

**CHARTER TOWNSHIP OF PLYMOUTH
ZONING BOARD OF APPEALS MINUTES
REGULAR MEETING
THURSDAY, OCTOBER 4, 2007**

Meeting called to order at 6:01 p.m. by Chairman Levensgood.

MEMBERS PRESENT: Gene Levensgood
Harry Jachym
Ray Sturdy, Jr.
Jim Zdanek.

MEMBERS ABSENT: Robert Doroshewitz, Excused

OTHERS PRESENT: Mark Lewis, Chief Building Official
Alice Geletzke, Recording Secretary
6 members of the public

ITEM NO. 1 - APPROVAL OF MINUTES

1. Regular Meetings – August 2, 2007 (There was no September 2007 meeting)

Moved by Mr. Jachym, supported by Mr. Zdanek, to approve the minutes of the Regular Meeting of August 2, 2007 as presented. Ayes all.

ITEM NO. 2 – APPROVAL OF AGENDA

Mr. Sturdy asked that the following items be added to the agenda as Referred/Administrative Business:

- Consideration of a variance for the replacement of existing entry signs at Bradbury Park Homes location at Joy and Haggerty Roads, referred administratively after having appeared before the Planning Commission on September 19.
- Adoption of proposed Zoning Board of Appeals meeting dates for 2008.

The other Board members concurred.

ITEM NO. 3 - NEW BUSINESS

- 1. Application No. 1444- Aaron Nilsson
39559 Winesap
Plymouth, MI 48170**

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**Location - 39559 Winesap
Plymouth, MI 48170**

Tax I.D. #78-063-03-0020-000

RE: Zoning Ordinance No. 99, Article VI, One Family Residential Districts, Amendments: R-1-E, R-1-H, R-1-S, & R-1.

<u>Variance No.</u>	<u>Zoning Ordinance Section/Standard</u>	<u>Location</u>	<u>Allowed Maximum Fence Height</u>	<u>Proposed Maximum Fence Height</u>	<u>Variance Required</u>
1444	Ordinance 99, Article VI, Sec 6.4.8 (f) (a)	39559 Winesap	Four (4) Feet	Eight (8) Feet	Four (4) Feet

The applicant is requesting one variance:

- The applicant is proposing an eight (8) foot high fence along the rear lot line. The required maximum height is four (4) feet. With the proposed variance, the applicant is requesting a variance of four (4) feet in fence height.

Mr. Nilsson explained the unique circumstances behind his request for an 8-ft. fence. His property backs up to the Red Roof Inn, with five feet of his rear lot line backing up to an apartment complex, and he is concerned with safety and security. He indicated that there is a high frequency of interaction between transient Inn guests and people and pets in his backyard. Dogs are allowed at the Inn and often walked between two hills at the rear of the Inn along his rear property line. A convention with at least 100 Great Danes has been meeting at the Inn twice a year. Noisy refrigeration trucks are often parked all night to the rear of Red Roof's parking lot, which is close to him. Security lighting at the corners of the two-story Inn shine directly into his house.

Mr. Nilsson said he has contacted the local Red Roof Inn manager on a number of occasions but has gotten no relief. Mr. Levengood and Mr. Zdanek suggested Mr. Nilsson attempt to contact a regional manager of Red Roof Inns in the hope that they could aid by installing a higher fence which would be allowed for a commercial development. Mr. Jachym asked Mr. Lewis the height of fence Red Roof Inn would be allowed by ordinance as a commercial venture. Mr. Lewis said they would be allowed a 6-ft. fence.

Mr. Sturdy acknowledged that unique difficulties arise when residential zoning directly abuts commercial zoning, particularly when the commercial area is host to a 24 hour business located right at a freeway inter-change. He indicated that the general area is characterized by 6-ft. fences, one of which is located on a berm making it approximately 7 feet high. When he visited the site, he noted that prior screening efforts had been made

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with spruce trees planted by a former owner of the home but these were now very old and were now too sparse to provide any significant screening. Their presence also prevents resolving the adverse situation with additional landscaping. During his short site visit, he encountered a patron of the Inn looking into Mr. Nilsson's yard while talking on his cell phone on top of the berm area. He then met a woman walking a large dog between the berm and Mr. Nilsson's property, confirming to him Mr. Nilsson's claim of a high frequency of transient interaction adjacent to his residential back yard.

Installation of a screen fence higher than 4 feet that was restricted to Mr. Nilsson's rear property line would not be of a general or recurrent nature and, given that the fence would not be visible to the public other than his two adjacent neighbors and the patrons of the Red Roof Inn, it would have no adverse impact on anyone and would not be contrary to the intent of purposes of the zoning ordinance.

Mr. Nilsson had presented photographs of both a solid 8-ft. fence, which he prefers, and a 7-ft. fence with a 1-ft. lattice-type architectural element, both of a composite material. He indicated his adjacent neighbors have no objection to his fence proposal.

Mr. Carmel Harkins, his adjacent neighbor to the west, confirmed that he would not be requesting a fence because he currently has plantings which shield the area and his property does not back directly up to the Inn. He presented a letter indicating no objection to the 8-ft. fence at the rear of Mr. Nilsson's property and confirmed the continuing presence of the problems Mr. Nilsson mentioned, as well others they've had in the area, such as people jumping the six-foot fence between his property and the adjacent apartment complex and cutting through his backyard.

