



# City of Plymouth Zoning Board of Appeals Regular Meeting Agenda Thursday, June 2, 2022 – 7:00 p.m. City Hall Commission Chambers & Online Zoom Webinar

City of Plymouth  
201 South Main Street  
Plymouth, Michigan 48170

[www.plymouthmi.gov](http://www.plymouthmi.gov)  
Phone 734-453-1234  
Fax 734-455-1892

<https://us02web.zoom.us/j/81478224730>

Passcode: 435648

Webinar ID: 814 7822 4730

- 1) **CALL TO ORDER**
  - a) Roll Call
- 2) **CITIZEN COMMENTS**
- 3) **APPROVAL OF THE MINUTES**
  - a) Approval of the April 7, 2022, regular meeting minutes
- 4) **APPROVAL OF THE AGENDA**
- 5) **OLD BUSINESS**
- 6) **NEW BUSINESS**
  - a) **Z 22-04:** 701 Pacific, Non-use variance request for side yard setback
  - b) **Z 22-05:** 696 Forest, Non-use variance request for front yard fence height
  - c) **Z 22-06:** 159 S. Harvey, Use variance request for expansion of a non-conforming use
- 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, 35<sup>th</sup> 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  
Regular Meeting Minutes  
Thursday, April 7, 2022 - 7:00 p.m.

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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, Dave Latawiec, Mike Pappas

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 March 3, 2022, 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 Pappas, to approve the agenda for April 7, 2022.

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. Z22-02: 712 Fairground, non-use variance for front yard setback along Joy

Applicant Kristin McHale-Johnson described her request for a variance of 3.6 feet in the front yard setback for an addition to her home.

***Citizen Comments***

Vicky Nicol, 337 Joy, spoke in support of the variance.

Karen Ochman, 768 Fairground, also spoke in support of the variance.

***Board Comments***

Board members noted that there was an existing non-conformity, and that addition would be a minor encroachment due in part to the shape of the lot.

***Motion***

Elliott offered a motion, seconded by Devine, to approve Z22-02 for a front yard setback on Joy and that the allowed variance of 3.6 feet is limited to a minor cantilevered bump out on the first floor and the second-floor addition on the northwest corner of the home as described in the addition.

***Findings of Fact***

The home sits on a corner lot with a non-typical shape.

The original placement of the home makes it difficult to add on to the home without a variance.

The requested variance is a minor encroachment beyond the existing footprint.

***Friendly Amendment***

Devine offered a friendly amendment to add that the variance prohibited a foundation for the bump out. Elliott accepted the friendly amendment.

There was a roll call vote.

Yes: Burrows, Devine, Latawiec, Pappas, Elliott

MOTION PASSED 5-0

b. Z22-03: 170 Blunk, non-use variance for garage height

Applicant Larry Quick explained that he was asking for the variance because he needed a large garage door height to accommodate his vehicle and he wanted the garage to match the architecture of his home.

***Board Comments***

Board members discussed the parameters for granting a variance and suggested that removing one of or both dormers on the garage might change the height calculation.

***Motion***

Devine offered a motion, seconded by Burrows, to approve Z22-03 for a garage height variance.

***Findings of Fact***

There is no practical difficulty evident.

There was a roll call vote.

Yes: Pappas

No: Burrows, Devine, Latawiec, Elliott

MOTION FAILED 1-4

**8. BOARD MEMBER COMMENTS**

Elliott started a discussion about the building height ordinance, stating that he felt it was unclear. Bolhuis said the administration would get clarification from the chief building official and work with Quick to help him bring the building into conformity.

Planning Commission Chair Karen Sisolak said their goals for 2022 include analyzing and possibly reworking the ordinances for R1 fences and the height of residential and accessory structures.

City Commissioner Jennifer Kehoe asked whether the Floor Area Ratio (FAR) ordinance might be preferable to a defined height in measuring projects such as Z22-03. ZBA members expressed an interest in exploring this further.

**9. REPORTS AND CORRESPONDENCE**

There were no reports or correspondence.

**10. ADJOURNMENT**

A motion to adjourn was offered at 7:41 p.m. by Burrows and seconded by Pappas.

There was a roll call vote.

Yes: Burrows, Devine, Latawiec, Pappas, Elliott

MOTION PASSED 5-0

DRAFT



# City of Plymouth Zoning Board of Appeals Memorandum

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City of Plymouth  
201 S. Main  
Plymouth, Michigan 48170

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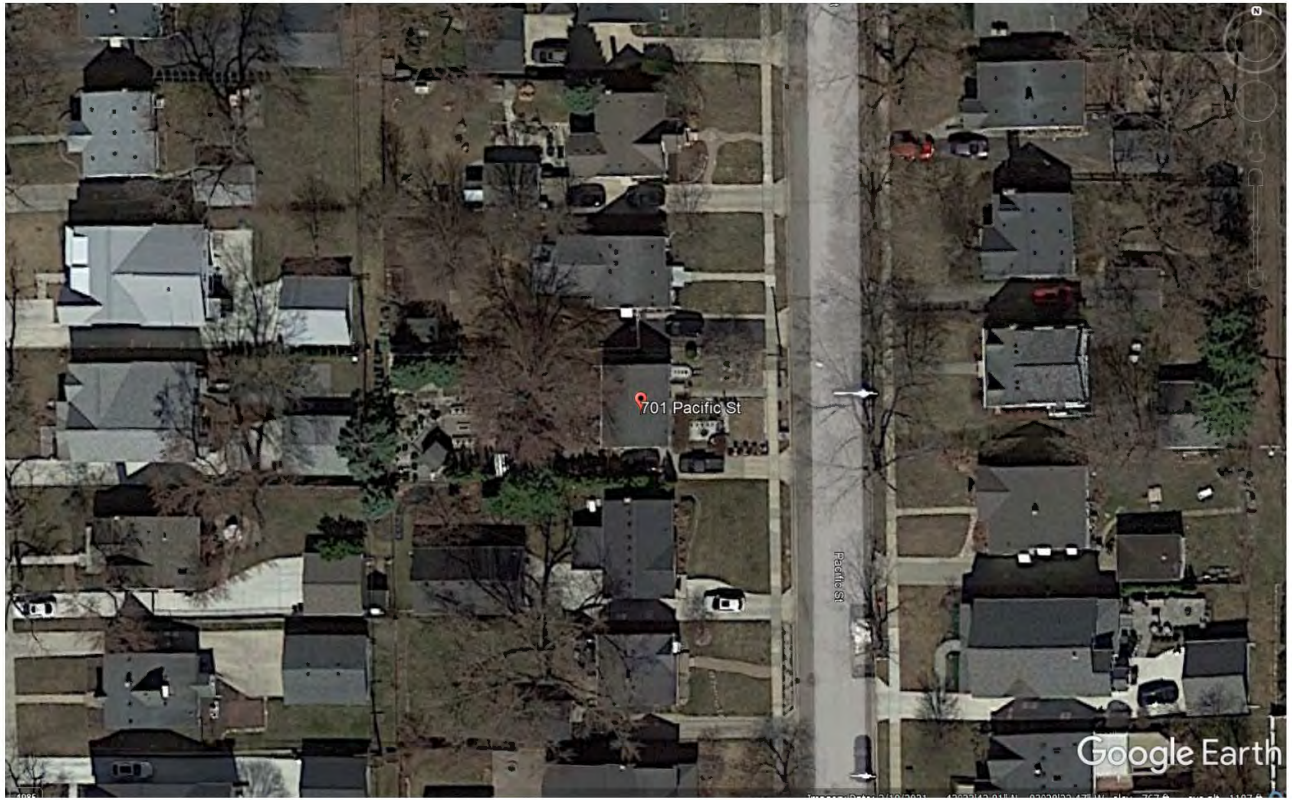
TO: Zoning Board of Appeals Commissioners  
FROM: Greta Bolhuis, Assistant Community Development Director  
DATE: May 24, 2022  
RE: 701 Pacific, Non-Use Variance Request

Edward Sabados, owner, is requesting a non-use variance to construct a rear yard addition and walls that are in the side yard setback. The property is 50 feet wide by 140 feet deep. The property is 7,000 square feet and is zoned R-1, Single Family Residential.

Section 78-190 references that the side yard setback shall be 6-feet. A side yard setback of 5.67 feet is proposed at the northeast corner and a side yard setback of 5.75 feet is proposed at the northwest corner. A variance of 0.33 feet and 0.25 feet, respectfully is required.

Should you have any questions regarding this agenda item, 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](http://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.

701 Pacific Street, Plymouth, MI 48170

May 6, 2022

Address of Property

Date of Application

Edward Sabados

Edward Sabados

Applicant Name

Property Owner

701 Pacific Street

Plymouth

MI 48170

Address

City

State Zip

timsabados@yahoo.com

(734) 788-6554

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: [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.



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

Article XVII - Schedule of Regulations, Section 78-190, Limiting height, bulk, density and area by zoning district.

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

Build an addition to align with the north wall of our existing house.

---

---

**Description of Property**

Current zoning classification: R-1

Current use of structure(s) on premises: Single family residence

Is it a corner or interior lot? Interior

Size and area of lot: 50' wide x 140' deep, 7,000 SF

Total square footage of existing main structure(s): 934 SF

Total square footage of accessory structure(s): 330 SF garage + 67 SF shed = 397 SF

Existing [lot coverage](#) (percentage) of all buildings and structures: 1,143 SF, 16.3% coverage

Height of existing main and/or accessory structures: 15'

**Description of Proposed Structures**

Dimensions and area of structure or addition to be constructed: 393 SF 1st floor + 199 SF 2nd floor = 592 SF

Front yard setback after completion (measured from property line): 32'- 4-1/2"

Rear yard setback after completion (measured from property line): 65'-6-1/2" to house, 58'-4" to wall extension

Side yard setback after completion (measured from property line): 5'-8" (aligns with existing side setback)

Height of proposed structure: 23'-1"

Lot coverage (percentage) after completion: 1,536 SF, 21.9% coverage

Residential Only: [Floor Area Ratio](#) (FAR) after completion (shall not exceed 0.4): 0.22 FAR

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: [See attached document.](#)

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.) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  
2. What effect will the variance have on neighboring properties? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  
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.) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  
4. Why do the ordinance restrictions unreasonably prevent the owner from using the property for a permitted purpose? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
Signature of Property Owner

\_\_\_\_\_  
Signature of Applicant

Subscribed and sworn before me this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

\_\_\_\_\_  
Notary Public  
My Commission expires \_\_\_\_\_

## Sabados Zoning Variance Application

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 to satisfy aesthetic concerns.)

Our existing home—a 1946 bungalow—was not built within the required setbacks and is not quite parallel to the property line. The northeast corner of the house is 5'-8" (5.7') from the property line, and the northwest corner is 5'-9" (5.75') from the property line. The Zoning Ordinance requires the side yard setback to be 6'-0".

