

# City of Plymouth Zoning Board of Appeals Regular Meeting Agenda Thursday, October 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 Zoom Webinar <u>https://us02web.zoom.us/j/86158877982</u> Webinar ID: 861 5887 7982 Passcode: 238962

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 MINUTESa) Approval of the September 2, 2021, meeting minutes
- 4) APPROVAL OF THE AGENDA
- 5) OLD BUSINESS

## 6) **NEW BUSINESS**

- a) Z 21-17: 718 Burroughs, non-use variance for Generator location
- b) Z 21-18: 885 Fralick, non-use variance for: Landscape buffer along Fralick
   Private parking area exceeding six spaces
   Locating parking area not in the rear yard
   Parking area exceeding 19-foot maximum depth
- 7) COMMISSIONER COMMENTS
- 8) **REPORTS AND CORRESPONDENCE**
- 9) ADJOURNMENT

<u>Citizen Comments</u> - 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.

#### GOAL I - QUALITY OF LIFE

#### OBJECTIVES

Support the neighborhoods with high-quality customer service

Engage in collaboration with private entities and surrounding municipalities to implement the Joint Recreation Master Plan

Improve communication with the public across multiple platforms Maintain a high level of cleanliness throughout the City

iviaintain a high level of cleanliness throughout the City

Support and host a diverse variety of events that foster community and placemaking

**ONE-YEAR TASKS 2021** 

Restore sports and recreational programs that were halted by COVID-19 as soon as possible

Review and evaluate the special event policy with safety considerations

Address challenges with the Kellogg Park improvements with safety considerations

Move Kellogg Park Fountain project forward

Continue to re-engage service clubs to help enhance parks and public properties

Increase followers by 2,000 on all our communications platforms

Develop an internal and external communications plan

Upgrade City Hall facilities to accommodate remote meetings and remote participation Continue investigating multi-modal transportation opportunities

Revisit noise ordinance

#### **GOAL II - FINANCIAL STABILITY**

OBJECTIVES

Approve balanced budgets that maintain fiscal responsibility

Advocate for increased revenue sharing with the State of Michigan

Encourage and engage in partnerships, both public and private, to share costs of services and equipment

Address the issue of legacy costs

Seek out and implement efficient and effective inter-departmental collaboration

Market our successes to attract new economic and investment opportunities

ONE-YEAR TASKS 2021

Identify mechanisms for funding sources for capital improvement projects

Increase funding to the Public Improvement Fund

Create a potential package for financing emergency structural repairs

Develop a comprehensive asset management plan that includes a review of the equipment fleet

Search out other possible revenue streams through continued association with the CWW and the MML

Develop a financial plan for public safety

Continue to make extra payments towards legacy costs

Monitor outside influences on our revenue sources, including unfunded mandates, the 35<sup>th</sup> District Court and the PCCS Negotiate three labor contracts

#### GOAL III - ECONOMIC VITALITY

#### OBJECTIVES

Continue to support and improve active, vibrant downtown branding Support community and economic development projects and initiatives Support a mix of industrial, commercial and residential development Reference the <u>Master Plan</u> in economic decision-making

ONE-YEAR TASKS 2021

Complete Saxton's development

Develop municipal parking lot at Saxton's site

Support development of 23 parcels adjacent to the Starkweather School property

Continue to administer the grant and the brownfield plan to support the Pulte project's completion

Finish Redevelopment Ready Community (RRC) certification by the end of 2021

Develop an annual training calendar for the Planning Commission, the Historic District Commission, the Zoning Board of Appeals and the DDA, and identify a funding source

Implement temporary plans to assist businesses in recovery efforts

#### GOAL IV - SERVICE AND INFRASTRUCTURE

OBJECTIVES

Support administration and staff by providing professional development opportunities, supplying resources, and maintaining a

commitment to recruitment, retention, succession planning

Support and deliver safe and responsive emergency services

Maintain a sophisticated and responsive technology to communicate and manage data

Continually record, maintain, update, and improve City infrastructure

ONE-YEAR TASKS 2021

Explore enhanced pedestrian safety opportunities into targeted intersections

Research funding opportunities for ADA compliance at the PCC

Implement 2021 infrastructure program

Continue training for future career development and succession planning

Conduct a traffic study to determine whether to make additional streets one way

Update mapping resources including parcel data, completing 50% by the end of the year

Update/replace current technology to ensure compliance with new regulations, rules, and operating systems Revisit paid parking



# City of Plymouth Zoning Board of Appeals Regular Meeting Minutes Thursday, September 2, 2021 - 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, Ed Krol, Scott Silvers (arrived at 7:27 p.m.)

