Zoning Board of Appeals Minutes
August 3, 2006

Meeting called to order at 6:05 p.m. by Chairman Levengood.

MEMBERS PRESENT:

Bob Doroshewitz
Harry Jachym
Gene Levengood
Ray Sturdy, Jr.
Jim Zdanek

MEMBERS ABSENT:

None

OTHERS PRESENT:

Mark Lewis, Chief Building Official
Alice Geletzke, Recording Secretary
14 members of the public

ITEM NO. 1 ‐ APPROVAL OF MINUTES

1. Regular Meeting ‐ June 1, 2006

Moved by Mr. Jachym, supported by Mr. Levengood, to approve the minutes of the regular meeting of June 1, 2006, as presented.

Ayes all.

ITEM NO. 2 ‐ OLD BUSINESS

Tabled from June 1, 2006

1. Application No. 1420 ‐ David A. Sawulski

41145 Russet
Plymouth, MI 48170

Location - David A. Sawulski
41145 Russet
Plymouth, MI 48170
Tax I.D. #78-022-01-0221-000


<table>
<thead>
<tr>
<th>Variance No.</th>
<th>Zoning Ordinance Section/Standard</th>
<th>Location</th>
<th>Allowed Maximum Fence Height</th>
<th>Proposed Maximum Fence Height</th>
<th>Variance Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Ord. 99, Article VI</td>
<td>41145 Russet</td>
<td>Four (4) feet</td>
<td>Six (6) feet</td>
<td>Two (2) feet</td>
</tr>
</tbody>
</table>

The applicant is requesting one variance:

1. The applicant is proposing a six (6) foot high fence in the rear yard. The required maximum height is four (4) feet. With the proposed variance, the applicant is requesting a variance of two (2) feet in fence height.

The Board reviewed circumstances of the request which involved protecting Mr. Sawulski’s autistic child from dogs in the neighborhood, including a pit bull, during his visits. Mr. Sawulski noted his adjacent neighbors on both sides have no objections to the erection of the six-foot fence, and the rear of the lot has an existing six-foot fence.

Mr. Levengood and Mr. Jachym voiced their objections to the variance, both feeling it would be setting a precedent.

Mr. Doroshewitz, Mr. Sturdy, and Mr. Zdanek were in favor of granting the variance for protection and because adjacent neighbors have no objection.

Moved by Mr. Doroshewitz, supported by Mr. Sturdy, to approve the two-foot fence height variance for both sides of the lot as requested in Application 1420, David A. Sawulski, 41145 Russet.
Motion carried.

2. Application No. 1423 - Susan R. Dostie
41146 Russet
Plymouth, MI 48170

Location - Susan R. Dostie
41146 Russet
Plymouth, MI 48170
Tax I.D. #78-022-01-0204-000


<table>
<thead>
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<th>Proposed Maximum Fence Height</th>
<th>Variance Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Ord. 99, Article VI</td>
<td>41146</td>
<td>Four (4) feet</td>
<td>Six (6) feet</td>
<td>Two (2) feet</td>
</tr>
</tbody>
</table>

The applicant is requesting one variance:

1. The applicant is proposing a six (6) foot high fence in the rear yard. The required maximum height is four (4) feet. With the proposed variance, the applicant is requesting a variance of two (2) feet in fence height.

Susan Dostie addressed the Board, presented photographs, and answered questions, indicating the request involves placement of a privacy fence screening the patio, rather than enclosing the yard. Three abutting neighbors agree to the variance.

Moved by Mr. Sturdy, supported by Mr. Levengood, to grant the variance requested in Application 1423, Susan R. Dostie, 41146 Russet, as a provision of Section 6.48 (f), 1(c)3 as a variance from the privacy screening fence dimensional requirements.

Ayes all.

3. Application No. 1424 - Jeff & Diana Deal
9275 McClumpha
Plymouth, MI 48170

Location - Jeff & Diana Deal
9275 McClumpha
Plymouth, MI 48170
Tax I.D. #78-055-99-0010-701

RE: Zoning Ordinance No 99, Article VI, Schedule of Regulations Amendments: R-1-E, R-1-H, R-1-S, R-1. One Family Residential Districts Sec. 8.a.3.

<table>
<thead>
<tr>
<th>Variance No.</th>
<th>Zoning Ordinance Section/Standard</th>
<th>Location</th>
<th>Maximum Building Height Allowed</th>
<th>Proposed Maximum Building Height</th>
<th>Variance Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Ordinance 99, Article VI, Section 8.a.3</td>
<td>9275 McClumpha</td>
<td>12 feet</td>
<td>16 feet 1 inch</td>
<td>4 feet 1 inch</td>
</tr>
</tbody>
</table>

The applicant is requesting one variance:

1. The applicant is proposing a sixteen (16) foot, one (1) inch high accessory building. The required maximum building height is twelve (12) feet. With the proposed variance, the applicant is requesting a variance of four (4) feet, one (1) inch for building height.

Diana Deal addressed the Board and answered questions. She presented pictures of the historic house which showed how the higher garage would fit in better with the existing structures. There are no other houses in close proximity.

