

**CHARTER TOWNSHIP
OF YPSILANTI
ZONING BOARD OF APPEALS**

**JASON IACOANGELI, CHAIR
MARSHA KRAYCIR, VICE CHAIR
ELIZABETH EL-ASSADI
GAGE SMITH
JIMMIE WILSON, JR.**

January 8, 2020

Regular Meeting – 6:30 p.m.

**Ypsilanti Township Civic Center
7200 S. Huron River Drive
Ypsilanti, MI 48197**

CHARTER TOWNSHIP OF YPSILANTI

ZONING BOARD OF APPEALS

7200 S. Huron River Drive, Ypsilanti, MI 48197

REGULAR MEETING AGENDA

WEDNESDAY, JANUARY 8, 2020

6:30 P.M.

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF THE DECEMBER 4, 2019 REGULAR MEETING MINUTES.
4. APPROVAL OF AGENDA
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.
 - 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.
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)
7. NEW BUSINESS
 - A. NONE
8. OPEN DISCUSSION FOR ISSUES NOT ON THE AGENDA
 - A. CORRESPONDENCE RECEIVED
 - B. ZONING BOARD OF APPEALS MEMBERS
 - C. MEMBERS OF THE AUDIENCE

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

(THERE IS NO WORK SESSION)

CALL TO ORDER AND ROLL CALL

1. The meeting is called to order by the ZBA chair and roll call is taken.

**CHARTER TOWNSHIP OF YPSILANTI
ZONING BOARD OF APPEALS
MINUTES OF THE DECEMBER 4, 2019 REGULAR MEETING**

The regular meeting was called to order by Chair Jason Iacoangeli at 6:36 pm in Ypsilanti Township Civic Center Board Room, 7200 S. Huron River Drive, Ypsilanti Township.

Members Present: Chair Jason Iacoangeli and Commissioners Elizabeth El-Assadi, Jimmie Wilson, Jr. and Marsha Kraycir

Members Absent: None

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 NOVEMBER 6, 2019 REGULAR MEETING MINUTES

A motion was made by Commissioner Wilson, Jr., supported by Commissioner El-Assadi to approve the minutes from November 6, 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 – 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 privacy fences taller than 3.5 feet were not permitted within the front yard of residential homes without a variance. The applicant applied for a zoning permit for the 6 foot tall fence and it was denied on October 18, 2019. The fence has already been installed. It extends approximately 210 feet into the front yard and is 12 feet from the eastern property line. There is a 10 foot easement and the fence is 2 feet away from it. In total the fence is 260 feet. Surrounding properties are single-family residential. She stated the Zoning Board could grant a dimensional variance based on the criteria set forth in Section 2404. The property is narrow and long and the home is closer to the rear lakeside than the front. The fence height is necessary for the preservation and enjoyment of the property right as possessed by other properties in the same vicinity. The variance would not be detrimental to the neighboring properties and the location is not a self-made problem as the home was not built by the current owner. She said many homes on Ford Lake treat the front yard as a back yard and vice versa. If the variance is approved the applicant would need to apply for a zoning permit from the Office of Community Standards and she recommended adding a condition that the fence would not be within the easement.

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

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Page 2**

Ms. Wilson said yes they built the fence, a violation was posted by Ordinance, they applied for a permit which was denied and then applied for a variance.

Commissioner El-Assadi asked if the fence would have to be removed if the variance was denied.

Ms. Wilson said yes but only the front yard portion.

Commissioner Kraycir asked if other residences used the same type of fencing in the front yard.

Ms. Wilson said she was not aware.

Commissioner Iacoangeli asked if it was common for residential lots to be as long as the applicant's lot.

Ms. Wilson replied no.

The applicant was not in attendance.

Commissioner Iacoangeli said he would hold the public hearing.

The public hearing opened at 6:45 pm.

Mark Clancy, 9795 Textile Road, said the applicant already built 285 feet of the fence as measured by him, which is greater than the 260 feet applied for. He said he has pictures of the applicant installing the last sections of the fence on Thanksgiving Day of this year. He produced a survey and said he had his property staked and the fence is not 10 feet from the stakes. He said the applicant lied about being 12 feet from the property line.

Commissioner Iacoangeli said the matter that evening was the height of the fence and not its location. He said any issues with the survey stakes is between Mr. Clancy and the applicant.

Mr. Clancy said the fence blocked his view of the lake and is ugly and should be around a junkyard. He showed pictures to the Commissioners.

W.C. Harrington, 9709 Textile Road, said the applicant should have gotten approval before installing the fence. He said it is an eyesore and should be around a junkyard. He said he's lived at his house for 35 years and he likes to look at the lake.

Commissioner El-Assadi asked how it blocks his view of the lake.

Mr. Harrington said the applicant was east of him. He said the Commissioners should not approve the variance.

Judy Harrington, 9709 Textile Road, said a privacy fence does have an impact on the overall view of a property. She said they are not usually found on lake properties and the one installed looks like a junkyard fence.

Ralph Rowe, 9885 Textile Road, said he's lived at his location since 1942 and said the easement in question was put in by Henry Ford and was there for anyone who lived by the lake to use. He said the applicant tried to close off driveways to his neighbors, has been in court for over 3.5 years, and has spent 2.5 years in prison.

Commissioner Kraycir asked Mr. Rowe to keep comments to the fence height only.

Mr. Rowe said the fence should not be installed, no one on the lake has one.

Mr. Clancy said the fence is not solid, there is a gate installed which is kept open and

keeps people from using the easement.

The public hearing closed at 6:59 pm.

Commissioner Iacoangeli said he was inclined to table the matter because the applicant was not there.

Commissioner El-Assadi agreed.

Members of the public attempted to speak again and were told by Commissioners Kraycir and Iacoangeli that the public hearing was closed.

A motion was made by Commissioner Wilson, Jr., seconded by Commissioner Kraycir to table the variance request until the next meeting.

The motion carried as follows:

Iacoangeli: Yes Kraycir: Yes El-Assadi: Yes Wilson, Jr.: Yes

6. OLD BUSINESS

A. None

7. NEW BUSINESS

A. ELECTION OF OFFICERS FOR THE 2020 CALENDAR YEAR

A motion was made by Commissioner Kraycir, seconded by Commissioner El-Assadi to make Mr. Iacoangeli the Chair of the Zoning Board of Appeals for 2020. The motion carried unanimously.

A motion was made by Commissioner Wilson, Jr., seconded by Commissioner El-Assadi to make Ms. Kraycir the Vice-Chair of the Zoning Board of Appeals for 2020. The motion carried unanimously.

B. ADOPTION OF REGULAR ZONING BOARD OF APPEALS MEETING DATES FOR THE 2020 CALENDAR YEAR

A motion was made by Commissioner Kraycir, seconded by Commissioner Wilson, Jr. to adopt the meeting dates for 2020. The motion carried unanimously.

8. OPEN DISCUSSION FOR ISSUES NOT ON THE AGENDA

A. CORRESPONDENCE RECEIVED

Michigan Association of Planning

B. ZONING BOARD OF APPEALS MEMBERS

None

C. MEMBERS OF THE AUDIENCE

None

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

None

A motion was made by Commissioner Wilson, Jr., supported by Commissioner Kraycir to adjourn the meeting. The motion carried unanimously.

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The meeting was adjourned at approximately 7:04 pm.

APPROVAL OF AGENDA

1. Commissioners approve current agenda

CHARTER TOWNSHIP OF YPSILANTI

OFFICE OF COMMUNITY STANDARDS

Building Safety • Planning & Zoning • Ordinance Enforcement

**Zoning Board of Appeals
Staff Report
Variance – 2525 Eastlawn Avenue
ZBA 2020-01**

December 23, 2019

CASE

The applicant is requesting consideration of 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.

APPLICANT

Joe Hileman
2370 East Stadium Blvd #835
Ann Arbor, MI 48104

Nelson Acosta
2525 Eastlawn Avenue
Ypsilanti, MI 48197

LOCATION AND SUMMARY OF REQUEST

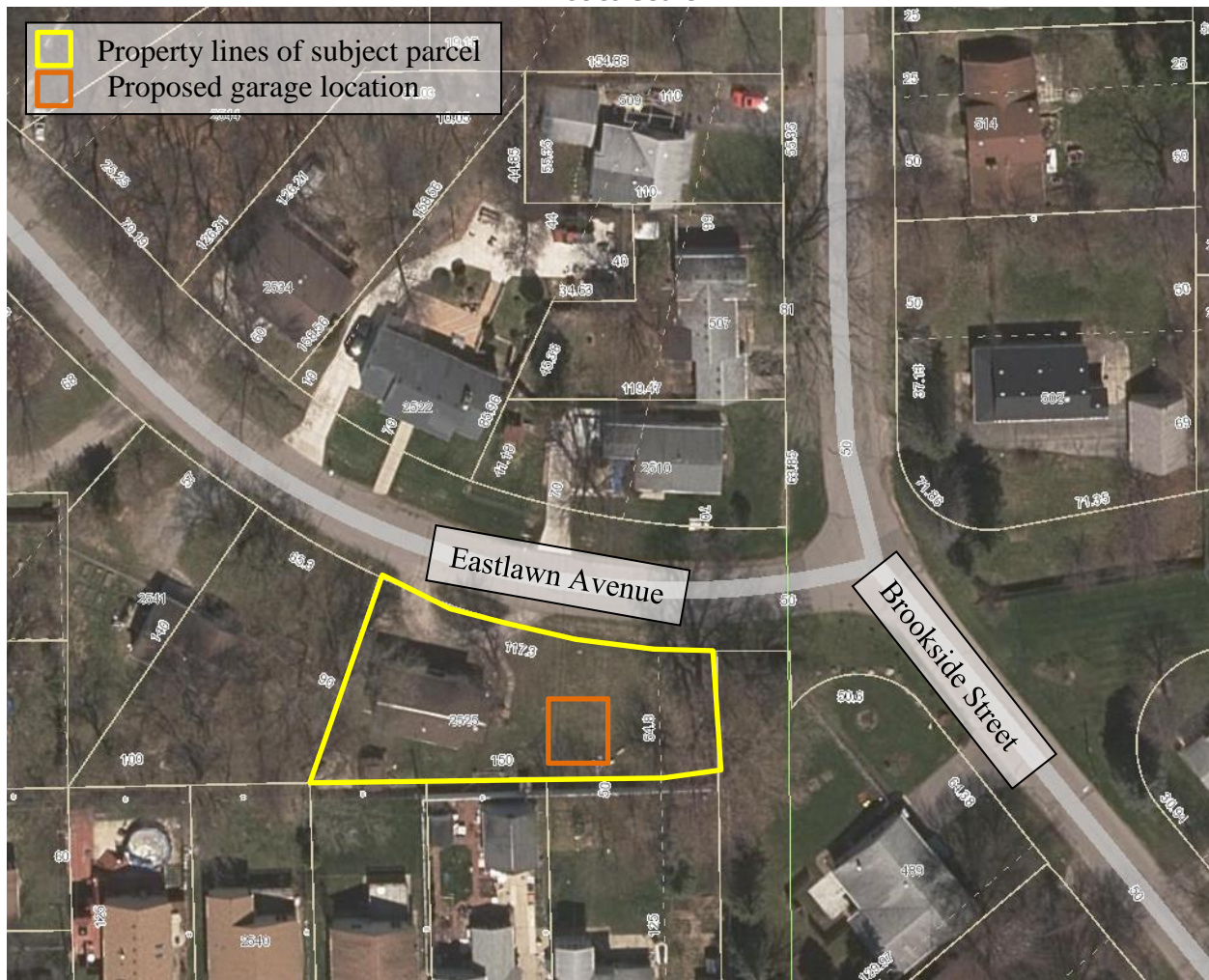
The 0.24-acre subject property is located south of Eastlawn Avenue and west of Brookside Street. In the variance request dated December 11, 2019, the applicant proposed a 20-foot by 24-foot garage within their side yard. Accessory structures are not permitted in the side yard.

CROSS REFERENCES

Township Zoning Ordinance – Section 2103 (Accessory buildings and accessory uses)
Township Zoning Ordinance – Article XXIV (Board of Zoning Appeals)

Aerial Photograph(s) – 2525 Eastlawn Avenue

****Not to scale**



SUBJECT SITE ZONING AND COMPREHENSIVE PLAN

The parcel is currently zoned R-5, One-Family Residential, and is master planned SFR-5.

ADJACENT USES, ZONING AND COMPREHENSIVE PLAN

Direction	Use	Zoning	Future Land Use Designation
North	Single Family Residential	R-5	SFR-5
South	Single Family Residential	R-5	SFR-5
East	Single Family Residential	R-5	SFR-5

West	Single Family Residential	R-5	SFR-5
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VARIANCE DETERMINATION PER SECTION 2404.2.D.

The Zoning Board of Appeals may grant a dimensional or non-use variance only upon a finding that compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk, density, or other dimensional provisions would create a practical difficulty and unreasonably prevent the use of the property. A finding of practical difficulty shall require demonstration that all the following conditions are met:

1. That there are exceptional or extraordinary circumstances or conditions applying to the property in question that do not apply generally to other properties or classes of uses in the same zoning district. Exceptional or extraordinary circumstances or conditions include but may not be limited to:
 - a. exceptional narrowness, shallowness or shape of a specific property;
 - b. exceptional topographic conditions;
 - c. any other physical situation on the land, building or structure deemed by the Zoning Board of Appeals to be extraordinary; or,
 - d. development characteristics of land immediately adjoining the property in question that creates a exceptional constraint.

Staff comment: The property is exceptionally shallow.

2. That a variance is necessary for the preservation and enjoyment of a substantial property right possessed by other properties in the same zoning district and in the vicinity;

Staff comment: Other homes within the Westlawn Subdivision have garages, whether they are attached or detached.

3. That the authorizing of such variance will not be a substantial detriment to adjacent property and will not materially impair the purposes of this ordinance or the public interest; and

Staff comment: The variance will not be substantially detrimental to the neighboring properties. Detached garages are required to have a minimum 5-foot setback from the side and rear property lines. The garage has a 17.5-foot setback from the adjacent properties to the rear.

4. The problem and resulting need for the variance has not been self-created by any action of the applicant or the applicant's predecessors.

Staff comment: The location of the home and lot shape were not created by the property owner.

ANALYSIS

Township Zoning Ordinance, Section 2103, states that accessory structures (detached garages) are not permitted within the side yard.

The shallow property is unique to the neighborhood and limits the ability to have a garage in the rear yard that meets all Zoning Ordinance requirements.

If the Zoning Board of Appeals chooses to approve this request, the applicant will need to a zoning permit from the Office of Community Standards.

Suggested motions: *The following suggested motions and conditions are provided to assist the Zoning Board of Appeals in making a complete and appropriate motion for this application. The ZBA may utilize, add or reject any portion of the suggested motion or any conditions suggested herein, as deemed appropriate.*

Table

“I move to table 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 Eastlawn Avenue, parcel K-11-06-380-001, to consider comments presented during this public hearing.”

Approve

“I move 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 Eastlawn Avenue, parcel K-11-06-380-001, with the following condition(s):

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

Denial

“I move 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 9729 Textile Road, parcel K-11-23-400-040, due to the following reason(s):

Please provide reasons for denial in the motion”

Respectfully Submitted,

Charlotte Wilson

Charlotte Wilson, AICP
Planning & Development Coordinator

RECEIVED
BY CW
DEC 11 2019
YPSILANTI TOWNSHIP
OCS

Charter Township of Ypsilanti
Office of Community Standards
7200 S. Huron Drive, Ypsilanti, MI 48197
Phone: (734) 485-3943
Website: <https://ytown.org>

ZONING BOARD OF
APPEALS APPLICATION

I. APPLICATION TYPE

- Variance
- Exceptions and Special Approvals (Includes: Temporary Uses and Structures)
- Administrative Review Appeal

II. PROJECT LOCATION

Address: 2525 EASTLAWN AVE Parcel ID #: K-11-06-380-001 Zoning RS
Lot Number: 245 Subdivision: WESTLAWN SOB.

III. APPLICANT INFORMATION

Applicant: L. JOE HILEMAN Phone: 734-478-4294
Address: 2370 E. STADIUM BLVD #835 City: ANN ARBOR State: MI Zip: 48104
Fax: _____ Email: JOE@HILEMANCONSTRUCTION.COM
Property Owner: NELSON ACOSTA Phone: 734-604-8521
Address: 2396 DRAPER AVE. City: YPSILANTI State: MI Zip: 48197
Fax: _____ Email: SWAY5000@GMAIL.COM

IV. COST AND FEES

Total: \$ 125⁰⁰
Breakdown of fee: Residential: \$ 125.00
Non-residential: \$ 500.00

V. APPLICANT SIGNATURE

The undersigned LONNIE J. HILEMAN represents NELSON ACOSTA :
Applicant Property Owner

1. That NELSON ACOSTA is/are the owner(s) of lot(s) 245 located in the WESTLAWN
Property Owner Lot Subdivision
Subdivision, Ypsilanti Township, Michigan, otherwise known as 2525 EASTLAWN AVE, and the property is
Address
zoned RS
Zoning District
2. That the petitioner hereby request VARIANCE under Section 2301 Article XXI of the Ypsilanti Township
Variance/Temporary Use Section Article
Zoning Ordinance.
3. The petitioner further state that LJH have/has read and understands the provisions of said zoning ordinance as it
Applicant Initial
applies to this petition.
4. That the following is submitted in support of the petition (attach all pertinent data to support the request).

[Signature]
Applicant Signature

LONNIE J. HILEMAN
Print Name

12-7-19
Date

All Zoning Board of Appeals Applications	
<input type="checkbox"/> The application is filled out in its entirety.	<input type="checkbox"/> Plot plan or lot survey to scale showing the following:
<input type="checkbox"/> If the applicant is not the property owner, written and signed permission from the property owner is required.	<input type="checkbox"/> All property lines and dimensions
<input type="checkbox"/> Fees	<input type="checkbox"/> All existing and proposed structures and dimensions
<input type="checkbox"/> Letter of interest of the applicant in the property	<input type="checkbox"/> Lot area calculations necessary to show compliance with regulations
	<input type="checkbox"/> Easements and dimensions, if applicable
	<input type="checkbox"/> Location of drives, sidewalks, and other paved areas on the property and on the adjacent streets.
	<input type="checkbox"/> Location and dimensions of the nearest structures on adjacent properties.