The property is 50' wide, and the house sits almost 14' from the south property line. We want to build an addition to the back of our home that aligns with the north wall of the existing house.

Article XXI, Section 78-260 (13) states, "Detached accessory structures must be located a minimum of ten feet from the principle [sic] structure on site." The addition is designed to be 10' from the detached garage. The existing detached garage location limits where an addition can be built on our property.

We are unaware whether other homes in Plymouth were built a few inches closer to the property line than current Zoning Ordinance requirements. However, several homes on our block have additions that were constructed to align with the existing side walls of the original house. It would require a lot of research to determine whether they needed variances to build these additions, but we do not feel it would be fair to prohibit us from doing the same as our neighbors have done when our home is only 4" from conforming.

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

Granting this variance will not affect neighboring properties. Our house will be the same distance from our neighbors' homes as it has always been.

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.)

As noted above, the practical difficulty stems from where our house and garage are located on the property. It is not self-imposed.

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

The ordinance restrictions do not prevent us from using the property as a residence. However, we feel that a 4" variance would not harm any neighbors and would be in keeping with the spirit of the ordinance.



### ZONING REQUIREMENTS

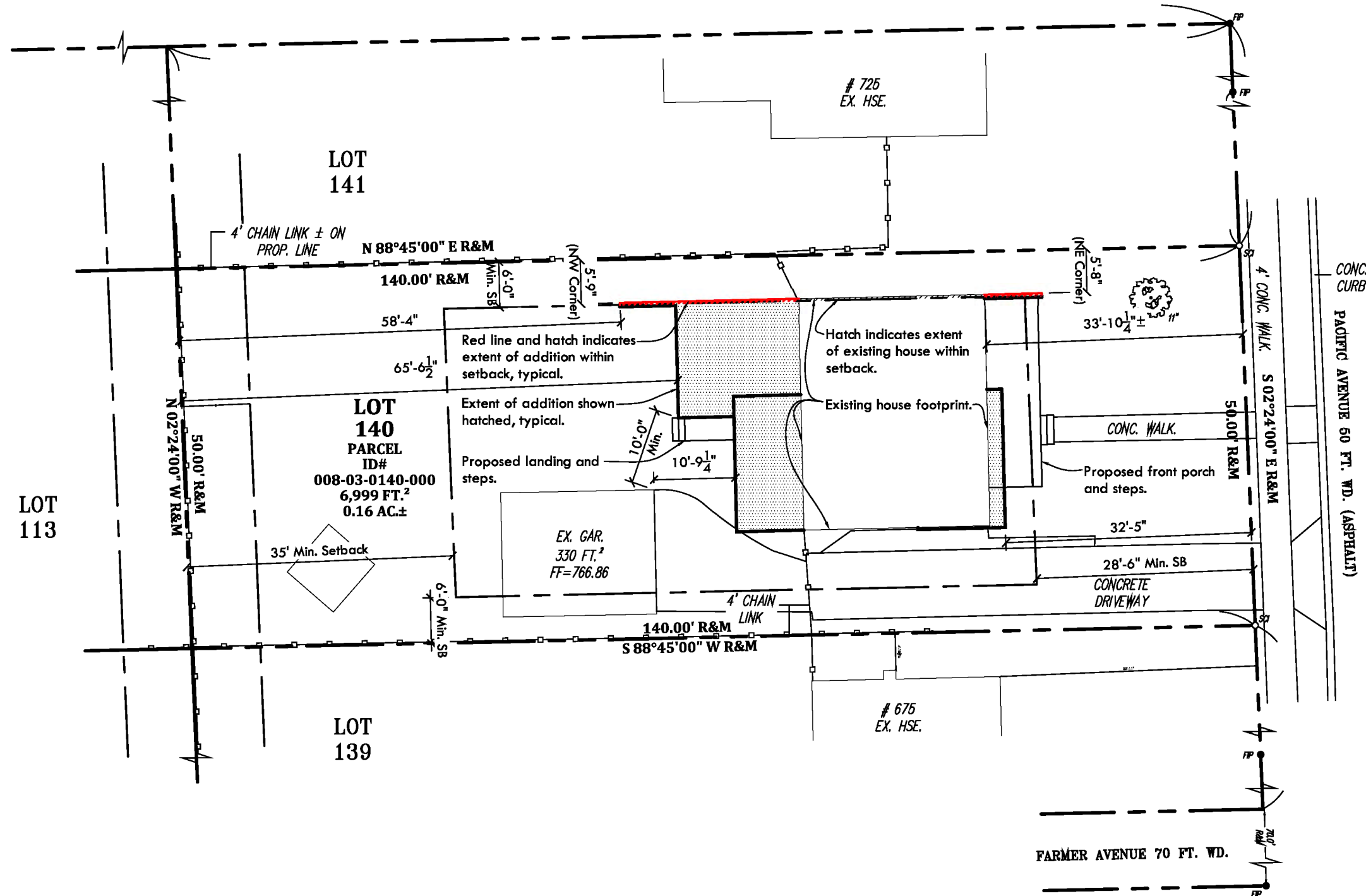
R-1 SINGLE FAMILY RESIDENTIAL

LOT - MIN. AREA: 7,200 FT.<sup>2</sup>  
 - MIN. WIDTH: 60 FT.  
 COVERAGE - MAX. BLD.: 36%  
 SETBACKS - FRONT YARD: 31.7 \* 90% = 28.5 FT.  
 - REAR YARD: 35 FT.  
 - SIDE YARD: 6 FT.  
 - SIDE TOTAL: 12 FT.  
 HEIGHT - MAX. BLD.: 25 FT./2 STY.

### EXISTING CONDITIONS

LOT - AREA: 6,999 FT.<sup>2</sup>  
 - WIDTH: 60 FT.  
 COVERAGE - BLD.: 1,143 FT.<sup>2</sup> 16.3%

JUNCTION AVENUE 70 FT. WD.



**PRELIMINARY**  
 Not for construction

Project number: 21-028  
 Drawn by: EMR  
 Issued for: Date:  
 Zoning Approval: 5/6/22

Xref: N/A  
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Project:  
**Sabados  
 Residence**

701 Pacific St.  
 Plymouth, MI 48170

Site Plan

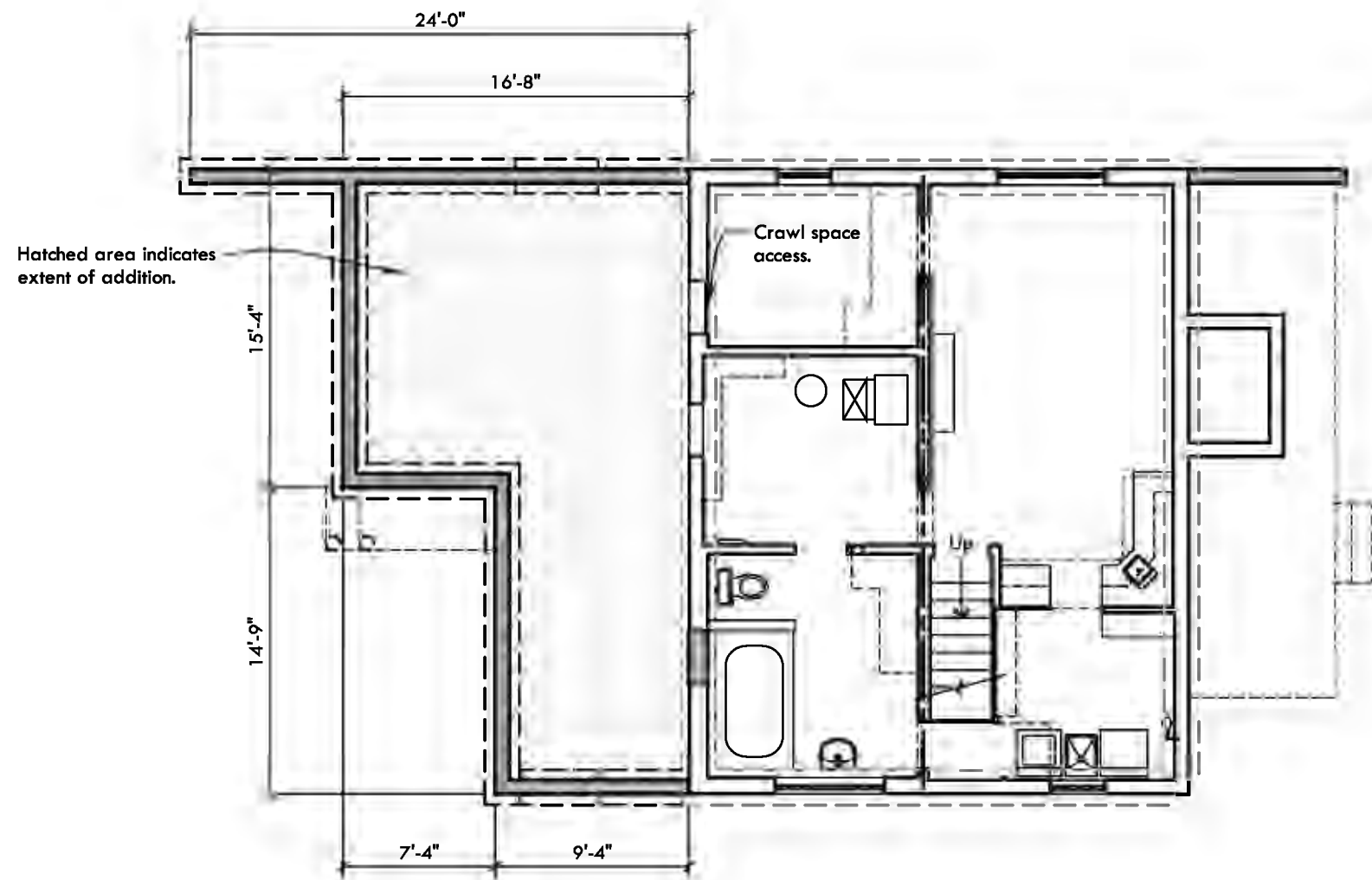
# T-1



Site Plan

Plan North  $\frac{1}{16}'' = 1'-0''$





**Foundation and Basement Plan**  
Plan North  $\frac{1}{8}'' = 1'-0''$

**Design Plan Legend**

- ==== Existing wall to remain
- ==== New wall
- //// New brick veneer
- Existing wall to be demolished

Note: Room dimensions are expressed as X by Y.

