

**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**

September 1, 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, September 1, 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: Jeffrey and Jennifer 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 Uses, on a parcel zoned R-5 – One Family Residential.
6. OLD BUSINESS
 - 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.
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)

If you need any assistance due to a disability please contact the Planning Department at least 48 hours in advance of the meeting at planning@ytown.org or 734-485-3943.

Draft

**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 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.

CHARTER TOWNSHIP OF YPSILANTI

OFFICE OF COMMUNITY STANDARDS

Building Safety • Planning & Zoning • Ordinance Enforcement

**Zoning Board of Appeals
Staff Report
Variance – 57 Jerome Avenue
ZBA 2021-09**

August 25, 2021

CASE

The applicants are requesting consideration of a variance from Zoning Ordinance Section 2103, Accessory Buildings and Accessory Uses, to permit the above ground pool to remain in its existing location in the rear yard for a site zoned R-5, One-Family Residential, parcel K-11-02-383-011.

APPLICANT

Jeffrey and Jennifer Glover
57 Jerome Ave.
Ypsilanti, MI 48198

LOCATION AND SUMMARY OF REQUEST

The property known as 57 Jerome Avenue is located is a fifty (50') wide lot with one hundred and thirty-five (135') feet of depth. The homeowner is requesting to keep an aboveground pool in its existing location in the rear yard. The requested variances are for the pool to be less than ten (10') feet from the property line. To allow the pool to be located closer than four feet from any buildings located on the lot.

CROSS REFERENCES

Township Zoning Ordinance – Section 2103 Accessory Building and Accessory Uses
Township Zoning Ordinance – Article XXIV (Board of Zoning Appeals)

Aerial Photograph – 57 Jerome Avenue.

****Not to scale**



SUBJECT SITE ZONING AND COMPREHENSIVE PLAN

The parcel is currently zoned R-5, 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-5 | Neighborhood Preservation |
| South | Single Family Residential | R-5 | Neighborhood Preservation |
| East | Single Family Residential | R-5 | Neighborhood Preservation |
| West | Single Family Residential | R-5 | 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 an exceptional constraint.

Staff comment: This lot is similar to other lots in the neighborhood being fifty (50') feet wide which is the minimum width for the R-5 One-Family District.

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: A pool is considered an accessory use in a single-family district and has a set of standards that need to be met.

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 pool is not a substantial detriment to adjacent neighbors.

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 on the lot leaves a very limited area for a pool to be installed in the rear yard per the Zoning Ordinance. The applicant did not build the home on the property.

ANALYSIS

Below are the standards that are to be addressed for the location of a pool on private property based on Section 2103.14 Private Pools.

Private pools shall be permitted as an accessory use within the rear yard only (This condition has been met the pool is located in the rear yard), provided they meet the following requirements:

- a. There shall be a minimum distance of not less than ten feet between the adjoining property line, or alley right-of-way, and the outside of the pool wall. Side yard setbacks shall apply to side yards if greater than ten feet. This condition has not been met the pool is located three (3') feet from the side property line.
- b. There shall be a distance of not less than four feet between the outside pool wall and any building located on the same lot. This condition has not been met as the pool is located closer than four (4) feet to the garage on the property.
- c. No swimming pool shall be located less than 35 feet from any front lot line. This condition has been met as the pool is further than thirty five (35') feet from the front lot line.
- d. No swimming pool shall be located closer than one foot from any recorded easement. Not applicable.
- e. For the protection of the general public, all yards containing swimming pools shall 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 the latch on the inside of the gate not readily available for children to open. Gates shall be capable of being securely locked when the pool is not in use for extended periods. Provided, however, that if the entire premises of the residence is enclosed, then this provision may be waived by the building inspector upon inspection and approval. This condition has been met the applicant not only has fence around the property but also has a locking ladder that prevents entry to the pool. Above ground pools do not have to have a fence as long as they have a locking ladder that can be raised when not in use.
- f. All electrical installations or wiring in connection with swimming pools shall conform to the provision of the National Electrical Code. If service drop conductors of (or) other utility wires cross under or over a proposed pool area, the applicant shall make satisfactory arrangements with the utility involved for the relocation thereof before a permit shall be issued for the construction of a swimming pool. No portion of a swimming pool or associated structure shall be permitted to encroach upon any easement or right-of-way which has been granted for public utility use. This condition was not met as proper permits were not pulled at the time of the pools installation. No utility lines run over top of the pool in its current location.

