



# Plymouth Zoning Board of Appeals Agenda

Thursday, March 7, 2019 - 7:00 p.m.  
Plymouth City Hall Commission Chambers

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City of Plymouth  
201 South Main  
Plymouth, Michigan 48170

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- 1) **CALL TO ORDER**
  - a) Pledge of Allegiance
  - b) Roll Call
- 2) **CITIZEN COMMENTS**
- 3) **APPROVAL OF THE MINUTES**
  - a) Approval of the February 7, 2019 Meeting Minutes
- 4) **APPROVAL OF THE AGENDA**
- 5) **OLD BUSINESS**
  - a) **Z19-03**: 1331 Hartsough, 1.) Front yard setback; 2.) Floor Area Ratio (FAR)
- 6) **NEW BUSINESS**
- 7) **COMMISSIONER COMMENTS**
- 8) **REPORTS AND CORRESPONDENCE**
- 9) **ADJOURNMENT**

Citizen Comments - This section of the agenda allows up to 3 minutes to present information or raise issues regarding items not on the agenda. Upon arising to address the Commission, speakers should first identify themselves by clearly stating their name and address. Comments must be limited to the subject of the item.

Persons with disabilities needing assistance should contact the City Clerk's office at 734-453-1234 Monday through Friday from 8:00 a.m. -4:30 p.m., at least 24 hours prior to the meeting. An attempt will be made to make reasonable accommodations.

## City of Plymouth Strategic Plan 2017-2022

### **GOAL I - QUALITY OF LIFE with Key Objectives**

*Neighborhoods Supported, Parks/Recreation Collaboration,  
Communication (Multi Platform), Cleanliness, Events-Continue to Host*

#### **ONE YEAR TASKS: 2018-19**

- Increase the amount of information available, including top-ten FAQs by department, and keep it consistent across all websites and platforms
- Continue management of construction sites to include pre-construction meetings and site visits
- Repair Kellogg Park Fountain in 2018, and determine future plan for 2019 and beyond
- Develop parking vision and plan to move forward
- Define relationship with PARC
- Continue pursuing partnership opportunities in recreation – Recreation Master Plan
- Perform schools, facility and event security review
- Define Plymouth as a "lifelong community" using Recreation Master Plan, Zoning and New City Master Plan as guiding documents for future decision making
- Advance multi-modal interconnectivity between City and Township
- Conduct a professional survey of City residents related to quality of life topics

### **GOAL II - FINANCIAL STABILITY with Key Objectives**

*Balanced Budgets, Revenue Issues, Partnerships, Legacy Costs,  
Contract Out for Services, HVA-Mechanics, Marketing What We Do Best*

#### **ONE YEAR TASKS: 2018-19**

- Continue to support MML efforts to coordinate state initiatives related to revenue sharing
- Explore internal and external potential for supplemental funding of legacy costs
- Develop a plan for capital improvement funding projects and purchases
- Explore/enhance investment planning opportunities

### **GOAL III - ECONOMIC VITALITY with Key Objectives**

*Vibrant Downtown-Active-Brand, Community Development,  
Business Friendly/Mix, Master Plan*

#### **ONE YEAR TASKS: 2018-19**

- Reach decision on Saxton's development and determine feasibility of paving dirt portion of Saxton's parking lot
- Offer training specific to HDC, Zoning and Planning
- Continue to schedule quarterly Mayor and Chairs meetings
- Continue to foster relationships with developers and business owners
- Continue Redevelopment Ready Community status with MEDC

### **GOAL IV - SERVICE INFRASTRUCTURE with Key Objectives**

*Staffing, Public Safety Flexibility: Police & Fire, Website Design and  
Data Management, Continuous Infrastructure Improvement*

#### **ONE YEAR TASKS: 2018-19**

- Continue developing succession plan for staff and boards and commissions
- Reach administrative recommendation on current Emergency Services delivery model and possible joint, four jurisdictional dispatch and lockup
- Implement infrastructure asset management plan
- Complete a study of infrastructure in the DDA including electricity, plumbing, water, sidewalks and trees
- Develop a "Government 101" brochure
- Develop a plan for capital improvement issues
- Draft agreement on sanitary sewer with WTUA



**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. Owners want to build on existing footprint and tie in as much as possible to the existing house because of the outside aesthetics. The owners of this brick bungalow feel it is confined and sectioned off, so they are hoping for the house to be able to grow with their growing family. The owners want the home to have more functionality and flow, as well as the ability for everyone to be on the same floor. Darrel states that they spend a lot of time in the backyard and he considers himself the neighborhood farmer, gardening and sharing it with the community. He feels that the proposed plans will help them achieve more space to garden.