**PRELIMINARY**  
Not for construction

Project number: 21-028  
Drawn by: EMR  
Issued for: Date:  
Zoning Approval: 5/6/22

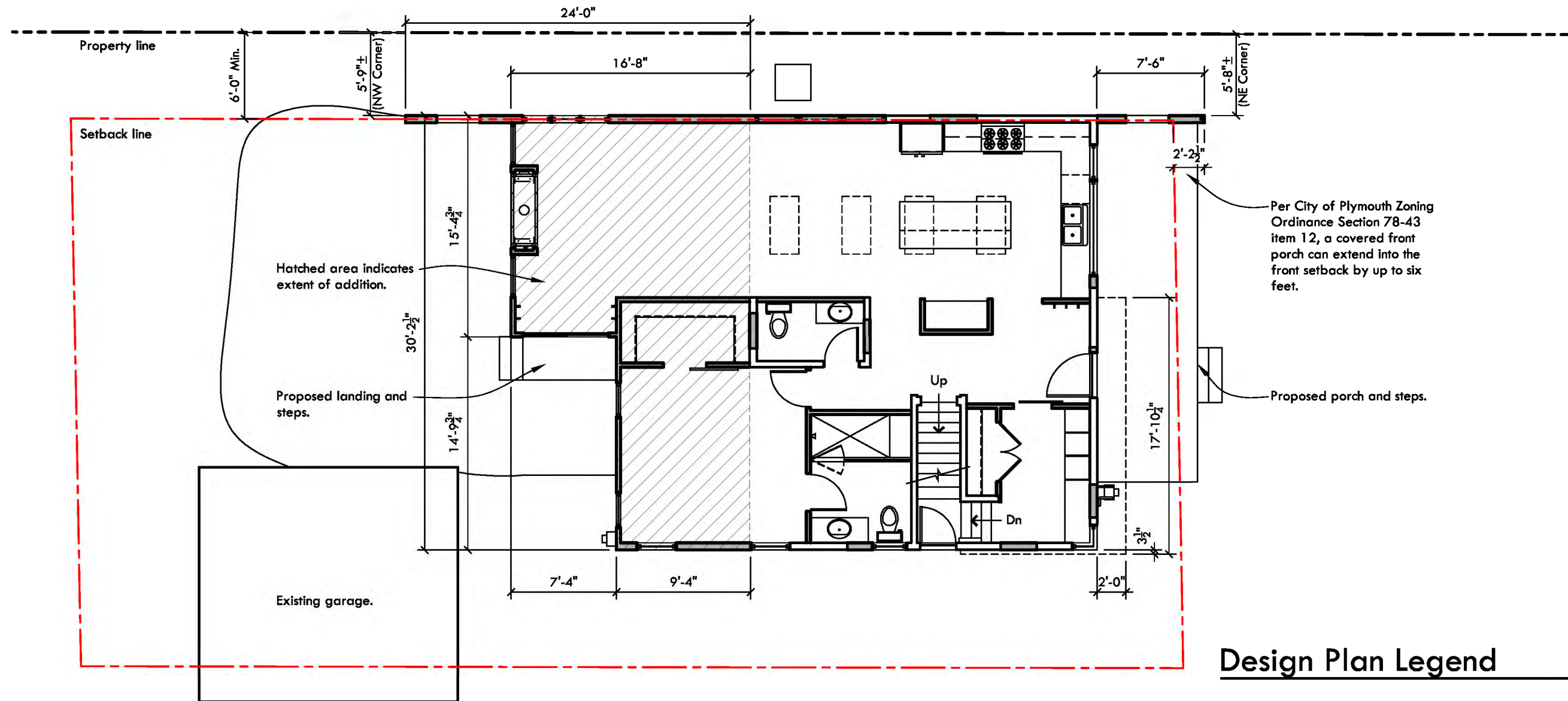
Xref: N/A  
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Project:  
**Sabados  
Residence**

701 Pacific St.  
Plymouth, MI 48170

Foundation and Basement Plan

**A-1**



Per City of Plymouth Zoning Ordinance Section 78-43 item 12, a covered front porch can extend into the front setback by up to six feet.

Proposed porch and steps.

Hatched area indicates extent of addition.

Proposed landing and steps.

Existing garage.

**First Floor Plan**  
Plan North  $\frac{1}{8}'' = 1'-0''$

**Design Plan Legend**

- Existing wall to remain
- New wall
- New brick veneer
- Existing wall to be demolished

Note: Room dimensions are expressed as X by Y.

**PRELIMINARY**  
Not for construction

Project number: 21-028  
Drawn by: EMR  
Issued for: Date:  
Zoning Approval 5/6/22

Xref: N/A  
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Project:  
**Sabados Residence**

701 Pacific St.  
Plymouth, MI 48170

First Floor Plan

**A-2**

**PRELIMINARY**  
Not for construction

Project number: 21-028  
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Issued for: Date:  
Zoning Approval: 5/6/22

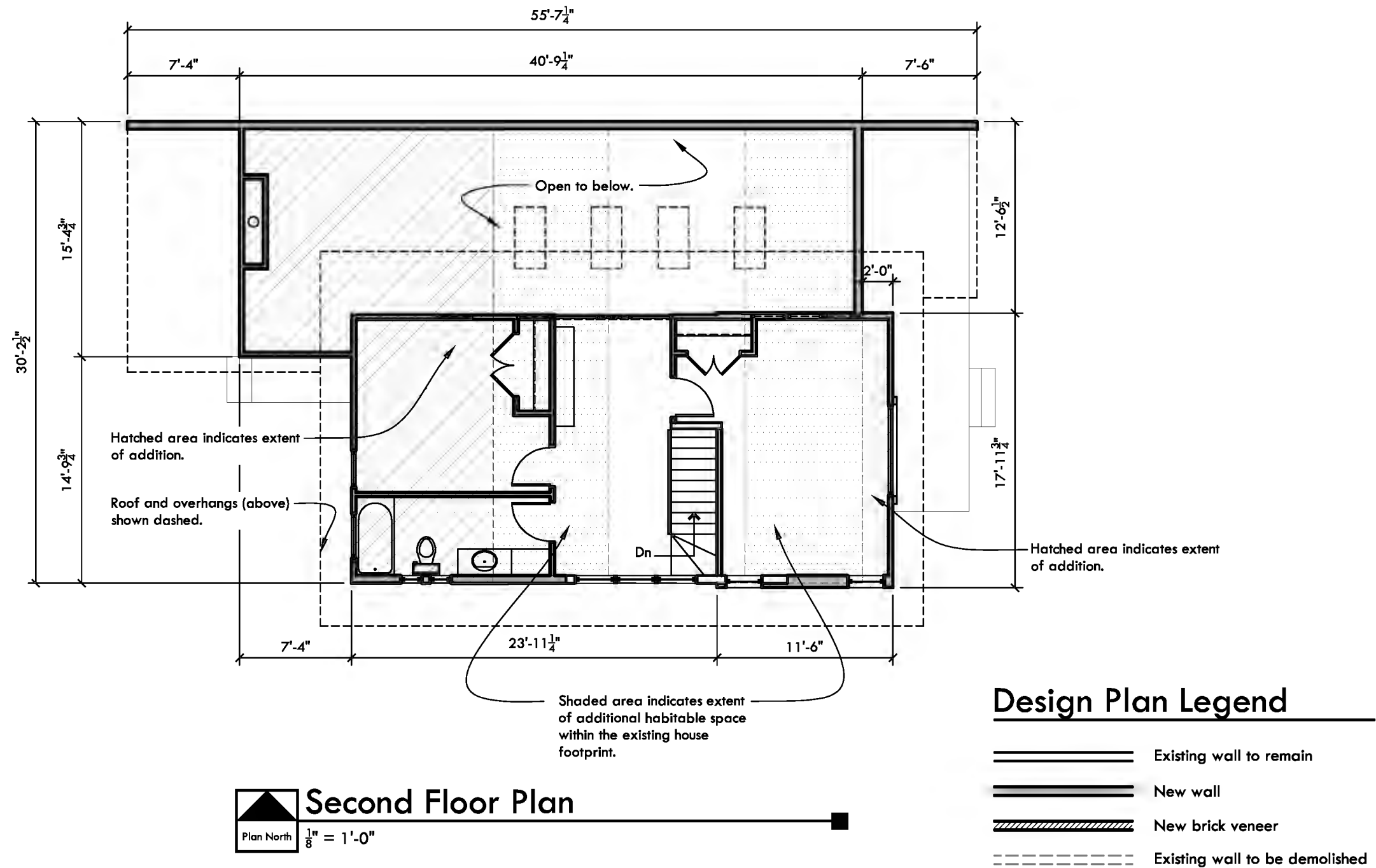
Xref: N/A  
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Project:  
**Sabados  
Residence**

701 Pacific St.  
Plymouth, MI 48170

Second Floor Plan

**A-3**

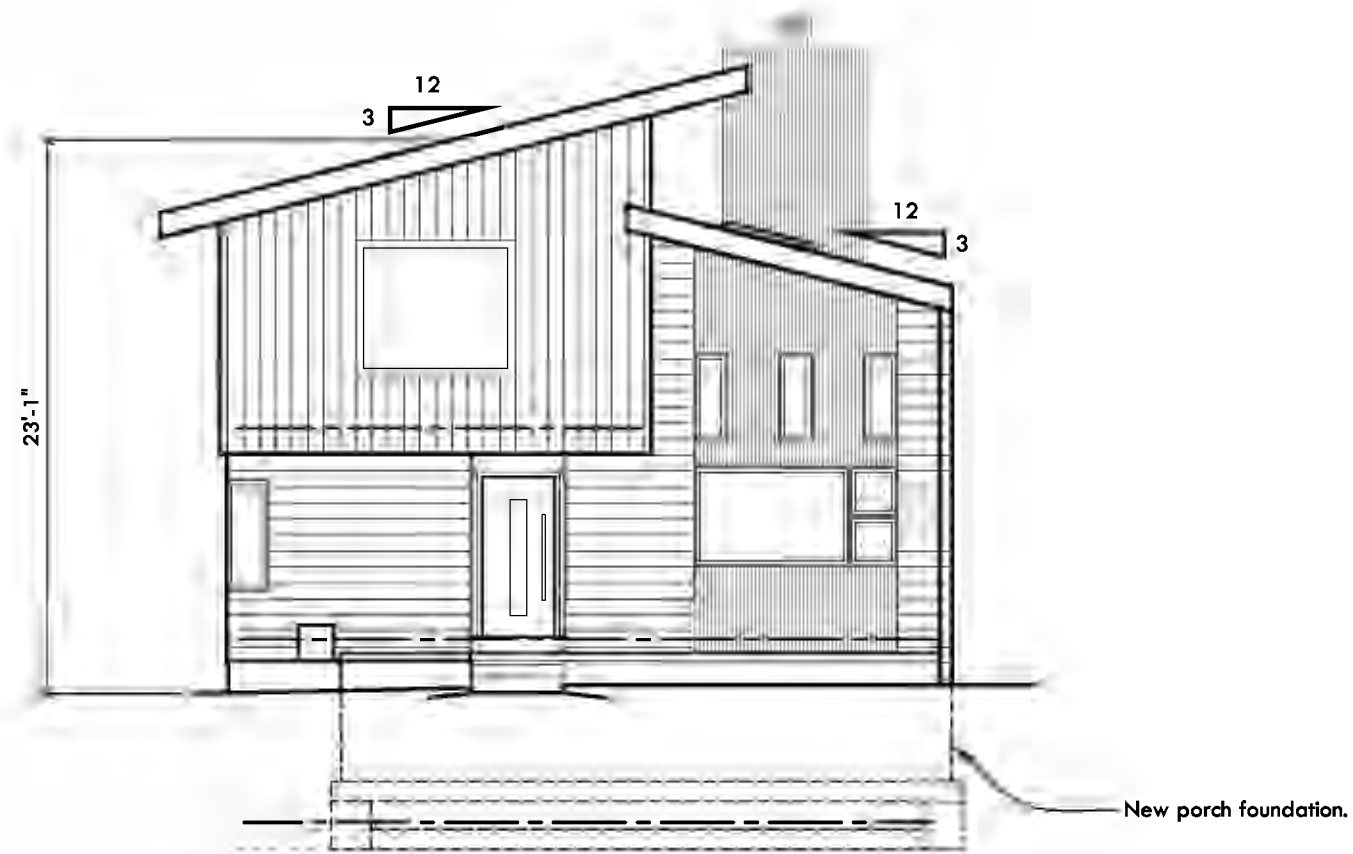


**Second Floor Plan**  
Plan North  $\frac{1}{8}'' = 1'-0''$

**Design Plan Legend**

- Existing wall to remain
- New wall
- New brick veneer
- Existing wall to be demolished