December 9th, 2019

Lonnie Joe Hileman Jr
2370 E. Stadium Blvd #835
Ann Arbor, MI 48104

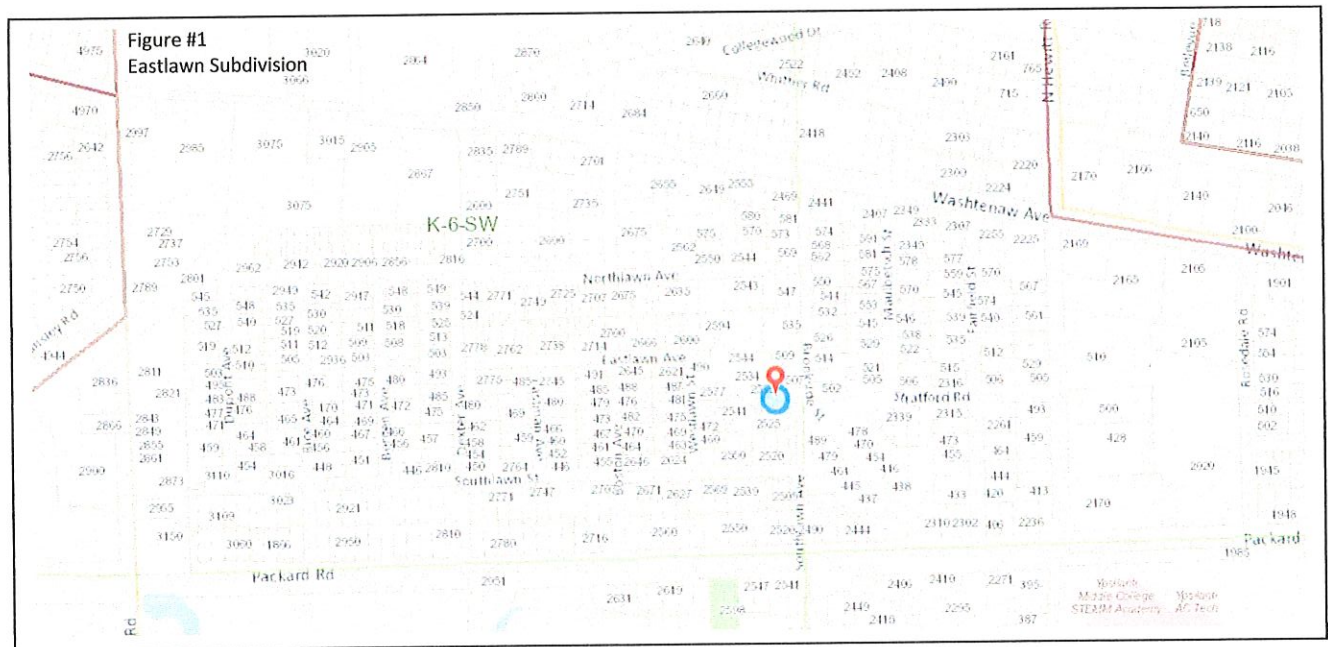
RE: 2525 Eastlawn – Variance Appeal

Charter Township of Ypsilanti
Planning Commission - Board of Appeals
7200 S. Huron River Dr.
Ypsilanti, MI 48197

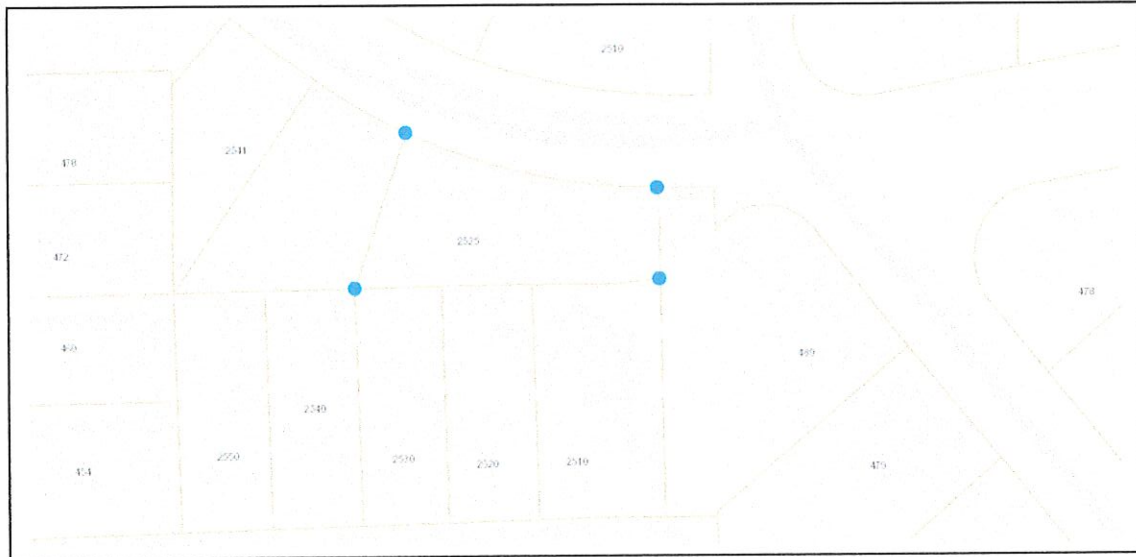
Dear Board Members,

I'm writing to you on the behalf of Nelson Acosta & Sonia N. Izaguirre, the owners of 2525 Eastlawn, requesting consideration of a variance from Zoning Ordinance Section 2103 - Accessory buildings and accessory uses. I'm a long-time friend of the Acosta Family. They have requested my assistance with the appeals process. I have no ownership, future, or contingent interests in the property.

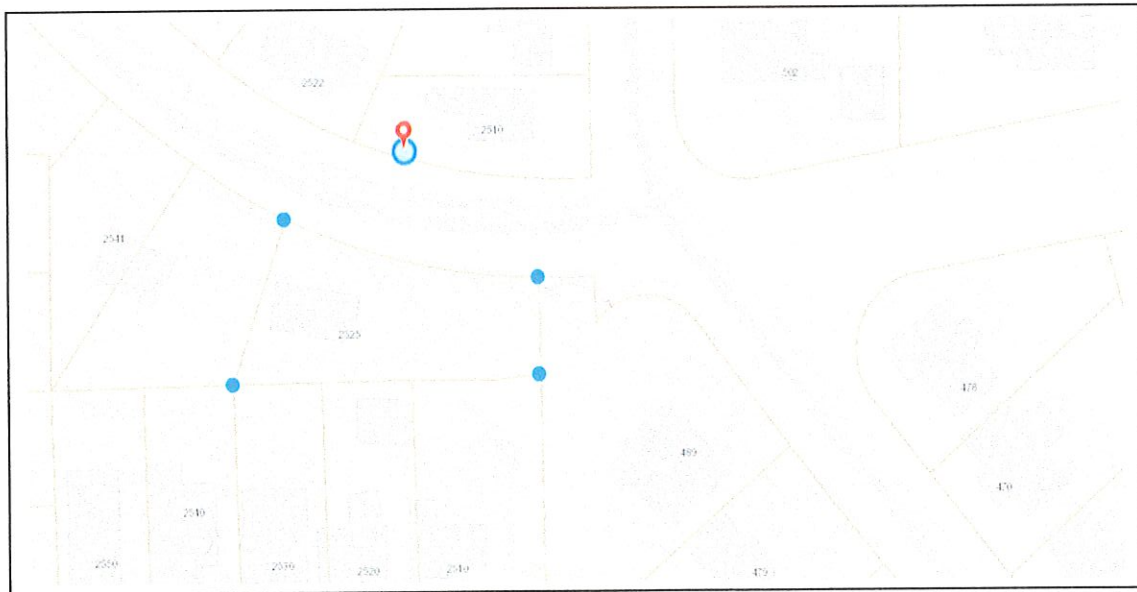
The property owners want to construct a two-car garage in the side yard at 2525 Eastlawn Ave, Parcel ID -11-06-380-001. The garage will meet all current zoning ordinances and building code expect that they wish to construct the garage in the side yard verses the required rear yard. The site, Lot 245 of the Westlawn Subdivision, is Zoned R-5, One Family Residential, located North of Packard, South of Washtenaw and East of Hewitt (See Figure #1)



Lot 245 is an irregular shaped lot, road frontage is 147.13 feet, east property line is 50.53 feet, rear property line is 173.54 feet and the west property line is 91.59 feet. Lot 245 has characteristics of a corner lot however, only has frontage on Eastlawn Ave.



Lot 245 has the lot area of two R5 lots and the width of three. The existing house is positioned on the west side of the site. Due to the shallow depth of the lot and required setbacks, a garage will not fit in the rear yard.



I ask the Board Members to approve this request for variance from Zoning Ordinance Section 2103 - Accessory buildings and accessory uses, to permit the construction of a two-car garage in the side yard at 2525 Eastlawn Ave.

Thank you for your consideration,

Joe Hileman

A handwritten signature in black ink, appearing to read 'Joe Hileman', written over the printed name.

Attachments:

Letter of Permission to Act on Behalf of Property Owner
Letter of Interest in Property of Applicant
Scaled Site Plan
Proposed Garage Plan

Nelson Acosta
Sonia N. Izaguirre
2396 Draper Ave
Ypsilanti, MI 48197

December 9th, 2019

Ypsilanti Township Board of Appeals
7200 S. Huron River Drive
Ypsilanti, MI 48197


Re: Letter of Authorization

To Whom It May Concern;

We, Nelson Acosta and Sonia N Izaguirre authorize Lonnie J Hileman Jr to make any and all decisions pertaining to our Appeal for Variance to construct a detached two car garage at real property located at 2525 Eastlawn Ave, Ypsilanti, MI.

This letter of authorization will be in effect from December 2019 to February 29, 2020. If you have any questions or concerns, please feel free to contact me at (734) 604-8521.

Sincerely,



Nelson Acosta

12-10-19
Date



Sonia N. Izaguirre

12-10-19
Date

Lonnie Joe Hileman Jr.
2370 E Stadium Blvd #835
Ann Arbor, MI 48104

December 9th, 2019

Ypsilanti Township Board of Appeals
7200 S. Huron River Drive
Ypsilanti, MI 48197

RE: Letter of Interest

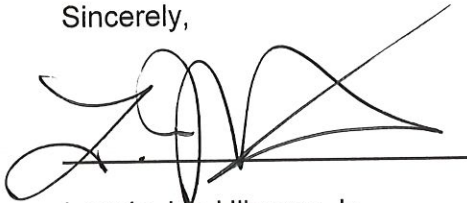
To Whom It May Concern;

I, Lonnie J Hileman Jr, have no personal interest in the real property at 2525 Eastlawn Ave,
Ypsilanti, MI 48197.

Nelson Acosta is the son of my longtime friend, Armando Acosta. Armando Acosta asked me to
assist his son with the appeal process.

If you have any other questions, please contact me at 734-478-4294.

Sincerely,

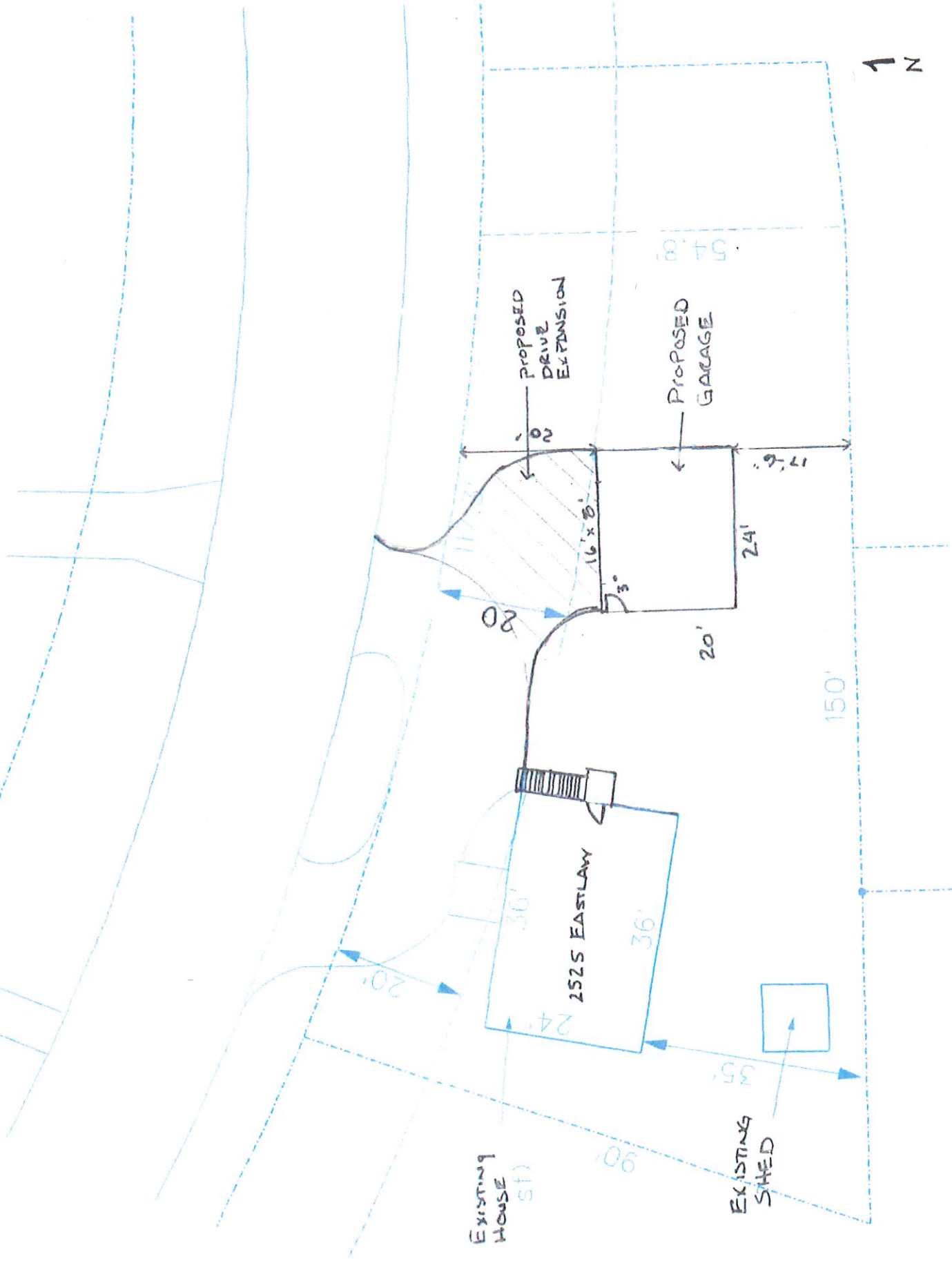
A handwritten signature in black ink, consisting of several loops and a long horizontal stroke at the end, positioned above a solid horizontal line.

Lonnie Joe Hileman Jr.

Dec 9, 2019

Date

FIGURE # 8 - 2525 EAST LAWN
PROPOSED SITE PLAN



HILEMAN
2370 E Stadium Blvd
Ann Arbor, MI 48104
734.478.4294

Nelson Acosta/ Sonia N. Izaguirre Residence
2525 Eastlawn Ave
Ypsilanti, MI 48197

Project No.
HC-2525

Date
December 7, 2019

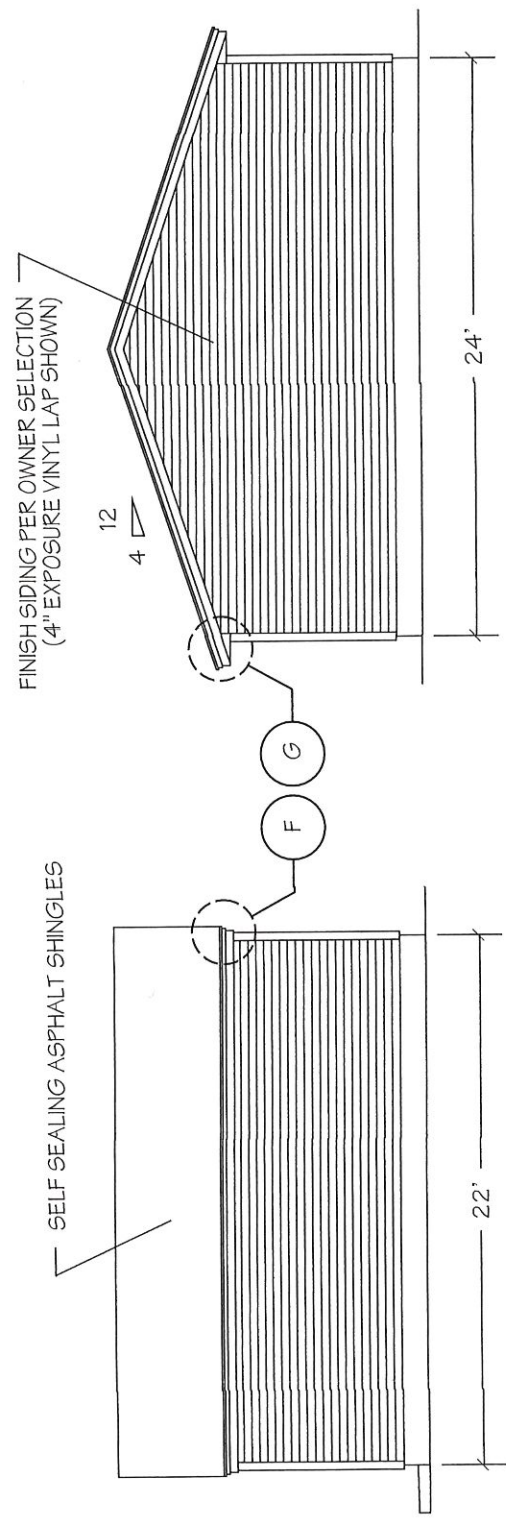
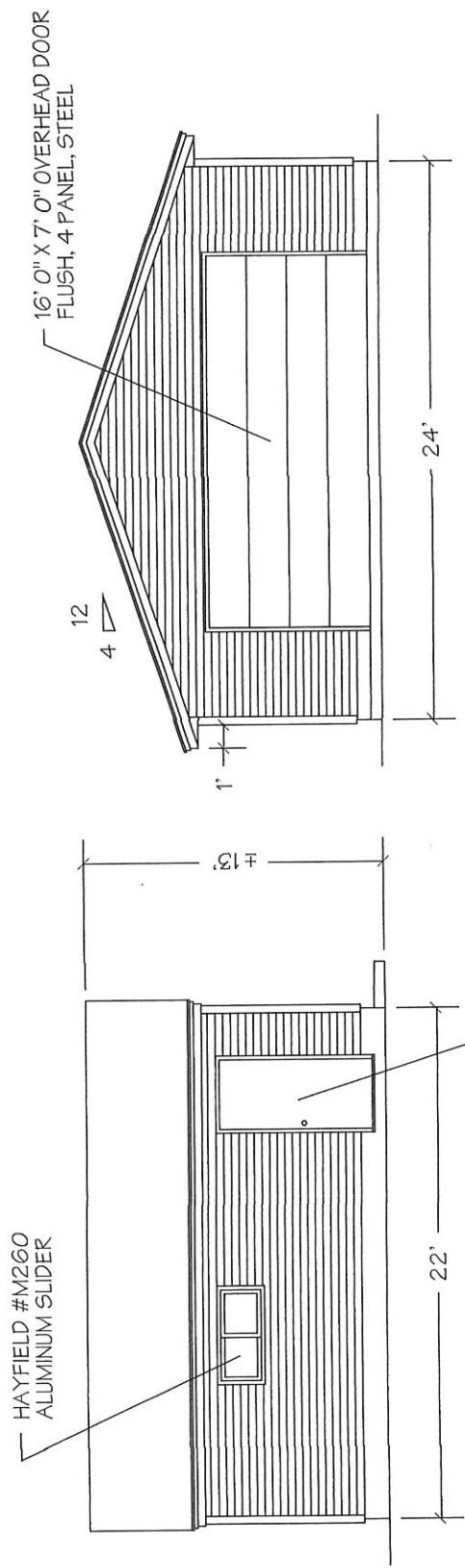
Revision	Date

Scale
1 Inch = 20 Feet

Sheet Name
SITE PLAN
Prepared By
J. Hileman

Sheet No.
A 101

FIGURE # 9A - 2525 EASTLAWN DETACHED GARAGE PLAN.



