

**CHARTER TOWNSHIP OF YPSILANTI
ZONING BOARD OF APPEALS
Wednesday, September 1, 2021
6:30 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 6:39 pm for the zoning Board of Appeals.

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 AUGUST MEETING MINUTES

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

IV. PUBLIC HEARING

APPLICANT: Jennifer Glover and Jeff Glover

LOCATION: 57 Jerome Ave, Ypsilanti MI 48198

PARCEL: K-11-02-383-011

REQUEST: To consider an accessory use variance request subject to section 2103 - Accessory buildings and Accessory use, on a parcel zoned R-5 – One Family Residence.

Jason Iacoangeli presented the Staff Report. He stated that the applicant would like to seek variance for the location of a private swimming pool, which is considered an accessory use under section 2103.

The property is at 57 Jerome. It is a 50-foot-wide lot that is 135 feet in depth. It is bounded in the north by Whitman St and on the South by E Michigan Ave.

Jason Iacoangeli illustrates, the portions of the ordinance that the applicant is following and those sections of the ordinance that require a variance.

Private pools shall be permitted as an accessory use within a rear yard only - **This condition has been met by the applicant.**

There needs to be a minimum distance of not less than 10 feet between the adjoining property line or alley or right of way and the outside of the pool, wall side yard setbacks shall apply to side yards of greater than 10 Feet- **This condition is not currently being met because the pool is located 3 feet from the property line on the north side of the property.**

There should be not less than four feet between the outside pool wall and any built building located on the same lot-**This condition is not being met as the pools is located closer than four feet to the garage.**

No swimming pool should be located less than 35 feet from any front lot line -**This item is being currently met as the pool is 35 feet from the front property line.**

Swimming pools should be located closer than one foot from any recorded easement-**This is not applicable as there is no or recorded easements near this property.**

Protection of the public.

All yards containing swimming pools must be completely enclosed by a fence not less than four feet in height.

The gates shall be of a self-closing and latching type with a latch on the inside of the gate not readily available to children to open gates.

The gate should be securely locked when the pool is not in use for extended periods however, the entire premises of the resident are enclosed and ladder that can be raised when not in use. According to the Michigan Building Code, this condition has been met by the applicant.

All electrical installations or wiring in connection with the swimming pool shall conform to the National Electric code. If a service, drop conductors or other utility wires cross under or over a proposed pool area, the applicant shall make satisfactory arrangements. **REQUIREMENT OF ELECTRICAL PERMITS FOR THE INSTALLATION OF ELECTRONICS/PUMP BY THE APPLICANT.**

With the utility involved for relocation, no portion of a swimming pool or associated structure shall be permitted to encroach upon an easement right of way which has been granted for public utility use- **This condition was not met.**

Ms. El-Assadi asked about the running of the utility lines. Mr. Iacoangeli stated that there is a power line that runs along the back of the property, but it does not run overhead of the pool. He also mentions that the staff report is deceiving because the power lines really look front and center, but they are not actually as close as they appear.

APPLICANT: Jennifer Glover and Jeff Glover requesting for the variance because they had the pool installed. They were under the assumption that the installer had pulled a permit. They had the tree removed to move the pool. If the pool is put anywhere else in the area that is available, it will not be in compliant with the wires. They have a generator, but with their contractor their understanding was that they were within 4 feet from the garage, which was not true. The applicant did apply for another permit, she also mentions about their neighbor which this process effects, since the pool is 3 feet instead of 10 feet from the property. She mentions that she has a no objection letter from the neighbor if the pool is left where it is. The applicant has a permit to install privacy fence with a self-latching gate, which is going up in a couple of months.

The public hearing was opened at 6:54pm.

Gladys Junko, 51 Jerome Ave has concerns about the tarp that has been used by the neighbor over her kitchen window, which is quite a disturbance. She requests for the tarp to be taken down since that is not considered a privacy fence.

Jennifer Glover the applicant assured her saying that the permit is been received to build a proper fence and it would be up in 2 months.

John Gauthier, 5449 New Meadow Drive questions about the safety of the pool, to which Jason Iacoangeli answered about the safety code and a barrier installed for the safety of the children.

The public hearing was closed at 6:59pm

Ms. El-Assadi requests if there is any comment on the variance are necessary for the preservation enjoyment of the property and she mentions that the variance will be a detriment to adjacent properties. The public shared their view on how different variable should have been considered before the pool was put in place.