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 2103.14, Pools, to permit the above ground pool to remain in the existing location at 57 Jerome Avenue for a site zoned R-5, One-Family Residential, parcel K-11-02-383-011, to consider comments presented during this public hearing.”

Approve

“I move to approve the request for a variance from Zoning Ordinance Section 2103.14, Pools, items (a), (b), and (f) for a site zoned R-5, One-Family Residential, located at 57 Jerome Avenue parcel K-11-02-383-011, as the following practical difficulties have been noted..

This approval is subject to the following conditions:

1. The applicant shall obtain the necessary building and trade permits from the Office of Community Standards.
2. _____

Denial

“I move to deny the request for a variance from Zoning Ordinance Section 2103.14 Pools, to allow the aboveground pool to remain in the current location at 57 Jerome Avenue for a site zoned R-5, One-Family Residential, parcel , K-11-02-383-011 due to the following reason(s):

Please provide reasons for denial in the motion”

Respectfully Submitted,
Jason Iacoangeli, AICP
Planning Director

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: 57 Jerome Avenue Parcel ID #: K-11- Zoning _____
Lot Number: _____ Subdivision: LAY GARDENS

III. APPLICANT INFORMATION

Applicant: Jeffrey L. Glover Phone: 734-680-9297
Address: 57 Jerome Avenue City: Ypsilanti State: Mi Zip: 48198
Fax: _____ Email: JGL01226@gmail.com
Property Owner: _____ Phone: _____
Address: _____ City: _____ State: _____ Zip: _____
Fax: _____ Email: _____

IV. COST AND FEES

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

V. APPLICANT SIGNATURE

The undersigned Jeffrey Glover represents self _____:
Applicant Property Owner

1. That Jeffrey Glover is/are the owner(s) of lot(s) _____ located in the LAY GARDENS Subdivision, Ypsilanti Township, Michigan, otherwise known as 57 Jerome Avenue and the property is zoned _____
Property Owner Lot Subdivision Address Zoning District
2. That the petitioner hereby request Variance under Section _____ Article _____ of the Ypsilanti Township Zoning Ordinance.
Variance/Temporary Use Section Article /Regular Meeting
3. The petitioner further state that JL have/has read and understands the provisions of said zoning ordinance as it applies to this petition.
Applicant Initial
4. That the following is submitted in support of the petition (attach all pertinent data to support the request).

Jeffrey L. Glover
Applicant Signature

JEFFREY LEE GLOVER
Print Name

8-5-2021
Date

Charter Township of Ypsilanti

Office of Community Standards

7200 S. Huron Drive, Ypsilanti, MI 48197

Phone: (734) 485-3943

Website:

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. |

side yard set back VARIANCE of 7 feet.

Construction Board of Appeals

I am requesting a variance for our pool ~~and for a privacy fence~~. For the pool, I am asking, as it is already in place and bonded. We were not aware of the ordinances and permits at the time of installation.

Everything seems to be in compliance except for being 10 feet from one of my neighbors property lines. Due to the fact that my property is not accommodating to our pool anywhere else in the yard, and the fact that it cannot be placed near wires that are overhead or any closer than 4 feet from the garage and shed... there is no where else to move it, so I am requesting a side yard variance.