**Note:** Room dimensions are expressed as X by Y.



**E** Front Elevation  
 $\frac{1}{8}'' = 1'-0''$

**PRELIMINARY**  
 Not for construction

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 Drawn by: EMR  
 Issued for: Date:  
 Zoning Approval 5/6/22

Xref: N/A  
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Project:  
**Sabados  
 Residence**

701 Pacific St.  
 Plymouth, MI 48170

Front Elevation

**A-4**

**PRELIMINARY**  
Not for construction

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Issued for: Date:  
Zoning Approval 5/6/22

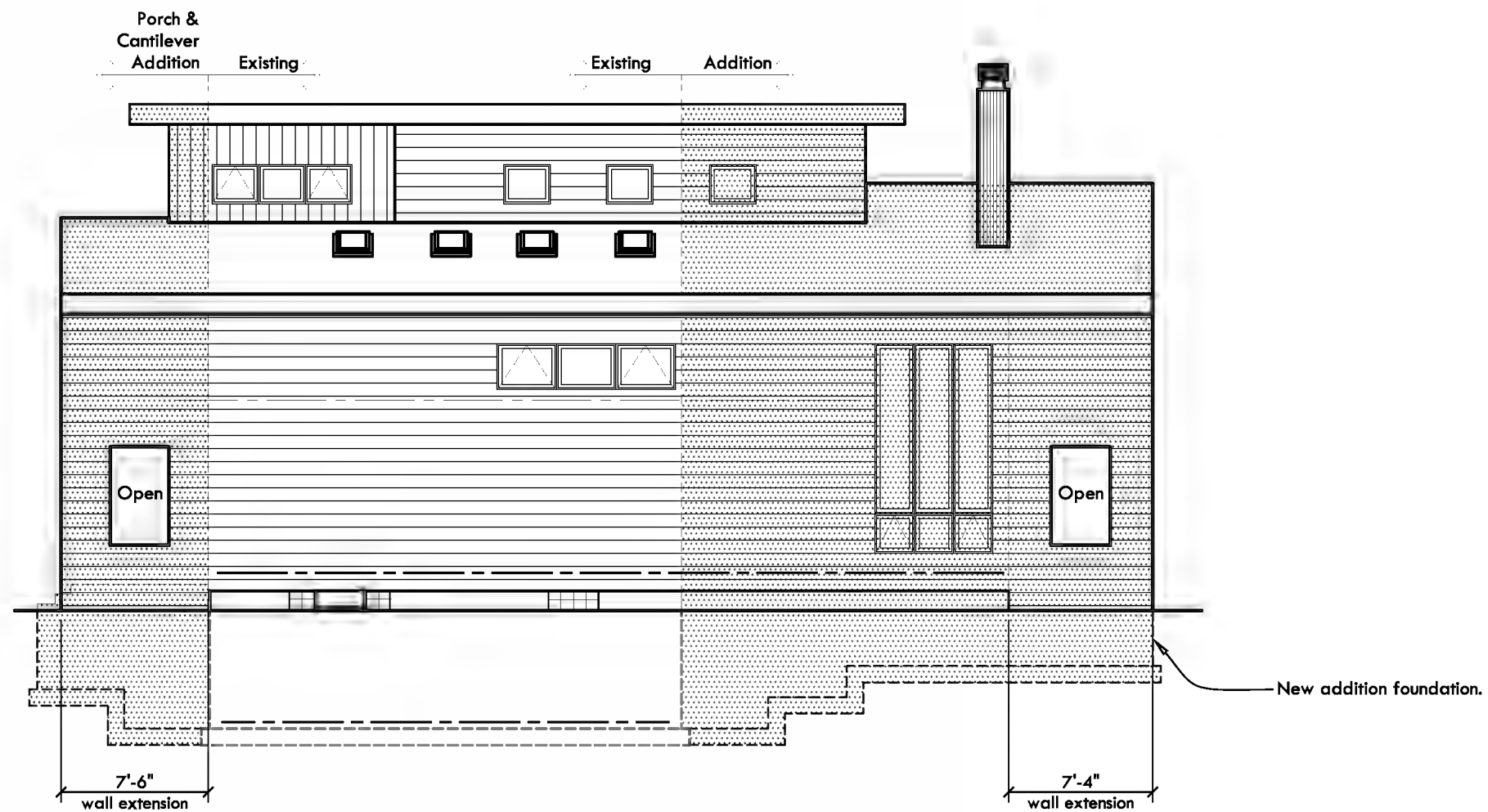
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Project:  
**Sabados  
Residence**

701 Pacific St.  
Plymouth, MI 48170

Side Elevation

**A-5**



**N** Side Elevation  
 $\frac{1}{8}'' = 1'-0''$



**PRELIMINARY**  
Not for construction

Project number: 21-028  
Drawn by: EMR  
Issued for: Date:  
Zoning Approval 5/6/22

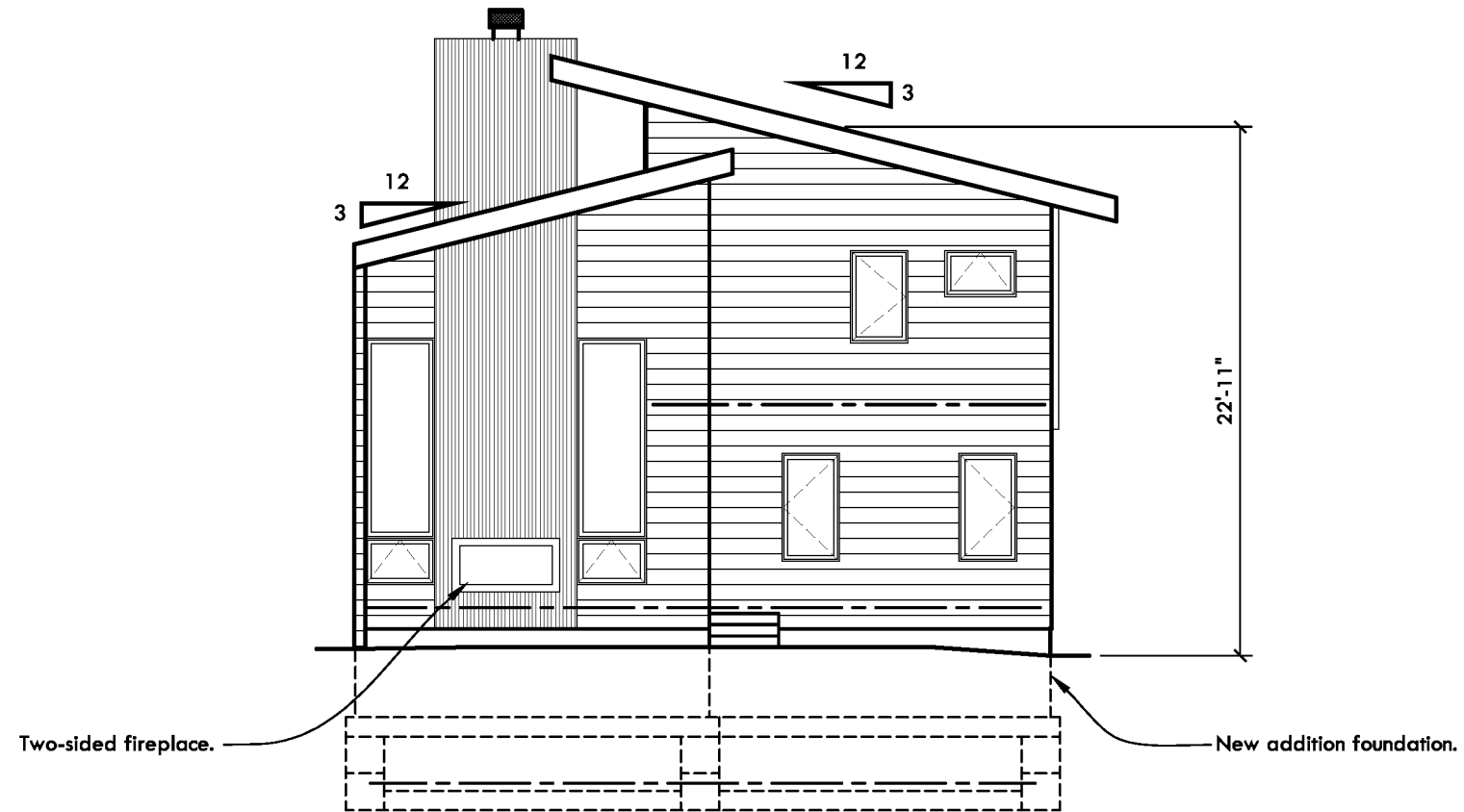
Xref: N/A  
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Project:  
**Sabados  
Residence**

701 Pacific St.  
Plymouth, MI 48170

Back Elevation

# A-6



**W** Back Elevation  
 $\frac{1}{8}'' = 1'-0''$



**S** Side Elevation  
 $\frac{1}{8}'' = 1'-0''$

**PRELIMINARY**  
Not for construction

Project number: 21-028  
Drawn by: EMR  
Issued for: Date:  
Zoning Approval 5/6/22

Xref: N/A  
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Project:  
**Sabados  
Residence**

