

**CHARTER TOWNSHIP OF CANTON
ZONING BOARD OF APPEALS
July 13, 2023**

A meeting of the Zoning Board of Appeals of the Charter Township of Canton was held Thursday, July 13, 2023 at the Township Administration Building located at 1150 S. Canton Center Road, Canton Township, Michigan 48188.

Meeting began at 7:00 p.m.

Mark Quimby led the Pledge of Allegiance to the Flag.

ROLL CALL:

Members Present: Greg Demopoulos, Greg Greene, Clarence Lee, Mark Quimby

Members Absent: Alan Okon, Aaron Tassell, Tareq Rahman

Staff Present: Patrick Sloan - Community Planner

ACCEPTANCE OF AGENDA FOR JULY 13, 2023

Patrick Sloan, Community Planner, stated that prior to the meeting the applicant for Agenda Item #1, Wendy's at 40450 Michigan notified him that they are requesting additional time and they asked for it to be tabled to the following meeting. Mr. Sloan said that he already gave the applicants his review letter.

Both Greg Demopoulos and Mark Quimby suggested that they tweak their request and submit additional materials in response to the recommendation.

Patrick Sloan stated that there will not be another public hearing for this item since one was already held at the June meeting.

Motion by Clarence Lee to amend the agenda with the removal of Agenda Item # 1 at the request of the applicant. Supported by Greg Demopoulos to amend the agenda.

Ayes: All (4-0)

Nays: None

APPROVAL OF MINUTES FOR THE JUNE 8, 2023 MEETING

Motion by Clarence Lee, supported by Greg Greene to approve the minutes.

Ayes: All (4 - 0)

Nays: None

GENERAL CALENDAR

2. Application 009-ZBA-7834. Applicant, Marcin Bienasz, for property located at 44209 Crofton Ct., Canton, MI 48187, which is located east of Sheldon Rd. between Warren Rd. and Joy Rd. (Parcel ID 009-02-0451-000), Zoning is R-4 Single Family Residential. Requesting a variance from Section 78-131 (4)(a) of the Code of Ordinances to allow for a 6-foot high fence in front of the rear building line of the home on the adjacent lot.

Patrick Sloan, Community Planner, summarized his staff report dated for the July 13, 2023 meeting. He noted that the applicant currently has a 4-foot-high open fence in the rear yard of the home. They would like to replace it with a 6-foot-high solid wooden fence to provide additional barrier, protection, and privacy of the rear yard, including an inground swimming pool. Six-foot fences are allowed in the rear

yard of residential zoning districts, except if the 6-foot-fence is in front of the rear building line of a neighbor's house. In this case, the neighbor's house sits back further than the applicants. Sloan stated that the Planning Commission is currently reviewing the fence ordinance. He noted that the Planning Commission has recommend that fence ordinance no longer include the language limiting the height of rear yard fences based on the location of the neighbor's home on the adjacent lot. However, the ordinance amendment process will take a few more months. Mr. Sloan stated that all of the criteria from Section 27.05 (D)(1) and Section 27.05 (D)(2) of the Zoning Ordinance have been met for a variance to be granted. These are listed in detail on pages 2-5 of his staff report. The adjacent neighbors have also signed the form for the proposed fence to be placed on the property line.

Mark Quimby asked if the Planning Commission is close to making a recommendation regarding the fence ordinance.

Patrick Sloan said that in August, he is hopeful that the Planning Commission will have some additional information to review. Hopefully sometime this fall, the Planning Commission and perhaps the Board of Trustees will be able to review the recommendations before they set the public hearing on the ordinance.

Greg Greene asked if there will be any stipulations to appearance guidelines of having different styles of fences abutting each other in coordination between one yard and the next.

Patrick Sloan said that they can take a look at fence ordinances in other communities to see if there are any best practice that they have used that maybe Canton can look at.

Mark Quimby asked what is required of a neighbor in order to allow a fence to be installed on a property line.

Patrick Sloan said that whoever is building the fence will need to get a consent letter notarized from the adjacent neighbor allowing the fence to be installed on the property line. If the neighbor does not consent, the applicant would have to install the fence three feet in from the property line or apply for a variance. With the proposed changes of the ordinance, staff is recommending reducing the 3-foot requirement.

Applicant, Marcin Bienasz, resides at 44209 Croton Court. He would like to replace his current four-foot fence which is falling apart. He would like to keep it uniform and safer for his kids.

Motion by Greg Demopoulos, supported by Clarence Lee, to open the Public Hearing at 7:16 pm.

Ayes: All (4-0)

Nays: None

No one in the audience wished to speak.

Motion by Greg Greene, supported by Greg Demopoulos to close the public hearing at 7:17 pm.

Ayes: All (4-0)

Nays: None

Motion by Greene to adopt the model motion and findings prepared by staff in its July 13, 2023 report to approve the variance from Section 78-131 (4)(a) of the Code of Ordinances to allow for a 6-foot-high fence in the rear yard of 44209 Crofton Ct. to be constructed in front of the rear building line of the home on the adjacent lot pursuant to the plans.

Supported by Clarence Lee.

Ayes: All, (4-0)

Nays: None

Variance is Approved.

Motion by Clarence Lee to adjourn meeting. Supported by Greg Demopoulos.

Ayes: All, (4-0)

Nays: None

Meeting adjourned at 7:17 pm.

Alison Eisenbeis, Recording Secretary