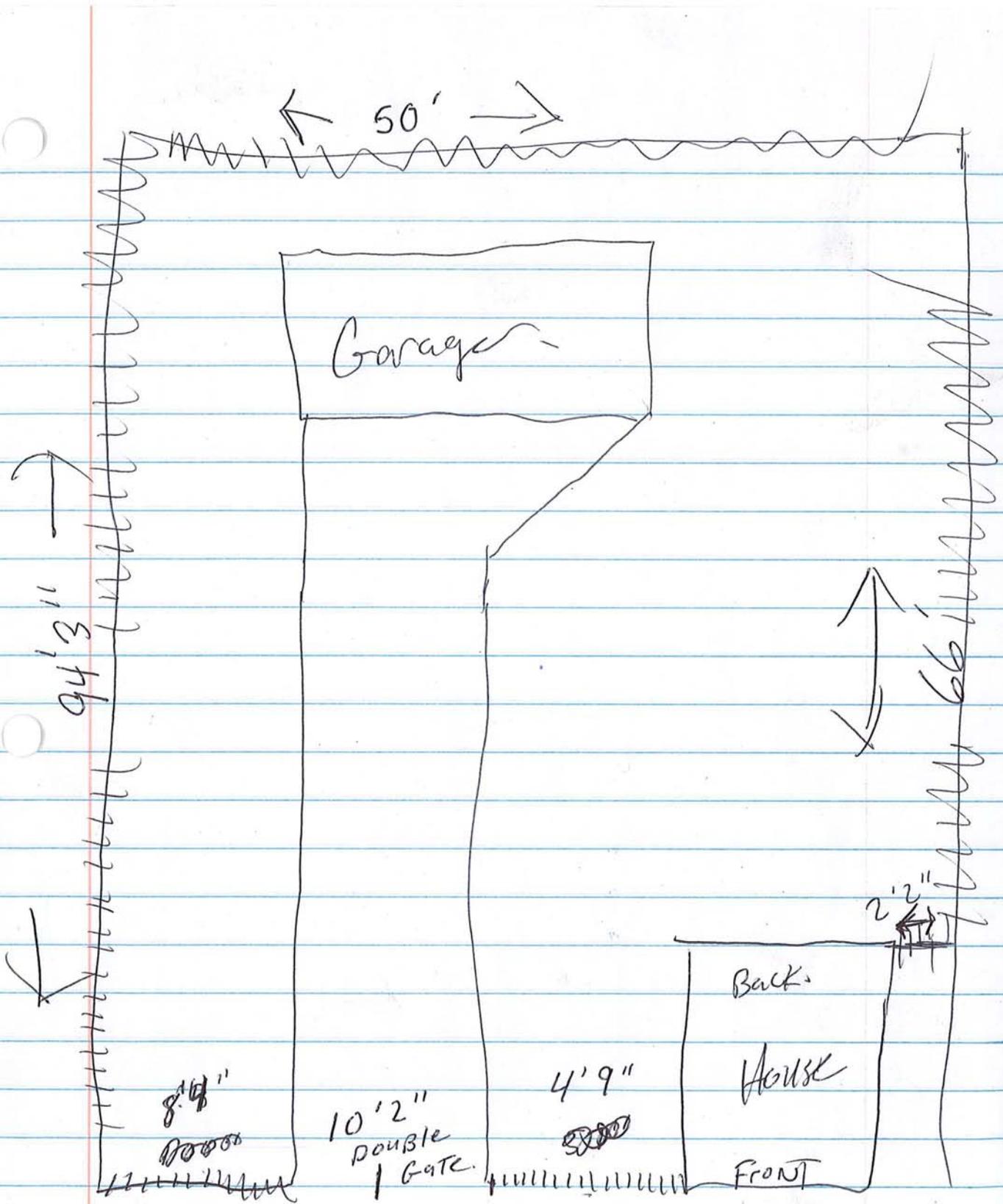
~~For the vinyl privacy fence, I am requesting a variance for the height of the fencing to be 8 feet instead of 6 feet. One because I feel it would be safer with the pool. And secondly, the property dips down on the side yards compared to the main yard and the fence would only appear to be 4 feet instead of 6.~~

8/6/21
Has decided
to install
a 6' fence -
no need for
a variance
Belinda K

We greatly appreciate your time and consideration in these matters.

