



**City of Plymouth**  
**Zoning Board of Appeals Meeting Minutes**  
201 S. Main Street Plymouth, MI 48170  
Thursday, May 2, 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: Ed Krol, Mike Devine, Joe Elliott, Scott Silvers, Jim Burrows, Kara Giummo  
ABSENT: None.

Also present was Assistant Community Development Director Greta Bolhuis and City Commission Liaison Tony Sebastian.

**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 corrected version of the February 7, 2019 meeting minutes as presented.

MOTION PASSED UNANIMOUSLY

A motion was made by Comm. Krol and seconded by Comm. Burrows for approval of the March 7, 2019 meeting minutes as presented.

MOTION PASSED UNANIMOUSLY

**4. APPROVAL OF THE AGENDA**

A motion was made by Comm. Devine and seconded by Comm. Elliott for approval of the agenda as amended, to add the Annual Report to Reports and Correspondence.

MOTION PASSED UNANIMOUSLY

**5. OLD BUSINESS**

None.

**6. NEW BUSINESS**

**A) Z19-04: 920 Fairground, Non-Use Variance, Fence exceeding 30 inches in front yard on Burroughs side , Zoned R-1**

Chair Giummo stepped down due to a conflict of interest. Comm. Gowen replaced her on the dais.

Vice Chair Elliott read the administrative review from the city.

Jessica Haddad, owner, presented her case. She explained that they want to enclose the backyard to ensure the safety of small children and dogs. She was also concerned about safety being adjacent to the creek.

## Citizen Comments

None.

## Board Discussion

Comm. Burrows was concerned about the concrete pillar near or within the corner clearance area.

Comm. Devine asked Comm. Burrows to clarify which corner. He confirmed his concern was at the corner of Burroughs and Fairground.

Comm. Devine asked why this property had two front yards.

Ms. Bolhuis responded that the property's condition is that a rear yard abuts a side yard.

The Board discussed the property's condition and the adjacent property.

Comm. Devine asked where the fence could go if the yard was considered a side yard instead of a front yard.

Vice Chair Elliott asked about the previous chain link fence that was on the property before the original home was demolished. It was discussed that the fence likely preceded the ordinance change.

Comm. Krol asked where the fence steps up in height. It was discussed that the 6-foot height needed to start no closer than the façade of the garage.

Vice Chair Elliott felt that the condition was unique with the adjacent creek and park. He suggested adding conditions to the variance. He asked about the dimensions of the pillars. It was confirmed that the stones would be about 18" squares.

A motion was made by Comm. Devine, seconded by Comm. Krol, to approve Z19-04 920 Fairground with conditions. The variance is for 1.5 feet to allow for a 4-foot-tall fence in the front yard setback along Burroughs. The variance is conditioned to a 4-foot maximum height for the fence and columns, no columns shall be constructed in the northeast corner of the proposed layout, that this shall apply to a location that is 1 foot 4 inches back from the front façade of the home and extends west along Burroughs, and that the only fence allowed for this variance is aluminum, powder coated black shown in the application. The finding of fact is a 4-foot tall fence was existing prior to the construction of the new home, that the classification of the second front yard as a front yard is based on an extremely technical interpretation of the code whereas no structures will be built behind this house due to the creek and park.

MOTION APPROVED UNANIMOUSLY.

## **B) Z19-05: 1142 N. Holbrook, Non-Use Variance, Front yard setback on Hardenberg side , Zoned R-1**

Chair Giummo rejoined the board. She read the administrative review from the City.

Dan Herriman, owner presented his case. He explained that the desire is for a home constructed on Parcel B to front on and to face Hardenberg and not face Wilcox.

Ms. Bolhuis gave background on the variance request. She covered the following items, specifically:

- Initially, staff believed for a home to be built on Parcel B it would have to face Wilcox and if it was to face Hardenberg then a variance would be required
- After reviewing the ordinances more closely staff discovered that Parcel B is a through lot and has two front yards – Wilcox and Hardenberg
- Therefore, any structure built on Parcel B would require 1142 N. Holbrook to have a variance as the required side yard on Hardenberg is changing to a required front yard

Comm. Devine asked if the condition had been discovered before the lot split was approved, would the lot split have been approved?