701 Pacific St.  
Plymouth, MI 48170

Side Elevation

**A-7**



# City of Plymouth Zoning Board of Appeals Memorandum

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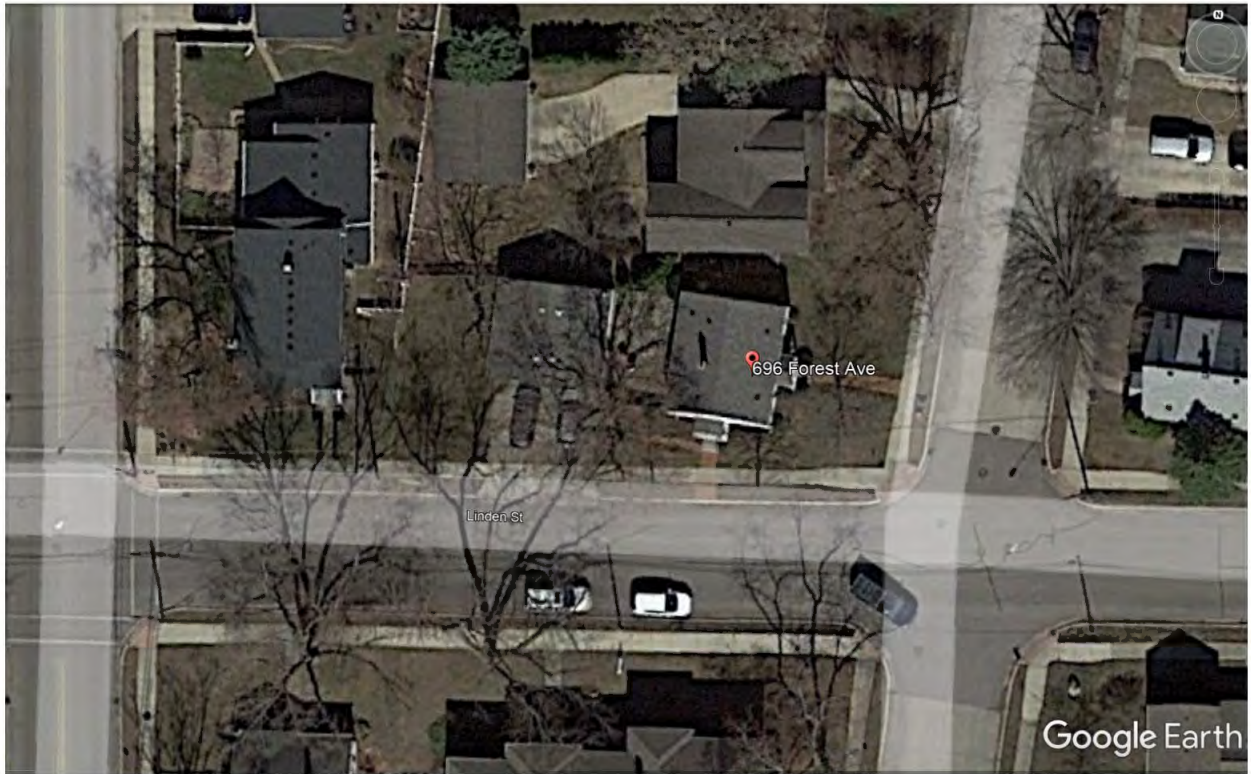
TO: Zoning Board of Appeals Commissioners  
FROM: Greta Bolhuis, Assistant Community Development Director  
DATE: May 24, 2022  
RE: 696 Forest, Non-Use Variance Request

Alexandria Prokic, owner, is requesting a non-use variance to construct a fence in the front yard setback along Linden taller than 30 inches in height. The property is approximately 50.4 feet wide by 138.4 feet deep. The property is approximately 6,975 square feet and is zoned R-1, Single Family Residential.

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 4 feet along Linden Street is proposed. A variance of 1.5 feet is required for the proposed front yard fence.

Please note that Google Earth has not been updated to show the new construction home.

Should you have any questions regarding this agenda item, 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](http://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.

<u>696 Forest Ave</u>		<u>May 10, 2022</u>	
Address of Property		Date of Application	
<u>Alexandria Prokic</u>		<u>Alexandria &amp; Michael Prokic</u>	
Applicant Name		Property Owner	
<u>696 Forest Ave</u>	<u>Plymouth</u>	<u>MI</u>	<u>48170</u>
Address	City	State	Zip
<u>arprokic@yahoo.com</u>		<u>7347510209</u>	
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: [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.



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

Article XVIII - Miscellaneous Provisions, Sec 78-208  
Residential Fences

I (We) hereby appeal to the Zoning Board of Appeals for a variance to: install a fence  
exceeding 30" in the front yard on  
Linden Street. Homeowner is requesting a 4'  
high aluminum black fence.

**Description of Property**

Current zoning classification: R-1 Single Family Residential

Current use of structure(s) on premises: residence

Is it a corner or interior lot? corner lot

Size and area of lot: 6559 sq ft.

Total square footage of existing main structure(s): house/porches: 1460 sq ft

Total square footage of accessory structure(s): garage: 528 sq ft

Existing lot coverage (percentage) of all buildings and structures: 30.3%

Height of existing main and/or accessory structures: \_\_\_\_\_

**Description of Proposed Structures**

Dimensions and area of structure or addition to be constructed: 117' of 4' high fence

Front yard setback after completion (measured from property line): 47.5 feet (measured Forest to

Rear yard setback after completion (measured from property line): 32.5 feet East facing fence line

Side yard setback after completion (measured from property line): 6 feet

Height of proposed structure: 48"

Lot coverage (percentage) after completion: not changed - 30.3%

Residential Only: Floor Area Ratio (FAR) after completion (shall not exceed 0.4): N/A

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.) Homeowners feel a 30" fence would not be sufficient to contain 3 small children and 1 dog, in addition to family who visit the property. Additionally, to place a fence in conformity with the ordinance, the resulting play and recreation area would be reduced by 56%.
2. What effect will the variance have on neighboring properties? When compared to the city ordinance, the requested variance will have no added effect on neighboring properties.
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.) Having three small children, ~~in~~ and a dog are self imposed difficulties but that only furthers the need to create a safe recreational space for our family and friends.
4. Why do the ordinance restrictions unreasonably prevent the owner from using the property for a permitted purpose? As stated, building a fence to comply with the city ordinance reduces our recreation area for our small children by 56%.

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

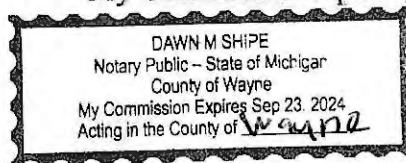
[Signature]  
Signature of Property Owner

[Signature]  
Signature of Applicant

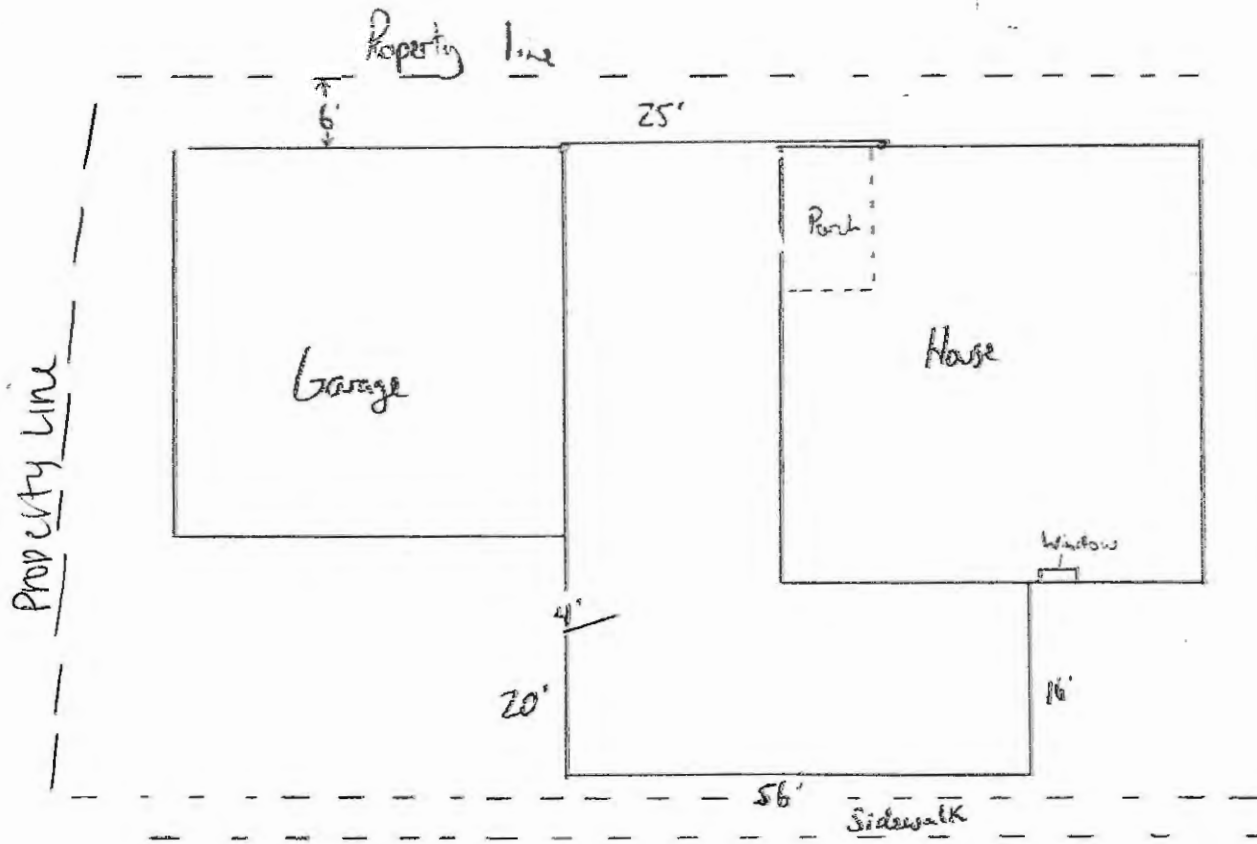
Subscribed and sworn before me this 10<sup>th</sup> day of May, 2022

Dawn M Shipe  
Notary Public

My Commission expires Sep 23 2024



Effective Date: 4/14/2021



Linden



# City of Plymouth Zoning Board of Appeals Memorandum

---

City of Plymouth  
201 S. Main  
Plymouth, Michigan 48170

[www.plymouthmi.gov](http://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: May 24, 2022  
RE: 159 S. Harvey, Use Variance Request

Joe Philips, applicant, is requesting a use variance to construct an addition onto a building with a non-conforming use. The property is approximately 75 feet wide by 166 feet deep. The property is approximately 12,208 square feet and is zoned B-2, Central Business District.

Section 78-352 (1) states "No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this chapter." An addition of 294 square feet is proposed. A variance to occupy a greater area of land for a nonconforming use is required.

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









**USE VARIANCE APPLICATION**  
**Community Development Department**  
201 S. Main Street Plymouth, MI 48170 Ph. 734-453-1234 ext. 232  
Website: [www.plymouthmi.gov](http://www.plymouthmi.gov)

Type of Variance Request: USE – A use variance permits a use of land that is otherwise not allowed in that zoning district. The applicant must present evidence to show that if the zoning ordinance is applied strictly, unnecessary hardship to the applicant will result.

