



# City of Plymouth

## Zoning Board of Appeals

### Regular Meeting Minutes

#### Thursday, April 6, 2023 - 7:00 p.m.

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City of Plymouth  
201 S. Main  
Plymouth, Michigan 48170-1637

www.plymouthmi.gov  
Phone 734-453-1234  
Fax 734-455-1892

#### 1. CALL TO ORDER

Chair Joe Elliott called the meeting to order at 7:04 p.m.

Present: Chair Elliott, Vice Chair Jim Burrows, Members Mike Devine, Dave Latawiec, Mike Pappas

Also present: Planning and Community Development Director Greta Bolhuis

#### 2. CITIZEN COMMENTS

None.

#### 3. APPROVAL OF THE MINUTES

Burrows offered a motion, seconded by Latawiec, to approve the minutes of the March 2, 2023 meeting.

There was a roll call vote.

Yes: Burrows, Devine, Latawiec, Pappas, Elliott

MOTION PASSED 5-0

#### 4. APPROVAL OF THE AGENDA

Burrows offered a motion, seconded by Latawiec, to approve the amended agenda for the April 6, 2023 meeting.

There was a roll call vote.

Yes: Burrows, Devine, Latawiec, Pappas, Elliott

MOTION PASSED 5-0

#### 5. OLD BUSINESS

a) Z 23-02, 686 Coolidge: Non-use variance request for an attached garage on lot less than 60 ft. wide and an attached garage less than 22 ft. wide

Applicant John LaPointe presented the topographic survey which showed the location of the floodplain elevation. He explained that more than half of the rear yard is below the 707.2' floodplain elevation.

##### Board Member Comments

Elliott explained the Planning Commission recently amended the ordinance to prohibit front-facing garages less than 22' wide on lots less than 60' wide to define the character of neighborhoods. He explained the criteria of the variance checklist that the Board is required to follow. He explained that the floodplain affects a small portion of the property that is already unbuildable due to rear yard setbacks and that it does not cover the decision made by the Board. Devine explained that it is not within the Board's purview to consider the aesthetics of the project.

##### Motion

Devine offered a motion, seconded by Burrows, to deny the request to allow an attached garage on a lot less than 60' wide and attached garage less than 22' wide, because there is nothing unique about the property that would warrant a variance.

There was a roll call vote.

Yes: Burrows, Devine, Latawiec, Pappas, Elliott

MOTION PASSED 5-0

## 6. NEW BUSINESS

Devine asked to be recused from the following two agenda items due to conflicts of interest with the applicants/owners.

Elliott offered a motion, seconded by Burrows, to allow Devine to abstain from agenda items Z23-03 and Z23-04.

a) Z 23-03, 1227 Maple: Non-use variance request for a fence taller than 30" in the front yard setback along Herald

Elliott explained that without Devine the applicant would only have four board members to vote on the application. The applicant decided to proceed.

Applicant Nick Jallo presented his case and explained that he wishes to contain children safely within the area that functions as his rear yard. He asked for clarification on 42" height versus 48" height.

### Board Member Comments

Burrows asked who owns the existing fence. Jallo explained it was his fence.

Elliott explained that the Planning Commission reviewed and approved amendments for a 48" height, but that the ordinance still has not been adopted by the City Commission. He asked where the fence would be placed since no sidewalk existed. Jallo explained that it would be on the property line, which is approximately where the existing fence terminates. Elliott explained it would be a minimum of 4" between the uprights and it was proposed to be 42" tall.

### Citizen Comments

Kevin and Maryann Reilly of 546 Herald expressed concern about overgrown shrubs and landscaping which cause visibility issues for their adjacent driveway. They presented photos of those conditions to the Board and requested the variance be denied.

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

Alan Ardanowski of 1120 Maple asked how many inches would be between the uprights and how tall the fence is. Joe Reilly of 9311 Oakview, Plymouth was concerned that the fence would block visibility when backing out of the adjacent driveway and opposed the variance.

### Motion

Elliott offered a motion, seconded by Burrows, to approve the request to allow a 42" tall fence in the front yard setback along Herald that complies with the requirements of the pending fence ordinance amendments and is no closer than the property line to the street.

### Finding of Fact

A fence is already allowed within the front yard setback, the issue is the height. The height of the fence has been approved by the Planning Commission and is pending approval by the City Commission. The 42" tall fence will provide safety to the small children that reside within the home.

There was a roll call vote.

