



City of Plymouth

Zoning Board of Appeals Meeting Minutes

201 S. Main Street Plymouth, MI 48170

Thursday, February 7, 2019, 7:00 PM

1. CALL TO ORDER

Chair Giummo called the meeting to order at 7:00 PM.

The Board said the Pledge of Allegiance.

PRESENT: Mike Devine, Ed Krol, Scott Silvers, Jim Burrows, Kara Giummo

ABSENT: Joe Elliott

Also present was Asst. Community Development Director Greta Bolhuis and City Commission Liaison Marques Thomey.

2. CITIZEN COMMENTS

None.

3. APPROVAL OF THE MEETING MINUTES

A motion was made by Comm. Krol and seconded by Comm. Burrows for approval of the January 3, 2019 meeting minutes as presented.

MOTION PASSED UNANIMOUSLY

4. APPROVAL OF THE AGENDA

A motion was made by Comm. Silvers and seconded by Comm. Krol for approval of the agenda.

MOTION PASSED UNANIMOUSLY

5. OLD BUSINESS

None.

6. NEW BUSINESS

A) Z19-03, 1331 Hartsough, Non-Use Variance, Front Yard Setback, Side Yard Setback, Floor Area Ratio (FAR) and Width of Attached Garage Variances Requested, Zoned R-1, Single Family Residential.

Chair Giummo read the administrative review from the city.

Darrell and Kaitlin Smith, owners, presented their case. Owners want to build on existing footprint and tie in as much as possible to the existing house because of the outside aesthetics. The owners of this brick bungalow feel it is confined and sectioned off, so they are hoping for the house to be able to grow with their growing family. The owners want the home to have more functionality and flow, as well as the ability for everyone to be on the same floor. Darrel states that they spend a lot of time in the backyard and he considers himself the neighborhood farmer, gardening and sharing it with the community. He feels that the proposed plans will help them achieve more space to garden.

William Finnicum, Project Architect, started by describing the house as a 1 ½ story brick bungalow with a strong East/West gable. The house has another wing that is a library/den. The objectives are to get everyone on the second floor and free up the rear yard while making it visible from the house to watch children play. Mr. Finnicum stated that he does not want to disturb the strong gable so that it fits in with the neighborhood and wants the addition to look natural, like it has always been there. Mr. Finnicum stated that they intend to align the garage with East/West gable, allowing the second floor to expand over the garage. He goes on to say that the terrace does not need to be changed, so the building must be done in the front and it is logical that the front entrance be in the front. Part of the front of the house is conforming to the setback. The front yard setback variance requested is to get a small foyer, powder room and guest closet. Mr. Finnicum said that the 1st floor space cannot be shifted to the back to bring the entry further inside. Mr. Finnicum showed the 1st floor and 2nd floor plans. He said that the gable comes down low and makes the center portion the only useable space on the 2nd floor. There is a knee wall that is only 5' high and everything from there out is not useable. They are not making the home taller, which is allowed by ordinance, so instead they are condensed and do not have as much floor space. Mr. Finnicum stated options to avoid requesting these variances, but then explained why he believes those are not good options. He said that the house is a little crooked, which is a pre-existing condition, so the back corner conforms to the side yard setback.

Citizen Comments

John Bida, 1341 Hartsough, spoke in favor of the variance request. He stated that compared to other homes being built, this one fits with the neighborhood.

Craig and Elizabeth Sexton, 1321 Hartsough, spoke in favor of the variance request.

David Schaff, 1361 Hartsough, spoke in favor of the variance request. He stated that other tear down and built homes have too much height, making other homes look odd. He approved of the plans for this home.

Board Discussion

The board discussed doing four separate discussions and motions. They started with the front yard setback variance request.

Comm. Burrows brought up that it is interesting that the front yard setback is 25' elsewhere but must be 35' for them.

Comm. Silvers brought up that homes are likely to creep up to the 25' front yard setback naturally.

Comm. Devine agreed with what was said previously, but states that it is pretty drastic related to other homes. He is thinking about the 12' being added to the front and how it factors into FAR.

Comm. Krol commended the presenters for being thorough. He stated that the front setback request is excessive. He stated that he is glad the home fits in, but the front entrance is an issue. He would like to see it more in line with the 90% of the neighbors.

Comm. Burrows asked why we are constraining this home to an arbitrary front yard from when this area was plotted. He suggested possibly moving it back 3’.

Comm. Devine added that they are charged with looking for the minimum possible variance. He clarifies that the rest of the city does not have a 25’ front yard setback, that is just the bare minimum and that the averaging front yard setback was created to contextualize the setback, making homes in harmony with their surroundings.

Comm. Krol stated that although the architecture fits in, what does not fit in is the front yard setback.

David Schaff, 1361 Hartsough, added that his house, 3 houses away, varies from 25’ to 36’ front yard setback, so this proposed house would not be the only one in the neighborhood.

