Meeting called to order at 6:00 p.m. by Chairman Levengood.

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

MEMBERS ABSENT: Robert Doroshewitz, Excused

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

ITEM NO. 1 - APPROVAL OF MINUTES


Moved by Mr. Jachym, supported by Mr. Zdanek, to approve the minutes of the regular meeting of December 3, 2009 as presented. Ayes all.

ITEM NO. 2 – NEW BUSINESS

1. Application No. 1470 - Liberty Hill Housing Corporation
   35425 Michigan Ave
   Wayne MI 48184

   Location – Vacant Lot (West of Beck Rd between Powell
   & North Territorial)
   Plymouth MI 48170

   Tax I.D. #78-040-99-0008-000

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

<table>
<thead>
<tr>
<th>Variance No.</th>
<th>Zoning Ordinance Section/Standard</th>
<th>Location</th>
<th>Minimum Lot Area</th>
<th>Proposed Minimum Lot Area</th>
<th>Variance Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>1470</td>
<td>Ordinance Article XX, Sec 20.1</td>
<td>78-040-99-0008-000</td>
<td>43,560 S.F.</td>
<td>13,555 S.F.</td>
<td>30,005 S.F.</td>
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</tbody>
</table>
The applicant is requesting three variances:

Applicant's property is located in an R-1-E zoning district and Applicant is requesting three variances. Applicant's lot does not meet current zoning requirements to permit construction of a residential home. In order to construct the proposed home, Applicant needs the following:

- A minimum lot area of 1 acre (43,560 square feet) is required; the existing lot area is 13,550 square feet.
- A minimum lot width of 150 feet is required; the existing lot is 74.5 feet wide.
- Allowable lot coverage is 15%, the proposed site design requires 17% lot coverage.

Mr. Jim Pappas, Architect, and Mr. Bill Lott, Property Development Manager of Liberty Hill Housing Corporation, addressed the Board and answered questions. They explained that they wished to construct a single story residential dwelling on the property, but the minimum lot area, minimum lot width and minimum lot coverage requirements of the zoning ordinance prevented such construction.

Mr. Sturdy observed that the proposed variance requests were quite extraordinary. He explained that the township has four zoning districts for single family dwellings to wit: the R-1-E district which requires a 43,560 sq. ft. (1 acre) minimum lot size and a 150 foot lot width with 15% maximum lot coverage; the less restrictive R-1-H district which requires a 21,780 sq. ft. (1/2 acre) minimum lot size and a 120 foot width with 15% maximum lot coverage; the R-1-S district which requires a 12,000 sq. ft. minimum lot size and a 90 foot minimum width with 25% maximum lot coverage; and the R-1 district which requires a 7,200 sq. ft. minimum lot size and a 60 minimum width with a 25% maximum lot coverage. Applicant's proposal would not only violate the requirements of the R-1-E district, but its lot size and coverage do not even meet the requirements of the less
restrictive R-1-H district. Further, Applicant's lot width does not meet the even less restrictive requirements of the R-1-S district. Mr. Sturdy suggested that Applicant's proposal seemed to have all the characteristics of a radical rezoning request for a single parcel instead of a simple variance application. He stated that the collection of variances requested certainly did not seem to be consistent with the spirit, intent or purpose of the Township's zoning district requirements.

Mr. Sturdy indicated that this inconsistency with the intent and purpose of the ordinance was further supported by consideration of the properties surrounding Applicant's small parcel. The R-1-E district in which Applicant's property is located contains the 52-lot Plymouth Hills Subdivision which was platted with conforming 1-acre lots in 1951, almost 60 years ago. Except for the parkland on the east side of Beck Road, this R-1-E zoning district is bordered on the north, west and south by R-1-H zoning districts which all require minimum 1/2 acre lots. The plat indicates that when the Plymouth Hills Subdivision was platted, an approximate 2-1/4 acre "outlot" exception bordering Beck Road to the east was not included. This exception contains five contiguous parcels that vary from 0.35 acre to 0.71 acre in size. Two of these five parcels appear to be landlocked and three of the parcels have frontage on Beck Road. The landlocked parcels are vacant. Applicant's lot is the 0.35 acre lot with Beck Road frontage southernmost in this exception and it is also currently vacant. Immediately north of Applicant's lot is a 0.45 acre lot upon which is located what appears to be a small older single-family dwelling. Immediately north of that lot is a 0.71 acre parcel which also contains an older single-family dwelling.

Each of these older single-family homes north of Applicant's lot appears to be a non-conforming structure under the ordinance. Non-conforming structures are those that are permitted to continue notwithstanding the fact that the community has enacted zoning regulations that do not permit similar structures in the same area. The purpose of the Township's non-conforming structure and use restrictions is to secure the gradual elimination of such nonconformities. Mr. Sturdy felt that a grant of the extreme variances requested in this application would permit construction of a third non-conforming structure in the immediate area and would be in direct conflict with the clear intent of the provisions of Section 27 of the Zoning Ordinance which deal with the gradual elimination of nonconformities.

