



City of Plymouth
Zoning Board of Appeals Meeting Minutes
201 S. Main Street Plymouth, MI 48170
Thursday, April 5, 2018, 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: Jim Burrows, Scott Silvers (arrived at 7:03), Ed Krol (arrived at 7:07), Mike Devine, Joe Elliott, Kara Giummo
ABSENT: Mike Gowen

Also present was Assistant Community Development Director Greta Bolhuis.

2. CITIZEN COMMENTS

None.

3. APPROVAL OF THE MEETING MINUTES

A motion was made by Comm. Burrows and seconded by Comm. Devine for approval of the February 1, 2018 meeting minutes.

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.

MOTION PASSED UNANIMOUSLY

5. COMMISSIONER COMMENTS

None.

6. OLD BUSINESS

None.

7. NEW BUSINESS

A) Z18-02, 546 Roe, Non-Use Variance, Lot split creating two non-conforming parcels, Zoned R-1, Single Family Residential

Chair Giummo read the administrative review from the city.

Salem Salaam, applicant presented his case. He explained the owner's desire to split the lot and build a new home on the new parcel. Mr. Salaam explained that there are many lots on Roe Street that are 45 feet wide as well as on Elizabeth and S. Union. The applicant stated that the garage would be torn down.

Citizen Comments

Louann Debeliso, 197 S. Union asked how the lot would be split. She raised concerns over how a garage could be fit onto the smaller parcel.

Board Discussion

Comm. Burrows asked about the dimension between the east side of the building and the proposed lot line. He further asked about the setback on the west side.

Comm. Devine did an analysis of the proposed property lines and explained there would be a side setback of +/- 11 feet at the front corner, but that it appeared there would be only +/- 5 feet at the rear corner.

Comm. Burrows asked about the location of the utilities on the property.

Comm. Elliott struggled to see how off-street parking was going to be accommodated.

Comm. Silvers did not see how the setbacks could work.

Comm. Elliott felt that the lot width and area requirements were aimed to reduce density in the neighborhoods. He felt that the proposal was far out of step from what the Planning Commission and City Commission was trying to accomplish.

Comm. Devine agreed with Comm. Elliott. He added that he didn't see a practical difficulty and felt that the request was a convenience and not a necessity.

Chair Giummo struggled to see a hardship for the request.

A motion was made by Comm. Elliott, supported by Comm. Silver, to approve the variance request Z18-02, 546 Roe as submitted. The variance is to create two parcels that are non-conforming. The finding of fact is that there is no practical difficulty.

MOTION DENIED 0-5.

B) Z18-03, 467 Roe, Non-Use Variance, Front yard setback and rear yard setback, Zoned R-1, Single Family Residential

Comm. Silvers stepped down and Comm. Krol joined the board.

Chair Giummo read the administrative review from the city.

Dave Lataweic, applicant presented his case. He explained that the project would not expand the footprint of the home and that they intentionally brought side walls in on the second story to meet FAR ordinance. Mr. Lataweic stated they are building on top of the existing footprint, not expanding it any further.

Comm. Devine explained that Mr. Lataweic had been a client of the firm he works for previously, but there was no involvement with this case. The board did not submit a motion for his abstention.

Citizen Comments

None.

Board Discussion

Comm. Devine felt that there was a unique situation because the home was adjacent to a parking lot. He raised a question about the dimension between the house and garage.

Comm. Elliott said this was a small lot. He mentioned the ridge line height and felt that it was sensitive to the neighboring home.

Comm. Krol reiterated that the requested variances are for existing non-conforming conditions.

Comm. Burrows asked if the foundation could bear the additional load of a second story. It was confirmed that it could.

Comm. Elliott asked if the board could condition the variance to the second floor exclusively.

Comm. Devine said the board could, but did not feel like a condition was necessary due to the other restrictions that impacted the property.

Chair Giummo stated that the board received an email from the homeowner of this property stating her request and why she couldn't be in attendance.

A motion was made by Comm. Devine, supported by Comm. Silver, to approve the front yard and rear yard variance requests Z18-03, 467 Roe as submitted. The front yard variance is for 10.3 feet and the rear yard variance is for 23.7 feet. The findings of fact that 1) the parcel is small, 2) the square footage allowed is within FAR requirements, 3) the property to the east is an apartment parking lot, and 4) the variances requested do not increase the existing non-conformances.