Moved by Mr. Sturdy, supported by Mr. Zdanek, to deny the request for an 8-ft. privacy fence for Application 1444, Aaron Nilsson at 39559 Winesap, but, given the unique circumstances at this location and the absence of public visibility or other adverse effect on anyone else, to approve, under the Board's authority to grant a lesser request, installation of a 7-ft. fence with a 1-ft. additional architectural feature as presented restricted to the rear property line only, including the 5 foot portion abutting the apartment complex.

AYES: Sturdy, Zdanek, Levensgood

NAYS: Jachym

Motion carried.

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**2. Application No. 1445- Terrance & Helen Crown
9353 Ridge RD
Plymouth, MI 48170**

**Location - 9353 Ridge RD
Plymouth, MI 48170**

Tax I.D. #78-048-99-0012-000

RE: Zoning Ordinance No. 99, Article VI, One Family Residential Districts, Amendments: R-1-E, R-1-H, R-1-S, & R-1.

<u>Variance No.</u>	<u>Zoning Ordinance Section/Standard</u>	<u>Location</u>	<u>Allowed Maximum Depth to Width Ratio</u>	<u>Proposed Maximum Depth to Width Ratio</u>	<u>Variance Required</u>
1445	Ordinance 99, Article XXVIII, Sec 28.2.3 (a)	9353 Ridge RD	4:1	4.95:1	.95

The applicant is requesting one variance:

- The applicant is requesting a variance in the depth to width ratio of 4:1 to allow the purchase of the property directly behind their home. They currently have a 3:1 ratio but with the purchase of the property would change the ratio to 4.95:1.

Mrs. Helen Crown addressed the Board, presented photographs, and answered questions. She indicated her family wishes to purchase the landlocked property directly behind her from her adjacent neighbor to increase their space and protect it from future development.

Moved by Mr. Jachym, supported by Mr. Levensgood, to grant the .95 variance requested in the maximum depth of width ratio for Application 1445, Terrance & Helen Crown at 9353 Ridge Road, as it creates no visual impact on the area nor any change in the character of the neighborhood. Ayes all.

ITEM NO. 4 – REFERRED/ADMINISTRATIVE BUSINESS

1. Bradbury Park Homes Entry Sign Replacement

Mr. Sturdy explained that at its September 19 meeting, the Planning Commission considered a request of the Bradbury Park Homes Condominium Association to replace their existing entry signs on Joy Road and Haggerty Road with newer signs made of more

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weatherproof materials. The Commission approved the request subject to the submission of information as to the exact location of each sign to the administration so that a determination could be made that required road right-of-way setbacks would be observed.

Section 25.9 of the Zoning Ordinance indicates that signage of this type must normally be located on the Condominium property with a minimum setback requirement of five feet.

Mr. Harold Rocholl addressed the Board and indicated that the Association wanted to simply replace the existing signs that were deteriorating with new signs at the same locations. He presented sign location sketches indicating, among other things, that a portion of the existing on proposed the Joy Road sign appeared to be located in the roadway right-of-way. He noted that the existing signs have been in their location for 35 years and it would be physically impossible to move the Joy Road sign back to comply with the setback requirement, because of the location of Newporte Road. In order for them to go forward, it is necessary that the ZBA authorize relief from that setback requirement if the signage is to be able to go in the proposed location.

Mr. Sturdy noted that although Joy Road is a town line road with an apparent width of 120-ft. the grade separation for the freeway at that location makes it highly unlikely that there will ever be a sidewalk at that location. He also indicated that there did not seem to be a problem at the Haggerty Road location.

Having recently dealt with Wayne County regarding road problems, Mr. Jachym asked how Wayne County feels about the sign being in the right-of-way. Mr. Rocholl commented that it hasn't bothered them for 35 years. If the County ever widens Joy Road to any extent, it will wipe out the berm and flower gardens, as well as the sign.

Moved by Mr. Sturdy, supported by Mr. Jachym, to grant a variance to Bradbury Park Homes Condominium Association for the installation of replacement signs at the location specifically indicated on the information presented from all applicable requirements of Section 25.9 of the Zoning Ordinance that would otherwise prevent this installation. Ayes all.

2. Adoption of Proposed Meeting Dates for 2008

Moved by Mr. Jachym, supported by Mr. Sturdy, to adopt the following 2008 meeting dates for the Zoning Board of Appeals, meetings to be held in the Township Hall at 6 p.m.

January 3	May 1	September 4	January 8, 2009
February 7	June 5	October 2	
March 6	July 10	November 6	
April 3	August 7	December 4	

Ayes all.

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Moved by Mr. Jachym, supported by Mr. Sturdy, to adjourn the meeting. Ayes all.

Chairman Levensgood adjourned the meeting at 7:12 p.m.

Respectfully submitted,

Raymond O. Sturdy, Jr.

Raymond O. Sturdy, Jr., Secretary
Zoning Board of Appeals

**NOTE: Upon granting a zoning variance, a building permit is required.
If denied, the applicant may appeal to Circuit Court.**

The Charter Township of Plymouth will provide necessary reasonable aids and services, such as signers for the hearing impaired and audio tapes of printed materials being considered at the meeting, to individuals with disabilities at the meeting/hearing upon two weeks notice to the Charter Township of Plymouth. Individuals with disabilities requiring auxiliary aids or services should contact the Charter Township of Plymouth by writing or calling the Human Resource Office, Charter Township of Plymouth, 9955 N. Haggerty Road, Plymouth, Michigan, 48170, (734) 453-3202, TDD users: 1-800-649-3777 (Michigan Relay Service)-