

**CHARTER TOWNSHIP OF PLYMOUTH  
ZONING BOARD OF APPEALS MINUTES  
REGULAR MEETING  
THURSDAY, JUNE 5, 2008**

Meeting called to order at 6:08 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  
2 members of the public

**ITEM NO. 1 - APPROVAL OF MINUTES**

**1. Regular Meetings – May 1, 2008.**

Moved by Mr. Jachym, supported by Mr. Levensgood, to approve the minutes of the regular meeting of May 1, 2008, with the following amendment: That the 6<sup>th</sup> paragraph on Page 3 of the minutes be corrected to read as follows: “Mr. Jachym asked Mr. Doroshewitz to check regarding a request for a report from the Zoning Board of Appeals at the Board of Trustees Meeting.” Ayes all.

**ITEM NO. 2 – NEW BUSINESS**

**1. Application No. 1458- Scott Petri  
9501 Terry  
Plymouth MI 48170**

Location – **9501 Terry  
Plymouth, MI 48170**

**Tax I.D. #78-064-03-0084-000**

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RE: Zoning Ordinance No. 99, Article VI, One Family Residential Districts; Section 4 (f)  
(1) (a)

<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>
1458	Ordinance 99, Article VI, Sec 6.4 (f) (1) (a)	9501 Terry	Four (4) Feet	Six (6) Feet	Two (2) Feet

*The applicant is requesting one variance:*

- This application is in an R-1 zoning district. The applicant is requesting a variance in maximum fence height. The ordinance allows a maximum four (4) feet, the applicant is proposing a maximum six (6) feet, the applicant is requesting *a variance of two (2) feet in fence height.*

Mr. Scott Petri addressed the Board and answered questions. Mr. Petri's home is located on the northwest corner of Ann Arbor Road and Terry Street and faces east. The south side of his property abuts Ann Arbor Road, so his home is subject to front yard setback requirements for both the front yard and the south side yard of his lot. His rear lot line is a zoning classification boundary and abuts the Ann Arbor Road Corridor Office Service District. His northerly property line abuts a neighboring residential lot.

A concrete wall is currently located along his rear lot line abutting the Office Service District. That wall is 4 feet high for the first 25 feet or so as it runs north from Ann Arbor Road but then becomes 6 feet high for the remaining 50 feet or so of his lot. It continues at the 6 foot height along the rear lot lines of his neighbors to the north. He currently has an attractive 4 foot flat panel vinyl fence along the south property line abutting Ann Arbor Road. He would like to replace this current 4 ft fence with a 6 foot flat panel vinyl fence of the same material as the current fence and continue the new 6 foot fence along the rear lot line. He explained that he proposed to leave the existing 4-ft. cyclone fence along his northern property line as it is.

The reasons given for his request included the traffic dangers and noise because of the proximity of his lot to I-275 and Ann Arbor Road and having a five-year old child with possible autistic and ADD problems who has a tendency to climb. He cited an instance where a semi-truck recently lost wheel in that area and crashed into his current 4- ft fence. Mr. Petri indicated the neighbors have no objection to the 6-ft. fence.

Board members discussed whether any noise would be deterred by an additional two feet of fence, the property being within the Ann Arbor Road Corridor DDA beautification, and the possibility of a "fortress look" because of the 6-ft. fence;

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Mr. Sturdy believed that some but not all of the seven variance criteria specified in the Zoning Ordinance had been met. The situation with Mr. Petri's lot is certainly an exceptional circumstance. However, the ordinance requires that any variance granted not be of substantial detriment to adjacent property or materially impair the intent of the ordinance. This applies to adjacent property irrespective of whether it is the same or another zoning district.

The property is immediately adjacent to, as well as directly across the street from, the Ann Arbor Road Corridor. Property owners in that district and well as the Township's DDA have gone to extraordinary effort and expense to improve the appearance along the Ann Arbor Road property line. One of the principal concepts involved is the minimization of the size and bulk of objects near the property line of Ann Arbor Road. Mr. Sturdy said that this concept explained why the concrete wall along Mr. Petri's rear lot line was only 4 feet high for the first 25 feet back from the roadway and why a front yard setback requirement was applicable to the southerly side yard of Mr. Petri's home. He stated that other provisions of the Zoning Ordinance reflect the same principle, one example of which is the requirement that sign sizes be smaller if they are closer to roadways. He believed that allowing the variance to permit an increase in the height of the flat panel fence from 4 feet to 6 feet immediately adjacent to the road right-of way would seriously violate that principle.

Board members suggested the possibility of running a six-foot privacy fence from the back of the road along the extended side of the house, which is allowed, with a possible variation to run it all the way to the rear property line, rather than stop it at the 20 feet required by ordinance. They also suggested that a row of tall plantings along the existing fence could additionally screen and protect the area.

Moved by Mr. Sturdy, supported by Mr. Jachym, to deny the 2-ft. variance requested in Application 1458, Scott Petri, at 9501 Terry, for the reason that the requirements specified in Section 31.11 of the Zoning Ordinance are not met, in particular that to grant the variance would result in substantial detriment to adjacent property owners and materially impair the intent and purposes of the ordinance. Ayes all.

Mr. Jachym asked about the possibility of having the Planning Commission look at the revising the fence ordinance in light of all the requests for 6-ft. fences. Mr. Sturdy noted that the latest review of the ordinance removed the issue as to whether or not the Zoning Board had the ability to consider fence issues, and one of the current topics of Planning Commission discussion is whether to go back to no variances or whether they can be considered on an individual basis in accordance with specific standards set forth in the ordinance. Many of the cases considered by the Zoning Board have very specific unusual circumstances.

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

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Chairman Levensgood adjourned the meeting at 6:55 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)-