

**CHARTER TOWNSHIP OF YPSILANTI
ZONING BOARD OF APPEALS
MINUTES OF THE MARCH 4, 2020 REGULAR MEETING**

The regular meeting was called to order by Chair Marsha Kraycir at 6:30 pm in Ypsilanti Township Civic Center Board Room, 7200 S. Huron River Drive, Ypsilanti Township.

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

Members Absent: None

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

1. CALL TO ORDER

2. ROLL CALL

3. APPROVAL OF THE MEETING MINUTES FROM THE JANUARY 8, 2020 REGULAR MEETING MINUTES

A motion was made by Commissioner Smith, supported by Commissioner El-Assadi to approve the minutes from January 8, 2020. The motion carried unanimously.

4. APPROVAL OF THE AGENDA

A motion was made by Chair Kraycir, supported by Commissioner El-Assadi to approve the agenda. The motion carried unanimously.

5. PUBLIC HEARING

- 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.**

Charlotte Wilson, Planning and Development Coordinator, said the applicant was denied a permit on October 18, 2019 and at the January 8, 2020 meeting the applicant withdrew her variance application. On January 21, 2020 the applicant resubmitted the request. The fence is already installed and is 210 feet into the front yard and 12 feet from the eastern property line. There is a 10 foot easement and the fence extends 2 feet away from it. She said the Board could grant a variance based on the criteria set forth in Section 2404. The applicant states the height is necessary for the preservation and enjoyment of the property.

Chair Kraycir asked for clarification on the easement.

Ms. Wilson said it is 2 feet away from that and the fence would need to stay within the confines of the property.

Commissioner El-Assadi asked if the fence was still installed.

Ms. Wilson stated yes.

Chair Kraycir asked when it was installed.

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Ms. Wilson said to ask the applicant.

Chair Kraycir asked what the maximum front yard fence height was.

Ms. Wilson said 3.5 feet.

Cassandra Barrett, 9749 Textile Road, applicant, said that the neighbor installed a cameras facing her front door and property. She discussed the history with the cameras and the police reports and Township complaints that she filed. She said the police and Township have done nothing and she is being harassed.

Chair Kraycir reminded Ms. Barrett that they were only there to discuss her fence height variance request and not police or litigation events.

Ms. Barrett said she needs the fence because she is being harassed by the neighbor. She continued that the suggestion at the previous meeting of planting shrubs would not work because they were too short.

Chair Kraycir said the Board did not have the power to issue decisions to help protect the applicant. She said they could only decide whether to grant the variance or not.

Commissioner El-Assadi asked if the applicant built the fence without approval.

Ms. Barrett said she did and was told by the fence company that the yard facing the lake is considered the front yard and the yard facing the street would be the backyard.

Commissioner Wilson, Jr. asked why the applicant did not plant shrubs.

Ms. Barrett said because shrubs would be too short and she is worried her neighbor would kill them.

Commissioner El-Assadi asked when the fence was installed.

Ms. Barrett stated a few months ago, possibly December.

Chair Kraycir asked if the cameras were still installed and operational.

Ms. Barrett said they were still installed and the last video her attorney received was dated December 22, 2019.

The public hearing opened at 6:48pm

Beth Clancy, 9795 Textile Road, is a neighbor and confirmed they have security cameras as recommended by the police. She said her husband has a Personal Protection Order against the Barrett's.

Chair Kraycir asked why she was opposed to the fence.

Ms. Clancy said because they did not get a survey or a permit and it blocks the lake view.

Chair Kraycir asked how long the fence was.

Ms. Clancy said 230 feet.

Commissioner El-Assadi reminded those present that the backyard for all lake front properties faces the lake so any owner could install a 6 foot privacy fence and block a neighbor's view.

WC Harrington, neighbor, said he wanted to know what was considered the backyard and said it would become an issue.

Chair Kraycir stated they were only discussing how the fence was harming him.

Mr. Harrington said the fence is not harming him and would not if it was from the back of the house to the lake.

Chair Kraycir asked if was the neighbor that had security cameras pointed at the applicant.

Mr. Harrington stated he was allowed to have cameras on his property. He asked what was considered the back of the house.

Ms. Wilson said from the front of the home to Textile Road was the front yard and the rear of the home towards the lake was the back yard.

Ralph Rove, 9885 Textile Road, asked if the Township owned 6 feet up from the high water line around the lake.

Chair Kraycir said she was not going to answer as that was not what they were there for. She asked how he would be harmed by the height.

Mr. Rove said he would not.

Commissioner Wilson, Jr. said that if the Township did own that portion of land then the applicant would not be allowed to install a fence on it.

The public hearing closed at 6:59pm

A motion was made by Commissioner Wilson, Jr., supported by Commissioner El-Assadi to deny the request for 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 Parcel K-11-23-400-010, and 9729 Textile Road, Parcel K-11-23-400-040 due to the following reasons:

It does not conform to the normal policies that the Board goes by.

