

# City of Plymouth Zoning Board of Appeals Regular Meeting Agenda

Thursday, December 2, 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

Please click the link to join the webinar: https://us02web.zoom.us/j/83124541111

Webinar ID: 831 2454 1111

Passcode: 933484

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 October 7, 2021, meeting minutes
- 4) APPROVAL OF THE AGENDA
- 5) OLD BUSINESS
- 6) **NEW BUSINESS** 
  - a) **Z 21-19**: 1115 S. Main, non-use variances to not provide a landscape buffer and to not provide screening for the air conditioning condenser
- 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.

# City of Plymouth Strategic Plan 2017-2021

#### **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

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 35th 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 Master Plan 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, October 7, 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, 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 Silvers, to approve the minutes of the September 2, 2021 meeting.

There was a roll call vote.

Yes: Burrows, Devine, Elliott, Silvers

**MOTION PASSED 4-0** 

# 4. APPROVAL OF THE AGENDA

Burrows offered a motion, seconded by Silvers, to approve the agenda for October 7, 2021.

There was a roll call vote.

Yes: Burrows, Devine, Elliott, Silvers

**MOTION PASSED 4-0** 

# 5. OLD BUSINESS

There was no old business.

### 6. NEW BUSINESS

a. Z21-17: 718 Burroughs, non-use variance for generator location Applicant Kelly O'Donnell described her request.

# Citizen Comments

There were no citizen comments.

# **Board Comments**

Board members expressed concern that the proposed placement of the generator could pose a safety risk due to exhaust, and they suggested an alternate location.

Silvers offered a motion, seconded by Burrows, to approve Z-21-17 to allow a generator in the side yard setback.

# Finding of Fact

There are limited locations to place the generator on the property.

# **Conditions**

The generator can be no closer than five feet from any opening in the structure.

Vegetation or some other physical barrier must be installed to attenuate noise traveling to the neighbor.

The footprint is limited to a maximum of six square feet.

There was a roll call vote.

Yes: Burrows, Devine, Elliott, Silvers

**MOTION PASSED 4-0** 

b. Z21-18: 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

Dan LeClair from Greentech Engineering described the requests.

#### Citizen Comments

Kristin McHale-Johnson, 712 Fairground, said the current parking lot is difficult and the proposed project looks like a good solution.

# **Board Comments**

Comm. Devine asked about the traffic pattern of the parking lot. Mr. LeClair explained the parking lot will accommodate two-way traffic. Comm. Devine preferred to see it stay one-way.

Chair Elliott preferred to see entry and exit on Fralick and Penniman be enter only.

Comm. Devine wanted to see no exit onto Penniman.

Comm. Silvers agreed with Chair Elliott's suggestion.

Comm. Devine wanted to see landscaping added where the proposed concrete walk along the south property line was proposed.

The Board agreed Comm. Silvers would relay the Board's comments to the Planning Commission.

Devine offered a motion, seconded by Burrows, to approve the portion of Z21-18 for a private parking area exceeding six spaces, locating the parking area not in the rear yard, and for the parking area exceeding a 19-foot maximum depth.

# Findings of Fact

The proposal improves an existing non-conformity.

The proposal improves pedestrian flow throughout the site.

The proposal provides better overall traffic flow throughout the site.

There was a roll call vote.

Yes: Burrows, Devine, Elliott, Silvers

**MOTION PASSED 4-0** 

Devine offered a motion to approve the portion of Z21-18 for a variance of four feet for a landscape buffer northwest of the drive entry on Fralick.

# Finding of Fact

The proposed project improves existing nonconformity and introduces landscaping elsewhere on the site.

There was a roll call vote.

Yes: Burrows, Devine, Elliott, Silvers

MOTION PASSED 4-0

# 7. COMMISSIONER COMMENTS

Silvers said the Planning Commission should consider some new ordinances addressing generator placement.

Elliott said he would like to see guidance in such an ordinance on where generators would be allowed, not just where they would not be allowed.

Elliott said Ed Krol resigned from the ZBA due to health issues, and that the board would miss him.

# 8. REPORTS AND CORRESPONDENCE

There were no reports or correspondence.

# 9. ADJOURNMENT

A motion to adjourn was offered at 8:08 p.m. by Burrows and seconded by Devine.

There was a roll call vote.

