



City of Plymouth
Zoning Board of Appeals
Regular Meeting Minutes
Thursday, May 2, 2024 - 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 7:00 p.m.

Present: Chair Elliott, Vice Chair Jim Burrows, Members Mike Devine, Mike Pappas, Scott Silvers, Rebecca Smith

Also present: City Commission Liaison Brock Minton, Community Development and Planning 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 March 7, 2024 meeting.

There was a roll call vote.

YES: Burrows, Devine, Pappas, Silvers, Smith, Elliott

MOTION PASSED

4. APPROVAL OF THE AGENDA

Burrows offered a motion, seconded by Pappas, to approve the agenda for the May 6, 2024 meeting.

There was a roll call vote.

YES: Burrows, Devine, Pappas, Silvers, Smith, Elliott

MOTION PASSED

5. OLD BUSINESS

There was no old business.

6. NEW BUSINESS

a. Z 24-07, 0 Parking Lot – Arthur & Wil (008 04 0022 300) and 0 Parking Lot – Irvin Church (008 04 0063 300): non-use variance to construct a 4-foot tall fence within a front yard setback

Applicant Msgr. Todd Lajiness described his request for a height variance to build a 48" fence around the Our Lady of Good Counsel School's parking lots for the safety of students and to improve the appearance. Director of Facilities David Eley said the fence would be constructed of wrought iron.

Citizen Comments

Albert Brook, 1087 William, said OLGC was a good neighbor, and the fence was a good idea.

Jim Mulhern, 396 Arthur, said he didn't think a fence met the criteria of the ordinance, and that the request should have gone to the Planning Commission.

An email from Jennifer Frey was placed in the record.

Board Member Discussion

Board members stated they disagreed with the city administration about what streets should be considered front and side property lines. Administration determined that William St. was the front of the property, and board members were of the opinion that Irvin or Arthur should be the front.

Motion

Smith offered a motion, seconded by Devine to redefine the front and side property lines for the parcels referenced in Z 24-07 so that the Irvin St. property line is the front property line of the eastern-most parcel, and that Arthur St. is the front property line of the western-most parcel. William would be considered the side property line of both parcels.

There was a roll call vote.

YES: Burrows, Devine, Pappas, Silvers, Smith, Elliott

MOTION PASSED

Motion

Burrows offered a motion, seconded by Devine, to require the applicant to provide updated drawings that include the parcel information.

Devine seconded the motion and offered a friendly amendment requiring cut sheets from the manufacturer to provide more information on the fencing materials.

There was a roll call vote.

YES: Burrows, Devine, Pappas, Silvers, Smith, Elliott

MOTION PASSED

7. BOARD MEMBER COMMENTS

Elliott said Rob Mengel was named an alternate on the ZBA.

Burrows said he would be absent from the June meeting.

8. REPORTS AND CORRESPONDENCE

Bolhuis said the July ZBA meeting would fall on Independence Day, so it was rescheduled to July 2.

City Commission Liaison Brock Minton asked the group if they had any questions, and they said they did not.

9. ADJOURNMENT

Burrows offered a motion, seconded by Pappas, to adjourn the meeting at 7:29 p.m.

There was a roll call vote.

YES: Burrows, Devine, Pappas, Silvers, Smith, Elliott

MOTION PASSED

ZBA Members and Ms. Bolhuis,

Thank you for accepting my written comments with respect to the variance request by OLGC to install a 4' tall fence around the perimeter of their property on Irvin, Arthur and William Streets and four gates at driveway access points.

For the portion of the request on the ZBA agenda, I do not believe the applicant has demonstrated a need for the variance with respect to the required criteria. Additionally, I believe the ZBA is required to make an ordinance interpretation or an ordinance amendment is needed to determine if the the Irvin and Arthur frontages are side or front yards. If Irvin and Arthur are front yards, a variance would be required to construct the proposed 4' tall fence in those locations as well.

Practical Difficulty. The criteria requires the property itself, not the use, to possess an exception or unique quality compared to other properties. Typical conditions that may present a practical difficulty associated with property are: exceptional narrowness, shallowness, presence of floodplains, exceptional topographic conditions, presence of easements, etc. The subject site does not possess any exceptions or unique qualities compared to other properties in the immediate area or the City. The conditions of the property do not prevent compliance with the City's fence standards.

Effect on neighboring properties. Allowing a 4' tall fence in the front yard will allow the subject properties to have rights that other property owners in the neighborhood are not permitted. No other properties in the immediate neighborhood have a 4' tall fence in the front yard. Granting the variance could set a precedence for future requests.

Self imposed. There are other options available, that do not require a variance, to provide safety. Planters are proposed for a portion of the frontage on William. Planters will provide a barrier to vehicle and pedestrian traffic. Planters could be used for all of William frontage (and the Irvin and Arthur frontages, see additional considerations below) to achieve the stated safety objective. Planters are also used effectively for vehicle and pedestrian safety downtown.

Use of property. Installing a fence that complies with the ordinance does not unreasonably prevent the property from being used for a permitted use. The existing use has existed in this location for several decades. Granting the variance conflicts with the intent of the fence standards which is to limit fences in the front yard to those which are decorative in nature.

