

**CHARTER TOWNSHIP OF YPSILANTI  
ZONING BOARD OF APPEALS  
MINUTES OF THE JANUARY 8, 2020 REGULAR MEETING**

In the absence of Chair Jason Iacoangeli, Vice-Chair Marsha Kraycir called the regular meeting to order at 6:30 pm in Ypsilanti Township Civic Center Board Room, 7200 S. Huron River Drive, Ypsilanti Township.

**Members Present:** Commissioners Marsha Kraycir, Elizabeth El-Assadi, Jimmie Wilson, Jr., Gage Smith, and Morgan Foreman

**Members Absent:** Chair Jason Iacoangeli

**Others in Attendance:** Dennis McLain, Township Attorney; Charlotte Wilson, Planning and Development Coordinator

**1. CALL TO ORDER**

**2. ROLL CALL**

**3. APPROVAL OF THE MEETING MINUTES FROM THE DECEMBER 4, 2019 REGULAR MEETING MINUTES**

**A motion was made by Commissioner Wilson, Jr., supported by Commissioner Smith to approve the minutes from December 4 2019. The motion carried unanimously.**

**4. APPROVAL OF THE AGENDA**

**A motion was made by Commissioner Wilson, Jr., supported by Commissioner El-Assadi to approve the agenda. The motion carried unanimously.**

**5. PUBLIC HEARING**

- A. VARIANCE – JOE HILEMAN – 2525 EASTLAWN AVENUE – TO CONSIDER A VARIANCE FROM ZONING ORDINANCE SECTION 2103, ACCESSORY BUILDINGS AND ACCESSORY USES, TO PERMIT THE INSTALLATION OF A 20-FOOT BY 24-FOOT DETACHED GARAGE IN THE SIDE YARD AT 2525 EASTLAWN AVENUE FOR A SITE ZONED R-5, ONE-FAMILY RESIDENTIAL, LOCATED AT 2525 EASTLAWN AVENUE, PARCEL K-11-06-380-001.**

Charlotte Wilson, Planning and Development Coordinator, said accessory structures are only permitted in rear yards and need a variance to be allowed in a side yard. In order to grant a variance a finding of practical difficulty must meet the following conditions: first, exceptional circumstances; the property is shallow. Second, the variance must be necessary for the enjoyment and preservation of substantial property right by other properties in the same zoning district or vicinity; other homes in the subdivision have attached and detached garages. Third, it must not be substantially detrimental to adjacent properties; the variance would not be detrimental. Detached garages are required to have a minimum 5 foot setback from the side and rear property lines and the proposed garage would have a 17.5 foot rear setback and an over 55 foot side setback. The final condition is that the need for a variance is not created by the applicant; the lot size and shape was not created by the property owner. If the request is approved the applicant would need a building permit from the Office of Community Standards.

Nelson Acosta, 2396 Draper, Ypsilanti, applicant, is the owner. He is trying to sell the property and the potential buyers want to make sure the garage can be built. He said he submitted a building application in 2019 for an attached garage and was not approved.

Commissioner Wilson, Jr. asked if the buyers would only purchase if the garage can be

built.

Mr. Acosta said yes.

**The public hearing opened at 6:38 pm.**

No persons wished to speak.

**The public hearing closed at 6:38 pm.**

**A motion was made by Commissioner El-Assadi, supported by Commissioner Wilson, Jr. to approve the request for a variance from Zoning Ordinance Section 2103, Accessory Buildings and Accessory Uses, to permit the installation of a 20-foot by 24-foot detached garage in the side yard at 2525 Eastlawn Avenue for a site zoned R-5, one-family residential, located at 2525 East Lawn Avenue, Parcel K-11-06-380-001 with the following conditions:**

