



City of Plymouth  
Zoning Board of Appeals  
Regular Meeting Minutes  
Thursday, June 2, 2022 - 7:00 p.m.

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

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**1. CALL TO ORDER**

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

Present: Chair Elliott, Vice Chair Jim Burrows, Members Mike Devine, Dave Latawiec, Mike Pappas,  
Alternate Scott Silvers

Also present: Assistant Community Development Director Greta Bolhuis

**2. CITIZENS COMMENTS**

There were no citizen comments.

**3. APPROVAL OF THE MEETING MINUTES**

Burrows offered a motion, seconded by Pappas, to approve the minutes of the April 7, 2022, meeting.

There was a roll call vote.

Yes: Burrows, Devine, Latawiec, Pappas, Elliott

MOTION PASSED 5-0

**4. APPROVAL OF THE AGENDA**

Elliott offered a motion, seconded by Latawiec, to amend the agenda to move item 6.c to 6.a.

There was a roll call vote.

Yes: Burrows, Devine, Latawiec, Pappas, Elliott

MOTION PASSED 5-0

**5. OLD BUSINESS**

There was no old business.

**6. NEW BUSINESS**

a. Z22-06: 159 S. Harvey, use variance request for expansion of a non-conforming use.

Devine offered a motion, seconded by Burrows, to recuse himself from agenda item 6.a due to a conflict of interest.

There was a roll call vote.

Yes: Burrows, Devine, Latawiec, Pappas, Elliott

MOTION PASSED 5-0

**Devine left the meeting and alternate Scott Silvers joined the meeting.**

Architect Joe Phillips presented the request for an addition and alteration to the building, which houses a dental practice with an apartment on the second level. Owner Howard Hammerink also commented on the request.

### **Board Comments**

There was considerable discussion about whether a variance was required due to the language in the B-2 zoning ordinance. Members pointed out that section 78-101(2) states: *“Any personal service establishment which performs services on the premises within a completely enclosed building, such as, but not limited to: repair shops (watches, radio, television, shoe repair, and etc.), tailor shops, beauty parlors, barbershops, interior decorators, photographers, and dry cleaners.”* It was stated that a dental office could be considered a personal service. In addition, it was noted that B-2 section 78-101(6) permits *“Offices and office buildings of an executive, administrative or professional nature”*. ZBA members stated that a dental office could be considered a professional office.

### **Motion**

Silvers offered a motion, seconded by Burrows, to approve Z22-06 to allow a variance for a 294 SF addition limited to the area shown on the plan submitted – approximately 14’8” by 22’4” with the height limited to that shown on the application, and where the 294 SF addition is 3’7” from the west property line.

### **Findings of Fact**

Per section 78-102, the property’s current use is compatible with adjacent uses of land for the B-2 CBD zoning classification.

### **Discussion**

There was additional discussion about the wording of the B-2 zoning ordinance. Bolhuis stated that City of Plymouth ordinance definitions state that anything not expressly permitted is expressly prohibited, and that dental offices are not expressly permitted by the ordinance.

There was a roll call vote.

No: Burrows, Latawiec, Pappas, Silvers, Elliott  
MOTION DENIED 5-0

### **Motion**

Elliott offered a motion, seconded by Burrows, to reject request Z22-06 on the basis that the use is conforming and a variance is not required

### **Findings of Fact**

Use of a dental office is permitted based on 78-101(2) and 78-101(6) in that a dental office is a personal service provider and a professional office.

There was a roll call vote.

Yes: Burrows, Latawiec, Pappas, Silvers, Elliott  
MOTION PASSED 5-0

**Silvers left the meeting and Devine rejoined the meeting at 7:43 p.m.**

b. Z22-04: 701 Pacific, non-use variance request for side yard setback

Owner Edward Sabados presented his request with the assistance of architect Dawn Zuber.

**Board Comments**

Sabados was reminded to check the tree ordinance since he plans to remove a large tree in the back yard. It was noted that the current structure is non-conforming, and that the addition would follow the same footprint.

**Motion**

Elliott offered a motion, seconded by Burrows, to approve Z22-04 for a north side yard setback variance for the addition as described in the submitted drawings, specifically a .33-foot variance on the northeast corner and .25 feet on the northwest corner of the structure.

**Findings of Fact**

The applicant is extending a minor existing nonconforming setback of the existing structure.

The original placement of the home on the site is not the fault of the owner.

The north side abutting property is separated by a driveway and there is no impact on the adjacent property.

There was a roll call vote.

Yes: Burrows, Devine, Latawiec, Pappas, Elliott

MOTION PASSED 5-0

c. Z22-05: 696 Forest, non-use variance request for front yard fence height

Owner Mike Prokic presented his application.

**Citizen Comments**

Carmen Metzger, 990 Linden, spoke in support of the variance.

Alan Metzger, 990 Linden, also spoke in support of the variance and suggested that the city consider revising the ordinance.

**Board Comments**

Board members discussed the height of the requested fence, potential landscaping, and a concern about obstructing the view of traffic if shrubbery was planted along the sidewalk. Prokic said he had no intention of planting any shrubbery along the sidewalk.

**Motion**

Devine offered a motion, seconded by Pappas, to approve Z22-05 for a front yard fence variance allowing a 42-inch-high fence with the following conditions.

**Conditions**

The fence provides at least 50% open area and have a maximum of 4-inches of space between vertical members.

**Findings of Fact**

The existing property has two front yard setbacks giving little usable rear yard and is located in a high traffic area.

There was a roll call vote.

Yes: Burrows, Devine, Latawiec, Pappas, Elliott

MOTION PASSED 5-0

**7. BOARD MEMBER COMMENTS**

Burrows informed members that if they want to look at property information online, they may do so at BSAonline.com.

**8. REPORTS AND CORRESPONDENCE**

There were no reports or correspondence.

**9. ADJOURNMENT**

A motion to adjourn was offered at 8:05 p.m. by Burrows. Devine seconded the motion.

There was a roll call vote.

Yes: Burrows, Devine, Latawiec, Pappas, Elliott

MOTION PASSED 5-0