

**CHARTER TOWNSHIP OF YPSILANTI
ZONING BOARD OF APPEALS
Wednesday, August 4, 2021
6:38 pm**

COMMISSIONERS PRESENT

Elizabeth El-Assadi, Vice-Chair
Morgan McGovern, Commissioner
Gage Smith, Commissioner
Jimmie Wilson, Commissioner
Edward Burnett, Alternate

COMMISSIONERS ABSENT

Marsha Kraycir, Chair
Garret Wood-Sternburgh, Alternate

MANAGEMENT PRESENT

Jason Iacoangeli, Planning Director
Belinda Kingsley, Planning & Development

OTHERS IN ATTENDANCE

John Gauthier
Frank Jarvis
Eric Alcock

I. CALL TO ORDER/ESTABLISH QUORUM

MOTION: Ms. El-Assadi called the meeting to order at 6:38 pm

II. APPROVAL OF AGENDA

MOTION: Mr. Smith **MOVED** to approve the agenda as presented. The **MOTION** was **SECONDED** by Mr. Wilson and **PASSED** by unanimous consent.

III. APPROVAL OF MAY MEETING MINUTES

MOTION: Mr. Wilson **MOVED** to approve the previous Board Meeting Minutes as presented. The **MOTION** was **SECONDED** by Mr. Smith and **PASSED** by unanimous consent.

IV. PUBLIC HEARING

APPLICANT: Eresha Hurt

LOCATION: 5504 New Meadow Dr., Ypsilanti MI 48198

PARCEL: k-11-22-166-278

REQUEST: To consider a fence variance request subject to section 2114 – Fences and Walls, on a parcel zoned R-5 – One Family Residence.

Jason Iacoangeli presented the Staff Report. He stated that the applicant would like to build a 6 foot fence in the front yard. As the applicant sits on the corner, the ordinance considers

their lawn as having two front yards. He stated the current ordinance prevents fences at 3.5 ft. He stated that this circumstance had specific conditions that should be considered, and would not be detrimental to adjacent properties as the neighboring property across the street doesn't coincide with the ordinance as stated.

Mr. Wilson asked how far the neighbors would be and if there are other corner lots that have privacy fences in the front yard. Mr. Iacoangeli stated that it would be 300ft away, and that other corner lots don't currently have privacy fences but it is something that happens in other areas.

Mr. Smith asked if it would then be the first lot to do this. Mr. Iacoangeli stated that they had not taken inventory of all the lots in the area, but these are often case-by-case as there are other lots that would be non-conforming.

Mr. Burnett asked what all would be considered as the front yard. Mr. Iacoangeli stated that it would start 25 ft back. Mr. Iacoangeli stated that in the area, privacy fences are typically not allowed in front yards, only backyards.

Ms. El-Assadi asked if it would be in front of the house or in front of the garage, as the picture goes all the way to the front of the garage. Mr. Iacoangeli stated for this to be in compliance, the fence would have to come off of the back fence rather than the garage, but there would be a 25ft setback from the road. Ms. El-Assadi asked if they would be only going to the garage. Mr. Iacoangeli stated that it would go just in front of the garage. Ms. El-Assadi stated she had driven by and saw fence posts that had already been placed and it felt very tall. She also stated she had not seen anything similar after driving through the neighborhood. Ms. El-Assadi invited the applicant to the microphone.

Ms. Hurt from 5504 New Meadow Drive pointed out that there is a privacy fence in the neighborhood. She stated that the posts had been placed in the yard because she had not originally known she needed approval for the fence.

Ms. El-Assadi asked if the intention was to build the fence just up to the house or around to the garage. Ms. Hurt stated it would go up to the garage as where the posts are, but it is not to the front of the garage. She stated there would be a door right at the garage to go in.

Mr. Wilson asked if there would be an extra walkway towards the door. Ms. Hurt stated that you can go up the driveway. She stated that there is a tree in front of the fence so it would be close to the house, and as the fence goes up to the driveway, there would not be an additional walkway.

Ms. El-Assadi stated that she didn't think an additional walkway would be necessary since the fence comes up far enough.

Mr. Burnett asked if Ms. Hurt lives at the house. She stated that she does not at the moment, but she will be staying there part time since she is a registered nurse and the house would be used for rescue care, so the fence would be there for the residents' safety. Mr. Burnett asked how many people she anticipated to live in the home. Ms. Hurt said she would like for 6

people to live there. She stated the fence would be up for safety, as people have large dogs neighborhood.

Ms. El-Assadi asked if it would then be okay to do a 4ft fence rather than a 6ft fence. Ms. Hurt stated that she had already bought the 6ft fence panels over a year ago and would not be able to take them back.

Mr. Smith asked if the space would be used for recreation for children or dogs. Ms. Hurt stated that the space would be used for adult recreation, but there wouldn't be children or dogs.

Ms. McGovern Stated that as someone who does adult respite work, it would be important that the adult be contained if they were to have an episode.

Mr. Wilson asked if she was not living there if she would be living nearby. Ms. Hurt said she lives nearby

Mr. Smith asked how long the guests would be staying at the home. Ms. Hurt stated it may be a few days or a couple weeks.

Ms. El-Assadi asked if she isn't living there, that she would only be present when there were people to care for. Ms. Hurt stated that was correct. Ms. El-Assadi asked if she already had the licensing for it. Ms. Hurt said she would have a meeting after this one because they would need to perform an inspection.