Also present: Community Development Director John Buzuvis and City Commissioner Tony Sebastian

#### 2. CITIZENS COMMENTS

There were no citizen comments.

### 3. APPROVAL OF THE MEETING MINUTES

Burrows offered a motion, seconded by Devine, to approve the minutes of the August 5, 2021 meeting. Krol asked to abstain from voting on this item because he was not present at the meeting.

There was a roll call vote. Yes: Burrows, Devine, Elliott

**MOTION PASSED 3-0** 

#### 4. APPROVAL OF THE AGENDA

Krol offered a motion, seconded by Burrows, to approve the agenda for September 2, 2021.

There was a roll call vote. Yes: Burrows, Devine, Elliott, Krol

**MOTION PASSED 4-0** 

#### 5. OLD BUSINESS

a. Z-21-15: 148 E. Spring, non-use variance for side and front yard setback for porch. Applicant Bill Broucek explained his request.

#### **Citizen Comments**

There were no citizen comments.

#### **Board Comments**

Board members discussed the request and noted that a smaller variance than the one requested would be sufficient for the applicant's needs.

Devine offered a motion, seconded by Krol, to approve the request in Z 21-15 for a 3.02-foot variance to the required 15-foot front yard setback

### Findings of Fact

The variance is for a porch, which is a desirable element for walkability and the request seems to meet the intent of the incentive porch ordinance.

#### Condition

This variance is only for an unenclosed porch one story high.

#### Discussion

There was a question about what would happen if the area was rezoned residential in the future. Buzuvis replied that there were no plans to do so, but the property wouldn't be affected if it were. Silvers said he arrived in time to hear the motion online and it was agreed that he would vote on it.

There was a roll call vote.

Yes: Burrows, Devine, Elliott, Krol, Silvers

**MOTION PASSED 5-0** 

Devine offered a motion, seconded by Burrows, to approve the second request in Z 21-15 to allow a side yard setback variance of four feet in the east side yard.

#### Findings of Fact

The adjacent properties are currently not residential and will not be in the foreseeable future. With the variance, there would be a six-foot setback, which is typical for a residential property.

There was a roll call vote.

Yes: Burrows, Devine, Elliott, Krol, Silvers

**MOTION PASSED 5-0** 

#### 6. NEW BUSINESS

#### a. Z21-16: 123 N. Union, non-use variance for side yard setback

Applicant Michael Zydek explained his request.

#### **Citizen Comments**

There were no citizen comments.

#### **Board Comments**

The board noted that the request would not expand the structure outside its current footprint.

Devine offered a motion, seconded by Burrows, to approve Z-21-16 for a side yard setback of 2.5 feet.

#### Finding of Fact

The lot contains unique characteristics in that it is narrower than an average lot and has a skewed orientation.

Adjacent properties are zoned mixed use, which affords some consideration for a side yard variance.

#### Condition

The variance only applies to a second-floor addition, as shown in the application.

There was a roll call vote.

Yes: Burrows, Devine, Elliott, Krol, Silvers

**MOTION PASSED 5-0** 

#### 7. COMMISSIONER COMMENTS

Burrows asked whether there were any ZBA candidates. Buzuvis said he would check with City Commissioner Suzi Deal.

#### 8. REPORTS AND CORRESPONDENCE

Buzuvis said it is expected that the next meeting would still take place via Zoom. Krol asked if notices of ZBA meetings were still being published in the Plymouth Observer and Buzuvis said they were.