Yes: Burrows, Devine, Elliott, Silvers

**MOTION PASSED 4-0** 



# 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, Assistant Community Development Director

DATE: November 22, 2021

RE: 1115 S. Main, Non-Use Variance Requests

Eunice Low, owner, is requesting non-use variances to have a 0-foot landscape buffer and to leave the air conditioner unscreened. The property is 73.3 feet wide by 119.5 feet deep. The property is 9,017 square feet and is zoned B-1, Local Business.

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 0-feet and 2.83 is proposed. A variance of 10 feet is required.

Section 78-213 (1) states "All such equipment shall be screened by a solid wall, fence, landscaping and/or architectural feature that is compatible in appearance with the principal building." No screening is proposed for the air conditioning condenser. A variance is required leave the air conditioner unscreened.

The parking requirements were discussed by the Planning Commission. The table below shows the revised parking calculation as agreed upon by the Planning Commission.

Use	Required	Provided
Professional offices of doctors, dentists, or similar profession	One space for each 75 square feet of usable floor area in waiting room plus  One space for each examining room, dental chair, office, laboratory, x-ray therapy room, or similar use area plus  One for each one employee =  (94 s.f. / 75 = 2 spaces) + (3 exam, 1 office, 1 x-ray/operating = 5 spaces) +  (8 employees = 8 spaces) = 15 spaces	15 spaces

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





Landscape buffer located on the North side.

AC Condenser location and screening ZBA Mtg 12/2/21

ITEM 6. a.



NOV 0 9 2021

# 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.

1115	SOUTH	MAIN		11/2	121
Address of Prope	rty	***************************************	345	Date of Ap	plication
Eunice	e low/	APS RE	Hy Holding	s LLC	
Applicant Name	,		roperty Owner		_
Eunice	Low /	Aps Real	ty Holdings	1115 S. MAN	PLYMOOTH WI
Address			lity	State Zip	Xo 170
dr.low@	Colonial	dinic . co	m 313.	695. 8406	181/0
Email			hone		

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. 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 mailto: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.

I (We) hereby appeal to the Zoning Board of Appeals for a variance to: Canterage buffer & Northwards of Entropy 18 18-213 (2) HVAC Conclensive Unit Surgeoing (78-213)
Description of Property
Current zoning classification: BI-LOCAL BUSINESS
Current use of structure(s) on premises: VETERINARY CLINIC
Is it a corner or interior lot? COLNEL
Size and area of lot: 114.5' x 75.3' = 8998.35 SQ, FT. 0:206 AC
Total square footage of existing main structure(s): $\frac{256450.FT}{50.FT} = \frac{2434}{50.FT} = \frac{2434}{50.FT} = \frac{2434}{50.FT}$ Total square footage of accessory structure(s):
Existing lot coverage (percentage) of all buildings and structures: 1407 /8998.35 = 15.6.%  Height of existing main and/or accessory structures: 21-0 TO PEAK/15-3" TO 1/2 FAKE \$  PLEASE SEE SHEET A2.1 TEXE
Description of Proposed Structures
Dimensions and area of structure or addition to be constructed: 24×42 AFPRICX 57050, FT
Front yard setback after completion (measured from property line): 101
Rear yard setback after completion (measured from property line): 6718"
Side yard setback after completion (measured from property line): 151-111
Height of proposed structure: $\frac{16^{10}}{16^{10}}$ $\frac{16^{10}}{16^{10}}$ Lot coverage (percentage) after completion: $1407 + 876 = 2277 + 8978.35 \times 25,3$
Lot coverage (percentage) after completion: 1407 + 56 = 2277 / 8418.35 > 25,3
Residential Only: Floor Area Ratio (FAR) after completion (shall not exceed 0.4):
A scaled drawing or boundary survey depicting the above information.

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

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.)							
	Planse see attached							
2.	What effect will the variance have on neighboring properties?							
	tlesse secondune)							
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 district							
	please see attribled							
4.	Why do the ordinance restrictions unreasonably prevent the owner from using the property for a permitted purpose?  ———————————————————————————————————							
	tereby depose and say that all the above statements and the statements contained in the papers submitted rewith are true and correct:							
A. 5 Text 1	5)							
Sis	gnature of Property Owner Signature of Applicant							
	bscribed and sworn before me this 9th day of November, 20 21							
	JACQUELINE MASSEY Notary Public, State of Michigan County of Washtenaw My Commission Expires 05-15-2024 Acting in the County of Washtenaw							
3	Acting in the County of Little Effective Date: 4/14/2021							

Addendum to Dimensional (Non-Use) Variance Application

11/2/2021

Colonial Veterinary Clinic / Eunice Low / APS Reality Holdings LLC 1115 South Main Plymouth, MI 48170

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 satisfy aesthetic concerns.)