ACOSTA / IZAGUIRE
 DETACHED GARAGE
 2525 EASTLAWN
 YPSILANTI, MI 48197
 -ELEVATIONS Scale: 1/8" = 1'-0"

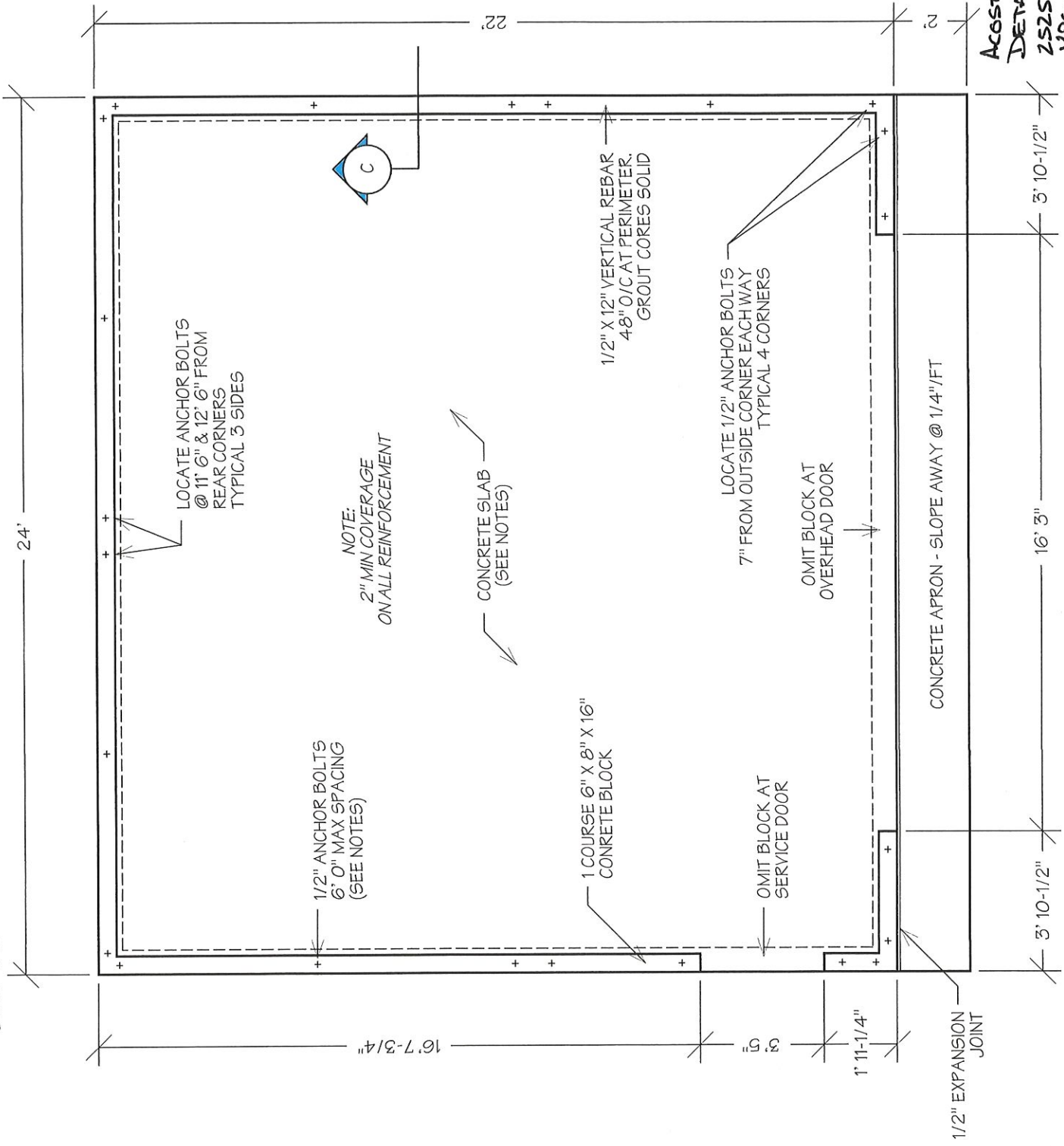
FIGURE 9B - 2525 EASTLAWN
DETACHED GARAGE PLAN



ACOSTA / IZAGUIRRE
DETACHED GARAGE
2525 EASTLAWN
YPSILANTI, MI 48197

- GARAGE PLAN Scale: 1/4" = 1' 0"

FIGURE #9c - 2525 EASTLAWN
DETACHED GARAGE PLAN



ACOSTA / IZAGUIRRE
DETACHED GARAGE
2525 EASTLAWN
YPSILANTI, MI 48197


Dear neighbor,

I am writing to you about the house at 2525 Eastlawn Street. My neighbor Mr. Armando Acosta has purchased this house with his son and now is in the process of repairing and remodeling it. When he first purchased this house he had no idea of all the things wrong with it. He and his sons and family have had to start from the bottom up: laying a complete new foundation, pouring a new basement to adding all new windows and more. He is now in the process of refinishing the outside with brick. This property has long been an eye sore to this neighborhood and has been in disrepair by the previous owners. Mr. Acosta has run into a problem though with the township over the building of a garage on this property. Because of the location of the house the length of the driveway would have to be slightly shorter and a permit cannot be granted unless the neighbors around this property agree it is ok to build it. I am writing this letter to ask if you would please agree to this shorter length drive. He has already increased the value of that property with his renovations and a garage would increase that value even more. This in turn brings the value of adjacent property up also. So I have enclosed a self addressed envelope to Mr. Acosta giving your approval to this shorter length drive. Please as a fellow neighbor (Mrs. Sally Goodsell at 475 Westlawn) I would appreciate your approval to allow this garage and drive to go forward. Please sign at the bottom of this letter that you agree and your address in reference to your location by this property. Please support Mr. Acosta's effort to be granted this permit. Thank you so much.

*your Neighbor,
Sally Goodsell*

Neighbor: Carlos Pizana

Address: 2541 Eastlawn St.

Signature: 

Dear neighbor,

I am writing to you about the house at 2525 Eastlawn Street. My neighbor Mr. Armando Acosta has purchased this house with his son and now is in the process of repairing and remodeling it. When he first purchased this house he had no idea of all the things wrong with it. He and his sons and family have had to start from the bottom up: laying a complete new foundation, pouring a new basement to adding all new windows and more. He is now in the process of refinishing the outside with brick. This property has long been an eye sore to this neighborhood and has been in disrepair by the previous owners. Mr. Acosta has run into a problem though with the township over the building of a garage on this property. Because of the location of the house the length of the driveway would have to be slightly shorter and a permit cannot be granted unless the neighbors around this property agree it is ok to build it. I am writing this letter to ask if you would please agree to this shorter length drive. He has already increased the value of that property with his renovations and a garage would increase that value even more. This in turn brings the value of adjacent property up also. So I have enclosed a self addressed envelope to Mr. Acosta giving your approval to this shorter length drive. Please as a fellow neighbor (Mrs. Sally Goodsell at 475 Westlawn) I would appreciate your approval to allow this garage and drive to go forward. Please sign at the bottom of this letter that you agree and your address in reference to your location by this property. Please support Mr. Acosta's effort to be granted this permit. Thank you so much.

*your Neighbor,
Sally Goodsell*

Neighbor: Deb Bethel
Address: 507 Brookside
Signature: Deb Bethel

Dear neighbor,

I am writing to you about the house at 2525 Eastlawn Street. My neighbor Mr. Armando Acosta has purchased this house with his son and now is in the process of repairing and remodeling it. When he first purchased this house he had no idea of all the things wrong with it. He and his sons and family have had to start from the bottom up: laying a complete new foundation, pouring a new basement to adding all new windows and more. He is now in the process of refinishing the outside with brick. This property has long been an eye sore to this neighborhood and has been in disrepair by the previous owners. Mr. Acosta has run into a problem though with the township over the building of a garage on this property. Because of the location of the house the length of the driveway would have to be slightly shorter and a permit cannot be granted unless the neighbors around this property agree it is ok to build it. I am writing this letter to ask if you would please agree to this shorter length drive. He has already increased the value of that property with his renovations and a garage would increase that value even more. This in turn brings the value of adjacent property up also. So I have enclosed a self addressed envelope to Mr. Acosta giving your approval to this shorter length drive. Please as a fellow neighbor (Mrs. Sally Goodsell at 475 Westlawn) I would appreciate your approval to allow this garage and drive to go forward. Please sign at the bottom of this letter that you agree and your address in reference to your location by this property. Please support Mr. Acosta's effort to be granted this permit. Thank you so much.

*your Neighbor,
Sally Goodsell*

Neighbor: Phyllis M. Graham
Address: 489 Brookside Rd
Signature: Phyllis M. Graham

Dear neighbor,

I am writing to you about the house at 2525 Eastlawn Street. My neighbor Mr. Armando Acosta has purchased this house with his son and now is in the process of repairing and remodeling it. When he first purchased this house he had no idea of all the things wrong with it. He and his sons and family have had to start from the bottom up: laying a complete new foundation, pouring a new basement to adding all new windows and more. He is now in the process of refinishing the outside with brick. This property has long been an eye sore to this neighborhood and has been in disrepair by the previous owners. Mr. Acosta has run into a problem though with the township over the building of a garage on this property. Because of the location of the house the length of the driveway would have to be slightly shorter and a permit cannot be granted unless the neighbors around this property agree it is ok to build it. I am writing this letter to ask if you would please agree to this shorter length drive. He has already increased the value of that property with his renovations and a garage would increase that value even more. This in turn brings the value of adjacent property up also. So I have enclosed a self addressed envelope to Mr. Acosta giving your approval to this shorter length drive. Please as a fellow neighbor (Mrs. Sally Goodsell at 475 Westlawn) I would appreciate your approval to allow this garage and drive to go forward. Please sign at the bottom of this letter that you agree and your address in reference to your location by this property. Please support Mr. Acosta's effort to be granted this permit. Thank you so much.

*your neighbor,
Sally Goodsell*

Neighbor:

Address:

Signature:

Mike + Budget Lovelad

2570 Eastlawn

Mike + Budget Lovelad

Dear neighbor,

I am writing to you about the house at 2525 Eastlawn Street. My neighbor Mr. Armando Acosta has purchased this house with his son and now is in the process of repairing and remodeling it. When he first purchased this house he had no idea of all the things wrong with it. He and his sons and family have had to start from the bottom up: laying a complete new foundation, pouring a new basement to adding all new windows and more. He is now in the process of refinishing the outside with brick. This property has long been an eye sore to this neighborhood and has been in disrepair by the previous owners. Mr. Acosta has run into a problem though with the township over the building of a garage on this property. Because of the location of the house the length of the driveway would have to be slightly shorter and a permit cannot be granted unless the neighbors around this property agree it is ok to build it. I am writing this letter to ask if you would please agree to this shorter length drive. He has already increased the value of that property with his renovations and a garage would increase that value even more. This in turn brings the value of adjacent property up also. So I have enclosed a self addressed envelope to Mr. Acosta giving your approval to this shorter length drive. Please as a fellow neighbor (Mrs. Sally Goodsell at 475 Westlawn) I would appreciate your approval to allow this garage and drive to go forward. Please sign at the bottom of this letter that you agree and your address in reference to your location by this property. Please support Mr. Acosta's effort to be granted this permit. Thank you so much.

*your neighbor,
Sally Goodsell*

Neighbor: Surene Wehab
Address: 502 Brookside
Signature: *Surene Wehab*


Dear neighbor,

I am writing to you about the house at 2525 Eastlawn Street. My neighbor Mr. Armando Acosta has purchased this house with his son and now is in the process of repairing and remodeling it. When he first purchased this house he had no idea of all the things wrong with it. He and his sons and family have had to start from the bottom up: laying a complete new foundation, pouring a new basement to adding all new windows and more. He is now in the process of refinishing the outside with brick. This property has long been an eye sore to this neighborhood and has been in disrepair by the previous owners. Mr. Acosta has run into a problem though with the township over the building of a garage on this property. Because of the location of the house the length of the driveway would have to be slightly shorter and a permit cannot be granted unless the neighbors around this property agree it is ok to build it. I am writing this letter to ask if you would please agree to this shorter length drive. He has already increased the value of that property with his renovations and a garage would increase that value even more. This in turn brings the value of adjacent property up also. So I have enclosed a self addressed envelope to Mr. Acosta giving your approval to this shorter length drive. Please as a fellow neighbor (Mrs. Sally Goodsell at 475 Westlawn) I would appreciate your approval to allow this garage and drive to go forward. Please sign at the bottom of this letter that you agree and your address in reference to your location by this property. Please support Mr. Acosta's effort to be granted this permit. Thank you so much.

*Your Neighbor,
Sally Goodsell*

Neighbor: REBECCA CIA

Address: 2525 Eastlawn St

Signature: 

Dear neighbor,

I am writing to you about the house at 2525 Eastlawn Street. My neighbor Mr. Armando Acosta has purchased this house with his son and now is in the process of repairing and remodeling it. When he first purchased this house he had no idea of all the things wrong with it. He and his sons and family have had to start from the bottom up: laying a complete new foundation, pouring a new basement to adding all new windows and more. He is now in the process of refinishing the outside with brick. This property has long been an eye sore to this neighborhood and has been in disrepair by the previous owners. Mr. Acosta has run into a problem though with the township over the building of a garage on this property. Because of the location of the house the length of the driveway would have to be slightly shorter and a permit cannot be granted unless the neighbors around this property agree it is ok to build it. I am writing this letter to ask if you would please agree to this shorter length drive. He has already increased the value of that property with his renovations and a garage would increase that value even more. This in turn brings the value of adjacent property up also. So I have enclosed a self addressed envelope to Mr. Acosta giving your approval to this shorter length drive. Please as a fellow neighbor (Mrs. Sally Goodsell at 475 Westlawn) I would appreciate your approval to allow this garage and drive to go forward. Please sign at the bottom of this letter that you agree and your address in reference to your location by this property. Please support Mr. Acosta's effort to be granted this permit. Thank you so much.

*your neighbor,
Sally Goodsell*

Neighbor: GAILLERMO F. ALEMAN

Address: 2534 EASTWAN ST

Signature: Guillermo F. Aleman

CHARTER TOWNSHIP OF YPSILANTI

OFFICE OF COMMUNITY STANDARDS

Building Safety • Planning & Zoning • Ordinance Enforcement

**Zoning Board of Appeals
Staff Report
Variance – 2338 Harding Avenue
ZBA 2020-02**

December 23, 2019

CASE

The applicant is requesting consideration of 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.

APPLICANT

Robert Yopko III
2338 Harding Avenue
Ypsilanti, MI 48197

LOCATION AND SUMMARY OF REQUEST

The 0.189-acre subject property is located north of Harding Avenue and west of North Hewitt Road. In the variance request dated December 17, 2019, the applicant proposed an 8-foot privacy fence in their rear yard. Privacy fences greater than 6 feet are not permitted within the rear yard of a residential property. The fence has already been erected on the property.

CROSS REFERENCES

Township Zoning Ordinance – Section 2114 (Fences and Walls)
Township Zoning Ordinance – Article XXIV (Board of Zoning Appeals)

Aerial Photograph(s) – 2338 Harding Avenue

****Not to scale**



SUBJECT SITE ZONING AND COMPREHENSIVE PLAN

The parcel is currently zoned R-4, One-Family Residential, and is master planned SFR-4.

ADJACENT USES, ZONING AND COMPREHENSIVE PLAN

Direction	Use	Zoning	Future Land Use Designation
North	Single Family Residential	R-4	SFR-4
South	Single Family Residential	R-4	SFR-4
East	Single Family Residential	R-4	SFR-4
West	Single Family Residential	R-4	SFR-4

VARIANCE DETERMINATION PER SECTION 2404.2.D.

The Zoning Board of Appeals may grant a dimensional or non-use variance only upon a finding that compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk, density, or other dimensional provisions would create a practical difficulty and unreasonably prevent the use of the property. A finding of practical difficulty shall require demonstration that all the following conditions are met:

1. That there are exceptional or extraordinary circumstances or conditions applying to the property in question that do not apply generally to other properties or classes of uses in the same zoning district. Exceptional or extraordinary circumstances or conditions include but may not be limited to:
 - a. exceptional narrowness, shallowness or shape of a specific property;
 - b. exceptional topographic conditions;
 - c. any other physical situation on the land, building or structure deemed by the Zoning Board of Appeals to be extraordinary; or,
 - d. development characteristics of land immediately adjoining the property in question that creates an exceptional constraint.

Staff comment: The property is similar in size and shape as the surrounding properties. The property is relatively flat.

2. That a variance is necessary for the preservation and enjoyment of a substantial property right possessed by other properties in the same zoning district and in the vicinity;

Staff comment: The applicant states the fence height variance is necessary to contain his two large dogs.

3. That the authorizing of such variance will not be a substantial detriment to adjacent property and will not materially impair the purposes of this ordinance or the public interest; and

Staff comment: The applicant received three letters of support from the adjacent property owners.

4. The problem and resulting need for the variance has not been self-created by any action of the applicant or the applicant's predecessors.

Staff comment: The need for a variance has been self-created by the applicant.

ANALYSIS

Township Zoning Ordinance, Section 2114, states that privacy fences greater than 6 feet in height may not be permitted in the rear yard on residential lots.

The property is relatively flat and an ordinary size and shape for the Country Club Park Subdivision. The physical situation of the property is not exception or extraordinary.

The underlying reason for the variance request is to contain two dogs owned by the applicant. Dog ownership is a self-created situation and there are alternatives to containing dogs that would both prevent the need for a variance and meet Township Ordinance Section 14-30, Dog at Large Prohibited.

There is only one dog license on file with the Treasurer’s Office that is expired. Regardless of whether the Zoning Board of Appeals approves, denies, or tables this request, the applicant shall register his dogs with the Township in accordance with Chapter 14, Article III, Dog Licensing and Vaccination.

If the Zoning Board of Appeals chooses to approve this request, the applicant will need to a zoning permit from the Office of Community Standards.

Suggested motions: *The following suggested motions and conditions are provided to assist the Zoning Board of Appeals in making a complete and appropriate motion for this application. The ZBA may utilize, add or reject any portion of the suggested motion or any conditions suggested herein, as deemed appropriate.*

Table

“I move to table 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, to consider comments presented during this public hearing.”

Approve

“I move to approve 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, with the following condition(s):

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

Denial

“I move 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 reason(s):

1. There are no exceptional or extraordinary circumstances or conditions applying to the property in question.
2. The problem and resulting need for the variance has been self-created by action of the applicant.”

Respectfully Submitted,

Charlotte Wilson

Charlotte Wilson, AICP
Planning & Development Coordinator

Charter Township of Ypsilanti
Office of Community Standards
7200 S. Huron Drive, Ypsilanti, MI 48197
Phone: (734) 485-3943
Website: <https://ytown.org>

RECEIVED
BY _____
DEC 17 2019
YPSILANTI TOWNSHIP
OGG

ZONING BOARD OF APPEALS APPLICATION

I. APPLICATION TYPE

- Variance
 Exceptions and Special Approvals (Includes: Temporary Uses and Structures)
 Administrative Review Appeal

II. PROJECT LOCATION

Address: 2338 Harding Ave Parcel ID #: K-11-07-439-026 Zoning R-4
Lot Number: 138 Subdivision: Country Club Park

III. APPLICANT INFORMATION

Applicant: Robert M Yopko III Phone: 734-355-5991
Address: 2338 Harding Ave City: Ypsilanti State: MI Zip: 48197
Fax: _____ Email: BOBBY.YOPKO@GMAIL.COM
Property Owner: Robert M Yopko III Phone: 734-355-5991
Address: 2338 Harding Ave City: Ypsilanti State: MI Zip: 48197
Fax: _____ Email: BOBBY.YOPKO@GMAIL.COM

IV. COST AND FEES

Total: \$ _____ Breakdown of fee: Residential: \$ 125.00
Non-residential: \$ 500.00

V. APPLICANT SIGNATURE

The undersigned Robert M Yopko III represents Robert M Yopko III:
Applicant Property Owner

1. That Robert M Yopko III is/are the owner(s) of lot(s) 138 located in the Country Club Park
Property Owner Lot Subdivision
Subdivision, Ypsilanti Township, Michigan, otherwise known as 2338 Harding Ave and the property is
Address
zoned R-4
Zoning District

2. That the petitioner hereby request VARIANCE under Section 2114 Article 3 of the Ypsilanti Township
Variance/Temporary Use Section Article
/Regular Meeting

3. The petitioner further state that RMY have/has read and understands the provisions of said zoning ordinance as it
Applicant Initial
applies to this petition.