The public hearing was opened at 6:57pm.

John Gauthier, 5449 New Meadow Drive, said he just put an expensive roof on his house and the changes proposed to his neighbor's house across the street would drop his property value by 40%. Mr. Gauthier asked if he had gone through zoning processes. He stated that the rules have been in place for a long time and should be respected. He doesn't want there to be police and ambulances coming into the neighborhood at all hours of the night. Mr. Gauthier also pointed out there there had been construction and work done in the interior of the house without informing the township as well.

Frank Jarvis, 5481 New Meadow Drive, stated that he had been in the neighborhood since 1985 and one nice thing in the neighborhood was the nice yards and having a large wall would not be in accordance with the neighborhood. He also mentioned that the corner would likely be blocked by the fence. Mr. Jarvis suggested a rail-style fencing that would not cause the same problems.

Eric Alcock, 5454 New Meadow Drive, stated that the fence would be right along his property line, and if he looked out, the fence would be like a wall. He suggested that there was a good amount of space in the backyard that had concrete and would provide a space for these individuals to be outside without interfering with the front yards.

The public hearing was closed at 7:03pm

Mr. Wilson asked what the case is usually in these circumstances for the front of the house.

Mr. Iacoangeli stated that to be in compliance the fence would build off of the back corner of the house up to the existing fence along the neighbor's property line. He stated that they would be able to bring the fence toward the front of the house without taking it to the sidewalk, as it would create a blind spot.

Ms. El-Assadi agreed it would create a hazard on the corner and bringing it back would allow for a good compromise for the tenant and the neighbors.

Ms. Smith asked if the suggestion made would still need approval for variance. Mr. Iacoangeli stated that the board could vote on it with conditions that the applicant talk to the planning department, as a fence to the sidewalk is not ideal and fences ought to be back 25ft from the curb.

Ms. El-Assadi asked if that change would work for the applicant. Ms. Hurt stated that for their safety, she would need the fence to be out farther.

Mr. Iacoangeli stated that there were alternative options, such landscaping and adding tall plants that would provide screening and then place the shorter decorative fence on the inside of that so the goal would be accomplished. He stated that the fence as proposed would be unsightly and could cause traffic problems. Mr. Smith stated he had thought of that option as well.

Ms. Hurt stated that the fence would not cause a sight issue. Ms. El-Assadi stated that for the safety of the drivers in the neighborhood, she felt bringing it back would be important.

Mr. Smith suggested proposing an approval that would allow the fence to come around the house but not to the sidewalk. Mr. Iacoangeli suggested that the board vote while including conditions they wish to put on the property.

Ms. El-Assadi asked the applicant if she would prefer the board provide a ruling with changes and conditions, or if the applicant wished to withdraw as she had stated that she would need the extra space. She stated the plan as is would not be approved, but they would suggest moving the fence back from the sidewalk and be closer to the house.

Ms. Hurt asked how far back the project would be moved. Ms. El-Assadi stated that those changes would need to be made that would bring it back farther. Ms. Hurt stated that the space would be needed for the people staying there.

Mr. Iacoangeli stated they could either then reject the application or approve an alternative such as the smaller fence with plants in front of it.

Mr. Wilson stated that every application is considered independently and isn't necessarily looking at other neighborhoods.

Ms. Hurt stated that it would be difficult not to have the full amount of space. Ms. El-Assadi stated that she felt the front was over-reaching and she had hoped they could come to an agreement on making the back space more enjoyable.

Ms. McGovern stated that she agreed with the safety aspects, as the tree and the fence would create problems. She stated that the major scope for the situation of those being cared for would also need some space.

Mr. Smith agreed and wanted to make sure she understood the compromise they were proposing. He stated that since the posts are already in, she could use iron posts, the street would be able to be seen, and everyone involved would have what they want. He proposed that the board table this and the applicant return with a plan, because as it stands the board is likely not to approve something she is looking for.

Ms. McGovern asked if Ms. Hurt was willing to work with the planning director to find an aesthetically pleasing resolve for the situation. Ms. Hurt stated that she would be willing to discuss this.

Mr. Gauthier attempted to interrupt the board and was asked to leave after comments he had made. Ms. McGovern asked that the record state that Mr. Gauthier had spoken out against the board, made racist comments to her, and made comments about the potential residents in that house.

At 7:21 Ms. McGovern left the meeting.

Mr. Iacoangeli suggested that the board table the motion until the next meeting and provide legal counsel for further questions or comments.

MOTION: Mr. Wilson **MOVED** to table the request from zoning ordinance permitting a privacy fence at 5504 New Meadow Drive with the recommendation that the applicant return after discussion with the planning director and the board brings their legal council. The **MOTION** was **SECONDED** by Ms. Burnett and **PASSED** by unanimous consent.

Mr. Wilson stated to the neighbors that the next meeting would be the first Wednesday of the next month if they choose to return.

Ms. Hurt stated that she wasn't sure who to contact. Mr. Iacoangeli stated that he and Ms. Kingsley will communicate with her and visit again on-site.

V. OLD BUSINESS

- None.

VI. ADJOURNMENT

MOTION: Mr. Wilson **MOVED** to adjourn at 7:25 pm. The **MOTION** was **SECONDED** by Mr. Smith and **PASSED** by unanimous consent.