

**CITY OF SOUTH LYON
ZONING BOARD OF APPEALS
June 19, 2008**

Chairman Weipert called the meeting to order at 7:02 p.m.

PRESENT: Chairman Weipert and Commissioners Ron Morelli, Mike Potter, Keith Bradley, Tom Goodcase, James Herman and Bill Rodman. Also present, Director of Building Safety and Engineering, Joe Veltri.

ABSENT:

Chairman Weipert – We have a new member so we will welcome William Rodman. Lets review the minutes. Any corrections or deletions of the minutes? At our last meeting, Chairman Herman did leave a message on voice mail that he could not come so we need to change the minutes to reflect that. We do need a better system for contacts and communicating. We need phone numbers and e-mail addresses.

Inspector Veltri – You can go right to my extension #15. You should notify the City if you are not able to attend a meeting.

APPROVAL OF MINUTES:

ZBA 06-19-08 APPROVAL OF MINUTES – April 17, 2008

Motion by Bradley, supported by Morelli

To approve the minutes of April 17, 2008 as amended. James Herman's absence was listed as unexcused and it should have been an **excused absence**.

VOTE:

MOTION CARRIED UNANIMOUSLY

Inspector Veltri – Mr. Chairman, I would like to add one (1) item to the agenda this evening. It came in after I had the agenda done. At 22380 Brookfield they have asked for an extension on a variance. There is a letter from the homeowners in your packet. I don't know if you want it under Old Business or in New Business, I will leave that up to you.

Chairman Weipert – Want to make a motion to put it under Old Business?

Commissioner Morelli – Yes.

ZBA 06-19-08 Amend the Agenda for tonight under Old Business

Motion by Morelli, supported by Herman

Motion to add the Bakers request for one (1) year variance extension to the agenda under Old Business.

OLD BUSINESS

Brian Baker – 22380 Brookfield

Chairman Weipert – The Baker's have submitted a letter. If you recall, it is the house off of Nine Mile Road with the big hedge. It is the first house going into the Brookfield subdivision. Has anyone heard from the homeowner? No. They have not had time to get to the garage. Didn't we give them two (2) variances?

Inspector Veltri - Two (2) variances. The fence is up, but they had a little problem with the garage. They stopped by and she told me they have to wait on it. I mentioned to them to give me a letter and I will bring it to the Zoning Board for an extension.

Commissioner Morelli – As long as none of the dimensions are changed. If they want to do it exactly the same, I have no problem with it.

Inspector Veltri – It would have to be the same as what they supplied. They have not pulled a permit on the garage part, but they did pull a permit on the fence.

ZBA 06-19-08 BRIAN BAKER – 22380 BROOKFIELD

Motion by Morelli, supported by Herman

Motion to approve the variance for a one (1) year extension.

Chairman Weipert – Are they going to do it this summer?

Inspector Veltri – Or it may be in the fall.

NEW BUSINESS

Sheri Pullins (Belanger) – 336 N. Reese

Chairman Weipert – Stand up and state your name to the recording secretary. We all have your application and hopefully everyone has visited the property.

Mrs. Pullins – My name is Sheri and this is my brother Steve, he is the builder and will explain why we need the variance.

Mr. Belanger – My name is Steve and I am from Belanger Builders, a Brighton based business. The reason we are coming to ask for a variance is that we have a house existing on a large piece of property but is not in compliance with the ordinance as it is right now. We have roughly a 10' set-back off of Able Street, roughly a 21' set-back off of Reese Street at the existing house. The problem is it is a one (1) bedroom house and Sheri has a three (3) year old son and one (1) on the way. To the sell the house with today's market is not practical either. We are trying to look at ways we can add on to this but we are running into issues with three (3) front roads; Donovan, Able and Reese with those set-backs of 35' off of each of those roads and I think there is a 30' set back off of the rear which leaves us roughly a 10' section in the middle of the lot to try to build something. So, what we are proposing is that we would like to get a set-back of 20' off of Able Street and that is where we would start the addition of a two (2) car garage with bedrooms and a bathroom above the garage. That will extend toward the rear lot about 30' and we would be asking for a variance on the rear lot of 10' I believe. We would maintain our front set back off of Reese Street.

