CHARTER TOWNSHIP OF PLYMOUTH
ZONING BOARD OF APPEALS MINUTES
REGULAR MEETING
THURSDAY, FEBRUARY 07, 2019

The meeting was called to order at 6:00 p.m. by Vice-Chairman Schnettler.

MEMBERS PRESENT:       Timothy Boyd
                        Gary Heitman
                        William Pratt
                        Don Schnettler

MEMBERS ABSENT:         Michael Carlin, Excused

OTHERS PRESENT:         Mark Lewis, Chief Building Official
                        Kevin Bennett, Township Attorney
                        Alice Geletzke, Recording Secretary

ITEM NO. 1 - APPROVAL OF MINUTES

1. Regular Meeting – December 6, 2018

Moved by Mr. Heitman and supported by Mr. Pratt to approve the minutes of the regular meeting of December 6, 2018. Ayes all.

ITEM NO. 2 – OLD BUSINESS (Tabled from September 2018)

Application No. 1578- Younan & Marine Sabbagh
                        36312 Grandon
                        Plymouth MI 48170

Location –            40600 Ann Arbor TR
                        Plymouth MI 48170

Tax I.D.              #78-027-01-0119-000
                        C-1 Zoning District

RE: Zoning Ordinance No. 99, Article 31, Sec 31.12 Use Variance

<table>
<thead>
<tr>
<th>Variance No.</th>
<th>Zoning Ordinance Section/Standard</th>
<th>Location</th>
<th>C-1 Zoning District Principle Permitted Uses</th>
<th>Use Variance to the C-1 Zoning District</th>
<th>Variance Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>1578</td>
<td>Ordinance 99, Article XXXI, Sec 31.12</td>
<td>40600 Ann Arbor TR</td>
<td>See description below &amp; attached Sec 12.1</td>
<td>Motor vehicle Repair Shop</td>
<td>Use Variance to the C-1 Zoning District</td>
</tr>
</tbody>
</table>
The applicant is requesting one variance:

The applicant is in a C-1 zoning district and is requesting a use variance to the C-1 zoning district to allow a motor vehicle repair shop whereas this type of business is not allowed within the C-1 district. *Variance requested a use variance to the C-1 Zoning District.*

Board members reviewed with Attorney Bennett various aspects of the original Use Agreement of 1994, which allowed for termination of the agreement if the use was abandoned for more than six months. Among other items discussed were the uses allowed in the C-1 District as it is zoned.

Ryan Dobson, attorney for the applicant, addressed the Board and answered questions. Some of the items discussed were the property owner’s stance that the C-1 District zoning is extremely restrictive, that the cost of removal of multiple auto lifts would be substantial and possibly destructive to the building, and that there will be great financial loss to the property owner in selling the building without the special use in place. He also disputed whether the use had been abandoned, and maintained that none of the notices of violation were received by the property owner, having been sent to the wrong address.

Mr. Pratt reviewed with Board members the findings of fact of the Planning Commission who determined the proposed use to be incompatible with the current C-1 Neighborhood Shopping Zoning District, that there is questionable compatibility with the existing neighborhood’s essential character, and that the proposed use does not meet the goals and objectives of the Township’s Master Plan.

Mr. Boyd discussed with other Board members all the criteria in the Zoning Ordinance that must be met for the determination of “unnecessary hardship” in order for the Zoning Board to grant use variances: property cannot reasonably be used for the purpose permitted in a C-1 Zoning District, circumstances giving rise to the variance request are unique to the property, the use authorized by the variance will not alter the essential character of the area, the applicant’s problem is not self-created, and the variance would not be contrary to the spirit and intent of the Master Plan.

It was moved by Mr. Pratt and seconded by Mr. Heitman to deny the use variance to the C-1 Zoning District requested in Application No. 1578 at 40600 Ann Arbor Trail because it does not meet all the criteria of the Zoning Ordinance for a determination of “unnecessary hardship” and based on the recommendations of the Planning Commission to deny the application. Ayes all.

**ADJOURNMENT**

Moved by Mr. Heitman and supported by Mr. Boyd to adjourn the meeting at 6:45 p.m. Ayes all.

Respectfully submitted,

Timothy Boyd, Secretary
Plymouth Twp. Zoning Board of Appeals

*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