

**CHARTER TOWNSHIP OF CANTON
ZONING BOARD OF APPEALS
August 10, 2023**

A meeting of the Zoning Board of Appeals of the Charter Township of Canton was held Thursday, August 10, 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 Greene, Clarence Lee, Mark Quimby, Tareq Rahman, Aaron Tassell

Members Absent: Alan Okon

Staff Present: Patrick Sloan - Community Planner

ACCEPTANCE OF AGENDA FOR AUGUST 10, 2023

Motion by Clarence Lee to approve the agenda. Supported by Aaron Tassell.

Ayes: All (5-0)

Nays: None

APPROVAL OF MINUTES FOR THE JULY 13, 2023 MEETING

Motion by Greg Greene to approve the minutes. Supported by Aaron Tassell.

Ayes: All (5-0)

Nays: None

GENERAL CALENDAR

1. Application 042-ZBA-7862. Applicant, Michael Walker, for property located at 6810 Bunker Hill Lane, which is located east of Morton Taylor, between Warren Rd. and Hanford Rd. (Parcel ID 042-03-0518-000). Zoning is R-5, Single Family Residential. Requesting a variance from Section 78-129(h) of the Code of Ordinances for a fence located in a front yard setback area and Section 78-131(4)(b) of the Code of Ordinance for a fence located in a front yard setback area on a corner lot.

Patrick Sloan, Community Planner, summarized his staff report dated for the August 10, 2023 meeting. There are two variances requested, both for a 6-foot-high fence in a front yard setback on corner lot. In this case, the fence proposed does not abut a neighbor's front yard, but it is the rear yard of the neighbor to the east, essentially the rear yards are abutting each other on this block. The front yard along the south side of the road, which is Barchester Rd. between Bunker Hill and Willow Creek has no front yards facing it from the south, so that location makes it less impactful. The applicant noted three main reasons for requesting the variance. First, security of the south side of the lot (including air conditioner and generator) which faces Barchester Park, a public park owned and operated by Canton Township. Second, noise reduction from Barchester Park. And lastly, to match the fence of the adjacent lot to the east (6809 Willow Creek Dr.), which has a 6-foot-high fence enclosing its front yard area between its west (rear) lot line and the rear of its house. Mr. Sloan summarized, as noted in his staff report, the circumstances of the variance requests that are unique to the property. He finds that the variance does meet the criteria through Section 27.05(D) of the Zoning Ordinance. He concludes that the standards of the Zoning Ordinance have been met to justify a variance from the subject

sections of the fence ordinance to allow the installation of the 6-foot-high fence in the front yard setback along Barchester Rd. provided that the fence does not extend farther westward than the three feet west of the side corner of the home that's illustrated on the plans.

Mark Quimby asked about the status of revisions to the fence ordinance and if this request is one that would still end up needing a variance from those two sections.

Patrick Sloan said that interior corner lots are taking the longest to look at in the ordinance due to the number and variety of corner lots in Canton Township. There are some corner lots that fences could impact the line of sight from the front yards along the street. There have been no recommendations or conclusions from the Planning Commission yet on this particular item.

Mark Quimby noted that he found it interesting that in the reasons for approval staff referenced was the neighbor's adjoining nonconforming fence. He asked for some insight into that.

Patrick Sloan noted that there were other reasons noted as well, and had the nonconforming fence been the only reason listed, it would probably not have been a strong reason. Sloan wanted to note that if it matched the neighbor's fence, there is really no lines of sight impacted and no precedent set because of the unique circumstance of this lot.

Greg Greene asked if the line of sight mentioned is a Wayne County issue also in terms of distances from corners. Are there any restrictions of distance between corners to any obstructions?

Patrick Sloan said that there are not any County requirements, but there is a Township requirement and there is a clear vision zone at 25 ft. at the intersection of two roads. In this case, the fence does not get close to that 25-foot clear vision zone.

Mark Quimby stated that in this case the orientation and location of the house is different from other cases that they have seen.

Applicant, Michael Walker of 6810 Bunker Hill Rd. stated that he took the neighborhood into account when proposing the fence, including the lot to the east. The purpose of the fence is for safety, aesthetics, and property protection. It will also protect his A/C and generator.

Motion by Clarence Lee, supported by Greg Greene, to open the Public Hearing at 7:17 pm.

Ayes: All (5-0)

Nays: None

No one in the audience wished to speak.

Motion by Clarence Lee, supported by Aaron Tassell to close the public hearing at 7:18 pm.