Chairman Weipert – Joe, is there an issue with what is front on this?

Inspector Veltri – There are three (3) front yard set-backs of 35' on Reese, on Able and on Donovan. The rear set-back in the RM-1 district is 30'. If you look at the drawing the homeowner supplied, he is 30' off of the rear lot line. This would appear to be the side if viewing from Reese Street.

Commissioner Morelli – The address is on Reese Street. If the address is Reese, and Reese is the front front and the Able side is the side front, why is it a 30' set-back instead of a 10' – 12' set-back if it were a true side?

Inspector Veltri – It is not a true side. It faces the street so it is a front. The other side is 30' because that would be either the side or the rear and in that RM-1 district, the sides and the rear are 30'.

Commissioner Morelli – So his side yard set-back is 30'.

Inspector Veltri – How do you want to view the lot? The address is Reese; the front of the house is Reese. You have the three (3) front yard set-backs.

Chairman Weipert – I thought at some point that they rezoned the whole quadrant.

Inspector Veltri – It was RT. Then they changed it from RT Duplex to RM-1 Multiple. This was done approximately three (3) years ago. It was all rezoned. All except for Walker's Garage.

Commissioner Herman – Are you getting rid of the old garage?

Mr. Belanger – Yes, probably. That is the dilemma that we are running up against because we have nowhere to add on to this. For her to sell it, she would end of giving it away right now. We are still trying to figure out how we are going to put this all on there. We are trying to see what we can be granted and then we can try to put a design together.

Commissioner Rodman – Is the hardship actually because you can't sell the house, get the money or is it because the way the lot is configured.

Mr. Belanger – A combination of both. We need room; a one (1) bedroom house to me is not a very big house.

Chairman Weipert -- How big is the existing house.

Mr. Belanger – Roughly 21' x 35'. About 740 sq. ft. The hardship is we need a place to grow or to expand.

Chairman Weipert – Stay with the issue of the property.

Inspector Veltri – Mr. Chairman maybe I can clear something up. With the set-backs on this property, the building envelope is only 10' wide.

Chairman Weipert – That is definitely a hardship.

Inspector Veltri – The only thing you could build there would be a flag pole factory.

Commissioner Potter – You have 15' off the side set-back towards Able Street. Then your side set-back on the other side is okay. The 30' side set-back is okay.

Commissioner Morelli – Is this drawn to scale?

Mr. Belanger – I am sure it is not drawn to scale. It will be about 30' x 30'. No bigger.

Chairman Weipert – Do you have any drawings as to what you propose to build?

Mr. Belanger – No, we have not gotten that far. We first wanted to get through this stage before we invest monies into blue prints or surveys.

Chairman Weipert – Sometimes when the board is considering this, they like to know what the lines are going to be. That stone house is one of a kind.

Mr. Belanger – There is nothing in the neighborhood that is consistent anyways.

Commissioner Potter – It is all duplexes up over there, apartments and an auto place store.

Mr. Belanger – We have to look at how much we want to invest in this house too because we don't want to be over priced in this subdivision which is not high end.

Commissioner Rodman – Will this be attached to the existing house or be free-standing?

Mr. Belanger – It will be attached to the house.

Commissioner Rodman – Joe, you mentioned something about a set-back in the rear.

Inspector Veltri – It is 30' if you look at the south property line. That is good but there is also an easement there for utilities. The City has a pipe in the ground back there. The alley has been vacated. The utility runs east and west, there is a pipe in the ground.

Commissioner Rodman – There is no problem on the east side of the property?

Inspector Veltri – No.

Commissioner Rodman – So, we are really just talking about the north side and that is it.

Inspector Veltri – Yes.

Chairman Weipert – This neighborhood is a true mix zoning and the history of the town, it is one of the oldest parts of town. There are three (3) front yard set-backs.

