

CHARTER TOWNSHIP
OF YPSILANTI
ZONING BOARD OF APPEALS

**MARSHA KRAYCIR, CHAIR
ELIZABETH EL-ASSADI, VICE CHAIR
MORGAN MCGOVERN
GAGE SMITH
JIMMIE WILSON
EDWARD BURNETT - ALT**

August 4, 2021

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, August 4, 2021
6:30 P.M.

1. CALL MEETING TO ORDER
2. ROLL CALL – DETERMINATION OF A QUORUM
3. APPROVAL OF AGENDA
4. APPROVAL OF THE JUNE 2, 2021 REGULAR MEETING MINUTES.
5. PUBLIC HEARING
 - A. APPLICANT: Aerica 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 Residential.
6. OLD BUSINESS
7. OPEN DISCUSSION FOR ISSUES NOT ON THE AGENDA
 - A. PLANNING DEPARTMENT REPORT
 - B. CORRESPONDENCE RECEIVED
 - C. ZONING BOARD OF APPEALS MEMBERS
 - D. MEMBERS OF THE AUDIENCE/PUBLIC
8. ANY OTHER BUSINESS THAT MAY COME BEFORE THE ZONING BOARD
9. ADJOURNMENT

(THERE IS NO WORK SESSION)

**CHARTER TOWNSHIP OF YPSILANTI
ZONING BOARD OF APPEALS
Virtual meeting via Tele-Conference - Zoom
Wednesday, June 2, 2021
6:30 pm**

The Charter Township of Ypsilanti Zoning Board of Appeals Virtual meeting was held via conference call-in (Zoom) due to the Covid-19 pandemic to comply in compliance with the state of Michigan Open Meetings Act.

COMMISSIONERS PRESENT

Marsha Kraycir, Chair
Elizabeth El-Assadi, Vice-Chair
Morgan McGovern, Commissioner
Gage Smith, Commissioner
Jimmie Wilson, Commissioner
Garret Wood-Sternburgh, Alternate
Edward Burnett, Alternate

COMMISSIONERS ABSENT

None

MANAGEMENT PRESENT

Jason Iacoangeli, Planning Director
Belinda Kingsley, Planning & Development
Dolly Sharma, Recording Secretary, Minutes Services LLC

OTHERS IN ATTENDANCE

Heather Jarrell Roe
Michele Myers

I. CALL TO ORDER/ESTABLISH QUORUM

MOTION: Ms. Kraycir called the meeting to order at 6:30 pm, noting that a quorum had been met with five members present.

II. APPROVAL OF AGENDA

MOTION: Ms. El-Assadi **MOVED** to approve the June2, 2021 Agenda as presented. The **MOTION** was **SECONDED** by Mr. Wilson and **PASSED** by unanimous consent.

III. APPROVAL OF MAY MEETING MINUTES

MOTION: Ms. El-Assadi **MOVED** to approve the May 19, 2021 Board Meeting Minutes as presented. The **MOTION** was **SECONDED** by Mr. Wilson and **PASSED** by unanimous consent.

IV. **PUBLIC HEARING**

APPLICANT: Michele L Myers

LOCATION: 1636 Bailey St., Ypsilanti MI 48198

PARCEL: k-11-02-308-020

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

Ms. Kingsley stated that it is located at south west of Bailey Street and Jerome Avenue. There is a long narrow yard essentially no back yard. The neighbor on the west has a fence that will align with hers. The owner has requested variance under section 2114 article 3c of the Ypsilanti Township Zoning Ordinance. The applicant is proposing a -6 foot wood fence within the front yard of the property. Ordinance does allow a fence in the front yard if the house across the street does not face the front yard on a corner lot, however this is not a corner lot.

Ms. El-Assadi inquired about the picture that was emailed of the fence; the height and location of the fence. Ms. Kingsley responded that the picture seemed to show that there was a four foot high fence that existed in the past. The owner is requesting -a six foot tall fence.

Ms. Kraycir inquired if the Staff made a comment that there is a fence that lined up with neighbor's fence. The height is different from the neighbor's fence.