4. That the following is submitted in support of the petition (attach all pertinent data to support the request).

[Signature] Robert M Yopko III 12/16/19
Applicant Signature Print Name Date

All Zoning Board of Appeals Applications

<input checked="" type="checkbox"/> The application is filled out in its entirety.	<input checked="" type="checkbox"/> Plot plan or lot survey to scale showing the following:
<input checked="" type="checkbox"/> If the applicant is not the property owner, written and signed permission from the property owner is required.	<input checked="" type="checkbox"/> All property lines and dimensions
<input checked="" type="checkbox"/> Fees	<input checked="" type="checkbox"/> All existing and proposed structures and dimensions
<input checked="" type="checkbox"/> Letter of interest of the applicant in the property	<input type="checkbox"/> Lot area calculations necessary to show compliance with regulations <i>N/A</i>
	<input type="checkbox"/> Easements and dimensions, if applicable <i>N/A</i>
	<input type="checkbox"/> Location of drives, sidewalks, and other paved areas on the property and on the adjacent streets. <i>N/A</i>
	<input type="checkbox"/> Location and dimensions of the nearest structures on adjacent properties. <i>N/A</i>

BOBBY YOPKO
2338 Harding Ave * Ypsilanti * Michigan * 48197
734-355-5991

DATE: 12/10/19
TO: YPSILANTI TOWNSHIP ZONING
FROM: Bobby Yopko
RE: 2338 Harding

Sirs-

I own 2338 Harding. I have two very athletic dogs. I recently repaired and completed the 6 foot privacy fence in the back yard to contain my dogs. I made sure the fence was sturdy and attractive.

To my dismay, my dogs were jumping up and getting their paws on the top of the fence, and climbing out. I therefore added another layer to the inside of the fence to increase the height by 2-3 feet. This has contained the dogs.

The fence is not visible from the street, as the home and garage stretch the width of my lot (61 ft). The fence is attached to back corner of home on one side and back corner of garage on the other. The only people who have even a partial view of this fence are my three neighbors. I have statements from all three supporting this variance request.

While there is an ordinance stating that privacy fences shall not be more than 6 feet high, there is also an ordinance that prohibits dogs at large. It would seem reasonable to ask for a variance from the fence ordinance so I can avoid violating the dog at large ordinance.

Thank you,

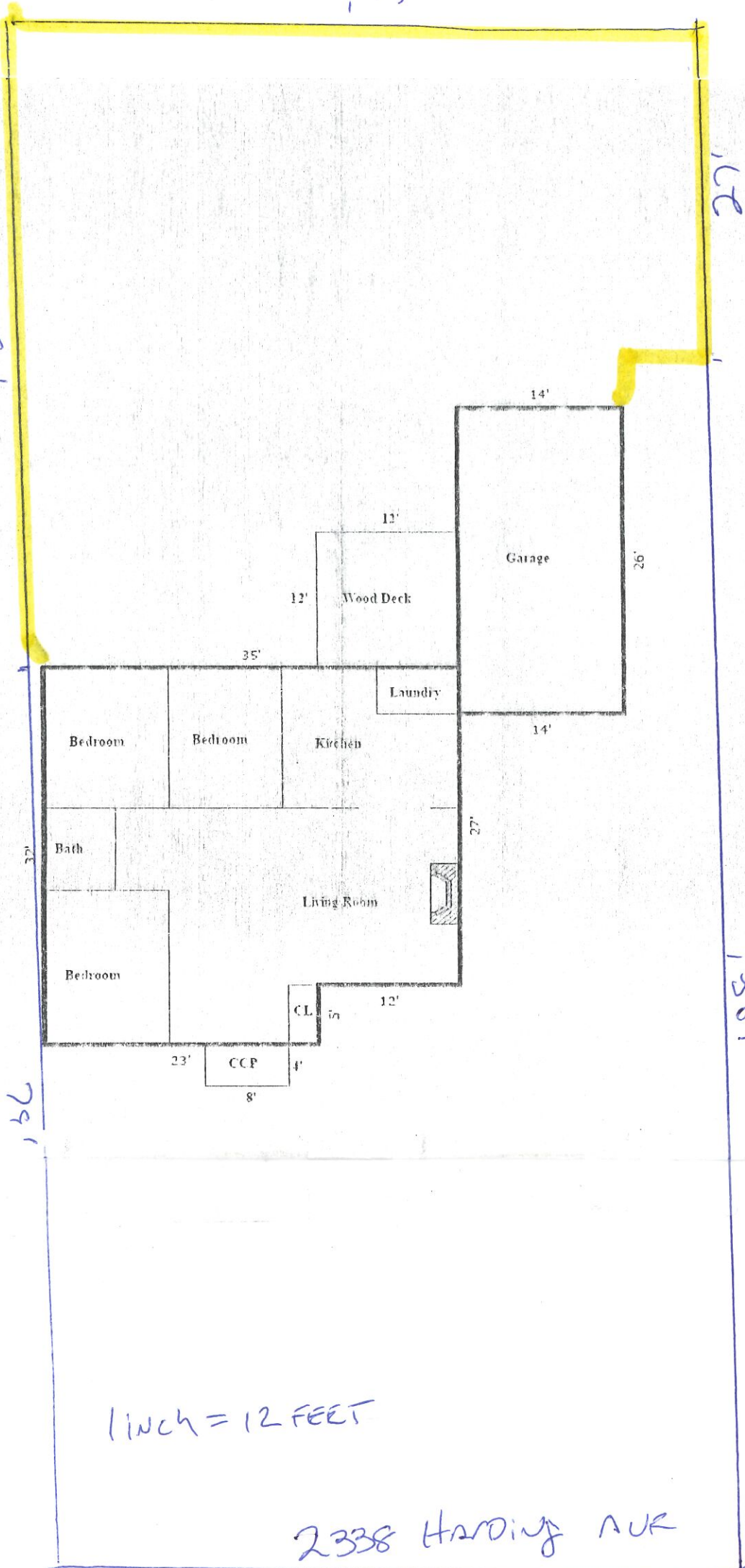
Bobby Yopko
(Robert M Yopko III)

A handwritten signature in black ink, appearing to read 'Bobby Yopko', written over a horizontal line.

19

56'

27'



26'

186'

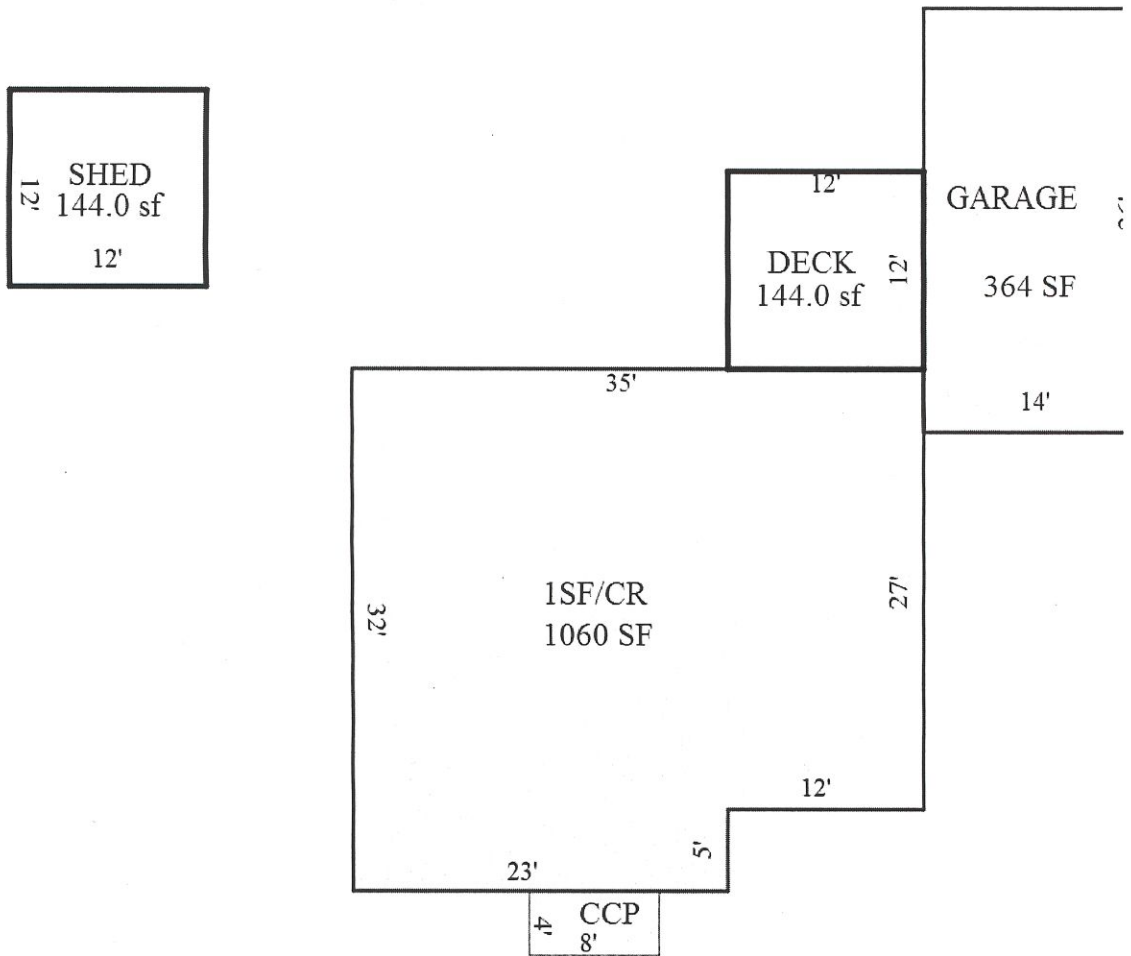
1 inch = 12 FEET

2338 Harding Ave

61'

1" = 12 FEET

Image/Sketch for Parcel: K -11-07-439-026



Sketch by Apex Sketch

****Disclaimer:** BS&A Software provides BS&A Online as a way for municipalities to display information online and is not responsible for the content or accuracy of the data herein. This data is provided for reference only and WITHOUT WARRANTY of any kind, expressed or inferred. Please contact your local municipality if you believe there are errors in the data.

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2366

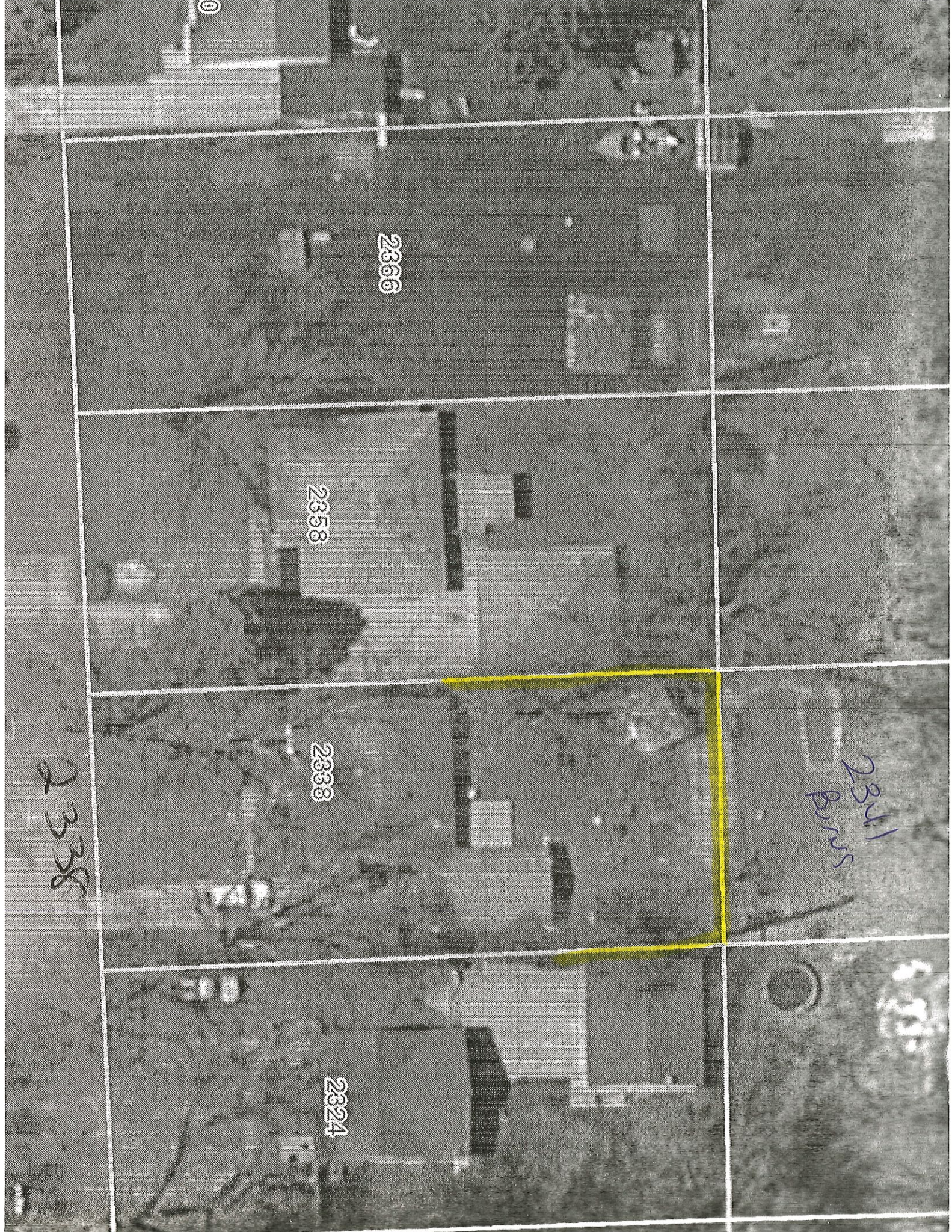
2358

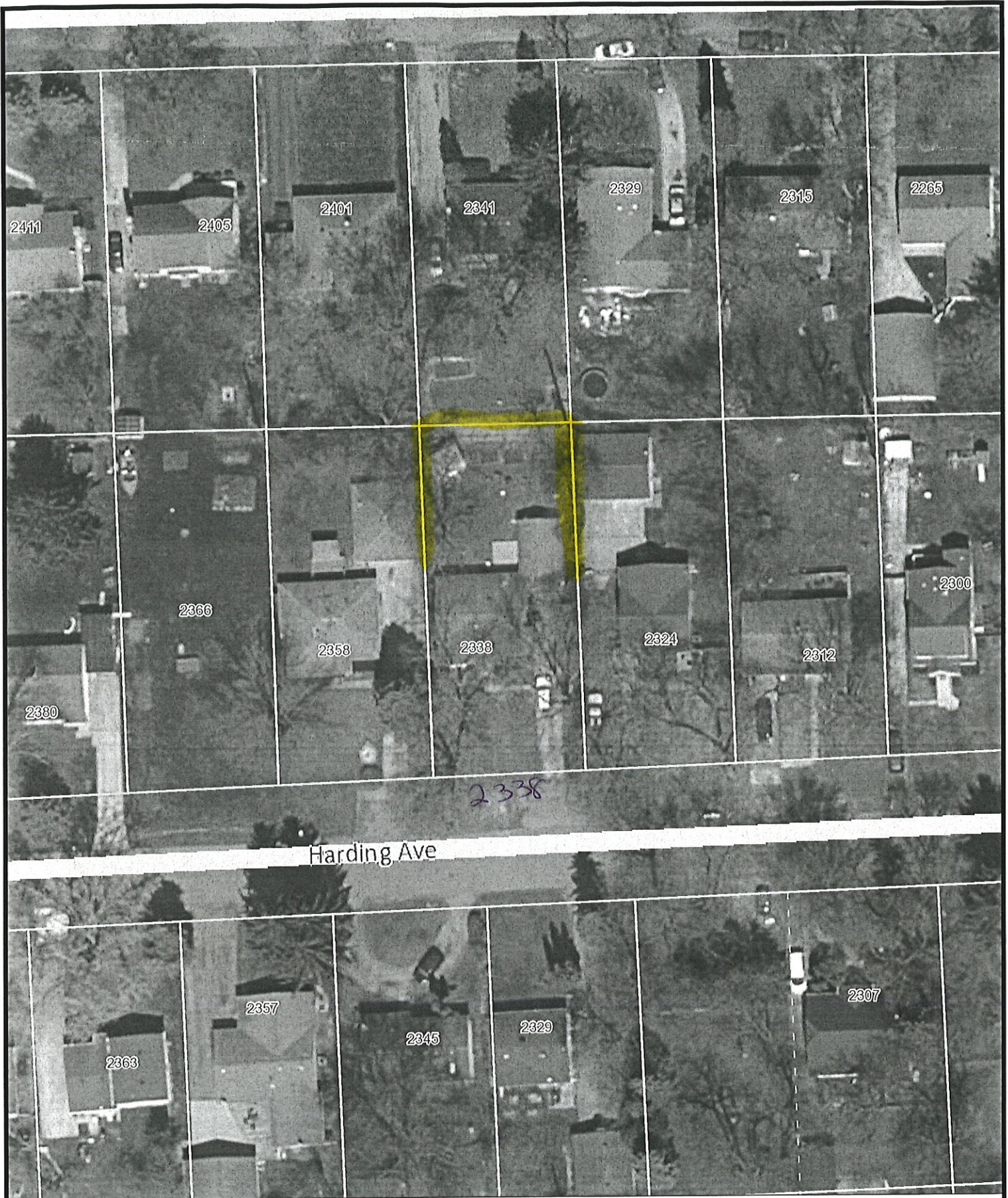
2368

2324

2338

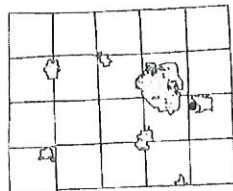
2341
Pumps





Harding Ave

2338



1: 600

10/29/2019




NOTE: Parcels may not be to scale.

The information contained in this cadastral map is used to locate, identify and inventory parcels of land in Washtenaw County for appraisal and taxing purposes only and is not to be construed as a "survey description". The information is provided with the understanding that the conclusions drawn from such information are solely the responsibility of the user. Any assumption of legal status of this data is hereby disclaimed.

THIS MAP REPRESENTS PARCELS AT THE TIME OF PRINTING. THE OFFICIAL PARCEL TAX MAPS ARE MAINTAINED SOLELY BY THE WASHTENAW COUNTY EQUALIZATION DEPARTMENT AND CAN BE OBTAINED BY CONTACTING THAT OFFICE AT 734-222-6662.

2338 HARDING AVE YPSILANTI, MI 48197 (Property Address)
 Parcel Number: K -11-07-439-026



Property Owner: YOPKO III, ROBERT M

Summary Information

- > Residential Building Summary
 - Year Built: 1965
 - Full Baths: 1
 - Sq. Feet: 1,060
 - Bedrooms: 3
 - Half Baths: 0
 - Acres: 0.189
- > Assessed Value: \$65,400 | Taxable Value: \$51,705
- > Property Tax information found
- > 7 Building Department records found

Item 1 of 2 1 Image / 1 Sketch

Owner and Taxpayer Information

Owner	YOPKO III, ROBERT M 2338 HARDING AVE YPSILANTI, MI 48197	Taxpayer	SEE OWNER INFORMATION
--------------	--	-----------------	-----------------------

General Information for Tax Year 2019

Property Class	RESIDENTIAL	Unit	11 YPSILANTI TOWNSHIP
School District	YPSI COMM SCHOOL- YP	Assessed Value	\$65,400
MAP #	R 095 129 00	Taxable Value	\$51,705
INDEX #	0	State Equalized Value	\$65,400
PRECINCT #	Not Available	Date of Last Name Change	Not Available
SUBDIVISION	Not Available	Notes	Not Available
Historical District	No	Census Block Group	No Data to Display
SPLIT YEAR	Not Available	Exemption	No Data to Display

Principal Residence Exemption Information

Homestead Date 02/22/2013

Principal Residence Exemption	June 1st	Final
2020	100.0000 %	-
2019	100.0000 %	100.0000 %

Previous Year Information

Year	MBOR Assessed	Final SEV	Final Taxable
2018	\$65,800	\$65,800	\$50,494
2017	\$61,700	\$61,700	\$49,456
2016	\$55,700	\$55,700	\$49,015

Land Information

Zoning Code	R4 SINGLE FAM	Total Acres	0.189
Land Value	\$34,600	Land Improvements	\$0
Renaissance Zone	No	Renaissance Zone Expiration Date	No Data to Display
ECF Neighborhood	RES YP 415 C COUNTRY CLUB PARK	Mortgage Code	No Data to Display
Lot Dimensions/Comments	No Data to Display	Neighborhood Enterprise Zone	No

Lot(s)	Frontage	Depth
Lot 1	61.00 ft	135.00 ft
Total Frontage: 61.00 ft		Average Depth: 135.00 ft

Legal Description

YP#49-138 LOT 138 COUNTRY CLUB PARK SUBDIVISION.