The Board also heard from Mrs. Audrey Martz who lives in the home on Lot 52 of the Plymouth Hills Subdivision located immediately south of Applicant's lot and her son, Pat Martz. Audrey and Pat Martz had two concerns. First, they contended that the size variance sought by the Applicant in this case would result in a lot and home so narrow as to detract significantly from the value of the one-acre properties in their neighborhood in general and their immediately adjacent home and lot in particular. They also were concerned that because of the slope and narrowness of the property in question, there would be no way to control water run-off from Applicant's site away from their property. Applicant's proposed site plan indicates that there would only be a 15 foot side yard area on either side of the proposed structure. Mrs. Martz was strongly opposed to the proposed variance requests.
Mr. Pappas presented a letter dated July 1, 2005 that had been written by the Township's Chief Building Official to a Mr. Marc Raymond of Romulus, Michigan. The letter concerned what were termed "Beck Road 'non-conforming lots'" one of which is the subject of Applicant's current variance request. Mr. Pappas contended that the letter states that the lots in question could be built on but any houses would have to meet all requirements of the R-1-E Zoning District for lot coverage and setbacks. He claimed that with Applicant's proposal in this case, all setbacks are met, and only a 2% variance in lot coverage is requested. Mr. Sturdy indicated a belief that if the letter is given a fair reading in its entirety, it is intended to indicate that all requirements of the R-1-E zoning district would have to be met, not just the setback and lot coverage requirements mentioned in the letter. In any event, however, he noted that he did not believe that an administrative official of the Township had express authority to waive the explicit requirements of the zoning ordinance.

Mr. Jachym asked questions regarding the ownership of the property and the situation regarding sewer and storm water utilities in the area. Chairman Levengood raised a concern about safety given the minimal width and lack of frontage of the property along Beck Road and its location near the top of a hill.

Moved by Mr. Sturdy, supported by Mr. Jachym, that the variances requested in Application 1470, Liberty Hill Housing Corporation, for the vacant lot west of Beck Road between Powell and North Territorial Roads, be denied for the following reasons:

- A grant of Applicant's requested variances would be significantly inconsistent with the spirit, intent or purpose of the zoning district restrictions set forth in the township zoning ordinance and in direct conflict with the spirit, intent and purpose of the nonconformities provisions of the ordinance as well;

- Based on the information presented and considered, the findings required by Section 31.11 of the Zoning Ordinance cannot be made. In particular, no practical difficulty has been established. Applicant's difficulty is a nonconformity with legal requirements, not a practical difficulty. In addition, evidence presented indicates that substantial justice cannot be achieved in this case because the property rights of neighbors in the immediate vicinity and in the same district would be significantly diminished by the construction of the equivalent of a third non-conforming structure at this location.

Ayes all.

Exhibits:

Application Form
Applicant’s Letter of 2/23/10 regarding Application
Applicant's Aerial Photo, Floor Plan, Site Plan, Elevation and Summary Sheet
Dept of Management & Budget Tract & Plat Map of SE 1/4 of Sec 29, Plymouth Twp
Plymouth Twp Zoning Ordinance No. 99 Map
Plymouth Twp Letter of 7/1/05 regarding "Beck Road 'non-conforming lots'"
ITEM NO. 3—OLD BUSINESS

Mr. Sturdy brought up Application 1467, which was a request to build an addition with a rear-yard setback presented at the Board’s October 1, 2009 meeting. At the time the requirements limited the Board’s consideration to additions limited in width to 40% of the existing home. The proposal was for an addition with a proposed width of 70-75% of the existing structure. At the meeting the application was tabled for sufficient time for the Planning Commission and Board of Trustees to consider a ordinance amendment. At the February 23, 2010 meeting of the Board of Trustees, an amendment was passed allowing the Zoning Board to consider proposals to extend structures into the 50-ft. rear yard setback area with a width up to 100% of the width of the building so long as the addition was limited to one story.

Mr. Sturdy moved that at the next regularly scheduled meeting, Application 1467 be taken from the table to consider the request for the 10-ft. rear yard setback variance at 44429 Erik Pass. Supported by Mr. Jachym. Ayes all.

Mr. Lewis agreed to contact the applicant to let them know the item will be considered at the next meeting.

ITEM NO. 4 – Election of Officers

Current officers are:

Gene Levengood as Chairman
Harry Jachym as Vice Chairman
Ray Sturdy as Secretary
Robert Doroshewitz
Jim Zdanek

Moved by Mr. Zdanek, supported by Mr. Levengood to nominate Gene Levengood as Chairman, Harry Jachym as Vice Chairman, and Ray Sturdy as Secretary. Ayes all.

ITEM NO. 5—Possible Appointment of Alternates

Mr. Jachym brought up the provision allowing two alternates on the Zoning Board which would have to be appointed and approved by the Board of Trustees. He suggested writing a letter to the Board of Trustees recommending at least one alternate and possibly two so absences are covered and possible tie votes are eliminated. It was agreed that Mr. Jachym draft a letter to be sent.
ADJOURNMENT

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

Chairman Levengood adjourned the meeting at approximately 7:05 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).