) 502-3794

Jekabson & Associates, P.C.
Professional Land Surveyors
1320 Goldsmith, Plymouth, MI 48170
(734) 414-7200 (734) 414-7272 fax

by: *[Signature]*

Date	15 Oct. 2020
Job No	20-10-003
Scale	1" = 20'
Drawn	AAH
Checked	JGE
Sheet	1 OF 1

1071 N. Holbrook Garage Plan

EAST Elevation

MAK OPPAT - OWNER
734-SO2-3794

Exist garage 18'x18'
block wall construction
2' foot wall footings

Footings - 24" MIN walls - 2x6 North South, 2x4 west East
Floor - 4" concrete storage floor - 2x12 seamed over LVL beam

Roof

asphalt shingles

1/2" OSB

2x6 rafters
or trusses

approx 4'x4' "king door"

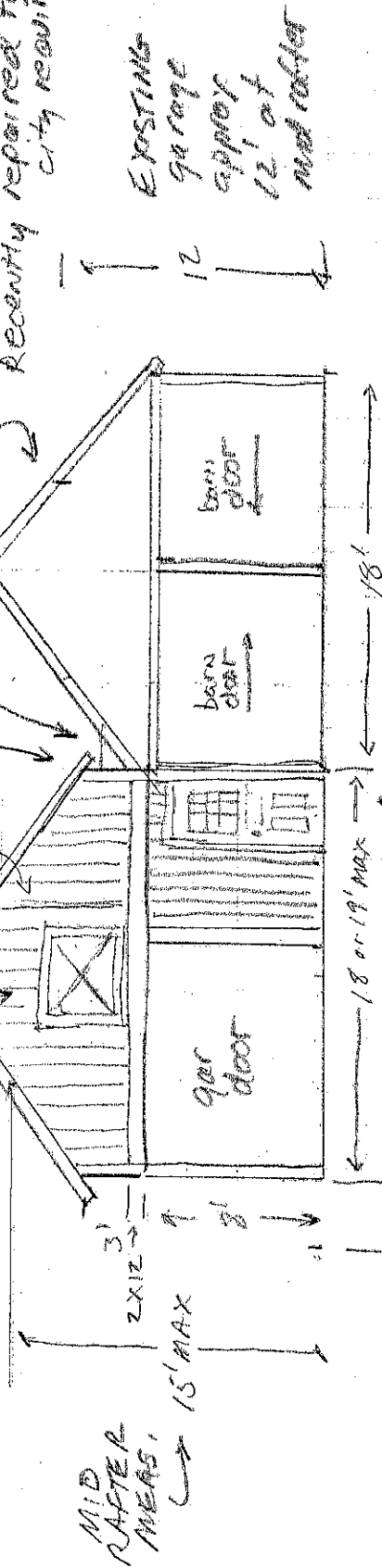
built onto existing block wall

vertical wood
fill at bottom
siding

"Crickle"

1920 ERA
"MODEL T" GARAGE
RECENTLY REPAIRED TO
CITY REQUIREMENTS

MID
RAFTER
MEAS.