Land Division Act Information

Date of Last Split/Combine	No Data to Display	Number of Splits Left	Not Available
Date Form Filed	No Data to Display	Unallocated Div.s of Parent	0
Date Created	No Data to Display	Unallocated Div.s Transferred	0
Acreage of Parent	0.00	Rights Were Transferred	Yes

Split Number 0 **Courtesy Split** No
Parent Parcel No Data to Display

Sale History

Sale Date	Sale Price	Instrument	Grantor	Grantee	Terms of Sale	Liber/Page
01/30/2013	\$70,000.00	WD	BRISH, ALFRED R.	YOPKO III, ROBERT M	ARMS LENGTH	4955/949
06/30/1995	\$65,000.00	WD	TAYLOR, CAROL J.	BRISH, ALFRED R.	ARMS LENGTH	3127/497

Building Information - 1060 sq ft 1 STORY (Residential)

General

Floor Area	1,060 sq ft	Estimated TCV	\$104,706
Garage Area	364 sq ft	Basement Area	0 sq ft
Foundation Size	1,060 sq ft		
Year Built	1965	Year Remodeled	Not Available
Occupancy	Single Family	Class	CD
Effective Age	55 yrs	Tri-Level	No
Percent Complete	100%	Heat	Forced Air w/ Ducts
AC w/Separate Ducts	No	Wood Stove Add-on	No
Basement Rooms	0	Water	Public Water
1st Floor Rooms	6	Sewer	Public Sewer
2nd Floor Rooms	0	Style	1 STORY
Bedrooms	3		

Area Detail - Basic Building Areas

Height	Foundation	Exterior	Area	Heated
1 Story	Crawl Space	Siding	1,060 sq ft	1 Story

Exterior Information

Brick Veneer	0 sq ft	Stone Veneer	0 sq ft
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Basement Finish

Recreation	0 sq ft	Recreation % Good	0%
Living Area	0 sq ft	Living Area % Good	0%
Walk Out Doors	0	No Concrete Floor Area	0 sq ft

Plumbing Information

3 Fixture Bath	1
-----------------------	---

Fireplace Information

Exterior 1 Story	1
-------------------------	---

Garage Information

Area	364 sq ft	Exterior	Siding
Foundation	42 Inch	Common Wall	Detached
Year Built	No Data to Display	Finished	No
Auto Doors	0	Mech Doors	0

Porch Information

CCP (1 Story)	32 sq ft	Foundation	Standard
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Deck Information

Treated Wood	144 sq ft
---------------------	-----------

**Disclaimer: BS&A Software provides BS&A Online as a way for municipalities to display information online and is not responsible for the content or accuracy of the data herein. This data is provided for reference only and WITHOUT WARRANTY of any kind, expressed or inferred. Please contact your local municipality if you believe there are errors in the data.

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Sec. 14-26. - Purpose.

The Charter Township of Ypsilanti Board of Trustees finds and determines that there has been a substantial increase in the number of citizen complaints concerning the number of dogs in the township that are running at large, causing physical injury to persons, damage to property, creating a nuisance and preventing the full enjoyment by citizens of their property; and that as a result of the foregoing, there is a condition that is detrimental to the health, safety and welfare of citizens residing in such areas. This article is enacted to provide for animal control within the boundaries of the township.

(Ord. No. 2009-397, § 1, 9-15-09)

Sec. 14-27. - Definitions.

The following words, terms and phrases, when used in this article shall have the meanings described in this section:

Animal control officer: Any person employed by the county for the purpose of enforcing this article or state statutes pertaining to dogs or other animals.

At large: Refers to a dog that is not in an enclosure, or is otherwise not under physical control, or is not under the control of the owner or other responsible person by means of a leash, cord, chain or other means of physical restraint.

Cat: A feral or domestic feline, including a stray.

Dog: A domestic canine including a stray.

Microchip identification: A passive electronic device that is injected into an animal by means of a hypodermic syringe device. Each microchip shall contain a unique and original number that is read by an electronic scanning device for purposes of animal identification and recovery by the animal's owner.

Nuisance: An animal shall be considered a nuisance if any of the following occurs:

- (1) By the frequent barking, howling, yelping, growling or making other noises shall unreasonably interfere with the quiet enjoyment of persons in the vicinity.
- (2) Chases or snaps at a pedestrian, bicyclist or vehicle.
- (3) Defecates on private or public property, other than its owner's, and the animal owner fails to remove the feces deposited by the animal.
- (4) Attacks or bites a person. The person must be lawfully on the property where the attack or bite occurs. This subsection does not apply to an animal tormented or provoked by the person.
- (5) Attacks or bites a domesticated animal while the domesticated animal is on its owner's

property or under the lawful control of its owner.

- (6) Charges a person in a manner that restricts the person's freedom of movement by placing the person in reasonable fear of an imminent attack. The person must be lawfully on the property where the charge occurs. This subsection does not apply to an animal tormented by the person.
- (7) Molests passers-by or persons on adjoining property by viciously, continuously, and aggressively barking or growling unless the dog is securely confined in a manner which ensures that the dog cannot escape the premises.
- (8) Causes an offensive stench, odor or smell which extends into the property of another. This provision shall not apply to farm animals (horses, cattle, sheep and chickens).

Owner: The term "owner" when applied to the proprietorship of an animal means: every person having a right of property in the animal, an authorized agent of the owner, every person who keeps or harbors an animal or has it in their care, custody or control, and every person who permits the animal to remain on the premises occupied, owned or controlled by such person.

Premises: That portion of land owned or occupied by an owner not including any portion of such land that is accessible to the public as a right-of-way.

Provoked: A willful act or omission that an ordinary and reasonable person would conclude is likely to precipitate a bite or attack by an ordinary dog or animal.

Rabies suspect animal: The term "rabies suspect animal" shall mean any animal which has been determined by the Michigan Department of Public Health to be a potential rabies carrier and which has bitten a human, or any animal which has been in contact with or been bitten by another animal which is a potential rabies carrier, or any animal which is a potential rabies carrier which shows symptoms suggestive of rabies.

Tormented: An act or omission that causes unjustifiable pain, suffering and distress to an animal, or causes mental and emotional anguish in the animal as evidenced by its altered behavior, for a purpose such as sadistic pleasure, coercion or punishment that an ordinary and reasonable person would conclude is likely to precipitate a bite, attack or charge.

(Ord. No. 2009-397, § 2, 9-15-09)

Cross reference— Definitions generally, § 1-2.

Sec. 14-28. - Nuisance animals prohibited.

It shall be unlawful to be the owner of an animal which is a nuisance as defined in section 14-27.

(Ord. No. 2009-397, § 3, 9-15-09)

Sec. 14-29. - Dog tethering to stationary object.

It shall be unlawful for a person to tether, fasten, chain, tie or restrain a dog or cause such restraining of a dog, to a tree, fence, post, dog house or other stationary object on a tethering device which is less than three times the length of the dog. The length of the dog shall be measured from the tip of its nose to the end of its tail. The weight of the collar shall not exceed more than one-eighth of the dog's body weight and shall not, due to weight, inhibit the free movement of the dog. The tethering shall not cause injury to the dog or entanglement with fixed objects such as fences, trees, or other manmade or natural obstacles.

(Ord. No. 2009-397, § 4, 9-15-09)

Sec. 14-30. - Dog at large prohibited.

It shall be unlawful to be the owner of a dog which is at large as defined in section 14-27.

(Ord. No. 2009-397, § 5, 9-15-09)

Sec. 2114. - Fences and walls.

1. *Definitions:* The following definitions are related to fences and walls:
 - a. Fences and walls: Linear structures, partitions or continuous hedgerows maintained for the purpose of enclosing an area.
 - (1) *Chain-link fence:* A fence constructed of galvanized steel or similar materials as approved by the building official for the purpose of enclosing or securing an area. Chain-link fences shall not include wire fences or fences of similar construction.
 - (2) *Industrial fence:* A chain-link or ornamental fence constructed of materials approved by the building official for the purpose of enclosing or securing an industrial use.
 - (3) *Living fence:* A continuous hedgerow of living plant material planted and maintained for the purpose of enclosing an area.
 - (4) *Ornamental fence:* A fence consisting of wrought iron, galvanized steel, aluminum, vinyl, wood or similar materials fabricated into a design with specific pattern elements or ornamentation. All spaces in the fence shall be open and unobstructed and the fence shall not block vision to an extent greater than 40 percent. Ornamental fences shall not include chain-link or wire fences or fences of similar construction.
 - (5) *Privacy fence:* A fence constructed of wood, vinyl or similar materials that blocks vision to an extent greater than 40 percent for the purpose of obscuring or screening an area from public view.
 - (6) *Rail fence:* A fence constructed of wood, vinyl or similar materials and consisting of one to four horizontal rails connecting to vertical posts spaced a minimum of six feet apart. All spaces in such fences shall be open and unobstructed and such fences shall not block vision to an extent greater than 40 percent.
 - (7) *Temporary fence:* A fence constructed of canvas, plastic, chain-link, wood or similar material as approved by the building official for the purpose of enclosing or securing an area for a limited period of time.
 - (a) *Construction:* A fence erected for the purpose of securing a construction site against unauthorized access. The building official may require such fences as part of an approved permit.
 - (b) *Special events:* A fence erected for the purposes of public safety at a special event. Such fences shall not be erected across public rights-of-way except as authorized by the township board and the Washtenaw County Road Commission for special community events only.
 - (8) *Decorative wall:* A masonry wall consisting of brick, stone or similar materials as

approved by the building official and constructed with a design that includes specific pattern elements or ornamentation.

- (9) *Obscuring wall*: A masonry wall consisting of brick, stone or similar materials as approved by the building official and constructed for the purpose of enclosing, obscuring or screening an area from view.
- (10) *Damaged fence or wall*: A fence or wall that is not properly secured, in danger of collapse or has otherwise been found by the building official to be in a damaged condition.
- (11) *Illegal fence or wall*: A fence that was illegally erected or installed, or a fence that is not in compliance with the provisions of this article and does not meet the definition of a legal nonconforming fence.
- (12) *Legal nonconforming fence or wall*: A fence or wall which was legally erected or installed but is no longer in compliance with the provisions of this article. Such fences or walls must be located outside of any existing right-of-way and wholly upon the parcel to which they are associated.

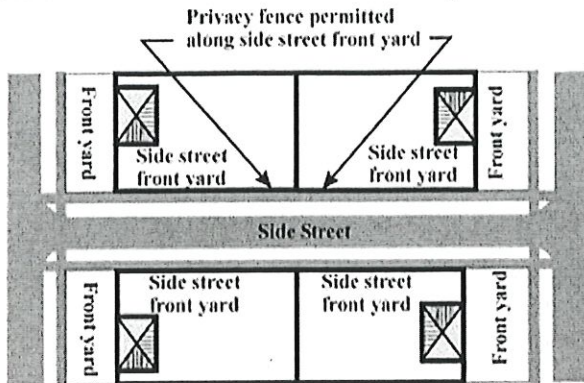
2. *General requirements for fences and walls:*

- a. Construction and maintenance: Fences and walls shall be securely constructed in conformance with this article and all applicable building codes and shall consist of durable, weather-resistant materials as approved by the building official. Masonry piers may be used as part of a fence installation with the approval of the building official. Fences and walls shall be maintained in good order, painted, rustproofed or otherwise protected against damage and decay so as to present an orderly appearance.
- b. Hazards: Fences and walls shall not be erected in a manner that obstructs free and clear vision or would be a hazard to traffic or pedestrians. Fences and walls shall not be erected within public rights-of-way.
- c. Orientation of finished side: Fences that have one finished or decorative side shall be oriented with the finished or decorative side facing outward towards adjacent parcels and away from the interior of the lot to which the fence is associated. Masonry walls shall be finished in a similar manner on all sides.
- d. Site drainage and utilities: Fences and walls shall not be erected in a manner that obstructs the free flow of surface water within or across the lot to which it is associated or the adjacent lots. Fences and walls shall not be erected in a manner that causes damage to underground utilities.
- e. Fences and walls, including, but not limited to posts, foundations, and overhanging elements, shall be located completely within the limits of the lot to which they are associated.

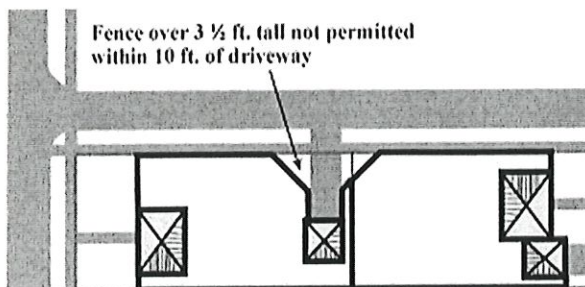
3. *Height and location requirements:*

Type of Fence or Wall	Maximum Height (feet) (a)			Minimum Yard Setback (feet) (a)		
	Front	Side	Rear	Front(d)	Side	Rear
Chain-link fence	(c)	4	4	(c)	(b)	(b)
Living fence	-	-	-	0	(b)	(b)
Ornamental fence	3 ½	6	6	0	(b)	(b)
Privacy fence	(c)	6	6	(c)	(b)	(b)
Rail fence	3 ½	5	5	0	(b)	(b)
Industrial fence	(c)	8	8	20	(b)	(b)
Decorative wall	2	4	4	0	(b)	(b)
Obscuring wall	(c)	6	6	(c)	5	5

- (a) All required setbacks for fences and walls shall be measured from the property line or existing street right-of-way line. Height of such fences or walls shall be measured from the grade level to the highest point of the fence or wall.
- (b) Fences and walls located within required side and rear yards may be erected on the property line with the submission of written consent from all adjacent property owners or a certified survey verifying the location of lot boundaries.



- (c) Fences, and walls above three and one-half feet in height and all chain link fences, privacy fences, and obscuring walls are not permitted within the required front yard of any zoning lot except where otherwise specified herein. On residential corner lots, a chain link fence up to four feet in height or privacy fence up to six feet in height is permitted within a front yard of a side street provided the residences on the adjacent lot and opposing lot also do not front on such side street. Such chain link fence or privacy fence shall not extend beyond the front building line into the front yard of the street that the front of the dwelling faces. On nonresidential lots, a privacy fence or an obscuring wall up to six feet in height shall be permitted within a front yard only where necessary for buffering from adjacent uses and approved on a site plan by the planning commission.



- (d) On all lots, fences or walls over three and a half (3½) feet in height shall not be permitted within ten (10) feet of the intersection of a driveway with the road right-of-way. Such requirement shall apply to driveways on the same lot as the fence and driveways located on adjoining lots. On corner lots, fences and walls located within a front yard shall maintain the roadway corner clearance requirement of section 2112.
4. *Prohibited fences and walls:* The following fences and walls are prohibited within the township:
- Barbed-wire, razor-wire or electrified fences, except where, for the purpose of ensuring public safety, the planning commission may approve such fences as part of an approved site plan.
 - Wire fences, except where such fences are located on parcels of not less than four acres in size with a minimum road frontage of 200 feet.

- c. Any fence or wall unlawfully installed, erected or maintained.
 5. *Permits required:* A fence permit shall be required for all work performed in association with the construction, alteration or relocation of a fence or wall, except where otherwise specified herein. A building permit shall also be required for any fence or wall over six feet in height.
 - a. Fences and walls for which a fence permit is not required:
 - (1) *Repairs:* Repairs to an existing fence or wall with no structural changes.
 - (2) *Replacement:* Replacement of an existing fence with a new fence that is the same type, and height and in the same location as the existing fence; provided the replacement fence is otherwise in full compliance with this ordinance and the building code.
 - (3) *Gates:* The installation of gates of up to eight feet in width in an existing fence or wall with no structural changes.
 - (4) *Short lengths of new fence:* Construction of less than eight feet of new fence, provided that such work is in compliance with the provisions of this article and all applicable building codes.
 - (5) *Fences associated with active farms:* Wire or wood fences associated with an active farm or single-family residential use on parcels of not less than four acres in size with a minimum road frontage of 200 feet.
 - (6) *Living fences:* Planting of continuous hedgerows or similar landscape features.
 - b. *Permit application:* Applications for fence permits shall be made upon forms provided by the community development department. The following information shall be provided with the application:
 - (1) *Plot plan and construction drawings:* A plot plan or lot survey shall be provided that includes the location of all existing and proposed fences, walls, structures, easements and setback dimensions. A detail of the proposed fence or wall with all appropriate dimensions shall also be provided.
 - (2) *Removal agreement:* The building official or zoning administrator may require a signed removal agreement for the removal of a fence and wall as deemed necessary. A bond or other acceptable surety to guarantee such removal may be required.
 - (3) Written consent of all adjacent property owners, or a certified survey verifying the location of lot boundaries, if a fence or wall is proposed to be erected or installed on a property line.
 - (4) Other information that the building official may require to show full compliance with this and all other township ordinances.
6. *Legal nonconforming fences and walls:* All existing legal nonconforming fences or walls shall

be permitted to continue as such until removed, extended or altered, at which time such fences or walls shall be made to conform to the provisions of this article. A legal nonconforming chain-link fence up to four feet in height, located within the required front yard of a platted lot in the R-5 (single-family residential) zoning district, may be extended with the approval of the zoning official.

7. *Removal of illegal or damaged fences or walls:* Damaged or illegal fences or walls shall be immediately repaired, replaced or removed by the owner, agent or person having the beneficial use of the building or structure upon which said fence or wall shall be found. Upon identification of a damaged or illegal fence or wall, the building official shall order the property owner to remove such or make repairs within ten days. If the damaged fence or wall is not removed or repaired as ordered, the township board may authorize the township attorney to pursue court approval for the removal or repair at the expense of the property owner. All expenses related to the removal or repair shall be placed upon the tax roll for the property to which the fence is associated unless immediately reimbursed by the property owner.

(Ord. No. 2000-260, § 4, 12-19-00; Ord. No. 2001-292, 11-20-01; Ord. No. 2004-347, 10-19-04)

Editor's note— Ord. No. 2000-260, adopted Dec. 19, 2000, repealed § 2114, fences, in its entirety, and replaced it with similar material as herein set out. The former provision derived from Amd. of 9-19-95.

Re: Double Deck Privacy Fence

From : Patrick S. Lewis <> Sun, Jan 05, 2020 10:11 PM
Subject : Re: Double Deck Privacy Fence 
To : Charlotte Wilson
<cwilson@ytown.org>
Reply To : Patrick S. Lewis <>

Hello again, Charlotte! Thanks for sending us notice of the Appeal in this matter. We won't be coming, but I thought I would send along our comments. Whatever happens with this, thanks for keeping us in the loop! -p

Regarding Zoning Board of Appeal Request from 2338 Harding Avenue scheduled for January 8th, 2020:

Our house is located at 2341 Burns. We are the neighbor directly to the rear of the property in question. Our opinion on the proposed zoning exception is as follows:

- We do object to the fence as it currently stands. It is an ugly hodge-podge of parts, it appears unsafe, it will attract unwanted attention, and it is taller than the suggested exception (we measured it at 8'6" in one location).
- We would not object to the exception if a proper fence were erected in the same location (we don't know the dog personally, but if its needs can be reasonably accommodated we would favor doing so).
- We do not object to the current fence staying in place as-is until winter is over. Any work to be done will be much easier when it is warmer.

We've been here for 20+ years, so here's the history of that fence as we know it:

- The original fence between us was a standard chain-link fence, with the rear of both properties overgrown with trees and bushes.
- A few years ago, one of the then-tenants (not the current one) asked for assistance cleaning up the area. We worked with them and DTE (we could not safely remove

trees that had reached the power lines) and cleared all the invasive growth.

