

**CHARTER TOWNSHIP OF PLYMOUTH
ZONING BOARD OF APPEALS MINUTES
REGULAR MEETING
THURSDAY, OCTOBER 1, 2009**

Meeting called to order at 6:03 p.m. by Chairman Levensgood.

MEMBERS PRESENT: Gene Levensgood
Harry Jachym
Ray Sturdy, Jr.
Jim Zdanek

MEMBERS ABSENT: Robert Doroshewitz

OTHERS PRESENT: Mark Lewis, Chief Building Official
Alice Geletzke, Recording Secretary
4 members of the public

ITEM NO. 1 - APPROVAL OF MINUTES

1. Regular Meetings – June 4, 2009.

Moved by Mr. Jachym, supported by Mr. Zdanek, to approve the minutes of the regular meeting of June 4, 2009 as submitted. Ayes all.

ITEM NO. 2 – NEW BUSINESS

1. Approval of 2010 ZBA calendar

Moved by Mr. Sturdy, supported by Mr. Jachym, to approve the 2010 ZBA calendar with meetings to be held on the following dates, beginning at 6 p.m.:

January 7	February 4	March 4
April 1	May 6	June 3
July 1	August 5	September 2
October 7	November 4	December 2
January 6, 2011		

Ayes all.

**2. Application No. 1466- Leo Soave
37771 Seven Mile RD
Livonia MI 48152**

**Location - Plymouth Village Shoppe
Entire Project
1051, 1055, 1059, 1063, 1067, 1071, 1075, 1079,
1083, 1085, 1087 Ann Arbor RD
Plymouth MI 48170**

Tax I.D. #78-059-04-0027-000

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RE: Zoning Ordinance No. 99, Article 14, Sec 10.4 (s), Prohibited Signs & Article 28, Sec 8.3 (d) Special Provisions, Exterior Lighting

<u>Variance No.</u>	<u>Zoning Ordinance Section/Standard</u>	<u>Location</u>	<u>Prohibited Signage</u>	<u>Proposed Window Signage</u>	<u>Variance Required</u>
1466	Ordinance 99, Article XIV, Sec 10.4 (s) & Article XXIII Sec 8.3 (d)	Entire Project Plymouth Village Shoppe (see addresses above)	Neon Window Signs	Neon Window Signs	Unlimited Neon Window Signs

The applicant is requesting one variance:

- The applicant is in the ARC zoning district and is proposing to have neon window signage in each of the tenant spaces per each tenant needs. The applicant is asking for a *variance that prohibits neon to allow each tenant to have neon window signage.*

Mr. Jachym asked to be allowed to abstain from voting on this application because of prior dealings with applicant Mr. Soave at this location. The Board concurred.

Mr. Brian Waskiewicz, a tenant of the complex, addressed the Board and indicated that although the application submitted indicated that authorization for unlimited neon window lighting was sought, all he really wanted was permission to use several smaller neon window signs similar to the "OPEN" and product name signage presently being displayed in several of the neighboring businesses in the same building. No specific drawings or pictures of the desired signage or its proposed location(s) were presented.

A letter of objection to unlimited neon signage was received from Charles Mearu, a resident of the Plymouth Village Condominium immediately west of the building.

It appeared that the section of the Ordinance the applicant was seeking a variance from was not applicable to this specific situation. Instead, it seems that applicant is seeking a variance from the application of Article XIV, Section 10.4(w) which explicitly requires that any sign that consists of glass tubing filled with neon may only be permitted subject to Planning Commission approval.

Moved by Mr. Sturdy, supported by Mr. Levengood, to table Application 1466, request for variance for unlimited neon window signs at Plymouth Village Shoppe on Ann Arbor Road, until the next meeting to permit the applicant an opportunity to provide more explicit information as to what signage was desired and what provisions of the ordinance he was seeking variance from. Ayes all with Mr. Jachym abstaining.

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**3. Application No. 1467- Prestique Custom Building LLC
Jon Queen
5225 Sheldon
Canton MI 48188**

**Location – 44429 Erik Pass (Lot 45)
Plymouth MI 48170**

Tax I.D. #78-058-01-0045-000

RE: Zoning Ordinance No. 99, Article 20, Sec 20.1, Height, Area, Lot Coverage, Yard Requirements and Floor Area

<u>Variance No.</u>	<u>Zoning Ordinance Section/Standard</u>	<u>Location</u>	<u>Required Rear Yard Setback</u>	<u>Proposed Rear Yard Setback</u>	<u>Variance Required</u>
1467	Ordinance 99, Article XX, Sec 20.1	44429 Erik Pass	Fifty (50) Feet	Forty (40) Feet	Ten (10) Feet

The applicant is requesting one variance:

- The applicant is in an R-1 zoning district and is proposing a 12 x 30 rear addition to the existing home. The minimum required rear yard setback is fifty (50) feet; this proposed addition would create a rear yard setback of forty (40) feet, encroaching into the required rear yard setback by ten (10) feet. The applicant is asking for a rear yard setback *variance of ten (10) feet.*

A representative of Prestique Custom Building and Don and Carol Strand, property owners at 44429 Erik Pass, addressed the Board and answered questions regarding the proposed addition to the rear of the existing dwelling. The proposed addition would be 30 feet by 12 feet and would reduce the rear yard setback to 40 feet. They indicated approvals had been presented from each of their neighboring property owners.

Mr. Sturdy noted that each of the criteria in the Zoning Ordinance (practical difficulty, substantial justice, etc.) seemed to have been met and the proposed addition would have a positive impact at this location. However, Article XX, Section 20.2 (bb) (3) currently restricts the width of the proposed addition the Board may approve to no more than 40% of the width of the residence. In this case, the largest addition possible would be approximately 16 feet by 12 feet. The applicants indicated that they were planning on using the addition as living quarters for an elderly parent and that a 16 x 12 foot area would be much too limiting.

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It was noted by the Board that this restriction had been problematic in a number of otherwise reasonable requests in the last several years and Mr. Sturdy indicated that several members of the Planning Commission had expressed an interest in considering the issue.

Moved by Mr. Sturdy, supported by Mr. Zdanek, to table Application 1467, request for a 10-ft. rear yard setback variance at 44429 Erik Pass, be tabled for up to six months to permit sufficient time for the Planning Commission and Board of Trustees to consider an amendment to the Zoning Ordinance. Ayes all.

Moved by Mr. Jachym, supported by Mr. Zdanek, to adjourn the meeting. Ayes all.

Mr. Levengood adjourned the meeting at 6:48 p.m.

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)-