3' side yard setback
36" entry door

1/4" = 2'
Scale

EAST VIEW



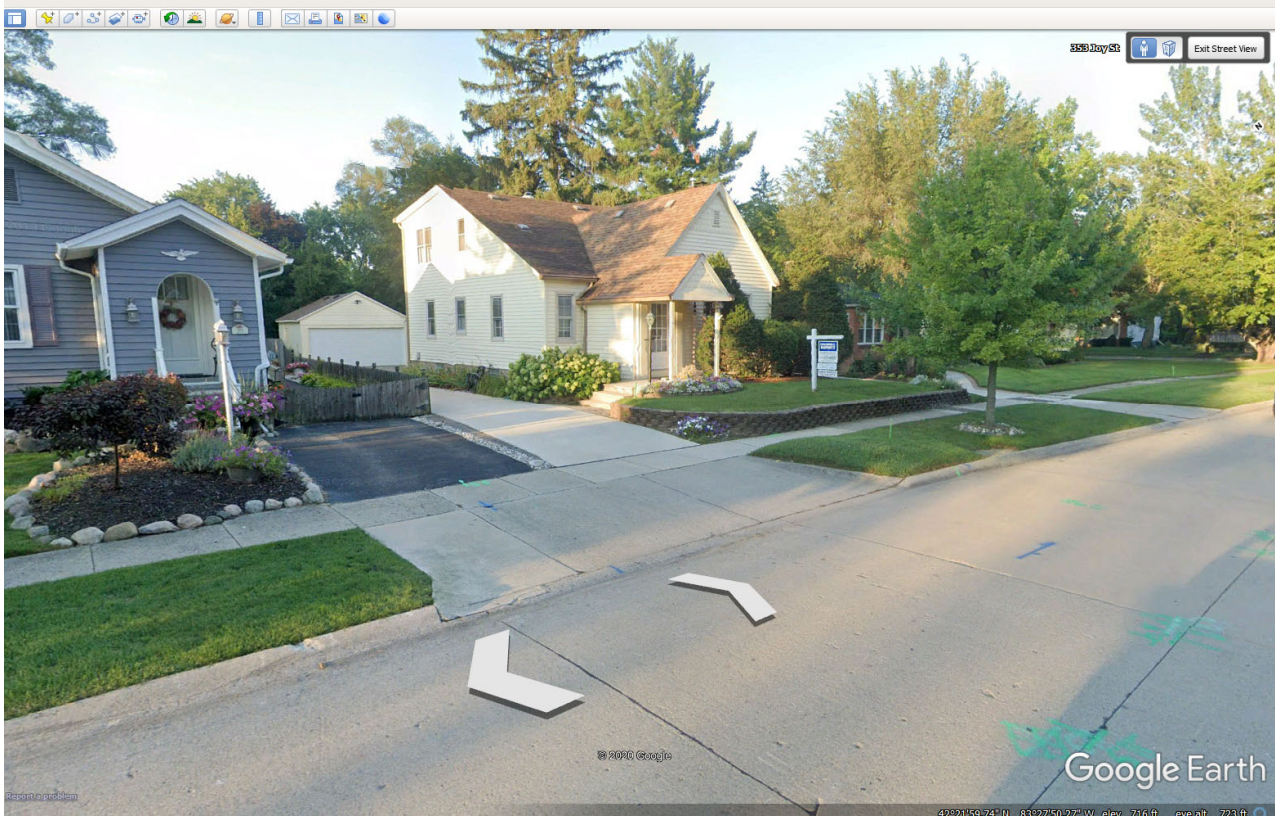
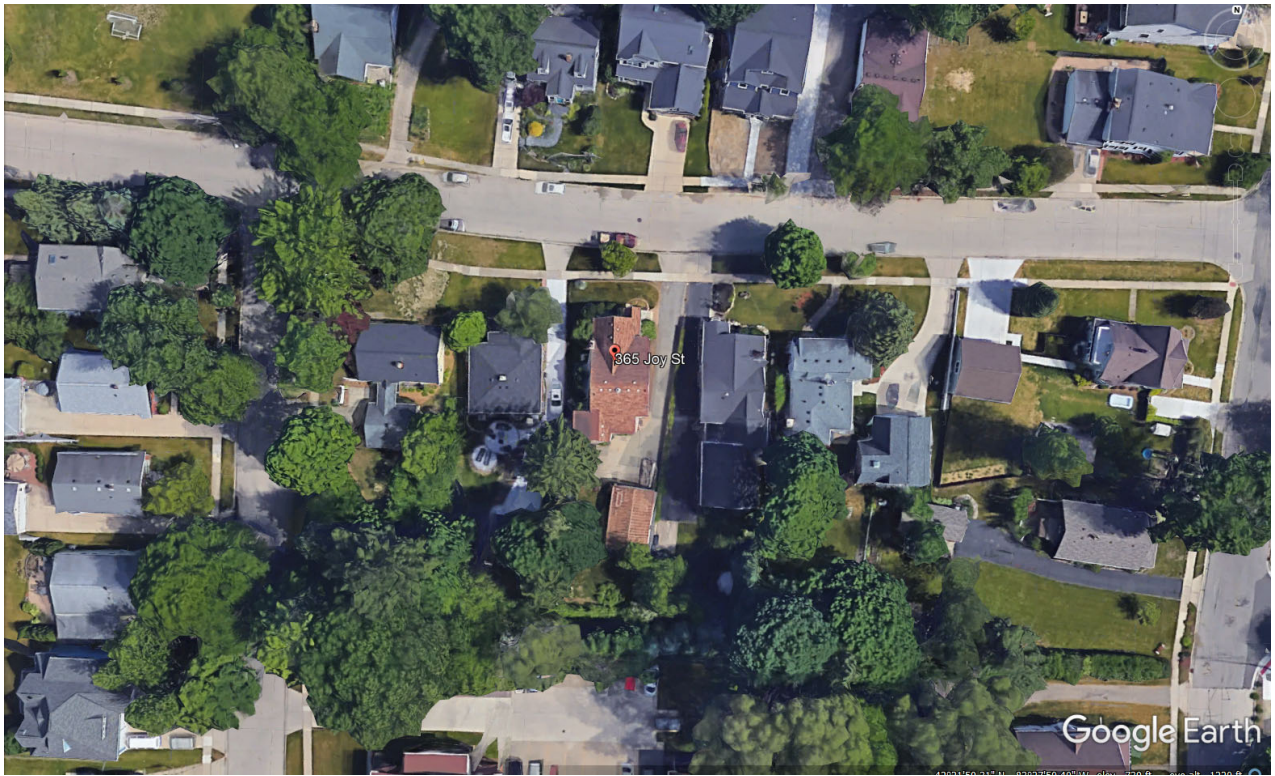
**CITY OF PLYMOUTH
COMMUNITY DEVELOPMENT**
201 South Main Street Plymouth, MI 48170
Ph. 734-453-1234 ext. 232
Website: www.plymouthmi.gov

