

**CITY OF SOUTH LYON
ZONING BOARD OF APPEALS
October 20, 2016**

Chairman Weipert called the meeting to order at 7:05 p.m.

ROLL CALL:

PRESENT: Chairman Phil Weipert and Commissioners Brian Dunn, Michael Joseph, Ron Morelli, Frank Fogarty, Joe Rzyzi and Steve Mosier. Also present Kelly McIntyre and Megan Blaha (Planning Commission) and Tim Wilhelm (City Attorney).

ALL PRESENT

Chairman Weipert led the committee into the Pledge of Allegiance.

APPROVAL OF AGENDA

ZBA 10-20-16 APPROVAL OF AGENDA

Motion by Morelli, supported by Fogarty

To approve the agenda.

VOTE:

MOTION CARRIED UNANIMOUSLY

APPROVAL OF MINUTES:

ZBA 10-20-16 APPROVAL OF MINUTES

Motion by Dunn, supported by Morelli

To approve the minutes of the September 15, 2016 meeting.

VOTE:

MOTION CARRIED UNANIMOUSLY

NEW BUSINESS

ZBA Case 2016:008 – Cherlynn M. Taylor – 110 University Avenue

Request: The applicant is requesting a variance from the City of South Lyon Code of Ordinances, Chapter 18, Article IV "Fences", Sec. 18-135(b). Fences as defined herein shall not extend into any required front or exterior side yard setback. The applicant also requests a variance on

Chapter 18, Article IV "Fences", Sec. 18-135(c). Fences may be erected to a height of six feet along rear lot lines and along interior side lot lines, except that fences extending along interior side lot lines between the rear and front of the principal structure shall not exceed four feet in height. The applicant is requesting to install a 6 foot fence in the required front yard setback. A variance for location (front yard) and height (six foot) is requested.

Commissioner Mosier noted that he does not know the applicant but he does live in the same neighborhood.

Chairman Weipert replied that should not be a problem since all the members on the committees are residents on our boards. The conflict arises if there is any interest in the outcome or some kind of personal bias.

Chairman Weipert called the applicant to come up and to state her name and address for the record and to tell the board members what her request and practical difficulty is.

Mrs. Cherlynn Taylor introduced herself and stated her address as 110 University Avenue. I am here with my husband John, my daughter and my neighbor. I am here to apply for a variance for a fence that I have on the east side of my property. I live on a corner, the north corner where University and Pontiac Trail come together. My lot is considered a corner lot. Just a little history about my property; I have a six foot high wood fence currently in place. It is approximately 75' long. I would like to replace it with one in vinyl in the exact same place with the same height and length. The reason why I am requesting to replace it, is currently the existing six foot fence that I have is in dis-repair. The posts are rotted where they leave the ground and it looks like it was never properly sealed, has been up for nearly 20 years and it is starting to rot from the bottom. The panels we have are also in dis-repair and a couple of the pieces have fallen off. It will continue to deteriorate over time. I would like to replace it with a newer material that requires less maintenance. This is important since the fence I currently have there is not providing adequate screening or noise protection. My property is directly across the street from commercial businesses so I don't have neighbors there. There is 37' of landscape between my property and Pontiac Trail. I see no issue with this new fence causing obstruction or sight issues, it won't impede foot traffic on the sidewalk and there is a solid foot and half between the sidewalk to where the fence will be located.

Commissioner Morelli asked if it would be in the same exact spot as it is now and if it will match the Interior fences.

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Chairman Weipert noted that we need to hear something unique about the property. One unique thing is that you have a grandfathered fence. If something has been there 20 plus years it has probably been grandfathered.

Mr. Taylor added that on in the ZBA Minutes of May 21, 2015 on page 5 it actually references our address and states that the fence is grandfathered.

Chairman Weipert noted that we could have an applicant that does not want to do the correct repairs or may take forever to make a repair or we (board members) can take a look at the applicants circumstances and what they would like to do to replace the fence.