Mr. Finnicum, applicant, stated that he thinks that the entry is not intrusive but adds scale and interest to the street.

Comm. Silvers stated that he thinks design decisions are triggering the variance request. He said that there is very little of the existing house remaining. He also said that if the garage was detached, the applicant would not have to be here. Therefore, he thinks the problem is “self-created.”

Mr. Finnicum explained that the garage is not in a place to remain detached and it would not allow for the addition on the top of the garage. He said that the home owners would not get full use of their house if the variance was not approved.

Comm. Devine reiterated that the size and scale is appropriate, and he thinks they did a good job with the design. He feels that there is room to do what they want without the variance for 6’. He believes 6’ is excessive. He also stated that he thinks the FAR variance request is so minimal that it shouldn’t be a problem for the applicant to comply to FAR.

Comm. Krol asked if they were not able to get the front yard setback variance, would they have a closet or powder room in the front entry? He also mentioned that they must stay true to their checklist and it is not true that this was not created by any person having an interest in the property.

Mr. Finnicum stated that there is not really any place to re-locate the closet or powder room. He also stated they have no self-created hardship. He said that decisions were based on the house and nothing was arbitrary, greedy or excessive.

Comm. Devine stated that he is willing to entertain or propose a motion. He said that this is not the minimum possible variance. Adding that if the front yard variance was reduced then it would eliminate the need for a FAR variance.

Comm. Silvers asked if this would be constrained to the dimensions shown on the plan or the entire width of the property. He also brought up that there is very little of the existing home remaining.

Comm. Devine stated that he is in favor of conditioning it. He brought up that they are thinking of the variance in the context of the house proposed, but that they need to think of 50 years down the road and the benefit to the community.

Mrs. Bolhuis explained the FAR ordinance.

Comm. Krol said that each neighborhood has its own setback and the street in discussion has homes further back.

Comm. Silver explained that this is designed to prevent a broken tooth appearance to a streetscape.

Comm. Krol reiterated that they must make objective decisions and abide by the state laws and meet criteria outside of emotions.

Mr. Finnicum stated that existing home foundations are being maintained.

A motion was made by Comm. Devine, supported by Comm. Krol, with regards to the front yard setback variance request Z19-03, 1330 Hartsough, to approve, with a condition, a 3.24' variance of calculated front yard setback. The finding of fact is that the existing home location and lack of front entry lend itself to this condition. The variance is limited to a 20' width beginning at the Northwest corner of the existing house.

Comm. Burrows questioned why they should include the 20' width condition. He noted that if the variance was for further than 20', then they could change the direction of the bathroom and still put one up front.

Comm. Silvers responded that the 3' variance would lessen the impact of the averaging front yard setback.

Mr. Finnicum stated that they should have the opportunity to redesign within the parameters.

Mr. Finnicum then stated that he would like to have this portion of the variance request tabled until the next meeting.

A motion was made by Chair Guimmo for Comm. Devine to withdraw the motion.

MOTION APPROVED UNANIMOUSLY.

A motion was made by Comm. Devine, seconded by Comm. Burrows, to table the front yard setback portion of Z19-03, to be reconvened at the next meeting.

MOTION APPROVED UNANIMOUSLY.

A motion was made by Comm. Burrows, seconded by Comm. Krol, to approve the side yard setback variance request. The variance is to allow .2' for a second story addition, with a 5.8' side yard setback, based on the addition of the non-conforming with no changes to the structure. The finding of fact is that the existing structure is non-conforming.

MOTION APPROVED UNANIMOUSLY.

A motion was made by Comm. Krol, seconded by Comm. Devine, to approve a variance of .33' for the attached front facing garage, less than 22' wide. The finding of fact is that the hardship has not been self-created, the existing home location and the desire not to impact 6' side yard setback.

MOTION APPROVED UNANIMOUSLY.

A motion was made by Comm. Silvers, seconded by Comm. Krol, to table the FAR portion of variance request Z19-03 for the next scheduled meeting.

MOTION APPROVED UNANIMOUSLY.

7. COMMISSIONER COMMENTS

Comm. Krol brought up that he will give Mrs. Bolhuis Michigan Municipal League articles to distribute to the Commission. He discussed two articles about ZBAs in other parts of the state.

Comm. Devine asked if we could get a legal opinion on pursuing elimination of use-variances and what the threshold for spot zoning is.

Mrs. Bolhuis responded that we could ask legal advice. She also mentioned that there are some benefits to use-variances because of the non-conforming uses in the City.

Comm. Silvers brought up that spot zoning has a rocky history and use-variances cross over into that grey area.

8. REPORTS AND CORRESPONDENCE

Mrs. Bolhuis stated that she and Mr. Buzuvis, Community Development Director, will be out of town, at a conference, for the next meeting.

9. ADJOURNMENT

Hearing no further business, a motion was made by Comm. Krol, supported by Comm. Burrows to adjourn the meeting at 8:50 PM.

MOTION PASSED UNANIMOUSLY