The motion carried as follows:

Kraycir: Yes Smith: Yes Wilson, Jr.: Yes El-Assadi: Yes McGovern: Yes

B. TEMPORARY USE PERMIT – RICHARD TAPPER – 3020 WASHTENAW AVENUE TO CONSIDER A TEMPORARY USE PERMIT FOR THE OUTDOOR STORAGE AND SALE OF FIREWORKS FROM JUNE 10, 2020 TO JULY 16, 2020 FOR A SITE ZONED B-3, GENERAL BUSINESS LOCATED AT 3020 WASHTENAW AVENUE, PARCEL K-11-06-325-031.

Ms. Wilson stated the applicant proposed to erect a 40 foot by 40 foot tent for the display and sale of class C fireworks and an 8 foot by 40 foot storage container to store items, both of which would be located in the parking lot. The applicant would like to operate from June 22, 2020 through July 4, 2020 from 10am to 10pm. If approved, she recommended a building permit be obtained prior to occupancy and the applicant post the Township municipal code Section 42-210, Fireworks.

Richard Tapper, Phantom Fireworks, applicant, said they have had this tent location for 7 or 8 years with zero incidents.

The public hearing opened at 7:06pm

No persons wished to speak.

The public hearing closed at 7:06pm

A motion was made by Commissioner McGovern, supported by Commissioner El-Assadi to approve the temporary use permit application for the temporary outdoor sale of fireworks from June 10, 2020 to July 16, 2020 for a site zoned B-3, General Business, located at 3020 Washtenaw Avenue, Parcel K-11-06-325-031 with the following conditions:

All necessary building permits shall be obtained by the Office of Community Standards prior to occupying the tent.

The applicant shall post and make available the public municipal code Section 42-210, Fireworks, outlining when fireworks may be discharged within Ypsilanti Township.

The motion carried as follows:

Kraycir: Yes Smith: Yes Wilson, Jr.: Yes El-Assadi: Yes McGovern: Yes

C. TEMPORARY USE PERMIT – RICHARD TAPPER – 2299 ELLSWORTH ROAD TO CONSIDER A TEMPORARY USE PERMIT FOR THE OUTDOOR STORAGE AND SALE OF FIREWORKS FROM JUNE 10, 2020 TO JULY 16, 2020 FOR A SITE ZONED B-3, GENERAL BUSINESS LOCATED AT 2299 ELLSWORTH ROAD, PARCEL K-11-18-100-003.

Ms. Wilson stated the applicant proposed to erect a 40 foot by 40 foot tent for the display and sale of class C fireworks and two 8 foot by 40 foot storage containers to store items, all of which would be located in the parking lot. The applicant would like to operate from June 22, 2020 through July 4, 2020 from 10am to 10pm.

Mr. Tapper stated Section 42-210, Fireworks, is outdated since the State of Michigan changed the law on when people can shoot fireworks. He said the updated law will be posted in the tents.

Ms. Wilson said she knew the Township Board recently adopted a revised version and said she would send Mr. Tapper that. She said she believed it was the same section.

The public hearing opened at 7:10pm

No persons wished to speak.

The public hearing closed at 7:10pm

A motion was made by Commissioner El-Assadi, supported by Commissioner Wilson, Jr. to approve the temporary use permit application for the temporary outdoor sale of fireworks from June 10, 2020 to July 16, 2020 for a site zoned B-3, General Business, located at 3020 Washtenaw Avenue, Parcel K-11-06-325-031 with the following conditions:

All necessary building permits shall be obtained by the Office of Community Standards prior to occupying the tent.

The applicant shall post and make available the public municipal code Section 42-210, Fireworks, outlining when fireworks may be discharged within Ypsilanti Township.

The motion carried as follows:

Kraycir: Yes Smith: Yes Wilson, Jr.: Yes El-Assadi: Yes McGovern: Yes

6. OLD BUSINESS

A. None

7. NEW BUSINESS

A. ELECTION OF OFFICERS

Jason Iacoangeli, Planning Director, stated the Board would need to elect a new chair and vice-chair. He said Mr. Wilson, Jr. was not eligible since he is also on the Board. He said Chair Kraycir did a good job at the meeting.

A motion was made by Chair Kraycir, supported by Commissioner Wilson, Jr. to nominate Commissioner El-Assadi as vice-chair.

A motion was made by Commissioner Wilson, Jr., seconded by Commissioner Smith to nominate Chair Kraycir as chair.

The motions carried as follows:

Kraycir: Yes Smith: Yes Wilson, Jr.: Yes El-Assadi: Yes McGovern: Yes

8. OPEN DISCUSSION FOR ISSUES NOT ON THE AGENDA

A. CORRESPONDENCE RECEIVED

None

B. ZONING BOARD OF APPEALS MEMBERS

None

C. MEMBERS OF THE AUDIENCE

None

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

Ms. Wilson said they have not received any applications for the April 2020 meeting and the due date is next week.

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

The meeting was adjourned at approximately 7:12 pm