Moved by Mr. Sturdy, supported by Mr. Jachym, to grant the 4’1” building height variance requested in Application 1424, Jeff & Diana Deal, 9275 McClumpha.

Ayes all.

4. Application No. 1425 - Don & Laurie Pocock
45775 Turtlehead
Plymouth, MI 48170
Location – Don & Laurie Pocock
45775 Turtlehead
Plymouth, MI 48170
Tax I.D. #78-053-01-0425-000

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 Districts Sec. 20.1, minimum rear yard setback - 50 feet.

<table>
<thead>
<tr>
<th>Variance No.</th>
<th>Zoning Ordinance Section/Standard</th>
<th>Location</th>
<th>Required Minimum Rear Yard Setback</th>
<th>Proposed Minimum Rear Yard Setback</th>
<th>Variance Required</th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>Ord. 99, Article VI</td>
<td>45775 Turtlehead</td>
<td>50 feet</td>
<td>45 feet</td>
<td>5 feet</td>
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</tbody>
</table>

The applicant is requesting one variance:

1. The applicant is proposing to build a 14’ x 16’ gable style enclosure to be used for recreational use. The existing residential property has a rear yard setback of more than the minimum fifty (50) foot rear yard setback. With the proposed fourteen (14) x sixteen (16) enclosure, the rear yard setback would be five (5) feet.

Mr. Pocock and Sue Tone of the enclosure company addressed the Board, presented photographs, and answered questions.

Mr. Sturdy felt the request meets all the necessary requirements for granting variance.

Moved by Mr. Sturdy, supported by Mr. Jachym, to approve the 5-foot minimum rear yard setback variance requested in Application 1425, Don & Laurie Pocock, 45775 Turtlehead.

Ayes all.

5. Application No. 1426 - John & Mary Ann MacLaren
44471 Marc Trail
Plymouth, MI 48170

Location - John & Mary Ann MacLaren
44471 Marc Trail
Plymouth, MI 48170
R78-058-01-0055-000


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<th>Required Minimum Rear Yard Setback</th>
<th>Proposed Minimum Rear Yard Setback</th>
<th>Variance Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Ord. 99, Article VI</td>
<td>44471 Marc Trail</td>
<td>50 feet</td>
<td>37 feet 4 inches</td>
<td>13 feet 8 inches</td>
</tr>
</tbody>
</table>

The applicant is requesting one variance:

Due to extenuating circumstances including several as the result of a recent fire, the applicant is requesting a rear yard variance of thirteen (13) feet, eight (8) inches. (See Attached).

Dave Donnellon, planner and architect, addressed the Board on behalf of the applicants, indicating they wished to rebuild on the existing foundation.

The Board noted their ordinance limitations in granting only a 10-foot variance in minimum rear yard setbacks and discussed the possibility of the Board of Trustees amending the ordinance very soon.

The adjacent neighbors indicated to the Board they have no objections to the variance.

Mr. Donnellon asked that the Board continue the meeting and return to their request after discussion of the remaining application to allow for discussion with his clients.

6. Application No. 1427- Gerald Ash
43944 Joy Rd
Plymouth, MI 48170

Location - Gerald Ash
43944 Joy Road
Plymouth, MI 48170
The applicant is requesting one variance:

1. The applicant is proposing a six (6) foot high fence on the west side yard of this corner lot. The required maximum height is four (4) feet. With the proposed variance, the applicant is requesting a variance of two (2) feet in fence height.

Mr. and Mrs. Ash addressed the Board and answered questions. They indicated their only yard is to the west side of the property, rather than at the rear. Their two neighbors have no objections to the fence.

Mr. Sturdy noted the exceptional circumstances in the lot’s unusual size and living at the township boundary.

Moved by Mr. Doroshewitz, supported by Mr. Sturdy, to approve the two-foot fence height variance requested in Application 1427, Gerald Ash, 43944 Joy Road, to permit construction of the privacy screen fence with notification to include a three-foot minimum setback from the front face of the home.

Ayes all.

The Board then returned to consideration of Application 1426, John & Mary Ann MacLaren, 44471 Marc Trail.

Mr. Sturdy asked Mr. Donnellon to present any recommendations he might have for wording the ordinance amendment to Building Official Lewis for submission to the Planning Commission prior to their next meeting.

Mr. Doroshewitz indicated he would contact the Township Attorney to see what relief the Board of Trustees might be able to provide in this case, without legal liability for the Township.

Moved by Mr. Sturdy, supported by Mr. Jachym, to grant the authority requested in Application 1426, John & Mary Ann MacLaren, 44471 Marc Trail, within the authorized powers of the Zoning Board to Appeals for a proposed variance of 10 feet from the requirement of 50 feet, for the minimum rear yard setback of 40 feet; and, in addition, table this matter for further consideration of additional relief for up to 90 days.

Ayes all.

Moved by Mr. Doroshewitz, supported by Mr. Sturdy, to adjourn the meeting.

Meeting adjourned at 7:35 p.m.

Respectfully submitted,

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, 4250 Ann Arbor Road, Plymouth, Michigan, 48170, (734) 453-3202, TDD users: 1-800-649-3777 (Michigan Relay Service).