**The applicant shall obtain the necessary zoning permit from the Office of Community Standards.**

**The motion carried as follows:**

**Smith: Yes Kraycir: Yes El-Assadi: Yes Wilson, Jr.: Yes Foreman: Yes**

**B. VARIANCE – ROBERT YOPKO III – 2338 HARDING AVENUE – TO CONSIDER A 2-FOOT VARIANCE FROM ZONING ORDINANCE SECTION 2114, FENCES AND WALLS, TO PERMIT THE INSTALLATION OF AN 8-FOOT TALL PRIVACY FENCE IN THE REAR YARD AT 2338 HARDING AVENUE FOR A SITE ZONED R-4, ONE-FAMILY RESIDENTIAL, LOCATED AT 2338 HARDING AVENUE, PARCEL K-11-07-439-026.**

Ms. Wilson stated privacy fences taller than 6 feet are not permitted in rear yards and the 8 foot fence is already erected. The parcel and surrounding parcels are zoned R-4 and are master planned for single family residential. A finding of practical difficulty must be demonstrated in order to grant a variance by meeting all the following criteria: first there needs to be exceptional conditions or circumstances that apply to the property; the property is a similar size and shape as surrounding properties and is flat and there are no exceptional conditions. Second, the variance needs to be necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same zoning district and vicinity; the applicant stated the height is necessary to contain his 2 large dogs. Third, the variance cannot be detrimental to surrounding properties; the applicant received 2 support letters from adjacent property owners and Ms. Wilson's office received an email on January 5, 2020 from the resident who shares the rear property line that stated the fence is a hazard and a detriment to their property. Finally, the need for the variance cannot be self-created; the need has been self-created. Regardless if the request is granted, denied or tabled the applicant needs to register his dogs with the Township. If the request is approved the applicant would need a zoning permit from the Office of Community Standards and the Board may require reasonable style or opacity conditions.

Commissioner El-Assadi asked for confirmation that the fence was already installed.

Ms. Wilson said yes.

Commissioner Wilson, Jr. asked if it was against the ordinance to use a fence as a kennel.

Ms. Wilson said a commercial kennel was not allowed on residential property.

Commissioner Kraycir asked if the current fence was 8 feet tall.

Ms. Wilson said yes, it was a standard 6 foot fence with a 2 foot addition on top to make

**Charter Township Of Ypsilanti  
ZBA Regular Meeting Minutes  
January 8, 2020  
Page 3**

it 8 feet total height.

Robert Yopko, Jr., applicant representative and property co-owner, said one of the dogs began jumping the fence so the son attached the additional 2 foot section. He stated the fence is not visible from the street and was not aware that one resident objected. He said if the variance was not granted he would like a grace period so the son can find a different solution.

Commissioner El-Assadi asked if there were 1 or 2 dogs.

Mr. Yopko, Jr. said 2 and he would have them licensed within the week.

Commissioner Kraycir asked the breed of the dog that gets out.

Mr. Yopko, Jr. said a malamute/shepherd mix that is 75 pounds.

**The public hearing opened at 6:50 pm.**

No persons wished to speak.

**The public hearing closed at 6:50 pm.**

Commissioner Wilson, Jr. said he was reluctant to grant the variance based on the criteria and because there is not a unanimous consent by the neighbors.

Commissioner Foreman asked if the resident would object to a new whole 8 foot fence as opposed to the current one with the addition.

Commissioner El-Assadi said they need to abide by the regulations.

Commissioner Kraycir asked why the fence was installed without a variance.

Mr. Yopko, Jr. said because his son needed to find a quick solution. He said he was willing to work with the neighbor to find a solution.

Commissioner El-Assadi noted that neighbor said currently there are parts of the fence that measure 8 feet 6 inches.

**A motion was made by Commissioner Wilson, Jr., supported by Commissioner Smith to deny the request for a 2-foot variance from Zoning Ordinance Section 2114, Fences and Walls, to permit the installation of an 8-foot tall privacy fence in the rear yard at 2338 Harding Avenue for a site zoned R-4, one-family residential, located at 2338 Harding Avenue, Parcel K-11-07-439-026 due to the following reasons:**

**There are no exceptional or extraordinary circumstances or conditions applying to the property in questions.**

**The problem and resulting need for the variance has been self-created by action of the applicant.**

**The motion carried as follows:**

**Smith: Yes Kraycir: Yes El-Assadi: Yes Wilson, Jr.: Yes Foreman: Yes**

Commissioner Kraycir recommended the applicant have a grace period to remove the fence.