Yes: Burrows, Latawiec, Pappas, Elliott

MOTION PASSED 4-0

b) Z 23-04, 885 Starkweather: Non-use variance request for front yard setback

Latawiec explained he is friendly with the applicant, and they have had past business dealings, but he has no conflict of interest with this project and is not currently engaged in business with the applicant. Elliott explained he has had past business dealings with the applicant, but there is no current financial interest with the applicant or this project.

No motions were made for either board member to recuse themselves.

Elliott explained that without Devine the applicant would only have four board members to vote on the application. The applicant decided to proceed.

Applicant Robert Miller presented his project and explained the desire to add dining space onto the front of the building within the required front yard setback. He explained the existing knee wall goes beyond the property lines and that encroachment would be improved. Owner Don Soenen explained the current dining area doesn't have the necessary capacity and they only have towards the front setback to expand into.

#### **Board Member Comments**

Latawiec asked about the property's zoning classification. Elliott confirmed that it is zoned B-1, Local Business and that other zero-lot line properties along Liberty were zoned B-1. He felt that this property was the exception to that existing condition and that it was unique due to its location right next to the railroad right-of-way. He also believed there was no adverse impact to neighboring properties.

#### **Motion**

Elliott offered a motion, seconded by Burrows, to approve a variance of 9.25 feet along the Starkweather frontage to allow a 0.75 front yard setback.

#### **Finding of Fact**

The property is unique because it is zoned B-1 and is right next to the railroad tracks, which is away from the other B-1 zoned properties in Old Village. The proposed setback variance does not affect any neighboring properties.

There was a roll call vote.

Yes: Burrows, Latawiec, Pappas, Elliott

MOTION PASSED 4-0

### **7. BOARD MEMBER COMMENTS**

Latawiec thanked Elliott for sending the ZBA guidelines out to the board for review.

### **8. REPORTS AND CORRESPONDENCE**

Bolhuis reported that she reached out to the City of Northville to gauge interest in a joint training session.

### **9. ADJOURNMENT**

Burrows offered a motion, seconded by Pappas, to adjourn the meeting at 8:05 p.m.

There was a roll call vote.

Yes: Burrows, Devine, Latawiec, Pappas, Elliott

MOTION PASSED 5-0

## Accounts

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**From:** Maryann Lawrence ·  
**Sent:** Monday, March 27, 2023 9:35 AM  
**To:** Accounts  
**Subject:** Bush



Sent from my iPhone

## Accounts

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**From:** Maryann Lawrence  
**Sent:** Monday, March 27, 2023 9:32 AM  
**To:** Accounts  
**Subject:** Tree

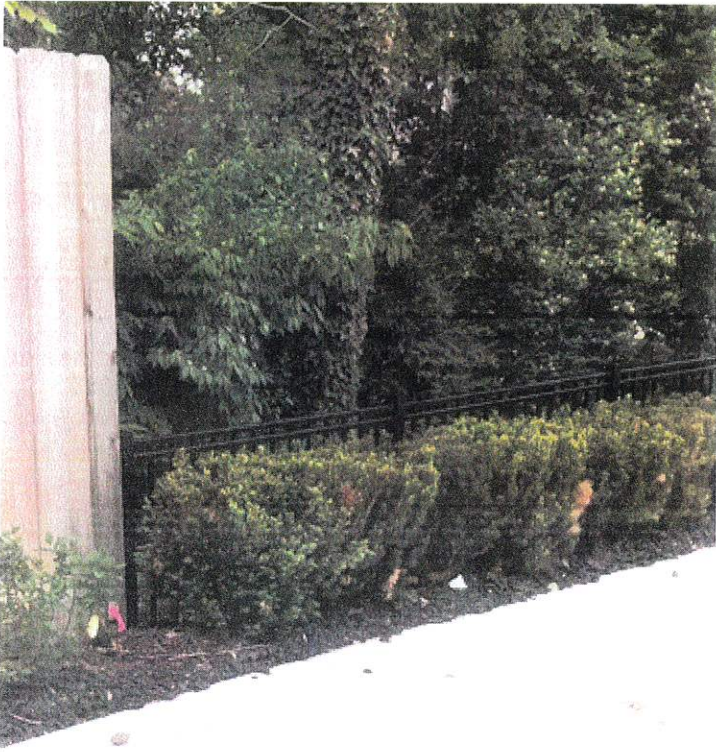


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## Accounts

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**From:** Maryann Lawrence  
**Sent:** Monday, March 27, 2023 9:34 AM  
**To:** Accounts  
**Subject:** Tree



Sent from my iPhone