#### 10. ADJOURNMENT

A motion to adjourn was offered at 7:56 p.m. by Krol and seconded by Burrows.

There was a roll call vote.

Yes: Burrows, Devine, Elliott, Krol, Silvers

**MOTION PASSED 5-0** 

## City of Plymouth Zoning Board of Appeals Notice Thursday, October 7, 2021 – 7:00 p.m. 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, October 7, 2021 at 7:00 P.M. online via Zoom to consider the following:

Z21-17 Non-Use Variance Request for 718 Burroughs Generator location Zoned: R-1, Single Family Residential Applicant: Neil O'Donnell

Z21-18 Non-Use Variance Requests for 885 Fralick Landscape buffer along Fralick Private parking area exceeding six spaces Locating parking area not in the rear yard Parking area exceeding 19-foot maximum depth Zoned: B-2, Central Business Applicant: Westborn Market

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, September 23, 2021



# City of Plymouth Zoning Board of Appeals Memorandum

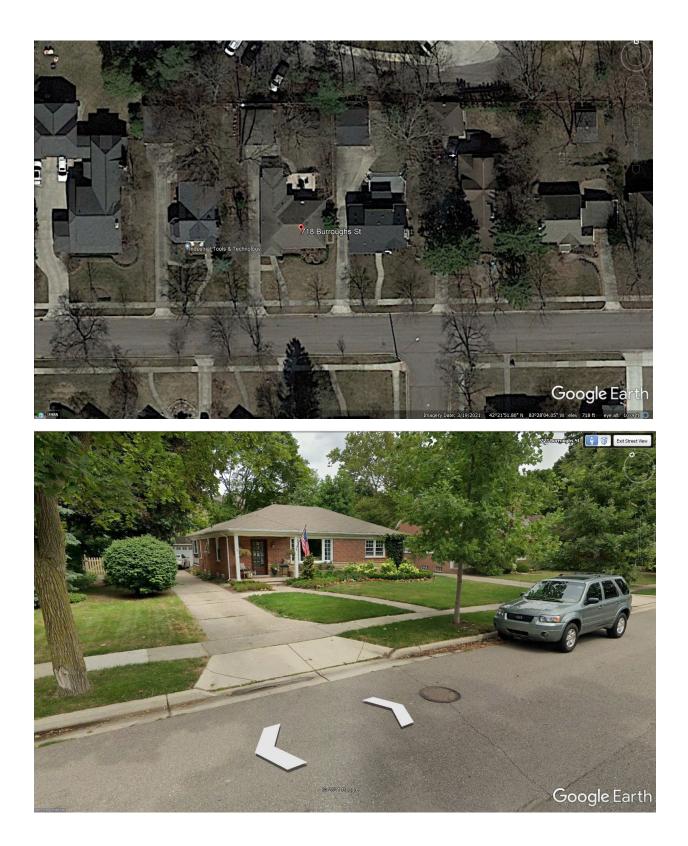
City of Plymouth 201 S. Main Plymouth, Michigan 48170 www.plymouthmi.gov Phone 734-453-1234 Fax 734-455-1892

TO:Zoning Board of Appeals CommissionersFROM:Greta Bolhuis, Assistant Community Development DirectorDATE:September 22, 2021RE:718 Burroughs, Non-Use Variance Request

Neil O'Donnell, owner, is requesting a non-use variance to place a generator in the side yard setback. The property is 64 feet wide by 141 feet deep. The property is 9,024 square feet and is zoned R-1, Single Family Residential.

Section 78-217 references that generators are not permitted to be placed in any required setback. The proposed generator would be placed within the required side yard setback. A variance is required.

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





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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.

718 Burroughs St. Plymouth MI 48170		Aug.	25, 2021	
Address of Property		Date of	of Application	
Neil and Kelly O'Donnell	Neil and Kelly O'Donnell			
Applicant Name	Property Owner		13	
718 Burroughs St. Plymouth MI 48170				
Address	City	State	Zip	
odonnellkelly@yahoo.com	248-760-8130			
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: <u>Zoning Board of Appeals</u>. 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 flashdrive or emailed to <u>mailto:plans@plymouthmi.gov</u> (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.