William Finnicum, Project Architect, started by describing the house as a 1 ½ story brick bungalow with a strong East/West gable. The house has another wing that is a library/den. The objectives are to get everyone on the second floor and free up the rear yard while making it visible from the house to watch children play. Mr. Finnicum stated that he does not want to disturb the strong gable so that it fits in with the neighborhood and wants the addition to look natural, like it has always been there. Mr. Finnicum stated that they intend to align the garage with East/West gable, allowing the second floor to expand over the garage. He goes on to say that the terrace does not need to be changed, so the building must be done in the front and it is logical that the front entrance be in the front. Part of the front of the house is conforming to the setback. The front yard setback variance requested is to get a small foyer, powder room and guest closet. Mr. Finnicum said that the 1<sup>st</sup> floor space cannot be shifted to the back to bring the entry further inside. Mr. Finnicum showed the 1<sup>st</sup> floor and 2<sup>nd</sup> floor plans. He said that the gable comes down low and makes the center portion the only useable space on the 2<sup>nd</sup> floor. There is a knee wall that is only 5' high and everything from there out is not useable. They are not making the home taller, which is allowed by ordinance, so instead they are condensed and do not have as much floor space. Mr. Finnicum stated options to avoid requesting these variances, but then explained why he believes those are not good options. He said that 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 tear down and built homes have too much height, making other homes look odd. He approved of the plans for this home.

#### Board Discussion

The board discussed doing four separate discussions and motions. They started with the front yard setback variance request.

Comm. Burrows brought up that it is interesting that the front yard setback is 25' elsewhere but must be 35' for them.

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

Comm. Devine agreed with what was said previously, but states that it is pretty drastic related to other homes. He is thinking about the 12' being added to the front and how it factors into FAR.

Comm. Krol commended the presenters for being thorough. He stated that the front setback request is excessive. He stated that he is glad the home fits in, but the front entrance is an issue. He would like to see it more in line with the 90% of the neighbors.

Comm. Burrows asked why we are constraining this home to an arbitrary front yard from when this area was plotted. He suggested possibly moving it back 3'.

Comm. Devine added that they are charged with looking for the minimum possible variance. He clarifies that the rest of the city does not have a 25' front yard setback, that is just the bare minimum and that the averaging front yard setback was created to contextualize the setback, making homes in harmony with their surroundings.

Comm. Krol stated that although the architecture fits in, what does not fit in is the front yard setback.

David Schaff, 1361 Hartsough, added that his house, 3 houses away, varies from 25' to 36' 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 said that there is very little of the existing house remaining. He also said that if the garage was detached, the applicant would not have to be here. 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 reiterated that the size and scale is appropriate, and he thinks they did a good job with the design. He feels that there is room to do what they want without the variance for 6'. He believes 6' is excessive. He also stated that he thinks the FAR variance request is so minimal that it shouldn't be a problem for the applicant to comply to FAR.

Comm. Krol asked if they were not able to get the front yard setback variance, would they have a closet or powder room in the front entry? He also mentioned that they must stay true to their checklist and it is not true that this was not created by any person having an interest in the property.

Mr. Finnicum stated that there is not really any place to re-locate the closet or powder room. He also stated they have no self-created hardship. He said that decisions were based on the house and nothing was arbitrary, greedy or excessive.

Comm. Devine stated that he is willing to entertain or propose a motion. He said that this is not the minimum possible variance. Adding that if the front yard variance was reduced then it would eliminate the need for a FAR variance.