Attorney Wilhelm suggested not to use the Grandfather Act for the non-conforming fence but to use the facts of when it was erected and how the ordinance has changed overtime.

Chairman Weipert added that the applicant has the same kind of lighting, traffic and noise.

Commissioner Rzyzi offered that it is unique being on a corner lot and one of the qualifications is that it does not interfere with the character of the neighborhood.

Chairman Weipert asked if the applicant would be doing anything with the hedges there.

Mrs. Taylor replied that the 37' from Pontiac Trail would be the greenbelt and they would not be doing anything with the hedges.

Commissioner Rzyzi asked if the last picture is what the fence will look like.

Mrs. Taylor replied, yes.

Commissioner Rzyzi noted that after looking at the new fence in the picture and having ridden by it with my kid hundreds of times, I think it looks great. Whatever we can do to get it through.

Commissioner Fogarty asked about Mr. Taylor referencing something from the May 2015 ZBA Minutes.

Mr. Taylor responded that it was from the ZBA minutes and there was a gentleman asking for a 6' privacy fence in wood. I was just reading through the meeting minutes trying to figure out what was happening with it. At that time it was said that there is a proposed ordinance that is going to go into play for a 4' privacy fence with a decorative fence in wood to be lattice with 50% visibility. At that time they referenced our property address as being grandfathered.

Chairman Weipert inquired if that was on the corner lot right by them.

Mr. Taylor noted that the property address on this one is at 661 Covington.

Commissioner Fogarty asked how long the Taylor's have lived there.

Mrs. Taylor replied nine years.

Commissioner Fogarty stated that the interior fence and the back fence are both 6' high and if they had obtained a variance for that.

Mrs. Taylor noted she did not get a variance.

Chairman Weipert added that her side yard is a front yard.

Mrs. Taylor noted that rear side of her property is chain link.

Commissioner Fogarty asked if they could trim the bushes for the first 10' down to 4' in height so the people coming out of the subdivision can see the traffic heading south on Pontiac Trail.

Mr. Taylor noted that they have had a conversation about taking out the first 2 bushes that are there.

Chairman Weipert asked if there were any more questions.

Commissioner Rzyzi commented that he thinks it will look great. I think it is your property and you should be able to do what you want for the most part. Good luck.

ZBA CASE 2016:008 – CHERLYNN TAYLOR – 110 UNIVERSITY AVENUE

Motion by Morelli, supported by Rzyzi

To approve the variance per Section 102-85(2) (a)(c). a) That there are circumstances and conditions of the property that are not general in other properties in the same classification and c) that authorization of the variance will not be of substantial detriment to the adjacent property and will not impair the intent and integrity of this charter or the public health, safety and general welfare of the community.

VOTE:

MOTION CARRIED UNANIMOUSLY

Chairman Weipert informed him to get his permit.

OLD BUSINESS

None

STAFF REPORTS

Planner Blaha stated there was nothing coming up in November but we will have a case in December. I would have had to get the notice out by today 12 noon so there will not be anything in November.

Commissioner Dunn stated that receiving an e-mail reminder from Megan for the ZBA meetings will be great.

Planner Blaha stated she does the same thing for the Planning Commission.

Attorney Wilhelm inquired if there was any interest from the board members to hold a joint meeting with the Planning Commission to review the highlights of ordinances. I would envision it would involve the Planning Commission and Council. We want to make sure all the boards who would use these documents are familiar and have had the opportunity to see it and to get some discussion going about what is in it and highlight some of the issues they may deal with on a regular basis so we know what the changes are, if there are changes.

ZBA 10/20/16 – ADJOURNMENT

Motion by Rzyzi, supported by Dunn

Motion to adjourn the meeting at 7:32 pm

VOTE

Respectfully Submitted,

Phil Weipert, Chairman

MOTION CARRIED UNANIMOUSLY

Marianne Jamison, Recording Secretary