Effective Date: 4/14/2021

1

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

I (We) hereby appeal to the Zoning Board of Appeals for a variance to: Locate a generator 26" into the 6' side yard set back (see attached drawing) on east side of property.

#### **Description of Property**

Current zoning classification: Residential

Current use of structure(s) on premises: Residential

Is it a corner or interior lot? Interior

Size and area of lot: 60 x 140

Total square footage of existing main structure(s): 1585

Total square footage of accessory structure(s): <u>4'</u>

Existing lot coverage (percentage) of all buildings and structures: 8400

Height of existing main and/or accessory structures: one-story ranch home

#### **Description of Proposed Structures**

Dimensions and area of structure or addition to be constructed: 28"w x 26"d
Front yard setback after completion (measured from property line): <u>na</u>
Rear yard setback after completion (measured from property line): na
Side yard setback after completion (measured from property line): 3'10"
Height of proposed structure: <u>37</u> "
Lot coverage (percentage) after completion: <u>18.8%</u>
Residential Only: Floor Area Ratio (FAR) after completion (shall not exceed 0.4):
$\mathbf{v}$ 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:

- 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.) Locating our generator outside the setback is not possible
  as we have zero feet of clearance between the house and the 6' setback on the side of the
  house. The back of the house has an established deck running against the length of the back of
  house, and our driveway runs within 2 feet of the house on the west side.
- 2. What effect will the variance have on neighboring properties? Our air conditioner unit is already established at this location on the side of the house, so the new generator would fit in this area. Further, the neighbor has approved (see attached) and even declined my offer to screen with arborvitae because she didn't see it as intrusive as it's only facing her driveway.
- 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.) The deck and tree have been in existance for many years before we decided to install a generator. We have chosen the smallest footprint generator available 28"w x 37"h x 26"d, similar to the A/C unit we already have, so as to have the least impact aesthetically and physically within the setback. Neither the AC nor the generator are visible from the street due to an evergreen in front of them.
- 4. Why do the ordinance restrictions unreasonably prevent the owner from using the property for a permitted purpose? With an air conditioner already in this location, the side of the house is the natural spot for this appliance. It's a small footprint generator, just 28"w x 37"h x 26"d. This 26" incursion into the setback seems like a reasonable use.

I hereby depose and say that all the above st	tatements and the statements co	ntained in the papers submitted
herewith are true and correct:	Kelle DAD	anell Me
Signature of Property Owner Subscribed and sworn before me this 26th	Signature of Applican day of August	L
	Seclul Ship	
	My Commission expires	ovember 11, 2024

Leslie A. Shipley NOTARY PUBLIC - STATE OF MICHIGAN COUNTY OF LIVINGSTON My Commission Expires Nov. 11, 2024 Acting in the County of OAK Land

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Effective Date: 4/14/2021

# Neighbor Approval For Generator

From: Mary Hardenbergh (mary@hardenberghs.com)