Comm. Silvers asked if this would be constrained to the dimensions shown on the plan or the entire width of the property. He also brought up that there is very little of the existing home remaining.

Comm. Devine stated that he is in favor of conditioning it. He brought up that they are thinking of the variance in the context of the house proposed, but that they need to think of 50 years down the road and the benefit to the community.

Mrs. Bolhuis explained the FAR ordinance.

Comm. Krol said that each neighborhood has its own setback and the street in discussion has homes further back.

Comm. Silver explained that this is designed to prevent a broken tooth appearance to a streetscape.

Comm. Krol reiterated that they must make objective decisions and abide by the state laws and meet criteria outside of emotions.

Mr. Finnicum stated that existing home foundations are being maintained.

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, with a condition, a 3.24' variance of calculated front yard setback. The finding of fact is that the existing home location and lack of front entry lend itself to this condition. The variance is limited to a 20' width beginning at the Northwest corner of the existing house.

Comm. Burrows questioned why they should include the 20' width condition. He noted that if the variance was for further than 20', then they could change the direction of the bathroom and still put one up front.

Comm. Silvers responded that the 3' variance would lessen the impact of the averaging front yard setback.

Mr. Finnicum stated that they should have the opportunity to redesign within the parameters.

Mr. Finnicum then stated that he would like to have this portion of the variance request tabled until the next meeting.

A motion was made by Chair Guimmo 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 portion of Z19-03, to be reconvened at the next meeting.

MOTION APPROVED UNANIMOUSLY.

A motion was made by Comm. Burrows, seconded by Comm. Krol, to approve the side yard setback variance request. The variance is to allow .2' for a second story addition, with a 5.8' side yard setback, based on 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.

A motion was made by Comm. Krol, seconded by Comm. Devine, to approve a variance of .33' for the attached front facing garage, less than 22' 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.

A motion was made by Comm. Silvers, seconded by Comm. Krol, to table the FAR portion of variance request Z19-03 for the next scheduled meeting.

MOTION APPROVED UNANIMOUSLY.

## **7. COMMISSIONER COMMENTS**

Comm. Krol brought up that he will give Mrs. Bolhuis Michigan Municipal League articles to distribute to the Commission. He discussed two articles about ZBAs in other parts of the state.

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

Mrs. Bolhuis responded that we could ask legal advice. She also mentioned that there are some benefits to use-variances because of the non-conforming uses in the City.

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

## **8. REPORTS AND CORRESPONDENCE**

Mrs. Bolhuis stated that she and Mr. Buzuvis, Community Development Director, will be out of town, at a conference, 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



**CITY OF PLYMOUTH  
COMMUNITY DEVELOPMENT**  
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TO: Zoning Board of Appeals Commissioners  
FROM: Greta Bolhuis, Assistant Community Development Director  
DATE: February 21, 2019  
RE: Z19-03, 1331 Hartsough, Non-Use Variances

Darrell and Kait Smith, owners, are requesting non-use variances to construct a second story addition and an attached, front-facing garage. The property is 7,998 square feet and is zoned R-1, Single Family Residential.

The applicants have revised their original variance request to reduce the front yard setback variance and floor area ratio variance requested.

Article XVII, Section 78-190 references the minimum front yard setback is 25 feet. Section 78-191 (o) states "The established front setbacks for structures within established R-1 [...] zoning districts shall be at least 90 percent of the average front yard setback of surrounding buildings." The applicant is proposing a front yard setback of 28.98 feet when 32.22 feet is required.

A variance of 3.24 feet is required to construct a front addition within the front yard setback.

Article XVII, Section 78-190 references the maximum floor area ratio is 0.40. The square footage is limited to a maximum of 3,199.2. The applicant is proposing a floor area ratio of 3,220.2 square feet.

A variance of 0.0029 (21 square feet) is required to construct a second story addition and an attached, front-facing garage that exceeds the 0.40 floor area ratio requirement.

Should you have any questions regarding this agenda item, please feel free to contact me.





Mr. and Mrs. Smith moved into their house at 1331 Hartsough in 2013. The house has happily fit their needs for the past 5½ years. They have many friends in the neighborhood, have family nearby and it is a great community in which to raise children. They wish to stay in their home but realize the house will need to grow as their family grows.