Parking Lot Screening — There is not enough room to provide the landscape screening between the sidewalk and the parking lot. The parking lot is existing.

HVAC Screening – Screening the HVAC equipment from the adjacent commercial property will tighten the turning area into an already narrow drive. The adjacent property is a commercial use and has limited number of windows on the adjacent building wall.

2. What effect will the variance have a neighboring property?

Parking Lot Screening – The parking lot is existing and has been in place for a number of years. The non-screened condition is consistent with a number of properties in the area.

HVAC Screening – Not screening the HVAC units should have little effect on the adjacent properties. The proposed screening at the rubbish can will provide screening from the street.

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 considerations and self-created hardships are unacceptable grounds for a variance.)

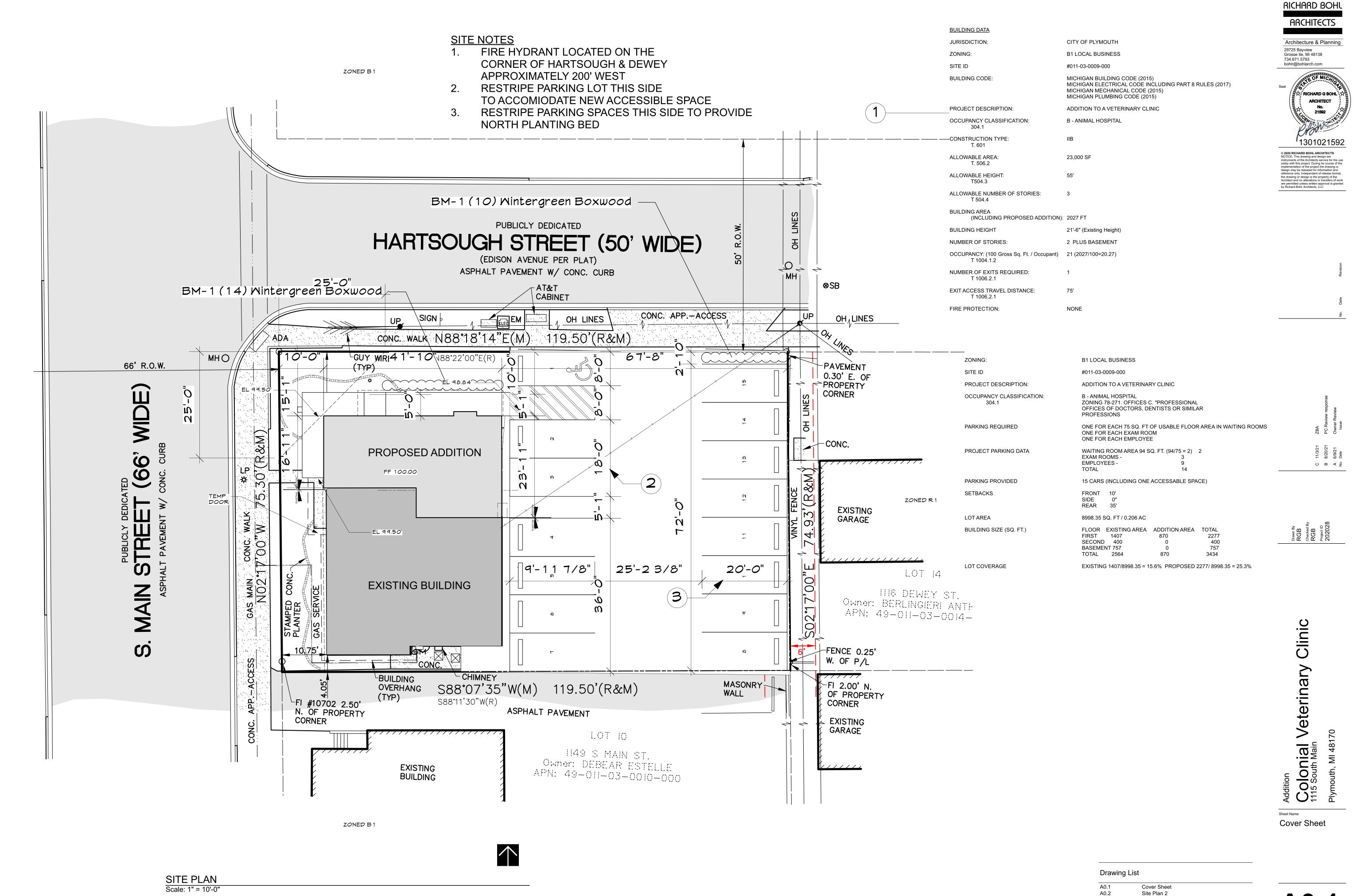
Parking Lot Screening - Providing the parking lot screening required by the ordinance would necessitate the removal of a parking space making the site parking deficient by ordinance and by intended use.