MOTION PASSED 5-0.

C) Z18-04, 504 Herald, Non-Use Variance, Front yard setback on Herald Street, Zoned R-1, Single Family Residential

Comm. Devine stated a conflict of interest and requested to abstain. The board voted unanimously in favor of Comm. Devine stepping down. Comm. Silvers returned to the dais.

Chair Giummo read the administrative review from the city.

Joe Philips, applicant presented his case. He explained it's a large piece of property, but the design of the house is sensitive to the existing character. He detailed the proposed addition's architecture, sizing and massing, the home's layout, the preservation of the trees and greenspace, the existing configuration on the property, and the lack of affect on neighboring properties.

Nick Jallos, owner presented his case. He stated they will be improving an existing non-conformity as variance request is greater than what currently exists with the current garages.

Citizen Comments

Fred Brunk, 523 McKinley spoke in favor of the variance request.

Kris Weger, 1200 Maple spoke in favor of the variance request.

Mark Malcolm, 1364 Maple spoke in favor of the variance request.

Jamie Denne, 861 William spoke in favor of the variance request.

Alan Ardanowski, 1120 Maple asked about the site plan.

Board Discussion

Comm. Elliott said that because there is no sidewalk it appears that the setback is much larger. He asked if the city would require a sidewalk to be installed. It was confirmed that the city would not require the installation of a sidewalk.

Comm. Burrows asked about the rear yard setback and the lot combination. It was confirmed that the lot combination and address change could be handled administratively, if the variance was approved.

Comm. Krol asked about the lot numbers. It was confirmed that the subject property has two parcels that would need to be combined, if approved. He stated that he was happy the trees would not be removed. He asked about the existing footings of the garages. He asked about the interior layout and the impact on the kitchen and backyard areas.

Chair Giummo stated she struggled to see a hardship of the placement of the addition on a 20,000 square foot lot.

Comm. Silvers felt that the allowing the non-conformity to continue would improve the walkability of Herald Street over time.

Comm. Burrows disagreed with Comm. Silvers. He liked that the non-conformity would be improving. He felt that the setback should be from the curb line since there likely would not be a sidewalk installed.

The board discussed the hardship of reconfiguring the layout if the addition was pushed back, the kitchen window, and sidewalk installation.

Comm. Krol asked about the reconfiguration of the address. He liked that because there was no sidewalk, the vehicles could not overhang the sidewalk.

Comm. Silvers stated the board does not give variances due to design choices.

The board discussed the current non-conformity, and the proposed non-conformity.

Chair Giummo felt that there was plenty of space to avoid increasing or continuing the non-conformity.

The board discussed Comm. Silvers suggested design changes to the garage.

Comm. Elliott stated that the non-conformity could remain and they could engineer a second story within the setbacks.

Comm. Silvers felt that the 32 foot setback requirement was excessive.

A motion was made by Comm. Krol to approve as submitted. No second, motion died.

A motion was made by Comm. Elliott, supported by Comm. Krol, to approve the front yard setback on Herald Street variance requests Z18-04, 504 Herald as submitted. The front yard variance is for 12 feet. The findings of fact that 1) the neighboring properties are set back unusually deep, which affects the front yard setback worksheet calculation and 2) the proposed structure does not increase the existing non-conforming MOTION PASSED 4-1.

9. REPORTS AND CORRESPONDENCE

Comm. Devine returned to the dais.

Comm. Krol presented an article from the Detroit Free Press about a lawsuit brought against a local Zoning Board of Appeals.

Chair Giummo presented a document with suggested language for motions.

Comm. Elliott stated that he drafts a possible motion when he reviewed the packet at home, but that he can change his mind or the wording based on the presentation and discussion at the meeting.

The board briefly discussed the lawsuit in the article presented.

10. ADJOURNMENT

Hearing no further business, a motion was made by Commissioner Krol, supported by Commissioner Devine to adjourn the meeting at 9:03 PM.

MOTION PASSED UNANIMOUSLY