

**CHARTER TOWNSHIP OF PLYMOUTH  
ZONING BOARD OF APPEALS MINUTES  
REGULAR MEETING  
THURSDAY, APRIL 5, 2007**

Meeting called to order at 6:04 p.m. by Chairman Levensgood.

**MEMBERS PRESENT:** Gene Levensgood  
Robert Doroshewitz  
Harry Jachym  
Ray Sturdy, Jr.

**MEMBERS ABSENT:** Jim Zdanek, Excused

**OTHERS PRESENT:** Mark Lewis, Chief Building Official  
**Several** members of the public

**ITEM NO. 1 - APPROVAL OF MINUTES**

**1. Regular Meeting – March 1, 2007**

Action on approval of the minutes was delayed until the next meeting because the minutes were not received by Board members.

**ITEM NO. 2 – NEW BUSINESS**

**1. Application No. 1438- Joe & Corrine DeMarco  
12348 Howland Park Dr.  
Plymouth, MI 48170**

**Location – Joe & Corrine DeMarco  
12348 Howland Park Dr.  
Plymouth, MI 48170  
Tax I.D. #78-044-02-0126-000**

RE: Zoning Ordinance No. 99, Article XX, schedule of regulations amendments: R-1-E, R-1-H, R-1-S & R-1 one family residential district Sec. 20.1 minimum side yard setback.

<u>Variance No.</u>	<u>Zoning Ordinance Section/Standard</u>	<u>Location</u>	<u>Required Side Yard Setback</u>	<u>Proposed Side Yard Setback</u>	<u>Variance Required</u>
1	Ordinance 99, Article XX	12348 Howland Park	Fifteen (15) ft.	Five (5) ft	Ten (10) ft

***The applicant is requesting one variance:***

1. The existing residential site has a minimum side yard setback of fifteen (15) feet. With the proposed attached 15' X 24' structure on the north side of the residence, the side yard setback would be five (5) feet. The applicant is **requesting a side yard variance of ten (10) feet.**

**CHARTER TOWNSHIP OF PLYMOUTH  
ZONING BOARD OF APPEALS MINUTES  
REGULAR MEETING  
THURSDAY, APRIL 5, 2007**

Applicant Joe DeMarco addressed the Board and answered questions. He indicated that even with a 5 ft. side yard setback, the proposed building would still be 30 ft. from the adjacent neighbor's house. He has met the requirements of his subdivision bylaws because the structure is not freestanding but attached to the existing structure. Physical limitations of his property preclude relocating the proposed structure on the site because he has a walkout with a large elevation on the top. Also, there are large existing trees and rolling topography. There is also an inground pool with an existing two-story deck. Reducing the size of the structure would leave dimensions of 5 x 24 ft. which would not be practical for yard equipment usage.

Mr. DeMarco also noted he has approval of the homeowners' association, adjacent neighbor and other neighbors. Written approvals were presented by Mr. DeMarco from adjacent neighbors Steve and Kathy Hazergian and homeowners' association board members Jim Gendron and Bhru Patel. Mr. Patel was present at the meeting.

Mr. Sturdy confirmed with Mr. DeMarco that roof lines and building materials will be in keeping with the existing structure and that the bridge between will be built properly.

Mr. Jachym reviewed ordinance requirements for granting variances. He was concerned with whether the request meets the "unreasonable" portion of practical difficulty and exceptional circumstances. Is this lot so dissimilar to others that there wouldn't be recurring requests?

Mr. Sturdy said locating it on the other side of the house would make it inaccessible, creating practical difficulty. If you make it smaller, it is useless. If you locate it closer, the garage is unusable. Many of the other houses don't have similar topography and the willingness of the applicant to make sure he's not endangering the public nor creating a nuisance stands out. Those factors would meet practical difficulty, exceptional circumstance, and not creating a nuisance. Substantial justice would be met by agreement of the adjacent neighbor, homeowners' association and other neighbors.

Moved by Mr. Doroshewitz, supported by Mr. Sturdy, to grant the 10 ft. side yard setback variance requested in Application No. 1438, Joe & Corrine DeMarco, at 12348 Howland Park Drive, providing the finished design is cleared by the Building Department for structural soundness of the bridge and the building. Ayes - Gene Levengood, Robert Doroshewitz, Ray Sturdy, Jr. Harry Jachym voted no. The motion passed.

**2. Application No. 1439- Trowbridge Homes Construction  
2617 Beacon Hill  
Auburn Hills, MI 48326**

**Location – 12285 Wendover Drive  
Plymouth, MI 48170  
Tax I.D. #78-042-04-0030-0000**

**CHARTER TOWNSHIP OF PLYMOUTH  
ZONING BOARD OF APPEALS MINUTES  
REGULAR MEETING  
THURSDAY, APRIL 5, 2007**

RE: Zoning Ordinance No. 99, Article 22.10, Single Family Cluster Housing Amendments  
General Conditions.

<u>Variance No.</u>	<u>Zoning Ordinance Section/Standard</u>	<u>Location</u>	<u>Required Side Yard Setback</u>	<u>Proposed Side Yard Setback</u>	<u>Variance Required</u>
1	Ordinance 99, Article 22.10	12285 Wendover Drive	Sixteen (16) ft.	Ten (10) ft. six (6) in.	Five (5) ft. six (6) in.

*The applicant is requesting one variance:*

1. The existing residential site has a side yard setback of eleven (11) feet and five (5) feet for a total of sixteen (16) feet. A variance was granted by the Planning Commission and Township Board of Trustees for the original Cluster Housing Option allowing a side yard setback requirement of eleven (11) feet and five (5) feet for a total of sixteen (16) feet between each residence. With the proposed new residential dwelling, the side yard setback between the dwellings would be ten (10) feet six (6) inches. The applicant is *requesting a side yard variance of five (5) feet six (6) inches.*

The applicant requested the above item be tabled until the next meeting.

Moved by Mr. Doroshewitz, supported by Mr. Sturdy, to table Application 1439, Trowbridge Homes Construction, for a 5 ft. 6 in. sideyard variance at 12285 Wendover Drive until the next meeting. Ayes all.

Moved by Mr. Sturdy, supported by Mr. Jachym, to adjourn.

Meeting adjourned at approximately 6:50 pm.

Respectfully submitted,

*Raymond O. Sturdy, Jr.*

Raymond O. Sturdy, Jr., Secretary  
Zoning Board of Appeals

NOTE: Upon granting a zoning variance, a building permit is required.  
If denied, the applicant may appeal to Circuit Court.

The Charter Township of Plymouth will provide necessary reasonable aids and services, such as signers for the hearing impaired and audio tapes of printed materials being considered at the meeting, to individuals with disabilities at the meeting/hearing upon two weeks notice to the Charter Township of Plymouth. Individuals with disabilities requiring auxiliary aids or services should contact the Charter Township of Plymouth by writing or calling the Human Resource Office, Charter Township of Plymouth, 9955 N. Haggerty Road, Plymouth, Michigan, 48170, (734) 453-3202, TDD users: 1-800-649-3777 (Michigan Relay Service)-