**6. OLD BUSINESS**

**A. VARIANCE – CASSANDRA BARRETT – 9749 TEXTILE ROAD – TO  
CONSIDER A VARIANCE FROM ZONING ORDINANCE SECTION 2114,**

FENCES AND WALLS, TO PERMIT THE INSTALLATION OF A 6-FOOT TALL VINYL PRIVACY FENCE IN THE FRONT YARD AT 9749 TEXTILE ROAD FOR A SITE ZONED R-2, ONE-FAMILY RESIDENTIAL, LOCATED AT, 9749 TEXTILE ROAD, PARCEL K-11-23-400-041, 9773 TEXTILE ROAD, PARCEL K-11-23-400-010 AND 9729 TEXTILE ROAD, PARCEL K-11-23-400-040.  
(TABLED AT THE DECEMBER 4, 2019 ZBA MEETING)

Ms. Wilson reminded the Board that the public hearing was already held and additional information was provided by the applicant and was included in the Commissioners' packets. She said the new information was not relevant to the variance request and reminded the Board that the request is based on the property and not the property owner and neighbor circumstances. She said the Board could put additional conditions on the approval such as requiring a property survey.

Cassandra Barrett, 9749 Textile Road, Ypsilanti, applicant, said she was told the front of a lake house faces a lake and the back faces the street by the fence company. She said across the street at 9604 Textile Road a fence extends 88 feet past the front of a house.

Commissioner Kraycir said the issue is the height of the fence and asked why she needed the 6 foot height.

Ms. Barrett said the neighbor dug a trench from his house to the trees on the lake and installed cameras facing her house and she feels it is an invasion of privacy.

Commissioner Kraycir asked if she had thought of any alternative methods.

Ms. Barrett said she has called the police and Township and was told she needed to hire an attorney to have the cameras removed.

Commissioner Kraycir said there were other legal ways to block the cameras such as planting shrubs. She said the applicant could install a 3.5 foot fence with 6 foot tall shrubs and would not need a variance.

Ms. Barrett said she could do that.

Ms. Wilson said it would be permitted and the applicant would just need to apply for a fence permit.

Ms. Barrett said she was pulling her request for the variance and she would cut the fence down and plant shrubs.

## **7. NEW BUSINESS**

A. None

## **8. OPEN DISCUSSION FOR ISSUES NOT ON THE AGENDA**

### **A. CORRESPONDENCE RECEIVED**

Items from APA

### **B. ZONING BOARD OF APPEALS MEMBERS**

None

### **C. MEMBERS OF THE AUDIENCE**

None

## **9. ANY OTHER BUSINESS THAT MAY COME BEFORE THE ZONING BOARD**

**Charter Township Of Ypsilanti  
ZBA Regular Meeting Minutes  
January 8, 2020  
Page 5**

Ms. Wilson said as of now there will not be a February 2020 meeting as there is nothing on the agenda.

Mark Clancy, 9795 Textile Road, said that Ms. Barrett needs a timeframe to cut the fence since it was built illegally and is on his easement.

Commissioner Kraycir said easement violations were not the Board's responsibility. She said if the fence is not removed within a reasonable time the Ordinance Department will cite her.

Attorney McLain confirmed and said the easement location was a civil issue.

Mr. Clancy said the fence is broken and stained and will still be in that condition when it is cut down.

Commissioner Kraycir said Ms. Barrett would have to file a fence application fence condition would be part of approval or denial.

Mr. Clancy said he was told to install cameras because the Barrett's kept blocking the easement. He asked what a reasonable amount of time was.

Attorney McLain said someone from Ordinance would contact Ms. Barrett to work out a time.

**A motion was made by Commissioner Wilson, Jr., supported by Commissioner El-Assadi to adjourn the meeting. The motion carried unanimously.**

The meeting was adjourned at approximately 7:05 pm.