



City of Plymouth Zoning Board of Appeals Regular Meeting Agenda

Thursday, May 4, 2023 – 7:00 p.m.

City Hall Commission Chambers & Online Zoom Webinar

City of Plymouth
201 South Main Street
Plymouth, Michigan 48170

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

<https://us02web.zoom.us/j/89281073825>

Passcode: 596622

Webinar ID: 892 8107 3825

- 1) CALL TO ORDER
 - a) Roll Call
- 2) CITIZEN COMMENTS
- 3) APPROVAL OF THE MINUTES
 - a) Approval of the April 6, 2023, regular meeting minutes
- 4) APPROVAL OF THE AGENDA
- 5) OLD BUSINESS
- 6) NEW BUSINESS
 - a) **Z 23-05**, 253 W. Pearl: Non-use variance request for a fence exceeding 30" located within a front yard.
- 7) BOARD MEMBER COMMENTS
- 8) REPORTS AND CORRESPONDENCE
- 9) 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 ext. 234 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 2022-2026

GOAL AREA ONE – SUSTAINABLE INFRASTRUCTURE

OBJECTIVES

1. Identify and establish sustainable financial model(s) for major capital projects, Old Village business district, 35th District Court, recreation department, and public safety
2. Incorporate eco-friendly, sustainable practices into city assets, services, and policies; including more environmentally friendly surfaces, reduced impervious surfaces, expanded recycling and composting services, prioritizing native and pollinator-friendly plants, encouraging rain gardens, and growing a mature tree canopy
3. Partner with or become members of additional environmentally aware organizations
4. Increase technology infrastructure into city assets, services, and policies
5. Continue sustainable infrastructure improvement for utilities, facilities, and fleet
6. Address changing vehicular habits, including paid parking system /parking deck replacement plan, electric vehicle (EV) charging stations, and one-way street options

GOAL AREA TWO – STAFF DEVELOPMENT, TRAINING, AND SUCCESSION

OBJECTIVES

1. Create a 5-year staffing projection
2. Review current recruitment strategies and identify additional resources
3. Identify/establish flex scheduling positions and procedures
4. Develop a plan for an internship program
5. Review potential department collaborations
6. Hire an additional recreation professional
7. Review current diversity, equity, and inclusion training opportunities
8. Seek out training opportunities for serving diverse communities

GOAL AREA THREE – COMMUNITY CONNECTIVITY

OBJECTIVES

1. Engage in partnerships with public, private and non-profit entities
2. Increase residential/business education programs for active citizen engagement
3. Robust diversity, equity, and inclusion programs
4. Actively participate with multi-governmental lobbies (Michigan Municipal League, Conference of Western Wayne, etc.)

GOAL AREA FOUR – ATTRACTIVE, LIVABLE COMMUNITY

OBJECTIVES

1. Create vibrant commercial districts by seeking appropriate mixed-use development, marketing transitional properties, and implementing Redevelopment Ready Communities (RRC) practices
2. Improve existing and pursue additional recreational and public green space opportunities and facilities for all ages
3. Develop multi-modal transportation plan which prioritizes pedestrian and biker safety
4. Improve link between Hines Park, Old Village, Downtown Plymouth, Plymouth Township, and other regional destinations
5. Maintain safe, well-lit neighborhoods with diverse housing stock that maximizes resident livability and satisfaction
6. Modernize and update zoning ordinance to reflect community vision 7. Implement Kellogg Park master plan

City of Plymouth
Zoning Board of Appeals Notice
Thursday, May 4, 2023 – 7:00 p.m.
Located at Plymouth City Hall and Online Zoom Webinar
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, May 4, 2023, at 7:00 P.M. at City Hall and online via Zoom to consider the following:

Z 23-05 Non-Use Variance Request for 253 W. Pearl
Fence exceeding 30" located within a front yard
Zoned: M-U, Mixed Use District
Applicant: G. Tyler Krusen

All interested people 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: Wednesday, April 19, 2023



City of Plymouth

Zoning Board of Appeals

Regular Meeting Minutes

Thursday, April 6, 2023 - 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

1. CALL TO ORDER

Chair Joe Elliott called the meeting to order at 7:04 p.m.

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

Also present: Planning and Community Development Director Greta Bolhuis

2. CITIZEN COMMENTS

None.

3. APPROVAL OF THE MINUTES

Burrows offered a motion, seconded by Latawiec, to approve the minutes of the March 2, 2023 meeting.

There was a roll call vote.

Yes: Burrows, Devine, Latawiec, Pappas, Elliott

MOTION PASSED 5-0

4. APPROVAL OF THE AGENDA

Burrows offered a motion, seconded by Latawiec, to approve the amended agenda for the April 6, 2023 meeting.

There was a roll call vote.