Ms. Kraycir asked if Ms. Myers can state the reason for application request of the fence. Ms. Myers directed them to the form of intent for installation of fence. She further stated that Privacy fencing is approved beyond the west of the drive way. She pointed out the there's a hilly slope on the other end and her daughter who is in wheel chair cannot move the wheel chair from the slope. She will also be adding a three and a half foot wide wood picket mainly for the privacy. The fence can allow her daughter and her service animal to have some playtime in that area. The gate at the Jerome Street side of the house will have a privacy fence of the south side of the house. Ms. Kraycir inquired the reason for six foot fence instead of three and half foot. Ms. Myers responded that it will give confidence to her to leave her daughter and unleashed service dog to play in the yard without her.

Mr. Iacoangeli inquired about the distance between rear back yard and the neighbor's fence. Ms. Myers stated that it is about five feet.

The Public Hearing was opened at 7:00 p.m. Seeing no one from the public wishing to speak, the Public Hearing was closed at approximately 7:01 p.m.

Ms. El-Assadi stated that the application has met the requirements. The property condition is shallow and narrow and has two front yards. The variance is for the preservation of the enjoyment of their yard, and will allow her to- ensure safety for her daughter and service animal and would not be detrimental to the neighbors, as they already have the six foot fence so that will be cohesive.

MOTION: Ms. McGovern **MOVED** to approve the request with a variance from the zoning ordinance section 2114, Fences and Walls to permit the installation of the 6 foot tall wood privacy fence in the front yard of 1636 Bailey St, for a site zone R-5 one family residential Parcel k-11-02-308-020 as a following practical difficulty have been noted by Staff and as Ms. El-Assadi stated previously. The **MOTION** was **SECONDED** by Ms. El-Assadi and **PASSED** by unanimous consent.

Ms. Myers was notified that the variance was approved. Ms. Myers thanked everyone.

V. **OLD BUSINESS**

- None.

VI. **OPEN DISCUSSION FOR ISSUES NOT ON THE AGENDA**

Ms. Kingsley updated that there will potentially be two new issues added to the July agenda. Mr. Smith will not be present in the July meeting.

VII. **COMMITTEE REPORTS**

Planning Department Report

None.

Correspondence Received

Ms. Kingsley stated that she has not received any correspondence.

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

Mr. Iacoangeli reminded that the issues might be added in the July meeting.

IX. **ADJOURNMENT**

MOTION: Ms. El-Assadi **MOVED** to adjourn at 7:06 pm. The **MOTION** was **SECONDED** by Ms. McGovern and **PASSED** by unanimous consent.

Respectfully Submitted by: Minutes Services

CHARTER TOWNSHIP OF YPSILANTI

OFFICE OF COMMUNITY STANDARDS

Building Safety • Planning & Zoning • Ordinance Enforcement

**Zoning Board of Appeals
Staff Report
Variance – 5504 New Meadow Dr.
ZBA 2021-08**

August 4, 2021

CASE

The applicants are requesting consideration of a variance from Zoning Ordinance Section 2114, Fences and Walls, to permit the installation of a 6-foot tall wood privacy fence in the required front yard at 5504 New Meadow Dr. for a site zoned R-4, One-Family Residential, parcel K-11-22-166-278.

APPLICANT

Shawn and Aerica Hurt
5504 New Meadow Dr.
Ypsilanti, MI 48197

LOCATION AND SUMMARY OF REQUEST

The property known as 5504 New Meadow Dr. is located on a curve on New Meadow Drive. The position of the lot creates two required front yards on New Meadow. In their variance request dated June 28, 2021 the applicants are proposing a 6-foot wood fence within the front yard of the property. 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 – 5504 New Meadow Dr.

***Not to scale*



SUBJECT SITE ZONING AND COMPREHENSIVE PLAN

The parcel is currently zoned R-4, One-Family Residential, and the future land use is Neighborhood Preservation.