The backyard of the property from the rear of the house to the property line is 50 by 50 feet and the size of the pool is 18 by 24 feet. Considering the size, width of the lot, and the fact that all the buildings are pre-existing over 30 years old and you must be 4 feet from the garage, 10 feet from the property lines and it cannot be underneath an overhead power line. After taking in all these factors into account, there is not much room to install a pool.

MOTION: Mr. Smith **MOVED** to approve the request for a variance from zoning ordinance section 2103.14. Pools items AB&F for a site zoned R-5 family residential.

Residential located at 57 Jerome Ave, parcel K-11-02-383-011 have the following practical difficulties which is as follows: This approval is subject to the following conditions.

The applicant shall obtain the necessary building and trade permits from the Office of Community Standards. The **MOTION** was **SECONDED** by Mr. Wilson and **PASSED** by unanimous consent.

V. OLD BUSINESS

Jason Iacoangeli has requested a variance that was tabled at the August meeting to give the planning department the opportunity to meet with the applicant (Aresha Hurst)

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.

The planning department has called numerous times trying to set up a meeting to meet on site to evaluate the fence, but Mrs. Hurst has not responded. After several weeks Mrs. Hurst has installed a cargo netting on top of the posts, she was asked to remove that netting with many warnings, but its not be complied with.

Jason Iacoangeli states that the best course of action would be denied this variance as a legal alternative exists which would be to follow the towns zoning ordinance and set the fence back to 25feet. The applicant is requesting for 0 foot setback. Which is not agreeable by the planning department?

This is what the variance would look like if it were granted, with the 25 feet set back, the view would be where the corner is left unobstructed. The fence is moved back to the edge of the house, not the garage. There's still a couple of feet on the, you know, on the good side of the house to store garbage cans or to put a gate. This still provides that front yard that historically has been there so you can see the neighbors.

Jason Iacoangeli suggests alternatives to guard the privacy of Mrs. Hurst property line by stating the Township zoning ordinance regarding landscaping which does not have any height restrictions. Planting a soldier row of arborvitaes along your property line that are 6 foot tall, now that grow to be 15 or 20 feet tall. There is no prohibition in the ordinance that would allow that. The legal alternative would be to install a decorative fence at 4 feet in height, which the ordinance permits and then line that fence with evergreens of arborvitaes or any pine.

The meeting was paused at 7:34pm

The meeting resumed at 7:39pm

Motion: Mr. Wilson **MOVED** the motion put the old business on the agenda. The **MOTION** was **SECONDED** by Mr. Smith and **PASSED** by unanimous consent.

The applicant Shawn and Aerica Hurt 5504 New Meadow, Dr, Ypsilanti, MI is willing to compromise with the front and the rear of defense with the guidance of the Planning and Zoning Department. The house is used for multiple reasons, where it could be a vacation home, it could be an adult group home, the folks are not residing in it full time, and this home is used for family gatherings. Jason Iacoangeli states that there is no practical difficulty or hardship here to allow a 6-foot privacy fence into the front yard for a home that may or may not be used. The applicant can reapply with a substantial change in the application.

MOTION: Ms. McGovern **MOVED** to approve the request for variance from zoning Ordinance section 2114 fences and walls to permit the installation of a 6-foot-tall wood privacy fence in the front yard at 5504 New Meadow Drive for a site zoned R4 run residential family parcel K-11-22-166-278

The following practical difficulties have been noted, the practical difficulty is safety.

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The applicant shall obtain the necessary zoning permit from the Office of Community Standards. The applicant shall verify that the fence will be located outside of the Washtenaw County Commission Rd Road right of way. The **MOTION** was **SECONDED** by Mr. Wilson. The **MOTION** was **DENIED** with 2 yay's and 4 nays. Mr. Smith, Mr. Burnett, Ms. El-Assadi opposed.

Action Item: The applicant needs to resubmit to make the changes.

There is no business for October.

VI. ADJOURNMENT

MOTION: Mr. Wilson **MOVED** to adjourn at 8:06 pm. The **MOTION** was **SECONDED** by Mr. Smith and **PASSED** by unanimous consent.

Respectfully submitted by Minutes Services