Yes: Burrows, Devine, Latawiec, Pappas, Elliott

MOTION PASSED 5-0

5. OLD BUSINESS

a) Z 23-02, 686 Coolidge: Non-use variance request for an attached garage on lot less than 60 ft. wide and an attached garage less than 22 ft. wide

Applicant John LaPointe presented the topographic survey which showed the location of the floodplain elevation. He explained that more than half of the rear yard is below the 707.2' floodplain elevation.

Board Member Comments

Elliott explained the Planning Commission recently amended the ordinance to prohibit front-facing garages less than 22' wide on lots less than 60' wide to define the character of neighborhoods. He explained the criteria of the variance checklist that the Board is required to follow. He explained that the floodplain affects a small portion of the property that is already unbuildable due to rear yard setbacks and that it does not cover the decision made by the Board. Devine explained that it is not within the Board's purview to consider the aesthetics of the project.

Motion

Devine offered a motion, seconded by Burrows, to deny the request to allow an attached garage on a lot less than 60' wide and attached garage less than 22' wide, because there is nothing unique about the property that would warrant a variance.

There was a roll call vote.

Yes: Burrows, Devine, Latawiec, Pappas, Elliott

MOTION PASSED 5-0

6. NEW BUSINESS

Devine asked to be recused from the following two agenda items due to conflicts of interest with the applicants/owners.

Elliott offered a motion, seconded by Burrows, to allow Devine to abstain from agenda items Z23-03 and Z23-04.

a) Z 23-03, 1227 Maple: Non-use variance request for a fence taller than 30" in the front yard setback along Herald

Elliott explained that without Devine the applicant would only have four board members to vote on the application. The applicant decided to proceed.

Applicant Nick Jallo presented his case and explained that he wishes to contain children safely within the area that functions as his rear yard. He asked for clarification on 42" height versus 48" height.

Board Member Comments

Burrows asked who owns the existing fence. Jallo explained it was his fence.

Elliott explained that the Planning Commission reviewed and approved amendments for a 48" height, but that the ordinance still has not been adopted by the City Commission. He asked where the fence would be placed since no sidewalk existed. Jallo explained that it would be on the property line, which is approximately where the existing fence terminates. Elliott explained it would be a minimum of 4" between the uprights and it was proposed to be 42" tall.

Citizen Comments

Kevin and Maryann Reilly of 546 Herald expressed concern about overgrown shrubs and landscaping which cause visibility issues for their adjacent driveway. They presented photos of those conditions to the Board and requested the variance be denied.

Fred Brunk of 523 McKinley spoke in favor of the request.

Alan Ardanowski of 1120 Maple asked how many inches would be between the uprights and how tall the fence is. Joe Reilly of 9311 Oakview, Plymouth was concerned that the fence would block visibility when backing out of the adjacent driveway and opposed the variance.

Motion

Elliott offered a motion, seconded by Burrows, to approve the request to allow a 42" tall fence in the front yard setback along Herald that complies with the requirements of the pending fence ordinance amendments and is no closer than the property line to the street.

Finding of Fact

A fence is already allowed within the front yard setback, the issue is the height. The height of the fence has been approved by the Planning Commission and is pending approval by the City Commission. The 42" tall fence will provide safety to the small children that reside within the home.

There was a roll call vote.

Yes: Burrows, Devine, Latawiec, Pappas, Elliott

MOTION PASSED 5-0

b) Z 23-04, 885 Starkweather: Non-use variance request for front yard setback

Latawiec explained he is friendly with the applicant, and they have had past business dealings, but he has no conflict of interest with this project and is not currently engaged in business with the applicant. Elliott explained he has had past business dealings with the applicant, but there is no current financial interest with the applicant or this project.

No motions were made for either board member to recuse themselves.

Elliott explained that without Devine the applicant would only have four board members to vote on the application. The applicant decided to proceed.

Applicant Robert Miller presented his project and explained the desire to add dining space onto the front of the building within the required front yard setback. He explained the existing knee wall goes beyond the property lines and that encroachment would be improved. Owner Don Soenen explained the current dining area doesn't have the necessary capacity and they only have towards the front setback to expand into.

Board Member Comments

Latawiec asked about the property's zoning classification. Elliott confirmed that it is zoned B-1, Local Business and that other zero-lot line properties along Liberty were zoned B-1. He felt that this property was the exception to that existing condition and that it was unique due to its location right next to the railroad right-of-way. He also believed there was no adverse impact to neighboring properties.

Motion

Elliott offered a motion, seconded by Burrows, to approve a variance of 9.25 feet along the Starkweather frontage to allow a 0.75 front yard setback.

Finding of Fact

The property is unique because it is zoned B-1 and is right next to the railroad tracks, which is away from the other B-1 zoned properties in Old Village. The proposed setback variance does not affect any neighboring properties.

There was a roll call vote.