<u>159 S HARVEY</u>			
Address of Property		Date of Application	
<u>DR. HOWARD HAMERINK</u>		<u>DR. HOWARD HAMERINK</u>	
Applicant Name		Property Owner	
<u>159 S HARVEY</u>	<u>PLYMOUTH</u>	<u>MI</u>	<u>48170</u>
Address	City	State	Zip
<u>hamerinkdental.com</u>	<u>734-455-8686</u>		
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 Use Variance: [Click here to see full ordinance language.](#)

1. Property cannot be reasonably used for purposes permitted in the zone
2. Problem results from circumstances unique to the property, not the neighborhood
3. Variance will not alter the essential character of the neighborhood
4. Problem is not self-created.

A two-thirds majority (4 of 5 board members) is required for all use variance requests.

The Zoning Board of Appeals meets the first Thursday of each month at 7:00PM. The completed application 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](#). Ten (10) copies of the application are needed at submittal.

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:

SEC. 78.101 PRINCIPAL USES PERMITTED IN THE B-2 ZONING DISTRICT

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

ALLOW THE EXISTING DENTAL PRACTICE, WHICH IS A NON-CONFORMING USE WITHIN THE B-2 DISTRICT.

**Description of Property**

Current zoning classification: B-2: CENTRAL BUSINESS DISTRICT

Current use of structure(s) on premises: DENTAL PRACTICE & 2<sup>ND</sup> FLR APT.

Is it a corner or interior lot? INTERIOR

Size and area of lot: APPROX. 75' WIDE x 166' DEEP AND 12,208 SQ. FT.

Total square footage of existing main structure(s): 1,440 SQ. FT.

Total square footage of accessory structure(s): 580 SQ. FT.

Existing lot coverage (percentage) of all buildings and structures: 2,020 / 12,208 = 16.5%

Height of existing main and/or accessory structures: 21' ±

Residential Only: Floor Area Ratio (FAR) should not exceed 0.4: N/A

A scaled drawing or boundary survey depicting the above information.

The zoning and current use of the properties surrounding the subject property.

Please answer all of the following questions as they relate to the requested variance, use additional sheets as necessary:

1. What are the hardships to preventing compliance with the ordinance? Are these hardships an exception or unique to the property compared to other properties in the neighborhood/City? \_\_\_\_\_

SEE ATTACHMENT A

2. What effect will the variance have on neighboring properties? Will the variance alter the essential character of the area? \_\_\_\_\_

SEE ATTACHMENT A

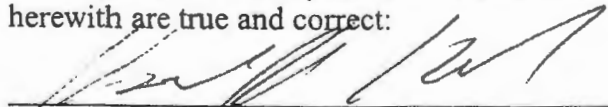
3. Is the hardship which prevents you from complying with the ordinance self-imposed? How did the hardship come about? (NOTE: The ZBA has generally found that purely aesthetic consideration and self-created hardships are unacceptable grounds for a variance.) \_\_\_\_\_

SEE ATTACHMENT A

4. Why the property could not be reasonably used for the purposes permitted in that zone? \_\_\_\_\_

SEE ATTACHMENT A

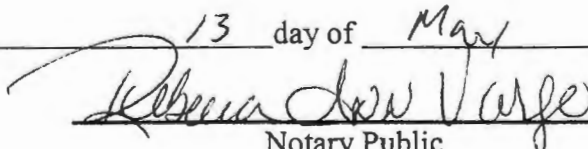
I hereby depose and say that all the above statements and the statements contained in the papers submitted herewith are true and correct:

  
Signature of Property Owner

Signature of Applicant

Subscribed and sworn before me this 13 day of May, 20 22

REBECCA ANN VARGO  
NOTARY PUBLIC, STATE OF MI  
COUNTY OF WAYNE  
MY COMMISSION EXPIRES May 22, 2025  
ACTING IN COUNTY OF Wayne

  
Notary Public

My Commission expires 5/22/2025

## 159 HARVEY STREET

## USE VARIANCE REQUEST

Article X B-2 Central Business Districts  
Section 78-101 Principal uses permitted

Request a variance to allow an addition to an existing dental practice which is a legal, non-conforming use within the B-2 Zoning District.

### **ATTACHMENT A - RESPONSE TO THE FOLLOWING ZONING BOARD OF APPEAL "USE VARIANCE APPLICATION" ITEMS**

- 1) **What are the hardships preventing compliance with the ordinance? Are these hardships an exception or unique to the property compared to other properties in the neighborhood/City?**

THE EXISTING DENTAL PRACTICE, WHICH HAS BEEN A PART OF THE COMMUNITY FOR OVER 40 YEARS, MOVED TO THIS LOCATION PRIOR THE ORDINANCE RESTRICTING THIS TYPE OF USE IN THE B-2 ZONING DISTRICT.

THE PROPOSED ADDITION, WHICH HAS PROMPTED THE NEED FOR THIS VARIANCE REQUEST, WOULD PROVIDE THE PRACTICE WITH MUCH NEEDED OFFICE SPACE (A USE ALLOWED IN THE B-2 DISTRICT).

THE HARDSHIP ASSOCIATED WITH THIS VARIANCE REQUEST IS THAT, BECAUSE THE ZONING DISTRICT IN WHICH THIS PROPERTY IS LOCATED NO LONGER ALLOWS A DENTAL PRACTICE, ANY MAINTENANCE, ALTERATIONS OR IMPROVEMENTS TO THE PROPERTY WHICH REQUIRE THE ISSUANCE OF A PERMIT OR AUTHORIZATION BY THE CITY ARE NO LONGER ALLOWED. THIS EFFECTIVELY ELIMINATES THE CURRENT PROPERTY OWNER'S ABILITY TO MAINTAIN, SUSTAIN AND IMPROVE THEIR BUSINESS.

IT IS WORTH NOTING THAT THERE ARE TWO (2) OTHER DENTAL PRACTICES OPERATING WITHIN THE B-2 ZONING DISTRICT.

- Soothing Dental Elizabeth St. & Ann Arbor Trail
- Smiles on Main Main St. & Wing St.

IN ADDITION, THERE ARE SEVEN (7) BARBERSHOPS/SALONS CURRENTLY OPERATING WITHIN THE B-2 ZONING, WHICH ARE AN ALLOWED USE.

- Fleet Street Barbers Fleet St.
- Be Unique Salon Main St. & Penniman Ave.
- The Room Hair & Design W. Ann Arbor Trail & Harvey
- Westchester Barber Shop Forest Ave.
- Forest Barber Shop Forest Ave.
- Detroit Barber Company Forest Ave.
- Scores Haircuts for Men Main St.

THIS IS SIGNIFICANT BECAUSE OF THE HISTORICALLY CLOSE COROLLARY BETWEEN THE PROFESSIONS OF BARBER & DENTIST...THE SERVICES OF EACH OFTEN PROVIDED BY THE SAME INDIVIDUAL, EVEN AS LATE AS THE 19<sup>TH</sup> CENTURY. CERTAINLY, THE ALLOWANCE OF ONE OF THESE USES WITHIN A ZONING DISTRICT WOULD FAVOR THE ALLOWANCE OF THE OTHER.

2) **What effect will the variance have on neighboring properties? Will the variance alter the essential character of the area?**

THE PROPOSED VARIANCE WILL NOT HAVE ANY EFFECT ON THE NEIGHBORING PROPERTIES FOR THE FOLLOWING REASONS

- THERE IS AN EXISTING DENTAL PRACTICE CURRENTLY IN OPERATION ON SITE.
- THE PROPOSED ADDITION WILL MAINTAIN THE ESSENTIAL CHARACTER OF THE NEIGHBORHOOD AND COMPLIMENT THE EXISTING BUILDING.
- THE PROPERTIES ALONG THE OPPOSITE SIDE OF HARVEY STREET ARE ALL ZONED O-1 : OFFICE, WHICH ALLOWS A DENTAL PRACTICE.
- THE PROPERTY DOES NOT ABUT RESIDENTIAL PROPERTIES.

3) **Is the hardship which prevents you from complying with the ordinance self-imposed? How did the hardship come about?**

THE FACT THAT THE EXISTING DENTAL PRACTICE HAS BECOME, OVER TIME, A NON-CONFORMING USE IS A RESULT OF CHANGES IN THE ORDINANCE AND HAS NO CONNECTION TO THE PROPERTY OWNER.

4) **Why the property could not be reasonably used for the purposes permitted in that zone?**

FOR THE PROPERTY TO BE USED FOR THE PURPOSES PERMITTED IN THE B-2 ZONING DISTRICT THE OWNER'S EXISTING DENTAL PRACTICE WOULD HAVE TO BE EITHER RELOCATED OR FORCED TO CLOSE. BOTH OF THESE OPTIONS ARE UNREASONABLE.

FURTHERMORE, IF THE PROPERTY WERE TO BE DEVELOPED INTO TO ITS HIGHEST AND BEST, ALLOWED USE WITHIN THE B-2 DISTRICT, THE RESULTING PROJECT WOULD UNDOUBTEDLY SEEK TO INCREASE BOTH BUILDING AREA AND HEIGHT IN ORDER TO MAXIMIZE THE ECONOMIC FEASIBILITY OF SUCH A DEVELOPMENT. A PROJECT OF THIS NATURE WOULD BE FAR MORE LIKELY TO ADVERSELY EFFECT THE ESSENTIAL CHARACTER OF THAT NEIGHBORHOOD.