- The next spring, we spent considerable time and expense beautifying our side of the fence. We installed permanent raised garden boxes, fruit trees, many plants, and ground cover mulch to keep the area from getting overgrown again.

- Some time later, our current neighbor installed a six foot privacy fence using the existing chain link poles as the anchor for the structure. We were forced to move a lot of plants because of the construction and sunlight blockage (and not all of them survived), but we didn't object to the new fence (it actually looked nice once we made adjustments).

- For the next few months, we can confirm that the dog in question was miserable outside and would bark all night long. Eventually that went away, and we assume that is when the neighbor brought their second dog into the picture (we have never actually seen this second dog).

- Finally, a few months ago, we arrived home to find what is essentially a second fence mounted to the previous one, bringing the structure to its current mis-matched state.

Our concerns with this exception are as follows:

- Unless something has changed that we don't know about, there is now the equivalent of two wooden plank fences being held in place only by gravity and the short aluminum poles intended for only a chain link fence. That fence is going to catch wind like a sail, and those poles weren't built to support that. So, one good wind storm, and that entire massive structure is in our yard.

- While this isn't a high crime area, crime does happen here. I served as a neighborhood watch coordinator in this area for years after our house was broken into, in fact. Even if the intent of this fence is merely to keep the dog in, it is going to attract unwanted attention.

- The existing fence is slightly inside the neighbor's property, so the "sunless alley" effect caused by it did not extend as far into our yard as it would have otherwise. However, moving the fence up higher greatly extends this effect, with our side suffering any and all of the consequences.

- The fence as it is now looks awful, because the top and bottom portions do not match (in color, shape and gaps between planks). If nothing else, whatever fence is there should at least appear to be one contiguous fence from the outside.

Please contact us if we can provide any additional information, or if we can possibly help in any way. Maybe the dog couldn't climb the fence if the aluminum cross-bars were removed? Maybe a simple inward-slanted section at the top of the fence could keep the dog from escaping? We're not experts on fencing or dogs, but we feel like there has to be a solution that doesn't involve fines or re-homing the dog(s).

- Patrick Lewis and Melanie Littlejohn, 2341 Burns

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)

CHARTER TOWNSHIP OF YPSILANTI

OFFICE OF COMMUNITY STANDARDS

Building Safety • Planning & Zoning • Ordinance Enforcement

**Zoning Board of Appeals
Staff Report
Variance – 9749 Textile Road
ZBA 2019-12**

November 14, 2019

CASE

The applicant is requesting consideration of 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.

APPLICANT

Cassandra Barrett
9749 Textile Road
Ypsilanti, MI 48197

LOCATION AND SUMMARY OF REQUEST

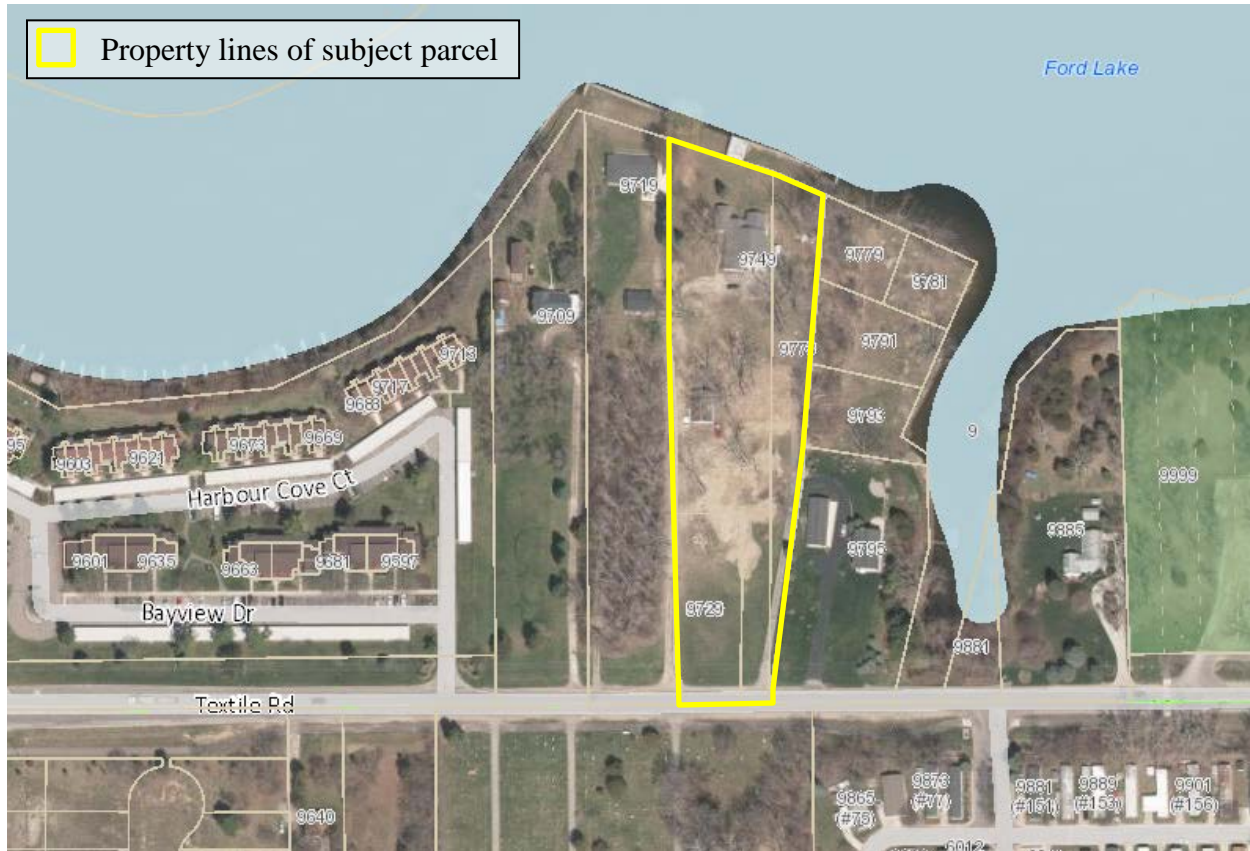
The 1.64-acre subject property is located north of Textile Road and south of Ford Lake. In the variance request dated October 28, 2019, the applicant proposed a 6-foot vinyl privacy fence within their front yard. Privacy fences greater than 3.5 feet are not permitted within the front yard of a residential property.

CROSS REFERENCES

Township Zoning Ordinance – Section 2114 (Fences and Walls)
Township Zoning Ordinance – Article XXIV (Board of Zoning Appeals)

Aerial Photograph(s) – 9749, 9773, and 9729 Textile Road

***Not to scale*



SUBJECT SITE ZONING AND COMPREHENSIVE PLAN

The parcel is currently zoned R-2, One-Family Residential, and is master planned SFR-2.

ADJACENT USES, ZONING AND COMPREHENSIVE PLAN

Direction	Use	Zoning	Future Land Use Designation
North	Ford Lake	N/A	N/A
South	Single Family Residential	PD	SFR-4
East	Single Family Residential	R-2	SFR-2
West	Single Family Residential	R-2	SFR-2

VARIANCE DETERMINATION PER SECTION 2404.2.D.

The Zoning Board of Appeals may grant a dimensional or non-use variance only upon a finding that compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk, density, or other dimensional provisions would create a practical

difficulty and unreasonably prevent the use of the property. A finding of practical difficulty shall require demonstration that all the following conditions are met:

1. That there are exceptional or extraordinary circumstances or conditions applying to the property in question that do not apply generally to other properties or classes of uses in the same zoning district. Exceptional or extraordinary circumstances or conditions include but may not be limited to:
 - a. exceptional narrowness, shallowness or shape of a specific property;
 - b. exceptional topographic conditions;
 - c. any other physical situation on the land, building or structure deemed by the Zoning Board of Appeals to be extraordinary; or,
 - d. development characteristics of land immediately adjoining the property in question that creates an exceptional constraint.

Staff comment: The property is exceptionally long and narrow. In addition, the home is closer to the rear or lake side of the property than the front, creating an exceptionally large front yard.

2. That a variance is necessary for the preservation and enjoyment of a substantial property right possessed by other properties in the same zoning district and in the vicinity;

Staff comment: The fence height variance is necessary for the preservation and enjoyment of a substantial property right as possessed by other properties in the same vicinity. Other homes in the area have accessory structures, such as fences, in the front yard in order to maximize the view of Ford Lake.

3. That the authorizing of such variance will not be a substantial detriment to adjacent property and will not materially impair the purposes of this ordinance or the public interest; and

Staff comment: The variance will not be substantially detrimental to the neighboring properties. The fence would not extend into the side or front plane of the neighbor to the east.

4. The problem and resulting need for the variance has not been self-created by any action of the applicant or the applicant's predecessors.

Staff comment: The home was not built by the property owner.

ANALYSIS

Township Zoning Ordinance, Section 2114, states that privacy fences greater than 3.5 feet in height may not be permitted in the front yard. According to Township Zoning Ordinance, Section 201, Definitions, the front yard is, "An open depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building." The main building is the home.

Many homes surrounding Ford Lake treat the defined front yard as a rear yard and vice versa. We hope to explore exceptions for lakefront properties in the future Zoning Ordinance amendments to align with current practice.

If the Zoning Board of Appeals chooses to approve this request, the applicant will need to a zoning permit from the Office of Community Standards.

Suggested motions: *The following suggested motions and conditions are provided to assist the Zoning Board of Appeals in making a complete and appropriate motion for this application. The ZBA may utilize, add or reject any portion of the suggested motion or any conditions suggested herein, as deemed appropriate.*

Table

“I move to table 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 9729 Textile Road, parcel K-11-23-400-040, to consider comments presented during this public hearing.”

Approve

“I move to approve 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 9729 Textile Road, parcel K-11-23-400-040, as the following practical difficulties have been noted:

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

Denial

“I move 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 9729 Textile Road, parcel K-11-23-400-040, due to the following reason(s):

Please provide reasons for denial in the motion”

Respectfully Submitted,

Charlotte Wilson

Charlotte Wilson, AICP
Planning & Development Coordinator

ZONING BOARD OF APPEALS APPLICATION

BY

OCT 28 2019

YPSILANTI TOWNSHIP
OCS

I. APPLICATION TYPE

- Variance
 Exceptions and Special Approvals (Includes: Temporary Uses and Structures)
 Administrative Review Appeal

II. PROJECT LOCATION

Address: 9749 TEXTILE ROAD Parcel ID #: K-11-23-400 AND 040 AND Zoning RESIDENTIAL?
Lot Number: _____ Subdivision: _____ - 010

III. APPLICANT INFORMATION

Applicant: CASSANDRA BARRETT Phone: (313) 316-2450
Address: 9749 TEXTILE ROAD City: YPSILANTI State: MI Zip: 48197
Fax: _____ Email: _____
Property Owner: CASSANDRA BARRETT Phone: (313) 316-2450
Address: 9749 TEXTILE ROAD City: YPSILANTI State: MI Zip: 48197
Fax: _____ Email: _____

IV. COST AND FEES

Total: \$ _____ Breakdown of fee: Residential: \$ 125.00
Non-residential: \$ 500.00

V. APPLICANT SIGNATURE

The undersigned CASSANDRA BARRETT represents CASSANDRA BARRETT
Applicant Property Owner

1. That CASSANDRA BARRETT is are the owner(s) of lot(s) _____ located in the _____
Property Owner Lot Subdivision
Subdivision, Ypsilanti Township, Michigan, otherwise known as 9749 TEXTILE ROAD and the property is
Address
zoned _____
Zoning District
2. That the petitioner hereby request VARIANCE under Section 2114 Article XXI of the Ypsilanti Township
Variance/Temporary Use Section Article
Zoning Ordinance.
/Regular Meeting
3. The petitioner further state that _____ have/has read and understands the provisions of said zoning ordinance as it
Applicant Initial
applies to this petition.
4. That the following is submitted in support of the petition (attach all pertinent data to support the request).

Cassandra Barrett
Applicant Signature

CASSANDRA BARRETT
Print Name

10-27-19
Date

Charter Township of Ypsilanti

Office of Community Standards

7200 S. Huron Drive, Ypsilanti, MI 48197

Phone: (734) 485-3943

Website: <https://ytown.org>

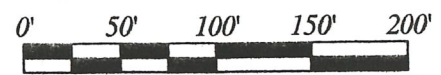
OFFICE USE ONLY

8105 8 8 130

All Zoning Board of Appeals Applications	
<input type="checkbox"/> The application is filled out in its entirety.	<input type="checkbox"/> Plot plan or lot survey to scale showing the following:
<input type="checkbox"/> If the applicant is not the property owner, written and signed permission from the property owner is required.	<input type="checkbox"/> All property lines and dimensions
<input type="checkbox"/> Fees	<input type="checkbox"/> All existing and proposed structures and dimensions
<input type="checkbox"/> Letter of interest of the applicant in the property	<input type="checkbox"/> Lot area calculations necessary to show compliance with regulations
	<input type="checkbox"/> Easements and dimensions, if applicable
	<input type="checkbox"/> Location of drives, sidewalks, and other paved areas on the property and on the adjacent streets.
	<input type="checkbox"/> Location and dimensions of the nearest structures on adjacent properties.

PINK FENCE

COMBINED PARCEL SURVEY

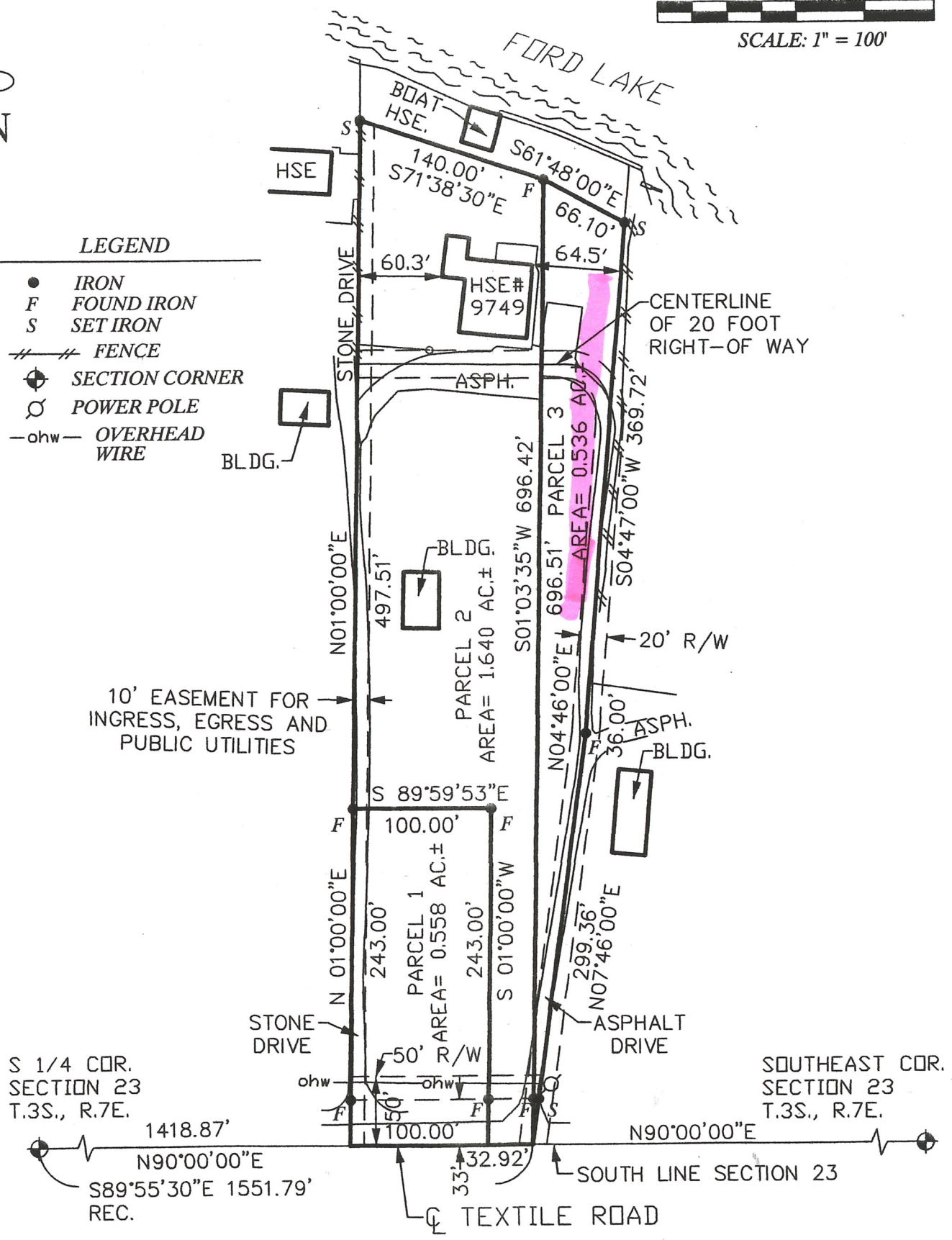


SCALE: 1" = 100'



LEGEND

- IRON
- F FOUND IRON
- S SET IRON
- — FENCE
- ⊕ SECTION CORNER
- ⊙ POWER POLE
- ohw- OVERHEAD WIRE



10-27-19

Dear Ypsilanti zoning board of appeals,

Would you please grant me a variance for a six foot tall vinyl privacy fence in the front yard like the fence located two houses away on 9640 Textile Road? 9640 Textile Road extends 11 panels pass the front yard for a total of 88 feet on a small piece of property.

The vinyl fence I am requesting is not near the property line. It is 12 feet west of the easement thus giving the neighbor complete use of the easement, plus two extra feet so that I might enjoy some relief from the following issues listed below.

The police told me to put up a privacy fence many times.

Invasion of privacy - Mr. Clancy was granted permission to dig a 343 foot long electrical trench from his garage to trees by my house. He installed two cameras. One points directly inside my lakeside door and the other my front porch.

Eyesores - A six foot tall wood pile extending 80 feet in length blocked my lake view for two years (See pictures). The year after that multiple fires simultaneously burning down wet land (See pictures). Thirty one wood chip piles left untouched for months.

Stalking, blocking easement, false police reports - On 7-4-19, over 40 cars parked all around my home to watch Mr. Clancy light fireworks. Officer Larkin told cars to move off of our property, police report #19-51982. On 7-8-2019, police report #19-53422, Officer Cory, Mr. Clancy was shining his car headlights into my bathroom window at 2:00 am. On 4-23-18, Mr. and Mrs. Clancy made a false police report stating Mr. Barrett had cut a tree down on his property. Officer Weise discovered it was a stump planted in the ground without any roots so he turned it over to the prosecutor, police report #18-30347. 5-20-18 Clancy cutting up trees in easement with tractor and chain saw, police report #18-38088, Officer Pearson. 7-9-18 Mr. Clancy had neighbor park his red truck in front of my car and had his son stand in front of car - had to drive on grass to get home, police report #18-53162, Officer Weise. 8-25-18 Clancy filming our private investigator and his family while they were trying to watch Thunder over Michigan air show. 10-4-18 Mr. Clancy filming me in his car while I was trying to have dinner with my friends from the Kingdom Hall. 12-5-18 Clancy cutting down more trees in easement. The above are just some of the police reports and problems. I can give additional examples if you need them as well as copies of all the police reports.