Yes: Burrows, Devine, Latawiec, Pappas, Elliott

MOTION PASSED 5-0

7. BOARD MEMBER COMMENTS

Latawiec thanked Elliott for sending the ZBA guidelines out to the board for review.

8. REPORTS AND CORRESPONDENCE

Bolhuis reported that she reached out to the City of Northville to gauge interest in a joint training session.

9. ADJOURNMENT

Burrows offered a motion, seconded by Pappas, to adjourn the meeting at 8:05 p.m.

There was a roll call vote.

Yes: Burrows, Devine, Latawiec, Pappas, Elliott

MOTION PASSED 5-0



City of Plymouth Zoning Board of Appeals Memorandum

City of Plymouth
201 S. Main
Plymouth, Michigan 48170

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

TO: Zoning Board of Appeals Commissioners
FROM: Greta Bolhuis, Planning & Community Development Director
DATE: April 19, 2023
RE: 253 W. Peal, Non-Use Variance Request

G. Tyler Krusen, owner, is requesting a non-use variance to construct a privacy fence within the front yard. The property is "L" shaped totaling 9,321 square feet. The property is zoned MU, Mixed Use.

Section 78-208 (9) states "Fences or walls within a required front yard setback shall be decorative style only consisting of wrought iron, metal, or picket fence. Decorative fences or walls placed within a front yard shall not exceed 30 inches in height." A fence height of 6 feet is proposed. A variance of 3.5 feet is required for the proposed front yard fence.

Should you have any questions, please contact me directly.





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.

Address of Property _____ Date of Application _____

Applicant Name _____ Property Owner _____

Address _____ City _____ State _____ Zip _____

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 \$300.00 for single family projects or \$550.00 for multi-family and non-residential. Visit the City's website for submittal deadlines and meeting dates: [Zoning Board of Appeals](#). Submit ten (10) hardcopies of the application and plans including but not limited to survey, plot map, building plans, and photos. One complete digital set of application materials shall be submitted on a flash drive or emailed to plans@plymouthmi.gov (maximum file size is 100 MB).

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:

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

Description of Property

Current zoning classification: _____

Current use of structure(s) on premises: _____

Is it a corner or interior lot? _____

Size and area of lot: _____

Total square footage of existing main structure(s): _____

Total square footage of accessory structure(s): _____

Existing [lot coverage](#) (percentage) of all buildings and structures: _____

Height of existing main and/or accessory structures: _____

Description of Proposed Structures

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

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

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

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

Height of proposed structure: _____

Lot coverage (percentage) after completion: _____

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 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.) A 30 inch fence will not screen the house from the mechanic's shop next door. This is unique because per Article XVIII Section 78-206 if the industrial property were opened today, a screen would be required and the parking lot would not be allowed in the front. Our house is also set in the back of the lot, so we only have a front yard.
2. What effect will the variance have on neighboring properties? This will bring the industrial property into compliance with Article XVIII Section 78-206 and will create a barrier between the residential and commercial sections of our street. The neighbor on the other side has already put in a fence to screen so this will not impact them.
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.) This is not self-imposed because the industrial property does not have a screen and has a front parking lot which casues headlights to shine into the house. The shape of the lot and location of the house when we bought it means we only have a front yard, with no barrier from the industrial property.
4. Why do the ordinance restrictions unreasonably prevent the owner from using the property for a permitted purpose? The residential ordinance prevents us from putting up a fence which would screen the house from the industrial property. This results in headlights shining into the house and views of broken down vehicles in the parking lot. We would put up a shadowbox fence that would match our neighbor's existing fence on the other side of our front yard.

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

[Signature]

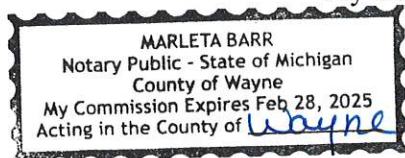
Signature of Property Owner

Signature of Applicant

Subscribed and sworn before me this 13th day of April, 2023

[Signature]
Notary Public

My Commission expires Feb 28, 2025



Effective Date: July 1, 2022

97 ft fence, 6 ft tall, shadowbox style

25 ft setback



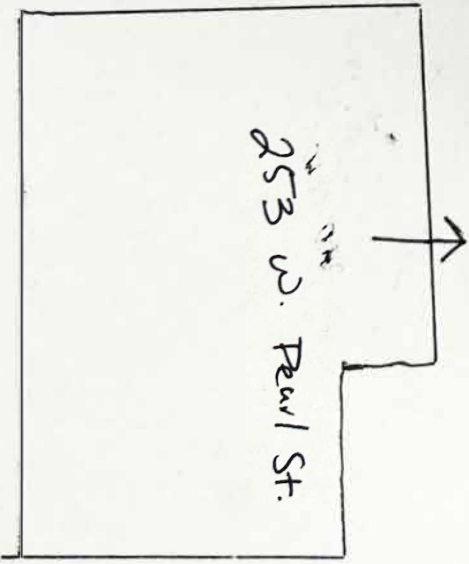
100.02

122.59



53

Pearl St.