HVAC Screening - The HVAC condenser location is existing. This project proposes adding an additional condenser. Screening the HVAC equipment from the adjacent commercial property will tighten the turning area into an already narrow drive.

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

Parking Lot Screening – Providing the parking lot screening required by the ordinance would necessitate the removal of a parking space making the site parking deficient by ordinance and by intended use.

HVAC Screening - Screening the HVAC equipment from the adjacent commercial property will tighten the turning area into an already narrow drive and inhibit access to the equipment for maintenance.



Survey information from a survey by: Norwak & Fraus Engineers, Kevin Navaroli, Professional Surveyor 53502, dated

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A1.1

A1.2

A1.3

A3.1

Demolition Plan

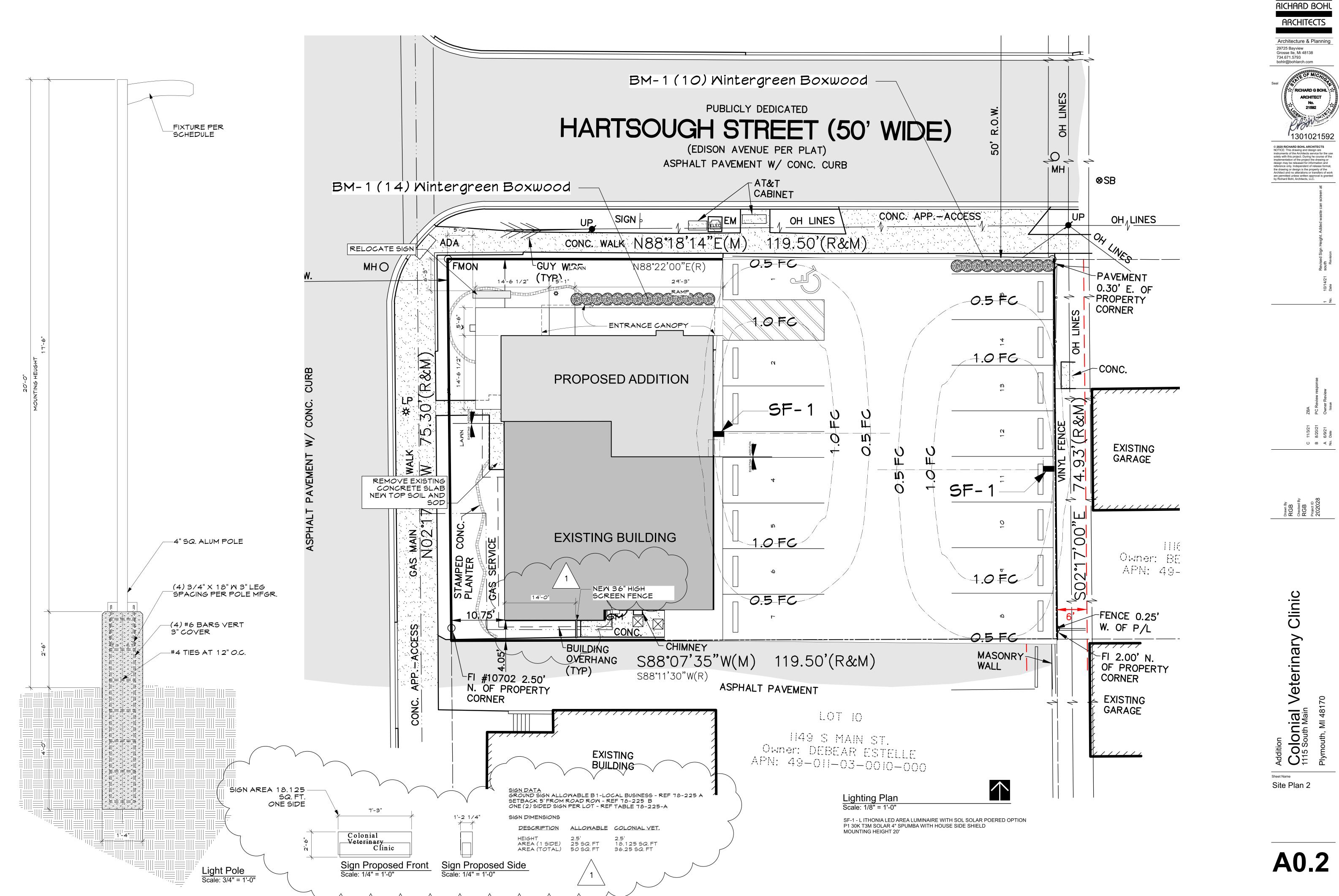
Roof Plan Elevations

Sections

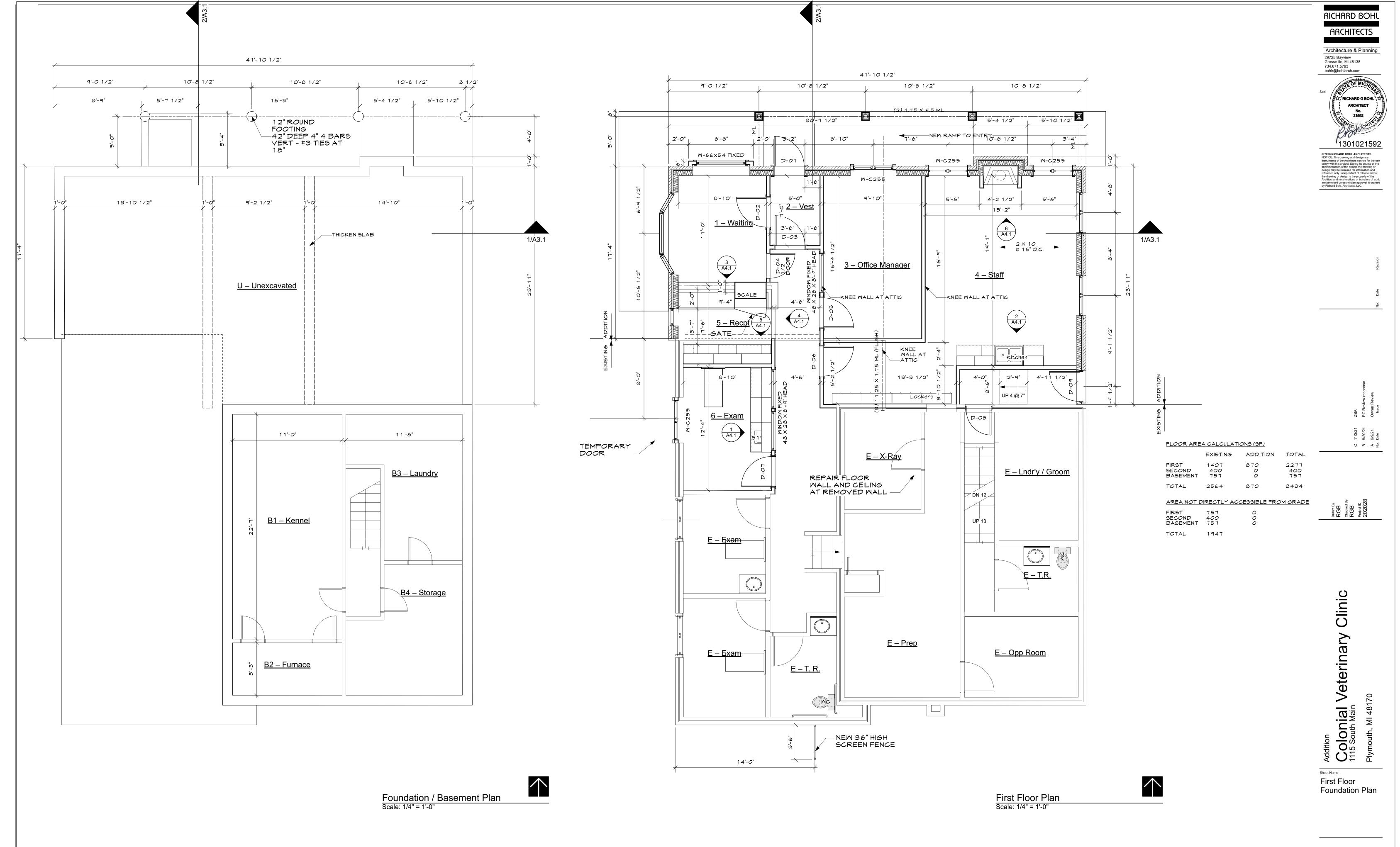
Electrical Plan Plumbing Plan

First Floor Foundation Plan

Interior Elevations & Notes



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A1.2