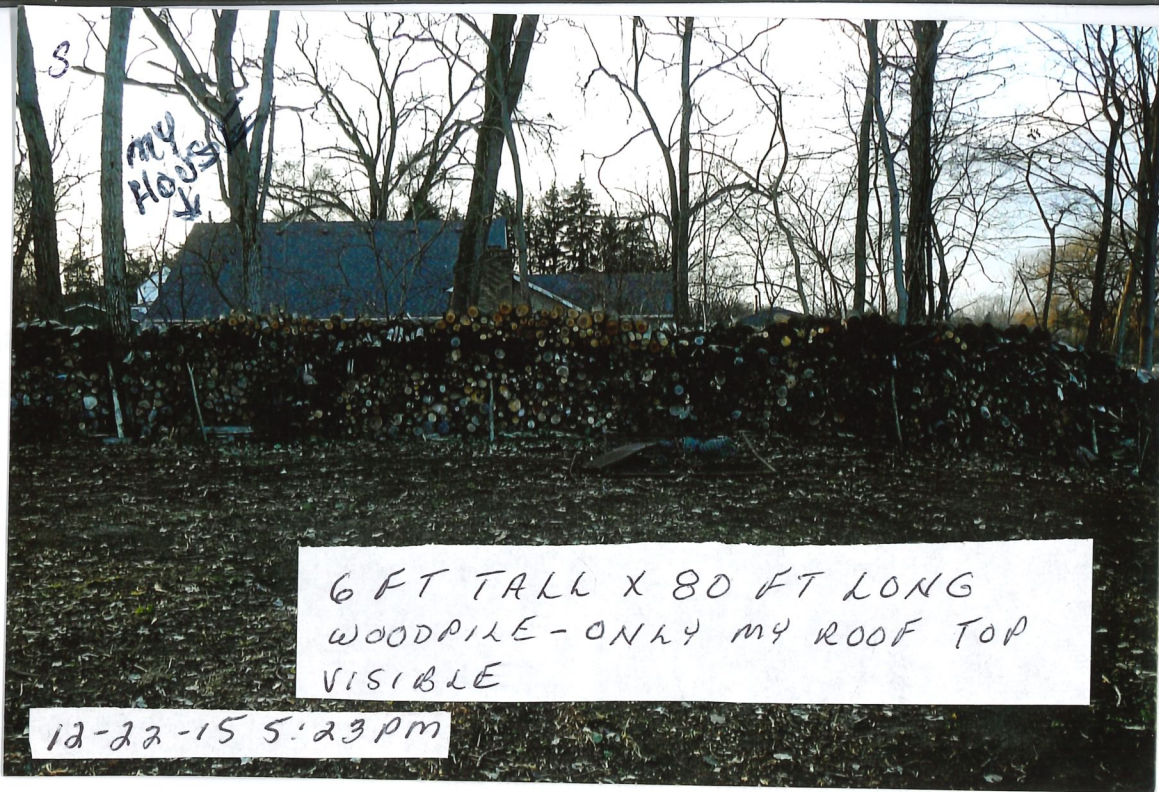
Since the fence has been installed, no police have had to be called.

I am seriously begging the zoning board help me get rid of a continuous eye sore, witnessing the burning destruction of wetland, being blocked by Clancy and his neighbors in my own easement, stalking my company and workers and invasion of privacy with cameras pointed inside my doors. Please consider my request. Thank you, Cassandra Barrett

PINK
FENCE



9640 TEXTILE ROAD



S

MY HOUSE

6 FT TALL X 80 FT LONG
WOODPILE - ONLY MY ROOF TOP
VISIBLE

12-22-15 5:23 PM







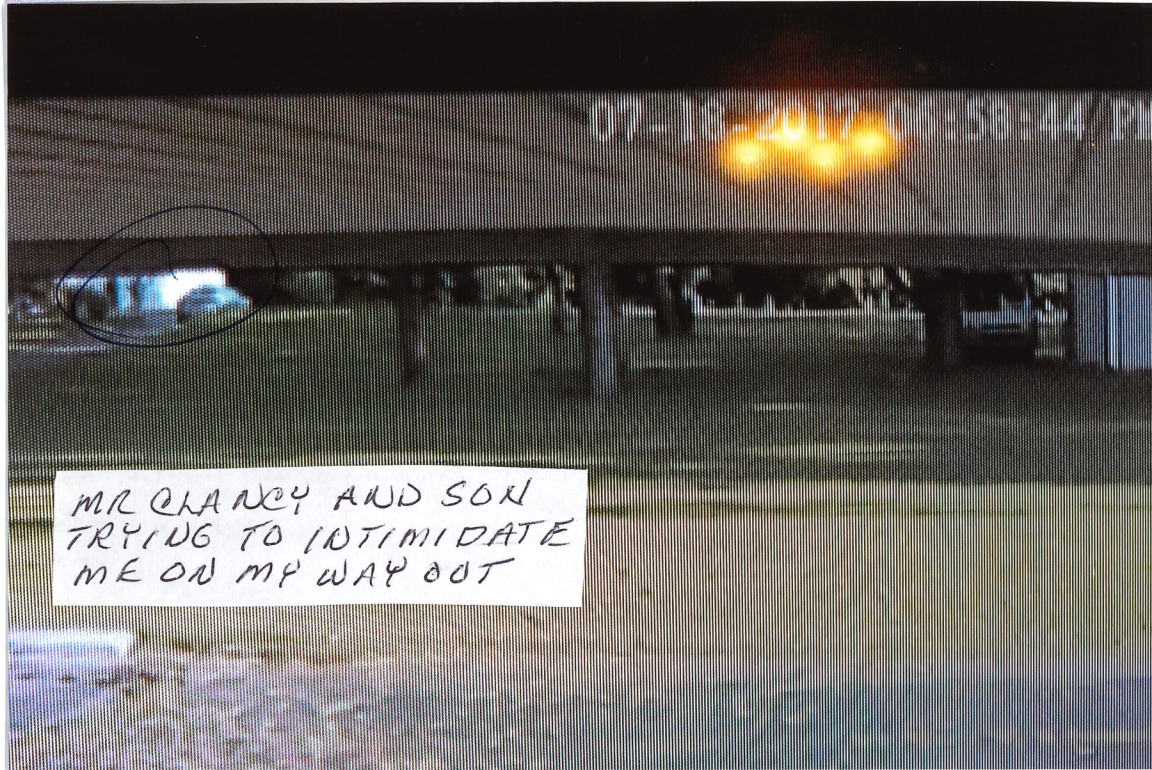
STALKING MY FRIENDS
FROM KINGDOM HALL
TRYING TO EAT DINNER
OUTSIDE 18-4-18

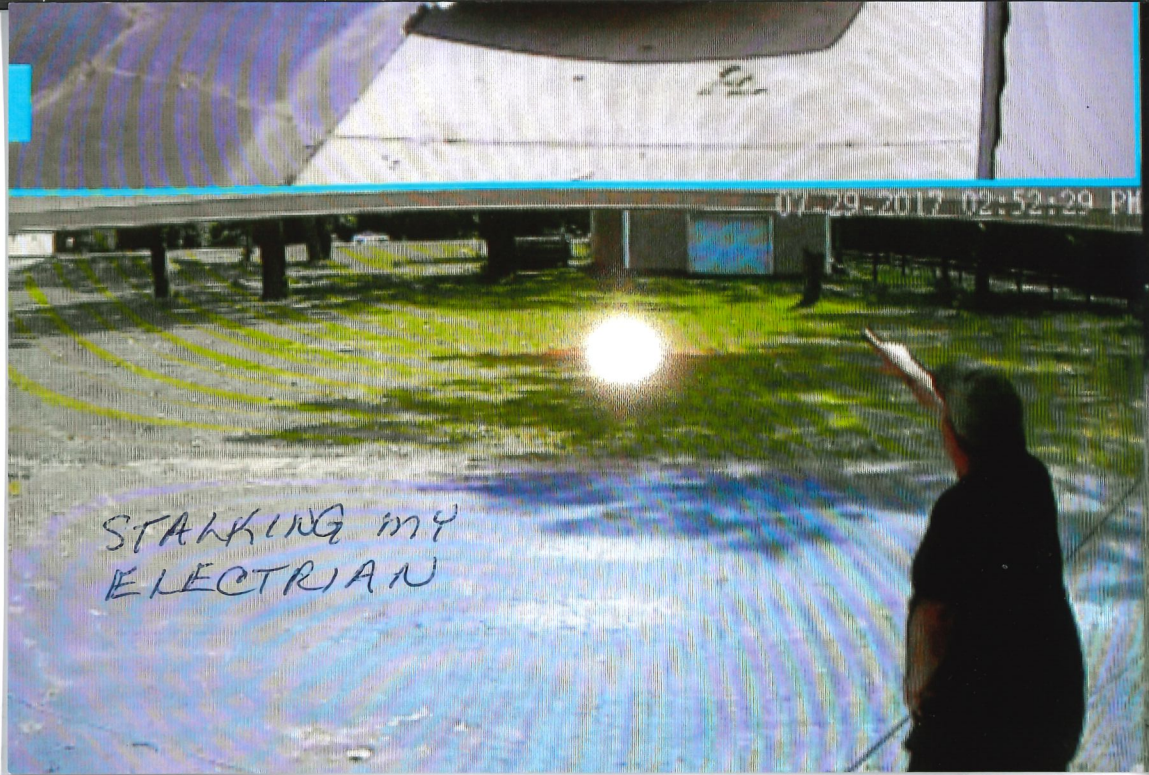
DUMPING GARBAGE
IN EASEMENT



07-17-2017 15:44

MR CRANBY AND SON
TRYING TO INTIMIDATE
ME ON MY WAY OUT

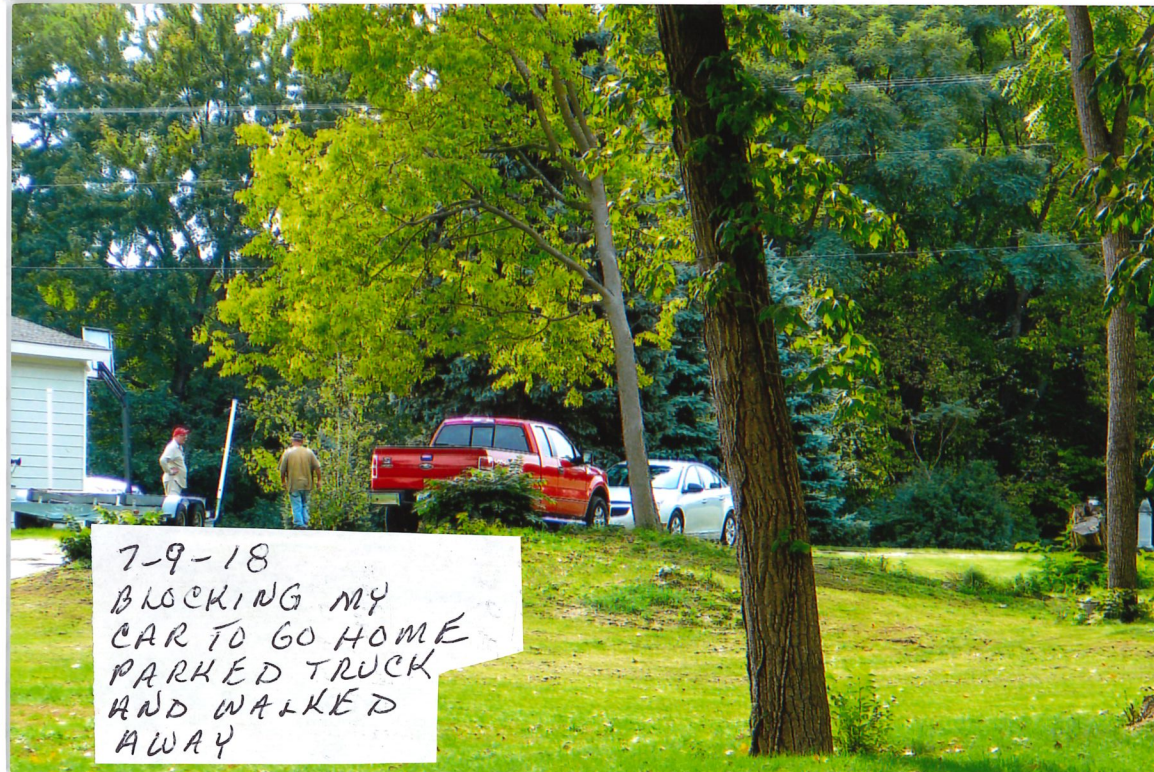


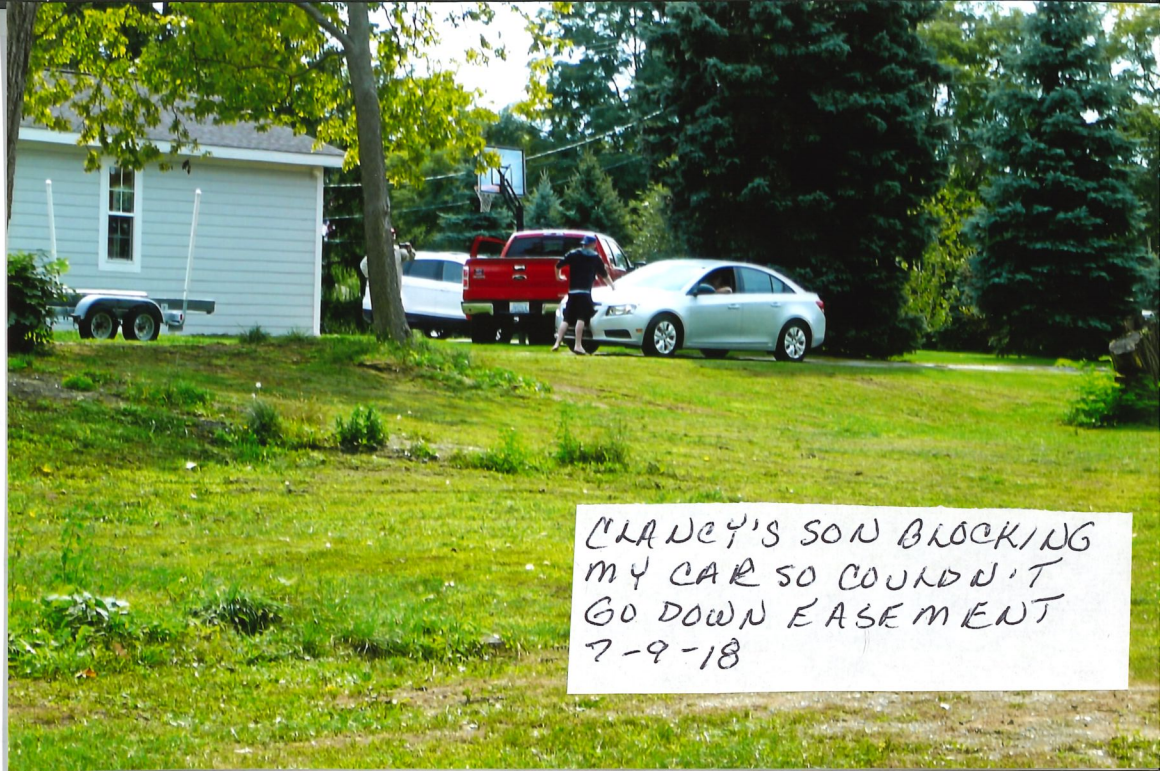


STALKING MY
ELECTRIAN

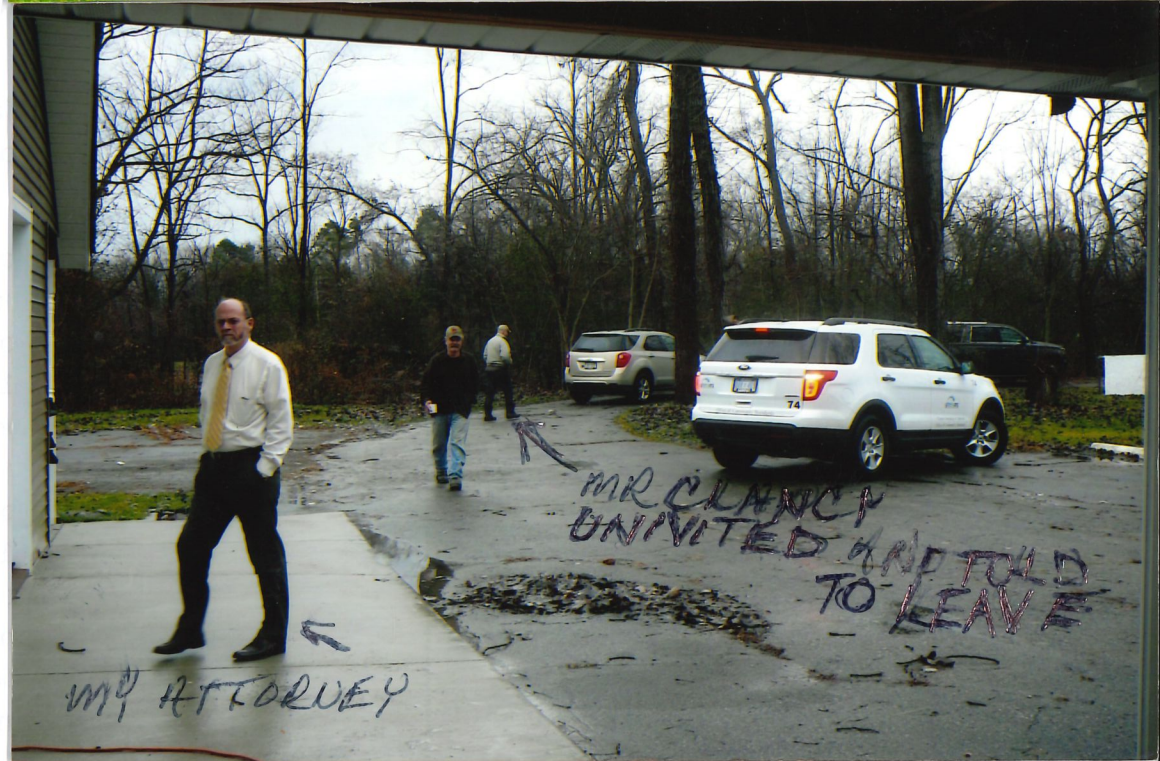


BLOCKING
IN MY
EASEMENT





CLANCEY'S SON BLOCKING
MY CAR SO COULDN'T
GO DOWN EASEMENT
7-9-18



←
MY ATTORNEY

MR CLANCEY
UNINVITED AND TOLD
TO LEAVE



IN MY DRIVEWAY
FOUR FEET FROM
MY PORCH



7-9-18 HAD TO
DRIVE ON GRASS
TO GET HOME
HOPING NOT TO
GET FLAT TIRE
ON STUMPS





WOOD DEBRIS



SOME OF THE BRICKS
THROWN IN YARD



3 FLAT LAWMOWER
TIRES IN 2 WEEKS
DUE TO NEIGHBOR
THROWING BRICKS IN
YARD

RECEIVED
BY AW

JAN 06 2020

YPSILANTI TOWNSHIP
OCS

1-5-2020

DEAR TOWNSHIP OF YPSILANTI

PLEASE CONSIDER ADDENDUM TO REQUEST FOR VINYL PRIVACY FENCE AT 9749 TEXTILE ROAD

Exhibit A - Mark Clancy 18 year history showing 8 filed PPO's against him from 1997 to 2015 including Domestic Violence and Stalking

Exhibit B - PPO filed by prior occupant of 9749 Textile Road, 4-17-2008, for stalking, harassment, name calling, etc. after two years of continued threats by Mark Clancy

Exhibit C - Pictures of Mr. Clancy's invasion of privacy cameras mounted on trees 340 feet from his home looking inside my lakeview TV room and roadside front porch May 26, 2018. Cameras are still there today

Exhibit D - Copy last page Court order Case #14-514C Filed 7-14-16, "Clancy is WARNED that his easement is for ingress and egress for maintaining water privileges only"

Exhibit E - Pictures of Mark Clancy and neighbor Bill Harrington cutting down 36 inch diameter tree on my easement

Exhibit F - One picture of many times Mr. Clancy driving his tractor all the way down to the edge of Ford Lake. I have added a one million dollar umbrella policy to my homeowner's insurance Policy # U-306993-12 to protect myself from liability should he fall in and drown.

Exhibit G - Pictures of my car with scratched window and truck with smashed mirror September 2019

Exhibit H - Police report #19-72245 picture of my friend's car window shot out while her car was parked at my house for three weeks while she was getting her leg amputated due to diabetes complications

Exhibit I - Section of vinyl fence "knocked down" right in front of Mr. Clancy's camera enabling his continued invasion of privacy

Exhibit J - More pictures of rotting, bug infested, foul smelling, steaming wood chip piles not included with my first request

Exhibit K - Ran over my newspapers so many times that I finally was able to capture on camera 2-5-2016 court order against Mark Clancy

I have moved my driveway to the other side of my property. I have given Mark Clancy double the space required in the easement for the fence. I have made sure the fence is not made of cheap wood. I seriously believe a privacy fence between us will help alleviate continued ongoing problems for both the police and the township.

