



City of Plymouth
Zoning Board of Appeals
Regular Meeting Minutes
Thursday, June 5, 2025 - 7:00 p.m.

City of Plymouth
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1. CALL TO ORDER

Chair Joe Elliott called the meeting to order at 7:00 p.m.

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

Excused: Members Robert Mengel and Rebecca Smith

Also present: Planning and Community Development Director Greta Bolhuis

2. CITIZENS COMMENTS

There were no citizen comments.

3. APPROVAL OF THE MEETING MINUTES

Burrows offered a motion, seconded by Devine, to approve the minutes of the January 2, 2025 meeting.

There was a roll call vote.

In the roll call vote, Pappas abstained, but Members Devine, Burrows, and Chair Elliott voted in favor.

MOTION PASSED

4. APPROVAL OF THE AGENDA

Burrows offered a motion, seconded by Devine, to approve the agenda for the June 5, 2025 meeting.

There was a roll call vote.

In the roll call vote, Devine, Pappas, Burrows, and Chair Elliott all voted in favor.

MOTION PASSED UNANIMOUSLY

6. OLD BUSINESS

There was no old business.

7. NEW BUSINESS

- a. **Z 25-02, 324 Auburn:** Vincent and Lauren Acquista, the owners, are requesting a non-use variance to construct a second story addition in the side yard setback. The property is zoned R-1, Single-Family Residential.

Dillion Fagan from DJ Maltese explained the request. He stated they intend to build a second story addition in the side yard setback on top of the existing first floor. They aim to construct this addition 4.2 feet from the property line, requiring a 1.8-foot variance. The owners planned to retain the existing house footprint. The owners said a previous variance had been granted for a rear addition.

Board Member Discussion

Devine questioned the need for a variance on the large lot. He asked Bolhuis if a variance had been previously granted.

The owners provided documentation of a 1995 variance approval for the side yard setback related to a prior rear addition.

The board stopped their discussion of **Z25-02, 324 Auburn** to allow Bolhuis to review the information presented.

- b. **Z 25-03, 443 N Harvey:** Martha Beitner-Miller, the applicant, is requesting a non-use variance to split an existing lot into two lots that are less than the required 60-foot minimum width and less than the required 7,200 sq ft lot area. The property is zoned R-1, Single-Family Residential.

Kevin Miller, the applicant's husband, presented the request. He explained the property was originally two 50-foot lots platted in 1901. The current owners wanted to return the property to its original state of two 50-foot lots to allow for two houses to be built.

Citizen Comments

There were no citizen comments.

Board Member Discussion

The group expressed concerns about granting the variance without a clear hardship. They noted that financial reasons could not be considered and that similar requests had been denied in the past.

Motion

Devine offered a motion, seconded by Burrows, to deny **Z 25-03, 443 N Harvey** based on there being no findings of fact.

Findings of Fact

There was no findings of fact.

There was a roll call vote.

YES: Devine, Pappas, Burrows, Elliott

MOTION PASSED UNANIMOUSLY

- a. **CONTINUATION Z 25-02, 324 Auburn:** Vincent and Lauren Acquista, the owners, are requesting a non-use variance to construct a second story addition in the side yard setback. The property is zoned R-1, Single-Family Residential.

Bolhuis explained that she reviewed the 1995 variance site plan and meeting minutes and found that the side yard setback variance only applied to the rear addition, not the entire side of the home.

Board Member Discussion

The board discussed the proposed project scope. The applicant stated that a new second floor would be framed over the existing first floor footprint.

It was confirmed that a variance was required for the second story because the 1995 variance did not include the original portion of the home.

Citizen Comments

There were no citizen comments.

Motion

Devine offered a motion, seconded by Burrows, to approve **Z 25-02 for 324 Auburn** to allow a variance of 1.8 feet for the side yard setback along the north side of the property. The variance is conditioned to only apply to the existing footprint of the current home.

Findings of Fact

There is an existing variance from 1995 that allows for a second story to be constructed over the rear addition and that the existing north wall is an existing nonconformity.

There was a roll call vote.

YES: Devine, Pappas, Burrows, Elliott

MOTION PASSED UNANIMOUSLY

- c. **Z 25-04, 529 Kellogg:** James and Susan Murphy, the owners, are requesting non-use variances to construct an addition in the required side yard setback that exceeds the required floor area ratio. The property is zoned R-1, Single-Family Residential.

Ryan Kratz, the architect, presented the request. He explained the need for an additional bedroom and the constraints of the existing house layout and lot size.

Citizen Comments

There were no citizen comments.

Board Member Discussion

The board discussed the unique aspects of the property, including its small size and existing nonconforming setbacks. They considered two separate variances - one for the floor area ratio and one for the side yard setback.

Motion

Elliott offered a motion, seconded by Burrows, to approve a floor area ratio variance of 0.024 for **Z25-04, 529 Kellogg**.

Findings of Fact

The property in question has a very small house on a very small lot, which is substantially smaller than a typical city lot, less than half the size of the required minimum lot area. Because of this, even a very modest addition results in a large change in the FAR calculation.

There was a roll call vote.

MOTION PASSED UNANIMOUSLY

Motion

Devine offered a motion, seconded by Burrows, to approve a variance of no more than 5.25 feet at the northeast corner of the existing home at **Z 25-04, 529 Kellogg** with the following conditions:

- No window openings occur for the second floor addition along the north elevation
- The variance shall follow the existing footprint of the home as indicated on the site plan prepared by Ambit that was submitted with the package.

Findings of Fact

The existing location of the house leaves limited opportunity for expansion, the existing floor plans of the house are limited in bedroom space, and the unique character of the parcel itself.

There was a roll call vote.

MOTION PASSED UNANIMOUSLY

8. BOARD MEMBER COMMENTS

Devine suggested asking the Planning Commission to review the lot split ordinance, particularly in the context of neighborhoods with predominantly 50-foot lots. The board discussed the potential benefits of allowing such splits in certain contexts and the need for a more flexible approach based on neighborhood character.

Chair Elliott noted they would like to get the vacant alternate position on the board resolved.

City Commissioner Moroz, liaison to the ZBA, expressed willingness to bring the board's interest in this matter to the City Commission for further consideration.

9. REPORTS AND CORRESPONDENCE

Bolhuis stated the July meeting is scheduled for the 3rd and asked if there were any scheduling conflicts due to the holiday. The Board was available to meet as scheduled.

10. ADJOURNMENT

Burrows offered a motion, seconded by Pappas, to adjourn the meeting at 7:57 p.m.

There was a roll call vote.

MOTION PASSED UNANIMOUSLY