The house is a one and one-half story bungalow with a single gabled roof running East-West and a small dormer to the South. All the main living spaces – living room, dining room, den and kitchen – are small and segmented. There is no entrance foyer or mudroom and just two bedrooms, one on each floor. An existing two-car detached garage is located such that it blocks the view from the house of one-half of the rear yard and is too close to the side property line to allow attachment to the house.

The Smiths’ primary goals are to define a formal entrance; provide bedrooms for parents and children on one floor; and free up the rear yard for children’s play and allow adequate space for their passion for gardening.

Care is being taken to blend the house with the neighborhood. Maximizing the strong but simple roof form of the existing house is the design’s essence. Even though a new roof could be eight feet higher, the existing roofline is being maintained to respect the existing neighborhood scale.

The garage must be attached to the house to accomplish the goal of having all bedrooms on one floor. Doing so provides a footprint that can adequately accommodate the increased second floor spatial needs. The first floor is enlarged slightly to provide a front entrance foyer with a half-bath and guest closet. Because it is desirable to retain the existing den and brick terrace, the house was originally proposed to expand six feet toward the front. In response to the Board’s comments at the February 7 meeting, that dimension has been reduced to 3’-0”. Logically, the entrance foyer addition is placed at the front of the house. The garage is being relocated twelve feet behind the front face of the house aligning it with the main roof volume, to seamlessly support the master suite addition. Relocating the garage will expose the view of the rear yard from the house and provide a safer play environment.

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COMMUNITY DEVELOPMENT

**Two variances are required to accomplish these changes.**

- A. The front yard setback must be greater than 90% of the average front setbacks within 200 feet of the property.  $35.8 \text{ FT average} \times .90 = 32.22 \text{ FT}$  is required, 28.98 FT is proposed. A variance of 3.24 FT is required.

Z19-03 1331 Hartsough  
1.) Front yard setback  
2.) FAR (Floor Area Ratio)  
ZBA Mtg 3/7/19

B. The maximum Floor Area Ratio is 0.40, proposed is 0.4029. A variance of 0.0029 (21SF) is required.

**Please consider the following facts when weighing the variance request:**

**1. The following practical difficulties exist and are unique to the property:**

- The existing house is organized such as to mandate the entry foyer be in the front.
- The first floor living spaces cannot be shifted to the rear
- A side entry is not feasible.
- The existing den wing and brick terrace do not require change and prevent adding toward the rear yard.
- No viable options for reducing the FAR by .0029 (21 SF) exists without major sacrificing of the program. The proposed front entrance would need to be eliminated.

**2. The variance will have no negative effect on neighboring properties.**

- The entry addition is one-story and protrudes just three feet from the house and is just 40% of its width
- The addition's impact is minimal as its peak is 3½ ft lower than the main peak which is 8 feet lower than the allowable building height.
- The design of the entry addition is integral with the house and breaks down the scale to further relate to the neighborhood.

**3. The practical difficulty is not self-imposed.**

- The house was built 1952 and preexisted the zoning regulations
- The form of the proposed house is in direct response to the existing house

**4. The ordinance restrictions unreasonably prevent the owner from full use of the property.**

- If the front yard variance request is denied, the front entrance must be abandoned. A small front entrance is a reasonable request.

- There is not enough viable floor space available within the existing first floor to accommodate reasonable needs. The main living spaces: living room, dining room and kitchen would be negatively impacted if the entrance had to be pushed further into the house.
- The second floor living space is formed by the low-sloping roof which springs from the height of the first-floor walls. Essentially, it is framed as a one-story house. It is this reduced scale that fulfills the ordinance's objective of controlling size, scale and perceived density. To reduce the second floor living area by moving walls that are fully contained under the eaves does not serve the spirit of the ordinance.

In light of these facts, Mr. and Mrs. Smith request the Zoning Board of Appeals grants the two required variances to allow full use of their property and enable the project to proceed.

Respectfully submitted,  
Finnicum Brownlie Architects



William L. Finnicum AIA NCARB  
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