



City of Plymouth
Zoning Board of Appeals Meeting Minutes
201 S. Main Street Plymouth, MI 48170
Thursday, January 3, 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, Mike Gowen, Joe Elliott, Kara Giummo
ABSENT: Jim Burrows

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. Devine for approval of the December 6, 2018 meeting minutes as presented.

MOTION PASSED UNANIMOUSLY

4. APPROVAL OF THE AGENDA

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

MOTION PASSED UNANIMOUSLY

5. ELECTION OF OFFICERS

Greta Bolhuis asked for nominations for Chairperson.

Comm. Krol nominated Comm. Giummo as Chairperson.

Greta Bolhuis asked for any other nominations. There were no other nominations. Nominations were closed and there was a unanimous vote of approval for Comm. Giummo as Chairperson.

MOTION APPROVED UNANIMOUSLY.

Chair Giummo asked for nominations for Vice-Chairperson.

Comm. Devine nominated Comm. Elliott as Vice-Chairperson.

Chair Giummo asked for any other nominations. There were no other nominations. Nominations were closed and there was a unanimous vote of approval for Comm. Elliott as Vice-Chairperson.

MOTION APPROVED UNANIMOUSLY.

5. OLD BUSINESS

None.

6. NEW BUSINESS

A) Z19-01, 990 Linden, Non-Use Variance, Fence exceeding 30 inches in the front yard on S. Harvey, Zoned R-1, Single Family Residential.

Comm. Krol asked for a motion to be made for him to abstain. A motion was made by Comm. Devine and seconded by Comm. Elliott for Comm. Krol to abstain.

MOTION PASSED UNANIMOUSLY

Comm. Silvers took Comm. Krol's place on the dais.

Comm. Devine stated he had previous business dealings with the Metzgers, but that it will not be an issue with his judgement. No motion was made for Comm. Devine to abstain.

Chair Giummo read the administrative review from the city.

Al Metzger, owner, presented his case. He explained that a 30-inch fence would not be sufficient to contain pets, children, and grandchildren. Mr. Metzger stated that to place a fence in conformity with the ordinance the resulting play and recreation area of his back yard would be reduced by 47%. He explained that the yard has an existing patio and landscaping that was installed around the location of the previous fence. Mr. Metzger explained they want to fix/replace the former existing fence with one that is 2.5 feet shorter and more up-to-date. He explained that this request is due to an act of God. Mr. Metzger stated he had no intent of replacing the fence until the tree took down 40% of the fence when it fell.

Citizen Comments

Steve Ribar, 655 Forest, felt that S. Harvey was not a front yard for this property. He stated that a 4-foot fence was reasonable and that the current 6-foot fence doesn't obstruct anyone's view. He spoke in favor of the variance request.

Board Discussion

Comm. Elliott asked what the required front yard setback was on the S. Harvey side. Ms. Bolhuis stated she did not have the completed front yard setback averaging worksheet.

The Board discussed the front yard setback and averaging other properties that face S. Harvey.

Ms. Bolhuis stated that the applicant's request to place the fence 6 feet off the property line was closer than the front yard setback averaging would allow, as the minimum setback allowed would be 15 feet.

Comm. Gowen asked why this property has two front yards. Ms. Bolhuis explained the ordinance.

Comm. Devine appreciated that the applicant wasn't asking for a 6-foot tall, solid fence. He asked if a 3-foot fence matching the existing would be sufficient to enclose the yard.

Comm. Silvers stated there wasn't much of a difference between 4-foot height and 3-foot height.

Comm. Devine stated the board could condition the request to require 50% airflow between the slats.

Comm. Elliott stated the board could condition the variance to be at the specific location within the setback. He felt that the current location of the fence was not intrusive or too far into the front yard setback.

Chair Giummo also wondered if a 3-foot fence would be sufficient for enclosure of the yard.

Al Metzger, responded to Comm. Devine and said that while a 3-foot fence may work to enclose the yard, it still was not ideal for the location adjacent to busy S. Harvey Street.