TO: Zoning Board of Appeals Commissioners
FROM: Greta Bolhuis, Assistant Community Development Director
DATE: December 16, 2020
RE: Z21-02, 365 Joy, Non-Use Variance

Jill and Matt Nagle, owners, are requesting a non-use variance to a construct a pergola within the required front yard setback. The property is approximately 49.5 feet wide and approximately 172 feet deep. The property is approximately 8,514 square feet and is zoned R-1, Single Family Residential.

Section 78-190 (o) states “The established front setbacks for structures [...] shall be at least 90 percent of the average front yard setback of surrounding buildings. [...] If the resulting setback is less than 15 feet, then the allowed setback shall be no less than the allowed setback average.” The proposed front yard setback is 11 feet. A variance of 10.9 feet is required.
Note: As stated on the application, the current front yard setback is 12.5 feet.

Should you have any questions regarding this agenda item, please contact me directly.



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CITY OF PLYMOUTH
COMMUNITY DEVELOPMENT



Z 21-02 365 Joy
Front Yard setback.
ZBA Mtg 1/7/21

DIMENSIONAL (NON-USE) VARIANCE APPLICATION

Community Development Department

201 S. Main Street Plymouth, MI 48170 Ph. 734-453-1234 ext. 232

Website: www.plymouthmi.gov

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

365 Joy St. Plymouth, Mi. 48170		12/9/20
Address of Property		Date of Application
Apple Renovations services LLC	Jill & Matt Nagle	
Applicant Name	Property Owner	
365 Joy St.	Plymouth	MI 48170
Address	City	State Zip
naglemat@gmail.com	(313) 268-8992	
steve@callapplenow.com	(734) 892-4505	
Email	Phone	

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.

Standards for Dimensional (Non-Use) Variance: [Click here to see full ordinance language.](#)

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

A quorum (3 members) is required for approval of all non-use variance requests.

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 for single family projects or \$500.00 for multi-family and non-residential. Visit the City's website for submittal deadlines and meeting dates: [Zoning Board of Appeals](#). Ten (10) copies of the application and plans including but not limited to survey, plot map, building plans, and photos are encouraged at submittal.

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.