Commissioner Morelli – The little addition that is on it now will stay?

Mr. Belanger – Yes.

Commissioner Morelli – Do you know what the dimension is between the house and the existing garage?

Inspector Veltri – Fifty-five feet. It is on the drawing.

Commissioner Rodman – One of the concerns I have is that you are building a new structure on this lot and you have a structure that is in the people's right-of-way. In the future, if the City wants to improve Able we may have issues with that. With the old garage.

Mr. Belanger – We are open on that garage. We would not take it down until the addition was done for storage purposes.

Chairman Weipert – We can make that part of the conditions.

Commissioner Rodman – Joe, on the memo you state he is requesting a 20' and that should be amended to 15'.

ZBA 06-19-08 – SHERI PULLINS (BELANGER) 336 N. REESE

Motion by Potter, supported by Bradley

I make the motion to approve the variance pursuant to Chapter 102-456 given that the garage will be razed. It is a 15' variance not a 10' variance.

Lighting Auto Wash – 321 Washington

Chairman Weipert – Item #2. State your name.

Mr. Shigley – My name is Joe and I live on Eleven Mile Road in New Hudson. My family and I own the car wash on Washington Street. The variance I am requesting is changing the existing wood fence to a metal fence that has no visibility through it and 8' in height. The reason is the neighbor has pit bulls and they charge the fence and scare the customers away, plus myself. The City does not have an ordinance pertaining to pit bulls. In the documents I have gave examples of ordinances and also some situations of what pit bulls can do. The Oakland County Sheriff talks about pit bulls and that they can go over the top of an 8' fence. The neighbor is here and we have been trying to work on this fence issue for quite a while. I am thinking that this might help.

Commissioner Rodman – I have no problem with your hardship, but I do have a problem with the industrial type fence that you want to put in.

Mr. Shigley – The fence photo I received is from South Lyon Fence and it shows a much larger fence than what I am requesting. It will be a lot different but it will be metal material.

Commissioner Rodman – The material you wish to use, I do not feel that it fits into our business district. That is an industrial grade type fence that would be suitable around an industrial complex or maybe a junk yard.

Mr. Shigley – It is used primarily for Detroit Edison. You would be pleased with the looks of it I will be honest with you. That photo does not do it justice. It is galvanized sheet metal.

Commissioner Rodman – I don't think it is an appropriate use in our business district.

Chairman Weipert – It is supposed to be something about the property that is the problem, not dogs.

Mr. Shigley – It is the dogs. They can see through the fence and also dig under the fence. This fence would go into the ground and have no gaps to look through.

Chairman Weipert – Is his zoning commercial?

Inspector Veltri – Business, commercial. The whole side of Washington Street is commercial. Across the street is different zoning.

Commissioner Rodman – A galvanized metal fence does not sit properly in the business district. If you wanted to make it out of cinder blocks such as your building is, or a cinder block wall that is brick faced with wrought iron on the top, I would be totally happy with something like that. A galvanized industrial grade fence does not belong in the business district in downtown South Lyon.

Mr. Shigley – About half of the fence was put up originally by the Wallace's when they owned the car wash. Then the next door neighbor finished the fence all the way around.

Commissioner Potter – The fence was put up by the previous owner and is 7' off of the grade.

Mr. Shigley – Not the entire fence. He put it from their front yard set-back. He was trying to screen the house from the car wash. It ran about five (5) panels with the panels being about six (6') feet each.

Commissioner Potter – It is six (6') feet in height but off the grade of the property they are almost seven (7') feet because of the curbing.

Inspector Veltri – We measure from existing grade and that would be where the fence is put. I know what you are saying. He would get an extra six (6") inches for the curb because where the fence is at the property line that would be existing grade.

Mr. Shigley – I had a survey and the line is about one (1") inch past the fence. It is on the car wash property.

Commissioner Morelli – I don't see any problem putting a fence there but not this one. It looks too industrial. At first I thought it could be painted but not a lot sticks to

galvanized metal and a few years down the road the dull finish will not look good and is not what we would like to see downtown. There must be a way to combat the cracking.