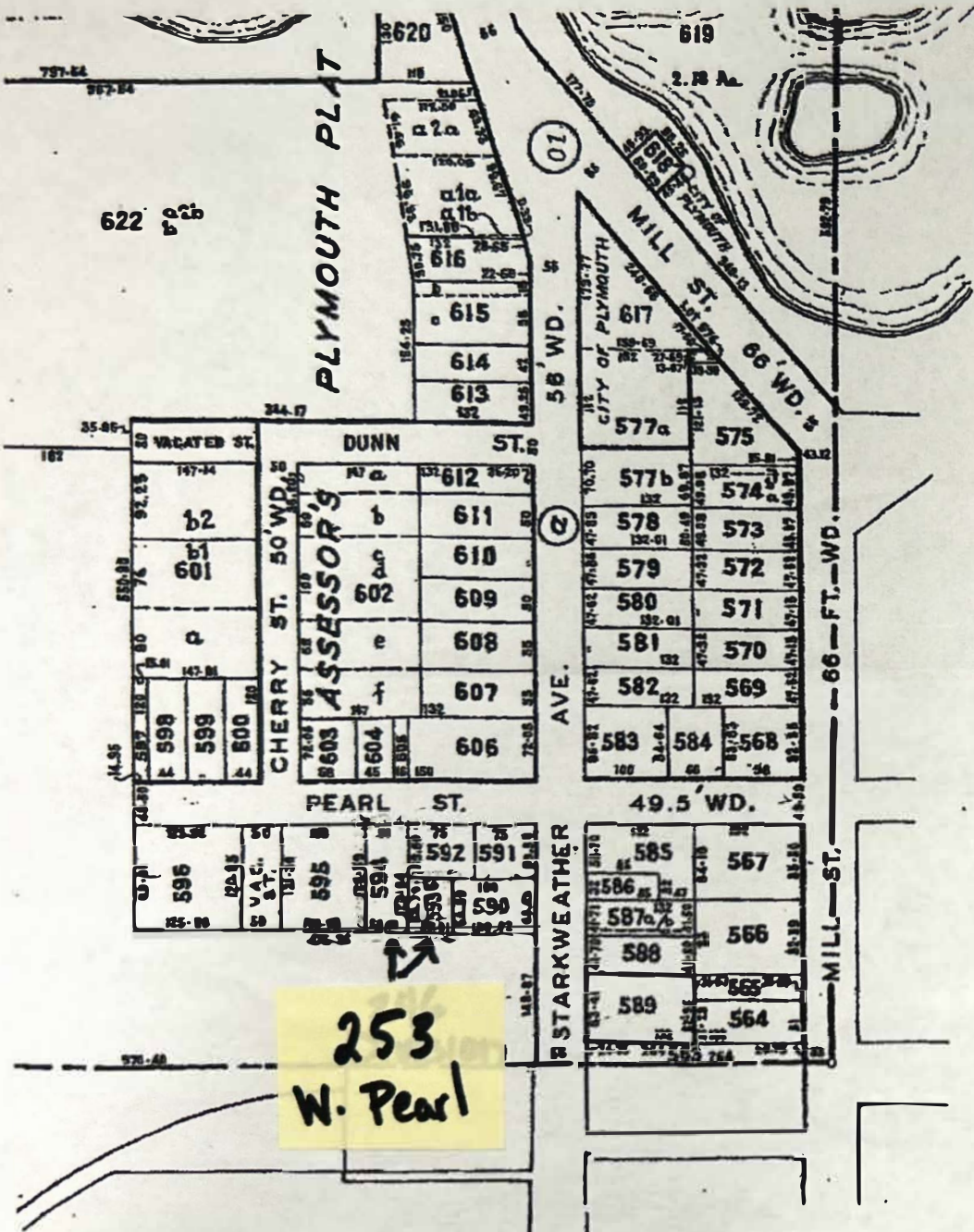
55.80

EXISTING FENCE

53

64.58





House on 50.0/50 64.33/63.74
 Vacant site 50.0/50 122.51/123.71

253
 W. Pearl

S.W. 1/4 SECTION 23
CITY OF PLYMOUTH
 T. 1 S. R. 8 E.
 WAYNE COUNTY, MICHIGAN
 SCALE 1 INCH = 200 FEET
**DEPARTMENT of MANAGEMENT and BUDGET
 ASSESSMENT and EQUALIZATION DIVISION**
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 BY LAW, UNDER THE FEDERAL COPYRIGHT STATUTE, 17 U.S.C. 101, ET AL.