To: odonnellkelly@yahoo.com

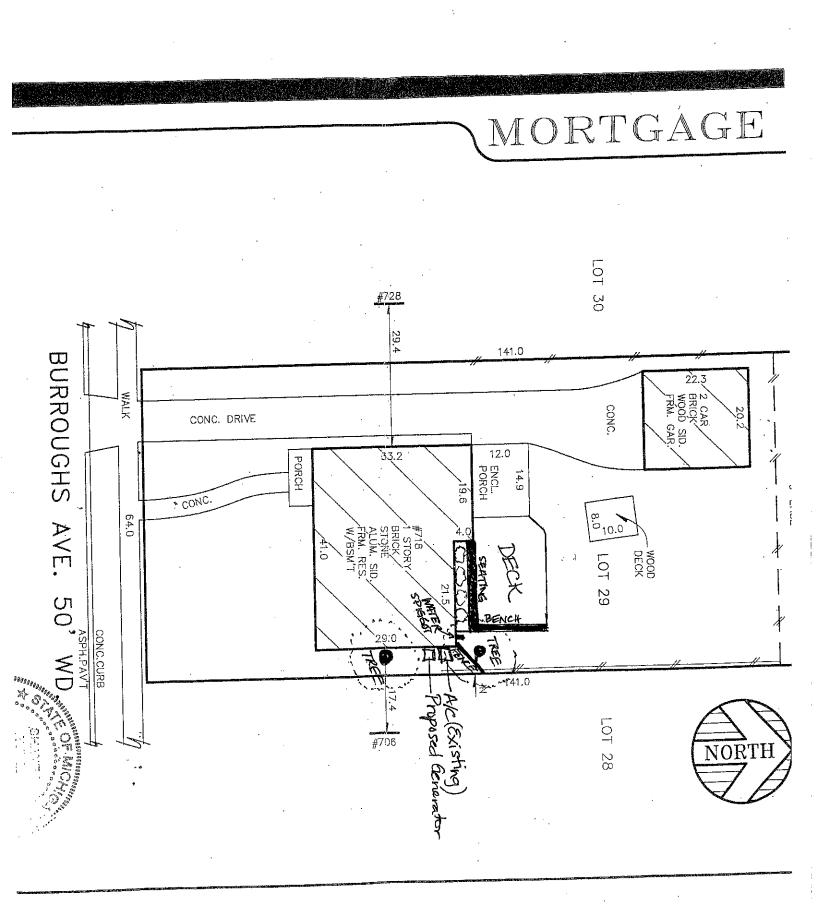
Date: Tuesday, August 17, 2021, 11:33 AM EDT

Hi Kelly,

I received your note about wishing to install a generator on the east side of your house next to mine. Please share with the City that I have no issue with this installation and you have my approval.

Best Regards,

Mary Hardenbergh 706 Burroughs Plymouth, MI 48170 313-492-6547 Sent from my iPhone



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# 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, Assistant Community Development Director
DATE:	September 22, 2021
RE:	885 Fralick, Non-Use Variance Requests

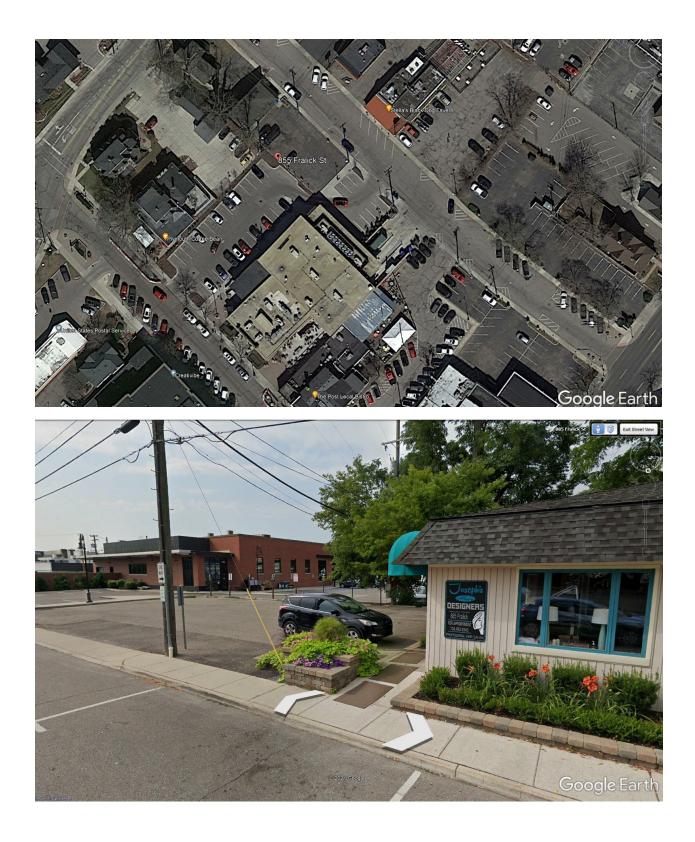
Westborn Market, applicant, is requesting non-use variances to construct a parking lot. The property is approximately 125 feet wide and approximately 55 feet deep. The property is approximately 6,875 square feet and is zoned B-2, Central Business District.