ADJACENT USES, ZONING AND COMPREHENSIVE PLAN

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

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: This lot is similar to other lots in the same development that are either on a curve in the road or on a corner and have two front yards.

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 addition of a fence would enhance the preservation and enjoyment of the property for the owner by creating a larger yard.

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 allow the construction of a solid fence opposing the residence across the street, but will not inevitably be a detriment to public interest.

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 problem and resulting request for the variance is due to the location of the lot on a curve in the road. The applicant is desirous of being “able to enjoy the full use of our yard with privacy, just as each of our neighbors do.”

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, and in this situation there are two front yards since the house is located on a curve in the road.

The Ordinance will allow a four foot chain link fence or a six foot privacy fence in a front yard, if the residences on the adjacent lots and opposing lots do not front on that street. In this case the opposing lot faces the proposed fence.

If the Zoning Board of Appeals chooses to approve this request, the applicant will be issued a zoning permit from the Office of Community Standards, and should verify that the fence will be located outside of the Washtenaw County Road Commission right-of-way.

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 wood privacy fence in the front yard at 5504 New Meadow Drive for a site zoned R-4, One-Family Residential, parcel K-11-22-166-278, 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 wood privacy fence in the front yard at 5504 New Meadow Drive for a site zoned R-4, One-Family Residential, parcel K-11-22-166-278, as the following practical difficulties have been noted:

1. _____
2. The applicant shall obtain the necessary zoning permit from the Office of Community Standards. An application has already been submitted.
3. The applicant shall verify that the fence will be located outside of the Washtenaw County Road Commission right-of-way.

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 wood privacy fence in the front yard at 5504 New Meadow Drive for a site zoned R-4, One-Family Residential, parcel K-11-22-166-278, due to the following reason(s):

Please provide reasons for denial in the motion”

Respectfully Submitted,

Belinda Kingsley
Planning & Development Coordinator

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: 5504 New Meadow Drive Parcel ID #: K-11-22-166-278 Zoning _____
Lot Number: 278 Subdivision: Smokler Textile Sub No. 3

III. APPLICANT INFORMATION

Applicant: Shawn & Aerica Hurt Phone: 734-657-0802
Address: 5504 New Meadow Drive City: Ypsilanti State: MI Zip: 48197
Fax: _____ Email: aericaswanson@gmail.com
Property Owner: Shawn & Aerica Hurt Phone: 734-657-0802
Address: 5504 New Meadow Drive City: Ypsilanti State: MI Zip: 48197
Fax: _____ Email: aericaswanson@gmail.com

IV. COST AND FEES

Total: \$125 Breakdown of fee: Residential: \$ 125.00
Non-residential: \$ 500.00

V. APPLICANT SIGNATURE

The undersigned Aerica Hurt represents Aerica Hurt :
Applicant Property Owner

1. That Shawn & Aerica Hurt is/are the owner(s) of lot(s) 278 located in the Smokler Textile No. 3
Property Owner Lot Subdivision
Subdivision, Ypsilanti Township, Michigan, otherwise known as 5504 New Meadow Drive and the property is
Address

