

Present: Chairperson Tillman; Vice-Chairperson Crossen; Members: Bugenski, Crawford, Jawad, Maxwell, and Mitchell; Alternates: Gennari and Keller

Absent: Members: Gatowski and Oen

Also Present: Planning and Zoning Administrator, LaPere
Village Clerk/Assistant Manager, Rutkowski
Council Liaison, George

Tillman called the regular Zoning Board of Appeals meeting to order at 7:30 p.m. remotely via Zoom due to the ongoing COVID-19 pandemic.

REVIEW AND CONSIDER APPROVAL OF MINUTES OF A REGULAR ZONING BOARD MEETING HELD SEPTEMBER 14, 2020

Motion by Crossen, second by Mitchell, the minutes of a regular Zoning Board of Appeals meeting held September 14, 2020 are approved as submitted.

Roll Call Vote:
Motion passed (9-0)

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

None.

CASE NO. 1379

Petitioner: John Pessina, HealthQuest Physical Therapy
Property: 31645 Southfield Road

Withdrawn by Petitioner.

CASE NO. 1380

Petitioner: Christine Oldani
Property: 17965 Kirkshire Avenue

Village Ordinance: Section 22.08.150, B. Requirements in Single Family Residential Districts, 2. Fences, b. Side Yard, states that fences are not permitted in side yard except where there is an abutting street or as allowed per §22.08.150, B, 2, c to enclose a side door entrance.

Deviation Requested: The petitioner seeks to install a fence that will extend eleven (11) feet into the side yard.

LaPere provided an overview of the petitioner's request. The petitioner, Christine Oldani, 17965 Kirkshire Ave, is requesting a variance from Chapter 22, Zoning Ordinance, Section 22.08.150, B. Requirements in Single Family Residential Districts, 2. Fences, c. Side Yard, to construct a fence that will extend eleven (11) feet into the side yard where there is no abutting street or a side door entrance, as allowed per §22.08.150, B, 2, d.

The petitioner would like to construct a portion of fence along the west side of her property to fully enclose her rear yard and provide screening from the neighboring multi-family condominium driveway access which abuts that side of the property. The existing home has a sunroom and the wall of that sunroom is composed primarily of windows that face the drive aisle to the parking area of the condominium property. Village ordinance limits fencing in the side yard to circumstances where the property abuts a street or to enclose a side door entrance. The petitioner has neither of those exemptions, therefore she is seeking relief from the Zoning Board of Appeals.

In the submittal documents provided to the Board, she has noted that being directly next to a multi-family dwelling driveway, there is more traffic than would be found if she were located next to a single family home driveway. Further, the close proximity of Southfield Road adds an additional need for screening from traffic noise and related disturbances. There is currently a vegetative barrier; however many of the plants are in poor health and some are invasive plant species, including buckthorn. She is seeking to install a more permanent solution with the proposed fencing. There is existing fencing along the rear property line and along the east side property line and that fencing will remain in place. The proposed fencing otherwise meets Village Ordinance

which allows six foot, solid style fencing when the property is adjacent to a non-single family residential land use or Zone District. A copy of the petition form, sketch from the fence company detailing the location of the existing and proposed fencing, and supplemental materials from the petitioner were provided to the Board.

Several Board members asked about the landscaping on the property, including the existing arborvitae and overgrown vegetation. Members suggested ways to use the landscaping as a natural barrier and the placement of the arborvitae.

Oldani stated the proposed fence was to mitigate privacy and safety concerns. She plans on keeping the existing arborvitae. She talked about how the price of the materials also factored into her proposal.

The Board discussed similar properties in the village that have four-foot-tall fences. The petitioner stated that she would prefer a six-foot fence, but would be amenable to a four-foot fence in the eleven foot section of her yard.

Carolyn Burdi, 18001 Kirkshire, lives in the adjacent multi-family dwelling and expressed concern that the proposed fence would separate her residence from the rest of the neighborhood and discussed how the view from her home would be altered.

Crossen and Maxwell both suggested a stepped fence.

Motion by Maxwell, second by Crossen, the Zoning Board of Appeals grants a variance from Chapter 22, Zoning Ordinance, Section 22.08.150, B. Requirements in Single Family Residential Districts, 2. Fences, b. Side Yard, to construct a four-foot high, solid vinyl fence that will extend no more than eleven (11) feet into the side yard at 17965 Kirkshire Ave due to the practical difficulties of a multi-use property driveway next door upon finding that this situation is unique to the subject property; applying the strict letter of zoning restrictions would unreasonably prevent the landowner from using their property for a permitted purpose; conformity with the zoning regulations is unnecessarily burdensome; approval of the variance would not negatively impact adjacent property owners or land within the district; and the circumstances requiring the variance were not self-created.

Roll call vote:
Bugenski: No
Crawford: Yes
Crossen: Yes
Jawad: Yes
Maxwell: Yes
Mitchell: Yes
Tillman: Yes
Gennari: Yes
Keller: Yes

Motion passed (8-1)

PUBLIC COMMENTS

None.

LIAISON COMMENTS

George reminded everyone that there is an upcoming election on November 3, 2020 and asked that people do their due diligence to be informed voters.

ADMINISTRATION COMMENTS

LaPere stated there will be a case in November. She gave an update from the recent Michigan Association Planning conference she attended and said the Court of Appeals heard ten cases regarding ZBA decisions.

ZONING BOARD COMMENTS

Tillman encouraged everyone to vote and to be safe while they vote.

Motion by Crossen, second by Mitchell, to adjourn the meeting at 8:42 p.m.

Motion passed (9-0)

Michele Tillman
Chairperson

Kristin Rutkowski
Village Clerk