For additional consideration

- The ordinance and fence standards do not appear to address the four gates proposed at each driveway. Zoning ordinances are permissive ordinances, meaning if something is not addressed it is not permitted. I believe a variance is required to allow the gates
- A variance may also be needed for the fence to occupy the corner clearance area which requires a clear zone measures as a 15' corner triangle formed at the intersection of any driveway or alley and the street right-of-way line.
- The two subject lots are corner lots. For corner lots, the fence standards use the orientation of the homes/structures on the lots to determine if a lot line is a front yard or a side yard. The ordinance does not address what constitutes a front yard or a side yard for vacant lots, such as the subject lots. In the absence of structures on the subject properties, there is not a mechanism in the ordinance to determine if Irvin or Arthur are front or side yards. The lots could easily accommodate structures to front onto Irvin and Arthur, thus making the Irvin and Arthur frontages front yards which would require a variance for a 4' tall fence on these streets as well.

- The ordinance definition for “yard” also only addresses lots with a structure when determining if a yard is a front yard, side yard or rear yard. The ordinance states “Yards means the open spaces on the same lot with a main building unoccupied and unobstructed from the ground upward except as otherwise provided in this chapter”. The ordinance does not define what constitutes a front, side or rear yard for lots without a structure.

For these reasons, I do not believe a 4’ tall fence with gates is permitted along the Irvin and Arthur Street frontages without a variance, an ordinance interpretation by the ZBA (to determine front and side yards for lots without a structure) or an ordinance amendment to address yards and fence locations on vacant lots.

Thank you for taking the time to consider these things in relation to the ZBA criteria for granting the variance and for how to address the Irvin and Arthur frontages in the absence of an ordinance regulation or definition as it pertains to determining front, side and rear yards on lots that do not have a structure/are vacant.

Respectfully,

Jennifer Frey
550 North Evergreen

From: [Geff Phillips](#)
To: [Bolhuis, Greta](#)
Subject: Plymouth resident comment on OLGc proposed parking lot fence
Date: Wednesday, May 1, 2024 3:37:45 PM

Greta Bolhuis, AICP
Planning & Community Development Director

Hello Ms. Bolhuis,

My name is Geoffrey F. Phillips and I am a Plymouth resident. My address is 397 Arthur St. Plymouth, MI 48170. The reason for this email is to formally register my name against the approval of a fence around the OLGc Parking Lot at Arthur St. and William St.

I was made aware of a meeting scheduled for May 2, 2024 to discuss this topic. I am unable to attend the meeting on May 2 so I am providing this email in advance of the meeting. I would ask that this message be formally noted in the May 2 meeting notes/comments so it is registered.

I have lived down the street from the OLGc parking lot since 2001. We see the children playing in the lot daily but people drive slow and things are very well monitored during the school days. On weekends and after school hours the lot serves as a casual play space for resident families.

I see no need for a fence and feel it will have a detrimental effect on the appearance of the area and will make it look more like a "prison-area" than a local parking lot/park.

Parking Issues?

I am not certain if residents who live very close to the lot use it to park at night, but (if this is an issue) it seems as if OLGc could simply provide signage to instruct people that they are not allowed to park in the lot. Or they could charge local residents a parking fee and receive financial benefit to the school.

I do not have all of the answers to every issue that may arise but I wanted to pass along my dislike of the OLGc fence plan. Please feel free to reach out to me if discussion is required and thank you for your work and attention to this matter.

PS - If you could bounce back to this email to confirm its receipt I would appreciate it.

Sincerely,

--

Geff Phillips

[Redacted signature]

****CAUTION: This email originated from outside of your organization. Use caution when**

From: [Brodie, Maureen](#)
To: [Buzuvis, John](#); [Bolhuis, Greta](#)
Subject: FW: Zoning Board of Appeals Notice
Date: Tuesday, April 23, 2024 8:39:08 AM

From: Benjamin & Kerstin Gündling [REDACTED] >
Sent: Tuesday, April 23, 2024 8:29 AM
To: Group - Clerk <Clerk@plymouthmi.gov>
Subject: Fw: Zoning Board of Appeals Notice

Dear Zoning Board of Appeals Members,

We did receive the enclosed notice regarding the planned fence at the Lady od Good Consel parking lot.

We were surprised that no real reason is mentioned for putting up that fence. Perhaps that will be further explained on May 2. Unfortunately, we cannot come to said meeting. In any event, the parking lot did not need a fence like this in decades.

Instead it had been an open space that was beneficial for the neighborhood. For example many kids have learned to ride their bike right there. During times when there is no school, especially during summer break kids were able to play there.

Keeping it open should be a reasonable sign to the neighborhood. It does not look very nice and appears like the school want to shield and protect itself from the neighborhood. Operating a school this size in a residential area needs to be a given and take situation. The residents have to manage with things like traffic and noise. And the school should be able to keep the parking lot open.

Therefore, we do not agree with the fence or any waiver that would allow to build it.

Best regards,

Benjamin & Kerstin Guendling

333 Arthur Street

Sent from my iPhone

****CAUTION: This email originated from outside of your organization. Use caution when clicking on links or opening attachments. Contact the sender by phone to validate the contents.****