# HAMERINK DENTAL - ADDITION AND ALTERATIONS

159 SOUTH HARVEY

PLYMOUTH, MICHIGAN

ISSUED FOR :

05/13/22 DRAWINGS ARE BEING ISSUED FOR SUBMITTAL TO THE CITY OF PLYMOUTH ZONING BOARD OF APPEALS

DRAWING INDEX:

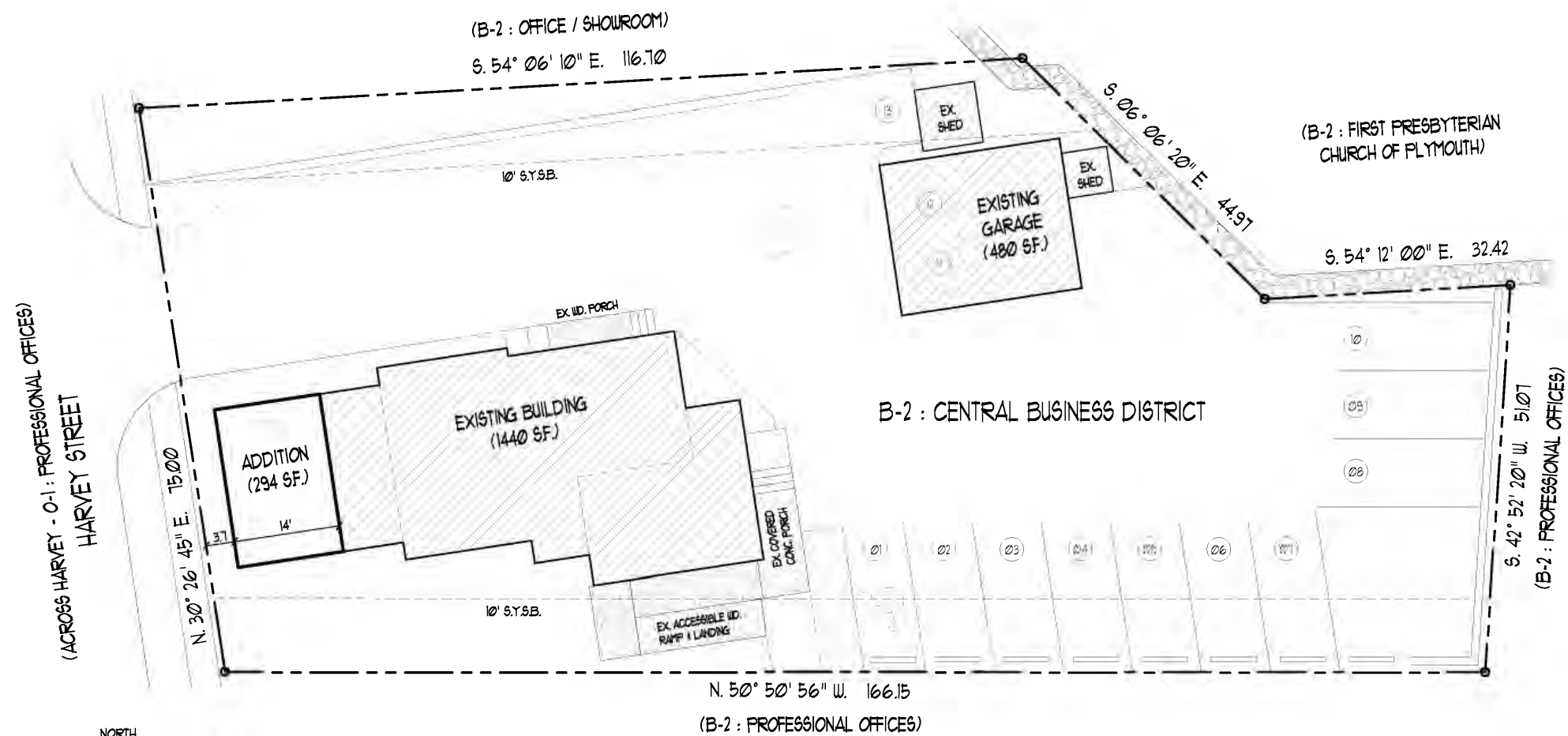
SHEET	TITLE	ISSUE DATE
1	PROPOSED PLANS	05/13/22
2	PROPOSED ELEVATIONS	05/13/22
E/C	EXISTING CONDITIONS	05/13/22

ZONING SUMMARY:

- ZONING DISTRICT : B-2 : CENTRAL BUSINESS
- REQUIRED MAIN BLDG. SETBACKS : FRONT 0 FT. REAR 0 FT. SIDE 10 FT.
- BUILDING AREAS :
 

EX. 1ST FLOOR (DENTAL OFFICE)	1,440 SQ. FT.
(BUILDING 15)	
EX. 2ND FLOOR (APARTMENT)	820 SQ. FT.
MIXED USE)	
EX. DETACHED GARAGE	480 SQ. FT.
EX. SHEDS	100 SQ. FT.
TOTAL EXISTING AREA	2,840 SQ. FT.
FIRST FLOOR ADDITION	294 SQ. FT.
- LOT SIZE : 12,208 SQ. FT.
- MAXIMUM LOT COVERAGE : 100%
- PARKING REQUIRED : 9 SPACES
 

MEDICAL OFFICE - B-2 CENTRAL BUSINESS	
1 SPACE / 250 SQ. FT. OF GROSS FLOOR AREA	
1,734 SQ. FT. / 250	7 SPACES REQ'D
RESIDENTIAL - B-2 CENTRAL BUSINESS	
2 SPACES / DWELLING UNIT	
APARTMENT	2 SPACES REQ'D
- PARKING PROVIDED : 13 SPACES



NORTH  
SITE PLAN  
SCALE: 1" = 20'-0"

NORTH  
LOCATION MAP  
NOT TO SCALE

**JOSEPH PHILIPS**  
ARCHITECT, LLC

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02/27/20

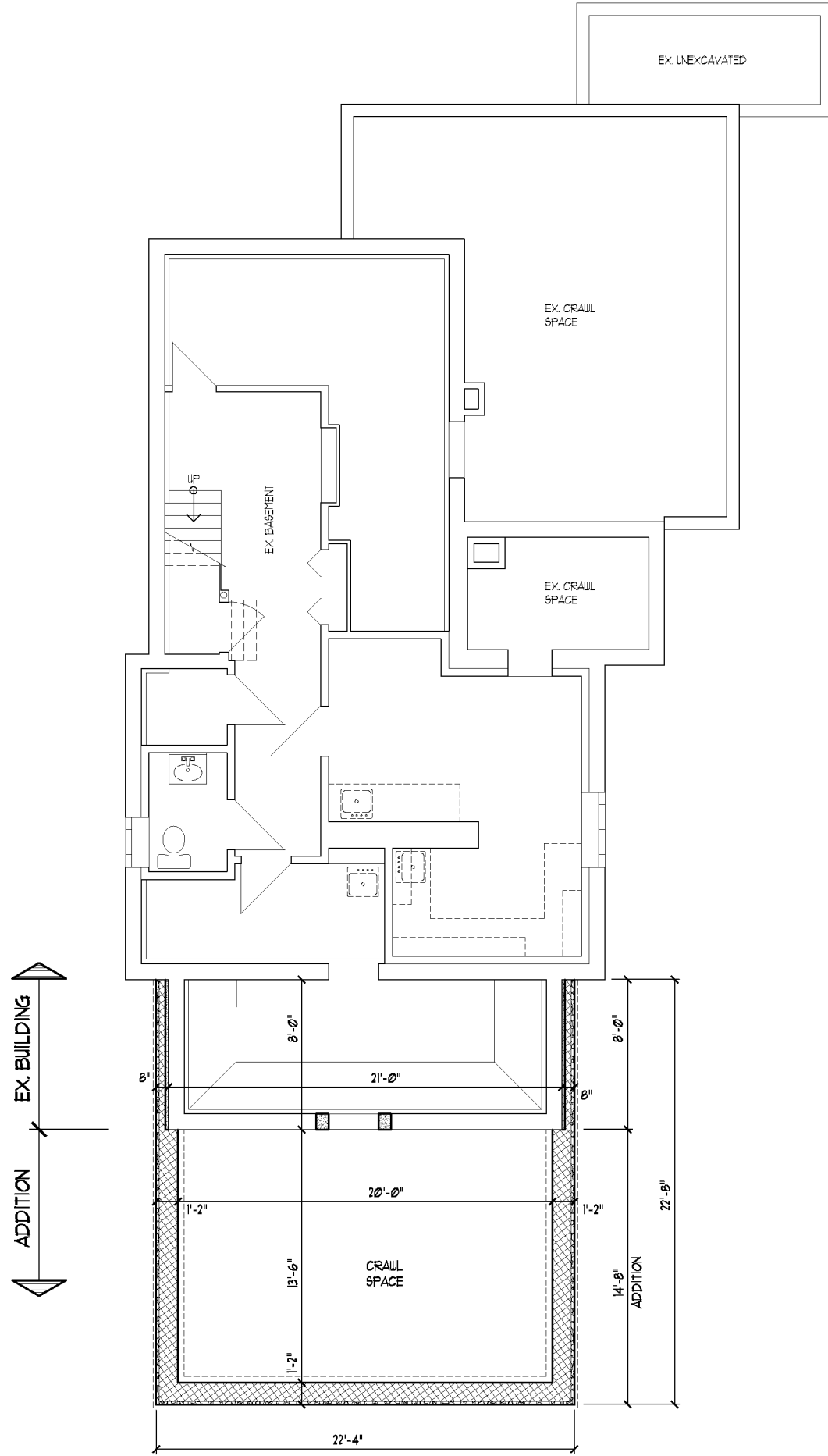
PROJECT:  
HAMERINK DENTAL - ADDITION & ALTERATIONS  
159 S. HARVEY PLYMOUTH, MICHIGAN 48170