Sincerely,

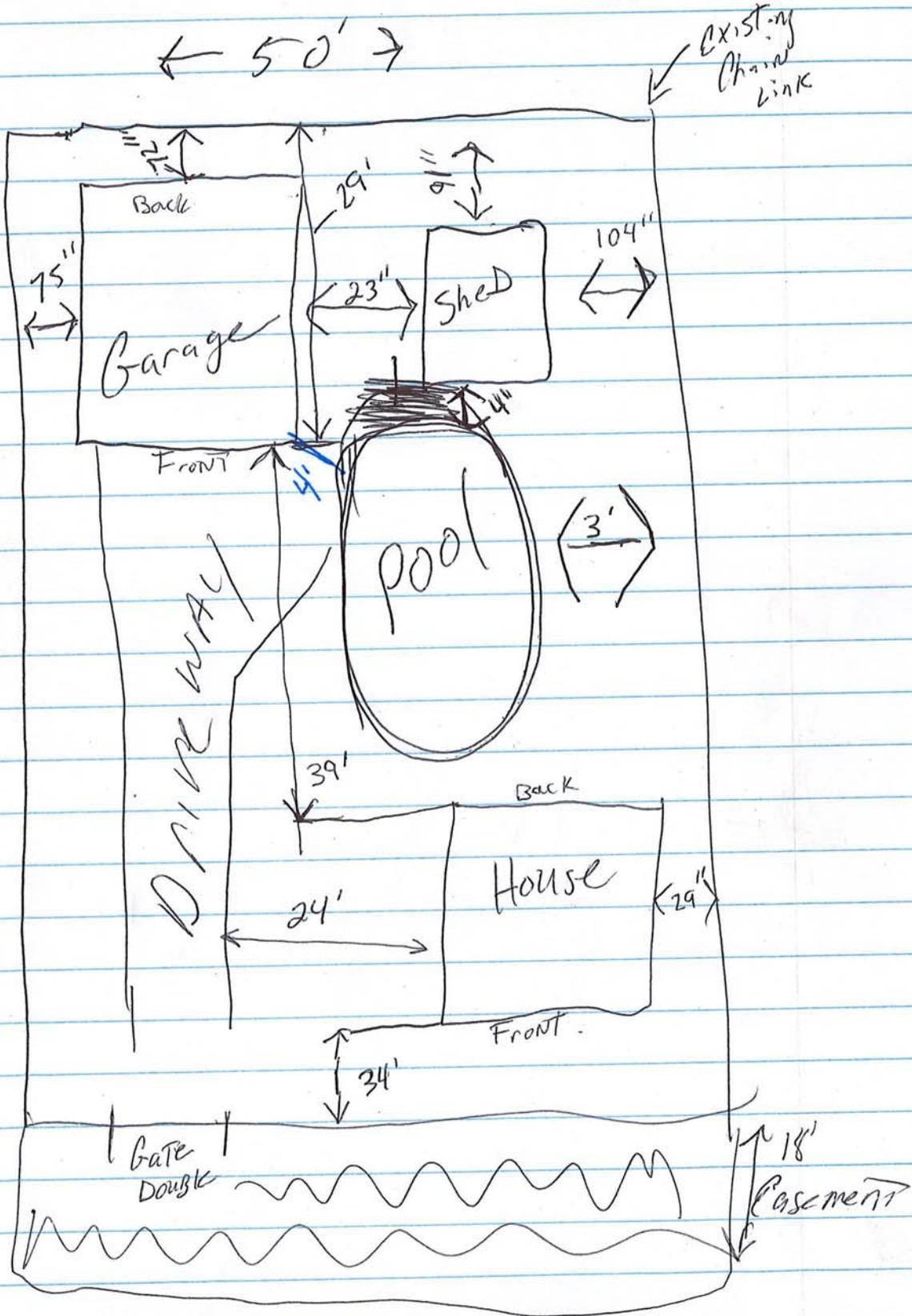
Jeff and Jennifer Elver



All Post are Ground Contact with Vinyl Stakes
 Dug Below Frost AT 42" Cement all post in and Plum
 Double Gate at front of House to secure pool
 material To Be used 6' rail 8' wide Vinyl fence ~~around~~
 (miss Dig To Be called) white

