



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. They want to build on the existing footprint and tie in as much as possible to the existing house because of the outside aesthetics. Mr. and Mrs. Smith feel the house is confined and sectioned off, so they are requesting the variances to add onto the house to be able to grow with their growing family. They want the home to have more functionality and flow, as well as the ability for bedrooms to be on the same floor. Mr. Smith stated that they spend a lot of time in the backyard and that the proposed plans will give them more space to garden.

William Finnicum, architect, stated the existing house is a 1½ story brick bungalow with a strong East/West gable and another wing that is a library/den. He stated the objective is for all bedrooms to be on the second floor and free up the rear yard while making it visible from the house to watch children play. Mr. Finnicum

stated he wants the house to fit in with the neighborhood and wants the addition to look natural and like it has always been there. He stated that they intend to align the garage with East/West gable, allowing the second floor to expand over the garage. Mr. Finnicum explained the rear terrace does not need to be changed, so the addition is required to be at the front of the existing house. He explained the front yard setback variance would allow for a small foyer, powder room and guest closet. Mr. Finnicum stated the proposed first floor space cannot be shifted to the back to bring the entry further inside. He explained that the gabled roof limits the useable floor space on the second floor, specifically the knee wall that is only five feet in height. Mr. Finnicum stated the home will not be taller, which is allowed by ordinance, so instead they are condensed and do not have as much floor space. Mr. Finnicum stated there are options to avoid requesting these variances, but he believes those are not good options from a design perspective. He stated 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 new builds in the neighborhood have too much height, making existing homes look odd. He approved of the plans for this home.

Board Discussion

The board determined they would have four separate discussions and motions. They started with the front yard setback variance request.

Comm. Burrows found it interesting that the front yard setback is 25 feet in other areas of the City, but 35 feet was required for the applicant.

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

Comm. Devine agreed with Comm. Silvers but believed that the proposed setback was a drastic change related to neighboring homes. He considered the 12 foot front addition and how it factors into the FAR variance request.

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

Comm. Burrows felt this home is required to meet an arbitrary front yard that's different from when this area was originally platted. He suggested moving the front addition back 3 feet.

Comm. Devine stated the board is charged with looking for the minimum possible variance. He clarified that the rest of the city does not have a 25 foot front yard setback, but that the averaging front yard setback was created to contextualize the setback, making homes in harmony with their surroundings.

Comm. Silvers explained that setback averaging aims to prevent a broken tooth appearance in the streetscape.

The Board discussed that each neighborhood has its own setback and the street in discussion has homes further back.

David Schaff, 1361 Hartsough, stated that his house, three houses away, has a 25 foot 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 felt that there is very little of the existing house remaining. He believed that if the garage was detached, the applicant would not have to request the variances and 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 felt that the size and scale is appropriate, but he felt that there was room to do what they want without the 6 foot variance.

Comm. Krol asked if the front yard setback variance was not granted would the closet or powder room remain in the front entry. He felt that the variance was self-created.

Mr. Finnicum stated that there is not really any place to re-locate the closet or powder room. He disagreed that the hardship was self-created. He said that decisions were based on the house and nothing was arbitrary, greedy or excessive.

Comm. Devine cautioned that the variance rides with the land and that the board needs to consider of 50 years down the road and the impact on the community.

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 a 3.24 foot variance for the front yard setback with the condition that the variance is limited to a 20 foot width beginning at the Northwest corner of the existing house. The finding of fact is that the existing home location and lack of front entry lend itself to this condition. The Board discussed the conditions of the variance. Mr. Finnicum requested the opportunity to redesign within the parameters discussed by the board. He requested the front yard setback variance request be tabled until the next meeting.

A motion was made by Comm. Burrows 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 request until the next meeting.
MOTION APPROVED UNANIMOUSLY.

The Board discussed the second variance request for the side yard setback.

A motion was made by Comm. Burrows, seconded by Comm. Krol, to approve the side yard setback variance request. The variance is for 0.2 feet to allow for a 5.8 foot side yard setback, based on the finding of fact that 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.

The Board discussed the third variance request for the attached garage width setback variance. They discussed the existing home and that the attached garage could either be expanded toward the side property line to meet the minimum width requirement or expanded inward within the home's footprint. The board discussed that it was more favorable for the variance to impact the homeowners with a garage width variance, rather than the neighbors with a side yard setback variance.

A motion was made by Comm. Krol, seconded by Comm. Devine, to approve a variance of 0.33 feet for the attached front facing garage that is 21.67 feet 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.

The Board discussed the fourth variance request to exceed the required floor area ratio (FAR).
A motion was made by Comm. Silvers, seconded by Comm. Krol, to table the FAR variance request until the next scheduled meeting.
MOTION APPROVED UNANIMOUSLY.

7. COMMISSIONER COMMENTS

Comm. Krol stated he will continue to bring Michigan Municipal League articles to the board for their information. He explained two articles about ZBAs in other communities within Michigan.

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

Ms. Bolhuis stated the City could research the elimination of use variances and briefly explained spot zoning.

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

8. REPORTS AND CORRESPONDENCE

Ms. Bolhuis stated that she and Mr. Buzuvis, Community Development Director, will be out of town 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