PRELIMINARY

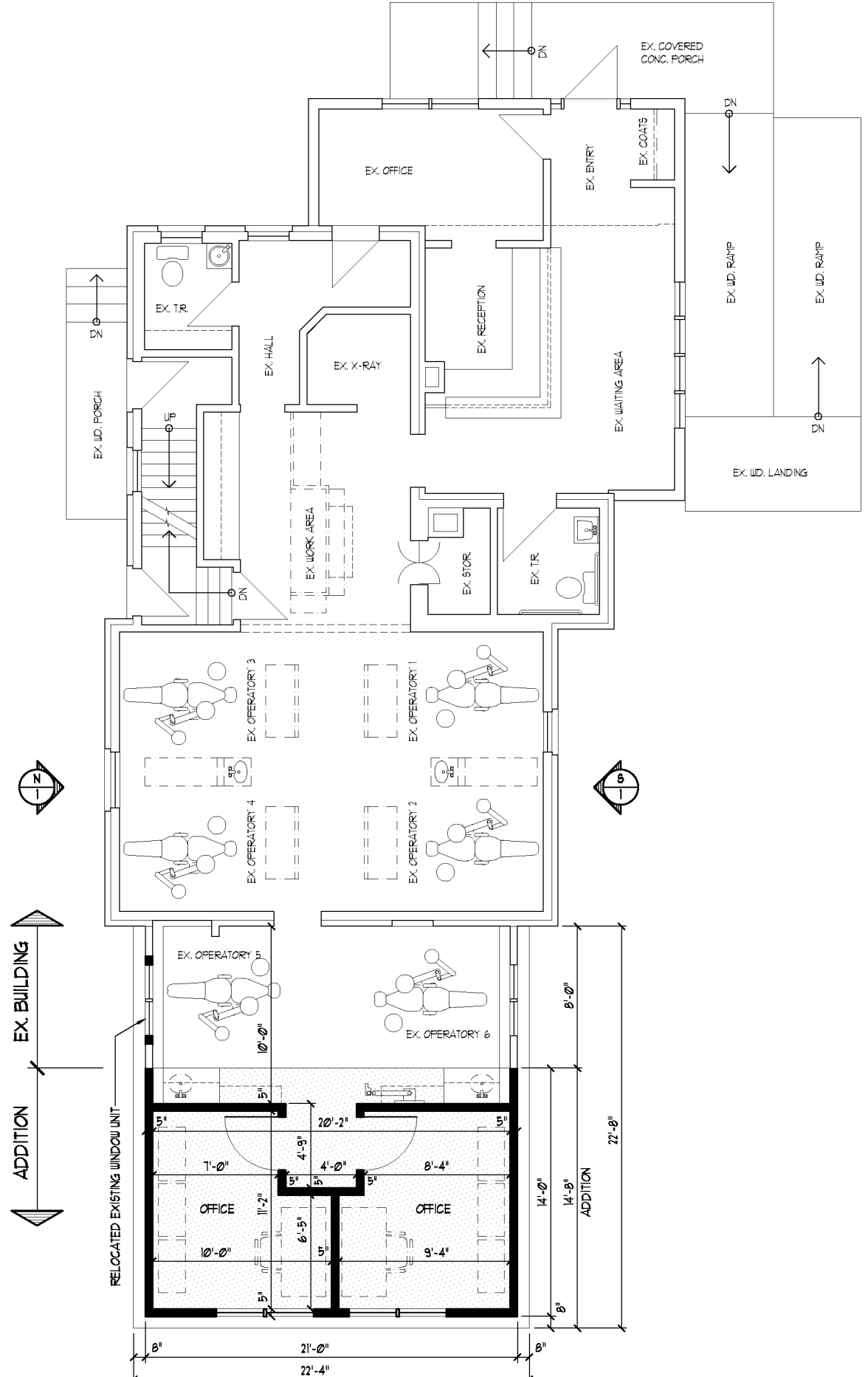
DATE:  
05/13/22

JOB NO:  
22825  
SHEET NO:  
TITLE  
825\_PD\_03

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**BASEMENT/FOUNDATION PLAN**  
SCALE: 1/8" = 1'-0"



**1ST FLOOR PLAN**  
SCALE: 1/8" = 1'-0"

JOB NO: 22825	DATE: 05/13/22	PROJECT: HAMERINK DENTAL - ADDITION & ALTERATIONS 159 S. HARVEY PLYMOUTH, MICHIGAN 48170	NOT FOR CONSTRUCTION UNDER NO CIRCUMSTANCES IS THIS DOCUMENT TO BE USED FOR CONSTRUCTION OR OBTAINING PERMITS. © COPYRIGHT 2021	<b>JOSEPH PHILIPS</b> ARCHITECT, LLC
SHEET NO: 1	PROPOSED PLANS	02/27/20		
PRELIMINARY				
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W WEST ELEVATION  
SCALE: 1/8" = 1'-0"



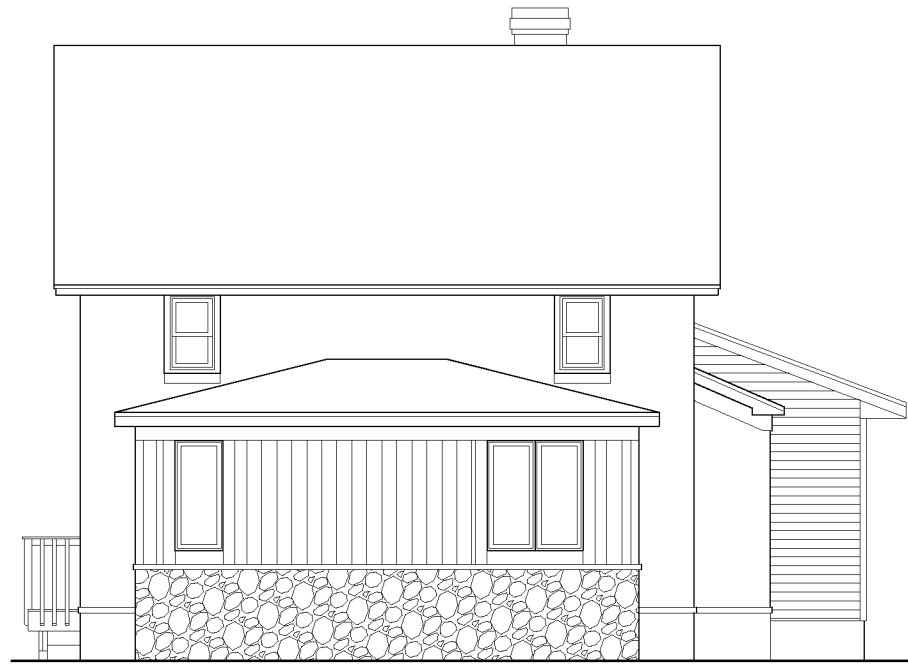
S SOUTH ELEVATION  
SCALE: 1/8" = 1'-0"



N NORTH ELEVATION  
SCALE: 1/8" = 1'-0"

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PROJECT: HAMERINK DENTAL - ADDITION & ALTERATIONS 159 S. HARVEY PLYMOUTH, MICHIGAN 48170 PROPOSED ELEVATIONS	
PRELIMINARY	
JOB NO: 22825	DATE: 05/13/22
SHEET NO: 2	825_PD_03

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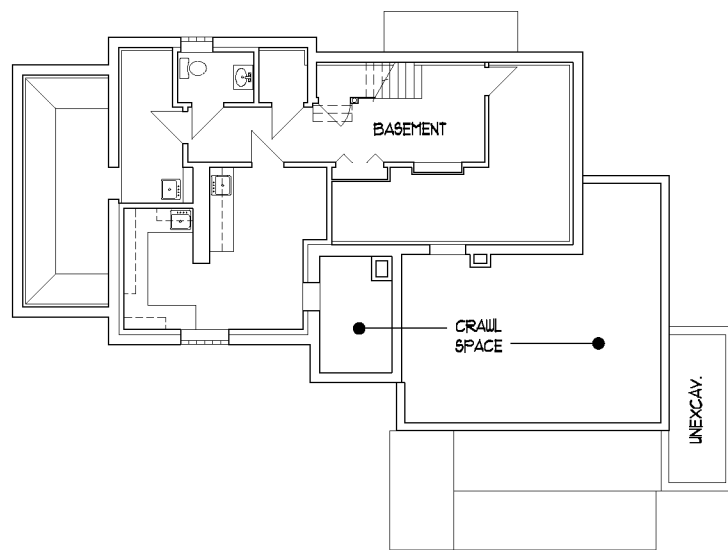
**W**  
EC1 WEST ELEVATION  
SCALE: 1/8" = 1'-0"



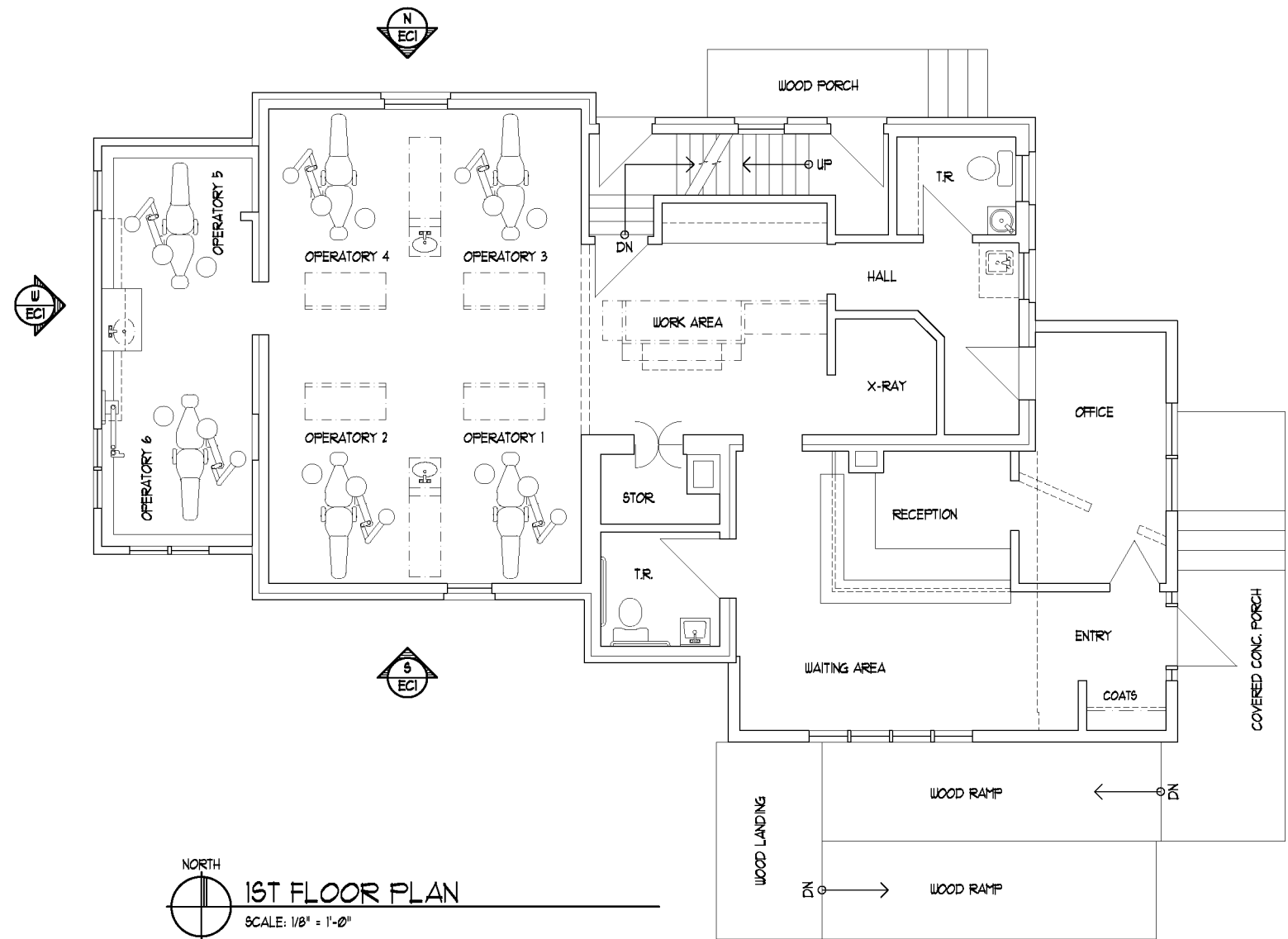
**S**  
EC1 SOUTH ELEVATION  
SCALE: 1/8" = 1'-0"



**N**  
EC1 NORTH ELEVATION  
SCALE: 1/16" = 1'-0"



**NORTH**  
BASEMENT / FOUNDATION PLAN  
SCALE: 1/16" = 1'-0"



**NORTH**  
1ST FLOOR PLAN  
SCALE: 1/8" = 1'-0"

**JOSEPH PHILIPS**  
ARCHITECT, LLC

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PROJECT:  
HAMERINK DENTAL - ADDITION & ALTERATIONS  
159 S. HARVEY PLYMOUTH, MICHIGAN 48170  
EXISTING CONDITIONS

PRELIMINARY

DATE: 05/13/22  
JOB NO: 22825  
SHEET NO: EC1  
825\_PD\_03

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