

201 S. Main  
Plymouth, MI 48170  
www.ci.plymouth.mi.us  
ZONING BOARD OF APPEALS MEETING MINUTES  
Thursday, October 6, 2016

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1. Meeting called to order at 7:00 P.M. by Chairman Devine

2. Roll Call

Members Present: Dan Mooney, Josh Birk, Kara Giummo, Mike Devine  
Member Absent: Ed Krol  
Alternate Present: Gloria Poirier  
Alternate Absent: Scott Silvers  
Others Present: John Buzuvis, Comm. Development Director

3. Approval of the Meeting Minutes:

**A motion was made by Comm. Birk, supported by Comm. Giummo to approve the regular minutes of September 1, 2016 as presented.**

**MOTION CARRIED UNANIMOUSLY.**

4. Approval of the Agenda

**A motion was made by Comm. Poirier and supported by Comm. Giummo to approve the agenda as amended.**

**MOTION CARRIED UNANIMOUSLY.**

5. Old Business

None.

6. New Business

Z16-18      746 Roe  
Non-Use Variance Requested  
Front & Side Yard Setbacks  
Zoned: R-1, Single Family Residential  
Applicant: Dave Latawiec

Dave Latawiec, applicant, presented his case. He presented a letter in favor of the project from a neighbor. He explained the existing conditions of the lot and the narrowness of the neighboring properties.

### **Citizen Comments**

None.

### **Board Discussion**

Comm. Mooney discussed how narrow the lot is and lot coverage.

Chairman Devine discussed the upgrade of the existing covered porch and the necessity of the front yard setback variance for that reason.

Comm. Birk liked that the plans did not propose a full second story addition and blended in well with the surrounding homes.

## Motion

A motion was made by Comm. Mooney, supported by Comm. Birk, to approve Z16-18, 476 Roe as requested, with the condition that the front yard setback variance is applicable only to an unenclosed, one-story, covered porch.

Finding of Fact: The width of the lot is narrow, the variance would do substantial justice to the applicant, and the circumstance has not been created by the applicant.

YES Mooney, Giummo, Poirier, Birk, Devine

NO None

## MOTION GRANTED UNANIMOUSLY

**The variances granted are for 4.5 feet for the side yard setback and 2.5 feet for the front yard setback.**

Z16-19            141 N. Mill  
Non-Use Variance Requested  
Side Yard Setbacks  
Zoned: R-1, Single Family Residential  
Applicant: C & J Real Estate

Craig Jagger, owner and applicant, presented his case. He explained that he received a variance in 2011 to finish the second level and use as a single-family residence which was completely unfinished after having his rezoning application denied by the Planning Commission. Mr. Jagger said that the variance request is based on the size of the lot and the building structure, both which are odd for the lot. He discussed the challenge of not having exterior living space and the cut through traffic due to the train that increases on Amelia is not a safe. Mr. Jagger said he wants to create a second level unenclosed structure that would allow for outdoor space and a storage place for a vehicle.

## Citizen Comments

None.

## Board Discussion

Comm. Mooney appreciated all the work that has been done to the site in recent years. He said that the proposed deck was very large.

The board discussed the front yards and the situation of Amelia. The board felt as if there were three front yards (front, side, and rear).

Chairman Devine felt that the proposed deck was very large and found it challenging to see the practical difficulty. He did not feel that outdoor entertainment was a necessity and he struggled with the proposed lot coverage exceeding 35% which is required for a typical residential zoned property.

Comm. Mooney asked about the material of the deck. He suggested that the project may help to organize the back of the building and make it look neater. He asked about the current pavement and the intention of repaving.

The applicant explained the intention of adding green space and landscaping along the property lines and sidewalk.

Comm. Mooney felt that green space was a good trade off for the deck.

Street trees, landscaping, and green space were discussed.

Comm. Giummo asked about the usability of the first floor doors if the deck is constructed.

Chairman Devine asked about parking requirements and landscaping. It was confirmed that the parking requirements will be met with the proposed deck.

Comm. Mooney discussed green space and a requirement for the added amount of green space be equal to the square footage of the deck.

Chairman Devine did not see a practical difficulty that warranted that size of a deck.

Comm. Mooney said the practical difficulty is that it is an island due to the front yard requirements.

Chairman Devine asked how the request was not self-imposed because a variance was granted to allow residential use. If it was used for the proposed zoning this would not be an issue.

Comm. Birk explained that the zoning is still Light Industrial, that the variance would be approved for that zoning.

### **Motion**

A motion was made by Comm. Mooney, supported by Comm. Birk, to approve Z16-19, 141 N. Mill as requested, 13 foot variance for the front yard to the south, with the condition that structure within the setback be unenclosed on the top and bottom, and a minimum of 340 square feet, 6 feet wide of green space to the south and west of the property be provided.

Finding of Fact: The property is unique in that it has three front yard setbacks which was not created by the owner.

YES                Mooney, Giummo, Poirier, Birk, Devine

NO                None

### **MOTION GRANTED UNANIMOUSLY**

**The variance granted is for 13 feet to allow a 12 foot front yard setback.**

### 7. Reports and Correspondence

The board discussed the application and that it is working well. It was suggested that the ZBA be aware of the new ordinances and that the application needs to reflect the requirements for lot coverage calculation.

The board discussed special meetings and the need to vote on them. John discussed the new special meeting request form that is being developed. Chairman Devine read the ordinance. Comm. Mooney has an issue with inconvenience versus a real reason, but he also didn't feel that the board had to know the reason. The board discussed that any applicant has the right to request a special meeting.

Comm. Giummo told the board about the Kellogg Park meeting that was being hosted by the DDA at the Cultural Center on October 10, 2016 at 6:30PM. She mentioned that the plans are on the DDA's website.

The board discussed the proposals for Saxton's and the parking deck, parking in the downtown.

### 8. Commissioner Comments

**A motion was made by Comm. Poirier, supported by Comm. Mooney, to adjourn.**

**MOTION CARRIED UNANIMOUSLY.**

Meeting adjourned at 8:20 p.m.

Respectfully Submitted,

Greta Bolhuis,  
Assistant Community Development Director