Ayes: All (5-0)

Nays: None

Motion by Clarence Lee to adopt the model motion and findings prepared by staff in its August 10, 2023 report to approve the variance from Section 78-131 (4)(a) and 78-131 (4) (b) to allow for a 6-foot-high fence in the front yard setback of 6810 Bunker Hill Lane along Barchester Rd. as illustrated on the plans and subject to the fence not extending farther westward than 3 feet west of

the side corner of the home, based on the noted required standards of Section 27.05 (D) of the Zoning Ordinance.

Supported by Tareq Rahman.

Ayes: All, (5-0)

Nays: None

Variance is Approved.

2. Application 002-ZBA-7865. Applicant, Rocky Yaldo, for property located at 8773 Haggerty Rd., Canton, MI 48187, Haggerty Mobile, LLC, which is located on the southwest corner of Joy Rd. and N. Haggerty Rd. (Parcel ID 002-99-002-707), Zoning is C-3, Regional Commercial. Requesting variance from the following sections of the Zoning Ordinance: Section 4.02(B)(1) (loading space located in a front yard); Section 6.02 (C)(1) (lot coverage); Section 6.02(C)(3)(a)(1) (2 canopies in a front yard setback); Section 6.02 (C)(3)(a)(2) (pumps and pump islands in a front yard setback); Section 6.02(C)(3)(a)(3) (convenience store building in a front yard setback); Section 6.02(C)(4)(b)(1) (more than 1 driveway opening per adjacent public road); and Section 6.02(C)(4)(c)(2) (vehicle queuing).

Patrick Sloan, Community Planner, stated that the proposed use and current use of 8773 N Haggerty Rd is an automobile filling station or a gas station. The site has separate gasoline and diesel pumps and canopies, as well as a convenience store. The applicants have applied for special land use approval for the redevelopment of the gas station. The redevelopment of an existing gas station is a special land use in the C-3 zoning district, and subject to the same standards of the Zoning Ordinance. On July 10, 2023, the Planning Commission recommended approval of the special land use, subject to the applicant obtaining the variances noted. The plans submitted to the Zoning Board of Appeals have been reviewed by the Planning Commission and recommended for approval. The main reason that there are variances requested is that the lot is narrow and has 3 front yards. The site can fit the existing structures because they are non-conforming structures. The unique shape of the property is justification for the practical difficulty for the variances requested. Minimum front yard setback distances are greater than minimum side and rear yard setback distances, so the 3 front yards creates a practical difficulty on this site. There are 7 variances proposed, which are largely due to the following:

- The subject parcel has 3 front yards, which require greater setbacks than side yards and rear yards. The 3 front yards are to the west (abutting Old Haggerty Rd.), to the north (abutting Joy Rd.), and to the east (abutting N. Haggerty Rd.). A lot with 3 front yards is a rare circumstance, in general.
- The subject parcel will be less than the minimum required lot width of 150 feet for a gas station, per Section 6.02(C)(2). The existing lot width is 163.76 ft. along Joy Rd. and 339.88 ft. along N. Haggerty Rd. Additional right-of-way is shown as being dedicated to Wayne County along Old Haggerty Rd. to the west, which is a dead-end road that services the Mobil station and the industrial uses to the west. The additional right-of-way dedicated along Old Haggerty Rd. will lower the lot width along Joy Rd. to 130.76 ft., creating a nonconformity.

Mr. Sloan summarized the 7 variances requested from the Zoning Ordinances and his analysis as listed in the staff report dated 8-10-23. Based on the findings and the analysis in the report, they find that the standards of section 27.05(D) are met for the proposed site development. Staff recommends approval of the requested variances from the loading space location, maximum lot

coverage, minimum canopy front yard setback, minimum pump and pump island front yard setback, minimum building front yard setback, maximum number of driveway openings, and minimum number of queued vehicles, subject to Special Land Use review and Site Plan review by the Planning Commission and Township Board.

Aaron Tassell asked about the reduction of the square footage of the gas station and does that reduction effect the variances that are on the table.

Patrick Sloan said that it would definitely reduce the coverage and probably make the setback distances farther from the road.

Mark Quimby wanted to verify that if the Zoning Board of Appeals approves these variances and then the applicant changes something and the footprint is now smaller than the approved setbacks, they wouldn't need to comeback to Zoning Board of Appeals.