Commissioner Herman – Proper footings would correct that.

Chairman Weipert – Joe, do we have any eight (8') foot fences in town?

Inspector Veltri – Nothing solid. We have an eight (8') foot cyclone fence to the rear of Lafayette Woods against the trail. There are some (cyclone fences) along Mill Street and that is all I-1 and around Quanex which is I-2 but not in any other commercial areas. All the Planning Commission requires is screening from commercial to residential.

Commissioner Morelli – Six (6') foot brick fences go up quite often.

Mr. Shigley – I am trying to get it so there is no sight by the dogs to see through the fence.

Commissioner Potter – I understand that there is a claim that the dogs can jump eight (8') foot but they can't see through a solid brick fence. Even a four (4') foot fence they would not see through unless they were back on the deck. If you had a six (6') foot solid brick fence, the dogs would not have a sightline through that. Is the extra two (2') feet really for the protection from the dogs jumping it? Have there been issues with these dogs jumping previously? These specific dogs?

Mr. Shigley – Yes.

Commissioner Rodman – Like Ron mentioned, a solid surface fence such a brick or cinder block even at eight (8') foot would fit into our business district. An industrial grade galvanized metal fence does not.

Mr. Shigley – The fence company that is quoting it does not do masonry fences. Maybe I can talk to them about a high grade wood fence.

Chairman Weipert – I would like to see different drawings before we continue. We cannot act on this.

Mr. Shigley – I can bring in more drawings. I physically went and looked at this fence and those photos do not do it justice.

Chairman Weipert – Does the neighbor want to speak?

Mr. Lewis – My name is Arthur Lewis of 305 Washington Street. When the fence issue started, we looked up all the permits and the fence was put up without a permit and there was a ticket issued. I am not sure whose property he is putting the fence up on. Is it on

our property? As far as I can see now, the fence is on our property. The dogs have never jumped the fence. One time they dug out but I put concrete around the bottom all the way around and there is concrete footings on the side where the car wash is and the fence is right up to that. They are not digging under there.

Chairman Weipert – Joe, is there a rule about a fence six (6”) inches off the line?

Inspector Veltri – I am looking at a survey (you have a copy too) the survey says the fence is on the car wash property. It does not have any encroachment on it. There is nothing that says it has to be 6”, 4” or 1”. I am not going to say who can take the fence down.

Commissioner Potter – Are you opposed to a taller fence?

Mr. Lewis – I would just like to know whose property the fence is on.

Commissioner Potter – It appears that it is on the car wash property from the survey that was done.

Commissioner Herman – This is a current survey and it says that the fence is on the car wash property. We have to go by what the survey says.

Mr. Lewis – Shouldn’t they put stakes out there.

Commissioner Rodman – This survey was done in August of 2007.

Inspector Veltri - There could be stakes or pins there that are under the surface. The City does not establish property lines.

Chairman Weipert – Do you object to an eight (8’) foot fence?

Mr. Lewis – No, not really.

Commissioner Potter – If you want to bring before us pictures of other fence options, we can table this until our next meeting.

Mr. Shigley – I am trying to keep the cost down. Even this fence is quite costly.

Commissioner Morelli – I can’t see this fence five (5) years from now looking good at all.

Mr. Shigley – This fence would be built by South Lyon fence and Detroit Edison is putting them up everywhere because of their security.

Commissioner Morelli – I am not opposed driving around to look at them if you can get some addresses.

Chairman Weipert – Joe, he would not need a variance to replace the existing fence.

Inspector Veltri – The variance is for two (2') feet of height for a fence. If you give him a variance for two (2') feet and say it can't be metal, he can put up an eight (8') foot wooden fence or masonry fence without coming back in front of you.

ZBA 06-19-08 – LIGHTING AUTO WASH – 321 WASHINGTON

Motion by Morelli, supported by Bradley

Motion to table this issue until the next meeting July 17, 2008 so the applicant can bring in either other type fences in brick or this fence in colors or whatever you think will work with us and yourself.