57 Jerome Ave
Upsilon's, Mich

236' Total Length
of fence including gates













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

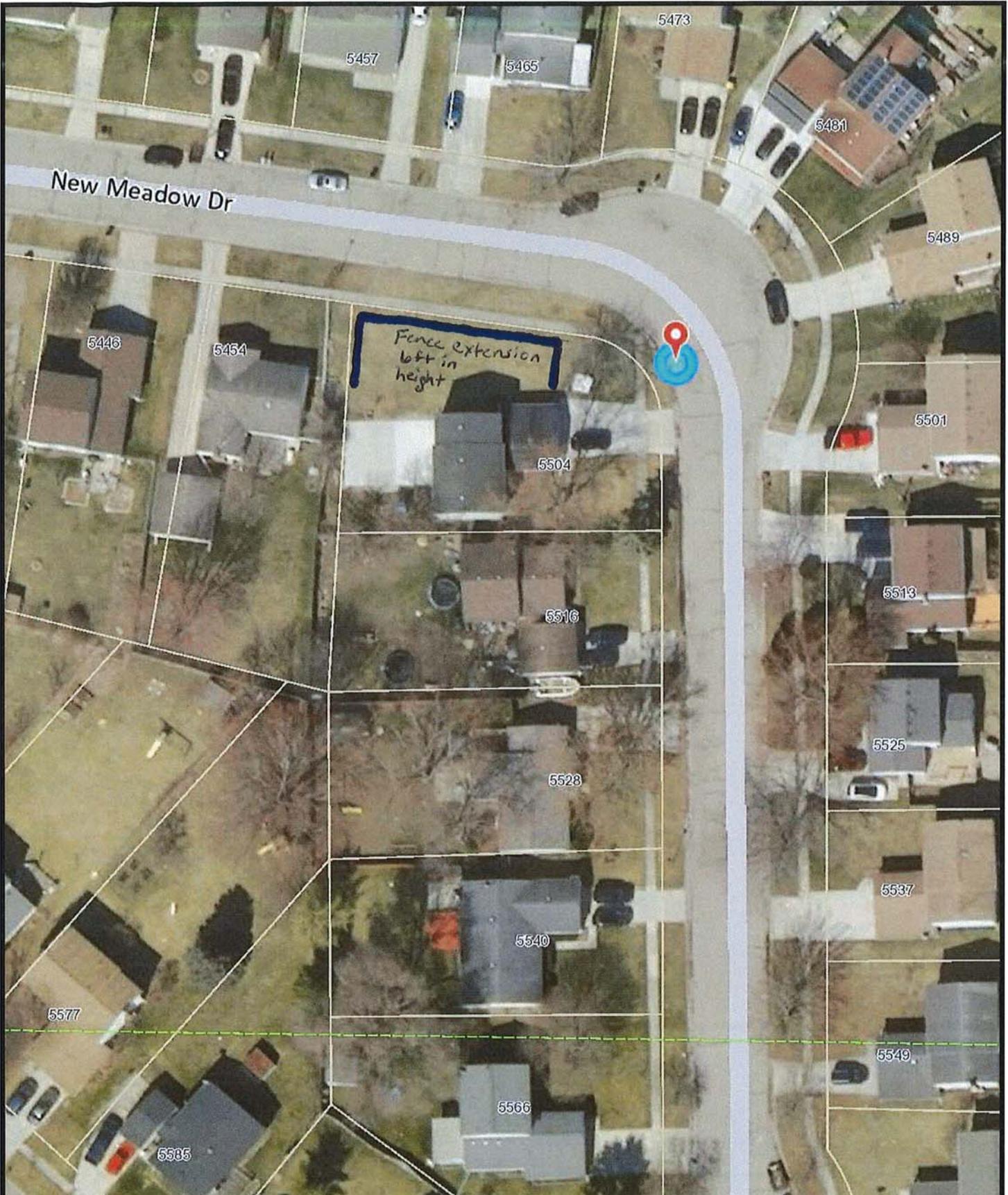
zoned _____
Zoning District

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

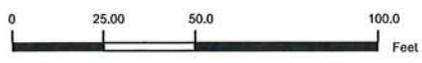
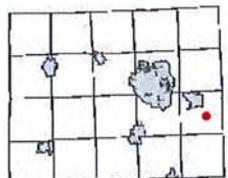
3. The petitioner further state that AA have/has read and understands the provisions of said zoning ordinance as it
Applicant Initial
applies to this petition.

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

6/2/2021



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