Patrick Sloan said confirmed that if the setback variances are approved and then the applicant proposes a smaller building that is within that box that's approved by the ZBA, then the applicant could proceed with the plan revision without returning to the ZBA.

Greg Greene asked theoretically, if one of the variances was denied, but they made changes to the circumstances, could they come back to the ZBA again for those circumstances?

Patrick Sloan confirmed that if any of the variances were denied, they could come back to Zoning Board with alternate plans. Typically, if there was a sense amongst the ZBA that something would be denied tonight, Staff would recommend that the application tabled so that the applicant could submit alternate plans and not have to re-apply or have a re-hearing.

Mark Quimby asked if the Zoning Board of Appeals approves the variances, but the Township Board denies the special land use, would the approved variances still stand?

Patrick Sloan said that if the variances were approved and the application goes to the Township Board, he thinks that it would less likely that the Township Board would deny the application if all other standards of the Zoning Ordinance are met. If the Township Board were to deny the special land use application, the denial would have to be based on the special land use criteria that are in the Zoning Ordinance that are separate from the ZBA review criteria.

Applicant, Rocky Yaldo, is representing the Mobil gas station at 8773 N. Haggerty Rd. He stated that they have been a Mobil Gas station for over 25 years serving the community. They have remodeled many times but feel that they have outgrown the current space and want to make a better development for the future. That is why he is asking for the variances to be approved.

Motion by Greg Greene, supported by Aaron Tassell to open the Public Hearing at 7:41 pm.

Ayes: All (5-0)

Nays: None

No one in the audience wished to speak.

Motion by Greg Greene, supported by Aaron Tassell to close the public hearing at 7:41 pm.

Ayes: All (5-0)

Nays: None

Tareq Rahman stated that it is nice that they want to redevelop this area. It will help the township.

Motion by Clarence Lee to adopt the model motion and findings prepared by Planning Staff in its August 10th 2023 report to approve the 7 variances from Section 4.02(B)(1) (Loading Space Location), Section 6.02(C)(1) (Maximum Lot Coverage), Section 6.02(C)(3)(a)(1) (Minimum Canopy Front Yard Setback), Section 6.02(C)(3)(a)(2) (Minimum Pump and/or Pump Island Front Yard Setback), Section 6.02(C)(3)(a)(3) (Minimum Building Front Yard Setback), Section 6.02(C)(4)(b)(1) (Maximum Number of Driveway Openings to the Site from Each Adjacent Public Road), and Section 6.02(C)(4)(c)(2) (Minimum Number of Queued Vehicles on the Site) of the Zoning Ordinance on parcel 71-002-99-0002-707 at 8773 N. Haggerty Road.

Supported by Aaron Tassell.

Ayes: All (5-0)

Nays: None

Variance is Approved.

3. Application 099-ZBA-7787. Applicant, Robert Nunez, for property located at 40450 Michigan Ave., Wendy's, which is located at the northwest corner of Michigan Ave. and Lotz Rd. (Parcel ID 099-99-0014-002). Zoning is C-4. Requesting a variance from Section 6A.06(3) of the Zoning Ordinance (Nonconforming Signs), which requires any nonconforming sign to be brought into conformance with the provisions of Article 6A of the Zoning Ordinance when an addition or modification to the existing site requires submittal and approval of a site plan pursuant to Section 27.02 of the Zoning Ordinance. (Tabled from previous meetings)

Patrick Sloan, Community Planner, stated that prior to the meeting the applicant for Agenda Item #3, Wendy's at 40450 Michigan notified him that they are requesting additional time and they asked for it to be tabled to a future meeting. He said that they are still working on some decisions internally.

Greg Greene asked if there is a limit to how many times they can table the request.

Patrick Sloan stated that there wasn't a limit and that he will not have this on the agenda again until he gets explicit instructions that they are ready.

Mark Quimby said that hopefully they will look at the staff report and supply some supplemental information.

Patrick Sloan said that he has expressed to the contractor that if they were to put a conforming sign there it could be much more visible. If they do not wish to move forward with the variance, they could withdraw their application and put it writing and we would just close out the file.

Motion by Aaron Tassell to table this agenda item to a future meeting.

Supported by Clarence Lee.

Ayes: All (5-0)

Nays: None

The ZBA discussed ADA accommodations at the meeting.

Motion by Clarence Lee to adjourn meeting. Supported by Tareq Rahman.

Ayes: All, (5-0)

Nays: None

Meeting adjourned at 7:47 pm.

Alison Eisenbeis, Recording Secretary