VOTE:

MOTION CARRIED UNANIMOUSLY

Dollar Tree Stores – 21835 Pontiac Trail

Chairman Weipert – Item #3- Please come up and state your name.

Mrs. Wilson – My name is Kelly and I am from the Dollar Tree. We are looking for a variance so we are able to have sidewalk sales. It would consist of (we have silver rolling carts) merchandise on them. It would be nicely lined up and put in front of the windows in front of the store. Merchandise that is seasonal. That is my request.

Commissioner Potter – What is your hardship?

Mrs. Wilson – Seasonal merchandise comes in very, very heavy. The merchandise would only be out during business hours. It would all come in at the close of business.

Commissioner Potter – So what would be the advantage for you?

Mrs. Wilson – Sales.

Commissioner Potter – We cannot approve variances based on financial motivators.

Mrs. Wilson – That is not the main motivator. It is to get it from my back room out for display since it is seasonal merchandise.

Commissioner Potter – From where I am sitting it still sounds like a financial reason, you're putting it out there to sell it. The variance is to improve your business and to increase quantity of sales. It still sounds like a financial motivator and I don't see a hardship that is based on the property. It has to be based on the property.

Chairman Weipert – This is tough because you would be the first one in that complex. You are the only retail in there.

Commissioner Morelli – I don't particularly like outside storage at all. I like your store and have been in your store and it is very nice but frankly, I don't like the fact that your carts are stored outside. They probably should be stored inside. There are only three (3) places in town right now that have outside storage. Most stores do have sidewalk sales.

Inspector Veltri – If they have a sidewalk sale and a letter from the landlord, they can have sidewalk sales as long as it is not every day. Most places will have one (1) or two (2) sales a year. Brookdale has it where all the stores put tables out and do it for a couple days. Bushes, Ace Hardware and Larry's Foodland are the three (3) that have outside storage.

Chairman Weipert – I walked it today and those pillars seem to be in the way. It is not an easy spot to use your front sidewalk.

Mrs. Wilson – It would be up against the building and the windows. It would not come out onto the sidewalk.

Chairman Weipert – All the parking is up against the front of your building and cluttering it up with sidewalk sales might not be a good idea.

Mrs. Wilson – It would not encroach the sidewalk; it is up against the building along where the windows are.

Commissioner Morelli – Pillar to pillar is five (5') feet. Her center section sticks out about three (3') feet and there are two (2) on the side. On one (1) side she stacks her carts.

Chairman Weipert – Are the carts out there all night?

Mrs. Wilson – Yes.

Commissioner Rodman – There is no hardship here except for a monetary gain for the applicant. We should not be granting variances because past ZBA board members have

granted variances to other establishments. It should be a valid hardship based on the configuration of the property and not where it would give any monetary gain to the property owner or business establishment. Michael's point should really be considered.

Mr. Wilson introduced self. My name is Bob and I am her husband. I also run a Dollar Tree store in Livonia and we have sidewalk sales for about six (6) months out of the year. There is no hardship and it is not a causing problem with anyone. We also have an Aco Hardware that is located within the bounds of where our property is and they got "crap" outside year round. I have been there tripping over bags of manure on their sidewalk so I don't know what the problem would be with her putting a mobile rack out during the course of the business day and rolling it back in at night. Bushes have stuff in front of their building. That is their monetary gain. The same thing you are looking at here. She is looking to improve her business and stay in South Lyon instead of another dollar store coming and going.

Chairman Weipert – It is a good dollar store.

Mr. Wilson – She is trying to improve her business. She has a lot of seasonal merchandise, summertime merchandise that the kids are looking for this time of year that is sitting in her back room that she can't get out onto the floor and two (2) months from now that merchandise will be worthless. She is trying to get it out and expose it to the customer.