The Board discussed and observed what the height of 42 inches was using the podium.

Comm. Gowen asked if the fence could be repaired. Ms. Bolhuis explained the repair to a non-conforming structure section of the ordinance. Mr. Metzger explained the fence could not be repaired due to the tree having shattered 40% of the fence and then an additional 40% had to be removed to take down the remaining large damaged tree.

Comm. Devine felt that the circumstances were unique due to the act of God.

Comm. Gowen stated the applicant was asking for 4 feet, not 6 feet, which was better, he felt.

The Board discussed possible conditions for the motion.

A motion was made by Comm. Devine, supported by Comm. Silvers, to approve the variance request Z19-01, 990 Linden, as submitted, with conditions. The variance is to allow a fence exceeding 30-inches in the front yard setback on S. Harvey Street. The conditions are that the fence is a maximum height of 48-inches, the fence must be scalloped, the fence must be picket-style with a 50% air 50% fence ratio, the fence follows the site plan submitted with the application, and the fence can be no closer than 6 feet to the west property line. The finding of fact is that the existing, non-conforming fence was damaged by an act of God, more than 60% of the original fence was damaged which eliminated the ability to repair the fence, and the proposed fence is a reduction in height from the original 6-foot privacy fence.
MOTION APPROVED UNANIMOUSLY.

B) Z19-02, 813 Forest, Non-Use Variance, Side yard setback, Zoned R-1, Single Family Residential.

Comm. Krol replaced Comm. Silvers on the dais.

Chair Giummo read the administrative review from the city.

Comm. Gowen stated that Mr. Blasch is his neighbor, but he felt that he could remain neutral. No motion was made for Comm. Gowen to abstain.

Bryan Blasch, owner, presented his case. He explained that the home was built in the 1920s and part of the lot was split off in the 1940s, which created the current 1.9-foot side yard setback.

Citizen Comments

Steve Ribar, 655 Forest, spoke in favor of the variance request.

Board Discussion

Chair Giummo stated that there were four letters from neighbors supporting the variance request.

Comm. Devine appreciated the symmetry of the proposed porch but was concerned about the increased non-conformity and the property to the north.

Chair Guimmo stated that there is not a consistent symmetry with other porches along Forest.

Comm. Elliott did not believe it was likely for the neighboring property to build something close to the proposed porch and close to the front yard setback.

Comm. Krol stated that the property to the north could only expand 1 or 2 feet but he believed it would be unlikely for that to occur. He liked the design of the porch and felt that it contributed to the City's walkability.

Comm. Devine believed the variance, if granted, should include conditions.

A motion was made by Comm. Elliott, supported by Comm. Krol, to approve the variance request Z19-02, 813 Forest, as submitted, with conditions. The variance is for 4.1 feet to allow a front porch with a side yard setback of 1.9 feet. The conditions are that variance is limited to a front porch that is 8 feet deep on the west side of the house, the porch must be open and may not be enclosed or have screening, and the variance is limited to a one-story porch. The finding of fact is that the non-conforming setback is the result of a past lot split that doesn't meet today's ordinance, the variance is not increasing the non-conformity, and does not encroach more into the setback.

MOTION APPROVED UNANIMOUSLY.

7. COMMISSIONER COMMENTS

Comm. Elliott asked what, if anything, can be constructed or placed in the City right-of-way. Ms. Bolhuis stated that technically nothing should be constructed in the right-of-way, but there are instances of non-conformance throughout the City.

Comm. Krol shared an article with the board from the MML.

Comm. Elliott asked how many variances have been granted that have not been acted upon within the allowed year following approval. Ms. Bolhuis stated that those cases are handled administratively.

8. REPORTS AND CORRESPONDENCE

Chair Giummo stated that the board received administrative follow-up via memo regarding anonymous letters.

9. ADJOURNMENT

Hearing no further business, a motion was made by Comm. Elliott, supported by Comm. Krol to adjourn the meeting at 8:05 PM.

MOTION PASSED UNANIMOUSLY