Again, thank you for all your serious consideration to help stop the incessant problems that both the previous owner of my home and I have endured.

Gratefully,
Cassandra Barrett

Civil, Family & Probate Case Records Search Results

Skip to Main Content Logout My Account My Cases Search Menu New Civil Search Refine Search

Location : 22nd Circuit Court Search Help

Record Count: 11

Search By: Party Exact Name: on Party Search Mode: Name Last Name: clancy First Name: Mark All All Sort By: Filed Date

Case Number	Style	Filed/Location/Judicial Officer	Type/Status
<u>97-008166-DV</u>	Clancy, Beth vs Clancy, Mark	06/10/1997 Misc Family O'Brien, Darlene A.	Personal Protection- Domestic Violence Conversion Inactive
<u>97-008255-DM</u>	Clancy, Beth A vs Clancy, Mark A	06/20/1997 Domestic Ow dziej, Julia B.	Divorce, Minor Children (DM) Conversion Inactive
<u>08-000620-PH</u>	Garrett, Cynthia vs Clancy, Mark	03/17/2008 Misc Family Ow dziej, Julia B.	Personal Protection Against Stalking (Non Domestic) (PH) Conversion Inactive
<u>08-000472-CZ</u>	Fox, Karen E vs Clancy, Mark	05/07/2008 Civil Kuhnke, Carol	General Civil (Other) (CZ) Conversion Inactive
<u>09-000102-PH</u>	Garrett, Cynthia vs Clancy, Mark	01/12/2009 Misc Family Ow dziej, Julia B.	Personal Protection Against Stalking (Non Domestic) (PH) Conversion Inactive
<u>14-001022-PH</u>	Clancy, Mark vs Barrett, David	05/13/2014 Misc Family Conlin, Patrick J., Jr.	Personal Protection Against Stalking (Non Domestic) (PH) Conversion Inactive
<u>14-001499-PH</u>	Clancy, Mark vs Barrett, David	07/01/2014 Misc Family Conlin, Patrick J., Jr.	Personal Protection Against Stalking (Non Domestic) (PH) Conversion Inactive
<u>14-001596-PH</u>	Barrett, David vs Clancy, Mark	07/15/2014 Misc Family Conlin, Patrick J., Jr.	Personal Protection Against Stalking (Non Domestic) (PH) Conversion Inactive
<u>14-001874-PH</u>	Barrett, Cassandra vs Clancy, Mark	08/11/2014 Misc Family Conlin, Patrick J., Jr.	Personal Protection Against Stalking (Non Domestic) (PH) Conversion Inactive
<u>15-001709-PH</u>	Barrett, David vs Clancy, Mark	07/20/2015 Misc Family Conlin, Patrick J., Jr.	Personal Protection Against Stalking (Non Domestic) (PH) Case Closed/Adjudicated/Disposed/Remanded
<u>15-001710-PH</u>	Barrett, Cassandra vs Clancy, Mark	07/20/2015 Misc Family Conlin, Patrick J., Jr.	Personal Protection Against Stalking (Non Domestic) (PH) Case Closed/Adjudicated/Disposed/Remanded

EXHIBIT A

Approved, SCAO

NE

Original - Court
1st copy - Judge/Assignment clerk (gr)
2nd copy - Respondent (blue)

3rd copy - Petitioner (pink)
4th copy - Referee (yellow)

Nancy C. Francis

STATE OF MICHIGAN
JUDICIAL CIRCUIT
WASHENAW COUNTY

PETITION FOR
PERSONAL PROTECTION ORDER
AGAINST STALKING (NON DOMESTIC)

CASE NO. 08-620 PH

Court address - 101 E Huron
Ann Arbor MI 48104

Court telephone no.
734-222-3001

A Petitioner's name Cynthia Garrett Age 26 Address and telephone no. where court can reach petitioner 9749 Textile Rd 734-482-6969 Ypsilanti MI 48197	v	Respondent's name, address, and telephone no. Mark Clancy 9795 Textile Rd Ypsilanti MI 48197	Age APX 45

1. The petitioner and respondent have never been husband and wife, resided in the same household together, had a child in common, or had a dating relationship with one another.
- B** 2. The respondent is required to carry a firearm in the course of his/her employment. Unknown.
- C** 3. a. There are are not other pending actions in this or any other court regarding the parties.
- | | | |
|-------------|--------------------------|---------------|
| Case number | Name of court and county | Name of judge |
| | | |
- b. There are are not orders/judgments entered by this or any other court, regarding the parties.
- | | | |
|-------------|--------------------------|---------------|
| Case number | Name of court and county | Name of judge |
| | | |

D 4. I need a personal protection order because: Explain what has happened (attach additional sheets)
after one year living at my residence The Respondent starting calling my home harassing me about small items next to the road by my house. He would call about a dog barking, ~~the~~ it was not my dog - after explaining that it was not my dog and that I was not aware of the "pop bottle, paper, ext." he starting yelling, calling me names, in a very threatening and frightening way. now he is calling often harassing me calling me names on my answering machine and now I'm scared I just want him to stay away from me.

- E** 5. I make this petition under the authority of MCL 600.2950a and ask the court to grant a personal protection order prohibiting the respondent from stalking me as defined under MCL 750.411h and MCL 750.411i which includes but is not limited to:
- following me or appearing within my sight.
 - appearing at my workplace or residence.
 - approaching or confronting me in a public place or on private property.
 - entering onto or remaining on property owned, leased, or occupied by me.
 - sending mail or other communications to me.
 - contacting me by telephone.
 - placing an object on or delivering an object to property owned, leased, or occupied by
 - threatening to kill or physically injure me.
 - purchasing or possessing a firearm.
 - other:

FILED
 WASHENAW COUNTY MI
 2008 MAR 17 P 12:02
 LAWRENCE KOSTENBAUM
 COUNTY CLERK/REGISTRAR

- F** 6. I ask the court to grant a personal protection order against stalking:
 I request an ex parte order because immediate and irreparable injury, loss, or damage will occur between now and a hearing or because notice itself will cause irreparable injury, loss, or damage before the order can be entered.

- G** 7. I have a next friend petitioning for me. I certify that the next friend is not disqualified by statute and is an adult.

I declare that the statements above are true to the best of my information, knowledge, and belief.

H 4-17-08
Date

Cynthia Garrett
Petitioner's signature

MCL 600.2950a, MCR 3.703

EXHIBIT A

I am asking the court to grant this personal protection order because the respondent has been stalking and harrassing me for the past two years. Two years ago my great aunt became very ill so my husband and I sold our home and moved in to take care of her, when Mark Clancy found out that the house was given to me he became very upset because he wanted to buy the property when my aunt past. Since then he has been calling my home calling me "white trash" telling my neighbors that I am abusing her stopping me in my driveway yelling in my face calling me names in a very frightening and threatening ~~manor~~ manor. I spoke to my lawyer and he told me to write him a letter telling him to stop, so I did so and sent it certified mail (both copies are included) after getting the letter he stopped me again so I called the police, Dep. T. Hendricks came to my home and asked him to leave, the officer had a very hard time making him leave, this was in April the complaint # for that date is 08-14700. Today (1-12-09) while pulling into my drive way he pulled his tractor in the middle of my drive way and cut off the access to my home to start calling me names and harrassing me about trash cans that were left out for one day after garbage day I told him that we were snowed in and he started yelling at me more. I called the police again today (1-12-09) and Dep. T Hendricks once again came to my home complaint # 09-1772 he told me to come up here and file a personal protection order because he has not listened to my many attempts to leave me and my great aunt alone. He watches my house every day, he knows every move that I make and I'm scared he won't stop. my great aunt is very ill and she deserves to live the rest of her life in peace. I need my full attention on her and I can not do that while I'm feeling so threatened in my own

EXHIBIT C



INSIDE MY
HOUSE

LAKESIDE
VIEW



FROM INSIDE
MY HOME
FROM TV
ROOM - HAD
TO PUT UP
OUTSIDE WALL

EXHIBIT C

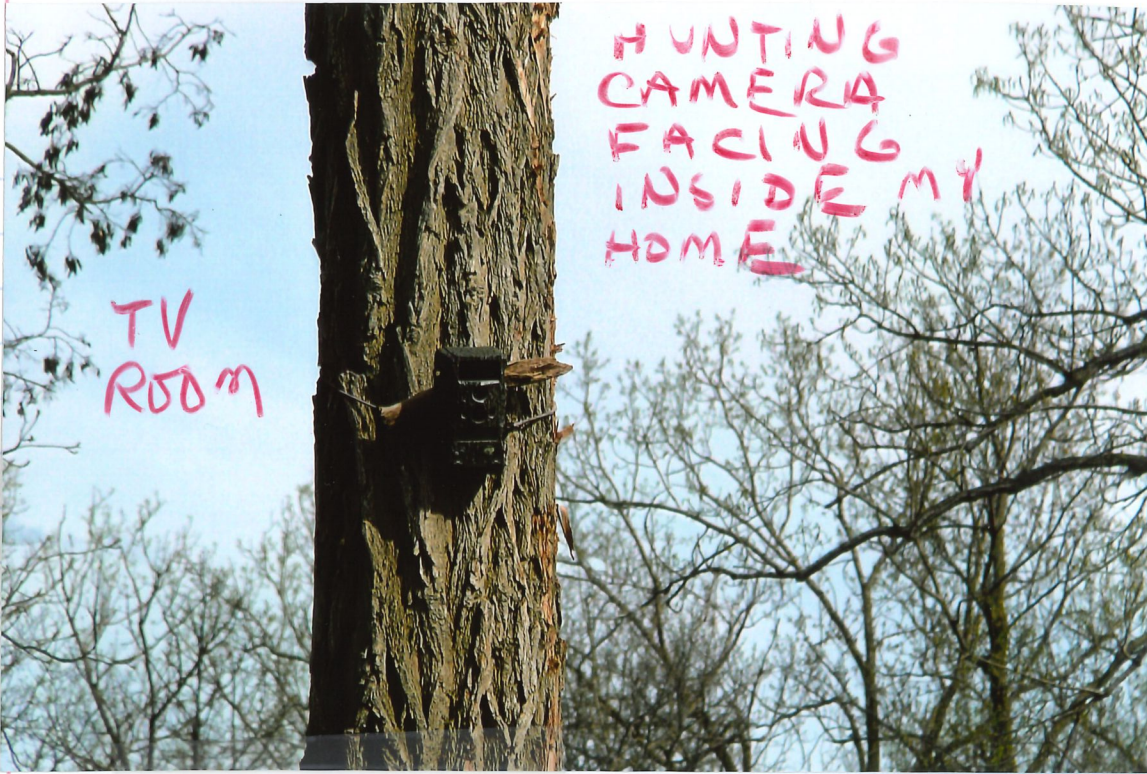


EXHIBIT C
ROADSIDE VIEW



FROM MY PORCH

IT IS HEREBY ORDERED that CLANCY may continue to use the easement that benefits their property between Textile Road and Ford Lake. BARRETT shall not interfere with CLANCY'S use of the paved drive in any manner. However, CLANCY is warned that his ~~_____~~ easement is for ingress and egress for maintaining water privileges only. This is not an ~~_____~~ easement to routinely use to access the DOUGLASS homestead for visiting, socializing or assisting with property maintenance. CLANCY shall prepare a judgment consistent with this Court's opinion. That judgment shall be recorded at the Washtenaw County Register of Deeds.

IT IS FURTHER ORDERED that no attorney fees are awarded at this time. However, any enforcement issues which may arise from the issuance of this Court's opinion may cause this Court to reconsider awarding future attorney fees.

IT IS FURTHER ORDERED that judgments shall be submitted no later than 10 days from the date of this opinion and order.

IT IS FURTHER ORDERED that all exhibits not claimed within 30 days of this opinion and order shall be destroyed by the Court.

IT IS SO ORDERED.

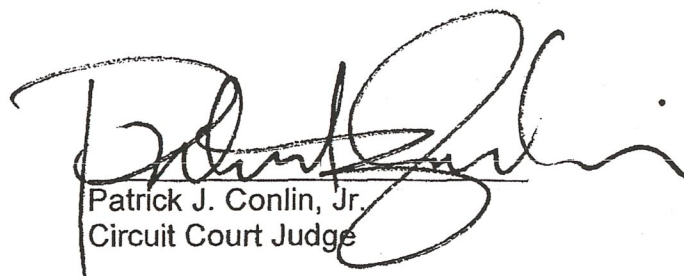

Patrick J. Conlin, Jr.
Circuit Court Judge

EXHIBIT E



EXHIBIT E



EXHIBIT E



EXHIBIT F



EXHIBIT F



EXHIBIT G



EXHIBIT H

PHOTO LOG 19-72245

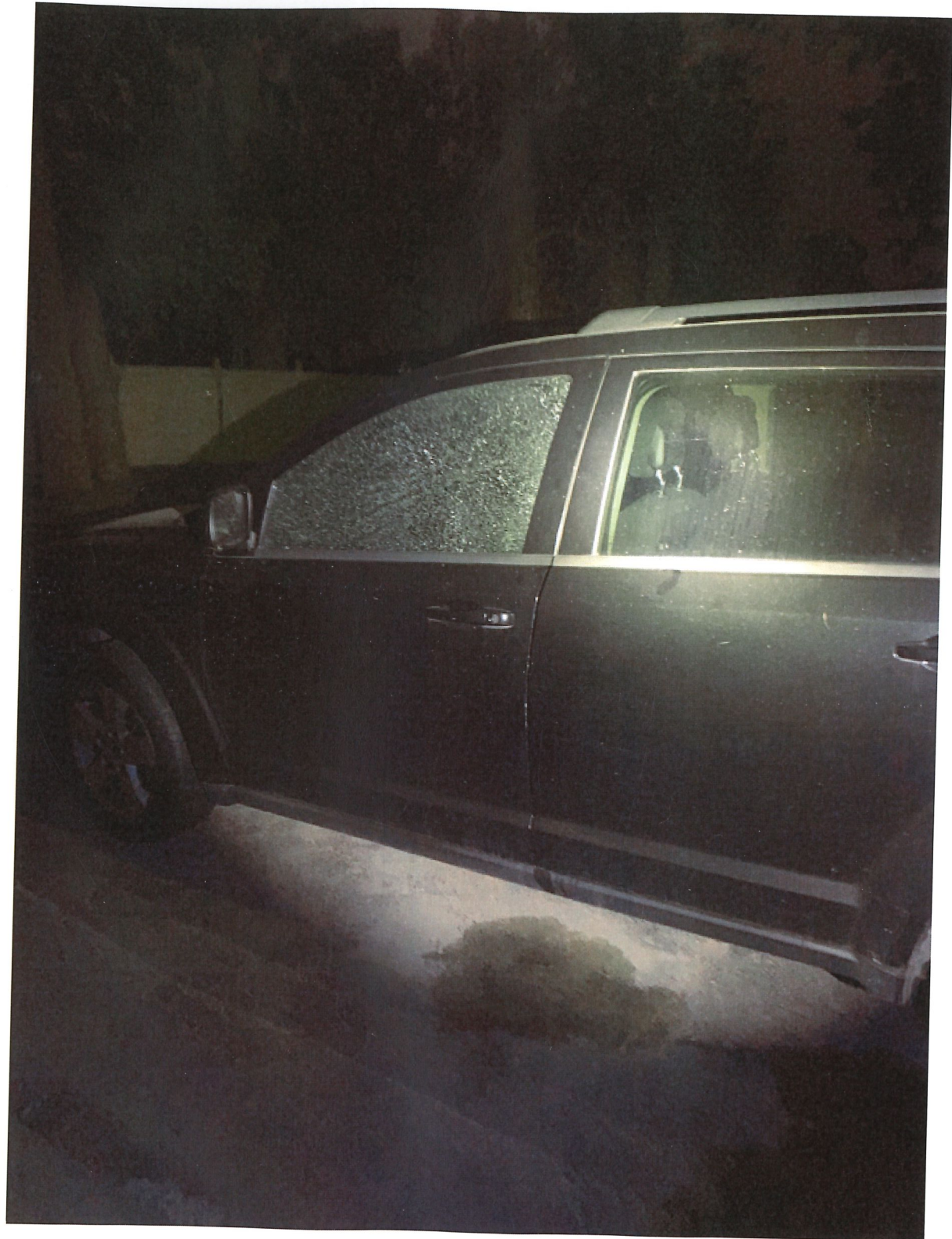


EXHIBIT I



EXHIBIT J
3 YEARS DUMPING BY 4 COMPANIES



EXHIBIT J



EXHIBIT J



HORTON'S ↑
TREE
SERVICE

EXHIBIT J



EXHIBIT J



EXHIBIT 5



EXHIBIT J
LAND NOW FLOODS DUE TO YEARS OF
DUMPING



EXHIBIT K

2nd Complaint copy - Prosecutor
3rd Complaint copy - Defendant/Attorney

STATE OF MICHIGAN 14B JUDICIAL DISTRICT		COMPLAINT MISDEMEANOR	T.C.N. NO.: DISTRICT:		
ORI MI810075J	Court Address 7200 S. Huron River, Ypsilanti, MI		Court telephone no. 734-483-1333		
THE PEOPLE OF STATE OF MICHIGAN		V Defendant's name and address MARK ALAN CLANCY AKA: 9795 TEXTILE YPSILANTI, MI 48197	Victim or complainant SHARON SAYDAK		
Co-defendant(s)		Date: On or about 04/17/2016			
City/Twp./Village YPSILANTI TWP.	County in Michigan Washtenaw	Defendant TCN	Defendant CTN 81-16003163-01	Defendant SID	Defendant DOB 09/14/1958
Police agency report no. WCSD16-29041	Charge See below	DLN Type: Oper./Chauf	Vehicle Type	Defendant DLN C-452-585-040-714	

STATE OF MICHIGAN, COUNTY OF Washtenaw

To any peace officer or court officer authorized to make an arrest: The complaining witness has filed a sworn complaint in this court stating that on the date and the location described: 9749 TEXTILE RD, the defendant, contrary to law,

COUNT 1: MALICIOUS DESTRUCTION OF PERSONAL PROPERTY - LESS THAN \$200.00
did wilfully and maliciously destroy or injure a newspaper, the personal property of David Barrett, and the amount of the destruction or injury was less than \$200.00; contrary to MCL 750.377a(1)(d). [750.377A1D]
MISDEMEANOR: 93 Days and/or \$500.00, or 3 times the amount of destruction or injury, whichever is greater

The complaining witness asks the defendant be apprehended and dealt with according to law.
(peace Officers only) I declare that the statements above are true to the best of my information, knowledge, and belief.

Warrant authorized on _____ by: Date 06/23/2016	Complaining witness signature
Yasmine Wint P77153	Subscribed and sworn to before me on <u>1 JUL 05 2016</u> Date
	Judge/court clerk/magistrate _____ Bar no. _____

OFFICER IN CHARGE: BRIAN YEAGER WCSD 16-29041

RAN OVER MY NEWSPAPERS
 SO MANY TIMES, I WAS
 FINALLY TO CAPTURE ON CAMERA.
 HAD TO CANCEL NEWSPAPER
 FOREVER

NEW BUSINESS

A. NONE

OPEN DISCUSSION

- a. Correspondence Received- None
- b. ZBA Members
- c. Members of the audience

PLANNING COMMISSION REPRESENTATIVE REPORT

THERE IS NO WRITTEN REPORT

TOWNSHIP BOARD REPRESENTATIVE REPORT

THERE IS NO WRITTEN REPORT

TOWNSHIP ATTORNEY REPORT

THERE IS NO WRITTEN REPORT

OTHER BUSINESS

1. Any other business that may come before the Zoning Board