Commissioner Morelli – I don't like outside sales at all. I was not around when Aco got theirs. I was here when Farmer Jack came and asked for the variance there. It is a constant battle between them and the inspector who always has to go out there since they are only suppose to have X number of feet and you are suppose to be able to get wheelchairs through. Ace has a permit but rarely puts anything out there. They are a hardware store and do put out mulch etc they are not rolling out racks of light bulbs and toilet seats, etc. trying to increase the square footage from inside their store. Everyone wants to use their outside. I absolutely do not see any hardship.

Mr. Wilson – We are negotiating now trying to get the space between Jimmy John's and the Dollar store so they can have some extra space. They are so over-crowded in there right now. I don't understand. South Lyon is supposed to be looking to increase sales.

Commissioner Potter – That has nothing to do with the zoning.

Commissioner Morelli – It has nothing to do with regulations. You used the term "crap" when referring to Aco's items placed outside. They are a hardware store and that stuff is outside. It should be like Martin's where they put it in a fence on the side. It has been there for thirty years plus.

Mr. Wilson – They should be made to take theirs in.

Commissioner Potter – That is not how the zoning laws work.

Commissioner Morelli – That is the variance they were given way back when, way before anyone on this board was here. It is there and do I think it was a mistake, yes, I do think it was a mistake. There is nothing we can do about it now. All we can do going forward is to make sure that your word “crap” does not end up in front of all these places.

ZBA 06-19-08 – DOLLAR TREE STORES – 21835 PONTIAC TRAIL

Motion by Morelli, supported by Potter

I make a motion to deny the request for lack of hardship.

VOTE:

6 YEAS, 1 NAY

STAFF REPORTS:

There is a meeting for July 17, 2008.

Chairman Weipert – Is there any discussion on the Changes in Procedure per MZEA?

Inspector Veltri – There are going to be a lot of changes. People will be able to appeal and when they do they will come to this board first. I am glad I am hearing a lot of discussion on items and not just opinions. You have been giving reasons and explaining reasons behind your thinking because all of this is going to be very important when and if harder cases come before this board.

Commissioner Morelli – I very much welcome Parvin’s attendance here to explain all this. This came before Council on two (2) occasions and there were a lot of questions asked and it is still confusing.

Inspector Veltri – I have questions on the protest petition. The way this is written, I still have a rough time grasping the whole thing. There has got to be more to it and I want to know what it is. Unless Phil can explain it.

Chairman Weipert – One (1) of the things we always say is hardship, hardship. There are two (2) kinds of variances; there is a “use variance” and that would be when the woman came from Mill Street, the forty acres wanted to change the use. After City Council, it came to us, to change that use. That is a different kind of variance than the typical variance that we get which is; a “dimensional variance” which says they have a practical

difficulty with this and they have to show all of what is in the law such as narrowness, shape, water and they need to state what the hardship is. It is on everyone's application – "please explain the difficulty of why your property is different than others".

Inspector Veltri – There is an 8-1/2 x 11 Help Sheet that is stapled to every application also to give them information on what they have to do in front of the board. Every application I get back still has the Help Sheet still stapled to it. They don't take or read it. I tell them they will have to explain to the board what they want and why, I just answer ordinance questions.

Commissioner Bradley – Do you think they think you are here to help them?

Inspector Veltri – A lot of them do. Like the first case tonight, they were stumbling about their variance and that is when I stated the reason you are here is because you have a ten foot wide building envelope. They wanted to build on the Donovan Street side and I told them they don't have the room. I told them they would have to come here first to do anything. They have a big lot there.

Chairman Weipert – There lot is 300' x 75'.

Inspector Veltri – When you look at the building envelope, the only thing you could build there is flag poles.

Commissioner Rodman – Like Phil was saying, I read the memo and it did state in there clearly they have to prove "all" items.