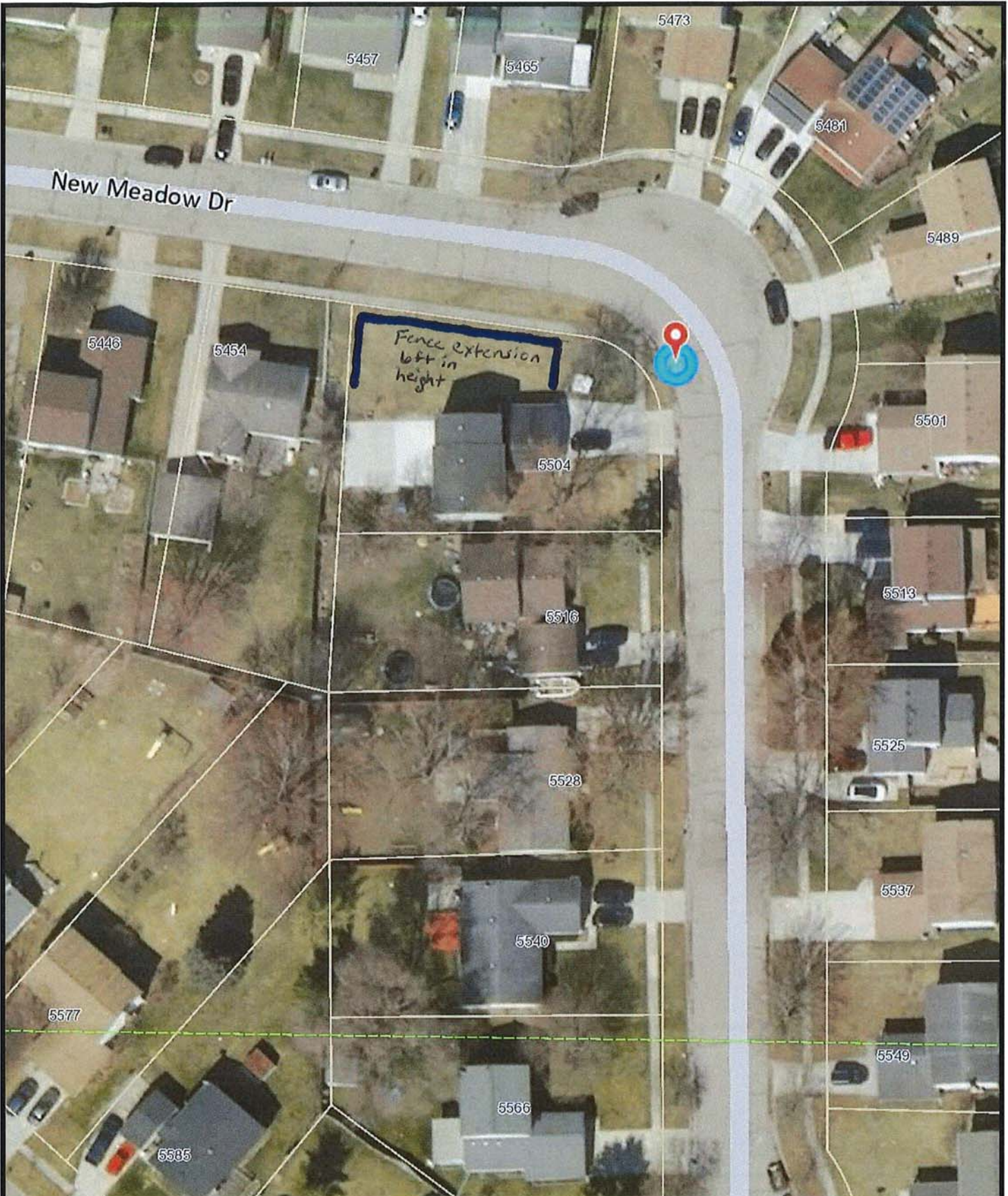
zoned _____
Zoning District

2. That the petitioner hereby request Variance under Section _____ Article _____ of the Ypsilanti Township
Variance/Temporary Use Section Article
Zoning Ordinance.
/Regular Meeting

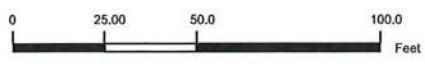
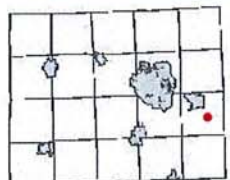
3. The petitioner further state that AA have/has read and understands the provisions of said zoning ordinance as it
Applicant Initial
applies to this petition.

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

Aerica Hurt Aerica Hurt 6/28/21
Applicant Signature Print Name Date



Fence extension
left in
height



1: 600



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.

We have owned and resided at our residence for over 10 years. We are requesting a variance for the extension of our existing yard fencing. The six ft. in height fencing will be installed so that we will be able to enjoy the full use of our yard with privacy, just as each of our neighbors do.

Thank you!
Your neighbors

Shawn & Aeriea Hurt