Article and Section of the Zoning Ordinance for which an appeal or variance is being requested:

Article XXVIII Zoning Board of Appeals Sec. 78-411 Variance

I (We) hereby appeal to the Zoning Board of Appeals for a variance to: Build a dock/pergola (no roof) spanning across the front and part of the side of the house. Adding to an existing dormer

Description of Property

Current zoning classification: R-1

Current use of structure(s) on premises: living in home. Parking in garage

Is it a corner or interior lot? Interior

Size and area of lot: 8,514 sq/ft

Total square footage of existing main structure(s): 1,311^{sqft} ground level, 772^{sqft} 2nd story, 504^{sqft} garage

Total square footage of accessory structure(s): 504 sq/ft (garage)

Existing lot coverage (percentage) of all buildings and structures: 22% for ground floor & garage

Height of existing main and/or accessory structures: 25^{ft} - 30^{ft}

Description of Proposed Structures

Dimensions and area of structure or addition to be constructed: 160 sq/ft (+3 steps)

Front yard setback after completion (measured from property line): 11 ft

Rear yard setback after completion (measured from property line): N/A

Side yard setback after completion (measured from property line): N/A

Height of proposed structure: 9'6" - 10' tall

Lot coverage (percentage) after completion: The new structure is 1.88% of the total lot coverage

Residential Only: Floor Area Ratio (FAR) after completion (shall not exceed 0.4): N/A (unenclosed)

A scaled drawing or boundary survey depicting the above information.

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

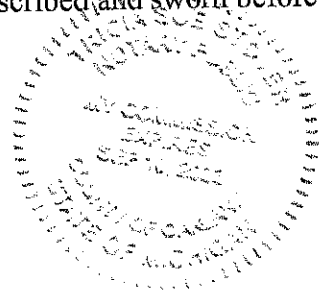
1. What are the practical difficulties preventing compliance with the ordinance? Are these practical difficulties an exception or unique to the property compared to other properties in the City? (NOTE: The ZBA cannot grant a variance because it is inconvenient or more expensive to build to ordinance or solely to satisfy aesthetic concerns.) The current decker is already closer to the front property line than is technically allowed. We just want to build a deck/pergola this is 1' deep across the entire front of the house & 8' deep on (!) side of the house
2. What effect will the variance have on neighboring properties? None. The portion of the deck on the side of the house stops before their own drive way. The portion of the deck/pergola on the front of the house only extends 1' deep than what is currently there
3. Is the practical difficulty which prevents you from complying with the ordinance self-imposed? How did the practical difficulty come about? (NOTE: The ZBA has generally found that purely aesthetic consideration and self-created hardships are unacceptable grounds for a variance.) Yes it is self, but it is to make better use of the current space & create a nicer curb appeal
4. Why do the ordinance restrictions unreasonably prevent the owner from using the property for a permitted purpose? Because the restrictions say that the current house is already too close to the front of the property line & we just want to go 1' closer

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

[Signature]
Signature of Property Owner

[Signature]
Signature of Applicant

Subscribed and sworn before me this 10th day of December, 2020



Tricia Sue Stover Tricia Sue Stover
Notary Public
My Commission expires September 10, 2023
Acting in the county of Wayne, MI
Effective Date 4/11/2018

FRONT YARD SETBACK WORKSHEET

SIDEWALK	SIDEWALK	SIDEWALK	SIDEWALK	SIDEWALK	SIDEWALK	SIDEWALK		
1 FOOT BETWEEN SIDEWALK AND PROPERTY LINE	1 FOOT BETWEEN SIDEWALK AND PROPERTY LINE	1 FOOT BETWEEN SIDEWALK AND PROPERTY LINE	1 FOOT BETWEEN SIDEWALK AND PROPERTY LINE	1 FOOT BETWEEN SIDEWALK AND PROPERTY LINE	1 FOOT BETWEEN SIDEWALK AND PROPERTY LINE	1 FOOT BETWEEN SIDEWALK AND PROPERTY LINE		
House Address:	House Address: <i>2015</i>	House Address: <i>337 501 st</i>	House Address: <i>353 504 st</i>	Your House Address: <i>365 501A</i> DO NOT INCLUDE SETBACK	House Address: <i>379 504 st</i>	House Address: <i>391 504 st</i>	House Address: <i>End of street</i>	House Address:
	<i>25' 1"</i>	<i>19' 2"</i>	<i>25' 2"</i>		<i>27' 4"</i>			

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. Total sum of neighboring front yard setbacks = 97' 3"

*** If there is a porch on the home: Total number of homes used = 4
 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. Sum of setbacks divided by homes used = 24' 3"
 Then multiply this number by .90

PROPOSED FRONT YARD SETBACK: 12' 6" The allowed front yard setback for your property = 21' 8"
↳ This is the current (we are just replacing)

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.