Section 78-104 (b) states "Private parking or loading areas may be allowed along the rear of a building and adjoining a public alley. The parking or loading area shall be limited to the width of the building and a maximum depth of 19 feet. The private parking area shall not exceed six spaces and/or one loading zone. Screening of the parking or loading zone area shall be provided along adjacent streets if viewed from the right-of-way." The proposed parking lot would connect to the existing Westborn Market parking lot. A variance is required to locate the parking lot not in the rear yard and adjoining a public alley. A variance is required to construct a private parking area that exceeds six spaces. A variance is required to construct a parking area exceeding a depth of 19 feet.

Section 78-203 (3 (a) (1) states "Parking lots which are visible from a public right-of-way (excluding a public alley) shall have the following landscaping between the parking lot and the right-of-way: A landscaped strip at least ten feet in width or wider as may be required." A landscape buffer of 6 feet is proposed. A variance of 4 feet is required.

Note: On March 3, 2015 variances were approved for 860 Penniman: to allow the proposed parking lot to exceed 19 feet, to not require it be connected to a public alley, and to allow it to exceed 6 spaces. Additionally, a variance to reduce the landscaping buffer along Fralick from 10 feet to 6 feet was approved. Variances were also approved for 870 Penniman: to allow surface parking to exceed 6 parking spaces, to exceed 19 feet in depth, to allow parking in the side yard rather than rear yard, and to allow the parking lot to not be connected to an alley.

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





RECEIVED

SEP 10 2021

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.

885 Fralick Ave		September 6, 2021
Address of Property		Date of Application
Westborn of Plymouth LLC.	Applicant	
Applicant Name	Property Owner	
860 Penniman	Plymouth	MI 48170
Address	City	State Zip
bbandykowestboen	MARKet.com	248 330 -4591

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: <u>Click here to see full ordinance language.</u>

- 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.

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1

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

1) To allow a six foot (rather than 10 foot) landscape buffer along Fralick. 2) To allow a private parking lot at 885 Fralick that is not in the rear yard of the building and exceeds 19 feet maximum depth, more than six (6) spaces and is not connected to a public alley (Sec 78-104)

Description of Property
Current zoning classification:B-2
Current use of structure(s) on premises: Small Business
Is it a corner or interior lot? <u>No</u>
Size and area of lot:0.158 Ac
Total square footage of existing main structure(s): <u>1235 SF</u>
Total square footage of accessory structure(s): 0 SF
Existing lot coverage (percentage) of all buildings and structures: <u>18%</u>
Height of existing main and/or accessory structures: <u>10 Feet</u>

## **Description of Proposed Structures**

Dimensions and area of structure or addition to be constructed: <u>N/A</u>
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):

 $\square$  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:

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.)

There are no proposed changes to the existing building. The proposed parking lot connection is a modification to the existing parking lot that currently sites along the side yard of the subject site. There is not adequate room to move the parking lot to the rear yard of the subject site.

2. What effect will the variance have on neighboring properties? \_\_\_\_\_

There will be no negative effect to the neighboring properties as a result of the proposed modification as the current parking lots currently exist.

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

4. Why do the ordinance restrictions unreasonably prevent the owner from using the property for a permitted purpose?

The site is currently non-complying with the current ordinance requirements and is currently does not prevent the owners of the subject site from using the site as an individual establishment, however the site in it's current state does not allow the current owner to share parking with the adjacent Westborn Market which is owned by the same entity.

I hereby depose and say that all the above statements and the statements contained in the papers submitted herewith are true and correct: (1)

Call Coulik	Brijan Bandyk
Signature of Property Owner	Signature of Applicant
Subscribed and sworn before me this_	10th day of September, 2021
MARLETA BARR Notary Public - State of Michigan County of Wayne My Commission Expires Feb 28, 2025 Acting in the County of Loggne	Marleta Barr Notary Public My Commission expires 2/28/2025

Effective Date: 4/14/2021