Comm. Devine explained that he was hesitant to approve a variance for such a large parcel.

Comm. Elliott felt that it was an issue of timing whether a variance was required.

The board discussed the parcel's size and current conditions, including the lack of sidewalks in the area. Comm. Devine asked if the City would consider this condition existing non-conforming. It was confirmed that the City Administration would not make that determination, but the ZBA could make that determination.

### **Citizen Comments**

Chuck Myslinski, 1034 York spoke in favor of the project.  
Amanda Palmer-Grove, 1032 N. Holbrook spoke in favor of the project.

### **Board Discussion**

Comm. Devine was in favor of dismissing the variance request and pursuing an interpretation.  
Comm. Burrows and Comm. Krol agreed.

A motion was made by Comm. Elliott, seconded by Comm. Krol, to dismiss Z19-05 1142 N. Holbrook based on the judgement that a variance is not required and that the existing side yard setback along Hardenberg is an existing, legal, non-conforming condition.

MOTION APPROVED UNANIMOUSLY.

### **C) Z19-06: 271 S. Main, Non-Use Variance, Ground sign in front yard , Zoned B-2**

Chair Giummo read the administrative review from the City.

Comm. Devine explained that Growth Works is a current client of the firm he works for. He did not feel that that project would create a conflict of interest. No motion was made for him to abstain.

Hannah Gac, applicant presented her case. She explained that the existing sign is over 20 years old and is limited as to where it can be placed on the property. Ms. Gac explained that the ground sign is necessary to direct clients to the business and important to differentiate between a N. Main business with the same address.

### **Citizen Comments**

None.

### **Board Discussion**

Comm. Burrows raised concerns about the sign's impact on visibility and safety of pedestrians and vehicles.  
Comm. Devine did not want the sign height to increase.

Chair Giummo was concerned with an increased sign height. She felt the ground sign was necessary.

Comm. Devine asked if the existing sign could be re-faced without a variance.

Ms. Bolhuis confirmed that the existing sign could be re-faced, but posts could not be reconstructed.

The applicant explained that the desire is to replace the posts due to the old warping material.

The board discussed replacing an existing non-conforming sign with another non-conforming sign.

Comm. Krol believed that the curve of S. Main was another safety concern issue for the proposed sign.

The board discussed safety issues of a wall sign versus a ground sign and exiting from a private parking lot.

Comm. Elliott asked if the sign could be moved to the other planting bed. The applicant wasn't sure that would be possible but was open to the suggestion.

Brian Langlois, business owner stated that the new landscaping made it undesirable and potentially challenging to relocate the sign.

Comm. Elliott suggested moving the sign back from the front property line. It was discussed that the landscaping bed does not allow for much flexibility in the sign's location.

A motion was made by Comm. Devine, seconded by Comm. Burrows, to approve Z19-06 271 S. Main with conditions. The variance is for 5 feet to construct a ground sign in the front yard setback that is zero feet from the front property line. The sign is conditioned to be no higher than the existing 4x4 posts as confirmed by City Administration and with the suggestion that the property owner consider the sign's location as it pertains to public safety and vehicular sight lines. The finding of fact is this is the most effective orientation for the signage, an existing sign occupies this location, and had the structure been adequate a variance would not have been required.

MOTION APPROVED 4-1.

## **7. COMMISSIONER COMMENTS**

Comm. Devine asked about eliminating use variances and the threshold for spot zoning.

The board discussed use variances and how an applicant could play the system if one was granted.

## **8. REPORTS AND CORRESPONDENCE**

Comm. Krol passed out an article from Plymouth Township about privacy fences.

The board discussed the Planning Commission Annual Report.

Comm. Krol told the board that City Manager Paul Sincock was an expert witness in front of Congress this week on the topic of recycling.

## **9. ADJOURNMENT**

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

MOTION PASSED UNANIMOUSLY