Chairman Weipert – There is room for us to find and it is suppose to be the minimum variance given. There are items where it becomes subjective. There is room in there for us to hear the facts. We should probably start trying to do that a little better. The "use variance" that standard is a hardship. We should strive to make some findings and reasons why. The Legislature changed the law in 2006 and they were trying to get all the zoning uniform – a comprehensive zoning law. In 2008 what was just adopted, cleaned up all the problems with the 2006 laws. In 2006 they said every zoning board has to have a set of by-laws, rules and procedures. I spoke with Parvin and he told me I could put something together. We could hold a special meeting in a week or two (2) and get some by-laws together. I am the Chairperson, but I do not know who the Vice Chairperson is. Ron is on Council and it is in the law that Ron is not allowed to run our meetings because he is on the City Council. We should figure out who the Vice Chair is and we could change every year or two (2). We should have a secretary who is on the board that signs. Marianne is a recording secretary but she is not on the board. Right now that is all we have, a Chair and a secretary.

Chairman Weipert – We should do that and clean up. I like the friendly town meetings but we should go through in a more orderly fashion in case these other issues come up.

We need to have alternates so we can have a full board every time. We need a better system of communication so if someone cannot be here, we can call an alternate. We should always have a full board.

Commissioner Bradley – It is only one (1) time a month.

Inspector Veltri – Remember too, I only arrange a meeting when there is an agenda. I figure all of you are volunteers.

Chairman Weipert – We need to set rules and procedures but we can't do it without having a public meeting.

Commissioner Morelli – Phil, if you can have this together by July 17, 2008, is there a problem having Parvin at that same meeting so while we discuss it we can get his input?

Inspector Veltri – I would have to check with Parvin's schedule.

Chairman Weipert – We have to have a liaison from the Planning (Bradley) a Council liaison (Morelli). If ever something comes up that went to Planning and/or Council and then it comes here, Bradley and Morelli could not be on the board for that hearing. That is when we would need the alternates.

Commissioner Rodman – It was stated that if you acted on something, you must excuse yourself from the hearing.

Chairman Weipert – We should adopt a conflict of interest policy; an economic advantage, a relative or family member etc. We should have a policy like how to excuse yourself. We should have Robert's Rules of Order adopted.

Commissioner Rodman – Or a variation of Robert's Rule of Order.

Chairman Weipert – If you table something to a specific date, you do not have to re-publish.

Commissioner Morelli – On this fence deal, from where his curb ends, and the grass starts, if he says it is only an inch past the post, does that mean it is only six (6") inches from the edge of the curb to the property line?

Inspector Veltri – If it is on his property by one inch, it is on his property.

Commissioner Morelli – If he tears it down, I don't want to see this metal fence, it will not look good in five or years or so. If he puts a brick fence up, he does not have the room.

Inspector Veltri – He could not do it because there is not enough room for a foundation. Look at the wall behind the old Farmer Jack's, the post has concrete panels and those panels lift out and they are in sections. They have machines that can pull them out and the posts are concrete. There are many options for screening and that is what he wants to do.

Commissioner Morelli – You see that along expressways.

Commissioner Rodman – If the guy wants to build a metal fence six (6') foot tall he probably could because we have no ordinances against it. That may be something the Planning Commission should look at i.e. put some fence ordinances in for material. Make it so it has to be concrete, cinder block or brick and keep galvanized metal fences out of our downtown. This is probably the first time someone has come asking for a galvanized steel fence in downtown.

Inspector Veltri – Planning has that option during the review process for the site. A lot of communities have the "Good Neighbor Policy" on fences. Where you always put the good side of the fence out towards the neighbor.

Commissioner Morelli – I thought our City had a policy on that.

Inspector Veltri – No, we don't have the "Good Neighbor Policy" on fences.

Commissioner Rodman – Do we have any means where we can make a recommendation to the Planning Commission?

Inspector Veltri – Yes, Commissioner Bradley is on Planning board.

Commissioner Rodman – I would like to see Planning attack something like that. I would like to see it happen before we get a whole bunch of fences that don't fit our downtown business district.

ZBA 06-19-08 – ADJOURNMENT

Motion by Goodcase, supported by Morelli

To adjourn the meeting at 8:15 P.M.

VOTE:

MOTION CARRIED UNANIMOUSLY

Respectfully Submitted,


Philip Weipert, Chairman


Marianne Jamison, Recording Secretary

